2. Abū Bakr Ibn al-ʿArabī

2.1. Biographical prelude

2.1.1. Life

Muḥammad b. ʿAbd Allāh b. Muḥammad b. ʿAbd Allāh b. Aḥmad b. Muḥammad b. ʿAbd Allāh al-Maʿāfirī[103] al-Ishbīlī al-Mālikī, with the agnomen (*kunya*) Abū Bakr and known as Ibn al-ʿArabī,[104] was born in Seville on *Shaʿbān* 22 in the year 468 H, corresponding to 31 March 1076 CE.[105] His father, ʿAbd Allāh b. Muḥammad (d. 493 H/1099 CE), was a vizier (*wazīr*) of Muḥammad b. ʿAbbād al-Muʿtamid[106] (d. 488 H/1095 CE) and an important and respected jurist and member of the ʿAbbādī court in

103 Connected with the *Maʿāfir* 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-Waẓīfī 1998, I, 19; Kara 2000; al-Maqqarī, *Nafḥ* (1997), II, 25; al-Maqqarī, *Azhār* (1939), III, 62; Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 66; al-Ḍabbī, *Bughya* (1989), I, 125; Ibn Bashkuwāl, *al-Ṣila* (2010), II, 227; al-Ruʿaynī, *Barnāmaj* (1962), 117; Ibn Khallikān, *Wafayāt* (1978), IV, 296; Ibn Farḥūn, *al-Dībāj* (1972), II, 252; Ibn ʿAsākir, *Tārīkh* (1997), LIV, 24.

104 One should distinguish between him and Ibn ʿArabī al-Ṭāʾī 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-ʿArabī, and especially, according to al-Mushinī, in al-Andalus, both were called Ibn al-ʿArabī with *alif lām al-taʿrīf*. This differentiation was given by Eastern scholars who called Abū Bakr Ibn al-ʿArabī al-Ishbīlī Ibn al-ʿArabī and took away the *alif lām* for the Sufi scholar, calling him just Ibn ʿArabī. See al-Mushinī 1991, 15. The latter was a mystical philosopher whose works, in particular al-*Futūḥāt al-makkiyya* and *Fuṣūṣ al-ḥikam*, were very influential. For further information, see Mora Zahonero 2011; Knysh 1999; Landau 2008.

105 Answering the question of his student Ibn Bashkuwāl, Ibn al-ʿArabī confirmed the date and place of his birth verbatim (*wa-saʾaltuhu ʿan mawlidihi fa-qāl lī wulidtu laylat al-khamīs li-thamānin baqayna min shaʿbān sanat thamānin wa-sittīn wa-arbaʿimāʾa*). See Ibn Bashkuwāl, *al-Ṣila* (2010), II, 228.

106 He was also known and regarded as an important classical Arab poet. The literary quality of al-Muʿtamid'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.[107] 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 ʿAbbād – a trustworthy selection at the advice of Ibn Dū'ād – who appointed him to noble offices and raised him to exalted ranks."[108] The maternal uncle of Abū Bakr Ibn al-ʿArabī was the eminent jurist Abū al-Qāsim al-Ḥasan b. ʿUmar al-Hawzanī (d. 512 H/1118 CE).[109] Hailing from a well-connected scholarly family, and having his father and uncle to teach him from his earliest age, Ibn al-ʿArabī received a solid education and was well-versed in the Qur'an at the age of only nine. He mentioned that he acquired a perfect knowledge of the Qur'an 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.[110]

In addition to his notable scholarly family, Ibn al-ʿArabī learned from the best teachers in Seville and other cities in al-Andalus, including Muḥammad b. ʿAbd al-Raḥmān Abū Abd Allāh al-Saraqusṭī[111] (d. 500 H/1106 CE) and ʿAlī ʿAbd al-Raḥmān b. Mahdī al-Tanūkhī[112] (d. 514 H/1121 CE). In the introduction to his *Qānūn al-ta'wīl*, Ibn al-ʿArabī specified that he had three sessions per day: the first one taught by a teacher of the Qur'an (*muʿallim li-kitāb allāh*),[113] thereafter came a teacher for grammar and linguistics

107 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 ʿAbbād reigned in Seville between 1013 CE and 1091 CE. Bellver 2013, 660.

108 Garden 2015, 2.

109 Al-Maqqarī reports that the father of Abū al-Qāsim al-Hawzanī, Abū Ḥafṣ ʿUmar b. Ḥasan al- Hawzanī (d. 460 H/1068 CE), was killed by al-Muʿtaḍid Ibn ʿAbbād (d. 461 H/1069 CE), which pushed Abū al-Qāsim to take revenge and incite the Almoravid leader Yūsuf b. Tāshufīn to invade Seville and unite it with his Berber empire. al-Maqqarī, *Nafḥ* (1997), II, 94; Lagardère 1985, 91.

110 Lagardère 1985, 91.

111 Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 90–91. See also https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=9906 accessed 9 September 2019.

112 Known as Ibn al-Akhḍar al-Naḥwī. Additional information is available in al-Qifṭī, *Inbāh* (1986), II, 288–9; https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=6512 accessed 9 September 2019.

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

(*wa-l-thānī li-ʿilm al-ʿarabiyya*), with the third session dedicated to mathematics (*wa-l-thālith li-l-tadrīb fi-l-ḥusbān*).[114] He specified, moreover, that the teachers would come from the first prayer (*ṣalāt al-ṣubḥ*) until the third prayer (*ṣalāt al-ʿaṣr*), respectively, after which he used the opportunity to re-examine and rehearse his notes and read other books.[115] Thus, on reaching the end of his sixteenth year, he had already studied and scrutinised *al-Īḍāḥ* by Abū ʿAlī al-Ḥasan b. Aḥmad b. ʿAbd al-Ghaffār al-Fārisī (d. 377 H/987 CE), *al-Jumal* by Abū al-Qāsim ʿAbd al-Raḥmān al-Zajjājī (d. 340 H/952 CE), a book by Abū Jaʿfar Aḥmad b. Muḥammad b. Ismāʿīl al-Naḥḥās[116] (d. 338 H/950 CE), *al-Uṣūl fi-l-naḥw* by Abū Bakr b. al-Sarrāj (d. 316 H/929 CE), *Kitāb fi-l-ʿarabiyya* by ʿAbd Allāh b. Sulaymān b. Sālim al-Makfūf known as Darwad or Duraywad (d. 324 H/935 CE), *al-Kitāb*[117] by Sībawayh (d. 180 H/796 CE), *al-Ashʿār al-sitta* (the six poems),[118] *Shiʿr* (poetry of) al-Ṭāʾī (d. 605 CE),[119] *Shiʿr* al-Mutanabbī (d. 354 H/965 CE),[120] *al-Faṣīḥ* by

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-ʿArabî 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-ʿArabī, *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-Dhubyāni (d. 605 CE), ʿAlqama al-Faḥl (d. 603 CE), ʿAntara Ibn Shaddād (d. 608 CE), Zuhayr Ibn Abī Sulmā (d. 607 CE) and Ṭarafa Ibn al-ʿAbd (d. 569 CE).

119 Ḥātim Ibn ʿAbd Allāh b. Saʿad al-Ṭāʾī 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 Ḥātim al-Ṭāʾī" (*akram min Ḥātim al-Ṭāʾī*).

Thaʿlab (d. 291 H/914 CE),[121] *Iṣlāḥ al-manṭiq* by Yūsuf Yaʿqūb Ibn Isḥāq al-Sikkīt (d. 244 H/858 CE), *al-Amālī* by Abū ʿAlī al-Qālī (d. 356 H/967 CE), *Kitāb* Iqlīdis (d. mid-third century BC),[122] etc.[123] At this stage, with the collapse of the taifa of Banū ʿAbbād, 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-ʿArabī left Seville on the first day of *Rabīʿ al-awwal* of the year 485 H (11 April 1092 CE), initiating his long *riḥla fī ṭalab al-ʿilm*.[124] While Qāḍī ʿIyāḍ and Ibn Farḥūn insist that Ibn al-ʿArabī returned to his homeland in 495 H/1102 CE,[125] other historians agree on 493 H/1100 CE for this event.[126] After his prolific journey, Ibn al-ʿArabī 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,[127] until news of him reached the ears of the Almoravid Emir

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 Kūfī 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-ʿArabī, *Qānūn* (1986), 418–19.

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

125 Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 69; Ibn Farḥūn, *al-Dībāj* (1972), II, 254.

126 Al-Maqqarī, *Nafḥ* (1997), II, 28; Ibn Bashkuwāl, *al-Ṣila* (2010), II, 228; Ibn Khallikān, *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-ʿArabī 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 raḥala lam yaʾti bi-mithl mā ataytu bihi min al-ʿilm 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-ʿArabī became very sure and proud of his journey, likely after meeting the prominent jurist and political philosopher Abū Bakr al-Ṭurṭūshī (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 ʿAbd al-Ghafūr (d. sixth century H/twelfth century CE).[128] Additionally, during 494 H/1101 CE and 495 H/1102 CE, he gave lessons of Islamic law and Qur'anic exegesis that enjoyed success.[129]

Included in the precious library that Ibn al-ʿArabī carried with him from the Islamic East was al-Ghazālī's ethical magnum opus, *Iḥyāʾ ʿulūm al-dīn*,[130] which was probably first introduced in al-Maghrib by him.[131] 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[132] (r. 453–500 H/1061–1106 CE), but then gradually changed towards a more negative view during ʿAlī b. Yūsuf Ibn Tāshufīn's reign (r. 500–537 H/1106–1143 CE).[133] This generated a wave of dissatisfaction among the Mālikī

128 Al-Kalāʾī, *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-ʿibādāt*); thereafter, he discusses the rules of behaviour (*al-ʿādāt*); and finally he closes with a deep inquiry into moral virtues (*makārim al-akhlāq*). The *Iḥyāʾ* 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-ʿArabī 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 Andalusi 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-muslimīn wa-nāṣir al-dīn al-qāʾim bi-daʿwat amīr al-muʾminīn* (prince of the Muslims, defender of the faith and responsible for the *daʿwa* 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',[134] headed by the qadi of Cordoba, Abū ʿAbd 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:[135]

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 Ḥamdīn, denouncing jurists who had ordered the burning of the *Iḥyā'*." Fletcher and Safran insist that after this condemnation Ibn Ḥamdīn 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-ṣināʿat 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 (*qalʿat banī Ḥammād*, which was the first capital of the Ḥammadī 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 Ḥamdīn 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 Ḥamdīn to discredit al-Ghazālī in al-Andalus were, to a considerable extent, for political and personal reasons. She suggests that Ibn Ḥamdīn 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-ʿArabī. "Ibn Ḥamdīn 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-ʿArabī, 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 Ḥamdīn'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 Ḥamdīn himself. Being concerned merely about his personal position, "Ibn Ḥamdīn's reaction to this perceived threat was to anathemize al-Ghazālī and burn his writings, because the action could take against Ibn al-ʿArabī 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.[136]

The jurists "reproached Ghazālī for having endorsed interpretations with respect to the concept of God and Muḥammad's prophethood that he had previously imputed to the philosophers and the *baṭinīs*, and condemned."[137] *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,[138] in the courtyard of the Great Mosque of Cordoba in the part of the western door (*'alā al-bāb al-gharbī*), and was characterised by its ceremonial quality, as reported by Ibn al-Qaṭṭān (d. 628 H/1230 CE).[139] 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.[140] In the *al-Madkhal,* Ibn Ṭumlūs 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-Ḥulal al-mawshiyya* (1952), 124–25; see also Ibn al-Qaṭṭān, *Nuẓum* (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, *Nuẓum* (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-ʿArabī 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.[141]

Between the first and second book burning, the prestigious *muḥaddith* and qadi of Murcia, Abū ʿAlī al-Ṣadafī (d. 514 H/112 CE), interceded for Ibn al-ʿArabī with the governor of Seville, Ibrāhīm b. Yūsuf Ibn Tāshufīn[142] (r. 511–516 H/1117–1122 CE) so that he could recover his father's confiscated properties.[143] Al-Ṣadafī's request was accepted and Ibn al-ʿArabī's inheritance was returned.[144] 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,[145] Ibn al-ʿArabī 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-ʿArabī was altruistic and charitable with humble people.[146] He committed himself to the promotion of virtue and the prevention of vice (*al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*), and his sanctions became increasingly hard and austere.[147] His intolerance and rigidity infuriated the Sevillians, 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.[148] Ibn al-ʿArabī describes his crisis in the introduction

141 Ibn Ṭumlūs, *al-Madkhal* (1916), 11–12, trans. 16–18; Fletcher 1997, 315.
142 See his biography in Ibn al-Abbār, *al-Muʿjam* (2000), 55–6.
143 Lagardère 1985, 97; Serrano Ruano 2008, 255.
144 Aʿrāb 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-Ṣila* (1989), III, 856; al-Dhahabī, *Tadhkira* (1971), IV, 1295–96.
148 Fletcher 1997, 320.

of his book, *al-ʿAwāṣim 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 (*taʾallabū*), 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.[149]

Staying in Seville represented a real threat to Ibn al-ʿArabī'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.[150] Once installed in Cordoba, Ibn al-ʿArabī became absorbed in his books and dedicated all his time to reading, writing, and teaching.[151] In the testimony of one of his pupils who spent the night at his place, Ibn al-ʿArabī slept among the books, and whenever he woke, books were the first thing he consulted. His lamp was never turned off during the night.[152] On some occasions, he replaced the preacher of the Great Mosque of Cordoba.[153] Once the storm had died down, Ibn al-ʿArabī 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-ʿArabī.[154] Moreover, in the study *Maʿa al-qāḍī Abī Bakr,* Aʿrāb names one hundred and twenty-six famous disciples of Ibn al-ʿArabī and asserts that Ibn al-Abbār, in addition to his biographical dictionary dedicated to the disciples of Abū ʿAlī al-Ṣadafī (*al-Muʿjam fī aṣḥāb al-qāḍī al-Ṣadafī*), had composed a second volume

149 Ibn al-ʿArabī, *al-ʿAwāṣim* (1984), 143–44.
150 Serrano Ruano 2008, 257.
151 Qāḍī ʿIyāḍ and Ibn Bashkuwāl attended his lessons in Cordoba.
152 al-Ḍabbī, *Bughya* (1989), I, 127.
153 Lagardère 1985, 97.
154 Ibn Kahyr, *Fihrist* (2009), 650–51.

dedicated to the disciples of Ibn al-ʿArabī, pronounced missing until now.[155] All these facts indicate how the quality of Ibn al-ʿArabī'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 ʿAlī, a second public burning of al-Ghazālī's books took place. Nevertheless, for intellectual and mainly political reasons, Ibn al-ʿArabī 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 Qāḍī ʿIyāḍ, 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-ʿAwāṣim wa-l-qawāsim*.[156] Here, the focus was not on al-Ghazālī, but on his teachings, given that "Ibn al-ʿArabī 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".[157]

Just as he had witnessed the collapse of the taifa kingdom of the Banū ʿAbbād followed by the Almoravid conquest, Ibn al-ʿArabī witnessed the defeat of the Almoravid dynasty by the invading Almohad army. In 541 H/1146 CE, Seville was attacked and Ibn al-ʿArabī lost his son, Abū Muḥammad ʿAbd Allāh b. Abī Bakr Ibn al-ʿArabī,[158] who died accidentally when the Almohads entered the city.[159] Heading a delegation of prominent Sevillian scholars, jurists and distinguished intellectuals,[160] Ibn al-ʿArabī headed to the Almohad capital, Marrakesh, in order to pledge his allegiance (*mubāyaʿa*) to the Caliph Abū Muḥammad ʿAbd al-Mu'min b. ʿAlī b. ʿAlwī Ibn Yaʿlā al-Kūmī (558 H/1163 CE). The delegation arrived in Marrakesh in *dhū al-ḥijja* 541 H/May 1147 CE,[161] while the caliph was busy fighting

155 Aʿrāb 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: ʿAbd Allāh, Abū al-Ḥasan ʿAbd al-Raḥmān, and Aḥmad. See Aʿrāb 1987, 116; Serrano Ruano 2008, 259.
159 Aʿrāb 1987, 94; Lagardère 1983, 160; Lagardère 1985, 98.
160 Such as Abū ʿUmar Ibn al-Ḥajjāj 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-ʿAbbās Aḥmad Ibn ʿAlī Ibn Sayyid known as al-Liṣṣ (d. 577 H/1181 CE), etc. See *al-Ḥulal al-mawshiyya* (1979), 147; Ibn ʿIdhārī, *al-Bayān* (2013), 112. For more information about this delegation, see Marín 1999, 239–40.
161 Ibn ʿIdhārī, *al-Bayān* (2013), III, 112; Lagardère 1985, 98.

Muḥammad b. ʿAbd 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 ʿAbd al-Muʾmin and his army.[162] Subsequently, Abū Bakr Ibn al-ʿArabī and his companions had to wait almost one year to meet the caliph.[163] During the general audience granted by ʿAbd al-Muʾmin at the feast of the sacrifice (*ʿīd al-aḍḥā*) in his castle (*qaṣr al-ḥajar*), the delegation handed him a written oath of allegiance and Ibn al-ʿArabī 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-ʿArabī and ask him whether he had met Ibn Tūmart, Mahdī of the Almohads, at the lectures of al-Ghazālī.[164] Elusively, Ibn al-ʿArabī answered that he had never met

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

163 al-Sallāwī, *al-Istiqṣā* (1997), II, 117; Aʿrāb 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 Dīnar, Ibn Abī Zarʿ al-Fāsī (d. 726 H/1326 CE), Tāj al-Dīn al-Subkī (d. 771 H/1370 CE), Abū al-Fidāʾ (d. 732 H/1331 CE), Muḥammad b. Ibrāhīm b. Luʾluʾ 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 zaʿamū* (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-ḥulal* (1898), 57; Ibn Abī Dīnar, *al-Muʾnis* (1869), 107; Ibn Abī Zarʿ al-Fāsī, *al-Anīs* (1972), 72; al-Subkī, *Ṭabaqāt* (1964), VI, 109; Abū al-Fidāʾ, *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*).[165] 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 ʿAbd al-Muʾmin, causing Seville to revert and no longer recognise the Almohad dynasty. After a while,[166] the caliph received a formal refutation from the Sevillian *shaykh*, Abū Yaʿqūb 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 Isḥāq Ibn Jāmiʿ (d. twelfth c. CE) and ʿAbd Allāh Ibn Sulaymān (d. twelfth c. CE), who apologised sincerely and offered one hundred gold pieces each to Ibn al-ʿArabī and Abū Bakr Ibn al-Jadd, and other gifts to the rest of the group, without forgetting to give them back their confiscated proprieties.[167] 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.[168]

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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 Niẓamiyya* long after al-Ghazālī left as a teacher (during *dhū al-qaʿda* 488 H/1095 CE). Nevertheless, al-Ghazālī's doctrine continued to be taught there by the next generations of Shāfiʿī 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. ʿAlī 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-mawshiyya* (1979), 148.

166 Ibn ʿIdhārī 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 ʿIyāḍ's words in *al-Ghunya* (*fa-ḥubisū bi-marrākish naḥw ʿām*), the imprisonment period was almost one year. Ibn ʿIdhārī, *al-Bayān* (2013), III, 114; Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 68.

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

168 Lagardère 1985, 98.

Ibn ʿIdhārī places Ibn al-ʿArabī in the surroundings of Fez at the time of his death,[169] when he was seventy-five and riding his horse in *Jumādā II* of 542 H/1184 CE.[170] Other biographers state the following year, 543 H/1185 CE,[171] (which appears more plausible), with small differences, i.e., from Sunday, 7 *Rabīʿ I*,[172] to *Rabīʿ II*,[173] to *Jumādā II*.[174] Another version has Ibn al-ʿArabī killed with a poisoned date (*summ fī tamra*) given to him by someone pretending to be reading the Qur'an and waiting for Ibn al-ʿArabī's commentary.[175] 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.[176]

2.1.2. Riḥla

The term *riḥla* (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.[177] Also called the *riḥla fī ṭalab al-ʿilm* (journey in search of knowledge) and the *riḥla 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'*. Aʿrāb 1987, 120.

170 Ibn ʿIdhārī, *al-Bayān* (2013), III, 114. Taking into consideration the deliberate information that Ibn ʿIdhārī confirmed regarding the age of Ibn al-ʿArabī when he passed away, together with the confirmed date of his birth by Ibn al-ʿArabī 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, *Bughyat* (1989), I, 130; Pasha, *Hadiyyat* (1951), II, 90.

172 Ibn Farḥūn, *al-Dībāj* (1972), II, 256; Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 68.

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

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

175 al-Sallāmī, *al-Iʿlām* (1998), IV, 100.

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

177 Dejugnat 2017, 80.

based on direct contact and listening (*samāʿ*) by attending lectures with the teachers.[178] 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-Muqddima*, 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."[179] 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.[180]

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 *riḥla* was traditionally an eastward journey, since it used to be associated with the pilgrimage.[181] 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, Fusṭāṭ or Old Cairo in Egypt and Medina and Mecca in al-Ḥijāz. 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."[182]

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.[183] 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 *riḥla* is a historic-anthropological study presented by Touati, *Islam et voyage au Moyên 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 *riḥla* 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 *riḥla* and undertook additional journeys.[184] 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.[185]

When looking for the spark that aroused Ibn al-ʿArabī'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),[186] in the first part dedicated to his rudimentary education, Ibn al-ʿArabī 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 Jaʿfar al-Simnānī (d. 444 H/1052 CE) [the Ashʿarite 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 *riḥla* 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."[187]

As much as this passage shows Ibn al-ʿArabī'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-ʿājiz al-ḍaʿīf*).[188] The inferiority of knowledge and education in the Islamic West compared to the Islamic East was one of Ibn al-ʿArabī's favourite themes.[189]

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-ʿArabī's family. The exile of al-Muʿtamid and his family to Morocco,[190] followed by the confiscation of properties and dismissals and persecutions among the elite that served in the ʿAbbādī court had a strong apocalyptic resonance[191] over Abū Bakr Ibn al-ʿArabī and especially his father. Aʿrāb claims that ʿAbd Allāh Ibn al-ʿArabī would have received a more severe treatment had it not been for the position and connections of his wife's family.[192] This political turmoil was the factor that triggered Ibn al-ʿArabī's *riḥla*, although it was not his decision, and his father planned everything. Ibn Khaldūn asserts that Ibn Tāshufīn officially sent the Ibn al-ʿArabīs to al-Mustanṣir al-ʿAbbāsī.[193] Griffel also assumes that ʿAbd Allāh and his son left Seville on an official mission. He holds that the father heard

187 Ibn al-ʿArabī, *Qānūn* (1986), 420–21. My own combined version of two translations. See Garden 2015, 3–4; Touati 2010, 248–49.
188 Ibn al-ʿArabī, *Qānūn* (1986), 420–21.
189 Garden 2015, 4.
190 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.
191 Ibn al-ʿArabī, *Mukhtaṣar* (1987), 192–93.
192 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 ʿAbbād in order to take revenge for his father's murder by al-Muʿtaḍid.
193 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.[194] However, rereading the passage where Abū Bakr Ibn al-ʿArabī 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)."[195] 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 (*raḥala ilā l-mashriq wa-ḥalla fīhā maḥalla al-khā'if al-fāriq*).[196]

In his analysis of ʿAbd Allāh Ibn al-ʿArabī'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.[197] 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.[198] Therefore, Lévi-Provençal considers that none of these arguments clearly indicates that ʿAbd Allāh and his son were officially sent by Ibn Tāshufīn or charged with this mission. Furthermore, he claims that ʿAbd Allāh could have heard about Ibn Tāshufīn's longing for caliphal recognition only when he was in Baghdad, via a certain Ibn al-Qāsim.[199] In addition to this, Garden suggests that during their stay in Alexandria, the Ibn al-ʿArabīs could have heard about the murder at the hands of Fāṭimids of an Almoravid messenger, Abū Bakr ʿAtīq ʿImrān b. Muḥammad al-Rabaʿī (d. 484 H/1091 CE),[200] who was

194 Griffel 2009, 63.
195 Ibn al-ʿArabī, *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 *saǧ*." Lévi-Provençal 1955, 276. He possessed this diplomatic talent after much experience in the ʿAbbādī court.
198 Ibid.
199 Ibid.
200 See his biography in Ibn ʿAsākir, *Tārīkh* (1996), XXXVIII, 299–300; al-Irbilī, *Tārīkh* (2010), 508–9; al-Ṣifadī, *al-Wāfī* (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.[201] According to ʿAbbās, the mission of the Ibn al-ʿArabīs 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.[202] Altogether, and despite the different reasons suggested for the departure of Abū Bakr Ibn al-ʿArabī, 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."[203]

Notwithstanding the fact that the journey was his father's decision, Abū Bakr Ibn al-ʿArabī could think, have a clear strategy in mind and set his sights on two principal goals of his *riḥla*. First, after the sudden turn of fate that his family experienced and the confiscation of their properties with their enemies rejoicing in their misfortune,[204] Ibn al-ʿArabī 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-ʿArabī became aware of the importance of this new elite, which had a state dimension,[205] 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. ʿAbbās 1963, 219.

