

Khaoula Trad

# The Concept of Prenatal Life in the Medieval Islamic West

The Hermeneutics of Abū Bakr  
Ibn al-‘Arabī and Qādī ‘Iyād



Ergon

Khaoula Trad

# The Concept of Prenatal Life in the Medieval Islamic West

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IM VORDEREN ORIENT /  
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IN THE MIDDLE EAST

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in the Medieval Islamic West

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Khaoula Trad

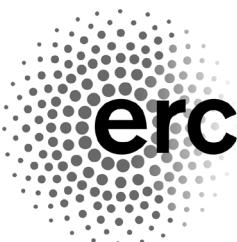
# The Concept of Prenatal Life in the Medieval Islamic West

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© The cover picture contains the prophetic tradition on the authority of Ibn Mas'ūd (ensoulment hadīth), taken from Muslim's *Šaḥīḥ*, from the book of destiny (*Kitāb al-qadar*).  
The overlaid graphic presents a pregnant woman in different periods of gestation.

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”...قف على ناصية الحلم وقاتل“  
“Stand on the edge of your dream and fight ...”

-Mahmud Darwish-



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## Table of Contents

List of tables	13
Transliteration system and abbreviations	15
Introduction	17
1. Thematic background	17
2. Review of the literature	18
3. The problem and the questions	24
4. Methodological aspects and structure	24
5. Notes on translation, transliteration and dates	26
1. Preliminary framework	27
1.1. Geographical context	27
1.1.1. al-Andalus	27
1.1.2. al-Maghrib	28
1.1.3. <i>al-Maghrib/al-Gharb al-islāmī</i>	31
1.2. Historical context (eleventh and twelfth centuries)	32
1.3. Embryological context	35
1.3.1. Qur'anic verses and prophetic traditions dealing with the prenatal life	35
1.3.2. The embryo in ancient Greek medicine	39
2. Abū Bakr Ibn al-‘Arabī	43
2.1. Biographical prelude	43
2.1.1. Life	43
2.1.2. Rihla	55
2.1.3. Scholarship	75
2.1.3.1. <i>Aḥkām al-qur'ān</i>	76
2.1.3.2. <i>al-Qabas fī sharḥ Muwatta' Mālik Ibn Anas</i>	83
2.1.3.3. <i>Āriḍat al-ahwadḥī bi-sharḥ Ṣaḥīḥ al-Tirmidhī</i>	86

Table of Contents

	86
2.2. The embryological discourse in Ibn al-‘Arabi’s works	91
2.2.1. <i>Ahkām al-qur’ān</i>	91
2.2.1.1. Q 6:59 ( <i>al-Anām</i> )	92
2.2.1.2. Q 13:8 ( <i>al-Rād</i> )	102
2.2.1.3. Q 22:5 ( <i>al-Hajj</i> )	116
2.2.1.4. Q 42:49–50 ( <i>al-Shūrā</i> )	138
2.2.1.5. Q 75:37–38 ( <i>al-Qiyāma</i> )	143
2.2.1.6. Q 86:5–6 ( <i>al-Tāriq</i> )	145
2.2.1.7. Q 96:2 ( <i>al-‘Alaq</i> )	148
2.2.1.8. Q 15:22 ( <i>al-Hijr</i> )	149
Concluding remarks	150
2.2.2. <i>al-Qabas</i>	152
2.2.2.1. About coitus interruptus	153
2.2.2.2. Litigation related to the mothers of children ( <i>al-qadā’ fī ummahāt al-awlād</i> )	163
Concluding remarks	169
2.2.3. <i>Āridat al-ahwadhī</i>	170
Concluding remarks	176
3. Qādī ‘Iyād	179
3.1. Biographical prelude	179
3.1.1. Life	179
3.1.2. <i>Rihla</i>	185
3.1.3. Scholarship	189
3.2. The embryological conceptualisation in Qādī ‘Iyād’s commentary <i>Ikmal al-mu’lim</i>	197
3.2.1. The versions of Muslim’s <i>Ṣaḥīḥ</i> used by Qādī ‘Iyād	198
3.2.1.1. The Eastern version	199
3.2.1.2. The Western version	201
3.2.2. The embryological conceptualisation in <i>Ikmal al- mu’lim</i>	204
Concluding remarks	224

*Table of Contents*

Conclusions	225
Appendices	231
Appendix 1	231
Appendix 2	231
Appendix 3	232
Appendix 4	233
Appendix 5	235
Bibliography	237



## List of tables

Table 1: 'Arīb Ibn Sa'īd's planetary gestational correlation	111
Table 2: Similarities between the phrases of al-Kiyā al-Harrāsī and Ibn al-'Arabī	134
Table 3: Differences between the variants	140
Table 4: Legal and social evolution of the <i>umm walad</i> status according to the embryological development of the unborn	168
Table 5: Embryonic stages in <i>al-Qabas</i> according to the practice of <i>coitus interruptus</i> , abortion and the <i>umm walad</i> status	170
Table 6: The arrangement of <i>kitāb al-qadar</i> in al-Māzārī, Qādī 'Tyād and al-Nawawi's commentaries on the <i>Ṣahīḥ</i> of Muslim	196
Table 7: Role of the angel of the womb determined by time according to different traditions.	218



## Transliteration system and abbreviations

The Arabic transliteration used in this study follows the system used by the Library of Congress. The tables of transliteration are as follows:

### Consonants

ء	'	ض	đ
ب	b	ط	ť
ت	t	ظ	ż
ث	th	ع	'
ج	j	غ	gh
ح	h	ف	f
خ	kh	ق	q
د	d	ك	k
ذ	dh	ل	l
ر	r	م	m
ز	z	ن	n
س	s	ه	h
ش	sh	و	w
ص	§	ي	y

### Vowels

Long	ا	ā	Short	ـ	a
	و	ū		ـ	u
	ي	ī		ـ	i

## Abbreviations

BA	Biblioteca de al-Andalus
BRAH	Boletín de la Real Academia de la Historia
CHE	Cuadernos de Historia de España
CSIC	Consejo Superior de Investigación científica
<i>EI</i>	Encyclopaedia of Islam
Fol.	Folio
GA	Generation of Animlas
JITC	Journal of Islamic Thought and Civilization
MEAH	Miscelánea de Estudios Árabes y Hebraicos
Ms.	manuscript
N/A	Not Available
PCL	Partial Common Link
v.	Verso

# Introduction

## 1. Thematic background

In the wide and growing field of Islamic bioethics, over the last decades a great deal of academic attention has been given to the discussion of issues related to prenatal life, including birth control, abortion, the identification of foetal gender, egg freezing, in vitro fertilisation (IVF), etc. As argued by Thomas Eich, during the 1980s considerable efforts in reinterpreting Qur'anic verses in the light of modern science were the fruit of the rapid progress in reproductive medicine together with the growth of an "Islamic awareness".<sup>1</sup> This awareness was built upon the acceptance and assimilation of the ethical issues that should be addressed within a so-called Islamic framework. Mohammed Ghaly identifies two main approaches in studying Islamic embryology: the medico-philosophical approach based on biomedicine and its philosophical meanings and the religio-ethical approach inspired by two major sources – the Qur'an and the Sunna.<sup>2</sup> However, it is also important to remember how notable the role of physicians and their biomedical information was in helping Muslim scholars develop their opinions about Islamic embryology. Looking at many embryological discussions both within and outside the Islamic world by scholars from different academic backgrounds, I noticed a delimitation in the boundaries. Al-Mashriq and, accordingly, Mashriqi scholars receive the most attention in these studies, leaving the rest of the Islamic lands – largely al-Maghrib – in the periphery.<sup>3</sup>

Al-Maghrib was often perceived as inferior, and its scholars were not as valued for their achievements as the Mashriqis.<sup>4</sup> Protesting this injustice, Ibn Ḥazm of Cordoba wrote: "I am the sun shining in the spheres of the sciences, yet my fault is that I rise in the West."<sup>5</sup> And this was the initial

---

1 Eich 2008, 66.

2 Ghaly 2014, 158.

3 In the first chapter, I focus on the definition of al-Maghrib and al-Mashriq and explain the difference between these two denominations.

4 Fierro, Penelas 2021, 6–7. See also Ibn Khaldūn, *al-Muqaddima* (1967), II, 431.

5 (*Anā al-shams fī jaww al-‘ulūm munīra wa-lakin ‘aybī anna maṭla‘ī al-gharb*). Ibn Khayr, *Fihrist* (1998), 373.

impetus behind this thesis. Being aware of the Maghribi potential, I was very interested in knowing what al-Maghrib had to offer in the field of Islamic embryology. I of course do not seek to make a comparison between al-Mashriq and al-Maghrib, nor do I seek to search for equality between them; rather, I aim to dig deeper and widen the scope of the understanding of prenatal life in the Islamic West.

The study of Islamic embryology, I believe, should not be limited to Mashriqi contributions and should not disregard other distinguished efforts from the other Islamic lands. Particularly because of the “Islamic embryology” denomination, studies should cover all parts, schools of thought and periods. This work, therefore, is one step towards discovering a fundamental part of Islamic embryology and is an effort to shed light on the medieval Andalusi and Maghribi contributions in this field by introducing Abū Bakr Ibn al-‘Arabī (d. 543 H/1148 CE) and Qādī ‘Iyād (d. 544 H/1149 CE), and studying their hermeneutics.

## 2. Review of the literature

Islamic embryology is a field that has recently begun to gain traction. Called the “go-to text” by Sara Verskin,<sup>6</sup> Basim Musallam’s “The human embryo in Arabic scientific and religious thought” is the first work to study the medieval Islamic approaches of the “one-seed” and “two-seed” theories, combining medical and Islamic religious texts.<sup>7</sup> In an earlier work, Musallam exposes the subject of birth control in medieval Islamic society. He addresses the practice of *coitus interruptus* and raises the issue of ensoulment and its relationship with abortion and the foetus being a human being based on legal, medical and literary sources.<sup>8</sup>

In her article “Islam as the inborn religion of mankind: the concept of *fitra* in the works of Ibn Ḥazm”, Camilla Adang addresses the issue of the status of the foetus in the code of Zāhiri legal opinion – *al-Muḥallā bi-l-āthār* – and discusses how Ibn Ḥazm (d. 456 H/1064 CE) considered the foetus as a human being only after a four-month presence in the womb of its mother, when the afterlife and soul are breathed into it.<sup>9</sup> She also points

<sup>6</sup> Verskin, 2020, 6.

<sup>7</sup> Musallam 1990, 32–46.

<sup>8</sup> Musallam 1983.

<sup>9</sup> Adang 2000, 403–5.

out the Zāhirī position on the expiation (*kaffāra*) in cases of unintentional or deliberate miscarriage before the period of four months.

In a chapter dedicated to the issue of abortion in classical Sunni jurisprudence, Marion Holmes Katz scrutinises the different opinions regarding this act in the four Sunni schools of law, in particular, the debates within and among these schools.<sup>10</sup> She also discusses the criteria for considering a foetus a human being and establishes “the relationship between formal requirements and empirical evidence”. As a case study, Katz chose al-Ghazālī (d. 505 H/1111 CE) to examine abortion more closely from a philosophical and mystical point of view.

In her study of Islamic alchemy in the tenth century CE, Paola Carusi focuses on embryological extracts from the third maqāla of the alchemical treatise *Rutbat al-ḥākim*, which, according to Carusi, is attributed to a traditionist named Abū al-Qāsim Maslama b. Aḥmad al-Majrīṭī (d. 964 H/353 CE).<sup>11</sup> While she sheds light on the Aristotelian philosophy present in the *Rutba* in the philosophical approach, in the Qur’anic approach, she focuses on two exegetes who were attentive to the dialogue and conflict between philosophy and religion, namely Fakhr al-Dīn al-Rāzī (605 H/1209 CE) and Ibn Taymiyya (d. 728 H/1328 CE), and their commentaries on the Qur’anic verses about embryonic life.

In *Islamic Bioethics: Problems and Perspectives*, Dariusch devotes a chapter to abortion. He draws attention to the time difference between the two versions of the ensoulment ḥadīths (one hundred and twenty days and forty to forty-five days or nights) and illustrates the opinions concerning aborting before and after the ensoulment.<sup>12</sup> He begins with the Ḥanafīs, showing that a part of the scholars accept abortion before ensoulment, with or without a valid justification. On the other hand, the remainder insist on the reprehensibility of this act, accepting it only in cases with a valid reason.<sup>13</sup> Subsequently, Atighetchi provides an analysis of al-Ghazālī’s opinion and argues that, apart from al-Ghazālī, the Shāfi’ī majority allows abortion after forty or forty-two days. As for the Ḥanbalīs, some of them tolerate abortion within the first forty to forty-five days from fecundation, whereas others prohibit it once the embryo is solidified. Atighetchi introduces Ibn al-Jawzī’s (d. 597 H/1201 CE) view, which prohibits abortion

10 Katz 2003, 25–50.

11 Carusi 2005, 171–88.

12 Atighetchi 2007, 91–133.

13 Ibid., 95.

from conception onwards. He then moves on to the Sunni school with the strictest view on this issue, i.e., the Mālikī *madhhab*, most of whose scholars argue for the prohibition of abortion even during the first forty days. Atighetchi does not limit himself to the four Sunni schools of law; he also includes the positions of the Zāhirīs, Zaydī Shī‘īs, Ja‘farī or Imāmī Shī‘īs and Ibādīs.

In a scientific and philosophical approach, Carmela Baffioni follows a chronological order to trace the embryological evolution and modification from one period to another, striking a balance between Greek heritage and Qur’anic evidence. The first study period lies between the eighth and tenth centuries CE and the second between the eleventh and thirteenth centuries CE. She underlines the influence of the Aristotelian and Hippocratic/Galenic theories on the Islamic understanding of embryonic life. In addition, she compares the Muslim scholars who generally adopted the Hippocratic theory before the ninth century CE. Yet, with the appearance of one of the most innovative physicians and philosophers of the time, Abū Bakr al-Rāzī (d. 313 or 323 H/925 or 935 CE), the Aristotelian position became prevalent.

The idea of the sleeping embryo (*al-rāqid*) is found in Araceli González Vázquez’ article. She limits the geographical area of where this idea is accepted to the north of Morocco, with her approach being sociological, based on ethnographic data collected in the same place. However, she links the strong presence of this idea in Morocco, and al-Maghrib in general, to its strong formulation within the Mālikī school of law.<sup>14</sup>

Mohammed Ghaly extensively examined the consequences of Islamic society’s reception of Greek works in medicine and biology in different disciplines, especially Islamic law (*fiqh*).<sup>15</sup> He sheds light on the works of five Muslim jurists during the thirteenth and fourteenth centuries CE on human embryology, with a special focus on the Mālikī Shihāb al-Dīn al-Qarāfī (d. 684 H/1285 CE) and the Ḥanbali Ibn Qayyim al-Jawziyya (d. 751 H/1350 CE). He quotes Ibn al-‘Arabī and Qādī ‘Iyād with regard to the Ibn Mas‘ūd’s tradition.<sup>16</sup> In another study on pre-modern Islamic

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14 González Vázquez 2008, 167.

15 Ghaly 2014, 158–208.

16 A key reference in the ensoulment debate, it reads: “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 (*rūh*), and the angel is ordered to write

medical ethics and Graeco-Islamic-Jewish embryology, Ghaly examines the reception of Greek embryology by Muslim jurists.<sup>17</sup> He traces the reception of Hippocratic ideas by Muslim physicians like the Persian polymath Ibn Sīnā<sup>18</sup> (d. 428 H/1037 CE), Jewish physicians such as Ibn Jumay‘ (d. 594 H/1198 CE) and the emblematic medieval thinker, the Andalusi Maimonides (d. 600 H/1204 CE). Ghaly then follows the way in which two medieval Muslim jurists, al-Qarāfī and Ibn al-Qayyim, received these Graeco-Islamic-Jewish embryological opinions and how they understood and commented on them.

In *Conceiving Identities*, Kathryn M. Kueny explores the ideas of Muslim medieval scholars about women's reproductive power. In the first two chapters, through the analysis of different medieval exegetical works and medical treatises, Kueny studies the relationship between the Greek medical theories, namely the Hippocratic and Aristotelian, and the Qur'anic versions of human creation, delving into resemblance, heredity, sex differentiation, etc. Kueny examines in detail different Qur'anic passages about the extraordinary circumstances of Mary's pregnancy, especially the nature of the breath and its role in reproduction. In addition, Kueny dedicates one part of her work to the explanations given by medieval physicians of the causes of miscarriage, and another part to premature births, providing the example of the eight-month-old child.<sup>19</sup>

The in-depth academic attention that Islamic embryology has received can be attributed to Thomas Eich. "Induced miscarriage in early Mālikī and Ḥanafī fiqh" is a comparative study between the Mālikī and Ḥanafī interpretations of embryogenesis and their position on induced miscarriage.<sup>20</sup> In this study, Eich makes several observations about the ensoulment ḥadīth and about the Ḥanafī position *vis-à-vis* the induced miscarriage that is not punishable before the one hundred and twenty days following conception. He quotes Ibn al-‘Arabī, who did not mention Ibn Mas‘ūd's tradition in any of his embryological discussions in his exegesis, while Abū ‘Abd Allāh al-Qurtubī introduced it as an englobing of all the various traditions of ḥadīth material. Eich also discusses the issue of whether the pregnant

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down four words: his sustenance, his time of death, his deeds and his fortune and misfortune."

17 Ghaly 2014, 49–58.

18 Latinised as Avicenna. See Goichon, *EI<sup>2</sup>*, [https://doi.org/10.1163/1573-3912\\_islam\\_CO\\_M\\_0342](https://doi.org/10.1163/1573-3912_islam_CO_M_0342) accessed 10 June 2024.

19 Kueny 2013, 19–77.

20 Eich 2009, 302–36.

woman can menstruate or not in Mālikī and Ḥanafī *fiqh* texts. In his work *al-Qabas* in the chapter on *coitus interruptus*, and with a special focus on Ibn al-‘Arabī, Eich demonstrates how Ibn al-‘Arabī endowed the embryo with protection rights that “would have a decisive influence on that legal tradition [for] over 800 years.”<sup>21</sup>

Furthermore, in his article “The term *nasama* in ḥadīth with a focus material about predestination and the unborn”, Eich analyses the use of *nasama* in ḥadīth material with a special emphasis on two traditions: one on the authority of ‘Abd Allāh Ibn ‘Umar and the other on the authority of Mālik Ibn Anas.<sup>22</sup> His analysis of the term *nasama* is carried out in two different semantic fields: in connection with Adam and relating to *coitus interruptus*. Eich also deals with the idea of the creation of souls before time and the concept of the pre-existence of souls. Another contribution of Eich in the field of Islamic embryology is his paper entitled “Patterns in the history of the commentary on the so-called ḥadīth Ibn Mas‘ūd”, where he examines the Ibn Mas‘ūd’s ḥadīth.<sup>23</sup> He shows that even after the stabilisation of the ḥadīth material in the collections, the wording of the ḥadīth continues to develop and change. In a diachronic approach, Eich highlights the impact of two iconic Sunni ḥadīth commentators, Ibn Ḥajar al-‘Asqalānī (d. 852 H/1449 CE) and Yaḥyā Ibn Sharaf al-Nawawī (d. 676 H/1277 CE), on later commentaries, evidently within the framework of the prenatal life. In addition, Eich underlines important changes connected with the commentaries on Ibn Mas‘ūd’s ḥadīth that have been witnessed since the second half of the nineteenth century CE. Eich links this development of the commentary tradition to the control of ḥadīth scholars and the influence of modern medicine.

Just as the role of Ibn Mas‘ūd’s ḥadīth is pivotal in understanding the conceptualisation of the unborn in Islam, the ḥadīth of Hudayfa Ibn Asīd is also considered fundamental. Eich therefore devoted an extensive study to “The Topos of the Unborn in Early Islamic Predestination Debates: A Study of the *hadīth* of Hudayfa Ibn Asīd in *Sahīh Muslim*”.<sup>24</sup> Eich also goes back to the late antiquity debates about the unborn. After presenting a large amount of biographical material, he then analyses three parts of the ḥadīth *matn*: the framing story, followed by the part describing the

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21 Ibid., 333–34.

22 Eich 2018, 21–47.

23 Eich 2018, 137–62.

24 Eich 2021, 5–57.

angel and the physicality of the unborn, and finally the part relating to the predestination. Additionally, Eich examines the specific arrangement of the prophetic traditions and their variants at the beginning of *Kitāb al-qadar* in Muslim's *Šaḥīḥ* and its effects. Lastly, he demonstrates how, in the first centuries of Islamic history, Muslim held that the tripartite *nutfa*-*'alaqa*-*mudgha* together lasted forty days and that the ensoulment was on the fortieth day. The idea of one hundred and twenty days only became widespread among Muslim religious scholars after Muslim's lifetime.

Ultimately, Eich turns his focus to the Mālikī perspectives on abortion.<sup>25</sup> He discusses the premature loss of the unborn from a legal point of view, especially in the case of divorce. In light of the importance of the determination of the nature of the substance lost by the woman, Eich shows how the Mālikī law relies on the woman's testimony about her bodily functions as well as the testimony of expert midwives, and how this determination of the nature of the expelled entity does not rely on visible criteria such as human shape or the appearance of limbs. He explains, therefore, why, in early Mālikī legal discussions, the ensoulment did not gain much attention because there was a greater focus on foetal development. Following this, Eich compares two different Mālikī positions toward the *nutfa* and the protection rights of the unborn at this stage. On the one hand, a group of Mālikī jurists – among them the traditionist Abū al-Abbās al-Qurtubī (d. 656 H/1258 CE) – conceptualise the *nutfa* stage as a phase where the man's semen does not merge with the woman's, and accordingly argue that protection rights must start from the *'alaqa* phase. On the other hand, jurists such as Abū Bakr Ibn al-'Arabī insist on protection rights at a much earlier stage. Incidentally, the Mālikī opinion in the late twentieth century was more inclined towards Ibn al-'Arabī's position.

In her recent insightful and comprehensive work *Barren Women*, Sara Verskin addresses the legal, medical and ethical approaches to women's infertility in medieval Islamic societies and their implications. In the fourth chapter about the gynaecological theory in Arbo-Galenic medicine, Verskin follows the circulation of ideas and assumptions regarding women's anatomy and the female contribution to the embryo from the Hippocratics to Galen until reaching the Arabic medical literature. She describes the one-seed and two-seeds theories of reproduction and meticulously covers the

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25 Eich 2021, 137–45.

medieval Islamic treatments offered by midwives and physicians to infertile women.<sup>26</sup>

### *3. The problem and the questions*

To the best of my knowledge, there is, as of yet, no complete and detailed study about the conceptualisation of the unborn in the Islamic West. Few studies have dealt with the imagination of prenatal life where isolated cases and examples from Andalusi and Maghribi exegetical passages, commentaries, or legal rulings have been inserted. In addition to the geographical approach, the chronological approach does not seem to be properly framed within these studies. It therefore became clear to me that if this research, as initially perceived, was to have success, it should provide a comprehensive background of the Islamic embryological conceptualisation in a specific geographical area, i.e., the Islamic West, in a specific time frame, i.e., the twelfth century CE, through the lenses of Maghribi and Andalusi scholars.

I approached my inquiry with the following questions in mind: how did the Andalusi and Maghribi scholars read the embryonic passages? How did they accordingly interpret them in their exegetical hermeneutics (Qur'an exegesis and ḥadīth commentaries), and how did they infer their legal rulings in their legal hermeneutics? What sources, other than texts of Islamic normativity, were they using? Did the imagination of prenatal life progress from one generation of scholars to another in the Islamic West? How did the embryological exegetical ideas circulate in the scholarly milieu of exegetes and traditionists within the Islamic West boundaries?

### *4. Methodological aspects and structure*

Hoping to answer the above questions, I follow these methodological steps: first, a detailed examination of primary sources – namely a Qur'anic exegesis, a legal commentary, and a ḥadīth commentary – is conducted for each case; this is then put into further context, analysed, and the cases compared between themselves and others to extract their characteristics and trace their impact. Undoubtedly, and in addition to the aforementioned sources, the foundational texts of Islam, i.e., the Qur'an and different collections

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26 Verskin 2020.

of ḥadīths, are fundamental, together with a rich literature comprising historical sources, biographical books (*kutub al-tarājim*), bibliographical inventories (*kutub al-barāmij* and *al-fahāris*),<sup>27</sup> dictionaries and a large number of specialised secondary sources. In this analytical approach, methods vary between the analysis of the historical perspective of Islam in the Islamic West and the history of the development of the Islamic sciences, mainly *ulūm al-hadīth* and *tafsīr*, to a focalised systematic analysis of the sources and interpretation of the embryological approach, and a comparative analysis of the results within the Andalusi and Maghribi *milieus*.

This book is divided into three chapters. Chapter 1 is an extended introductory and contextualising chapter. It opens with a geographic overview of the Islamic West, dedicating a part to al-Maghrib and another to al-Andalus. The second part of this chapter provides an outline of the relevant historical events between the eleventh and twelfth centuries CE in the area being studied. The last part includes a survey of the Qur'anic verses and prophetic traditions dealing with prenatal life. Furthermore, it discusses the Greek medical theories of generation.

Chapter 2 examines the conceptualisation of the unborn in Abū Bakr Ibn al-‘Arabī's oeuvre. The biographical prelude provides a detailed study of his life. It also focuses on his journey (*riḥla*) to the East and its importance in shaping his scientific personality and developing his intellectual background. Finally, it presents Ibn al-‘Arabī's works that will be used in the analytical embryological part of the study. This is later subdivided into three main parts following the chronological order of the date or period of the work's composition. It begins with Ibn al-‘Arabī's Qur'anic exegesis, known as *Aḥkām al-qur'ān*, before moving to the legal commentary entitled *al-Qabas fi sharḥ Muwaṭṭa' Ibn Anas*, and then finishes with a ḥadīth commentary, i.e., *Āridat al-ahwadī bi-sharḥ sunan al-Tirmidī*. After examining these abovementioned works, I provide an analysis of the different passages in which the prenatal life (in its different facets, ranging from the length of gestation period to sex differentiation, to *coitus interruptus*, to ensoulment, etc.) is discussed and emphasise the synergetic relation between embryology and the diverse practical legal implications and decisions (in cases such as the waiting period, the *umm walad* status, the blood money, etc.) observed in the material. In this way, I trace the evolution of Ibn al-‘Arabī's ideas from one work to the next.

27 *Kutub al-barāmij wa-l-fahāris wa-l-ma'ājim wa-l-athbāt* are bibliographical dictionaries that focus on the transmission of works in different disciplines.

Chapter 3 presents Qādī ‘Iyād’s life and scholarship before examining the embryological material in his ḥadīth commentary, *Ikmāl al-mu’līm bi-fawā’id Muslim*. In addition to examining Qādī ‘Iyād’s conceptualisation of embryonic life and his readings of selected prophetic traditions, this chapter aims to find similarities and differences between him and his teacher, Ibn al-‘Arabī, and to follow the evolution of the conceptualisation of the unborn between two emblematic scholars of the Islamic West.

### 5. Notes on translation, transliteration and dates

I have chosen to keep the terms *nutfa*, *‘alaqa*, *mudgha* and *umm walad* in their Arabic original due to interpretive choices that might underlie any translation. All Arabic words are transliterated, apart from those that have become familiar to most readers. I have not transliterated these familiar words and spell them as follows: Qur’ān, Qur’ānic, Maghribi, Mashriqi and Andalusi. Years and centuries are given according to the Gregorian calendar (CE = Common Era) together with *Hijrī* dates (AH or, commonly, H = *Anno Hegirae*).

# 1. Preliminary framework

## 1.1. Geographical context

### 1.1.1. al-Andalus

The term al-Andalus probably<sup>28</sup> derives from the name of the Vandals, a Germanic tribe which, before crossing the narrow strait into North Africa, had occupied and overrun the southern part of the Iberian Peninsula between 409 and 429 CE, giving it the name Vandalusia or Vandalia.<sup>29</sup> In Ibn Hawqal's (d. 367 H/977 CE) great work of geography, *Kitāb al-masālik wa-l-mamālik*, al-Andalus appears as an island connected to the land of apostasy (*bilād al-kufr*) on the Frankish side (*nāḥiyat ifranja*).<sup>30</sup> In the eyes of al-Zuhri (d. btw. 541 H/1154 CE and 556 H/1161 CE), al-Andalus covered the area that was conquered by the Muslims. In fact, expansion stopped at the mountain *jabal Atrayijarsh*, an approximate representation of the Asturian mountains, which he assimilates into the Pyrenees and which he specifies separates the country of al-Andalus from the country of the Franks (*bilād al-ifranj*).<sup>31</sup> Ibn 'Idhārī (d. 695 H/1296 CE) describes it as an island reclining on firm ground (*jazīra murakkana*), with three extremities resembling a triangle.<sup>32</sup> According to the geographical compendium

28 Al-Andalus is also hypothetically connected with two other terms. The first hypothesis was supported by Vallvé, who asserts that al-Andalus is an Arabised form of the word *Atlantis* (*Atlanticum* in Greek). On the other hand, Halm proposes that the Visigothic word, *Landahlauts* (*Cothica Sors* or the “lot lands”), could explain the name. See Vallvé 1986, 56; Halm 1989, 259. Bossong provides an etymological study on the origin of the term al-Andalus and suggests a pre-Indo-European origin. See Bossong 2002, 149–64.

29 Shaw 2010, 24; Carr 2005, 24–25. Arguing that the period was too short to attribute their name Vandals to the land, Dozy claims that the Vandals boarded ships headed for Africa to a place nowadays called Tarifa (derived from the name of Abū Zur'a Tarif Ibn Mālik [d. 124 H/741 CE]) and most likely gave the name Vandalusia to the port of this city. Consequently, when the Arabs reached Tarifa and found that it was called Vandalusia, they used this name for the entire conquered territory. This version was adopted by the *EL*. See Dozy 1881, 301–3; Lévi-Provençal 1950, I, 71–73.

30 Ibn Hawqal, *al-Masālik* (1873), 42.

31 al-Zuhri, *Jughrāfiya* (n.d.), 77, 80.

32 Ibn 'Idhārī, *al-Bayān* (2013), II, 5.

## 1. Preliminary framework

*Nuzhat al-mushtāq fī 'ikhtirāq al-āfāq*, written by al-Idrīsī (d. 560 H/1165 CE), al-Andalus belonged to the fourth climate,<sup>33</sup> and its triangular shape, surrounded by the Mediterranean (*al-baḥr al-shāmī*)<sup>34</sup> and the Atlantic (*al-baḥr al-muzlīm*), meant that it was classified as an island.<sup>35</sup>

In broad terms, al-Andalus is used to designate the Iberian territories under Muslim rule. However, its geographical borders undoubtedly depended on the political landscape, and thus it was subject to change and gradually decreased in size until it was limited to the Nasrid Kingdom of Granada.<sup>36</sup>

### 1.1.2. al-Maghrib

Geographers and historians differ on the definition of the term al-Maghrib, giving it diverse geographical dimensions. Semantically, al-Maghrib (the West) is opposed to al-Mashriq (the East).<sup>37</sup> From its original meaning, indicating the place of the sunset,<sup>38</sup> during the period of the *al-fitna al-kubrā*,<sup>39</sup> it designated the western part of the Islamic world, which at

33 Al-Idrīsī divides the terrestrial sphere according to latitude into seven parallel climates (*aqālim*). See al-Idrīsī, *Nuzhat al-mushtāq* (2002), I, 8–9.

34 This name is linked to *bilād al-shām*, “greater Syria”; it was also called *baḥr al-rūm*.

35 He asserts that al-Andalus is located very close to al-Maghrib and consequently considers it a natural extension (*imtīdād tabī'i*). *Ibid.*, II, 525.

36 This was established in 1230 CE and conquered by the Christians in 1492 CE. Aillet highlights the loss of the territorial unit after the final collapse of the caliphate in 1031 CE. See Aillet 2006, 1–9. For more details about the borders of the last Andalusian territories, see García Fernández 1987; García Porras 2014, 73.

37 This extended from Egypt through the Levant (*al-shām*), the Arabian peninsula (*al-jazīra al-‘arabiyya*), upper Mesopotamia (*al-jazīra al-furātiyya*), Iraq, Khorasan, Transoxiana (*bilād mā warā‘ al-nahr*), Persia (*bilād fāris*), western Iran (*iqlīm al-jibāl*), Sindh, Sistan (*sijistān*) and Daylam (*bilād al-daylam*). Although Egypt is situated in the middle, thus playing the role of a connecting boundary and sharing cultural, political, historical and ethical characteristics with both parts, it is generally considered to belong to the Mashriq. See Ibn Hawqal, *Šūra* (1992), 304; al-Jabrānī 2016, 42.

38 Sa‘dūn 1988, 19.

39 Also known as the *al-fitna al-‘ūlā*. The grievances and dissatisfaction relating to the alleged wrongdoings and the religious, military, political and financial policies of the third caliph, ‘Uthmān b. Affān (d. 35 H/656 CE), led to a rebellion and his violent assassination. The *fitna* had a negative impact on Islamic history since it shifted the Muslim preoccupation from expansion and conquest to fighting among each other and led to the beginning of a sectarian conflict between them. It also ended with the era of the *rāshidūn* Caliphate and the beginning of the establishment of the Umayyad state and the emergence of dynastic succession. For further information on the *fitna*,

that time comprised Egypt, its surroundings and the Levant.<sup>40</sup> The western part of the Islamic world was considered a homogenous cultural entity that extended from Barqa in present Libya to the Atlantic,<sup>41</sup> and its designation changed from *Ifriqiya*<sup>42</sup> to al-Maghrib only after the Muslim conquest, given that with the expansion of Islam towards the west and the conquest of al-Andalus, the term *Ifriqiya* was decreasingly used,<sup>43</sup> and was replaced by al-Maghrib.<sup>44</sup> Nevertheless, *Ifriqiya* remained the name for a part of al-Maghrib.

Considering al-Andalus as the natural extension of al-Maghrib, which influences and is influenced by the events happening there,<sup>45</sup> al-Idrīsī notes that Algeciras (*al-jazīra al-khaḍrā'*) and Ceuta (*Sabta*) were separated by the narrow strait of Gibraltar,<sup>46</sup> historically known as *baḥr al-zuqāq*.<sup>47</sup> Whereas in Yāqūt al-Ḥamawī's (d. 626 H/1229 CE) *Mu'jam al-buldān*,<sup>48</sup> al-Maghrib includes al-Andalus and the space between Mīlānā<sup>49</sup> and the Sūs chain of mountains,<sup>50</sup> in *al-Miqbās*,<sup>51</sup> it includes all the lands west of the Nile bank from Alexandria to Salé.<sup>52</sup> It is interesting to note that Ibn

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its background, the deepening of the crisis and the death of 'Uthmān, see Madelung 1997, 78–140.

40 Monès 2003, 24; Laqbāl 1951, 14.

41 Ibn 'Idhārī, *al-Bayān* (2013), I, 26.

42 Ignoring the ancient origin of the name, Abū 'Abd Allāh Muḥammad Ibn Abī Dīnār (d. 1102 H/1690 CE) discusses the origin of this appellation and proposes some explanations, for example, it was called *Ifriqiya* because it separated (*farraqat*) al-Maghrib from al-Mashriq. He suggests that it might have been given the name of the son of Fāruq b. Miṣrāyim, or the name of Afriqish, the son of Dhū-l-Qarnayn (he of the two horns). Ibn Abī Dīnār, *al-Mu'nis* (1869), 15.

43 Until it covered the region with al-Qayrawān as its centre. See al-Ḥarīrī 1987, 12; Ibn Abī Dīnār, *al-Mu'nis* (1869), 15.

44 al-Ḥarīrī 1987, 12.

45 al-Idrīsī, *Nuzha* (2002), II, 525.

46 This name originates from the Arabic term *jabal Ṭāriq* after the expedition of the governor of Tangiers, Ṭāriq Ibn Ziyād (d. 101 H/720 CE), in 711 CE to the Iberian Peninsula. See Jackson, 1990, 22. López de Ayala recognised the previous and ancient names of the mountain. López de Ayala 1782, I, 2–6.

47 *Al-zuqāq* literally means the narrow alley. *Baḥr al-zuqāq* refers to the strait that connects the Mediterranean to the Atlantic Ocean.

48 Al-Ḥamawī, *Mu'jam* (1995), V, 161.

49 A town in north-western Algeria that is considered the border of Ifriqiya.

50 This is located in the Sūs, which is a region in mid-southern Morocco bordered by the High Atlas in the north, the Anti-Atlas in the east and south and the Atlantic in the west.

51 Ibn 'Idhārī, *al-Bayān* (2013), I, 26.

52 A town in north-western Morocco.

## 1. Preliminary framework

Hawqal considers the Mediterranean (*baḥr al-rūm*) as dividing al-Maghrib into two banks:<sup>53</sup> the eastern bank ranging from Egypt to Tangiers, and the western bank, which includes the *jazīrat al-Andalus*.<sup>54</sup> Admittedly, al-Maghrib covered a vast area, which resulted in historians and geographers dividing it into regions: *iqlīm Barca* and *Ṭarāblus*,<sup>55</sup> followed by Ifrīqiya,<sup>56</sup> al-Maghrib *al-awsaṭ*,<sup>57</sup> al-Maghrib *al-aqṣā*<sup>58</sup> and finally *iqlīm al-Sūs*.<sup>59</sup>

However, despite these differing views, the majority of geographers and historians came to the consensus that al-Maghrib is the term for “the Islamic lands extended from western Egypt until the Atlantic, including al-Andalus. Considering the existence of *al-maghrib al-ifrīqī* and *al-maghrib al-andalusi*, the term Maghrib or Maghribi includes, indeed, al-Andalus and its inhabitants.”<sup>60</sup> In this regard, Lazhar insists that the term al-Maghrib is continuously changing and its connotation varies through time and

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53 Into two halves (*nīsfayn*).

54 Ibn Hawqal, *al-Masālik* (1873), 41.

55 The present Cyrenaica and Tripoli. These two *aqālīm* were politically separated because Barca was generally dependent on Egypt while Tripoli was more closely oriented to Ifrīqiya. See Hammouda 2007, 187.

56 Called *al-Maghrib al-adnā* (lower). This extends from western Tripoli to *Bijāya* (Béjaïa, Bougie) or *Mīlyāna* and had Kairouan as its capital during Aghlabid rule. The capital then moved to al-Mahdiyya in the Fatimid Caliphate and finally to Tunis during the Hafsid dynasty. See al-Hamawī, *Mu'jam* (1995), I, 228; al-Zuhri, *Kitāb al-jughrāfiya* (n.d.), 106–22; al-'Abbādī n.d., 10

57 This covers the area between the Chelif River in present-day Algeria and the Moulouya River and the mountains of Taza in Morocco. See al-Harīrī 1987, II–12.

58 This includes everything between the Moulouya River and the Atlantic. See al-Sallāwī, *al-Istiqsā* (1997), I, 127.

59 This is the mid-south-western area of the current Morocco and is limited by the High Atlas and Anti-Atlas ranges and the river *al-Sūs*. It is also divided into two regions: the *Sūs al-aqṣā*, which includes the ranges of the Atlas, Taroudant and Tafilalt, and the *al-Sūs al-adnā*, which contains the northern area of present-day Marrakesh. See al-Hamawī, *Mu'jam* (1995), III, 280–81.

60 al-'Abbādī (n.d.), 10. In this regard, Maimonides (d. 600 H/1204 CE), the exiled Jewish Andalusi philosopher, physician and legal scholar, had always used the expression '*indanā fi-l-Maghrib* ("chez nous in al-Maghrib")', believing that al-Andalus was a part of al-Maghrib, together forming the same *Kulturreis*. See Kraemer 1999, 40. "Joshua Blau explains that whenever Maimonides speaks of our place in the Maghrib, he uses it in the broad sense to include Spain." Kraemer 1991, 8. Moreover, the traveller Ibn Jubayr (d. 614 H/1217 CE) refers to his place of birth, al-Andalus, as part of al-Maghrib. See López Lázaro 2013, 261–63. In addition, the geographer and historian Abū Ḥāmid al-Gharnāṭī (d. 565 H/1161 CE) includes al-Andalus in al-Maghrib and always used the expressions used in al-Maghrib (*wa-kāna lanā fi-l-Maghrib*). See al-Gharnāṭī, *Tuhfa* (1993), 106.

space.<sup>61</sup> In addition, he argues that the definition was subject to historical, geographical, cultural, political and even ethnological criteria. This has led to the objectification of this qualification.<sup>62</sup>

### 1.1.3. *al-Maghrib/al-Gharb al-islāmī*

Understanding the geographical and historiographical meanings of the terms al-Andalus and al-Maghrib does not allow us to overcome the ambiguity of a frequently used term in this study: the “Islamic West”. To clarify this, one must go back to the dichotomous Arabic differentiation between *al-Maghrib al-islāmī* and *al-gharb al-islāmī*.<sup>63</sup> Djaït argues that the Islamic world is divided into three main parts: the heart/centre, which embraces the Arabian peninsula; the Levant and Iraq, where the *da'wa*<sup>64</sup> originated and where the first, second and third caliphates were established; and the two wings comprising the Islamic West, which starts in Egypt and continues until the Atlantic, and the Islamic East, which extends across Khorasan and Transoxiana until the borders with China (*tukhūm al-ṣīn*).<sup>65</sup> *Al-gharb al-islāmī* joins western Sudan and its tropical and orbital surroundings<sup>66</sup> with the African Sahara,<sup>67</sup> al-Maghrib, al-Andalus and, finally,

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61 Lazhar 2015, 50.

62 Ibid.

63 Etymologically, the term *gharb* means west, and *maghrib* signifies the place of sunset. Grammatically, both words represent the gerund of the verb with the triconsonantal root *gh-r-b*, which could also be the root of the adjective *gharib* (foreign, unusual). This accentuates the idea of the gravitational centre in the quadrilateral of Arabia, Iraq, Syria and Egypt, with the Islamic West being foreign and having the status of an annexed periphery. This aspect will be examined in more detail.

64 This literally means to invite; it is often used to describe the act of attempting to convert people to Islam by sharing the faith.

65 Djaït 2004, 8.

66 Western Sudan covers the whole area reaching from the Sahel and the Sudanian savanna, across the basin of Lake Chad to the Atlantic. Basing his work on both Arabic and African sources, Cuoq reconstructs the history of the infiltration of Islam into western Africa and how it put down its roots at the beginning of the eleventh century CE in a deeply acculturated milieu, in the heart of the exchange and meeting zone between white and black Africa. See Cuoq 1984.

67 This is the area between the Atlantic and the Red Sea, which includes the Atlas Mountains and the Nile Valley in Egypt and Sudan and excludes the northern African region along the Mediterranean.

## 1. Preliminary framework

the mid-western basin of the Mediterranean.<sup>68</sup> This implies that *al-Maghrib al-islāmī* is part and parcel of the vast area of the Islamic West (*al-gharb al-islāmī*). In the twentieth century, the French historian Braudel attributed a new name to *al-gharb al-islāmī* which was *l'Occident Musulman*.<sup>69</sup> In this study, the term Islamic West is used to cover only the case study area, i.e., al-Andalus and al-Maghrib.<sup>70</sup>

### 1.2. Historical context (eleventh and twelfth centuries)

The Caliphate of Cordoba was abolished in 422 H/1031 CE. After much violence, the unitary Muslim power disappeared from the peninsula to make way for a more fragmented power. The civil war (*fitna*) caused a division of the Umayyad state into a mosaic of petty states usually called, albeit inaccurately, taifas (*al-tawā'if*). Henceforth began the fourth period of the history of al-Andalus. Ethnically, there were three antagonistic categories of taifas: those of Andalusi origin (ruled by Arabs or *muwalladūn*), those of Berber origin, and those of Slav origin, also known as *al-saqāliba*.<sup>71</sup> Rivalries, divisions, inter-taifa wars and economic deterioration resulted in the retreat of the Muslim forces and the expansion of the Christian kingdoms of the northern peninsula, thus initiating the *Reconquista*.<sup>72</sup> Toledo fell into the hands of the king of Castile and Leon, Alfonso VI (d. 1109 CE), in 477 H/1085 CE. The status quo was increasingly challenged in areas bordering on the Christian lands and the idea of restoring the integrity of Christian Hispania urged the factional chiefs to ask for help from the Almoravid<sup>73</sup>

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68 This comprises the Balearics, Sardinia, Qawṣāra (present-day Pantelleria), Sicily, Malta and the island of Qarsaqa (probably present-day Kerkennah). More details can be found in Monès 2000, 23.

69 “Le monde musulman a son Orient et son Occident”, Braudel 1969, 172.

70 Present-day Morocco, Algeria and Tunisia.

71 Terrasse 1966, 190–91; Imamuddin 1969, 135–55; Viguera Molíns 1994, 39–121. A detailed ethnical and geographical study on the distribution of the taifas can be found in Clément 1993, 197–206.

72 It is important to highlight the chronological coincidences of the political crises in the whole Islamic West. For instance, the years between 411 H/1020 CE and 431 H/1040 CE saw the collapse of the Kalbite state in Sicily and the political parcelling of the island that was the prelude of the Norman invasion. Additionally, Ifriqiya experienced political turmoil caused by the Hilali invasion that destroyed the political stability of the Zirid state of al-Mahdiyya. See Guichard and Soravia 2007, 107–9.

73 This word is derived from the Arabic name *al-murābiṭ* (warrior residing in a *ribāṭ*, a fortress on the border with enemy territory). They were also known as *al-mu-*

official power, which succeeded in unifying western Maghrib. The ruler of *al-murābiṭūn*, Yūsuf Ibn Tāshufīn (d. 500 H/1106 CE), crossed to the peninsula with many Berber soldiers in 479 H/1086 CE. Combining his forces with those of the Andalusi chiefs and kings, he met Alfonso VI in the battle of Sagrjas (*Ma'rakat al-zallāqa*) on *Rajab* 12 of the year 479 H (23 October 1086 CE),<sup>74</sup> where he defeated and inflicted severe injuries on the king.

The troops of Alfonso, accustomed to attacking and breaking in a decisive assault any resistance by weak and frightened kings of taifas, heavily armed, crossed the three miles that separated them from the enemy, and it seems that they won an initial success, falling on the Andalusis ... but that the assault was then slowed down not only by the fatigue of the race and the weight of the weapons, but also by the defenses of the Muslim camp, the combativeness of the Almoravids and the number of the enemies ... As Yūsuf had many more forces than the Christians ... he executed the classic movement of envelopment, so usual among the Maghribis, and gave the assault of the camp of Alfonso. This manoeuvre proved decisive; the Christian soldiers, who were fighting with great courage, retreated, and Alfonso was wounded in the battle or when opening a path for retreat.<sup>75</sup>

Ibn Tāshufīn had noted the corruption of the kings of the taifas and was thus wary of supporting and helping them. Under these circumstances, he was determined to bring an end to the taifas and attacked al-Andalus in 483 H/1090 CE, unifying the *al-jāratayn al-‘udwatayn*.<sup>76</sup> Seen as the “new

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*laththamūn* (the muffled ones), as they were in the habit of covering the lower part of their faces. Opinions differ as to their origin: “Some say that they belonged to the Ḥimyarite tribe which had migrated during the reign of Abū Bakr al-Ṣiddīq from Yemen to Syria and then from there migrated to al-Maghrib; others maintain that they descended from the Ṣinhājah tribe of the Berbers.” See Imamuddin 1969, 156; Fierro 2012, <https://ebookcentral-lproquest-lcom-100f089cola82.emedien3.sub.uni-hamburg.de/lib/subhh/reader.action?docID=5266097> accessed 28 May 2019.

74 al-Marrākushī, *al-Mu'jib* (1949), 132–35.

75 Guichard; Soravia 2007, 122. This passage is my own translation.

76 Once he had conquered al-Andalus, Ibn Tāshufīn sent a message to the Abbasid Caliph al-Muṣṭaṭhir (d. 512 H/1118 CE) with two of the most eminent *shuyūkh* of Seville, ‘Abd Allāh Ibn al-‘Arabī (d. 493 H/1099 CE) and his son Abū Bakr Ibn al-‘Arabī (d. 549 H/1148 CE), asking for official recognition of his authority and a declaration of his allegiance (*bay'a*). Once he had been granted the caliphal rescript dated 491 H/1097 CE, he assumed the honorary title (*laqab*) of *amīr al-muslimīn* (prince of the Muslims). It is important to note that with the Almoravid conquest of

## 1. Preliminary framework

people of Islam” in the eyes of Garcin,<sup>77</sup> the Almoravid dynasty, followed by the Almohad dynasty, “led the way to Western emancipation from the Eastern Arab Matrix”.<sup>78</sup> The Almoravid period was that in which Abū Bakr Ibn al-‘Arabī and Qādī ‘Iyād were born, grew up, were educated and occupied the posts of *qādīs*.<sup>79</sup> Both saw their empire at its apogee. However, they both saw its gradual struggle and degradation and how its “greatness was overshadowed by the lustre of the Almohads”.<sup>80</sup> The Almohad attack on the capital Marrakesh in 540 H/1147 CE marked the beginning of the fall of the Almoravid dynasty. Disenchantment with the religio-political system, corruption, the extortion to which the Jews were subjected, etc., were among other factors that hastened the rebellion against the Almoravids in al-Andalus and facilitated the intervention and conquest by the Almohads in 541 H/1148 CE.

Abū ‘Abd Allāh Muḥammad Ibn Tūmart<sup>81</sup> (d. 524 H/1130 CE) was a religious reformer from the Maṣmūda tribe. After coming back from his *rīḥla* to the Mashriq,<sup>82</sup> he started working on a religious reform based on the principle of forbidding wrong and commanding right (*al-nahy ‘an al-munkar wa-l-amr bi-l-ma’rūf*) in order to transform the world and inspire a new era of Islamic commitment. Almohad is a Spanish form of

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the peninsula, a new period of North African intervention in Andalusi affairs began, which continued with the Almohads. This period was characterised by imposing a centralised state from al-Maghrib. The political unification between al-Maghrib and al-Andalus linked the economic, social and cultural bridges between the two banks of the strait and contributed to a continuous and fluid interaction between the nations. Lévi-Provençal 1955, 269; Abun-Nasr 1987, 83.

77 Garcin 1995, 119–205.

78 Buresi 2018, 151.

79 It is noteworthy to point out the emergence of a religious elite in the sixth century H/twelfth century CE “who seized power, as they had in Seville or in Granada. This was only possible because their power had been asserted under the reign of the Almoravids”. *Ibid.*, 158.

80 Abun-Nasr 1987, 87.

81 In the Berber social and geographic context, it is important to stress where Ibn Tūmart was born, and the small village of Igiliz, located in the Anti-Atlas near to the river Sūs on the edge of its valley, shaped the character of the leader. For more information on the location and the importance of this village, see Fromherz 2005, 175–90 and Staëvel & Fili 2006, 153–94.

82 He started his journey to Cordoba in 501 H/1106 CE, then proceeded to Egypt. From there, he joined the pilgrimage to Mecca. Afterwards, he went to Baghdad in 510 H/1115 CE and took four years to return to his homeland. He owed his formation in philosophy and jurisprudence to Abū Bakr al-Turtūshī (d. 520 H/1126 CE) and Abū Ḥāmid al-Ghazālī (d. 505 H/1111 CE). Al-Marrākushī, *al-Mu’jib* (1949), 178–80.

*al-muwahhid* (the one who believes that there is only one God), which was the fundamental article of the Islamic faith. The adherents of this doctrine were called *al-muwahhidūn* (the unitarians) in Arabic.<sup>83</sup> Like their leader Ibn Tūmart, they believed in restoring the purity of the faith and reformulating Islamic law, especially since, in their view, the previous empire was characterised by general corruption and the detachment and remoteness of the people from the prophetic traditions and the straight path (*al-ṭarīq al-mustaqqīm*).<sup>84</sup> To show their determination to break totally and immediately with the past, the Almohads introduced radical and strict changes into the religio-political context, for example, by destroying the ornaments of the mosques. They purified these in order to return them to their roots and the simplicity of the prophet's era. In addition, they intended to correct the prayer direction (*al-qibla*).<sup>85</sup> Moreover, they forced Jews and Christians to convert, mistrusted the Mālikī jurists and replaced the previous judges and *fuqahā'* with new, supposedly more loyal judges.<sup>86</sup> In 516 H/1122 CE, Ibn Tūmart proclaimed himself the awaited *Mahdī*, or Messiah (*al-imām al-maṣūm al-mahdī al-ma'lūm*). Under all these circumstances, Ibn al-‘Arabī and Qādī ‘Iyād lived their last years, and had no choice but to show loyalty and obedience (*al-walā' wa-l-tā'a*) to the new empire. They also witnessed how Almohadism tried to mould, shake and fracture the Andalusi identity and cause instability in both al-Maghrib and al-Andalus.

### 1.3. Embryological context

#### 1.3.1. Qur'anic verses and prophetic traditions dealing with the prenatal life

A brief survey of the verses and ḥadīths dealing with the creation and prenatal development might be important in this contextualising part.

<sup>83</sup> Fierro insists that some sources consider it more probable that the original name of the movement was *al-mu'minūn* (the believers) rather than *al-muwahhidūn*. Fierro 2000, 134.

<sup>84</sup> Ibn Tūmart accused the Almoravid jurists of an abusive use of the Mālikī secondary books (*kutub al-furū'*), rather than going back to the Qur'an and *Sunnah*. Abnun-Nasr 1987, 88–89.

<sup>85</sup> Ibid., 132–33.

<sup>86</sup> Ibid., 134.

## 1. Preliminary framework

Considered God's speech (*kalām allāh*) in Muslim dogma,<sup>87</sup> the Qur'an refers to the prenatal life discursively in many instances. The water (*mā'*) appears as the first element in the creation of the first human being, and it is depicted in Q 25:54: "*And He is the One Who creates human beings from a [humble] liquid, then establishes for them bonds of kinship and marriage. For your Lord is Most Capable.*" It also appears in Q 86:5–7: "*Let people then consider what they were created from! They were created from a spurting fluid, stemming from between the backbone and the ribcage.*" The second essential element for the creation of Adam<sup>88</sup> and humankind after him is the dust (*turāb*):

- *Indeed, the example of Jesus in the sight of God is like that of Adam. He created him from dust, then said to him, "Be!" And he was!* (Q 3:59)
- *O people! If you are in doubt about the Resurrection, then [consider that] indeed, We [i.e., God] created you from dust, then from a semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed, that We may show you. And We settle in the wombs whom We will for a specified term, then We bring you out as a child, and then [We develop you] that you may reach your [time of] maturity. And among you is he who is taken in [early] death, and among you is he who is returned to the most decrepit [old] age so that he knows, after [once having] knowledge, nothing. And you see the earth barren, but when We send down upon it rain, it quivers and swells and grows [something] of every beautiful kind.* (Q 22:5)
- *One of His signs is that He created you from dust, then – behold! – you are human beings spreading over the earth.* (Q 30:20)
- *And it is God who created you from dust, then developed you from a sperm-drop, then made you into pairs. No female ever conceives or delivers without His knowledge. And no one's life is made long or cut short but is written in a Record. That is certainly easy for God.* (Q 35:11)
- *He is the One Who created you from dust, then from a sperm-drop, then developed you into a clinging clot, then He brings you forth as infants, so that you may reach your prime, and become old – though some of you [may] die sooner – reaching an appointed time, so perhaps you may understand Allāh's power.* (Q 40:67)

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<sup>87</sup> See Martin, *EJ*, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_24418](http://dx.doi.org/10.1163/1573-3912_ei3_COM_24418) accessed 30 April 2024.

<sup>88</sup> For further information about the creation of Adam, see Chabbi 2019, 137–61; O'Shaughnessy 1971, 131–49; Castillo Castillo 1978–79, 131–48; Monnot 1994, 19–29.

The Qur'an then describes the rudimentary stages of Adam and humankind's creation, which starts with clay (*tīn*)<sup>89</sup> or sticky clay (*tīn lāzib*),<sup>90</sup> that develops into black mud (*hama' masnūn*) and potter's clay (*ṣalṣāl*):

- *Who has perfected everything He created. And He originated the creation of humankind from clay.* (Q 32:6)
- *Your Lord said to the angels, "I am going to create a human being from clay."* (Q 38:71)
- *So, ask them which is harder to create: them or other marvels of Our creation? Indeed, We created them from sticky clay.* (Q 37:11)
- *When your Lord said to the angels, "I am going to create a human being from sounding clay moulded from black mud."* (Q 15:28)

The embryogenesis – being the tripartite *nutfa*-'*alaqa*-*mudgha*<sup>91</sup> followed by the stages of bones, flesh, and another creature, or having them separately – is further reflected in other Qur'anic passages, including:

- *He created the human being from a drop of fluid, yet he becomes an open adversary.* (Q 16:4)
- *His [believing] companion replied, while conversing with him, "Do you disbelieve in the One Who created you from dust, then [developed you] from a sperm-drop, then formed you into a man?"* (Q 18:38)
- Q 22:5
- *And indeed, We created humankind from an extract of clay, then placed each [human] as a sperm-drop in a secure place, then We developed the drop into a clinging clot, then developed the clot into a lump of flesh, then developed the lump into bones, then clothed the bones with flesh, then We brought it into being as a new creation. So, Blessed is God, the Best of Creators.* (Q 23:12–14)
- Q 35:11
- *Do people not see that We have created them from a sperm drop, then – behold! – they openly challenge [Us]?* (Q 36:77)

<sup>89</sup> Being the mixture between the water and the dust. Further explanation can be found in Kueny 2013, 236–37.

<sup>90</sup> Ibid., n. 9, 237.

<sup>91</sup> The term *nutfa* is most often mentioned in the Qur'an. It appears twelve times: Q 16:4, Q 18:37, Q 22:5, Q 23:13–14, Q 35:11, Q 36:77, Q 40:67, Q 75:37, Q 76:2 and Q 80:19. Yet, '*alaqa* or '*alaq* appear six times in Q 4:129, Q 22:5, Q 23:14, Q 40:67, Q 75:38 and Q 96:2, and *mudgha* is mentioned twice in Q 22:5 and Q 23:14. See Fortier 2001, 109–10.

## 1. Preliminary framework

- *He created you from a single soul, then from it He made its mate. And He produced for you four pairs of cattle. He creates you in the wombs of your mothers [in stages], one development after another, in three layers of darkness. That is Allah – your Lord! All authority belongs to Him. There is no God except Him. How can you then be turned away? (Q 39:6)*
- Q 40:67
- *And He created the pairs – males and females – from a sperm drop when it is emitted. (Q 53:45–46)*
- *Were they not [once] a sperm drop emitted? Then they became a clinging clot, then He developed and perfected their form. (Q 75:37–38)*
- *We created humans from a drop of mixed fluids, in order to test them, so We made them hear and see. (Q 76:2)*
- *From what did He create him? From a sperm drop, He created and enabled him. (Q 80:18–19)*

One of the key references in understanding the embryological chronological order is the prophetic tradition transmitted by Ibn Mas‘ūd, also known as the ensoulment ḥadīth (*ḥadīth nafkh al-rūh*).<sup>92</sup> There is consensus among the Muslim scholars about the authenticity of this ḥadīth, and its presence in all the canonical ḥadīth collections proves this.<sup>93</sup> It reads as follows:

‘Abd Allāh b. Mas‘ūd said: the Messenger of God narrated to us, and he is the truthful and trusted one: “Indeed the creation of one of you is gathered inside his mother’s womb in forty days. Then, for a similar period, he is a clot (‘alaqa). Then, for a similar period (*mithl dhalik*), he is a piece of flesh (*mudgha*). Then, God sends the angel to him to blow the soul into him, and [the angel] is ordered to write four [things]: his livelihood, his death, his deeds, his fortune and misfortune. By Him,

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<sup>92</sup> One should take into consideration that this denomination was likely spread after the second century H/eighth century CE, since the ensoulment in itself did not appear in all the variants, which supposes that the idea of the ensoulment was probably added to the main ḥadīth during second century H/eighth century CE. See Ibn ‘Asākir, *Mu’jam* (2000), I, 235; al-Ṭahāwī, *Sharḥ* (1994), IX, 484.

<sup>93</sup> In al-Bukhārī’s *Ṣaḥīḥ* in *Kitāb al-qadar* (*bāb fī-l-qadar*), *Kitāb al-tawhīd* (*bāb qawlūhu ta’ālā wa-laqad sabaqat kalimatunā ...*) and *Kitāb bad’ al-khalq* (*bāb dhikr al-malā’ika*). One must remember that the version in *Kitāb al-qadar* lacks the ensoulment. In Muslim’s *Ṣaḥīḥ*, in *Kitāb al-qadar* (*bāb kayfiyyat khalq al-ādāmī ...*), in the *Sunan* of Abū Dāwūd, *Kitāb al-sunna* (*bāb al-qadar*), in the *Sunan* of al-Nasā’ī in *Kitāb al-tafsīr* (*bāb qawlūhu ta’ālā fa-minhūm shaqiq wa-sa’id*) and in Ibn Mājā’s *Sunan* in *bāb fī-l-qadar*, and, finally, in *Jāmi‘ al-Tirmidhī*.

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 (*dhirā'*), when suddenly the writing of destiny overcomes him and he is sealed off with the deeds of 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 it."

Another pivotal prophetic tradition that generated debates about the beginning of human life is the ḥadīth transmitted by Ḥudhayfa Ibn Asīd. It appears in Muslim's *Ṣaḥīḥ* in the book of destiny (*Kitāb al-qadar*):

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.” [‘Āmir] 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.”

### 1.3.2. The embryo in ancient Greek medicine

Two traditions on generation emerged from ancient Greek medical sources that were the subject of scholarly debate for many centuries: the two contradictory Hippocratic and Aristotelian theories. The Hippocratic treatises maintain that both male and female produce seeds/semen that contribute

## 1. Preliminary framework

equally to the generation of the embryo.<sup>94</sup> *On Generation* argues that the seed comes from all the parts of the body, which explains the likeness that can be physically passed from the parents' bodies to the baby's.<sup>95</sup> The mother's role in determining the sex of the embryo was, in effect, neglected and undervalued until the era of the Hippocratic treatises, in which the female semen was finally recognised as an active element in the process of generation and in determining the sex of the embryo, depending on its *enkratēia*<sup>96</sup> or domination in terms of quantity.<sup>97</sup>

Yet, this Hippocratic theory was challenged by Aristotle, who was the major advocate of the one-seed theory, which proposes that the semen comes from all parts of the body of both parents and, as such, moves into all parts of the child's body, explaining, in particular, the resemblance between the parents and their children. The Aristotelian theory rejects that the sperm is not each of these parts in action "but in potency either by virtue of its material mass or because it possesses in itself a certain power".<sup>98</sup> Aristotle attributes the power of the sperm first to the fact that it is a nourishment residue, just like the blood. Yet the sperm is a blood that has been concocted. At this point, it differs from menstrual blood: the latter is also a nourishment residue, but it has not been concocted.<sup>99</sup> Therefore, on its own, menstrual blood cannot generate until it is developed and transformed by the sperm.<sup>100</sup> For this, it is only the power of the male's sperm that contributes to the formation of the embryo, since it acts efficiently and not materially:

The contribution which the female makes to generation [of a foetus] is the *matter* used therein, this is to be found in the substance constituting

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94 Known as the two-seeds theory.

95 *On Generation*, 3.

96 ἐγκράτεια in Greek means power over something.

97 Gherchanoc 2015, 2.

98 Aristotle, GA, I 19, 726b 17–19, 727a, 26–28; GA, 729a, 10–11. See also Roux 2009, 307–22; Boylan 1984, 92–110.

99 *Ibid.*, 726b 9–12.

100 *Ibid.*, I 20, 728a 26–27. This interpretation underlines the superiority of the semen of the man in procreation. This belief in the man's semen being the prime determinant in conception made it difficult for followers to allow the semen's destruction during the withdrawal. Additional information about the two theories can be found in Darovskikh 2017, 95–116; Horowitz 1976, 186–213; Boylan 1984, 83–112; Henry 2005, 1–42; Needham 1959, 31–60.

the menstrual fluid ... the man provides the “form” and “the principle of movement”, the female provides the body, in other words, the material.<sup>101</sup>

Centuries later, Galen draws from both the Hippocratic and Aristotelian theories, asserting the two-seeds theory and at the same time holding that blood is the origin of semen, and that the male’s seed is perfected and stronger. Boylan explains that Galen acknowledges that his views on sperma are influenced by the “Hippocratic and Aristotelian natural systems”. According to Galen, both the male and female produce seeds. Hence, “he accepts this Hippocratic dictum, but instead of connecting it overtly to a pangenetic theory or linking it to the narrow, as the Hippocratic writers do, Galen follows Aristotle in making the blood the origin of the seed.”<sup>102</sup>

In sum, these three Greek medical theories, mainly the Hippocratic and Galenic and, to a lesser degree, the Aristotelian, are essential in understanding the medieval Islamic embryological discourse.

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101 Ibid., I 19, 727b 30–34.

