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Islam and disability : perspectives in islamic theology and jurisprudence

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Chapter Four: Human Dignity of People with Disabilities

4.1 Theoretical Considerations: Influence of Physiognomy?

The main Arabic term which conveys the purport of physiognomy is *firāsa*¹ and, in a lesser degree, *tawassum* which was often used as a synonym of *firāsa*.² Tracing the term *firāsa* in Arabic literature reveals four main meanings each of which can be seen as a distinct category or type of *firāsa*. That *firāsa* was not of a unilateral meaning is clearly stated in modern studies but a clear division and exposition of these four meanings is still missing. Keeping in view that such systematic division is crucial to the argumentation below; an explanatory presentation of these four meanings will be given first.

The first meaning of *firāsa* that can be encountered in the earliest Arabic lexicons centers on one's sharp-mindedness and astuteness used to disclose mysterious issues.³ The active participle (*fāris*) and the comparative adjective (*afras*) would also denote one's adeptness, proficiency and expertise in a specific aspect of life. The expression, *ana afraṣ bi al-rijāl* means "I am more knowledgeable and more experienced about men."⁴ A particularly renowned practitioner of this type of *firāsa* was the judge Iyās b. Mu'āwiya (appointed in 99/717).⁵ He was proverbial for his perspicacity and his ability to extract precise hints of information unnoticed by others and his shrewdness are often praised.⁶ This is almost the broadest meaning of *firāsa* which made this term usable for indicating other meanings as well.

The second meaning of *firāsa* was *qiyāfa*, read sometimes as *qāfa*. *Qiyāfa* was of two types, namely *qiyāfat al-athar* and *qiyāfat al-bashar*. *Qiyāfat al-athar* was to track birds, animals and humans through minute scrutiny of the traces that they leave behind, most obviously foot-prints. *Qiyāfat al-bashar* was to establish the paternity or maternity of a child by careful observation and comparison of the bodily characteristics of it and its alleged parent.⁷ This second type brings *qiyāfa* very close to the fourth meaning of *firāsa* below.⁸ The two terms *qiyāfa* and *firāsa* were usually used as synonyms.⁹ *Qiyāfa* was presented in Arabic literature as a typically Arabic achievement and as

¹ Porter, Martin (2005), p. 61; Hoyland, Robert (2005), p. 361.

² See for instance, Ibn Sayyidih (1316-1321/1898-1903), p. 26; Ibn al-'Arabī (1), vol. 3, p. 107; Qurtubī, Abū 'Abd Allāh Muhammad b. Ahmad al- (1372/1952), vol. 10, p. 42; Ansārī, Abū Ṭālib al- (1332/1914), p. 46.

³ See Farāhidī, al-Khalīl b. Aḥmad al- (1980-1985), vol. 7, p. 245; Ibn Durayd (1987-1988), vol. 2, p. 717; Ibn Sayyidih (1316-1321/1898-1903), p. 26; Rāzī, Muḥammad b. Abī Bakr b. 'Abd al-Qādir al- (1415/1995), p. 208; see Ibn Qutayba Abū Muḥammad 'Abd Allāh b. Muslim (1406/1986), vol. 1, p. 107, vol. 2, p. 237 & 240.

⁴ Ibn Manzūr, Muḥammad b. Makram (1), vol. 6, p. 160; Wizārat al-Awqāf wa al-Shu'ūn al-Islāmiyya bi al-Kuwayt (1), vol. 32, p. 77.

⁵ Hoyland, Robert (2005), p. 373.

⁶ Pellat, Ch. (2) (2003), vol. IV, p. 291.

⁷ See Fahd, T. (2003), "Qiyāfa"; Hoyland, Robert (2005), p. 362 & 363.

⁸ Hoyland, Robert (2005), p. 362 & 363.

⁹ See for instance, Jāḥiẓ, Abū 'Uthmān 'Amr b. Baḥr al- (1356-64/1938-45), vol. 1, p. 123, quoted by Hoyland, Robert (2005), p. 363.

something to be inherited rather than to be learnt and that is why no books were written on this topic.¹⁰

The third meaning is the illuminative or mystic one. The core of this type of *firāsa* is detaching oneself from the worldly desires by means of seclusion (*khalwa*), austerity (*riyāḍa*) waking up at night and abandoning eating. A regular practice of such rituals would produce a sort of visionary experiences or unveilings (*mukāshafāt*) by which the practitioner could predict, foresee and tell unseen objects and unknown future events.¹¹ Islamic mysticism played a central role in developing this meaning and in one way or another Islamizing it to become eventually a typical Islamic type of *firāsa*. Such type centers on the pious qualities of the practitioner of *firāsa*. It enables him to receive a light from Allah by which he can penetrate a person's hidden depths such as his conscience, innermost thoughts and his past and future.¹² A more detailed definition states, "Firāsa is that which God plants in the hearts of his friends (*awliyā'ih*) so that they may know the internal states of people by a sort of miracle and divination (*bi naw' min al-karāmāt wa iṣābat al-zann wa al-ḥads*) for the heart has an eye just as sight does, and whoever has a sound heart-eye and is supported by God's light may gain confirmation of the true essences of things and understanding of the upper world while he remains in the lower world. He perceives what no eye has seen, no ear has heard, and what has never occurred to the heart of any human."¹³ This type of *firāsa* was seen as a talent possessed only by few people, namely the most pure of heart.¹⁴ This also meant that any figure renowned for his/her piety or devotion must have been in the possession of *firāsa*, a fact immediately patent from Islamic religious literature.¹⁵ This type was given the name *al-firāsa al-īmāniyya* (intuitive knowledge produced by belief)¹⁶ or *al-firāsa al-ilāhiyya* (intuitive knowledge produced by God)¹⁷ and sometimes in the Sufi literature *al-mukāshafa* (unveiling)¹⁸

This meaning was a product of a religious dimension added to this term by Islam. This sense has gradually been integrated in the denotations of *firāsa* and its main synonym *tawassum*, the same like many other Arabic words which got new dimension by Islam such as *ṣalāh*, *zakāh*, *ḥajj* and so forth.

¹⁰ Khalīfa, Ḥājī (1412-1992), vol. 2, p. 346.

¹¹ Harawī, 'Abd Allāh Al-Anṣārī al- (1408/1988), Rāzī, Fakhr al-Dīn al- (1939), pp. 6 & 7; Ibn al-Qayyim (1393/1973), vol. 1, p. 130, vol. 2, p. 486 & 487; Anṣārī, Abū Ṭālib al- (1332/1914), p. 3; *Sharḥ al-'Aqīda al-Taḥāwīyya* (1391/1971), vol. 1, p. 563.

¹² Hoyland, Robert (2005), p. 368.

¹³ Munāwī, 'Abd al-Ra'ūf al- (1356/1937), vol. 2, pp. 414 & 415, quoted by Hoyland, Robert (2005), p. 386 & 387.

¹⁴ Hoyland, Robert (2005), p. 368.

¹⁵ Ibid, p. 387.

¹⁶ Ghumrī, Zayn al-'Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 1b. Ghumrī, Zayn al-'Ābidīn Muḥammad b. Muḥammad al- (d. 970/1562), fol. 1b.

¹⁷ Hoyland, Robert (2005), p. 368.

¹⁸ Ghumrī, Zayn al-'Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 2b & 3a. Ghumrī, Zayn al-'Ābidīn Muḥammad b. Muḥammad al- (d. 970/1562), fol. 2a. For the technical meaning of this term especially in Sufi literature, see Gardet, L. (4) (2003), vol. IV, pp. 696-698.

They key-citation in this context was “Beware the *firāsa* of the believer for he sees with the light of God”. This adage was classified as a Prophetic tradition by the scholars of Ḥadīth but it does not appear in written form until the time when the great collections of the sayings of the Prophet were being put together in the third/ninth century. It seems to be first noted, very cursorily, by the famous compiler al-Bukhārī (d. 256/870), in his *Al-Tārīkh al-kabīr* and then by his younger contemporary and fellow compiler al-Tirmidhī (d. 279/892), who appends a few brief thoughts of his own:

The Messenger of God said: “Beware the *firāsa* of the believer, for he sees with the light of God”, and then he recited (the Qur’anic verse): “In that are signs for the discerning”. Abū ‘Īsā: “This tradition is rare; we only know of it in this context. It is transmitted on the authority of a number of knowledgeable people regarding the exegesis of this verse “In that are signs for the discerning”: (“the discerning” means) those who practise *firāsa*.”¹⁹

However, though not written down until the mid-ninth century, it is evident from Tirmidhī’s comment about its explication by “knowledgeable people” (*ahl al-‘ilm*) that the saying was already known in his day.²⁰ This meaning was later integrated as one of the main denotations of the term *firāsa*. For instance, the adage “Beware the *firāsa* of the believer” is also found in the Arabic lexical entries on *firāsa* and *tawassum*.²¹ Additionally, this meaning is included in literally hundreds of legal and theological works, particularly those with Sūfī leanings.²² Actually, within the Sufi milieu, this type of *firāsa* received the most systematic trials of defining it, elaborating the conditions to gain it and also dividing it into different sorts.²³

The fourth meaning is almost identical with the Greek concept of physiognomy. Etymologically, it is derived from three Greek words, viz., *physis* (nature), *nomos* (law) and *gnomon* (judge or interpreter).²⁴ This term conveys the examining of the relationship between physical attributes and personality traits. *Firāsa* in this sense is a tool by which one can determine what the inspection of a person’s corporal features might tell us about his or her innate character.²⁵ This type was known as *al-firāsa al-ṭabī‘iyya* (natural physiognomy),²⁶ *al-firāsa al-insāniyya* (human physiognomy),²⁷ or *al-firāsa al-*

¹⁹ Tirmidhī, Abū ‘Īsā Muḥammad b. Sawra al- (1), ḥadīth no. 3127, vol. 5, p. 298; Hoyland, Robert (2005), pp. 364 & 365.

²⁰ Hoyland, Robert (2005), pp. 364 & 365.

²¹ See for instance, Ibn Sayyidīh (1316-1321/1898-1903), p. 26; Rāzī, Muḥammad b. Abī Bakr b. ‘Abd al-Qādir al- (1415/1995), p. 208.

²² Hoyland, Robert (2005), p. 365.

²³ Qushayrī, Abū al-Qāsim al- (1), pp. 322-330; Harawī, ‘Abd Allāh Al-Anṣārī al- (1408/1988), vol. 1, pp. 80 & 81; Ibn al-Qayyim (1395/1975), vol. 1, pp. 238-240; Ibn al-Qayyim (1) (1395/1975), vol. 1, p. 48; Ibn al-Qayyim (3), vol. 1, p. 126; Ibn al-Qayyim (1412/1992), vol. 1, pp. 101 & 102; Ibn al-Qayyim (1393/1973), vol. 1, pp. 482-495.

²⁴ A., Oommen & Oommen T. (2003), p. 189, quoting from Percival, Melissa. (1999).

²⁵ Hoyland, Robert (2005), p. 361.

²⁶ Hoyland, Robert (2005), p. 368.

²⁷ Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 1b; Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (d. 970/1562), fol. 1b.

ḥikmiyya (judicious physiognomy).²⁸ Unlike Islamic type of *firāsa*, this type is more readily available to all, since it consists simply of an enumeration of the particular characteristics that are associated with specific bodily features.²⁹

The statement mentioned in the article of the *Encyclopaedia of Islam* on *firāsa* commenting on this particular meaning, “*Firāsa* is an Islamic science”³⁰ cannot be taken without reservations. It can be accepted only in the sense that it developed to be Islamic at later stages as to be shown below. The only researcher who opines, although with doubts expressed by himself, that physiognomy originated as an Arabic and Islamic science is ‘Abd al-Karīm ‘Adiyy (1917-1985). This is despite the fact that he concedes that *firāsa* in early Arabic lexicons never appears in the Greek sense.³¹ He goes even further to believe that Greek physiognomy got possibly later affected by this Arabic science and not vice versa. ‘Adiyy bases his opinion on what has been related about al-Shāfi‘ī’s adeptness in this science. At the end he presents his arguments in the form of a question that still needs confirmation on negation.³² The issue of al-Shāfi‘ī is to be discussed below in detail and I believe it answers ‘Adiyy’s question clearly in the negative.

At any rate, it is clear that this meaning of *firāsa* is neither originally Arabic nor Islamic. Early Arabic lexicons do not give any reference to this sense as one of the meanings of *firāsa*.³³ This does not necessarily mean that the idea of a possible link between one’s physical appearance and personality traits could have been common among the Arabs before hearing or reading about this type of physiognomy. But the majority of specialists in this field are of the opinion that this type of *firāsa* could have a definable and distinct existence only after and thanks to the translation of the Greek treatises on this science.³⁴ However, possible Indian and Persian influences should not be ignored. cursory references to the Indian and Persian *firāsa* was made by Ibn Qutayba (213/828-276/871)³⁵ and in the treatise, attributed to al-Jāhīz (d. 255/868-9), which handles among other topics *firāsa* according to the Persians. The treatise also quotes Jawbar al-Hindī (the Indian) as the author of a work on *firāsa*.³⁶ It seems, however, that this initial Indian and Persian influence faded away quickly when the Greek sources were translated.

²⁸ Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 2a & 41a. Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (d. 970/1562), fol. 1b & 8b.

²⁹ Hoyland, Robert (2005), p. 368.

³⁰ Fahd, T. (1) (2003), vol. II, p. 916.

³¹ ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 58, issue 2, pp. 181-183

³² ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 58, issue, 1, p. 355.

³³ For Arabic lexicons, see Farāhīdī, al-Khalīl b. Aḥmad al- (1980-1985), vol. 7, p. 245; Ibn Durayd (1987-1988), vol. 2, p. 717; Ibn Sayyidīh (1316-1321/1898-1903), p. 26; Rāzī, Muḥammad b. Abī Bakr b. ‘Abd al-Qādir al- (1415/1995), p. 208.

³⁴ See Mourad, Youssef (1939), p. 1; Ghersetti, Antonella (1996), p. 121; Ghersetti, Antonella (1999), p. iii.; Hoyland, Robert (2005), pp. 361 & 362.

³⁵ Ibn Qutayba Abū Muḥammad ‘Abd Allāh b. Muslim (1406/1986), vol. 1, p. 326.

³⁶ K. Inostrantsev (1907-8), p. 120.

Three main Greek sources were of crucial importance in this regard, namely two books attributed to Aristotle and one book attributed to Polemon:³⁷

The two books attributed to Aristotle; *Sirr al-asrār* (secret of secrets)³⁸ and *Kitāb Aristāṭalīs fī al-firāsa* (The Book of Aristotle on Physiognomy).³⁹

The first book purports to be the advice given by the famous Greek philosopher to the equally famous general Alexander the Great while the latter was on campaign in Iran.⁴⁰ This book raised a huge number of scholarly questions the most important of which center on the origin of the book being Arabic or Greek and the date at which this book was written or translated. Many theories have been presented in a bid to answer these questions and to my mind none of them gives decisive answers to all these questions.⁴¹ Just two points would concern us in this respect. First the book contains a section on physiognomy whose categories, style, and vocabulary employed, if not so much the statements themselves, owe much to Polemon⁴² and thus the Greek origins of this specific part is unquestionable. The second point, which still remains equivocal, is the date in which the Arabic versions of this book appeared. The earliest date suggested was during the Umayyad reign (between 41/661-132/750)⁴³ whereas the latest was up to the 7th/13th century, not before 1220.⁴⁴ A proposed date for the text of the section on physiognomy in particular was 330/941.⁴⁵ To sum up, in the absence of definite proof, a wide range of dating possibilities remains open.⁴⁶

The second book was translated by the well-known physician, philosopher, author and translator Ḥunayn b. Ishāq (192/808-260/873)⁴⁷ around the middle of the 3rd/9th century.⁴⁸

³⁷ On him, see Stegemann, Willy (1952), col. 1345; Sezgin, Fuat (1970), vol. III, pp. 352 & 353; Witkam, J.J. (1980), pp. 44 & 45. There are many variations for this name. In English it is mostly Polemon (see Hoyland, Robert (2005), p. 361ff.; Fahd, T. (1) (2003), vol. II, pp. 916 & 917) but sometimes also Polemo (see for instance Rosenthal, F. (1965), pp. 37, 43 & 126). In Arabic, there are at least four variations, viz., *Aflimūn* (see Rosenthal, F. (1965), pp. 37, 43 & 126; Hoyland, Robert (2005), p. 361, note 3), *Iflimūn*, *Fulaymūn* (Witkam, J. J. (1980), p. 45) & *Flimūn* (Fahd, T. (1) (2003), vol. II, p. 916).

³⁸ It was edited by ‘Abd al-Raḥmān Badawī, Badawī, ‘Abd al-Raḥmān (1954), pp. 67-171. The text was also translated into English by a certain Ismail Ali, an Egyptian scholar who had worked on it as a student at the University of London under the supervision of A. S. Fulton, see Steele, Robert (1920), pp. 176-266; Manzalaoui, Mahmoud (1974), p. 141.

³⁹ It was edited and translated to the Italian language by Antonella Ghersetti, Ghersetti, Antonella (1999), pp. 3-50.

⁴⁰ Hoyland, Robert (2005), pp. 368.

⁴¹ See Steele, Robert (1920), pp. ix-lxiii; Badawī, ‘Abd al-Raḥmān (1954), pp. 32-75; Manzalaoui, Mahmoud (1974), pp. 141-257; Koningsveld, P.S. van (1998), pp. 347-349.

⁴² Hoyland, Robert (2005), pp. 368 & 69. It is to be noted that this chapter is sometimes omitted and at other times found separately on its own, see Manzalaoui, Mahmoud (1974), p. 142, 155 & 156.

⁴³ Mahmoud (1974), pp. 163 & 164; Gutas, Dimitri (1998), pp. 23 & 24.

⁴⁴ See Steele, Robert (1920), p. xv.

⁴⁵ Manzalaoui, Mahmoud (1974), p. 157.

⁴⁶ For an overall idea of this question and the proposed answers, see Steele, Robert (1920), pp. xv & xvi; Badawī, ‘Abd al-Raḥmān (1954), pp. 36-45; Manzalaoui, Mahmoud (1974), pp. 157-166.

⁴⁷ On him, see Strohmaier, G. (2003), vol. III, pp. 578-581.

Polemon's book *Kitāb al-firāsa* seems to have been the most influential of all of these books.⁴⁹ The translator of this book and the exact date of translation are unknown.⁵⁰ The well-known historian al-Ya'qūbī (who died in the early 4th/10th century but apparently not before 292/905)⁵¹ notes that Polemon, "the master of physiognomy" (*aflīmūn ṣāhib al-firāsa*), wrote a book in which he explained what physiognomy can tell you of innate disposition, repute, and character, and he gave proofs of that."⁵² But it seems that al-Jāhīz (d. 255/868-9) was the earliest Arabic writer to quote Polemon, in his book *Al-Hayawān*.⁵³ However al-Jāhīz's quotations were on the physiognomy of the dove (*firāsat al-ḥamām*) none of which can be found in the extant Arabic version of Polemon's physiognomy.⁵⁴ Accordingly, it seems that Polemon's book began to circulate around the 3rd/9th century.⁵⁵ By time, Polemon's book was widely used and epitomised and was subsequently extremely influential on the development of *firāsa* in the Greek sense.⁵⁶

Gradually Greek physiognomy in general could find its way as one of the main meanings of *firāsa* in the Arabic and Islamic culture. One of the main reasons in this regard is that contrary to the Islamic *firāsa* which was exclusively for the pious people, Greek physiognomy was learnable and teachable for almost every one.⁵⁷ Its practical benefits embraced the common people and political elite as well as in different social and economic aspects of life. This science helped common people to choose people of good character to be their intimate friends and spouses without falling into traps.⁵⁸ As for the political elite, physiognomy was an important tool for a king or ruler to make a veracious choice for his retinue.⁵⁹ As for its economic benefits, this type of

⁴⁸ Sa'īdī, Lutfi M. (1934), p. 435 ; Gherseti, Antonella (1999), pp. xvii-xxvii.

⁴⁹ A main witness of this book is the Leiden manuscript Or. 198 (I). It was edited in the nineteenth century by G. Hoffmann in Foerster, R. (1893), vol. I, pp. 98-294. The manuscript has been recently reedited by Robert Hoyland, see Hoyland, Robert (2007), pp. 329-342.

⁵⁰ See Stegemann, Willy (1952), col.; Witkam, J.J. (1980), p. 44

⁵¹ On him, see Zaman, Muhammad Qasim (2003), pp. 257 & 258

⁵² Ya'qūbī, Aḥmad b. Ya'qūb al- (1883), vol. 1, p. 135, quoted by Hoyland, Robert (2005), p. 361, note 3. See also Rāzī, Fakhr al-Dīn al- (1939), p. 28.

⁵³ Jāhīz, Abū 'Uthmān 'Amr b. Baḥr al- (1356-64/1938-45), vol. 3, p. 146, 269-275 & 284.

⁵⁴ Polemon was later on also quoted by other well-known scholars such as Ibn al-Nadīm (d. 377/987), Ibn Hazm (d. 413/1022), Ibn al-Qifṭī (d. 646/1248) and Ibn Abī Uṣaybi'a (d. 668/1270), see Witkam, J.J. (1980), p. 45.

⁵⁵ See Hoyland, Robert (2005), p. 361.

