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The Mature Scholarly Community of Kairouan, 880–950

A mature scholarly community is a dynamic configuration of individuals and texts that can only come into being once a suitable past has been established, in our case an Islamic past. Proto-scholars, such as Wahb b. Munabbih, were not part of such a community precisely because, by the Umayyad period, a uniquely Islamic past had not yet evolved. Like Ibn Ishaq, Wahb connected Muhammad to King David and other exemplary individuals in a line that derived more from Judaism and Christianity than it did from Islam. A century later, however, Islamic history had come into its own: Muhammad's life story was suffused with miracles, and the Qur'an was defended not as just one more piece of God's creative activity in the world, but as His very own speech, uncreated. Scholars after 880 could look back at a mature, independent religious tradition, one that placed them in the position of ʿ*ulamāʾ*, those who have God-given knowledge. At this point, the lives of proto-scholars such as Wahb and Ibn Ishaq (and also figures such as Zayd b. Thabit and Ibn Abbas) were subjected to selective memory to bring them in line with the Muslim imagination of what an exemplary scholar should look like. Historically, they were proto-scholars, but the later tradition reimagined them as scholars.

In this chapter, I continue my argument that historians of scholarship, especially Ibn Habib (d. 238/852 in Cordoba) and Abu l-Arab al-Tamimi (d. 333/944 in Kairouan), collected biographical information precisely to solidify the position of scholars as arbiters of correct Islamic identity. This activity corresponds with a shift in scholarly texts, which, already in the previous period, began to focus on exemplary individuals, with Sahnun b. Sa'id collecting the

views of Malik b. Anas and Abu Dawud al-Sijistani collecting Ibn Hanbal's *responsa.* As the schools of law and theology become established, these individuals move from being members of a broader intellectual community to paragons of correct actions, second only to the Prophet himself. This shift certainly occurred across the Muslim world, perhaps even earlier in some places where communities coalesced around Abu Hanifa and the Shiite Imams, but only in Kairouan can we see the specific ways that the community of scholars worked together to solidify these reputations by building up an entire library devoted to their texts.[1]

Only in the Kairouan collection can we directly observe the scholarly processes by which the words and ideas of scholars from previous generations were preserved and passed on during this period. Here we can see the rigid control of terminology, careful attention to detail, and the process of oversight that produced a disciplined community of scholars, devoted to study. Of course, it is only the accidents of history that bring us to Kairouan, since, as I detail in the Appendix, twenty-three of the thirty Arabic/Islamic manuscripts dated before the year 900 come from Kairouan, and many more Kairouan manuscripts may be dated to the tenth century. The scholars of North Africa and Andalusia, therefore, offer us a controlled experiment of sorts, a smaller stage on which we can observe developments and interactions on the basis of the extraordinary documentary evidence that I began to describe in Chapters 3 and 4.

Still, it must be admitted that the material evidence from Kairouan is limited. First, it is at odds with historical reports, which record Baghdad, Kufa, Nishapur, and many other sites as both more active and more sophisticated than centers in Egypt and the Maghrib. To be sure, these centers were interconnected through the institution of the *riḥla,* yet consider the fact that almost all the early Kairouan manuscripts are written on parchment, with only two of the very

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[1] The question of when, precisely, this community became "Maliki" or when the legal schools were founded is beyond the scope of this book, but the evidence from Kairouan is instructive. While there is no denying the importance of Malik b. Anas in the Kairouan collection, the existence of so many other scholars' writings in Kairouan (see the Appendix) certainly suggests that these communities supported a wide variety of intellectual commitments. Attempts to draw bright lines between schools in the ninth century appear to be a later project.

earliest manuscripts on coarse paper (*kāghidh*), with "bits of cloth and linen,"[2] a far cry from the fine paper used in al-Baghdadi's *Gharīb al-Ḥadīth.* Similarly, it must be assumed that the sophistication of scholarly methods that we see in Kairouan is but a shadow of the institutions that must have obtained in wealthier centers in the east and probably Cordoba to the west. A second limitation is the fact that the Kairouan manuscripts focus almost exclusively on texts written by and for jurists, virtually excluding philosophers, physicians, historians, and theologians. In his catalogue (*fihrist)* of books from 377/987, Ibn al-Nadim records having seen many texts in these and other fields,[3] so focus on the Kairouan manuscripts could give us a skewed understanding of the interconnectedness of these fields. Finally, the Kairouan collection excludes Christian and Jewish texts.

Material culture, therefore, still plays the leading role in this chapter, as we delve deeply into the rich manuscript collection of the ancient mosque-library of Kairouan. Yet the limitations of this source must always be kept in mind. Fortunately for our analysis of the rise of the *ʿulamāʾ*, however, we can now use literary sources in a new way to gain further information about the scholarly community of Kairouan; because our earliest historians of North African scholars write on the basis of first- and second-hand accounts, their narratives are much more trustworthy. Abu l-Arab, for example, was himself the student of some of Sahnun's students, and so his entry on Sahnun includes significant details on his life, the memory of which would still have been fresh in Abu l-Arab's lifetime.[4] Further, to a limited extent, we can test Abu l-Arab's account against information in the manuscripts: Abu l-Arab's list of Sahnun's students can be compared with the names of individuals who actually transmitted Sahnun's manuscripts, for example, and Abu l-Arab's own hand is

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[2] Miklos Muranyi, "Das Kitāb Aḥkām Ihn Ziyād über die Identifizierung Eines Fragmentes in Qairawān (qairawāner Miszellaneen V)," *Zeitschrift der Deutschen morganländischen Gesellschaft* 148, no. 2 (1998), 241–260, at 241, n.1, referring to Ashhab's *Kitāb al-Daʿwā wa l-Bayyināt*. See description in the Appendix, manuscript no. 12. In that list, no. 17, dated before AH 283, is also on paper.

[3] Ibn al-Nadīm, *Fihrist,* Flügel (ed.).

[4] Ben Cheneb, *Ṭabaqāt*.

visible in the Kairouan collection via manuscripts that he himself copied. Finally, we can compare these near contemporary accounts with those of later compilers, such as the much more extensive entries on Sahnun in Iyad b. Musa's *Tartīb al-Madārik*.[5] This long history of biographical writing in the Maliki school allows us to trace specific patterns of addition and excision, as details are shaped to conform to the expectations of the exemplary scholar.

In Chapter 3, I recalled a well-known story from the biographical texts, that of Sahnun competing with Asad for the correct version of Ibn al-Qasim's *responsa.* Whatever else we may learn from this story, it encapsulates a keen anxiety about the accurate transmission of textual knowledge. This continues to include our current knowledge of the Kairouan manuscripts, which is still based on oral and written sources. During the period discussed in this chapter, after 880, we have a much larger array of dated manuscripts from Kairouan other than the two that I discussed in the previous chapter, but no one has yet published a list of these manuscripts – for good reasons. First, we still do not have an accurate sense of the contents of the collection; many fragments are still unidentified or wrongly identified. Second, there is no accurate system for cataloguing even the identified manuscripts.[6] With these important caveats in mind, I attempt a preliminary list in the Appendix only to give some sense of the magnitude of this collection and the significant work that remains to be done. While I have made several research trips to work with the collection, now housed at the National Laboratory for the Restoration of Parchment Manuscripts, behind the Museum of Islamic Arts in Raqqada, I remain dependent on publications by Joseph Schacht, Nejmeddine Hentati, and Miklos Muranyi (as well as private correspondence with Dr. Muranyi) for much of my information. It will become quickly obvious, however, that the Kairouan collection is nonpareil and that the size and quality of this collection can support a method of dating manuscripts based on paleography, codicological details, and biographical information that would potentially add dozens of additional fragments to my list,

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[5] ʿIyāḍ, *Tartīb*, 4:45–88; see also Mohamed Talbi's partial edition, *Tarājim Aghlabiyya (Biographies Aghlabides)* (Tunis: University of Tunis, 1968), 86–136.

[6] See here Muranyi, *Beiträge,* xxxv, and idem, "Visionen des Skeptikers," *Der Islam* 81, no. 2 (2004), 206–217, which is a response to Andrew Rippin's criticism.

which is limited to the appearance of a specific date on a manuscript, either in the colophon, the incipit, or a marginal remark.[7] The arguments to justify this broader approach, pioneered by Muranyi, have never been made explicitly, so the first step is to lay out as clearly as possible the large number and variety of manuscripts that can be securely dated and that therefore give us the foundation for further speculation.

Before turning to analysis of the manuscripts, however, it is necessary to place this collection within its historical context. The great wealth of the Kairouan collection, after all, is not in any single manuscript, but in the fact that it presents an intact archive, somewhat similar to the famous Cairo Geniza in giving us insight into the daily lives of scholars. This context is all the more important to describe since it is so little known. Just as Ibn al-Nadim barely mentions the scholars of Kairouan, so also modern historians focus far more on the central Islamic lands to the exclusion of provincial towns. Kairouan's history may not be unique, but it is different enough from that of Cordoba, Cairo, or Baghdad that it is worth recalling in some detail.