102 Boylan 1986, 57.



## 2. Abū Bakr Ibn al-‘Arabī

### 2.1. Biographical prelude

#### 2.1.1. Life

Muhammad b. ‘Abd Allāh b. Muhammad b. ‘Abd Allāh b. Ahmad b. Muhammad b. ‘Abd Allāh al-Ma‘āfirī<sup>103</sup> al-Ishbīlī al-Mālikī, with the agnomen (*kunya*) Abū Bakr and known as Ibn al-‘Arabī,<sup>104</sup> was born in Seville on *Sha‘bān* 22 in the year 468 H, corresponding to 31 March 1076 CE.<sup>105</sup> His father, ‘Abd Allāh b. Muhammad (d. 493 H/1099 CE), was a vizier (*wazīr*) of Muhammad b. ‘Abbād al-Mu‘tamid<sup>106</sup> (d. 488 H/1095 CE) and an important and respected jurist and member of the ‘Abbādī court in

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103 Connected with the *Ma‘āfir* tribe belonging to the Yemeni tribal confederation *Qaḥṭān*. A few sources claim that it could also be al-Maghāfirī assigned to *Maghāfir*, which is a neighbourhood or probably a village that belongs to the *Hamdān* tribe in Yemen. See al-Dhahbī, *Siyar* (1992), XX, 197; al-Dhahabī, *Tadhkira* (1971), IV, 1294; al-Wazīfī 1998, I, 19; Kara 2000; al-Maqqarī, *Nafḥ* (1997), II, 25; al-Maqqarī, *Azhār* (1939), III, 62; Qādī ‘Iyād, *al-Ghunya* (1982), 66; al-Dabbī, *Bughya* (1989), I, 125; Ibn Bashkuwāl, *al-Šila* (2010), II, 227; al-Ru‘aynī, *Barnāmaj* (1962), 117; Ibn Khallikān, *Wafayāt* (1978), IV, 296; Ibn Farhūn, *al-Dibāj* (1972), II, 252; Ibn ‘Asākir, *Tārīkh* (1997), LIV, 24.

104 One should distinguish between him and Ibn ‘Arabī al-Ṭā’ī al-Ṣufī (d. 560 H/1164 CE) since they both have the same *kunya* Abū Bakr and were known by the same name, Ibn al-‘Arabī, and especially, according to al-Mushīnī, in al-Andalus, both were called Ibn al-‘Arabī with *alif lām al-ta’rif*. This differentiation was given by Eastern scholars who called Abū Bakr Ibn al-‘Arabī al-Ishbīlī Ibn al-‘Arabī and took away the *alif lām* for the Sufi scholar, calling him just Ibn ‘Arabī. See al-Mushīnī 1991, 15. The latter was a mystical philosopher whose works, in particular *al-Futūḥat al-makkiyya* and *Fuṣūṣ al-ḥikam*, were very influential. For further information, see Mora Zahonero 2011; Knysch 1999; Landau 2008.

105 Answering the question of his student Ibn Bashkuwāl, Ibn al-‘Arabī confirmed the date and place of his birth verbatim (*wa-sa‘āltuhu ‘an mawlidihī fa-qāl li wulidūt laylat al-khamīs li-thamānin baqayna min sha‘bān sanat thamānin wa-sittīn wa-arba‘imā‘a*). See Ibn Bashkuwāl, *al-Šila* (2010), II, 228.

106 He was also known and regarded as an important classical Arab poet. The literary quality of al-Mu‘tamid’s compositions, and especially his poetry about his concubine Rumaykiyya, were of a refined taste and “never ceased to be part of the common Arab poetic curriculum”. Meri 2006, II, 721.

Seville.<sup>107</sup> One of his contemporaries describes him as “a full moon among the heavenly bodies of Seville. He was the seat of honour in the council of its king. He was chosen by Ibn ‘Abbād – a trustworthy selection at the advice of Ibn Dū’ād – who appointed him to noble offices and raised him to exalted ranks.”<sup>108</sup> The maternal uncle of Abū Bakr Ibn al-‘Arabī was the eminent jurist Abū al-Qāsim al-Ḥasan b. ‘Umar al-Hawzanī (d. 512 H/1118 CE).<sup>109</sup> Hailing from a well-connected scholarly family, and having his father and uncle to teach him from his earliest age, Ibn al-‘Arabī received a solid education and was well-versed in the Qur’ān at the age of only nine. He mentioned that he acquired a perfect knowledge of the Qur’ān and the sciences of Arabic language and mathematics. When he was sixteen, he was able to read some of the variant readings, roughly ten of them. He even became familiar with unusual terms, poetry and linguistics.<sup>110</sup>

In addition to his notable scholarly family, Ibn al-‘Arabī learned from the best teachers in Seville and other cities in al-Andalus, including Muḥammad b. ‘Abd al-Rahmān Abū Abd Allāh al-Saraqūṣī<sup>111</sup> (d. 500 H/1106 CE) and ‘Alī ‘Abd al-Rahmān b. Mahdī al-Tanūkhī<sup>112</sup> (d. 514 H/1121 CE). In the introduction to his *Qānūn al-ta’wīl*, Ibn al-‘Arabī specified that he had three sessions per day: the first one taught by a teacher of the Qur’ān (*mu’allim li-kitāb allāh*),<sup>113</sup> thereafter came a teacher for grammar and linguistics

<sup>107</sup> After the collapse of the Umayyad Caliphate in 422 H/1031 CE, al-Andalus was fragmented into small *taifas* and local power “tended to concentrate around lineages of important families whose members in many cases inherited posts in the judiciary”.

The Banū ‘Abbād reigned in Seville between 1013 CE and 1091 CE. Bellver 2013, 660. <sup>108</sup> Garden 2015, 2.

<sup>109</sup> Al-Maqqarī reports that the father of Abū al-Qāsim al-Hawzanī, Abū Ḥafṣ ‘Umar b. Hasan al- Hawzanī (d. 460 H/1068 CE), was killed by al-Mu’taqid Ibn ‘Abbād (d. 461 H/1069 CE), which pushed Abū al-Qāsim to take revenge and incite the Almoravid leader Yūsuf b. Tāshufin to invade Seville and unite it with his Berber empire. Al-Maqqarī, *Nafh* (1997), II, 94; Lagardère 1985, 91.

<sup>110</sup> Lagardère 1985, 91.

<sup>111</sup> Qāḍī ‘Iyād, *al-Ghunya* (1982), 90–91. See also [https://www.eea.csic.es/pua/personaje/consulta\\_personaje.php?id=9906](https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=9906) accessed 9 September 2019.

<sup>112</sup> Known as Ibn al-Akhḍar al-Nahwī. Additional information is available in al-Qiftī, *Inbāh* (1986), II, 288–9; [https://www.eea.csic.es/pua/personaje/consulta\\_personaje.php?id=6512](https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=6512) accessed 9 September 2019.

<sup>113</sup> In this context, Ibn al-‘Arabī sarcastically criticised the Andalusi education system that gave precedence to learning the Qur’ān over learning Arabic grammar and its rules, which consequently meant that the pupils were able to read and learn the Qur’ān by heart without understanding its meaning. See Lagardère 1985, 92. Ibn Khaldūn developed the point of view of Ibn al-‘Arabī, pointing out the following advantages: “In his *Rīhlah*, Judge Abu Bakr b. al-‘Arabī made a remarkable statement

(*wa-l-thānī li-‘ilm al-‘arabiyya*), with the third session dedicated to mathematics (*wa-l-thālith li-l-tadrīb fi-l-husbān*).<sup>114</sup> He specified, moreover, that the teachers would come from the first prayer (*ṣalāt al-ṣubḥ*) until the third prayer (*ṣalāt al-‘aṣr*), respectively, after which he used the opportunity to re-examine and rehearse his notes and read other books.<sup>115</sup> Thus, on reaching the end of his sixteenth year, he had already studied and scrutinised *al-Īdāh* by Abū ‘Alī al-Hasan b. Ahmad b. ‘Abd al-Ghaffār al-Fārisī (d. 377 H/987 CE), *al-Jumal* by Abū al-Qāsim ‘Abd al-Rahmān al-Zajjājī (d. 340 H/952 CE), a book by Abū Ja‘far Aḥmad b. Muḥammad b. Ismā‘il al-Naḥḥās<sup>116</sup> (d. 338 H/950 CE), *al-Ūṣūl fi-l-naḥw* by Abū Bakr b. al-Sarrāj (d. 316 H/929 CE), *Kitāb fi-l-‘arabiyya* by ‘Abd Allāh b. Sulaymān b. Sālim al-Makfūf known as Darwad or Duraywad (d. 324 H/935 CE), *al-Kitāb*<sup>117</sup> by Sībawayh (d. 180 H/796 CE), *al-Asḥār al-sitta* (the six poems),<sup>118</sup> *Shi‘r* (poetry of) al-Ṭā‘ī (d. 605 CE),<sup>119</sup> *Shi‘r* al-Mutanabbī (d. 354 H/965 CE),<sup>120</sup> *al-Faṣīḥ* by

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about instruction, which retains (the best of) the old, and presents (some good) new features. He placed instruction in Arabic and poetry ahead of all the other sciences, as in the Spanish method,” since, he said, “poetry is the archive of the Arabs. Poetry and Arabic philology should be taught first because of the (existing) corruption of the language. From there, the (student) should go on to arithmetic and study it assiduously, until he knows its basic norms. He should then go on to the study of the Qur‘an, because with his (previous) preparation, it will be easy for him.” Ibn al-‘Arabī continued: “How thoughtless are our compatriots in that they teach children the Qur‘an when they are first starting out. They read things they do not understand and work hard at something that is not as important for them as other matters.” He concluded: “The student should study successively the principles of Islam, the principles of jurisprudence, disputation, and then the prophetic traditions and the sciences connected with them.” He also forbade teaching two disciplines at the same time, “save to the student with a good mind and sufficient energy”. Ibn Khaldūn, *The Muqaddimah* (1958), III, 303–4.

114 Ibn al-‘Arabī, *Qānūn* (1986), 415–16.

115 Ibid., 419.

116 He probably meant the commentary on Sībawayh’s verses. Ibid., 417.

117 This treatise codified the grammatical knowledge taken from the Qur‘an and pre-Islamic poetry reflecting the approach of the grammatical school of Basra. See Bernards 1997.

118 Respectively belonging to Imru’ al-Qays (d. 540 CE), al-Nābigha al-Dhubyānī (d. 605 CE), ‘Alqama al-Fahlī (d. 603 CE), ‘Antara Ibn Shaddād (d. 608 CE), Zuhayr Ibn Abī Sulmā (d. 607 CE) and Ṭarafa Ibn al-‘Abd (d. 569 CE).

119 Hātim Ibn ‘Abd Allāh b. Sa‘ad al-Ṭā‘ī was a famous Arab poet during the *jāhiliyya* (literally the period of ignorance, which refers to the period before the appearance of Islam in 610 CE), known for his extreme generosity to the point that he became an icon through the proverbial phrase “more generous than Hātim al-Ṭā‘ī” (*akram min Hātim al-Ṭā‘ī*).

Thā’lab (d. 291 H/914 CE),<sup>121</sup> *İslāh al-manṭiq* by Yūsuf Ya’qūb Ibn Ishāq al-Sikkīt (d. 244 H/858 CE), *al-Amālī* by Abū ‘Alī al-Qālī (d. 356 H/967 CE), *Kitāb Iqlidis* (d. mid-third century BC),<sup>122</sup> etc.<sup>123</sup> At this stage, with the collapse of the taifa of Banū ‘Abbād, followed by the Almoravid conquest, the situation became critical, especially after his father’s possessions and private properties had been confiscated. This is why, accompanied by his father, Abū Bakr Ibn al-‘Arabī left Seville on the first day of *Rabi’ al-awwal* of the year 485 H (11 April 1092 CE), initiating his long *rihla fi ṭalab al-ilm*.<sup>124</sup> While Qādī ‘Iyād and Ibn Farhūn insist that Ibn al-‘Arabī returned to his homeland in 495 H/1102 CE,<sup>125</sup> other historians agree on 493 H/1100 CE for this event.<sup>126</sup> After his prolific journey, Ibn al-‘Arabī came into the spotlight in all of al-Maghrib since his keenness, intelligence and good scientific and religious reputation became increasingly well-known in al-Maghrib and al-Andalus,<sup>127</sup> until news of him reached the ears of the Almoravid Emir

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120 Abū al-Ṭayyib Aḥmad b. al-Ḥusayn al-Mutanabbī is considered one of the most prominent Arab poets of all times. He bequeathed a great heritage of poetry of three hundred and twenty-six poems which tell of his tumultuous life and his relations with kings and gives an insight into tenth-century CE Arab life.

121 He is Aḥmad b. Yaḥyā b. Zayd b. Sayyār al-Shaybānī, a renowned Kūfi authority on grammar and a Ḥanbalī traditionist.

122 Euclid of Alexandria, the father of geometry, was a famous Greek mathematician. *Elements*, his magnum opus, is one of the oldest known treatises systematically presenting, from his axioms and postulates, a large number of theorems accompanied by their proofs. It deals with geometry, both flat and solid, and theoretical arithmetic. Euclid’s algorithm, Euclidean (and non-Euclidean) geometry, and Euclidean division are derived from his name.

123 Ibn al-‘Arabī, *Qānūn* (1986), 418–19.

124 This point will be studied in depth in the next few pages.

125 Qādī ‘Iyād, *al-Ghunya* (1982), 69; Ibn Farhūn, *al-Dibāj* (1972), II, 254.

126 Al-Maqqarī, *Nafḥ* (1997), II, 28; Ibn Bashkuwāl, *al-Šila* (2010), II, 228; Ibn Khalikān, *Wafayāt* (1978), IV, 296.

127 Sure of himself and aware of his rich experience in the Islamic East and of his intellectual faculties and authority, Ibn al-‘Arabī recognised that, with the exception of Abū al-Walīd al-Bājī (d. 474 H/1082 CE), and unlike himself, none of the scholars had brought important and high quality works from al-Mashriq to al-Maghrib (*kullu man ṛahala lam ya’ti bi-mithl mā ataytu bihi min al-ilm illā al-Bājī*). See Al-Maqqarī, *Nafḥ* (1997), II, 29. Serrano Ruano believes that such an affirmation accompanied with a lack of moderation in his works were what awakened the hostility of a large number of his contemporaries. See Serrano Ruano 2008, 255. Ibn al-‘Arabī became very sure and proud of his journey, likely after meeting the prominent jurist and political philosopher Abū Bakr al-Turtūshī (d. 520 H/1126 CE) and in particular the influential mystical philosopher, theologian and jurist Abū Ḥāmid al-Ghazālī (d. 505 H/1111 CE).

of Seville, Sayr Ibn Abī Bakr (d. 507 H/1114 CE), who frequently asked for his advice and consequently appointed him to the *shūrā* (consultative body); he was even called *wazīr* according to Ibn ‘Abd al-Ghafūr (d. sixth century H/twelfth century CE).<sup>128</sup> Additionally, during 494 H/1101 CE and 495 H/1102 CE, he gave lessons of Islamic law and Qur’anic exegesis that enjoyed success.<sup>129</sup>

Included in the precious library that Ibn al-‘Arabī carried with him from the Islamic East was al-Ghazālī’s ethical magnum opus, *Iḥyā’ ‘ulūm al-dīn*,<sup>130</sup> which was probably first introduced in al-Maghrib by him.<sup>131</sup> Eggen points out that the reception in al-Andalus of this work and of al-Ghazālī’s thought in general was favourable during the reign of Yūsuf Ibn Tāshufīn<sup>132</sup> (r. 453–500 H/1061–1106 CE), but then gradually changed towards a more negative view during ‘Alī b. Yūsuf Ibn Tāshufīn’s reign (r. 500–537 H/1106–1143 CE).<sup>133</sup> This generated a wave of dissatisfaction among the Mālikī

128 Al-Kalā’ī, *Iḥkām* (1966), 190–91.

129 Urvoy 1998, 47.

130 The *Revival of the Religious Sciences* is an extensive encyclopaedia of religious sciences based on al-Ghazālī’s personal religious experience. It was composed in the eleventh century CE and spans over forty books. Al-Ghazālī begins with highlighting his creed, underlining one of the common principles in his works, which is the incapacity of the human being to reach or achieve anything without accepting religion’s bases. In this context, he starts by analysing the duties of the human being towards God (*al-‘ibādāt*); thereafter, he discusses the rules of behaviour (*al-‘ādāt*); and finally he closes with a deep inquiry into moral virtues (*makārim al-akhlāq*). The *Iḥyā’* is not only considered a guide into the mystic life, but also a political-ethical treatise or a social-moral work. Further information is available in Ruiz Figueroa 1977, 169–85; Serrano Ruano 2006, 137–56; Eggen 2018, 87–109.

131 al-Mannūnī 1998, 126–27.

132 During the establishment phase of the dynasty, the Almoravid regime welcomed and accepted al-Ghazālī’s support (see Urvoy 1998, 46). Abū Bakr Ibn al-‘Arabī and his father were commissioned by the Almoravid leader Yūsuf Ibn Tāshufīn to obtain a document from the Abbasid caliph granting them official recognition. They also asked al-Ghazālī to issue a *fatwā* that allowed Yūsuf to intervene in al-Andalus. Al-Ghazālī made a major effort to fulfil these requests and was an intermediary between the two Andalusian messengers and the caliph. In addition to this, addressing a letter and a *fatwā* to Yūsuf, the caliph attributed to him the title of *amīr al-muslīmīn wa-nāṣir al-dīn al-qā’im bi-da’wat amīr al-mu’minīn* (prince of the Muslims, defender of the faith and responsible for the *da’wa* of the prince of faithful). The letter has been edited by Lévi-Provençal and studied extensively by Viguera Molíns. See Lévi-Provençal 1955, 265–80; Viguera Molíns 1977, 341–71.

133 Eggen 2018, 88.

*fuqahā’*,<sup>134</sup> headed by the qadi of Cordoba, *Abū ‘Abd Allāh Ibn Ḥamdīn* (d. 508 H/1114 CE), who led an anti-Ghazalian campaign and complained to the Almoravid ruler, claiming that al-Ghazālī’s thoughts might lead Muslims astray and cause them to lose their faith:<sup>135</sup>

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134 Except for the *fuqahā’* of Almeria, who did not share the same point of view and openly rejected the decision to destroy al-Ghazālī’s books. For a detailed analysis of the reasons of this resistance, see Urvoy 1990, 91–92. Casewit mentions the emergence of a vociferous group of eminent scholars in Almeria, called *al-ghazāliyyūn*, who refused to ban and burn al-Ghazālī’s works: “In al-Andalus, Almeria’s expert Qur’an reciter (*muqri’*) *Abū al-Ḥasan al-Barjī* (d. 509 H/1115 CE) jeopardized his post in the *shūrā* council by issuing a counter-*fatwā* to Ibn Ḥamdin, denouncing jurists who had ordered the burning of the *Iḥyā*.” Fletcher and Safran insist that after this condemnation Ibn Ḥamdin put pressure on the qadi of Almeria in order to dismiss him from the *shūrā*. See Casewit 2017, 52; Fletcher 1997, 323; Safran 2014, 160. In his edition of the work of the logician *Yūsuf Ibn Ṭumlūs* (d. 620 H/1223 CE), entitled *Madkhal li-śinā’at al-manṭiq*, Miguel Asín Palacios indicates four places of resistance to the order of the Emir: in addition to Almeria, these included Fez, Marrakesh and Cala Benihmad (*qal’at banī Ḥammād*, which was the first capital of the Ḥammādī dynasty, and is nowadays a fortified ruined palatine city about two hundred and twenty-five kilometers south-east of Algiers). See *Ibn Ṭumlūs, al-Madkhal* (1916), trans. 17, n. 2. The *Iḥyā* became popular and flourished among the circle of Jewish Andalusī thinkers, whose works undoubtedly showed traces of al-Ghazālī’s thought. This influence was manifested in works of the philosophers and poets *Judah Ibn Tibbon* (d. 1190 CE) and *Judah Halevi* (d. 1075 CE). Likewise, the prominent and one of the most influential medieval Torah scholars, *Moses ben Maimon*, better known as Maimonides (d. 1204 CE), owes a debt to al-Ghazālī. Supplementary details are to be found in Pearce 2017, 161–70.

135 Ibn Ḥamdin was the one “who held that reading the *Iḥyā* amounted to infidelity”. See Casewit 2017, 50–51. In this context, Fletcher claims that the efforts of Ibn Ḥamdin to discredit al-Ghazālī in al-Andalus were, to a considerable extent, for political and personal reasons. She suggests that Ibn Ḥamdin should have heard or found out about a possible visit of al-Ghazālī to the Almoravid ruler, probably in the letter he sent to him (*Yūsuf Ibn Tāshufīn*) with *Abū Bakr Ibn al-‘Arabī*. “Ibn Ḥamdin would have realized that the easterner’s extraordinary qualifications made him a likely candidate for the position of chief counsellor of the Almoravid ruler. He would also have been familiar with *Ibn al-‘Arabī*, and would have feared that he could use his father’s connections to the previous hierarchy of Seville, the prestige of al-Ghazālī, and an alliance with Sufi militants to create the three elements necessary for political effectiveness: a ruling elite, an ideology and a popular following. That would have interfered drastically with Ibn Ḥamdin’s own goals.” In addition to these reasons, the *Iḥyā* underlined the errors and vices of the jurists and paved the way to a “possible reform which would certainly have removed some of the Andalusians from their seats of power”, beginning with Ibn Ḥamdin himself. Being concerned merely about his personal position, “Ibn Ḥamdin’s reaction to this perceived threat was to anathematize al-Ghazālī and burn his writings, because the action could take against *Ibn al-‘Arabī* himself was circumscribed by the genuine respect his selfless

His [al-Ghazālī's] book *Iḥyā' 'ulūm al-dīn* (*The Revival of the Religious Sciences*) arrived in al-Maghrib and al-Andalus, and the jurists of Cordoba examined it and censured some things. Ibn al-Qaṭṭān tells: Ibn Hamdīn in particular went too far in this, to the point of declaring everyone who read it to be an infidel and acting accordingly. He incited the Sultan, and asked for the consensus of the jurists who agreed to the burning [of copies of the book]. 'Alī Ibn Yūsuf accepted their verdict and ordered them to be burnt, as had happened in Cordoba. He then wrote to the rest of the country, ordering them to do the same. Consequently, the burning spread to the copies that appeared in al-Maghrib at this time, and it was said that the burning was the cause of the loss of the kingdom and the disintegration of power.<sup>136</sup>

The jurists “reproached Ghazālī for having endorsed interpretations with respect to the concept of God and Muhammad’s prophethood that he had previously imputed to the philosophers and the *baṭinīs*, and condemned.”<sup>137</sup> *Iḥyā' 'ulūm al-dīn* was consequently rejected and, together with the rest of al-Ghazālī’s books, officially sent to public burning. These were set ablaze on two occasions. The first one was nine years after the *fatwā* and the official recognition from the Abbasid caliph in 503 H/1109 CE,<sup>138</sup> in the courtyard of the Great Mosque of Cordoba in the part of the western door (*'alā al-bāb al-gharbi*), and was characterised by its ceremonial quality, as reported by Ibn al-Qaṭṭān (d. 628 H/1230 CE).<sup>139</sup> Ibn Ḥamdīn’s professional rival, Ibn al-‘Arabī, was persecuted and had to bring his copy of the *Iḥyā'* to Algeciras and to drown it in the sea.<sup>140</sup> In the *al-Madkhal*, Ibn Tūmlūs describes the controversy of the *Iḥyā'* in al-Andalus, its consequences, and the persecution of Abū Bakr Ibn al-‘Arabī in this passage:

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teaching and personal qualities inspired in the scholars of al-Andalus, almost all of whom knew him and had studied with him upon his return from the East [*sic!*]. Fletcher 1997, 319; additional information in this context is to be found in Safran 2014, 155–58.

136 My own translation from Spanish into English. See *al-Hulal al-mawshiyya* (1952), 124–25; see also Ibn al-Qaṭṭān, *Nuzum* (1990), 72.

137 Serrano Ruano 2006, 139.

138 Bouyges discusses the possible dates (btw. 500–503 H/1106–1109 CE) of the burning, comparing the hypothesis of D. B. Macdonald and that of Asín Palacios. Bouyges 1959, 76–78.

139 He describes the leather bindings of the books being submerged in oil, and insists on the presence of the notable persons (*a'yān al-nās*) of the city. Ibn al-Qaṭṭān, *Nuzum* (1990), 71.

140 Ibid.

This decree [of al-Ghazālī’s book burnings] was read in the pulpits of the mosques, and the generated situation was terribly full of hatred because everyone who possessed one of these books was subjected to an inquisition and accordingly feared that he could be accused of reading or acquiring one of them. In addition to that, the established sentences were extremely grievous. The most famous among the persecuted in this public disturbance was *Abū Bakr Ibn al-‘Arabī* who was almost spilt, but God got him out of danger, exactly as someone who said: If *Abū Naṣr* escaped, it was only because of God’s will.<sup>141</sup>

Between the first and second book burning, the prestigious *muḥaddith* and qadi of Murcia, *Abū ‘Alī al-Ṣadafī* (d. 514 H/112 CE), interceded for *Ibn al-‘Arabī* with the governor of Seville, *Ibrāhīm b. Yūsuf Ibn Tāshufīn*<sup>142</sup> (r. 511–516 H/1117–1122 CE) so that he could recover his father’s confiscated properties.<sup>143</sup> *Al-Ṣadafī*’s request was accepted and *Ibn al-‘Arabī*’s inheritance was returned.<sup>144</sup> He participated in Almoravid military expeditions, especially on the Levantine coast, where he took advantage of the location and gave ḥadīth lessons in 522 H/1128 CE in Valencia. In 528 H/1134 CE,<sup>145</sup> *Ibn al-‘Arabī* was appointed chief qadi (*qāḍī al-quḍāt*) of Seville, where he carved out a serious, firm and efficient image of himself. Even though he was distinguished by the severity of his adjudication, *Ibn al-‘Arabī* was altruistic and charitable with humble people.<sup>146</sup> He committed himself to the promotion of virtue and the prevention of vice (*al-amr bi-l-ma’rūf wa-l-nahy ‘an al-munkar*), and his sanctions became increasingly hard and austere.<sup>147</sup> His intolerance and rigidity infuriated the Sevilians, who remonstrated against this and pushed him to abandon his post in the same year of his appointment. His house was looted, and his books were burned, and he miraculously escaped death. Fletcher claims, in this regard, that the qadi *Abū al-Qāsim Ibn Ḥamdīn* had a hand in inciting the people against his father’s rival.<sup>148</sup> *Ibn al-‘Arabī* describes his crisis in the introduction

141 *Ibn Tuṭlūs*, *al-Madkhal* (1916), II–12, trans. 16–18; Fletcher 1997, 315.

142 See his biography in *Ibn al-Abbār*, *al-Mu’jam* (2000), 55–6.

143 Lagardère 1985, 97; Serrano Ruano 2008, 255.

144 Aṛāb 1987, 80.

145 al-Maqqarī locates it at the beginning of *Rajab* of 528 H, which corresponds to the middle of May 1134 CE, al-Maqqarī, *Nafḥ* (1997), II, 29.

146 *Ibid*; al-Nubāhī, *Tārīkh* (1983), 106.

147 al-Maqqarī, *Nafḥ* (1997), II, 30; *Ibn Bashkuwāl*, *al-Šila* (1989), III, 856; al-Dhahabī, *Tadhkira* (1971), IV, 1295–96.

148 Fletcher 1997, 320.

of his book, *al-‘Awāṣim min al-qawāṣim* (Protective Guards against Strong Objections):

I judged the people and obliged them to pray and to promote virtue and to keep themselves from vice until almost none of the abominable remained in the land. Then, my speech was strong to the debauched people (*al-fasaqa*) who conspired (*ta’allabū*), banded together (*alabbū*) and revolted against me. Under these circumstances, I surrendered to God’s will, and I ordered everyone who was with me not to defend my house. I got out on the roofs by myself, but they rebelled against me and plundered my house. And if I had not had enough luck, I would have been killed in my home.<sup>149</sup>

Staying in Seville represented a real threat to Ibn al-‘Arabī’s life. Therefore, he moved to Cordoba in 530 H/1135 CE. Serrano Ruano understands his departure from Seville as a possible escape from Ibn Ḥazm’s followers, who subjected him to pressure after he had refuted many of the latter’s doctrines in his works and accused him of lying about his journey in search of knowledge.<sup>150</sup> Once installed in Cordoba, Ibn al-‘Arabī became absorbed in his books and dedicated all his time to reading, writing, and teaching.<sup>151</sup> In the testimony of one of his pupils who spent the night at his place, Ibn al-‘Arabī slept among the books, and whenever he woke, books were the first thing he consulted. His lamp was never turned off during the night.<sup>152</sup> On some occasions, he replaced the preacher of the Great Mosque of Cordoba.<sup>153</sup> Once the storm had died down, Ibn al-‘Arabī returned to Seville in 533 H/1138 CE and continued with his immersion in scholarship. The fame of his lessons went beyond the Mediterranean and his teaching sessions became overcrowded. In his *Fihrist*, Ibn Khayr counted ninety books read, taught, and sometimes handed to him by Ibn al-‘Arabī.<sup>154</sup> Moreover, in the study *Ma‘a al-qādī Abī Bakr*, Aṛāb names one hundred and twenty-six famous disciples of Ibn al-‘Arabī and asserts that Ibn al-Abbār, in addition to his biographical dictionary dedicated to the disciples of Abū ‘Alī al-Ṣadafī (*al-Mu‘jam fī aṣḥāb al-qādī al-Ṣadafī*), had composed a second volume

149 Ibn al-‘Arabī, *al-‘Awāṣim* (1984), 143–44.

150 Serrano Ruano 2008, 257.

151 Qādī ‘Iyād and Ibn Bashkuwāl attended his lessons in Cordoba.

152 al-Dabbi, *Bughyā* (1989), I, 127.

153 Lagardère 1985, 97.

154 Ibn Kahyr, *Fihrist* (2009), 650–51.

dedicated to the disciples of Ibn al-‘Arabī, pronounced missing until now.<sup>155</sup> All these facts indicate how the quality of Ibn al-‘Arabī’s life was enhanced in the last decades and prove that it was his most brilliant and productive period.

In 538 H/1143 CE, during the reign of Tāshufīn Ibn ‘Alī, a second public burning of al-Ghazālī’s books took place. Nevertheless, for intellectual and mainly political reasons, Ibn al-‘Arabī deviated from the rational line of al-Ghazālī and withdrew his support for him. Along with several Maghribi and Andalusi scholars, including his own disciple Qādī ‘Iyāq, he launched a critical campaign against al-Ghazālī’s doctrine, which in its first stages was orally transmitted and subsequently materialised in his writings, for instance in *al-‘Awāṣim wa-l-qawāṣim*.<sup>156</sup> Here, the focus was not on al-Ghazālī, but on his teachings, given that “Ibn al-‘Arabī understood well that al-Ghazālī’s theology was heavily influenced by his reading the *falsafa*, and indeed, he criticised this theology in more than one passage of his œuvre”.<sup>157</sup>

Just as he had witnessed the collapse of the taifa kingdom of the Banū Abbād followed by the Almoravid conquest, Ibn al-‘Arabī witnessed the defeat of the Almoravid dynasty by the invading Almohad army. In 541 H/1146 CE, Seville was attacked and Ibn al-‘Arabī lost his son, Abū Muḥammad ‘Abd Allāh b. Abī Bakr Ibn al-‘Arabī,<sup>158</sup> who died accidentally when the Almohads entered the city.<sup>159</sup> Heading a delegation of prominent Sevillian scholars, jurists and distinguished intellectuals,<sup>160</sup> Ibn al-‘Arabī headed to the Almohad capital, Marrakesh, in order to pledge his allegiance (*mubāya‘ā*) to the Caliph Abū Muḥammad ‘Abd al-Mu’min b. ‘Alī b. ‘Alwī Ibn Ya’lā al-Kūmī (558 H/1163 CE). The delegation arrived in Marrakesh in *dhū al-hijja* 541 H/May 1147 CE,<sup>161</sup> while the caliph was busy fighting

155 Aṛāb 1987, 111.

156 Casewit 2017, 52; García-Arenal 2006, 114.

157 Griffel 2009, 66; see also García-Arenal 2006, 114 and al-Ṣaghīr 1988, 173.

158 He had three sons: ‘Abd Allāh, Abū al-Ḥasan ‘Abd al-Rahmān, and Aḥmad. See Aṛāb 1987, 116; Serrano Ruano 2008, 259.

159 Aṛāb 1987, 94; Lagardère 1983, 160; Lagardère 1985, 98.

160 Such as Abū ‘Umar Ibn al-Hajjāj al-Andalusī (d. fifth century H./twelfth century CE), Abū Bakr Ibn al-Jadd (d. 586 H/1190 CE), Abū Bakr Abū al-Ḥasan al-Zuhrī (d. 585 H/1189 CE), Abū al-Ḥasan b. Ṣāḥib al-Ṣalāt (d. 573 H/1177 CE), Abū Bakr Ibn al-Sajara (d. n.d.), Abū al-‘Abbās Aḥmad Ibn ‘Alī Ibn Sayyid known as al-Liṣ (d. 577 H/1181 CE), etc. See *al-Ḥulal al-mawṣhiyya* (1979), 147; Ibn ‘Idhārī, *al-Bayān* (2013), 112. For more information about this delegation, see Marín 1999, 239–40.

161 Ibn ‘Idhārī, *al-Bayān* (2013), III, 112; Lagardère 1985, 98.

Muhammad b. 'Abd Allāh b. Hūd al-Māsī (d. 542 H/1148 CE), a rebel originally from Salé who almost established a kingdom within the Almohad dynasty and presented a real threat to 'Abd al-Mu'min and his army.<sup>162</sup> Subsequently, Abū Bakr Ibn al-'Arabī and his companions had to wait almost one year to meet the caliph.<sup>163</sup> During the general audience granted by 'Abd al-Mu'min at the feast of the sacrifice ('īd al-adhā) in his castle (*qaṣr al-hajar*), the delegation handed him a written oath of allegiance and Ibn al-'Arabī delivered an eloquent sermon. Abū Bakr Ibn al-Jadd, in his turn, presented an excellent speech. The caliph appreciated the persuasiveness of the Sevillian scholars and decided to address Ibn al-'Arabī and ask him whether he had met Ibn Tūmart, Mahdī of the Almohads, at the lectures of al-Ghazālī.<sup>164</sup> Elusively, Ibn al-'Arabī answered that he had never met

162 *al-Hulal al-mawshiyya* (1979), 146; al-Sallāwī, *al-Istiṣqā* (1997), II, 110–11; Ibn Khaldūn, *Tārīkh* (2000), IV, 215.

163 al-Sallāwī, *al-Istiṣqā* (1997), II, 117; Arāb 1987, 118.

164 There were discrepancies about this alleged meeting from the very beginning. On the one hand, many Almohad chronicles and traditional Muslim historians mentioned and asserted Ibn Tūmart's meeting with al-Ghazālī, including Ibn Khallikān (d. 681 H/1282 CE), al-Dhahabī, Ibn al-Khaṭīb (d. 776 H/1374 CE), Ibn Abī Dīnār, Ibn Abī Zar' al-Fāsī (d. 726 H/1326 CE), Tāj al-Dīn al-Subkī (d. 771 H/1370 CE), Abū al-Fidā' (d. 732 H/1331 CE), Muḥammad b. Ibrāhīm b. Lu'lū' al-Zarkashī (d. 933 H/1629 CE), etc. On the other hand, there is only Ibn al-Athīr (d. 631 H/1233 CE) who completely rejected the possibility of this meeting, basing his hypothesis upon historical evidence that confirms that Ibn Tūmart did not leave for his journey before 500 H/1106 CE; at this time al-Ghazālī had already left Baghdad for Tus, the place where the meeting was supposed to be. In between these opposing hypotheses, some scholars expressed doubts about this mythologised Ibn Tūmart's studentship under al-Ghazālī. For instance, Ibn Khaldūn, when reporting the story, uses a verb that adds uncertainty about the meeting which is *fī mā za'āmū* (as they alleged). See Ibn Khallikān, *Wafayāt* (1978), V, 46; al-Dhahabī, *Tārīkh* (1990), XXXVI, 106; al-Dhahabī, *Siyar* (1992), XIX, 540; Ibn al-Khaṭīb, *Raqm al-hulal* (1898), 57; Ibn Abī Dīnār, *al-Mu'nis* (1869), 107; Ibn Abī Zar' al-Fāsī, *al-Anīs* (1972), 72; al-Subkī, *Tabaqāt* (1964), VI, 109; Abū al-Fidā', *al-Mukhtaṣar* (n.d.), II, 232; al-Zarkashī, *Tārīkh* (1872), 2; Ibn Khaldūn, *Tārīkh* (2000), VI, 249–50. Concerning orientalists and modern Western scholars, the majority deny the meeting between the two men, and assert in some cases that Ibn Tūmart did not even arrive in Iraq on his oriental journey, and that the historians of the Almohad dynasty developed and fabricated this myth after the death of Ibn Tūmart himself, because al-Ghazālī occupied a great and distinctive place in the Islamic world at the time. This means that the point of the story of the connection between him and Ibn Tūmart was a legitimate prelude to Ibn Tūmart's Ghazalian teachings and consequently to the Almohad campaign in the Maghrib. Goldziher considers this meeting an "impossibilité chronologique", arguing that the dates of Ibn Tūmart's journey and al-Ghazālī's time in Damascus and Baghdad could never match. By the same token, Huici Miranda came to

Ibn Tūmart; however, he had heard of him, and al-Ghazālī asserted that he would surely appear one day (*wa-anna al-shaykh kāna yaqūl lā budda min ẓuhūrihi*).<sup>165</sup> After meeting the Almohad caliph, the Sevillian delegation prepared to leave Marrakesh, when they suddenly found themselves captured and encircled by armed Almohad soldiers. The reason behind this was a rumour that had reached ‘Abd al-Mu’min, causing Seville to revert and no longer recognise the Almohad dynasty. After a while,<sup>166</sup> the caliph received a formal refutation from the Sevillian *shaykh*, Abū Ya‘qūb Ibn Sulaymān (d. twelfth c. CE), who strongly insisted it was a lie. As a result, the caliph sent two messengers to the delegation, Abū Ishāq Ibn Jāmi‘ (d. twelfth c. CE) and ‘Abd Allāh Ibn Sulaymān (d. twelfth c. CE), who apologised sincerely and offered one hundred gold pieces each to Ibn al-‘Arabī and Abū Bakr Ibn al-Jadd, and other gifts to the rest of the group, without forgetting to give them back their confiscated proprieties.<sup>167</sup> After leaving Marrakesh, the delegation heard of some Berber revolts along the route to al-Andalus. Thus, they were obliged to change their itinerary and follow the most secure road through the mountains for security reasons.<sup>168</sup>

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the same conclusion as Goldziher. Griffel highlights that Ibn Tūmart should be considered as one of al-Ghazālī’s students, albeit not a direct one. He also suggests that Ibn Tūmart arrived at the *madrasa Niẓāmiyya* long after al-Ghazālī left as a teacher (during *dhū al-qādā* 488 H/1095 CE). Nevertheless, al-Ghazālī’s doctrine continued to be taught there by the next generations of Shāfi‘ī scholars. Although Cornell considers the meeting between Abū Ḥāmid al-Ghazālī and Ibn Tūmart an apparently impossible assertion, he claims that al-Ghazālī could have confused Ibn Tūmart the Almohad leader with another figure, likely a certain Sufi called Muḥammad b. ‘Ali Tūmart al-Andalusī. Cornell goes on to mention that some historians could also have confused Abū Ḥāmid al-Ghazālī the theologian with his brother Aḥmad al-Ghazālī the mystic, and concludes that these kinds of misapprehensions form the base from which legends are made. While Fletcher proposes that both scholars may have met in Alexandria, García-Arenal underlines that there is no evidence to confirm that Ibn Tūmart had travelled either to al-Andalus or the Islamic East. See Monès 2000, 203–4; Goldziher 1903, 8–9; Huici Miranda 1956, 29–32; Griffel 2005, 756–57; Cornell 1987, 76–77; Fromherz 2012, 30; Fletcher 1977, 305–7; García-Arenal, 2006, 163.

165 *al-Ḥulal al-mawshīyya* (1979), 148.

166 Ibn ‘Idhārī depicts the difficult situation in which the members of the delegation found themselves and notes that it only lasted three days (*wa-dāma dhalika thalāth ayyām*). However, in Qāḍī ‘Iyād’s words in *al-Ghunya* (*fa-ḥubisū bi-marrākish nahw ‘ām*), the imprisonment period was almost one year. Ibn ‘Idhārī, *al-Bayān* (2013), III, 114; Qāḍī ‘Iyād, *al-Ghunya* (1982), 68.

167 Ibn ‘Idhārī, *al-Bayān* (2013), III, 113; Ibn Abī Zar‘, *al-Anīs* (1972), 190; Monès 1997, 99–100; Lagardère 1985, 98.

168 Lagardère 1985, 98.

Ibn ‘Idhārī places Ibn al-‘Arabī in the surroundings of Fez at the time of his death,<sup>169</sup> when he was seventy-five and riding his horse in *Jumādā II* of 542 H/1184 CE.<sup>170</sup> Other biographers state the following year, 543 H/1185 CE,<sup>171</sup> (which appears more plausible), with small differences, i.e., from Sunday, 7 *Rabi’ I*,<sup>172</sup> to *Rabi’ II*,<sup>173</sup> to *Jumādā II*.<sup>174</sup> Another version has Ibn al-‘Arabī killed with a poisoned date (*summ fī tamra*) given to him by someone pretending to be reading the Qur’ān and waiting for Ibn al-‘Arabī’s commentary.<sup>175</sup> His body was carried to Fez, where his companion Abū Bakr Ibn al-Jadd performed the funeral prayer (*ṣalāt al-janāza*), and he was buried in *bāb al-jīsa* in the *Jayyānī* cemetery in Fez.<sup>176</sup>

### 2.1.2. Rihla

The term *rihla* (journey), as Dejugnat suggests, does not describe an arbitrary movement from one place to another. Rather, it defines every constructive trip in the literate medieval milieu.<sup>177</sup> Also called the *rihla fī ṭalab al-‘ilm* (journey in search of knowledge) and the *rihla ilā al-Mashriq* (journey to the Mashriq), it was considered, on the one hand, an essential step in the academic career of scholars, and on the other hand, a fundamental apparatus in the process of transmitting knowledge which was preferably

169 In two possible places: *Maghīla* or *Rās al-Mā*. A‘rāb 1987, 120.

170 Ibn ‘Idhārī, *al-Bayān* (2013), III, 114. Taking into consideration the deliberate information that Ibn ‘Idhārī confirmed regarding the age of Ibn al-‘Arabī when he passed away, together with the confirmed date of his birth by Ibn al-‘Arabī himself (see page 43, footnote 105), it is chronologically impossible for him to have died on this suggested date, as he would have been seventy-four years old and not seventy-five.

171 Ibn Qunfud, *al-Wafayāt* (1983), 279; al-Nubāhī, *Tārīkh* (1983), 106–7; al-Ḍabbī, *Bughyāt* (1989), I, 130; Pasha, *Hadiyyat* (1951), II, 90.

172 Ibn Farhūn, *al-Dībāj* (1972), II, 256; Qādī ‘Iyād, *al-Ghunya* (1982), 68.

173 al-Maqqarī, *Nafḥ* (1997), II, 28; al-Adnah-wī, *Ṭabaqāt* (1983), 181; al-Suyūtī, *Ṭabaqāt* (1983), 469; Ibn Bashkuwāl, *al-Ṣīla* (1989), III, 857; al-Maqqarī, *Azhār* (1939), III, 63; Ibn Khallikān, *Wafayāt* (1978), IV, 279.

174 al-Sallāwī, *al-Iṣtiqsā* (1997), II, 117–18.

175 al-Sallāmī, *al-I'lām* (1998), IV, 100.

176 Qādī ‘Iyād, *al-Ghunya* (1982), 68; Lagardère 1985, 98; Serrano Ruano 2008, 260. Al-Nubāhī and al-Sallāmī insist that Ibn al-‘Arabī was buried out of *bāb al-maḥrūq* in Fez and that the information spread by Qādī ‘Iyād and Ibn al-Zubayr (i.e., that he was buried in *bāb al-jīsa*) is incorrect. al-Nubāhī, *Tārīkh* (1983), 107; al-Sallāmī, *al-I'lām* (1998), IV, 100–101.

177 Dejugnat 2017, 80.

based on direct contact and listening (*samā‘*) by attending lectures with the teachers.<sup>178</sup> In this context, Ibn Khaldūn stresses the importance and the benefits of the journey when it comes to developing intellectual skills and the study patterns of the scholars. In a subchapter of *al-Muqaddima*, entitled “A scholar’s education is greatly improved by travelling in quest of knowledge and meeting the authoritative teachers (of his time)”, Ibn Khaldūn explains that “the reason for this is that human beings obtain their knowledge and character qualities and all their opinions and virtues either through study, instruction, and lectures or through imitation of a teacher and personal contact with him. The only difference here is that habits acquired through personal contact with a teacher are more strongly and firmly rooted. Thus, the greater the number of authoritative teachers (*shaykhs*), the more deeply rooted is the habit one acquires.”<sup>179</sup> Furthermore, Ibn Khaldūn emphasises the importance of the diversity of teachers and students, which enriches the methodologies, widens the arguments and ideas and indeed expands the debates between scholars coming from different backgrounds:

Thus, meeting scholars and having many authoritative teachers (*shaykhs*) enables the student to notice the difference in the terminologies used by different teachers and to distinguish among them. He will thus be able to recognise the science itself behind the (technical terminology it uses). He will realize that (terminologies) are (merely) means and methods for imparting (knowledge). His powers will work toward acquiring strongly and firmly rooted habits. He will improve the knowledge he has and be able to distinguish it from other (knowledge). In addition, his habits will be strengthened through his intensive personal contact with teachers, when they are many and of various types. This is for those for whom God facilitated the ways of scholarship and right guidance. Thus, travelling in quest of knowledge is absolutely necessary for the acquisition of useful knowledge and perfection through meeting authoritative teachers (*shaykhs*) and having contact with (scholarly) personalities.<sup>180</sup>

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178 Dejugnat 2017, <https://books.openedition.org/psorbonne/24831#ftn11> accessed 30 October 2019.

179 Ibn Khaldūn, *The Muqaddimah* (1958), III, 307–8.

180 *Ibid.*

For the Maghribi and Andalusi scholars, the *rihla* was traditionally an eastward journey, since it used to be associated with the pilgrimage.<sup>181</sup> During the first centuries (second and third century H/eighth and ninth century CE) of the development of this custom, four major sites constituted an indispensable stop on the route of the Western scholars: Kairouan in Ifrīqiya, Fustāt or Old Cairo in Egypt and Medina and Mecca in al-Hijāz. Beginning from the middle of the second century H/eighth century CE, the centre of the Islamic empire and the capital of the Abbasid Caliphate became increasingly important in the quest for knowledge. After the transfer of the capital from Damascus to Baghdad, the latter became the intellectual cradle of science, medicine, philosophy and, specifically, the Islamic sciences, which were manifested in their entirety. This hierarchical change of learning centres, to paraphrase Gellens' formulation, depended on political and economic conditions; thus, "whereas Baghdad set the standard in the third-early fourth AH/ninth-early tenth AD centuries, it was Cairo under the Fatimids and Nishapur in the succeeding two centuries which attracted Muslim scholars."<sup>182</sup>

This cultural cauldron drew the attention of the Maghribi and Andalusi scholars who had spread out transcontinentally, remaining not only in places on the pilgrimage routes. The continued scientific and intellectual effervescence in the Islamic East pushed out the boundaries and incited Western scholars to travel freely and go beyond the known places, reaching, for instance, Khurasān and India. Hence, Dejugnat believes that Western scholars were active and had acquired a mobility that was lacking in their contemporaries, namely the Egyptians and the Khurasanians.<sup>183</sup> Although

181 In his *Ensayo sobre las aportaciones orientales en la España musulmana*, Makkī places the pilgrimage as the first purpose of journey. This is followed by education, then commercial business, espionage, political asylum and the embassies. Makkī 1968, 5–22. One of the pioneering works about the *rihla* is a historic-anthropological study presented by Touati, *Islam et voyage au Moyen Orient. Histoire et anthropologie d'une pratique lettrée*. In fact, Touati demonstrates how the scholars, beginning from the eighth century CE, started to establish the *rihla* as a constitutive method of knowledge and a symbol of intellectuality alongside other practices. He asserts that the reason behind it was not to push the boundaries of the known world, discover otherness or to confront each other, but to build a vast physical space of Islam intellectually and religiously, or what is called *dār al-Islām*. Touati 2000.

182 Gellens 1990, 55.

183 Dejugnat 2017, <https://books.openedition.org/psorbonne/24831#ftn11> accessed 30 October 2019.

they were burdened with financial difficulties and faced safety risks, which were increased by the dangers at sea, attacks on caravans and health complications, the Maghribi and Andalusi scholars did not limit their journey's temporal or geographical frame. On the contrary, they were often not content with a single *rihla* and undertook additional journeys.<sup>184</sup> This played a very important role in the transfer of science between al-Mashriq and al-Maghreb and helped to promote the Andalusi and Maghribi cultures throughout the Islamic world. Moreover, these journeys strengthened the links between the Islamic West and East during the Middle Ages and, as Molina Rueda corroborates, thanks to these journeys, the cultural and scientific life in al-Andalus went from being irrelevant or arriving relatively late to competing with the Islamic East and sometimes surpassing it.<sup>185</sup>

When looking for the spark that aroused Ibn al-‘Arabī's curiosity and interest in travelling to the Islamic East, I found an interesting anecdote of an event in his early life that left him with a certain impetus and acted as a catalyst. In *Qānūn al-ta’wīl* (canon/rule of interpretation/hermeneutics),<sup>186</sup> in the first part dedicated to his rudimentary education, Ibn al-‘Arabī composes this key passage:

One day when I was with one of my tutors, my father, who was usually totally absorbed by his many activities, managed to free himself and join us so as to inform himself of my progress in my studies. But hardly had he arrived when visitors began to file in. Among those who had come to pay him a visit was a book dealer (*simsār*) who had a bundle in his hands. When he had opened his packet to spread out the contents before my father, my gaze fell on a work by the Iraqi *Abū Ja’far al-Simnānī* (d. 444 H/1052 CE) [the Ash‘arite theologian], the master of *Abū al-Walīd al-Bājī* (d. 494 H/1100 CE). In the discussion that followed, I heard them say, “These are the great works that contain the precious sciences brought back from the East by al-Bājī”, words that made me shiver to the depth of my being, stuck in my heart and set my mind on fire. In their

184 Ávila 2002, 127–28. For a detailed study about the destinations of Andalusi scholars, see Molina 1998, 585–610; also see the article of Cano about the views of Western – Muslim and Jewish – travellers to the area of Syria-Palestine, Cano 2014, 5–20.

185 Molina Rueda 2012, 137. Makkī considers the *rihla* as an intermediate and essential point in the process of the “orientalisation” of al-Andalus. See Makkī 1968, 285.

186 A book that was composed in 533 H/1139 CE. Whereas Griffel claims that this book was written in Seville, M. al-Sulaymānī, who edited it, confirms that it was dictated in Cordoba, which is chronologically feasible since the book was written in that city.

long evocation of al-Bājī, they said how much that man had gone beyond the scholars of our own land in knowledge and in wisdom and how these Andalusi scholars do not comprehend him. To hear them cover him with praise, I said to myself “The day will come when I will be a master myself, and I will leave my homeland in quest of the high rank that al-Bājī attained.”<sup>187</sup>

As much as this passage shows Ibn al-‘Arabī’s energy and desire to travel to the Islamic East to acquire knowledge and be a great religious scholar and stresses his admiration for al-Bājī, at the same time it reflects his resentment towards the Andalusi intellectual milieu, which was unable even to appreciate or add to the knowledge brought by al-Bājī from the Mashriq, or, in instances where Andalusi scholars had attempted this, the results were weak and incompetent (*illā bi-ṣifat al-‘ājiz al-da‘īf*).<sup>188</sup> The inferiority of knowledge and education in the Islamic West compared to the Islamic East was one of Ibn al-‘Arabī’s favourite themes.<sup>189</sup>

In 484 H/1091 CE, Seville was conquered by the Almoravid troops, which not only changed the course of the history of al-Andalus but also the destiny of Ibn al-‘Arabī’s family. The exile of al-Mu’tamid and his family to Morocco,<sup>190</sup> followed by the confiscation of properties and dismissals and persecutions among the elite that served in the ‘Abbādī court had a strong apocalyptic resonance<sup>191</sup> over Abū Bakr Ibn al-‘Arabī and especially his father. A‘rāb claims that ‘Abd Allāh Ibn al-‘Arabī would have received a more severe treatment had it not been for the position and connections of his wife’s family.<sup>192</sup> This political turmoil was the factor that triggered Ibn al-‘Arabī’s *riḥla*, although it was not his decision, and his father planned everything. Ibn Khaldūn asserts that Ibn Tāshufīn officially sent the Ibn al-‘Arabīs to al-Mustansīr al-‘Abbāsī.<sup>193</sup> Griffel also assumes that ‘Abd Allāh and his son left Seville on an official mission. He holds that the father heard

<sup>187</sup> Ibn al-‘Arabī, *Qānūn* (1986), 420–21. My own combined version of two translations. See Garden 2015, 3–4; Touati 2010, 248–49.

<sup>188</sup> Ibn al-‘Arabī, *Qānūn* (1986), 420–21.

<sup>189</sup> Garden 2015, 4.

<sup>190</sup> In Aghmāt, where he spent the rest of his days in poverty and died in 488 H/1095 CE. See Ibn Khaldūn, *Tārīkh* (2000), VI, 249; Bosch Vilà 1998, 152–53.

<sup>191</sup> Ibn al-‘Arabī, *Mukhtaṣar* (1987), 192–93.

<sup>192</sup> Especially since his brother in law Abū al-Qāsim al-Hawzanī was of great help to the Almoravids in overthrowing the taifa of the Banū ‘Abbād in order to take revenge for his father’s murder by al-Mu’taṣid.

<sup>193</sup> Ibn Khaldūn, *Tārīkh* (2000), VI, 250.

that Yūsuf Ibn Tāshufīn was looking for official recognition for his dynasty from the Abbasid caliph and thought that this could be an opportunity to leave al-Andalus and be the one to receive this recognition from Baghdad and thus regain his political and social status within the new regime. Thus, he was performing a political mission in the Islamic East accompanied by his son.<sup>194</sup> However, rereading the passage where *Abū Bakr Ibn al-‘Arabī* describes their departure in ambivalent terms, it is clear that the two men could not have left their homeland on a diplomatic mission since they were virtually escaping, as described in his own words: “Honoured, we set forth, or let’s say constrained, confident and if you prefer terrified. *And I fled from you when I feared you* (Q 26:21).”<sup>195</sup> *Ibn Khāqān* merely reaffirms that father and son were almost ejected from Seville (*alqathum minhā*) and arrived in the Islamic East both afraid and anxious (*rahala ilā l-mashriq wa-halla fīhā maḥalla al-khā’if al-fāriq*).<sup>196</sup>

In his analysis of ‘Abd Allāh Ibn al-‘Arabī’s petition to the Abbasid caliph, Lévi-Provençal remarks, on the one hand, that it was written in accordance with the flowery and flattering style of the chancellery scribes of that time.<sup>197</sup> On the other hand, he underlines the use of diplomatic and official terms, for example, *wāfid* (ambassador) and *wifāda* (embassy), though doubting whether they truly referred to a diplomatic mission.<sup>198</sup> Therefore, Lévi-Provençal considers that none of these arguments clearly indicates that ‘Abd Allāh and his son were officially sent by Ibn Tāshufīn or charged with this mission. Furthermore, he claims that ‘Abd Allāh could have heard about Ibn Tāshufīn’s longing for caliphal recognition only when he was in Baghdad, via a certain *Ibn al-Qāsim*.<sup>199</sup> In addition to this, Garden suggests that during their stay in Alexandria, the *Ibn al-‘Arabīs* could have heard about the murder at the hands of Fātimids of an Almoravid messenger, *Abū Bakr ‘Atīq ‘Imrān b. Muḥammad al-Raba‘ī* (d. 484 H/1091 CE),<sup>200</sup> who was

194 Griffel 2009, 63.

195 *Ibn al-‘Arabī*, *Qānūn* (1986), 422.

196 *Ibn Khāqān*, *Qalā’id* (1989), 693.

197 “On s’en sera rendu compte en le lisant, s’est entièrement conformé à la manière des scribes de chancellerie de son époque : usage exagéré des formules invocatoires, emploi permanent du style indirect, écriture affectée, abus des poncifs caractéristiques du *sāq*.” Lévi-Provençal 1955, 276. He possessed this diplomatic talent after much experience in the ‘Abbādī court.

198 *Ibid.*

199 *Ibid.*

200 See his biography in *Ibn ‘Asākir*, *Tārīkh* (1996), XXXVIII, 299–300; *al-Irbilī*, *Tārīkh* (2010), 508–9; *al-Ṣifadī*, *al-Wāfi* (2000), II, 7–8.

carrying a letter from the Abbasid caliph to Yūsuf Ibn Tāshufīn, in that city, which then inspired them to add this idea to their agenda.<sup>201</sup> According to 'Abbās, the mission of the Ibn al-'Arabīs was unofficial; if it were otherwise, they would not have spent so much time going from one place to another, and also they would not have asked to meet the caliph on their second stay in Baghdad, which shows that asking for this recognition was not urgent for them and that they left al-Andalus for personal reasons.<sup>202</sup> Altogether, and despite the different reasons suggested for the departure of Abū Bakr Ibn al-'Arabī, it is evident that his father made this decision, and he showed enthusiasm in this regard: "When the opportunity was presented to me, I grasped it with true happiness, despite the gravity of the situation. The idea of leaving on a voyage filled me with euphoria. I was happy when anyone else in my place would have been sad to leave the comfort where I lived."<sup>203</sup>

Notwithstanding the fact that the journey was his father's decision, Abū Bakr Ibn al-'Arabī could think, have a clear strategy in mind and set his sights on two principal goals of his *rihla*. First, after the sudden turn of fate that his family experienced and the confiscation of their properties with their enemies rejoicing in their misfortune,<sup>204</sup> Ibn al-'Arabī wanted to regain the social status that his family had lost with the fall of the *taifa* of Seville. He then noted the decisive role of the *fuqahā'* of Seville and Granada in helping the Almoravids conquer these two cities and how Ibn Tāshufīn relied on their *fatwās* to legitimise his power in al-Andalus. Seeing how the *fuqahā'* became effective instruments of Almoravid policies and held legislative power, Ibn al-'Arabī became aware of the importance of this new elite, which had a state dimension,<sup>205</sup> and consequently decided to gain maximum knowledge – especially of *fiqh* – during his trip, which would

201 Garden 2015, 10.

202 As he states, they left to change the mood, to look for other opportunities in the Islamic East, and to peregrinate. 'Abbās 1963, 219.

203 Ibn al-'Arabī, *Qānūn* (1986), 421.

204 *Ibid.*, 420.

205 "De este modo, vemos que el poder ejecutivo ofreció a los alfaquíes los asuntos más importantes del país. Por esta razón no es exagerado señalar que los alfaquíes en la época almorávide tuvieron una dimensión estatal, participando en la responsabilidad de defender la propia existencia del estado, controlar la ejecución de las órdenes y orientar a los gobernadores." See El Hour 1997, 180.

be appreciated by the new regime and, importantly, to compete for prestige among this scholarly Andalusi group of legal scholars.<sup>206</sup>

At the age of sixteen, Ibn al-‘Arabī had to leave his home with his father, thus beginning a new and crucial period of his life. They left Seville during the spring of 485 H/1092 CE, likely in *Rabi’ I/April*.<sup>207</sup> The first city visited was Malaga, where Ibn al-‘Arabī met *Abū al-Muṭarrif ‘Abd al-Rahmān b. Qāsim* (d. 497 H/1104 CE).<sup>208</sup> They then went to Granada and finally arrived at the last peninsular and Andalusi city, Almeria. Though his time was limited, Ibn al-‘Arabī did not hesitate to study with every scholar he met. In some cases, the meeting lasted less than a few hours. In Almeria, together with many other leading scholars in legal issues (*masā’il*) and readings of the Qur’ān, he met the reciter (*al-muqri’*) *‘Abd al-‘Azīz b. ‘Abd al-Malik b. Shafī’* (d. 514 H/1120 CE),<sup>209</sup> and other literary figures whom he described as mediocre (*udabā’ mutawassitī al-daraja*).<sup>210</sup> According to his accounts, he was excited about boarding the ship to Bougie, the first destination in an extra-peninsular land. There, together with his father, he was accommodated in a caravanserai called *Khān al-sultān*, where he immediately began his meetings with a group of scholars expert in legal issues, including *Muhammad b. Mūsā*, known as *Ibn ‘Ammār al-Kilā’i al-Mayurqī* (d. after 485 H/1092 CE). Lagardère claims that the Ibn al-‘Arabīs were received by Bougie’s military chief, *al-Qāsim b. ‘Abd al-Rahmān*, who served as their guide and helped them trace their itinerary.<sup>211</sup> There, *Abū Bakr Ibn al-‘Arabī* studied the version of *Abū ‘Īsa Ishāq b. Mūsā al-Ramlī* (d. 320 H/932 CE)<sup>212</sup> of the *Sunan* of *Abū Dāwūd*.<sup>213</sup> From Bougie, they headed to Ifrīqiya, sometimes by land, other times by sea, passing Bona.<sup>214</sup> He was

206 Garden 2015, 5–7; for more information about the role of the *fuqahā’* during the Almoravid reign in al-Andalus, see the works of El Hour 2000, and Plazas Rodríguez 2017, 1080–110.

207 Garden 2015, 6; Griffel 2009, 63.

208 Al-Dhahabī, *Siyar* (1992), XIX, 227; [https://www.eea.csic.es/pua/personaje/consulta\\_personaje.php?id=4484](https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=4484) accessed 11 November 2019.

209 [https://www.eea.csic.es/pua/personaje/consulta\\_personaje.php?id=4753](https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=4753) accessed 11 November 2019.

210 Ibn al-‘Arabī, *Qānūn* (1986), 424.

211 Lagardère 1985, 93.

212 A detailed study is carried out by Robson on the transmission of *Abū Dāwūd’s Sunan* and its versions, including that of al-Ramlī. See Robson 1952, 579–88.

213 Lagardère 1985, 93.

214 The present Annaba.

very excited and looked forward to meeting Ifrīqī scholars.<sup>215</sup> He met eminent scholars and jurists from Kairouan, especially from Mahdia, including Muḥammad b. Ḥabīb al-Mahdawī al-Qalānī (d. fourth century H/tenth century CE), Abū ‘Alī Ḥassān al-Barbarī al-Mahdawī (d. sixth century H/twelfth century CE),<sup>216</sup> Abū Bakr Muḥammad b. ‘Abd al-Rāḥmān al-Labīdī (d. sixth century H/twelfth century CE),<sup>217</sup> the *muqri’* ‘Alī b. Muḥammad b. Thābit al-Khawlānī al-Ḥaddād al-Mahdawī (d. after 580 H/1184 CE),<sup>218</sup> and the *imām* of Mahdia, Abū ‘Abd Allāh Muḥammad b. ‘Alī b. ‘Umar b. Muḥammad al-Tamīmī al-Māzārī<sup>219</sup> (d. 536 H/1141 CE).<sup>220</sup> The young Sevillian student started to study theology (*uṣūl al-dīn*) in the circles of the aforementioned scholars and, with other students, participated in public intellectual debates.<sup>221</sup>

215 Lagardère 1985, 93.

216 He was the mufti of al-Mahdia and one of its most important Mālikī jurists. Makhlūf, *Shajara* (2003), I, 186.

217 In *Tartīb al-madārik*, Qādī ‘Iyād mentions that al-Labīdī had enjoyed a good reputation while he (Qādī ‘Iyād) was composing his work. See Qādī ‘Iyād, *Tartīb* (1983), XIII, 69.

218 Al-Māzārī, *al-Mu’lim* (1988), I, 39–42.

219 Al-Māzārī’s full name was Muḥammad b. ‘Alī b. ‘Umar al-Tamīmī al-Māzārī al-Mālikī. His academic formation began at a very early age and he learned from the acknowledged and venerated teachers in Ifrīqiya. He excelled as a student and became one of the leading figures of the Mālikī school in the Maghrib. He was also among the four jurists who were singled out for their authority by the influential Mālikī jurist Khalīl Ibn Ishāq (d. 776 H/1374 CE) in his *Mukhtaṣar*. Al-Māzārī started teaching Islamic jurisprudence (*fiqh*) and its principles (*uṣūl al-fiqh*) when still very young. Over time he became a famous scholar due to his reputation. While we know of only a few of his teachers, many of his disciples are well known, among them the Almohad Mahdī Abū ‘Abd Allāh Muḥammad Ibn Tūmart (d. 524 H/1130 CE), Abū Bakr Ibn al-‘Arabī, Abū ‘Abd Allāh b. Yūsuf b. Sa‘āda (d. 565 H/1169 CE), Qādī ‘Iyād, Abū al-Walīd Muḥammad b. Aḥmad Ibn Rushd (d. 595 H/1198 CE), etc. Sciences related to *ḥadīth* (*‘ulūm al-ḥadīth*), principles of faith (*uṣūl al-dīn*) and literature were among the disciplines that al-Māzārī taught. He took personal care of his students, especially those coming from abroad, particularly the emigrants escaping from Sicily, his family’s country of origin. Al-Māzārī became a highly distinguished authority in the Mālikī school of law, to the point that he attained the degree of *mujtahid*. Thus, in *Shajarat al-nūr*, he is described as “one of the last examining and assiduous scholars. He was a defender and an observer, well-informed and well-versed in all disciplines. He was very keen and attained the rank of *ijtihād* thanks to his insight and level-headedness.” See al-Ḥimyārī, *al-Rawd* (1975), 521; Qādī ‘Iyād, *al-Ghunya* (1982), 65; ‘Abd al-Wahhāb 1955, 51–54.