⁵⁶ See Mourad, Youssef (1939), pp. 384-86; Witkam, J.J. (1980), p. 45; Hoyland, Robert (2005), p. 361; Gherseti, Antonella & Swain Simon (2007), pp. 309 & 310.

⁵⁷ Rāzī, Fakhr al-Dīn al- (1939), pp. 6 & 7; Ansārī, Abū Ṭālib al- (1332/1914), pp. 3 & 4.

⁵⁸ Qanwajī, Ṣiddīq b. Ḥasan al- (1978), vol. 2, p. 396. For an example on women, see Ansārī, Abū Ṭālib al- (1332/1914), p. 18.

⁵⁹ Qanwajī, Ṣiddīq b. Ḥasan al- (1978), vol. 2, p. 396. This was clearly the aim of the chapter on physiognomy in *Sīr al-Asrār* which purports to be the advice given by the famous Greek philosopher, Aristotle, to Alexander the Great, see Badawī, 'Abd al-Raḥmān (1954), pp. 117-124; Hoyland, Robert (2005), p. 368.

physiognomy acted also as an important guide when one wanted to buy slaves⁶⁰ or animals, especially horses.⁶¹

At the literary level, after the cursory quotations of al-Jāhīz, we obtain many hints of the widespread interest in Greek physiognomy. This is clear from the numerous quotations of Polemon's treatise or imitations thereof, both direct and indirect, which started circulating in Islamic literature at the latest around the 5th/11th century as is clear from the works of al-Zamakhsharī (4261/1075-538/114)⁶² and Ibn Ḥamdūn (495/1102-562/1166).⁶³

At the scholarly level, Greek physiognomy appeared on the list of recognized Islamic sciences almost simultaneously. During the 5th/11th century, the first scientific treatise on Greek physiognomy came from the pen of the litterateur Abū Ḥayyān al-Tawḥīdī (d. 414/1023), recording the academic discussions he had with the great scholar Miskawayh (d. 421/1030).⁶⁴ At about the same time, Ibn Sīnā (d. 428/1037) put this type of physiognomy on the list of the Islamic sciences and made it one of the secondary divisions of physics after medicine and astrology.⁶⁵

All these developments paved the way for another step at the lexicographical level. Gradually, and at the latest around the 6th/12th century, Greek physiognomy was presented in the Arabic lexicons as one of the main meanings of *fīrāsa* as is clear from the works of Majd al-Dīn Ibn al-Athīr (544/1149-606/1210)⁶⁶ and Ibn Manẓūr (630/1233-711/1312-13).⁶⁷

The popularity of Greek physiognomy went beyond this by becoming the main meaning of *fīrāsa*. In other words, once *fīrāsa* is mentioned in the absolute form, it would first convey the Greek sense of physiognomy rather than the other three possible meanings. This is clear from a long list of Arabic books written on this science and bearing the word *fīrāsa* in the title without adding *ḥikmīyya* (judicious), *ṭabīʿīyya* (natural) or any other term to avoid what would be a possible misunderstanding or confusion with the other meanings of *fīrāsa*.⁶⁸

⁶⁰ Rāzī, Fakhr al-Dīn al- (1939), pp. 83 & 84; Qanwajī, Šiddīq b. Ḥasan al- (1978), vol. 2, p. 396; Anṣārī, Abū Ṭālib al- (1332/1914), p. 17.

⁶¹ Records of manuscripts written on this science provide us with a title dedicated for this specific issue, viz., *Darj al-siyāsa fī ʿilm al-fīrāsa wa ma yadull ʿala al-khayl min malaḥa wa qabāḥa*, see Bābānī, Ismāʿīl Bashā al- (1364-1945), vol. 1, p. 463.

⁶² Zamakhsharī, al- (1976), vol. 1, p. 866.

⁶³ Ibn Ḥamdūn (1996), vol. 8, p. 32. For more examples and quotations in this regard, see Hoyland, Robert (2005), p. 367-370.

⁶⁴ Tawḥīdī, Abū Ḥayyān al- & Ibn Miskawayh (1370/1951), pp. 166-172; Hoyland, Robert (2005), p. 391 & 392.

⁶⁵ See Ibn Sīnā (1406/1986), p. 88; Mourad, Youssef (1939), p. 23; ʿAdīyy, ʿAbd al-Karīm (1982-1983), vol. 57, issue, 4, pp. 712 & 713; Hoyland, Robert (2005), p. 391, note 84; Ghersetti, Antonella (2007), p. 285.

⁶⁶ Ibn al-Athīr, Majd al-Dīn (1963), vol. 3, p. 428.

⁶⁷ Ibn Manẓūr, Muḥammad b. Makram (I), vol. 6, p. 160.

⁶⁸ To mention the most well-known, see Rāzī, Fakhr al-Dīn al- (1939); Anṣārī, Abū Ṭālib al- (1332/1914); Ibn al-Akfānī (d. 749/1348); Zaydān, Jurjī (1423/2003); Witkam, J. J. (1980), p. 45.

Among the aforementioned four meanings of *firāsa*, the mystic and Greek ones were the main meanings to receive further theorization and elaboration. Although mystic *firāsa* never became a systematized science with clear and detailed premises and conclusions such as the case with Greek physiognomy, Islamic mystic literature could present at least a theory in this regard. These two developed systems of *firāsa* had contradictory standpoints concerning people with disabilities.

The main concern of the mystic *firāsa* was the practitioner of *firāsa* rather than the targeted person whom the practitioner wants to read his/her invisible character. The main component of this *firāsa* is to gain the light of God which enlightens, opens up and thus discloses the hidden sides of people's characters as the aforementioned adage states, "Beware the *firāsa* of the believer for he sees with the light of God". To obtain this light, one must dedicate him/herself to the worship and service of God and fulfill a number of conditions:

"Whoever turns his gaze from forbidden things, restrains himself from desires, and suffuses his inner self with constant vigilance and his outer self with adherence to God's law, and accustoms himself to eating only what is permitted, *firāsa* will not fail him."⁶⁹

Sufi literature shows obviously that physical build and outward appearance play no role whatsoever whether as a prerequisite to gain this divine light or as a determining factor in judging people's characters. People with different disabilities including blindness, lameness, hemiplegia, paralysis, leprosy, etc. were repeatedly presented in Sufi literature as people with good character and pure hearts which allowed to obtain the ranks of *awliyā'* (Friends of God) and thus deserve high esteem and appreciation.⁷⁰

Unlike the mystic *firāsa*, the main focus of Greek physiognomy was the person whose character we want to understand and the physical build of that person was crucial in the physiognomic process. This focus made Greek physiognomy, especially as represented by the aforementioned three Greek works, produce a very negative image about people with disabilities, abnormalities or deformities.⁷¹ The general principle to be deduced from these works purports that any malformation in one's body indicates a similar one in one's character.⁷² The introductory passages of the chapter on physiognomy in the *Sīr al-asrār* are the most obvious in this regard. The author says, "know that the womb is for the embryo like the pot for the food, therefore the whiteness or blueness or extreme redness [of the face] indicates imperfect coction, and if any physical

⁶⁹ Aṣbahānī, Abū Nu'aym al- (1405/1984), vol. 10, p. 237, quoted by Hoyland, Robert (2005), p. 387.

⁷⁰ To mention just examples, see Ghazālī, Abū Ḥāmid, al- (1), vol. 4, p. 348, 349; Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1410/1989), vol. 4, p. 118; Aṣbahānī, Abū Nu'aym al- (1405/1984), vol. 2, p. 319, vol. 4, pp. 68, 214 & vol. 6, pp. 156, 286; Ibn al-Jawzī (1399/1979), vol. 2, pp. 193-199, 463-466, 501, 502, vol. 4, pp. 9, 18, 19, 60, 86, 272, 282, 283, 383, 401, 402; Ibn al-Qayyim (1), vol. 1, p. 117.

⁷¹ For the other positive side in Greek literature on people with disabilities, see Garland, Robert (1995), pp. 89, 96-104.

⁷² See Ghersetti, Antonella (1999), p. 29.

imperfection (*naqs fī al-khalq*) is added to them, then it is a clear proof of the nature being imperfect as well. Therefore beware of such people, blue, very red or reckless thin-haired, for they must be shameless, perfidious and sensuous [...] and beware of one of a defective make or having some physical imperfection.”⁷³ In his physiognomic work translated by Ḥunayn b. Isḥāq, Aristotle depicts the brave man as one with an almost flawless and well-proportioned body whereas the coward is the one with an ill-proportioned and to some extent malformed body.⁷⁴ The same line is continued in the work of Polemon.⁷⁵ This negative image found its way in Arabic literature which made use or were influenced by such works. For instance, Rāghib al-Iṣfahānī (d. 1108) records this statement, “The blind is obstinate (*mukābīr*), the one-eyed is frequently unjust (*ẓalūm*) and the squint-eyed is regularly arrogant”⁷⁶ Another good example is a passage which crops up in a number of well-known literary works:

“Largeness of the forehead indicates doltishness, breadth of it to poverty of intellect, smallness of it to gracefulness of movement, and roundness of it to anger. If the eyebrows are joined straight across, it indicates effeminacy and slackness. If they are driven downwards to the edge of the nose, it indicates grace and intelligence; and if they are driven towards the temples, it indicates derision and mockery. If the inner corner of the eye is small, it indicates a wicked inner nature and bad character traits. If the eyebrow falls down to the eye, it indicates envy. The medium-sized eye is an indication of acumen, fine character, and valour; the projecting eye of a confused intellect; the hollow eye of sharpness; the eye that stares much of impertinence and stupidity; and the eye that looks long of levity and inconstancy. Hair on the ear indicates a good listener, and a big erect ear indicates stupidity and folly.”⁷⁷

The ascending popularity of the Greek physiognomy did not remain within the boundaries of common people and literary sources. Two main factors pushed the Greek physiognomy into the realms of Islamic jurisprudence.

First, penetrating many aspects of life in the Muslim community, as mentioned above, one would believe in an eventual meeting-point between this science and Muslim jurists who are supposed to deal with the common life of people and their daily dealings.

Second, some of the physiognomic statements had religious and legal implications. For instance, Rāghib al-Iṣfahānī (d. 1108) quotes Aristotle saying, “The testimony of the humpbacked and the short people should not be accepted even if [their credibility was] recommended because of their maliciousness. He was asked why? He said ‘because their heads are close to

⁷³ Badawī, ‘Abd al-Raḥmān (1954), p. 118. The English translation is based on Steele, Robert (1920), pp. 219 & 200. However, I made slight changes which, to my mind, made the English text closer to the Arabic origin.

⁷⁴ Gheretti, Antonella (1999), pp. 20 & 21. For similar Aristotelian quotations, see Garland, Robert (1995), p. 90.

⁷⁵ See Hoyland, Robert (2007), pp. 444-454.

⁷⁶ Iṣfahānī, Rāghib al- (1420/1999), vol. 2, p. 314.

⁷⁷ Nuwayrī, Shihāb al-Dīn al- (1342/1923), vol. 3, p. 149; Hoyland, Robert (2005), p. 367

their hearts.”⁷⁸ Another statement ascribed to al-Shāfi‘ī states “the little and short palm combined with long and thin fingers indicate theft and treachery.”⁷⁹ Such statements have direct relevance to issues discussed extensively in Islamic Jurisprudence.

This meeting-point will be traced in two main legal schools, namely, the Shāfi‘ī and the Ḥanbalī Schools. It is just the available information that has imposed this choice. Outside these two schools, pertinent information is scanty and within the Ḥanafī School it is almost absent. Moreover, such information does not make it clear what type of *firāsa* is meant in such discussions. However, a note in passing will be given at the end to clarify the standpoint of other schools in the light of available information.

4.1.1 The Shāfi‘ī School

A number of sources written by scholars belonging to the Shāfi‘ī school, including those of Fakhr al-Dīn al-Rāzī (d. 606/1209)⁸⁰, Shams al-Dīn al-Dimashqī (d. 727/1327), Ibn al-Durayhim al-Mawṣilī (d. 762/1360)⁸¹ Zayn al-‘Ābidīn al-Ghumrī (d.970/1562),⁸² played a significant role in diffusing the idea that the founder of their legal school, al-Shāfi‘ī, was an important authority in this science⁸³ and quoted a number of statements claiming to come from al-Shāfi‘ī himself.⁸⁴ These physiognomic statements bear the same negative attitude adopted by the aforementioned Greek literature against people with disabilities and they are the topic of the following analysis.

4.1.1.1 Muḥammad b. Idrīs al-Shāfi‘ī’s Controversial Statements

Muḥammad b. Idrīs al-Shāfi‘ī (d. 205/820) was considered as one of the seven main authorities of the science of physiognomy in the Greek sense.⁸⁵ This is clear from two main sorts of sources, viz., a) those on the life and especially the virtues (*manāqib*) of al-Shāfi‘ī and b) those on physiognomy.

As for sources enumerating the virtues of al-Shāfi‘ī, the available *manāqib* books on al-Shāfi‘ī have been consulted; those dedicated to al-Shāfi‘ī alone⁸⁶ as well as those discussing the *manāqib* of other scholars.⁸⁷ These sources ascribe

⁷⁸ Iṣfahānī, Rāghib al- (1420/1999), vol. 2, p. 311.

⁷⁹ Ansārī, Abū Ṭālib al- (1332/1914), p. 34; Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 41.

⁸⁰ Rāzī, Fakhr al-Dīn al- (1939).

⁸¹ Khalīfa, Ḥājjī (1412-1992), vol. 2, p. 997.

⁸² Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562); Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (d. 970/1562).

⁸³ Ansārī, Abū Ṭālib al- (1332/1914), p. 2.

⁸⁴ Hoyland, Robert (2005), p. 367.

⁸⁵ For discussions on the other six authorities and their names, see Ansārī, Abū Ṭālib al- (1332/1914), p. 2; Mourad, Youssef (1939), pp. 31-75; ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 57, issue, 4, pp. 714-721; Ghersetti, Antonella (1996), p. 121.

⁸⁶ This category includes *Ādāb al-Shāfi‘ī wa manāqibih* by Ibn Abī Ḥātim al-Rāzī (d. 327 A.H.), *Manāqib al-Shāfi‘ī* by Fakhr al-Dīn al-Rāzī (606 A.H.), *Manāqib al-Shāfi‘ī* by Ibn Kathīr (774 A.H.) & *Tawālī al-ta’āsīs li ma’ālī Muḥammad b. Idrīs* by Ibn Ḥajar al-‘Asqalānī (852 A.H.).

⁸⁷ See for instance the biographical notes on al-Shāfi‘ī in Aṣbahānī, Abū Nu‘aym al- (1405/1984),

statements to al-Shāfi‘ī which fall under the category of *firāsa* in the Greek sense. However, these sources include also other statements which fall under the category *firāsa* in the first three meanings mentioned above.

Robert Hoyland (University of St. Andrews) examined the sources of the second category and found for instance that the comprehensive work on *firāsa* by Shams al-Dīn al-Dimashqī (d. 727/1327), contains sixty-four physiognomical sayings attributed to al-Shāfi‘ī. Just a few of the sayings ascribed to al-Shāfi‘ī by al-Dimashqī are reported also by other sources of the same category such as the work of Ibn Zakariyya al-Rāzī (two sayings); Ibn ‘Arabī (six sayings) and Fakhr al-Dīn al-Rāzī (eight sayings).⁸⁸

‘Abd al-Karīm ‘Adiyy made two more comparisons. First, between the statements mentioned in the *manāqib* works and the physiognomic sources and concluded that similarities are there but still few. Second, between the statements ascribed to al-Shāfi‘ī by Shams al-Dīn al-Dimashqī and those ascribed to the Greek authorities in this science. ‘Adiyy found that out of the sixty-four statements ascribed to al-Shāfi‘ī, forty-five are solely Shāfi‘ian, one common statement with Polemon and two with Aristotle.⁸⁹

As stated earlier, people with disabilities in the contemporary sense were included in a broader category in early Arabic and Islamic literature, i.e., among those with any form of physical deformity or abnormality.⁹⁰ Hence, we will notice that the statements, in the abovementioned sources, mainly tarnishing the image of people with disabilities, come as part of the materials concerning all those belonging to that broad category. For instance, a number of statements ascribed to al-Shāfi‘ī purport “the little and short palm combined with long and thin fingers indicate theft and treachery⁹¹ or indicate bad ethics and beguilement”,⁹² “the face with protruding cheeks combined with thick lips indicates fondness of corruption and perversity”,⁹³ “the thick lips indicate foolishness and brusqueness”⁹⁴ and “the forehead that protrudes in its middle indicates precipitancy and silliness.”⁹⁵

A large number of these statements deal with physical disabilities as known in our present time. They convey a general message, namely that one should be on guard when dealing with those people. These statements are not of the same degree of rejection or insinuation. Some of them are mainly warning (mentioned below as “mild” statements) whereas others go further by declaring

vol. 9, pp. 63-161; Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1419/1998), vol. 14, pp. 304-342; Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 10, pp. 5-99; Ibn Kathīr (1), vol. 10, pp. 251-254; Ibn al-‘Imād (1), vol. 1, pp. 9-12.

⁸⁸ See Hoyland, Robert (2005), p. 367.

⁸⁹ ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 58, issue 1, pp. 353 & 354.

⁹⁰ Ghaly, Mohammad M.I. (2005-2006), p. 10, note 9.

⁹¹ Ansārī, Abū Ṭālib al- (1332/1914), p. 34; Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 41.

⁹² Ghumrī, Zayn al-‘Ābidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 41.

⁹³ Ibid, fol. 36.

⁹⁴ Ibid, fol. 34.

⁹⁵ Ansārī, Abū Ṭālib al- (1332/1914), p. 26.

that these people concerned are malicious and even devilish (mentioned below as “harsh” statements). As we shall see, the purport of these statements implies adopting a negative and sometimes even a discriminatory standpoint against people with disabilities.

a) Mild statements:

1. “Beware of the lame, the cross-eyed, the one-eyed and everyone with physical defect (*biḥī ‘āha aw nāqīṣ al-khalq*). They are extremely difficult to deal with.”⁹⁶
2. “If you see a beardless person then beware him. I have never seen anything good from a [person with] blue [eyes] (*azraq*).”⁹⁷
3. It is related that Al-Shāfi‘ī once sent a man to buy him perfume. Coming back, al-Shāfi‘ī asked him, “Did you buy [it] from a beardless person (*kawsaj*) who is fair and ruddy in complexion (*ashqar*)?” Replying in the affirmative, Al-Shāfi‘ī asked him to return it and he did so.⁹⁸ Other versions of this story add al-Shāfi‘ī’s justification for refusal by saying, “I have never seen something good from a person who is fair and ruddy in complexion (*ashqar*).”⁹⁹

b) Harsh statements

1. “Beware of the one-eyed, the lame, the cross-eyed, the fair and ruddy in complexion (*ashqar*), the beardless (*kawsaj*) and everyone with physical defect (*nāqīṣ al-khalq*). He is a person with cunning and difficult to deal with.”¹⁰⁰
2. “Beware of the one-eyed, the cross-eyed, the lame, the hump-backed, the fair and ruddy in complexion (*ashqar*), the beardless (*kawsaj*) and everyone with a physical defect (*nāqīṣ al-khalq*). Beware of such a person because he is a man with cunning and difficult to deal with. On another occasion, he said, ‘They are people full of malice’.”¹⁰¹
3. “Beware of everyone with a physical defect because he is a devil. Ḥarmala asked ‘who are those?’ He [al-Shāfi‘ī] replied, ‘the lame, the cross-eyed, the paralyzed and the like.’”¹⁰²
4. It is also maintained that al-Shāfi‘ī composed poetic verses advising people to take their guard against nine sorts of people, namely the cross-eyed, the hunchbacked, the one-eyed, the beardless, a person with a long nose, a man who is fair and ruddy in complexion, a sunk-

⁹⁶ Rāzī, Fakhr al-Dīn al- (1413/1993), p. 291.

⁹⁷ Subkī, Abū Naṣr ‘Abd al-Wahhāb b. ‘Alī b. ‘Abd al-Kāfi al- (1992), vol. 2, p. 129.

⁹⁸ Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, p. 133.

⁹⁹ Rāzī, Ibn Abī Ḥātim al- (1372/1953), p. 131. Refusing to buy something from people with disabilities has been mentioned in more than one place with slight differences, see Rāzī, Ibn Abī Ḥātim al- (1372/1953), p. 131; Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 10, p. 39; Aṣbahānī, Abū Nu‘aym al- (1405/1984), vol. 9, pp. 140 & 141; Sakhāwī, Muḥammad b. ‘Abd al-Raḥmān al- (1399/1979), p. 136; Ibn Fahd (d. 954/1547), folios 5b & 6a.

¹⁰⁰ Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 10, p. 40.

¹⁰¹ Rāzī, Ibn Abī Ḥātim al- (1372/1953), pp. 131 & 132; Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, p. 132; Aṣbahānī, Abū Nu‘aym al- (1405/1984), vol. 9, p. 144.

