

A Community of Jurists

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When we saw historical traces being obliterated and history being wiped out, our thoughts were provoked to compose the history of the shaykhs who passed before us, the members of this da‘wa and the righteous amongst them, and to mention their good deeds, the uprightness of their character, the magnificence of their ways, and the extent of their virtues. To this end, we wrote down whatever we could, fearing that people may disregard it and consign it to oblivion. We plead with God and ask Him for protection, and His reward for our undertaking, for He is our benefactor. He is sufficient for us, and He is the best protector!²

Abū Zakariyyā³ al-Wārjalānī (d. after 470/1078)

At the turn of the 9th century, two learned men entered Ifriqiya each carrying a compendium of Islamic law with him. One of them, Asad b. al-Furāt (d. 213/828), had grown up in Qayrawān, where he returned after a three year journey in pursuit of knowledge in Ḥijāz, ‘Irāq, and Egypt.³ His book was a compilation of legal opinions transmitted from Mālik b. Anas by his Egyptian student ‘Abd al-Rahmān ibn al-Qāsim al-‘Utaqī (d. 191/807), with whom Asad studied in Egypt, although he had also directly studied with Mālik b. Anas in Medina and with several students of Abū Ḥanīfa in ‘Irāq, thus connecting himself to the two most prominent jurists of the time. Asad b. al-Furāt’s compilation known as *Asadiyya* gained him admiration among the legal scholars of Qayrawān, until it was superseded by an updated recension of it, brought to Qayrawān by a local scholar Sahnūn b. Sa‘īd around AD 804.⁴ To achieve this, Sahnūn had to take a copy of the *Asadiyya* to Egypt, read it to Ibn al-Qāsim and revised it. To stop Asad b. al-Furāt from teaching his old version, Ibn al-Qāsim

¹This paper is a work in progress with many loose ends. This will eventually be shaped into a more focused chapter in a forthcoming book authored by members of the KITAB (Knowledge, Information Technology and Arabic Book, ERC-funded project, PI: Sarah Bowen Savant) team, entitled *The Cultural History of the Arabic Book: Memory in the Making*). The book has a co-written theory chapter and a chapter on the data, with case studies written by individual authors. My chapter will belong in Part 3: Memory Communities and Texts.

²Abū Zakariyyā³ al-Wārjalānī, *Kitāb Siyar al-a‘imma wa akhbārihim*, ed. Ismā‘il al-‘Arabī, 2nd ed. (Beirut: Dār al-Gharb al-Islāmī, 1982), p. 39; French tr. Émile Masqueray, *La chronique d’Abou Zakaria*, (Algiers, 1878).

³For an accessible account of his career, see W. Granara, “Ibn Sabīl: Crossing Boundaries in the Biography of Asad ibn al-Furāt”, *Scripta Mediterranea*, vol 19-20 (1998-9): 259-67.

⁴For a portrait of Sahnūn, as well as the circumstances of the composition of the *Mudawwana*, see M. Talbi, “Sahnūn”, *EI2*. The printed editions of the *Mudawwana* go back to the initial Cairo edition of 1322/1905-06, which was based on a single late manuscript from Fez. For the purposes of this research, I relied on the digital version in the Open Islamicate Texts Initiative corpus. See, Nigst, Lorenz, Romanov, Maxim, Savant, Sarah Bowen, Seydi, Masoumeh, & Verkinderen, Peter. (2021). OpenITI: a Machine-Readable Corpus of Islamicate Texts (2021.2.5) [Data set]. Zenodo. <https://doi.org/10.5281/zenodo.5550338>

sent him a letter, which clearly upset him, but according to the Mālikī tradition, he reluctantly accepted the authoritativeness of the rival compilation of Sahnūn, now called the *Mudawwana*.⁵ For the Mālikī community of the Islamic West and for Sahnūn's students, the *Mudawwana* would become their most authoritative legal work. It also represented the crowning achievement of their teacher and their scholarly community as a whole, while Asad b. al-Furāt would be mainly remembered as the conqueror of Sicily for the Aghlabids.

The second book was brought by Abū Ghānim Bishr b. Ghānim al-Khurāsānī. It was also called *Mudawwana* (later called *al-Mudawwana al-sughrā*), but it had nothing to do with the Mālikīs. This book belonged to the Ibādī community, and is considered "the oldest Ibādī treatise on general jurisprudence", based on the teachings of the Basran Ibādī scholar, Abū ‘Ubayda Muslim al-Tamīmī (d. circa 136-58/754-75).⁶ Abū ‘Ubayda was recognised as an Ibādī imam and is known for organising and dispatching Ibādī missionaries called *ḥamalat al-‘ilm* (bearers of knowledge).⁷ One of the first missionaries sent by Abū ‘Ubayda, Abū'l-Khaṭṭāb al-Ma‘firī managed to capture Tripoli and even Qayrawān for a brief period, where he appointed ‘Abd al-Rahmān b. Rustam (r. 161-71/778-88), the future founder of the Rustamid state of Tahert, as the governor.⁸ Abū Ghānim, who belonged to another generation of the *ḥamalat al-‘ilm*, was thus travelling to Tahert to visit the second Rustamid imam ‘Abd al-Wahhāb b. ‘Abd al-Rahmān, (r. 171-208/788-824). The Ibādī tradition preserves an interesting memory of his passing by Jabal Nafusa, the Ibādī stronghold in Ifriqiya, which highlights the importance of his *Mudawwana* for the survival of the community:

When Abū Ghānim Bishr b. Ghānim al-Khurāsānī travelled from the Mashriq to the Maghrib to have an audience with the [Rustamid] imam ‘Abd al-Wahhāb [(168-208/784-823)] – may God be pleased with him – he had brought his famous *Mudawwana* with him. He transmitted it from the students of Abū ‘Ubayda – may God be pleased with him – and had fixed the transmission in writing. On the way to Tahert, he passed through the Jabal Nafusa, where he entrusted the above-mentioned book to the young ‘Amrūs, but declined his request to copy it. So ‘Amrūs contemplated copying the book [without permission] and eventually was given to his desire for knowledge, so he devoted himself to the task of copying the book

⁵See Qāḍī ‘Iyād, *Tartīb al-madārik*, 3:297-98, where he quotes Muḥammad b. Ḥārith al-Khushānī, a Qayrawānī biographer who immigrated to al-Andalus in early Fāṭimid period. Jonathan Brockopp casts doubt on the historicity of this anecdote, stating that this 'tale' originates with the eastern Shāfi‘ī scholar Abū Ishāq al-Shīrāzī (d. 476/1083). This cannot be the case, as Qāḍī ‘Iyād had access to Maghribī sources such as al-Khushānī. Moreover, we have the same story with more details reported on the authority of local scholars by Abū Bakr al-Mālikī, a contemporary of Abū Ishāq al-Shīrāzī, in *Riyād al-nufūs*, 256-264. See, Brockopp, "Ibn al-Qāsim," *EI3*.