Taken together, manuscripts, mosques, and historical accounts help us to discern in Kairouan the same three-stage process that I have outlined for Islamic history in general. First, we see an early bifurcation of the learned class into a professional chancery and individual proto-scholars. This is the difference between specialized knowledge that is of use to the interests of the ruling class and charismatic individuals who maintain an authority apart from that of the state through the attaining of religious knowledge and through their acts of piety. Second, these proto-scholars gradually give way to the rise of a true scholarly class. This class is a phenomenon of interlinked urban areas, marked by books and the communities of inquiry that passed books on, intact, to future generations. Finally, the position of scholars as rightful defenders of the tradition is solidified through the shaping of a historical narrative that depicts scholars as

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[7] For the purposes of this investigation I use a more stringent set of criteria for dating manuscripts than does Muranyi. Further, this date must be consistent with other evidence both internal (names mentioned in the text, other marginal remarks) and external (orthography, age of parchment). These strict criteria match those of François Déroche and so are useful in comparing the Kairouan collection with early Arabic manuscripts from other libraries.

heroic figures, heirs of the Prophet. In this stage, scholars continue to assert their independence from the ruling class, while depending on them for the establishment of teaching institutions, and for maintaining the vast trans-regional networks of trade that facilitate scholarly travel.

A Brief History of the Kairouan Collection

The discovery of so many manuscripts from the provincial capital of Kairouan may come as a surprise to those who do not know the history of this area. In fact, the province of *Africa* (as it was known to the Romans) was rich and prosperous long before the Arabs arrived; its cities of Carthage, Sufetula, and Hadrumentum were well-established and provided with an organized network of resistance to enemies.[8] This helps to explain the fact that the "conquest" of North Africa was not an event but a century-long process. It began with the battle of Sufetula (Sbeitla) in 647[9] and continued when Uqba ibn Nafi was forced to recapture "Ifriqiya" in 670. Over the next five years, Uqba built up the city of Kairouan, in the middle of a plain, outlining the place for the mosque and other buildings. Al-Baladhuri (d. 279/892) wrote our first history of the conquests, but he barely mentions the military events, preferring to spend pages telling the reader about the character and deeds of Uqba ibn Nafi, including the magical driving out of wild beasts and scorpions from the site of Kairouan.[10] He also includes a vision in which Uqba saw the completed mosque that now bears his name; upon awaking, he immediately went and laid out the foundation.[11] This account, in which

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[8] Denys Pringle, *The Defense of Byzantine Africa from Justinian to the Arab Conquest* (Oxford: Oxford University Press, 1981), 44.

[9] Politics and religion, it seemed, played a role in the fact that Constantinople failed to reinforce local militias; before the battle, in 646, the councils of Numidia, Byzaceum, Mauritania, and Proconsularis unanimously condemned Monothelitism, and shortly thereafter the African patrician Gregory proclaimed himself emperor, effectively cutting himself off from aid (ibid., 46).

[10] Aḥmad b. Yaḥyā al-Balādhurī, *Futūḥ al-Buldān,* 317–322. Translated by Philip K. Hitti as *The Origins of the Islamic State (Kitāb futūḥ al-buldān)* (New York: Columbia University Press, 1916), 356–361.

[11] Ibid.

Kairouan was founded on a miracle, is an essential basis for the creation of a divinely ordained history that helps to justify the authority of the *ʿulamāʾ*.[12] In fact, however, Byzantine and Berber attacks continued for decades, and not until the reign of Abd al-Malik b. Marwan was North Africa finally conquered, with the defeat of Byzantine forces in Carthage around 697.[13] In 705, the *wilāya* (province) of Ifriqiya was established with Kairouan as its capital.[14]

From these literary accounts, as well as what we know from the rest of the Near East, it is clear that establishing *Ifrīqiya* as an official *wilāya* is neither a reflection of actual Muslim/Arab control nor a wholesale conversion to Islam. Uprisings continued, including an insurrection of Berber tribes and former Byzantine citizens led by a queen known to the Arabs as the *kāhina* (priestess). Such uprisings were possible because the coasts were not secured, and the rural population (perhaps largely Christian) maintained ties to the rest of the Mediterranean; in the Sahel, the majority Berber population had been nominally Christian, but came under the influence of Ibadi Kharijism.[15] Arabs from the east (some of whom may also have been Christian) were a definite minority, and, as outlined in previous chapters, the boundaries of "Islam" were still poorly defined.

It is at this point that Abu l-Arab al-Tamimi, our early North African historian of the *ʿulamāʾ*, makes some specific claims about the rise of a scholarly class. He opens his account by dutifully listing the Prophet's Companions who spent time in North Africa,[16] but it is not until the caliphate of Umar b. Abd al-Aziz that his story really takes shape. Umar, we are told,

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[12] See also the *ḥadīth* of the Prophet mentioned in Chapter 1, where he foresees that "On the day of resurrection there will arise a people from my community from Africa; their faces will be strongly illuminated, like the light of the moon when it is full."

[13] Pringle, *Defense,* 49–50 and 120. The specific date is disputed.

[14] Jamil Abun-Nasr, *A History of the Maghrib in the Islamic Period* (Cambridge: Cambridge University Press, 1987), 32. Up until this time, the entire Maghrib had been under the administration of the *wilāya* of Egypt.

[15] Abdallah Laroui, *A History of the Maghrib: An Interpretive Essay*, Ralph Mannheim (trans.) (Princeton: Princeton University Press, 1977), 117. T. Lewicki, "Al–Ibāḍiyya," in *The Encyclopaedia of Islam,* 2nd ed., 3:655.

[16] Ben Cheneb, *Ṭabaqāt,* 16–18. See also Miklos Muranyi, *Die Prophetengenossen in der frühislamischen Geschichte* (Bonn: Orientalistisches Seminar der Universität Bonn, 1973), 158ff.

appointed Isma'il ibn Abdallah ibn Abi l-Muhajir as governor over the Maghrib in 720, and Isma'il "invited the Berbers to Islam."[17] Abu l-Arab credits Umar with "sending ten members of the Follower generation to teach the people of Africa."[18] As we have already seen in Chapter 1, this general verb for "teaching" (*yufaqqihūna*) seems to suggest the teaching of Islamic jurisprudence (*fiqh),* but the specific activities recorded by Abu l-Arab are more in line with setting up a bureaucracy. For example, he tells us that one of the ten, Isma'il b. Ubayd, served as overseer of a market and of endowments (*aḥbās*).[19] Another, Abd al-Rahman b. Rafi, served as *qāḍī*, a position that likely had more to do with administration of government than with heading up an independent judiciary.[20] Only in one case does Abu l-Arab record a *ḥadīth*, transmitted through Sahnun himself, that mentions a specific instance of religious instruction:

> Jabla b. Hammud told me on the authority of Sahnun from Mu'awiya al-Sumadihi from Abd al-Rahman b. Ziyad [who said] that among the people of North Africa, wine was permitted until Umar b. Abd al-Aziz sent these *fuqahāʾ*, and they made known (*ʿarrafū*) that it was forbidden. Another [account has it] that when "the overseen" (*al-musawwada*) arrived, meaning the army, word spread that [wine] was forbidden; this spread among the people of the east when they came [to North Africa].[21]

North Africa was known for its wine production since ancient times, an agricultural history that clearly continued under Byzantine Christian rule, so it is hard to imagine a better example of the long process by which Islam came to

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[17] Balādhurī, *Futūḥ al-Buldān*, 323–324. Note that this seems to continue a policy initiated by Abu al-Muhajir in the 670s (Mohamed Talbi, "al-Ḳayrawān," in *The Encyclopaedia of Islam,* 2nd ed., 4:826).

[18] Abu l-Arab suggests that the first of Kairouan's renowned Muslim scholars came from this group (Ben Cheneb, *Ṭabaqāt*, 20–21).

[19] Ibid., 20. Just a paragraph later, Abu l-Arab says that Isma'il b. Ubayd was not one of the ten sent by Umar.

[20] Ibid. Governors applied justice in their courts at this time; see ibid., 21.

[21] Ibid., 21. As Wael Hallaq points out, wine drinking served as a marker for the general lack of Islamic legal regulation during this period; he relates the story of Shurayh b. al-Harith (d. 80/699–700?) who was a respected *qāḍī* despite his devotion to wine (Hallaq, *Origins,* 40–41).

differentiate itself from other religions than this evidence that in North Africa, one hundred years after the *hijra*, Muslims did not know that wine was forbidden. This story also clarifies the limits of what served as scholarly knowledge at this time (simple food prohibitions, not complex legal or theological speculation), and it reinforces the nonspecialized nature of this knowledge: virtually anyone could be expected to know this and other basics of the faith; no specialized training was required or available.[22] What Abu l-Arab is describing in this report, therefore, is precisely the social role of the proto-scholar that I described in Chapter 2: individuals with some expertise and local authority instructed small groups, but there is no evidence of training or organization.