¹⁰² Ibn al-Qayyim (2), vol. 2, p. 222.

eyed person, a person with bulging forehead and finally a person with blue eyes.¹⁰³

These statements also found their way to other sources than the ones quoted above. In the literary circles, we find for instance that Muḥammad Diyāb al-Itlīdī (d. after 1100/1689) concludes his historical book *Iʿlām al-nās*¹⁰⁴ with the aforementioned poetic verses with just slight changes in the types of physical defects mentioned¹⁰⁵ and presenting the composer of the verses as anonymous.¹⁰⁶ The poetic verses appear also at the cover of a manuscript of this work completed in 1238/1822, a fact which would suggest that these verses got the position of a sage-advice.¹⁰⁷

However, these statements seem to have become much more widespread among the common people than in the literary circles and sometimes were even elevated to the rank of Prophetic traditions. One example, which touches people with a physical feature depicted in Arabic literature as one of the defects (*ʿāhāt*), is the negative statement on a person who is fair and ruddy in complexion (*ashqar*) and with blue eyes “*azraq*”. The statement appears as a Prophetic tradition in the ḥadīth collection, *Firdaws al-akhbār* (Paradise of Traditions), by Abū Shujāʿ al-Daylamī (d. 558/1115).¹⁰⁸ Another statement, which touches people with disabilities and those with physical defects in general, purports, “Beware those with physical defects (*ittaḳū dhawī al-ʿāhāt*)”. This statement became to be known among the public as a Prophetic tradition and thus appeared regularly in the compilations belonging to the genre of *al-ahādīth al-mushtahara* (lit. “well-known Prophetic Traditions”). In such writings, scholars of ḥadīth collected those well-circulated traditions among the Muslim masses in order to examine their authenticity according to the norms of ḥadīth criticism.¹⁰⁹ These scholars questioned the authenticity of these statements and inclined to qualify them as non-prophetic statements.¹¹⁰ In a bid to fathom out the origin of such statements, they refer to al-Shāfiʿī as an eventual source and quote some of the statements mentioned above. These

¹⁰³ See Ibn Fahd (d. 954/1547), folio 6b.

¹⁰⁴ This book retells the tales and anecdotes of the Khalifs in Islamic history with special focus on those in the Abbasid period. A part of the book was translated into English by Godfrey Clerk, see Clerk, Godfrey (1873).

¹⁰⁵ The lame instead of the one-eyed, the yellow person (*aṣfar*) instead of one who is fair and ruddy in complexion (*ashqar*) and one with sunk temples (*ghāʾir al-ṣudghayn*) in place of sunk eyes (*ghāʾir al-ʿaynayn*), see Itlīdī, al-Muḥammad Diyāb al- (1998), p. 137.

¹⁰⁶ Itlīdī, Muḥammad Diyāb al- (1998), p. 137.

¹⁰⁷ See Itlīdī, Muḥammad Diyāb al- (d. after 1100/1688), cover.

¹⁰⁸ Daylamī, Shīrawayh al- (1407/1987), vol. 1, p. 473.

¹⁰⁹ See for instance, Sakhāwī Muḥammad b. ʿAbd al-Raḥmān al- (1399/1979), p. 18; Qārī, ʿAlī b. Sulṭān b. Muḥammad al-Harawī al- (1404/1983), p. 46; ʿAjlūnī, Muḥammad b. Ismāʿīl al- (1405/1984), vol. 1, pp. 40 & 41; Shaybānī, Muḥammad b. ʿUmar al-Daybaʿ al- (1324/1906), pp. 6 & 7; Darwīsh, Muḥammad b. al-Sayyid (1), p. 17.

¹¹⁰ Sakhāwī, Muḥammad b. ʿAbd al-Raḥmān al- (1399/1979), p. 18; Shaybānī, Muḥammad b. ʿUmar al-Daybaʿ al- (1324/1906), pp. 6, 7 & 61; Qārī, ʿAlī b. Sulṭān b. Muḥammad al-Harawī al- (1404/1983), p. 46; ʿAjlūnī, Muḥammad b. Ismāʿīl al- (1405/1984), vol. 1, pp. 40 & 41; Fattānī, Muḥammad Ṭāhir al- (1343/1924), p. 195; ʿĀmirī, Aḥmad b. ʿAbd al-Karīm al-Ghizzī al- (1413/1992), vol. 1, p. 38; Darwīsh, Muḥammad b. al-Sayyid (1), pp. 17 & 76.

scholars, however, did not question the authenticity of the ascription of the statements to al-Shāfi‘ī.¹¹¹ In the light of the information available, a critical study of this ascription is due.

To my knowledge, only three contemporary persons studied, although incidentally, the aforementioned statements. Youssef Mourad (d. 1902-1966)¹¹² and ‘Abd al-Karīm ‘Adiyy (1917-1985), did not raise doubts about their authenticity.¹¹³ The only one who raised prudently doubts about the statements’ authenticity is Robert Hoyland (University of St. Andrews). After speaking about these statements mentioned in the sources of *firāsa*, he said, “...without knowing anything about their transmission, it is difficult to say anything secure about their provenance.”¹¹⁴ In this regard, Hoyland is speaking about one type of sources, namely those written on *firāsa* and it is true that the statements are mentioned there without chains of transmission. However, as shown above, sources speaking about the *manāqib* of al-Shāfi‘ī mentioned similar statements with almost the same purport and sometimes even harder. Chains of transmitters narrating these statements are usually mentioned. The main question to be tackled here is whether these statements are really said by al-Shāfi‘ī or are unauthentic and just ascribed to him for specific ends, and if so, what are these ends? For a balanced analysis of this highly complicated issue, factors advocating the authenticity of the statements as well as those opposing their authenticity will be both presented.

4.1.1.2 Materials that Seem to Advocate the Authenticity

The statements mentioned above were quoted in the context of commending al-Shāfi‘ī rather than defaming him. Thus one would not think of deliberate fabrication to tarnish the image of al-Shāfi‘ī. The earliest written source in which these statements appear is the book of the traditionist Ibn Abī Ḥātim al-Rāzī (d. 327/ 938) on al-Shāfi‘ī’s virtues (*Ādāb al-Shāfi‘ī wa manāqibuh*).¹¹⁵ Ibn Abī Ḥātim placed the statements ascribed to al-Shāfi‘ī in a chapter entitled, “A chapter on what has been mentioned about al-Shāfi‘ī’s *firāsa* and intelligence (*fitna*), may Allah have mercy with him!”¹¹⁶ As mentioned before, the Shāfi‘ī scholar Fakhr al-Dīn al-Rāzī (d. 606/1209) in his book about the virtues (*manāqib*) of al-Shāfi‘ī mentioned the abovementioned second harsh statement, and then commented, “Know that what he said is based on solid grounds in the science of physiognomy (*‘ilm al-firāsa*).” He then went on explaining the nature and logic of this science.¹¹⁷ Another example comes from the Ḥanbalī scholar

¹¹¹ See for instance, Sakhāwī, Muḥammad b. ‘Abd al-Raḥmān al- (1399/1979), pp. 18, 136 & 137; ‘Ajlūnī, Muḥammad b. Ismā‘īl al- (1405/1984), vol. 1, pp. 40 & 41; Fattānī, Muḥammad Ṭāhir al- (1343/1924), pp. 195 & 196.

¹¹² On him, see ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 57, issue, 4, pp. 707, 708 & 722-724.

¹¹³ Mourad, Youssef (1939), p. 61; ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 58, issue 1, pp. 343-355.

¹¹⁴ Hoyland, Robert (2005), p. 367.

¹¹⁵ Rāzī, Ibn Abī Ḥātim al- (1372/1953), pp. 129-132.

¹¹⁶ Rāzī, Ibn Abī Ḥātim al- (1372/1953), p. 129.

¹¹⁷ Rāzī, Fakhr al-Dīn al- (1413/1993), p. 291.

Ibn al-Qayyim (d. 751/1350) who, in the context of refuting what he considered defamatory information about al-Shāfi‘ī, he quoted most of the aforementioned statements. He said that such statements indicate al-Shāfi‘ī’s knowledge of *firāsa* and “this is what befits his solemnity and high position.”¹¹⁸ Identical views were also adopted by almost all those who wrote on the virtues of al-Shāfi‘ī and those who wrote on *firāsa*. This produced by time such a great popularity for these statements that they were taken by default as statements of al-Shāfi‘ī. For instance, when Jurjī Zaydān (1278/1861-1332/1914) wrote in the beginning of the twentieth century on the science of modern physiognomy, he mentioned al-Shāfi‘ī as one of the main early authorities in this science.¹¹⁹ The same is the case also with ‘Abd al-Karīm ‘Adiyy.¹²⁰

A trawl throughout the above mentioned two categories of sources, especially through those on his virtues, gives one the impression of al-Shāfi‘ī as an encyclopedic scholarly figure who masters almost every science including physiognomy and not only Islamic jurisprudence.¹²¹ This is true especially when we see that al-Shāfi‘ī was also known as expert in the fields covered by the other three meanings of *firāsa* mentioned above.

The multitude of narrations regarding al-Shāfi‘ī’s intelligence and quick-wittedness depict an image of a legendary person. In the *manāqib* works, we find a separate chapter dedicated to this side of al-Shāfi‘ī’s character. Many statements recorded in this chapter state that al-Shāfi‘ī’s mind was matchless.¹²² Under the heading *al-firāsa*, we find also statements ascribed to al-Shāfi‘ī which indicate his astuteness. Once, while al-Shāfi‘ī was issuing fatwa’s in the mosque of Baghdad, a man came in and asked him, “What do you say about a person who castrated a turkey?” On the basis of the question, Al-Shāfi‘ī could immediately identify the questioner and knew that he was the well-known man of letters al-Jāhīz, although, according to the anecdote, al-Shāfi‘ī never saw al-Jāhīz before. In another anecdote, the shrewdness of al-Shāfi‘ī was more visible and more complicated. While sitting in the Holy Mosque with his disciple al-Rabī‘ b. Sulaymān, a man came in and started wandering among the sleeping people. On seeing the man and observing his movements, Al-Shāfi‘ī could conclude that he was looking for a black slave with a defect in one of his eyes! Ultimately, al-Shāfi‘ī’s guess came to be true and was confirmed by the man himself.¹²³

As for *qiyāfa*, it was no unfamiliar science for al-Shāfi‘ī either. As a jurist, he is an advocate of the validity of this science. Different to Abū Ḥanīfa, al-Shāfi‘ī opined that *qiyāfa* can produce legitimate and valid evidence for establishing

¹¹⁸ Ibn al-Qayyim (2), vol. 2, p. 223.

¹¹⁹ Zaydān, Jurjī (1423/2003), p. 5.

¹²⁰ ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 58, issue 1, pp. 343-355.

¹²¹ See for instance, Rāzī, Fakhr al-Dīn al- (1413/1993), p. 323.

¹²² See for instance, Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, p. 185-219.

¹²³ Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, p. 135.

one's lineage.¹²⁴ Additionally, reports ascribe a treatise on this science (*Al-Tanqīh fī 'ilm al-qiyāfā*) to al-Shāfi'ī.¹²⁵

Al-Shāfi'ī's adeptness concerning the mystic *firāsa* was also clearly demonstrated by the anecdotes related about him under the heading *firāsa*. While al-Shāfi'ī was on his deathbed, four of his disciples came in. Scrutinizing the four persons for a while, he said to the first, "you will die in your iron fetters"; to the second he said, "you will have failings after failings in Egypt and one day you will be the best [jurist] of your time practicing *qiyās* (analogy)", to the third, "you will return back to the [juristic] School of your ancestor [the Mālikī School]", to the fourth, "you will be the most beneficial for me in publicising my books". All what he said took place accordingly in reality.¹²⁶

Naturally no observer of a later period would dare to think at least of an equal expertise in the fourth meaning of *firāsa* (Greek physiognomy) in anyone else but al-Shāfi'ī. This possibility was enhanced by the claim that al-Shāfi'ī knew Greek medicine and philosophy in their original language.¹²⁷ What would have prevented him from mastering Greek physiognomy as well?!

4.1.1.3 Materials that Seem to Oppose the Authenticity

Initially speaking, the fact that the statements are mentioned by pro-Shāfi'ian sources does not mean that these statements are authentic by default. As for sources on *firāsa*, it is known that whole books, not to mention just statements, were falsely attributed to people who did not write them.¹²⁸ Furthermore, none of the statements attributed to al-Shāfi'ī in these sources is accompanied by a chain of transmitters.¹²⁹

The other sources are those on the virtues (*manāqib*) of al-Shāfi'ī. For a better understanding of this issue, we would say something about this genre in Islamic literature. The plural substantive, *al-manāqib* (sing. *manqaba*) features in titles of a quite considerable number of biographical works of a laudatory nature, which have eventually become part of a corpse of hagiographical literature. Works belonging to the *manāqib* genre give prominence to the merits, virtues and remarkable deeds of the individual concerned.¹³⁰ A great number of books belonging to this category were dedicated to the founders of the juristic schools (*madhāhib*). The main target of such works is to present the *manāqib*, the qualities (*shamā'il*) and the virtues (*faḍā'il*) of the founders of these schools so that the disciples can take them as a model and imitate their ideas.¹³¹ Al-Shāfi'ī alone benefited more than thirteen collections on his

¹²⁴ Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 5, p. 23 & vol. 8, p. 426ff; Hilālī, Sa'd al-Dīn al- (1421/2001), p. 197 ff.

¹²⁵ Khalīfa, Ḥājī (1412-1992), vol. 1, p. 500 & vol. 2, p. 1367; Brockelmann, Carl (1937-42), S.I, p. 305.

¹²⁶ Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, p. 136.

¹²⁷ Rāzī, Fakhr al-Dīn al- (1413/1993), pp. 73 & 74; Abū Zahra, Muḥammad (1948), pp. 46 & 47.

¹²⁸ Ghersetti, Antonella (1999), pp. xiv & vi.

¹²⁹ See Hoyland, Robert (2005), p. 367.

¹³⁰ Pellat, Ch. (1) (2003), vol. VI, p. 349.

¹³¹ See Pellat, Ch. (1) (2003), vol. VI, p. 352; Tawfiq, Aḥmad al- (1988), p. 82.

manāqib.¹³² Such books have already been criticized for including unauthentic information. The main example was the claim that al-Shāfi'ī was expert in astrology, Greek medicine and Greek language. This claim was refuted by Ibn al-Qayyim (d. 751/1350)¹³³ and refused also by the late Egyptian scholar Muḥammad Abū Zahra (d. 1974).¹³⁴

As stated above, *firāsa* in the fourth sense (the relationship between immutable physical attributes and inherent personality traits) owed to Greek origins and was never developed into an independent science before the translation of the Greek sources.¹³⁵ Thus one would think that the adeptness of al-Shāfi'ī in this respect should be based on these sources, something that would clarify the similarity in approach and also in wording between the statements ascribed to him and those ascribed to the Greek authorities in this science such as Aristotle and Polemon. The question then, is, did al-Shāfi'ī have access to the main Greek sources translated into Arabic in this science?

As mentioned earlier, three main sources were of central importance, two attributed to Aristotle, and one to Polemon. The dating of the book entitled, *Sirr al-asrār*, falsely attributed to Aristotle as discussed above, is too controversial to give us precise information about its translation or dissemination. As for the second book, namely, *Kitāb Aristāṭalīs fī al-firāsa* (the book of Aristotle on physiognomy), was translated by Hunayn b. Ishāq (192/808-260/873) who was twelve years old when al-Shāfi'ī died. Whatever the truth of the matter, it seems to have come too late for al-Shāfi'ī (d. 205/820) as the earliest date attributed to it lies in the 3rd/9th century.

The third book which was the most influential one in this field was that of Polemon entitled, *Kitāb al-firāsa*. As stated above, neither the translator nor the date of translation is precisely known.¹³⁶ The only possible indication in this respect is that the literary author al-Jāḥiẓ (d. 255/868-9) cites a certain Polemon, 'the master of physiognomy' (*Aflīmūn ṣāḥib al-firāsa*) on matters relating to pigeons. It is usually assumed on this basis that Polemon's treatise must have been translated before the mid-ninth century.¹³⁷ However, this supposition is not above criticism. First of all, al-Jāḥiẓ's quotations from Polemon on pigeons have a zoological rather than a physiognomical character and this does not accord with any of the known versions of Polemon's *Physiognomy*. Besides the possibility that al-Jāḥiẓ would have used a recension of the work of Polemon which has not been preserved, it could also indicate that that work was not yet available and that al-Jāḥiẓ depended on oral

¹³² See Pellat, Ch. (1) (2003), vol. VI, p. 353.

¹³³ See Ibn al-Qayyim (2), vol. 2, pp. 219-221.

¹³⁴ See Abū Zahra, Muḥammad (1948), pp. 46-48.

¹³⁵ Hoyland, Robert (2005), p. 362.

¹³⁶ See Stegemann, Willy (1952), col.; Witkam, J.J. (1980), p. 44

¹³⁷ Fahd, T. (1966), p. 385; Hoyland, Robert (1) (2007), pp. 235 & 236. For a detailed study of passages written by al-Jāḥiẓ with relevance to *firāsa*, see 'Adiyy, 'Abd al-Karīm (1982-1983), vol. 58, issue 3, pp. 570-631. However, one should keep in mind that the author is unaware of the different categories of *firāsa* and thus mix them together.

anecdotes about the tradition of the Greek sages (*ḥukamā*).¹³⁸ This possibility seems to be enhanced by the fact that when al-Jāḥiẓ wrote an independent treatise on the topic of physiognomy, if we assume that it is not pseudonymous attribution,¹³⁹ and spoke about the Greek side of this science, he made use of a source attributed to Hippocrates and translated by Ḥunayn b. Iṣḥāq (d. 260/873) but made no mention of Polemon's *Physiognomy*.¹⁴⁰ The fact that Ibn Qutayba (d. 276/871) did not make any reference to Greek sources when speaking about *firāsa* although making reference to an Indian source¹⁴¹ also raises doubts about the spread of Greek physiognomy at this time including that of Polemon. Thus the possibility that al-Shāfi'ī could have made use of any of these three Greek works is highly improbable.

But suppose that there would be a little possibility whatsoever, in the light of the aforementioned information, the translated Greek sources would have been available in the capital of the Islamic state, viz., Baghdad or any of the nearby cities such as Basra for instance where also al-Jāḥiẓ lived. The only explicit reference to al-Shāfi'ī's acquaintance with physiognomy in the Greek sense speaks about a trip he made to Yemen in search of books on *firāsa* where he copied and collected them.¹⁴² The question now is, why Yemen and not Baghdad, which would be more logical, and what kind of books on *firāsa* were there? Why were they not mentioned by others? This story might, however, be interpreted as a counterpart of the numerous stories relating the quest by the Abbasid Caliph, al-Ma'mūn, and others for Greek books among the Christians in Byzantium. It seems that the story of al-Shāfi'ī's quest for books in Yemen underlines that he was *not* looking for *Greek* books or was using books of *Greek* origin but for *Arabic and Islamic* materials.¹⁴³

On the other hand, writings coming from the hand of al-Shāfi'ī himself do not contain any reference to his adeptness in Greek physiognomy or to the depreciatory statements quoted earlier. On the contrary, al-Shāfi'ī's writings indicate a completely different standpoint towards people with disabilities.

To start with an easy task, we find that the poetic verses attributed to al-Shāfi'ī have no trace in the known collection of poems (*dīwān*) attributed to al-Shāfi'ī or any of the available sources that record passages of al-Shāfi'ī's poetry.¹⁴⁴ Hence, that al-Shāfi'ī composed poetry against people with disabilities is by no means a historical fact.

¹³⁸ Gherseti, Antonella & Swain Simon (2007), p. 309 & note 2.

¹³⁹ More than one researcher are inclined that it is apocryphal, see Brockelmann, Carl (1937-42), vol. I, p. 152; Mourad, Youssef (1939), p. 36; 'Adiyy, 'Abd al-Karīm (1982-1983), vol. 58, issue, 3, pp. 618 & 619; Gherseti, Antonella (1996), p. 126.

¹⁴⁰ K. Inostrantsev (1907-8), p. 136.

¹⁴¹ Ibn Qutayba Abū Muḥammad 'Abd Allāh b. Muslim (1406/1986), vol. 1, p. 326.

¹⁴² Rāzī, Ibn Abī Ḥātim al- (1372/1953), p. 35; Aṣbahānī, Abū Nu'aym al- (1405/1984), vol. 9, p. 78 & 144; Ibn al-Qayyim (2), vol. 2, pp. 221 & 222; 'Ajlūnī, Muḥammad b. Ismā'īl al- (1405/1984), vol. 1, pp. 322 & 323; Sakhāwī, Muḥammad b. 'Abd al-Raḥmān al- (1399/1979), vol. 136 & 137.

¹⁴³ For an overview of other legends in this regard, see Koningsveld, P.S. van (1998).

¹⁴⁴ See Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, pp. 60-113; Bāsālāma, Ḥusayn b. 'Abd Allāh (1326/1908); 'Asqalānī, Aḥmad b. 'Alī b. Ḥajar al- (1301/1883), pp. 72-75;

Checking the monumental work of al-Shāfi'ī *Al-Umm*¹⁴⁵ would be highly expressive of al-Shāfi'ī's standpoint in this respect.¹⁴⁶ First of all the term *firāsa*, its derivatives or the synonym *tawassum* and its derivatives do not appear in the text at all. On the contrary, the term *qāṭā* (another formula for *qiyāfa*) appears sixty-four times in the context of using it as valid evidence to prove one's lineage.¹⁴⁷

Examining all terms used in the aforementioned statements, along with their derivatives, shows that initially none of the depreciatory statements appear in the text. This is despite the fact that such terms have been extensively used throughout the book. For instance, *aḥwal* (squint-eyed) appears 12 times,¹⁴⁸ *a'raj* (lame) 86 times¹⁴⁹ and *a'war* (a person with one eye) 17 times.¹⁵⁰ Moreover, the contexts in which these terms were used give a positive rather than a negative image. For instance, words like *al-aḥwal* (12 times)¹⁵¹ *al-a'raj* (65 times)¹⁵² and *al-a'war* (2 times)¹⁵³ are used as the epithet of a narrator of a Prophetic tradition, a traditionist or religious scholar who are all authorities that have been used in the book.¹⁵⁴ This indicates that people with such disabilities

Shāfi'ī, Muḥammad b. Idrīs al- (1988).