⁶T. Lewicki, "Abū Ghānim Bishr b. Ghānim al-Khurāsānī", *EI2*; For Abū ‘Ubayda's role as political leader and scholar and his relationship with the Umayyads and the ‘Abbāsids, see Lewicki, "al-Ibādiyya", *EI2*.

⁷Valerie J. Hoffman, *The Essentials of Ibādī Islam*, 12-13.

⁸M. Talbi, "Rustamids," *EI2*.

while his sister dictated to him.⁹ He would [copy] the book until the sun reached him. Then he would move to sit in the shadow for copying, with the original copy still in his sister's hands, but his eyes fixated on the writing because of his extreme passion for the revival of knowledge (*'ilm*). By the time Abū Ghānim returned from Tahert, ^cAmrūs had completed the copying. Then he put it back where it was. When the owner retrieved the [original] book, he saw an ink dot on a part of it and asked him: Did you steal this? He replied: Yes, call me a knowledge thief, by transmitting not by stealing (*akhbāran lā amran?*). This book consisted of twelve parts. Following this the treasury of Tahert was burnt and plundered [by the Fatimids]. If it was not for ^cAmrūs's holding on to this book, the community (*ahl al-madhab*) in the lands of the Maghrib would have had no collection (*dīwān*) to rely on. This was made possible [only] through ^cAmrūs's good will, blessing, and good fortune.”¹⁰

These two foundational stories reveal the importance of the written word as the cornerstone of communal memory and identity both for the urban Arabic-speaking Mālikīs and the Berber-speaking Ibādīs of the mountains. The rise of the Shī'ī Fātimids in the tenth century put an end to the Ibādī state of Tahert and suppressed several major Ibādī uprisings in the mountains. Likewise, the Mālikī scholars of Qayrawān, although largely left to their own devices, saw the Fātimids as a threat to their community. Deprived of state patronage, both communities had to rely on strategies of their own to maintain their communal identities and boundaries.¹¹ Thus, their real struggle was, as expressed in the quotation above by Abū Zakariyyā al-Wārjalānī, a struggle against oblivion.

In this chapter I explore the mechanisms, instruments, and above all the incentives that maintained these communities. I ask what sustained the socio-cultural and ideological continuity that was vital to their survival as distinct communities? Answering these questions will hopefully provide fresh insights into the cultural memory of Muslims, and the numerous subgroups that produced the textual heritage of Islam. In the following pages, I discuss the interdependence of texts, narratives, and memory in the formation of the most important community of religious scholars in the Islamic West, the Mālikīs. After introducing the Mālikī juristic community, I discuss the commemorative function of their biographical collections, and then discuss the case of Sahnūn b. Sa'īd and his

⁹ Although this story is not included in the earliest Ibādī biographical collection, Abū Zakariyyā's *Siyar*, ^cAmrūs b. Fath and his learned sister are mentioned in relation to their participation in the battle of Mānū with the Aghlabid army in 283/896. ^cAmrūs was captured and tortured to death following a crushing defeat of the Ibādīs. See Abū Zakariyyā, *Siyar*, 157.

¹⁰ Al-Dārijīnī, *Tabaqāt mashā'ikh bi Maghrib*, 323; (ShamIbadiyya version, vol. 2, p. 115/OpenITI).

¹¹ For the construction of the Ibādī community's narrative of continuity through their biographical collections, or what has been called their “written network” by Paul Love, see Paul M. Love Jr., *Ibadi Muslims of North Africa: Manuscripts, Mobilisation and the making of a Written Tradition* (Cambridge University Press, 2018).

Mudawwana, a foundational text for the Mālikī jurists.

Juristic communities, especially the early Mālikīs of the Islamic West and their works have been studied but rarely from the perspective of memory studies. This perspective helps to bring out the social function of memories and the contexts that made them significant to the Mālikī community. Text reuse methods add additional insight into the process of the formation of the cultural memory of the Islamic West in which the Mālikīs played a prominent role. Reuse data shows how knowledge-text (both legal texts and biographies) was accumulated over time to form massive compilations, then condensed into shorter but much more practical abridgements (*mukhtasar*, *ikhtisār*, etc) (Figure 4).

The Mālikī Community of Qayrawān

In the medieval world, religion was perhaps a stronger marker of community than other forms of belonging, although tribal affiliations often intersected with religious proclivities, thereby acquiring religious meaning. The rural medieval Maghrib with its predominantly Berber population provides an interesting case of the interplay between tribal and religious affiliations,¹² which could be usefully compared with the urban centres predominantly occupied by Arabs and other Arabised Muslims. For the latter, at least for the educated elite, the biographical collections inform us that religious belonging increasingly played a more prominent role as a marker of community than tribal and regional ties. To put it differently, ethnic origin was not a barrier for inclusion in a community defined by its doctrinal position, such as the Mālikī community. Thus, gradually, in the cosmopolitan and literate societies of the Islamic world, among the learned people, a new type of belonging emerged that was defined by strong legal and doctrinal positions and occasionally by mutually exclusive interpretations of religion, which were fittingly called *madhāhib* (sing. *madhhab*, way, method).¹³ The *madhhab*, even in the loose sense of the word, became an important form of affiliation, networking, and knowledge transmission in Muslim urban centres. Likewise, riots and conflicts between rival groups in Muslim cities often coincided with inter-*madhhab* hostilities.¹⁴ The external antagonism between the *madhāhib* testifies to an equally strong internal social bond between the members. As will be argued, texts and textual networks constituted the most vital instruments for the legitimization, preservation, and promotion of these scholarly communities through the shaping and reshaping of their past.¹⁵

¹²For instance, the Kutāma tribal confederation accepted the Fātimid *da'wa*, while their rivals, the Zanāta sided with the rival caliphate – the Umayyads of al-Andalus. Likewise, the successors of the Fātimids and the Umayyads in the Maghrib and al-Andalus, the Almoravids and Almohads empires drew on Lamṭūna and Masmūda people respectively.

¹³The preference for the *madhhab* as a school of law is a later development. Early authors referred to doctrinal, and theological schools as well as religious denominations as *madhāhib*. See C. Melchert, *The Formation of the Sunni Schools of Law*, xiv-xv.