Abu l-Arab's story of Umar sending a delegation of Followers to Kairouan is a second founding of the city, this one based on knowledge and direct connections with the Prophet as opposed to force of arms and miracles. Even so, Umar's mission to the Berbers was not a success, further demonstrating the limits of these projects. Not only were the mountainous, interior regions of the area closed to the Arab elite, the conquests along the coastline, including the campaigns of 711–732 that would bring the Iberian peninsula under nominal Umayyad control, also did not result in anything like a unified empire. Abu l-Arab's account ignores this political context and continues, rather, by establishing the lineage that would connect scholars of his generation to these original teachers supposedly sent in the eighth century who were themselves connected to the Prophet. Again, the details are important. We are told, for example, that Yahya b. Sa'id b. Qays al-Ansari (whom Malik himself quoted on occasion) came to Africa to teach there (*jālasa bi-hā*) and that *ḥadīth* were collected from him that did not appear in Malik's *Muwaṭṭaʾ*.[23] Another early teacher is remembered as having writings:

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[22] Al-Shafi'i's three levels of knowledge (discussed in Chapter 4) are interesting to consider at this point. This fits into his most basic level, which al-Shafiʿi required of all Muslims. While he is referring to three classes in society, it may also mirror a historical evolution.

[23] Ben Cheneb, *Ṭabaqāt,* 25.

> In Tunis [lived] Khalid b. Abi Imran al-Tujibi. He had heard [*ḥadīth*] from al-Qasim b. Muhammad, the grandson of Abu Bakr al-Siddiq, and from Salim b. Abdallah, the grandson of Umar b. al-Khattab, and from Sulayman b. Yasar. [Khalid] had a large *kitāb* [where he recorded his transmissions] from them. Abdallah b. Abi Zakariya al-Hafri told me about it, on the authority of his father, from Abd al-Malik b. Abi Karima, from Kalid b. Abi Imran [himself], who said: "I asked al-Qasim b. Muhammad, Salim b. Abdallah and Sulayman b. Yasar …" Khalid was trustworthy and reliable (*thiqa wa ma' mūn*).[24]

There are several points worth noting from these stories. First, the criteria for being in this group appears to consist of (1) personal connections to important members of the Prophet's Companions, (2) collecting unspecified stories (*ḥadīth*) from them, and (3) passing these stories on to others. Oral transmission appears to be the rule, though it seems reasonable that some collections would be written; these, of course, are not books and no community is mentioned that would have an interest in passing down these writings intact. It is also interesting to note that the content of these *ḥadīth* is not defined – we do not know if they referred to history, law, theology, or some other subject. We also find no mention of the Qur'an or of other books in these descriptions.

Abu l-Arab's account shifts significantly in the generation before Sahnun, scholars who would have been rough contemporaries with Malik b. Anas. Compared with earlier entries, Abu l-Arab now provides much richer detail. Further, in some cases, we can cross-check his information with manuscript evidence. For example, Abu l-Arab writes:

> Abu l-Hasan Ali b. Ziyad was from the people of Tunis. He was trustworthy (*thiqa*), reliable, insightful (*faqīhan*), decisive, devout, and proficient in jurisprudence. He took auditions from Malik b. Anas, Sufyan al-Thawri, al-Layth b. Sa'd, Ibn Lahi'a and others – he had no equal in his generation … [Abu l-Arab] said: it has reached me that Asad b. al-Furat said "I entreat God both for

[24] Ibid., 245.

> Ali b. Ziyad and my father, because [Ali b. Ziyad] was the first to teach me ʿ *ilm.* Abu l-Arab also said that Sahnun preferred no one in *Ifrīqiya* to [Ali b. Ziyad].[25]

Later in this entry, Abu l-Arab tells us that Ali b. Ziyad died in 183 (799 CE). Ali b. Ziyad's brief biography is altogether similar to those of many other scholars from his generation that Abu l-Arab records. The difference is that we happen to possess a manuscript of Ali b. Ziyad's transmission of the *Muwaṭṭaʾ* as passed down through Sahnun. As I detail in the Appendix, this fragment (number 20) may have been written in Sahnun's lifetime; it was certainly written before AH 288 and is therefore an older witness to Ali b. Ziyad's scholarly activity than Abu l-Arab's entry. This manuscript, along with quotations attributed to Ali b. Ziyad in Sahnun's *Mudawwana* and in other early legal texts, corroborates Abu l-Arab's description in two ways. First, Ali b. Ziyad does indeed appear in Sahnun's texts as a source and, second, he definitely passed on Malik's *Muwaṭṭaʾ* in Kairouan.[26] Whether we should therefore treat all of Abu l-Arab's accounts from this generation as factual is open to debate, but this entry at least seems to accord with the material evidence.

The notion of an emerging scholarly community in Tunis and Kairouan in the last quarter of the second/eighth century is slightly behind our evidence from Egypt and Medina. But the transmission of Malik's text to Ali b. Ziyad and to Sahnun is direct evidence that scholars already in this period travelled in search of knowledge from North Africa to Medina. There is every reason to suspect that these travels were common throughout the eastern Mediterranean. The fact of travel is important, because it provides evidence of political stability in the region where scholars and merchants (often the same individual) could travel land and sea routes in safety. In Baghdad, this stability had to do with the rise of the Abbasid caliphs, but in the Mediterranean, it was dependent upon new, quasi-independent political entities: the Umayyads in Spain, the Idrisids in *al-*

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[25] Ibid., 251.

[26] It is interesting that Abu l-Arab calls this a *samāʿ* from Malik, not his *Muwaṭṭaʾ* per se, even though this manuscript must have been in Kairouan when Abu l-Arab wrote his text.

Maghrib al-Aqṣā (the "far west"), and the Aghlabid amirate in modern-day Tunisia.

The Aghlabid amirate is well-documented in literary as well as artistic, architectural, and numismatic evidence.[27] Al-Baladhuri recounts the advent of the Aghlabids in an almost conversational style, which is indicative of his personal familiarity with the events. He writes that Ibrahim ibn al-Aghlab ran away from Kairouan to a region called the Zab (in present-day Algeria), after raiding the treasury. He assumed command of the troops in this frontier area and demonstrated his fealty to the governor of Kairouan, Harthama. Al-Baladhuri continues:

> When Harthama's resignation from the governorship of [*Ifrīqiya*] was accepted, he was succeeded by Ibn al-Akki, whose rule was so bad that the people rose up against him. [Abbasid Caliph Harun] al-Rashid consulted Harthama regarding a man whom he could assign to that post and entrust to him its management, and Harthama advised him that Ibrahim be reconciled, won over and appointed over the region. Accordingly, al-Rashid wrote to Ibrahim, stating that he had forgiven him his crime, excused his fault and thought it wise to assign him to the governorship of al-Maghrib as an act of favor, expecting to receive from him loyalty and good counsel. Ibrahim became ruler of the region and managed its affairs thoroughly.[28]

This statement suggests that strong ties between Baghdad and Kairouan were at the root of this arrangement between caliph and vassal. It conceals, however, a significant change in status for Kairouan and its province. Coins from the period show that the Aghlabid amirs first minted money under the name of the Abbasid caliph but later substituted their own names, with no mention of their overlord.[29] The story presented by these coins is repeated in architecture, bureaucratic

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[27] Muhammad Abu l-Faraj al–'Ush, *Monnaies Aġlabides étudiées en relation avec l'histoire des Aġlabides* (Damascus: Institut Français de Damas, 1982).

[28] Al-Balādhurī, *Futūḥ,* 370.

[29] Al–'Ush, *Monnaies,* 18.

structure, and scholarship. In all these areas the template established in the east is first copied and then locally developed.

Under the Aghlabids, Kairouan's intellectual life, architecture, and economy all flourished during a time of general prosperity with merchants who travelled extensively.[30] Because manuscripts are expensive to produce, economic prosperity is a prerequisite for a scholarly community based on written texts. Local scholars also appear to have been independent of the Aghlabids, leading to a number of confrontations between the citizens of Kairouan and their rulers;[31] it could be due to their increasing criticism that the government palace, originally located to the east of the grand mosque, was abandoned. Instead, the amirs moved their seat of administration outside of Kairouan to a new city, called al-Abbasiyya, a few kilometers to the south.[32] The name of the city, as well as the very idea of moving the seat of government outside of the capital, are among the several ways that the Aghlabids mimicked their Abbasid suzerains in building what was essentially an independent polity.[33]

The move to al-Abbasiyya is evidence of an autonomous citizenry in Kairouan. Not only did the city no longer depend on the government for its existence, it proved strong enough to force the amir to move out, and numismatic evidence confirms both local wealth and an active commerce with Europe, central Africa, and the East.[34] Under the third amir, Ziyadat Allah I (r. 817–838) the conquest of Sicily, led by the scholar Asad b. al-Furat in 827, ushered in a long period of peace for the amirate.[35] The pursuit of *jihad* by the government helped quell murmurings by religious leaders and gave the restless troops an outlet for their aggressions. Before his death, Ziyadat Allah also completely demolished

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[30]Laroui, *History,* 107. Just as in earlier decades, revolts challenged the government from time to time, but Arab rule had finally begun to settle in, at least in the limited region of the amirate.

[31] See J. Schacht, "Aghlabids," in *The Encyclopaedia of Islam,* 2nd ed., 1:249.

[32]Al-Balādhurī, *Futūḥ,* 371.