¹⁴⁵ Some researchers cast doubts on the authenticity of this book and regard it as one of the writing of al-Shāfi'ī's disciple, al-Buwayṭī (d. 231/486), see Mubārak, Zakī (1934); Chaumont, E. (1) (2003), vol. IX, p. 186. However, the arguments mentioned by this group were refuted by others and the authenticity of the book was well-established, see Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), pp. 33-42.

¹⁴⁶ The content of this work is expressive of the opinions adopted by al-Shāfi'ī during his last years in Egypt besides numerous other texts, some of which according to J. Schacht dating from the 'Iraqī period. Additionally, many other works compiled by al-Shāfi'ī are also included in *Al-Umm*, see Schacht, J. (1950), p. 330; Chaumont, E. (2003), vol. IX, p. 184.

¹⁴⁷ See Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 5, pp. 18, 23, 32, 249, 250, 256, vol. 6, pp. 36, 213, 265-268, vol. 7, pp. 138, 187, 242, vol. 8, pp. 64, 213, 237, 324, 329, 330, 334, 426 & 436.

¹⁴⁸ Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 2, pp. 196, 237, vol. 4, pp. 104, 114, 117, vol. 5, p. 186, vol. 6, p. 194, vol. 7, pp. 1, 167 & 177, vol. 8, p. 276 & 639.

¹⁴⁹ Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 1, pp. 19, 26, 31, 38, 39, 65, 68, 91, 109, 128, 131, 133, 142, 152, 162, 172, 179, 180, 187, 188, 189, 217, 233, 240, vol. 2, 47, 65, 169, 170, 209, 220, 221, 229, 233, 283, vol. 3, p. 94, vol. 4, pp. 50, 147, 150, 171, 173, vol. 5, pp. 41, 109, 153, 161, 174, vol. 6, pp. 34, 77, 86, vol. 7, pp. 25, 74, 175, 202, 204, 212, 221, 232, 244, vol. 8, pp. 112, 180, 169, 205, 352, 376, 608, 611, 615, 628, 629, 650, 656, 665.

¹⁵⁰ Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 2, pp. 189, 221, 227, vol. 3, p. 254, vol. 7, pp. 14, 153, vol. 5, pp. 67, 108, 221, 300, vol. 6, pp. 70, 132, vol. 7, pp. 259, 332, 333 & vol. 8, pp. 168, 292, 352.

¹⁵¹ Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 2, pp. 196, 237, vol. 4, pp. 104, 114, 117, vol. 5, p. 186, vol. 6, p. 194, vol. 7, pp. 1, 167, 177, vol. 8, pp. 276, 639.

¹⁵² Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 1, pp. 19, 26, 31, 38, 39, 65, 68, 91, 109, 128, 131, 133, 142, 152, 162, 172, 179, 180, 187, 188, 189, 217, 233, 240, vol. 2, 47, 65, 169, 170, 209, 229, 233, vol. 3, p. 94, vol. 4, pp. 50, 147, 150, vol. 5, pp. 41, 109, 153, 161, 174, vol. 6, pp. 34, vol. 7, pp. 25, 175, 202, 204, 212, 221, 232, 244, vol. 8, pp. 112, 180, 205, 608, 611, 615, 628, 629, 650, 656, 665.

¹⁵³ Shāfi'ī, Muḥammad b. Idrīs al- (1410/1990), vol. 2, p. 189 & vol. 7, p. 14.

¹⁵⁴ It is to be noted that it is a well-known phenomenon in Islamic history that some scholars were known for their disabilities and the disability of each was the epithet he was known for. For more examples in this respect, see Abū Jayb, Sa'īdī (1402/1982), pp. 32 & 33.

were seen by al-Shāfi‘ī as trustworthy authorities rather than as people whose evil character should be avoided.

Now, one question remains in the context of our sources. What about the book on *firāsa* that is said to have been written by al-Shāfi‘ī himself?¹⁵⁵ First of all, earlier authorities, such as Ibn al-Nadīm, do not mention this book among the works written by al-Shāfi‘ī¹⁵⁶ and so modern scholars tend to be skeptical.¹⁵⁷ Furthermore, the scientific bibliographer Ḥājji Khalifa (d. 1067/1657) in whose time a clear distinction was made between *qiyāfa* and *firāsa* as becomes clear from his *Kashf al-zunūn*, spoke about a book on *qiyāfa* rather than on *firāsa*.¹⁵⁸ Keeping in mind that *qiyāfa* was never developed into a systematic science and was thus never the topic of discrete books,¹⁵⁹ one would think of a juristic treatise in which al-Shāfi‘ī presents and defends his opinion that *qiyāfa* can be a valid evidence. This is especially the case when we know that al-Shāfi‘ī, as a jurist, was an advocate of the legitimacy of *qiyāfa* for establishing one’s lineage different to Abū Ḥanīfa for instance.¹⁶⁰ At the end, checking the manuscript of this work available in Mūsil (Iraq) can clarify a lot of these ambiguities.¹⁶¹ Besides the sources written by or about al-Shāfi‘ī, many aspects of his life as a person and his career as a jurist and scholar stand against the possibility that he adopted such a negative attitude towards people with disabilities.

We find among the circles of al-Shāfi‘ī’s teacher and students a number of figures who had disabilities. The most indicative example among al-Shāfi‘ī’s teachers is Yaḥyā b. Sa‘īd al-Qaṭṭān¹⁶² who was squint-eyed.¹⁶³ Al-Shāfi‘ī learnt Ḥadīth from Yaḥyā although he was younger than al-Shāfi‘ī.¹⁶⁴ Besides this, we have Ḥammād b. Zayd al-Baṣrī who was blind¹⁶⁵ and Ḥusayn al-Althagh who, as his nickname indicates, a lisper (*althagh*).¹⁶⁶ Among the students, no example would be better than al-Rabī‘ b. Sulaymān al-Azdī who was lame,¹⁶⁷ while

¹⁵⁵ Ibn al-Qayyim (2), vol. 2, p. 489.

¹⁵⁶ Ibn al-Nadīm (1398/1978), vol. 1, pp. 295 & 296.

¹⁵⁷ Brockelmann, Carl (1937-42), S. I, p. 305; Mourad, Youssef (1939), pp. 57-61; Hoyland, Robert (2005), pp. 366 & 367, n. 18. Compare ‘Adiyy, ‘Abd al-Karīm (1982-1983), vol. 58, issue 1, pp. 352-355.

¹⁵⁸ Khalifa, Ḥājji (1412-1992), vol. 1, p. 500 & vol. 2, p. 1367.

¹⁵⁹ Khalifa, Ḥājji (1412-1992), vol. 2, p. 346.

¹⁶⁰ Shāfi‘ī, Muḥammad b. Idrīs al- (1410/1990), vol. 5, p. 23 & vol. 8, p. 426ff; Hilālī, Sa‘d al-Dīn al- (1421/2001), p. 197 ff.

¹⁶¹ Brockelmann, Carl (1937-42), S. I, p. 305. Youssef Mourad opines that this manuscript is available in *Maktbat al-madrasa al-islāmiyya* (Library of the Islamic School) in *al-Jāmi‘ al-kabīr* (The Grand Mosque). It is highly possible, Mourad adds, that it is not written by al-Shāfi‘ī and that some of his disciples collected his sayings, see Mourad, Youssef (1939), pp. 57 & 58. Mourad was unable to get a photocopy of the manuscript and under the current circumstances in Iraq, it seems unimaginable to have an access to the manuscript.

¹⁶² On him, see Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 9, pp. 175-191.

¹⁶³ Ibid, (1413/1992), vol. 9, p. 180.

¹⁶⁴ Aṣbahānī, Abū Nu‘aym al- (1405/1984), vol. 9, p. 78.

¹⁶⁵ On him, see Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 7, pp. 456-466

¹⁶⁶ Bāsalāma, Ḥusayn b. ‘Abd Allāh (1326/1908), p. 28.

¹⁶⁷ Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 12, pp. 591 & 592.

according to some reports his father was lame as well.¹⁶⁸ Al-Rabīʿ was Egyptian and thus came in contact with al-Shāfiʿī during the last period of his life. In fact, we find also that al-Shāfiʿī was mixing with those people in his daily life as well. For instance, it is reported that he had a female and a male slave who were both fair and ruddy in complexion (*ashqar*),¹⁶⁹ an attribute which is abhorred in the aforementioned statements. Additionally, the word *al-duʿafāʾ* (lit. weak people) according to the language used by al-Shāfiʿī himself would also include those with disabilities such as the lame.¹⁷⁰ It is reported that al-Shāfiʿī was very friendly with this category of people, viz., the weak (*al-duʿafāʾ*) and he used to give them charity every day.¹⁷¹

4.1.1.4 Origin of these Statements

It is almost clear now that these statements were ascribed to al-Shāfiʿī out of love and glorification rather than enmity or malice. The process of ascribing them to al-Shāfiʿī started within Shāfiʿī circles in the context of *firāsa*. The ascription appeared in written form for the first time in the 4th/10th century through the work of Ibn Abī Ḥātim al-Rāzī (d. 327/938) on al-Shāfiʿī's virtues (*Adāb al-Shāfiʿī wa manāqibuh*).¹⁷² As illustrated above, Greek physiognomy was gaining an ascending reputation among the public as well as the scholarly elite. Thus depicting al-Shāfiʿī as a specialist in this science would be in favor of his scholarly image at this time. Two main factors made al-Shāfiʿī a good candidate to be specialist in Greek physiognomy. First, his fame for being a good practitioner of *firāsa* (*mutafarris*) in the other three meanings of *firāsa*, viz., sharp mindedness, *qiyāfa* and the mystic *firāsa*. Second, they are in line with related stories painting al-Shāfiʿī as an encyclopedic figure mastering Greek medicine and philosophy in their own language.¹⁷³

It is clear that the statements ascribed to al-Shāfiʿī were double-sided. At one side, they indicate his adeptness in physiognomy but at the other side they convey adopting a negative attitude towards people with physical defects. The double-sided character of these statements divided the Shāfiʿī scholars into two main groups. The first group welcomed the science of physiognomy and made use of such statements to depict al-Shāfiʿī as an important authority in this science.

The other group felt the negative side of these statements. In a bid to wipe away or at least minimize the severity of these statements, a number of Shāfiʿī scholars added their own comments and clarifications but available information shows that they were very scarce.

The earliest explanation comes from the author of the earliest written source in this respect, Ibn Abī Ḥātim al-Rāzī (d. 327/938). Commenting on the

¹⁶⁸ Subkī, Abū Naṣr ʿAbd al-Wahhāb b. ʿAlī b. ʿAbd al-Kāfi al- (1992), vol. 2, p. 131.

¹⁶⁹ Shāfiʿī, Muḥammad b. Idrīs al- (1410/1990), vol. 6, p. 197.

¹⁷⁰ Ibid, vol. 4, p. 171; Shāfiʿī, Muḥammad b. Idrīs al- (1412/1991), vol. 2, pp. 23 & 24.

¹⁷¹ ʿAsqalānī, Aḥmad b. ʿAlī b. Ḥajar al- (1301/1883), p. 68.

¹⁷² Rāzī, Ibn Abī Ḥātim al- (1372/1953), pp. 129-132.

¹⁷³ Rāzī, Fakhr al-Dīn al- (1413/1993), pp. 73 & 74; Abū Zahra, Muḥammad (1948), pp. 46 & 47; Khadduri, Majid (1961), p. 17.

pseudo-Shāfi‘ī statement “Beware of the one-eyed, the cross-eyed, the lame, the hump-backed, the fair and ruddy in complexion (*ashqar*), the beardless (*kawsaj*) and everyone with a physical defect (*nāqīṣ al-khalq*). Beware of such person because he is a man with cunning and difficult to deal with. On another occasion, he said, “They are people full of malice.”¹⁷⁴ Ibn Abī Ḥātim says, “This holds true for people born with disabilities. There is no harm, however, to mingle with those born without disabilities and who became later afflicted with it.”¹⁷⁵ Ibn Abī Ḥātim just minimized the severity of the statement by restricting its purport, though without any clear evidence. Ibn Abī Ḥātim’s explanation again enforces the Greek influence which also made a difference between congenital disabilities and those acquired in later life through disease, accident, warfare or debauchery. Congenital disability was not interpreted as divine punishment and thus should be treated with compassion when the responsibility does not lie at the sufferer’s door. However, acquiring disabilities in later life was regarded as shameful.¹⁷⁶

After a long span of time, other scholars such as al-Sakhāwī (d. 1497) and Ibn Fahd al-Makkī (d. 1547) tried to place the statements more within the broader context of Islamic teachings.

In a bid to reach a better reading, al-Sakhāwī and those who agreed with his reading quote a well-known Prophetic tradition; “Run away from the leper as you run away from the lion!”¹⁷⁷ That is, they add, for those who fear being infected and it does not indicate any negative image about people with physical defects as common people may think.¹⁷⁸ However, one would still wonder, what has lameness or strabismus with infection?!

Ibn Fahd was more to the point by clearly refusing the idea that people with physical defects are in principle bad. On the contrary, being afflicted with such calamities is an indication of man’s firm belief. As a supporting argument, he quotes the Prophetic tradition retelling when the Prophet – peace be upon him – was asked, “O Messenger of God, who among men are visited with the greatest affliction?” The Prophet said, “The Prophets, then those with most exemplary character and so forth. A man gets visited with affliction in accordance with his faith (*dīn*). If his faith is durable, his affliction gets harder but if his faith is fragile, then his affliction is lightened accordingly. Calamity continues to afflict the servant until he walks on earth without any sin cleaving to him.”¹⁷⁹

¹⁷⁴ Rāzī, Ibn Abī Ḥātim al- (1372/1953), pp. 131 & 132; Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn al- (1390/1970), vol. 2, p. 132; Aṣbahānī, Abū Nu‘aym al- (1405/1984), vol. 9, p. 144.

¹⁷⁵ Rāzī, Ibn Abī Ḥātim al- (1372/1953), p. 132; Aṣbahānī, Abū Nu‘aym al- (1405/1984), vol. 9, p. 144.

¹⁷⁶ Garland, Robert (1995), p. 2.

¹⁷⁷ Sakhāwī, Muḥammad b. ‘Abd al-Raḥmān al- (1399/1979), p. 18; Shaybānī, Muḥammad b. ‘Umar al-Dayba‘ al- (1324/1906), pp. 6 & 7.

¹⁷⁸ Sakhāwī, Muḥammad b. ‘Abd al-Raḥmān al- (1399/1979), p. 18; Ibn Fahd (d. 954/1547), folios 4b-5a.

¹⁷⁹ Ibn Fahd (d. 954/1547), folios 6b.

Ibn Fahd al-Makkī adds another historical argument. He states that God's Messengers and Prophets, who are placed in the highest ranks of humanity, are living examples in this regard. Their afflictions did not lower their status but rather elevated it. The main example presented by Ibn Fahd was Prophet Job (Ayyūb). All parts of this Prophet's body were heavily afflicted with the exception of his heart and tongue by which he could practice *dhikr* (remembrance of God).¹⁸⁰

At any rate, it is clear that the statements did not influence the juristic trend of the Shāfi'ī School. This is evidenced by three main points.

First, the Shāfi'ī School continued to include jurists with disabilities, a fact that indicates that this category of people did not meet with any contempt against them within this school. This group of Shāfi'ī jurists included for instance a long list of people with blindness,¹⁸¹ lameness,¹⁸² kyphosis¹⁸³ and hemiplegia.¹⁸⁴

Second, the juristic production of the Shāfi'ī School remained free from prejudices against people with disabilities. On the contrary, a trawl through the Shāfi'ī texts, to be elaborated below, in fact shows a rather positive attitude towards people with disabilities. Not to mention that the first attempt in the history of Islamic Jurisprudence to dedicate a specific chapter on blind people took place in the Shāfi'ī School through al-Ghazālī (d.505/1111) in a book ascribed to him entitled *Al-Rawnaq* (glamour).¹⁸⁵

Third, *firāsa* in general, let alone Greek physiognomy, did not hold any legitimacy as valid evidence within the Shāfi'ī works. We know, through the Mālikī jurist Ibn al-ʿArabī, that the well-known Shāfi'ī jurist Abū Bakr al-Shāshī (d.507/1114)¹⁸⁶ wrote a treatise against the use of *firāsa*, to conclude a legal judgment.¹⁸⁷ Priority was always given to *qiyāfa* rather than *firāsa*,¹⁸⁸ a mere continuation of what al-Shāfi'ī started in this regard.

A single passage (of about 150 words) with relevance to Greek physiognomy appears in the juristic work of the Egyptian Shāfi'ī jurist

¹⁸⁰ Ibid, folios 7a-8b.

¹⁸¹ Subkī, Abū Naṣr ʿAbd al-Wahhāb b. ʿAlī b. ʿAbd al-Kāfi al- (1992), vol. 3, p. 295-297, vol. 3, pp. 478-483, vol. 4, pp. 83, 84, vol. 7, pp. 82, 99, 301, 338, 339, vol. 8, pp. 148, 151, 152, 294, 345, 346, 354, 371, 372 & vol. 10, pp. 95 & 96; Ibn Qāḍī Shuhba, Abū Bakr b. Muḥammad (1407/1986), vol. 2, pp. 35, 36, 93, 94, 103, 104, 206, 224.

¹⁸² Subkī, Abū Naṣr ʿAbd al-Wahhāb b. ʿAlī b. ʿAbd al-Kāfi al- (1992), vol. 5, 300 & 301.

¹⁸³ Ibid, vol. 7, pp. 166 & 167.

¹⁸⁴ Ibid, vol. 2, pp. 270, 271, 286, 287, 288 & vol. 3, p. 222.

¹⁸⁵ This has been stated by those who quoted him and elaborated this chapter such as al-Nawawī, see Nawawī, Yaḥyā b. Sharaf al- (1), vol. 9, p. 368 and al-Suyūṭī, see Suyūṭī, Jalāl al-Dīn al- (1403/1983), pp. 251, However, I could not trace this book whether in manuscript or in edited form.

¹⁸⁶ On him, see Subkī, Abū Naṣr ʿAbd al-Wahhāb b. ʿAlī b. ʿAbd al-Kāfi al- (1992), vol. 6, pp. 70-78; Ibn Qāḍī Shuhba, Abū Bakr b. Muḥammad (1407/1986), vol. 2, pp. 290 & 291. However, I could not trace this treatise.

¹⁸⁷ Ibn al-ʿArabī (1), vol. 3, pp. 106 & 107; Qurṭubī, Abū ʿAbd Allāh Muḥammad b. Aḥmad al- (1372/1952), vol. 10, pp. 44 & 45; Shātibī, Abū Ishāq al- (1), vol. 2, p. 229.

¹⁸⁸ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (2), vol. 10, p. 348; Khaṭīb, Muḥammad b. Aḥmad Shirbīnī al- (1415/1994), vol. 6, p. 439.

Sulaymān al-Bujayramī (d. 1221/1806). This passage comes in the chapter on marriage and within the context of the parts of body that a man is allowed to see from a woman when he decides to marry with, viz., face and hands. Giving his reader an advice of how to use these two parts in order to deduce information about the parts he cannot see, al-Bujayramī quotes masters of physiognomy and expertise with women (*ahl al-firāsa wa al-khibra bi al-nisā*). For instance, the breadth of a woman’s mouth would indicate a similar breadth in her vagina and vice versa, the thinness of the lower lip indicates a small vagina and so forth.¹⁸⁹ The passage is, however, free from any reference to people with disabilities. Passages of the same work indicate that the author adopts a positive attitude towards people with disabilities. For instance, speaking about blindness afflicting one’s eyes, al-Bujayramiyy states that blindness does not cause any harm for one’s religion. What is harmful, he adds, is blindness befalling one’s heart that moves the person away from God. The author then quoted the Qur’anic verse, “Do they not travel through the land, so that their hearts (and minds) may thus learn wisdom and their ears may thus learn to hear? Truly it is not their eyes that are blind, but their hearts which are in their breasts” (Qur’ān 22:46).¹⁹⁰

To conclude, the aforementioned depreciatory statements ascribed to al-Shāfi‘ī remained, at least within the Shāfi‘ī circle in which the statements were originated, at best personal inclinations without claiming any juridical authority. However, further discussions on these statements and on making use of *firāsa* as a valid tool in Islamic jurisprudence took place in the Ḥanbalī School. This will be the focus of the discussions to follow.

