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Cosmopolis of law: Islamic legal ideas and texts across the Indian Ocean and Eastern Mediterranean Worlds

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Chapter 5

***Tuḥfat*: Rise of the Meccan Shāfi‘ism**

In the previous chapter we discussed how *Minhāj* tried to canonize the Shāfi‘ite law through different schemes of cohesion, prioritization and hierarchization. Taking the regional and transregional contexts of *Minhāj*, we analysed the interconnections between the functions of an author-jurist, the fuqahā-estate in which he was involved, its institutional dynamics and capacities for negotiation with the broader society and polity, the construction of a legacy for the text, and the impact it had on and received from the oceanic world. At the end of the chapter, I pointed out that until the sixteenth century *Minhāj* was not that important, or was not even known at the non-Middle Eastern rims of the Indian Ocean, where the largest followers of Shāfi‘ism had begun to reside. I argued that the “peripheral” Shāfi‘ites actually did receive the text, but much later, and this process was mediated through other texts in the interim, mainly the commentaries on *Minhāj*. This chapter will analyse this process, dealing with several questions: Which commentaries intermediated the text from the Middle East? Why did so many scholars repeatedly endeavour in the sixteenth century to comment on a text which had already been well commented on in the fourteenth and fifteenth centuries? What is the uniqueness that makes this a mediator text out from a plethora of others? To address these questions, I focus in this chapter primarily on one commentary, *Tuḥfat*, or to give it its full title *Tuḥfat al-muḥtāj* by Ibn al-Ḥajar al-Haytamī (d. 1566).

The intellectual gap between the Eastern Mediterranean and non-Middle Eastern Indian Ocean, which was earlier filled by mercantile networks with a tendency for intellectual motivation, was now shortened through the intermediation of Mecca, by people such as Ibn Ḥajar and texts such as *Tuḥfat*. Mecca’s intellectual revival in the late-fifteenth and early-sixteenth century, I argue, provided the space in which South and Southeast Asian and East African residents with aspirations towards legal intellectual traditions could sharpen their wits and enlighten themselves. Once *Tuḥfat* was released, it became an immediate appetizer for many “peripheral” students of Shāfi‘ism. It became a popular scholarly text in the eastern parts of the Middle East as much as in the Indian Ocean rim. At this time the oceanic arena was the highway for massive numbers of Yemeni, Persian, Swahili, Indian and Malay migrants, who also played roles in promoting this text among the learned classes. *Tuḥfat*’s commentaries produced on the rim are the best illustrations of this process.

I.

Genealogy Paralleled

Tuḥfat is a commentary on *Minhāj*, so it obviously belongs to the *Minhāj*-family. In this part, I briefly engage with two sisters of *Tuḥfat* which the Shāfi‘ite jurists consider as important commentaries of *Minhāj*: *Nihāyat al-muḥtāj* (hereafter *Nihāyat*) of Shams al-Dīn Muḥammad bin Shihāb al-Dīn al-Ramlī (d. 1596), and *Mughnī al-muḥtāj* (henceforth *Mughnī*) of Shams al-Dīn Muḥammad al-Khaṭīb al-Sharbīnī (d. 1570). All three sisters are indebted to two other texts and their authors: the commentary *Kanz al-rāghibīn* by Jalāl al-Dīn Muḥammad bin

Aḥmad al-Maḥallī (d. 1459), and the summary *Manhaj al-tullāb* by Zakariyā bin Muḥammad al-Anṣārī (d. 1520). I have explained how *Minhāj* was received among the Shāfiʿite clusters of the Middle Eastern fuqahā-estates. Particularly in Cairo, the text faced appreciation and criticism, generating numerous commentaries and summaries out of which these two are the most important. The Cairene fuqahā-estate had become a dominant epicentre of Shāfiʿī legalism by the late-fourteenth and fifteenth centuries responding to different social, economic, religious and political developments, and al-Azhar University performed an imperative role in the legalist dialogues of the school, being one of the leading educational institutes in the Middle East (see below). Ibn Ḥajar’s two contemporary commentators of *Minhāj* and their two teachers are known collectively as “the Five Scholars” (*‘ulamā’ al-khams*) in Shāfiʿite history. Their significance is that they lead the so called “Era of the Confirmers” (*‘aṣr al-muḥaqqiqīn*) that dates from 600 to 1000 of the Hijri Era (roughly from 1200 to 1600 CE). The main contribution of the scholars in this era is *tarjīḥ* or determination of preponderance, by prioritizing and hierarchizing the contradictory views of previous scholarship within the school. The commentator colleagues belonged to the second recension in the era, with Ibn Ḥajar and al-Ramlī as the towering figures among them.

Both al-Maḥallī and al-Anṣārī studied at al-Azhar. The former also went to other institutions and individual scholars whereas the latter was trained only there. During their career, they headed the fuqahā-estate of Cairo attracting numerous students, colleagues and followers. Both of them became deeply engaged with *Minhāj*. Al-Maḥallī’s commentary clarified many linguistic absurdities, and this attracted fifteen super-commentaries. Al-Anṣārī’s abridgment aimed at avoiding loquaciousness, and this attracted eight commentaries, including one by himself (*Faṭḥ al-waḥḥāb*). That commentary attracted as many as twenty-one super-commentators. In other words, both their works on *Minhāj*, and *Minhāj* itself, provided a hotspot for the Shāfiʿite legal aspirants in Cairo and elsewhere to explore the Islamic legal tradition within changing times and places. The making of *Tuḥfat* and its sister-texts owe much to this atmosphere of change.

Al-Anṣārī had a long life and in his century he formed a generation of *Minhāj* specialists around him at al-Azhar.¹ In this legalist enterprise he was joined by a student from Palestine, Shihāb al-Dīn al-Ramlī (d. 1550). His educational commitment attracted al-Anṣārī and he allowed only that student to edit his works during and after his life. Out of the circles of al-Anṣārī and Shihāb al-Ramlī, three students emerged as *the* specialists of *Minhāj*: Shihāb al-Ramlī’s son Shams al-Dīn al-Ramlī,² Ibn Ḥajar al-Haytamī, and Khaṭīb al-Sharbīnī. These three together decided not only the future course of *Minhāj* but also of Shāfiʿism. The influence of both their teachers in the making of these three “Minhājīs” is remarkable. Ibn Ḥajar was more inclined towards the legal hermeneutics of al-Anṣārī while Sharbīnī and al-Ramlī preferred those of Shihāb al-Ramlī. In their engagement with *Minhāj*, they each wrote separate commentaries long after their student days when they had become leading figures of the fuqahā-estates at different places and institutions. In a study on the composition-dates of *Minhāj*’s major commentaries, ‘Abd al-Raḥmān al-Khaṭīb says that *Tuḥfat* of Ibn Ḥajar was

¹ For his biography with an emphasis on his contributions to traditional knowledge transmissions, see Matthew B. Ingalls, “Subtle Innovation within Networks of Convention: The Life, Thought, and Intellectual Legacy of Zakariyā al-Anṣārī (d. 926/1520)” (PhD diss., Yale University, 2011).

² I shall now use al-Ramlī to denote only the son, unless otherwise indicated.

the first of the three. He started to write it in 1551 in Mecca and finished it in the same year, after eleven months. Sharbīnī started with *Mughnī* in 1552 but he took almost five years to finish it. The *Nihāyat* of al-Ramlī required ten years to complete, from 1556 to 1566.³ We notice many typological, methodological and theoretical differences the individual authors exhibit in these three commentaries on *Minhāj*. These differences in prioritizing respective teacher's opinions and adding one's own viewpoint are part of a wider debate, context, academic trajectories and how *Minhāj* and Shāfi'ism were connected over time to the contemporary social, economic, political and cultural spheres.

Nihāyat, the last of the three, was written to correspond with *Tuḥfat* and *Mughnī*. In its preface, al-Ramlī explained his methodology in writing the commentary.⁴ He refers to the earlier commentaries of *Minhāj*, of which he finds only a few of worth. He appreciates al-Maḥallī's commentary at length, whereas the works of al-Sharbīnī and Ibn Ḥajar have a general reference as the writings by "our eminent contemporary colleagues".⁵ Indirectly he disagrees with many opinions of Ibn Ḥajar. The text attracted eight super-commentators, and interestingly, out of those eight authors, five wrote super-commentaries to *Fatḥ al-wahhāb* of al-Anṣārī. Al-Ramlī had studied initially multiple disciplines, including *ḥadīth*, *tafsīr*, and *fiqh* with his father, then with al-Anṣārī. He specialized in Islamic law, and then in Shāfi'ite law. In the course of education, he also studied legal texts of other schools with renowned scholars such as Shihāb al-Dīn Aḥmad bin 'Abd al-'Azīz (Ḥanbalism), Sharaf al-Dīn Yaḥyā al-Ḍamīrī (Mālikism), Nūr al-Dīn 'Alī bin Yāsīn al-Tarābilsī (Ḥanafism). The opinions of other schools are thus regularly referred to in the text.

Khaṭīb al-Sharbīnī was born and brought up in Sharbīn at Dakahlia, from where he moved to Cairo. He studied with Shihāb al-Ramlī, but scholars differ whether he also managed to meet al-Anṣārī. Amongst his other teachers was the prominent scholar Aḥmad al-Burullusī, with the famous cognomen Shaykh 'Amīrat, who wrote a popular super-commentary for al-Maḥallī's *Kanz*. Whenever he began to write *Mughnī* he is said to have visited the grave of the Prophet Muḥammad seeking blessings. He significantly depended on the lecture notes and opinions of Shihāb al-Ramlī. He also extensively used a previous commentary by Ibn Shuhbah al-Kabīr.⁶ Apart from law, he also wrote on exegesis, theology and Arabic grammar.

For many reasons, *Tuḥfat* is different from both *Nihāyat* and *Mughnī*, and it appealed to the wider Shāfi'ite clusters of the fuqahā-estates more than any other commentaries on *Minhāj* did. Before I explain why, let me introduce its author and his context.

³ Taqī al-Dīn Abū Bakr ibn Muḥammad Ḥiṣnī, *Kifāyat al-akhyār fī ḥall ghāyat al-ikhtiṣār* ed. 'Abd al-Rahman Rashid al-Khatīb (Jeddah: Dar al-Minhaj, 2007), 632.

⁴ Shams al-Dīn Muḥammad bin Aḥmad bin Hamzat al-Ramlī, *Nihāyat al-muḥtāj ilā sharḥ al-Minhāj* (King Saud University Manuscript Collections, No. 3687). This manuscript was written by 'Abd Allāh al-Mun'im bin 'Abd Allāh bin Muḥammad bin 'Abd Allāh bin Abī Bakr Ibn al-Suwayṭī in 1612, just sixteen years after al-Ramlī's demise.

⁵ Shams al-Ramlī, *Nihāyat al-muḥtāj*, 1: 11-13.

⁶ al-Khaṭīb al-Sharbīnī, *Mughnī al-muḥtāj sharḥ al-Minhāj li al-Nawawī* (King Saud University Manuscripts Collections, No. 6048). This manuscript is written by a certain Najm al-Dīn in 1572, just three years after the death of al-Sharbīnī. Thus the copyist must have copied it from the original manuscript.

Ibn Ḥajar as the Author of *Tuḥfat*

The writing of *Tuḥfat*, its discourse and reception owe much to the fact that its author lived in Mecca. In contrast to Cairo, Mecca was not an established place for Shāfi'ite discourses until the sixteenth century. Ibn Ḥajar's selection, or rather "rediscovery", of this place would change and divide the course of the school from then on.

Ibn Ḥajar was born at the end of 1503 at Haram in Eastern Egypt. From here, his family moved to the area of Abū al-Haytam in Western Egypt with which he is famously associated.⁷ In his early childhood his father passed away and he grew up with his grandfather who died soon afterwards at the age of more than a hundred and twenty. Ibn Ḥajar was still very young, so two teachers of his father, al-Shams al-Shanāwī and al-Shams al-Dīn Muḥammad al-Sarwī bin Ab al-Ḥamāyil, took care of him for a short while. Later, al-Shanāwī alone looked after him, but he could not afford the expense for long due to the widespread economic depression in Egypt. He sent him to live with al-Sayyid al-Badawī at Tanṭā where Ibn Ḥajar received his primary education. This parentless and insecure stage of childhood along with poor living conditions had an impact on his later intellectual life. Amidst all these difficulties he focused on his study.⁸

Fighting against all odds, he managed to get into al-Azhar at the age of fifteen with the help of al-Shanāwī in 1518, one year after the Ottoman conquest of Egypt. By the fourteenth and fifteenth centuries the al-Azhar University, established by the Fāṭimids in the tenth century, had become a hub of Sunnī learning with a commanding role in the Shāfi'ite legalist dialogues of Cairo as well as throughout the Middle Eastern world of education. It was "a great centre for the study of jurisprudence and it was the final goal of many of the students to attain eminent positions in the judicial systems of the cities where they lived"; it offered a spatial-temporal context in which "a young man could find a brilliant career in one of two fields of activity", the military or the law.⁹ Thus, to arrive in Cairo and especially at al-Azhar was the dream of most legal aspirants of the time who wanted to establish themselves in the

⁷ His full name is Aḥmad bin Muḥammad bin Muḥammad bin 'Alī bin Ḥajar al-Salmunī al-Haytamī al-Azharī al-Wā'ilī al-Sa'dī al-Makkī al-Anṣārī al-Shāfi'ī. In this, the attributives al-Salmunī and al-Haytamī denote two places. Another attribution, Ibn Ḥajar or Son of Stone, refers to his great-great-grandfather who was notorious for keeping stoney silence all the time. In biographical dictionaries it is said that he belonged to the sub-tribe of Banū Sa'd of the Wā'ila tribe, one of many tribes who helped the Prophet Muḥammad during his exodus from Mecca to Medina. This sub-tribe is said to have migrated from Medina to Egypt during the early expeditions of the first caliphs.

⁸ For a biographical overview of Ibn Ḥajar, see: Ibn Ḥajar al-Haytamī, *al-Fatāwā al-kubrā al-fiqhiyyat* (Cairo: 'Abd al-Ḥamīd Aḥmad Ḥanafī, 1938), 1: in the Introduction, one of his students wrote a biography of Ibn al-Ḥajar while the subject was still alive; cf. Abū Bakr bin Muḥammad Bā 'Amr al-Sayfī al-Yaznī, *Nafā'is al-durar fī tarjamat Ibn Ḥajar al-Haytamī* (al-Dhahiriyya Manuscripts, No. 2319 History/Tārīkh): 138-144; 'Abd al-Mu'izz al-Jazar, *Ibn Ḥajar al-Haytamī* (Cairo, al-Majlis al-A'lā li al-Shu'ūn al-Islamiyyat, 1981); 'Abd al-Qādir bin Muḥammad al-Jazirī, *al-Durar al-farā'id al-munazzamat fī akhbār al-hājj wa-tarīq Makkah al-mu'azzamat* (Riyadh: Dār al-Yamāmat, 1983), 94-96, 963, 1402, 1829; 'Abd al-Qādir ibn Shaykh 'Aydārūs, *Tārīkh al-nūr al-sāfir 'an akhbār al-qarn al-'āshir*, ed. Aḥmad Ḥalū, Maḥmūd al-Arna'ūt and Akram al-Būshī (Beirut: Dar Sader Publishers, 2001), 390, 287-292; Najm al-Dīn al-Ghazzī, *al-Ḳawākib al-sā'irat bi a'yān al-mi'at al-'āshirah: A Biographical Dictionary of Notable Men and Women in the Moslem World in the 16th Christian Century*, ed. Jibrā'il S. Jabbūr (Beirut: American Press, 1949), 3: 111-112; 'Abd al-Ḥayy ibn Aḥmad Ibn al-'Imād, *Shaḍarāt al-ḍahab fī akhbār man ḍahab*, ed. 'Abd al-Qādir al-Arna'ūt and Maḥmūd al-Arna'ūt (Beirut: Dār Ibn Kathīr, 1991), 10: 541-43.

⁹ Bayard Dodge, *Al-Azhar: A Millennium of Muslim Learning* (Washington: The Middle East Institute, 1961), 49.

wider world of a legal career, tradition, discourse, or praxis. Even the farmers and their young children left the hinterlands of Palestine, Syria, Egypt or Yemen for Cairo to become involved in its academic world. That naturally created a headache for the provincial and central ruling classes as the income from farming taxes and agricultural products immediately decreased. Many bureaucrats and administrators tried to use force to prevent the students going to the educational centres or to bring them back. That evoked the resentment of the fuqahā-estate through fatwās and pamphlets: “If consequently any cultivator abandons his cultivation and comes to dwell in Cairo, there is no claim against him, and the action of the oppressors in subjecting him to compulsion is illegal, especially if he wishes to engage in the study of the Qur’ān and learning like the students at the mosque of al-Azhar,” one jurist ruled back then.¹⁰ To be affiliated with Cairo meant receiving a token of fame and recognition of the fuqahā-estates elsewhere in the Islamic world. Within the Cairene estate, a number of different things were regarded similarly. Once admitted, Ibn Ḥajar studied with Zakariyā al-Anṣārī and Shihāb al-Ramlī various religious and extra-religious disciplines such as history, medicine, logic, grammar and linguistics. Though he wrote widely on each of these disciplines, he is mostly known as a historian and legalist.¹¹ In a legal text such as *Tuḥfat* we are therefore not surprised to find detailed references to other disciplines recurring.