¹⁴See for instance R. Bulliet, *The Patricians of Nishapur and Islam: The View from the Edge*. Other cases include *madhhab*-related conflicts of Baghdad in the 10th-11th century.

¹⁵The formation of communal memory is thus both a process and a set of practices. My understanding is thus closest to that of Geoffrey Cubitt. See, *History and Memory* (Manchester

Taking the Mālikī scholarly community, one of the oldest extant *madhab*-based communities in Islam I examine the role of texts, specifically the foundational legal texts based on the teachings of Mālik b. Anas (d. 179/795), and their biographical dictionaries in the formation and consolidation of the community. However, I will not begin with the discussion of the 2nd/8th century, when Mālik codified the practice (*‘amal*) of the inhabitants of Medina in his *Muwatta*⁹ (the first legal work in Islam) for all Muslims to follow, or the transmission of this influential work to Egypt, the Maghrib, and al-Andalus in the following two centuries, and its numerous recensions and commentaries. These activities contributed to the rise and dominance of a religious orientation and a scholarly culture in the cultural centres of the Islamic West, especially Qayrawān and Cordoba, that coalesced around the legal opinions of Mālik.¹⁶ The so-called “Ancient Library”, a collection of texts that survive from the period, shows how crucial textual transmission was for sustaining the juristic community of Qayrawān.¹⁷ Instead of surveying the early history of the community, I begin in the 5th/11th century, when Mālikism, after having been only one among several competing schools, had come to dominate most of the Islamic West. This is the period, which arguably shapes our understanding of the earlier period. Naturally, proponents of the Mālikī *madhab* viewed the history/fate of the region as intertwined with the memory of those connected to Mālik, to the exclusion of other communities:

You have asked me, may God protect you from the Devil and his actions, to compile a book mentioning the scholars, jurists, saints, ascetics, and pioneers of Qayrawān and Ifrīqiya, including those along the coasts of Ifrīqiya and its ports and forts. I sought God’s guidance, took Him as my guide, and asked for His help, then recorded whatever information had reached me of their pious men and ascetics, their merits and praises, and their dates of death, as far as was within my capacity. I saw this as a way of commemorating them (*iḥyā’an li-dhikrihim*) and spreading their merits to be remembered by those who commit [things] to memory, and an example of guidance for those who seek a model, and for the pious.¹⁸

This is how Abū Bakr al-Mālikī prefaced his project to revive the memory of the pious men of Ifrīqiya, one could say reviving them in memory, a compilation of written and oral material, which he called the Garden of Souls (Full title: *Kitāb Riyāḍ al-nufūṣ fī ṭabaqāt ‘ulamā’ al-Qayrawān wa Ifrīqiya wa-zuhhādihim wa-nussākīhim wa-siyar min akhbārīhim wa-fadā’ilihim wa-awṣāfihim*; Garden of the Souls on Generations of the Scholars of Qayrawān and the Pious Men

University Press, 2007), 17-19.

¹⁶See the discussion of religious culture and society in the Maghrib in Amira Bennison, *The Almoravid and Almohad Empires*, ch. 6.

¹⁷For a survey of the formation of the Mālikī scholarly community up to the Fāṭimid period based on manuscript evidence from this library, see Jonathan Brockopp, *Muhammad’s Heirs: The Rise of Muslim Scholarly Communities, 622–950* (Cambridge: Cambridge University Press, 2017).

¹⁸Abū Bakr al-Mālikī, *Riyāḍ al-Nufūṣ*, ed. B. Bakkūsh, vol. 1, p. 4 (my translation).

and Ascetics Among Them: Anecdotes from their Lives, Their Virtues, and Qualities). The fact that Abū Bakr al-Mālikī does not explicitly brand his work as a Mālikī work of *tabaqāt*, but rather seems to adopt a larger perspective is noteworthy.¹⁹ There is no doubt that Abū Bakr al-Mālikī was a staunch Mālikī. I think this is simply because the Mālikī scholars still largely identified with the school of Medina, rather than the person of Mālik b. Anas. As we can see from the reuse of the *Riyād al-nufūs* in Qādī Ḥiyād's (d. 544/1149) emphatically Mālikī *Tartīb al-madārik wa taqrīb al-masālik li-marifati aṣlām madhab Mālik*²⁰ in Figure 1 below, the former must have been a model for Qādī Ḥiyād, as well as one of his major sources on the Mālikīs of Ifrīqiya.

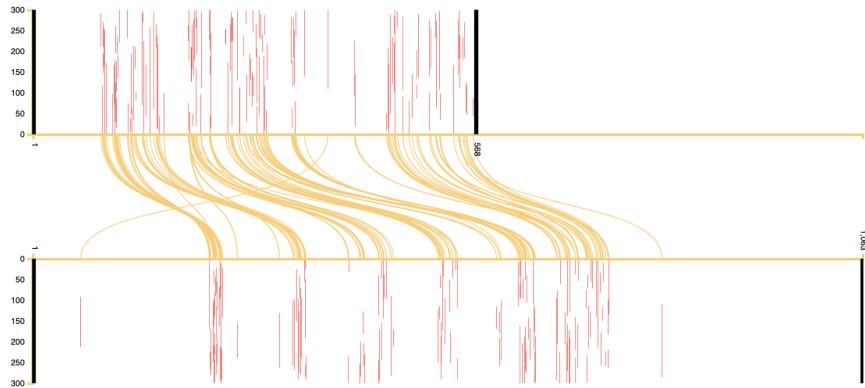


Figure 1: The reuse of biographical material from the *Riyād al-nufūs* (top) in *Tartīb al-madārik* (bottom). According to our current data, *Tartīb al-madārik* quotes from the *Riyād* more than any other book. The data also shows that all of the extant parts of the *Riyād al-nufūs* have been used as a source by Qādī Ḥiyād in composing his *Tartīb al-madārik*. (NB: The blank space in the beginning corresponds to editorial sections).

Memory studies perspective helps to see why collecting memories mattered for the community. Text reuse was an important part of the formation of cultural memory for the Mālikīs as it was elsewhere. In turn, the study of text reuse, an important aspect of Islamicate written tradition, contributes to memory studies.

Mālikī historians and biographers presented a history of the Islamic Maghrib which served to legitimise their community alone, connecting it to revered Arab pioneer settlers in the Maghrib, and ultimately to the *sahāba*, and the Prophet. While integrating the Maghrib into the broader history of Islam, they appear to suppress the memory of other communities and of the rulers that they did not favour. This is why the Mālikī biographical collections are less interested in the Fāṭimids' construction of mosques, cities, and canals, fortifications, or

¹⁹I am grateful to Maribel Fierro for drawing my attention to this.