[33] The Abbasids moved from Baghdad to Samarra in 836. Georges Marçais, *Manuel d'art musulman: l'architecture* (Paris: A. Picard, 1926), 9, where he also mentions that the Aghlabids supposedly established an African guard, as did the Abbasids.

[34]Al-'Ush, *Monnaies.* 20. Laroui, *History,* 119.

[35]Laroui, *History*, 118. See Asad's speech, discussed in Chapter 3.

and rebuilt the grand mosque of Kairouan in the year 836,[36] creating the beautiful structure that Sahnun himself taught in, and which has remained almost completely intact to this day.[37]

12 Photograph of Kairouan mosque, *circa* 1929,

© Ashmolean Museum, University of Oxford.

According to Ibrahim Shabbuh, the historian who published the first description of the collection in 1956, it was after the completion of these renovations that the library of the Sidi Uqba mosque was established within the

[36] Marçais, *Manuel*, 16.

[37] Ibid, 14. Ironically, Marçais calls the mosque "a museum of Christian and pagan art," as its columns were taken from Roman and Byzantine sites, and its capitals reflect the work of artists from Constantinople and Italy.

arcade, to the north of the massive minaret (Figure 12).[38] Shabbuh suggests that it was the community of scholars, not the Aghlabid rulers, who endowed the library with their own books,[39] perhaps including precious Qur'an manuscripts that had been brought to Kairouan from the Near East.[40] We have some evidence of this early stage of the library from endowment notes on the manuscripts themselves (though they often simply list the fact of endowment, not the place). More direct evidence is found in an extraordinary handlist (*sijill*), dating to the year 693/1294, that records 125 manuscripts in the library at that point.[41] While the descriptions of the texts are laconic, they give some evidence that these manuscripts have resided in the same location for centuries. Among these manuscripts is listing number 67: "Seven notebooks (*dafātir*) of Ibn Abd al-Hakam's *Compendium*."[42] The collection today contains both more and less than that note would indicate.

The Study of Ibn Abd al-Hakam's Texts in Kairouan

To demonstrate the benefits of working with Kairouan's interlinked collection of manuscripts, I again take up the history of Ibn Abd al-Hakam's texts. While none

[38] Ibrāhīm Shabbūḥ, **[[Are the diacritical marks correct here? Not in the reference]]** "Sijill qadīm li-maktabat jāmiʿ al-Qayrawān," *Revue de l'Institut des Manuscrits Arabes* 2 (1956), 339–372, at 339.

[39] Ibid.

[40] According to Mr. Saleh al-Mehdi, the chief conservator of the Kairouan collection, the laboratory sent out some Qur'an fragments for radiocarbon dating, and the oldest have been dated to the first quarter of the second Islamic century (private communication, December, 2015).

[41] Shabbūḥ, "Sijill." The number 125 is somewhat misleading, since the handlist groups many texts together. See also Werner Schwartz, "Die Bibliothek der großen Moschee von al-Qayrawān, Tunesien: Vorarbeiten zu ihrer Geschichte," Unpublished thesis. Fachhochschule für Bibliotheks- und Dokumentationswesen, Cologne, 1986 (my thanks to Thomas Eich for this reference).

[42] Ibid., 360.

of the manuscripts of Ibn Abd al-Hakam's works appears on my list of the most ancient dated manuscripts in the Appendix, they were all produced in the same milieu. Therefore, Ibn Abd al-Hakam's texts offer us an excellent test case to show how the collection of dated manuscripts can help us understand patterns of usage regarding undated manuscripts written down in the ninth and tenth centuries.

Interestingly, many of the Kairouan manuscripts, including those of Ibn Abd al-Hakam's books, were actually produced during the Fatimid period, demonstrating that the Fatimids respected the independence of the scholarly community, or perhaps that scholars were not directly dependent on government sponsorship. The story of the spectacular rise of the Fatimid state (and the equally ignominious fall of the Aghlabids) need not detain us, other than to point out that the last Aghlabid amir Ziyadat Allah III, who is said to have despaired and walled himself up in the castle of Raqqada, received the ridicule of scholars, who recorded him crying out: "Fill me up and give me to drink! what enemy will hurt me?"[43] Abu Abd Allah al-Shi'i and Ubayd Allah al-Mahdi ceremoniously entered Raqqada together in January of 910.[44] This may have been the height of Fatimid influence over the scholars of Kairouan, who were not exactly overwhelmed with enthusiasm for the Mahdi.[45] Ubayd Allah quickly moved out of Kairouan, founding the city of Mahdiyya around the year 912, and in 921 he inaugurated it as his new capital.[46] After his arrival there, Ubayd Allah began constructing a large navy and conducted several invasions of Egypt.

For the next few decades (at least until the Kharijite rebellion of 943), Kairouan was left to flourish on its own, and despite the political turmoil, its

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[43] Arīb b. Sa ʿ d [d. Cordoba, AH 977], *An account of the Establishment of the Fatemite Dynasty in Africa,* John Nicholson (trans.) (Tübingen: Ludwig Fues, 1840), 74–75. De Lacy O'Leary (*Short History of the Fatimid Khalifate* [London: Kegan Paul, 1923], 262) identified Nicholson's manuscript (falsely attributed to al-Mas'udi) as belonging to Ibn Sa'd.

[44] Paula Saunders, *Ritual, Politics, and the City in Fatimid Cairo* (Albany: State University of New York Press, 1994), 13–14.

[45] Ibn Sa'd, *Account,* 110. On pp. 117–118 Ibn Sa'd records the following poem composed by "a young fellow of Qayrawān:" "We could have borne with tyranny; but not with blasphemy and stupidity! Oh thou who boastest thy knowledge of mysteries, who wrote this note?"

[46] For the architecture, see Marçais, *Manuel,* 100.

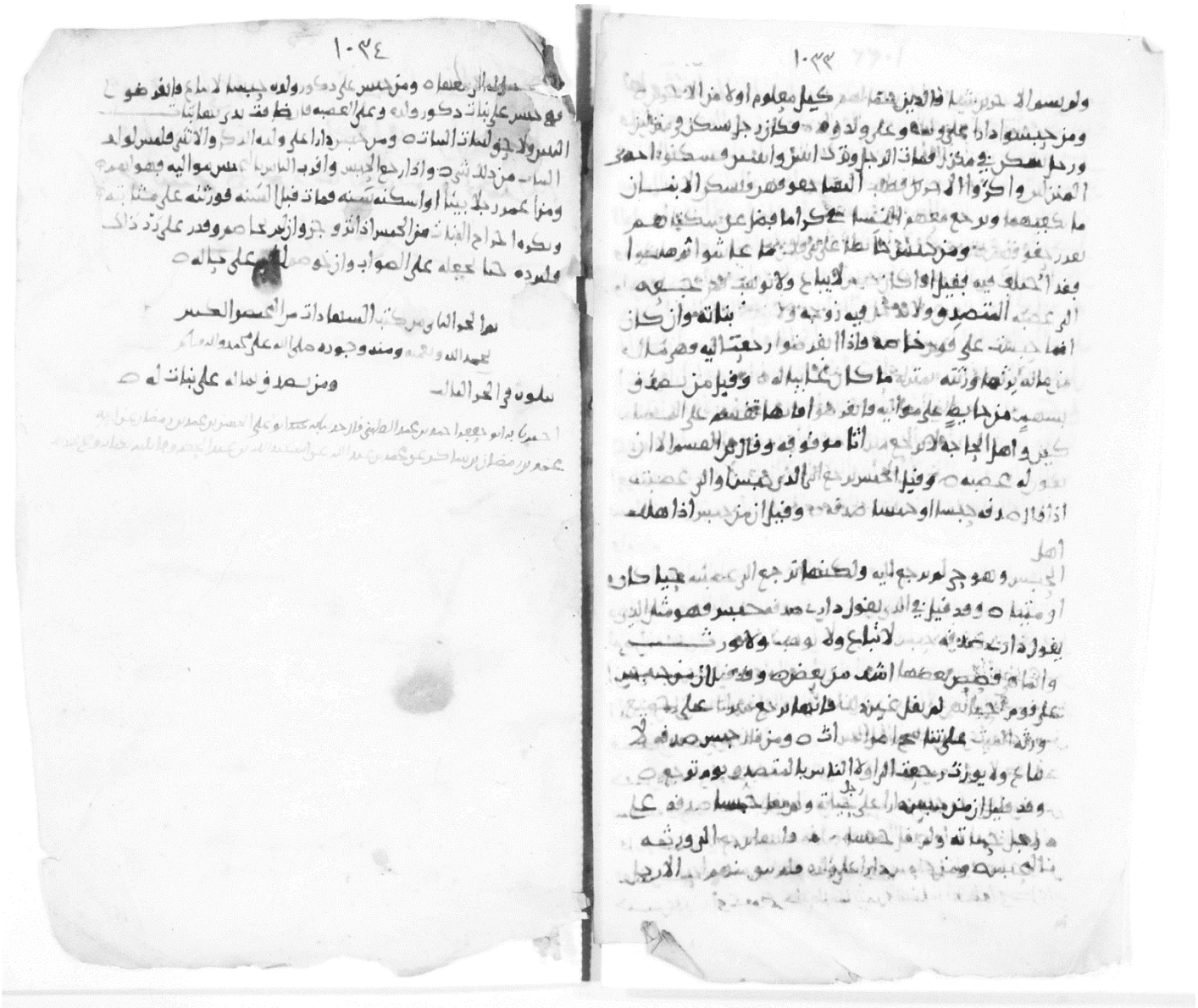
scholars apparently maintained close links with active centers in Egypt and Andalusia, bringing both the latest texts from these centers as well as older texts that had not been transmitted by Sahnun. Among these were Ibn Abd al-Hakam's two *Compendia,* as witnessed by several manuscripts, all of which I have examined in person: (1) five fragments of the *Major Compendium*, (2) a single fragment of the *Minor Compendium* (currently distributed in three separate folders), and (3) a single page from Abu Bakr al-Abhari's commentary on the *Major Compendium.* It is very likely that more fragments are to be found in Kairouan, but this is what we know of at the present time.