He started his studies when Egypt was suffering from pathetic socio-political and economic conditions in the early sixteenth century, especially after the fall of the Mamlūks at the hands of the Ottomans (see below). Academia was not immune from those threats. He himself had to confront deplorable social, political and economic ailments, about which he wrote later:

At al-Azhar University, I have suffered terribly from hunger that no one human being could tolerate if there were no grace and mercy of God. For instance, for about four years I lived without tasting a single bit of meat. But on one night we were invited to a feast, and there meat was being grilled. We waited until midnight. Finally it was brought in. It was dry [tasting] as if it was uncooked. I could not enjoy even a single slice of it... I also have suffered from some terrible teachers (*ahl al-durūs*) whose classes we used to attend with horrific hunger. There is nothing tougher than such starvation when I saw our teacher Ibn Ab al-Ḥamāyil standing in front of my master Aḥmad al-Badawī, and two [portions] were brought, and in front of us he sliced them and ate each and every piece. It was so annoying.¹²

Furthermore, after a theft at the university he was left broken-hearted. Some of his books, especially his lengthy commentary on *al-‘Ubāb* titled *Buṣhrā al-karīm*, were stolen. He

¹⁰ Hamilton Gibb and Harold Bowen, *Islamic Society and the West: A Study of the Impact of Western Civilization on Moslem Culture in the Near East*. vol. I: *Islamic Society in the Eighteenth Century* (London: Oxford University Press, 1950), Part I: 261, note.

¹¹ For his contributions to the historical writing, see: Miyā’ Shāfi’ī, “Ibn Ḥajar al-Makkī wa juhūduhu fī al-kitābat al-tārīkhiyyat” (PhD diss., Umm al-Qura University, 1996); on his role and position in the Shāfi’īte school, see Amjad Rāshid Muḥammad ‘Alī, “al-Imām Ibn Ḥajar al-Haytamī wa atharuh fī al-fiqh al-Shāfi’ī” (M.A. thesis, Jordan University, 1999).

¹² Ibn al-Ḥajar al-Haytamī, *al-Manhaj al-qawīm bi sharḥ mas’al al-ta’līm ‘alā al-Muqaddimat al-Ḥaḍramīyyat al-musammā Bushrā al-karīm* (Jiddah: Dār al-Minhāj, 2006), 25

constantly prayed to God to forgive the thief.¹³ He says it was because of jealousy of his knowledge, but it could have been to relieve poverty as books were valuable goods. Neither al-Ramlī or Sharbīnī seem to have met such troubles, probably because both of them were born into the prosperity of the fuqahā-estate. Their fathers were renowned teachers and legal scholars of their time, a support for new entrants from their family. Ibn Ḥajar was mostly a self-made man who underwent much deprivation in his life.

He focused on his studies and learnt almost all the famous texts in each discipline with the available scholars. The other teachers and texts he studied are well described in anecdotal notes occurring in various works. He says he was deeply influenced by the knowledge and teaching methods of al-Anṣārī: “He is the brightest among the dynamic (*‘āmilīn*) scholars and descendant leaders I have seen. He is the highest-ranking among the juristic, ‘chain-holding’ (*musannidīn*, i.e. with the *sanads* of recognition) legal scholars from whom I have reported and studied.”¹⁴ He says further: “I have not collected anything from him without him saying: ‘I ask God to make you legally knowledgeable [*yufaqqih*] in religion.’ ”

At the age of twenty he had finished his higher studies, and had started to write small booklets and give fatwās, “... to the extent that my distinguished teachers gave me permission (*ijāzat*) to teach and utilize those disciplines, to regulate editing difficult parts of those by affirming (*taqrīr*) and compiling, to give fatwās and to teach according to the school of al-Imām al-Muṭṭalib al-Shāfi‘ī bin Idrīs, and to author and compile. Thus, I wrote from *matns* the commentaries for what does not require any elaboration... all this when I was less than twenty years old.”¹⁵ His similar outstanding academic performance was to make him a reputed scholar, despite the poor social and political conditions in Egypt which were major hindrances. That is the background to his decision to move from Egypt to Mecca, which was a burgeoning centre of knowledge and learning. Before he moved there permanently, he visited the city twice as a pilgrim: once in 1527 and secondly in 1531. On both trips he must have realised the academic opportunities the city could offer him.

Life and Career of *Tuḥfat*

As a person educated in Cairo with such *Minhāj*-authorities as al-Anṣārī and Shihāb al-Ramlī, *Minhāj* had an immense influence on Ibn Ḥajar’s academic career. He wrote many separate works on it: a super-commentary, a partial commentary on the Introduction and another one on the Conclusion. All these are apart from his frequent dependence on the text in his many other legal texts and law-giving. As we see in his fatwā-corpus *al-Fatāwā al-fiqhiyyat al-kubrā* (collected by his student ‘Abd al-Ra’ūf al-Wā‘iẓ al-Zamzamī) and works dealing with specific aspects like ḥajj, marriage, and judicial proceedings such as *Manāsik al-ḥajj*, *Ḥāshiyat ‘alā al-Īdāh fī al-manāsik*, and *Jamr al-ghadā lī man tawallā al-qāda*. Whereas many of those were specialized, short or incomplete, *Tuḥfat* was the complete and self-satisfying work of his own *Minhāj* corpus. He must have given it his full attention as we see in its typologies and articulations, an accuracy that would add to its importance. He also

¹³ Muḥammad Abū Bakr Badhib, Biographical Introduction on Ibn Ḥajar, in Muḥammad Mahfūz bin ‘Abd Allāh al-Tarmasī, *Ḥāshiyat al-Tarmasī al-musammāt al-Manhal al-‘Amīm bi ḥāshiyat al-Manhaj al-qawīm wa Mawhibat ḍi al-Faḍl ‘alā sharḥ al-‘Allāmat Ibn Ḥajar Muqaddimat Bā Faḍl* (Jiddah: Dār al-Minhāj), 24.

¹⁴ Ibn al-Ḥajar, *al-Manhaj al-qawīm*, 22-23.

¹⁵ Ibn Ḥajar, *al-Fatāwā al-kubrā al-fiqhiyyat* (Miṣr: ‘Abd al-Ḥamīd Aḥmad Ḥanafī, n.d.), 1: 4.

authored diverse works in disciplines varying from law, history to medicine and linguistics, and his contributions to historical writing itself could be a subject for a long analysis.¹⁶ His works in Islamic law are abundantly divergent and we focus here only on *Tuḥfat* for it is the most important legal work among his oeuvre.

Tuḥfat's intellectual uniqueness can be understood only in comparison to and connection with his other texts, as well as other commentaries within the school either related or unrelated to *Minhāj*. His other main law-books are the interconnected *al-Na'īm*, *al-Ī'āb*, *al-Imdād* and *Fath al-jawād*. *Al-Imdād* is a commentary on Ismā'īl bin al-Maqaṛī al-Zubaydī's *al-Irshād*, an abridgement of 'Abd al-Ghaffār al-Qazwīnī's *al-Ḥāwī al-ṣaghīr* which is abridged from al-Rāfi'ī's *al-'Azīz*, a commentary of *al-Wajīz* of al-Ghazālī. For *al-Imdād*, Ibn Ḥajar himself wrote an abridgement entitled *Fath al-jawād*. *Al-Na'īm* and *al-Ī'āb* also belong to the same textual family. Al-Rāfi'ī's *al-'Azīz* was abridged by Nawawī into *al-Rawḍat* for which al-Zubaydī wrote an abridgement entitled *al-Rawḍ*, and Ṣafiyy al-Dīn Aḥmad bin 'Umar al-Muzjid wrote another entitled *al-'Ubāb*. Ibn Ḥajar's *al-Na'īm* is a commentary on *al-Rawḍ* and *al-Ī'āb* is a commentary on *al-'Ubāb*. In other words, all his four works are textual descendants of al-Rāfi'ī's *al-'Azīz* and thus belong to a textual genealogy different from that of *Minhāj*. But there is a node in the family-tree in which both lineages intersect at al-Ghazālī's *al-Wajīz*. In contrast to any of these four texts connected to great-grandmothers through many intercessor-texts, *Tuḥfat* is directly attached to the work of Nawawī with fewer intermediaries to *al-Wajīz*.

In this textual *longue-durée*, Ibn Ḥajar's works are connected to Nawawī, the "editor" of the school, and also go further back to al-Rāfi'ī and other predecessors. For example, in the case of *al-Ī'āb* there are at least two mediators between Nawawī and Ibn Ḥajar, whereas in the case of *Tuḥfat* this relation is rather straightforward. It may or may not add to the textual *longue-durée* that I emphasise, but there the genealogical tree becomes much longer and deeply complicated. This is especially true when we take into account that in the *Fath al-jawād* this line does not get connected to Nawawī who is "the editor" of the school, but goes into al-Rāfi'ī and then to the ancestral texts. This genealogical skip might have made both *Fath al-jawād* and *al-Imdād* less attractive to the Shāfi'īte clusters, compared to the texts with the strongest ancestors.

These are not the only reasons why *Tuḥfat* is more exceptional than the four other texts I have mentioned. From those it stands out not just as a commentary on *Minhāj* but rather for its belatedness in being written. All his other works were earlier texts whereas *Tuḥfat* is a comparatively late text. The internal logic of Shāfi'īsm considers later works and later opinions more trustworthy and effective. Though this is a general rule only if two opinions of the same author contradict, it has implications for prioritizing texts. Accordingly, in this case *Tuḥfat* was given its chance over Ibn Ḥajar's other works, adding to its receptivity among the later generations.

¹⁶ For a partial description of Ibn Ḥajar's works along with the details of the manuscripts, see: Muḥammad al-Ḥabīb al-Hīla, *al-Tārīkh wa al-mu'arrikhūn bi Makka min al-qarn al-thālith al-Hijrī ilā al-qarn al-thālith 'ashar: jam' wa-'arḍ wa-ta'rīf* (Mecca: Mu'assasat al-Furqān lil-Turāth al-Islāmīyah, 1994), 216-228. We note that among forty-two works listed, al-Hīla has not mentioned many legal texts of Ibn Ḥajar since his major focus was on Ibn Ḥajar's role as a historian who lived in Mecca.

The reason why Ibn Ḥajar decided to write a commentary on *Minhāj* while there were a plenty of others is given when he himself speaks of his personal motivation:

For a long time, I have been contemplating to get blessings (*tabarruk*) by serving any of the legal works of al-Quṭub al-Rabbānī, al-‘Ālim al-Ṣamadānī, Waliyy Allāh without dispute, the editor of the *madhhab* without opposition (*dafa’*) Abū Zakariyā Yaḥyā al-Nawawī (May God sanctify his soul and brighten his grave), until I decided on the twelfth Muḥarram, 958 to serve his *Minhāj*, of which the exterior (*ẓahir*) is manifest, and the treasures and stockpiles are abundant.¹⁷

These notions of service and getting blessings are expressed in many Islamic commentaries, as most authors in the later centuries believed that engaging with a noted text is not merely an intellectual activity but also bestows a religious accolade with divine blessings. The authors believe that they are doing a service not only for society in general but for the text itself, for which God will give His reward. This passage also shows how he asserts himself into the longer intellectual-*cum*-textual tradition of the school particularly through *Minhāj*.

In his statement of motivation we select four nodes: a) the act of service (*khidmat*); b) two persons, Nawawī and Ibn Ḥajar; c) Nawawī’s position as the editor of the school; d) two texts, *Minhāj* and *Tuḥfat*. Ibn Ḥajar says that he wants to serve the school through the work of Nawawī, the editor. This notion of serving the school is an oxymoronic assertion by which Ibn Ḥajar asserts authority for himself and for *Tuḥfat* by relating to a person and his text that are already authoritative in the Shāfi‘īte tradition.¹⁸ Certainly, the school has grown into a powerful socio-political space of the fuqahā-estate, capable of uniting and dividing its members through a discursive praxis. The school has developed much from what it was, “the opinion” of Nawawī in his *Minhāj* and its own contribution of standardization, hierarchization and prioritization. The socio-legalistic and political developments by the fourteenth century and later restricted Sunnī legal thoughts into simply four in which Shāfi‘ism had important and powerful roles. In its locus of power, Nawawī’s works and particularly *Minhāj* had grown up to be a sort of *sanctum sanctorum*. Once Ibn Ḥajar states with much humbleness that he is *servicing* the power-centres of a person, his text and the school, oxymoronicly he asserts his own power and consequently that of *Tuḥfat*. It also indicates that only a powerful person and text can claim to serve in this way.¹⁹

More precisely Ibn Ḥajar explains what exactly he intends to do and to contribute by writing such a commentary. He aims to summarize the original text depending on its widely circulated commentaries; to deal with extensive statements; to avoid any beating around the bush by giving exact evidence; to reconcile whatever disputes (*khilāf*) and provide appropriate justifications (*ta’līl*); to trace back articles (*maqālat*) and studies (*abḥāth*) to its authors if the

¹⁷ Ibn Ḥajar, *Tuḥfat al-muḥtāj* (Dār al-Kutub al-‘Ilmiyyat, 1996), 1: 3.

¹⁸ The functions of oxymora have been well conceptualized and articulated by different scholars of literary theory; broadly see Hommi Babba, *The Location of Culture* (New York: Routledge, 1994); more particularly see Simon Gikandi, *Writing in Limbo: Modernism and Caribbean literature* (Ithaca: Cornell University Press, 1992), 232.

¹⁹ A rather convincing parallel would be the title *Khādim al-Ḥaramayn al-Sharīfayn* (Custodian of the Two Holy Cities) “given” to the Ayyūbid, Mamlūk, and Ottoman sultans and its usage well into modern times by Saudi kings. This term *khādim* (servant/custodian) denotes the autocratic king and his obligation of service to the religiously powerful cities.

intentions and determinations are idle about giving confirmation, let alone internal difficulties; to refer to the debates by utilizing the *qiyās* (deductive analogy) or *‘illat* (*ratio legis*). With all these targets in mind he says, “I commenced writing it asking the support from God and trusting in him”, and “I entitled it *Tuḥfat al-muḥtāj bi sharḥ al-Minhāj*.”²⁰ That the massive volume of legal commentary texts came out three centuries following *Minhāj* was a major concern for Ibn Ḥajar. Hence, the classification of authority, hierarchization of tradition and contextual pressure added to his qualitative elaboration which was inherent with complexities. This precision in analytical design and intention lead *Tuḥfat* towards erudition, and resembles the predicaments Nawawī faced in his time. If Nawawī had to encounter all the works of the school since its inception, Ibn Ḥajar had to face all the works written after Nawawī, primarily the commentaries on *Minhāj*.

He finished writing this four-volume work in just eleven months. His experience and expertise as a teacher of the Shāfi‘ī school for more than two decades must have been helpful to let him complete it so quickly. *Minhāj* was a legendary text in the legal institutions, and Ibn Ḥajar must have taught it repeatedly, an academic exercise that facilitated the process of commentary writing. That is why the form and contents of *Tuḥfat* displays the style of a teacher-student dialogue when making elaborations, following a question with an answer, engaging other texts and scholars from within and from outside the school, etc. Thus, it could be identified as a “dialogic text”, if we re-contextualize Mikhail Bakhtin’s suggestion, in the sense that it underwent a process of “dialogization” with relativized, deprivileged, and open-handed discourses.²¹

If we compare the contents of *Tuḥfat* with those of the rest of his works we understand how idiosyncratic it is in terms of logical formulation, philological articulation and the amalgamation of diverse commentaries and possible disagreements into the narrative. For a non-specialist it can be hard to comprehend the judgements of Ibn Ḥajar on each issue. Even among scholars, heated debates have erupted over possible meanings of particular phrases or sentences. Throughout the text, the philological constructions are those of a committed legalist. For the common reader, even one fluent in Arabic and in the technical terms of Islamic law, it is very challenging to understand the wordings and sentence structures. It might appear that Ibn Ḥajar is very bad at phrasing a sentence or conveying the message. But traditional experts of the text say that if we read it with extreme care, we understand how Ibn Ḥajar has carefully framed a sentence with exact wordings at exact places. This applies also to the loquaciousness often found in *Tuḥfat*. The super-commentators and law-givers try to analyse all of it in a sort of text-based conversational tradition imbued with hyper-hermeneutical underpinning.

To show the complexity of the language and content in *Tuḥfat* we take its commentary on the “paraphernalia of disputes” in *Minhāj* we already took for analysis in Chapter 4. *Tuḥfat* reads:²²

²⁰ Ibn Ḥajar, *Tuḥfat*, 1: 3.

²¹ M.M. Bakhtin, *The Dialogic Imagination: Four Essays*, ed. Michael Holquist and trans. Caryl Emerson and Michael Holquist (Austin: University of Texas Press, 1981), especially see the fourth chapter “Discourse in the Novel,” 259-422.

²² In **bold font** I give my translation of expressions the author quotes from the original text of *Minhāj*, in round brackets the Arabic expressions he used for a translated term, and in square brackets my interpretative phrases.