²⁰Qādī Ḥiyād, *Tartīb al-madārik wa taqrīb al-masālik li-marifati aṣlām madhab Mālik*, ed. Ḥabib al-Qādī al-Šahrāwī et al (Rabāt, al-Maṭba'a cat al-Malikiyya, 1968-)

of their triumph over the Byzantines, although accounts of the Fāṭimids' aggression against the Mālikī community, and their other alleged misdeeds are abundant. Not only had any positive mention of the Fāṭimids been written out of history during the era of the Zīrids who gradually broke away from the Fāṭimids, but the Fāṭimids were also publicly cursed and any association with them was retrospectively downplayed.²¹

That being said, to assume that Mālikī historians and narrators were deliberately ideological in their remembrance of the past is perhaps too simplistic. Rather, there was a more complex process of meaning-making at work, that predetermined their reception and recollection of the past, and the arrangement and presentation of the available material.²² This process involved repetitive practices that enforced or promoted a particular identity, but also mundane activities that were hardly driven by ideology.²³ In what follows, I will deal with this aspect of communal memory as reflected in the elaboration of the *tabaqāt* – commemorative biographical texts of the Mālikī community, and in the transmission of the foundational legal texts of the school. In particular, I will focus on three types of narratives, namely narratives of struggle, suffering, and heroism, which I think most relevant to communal identity formation for their poignancy and evoking a sense of pride, as well as being most worthy of commemoration. Then I will look at one specific example: the figure of Saḥnūn b. Sa‘īd and the role of his *Mudawwana* in the formation of Mālikism.

Narrative Frameworks of Memory: *Tabaqāt* as Memory Texts

Before discussing the significance of the *tabaqāt* texts in the formation of memory communities and cultural memory a brief review of the genre is in order. Scholars of the medieval Muslim biographical tradition seem to agree on at least one aspect of the genre: that it presents an argument for the legitimacy of a scholarly community. The *tabaqāt* connected the scholars of a *madhhab* in successive generations back to the Prophet. Modern scholars still seem to give priority to this function of the *tabaqāt* as the main motivation behind these repetitive compositions. The focus here is, however, on the role of the *tabaqāt* as a product of memory communities, and the connection the mechanisms and modes of Sunni “horizontal” knowledge transmission²⁴ and the rise of the *tabaqāt*. This approach contrasts with that of the Ismā‘ilīs, who, unlike many other Muslim communities, did not compose works of *tabaqāt*.

²¹ Suppressing memory, active forgetting. See below.

²² Felicitas Opwis shows how an author of a biographical collection can play an active role in “shaping the identity, the doctrine, and the authority structures of the group” through authorial devices. See F. Opwis, “The Role of the Biographer in Constructing Identity and Doctrine: Al-‘Abbādī and his *Kitāb Tabaqāt al-Fuqahā’ al-Shāfi‘iyā*,” *Journal of Arabic and Islamic Studies* 11 (2011): 1-35, 32.

²³ See Cubitt, *History and Memory*, 18-19.

²⁴ Horizontal learning is characterised by equal participation in knowledge production.

As a traditionalist group, the Mālikīs sustained a continuous interest in compiling *tabaqāt* beginning with the late third/eighth and early fourth/ninth centuries.²⁵ The function of the *tabaqāt* was, Makdisi maintained, “to distinguish between those who had the necessary knowledge to be qualified as authoritative, and those who did not,” aimed at empowering “a certain group of scholars to the exclusion of others.”²⁶ Reserving the utility of the *tabaqāt* for a particular group - the traditionalists, Makdisi also downplayed the interest of other groups in compiling biographical dictionaries, including *kalām* theologians, poets, Qur’ān reciters, and others. Conversely, Tarif Khalidi dismissed the primacy of *hadīth* and concerns of authenticity and authority and included a wider range of “literary interests,” such as pre-Islamic “genealogy and chain of poetic transmission,” early Islamic “short biographies” of the companions of the Prophet, the *‘ulamā’* and other prominent people, and only lastly the “lists of [hadīth] transmitters” as the precursors to biographical dictionaries.²⁷ More recently, Michael Chamberlain and Wadad al-Qadi linked biographical collections to the self-consciousness of the *‘ulamā’* as a class, and to social struggle and survival.²⁸ In a survey of the two earliest extant Mālikī biographical dictionary of the scholars of Ifrīqiya, Maribel Fierro also shows the significance of books, their writing, ownership and circulation as a form of social capital in the third-fourth/ninth-tenth century Maghrib, as reflected in the *tabaqāt*.²⁹ In another study, Maribel Fierro views the *tabaqāt* as a repository of memory, practice, and networks of religious scholars.³⁰ Michael Cooperson, emphasised the function of biography in bolstering the claims of various social groups to “heirship of the prophet,” among them the *‘ulamā’*, and drew attention to “the power of biography in creating and sustaining of communities of faith.”³¹ Claims to the heirship of the Prophet seems to have been an important function of the

²⁵George Makdisi saw a link between “traditionalism” and the *tabaqāt*. George Makdisi, ‘“Tabaqāt” – Biography: Law and Orthodoxy in Classical Islam,’ *Islamic Studies* 32, 4 (1993): 371–96, 388–89.

²⁶Makdisi, “*Tabaqāt* – Biography,” 392. See also Devin J. Stewart, “Introduction,” in idem (ed.), *Disagreements of the Jurists: A Manual of Islamic Legal Theory* (New York, NY: New York University Press, 2015), xxii.

²⁷Tarif Khalidi, *Arabic Historical Thought in the Classical Period* (Cambridge: Cambridge University Press, 1994), 205. This view is also endorsed by Michael Cooperson, *Classical Arabic Biography: The heirs of the prophets in the age of al-Ma’mūn* (Cambridge: Cambridge University Press, 2000), 1.

²⁸Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus* (Cambridge University Press, 1994), 178. Wadad al-Qadi, “Biographical Dictionaries as the Scholars’ Alternative History of the Muslim Community,” in Gerhard Endress (ed.), *Organizing Knowledge: Encyclopaedic Activities in Pre-Eighteenth Century Islamic World* (Leiden: Brill, 2006), 23–75.

²⁹Maribel Fierro, “Writing and reading in early Ifrīqiya,” in Georgio Rahal and Heinz-Otto Luthe (eds), *Promissa nes aspera curans: Mélanges offerts à Madame le Professuer Marie-Thérèse Urvoys* (Les Presses Universitaires, Institute Catholique de Toulouse, 2017), 373–93.