Description of the Manuscripts

Of the five fragments of *al-Mukhtasar al-kabir fi l-fiqh* in Kairouan, only the largest has been fully described. This is the twenty-three-folio fragment located under serial number (*rutbī*) 85, written in typical North African Kufi, on parchment measuring 29 cm by 18 cm, with twenty-six lines per page (see Figure 13).[47] As Joseph Schacht noted in his article, this manuscript belonged to a certain "Ṣūlād b. Abi l-Qāsim," who cannot otherwise be identified. Schacht also provided section titles but did not record an important piece of marginalia that I discuss below. The remaining fragments have not previously been fully described.[48]

[47] This is the only one described by Schacht, "On Some Manuscripts," 239–240.

[48] I identified these manuscripts with the assistance of al-Sadiq Malik al-Gharyani during a research trip to Tunisia in 1996.



13 Folios 22b–23a of *al-Mukhtaṣ ar al-kabīr fi l-fiqh* by Abdallah b. Abd al-Hakam. Serial number 85, collection of the National Laboratory for the Restoration of Parchment Manuscripts, Raqqada, Tunisia.

Serial number 1662 is in folder (*milaff*) 13; it is a single parchment folio, 30 cm by 18 cm with thirty-four lines per page in North African Kufi; it begins with “the second book on business transactions” and also belonged to Sulad b. Abi l-Qasim. It has an endowment remark “to the mosque of the city of Kairouan.”

Serial number 3/498 (in folder 47) is also a short fragment of only two folios (with the back page entirely blank); it is on parchment measuring 29 cm by 18 cm and has the same ownership and endowment remarks as serial number 1662. It covers part of the chapters on drinks (*ashriba*) and rites of sacrifice at the birth of a child (*ʿaqīqa*). Serial number 342/5 is a heavily damaged manuscript of eight folios in folder 23, now 10 cm by 16 cm, since only the top third remains, the bottom having rotted away. The contents has to do with *zakat*. It is also on parchment in *naskhī* script with about ten lines remaining on a page.

Finally, serial number 1646 (in folder 13) is made of a single *kurrāsa* of 16 folios (eight parchment leaves folded and bound in the middle to make a notebook); the pages measure 25 cm by 16 cm, and the script is fine North African Kufi with few dots or vowel marks, rather compact, with thirty-four lines on a page.[49] The text is that of the *jāmiʿ*, the appendix to the *Major Compendium* that contains an unorganized discussion of several different legal topics.[50] While the manuscript is badly damaged (the bottom third of the front page is entirely missing, and there is water and other damage inside), some pages are nearly complete. Importantly, it has a reader's remark from Ali al-Dabbagh, dated to AH 355, that I will discuss below.

In addition to these five fragments of the *Major Compendium,* there are fragments of two other texts worth noting. First, with the assistance of Dr. Mourad Rammah, I identified a single folio as al-Abhari's commentary on *al-Mukhtaṣar al-kabīr fi l-fiqh*.[51] This manuscript is catalogued by the serial number 6400 and is an unusually small size of 15.5 cm by 16 cm (Figure 14). Only the first page of the "third part of the [chapter on] manumission and clientage from the Compendium of Abd Allah b. Abd al-Hakam [with the] commentary of Abu Bakr al-Abhari, the Maliki" is preserved. Along with this title, the obverse contains an endowment notice: "Shaykh and jurist Abu Muhammad Abd al-Aziz b. Abd al-Jalil

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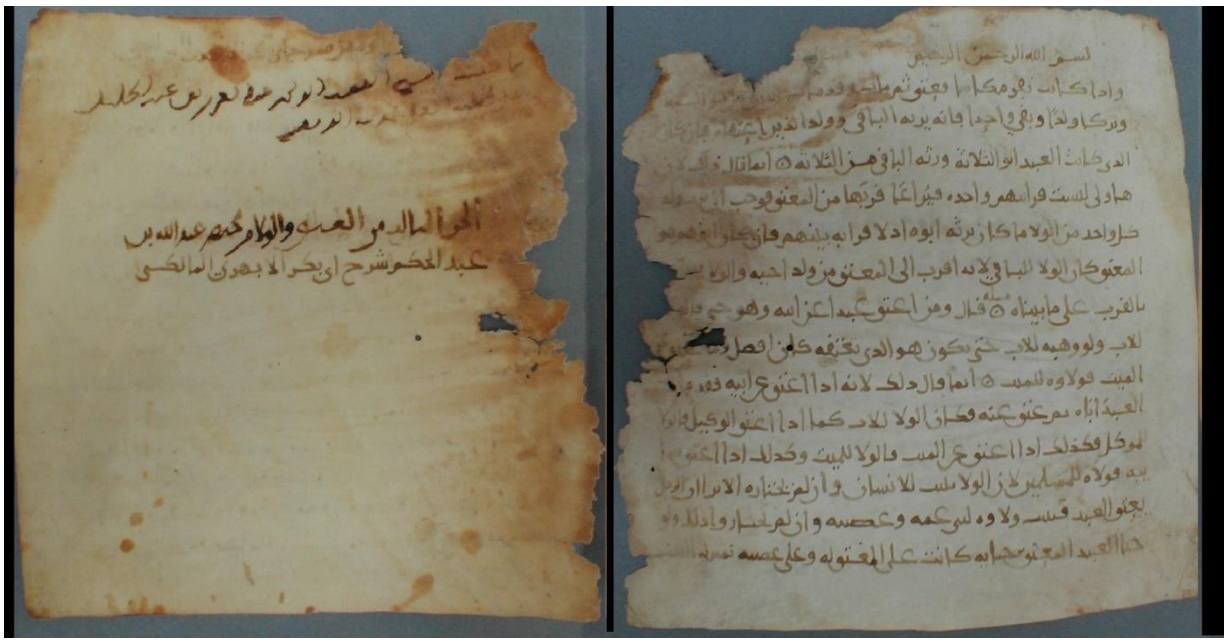
[49] Folio 1a is a title page; the text begins on 1b. The text then ends of 15b, where a new unidentified text begins, continuing on 16a–b.

[50] Brockopp, *Early Maliki Law,* 93–95.

[51] This was during a research trip in the spring of 2000. I am grateful to the Fulbright Foundation for supporting this trip.

dedicated [this manuscript] as an endowment for the search for knowledge at the Madrasa of …" The manuscript is damaged at this point, but Abd al-Aziz b. Abd al-Jalil (d. 702/1302–1303) is a well-known figure in the Kairouan collection, according to the late Shaykh al-Sadiq Malik al-Gharyani, who helped me decipher this passage.[52] The script is strikingly similar to that found on manuscripts of Ibn Abd al-Hakam's *Minor Compendium,* which I discuss next.[53] As noted in Chapter 3, al-Abhari was from Baghdad, and his commentary was well-known in the East, but this manuscript demonstrates a continuing connection between scholars in Kairouan and Baghdad well beyond the period covered in this chapter.



14 Folios 1a–1b of al-Abhari's commentary on *al-Mukhtaṣ ar al-kabīr fi l-fiqh.* Serial number

[52] In a private communication from September 2013, Miklos Muranyi confirmed that Abd al-Aziz b. Abd al-Jalil appears in many endowment notes in the Kairouan collection. His father, Abdallah b. Ali, died in 636/1238.

[53] If correct, that provides a rough *terminus post quem* for these manuscripts, since al-Abhari died in 375/985. My earlier conjecture that the manuscripts of the *Minor Compendium* might be dated "as early as the 280s/890s" (Brockopp, "*Minor Compendium*," 158) could therefore be a century too early.

6400, collection of the National Laboratory for the Restoration of Parchment Manuscripts, Raqqada, Tunisia.