Wherever [= Ar. *ḥayth*, is written] with *damm* [on the letter *th*], *fath* and *kasr* are also allowed by changing *yā'* into *wāw* or *alif*.²³ It indicates an actual or notional place [...] **I use** [it in the text] al-Akhfash has argued that it [the word *ḥayth*] connotes time; ***aẓhar* or *al-mashhūr*** related to the *aẓhar* or the *mashhūr* for a characteristic of it; that is, one of those derived at once; **it is a reference to two or more *qawls*; if the dispute is strong**, because of the power of its percipient non-*rājih* from it by expounding evidence, lacking its peculiarity and equalling both their evidence in the original expression. [If] the *rājih* could be distinguished, [either] because the majority certainly supports it, or for its evidence being the clearest, surely the differentiation would not happen. **I say *al-aẓhar*, otherwise** it expounds the contrary, empowered [by] its percipient ***al-mashhūr***. That is how I termed it as it indicates that its contrary [meaning] is subtle. There might be contradictions among the works of the author in determining **preponderance (*tarjih*)** emerging out of changes in his **independent investigation (*ijtihād*)**. Then one should fix that by editing it especially if one wants to confirm things according to their value. **Wherever I use *al-aṣaḥḥ* or *al-ṣaḥīḥ* for two or more *wajhs*** then if it is from one, the *tarjih* is according to the abovementioned *qawls*; or if it is from more than one, it is according to the *tarjih* of another independent investigator. **If the dispute is strong I say *al-aṣaḥḥ*** similar to the abovementioned *qawls*, as it informs with the *ṣiḥḥat* of its opposite...²⁴

From this passage we understand how *Tuḥfat* approaches *Minhāj*. Here it is concerned about the terminological usages found there, while in other contexts it delves into many other aspects. It enters into a detailed hagiographical account of al-Shāfi'ī in the continuation of this passage, when *Minhāj* says, “Wherever I say the *naṣṣ* it refers to a text of al-Shāfi'ī and signifies the existence of a weak *wajh*, or a derived *qawl*”. It explains al-Shāfi'ī's birth, death, full name, genealogy and miracle-stories. It provides a textual and intellectual reference to other works commenting on a *Minhāj* statement: “Wherever I refer to the new view (*jadīd*), the old view (*qadīm*) is its opposite; and if I refer to the old view, then the new view is its opposite.” *Tuḥfat*'s complexity of philological enunciations comes from an attempt to achieving sophistication in legalist insinuations by elaborating on the grammar and structure of *Minhāj* which had been a famous element in the Shāfi'īte tradition. Certainly it leads to an elaboration of content, both qualitatively and quantitatively. The quantitative aspect, habitually inherent in a commentary, resulted in the production of a four-volume text. The qualitative facets are entwined with authorial intentions, compulsions of new contexts and the like.

Its typologies need a deep analysis, to which I shall not turn in detail. However, one example might help us understand how differently it approaches various topics. Commenting on *Minhāj*'s discussion on purity and impurity which we discussed earlier, we read:

It should be excluded from the things that would pollute a little water added to more water by a change [in colour, taste or smell] and a little water by its contact with it [with the filth]. Then the dispute discussed below is about water again,

²³ The *fath* and *kasr* are Arabic vowels: *fath* is a diagonal stroke written above the consonant and represents a short vowel “a”; *kasr* is diagonal stroke written below the consonant and represents a short vowel “i”. The *yā'*, *wāw* and *alif* all are consonants.

²⁴ Ibn Ḥajar, *Tuḥfat*, 1: 49-50

contrary to those who argued that the *matn* would confuse [by] identifying it with solid objects, given among the legalists that it is just a part of it, and it is carelessness about excluding from it (*mustathnā minhu*). **The dead insect without blood** that is of its kind **flowing** (*sā'il*) when a part of its live body splits, like a fly, mosquito, moth, flea, beetle, bug, scorpion, toad, cockroach, wasp and gecko, but not a snake, tortoise, or frog. If one doubts whether or not its blood would flow, it would not offend, as it appears [to me?] in opposition to al-Ghazālī, as I have explained in *Sharḥ al-Irshād* and elsewhere. Rather, the rule of the animals whose blood does not flow applies to it.

Remark: According to *al-Majmū'*, it is allowed in *sā'il* to [pronounce] the *raf'* and the *naṣb* [at the last letter].²⁵ Both their modes are obvious, and with *al-fath*. It has been contested about [the purity of] the parted [fragment of the animal], for it has been rejected extensively in *Sharḥ al-'Ubāb*. You must refer there; it is important. **Then it would not contaminate** a moist **solid object** if it is [solid] or others such as cloth and ledged on the solid objects, for it is identical to the liquid discussed in the Prophetic Tradition below; not to specify it, then there is no disagreement about it by its meeting with it if it has not changed **according to the *al-mashhūr*** for the valid Tradition: “If a fly falls into any of your water, let him immerse it completely, then take it out. Certainly there is disease in its one wing and cure in the other”. A valid report narrates: “Certainly he is taking care with its wing that has disease”. In another report we read: “In one of the two wings of a fly is poison and in the other is cure. Therefore, if it fell into food then you dip it in, that is, immerse it. It ejects the poison and withdraws the cure.” Its immersing leads to its death, especially in hot water. If it is contaminated, it is not required. All other [insects] that do not have putrescent blood are similar to the fly, even if those do not spread when they fall. Because a lack of putrescent blood entails less impurity than purity, as a group [of scholars] like al-Qaffāl have opined.²⁶

Following these Prophetic Traditions, *Tuḥfat* continues to discuss the relative purity and impurity of water, food and other solids that become contaminated with small creatures with or without shed blood. This example demonstrates how it proceeds with legal discussions on minute details that a believer might come across in everyday life. *Tuḥfat*'s typology is well reflected in this passage as it demonstrates how the text deals with the original text, with the discursive tradition of the school, with the larger narratives of Islam, and with earlier texts of the author himself. *Minhāj*'s syntax conciseness and hierarchical deployment of multiple disputes are the usual starting point for *Tuḥfat*. Eventually, it moves on to the layered possibilities of meanings implied in the original text. It also comes up with a justifying analysis of the text's rulings standing within the framework of the school. To this purpose, it takes refuge in the foundation scriptures of Islam, Qur'ānic verses and *ḥadīths*. Though its stand is to extend the dominant views of the school, it advances them with inevitable disagreements with previous commentators of *Minhāj*, and with legalist authorities before *Minhāj*.²⁷ In its typology, *Tuḥfat* stands closer to the *Majmū'* of Nawawī, on which Calder

²⁵ The *raf'* and the *naṣb* are two out of four grammatical states in Arabic.

²⁶ Ibn Ḥajar, *Tuḥfat al-Muḥtāj*, 90-92; cf. Oded Zinger, “Tradition and Medicine on the Wings of a Fly,” *Arabica* 63, no. 1-2 (2016): 89-117.

²⁷ This argument opposes the claim of Fachrizal Halim who has written that the juridical debates happened before Nawawī became irrelevant for later scholars. As we see in this passage and elsewhere in *Tuḥfat*, Ibn Ḥajar

wrote: “[It] binds together a number of allied sciences: the science of biography in relation to *isnāds*, the science of language in relation to lexis and syntax, the science of *ḥadīth* in identifying authoritative collections and variants, the various sciences of juristic argument, *ikhtilāf* and assessment of *maḏhab*. The whole is a dense reticulation of knowledge and meaning that justifies and creates the religious history of the community – the Shāfi‘ī community within the Sunnī community.”²⁸

A noteworthy difference that *Tuḥfat* has is in its mode of “textual connectivity”, that is the relative frame of reference with regard to the preceding Shāfi‘īte literary family. Whenever it cites an opposite or an authentic viewpoint of a scholar, it usually refers to the scholar alone without mentioning from which particular text it is taken. This is something that we also see in *Minhāj* itself. A serious reader then has to find out in which text of that particular scholar such an argument has been made. This was an important catalyst in the birth of commentaries, super-commentaries or marginalia which endeavour to provide exact citations, but it is a problematic process called *taṣḥīḥ* or *taqrīr*. This general trend of *Tuḥfat* changes in two contexts: first when it refers to Nawawī; secondly when it refers to its author’s other works. In both situations it provides the title of the text in which the argument is presented. In the passage given above we see *al-Majmū‘* as a title of Nawawī and *Sharḥ al-‘Ubāb* as one of Ibn Ḥajar, whereas just the names of scholars such as al-Ghazālī and al-Qaffāl are given.

Between the Storms: Reception and Legacy

Despite all the internal idiosyncrasies in terms of content, articulation, form and structure, a most important factor contributing to the popularity of *Tuḥfat* over any of Ibn Ḥajar’s other works is the fact that it was a commentary of *Minhāj*. In the sixteenth century, *Minhāj* was having a sort of glorious moment in Shāfi‘īte circles through multiple commentaries, discussions, fatwās, and curricula of higher educational institutions, and al-Ramlī and Sharbīnī were yet to write their commentaries. Naturally their colleague’s commentary which had appeared recently was an immediate reference point for them, even if only one with which they would mostly disagree. The fact that Ibn Ḥajar began to teach it at Mecca once he had finished writing it must also have accelerated its wider reception. The practice, generally called *samā‘* (hearing) and *iqrā‘* (reading), was how Islamic authors published their texts. The audience read back a copied text to the author to be authenticated. In those sessions, the author sometimes revised phrasings or even arguments. The teaching gatherings were more intensive than *samā‘-iqrā‘* sessions as they offered a chance for rigorous discussion. The author could then revise the text with additions and deletions in response to questions raised by students. All such educational gatherings led to the production of a “dynamic text”, in which additions and deletions frequently invigorated a text. This process continued either until the death of the author or until s/he stopped spending time on it. The “original” manuscript of such a dynamic text is practically impossible to trace. *Tuḥfat* is no different

constantly goes back to the earlier scholars of the school to validate his arguments. See Fachrizal Halim, *Legal Authority in Premodern Islam: Yahyā b. Sharaf al-Nawawī in the Shāfi‘ī School of Law* (New York: Routledge, 2015).

²⁸ Norman Calder, *Islamic Jurisprudence in the Classical Era*, ed. Colin Imber, intro. and afterword Robert Gleave (Cambridge: Cambridge University Press, 2010), 113.

from this general paradigm, although it was written in less than a year in 1551. Historical sources tell us that the author conducted teaching sessions regularly. Numerous doubts from students at those sessions about different usages and arguments of *Tuḥfat* will have motivated him to produce another supportive super-commentary/marginalia (Ar. *ḥāshiyat*, pl. *ḥawāshī*).²⁹ Such super-commenting on one's own work is an independent aspect of a dynamic text. Possibly this super-commentary, though he could not finish it, would be the first in the series of more *ḥāshiyats*, and certainly an accelerator to its wider reception in the Shāfi'īte world.

Initially the wind of opinion was against *Tuḥfat*. The Cairene Shāfi'īte cluster disagreed with many of its formulations. Al-Ramlī in his commentary indirectly appreciates the works of Ibn Ḥajar, yet directly puts forward his views contradicting those in *Tuḥfat*. Al-Sharbīnī did not go that far, but he mildly opposed many of its rulings. The situation got worse for *Tuḥfat* when another renowned scholar from Cairo, Ibn Qāsim al-'Ibādī (d. 1586), produced a direct super-commentary on *Tuḥfat*, in which he expressed many criticisms and opposite viewpoints to its arguments. 'Ibādī was born and brought up in Egypt and had visited Mecca many times. We do not know whether he met Ibn Ḥajar there, but note that many of his visits happened while he was still active in the city. 'Ibādī was truly a Cairene scholar, having been educated at al-Azhar with renowned scholars of the time, such as Naṣr al-Dīn al-Laḳānī and Shihāb al-Dīn Aḥmad al-Burullulsī known as Shaykh al-'Amīrat, who also wrote a super-commentary on Maḥallī's commentary on *Minḥāj*. 'Ibādī also wrote super-commentaries on *Jam' al-Jawāmi'*, a jurisprudential text of the fifteenth century, and on *Sharḥ al-Waraqāt* and *Mukhtaṣar al-Ma'ānī*. More importantly, he wrote a *ḥāshiyat* on *Faṭḥ al-Wahhāb* of al-Anṣārī.

His *ḥāshiyat* was put together by his student Maṣṣūr al-Ṭablāwī (d. 1606), who himself wrote a marginalia on *Faṭḥ al-Wahhāb* and an epilogue-commentary for *Minḥāj*. He explains his motivation for organizing such a super-commentary from the lecture-notes of his teacher in the preface: "This is a gentle super-commentary, with fine minutiae, valued editing, significant alerts, self-evident passages unprecedented in hitherto works." He further places al-'Ibādī as the last scholar with a thorough understanding of Islamic law.³⁰ While al-Ramlī and Sharbīnī levied only occasional criticisms in their commentary on *Minḥāj*, al-'Ibādī expressed his disagreements directly and frequently. 'Ibādī utilized al-Ramlī's commentary significantly to substantiate and strengthen his own arguments. Certainly all these works together must have added to the reception and acknowledgement of *Tuḥfat*'s position and efforts, but only from a sympathetic view. This would have been similar to the fate of *al-Muḥarrar* once *Minḥāj* had been released.

²⁹ The characteristics and roles of *ḥāshiyats* in defining and disseminating Islamic law since the sixteenth century are of great importance. The role of *ḥāshiyats* in the Islamic literary corpus in general and in the Islamic law in particular has been well analysed in a series of articles at a special volume of *Oriens*; see especially, Asad Q. Ahmed and Margaret Larkin, "The Ḥāshiya and Islamic Intellectual History," *Oriens* 41, no. 3-4 (2013): 213–216; Ahmed El Shamsy, "The Ḥāshiya in Islamic Law: A Sketch of the Shāfi'ī Literature," *Oriens* 41, no. 3-4 (2013): 289–315. Nevertheless, El Shamsy's use and analysis of *ḥāshiyat* is problematic as he takes it as a monolithic literary corpus without demarcating the obvious differences between a *sharḥ* and a *ḥāshiyat*. For him, for example, both *Tuḥfat* (a commentary on *Minḥāj*) and its commentary by al-Ḥakamī (a super-commentary on *Minḥāj*) are the same.

³⁰ Ibn Qāsim al-'Ibādī, *Ḥawāshī al-Shirwānī wa Ibn Qāsim al-'Ibādī 'alā Tuḥfat al-muḥtāj bi-sharḥ al-Minḥāj* (Beirut: Dār al-Kutub al-'Ilmiyat, 1996), 1: 3-4.

A more favourable wind blew when Ibn Ḥajar's grandson Raziyy al-Dīn bin 'Abd al-Raḥmān (d. 1631) produced another super-commentary in which he confronted the criticisms raised by 'Ibādī, and also those raised by other Egyptian commentators on *Tuḥfat*. While countering the juridical disapproval, Raziyy al-Dīn justified the arguments of *Tuḥfat* and stated that 'Ibādī raised criticisms to *Tuḥfat* only because he could not properly understand what he called the "heteroglossia" of the text. As an aside we note that the rise to fame of Raziyy coincided with the rise of Ibn Ḥajar's family, one which had once lacked support in Cairo, but now came into prominence in the Meccan fuqahā-estate in particular and in the Shāfi'ite world in general.

That relieved the pressure on *Tuḥfat*'s further journey over an otherwise hazardous ocean. The onward course into the scholarly worlds was moderately smooth. Only the Egyptians were not fully convinced by the arguments of *Tuḥfat* or by Raziyy's super-commentary. This led to a division in Shāfi'ism. In the later textual-cum-academic history of the school, al-Ramlī's commentary attracted the circles of Egypt, whereas *Tuḥfat* enjoyed a primary position in the rest of the Shāfi'ite world, especially along coasts of the Indian Ocean, from South Arabia to Southeast Asia and partly in East Africa. It marked the rise of two sub-schools within Shāfi'ism by the sixteenth century, which I shall discuss below.

Of the twenty-five known super-commentaries of *Tuḥfat*,³¹ two are widely circulated and used among the Shāfi'ites, the ones by 'Ibādī and 'Abd al-Ḥamīd al-Sharwānī. Both their works were copied down together, and the printed editions include *Tuḥfat* in the margins. This transformed the four-volume *Tuḥfat* into a ten-volume text, which embodied three books in all. Compared to the work of al-Sharwānī, 'Ibādī's work is much smaller. Beyond the full super-commentaries, there are also many more specialized textual descendants for *Tuḥfat*. Three scholars interpreted its section on inheritance law alone, and many other scholars have attempted to write about the technical terms used in *Tuḥfat*. As we mentioned earlier, *Tuḥfat* has a very complicated use of language which even experts have problems to analyse. That motivated textual experts to produce clarifications and elaborations.³² There are also some lesser known elucidating texts, though these are relevant regionally in the Muslim-dominated coastal belts of the Indian Ocean and the Eastern Mediterranean. The main concern of this sort of work was for terms of dispute-paraphernalia and personal titles such as "my teacher", "the judge", "our master".

There are two other notable texts related to *Tuḥfat*: *al-Ithāf fī ikhtisār al-Tuḥfat* by 'Alī bin Muḥammad bin Abū Bakr bin Abū al-Qāsim bin Mātir al-Ḥikamī al-Yamanī (d. 1631)³³, an attempt to engage with the abridgment of *Tuḥfat*; *Mukhtaṣar al-Tuḥfat* of 'Alī bin 'Umar bin Qādī Bā Kathīr (d. 1795), a summary of *Tuḥfat*. Compared to its textual ancestors, *Tuḥfat* was much less abridged, mainly because the complexity of language it maintains throughout the work prevents even expert interference. Removing certain parts destroys the content. The eighteenth-century summary is nevertheless such an attempt, but it was not received widely

³¹ According to a list provided by Muḥammad Sha'ban, Introduction to Nawawī, *Minhāj al-ṭālibīn wa 'umdat al-muftīn*, ed. Muḥammad Ṭāhir Sha'ban (Beirut: Dar al-Minhāj, 2005), 28-31.

³² Two such works are *Uqūd al-durar fī bayān muṣṭalahāt Tuḥfat Ibn Ḥajar* by Muḥammad bin Sulaymān al-Kurdī (d. 1780) and *Taḍkirat al-Ikhwān fī sharḥ Muṣṭalahāt al-Tuḥfat* by Muḥammad bin Ibrāhīm al-'Alījī al-Qalhatī (d.? in the twentieth century).

³³ He himself wrote a commentary on *Minhāj*.

by the Shāfi‘ites. Conversely, there are many indirect abridgements of *Tuḥfat* which seem to be independent works at first glance, but are in fact summarizations of *Tuḥfat* when examined more closely. *Qurrat al-‘ayn* and *Fath al-mu‘īn* to be discussed in the next chapter are the best examples.