³⁰Maribel Fierro, “Codifying the Law: The Case of Medieval Islamic West,” in John Hudson Ana Rodríguez (eds.), *Diverging Paths?: The Shapes of Power and Institutions in Medieval Christendom and Islam* (Leiden: Brill, 2014), 109. See also, Fierro, “Why and How Do Religious Scholars Write about Themselves? The Case of the Islamic West in the Fourth/Tenth Century”, *Mélanges de l’Université Saint-Joseph* LVIII (2005).

³¹Cooperson, *Classical Arabic Biography*, 106.

biographical collections. This must also have been the reason why the Ismā‘īlī scholars and *dā’īs*, who considered only the Ismā‘īlī imams as the rightful heirs of the Prophet, did not compose biographical dictionaries.³²

a) Narratives of Struggle: *Jihād* and *Ribāt*

The foundational narrative of the Muslim community in the Maghrib, as remembered by the Mālikīs, is linked to the conquest of the region (*fath*, pl. *futūh/futūhāt*) by Muslims, their *jihād* and guarding the frontiers (*ribāt*) against potential attack from the sea. This narrative frames the story of the community as a continuum, while anecdotes about individual members embody ideals such as continuous perseverance, self-sacrifice, and striving in the path of God (*jihād fī sabili llāh*).³³ This is exemplified by the *Tabaqāt ‘Ulamā’ Ifrīqiya* of Abū'l-‘Arab al-Tamīmī, whose family belonged to the military aristocracy, like many of his Ifrīqiyān colleagues who descended from Arab and Khurāsānī troops. Unsurprisingly, prophetic traditions about Ifrīqiya are used to highlight the virtue of the armies sent to the Maghrib. According to one such tradition reported by Abū'l-‘Arab in the section “on the virtues of Ifrīqiya”, the Prophet told his companions: “You will mobilise armies and the best among them will be the army of the Maghrib.”³⁴ The inclusion of these traditions, which had become part of the collective memory, through the books of *tabaqāt* and *akhbār* (histories), served to highlight the place of Ifrīqiya within the grand narrative of Islam, but also to glorify the “jihādist” ancestors, who appealed to the increasingly militant Mālikīs. In turn, Ifrīqiya with its frontiers and cities, importantly Qayrawān, became the locus of the “collective thought” of the scholars and the believers of Ifrīqiya.³⁵

Within this overarching framework, each anecdote speaks to a common theme thus making it possible to identify each individual as a member of the community. Let us begin by considering the case of the prominent physician and a historian of the early Fātimid period, Ibn al-Jazzār (d. 369/979), the author of a number of historical works and many influential medical treatises. He lived in Qayrawān and is said to have refused Fātimid patronage as a general pious principle. At the same time, he is said to have been a close friend of Abū Tālib, uncle of the imam-caliph al-Mu‘izz’s, and “visited him every Friday.”³⁶ Nevertheless,

³²For a more detailed discussion see, Fierro, “Why and How Do Religious Scholars Write about Themselves?”, and Qurboniev, “Traditions of Learning in Fātimid Ifrīqiya,” 159-64.

³³*Jihād* – in the sense of “holy war.” See, for instance, the tradition that includes ‘Abd al-Rahmān b. Ziyād in its chain of transmission: “*Jihād* will be stopped in all lands, except for one place in the Maghrib, which is called Ifrīqiya.” Abu'l-‘Arab, *Tabaqāt*, 4.

³⁴Abu'l-‘Arab, *Tabaqāt*, 11.

³⁵“Since places participate in the stability of material things themselves, similar procedure is a primary condition of memory itself: the collective thought of the group of believers has the best chance of immobilizing itself and enduring when it concentrates on places, sealing itself within their confines and moulding its character to theirs.” Halbwachs, *The Collective Memory*, 156 (*La mémoire collective*, 165)

³⁶Ibn Juljul, *Tabaqāt al-āṭibbā’*, 89. Ibn Abī Uṣaybi‘a, Aḥmad b. Qāsim, *‘Uyūn al-anbā’ fī tabaqāt al-āṭibbā’* (Beirut: Maktabat al-Ḥayāt, 1965), 481.

our Mālikī source, the Andalusian Ibn Juljul (d. after 384/994), emphasised his dissociation from the Fātimids. His claims cannot be taken at face value, particularly in light of the fact that Ibn al-Jazzār authored a history of the foundation of the Fātimid state titled *Akhbār al-dawla*, which is now lost, but quotations from it survive in many other works,³⁷ including Ibn Abī Uṣaybiʻa's (d. 668/1270) *Uyūn al-anbā'*, where he favourably contrasts the Fātimid leader Abū ʻAbd Allāh al-Shīʻī with the ousted Aghlabids.³⁸ What about the fact that Ibn al-Jazzār had a comfortable life in Qayrawān and did not emigrate? According to Ibn Juljul, he indeed "intended to emigrate to al-Andalus but did not succeed."³⁹ Neither did he receive any favours from the Fātimids, asserts this account.⁴⁰ As a general principle of piety, it was important for Mālikī biographers to dissociate the pious from the ruler. Ibn Juljul and Ibn Abī Uṣaybiʻa', however, worked for Umayyad and Ayyubid patrons. While these two physicians were probably less concerned with piety, it is obvious that by dissociating from the "Banū ʻUbayd," as their adversaries called the Fātimids,⁴¹ both of them affirmed their allegiance to their anti-Fātimid patrons.⁴²

According to these accounts, Ibn al-Jazzār also took part in guarding the Muslim frontiers (*ribāṭ, rābiṭa*), which is a recurring topos in line with the rising militant Mālikism in the Maghrib. According to this narrative, Ibn al-Jazzār "annually performed *rābiṭa* at the coast [fort] of Monastir on the shore of the Roman Sea (*al-bahr al-Rūmī*), which is a place of *murābata* known for its *baraka* (blessing), where he would stay during the days of the midsummer [heat] and then return to Ifriqiya [i.e. Qayrawān]."⁴³ The wealthy physician was not an ascetic, and thus, one would expect, would not qualify for pious mentions, such as withdrawing from the public, distancing himself from the rulers, or volunteering for *ribāṭ* and *jihād*. One can only speculate whether Ibn al-Jazzār was escaping the summer

³⁷ Walker, *Exploring an Islamic Empire*, 178.

³⁸ Ibn Abī Uṣaybiʻa, *Uyūn al-anbā'*, 480. There Ibn al-Jazzār quotes his teacher, Ishāq b. Sulaymān al-Isrāʻīlī, the Jewish physician, who had then entered al-Mahdi's service. As suggested, these accounts also shed light on Ibn al-Jazzār's own relationship with the Fātimids.