4.1.2 The Ḥanbalī School

The Ḥanbalī jurist Ibn Muflīḥ (d. 763/1361) made reference to the pseudo-Shāfi‘ī statements. He quoted the first harsh statement and also an abridged version of the alleged trip of Shāfi‘ī to Yemen when he encountered a person with physical defects whose mean behaviour corroborated his convictions about physiognomy.¹⁹¹ The context of Ibn Muflīḥ’s quotations was typically physiognomical, namely, how to choose your friend and which person to choose or avoid. This was exactly one of the main benefits attached to physiognomy.¹⁹² However, the context gives the statements an advisory rather than a juristic binding character. Ibn Muflīḥ may have been the only Ḥanbalī jurist who incorporated the pseudo-Shāfi‘ī statements into the legal texts of the School. But surely he was not the only who discussed these statements, or *firāsa* in general, outside the Ḥanbalī juristic sources. In this regard viewpoints and relevant discussions of four well-known Ḥanbalī jurists will be presented under two main headings, namely, paradoxical standpoints as adopted by Ibn al-Jawzī

¹⁸⁹ Bujayramī, Sulaymān b. Muḥammad al- (1415/1995), vol. 6, p. 439

¹⁹⁰ See Bujayramī, Sulaymān b. Muḥammad al- (1415/1995), vol. 4, p. 443.

¹⁹¹ Ibn Muflīḥ, Ibrāhīm b. Muḥammad (1), vol. 3, p. 574.

¹⁹² Qanwajī, Šiddīq b. Ḥasan al- (1978), vol. 2, p. 396.

(d. 597/1200)¹⁹³ and Ibn al-Qayyim (d. 751/1350)¹⁹⁴ followed by what can be termed as counterpoise-trials made by Ahmad Ibn Taymiyya (d. 728/1328)¹⁹⁵ and Zayn al-Din Ibn Rajab (d. 795/1393).¹⁹⁶

4.1.2.1 Paradoxical Standpoints

To start with Ibn al-Jawzī, his standpoint in this regard is highly paradoxical and confusing. On one side he unequivocally supports the main premise of Greek physiognomy and comes up with statements having almost the same purport as those ascribed to al-Shāfi‘ī. On the other side, he stresses the triviality of outward physical appearance and attaches great importance to one’s soul.

Although Ibn al-Jawzī does not quote verbatim the pseudo-Shāfi‘ī statements,¹⁹⁷ he clearly shows his belief in the validity of their purport by saying himself, “Beware everyone with a physical defect such as the bald, the blind and the like because their souls are evil”. This statement comes in a context known to be typical of Greek physiognomy. Ibn al-Jawzī is stressing the importance of one’s lineage (*as̄l*) and outward physical appearance (*ṣūra*) as determining factors to judge one’s character. His advice is to check these two points before mixing with people as friends, husbands or wives. A strong and well-proportioned figure indicates in most cases a good character and vice versa.¹⁹⁸ Keeping in mind that such rules still could have exceptions, Ibn al-Jawzī requires testing people before mixing with them even after checking these two points.¹⁹⁹ Stressing the importance of that well-proportioned figure, Ibn al-Jawzī opines that God chooses his Friends (*Awliyā*)²⁰⁰ only from among those who have such a well-proportioned body free from physical defects.²⁰¹

On the other side, Ibn al-Jawzī’s severely criticizes those who boast the beauty of their figure (*ṣūra*) and forget that the goodness of the soul (*rūḥ*) is the determining factor. He explains, “If the soul got jewelled by etiquette (*adab*), disciplined by knowledge, knew the Creator and fulfilled the duties [imposed] by him, then it will not be harmed by a defect in the structure [in reference to physical defects]. But if it remained ignorant, then it will resemble the mud but may get even lower.”²⁰²

This paradoxical standpoint of Ibn al-Jawzī is not unique. He has been known as a scholar who adopts sometimes inconsistent and contradictory standpoints on one topic. He would even forget that he said or adopted such

¹⁹³ On him, see Laoust, H. (3) (2003), vol. III, pp. 751 & 752.

¹⁹⁴ Laoust, H. (3) (2003), vol. III, pp. 821 & 822.

¹⁹⁵ On him, see Bazzār, Abū Hafṣ ‘Umar b. ‘Alī b. Mūsā al- (1400/1979); Laoust, H. (1) (2003).

¹⁹⁶ He is known to be the last great representative of medieval Ḥanablism, see Laoust, H. (2003), vol. III, p. 822; Laoust, H. (2) (2003), vol. III, p. 161.

¹⁹⁷ It is possible that he did so in his laudatory biography on the virtues of al-Shāfi‘ī (*Manāqib al-Shāfi‘ī*), see Ibn al-Jawzī (2), p. 227; Laoust, H. (3) (2003), vol. III, p. 752. Unfortunately, the book is missing.

¹⁹⁸ Ibn al-Jawzī (2), p. 227.

¹⁹⁹ Ibid, p. 228.

²⁰⁰ On this term, see Radtke, B. et al (2003), vol. IX, pp. 109-124.

²⁰¹ Ibn al-Jawzī (2), p. 311.

²⁰² Ibid, pp. 308 & 309.

contradictory standpoints because he does not revise what he writes.²⁰³ This can be traced back to Ibn al-Jawzī's extreme thirst for learning and mastering every branch of knowledge.²⁰⁴ It seems that Ibn al-Jawzī could not always detach himself from these different branches of knowledge or at least come up with a coherent conclusion since such branches give contrary or inconsistent information. Thus one should not exclude this possibility regarding his discussions on *firāsa*.

The first side of his approach stands under the influence of Greek physiognomy. This influence gets clear in Ibn al-Jawzī's literary works on the intelligent (*adhkiyā'*) and the fools (*hamqā'*) which called in clear Greek physiognomic notions.²⁰⁵ For instance, the physical type of the intelligent person (*al-rajul al-fāhim*) reflects more or less faithfully the Aristotelian concept of the proper mean, the Greek *mesotes*, an expression of ethical virtue. The physical characteristics of the man gifted with a good intelligence and a good nature refer also to the concept of measures and balance between the two extremes which is surely Aristotelian.²⁰⁶ The Aristotelian concept of a link between the physical build and the moral traits was duly elaborated and systematically set out by Galen.²⁰⁷ When Ibn al-Jawzī gives a catalogue of the signs of stupidity, he bases his arguments on Galen, "Galen says that smallness of head never fails to be a sign of bad conformation of the brain. If the neck is short, this is a sign of a weak and scarce brain. Whoever has a disproportionate physical build is one of little value both in his intentions and his intellect."²⁰⁸

For the second side of Ibn al-Jawzī's analysis, the mystic influence is indisputable. For instance, it is known that Ibn al-Jawzī was strongly influenced by the Shāfi'i mystic Abū Nu'aym al-Iṣfahānī (d. 430/1038/9)²⁰⁹ as is clear from Ibn al-Jawzī's mystic historical work *Ṣifāt al-ṣafwa* (The Character of the Elite).²¹⁰ In this book, Ibn al-Jawzī presents a list of those he considered *ṣafwa* (elite, chosen and purified by God) although they clearly do not meet the requirement of having a well-proportioned body or beautiful physical appearance. At the contrary, they suffered different sorts of disabilities such as lameness, leprosy, blindness and the like but they could still belong to the rank of *awliyā'* as stated by Ibn al-Jawzī himself.²¹¹ To sum up, Ibn al-Jawzī's

²⁰³ Ibn al-Jawzī (3), p. 11.

²⁰⁴ Ibn al-Jawzī (2), p. 211.

²⁰⁵ Observations of physiognomic nature are also to be found in Ibn al-Jawzī's medical treatise *Luqaṭ al-manāfi' fī al-tibb* (Useful Gleanings of Medicine), see Ibn al-Jawzī (1) (1987); Brockelmann, Carl (1937-42), vol. I, p. 505, S. I 921; Ghersetti, Antonella (1996), p. 122, note 11; Ghersetti, Antonella (2007), p. 292.

²⁰⁶ Ghersetti, Antonella (1996), p. 123.

²⁰⁷ Badawī, 'Abd al-Raḥmān (1954), pp. 182-186; Ghersetti, Antonella (1996), p. 124.

²⁰⁸ Ibn al-Jawzī (1990), p. 23; Hoyland, Robert (2005), "Physiognomy in Islam", p. 371; Ghersetti, Antonella (1996), p. 126.

²⁰⁹ Laoust, H. (2) (2003), vol. III, p. 161; Laoust, H. (3) (2003), vol. III, p. 751. On , Abū Nu'aym al-Iṣfahānī, see Pedersen, J. (2003), vol. I, pp. 142 & 143.

²¹⁰ Ibn al-Jawzī (1399/1979), vol. 1, pp. 20-32.

²¹¹ See for instance, Ibn al-Jawzī (1399/1979), vol. 1, pp. 350, 501, 502, 583, 645, vol. 2, pp. 193-196, vol. 4, pp. 383, 401 & 402. In his historical work *Talqīh fuhūm ahl al-athar fī 'uyūn al-tārīkh*

acquaintance with *firāsa* in the Greek and the Islamic sense are clearly touchable. However, it seems that he could live with both senses despite their contradictory images about people with disabilities.

Ibn al-Qayyim's contribution in this respect was much more detailed than that of Ibn al-Jawzī. A trawl through Ibn al-Qayyim's available works show that he handled, in varying degrees, *firāsa* in the four senses mentioned above.

Firāsa in the aforementioned first meaning occupied the greatest part of Ibn al-Qayyim's discussions on this topic. The main body of his contribution was recorded mainly in two books, viz., *Al-Fawā'id* (Benefits)²¹² and *Al-Turuq al-ḥukmiyya fī al-siyāsa al-shar'īyya* (Means of Governing according to the Religious Policy).²¹³ Discussing *firāsa* was the main focus of the second book and occupied a substantial part of it to the extent that the book is also known as *Al-Firāsa al-marḍiyya fī al-aḥkām al-shar'īyya* (The Accepted *Firāsa* in Religious Rulings). The main target of Ibn al-Qayyim in these two books is to broaden the traditional concept of proof that can serve as the basis of a valid judgment. Basically, there are three types of proof: confession, testimony and the defendant's refusal to take an oath to affirm his denial of the plaintiff's claim.²¹⁴ Ibn al-Qayyim aspires to integrate *firāsa* as a fourth type of proof that can be used by the judge to underpin his judiciary decrees. By *firāsa* here, Ibn al-Qayyim means that the judge would use his mental and perspicacious faculties to discover, produce and interpret signs and circumstantial evidences (*al-amarāt wa al-qarā'in*) so that he can reach a sound judgment.²¹⁵ Ibn al-Qayyim opines that this *firāsa* should top the qualifications of the judges in order to practice their judiciary activities.²¹⁶ Those who neglect this *firāsa*, Ibn al-Qayyim adds, paralyze many legal norms and cause legal claims to perish.²¹⁷ At the same time, he warns against the negative repercussions of using this *firāsa* excessively.²¹⁸ The synonymous sense of *firāsa*, viz., *qiyāfa* considered as eventual legal evidence in specific cases was used by Ibn al-Qayyim as a supportive argument.²¹⁹ He mentioned more than once that this opinion of him is also shared by the Ḥanbalī jurist Abū al-Wafā' Ibn 'Aqīl (d. 513/1119). Whereas Ibn 'Aqīl does not name it *firāsa*, Ibn al-Qayyim does not see any harm in using this term.²²⁰

wa al-siyar (Fertilizing the Perceptions of the Traditionists Concerning the Fountains of History and Biographies) Ibn al-Jawzī enlisted also those luminaries (*ashrāf*) afflicted with different sorts of disabilities, see Ibn al-Jawzī, (2), pp. 229-231.

²¹² Ibn al-Qayyim (1393/1973), vol. 3, pp. 634-636.

²¹³ Ibn al-Qayyim (5), pp. 3-76.

²¹⁴ Johansen, Baber (2002), pp. 169 & 170.

²¹⁵ Ibn al-Qayyim (5), p. 3; Johansen, Baber (2002), p. 188.

²¹⁶ Ibn al-Qayyim (5), p. 3; Ibn al-Qayyim (1393/1973), vol. 3, p. 634.

²¹⁷ Ibn al-Qayyim (5), p. 33; Johansen, Baber (2002), p. 188.

²¹⁸ Ibn al-Qayyim (5), pp. 3 & 13.

²¹⁹ Ibid, pp. 3 & 10; Ibn al-Qayyim (1393/1973), vol. 3, p. 636; Johansen, Baber (2002), p. 189.

²²⁰ Ibn al-Qayyim (5), pp. 3, 12; Ibn al-Qayyim (1393/1973), vol.3, p. 634 & 636. Ibn al-Qayyim's theory did not die out but rather adopted by later scholars, see for instance, Zuḥaylī, Wahba al- (1414/1994), vol. 2, pp. 553-557; Haven, E.C. van der (2006), pp. 146-155.

Firāsa in the Islamic sense was handled by Ibn al-Qayyim in a number of his books²²¹ the most important of which is *Madārij al-sālikīn* (Grades of the Walkers) considered to be the masterpiece of Ḥanbalī mystical literature.²²² *Firāsa* was presented in this book as one of the grades that the walker has to pass by in his traveling to God.²²³ The same sense of *firāsa* was elaborated in a concise commentary on the same theme by the earlier Ḥanbalī scholar, ‘Abdullāh al-Anṣārī al-Harawī (d. 481/1089)²²⁴ in his celebrated Sūfī treatise, *Manāzil al-sā’irīn* (Stations of the Wayfarers).²²⁵ According to Ibn al-Qayyim this type of *firāsa* is the most honourable one and the most beneficial for one’s life and for the Hereafter.²²⁶ He opines also that the Companions of the Prophet stand in the first rank of the practitioners of this type of *firāsa*.²²⁷

Ibn al-Qayyim advocates the Greek sense of *firāsa* as well. He believes at least in its main premise, viz., malformation in one’s body indicates a similar one in one’s character and spirit.²²⁸ However, Ibn al-Qayyim makes two main reservations. First, this premise should not be taken as an unbroken rule and thus possible exceptions should be taken into consideration.²²⁹ Second, the negative effect of physical defects on one’s soul and character is curable and recoverable by means of education, training and habituation.²³⁰ Thus, Ibn al-Qayyim warns, one should pay attention to this point otherwise practitioners of *firāsa* can make numerous misjudgements.²³¹ Al-Shāfi‘ī was for Ibn al-Qayyim one of the main proficient practitioners of this type of *firāsa* and he says that miracles were related about him in this regard.²³² Besides being a proficient practitioner, Ibn al-Qayyim adds, al-Shāfi‘ī was also one of the main theorists who wrote books on this science.²³³ Ibn al-Qayyim was aware of the statements ascribed to al-Shāfi‘ī and he did not cast any doubt about their authenticity. He even commended their purport and considered them as evidence of al-Shāfi‘ī’s shrewdness and adeptness in this type of *firāsa*.²³⁴

Although the two reservations mentioned by Ibn al-Qayyim for making use of *firāsa* in the Greek sense would balance the would-be negative attitude against people with disabilities, Ibn al-Qayyim’s standpoint in this regard remains highly controversial.

²²¹ Ibn al-Qayyim (1395/1975), vol. 1, pp. 238-240; Ibn al-Qayyim (1) (1395/1975), vol. 1, p. 48; Ibn al-Qayyim (3), vol. 1, p. 126; Ibn al-Qayyim (1412/1992), vol. 1, pp. 101 & 102.

²²² Laoust, H. (2003), vol. III, p. 822.

²²³ Ibn al-Qayyim (1393/1973), vol. 1, pp. 482-495

²²⁴ On him, see Beaucueuil, S. de (1965); Farhadi, Ravan (1996); Beaucueuil, S. de (2003), vol. I, pp. 515 & 516.

²²⁵ Harawī, ‘Abd Allāh Al-Anṣārī al- (1408/1988), vol. 1, pp. 80 & 81.

²²⁶ Ibn al-Qayyim (1393/1973), vol. 1, p. 131.

²²⁷ Ibid, vol. 2, p. 486.

²²⁸ Ibn al-Qayyim (1395/1975), vol. 1, p. 40; Ibn al-Qayyim (1393/1973), vol. 2, pp. 487 & 488.

²²⁹ Ibn al-Qayyim (1395/1975), vol. 1, p. 40.

²³⁰ Ibid, vol. 1, p. 40; Ibn al-Qayyim (1393/1973), vol. 2, p. 488.

²³¹ Ibn al-Qayyim (1393/1973), vol. 2, p. 488.

²³² Ibn al-Qayyim (1395/1975), vol. 1, p. 40.

²³³ Ibn al-Qayyim (1393/1973), vol. 2, p. 43.

²³⁴ Ibn al-Qayyim (2), vol. 2, pp. 221-223.

First of all, he advocates two types of *firāsa*, viz., the mystic and the Greek ones, which stand at opposite poles concerning their view on physical disabilities.

Second, Ibn al-Qayyim's commend of al-Shāfi'i's adeptness in the Greek type of *firāsa* comes in the context of his long refutation and comprehensive attack on astrology, considered to be the most elaborate and comprehensive attack or the culminating point in the history of systematic religious attacks on astrology in Islam.²³⁵ In this context Ibn al-Qayyim refuted what he considered spurious information about al-Shāfi'i's knowledge of astrology as recorded in the *manāqib* works. Ibn al-Qayyim made a highly critical study on reports mentioned in these works concerning the chain of transmission (*isnād*) or the text (*matn*), concluding that such reports present unauthentic information.²³⁶ This critical approach is completely missing in his study of the statements ascribed to al-Shāfi'i concerning Greek physiognomy or his alleged adeptness in that field. At any rate, Ibn al-Qayyim's critique of astrology comes as part of his violent opposition and refusal to the occult sciences constituting part of the sciences inherited by Islam particularly from the Greeks known as the rational sciences (*al-ʿulūm al-ʿaqliyya*) or sciences of the ancients (*ʿulūm al-awāʾil*).²³⁷ A popular belief of these occult sciences was seen to endanger the religious basis of Islamic society.²³⁸ Strikingly enough, a strong link was always claimed to exist between astrology and Greek physiognomy. For instance, when physiognomy was incorporated into the list of the recognized sciences by Muslim scholars, it was put together with astrology in the same category. This was already done before Ibn al-Qayyim by Ibn Sīnā,²³⁹ al-Ghazālī²⁴⁰ and Ibn Rushd.²⁴¹ Furthermore, the two sciences share the idea that the formation of heavenly bodies influences the formation of elemental traits shaping human character.²⁴² Additionally, Arabic works on Greek physiognomy, before and also after the time of Ibn al-Qayyim show that *firāsa* was known in Greek literature as *ʿilm al-nujūm* (lit. science of the stars or astrology).²⁴³ That is why attacking

²³⁵ Michot, Yahya J. (2000), p. 152.

²³⁶ Ibn al-Qayyim (2), vol. 2, pp. 219-221.

²³⁷ Goldziher, I. (1981), p. 185; Livingston, John (1971), pp. 96, note 1 & 97; Livingston, John (1992), p. 598.

²³⁸ Livingston, John (1992), p. 598.

²³⁹ See Ibn Sīnā (1406/1986), p. 88; Mourad, Youssef (1939), p. 23; ʿAdiyy, ʿAbd al-Karīm (1982-1983), vol. 57, issue 4, 712 & 713; Hoyland, Robert (2005), p. 391, note 84; Ghersetti, Antonella (2007), p. 285.

²⁴⁰ Ghazālī, Abū Hāmid al- (3), p. 233; Ghazālī, Abū Hāmid al- (1958), p. 181; Mourad, Youssef (1939), p. 24; ʿAdiyy, ʿAbd al-Karīm (1982-1983), vol. 57, issue, 4, pp. 713 & 725.

²⁴¹ Ibn Rushd (1965), pp. 767-769; Mourad, Youssef (1939), p. 24; ʿAdiyy, ʿAbd al-Karīm (1982-1983), vol. 57, issue, 4, pp. 713 & 725.

²⁴² Ghumrī, Zayn al-ʿĀbidīn Muḥammad b. Muḥammad al- (1) (d. 970/1562), fol. 14a-15b; Livingston, John (1992), p. 599.

²⁴³ Rāzī, Fakhr al-Dīn al- (1939), pp. 6 & 7; Ansārī, Abū Ṭālib al- (1332/1914), pp. 3 & 4; Michot, Yahya J. (2000), p. 147; For further comments on relations and common elements between Greek physiognomy and divinatory arts, esp. astrology, see ʿAdiyy, ʿAbd al-Karīm (1982-1983), vol. 57, pp. 710-711; Ghersetti, Antonella (2007), p. 296 & 297.

astrology and simultaneously praising physiognomy without any further explanation remains almost an unexplainable quiz.

One could think of the social dimension that can unravel this quiz or at least minimize its mysteriousness. Attacking astrology that severely, Ibn al-Qayyim was occupied in the first place with a social phenomenon that he saw as danger for people's religion. In Mamluk society, where Ibn al-Qayyim lived, astrology was almost completely distanced from the scientific field and got closer than ever to magic, divination and charlatanry. Such astrology could penetrate the different aspects of the Mamluk society and astrologers had clients not only in the streets but also sometimes in the citadels of the military class.²⁴⁴ Keeping this in mind, one would imagine that the influence of physiognomy by creating a bad image about people with disabilities was not that popular or penetrative as the bad effects of astrology in Mamluk society. In other words, people would not have made use of this type of *firāsa*, at the time of Ibn al-Qayyim, to degrade or demean people with disabilities and thus this might not have attracted his attention while dealing with this science. This would be true especially when we keep in view the two reservations he made for the applicability of this science, thus keeping the door open that people with disabilities could possess or develop a good character.