As well as these different sorts of *ḥāshiyats* on *Tuḥfat*, there is another side to its reception which should be noted, although in a way this is only stating the obvious. The production of such detailed and multiplied marginalia explains its wider reception in Islamic legal higher education, in institutions and in practicing fatwā-giving, judgement and debates. Each *ḥāshiyat* represents a minor part of these diverse activities, surrounding the text in different localities in the Indian Ocean coastal belt and beyond. An expert involvement with the text encouraged its social reception in a way that made possible deep inferences from and analyses of *Tuḥfat* in particular. The *ḥāshiyats* in general acted as a hierarchized marker of its scholarly social status in the fuqahā-estates and/or the Shāfi‘ite clusters. I shall return to this point towards the end of this chapter.

In a nutshell, *Tuḥfat* owes its reception to “serving” *Minhāj*, whose “exterior is manifest, treasures and stockpiles are abundant”. Moving away from the deleterious social and academic atmospheres of Cairo, Ibn Ḥajar could build up a successful career in Mecca, where he could write many legal texts while interacting with numerous students from all over the world. *Tuḥfat* caught the attention of students and scholars for being a commentary of *Minhāj* written by a towering scholar based in Mecca. The immediate criticisms and endorsements from his contemporaries in Cairo and elsewhere contributed further to its legacy in the long run. The responses or commentaries of al-Ramlī, Sharbīnī, Ibn Qāsim al-‘Ibādī and rebuttals by Raziyy al-Dīn, all within a few decades of its composition, demonstrate that the text attracted the wider attention of the Shāfi‘ite jurists within a short period. If *Minhāj*’s legacy was based on its precision, canonization and systematization of Shāfi‘ite law, *Tuḥfat* was able to be received for its elaborate engagements with all the previous commentaries and the many thematic and linguistic aspects of the canon. The reception of *Minhāj* can be equated with the “success of the canon”, while that of *Tuḥfat* can be seen as the “success of the commentary”.

II.

Political Entities and Meccan Shāfi‘ism

By the end of the fifteenth century Egypt had become a wrecked ship in a poor political, economic and social condition. A contemporary historian, al-Maqrīzī, captured its wretched circumstances when he says: “The shadow of justice shrank, faces of injustice spread, violence mugged its teeth, honour diminished ...”³⁴ Since the long years of war with the Ottomans at Anatolia and Syria which began in 1485, Egypt’s political situation deteriorated drastically. The ruling Mamlūk dynasty faced a pathetic phase in their royal and aristocratic might against many internal conflicts and external attacks.³⁵ Although the penultimate ruler

³⁴ Aḥmad ibn ‘Alī Maqrīzī, *Kitāb al-mawā‘iz wa al-i‘tibār: bi ḍikr al-khiṭaṭ wa al-āthār* (Cairo: Maktabat al-thaqāfah al-dinīyah, 1987), 2: 221

³⁵ Shai Har-El, *Struggle for Domination in the Middle East: The Ottoman-Mamluk War, 1485-91* (Leiden: Brill, 1995).

Qānṣūh al-Ghawrī (d. 1516) could be said to have been efficient in his office, the economic conditions were weakening day by day, after the indefatigable rise of the Ottomans in the northeast and the Portuguese in the Indian Ocean.

Egypt's political desolation was exploited and intensified by pressure from the Ottomans, one of the booming empires of the time. After Sultan Selim I (r. 1512-1520) conquered Cairo in 1517 and hanged the last Mamlūk sultan Tuman Bay II publicly like a criminal at the south gate of the city, the Ottomans took numerous members of the fuqahā-estate, nobles, merchants and the manuscripts to Istanbul. This amounted to “about 1800 persons: judges, important noblemen, members of the *‘ulamā’*, rich and poor, various merchants of Khan Khalil and other bazaars, legal authorities, high officials, women and children, scholars and labourers, Christians and treasury clerks and many artisans”.³⁶ This deportation was aimed at strengthening the Ottoman capital, which would eventually develop into a centre of Islamic legalism.

In the same year, through a series of wars in the Hijaz, the Ottomans managed to take control of Mecca when its Sharīf, Barakāt bin Muḥammad (r. 1497-1525), agreed to the new caliphate's supremacy but which allowed him to retain his local autonomy. The wind blew in favour of Selim I when the Portuguese incursions into the Red Sea generated panics and uncontrolled price-hikes. This led the Sharīf to send his young son to the Ottoman Sultan at Cairo offering the suzerainty of the Hejaz in order to save the region from poverty and insecurity.³⁷ Once the holy-city came under their control, the Ottomans tried to legitimize themselves through momentous endowments for social and religious activities in the city.³⁸ It helped the once-politically remote place like Mecca revive in terms of economy, culture and knowledge. Although the existing knowledge centres like Cairo did not immediately loose currency in the broader Islamic world, they began to suffer from new developments in production of and the increasing needs for legal expertise. Turkish cities such as Istanbul began to rise as new academic centres, and the Ottomans desired a wider recognition and legitimacy among the Muslim scholarly elites. Mecca benefited in that stage of social transition. The city had not been recognized as a centre of academic excellence, except for some nominal madrasas and *ribāṭs* during the Mamlūk period and even earlier.³⁹ Once the Ottomans took power those existing centres became less legitimate for restoring intellectual prestige in the new empire, but Mecca showed a positive desire to be involved. It was a long sanctified place in the Islamic tradition which was furthered with a new band of politically

³⁶ Dodge, *Al-Azhar*, 77

³⁷ Suraiya Farooqhi, *Pilgrims and Sultans: The Hajj under the Ottomans, 1517-1683* (London and New York: I.B. Tauris Publishers, 1994).

³⁸ For example, Sultan Selim II (r. 1566-1574) made frequent charitable donations to the inhabitants of Mecca and Medina, and he ordered the reconstruction of the Masjid al-Haram in Mecca. For the details, see Ibn al-‘Imād, *Shaḍarāt al-ḍahab*, 8: 396; ‘Abd al-Malik ibn Ḥusayn ‘Iṣāmī, *Samṭ al-nujūm al-‘awālī fī anbā’ al-awā’il wa-al-tawālī* (Cairo: al-Maṭba‘ah al-Salafiyyah wa-Maktabatuhā, 1960/61), 4: 94; Muḥammad ibn Muḥammad Ibn Abī al-Surūr, *al-Minah al-Rahmānīyah fī al-dawlah al-‘Uthmānīyah: wa-dhayluh, al-Laṭā’if al-Rabbānīyah ‘alā al-minah al-Rahmānīyah* (Damascus: Dār al-Bashā’ir, 1995), 185-202; Quṭub al-Dīn al-Nahrawālī al-Makkī, *al-Barq al-Yamanī fī al-fath al-‘Uthmānī: Tārīkh al-Yaman fī al-qarn al-‘ashir al-Hijrī*, ed. Ḥamd bin Muḥammad al-Jāsir (Riyadh: Dār al-Yamāma li-al-Baḥth, 1968): 197; cf. al-Nahrawālī al-Makkī, *Lightning over Yemen: A History of the Ottoman Campaign (1569-71): Being a Translation from the Arabic of Part III of al-Barq al-Yamanī fī al-Fath al-‘Uthmānī*, trans. Clive K Smith (London and New York: I.B. Tauris, 2002).

³⁹ al-Fāsī, *al-‘Iqd al-thamīn fī tārīkh al-Balad al-Amīn*, ed. Fu‘ād Sayyid (Beirut: Muassasat al-Risalat, 1985).

charged and revitalized academics. That is precisely what the Ottomans also wanted, to attempt to regulate the aspirations of the fuqahā-estate by attracting scholars, who were looking for new vistas to escape from war torn and poverty stricken lands such as Egypt. In their quest for legitimacy as a caliphate, they could not find a better site for controlling the day-to-day activities than the holy cities of Muslims from all over the world. They took over the royal title of “the custodian of the two holy cities (*khādim al-ḥaramayn al-sharīfayn*). Once they could control the temperature of events in Mecca, we see many Ottoman rulers coming up with new policies and plans for the city to gain physically and intellectually. Many of them initiated several construction projects and charitable endowments in the city, to the extent that it motivated one local historian, Jār Allāh Muḥammad bin Fahd, to write a book on the Ottoman constructions in the city.⁴⁰ All these developments opened up new vistas for Ibn Ḥajar and for many other Egyptians as well as for the “global Muslims”. It is against this backdrop that we should read Ibn Ḥajar’s appreciations of the Ottoman sultan Sulaymān the Magnificent (r. 1520-1566) for the reforms he brought in Mecca.⁴¹

The juridical affiliation(s) of the Sharīfs of Mecca, the autonomous traditional rulers of the city, would be interesting to explore in order to understand how they contributed to the general legal practices in the city, affecting educational endowments, academic developments, legal clarifications and judicial proceedings. Though we do not have any clear references to their school in the period, it is clear that they constantly changed their affiliations between Zaydī, Shī‘īte and Sunnī schools.⁴² Since the establishment of the Sharīfate in 968 CE, most of its rulers associated with the Zaydī Shī‘ism and some took to Ismā‘īlī Shī‘ism. But the Ayyūbids, Rasūlids and Mamlūks tried to impose their theological legalist ideas of Shāfi‘ism over them, even though they were unsuccessful in the long run. The Mamlūks had been desperately looking for a way to eradicate Shī‘ism and Zaydism from Mecca throughout their period of power. Sultan Muḥammad bin Qalāwūn denied appointing a Zaydī *imām* in the Great Mosque (Masjid al-Ḥarām) in the 1320s, and another *imām* was severely beaten and imprisoned in 1353 for refusing to denounce Zaydism. By the end of the fourteenth century, there were signs from the Sharīfs of their inclinations towards Sunnism and particularly Shāfi‘ism, as the descriptions about the Sharīf ‘Ajlān bin Rumaythat Abī Numayy (d. 1375) indicate.⁴³ Following his death, the Sharīfs almost stopped supporting Zaydism leading to its disappearance by the early fifteenth century. The following Sharīfs, including Ḥasan bin ‘Ajlān (r. 1395-1426 with a slight interruption in 1415), the Emir Barakāt bin Ḥasan bin ‘Ajlān (r. 1426-1455), his son Muḥammad (r. 1455-1497) and grandson Barakāt (r. 1497-1525), all studied *ḥadīths* and Shāfi‘īte laws with many renowned scholars of Egypt and Syria. This resulted in the gradual decline of Zaydism in the region and the nominal prominence of Shāfi‘ism by the fifteenth century.⁴⁴ In the sixteenth century, Shāfi‘ism

⁴⁰ Jār Allāh Muḥammad bin Fahd, *Nukhbat bahjat al-zamān bi ‘amārat Makka li mulūk Banī ‘Uthmān*, ed. Qays Kāzīm al-Janābī (Beirut: Dār al-Kutub al-‘Ilmiyyat, 2010).

⁴¹ Ibn Ḥajar, *Arba ‘ūn ḥadīth fī al-‘adl*, ed. Samīr Kattanī (Beirut: Manshūrāt al-Jamal, 2012), Introduction.

⁴² Richard T. Mortel, “Zaydi Shiism and the Hasanid Sharīfs of Mecca,” *International Journal of Middle East Studies* 19, no. 4 (1987): 455-472.

⁴³ al-Fāsī, *al-‘Iqd al-thamīn*, 6: 70, no. 1979; biographical note on the Sharīf ‘Ajlān, 58-73.

⁴⁴ For the existence of Zaydism in Mecca after the death of ‘Ajlān bin Rumaythat we have no direct reference in the works of three contemporary historians from the city: al-Fāsī, Najm al-Dīn ‘Umar bin Fahd (d. 1480), and ‘Abd al-‘Azīz bin ‘Umar b. Fahd (d. 1516); cf. Mortel, “Zaydi Shiism”.

achieved a prominence over them and they “exchanged their Zeidite (Shi’ite) confession for the Shafi’ite”, as Snouck Hurgronje noted.⁴⁵ Since then many Sharīfs displayed hostile attitudes towards Zaydīs, and they denied entrance to some Zaydī pilgrims from Yemen who wanted to perform ḥajj in 1672. In the seventeenth century, many Zaydīs of Mecca and Yemen converted to the Ḥanafī school, meaning to Sunnīsm.⁴⁶ It is difficult to come to a conclusion about the influences of the school affiliation of the Sharīfs on the Meccan estate as the details we have are very fragmented and patchy. Nevertheless, we see that just before, during, and after Ibn Ḥajar’s arrival in the city, the Sharīfs followed Shāfi’ism, and we can only assume that their affiliation with that school must have contributed positively to the internal dynamics of the cluster. This also indicates that the wider political structure of the Ottomans (and of the Ayyūbids and Mamlūks earlier) as such did not matter to the internal dynamics of the local state and the fuqahā-estate.

Almost all primary sources note that there were four *imāms* and judges for each Sunnī school, in addition to an occasional fifth Zaydī *imām*. Hurgronje’s generalized sense that the chief judge was always a Shāfi’ite is wrong.⁴⁷ Certainly the position was held by the Ḥanafītes from the mid-sixteenth century with only a few occasional changes; the Ottoman policy was to appoint only Ḥanafītes to higher judicial positions. Thus, it would be interesting to ask about the interrelations between the judges of these schools and see if there were any conflicts. Prior to the sixteenth century, we have evidence of conflicts and interactions between Shāfi’ites and Zaydīs, when the latter were comparatively powerful.⁴⁸ In the sixteenth and seventeenth centuries, we see references about the ego clashes between the Ḥanafī chief-judges and the judges of other schools. The superiority ascribed to the Ḥanafīte judge by the Ottoman state was a matter of contestation among the members of other schools, and it would be a Shāfi’ite judge who usually instigated conflict from others against him.⁴⁹ Yet it is unclear if Ibn Ḥajar took part in the Shāfi’ite-Ḥanafīte political factionalism of the city.

Unlike Nawawī who entered directly into encounters with the Mamlūk sultan Baybars, we have hardly any references for Ibn Ḥajar disassociating himself from contemporary political entities. In his lifetime two eminent Ottoman sultans (Selim I, and Süleyman r. 1520-66) and two Meccan Sharīfs (Barakāt bin Muḥammad Barakāt, r. 1497-1525 and Muḥammad bin Barakāt, r. 1525-1584) were in office and we have only a few patchy references for any engagement of him with the rulers of Mecca or of the Ottoman empire. He himself wrote

⁴⁵ C. Snouck Hurgronje, *Mekka in the Latter Part of the 19th Century: Daily Life, Customs and Learning: the Moslems of the East-Indian Archipelago*, trans. J H Monahan (Leiden: Brill, 2007), 1: 199.

⁴⁶ Hurgronje, *Mekka*, 200.

⁴⁷ Hurgronje, *Mekka*, 200, 189.

⁴⁸ During the funeral sessions of the Sharīf Rumaythat in 1346, the Zaydi *imām* Abū al-Qāsim bin al-Shughayf al-Zaydī was pulled back from leading the rituals by the Shāfi’ī jurist and chief qādī of the city, Shihāb al-Dīn al-Ṭabarī. The same Ibn al-Shughayf is said to have formally approached the Egyptian Shāfi’ite ‘Izz al-Dīn bin Jamā’at expressing his willingness to denounce Zaydism. He did abjure it and accepted Sunnīsm, according to the account of al-Fāsī. The first incident is recorded in al-Fāsī, *al-‘Iqd al-thamīn*, 4: 417; cf. Mortel, “Zaydi Shiism,” 466.

⁴⁹ For example, see: Fāsī, *al-‘Iqd al-thamīn*, 4: 417.

about his attitude: “My wont is not to be mixing with people, mainly men of the world”.⁵⁰ In fact he did associate with a few Indian noblemen who may have funded his scholarly pursuits, as we shall see below.

Pilgrimage-Refuge-Knowledge Sojourners

By the middle of the thirteenth century, such traditional Islamic centres of knowledge and prosperity as Baghdad and Khorasan had almost lost their prominence first to Damascus and then later Cairo, especially with regard to the history of the Shāfi‘ī school. To the eminence of Cairo in the late-fourteenth and early-fifteenth century distinguished scholars such as ‘Abd al-Raḥīm ibn al-Ḥusayn al-‘Irāqī (d. 1403) and Ibn Ḥajar al-‘Asqalānī (d. 1449) contributed by rejuvenating traditionist approaches of al-Buwayṭī and Ibn Quṭayba (d. 889) in interpreting Shāfi‘īte law. It was differently furthered in the fifteenth century by al-Maḥallī and Zakariyā al-Anṣārī, who simultaneously introduced the methods of Nawawī’s *Minhāj* and the approach of *Riyāḍ al-ṣāliḥīn*, a traditionist framework. Through these vital discourses and a wider subscription of the scholarly community, Cairo had reinvented itself in the Shāfi‘īte realm, centuries after the school’s inception there through al-Shāfi‘ī, Muzanī, Ibn Quṭayba, and many others.

The fall of Mamlūks, the rise of Ottomans seeking legitimacy at the Holy Cities, the Shī‘īzation of the Ṣafawids in Persia, the Portuguese interruptions in the Indian Ocean world and consequent decline of Arab trade, all carved out channels for the movement of Muslim pilgrims, educational aspirants and traders to Mecca. The increasing involvement of the Ottomans in the Indian Ocean world and their attempts to establish a global abode for Islam stretching to East Asia was a catalyst for the mobility of believers to the heartlands of Islam, all now governed by one and the same regime.⁵¹ All these factors contributed to the growing significance of the Meccan fuqahā in the broader spectrum. Scholars acquired renown through interactions with sojourning pilgrims, refugees and other aspirants for knowledge, making an idiosyncratic feature of Meccan academia from that century onward.