³⁹ Ibn Juljul, *Tabaqāt al-atibbā' wa ʻl-falāsifa*, ed. Ayman Fuʻād Sayyid, 2nd ed. (Beirut, Muʻassasat al-Risāla, 1985) 88-91.

⁴⁰ Ibn Juljul, *Tabaqāt al-atibbā' wa ʻl-falāsifa*, also relates the story of how Ibn al-Jazzār politely returned al-Qādī al-Nuʻmān's gift of money and a robe for treating his son. The same story is quoted in Ibn Abī Uṣaybiʻa, *Uyūn al-anbā'*, 481.

⁴¹ Banū ʻUbayd or *al-dawla al-ʻUbaydiyya* is a derogatory appellation for the Fātimids, derived from ʻUbayd Allāh (Little ʻAbd Allāh), a diminutive form of ʻAbd Allāh, the name of the founder of the Fātimid dynasty ʻAbd Allāh al-Mahdī bi-llāh (r. 297-323/910-934).

⁴² Both sources were written for anti-Fātimid patrons. Ibn Juljul was a personal physician of the rival, albeit powerless, Umayyad caliph Hishām II (r. 366-403/976-1013), while the Damascene Ibn Abī Uṣaybiʻa wrote his valuable biographical dictionary of physicians while serving his Ayyubid patron ʻIzz al-Dīn Aybak (a mamlūk of al-Malik al-Muʻazzam). For Ibn Juljul, see Marie-Geneviève Guesdon, "Les Tabaqāt al-Atṭibbā' wa l-Ḥukamā' d'Ibn Čulgul: Une Condamnation de Régime ʻĀmiride," in *Cahiers d'Onomastique Arabe 188-1992* (Paris: CNRS Editions, 1993), 49-59. Ibn Abī Uṣaybiʻa's work has been edited and translated with scholarly commentaries by BRILL *Scholarly Edition* and is now freely available online (my references here are to the printed edition cited above).

⁴³ Ibn Abī Uṣaybiʻa, *Uyūn al-anbā'*, 481. For the context, see al-Mālikī's note on the custom of seasonal pilgrimage to the Mediterranean coast, *Riyād*, 2:403.

heat of Qayrawān for the pleasant breeze of the Mediterranean shore, or whether he was genuinely seeking *baraka* in the sacred place of *ribāṭ* and its pious dwellers and taking part in this pious pastime himself.⁴⁴ We may never know. But it is clearer that this mention is not a random detail from the life of Ibn al-Jazzār, but a trope that placed him among the pious forefathers, whose remembrance served to legitimise and consolidate the Mālikī community.

Ibn al-Jazzār's case is interesting because he is an unlikely individual to be claimed as a militant ascetic. Indeed, Abū Bakr al-Mālikī has not listed him among the "pious men" in the *Riyād* but only mentions him in relation to his medical practice. In addition, al-Mālikī cites a remark made by al-Ḥakam II, the Umayyad caliph of Cordoba, that shows that Ibn al-Jazzār's connection to the Fātimid elite was perhaps stronger than anti-Fātimid sources have us believe:

Al-Ḥakam said: 'There are only four [men] that I wish I had from the little Shī'a state (*al-dawlat al-shuwayci*, i.e. the Fātimids): Abū'l-Qāsim b. Ukht al-Ghassānī al-Maqarri³, the poet Ibn al-Ṣayqal, the physician Ibn al-Jazzār, and Ibn al-Qaṣṭaliyya the chanter (*mughabbir*). Eventually, Abū'l-Qāsim b. Ukht al-Ghassānī al-Maqarri³ and the poet Ibn al-Ṣayqal, reached him [al-Ḥakam] and stayed with him until they died, but Ibn al-Qaṣṭaliyya and Ibn al-Jazzār did not travel [to al-Andalus].'⁴⁵

For al-Mālikī, there were far more prominent ascetics and anti-Fātimid heroes in Qayrawān than Ibn al-Jazzār to be valorised and included among the pious. For Ibn Juljul and Ibn Abī Usaybi'a, who no doubt used the *tabāqāt* genre to create a meaningful connection with the past, the anti-Fātimid element was too good to let it go.

Although *ribāṭ* and *jihād* narratives were generally used to bolster the Muslim community, in the Mālikī *tabaqāt*, they served for the uplift of the Mālikī community in their intra-Islamic struggle with the Ḥanafis, the Ismā'īlis, and others. The ascetic militant shaykh Jabala b. Hammūd is said to have returned from a frontier *ribāṭ* to Qayrawān allegedly to guard against the Fātimids. At the same time, the Mālikī narrative in the *Riyād* vilifies the Fātimids for dismantling and disrespecting the *ribāṭs*, a space that Mālikī ascetics identified with strongly.⁴⁶ One ascetic, Abū 'Alī al-Ḥasan b. Naṣr al-Sūsī (d. 341/952), is

⁴⁴This reminds us of the modern case of "volontourism", and the tension between the volunteering and the touristic element of the activity. Similar questions may be raised, for instance, about the annual pilgrimage to Mecca (*hajj*), and whether every Muslim who has undertaken it has done so for purely religious reasons. To put it differently, can the sacred be separated from the profane touristic curiosity, or from the appeal of the prestige and social capital associated with the *hajj* at all?

⁴⁵al-Mālikī, *Riyād*, 477.

⁴⁶The Fātimid did in fact turn some *ribāṭs* to *dār al-ṣinā'a* – ship building facilities, but also built *ribāṭs*. It is very plausible that they disliked the *murābiṭūn* and their practices. We find an expression of this distaste in the description of the *ribāṭs* of Sicily by Ibn Hawqal. See Aslisho Qurboniev, "Traditions of Learning in Fātimid Ifriqiya (296-362/909-973): Networks, Practices, and Institutions", PhD Diss. (University of Cambridge, 2019), 61-66.

reported to have confronted the Fātimid prince Tāhir, the caliph al-Manṣūr's paternal cousin, and his companions for allegedly coming to the place of *ribāṭ*, the Castle of Tāriq in Sūsa, with *muskir* (wine or other intoxicating drink) and other "means of entertainment." The ascetic sent people to tell the Fātimid prince: "You have brought illicit items to the Muslim place of *ribāṭ* and one of their frontiers (*ribāṭ al-Muslimīn wa-thaghhr min thughūrihim*). Leave, or we will fight you until you leave."⁴⁷ The prince was forced to leave after spending a night in the place built near the Castle.