203 Ibn al-ʿArabī, *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.[206]

At the age of sixteen, Ibn al-ʿArabī 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 *Rabīʿ I*/April.[207] The first city visited was Malaga, where Ibn al-ʿArabī met Abū al-Muṭarrif ʿAbd al-Raḥmān b. Qāsim (d. 497 H/1104 CE).[208] They then went to Granada and finally arrived at the last peninsular and Andalusi city, Almeria. Though his time was limited, Ibn al-ʿArabī 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 (*masāʾil*) and readings of the Qurʾan, he met the reciter (*al-muqriʾ*) ʿAbd al-ʿAzīz b. ʿAbd al-Malik b. Shafīʿ (d. 514 H/1120 CE),[209] and other literary figures whom he described as mediocre (*udabāʾ mutawassiṭī al-daraja*).[210] 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-sulṭān,* where he immediately began his meetings with a group of scholars expert in legal issues, including Muḥammad b. Mūsā, known as Ibn ʿAmmār al-Kilāʿī al-Mayurqī (d. after 485 H/1092 CE). Lagardère claims that the Ibn al-ʿArabīs were received by Bougie's military chief, al-Qāsim b. ʿAbd al-Raḥmān, who served as their guide and helped them trace their itinerary.[211] There, Abū Bakr Ibn al-ʿArabī studied the version of Abū ʿĪsa Isḥāq b. Mūsā al-Ramlī (d. 320 H/932 CE)[212] of the *Sunan* of Abū Dāwūd.[213] From Bougie, they headed to Ifrīqiya, sometimes by land, other times by sea, passing Bona.[214] He was

206 Garden 2015, 5–7; for more information about the role of the *fuqahāʾ* 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 accessed 11 November 2019.
209 https://www.eea.csic.es/pua/personaje/consulta_personaje.php?id=4753 accessed 11 November 2019.
210 Ibn al-ʿArabī, *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.[215] He met eminent scholars and jurists from Kairouan, especially from Mahdia, including Muḥammad b. Ḥabīb al-Mahdawī al-Qalānisī (d. fourth century H/tenth century CE), Abū ʿAlī Ḥassān al-Barbarī al-Mahdawī (d. sixth century H/twelfth century CE),[216] Abū Bakr Muḥammad b. ʿAbd al-Raḥmān al-Labīdī (d. sixth century H/twelfth century CE),[217] the *muqri'* ʿAlī b. Muḥammad b. Thābit al-Khawlāni al-Ḥaddād al-Mahdawī (d. after 580 H/1184 CE),[218] and the *imām* of Mahdia, Abū ʿAbd Allāh Muḥammad b. ʿAlī b. ʿUmar b. Muḥammad al-Tamīmī al-Māzarī[219] (d. 536 H/1141 CE).[220] 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.[221]

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*, Qāḍī ʿIyāḍ mentions that al-Labīdī had enjoyed a good reputation while he (Qāḍī ʿIyāḍ) was composing his work. See Qāḍī ʿIyāḍ, *Tartīb* (1983), XIII, 69.

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

219 Al-Māzarī's full name was Muḥammad b. ʿAlī b. ʿUmar al-Tamīmī al-Māzarī 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 Isḥāq (d. 776 H/1374 CE) in his *Mukhtaṣar*. Al-Māzarī 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 ʿAbd Allāh Muḥammad Ibn Tūmart (d. 524 H/1130 CE), Abū Bakr Ibn al-ʿArabī, Abū ʿAbd Allāh b. Yūsuf b. Saʿāda (d. 565 H/1169 CE), Qāḍī ʿIyāḍ, Abū al-Walīd Muḥammad b. Aḥmad Ibn Rushd (d. 595 H/1198 CE), etc. Sciences related to *ḥadīth* (*ʿulūm al-ḥadīth*), principles of faith (*uṣūl al-dīn*) and literature were among the disciplines that al-Māzarī 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-Māzarī 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-Ḥimyarī, *al-Rawḍ* (1975), 521; Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 65; ʿAbd al-Wahhāb 1955, 51–54.

220 Lagardère 1985, 93.

221 Ibid.

After a short period, Ibn al-ʿArabī 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-ʿArabīs were thrown on land near Barqa and found themselves in a miserable situation. The Banū Kaʿb Ibn Salīm helped them, and they headed for Alexandria.[222] It seems that they spent eight months in Egypt and were disappointed by the level of learning and intellectual apathy (*khumūl*) under the Fāṭimids.[223] 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*,[224] Jerusalem occupies about a quarter of the narrative.[225] Jerusalem was, significantly, of great symbolic importance for the three monotheistic religions and was

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

223 Garden 2015, 7. Ibn al-ʿArabī asserts in *Qānūn al-taʾwīl* that they arrived in Egypt during the reign of Abū Tamīm Maʿad al-Mustanṣir bi-l-llāh (d. 487 H/1094 CE). He adds that he debated with different Shīʿītes 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-ʿArabī, *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-ʿArabī's thought, see Serrano Ruano 2005, 823–29.

224 The summary, entitled *Talkhīṣ tartīb al-riḥla,* was edited by Aʿrāb in his biographical study *Maʿa al-qāḍī Abī Bakr Ibn al-ʿArabī.* Going back to the original and extensive work, *Tartīb al-riḥla li-l-targhīb fī-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-ʿArabī 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 Andalusīan jurist, Abū Bakr Ibn al-ʿArabī, 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 Andalusīa 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-ʿArabī's house in Seville. Ibn al-ʿArabī mentions his work in *al-ʿAwāsim 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; Garden 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 Kaʿba 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 *miʿrāj*.[226] 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.[227] "The most characteristic trait of life in Jerusalem was that no day passed without foreigners."[228] 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, Shāfiʿī, Ḥanafī and Ḥanbalī) and different Islamic schools of theology and schismatic groups (*muʿtazila, karrāmiyya* and *mushabbiha*).[229] Ibn al-ʿArabī assisted at learning and discussion seminaries in Shāfiʿī and Ḥanafī *madāris*,[230] 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 *miʿrāj* 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, *EI*^{2}, https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-kuds-COM_0535 accessed 3 December 2019. Ibn al-ʿArabī was impressed once by the sagacity and the eloquence of an outspoken rabbi named al-Tustarī, who opened an inter-religious debate. See ʿAbbās 1968, 65.

228 Ibid.

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

230 Lagardère lists some *madāris* mentioned by Ibn al-ʿArabī, such as the Shāfiʿī *madrasa* of Bāb al-Asbāṭ whose director was Yaḥyā b. ʿAlī al-Ṣa'igh (d. 534 H/1139 CE) and one of its known masters was *shaykh al-shāfiʿiyya* Naṣr b. Ibrāhīm b. Dāwūd al-Nābulusī, known as ʿAṭā' al-Maqdisī (d. 490 H/1097 CE). The other institution is the Ḥanafī *madrasa* of Abī ʿUqba, directed by al-Qāḍī Abū al-Faḍl al-Rayḥānī. See Lagardère 1985, 93; Ibn al-ʿArabī, *Mukhtaṣar* (1987), 205–11; ʿAbbās 1993, 48; ʿAbd al-Mahdī 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-ʿAsalī 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 Shāfiʿism and Ḥanafism, was not taught in the standard *madāris*. Jarrar 1998, 777.

of knowledge and discussions and the intellectual efflorescence.[231] In this scientific Jerusalemite atmosphere, Ibn al-ʿArabī experienced intellectual progress and acquired three main disciplines that he was unable to delve into in al-Andalus, Ifrīqiya, or Egypt: *ʿilm al-kalām* (speculative theology), *uṣūl al-fiqh* (principles of Islamic jurisprudence) and *masāʾil 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-ṭarīqa al-qayrawāniyya* (the Kairouani school), which follows the principle of assimilation and analogy, and the Eastern methodology, known as *al-ṭarīqa al-ʿirāqiyya* (the Iraqi school), which is more concerned about innovating, inferring and extracting the causes and the founding principles of the arguments.[232] Nonetheless, the strongest and closest scholarly relationship Ibn al-ʿArabī 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-Ṭurṭūshī (d. 520 H/1126 CE).[233] Ibn al-ʿArabī specifies that, together with his father, they visited al-Ṭurṭūshī at his study corner (*mawḍiʿ*) in *al-Aqṣā*, called *al-Ghuwayr*,[234] but he was not there. Thus, they had to look for him and managed to track

231 The scholarly situation in the holy city, as gleaned from the description of Ibn al-ʿArabī, 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, *EI*^{2}, https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-kuds-COM_0535 accessed 3 December 2019. See also Jarrar 1998, 76–77; ʿAbbās 1993, 51–65; ʿAbd al-Mahdī 2009, 32.

232 Ibn al-ʿArabī studied the *Mudawwana* combining the two methodologies. See ʿAbbās 1968, 65.

233 His full name was Abū Bakr Muḥammad b. al-Walīd b. Muḥammad b. Khalaf b. Sulaymān b. Ayyūb al-Qurashī al-Fihrī al-Ṭurṭūshī. 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-Walīd 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-Ṭurṭūshī was influenced by the Shāfiʿism 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-Ṭurṭūshī's *Kitāb al-ḥawādith wa-l-bidaʿ*, al-Ṭurṭūshī, *al-Ḥawādith* (1993). See also, al-Ḥamawī, *Muʿjam* (1995), IV, 30; Ibn Khallikān, *Wafayāt* (1978), IV, 262; Wasserstein 2019, 219–36.

234 Located between *bāb al-Asbāṭ* and *miḥrāb Zakariyyā*'. See ʿAbbas 1968, 80; Jarrar 1998, 77.

him down in a place called *al-sakīna*.[235] ʿAbd Allāh Ibn al-ʿArabī entrusted al-Ṭurṭūshī with the further education of his son, and the Sufi teacher transmitted to him not only knowledge but also practice.[236] Abū Bakr Ibn al-ʿArabī 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-Ṭurṭūshī:

> 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.[237]

Despite Jerusalem occupying the major part of Ibn al-ʿArabī'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.[238] 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 Shāfiʿī jurist, Abū al-Fatḥ Naṣr b. Ibrāhīm al-Maqdisī, whose reputation for his asceticism and Sufi teachings was considered excessive.[239] He heard the *Ṣaḥīḥ al-Bukhārī* from him.[240]

At this point in the journey of Ibn al-ʿArabī 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 *Shaʿbān* 489 H/August 1096 CE, father and son left Damascus for Baghdad in a Bedouin caravan.[241] They arrived

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

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

237 Garden 2015, 8.

238 ʿAbbās 1968, 66.

239 ʿAbbās 1968, 67; Lagardère 1985, 94; Dejugnat 2011, 94.

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

241 In the middle of the desert, Ibn al-ʿArabī 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 *Ramaḍān* 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.[242] Ibn al-ʿArabī began the last part of his learning process (i.e., the Baghdadi period) in the Niẓāmiyya college[243] (*al-madrasa al-niẓāmiyya*) in the study circle of the Shāfiʿī traditionist al-Ḥusayn b. ʿAlī al-Ṭabarī (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 *ḥadīth* literature, the methodology of Islamic law and belles-lettres with some of the most brilliant professors in the city.[244]

Within two months of their arrival in Baghdad, the Ibn al-ʿArabīs went on pilgrimage with a caravan leaving from Baghdad. At the same time, al-Ghazālī left Damascus in a Syrian caravan to perform the *ḥajj*.[245] In Ḥijāz, they did not meet each other, but Abū Bakr and his father glimpsed al-Ghazālī.[246] Ibn al-ʿArabī 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-ʿArabī, *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 Shāfiʿism and Ashʿarism. His motivation for establishing this institution was to give full support to the Shāfiʿī jurists and Ashʿarī experts in theology to stop the Shīʿī threat. The Niẓāmiyya College rapidly gained a good reputation and respect in the Islamic world. The Niẓāmiyya 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 *ʿĀriḍat al-Aḥwadhī*, Ibn al-ʿArabī states that, together with his father, he was travelling with a caravan towards *al-ḥijāz* during 489 H/1096 CE when they perceived the crescent of *dhī al-ḥijja*. Ibn Bashkuwāl confirmed this date. ʿAbbās, on the other hand, argued for the following year, i.e., 490 H/1097 CE. See Ibn al-ʿArabī, *ʿĀriḍa* (1997), IV, 40; Ibn Bashkuwāl, *al-Ṣila* (2010), II, 227; ʿAbbās 1968, 67; Lagardère 1985, 96; Garden 2015, 10; Aʿrāb 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*[247] when he was twenty-one years old. The first passage in his monograph, entitled *Qānūn al-ta'wīl* (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 Saʿd 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 *maʿrifa*. 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-ʿumūm*). 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-ʿArabī, *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 *ḥujjat 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.[248]

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-ʿArabī, 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-ʿArabī could be explained by acknowledging the teacher's virtue and, at the same time, the keenness of his disciple.[249] When Ibn al-ʿArabī 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-ʿArabī likely accompanied his master and studied in Tus.[250] Ibn al-ʿArabī relates that he read several books of al-Ghazālī, including *Tahāfut al-falāsifa*, *al-Qisṭās al-mustaqīm* and *Miʿyār al-ʿilm*, and also read his masterpiece, *Iḥyāʾ ʿulūm al-dīn*.[251] In *al-ʿAwāṣim min al-qawāsim*,[252] Abū Bakr describes the temporal and spatial scales of his meeting with al-Ghazālī. He writes:

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

249 Marín 2010, 138.

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

251 Ibn al-ʿArabī, *al-ʿAwāṣim* (1984), 24, 78. Hourani claims that the *Iḥyāʾ* 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-qaʿda* 488 H/November 1095 CE. This was admittedly between Damascus and Jerusalem. Therefore, there is no firm evidence of whether Ibn al-ʿArabī received the *Iḥyāʾ* 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. Aʿrāb affirms that Ibn al-ʿArabī heard this book directly from his teacher. However, Ibn al-ʿArabī in *al-ʿAwāṣim* clarifies that he heard the book of al-Ghazālī (*samiʿtu kitābahu*) without specifying from whom. See Hourani 1984, 291; Hourani 1959, 229; Ibn al-ʿArabī, *al-ʿAwāṣim* (1984), 24.

252 It is specifically concerned with *kalām* and with al-Ghazālī's doctrine. *ʿAwāṣim* (sing. *ʿāṣima*) means protection, and *qawāṣim* (sing. *qāṣima*) signifies the mistakes and sins that could break the back. This book revolves around this duality: Ibn al-ʿArabī criticises the theology of al-Ghazālī, heavily influenced by philosophy and the ideology of occult shīʿīs, 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-ṣūfiyya*) and made himself free from what it requires. He had put himself in seclusion (*al-ʿuzla*) 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 (*ʿaqīda*). 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.[253]

At this stage of his journey, Ibn al-ʿArabī 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 (*maʿa ṭūl al-amad*). This is because of the golden discernment and clever sensibility he possesses and the fire of his talent (*ittiqād al-qarīḥa*). When he leaves Iraq, he will certainly be capable of undertaking independent legal reasoning (*mā yakhruj min al-ʿirāq illā huwa mustaqill bi-nafsihi*), distinguished among his peers (*hāʾiz qaṣb al-sabaq bayna qirānihi*).[254]

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-ʿArabī's mind. He asks, for instance, whether "the spirit (*al-rūḥ*) 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-ʿArabī, *al-ʿAwāṣim* (1984), 24, quoted by Griffel 2009, 67.
254 Ibn al-ʿArabī, *Shawāhid* (1996), 312, trans. by Garden 2015, 13.

other things. Before answering his questions, al-Ghazālī recommends that Ibn al-ʿArabī 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.[255] The close relationship between Abū Bakr and his master al-Ghazālī encouraged him to study philosophy, syllogism and mysticism[256] 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 Ḥāmid entered into the bellies of philosophy (*falsafa*); and when he wanted to get out of there, he could not."[257]

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-ʿArabī 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.[258] In addition to his scientific and intellectual mission, Ibn al-ʿArabī 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,[259] Abū Bakr

255 Al-Ghazālī, *Ajwiba* (2012), 71–100. This edition of *Ajwibat al-Ghazālī ʿan as'ilat Ibn al-ʿArabī* was based on a study of the manuscript no. Q555, fol. 1v.–14v. of the National Library in Rabat. It includes sixteen answers from a section of al-Ghazālī to Ibn al-ʿArabī'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-ʿArabī dedicated entire works, for instance, *Sirāj al-murīdīn* and *al-ʿAwāṣim min al-qawāṣim*, to commenting on al-Ghazālī's ideas and arguing against others.

259 ʿAbd Allāh Ibn al-ʿArabī managed to meet al-Mustaẓhir and obtain his recognition for the Almoravid dynasty together with another letter from his vizier (*ʿamīd 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,[260] 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-ʿArabī and his father ʿAbd Allāh left for al-Andalus. On their way, they once more passed through Damascus and Jerusalem in *Muḥarram* 492 H/November 1098 CE,[261] 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-Ṭurṭūshī, 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.[262]

Abū Bakr assisted in his lectures and received from him another document containing a *fatwā* from al-Ṭurṭūshī to Yūsuf Ibn Tāshufīn allowing and legitimising his invasion of the *taifas* kingdoms.[263] After one year, ʿAbd Allāh Ibn al-ʿArabī or, as his son called him, "father in rank and brother in companionship" (*ab fī al-rutba wa-akh fī al-ṣuḥba*), fell ill and passed away

which establishes and consolidates the recognition of the Almoravid dynasty. See Lévi-Provençal 1955, 278–79. In the *Ḥulal 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, ʿAlī b. Yūsuf Ibn Tāshufīn, who succeeded his father in *Muḥarram* 500 H/September 1106 CE. See *al-Ḥulal 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-ʿArabī, *Aḥkām* (2003), 250.

262 In fact, when al-Ṭurṭūshī 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-Ṭurṭūshī with the necessary space for his studies and teaching. Leiser suggests that al-Ṭurṭūshī'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-ʿArabīs 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.[264] 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-Ṭurṭūshī's fierce accusations against al-Ghazālī might have influenced Ibn al-ʿArabī's perspective.[265] 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-Shawwā'* and his occasional visits to the libraries to look for precious works.[266] Students and teachers discussed life in Egypt under the Fāṭimids and Ibn al-ʿArabī'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-Ṭurṭūshī carrying bags of knowledge.[267] He left Alexandria, passing through Tunis in *Dhū al-ḥijja* 494 H (September/October 1101 CE), and after that, Sijilmasa and Fez.[268] 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,[269] and to return to al-Andalus as a well-established scholar under the new regime with valuable knowledge in the religious sciences, specifically *fiqh*.[270] It is also noticeable that, in addition to the intellectual aims of Ibn al-ʿArabī, 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-Ṭurṭūshī. 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 *qāḍī al-quḍāt* in 528 H/1134 CE.[271] The *riḥla*

264 Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 68; Ibn Khallikān, *Wafayāt* (1978), IV, 297.
265 Ormsby 1984, 102.
266 Ibn al-ʿArabī, *Aḥkām* (2003), IV, 325, 370.
267 Aʿrāb 1987, 73.
268 Garden 2015, 15.
269 Ávila reasons that the average time for the journey of Andalusi 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-ʿArabī 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-ʿArabī did. Ibn Bashkuwāl, *al-Ṣila* (2010), II, 228.
271 Ibn al-Qaṭṭān, *Nuẓum* (1990), 34.

established and deepened the intellectual and spiritual importance of Ibn al-ʿArabī and his role of being the link between the East and the West.[272]

2.1.3. Scholarship

The works of Ibn al-ʿArabī 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*, *fihrist*, biographical dictionary (*muʿjam*) and prophetic biography (*al-sīra al-nabawiyya*). 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-ḥusnā wa-ṣifātihi al-ʿulyā*,[273] which is sometimes entitled *al-Asmā' wa-l-ṣifāt* and other times *Asmā' allāh taʿālā*.[274] In addition, while Ibn Farhūn attributes fifteen works to Ibn al-ʿArabī,[275] al-Maqqarī cites thirty-three.[276] In his edition of *al-Nāsikh w-al-mansūkh*, al-ʿAlawī al-Madagharī classified eighty-eight works by Abū Bakr in alphabetic order,[277] while Aʿrāb registers ninety-two.[278] When cross-checking the works given by al-ʿAlawī al-Madagharī and Aʿrāb, I found fifty-four works in common, thirty-four that were mentioned only by al-ʿAlawī al-Madagharī,[279] and thirty-seven, mentioned exclusively by Aʿrāb.[280] 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-ʿArabī, *ʿĀriḍa* (1997), IV, 221; Id., *al-Nāsikh* (1992), 113, 115–16. Another example is the book *al-Inṣāf fī-l-fiqh*, which is called also *al-Inṣāf fī masā'il al-khilāf* and *Kitāb al-masā'il*.