Before the sixteenth century, Mecca was not an interesting place for educational aspirants and intellectuals. Certainly it had its share of micro-networks of scholars, pilgrims, sojourners, but it did not produce any renowned scholars or texts, at least from the Shāfi‘īte cluster. In the whole longue durée of the school, it had until then held only a trifling position. Just like the eponymous founder al-Shāfi‘ī who grew up there, one of his early students Abū al-Walīd Mūsā al-Makkī promulgated his ideas there for short time. Al-Ghazālī’s teacher and renowned legalist of his time al-Juwaynī taught there for some years and started writing his *Nihāyat* there. Apart from these, it had never become a lively spot for Shāfi‘īte scholarship. But that definitely does not mean Shāfi‘īsm was not there at all, because it was represented as one of the four Sunnī schools. In the mid-fourteenth century, Ibn Baṭṭūṭa visited the city and its sanctorum and he tells how the representative leaders of the four schools divided their authority as they coexisted with each other in the city. In the fifteenth and early sixteenth

⁵⁰ Ibn Ḥajar al-Haytamī, “Riyāḍ al-riḍwān” or “Life of al-Masnad al-‘Ālī Abil Kasim ‘Abdul ‘Azīz Āsaf Khān”, in ‘Abdullāh Muḥammad al-Makkī al-Āsafī al-Ulughkhāni, *Zafar ul Wāliḥ bi Muzafar wa Ālihi: An Arabic History of Gujarat*, trans. M.F. Lokhandwala (Baroda: Oriental Institute, 1970), 1: 279.

⁵¹ On the Ottoman aspirations in the Indian Ocean world, see Giancarlo Casale, *The Ottoman Age of Exploration* (Oxford: Oxford University Press, 2010).

century the situation was not different. Shāfi'ites such as Jalāl al-Dīn Muḥammad al-Makhzūmī (d. 1457), a student of Ibn Ḥajar al-'Asqalānī, Jamāl al-Dīn Muḥammad bin 'Alī al-Qurashī (d. 1433), were there teaching law, leading prayers, and composing some lesser known works. Most of them (e.g., Abū al-Makārim Shams al-Dīn Muḥammad al-Bakrī al-Ṣiddīqī, d. 1545) studied in Cairo with reputed scholars of their time, such as al-'Asqalānī and al-Anṣārī. This definitely demonstrates Cairo's important position even in the minds of Meccan students up to the early sixteenth century. Yet none of these scholars had a reputation in the wider Shāfi'ite world for different reasons, as well as the socio-economic, geophysical and political insignificance of the place. Many scholars who had been born, brought up or spent many years in Mecca were migrating to Cairo till the turn of the century. Abū Bakr bin Qāsim al-Makkī, known in the Egyptian estate as Abū Bakr al-Ḥijāzī (d. 1383), and Abū al-Ma'ālī Kamāl a-Dīn Muḥammad (d. 1500) are the best examples in this regard.⁵²

Into a legalist context such as this Ibn Ḥajar came in 1534 and was to spend his whole academic life there without returning again. As someone educated in Cairo with renowned scholars, he must have understood he had a market value in the new atmosphere of Mecca. The rise of the Ottomans and their consequent domination over the city had led to the general stimulation of the legal intelligentsia there. The Ottomans were followers of the Ḥanafī school, so Ḥanafītes took up the key positions in the newly established educational institutions. Yet the Ottomans wanted to accommodate other schools, especially Shāfi'ism, since a large portion of Muslims living in the empire adhered to this school. Furthermore, their ambition to control Shāfi'ite domains such as the Indian Ocean was also an incentive. That naturally offered big opportunities for scholars such as Ibn Ḥajar. All these new developments as a consequence of Mecca developing as a prime centre of Islamic academia particularly for legalist knowledge, together with his own difficulties in his personal and professional life, must have motivated his decision to migrate.

Once he arrived in Mecca, he easily attracted numerous aspirants for Shāfi'ite law. He began to teach, compose texts, and give legal rulings. In an academic career lasting for more than three decades there, he taught several students from unconventional backgrounds for traditional Muslim academics, different geographically, culturally and socially. A large chunk of Shāfi'ite pilgrims to Mecca from different parts of the world ended up in his lectures. While the pilgrimage in the sixteenth century was not an easy affair that can be completed in a couple of weeks, as happens now, it then took several months or even years of travel, and most pilgrims stayed in Mecca for a sustained period. Many of them investigated the circles for knowledge that existed in both Mecca and Medina.⁵³ Many Shāfi'ite pilgrims were fluent in Arabic and keen to listen to the lectures related to everyday legal issues that a believer may encounter, so they attended Ibn Ḥajar's lectures. Such pilgrims listened to his normal lectures, and also approached him seeking legal solutions for various issues with which they were

⁵² al-Hīla, *al-Tārīkh wa al-mu'arrikhūn*, 126 on Jamāl al-Dīn al-Qurashī; 136 on Jalāl al-Dīn al-Makhzūmī; 87 on Abū Bakr bin Qāsim al-Makkī; 167 on Abū al-Ma'ālī Kamāl a-Dīn; and 193 on Abū al-Makārim Shams al-Dīn. The only exception could be two families (Banū Zahrāt and Banū Fahad) who controlled the Meccan fuqahā-estate in general and the Shāfi'ite cluster in particular for decades. Still, their reputation in the wider estate or *longue-durée* of the school is marginal. For details on Banū Zahrāt, see 88-89; and 99-110 on Banū Fahad.

⁵³ For the details of educationally motivated pilgrims in the sixteenth to eighteenth centuries, see Michael Pearson, *Pious Passengers: Hajj in Earlier Times* (London: Hurst, 1994).

struggling personally or collectively in their homelands. His *Fatāwā al-kubrā* and *Fatāwā al-ḥadīthiyyat*, two massive collections of legal rulings on a different number of topics and themes, is a fine example of this intermixture of proper legal academic reasoning and popular responses to pleas for fatwās (*istiftāʾ*). They contain questions asked by enquirers from such unusual terrains as Malabar, which had never appeared in Islamic legal texts before.⁵⁴ In such an institutional setting of Mecca, these popular interactions with academic discourses were closely interconnected and would not have been possible elsewhere on such a massive scale.

As the prominence of Mecca rose in the legalist sphere, Ibn Ḥajar asserted himself into the longer intellectual-*cum*-textual tradition of Shāfiʿism. Although he composed much in many disciplines, he is mostly known as a legalist and a historian. All his legalistic engagements were an assertion of his connectedness to the longer tradition of the school. Those works also were part of his attempt to contribute to the expanding arena of the Meccan fuqahā-estate. His life and career in Mecca and the reception of *Tuḥfat* show how the sixteenth century nourished the development of new estates, clusters and legal intelligentsia in the city and the ways in which Shāfiʿism acquired its prime position in the fuqahā-estate there, a process to be discussed below.

Customary Law: Meccanization

An aspect of *Tuḥfat* which grabs most attention is a process we can call Meccanization which it initiated within Shāfiʿism and in the fuqahā-estate in general. By Meccanization I mean ethnic and cultural assertions centred on Mecca with varied parochial subtexts. It was nurtured through separate factors, such as through socio-cultural associations with an ethnic identity, generally with Arab tribal communities living in the Hijaz region, through geographical implications of an inward migration, and through progressive dynamics, such as textual progress, in this case from *Minhāj* to *Tuḥfat*. By and large, the process connected Mecca as a centre of legal authority, of Islamic knowledge, of the modes and practices of a Muslim’s life, etc. In other words, Meccanization became a significant contributing factor to the rise of Meccan Shāfiʿism. Ibn Ḥajar and *Tuḥfat* were ardent architects of this change in Sunnī legalism. Although there was a significant recognition and adaptation of Meccan customs and norms among the Shāfiʿites (for example, Joseph Schacht assumes their standpoint on the right of *khiyār al-majlis* to “have been based on some local custom of Mecca”⁵⁵), this never leads to any overestimation. But Ibn Hajar attempted to thrust forward and invoke ethnic, scholarly, linguistic and other cultural identities, in which Meccan traditions and Hijazi norms and values were portrayed as authentically Islamic, and we can see those repeatedly in *Tuḥfat*. Let me explain this through a few examples.

In a discussion about the dress code for a believer at congregational prayer, *Minhāj* says only that it is meritorious to wear nice clothes. As it is an obvious statement, it only recommends wearing good dress and does not make it obligatory. One chapter later, it deals with norms and laws related to clothing over about ten lines, where its main concern is about

⁵⁴ The question on an Indian king’s (Ratan al-Hindī) conversion to Islam during the lifetime of the Prophet Muḥammad and his becoming a companion to the Prophet is an example of this. On this question, see Ibn Ḥajar al-Haytamī, *Fatāwā al-ḥadīthiyyat* (Beirut: Dār al-Maʿrifat, n.d.), 175.

⁵⁵ Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 161.

proscribing men from wearing silk (for women naturally silk is permitted), and then briefly discusses exceptional occasions such as war and extreme poverty.⁵⁶ But *Tuḥfat* takes this further, with a long discussion on what a common Muslim should wear and how and why s/he should wear it.⁵⁷ The discussion of the dress code for scholars is interesting for our purposes. He starts by asserting that scholars should wear model dresses (meaning formal Hijazi style) and forbids other believers from wearing similar dresses.⁵⁸ To do so would tempt someone to pretend to be a scholar through such a dress and it is therefore forbidden. No such discussion is in *Minhāj*, or in other works of Nawawī or his predecessors. Furthermore *al-Majmūʿ* clearly states that wearing best dresses is ideal and meritorious for all people, not only for congregational prayers but for any other gathering too, and there is no difference between scholar and layperson. During the congregational prayer it is highly recommended for *imāms* more than anyone else to wear good clothes and look elegant.⁵⁹

Elsewhere it argues that the Arabs are the best ethnic group in the world. That argument clearly illustrates a Meccan cultural preoccupation covered in the legal discourse. Such rhetoric can be found in the early histories of Islam, dispersed through various collections of *ḥadīths* and exegeses, and the Ḥanbalītes often clung to such arguments. But only now do we find such a claim first broadly taken up by a Shāfiʿite jurist in his career, particularly in the legal texts.⁶⁰ Once he asserts this Arab identity and its religio-cultural superiority, he narrows that to a Hijazi identity, clearly excluding Arabs from Egypt or Syria. It is not easy to answer why he or his text does that, though it should be remarked that Ibn Ḥajar claims a genealogy going back to the Banū Saʿd clan of al-Anṣārs. The al-Anṣārs were one of the dominant groups in Medina in the early history of Islam. They embraced the new faith from the very beginning, and they helped the Prophet and his Companions to settle down there once they migrated from Mecca, according to traditional Islamic sources. So Ibn Ḥajar claims the superiority of a Hijazi-Arab identity, and asserts himself into this spectrum despite his actual original roots in Egypt. In a detailed pamphlet on the “racial” supremacy of Arabs, he placed the Quraysh tribe as the best among the best, followed by the al-Anṣārs. Into this hierarchy he introduces his own legal affiliation to Shāfiʿism by narrating a *ḥadīth* in which the Prophet predicts that a scholar from the Quraysh will fill the horizons of earth with knowledge. In interpreting this prophetic saying scholars differ about who that scholar was. The Shāfiʿites claim that it was al-Shāfiʿī, but that is a claim denied by some Ḥanafītes. Ibn Ḥajar refers to the alleged fabrication of the *ḥadīth*: “Some Ḥanafītes’ allegation of its fabrication is inaccurate or envious. Thus, Aḥmad and similar scholars have interpreted that it is al-Shāfiʿī (may God bless him!), because no Qurayshī’s knowledge is spread across the lands and among followers as that of al-Shāfiʿī has been, as has been witnessed and is well-known from their time until today.”⁶¹ After this discourse on Quraysh and al-Shāfiʿī, he mentions the

⁵⁶ Nawawī, *Minhāj*, 136, 139-40.

⁵⁷ Ibn Ḥajar, *Tuḥfat*, 2: 474-476, 3: 18-39.

⁵⁸ Ibn Ḥajar, *Tuḥfat*, 3: 33-39; cf. Ibn Ḥajar, *Darr al-ghamāmat fī darr al-ṭaylasān wa al-ʿadbat wa al-ʿamāmat* (Miṣr: Maṭbaʿat al-Saʿādat, n.d.)—this book is dedicated completely on the dress-code, particularly the turbans.

⁵⁹ Nawawī, *al-Majmūʿ sharḥ al-Muhaddab*, ed. Muḥammad Najīb Muṭīʿī (Jeddah: Maktabat al-Irshād, n.d.), 4: 411.

⁶⁰ Ibn Ḥajar, *Mablagh al-Arib fī fakhr al-ʿArab* (MSS).

⁶¹ Ibn Ḥajar, *Mablagh al-Arib*

eminence of the al-Anṣār tribe, to which he also claims to belong. That statement would have had possible implications in the contemporary legal world of Islam. This claim enlightens us on the social hierarchies and cultural differences he constructed and which are reflected in the transformation of Shāfiʿīte legal discourses as they imagine new loci of power which involve different sorts of provincialism and hierarchized ethnicities.

We may ask, in a general sense, when he was claiming a Hijazi-Arab ethnic superiority, what he actually meant to do with it at that particular time and in that particular space. Was he just excluding heterogeneous Muslim communities with different lifestyles and cultural traditions, whom he encountered frequently at a pilgrimage centre like Mecca, from the core of “Islamic” authority? Or was he disavowing the existing Cairene scholarly and ethnic predominance over religious authority in general and over Shāfiʿīsm in particular? Even further, was he asserting the power of his and his colleagues at Mecca over the legalist, wider religious, interpretations at a time when the non-Arab and non-Shāfiʿīte Ottomans were accumulating their strength in political spheres and at educational levels by introducing new centres of knowledge at Istanbul and elsewhere? The answers to these ethnic-provincial preoccupations need further research.

For now suffice it to say that such questions are valid once we move on to further textual histories of Shāfiʿīsm. Such a Meccanization process has long lasting implications particularly in the Shāfiʿīte school and broadly in the Islamic legal-educational-intellectual realm. In the Shāfiʿīte sphere, it marked the emergence of a Meccan stream against the Cairene one, to which we will come back in a while. In broader spheres, Mecca began to be recognized as *the* centre of Islamic knowledge, a case that would define further developments of Islamic legalism in South, Southeast and East Asia and in Africa. That development was certainly mediated through the movement of *Tuḥfat* across the Indian Ocean rim along with the charisma attributed to its author. The assumed role of the Ḥaḍramī Arabs in transmitting Shāfiʿīsm in later periods, if not before the sixteenth century, to the broader Muslim world could have been catalysed in the transmission of *Tuḥfat* that justified a cultural superiority to their identities.

Shāfiʿīzation of Mecca

The Meccanization process is closely associated with Shāfiʿīzation of Mecca in which many local and translocal networks participated. Here I briefly look into some of the major players. Thanks to the intellectual engagements of Ibn Ḥajar, his oeuvre, colleagues and students, Shāfiʿīsm had nurtured a strong scholarly tradition centred in and around Mecca by the middle of the sixteenth century. This significant development of Mecca as a centre of Shāfiʿīsm influenced the perception of Islam itself in the new communities, as I discussed in Chapter 3. A scholarly tradition had already emerged among the fuqahā-estate claiming prominence for Mecca or Medina. The Mālikī scholars usually stood for Medina as a better city than Mecca, whereas the rest of the Sunnī schools stood for Mecca. The majority of Shāfiʿītes argued for Mecca as the best place on earth. Yet the city remained unclaimed by any legal school for centuries and thus the ideological claims over it by the three schools and a subsequent domination of it by the Shāfiʿītes significantly contributed to the historical expansion of Shāfiʿīsm.

Mālikīsm had not completely lost its appeal in and around the region in the period, a position that it has been enjoying for centuries after its eponymous figure Mālik bin Anas had been based in Medina. As he was the one and only Hijazi scholar to establish one of the four surviving Sunnī schools, this Medinese tradition had an impact on Meccan legal practices. The influence was mainly on the daily practices and norms of the Meccan population. But in the scholarly legalist tradition it is hard to evaluate any prominence for Mālikīsm in the city before the sixteenth century. However we do have a fifteenth-century chronicler of the city, Taqī al-Dīn Muḥammad bin Aḥmad al-Fāsi (d. 1429), who was a Mālikī judge there since 1405 and wrote historical texts rather than legal ones. The connections of such towering Mālikī scholars as Shihāb al-Dīn al-Qaraḥī (d. 1285) and Khalīl ibn Ishāq al-Jundī (d. 1365) were mainly with Medina and hardly with Mecca. In general the most renowned Mālikī scholars came from North Africa and al-Andalusia. By the sixteenth century, the situation became comparatively better in the city as Mālikītes such as Tāj al-Dīn (d. 1553) visibly upheld their school's doctrines there.⁶²

After the Ottomans took control of the Hijaz, Ḥanafīsm began to enjoy its best time in Mecca. They significantly promoted their school through different legal administrative policies. While all the Sunnī schools had their representative judges (*qāḍīs*) in Mecca, the chief-judgeship from now on was given to a Ḥanafīte.⁶³ In 1565, the Ottomans also regulated that judges of other schools should consult the judgment registers (*sijillāt*) of a Ḥanafīte judge before giving their adjudication. Such measures in favour of the Ḥanafīte cluster of the Meccan fuqahā-estate must have motivated many Ḥanafītes to move to Mecca. We see many scholars from the Indian subcontinent and the Ottoman Turkish lands settling in Mecca and attracting a wide reception by the early decades of the century. Interestingly, many of them were from South Asia, mainly from Sindh and Gujarat, but also from Bijapur and Allahabad, more than from the Ottoman Empire.⁶⁴ The Ḥanafīte cluster had expanded even more by the seventeenth and eighteenth centuries. Then no direct conflicts developed with Shāfi'īsm, as would happen later in the nineteenth century between the traditional Sharīfs and the Ottoman emirs with a direct involvement of Shāfi'īte jurists (see Chapter 7).