4.1.2.2 Counterpoise-Trials

Two main Ḥanbalī scholars brought a clear equilibrium in the image of people with disabilities, namely Ibn al-Qayyim's main master Aḥmad Ibn Taymiyya (d. 728/1328)²⁴⁵ and his main disciple Zayn al-Dīn Ibn Rajab (d. 795/1393).²⁴⁶

Initially, Ibn Taymiyya shared with Ibn al-Qayyim three main views with relevance to this topic. First, the aforementioned first meaning of *firāsa* developed by Ibn al-Qayyim comes originally from Ibn Taymiyya. However, Ibn Taymiyya just focuses on developing the theory of evidences and proofs and does not make use of the term *firāsa*.²⁴⁷ Second, Ibn Taymiyya conceded the validity of the mystic *firāsa* and condemned those who refuse using it as eventual evidence in case other clear and authentic evidences are absent. By the same token, Ibn Taymiyya blames those who would overuse or misuse it as evidence all the time.²⁴⁸ Finally, Ibn Taymiyya also expressed his anti-astrological standpoint as issued in a number of his fatwas.²⁴⁹

The main divergence between the master and his disciple lies in their standpoints concerning Greek physiognomy or its premise at least. Although Ibn Taymiyya does not handle Greek physiognomy as detailed as his disciple, the available cursory references indicate that he was in the first place skeptic about the validity of Greek physiognomy which he names *al-firāsa al-badaniyya*

²⁴⁴ Michot, Yahya J. (2000), p. 149.

²⁴⁵ On him, see Bazzār, Abū Hafṣ 'Umar b. 'Alī b. Mūsā al- (1400/1979); Laoust, H. (1) (2003).

²⁴⁶ He is known to be the last great representative of medieval Ḥanablism, see Laoust, H. (2003), vol. III, p. 822; Laoust, H. (2) (2003), vol. III, p. 161.

²⁴⁷ Ibn Taymiyya (8); Johansen, Baber (2002), esp. pp. 168, 181, 186, 187, 192.

²⁴⁸ Ibn Taymiyya (7), vol. 10, p. 473.

²⁴⁹ See Michot, Yahya J. (2000).

(lit. physical physiognomy) because it lacks solid scientific basis.²⁵⁰ As for the main premise of the Greek physiognomy, viz., judging people's characters on the basis of their physical form, Ibn Taymiyya was much more critical. In one place he severely attacks those who judge people and claim to know their ranks and positions by God in any way other than that revealed to the Prophet of Islam. Practicing such judgment would place the person beyond the folds of Islam. One who also claims, Ibn Taymiyya adds, to know people's ultimate destinies without supporting his claim with God's statement or a statement of his Messenger would incur God's wrath.²⁵¹ It is clear that such statements subvert the premise of physiognomy and its related sciences which judges one's character on the basis of, for instance, bodily marks and movements and lines on the hands and feet.²⁵² *Al-firāsa* which avoids such pitfalls, Ibn Taymiyya adds in an indirect reference to the mystic one, is true and acceptable.²⁵³

In another place, Ibn Taymiyya elaborates more on the Islamic criterion by which people's ranks and grades are to be measured. He says, "Texts available in the Qur'an and the Sunna judge justly. Allah favours, in the Qur'an, nobody on the basis of poverty or richness, *health or sickness*, residence or travel, the position of governor or governed, position of imam or that of a follower. On the contrary, He said 'The most honourable among you is the most pious' and thus he favours them on the basis of good deeds (*al-a'māl al-ṣāliḥa*) including belief, its pillars and branches such as Certainty (*al-yaqīn*), Spiritual Knowledge (*ma'rifa*), love for God, returning to Him, dependence on Him, hoping Him, fearing Him, thanking Him and [practising] patience for the sake of Him"²⁵⁴ Two main Qur'anic verses and one Prophetic tradition supporting this viewpoint were quoted by him.²⁵⁵ The first verse says concerning the hypocrites, "And when you see them, their figures (*ajsām*, lit. bodies) will please you" (Qur'an 63:04). The second verse states, "And how many of the generations have We destroyed before them who were better in respect of goods and outward appearance (*zi'ya*)!" (Qur'an 14:74).

The two verses show examples of people who look very well and thus their bodies are free from physical defects but this outward physical perfection did not avail them from God's wrath because they had a bad character. The Prophetic tradition reads, "Allah does not look at your figures (*suwat*) or your properties (*amwāl*) but He looks at your hearts and deeds". Thus the main criterion of favoring someone over the other is what he has in his heart and what he does rather than how his body looks like.²⁵⁶

Available works of Ibn Rajab do not provide us with any discussions on *firāsa* in whatever sense. However, some passages from his hand develop and

²⁵⁰ Ibn Taymiyya (7), vol. 7, p. 199.

²⁵¹ Ibid, vol. 5, p. 82.

²⁵² Rāzī, Fakhṛ al-Dīn al- (1939), pp. 10 & 11.

²⁵³ Ibn Taymiyya (7), vol. 5, p. 82.

²⁵⁴ Ibid., vol. 11, p. 125. The Italics are mine.

²⁵⁵ Ibid., vol. 15, p. 416 & vol. 22, p. 126

²⁵⁶ Ibid., vol. 22, p. 126.

elaborate the ideas of Ibn Taymiyya concerning the disconnection between one's physical appearance and character and the conviction that *taqwā* (piety) is the main criterion by which people's dignity can be measured. Commenting on the aforementioned ḥadīth by Ibn Taymiyya, Ibn Rajab says, "Thus it could happen that many of the hearts of those who have a good figure (*sūra ḥasana*), property (*māl*), prestige (*jāh*) or a governing position (*riyāsa*) in this life could be void of *taqwā*, and it could happen that the heart of someone who possesses nothing of such things be full of *taqwā* and thus more dignified by God. Actually this is what in reality happens in most cases."²⁵⁷ Ibn Rajab supported his argument by quoting four Prophetic traditions purporting that people of Paradise in the Hereafter are mainly those who are physically and socially not powerful but even weak (*du'afā'*) in this life, whereas powerful people, in the physical and social sense, are usually to end up in the Hellfire.²⁵⁸

4.1.3 Other Schools

Beyond the detailed information given in the Shāfi'ī and Ḥanbalī schools, it is generally agreed upon that the believer can make use of his own *firāsa* in his own private affairs as long as this does not lead to an illegal act (*maḥẓūr shar'ī*).²⁵⁹ The main disagreement is whether *firāsa* can be a legal proof used by the judge (*qāḍī*). The most well-known judge who made use of *firāsa*, in the first meaning, to conclude his legal judgments is Iyās b. Mu'āwiya (d. 121/739) who was appointed in 99/717 as the judge of Basra during the caliphate of 'Umar b. 'Abd al-'Azīz and thus before the establishment juristic legal schools (*madhāhib*).²⁶⁰

As for the Sunni legal schools, the Ḥanafī jurist, Burhān al-Dīn al-Ṭarābulī (d. 922/1516) as well as the two Mālikī jurists, Abū Bakr Ibn al-'Arabī (d. 543/1148) and Ibn Farḥūn (d. 799/1397) reject considering *firāsa*, the context suggests the first meaning, a valid tool to conclude a legal judgment.²⁶¹ Ibn al-'Arabī supports his argument by quoting a treatise elaborating this point written by the Shāfi'ī jurist, Abū Bakr al-Shāshī (d. 507/1114).²⁶² The same opinion is also advocated by the well-known mystic Muḥyī al-Dīn Ibn al-'Arabī (d. 638/1240) concerning the mystic *firāsa*.²⁶³ Another Mālikī jurist, al-Shātibī (d. 709/1388) states that mystic *firāsa* can be valid evidence and one can behave

²⁵⁷ Ḥanbalī, Ibn Rajab al- (1408/1987), vol. 1, pp. 333 & 334.

²⁵⁸ Ibid, vol. 1, p. 334.

²⁵⁹ Wizārat al-Awqāf wa al-Shu'ūn al-Islāmiyya bi al-Kuwayt (1), vol. 32, p. 78. For the Shī'ī Zaydī School, see Murtaḍā, Aḥmad b. Yaḥyā al- (1), vol. 2, pp. 39 & 40.

²⁶⁰ Ibn al-'Arabī (1), vol. 3, p. 107; Ibn Farḥūn, Ibrāhīm b. 'Alī b. Muḥammad al-Ya'murī (1406/1986), vol. 2, p. 235; Shātibī, Abū Ishāq al- (1), vol. 2, p. 229; Pellat, Ch. (2) (2003), vol. IV, p. 291; Hoyland, Robert (2005), pp. 372-274.

²⁶¹ Ibn Farḥūn, Ibrāhīm b. 'Alī b. Muḥammad al-Ya'murī (1406/1986), vol. 2, p. 235; Wizārat al-Awqāf wa al-Shu'ūn al-Islāmiyya bi al-Kuwayt (1), vol. 32, pp. 78 & 79.

²⁶² Ibn al-'Arabī (1), vol. 3, pp. 106 & 107; Qurṭubī, Abū 'Abd Allāh Muḥammad b. Aḥmad al- (1372/1952), vol. 10, pp. 44 & 45; Shātibī, Abū Ishāq al- (1), vol. 2, p. 229

²⁶³ Ibn 'Arabī, Muḥyī al-Dīn (1418/1997), p. 148. On al-Shāshī, see Subkī, Abū Naṣr 'Abd al-Wahhāb b. 'Alī b. 'Abd al-Kāfi al- (1992), vol. 6, pp. 70-78; Ibn Qāḍī Shuhba, Abū Bakr b. Muḥammad (1407/1986), vol. 2, pp. 290 & 291.

accordingly provided that this will not violate any of the established Islamic regulations.²⁶⁴ A certain al-Shāmī al-Mālikī who was the chief judge of Baghdad and contemporaneous of Abū Bakr al-Shāshī (d. 507/1114) may be the most Mālikī jurist going against the standpoint advocated by Abū Bakr Ibn al-‘Arabī and the others. He made use of *firāsa* to reach his legal judgments the same as the earlier judge of Basra Iyās b. Mu‘āwiya (d. 121/739).²⁶⁵ Outside the Sunni legal schools, the Ibādī School is also against using *firāsa* as legal evidence.²⁶⁶

4.2 Dignity of People with Disabilities in Practice

4.2.1 Controversial Attempts

Al-Haytham b. ‘Adiyy (d. 821) is the first known writer on the topic of people with disabilities.²⁶⁷ As described by his biographers, Al-Haytham was an expert in people’s flaws (*mathālib*) and exploits (*manāqib*).²⁶⁸ Among his compilations is *Kitāb al-Haytham b. ‘Adiyy* where he recorded a number of luminaries categorized on the basis of their disabilities. The available version now of this compilation is the booklet always appended to the printed book of the well-known man of letters, al-Jāhiz on the same topic.²⁶⁹ Al-Jāhiz criticized al-Haytham’s approach, viz., mentioning of names or retelling the stories of people with disabilities for the sole purpose of entertainment.²⁷⁰ Writing on people with disabilities, al-Jāhiz confirms, should rather have beneficial goals, such as demonstrating the spirit of challenge inherent to those people and elaborating the lessons and admonitions to be learnt from their experiences with afflictions.²⁷¹ It seems that al-Jāhiz was not the sole critic of al-Haytham’s approach. The man was also accused by his contemporaries of having malicious intentions by tracing and revealing people’s defects and drawbacks. However, according to some historians, this accusation was groundless and was falsely leveled against him due to others’ personal grudges. At any rate, the accusation was effective in the sense that it made people hate him and impugned his lineage as well. Al-Haytham was also imprisoned by Caliph Hārūn al-Rashīd (d. 809) for a number of years because he attributed a defect to the Companion al-‘Abbās b. ‘Abd al-Muṭṭalib. But the succeeding Caliph al-Amīn (d. 813) freed

²⁶⁴ Shātibī, Abū Ishāq al- (1), vol. 2, pp. 225-232.

²⁶⁵ Ibn al-‘Arabī (1), vol. 3, p. 107; Ibn Farḥūn, Ibrāhīm b. ‘Alī b. Muḥammad al-Ya‘murī (1406/1986), vol. 2, p. 235; Shātibī, Abū Ishāq al- (1), vol. 2, p. 229.

²⁶⁶ Aṭfīsh, Muḥammad b. Yūsuf (1405/1985), vol. 14, p. 608.

²⁶⁷ There is no agreement on the year of his death. Opinions are divided between 821, 822 and 824 C.E. See Pellat, Ch. (4) (2003), vol., III p. 328. See also Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 10, pp. 103-104; Ibn al-Nadīm (1398/1978), vol. 1 pp. 145-46.

²⁶⁸ For instance, concerning the defects he wrote *Kitāb al-mathālib al-kabīr*, *Kitāb al-mathālib al-ṣaghīr* and *Kitāb mathālib rabī‘a*. As for exploits, he wrote *Kitāb tārikh al-ashraf al-kabīr* and *Kitāb tārikh al-ashraf al-ṣaghīr*. For a list of more than fifty books attributed to him, see Ibn al-Nadīm (1398/1978), vol. 1 p 154.

²⁶⁹ Jāhiz, Abū ‘Uthmān ‘Amr b. Baḥr al- (1407/1987), p. *ya*’.

²⁷⁰ Ibid, p. 6.

²⁷¹ Ibid, pp. 7-8. This was also the approach of Ibn al-Jawzī, see Quzayḥa, Riyād (1988), pp. 45-55.

him upon his succession.²⁷² Unfortunately, there is no available information to give us more details in this regard. For instance how did jurists react to al-Haytham's book and how did he defend his book and his opinions?

After al-Haytham b. 'Adiyy, a vast literary genre composed mainly for the sake of entertaining the reader came to exist. This was made by retelling pleasing stories and anecdotes (*nawādir*) containing wit, humor, jocularly and repartée.²⁷³ In the midst of these stories, a chapter was always dedicated to people with physical abnormalities (*dhawī al-‘āhāt*).²⁷⁴ Other books adopted the same approach but they focused on people with mental disabilities.²⁷⁵ Two main points were raised about this type of literature. First, the legal ruling of humor and jocularly in principle.²⁷⁶ Second, the legal ruling of using people's physical or mental defects as a source of entertainment and even occasionally sarcasm. These points were quite controversial and a lot of justification on the issue evolved in order to avoid legal or religious embarrassment in this respect.²⁷⁷ However, juristic criticism for this genre remained to be given in the generic sense in chapters entitled *ghība*, as to be explained below. No well-known concrete incidents about a specific book or a specific author who has been attacked are recorded after al-Haytham b. 'Adiyy.

Seven centuries after his death, a book written in 1541 on people with disabilities triggered a vigorous debate that continued until 1543. This two-year debate took place mainly between the author of the book (Ibn Fahd) who was a historian and a well-known contemporaneous jurist (Ibn Ḥajar al-Haytamī). A question was posed to the Shafi'ī scholar Ibn Ḥajar al-Haytamī about a book entitled *Al-Nukat al-zirāf fīman ibtulīya bī al-‘āhāt min al-ashrāf* (Cute Anecdotes on Luminaries Afflicted with Disabilities). Ibn Ḥajar issued his fatwa that the book must be damaged. The debate went beyond these two figures to include damaging the book and the issuing of different fatwas from different Islamic cities.

²⁷² Ibn Khallikān, Aḥmad b. Muḥammad (1968), vol. 6, p. 106; Pellat, Ch. (4) (2003), vol., III, p. 328. Pellat even said that none of his works survived. However, his aforementioned booklet on luminaries with disabilities is available.

²⁷³ See Pellat, Ch. (5) (2003), vol. VII (2003), pp. 856-58.

²⁷⁴ “*Dhawī al-‘āhāt*” is the common term used in early Arabic literature denoting what we now know as “people with disabilities”. However, it is of vital importance to recognize that the purport of this term is broader than that of “people with disabilities”. For instance, it is common to enlist the bald, those who are too short or too long, those whose pregnancy-period was abnormally long or short and so forth. See for instance the list of *dhawī al-‘āhāt* given by Ibn Qutayba, Ibn Qutayba Abū Muḥammad ‘Abd Allāh b. Muslim (1406/1986), vol. 4, pp. 53-69; Ibn Qutayba Abū Muḥammad ‘Abd Allāh b. Muslim (1388/1969), pp.578-95. For an extended list of such sources, see Sadān, Yūsuf (1983), p. 13, note 5.

²⁷⁵ For an extended list of this type of books, see Sadān, Yūsuf (1983), pp. 26-28, fn 36.

²⁷⁶ For discussions on this point, see for instance Sadān, Yūsuf (1983), pp. 56-71; Quzayḥa, Riyād (1988), pp. 36-40 and 42.

²⁷⁷ For a detailed analysis of this point, see Sadān, Yūsuf (1983), pp. 19, 25-36.

4.2.2 Main Contributors

As mentioned above, the first main figure participating in this polemic was Ibn Fahd, whose full name is Jār Allāh Muḥammad Taqīyy al-Dīn b. al-‘Izz b. al-Najm b. ‘Umar b. Taqīyy al-Dīn, Muḥammad b. Fahd al-Makkī al-Hashimī al-Shafī‘ī. He was born in July 1486 and died in the same month in 1547.

Ibn Fahd descended from an elite Meccan family known for their scholarly prestige for three centuries. He himself represented the fourth generation in an unbroken chain of traditionists (*muḥaddithūn*). The family is also known for its general refraining from assuming political or religious positions.²⁷⁸ They had their own *waqf* (endowment) in Mecca. Ibn Fahd could make use of this *waqf* after a dispute with his brother and recorded the whole story in one of his books.²⁷⁹

Ibn Fahd memorized the Qur’ān and learned *ḥadīth* from his father. He accompanied him on his knowledge-seeking trips throughout the Arabian Peninsula. Ibn Fahd’s first trip outside the peninsula was in 1507 when he traveled to Cairo to learn *ḥadīth*. His trips to Cairo were repeated whenever he traveled to Syria or to Ottoman cities such as Istanbul or Bursa.²⁸⁰ Ibn Fahd was better known as an historian and traditionalist rather than a jurist. However, his biography shows that he studied jurisprudence with more than one shaykh. For instance, he studied *Al-Minhāj*²⁸¹ with his father and later on with other two shaykhs, namely ‘Abdullah Bākathīr with whom Ibn Fahd studied *fiqh* in general and Shihāb al-Dīn al-Yusūf.²⁸²

Ibn Fahd wrote forty-nine books, mainly historical in nature besides some others on ethics and *ḥadīth*.²⁸³ Four of these books recounted the laudable deeds of the Ottoman Sultans and a fifth book extolled the Meccan sharīf, Abū Zuhayr Barakāt.²⁸⁴ Contrary to these books, Ibn Fahd expressed his criticism against the Ottomans, their policy in Mecca and their vicinity in his historical book on Mecca entitled *Nayl al-munā*. However, he kept the praising tone for the Meccan Sharīfs but still mixed with some indirect critical remarks on their policy. Strikingly enough, *Nayl al-munā* remained just a draft till the death of the author and he did not refer to it in any of his other books. The book was

²⁷⁸ Ibn Fahd (1420/2000), p. 5.

²⁷⁹ The book is *Hifẓ al-‘uhūd ‘ala ḥukm waqf dār al-fuhūd*, see Ibid, vol. 1, pp. 6, 12, and vol. 2, pp. 713-14.

²⁸⁰ Ibid, vol. 1, pp. 7-8.

²⁸¹ A very well-known juristic book in the Shafī‘ī School. It is to be noted that Ibn Ḥajar al-Haytamī wrote a commentary on this book and gave it the title *Tuḥfat al-muḥtāj li sharḥ al-minhāj* which later became one of the authoritative textbooks of the Shafī‘ī School. See Schacht, J. & C. van Arendonk (2003), vol. III, p. 779.

²⁸² ‘Aydarūsī Muḥyī al-Dīn ‘Abd al-Qādir al- (1934), pp. 241-42. For a list of the other jurists who taught Ibn Fahd, see Hīla, Muḥammad Ḥabīb al- (1994), p. 9.

²⁸³ For a full list of these works, see Hīla, Muḥammad Ḥabīb al- (1994), pp. 197-213, and Ibn Fahd (1420/2000), vol. 1, pp. 10 -13. For more biographical information on Ibn Fahd, see besides these two sources ‘Aydarūsī Muḥyī al-Dīn ‘Abd al-Qādir al- (1934), pp. 241-42; Ibn al-‘Imād (1), vol. 4, p. 301.

²⁸⁴ See Hīla, Muḥammad Ḥabīb al- (1994), pp. 198, 201-204, 207-208; Ibn Fahd (1420/2000), vol. 1, pp. 10-13.

also not known to the contemporaries of Ibn Fahd. All this would indicate that Ibn Fahd might have wanted to keep these critical remarks beyond the reach of the public during his lifetime.²⁸⁵

The second figure taking part in this polemic was Ibn Ḥajar whose full name is Abū al-‘Abbās Aḥmad b. Muḥammad b. Muḥammad b. ‘Alā’ b. Ḥajar, Shihāb al-Haytamī born in 1504 and died in 1567. Unlike Ibn Fahd, Ibn Ḥajar was specialized in Islamic Jurisprudence and well-known as a prolific writer of the Shāfi‘ī School.