220 Lagardère 1985, 93.

221 Ibid.

After a short period, Ibn al-‘Arabī and his father had to continue their journey. They boarded a ship departing for Ḥijāz, completely ignoring what destiny had prepared for them. After a violent storm in the Mediterranean and after being shipwrecked, the Ibn al-‘Arabis were thrown on land near Barqa and found themselves in a miserable situation. The Banū Ka'b Ibn Salīm helped them, and they headed for Alexandria.<sup>222</sup> It seems that they spent eight months in Egypt and were disappointed by the level of learning and intellectual apathy (*khumūl*) under the Fāṭimids.<sup>223</sup> Leaving Egypt, father and son travelled in the direction of Syria. However, when they reached Jerusalem and visited the *al-Aqṣā* Mosque, Abū Bakr noted how “the full moon of knowledge emerged for him”, and he was thus motivated to extend his stay there for three years and even postpone his pilgrimage plans. In a summary of his ample work, *Tartīb al-riḥla*,<sup>224</sup> Jerusalem occupies about a quarter of the narrative.<sup>225</sup> Jerusalem was, significantly, of great symbolic importance for the three monotheistic religions and was

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222 Ibn al-‘Arabī, *Qānūn* (1986), 428–29.

223 Gorden 2015, 7. Ibn al-‘Arabī asserts in *Qānūn al-ta’wil* that they arrived in Egypt during the reign of Abū Tamīm Ma’ad al-Muṣṭaṣir bi-l-llāh (d. 487 H/1094 CE). He adds that he debated with different Shī‘ites and Qadarites (a group of early Islamic theologians who believed that human beings have free will and are thus responsible for their actions). After that, he understood how these sectarian divisions destroyed the state of learning in Egypt. See Ibn al-‘Arabī, *Qānūn* (1986), 432–33; Dejugnat 2011, 91–92; for further information about his opposition against *al-qadariyya* and the problem of anthropomorphism in the Islamic West in Ibn al-‘Arabī’s thought, see Serrano Ruano 2005, 823–29.

224 The summary, entitled *Talkhiṣ tartīb al-riḥla*, was edited by A‘rāb in his biographical study *Ma‘ā al-qādī Abī Bakr Ibn al-‘Arabī*. Going back to the original and extensive work, *Tartīb al-riḥla li-l-targhib fi-l-milla* (the organisation of the journey to awakening the desire in religion), it gave an identity to a literary genre of the travel narrative, the *riḥla*. Ibn al-‘Arabī had the idea of narrating his journey to the Islamic East, underlining his relations with the teachers and instructors he met, and highlighting all the itineraries and biographical details. “The activity lasted until the day when an Andalusian jurist, Abū Bakr Ibn al-‘Arabī, himself the author of an inventory of masters, had the idea of composing a genuine travel narrative in which he told of his travels studying in the Islamic East, and the literary genre of the *riḥla* was born. Scholars in Andalusia and the Maghreb – among other places – continued their frantic composition of inventories of their masters.” Touati proposes that this work was lost during the ransacking of Ibn al-‘Arabī’s house in Seville. Ibn al-‘Arabī mentions his work in *al-‘Awāsim min al-qawāsim* and Ibn Ṣāḥib al-Ṣalāt quotes from it in his historical work. Ibn Ṣāḥib al-Ṣalāt, *al-Mann* (1987), 259–60. See Touati 2010, 226–35, 247; Gorden 2015, 2; Dejugnat 2011, 85–86; for more details about the development of this genre, see Maíllo Salgado 2007, 107–10.

225 Dejugnat 2011, 92.

considered holy in Islam for different reasons. It is the home of the *al-Aqṣā* Mosque (the Farthest Mosque), which is the third holiest shrine after the Ka‘ba in Mecca and the Mosque of the Prophet in Medina. The city was also witness to the night journey of Muḥammad from the sacred mosque in Mecca to the further mosque in Jerusalem, the *isrā'*, and after that, his ascension to Heaven, the *mi'rāj*.<sup>226</sup> In addition, pious Muslims used to go to Jerusalem to enter the state of *iḥrām* for the pilgrimage. It was not only Muslim pilgrims that filled the city; many Jews, particularly from al-Andalus and al-Maghrib, visited the city on different occasions, and this fact is recorded in some letters of the Geniza.<sup>227</sup> “The most characteristic trait of life in Jerusalem was that no day passed without foreigners.”<sup>228</sup> This had made the city a place where scholars not only from the three monotheistic religions met, but also those from different Islamic schools of thought (Mālikī, Shāfi‘ī, Ḥanafī and Ḥanbali) and different Islamic schools of theology and schismatic groups (*mūtazila*, *karrāmiyya* and *mushabbiha*).<sup>229</sup> Ibn al-‘Arabī assisted at learning and discussion seminaries in Shāfi‘ī and Ḥanafī *madāris*,<sup>230</sup> and he “came to appreciate first-hand the exhilaration of religious disputations” which accentuated the quality and level

226 El Khatib 2001, 26. Modern scholars and orientalists have studied the *isrā'* and *mi'rāj* topic extensively, beginning with Bevan and Schrieke and reaching Rubin. See Bevan 1914, 49–61; Schrieke 1916, 1–30; Horovitz 1919, 159–83; Hartmann 1930, 42–65; Porter 1974, 64–80; Ess 1996, 27–56; Ibid., 1999, 47–62, Ibid., 2007, 9–34; Colby 2008; Rubin 2008, 147–65.

227 Goitein, Grabar, *EJ*, [https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-kuds-COM\\_0535](https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-kuds-COM_0535) accessed 3 December 2019. Ibn al-‘Arabī was impressed once by the sagacity and the eloquence of an outspoken rabbi named al-Tustarī, who opened an inter-religious debate. See ‘Abbās 1968, 65.

228 Ibid.

229 Lagardère 1985, 93–94; Dejugnat 2011, 93; Garden 2015, 7.

230 Lagardère lists some *madāris* mentioned by Ibn al-‘Arabī, such as the Shāfi‘ī *madrasa* of Bāb al-Asbāt whose director was Yaḥyā b. ‘Alī al-Ṣāīgh (d. 534 H/1139 CE) and one of its known masters was *shaykh al-shāfi‘īyya* Naṣr b. Ibrāhīm b. Dāwūd al-Nābulusī, known as ‘Atā’ al-Maqdisī (d. 490 H/1097 CE). The other institution is the Ḥanafī *madrasa* of Abī ‘Uqba, directed by al-Qāḍī Abū al-Faḍl al-Rayhānī. See Lagardère 1985, 93; Ibn al-‘Arabī, *Mukhtaṣar* (1987), 205–11; ‘Abbās 1993, 48; ‘Abd al-Mahdi 2009, 21–22. Both institutions were founded during the Seljuq dynasty and were highly regarded due to their good reputation. They even competed with *al-Masjid al-Aqṣā* as an intellectual and educational entity. See al-‘Asalī 1981, 30. Jarrar underlines the bifurcation of the madrasa’s functional programme according to the doctrines’ prevalence. Mālikism, for instance, being a less frequent doctrine there than Shāfi‘ism and Ḥanafism, was not taught in the standard *madāris*. Jarrar 1998, 777.

of knowledge and discussions and the intellectual efflorescence.<sup>231</sup> In this scientific Jerusalemite atmosphere, Ibn al-‘Arabī experienced intellectual progress and acquired three main disciplines that he was unable to delve into in al-Andalus, Ifrīqiya, or Egypt: *‘ilm al-kalām* (speculative theology), *uṣūl al-fiqh* (principles of Islamic jurisprudence) and *masā’il al-khilāf* (legal controversy). An interesting fact about the particularity of the study of Islamic jurisprudence in Jerusalem is the unification of the Western methodology, or the so-called *al-tarīqa al-qayrawāniyya* (the Kairouani school), which follows the principle of assimilation and analogy, and the Eastern methodology, known as *al-tarīqa al-irāqiyya* (the Iraqi school), which is more concerned about innovating, inferring and extracting the causes and the founding principles of the arguments.<sup>232</sup> Nonetheless, the strongest and closest scholarly relationship Ibn al-‘Arabī had in Jerusalem was with one of the most prominent Andalusi philosophers of the twelfth century CE, his compatriot, the Mālikī jurist Abū Bakr Muḥammad al-Ṭūrṭūshī (d. 520 H/1126 CE).<sup>233</sup> Ibn al-‘Arabī specifies that, together with his father, they visited al-Ṭūrṭūshī at his study corner (*mawdī*) in *al-Aqsā*, called *al-Ghuwayr*,<sup>234</sup> but he was not there. Thus, they had to look for him and managed to track

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231 The scholarly situation in the holy city, as gleaned from the description of Ibn al-‘Arabī, stands up against Grabar’s assertion that “the situation in Jerusalem had become unbearable long before the Crusaders temporarily suspended Muslim and Jewish life in the city altogether.” See Goitein, Grabar, *EP*, [https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-kuds-COM\\_0535](https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-kuds-COM_0535) accessed 3 December 2019. See also Jarrar 1998, 76–77; ‘Abbās 1993, 51–65; ‘Abd al-Mahdī 2009, 32.

232 Ibn al-‘Arabī studied the *Mudawwana* combining the two methodologies. See ‘Abbās 1968, 65.

233 His full name was Abū Bakr Muḥammad b. al-Walīd b. Muḥammad b. Khalaf b. Sulaymān b. Ayyūb al-Qurashī al-Fihri al-Ṭūrṭūshī. Born in Tortosa in 450 H/1059 CE, he was a student of the renowned Andalusi legal scholar and theologian Ibn Ḥazm and the jurist and traditionist Abū al-Walid al-Bājī. At age twenty-five, he decided to leave al-Andalus and undertake his journey to the Islamic East. During the first formative and intellectual period of his life outside of al-Andalus, al-Ṭūrṭūshī was influenced by the Shāfi‘īsm of his masters, mainly by al-Ghazālī, although he always criticised him. At the end of his life, he turned out to be “the great unifier of Malikism” in the Islamic East. For an informative outline of his life, his formation, his scholarship and his influence, see Lagardère 1981, 47–61, and Fierro in the introduction to her translation of al-Ṭūrṭūshī’s *Kitāb al-ḥawādīth wa-l-bida’*, al-Ṭūrṭūshī, *al-Ḥawādīth* (1993). See also, al-Ḥamawī, *Mu’jam* (1995), IV, 30; Ibn Khallikān, *Wafayāt* (1978), IV, 262; Wasserstein 2019, 219–36.

234 Located between *bāb al-Asbāṭ* and *mihrāb Zakariyyā*. See ‘Abbas 1968, 80; Jarrar 1998, 77.

him down in a place called *al-sakīna*.<sup>235</sup> ‘Abd Allāh Ibn al-‘Arabī entrusted al-Tūrṭūshī with the further education of his son, and the Sufi teacher transmitted to him not only knowledge but also practice.<sup>236</sup> Abū Bakr Ibn al-‘Arabī describes how he accompanied his master from dawn to dusk, himself abstaining from talking with his colleagues and dedicating all his time to listening to al-Tūrṭūshī:

A bond of spiritual affinity formed between the two, and they took a mutual oath to draw their happiness from religious sciences and to live as ascetics. Abū Bakr devoted himself to his studies, night and day, accepting nothing from the world, and speaking little to other people. He writes of impressing his instructors after six months of this regimen.<sup>237</sup>

Despite Jerusalem occupying the major part of Ibn al-‘Arabī’s stay in Palestine, he visited other cities and villages, such as Nablus, where he spent some months and reported on daily and public life there.<sup>238</sup> In 488 H/1095 CE, he headed to Ashkelon, where he learned *belles-lettres* (*adab*) for six months. He then took the ship with his father to Acre and onwards to Tiberias and Damascus, where he met an important Shāfi‘ī jurist, Abū al-Faṭḥ Naṣr b. Ibrāhīm al-Maqdīsī, whose reputation for his asceticism and Sufi teachings was considered excessive.<sup>239</sup> He heard the *Ṣahīḥ al-Bukhārī* from him.<sup>240</sup>

At this point in the journey of Ibn al-‘Arabī to the Islamic East, the period spent in Palestine and Syria represented the prelude to the next intellectual step in his academic formation: Baghdad, the city he was eager to visit, believing that his highest scientific aims could only be achieved there. On a Sunday afternoon, late in *Sha‘bān* 489 H/August 1096 CE, father and son left Damascus for Baghdad in a Bedouin caravan.<sup>241</sup> They arrived

235 For further information about this place, see Jarrah 1998, 77; Khorsaw 1986, 29.

236 “Prolongeant son séjour à Jérusalem pour demeurer auprès d’al-Tūrṭūshī, celui-ci, tel un maître soufi, lui transmettait, ‘en un lieu de Présence divine (*sakīna*)’, non seulement la science mais également la pratique.” See Dejugnat 2011, 93.

237 Garden 2015, 8.

238 ‘Abbās 1968, 66.

239 ‘Abbās 1968, 67; Lagardère 1985, 94; Dejugnat 2011, 94.

240 Ibn al-‘Arabī, *Qānūn* (1986), 444.

241 In the middle of the desert, Ibn al-‘Arabī reports how the people travelling with him and his father saw the crescent moon of Ramadan and thus started calling “Allāh Akbar”. Abū Bakr did not turn to face his father because he was standing to his west, i.e., in the direction of the Maghrib. This repugnance of the Islamic West obliged him to keep his eyes in the direction of his aspirations: the Islamic East. “In one

in *Ramadān* the same year. Despite the political crisis and the religious and social troubles Baghdad was experiencing in the late fifth century H/eleventh century CE, it still maintained its splendour, particularly in the organisation of institutional learning and education, which continued to flourish.<sup>242</sup> Ibn al-‘Arabī began the last part of his learning process (i.e., the Baghhdadi period) in the *Nizāmiyya* college<sup>243</sup> (*al-madrasa al-nizāmiyya*) in the study circle of the Shāfi‘ī traditionist al-Ḥusayn b. ‘Alī al-Tabarī (d. 498 H/1105 CE), who substituted the teaching position that al-Ghazālī had relinquished. Looking forward to al-Ghazālī’s return to Baghdad, he did not waste time and spent the rest of the year occupied with and focused on studying *hadīth* literature, the methodology of Islamic law and *belles-lettres* with some of the most brilliant professors in the city.<sup>244</sup>

Within two months of their arrival in Baghdad, the Ibn al-‘Arabīs went on pilgrimage with a caravan leaving from Baghdad. At the same time, al-Ghazālī left Damascus in a Syrian caravan to perform the *hajj*.<sup>245</sup> In Hijāz, they did not meet each other, but Abū Bakr and his father glimpsed al-Ghazālī.<sup>246</sup> Ibn al-‘Arabī left a vivid description of his meeting with the

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of the most dramatic statements of his disdain for al-Maghrib and accompanying proclamations of the superiority of the East, Abū Bakr writes that he did not return his father’s gaze because his father was standing to the west of him, a direction he despised ... His exile from al-Andalus seems to have resulted in genuine bitterness toward his homeland.” Garden 2015, 8–9; Dejugnat 2011, 95; Ibn al-‘Arabī, *Qānūn* (1986), 447.

242 For more information about the political, intellectual, social and religious situation in Baghdad between the tenth and twelfth centuries CE, see Makdisi 1961, 1–56; Cahen 1962, 289–302; Canard 1962, 267–87.

243 Founded in 457 H/1065 CE and inaugurated in 459 H/1067 CE by the Seljuq vizier Niẓām al-Mulk (d. 485 H/1092 CE), who was, at the same time, an influential promoter of Shāfi‘īsm and Ash‘arism. His motivation for establishing this institution was to give full support to the Shāfi‘ī jurists and Ash‘arī experts in theology to stop the Shi‘ī threat. The *Nizāmiyya* College rapidly gained a good reputation and respect in the Islamic world. The *Nizāmiyya* of Baghdad was the precursor to a chain of similar institutions founded by the same Niẓām al-Mulk in other cities such as Nishapur, Herat, Isfahan, etc.

244 A list of these professors is available in the work of Lagardère 1985, 94.

245 In *Āridat al-Āhwadhi*, Ibn al-‘Arabī states that, together with his father, he was travelling with a caravan towards *al-hijāz* during 489 H/1096 CE when they perceived the crescent of *dī al-hijja*. Ibn Bashkuwāl confirmed this date. ‘Abbās, on the other hand, argued for the following year, i.e., 490 H/1097 CE. See Ibn al-‘Arabī, *Ārida* (1997), IV, 40; Ibn Bashkuwāl, *al-Ṣila* (2010), II, 227; ‘Abbās 1968, 67; Lagardère 1985, 96; Garden 2015, 10; A‘rāb 1987, 35–36.

246 Griffel 2009, 64. In the letter written by al-Ghazālī to Yūsuf Ibn Tāshufīn, al-Ghazālī witnessed that Abū Bakr and his father not only praised the Almoravids during the

great *dānishmand*<sup>247</sup> when he was twenty-one years old. The first passage in his monograph, entitled *Qānūn al-ta'wil* (rules of interpretation), runs as follows:

[In Baghdad] I studied, I restricted myself [to study], and I quenched my thirst [for knowledge]. I listened [to the scholars] and retained [their teachings] in my memory until the *dānishmand* [al-Ghazālī] came across us [scil. Abū Bakr and his father]. He stayed in the *ribāṭ* of Abū Sa'ād right opposite the Niẓāmiyya madrasa. He had turned away from this world and had turned towards God the exalted. We walked towards him, presented our credentials, and I said to him: “You are the guide that we are looking for and the imam that will give us right guidance.” We met with him and our meeting was by way of *ma'rifa*. We took from him what is above the ledge (*al-ṣuffa*); and we realized that whatever has come down to us in terms of information about the unknown is beyond theoretical insight (*fawqa al-mushāhada*) and is not for the ordinary people (*al-'umūm*). And had the poet Ibn al-Rūmī known [al-Ghazālī], he would not have said:

If you praise a man who is absent,  
do not exaggerate in his glory and be to the point.  
Because when you exaggerate,  
you go the utmost extreme with him.  
So he falls short where you glorify him,  
because of the advantage of the absent over him who is there.

[al-Ghazālī] was a man, who when you saw him with your own eyes, you saw an outward beauty (*jamāl*), and when you experienced his knowledge you found that it was a swelling sea. The more you learned from him, the greater your delight would be.

I developed strong ties with him and I became inseparable from his carpet. I seized his isolation and his agility, and every time he attended to me, I exhausted him with my expectations. He allowed me [to share] his place and I was with him in the morning, the afternoon, at lunchtime, and at dinner, whether he was in casual clothes or in his formal attire. During these times, I could ask him without restraint, like a scholar at a

pilgrimage but also asked others to do the same. Ibn al-'Arabī, *Shawāhid* (1996), 311; Zakkār 1995, II, 896.

247 A Persian title that means sage or wise master. Al-Ghazālī also received the honorific title of *hujjat al-islām* (the proof of Islam).

place where the shackles of inquiry are entrusted [to him]. I found him to be welcoming towards me regarding instruction and I found him true to his word.<sup>248</sup>

The meeting with al-Ghazālī, which Abū Bakr continues to expand on in similarly enthusiastic terms, was undoubtedly the highlight of his stay in Baghdad. Al-Ghazālī's personality moved Ibn al-‘Arabī, not only because of the distinction and mastery of his intellectual reflections, but also because of the confidence with which he treated and welcomed the newcomer, devoting special time and attention to him. It is very important to point out that the privileged treatment al-Ghazālī attributed to Ibn al-‘Arabī could be explained by acknowledging the teacher's virtue and, at the same time, the keenness of his disciple.<sup>249</sup> When Ibn al-‘Arabī met al-Ghazālī in Baghdad, just two years after abruptly leaving his post in al-Niẓāmiyya, the teacher only stayed some months in Baghdad before going back to his birthplace, Tus. Thus, Ibn al-‘Arabī likely accompanied his master and studied in Tus.<sup>250</sup> Ibn al-‘Arabī relates that he read several books of al-Ghazālī, including *Tahāfut al-falāsifa*, *al-Qisṭās al-mustaqqīm* and *Mi'yār al-ilm*, and also read his masterpiece, *Iḥyā’ ‘ulūm al-dīn*.<sup>251</sup> In *al-‘Awāṣim min al-qawāṣim*,<sup>252</sup> Abū Bakr describes the temporal and spatial scales of his meeting with al-Ghazālī. He writes:

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248 Ibn al-‘Arabī, *Qānūn* (1986), 450–51; Griffel 2009, 65–66; Griffel 2015, 96–97.

249 Marín 2010, 138.

250 Lagardère and A'rāb describe that Ibn al-‘Arabī spent a period of two years with his teacher, meaning he was in Tus for some time. Lagardère 1985, 96; A'rāb 1987, 42.

251 Ibn al-‘Arabī, *al-‘Awāṣim* (1984), 24, 78. Hourani claims that the *Iḥyā’* must have been written over many years and places the period of composing a part of it during the first two years after his retirement and departure from Baghdad in *Dhū al-qa’da* 488 H/November 1095 CE. This was admittedly between Damascus and Jerusalem. Therefore, there is no firm evidence of whether Ibn al-‘Arabī received the *Iḥyā’* directly from his teacher or not and whether he studied it under his direction or not. Moreover, the argument is insufficient to assert whether Abū Bakr heard the whole work or a part of it. A'rāb affirms that Ibn al-‘Arabī heard this book directly from his teacher. However, Ibn al-‘Arabī in *al-‘Awāṣim* clarifies that he heard the book of al-Ghazālī (*samītu kitābahu*) without specifying from whom. See Hourani 1984, 291; Hourani 1959, 229; Ibn al-‘Arabī, *al-‘Awāṣim* (1984), 24.

252 It is specifically concerned with *kalām* and with al-Ghazālī's doctrine. *‘Awāṣim* (sing. *‘āṣīma*) means protection, and *qawāṣim* (sing. *qāṣīma*) signifies the mistakes and sins that could break the back. This book revolves around this duality: Ibn al-‘Arabī criticises the theology of al-Ghazālī, heavily influenced by philosophy and the ideology of occult shī'is, and then gives his counterarguments and solutions.

I conferred about this with Abū Hāmid when I met him in Baghdad in the month of *Jumāda II* 490 [May–June 1097 CE]. Earlier namely in the year eighty-six [1093 CE], which was at this time about five years ago, he had accepted the Sufi path (*al-ṭarīqa al-sūfiyya*) and made himself free from what it requires. He had put himself in seclusion (*al-‘uzla*) and renounced all groups. Due to reasons that we have explained in the *Book of arrangement of the travel* he devoted himself exclusively to me and I studied a bulk of his books and heard the book that he names *the Revival for the religious sciences*. I asked him for guidance in order to reach his doctrine (*‘aqīda*). I also asked for an explanation of his method (*ṭarīqa*), so that I could reach complete insight into the secret of those hints and indications that he had put into his books. And yes, he answered me. His answer opened the right way for the postulant to reach the loftiness of his level and the heights of his station.<sup>253</sup>

At this stage of his journey, Ibn al-‘Arabī had already developed his intellectual capacities and mastered the religious sciences, which was highly regarded in the eyes of al-Ghazālī, who was impressed by his student’s capacities and did not hesitate to highlight this in his *fatwa* addressed to the Yūsuf b. Tāshufīn. He comments:

The *shaykh* and *imām* Abū Bakr achieved a quantity of knowledge in the course of his frequent visits to me that others do not achieve in all their lives (*ma‘a ṭūl al-amad*). This is because of the golden discernment and clever sensibility he possesses and the fire of his talent (*ittiqād al-qarīha*). When he leaves Iraq, he will certainly be capable of undertaking independent legal reasoning (*mā yakhrūj min al-‘irāq illā huwa mustaqill bi-nafsihi*), distinguished among his peers (*hā’iz qaṣb al-sabaq bayna qirānihi*).<sup>254</sup>

During his lectures with al-Ghazālī, many questions and doubts, especially about predestination, the nature of the human soul and spirit and epistemology, jostled with each other in Ibn al-‘Arabi’s mind. He asks, for instance, whether “the spirit (*al-rūh*) is composed of a number of lightened particles or of a spiritual substance (*jawhar*) that transmits its rays from each body just like the sun does with every exposed thing.” He also wonders about the difference between the science of good and bad omens, among

253 Ibn al-‘Arabī, *al-‘Awāṣim* (1984), 24, quoted by Griffel 2009, 67.

254 Ibn al-‘Arabī, *Shawāhid* (1996), 312, trans. by Garden 2015, 13.

other things. Before answering his questions, al-Ghazālī recommends that Ibn al-‘Arabī and all his disciples should not expect to be able to answer every question they had because this would then be an unrealistic aspiration. He warns them against considering intellectual arguments (*al-burhān*) as misleading or false because the intellect can never fail. Furthermore, al-Ghazālī reminds them that they should refrain from specifying their interpretation (*ta’wīl*) of what is tolerable or probable to not risk judging the intention of God or the Prophet by assumptions or conjectures.<sup>255</sup> The close relationship between Abū Bakr and his master al-Ghazālī encouraged him to study philosophy, syllogism and mysticism<sup>256</sup> without engaging himself with their groups. Incidentally, he rejected many of al-Ghazālī’s answers and points of view and depicted the gravity of the moral and intellectual crisis that affected his teacher. His dictum was as follows: “Our teacher Abū Hāmid entered into the bellies of philosophy (*falsafa*); and when he wanted to get out of there, he could not.”<sup>257</sup>

Despite being the master disciple of al-Ghazālī – especially in theology – and one of the main channels through which al-Ghazālī’s influence reached the spiritual milieu of al-Maghrib and al-Andalus, and despite being influenced by his teacher in marginal and cardinal points, Ibn al-‘Arabī also criticised him, his Aristotelian logic, his adoption of the Avicennan “school of thought”, his rationalist teaching and his inclination towards the thinking of certain philosophers.<sup>258</sup> In addition to his scientific and intellectual mission, Ibn al-‘Arabī did not lose sight of his political role. Whereas his father focused his efforts on writing a petition to meet the Abbasid Caliph and obtaining official recognition for the Almoravid Emir,<sup>259</sup> Abū Bakr

255 Al-Ghazālī, *Ajwiba* (2012), 71–100. This edition of *Ajwibat al-Ghazālī ‘an as’ilat Ibn al-‘Arabī* was based on a study of the manuscript no. Q555, fol. iv.–14v. of the National Library in Rabat. It includes sixteen answers from a section of al-Ghazālī to Ibn al-‘Arabī’s questions. For general information about these questions and answers, see Griffel 2009, 67–71.

256 Lagardère 1985, 96.

257 Ibn Taymiyya, *Dar’* (1991), I, 5; see also Ormsby 1984, 101–2, Lagardère 1985, 96; Griffel 2015, 91.

258 Ibn al-‘Arabī dedicated entire works, for instance, *Sirāj al-murīdīn* and *al-‘Awāṣim min al-qawāṣim*, to commenting on al-Ghazālī’s ideas and arguing against others.

259 Abd Allāh Ibn al-‘Arabī managed to meet al-Mustāzhir and obtain his recognition for the Almoravid dynasty together with another letter from his vizier (*amīd al-dawla*), Muḥammad b. Muḥammad b. Juhīr (d. 493 H/1100 CE). Lévi-Provençal describes the Caliph’s letter as being imprecise without indication to Ibn Tāshufīn. However, he indicates that the letter has a date, *Rajab* 491 H (June 1098 CE),

strengthened the political and diplomatic strategy of his father and asked al-Ghazālī, by the same token, to write a letter to Yūsuf Ibn Tāshufīn. The teacher complied with his disciple's request and wrote a letter to please the Almoravid ruler,<sup>260</sup> adding a *fatwā* for the Almoravid attack and overthrow of the *taifas* kingdoms. After two years in Iraq and achieving the main intellectual and political goals of his Eastern journey, Ibn al-‘Arabī and his father ‘Abd Allāh left for al-Andalus. On their way, they once more passed through Damascus and Jerusalem in *Muharram* 492 H/November 1098 CE,<sup>261</sup> where he again met some of his teachers. After a short stop, they continued their journey. They reached Alexandria in 492 H/1099 CE, where he found that his countryman, al-Turṭūshī, had become one of the most eminent authorities in the city and had likely founded the first de facto madrasa in Egypt, where he was teaching and meeting his disciples.<sup>262</sup>

Abū Bakr assisted in his lectures and received from him another document containing a *fatwā* from al-Turṭūshī to Yūsuf Ibn Tāshufīn allowing and legitimising his invasion of the *taifas* kingdoms.<sup>263</sup> After one year, ‘Abd Allāh Ibn al-‘Arabī or, as his son called him, “father in rank and brother in companionship” (*ab fī al-rutba wa-akh fī al-ṣuhba*), fell ill and passed away

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which establishes and consolidates the recognition of the Almoravid dynasty. See Lévi-Provençal 1955, 278–79. In the *Hulal al-mawshiyya*, the author includes a second official recognition from the Abbasid Caliph, dated 512 H/1118–19 CE and directed to the new Almoravid Emir, ‘Ali b. Yūsuf Ibn Tāshufīn, who succeeded his father in *Muharram* 500 H/September 1106 CE. See *al-Hulal al-mawshiyya* (1952), 105–6.

260 Without forgetting to recommend Abū Bakr and his father and to stress their campaign on behalf of the Almoravid dynasty. See Griffel 2015, 14.

261 Seven months before the siege of the city during the First Crusade. See Ibn al-‘Arabī, *Aḥkām* (2003), 250.

262 In fact, when al-Turṭūshī arrived in Alexandria, he met a wealthy woman and married her. She bought a large house with an upper level, which they used as their home, while the ground floor, with its large reception hall and several rooms, provided al-Turṭūshī with the necessary space for his studies and teaching. Leiser suggests that al-Turṭūshī's *madrasa* was not an endowed institution. Rather, it was quite the opposite and was supported by private funds, teaching only Mālikī *fiqh* and providing student accommodation. Leiser insists on its *dār* character without forgetting its role as the pillar upon which the traditional madrasas were based and began appearing in Egypt. See Leiser 1999, 143–44; Walker 2014, 37; Lagardère 1981, 49; Lagardère 1985, 97.

263 This letter does not commend the Ibn al-‘Arabīs as the two mentioned previously. Abū Bakr collected these documents with his father's petition to the Abbasid Caliph in his *Shawāhid al-jilla*. See Serrano Ruano 2008, 254, for a complete description of the editions and translations of these documents.

at the beginning of 493 H/1099 CE at the age of fifty-seven.<sup>264</sup> This incident left sadness and bitterness for Abū Bakr, who decided to stay an additional year in Alexandria alongside his “master in asceticism” (*shaykhī fī al-zuhd*). At this stage, al-Turṭūshī’s fierce accusations against al-Ghazālī might have influenced Ibn al-‘Arabī’s perspective.<sup>265</sup> In the *Aḥkām*, Abū Bakr described some of his activities in Alexandria, such as his seclusion for some days, his teachings in *maḥras Ibn al-Shawwāḥ* and his occasional visits to the libraries to look for precious works.<sup>266</sup> Students and teachers discussed life in Egypt under the Fāṭimids and Ibn al-‘Arabī’s staying there. Due to his religious duty of not leaving his mother alone, and since he was also her only child, Abū Bakr decided unwillingly to return home. He describes leaving his teacher al-Turṭūshī carrying bags of knowledge.<sup>267</sup> He left Alexandria, passing through Tunis in *Dhū al-hijja* 494 H (September/October 1101 CE), and after that, Sijilmasa and Fez.<sup>268</sup> He finally reached Seville in 495 H/1102 CE after ten years of seeking knowledge with real dedication, study and hard work.

Having abandoned his homeland at the age of sixteen, Abū Bakr was twenty-six years old when he returned. Ten years were sufficient to pass from youth into maturity,<sup>269</sup> and to return to al-Andalus as a well-established scholar under the new regime with valuable knowledge in the religious sciences, specifically *fiqh*.<sup>270</sup> It is also noticeable that, in addition to the intellectual aims of Ibn al-‘Arabī, he achieved his political and social aims after his return with three important letters: one from the Caliph and the others from authoritative masters, namely al-Ghazālī and al-Turṭūshī. He was integrated and upgraded to the echelons of the administrative and legal milieu, being appointed first as a legal consultant (*mushawwar*) in the court in Seville and then *qādī al-qudāt* in 528 H/1134 CE.<sup>271</sup> The *riḥla*

264 Qādī ‘Iyād, *al-Ghunya* (1982), 68; Ibn Khallikān, *Wafayāt* (1978), IV, 297.

265 Ormsby 1984, 102.

266 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 325, 370.

267 Arāb 1987, 73.

268 Garden 2015, 15.

269 Ávila reasons that the average time for the journey of Andalusī scholars to the Islamic East should be generally between four and seven years. She records, however, cases of ten, fifteen and even twenty years. See Ávila 2002, 137. The journey of Ibn al-‘Arabī is considered a long one.

270 Ibn Bashkuwāl claims that none of the scholars had ever brought such a quantity of knowledge from the Islamic East to Seville as Ibn al-‘Arabī did. Ibn Bashkuwāl, *al-Šila* (2010), II, 228.

271 Ibn al-Qaṭṭān, *Nuzūm* (1990), 34.

established and deepened the intellectual and spiritual importance of Ibn al-‘Arabī and his role of being the link between the East and the West.<sup>272</sup>

### 2.1.3. Scholarship

The works of Ibn al-‘Arabī focus on exegesis, the Qur’anic sciences, *fiqh* and its principles, and the science of ḥadīth and theology. In addition, he also has works on asceticism, teaching and education, belles-lettres, *riḥla*, *fihrīst*, biographical dictionary (*mu‘jam*) and prophetic biography (*al-sīra al-nabawīyya*). Most of the works attributed to him are cited by biographers. Moreover, Abū Bakr was eager to name his previous works wherever possible – especially those that could not survive – and to quote from them and even summarise their chapters and subchapters to give the reader an overview of their content. However, this has caused some confusion since, in some cases, he attributes different titles to one work, for example, *al-Amad al-aqṣā asmā’ allāh al-husnā wa-ṣifātihī al-‘ulyā*,<sup>273</sup> which is sometimes entitled *al-Asmā’ wa-l-ṣifāt* and other times *Asmā’ allāh ta‘ālā*.<sup>274</sup> In addition, while Ibn Farhūn attributes fifteen works to Ibn al-‘Arabī,<sup>275</sup> al-Maqqarī cites thirty-three.<sup>276</sup> In his edition of *al-Nāsikh w-al-mansūkh*, al-‘Alawī al-Madaghārī classified eighty-eight works by Abū Bakr in alphabetic order,<sup>277</sup> while A‘rāb registers ninety-two.<sup>278</sup> When cross-checking the works given by al-‘Alawī al-Madaghārī and A‘rāb, I found fifty-four works in common, thirty-four that were mentioned only by al-‘Alawī al-Madaghārī,<sup>279</sup> and thirty-seven, mentioned exclusively by A‘rāb.<sup>280</sup> Taken

272 “le trait d’union entre l’Orient et l’Occident, et donc le chaînon principal.” See Nwyia 1961, XI.

273 See al-Maqqarī, *Nafḥ* (1997), II, 35.

274 Ibn al-‘Arabī, *Āridā* (1997), IV, 221; Id., *al-Nāsikh* (1992), 113, 115–16. Another example is the book *al-Insāf fī-l-fiqh*, which is called also *al-Insāf fī masā’il al-khilāf* and *Kitāb al-masā’il*.

275 Ibn Farhūn, *al-Dībāj* (1972), II, 254.

276 See al-Maqqarī, *Nafḥ* (1997), II, 35–36.

277 Ibn al-‘Arabī, *al-Nāsikh* (1992), 115–29.

278 A‘rāb (1987), 121–73.

279 *Aḥkām al-‘ibād fī-l-ma‘ād*, *al-Imlā’ alā al-tahāfut*, *Awhām al-ṣahāba*, *Īdāh masā’il al-khilāf*, *Tartīb al-qur‘ān*, *Tartīb li-bāb al-riḥla*, *Tartīb al-masālik fī sharḥ Muwaṭṭa’ Mālik*, *Talkhiṣ masā’il al-khilāf*, *Talkhiṣ al-ṭariqatayn al-‘irāqiyā wa-l-khurasāniyyā*, *Talkhiṣ al-mulakhkhaṣ*, *al-Ta‘līf fī-l-aymān al-lāzima*, *Juz’ fī khabar al-wāḥid*, *al-Hākima fī-l-fatāwī*, *al-Ḥadīth al-akbar*, *Risālat taqwīm al-fatwā ‘alā ahl al-da‘wā*, *Risālat al-ghurra*, *Risālat al-mustabṣir*, *Sharḥ al-ḥadīth*, *Sharḥ gharīb al-*

together, the total number of Ibn al-‘Arabī’s works is one hundred and twenty-eight.

My work draws mainly on three of Ibn al-‘Arabī’s extant works.<sup>281</sup>

### 2.1.3.1. *Aḥkām al-qur’ān*

According to its title, *Aḥkām al-qur’ān*, this Qur’ān commentary belongs to the genre of legal exegesis known as *aḥkām al-qur’ān*, which is concerned with exploring the legal aspects of the Qur’ānic verses.<sup>282</sup> Ibn al-‘Arabī’s *Aḥkām al-qur’ān* was not the first legal exegesis to appear in the Islamic West. Mundhir b. Sa‘īd al-Ballūṭī<sup>283</sup> (d. 355 H/965 CE) and Mūsā b.

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*Şahîh, Sharḥ al-kabîr, Sharḥ al-mushkilayn, al-Şariḥ ‘alā al-istiftâ’, Qaṣîda fî-l-qirâ’ât, Kitâb al-af’âl, Kitâb al-khilâfiyyât, Kitâb al-mutakallimîn, al- Kitâb al-kabîr, Kitâb al-amr, Mukhtaṣar al-aḥkâm, al-Mâṣîl, al-Muqṣît fî dhikr al-mu’jizât wa-shurûtihâ, al-Nawâzil al-fiqhiyya, Wâdîh al-sâbil fî ma’rifat qâñûn al-tâ’wil, and waraqât fî-l-hayâd.*

280 Al-Siyâsât, *Mâṣîl al-ṣuhba wa-l-‘uzla, Taqwîm al-fatwâ, Khabar al-wâhid, ‘Udalâ’ al-ḥadîth, Kitâb al-nikâh, Kitâb al-ḥaqqa, Na’luhu ṣallâ allâh ‘alayhi wa-sallam, Fîhrîst, Shawâhid al-jîlla, Kitâb shu’arâ’ al-andalus, Akhbâr Sâbiq al-Barbarî, Lamhat al-bâriq, Iljâ’ al-fuqahâ’, Ikhtîṣâr îslâh al-manqîq, Hawâsh ‘alâ sharḥ al-sayyid li-diwân al-Mârri, Kitâb adâb al-muta’allimîn, Kitâb al-dhikr, Sirâj al-muhtâdîn, al-Ghurra fî naqd al-durra, Miftâh al-maqâṣid, al-Mâḥṣûl fî ‘ilm al-uṣûl, Risâla fî jawâz taqâbil al-yad, Juz’ fî mash’ al-rijlây, al-Talâq al-mu’âqqat, al-Taqrîb wa-l-tabyîn, Sharḥ hadîth Jâbir, Majlis al-râwda, Risâla fî asânîd ‘Uqba, Risâla fî tûruq al-ḥadîth, Sharḥ hadîth umm Zar, Sharḥ hadîth unzila al-qur’âن, al-Muqbîs, Khâmis al-funûn, Aḥkam al-âkhira, al-Qâñûn fî-l-tâfsîr. I did not include the book *Anwâr al-fajr* because it belongs to the extended work *Anwâr al-fajr fî majâlis al-dhikr*.*

281 I have ordered the works in an ascending chronological order following the year in which they were composed or dictated.

282 Rippin argues that the legal analysis of the Qur’ān aims to prove that the “body of Islamic law may be derived in the first instance from the Qur’ān, such works include, out of necessity, grammatical and historical elements within interpretation in order to argue their legal points”, see Rippin, *EI<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_7294](http://dx.doi.org/10.1163/1573-3912_islam_SIM_7294) accessed 9 March 2020. According to Serrano Ruano, the beginning of this genre goes back to the second century H/eighth century CE. The total number of verses that Ibn al-‘Arabî analysed and commented on is eight hundred and four. See Serrano Ruano 2008, 261.

283 He was a judge (*qâdî al-jamâ'a*) in Cordoba. Despite belonging to Zâhirism, as a judge, he applied the Mâlikî legal doctrine. See Ibn al-Fârađî, *Târikh* (2008), II, 181–82; al-Humaydî, *Jâdhwa* (2008), II, 555–57. Fierro gives a detailed bibliography about the life and works of Mundhir Ibn Sa‘îd al-Ballûṭî, as well as some documents where the name appears. See Fierro 2010, 358–62; Osman 2014, 53–54.

‘Abd al-Rahmān Abū al-Usūd al-Qaṭṭān<sup>284</sup> (d. 306 H/999 CE) had already composed two commentaries entitled *Aḥkām al-qur’ān*. Serrano Ruano insists on the fact that the Qur’ān exegesis in al-Andalus only reached qualitative maturity in the twelfth century CE when the commentaries of Ibn al-‘Arabī and Ibn ‘Atīyya (*al-Muḥarrir al-wajīz*) were composed.<sup>285</sup> Also called *Aḥkām al-qur’ān al-kubrā*, Ibn al-‘Arabī’s *tafsīr* was shortened by himself in one volume entitled *Aḥkām al-qur’ān al-ṣughrā*.<sup>286</sup> The final sentence of the commentary states that the dictation was finished in *Dhī al-qa’da* of the year 503 H (May 1110 CE). Aṛāb, however, dates the work to 530 H/1039 CE. This hypothesis is more plausible since, in the penultimate paragraph of the book, Ibn al-‘Arabī announces the end of the *Aḥkām* with a key sentence stating that he had been dictating (*wa-qad kunnā amlaynā*) to his students (*‘alaykum*) over thirty years (*fī thalāthīn sana*).<sup>287</sup> Knowing that he came back from his *riḥla* in 495 H/1102 CE, and taking into account the sentence mentioned above, Ibn al-‘Arabī must have still been dictating the *Aḥkām* after 525 H/1131 CE. Another argument that strengthens Aṛāb’s opinion is that, whenever he had the opportunity, Abū Bakr refers to his position as a judge of Seville between 528 H/1134 CE and 529 H/1135 CE.<sup>288</sup> In addition to this, Ibn al-‘Arabī names other books of his that were written before the *Aḥkām*, such as *al-Nāsikh wa-l-mansūkh*,<sup>289</sup> *al-Mushkilayn*,<sup>290</sup> *al-Nawāhī ‘an al-dawāhī*,<sup>291</sup> *al-Muqṣit*<sup>292</sup> and *Qānūn al-ta’wīl*, among others.<sup>293</sup> *Qānūn al-ta’wīl*, however, was dictated in 533 H/1139 CE. Taking into consideration these *termini post quem*<sup>294</sup> and the given date at the end of the book, i.e., *dhī al-qa’da* of the year 503 H (May 1110 CE), which I believe

284 A native of Kairouan, he was appointed judge of Western Ṭarābulus. His *Aḥkām al-qur’ān* extends over twelve volumes. See al-Dāwūdī, *Ṭabaqāt* (1983), 341–42; Ibn Farhūn, *al-Dībāj* (1972), 342–43.

285 Serrano Ruano 2008, 261. For a quantitative study of the development of the Qur’ānic sciences and *tafsīr* in al-Andalus, see Zanón 1992, 129–49 and Henández López (2017), 74–102.

286 Edited twice by Aṛāb and al-Mazīdī.

287 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 471.

288 Ibid., II, 95, 100.

289 Ibn al-‘Arabī, *Aḥkām* (2003), I, 54.

290 Ibid., I, 48.

291 Ibid., I, 29.

292 Ibid., I, 40.

293 Ibid., III, 403.

294 This is the earliest possible date that the event may have occurred. Historical events and personages are considered *termini post quem*. See Gacek 2012, 89, 58, 40.

is an anachronism, I suggest that the word thirty (*thalāthīn*) is missing in the sentence *intahā al-qawl fī dhī al-qāda sanat thalāth wa-khams mi‘ā*, which might be a scribal error caused either by hearing incorrectly during dictation or by a writing or copying error or, less likely, by an error in reproduction from memory. This observation suggests that the dictation of *Aḥkām al-qur’ān* likely ended in *Dhī al-qāda* of the year 533 H (July 1139 CE).<sup>295</sup>

Regarding the technical method used in *Aḥkām al-qur’ān*, Ibn al-‘Arabī alternates between the mainstream approach, i.e., the *tafsīr bi-l-ma’thūr*,<sup>296</sup> and the *tafsīr bi-l-ra’y*.<sup>297</sup> Ibn al-‘Arabī does not follow the specific rules for the organisation of the genre of *ahkām al-qur’ān*, which generally consists of thematically summarising the legal questions derived from the Qur’anic precepts (*ahkām*) without addressing the other exegetical subjects raised in the verses. His commentary is a systematic approach rather than a thematic one since he comments on the suras and verses one by one, according to their canonical order. Nevertheless, the approach is not entirely systematic because, as noted by Serrano Ruano, Ibn al-‘Arabī does not include all the Qur’anic chapters.<sup>298</sup> In the introduction to his exegesis, Ibn al-‘Arabī exposes his methodology, which entails mentioning the chapter he intends to comment on together with the number of verses that contain legal rulings, the circumstances of revelation (*asbāb al-nuzūl*) and the different readings.<sup>299</sup> After that, he enumerates each verse’s *masā’il* (matters) and moves on to the grammatical and linguistic analysis.<sup>300</sup> He stresses how

295 Gacek argues that dates in middle-period manuscripts are frequently written in a very unusual way, which makes them difficult to decipher and read. *Ibid.*, 86.

296 Known also as *tafsīr bi-l-riwāya*. In this approach, the exegete restricts himself to transmitting the meaning of the Qur’anic verse, either by using another verse (*tafsīr al-qur’ān bi-l-qur’ān*), a prophetic tradition (*tafsīr al-qur’ān bi-l-sunna*), a companion’s statement (*tafsīr al-qur’ān bi-qawl saḥābī*) or a statement which is agreed on by the successors (*tafsīr al-qur’ān bi-qawl al-tābi‘īn idhā ittafaqū wa-ajma‘ū*). An extensive study was carried out by al-Riḍā‘ī on the methods of *tafsīr* and its orientations. See al-Riḍā‘ī 2011.

297 As its denomination proposes, it refers to “interpretation based on individual judgment”. Also known as *tafsīr bi-l-dirāya*, this approach is not only an interpretation by mere opinion; it additionally requires intellectual, linguistic and legal reasoning (*ijtihād*). See Kulinich 2022, 477.

298 In total, eight suras are not included in the commentary: Q 54, Q 69, Q 79, Q 81, Q 82, Q 101, Q 104 and Q 109. See Serrano Ruano 2008, 262.

299 The *asbāb al-nuzūl* and the *qirā‘āt* are not present in all suras. Sometimes, Ibn al-‘Arabī skips these two steps.

300 In Ibn al-‘Arabī’s opinion, grammar was always primal and essential.

he scrutinises every word and even every letter.<sup>301</sup> After this, he raises the legal issues of the verse, comparing its different positions to those of other schools, ending with an analysis and critique and, lastly, giving his own legal point of view. The numbering of the suras in the exegesis does not correspond to the original numbering in the Qur'an because, in some instances, the exegete arranges some suras into a single sura that he names differently from the original name appearing in the Qur'an.<sup>302</sup>

The commentary has deep roots in grammar (*nahw wa-ṣarf*),<sup>303</sup> prophetic tradition, views on *ṣaḥāba*, rational sciences and logic descending from the sanctioned methodology of the science of understanding the principles of Islamic law (*uṣūl al-fiqh*). Despite being a Mālikī scholar, Ibn al-‘Arabī does not hesitate to contradict the doctrines of this school and adopt those of jurists from other schools when these are validated by the rational methodology of *ijtihād*. Abū Bakr firmly rejects the use of non-authentic ḥadīths in *tafsīr* as well as of *al-isrā’iliyyāt*,<sup>304</sup> which, according to him, is practised by exegetes. On some occasions, he integrates a Sufi point of view, sometimes approving of this, sometimes rejecting it.

In Ibn al-‘Arabī's short introduction to his *tafsīr*, the first<sup>305</sup> words that appear are al-Ṭabarī<sup>306</sup> *shaykh al-dīn*, followed by the name Ismā‘il Ibn

301 Ibn al-‘Arabī, *Aḥkām* (2003), I, 3–4.

302 For examples, see Serrano Ruano 2008, 262–63.

303 For an idea of how Ibn al-‘Arabī used linguistic and grammatical sciences to extract a legal ruling, see Ibn al-‘Arabī, *Aḥkām* (2003), I, 221–23.

304 Vajda argues that this term refers to three kinds of narratives. First, are the narratives held for historical relationships, which complement the data often provided in the Qur'an concerning the characters of the Bible and especially the prophets. Second, are the edifying narratives within the chronological context of *banū isrā’īl*. Finally, there are the popular stories allegedly, but sometimes actually, borrowed from Jewish sources. See Vajda, *EP*<sup>2</sup>, ([http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_3670](http://dx.doi.org/10.1163/1573-3912_islam_SIM_3670)), accessed 20 March 2020; see Tottoli 1999, 193–210.

305 The first words were damaged in the manuscripts and both editions use only an ellipsis for this. See Ibn al-‘Arabī, *Aḥkām* (2003), I, 3. I found a study by ‘Abd al-Razzāq Hirmās on the missing part in the introduction of *Aḥkām al-qurān* by Ibn al-‘Arabī. He studied and compared two manuscripts (the first is available in the Topkapi Palace Museum under the number A130/1 and the other in the Stadtbibliothek Berlin under the number Ms. or. fol. 46, available online <https://stabikat.de/Record/1840226439>) to reconstruct the introduction. In the missing part, Ibn al-‘Arabī explains why he composed his commentary. In fact, he divides the Qur'anic sciences into three main groups. The first includes *al-tawḥīd* and *al-nāsikh wa-l-mansūkh*, and in his opinion, these had received enough attention. The last group is concerned with the *aḥkām*, and the references in this group are

Ishāq al-Qādī (d. 282 H/895 CE).<sup>307</sup> Abū Bakr testifies that the commentary by al-Ṭabarī and *Aḥkām al-qur’ān* by al-Qādī Ismā’īl are incomparable and that they represent the pillars of the genre, and all the works composed after this have their roots in them. Thus, Ibn al-‘Arabī relied on *Tafsīr al-Ṭabarī* and *Aḥkām al-qur’ān* by al-Qādī Ismā’īl as two principal exegetical sources in his *Aḥkām al-qur’ān*. He also subsequently incorporated into his sources the series of *Aḥkām al-qur’ān* belonging to Abū Bakr al-Jaṣṣās<sup>308</sup> (d. 370 H/981 CE), Ilkia al-Hirrāssi<sup>309</sup> (d. 504H/1110 CE) and Bakr Ibn al-‘Alā’ al-Qushayrī<sup>310</sup> (d. 344 H/955 CE), as well as *Aḥkām al-qur’ān li-l-Shāfi’ī* by Abū Bakr al-Bayhaqī<sup>311</sup> (d. 458 H/1066 CE). Moreover, Ibn al-‘Arabī relied on *Ma’ānī al-qur’ān* by Abū Ja’far al-Naḥḥās<sup>312</sup> (d. 338 H/950 CE), *Ma’ānī al-qur’ān* by al-Farrā<sup>313</sup> (d. 207 H/822 CE) and *Ma’ānī al-qur’ān*

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*Jāmi’ al-bayān* by al-Ṭabarī and *Aḥkām al-qur’ān* by al-Qādī Ismā’īl b. Ishāq. See Hirmās 2011, 49–51.

306 Abū Ja’far Muḥammad Ibn Jarīr al-Ṭabarī (d. 301 H/923 CE) is described by Bosworth as being most famous as the supreme universal historian and Qur’ān commentator of the first three or four centuries of Islam. His most famous works are his Qur’ān commentary entitled *Jāmi’ al-bayān ‘an ta’wīl āy al-qur’ān* and his historical chronicle *Tārīkh al-rusul wa-al-mulūk*, commonly known as *Tārīkh al-Ṭabarī*. See Bosworth, *EP*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_1133](http://dx.doi.org/10.1163/1573-3912_islam_COM_1133) accessed 20 March 2020; Rosenthal 1989, I, 18–66.

307 Ismā’īl b. Ishāq b. Ismā’īl b. Ḥammād b. Zayd b. Dirham Abū Ishāq al-Baṣrī al-Qādī al-Azdī was the judge of Baghdad. He is the founder of the Iraqi Mālikī school. He composed *Aḥkām al-qur’ān*, *Ma’ānī al-qur’ān* and a book on *qirā’āt*. See al-Dhahabī, *Siyar* (1992), XIII, 340; Ibn Khayr, *Fihrist* (1998), 47.

308 Abū Bakr Ahmad b. ‘Alī al-Rāzī al-Jaṣṣās was a Ḥanafī scholar known as the commentator of al-Khaṣṣāf’s work on *adab al-qādī*. For further information about his life and works, see Saeedullah 1977, 131–41.

309 ‘Alī b. Muḥammad b. ‘Alī Abū al-Ḥassan al-Ṭabarī, called ‘Imād al-Dīn was a Shāfi’ī scholar. In 493 H/1100 CE he presided over the Niẓāmīyya college. See al-Dhahabī, *Siyar* (1992), XIX, 350–51.

310 Bakr b. Muḥammad b. al-‘Alā’ Abū al-Faḍl al-Qushayrī was a Mālikī jurist who settled in Egypt and died there. See Ibn Khayr, *Fihrist* (1998), 48.

311 In his two volumes, Abū Bakr Ahmad b. Ḥusayn Ibn ‘Alī al-Bayhaqī describes the missing commentary *Aḥkām al-qur’ān* compiled by al-Imām al-Shāfi’ī (d. 204 H/819 CE).

312 Abū Ja’far Ahmad b. Muḥammad b. Ismā’īl was an Egyptian grammarian. He studied with Abū Ishāq al-Zajjāj in Baghdad. See al-Dhahabī, *Siyar* (1992), XV, 401.

313 Abū Zakariyā’ Yahyā b. Ziyād b. ‘Abd Allāh b. Manṣūr al-Daylāmī al-Farrā’ was a prominent Kufan grammarian and is considered to be among the principal disciples of al-Kīsā’ī (d. 189 H/805 CE). His commentary offers a grammatical approach as the key to understanding the Qur’ān. For further information, see Beck 1951, 187–202; Larcher 2015, 40–55.

by al-Zajjāj<sup>314</sup> (d. 311 H/923 CE). *Shifā' al-ṣudūr* by al-Naqqāsh<sup>315</sup> (d. 351 H/962 CE), *al-Tafsīr al-kabīr* by Yahyā b. Sulaymān al-Jā'fī<sup>316</sup> (d. 237 H/851 CE) and *Tafsīr Sunayd* by Sunayd b. Dāwūd al-Maṣīḥī<sup>317</sup> (d. 226 H/840 CE) are also present in the list of exegetical sources that were of great help to Ibn al-‘Arabī. Al-Mushinī and Serrano Ruano give a detailed list of the other sources used by Ibn al-‘Arabī in his *Aḥkām al-qur’ān* deriving from recitations (*qirā’āt*), ḥadīth, lexicography, grammar, Islamic law, dogma, history and biographies.<sup>318</sup>

Qādī ‘Iyād, al-Ḏabbābī, Ibn Bashkuwāl, Ibn Sa‘īd, al-Dhahabī, Ibn Kathīr, Ibn al-Khaṭīb, al-Nubāhī (d. after 792 H/1390 CE), Ibn Farḥūn, Ibn Khaldūn, al-Suyūtī, and al-Maqqarī are among the other Maghribī and Mashriqī scholars who recognised the value and importance of *Aḥkām al-qur’ān* in its genre.<sup>319</sup> This commentary was an important reference for exegetes succeeding Ibn al-‘Arabī over the centuries, especially the Andalusi jurist, traditionist and exegete Abū ‘Abd Allāh al-Qurṭubī (d. 681 H/1282 CE) in his *al-Jāmī’ li-ahkām al-qur’ān*, where it is clear how strongly he was influenced by Ibn al-‘Arabī’s rational methods and sources. It is noteworthy how many times Abū Bakr and his work were mentioned in the *Jāmī’*,

314 Abū Ishāq Ibrāhīm b. Muḥammad b. al-Sarī al-Zajjāj was a grammarian and lexicographer. He was a close disciple of the best representative of the school of grammar of Basra at the time, al-Mubarrad Abū al-Abbās Muḥammad b. Jazīd al-Azdī (d. ca. 286 H/900 CE). His commentary deals with the Qur’ān’s grammatical ambiguities, metaphors, and figurative expressions. See Versteegh, *El<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_8062](http://dx.doi.org/10.1163/1573-3912_islam_SIM_8062) accessed 23 March 2020.

315 Muḥammad b. al-Hasan b. Muḥammad b. Ziyād, Abū Bakr al-Naqqāsh was a reciter (*muqri’*) born in Mosul. See al-Dhahabi, *Siyar* (1992), XV, 574.

316 Yahyā b. Sulaymān b. Yahyā b. Sa‘īd al-Jā’fī was a reciter from Kūfa. He was a student of Mālik and ‘Abd Allāh b. al-Mubārik b. Wādāḥ (d. 181 H/797 CE). See Ibn Khalfūn, *al-Mu’līm* (2000), 587–89.

317 His name was al-Ḥusayn Abū ‘Alī. His commentary, as far as I have been able to tell, is likely to be included in its entirety in *Tafsīr al-Ṭabarī*, who transmits it with its chain (*ḥaddaθanā al-Qāsim qāl ḥaddaθanā al-Ḥusayn*). In this case al-Ḥusayn is Sunayd. The only works I could find on him include a PhD thesis written by Sa‘īd Muḥammad Bābā Silā, in which he approaches the transmission of Sunayd in *tafsīr* dealing with the first seventeen suras of the Qur’ān. This work is entitled *Marwiyyāt Sunayd fī-l-tafsīr: min awwal al-qur’ān ilā ākhir sūrat al-isrā’ jam’ wa-dirāsa*. The other work is a master’s thesis by ‘Uthmān Ṣāliḥ Tarāwṛī, entitled *al-Imām Sunayd ibn Dāwūd (d. 226 H) wa-marwiyyātuhu fī-l-tafsīr: min awwal sūrat al-kahf ilā ākhir sūrat al-shu’ara’ jam’ wa-dirāsa*, available online <https://elibrary.mediū.edu.my/books/2014/MEDIU4023.pdf> accessed 20 March 2020.

318 Al-Mushinī 1991, 57–79; Serrano Ruano 2008, 263–65.

319 Al-Mushinī 1991, 387–93.

not only as a reference for al-Qurṭubī in legal rulings but also as a great help in *asbāb al-nuzūl*, *qirā’āt*, *al-nāsikh wa-l-mansūkh*, grammar, etc.<sup>320</sup> For instance, works like *al-Burhān* by al-Zarkashī<sup>321</sup> (d. 794 H/1392 CE), *al-Itqān fī ‘ulūm al-qur’ān* by al-Suyūtī, *al-Futūhāt al-ilāhiyya* by al-Jamal<sup>322</sup> (d. 1204 H/1790 CE), *Fath al-qadīr* by al-Imām al-Shawkānī<sup>323</sup> (d. 1255 H/1839 CE), *Rūḥ al-ma’ānī fī tafsīr al-qur’ān al-‘azīm wa-l-saba’ al-mathānī* by al-Imām al-Ālūsī<sup>324</sup> (d. 1270 H/1854 CE), *Mahāsin al-ta’wīl* by al-Qāsimī<sup>325</sup> (d. 1332 H/1914 CE), *Tafsīr adwā’ al-bayān fī idāh al-qur’ān bi-l-qur’ān* by al-Shanqītī<sup>326</sup> (d. 1397 H/1974 CE) and *Tafsīr al-tahrīr wa-l-tanwīr* by Ibn ‘Āshūr<sup>327</sup> (d. 1394 H/1973 CE) all witness the importance of the impact of *Aḥkām al-qur’ān* both inside and outside the Andalusi/Maghribi milieu, independently of the schools of law.

*Aḥkām al-qur’ān* was first published by Matba’at al-Sa’āda in Cairo in 1913.<sup>328</sup> Later, Maktabat ‘Isā al-Bābilī al-Ḥanbalī published a studied and edited version of the book in Cairo by Mohammad ‘Alī al-Bajāwī, first in March 1959, then in May 1972 and finally in October 1972. A four-vol-

320 Ibid., 394.

321 Abū ‘Abd Allāh Badr al-Dīn Muḥammad b. ‘Abd Allāh b. Bahādir al-Zarkashī was a Shāfi’ī traditionist, jurist and historian. See Rippin, *EJ*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_8945](http://dx.doi.org/10.1163/1573-3912_islam_8945) accessed 6 April 2020.

322 Sulaymān b. ‘Umar b. Manṣūr al-‘Ajīlī al-Azharī al-Shāfi’ī, known as al-Jamal, was an Egyptian jurist and exegete. See Kahāla 1993, I, 795.

323 Muḥammad b. ‘Alī b. Muḥammad b. ‘Abd Allāh al-Shawkānī was a Yemeni Sunni jurist and reformer. See al-Shirājī 1988, 150–80.

324 Abū al-Thānā’ Shihāb al-Dīn Sayyid Maḥmūd b. ‘Abd Allāh al-Ḥusaynī al-Ālūsī al-Baghdādī was an Iraqi Shāfi’ī exegete.

325 Jamāl al-Dīn b. Muḥammad Sa’īd b. Qāsim al-Ḥallāq al-Qāsimī was a Syrian Shāfi’ī scholar.

326 Muḥammad al-Amīn al-Shanqītī was a Mauritanian Mālikī scholar who settled in Saudi Arabia and taught at the Islamic University of Medina.

327 Muḥammad al-Ṭāhir b. ‘Āshūr was a Tunisian Mālikī theologian. Descending from a well-known aristocratic family, the Ibn ‘Āshūrs, he studied at the University of al-Zaytūna and taught there until reaching the rank of first category of professor in 1905. He was also a qādī, a mufti in 1932, and in 1945, was appointed rector of the University of al-Zaytūna. His magnum opus is his thirty-volume Qur’ān exegesis, which he composed for almost forty years. The peculiarity of this work is that Ibn ‘Āshūr advocates a rigorously scientific method of exegesis. It is to be noted that his *Maqāsid al-shari’ā* is a monumental work where he attempts to develop a comprehensive and systematic study of the *Shari’ā* and its different aspects. See Nafi 2005, 1–32.

328 On the cover page of the book, it is written that the sultan of Morocco, ‘Abd al-Ḥafīz (d. 1939 CE), undertook all the expenses for printing the book, appointing for this the son of the ex-ambassador of Morocco in Egypt, ‘Abd al-Salām b. Shaqrūn.

ume edition of *Aḥkām al-qur’ān* was published in Beirut in 2003 by Dār al-Kutub al-Ilmiyya, with Mohammad ‘Abd al-Qādir ‘Aṭā as its editor. One additional version of *Aḥkām al-qur’ān* was published in Cairo in 2011 by Dār al-Ḥadīth in four volumes. This later edition was edited by Muhammad Ibrāhim al-Hafanāwī and Ismā‘il Muḥammad al-Shindīdī. In my work, I have used the edition of Mohammad ‘Abd al-Qādir ‘Aṭā.

### 2.1.3.2. *al-Qabas fī sharḥ Muwaṭṭa’ Mālik Ibn Anas*

*Al-Qabas* literally means the small flame coming from a fire. The naming of this work was not arbitrary since Ibn al-‘Arabī did not explain all the ḥadīths in the *Muwaṭṭa’* of Mālik. Rather, he left out many *abwāb* that did not serve his purpose and focused on others that required explanation. In Ibn al-‘Arabī’s opinion, the commentaries that had been written on the *Muwaṭṭa’*, namely *Sharḥ al-Muwaṭṭa’* by al-Qanāzī<sup>329</sup> (d. 413 H/1022 CE), *Sharḥ Muwaṭṭa’ al-imām Mālik* by Marwān b. ‘Alī al-Būnī<sup>330</sup> (d. 439 H/1047 CE) and *Sharḥ al-Muwaṭṭa’* by Ibn Muzayyin<sup>331</sup> (d. 259 H/873 CE) were not useful to the students and not reliable.<sup>332</sup> Consequently, he decided to compose a commentary on the *Muwaṭṭa’* that would be a pillar of Mālikī jurisprudence in terms of demonstration, guidance and reasoning, and that would include most issues and legal rulings. In the introduction, he indicated that he dictated *al-Qabas fī sharḥ Muwaṭṭa’ Mālik Ibn Anas* in 532 H/1138 CE at his house in Cordoba after he retired from the judiciary in Seville. Another testimony that validates this date is found in *Mawsū’at*

329 ‘Abd al-Rahmān b. Marwān b. ‘Abd al-Rahmān al-Qanāzī<sup>ī</sup>, known as Abū Muṭrīf, was a Mālikī Andalusi jurist and exegete from Cordoba. See Ibn Farhūn, *al-Dībāj* (1972), I, 485.

330 Marwān b. ‘Alī Abū ‘Abd al-Malik al-Asadī al-Qattān al-Būnī was a Maghribi Mālikī traditionist. Born in Cordoba, he travelled to Tlemcen and Kairouan to broaden his knowledge before settling in Būna, the present-day Annaba. See *Ibid.*, II, 339.

331 Yāḥyā b. Zakariyyā b. Ibrāhīm b. Muzayyin Mawlā Ramla bint ‘Uthmān b. ‘Affān was an Andalusī Mālikī jurist. He was born in Toledo and then moved to Cordoba. He travelled to the Islamic East and heard the *Muwaṭṭa’* from Ḥabīb Ibn Ḥabīb Zurayq, the copyist of Mālik b. Anas. He was an expert on the *Muwaṭṭa’*. See *Ibid.*, II, 361.

332 Ibn al-‘Arabī, *al-Masālik* (2007), I, 331. Except for both the comprehensive commentary *al-Iṣtidhkār* of Ibn ‘Abd al-Barr (d. 463 H/1071 CE) and Abū al-Walīd al-Bājī’s (d. 474 H/1081 CE) commentary on the *Muwaṭṭa’* entitled *al-Muntaqā*.