Ḥanbalīsm was only marginally represented in the city in this period. Muḥammad al-Fākihī (d. 1574), who also studied Shāfi'īsm with Ibn Ḥajar, and other schools with many other scholars, was a leading scholar of Ḥanbalīsm, but he was almost alone in his cluster there which had only lesser known members. So he travelled between different centres of Ḥanbalīsm in particular and the fuqahā-estates in general.⁶⁵ His probable colleague in Mecca was Abū Bakar Abū al-Khayr (d. 1621), who worked as a caller to prayer like his father, but he had to leave the city due to some issues with a Shāfi'īte judge.⁶⁶ The school found its

⁶² On Taj al-Dīn Mālikī, see: 'Abd Allāh Murdād Abū al-Khayr, *al-Mukhtaṣar min Kitāb Nashr al-nawr wa al-zahr fī tarājim afāḍil Makkah min al-qarn al-'āshir ilā al-qarn al-rābi' 'ashar*, eds. Muḥammad Sa'īd 'Āmūdī; Aḥmad 'Alī (Jiddah: 'Ālam al-Ma'rifat, 1986): 149; on some other Mālikītes in sixteenth-century Mecca, see: 79, 84, 140, and 277.

⁶³ Uzuçarsılı Ismail Hakki, *Umarā' Makkat al-Mukarramat fī al-'ahd al-'Uthmānī*, trans. into Arabic Khalīl 'Alī Murād (Başra: Manshūrat Markaz Dirāsāt al-Khalīj al-'Arabī bi-Jāmi'at al-Başrah, 1985), 115.

⁶⁴ For details on some prominent Ḥanafītes in Mecca at that time, see: Abū al-Khayr, *al-Mukhtaṣar*, 149, 151, 250, and 365; on some of the South Asian Ḥanafītes: 183, 195, 210, 235, 280 (from Bijapur), 395 and 400.

⁶⁵ About his journeys and biography, see Abū al-Khayr, *al-Mukhtaṣar*, 471-473.

⁶⁶ Abū al-Khayr, *al-Mukhtaṣar*, 60-61

considerable followership in the Hijaz, including Mecca and Medina, only in the twentieth century.⁶⁷

Though administrative policies supported Ḥanafism, Shāfi'ism managed to gain the upper hand over the educational circles of Mecca and thus over the fuqahā-estate. Different factors contributed to this significantly. One of the main reasons is the rise of some Shāfi'ite families. The al-Ṭabarī family, the most important among them, was in and around the city for centuries, but they achieved a momentum in the sixteenth century. Since then its members, men and women alike, became very influential in the Meccan fuqahā-estate and they took overall control in its educational realm, even though most of them did not at all associate with any political system or take up any administrative position. They focused mainly on educational activities, holding sway over the Meccan curriculum and its legalist setting.

Several scholarly families prompted the circulation of Shāfi'ite ideas and the empowerment of its cluster there through their diverse activities. Two important families who promoted the school were those of Zamzamī and Zāhīrat. In the Zamzamī family, 'Abd al-'Azīz 'Izz al-Dīn Zamzamī (d. 1568) is as famous as Ibn Ḥajar in the sixteenth century. His biographers say that one of his great-grandfathers migrated to the city in 1330 from Shiraz and joined Salīm bin Yāqūt, who was in-charge of the Zamzam Well. His family shared their name with the well.⁶⁸ 'Abd al-'Azīz was a colleague of Ibn Ḥajar in Mecca composing books and giving fatwās according to Shāfi'ite law. He is recorded as a lawgiver in one fatwā-collection from sixteenth-century Malabar.⁶⁹ His son Muḥammad and grandson 'Abd al-'Azīz Jr. also contributed to the external structure of Shāfi'ism in the city to a significant level.⁷⁰ The Zāhīrats, on the other hand, were prominent in the Meccan estate by the fifteenth century. One of them, Jamāl al-Dīn Zāhīrat (d. 1502), was chief judge in Mecca and his life gives us the best example of the conflicts that arose between the Meccan estate and the state in which the autonomy of the one challenged that of the other. He fought against the Sharīf of the city, but failed, and met a tragic death on the festival of Eid. His son, Ṣalāḥ al-Dīn (d. 1521), became the judge of Shāfi'ites in the city in the period just before Ibn Ḥajar's arrival.

Another important Shāfi'ite family was that of Ibn Ḥajar. His two sons (Muḥammad and 'Abd al-Raḥmān) were scholars of Shāfi'ism and though they could not attain as wide a reception as their father, they did manage to hold some sort of honorary position in the Meccan estate. 'Abd al-Raḥmān's son Raziyy was well accepted in his circles as well as more widely in the Shāfi'ite clusters elsewhere due to his juristic contributions, one of which is a commentary on *Tuḥfat*. 'Abd al-'Azīz (d. 1661), the son of Ibn Ḥajar's daughter, also became eminent particularly in the Meccan Shāfi'ite realms and in the estate in general.

Many of these families had inter-marital connections, such as Ibn Ḥajar's daughter married to Muḥammad, son of 'Abd al-'Azīz Zamzamī. Marriage functioned as a path to social status and professional camaraderie within the estate, as it did in the royal families. Altogether these families dominated the local Meccan fuqahā-estate in favour of Shāfi'ism

⁶⁷ For other lesser-known Ḥanbalītes in the sixteenth century, see Abū al-Khayr, *al-Mukhtaṣar*, 93; the seventeenth, 238; the eighteenth, 67; the nineteenth, 287 (female).

⁶⁸ Abū al-Khayr, *al-Mukhtaṣar*, 258-259.

⁶⁹ Zayn al-Dīn al-Malaybārī, *al-Ajwibat al-'ajibat 'an al-as'ilat al-gharībat*, ed. 'Abd al-Naṣīr Aḥmad al-Shāfi'ī al-Malaybārī (Kuwait: Dār al-Ḍiyā', 2012).

⁷⁰ On Muḥammad, Abū al-Khayr, *al-Mukhtaṣar*, 345; on 'Abd al-'Azīz Jr.: 259-60.

from the sixteenth century on, and continued in partly to do so up to the eighteenth century or later. They could do this for several reasons: a) They controlled the educational circles, known as *ḥalqats* and *bayts* that were co-ordinated individually by scholars or scholarly families or collectively. The *Bayt al-Zamzamī* still exists as *Bayt al-Rīs*. It was an exclusive Shāfi'īte space controlled by the Zamzamī family. b) They were leaders within the Meccan estate. Ibn Ḥajar and later Zamzamī the *Ra'īs 'ulamā' Makkah*, the leader of the Meccan 'ulamā', had the final word on many general and particular issues within and outside the estate's concern. Similarly, many more Shāfi'ītes became so powerful in the city that many other individuals and schools had to obey their supremacy. Consider for example the case of Abū Bakar Abū al-Khayr mentioned above, who had inherited the position of caller to prayer from his father, but had to leave the city for a long time due to a dispute with the Shāfi'īte judge. Nevertheless, the Ottoman state, which was mostly unaware of the local internal dynamics of such an estate, appointed the Ḥanafīte qāḍīs showing their favouritism for that school. But the position of the qāḍī was a tool of the state, from the top downwards, so this did not create much change in the interests of the estate, for their power was constituted from the bottom upwards. Having said that, we should also keep in mind that the Meccan estate was not in direct conflict with the Ottoman state, even though it had some conflicts with the local rulers of the city, the Sharīfs. Ibn Ḥajar praised the Ottoman sultan Sulaymān for reforms he brought in Mecca and 'Abd al-'Azīz Zamzamī took charge of the newly established Ottoman madrasa in the city towards the end of his life.⁷¹

In addition to the family dynamics, the student chains of particular teachers also had a role in the undercurrents of the estate and contributed to the intensification of the Shāfi'īte cluster in the city. Some of Ibn Ḥajar's and Zamzamī's prominent students such as Ibrāhīm al-Ṭabarī (d. 1615)⁷², Aḥmad al-Ṭabarī (d. 1594)⁷³ Sayyid 'Umar al-Baṣārī (d. 1627) and Muḥammad Bā Faḍl (d. 1597), and their respective students 'Abd Allāh bin Sa'īd Bā Qushayr, 'Alī and Zayn al-'Ābidīn bin 'Abd al-Qādir al-Ṭabarī, Muḥammad al-Ṭā'ifī, Abū al-Jūd al-Muzayyan, Aḥmad bin Ḥusayn Bā Faqīh, and Abū Bakr bin Muḥammad Bā Faqīh, have all internalized this Meccan constellation of Shāfi'īsm in their legalist approaches.

Beyond the students, we also see many other renowned scholars of Shāfi'īsm centring their legalist careers in and round Mecca towards the end of the sixteenth century. Scholars such as Abū Bakr al-Anṣārī (d. 1598; a specialist of inheritance law within Shāfi'īsm, along with his expertise in mathematics and linguistics), Raziyy al-Dīn al-Qazanī, 'Abd al-Raḥmān bin 'Abd al-Qādir Fahad al-Hāshimī and 'Abd al-Qādir al-Fākihī⁷⁴ (d. 1574; apart from the legal texts, he clearly showed an interest in the mystical works of al-Ghazālī), have made remarkable contributions through their works, fatwās, teachings, etc. to the expansion of the school in the city and beyond. We think especially of al-Fākihī who was a colleague and friend of Ibn Ḥajar and is said to have written works "equalling al-Jalāl al-Suyūṭī in abundance".⁷⁵ Though many of their works or fatwās are not available today, we can clearly

⁷¹ 'Abd al-'Azīz and the Ottoman madrasa, Abū al-Khayr, *al-Mukhtaṣar*, 259; Ibn Ḥajar, *Arba'ūn ḥadīth*.

⁷² Abū al-Khayr, *al-Mukhtaṣar*, 47.

⁷³ Abū al-Khayr, *al-Mukhtaṣar*, 98.

⁷⁴ Abū al-Khayr, *al-Mukhtaṣar*, 272-273.

⁷⁵ Abū al-Khayr, *al-Mukhtaṣar*, 273.

imagine the intensity of Shāfi'ite legalist teachings and careers in Mecca in the sixteenth century. The renowned Shāfi'ites 'Abd al-Qādir al-Ṭabarī (d. 1623),⁷⁶ 'Abd Allāh bin Sa'īd Bā Qushayr (d. 1665)⁷⁷, and 'Abd Allāh bin Sālim al-Baṣarī (d. 1721)⁷⁸ furthered the tradition in the seventeenth century, and it was taken further by Zayn al-'Ābidīn al-Manūfī (d. on or after 1737),⁷⁹ Ibrāhīm al-Zamzamī (d. 1781),⁸⁰ and Ibrāhīm al-Ṣan'ānī (d. 1798)⁸¹ in the eighteenth century. In addition to Bayt al-Zamzamī, more institutions such as Bayt al-Manūfī rose in the eighteenth century which certainly added to the Shāfi'ite excellence in the city, alongside the disturbances caused by the arrival of Wahhābī ideology in the holy cities.

All these scholars and intellectuals permanently residing in Mecca helped to make the city a renowned centre of learning and legal clarification, catering for the needs of Muslims from all over the world. All other schools had a space in the spectrum, but most of their teachers or students did not rise to prominence in the global fuqahā-estate or their own school, whereas Ibn Ḥajar had done so. Change could be found only in Shāfi'ism, in which many jurists managed to hold sway within the school and even further afield.

III.

Mecca versus Cairo: Division of Commentators

Just as Nawawī once amalgamated two *ṭarīqas*, now his *Minhāj*'s commentators were divided into two sub-schools. One I broadly identify with Cairo and the other with Mecca. The mechanism of divisions inherent in the Shāfi'ite tradition now expressed itself in a split between commentators on the same text. Ibn Ḥajar led the newly formed version of Meccan Shāfi'ism, whereas the Cairene one was led by al-Ramlī. The commentaries on *Tuḥfat* and *Nihāyat* stood at the forefront of this division, and a comparative reading of the texts demonstrate the differences. The opposition of traditionalism against rationalism, the major components in earlier splits in the school, is hard to substantiate in this new development. Ibn Ḥajar's articulations can be seen to stand closer to a puritan, traditionalist version, although it is not an exclusive character of his viewpoints. On a related note, the *Mughnī* of al-Sharbīnī was subsumed to a supporting text in the long run of discourses, because mostly *Nihāyat* represented the Egyptian stream.

The origin of this division and consequent differences in authority lay, according to traditional Islamic scholars, in the nominal disagreements within the Cairo group of *Minhāj*'s readership in the early sixteenth century, between al-Anṣārī and his student-*cum*-colleague Shihāb al-Ramlī. In interpreting the text and giving rulings on a few issues the two had their differences. After al-Anṣārī's death, the leading position in the Shāfi'ite cluster was taken over by Shihāb al-Ramlī whose opinions gained the upper-hand in Egyptian circles through his two students, Shams al-Ramlī and al-Sharbīnī. The Shāfi'ite accounts tell us that since Ibn

⁷⁶ Abū al-Khayr, *al-Mukhtaṣar*, 267-272

⁷⁷ Abū al-Khayr, *al-Mukhtaṣar*, 289-90.

⁷⁸ Abū al-Khayr, *al-Mukhtaṣar*, 290-93.

⁷⁹ Abū al-Khayr, *al-Mukhtaṣar*, 200.

⁸⁰ Abū al-Khayr, *al-Mukhtaṣar*, 45-6.

⁸¹ Abū al-Khayr, *al-Mukhtaṣar*, 46.

Ḥajar left Cairo for Mecca while al-Anṣārī was the leading figure in Shāfi‘ī legalist circles there, he was mostly familiar with the *dated* opinions of al-Anṣārī and was unaware of the revisions brought by Shihāb al-Ramlī. This traditional narrative would, in a way, help us trace the origin of the division to the teachers of the dominant commentators on *Minhāj*. One of them was al-Anṣārī whose work was continued by Ibn Ḥajar, and the other Shihāb al-Ramlī whose work was furthered by Shams al-Ramlī and al-Sharbīnī.⁸² Yet such compartmentalization does not always work. At times al-Ramlī agrees with al-Anṣārī, opposing Ibn Ḥajar. Furthermore, a clear distinction between the two streams is not as explicit as it is between Ibn Ḥajar and al-Ramlī. There is a regional factor very much visible in Ibn Ḥajar’s legal articulations following his move from Cairo to Mecca.

The framework of a Meccanized Shāfi‘ism is a corner stone of Ibn Ḥajar’s interpretation of Islamic law. I have elaborated above on how he asserted the Meccan/Hijazi identities in his general rulings. Once we look more closely at his differences with al-Ramlī and his occasional articulations against Egyptian cultures and customs, this aspect becomes even more obvious. In *Tuhfat*, he asserts the purity of the Arab people and the Arabic language in contrast to other sects and languages. He says that if a non-Arab mispronounces the wordings of the Qur’ān while reciting the obligatory chapter al-Fātiḥat in prayer, the prayer will not be valid.⁸³ By contrast, al-Ramlī says that accurate pronunciation is not so important, and inaccuracies do not affect the legitimacy of the prayer.⁸⁴ The roots of the debate go back to Nawawī, who discussed the issue in detail by differentiating the validity of prayer from the validity of recitation. He said that if someone mispronounces or drops a letter of al-Fātiḥat, his recitation would not be correct. There are two opinions about the validity of that prayer. The *aṣaḥḥ* opinion says it is invalid, whereas *ṣaḥīḥ* makes it valid. If the reciter had not managed to study the pronunciation of the prayer properly, that would not affect its legitimacy.⁸⁵ Ibn Ḥajar in a detailed discussion on the issue maintains the invalidity of an incorrectly pronounced prayer. He writes: “If he changed *ḥā*’ of *al-ḥamdulillāh* as *hā*’, or the *qāf* of Arabs with an uncertain letter between it and *kāf*, the meaning for Arabs is one imputing to them features which are not considered theirs. That is why some scholars have considered the people of Western (*ahl al-gharb*) and Upper Egypt [as Arabs]... [the prayer] will not be valid, except if he had an excuse about learning before the prayer time passes”. In the following lines, he refutes a few other scholars who took a liberal view on the issue.⁸⁶ Indeed, al-Ramlī has a liberal view on this, as he clearly states that his prayer will be valid, although his pronunciation is abominable.⁸⁷ Khaṭīb al-Sharbīnī also has the same view.⁸⁸

⁸² Many Islamic scholars have tried to tabulate the differences between the Five Scholars in general, and between al-Ramlī and Ibn Ḥajar in particular. See for example ‘Umar bin Ḥāmid Bā Faraj Bā ‘Alawī, *Faṭḥ al-‘alī bi jam‘ al-khilāf bayn Ibn Ḥajar wa Ibn al-Ramlī*, ed. Shifā’ Muḥammad Ḥasan Hītū (Beirut: Dār al-Minhāj, 2010). The first two texts take up the differences of all five scholars together, whereas the latter work restricts itself to the disagreements between Ibn Ḥajar and al-Ramlī only in the matter of rituals.

⁸³ Ibn Ḥajar, *Tuhfat*, 2: 37.

⁸⁴ al-Ramlī, *Nihāyat al-muḥtāj*, 1: 481.

⁸⁵ Nawawī, *al-Majmū’*, 3: 347-348; idem, *Minhāj*, 97.

⁸⁶ Ibn Ḥajar, *Tuhfat*, 2: 37.

⁸⁷ al-Ramlī, *Nihāyat al-muḥtāj*, 1: 481.