He received his elementary school education in the sanctuary of al-Sayyid al-Badawī in Tanta, a province in northern Egypt. In 1518, he went to al-Azhar to continue his education and at the end of the year 1523 his teachers gave him, on their own initiative, the *ijāza* (authorization or license) to issue fatwas. He went to Mecca for the ḥajj in 1527 and then again in 1531, each time spending there a one year’s sojourn afterwards. During his first visit, he began writing after seeing the well-known mystic al-Ḥārith al-Muḥāsibī (d. 857) in an inspiring dream. In 1533, he made his third pilgrimage and settled permanently in Mecca, devoting himself to writing and teaching.

Besides the religious and spiritual benefits of being in the vicinity of the Holy Mosque, Mecca was also an attractive place of residence for Muslim scholars of the time. The province of al-Ḥijāz in general, and Mecca in particular were, economically speaking, much more privileged than the other provinces of the Ottoman Empire. The inhabitants of this province were for instance exempted from the duty of paying personal or real estate taxes. Furthermore, al-Ḥijāz used to receive an annual supply of money and grains.²⁸⁶ The Ottomans exerted evident effort in establishing and developing the institutions of religious learning, funding educational activities and paying for the scholars of the two Holy Mosques and the retirees there through the charities of *Jawālī*.²⁸⁷ This economic sphere had positive effects on the scholarly milieu by attracting a great number of well known Muslim scholars to come reside permanently in Mecca.²⁸⁸

Although Ibn Ḥajar’s reputation spread both far and wide, his authority in Mecca was not entirely undisputed and he engaged in a series of vigorous polemics with Ibn Ziyād, the Shafi‘ī mufti of Zabīd on the financial issue of sponsorship and debts. By the time of his death, Ibn Ḥajar had compiled more than forty books, most of which are juristic and theological in nature. It is reported that two of these books concerned the juristic rulings that rulers and kings are to abide by.²⁸⁹ However, Ibn Ḥajar seems to have been quite untouched by the political upheavals that occurred during his lifetime.²⁹⁰

²⁸⁵ See Hīla, Muḥammad Ḥabīb al- (1994), pp. 210-213; Ibn Fahd (1420/2000), pp. 16-19.

²⁸⁶ Sanjarī, ‘Alī b. Tāj al-Dīn al- (1998), vol. I, p. 19.

²⁸⁷ *Jawālī* is a tax imposed on the *dhimmīs* and émigrés living in the Islamic *umma*. Sanjarī, ‘Alī b. Tāj al-Dīn al- (1998), vol. I, p. 22, note, 3. For the etymology and different usages of this term, see Cahen, Cl. (2003), vol. II, p. 490.

²⁸⁸ Sanjarī, ‘Alī b. Tāj al-Dīn al- (1998), vol. I, p. 22.

²⁸⁹ Hīla, Muḥammad Ḥabīb al- (1994), pp. 226-27.

²⁹⁰ Schacht, J. & C. van Arendonk (2003), vol. III, p. 779.

The main source to be used here is the two-page fatwa published in his fatwa collection entitled *Al-Fatāwā al-fiqhiyya al-kubrā* (Grand Juridical Fatwas).²⁹¹ *Al-Zawājir ‘an iqtirāf al-kabā’ir* (Restraints Against Committing Grave Sins) where Ibn Ḥajar handles the theme of *ghība* (backbiting)²⁹² would be of benefit for comparative reasons. That is because, as indicated by the author in the introduction, *Al-Zawājir* was written after 1546, i.e. at least five years after issuing the fatwa under discussion.²⁹³

4.2.3 Encounters Preceding this Polemic

It is felicitous to examine the nature of the relationship between these two figures before this polemic of 1541 to see if personal dimensions rather than scholarly interests would have played a role in this polemic.

The possibilities of personal encounters earlier than 1533 whether during the scholarly visits of Ibn Fahd to Egypt starting from 1507 or during Ibn Ḥajar’s visits to Mecca for pilgrimage in 1527 and 1531 are not to be crossed out. However, it is certain that the two figures co-lived in Mecca at least for fourteen years starting from Ibn Ḥajar’s permanent settlement in Mecca since 1533 till his death 1567.

Broadly speaking, there is no mention that either of the two scholars assumed an official political or religious position during his lifetime. Thus a struggle for power is out of context in this respect. Although they are both recognized as religious scholars, the men belonged to different fields of knowledge; Ibn Ḥajar specialized in *fiqh* and Ibn Fahd in history – thus jealousy or envy of each other’s fame was likely kept to a minimum.

As for details, available historical records are silent on any kind of encounter or relationship between these two scholars before 1537. In that year, Ibn Fahd himself made the first reference to Ibn Ḥajar in his historical record on Mecca, *Nayl al-munā*. In this book, we come across Ibn Ḥajar, five times mentioned as a scholar participating in Meccan life, but none of which relates a story or incident between these two figures.²⁹⁴ Ibn Fahd always preceded Ibn Ḥajar’s name with honorable titles such as *Mufti of Muslims*,²⁹⁵ *al-shaykh al-mudarris* (the teacher shaykh)²⁹⁶ and the like. Unfortunately, *Nayl al-munā* stops in 1539, two years before the polemic takes place, and thus makes no reference to this incident. The editor of the book raised the question, “Where are the historical reports of the last eight years (1539-1547) until the death of Ibn Fahd? Did he

²⁹¹ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, pp. 82-83.

²⁹² Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1994), pp. 8-33.

²⁹³ For further information on this figure, see Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 1, pp. 2-5; Ibn al-‘Imād (1), vol. 4, p. 370-72; Hīla, Muḥammad Ḥabīb al- (1994), pp. 197-213; Schacht, J. & C. van Arendonk (2003), vol. III, pp. 778b-779b. For the case between him and Ibn Ziyad, see Ibn Ḥajar al-Haytamī, Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 3, pp. 2-38.

²⁹⁴ For details on these five times, see Ibn Fahd (1420/2000), vol. 2, pp. 664, 668, 717, 722, 771-72.

²⁹⁵ Ibid, vol. 2, pp. 664-69.

²⁹⁶ Ibid, vol. 2, p. 717.

write them where they remained as draft and then were lost? Did he stop writing these reports for a specific reason?” The editor concludes that available texts do not provide us with a satisfying answer.²⁹⁷

The main historical thread telling us what happened after this time is again Ibn Fahd himself in *Al-Nukat al-zirāf*. He says that although Ibn Ḥajar belongs to *dhawī al-‘ahāt*, for being squinty-eyed, he did not enlist him in the old version of the *Nukat*. However, Ibn Ḥajar did issue a fatwa against the *Nukat* by which he gave a helping hand to Ibn Fahd’s adversaries. Depending on the principle of an eye for an eye, Ibn Fahd enlisted him among the squinty-eyed in the new version thus giving a helping hand to Ibn Ḥajar’s adversaries as well. Ibn Fahd recalls in this regard the well-known Arabic aphorism, “Obscurity is a blessing but everyone rejects [it] whereas celebrity is wrath but everyone wishes [for it].”²⁹⁸

To sum up, available reports show that the two main figures taking part in this polemic were, before this incident, neither intimate friends nor vigorous enemies – thus personal issues did not play a role.

4.2.4 A Controversial Book

The story of this book started in 1541 when Ibn Fahd wrote the first version of *Al-Nukat al-zirāf*. This work triggered a series of harsh reactions, primarily led by a group of bald people whom Ibn Fahd mentioned by name in his book. Ibn Fahd and his relatives became the object of malicious attacks targeting his honour and attributing different faults and diseases to him. Ibn Fahd declared himself and his relatives innocent of any such defects and diseases.²⁹⁹

The attack campaign culminated when Ibn Ḥajar issued his fatwa declaring that this book fell under the category of the forbidden *ghība* (backbiting). “The author has to repent for what he did by having his book damaged. If he insisted not to do so, then those in charge among scholars and rulers are to reproach him for what he did with what they see fit until he repents. They are to erase these offensive pieces included in this book and even to tear it apart.”³⁰⁰ Ibn Ḥajar was aware that an objection was expected concerning using such disciplinary punishment against a prestigious scholar like Ibn Fahd. Islamic sources and Muslim scholars state that the lapses of prestigious scholars are to be forgiven. Ibn Ḥajar responded to this objection by saying, “This is true in the case of minor sins only. However, the aforementioned book encompasses a grave sin, nay, grave sins for which I ask God to grant me and the author repentance out of His favor and generosity. Amen!”³⁰¹

The aforementioned bald people took the initiative and damaged the book by washing off its text.³⁰² This happened towards the end of 1541, less than one

²⁹⁷ Ibid, vol. 1, p. 20.

²⁹⁸ Ibn Fahd (d. 954/1547), MS 3838, folio 51b.

²⁹⁹ Ibn Fahd, (950 A.H.), folios, 16a-16b.

³⁰⁰ Ibn Ḥajar al- Haytamī, Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 83.

³⁰¹ Ibid.

³⁰² Ibn Fahd, (950 A.H.), folios 15b-16a.

month after the book was written.³⁰³ In response, Ibn Fahd decided to remove this group in the new version of the *Nukat* out of inattention and disinterest.³⁰⁴ Ibn Fahd reminded his adversaries of the Day of Judgement when they would stand together in front of God and the oppressed would regain his right from the oppressor.³⁰⁵

The incident also had a social impact. About twenty days later, a great flood swept Mecca and overflowed the Holy Mosque and the copies of Qur'ān (*maṣāḥif*) therein. Ibn Fahd deemed this flood a clear admonition. His view was shared by a poet who composed a poem on this occasion expressing his sympathy with Ibn Fahd.³⁰⁶

The year 1542 was something of a decisive year for Ibn Fahd; he had to defend his book in it. One of the main defensive measures was sending letters to the credible Muslim scholars in Egypt and Syria asking their legal opinion on composing such a book. Five of these scholars answered positively by saying that there is no harm in writing such a book. Ibn Fahd also wrote a refutation of the arguments used by his adversaries against his *Nukat*, entitled *Al-Nuṣrā wa al-is'āf fī al-radd 'alā al-muntaqidīn lī mu'allafī al-nukat al-ẓirāf* (Advocacy and Succor against the Critics of my Book, the Cute Anecdotes).³⁰⁷ After getting the support he was looking for, Ibn Fahd embarked upon a new and enlarged version of the *Nukat*, entitled *Al-Nukat al-ẓirāf fīman ibtuliya bī al-'āhāt min al-ashrāf* (Cute Anecdotes on Luminaries Afflicted with Disabilities).³⁰⁸ This new version is almost double the size of the original.³⁰⁹ It was finished towards the end of 1543 and it included the whole story, so to speak.

The book is divided into an introduction, two chapters, and a conclusion. The introduction starts by elaborating on the occasion of writing the book, a word about the author's predecessors and their writings in this field as well as an overall description of the book. The main body of this introduction is dedicated to the Prophetic traditions, anecdotes and poetical verses pertaining to people with disabilities. The author started with those traditions that appeared to convey negative attitudes towards people with disabilities. After analyzing such reports and negating their negative implications, the author presented the traditions that extol people with disabilities. The story of Job was presented in detail as an exemplary model for those who show patience and thus eventually gain great rewards. The introduction was supplemented with about five folios dedicated to defending his work against those who attacked it claiming that it falls under the category of the forbidden *ghība* (backbiting). The

³⁰³ Ibid, folio, 59b.

³⁰⁴ Ibid, folio, 15b.

³⁰⁵ Ibid, folios, 15b-16b.

³⁰⁶ Ibid, folio, 16a.

³⁰⁷ Ibid, folio, 11a. Unfortunately, this book is not traceable.

³⁰⁸ An autograph of this work is preserved in the Chester Beatty library in Ireland, no. MS 3838. As stated by Arberry, no other copy appears to be recorded. I am currently in the final stages of making a critical Arabic edition of this text.

³⁰⁹ Ibid, folio, 59b.

author presented a detailed refutation for this claim, basing his arguments on a book written by the well-known mystic al-Hārith al-Muḥāsibī (d. 857)³¹⁰ entitled *Al-Ghība*. He also mentioned the question he sent to the scholars of al-Azhar in Cairo and recorded verbatim the fatwas issued by the Muftis of the four Sunni schools of law stating that there is no harm in writing such a book. He also referred to the letter he received from the Damascene scholar Aḥmad b. Ṭulūn (1475-1546).³¹¹

The first chapter reviews in detail those with disabilities in general and the well known figures among them in particular. Ibn Fahd started with a long quotation from *Mufīd al-‘ulūm wa mubīd al-humūm* (Provider of Sciences and Eliminator of Worries) by Abū Bakr al-Khawārizmī (d. 1012), which counted the Prophets and other noble figures known for being afflicted with blindness and loss of one-eye. Ibn Fahd continued by presenting discussions of Muslim scholars on the possibility that a prophet could be blind. This was succeeded by retelling the stories of those well known figures afflicted with these two disabilities, in particular the author’s contemporaries. Ibn Fahd retold also the stories reporting the Prophet healing those afflicted with different disabilities and those who got afflicted with disabilities because of disobeying or lying to the Prophet.

The second chapter is dedicated to discussing other sorts of *‘āhāt* (disabilities) especially one-eyedness, squintiness, baldness, lameness, and leprosy. The author mentioned those afflicted with these misfortunes as quoted from al-Khuwārizmī’s book, with a focus on the author’s contemporaries. The author paid special concern for baldness, emphasizing that earlier scholars did not recognize it a shame. Thus, he added, these bald people should have got irritated because he mentioned them in the first version of the *Nukat*. He concluded this chapter by mentioning narrated supplications said to protect from certain afflictions.

The conclusion focused on the rewards and blessings accrued to those afflicted with calamities. The author based his work here on Qur’anic verses, Prophetic traditions, scholars’ statements, anecdotes and poetical verses, all of which promote the beneficial aspects of suffering and adversity.

The contents of this book show that Ibn Fahd attempted to represent a balanced mixture of entertaining and admonishing elements. Besides retelling the entertaining anecdotes of people with disabilities, there are also the admonitory statements and narratives with the aim of consoling afflicted people. This explains the statement he made when defending his position that his book was meant for *al-tasliya* (entertainment) and *al-maw‘iza* (admonition).³¹² Keeping in mind that the available version is the enlarged one, we cannot be sure if this balance was also extant in the original, smaller, version.

³¹⁰ He is well known as a Muslim mystic. On him, see Arnaldez, R. (2) (2003), vol. VII, pp. 466-467.

³¹¹ On him, see, Munajjid, Ṣalāḥ al-Dīn al- (1965), pp. 79-81.

³¹² Ibn Fahd, (950 A.H.), folio 9b.

4.2.5 Identity of the 'Demagogues'

According to Ibn Fahd, the main catalyst of this tumult against him was a number of bald men being irritated because he mentioned them in his book. A careful reading of the question upon which Ibn Ḥajar issued the fatwa indicates that the questioner can in fact be one of these irritated bald people. For instance, the questioner had a clear opposing standpoint against the author and even suggested the punishment: namely, tearing up the book.³¹³

Why were those bald people upset by what Ibn Fahd wrote rather than the others he mentioned among the blind, the lame, etc? Besides the possibility of pre-existing enmity before the writing of his book, listing baldness was in a sense revealing a sensitive issue of privacy. That is because covering one's head by wearing an *'imāma* (turban) was a common practice in this time.³¹⁴ For instance, Ibn Ḥajar wrote a book on this topic, stating that wearing the *'imāma* is one of the indications signifying a scholar.³¹⁵ Ibn Fahd wrote also a book in the same vein and named the *'imāma* the crown of the Arabs.³¹⁶ One of the means of humiliating a person and specifically a scholar was forcing him to take the *'imāma* off.³¹⁷ The most probable place where Ibn Fahd could have seen the baldness of these men would have been mosque because they would have to wipe their heads with water as one of the pillars of ablution (*wudū'*).

Precisely identifying the members of this group is not possible, mainly because the old version of the *Nukat*, which included a list of these people, is unavailable. Additionally, available sources recording the history of Mecca during this period are silent in this respect.³¹⁸ However, Ibn Fahd mentioned three characteristics of these people that can help us. They lived in Mecca and held important positions there (*min akābīr baladī*)³¹⁹ but they were simultaneously the profligates of the age (*fujjār al-ʿaṣr*) and thus known for their corruption and immoral acts.³²⁰ The third characteristic was that they are *qurʿān* rather than *ṣulʿān*. According to Ibn Fahd, *qurʿān* are those who suffer baldness in the middle of the head because of an ailment whereas *ṣulʿān* are those who suffer baldness in the forefront of the head without ailment.³²¹ This

³¹³ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 82.

³¹⁴ For further details on the traditional costume worn in the Islamic lands and the position of *'imāma* there, see Stillman Y. K. et al (2003), vol. V, pp. 732-50.

³¹⁵ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (3), p. 2.

³¹⁶ *Bulugh al-arab fi ḥukm tijān al-ʿarab*; see Hīla, Muḥammad Ḥabīb al- (1994), p. 198.

³¹⁷ See Ibn Fahd (1420/2000), vol. 1, pp. 321, 489.

³¹⁸ This is the case for instance with Quṭb al-Dīn al-Nahrawālī (d. 1582) on the history of Mecca, see Nahrawālī, Quṭb al-Dīn al- (1886),. It is also the same with ʿAlī b. Taj al-Dīn al-Sanjarī (d. 1713) in his voluminous work on the history of Mecca *Manāʾih al-karam* although he made eighteen references to Ibn Ḥajar, see Sanjarī, ʿAlī b. Tāj al-Dīn al- (1998), vol. 1, pp. 68, 91, 92, 99, 100, 230, 250, 295, 382, 441, 500; vol. 2, pp. 80, 81, 196; vol. 3, pp. 313, 338, 340; and vol. 4, p. 72; and Snouck Hurgronje, C. (1888), vol. 1 pp. 104-108.

³¹⁹ Ibn Fahd, (950 A.H.), folio 42b.

³²⁰ Ibid, folio 15b.

³²¹ This is the main difference intended by Ibn Fahd. See his *Al-Nukat al-zirāf*, folio 42b. See also Ibn Manzūr, Muḥammad b. Makrām (1), vol. 8, p. 262, item *q-r-ʿ*.

specific characteristic could indicate that people of this group belong most probably to the Mālikī or the Ḥanafī juristic schools rather than the Shāfi‘ī or the Ḥanbalī. That is because the Mālikī and Ḥanafī jurists have to take their turbans off completely and wipe their whole heads directly without a barrier during ablution.³²² On the other hand, Ḥanbalīs could just wipe the turban instead of the head.³²³ The Shāfi‘īs can wipe the forepart of the head only without taking the turban off.³²⁴ Thus Ibn Fahd would be able to see the baldness in the middle of those people’s heads in case they are Mālikīs and Ḥanafīs. This is so if the earlier proposition is true, that Ibn Fahd could see their baldness during performing ablution. However, we cannot cross out the possibility that Ibn Fahd could have seen the baldness of this group in a public bath (*ḥammām*). In this case, it would be more difficult to establish their juristic affiliation.

Furthermore, Ibn Ṭulūn’s³²⁵ letter to Ibn Fahd gives an indication that those “demagogues” were known as men of letters (*udabā’*). Learning the lesson from this incident Ibn Ṭulūn decided to avoid mentioning any of the *udabā’* in his forthcoming book *Ta’jīl al-bishāra lī man ṣabar ‘alā dhahāb al-baṣar* (Accelerating the Good Omen for Those Who were Patient Upon Losing their Eyesight).³²⁶

4.2.6 The Polemic in Focus

The key question in this polemic was whether *Al-Nukat al-zirāf* falls under the category of forbidden backbiting (*ghība*) in Islam. Ibn Ḥajar was of the opinion that this was the case and Ibn Fahd insisted that his book had nothing to do with *ghība* and was just for the sake of admonishment and entertainment.

Before delving into details of this polemic, two brief notes are in order. Firstly, as indicated by the extensive use of arguments and statements attributed to Shāfi‘ī jurists, the two scholars participating in this debate belong to this school of law. Secondly, Ibn Fahd based all juristic arguments he used concerning *ghība* on a work of the same title, i.e., *Al-Ghība*³²⁷ by al-Ḥārith al-Muḥāsibī (d. 857)³²⁸ giving him preference over other Shāfi‘ī jurists who are

³²² For further details on this legal norm in the Ḥanafī School, see Sarakhsī, Muḥammad b. Aḥmad b. Abī Sahl al- (1409/1989), vol., 1 p. 101. For the Mālikī School, See Aṣbahī, Mālik b. Anas al- (1995), p. 124; Bāji, Sulaymān b. Khalaf al- (1), vol. 1, pp. 75-76.

³²³ Ibn Qudāma, Abū ‘Abd Allāh Muḥammad b. Aḥmad al-Maqdisī (1405/1985), vol. 1, pp. 184-85.

³²⁴ Nawawī, Yaḥyā b. Sharaf al- (1), vol. 1, p. 438.

³²⁵ Contents of this letter are to be elaborated below.

³²⁶ Ibn Fahd, (950 A.H.), folio, 15a.

³²⁷ This book is one of the missing works of al-Muḥāsibī, see Muḥāsibī, al-Ḥārith b. Asad al- (1986), p. 39; Smith, Margaret (1935), pp. 31, 147. However, Smith suggests that the book of al-Muḥāsibī handles this concept in the mystic sense, i.e., absence from creation and the presence with God, rather than the juristic one. The extensive quotation made by Ibn Fahd here suggests that al-Muḥāsibī used the juristic sense of *ghība* (backbiting) in this book.