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

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

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

278 Aʿrāb (1987), 121–73.

279 *Aḥkām al-ʿibād fī-l-maʿād, al-Imlā' ʿalā al-tahāfut, Awhām al-ṣaḥāba, Īḍāḥ masā'il al-khilāf, Tartīb al-qur'ān, Tartīb li-bāb al-riḥla, Tartīb al-masālik fī sharḥ Muwaṭṭaʿ Mālik, Talkhīṣ masā'il al-khilāf, Talkhīṣ al-ṭarīqatayn al-ʿirāqiyya wa-l-khurasāniyya, Talkhīṣ al-mulakhkhaṣ, al-Ta'līf fī-l-aymān al-lāzima, Juz' fī khabar al-wāḥid, al-Ḥākima fī-l-fatāwī, al-Ḥadīth al-akbar, Risālat taqwīm al-fatwā ʿalā ahl al-daʿwā, Risālat al-ghurra, Risālat al-mustabṣir, Sharḥ al-ḥadīth, Sharḥ gharīb al-*

together, the total number of Ibn al-ʿArabī's works is one hundred and twenty-eight.

My work draws mainly on three of Ibn al-ʿArabī's extant works.[281]

2.1.3.1. *Aḥkām al-qur'ān*

According to its title, *Aḥkām al-qur'ān,* this Qur'an 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'anic verses.[282] Ibn al-ʿArabī's *Aḥkām al-qur'ān* was not the first legal exegesis to appear in the Islamic West. Mundhir b. Saʿīd al-Ballūṭī[283] (d. 355 H/965 CE) and Mūsā b.

Ṣaḥīḥ, Sharḥ al-kabīr, Sharḥ al-mushkilayn, al-Ṣarīḥ ʿalā al-istiftā', Qaṣīda fī-l-qirā'āt, Kitāb al-afʿāl, Kitāb al-khilāfiyyāt, Kitāb al-mutakallimīn, al- Kitāb al-kabīr, Kitāb al-amr, Mukhtaṣar al-aḥkām, al-Masā'il, al-Muqsiṭ fī dhikr al-muʿjizāt wa-shurūṭihā, al-Nawāzil al-fiqhiyya, Wāḍiḥ al-sabīl fī maʿrifat qānūn al-ta'wīl, and *waraqāt fī-l-ḥayḍ.*

280 *Al-Siyāsāt, Masā'il al-ṣuḥba wa-l-ʿuzla, Taqwīm al-fatwā, Khabar al-wāḥid, ʿUdalā' al-ḥadīth, Kitāb al-nikāḥ, Kitāb al-ḥaqq, Naʿluhu ṣallā allāh ʿalayhi wa-sallam, Fihrist, Shawāhid al-jilla, Kitāb shuʿarā' al-andalus, Akhbār Sābiq al-Barbarī, Lamḥat al-bāriq, Iljā' al-fuqahā', Ikhtiṣār iṣlāḥ al-manṭiq, Ḥawāsh ʿalā sharḥ al-sayyid li-diwān al-Maʿarrī, Kitāb adāb al-mutaʿallimīn, Kitāb al-dhikr, Sirāj al-muhtadīn, al-Ghurra fī naqḍ al-durra, Miftāḥ al-maqāṣid, al-Maḥṣūl fī ʿilm al-uṣūl, Risāla fī jawāz taqbīl al-yad, Juz' fī masḥ al-rijlayn, al-Ṭalāq al-muʿaqqat, al-Taqrīb wa-l-tabyīn, Sharḥ ḥadīth Jābir, Majlis al-rawḍa, Risāla fī asānīd ʿUqba, Risāla fī ṭuruq al-ḥadīth, Sharḥ ḥadīth umm Zarʿ, Sharḥ ḥadīth unzila al-qur'ān, al-Muqbis, Khāmis al-funūn, Aḥkam al-ākhira, al-Qānūn fī-l-tafsīr.* I did not include the book *Anwār al-fajr* because it belongs to the extended work *Anwār al-fajr fī majālis 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'an aims to prove that the "body of Islamic law may be derived in the first instance from the Qur'an, such works include, out of necessity, grammatical and historical elements within interpretation in order to argue their legal points", see Rippin, *EI²,* 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-ʿArabi analysed and commented on is eight hundred and four. See Serrano Ruano 2008, 261.

283 He was a judge (*qāḍī al-jamāʿa*) in Cordoba. Despite belonging to Ẓāhirism, as a judge, he applied the Mālikī legal doctrine. See Ibn al-Faraḍī, *Tārīkh* (2008), II, 181–82; al-Ḥumaydī, *Jadhwa* (2008), II, 555–57. Fierro gives a detailed bibliography about the life and works of Mundhir Ibn Saʿīd al-Ballūṭī, as well as some documents where the name appears. See Fierro 2010, 358–62; Osman 2014, 53–54.

ʿAbd al-Raḥmān Abū al-Usūd al-Qaṭṭān[284] (d. 306 H/999 CE) had already composed two commentaries entitled *Aḥkām al-qurʾān*. Serrano Ruano insists on the fact that the Qurʾan exegesis in al-Andalus only reached qualitative maturity in the twelfth century CE when the commentaries of Ibn al-ʿArabī and Ibn ʿAṭiyya (*al-Muḥarrir al-wajīz*) were composed.[285] Also called *Aḥkām al-qurʾān al-kubrā,* Ibn al-ʿArabī's *tafsīr* was shortened by himself in one volume entitled *Aḥkām al-qurʾān al-ṣughrā*.[286] The final sentence of the commentary states that the dictation was finished in *Dhī al-qaʿda* of the year 503 H (May 1110 CE). Aʿrāb, however, dates the work to 530 H/1039 CE. This hypothesis is more plausible since, in the penultimate paragraph of the book, Ibn al-ʿArabī announces the end of the *Aḥkām* with a key sentence stating that he had been dictating (*wa-qad kunnā amlaynā)* to his students (*ʿalaykum*) over thirty years (*fī thalāthīn sana)*.[287] Knowing that he came back from his *riḥla* in 495 H/1102 CE, and taking into account the sentence mentioned above, Ibn al-ʿArabī must have still been dictating the *Aḥkām* after 525 H/1131 CE. Another argument that strengthens Aʿrāb'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.[288] In addition to this, Ibn al-ʿArabī names other books of his that were written before the *Aḥkām*, such as *al-Nāsikh wa-l-mansūkh*,[289] *al-Mushkilayn*,[290] *al-Nawāhī ʿan al-dawāhī*,[291] *al-Muqsiṭ*[292] and *Qānūn al-taʾwīl*, among others.[293] *Qānūn al-taʾwīl*, however, was dictated in 533 H/1139 CE. Taking into consideration these *termini post quem*[294] and the given date at the end of the book, i.e., *dhī al-qaʿda* 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-qurʾān* extends over twelve volumes. See al-Dāwūdī, *Ṭabaqāt* (1983), 341–42; Ibn Farḥūn, *al-Dībāj* (1972), 342–43.

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

286 Edited twice by Aʿrāb and al-Mazīdī.

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

288 Ibid., II, 95, 100.

289 Ibn al-ʿArabī, *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-qaʿda sanat thalāth wa-khams miʾa*, 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-qurʾān* likely ended in *Dhī al-qaʿda* of the year 533 H (July 1139 CE).[295]

Regarding the technical method used in *Aḥkām al-qurʾān*, Ibn al-ʿArabī alternates between the mainstream approach, i.e., the *tafsīr bi-l-maʾthūr*,[296] and the *tafsīr bi-l-raʾy*.[297] Ibn al-ʿArabī does not follow the specific rules for the organisation of the genre of *aḥkām al-qurʾān*, which generally consists of thematically summarising the legal questions derived from the Qur'anic precepts (*aḥkām*) 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-ʿArabī does not include all the Qur'anic chapters.[298] In the introduction to his exegesis, Ibn al-ʿArabī 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.[299] After that, he enumerates each verse's *masāʾil* (matters) and moves on to the grammatical and linguistic analysis.[300] 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-qurʾān bi-l-qurʾān*), a prophetic tradition (*tafsīr al-qurʾān bi-l-sunna*), a companion's statement (*tafsīr al-qurʾān bi-qawl saḥābī*) or a statement which is agreed on by the successors (*tafsīr al-qurʾān bi-qawl al-tābiʿīn idhā ittafaqū wa-ajmaʿū*). An extensive study was carried out by al-Riḍāʾī on the methods of *tafsīr* and its orientations. See al-Riḍāʾī 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 *qirāʾāt* are not present in all suras. Sometimes, Ibn al-ʿArabī skips these two steps.

300 In Ibn al-ʿArabī's opinion, grammar was always primal and essential.

he scrutinises every word and even every letter.[301] 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.[302]

The commentary has deep roots in grammar (*naḥw wa-ṣarf)*,[303] 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-ʿArabī 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'īliyyāt*,[304] 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-ʿArabī's short introduction to his *tafsīr*, the first[305] words that appear are al-Ṭabarī[306] *shaykh al-dīn*, followed by the name Ismāʿīl Ibn

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

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

303 For an idea of how Ibn al-ʿArabī used linguistic and grammatic sciences to extract a legal ruling, see Ibn al-ʿArabī, *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 Vadja, *EI²,* (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-ʿArabī, *Aḥkām* (2003), I, 3. I found a study by ʿAbd al-Razzāq Hirmās on the missing part in the introduction of *Aḥkām al-qur'ān* by Ibn al-ʿArabī. 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-ʿArabī 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

Isḥāq al-Qāḍī (d. 282 H/895 CE).[307] Abū Bakr testifies that the commentary by al-Ṭabarī and *Aḥkām al-qur'ān* by al-Qāḍī Ismāʿīl 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-ʿArabī relied on *Tafsīr al-Ṭabarī* and *Aḥkām al-qur'ān* by al-Qāḍī Ismāʿīl 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[308] (d. 370 H/981 CE), Ilkia al-Hirrāssī[309] (d. 504H/1110 CE) and Bakr Ibn al-ʿAlā' al-Qushayrī[310] (d. 344 H/955 CE), as well as *Aḥkām al-qur'ān li-l-Shāfiʿī* by Abū Bakr al-Bayhaqī[311] (d. 458 H/1066 CE). Moreover, Ibn al-ʿArabī relied on *Maʿānī al-qur'ān* by Abū Jaʿfar al-Naḥḥās[312] (d. 338 H/950 CE), *Maʿānī al-qur'ān* by al-Farrā'[313] (d. 207 H/822 CE) and *Maʿānī al-qur'ān*

Jāmiʿ al-bayān by al-Ṭabarī and *Aḥkām al-qur'ān* by al-Qāḍī Ismāʿīl b. Isḥāq. See Hirmās 2011, 49–51.

306 Abū Jaʿfar 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'an commentator of the first three or four centuries of Islam. His most famous works are his Qur'an commentary entitled *Jāmiʿ al-bayān ʿan ta'wīl āy al-qur'ān* and his historical chronicle *Tārīkh al-rusul wa-al-mulūk*, commonly known as *Tārīkh al-Ṭabarī*. See Bosworth, *EI²*, http://dx.doi.org/10.1163/1573-3912_islam_COM_1133 accessed 20 March 2020; Rosenthal 1989, I, 18–66.

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

308 Abū Bakr Aḥmad b. ʿAlī al-Rāzī al-Jaṣṣāṣ 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 ʿAlī b. Muḥammad b. ʿAlī Abū al-Ḥassan al-Ṭabarī, called 'Imād al-Dīn was a Shāfiʿī scholar. In 493 H/1100 CE he presided over the Niẓāmiyya college. See al-Dhahabī, *Siyar* (1992), XIX, 350–51.

310 Bakr b. Muḥammad b. al-ʿAlā' 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 Aḥmad b. Ḥusayn Ibn ʿAlī al-Bayhaqī describes the missing commentary *Aḥkām al-qur'ān* compiled by al-Imām al-Shāfiʿī (d. 204 H/819 CE).

312 Abū Jaʿfar Aḥmad b. Muḥammad b. Ismāʿīl was an Egyptian grammarian. He studied with Abū Isḥāq al-Zajjāj in Baghdad. See al-Dhahabī, *Siyar* (1992), XV, 401.

313 Abū Zakarīyā' Yaḥyā b. Ziyād b. ʿAbd Allāh b. Manṣūr al-Daylamī al-Farrā' was a prominent Kufan grammarian and is considered to be among the principal disciples of al-Kisā'ī (d. 189 H/805 CE). His commentary offers a grammatical approach as the key to understanding the Qur'an. For further information, see Beck 1951, 187–202; Larcher 2015, 40–55.

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

Qāḍī ʿIyāḍ, al-Ḍabbī, Ibn Bashkuwāl, Ibn Saʿīd, al-Dhahabī, Ibn Kathīr, Ibn al-Khaṭīb, al-Nubāhī (d. after 792 H/1390 CE), Ibn Farḥūn, Ibn Khaldūn, al-Suyūṭī, and al-Maqqarī are among the other Maghribi and Mashriqi scholars who recognised the value and importance of *Aḥkām al-qur'ān* in its genre.[319] This commentary was an important reference for exegetes succeeding Ibn al-ʿArabī over the centuries, especially the Andalusi jurist, traditionist and exegete Abū ʿAbd Allāh al-Qurṭubī (d. 681 H/1282 CE) in his *al-Jāmi' li-aḥkām al-qur'ān*, where it is clear how strongly he was influenced by Ibn al-ʿArabī's rational methods and sources. It is noteworthy how many times Abū Bakr and his work were mentioned in the *Jāmiʿ*,

314 Abū Isḥāq 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-ʿAbbās Muḥammad b. Jazīd al-Azdī (d. ca. 286 H/900 CE). His commentary deals with the Qur'an's grammatical ambiguities, metaphors, and figurative expressions. See Versteegh, *EI²*, http://dx.doi.org/10.1163/1573-3912_islam_SIM_8062 accessed 23 March 2020.

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

316 Yaḥyā b. Sulaymān b. Yaḥyā b. Saʿīd al-Jaʿfī was a reciter from Kūfa. He was a student of Mālik and ʿAbd Allāh b. al-Mubārik b. Waḍaḥ (d. 181 H/797 CE). See Ibn Khalfūn, *al-Muʿlim* (2000), 587–89.

317 His name was al-Ḥusayn Abū ʿAlī. 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 (*ḥaddathanā al-Qāsim qāl ḥaddathanā al-Ḥusayn*). In this case al-Ḥusayn is Sunayd. The only works I could find on him include a PhD thesis written by Saʿīd Muḥammad Bābā Sīlā, in which he approaches the transmission of Sunayd in *tafsīr* dealing with the first seventeen suras of the Qur'an. This work is entitled *Marwiyyāt Sunayd fī-l-tafsīr: min awwal al-qur'ān ilā ākhir sūrat al-isrā' jamʿ wa-dirāsa.* The other work is a master's thesis by ʿUthmān Ṣāliḥ Tarāwrī, entitled *al-Imām Sunyad ibn Dāwūd (d. 226 H) wa-marwiyyātuhu fī-l-tafsīr: min awwal sūrat al-kahf ilā ākhir sūrat al-shuʿarā' jamʿ wa-dirāsa,* available online https://elibrary.mediu.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*, *qirāʾāt*, *al-nāsikh wa-l-mansūkh*, grammar, etc.[320] For instance, works like *al-Burhān* by al-Zarkashī[321] (d. 794 H/1392 CE), *al-Itqān fī ʿulūm al-qurʾān* by al-Suyūṭī, *al-Futūḥāt al-ilāhiyya* by al-Jamal[322] (d. 1204 H/1790 CE), *Fatḥ al-qadīr* by al-Imām al-Shawkānī[323] (d. 1255 H/1839 CE), *Rūḥ al-maʿānī fī tafsīr al-qurʿān al-ʿaẓīm wa-l-sabaʿ al-mathānī* by al-Imām al-Ālūsī[324] (d. 1270 H/1854 CE), *Maḥāsin al-taʾwīl* by al-Qāsimī[325] (d. 1332 H/1914 CE), *Tafsīr aḍwāʾ al-bayān fī īḍāḥ al-qurʾān bi-l-qurʾān* by al-Shanqīṭī[326] (d. 1397 H/1974 CE) and *Tafsīr al-taḥrīr wa-l-tanwīr* by Ibn ʿĀshūr[327] (d. 1394 H/1973 CE) all witness the importance of the impact of *Aḥkām al-qurʾān* both inside and outside the Andalusi/Maghribi milieu, independently of the schools of law.

Aḥkām al-qurʾān was first published by Maṭbaʿat al-Saʿāda in Cairo in 1913.[328] Later, Maktabat ʿĪsā al-Bābilī al-Ḥanbalī published a studied and edited version of the book in Cairo by Moḥammad ʿAlī al-Bajāwī, first in March 1959, then in May 1972 and finally in October 1972. A four-vol-

320 Ibid., 394.

321 Abū ʿAbd Allāh Badr al-Dīn Muḥammad b. ʿAbd Allāh b. Bahādir al-Zarkashī was a Shāfiʿī traditionist, jurist and historian. See Rippin, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_SIM_8945 accessed 6 April 2020.

322 Sulaymān b. ʿUmar b. Manṣūr al-ʿAjīlī al-Azharī al-Shāfiʿī, known as al-Jamal, was an Egyptian jurist and exegete. See Kaḥāla 1993, I, 795.

323 Muḥammad b. ʿAlī b. Muḥammad b. ʿAbd Allāh al-Shawkānī was a Yemeni Sunni jurist and reformer. See al-Shirajī 1988, 150–80.

324 Abū al-Thanāʾ Shihāb al-Dīn Sayyid Maḥmūd b. ʿAbd Allāh al-Ḥusaynī al-Ālūsī al-Baghdādī was an Iraqi Shāfiʿī exegete.

325 Jamāl al-Dīn b. Muḥammad Saʿīd b. Qāsim al-Ḥallāq al-Qāsimī was a Syrian Shāfiʿī scholar.

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

327 Muhammad al-Ṭāhir b. ʿĀshūr was a Tunisian Mālikī theologian. Descending from a well-known aristocratic family, the Ibn ʿĀshūrs, 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 qāḍī, a mufti in 1932, and in 1945, was appointed rector of the University of al-Zaytūna. His magnum opus is his thirty-volume Qurʾan exegesis, which he composed for almost forty years. The peculiarity of this work is that Ibn ʿĀshūr advocates a rigorously scientific method of exegesis. It is to be noted that his *Maqāsid al-sharīʿa* is a monumental work where he attempts to develop a comprehensive and systematic study of the *Sharīʿa* 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, ʿAbd al-Ḥafīẓ (d. 1939 CE), undertook all the expenses for printing the book, appointing for this the son of the ex-ambassador of Morocco in Egypt, ʿAbd al-Salām b. Shaqrūn.

ume edition of *Aḥkām al-qur'ān* was published in Beirut in 2003 by Dār al-Kutub al-Ilmiyya, with Moḥammad ʿAbd al-Qādir ʿAṭā 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 Muḥammad Ibrāhim al-Ḥafanāwī and Ismāʿīl Muḥammad al-Shindīdī. In my work, I have used the edition of Moḥammad ʿAbd al-Qādir ʿAṭā.

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-ʿArabī 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-ʿArabī's opinion, the commentaries that had been written on the *Muwaṭṭa'*, namely *Sharḥ al-Muwaṭṭa'* by al-Qanāziʿī[329] (d. 413 H/1022 CE), *Sharḥ Muwaṭṭa' al-imām Mālik* by Marwān b. ʿAlī al-Būnī[330] (d. 439 H/1047 CE) and *Sharḥ al-Muwaṭṭa'* by Ibn Muzayyin[331] (d. 259 H/873 CE) were not useful to the students and not reliable.[332] 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 *Mawsūʿat*

329 ʿAbd al-Raḥmān b. Marwān b. ʿAbd al-Raḥmān al-Qanāziʿī, known as Abū Muṭrif, was a Mālikī Andalusi jurist and exegete from Cordoba. See Ibn Farḥūn, *al-Dībāj* (1972), I, 485.

330 Marwān b. ʿAlī Abū ʿAbd al-Malik al-Asadī al-Qaṭṭān 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 Yaḥyā b. Zakariyyā b. Ibrāhīm b. Muzayyin Mawlā Ramla bint ʿUthmān b. ʿAffān was an Andalusi 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-ʿArabī, *al-Masālik* (2007), I, 331. Except for both the comprehensive commentary *al-Istidhkār* of Ibn ʿAbd 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-ʿArabī's disciples, Ibn Ḥubaysh[333] (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*.[334]

In the introduction to his book, Ibn al-ʿArabī 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 marfūʿa* in the chapter.[335] 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-ʿArabī 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.[336] First, Ibn al-ʿArabī demonstrates the fundamentalist rules (*al-qawāʿid al-uṣūliyya*) based on which Mālik arranges the chapters of his *Muwaṭṭa'*. Second, Ibn al-ʿArabī 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 ʿAbd al-Raḥmān b. Muḥammad b. ʿAbd 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-mūḥaddith al-khaṭīb al-ʿallāma aqḍā al-quḍāt, Abū al-Qāsim ʿAbd al-Raḥmān b. Muḥammad b. ʿAbd Allāh b. Yūsuf b. Ḥubaysh, ḥaddathanā al-imām al-khaṭīb jamāl al-dīn aqḍā al-quḍāt, Abū Bakr Muḥammad Ibn al-ʿArabī, imlā' ʿalaynā min lafḍihi bi-dārihi bi-qurṭuba, ḥarasahā allāh, wa-naḥnu naktubu fī shuhūr ithnayn wa-thalāthīn wa-khamsimi'a*", Yamāma 2005, I, 293.

335 When the narration is *marfūʿa* (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 (*maqṭūʿa*), when attributed to a follower (*tābi'*).

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*)[337] 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[338] (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 (*shurūḥ*) on *Mukhtaṣar Khalīl*, for example, *al-Tāj wa-l-iklīl* by al-Mawwāq[339] (d. 897 H/1492 CE), *Mawāhib al-jalīl* by al-Ḥaṭṭab[340] (d. 954 H/1547 CE) and *Minaḥ al-jalīl* by ʿUlaysh[341] (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-ʿAsqalānī[342] (d. 852 H/1449 CE), *Tanwīr al-ḥawālik* by al-Suyūṭī[343] (d. 911 H/1505 CE) and *Subul al-salām* by al-Amīr al-Ṣanʿānī[344] (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

337 Al-Jurjānī defines *al-nukta* as a soft issue (*masʾala laṭīfa*) that was developed and deduced with precision (*diqqat naẓar*) and assiduity (*imʿān fikr*). In addition, it is an accurate issue (*masʾala daqīqa*) since it was influenced by reflection and thoughts (*khawāṭir*). See al-Jurjānī, *Muʿjam* (2012), 207.

338 Shihāb al-Dīn Aḥmad b. Abī al-ʿAlāʾ Idrīs Abū al-ʿAbbās 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-ʿAbdarī b. al-Mawwāq was an Andalusi Mālikī jurist and qāḍī of Granada. He was called *Khātimat ʿulamāʾ al-Andalus*: the last scholar of al-Andalus. See al-Ziriklī 2002, VII, 154–55.