⁸⁸ al-Sharbīnī, *Mughnī*, 1: 243.

This dispute shows the pattern of Ibn Ḥajar’s standpoints on a number of different disagreements with his Cairene colleagues. He asserts confidence in the purity of the Arabic language, and of the ways and methods in which it should be pronounced. Even in an unlikely discussion on prayer he does not fail to deprecate Egyptians by pointing to their non-Arab origins. The examples of his disparagement of the Egyptian identity, culture and customs are too many to list. One another example occurs in his discussion about observing non-Islamic festivities and celebrations, where Ibn Ḥajar notes that the Egyptians are the worst in breaking this rule.⁸⁹ In the previous debate he also shows his reluctance to accept an excuse of ignorance as he restricts the incompetence to the time of prayer. This debate also shows that al-Sharbīnī takes sides with the al-Ramlī group in the in the division. Interestingly, in this debate al-Anṣārī also has a liberal view,⁹⁰ and al-Ramlī followed him but Ibn Ḥajar did not. This supports my earlier suggestion against the traditional view of tracing the al-Ramlī debate against Ibn Ḥajar to their teachers such as al-Anṣārī and Shihāb al-Ramlī

Asserting a privileged position for Mecca and more generally the Hijaz by Ibn Ḥajar in his arguments can be seen further in his disagreements with al-Ramlī on issues such as the obligations on Meccans for ḥajj-pilgrimage, and prioritizing Meccan staple foodstuffs over others for obligatory charitable gifts during the annual festival of al-Fiṭr, etc.⁹¹ Again, in all these issues al-Anṣārī has the same views as of al-Ramlī.⁹² This only adds to the “regional” element within the transregional divisional debate. As for foodstuffs, Ibn Ḥajar specifically gives priority to dates, whereas Egyptian scholars favour rice.

In the later history of Shāfi‘ism, this division in the debate spread across its clusters. The Shāfi‘ites of Syria, Yemen, Daghistan, Kurdistan, South and Southeast Asia followed Ibn Ḥajar’s views, whereas Egyptians followed al-Ramlī’s arguments.⁹³ The wide currency of Ibn Ḥajar’s oeuvre throughout the Shāfi‘ite world, except paradoxically in Egypt, has to do with his migration from Cairo to Mecca and the Meccanization process that engendered. While al-Ramlī stayed in his homeland throughout his life, Ibn Ḥajar’s move to Mecca in the middle of his career helped to disseminate his work more easily than could have happened from Cairo, which was dominated by particular individuals and scholarly families. Ibn Ḥajar lost his possibility of space in Egypt, but only to win a much wider spectrum of acceptance in Northern and Southern Arabia, and in Central, Southern and Southeastern Asia and East Africa. In the Hijaz, the Shāfi‘ites initially followed Ibn Ḥajar’s viewpoints, but the Egyptians who migrated to the Hijaz came infiltrating al-Ramlī’s arguments. In the later centuries the Hijazi Shāfi‘ites mingled the views al-Ramlī’s and Ibn Ḥajar’s without prioritizing one over the other.⁹⁴ This trend can be seen in present-day East Africa, Singapore and Indonesia too.

⁸⁹ Ibn Ḥajar, *Fatāwā al-kubrā*, 4: 239.

⁹⁰ See al-Anṣārī, *Asnā al-maṭālib*, 1: 150.

⁹¹ On the disagreements related to Meccans performing ḥajj, see *Tuḥfat* 4: 37; al-Ramlī, *Nihāyat al-muḥtāj*, 3: 258; on foodstuffs, see: *Tuḥfat*: 3: 322; al-Ramlī, *Nihāyat* 3: 122.

⁹² For his view on the abovementioned issue of ḥajj, see al-Anṣārī, *Asnā al-maṭālib*, 1: 459; on foodstuffs, al-Anṣārī, *Faṭḥ al-wahhāb* 2: 283.

⁹³ Bā Faraj Bā ‘Alawī, *Faṭḥ al-‘alī*, 16, 927-28; C. van Arendonk and Joseph Schacht, “Ibn Ḥadjar al-Haytamī,” *Encyclopaedia of Islam*, 2nd ed.

⁹⁴ Bā Faraj Bā ‘Alawī, *Faṭḥ al-‘alī*, 16-17

In the seventeenth century, scholars such as Nūr al-Dīn ‘Alī bin ‘Alī al-Shabrāmalsī (d. 1676)⁹⁵ attempted to reconcile the disagreements between *Nihāyat* and *Tuḥfat* by writing separate commentaries on each text. The attempt helped to tone down the bitterness in the disagreements, but it was not a general success, because by this time the Shāfi‘īte following was clearly divided into a Cairene and a Meccan stream. In the later tradition, many Shāfi‘īte scholars tried to reconcile the division by fixing a hierarchy of the opinions of Ibn Ḥajar and al-Ramlī. Yet these endeavours were not devoid of partiality; the Cairene division would prioritize al-Ramlī’s views, and the Meccans Ibn Ḥajar’s. Cairene favouritism is reflected in the hierarchy attributed to ‘Alī bin ‘Abd al-Barr al-Wanā’ī when he says, “the *mu‘tamad* is what unified both the Shaykhs, al-Ramlī and Ibn Ḥajar, as long as the followers of their opinions have not unanimously stated that it is poorly articulated. Then, [follow] al-Ramlī in his *Nihāyat*, and Ibn Ḥajar in his *Tuḥfat*, even if the majority disagree.”⁹⁶ Similar expressions can be found in Meccan sub-school’s adherents. However, both sub-schools prioritize an opinion when both *Nihāyat* and *Tuḥfat* have the same ruling, and forbid any ruling against their unanimity. An eighteenth-century Medinese scholar, Muḥammad al-Kurdī (d. 1780) wrote in his *al-Fawā’id al-Madaniyyat*: “In my opinion, it is not allowed to give a fatwā contradicting both of them, specifically contradicting *Tuḥfat* and *Nihāyat*, unless they contradict each other.”⁹⁷

This Cairene-Meccan division persisted among the Shāfi‘ītes until it became synthesised once again in the nineteenth century, as we shall see in Chapter 7.

Maritime Communities and Mecca

In Mecca, the dual process of Meccanization and Shāfi‘īzation was made possible through the mobile merchants and nobility of the Indian Ocean rim. In the case of Ibn Ḥajar, we see that he accepted no position or benefit from the local political entity, the Sharīfs, or from the broader imperial power of the Ottomans. He visibly depended for his intellectual enterprise on an Indian nobleman and his family, al-Masnad al-‘Ālī Abū al-Qāsim ‘Abd al-‘Azīz Āsaf Khān, a Gujarati migrant who lived in the city for long time, and a former minister of the Gujarati sultan Bahadur Shah (d. 1537 at the hands of the Portuguese). When Āsaf Khān passed away, Ibn Ḥajar wrote a long panegyric in which he explained their relationship. Regarding their first meeting he wrote:

When he arrived there, I did not salute him as was my wont due to my not mixing with people mainly men of the world. This famous Khān is not with us. He was an eminent man of the world and a wazīr. He sent a man of his acquaintance to me with excessive kindness and much love till a meeting took place between us. I then became acquainted with his excellent nature, and weighty words and deeds. He was a man of religion and world. He was a man of wide learning and abundant righteousness. He was not of the nature of men of the world though he was of their shape and form.⁹⁸

⁹⁵ He also wrote a marginalia to the *Sharḥ al-Manhaj* of al-Anṣārī.

⁹⁶ Bā Faraj Bā ‘Alawī, *Faṭḥ al-‘alī*, 927.

⁹⁷ Bā Faraj Bā ‘Alawī, *Faṭḥ al-‘alī*, 17.

⁹⁸ Ibn Ḥajar al-Haytamī, “Riyāḍ al-riḍwān,” 279-280.

Ibn Ḥajar goes on praising Āsaf Khān in length, and we can clearly see how he presents himself as someone who keeps his distance from worldly men, including a wazīr whom he regarded as a politician, and from Ottoman nobles. Nevertheless he chose to maintain a good relationship with this Āsaf Khān, about whom we get other biographical details apart from Ibn Ḥajar's writing.⁹⁹ Following the fuqahā-tradition to keep a distance from the political nobilities, Ibn Ḥajar must have observed that attitude for the Ottomans who ruled Mecca at that time. But he chose to keep a good relationship with an Indian noble, who did not possess any political power in the Holy City, and not even in his homeland, for it had been taken over by the Mughal Emperor Humāyūn (r. 1530-40 and 1555-56) in 1535. He definitely arrived in the city with much money and we can assume that he was sent by the dethroned Bahadur Shah (or Humāyūn himself—it is not clear in the original text) with his treasure and harem. Āsaf Khān was, as Ibn Ḥajar says, very generous and enjoyed the company of scholars, which must have helped Ibn Ḥajar to meet his financial needs. In other words, the legalistic enterprise of Ibn Ḥajar was not funded by the regional political entities, but by transregional itinerants in Mecca such as Āsaf Khān.

Outside Mecca a hagiographical story was circulating of a miracle (*karāmat*) in Yemen. Once Ibn Ḥajar had finished writing *Tuḥfat*, a group of pious Yemeni scholars, such ones as Muḥammad bin Ḥasan bin 'Alī Bā 'Alawī al-Ḥusayn, dreamt of the author sending a copy of it to Tarim in Ḥaḍramawt. In the dream, once *Tuḥfat* arrived there, Ibn Ḥajar himself came to Tarim. People hurried to him, and he began to teach them at the congregational mosque. Everyone was so happy. When the group woke in the morning they found an actual manuscript of *Tuḥfat* before them. They wrote about this to Ibn Ḥajar. He was very pleased to hear it, and he endowed (*waqafa*) that manuscript to them.¹⁰⁰

The historicity of the story, entangling the worlds of dream and reality, is not for us to authenticate. Whether or not it is true, what matters is the historical consciousness behind it and a legitimating diplomacy the narrative embodies. The records of dreams and claims of dreams have always been a means to assert authority and legitimacy for Islamic traditions. Various scholars have discussed this on the basis of the visions of the Prophet Muḥammad and other prominent figures of Islam.¹⁰¹ However, dreams about a legal text are rare in the known literature, except for the many visions related to the Qur'ān and *ḥadīths*. Therefore, such a narrative as this on *Tuḥfat*'s arrival with blessings from its author reflects the Yemeni scholars' aspiration to assert themselves into a larger contemporary hub of Shāfi'ite textual and knowledge production. In the story we also have references to the lectures Ibn Ḥajar delivered for local students and people. That statement is a further indication of how deeply they wanted to legitimize their academic activities, affirming an adherence to the chain of

⁹⁹ Cuṭb ed-Dīn Muhammed Ben Ahmed el-Nahrawālī, *Kitāb al-I'lām bi-a'lām balad bayt Allāh al-ḥarām Geschichte der Stadt Mekka und ihres Tempels*, ed. Ferdinand Wüstenfeld (Leipzig: F.A. Brockhaus, 1857).

¹⁰⁰ Muḥammad Bukhārī al-Fayḍī, *Tārīkh al-abrār mimman tudras kutubuhum fī diyār Malaybār* (Palakkad: Lajnat Anwar al-'Ulūm al-Jāmi'at al-Ḥasaniyyat al-Islamiyyat, 2010): 213-214

¹⁰¹ For example, see John C. Lamoreaux, *The Early Muslim Tradition of Dream Interpretation* (Albany: State University of New York Press, 2002); Louise Marlow, ed., *Dreaming Across Boundaries: The Interpretation of Dreams in Islamic Lands* (Cambridge, MA: Harvard University Press, 2008); Ozgen Felek and Alexander Knysh, eds. *Dreams and Visions in Islamic Societies* (Albany: State University of New York Press, 2012); Elizabeth Sirriyeh, *Dreams and Visions in the World of Islam: A History of Muslim Dreaming and Foreknowing* (London and New York: I.B. Tauris, 2015).

transmission of legal knowledge, something which is very crucial in traditional Islamic communities for the purposes of legitimacy and authenticity. The historical content of the story revolves primarily around its textual and educational context. The transmission of texts from Mecca, especially ones written by the author himself or copied down with his authentication, is an important element. The transmission of knowledge from a charismatic, textual scholar from Mecca to the people of another locality is another aspect that sheds light on contemporary educational norms. Rather than a text or scholar from a different terrain such as Cairo or Damascus, such a notion on Mecca being circulated among the fuqahā-estate and knowledge aspirants marked the centrality of the Meccan educational system which had gained prominence in the Muslim world by this time. It also shows an interconnection between Ibn Ḥajar and his *Tuḥfat* with Yemen which from now on will play a substantial part in the spread of Shāfi‘īsm.¹⁰²

The new Meccanized version of Shāfi‘īsm appealed to its followers in the Hijaz, especially the Yemeni Arabs. They appreciated the new relevance of Shāfi‘īte clusters in Mecca and beyond. Ibn Ḥajar’s views about Arab identity and hierarchized Arab ethnic groups, which appeared in *Tuḥfat* and in an exclusive polemic pamphlet, legitimized the position of Yemenis in the estate. In a way, this led to their functioning as a bridge between the paradoxical gaps of the text and its wider Indian Ocean audience. By the thirteenth century, if not earlier, Yemenis were influential in Meccan everyday life, in administration, economy and religion. Once the fuqahā-estate intensified, they delved into the possibilities of this new horizon. Many Yemenis began to run their own circles and madrasas, studied and taught law, and composed texts. All these activities added further to their acceptability in the Arab world on the one hand and in the Indian Ocean rim of Islam on the other. Thus, after the sixteenth century we notice many Yemeni scholars contributing specifically to the intellectual development of Shāfi‘īte clusters. Aḥmad bin al-Muzjad (d. 930/1524), his student ‘Abd al-Raḥmān bin Ziyād (d. 975/1568), and ‘Abd al-Mu‘tī bin Ḥasan Bā Kathīr al-Ḥaḍramī (d. 1581) are the most noteworthy among them.¹⁰³

By this time the Indian Ocean was witnessing massive migrations of Yemenis who played a role in promoting this text in learned circles. The commentaries and glossaries on *Tuḥfat* produced in South Arabia and South and Southeast Asia and East Africa are the best evidence of this, and it led to an intensified “maritime wave” of Shāfi‘īsm along the South Arabian coast, and by extension on the South and Southeast Asian and East African coasts. The Yemenis helped to keep *Tuḥfat* prominent in the Shāfi‘īte school by writing super-commentaries. As with the story from Yemen of the miracle of *Tuḥfat* and Ibn Ḥajar, more miraculous and travel narratives from the Indian Ocean world thus arose. A scholar from Malabar called Zayn al-Dīn Makhdūm Jr., whom we will feature in the next chapter, seems to have become a student of Ibn Ḥajar. Once he finished his studies, he returned home and took

¹⁰² However, some Yemeni scholars such as Bā Qushayr were in constant touch with Ibn Ḥajar, whom they described as the “faqīh of the age”. In 1546, Bā Qushayr sent his epistle on menstruation for Ibn Ḥajar. The latter wrote *ta’līqat* on it, which became almost like a sharḥ. It is published along with the Fatawā of Bā Qushayr. Ibn Ḥajar wrote a commentary on the *Muqaddimat al-Ḥaḍramīyyat* titled *Minhāj al-Qawīm* at the request of a Yemeni scholar ‘Abd al-Rahman bin ‘Umar al-Amudī. (*Kitāb al-juhūd*, 1: 555)

¹⁰³ For many other important Yemeni fuqahā of the sixteenth century, see: ‘Abd al-Qādir ibn Shaykh ‘Aydārūs, *Tārīkh al-nūr al-sāfir ‘an akhbār al-qarn al-‘āshir*, eds. Aḥmad Ḥālū, Maḥmūd Arna’ūt and Akram Būshī (Beirut: Dār Ṣādir, 2001), passim.

charge of a religious institute in Ponnāni which had been established by his grandfather. Once when he was teaching, his own teacher Ibn Ḥajar is said to have come to his institute, taught his students, and laid down a stone on which an oil-lamp was placed to help the students get proper light to learn, read and write.¹⁰⁴ Again, establishing the historicity of the story is hard, especially as none of Ibn Ḥajar’s biographers talk about him travelling to South Asia. What is important to us is the historical consciousness it shows with regard to the networks of mobile scholars in which a jurist like Ibn Ḥajar could have participated. By supposing that such a renowned scholar of Shāfi‘īsm visited a “remote place” like Malabar primarily legitimizes the educational significance this place aspires to acquire in the realm of Shāfi‘īte legalism. It also represents an urge in non-Middle Eastern Shāfi‘īte clusters to publicize the wider expansion of their school.

In the following centuries, *Tuḥfat* was the source on which the school most depended for final verdicts in legal debates and lawgiving, learning and teaching at higher educational centres. It stood at the forefront of textual circulation as an authority and highly ranked source of law in the new waves of population movements. It attracted commentaries, super-commentaries, abridgments, and poetized versions, and also became a prime source of Shāfi‘ī discursive tradition in and around the Indian Ocean and the Eastern Mediterranean area, where the school began to dominate other legal schools of thought.¹⁰⁵ The growth of higher educational institutions dedicated to Shāfi‘ī law in particular and Islamic law in general facilitated a further popularity of *Tuḥfat* significantly.¹⁰⁶ The proliferation of legal texts and scholars strongly influenced by the Yemeni diaspora led to the intensification of the Shāfi‘ī school in the non-Middle Eastern Muslim communities.

Circulation of Super-Commentaries

As the Indian Ocean rim was subjected to a process of Shāfi‘īzation through different individuals, micro-communities and institutions, we ask what implication this had on the course of Shāfi‘īsm as such. What was the role *Tuḥfat* played in that historical rupture as a text that revolutionized the Shāfi‘īte thought dividing it into two sub-schools? I deal with these questions here, looking into its commentaries through a spatial prism.