*sharḥ al-Muwaṭṭa'*: one of Ibn al-‘Arabī’s disciples, Ibn Ḥubaysh<sup>333</sup> (d. 584 H/1188 CE), revealed that he attended the lectures of Abū Bakr at his home in Cordoba where, over some months in the year 532 H/1138 CE, he dictated *al-Qabas*.<sup>334</sup>

In the introduction to his book, Ibn al-‘Arabī does not refer to any specific approach or methodology that he adheres to. As already mentioned, he does not explain all the ḥadīths of the *Muwaṭṭa'*. He advances and withdraws some traditions in the chapters, sometimes merging multiple chapters. At other times, he incorporates biographies (*tarājim*) of transmitters into chapters that are not present in the *Muwaṭṭa'*. In addition, he bases his explanation of some chapters and subchapters on the recensions of al-Bukhārī, Muslim, Abū Dawūd, al-Tirmidhī and al-Nisā’ī when Mālik does not have a *riwāya marfū‘a* in the chapter.<sup>335</sup> However, he refers to Mālik in the explanation in order to arrive at the doctrinal issues discussed in the chapter itself.

Conciseness and clarity are the principal characteristics of *al-Qabas*. Ibn al-‘Arabī attempts to summarise, condense and clarify what he intends to say, reducing the complexity without altering the meaning. In his encyclopaedic work about the *Muwaṭṭa'*’s commentaries, Yamāma methodologically argues the five significant aspects of *al-Qabas* that should be emphasised.<sup>336</sup> First, Ibn al-‘Arabī demonstrates the fundamentalist rules (*al-qawā‘id al-uṣūliyya*) based on which Mālik arranges the chapters of his *Muwaṭṭa'*. Second, Ibn al-‘Arabī scrutinises the unusual and complicated terms and conveys the linguistic benefits (*fawā‘id*) of the ḥadīths. He also deals with the *isnād-cum-matn* issues, measures the similarities and differences between narrations, and draws attention to mistakes in the *Muwaṭṭa'*. Moreover, it is clear in *al-Qabas* the extent to which Abū Bakr tries to

333 Abū al-Qāsim ‘Abd al-Raḥmān b. Muḥammad b. ‘Abd Allāh b. Yūsuf b. Ḥubaysh was an Andalusī traditionist and historian from Almeria. For further details, see Dunlop 1941, 359–62.

334 “Akhbaranā al-shaykh al-ḥāfiẓ al-mūhaddith al-khaṭīb al-‘allāma aqdā al-quḍāt, Abū al-Qāsim ‘Abd al-Raḥmān b. Muḥammad b. ‘Abd Allāh b. Yūsuf b. Ḥubaysh, ḥad-dathanā al-imām al-khaṭīb jamāl al-dīn aqdā al-quḍāt, Abū Bakr Muḥammad Ibn al-‘Arabī, *imlā’ alaynā min lafihi bi-dārihi bi-qurtuba, harasahā allāh, wa-naḥnu naktabu fī shuhūr ithnayn wa-thalāthīn wa-khamsimā’*”, Yamāma 2005, I, 293.

335 When the narration is *marfū‘a* (elevated), it means that it is attributed to the prophet. The two other origins of narration are suspended (*mawqūfa*), when attributed to a companion, and broken (*maqtū‘a*), when attributed to a follower (*tābi‘i*).

336 Yamāma 2005, I, 148–51.

be flexible in pointing out the differences in legal issues. Sometimes, he disagrees with Mālik in the same way he disagrees with others; sometimes, he considers other doctrines more likely than Mālik's. Finally, he adds his personal touch as a jurist when inferring new anecdotes (*nukat*, sing. *nukta*)<sup>337</sup> not yet broached by other jurists.

The influence of *al-Qabas* spread throughout the Muslim world and has been praised by Muslim scholars throughout the ages, such as the Mālikī legal theoretician par excellence of the fourteen century CE, al-Qarāfī<sup>338</sup> (d. 684 H/1285 CE), who assigns importance to *al-Qabas* in his magnum opus, an early work on legal theory entitled *al-Dhakhīra*, and in his work *Kitāb al-furūq*. *Al-Qabas*'s influence may also be observed in the commentaries (*shurūh*) on *Mukhtaṣar Khalil*, for example, *al-Tāj wa-l-iklīl* by al-Mawwāq<sup>339</sup> (d. 897 H/1492 CE), *Mawāhib al-jalīl* by al-Ḥaṭṭab<sup>340</sup> (d. 954 H/1547 CE) and *Mīnah al-jalīl* by ‘Ulaysh<sup>341</sup> (d. 1299 H/1882 CE). Apart from *fiqh*, *al-Qabas* was of considerable influence in ḥadīth commentaries such as *Fatḥ al-bārī* by Ibn Ḥajar al-‘Asqalānī<sup>342</sup> (d. 852 H/1449 CE), *Tanwīr al-ḥawālīk* by al-Suyūṭī<sup>343</sup> (d. 911 H/1505 CE) and *Subul al-salām* by al-Amīr al-Ṣān‘ānī<sup>344</sup> (d. 1182 H/1768 CE).

The text was first published at the beginning of the 1900s. This edition was initially published by Dār al-Gharb al-Islāmī in 1992 in three volumes

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337 Al-Jurjānī defines *al-nukta* as a soft issue (*mas’ala latīfa*) that was developed and deduced with precision (*diqqat naṣar*) and assiduity (*imān fikr*). In addition, it is an accurate issue (*mas’ala daqīqa*) since it was influenced by reflection and thoughts (*khawāṭir*). See al-Jurjānī, *Muṭām* (2012), 207.

338 Shihāb al-Dīn ʻAhmad b. Abī al-‘Alā’ Idrīs Abū al-‘Abbās al-Qarāfī was an Egyptian Mālikī jurist. He was born and raised in a village called al-Qarāfa, after which he was named. “Leadership of the Mālikī school in Cairo is said to have developed upon him.” See Jackson 1996, 1–5.

339 Muḥammad b. Yūsuf b. al-Qāsim al-‘Abdarī b. al-Mawwāq was an Andalusi Mālikī jurist and qādī of Granada. He was called *Khātimat ‘ulamā’ al-Andalus*: the last scholar of al-Andalus. See al-Zirikli 2002, VII, 154–55.

340 Muḥammad Abū ‘Abd Allāh b. Muḥammad al-Ṭarābulusī al-Ḥaṭṭab al-Ru’aynī was a Maghribi Mālikī jurist. He was from Tripoli, and his work on *Mukhtaṣar Khalil* is among the first major commentaries. See Al-Sharīf 1999, 144–46.

341 Muḥammad b. ʻAhmad b. Muḥammad Abū ‘Abd Allāh ‘Ulaysh was an Egyptian Mālikī jurist originally from Tripoli. He taught in al-Azahr and, in 1854, was appointed mufti of the same institution.

342 Shihāb al-Dīn Abū al-Faḍl ʻAhmad b. Nūr al-Dīn ‘Alī b. Muḥammad b. Ḥajar al-‘Asqalānī was an Egyptian Shāfi‘ī traditionist, jurist and historian. His magnum opus is his commentary on Ṣahīḥ al-Bukhārī entitled *Fatḥ al-bārī fī sharḥ Ṣahīḥ al-Bukhārī*. See Rosenthal, *EI*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_3178](http://dx.doi.org/10.1163/1573-3912_islam_SIM_3178) accessed 6 April 2020.

bound together in one hardcover volume. The editor, Muḥammad ‘Abd Allāh walad Karīm, presented it as a PhD thesis in the Faculty of Shari‘a at Umm al-Qurā University, compiling the text from six main manuscripts.<sup>345</sup> In 1998, a second publisher, al-Maktaba al-‘Ilmiyya, published the text of *al-Qabas*. This version was edited by Ayman Naṣr al-Azharī and ‘Alā’ Ibrāhīm al-Azharī using only the copy 25  $\zeta$  of *al-Khizāna al-‘āmma* in Rabat and numbered 1115 in *Maktabat al-nūr al-‘uthmāniyya*. It was reprinted in 2010 in four bound volumes. Yet another publication of the commentary is found in an encyclopedia that includes three commentaries of the *Muwaṭṭa*. ‘Abd Allāh b. ‘Abd al-Muhsin al-Turkī, the editor, used the Turkish and Saudi copies. The book was published in 2005 by Markaz Hajar li-l-Buḥūth wa-l-Dirāsāt al-‘Arabiyya wa-l-Islāmiyya in Cairo.

### 2.1.3.3. *Āridat al-ahwadhbī bi-sharḥ Ṣaḥīḥ al-Tirmidhbī*

Before we proceed to examine *Āridat al-ahwadhbī* as a commentary, it is necessary to look at its name. Ibn Khallikān explains the meaning of ‘āriḍa as the skill of using language persuasively or eloquently. As for *ahwadhbī*, he quotes al-Asma‘ī’s interpretation: “when someone is described as being *ahwadhbī*, it immediately indicates his intelligence, meticulousness and resourcefulness.”<sup>346</sup> Together, it is likely that what is meant by the aforementioned words is a comprehensive and detailed study, analysis and

343 Abū al-Faḍl ‘Abd al-Rahmān b. Abī Bakr b. Muḥammad Jalāl al-Dīn al-Khuḍayrī al-Suyūṭī was a Shāfi‘ī jurist, exegete and traditionist of Persian origin. See Geoffroy, *El<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_1130](http://dx.doi.org/10.1163/1573-3912_islam_COM_1130) accessed 6 April 2020.

344 Muḥammad b. Ismā‘il al-Ṣan‘ānī was a Yemeni ḥadīth scholar, historian and poet. His book *Subul al-salām sharḥ bulūgh al-marām min adillat al-ahkām* is a commentary on *Bulūgh al-marām min adillat al-ahkām* by Ibn Ḥajar al-‘Asqalānī, which is a collection of *ahādīth al-ahkām* belonging to Shāfi‘ī jurisprudence.

345 The first manuscript is found in Turkey in *Maktabat Nūr ‘Uthmāniyya*, number 1115, written in 872 H/1468 CE. The second manuscript was written in 1300 H/1883 CE and comes from *Maktabat al-Haram al-Madani*. The following two copies are from *al-Khizāna al-‘āmma* in Rabat, numbers 1916  $\mathfrak{z}$  and 25  $\zeta$ . The fifth manuscript is in the National Library of Tunisia, numbered 8009. The final copy is the oldest, written in 636 H/1239 CE, and is available in the National Library in Algiers under the number 427. See Ibn al-‘Arabī, *al-Qabas* 1992.

346 Ibn Khallikān, *Wafayāt* (1978), IV, 297.

commentary of al-Tirmidhī's *Jāmi'*.<sup>347</sup> Aṛāb, however, excludes this hypothesis and suggests that Ibn al-‘Arabī's aim was not to scrutinise the entire *Jāmi'* in depth.<sup>348</sup> As evidence, he cites Ibn al-‘Arabī's own words in the conclusion of his commentary that "he was done with what he had in mind, without looking further, since the complete fulfilment could only be in a free heart."<sup>349</sup> Regardless of this concluding statement, which is meant to be concise, in his introduction, Ibn al-‘Arabī underlines that his work is intended to carry out an eloquent study of al-Tirmidhī's text (*Istīfā' kalām al-Tirmidhī bi-l-bayān*) and to compile his knowledge with explanations and evidence (*wa-iḥṣā' jāmi' 'ulūmihi bi-l-sharḥ wa-l-burhān*).<sup>350</sup> In his *Āridā*, Ibn al-‘Arabī collects and lucidly discusses the entire gamut of sciences that al-Tirmidhī's *Jāmi'* contains, including the grading of ḥadīth, technical ḥadīth issues, complicated discrepancies and weaknesses of ḥadīth, extracting legal opinions, the use of *'ilal* (defects) as a methodological device for accepting ḥadīth, *ilm al-rijāl*, etc.

The insistence of Ibn al-‘Arabī's students and the need for a comprehensive commentary of the *Sunan* of al-Tirmidhī provided a stepping stone for the composition of *Āridāt al-ahwadī*.<sup>351</sup> Ibn al-‘Arabī took his time and was slow in deciding to write his commentary.<sup>352</sup> The copyist of the *Āridā*, Abū Ya'qūb b. 'Abd al-Salām al-Qurashī al-Zuhrī (d. sixth c. H/thirteenth c.

347 The collection of al-Tirmidhī is known by different names: *al-Jāmi'*, *Jāmi'* *al-Tirmidhī*, *al-Jāmi'* *al-kabīr*, *Jāmi'* *Abī 'Isā*, *Şahīh al-Tirmidhī*, *al-Musnad*, *al-Musnad al-Jāmi'*, *al-Musnad al-şahīh* and *Muṣannaf Abī 'Isā*. For further information about the names in the collection and the most famous titles used, see 'Alī 2009, 120–21. It was called *Jāmi'* because it contained the eight elements indispensable for a *Jāmi'* collection, including creed (*al-'aqā'id*), legal issues (*al-ahkām*), moral teachings (*al-riqāq*), social etiquette (*al-ādāb*), biography of the prophet and battles (*al-sīra wa-l-maghāzī*), virtues and blemishes (*al-manāqib wa-l-mathālib*), and apocalyptic predictions and eschatology (*al-fitān wa-ashrāt al-sā'a*). Al-Tirmidhī's collection is identified as *sunan* because it concerns legal traditions. It contains around 3959 ḥadīths distributed over forty-eight chapters. 'Alī argues that the utility of al-Tirmidhī's *sunan* is related more to practice than theory since it is treated more as a legal compendium than a ḥadīth. See 'Alī 2009, 112.

348 Aṛāb 1987, 137.

349 Ibn al-‘Arabī, *Āridha* (n.d.), XIII, 319.

350 Ibid., I, 5.

351 Ibid., I, 2. In this context, an Indian ḥadīth expert, Zakariyyā al-Kandhlawī (d. 1402 H/1981 CE), argues that the *Sunan al-Tirmidhī*, being the first collection on comparative law, plays a pivotal role in the training of students who, after studying the *Sunan*, would be able to identify and understand the different legal views. See 'Alī 2009, 110.

352 Ibn al-‘Arabī, *Āridha* (1997), I, 9.

CE), who was a disciple of Ibn al-‘Arabī, mentions in the colophon that the lecture and dictation of the entire commentary ended during *Shawwāl* of the year 540 H (March 1146 CE).<sup>353</sup> In addition, on the first page of the text block of every volume of the manuscript (*‘alā zahr kull sifr*),<sup>354</sup> it is written that Abū Ya‘qūb al-Qurashī read it in 540 H/1146 CE.<sup>355</sup> Furthermore, Ibn al-‘Arabī quotes his previous works in the *Āridā*, including *al-‘Awāṣim min al-qawāṣim*, *Aḥkām al-qur’ān*, *Anwār al-fajr* and *Sirāj al-murīdīn*.<sup>356</sup>

Ibn al-‘Arabī adheres to the general framework of the methodology he outlined in the introduction to his commentary, and most of the substantive elements mentioned are dedicated to a title within the commentary corpus of the chapters, after which he refers to them according to the order established in the introduction.<sup>357</sup> The first element is *isnād*. He begins with al-Tirmidhī’s point of view and adds the opinions of other scholars and traditionists on its authenticity and its degree of acceptance (*qubūl*) or rejection (*radd*). In the same context, Ibn al-‘Arabī next moves on to *al-rījāl*, which he mostly includes with the element mentioned above (i.e., *isnād*). He scrutinises the ḥadīth narrators mentioned by al-Tirmidhī with the intent of determining their reliability or unreliability in transmitting traditions. Thereafter, he raises the issue of *gharīb al-hadīth*; he explains the unusual and difficult *matn* terms that are viewed as problematic and require clarification. He attaches the grammar section to the *gharīb*. The *tawhīd* element also appears under the title *al-uṣūl*. This covers the *uṣūl al-fiqh* that are related to the tradition and *uṣūl al-dīn*, including *tawhīd* (God’s oneness) and *‘aqīda* (creed). Subsequently, Ibn al-‘Arabī moves to the next element, i.e., *al-ahkām wa-l-fawā’id*.<sup>358</sup> It is significant how he deals with every detail related to the tradition in question from the angle of legal rulings and legal ethics (*al-ahkām al-shar‘iyya*). Moreover, his discourse on the opinions and arguments of the scholars concerning the

353 Ibid., XIII, 259.

354 Ayman Fu‘ād al-Sayyid defines *zahr al-kitāb* or *al-sifr* as the first page of the text block. Gacek argues it is the front of the text block or title page. Dozy and Lamare maintain that it is the flyleaf (page de garde). Abbott views *zahr al-kitāb* as simply the back of the book. All the information on the codicological and palaeographic terms is available in Gacek 2001, 96. Ibn al-‘Arabī, *Āridha* (1997), XIII, 259.

355 Ibid.

356 Ibid., I, 175; XII, 74, 74; XIII, 169; VIII, 78.

357 Ibid., I, 10.

358 This can also be found as *al-ahkām*, *fawā’id*, *fā’ida*, *fawā’iduhu*, *fiqhuhu* and *al-āridā*. See Ibid., I, 117, 124, 167; III, 209–10.

matter is given special care with a focus on the views of the Mālikīs. Finally, intending to justify the rulings and show the wisdom behind the legislation, he combines the element of *nukat*, often including it within *al-ahkām wa-l-fawā'id*. Ibn al-‘Arabī fulfills most of the aforementioned elements in many instances, but he omits others without commenting on them. Generally, when he mentions two elements, these are often limited to *isnād* and *ahkām wa-fawā'id*.<sup>359</sup>

It is important to underline the strong personality of Ibn al-‘Arabī in his *Āridā*. He discusses and criticises al-Tirmidhī on many matters, for example, relating to the classification (*tabwib*) of the book, claiming that Abū ‘Isa mixed the chapters (*al-abwāb*), which intensified the task for Ibn al-‘Arabī, requiring time and effort to collect, arrange and combine the dispersed material (*ishtagħala al-bāl bi-damm al-nashr wa-jam‘ al-mutafarriq*).<sup>360</sup>

The *Āridā* by Ibn al-‘Arabī was known as the earliest commentary to have been written on al-Tirmidhī’s *Jāmi‘*, until Spies, Brockelmann and Sezgin mentioned the presence of an unknown manuscript of a *sharh Jāmi‘ al-Tirmidhī* by al-Ḥusayn b. Mas‘ūd al-Baghawī (d. 510 H/1122 CE) in the Mahmūdiyya Library in Medina.<sup>361</sup> However, none of the biographical dictionaries note this. After praising the *Sunan* of al-Tirmidhī, Zayn al-Dīn al-‘Irāqī<sup>362</sup> (d. 806 H/1404 CE) criticised the scarcity of comprehensive commentaries on it, mentioning only the *Āridā* of Ibn al-‘Arabī, followed by the commentary by Ibn Sayyid al-Nās al-Yāmurī (d. 734 H/1334 CE).<sup>363</sup> Later, in the introduction to his commentary, Jalāl al-Dīn al-Suyūṭī (d. 911 H/1505 CE) denied the existence of other commentaries before *Āridat al-ahwadħi*.<sup>364</sup> With this in mind, it could be argued that *Āridat al-ahwadħi* was at least the first commentary on al-Tirmidhī’s *Jāmi‘* in the Islamic West. The spread of this commentary went beyond the Andalusi and Maghribi frontiers to the horizons of the Islamic world, where it became an important source for commentators, both those concerned with the *Sunan* of al-Tirmidhī and those who had composed other commentaries on other ḥadīth compendia.

359 Ibid., I, 126–26.

360 Ibid., XII, 192.

361 According to Spies, only the last part of the manuscript belongs to the commentary. See Spies 1936, 109; Brockelmann 1977, III, 190; Sezgin 1967, I, 155.

362 Al-Ḥāfiẓ Zayn al-Dīn ‘Abd al-Rahīm Abū al-Fadl al-‘Irāqī was a leading Shāfi‘ī ḥadīth scholar. Ibn Hajar al-‘Asqalānī was one of his students.

363 Al-Yāmurī, *al-Nafh* (1989), 71.

364 See al-Suyūṭī, *Qūt* (2013), I, 18.

The real value of the *Āriḍa* is its impact on other commentaries, which demonstrates Ibn al-‘Arabī’s ingenious approach and emphasises the scientific and comprehensive character of this encyclopedic work that merges ḥadīth and *fiqh*. In his unfinished commentary, *al-Nafh al-shadhī fī sharḥ Jāmi‘ al-Tirmidhī*, Ibn Sayyid al-Nās al-Yāmurī closely followed the methodological steps of Ibn al-‘Arabī in the *Āriḍa* and used it as a principal source.<sup>365</sup> *Qūt al-mughtadhlī ‘alā Jāmi‘ al-Tirmidhī* by al-Suyūtī,<sup>366</sup> *al-‘Urf al-shadhī sharḥ sunan al-Tirmidhī* by Muḥammad Anwar Shāh al-Kashmīrī<sup>367</sup> (d. 1352 H/1933 CE)<sup>368</sup> and *Tuhfat al-ahwadhlī bi-sharḥ Jāmi‘ al-Tirmidhī* by ‘Abd al-Rahmān al-Mubārakpūrī<sup>369</sup> (d. 1353 H/1934 CE) are additional evidence for the appreciation and impact of Ibn al-‘Arabī’s commentary. Yet, independent of al-Tirmidhī’s context, commentaries on other ḥadīth compilations show the importance of the *Āriḍa* and the peculiarity of Ibn al-‘Arabī’s opinions and approach. These include *‘Umdat al-qārī sharḥ Ṣahīḥ al-Bukhārī* by al-‘Aynī,<sup>370</sup> *Fatḥ al-bārī sharḥ Ṣahīḥ al-Bukhārī* by Ibn Ḥajar al-Asqalānī,<sup>371</sup> *Sharḥ Ṣahīḥ Muslim* by al-Nawawī,<sup>372</sup> *‘Awn al-mā’būd ‘alā sunan Abī Dāwūd* by Muḥammad Shams al-Haqq ‘Azimabādī (d. 1329 H/1911 CE) and *Irshād al-sārī li-sharḥ Ṣahīḥ al-Bukhārī* by al-Qastallānī.<sup>373</sup>

The first edition was originally published in Cairo by *al-Maṭba‘a al-Misriyya bi-l-Azhar* in 1350 H/1932 CE and was the standard on which the next edition was based. *Dār al-Kutub al-‘Ilmiyya* in Beirut was the second publisher of the *Āriḍa* in thirteen volumes. Yet another version of Ibn al-‘Arabī’s commentary was published in 1417 H/1997 CE in Beirut by the same publisher. This edition comprises fourteen volumes and the observations and annotations of the editor, Jamāl al-Dīn Mar‘ashlī, are

365 Al-Yāmurī, *al-Nafh* (1989), 86–95.

366 al-Suyūtī, *Qūt* (2013), II, 134, 172, 266, 563,

367 Sayyid Muḥammad Anwar Shāh b. Mu‘azzam Shāh al-Kashmīrī al-Hindī was an Indian Ḥanafī jurist.

368 al-Kashmīrī, *al-‘Urf* (2004), I, 118, 132, 159.

369 Abū al-‘Alā Muḥammad ‘Abd al-Rahmān b. ‘Abd al-Rahmān al-Mubārakpūrī was an Indian ḥadīth scholar. See al-Mubārakpūrī, *Tuhfa* (2018), II, 331; IV, 225; VI, 243.

370 Al-‘Aynī, *‘Umda* (n.d.), VI, 198; IX, 69; XI, 113.

371 Al-Asqalānī, *Fatḥ* (1960), III, 350; IX, 666; X, 611; XII, 437.

372 Al-Nawawī, *al-Minhāj* (1972), XV, 104.

373 ‘Azimabādī, *‘Awn* (2005), 48, 1844, 2035, 2062; al-Qastallānī, *Irshād* (1905), VI, 58; VIII, 22; IX, 292, 300.

## 2.2. *The embryological discourse in Ibn al-‘Arabī’s works*

included along with the texts of al-Tirmidhī and Abū Bakr.<sup>374</sup> This is the edition that is used in this research.

### 2.2. *The embryological discourse in Ibn al-‘Arabī’s works*

In what follows, I present the passages, chronologically organised, relating to prenatal life in Ibn al-‘Arabī’s aforementioned works to trace how Ibn al-‘Arabī’s readings, interpretations and perspectives of the Qur’anic verses and traditions complement each other and evolve. The study of these passages will lead to a better understanding of the idea of the unborn in the Andalusi milieu, from the micro level of the text to the idea as a whole.

As has been shown, the composition of *Aḥkām al-qur’ān* lasted almost thirty years, and in all likelihood, Ibn al-‘Arabī finished its dictation in 533 H/1139 CE. Moreover, the dictation of *al-Qabas* took some months of the year 532 H/1138 CE. Finally, the *Āriḍa* was composed during the last years of Ibn al-‘Arabī’s life since he finished its dictation in *Shawwāl* of the year 540 H (March 1146 CE), three years before his death. In my analysis, I will follow this chronology, and although *al-Qabas* was finished one year before the *Aḥkām*, I will be pushing it back after the exegetic work. The reason behind this is the consideration of the thirty years of composition and dictation of the *Aḥkām*, which means that most of the chapters with embryological material in this work that are related to my study must have been composed a long time before 532 H/1138 CE. Taken together, in this subchapter, I will examine *Aḥkām al-qur’ān* on an initial level. I will then continue with the analysis of *al-Qabas*, to finish with *Āriḍat al-ahwadhi*.

#### 2.2.1. *Aḥkām al-qur’ān*

Rather than going through all the *sūras* and verses related to embryological development in *Aḥkām al-qur’ān*, this section is limited to seven *sūras*, namely Q 6 (*al-An’ām*), Q 13 (*al-Ra’id*), Q 22 (*al-Hajj*), Q 42 (*al-Shūrā*), Q 75 (*al-Qiyāma*), Q 86 (*al-Tāriq*) and Q 96 (*al-‘Alaq*), which present some verses for discussion. These *sūras* have been selected due to the illustrative and diversified Qur’anic, exegetic and legal material they contain. While

<sup>374</sup> He devoted four pages to the biography of al-Tirmidhī and Ibn al-‘Arabī before the original text. His observations are included in the footnotes.

the importance of the progressive and chronological order of the Qur'an chapters, especially in the *naskh* texts, is undisputed, the sequence followed by Ibn al-‘Arabī in his exegesis is noticeable, especially since he builds his arguments on those already mentioned following temporal linearity. For instance, in Q 75:37–38, he summarises the main points and refers to his commentary on Q 22:5 for more details. Moreover, these six *sūras* were selected because they contain a “near-ideal mix” of extensive Qur'anic, exegetical and legal material.

In pursuing these points further, we shall see how Qur'anic exegesis on the prenatal life verses is pivotal and represents a pillar upon which the religious authorities such as Ibn al-‘Arabī articulated their perspective and understanding of these verses and to what extent this genre interacted with other texts and genres (for example, ḥadīth commentary, in this context this refers to *Āriḍat al-ahwadhi*) to provide a complete overview of the thoughts on the unborn in a particular milieu and specific period.

Considering the methodology of Ibn al-‘Arabī in his commentary in order to link it to our methodology in analysing his text is particularly significant in this regard.<sup>375</sup> After selecting the verse, Ibn al-‘Arabī divides his commentary into issues (*masā'il*) that deal with different sciences, topics and parts of the verse.<sup>376</sup> In light of this, the framework of the study is limited only to the issues related to the unborn that have been identified and will be addressed.<sup>377</sup> In some cases, such as Q 6:59, the entire issue is not analysed because it does not correspond entirely to the topic. With these preliminaries in hand, the following pages will examine Ibn al-‘Arabī's interpretation of the embryologic Qur'anic verses.

### 2.2.1.1. Q 6:59 (*al-An‘ām*)

Ibn al-‘Arabī begins his commentary on the chapter *al-An‘ām*, by mentioning the number of verses containing the Qur'anic precepts, which is eighteen. The first Qur'anic verse to be commented on reads:

*And with Him are the keys of the unseen; none knows them except Him. And He knows what is on the land and in the sea. Not a leaf falls but that*

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375 See page 78.

376 See pages 78–9.

377 Not all the issues that belong to the selected embryologic verses deal with the subject.

*He knows it. And no grain is there within the darknesses of the earth and no moist or dry [thing] but that it is [written] in a clear record.* Q 6:59.

Ibn al-‘Arabī focuses his interpretation on the Qur’anic phrase “*And with Him are the keys of the unseen*” (*wa-‘indahu mafātīḥ al-ghayb lā ya’lamuhā illā huwa*) and develops the theory of the five matrices (*al-ummahāt al-khams*). He argues that the unseen (*al-ghayb*) lies beyond any power of perception of the human being’s mind, whether because of the abstraction of the idea or because of the imperceptibility of some realities, for instance, future events. Ibn al-‘Arabī indicates that the realm of the unseen has, according to a Qur’anic verse, five matrices: “*With God rests the knowledge of the Hour. He sends down the rain, and He knows what the wombs contain. No soul knows what it will reap tomorrow, and no soul knows in what land it will die. God is All-Knowing, Well-Informed*” (Q 31:34). Ibn al-‘Arabī believes that the interpretation of the Qur’anic phrase “*And with Him are the keys of the unseen*” is attained with the insertion of the aforementioned asseverative Qur’anic passage (Q 31:34). In his interpretation of the five matrices, especially the second and the third, he sets the issues within a broader angelological context. For instance, in the second matrix, which is the bringing of rain, Ibn al-‘Arabī asserts that the archangel *Mīkā’il* was entrusted with rain and plants.<sup>378</sup>

By the same token, in explaining the third matrix of the unseen, which is what the wombs contain, Ibn al-‘Arabī invokes the archangel *Isrāfil*. The text reads as follows:

The fifth issue: ... The third matrix is what the wombs contain. Indeed, at the very beginning God appointed an angel called *Isrāfil*, when at the time there were angels whose number only God knows, and [*Isrāfil*] associates to every womb an angel who takes care of the *nūṭfa* during the phases of formation (*al-khilqa*).<sup>379</sup>

Ibn al-‘Arabī announces that *Isrāfil* and the angels at his disposal are charged with the womb. More precisely, as *Isrāfil* has been appointed by God to this mission, he, in turn, appoints an angel to every womb. Although not mentioned verbatim in the Qur’ān, *Isrāfil* appears in traditions and is covered at length in eschatological treatises and books, as argued by

378 Ibn al-‘Arabī, *Aḥkām* (2003), II, 256. For further information about *Mīkā’il*, see Burge, *EP*, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_36410](http://dx.doi.org/10.1163/1573-3912_ei3_COM_36410) accessed 16 October 2020; Wilkinson 2015, 106.

379 Ibn al-‘Arabī, *Aḥkām* (2003), II, 256.

Tottoli,<sup>380</sup> Jadaane asserts that all the angels, including Isrāfil, are messengers of God and receive his instructions. They play the role of intermediary between the Creator and his creatures. Jadaane insists that this definition of the angels is admitted among the philosophers, theologians, exegetes and *fuqahā’*.<sup>381</sup> In this milieu, Isrāfil is known as the archangel who will blow (*nafkh*) the trumpet (*al-ṣūr*) on the Day of the Resurrection:<sup>382</sup>

Abū al-Shaykh on the authority of Wahb; he said: God, Most High, created the Trumpet out of white pearls with the purity of glass; then He said to the Throne: ‘Take the trumpet and keep hold of it.’ Then He said: ‘Be!’ And Isrāfil came into being, and He ordered him to take the Trumpet, so he took it and it had a hole for the number of every created soul (*rūḥ*) and spirit (*nafs*) that is born; two souls do not go through one hole (*lā takhrūju rūḥān min thuqb wāhid*). In the middle of the Trumpet there is an aperture like the roundness of the Heaven and the Earth. And Isrāfil placed his mouth over that aperture. Then the Lord said to him: ‘I have made you responsible for the Trumpet, and yours is the blowing and the shouting.’ And Isrāfil came before the Throne, placed his right foot under the Throne and his left foot [as well]; he has not looked away since God created him, so that he can wait for what He commands him [to do].<sup>383</sup>

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380 Tottoli, *EI*<sup>3</sup>, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_32620](http://dx.doi.org/10.1163/1573-3912_ei3_COM_32620) accessed 16 October 2020. Additional information concerning the etymology of the term Isrāfil is to be found in Wensinck, *EI*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_3669](http://dx.doi.org/10.1163/1573-3912_islam_SIM_3669); Burge 2012, 49. For specific works on the Islamic angelology, see Jadaane 1975, 23–61 and López Anguita 2014, 209–27. Basing her work on *Shajarat al-yaqīn wa-takhliq nūr sayyid al-mursalīn wa-bayān hāl al-khalq yawm al-dīn* by the oriental Shāfi‘ī theologian, Shihāb al-Dīn al-Ash‘arī (d. 600 H/1230 CE), Castillo Castillo studies some aspects of Islamic angelology in this book, focusing more on the four archangels: Isrāfil, Mīkhā‘il, Jibrīl and ‘Azrā‘il. See Castillo Castillo 1977–79, 423–31. More details can be found in al-Naṣrāwī 2012, 90–94. For a complete compilation of traditions about Isrāfil, see al-Suyūṭī, *al-Habā’ik* (1988), 31. This work was translated and edited by Burge in his book *Angels in Islam*. See Burge 2012, 128–32.

381 Jadaane 1975, 43.

382 “And the Trumpet will be sounded, whereupon everyone in the heavens and the earth will be stunned, except whomever God wills. Then it will be sounded another time, whereupon they will rise up, looking on” (Q 39:68); Ibn Kathīr, *Tafsīr* (1998), III, 252; V, 341; al-Qazwīnī, *‘Ajā’ib* (1848), 56.

383 Burge 2012, 128–29; al-Suyūṭī, *al-Habā’ik* (1988), 31–32.

In addition, a tradition reported by ‘Abd Allāh b. al-Hārith attesting that Isrāfil had the Preserved Tablet (*al-lawḥ al-mahfūz*)<sup>384</sup> on his forehead is considered and reproduced among the exegetes, traditionists and theologians:<sup>385</sup>

Abū al-Shaykh on the authority of ‘Abd Allāh b. al-Hārith; he said: I was with Āisha, while Ka'b was with her and she said: “Ka'b, tell us about Isrāfil.” And he said: “He is the Angel of God (*malak allāh*). There is nothing in his presence. He has a wing in the East and he has a wing in the West, and a wing is on the nape of his neck and the Throne is on the nape of his neck.” Āisha said: “I heard the prophet (God bless him and grant him salvation) say the same.” Ka'b said: “The Tablet is on his forehead, so when God wants to give a command, he writes it on the Tablet.”<sup>386</sup>

Interestingly, these two principal characteristics of Isrāfil are always present alongside other physical and moral descriptions, hierarchical positions<sup>387</sup> and other related details. Nevertheless, in none of the sources I consulted does Isrāfil appear as the archangel who assigns the angels of the wombs. Ibn al-‘Arabī and two other Islamic scholars are the exception.<sup>388</sup> On the one hand, the jurist, physician and geographer Abū Yahyā Zakariyā b. Muḥammad al-Qazwīnī (d. 682 H/1283 CE), in his major work titled *‘Ajā’ib al-makhlūqāt wa-gharā’ib al-mawjūdāt*,<sup>389</sup> describes Isrāfil as the angel that

384 Also identified as *umm al-kitāb*. See Geoffroy, *EI<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_1289](http://dx.doi.org/10.1163/1573-3912_islam_COM_1289) accessed 20 October 2020.

385 Al-Tabarī, *Jāmi‘* (2000), XXIV, 348; Ibn Kathīr, *al-Bidāya* (2003), I, 15, 26; Ibn ‘Atīyya, *al-Muhrir* (2002), V, 163; al-Qurtubī, *Jāmi‘* (2006), XXII, 199.

386 Burge 2012, 130.

387 In his paper, “Fakhr al-Dīn al-Rāzī’s use of al-Ghazālī’s *Mishkāt* in his commentary on the light verse (Q 24:35)”, Janssens underlines the conflict that exists between the ideas of al-Ghazālī and Fakhr al-Dīn al-Rāzī (d. 606 H/1209 CE) about the celestial hierarchy. While al-Ghazālī suggests that Isrāfil, being the angel of the Resurrection, occupies the highest rank among the angels, al-Rāzī contradicts him, basing his argument on Q 81:21 and places Jibril at the top of the angels’ list. See Janssens 2016, 237.

388 Al-Qazwīnī and Ibn ‘Allān, in addition to a Sufi scholar who will be mentioned in the next pages.

389 Also known as al-Qazwīnī’s cosmography. This work summarises how the creation was imagined and perceived during the thirteenth century CE according to the myths and beliefs in that period. It was likely composed during the sixth decade of the thirteenth century CE. The Bayerische Staatsbibliothek has a manuscript of this work that is dated to 1280 CE, which means that it was written in al-Qazwīnī’s

ensouls the bodies (*nāfikh al-arwāh fī-l-ajsād*).<sup>390</sup> Four centuries later, the Shāfi‘ī exegete and traditionist Muhammad ‘Alī b. ‘Allān (d. 1057 H/1647 CE) asserts in his *ḥadīth* commentary<sup>391</sup> that the angel of the womb is one of Isrāfil’s assistants (*min a‘wān Isrāfil*). Besides, he indicates that Isrāfil, following Gods’ order, takes (*ya’khudh*) the shape (*al-ṣūra al-manqūsha*) pertaining to the unborn and throws it into the womb. Then, the angel of the womb<sup>392</sup> throws it into the unborn, who will be shaped this way accordingly.<sup>393</sup> Ibn al-‘Arabī, whose work chronologically orders the three passages where Isrāfil is directly connected to the angel of the womb, seems to have been the very first to expose this idea. However, the absence of proof cannot be proof of absence because this idea could have existed and circulated in Ibn al-‘Arabī’s milieu and period or even much earlier. Jadaane points out that the Islamic scholars are inspired by the Qur’ān, traditions and a corpus of conventional literature.<sup>394</sup> Taking this statement into consideration, I find that customs and regional popular beliefs have an important impact on the line of thought of scholars and on the way they try to adapt it and incorporate it into their works.

At the same time, if we suppose this idea might have derived from Ibn al-‘Arabī’s reflections, one could wonder about the motifs. The first motif is merely linguistic. As pointed out above, the mission of Isrāfil is blowing the Trumpet (*nafkh al-sūr*). The term *sūr* in Arabic is written similarly to

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lifetime, three years before he died. The manuscript (BSB Cod. Arab. 464) has been digitised and is available online, <https://daten.digitale-sammlungen.de/0003/bsb00037026/images/index.html?id=00037026&groesser=&fip=eayaewqsdaseayaenenxsewqeayasdas&no=&seite=2> accessed 20 October 2020. The manuscript was edited by Ferdinand Wüstenfeld. See al-Qazwīnī, *‘Ajā’ib* (1848). More information about the manuscript is found in Rebhan 2010, 62.

390 *Ibid.*, 56. To consult the manuscript, see fol. 32 v.

391 Entitled *Dalīl al-fālihīn li-ṭuruq riyād al-ṣālihīn*, it is a commentary on al-Nawawī’s compilation of verses from the Qur’ān supplemented by the *ḥadīth* narratives *Riyād al-ṣālihīn*.

392 In his article about the term *nasama* in the *ḥadīth*, Eich points out that only in Anas b. Mālik’s and ‘Abd Allāh b. ‘Umar’s traditions, is the angel specified as being “an angel assigned for the uterus” or “the angel of the uterus”. See Eich 2018, 41–42. After analysing embryological fragments in rabbinic literature, postbiblical apocalypses, and some early Christian sources, Doroftei concludes that the *ḥadīth* motif of the angel infusing the soul does not have its roots in a Jewish or Christian work; rather, it is immersed in late antique embryologic imagery. See Doroftei 2018, 23–68.

393 Ibn ‘Allān, *Dalīl* (2004), IV, 289.

394 Jadaane 1975, 48.

the term *ṣuwar*, which is the plural of shape/image (*ṣūra*). Keeping in mind all the ḥadīth material mentioning the angel of the womb ensouling the unborn (*yanfukh fīh al-rūh*), and having this embryological lexical field (*nafkh, ṣuwar*), it is likely that Ibn al-‘Arabī made a connection between Isrāfil blowing the trumpet and ensouling the unborn. A striking point of this aspect is the presence of the same connection and allusion in the major work *al-Futūḥāt al-makīyya* (The Meccan Illuminations)<sup>395</sup> by the Andalusi Sufi philosopher Muhyī al-Dīn Ibn ‘Arabī (d. 638 H/1240 CE).<sup>396</sup> This parallelism between these two Andalusi scholars cannot be pure coincidence. It is likely that in the Andalusi milieu, during the twelfth and thirteenth centuries CE, the idea of associating Isrāfil with images/shapes and consequently with the angel of the womb and shaping the unborn was spread among scholars.

The second motif is merely religious. In a variant of Ibn Mas‘ūd’s ḥadīth, it is mentioned that God sends the angel of the womb to *umm al-kitāb* where he can find the story of the *nutfa*. In the tradition mentioned above,<sup>397</sup> *umm al-kitāb* is placed on Isrāfil’s forehead. Therefore, the connection between the angel of the womb and Isrāfil is *umm al-kitāb* and Ibn al-‘Arabī might have followed this transitive reasoning.

Once the angel of the womb has been identified as one of Isrāfil’s unlimited number of assistants, Ibn al-‘Arabī indicates briefly and vaguely its role, which revolves around managing the *nutfa* throughout the phases (*aṭwār*) of the formation (*al-khilqa*). The term *tadbīr* does not seem to belong to the embryological jargon. Thus, it shows the lack of precision and haziness of the angel’s mission. Building on his argumentation and interpretation of Q 6:59 in the seventh issue, Ibn al-‘Arabī again insists on the fact that the five matrices or positions (*maqāmāt*) of the unseen have neither indication (*amāra*) nor sign (*‘alāma*), underlining their unpredictability and attribut-

395 It is a voluminous work in which the Andalusi philosopher Ibn ‘Arabī exposes his spiritual *riḥla* to pilgrimage, his mysticism and his theology. Ibn ‘Arabī would likely have written it between 1203 and 1240 CE.

396 López Anguita, in her approach to the angelology of the Islamic mystic, discusses the same example of *ṣūr* and *ṣuwar* provided by Muhyī al-Dīn Ibn ‘Arabī. In fact, Ibn ‘Arabī indicates that it is an allusion to the creative imagery which is identified with blowing the trumpet. In other words, when Isrāfil blows the trumpet, he blows life into the shapes/images. See López Anguita 2014, 222. The difference between the two Ibn (al)-‘Arabis is that the exegete alluded to the moment of creation, whereas the Sufi linked it to the resurrection.

397 See page 74.

ing their knowledge to the Creator. He develops an embryological example of sex determination:

The seventh issue: ... And whoever says that he knows what is in the womb is a disbeliever. As for the indication [of what is in the womb], those who claim to know it either do so out of disbelief or based on experience. For instance, the experience is when the physician says "If the nipple and areola of the right breast get darker, then it is a male. When they are darker in the left breast, it is a female. Moreover, if the [pregnant woman] feels her right side heavier, then she has a male. If she finds the left side heavier, it is a female." [When the physician] claims that this is common but not inevitable, we do not consider him a disbeliever or wicked person.<sup>398</sup>

The first point that Ibn al-‘Arabī introduces in this interpretative passage is his legal judgment of charging anyone who claims to know what the womb bears with disbelief (*takfir*).<sup>399</sup> Nevertheless, he excludes some indications linked to medical experiments and observations. These indications have a Hippocratic-Galenic solid background. Indeed, the passage mentioned above can be traced to two physicians.

On the one hand is the Andalusi physician ‘Arīb b. Sa‘īd of Cordoba<sup>400</sup> (d. 370 H/981 CE), in his treatise about foetal development, pregnancy and newborns (*Kitāb khalq al-janīn wa-tadbīr al-ḥabālā wa-l-mawlūdīn*),

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398 Ibn al-‘Arabī, *Ahkām* (2003), II, 259.

399 This is implied by the terms used by Ibn al-‘Arabī, for example, the additional *fā‘ (al-fā‘ al-zā‘ida)* added to the personal pronoun (*huwa*) stresses the predicate and confirms this disbelief.

400 ‘Arīb Ibn Sa‘īd was a polymath emblematic of tenth-century CE Cordoba. He wrote the first treatise on embryology, gynaecology and paediatrics in al-Andalus, entitled *Kitāb khalq al-janīn wa-tadbīr al-ḥabālā wa-l-mawlūdīn* (Book of the generation of the foetus, the treatment of pregnant women and newborns). Musa investigates the origin of his name and presents a detailed biographical study and an analysis of his work. See Musa 1999, 98–101. See also, Nieto Barrera; Nieto Jiménez 2014, 1–7; Samsó 2011, 116–18. A comprehensive study about ‘Arīb Ibn Sa‘īd and his scholarship was carried out by López López in his article “La vida y obra del famoso polígrafo cordobés del s. X ‘Arīb Ibn Sa‘īd”. See López López 1990, 317–47. This article was translated into French by Myriam Benarroch, see López López 1994, 77–101. In the introduction to the Spanish translation of the treatise, Arjona Castro presents a biography of the author and introduces the reader to the scientific, specifically the medical, milieu of tenth-century CE al-Andalus, see Ibn Sa‘īd al-Qurṭubī, *Generación* (1983), II–27. See also Forcada, *EI*<sup>3</sup>, [http://dx.doi.org/10.1163/1573-3912\\_ei3-SIM\\_0097](http://dx.doi.org/10.1163/1573-3912_ei3-SIM_0097) accessed 26 October 2020.

which generally endorses ancient Greek ideas and sometimes draws from Arabic and Indian medicine.<sup>401</sup> Although this work was the first obstetric and paediatric treatise in al-Andalus, the period when it was produced (i.e., the second half of the tenth century CE) was characterised by the total assimilation of the Eastern and Greek sciences,<sup>402</sup> and afterwards by the independence,<sup>403</sup> evolution and acceleration of the production of Andalusi sciences, especially in medicine, until they reached their splendour during the eleventh and the twelfth centuries CE.<sup>404</sup> This treatise should have

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401 In many parts of his text, ‘Arīb Ibn Sa‘īd refers to *al-awā’il*, but he never specifies who he refers to – the Greeks or the Arabs. Thus, many sources and references in his work remain unknown and confusing. See Musa 1999, 106. Musa demonstrates that Arjona Castro must have been confused when he argued that ‘Arīb Ibn Sa‘īd included some of the prophet’s medicine (*al-ṭibb al-nabawī*) in his treatise. *Ibid.* For a detailed list of ‘Arīb’s sources in his treatise, see López López 1994, 91–92.

402 It was mainly after the ninth century CE that the massive translation movement to Arabic came to fruition.

403 Álvarez de Morales and Molina López argue that starting from the tenth century CE, al-Andalus not only became politically independent from Baghdad and the East, but Andalusi scholars knew how to shape an Andalusi scientific identity with specific characteristics. Al-Andalus turned from a receiver to an inspiring donor. Álvarez de Morales, Molina López 1999, 15–16. See also de la Puente 2003, 14–16.

404 It is important to remember that the endeavour to advance medicine in al-Andalus was multi-ethnic and multi-religious, thanks to Christian and Jewish physicians who also contributed to this success. The Jew Hasday Ibn Shaprut (d. 970 CE) was able to use his linguistic knowledge in Hebrew, Arabic, Greek and Latin to translate texts on pharmaceutical drugs for ‘Abd al-Rahmān III. Other examples of famous Andalusi physicians always recognised for their contributions to medicine are Ibn Juljul (d. ca. 384 H/994 CE) for his translations and commentaries on the history of medical practices from ancient Greece to his time, while Abū al-Qāsim Khalaf b. Abbās al-Zahrāwī (d. 404 H/1013 CE), known as Abulcasis, is considered the father of surgery and the first physician to identify and describe abdominal pregnancy. Moreover, he performed the first plastic surgery, and he successfully operated on gynecomastia, a peculiar pathology where the male mammary glands become inflamed. Others include Ibn al-Wāfid of Toledo (d. 467 H/1074 CE), who is said to have spent more than twenty years writing his treatise on simple medicines (*Kitāb al-adwiya al-mufrada*), translated into Latin as *De medicamentis simplicibus* and Abū Bakr Ibn Bājja (d. 533 H/1138 CE), Latinised as Avempace, who traced the path that Averroes and Maimonides would follow in Aristotelian philosophy and medicine. In addition, Ibn Zuhr, or Avenzoar (d. 557 H/1162 CE), worked in the line of Hippocrates and Galen. He is known to have been the first to carry out experiments on animals before applying them to humans, the first to give a detailed description of a tracheostomy by observing the experimental effects on a goat, and to clinically describe intestinal tuberculosis. Being described by Delgado as the Andalusi scholar “who has had the greatest influence on human thought throughout history”, Ibn Rushd (d. 595 H/1198 CE), known as Averroes, was a

been written between 350 H/961 CE and 360 H/970 CE and dedicated to the Caliph al-Hakam II (d. 366 H/976 CE). Renaud draws attention to the originality of the embryological and obstetric approach of the work since these topics were rarely addressed outside of encyclopaedias by Arab scholars.<sup>405</sup> ‘Arīb Ibn Sa‘īd follows a chronological order in his work, assigning the first nine chapters to embryology and obstetrics and the last six to paediatrics. In his fourth chapter, entitled “The reasons that determine the birth of males and females. Description of the birth of many children after one coitus”, ‘Arīb Ibn Sa‘īd describes the different aspects that determine sexual difference and generation. He draws on the Hippocratic theory that proposes the examination of the size of left and right nipples and areolae, which, depending on the heaviness of the left or right side of the woman, was used to differentiate between a male and female foetus.<sup>406</sup> Furthermore, he adopts the Galenic explanation based on the criterion of left and right sides:<sup>407</sup>

When the pregnant woman feels itching in the right breast and on the right side of the uterus, it is a sign that she has conceived a boy. If she has the right breast larger than the left one, especially the nipple, and has all the veins on the right side more intensely protruding than those on the

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philosopher, jurist, theologian and the private physician of some of the Almohad sultans. He used Aristotelian logic to organise his treatises, making medicine a deductive rather than inductive science. His medical work is organised into small (presentations, summaries, important points), medium (developments or criticism of particular points) and large (in-depth, overall analyses) comments, and into treatises on particular subjects (theriac, fevers), which were finally ordered and synthesised in an encyclopaedia (*Colliget*). See See Delgado 2012, 327. For further information about medicine in al-Andalus, especially in the golden age (between the tenth and twelfth centuries CE), see de la Puente 2003, 9–85; Sournia 1986, 87–96; *La Medicina en al-Andalus* (1999); Arroñada 2008, 121–40; Urvoy 1998, 111–16. A relevant paper by Ricordel points out the Kairouani influence on the orientation of Andalusi medicine, especially in pharmacology. See Ricordel 2008, 189–202.

405 Renaud 1946, 214.

406 In his *Aphorisms*, Hippocrates argued that whereas boys develop on the right side of the womb, which is warm, girls develop on the colder part, i.e., the left side (5:48). See Hippocrates, *Aphorisms* (1817); Forbes 1959, 537; McCartney 1922, 67.

407 Galen had the idea that if the seed falls into the right side of the womb, then the embryo would be a boy, and if it falls into the left side, it would result in a female. Of course, the Galenic theory parts deviate from the recognition that the woman produces a useful seed for generation, which remains, however, inferior to the male's. For further development of Galen's conception theory, see Boylan 1986, 47–77; Bonnard 2013, 7; Pahta 1998, 40–41.

left side and especially all the veins under the tongue, this indicates that the child is male. Hippocrates ordered to examine the woman’s breasts and see which of the two is larger because the foetus is certainly on the side of the larger one. ... And if you find heaviness on the right side of the uterus or if you have a slight movement in your eye, it will indicate that the child is a male, and if you find heaviness on the left side of the uterus and in the left eye, the movement is faster, it indicates that it is a girl. God is the wisest.<sup>408</sup>

On the other hand, one can think of the thirty-fourth chapter (i.e., the description of the womb that bears a child, *fī sifat al-rahīm al-latī fīhā janīn*) of the third part (*al-maqāla al-thālitha*) of the encyclopedia *Kāmil al-ṣinā‘a al-tibbiyya* by the Persian physician ‘Alī Ibn ‘Abbās al-Majūsī<sup>409</sup> (d. ca. 384 H/994 CE). Also known as *al-Kitāb al-malakī*, it was finished around 980 CE and dedicated to the prince ‘Aḍud al-Dawla (r. 967–983 CE).<sup>410</sup> In Islamic medicine, this compendium is considered among the greatest classical works, which include al-Rāzī’s *al-Hāwī* and Avicenna’s *Canon*.<sup>411</sup> The work did not take long to reach the Islamic West<sup>412</sup> and gain popularity,<sup>413</sup> as Constantinus Africanus translated parts of it into Latin (Liber Pantegni) in around 1087 CE. Stephen of Antioch produced a more complete and accurate translation in 1127 CE, which was widely distributed.<sup>414</sup> In the thirteenth chapter, al-Majūsī relies on the Hippocratic theory that argues that the male foetus develops on the right side of the womb, being warm, unlike the female foetus, which develops on the colder part that is the left side.<sup>415</sup> And similarly to ‘Arīb Ibn Sa‘īd, al-Majūsī includes the examination of the size of the left and right breast and nipple to differentiate between a male and female foetus:

408 Ibn Sa‘īd al-Qurṭubī, *Generación* (1983), 60–61.

409 A detailed study about his life is in Micheau 1994, 1–15. See also Haque 2004, 363–64; Richter-Bernburg, “‘Alī b. ‘Abbās Majūsī,” *Encyclopedia Iranica*, <http://www.iranicaonline.org/articles/ali-b-abbas-majusi> accessed 10 June 2024.

410 Pormann; Savage-Smith 2013, 55; Micheau 1994, 8.

411 Haque 2004, 363.

412 Especially Kairouan. See Jacquot 1994, vii.

413 Troupeau counts one hundred and twenty-eight manuscripts in Arabic. In addition, it was translated into Latin, Greek, Hebrew and Judeo-Arabic. See Troupeau 1994, 303–15; Barkai 1994, 57–70; Miguet 2022, 325–26.

414 Haque 2004, 363.

415 (5:48). See Hippocrates, *Aphorisms* (1817), 113.

You should know that every male foetus is born on the right side, and its movement is evident on this side. ... The reason for males being born on the right side is that the male needs to be hotter in temperament, and the right side of the uterus is hotter because of its proximity to the liver and because the right testicle of the woman is the one in which the semen flows to the uterus is also hotter in temperament and the semen is also hotter and thicker. The female foetus being born on the left side of the uterus, [since] she needs to have a colder temperament and the left side of the uterus is colder because it is adjacent to the spleen and the left testicle of the woman is also colder in temperament and for this reason, the semen is colder and thinner. Therefore, the hotter, drier and thicker the semen is, then the foetus is a male, and if it is colder, wetter and thinner, then the foetus is a female. [The] signs that indicate that a woman is pregnant with a male: she has a good [healthy] colour, her movement is light, her right breast [firm] is larger than the left, her nipple is larger, and the pulse in the right hand is [great] and fast [full]. These signs are the opposite when she is pregnant with a female.<sup>416</sup>

The texts of both ‘Arīb Ibn Sa‘īd and al-Majūsī do not contain indications about the colour of the breast. Hence, one can suppose that as Ibn al-‘Arabī might have mentioned some information from *Kitāb khalq al-janīn* or/and from *Kāmil al-ṣinā‘a al-tibbiyya*, he probably added other information found in different sources. Obviously, Ibn al-‘Arabī inserted these Hippocratic and Galenic assertions with caution and insisted on the fact that these opinions remained as evidence based on experimental and popular beliefs rather than on an asserted truth.

#### 2.2.1.2. Q 13:8 (*al-Ra‘d*)

Ibn al-‘Arabī expounds on four issues that are directly connected with the interpretation of the first verse<sup>417</sup> of *sūrat al-Ra‘d*: “*God knows what every female bears, and every increase and decrease of the wombs. With Him, everything is by measure*” (Q 13:8). The first issue is a natural continuation of what was discussed in the second issue of Q 6:59. As for the second issue of this verse, Ibn al-‘Arabī discusses the legal debates about miscarriage and the period of pregnancy, more precisely the minimum and maximum gesta-

416 Al-Majūsī, *Kāmil* (1972), I, 336–38.

417 Following Ibn al-‘Arabī’s order.

tion periods. In light of this second issue and as a direct consequence of it, Ibn al-‘Arabī further illustrates his view and criticises a Mālikī exception in the third issue. The last issue is an adumbration of the idea of menstruation in pregnant women and, consequently, the issue of the emptiness of the womb (*barā’at al-rahim*).

The first issue deals with the first part of the verse “*God knows what every female bears*”. Ibn al-‘Arabī’s commentary on this is similar to his interpretation in the previous chapter, i.e., al-An‘ām. He interprets it as follows:

Praise God for the knowledge of the unseen (*al-ghayb*) and the comprehension of the inner matters hidden from mankind. No one can participate with Him in this. The physicians (*ahl al-tibb*) argue that if the right breast of the pregnant woman is swollen, then she carries a male. If the swelling appears in the left breast, she has a female. Besides, if the pregnant woman feels her right side is heavier, she carries a male; if she finds the left side heavier, she has a female. When [the physicians] declare this unequivocally, it is considered as disbelief. When they say this is based on our experience, they are left alone with their view, but this should not kindle their pride, for custom may be broken, but [God’s] knowledge can not be altered.<sup>418</sup>

In this fragment, Ibn al-‘Arabī again asseverates God’s absolute knowledge that encompasses everything, including the womb’s contents. He insists on the improbability of the medical assertions differentiated by opinions based on custom and *istiqrā’*,<sup>419</sup> which, in turn, is based on observation and experience followed by collecting, connecting and interpreting the results. Although these results might constitute a habitual normative phenomenon, they can never be incontestable scientific truth. And this is the point that distinguishes disbelief from experimentation. The examples of sex determination in this passage are not assigned to any specific physician. Ibn al-‘Arabī generalises his reference here by using *ahl al-tibb* rather than *al-tabib*, thus expanding the spectrum of sources he was using or referring to. Within *ahl al-tibb*, one might also think of midwives (*qawābil*). Moreover,

418 Ibn al-‘Arabī, *Aḥkām* (2003), III, 79.

419 Inductive reasoning is one of the methods used in scientific research where experiences and observations are assembled to support, but not guarantee, the conclusion. This method goes from the private to the general. This method is very useful for legal rulings in the fundamentals of jurisprudence (*uṣūl al-fiqh*). On *al-istiqrā’*, see Bsoul 2017, 1–33; Jidiyya 2010, 25–36.

it crosses the boundaries of individual physicians to generalise the legal judgment to the community of physicians and likely midwives. It charges individual physicians with disbelief in cases where these thoughts might be adopted. Nonetheless, the examples of heaviness and the swollen right or left breast that were already mentioned by ‘Arīb Ibn Sa‘īd and al-Majūsī in the preceding Qur’anic chapter (Q 6:59) appear again in Ibn al-‘Arabī’s interpretation.

The second issue, where he says, “*and every increase and decrease of the wombs*”, represents a natural extension of the first since it forms the second conjunction of the predicate of the main sentence, “*God knows what every female bears*”. Ibn al-‘Arabī starts the second issue in his commentary in this way:

People differed about it. Nine groups are the most known.

First: What the wombs decrease: from nine months and more [than that], as His saying “formed and unformed”. This is the extent to which al-Ḥasan said.

Second: What the wombs decrease: i.e. what [the wombs] expel; what they exceed, which means until nine months. This is what Qatāda said.

Third: If the pregnant woman menstruates, the child (*al-walad*) becomes smaller/deficient, and accordingly [the menstruation] is [the cause] of this deficiency (*fa-dhalika ghayduhu*). In case [the pregnant woman] does not menstruate, then that is his full term. This is what Mujāhid and Sa‘īd b. Jubayr said.

Fourth: What the wombs decrease for six months, and [what the wombs exceed] for two years. This is what ‘Āisha said.

Fifth: What [the wombs] increase: for three years. This is what al-Layth said.

Sixth: What [the wombs] increase: up to four years; this was said by al-Shāfi‘ī and Mālik in one of his narrations.

Seventh: The famous saying of Mālik is up to five years.

Eighth: Up to six years or seven years. This is what al-Zuhrī said.

Ninth: It would be unlimited, even if it exceeded ten years or more. Mālik said this in his third narration.<sup>420</sup>

In this passage, through enumeration and following an ascending chronological order, Ibn al-‘Arabī implicitly takes the reader through each opinion

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420 Ibn al-‘Arabī, *Aḥkām* (2003), III, 79–80.

and interpretation of “*and every increase and decrease of the wombs*” into the Sunni disagreement about the maximum pregnancy period.<sup>421</sup> The first opinion is attributed to al-Hasan,<sup>422</sup> who is inclined to believe that the wombs may fall short and lose blood during the pregnancy, which could likely result in miscarriage or not “formed and unformed”. Al-Hasan argues that nine months is not the maximum period of gestation.<sup>423</sup> However, the length of this period is not mentioned. The second opinion is that of Qatāda,<sup>424</sup> who clearly identifies the womb’s decrease with miscarriage and believes that the pregnancy period could exceed nine months. Ibn al-‘Arabī puts Mujāhid<sup>425</sup> and Sa‘id Ibn Jubayr<sup>426</sup> in third position. Both of them argue that in cases where the pregnant woman menstruates during pregnancy, the unborn decreases and consequently needs more time (i.e., more than nine months) to retrieve what has been lost. In cases where she does not menstruate, the period is full-term.<sup>427</sup> In the following opinion, Āisha<sup>428</sup> determines the minimum gestation period, i.e., six months, and extends the

421 This controversy emerged in the absence of any Qur’anic or prophetic evidence, which impelled the scholars to form their opinions from what they heard from other sources. See Hasan 2008, 18; Colin 2013, 146–48.

422 Al-Hasan Abū Sa‘id b. Yasār al-Baṣrī (d. 110 H/728 CE) was, according to Schwarz, one of the most distinguished religious scholars in the first century of Islam. He belongs to the successors (*al-tābi‘ūn*) of Muhammad’s companions. He was not only known as an exegete and a reciter, he was also very present in the *hadīth* transmission and recognised as the forefather of Muslim mysticism. See Schwarz 1967, 15; Schimmel 1975, 30; Mourad, *EI*<sup>3</sup>, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_30346](http://dx.doi.org/10.1163/1573-3912_ei3_COM_30346) accessed 11 November 2020.

423 Ibn Kathīr, *Tafsīr* (1998), IV, 374; al-Ṭabarī, *Jāmi‘* (2000), XVI, 361.

424 Qatāda b. Dī‘āma Abū al-Khaṭṭāb al-Ṣadūsī (d. 118 H/736 CE) was a famous traditionist and exegete from Basra. According to al-Dhahabī, Qatāda was considered an ideal of exegetes and traditionists. See al-Dhahabī, *Siyar* (1992), V, 269–83.

425 Mujāhid b. Jabr Abū al-Hajjāj al-Makki (d. btw. 100–104 H/718–722 CE) is said to have been one of the oldest exegetes. He was a distinguished member of the successors (*al-tābi‘ūn*) and was a disciple of ‘Abd Allāh Ibn ‘Abbās. See Rippin, *EI*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_5306](http://dx.doi.org/10.1163/1573-3912_islam_SIM_5306) accessed 12 November 2020.

426 Sa‘id b. Jubayr Abū ‘Abd Allāh (d. 95 H/714 CE) was a reciter, exegete and traditionist from Kufa. Together with Mujāhid and ‘Ikrima, he studied under ‘Abd Allāh Ibn ‘Abbās. See al-Dhahabī, *Siyar* (1992), IV, 322.

427 al-Ṭabarī, *Jāmi‘* (2000), XVI, 359–61.

428 Āisha Bint Abū Bakr (d. btw. 57–59 H/677–679 CE) was the daughter of Abū Bakr al-Ṣiddīq and the third wife of the prophet. She is said to have reported 2210 *ḥadīths*. See al-Dhahabī, *Siyar* (1992), II, 139; Afasaruddin, *EI*<sup>3</sup>, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_23459](http://dx.doi.org/10.1163/1573-3912_ei3_COM_23459) accessed 12 November 2020.

maximum period to two years.<sup>429</sup> This opinion has been adopted by the Ḥanafis. Whilst the fifth position, represented by al-Layth,<sup>430</sup> recognises pregnancy for three years,<sup>431</sup> the sixth takes it to four years. This opinion was recognised among the Shāfi‘is,<sup>432</sup> the majority of the Ḥanbalīs<sup>433</sup> and the Mālikīs.<sup>434</sup> Ibn al-‘Arabī places the well-known saying of Mālik about

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429 ʻĀisha is quoted in the *Sunan* of al-Bayhaqī, the *Sunan* of al-Ḍāraqutnī, *Badā’i‘ al-sanā’i‘* by al-Ķāsānī and in *al-Mabsūt* by al-Sarakhasī telling a woman called Jamīla bint Sa‘d that pregnancy cannot go beyond two years, not even for a brief instant, using the metaphor “not even in the measure of the shadow cast by a turning spindle” (*wa-law bi-żill mighzal*). This saying is only attributed to ʻĀisha and is thus out of the sphere of prophetic traditions. Al-Ķāsānī rejects this assertion since he maintains that ʻĀisha would have overheard this from the prophet and reported it. He excludes any possibility of *ra’y* or *ijtihād* in this case. See al-Bayhaqī, *Sunan* (2003), VII, 728; al-Ḍāraqutnī, *Sunan* (2004), IV, 199; al-Ķāsānī, *Badā’i‘* (1986), III, 211; al-Sarakhasī, *al-Mabsūt* (1993), VI, 45. See also Ghaly 2014, 166–68.