340 Muḥammad Abū ʿAbd Allāh b. Muḥammad al-Ṭarābulusī al-Ḥaṭṭāb al-Ruʿaynī was a Maghribi Mālikī jurist. He was from Tripoli, and his work on *Mukhtaṣar Khalīl* is among the first major commentaries. See Al-Sharīf 1999, 144–46.

341 Muḥammad b. Aḥmad b. Muḥammad Abū ʿAbd Allāh ʿUlaysh 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 Aḥmad b. Nūr al-Dīn ʿAlī b. Muḥammad b. Ḥajar al-ʿAsqalānī was an Egyptian Shāfiʿī traditionist, jurist and historian. His magnum opus is his commentary on Ṣaḥīḥ al-Bukhārī entitled *Fatḥ al-bārī fī sharḥ Ṣaḥīḥ al-Bukhārī*. See Rosenthal, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_SIM_3178 accessed 6 April 2020.

bound together in one hardcover volume. The editor, Muḥammad ʿAbd Allāh walad Karīm, presented it as a PhD thesis in the Faculty of Sharīʿa at Umm al-Qurā University, compiling the text from six main manuscripts.[345] In 1998, a second publisher, al-Maktaba al-ʿIlmiyya, published the text of *al-Qabas*. This version was edited by Ayman Naṣr al-Azharī and ʿAlāʾ Ibrāhīm al-Azharī using only the copy 25 ج of *al-Khizāna al-ʿāmma* in Rabat and numbered 1115 in *Maktabat al-nūr al-ʿuthmāniyya*. 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 *Muwaṭṭaʾ*. ʿAbd Allāh b. ʿAbd al-Muḥsin 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-ʿArabiyya wa-l-Islāmiyya in Cairo.

2.1.3.3. *ʿĀriḍat al-aḥwadhī bi-sharḥ Ṣaḥīḥ al-Tirmidhī*

Before we proceed to examine *ʿĀriḍat al-aḥwadhī* as a commentary, it is necessary to look at its name. Ibn Khallikān explains the meaning of *ʿāriḍa* as the skill of using language persuasively or eloquently. As for *aḥwadhī,* he quotes al-Aṣmaʿī's interpretation: "when someone is described as being *aḥwadhī,* it immediately indicates his intelligence, meticulousness and resourcefulness."[346] Together, it is likely that what is meant by the aforementioned words is a comprehensive and detailed study, analysis and

343 Abū al-Faḍl ʿAbd al-Raḥmān b. Abī Bakr b. Muḥammad Jalāl al-Dīn al-Khuḍayrī al-Suyūṭī was a Shāfiʿī jurist, exegete and traditionist of Persian origin. See Geoffroy, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_COM_1130 accessed 6 April 2020.

344 Muḥammad b. Ismāʿīl al-Ṣanʿānī was a Yemeni ḥadīth scholar, historian and poet. His book *Subul al-salām sharḥ bulūgh al-marām min adillat al-aḥkām* is a commentary on *Bulūgh al-marām min adillat al-aḥkām* by Ibn Ḥajar al-ʿAsqalānī, which is a collection of *aḥādīth al-aḥkām* belonging to Shāfiʿī jurisprudence.

345 The first manuscript is found in Turkey in *Maktabat Nūr ʿUthmāniyya*, number 1115, written in 872 H/1468 CE. The second manuscript was written in 1300 H/1883 CE and comes from *Maktabat al-Ḥaram al-Madanī.* The following two copies are from *al-Khizāna al-ʿāmma* in Rabat, numbers 1916 د and 25 ج. 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-ʿArabī, *al-Qabas* 1992.

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

commentary of al-Tirmidhī's *Jāmi'*.[347] A'rāb, however, excludes this hypothesis and suggests that Ibn al-'Arabī's aim was not to scrutinise the entire *Jāmi'* in depth.[348] 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."[349] 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' jami' 'ulūmihi bi-l-sharḥ wa-l-burhān*).[350] In his *'Āriḍa*, 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 *'Āriḍat al-aḥwadhī*.[351] Ibn al-'Arabī took his time and was slow in deciding to write his commentary.[352] The copyist of the *'Āriḍa*, 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 'Īsā*, *Ṣaḥīḥ al-Tirmidhī*, *al-Musnad*, *al-Musnad al-Jāmi'*, *al-Musnad al-ṣaḥīḥ* and *Muṣannaf Abī 'Īsā*. 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-aḥkām*), 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-fitan wa-ashrāṭ 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 A'rāb 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-ʿArabī, mentions in the colophon that the lecture and dictation of the entire commentary ended during *Shawwāl* of the year 540 H (March 1146 CE).[353] In addition, on the first page of the text block of every volume of the manuscript (*ʿalā ẓahr kull sifr*),[354] it is written that Abū Yaʿqūb al-Qurashī read it in 540 H/1146 CE.[355] Furthermore, Ibn al-ʿArabī quotes his previous works in the *ʿĀriḍa*, including *al-ʿAwāṣim min al-qawāṣim, Aḥkām al-qur'ān, Anwār al-fajr* and *Sirāj al-murīdīn.*[356]

Ibn al-ʿArabī 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.[357] 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-ʿArabī next moves on to *al-rijāl*, which he mostly includes with the element mentioned above (i.e., *isnad*). 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-ḥadīth*; 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 *tawḥīd* 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 *tawḥīd* (God's oneness) *and ʿaqīda* (creed). Subsequently, Ibn al-ʿArabī moves to the next element, i.e., *al-aḥkām wa-l-fawā'id.*[358] 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-aḥkām al-sharʿiyya*). Moreover, his discourse on the opinions and arguments of the scholars concerning the

353 Ibid., XIII, 259.

354 Ayman Fu'ād al-Sayyid defines *ẓahr 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 *ẓahr 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-ʿArabī, *ʿĀridha* (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-aḥkām*, *fawā'id*, *fā'ida, fawā'iduhu, fiqhuhu* and *al-ʿāriḍa.* 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-aḥkām wa-l -fawā'id*. Ibn al-ʿArabī 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 *aḥkām wa-fawā'id*.[359]

It is important to underline the strong personality of Ibn al-ʿArabī in his *ʿĀriḍa*. He discusses and criticises al-Tirmidhī on many matters, for example, relating to the classification (*tabwīb*) of the book, claiming that Abū ʿĪsa mixed the chapters (*al-abwāb*), which intensified the task for Ibn al-ʿArabī, requiring time and effort to collect, arrange and combine the dispersed material (*ishtaghala al-bāl bi-ḍamm al-nashr wa-jamʿ al-mutafarriq*).[360]

The *ʿĀriḍa* by Ibn al-ʿArabī was known as the earliest commentary to have been written on al-Tirmidhī's *Jāmiʿ*, until Spies, Brockelmann and Sezgin mentioned the presence of an unknown manuscript of a *sharḥ Jāmiʿ al-Tirmidhī* by al-Ḥusayn b. Masʿūd al-Baghawī (d. 510 H/1122 CE) in the Maḥmūdiyya Library in Medina.[361] However, none of the biographical dictionaries note this. After praising the *Sunan* of al-Tirmidhī, Zayn al-Dīn al-ʿIrāqī[362] (d. 806 H/1404 CE) criticised the scarcity of comprehensive commentaries on it, mentioning only the *ʿĀriḍa* of Ibn al-ʿArabī, followed by the commentary by Ibn Sayyid al-Nās al-Yaʿmurī (d. 734 H/1334 CE).[363] Later, in the introduction to his commentary, Jalāl al-Dīn al-Suyūṭī (d. 911 H/1505 CE) denied the existence of other commentaries before *ʿĀriḍat al-aḥwadhī*.[364] With this in mind, it could be argued that *ʿĀriḍat al-aḥwadhī* was at least the first commentary on al-Tirmidhī's *Jāmiʿ* 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 ʿAbd al-Raḥīm Abū al-Faḍl al-ʿIrāqī was a leading Shāfiʿī ḥadīth scholar. Ibn Ḥajar al-ʿAsqalānī was one of his students.
363 Al-Yaʿmurī, *al-Nafḥ* (1989), 71.
364 See al-Suyūṭī, *Qūt* (2013), I, 18.

The real value of the *ʿĀriḍa* is its impact on other commentaries, which demonstrates Ibn al-ʿArabī's ingenious approach and emphasises the scientific and comprehensive character of this encyclopedic work that merges ḥadīth and *fiqh*. In his unfinished commentary, *al-Nafḥ al-shadhī fī sharḥ Jāmiʿ al-Tirmidhī*, Ibn Sayyid al-Nās al-Yaʿmurī closely followed the methodological steps of Ibn al-ʿArabī in the *ʿĀriḍa* and used it as a principal source.[365] *Qūt al-mughtadhī ʿalā Jāmiʿ al-Tirmidhī* by al-Suyūṭī,[366] *al-ʿUrf al-shadhī sharḥ sunan al-Tirmidhī* by Muḥammad Anwar Shāh al-Kashmīrī[367] (d. 1352 H/1933 CE)[368] and *Tuḥfat al-aḥwadhī bi-sharḥ Jāmiʿ al-Tirmidhī* by ʿAbd al-Raḥmān al-Mubārakpūrī[369] (d. 1353 H/1934 CE) are additional evidence for the appreciation and impact of Ibn al-ʿArabī's commentary. Yet, independent of al-Tirmidhī's context, commentaries on other ḥadīth compilations show the importance of the *ʿĀriḍa* and the peculiarity of Ibn al-ʿArabī's opinions and approach. These include *ʿUmdat al-qārī sharḥ Ṣaḥīḥ al-Bukhārī* by al-ʿAynī,[370] *Fatḥ al-bārī sharḥ Ṣaḥīḥ al-Bukhārī* by Ibn Ḥajar al-ʿAsqalānī,[371] *Sharḥ Ṣaḥīḥ Muslim* by al-Nawawī,[372] *ʿAwn al-maʿbūd ʿalā sunan Abī Dāwūd* by Muḥammad Shams al-Ḥaqq ʿAzimabādī (d. 1329 H/1911 CE) and *Irshād al-sārī li-sharḥ Ṣaḥīḥ al-Bukhārī* by al-Qasṭallānī.[373]

The first edition was originally published in Cairo by *al-Maṭbaʿa al-Miṣriyya bi-l-Azhar* in 1350 H/1932 CE and was the standard on which the next edition was based. *Dār al-Kutub al-ʿIlmiyya* in Beirut was the second publisher of the *ʿĀriḍa* in thirteen volumes. Yet another version of Ibn al-ʿArabī'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 Marʿashlī, are

365 Al-Yaʿmurī, *al-Nafḥ* (1989), 86–95.
366 al-Suyūṭī, *Qūt* (2013), II, 134, 172, 266, 563,
367 Sayyid Muḥammad Anwar Shāh b. Muʿaẓẓam Shāh al-Kashmīrī al-Hindī was an Indian Ḥanafī jurist.
368 al-Kashmīrī, *al-ʿUrf* (2004), I, 118, 132, 159.
369 Abū al-ʿAlā Muḥammad ʿAbd al-Raḥmān b. ʿAbd al-Raḥmān al-Mubārakpūrī was an Indian ḥadīth scholar. See al-Mubārakpūrī, *Tuḥfa* (2018), II, 331; IV, 225; VI, 243.
370 Al-ʿAynī, *ʿUmda* (n.d.), VI, 198; IX, 69; XI, 113.
371 Al-ʿAsqalānī, *Fatḥ* (1960), III, 350; IX, 666; X, 611; XII, 437.
372 Al-Nawawī, *al-Minhāj* (1972), XV, 104.
373 ʿAzimabādī, *ʿAwn* (2005), 48, 1844, 2035, 2062; al-Qasṭallānī, *Irshād* (1905), VI, 58; VIII, 22; IX, 292, 300.

included along with the texts of al-Tirmidhī and Abū Bakr.[374] This is the edition that is used in this research.

2.2. The embryological discourse in Ibn al-ʿArabī's works

In what follows, I present the passages, chronologically organised, relating to prenatal life in Ibn al-ʿArabī's aforementioned works to trace how Ibn al-ʿArabī'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-ʿArabī 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 *ʿĀriḍa* was composed during the last years of Ibn al-ʿArabī'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 exegetical 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 *ʿĀriḍat al-aḥwadhī*.

2.2.1. *Aḥkām al-qur'ān*

Rather than going through all the *sūra*s and verses related to embryological development in *Aḥkam al-qur'ān*, this section is limited to seven *sūra*s, namely Q 6 (*al-Anʿām*), Q 13 (*al-Raʿd*), Q 22 (*al-Ḥajj*), Q 42 (*al-Shūrā*), Q 75 (*al-Qiyāma*), Q 86 (*al-Ṭāriq*) and Q 96 (*al-ʿAlaq*), which present some verses for discussion. These *sūra*s have been selected due to the illustrative and diversified Qur'anic, exegetical and legal material they contain. While

374 He devoted four pages to the biography of al-Tirmidhī and Ibn al-ʿArabī 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-ʿArabī 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-ʿArabī 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 *ʿĀriḍat al-aḥwadhī*) to provide a complete overview of the thoughts on the unborn in a particular milieu and specific period.

Considering the methodology of Ibn al-ʿArabī in his commentary in order to link it to our methodology in analysing his text is particularly significant in this regard.[375] After selecting the verse, Ibn al-ʿArabī divides his commentary into issues (*masāʾil*) that deal with different sciences, topics and parts of the verse.[376] 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.[377] 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-ʿArabī's interpretation of the embryologic Qur'anic verses.

2.2.1.1. Q 6:59 (*al-Anʿām*)

Ibn al-Arabī begins his commentary on the chapter *al-Anʿām*, 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*

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-ʿArabī focuses his interpretation on the Qur'anic phrase "*And with Him are the keys of the unseen*" (*wa-ʿindahu mafātīḥ al-ghayb lā yaʿlamuhā 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-ʿArabī 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-ʿArabī 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-ʿArabī asserts that the archangel *Mīkāʾīl* was entrusted with rain and plants.[378]

By the same token, in explaining the third matrix of the unseen, which is what the wombs contain, Ibn al-ʿArabī invokes the archangel Isrāfīl. 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 *Isrāfīl*, when at the time there were angels whose number only God knows, and [*Isrāfīl*] associates to every womb an angel who takes care of the *nuṭfa* during the phases of formation (*al-khilqa*).[379]

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

378 Ibn al-ʿArabī, *Aḥkām* (2003), II, 256. For further information about *Mīkhāʾīl*, see Burge, *EI*[3], http://dx.doi.org/10.1163/1573-3912_ei3_COM_36410 accessed 16 October 2020; Wilkinson 2015, 106.

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

Tottoli.[380] Jadaane asserts that all the angels, including Isrāfīl, 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'*.[381] In this milieu, Isrāfīl is known as the archangel who will blow (*nafkh*) the trumpet (*al-ṣūr*) on the Day of the Resurrection:[382]

> 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 Isrāfīl 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 takhruju rūḥān min thuqb wāḥid*). In the middle of the Trumpet there is an aperture like the roundness of the Heaven and the Earth. And Isrāfīl 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 Isrāfīl 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].[383]

380 Tottoli, *EI*[3], http://dx.doi.org/10.1163/1573-3912_ei3_COM_32620 accessed 16 October 2020. Additional information concerning the etymology of the term Isrāfīl is to be found in Wensinck, *EI*[2], 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-takhlīq nūr sayyid al-mursalīn wa-bayān ḥāl al-khalq yawm al-dīn* by the oriental Shāfiʿī theologian, Shihāb al-Dīn al-Ashʿarī (d. 600 H/1230 CE), Castillo Castillo studies some aspects of Islamic angelology in this book, focusing more on the four archangels: Isrāfīl, Mīkhā'īl, Jibrīl and ʿAzrā'īl. 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 Isrāfīl, see al-Suyūṭī, *al-Ḥabā'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, *ʿAjā'ib* (1848), 56.

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

In addition, a tradition reported by ʿAbd Allāh b. al-Ḥārith attesting that Isrāfīl had the Preserved Tablet (*al-lawḥ al-maḥfūẓ*)[384] on his forehead is considered and reproduced among the exegetes, traditionists and theologians:[385]

> Abū al-Shaykh on the authority of ʿAbd Allāh b. al-Ḥārith; he said: I was with ʿĀ'isha, while Kaʿb was with her and she said: "Kaʿb, tell us about Isrāfīl." 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." ʿĀ'isha said: "I heard the prophet (God bless him and grant him salvation) say the same." Kaʿb said: "The Tablet is on his forehead, so when God wants to give a command, he writes it on the Tablet."[386]

Interestingly, these two principal characteristics of Isrāfīl are always present alongside other physical and moral descriptions, hierarchical positions[387] and other related details. Nevertheless, in none of the sources I consulted does Isrāfīl appear as the archangel who assigns the angels of the wombs. Ibn al-ʿArabī and two other Islamic scholars are the exception.[388] 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 *ʿAjā'ib al-makhlūqāt wa-gharā'ib al-mawjūdāt*,[389] describes Isrāfīl as the angel that

384 Also identified as *umm al-kitāb*. See Geoffroy, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_COM_1289 accessed 20 October 2020.

385 Al-Ṭabarī, *Jāmiʿ* (2000), XXIV, 348; Ibn Kathīr, *al-Bidāya* (2003), I, 15, 26; Ibn ʿAṭiyya, *al-Muḥarrir* (2002), V, 163; al-Qurṭubī, *Jāmiʿ* (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 Isrāfīl, 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 Jibrīl at the top of the angels' list. See Janssens 2016, 237.

388 Al-Qazwīnī and Ibn ʿAllān, 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-arwāḥ fī-l-ajsād*).[390] Four centuries later, the Shāfiʿī exegete and traditionist Muḥammad ʿAlī b. ʿAllān (d. 1057 H/1647 CE) asserts in his ḥadīth commentary[391] that the angel of the womb is one of Isrāfīl's assistants (*min aʿwān Isrāfīl*). Besides, he indicates that Isrāfīl, 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[392] throws it into the unborn, who will be shaped this way accordingly.[393] Ibn al-ʿArabī, whose work chronologically orders the three passages where Isrāfīl 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-ʿArabī'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.[394] 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-ʿArabī's reflections, one could wonder about the motifs. The first motif is merely linguistic. As pointed out above, the mission of Isrāfīl is blowing the Trumpet (*nafkh al-ṣūr*). The term *ṣūr* in Arabic is written similarly to

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, *ʿAjā'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-fāliḥīn li-ṭuruq riyāḍ al-ṣāliḥīn*, it is a commentary on al-Nawawī's compilation of verses from the Qur'an supplemented by the *ḥadīth* narratives *Riyāḍ al-ṣāliḥīn*.

392 In his article about the term *nasama* in the ḥadīth, Eich points out that only in Anas b. Mālik's and ʿAbd Allāh b. ʿUmar'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 ʿAllān, *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-ʿArabī 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-makiyya* (The Meccan Illuminations)[395] by the Andalusi Sufi philosopher Muḥyī al-Dīn Ibn ʿArabī (d. 638 H/1240 CE).[396] 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 Isrāfīl 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 Masʿūd'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 *nuṭfa*. In the tradition mentioned above,[397] *umm al-kitāb* is placed on Isrāfīl's forehead. Therefore, the connection between the angel of the womb and Isrāfīl is *umm al-kitāb* and Ibn al-ʿArabī might have followed this transitive reasoning.

Once the angel of the womb has been identified as one of Isrāfīl's unlimited number of assistants, Ibn al-ʿArabī indicates briefly and vaguely its role, which revolves around managing the *nuṭfa* 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-ʿArabī again insists on the fact that the five matrices or positions (*maqāmāt*) of the unseen have neither indication (*amāra*) nor sign (*ʿalāma*), underlining their unpredictability and attribut-

395 It is a voluminous work in which the Andalusi philosopher Ibn ʿArabī exposes his spiritual *riḥla* to pilgrimage, his mysticism and his theology. Ibn ʿArabī 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 Muḥyī al-Dīn Ibn ʿArabī. In fact, Ibn ʿArabī indicates that it is an allusion to the creative imagery which is identified with blowing the trumpet. In other words, when Isrāfīl blows the trumpet, he blows life into the shapes/images. See López Anguita 2014, 222. The difference between the two Ibn (al)-ʿArabīs 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 unbelief 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.[398]

The first point that Ibn al-ʿArabī introduces in this interpretative passage is his legal judgment of charging anyone who claims to know what the womb bears with disbelief (*takfīr*).[399] 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 ʿArīb b. Saʿīd of Cordoba[400] (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*),

398 Ibn al-ʿArabī, *Aḥkām* (2003), II, 259.

399 This is implied by the terms used by Ibn al-ʿArabī, for example, the additional *fāʿ* (*al-fāʿ al-zāʾida*) added to the personal pronoun (*huwa*) stresses the predicate and confirms this disbelief.

400 ʿArīb Ibn Saʾīd 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 ʿArīb Ibn Saʿīd and his scholarship was carried out by López López in his article "La vida y obra del famoso polígrafo cordobés del s. X ʿArīb Ibn Saʿīd". 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 Saʿīd al-Qurṭubī, *Generación* (1983), 11–27. See also Forcada, *EI*^{3}, 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.[401] 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,[402] and afterwards by the independence,[403] 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.[404] This treatise should have

401 In many parts of his text, ʿArīb Ibn Saʿīd refers to *al-awāʾil*, 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 ʿArīb Ibn Saʿīd included some of the prophet's medicine (*al-ṭibb al-nabawī*) in his treatise. Ibid. For a detailed list of ʿArīb'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 ʿAbd al-Raḥmān III. Other examples of famous Andalusī 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-Ḥakam 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.[405] ʿArīb Ibn Saʿīd 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", ʿArīb Ibn Saʿīd 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.[406] Furthermore, he adopts the Galenic explanation based on the criterion of left and right sides:[407]

> 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

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 treaties 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.[408]

On the other hand, one can think of the thirty-fourth chapter (i.e., the description of the womb that bears a child, *fī ṣifat al-raḥim al-latī fīhā janīn*) of the third part (*al-maqāla al-thālitha*) of the encyclopedia *Kāmil al-ṣināʿa al-ṭibbiyya* by the Persian physician ʿAlī Ibn ʿAbbās al-Majūsī[409] (d. ca. 384 H/994 CE). Also known as *al-Kitāb al-malakī*, it was finished around 980 CE and dedicated to the prince ʿAḍud al-Dawla (r. 967–983 CE).[410] In Islamic medicine, this compendium is considered among the greatest classical works, which include al-Rāzī's *al-Ḥāwī* and Avicenna's *Canon*.[411] The work did not take long to reach the Islamic West[412] and gain popularity,[413] 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.[414] 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.[415] And similarly to ʿArīb Ibn Saʿīd, al-Majūsī includes the examination of the size of the left and right breast and nipple to differentiate between a male and female foetus:

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408 Ibn Saʿīd 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, "ʿAlī b. ʿAbbās 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 Jacquart 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.[416]

The texts of both ʿArīb Ibn Saʿīd and al-Majūsī do not contain indications about the colour of the breast. Hence, one can suppose that as Ibn al-ʿArabī might have mentioned some information from *Kitāb khalq al-janīn* or/and from *Kāmil al-ṣināʿa al-ṭibbiyya,* he probably added other information found in different sources. Obviously, Ibn al-ʿArabī 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-Raʿd*)

Ibn al-ʿArabī expounds on four issues that are directly connected with the interpretation of the first verse[417] of *sūrat al-Raʿd*: "*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-ʿArabī 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-ʿArabī's order.

tion periods. In light of this second issue and as a direct consequence of it, Ibn al-ʿArabī 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 (*barāʾat al-raḥim*).