The final manuscript of interest to us here is that of Ibn Abd al-Hakam's *Minor Compendium (al-Mukhtaṣar al-ṣaghīr).* This text is of tremendous importance for the history of early Islamic scholarship; it has been capably edited based, unfortunately, on a much later manuscript with no regard for the Kairouan fragments.[54] Currently, only about one-third of the text is known to exist in Kairouan, eight folios from a single original, now found in three different locations. Using the later manuscript as a guide, I have tentatively reconstructed the Kairouan manuscript as follows: folios 1a–4b are missing; 5a–b are found in serial number 94/14 located in folder 35 (or 23 according to the new computer catalog); 6a–b are missing; 7a–b are in 915/2 (folder 49); 8a–b are in a third fragment, without a *rutbī* designation, in folder 75; 9a–10b are also in 915/2; 11a–b are in the folder 75 fragment; 12a–b are in 915/2; 13a–b are missing, and 14a–b are in 94/14.[55] The remainder of the manuscript, probably four more folios in this *kurrāsa* and an additional ten folios, may yet emerge from the folders of loose folios in the collection.

Analysis of the Ibn Abd al-Hakam Manuscripts

In Chapter 3, I used these manuscripts, along with manuscript witnesses from Fez, Gotha and al-Azhar, to demonstrate that Ibn Abd al-Hakam's *Major Compendium* was a book, written within his lifetime (he died in 214/829) and passed on, intact, to later generations. What interests me here, however, is the activity of those later generations. For example, Ibn Abd al-Hakam's texts appear

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[54] *Al-Mukhtaṣar al-ṣaghīr li ʿ Abd Allāh b. ʿ Abd al-Ḥakam,* ʿ Umar ʿ Alī Abū Bakr Zāryā (ed.) (Al-Riyāḍ: Dār Ibn al-Qayyim li l-Nashr wa-l-Tawzīʿ, 2013).

[55] For a full description and analysis, see Brockopp, "*Minor Compendium*."

to have been brought to Kairouan by scholars in the generation after Sahnun. The beginning of serial number 85 (the fragment that Schacht described in 1967) states: "*qāla Muḥammad b. Abd Allāh b. Abd al-Ḥakam 'an abīhi Abd Allāh, qāla* (Muhammad, the son of Abdallah b. Abd al-Hakam said on the authority of his father, Abdallah, who said …)."[56] From this incipit, we do not know who heard and copied the text from Muhammad; for that we can turn to a student's remark that Schacht did not record, perhaps because it appears on the manuscript after the colophon (see Figure 13):

> أخبرنا به ابو جعفر احمد بن محمد القصري[57] قال حدثنا به محمد[58] ابو علي الحسن بن محمد بن رمضان عن ابيه محمد بن رمضان بن شاكر عن محمد بن عبد الله عن ابيه عبد الله بن عبد الحكم وقابلته بكتابه وصحّ بحمد الله.

We do not know who penned this statement. I read it as "Abu Ja'far Ahmad b. Muhammad al-Qasri taught us from [this manuscript], saying that he heard it from Abu Ali al-Hasan b. Muhammad b. Ramadan from his father Muhammad b. Ramadan b. Shakir from Muhammad b. Abdallah from his father Abdallah b. Abd al-Hakam and I compared [Abu Ja'far's copy] with [Abu Ali al-Hasan's] writing and it is correct, praise God." The script and ink of this note match that of correction remarks throughout the manuscript, while they do not match the writing of the text itself.

By itself, this note demonstrates that this manuscript was subject to a combination of oral and written transmission in which our anonymous scholar took care to compare this manuscript with another copy and record his corrections. Added to other information in the Kairouan collection, we can say with some confidence both that this manuscript was written and studied in the early fourth/tenth century, and also that this method of disciplined transmission was not unusual. For example, Abu Ja'far Ahmad b. Muhammad al-Qasri, the first name in this chain, is known to the literary sources as a collector of books in

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[56] Kairouan 85, fol. 1b. Elsewhere this formula is dropped, and it simply states: Abdallah b. Abd al-Hakam said …

[57] My correction; the original script reads more like القلهنى

[58] Crossed out in original. In a private communication, September 2013, Miklos Muranyi suggested that the crossing out is evidence of a *Schreibfehler,* not a *Hörfehler,* and so evidence that the scribe here is copying a note, though I am not entirely convinced.

Kairouan who died in 321–322/933–934.[59] This is prima facie evidence that Ibn Abd al-Hakam's text was taught in Kairouan at the beginning of the Fatimid period. Our source for this biographical information is Abu l-Arab al-Tamimi, who was a contemporary of Abu Ja'far al-Qasri. But we do not have to depend solely on literary texts for our information, since Abu Ja'far al-Qasri is mentioned in an important colophon on a page of Yahya b. Umar al-Kinani's writings. This unusual comment has already been analyzed by Muranyi,[60] but it bears repeating here because these two individuals, al-Qasri and al-Kinani, virtually unknown in the modern study of Islamic law, play significant roles in the Kairouan collection.

Al-Kinani, who lived from 213/828 to 289/902,[61] appears in many of our earliest dated Kairouan manuscripts (see numbers 8 to 11 in the Appendix). One of the most important scholars in the generation of Sahnun's students,[62] he was a key conduit through whom new works by Egyptian scholars Ashhab b. Abd al-Aziz (d. 204/819) and Asbagh b. al-Faraj (d. 225/839) came to Kairouan. Originally from Andalusia, he is said to have spent his youth in Cordoba, where he had sporadic contact with Ibn Habib. His travels are mentioned specifically in manuscripts: in Dhu l-Qaʿda 234/May 849, he studied *ḥadīth* in Mecca, and he was in Qulzum (ancient Clysma) in Shawwal 262/June–July 876.[63] I provide more details in the Appendix, but among our earliest dated fragments is one of

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[59] Ben Cheneb, *Ṭabaqāt*, 170; Muranyi, *Beiträge,* 177–183, though Muranyi does not mention his appearance in this manuscript. Compare Brockopp, *Early Mālikī Law,* 85n, at which point I had not yet identified the author.

[60] Muranyi, *Beiträge*, 101–103.

[61] Sezgin, *Geschichte,* 1:475; Ben Cheneb, *Ṭabaqāt*, 134–6, Muranyi, *Beiträge*, 92–117. His *Aḥkām al-Sūq* (based on a much later manuscript) has been edited by Maḥmūd ʻAlī Makkī (Cairo: Wizārat al-Tarbiya wa-l-Taʿ līm, al-Idārah al-ʻĀmma lil-Thaqāfa, 1956); also edited by Ḥasan Ḥusnī ʻAbd al-Wahhāb (Tunis: al-Sharika al-Tūnisīya li l-Tawzīʿ , 1975). See also Muranyi's description of some fifteen folios (dated to 387/997) of a lost text by Yahya b. Umar in *Beiträge,* 95–103.

[62] Muranyi, *Beiträge*, 62.

[63] Ibid., 92, 179, and 103.

al-Kinani's own texts, *Kitāb al-Ḥujja fi l-radd ʿ alā al-Shāfiʿ ī*. It is dated to AH 271, eighteen years before al-Kinani's death.[64]

Returning to the unusual colophon, it appears that in 387/997, a scribe made a copy of a text by al-Kinani and in his colophon transcribed the colophon as it appeared on the original manuscript, which reads as follows:

> Ahmad b. Muhammad b. Abd al-Rahman [al-Qasri] said: I heard [this text] from Yahya b. Umar [al-Kinani] in the year 271, comparing [my notes] with his own book, and it is correct, God willing. I wrote out this, my copy here (*nasakhtu ana kitābī hādhā*), from Yahya's own copy and compared [mine] to [his] and it is correct, God willing. But I also heard it from Abu Bakr Muhammad b. Muhammad and compared it twice with his book and it is correct according to it, God willing. I heard it from Yahya in Shawwal of 271.[65]

These notes reinforce the impression from the literary sources that Abu Ja'far Ahmad al-Qasri was a particularly punctilious scholar,[66] and from the evidence of serial number 85, it appears that he passed on this love of precision to his students. These specific methods of textual discipline (recitation, correction, collation) have been noted before, but they are of especial interest with regard to Ibn Abd al-Hakam's *Major Compendium.* I have already demonstrated, through analysis of the content, that this text is a book, but here in these marginalia we learn of the specific means used to ensure the accurate transmission of this text.

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[64] Sezgin, *Geschichte,* 1:475. François Déroche, "Manuscrits," 347 (number18). Schacht described this manuscript in 1967 ("On Some Manuscripts," 249), where he transliterated the incipit, including the *samāʿ* remark of Muhammad b. Umar (Yahya's brother) who wrote this down (*dawwana*) from Yahya b. Umar in his lifetime. See also Muranyi, *Beiträge*, 95.

[65] My translation of the Arabic that appears in Muranyi, *Beiträge*, 102. In my view, the repetition of phrases here suggests that the unnamed scribe of 387 may have combined two different colophon remarks.

[66] As noted by Muranyi, ibid., 177, though his remark there that Ahmad was not known for his knowledge of *fiqh* is to be corrected, based on the evidence of serial number Kairouan 85. For Ahmad's other appearances in the Kairouan collection, see ibid., 177–183.

A book can be passed on intact only when there exists a disciplined group of individuals who are schooled in these methods of transmission.