430 Al-Layth b. Sa‘d b. Abd al-Raḥmān Abū al-Ḥārith (d. 175 H/791 CE) was an Egyptian traditionist and legal scholar belonging to the generation of the successors (*al-tābi‘un*). He is the founder of the short-lived Sunni *madhhab al-laythī*. See Merad, *El<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_4656](http://dx.doi.org/10.1163/1573-3912_islam_SIM_4656) accessed 13 November 2020.

431 He argues that the slave of a certain Aḥmad b. ‘Abd Allāh was pregnant for three years and was worried about being severely ill. However, she gave birth, and al-Layth witnessed this. Al-Ḍīnawarī al-Mālikī, *al-Mujālāsa* (1998), VIII, 46. In another source, the slave of ‘Umar b. ‘Abd al-‘Azīz carried her child for three years in her womb. See Ibn al-Mulaqqīn, *al-Badr* (2004), VIII, 226.

432 They relied on a weak tradition whose *isnād* stops at ‘Umar b. al-Khaṭṭāb. In fact, a man who came back after two years of absence found his wife pregnant and, therefore, decided to complain to the caliph, who was about to stone the woman. A companion of the prophet called Mu‘ādh b. Jabal (d. 17–18 H/639–640 CE) made the caliph step backwards and wait until she gave birth. When the son was born, greatly resembling the father, he laughed and hid behind his smile of two teeth. The child was called al-Ḏahhāk (Ibn Muzāḥīm), which means the laughing one, and his mother was not punished. For further details, see al-Ḍīnawarī al-Mālikī, *al-Mujālāsa* (1998), VIII, 45; Ibn Qutayba, *al-Ma‘ārif* (n.d.), 594. See also Ḥasan 2008, 18–19; Larson 2012, 9–10.

433 The Ḥanbalī jurists, led by their Imām Aḥmad Ibn Ḥanbal, had two opinions on the maximum period of pregnancy. The first one was four years. In his book about the issues of Ahmad Ibn Ḥanbal and Ishāq b. Rāhwayh, Ishāq b. Mansūr al-Marūzī asserts that Aḥmad Ibn Ḥanbal quoted this saying from Mālik Ibn Anas. See al-Marūzī, *Masā’il* (2004), IV, 1559. The second opinion relies on the saying of ʻĀisha, which asserts that the maximum pregnancy period cannot exceed two years. This point is scrutinised in Larson 2012, 10–11.

434 In the following pages, I will examine in depth the three Mālikī opinions mentioned by Ibn al-‘Arabī on the maximum period of gestation.

the gestation period, i.e., five years, in seventh position. Al-Zuhrī<sup>435</sup> believes that pregnancy can be extended to six or even seven years.<sup>436</sup> Ibn al-‘Arabī finishes his taxonomy with the most extended period proposed in the third narration of Mālik, which is ten years, and in other cases it has no limit. Before ending this controversial part of the maximum gestation period, a crucial point is highlighted at the end of Ibn al-‘Arabī’s commentary that needs to be analysed from top to bottom. This is the Mālikī debate about the maximum period of gestation.

The origin of this disagreement within the Sunni bulk of scholars and among the Mālikī circle goes back to the absence of any “implicit or explicit” Qur’anic or prophetic evidence on this subject.<sup>437</sup> The scholars’ opinions basically arise from *al-istiqrā’*,<sup>438</sup> as well as personal experiences and cases.<sup>439</sup> As an example of this debate, Ibn al-‘Arabī exposes three different Mālikī opinions:

- The first opinion: four years. Ibn al-‘Arabī insists that this is based on one narration by Mālik that could be one of the two sayings adopted by the Mālikīs in justifying this period. The first is about ‘Umar b. al-Khaṭṭāb, who assigned a period of four years of waiting to a woman whose husband was missing and did not appear. He assigned these four years by considering the fact that she could be pregnant during this time. Thereafter, she should complete her waiting period (*‘idda*), and could finally marry again.<sup>440</sup> As for the second saying, this is related to the example of the Banū ‘Ajlān. Al-Walīd b. Muslim describes a conversation

<sup>435</sup> Muḥammad b. Muslim b. ‘Ubayd Allāh b. Shihāb Abū Bakr al-Zuhrī (d. 124 H/742 CE) was a traditionist and jurist from the successors. He is considered among the first generation who founded and developed the corpus of ḥadīth literature. See Lecker, *El<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_8204](http://dx.doi.org/10.1163/1573-3912_islam_SIM_8204) accessed 14 November 2020.

<sup>436</sup> Ibn Qudāma, *al-Muḡnī* (1968), VIII, 121.

<sup>437</sup> Sarumi 2018, 75.

<sup>438</sup> Literally, this means following up. In Islamic law, *istiqrā’* is a method of inferring legal rulings. It consists of scrutinising minor issues to apply their ruling on something that contains some of these minor issues, as argued by al-Ghazālī. See Mahmūd 2014, 109; al-Zuhlī 1986, 918.

<sup>439</sup> Colin 2013, 149.

<sup>440</sup> This tradition is available under number 1679, in Yahyā b. Yahyā al-Laythī’s recension of the *Muwaṭṭa’*, in the *Sunan al-kubrā* of al-Bayhaqī, the *Sunan* of al-Dāraqūṭnī and the *Muṣannaf* of Ibn Abī Shayba. The story of Ibn ‘Ajlān’s wife also appears in the *Mudawwana*. See Saḥnūn, *al-Mudawwana* (1994), II, 25. See Appendix I.

that he had with the Imām Mālik: “I was telling Mālik the narrated ḥadīth from ʻAishā through Jamīla b. Saʻd according to which the pregnancy of a woman cannot exceed two years even in the measure of the shadow cast by a turning spindle. Mālik exclaimed immediately: ‘Praise God! Who could have said that? Go and see our neighbour, the wife of Muḥammad b. ‘Ajlān. She carried three children for twelve years, every child for four years.’”<sup>441</sup>

- The second opinion: five years. Ibn al-‘Arabī underlines that this opinion is considered the most well-known (*mashhūr*) among the Mālikī teachings. In the *Mudawwana*, Ibn al-Qāsim articulates, in the presence of Saḥnūn, the opinion of Mālik and accordingly his own opinion about the maximum period of gestation, i.e., five years.<sup>442</sup> In his legal and anthropological study of the sleeping embryo, Colin holds that some opinions or personal cases played a decisive role in elaborating the doctrine, so that it resulted in the intangible crystallisation of this doctrine through the *Mudawwana* into Mālikī law.<sup>443</sup> Moreover, Colin indicates how the living tradition – “la tradition vivante” – and the ‘urf (custom) presented by Mālik from his homeland Medina<sup>444</sup> formulated and outlined the doctrine; they have the status of a material source and consequently a legal authority, just like the Qurʼān and the ḥadīth.<sup>445</sup> Interestingly, this opinion was received and adopted by the majority of Maghribi and Andalusi scholars independently of the period,<sup>446</sup> for instance, Ibn ‘Abd al-Barr<sup>447</sup> (d. 463 H/1071 CE), Ibn Juzayy al-Kalbī<sup>448</sup> (d. 741 H/1340 CE) and ‘Illiṣ<sup>449</sup> (d. 1299 H/1882 CE).

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441 Al-Dāraqutnī, *Sunan* (2004), IV, 500–501; al-Bayhaqī, *Sunan* (2003), VII, 728. See Appendix 2.

442 Without having any “reference for the context in which Mālik allegedly formulated this opinion”. See Larson 2012, 13.

443 Colin 1998, 87–88.

444 Seemingly, in Medina and before the elaboration of Islamic law, the belief in the possibility of long pregnancies was common. Even the Imām Mālik is said to have been in his mother’s womb three years before he was born. *Ibid.*, 88–89; Larson 2012, 14.

445 Colin 1998, 90; Larson 2012, 13.

446 For instance, Bossaller showed that despite no longer being legally applied in Morocco, this doctrine helps pregnant women during the absence or death of their husbands from social exclusion. Bossaller 2004, 145–47.

447 Yūsuf b. ‘Abd Allāh al-Namīrī al-Qurtubī, known as Ibn ‘Abd al-Barr, was a prominent jurist from al-Andalus. In the first phase of his life, he was more inclined to Zāhirism. He subsequently adopted the Mālikī position. He has two extensive commentaries on the *Muwaṭṭa*. See Fierro 2005, 71–72.

- The third opinion: it has no limit, exceeds ten years, and even more. This opinion was mentioned in Ibn al-‘Arabī’s and al-Qurtubī’s exegeses.<sup>450</sup> Abū ‘Ubayd<sup>451</sup> (d. 224 H/838 CE) adopted this opinion, objecting and arguing that it was not permissible in this matter to determine the period by personal opinion (*al-ra'y*).<sup>452</sup> As stated by Colin in “Au Maghreb, l’enfant endormi dans le ventre de sa mère”, where two *fatwās* gathered by al-Wansharīsī were highlighted, the Islamic law was received and adapted to the regional Maghribi context hence the noticeable lengthening of the period of gestation.<sup>453</sup>

Continuing with the classification of opinions concerning the maximum pregnancy period, Ibn al-‘Arabī prefers to specify an issue for one opinion, which is nine months. The third issue starts as follows:

Some careless Mālikīs reported that nine months is the maximum duration of pregnancy, which could be only said by someone who is straying from the right path (*hālikī*): [in other words] the naturalists (*al-tābā'iyyūn*) who claim that the responsible of the pregnancy in the womb are the seven planets. These planets go along with it [the pregnancy] month by month. The sun rules the fourth month; therefore, [the foetus] is moving and disturbing. Once the alternation comes to an end in the seven [first] months [of the pregnancy] between the seven planets, the eighth-month returns to Saturn, which gives its cold to the foetus. I wish I could dispute or even fight them.<sup>454</sup>

First, the fact that Ibn al-‘Arabī dedicates a whole issue to discussing one opinion certainly shows its importance. Nevertheless, this importance can be perceived from both a positive and a negative angle, which is the case here. Ibn al-‘Arabī begins with the third issue by announcing that some

448 Muhammad b. Ahmad b. Muhammad b. ‘Abd Allāh Abū al-Qāsim b. Juzayy al-Kalbī al-Gharnātī was a prestigious Andalusī jurist, well-versed in the principles of Islamic jurisprudence. He was the teacher of Lisān al-Dīn Ibn al-Khaṭīb (d. 776 H/1374 CE).

449 See Ibn ‘Abd al-Barr, *al-Kāfi* (1992), 300; Ibn Juzayy, *al-Qawānīn* (2013), 402; ‘Illīsh, *Manh* (1989), VI, 483.

450 Al-Qurtubī, *al-Jāmi'* (2006), XIII, 24.

451 Al-Qāsim Ibn Sallām Abū ‘Ubayd was an eminent Qur’anic scholar and philologist. In his works, he dealt with *gharib al-hadīth* and *gharib al-qur’ān*. See Gottschalk, *EP*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_0266](http://dx.doi.org/10.1163/1573-3912_islam_SIM_0266) accessed 23 November 2020.

452 Ibn Qayyim al-Jawziyya, *Tulūfa* (2010), 384.

453 Colin, 2013, 149–50.

454 Ibn al-‘Arabī, *Aḥkam* (2003), III, 80–81.

Mālikīs supported the opinion of nine months for the duration of the pregnancy. He points an accusing finger at the careless Mālikīs and the naturalists (*al-ṭabā’iyyūn*). Nevertheless, after a semantic study of the first sentence of the passage (i.e., “Some careless Mālikīs reported that nine months is the maximum duration of pregnancy, which could be only said by someone who is straying from the right path (*hālikī*): [in other words] the naturalists”), changes between his references to plural and singular subjects, and especially the use of *ba’d* which often indicates singular, lead us to think of the possible implicit involvement of an Andalusi Mālikī scholar who follows the naturalists’ ideas in Ibn al-‘Arabī’s critical passage. Who might this scholar be? *A fortiori*, I suggest ‘Arīb Ibn Sa‘īd for the following reasons.

First, ‘Arīb Ibn Sa‘īd was an eminent polymath of caliphal Cordoba. He seems to have enjoyed special privileges as the secretary of ‘Abd al-Rahmān III and his son al-Ḥakam II, the two first emblems of Umayyad power. Moreover, as mentioned in Q 6:59, ‘Arīb would have composed his treatise between 350 H/961 CE and 360 H/970 CE and dedicated it to al-Ḥakam II. This pivotal period in the history of al-Andalus (i.e., the proclamation of the Caliphate of Cordoba) marks the Andalusi Mālikī orthodoxy’s apogee, as Idris argued.<sup>455</sup> Therefore, the probability of ‘Arīb Ibn Sa‘īd being a Mālikī increases. However, this assumption could give rise to uncertainty.<sup>456</sup> The second argument is more tangible than the first since the sixth chapter of ‘Arīb’s treatise starts with his announcement that pregnancy lasts nine lunar months, or more concretely, two hundred and sixty-five and a half days.<sup>457</sup> Furthermore, in discussing delivery during the eighth month, ‘Arīb gives a medical and astrological explanation of the development of the unborn. Based on the third argument, it is evident that Ibn al-‘Arabī directed his critique towards ‘Arīb Ibn Sa‘īd and his treatise. Though brief, Ibn al-‘Arabī does refer to ‘Arīb’s methodology in associating a planet with each month of gestation. A summary of ‘Arīb Ibn Sa‘īd’s month/planet correlation is provided below:

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455 Idris 1998, 93–94.

456 Especially since Fierro has shown that ‘Abd al-Rahmān III appointed some *qādīs* from other schools and legal tendencies. She argues, however, that these judges could not divert from the Mālikī doctrine and that leadership remained in the hands of the Mālikīs. See Fierro 2004, 142–47.

457 Ibn Sa‘īd al-Qurṭubī, *Generación* (1983), 83–84.

Table 1: ‘Arib Ibn Sa‘id’s planetary gestational correlation

Month of pregnancy	Planet influence	Planet nature	Description
1	Saturn	Cold and dry	The sperm ( <i>nufa</i> ) is a frozen mass without perception or movement, like Saturn’s nature.
2	Jupiter	Hot and humid	Under the heat and humidity of Jupiter, the <i>nufa</i> starts to grow and turns into a small piece of flesh.
3	Mars	Hot and dry	The piece of flesh is more defined and blood appears in its veins.
4	Sun	Hot and dry	The foetus starts moving and the sex is ultimately manifested.
5	Venus	Cold	The brain is created and the skin and bones are developed.
6	Mercury	Moderately hot and dry	The tongue is created and the sense of hearing is developed.
7	Moon	Mobile	The moon gives her rapid movement and perfection to the unborn. The formation of the embryo is complete since it has been through the influence of the seven stars.
8	Saturn	Cold and dry	The embryo calms down and remains sick this month.
9	Jupiter	Hot and humid	The period of growth and life.

This correlation between the stages of gestation and the activity of some planets can be traced to Epistle 25 (*fi masqaṭ al-nufa*) in the *Rasā'il* of the Ikhwān al-Ṣafā'.<sup>458</sup> As Saif already mentioned, the Ikhwān al-Ṣafā' emphasise the role of the planets in the formation and development of the

458 Commonly translated as “Brethren of Purity”. It is the name of anonymous philosophical authors of the “most complete medieval encyclopedia of sciences, at least two centuries before the best-known encyclopedias in the Latin world. It is a collection of fifty-two treatises or epistles in Arabic, divided into four sections – introduction, and the natural, psycho-rational, and metaphysical-theological sciences; two additional Epistles, the ‘Comprehensive’ and the ‘Supercomprehensive’ complete the work, which assembles all the available knowledge of the sciences, philosophy of Greek origin, and religious and gnostic Muslim doctrines.” See Baffioni 2011, 536. See also Ikhwān al-Ṣafā', *Rasā'il* (1985), 421–26.

foetus and illustrate the stages of gestation.<sup>459</sup> De Callataÿ and Moureau argue that the Andalusi traditionist *Maslama b. Qāsim al-Qurtubī* (d. 353 H/964) should have introduced *Rasā'il Ikhwān al-Ṣafā'* to al-Andalus on his return from the East shortly after 325H/936 CE,<sup>460</sup> which is a few decades before the composition of the *Kitāb khalq al-janīn wa-tadbīr al-habālā wa-l-mawlūdīn* by ‘Arīb Ibn Sa‘īd (i.e., btw. 350 H/961 CE and 360 H/970 CE). Considering these similarities and the chronological accordance, one might suggest that *Rasā'il Ikhwān al-Ṣafā'* was among the sources used by ‘Arīb Ibn Sa‘īd in his treatise. Therefore, the epithet of the naturalists (*al-ṭabā‘i‘iyyūn*) fits *Ikhwān al-Ṣafā'* better than other physicians.<sup>461</sup>

Ibn al-‘Arabī closes his critical passage with an air of arrogance, intolerance and harshness. He expresses his wish to dispute these naturalists and clarifies that he is also ready to fight them. This small sentence is one among many others in *Aḥkām al-qur‘ān* that shows Ibn al-‘Arabī's high self-esteem and strong personality,<sup>462</sup> especially in attacking his antagonists. Furthermore, Ibn al-‘Arabī inserts a passage in which he insinuates, traps and engages the listener/reader:

Why is the return after the completion of the period [of seven months] to Saturn and not the other [planets]? Did God tell you [about this], or are you inventing a lie against Him? And if it is permissible for it to return to two of the planets, why is it not permissible for the arrangement to return to three or four of them or to return to all of them? Why such control on false conjectures/doubts (*al-zunūn al-bāṭila*) over inner/essential matters (*al-umūr al-bāṭina*)? [Then, who does] back me against this belief and excuse me for the miserable who imagined nine months as the maximum duration of pregnancy? O God, what a loss of science among people in these Western, isolated countries.<sup>463</sup>

Instead of debating his opponent's erroneous logic, Ibn al-‘Arabī uses rhetorical questions to emphasise the absurdity of their position. Al-Mushinī highlights that this stylistic technique is one of the distinctive

459 Saif 2016, 193.

460 De Callataÿ, Moureau 2016, 336.

461 In his *al-Kāmil*, al-Majūsī inserts the exact correlation between the stages of gestation and the activity of some planets. Yet, he does not adopt this approach and mentions that it belongs to the wizards (*al-munajjimūn*). See al-Majūsī, *Kāmil* (1972), I, 339–41.

462 Ibn al-‘Arabī, *Aḥkām* (2003), I, 250, 273; II, 230.

463 Ibid., III, 80–81.

features of Ibn al-‘Arabī’s exegesis. He argues that Ibn al-‘Arabī uses rhetorical questions to preclude any criticism from his adversaries and, thus, anticipates potential questions on the topic and provides answers, thereby fortifying his argument.<sup>464</sup> Indeed, this rhetorical passage contains an oratorical manoeuvre encouraging the recipient to think and make decisions that would presumably align with Ibn al-‘Arabī’s, especially since he sought advocates (*nāṣir*) in this controversial issue.<sup>465</sup> The last sentence of this passage emphasises the isolation and inferiority of the Islamic West in the eyes of Ibn al-‘Arabī, who does not hesitate to express his intellectual superiority<sup>466</sup> and disdain toward the scholarly milieu in the Islamic West. This sentence provides an additional argument to show that Ibn al-‘Arabī was challenging and orientating his critique at the Maghribi, and more precisely the Andalusi scholar ‘Arīb Ibn Sa‘īd, because of his opinion on the maximum gestation period.

Finally, yet importantly, Ibn al-‘Arabī raises the last legal issue of Q 13:8, which is related to the emptiness of the womb and addresses the menstruation of pregnant women. Ibn al-‘Arabī divides this issue into two parts. In the first part, he presents some opinions, and comments on these in the second part. Each opinion is answered by Ibn al-‘Arabī. The passage reads:

The fourth issue: If it is said that a pregnant woman does not menstruate – which is actually the saying of a group including Abū Ḥanīfa – because containing (*tamāsuk*) the menstruation is a sign of the uterus being occupied, whereas its flowing is a sign that the womb is empty (*barā’at al-rahīm*), and it is impossible [for menstruation] to go together with the [uterus being] occupied; because it cannot be a sign of its emptiness if they are together. The meaning of His saying “*God knows what every female bears, and every increase and decrease of the wombs*” is what the wombs fall short of blood and menstruation not in the case of pregnancy,

464 Al-Mushinī 1991, 92. The examples provided by al-Mushinī are not rhetorical questions. *Ibid.*, 92.

465 Interestingly enough, Ibn al-‘Arabī uses this dialogism when dealing with creational matters, for example, in Q 7:172 regarding the creation of Adam’s descendants and in Q 6:141 concerning Eden’s creation. See Ibn al-‘Arabī, *Aḥkām* (2003), II, 281, 336.

466 Thanks to his long journey in the East. Whenever he can, Ibn al-‘Arabī gives glimpses of his career and personal cultural experiences, which form the pillars of the fertile background of his personality and opinions. Serrano Ruano always stresses this sense of superiority in the works of Ibn al-‘Arabī, linking it to the soundness of his intellectual training in the East and his social pedigree. See Serrano Ruano 2016, 177; Al-Mushinī 1991, 93.

and then, [the wombs] increase after the decrease until the blood gathers in the womb. The answer to these issues is twofold: One of them is: that the blood is a sign of the emptiness of the womb from the outward point of view, not definitely [by judging]; hence, they [pregnancy and menstruation] can be joined together, unlike [what is said] during the pregnancy [that] judging the blood is unquestionably the emptiness of the womb, so it is not possible for it [the blood] to go together with the womb being occupied. The second way: is that about his saying in the interpretation of the decrease of the wombs, not during the pregnancy, and its increase until it is gathered in the womb; so, we say: The verse is general in every decrease, increase, flowing and stopping, and if the blood flows normally in its regular period, what/who does forbid its judgment? They have no answer to this.<sup>467</sup>

Ibn al-‘Arabī provides the first opinion, i.e., that the pregnant woman does not menstruate, which belongs to a group of scholars, among whom Abū Ḥanīfa is named. Their argument is based on the idea of the womb's emptiness (*barā’at al-rahīm*) when it menstruates and that otherwise (i.e., when there is no bleeding), it is occupied and thus the woman is pregnant, and it is consequently not possible to be pregnant and menstruate at the same time. Before going into the details of this opinion and analysing Ibn al-‘Arabī's approach, it is worth clarifying the different types of female bleeding. Female blood leaving the uterus has three different denominations: menstrual bleeding is called *hayd*, irregular/abnormal/pathological bleeding is called *istīhāda* and post-partum bleeding is called *nifās*.<sup>468</sup> Let us now turn our attention to the opinion attributed to Abū Ḥanīfa and other scholars. The Ḥanafī position, together with the Ḥanbalī, are extracted from two traditions. On the authority of Abū Sa‘īd al-Khudhrī, the first ḥadīth determines the presence of menstruation as a sign of emptiness of the womb, accordingly indicating that menstruation and pregnancy can never meet: “It is forbidden to have intercourse with a pregnant woman until she gives birth nor with a non-pregnant one until she menstruates once”.<sup>469</sup> Another ḥadīth on the authority of Sālim Ibn ‘Abd Allāh concerns ‘Umar asking the prophet about his son who divorced his menstruating

467 Ibn al-‘Arabī, *Aḥkām* (2003), III, 81.

468 More details on this topic can be found in Ibn Rushd, *Bidāya* (1995), I, 109; Katz 2015, 75–82; Eich 2009, 308–9.

469 This ḥadīth is to be found under number 2790 in *Kitāb al-nikāh* in *al-Mustadrak* by al-Ḥākim al-Naysabūrī.

wife. “The prophet said: order him to revoke and then divorce her, whether when she is purified (*tāhira*) or pregnant.”<sup>470</sup> This tradition preserves a clear relationship between purity, pregnancy and menstruation: the absence of menstruation is a sign of pregnancy and menstruation is a sign of purity. Therefore, women’s menstrual purity cannot be associated with pregnancy. Ibn al-‘Arabī’s brisk and ambiguous association between Abū Ḥanīfa and an undefined group leads us to wonder who this group could be. Why was the mention restricted to Abū Ḥanīfa? On this point, I will systematically and specifically focus on the Andalusi and Maghribi milieus and suggest two figures. Identified by al-Bājī as *faqīh al-andalus*, Ibn Lubāba (d. 314 H/926 CE)<sup>471</sup> argues that pregnant women do not menstruate and blood is described as unhealthy (*dam illa*), using a saying attributed to Ibn al-Qāsim that maintains that a divorced woman who menstruates and bears a baby should be stoned.<sup>472</sup> On the southern bank of the Mediterranean, the emblem of Mālikism there (*Imām al-mālikīyya fī ‘aṣrīhi*), one of Ibn al-‘Arabī’s teachers, al-Māzarī, is credited with an opinion almost indistinguishable from that of Ibn Lubāba and the Ḥanafī scholars.<sup>473</sup> In his legal work *Sharḥ al-talqīn*,<sup>474</sup> al-Māzarī quotes Abū Ḥanīfa’s saying that the bleeding of pregnant women is only degenerated blood and al-Dāwudi’s opinion that a pregnant bleeding woman should not abstain from prayer. In addition, al-Māzarī includes the aforementioned saying of Ibn al-Qāsim to

470 This ḥadīth was verified and accepted by Muslim in his *Ṣaḥīḥ* under number 1471 and by Ibn Ḥanbal in his *Muṣnād* under number 4789.

471 Muḥammad Abū ‘Abd Allāh b. ‘Umar Ibn Lubāba was an eminent Cordoban jurist expert in *fatwās* and *kutub al-ra’y*. He was appointed *muftī* during the reigns of ‘Abd Allāh I and ‘Abd al-Raḥmān III. See Ibn Farḥūn, *al-Dībāj* (1972), II, 190.

472 Al-Ubbī, *Ikīmāl* (1910), II, 76.

473 In his paper about induced miscarriage, Eich points out the importance of the difference between Mālikis and Ḥanafis concerning the menstruation of pregnant women from an embryonic point of view. This contrast indeed affects the Mālikī and Ḥanafī analysis of the role of male sperm and female blood during the gestation. Eich 2009, 308–13.

474 A commentary on *kitāb al-Talqīn* by al-Qādī ‘Abd al-Wahhāb al-Baghdādī (d. 422 H/1035 CE). This is one of the most characteristic and detailed books of *al-khilāf al-‘ālī* (the study of jurisprudential disagreement among the legal authorities of different Islamic schools of law), where al-Māzarī represents the purposes of inference and justification, links the Mālikī rulings to their evidence and extracts the disagreement from them. Al-Fāḍhil Ibn ‘Āshūr points out that al-Māzarī’s methodology in commenting on *al-Talqīn* was highly influenced by his teacher al-Lakhmī’s style and approach, though he was less defiant than him. See Ibn ‘Āshūr, *Muḥādarāt* (1998), 81.

support his position.<sup>475</sup> It is conceivable that Ibn al-‘Arabī distances himself from mentioning the opinion of two leading Maghribi Mālikī scholars about the menstruation of pregnant women to maintain the unity and impermeability of Mālikī consensus on this subject. An additional probable reason behind Ibn al-‘Arabī’s silence is Ibn Hazm’s opinion, which is similar to that of Ibn Lubāba and al-Māzārī and could have challenged the authority of a firm Mālikī establishment in al-Andalus.<sup>476</sup> Answering this first opinion, Ibn al-‘Arabī insists that menstruation is a sign of *bara’at al-rahim* only in the apparent meaning of the text, and its significance is speculative, implying that pregnancy and menstruation coexist together. In contrast, delivery is definitive in determining that the womb is empty and, therefore, cannot be associated with menstruation.<sup>477</sup>

Continuing in the same context, Ibn al-‘Arabī addresses the second point of the fourth issue, which focuses on the Qur’anic expression *wa-tagħid al-arħām*, “every decrease of the womb.” The interpretation that he is criticising combines the blood and menstruation that the womb loses outside of the period of pregnancy. The blood subsequently gathers in the womb and increases after the decrease. Tacitly, Ibn al-‘Arabī again faces those who agreed that pregnant women do not menstruate and accordingly view the decrease of the womb as only being possible outside of the period of pregnancy. Ibn al-‘Arabī’s approach is based on the general meaning of the verse as he specified, stating that any decrease, increase, flowing and stopping of bleeding does not forbid its judgment or qualification as menstruation, regardless of its chronological position (during or outside of gestation). The passage ends with a challenging and self-confident sentence that underlines the author’s ego: “They have no answer to [Ibn al-‘Arabī’s arguments].”

#### 2.2.1.3. Q 22:5 (*al-Hajj*)

The *sūrat al-hajj* is the third chapter in our selection of Qur’anic exegetical material in Ibn al-‘Arabī’s *Aḥkām al-qur’ān*. It actually offers the most extensive and detailed interpretation of embryological development. Ibn

475 Al-Māzārī, *Sharḥ* (1997), I, 344. In his *Ikmāl ikmāl al-mu’lim*, al-Ubbī supports Ibn Lubāba’s opinion and arguments. Al-Ubbī, *Ikmāl* (1910), II, 76.

476 Ibn Hazm, *al-Muħallā* (2003), I, 404.

477 On the emptiness of the womb after delivery, see Ibn al-‘Arabī, *Aḥkām* (2003), I, 280–81.

al-‘Arabī indicates that his exegesis focuses on sixteen selected verses of this chapter. Considered as a fundamental and privileged Qur’anic passage in understanding the embryological development,<sup>478</sup> Q 22:5 is the first verse to be commented on by Ibn al-‘Arabī in *sūrat al-Hajj*. The verse reads as follows:

*O people! If you are in doubt about the Resurrection, then [consider that] indeed, We [i.e., God] created you from dust, then from a semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed, that We may show you. And We settle in the wombs whom We will for a specified term, then We bring you out as a child, and then [We develop you] that you may reach your [time of] maturity. And among you is he who is taken in [early] death, and among you is he who is returned to the most decrepit [old] age so that he knows, after [once having] knowledge, nothing. And you see the earth barren, but when We send down upon it rain, it quivers and swells and grows [something] of every beautiful kind.*

Apart from providing theological concepts,<sup>479</sup> this passage represents a key point to the jurists in inferring the legal rulings concerning the miscarriage and the waiting period (*‘idda*). Ibn al-‘Arabī addresses five issues. The first is divided into two parts: the first part is basically a semantic and morphological analysis of the different Qur’anic phases of embryogenesis, and the second part is an introduction to the *mukhallaqa/ghayr mukhallaqa* issue, which represents the second issue. While the third issue deals with the legal judgement of the miscarried foetus (*al-siqṭ*), the fourth returns to the *mukhallaqa/ghayr mukhallaqa* issue and introduces Ibn al-‘Arabī’s own view on this subject. In the last issue, Ibn al-‘Arabī bases his reasoning on the legal situation of what is miscarried and his own opinion on *mukhallaqa/ghayr mukhallaqa* and discusses the topic of the legal waiting period (*‘idda*).

<sup>478</sup> Together with Q 23:12–14, these verses offer a broad description of the embryological stages as highlighted by Ghaly. See Ghaly 2014, 168; Katz 2003, 30.

<sup>479</sup> Such as the resurrection and God’s omnipotence. See al-Mushinī 1991, 325; Ghaly 2014, 160. Chabbi points out that this passage belongs to a Medinan chapter, which confirms its lateness in the Qur’anic corpus. She underlines, however, the importance of the subject that continues to echo within the society’s preoccupations. See Chabbi 2019, 80.

In his commentary, Ibn al-‘Arabī provides the following interpretation for the opening verse of *sūrat al-hajj*:

The first issue: His saying “*We created you from dust*”, which means Adam, “then from a semen drop”, meaning his son, i.e. the sperm which is called *nutfa* for its paucity, and is a small amount of water. “Then from a clinging clot” (*‘alaqa*) which means a small piece of blood. And “then from a lump of flesh” (*mudgha*): from a coagulated portion that is similar to a morsel that has been chewed.

With regard to His saying “*formed*” there are four opinions:

The first: it became a creation, and the unformed (*ghayr mukhallaqa*) is what the womb ejected as semen (*nutfa*). This was said by Ibn Mas‘ūd.

The second: complete in creation and incomplete in creation. This was said by Qatāda.

The third: it means shaped and unshaped like the miscarriage (*siqt*). This was said by Mujāhid.

Fourth: it means complete in terms of months, versus incomplete.<sup>480</sup>

The first part of the above passage is concerned with the creation curve of the human being. Semantically and stylistically, Ibn al-‘Arabī does not put much effort into it; he inserts the Qur’anic expression or term and follows it with a precise and concise definition. He starts with “*We [i.e., God] created you from dust*”, revealing that the subject in this sentence is Adam, which means that God created Adam from dust. The message of Ibn al-‘Arabī in this passage appears to be that the creation of the human being from dust is linked, *sensu stricto*, to Adam. However, by remembering the intertextual phenomenon between Ibn al-‘Arabī’s works and even between the different chapters in his commentary, we are pressed to verify his interpretations of other verses dealing with this subject. For instance, in commenting “*What is the matter with you, that you do not appreciate God’s Greatness. Although He created you in stages*”, Q 71:13-14, Ibn al-‘Arabī includes the dust phase in the embryogenesis of mankind, considering it the starting point of the creation process, listing afterwards the *nutfa*, *‘alaqa*, *mudgha*, flesh and blood (*laḥm wa-dam*) and intact creation (*khalq sawī*) phases.<sup>481</sup> Ibn al-‘Arabī gives a more generic sense to the creation from dust, applying it accordingly to the creation of every human being, underlining that the starting point of the creation process goes back to Adam. Ibn al-‘Arabī thus

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480 Ibn al-‘Arabī, *Ahkām* (2003), III, 271.

481 Ibn al-‘Arabī, *Ahkām* (2003), IV, 311.

adapts the explanation provided in the majority of the earlier and later commentaries.<sup>482</sup>

After this comes the semantic part of the first issue where Ibn al-‘Arabī defines the Qur’anic tripartite *nutfa-‘alaqa-mudgħa*, respecting their order in the verse. First, he represents the *nutfa* as being the progeny of Adam, using the term *waladuhu*, which means literally his son. Ibn al-‘Arabī explains that the term *nutfa* means very little water and stresses that it is used to connote the sperm because of its scarcity. Despite the fact that the term *waladuhu* is evidence that the *nutfa* is the result of the joined male and female in the womb, Ibn al-‘Arabī does not, thus far, mention this verbatim. Moreover, there is the term ‘*alaqa*, which is defined as a small piece of blood.<sup>483</sup> Finally, Ibn al-‘Arabī defines the term *mudgħa* as a coagulation that looks like a chewed morsel. Understood in this sense, Ibn al-‘Arabī refers, in this part, simply to man’s creation, focusing more on determining the different substances from which he was formed. Thus far, he considers *turāb*, *nutfa*, ‘*alaqa* and *mudgħa* as materials more than phases since he does not include the conjunction *thumma* in his interpretation. Hence, he does not refer to the gradual transformation of the substances he has defined.

Subsequently, Ibn al-‘Arabī proceeds with the controversial issue of *mukhallaqa* (formed) and *ghayr mukhallaqa* (unformed). Admittedly, these two adjectives have caused understandable confusion among the Muslim scholars, who have disagreed about two major issues: one is the exact meaning of *mukhallaqa* and *ghayr mukhallaqa*, and the other is the term to which the adjectives *mukhallaqa* and *ghayr mukhallaqa* are assigned – to *nutfa* or ‘*alaqa* or *mudgħa*, or to all of these? Ibn al-‘Arabī begins with stating the four main opinions of what is understood by *mukhallaqa*.

The first opinion belongs to the companion, exegete and ḥadīth transmitter ‘Abd Allāh Ibn Mas‘ūd, who states that *mukhallaqa* belongs to what has been created, while *ghayr mukhallaqa* describes the *nutfa* that has been expelled from the womb. This opinion was adopted by some scholars and is analysed in depth by Ibn al-‘Arabī in the following issue. Qatāda represents the second opinion, which holds that *mukhallaqa* and

482 Al-Ṭabarī, *Jāmi‘* (2000), XVIII, 567; Ibn Kathīr, *Tafsīr* (1998), V, 447; al-Qurṭubī, *Jāmi‘* (2006), XIV, 313.

483 Known as a blood clot, Bucaille rejects this classical translation. He is more inclined to “something that clings”. See Bucaille 2019, 135. For more details about ‘*alaqa*, see Hussain 1980, 107–10; Sahin 2006, 27–28. See Atighechi 2007, 92.

*ghayr mukhallaqa* are attributed to the *walad* who will be born. Just as the newborn can be perfectly shaped and created, it can also suffer from congenital malformation/deformity. Hence, Qatāda ascribes *mukhallaqa* and *ghayr mukhallaqa* to this stage.<sup>484</sup> The third opinion is represented by Mujāhid, who asserts that *mukhallaqa* and *ghayr mukhallaqa* refer to the miscarriage (*siqt*) “*huwa al-siqt, makhlūq wa-ghayr makhlūq*”.<sup>485</sup> In other words, the miscarriage can be a *nutfa*, *‘alaqa* or *mudgha*. In addition, it can be partly or completely fashioned, therefore, *mukhallaqa* and *ghayr mukhallaqa* describe the state of the miscarriage.<sup>486</sup> As for the fourth opinion, introduced as a further possibility, Ibn al-‘Arabī does not detail its source. Instead, he limits himself to stating that, in this opinion, *mukhallaqa* and *ghayr mukhallaqa* are related to time. Here, *mukhallaqa* is used when the pregnant woman delivers a full-term newborn, however, if a preterm newborn is delivered, then the term *ghayr mukhallaqa* is used to describe the delivery. It is noteworthy that Ibn al-‘Arabī did not include a widespread opinion on the *mukhallaqa* and *ghayr mukhallaqa* that is linked with the ensoulment,<sup>487</sup> nor has he referred to this point in general in *Aḥkām al-qur’ān* thus far.

In this regard, one should keep in mind Van Ess’s relevant observation about the addition of the ensoulment into the ḥadīth corpus (technically Ibn Mas‘ūd’s variant) as a later development together with its circulation, first within Ḥanafī circles and later among Mālikīs. In addition to this, Eich has demonstrated the gradual change of mentioning the soul in commentaries written before and after the fourth century H/tenth century CE.<sup>488</sup> Nevertheless, after checking earlier Andalusi exegeses and those of other contemporaries of *Aḥkām al-qur’ān* by Ibn al-‘Arabī, I found that the idea of ensoulment was present in the commentaries. For instance, in

484 Al-Ṭabarī, *al-Jāmi‘* (2000), XVIII, 568; ‘Abd al-Razzāq, *Tafsīr* (1998), II, 398; al-Suyūtī, *al-Durar* (2011), VI, 11.

485 Mujāhid, *Tafsīr* (1989), 499.

486 Al-Ṭabarī, *al-Jāmi‘* (2000), XVIII, 568; al-Wāḥidī, *al-Waṣīṭ* (1994), III, 259–60.

487 Al-Wāḥidī (d. 468 H/1076 CE) attests that most of the exegetes (*dhahaba al-aktharūn*) argued that *mukhallaqa* is what is complete in creation in a way that the soul is breathed into it, whereas what has been miscarried without being ensouled is the *ghayr mukhallaqa*. Al-Wāḥidī explains that this opinion perfectly represents Ibn ‘Abbās’s saying in the narration (*riwāya*) of ‘Aṭā’, ‘Ikrima and al-Kalbī. See al-Wāḥidī, *al-Waṣīṭ* (1994), III, 259; Ibn al-Jawzī, *Zād* (2001), III, 223.

488 See van Ess 1975, 1–30; Eich 2009, 327–30.

the *Tafsīr* by Ibn Abī Zamanīn (d. 399 H/1009 CE),<sup>489</sup> when commenting on Q 23:14 he mentions the ensoulment in the discussion about “then We brought it into being as a new creation” (*thumma ansha’nāhu khalqan ākhar*), arguing that the blowing of the soul (*nafkh al-rūh*) is the *khalq ākhar*, assigning this task only to God.<sup>490</sup> Furthermore, Makkī b. Abī Ṭālib (d. 437 H/1046 CE), in his work titled *al-Hidāya ilā bulūgh al-nihāya*, again when commenting on Q 23:14, links the ensoulment with the *khalq ākhar*. He explicitly places the blowing of the soul as the separating point between the shape (*al-ṣūra*) and the human being (*al-insān*). Moreover, Makkī inserts the Ibn Mas‘ūd variant that includes the ensoulment.<sup>491</sup> In another Andalusi exegesis composed likely in the same period as *Aḥkām al-qur’ān*,<sup>492</sup> entitled *al-Muḥarrir al-wajīz*, Ibn ‘Atīyya<sup>493</sup> (d. 541 H/1146 CE) refers to the ensoulment, commenting on Q 23:14.<sup>494</sup>

489 Abū ‘Abd Allāh Muḥammad b. ‘Abd Allāh b. Muḥammad b. ‘Isā b. Ibrāhīm b. Muḥammad b. ‘Adnān b. Bashīr b. Kathīr al-Murrī al-Ilbīrī was an eminent Andalusi and Mālikī jurist from Elvira. Arcas Campoy states that the biographers described him as a prominent scholar of the Mālikī school of law. See Arcas Campoy, *EF*, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_30678](http://dx.doi.org/10.1163/1573-3912_ei3_COM_30678) accessed 21 January 2021; Arcas Campoy 1991–1992, 13–6; Arcas Campoy 2005, 387–403.

490 Ibn Abī Zamanīn, *Tafsīr* (2002), III, 196.

491 Makkī, *al-Hidāya* (2008), VII, 4950–51. Abū Muḥammad Makkī b. Abī Ṭālib Ḥammūsh was an eminent Maghribi reciter and, as described by Neuwirth, one of the oldest and most distinguished scholars of the Islamic West in the science of Qur’anic readings (*qirā’āt*) and especially Qur’anic recital (*tajwīd*). Born in Kairouan, Makkī grew up and received his basic religious and intellectual formation there. At an early age (almost twelve), he started travelling (four times) between Egypt and Kairouan to strengthen his knowledge of Qur’anic readings. Altogether, he stayed ten years in Egypt, twenty-three years in Kairouan, four years in Ḥijāz and the rest of his life, i.e., forty-four years, in al-Andalus, where he died in 437 H/1046 CE. See Neuwirth, *EI*, [http://dx.doi.org/10.1163/9789004206106\\_eifo\\_SIM\\_4833](http://dx.doi.org/10.1163/9789004206106_eifo_SIM_4833) accessed 21 January 2021; Pouzet 1986, 662–63; Vizcaíno Plaza 2012, 734–41.

492 Ibn ‘Atīyya mentions that he was encouraged by his father when he began composing his *tafsīr*. He states that his father used to wake him up twice during the night to help and urge him to work on his exegesis. This indicates that *al-Muḥarrir al-wajīz* began to be composed before 518 H/1124 CE, i.e., the date of his father’s death. See Ibn ‘Atīyya, *al-Muḥarrir* (2002), 3.

493 Abū Muḥammad ‘Abd al-Ḥaqq Ibn ‘Atīyya al-Andalusī was an eminent Andalusi exegete and jurist during the sixth century H (twelfth century CE) known for his eloquence. His exegesis, titled *al-Muḥarrir al-wajīz*, is unanimously considered his masterpiece. In addition to this, he composed a *fihris* of his teachers and many poems. For a detailed study about Ibn ‘Atīyya and his exegesis, consult Fórneas 1977, 27–60.

494 Ibn ‘Atīyya, *al-Muḥarrir* (2002), 1325.

Seen together, these works are evidence that proves that the concept of ensoulment was spread in the exegetical Andalusi milieu, at least from the end of the fourth century H (beginning of the eleventh century CE). Be that as it may, I presume that, in contrast with these Andalusi exegetes, the idea that ensoulment was either related with *mukhallaqa* and *ghayr mukhallaqa* or was considered as a distinct phase in the embryological development or creation process seems not to have received the attention of Ibn al-‘Arabī in *Aḥkām al-qur’ān*. The reason behind this omission could be that Ibn al-‘Arabī did not consider the ensoulment in its technical sense as part of the embryological creational formula, or he did not consider it as a criterion of humanity. Interestingly, this last point was adopted by al-Jaṣṣāṣ,<sup>495</sup> who, for instance, argues that the moral status or humanity of the embryo is only achieved once the form and shape of the same embryo are perceptible. In addition, he expounds that the human form and shape (*ṣūrat al-insāniyyā*) are essential for differentiating between human beings and animals (for example, a donkey).<sup>496</sup> Ibn al-Faras<sup>497</sup> (d. 597 H/1201 CE), in his *Aḥkām al-qur’ān*, does not consider the ensoulment as a releasing factor during the *takhliq* phase.<sup>498</sup>

Continuing with the interpretation, Ibn al-‘Arabī remains faithful to his methodology of moving from general to specific since his presentation of the four main opinions about *mukhallaqa* was an introductory part to the second issue, where he presents two traditions that embody a Mālikī point of view of the *mukhallaqa* and *ghayr mukhallaqa* question, in addition to some of his predecessors’ opinions. He begins the second issue by alluding to what has already been said on this subject in Q 13:8:

The second issue: We have started the discussion about this purpose and now, we will study it thoroughly; if it is combined with what we find in Q 13, it provides clarification and knowledge about the issue. We say, then: there are narrations from the prophet and other sayings from the predecessors (*al-salaf*).<sup>499</sup>

495 Eich points out that, although familiar with this concept, al-Jaṣṣāṣ considers the specific/human shape as what defines humanity. Eich 2009, 329.

496 Al-Jaṣṣāṣ, *Aḥkām* (1992), V, 57–58.

497 Abū Muḥammad ‘Abd al-Mun’im b. Muḥammad al-Khaṣrajī al-Gharnāṭī was a jurist, traditionist and reciter from Granada. He received an *ijāza* from Abū Bakr Ibn al-‘Arabī. Ibn al-Abbār, *al-Takmila* (1995), III, 127.

498 Ibn al-Faras, *Aḥkām* (2006), III, 294–95.

499 Ibn al-‘Arabī, *Aḥkām* (2003), III, 272.

Although attention has already been partially drawn to the *mukhallaqa* and *ghayr mukhallaqa* issue as seen in the interpretation of “*and every increase and decrease of the wombs*”, in Q 13:8, Ibn al-‘Arabī introduces two variants of the Ibn Mas‘ūd hadīth that support the idea that *mukhallaqa* and *ghayr mukhallaqa* are ascribed proprieties to the *nufa*:

As for the narrations, we have mentioned some of them and will repeat some others. Here is the first narration:

Yahyā b. Zakariyyā’ b. Abī Zā’ida narrated from Dāwūd, from ‘Āmir, from ‘Alqama, from Ibn Mas‘ūd and Ibn ‘Umar that once the *nufa* is established (*istaqarrat*) in the womb, the angel takes it in his hand and says: Oh Lord, a male or a female? Unhappy or happy? His death? His livelihood? And where is it going to die? Dāwūd said: Then, it is fashioned physically and morally (*fī-l-khalq wa-l-khuluq*). Afterward, it is said to [the angel]: go to *umm al-kitāb*, where you will find the story of this drop of semen. [The angel] goes to *umm al-kitāb* and comes across the story of the drop, [sees] how it is fashioned, consumes its livelihood, and leaves its footprints, and when its time of death arrives, it passes away and it will be buried in its appointed place. Then, ‘Āmir recited “*O people! If you are in doubt about the Resurrection, then [consider that] indeed, We created you from dust, then from a drop of semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed.*” (Q 22:5)

The second [narration]: Muḥammad b. Abī ‘Uday narrated from Dāwūd, with a similar *isnād*, from ‘Abd Allāh [Ibn Mas‘ūd] who said: once the *nufa* is established (*istaqarrat*) in the womb, the angel turns it with his hands and says: Oh Lord, formed or unformed? He said: If it is unformed, it will be ejected by the wombs in the form of blood. In case it is formed, [the angel] says: Oh Lord, a male or a female? Unhappy or happy? His death? His livelihood? His path? And in which land is it going to die?<sup>500</sup>

Why was this interpretation of the adjectives *mukhallaqa* and *ghayr mukhallaqa* as a designation of the *nufa* adopted mainly by the Mālikīs?<sup>501</sup> Being the most restrictive school concerning abortion and *coitus interruptus*,

500 Ibid.

501 In his *Tafsīr*, al-Ṭabarī points out that this opinion was adopted by some scholars (*ba’duhum*). See al-Ṭabarī, *Jāmi’* (2000), XVIII, 567.

tus,<sup>502</sup> the Mālikī school, as a majority, considers the moment when the womb grasps the semen as the decisive moment of conception. Therefore, the Mālikī consensus on *coitus interruptus* in this phase is prohibition (*taḥrīm*).<sup>503</sup> Therefore, in the eyes of the Mālikīs, a high moral status is achieved at this moment of conception – the *nutfa* phase.<sup>504</sup>

After presenting the common Mālikī interpretation of *mukhallaqa* and *ghayr mukhallaqa* and supporting it with two traditions, Ibn al-‘Arabī introduces four different opinions of his predecessors (*al-salaf*):

Concerning the sayings of the predecessors, they are four in number:

The first: ‘Āmir said about the *nutfa*, the *‘alaqa*, and the *mudgha*: if it turns over (*intakasat*) into the fourth [phase of] creation, it will be a formed *nasama*, if [the womb] ejected it before this, then it is unformed.

The second: Abū al-Āliya said: unformed is the miscarried [embryo] before it would be created.

The third: Qatāda said: complete and incomplete.

The fourth: Ibn Zayd said: the formed (*al-mukhallaqa*) is the one whose head, hands and feet are formed/created. The unformed is the one of which nothing has been created.<sup>505</sup>

The saying of ‘Āmir al-Sha‘bī<sup>506</sup> (d. 103 H/721 CE) indicates that when the Qur’anic tripartite *nutfa*-*‘alaqa*-*mudgha* reaches the fourth stage of creation, it can be a *nasama*<sup>507</sup> *mukhallaqa* only in the case that it turns over. How can this passage be understood? The Arabic sentence reads as follows: “*fa-idhā intakasat fī-l-khalq al-rābi‘ kānat nasama mukhallaqa*”. The verbal form *intakasat* appears only in Ibn al-‘Arabī’s commentary and, at first glance, appears to clearly display an anomaly in the sense of the

502 With the exception of some Mālikī scholars, who hold that it is permissible to abort during the first forty days, i.e., the *nutfa* phase. See Katz 2003, 31.

503 This point is examined when dealing with *al-Qabas*. See page 158.

504 See al-Bājī, *al-Muntaqā* (1999), VII, 366; Ibn al-Faras, *Aḥkām* (2006), III, 294.

505 Ibn al-‘Arabī, *Aḥkām* (2003), III, 272–73.

506 Abū ‘Amr ‘Āmir b. Sharāḥil al-Sha‘bī was an early jurist and ḥadīth transmitter from Kufa. Juynboll states that despite his opposition to the use of *ra'y*, many of his legal opinions were widely accepted and integrated in several pre-canonical ḥadīth collections, such as the *Muṣannaf* of ‘Abd al-Razzāq and that of Ibn Abī Shayba. See Juynboll, *EI<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_6726](http://dx.doi.org/10.1163/1573-3912_islam_SIM_6726) accessed 2 February 2021.

507 This term can be understood as “human being” or “soul”. Eich has dedicated an entire article to studying this term in the ḥadīth material and beyond. See Eich 2018, 21–47.

sentence, but this is not the case. This form represents the reflexive version of the root *n k s*. In the other sources,<sup>508</sup> the three verbal forms are *nukisat*, *unkisat*, and *uksiyat*. Interestingly, they represent a passive version of the roots *n k s* and *k s w*. According to *Lisān al-‘arab*, the first forms (including *intakasat*) *nukisat* and *unkisat* mean to turn upside down/bring down (*quliba wa-rudda*).<sup>509</sup> This could be applied either to the *nasama* growing from the first phase of dust (*turāb*), the second phase, i.e., the *nutfa*, the third phase, which is the *‘alaqa* phase, finally reaching the fourth phase of creation i.e., the *mudgha*.<sup>510</sup> Once the *nasama* reaches the *mudgha* phase, it is considered *nasama mukhallaqa*. If it has been expelled by the womb before reaching this phase, it is *ghayr mukhallaqa*. The verbal form *uksiyat*, with the root *k s w*, literally means being enveloped/covered. This could be understood as enveloped with flesh (Q 23:14). Accordingly, when the Qur’anic tripartite *nutfa-‘alaqa-mudgha* reaches the fourth phase, where it would be clothed with flesh, the *nasama* is *mukhallaqa*; otherwise, it is *ghayr mukhallaqa*.

The second saying belongs to Abū al-‘Āliya<sup>511</sup> (d. 93 H/712 CE), who argues that *ghayr mukhallaqa* is the characteristic of the miscarriage (*al-siqṭ*) before it has been created. Once it is created it becomes *mukhallaqa*. Furthermore, Ibn al-‘Arabī again refers to Qatāda’s opinion, which has two possibilities: the newborn could be perfectly shaped and created and consequently considered to be *mukhallaq(a)*, however, when it suffers from congenital malformation, it is described as *ghayr mukhallaq(a)*. Ibn al-‘Arabī concludes the second issue with the saying of Ibn Zayd<sup>512</sup> (d. 99 H/718 CE), who correlated the *mukhallaqa* with the appearance/formation of the head, hands and feet. On the other hand, the *ghayr mukhallaqa* does not present any of these criteria. Interesting is the fact that all these aforementioned scholars emphasised the dichotomy of the adjectives *mukhallaqa* and *ghayr mukhallaqa* and left aside a possible complementary unity between them. Put another way, the conjunctive coordinator *wa* (and) appears in these

508 See al-‘Aynī, ‘*Umda* (n.d.), III, 292; Ibn Kathīr, *Tafsīr* (1998), V, 348.

509 Ibn Manzūr, *Lisān* (1994), VI, 242.

510 The same root *n k s* is used in Q 36:68 “Whomever We grant old age, We reverse his development (*nunakkisuhu fi-l-khalq*). Do they not understand?”

511 Rufay‘ b. Mihrān al-Riyāḥī was an early jurist and Qur’an expert from Basra. He was a former slave freed from a woman of the Banū Riyāḥ. See Juynboll, *EF*<sup>3</sup>, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_SIM\\_0010](http://dx.doi.org/10.1163/1573-3912_ei3_SIM_0010) accessed 4 February 2021.

512 His full name is Khārijā b. Zayd b. Thābit Abū Zayd al-Anṣārī. He was an eminent jurist from Medina and one of its seven emblematic jurists. See al-Dhahabī, *Siyar* (1992), IV, 438.

opinions as if it has acquired the function of the disjunctive coordinator *aw* (or).

Continuing with his commentary on Q 22:5, and before illustrating his view of the *mukhallaqa* and *ghayr mukhallaqa* issue, in the form of an ethical issue, Ibn al-‘Arabī inserts a passage about the Islamic funeral and naming of the miscarriage relating strictly to its legal status, and depending consequently on the *mukhallaqa* and *ghayr mukhallaqa* qualifications. The passage is mainly composed of a saying by al-Mughīra Ibn Shu‘ba<sup>513</sup> (d. 50 H/671 CE) that is followed by an isolated phrase of Ibn al-‘Arabī. Interestingly, the whole passage appears to be isolated and might seem meaningless unless it is linked to the last paragraph of the next issue. This inconsistency of the textual and semantic integrity might go back to either the scribe or Ibn al-‘Arabī himself, who likely skipped the idea and started a new issue, then remembered it and inserted it as a rectification. The collated passages read as follows:

The third issue: al-Mughīra Ibn Shu‘ba reported that [the prophet] used to order to pray over the *siqt* and say: Name them, wash them, shroud them for burial and embalm them, because God honoured your young and your old with Islam. Then, he recited this verse “ *We created you from dust, then from a semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed*” (Q 22:5). Its complete formation is not achieved, that is why on the day of judgment, God will resuscitate it completely formed. [...] This is how the reports and the traditions about the formed and unformed, and the complete and incomplete can be interpreted. Perhaps al-Mughīra Ibn Shu‘ba meant by the term *siqt* that whose shape is visible, and this can be named; as long as its shape is not visible, it has no existence and the name is given without there being an existent that can be named. How, then, was the unborn created? We have already clarified this, as we pointed out. May God help us with His might.<sup>514</sup>

In this passage Ibn al-‘Arabī shows, by way of illustrating al-Mughīra Ibn Shu‘ba’s saying, how his opinion or legal ruling on the Islamic funeral and

513 Abū ‘Abd Allāh al-Mughīra b. Shu‘ba b. Abī ‘Āmir b. Mas‘ūd al-Thaqafī was one of the prophet’s companions from al-Ṭā’if. He was the governor of Kufa under the caliphates of ‘Umar and Mu‘āwiya. See Lammens, *EJ<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_5321](http://dx.doi.org/10.1163/1573-3912_islam_SIM_5321) accessed 8 February 2021.

514 Ibn al-‘Arabī, *Aḥkām* (2003), III, 273.

naming of the miscarriage was to be shaped. However, before examining the core of Ibn al-‘Arabi’s legal view on this subject, it is noteworthy to trace the general legal frame of the miscarriage’s Islamic funeral and the rules on naming. It should be remembered that, in this context, the Islamic legal discrepancy is based on the chronological development and life scale of the unborn. Before the gestational age of four months, the miscarriage does not receive any of the Islamic funeral rites since it has not yet reached personhood/humanity status.<sup>515</sup> After four months, the scholars differ in the ruling on washing and shrouding the miscarried foetus if it does not cry/scream (*istahalla*).<sup>516</sup> Thereafter, they agree on the legitimacy that if it screams, it presents a proof of life. Nevertheless, they differ as to when and what the beginning of life is. The criterion of *istihlāl* was linked to possible legal proofs of life, such as crying, sneezing, yawning, opening the eyes and so on. In Mālikism, washing and shrouding every creature that has not screamed or shown any sign of being alive is considered reprehensible (*makrūh*). If it does, after separation from the mother, it is consequently treated as any other dead person. “We do not wash, neither pray for the one who does not scream, even if he/she moves (*taharraka*), urinates (*bāla*), sneezes (*‘atasa*) or sucks lightly (*raḍā'a yasīr*), this prohibition is considered as *makrūh*. As for whoever screams (*istahalla*), it is indisputable that he/she has the legal ruling of life (*hukm al-hayāt*) in all its affairs, even if he/she dies immediately.”<sup>517</sup> Concerning the naming, Mālik prohibits this in the *Mudawwana*: “We shall not pray for the child (*al-ṣabiy*), and he shall not inherit, nor receive bequests, nor be named, nor washed, or embalmed unless it is screaming, and it is like the one who came out dead.”<sup>518</sup> Interestingly, the Mālikī consensus interprets this prohibition as reprehensible.<sup>519</sup>

As for the Shāfi‘is and Ḥanbalis, they are of the view that it is recommended/desired (*mustahabb*). For instance, in *al-Majmū‘*, al-Nawawī underlines that his doctrine recommends the naming of the miscarriage (*tasmiyat al-siqṭ*), quoting Ibn Sīrīn (d. 110 H/729 CE), Qatāda and al-

515 Except for Zāhirism. See Ibn Ḥazm, *al-Muḥallā* (2003), III, 386–87.

516 See Eich 2020, 345–60.

517 Al-Adawī, *Hāsiya* (1994), I, 438.

518 Saḥnūn, *Mudawwana* (1994), I, 255.

519 Illish, *Manh* (1989), I, 511–12. Ibn Ḥabīb argues that the *siqṭ* should be named in consideration of tradition because, on the day of judgment, the *siqṭ* will blame his father, who does not recognise him (*fa-lam ya'rifhu*) because he did not name him (*taraktanī bi-lā ism*) when he was miscarried. See al-Qarāfi, *al-Dhakhīra* (2016), I, 449.

Awzā‘ī.<sup>520</sup> In addition, Ibn Qudāma explains the reason behind the desirability (*istiḥbāb*) of naming the miscarriage: “[the miscarriages] are called on the day of resurrection by their names.”<sup>521</sup> Thus, Ibn Qudāma raises the issue of when it is unclear whether the miscarriage is a male or a female. In these cases, he suggests giving it a valid and suitable name for both male and female, such as Salama, Qatāda, Sa‘āda, Hind, ‘Utba and Hibat Allāh, etc.<sup>522</sup> The Ḥanafīs differ on the legal ruling of naming the miscarriage. While some scholars, like al-Karkhī<sup>523</sup> (d. 340 H/951 CE), prefer prohibition, others such as al-Ṭahāwī<sup>524</sup> (d. 321 H/933 CE) choose its permission.<sup>525</sup>

Ibn al-‘Arabī does not share the familiar Mālikī opinion on the funeral rites and the naming of the miscarriage. He has his own opinion concerning the naming, which is accompanied by the criterion of *takhliq*. He establishes a relation between giving the name and the appearance of the shape, i.e., only if the miscarriage has a shape (*tabayyana khalquhu*). Ibn al-‘Arabī endorses his opinion with the saying of al-Mughīra Ibn Shu‘ba, which he moulds to conform to his view. This opinion appears to be influenced by Ibn al-‘Arabī’s most important teacher and likely has its roots in al-Ghazālī’s thought. Whilst in *Iḥyā’ ‘ulūm al-dīn*, al-Ghazālī argues that the *siqt* should be named (*yanbaghī an yusammā*) without establishing any criteria for this act,<sup>526</sup> he introduces the criteria of definition (*takhtīf*) and formation (*takhliq*) in *al-Wasīt*.<sup>527</sup> Despite the fact that al-Ghazālī inserts these criteria in different contexts from that of the naming, such as the blood money of the unborn (*diyyat al-janīn*), the burial ritual and the

520 Al-Nawawī, *al-Majmū‘* (n.d.), VIII, 448.

521 Ibn Qudāma, *al-Mughīra* (1968), II, 389–90.

522 *Ibid.*, 390.

523 Abū al-Ḥasan ‘Ubayd Allāh b. al-Ḥusayn al-Karkhī, the *muftī* and jurist of Iraq, was the leading scholar of the Ḥanafī school of thought at this time. See al-Dhahabī, *Siyar* (1992), XV, 426.

524 Abū Ja‘far Aḥmad al-Ṭahāwī was a Ḥanafī jurist and ḥadīth scholar. He started his early training as a Shāfi‘ī, changing later to follow the Ḥanafī school. See Calder, *EI<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_1150](http://dx.doi.org/10.1163/1573-3912_islam_COM_1150) accessed 15 February 2021.

525 See al-Kāsānī, *Badā‘i‘* (1986), I, 302.

526 Al-Ghazālī, *Iḥyā’* (1982), II, 52.

527 Thereafter, in *al-Wajīz*, which is a shortened version of *al-Wasīt*, al-Ghazālī insists on the criterion of *takhtīf*. See al-Ghazālī, *al-Wasīt* (1996), VI, 382; al-Ghazālī, *al-Wajīz* (1997), I, 208. For more information on these criteria in al-Ghazālī’s works and the different judgments, see Jäckel 2020, 100–3.

prayer for the miscarriage, his influence on Ibn al-‘Arabī’s elaboration is perceptible on this point. Al-Ghazālī requires the *takhtīt* and the *takhliq* at least in one of the members (*bada‘a fīh al-takhtīt wa-l-takhliq wa-law fī taraf min al-attrāf*); perhaps in some way, it could be perceivable by the midwives (*‘alā wajh tudrikuhu al-qawābil*). If this is not the case, and the miscarriage happens before the *takhtīt*,<sup>528</sup> nothing would be due to it. Ibn al-‘Arabī follows the same logic as his master, asserting that no name would be attributed to the miscarriage if it has no shape.<sup>529</sup> In view of the last sentence, one sees that it is composed in a syllogistic form: the shaped miscarriage is named, the unshaped miscarriage is nonexistent; therefore, the name does not exist for something already nonexistent. This constitutes one of many Ghazalian traces in Ibn al-‘Arabī’s thoughts and works and consequently affirms that Ibn al-‘Arabī draws from his teacher’s opinion concerning the *takhtīt* and the *takhliq*.<sup>530</sup>

After having described the legal implications of shaping on the process of naming the miscarriage, Ibn al-‘Arabī turns to focus on the linguistic aspect of the *mukhallaqa* and *ghayr mukhallaqa* issue to simultaneously develop his opinion on this subject. The fourth issue runs as follows:

If we go back to the etymological origin (*asl al-ishtiqāq*), the *nutfa*, the *‘alaqa*, and the *mudgha* are formed (*mukhallaqa*), because all of them are God’s creation (*khalq allāh*). However, if we go back to the fashioning which is the end of the creation, as He said “*Then We produced it into another creature*” (Q 23:14), this is what has been said by Ibn Zayd: that [the formed] is the one shaped with a head, hands, and feet, having other phases in between.

As for the *nutfa*, it is certainly nothing at all. However, if it receives a colour, it has been created in the mother’s womb with colouration (*talwīn*), and then it has been created with the coagulation (*takhthīr*), and this is creation after creation (*insha’ ba’d inshā’*). Some people claim that concurrently with the coagulation, appears the definition (*takhtīt*) and the model of the shape (*mithāl al-taṣwīr*). Hence, Mālik doubted it and said: In my opinion, what is identified as a miscarriage will make [the slave] an *umm walad*. We have already raised this with regard to

528 Being either a *‘alaqa* or a *mudgha*.

529 I use shape here because the Arabic expression *tabayyana khalquhu* means, literally, his shape/form appears.

530 For more information on the importance of logic in al-Ghazālī’s works, see Rudolph 2020, 15–19.

Q 13 and the commentary on the ḥadīth in *kitāb al-hayd*, so look for it there.<sup>531</sup>

It is interesting to observe that in the exegetical line, Ibn al-‘Arabī exploits his wide-ranging knowledge to explore all the realms relating to the interpreted verse. He is the exegete, the traditionist, the jurist and the theologian, and appears, in this issue, to be acquainted with linguistics. In order to identify the meaning of *mukhallaqa*, Ibn al-‘Arabī resorts to the derivation<sup>532</sup> (*al-ishtiqāq*) of the adjective *mukhallaqa*, i.e., *khalq*, which leads him to assert that the adjective/propriety *mukhallaqa* can be ascribed equally to the *nutfa*, the *‘alaqa* and the *mudgha*, justifying that this tripartite is a mere creation of God, and therefore the *nutfa* can be *mukhallaqa*, the *‘alaqa* can be *mukhallaqa* and the *mudgha* can also be *mukhallaqa*. Furthermore, using reverse chronology,<sup>533</sup> Ibn al-‘Arabī introduces the last phase in the embryological creation (*muntahā al-khilqa*): the shaping (*al-taṣwīr*). This statement is followed by a verse for exemplification: “*Then We produced it into another creature*” (Q 23:14), which is emphasised by the aforementioned saying of Ibn Zayd in the second issue. Ibn al-‘Arabī calls attention to the characteristics of the *taṣwīr* phase, as cited by Ibn Zayd, being the shape of the head, the hands and the feet. He points out, however, that these characteristics do not appear at the same time and that they are separated into phases.