The first issue deals with the first part of the verse "*God knows what every female bears*". Ibn al-ʿArabī's commentary on this is similar to his interpretation in the previous chapter, i.e., al-Anʿām. 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-ṭibb*) 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.[418]

In this fragment, Ibn al-ʿArabī 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 *istiqrāʾ*,[419] 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-ʿArabī generalises his reference here by using *ahl al-ṭibb* rather than *al-ṭabīb*, thus expanding the spectrum of sources he was using or referring to. Within *ahl al-ṭibb,* one might also think of midwives (*qawābil*). Moreover,

418 Ibn al-ʿArabī, *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-istiqrāʾ*, 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 ʿArīb Ibn Saʿīd and al-Majūsī in the preceding Qur'anic chapter (Q 6:59) appear again in Ibn al-ʿArabī'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-ʿArabī 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 ghayḍuhu*). In case [the pregnant woman] does not menstruate, then that is his full term. This is what Mujāhid and Saʿīd b. Jubayr said.
> Fourth: What the wombs decrease for six months, and [what the wombs exceed] for two years. This is what ʿĀ'isha 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.[420]

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

420 Ibn al-ʿArabī, *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.[421] The first opinion is attributed to al-Ḥasan,[422] 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-Ḥasan argues that nine months is not the maximum period of gestation.[423] However, the length of this period is not mentioned. The second opinion is that of Qatāda,[424] who clearly identifies the womb's decrease with miscarriage and believes that the pregnancy period could exceed nine months. Ibn al-ʿArabī puts Mujāhid[425] and Saʿīd Ibn Jubayr[426] 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.[427] In the following opinion, ʿĀ'isha[428] 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 Ḥasan 2008, 18; Colin 2013, 146–48.

422 Al-Ḥasan Abū Saʿīd 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-tābiʿūn*) of Muḥammad's companions. He was not only known as an exegete and a reciter, he was also very present in the *ḥadīth* transmission and recognised as the forefather of Muslim mysticism. See Schwarz 1967, 15; Schimmel 1975, 30; Mourad, *EI*[3], http://dx.doi.org/10.1163/1573-3912_ei3_COM_30346 accessed 11 November 2020.

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

424 Qatāda b. Diʿāma Abū al-Khaṭṭāb al-Sadūsī (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-Ḥajjāj al-Makkī (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-tābiʿūn*) and was a disciple of ʿAbd Allāh Ibn ʿAbbās. See Rippin, *EI*[2], http://dx.doi.org/10.1163/1573-3912_islam_SIM_5306 accessed 12 November 2020.

426 Saʿīd b. Jubayr Abū ʿAbd Allāh (d. 95 H/714 CE) was a reciter, exegete and traditionist from Kufa. Together with Mujāhid and ʿIkrima, he studied under ʿAbd Allāh Ibn ʿAbbās. See al-Dhahabī, *Siyar* (1992), IV, 322.

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

428 ʿĀ'isha Bint Abī 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; Afsaruddin, *EI*[3], http://dx.doi.org/10.1163/1573-3912_ei3_COM_23459 accessed 12 November 2020.

maximum period to two years.[429] This opinion has been adopted by the Ḥanafīs. Whilst the fifth position, represented by al-Layth,[430] recognises pregnancy for three years,[431] the sixth takes it to four years. This opinion was recognised among the Shāfiʿīs,[432] the majority of the Ḥanbalīs[433] and the Mālikīs.[434] Ibn al-ʿArabī places the well-known saying of Mālik about

429 ʿĀʾisha is quoted in the *Sunan* of al-Bayhaqī,the *Sunan* of al-Dāraquṭni, *Badāʾiʿ al-ṣanāʾiʿ* by al-Kāsānī and in *al-Mabsūt* by al-Sarakhasī telling a woman called Jamīla bint Saʿd 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-ẓill mighzal*). This saying is only attributed to ʿĀʾisha and is thus out of the sphere of prophetic traditions. Al-Kāsānī rejects this assertion since he maintains that ʿĀʾisha would have overheard this from the prophet and reported it. He excludes any possibility of *raʾy* or *ijtihād* in this case. See al-Bayhaqī, *Sunan* (2003), VII, 728; al-Dāraquṭni, *Sunan* (2004), IV, 199; al-Kāsānī, *Badāʾiʿ* (1986), III, 211; al-Sarakhasī, *al-Mabsūṭ* (1993), VI, 45. See also Ghaly 2014, 166–68.

430 Al-Layth b. Saʾd b. ʿAbd 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-tābiʿun*). He is the founder of the short-lived Sunni *madhhab al-laythī*. See Merad, *EI*^{2}, 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. ʿAbd Allāh was pregnant for three years and was worried about being severely ill. However, she gave birth, and al-Layth witnessed this. Al-Dīnawarī al-Mālikī, *al-Mujālasa* (1998), VIII, 46. In another source, the slave of ʿUmar b. ʿAbd al-ʿAzīz carried her child for three years in her womb. See Ibn al-Mulaqqin, *al-Badr* (2004), VIII, 226.

432 They relied on a weak tradition whose *isnād* stops at ʿUmar 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 Muʿādh 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-Ḍaḥḥāk (Ibn Muzāḥim), which means the laughing one, and his mother was not punished. For further details, see al-Dīnawarī al-Mālikī, *al-Mujālasa* (1998), VIII, 45; Ibn Qutayba, *al-Maʿārif* (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 Aḥmad Ibn Ḥanbal and Isḥāq b. Rāhwayh, Isḥāq b. Manṣūr al-Marūzī asserts that Aḥmad Ibn Ḥanbal quoted this saying from Mālik Ibn Anas. See al-Marūzī, *Masāʾil* (2004), IV, 1559. The second opinion relies on the saying of ʿĀʾisha, 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-ʿArabī on the maximum period of gestation.

the gestation period, i.e., five years, in seventh position. Al-Zuhrī[435] believes that pregnancy can be extended to six or even seven years.[436] Ibn al-ʿArabī 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-ʿArabī'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.[437] The scholars' opinions basically arise from *al-istiqrā'*,[438] as well as personal experiences and cases.[439] As an example of this debate, Ibn al-ʿArabī exposes three different Mālikī opinions:

– The first opinion: four years. Ibn al-ʿArabī 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 ʿUmar 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 (*ʿidda*), and could finally marry again.[440] As for the second saying, this is related to the example of the Banū ʿAjlān. Al-Walīd b. Muslim describes a conversation

435 Muḥammad b. Muslim b. ʿUbayd 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, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_SIM_8204 accessed 14 November 2020.

436 Ibn Qudāma, *al-Mughnī* (1968), VIII, 121.

437 Sarumi 2018, 75.

438 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 Maḥmūd 2014, 109; al-Zuḥīlī 1986, 918.

439 Colin 2013, 149.

440 This tradition is available under number 1679, in Yaḥyā b. Yaḥyā al-Laythī's recension of the *Muwaṭṭa'*, in the *Sunan al-kubrā* of al-Bayhaqī, the *Sunan* of al-Dāraquṭnī and the *Muṣannaf* of Ibn Abī Shayba. The story of Ibn ʿAjlān's wife also appears in the *Mudawwana*. See Saḥnūn, *al-Mudawwana* (1994), II, 25. See Appendix 1.

that he had with the Imām Mālik: "I was telling Mālik the narrated ḥadīth from ʿĀ'isha through Jamīla b. Saʿd 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. ʿAjlān. She carried three children for twelve years, every child for four years.'"[441]

– The second opinion: five years. Ibn al-ʿArabī 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.[442] 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.[443] Moreover, Colin indicates how the living tradition – "la tradition vivante" – and the *ʿurf* (custom) presented by Mālik from his homeland Medina[444] formulated and outlined the doctrine; they have the status of a material source and consequently a legal authority, just like the Qur'an and the ḥadīth.[445] Interestingly, this opinion was received and adopted by the majority of Maghribi and Andalusi scholars independently of the period,[446] for instance, Ibn ʿAbd al-Barr[447](d. 463 H/1071 CE), Ibn Juzayy al-Kalbī[448] (d. 741 H/1340 CE) and 'Illīsh[449] (d. 1299 H/1882 CE).

441 Al-Dāraquṭnī, *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. ʿAbd Allāh al-Namirī al-Qurṭubī, known as Ibn ʿAbd al-Barr, was a prominent jurist from al-Andalus. In the first phase of his life, he was more inclined to Ẓāhirism. 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-ʿArabī's and al-Qurṭubī's exegeses.[450] Abū ʿUbayd[451] (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-raʾy*).[452] 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.[453]

Continuing with the classification of opinions concerning the maximum pregnancy period, Ibn al-ʿArabī 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-ṭabāʾiʿiyyūn*) 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.[454]

First, the fact that Ibn al-ʿArabī 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-ʿArabī begins with the third issue by announcing that some

448 Muḥammad b. Aḥmad b. Muḥammad b. ʿAbd Allāh Abū al-Qāsim b. Juzayy al-Kalbī al-Gharnāṭī was a prestigious Andalusi 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 ʿAbd al-Barr, *al-Kāfī* (1992), 300; Ibn Juzayy, *al-Qawānīn* (2013), 402; ʿIllīsh, *Manḥ* (1989), VI, 483.

450 Al-Qurṭubī, *al-Jāmiʿ* (2006), XIII, 24.

451 Al-Qāsim Ibn Sallām Abū ʿUbayd was an eminent Qurʾanic scholar and philologist. In his works, he dealt with *gharīb al-ḥadīth* and *gharīb al-qurʾān*. See Gottschalk, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_SIM_0266 accessed 23 November 2020.

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

453 Colin, 2013, 149–50.

454 Ibn al-ʿArabī, *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-ṭabāʾiʿiyyūn*). 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 *baʿḍ* 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-ʿArabī's critical passage. Who might this scholar be? *A fortiori*, I suggest ʿArīb Ibn Saʿīd for the following reasons.

First, ʿArīb Ibn Saʿīd was an eminent polymath of caliphal Cordoba. He seems to have enjoyed special privileges as the secretary of ʿAbd al-Raḥmān III and his son al-Ḥakam II, the two first emblems of Umayyad power. Moreover, as mentioned in Q 6:59, ʿArīb 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.[455] Therefore, the probability of ʿArīb Ibn Saʿīd being a Mālikī increases. However, this assumption could give rise to uncertainty.[456] The second argument is more tangible than the first since the sixth chapter of ʿArīb's treatise starts with his announcement that pregnancy lasts nine lunar months, or more concretely, two hundred and sixty-five and a half days.[457] Furthermore, in discussing delivery during the eighth month, ʿArīb gives a medical and astrological explanation of the development of the unborn. Based on the third argument, it is evident that Ibn al-ʿArabī directed his critique towards ʿArīb Ibn Saʿīd and his treatise. Though brief, Ibn al-ʿArabī does refer to ʿArīb's methodology in associating a planet with each month of gestation. A summary of ʿArīb Ibn Saʿīd's month/planet correlation is provided below:

455 Idris 1998, 93–94.

456 Especially since Fierro has shown that ʿAbd al-Raḥmān III appointed some *qāḍīs* 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 Saʿīd al-Qurṭubī, *Generación* (1983), 83–84.

Table 1: ʿArīb Ibn Saʿīd's planetary gestational correlation

Month of pregnancy	Planet influence	Planet nature	Description
1	Saturn	Cold and dry	The sperm (*nuṭfa*) 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 *nuṭfa* 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 (*fī masqaṭ al-nuṭfa*) in the *Rasāʾil* of the Ikhwān al-Ṣafāʾ.[458] As Saif already mentioned, the Ikhwān al-Ṣafāʾ 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-Ṣafāʾ, *Rasāʾil* (1985), 421–26.

foetus and illustrate the stages of gestation.[459] De Callataÿ and Moureau argue that the Andalusi traditionist Maslama b. Qāsim al-Qurṭubī (d. 353 H/964) should have introduced *Rasāʾil Ikhwān al-Ṣafāʾ* to al-Andalus on his return from the East shortly after 325H/936 CE,[460] which is a few decades before the composition of the *Kitāb khalq al-janīn wa-tadbīr al-ḥabālā wa-l-mawlūdīn* by ʿArīb Ibn Saʿīd (i.e., btw. 350 H/961 CE and 360 H/970 CE). Considering these similarities and the chronological accordance, one might suggest that *Rasāʾil Ikhwān al-Ṣafāʾ* was among the sources used by ʿArīb Ibn Saʿīd in his treatise. Therefore, the epithet of the naturalists (*al-ṭabāʾiʿiyyūn*) fits *Ikhwān al-Ṣafāʾ* better than other physicians.[461]

Ibn al-ʿArabī 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-qurʾān* that shows Ibn al-ʿArabī's high self-esteem and strong personality,[462] especially in attacking his antagonists. Furthermore, Ibn al-ʿArabī 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-ẓunūn 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.[463]

Instead of debating his opponent's erroneous logic, Ibn al-ʿArabī 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-ʿArabī, *Aḥkām* (2003), I, 250, 273; II, 230.
463 Ibid., III, 80–81.

features of Ibn al-ʿArabī's exegesis. He argues that Ibn al-ʿArabī 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.[464] Indeed, this rhetorical passage contains an oratorical manoeuvre encouraging the recipient to think and make decisions that would presumably align with Ibn al-ʿArabī's, especially since he sought advocates (*nāṣir*) in this controversial issue.[465] The last sentence of this passage emphasises the isolation and inferiority of the Islamic West in the eyes of Ibn al-ʿArabī, who does not hesitate to express his intellectual superiority[466] and disdain toward the scholarly milieu in the Islamic West. This sentence provides an additional argument to show that Ibn al-ʿArabī was challenging and orientating his critique at the Maghribi, and more precisely the Andalusi scholar ʿArīb Ibn Saʿīd, because of his opinion on the maximum gestation period.

Finally, yet importantly, Ibn al-ʿArabī 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-ʿArabī 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-ʿArabī. 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 (*barāʾat al-raḥim*), 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-ʿArabī 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-ʿArabī, *Aḥkām* (2003), II, 281, 336.

466 Thanks to his long journey in the East. Whenever he can, Ibn al-ʿArabī 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-ʿArabī, 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.[467]

Ibn al-ʿArabī 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 (*barāʾat al-raḥim*) 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-ʿArabī'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 *ḥayḍ*, irregular/abnormal/pathological bleeding is called *istiḥāḍa* and post-partum bleeding is called *nifās*.[468] 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 Saʿīd 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".[469] Another ḥadīth on the authority of Sālim Ibn ʿAbd Allāh concerns ʿUmar asking the prophet about his son who divorced his menstruating

467 Ibn al-ʿArabī, *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-nikāḥ* 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 (*ṭāhira*) or pregnant."[470] 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-ʿArabī'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)[471] argues that pregnant women do not menstruate and blood is described as unhealthy (*dam ʿilla*), using a saying attributed to Ibn al-Qāsim that maintains that a divorced woman who menstruates and bears a baby should be stoned.[472] On the southern bank of the Mediterranean, the emblem of Mālikism there (*Imām al-mālikiyya fī ʿaṣrihi*), one of Ibn al-ʿArabī's teachers, al-Māzarī, is credited with an opinion almost indistinguishable from that of Ibn Lubāba and the Ḥanafī scholars.[473] In his legal work *Sharḥ al-talqīn*,[474] al-Māzarī quotes Abū Ḥanīfa's saying that the bleeding of pregnant women is only degenerated blood and al-Dāwudī'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 *Musnad* under number 4789.

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

472 Al-Ubbī, *Ikmāl* (1910), II, 76.

473 In his paper about induced miscarriage, Eich points out the importance of the difference between Mālikīs and Ḥanafīs 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-Qāḍī ʿAbd al-Wahhāb al-Baghdādī (d. 422 H/1035 CE). This is one of the most characteristic and detailed books of *al-khilāf al-ʿālī* (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-Fādhil Ibn ʿĀshūr 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 ʿĀshūr, *Muḥāḍarāt* (1998), 81.

support his position.[475] It is conceivable that Ibn al-ʿArabī 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-ʿArabī's silence is Ibn Ḥazm's opinion, which is similar to that of Ibn Lubāba and al-Māzarī and could have challenged the authority of a firm Mālikī establishment in al-Andalus.[476] Answering this first opinion, Ibn al-ʿArabī insists that menstruation is a sign of *barāʾat al-raḥim* 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.[477]

Continuing in the same context, Ibn al-ʿArabī addresses the second point of the fourth issue, which focuses on the Qur'anic expression *wa-taghīḍ al-arḥām*, "*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-ʿArabī 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-ʿArabī'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-ʿArabī's arguments]."

2.2.1.3. Q 22:5 (*al-Ḥajj*)

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

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

476 Ibn Ḥazm, *al-Muḥallā* (2003), I, 404.

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

al-ʿArabī 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,[478] Q 22:5 is the first verse to be commented on by Ibn al-ʿArabī' in *sūrat al-Ḥajj*. 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,[479] this passage represents a key point to the jurists in inferring the legal rulings concerning the miscarriage and the waiting period (*ʿidda*). Ibn al-ʿArabī 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-ʿArabī's own view on this subject. In the last issue, Ibn al-ʿArabī 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 (*ʿidda*).

478 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.

479 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-ʿArabī provides the following interpretation for the opening verse of *sūrat al-ḥajj*:

> 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 *nuṭfa* for its paucity, and is a small amount of water. "Then from a clinging clot" (*ʿalaqa*) which means a small piece of blood. And "then from a lump of flesh" (*muḍgha*): 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 (*nuṭfa*). This was said by Ibn Masʿūd.
> The second: complete in creation and and incomplete in creation. This was said by Qatāda.
> The third: it means shaped and unshaped like the miscarriage (*siqṭ*). This was said by Mujāhid.
> Fourth: it means complete in terms of months, versus incomplete.[480]

The first part of the above passage is concerned with the creation curve of the human being. Semantically and stylistically, Ibn al-ʿArabī 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-ʿArabī 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-ʿArabī'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-ʿArabī includes the dust phase in the embryogenesis of mankind, considering it the starting point of the creation process, listing afterwards the *nuṭfa*, *ʿalaqa*, *muḍgha*, flesh and blood (*laḥm wa-dam*) and intact creation (*khalq sawī*) phases.[481] Ibn al-ʿArabī 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-ʿArabī thus

480 Ibn al-ʿArabī, *Aḥkām* (2003), III, 271.
481 Ibn al-ʿArabī, *Aḥkām* (2003), IV, 311.

adapts the explanation provided in the majority of the earlier and later commentaries.[482]

After this comes the semantic part of the first issue where Ibn al-ʿArabī defines the Qur'anic tripartite *nuṭfa-ʿalaqa-muḍgha*, respecting their order in the verse. First, he represents the *nuṭfa* as being the progeny of Adam, using the term *waladuhu,* which means literally his son. Ibn al-ʿArabī explains that the term *nuṭfa* 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 *nuṭfa* is the result of the joined male and female in the womb, Ibn al-ʿArabī does not, thus far, mention this verbatim. Moreover, there is the term *ʿalaqa*, which is defined as a small piece of blood.[483] Finally, Ibn al-ʿArabī defines the term *muḍgha* as a coagulation that looks like a chewed morsel. Understood in this sense, Ibn al-ʿArabī 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*, *nuṭfa*, *ʿalaqa* and *muḍgha* 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-ʿArabī 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 *nuṭfa* or *ʿalaqa* or *muḍgha*, or to all of these? Ibn al-ʿArabī begins with stating the four main opinions of what is understood by *mukhallaqa*.

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

482 Al-Ṭabarī, *Jāmiʿ* (2000), XVIII, 567; Ibn Kathīr, *Tafsīr* (1998), V, 447; al-Qurṭubī, *Jāmiʿ* (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 *ʿalaqa*, see Hussain 1980, 107–10; Sahin 2006, 27–28. See Atighechti 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.[484] The third opinion is represented by Mujāhid, who asserts that *mukhallaqa* and *ghayr mukhallaqa* refer to the miscarriage (*siqṭ*) "*huwa al-siqṭ, makhlūq wa-ghayr makhlūq*".[485] In other words, the miscarriage can be a *nuṭfa*, *ʿalaqa* or *muḍgha*. In addition, it can be partly or completely fashioned, therefore, *mukhallaqa* and *ghayr mukhallaqa* describe the state of the miscarriage.[486] As for the fourth opinion, introduced as a further possibility, Ibn al-ʿArabī 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-ʿArabī did not include a widespread opinion on the *mukhallaqa* and *ghayr mukhallaqa* that is linked with the ensoulment,[487] nor has he referred to this point in general in *Aḥkām al-qurʾān* 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 Masʿūd'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.[488] Nevertheless, after checking earlier Andalusi exegeses and those of other contemporaries of *Aḥkām al-qurʾān* by Ibn al-ʿArabī, I found that the idea of ensoulment was present in the commentaries. For instance, in

484 Al-Ṭabarī, *al-Jāmiʿ* (2000), XVIII, 568; ʿAbd al-Razzāq, *Tafsīr* (1998), II, 398; al-Ṣuyūṭī, *al-Durar* (2011), VI, 11.

485 Mujāhid, *Tafsīr* (1989), 499.

486 Al-Ṭabarī, *al-Jāmiʿ* (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 ʿAbbās's saying in the narration (*riwāya*) of ʿAṭāʾ, ʿIkrima 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),[489] 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-rūḥ*) is the *khalq ākhar*, assigning this task only to God.[490] 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 Masʿūd variant that includes the ensoulment.[491] In another Andalusi exegesis composed likely in the same period as *Aḥkām al-qur'ān*,[492] entitled *al-Muḥarrir al-wajīz*, Ibn ʿAṭiyya[493] (d. 541 H/1146 CE) refers to the ensoulment, commenting on Q 23:14.[494]

489 Abū ʿAbd Allāh Muḥammad b. ʿAbd Allāh b. Muḥammad b. ʿĪsā b. Ibrāhīm b. Muḥammad b. ʿAdnān 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, *EI*^{3}, 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 accessed 21 January 2021; Pouzet 1986, 662–63; Vizcaíno Plaza 2012, 734–41.

492 Ibn ʿAṭiyya 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 ʿAṭiyya, *al-Muḥarrir* (2002), 3.

493 Abū Muḥammad ʿAbd al-Ḥaqq Ibn ʿAṭiyya 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 ʿAṭiyya and his exegesis, consult Fórneas 1977, 27–60.