³²⁸ It should be noted that counting al-Muḥāsibī as one of the Shāfi‘ī jurists is highly debatable. He is rather well known as a great mystic. See Ibn Qāḍī Shuhba, Abū Bakr b. Muḥammad (1407/1986), vol. 2, pp. 59 & 60.

more authoritative such as al-Ghazālī (d. 1111).³²⁹ Ibn Fahd may have done this on purpose keeping in mind that his main addressee, in this case Ibn Ḥajar, did not dare start his scholarly career as a writer until he saw al-Muḥāsibī in a dream encouraging him to do so. It seems that this story was well-known, especially to those living in Mecca and is thus mentioned by Ibn Ḥajar’s Meccan student.³³⁰ In other words, Ibn Fahd is sending an indirect message whose purport is that you, Ibn Ḥajar, run the risk of going against the convictions of your authority that gave you the first sign of launching your scholarly career.

4.2.6.1 Backbiting (*Ghība*)

Ghība, according to both Ibn Ḥajar and Ibn Fahd, is to say something, even if it is true, about someone that he or she would *dislike*.³³¹ After giving the definition, Ibn Ḥajar embarks upon refuting a possible argument, i.e., that mentioning the physical defects of the Companions of the Prophet (*al-sahāba*) in particular does not fall under the category of *ghība* thus defined. That is because the Companions were too noble to have been offended by being mentioned with such defects. In short, it is not something they would have disliked. Ibn Ḥajar deems this allegation groundless and invalid, stating that being offended with such things is innate and has nothing to do with being noble or ignoble.³³²

However, the prohibition of the above-defined *ghība* is not applicable to six exceptional cases on which Ibn Fahd and Ibn Ḥajar agree. The cases are: 1) complaining about oppression or injustice by the wronged or oppressed person; 2) seeking others’ assistance for addressing an injustice – for instance, informing the ruling authorities that a specific person is a thief in order to catch him, 3) seeking religious advice (fatwa) for instance, asking a scholar about the legal ruling of living with a spouse doing immoral things; 4) warning Muslims against bad people such as narrators fabricating traditions and ascribing them to the Prophet of Islam. In such a case, one is obliged to declare that such people are liars and untrustworthy; 5) telling about people practising immoral and dissolute deeds in public; and 6) introducing someone by using his well-known epithet which incidentally indicates a defect such as the lame (*al-a‘ra*), the deaf (*al-aṣamm*), and the bald (*al-aqra*).³³³

Ibn Ḥajar is determined that the *Nukat* does not belong to any of the exceptional cases. He refutes the sole possibility that this book could belong to the sixth case by saying, “The author did not restrict himself to such epithets

³²⁹ He is a credible jurist, especially within the Shāfi‘ī school. On him, see Watt, W. Montgomery (1) (2003), vol. II, pp. 1038-1041.

³³⁰ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 1, p. 4.

³³¹ Ibid, vol. 4, p. 82; Ibn Fahd, (950 A.H.), folio 10a.

³³² Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 82.

³³³ Ibn Fahd, (950 A.H.), folios, 13a & b; Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 82; Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1994), vol. 2, pp. 23-24.

well-known in public but went further to defects that would be known only through his book. Thus it is forbidden (*ḥarām*) by consensus.”³³⁴

After presenting these six cases, Ibn Fahd alluded that his book belongs to one of these exceptional cases without specifying exactly which one. He added that he did not intend to blemish luminaries. His aim was rather presenting an amusing admonition and entertainment. He wonders further, “How could my intention be blemishing the figures mentioned in my work although I enlisted myself among the bald, my maternal grandfather among the lame and a number of my noble masters among the blind?!”³³⁵

In response to the argument of aiming admonition, Ibn Ḥajar exclaims, “This is a void allegation. I have never known of anyone who listed this as a reasonable ground to legitimize *ghība*. This author should be informed that what he believes is not true. If he insists on his contention, he should receive a grave disciplinary punishment. Ultimately, such conviction could drag him to a difficult situation.”³³⁶ Ibn Ḥajar continued by saying that compiling such a book had nothing to do with admonition. It was rather the result of devilish temptation so that the ignorant would see it as good work. He cited the Qur’ān in this regard, “Is he, then, to whom the evil of his conduct is made alluring, so that he looks upon it as good, (equal to one who is rightly guided)?” (35:8).³³⁷

Ibn Ḥajar adds, “Even if we overlooked the truth and supposed that there is admonition, this admonition is accompanied by untold number of harms and evils. Giving assumed benefit (i.e., admonition) precedence to a definite harm would be done by none except one ignorant about Qur’ān, Sunna and consensus.”³³⁸

As for the enormity of *ghība* as a sin in Islam, it was sufficient for Ibn Fahd to concede that *ghība* is forbidden. However, he added that a number of jurists opine that *ghība* is forbidden only in case of defaming one’s religion rather than one’s honor or physical characteristics.³³⁹ This would mean that his book, according to those scholars, would fall beyond the scope of the forbidden *ghība*. In a bid to support this argument, Ibn Fahd quoted a tradition relating that the Prophet Muḥammad was asked about two groups of people. To identify them for the questioner, he made use of physical defects saying some were red beardless people and the other had black short beards.³⁴⁰ For the same reason, Ibn Fahd made reference to the dialogue between two prominent Companions, namely, ‘Umar b. al-Khaṭṭāb, who was then Caliph, and ‘Abdullāh b. ‘Abbās. The former elaborated in this dialogue his remarks on some of the prominent Companions which deter him from nominating them

³³⁴ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 82.

³³⁵ Ibn Fahd, (950 A.H.), folio, 13b.

³³⁶ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 82.

³³⁷ Ibid.

³³⁸ Ibid., vol. 4, p. 83

³³⁹ Ibn Fahd, (950 A.H.), folio 11b. For this opinion and its refutation, see Qurṭubī, Abū ‘Abd Allāh Muḥammad b. Aḥmad al- (1372/1952), vol. 16, p. 337.

³⁴⁰ Ibid, 12b-14a. For this tradition, see Ibn Ḥibbān (1414/1993), Ḥadīth no. 7257, vol. 16, p. 246; Haythamī, Abū al-Ḥasan ‘Alī b. Abī Bakr al- (1407/1986), vol. 6, p. 191.

for the position of Caliph after him. These remarks reveal a number of their defects such as being over-humorous, quick-tempered, lenient and so forth. Ibn Fahd comments on this dialogue by saying, “Umar’s intention was absolutely away from defaming these figures. He just wanted to show people their characteristics so that they would choose a Caliph among them out of knowledge.”³⁴¹

For Ibn Ḥajar, *ghība* is not just a normal sin. It is rather one of the *kabā’ir*, the grave and major sins in Islam, when it targets scholars of religion and memorizers of the Qur’ān and even when it unjustifiably targets anyone else. Ibn Ḥajar is basing his argument here on al-Qurṭubī (d. 1272)³⁴² who transmitted the consensus (*ijma’*) of scholars on this point.³⁴³

In a bid to uphold his argument, Ibn Ḥajar made reference to a statement of the Companion Ibn ‘Abbās, who participated in the aforementioned dialogue, “He who hurts a jurist, in fact did hurt the Messenger of God, and one who hurts the Messenger of God, in fact did hurt God the Sublime.”³⁴⁴ It did not escape Ibn Ḥajar to refer to al-Shāfi‘ī (767-820) himself.³⁴⁵ The Prophet is reported to say that had his daughter Fāṭima stolen something, he would have cut her hand. When relating this story, al-Shāfi‘ī used the expression “a certain woman (*fulāna*)” instead of mentioning the Prophet’s daughter by name considering the negative context of the story. Commenting on this, Ibn Ḥajar says, “Had this author reflected over this noble politeness of al-Shāfi‘ī, he would have realized that the enormity of what he did will not be repaired in a lifetime.”³⁴⁶

Remarkably, five years later Ibn Ḥajar expressed a more lenient opinion concerning the enormity of *ghība* in his book, *Al-Zawājir ‘an iqtirāf al-kabā’ir*. He conceded that there are opinions ascribed to credible jurists such as al-Ghazālī categorizing *ghība* as a minor sin. Anyhow, “Even if no consensus can be demonstrated in this regard, we should at least differentiate between the different sorts, categories, and harms of each *ghība*.”³⁴⁷ Concerning the *ghība* targeting one’s physical defects, which is the case of Ibn Fahd’s book, Ibn Ḥajar does not negate the possibility of categorizing it as a minor sin (*saghīra*).³⁴⁸

Did Ibn Ḥajar adopt this more lenient opinion on the basis of revising his previous convictions and new information he came across in this regard within the five-year span between issuing the fatwa and writing the book? Was he, at

³⁴¹ Ibn Fahd, (950 A.H.), folios 11a-13b. For this dialogue, see Ibn ‘Abd al-Barr, *Abū ‘Amr Yūsuf* (1), vol. 3, p. 1120.

³⁴² He is well known for his commentary on the Qur’an, see Arnaldez, R. (3) (2003), vol., V, pp. 512-513.

³⁴³ Haytamī, *Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al-* (1403/1983), vol. 4, p. 83. On the opinion of al-Qurṭubī, see Qurṭubī, *Abū ‘Abd Allāh Muḥammad b. Aḥmad al-* (1372/1952), vol. 16, p. 337.

³⁴⁴ Haytamī, *Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al-* (1403/1983), op. cit., vol. 4, p. 83

³⁴⁵ On him, see Chaumont, E. (2003), vol. IX, pp. 181-185.

³⁴⁶ Haytamī, *Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al-* (1403/1983), vol. 4, p. 83

³⁴⁷ Haytamī, *Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al-* (1994), vol. 2, p. 19.

³⁴⁸ *Ibid.*

the time of issuing the fatwa, just under the influence of a specific sphere that pushed him to adopt that harsh opinion, compared with the other one expressed in the book? The way is open for more than one possibility. However, this gives the indication that had this incident happened in another context and at a later date, the fatwa might have been less harsh.

4.2.6.2 Predecessors

One of the main arguments forwarded by Ibn Fahd in this polemic is that he had precursors in this field and thus his book was not an innovation. It seems that this point was central in the sense that it had been mentioned by the questioner who asked Ibn Ḥajar to elaborate on this point. Ibn Fahd also used this point in his question sent to the scholars in Egypt.

Ibn Fahd was aware of four predecessors. He referred to three of them: Ibn Qutayba (828-889) in *Kitāb al-maʿārif* (Entertaining Information);³⁴⁹ Salāḥ al-Dīn al-Ṣafadī, (1297-1363) who wrote *Nakt al-himyān fī nukat al-ʿumyān*³⁵⁰ (Extracting the Precious on the Anecdotes of The Blind) and *Al-Shuʿūr bī al-ʿūr* (Feeling For The One-Eyed People)³⁵¹; and Abu ʿUthman ʿAmr b. Bahr al-Jāḥiẓ (776-868/9) who wrote *Al-ʿUrjān wa al-burṣān wa al-qurʿān* (The Lame, the Lepers and the Bald).³⁵² The fourth and to Ibn Fahd, the most important predecessor, was Abu Bakr Muhammad b. Musā al-Khawārizmī (d. 1012) who dedicated three chapters to prominent people afflicted with disabilities in his *Mufid al-ʿulūm wa mubīd al-humūm* (Provider of Sciences and Eliminator of Worries). Ibn Fahd presented al-Khawārizmī as the Jurist of Baghdad, one of the senior ascetics (*zuhhād*) and the fourth-century³⁵³ renewer of religion (*mujaddid al-dīn*).³⁵⁴

On his side, Ibn Ḥajar did not recognize this argument as valid and forwarded two main counterarguments. The first point was about the identity of those predecessors: “Are they exemplary figures in the same rank of Ahmad b. Ḥanbal (780-855),³⁵⁵ Yahyā b. Maʿīn (775-847),³⁵⁶ Abu Zurʿa al-Rāzī (d.

³⁴⁹ Ibn Fahd, (950 A.H.), in the margin of folio 3a.

³⁵⁰ *Himyān* is an Arabized word denoting the purse tied on one’s waist where money and precious things are preserved and *nakt* denotes drawing out or extracting. See Rāzī, Muḥammad b. Abī Bakr b. ʿAbd al-Qādir al- (1415/1995), vol. 1, p. 291; Ibn Manẓūr, Muḥammad b. Makram (1), vol. 15, p. 364. Thus *Nakt al-himyān* is drawing out these precious things that is kept in the purse.

³⁵¹ Ibn Fahd, (950 A.H.), folio 3a.

³⁵² Ibid, folios 3a and 3b.

³⁵³ This is according to the Islamic calendar. According to the Gregorian calendar, it is the tenth century.

³⁵⁴ Ibn Fahd, (950 A.H.), folio 3a. It is to be noted that the notion of this honorific title is based on a Prophetic tradition stating that every century would have a renewer of religion. This title was always reserved for those with very high scholarly prestige such as al-Shāfiʿī who was recognized as the *mujaddid* of the second century. On further elaboration for the purport of this title and the responsibility of its holder, see Ābādī, Abū al-Ṭayyib Muḥammad Shams al-Ḥaqq (1415/1994), vol. 11, pp. 259-67. In this vein, Al-Khawārizmī is recognized by some scholars as the one of the renewers of religion of the fourth century; see Ābādī, Abū al-Ṭayyib Muḥammad Shams al-Ḥaqq (1415/1994), vol. 11, p. 264.

³⁵⁵ He is one of the most venerated personalities in Islamic history and the founder of the

878)³⁵⁷ and their counterparts who came after or before them? If the predecessor is any of those then you have to name him. If he is one of those worthless people whose sayings and deeds are negligible, then Allah would not care in which valley you will die away.”³⁵⁸

The second point was that Ibn Ḥajar believed that the predecessors’ context would not entail ascribing dishonour to luminaries listed as people with physical differences. However, the context of Ibn Fahd would encourage the populace misusing such information and thus degrading the honorific status of those luminaries including the Companions. Consequently, “The author of this book would bear the burdens of the sins committed in this respect until Doomsday.”³⁵⁹

Important information is still missing concerning this issue in particular. Ibn Ḥajar avoided any reference to al-Khuwārizmī, the main exemplary figure for Ibn Fahd. It seems that Ibn Fahd also was not aware of many other predecessors in this field. He made reference to only four of them and he seems to have only seen that book of al-Khuwārizmī. He missed important sources, some of which would have been strong support for his argument. To mention the most important, Ibn al-Jawzī (1126-1200)³⁶⁰ discussed the same thing in his historical work *Talqīh fuhūm ahl al-athar fī ‘uyūn al-tārikh wa al-siyar* (Fertilizing the Perceptions of the Traditionists Concerning the Fountains of History and Biographies) where he listed notable people afflicted with different disabilities.³⁶¹ The importance of Ibn al-Jawzī as a predecessor in this regard lies in being a very well known and venerated Muslim jurist. Furthermore, Ibn Ḥajar himself used Ibn al-Jawzī as a credible reference more than once in his books.³⁶²

4.2.6.3 Juristic Authorities

Ibn Ḥajar reproached Ibn Fahd for not consulting the specialized jurists before embarking upon such work. To Ibn Ḥajar, this is indicative of malice and being overcome by bigotry for untruthfulness.³⁶³ Ibn Ḥajar quotes the Qur’anic verses: “If they had only referred it to the Messenger, or to those charged with authority among them, those among them who can search out the knowledge of it would have known it” (Qur’ān 4:83).

Ḥanbalī School. On him, see Laoust, H. (3) (2003), vol. I, pp. 272-77.

³⁵⁶ An eminent traditionalist and authorities like Ahmad b. Ḥanbal is reported to be among his pupils. On him, see Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 11, pp. 71-96; Leemhuis, F., (2003), vol. XI, p. 247.

³⁵⁷ He is also a very well known traditionalist. On him, see Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 13, pp. 65-85; Hashimī, Sa’dī al- (1982).

³⁵⁸ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 4, p. 82.

³⁵⁹ Ibid., vol. 4, p. 83.

³⁶⁰ On him, see Dhahabī, Muḥammad b. Aḥmad b. ‘Uthmān al- (1413/1992), vol. 22, pp. 352-57.

³⁶¹ Ibn al-Jawzī (3), pp. 229-31.

³⁶² See for instance Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 2, p. 31, 84, 116, 135; and vol. 4, p. 259; Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1994), vol. 1, pp. 20, 28, 127.

³⁶³ Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), op. cit., vol. 4, p. 82.

To avoid falling into the same trap, Ibn Ḥajar based the reasoning for his fatwa on damaging the book on a previous fatwa issued by al-Suyūṭī (1445-1505)³⁶⁴ concerning destroying houses used for illegal and immoral actions.³⁶⁵ Thus, fountainheads of corruption are to be devastated whether they assume the form of houses or books.

Rather than indulging in defending his juristic background, as shown above, Ibn Fahd adopted a short way and consulted the juristic authorities in Egypt. In 1542, he sent the following question to the scholars in Cairo:³⁶⁶

“What do you say – May God be pleased with you – of a student who read a book entitled *Mufīd al-‘ulūm* (Provider of Sciences) by the well-known Ḥanafī scholar Abū Bakr Muḥammad b. Mūsā al-Khawārizmī. The student saw chapters on the physical defects of noble people. The author mentioned a group of the early and late prominent figures of this nation who were known for such defects as the lame, the bald, the blind and the like. Seeing this, the student composed a book on this issue using the same justification proposed by the author of the aforementioned book, namely, promoting admonition, learning, and entertainment. Would this intention legitimize embarking upon such an act? Give us the fatwa asking that God would make Paradise your reward!”³⁶⁷

Ibn Fahd recorded verbatim the fatwas issued by four scholars, each of whom belongs to one of the four juristic schools, the Ḥanafī (Abū al-Fayḍ b. ‘Alī al-Sulamī), the Ḥanbalī (Aḥmad b. al-Najjār), the Mālikī (Nāṣir al-Laqqānī), and the Shāfi‘ī (Aḥmad al-Bulqīnī). They all responded to the question in the affirmative stating that there is no harm in compiling such a book with such intention.³⁶⁸

In the same year, Ibn Fahd received a supportive letter from his intimate friend,³⁶⁹ the well-known Damascene scholar Abū ‘Abdullāh Muḥammad b. Ṭulūn (1475-1546). Ibn Ṭulūn referred to the contention that the forbidden *ghība* is restricted to blemishing one’s religiosity. It does not include mentioning one’s physical characteristics or honour unless it is mentioned with the intention of defaming one’s character.

³⁶⁴ He is a credible authority in the Shāfi‘ī school in particular. On him, see Geoffroy, E., (2003), vol., IX, pp. 913-916.

³⁶⁵ For the full text of the fatwa and its context, see Suyūṭī, Jalāl al-Dīn al- (1995), vol. 1, pp. 152-165.

³⁶⁶ Choosing Cairo in particular could be traced back, besides the authoritativeness of al-Azhar mosque in this time, to the fact that Ibn Ḥajar is originally Egyptian and received his education there in al-Azhar since 1517. For instance al-Laqqānī, one of those who signed the fatwa supporting Ibn Fahd, is one of the main masters of Ibn Ḥajar. See Ibn Ḥajar al-Haytamī, Haytamī, Shihāb al-Dīn Aḥmad b. Muḥammad b. Ḥajar al- (1403/1983), vol. 1, p. 4. Additionally each of the four scholars who responded to the question belongs to one of the four Sunni juristic schools, something that would of course lend Ibn Fahd the support he is looking for not only among the Shāfi‘īs but also among the followers of other schools.

³⁶⁷ Ibn Fahd, (950 A.H.), folio 14a.

³⁶⁸ This is of course a clear response to Ibn Ḥajar when he stated, as noted above, that he has never known of anyone who sees such intention, viz., promoting admonition, as a legitimizing factor for mentioning people’s defects.

³⁶⁹ See Ibn Ṭulūn (1962-1964), p. 14, note 16; Rāshid, Nāṣir b. Sa‘d al- (1979), vol. 1, part 2, pp. 69-90, especially 77; Hīla, Muḥammad Ḥabīb al- (1994), p. 196.

4.2.7 Concluding Remarks

The reader may have gotten the overall impression that Ibn Fahd won the debate. He rewrote the revised version of *Al-Nukat* after gaining the support of religious authorities through the fatwas of the Syrian and Egyptian scholars. The new version remained intact until the present day.

However, it seems that the incident was not without adverse consequences. The main example in this regard is Ibn Ṭulūn who expressed his support for Ibn Fahd. Ibn Ṭulūn was busy at the time of this controversy with writing a book on people with blindness entitled *Taʿjīl al-bishāra līman ṣabar ʿalā dhahāb al-baṣar* (Accelerating the Good Omen for Those Who had Patience Upon Losing Their Eyesight). Because of the fuss raised by Ibn Fahd's work and fearing that he could face the same end, Ibn Ṭulūn decided not to list any men of letters afflicted with disabilities therein.³⁷⁰

We have neither concrete nor comprehensive information on whether the influences of this incident stopped by the book of Ibn Ṭulūn or went further to create an unwilling atmosphere for those who wanted to write on this topic. Bearing in mind the fact that the state of Middle Eastern scholarship on disability is still in its infancy, future findings could tell us more in this regard.

Anyhow, this incident indicates clearly that the dignity of people with disabilities was a high priority among Muslim jurists. This holds true to the extent that harsh procedures can be taken in case they feel that this dignity has been seriously scratched.

³⁷⁰ Ibn Fahd, (950 A.H.), folio 15a.