In the light of the foregoing observations, Ibn al-‘Arabī returns to the stage of *nutfa* to propose his point of view. He argues that the *nutfa* in itself is not something definite, except if it is coloured, thus it is created in the womb through colouration. If the coloured *nutfa* coagulates afterwards, it is then created through the coagulation. Bearing this in mind, Ibn al-‘Arabī

531 Ibn al-‘Arabī, *Aḥkām* (2003), III, 273.

532 Derivation or invention of new words. As for *asl al-ishtiqāq*, the origin of derivation is one of the biggest areas of disagreement between Arabic linguists, especially between the school of Basra and that of Kufa. This divergence relating to the origin of the derivation remains one of the issues in which no definitive solution or opinion has been reached, and the origin of the disagreement therein is between the linguists of Basra and those of Kufa, both being parties intolerant of others' opinions. The arguments of the Basra school lead linguists to the fact that the *maṣdar* is the origin (*al-asl*) and the verb (*al-fīl*) is derived from it, whereas the Kufans argue that the verb is the origin and the *maṣdar* is derived from it. Ibn al-‘Arabī appears to be inclined towards the Basra point of view because he uses the *maṣdar*, which is *khalq*. For more information on the origin of derivation and its controversy, see Madān 2015, 15–18.

533 A literary method where the starting point is the end.

describes two triggering factors in the embryological development: the first is the colouring (*al-talwīn*), which is between the *nutfa* and the *‘alaqa* phases, and the second factor is the coagulation (*al-takhthīr*), which is between the *‘alaqa* and the *mudgha* phases. Both factors are essential for reaching the *takhliq*.

In other words, at the beginning of the embryological process, the *nutfa* is initially *ghayr mukhallaqa*. Once it becomes coloured, it becomes a *nutfa mukhallaqa* and it passes into the next embryological stage where it is called *‘alaqa*. In a similar way, at the beginning of this new phase (i.e., the *‘alaqa* phase), the *‘alaqa* is considered *ghayr mukhallaqa*. However, when it coagulates, it becomes *‘alaqa mukhallaqa*, and accordingly enters the stage of *mudgha*. In the same way, the *mudgha* is initially *ghayr mukhallaqa*, and only becomes a *mudgha mukhallaqa* when it reaches the *taṣwīr* phase, which is, as mentioned before, the last phase in this part of the creation (*muntahā al-khilqa*). Accordingly, it is not only colouring and coagulation that are the triggering factors in the embryological development, the *taṣwīr* is the last element in this process and is also essential for the *takhliq*. It now becomes clear why Ibn al-‘Arabī does not link the ensoulment with the *khalq ākhar* – he simply considers the *taṣwīr* as the *khalq ākhar*.<sup>534</sup>

With a focus on coagulation, definition and shaping, Ibn al-‘Arabī deprecates an opinion that asserts that “with the coagulation, appears the definition (*takhṭīt*) and the model of the shaping (*mithāl al-taṣwīr*).” His critique is likely orientated towards some Ḥanbālī scholars who differed on the beginning of the *takhliq* and consequently the *taṣwīr*. The Ḥanbālī discrepancy in this aspect is divided into three main views. The first, which is adopted in the Ḥanbālī doctrine, is excluded from Ibn al-‘Arabī’s critique because it affirms that the *takhliq* occurs during the third period of forty days. Neither does Ibn al-‘Arabī attack the second view that holds that the *takhliq* happens in the first forty days. His target, however, is the third view, which is based on the idea that the *takhliq* happens in the second forty days (i.e., the *‘alaqa* phase). In fact, this view has its roots in one saying of ʻAlī ibn Ḥanbāl in his commentary on Ibn Muṣ‘ūd’s ḥadīth, about the slave being freed only if the *‘alaqa* is defined and the *walad*-to-be

534 This statement confirms Ghaly’s findings about the foetus not having taken a human shape even in the *mudgha* phase in Ibn al-‘Arabī’s *Aḥkām al-qur’ān*. The foetus needs to pass through the *taṣwīr* phase to be a complete creation and acquire a human shape. See Ghaly 2014, 169.

is perceptible.<sup>535</sup> Later, Ibn Rajab, for instance, understands the tradition of Ḥudhayfa b. Asīd: “When forty-two nights pass after the semen gets into the womb, God sends the angel and gives it shape ...”, together with what had been said by the physicians and the empirical deduction of the midwives to maintain that the ‘alaqa can be defined and created.<sup>536</sup> Ibn al-‘Arabī underlines the Mālikī doubt concerning this opinion, recalling what has already been said with regard to Q 13:8.

As mentioned at the beginning of the commentary on Q 22:5, this verse is essential for inferring the legal rulings concerning the miscarriage and the waiting period (*idda*). The issue of *mukhallaqa* and *ghayr mukhallaqa* in the fifth part of Ibn al-‘Arabī’s commentary appears to be more complex. It correlates with the expiration of the *idda*, and more precisely with the criteria that identify which miscarriage could prematurely end the *idda* of the widowed or divorced woman or not. Ibn al-‘Arabī has written:

The fifth issue: If this is proven, then the waiting period for the woman will be terminated by the laid down miscarriage, which was mentioned by Qādī Ismā‘il, who offers the argument that God said “*And for those who are pregnant, their term is until they give birth*” (Q 65:4).

Qādī Ismā‘il adds that [this miscarriage] does not make [the slave] an *umm walad*, neither it is related to any ruling, except if it is formed “*We created you from dust, then from a semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed*” (Q 22:5). It can be, consequently called creature/creation, and it is accordingly a pregnancy (*haml*).

Some Shāfi‘is objected against him, justifying that the *walad* is not a *mudgha* and underlining that God mentioned it as an awakening of [his] power (*tanbīh ‘alā al-qudra*). We say: Where is the predetermined (*al-maqdūr*) to which the power had been associated? Is it the change of the *walad* between the stages, and its transformation from one state to another? So, he adduced that the origin [of the unborn] is the *nutfa*, then passes alternately through the states, until it becomes a creation (*khalq*) and a pregnancy. The one objecting says: the meaning of His saying “*And for those who are pregnant, their term*” (Q 65:4) is what is called *walad*.

We say: What is meant is rather what is called pregnancy and creation to occupy the womb. If it is miscarried, the womb is purified from it.

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535 Ibn Rajab, *Jāmi‘* (2001), I, 162.

536 Ibid.

Qādī Ismā‘īl says: The evidence for the validity of this is the fact that he/she inherits his/her father, which indicates his/her existence as a creation, and being a *walad* and a pregnancy. The one objecting says: There is no proof in the inheritance because it is based on a state of being a *nutfā*.

We say: If it was not an existing creation, nor a counted *walad*, his inheritance would not have been assigned to a state (*ḥāl*) and would not have been decreed for him.<sup>537</sup>

This discrepancy in the legal opinions concerning the end of the waiting period is a direct consequence of the divergence in understanding and explaining the *mukhallaqa* and *ghayr mukhallaqa* issue. There is consensus among Muslim jurists about the expiry of the *‘idda*, when the delivery or miscarriage occurs more than four months after the death of the husband or after divorce.<sup>538</sup> Nevertheless, their opinions differ on the expiry when the delivery or miscarriage occurs before the period of four months. A part of this dispute, i.e., mainly the Mālikī *vis-à-vis* the Shāfi‘ī, is presented in the fifth issue. Illustrating an example of the scholarly disagreement on this key point, Ibn al-‘Arabī introduces the opinion of the Mālikī jurist Ismā‘īl b. Ishāq al-Qādī<sup>539</sup> (d. 282 H/896 CE), which represents Ibn al-‘Arabī’s position and, on a larger scale, the Mālikī one. On the other hand, Ibn al-‘Arabī challenges Ismā‘īl b. Ishāq al-Qādī’s opinion with the Shāfi‘ī one. In his article about induced miscarriage, Eich suggests that Ibn al-‘Arabī was probably replying to the Shāfi‘ī scholar al-Kiyā al-Harrāsī<sup>540</sup> (d. 504 H/1110 CE) in the passage above. However, one could also think that Ibn al-‘Arabī was opposing the Ḥanafī exegete Abū Bakr al-Jaṣṣāṣ (d. 370 H/981 CE).<sup>541</sup> Ibn al-‘Arabī had likely been considering this idea since the

537 Ibn al-‘Arabī, *Aḥkām* (2003), III, 274–75.

538 Ibn Ḥazm, *Marātib* (1998), 135. For more information on the general and particular necessities of the waiting period in the major schools, see Bakhtiar 1996, 517–29.

539 Abū Ishāq Ismā‘īl b. Ishāq al-Qādī (d. 282 H/896 CE) was an eminent traditionist from Basra. His role was decisive in spreading the Mālikī doctrine in Iraq. He acted as judge in Baghdad until his death. Al-Dhahabī, *Siyar* (1992), XIII, 340.

540 ‘Imād al-Dīn Abū al-Ḥasan ‘Alī b. Muḥammad b. ‘Alī al-Ṭabarī, also known as al-Kiyā al-Harrāsī, was an eloquent Shāfi‘ī jurist. According to Makdisi, he was known as one of the best practitioners of his time in the art of disputation. See Makdisi, *EL<sup>2</sup>*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_4412](http://dx.doi.org/10.1163/1573-3912_islam_SIM_4412) accessed 16 May 2021.

541 Ghaly 2014, 163. See ‘Azzūn 2008, I, 548–52.

complete debate between the two scholars – Ismā‘il al-Qādī and al-Jāssāṣ – was related in *Aḥkām al-qur’ān* by al-Jāssāṣ. Nevertheless, the explicit opponent of Ibn al-‘Arabī in this passage is al-Kiyā al-Harrāṣī. First, and in terms of linguistics, Ibn al-‘Arabī states that some Shāfi‘ī scholars objected to Ismā‘il al-Qādī’s argument using the verb *i’tarada*. In the next sentence, he introduces the person who performs the action (*ism al-fa‘il*) of that verb, i.e., *al-mu’tariḍ*. Second, by cross-checking the phrases of *al-mu’tariḍ* in Ibn al-‘Arabī’s commentary with the commentary of al-Kiyā al-Harrāṣī, I found them to agree with each other. Although al-Kiyā al-Harrāṣī quotes al-Jāssāṣ almost verbatim,<sup>542</sup> I could find no similarities between the commentaries of al-Jāssāṣ and Ibn al-‘Arabī.

Taken together, Ibn al-‘Arabī establishes, on the first level, a dialogue between Ismā‘il al-Qādī (*qāla al-qādī*) and the objecting Shāfi‘ī (*qāla al-mu’tariḍ*), who is al-Kiyā al-Harrāṣī. On the second level, this dialogue becomes a triologue, where Ibn al-‘Arabī (*qulnā*) aligns with the Mālikī scholar.<sup>543</sup> The following table demonstrates the similarities between the phrases of al-Kiyā al-Harrāṣī and Ibn al-‘Arabī.

Table 2: *Similarities between the phrases of al-Kiyā al-Harrāṣī and Ibn al-‘Arabī*

<i>Aḥkām al-qur’ān</i> by al-Kiyā al-Harrāṣī	<i>Aḥkām al-qur’ān</i> by Ibn al-‘Arabī
<p><i>Wa-qawlhu ta‘ala: “wa-uwalāt al-ahmāl ajaluhunna an yaḍa‘na ḥamlahunna” fa-l-murād bihi mā yusammā walad.</i></p>	<p><i>w-al-murād bi-qawlīh “wa-uwalāt al-ahmāl ajaluhunna” mā yusammā walad.</i></p>
<p><i>... fa-innahu <i>yarīth</i> ‘ind al-wilāda ḥayy mustanid ilā ḥālat kawnihi nutfa.</i></p>	<p><i>Lā hujja <i>fī-l-mīrāth</i>, li-‘annahu jā‘a mustanid ilā ḥāl kawnihi nutfa.</i></p>

The debate begins with the assertion of Ismā‘il al-Qādī, i.e., that the waiting period of the pregnant woman ends with the delivered miscarriage independently of its state and shape.<sup>544</sup> Ibn al-‘Arabī outlines three major

542 Eich 2009, 323.

543 In this fifth issue, it is understandable that the early debate between Ismā‘il al-Qādī and al-Jāssāṣ is projected onto the later generation of scholars, namely Ibn al-‘Arabī and al-Kiyā al-Harrāṣī.

544 Ismā‘il al-Qādī argues that even though the miscarriage (being a *mudgha* or an *‘alaqa*) does not display any aspect of the human form (no limbs have been de-

arguments in favour of this statement, alternating between Ismā‘il al-Qādī’s statements<sup>545</sup> and his own, and ends with the interrelated Mālikī evidence:

- Ismā‘il al-Qādī extracts the first argument from the verses “As for those who are pregnant, their term shall be until they have delivered” (Q 65:4) and “We [i.e., God] created you from dust, then from a semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed” (Q 22:5). He explains that the presence of the adjective *ghayr mukhallaqa*, together with *mukhallaqa* is evidence that *ghayr mukhallaqa* also belongs in the creation process. Eich underlines how the meaning of these two adjectives creates an exegetical problem, especially because the verse describes the prenatal development as a creation of God.<sup>546</sup> In addition, Eich also points out how Ismā‘il al-Qādī considers the embryological development of the tripartite *nutfā-‘alaqa-mudgħa* as the creation of a human being (*khalq al-nās*).<sup>547</sup>

By considering the *mudgħa mukhallaqa* as *muṣawwara* and the *mudgħa ghayr mukhallaqa* as *ghayr muṣawwara*, Ismā‘il al-Qādī settles the matter by considering both in terms of the possibility of the origination of a *walad*.<sup>548</sup> Here, it is very important to note that, to avoid confusion, Ibn

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fined), its delivery contributes to the end of the waiting period. See al-Jāssās, *Aḥkām* (1992), V, 58.

545 The works and statements of Ismā‘il al-Qādī did not survive and arrived to us only through quotations by other scholars, who basically opposed him. This is always risky and important to keep in mind since they might have deliberately left out something to make it easier to express their own view.

546 Eich 2009, 322.

547 Al-Jāssās, *Aḥkām* (1992), V, 58.

548 Ibid. Ibn al-‘Arabī remembered that some Shāfi‘ī scholars, mainly al-Kiyā al-Harrāsī, objected to the opinion of Ismā‘il al-Qādī, denying the *mudgħa* the status of a *walad*. Although it is not mentioned, al-Jāssās also shares the same position as these Shāfi‘ī scholars and maintains that the Qur’anic passage “We created you from dust, then from a semen drop, then from a clinging clot, then from a lump of flesh, formed and unformed” does not affirm that the ‘alaqa or the *mudgħa* are *walad*. He says it means that the human has been created from an ‘alaqa and a *mudgħa* as from a *nutfā* and *turāb*. The disparity between being created from something and being that thing is crystal clear, according to al-Jāssās. The scholars who object see the verse as an awakening of God’s power (*tanbīh ‘alā al-qudra*). In this context of power, Ibn al-‘Arabī does not accept such explanations and wonders about the pre-determined (*al-maqdūr*) to which the power had been associated. In other words, this power has to be associated with the unborn: from its origin as a *nutfā* to its development through the phases that transform it to *khalq* and thus to a *ħaml*. See Eich 2009, 322.

al-‘Arabī does not insert the term characterising the legal category of *walad* at this level of his commentary,<sup>549</sup> especially since the *umm walad* issue is closely connected and mentioned directly afterwards. Further, Ismā‘il al-Qādī insists, however, that this miscarriage neither changes the status of a slave to *umm walad*, nor has legal rulings, except if it is *mukhallaq(a)*. To sum up, both scholars place the miscarriage in the category of creation (*khalq*), since its origin is a *nutfa*, before passing through the states/stages where it is changed and created. Therefore, it is considered to be a pregnancy (*haml*), and the ruling of the waiting period during a pregnancy is clearly proclaimed in the verse “*As for those who are pregnant, their term shall be until they have delivered*” (Q 65:4).

- Ibn al-‘Arabī immediately adds the second argument, which claims that the delivered miscarriage marks the end of the waiting period for the pregnant woman. This is based on a direct consequence of the pregnancy, i.e., the occupation of the womb (*shughl al-rahīm*). The unborn, being a creation and thus a pregnancy, occupies the womb and, in the case of a miscarriage, the womb is no longer occupied and is considered to be empty (*barā’at al-rahīm*).<sup>550</sup>
- The last argument presented by Ismā‘il al-Qādī is the inheritance law. He assumes that the miscarried foetus inherits from the father if the latter passes away while the mother is still carrying it.

It is probable that the *mudgha* preceded by the ‘alaqa can be a *walad* or not. If it is a *walad* before its birth (*qabla an yukhlaq*), then its ruling remains the same before and after the *khalq*. If it is not a *walad* until its *khalq*, it should not inherit from the father in case [the father] dies and the mother is pregnant with it before its birth.<sup>551</sup>

549 He instead uses the term *khalq*. Although Mālikī to the core, Ibn al-‘Arabī disagrees in some instances with the Mālikī consensus and with Mālik himself. In this case, he entirely agrees that the miscarriage is a *khalq*, and thus a *haml* independently ends the waiting period if it is *mudgha* or a ‘alaqa. Yet, he argues that it does not change the status of a slave to *umm walad*. Ibn al-‘Arabī accepts the first part of Mālik’s statement, “*Idhā alqathu fa-‘ulima annahu haml wa-in kāna mudgha aw-‘alaqa aw-dam fa-fih al-ghurra wa-tanqaḍi bihi al-‘idda min al-ṭalāq*”, and rejects the second part, “*wa-takūn bihi al-ama umm walad*”. See Sahnūn, *al-Mudawwana* (1994), IV, 630. Ibn al-‘Arabī discusses the subject of *umm walad* in greater depth in *al-Qabas*. See pages 163–69.

550 Elsewhere, Ibn al-‘Arabī has dealt with *barā’at al-rahīm* in Q 13:8. See page 113–16.

551 Al-Jāssās, *Aḥkām* (1992), V, 59.

By refuting Ismā‘īl al-Qādī’s argument, al-Kiyā al-Harrāsī re-emphasises the opinion of al-Jaṣṣāṣ, who contradicts the Mālikī line by saying:

It is known that even though it inherits from the father if it was a *nutfa* at the time of the father’s death, there is no dissent that the *nutfa* is not considered as a *haml* or a child (*walad*), that the waiting-period does not end with it, and that the *umm walad* is freed because of it [i.e., the *nutfa*, if it emerges from the womb]. ... [Qādī Ismā‘īl’s opponent did not establish the fact that the embryo] inherits a reason for the end of the waiting-period and [he also did not conclude from this necessity of inheriting] that the mother becomes an *umm walad* through it. There is no disagreement among the Muslims about this, because for all of them the waiting-period ends with a stillborn child, which [however] does not inherit.<sup>552</sup>

Thereafter, Ibn al-‘Arabī defends Ismā‘īl al-Qādī’s argument and unequivocally adopts his stance. He explains that the miscarriage receives the inheritance only because it is officially considered a creation and is regarded as a *walad*. Otherwise, it does not inherit. Particularly significant is the gap left by the absence of an explanation by Ibn al-‘Arabī about how to differentiate between a miscarriage that will be a *walad* and one that will not. On this subject, like most Mālikī scholars,<sup>553</sup> Ismā‘īl al-Qādī attributes the task of distinction between miscarriages to the female experts.<sup>554</sup> He says:

If [someone] said that it is a pregnancy, but we do not know that. Then, [this one] is answered that it is impermissible to worship God by a ruling which knowledge is unreachable (*lā sabil ilā ‘ilm-ihi*). [Nevertheless,] women know that and can distinguish between the flesh (*laḥm*) or blood (*dam*) that come out from [the woman’s] body or her womb and the clot of blood (*‘alaqa*) which takes the form of a child (*walad*). [Evidently] not all women are confusing the flesh and blood of the woman with her clot of blood. Rather, there must be some among them who knows [how to differentiate between the flesh and blood and blood clot]. Hence, if two women

552 Ibid. Trans. by Eich 2009, 323.

553 Eich 2009, 325.

554 Mainly to midwives (*qawābil*) who, in addition to their important medical role, essentially also played a legal one. See Giladi 2015, 92–94; al-Nabrawī 2008, 144–70.

testify that it is a clot of blood (*‘alaqa*), their testimony is accepted.<sup>555</sup>

It is interesting to note that Eich has highlighted the hot-water test in his article about induced miscarriage. He argues that this test was introduced to the debate in the fifth century H/eleventh century CE, at the latest – unfortunately, it is still unclear by whom.<sup>556</sup> He further underlines that, according to contemporary sources on abortion in *fiqh*, the hot-water test is generally ascribed to the Mālikīs. He also mentions that in the *Kitāb al-mabsūt*, al-Sarakhsī (d. 483 H/1090 CE) assigns the hot-water test to al-Shāfi‘ī. However, Eich could not confirm this assertion in al-Shāfi‘ī’s compendium, *al-Umm*. The ascription of the hot-water test to the Mālikīs seems to be plausible since, in his commentary on *Mukhtaṣar Khalīl*, al-Zarqānī<sup>557</sup> (d. 1099 H/1688 CE) alludes to what he calls the doctrine of Ibn al-Qāsim (*madhhab Ibn al-Qāsim*) in using the hot-water test to identify the composition of the gathered blood (*al-dam al-mujtami‘*) in cases of doubt regarding the state of *umm walad* and the blood money (*al-diyya*).<sup>558</sup> In Qādī ‘Iyād’s commentary on Muslim’s *Ṣaḥīḥ*, again in the discourse about the state of *umm walad*, the name of Ibn al-Qāsim appears linked with the gathered blood (*wa-huwa qawl Ibn al-Qāsim*) and with the way to identify an *‘alaqa*, although the hot-water test is not mentioned verbatim.<sup>559</sup> This, somehow, strengthens al-Zarqānī’s assertion and suggests that the hot-water test was a technique likely used in the time of Ibn al-Qāsim, i.e., in the second century H/eighth century CE.

#### 2.2.1.4. Q 42:49–50 (*al-Shūrā*)

As was seen concerning the preceding Qur’anic chapter, Ibn al-‘Arabī devoted much effort to clarifying the *mukhallaqa* and *ghayr mukhallaqa* issue that seems to be the key to understanding the embryological development

555 Al-Jāssās, *Aḥkām* (1992), V, 60.

556 Eich 2009, 325–26.

557 Abd al-Bāqī b. Yūsuf b. Aḥmad al-Zarqānī was an Egyptian Mālikī jurist. He was the father of Muhammad b. Abd al-Bāqī al-Zarqānī (d. 1122 H/1710 CE), who composed a commentary on the *Muwaṭṭa‘* entitled *Abhaj al-masālik bi-sharḥ Muwaṭṭa‘ al-imām Mālik*.

558 al-Zarqānī, *Sharḥ* (2002), VIII, 53, 288.

559 Qādī ‘Iyād, *Ikmāl* (1998), VIII, 125.

and is closely connected to many legal rulings. Yet, his commentary on the present *sūra* provides a colourful analysis of sex determination and heredity. The verses are as follows:

*To God belongs the dominion of the heavens and the earth. He creates whatever He wills. He grants daughters to whomever He wills, and He grants sons to whomever He wills. Or He combines them together, males and females; and He renders whomever He wills sterile. He is Knowledgeable and Capable. (Q 42:49–50)*

Our particular interest in these verses begins precisely with the second issue of the commentary, where Ibn al-‘Arabī proceeds, as usual, from the general to the specific. He begins by underlining the powerful sovereignty of God depicted in the Qur’anic verse and tracing the procreation process from Adam, to Eve, to their progeny, until reaching pregnancy and the unborn where he quotes two traditions as an example. He writes:

The second issue: Indeed, God, by all his omnipotence and by his mighty power, he creates (*yakhliq*) the creation (*al-khalq*) beginning with nothing, and with his great kindness and wisdom, he creates something from nothing, not out of necessity because He is the Holy for needs and the Author of Peace for pests, as the Holy said. He created Adam from the dust, then created Eve from Adam, and created their progeny among them from them, arranging the intercourse, settling the pregnancy, being present in the unborn during the delivery, as the prophet said “when the man’s water (sperm) precedes the woman’s water the child will be a male. In case the woman’s water precedes the man’s water, the child will be a female.” And also, in the *Ṣaḥīḥ* [we find] “If the man’s water prevails upon the woman’s water, the child resembles the paternal family. In case the woman’s water prevails upon the man’s water, the child resembles the maternal family.”<sup>560</sup>

The expression used by Ibn al-‘Arabī *wa-kadhalika fi-l-ṣaḥīḥ* clearly reveals the fact that both inserted traditions are from the *Ṣaḥīḥ*. Yet, which *Ṣaḥīḥ* was used in this case: that of al-Bukhārī or of Muslim? As for the first *hadīth*, similar traditions are only found in al-Bukhārī’s *Ṣaḥīḥ*, in *Kitāb al-tafsīr* (chapter on exegesis) and in Muslim’s *Ṣaḥīḥ* in *Kitāb al-ḥayd* (chapter on menstruation). Although the tradition in al-Bukhārī’s *Ṣaḥīḥ* differs from that inserted by Ibn al-‘Arabī in terms of the consequences of the water of

560 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 96.

the man preceding that of the woman and vice versa, the tradition from Muslim’s *Ṣaḥīḥ* does not conform with the variant used by Ibn al-‘Arabī in terms of the verb. The three variants are described in the table below.

Table 3: Differences between the variants

<i>Aḥkām al-qur’ān</i> Ibn al-‘Arabī	“When the man’s water (sperm) <b>precedes</b> ( <i>sabaqa</i> ) the woman’s water the child <b>will be</b> a male. In case the woman’s water <b>precedes</b> the man’s water, the child <b>will be</b> a female.”
Al-Bukhārī’s <i>Ṣaḥīḥ</i>	“If a man’s discharge <b>precedes</b> ( <i>sabaqa</i> ) that of the woman, then the child <b>resembles</b> ( <i>naza’ā</i> ) the father, and if the woman’s discharge <b>precedes</b> that of the man, then the child <b>resembles</b> ( <i>naza’at</i> ) the mother.”
Muslim’s <i>Ṣaḥīḥ</i>	“The reproductive substance of man is white and that of woman is yellow, and when they have sexual intercourse and the male’s substance <b>prevails</b> ( <i>‘alā</i> ) upon the female’s substance, it is the male child that <b>is created</b> by Allāh’s Decree, and when the substance of the female <b>prevails</b> upon the substance contributed by the male, a female child <b>is formed</b> by the Decree of Allāh.”

To be sure about the variant used by Ibn al-‘Arabī, it is helpful to move forward to one century after Ibn al-‘Arabī’s legal exegesis and examine the widely known Andalusi *Tafsīr*, which took *Aḥkām al-qur’ān* as a pillar. In *al-Jāmi‘ li-ahkām al-qur’ān*, al-Qurṭubī argues that the apparent meaning of the verb ‘*alā*’ in Muslim’s variant is “to prevail” (*ghalaba*), however, it should be interpreted (*yata’ayyanu ta’wīluhu fi hadīth thawbān*) as “to precede”, i.e., the water (of the man or the woman) **precedes** the uterus (*inna dhalika al-‘ulūww ma’nāh sabq al-mā’ ilā-l-rahīm*).<sup>561</sup> Al-Qurṭubī goes on to say that Ibn al-‘Arabī structures his classification<sup>562</sup> according to the same interpretation of the tradition. Therefore, it is very probable that Ibn al-‘Arabī was referring to Muslim’s *Ṣaḥīḥ*. The hypothesis that Ibn al-‘Arabī was alluding to the *Ṣaḥīḥ* of Muslim is reinforced by the introduction of the second ḥadīth, which is not found in al-Bukhārī’s *Ṣaḥīḥ*, but belongs instead to *Kitāb al-ḥayd* in Muslim’s *Ṣaḥīḥ*.

561 Al-Qurṭubī, *al-Jāmi‘* (2006), XVIII, 504.

562 This will be discussed in the following pages.

In this text, it is important to note how Ibn al-‘Arabī orders the two ḥadīths in order to arrive at his combinations. The first ḥadīth must occupy the first place because it determines the sex. The second ḥadīth then relies on the first to identify the resemblance. By juxtaposing and obliquing both ḥadīths, Ibn al-‘Arabī comes up with four possible results/situations. Nevertheless, before dealing with the combinations, it should be noted that Ibn al-‘Arabī highlights the fact that he had already discussed this subject in his ḥadīth commentary entitled *Sharḥ al-ḥadīth*, which is actually *al-Nayyirayn fī sharḥ al-ṣahīḥayn*.<sup>563</sup> Thereafter, Ibn al-‘Arabī writes:

We have indicated this in *Sharḥ al-ḥadīth* that there are generally four situations: A male resembling his paternal uncles. A female resembling her maternal uncles. A male who resembles his maternal uncles. A female who resembles her paternal uncles. It is apparent in all [the traditions] that the meaning of the prophet saying: *sabaqa* is coming out first. And the meaning of *‘alā* is being more abundant. For instance, if the man’s water comes out first, and then, the women’s water comes after him – in lower quantity – the child will be a male since the man’s water came first. Besides, the child will look like his paternal uncles because of the abundance of the father’s water. If the woman’s water comes out before and is more abundant than the man’s water, the child will be a female resembling her maternal uncles since the woman’s water came out first and flowed in a larger quantity. When the man’s water comes out first, but the women’s water is more abundant, the child will be a male who resembles his mother and maternal uncles because of the mother’s water abundance. If the women’s water comes out before the man’s water, however, the man’s water is more abundant, the child will be a female that resembles her father and her paternal uncles. Praise the great Creator.<sup>564</sup>

Written articulately, the above passage raises the question of whether the explanation and combinations set out by Ibn al-‘Arabī are purely mooted

563 Ibn al-‘Arabī mentions his work *Sharḥ al-ḥadīth* on different occasions in *Aḥkām al-qur’ān* and clarifies once, in Q 33:15, that, by *Sharḥ al-ḥadīth*, he means his commentary entitled *al-Nayyirayn fī sharḥ al-ṣahīḥayn* (*haythu waqa’at majmū‘a fī sharḥ al-ḥadīth al-mawsūm bi-l-nayyirayn fī sharḥ al-ṣahīḥayn*). Ibn al-‘Arabī, *Aḥkām* (2003), III, 500. *Al-Nayyirayn* is, unfortunately, among the missing works of Ibn al-‘Arabī. It is said that it is a very extensive work, and it features as one of the sources used by Ibn Ḥajar in his *Fatḥ al-bārī*. See Arāb 1987, 140.

564 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 95–96.

from the two traditions or whether they were inspired by other sources. I suppose they are a mix between the analysis of the two ḥadīths and some strands of ancient Greek thought, as I explain below. Of the influential ancient medical theories that have been the subject of scholarly debate, it is evidently the Hippocratic model that is closer to Ibn al-‘Arabī’s approach than the Aristotelian one. In the Hippocratic treatise *On Generation*, two passages provide similarities to Ibn al-‘Arabī’s model. The first passage is about the determination of the sex, and the second describes the physical resemblance:

Now here is a further point. What the woman emits is sometimes stronger, and sometimes weaker, and this applies also to what the man emits. In fact, both partners alike contain male and female sperm (the male creature being stronger than the female must of course originate from a stronger sperm). Here is a further point: if both partners (a) produce a stronger sperm, then a male is the result, whereas if (b) they both produce a weak form, then a female is the result. But if (c) one partner produces one kind of sperm, and the other another then the resultant sex is determined by whichever sperm prevails in quantity.<sup>565</sup> No: it must inevitably resemble each parent in some respect since it is from both parents that the sperm comes to form the child. The child will resemble in the majority of its characteristics that parent who has contributed a greater quantity of sperm to the resemblance – that is, sperm from a greater number of bodily parts.<sup>566</sup>

In order to follow Ibn al-‘Arabī’s possible connection with the Hippocratic theory, the first work that needs to be consulted is ‘Arīb Ibn Sa‘īd’s treatise. Although sex differentiation is the first subject in the fourth chapter, ‘Arīb Ibn Sa‘īd adopts Galen’s main ideas on this matter,<sup>567</sup> meaning this work is not responsible for the connection to the Hippocratic theory. This suggests that Ibn al-‘Arabī’s source lies elsewhere. It is in al-Majūsī’s *Kāmil* where we find similarities with Ibn al-‘Arabī’s statements and Hippocratic traces. In the part on signs of male and female pregnancies, al-Majūsī argues that:

The hotter, drier and thicker the semen is, the foetus is male, and if it is colder, wetter and thinner, then the foetus is female. If the man’s semen

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565 *On Generation*, 6:1.

566 *Ibid.*, 8:2.

567 Ibn Sa‘īd al-Qurṭubī, *Generación* (1983), 59.

is more abundant and stronger, then the newborn resembles its father, and if the woman’s semen is more abundant and stronger, the newborn resembles its mother.<sup>568</sup>

Ibn al-‘Arabī was reliant on Hippocratic theories, using the more appropriate stances and readapting them to fashion his own views where the interrelationship between ancient knowledge and Islamic literature is clear.

#### 2.2.1.5. Q 75:37–38 (*al-Qiyāma*)

As we saw in the previous sections on Qur’anic chapters, especially with regard to *al-Hajj*, Abū Bakr Ibn al-‘Arabī attributes great importance to the stages/phases of embryological development. The present *sūra* is, in fact, a subsidiary section of Q 22:5. The verses commented on by Ibn al-‘Arabī are:

*Had he not been a sperm from semen emitted? Then he was a clinging clot, and [Allāh] created [his form] and proportioned [him].* (Q 75:37–38)

His interpretation of the verses above is as follows:

It has one issue, and it has been presented in other verses connected with the creation of the child in the different phases of its formation, starting with the *nufa*, to the *‘alaqa*, to the *mudgha*. The apparent (*zāhir*) meaning of this requires that the third phase after the *‘alaqa* would be a complete and proportioned creation. With this creation, the woman could become an *umm walad*, and the miscarriage is considered a *siqt*, and we have already discussed this point before and pointed out the discrepancy it generated among people. This proportioning starts with the beginning of formation (*ibtidā’ al-khilqa*), and it ends with the completion of strength. Everything is planned and God knows best.<sup>569</sup>

As noted above, Ibn al-‘Arabī argues that these verses are indeed complementary to those mentioned previously in the context of the phases of formation (*takhlīq*) of the foetus/child (*walad*). Therefore, he gives the sequence of *nufa*, *‘alaqa*, and *mudgha*, although the Qur’anic verse refers solely to *nufa* and *‘alaqa*. Hence, the importance of the interrelationships between the commentaries on the embryological verses in different chap-

568 See al-Majūsī, *Kāmil* (1972), I, 337.

569 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 350–51.

ters in *Aḥkam al-qur’ān* can be seen, especially when following the order chosen by Ibn al-‘Arabī. The exegete argues that the third phase in the embryological development, according to the apparent meaning of the verse,<sup>570</sup> is the *mudgha* phase, and he insists on the fact that during this phase the foetus is considered a proportioned creation. Accordingly, the legal consequences if a miscarriage occurs in this phase are that the slave becomes a mother of child (*umm walad*) and the miscarriage is considered a *siqṭ*. Ibn al-‘Arabī’s assertion seems to be vague because the exegete does not go into details, such as *mukhallaqa* and *ghayr mukhallaqa* and when exactly the slave’s status changes to *umm walad*. Ibn al-‘Arabī explains the reasons behind this vagueness as being fundamentally about avoiding redundancies since this topic was adequately discussed and commented on in the previous chapter, Q 22:5.

Furthermore, in this exegetical passage, a sentence devoted to the proportioning (*al-taswiya*) appears at its very end, suggesting that the formation (*al-takhlīq*) and the proportioning begin at the same time. Ibn al-‘Arabī does not provide further information about the process of *al-taswiya*, nor does he include the ensoulment in the proportional formula. He considers, however, gaining strength as the final step in *al-taswiya*. The meaning of the “completion of power” remains unclear, and one might think that the completion of power is linked to the functioning of certain organs, such as the heart and the brain, or linked with the quickening.<sup>571</sup> Before proceeding to the next Qur’anic chapter, it is worth noting that in Q 75:37–38 Ibn al-‘Arabī takes the commentary back to Q 22:5, where he closely scrutinised the embryological development. The present passage is a shortened summary of Q 22:5, where what the exegete says is consistent with what was said before concerning the embryological phases. In addition, he continues

570 For a detailed study on the meaning of *zāhir* in Qur’anic exegesis, see Zamah 2013, 263–76.

571 In a fifteenth-century CE Sufi exegetical by Ḥusām al-Dīn al-Budlīsī (d. 909 H/1504 CE), I found the term *istikmāl al-quwwa*. Commenting on Q 40:67, the exegete follows the same planetary gestational description of the embryo found in ‘Arīb Ibn Sa‘īd’s treatise. Al-Budlīsī specifies that after four months and ten days, God breathes an animal soul into the embryo. During the fifth month of pregnancy, which is influenced by Venus, the embryo receives the famous strength (*al-quwwa al-mashhūra*). After that, when the influence changes to Mercury, God gives the speaking strength (*al-quwwa al-nāṭīqa*). In the seventh month, under the moon’s influence, the strength is given through the influence of the seven stars. The strength is completed at that stage. In this case, the end of proportioning coincides with the end of formation. See al-Budlīsī, *Tafsīr* (2020), V, 151.

to dismiss the ensoulment as a starting or ending fact (connected with the *takhlīq* or with the proportioning) or as a criterion for humanity or whichever embryological event. Will this absence be pursued in the next embryological exegetical passages of *Aḥkam al-qur’ān*? The following pages will hopefully answer this question.

#### 2.2.1.6. Q 86:5–6 (*al-Tāriq*)

The first verses that Ibn al-‘Arabī comments on in this Qur’anic chapter are:

*Let man consider what he was created from. He was created from gushing water.* (Q 86:5–6)

In the following passage, Ibn al-‘Arabī develops his interpretation:

It has two issues. The first issue: God, the Almighty, has shown where the water is taken from and that it is between the backbones and ribs/breastbones, stimulated by the force/power and distinguished by the wisdom. The physicians said: It is the blood that nature develops through desire, but there is no way to know it, except with an honest message. *Al-qiyās* does not even have an approach to it, and the rational reflection has neither an explanation for it. Whatever describes [this water/blood] is a statement that could be true. Nevertheless, this statement has no proof nor justification, as we have mentioned before. What demonstrates the validity of this [Ibn al-‘Arabī’s] statement is his saying “*We created 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 ...*” (Q 23:12–13). [The ‘alaqa] is the blood, and God told that [the blood] is the third phase, but for the physicians, it is the first phase, and this is the judgment of the ignorant.<sup>572</sup>

Ibn al-‘Arabī explains that the two Qur’anic verses refer to man’s creation, determining the substance or material from which he originated, i.e., gushing water. Subsequently, he succinctly specifies the origin (*maḥall*) of this water already mentioned in the following verse, Q 86:7, i.e., between the backbones and ribs/breastbones. No further information is provided and questions such as does the water come from the backbone and ribs of men and women equally and does the man’s water come from the backbone and

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572 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 375.

that of the woman come from the ribs or vice versa remain unanswered.<sup>573</sup> Nevertheless, Ibn al-‘Arabī claims that this water is stimulated by a certain power and is characterised by wisdom. This statement can be understood in two different ways. On the one hand, the water can be stimulated by the sexual power (*al-qudra al-jinsiyya*) of man and woman whose wisdom or intellectual efforts guide them to have intercourse and to emit this liquid that is accordingly distinguished by the human wisdom (*al-hikma al-insāniyya*). On the other hand, the water can be stimulated by the divine power (*al-qudra al-ilāhiyya*) and characterised by the divine wisdom (*al-hikma al-ilāhiyya*) of the creation of any human being. Upon clarifying the origin of the water, Ibn al-‘Arabī introduces, conversely, a rival opinion maintained by the physicians (*al-ātibbā’*). The physicians assert that the liquid mentioned in Q 86:5–6 is the blood that is ripe through the nature of (sexual) desire. Such an assertion leaves no doubt that Ibn al-‘Arabī is pointing out the Aristotelian theory of generation.

Yet, apart from this theory, who are the physicians Ibn al-‘Arabī might target in this passage? Three emblematic figures could be considered: the Cordoban physician ‘Arīb Ibn Sa‘īd al-Qurṭubī, his compatriot Ibn Rushd and the Persian physician al-Majūsī.

In his tenth-century treatise on the generation, ‘Arīb Ibn Sa‘īd al-Qurṭubī sticks to the Hippocratic theory and holds that both male and female sperm contribute to the formation of the embryo:

Both semen of women and men come from their organs, and all their parts contribute to [this semen]. For this reason, the child resembles his mother in nature, complexion, aspect, and character as he resembles at the same time his father in many of his aspects and has similar complexion and character.<sup>574</sup>

Although Ibn Rushd’s statement seems to be Aristotelian, he does not mention verbatim that the female semen is blood, and in arguing that the female blood feeds the embryo, he does not necessarily mean that this

573 Ibn ‘Atīyya and al-Qurṭubī extensively explain the expression *bayn al-ṣulb wa-l-tarā’ib*. They introduced the religious debate among Muslim scholars regarding this concern. See Ibn ‘Atīyya, *al-Muhrir* (2000), V, 465–66 and al-Qurṭubī, *al-Jāmi‘* (2006), XX, 5–6. One might find some similarities between the different origins of water, with the Hippocratic theory maintaining that the semen comes from all parts of the body.

574 Ibn Sa‘īd, *Kitāb khalq* (1983), 30. My own translation of the passage from Spanish to English.

embryo is composed of it. As Baffioni underlines, after a lengthy discussion he concludes that the man’s sperm gives the form, and the female’s sperm provides the matter, with both of them contributing to the generation of the child.<sup>575</sup> He holds, however, that the female blood feeds the foetus. In addition, Ibn Rushd was born in 520 H/1126 CE, at the time when Ibn al-‘Arabī was composing his *Aḥkām al-qur’ān*. By the time this *tafsīr* was finished, in 533 H/1139 CE, Ibn Rushd was still a teenager and, according to Alonso, he produced most of his important works (including *al-Kulliyāt*) between 570 H/1174 CE and 576 CE/1180 CE.<sup>576</sup> This precludes the hypothesis that ‘Arīb Ibn Sa ‘id and Ibn Rushd could have been among the physicians criticised by Ibn al-‘Arabī.

As for al-Majūsī, he considers that the foetus is a mixture of the father’s semen and the mother’s menstrual blood:

So, I say: The principle of the foetus’s formation in the womb is from semen and menstrual blood, and these two are hot and moist, except that blood is hotter and moister than semen, and semen is less moist than blood. And since the principle of our being is from a moist substance, and if [the blood and semen] are mixed, they are thickened by the heat that is in them, little by little, until they freeze for a while until the forming force can form from them the organs of the foetus. It begins first with the formation of the membranes, then the flesh, then the veins, then the nerves, and in the end, bones and nails are formed when the material freezes.<sup>577</sup>

Al-Majūsī adopts the Aristotelian theory of generation, admitting that blood is the first phase of gestation. As a physician, al-Majūsī also fits perfectly in Ibn al-‘Arabī’s quotation. The passage continues with an affirmation by Ibn al-‘Arabī that states that there is no way to find out what the physicians are claiming except through an honest report (*illā bi-khabar sādiq*). This report should be a Qur’anic revelation or a prophetic tradition; otherwise, it will not be accepted. Even the process of deduction analogy cannot address this statement and rational reflection has no explanation for it. The response to this allegation is found in Q 23:12–14, which describes the embryological development phase by phase without any indication that the blood is the initial phase:

575 Baffioni 2004, 168.

576 Alonso 1943, 446–48.

577 Al-Majūsī, *Kāmil* (1972), I, 99.

*And certainly, did We create man from an extract of clay. Then We placed him as a sperm drop in a firm lodging [i.e., the womb]. 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; then We developed him into another creation. So blessed is Allāh, the best of creators. (Q 23:12–14)*

Ibn al-‘Arabī does not insert the entire Qur’anic passage. Rather, he stops at the term clinging clot (*‘alaqa*) and demonstrates through the Qur’anic order that the phase of *‘alaqa* is the third phase in the embryological development scale, just after the phase of clay (*tīn*) and that of *nūfā*. Bearing in mind that an *‘alaqa* is a blood clot, he concludes that the blood is the third phase, in contrast to the view of the physicians who, according to the Aristotelian theory, claim that the blood is the first embryological stage. Ibn al-‘Arabī closes his commentary by characterising this opinion and its adherents as ignorant. The discussion about *‘alaqa* and *‘alaq* continues in the next Qur’anic chapter.

#### 2.2.1.7. Q 96:2 (*al-‘Alaq*)

Within the prophetic narrative frame, this Qur’anic verse and the rest of the chapter represent the first revelation to Muhammad.<sup>578</sup> In this context, Ibn al-‘Arabī begins his commentary by examining the different opinions for and against it being the first revelation. He finishes by confirming that the first five verses of *sūrat al-‘alaq* were the first revelation to the prophet.<sup>579</sup> Following this, Ibn al-‘Arabī presents the second verse, “*Created man from a clinging clot*”, and articulates his interpretation:

There is evidence [in the Qur’anic verse] that man was created from the blood clot, and that before being a blood clot, he is not considered as a human being, and we have explained it elsewhere.<sup>580</sup>

At this juncture, Ibn al-‘Arabī once again elaborates his idea explained in Q 22:5, which maintains that the *nūfā* is inherently considered as nothing. He adds that before being an *‘alaqa*, the foetus is not yet a human being.

578 Neuwirth 2019, 247; Rubin 1993, 213–14.

579 Ibn al-‘Arabī, *Aḥkām* (2003), IV, 418.

580 *Ibid.*, 419.

Indeed, this affirmation is in accordance with what has been said in the *al-Hajj* section about the first criterion of humanity, i.e., the colouration (*al-talwīn*).<sup>581</sup> This criterion is, in fact, the transition of the *nutfa* to the *‘alaqa*, and therefore it is considered the first step of creation (*takhalluq/takhliq*). With this verse, we close the most extensive work on the embryological material in al-Arabi’s oeuvre thus far.

### 2.2.1.8. Q 15:22 (*al-Hijr*)

Throughout the Qur’anic chapters and verses related to embryological development in *Aḥkam al-qur’ān*, the idea of ensoulment remains absent and Ibn al-‘Arabī dismisses the ensoulment as a starting or ending fact (connected with the *takhliq* or with the proportioning) or as a criterion for humanity or whichever embryological event. Will this absence be pursued in other chapters of *Aḥkam al-qur’ān*?

Surprisingly, the ensoulment appears for the first time in a context related to nature, mainly to the manifestation of divine power in wind pollination.<sup>582</sup> The verse is as follows: “*We send fertilizing winds and bring down rain from the sky for you to drink. It is not you who hold its reserves*” (Q 15:22). The first issue deals with the term *lawāqīh*, and the second one covers the whole sentence “*We send fertilising winds*”. Ibn al-‘Arabī interprets it as follows:

Ibn Wahb, Ibn al-Qāsim, Ashhab and Ibn ‘Abd al-Hakam narrated on the authority of Mālik, and the words belong to Ashhab: Mālik said: He Almighty said: “*We send fertilising winds*” (Q 15:22), so, for me, the wheat pollen is to grain and grow, and I do not know what withers in its sleeves. Yet, even if it withers, it does not perish with no good in it. And the pollen of all trees is when the tree bears fruit and what [should] fall from it falls, and what [should] remain, it remains, and that is not because the trees bloom.

Al-Qādī al-Imām [i.e. Ibn al-‘Arabī] said: in this interpretation, Mālik relied on comparing the pollen of a tree to the fertilisation in pregnancy, and when a child is coagulated and created and the soul is breathed into

581 See page 130–31.

582 I would like to express my gratitude to Professor Mohamed Ghaly for his comments and this valuable information, which were instrumental in reshaping this section of work.

him/her to the graining of a fruit and the spike. [This is] because it was given a name that every bearer has in common, i.e. pollen, and based on it came the ḥadīth “the prophet – May God’s prayers and peace be upon him – forbade the sale of grain until it had become hard.”<sup>583</sup>

Comparing the wind that fertilises the trees and the plants to human embryogenesis, Ibn al-‘Arabī mentions the ensoulment in his Qur’anic commentary for the first time. He collocates the ensoulment after the coagulation and the creation of the unborn with no further explanation. This demonstrates that the ensoulment was present in the bulk of ideas of Ibn al-‘Arabī. Nevertheless, the absence of the ensoulment in the commentary of the Qur’anic verses related to prenatal life and its appearance in a different context endorses the suggestions that Ibn al-‘Arabī does not see it as a component in the embryological creational formula, nor does he consider it a criterion for humanity.

### Concluding remarks

In this subchapter, I examined the commentary on verses from seven Qur’anic chapters and traced the connection and evolution made by Ibn al-‘Arabī from one chapter to another. The interpretation of the first chapter, *al-An‘ām* (Q 6:59), showed the extent to which customs and regional popular beliefs can impact religious scholars’ thinking. For instance, the idea of Isrāfil and the angels at his disposal being charged with the wombs circulated in the Andalusi milieu between the twelfth and thirteenth centuries CE, where Ibn al-‘Arabī had absolute precedence in exposing this idea. The commentary on verse 59 in this chapter enabled me to identify important sources used by Ibn al-‘Arabī: the treatise of the Andalusi physician ‘Arīb Ibn Sa‘īd al-Qurṭubī and likely *Kāmil al-ṣinā‘a al-tibbiyya* by al-Majūsī. Through these works, Ibn al-‘Arabī assimilates the Hippocratic-Galenic ideas into the corpus of his exegesis, always being cautious and meticulous in choosing the more appropriate features of these ancient works to fashion his own work.

In the next Qur’anic chapter, *al-Ra‘d* (Q 13:8), Ibn al-‘Arabī exposes the Sunni disagreement about the maximum pregnancy period, going into more detail on the Mālikī debate on this issue. Ibn al-‘Arabī rejects ‘Arīb Ibn Sa‘īd’s approach to the astrological explanations of the embryo’s devel-

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583 Ibn al-‘Arabī, *Aḥkām* (2003), III, 100.

opment, which is likely rooted in the *Rasā'il* by the Ikhwān al-Ṣafā', who are described by Ibn al-‘Arabī as *al-ṭabā'iyyūn*. Furthermore, he discusses menstruation and *barā'at al-rahīm* and holds that pregnancy and menstruation coexist together.

Arriving at *sūrat al-Hajj* (Q 22:5), where the key Qur’anic embryological passage appears, Ibn al-‘Arabī deals with the controversial issue of *mukhal-laqa* and *ghayr mukhallaqa* in depth, dividing his approach into two levels: the meaning of these adjectives, on the one hand, and to whom they are assigned, on the other. An important fact in Ibn al-‘Arabī’s extensive analysis is the absence of the ensoulment. Although most of the exegetes who started integrating Ibn Mas‘ūd’s ḥadīth (i.e., the ensoulment ḥadīth) into their commentaries were Andalusis, and included Ibn Abī Zamanīn, Makkī b. Abī Ṭālib and Ibn ‘Atīyya, Ibn al-‘Arabī is not among them – this is because he probably either did not see the ensoulment as a component in the embryological creational formula, or he did not consider it a criterion for humanity, just like al-Jaṣṣāṣ. Concerning the legal rulings on the funeral and the naming of the miscarriage, Ibn al-‘Arabī does not share the familiar Mālikī opinion based on *istihlāl*. Rather, he draws from his Eastern teacher, al-Ghazālī, in the *takhtīṭ* and *takhliq*. As Mourad argues: “Controversies usually reflect the beliefs and conditions of the particular periods in history that led to their emergence.”<sup>584</sup> In commenting on Q 22:5, Ibn al-‘Arabī brings a debate, originating in the East in the fourth century H/tenth century CE, between the Mālikī Ismā‘il al-Qādī and the Ḥanafī al-Jaṣṣāṣ (supported later by al-Kiyā al-Harrāsī), to the West where he stresses his bias in favour of the Mālikī scholar concerning the legal ruling inference on the *siqt* and the *‘idda* and holds that the miscarriage marks *barā'at al-rahīm*, which accordingly marks the end of the *‘idda*.

The Qur’anic chapter *al-Shūrā* (Q 42:49–50) shows that Ibn al-‘Arabī incorporated the most appropriate Hippocratic ideas, readapting them to the ḥadīth literature on the issue of sex differentiation. This chapter also indicates that Ibn al-‘Arabī drew from al-Majūsī’s *Kāmil Al-Qiyāma* (Q 75:37–38) focuses on the time of formation (*takhliq*) and proportioning (*taswiya*). In addition, in *sūra al-Tāriq* (Q 86:5–6), Ibn al-‘Arabī openly demonstrates his affiliation with the Hippocratic theory of the male and female semen that confirms the ḥadīth material and strictly opposes the Aristotelian theory adopted by the (unidentified) physicians (*al-aṭibbā'*) targeting al-Majūsī. At this point, I refer to the first indispensable factor of

584 Mourad 2006, 237.

the formation, which is the colouring (*al-talwīn*), as being situated between the *nutfa* and the *‘alaqa* phases. Why? Because the Aristotelian theory was widespread and could be identified in early Islamic material. Moreover, there were indications about this theory’s role in explaining how a *nutfa* changes into an *‘alaqa*. Indeed, because the male semen was mixed with the female blood and consequently started turning red, the “problem” of the transition from the *nutfa* to the *‘alaqa* phase has been solved. Nevertheless, a new problem emerges: what about the *ḥadīth* material stating that both man and woman contribute through their semen? A possible answer might be that what is kept is the idea of *talwin*; it is coloured. Yet, an explicit mention of *dam* has been dropped. Finally, the short verse in the *al-‘Alaq* chapter (Q 96:2) highlights a special contradiction in Ibn al-‘Arabī’s thoughts. On the one hand, he deliberates that the foetus is not considered a human being before the *‘alaqa* phase, which confirms his statement in Q 22:5 that the *nutfa* is nothing. On the other hand, Ibn al-‘Arabī does not agree with some of the Mālikīs, about not applying any legal ruling to the *nutfa*, and permitting the abortion of a foetus in the *nutfa* phase.

Notwithstanding being absent throughout the verses related to embryological development in *Aḥkam al-qur’ān*, the idea of ensoulment appears in a different context (Q 15:22), which corroborates my statement that Ibn al-‘Arabī was aware of the phenomenon of infusing the soul and likely of the ensoulment *ḥadīth*. Yet, he dismisses it as a component in the embryological creational formula and does not consider it a criterion for humanity.

### 2.2.2 *al-Qabas*

In examining this commentary on the *Muwaṭṭa’* of Mālik, two extracts relating to the unborn have been chosen: one from *kitāb al-ṭalāq* (the chapter on divorce) and the other from *kitāb al-ruhūn*<sup>585</sup> (the chapter on pledges). A significant fact that was underlined by Benkheira in his historical-anthropological approach to Islamic legal beginnings is that, in the recension of Yāḥyā Ibn Yāḥyā al-Laythī (d. 234 H/848 CE), Mālik

585 Ibn al-‘Arabī collected *ḥadīths* from *kitāb al-aqdiya* (the chapter on litigations), *kitāb al-ḥudūd* (the chapter on bounds fixed by God) and *kitāb al-‘itq wa-l-walā’* (the chapter on manumission and patronage) and named the chapter *kitāb al-ruhūn*. This gathering and denomination is Ibn al-‘Arabī’s work.

deals with ‘azl (*coitus interruptus*)<sup>586</sup> in two different chapters.<sup>587</sup> The first passage is meant to comment on ḥadīth number 1740<sup>588</sup> in the *Muwaṭṭa'* and is related to the practice of *coitus interruptus*. The second is linked to ḥadīth number 2163,<sup>589</sup> which also refers to this withdrawal and is found in the chapter on litigation (*kitāb al-aqdiya*) with a revealing title: litigation related to the mothers of children (*al-qadā’ fī ummahāt al-awlād*).<sup>590</sup>

### 2.2.2.1. About coitus interruptus

Ibn al-‘Arabī does not include the tradition in the corpus of his commentary. This is the main text invoking and mentioning parts of the ḥadīth that guide the listener or reader to identify that which was selected from the *Muwaṭṭa'*. In this section, Ibn al-‘Arabī chooses this ḥadīth:

Yahyā related to me from Mālik from Rabī‘a b. Abī ‘Abd al-Rahmān from Muḥammad b. Yahyā b. Ḥabbān that Ibn Muhayriz said: “I went into the mosque and saw Abū Sa‘id al-Khudrī and so I sat by him and asked him about coitus interruptus. Abū Sa‘id al-Khudrī said, ‘We went out with the prophet on the expedition to the Banū al-Mustaliq. We captured some exquisite Bedouin women. We desired them since abstinence became hard for us. We wanted to enjoy those women while practicing coitus interruptus. We said Can we resort to this practice without first consulting the prophet who is in our midst?’ We asked him about that and he said, ‘You don’t have to not do it. There is no soul which is to come into existence up to the Judgement day but that it will come into existence.’”<sup>591</sup>

Before discussing Ibn al-‘Arabī’s opinion on this ḥadīth, it is important to understand this practice. The word ‘azl, literally meaning isolation, and is a generic term used to denote the earliest form of contraception discussed

<sup>586</sup> Also termed withdrawal.

<sup>587</sup> Benkheira 2013, 288.

<sup>588</sup> This ḥadīth belongs to *kitāb al-ṭalāq* in the *Muwaṭṭa'*. See Ibn Anas, *Muwaṭṭa'* (1997), II, 110.

<sup>589</sup> *Ibid.*, II, 286.

<sup>590</sup> In the recension of Muḥammad Ibn al-Hasan al-Shaybānī (d. 189 H/805 CE), the practice of *coitus interruptus* is only mentioned in the chapter on marriage (*kitāb al-nikāḥ*) in the section of *al-‘azl*. Ibn Anas, *al-Muwaṭṭa'* (1994), 171.

<sup>591</sup> *Ibid.*, II, 110. This tradition is also found in *Ṣaḥīḥ al-Bukhārī* with ḥadīth numbers 2229, 2542 and 4138, and in *Ṣaḥīḥ Muslim* with the number 1438.

by Muslim jurists.<sup>592</sup> The technique involves the man withdrawing his penis from the woman's vagina during intercourse before ejaculation in order to avoid insemination.<sup>593</sup> Musallam asserts that *coitus interruptus* is an act of the man's volition which has made contraception an issue in Islamic law.<sup>594</sup> By the same token, Bowen argues that the jurisprudential literature was written by men whose only knowledge of contraceptive measures was limited to *coitus interruptus*.<sup>595</sup> The first religious and basic source for any legal thought or discussion is the Qur'an, but this does not address the topic of contraception and makes no reference to birth control (*tanzīm aw taḥdīd al-nasl*). Because of this Qur'anic silence, Muslim jurists thus relied on the second religious source for law: the ḥadīth. An entire subchapter was dedicated to 'azl, where different and significative traditions formed the basis of legal reflection. Musallam insists, however, that even though the ḥadīth is important, it is not decisive, since some traditions are open to discussion, disagreements and different interpretations.<sup>596</sup> Musallam further adds that, together with the ḥadīth, the jurists used their biological knowledge to interpret *coitus interruptus* and its permissibility in light of their understanding, which introduces the third source of Islamic law: analogical reasoning (*qiyās*). This then leads to the fourth source, which is the legal consensus or agreement (*ijmā'*) in cases where the majority of the religious experts agree and make the same decision.<sup>597</sup>

Ibn al-‘Arabī begins his commentary on the aforementioned ḥadīth by pointing out the consensus about the permissibility of *coitus interruptus*, regardless of those who dislike it (*karihahu ba'duhum*), especially with slaves. As supporting evidence, he also includes Mālik's opinion that ensures the permissibility of 'azl only with the wife's consent. Noteworthy and interesting is the omission of a challenging opinion from Ibn Ḥazm and his followers on this subject,<sup>598</sup> especially since Ibn Ḥazm forbids the practice

592 In his article about population control methods in Islam, Taboada highlights that *coitus interruptus* was the oldest masculine contraceptive method to be described in a religious text, which, in this case, is the Torah in the history of Onan, Gn. 38:9. See Taboada 1996, 146.

593 Rogow; Horowitz 1995, 144.

594 Musallam 1981, 181.

595 Bowen 1997, 182.

596 Musallam 1983, 16–17.

597 *Ibid.*

598 Not only is the silence intriguing here, but also the absence of a refutation, especially since it played a pivotal role in breaking the spread of the doctrine. See Kaddouri 2013, 594.

of ‘azl.<sup>599</sup> In his masterpiece on Islamic law, titled *al-Muḥallā*, Ibn Ḥazm claims that *coitus interruptus* was permissible in some traditions from the early period of Islam,<sup>600</sup> maintaining that all the traditions that allowed ‘azl were abrogated by a later tradition narrated by Judāma Bint Wahb.<sup>601</sup> In this tradition, the prophet is quoted as confirming that *coitus interruptus* is disguised infanticide (*al-wa’d al-khafiyy*) and citing as evidence the Qur’anic verse Q 81:8 (*al-Takwīr*). In connection with this, Ibn Ḥazm understands and points out that *coitus interruptus* is regarded as infanticide and consequently prohibits it from a legal point of view.<sup>602</sup> Interestingly enough, Ibn al-‘Arabī turned a blind eye to Ibn Ḥazm’s restrictive position on ‘azl, which became a *cause célèbre* in the Islamic discussion about this topic,<sup>603</sup> and consequently to the Zāhirī view that was absolutely distinct from the Mālikī one.<sup>604</sup> The reason for this might be rooted in Ibn al-‘Arabī’s intention to legitimise the legal view of the *umma* to preserve the integrity of the scholarly religious consensus, putting it beyond any dispute, and to control the Zāhirī propaganda by disregarding Ibn Ḥazm and, in this way, lay waste to his claims. After marshalling the arguments for *coitus interruptus* both with and without the woman’s consent, Ibn al-‘Arabī inserts this sentence from the ḥadīth’s *matn*: “You don’t have to not do it.” The differences between

599 Ibn al-‘Arabī harshly and aggressively criticises his opponents and Ibn Ḥazm, among others. In his *kalām* work, *al-‘Awāṣim min al-qawāṣim*, he writes: “the reprehensible innovation (*bid’ā*) I encountered on my journey [to the East], as I told you, was the doctrine of the *bātin*, but when I returned I found that the whole of al-Maghrib had been filled with the doctrine of the *zāhir* by a feeble-minded man by the name of Ibn Ḥazm from the countryside of Seville [...] He deviated from the path of correct argument in the essence and attributes of God and brought calamities that I clarified in my epistle *al-Ghurra*.” Ibn al-‘Arabī refutes Zāhirism and criticises the works of Ibn Ḥazm in three works of his: *al-Ghurra fi-l-radd ‘alā al-durra*, *al-Nawāḥī ‘an al-Dawāḥī* and *al-‘Awāṣim min al-qawāṣim*. To explain this refutation, Qāḍī ‘Iyād explains why other schools of law could not compete with the Mālikī school because the latter was established and deeply rooted there and defended jealously by the caliphate and by the Mālikī jurists. That is why Ibn Ḥazm and his followers were seen as a genuine threat to the stability of Mālikism and were harshly attacked. See Adang 2005; Kaddouri 2013, 539–96; Qāḍī ‘Iyād, *Tartīb* (1983), I, 26–27. For further information on the conversions of Ibn Ḥazm, see Adang 2001, 73–87 and Turki 1984, 175–85.

600 Musallam 1983, 18–19.

601 The ḥadīth is available in Muslim’s *Ṣaḥīḥ*, in *Kitāb al-nikāḥ* under the number 1442.

602 Ibn Ḥazm, *al-Muḥallā* (2003), IX, 222.

603 Musallam 1983, 18.

604 Adang examines Ibn Ḥazm’s views on homosexuality as a case study of a Zāhirī view radically different from the accepted view among the Mālikīs. See Adang 2003, 5–31.

the negation article *mā* and *lā* in the variants of this ḥadīth give rise to controversy and debate. In the *Muwaṭṭa'* and in Bukhārī's *Ṣaḥīḥ* it is *mā*, whereas in Muslim's *Ṣaḥīḥ* it is *lā*.<sup>605</sup> Concerning this debate, Benkheira makes an interesting analysis of the double negation issue in this ḥadīth's variant in the *Ṣaḥīḥ* of Muslim, choosing an appropriate understanding and translation of the expression, i.e., “gardez-vous” (keep yourself), which includes the idea of avoiding an action or a non-action.<sup>606</sup> Juynboll, on the other hand, chooses to understand the expression as permission: “It is not incumbent upon you not to do it.” Moreover, he classifies the ‘ulamā’ into two groups. The first is those who promote birth control and read the expression as it appears in the ḥadīth. In contrast, the second includes those who are against its permissibility and insert a small break (i.e., a comma) after the negation article and read it as follows: No, it is incumbent upon you not to resort to this practice.<sup>607</sup> Furthermore, Ibn al-‘Arabī engages in the explanation of the last sentence of the ḥadīth, which refers to God's direct intervention and the following predestination: “There is no soul which is to come into existence up to the Judgement day but that it will come into existence.” He emphasises the nature of God being omnipotent and having power over the *coitus interruptus*, since everything is dependent on God's perpetual intervention in tracing the destiny of every human being. From this perspective, Ibn al-‘Arabī appears to distance himself from the Avicennian understanding<sup>608</sup> of divine power and determinism, with his speculations closer to the Ghazalian view.<sup>609</sup>

Ibn al-‘Arabī's imagining of the embryonic stages originates from this analysis. He describes the unborn passing through three main stages:

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605 Fadel's translation of the *Muwaṭṭa'*: “It will make no difference whether you do so or not. Every soul from now until the Day of Judgment that is meant to be shall certainly be.” This makes perfect sense: even if you try to prevent pregnancy, it is beyond your control.