494 Ibn ʿAṭiyya, *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-ʿArabī in *Aḥkām al-qur'ān*. The reason behind this omission could be that Ibn al-ʿArabī 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,[495] 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).[496] Ibn al-Faras[497] (d. 597 H/1201 CE), in his *Aḥkām al-qur'ān*, does not consider the ensoulment as a releasing factor during the *takhlīq* phase.[498]

Continuing with the interpretation, Ibn al-ʿArabī 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*).[499]

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 ʿAbd al-Munʿim b. Muḥammad al-Khazrajī al-Gharnāṭī was a jurist, traditionist and reciter from Granada. He received an *ijāza* from Abū Bakr Ibn al-ʿArabī. Ibn al-Abbār, *al-Takmila* (1995), III, 127.
498 Ibn al-Faras, *Aḥkām* (2006), III, 294–95.
499 Ibn al-ʿArabī, *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-ʿArabī introduces two variants of the Ibn Masʿūd hadīth that support the idea that *mukhallaqa* and *ghayr mukhallaqa* are ascribed proprieties to the *nuṭfa*:

> As for the narrations, we have mentioned some of them and will repeat some others. Here is the first narration:
> Yaḥyā b. Zakariyyāʾ b. Abī Zāʾida narrated from Dāwūd, from ʿĀmir, from ʿAlqama, from Ibn Masʿūd and Ibn ʿUmar that once the *nuṭfa* 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, ʿĀmir 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 ʿUday narrated from Dāwūd, with a similar *isnād*, from ʿAbd Allāh [Ibn Masʿūd] who said: once the *nuṭfa* 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?[500]

Why was this interpretation of the adjectives *mukhallaqa* and *ghayr mukhallaqa* as a designation of the *nuṭfa* adopted mainly by the Mālikīs?[501] Being the most restrictive school concerning abortion and *coitus interrup-*

500 Ibid.

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

tus,[502] 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*).[503] Therefore, in the eyes of the Mālikīs, a high moral status is achieved at this moment of conception – the *nuṭfa* phase.[504]

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

> Concerning the sayings of the predecessors, they are four in number:
> The first: ʿĀmir said about the *nuṭfa*, the *ʿalaqa*, and the *muḍgha*: 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-ʿĀliya 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.[505]

The saying of ʿĀmir al-Shaʿbī[506] (d. 103 H/721 CE) indicates that when the Qur'anic tripartite *nuṭfa-ʿalaqa-muḍgha* reaches the fourth stage of creation, it can be a *nasama*[507] *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-rābiʿ kānat nasama mukhallaqa*". The verbal form *intakasat* appears only in Ibn al-ʿArabī'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 *nuṭfa* 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-ʿArabī, *Aḥkām* (2003), III, 272–73.

506 Abū ʿAmr ʿĀmir b. Sharāḥīl al-Shaʿbī was an early jurist and ḥadīth transmitter from Kufa. Juynboll states that despite his opposition to the use of *raʾy*, many of his legal opinions were widely accepted and integrated in several pre-canonical ḥadīth collections, such as the *Muṣannaf* of ʿAbd al-Razzāq and that of Ibn Abī Shayba. See Juynboll, *EI*^{2}, 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,[508] 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-ʿarab*, the first forms (including *intakasat*) *nukisat* and *unkisat* mean to turn upside down/bring down (*quliba wa-rudda*).[509] This could be applied either to the *nasama* growing from the first phase of dust (*turāb*), the second phase, i.e., the *nuṭfa*, the third phase, which is the *ʿalaqa* phase, finally reaching the fourth phase of creation i.e., the *muḍgha*.[510] Once the *nasama* reaches the *muḍgha* 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 *nuṭfa-ʿalaqa-muḍgha* 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-ʿĀliya[511] (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-ʿArabī 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-ʿArabī concludes the second issue with the saying of Ibn Zayd[512] (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-ʿAynī, *ʿUmda* (n.d.), III, 292; Ibn Kathīr, *Tafsīr* (1998), V, 348.

509 Ibn Manẓūr, *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 fī-l-khalq). Do they not understand.*"

511 Rufayʿ 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, *EI*[3], http://dx.doi.org/10.1163/1573-3912_ei3_SIM_0010 accessed 4 February 2021.

512 His full name is Khārija 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-ʿArabī 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 Shuʿba[513] (d. 50 H/671 CE) that is followed by an isolated phrase of Ibn al-ʿArabī. 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-ʿArabī 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 Shuʿba reported that [the prophet] used to order to pray over the *siqṭ* 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 Shuʿba meant by the term *siqṭ* 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.[514]

In this passage Ibn al-ʿArabī shows, by way of illustrating al-Mughīra Ibn Shuʿba's saying, how his opinion or legal ruling on the Islamic funeral and

513 Abū ʿAbd Allāh al-Mughīra b. Shuʿba b. Abī ʿĀmir b. Masʿūd al-Thaqafī was one of the prophet's companions from al-Ṭāʾif. He was the governor of Kufa under the caliphates of ʿUmar and Muʿāwiya. See Lammens, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_SIM_5321 accessed 8 February 2021.

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

naming of the miscarriage was to be shaped. However, before examining the core of Ibn al-ʿArabī'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.[515] After four months, the scholars differ in the ruling on washing and shrouding the miscarried foetus if it does not cry/scream (*istahalla*).[516] 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 (*taḥarraka*), urinates (*bāla*), sneezes (*ʿaṭasa*) or sucks lightly (*raḍaʿa yasīr*), this prohibition is considered as *makrūh*. As for whoever screams (*istahalla*), it is indisputable that he/she has the legal ruling of life (*ḥukm al-ḥayāt*) in all its affairs, even if he/she dies immediately."[517] 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."[518] Interestingly, the Mālikī consensus interprets this prohibition as reprehensible.[519]

As for the Shāfiʿīs and Ḥanbalīs, they are of the view that it is recommended/desired (*mustaḥabb*). For instance, in *al-Majmūʿ*, 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 Ẓāhirism. See Ibn Ḥazm, *al-Muḥallā* (2003), III, 386–87.

516 See Eich 2020, 345–60.

517 Al-ʿAdawī, *Ḥāshiya* (1994) , I, 438.

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

519 ʿIllīsh, *Manḥ* (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 yaʿrifhu*) because he did not name him (*taraktanī bi-lā ism*) when he was miscarried. See al-Qarāfī, *al-Dhakhīra* (2016), I, 449.

Awzāʿī.[520] 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."[521] 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, Saʿāda, Hind, ʿUtba and Hibat Allāh, etc.[522] The Ḥanafīs differ on the legal ruling of naming the miscarriage. While some scholars, like al-Karkhī[523] (d. 340 H/951 CE), prefer prohibition, others such as al-Ṭaḥāwī[524] (d. 321 H/933 CE) choose its permission.[525]

Ibn al-ʿArabī 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 *takhlīq*. 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-ʿArabī endorses his opinion with the saying of al-Mughīra Ibn Shuʿba, which he moulds to conform to his view. This opinion appears to be influenced by Ibn al-ʿArabī's most important teacher and likely has its roots in al-Ghazālī's thought. Whilst in *Iḥyāʾ ʿulūm al-dīn*, al-Ghazālī argues that the *siqṭ* should be named (*yanbaghī an yusammā*) without establishing any criteria for this act,[526] he introduces the criteria of definition (*takhṭīṭ*) and formation (*takhlīq*) in *al-Wasīṭ*.[527] 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-Majmūʿ* (n.d.), VIII, 448.

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

522 Ibid., 390.

523 Abū al-Ḥasan ʿUbayd 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 Jaʿfar Aḥmad al-Ṭaḥāwī was a Ḥanafī jurist and ḥadīth scholar. He started his early training as a Shāfiʿī, changing later to follow the Ḥanafī school. See Calder, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_COM_1150 accessed 15 February 2021.

525 See al-Kāsānī, *Badāʾiʿ* (1986), I, 302.

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

527 Thereafter, in *al-Wajīz*, which is a shortened version of *al-Wasīṭ*, al-Ghazālī insists on the criterion of *takhṭīṭ*. See al-Ghazālī, *al-Wasīṭ* (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-ʿArabī's elaboration is perceptible on this point. Al-Ghazālī requires the *takhṭīṭ* and the *takhlīq* at least in one of the members (*badaʾa fīh al-takhṭīṭ wa-l-takhlīq wa-law fī ṭaraf min al-aṭrāf*); perhaps in some way, it could be perceivable by the midwives (*ʿalā wajh tudrikuhu al-qawābil*). If this is not the case, and the miscarriage happens before the *takhṭīṭ*,[528] nothing would be due to it. Ibn al-ʿArabī follows the same logic as his master, asserting that no name would be attributed to the miscarriage if it has no shape.[529] 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 inexistent; therefore, the name does not exist for something already inexistent. This constitutes one of many Ghazalian traces in Ibn al-ʿArabī's thoughts and works and consequently affirms that Ibn al-ʿArabī draws from his teacher's opinion concerning the *takhṭīṭ* and the *takhlīq*.[530]

After having described the legal implications of shaping on the process of naming the miscarriage, Ibn al-ʿArabī 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 (*aṣl al-ishtiqāq*), the *nuṭfa*, the *ʿalaqa*, and the *muḍgha* 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 *nuṭfa*, 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 (*inshāʾ baʿd inshāʾ*). Some people claim that concurrently with the coagulation, appears the definition (*takhṭīṭ*) 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 *ʿalaqa* or a *muḍgha*.

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-ḥayḍ,* so look for it there.[531]

It is interesting to observe that in the exegetical line, Ibn al-ʿArabī 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-ʿArabī resorts to the derivation[532] (*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 *nuṭfa*, the *ʿalaqa* and the *muḍgha*, justifying that this tripartite is a mere creation of God, and therefore the *nuṭfa* can be *mukhallaqa*, the *ʿalaqa* can be *mukhallaqa* and the *muḍgha* can also be *mukhallaqa*. Furthermore, using reverse chronology,[533] Ibn al-ʿArabī 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-ʿArabī 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-ʿArabī returns to the stage of *nuṭfa* to propose his point of view. He argues that the *nuṭfa* in itself is not something definite, except if it is coloured, thus it is created in the womb through colouration. If the coloured *nuṭfa* coagulates afterwards, it is then created through the coagulation. Bearing this in mind, Ibn al-ʿArabī

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

532 Derivation or invention of new words. As for *aṣl 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-aṣl*) and the verb (*al-fiʿl*) is derived from it, whereas the Kufans argue that the verb is the origin and the *maṣdar* is derived from it. Ibn al-ʿArabī 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 *nuṭfa* and the *ʿalaqa* phases, and the second factor is the coagulation (*al-takhthīr*), which is between the *ʿalaqa* and the *muḍgha* phases. Both factors are essential for reaching the *takhlīq*.

In other words, at the beginning of the embryological process, the *nuṭfa* is initially *ghayr mukhallaqa*. Once it becomes coloured, it becomes a *nuṭfa mukhallaqa* and it passes into the next embryological stage where it is called *ʿalaqa*. In a similar way, at the beginning of this new phase (i.e., the *ʿalaqa* phase), the *ʿalaqa* is considered *ghayr mukhallaqa*. However, when it coagulates, it becomes *ʿalaqa mukhallaqa*, and accordingly enters the stage of *muḍgha*. In the same way, the *muḍgha* is initially *ghayr mukhallaqa*, and only becomes a *muḍgha 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 *takhlīq*. It now becomes clear why Ibn al-ʿArabī does not link the ensoulment with the *khalq ākhar* – he simply considers the *taṣwīr* as the *khalq ākhar*.[534]

With a focus on coagulation, definition and shaping, Ibn al-ʿArabī deprecates an opinion that asserts that "with the coagulation, appears the definition (*takhṭīṭ*) and the model of the shaping (*mithāl al-taṣwīr*)." His critique is likely orientated towards some Ḥanbalī scholars who differed on the beginning of the *takhlīq* and consequently the *taṣwīr*. The Ḥanbalī discrepancy in this aspect is divided into three main views. The first, which is adopted in the Ḥanbalī doctrine, is excluded from Ibn al-ʿArabī's critique because it affirms that the *takhlīq* occurs during the third period of forty days. Neither does Ibn al-ʿArabī attack the second view that holds that the *takhlīq* happens in the first forty days. His target, however, is the third view, which is based on the idea that the *takhlīq* happens in the second forty days (i.e., the *ʿalaqa* phase). In fact, this view has its roots in one saying of Aḥmad Ibn Ḥanbal in his commentary on Ibn Musʿūd's ḥadīth, about the slave being freed only if the *ʿalaqa* 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 *muḍgha* phase in Ibn al-ʿArabī's *Aḥkām al-qurʾān*. 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.[535] 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 *ʿalaqa* can be defined and created.[536] Ibn al-ʿArabī 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 (*ʿidda*). The issue of *mukhallaqa* and *ghayr mukhallaqa* in the fifth part of Ibn al-ʿArabī's commentary appears to be more complex. It correlates with the expiration of the *ʿidda*, and more precisely with the criteria that identify which miscarriage could prematurely end the *ʿidda* of the widowed or divorced woman or not. Ibn al-ʿArabī 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 Qāḍī Ismāʿīl, who offers the argument that God said "*And for those who are pregnant, their term is until they give birth*" (Q 65:4).
> Qāḍī Ismāʿīl 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 (*ḥaml*).
> Some Shāfiʿīs objected against him, justifying that the *walad* is not a *muḍgha* and underlining that God mentioned it as an awakening of [his] power (*tanbīh ʿalā 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 *nuṭfa*, 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.

535 Ibn Rajab, *Jāmiʿ* (2001), I, 162.
536 Ibid.

> Qāḍī Ismāʿīl 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 *nuṭfa*.
> 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.[537]

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 *ʿidda*, when the delivery or miscarriage occurs more than four months after the death of the husband or after divorce.[538] 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 Shāfiʿī, is presented in the fifth issue. Illustrating an example of the scholarly disagreement on this key point, Ibn al-ʿArabī introduces the opinion of the Mālikī jurist Ismāʿīl b. Isḥāq al-Qāḍī[539] (d. 282 H/896 CE), which represents Ibn al-ʿArabī's position and, on a larger scale, the Mālikī one. On the other hand, Ibn al-ʿArabī challenges Ismāʿīl b. Isḥāq al-Qāḍī's opinion with the Shāfiʿī one. In his article about induced miscarriage, Eich suggests that Ibn al-ʿArabī was probably replying to the Shāfiʿī scholar al-Kiyā al-Harrāsī[540] (d. 504 H/1110 CE) in the passage above. However, one could also think that Ibn al-ʿArabī was opposing the Ḥanafī exegete Abū Bakr al-Jaṣṣāṣ (d. 370 H/981 CE).[541] Ibn al-ʿArabī had likely been considering this idea since the

537 Ibn al-ʿArabī, *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 Isḥāq Ismāʿīl b. Isḥāq b. Ismāʿīl b. Ḥammād al-Azdī al-Baṣrī al-Mālikī 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 ʿImād al-Dīn Abū al-Ḥasan ʿAlī b. Muḥammad b. ʿAlī al-Ṭabarī, also known as al-Kiyā al-Harrāsī, was an eloquent Shāfiʿī jurist. According to Makdisi, he was known as one of the best practitioners of his time in the art of disputation. See Makdisi, *EI*^{2}, http://dx.doi.org/10.1163/1573-3912_islam_SIM_4412 accessed 16 May 2021.

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

complete debate between the two scholars – Ismāʿīl al-Qāḍī and al-Jāṣṣāṣ – was related in *Aḥkām al-qurʾān* by al-Jāṣṣāṣ. Nevertheless, the explicit opponent of Ibn al-ʿArabī in this passage is al-Kiyā al-Harrāsī. First, and in terms of linguistics, Ibn al-ʿArabī states that some Shāfiʿī scholars objected to Ismāʿīl al-Qāḍī's argument using the verb *iʿtaraḍa*. In the next sentence, he introduces the person who performs the action (*ism al-fāʿil*) of that verb, i.e., *al-muʿtariḍ*. Second, by cross-checking the phrases of *al-muʿtariḍ* in Ibn al-ʿArabī's commentary with the commentary of al-Kiyā al-Harrāsī, I found them to agree with each other. Although al-Kiyā al-Harrāsī quotes al-Jaṣṣāṣ almost verbatim,[542] I could find no similarities between the commentaries of al-Jaṣṣāṣ and Ibn al-ʿArabī.

Taken together, Ibn al-ʿArabī establishes, on the first level, a dialogue between Ismāʿīl al-Qāḍī (*qāla al-qāḍī*) and the objecting Shāfiʿī (*qāla al-muʿtariḍ*), who is al-Kiyā al-Harrāsī. On the second level, this dialogue becomes a trialogue, where Ibn al-ʿArabī (*qulnā*) aligns with the Mālikī scholar.[543] The following table demonstrates the similarities between the phrases of al-Kiyā al-Harrāsī and Ibn al-ʿArabī.

Table 2: Similarities between the phrases of al-Kiyā al-Harrāsī and Ibn al-ʿArabī

Aḥkām al-qurʾān by al-Kiyā al-Harrāsī	*Aḥkām al-qurʾān* by Ibn al-ʿArabī
Wa-qawluhu taʿāla: "wa-uwalāt al-aḥmāl ajaluhunna an yaḍaʿna ḥamlahunna" fa-l-murād bihi mā yusammā walad.	*w-al-murād bi-qawlih "wa-uwalāt al-aḥmāl ajaluhunna" mā yusammā walad.*
… fa-innahu yarith ʿind al-wilāda ḥayy mustanid ilā ḥālat kawnihi nutfa.	*Lā ḥujja fī-l-mīrāth, li-ʾannahu jāʾa mustanid ilā ḥāl kawnihi nutfa.*

The debate begins with the assertion of Ismāʿīl al-Qāḍī, i.e., that the waiting period of the pregnant woman ends with the delivered miscarriage independently of its state and shape.[544] Ibn al-ʿArabī outlines three major

542 Eich 2009, 323.

543 In this fifth issue, it is understandable that the early debate between Ismāʿīl al-Qāḍī and al-Jāṣṣāṣ is projected onto the later generation of scholars, namely Ibn al-ʿArabī and al-Kiyā al-Harrāsī.

544 Ismāʿīl al-Qāḍī argues that even though the miscarriage (being a *muḍgha* or an *ʿalaqa*) does not display any aspect of the human form (no limbs have been de-

arguments in favour of this statement, alternating between Ismāʿīl al-Qāḍī's statements[545] and his own, and ends with the interrelated Mālikī evidence:

– Ismāʿīl al-Qāḍī 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.[546] In addition, Eich also points out how Ismāʿīl al-Qāḍī considers the embryological development of the tripartite *nuṭfa-ʿalaqa-muḍgha* as the creation of a human being (*khalq al-nās*).[547]
  By considering the *muḍgha mukhallaqa* as *muṣawwara* and the *muḍgha ghayr mukhallaqa* as *ghayr muṣawwara*, Ismāʿīl al-Qāḍī settles the matter by considering both in terms of the possibility of the origination of a *walad*.[548] Here, it is very important to note that, to avoid confusion, Ibn

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

545 The works and statements of Ismāʿīl al-Qāḍī 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-Jāṣṣāṣ, *Aḥkām* (1992), V, 58.

548 Ibid. Ibn al-ʿArabī remembered that some Shāfiʿī scholars, mainly al-Kiyā al-Harrāsī, objected to the opinion of Ismāʿīl al-Qāḍī, denying the *muḍgha* the status of a *walad*. Although it is not mentioned, al-Jaṣṣāṣ also shares the same position as these Shāfiʿī 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 *ʿalaqa* or the *muḍgha* are *walad*. He says it means that the human has been created from an *ʿalaqa* and a *muḍgha* as from a *nuṭfa* and *turāb*. The disparity between being created from something and being that thing is crystal clear, according to al-Jaṣṣāṣ. The scholars who object see the verse as an awakening of God's power (*tanbīh ʿalā al-qudra*). In this context of power, Ibn al-ʿArabī does not accept such explanations and wonders about the predetermined (*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 *nuṭfa* to its development through the phases that transform it to *khalq* and thus to a *ḥaml*. See Eich 2009, 322.

al-ʿArabī does not insert the term characterising the legal category of *walad* at this level of his commentary,[549] especially since the *umm walad* issue is closely connected and mentioned directly afterwards. Further, Ismāʿīl al-Qāḍī 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 *nuṭfa*, before passing through the states/stages where it is changed and created. Therefore, it is considered to be a pregnancy (*ḥaml*), 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-ʿArabī 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-raḥim*). 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 (*barāʾat al-raḥim*).[550]
– The last argument presented by Ismāʿīl al-Qāḍī 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 *muḍgha* preceded by the *ʿalaqa* 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.[551]

549 He instead uses the term *khalq*. Although Mālikī to the core, Ibn al-ʿArabī 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 *ḥaml* independently ends the waiting period if it is *muḍgha* or a *ʿalaqa*. Yet, he argues that it does not change the status of a slave to *umm walad*. Ibn al-ʿArabī accepts the first part of Mālik's statement, "*Idhā alqathu fa-ʿulima annahu ḥaml wa-in kāna muḍgha aw-ʿalaqa aw-dam fa-fīh al-ghurra wa-tanqaḍī bihi al-ʿidda min al-ṭalāq*", and rejects the second part, "*wa-takūn bihi al-ama umm walad*". See Saḥnūn, *al-Mudawwana* (1994), IV, 630. Ibn al-ʿArabī discusses the subject of *umm walad* in greater depth in *al-Qabas*. See pages 163–69.

550 Elsewhere, Ibn al-ʿArabī has dealt with *barāʾat al-raḥim* in Q 13:8. See page 113–16.

551 Al-Jāṣṣāṣ, *Aḥkām* (1992), V, 59.

By refuting Ismāʿīl al-Qāḍī'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 *nuṭfa* at the time of the father's death, there is no dissent that the *nuṭfa* is not considered as a *ḥaml* 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 *nuṭfa*, if it emerges from the womb]. … [Qāḍī Ismāʿīl'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.[552]

Thereafter, Ibn al-ʿArabī defends Ismāʿīl al-Qāḍī'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-ʿArabī about how to differentiate between a miscarriage that will be a *walad* and one that will not. On this subject, like most Mālikī scholars,[553] Ismāʿīl al-Qāḍī attributes the task of distinction between miscarriages to the female experts.[554] 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 sabīl ilā ʿilmihi*). [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 (*ʿalaqa*) 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-Nabrāwī 2008, 144–70.