Other notations can help specify precisely when this text was transmitted by Ibn Abd al-Hakam's Egyptian students to members of Kairouan's scholarly community. According to statements at the beginning of chapters, three other Kairouan manuscripts (serial numbers 1646, 1662, and 3/498) were also transmitted along the same initial path as that of serial number 85, from Muhammad b. Abdallah b. Abd al-Hakam to Muhammad b. Ramadan b. Shakir, but from here they diverge, following the path of Ibn Shakir to Ali b. Muhammad b. Masrur al-Dabbagh (d. 359/970).[67] From our literary sources, we know that Muhammad b. Abdallah b. Abd al-Hakam and Ibn Shakir taught in Egypt, while al-Dabbagh travelled from Kairouan to Egypt, a fact corroborated in serial number 3/498, which states in the incipit that Ali b. Muhammad b. Masrur obtained his copy in Egypt: "Ali b. Muhammad transmitted to us, saying: Muhammad b. Ramadan b. Shakir transmitted to us in Egypt, saying: Muhammad b. Abdallah b. Abd al-Hakam transmitted to us on the authority of his father, Abdallah …"[68]

Notations on serial number 1646 of the *Major Compendium* are even more informative. As mentioned above, 1646 is made of a single *kurrāsa* of sixteen folios and is badly damaged, yet two clear sets of margin notes are visible, one in the same dark ink as the text proper (simple corrections of one or two words) and a second set with substantial additions of a line or two.[69] The text begins with a long chain of transmission:

> Abu l-Hasan Ali b. Muhammad transmitted to us, saying: Muhammad b. Ramadan ^ b. Shakir transmitted to us, saying: Muhammad b. Abdallah b. Abd al-Hakam transmitted to us on the authority of his father, saying: Abdallah b. Wahb said that Malik b. Anas said …[70]

The change in language here from the verb *ḥaddathanā* (he transmitted to us) to *qāla* (he said) seems to correspond with a shift from oral to written text. But

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[67] 'Iyāḍ, *Tartīb*, 2:525–528; Muranyi, *Beiträge,* 48.
[68] 3/498, fol. 1b.
[69] In one case (14a) actually written around an earlier margin note.
[70] Serial number 1646, fol. 1b.

what is particularly interesting here is the caret (ˆ) inserted in the line that corresponds with a remark in the left margin ("in the year 310"). I take this to mean that the transmission of the text from Muhammad b. Ramadan to Ali b. Muhammad b. Masrur took place in the year 310; it may be that the scribe has copied this fact from an earlier manuscript, or else he received it orally from Ibn Masrur.[71] At the end of the chapter, on fol. 15b, a simple colophon is added in the same hand as the rest of the manuscript, decorated with round marks:

() The chapter on miscellaneous subjects (lit. the collection of collections)
from the *Compendium* is completed ()
() Praise be to God for His help and favor ()

To the left side of this is found an anonymous note that the text was collated and corrected. Below this on the same page another remark is appended in yet a different hand: "I heard all of it from Ali b. Muhammad b. Masrur in the year 355."

In other words, in AH 355 an anonymous studied the manuscript with Ibn Masrur; not only does this give us a *terminus ante quem* for the writing of the manuscript, it also verifies the incipit as a correct representation of the chain of transmission for this manuscript. That is to say, the scribe wrote this manuscript upon hearing it directly from Ibn Masrur; this incipit was not simply copied from an older manuscript as might be the case with other manuscripts. The final Kairouan manuscript of Ibn Abd al-Hakam's *Major Compendium* (serial number 5/342) verifies the role of Muhammad b. Ramadan b. Shakir as the primary conduit of Ibn Abd al-Hakam's texts to Kairouan. It was transmitted not to Ibn Masrur, but to another jurist of the same generation, Abu Bakr Masarrah b. Muslim b. Yazid al-Hadrami (d. 373/983).[72] This confirms the desires of Kairouan scholars to travel great distances in order to ensure both their own reputation as well as to compare their notes with a faithful copy of an important text.

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[71] Cf. Muranyi, *Beiträge*, 224, where he suggests that al-Dabbagh was in Egypt sometime "in the first two decades of the fourth century," based on his analysis of the literary sources.

[72] ʿIyāḍ, *Tartīb*, 2: 533–535; Muranyi, *Beiträge*, 233–234.

To summarize, the manuscripts of Ibn Abd al-Hakam's *Major Compendium* in Kairouan offer us a plausible basis for reconstructing the dates of this text and the paths of its transmission without recourse to any literary text whatsoever. It appears that the author, Abdallah b. Abd al-Hakam, transmitted the text to his son, Muhammad, who transmitted it to Muhammad b. Ramadan b. Shakir, who was teaching it in Egypt at the beginning of the fourth/tenth century. Muhammad b. Ramadan b. Shakir apparently taught this text to a couple of different scholars (Ali b. Muhammad b. Masrur al-Dabbagh and Abu Bakr Masarrah b. Muslim b. Yazid al-Hadrami) who brought it to Kairouan, where we know it was studied in 355, though it very likely came there shortly after 310, at the beginning of the Fatimid period.

As it turns out, Masarrah b. Muslim is known to the Kairouan collection only through his transmission of the *Major Compendium.* But the Kairouan native, Ali b. Muhammad b. Masrur al-Dabbagh (the tanner), is well-known to the collection for passing on manuscripts of the *Mudawwana*, the *Muwaṭṭaʾ* in the recension of Ibn al-Qasim, and also Ibn Wahb's *Muwaṭṭaʾ*.[73] His father, Muhammad b. Masrur al-Assal ("the beekeeper"; d. 346/957), was himself a scholar who appears in many important manuscripts as a key transmitter. We have no evidence that either father or son wrote texts of their own, but their transmission of others' writings is quite evident. For example, in the above list of dated manuscripts, Muhammad b. Masrur appears as a transmitter of one of our oldest dated manuscripts, Abu Zayd Abd al-Rahman b. Abi l-Ghamr's *Majālis* (Appendix, number 10), passing this text on from Yahya b. Umar al-Kinani. He also appears on manuscripts of both the *Mudawwana* and the *Muwaṭṭaʾ*.[74] Importantly, he was connected with the Andalusian scholarly community, passing on both the *Samāʿ* of Ibn Habib (as an old man in 343/954–955 and 344/955–956) and also his *Wāḍiḥa* in 342/953–954.[75] Finally, in the preface to his *Kitāb al-*

[73] Muranyi, *Beiträge*, 221–224.
[74] Ibid., 216–217.
[75] Ibid., 214–216, where Muranyi includes the Arabic text of colophons and *samāʿ* remarks. Cf. Ossendorf-Conrad, *Das "K. al-Wāḍiḥa."*

nawādir wa-l-ziyādāt, the illustrious scholar Ibn Abi Zayd al-Kairouani (d. 386/996) mentions Ibn Abd al-Hakam's *Compendium* as one of his most important sources and specifically states that he used this text in a recension that went back through Muhammad b. Masrur.[76] In his *Mukhtaṣar al-Mudawwana*, Ibn Abi Zayd also lists him as his conduit to the (now lost) writings of Muhammad b. Sahnun.

The manuscripts of the Kairouan collection, therefore, not only corroborate information recorded by local historians, they also allow for an extensive history of manuscript transmission far beyond what can be gleaned from the literary sources. From this evidence, we know far more than simply that Ibn Abd al-Hakam's texts were studied in Kairouan; we can also determine who brought them there from Egypt, when they arrived, and who read them. This analysis offers solid evidence of a lively scholarly community in this provincial capital from 850 on, but when this is combined with work already done by Muranyi and others, it opens up significant new lines of research. For example, most work on the Kairouan collection has been thus far restricted to a focus on individual scholars,[77] but the evidence indicates that these scholars – Sahnun, al-Kinani, Ibn Habib – were all related, both directly and indirectly. Muranyi has laid the foundation for a network analysis of this community, but much more work remains to be done. A second key project is the accurate dating of every manuscript in the Kairouan collection from the third and fourth centuries. Not only can Muranyi's methods of analyzing marginal remarks be developed and refined, a thorough paleography can be established based on the morphology of the scripts used. Such work will likely result in increasing the size of the known collection, since Muranyi has already discovered one important manuscript of Kairouani origins in the British Library;[78] more are likely strewn throughout other libraries in Europe, Istanbul, and elsewhere.

If carried out, these projects have the potential to significantly increase the number Arabic manuscripts securely dated to before AH 300, possibly

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[76] Muranyi, *Materialien*, 47.

[77] This is largely due to restrictions placed on researchers by local authorities, but that situation could change.

[78] Muranyi, "A Unique Manuscript."

leading to new insights into the development of Muslim scholarship in Egypt, Cordoba, and beyond. Already, I have mentioned that the Kairouan collection contains works that originated in Baghdad; Muranyi's preliminary work on Isma'il b. Ishaq, the great Maliki Qadi of Baghdad, is an example of how to mine the Kairouan manuscripts for first-hand information on the Baghdadi intellectual community.[79] A solid paleography could also have a spill-over effect for dating similar manuscripts from Andalusia and Egypt. Finally, a thorough understanding of the interconnectedness of this provincial town would help us in assessing scholarly communities in other parts of the Islamic world of the time. The Aghlabids and the Fatimids benefited from a flourishing Mediterranean society, one that took advantage of the "connectivity" provided by both sea and land routes.[80] Muslim scholarly communities developed their unique characteristics within this broader society; the concentration of wealth in "niches" like those of Kairouan provided the means to produce manuscripts. That wealth, combined with secure trade routes enabled travel, both east and west, that kept these niches in contact. This combination of stability and movement is clearly represented in the manuscripts, and the sophistication of texts and methods available in Kairouan in the late ninth century argues strongly for an equal or greater level of sophistication in other parts of the Islamic world.