606 See Benkheira 2013, 269.

607 Juynboll 2007, 455.

608 The Avicennian view has two natures: the inner nature depends on human voluntarism and freedom, which should be exercised within the perimeter of individual destinies; the outer nature is concerned with the divine decree that shapes every single activity in a “well-structured design”. Both natures occur together in a hierarchic system. See de Cillis 2014, 229–30.

609 This view is based on believing in God's direct intervention in the destiny of every human being. This position reinforces the Ash'arite notion of God being the only creator and the only one who controls the destiny of humankind. *Ibid.*, 198.

The [unborn] child has three stages [of development]: [1] A stage preceding existence, in which it [viz., the child] can be prevented [from being conceived] by *coitus interruptus*: this is possible. [2] A stage after the womb takes hold of the semen (*mani*); at this point, no one should interfere with it to prevent its generation (*tawallud*), as ignoble merchants do, giving their maids medicine when their menstrual blood takes hold [of the semen] to loosen [the menstrual blood] so that the semen flows out with it and birth (*wilāda*) is prevented. [3] The third stage is after formation (*inkhilāq*) and before the soul is infused into it [viz., the embryo]: [keeping it, viz., the embryo, from further development] is prohibited and forbidden more strictly than in the first two stages, because of the tradition that is recited as positing that the miscarried foetus lingers at the door of heaven, saying: I will not enter heaven until my parents enter. When the soul (*rūh*) has been infused into it, there is no scholarly dissent that it is a human being (*nafs*).<sup>610</sup>

Ibn al-‘Arabī adapts the legal rulings for the ‘azl to correspond with the embryonic stages. As the foetus develops during these stages and changes from one state to another, the legal ruling for *coitus interruptus* should, accordingly, be consistent with this evolution.

Although Ibn al-‘Arabī builds his argument on three stages, the passage indicates that there are actually four. The first stage is the pre-existing phase, where the man could abstain from seminal emission, thus not resulting in the creation of the child, since this requires the semen of the woman and the merging and settling of both semen in the womb. In this case, in Ibn al-‘Arabī’s view, the semen withdrawal is permissible (*ja’iz*). The Shāfi‘ī jurist and Ibn al-‘Arabī’s influential teacher, al-Ghazālī, gives a thorough analysis of this phase based on analogical reasoning. He argues that a man could marry, have sexual intercourse, emit semen and allow the semen to reach and settle in the woman’s womb, as well as abstain from all these steps or only one of them. In his opinion, avoiding one or all of the steps is the same and is by no means forbidden or unlawful.<sup>611</sup> Al-Ghazālī insists on differentiating between abortion or infanticide on the one side and

<sup>610</sup> Ibn al-‘Arabī, *al-Qabas* (1992), II, 763.

<sup>611</sup> Musallam 1983, 17. Katz summarises how these actions are not forbidden in al-Ghazālī’s view, but, more accurately, are instances that fall short of the ideal (*tark al-afdāl*). See Katz 2003, 41.

contraception on the other.<sup>612</sup> He holds that the man's semen alone is not sufficient for the formation of a child, meaning that *coitus interruptus* is absolutely permissible.<sup>613</sup> Al-Ghazālī's argument clearly shows that he and the majority of the religious authorities had accepted the theory.<sup>614</sup> The accepted and pervading theory of generation is the one associated with Hippocrates holding that both man and woman produce semen and that an equal contribution of them both forms the foetus.

The second phase, according to Ibn al-‘Arabī, is when the womb grasps the semen in the decisive moment of conception. It is thus not permissible (*lā yajūz*) to interrupt (*al-qat'*) this process. At this stage, with the gradual beginning and change in embryonic life, anything separated from the womb, and consequently the gradation of permissibility and prohibition, are no longer associated with *coitus interruptus*, but rather with abortion. Ibn al-‘Arabī follows the Mālikī consensus in this matter, i.e., prohibition (*tahrīm*),<sup>615</sup> invoking the example of ignoble merchants, who, in order to

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612 Al-Ghazālī argues that abortion and infanticide entail the killing/destruction of an already extant being (*mawjūd hāsil*), which is considered an offense (*jināya*). *Ibid.*

613 For further information about *coitus interruptus* in Judaism and Christianity, see Musallam 1981, 189–91.

614 Musallam 1981, 185.

615 This position was adopted by Shihāb al-Dīn al-Qarāfī (d. 684 H/1285 CE), Aḥmad b. Yāḥyā al-Wansharīsī (d. 914 H/1509 CE), Muḥammad b. Aḥmad b. Muḥammad ‘Ulaysī (d. 1299 H/1882 CE), Abū ‘Abd Allāh Shams al-Dīn al-Haṭṭāb (d. 954 H/1547 CE), Ibn Juzayy al-Gharnātī (d. 740 H/1340 CE), Muṣṭafā Muḥammad ‘Arāfa al-Daṣūqī (d. 627 H/1230 CE) and Muḥammad al-Kaṣhānāwī (d. 1087 H/1676 CE). Among the Shāfi‘īs, al-Ghazālī and Muḥammad b. ‘Imād b. Muḥammad b. al-Husayn al-Jazarī (d. 632 H/1235 CE) embraces the same position, while ‘Izz al-Dīn Ibn ‘Abd al-Salām (d. 660 H/1262 CE) and Ibn Ḥajar al-Haytamī (d. 973 H/1566 CE) consider it probable. Some of the Ḥanafīs, such as Shams al-A’imma al-Sarakhsī (d. 490 H/1096 CE), Qādī Zādah (d. 1045 H/1635 CE), ‘Alā’ al-Dīn al-Ḥaṣkafī (d. 1088 H/1677 CE) and Ibn ‘Abidin (d. 1252 H/1836 CE) opt for this position. Likewise, a few Ḥanbalis follow the same path, for instance, Ibn Rajab (d. 795 H/1393 CE) and Ibn al-Jawzī (597 H/1201 CE). See Raḥīm 2002, 265. Interestingly, the Maghribī Mālikī jurist ‘Alī b. Muḥammad Abū al-Ḥasan al-Lakhmī (d. 478 H/1086 CE) considers the withdrawal or abortion of what is found in the woman's womb during the first forty days permissible. Mālikī scholars never considered his opinion seriously in their discussions. It remains the single rejected voice in works of Mālikī legal responsa. See al-Wazzānī, *al-Nawāzil* (1997), III, 376. Al-Lakhmī initiated the scholarly movement in Ifrīqiya and was known to contradict Mālik in many instances. He was severely criticised and accused of undermining the doctrine. More information about him and his Mālikī revolution is available in Soukkou 2018, 282–313. The Mālikī exegete Abū ‘Abd Allāh al-Qurtubī (d. 671 H/1273 CE) claims that the *nutfa* is not an embryological certainty and, therefore, there is no legal

sell their slaves, force them to drink abortifacients to flush out the semen and avoid pregnancy. In fact, Constable classifies slaves as the third major commodity in Andalusi markets.<sup>616</sup> Apart from the fact that the female slaves were classified according to their origins and the services they could offer, physical characteristics also played a decisive role in their classification.<sup>617</sup> Bad breath, beauty marks, white hair, missing teeth and pregnancy were among other physical characteristics that defined the rank of the slave. Marín argues that this classification of slaves had economic and legal repercussions, raising or lowering their prices on the market and preventing claims after their purchase, especially relating to the waiting time after their purchase to guarantee that they did not become pregnant and thus *umm walad*.<sup>618</sup> For this, the slavers used tricks to hide the slaves’ defects and gave them (the slaves) medicine to abort.<sup>619</sup> Ibn al-‘Arabī condemned these

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judgement when the woman miscarries or aborts. He describes the *nutfa* in cases where it does not merge/unify with the female semen as never having left the male body. See al-Qurṭubī, *al-Jāmi'* (2006), XIV, 316. Not to be forgotten is the Mālikī jurist Ibn Abī Zayd al-Qayrawānī (d. 386 H/996 CE), who considers the embryo as a child even at the earliest stages of pregnancy (i.e., the phase where the womb takes hold of the semen) and blood money would be accordingly owed. He quotes Mālik and Ibn Shihāb (d. 124 H/742 CE) to support his position. Mālik says: “If a pregnant woman is struck, causing her to lose her child, whether still in lump phase (*mudḡha*) or even an embedded embryo (*alaqa*), and nothing is discernible from its creation – neither eye nor finger nor anything else – if the women who know about such things determine that it was a child [i.e., that she was actually pregnant], then financial compensation is owed.” Ibn Shihāb said: “Whether the fetus was formed or not [money is owed]. If there were twins or triplets, each demands compensation.”

616 Constable quotes Ibn Ḥawqal, reporting that “among the most famous exports [from al-Andalus to other Muslim lands] are comely slaves, both male and females.” See Constable 1995, 203, 205.

617 Marín 2000, 132.

618 Ibid. It is important to note that slaves were treated like any other good. The owners always had the priority of selling the slave whenever they wished to do so. However, this general rule could only be breached in cases where the slave was pregnant and would irreversibly become the mother of a child (*umm walad*), which meant the slave had given a son to her owner, whose paternity was recognised. These slaves had a special legal status that placed them between free women and common slaves, especially after the death of their owner, because of the numerous rights they were given according to the years of their slavery. For more details about this category of slaves, see de la Puente 2000, 344–48, 25–26.

619 In *Kitāb tadbīr al-ḥabālā*, ‘Arib Ibn Sa‘īd gives a recipe for a medicine that makes menstrual blood flow from the uterus, thus purifying the womb. The recipe is as follows: “Take some anise, cumin, caraway, nitre, zucchini, pennyroyal, fenugreek and some big figs, mash them together. Mix it with grape syrup or honey and submerge a wool sponge. Then, place it in the vagina.” See Ibn Sa‘īd al-Qurṭubī,

practices on the part of what he calls *safalat al-tujjār* (dishonourable merchants), whose only interest was material. Interestingly, Qādī ‘Iyād argues that not every *nutfa*<sup>620</sup> becomes a *walad*, which, in his view, justifies why there is no judgment of the miscarriage in the first forty days/nights.<sup>621</sup> He does not resolve the ambiguity. He gives a nuanced position, balancing the opinion of some scholars, who claimed that the semen stage (*nutfa*) had neither the sanctity nor the legal status of a child (*walad*) during the first forty days, with the opinion of other scholars, who thought that it was not permissible to disrupt conception by destroying the sperm (*al-manī*) and causing its evacuation after being caught in the womb in any way whatsoever.<sup>622</sup>

The third phase is that of formation (*inkhilāq*). This is the pre-ensoulment phase, which makes the crime of expelling the foetus more severe than in the previous phase and the forbidding (*manī*) and prohibition (*tahrim*) even more intense and serious. There was no disagreement among Mālikī scholars on this position.<sup>623</sup> At this level of the commentary, Ibn

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*Generación* (1983), 54. Concerning drinkable medicines, although not living in the same period as Ibn al-‘Arabī, the Andalusi pharmacist and botanist Ibn al-Bayṭār (d. 646 H/1248 CE) was also a good witness of scientific knowledge in al-Andalus and consequently of the practice condemned by Ibn al-‘Arabī. Ibn al-Bayṭār gives a long list of simple and compiled medicines that were strong in withdrawing any entity from the womb, and in mutilating and then killing the embryos, such as savin (*al-abhal*), *Calendula officinalis* (*ādharyūn*) and the *ūnūmā* which is a compiled drug whose essence is caustic (*hādd*), acrid (*hirrīf*) and bitter (*murr*). See Ibn al-Bayṭār, *al-Jāmi‘* (1992), I, 9, 22, 92.

620 Literally, the term *nutfa* refers to a drop or few drops of water. It is, however, used to connote a drop of semen.

621 ‘Iyād, *Ikmāl* (1998), VIII, 127. This was also the position of Abū al-‘Abbās al-Qurṭubī and Abū ‘Abd Allāh al-Qurṭubī. See al-Qurṭubī, *al-Mufhīm* (1996), VI, 652; al-Qurṭubī, *al-Jāmi‘* (2006), XIV, 316.

622 ‘Iyād, *Ikmāl* (1998), VIII, 127. This point is examined in detail in Chapter 3. See pages 216.

623 While the Mālikī school sets strict limits on abortion in this phase, the other schools differ. The predominant position among Ḥanafīs was the proof and permissibility of abortion with or without valid justification. Some Ḥanafī scholars, however, characterise abortion as reprehensible, only permitting it where there is a valid purpose. Some Ḥanbalīs, such as Ibn ‘Aqil (d. 513 H/1119 CE) and Ibn ‘Abd al-Hādī (d. 744 H/1343 CE), tolerated abortion within the first one hundred and twenty days. Others were stricter and did not allow it, basing their arguments on the difference between the liquid state of the drop during *coitus interruptus* and the established embryo in the next stages. Concerning the Shāfi‘īs, al-Ghazālī’s position does not differ from the Mālikīs! He emphasises that starting from the moment of conception, the destruction of the foetus implies an absolute prohibition that becomes more severe

al-‘Arabī inserts a tradition to underline the degree of prohibition and the consequences of abortion: “... the miscarried foetus remains agitated at the door of heaven, saying: I will not enter heaven until my parents enter.”<sup>624</sup> This variant of the ḥadīth appears only in the commentary of Ibn al-‘Arabī. The difference is the adjective *mukhtabit* (agitated/shaking), which is *muḥbantī*’ (enraged) in the other versions. This could be an involuntary or intentional scribal error and it is likely that Ibn al-‘Arabī intentionally used this variant. Seen from this perspective, it could be interpreted as follows: the first adjective (*mukhtabit*) describes the physical state of the aborted foetus (*al-siqṭ*), while the adjective of the most common versions (*muḥbantī*) is more about the mental state of the foetus. This descriptive distinction between the mental and physical states of the foetus means it is likely that Ibn al-‘Arabī chose the physical state to condemn the act of abortion. In fact, this ḥadīth outlines two consequences of abortion during this phase. One is considered a direct consequence, i.e., the parents will not enter paradise.<sup>625</sup> The other is considered indirect because the aborted foetus would not enter paradise either and would remain in a troubled condition waiting for its parents. A distinctive aspect of inserting this tradition in the corpus of the commentary is that Ibn al-‘Arabī had calculated and shaped what his position should be. For this reason, he only inserted the part useful to his cause and not the entire ḥadīth that ends with the intercession (*shafā‘a*) of the unborn to his parents.<sup>626</sup> Ibn al-‘Arabī deliberately conceals the other parts of the tradition and uses only that which contains the warning. Linked to the use of the aforementioned adjective *mukhtabit*, these two arguments together strengthen the strong will of Ibn al-‘Arabī in condemning abortion during this phase.

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as the stages progress. Like Ibn al-‘Arabī, he presents a scheme of prenatal life that begins with conception and ends with the ensoulment and degrees of transgression. Other Shāfi‘ī scholars distinguish between abortion in the phase of *‘alaqa* (blood clot), which, in their view, is permissible, and in the phase of *muḍgha* (lump of flesh), which is forbidden, for instance, ‘Alī b. ‘Alī al-Shabrāmalusī (d. 1087 H/1676 CE), Sulaymān al-Bijirāmī (d. 1221 H/1719 CE) and Sulaymān al-Jamal (d. 1204 H/1790 CE). See Rahīm 2002, 208–9; Katz 2003, 41–42; Atighechti 2007, 96.

624 This ḥadīth has been classified as weak. See al-Ṭabarānī, *al-Mu‘jam al-kabīr* (1994), XIX, 116; al-Rāzī, *Fawā‘id* (n.d.), ḥadīth n. 1368.

625 Al-Wansharīsī argues that Ibn al-‘Arabī conflates this tradition in the corpus of his commentary to prove that the agreement and conspiracy between the parents on aborting during this period is completely prohibited. See al-Wansharīsī, *al-Mi‘yār* (1981), III, 370.

626 The ḥadīth continues: “Then God tells him [the foetus]: enter the paradise with your parents.” See al-Ṭabarānī, *al-Mu‘jam* (1994), XIX, 116.

The fourth phase is the ensoulment stage, where the foetus acquires the ontological status of a human being (*nafs*),<sup>627</sup> and thus killing it is considered a sin. In his second and extended commentary on the *Muwaṭṭa'* of Mālik entitled *al-Masālik fī sharḥ Muwaṭṭa'* Mālik,<sup>628</sup> Ibn al-‘Arabī inserts the same passage about *coitus interruptus*. Nevertheless, he adds the term *qatl* (killing), which equates aborting the foetus after ensoulment with the killing of a human being.<sup>629</sup> The prohibition of taking the life of the unborn in this phase is not controversial (*bi-lā khilāf*).<sup>630</sup> While the *inkhilāq* phase characterises the first fundamental criterion for jurists in legal reasoning, the ensoulment phase juristically represents the second pivotal criterion for establishing penalties.

In his article about induced miscarriage, Eich outlines the geographic and chronologic spread and persistence of Ibn al-‘Arabī’s imagination of the embryonic phases based on *coitus interruptus*.<sup>631</sup> In his massive collection of *fatwās* from Maghribi and Andalusi scholars, al-Wansharīsī adduces Ibn al-‘Arabī’s passage on *coitus interruptus* to support his position.<sup>632</sup> Over time, the same passage appeared in Egypt in *Fatḥ al-‘alī*, a collection of juristic-specific cases (*nawāzil*)<sup>633</sup> issued by the Mālikī jurist Muḥammad b. Aḥmad b. Muḥammad ‘Illīsh (d. 1299 H/1882 CE).<sup>634</sup> In the same period, it appeared in Fez in Muḥammad b. al-Madanī Kanūn’s (d. 1302 H/1884 CE) *Hāshiyya*.<sup>635</sup> In a collection of juristic cases, the Mālikī jurist and mufti of Fez, al-Mahdī al-Wazzānī (d. 1342 H/1923 CE), again quotes Ibn al-‘Arabī’s position on *coitus interruptus* mentioned in *al-Qabas*.<sup>636</sup> The most remarkable observation to emerge from these consecutive works is that all these

627 Sachedina underlines that, in jurisprudence, *nafs* is equivalent to personhood. See Sachedina 2009, 134.

628 This commentary was likely written during the last years of Ibn al-‘Arabī’s life.

629 Ibn al-‘Arabī, *al-Masālik* (2007), V, 664–65.

630 Mālikī, Shāfi‘ī, Ḥanafī, Ḥanbali and Ẓahiri scholars agree on the absolute inviolability of the ensouled foetus and, accordingly, absolutely prohibit abortion in this period. See al-Dūrī 2019, 203–4; Sachedina 2009, 134.

631 Eich 2009, 334–35.

632 Al-Wansharīsī, *al-Mi‘yār* (1981), III, 370. See Vidal Castro 1995, 213–44; Powers 2013, 375–86.

633 For more information about *nawāzil*, see Pellat, *EI*, [http://dx.doi.org/10.1163/9789004206106\\_eifo\\_SIM\\_5873](http://dx.doi.org/10.1163/9789004206106_eifo_SIM_5873) accessed 1 July 2020.

634 In *al-‘Alām*, his name is ‘Ulaysh, which is a diminutive of ‘Illīsh. See ‘Illīsh, *Fatḥ* (n.d.), I, 400; al-Ziriklī 2002, VI, 19.

635 Kanūn, *Hāshiyya* (1889), III, 264.

636 Al-Wazzānī, *al-Nawāzil* (2014), II, 194.

scholars belong to the Mālikī school and, apart from ‘Illīsh, who was in Egypt,<sup>637</sup> they were concentrated in al-Maghrib.

Ibn al-‘Arabī’s thoughts regarding embryological development will be elaborated on below in another passage from *al-Qabas* dealing with litigation relating to the mothers of children (*al-qadā’ fī ummahāt alawlād*).

#### 2.2.2.2. Litigation related to the mothers of children (*al-qadā’ fī ummahāt alawlād*)

The ḥadīth referring to *al-qadā’ fī ummahāt alawlād* belongs to the chapter of litigation (*kitāb al-aqdiya*) in the *Muwatta’*:

Yahyā said that Mālik related from Ibn Shihāb from Salīm Ibn ‘Abd Allāh b. ‘Umar from his father that ‘Umar Ibn al-Khaṭṭāb said “What’s the matter with men who have intercourse with their slave-girls and then dismiss them? No slave-girl comes to me whose master confesses that he has had intercourse with her but that I connect her child to him, whether or not he has practiced coitus interruptus or stopped having intercourse with her.”<sup>638</sup>

The discussion about *coitus interruptus* is often related to the *umm walad* discussion since masters used to practice ‘azl with their slave women<sup>639</sup> to prevent pregnancy, the birth of children and the subsequent tangible effects on their wealth.<sup>640</sup> In *al-Qabas*, Ibn al-‘Arabī includes his commentary on the tradition mentioned above in the chapter on pledges (*kitāb al-ruhūn*). Below is my translation of this passage:

637 He was, however, originally from western Tripoli. While al-Ziriklī identifies him as a Maghribī *al-āṣl*, Makhlūf is more specific, writing ‘Illīsh al-Ṭarābulusī *al-dār* (originally from Tripoli) al-Miṣrī *al-qarār* (settled in Egypt). See al-Ziriklī 2002, VI, 19; Makhlūf 2003, I, 551–52.

638 Ibn Anas, *Muwatta’* (1997), II, 286.

639 In her article about Māriyya the Copt, Hidayatullah observes how Schacht and Brockopp interchanged the terms concubine and *umm walad* in their works, thus implying their equivalence. She qualifies this as an imprecise conflation of terms, arguing that concubinage in Western usage has a rather different denotation than *umm walad* has in the Islamic legal institution. Drawing on this observation, I have used slave and slave girl/woman for the female status prior to *umm walad*. For the term *umm walad*, I have used the literally translated expression “mother of a child”. See Hidayatullah 2010, 224.

640 Schacht, *EI*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_1290](http://dx.doi.org/10.1163/1573-3912_islam_COM_1290) accessed 13 July 2020.

This [*ummahāt al-awlād*] is a specific term for slaves if they have given birth. The classification follows the sequence of wife, mother of a child and slave. The slave will remain a slave until she gives birth. When she gives birth, she becomes a mother of a child (*umm walad*). Nevertheless, there was a consensus that [the slave] becomes a mother of a child when she is pregnant. The scholars disagreed about the [stage of] pregnancy in which [the slave] should be considered a mother of a child. Mālik said, “she is a mother of a child starting from the blood clot (*‘alaqa*) and what follows.” Al-Awzā‘ī said “she becomes a mother of a child with the *mudgha*.” Al-Shāfi‘ī said “she is a mother of a child with [the shaping of] the eye and the nail (*bi-l-‘ayn wa-ṣafr*).” Others said “she only becomes a mother of a child with the shape of the human being (*khilqat al-ādami*).” Following up on what he said, Mālik added: [she becomes a mother of a child] when the women can identify that it is a child (*walad*), and this goes back to the Almighty saying: “*O People, if you should be in doubt about the Resurrection*” to his saying “*then from a lump of flesh, formed and unformed*” (Q 22: 5). [God] did not determine its formation except after the lump of flesh stage. In the authentic *hadīth* of the prophet – may God bless him and grant him peace – he said: “The formation/creation of each one of you is gathered in his mother’s womb [in the form of] a *nutfa* for forty days; then he becomes a blood clot for forty [days]; then he becomes a lump of flesh for forty [days]. Then, if God wants [to complete] its creation, He does.” [Mālik] mentioned the *hadīth*, but did not classify the formation, except after the lump of flesh phase, and the child is only a child after the formation; and [the slave] becomes a mother of a child, only after the child exits, and this is the most common method. If the woman expels gathered, coagulated, united or scattered blood, it is thus likely that [this blood] could be either a gathering of a creation or a knot (*‘uqda*) that has gathered (*tajamma‘at*) through a mixing (*min khalt*).<sup>641</sup>

Thematically, this passage appears to be naturally divided into four sections. In the first section, Ibn al-‘Arabī discusses the classical legal definition of *umm walad*.<sup>642</sup> He defines the context of the use of this term, i.e., slavery,

641 Ibn al-‘Arabī, *al-Qabas* (1992), II, 920–21.

642 Schacht offers the most comprehensive study of the *umm walad*, discussing the existence of this concept in pre-Islamic Arabia when it was common for men to take their slave women (i.e., Qur’anic *mā malakat aymanuhum*) as sexual partners and how this was evaluated and changed under Islam. See Schacht 1967, 264;

and notes that only those slaves who bear their master’s children become mothers of children (*ummahāt awlād*). Ibn al-‘Arabī further highlights the distinction between three terms, classifying them in a descending social and legal order: wife (*zawja*), mother of a child (*umm walad*) and slave (*ama*).<sup>643</sup> Moreover, he again insists on the unique condition for a slave to become a mother of a child, i.e., giving birth, thus simultaneously objecting and presenting the consensus that had been reached, i.e., the slave already becomes *umm walad* with the pregnancy.

This objection marks the second part of the passage, which I call the early Sunni discussions emerging from the consensus regarding the *umm walad* status. After acknowledging the existence of *ijmā'* on the point of the slave becoming *umm walad* with pregnancy, Ibn al-‘Arabī demonstrates the different positions and definitions of what pregnancy meant to the early Muslim community through a meticulous embryological lineal order. Thus, to what extent could pregnancy be identified? What was meant by pregnancy in the case of a mother of a child is admittedly the empirical state that can be seen by the jurists and the midwives after a miscarriage. Lourde and Blanc bind together the two conditions for the upgrading of

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Schacht, *EI*<sup>2</sup>, [https://doi.org/10.1163/1573-3912\\_islam\\_COM\\_1290](https://doi.org/10.1163/1573-3912_islam_COM_1290) accessed 13 July 2020. Blanc and Lourde studied the legal conditions of the access to the status of *umm walad* in Mālikism. In her studies about women in al-Andalus, Marín raises the discussion about access to the status of *mudabbara*, *mukātaba* and *umm walad*. Brockopp approaches the early development of the Sunni consensus and regulations surrounding the *umm walad* from a Mālikī legal angle, focusing on when Ibn ‘Abd al-Hakam (d. 214 H/829 CE) composed his text. Analysing the legal consequences of manumission in Mālikī law, de la Puente dedicates part of her study to *ummahāt al-awlād*, where she uses examples from Maghribī *fatwās*, essentially from *al-Mi'yār* by al-Wansharī and *Tartīb al-madārik* by Qādī ‘Iyād. The ‘*idda* of the *umm walad* was examined by Spectorsky in her article about the responses of Ibn Rāhwayh (d. 238 H/853 CE). Hidayatullah uses Māriyya the Copt as an example and examines her status in the legacy of Muḥammad’s *umm walad*. See Blanc; Lourde 1983, 163–75; Marín 2000, 133–35; Brockopp 2000, 196–200; de la Puente 2000, 344–48; de la Puente 2007, 25, 26; Spectorsky 2002, 57–59; Hidayatullah 2010, 221–43; Ali 2010, 113–14; BRAH (1991), 212.

643 In her PhD dissertation titled *A believing slave is better than an unbeliever: Status and community in early Islamic society and law*, Mattson argues that in pre-Islamic and early Islamic Arabia there was no clear differentiation between the free and the slave woman. The man decided to choose which one of his slaves would become his wife. See Mattson 1999, 131–40. De la Puente asserts that in some instances, there was a distinction between the term *ama*, which corresponds to the domestic slave, and the term *jāriya*, which is related to “concubine”. She insists, however, that this distinction does not appear in Mālikī legal texts. See de la Puente 2000, 344, n. 17.

a slave to the status of a mother of a child: childbirth (“l'accouchement”) or miscarriage (“la fausse couche”).<sup>644</sup> It is, accordingly, the stage of the miscarried foetus that determines the status of *umm walad*. Mālik argues that a slave becomes a mother of a child when the miscarriage is at the stage of *‘alaqa* or that which follows. Next is al-Awzā‘ī, who considers the slave who miscarries a *mudgha* to have the status of *umm walad*. After this, al-Shāfi‘ī requires formation, at least in the appearance of an eye and/or a nail. Ibn al-‘Arabī turns next to the positions of al-Shāfi‘ī, Abū Ḥanīfa and Ibn Ḥanbal, since they specify that the slave becomes *umm walad* when the shape is human.<sup>645</sup> Finally, Ibn al-‘Arabī concludes his ascending classification with a further position of Mālik transmitted by Ibn al-Qāsim in the *Mudawwana*, where Mālik relies on the observation of the midwives and their identification of whether the miscarriage is a *walad* or not.<sup>646</sup>

After exposing this early debate on the miscarriage stages that result in the status of *umm walad*, Ibn al-‘Arabī presents his own position and arguments. Therefore, the third part of the passage is dedicated to Ibn al-‘Arabī’s own opinions. He first presents evidence that supports his position, i.e., a Qur’anic verse (Q 22:5).<sup>647</sup> Interestingly, Ibn al-‘Arabī does not cite the entire verse, but instead keeps the beginning before skipping to “*then from a lump of flesh, formed and unformed*” and then concluding that the formation (*khalq*) Qur’anically follows the stage of the lump of flesh. To endorse this, Ibn al-‘Arabī subsequently incorporates an authentic tradition: “The formation/creation of each one of you is gathered in his mother’s womb [in the form of] a *nutfa* for forty days; then he becomes a blood clot for forty [days]; then he becomes a lump of flesh for forty [days]. Then, if God wants [to complete] its creation, He does.” Eich qualifies this tradition as a

<sup>644</sup> Blanc; Lourde 1983, 164.

<sup>645</sup> Al-Shāfi‘ī requires the shape of a human being, specifying that this could be an eye, a nail, a finger or the head. See al-Māwardī, *al-Hāwī* (1994), XVIII, 311.

<sup>646</sup> See Sahnūn, *al-Mudawwana* (1994), II, 237; al-Bājī, *al-Muntaqā* (1999), VII, 366.

<sup>647</sup> “*O People, if you should be in doubt about the Resurrection, then [consider that] indeed, We created you from dust, then from a sperm-drop, then from a clinging clot, and then from a lump of flesh, formed and unformed – that We may show you. And We settle in the wombs whom We will for a specified term, then We bring you out as a child, and then [We develop you] that you may reach your [time of] maturity. And among you is he who is taken in [early] death, and among you is he who is returned to the most decrepit [old] age so that he knows, after [once having] knowledge, nothing. And you see the earth barren, but when We send down upon it rain, it quivers and swells and grows [something] of every beautiful kind.*”

similar variant of Ibn Mas‘ūd’s ḥadīth.<sup>648</sup> Nevertheless, while Ibn Mas‘ūd’s variant does not refer to the sperm-drop stage as an independent embryological stage, the variant mentioned by Ibn al-‘Arabī does. Moreover, in Ibn Mas‘ūd’s variant, there is mention of a phrase that literally means “like that” (*mithla dhalika*), which does not necessarily suggest a reference to the same period,<sup>649</sup> whereas in the variant in Ibn al-‘Arabī’s commentary, the number forty is repeated three times in every stage of the embryonic development. After a thorough investigation of embryological development in ḥadīth literature, I found more similarities between the variant in Ibn al-‘Arabī’s commentary and the authentic variant narrated by ‘Ubayda Ibn ‘Abd Allāh found in Abū Ḥanbal’s *Musnad*.<sup>650</sup> The proximity to the variant described on the authority of Abū ‘Awāna is even more tangible since the term *nutfa* is inserted.<sup>651</sup> Yet, this variant is classified as non-authentic. What might the insertion of this rare variant reveal? I suggest that the ḥadīth quoted by Ibn al-‘Arabī is merely his adaptation (*iqtibās*) of the variant narrated by ‘Ubayda Ibn ‘Abd Allāh, the other variant narrated by Abū ‘Awāna, as well as the variant of Ibn Mas‘ūd.<sup>652</sup> I assume this was an attempt to cement his argument that comes directly after the tradition.

648 Eich 2009, 330. The tradition is reported in al-Bukhārī’s and Muslim’s compilations in *kitāb al-qadar*. In al-Bukhārī’s *Ṣaḥīḥ*, it is ḥadīth no. 6594. In Muslim’s *Ṣaḥīḥ*, it is ḥadīth no. 2643.

649 See Sachedina 2009, 131–32.

650 “Abū ‘Ubayda ‘Abd Allāh narrated: “Abd Allāh said: the messenger of Allāh said: the *nutfa* remains in the uterus for forty days as it is without changing. Then, when forty days have passed, it becomes an *‘alaqa*, then a *mudgha* for a similar period of time, then it becomes bones for a similar period of time. Then when God wants to give it its final shape, He sends an angel to it ...” See Ibn Ḥanbal, *Musnad* (2001), VI, 13, ḥadīth no. 3553.

651 “In every one of you, all the components of your creation are collected together in your mother’s womb for forty days as a *nutfa* ...” See al-‘Asqalānī, *Faṭḥ* (1960), XI, 480–81.

652 Eich argues that this phenomenon is more common in Qur’ān exegeses, where the exegetes state authentic traditions with slight and significant differences in the *matn* probably linked to memorising many traditions, which might confuse the exegete. Two variants similar to the one mentioned by Ibn al-‘Arabī are found in two earlier Maghribī exegeses: *Tafsīr kitāb allāh al-‘azīz* by Hūd b. Muḥakkam al-Huwārī (d. btw. 280–290 H/893–903 CE) and *al-Hidāya ilā bulūgh al-nihāya* by Makkī Ibn Abī Ṭālib (d. 437 H/1045 CE). Commenting on Q 22:5, there are two consecutively inserted variants. The first variant is on the authority of Ibn Mas‘ūd: “The formation of anyone of you is gathered as a *nutfa* in his mother’s womb for forty days; then he becomes a blood clot for forty days, then he becomes a lump of flesh for forty days. Then, the angel is ordered, or he [the prophet] said, [the angel] comes and receives

Ibn al-‘Arabī argues that the formation stage is closely dependent on the *mudgħa* stage. In addition, the *walad* exists only after it has been formed, which implies that in cases where the *mudgħa* has not yet been formed (*ghayr mukhallaqa*), the child does not exist. Finally, the slave cannot be a mother of a child without the child, i.e., the formed lump of flesh (*mudgħa mukhallaqa*). This logical sequence and the whole situation of *umm walad* in Ibn al-‘Arabī’s thought can be illustrated as follows:

*Table 4: Legal and social evolution of the umm walad status according to the embryological development of the unborn*

	Miscarriage			Childbirth
Legal and social status	<i>nutfa</i> phase	<i>‘alaqa</i> phase	<i>mudgħa</i> phase	
	Slave	Slave	<i>ghayr mukhallaqa</i>	<i>mukhallaqa</i>
			Slave	<i>umm walad</i>

The third part of the passage dedicated to Ibn al-‘Arabī’s position ends with an affirmation that his position is obvious (*al-uslūb al-mahya*). His position opposes Mālik’s opinion and takes the side of the views of al-Shāfi‘ī and Abū Ḥanīfa. Interestingly, Eich claims that Ibn al-‘Arabī’s position was likely to be a concession to social pressure after the freeing of a large number of female slaves who accidentally became pregnant, many of whom probably ended up having induced miscarriages.<sup>653</sup> I also believe it is plausible to understand the view of the Mālikī school regarding *ummahāt al-awlād* as being more inclined toward the benefit of women. During the life of her master, the legal status of the mother of a child is that of a person owned and gives her rulings of a person owned (*ahkām al-mamlūka*), and after his death, she would obtain her freedom and might receive a

the order to write down four things: his livelihood, his death, his deeds, his fortune and misfortune.” The second variant is also on the authority of Ibn Mas’ūd: “The formation of each one of you is gathered in his mother’s womb for forty days; then he becomes a blood clot for forty days, then he becomes a lump of flesh for forty days. Then, God sends him [the unborn] an angel and orders the angel to write down his livelihood, death, deeds, fortune and misfortune.” See al-Huwārī, *Tafsīr* (1990), III, 110; Ibn Abī Ṭālib, *al-Hidāya* (2008), 4844.

653 Eich 2009, 334.

bequest.<sup>654</sup> She would also have the right to retain all the gifts she received from her master, even without a witness.<sup>655</sup> The position of Ibn al-‘Arabī can be seen as a step away from the Mālikīs’ expanded view of women’s emancipation and a step towards the Shāfi‘ī and Ḥanafī schools, which had a narrower view.

Ibn al-‘Arabī next compares the two states of the discharge ejected from the woman’s womb. This fourth section of the passage can be read and interpreted in two ways. On the one hand, Ibn al-‘Arabī juxtaposes three similar adjectives of the blood expelled by the woman: gathered (*mujtamī*), coagulated (*mun‘aqid*) and united (*mutamāsik*). To alter it with an alternative possibility, he inserts the conjunction “or” (*aw*), followed by an antonym of the three mentioned adjectives, i.e., scattered (*mutanāthir*) blood. This oscillation between two different and opposite blood states would have consequences. The first is when the gathered, coagulated and united blood could be a gathering of a human being and this bleeding is thus considered post-partum bleeding. The second consequence results from when the blood discharge is scattered, and it is hence neither a miscarriage nor post-partum bleeding. On the other hand, the passage could be read as if Ibn al-‘Arabī does not distinguish between the two states of the ejected blood. In other words, despite the state of the blood, it could be considered either a gathering of a human being or a vaginal secretion gathered with blood.

### Concluding remarks

The preceding analysis and discussion of two sections from Mālik’s commentary on the *Muwaṭṭa’* have highlighted important aspects relating to the concept of the unborn. First, in both passages, the first dealing with *coitus interruptus* and the second about *umm walad*, Ibn al-‘Arabī adapts his legal ruling to the embryo’s development. Second, at the core of the evolution of the embryo, Ibn al-‘Arabī treats every stage separately according to the appropriate ruling, agreeing with the Mālikī consensus in the first part and opposing Mālik’s opinion in the second part (i.e., *ummahāt al-awlād*). Third, inserting the position of the early Muslim jurists, followed by the

<sup>654</sup> This was not obligatory since there is a distinction between a man’s duty after his death to provide for his wife and his *umm walad*. See Brockopp 2000, 197–98.

<sup>655</sup> Ibid., 198.

Qur’anic verse and then the ḥadīth variant, gives an accurate linguistic shift to Ibn al-‘Arabī’s embryonic language, for example, the phase where the womb grabs the semen was changed so that it was denominated the *nufa* phase.<sup>656</sup> Fourth, Ibn al-‘Arabī includes ensoulment as a legal criterion for establishing penalties in cases of *coitus interruptus* and induced miscarriage. Yet, whereas in the first passage, the pre-ensoulment and ensoulment phases appear to be the pivotal phases, especially when the foetus acquires the ontological status of a human being (*nafs*) after ensoulment, the second passage only considers the formation phase as being crucial since the foetus can only be considered a *walad* after the *mudgha* has been formed.

When both passages are taken together, one has a broader and more complete understanding of Ibn al-‘Arabī’s thoughts on embryonic development in *al-Qabas*. This is illustrated in the table below:

Table 5: *Embryonic stages in al-Qabas according to the practice of coitus interruptus, abortion and the umm walad status*

In accordance with	Embryonic stages						
	<i>Coitus interruptus</i> and abortion	Pre-existing phase	The womb grabs the semen	N/A	N/A	<i>Inkhilāq</i> The formation phase	Ensoulment
<i>Umm walad</i>	N/A	<i>nufa</i> phase	‘alaqa phase	<i>mudgha</i> phase	<i>mukhal-laqa</i>	<i>ghayr mukhal-laqa</i>	<i>Khalq</i> The formation phase
							N/A

### 2.2.3. *Āridat al-ahwadhi*

As we saw in *al-Qabas*, following the embryological evolutionary trajectory, Ibn al-‘Arabī adapts an appropriate ruling separately to every stage. In addition, in *Aḥkām al-qur’ān*, the Qur’anic verses and their interpretation offer a detailed scrutiny of the phases of embryological development.<sup>657</sup> Nevertheless, none of the above works specifies the timeline of the embryonic

656 See Table 5.

657 Ghaly 2014, 168.

phases. In his commentary on *Jāmi‘ al-Tirmidhī*, which is the topic of the present analysis, Ibn al-‘Arabī deals with Ibn Ibn Mas‘ūd’s ḥadīth in *kitāb al-qadar* (the book of destiny), *bāb mā jā‘ anna al-a‘māl bi-l-khawātīm* (the chapter on what has been related about one’s deeds depend upon one’s end). The ḥadīth reads as follows:

‘Abd Allāh b. Mas‘ūd said: the Messenger of God narrated to us, and he is the truthful and trusted one: “Indeed the creation of one of you is gathered inside his mother’s womb in forty days. Then, for a similar period, he is a clot (*‘alaqa*). Then, for a similar period (*mithl dhalik*), he is a piece of flesh (*mudgha*). Then, God sends the angel to him to blow the soul into him, and [the angel] is ordered to write four [things]: his livelihood, his death, his deeds, 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 (*dhirā’*), when suddenly the writing of destiny overcomes him and he is sealed off with the deeds of 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 it.”<sup>658</sup>

Among the scholars, it was mainly understood in this ḥadīth that each embryonic stage would last forty days, and thereafter, the ensoulment would be carried out after the period of one hundred and twenty days (forty, three times). Nevertheless, a “small but considerable minority of Muslim religious scholars”<sup>659</sup> contradict the first understanding, holding that the ensoulment happens between the fortieth and the forty-fifth days after conception. They base their opinion upon another important prophetic tradition transmitted by Hudhayfa Ibn Asīd.<sup>660</sup> From the Ibn Mas‘ūd ḥadīth, Ibn al-‘Arabī points out that he extracted four useful notes (*fawā’id*). Among these, two are essential for understanding his embryological opinions. The first point he makes is:

Second useful note: The Messenger, peace be upon him, said in the *Sahīh* “indeed, God appointed an angel to take care of the shaping

658 Ibn al-‘Arabī, *Ārida* (1997), VIII, 228.

659 Eich 2008, 75.

660 I will return to this point in more depth in the chapter on Qādī ‘Iyād, since this variant appears only in Muslim’s *Sahīh*.

(*al-taṣwīr*) [of the embryo] in a predestined sentence". Nevertheless, the heretics said: [the formation of the embryo] is attributed to the seven planets, in a way that every planet takes care of the foetus one month until it goes back [to the first and second planets after the seven months]. This assertion is a lie about God, an arbitrary judgment against reason, and false aspirations which can never be true.<sup>661</sup>

This passage takes us back to Q 6:59 to confirm my suggestion about a possible association between *Isrāfil* and the fact of breathing the soul into the embryo. Although in *Aḥkām al-qur’ān* Ibn al-‘Arabī does not deliberately say that the angel of the womb infuses the soul, he argues that this angel is *Isrāfil* who, in fact, blows (*nafkh*) the trumpet (*al-sūr*) on the Day of the Resurrection. In addition to managing the *nutfa* throughout the phases (*aṭwār*) of the formation (*al-khilqa*), Ibn al-‘Arabī attributes other roles to the angel of the womb, which chronologically follow the first role: taking care of the shaping (*al-taṣwīr*) of the embryo and infusing the soul.<sup>662</sup> In order to uphold the role of the angel of the womb, Ibn al-‘Arabī reverts to the commentary on Q 13:8, where he criticises ‘Arīb Ibn Sa‘īd and, accordingly, the *Ikhwān al-Ṣafā*’s approach in assigning a planet to every month of the gestation. Likewise, yet in a new context, i.e., a ḥadīth commentary, Ibn al-‘Arabī contests the astrological explanation of the development of the unborn. His critique appears harsher and more daring this time because he no longer calls the partisans of this idea *al-ṭabā’i’iyyūn* (the naturalists) but rather uses the term *al-malāḥida* (the disbelievers). In addition, he characterises them as liars and unwise persons. After this, Ibn al-‘Arabī continues with the next useful note extracted from the ḥadīth. He writes:

Third useful note: and [it] remains as it is for forty days, then it is transformed into the bloody (*al-damīyya*) stage (*ṣifa*). Then, it coagulates in the following forty days. Subsequently, it is shaped and the soul is breathed into it, and it is commanded with four [things]: his livelihood, his death, his deeds, his fortune and misfortune.<sup>663</sup>

The above extract starts with a verb phrase where the subject (*al-fā’il*) is not included. However, from the conjugated verb in the present with the third

661 Ibn al-‘Arabī, *Ārida* (1997), VIII, 229.

662 In the following passage.

663 Ibn al-‘Arabī, *Ārida* (1997), VIII, 229.

masculine personal pronoun (*fa-yabqā*), one can guess the omitted subject. On the one hand, I exclude *nutfa* from the possibilities, not only because of its feminine form but also because it is not yet mentioned in the ḥadīth. On the other hand, I suggest two possible subjects for the sentence. The first one is *mani*’ (sperm/semen), which is the mixture of male and female sperms. The second possibility is *mā*’ (water) and, similarly, this water is composed of both the man’s and the woman’s waters (*mā’ al-rajul wa-mā’ al-mar’ā*). Ibn al-‘Arabī depicts the first embryological stage as stagnant, arguing that the mixture of the man’s and woman’s sperms/waters does not progress during the first forty days. This is highlighted by the use of the prefix *fa*, which, in this case, plays the role of a supplemental particle (*al-fa’ al-zā’ida*). This particle appears to insist (*fa’ al-ta’kīd*) or to emphasise the idea. Nevertheless, for passing to the next stage, Ibn al-‘Arabī inserts the conjunction particle *thumma* to sequence the stages. In the second period of forty days, Ibn al-‘Arabī argues that the sperm/water changes into a bloody entity or acquires the characteristics of the blood. Unlike in Q 86:5–6, the term blood/bloody (*al-damīyya*) appears to be associated with the second developmental stage, which again places the issue of the Aristotelian theory on the table. In the first step, Ibn al-‘Arabī introduces the idea of *talwīn* (colouring). After this, he openly inserts a related term with the blood. At this juncture, it is important to note that even though Ibn al-‘Arabī’s conceptualisation of the embryological development follows the Hippocratic theory, it does not dissuade him from inserting other ideas from a different background that might have been established in the traditional belief of the scholars and, more broadly, of beliefs of different religious or linguistic communities. Further, following the same order in Q 22:5, Ibn al-‘Arabī confirms that the third stage is where the coagulation (*takhtīr*) of the bloody entity takes place. He insists that every phase lasts forty days, which automatically places all future phases or events after the period of one hundred and twenty days. Noteworthy is the use of the conjunction *thumma*, which repeatedly indicates the transition from one situation/phase to another after a certain period,<sup>664</sup> which squares perfectly with the transition from one embryonic stage to the other. Once the tripartite period ends, Ibn al-‘Arabī again uses the conjunction *thumma* to introduce the process of shaping (*taṣwīr*). Yet, he makes a semantically orientated shift in using the particle when he comes to the ensoulment.

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664 *Thumma* in this case indicates *al-tarākhī* (slowness).

The *thumma* is replaced by a *wāw*,<sup>665</sup> which removes the temporal space between the two actions but keeps their lineal order.

Throughout the selected works of Ibn al-‘Arabī, in *Aḥkām al-qur’ān* the ensoulment does not appear in the interpretation of embryological Qur’anic verses and is not included in the creational formula proposed by the exegete, with the exception of Q 15:22, where it is briefly inserted to make a comparison between human and wind fertilisation. In *al-Qabas*, it appears in connection with the legal consequences of harming the foetus. This is the first time where he deliberately and verbatim introduces the infusing of the soul as part of the creational formula. One can ask what could be the reason behind this delayed insertion of this (common) idea in Ibn al-‘Arabī’s embryological approach? And how could we explain the absence of the ensoulment ḥadīth in his earlier works? Attempting to answer these questions, I present and discuss three possible suggestions.

The absence of the ensoulment ḥadīth in Ibn al-‘Arabī’s earlier works and its appearance in *Āriḍat al-ahwadḥī* might suggest that the reception of this tradition or even al-Tirmidhi’s *Jāmi‘* was late. Nevertheless, in his *Fihrist*, Ibn Khayr al-Ishbīlī argues that he received Ibn Maḥbūb’s version of al-Tirmidhi’s *Jāmi‘* from Abū Bakr Ibn al-‘Arabī, who himself received the entire compendium from Abū al-Ḥusayn al-Mubārak b. ‘Abd al-Jabbār al-Sayrafi, known as Ibn al-Tuyūrī (d. 500 H/1107 CE).<sup>666</sup> In addition, in Baghdad, Ibn al-‘Arabī received a part of the *Jāmi‘* from a certain Abū Ṭāhir al-Baghdādi.<sup>667</sup> Bearing this in mind, Ibn al-‘Arabī would likely have received the *Jāmi‘* during his eastward *riḥla*, between 489 H/1096 CE, which is the date of his arrival in Baghdad, and 492 H/1099 CE, when he left the city. Ibn al-‘Arabī received al-Tirmidhi’s *Jāmi‘* during his formative period and many years before undertaking the writing task, which sets aside this hypothesis.

The second suggestion is a probable influence of a foremost Maghribi ḥadīth authority and student of Ibn al-‘Arabī: the renowned Qāḍī ‘Iyād. Both scholars were contemporaries and met on different occasions. Qāḍī ‘Iyād presents Ibn al-‘Arabī as his “eloquent” former teacher whom he met for the first time in Ceuta and after that in Seville and Cordoba.<sup>668</sup> In addition to the reception of al-Dāraqutnī’s *al-Mu’talif wa-l-mukhtalif* by Ibn

665 Here, the *wāw* is considered a conjunction particle (*wāw ‘atf*).

666 Ibn Khayr, *Fihrist* (1998), 98; Robson 1954, 261.

667 *Ibid.*

668 Qāḍī ‘Iyād, *al-Ghunya* (1982), 68–69.

al-‘Arabī, Qādī ‘Iyād specifies that he gained ḥadīth knowledge from his teacher (*fa-katabtu ‘anhu fawā’id min ḥadīthih*).<sup>669</sup> Despite the eight-year difference between ‘Iyād and Ibn al-‘Arabī, the relationship between them still conformed to that of a *shaykh* and his student. Iyād testifies:

He [Ibn al-‘Arabī] passed through *Sabta* and I arranged a meeting [with him]. He handed me [for instruction] the *kitāb al-Mu’talif wa-l-mukhtalif* by al-Dāraqutnī. We discussed *kitāb al-Ikmāl* by Abū Naṣr b. Mākūlā and [then], I narrated to him his work [i.e.] *Maṣalat al-aymān al-lāzima* and he accordingly congratulated me on the narration. I met him in Seville and Cordoba when he referred me his commentary on the *Rubā’iyyāt* of al-Bukhārī.<sup>670</sup>

Moreover, Qādī ‘Iyād would probably have composed his ḥadīth commentary *Ikmāl al-mu’lim* during the seven-year break in his career as a judge, i.e., between 532 H/1138 CE and 539 H/1145 CE. In this work, through the commentary on the ḥadīths of Ibn Mas’ūd and Ḥudhayfa Ibn Asid, Qādī ‘Iyād focuses on the ensoulment as an incontestable embryological event. The importance of *Ikmāl al-mu’lim* cannot be overstated, as it is a completion and reshaping of an already existing commentary on Muslim’s *Ṣaḥīḥ*, i.e., *al-Mu’lim*<sup>671</sup> by al-Māzārī (532 H/1141 CE). This fact not only doubles the popularity and weight of Qādī ‘Iyād’s work but also positions it

669 Ibid; ‘Iyād, *al-Ta’rīf* (1982), 25, 45.

670 Qādī ‘Iyād, *al-Ghunya* (1982), 68–69. The passage was translated by al-Marri. See al-Marri 2000, 36–37.

671 Its complete title is *al-Mu’lim bi-fawā’id Muslim*. Despite being, basically, 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-Mufhīm fī sharḥ gharīb Muslim*, composed by Abū al-Hasan ‘Abd al-Ġhāfir b. Ismā’īl al-Fārisī (d. 529 H/1135 CE), paid attention to difficult and unclear terms (*gharīb al-hadīth*), Ibn al-Ḩājī’s (d. 529 H/1135 CE) work *al-Ījāz wa-l-bayān li sharḥ khuṭbat kitāb Muslim māa kitāb al-imān* 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 al-Andalusī (d. 530 H/1136 CE) also passed away before finishing his commentary entitled *Sharḥ Ṣaḥīḥ Muslim*. Another commentary appeared in the same period as *al-Mu’lim*, namely *al-Irshād* by Ibn Barrajān (d. 536 H/1141 CE). However, he limited his commentary to only those traditions containing Qur’anic verses. Finally, Abū al-Qāsim Ismā’īl b. Muḥammad al-Āṣbahānī (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. Consequently, al-Māzārī’s commentary can be considered, historically, to be the first of its genre. See Ibn Khayr, *Fihrist* (1998), 165; Ibn Bashkuwāl, *al-Ṣila* (2010), I, 385; Al-Kattānī al-Āfāsī, *Nizām* (n.d.), II, 141; Ḥājjī Khalifa, *Kashf* (1941), 558.

as an advanced encyclopaedia in ‘ulūm al-ḥadīth.<sup>672</sup> All this multiplies the chances that Qādī ‘Iyād’s work would have reached Ibn al-‘Arabī, and especially received his attention. Finally, one or some years after the completion of the *Ikmāl*, Ibn al-‘Arabī finished dictating his *Āridā* in 540 H/1146 CE, where, for the first time, the ensoulment appears as a pivotal phase in the creational formula. Is this a coincidence? Is it an ascendant vertical impact from a student to his teacher? Despite the interrelation of these pieces of evidence, they remain insufficient to claim that the decision to discuss Ibn Mas‘ūd’s ḥadīth is owed to the influence of Qādī ‘Iyād.

After the chronological arrangement of Ibn al-‘Arabī’s works used in this study, the *Āridā* is the latest one, and it represents the total integration of *‘ilm al-ḥadīth* and an instrumental reform in Andalusi Mālikism,<sup>673</sup> and, more concretely, in Ibn al-‘Arabī’s oeuvre. Given the internal thematic logic of Ibn al-‘Arabī’s intellectual output, the most plausible explanation would be that he was a scholar who mastered different religious sciences and dedicated seminal works to all of them. He could afford to let the issue of ensoulment for his legal work, i.e., *al-Qabas*, where the term occurs in connection with the legal consequences of practising withdrawal and induced miscarriage and for his ḥadīth commentary, i.e., *Āridā*, where the ensoulment tradition is the core of the embryological discussion.

### Concluding remarks

In *Āridat al-ahwadhi*, the timeline of the embryonic phases (i.e., forty days for each phase) appears for the first time in Ibn al-‘Arabī’s analysis of the prenatal life thanks to Ibn Mas‘ūd’s tradition. In the transition from one phase to another, Ibn al-‘Arabī respectively introduces the “triple T”: *al-talwīn* (the colouring) appears between the *nutfa* and the *‘alaqa* phases; after that, the time between the *‘alaqa* and the *mudgha* phases is occupied by *al-takhthīr* (the coagulation); finally, once the *mudgha* phase ends, *al-taṣwīr* (the shaping) concludes this developmental embryogenesis. Interestingly, in this ḥadīth commentary, we witness the insertion and assimilation of an embryological action after the shaping, i.e., the ensoulment. In *Aḥkām al-qur’ān*, Ibn al-‘Arabī mentions the ensoulment briefly in the context of wind pollination without further explanation. In *al-Qabas*, the

672 Shawwāt 1993, 334.

673 Fierro 2005, 72; Fierro 2011, 76–77.

## 2.2. The embryological discourse in Ibn al-‘Arabi’s works

ensoulment is considered as a criterion for establishing penalities and is also a requirement for the ontological status of a human being. It is only in *Āridat al-ahwadhi* that Ibn al-‘Arabi’s conceptualisation becomes clear and his embryological model complete.



### 3. Qādī ‘Iyād

#### 3.1. Biographical prelude

##### 3.1.1. Life

Notes on Qādī ‘Iyād can be found in many medieval Arabic biographical dictionaries.<sup>674</sup> Biographical information is also abundant in recent works and studies about the man and his oeuvre.<sup>675</sup> According to his son Muham-mad b. ‘Iyād (d. 575 H/1179 CE), his full name was Abū al-Faḍl ‘Iyād b. Mūsā b. ‘Iyād b. ‘Amrūn<sup>676</sup> b. Mūsā b. ‘Iyād b. Muḥammad b. ‘Abd Allāh b. Mūsā b. ‘Iyād al-Yaḥṣubī.<sup>677</sup> His ancestors were of Yemeni origin, more specifically from the Yaḥṣub tribe.<sup>678</sup> Muḥammad b. ‘Iyād argues that they settled in Kairouan, in Baṣṭa, in al-Andalus,<sup>679</sup> and later in Fez, before finally settling in Ceuta.<sup>680</sup> 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 Qādī ‘Iyād’s son Muḥammad (d. 575 H/1179 CE), entitled *al-Ta’rīf bi-l-Qādī ‘Iyād*, and another extended biographical work by al-Maqqarī (d. 1041 H/1631 CE), *Azhār al-riyād fī akhbār ‘Iyād*. See also Ibn al-Abbār, *al-Mu’jam* (2000), 294; Ibn Khalliqān, *Wafayāt* (1978), III, 483; Ibn Bashkuwāl, *al-Šīla* (2010), II, 429; Ibn Farhūn, *al-Dībāj* (1972), II, 46; al-Ḍabbi, *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-Sabtī” 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 *Qaṭlat Yaḥṣub* and *Qaṭlat Banū Sa’id*, known now as Alcalá La Real, situated between Granada and Jaén. Qādī ‘Iyād’s ancestors likely chose to settle there when they arrived in al-Andalus. See al-‘Umraṇī 1983, II, 66–67.

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

680 ‘Iyād, *al-Ta’rīf* (n.d.), 2.

Almanzor<sup>681</sup> (d. 392 H/1002 CE) in his battles. Very little is known about Qādī 'Iyād's grandfather and father, but it is clear that his family had a good reputation in Ceutan society.<sup>682</sup> 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.<sup>683</sup> Qādī 'Iyād was born in this city in the middle of *Sha'bān* 476 H/beginning of January 1084 CE.<sup>684</sup> Historians and biographers agree that 'Iyād 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.

'Iyād 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*). 'Iyād studied with the best teachers Ceuta had to offer. His basic academic formation is credited to Abū 'Abd Allāh Muḥammad b. Īsā al-Tamīmī<sup>685</sup> (d. 505 H/1111 CE), with whom he studied all the ḥadīth sciences and *fiqh*.<sup>686</sup> Another important name in the early and basic formation of 'Iyād is the jurist Ishāq b. Ja'far al-Lawātī

681 Abu 'Āmir Muḥammad b. 'Abd Allāh b. Abī 'Āmir al-Ma'afirī was the *hājib* (chamberlain) of the Umayyad Caliph Hishām II (d. 403 H/1013 CE). He was the *de facto* ruler of al-Andalus. See Chalmeta, *EI*<sup>2</sup>, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SI\\_M\\_4936](http://dx.doi.org/10.1163/1573-3912_islam_SI_M_4936) accessed 16 September 2021.

682 Hermosilla Llisteri 1978, 149.

683 Al-Shawwāt 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-Shawwāt 1999, 38–42.

684 While Ibn Farhūn 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. 'Iyād is the same as that written by Qādī 'Iyād himself. See Ibn Farhūn, *al-Dībāj* (1972), II, 46; Ibn Kathīr, *al-Bidāya* (2003), XVI, 352; 'Iyād, *al-Ta'rif* (n.d.), 3.

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

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

(d. 513 H/1119 CE), known as Ibn al-Fāsī,<sup>687</sup> with whom he studied Mālik's *Muwaṭṭa'* and *al-Mulakhkhaṣ* by al-Qābīsī.<sup>688</sup> It is not coincidental that 'Iyād 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-Hasan b. 'Alī (d. 501 H/1107 CE) and Khalaf b. Yūsuf (d. 532 H/1137 CE).<sup>689</sup> Growing older and seeing in himself the seed of a prestigious scholar, 'Iyād started to meet and benefit from the Maghribi scholars and some other Mashriqis who were passing through Ceuta on their journeys.<sup>690</sup> This golden opportunity seems to have persuaded 'Iyād 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.<sup>691</sup> Although his *riḥla* was short (thirteen months), 'Iyād 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.<sup>692</sup>

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

<sup>687</sup> See 'Iyād, *al-Ghunya* (1982), 119–21.

<sup>688</sup> Ibid., 119.

<sup>689</sup> See al-Shawwāt 1999, 70.

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

<sup>691</sup> This will be examined in the following pages.

<sup>692</sup> 'Iyād, *al-Ta'rif* (n.d.), 10; al-Maqqarī, *Azhār* (1939), III, 10.

<sup>693</sup> This position appeared in the judicial system in al-Maghrib and al-Andalus precisely during the reign of the prince 'Abd al-Rahmān b. al-Hakam (d. 238 H/852 CE) (r. 206–238 H/821–852 CE), thanks to the efforts of Yahyā b. Yahyā 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.

<sup>694</sup> Shawwāt 1999, 163; al-Sallābī 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 *Safar* 531 H/4 November 1136 CE, where he was enthusiastically welcomed.<sup>695</sup> 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.<sup>696</sup> Qādī 'Iyād 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.<sup>697</sup> In 539 H/1145 CE, the young Almoravid *amīr*, Ibrāhīm Ibn Tāshufīn (d. 542 H/1147 CE), again appointed Qādī 'Iyād to the judgeship of Ceuta. In the meantime, he continued giving his lessons until the Almohad army defeated the Almoravid army and took Ceuta.<sup>698</sup> Although 'Iyād played a crucial role against the Almohad revolution,<sup>699</sup> 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*<sup>700</sup> around 541 H/1146 CE.<sup>701</sup> Through this appointment, which was actually an exile, the Almohads aimed to separate 'Iyād 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 'Iyād.<sup>702</sup> Indeed, after his glorified juridical journey, 'Iyād 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 Qādī 'Iyād died on the night of 9 *Jumādā II* 544 H/20 October 1149 CE, as related by his son Muḥammad.<sup>703</sup>

695 'Iyād, *al-Ta'rif* (n.d.), 10.

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

697 Shawwāt 1999, 165.

698 Ibid.

699 For more information about 'Iyād'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, *EJ*, [http://dx.doi.org/10.1163/2214-871X\\_eil\\_SIM\\_5601](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 'Iyād, *al-Ta'rif* (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*,<sup>704</sup> except for Ibn Khaldūn, who maintains that he passed away in *Tādla*.<sup>705</sup> Opinions diverge concerning the cause of his death. On the one hand, Muḥammad b. ‘Iyād 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 ‘Iyād was ill, he permitted him to return home, where he subsequently died. Since this story was told by ‘Iyād’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 [Qādī ‘Iyād] 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-ḥādira*), 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.<sup>706</sup>

In *al-Dibāj*, on the other hand, Ibn Farḥūn asserts that Qādī ‘Iyād was poisoned by a Jew and consequently died.<sup>707</sup> This assertion did not receive the support of the biographers due to lack of proof. Besides, another opinion suggests that ‘Iyād 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 ‘Iyād was Jewish because they never saw him on Saturdays. In addition, they said that during this time he was writing his magnum opus, *al-Shifa*.<sup>708</sup> This possibility was rejected for two reasons: first, Ibn Tūmart died nineteen years before Iyād himself, and second, Iyād composed the *al-Shifa* earlier than this period and dictated it during his judiciary in Granada.<sup>709</sup> Al-Nubāhī<sup>710</sup> (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, *Tārīkh* (2000), VI, 308.

706 ‘Iyād, *al-Ta’rif* (n.d.), 13.

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

708 al-Samlālī, *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.

### 3. Qādī 'Iyād

at the Almohads when it came to the death of Qādī 'Iyād and his teacher Abū Bakr Ibn al-'Arabī. He specified that both scholars faced many trials (*fa-jarat 'alayhimā miḥān*) and suffered from calamities (*wa-aṣābathumā fitān*), especially since they died separated from their homeland (*wa-māta kullun minhumā mugharrab 'an awtānih*). He adds that there circulated a story that Ibn al-'Arabī was poisoned and 'Iyād strangled to death (*summa Ibn al-'Arabī wa-khuniqa al-Yahṣubī*).<sup>711</sup>

Another version holds that Qādī 'Iyād died suddenly in a bath (*ḥammām*) in Marrakesh after a curse pronounced upon him by al-Ghazālī after he had issued a *fatwā* to burn the *Iḥyā*:

Among the group that condemned (*ankara*) al-Ghazālī and issued a *fatwā* about burning his book were al-Qādī 'Iyād and Ibn Rushd. When this reached al-Ghazālī, he cursed the judge [*Iyād*], 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 [*Iyād*] 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.<sup>712</sup>

This version likewise presents a chronological flaw given that Qādī 'Iyād 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 *Iḥyā* (in 503 H/1109 CE) may have reached al-Ghazālī, 'Iyād 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.<sup>713</sup>

Another version proposes that 'Iyād was killed by the Almohads. In his article '*Iyād fī fās*', al-Tāzī holds that talking about 'Iyād 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 'Iyād during the Almohad dynasty. For instance, when Abū al-Qāsim b. al-Maljūm<sup>714</sup> (d. 604 H/1208 CE) describes the exile of 'Iyād, he prudently uses the term *inṣirāf* (leaving) rather than *nafy*.<sup>715</sup> Qādī 'Iyād asked for Abd

711 Al-Nubāhī, *Tārīkh* (1983), 95.

712 Al-Shā'rānī, *al-Ṭabaqāt* (2005), I, 34.

713 Eggen 2018, 90–91.

714 Abd al-Rahīm 'Isā b. Yūsuf b. 'Alī al-Azdī, known as Ibn al-Maljūm, was a Maghribi traditionist and jurist and a student of Qādī 'Iyād.