> testify that it is a clot of blood (*ʿalaqa*), their testimony is accepted.[555]

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.[556] 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-mabsūṭ*, al-Sarakhsī (d. 483 H/1090 CE) assigns the hot-water test to al-Shāfiʿī. However, Eich could not confirm this assertion in al-Shāfiʿī'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[557] (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-mujtamiʿ*) in cases of doubt regarding the state of *umm walad* and the blood money (*al-diyya*).[558] In Qāḍī ʿIyāḍ'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 *ʿalaqa*, although the hot-water test is not mentioned verbatim.[559] 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-ʿArabī devoted much effort to clarifying the *mukhallaqa* and *ghayr mukhallaqa* issue that seems to be the key to understanding the embryological development

555 Al-Jāṣṣāṣ, *Aḥkām* (1992), V, 60.
556 Eich 2009, 325–26.
557 ʿAbd al-Bāqī b. Yūsuf b. Aḥmad al-Zarqānī was an Egyptian Mālikī jurist. He was the father of Muḥammad b. ʿAbd al-Bāqī al-Zarqānī (d. 1122 H/1710 CE), who composed a commentary on the *Muwaṭṭaʾ* entitled *Abhaj al-masālik bi-sharḥ Muwaṭṭaʾ al-imām Mālik*.
558 al-Zarqānī, *Sharḥ* (2002), VIII, 53, 288.
559 Qāḍī ʿIyāḍ, *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-ʿArabī 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."[560]

The expression used by Ibn al-ʿArabī *wa-kadhalika fi-l-ṣaḥīḥ* clearly reveals the fact that both inserted traditions are from the *Ṣaḥīh*. Yet, which *Ṣaḥīh* was used in this case: that of al-Bukhārī or of Muslim? As for the first ḥadīth, similar traditions are only found in al-Bukhārī's *Ṣaḥīh*, in *Kitāb al-tafsīr* (chapter on exegesis) and in Muslim's *Ṣaḥīh* in *Kitāb al-ḥayḍ* (chapter on menstruation). Although the tradition in al-Bukhārī's *Ṣaḥīh* differs from that inserted by Ibn al-ʿArabī in terms of the consequences of the water of

560 Ibn al-ʿArabī, *Aḥkām* (2003), IV, 96.

the man preceding that of the woman and vice versa, the tradition from Muslim's *Ṣaḥīh* does not conform with the variant used by Ibn al-ʿArabī in terms of the verb. The three variants are described in the table below.

Table 3: Differences between the variants

Aḥkām al-qur'ān Ibn al-ʿArabī	"When the man's water (sperm) precedes (*sabaqa)* 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."
Al-Bukhārī's *Ṣaḥīh*	"If a man's discharge precedes (*sabaqa*) that of the woman, then the child resembles (*nazaʿa*) the father, and if the woman's discharge precedes that of the man, then the child resembles (*nazaʿat*) the mother."
Muslim's *Ṣaḥīh*	"The reproductive substance of man is white and that of woman is yellow, and when they have sexual intercourse and the male's substance prevails (*ʿalā*) upon the female's substance, it is the male child that is created by Allāh's Decree, and when the substance of the female prevails upon the substance contributed by the male, a female child is formed by the Decree of Allāh."

To be sure about the variant used by Ibn al-ʿArabī, it is helpful to move forward to one century after Ibn al-ʿArabī's legal exegesis and examine the widely known Andalusi *Tafsīr*, which took *Aḥkām al-qur'ān* as a pillar. In *al-Jāmiʿ li-aḥkām al-qur'ān*, al-Qurṭubī argues that the apparent meaning of the verb *ʿalā* in Muslim's variant is "to prevail" (*ghalaba*), however, it should be interpreted (*yataʿayyanu ta'wīluhu fī ḥadīth thawbān*) as "to precede", i.e., the water (of the man or the woman) precedes the uterus (*inna dhalika al-ʿuluww maʿnāh sabq al-mā' ilā-l-raḥim*).[561] Al-Qurṭubī goes on to say that Ibn al-ʿArabī structures his classification[562] according to the same interpretation of the tradition. Therefore, it is very probable that Ibn al-ʿArabī was referring to Muslim's *Ṣaḥīh.* The hypothesis that Ibn al-ʿArabī was alluding to the *Ṣaḥīh* of Muslim is reinforced by the introduction of the second ḥadīth, which is not found in al-Bukhārī's *Ṣaḥīh*, but belongs instead to *Kitāb al-ḥayḍ* in Muslim's *Ṣaḥīh.*

561 Al-Qurṭubī, *al-Jāmiʿ* (2006), XVIII, 504.
562 This will be discussed in the following pages.

In this text, it is important to note how Ibn al-ʿArabī 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-ʿArabī comes up with four possible results/situations. Nevertheless, before dealing with the combinations, it should be noted that Ibn al-ʿArabī 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-ṣaḥīḥayn*.[563] Thereafter, Ibn al-ʿArabī 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 *ʿalā* 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.[564]

Written articulately, the above passage raises the question of whether the explanation and combinations set out by Ibn al-ʿArabī are purely mooted

563 Ibn al-ʿArabī mentions his work *Sharḥ al-ḥadīth* on different occasions in *Aḥkām al-qurʾān* and clarifies once, in Q 33:15, that, by *Sharḥ al-ḥadīth,* he means his commentary entitled *al-Nayyirayn fī sharḥ al-ṣaḥīḥayn* (*ḥaythu waqaʿat majmūʿa fī sharḥ al-ḥadīth al-mawsūm bi-l-nayyirayn fī sharḥ al-ṣaḥīḥayn*). Ibn al-ʿArabī, *Aḥkām* (2003), III, 500. *Al-Nayyirayn* is, unfortunately, among the missing works of Ibn al-ʿArabī. 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 Aʿrāb 1987, 140.

564 Ibn al-ʿArabī, *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-ʿArabī's approach than the Aristotelian one. In the Hippocratic treatise *On Generation*, two passages provide similarities to Ibn al-ʿArabī'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.[565]
>
> 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.[566]

In order to follow Ibn al-ʿArabī's possible connection with the Hippocratic theory, the first work that needs to be consulted is ʿArīb Ibn Saʿīd's treatise. Although sex differentiation is the first subject in the fourth chapter, ʿArīb Ibn Saʿīd adopts Galen's main ideas on this matter,[567] meaning this work is not responsible for the connection to the Hippocratic theory. This suggests that Ibn al-ʿArabī's source lies elsewhere. It is in al-Majūsī's *Kāmil* where we find similarities with Ibn al-ʿArabī'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

565 *On Generation*, 6:1.
566 Ibid., 8:2.
567 Ibn Saʿīd 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.[568]

Ibn al-ʿArabī 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-Ḥajj*, Abū Bakr Ibn al-ʿArabī 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-ʿArabī 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 *nuṭfa*, to the *ʿalaqa*, to the *muḍgha*. The apparent (*ẓāhir*) meaning of this requires that the third phase after the *ʿalaqa* would be a complete and proportioned creation. With this creation, the woman could become an *umm walad*, and the miscarriage is considered a *siqṭ*, 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 (*ibtidāʾ al-khilqa*), and it ends with the completion of strength. Everything is planned and God knows best.[569]

As noted above, Ibn al-ʿArabī 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 *nuṭfa*, *ʿalaqa*, and *muḍgha*, although the Qur'anic verse refers solely to *nuṭfa* and *ʿalaqa*. 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-ʿArabī, *Aḥkām* (2003), IV, 350–51.

ters in *Aḥkam al-qur'ān* can be seen, especially when following the order chosen by Ibn al-ʿArabī. The exegete argues that the third phase in the embryological development, according to the apparent meaning of the verse,[570] is the *muḍgha* 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-ʿArabī'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-ʿArabī 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-ʿArabī 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.[571] Before proceeding to the next Qur'anic chapter, it is worth noting that in Q 75:37–38 Ibn al-ʿArabī 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 *ẓāhir* 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 ʿArīb Ibn Saʿīd'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-nāṭiqa*). 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-Ṭāriq*)

The first verses that Ibn al-ʿArabī 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-ʿArabī 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-ʿArabī'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 *ʿalaqa*] 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.[572]

Ibn al-ʿArabī 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

572 Ibn al-ʿArabī, *Aḥkām* (2003), IV, 375.

that of the woman come from the ribs or vice versa remain unanswered.[573] Nevertheless, Ibn al-ʿArabī 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-ḥikma 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-ḥikma al-ilāhiyya*) of the creation of any human being. Upon clarifying the origin of the water, Ibn al-ʿArabī introduces, conversely, a rival opinion maintained by the physicians (*al-aṭibbāʾ*). 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-ʿArabī is pointing out the Aristotelian theory of generation.

Yet, apart from this theory, who are the physicians Ibn al-ʿArabī might target in this passage? Three emblematic figures could be considered: the Cordoban physician ʿArīb Ibn Saʿīd al-Qurṭubī, his compatriot Ibn Rushd and the Persian physician al-Majūsī.

In his tenth-century treatise on the generation, ʿArīb Ibn Sa ʿīd 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.[574]

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 ʿAṭiyya and al-Qurṭubī extensively explain the expression *bayn al-ṣulb wa-l-tarāʾib*. They introduced the religious debate among Muslim scholars regarding this concern. See Ibn ʿAṭiyya, *al-Muḥarrir* (2000), V, 465–66 and al-Qurṭubī, *al-Jāmiʿ* (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 Saʿīd, *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.[575] 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-ʿArabī 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.[576] This precludes the hypothesis that ʿArīb Ibn Sa ʿīd and Ibn Rushd could have been among the physicians criticised by Ibn al-ʿArabī.

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.[577]

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-ʿArabī's quotation. The passage continues with an affirmation by Ibn al-ʿArabī that states that there is no way to find out what the physicians are claiming except through an honest report (*illā bi-khabar ṣādiq*). 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-ʿArabī does not insert the entire Qur'anic passage. Rather, he stops at the term clinging clot (*ʿalaqa*) and demonstrates through the Qur'anic order that the phase of *ʿalaqa* is the third phase in the embryological development scale, just after the phase of clay (*ṭīn*) and that of *nuṭfa*. Bearing in mind that an *ʿalaqa* 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-ʿArabī closes his commentary by characterising this opinion and its adherents as ignorant. The discussion about *ʿalaqa* and *ʿalaq* continues in the next Qur'anic chapter.

2.2.1.7. Q 96:2 (*al-ʿAlaq*)

Within the prophetic narrative frame, this Qur'anic verse and the rest of the chapter represent the first revelation to Muḥammad.[578] In this context, Ibn al-ʿArabī 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-ʿalaq* were the first revelation to the prophet.[579] Following this, Ibn al-ʿArabī 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.[580]

At this juncture, Ibn al-ʿArabī once again elaborates his idea explained in Q 22:5, which maintains that the *nuṭfa* is inherently considered as nothing. He adds that before being an *ʿalaqa*, the foetus is not yet a human being.

578 Neuwirth 2019, 247; Rubin 1993, 213–14.
579 Ibn al-ʿArabī, *Aḥkām* (2003), IV, 418.
580 Ibid., 419.

Indeed, this affirmation is in accordance with what has been said in the *al-Ḥajj* section about the first criterion of humanity, i.e., the colouration (*al-talwīn*).[581] This criterion is, in fact, the transition of the *nuṭfa* to the *ʿalaqa*, and therefore it is considered the first step of creation (*takhalluq/takhlīq*). With this verse, we close the most extensive work on the embryological material in al-Arabī's oeuvre thus far.

2.2.1.8. Q 15:22 (*al-Ḥijr*)

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-ʿArabī dismisses 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 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.[582] 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 *lawāqiḥ*, and the second one covers the whole sentence "*We send fertilising winds*". Ibn al-ʿArabī interprets it as follows:

> Ibn Wahb, Ibn al-Qāsim, Ashhab and Ibn ʿAbd al-Ḥakam 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-Qāḍī al-Imām [i.e. Ibn al-ʿArabī] 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."[583]

Comparing the wind that fertilises the trees and the plants to human embryogenesis, Ibn al-ʿArabī mentions the ensoulment in his Qur'anic commentary for the first time. He colocates 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-ʿArabī. 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-ʿArabī 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-ʿArabī from one chapter to another. The interpretation of the first chapter, *al-Anʿām* (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-ʿArabī 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-ʿArabī: the treatise of the Andalusi physician ʿArīb Ibn Saʿīd al-Qurṭubī and likely *Kāmil al-ṣināʿa al-ṭibbiyya* by al-Majūsī. Through these works, Ibn al-ʿArabī 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-Raʿd* (Q 13:8), Ibn al-ʿArabī exposes the Sunni disagreement about the maximum pregnancy period, going into more detail on the Mālikī debate on this issue. Ibn al-ʿArabī rejects ʿArīb Ibn Saʿīd's approach to the astrological explanations of the embryo's devel-

583 Ibn al-ʿArabī, *Aḥkām* (2003), III, 100.

opment, which is likely rooted in the *Rasāʾil* by the Ikhwān al-Ṣafaʾ, who are described by Ibn al-ʿArabī as *al-ṭabāʾiʿiyyūn*. Furthermore, he discusses menstruation and *barāʾat al-raḥim* and holds that pregnancy and menstruation coexist together.

Arriving at *sūrat al-Ḥajj* (Q 22:5), where the key Qur'anic embryological passage appears, Ibn al-ʿArabī deals with the controversial issue of *mukhallaqa* 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-ʿArabī's extensive analysis is the absence of the ensoulment. Although most of the exegetes who started integrating Ibn Masʿūd's ḥadīth (i.e., the ensoulment ḥadīth) into their commentaries were Andalusis, and included Ibn Abī Zamanīn, Makkī b. Abī Ṭālib and Ibn ʿAṭiyya, Ibn al-ʿArabī 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-ʿArabī does not share the familiar Mālikī opinion based on *istihlāl*. Rather, he draws from his Eastern teacher, al-Ghazālī, in the *takhṭīṭ* and *takhlīq*. As Mourad argues: "Controversies usually reflect the beliefs and conditions of the particular periods in history that led to their emergence."[584] In commenting on Q 22:5, Ibn al-ʿArabī brings a debate, originating in the East in the fourth century H/tenth century CE, between the Mālikī Ismāʿīl al-Qāḍī 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 *siqṭ* and the *ʿidda* and holds that the miscarriage marks *barāʾat al-raḥim*, which accordingly marks the end of the *ʿidda*.

The Qur'anic chapter *al-Shūrā* (Q 42:49–50) shows that Ibn al-ʿArabī 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-ʿArabī drew from al-Majūsī's *Kāmil*. *Al-Qiyāma* (Q 75:37–38) focuses on the time of formation (*takhlīq*) and proportioning (*taswiya*). In addition, in *sūra al-Ṭāriq* (Q 86:5–6), Ibn al-ʿArabī 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-aṭibbāʾ*) 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 *nuṭfa* and the *ʿalaqa* 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 *nuṭfa* changes into an *ʿalaqa*. Indeed, because the male semen was mixed with the female blood and consequently started turning red, the "problem" of the transition from the *nuṭfa* to the *ʿalaqa* 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 *talwīn*; it is coloured. Yet, an explicit mention of *dam* has been dropped. Finally, the short verse in the *al-ʿAlaq* chapter (Q 96:2) highlights a special contradiction in Ibn al-ʿArabī's thoughts. On the one hand, he deliberates that the foetus is not considered a human being before the *ʿalaqa* phase, which confirms his statement in Q 22:5 that the *nuṭfa* is nothing. On the other hand, Ibn al-ʿArabī does not agree with some of the Mālikīs, about not applying any legal ruling to the *nuṭfa,* and permitting the abortion of a foetus in the *nuṭfa* 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-ʿArabī 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*[585] (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 Yaḥyā Ibn Yaḥyā al-Laythī (d. 234 H/848 CE), Mālik

585 Ibn al-ʿArabī collected ḥadīths from *kitāb al-aqḍiya* (the chapter on litigations), *kitāb al-ḥudūd* (the chapter on bounds fixed by God) and *kitāb al-ʿitq wa-l-walā'* (the chapter on manumission and patronage) and named the chapter *kitāb al-ruhūn*. This gathering and denomination is Ibn al-ʿArabī's work.

deals with *ʿazl* (*coitus interruptus*)[586] in two different chapters.[587] The first passage is meant to comment on ḥadīth number 1740[588] in the *Muwaṭṭaʾ* and is related to the practice of *coitus interruptus*. The second is linked to ḥadīth number 2163,[589] which also refers to this withdrawal and is found in the chapter on litigation (*kitāb al-aqḍiya*) with a revealing title: litigation related to the mothers of children (*al-qaḍāʾ fī ummahāt al-awlād*).[590]

2.2.2.1. About coitus interruptus

Ibn al-ʿArabī 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 *Muwaṭṭaʾ*. In this section, Ibn al-ʿArabī chooses this ḥadīth:

> Yaḥyā related to me from Mālik from Rabīʿa b. Abī ʿAbd al-Raḥmān from Muḥammad b. Yaḥyā b. Ḥabbān that Ibn Muḥayriz said: "I went into the mosque and saw Abū Saʿīd al-Khudrī and so I sat by him and asked him about coitus interruptus. Abū Saʿīd 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.'"[591]

Before discussing Ibn al-ʿArabī's opinion on this ḥadīth, it is important to understand this practice. The word *ʿazl,* literally meaning isolation, and is a generic term used to denote the earliest form of contraception discussed

586 Also termed withdrawal.
587 Benkheira 2013, 288.
588 This *ḥadīth* belongs to *kitāb al-ṭalāq* in the *Muwaṭṭaʾ*. See Ibn Anas, *Muwaṭṭaʾ* (1997), II, 110.
589 Ibid., II, 286.
590 In the recension of Muḥammad Ibn al-Ḥasan 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-ʿazl*. Ibn Anas, *al-Muwaṭṭaʾ* (1994), 171.
591 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.[592] The technique involves the man withdrawing his penis from the woman's vagina during intercourse before ejaculation in order to avoid insemination.[593] Musallam asserts that *coitus interruptus* is an act of the man's volition which has made contraception an issue in Islamic law.[594] 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*.[595] 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 (*tanẓīm 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 *ʿazl*, 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.[596] 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 (*ijmāʿ*) in cases where the majority of the religious experts agree and make the same decision.[597]

Ibn al-ʿArabī 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 baʿḍuhum*), especially with slaves. As supporting evidence, he also includes Mālik's opinion that ensures the permissibility of *ʿazl* 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,[598] 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 *ʿazl*.[599] 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,[600] maintaining that all the traditions that allowed *ʿazl* were abrogated by a later tradition narrated by Judāma Bint Wahb.[601] In this tradition, the prophet is quoted as confirming that *coitus interruptus* is disguised infanticide (*al-waʾd 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.[602] Interestingly enough, Ibn al-ʿArabī turned a blind eye to Ibn Ḥazm's restrictive position on *ʿazl,* which became a *cause célèbre* in the Islamic discussion about this topic,[603] and consequently to the Ẓāhirī view that was absolutely distinct from the Mālikī one.[604] The reason for this might be rooted in Ibn al-ʿArabī'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 Ẓāhirī 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-ʿArabī inserts this sentence from the ḥadīth's *matn*: "You don't have to not do it." The differences between

599 Ibn al-ʿArabī harshly and aggressively criticises his opponents and Ibn Ḥazm, among others. In his *kalām* work, *al-ʿAwāṣim min al-qawāṣim*, he writes: "the reprehensible innovation (*bidʿa*) I encountered on my journey [to the East], as I told you, was the doctrine of the *bāṭin*, but when I returned I found that the whole of al-Maghrib had been filled with the doctrine of the *ẓāhir* 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-ʿArabī refutes Ẓāhirism and criticises the works of Ibn Ḥazm in three works of his: *al-Ghurra fi-l-radd ʿalā al-durra*, *al-Nawāhī ʿan al-Dawāhī* and *al-ʿAwāṣim min al-qawāṣim.* To explain this refutation, Qāḍī ʿIyāḍ 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 ʿIyāḍ, *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 Ẓāhirī 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.*[605] 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.[606] 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.[607] Furthermore, Ibn al-ʿArabī 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-ʿArabī appears to distance himself from the Avicennian understanding[608] of divine power and determinism, with his speculations closer to the Ghazalian view.[609]

Ibn al-ʿArabī's imagining of the embryonic stages originates from this analysis. He describes the unborn passing through three main stages:

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 Ashʿarite 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 (*manī*); 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 (*rūḥ*) has been infused into it, there is no scholarly dissent that it is a human being (*nafs*).[610]

Ibn al-ʿArabī adapts the legal rulings for the *ʿazl* 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-ʿArabī 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-ʿArabī's view, the semen withdrawal is permissible (*jāʾiz*). The Shāfiʿī jurist and Ibn al-ʿArabī'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.[611] Al-Ghazālī insists on differentiating between abortion or infanticide on the one side and

610 Ibn al-ʿArabī, *al-Qabas* (1992), II, 763.

611 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-afḍal*). See Katz 2003, 41.

contraception on the other.[612] He holds that the man's semen alone is not sufficient for the formation of a child, meaning that *coitus interruptus* is absolutely permissible.[613] Al-Ghazālī's argument clearly shows that he and the majority of the religious authorities had accepted the theory.[614] 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-ʿArabī, is when the womb grasps the semen in the decisive moment of conception. It is thus not permissible (*lā yajūz*) to interrupt (*al-qaṭʿ*) 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-ʿArabī follows the Mālikī consensus in this matter, i.e., prohibition (*taḥrīm*),[615] invoking the example of ignoble merchants, who, in order to

612 Al-Ghazālī argues that abortion and infanticide entail the killing/destruction of an already extant being (*mawjūd ḥāṣil*), 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. Yaḥyā al-Wansharīsī (d. 914 H/1509 CE), Muḥammad b. Aḥmad b. Muḥammad ʿUlaysh (d. 1299 H/1882 CE), Abū ʿAbd Allāh Shams al-Dīn al-Ḥaṭṭāb (d. 954 H/1547 CE), Ibn Juzayy al-Gharnāṭī (d. 740 H/1340 CE), Muṣṭafā Muḥammad ʿArafa al-Dasūqī (d. 627 H/1230 CE) and Muḥammad al-Kashanāwī (d. 1087 H/1676 CE). Among the Shāfiʿīs, al-Ghazālī and Muḥammad b. ʿImād b. Muḥammad b. al-Husayn al-Jazarī (d. 632 H/1235 CE) embraces the same position, while ʿIzz al-Dīn Ibn ʿAbd 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-Aʾimma al-Sarakhsī (d. 490 H/1096 CE), Qāḍī Zādah (d. 1045 H/1635 CE), ʿAlāʾ al-Dīn al-Ḥaṣkafī (d. 1088 H/1677 CE) and Ibn ʿĀbidīn (d. 1252 H/1836 CE) opt for this position. Likewise, a few Ḥanbalīs 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 ʿAlī 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 ʿAbd Allāh al-Qurṭubī (d. 671 H/1273 CE) claims that the *nuṭfa* 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.[616] 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.[617] 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*.[618] For this, the slavers used tricks to hide the slaves' defects and gave them (the slaves) medicine to abort.[619] Ibn al-ʿArabī condemned these

judgement when the woman miscarries or aborts. He describes the *nuṭfa* in cases where it does not merge/unify with the female semen as never having left the male body. See al-Qurṭubī, *al-Jāmiʿ* (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 (*muḍgha*) or even an embedded embryo (*ʿalaqa*), 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*, ʿArīb Ibn Saʿīd 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 Saʿīd al-Qurṭubī,

practices on the part of what he calls *safalat al-tujjār* (dishonourable merchants), whose only interest was material. Interestingly, Qāḍī ʿIyāḍ argues that not every *nuṭfa*[620] becomes a *walad,* which, in his view, justifies why there is no judgment of the miscarriage in the first forty days/nights.[621] He does not resolve the ambiguity. He gives a nuanced position, balancing the opinion of some scholars, who claimed that the semen stage (*nuṭfa*) 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-manīʾ*) and causing its evacuation after being caught in the womb in any way whatsoever.[622]

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 (*manʿ*) and prohibition (*taḥrīm*) even more intense and serious. There was no disagreement among Mālikī scholars on this position.[623] 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-ʿArabī, 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-ʿArabī. 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 (*ḥādd*), acrid (*ḥirrīf*) and bitter (*murr*). See Ibn al-Bayṭār, *al-Jāmiʿ* (1992), I, 9, 22, 92.