After the sixteenth century, *Tuḥfat* appealed to more commentators, similar to many of his texts that “spread in a few years in innumerable copies to the remotest countries”.¹⁰⁷ In the seventeenth century four known super-commentaries were written by scholars from different regions, from Nablus (Palestine), Ḥaḍramawt, and Kurdistan.¹⁰⁸ Another three followed in the

¹⁰⁴ P.A. Sadiq Fayḍī Tānūr, *Dars Kitābukaḥ: Caritraṃ Swādhīnam* (Calicut: Islamic Sāhitya Academy, 2013), 116; cf. Muḥy al-Dīn Alwāy, *al-Da‘wat al-Islāmiyyat wa tatawwuruha fī shibh Qārat al-Hindiyyat* (Damascus: Dar al-Qalam, 1986).

¹⁰⁵ For example, we do see Jamāl al-Dīn Muḥammad Ṭāhir al-Hindī from Gujarat, despite his school-affiliation with the Ḥanafī school of law, depending on the works and arguments of Ibn Ḥajar in his counter-arguments with Rāfiḍīs and Mahdawīs. See *Tārīkh al-nūr al-sāfir*, 475-76.

¹⁰⁶ At the madrasas of Gujarat, Malabar or Aceh or Africa, where Arabic was the medium of instruction, textbooks and notes.

¹⁰⁷ C. van Arendonk and Joseph Schacht, “Ibn Ḥajar al-Haytamī,” *Encyclopaedia of Islam*, 2nd ed.

¹⁰⁸ The seventeenth century super-commentators other than al-Shabrāmalsī are Ismā‘īl bin ‘Abd al-Ghanī bin Ismā‘īl al-Nāblusī (d. 1652), Muḥammad bin Aḥmad al-Shawbarī (d. 1659) who also wrote a super-

eighteenth century.¹⁰⁹ In the nineteenth century one of its most celebrated super-commentaries was released, by ‘Abd al-Ḥamīd al-Sharwānī al-Dāghistānī (d. 1884).¹¹⁰ His contemporary and possibly a colleague in Mecca, Abū Bakar bin Muḥammad bin Shaṭā known as al-Bakrī al-Dimyāṭī al-Makkī (d. 1893), who we will feature in Chapter 7, also wrote a super-commentary. This tradition continued into the twentieth century and *Tuḥfat* remains even today one of the most authentic texts in Shāfi‘īte debates, law-giving and higher educational institutes.¹¹¹ Al-Sharwānī belonged to Daghistan in the Caucasus, but migrated to Mecca and taught there for a long time.¹¹² Before settling in Mecca, he had travelled to and studied in Istanbul and Cairo with many eminent scholars of his time, including Ibrāhīm al-Bājūrī (d. 1860) at al-Azhar. He was fluent in Arabic, Turkish and Persian and used to teach at the Sulaymaniyyat Madrasa in Mecca. After the morning prayers, he usually taught *Tuḥfat* before he withdrew to his room in the madrasa for his prayers and chants. The Dāghistānīs in Mecca were “some of the more highly esteemed depositaries of learning” and ‘Abd al-Ḥamīd al-Sharwānī was the towering figure whom many considered to be “more learned than” the Shāfi‘īte judge in the city, Aḥmad Zaynī Daḥlān (1816-1886).¹¹³ Many “peripheral” Muslims attended his lectures on *Tuḥfat*, such as the East African Sayyid Shaykhan bin Muḥammad al-Hibshy, the Indian Aḥmad Kuṭṭi Musliyyār Kōṭancēri, and the Indonesian Nawawī al-Bantanī, who also we will feature later.¹¹⁴ His super-commentary has no details about its composition or motivation. The one-line ritualistic prayer is directly followed by comments on phrases in *Tuḥfat*. This work extensively interprets phrases, arguments, opinions, and scriptural references, which are otherwise incomprehensible for students.

Apart from this super-commentary and another one by Ibn Qāsim al-‘Ibādī mentioned earlier, two other super-commentaries are also used by very specialist readers of *Tuḥfat*. The one is by ‘Umar bin ‘Abd al-Raḥīm al-Baṣārī (d. 1628), and the other by Rasūl bin Ya‘qūb al-Kurdī al-Zakī (lived in the seventeenth century). ‘Umar al-Baṣārī was also a knowledgeable-migrant in Mecca, originally belonging to Basra. In his super-commentary, he attempted to

commentaries to *Sharḥ al-Manhaj* of al-Anṣārī, Rasūl bin Ya‘qūb al-Kurdī al-Zakī (d. in the seventeenth century), and ‘Abd Allāh bin Abī Bakr Qādirī Bā Shu‘ayb al-Ḥaḍramī (d. 1706).

¹⁰⁹ In the eighteenth century, three super-commentaries are known: by ‘Ali bin Abd al-Rahim bin Muḥammad Ba Kathīr (d. 1732); ‘Isā bin Sibghat Allāh bin Ibrāhīm bin Ḥaydar al-Safwī al-Ḥaydarī al-Kurdī (d. 1776); ‘Abd al-Raḥmān bin ‘Abd Allāh bin Ḥasan al-Suwaydī al-Baghdādī (1786).

¹¹⁰ Other notable *ḥāshiyats* in the nineteenth century are the ones by Ḥasan bin Ibrāhīm bin al-Qā’id (d. 1819), Yahyā bin Khālīd al-Marwazī al-‘Imādī (d. 1839), *Bulūgh al-‘Irādat wa nayl al-ḥusna wa ziyādat min Ḥawāshī Shaykh al-Islām Ṭāhā bin Abd Allāh al-Sādat ‘alā Tuḥfat al-muḥtāj* by Ḥusayn bin ‘Alī bin Muḥsin bin Ibrāhīm al-Muftī al-Ḥabshī al-Ubbiy al-Yamanī (d. 1840) and *Aqṣā al-rawāj li Tuḥfat al-muḥtāj* by Rasūl bin Muḥammad al-Barzanjī (d. 1855).

¹¹¹ The *ḥāshiyats* widely known in the twentieth century were written by ‘Abd al-Raḥmān bin ‘Ubayd Allāh al-Saqqāf (d. 1955), who also has an elaborate *ḥāshiyat* on the “book” of *al-aqdiya* of *Tuḥfat* as a separate text, Abū Dar Ḥāmid bin Burhān al-Ghifārī, ‘Umar bin ‘Abd al-Raḥīm al-Baṣārī al-Makkī, Muḥammad bin Abī Ṭāhir al-Madanī, Mala Muḥammad al-Kurdī and ‘Abd Allāh bin Abī Bakr Bā Qushayr.

¹¹² For his biographical details, see Naḍīr al-Durkilī al-Tunī, *Nuzhat al-‘adhan fī tarājim ‘ulamā’ Dāghistān*, ed. and trans. Michael Kemper and Amri R. Sixsaidov (Berlin: Klaus Schwarz, 2004), 149-150. In this text, his first name is given as ‘Abd al-Majīd, although in all other texts he is known as ‘Abd al-Ḥamīd.

¹¹³ Hurgronje, *Mekka*, 202.

¹¹⁴ Chaidar, *Sejarah pujangga Islam Syech Nawawi Albanteni, Indonesia* (Jakarta: Sarana Utama, 1978); Hurgronje, *Mekka*, 289; Alex Wijoyo, “Shaykh Nawawi of Banten: Texts, Authority, and the Gloss Tradition” (PhD diss., Columbia University, 1997), 73

analyse the *'ibārat* of *Tuḥfat* and to draw attention to the occasions where *Nihāyat* of al-Ramlī offered the same opinion. This text was compiled by Muḥammad bin Ṭāhir al-Kurdī.¹¹⁵

Besides these four super-commentaries which had a limited readership in the Indian Ocean and Eastern Mediterranean regions, there are other commentaries of which only one or two manuscripts survive, and these are generally inaccessible to the world of scholarship. Some are regionally important, such as the *Bulūgh al-irādat wa nayl al-ḥusnā wa ziyādat min Ḥawāshī Shaykh al-Islam Ṭahā bin 'Abd Allāh al-Sādat 'alā Tuḥfat al-muḥtāj* by Ḥusayn bin 'Alī bin Muḥsin bin Ibrāhīm, and the one by 'Abd Allāh bin Abū Bakr Qādrī Bā Shu'ayb al-Ḥaḍramī.¹¹⁶ Their fame in the higher educational elites of Yemen may be due to the fact that they were written by locally known scholars. Their works must have been transmitted through the internal networks of their students and chains of pupils, until their very recent publication.

Muḥammad al-Bālī (d. unknown) wrote a commentary on the Introduction of *Tuḥfat* entitled *Ḥāshiyat 'alā dībājat Tuḥfat al-muḥtāj*. The author's adjectival patronymic (*nisbat*) "al-Bālī" could indicate an origin in Bali, Eastern Indonesia, but I have not yet managed to find any biographical details for him. Historical research on Islam in the Hindu dominated religio-cultural sphere of this island is an untrodden path.¹¹⁷ However, we know one Muḥammad al-Bālī who studied, taught and lived for a long time at Medina in the nineteenth century. He wrote commentaries on Islamic texts and issued fatwās on a number of controversial issues, including one on the accusation of Shī'ism against a Māppiḷa Muslim group of Malabar.¹¹⁸ This al-Bālī could be the same person, but we lack any further details on either of them. If he indeed came from Bali in Indonesia, it opens many interesting aspects of another peripheral region of the Islamic world. It could tell us not only of the introduction of *Tuḥfat* to the scholars from there, but also on its wide reception in Southeast Asia, or among Southeast Asian scholars living in Middle Eastern educational centres, and on the role of a possible Balinese scholar in the wider Islamic intellectual networks.¹¹⁹

The Cairene-Meccan division of the school initiated by *Tuḥfat* and *Nihāyat* spilled over to the prioritization of their respective super-commentaries. Again, there were a few attempts at reconciliation within the school. A passage in *Fawā'id al-Madaniyyat*, by the eighteenth-century scholar Muḥammad al-Kurdī, says this: "Then the fatwā should be given with the opinion of Shaykh al-Islam, then with the opinion of al-Khaṭīb, then the opinion of *Ḥāshiyat al-Ziyādī*, then the opinion of *Ḥāshiyat Ibn Qāsim*, then the opinion of 'Amīrat, then the opinion of *Ḥāshiyat al-Shabrāmalsī*, then the opinion of *Ḥāshiyat al-Ḥalabī*, then the opinion of *Ḥāshiyat al-Shawbarī*, then the opinion of *Ḥāshiyat al-'Anānī*, as long as they do not

¹¹⁵ Muḥammad Sha'ban, Introduction to Nawawī, *Minhāj*, 29.

¹¹⁶ Muḥammad Sha'ban, Introduction to Nawawī, *Minhāj*, 28-31.

¹¹⁷ For a general historical outline on Balinese Islam, though not on Muḥammad al-Bālī, see Hans Hägerdal, *Hindu Rulers, Muslim Subjects: Lombok and Bali in the Seventeenth and Eighteenth Centuries* (Bangkok: White Lotus, 2001); Jean Couteau, "Bali et l'islam: 1. Rencontre historique," *Archipel* 58, no. 3 (1999): 159-188; Adrian Vickers, "Hinduism and Islam in Indonesia: Bali and the Pasisir World," *Indonesia* 44, no. 2 (1987): 30-58.

¹¹⁸ On the Sunnī-Shī'ite conflicts among the Muslims of Malabar from the eighteenth through twentieth centuries and the involvements of Middle Eastern scholars including Muḥammad al-Bālī in the debates, see: Husayn Raṅṭattānī, *Mappila Muslims: A Study on Society and Anti-colonial Struggles* (Calicut: Other Books, 2007), 49-65, esp. 58

¹¹⁹ I am grateful to Henk Schulte Nordholt for sharing his thoughts on academic research related Islam in Bali on the basis of his familiarity with the region over the last few decades.

contradict the foundation of the school.”¹²⁰ All these *ḥāshiyats* or the author-jurists mentioned refer to their super-commentaries which were well-known among the learned Shāfi‘ītes.

If we look closely into the contexts of these textual progenies of *Tuḥfat*, especially the backgrounds of their authors, we see that most of them belong to a particular belt of the Muslim world, in South, Southeast and Central Asia and South Arabia. There is less participation of Egypt or Syria. This is a very interesting historical development in the legal history of Shāfi‘īsm. The revival of Mecca as a centre for Shāfi‘īte legalism in the sixteenth century created a break for the Muslim communities who had been living on the peripheries for legal discourses and who “stood outside” the circles of textual and intellectual transmission. The revitalization of Mecca for Shāfi‘īsm under the leadership of Ibn Ḥajar and his *Tuḥfat* quickly attracted them to becoming new centres for Islamic legal practice.

Most of these regions had not been represented in the earlier educational-intellectual histories of Shāfi‘īsm, and the scholars from there did not get access to mainstream intellectual engagements, until Mecca became an easily “accessible” place and a centre of Shāfi‘īsm for most of them. Mecca’s intellectual development in the sixteenth century, along with the stimulation of legal education in their homelands, provided a space for such aspirants of legal traditions to sharpen and enlighten themselves. They were helped not only through stories of miracles, but also through direct participation in significant numbers. The intellectual gap between the central Islamic lands and the rest of the Muslim world, which had earlier been filled through mercantile networks and the intellectual motivation they provided, was now narrowed by the fortune of those in Mecca and adjacent regions.

Final Remarks

The sixteenth century was a point of many remarkable shifts in the textual *longue-durée* of Shāfi‘īsm. It witnessed the production and dissemination of at least four famous texts of the school, all which were commentaries on one text, *Minḥāj*. For this the credit goes to the so-called “the Five Scholars” (*‘ulamā’ al-khams*), two of whom demonstrate conflicting viewpoints. Ibn Ḥajar’s migration to Mecca gave a remarkable spurt to this legalistic conflict. His move was occasioned by contemporary developments in political, social, economic and cultural realms. The decline of the Mamlūks, the rise of the Ottomans and their conquest of the Middle East, the arrival of the Portuguese in the Indian Ocean, and increased mobility toward Mecca and beyond to the Hijaz all contributed to these new developments. The composition of *Tuḥfat* and its later trajectory reflected many of these developments. The most important one was the Meccanization of Shāfi‘īsm, which would determine future engagements of numerous Shāfi‘īte scholars from the fuqahā-estates of South Arabia, the Hijaz, South and Southeast and Central Asia, and East Africa. Once the Ottomans began to take advantage of the possibilities offered by Mecca for their political, religious and economic expansion from the sixteenth century, the Muslim communities living in the regions east and south, and to some extent in the immediate west, had the chance to engage with active Islamic discussions. The strengthening grip of the Ottomans over such sacred spaces as Mecca and their growing interest in the Indian Ocean trade helped them push their activities into the mainstream and attract the attention of Muslims who were “geographically unfortunate” and

¹²⁰ Quoted in Bā Faraj Bā ‘Alawī, *Faḥ al-‘alī*, 17.

marginalized far away from the Middle-East-centric Islamic world. This remarkable development led to a flock of Muslim educational aspirants crowding into the Hijaz. Biographical literature about Meccan scholars shows an increasing presence and prominence of South, Southeast, Central Asian and East African scholars by the sixteenth century, in contrast to an almost complete absence earlier.

Tuhfat engaged in the conversation of this cosmopolitan atmosphere in the city, and reasserted its position in the longer textual genealogy of Shāfi‘īsm. It could have been that there was too much cosmopolitanism and the increasing role of the non-Arab communities in the heartland of Islam persuaded the author of *Tuhfat* to take a very Arab-centric attitude towards Shāfi‘īte law and Islam in general. It is too early to make a final judgment on this. The Arab-centric, Hijaz-focused and Meccanized version of Shāfi‘īsm projected in *Tuhfat* would not have been welcomed in the peripheral regions of the Indian Ocean, from East Africa to Southeast Asia. Furthermore, its complicated methodology and incomprehensible language were hard to follow for primary and intermediate students of Islamic law, and could have also had a negative impact on its receptivity outside Arab lands. But the appearance of the Yemenis in the picture changed that scenario. Their genealogy, ethnicity, language and culture were cherished in the Arab-centric articulations of *Tuhfat* as well as in the other works of Ibn Ḥajar. In reasserting a Mecca-centric view of Islam and dealing with much of the incomprehensibility of *Tuhfat* and of Islam broadly, they began to play important roles. But they were not the only actors in the future drama.

Along with the Ḥaḍramī and non-Ḥaḍramī Yemenis, there were Persians, Swahilis, Malays and Malabaris who shared in disseminating Shāfi‘īte ideas. This new maritime wave of Shāfi‘īsm along the Indian Ocean rim gave an intellectual confidence to the “peripheral” Muslim communities. An awareness in some of its Muslim intelligentsia who arrived in Mecca grew that they should return to their homelands, establish similar educational centres, and revive the “indigenous Islams” into a standardized and purified Islam. This phenomenon resulted in the emergence of many religious higher educational institutions all along the rim. It also led to a more intensive Shāfi‘īzation of the existing Muslim communities. For those scholars who returned home, *Tuhfat* was an immediate reference point for many of their legalistic problems. Another significant outcome of revival under the flag of *Tuhfat* is that from now on *Minhāj* began to be overshadowed by the oeuvre of Ibn Ḥajar. The new oceanic scholars referred to *Tuhfat* and other works of Ibn Ḥajar along with the texts of his contemporaries like al-Ramlī and Sharbīnī, which eventually pushed *Minhāj* behind the curtain. That process can be better understood once we look at a sixteenth-century Malabari text, an indirect progeny of *Tuhfat*, which is the subject of the next chapter.