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.<sup>716</sup> Therefore, his perpetual silence could have been the best solution for the Almohads.<sup>717</sup> On balance, the first version, i.e., that of Muhammad b. 'Iyād, 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 talab 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 (*sama'*) by attending lectures given by the teachers. For the Maghribi and Andalusi 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.<sup>718</sup> However, the *rihla* of Qādī 'Iyād 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."<sup>719</sup> Gómez-Rivas continues by arguing that Qādī 'Iyād paved the way for a process where the southern Maghribi cities such as Ceuta, Fez and Marrakesh started assimilating the Andalusi intellectual and artistic heritage, while al-Andalus was, at the time, under notable military threat and economic pressure from the Christian kingdoms.<sup>720</sup>

'Iyād 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.<sup>721</sup> 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 'Iyād'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 *rihla*, ‘Iyād represents himself as an already regionally known scholar and that other scholars and students were interested in learning from him.<sup>722</sup> Proof of his scholarly weight is the fact that one of his old teachers, who knew about his *rihla*, told him that some teachers in al-Andalus (*ba’d al-ashyākh*) needed him (‘Iyād) more than he needed them (*la-huwa aḥwaj ilayk minka ilayh*).<sup>723</sup> Another notable point is the fact that ‘Iyād was significantly older than the average scholar setting forth on his journey: he was thirty years old.<sup>724</sup> He prepared a detailed plan of his journey and itinerary; his timing and the teachers he met were perfectly studied. ‘Iyād 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 (*qādī al-jamā'a*) of Cordoba, Ibn Ḥamdīn (d. 508 H/1114 CE), asking him to help and support ‘Iyād and praising the latter’s genius. In addition to this, the assistant to the Almoravid *amīr*, Abū al-Qāsim Ibn al-Jadd<sup>725</sup> (d. 515 H/1121 CE), wrote another recommendation letter to Ibn Ḥamdīn in which he praised ‘Iyād and especially his intellectual qualities.<sup>726</sup>

It was mid *Jumādā II* 507 H (3 December 1113 CE) when ‘Iyād left Ceuta to cross the Strait of Gibraltar and arrived in al-Andalus.<sup>727</sup> 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.<sup>728</sup> Ibn Ḥamdīn, Ibn ‘Attāb<sup>729</sup> (d. 520 H/1126 CE) and Ibn al-Ḥājj<sup>730</sup> (d. ca. 529 H/1134 CE) are among many other teachers that ‘Iyād met

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

722 ‘Iyād, *al-Ghunya* (1982), 171.

723 ‘Iyād, *al-Ta’rif* (n.d.), 106.

724 *Ibid.*, 6.

725 Abū al-Qāsim Muḥammad b. ‘Abd Allāh b. Yahyā b. al-Jadd al-Fihrī, known as *al-ahḍab* (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 ‘Iyād, *al-Ta’rif* (n.d.), 6.

728 ‘Iyād, *al-Ghunya* (1982), 48, 59.

729 Abd al-Rahmān 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.<sup>731</sup> This city occupied the lion's share of 'Iyād's journey; he spent approximately six months there before heading east in *Muharram* 25–27 508 H (7–9 July 1114 CE).<sup>732</sup> He arrived in Murcia after one week and looked forward to meeting his most important master in ḥadīth,<sup>733</sup> Abū 'Alī al-Ṣadafī.<sup>734</sup> His arrival coincided with the escape of al-Ṣadafī, who renounced the judiciary without being officially exempted from it.<sup>735</sup> 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.<sup>736</sup> '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.<sup>737</sup> 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 Makhūl<sup>738</sup> (d. 513 H/1119 CE) and Ibn al-'Arībī<sup>739</sup> (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.<sup>740</sup>

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 *muftī* of al-Andalus and one of its most eminent jurists and judges. Al-Dhahabī, *Siyar* (1992), XIX, 614.

731 'Iyād, *al-Ta'rif* (n.d.), 7.

732 Ibid.

733 Serrano Ruano 2013, 197.

734 Abū 'Alī Ḥusayn b. Muḥammad b. Fīrruh b. Muḥammad b. Ḥayyūn b. Sukkara al-Ṣadafī al-Saraqusṭī, also known as Ibn Sukkara, was an emblematic ḥadīth scholar in al-Andalus. See 'Iyād, *al-Ghunya* (1982), 129–34; Ibn Bashkuwāl, *al-Šīla* (2010), I, 205; al-Dhahabī, *Siyar* (1992), XIX, 376–78; de la Puente 1998, 77–102; Fierro, *EI*, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_6408](http://dx.doi.org/10.1163/1573-3912_islam_SIM_6408) accessed 22 September 2021.

735 'Iyād, *al-Ta'rif* (n.d.), 8.

736 Ibid.

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

738 Abū al-'Abbās Aḥmad b. 'Uthmān b. Makhūl. '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.<sup>741</sup> During his thirteen-month journey to al-Andalus, ‘Iyād completed his basic education, enlarged his intellectual sphere and sharpened his skills, especially in ḥadīth and its sciences,<sup>742</sup> with thirty-six of the most eminent and revered scholars in al-Andalus.<sup>743</sup> He gained the attention of many of his teachers, including Ibn Ḥamdīn<sup>744</sup> and ‘Abd Allāh b. Muḥammad al-Khushanī<sup>745</sup> (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*.<sup>746</sup>

The immediate invitation to the *munāzara*, followed by his appointment to the *shūrā* and his subsequent promotion to the judgeship, were among other reasons that delayed and accordingly prevented ‘Iyād 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 Ifrīqiya<sup>747</sup> to the Almohad rebellion,<sup>748</sup> meant the journey to the East constituted a real danger.<sup>749</sup> Al-Shawwāt continues by arguing that all the scholars whom ‘Iyād met in Ceuta and later in al-Andalus satisfied what he aspired to learn. Moreover, ‘Iyād compensated for what he might have missed in the East by the *ijāzāt* (licenses) that he received from the most prominent scholars, including al-Māzārī (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 ‘Iyād in al-Maghrib” (*wa-haqqa yā abā al-faḍl, in kunta tarakta bi-l-maghrib mithlaka*). See ‘Iyād, *al-Ghunya* (1982), 46; ‘Iyād, *al-Ta’rīf* (n.d.), 106.

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

746 ‘Iyād, *al-Ta’rīf* (n.d.), 10.

747 While the origin of the Banū Hilāl dates back to ‘Āmir b. Ṣaṣa’ā b. Mu’āwiya b. Bakr Hawāzin b. Manṣūr b. ‘Ikrima b. Jaṣfa b. Qays b. Aylān b. Muḍar, the Banū Sulaym descends from Sulaym b. Manṣūr 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.

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

### 3.1.3. Scholarship

The scholarly accomplishments that Qādī ‘Iyād 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. ‘Iyād’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.<sup>751</sup>

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*,<sup>752</sup> ‘Iyād was a *muḥaddith* par excellence.<sup>753</sup> He wrote books on ḥadīth terminology (*muṣṭalaḥ al-ḥadīth*),<sup>754</sup> prophetic biography (*al-sīra al-nabawiyya*),<sup>755</sup> the explanation of the more difficult and unclear terms in the traditions (*sharḥ gharīb al-ḥadīth*),<sup>756</sup> the ḥadīth transmitters (*rijāl al-ḥadīth*)<sup>757</sup> and ḥadīth commentary (*sharḥ al-ḥadīth*).<sup>758</sup>

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

751 For more information about ‘Iyād’s scholarship, see Shawwāṭ 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-ilāl*), categorisation of the *ḥadīth* according to its authenticity (*‘ilm al-taṣḥīḥ wa-l-taḍīf*), terminology (*‘ilm al-muṣṭalaḥāt*), etc. See Muṣṭafā 2017, 135–40; Ḥayyānī 2016; Robson 2010, 351–64; Hallaq 2010, 365–80.

753 See al-Suyūṭī, *Tabaqāt* (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-Shifa’ bi-ta’rif huqūq al-Muṣṭafā*, which is his magnum opus.

756 *Mashāriq al-anwār ‘alā sīḥāḥ al-āthār fī sharḥ gharīb ḥadīth al-Muwatṭa’ 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'līm fī sharḥ Muslim*. As the title indicates (*ikmāl* means “completion”), this work of Qādī 'Iyād sought to rearrange and further develop a pre-existing work elaborated by his teacher al-Māzārī, i.e., *al-Mu'līm bi-fawā'id Muslim*.<sup>759</sup> In a second position, Qādī 'Iyād was inspired by the book *Taqyīd al-muḥmal* by Abū 'Alī al-Ghassānī al-Jayyānī (d. 498 H/1105 CE).<sup>760</sup> In the introduction to his commentary, 'Iyād 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, Qādī 'Iyād decided to take the helm from his teachers and write a complete, comprehensive and detailed commentary.<sup>761</sup> Before undertaking the study of *Ikmāl al-mu'līm*, it is very important to go back to its pillar, i.e., *al-Mu'līm* by al-Māzārī.<sup>762</sup>

During *Ramādān* of the year 499 H/1106 CE, al-Māzārī dedicated his lessons in the main mosque of al-Mahdiyya<sup>763</sup> to the study of *Ṣaḥīḥ Muslim*. At the end of this month,<sup>764</sup> his disciples gave him their notes of his dictations. He added some things, removed others, rearranged the text and named it *al-Mu'līm bi-fawā'id Muslim*.<sup>765</sup> Initially, he had neither the idea

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

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

760 *Taqyīd al-muḥmal wa-tamyīz al-muṣkil 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 'Iyād, *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 *Ramādān* 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 *Ramādān*, considering how careful al-Māzārī used to be in his dictation. Al-Māzārī, *al-Mu'līm* (1988), I, 193.

765 In the majority of biographical books (*kutub al-tarājim*), the work is entitled *al-Mu'līm bi-fawā'id Muslim*, as maintained by Ibn Khallikān, Ibn Khaldūn, Ibn 'Imād al-Ḥanbālī, Ibn 'Atīyya and others. Qādī 'Iyād instead specified in the biographical work on his teachers, *al-Ghunya*, that he received a licence from al-Māzārī to transmit his work *al-Mu'līm fī sharḥ Muslim*. Qādī 'Iyād, *al-Ghunya* (1982), 65; al-Māzārī, *al-Mu'līm* (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-Ğāfir b. Ismā'īl al-Fārisī<sup>766</sup> (d. 529 H/1135 CE), paid attention to difficult and unclear terms (*gharib 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*<sup>767</sup> 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. 'Isā al-Shaybānī (d. 530 H/1136 CE) also passed away before finishing his commentary entitled *Sharḥ Ṣaḥīḥ Muslim*.<sup>768</sup> Another commentary appeared in the same period as *al-Mu'lim*, namely *al-Irshād* by Ibn Barrajān (d. 536 H/1141 CE).<sup>769</sup> However, Ibn Barrajān limited his commentary to those traditions containing Qur'anic verses. Finally, Abū al-Qāsim Ismā'īl b. Muḥammad al-İsbahānī (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.<sup>770</sup> Despite these works written by al-Māzārī'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),<sup>771</sup> *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, *Niẓām* (n.d.), II, 141.

770 Ḥājjī Khalīfa, *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 brevity, persuasion and absence of redundancy. Al-Sanūsī, *Mukammil* (1910), I, 3.

### 3. Qādī 'Iyād

*Ikmāl al-mu'lim bi-fawā'id muslim* by Qādī 'Iyād 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*.<sup>772</sup> Another commentary entitled *Ikmāl al-ikmāl* was composed by 'Isā b. Maṣ'ūd b. Maṣūr al-Mankallātī al-Ḥimyarī al-Zawāwī, known as Abū al-Rūh (d. 743 H/1342 CE).<sup>773</sup> 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-Māzārī's, Qādī 'Iyād's, al-Qurtubī's and al-Nawawī's material, and finally added his commentary.<sup>774</sup> 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). *Mukhtaṣār ikmāl al-ikmāl* by 'Isā b. Aḥmad al-Handīsī al-Bijā'ī (d. aft. 890 H/1485 CE)<sup>775</sup> is the last work that includes the bulk of al-Māzārī's work and marks the point up to which it played a major role in the development of commentaries on Muslim's *Ṣaḥīḥ*.<sup>776</sup>

According to the introduction to *Ikmāl al-mu'lim*, after many sessions in the study of Muslim's *Ṣaḥīḥ*, Qādī 'Iyād'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.<sup>777</sup> 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*.<sup>778</sup> 'Iyād indicates that, at the beginning, he was hesitant to write his commentary because of the vast advance of *al-ṣinā'a al-ḥadīthīyya* 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-Māzārī. 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-Māzārī, *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-Talīdī, *Turāth* (1995), 313.

777 'Iyād, *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-Māzārī's commentary, correcting some mistakes, adding what had been missed, reorganising the structure and giving it his individual touch.<sup>779</sup> Since 'Iyād does not mention the date of composing the *Ikmal*, this statement is very helpful for defining at least the period, which was between *Ramadān* 532 H/May 138 CE and 539 H/1145 CE.<sup>780</sup>

As for the methodology adopted in the *Ikmal*, 'Iyād derives this mainly from that of al-Māzārī in *al-Mu'līm*. Incidentally, in the introduction, 'Iyād clarifies that, on a first level, he includes what has been said by al-Māzārī 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-Māzārī 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-Māzārī's] saying, and we alternate between us. In the *Mu'līm*, 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.<sup>781</sup>

Where 'Iyād has nothing to add beyond al-Māzārī'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 'Iyād appears more as a traditionist than a jurist in the *Ikmal*, 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 'Iyād, *Ikmal* (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 Qādī ‘Iyād's commentary lies, among other things, or perhaps especially, in its methodological approach. The book starts by analysing the *Ṣaḥīḥ*'s introduction.<sup>782</sup> After that, each chapter (*kitāb*) is divided into subchapters (*abwāb*), in which ‘Iyād introduces the traditions, which are followed by a thorough and clear commentary.

To assess the real value of Qādī ‘Iyād'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*. ‘Iyād'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).<sup>783</sup> Muslim did not divide his book into chapters (*kutub*) and subchapters (*abwāb*),<sup>784</sup> but rather arranged the traditions following a logic-based and juristic order (*tartīb fiqhī*),<sup>785</sup> possibly to save space and avoid redundancy. While the oldest copies of the *Ṣaḥīḥ*, for example, the copy of Abū Ishāq al-Šīrifaynī (d. 641 H/1242 CE), do not contain the *abwāb*,<sup>786</sup> the later ones are arranged differently, and these differences vary from place to place and according to the schools of law.<sup>787</sup> Al-Suyūtī (d. 911 H/1505 CE) agrees

782 Al-Āzārī 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-Āzārī, *al-Mu'līm*, I, 269–75.

783 Al-Mundhīrī, *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 Qādī ‘Iyād's assertion that some copies of Muslim were divided into chapters, similarly to al-Bukhārī (*wa-qad waq'a li-Muslim fi ba'd tarājimihī min ba'd al-riwāyāt mithla tarjamat al-Bukhārī alā hādhā al-ḥadīth, wa-naṣṣuḥu: bāb al-taṭayyub ba'd al-ghusl min al-janāba*). See Qādī ‘Iyād, *Ikmāl* (1998), II, 160. In addition, the eminent traditionist of Cordoba and teacher of Qādī ‘Iyād, Abū ‘Ali al-Ghassānī al-Jayyānī, mentions in his *Taqyīd al-muḥmal* one of the *abwāb* of Muslim: *wa-akhrāja Muslim fi 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-Rahmān al-Qalānī (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-Māzārī arranged his commentary into forty-one chapters, two subchapters entitled “*bāb al-qasāma*” and “*bāb al-shi'r*”, and one independent part called “*al-luqata*”. Later, in *Ikmāl al-Mu'līm*, Qādī 'Iyād eliminated eight chapters<sup>788</sup> from the previous commentary, added twenty new ones,<sup>789</sup> and divided each chapter into subchapters.

Al-Nawawī essentially followed Qādī 'Iyād's divisions, excluding five *kutub*<sup>790</sup> and reintegrating “*kitāb qatl al-ḥayyāt wa-ghayrihā*” from al-Māzārī's commentary. The example in the table below shows the development from al-Māzārī's arrangement to the work carried out by Qādī 'Iyād and its reception by al-Nawawī.

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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 *kutub* and *abwāb* or not, the role of al-Maghrib is crucial here because it was there that this concept of *tabwib* first appeared, whether in al-Qalānisi's version or in a Maghribi ḥadīth commentary.

788 “*Kitāb al-taflīs*”, “*kitāb al-shuf'a*”, “*kitāb al-sariqa*”, “*kitāb al-qadā' wa-l-shahādāt*”, “*kitāb al-aṭīma*”, “*kitāb al-ṭibb*”, “*kitāb al-ṭā'ūn*” and “*kitāb al-manāqib*”.

789 “*Kitāb al-ḥayd*”, “*kitāb al-masājid wa-mawādi'i al-ṣalāt*”, “*kitāb ṣalāt al-musāfirin*”, “*kitāb al-jum'a*”, “*kitāb ṣalāt al-īdayn*”, “*kitāb ṣalāt al-istiṣqā*”, “*kitāb al-kusūf*”, “*kitāb al-iṭikāf*”, “*kitāb al-lī'ān*”, “*kitāb al-hibāt*”, “*kitāb al-waṣīyya*”, “*kitāb al-ḥudūd*”, “*kitāb al-aqḍiya*”, “*kitāb al-salām*”, “*kitāb al-alfāz min al-adab*”, “*kitāb al-faḍā'il*”, “*kitāb faḍā'il al-ṣahāba*”, “*kitāb al-ilm*”, “*kitāb al-tawba*” and “*kitāb al-janna wa-ṣifat naīmihā wa-ahlihā*”.

790 “*Kitāb al-ṣiyām*”, “*kitāb al-riḍā'*”, “*kitāb al-ītq*” “*kitāb al-musāqāt*” and “*kitāb al-nadhr*”.

3. Qādī 'Iyād

Table 6: The arrangement of *kitāb al-qadar* in *al-Māzārī*, *Qādī Iyād* and *al-Nawawī*'s commentaries on the *Ṣaḥīḥ* of *Muslim*

<i>Kitāb al-qadar</i> in <i>al-Mu'līm</i> by <i>al-Māzārī</i>	<i>Kitāb al-qadar</i> in <i>Ikmāl al-Mu'līm</i> by <i>Qādī Iyād</i>	<i>Kitāb al-qadar</i> in <i>al-Minhāj</i> by <i>al-Nawawī</i>
<i>Taḥrīr al-Māzārī li-qawlihi: mā min nafs manfusa illā wa-qad kataba allāh makānahā fī al-janna wa-l-nār...</i>	<i>Bāb kayfiyyat khalq al-ādamī fī baṭn ummihi wa-kitābat rizqihi wa-ajalihi wa-'amalihi wa-shaqāwatihī wa-sa'ādatihī</i>	<i>Bāb kayfiyyat khalq al-ādamī fī baṭn ummihi wa-kitābat rizqihi wa-ajalihi wa-'amalihi wa-shaqāwatihī wa-sa'ādatihī</i>
<i>Hadīth iḥtijāj 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>Hadīth "latarkabanna sunana man qablakum"</i>	N/A	N/A
<i>Qawlūhu: inna qulūba bani Ādam bayn iṣbā'ayn min aṣābi' allāh</i>	<i>Bāb taṣrif Allāh ta'ālā al-qulūb kayfa shā'a</i>	<i>Bāb taṣrif 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>Hadīth "mā min mawlūd illā yūladu 'alā al-fitra fā-abawāhū yuhawwidānīhi wa-yunaṣṣirānīhi wa-yumajjisānīhi"</i>	<i>Bāb ma'nā kull mawlūd yūladu 'alā al-fitra wa-hukm mawt atfāl al-kuffār wa-atfāl al-muslimīn</i>	<i>Bāb ma'nā kull mawlūd yūladu 'alā al-fitra wa-hukm mawt atfāl al-kuffār wa-atfāl al-muslimīn</i>
<i>Ikhtilāf al-nās fī al-mutashābah</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>

### 3.2. The embryological conceptualisation in Qādī 'Iyād's commentary *Ikmāl al-mu'līm*

Given this example, the assertion that it was al-Nawawī who arranged the *Ṣaḥīḥ* should be called into question,<sup>791</sup> because this was *a fortiori* a task that had already been carried out by al-Māzarī and then by Qādī 'Iyād 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'līm*. 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 Qādī 'Iyād's painstaking explanation of this ḥadīth was highly valuable (*jama'a fih nafā'is*) and that he would be quoting from and abridging Qādī 'Iyād's words (*fa-anā anqulu kalāmahu mukhtaṣaran*), following this with his own additions.<sup>792</sup>

*Ikmāl al-mu'līm* 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 Qādī 'Iyād's commentary *Ikmāl al-mu'līm*

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-ādāmī fī batn ummihi wa-kitābat rizqihi wa-ajalihī wa-‘amalihi wa-shaqāwatihī wa-sa‘ādatihī*). 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.<sup>793</sup> After briefly mentioning the traditions, 'Iyād leads the reader to his commentary. For his embryological analysis, 'Iyād uses five traditions. Before

791 Admittedly, this could still have been argued until 1988 or 1998, the dates when *al-Mu'līm* and then *Ikmāl al-mu'līm* 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 'Iyād, *Ikmāl* (1998), I, 55.

### 3. Qādī ‘Iyād

enumerating these traditions, it is important to examine the versions of Muslim’s *Ṣaḥīḥ* used by Qādī ‘Iyād in his *Ikmaṭal* since they could be the origin of some terminological and, accordingly, legal peculiarities in ‘Iyād’s embryological approach.

#### 3.2.1. The versions of Muslim’s *Ṣaḥīḥ* used by Qādī ‘Iyād

Generally, few researchers have addressed the question of the chains of transmission of Muslim’s *Ṣaḥīḥ*. Robson provided valuable background information,<sup>794</sup> since he followed the lines of transmission of the book through the versions of Ibn Sufyān and al-Qalānīsī, 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.<sup>795</sup> While al-Dawrī compared these two authoritative versions,<sup>796</sup> Khalaf’s research focused on the fraudulent versions of the *Ṣaḥīḥ* and analysed the Eastern chains of transmission.<sup>797</sup> Al-Nayfar, in his preface to *al-Mu’līm*, studied one Western chain of transmission of the *Ṣaḥīḥ* leading to Qādī ‘Iyād.<sup>798</sup> 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.<sup>799</sup>

In his commentary, ‘Iyād 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-Qalānīsī’s version (*riwāya*) represents the Western version (*al-riwāya al-maghribiyya*). After following and scrutinising the chains of transmissions from Muslim to Qādī ‘Iyād, 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-Ribāt* 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.<sup>800</sup> The two principal authoritative transmitters from Muslim are Abū Ishaq Ibrāhīm b. Muḥammad b. Sufyān (d. 308 H/920 CE) and Abū Muḥammad Aḥmad b. ‘Alī al-Qalānī (d. fourth century H/tenth century CE).<sup>801</sup>

### 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 *Ramadān* in 257 H/871 CE.<sup>802</sup> 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.<sup>803</sup> Al-Julūdī accompanied his teacher Ibn Sufyān and heard and copied the *Ṣaḥīḥ* from him. Al-Dhahabī places his death on 24 *Dhū al-hijja* of the year 368 H/23 July 979 CE,<sup>804</sup> and Ibn al-Athīr in the same month of the following year 369 H/980 CE.<sup>805</sup> 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-‘Udhrī, known as Ibn Dilhāth (d. 478 H/1085 CE).<sup>806</sup> In his turn, and after finishing his *riḥla*, al-‘Udhrī 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-Qalānī are recognised as being authoritative. See Robson 1949, 4.

802 Ibn al-Ṣalāḥ, *Siyāna* (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‘id ‘Umar al-Sijzī received the *Ṣaḥīḥ* from al-Julūdī in 369 H/980 CE. See Ibn Khayr, *Fihrist* (1998), 86.

806 ‘Iyād, *al-Ghunya* (1982), 36.

### 3. *Qādī Iyād*

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.<sup>807</sup> Being the principal teacher of Qādī ‘Iyād, al-Ṣadafī transmitted al-Julūdī’s version to him.<sup>808</sup>

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.<sup>809</sup> He received the *Ṣahīḥ* 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 Qādī ‘Iyād in Cordoba.<sup>810</sup> Another transmitter was al-Ḥusayn b. ‘Alī al-Ṭabarī (d. 498 H/1110 CE), who received the *Ṣahīḥ* from ‘Abd al-Ghāfir b. Muḥammad al-Fārisī in Mecca in 439 H/1047 CE,<sup>811</sup> and read it to ‘Abd Allāh b. Abī Ja‘far al-Khushanī (d. 526 H/1132 CE), also in Mecca.<sup>812</sup> After accomplishing his pilgrimage and returning to al-Andalus, al-Khushanī met Qādī ‘Iyād in Murcia and read the *Ṣahīḥ* to him.<sup>813</sup> Abū al-Faṭḥ Naṣr b. al-Ḥasan b. al-Qāsim al-Tunkutī (d. 486 H/1093 CE) is said to have heard the *Ṣahīḥ* from al-Fārisī and transmitted it to Sufyān b. al-Āṣ al-Asadī.<sup>814</sup>

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 *Ṣahīḥ* in Nishapur in 369 H/981 CE,<sup>815</sup> and read it to Abū al-Qāsim Ḥātim b. Muḥammad al-Ṭarābulusī (d. 469 H/1077 CE) in Mecca in 403 H/1015 CE,<sup>816</sup> and to Abū Muḥammad ‘Abd Allāh al-Shantajālī (d. 436 H/1048 CE). Both al-Ṭarābulusī and al-Shantajālī transmitted the *Ṣahīḥ* 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 ‘Iyād, *al-Ghunya* (1982), 36.

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

810 ‘Iyād, *Ikmāl* (1998) I, 43.

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

812 ‘Iyād, *Ikmāl* (1998) I, 44.

813 *Ibid.*

814 Ibn ‘Asākir, *Tārīkh* (1996), LXII, 32; ‘Iyād, *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 Qādī ‘Iyād.

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. ‘Isā 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.<sup>817</sup> Al-Kisā’ī transmitted his *riwāya* to Abū Muḥammad ‘Abd al-Malik b. al-Ḥasan b. ‘Abd Allāh al-Ṣiqillī<sup>818</sup> (d. fourth century H/tenth century CE) in 382 H/984 CE in Nishapur,<sup>819</sup> who then passed it to Abū al-Qāsim Ḥātim b. Muḥammad al-Ṭarābulusī. ‘Abd al-Rahmān b. Muḥammad Ibn ‘Attāb and Abū ‘Alī al-Jayyānī al-Ghassānī received the *Ṣaḥīḥ* from al-Ṭarābulusī.<sup>820</sup>

### 3.2.1.2. The Western version

Abū Muḥammad Aḥmad b. ‘Alī b. al-Ḥasan b. al-Mughīra b. ‘Abd al-Rahmān al-Qalānīsī 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 Qalānīsī version] among them [the Maghribis].”<sup>821</sup> Biographical and historical sources have very little information on al-Qalānīsī.<sup>822</sup> Abū Fahd al-Sam’ānī (d. 562 H/1166 CE), however, recommends his version and

817 Al-Nayasaḥbūrī, *Su’ālāt* (1988), 73.

818 Ibn Nāṣir al-Dīn, *Rasa’il* (2001), 376; al-Māzārī, *al-Mu’līm* (1988), I, 179.

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

820 Al-Māzārī, *al-Mu’līm* (1988), I, 179.

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

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

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

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.<sup>825</sup> 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 *Šaḥīḥ* in Nishapur<sup>826</sup> and transmitted it there to Abū al-‘Alā’ ‘Abd al-Wahhāb b. ‘Isā b. ‘Abd al-Rahmān b. ‘Isā Ibn Māhān al-Fārisī al-Baghdādī (d. 387 H/989 CE). Ibn Māhān began his *rihla* 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.<sup>827</sup> He then headed for Isfahan and ended his journey in Egypt, where he settled down and read al-Qalānisī's *riwāya* of Muslim's *Šaḥīḥ* until he died.<sup>828</sup> The chain of the transmission of Muslim's *Šaḥīḥ* 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 *Šaḥīḥ* from him. Qādī Iyād 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 Qādī Iyād in 508 H/1110 CE in Murcia.<sup>829</sup> 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, *Siyāna* (1984), 109–10.

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

827 al-Māzārī, *al-Mu’lim* (1988), I, 180.

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

829 Iyād, *al-Ghunya* (1982), 37.

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

Known as Ibn al-Ḥadhdhā', Abū 'Abd Allāh Muḥammad b. Yaḥyā b. al-Ḥadhdhā' 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-Ḥadhdhā' 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-Ḥadhdhā' (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.<sup>830</sup> Abū 'Abd Allāh b. Yaḥyā b. al-Ḥadhdhā' al-Tamīmī died in 416 H/1025 in Zaragoza.<sup>831</sup>

c. Ibn al-Rassān

Abū al-Qāsim Aḥmad b. 'Abd Allāh b. 'Alī al-Ma'āfirī al-Qurṭubī, known as Ibn al-Rassān, was born in 319 H/931 CE and became a merchant.<sup>832</sup> 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,<sup>833</sup> where he transmitted it to his students, among them Muḥammad Ibn 'Attāb (d. 462 H/1071 CE), Abū 'Abd Allāh b. Yaḥyā b. al-Ḥadhdhā' al-Tamīmī and his son Abū 'Umar b. al-Ḥadhdhā'. Ibn al-Rassān died in 403 H/1012 CE.<sup>834</sup>

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 Qādī 'Iyād, there are two examples. First is Abū Ḥafṣ al-Hawzānī, 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 transmitters<sup>835</sup> of Muḥammad b. Yūsuf al-Firabrī’s (d. 320 H/932 CE) recension and one transmitter<sup>836</sup> of Ibrāhīm b. Ma‘qil al-Nasafī’s recension.<sup>837</sup>

### 3.2.2. The embryological conceptualisation in *Ikmaṭ al-mu‘lim*

In this section, the embryological discussion of Qādī ‘Iyād 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 A‘mash with the same chain of transmitters and in the ḥadīth transmitted on the authority of Waki‘: “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 (*nutfa*) remains in the womb for forty or forty-five nights, the angel comes and says: oh Lord, will he be fortunate or unfortunate? 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) Hudhayfa 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.” [Āmir] 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 [Hudhayfa] 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) Hudhayfa PCL Yahyā Ibn Abī Bukayr: Abū al-Ṭufail reported: I visited Abū Sarīha 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 ʿalayhā*. 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:

### 3. *Qādī Iyād*

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, ‘Iyād starts his analysis and discussion. This can be divided into four sections. Notable is the reversed order followed by ‘Iyād: 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, ‘Iyād focuses on the waiting period (*‘idda*) and the miscarriage. ‘Iyād 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 *nutfa* phase.

‘Iyād starts the first section in his commentary writing:

The Qādī 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 descent (*al-istilḥāq ‘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.<sup>838</sup>

Noteworthy is ‘Iyād'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. ‘Iyād starts by underlining the diversity of terms and versions of this ḥadīth. It is, indeed, the ḥadīth of ensoulment, known as *ḥadīth nafkh al-rūh*. 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 Hudhayfa 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

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838 ‘Iyād, *Ikmāl* (1998), VIII, 123–24.

### 3.2. The embryological conceptualisation in Qādī 'Iyād's commentary *Ikmāl al-mu'līm*

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, 'Iyād 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 'Iyād 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).<sup>839</sup> As for the second possibility, 'Iyād 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.<sup>840</sup>

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, 'Iyād may have evoked other textual evidence (*shawāhid*) concerning the ensoulment to validate his opinion. Nevertheless, using the verb *jurribā* 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, 'Iyād gives an example

<sup>839</sup> 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.

<sup>840</sup> Ibn Sa'īd al-Qurtubī, *Generación* (1983), 69.

by connecting the legal rulings for *istilhāq*<sup>841</sup> (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, 'Iyād 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.<sup>842</sup>

As highlighted, 'Iyād 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-Ṭahāwī (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-Ṭahāwī'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 'Iyād, *Ikmal* (1998), VIII, 124.

### 3.2. The embryological conceptualisation in Qādī ‘Iyād’s commentary *Ikmāl al-mu’līm*

*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 Muhammad 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].<sup>843</sup>

It seems that ‘Iyād likely adopted this passage from al-Ṭahāwī’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 *mudgha* phase. ‘Iyād proceeds by including quotations in his commentary. He writes:

It is said that the indication that every state (*hāla*) and transition (*intiqāl*) 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 (*takhalluqih*) 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 (*sīqt*). And women could only know this after its development (*takhalluqih*) to *‘alaqa*.<sup>844</sup>

As I have mentioned for *Aḥkām al-qur’ān* in the commentary on Q 22:5,<sup>845</sup> in the previous passage, ‘Iyād 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-Ṭahāwī, *Sharḥ* (1994), IX, 486.

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

845 See page 138.

### 3. *Qādī Iyād*

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*).<sup>846</sup> To connect Ibn al-Qāsim’s position and that of Ashhab, ‘Iyād 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. ‘Iyād 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*. ‘Iyād 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, Iyād 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.<sup>847</sup> In a metaphor, Aristotle compares this scene with rennet curdling milk. Using the same metaphor, ‘Iyād writes:

It contains a refutation of the anatomists (*ahl al-tashrīh*), physicians (*wa-[ahl] al-ṭibb*) and naturalists (*wa-l-ṭabā’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-infahā*) coagulates the milk, and the book of God and the authentic traditions (*ahādīth*) contradict that.<sup>848</sup>

In this critique, the target of Qādī ‘Iyād includes anatomists, physicians, naturalists and anyone who follows this theory. The metaphor used can be traced to Epistle 25 (*fī masqat al-nutfa*) 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-infahā*).<sup>849</sup>

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 ‘Iyād, *Ikmāl* (1998), VIII, 124–5.

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

The Ikhwān al-Ṣafā’ fit to Qādī ‘Iyād’s critique as they have also been the target of Ibn al-‘Arabī’s in the commentary on Q 13:8.<sup>850</sup> Accordingly, the naturalists’ epithet (*al-ṭabā’i’iyyūn*) likely refers to them. Rejecting all these ideas, ‘Iyād recollects that the Qur’anic verses and prophetic traditions contradict these approaches.

Moving forward in commenting on the traditions, this time Qādī ‘Iyād 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, ‘Iyād writes:

His speech here: “Then, when the drop of semen (*nutfa*) falls into the womb (*raḥīm*) 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.<sup>851</sup>

In his study of Ḥudhayfa Ibn Asīd’s tradition in Muslim’s *Ṣaḥīḥ*, Eich demonstrates how the expression *yatasawwar ‘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.<sup>852</sup>

Commenting on Muslim’s *Ṣaḥīḥ*, al-Nawawī insists on the fact that in all the copies in the Muslim countries (*jamī’ nusakh bilādīnā*),<sup>853</sup> *yatasawwar* uses the letter *ṣād*, except in ‘Iyād’s commentary where it appears with the letter *sīn*.<sup>854</sup> 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 *yatasawwar* 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 ‘Iyād, *Ikmāl* (1998), VIII, 125.

852 Eich 2021, 67–68.

853 *Bilādīnā* is an *īdāfa* case and is generally used to indicate *bilād al-muṣlimīn*.

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-‘alaqa-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 hadith? Is it possible that Qādī '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 Qādī '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-Māzārī 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*.<sup>855</sup> In fact, al-Māzārī 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.<sup>856</sup> I was able to identify a *ṣād* ↔ *sīn* exchange in eleventh-century Ifrīqiya in a colophon of *Mukhtṣar al-mudawwana wa-l-mukhtalāṭa* copied by al-Ḥarīth Ibn Marwān<sup>857</sup> (d. after 428 H/1037 CE).<sup>858</sup> The copyist announced that he finished

855 Al-Māzārī, *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 *safar* of the year 408 H/1017 CE (*wa-faragha minhu Hārith Ibn Marwān bi-khaṭṭ yadihi fī safar min sanat thamān wa-arba‘ mā‘a*). The presence of the preposition *min* after the term *safar* indicates the relation between it and the later nominal group, which is the year 408 H. Therefore, *safar* was meant to be *ṣafar* (i.e., the second month in the Islamic calendar).<sup>859</sup> This *ṣād* ↔ *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 Qādī ‘Iyād choose it rather than the *yataṣawwar* with *ṣād* present in the other versions, i.e., al-Julūdī and al-Kisā‘ī? 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 *ṣād* in all the copies.<sup>860</sup> In this regard, a concerning question is immediately raised: could this thinking not be applied the other way around?<sup>861</sup> What if the *yatasawwar* with *ṣād* in all the copies is the authentic form and in Qādī ‘Iyād’s commentary, the *ṣād* was substituted with a *sīn*? This irregularity could have its roots in the phonetic similarity when articulating the two sounds *ṣād* and *sīn*, which would restrict the error to the hearing (*samā‘*) of the tradition. In other words, Qādī ‘Iyād might have misheard the word *yataṣawwar*, as it is also likely that the *muḥaddith* from whom ‘Iyād heard the tradition mispronounced *yataṣawwar*, especially if one takes into consideration the circumstances of the dictation, which would

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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 *safar* 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 safar*; it is instead *‘alā safar*. In the second case, *sifr* denotes the book/manuscript. Nevertheless, the presence of the preposition *min* makes no sense.

860 He says “*fa-yuḥtamal an takūn al-ṣād al-wāqi‘a fī nusakh bilādīna 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.<sup>862</sup> Whatever the reason might be, the most interesting is the choice of Qādī 'Iyād, 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 *nutfa* and excluding any possible scenario of shaping the *nutfa*.

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

In the above sections, Qādī 'Iyād 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 *nutfa* phase in particular. He starts his analysis by gathering Ibn Mas'ūd's and Ḥudhayfa b. Asīd's variants that have not been mentioned with those already on the list,<sup>863</sup> 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, *nutfa*, 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 *nutfa* drops into the womb (*rahim*) and God the Exalted wants to create out of it a human being (*bashar*), [the *nutfa*] 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 *mudgha* 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 (*khalaqa*) 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, *mudgha*. Then, if God wants to complete the formation (*khalq*), the angel says: oh Lord, male or female? wretched or blessed?”<sup>864</sup>

At the end of this enumeration of traditions, ‘Iyād 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*-*mudgha*.
- Looking after the *nutfa*, which confirms his choice of the term *yatasawwar* with *śin*, 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.

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864 ‘Iyād, *Ikmāl* (1998), VIII, 126.

The passage reads as follows:

From all these ḥadīths, it is evident (*yazhur*) 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 (*intiqāl hālātiḥā*), 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 intiqāl aḥwāliḥā 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.<sup>865</sup>

In addition to the role of the angel, in the previous paragraph, ‘Iyād 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 ‘Iyād, 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 (*mudgha mukhallaqa*) can be a *walad* and the slave consequently acquires the legal status of *umm walad*, ‘Iyād 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.<sup>866</sup> Why is the transition from the *nutfa* phase to the ‘alaqa phase a decisive moment? Because according to ‘Iyād, 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 (*siqṭ*). Yet, when it comes to the induced miscarriage, Qādī ‘Iyād 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 ‘Iyād associated this opinion

865 Ibid.

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

### 3.2. The embryological conceptualisation in Qādī ‘Iyād’s commentary *Ikmāl al-mu’līm*

with ‘Alī Abū al-Hasan al-Lakhmī (d. 478 H/1085 CE or 498 H/1104 CE), who allows the expulsion of the semen (*nūtfa*) during the first forty days and does not attach any legal consequences after that.<sup>867</sup> On the other hand, ‘Iyād presents the opinion of other scholars, who were against any act that disrupts the conception by destroying the sperm (*al-mānī*) 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.<sup>868</sup> Thus, the withdrawal of the sperm in the latter case is permissible. Having dealt with the two opinions, ‘Iyād then turns to the determination of the moment when the angel intervenes. He writes:

Some of them believed that [the *nūtfa*] has no inviolability (*hurma*) 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-mānī*) nor the cause of his evacuation after being caught in the *raḥīm*, chronologically near or far, unlike the *coitus interruptus* (*‘azl*) 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 (*śifa*) of His creation (*khalq*), its maintenance, its death and its fortune and misfortune. And this is before its shaping and formation (*taṣwīrīh wa-takhalluqīh*). Don’t you see how he asked: “A male? Or a female?” then it is written, and the books (*al-ṣūhūf*) 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.<sup>869</sup>

‘Iyād 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 *nūtfa* 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

<sup>867</sup> See al-Rahūnī, *Hāšiya* (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-Mufhīm* (1996), VI, 652; al-Qurṭubī, *al-Jāmi’* (2006), XIV, 316.

<sup>868</sup> See Ibn al-‘Arabī, *al-Qabas* (1992), II, 763.

<sup>869</sup> ‘Iyād, *Ikmāl* (1998), VIII, 126.

### 3. Qādī ‘Iyād

have depicted the role of the angel according to the embryological time in each hadith following the order in ‘Iyād’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 <b>40/45 days</b>	<ul style="list-style-type: none"> <li>-The angel asks whether fortuned or unfortunate and writes it down.</li> <li>-He asks whether male or female and writes it down.</li> <li>-He writes down his deeds, actions, death and livelihood.</li> <li>-The written pages of deeds (<i>ṣuhuf</i>) are rolled with no addition or subtraction.</li> </ul>	Hadith no. 2* Ḥudhayfa b. Asid.
After the <i>nutfā</i> settles in the womb <b>42 nights</b>	<ul style="list-style-type: none"> <li>-The angel arrives and shapes the unborn.</li> <li>-He creates his sense of hearing, sense of sight, his skin, his flesh, his bones.</li> <li>-He asks whether male or female and writes it down.</li> <li>-He asks about his death and writes it down.</li> <li>-He asks about his livelihood and writes it down.</li> <li>-The angel leaves with the <i>sahīfa</i> in his hand, and nothing can be added or subtracted.</li> </ul>	Hadith no. 3 Ḥudhayfa PCL Ibn Wahb
After the <i>nutfā</i> ‘alaqa-mudgha phases: <b>120 days</b>	<ul style="list-style-type: none"> <li>-The angel arrives and breathes the soul into the unborn.</li> <li>-And he writes down his livelihood, death, deeds, fortune, and misfortune.</li> </ul>	Hadith no. 1 ‘Abd Allāh Ibn Mas‘ūd

\* The hadith 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, Qādī ‘Iyād 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 *ṣuhuf*, 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.<sup>870</sup>

In Arabic, the conjunctive particle *wāw* generally serves to join two clauses without expressing chronological sequence.<sup>871</sup> Relying on this grammatical definition, ‘Iyād affirms that Ibn Mas’ūd’s ḥadīth<sup>872</sup> does not contradict the two others. Thus, the conjunctive particle “and” (*wa*) between the two clauses – “and (*fa*) breathes into him the soul (*rūh*), 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, ‘Iyād 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, ‘Iyād specifies that the angel intervenes at the *mudgha* phase, i.e., the third forty days. Concerning the last decisive moment, which is the ensoulment, ‘Iyād underlines the importance of the criterion of the completion of shape (*tamām al-ṣūra*). In this concern, ‘Iyād goes back to solve the issue of the shaping moment present in the third ḥadīth. He writes:

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870 ‘Iyād, *Ikmāl* (1998), VIII, 127.

871 The order is due only to the linearity of the sentence. See Ibn Ya‘ish, *Sharḥ al-mu-fassal* (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 (*sahīfa*) in his hand.”<sup>873</sup>

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'*,<sup>874</sup> 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 *sahīfa*. Therefore, the shaping and creation of the unborn’s hearing, sight, skin, bones and flesh happen on night forty-two after conception. *Qādī 'Iyād* vehemently rejects this understanding of the apparent meaning of the tradition. As pointed out by Ghaly, ‘Iyād does understand and interpret this tradition metaphorically, rather than literally.<sup>875</sup> 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 *sahīfa* 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, ‘Iyād presents three arguments:

873 ‘Iyād, *Ikrmāl* (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 *nūfā*, at the beginning of the *‘alaqa* and during the second forty does not exist (*ghayr mawjūd*) and is unusual (*lā mā’hud*), 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 *nūfā* 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?”<sup>876</sup>

‘Iyād 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, ‘Iyād 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 *nūfā* stage or during the *‘alaqa* stage. He repeats that the shaping of the *nūfā* happens only on the papers of the book (*ṣahīfa*), meaning only in a written form.

- The empirical approach is the second argument introduced by ‘Iyād, 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’*)

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876 ‘Iyād, *Ikmāl* (1998), VIII, 127.

### 3. *Qādī Iyād*

*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-ahwāl wa-imtithāl hādhihi al-afāl*). Besides, it is mentioned in the ḥadīth of Anas that [the angel] is charged with the *raḥīm* 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.<sup>877</sup>

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, ‘Iyād 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 ‘Iyād might have witnessed or heard about experiments on animals whose results were later applied to human embryology.<sup>878</sup> In addition to this, ‘Iyād 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, ‘Iyād 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. ‘Iyād 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

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877 Ibid., 128.

878 See page 206–07.

of the *nutfa* into a 'alaqa (*idhā arāda iżħār khalq al-nutfa 'alaqa*) and the preservation of its developed from (*ibqā'i athariħā*), 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 (*tatṭafiq al-ahādīth*) and fit the Qur'anic verse, and there is no dissent nor contradiction between them, and the atheist (*mulħid*) has nothing to say.<sup>879</sup>

'Iyād 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, *mudgħa*", which might lead to the understanding that these questions are asked in the *mudgħa* stage. 'Iyād 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, 'Iyād shows that the execution (*qaḍā*) at this level is restricted to listening to the answers and writing them down. Again, 'Iyād 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, 'Iyād 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 *mudgħa* stage. Gathering everything that was said by 'Iyād about the embryological

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879 'Iyād, *Ikmāl* (1998), VIII, 128.

### 3. *Qādī Iyād*

development, I present in Appendix 5 an embryonic time scale according to ‘Iyād.<sup>880</sup>

### 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 *Sahīh*. First, ‘Iyād 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, ‘Iyād also identifies the movement of the embryo in his mother’s belly and associated it with being ensouled. Furthermore, ‘Iyād specifies that the transformation of the *nufa* 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 Hudhayfa Ibn Asīd’s tradition should not be understood literally but rather metaphorically, ‘Iyād closes the door on the face of any understanding of the shaping and ensoulment being possible after the *nufa* stage.

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880 See Appendix 5, page 234.

## Conclusions

In this study, I focused my research so that it provides a critical and analytical study of the conceptualisation of the unborn in the Islamic West – al-Andalus and al-Maghrib – by addressing the works of Abū Bakr Ibn al-‘Arabī and Qādī ‘Iyād. I have identified the embryological ideas and described their backgrounds. In this section, I summarise my findings in the above chapters and add some clarifying fresh conclusions that did not find a place in the previous chapters. In terms of my methodological framework, there are thirteen points:

- First, I demonstrated that Ibn al-‘Arabī prioritised exposing the idea that Isrāfil is the angel charged with the womb and has other angels at his disposal. In addition, I found that the Andalusi Sufi philosopher Ibn ‘Arabī had the same idea in his *al-Futūhāt al-makīyya*. This leads me to suggest that the association between Isrāfil and the unborn and its shaping was likely spread in the scholarly Andalusi milieu in the twelfth and thirteenth centuries CE. It might also have been widespread in popular Andalusi belief, and this could have had an impact on the line of thought of the scholars in the way they tried to adapt it and incorporate it into their works.
- Second, Ibn al-‘Arabī is inclined towards the Hippocratic theory of generation. He adopted some of these ideas and inserted them into his exegetical corpus with caution, insisting each time that these opinions are generally based on experimental and popular belief and should not be taken as asserted truths. For instance, regarding sex determination and identification of resemblance, Ibn al-‘Arabī’s explanation is mooted from prophetic traditions and Hippocratic material. His effective strategy utilised the most appropriate positions from ancient Greek thought, readapting them to fashion his own opinion. Regarding the Hippocratic sources Ibn al-‘Arabī used, I have shown that he mainly used ‘Arīb Ibn Sa‘īd’s treatise entitled *Kitāb khalq al-janīn wa-tadbīr al-habālā wa-l-mawlūdīn* as well as *Kāmil al-ṣinā‘a al-ṭibbiyya* by al-Majūsī. Nevertheless, ‘Arīb Ibn Sa‘īd received harsh criticism from Ibn al-‘Arabī when he followed the Ikhwān al-Ṣafā’s astrological explanation of the foetal development and the maximum gestation period. Al-Majūsī and all the Aristotelian physicians are similarly criticised for arguing that the blood

is the first phase of embryogenesis. Ibn al-‘Arabī deals carefully with this source and does not hesitate to refute any inadequate ideas. Furthermore, I have traced the Ghazalian impact and shown that Ibn al-‘Arabī drew from his teacher’s opinions expressed in *al-Wasīt*, specifically when talking about the criteria of *takhtīt* and *takhliq* in the funeral rites and the naming of the miscarriage.

- Third, the examination of the definitions and analysis carried out by the different authorities of the two adjectives *mukhallaqa* and *ghar mukhallaqa* shows how they emphasised the dichotomy of both adjectives and left aside a probable unity between them since the conjunctive coordinator *wa* seemed to query the function of the disjunctive coordinator *aw*. Ibn al-‘Arabī perceived this differently. He argued that the tripartite *nutfā-‘alaqa-mudgha* inevitably passes first through the *ghayr mukhallaqa* and then the *mukhallaqa* states and insists on the fact that there are essential factors that determine the changing from one state to another. These factors, which I call the *triple T*, are the *talwīn*, the *takhthīr* and the *taṣwīr*.
- Fourth, Ibn al-‘Arabī plays the role of bridge between the Islamic East and West. He generates a debate between Qādī ‘Ismā‘il and al-Kiyā al-Harrāsī about the expiry of the *‘idda* in cases where the miscarriage or delivery occurs before the period of four months, which was known from the East to the West. He even uses both the place and the debate to align with the Iraqi Mālikī jurist and argues that the woman’s *‘idda* ends once the miscarriage is delivered independently of its state or shape.
- Fifth, I followed Ibn al-‘Arabī’s analysis diachronically along three works. I demonstrated with detailed textual evidence the evolution of his thoughts and how his corpus gradually changed and developed, especially when it came to an important moment in the prenatal life, i.e., the ensoulment.<sup>881</sup> In *Aḥkām al-qur’ān*, the ensoulment is absent in the embryological Qur’anic corpus, yet appears in a different context related to wind fertilisation. In this Qur’anic exegesis the *taṣwīr* is considered the *khalq ākhar*. In *al-Qabas*, when determining the permissibility of *coitus interruptus*, the term ensoulment appears as the criterion for establishing penalties. Accordingly, Ibn al-‘Arabī divided the embryological development into the pre-ensoulment, the ensoulment, i.e., when the

881 In the context of the judicial organisation of Andalusi *dhimmīs*, Serrano Ruano noted differences and contrasts between several approaches of Ibn al-‘Arabī. See Serrano Ruano 2016, 194–95.

foetus acquires the ontological status of a human being (*nafs*), and the post-ensoulment. In *al-Qabas*, the ensoulment represents juristically the second criterion – after the *inkhilāq* – for establishing penalties. *Āridat al-ahwadī* represents the shift, where the ensoulment is the core of Ibn al-‘Arabī’s embryological approach, firmly consolidated by the presence of the Ibn Mas‘ūd *hadīth*.

- Sixth, this change in Ibn al-‘Arabī’s line of thought is most likely linked to the fact that the textual basis for the Islamic position on the ensoulment is prophetic traditions rather than Qur’anic verses. In addition, being well-versed in various religious sciences, Ibn al-‘Arabī adeptly produced seminal works in each of these. As for a probable ascendant impact from Qādī ‘Iyād to Ibn al-‘Arabī, the findings of this study do not provide sufficient evidence to validate this hypothesis. Therefore, further research is necessary to explore this idea more comprehensively. In order to draw more definitive conclusions about the scholarly relationship between Ibn al-‘Arabī and Qādī ‘Iyād, future studies should not be limited to the embryological approach.
- Seventh, ‘Iyād argues that the ensoulment does not occur on the one hundred and twentieth day after conception, but rather after this date, during the following ten days, underlining that none of the traditions contradicts this assertion, since nowhere in these traditions is it mentioned that the angel comes or the ensoulment happens directly on the last day of the last forty days, i.e., the *mudgha* phase. According to him, breathing the soul requires three criteria to be fulfilled: the proportioning of the shape (*istiwā’ al-ṣūra*), the appearance of human features and the completion of shape (*tamām al-ṣūra*). In the same context of ensoulment, I have shown that Qādī ‘Iyād associated the movement of the embryo in its mother’s belly with its being ensouled. He deduced this assertion using an empirical approach or, as he calls it, *al-mushāhada*, based mainly on experiments on animals whose results were adopted for human embryogenesis.
- Eighth, the presence of Hudhayfa Ibn Asīd’s *ḥadīth* did not affect ‘Iyād’s argument. Despite the chronological difference between both traditions regarding the moment of the angel’s intervention and the contrast in the order of the angel’s acts, Qādī ‘Iyād insisted on their uniformity and held that the shaping, the creation of bones and, accordingly, the ensoulment cannot happen after the first forty days. Grammatically, syntactically, empirically, and using Qur’anic evidence and other traditions, ‘Iyād showed

that Ḥudhayfa Ibn Asīd's ḥadīth should not be understood literally but rather metaphorically.

- Ninth, the angel of the womb received the attention of Qādī 'Iyād, who attributed to him three main tasks: looking after the *nutfa*, accompanying it as well as the *'alaqa* and the *mudgħa*, and informing God of what happens in the womb. Unlike Ibn al-'Arabī, Qādī 'Iyād did not identify the angel nor associate him with Isrāfil, which supports the idea that the association of Isrāfil with the angel of the womb was circulating in the Andalusi milieu and nowhere else.
- Tenth, both Ibn al-'Arabī and Qādī 'Iyād criticised the naturalists and their ideas on embryonic life. In the examples presented by the two scholars, the epithet *al-ṭabā'i'iyyūn* fits the Ikhwān al-Ṣafā'.
- Eleventh, using a Qur'an exegesis, a legal work and a ḥadīth commentary by Ibn al-'Arabī, and only one ḥadīth commentary by Qādī 'Iyād means that any comparison between these two scholars is inevitably unbalanced and uneven. Nevertheless, I would like to highlight some points when I omit the quantitative part in the comparison:
  - Ibn al-'Arabī's embryological reflections are multifaceted and complex, whereas Qādī 'Iyād's opinions tend to be more one-dimensional.
  - Ranging from the jurisprudential, exegetical, medical, physical, ancient Greek and Hellenistic, I noticed much more diversity and variety in the sources used by Ibn al-'Arabī than those used by Qādī 'Iyād. I suggest that this might be connected with the scholarly credentials acquired during the Eastern *rihla* of Ibn al-'Arabī, an advantage that Qādī 'Iyād did not have. Another important factor that enhances this difference is likely the socio-cultural milieu in which each scholar grew up and lived. The multicultural merging milieu and the interactions between different communities, in addition to the effervescence of the translation movement in al-Andalus, may have served as key agents in the broadening and diversification of sources used by the Andalusi scholar Ibn al-'Arabī, which was not the case for the Maghribi Qādī 'Iyād.
  - Notwithstanding the fact that both Ibn al-'Arabī and Qādī 'Iyād belonged to the Mālikī school of law, they did not share the same opinions. For instance, Ibn al-'Arabī insisted that the *walad* exists only after the *mudgħa* has been formed (*mukhallaqa*), otherwise the *walad* does not exist and the slave pregnant with it cannot be an *umm walad*. On the other hand, Qādī 'Iyād followed Mālik, who argues that a slave becomes an *umm walad* only if she miscarries at the *'alaqa* stage

or later. In the analysed embryological material, I noticed that Ibn al-‘Arabī displayed a strong personality when opposing Mālik and the Mālikī consensus. Thus, on the issue of the *umm walad* he even took the side of the opinions of the Shāfi‘īs, whereas Qādī ‘Iyād followed the Mālikī *madhhab*.

- Twelfth, grouping *al-Maghrib al-ifrīqī* and *al-Maghrib al-andalusī* under the flag of al-Maghrib can be applied in a geographical context, yet scholarly and embryologically speaking, I would not resort to using this general denomination. Instead, I would insist on differentiating between al-Maghrib and al-Andalus because they present different entities in this regard. I would even go beyond these boundaries and suggest that scholars should individualise the imagination of the unborn. In this context, I demonstrated that in the case of Ibn al-‘Arabī, he presented multiple facets, and his opinions changed and developed from one work to another.
- Finally, in my thirteenth point, this study about the conceptualisation of the unborn in al-Andalus and al-Maghrib in the hermeneutics of Ibn al-‘Arabī and Qādī ‘Iyād reaches its end. Yet, despite being aware of the importance, centrality and complexity of the scholars I have selected for the analysis, I believe an important number of Maghribi and Andalusi scholars still require further study and analysis. I also hope my study will help discover new horizons in Islamic embryology.



## Appendices

### Appendix 1

المدونة الكبرى  
كتاب طلاق السنة  
امرأة الصبي الذي لا يولد لملأه تأتي بالولد

قالت: أرأيت إن طلق امرأته نطليقة يملك الرجعة فجاءت بولد لأكثر مما تلد لملأه النساء ولم تكن أقرت بانقضاء العدة، أيام الزوج هذا الولد أم لا؟

قال: لا يلزم الولد وهو قول مالك قال ابن القاسم: والمطلقة الواحدة التي تملك فيها الرجعة هبها والثلاث في قول مالك سواء في هنا الولد إذا جاءت به لأكثر مما تلد لملأه النساء سخون عن أشهب عن الليث بن سعد عن ابن ماجلان أن امرأة له وضعت له ولدا في أربع سنين وأهبا وضعت مرة أخرى في سبع سنين

### Appendix 2

كتاب العدد  
جماع أبواب عدة المدخول بها  
باب ما جاء في أكثر الحمل

وأخبرنا أبو بكر أحمد بن الحارث الفقيه، أنا علي بن عمر الحافظ، أنا محمد بن محمد بن يكرب بن خالد، أنا داود بن رشيد قال: سمعت الوليد بن مسلم، يقول: قلت لمالك بن أنس: إني حدثت عن عائشة رضي الله عنها أنها قالت: "لا تزيد المرأة على حملها على سنتين قدر ظل المغزل" فقال: سبحان الله من يقول هذا هذه جارتنا امرأة محمد بن ماجلان امرأة صدق وزوجها رجل صدق حملت ثلاثة أبطن في الثاني عشرة سنة تحمل كل بطن أربع سنين

### Appendix 3

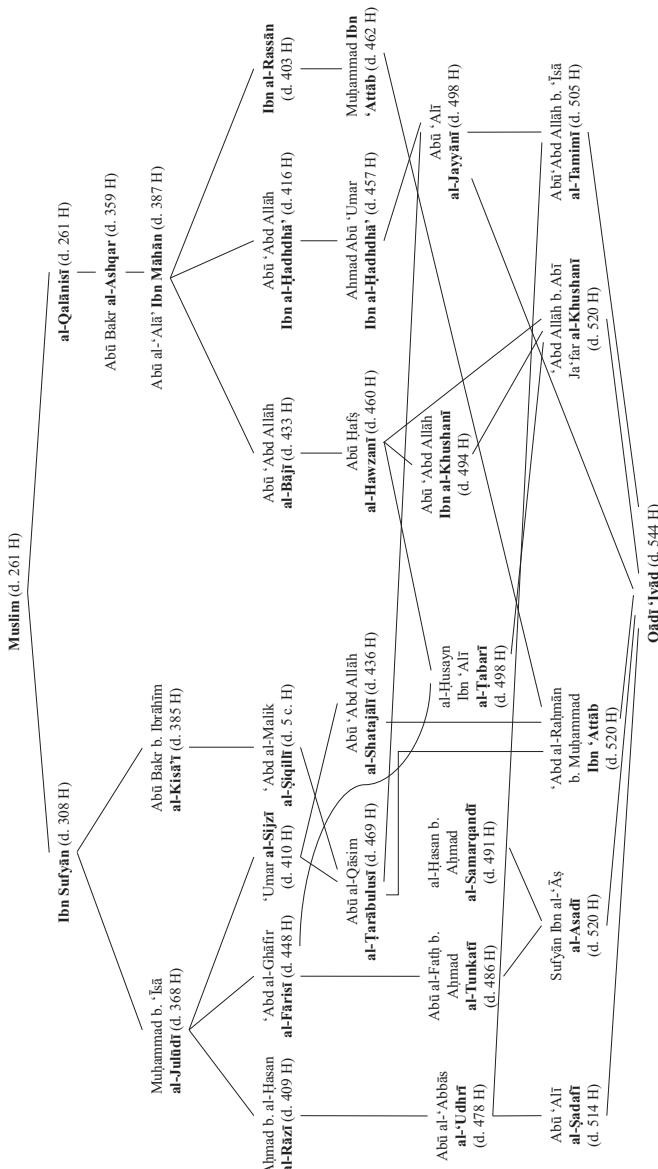


Figure 1: *Chains of transmission of Muslim's Sahih to Qādī 'Iyād*

## Appendix 4

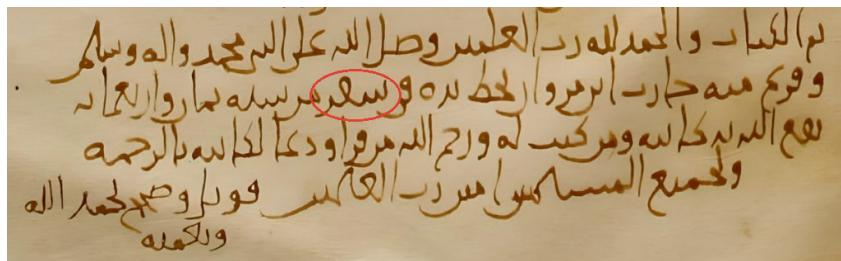


Figure 2: Colophon of Ms. 7/9, fol. 12 v.

© National Laboratory for the Preservation and Conservation of Parchment and Manuscripts in Raqqada, Kairouan, Tunisia.

## Ms. 7/9

Title: *al-Juz' al-thānī min kitāb al-'itq wa-kitāb al-mudabbir min mukhtaṣar al-mudawwana wa-l-mukhtalaṭa*.

Author: Abū Muḥammad 'Abd Allāh Ibni Abī Zayd al-Kayrawānī (d. 386 H/996 CE)

Scribe: al-Ḥārith Ibni Marwān (d. after 428 H/ 1037 CE)

Copying date: 408 H/1017 CE

Material: Parchment, 12 fols.

Size: 238 × 168 mm.

## Colophon:

- 1 تم الكتاب والحمد لله رب العالمين وصل الله على النبي محمد واله وسلم
- 2 وفرغ منه حارث ابن مروان بخط يده في سفر من ليلة ثان واربعاء
- 3 نفع الله به كاتبه و من كتب له و رحم الله من قرأ و دعا لكتابه بالرحمة
- 4 وبلغ الجميع المسلمين امين رب العالمين قوبيل وصحح محمد الله
- 5 ونعمته

Translation:

- 1 The book has been completed, and praise be to God, Lord of the Worlds, and may God's prayers and peace be upon the Prophet Muḥammad and his family

## Appendices

- 2 Hārith Ibn Marwān completed it in his own handwriting in *safar* of the night of four hundred and eight
- 3 May God benefit its writer and whoever wrote for him, and may God have mercy on whoever reads and prays for mercy for its writer
- 4 And to all Muslims, Amen, Lord of the Worlds. It was compared and corrected with the praise of God
- 5 And His blessings.

## Appendix 5

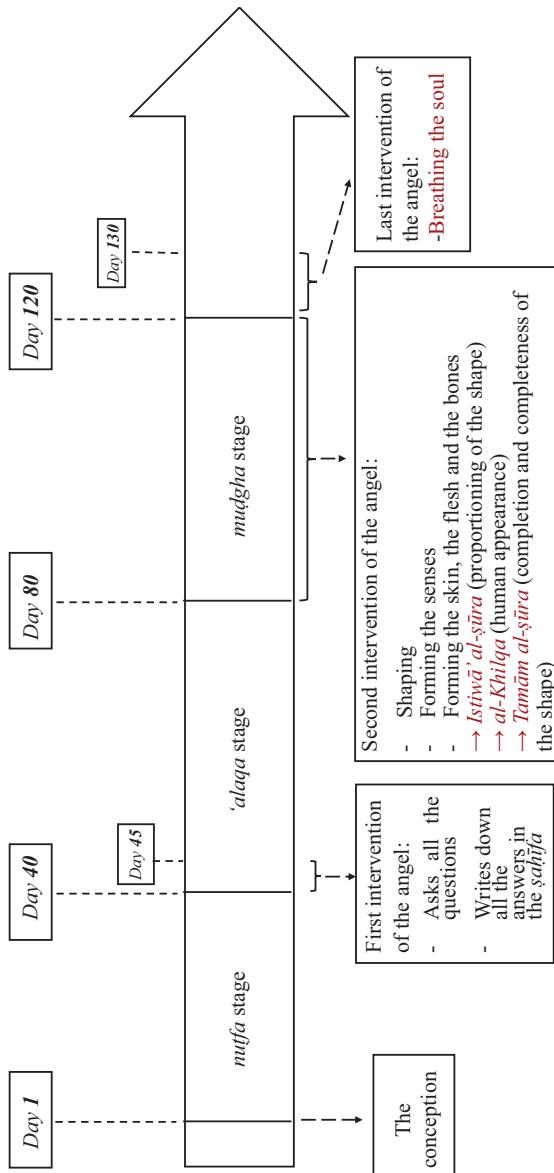


Figure 3: Embryogenesis and ensoulment according to Qādī 'Iyād



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