620 Literally, the term *nuṭfa* refers to a drop or few drops of water. It is, however, used to connote a drop of semen.

621 ʿIyāḍ, *Ikmāl* (1998), VIII, 127. This was also the position of Abū al-ʿAbbās al-Qurṭubī and Abū ʿAbd Allāh al-Qurṭubī. See al-Qurṭubī, *al-Mufhim* (1996), VI, 652; al-Qurṭubī, *al-Jāmiʿ* (2006), XIV, 316.

622 ʿIyāḍ, *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 ʿAqīl (d. 513 H/1119 CE) and Ibn ʿAbd 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 Shāfiʿīs, 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-ʿArabī 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."[624] This variant of the ḥadīth appears only in the commentary of Ibn al-ʿArabī. The difference is the adjective *mukhtabiṭ* (agitated/shaking), which is *muḥbanṭi'* (enraged) in the other versions. This could be an involuntary or intentional scribal error and it is likely that Ibn al-ʿArabī intentionally used this variant. Seen from this perspective, it could be interpreted as follows: the first adjective (*mukhtabiṭ*) describes the physical state of the aborted foetus (*al-siqṭ*), while the adjective of the most common versions (*muḥbanṭi'*) 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-ʿArabī 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.[625] 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-ʿArabī 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 (*shafāʿa*) of the unborn to his parents.[626] Ibn al-ʿArabī deliberately conceals the other parts of the tradition and uses only that which contains the warning. Linked to the use of the aforementioned adjective *mukhtabiṭ*, these two arguments together strengthen the strong will of Ibn al-ʿArabī in condemning abortion during this phase.

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as the stages progress. Like Ibn al-ʿArabī, he presents a scheme of prenatal life that begins with conception and ends with the ensoulment and degrees of transgression. Other Shāfiʿī scholars distinguish between abortion in the phase of *ʿalaqa* (blood clot), which, in their view, is permissible, and in the phase of *muḍgha* (lump of flesh), which is forbidden, for instance, ʿAlī b. ʿAlī al-Shabrāmalusī (d. 1087 H/1676 CE), Sulaymān al-Bijīramī (d. 1221 H/1719 CE) and Sulaymān al-Jamal (d. 1204 H/1790 CE). See Raḥīm 2002, 208–9; Katz 2003, 41–42; Atighechti 2007, 96.

624 This ḥadīth has been classified as weak. See al-Ṭabarānī, *al-Muʿjam al-kabīr* (1994), XIX, 116; al-Rāzī, *Fawāʾid* (n.d.), ḥadīth n. 1368.

625 Al-Wansharīsī argues that Ibn al-ʿArabī 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-Miʿyār* (1981), III, 370.

626 The ḥadīth continues: "Then God tells him [the foetus]: enter the paradise with your parents." See al-Ṭabarānī, *al-Muʿjam* (1994), XIX, 116.

The fourth phase is the ensoulment stage, where the foetus acquires the ontological status of a human being (*nafs*),[627] 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*,[628] Ibn al-ʿArabī 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.[629] The prohibition of taking the life of the unborn in this phase is not controversial (*bi-lā khilāf*).[630] 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-ʿArabī's imagination of the embryonic phases based on *coitus interruptus*.[631] In his massive collection of *fatwās* from Maghribi and Andalusi scholars, al-Wansharīsī adduces Ibn al-ʿArabī's passage on *coitus interruptus* to support his position.[632] Over time, the same passage appeared in Egypt in *Fatḥ al-ʿalī*, a collection of juristic-specific cases (*nawāzil*)[633] issued by the Mālikī jurist Muḥammad b. Aḥmad b. Muḥammad ʿIllīsh (d. 1299 H/1882 CE).[634] In the same period, it appeared in Fez in Muḥammad b. al-Madanī Kanūn's (d. 1302 H/1884 CE) *Ḥāshiya*.[635] 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-ʿArabī's position on *coitus interruptus* mentioned in *al-Qabas*.[636] 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-ʿArabī's life.
629 Ibn al-ʿArabī, *al-Masālik* (2007), V, 664–65.
630 Mālikī, Shāfiʿī, Ḥanafī, Ḥanbalī and Ẓahirī 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-Miʿyār* (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 accessed 1 July 2020.
634 In *al-Aʿlām,* his name is *ʿUlaysh*, which is a diminutive of ʿIllīsh. See ʿIllīsh, *Fatḥ* (n.d.), I, 400; al-Ziriklī 2002, VI, 19.
635 Kanūn, *Ḥāshiya* (1889), III, 264.
636 Al-Wazzānī, *al-Nawāzil* (2014), II, 194.

scholars belong to the Mālikī school and, apart from ʿIllīsh, who was in Egypt,[637] they were concentrated in al-Maghrib.

Ibn al-ʿArabī'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-qaḍāʾ fī ummahāt al-awlād*).

2.2.2.2. Litigation related to the mothers of children (*al-qaḍāʾ fī ummahāt al-awlād*)

The ḥadīth referring to *al-qaḍāʾ fī ummahāt al-awlād* belongs to the chapter of litigation (*kitāb al-aqḍiya*) in the *Muwaṭṭaʾ*:

> Yaḥyā said that Mālik related from Ibn Shihāb from Salīm Ibn ʿAbd Allāh b. ʿUmar from his father that ʿUmar 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."[638]

The discussion about *coitus interruptus* is often related to the *umm walad* discussion since masters used to practice *ʿazl* with their slave women[639] to prevent pregnancy, the birth of children and the subsequent tangible effects on their wealth.[640] In *al-Qabas*, Ibn al-ʿArabī includes his commentary on the tradition mentioned above in the chapter on pledges (*kitāb al-ruhūn*). Below is my translation of this passage:

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637 He was, however, originally from western Tripoli. While al-Ziriklī identifies him as a Maghribī *al-aṣl*, Makhlūf is more specific, writing ʿIllīsh 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, *Muwaṭṭaʾ* (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*^{2}, 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 (*ʿalaqa*) and what follows." Al-Awzāʿī said "she becomes a mother of a child with the *muḍgha*." Al-Shāfiʾī said "she is a mother of a child with [the shaping of] the eye and the nail (*bi-l-ʿayn wa-ẓafr*)." Others said "she only becomes a mother of a child with the shape of the human being (*khilqat al-ādamī*)." 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 *ḥadīth* 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 *nuṭfa* 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 *ḥadīth*, 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 (*ʿuqda*) that has gathered (*tajammaʿat*) through a mixing (*min khalṭ*).[641]

Thematically, this passage appears to be naturally divided into four sections. In the first section, Ibn al-ʿArabī discusses the classical legal definition of *umm walad*.[642] He defines the context of the use of this term, i.e., slavery,

641 Ibn al-ʿArabī, *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'anically *mā malakat aymānuhum*) 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-ʿArabī 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*).[643] 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 *ijmāʿ* on the point of the slave becoming *umm walad* with pregnancy, Ibn al-ʿArabī 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

Schacht, *EI*^{2}, 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 ʿAbd al-Ḥakam (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-Miʿyār* by al-Wansharīsī and *Tartīb al-madārik* by Qāḍī ʿIyāḍ. The *ʿidda* 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 that 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").[644] 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 *ʿalaqa* or that which follows. Next is al-Awzāʿī, who considers the slave who miscarries a *muḍgha* to have the status of *umm walad*. After this, al-Shāfiʿī requires formation, at least in the appearance of an eye and/or a nail. Ibn al-ʿArabī turns next to the positions of al-Shāfiʿī, Abū Ḥanīfa and Ibn Ḥanbal, since they specify that the slave becomes *umm walad* when the shape is human.[645] Finally, Ibn al-ʿArabī 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.[646]

After exposing this early debate on the miscarriage stages that result in the status of *umm walad*, Ibn al-ʿArabī presents his own position and arguments. Therefore, the third part of the passage is dedicated to Ibn al-ʿArabī's own opinions. He first presents evidence that supports his position, i.e., a Qur'anic verse (Q 22:5).[647] Interestingly, Ibn al-ʿArabī 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-ʿArabī 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 *nuṭfa* 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

644 Blanc; Lourde 1983, 164.

645 Al-Shāfiʿī 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-Ḥāwī* (1994), XVIII, 311.

646 See Saḥnūn, *al-Mudawwana* (1994), II, 237; al-Bājī, *al-Muntaqā* (1999), VII, 366.

647 "*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 Masʿūd's ḥadīth.[648] Nevertheless, while Ibn Masʿūd's variant does not refer to the sperm-drop stage as an independent embryological stage, the variant mentioned by Ibn al-ʿArabī does. Moreover, in Ibn Masʿūd'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,[649] whereas in the variant in Ibn al-ʿArabī'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-ʿArabī's commentary and the authentic variant narrated by ʿUbayda Ibn ʿAbd Allāh found in Abū Ḥanbal's *Musnad*.[650] The proximity to the variant described on the authority of Abū ʿAwāna is even more tangible since the term *nuṭfa* is inserted.[651] 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-ʿArabī is merely his adaptation (*iqtibās*) of the variant narrated by ʿUbayda Ibn ʿAbd Allāh, the other variant narrated by Abū ʿAwāna, as well as the variant of Ibn Masʿūd.[652] I assume this was an attempt to cement his argument that comes directly after the tradition.

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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 ʿUbayda ʿAbd Allāh narrated: "ʿAbd Allāh said: the messenger of Allāh said: the *nuṭfa* remains in the uterus for forty days as it is without changing. Then, when forty days have passed, it becomes an *ʿalaqa*, then a *muḍgha* 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 *nuṭfa* …" See al-ʿAsqalānī, *Fatḥ* (1960), XI, 480–81.

652 Eich argues that this phenomenon is more common in Qur'an exegeseses, 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-ʿArabī are found in two earlier Maghribī exegeses: *Tafsīr kitāb allāh al-ʿazīz* by Hūd b. Muḥakkam al-Huwwārī (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 Masʿūd: "The formation of anyone of you is gathered as a *nuṭfa* 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-ʿArabī argues that the formation stage is closely dependent on the *muḍgha* stage. In addition, the *walad* exists only after it has been formed, which implies that in cases where the *muḍgha* 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 (*muḍgha mukhallaqa*). This logical sequence and the whole situation of *umm walad* in Ibn al-ʿArabī'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

<table>
<tr><td></td><td colspan="3">Miscarriage</td><td>Childbirth</td></tr>
<tr><td rowspan="3">Legal and social status</td><td rowspan="2">*nuṭfa* phase</td><td rowspan="2">*ʿalaqa* phase</td><td colspan="2">*muḍgha* phase</td><td rowspan="3">*umm walad*</td></tr>
<tr><td>*ghayr mukhallaqa*</td><td>*mukhallaqa*</td></tr>
<tr><td>Slave</td><td>Slave</td><td>Slave</td><td>*umm walad*</td></tr>
</table>

The third part of the passage dedicated to Ibn al-ʿArabī's position ends with an affirmation that his position is obvious (*al-uslūb al-mahyaʿ*). His position opposes Mālik's opinion and takes the side of the views of al-Shāfiʿī and Abū Ḥanīfa. Interestingly, Eich claims that Ibn al-ʿArabī'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.[653] 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 (*aḥkām 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 Masʿūd: "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-Huwwārī, *Tafsīr* (1990), III, 110; Ibn Abī Ṭālib, *al-Hidāya* (2008), 4844.

653 Eich 2009, 334.

bequest.[654] She would also have the right to retain all the gifts she received from her master, even without a witness.[655] The position of Ibn al-ʿArabī can be seen as a step away from the Mālikīs' expanded view of women's emancipation and a step towards the Shāfiʿī 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-ʿArabī juxtaposes three similar adjectives of the blood expelled by the woman: gathered (*mujtamiʿ*), coagulated (*munʿaqid*) 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-ʿArabī 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 *Muwaṭṭaʾ* 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-ʿArabī adapts his legal ruling to the embryo's development. Second, at the core of the evolution of the embryo, Ibn al-ʿArabī 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

654 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.

655 Ibid., 198.

Qur'anic verse and then the ḥadīth variant, gives an accurate linguistic shift to Ibn al-ʿArabī's embryonic language, for example, the phase where the womb grabs the semen was changed so that it was denominated the *nuṭfa* phase.[656] Fourth, Ibn al-ʿArabī 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 *muḍgha* has been formed.

When both passages are taken together, one has a broader and more complete understanding of Ibn al-ʿArabī'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						
Coitus interruptus and abortion	Pre-existing phase	The womb grabs the semen	N/A	N/A		*Inkhilāq* The formation phase	Ensoulment
Umm walad	N/A	*nuṭfa* phase	*ʿalaqa* phase	*muḍgha* phase		*Khalq* The formation phase	N/A
				mukhallaqa	*ghayr mukhallaqa*		

2.2.3. *ʿĀriḍat al-aḥwadhī*

As we saw in *al-Qabas*, following the embryological evolutionary trajectory, Ibn al-ʿArabī 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.[657] 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 *Jāmiʿ al-Tirmidhī*, which is the topic of the present analysis, Ibn al-ʿArabī deals with Ibn Ibn Masʿūd's ḥadīth in *kitāb al-qadar* (the book of destiny), *bāb mā jāʾa anna al-aʿmāl bi-l-khawātīm* (the chapter on what has been related about one's deeds depend upon one's end). The ḥadīth reads as follows:

> ʿAbd Allāh b. Masʿūd 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 (*ʿalaqa*). Then, for a similar period (*mithl dhalik*), he is a piece of flesh (*muḍgha*). 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 (*dhirāʿ*), 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."[658]

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"[659] 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 Ḥudhayfa Ibn Asīd.[660] From the Ibn Masʿūd ḥadīth, Ibn al-ʿArabī points out that he extracted four useful notes (*fawāʾid*). 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 *Ṣaḥīḥ* "indeed, God appointed an angel to take care of the shaping

658 Ibn al-ʿArabī, *ʿĀriḍa* (1997), VIII, 228.

659 Eich 2008, 75.

660 I will return to this point in more depth in the chapter on Qāḍī ʿIyāḍ, since this variant appears only in Muslim's *Ṣaḥīḥ*.

> (*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.[661]

This passage takes us back to Q 6:59 to confirm my suggestion about a possible association between Isrāfīl and the fact of breathing the soul into the embryo. Although in *Aḥkām al-qur'ān* Ibn al-ʿArabī does not deliberately say that the angel of the womb infuses the soul, he argues that this angel is Isrāfīl who, in fact, blows (*nafkh*) the trumpet (*al-ṣūr*) on the Day of the Resurrection. In addition to managing the *nuṭfa* throughout the phases (*aṭwār*) of the formation (*al-khilqa*), Ibn al-ʿArabī 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.[662] In order to uphold the role of the angel of the womb, Ibn al-ʿArabī reverts to the commentary on Q 13:8, where he criticises ʿArīb Ibn Saʿīd 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-ʿArabī controverts 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'iʿiyyūn* (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-ʿArabī 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-damiyya*) 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.[663]

The above extract starts with a verb phrase where the subject (*al-fāʿil*) is not included. However, from the conjugated verb in the present with the third

661 Ibn al-ʿArabī, *ʿĀriḍa* (1997), VIII, 229.
662 In the following passage.
663 Ibn al-ʿArabī, *ʿĀriḍa* (1997), VIII, 229.

masculine personal pronoun (*fa-yabqā*), one can guess the omitted subject. On the one hand, I exclude *nuṭfa* 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 *manī*ʾ (sperm/semen), which is the mixture of male and female sperms. The second possibility is *mā*ʾ (water) and, similarly, this water is composed of both the man's and the woman's waters (*mā*ʾ *al-rajul wa-mā*ʾ *al-marʾa*). Ibn al-ʿArabī 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-fā*ʾ *al-zāʾida*). This particle appears to insist (*fā*ʾ *al-taʾkīd*) or to emphasise the idea. Nevertheless, for passing to the next stage, Ibn al-ʿArabī inserts the conjunction particle *thumma* to sequence the stages. In the second period of forty days, Ibn al-ʿArabī 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-damiyya*) 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-ʿArabī 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-ʿArabī'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-ʿArabī confirms that the third stage is where the coagulation (*takhthīr*) 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,[664] which squares perfectly with the transition from one embryonic stage to the other. Once the tripartite period ends, Ibn al-ʿArabī 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.

664 *Thumma* in this case indicates *al-tarākhī* (slowness).

The *thumma* is replaced by a *wāw*,[665] which removes the temporal space between the two actions but keeps their lineal order.

Throughout the selected works of Ibn al-ʿArabī, 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-ʿArabī'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-ʿArabī's earlier works and its appearance in *ʿĀriḍat al-aḥwadhī* might suggest that the reception of this tradition or even al-Tirmidhī's *Jāmiʿ* was late. Nevertheless, in his *Fihrist*, Ibn Khayr al-Ishbīlī argues that he received Ibn Maḥbūb's version of al-Tirmidhī's *Jāmiʿ* from Abū Bakr Ibn al-ʿArabī, who himself received the entire compendium from Abū al-Ḥusayn al-Mubārak b. ʿAbd al-Jabbār al-Ṣayrafī, known as Ibn al-Ṭuyūrī (d. 500 H/1107 CE).[666] In addition, in Baghdad, Ibn al-ʿArabī received a part of the *Jāmiʿ* from a certain Abū Ṭāhir al-Baghdādī.[667] Bearing this in mind, Ibn al-ʿArabī would likely have received the *Jāmiʿ* 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-ʿArabī received al-Tirmidhī's *Jāmiʿ* 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-ʿArabī: the renowned Qāḍī ʿIyāḍ. Both scholars were contemporaries and met on different occasions. Qāḍī ʿIyāḍ presents Ibn al-ʿArabī as his "eloquent" former teacher whom he met for the first time in Ceuta and after that in Seville and Cordoba.[668] In addition to the reception of al-Dāraquṭnī's *al-Mu'talif wa-l-mukhtalif* by Ibn

665 Here, the *wāw* is considered a conjunction particle (*wāw ʿaṭf*).
666 Ibn Khayr, *Fihrist* (1998), 98; Robson 1954, 261.
667 Ibid.
668 Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 68–69.

al-ʿArabī, Qāḍī ʿIyāḍ specifies that he gained ḥadīth knowledge from his teacher (*fa-katabtu ʿanhu fawāʾid min ḥadīthih*).[669] Despite the eight-year difference between ʿIyāḍ and Ibn al-ʿArabī, the relationship between them still conformed to that of a *shaykh* and his student. Iyāḍ testifies:

> He [Ibn al-ʿArabī] passed through *Sabta* and I arranged a meeting [with him]. He handed me [for instruction] the *kitāb al-Muʾtalif wa-l-mukhtalif* by al-Dāraquṭnī. We discussed *kitāb al-Ikmāl* by Abū Naṣr b. Mākūlā and [then], I narrated to him his work [i.e.] *Masʾalat 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 *Rubāʿiyyāt* of al-Bukhārī.[670]

Moreover, Qāḍī ʿIyāḍ would probably have composed his ḥadīth commentary *Ikmāl al-muʿlim* 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 Masʾūd and Ḥudhayfa Ibn Asīd, Qāḍī ʿIyāḍ focuses on the ensoulment as an incontestable embryological event. The importance of *Ikmāl al-muʿlim* cannot be overstated, as it is a completion and reshaping of an already existing commentary on Muslim's *Ṣaḥīḥ*, i.e., *al-Muʿlim*[671] by al-Māzarī (532 H/1141 CE). This fact not only doubles the popularity and weight of Qāḍī ʿIyāḍ's work but also positions it

669 Ibid; ʿIyāḍ, *al-Taʿrīf* (1982), 25, 45.

670 Qāḍī ʿIyāḍ, *al-Ghunya* (1982), 68–69. The passage was translated by al-Marri. See al-Marri 2000, 36–37.

671 Its complete title is *al-Muʿlim bi-fawāʾid Muslim*. Despite being, basically, an elaborated and edited version of a dictated text, *al-Muʿlim* 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 ʿAbd al-Ghāfir b. Ismāʿīl al-Fārisī (d. 529 H/1135 CE), paid attention to difficult and unclear terms (*gharīb al-ḥadīth*), Ibn al-Ḥāj's (d. 529 H/1135 CE) work *al-Ījāz wa-l-bayān li sharḥ khuṭbat kitāb Muslim maʿa 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. ʿAbd Allāh b. ʿĪsā 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-Muʿlim,* namely *al-Irshād* by Ibn Barrajān (d. 536 H/1141 CE). However, he limited his commentary to only those traditions containing Qurʾanic verses. Finally, Abū al-Qāsim Ismāʿīl b. Muḥammad al-Aṣbahānī (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-Māzarī'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-Fāsī, *Niẓām* (n.d.), II, 141; Ḥājjī Khalīfa, *Kashf* (1941), 558.

as an advanced encyclopaedia in *ʿulūm al-ḥadīth*.[672] All this multiplies the chances that Qāḍī ʿIyāḍ's work would have reached Ibn al-ʿArabī, and especially received his attention. Finally, one or some years after the completion of the *Ikmāl*, Ibn al-ʿArabī finished dictating his *ʿĀriḍa* 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 Masʿūd's ḥadīth is owed to the influence of Qāḍī ʿIyāḍ.

After the chronological arrangement of Ibn al-ʿArabī's works used in this study, the *ʿĀriḍa* is the latest one, and it represents the total integration of *ʿilm al-ḥadīth* and an instrumental reform in Andalusi Mālikism,[673] and, more concretely, in Ibn al-ʿArabī's oeuvre. Given the internal thematic logic of Ibn al-ʿArabī'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., *ʿĀriḍa*, where the ensoulment tradition is the core of the embryological discussion.

Concluding remarks

In *ʿĀriḍat al-aḥwadhī*, the timeline of the embryonic phases (i.e., forty days for each phase) appears for the first time in Ibn al-ʿArabī's analysis of the prenatal life thanks to Ibn Masʿūd's tradition. In the transition from one phase to another, Ibn al-ʿArabī respectively introduces the "triple T": *al-talwīn* (the colouring) appears between the *nuṭfa* and the *ʿalaqa* phases; after that, the time between the *ʿalaqa* and the *muḍgha* phases is occupied by *al-takhthīr* (the coagulation); finally, once the the *muḍgha* 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-qurʾān*, Ibn al-ʿArabī mentions the ensoulment briefly in the context of wind pollination without further explanation. In *al-Qabas,* the

672 Shawwāṭ 1993, 334.
673 Fierro 2005, 72; Fierro 2011, 76–77.

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 *ʿĀriḍat al-aḥwadhī* that Ibn al-ʿArabī's conceptualisation becomes clear and his embryological model complete.