Manuscript Reliquaries

When surveying the establishment of a scholarly community in Kairouan, I noted that the same process of development in the Near East also obtained in North Africa. Literary accounts, archeological remains, and numismatic evidence all concur that after the initial arrival of Arab soldiers, the process of differentiation from the local population was slow. The first generation of "scholars" produced no books; they appear in the literary accounts either as individual savants or as government

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[79] Muranyi, *Beiträge,* 371–376.

[80] Hordon and Purcell, *Corrupting Sea*, 123–171. David Abulafia, "Mediterranean History as Global History," *History and Theory* 50 (May 2011), 220–228.

bureaucrats. The situation started to change under the energetic Aghlabid amirs (800-909 C.E.), whose rise to power coincided with the appearance of our first evidence of Muslim scholarly communities in Egypt.

The great mosque of Kairouan, rebuilt by the Aghlabids in 836 (figure 12), is an ideal representation of these various relationships. On the one hand, the structure, shape, and monumental size of the edifice all echo similar mosques in Eastern capitals. This is consistent with a program of representing Abbasid power in North Africa, including naming their new administrative capital al-Abbasiyya. On the other hand, the very stones and pillars of the mosque were taken from Roman and Byzantine ruins, demonstrating that this new culture was very much a pastiche of previous civilizations. But the most striking feature of the Kairouan mosque is its minaret, which had no predecessor in the East but was itself a model for the unique minarets in the Muslim West.

Likewise, our manuscript evidence demonstrates both imitation and innovation. Imitation is perhaps most important in terms of understanding the rise of scholarly communities across the Muslim world. We see in Kairouan the same pattern of development (with a delay of a few decades). We also note that Kairouan scholars kept close tabs on developments in other parts of the Muslim world, and travelers both spread texts from Kairouan and also brought eastern and western texts to Kairouan. Specifically, techniques of transmitting books verbatim, first identified in Egypt, were then brought to Kairouan. From this evidence, we may surmise that scholarly communities were first established in Iraq, but then spread rapidly.

Yet, in making this observation, innovative techniques are also extremely valuable. Our manuscripts demonstrate that Kairouan was not only the recipient of information, but also a producer. Paper serves as a material example. Already in the ninth century we find both imported paper in the Kairouan collection as well as locally produced paper. To be sure, Sahnun's *Mudawwana* lacks the sophistication and polish of earlier Egyptian texts, but its exhaustive cataloging of remote legal opinions is unusual. More important, Sahnun's text regards the Egyptian legal expert Ibn al-Qasim as little more than a conduit to Malik b. Anas, and in this way his work is a key step in the process of establishing the Maliki school as the premier form of legal authority in North Africa and Andalusia.

The intense focus on the opinions (and the practices) of Malik b. Anas by both Sahnun and also other scholars from North Africa and Andalusia can easily be seen in

the contents of texts from this period. We also see this focus in the development of the biographical dictionaries, that began to organize scholars into lineages that all lead, in some way, back to Malik. Eventually, these literary texts regard Malik (and also Ibn Hanbal and al-Shafiʿi) as something of a saint, a direct conduit to Muhammad's own semi-divine practices. But in the Kairouan manuscripts, we start to see something new: the physical representation of the manuscript as something more than a utilitarian vessel for knowledge. In addition to the obvious signs of wear and intense study, we also have a few highly decorated title pages as well as some unusual formats. These suggest to me another level of devotion that is indicative of a mature scholarly community.

At the end of Chapter 4, I suggested that scholars were like pilgrims, travelling in search of divine knowledge and bringing that knowledge back home as a relic. Like all relics, the power of this knowledge is greatly enhanced by the stories that accompany it, and so the narratives of its acquisition and the chains of scholars who were involved in its transmission are duly recorded, both in the manuscripts themselves and also in the biographical dictionaries that became popular during this period. But here I want to take that analogy further and suggest that if Malik is a saint and his knowledge is a relic, then fine decorated manuscripts, such as the beautiful copy of Yahya b. Yahya's transmission of Malik's *Muwaṭṭaʾ* preserved in the Chester Beatty library, are reliquaries. Like the silver and gold reliquaries that fill cathedrals all over Spain, they are seemingly useless products of excess wealth that transform the text from a utilitarian vessel of language and ideas into a thing that demands awe and worship. Despite its age, the Chester Beatty manuscript (Figure 15 and cover illustration) is in excellent condition – indeed, while it contains marginal remarks, it is quite in contrast with manuscripts of similar age from Kairouan, which are covered with readers' remarks and students' notes, dog-eared and edge-worn. The Kairouan manuscripts were produced in the class as a course of study, and daily wear is visible on every page. The Chester Beatty manuscript was perhaps produced for royalty as a symbol of power relations between the ruling class and the scholars.

Chester Beatty Ar. 3001 has been the subject of some controversy. According to its colophon, it should be one of the oldest dated manuscripts known, completed in AH 277. Like many manuscripts collected by the Irish-American mining magnate Chester Beatty, it is physically beautiful, with liberal use of gold dust ink as well as an unusual amount of red ink. Even its marginal remarks are written in a decorative, zig-zag pattern. Despite its age and beauty, though, Arthur Arberry did not include a photograph in his extensive catalogue of the Arabic manuscripts in the library, a lacuna that François Déroche has suggested was purposeful.[81] Déroche goes further to express serious doubts that the date on the colophon is accurate, based on his analysis of the script and the paper.[82]

[81] Déroche, "Manuscrits," 350–351 (number 28).
[82] Ibid.

15 Folio 23b (Chapter on *jihād*) from the *Muwaṭṭa'* of Malik b. Anas (Ar. 3001), of the Chester Beatty Library, Dublin.

My own examination of the marginalia confirms this suspicion, as it seems clear that at least some of the notes were written by the same scribe who wrote the text. Further, these notes refer to scholars who died well after AH 277, so the manuscript was most likely written around AH 400.[83] What interests me here, though, is not the questionable date of the manuscript, but the way it treats Malik b. Anas, the namesake of the Maliki school of law. In other early manuscripts of this text, paragraphs have this heading: "Yahya told me that Malik said that …" or "Yahya reported to me that Malik related to him that …" The "Yahya" here is al-Masmudi, the famous Andalusian Berber scholar, and his transmission of Malik's text is the one most widely known today. However, as is visible in this image (Figure 15), the Chester Beatty manuscript literally marginalizes Yahya's name, excising it from the text, to begin paragraphs with Malik's name or the phrase "Malik said …"[84] Furthermore, Malik's name in these cases is written in bold red ink, leaving no doubt as to who is the key authority in this text.

With this use of ink color, the luxurious gold of the headings, and the decorative marginal commentary, not to mention the fine quality of its paper and large size, Chester Beatty Ar. 3001 gains attributes that make it similar to Qur'ans produced around this period. If scholars are heirs to the prophets, then their books (the vessels of their knowledge) are also in a line of descent from prophetic books such as the Qur'an. Given this is the case, Malik's *Muwaṭṭaʾ*, which we know was not originally produced as an actual book, now becomes one. That is, texts can change their status over time, depending on the communities that use them. What was once a *hypomnena* now becomes a *syngramma,* subject to the same rules of disciplined transmission that ensure verbatim transmission of all *syngrammata.* This fact, then, helps to explain the mistaken dating of this manuscript, since in this new world, even important colophons are dutifully copied, passed down as part of the text. For much of the

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[83] The colophon could have been copied from an earlier exemplar, and since this manuscript preserves only the middle third of the text, an explanation might have been found in the final colophon, now missing.

[84] I am grateful to Dr. Elaine Wright and the staff at the Chester Beatty library for their kind assistance during my research trip in July 2015 and their help in providing me with this photograph.

Muslim world today, Yahya b. Yahya's version of the *Muwaṭṭaʾ* has become the authoritative edition,[85] and in North and West Africa, it is considered one of the six *ṣaḥīḥ*s, the true collections of Muhammad's *sunna*.

The power of a mature scholarly community, then, outweighs any authority exercised by an individual scholar. Regardless of authorial intent, the difference between text and book ultimately resides with the community of scholars that enforces these boundaries. The Qurʾan itself, given its many styles of drafting, can hardly qualify as a book written in a single redactional effort, yet the proto-scholars who devoted themselves to the careful, verbatim transmission of this text made it into a book. Likewise, the *Muwaṭṭaʾ* of Malik, al-Shafiʿi's *Risāla,* and many other works become, over time, books, subjected to the same scholarly attention, even the same decorative arts, that we find in early Qurʾan manuscripts.

[85] This is why we have dozens of ancient manuscripts of this recension, in comparison with only one or two for other recensions.