In another episode, Jabala excuses himself from visiting al-Manṣūr, who passed by Sūsa after defeating Abū Yazīd. The ascetic refuses to go with Jawhar, the caliph's famous servant. Al-Manṣūr sends Jawhar back to tell the shaykh: "[The caliph] is grieved that you cannot join his company; he sends you his regards and asks you to pray for him." He replies: "Tell him, 'may God correct you and your judges for the sake of all Muslims.' And he did not say anything more than this," – end of story.⁴⁸ This is the basic template for depicting the relationship between the pious men and the Fātimids. Elsewhere, the biographies combine the ideals of piety, asceticism, standing guard at the frontiers, avoiding and denouncing rulers, especially the Fātimids, in order to create individual profiles and a collective portrait of the pious men of Ifrīqiya.⁴⁹

From the stories of their forefathers to personal memories of participation in military campaigns, *jihād* and *ribāṭ* were significant for the memory processes of the juristic community of 10th-11th century Ifrīqiya. The Fātimid rulers, who had replaced the Aghlabids following a dramatic takeover in 909 CE, but whose control over Ifrīqiya faded gradually towards mid 5th/11th century, came to be remembered as the antiheroes, especially after the Zīrid ruler turned against them. Confronting their Fātimid overlords, the Zīrids also had to reckon with their past, which was still very much present in Ifrīqiya.⁵⁰ This political reality, as well as local and trans-local rivalries with other communities, are thus inevitably play a part in the formation of communities and their sense of identity, as the next two sections will also show.

b) Narratives of Suffering: Martyrdom and *Miḥna*

It is known that experiences of war and violence are often the focus of communal remembrance, both because of the trauma and suffering, and the haunting visual experience. But the emotional and visual aspect of the stories need not to be witnessed or experienced individually. Insofar as these narrative plots are culturally familiar, they provide templates for telling new stories about more recent

⁴⁷ Al-Mālikī, *Riyāḍ*, 2:401.

⁴⁸ Ibid., 2:401-03, 403.

⁴⁹This is a universal trope. A similar anecdote is told, for instance, about an encounter between Hajjāj b. Yūsuf, the infamous Umayyad governor of ḪIrāq, and a pious dervish in Sa‘dī Shīrāzī's *Gulistān*. See <https://ganjoor.net/saadi/golestān/gbab1/sh11/>

⁵⁰For the general context, Hady Roger Idris's seminal study still serves us well. See, H.R. Idris, *La Berbérie orientale sous les Zirides: Xème-XIIème siècles*, 2 vols. (Paris: Adrien-Maisonneuve, 1962), 143ff, 172ff.

heroes. And because narratives of defiance, sacrifice and martyrdom play a key role in sustaining communities, they remain a productive theme in telling the story of the past to the point of being repetitive. The repetition of the patterns, as we observe in hagiographies and folk stories, is, however, hardly because of the lack of imagination on the part of the authors. As in the case of the stories of martyrdom or *mīhna* (ordeal, trial), the narrator who passes down this story aims to register the story as a repetition of the archetypal *mīhna*. From this perspective, we could assume that the narrator is almost forced to change the story to fit the “culturally circulated stories,” in order for it to be meaningful.⁵¹ As Kashima suggests, “the appropriation of culturally circulated stories” – in the present case narratives centred around stories of piety, poverty, defiance, *mīhna*, *jihād*, *ribāṭ* and so on – would “result in the adoption of the stories’ goals.”⁵² Thus, the *tabaqāt* are not just a compilation of the pious deeds of exemplary scholars, but also a framework for telling the story of the community.⁵³ At the same time, as studies on the psychology of memory have shown, the existence of these cultural and social frameworks, or templates, has a direct influence on the formation of these recollections.⁵⁴ “False memory syndrome,” or adopting “common autobiographical stories about traumatic experiences and their negative consequence” is a known phenomenon in cognitive psychology.⁵⁵ One may go a little further and posit that in a similar way believable and culturally familiar tropes can also feed into cultural memory. For, as Straub observes,

[t]o visualize the past and history, one employs images and a language which is never completely one’s own. A person recollecting past events imagines and narrates them as a member of a certain culture [...]. Without its symbolic forms and means one would search in vain for a specifically human memory. Without them, all those memories and narratives which help us vividly visualize and communicate the past and history of humankind, or even of one single individual, would disappear.⁵⁶

These observations highlight the power of the *tabaqāt* over cultural memory, but these narratives are not restricted to the *tabaqāt*. Indeed, they are borrowed from the larger biographical tradition that in turn transcends the boundaries of the cultural memory of Islam. It is useful to consider the medieval Ismā‘ilī *dā’is* as a “control group”. While the Fātimid scholars did not produce a single *tabaqāt* work, they also relied on narratives of martyrdom and trials to legitimize

⁵¹ Yoshihisa Kashima, “Culture Narrative and Human Motivation,” in D. Munro et al (eds.) *Motivation and Culture*, (London: Routledge, 1997), 24.

⁵² Ibid. 24. For more on the relationship between narrative and human motivation see the same place p. 27.

⁵³ Narrative organisation also makes the information memorable and durable. See Geoffrey Cubit, *History and Memory*, 186.

⁵⁴ Jürgen Straub, “Psychology, Narrative and Cultural Memory: Past and Present,” *Cultural Memory Studies: An International and Interdisciplinary Handbook*, ed. Astrid Erll and Ansgar Nünning (Berlin, New York: Walter de Gruyter), 215-228, 216-20

⁵⁵ Straub, “Psychology, Narrative and Cultural Memory,” 224.

⁵⁶ Straub, “Psychology, Narrative and Cultural Memory,” 227.

their cause. A model of this genre is al-Qādī al-Nūmān’s *Kitāb al-Manāqib wa'l-mathālib* (*Book of Virtues and Vices*), in which he enumerates the vices of the Umayyads, an old rival of the Hāshimid clan and its ‘Alid branch that came head to head with the Fātimids (who were ‘Alids) one last time in the Maghrib.⁵⁷ The memory of the old battles in the Hijāz and the martyrs are therefore directly related to the political realities of the time, namely the confrontation with the Umayyads of al-Andalus. It is also not surprising that Fātimid *da’is* attacked the jurists as one of the main pretenders to religious knowledge and authority amongst Muslims. A century before Abū Bakr al-Mālikī, when the Fātimids were still controlling Ifrīqiya and inter-madhhab hostilities were somewhat contained, the Fātimid *da’ī* Ja’far b. Mansūr al-Yaman (d. ca. 346/957) wrote:

And there have been no trials on the friends of God [*awliyā' Allāh*, i.e. Ismā‘īlī imams] as severe as those which the jurists (*ashāb al-ra'y wa-l-qiyās*) afflicted upon them, with the charges that the prophets (*rusul*) lied, and their rejection of the legatees, and the establishment of the pharaonic rule. But the legatees held fast to the heritage of the prophets. And while the Pharaohs arose, people composed works with their legal theory and opinions *trying to extinguish the light of God* in what they composed and in their speech, *but God refuses but to perfect His light, despite the hatred of the unbelievers* (*Qur’ān* 9:34).⁵⁸

In narratives that parallel the Biblical story of Moses, as well as Christian martyrology,⁵⁹ Ismā‘īlī, Ibādī and Mālikī authors of the Maghrib highlight the perseverance of their respective heroes in the face of oppression, using not only similar literary devices but often identical metaphors. In the Ismā‘īlī narrative above, the jurists, of course, could not have been cast as pharaohs, a role reserved for the ‘Abbāsid and Umayyad caliphs. Nonetheless, the *da’ī* accused them of complicity in the legitimization of the unjust caliphs. In a work written in the form of a didactic dialogue, the *Kitāb al-‘Ālim wa'l-ghulām*, presumably during the revolutionary phase of the Fātimid *da’wa* in the Yemen, Ja’far b. Mansūr argued that the jurists were in fact worse than the usurpers of the caliphate, for: “Were it not for the *opinions passed down and circulated by the legal scholars* [*riwāyāt al-fuqahā'*], [...] the oppressors could not maintain their dominion over the foolish ones.”⁶⁰ The lengthy dialogue of course makes ample references to the “murder” and “suffering” of the Shī‘ī imams at the hand of their oppressors. While Ismā‘īlī authors like Ja’far b. Mansūr also

⁵⁷ See, the introduction, al-Qādī al-Nūmān, *al-Manāqib wa'l-mathālib*, ed. Mājid b. Ahmad al-‘Atīyya (Beirut: Mu‘assasat al-A‘lamī L‘il-Maṭbū‘āt, 2002), 22.

⁵⁸ Ja’far b. Mansūr al-Yaman, *Sarā’ir wa asrār al-nuṭaqā'*, ed. Muṣṭafā Ghālib (Beirut: Dār al-Andalus, 1984), 152, (tr. Hollenberg, “Interpretation,” 315).

⁵⁹ See Elizabeth A. Castelli, *Martyrdom and Memory: Early Christian Culture Making* (New York: Columbia University Press, 2004).

⁶⁰ Ja’far b. Mansūr al-Yaman, *Kitāb al-‘Ālim wa'l-ghulām*, ed. and tr. James W. Morris, as *The Master and the Disciple: An Early Islamic Spiritual Dialogue* (London: I.B. Tauris, 2001), 166–67 (Arabic text, 89–90).

maintained a cyclical understanding of time, framing the injustices (and their consequences) as an inevitable part of history, the narrative pattern of “righteous community -» oppressor -» martyrdom -» relief/reward/victory” was shared by other communities.⁶¹ It is hardly surprising that the Fātimid caliphs were themselves depicted as impostors and tyrants by their adversaries.

As mentioned earlier, in the eleventh century, the political tension between the Sinhāja Zīrids, rulers of Ifrīqiya, and their Fātimid overlords in Egypt kept the memory of the latter’s direct rule in Ifrīqiya not just relevant but overtly political. The Fātimids had to be vilified, and their oppression remembered. In Abū Bakr al-Mālikī’s lifetime, which witnessed the apogee of Qayrawān’s glory and then its destruction, the rise of militant “Shī‘a-phobia” paralleled the growth of Mālikī hagiographies. Abū Bakr’s father, who adopted the *nisba* “al-Mālikī,” had already compiled two hagiographies (*manāqib*) for his teachers al-Qābisī (403/1012) and Muhriz b. Khalaf (d. 413/1022). Another important influence was his master ‘Abd al-Rahmān al-Ajdābī⁶² (d. 432/1040), who composed hagiographies of four militant ascetics who had joined the rebellion of Ibādī Berbers led by Abū Yazīd al-Nukkārī (d. 335/947) against the Fātimids.⁶³ Al-Ajdābī’s work has not reached us directly, but quotes from this and similar accounts form the basis of al-Mālikī’s compilation. His is the generation whose remembrance of the early Fātimid period was textualized and passed down to Abū Bakr al-Mālikī’s generation. In the context of the Shī‘a-phobia of his time, one can expect that the only politically relevant stories to be recorded were the ones that vilified the Fātimids. This continued political contingency of the post-Fātimid period makes it a challenge to reconstruct the real circumstances of the encounters between the Fātimid elite and the *fuqahā’*. Therefore, we ought to pay closer attention to the format and function of the texts that served first and foremost the interest of the community, who constructed and passed on the memory of their venerated heroes (“sites of communal memory”).

c) Narratives of Triumph and Defeat

Polemical texts often target rival communities, attack their position, and cast representatives of the authors’ own communities as heroes.⁶⁴ Whereas in nar-

⁶¹ Compare, for instance, with the “relief after hardship” (*al-faraj ba‘d al-shidda*) pattern. See Lale Behzadi, “Emotional Nuances of Distress in al-Tanūkhī’s *Kitāb al-faraj ba‘d al-shidda* (4th/10th century)” in *Emotions Across Cultures Working Papers, Proceedings of a workshop held in February 2014 at NYU AD*, Available online at https://archive.nyu.edu/bitstream/2451/34517/2/AbuDhabi_Behzadi_15.07.2015.pdf (Accessed: 17 November 2020).

⁶² For his biography, see al-Dabbāgh, *Ma‘ālim*, 3:170; Muranyi, *Beitraige*, 299 (Arabic tr. *al-Maktaba al-‘atīqa*, 314). A certificate of audition written by his teacher for al-Mālikī exists in the manuscript collection of Raqqāda Museum. Idem., *al-Maktaba al-‘atīqa*, 314.

⁶³ The rebellion, which lasted several years (331-335/943-947) with the rebels taking over much of the Fatimid territory including Qayrawān, was almost successful. Two of these ascetics, Rabī‘ al-Qattān and Mamsī, fell in the battle in the same year (334/945). The other two, al-Sibā‘ī (d. 356/967) and Ibn Naṣrūn (d. 340/951) survived and apparently both died in Qayrawān. Muranyi, *Beitraige*, 299 (Arabic tr. 313-14); Al-Mālikī, *Riyād*, 2:469-506.

⁶⁴ On the pragmatic aspects of polemical discourses, see Luke Yarbrough, *Friends of the amīr*, where he traces the evolution of discourse against non-Muslim state officials across the

ratives of martyrdom and *mihna*, defiant heroes suffer at the hands of tyrants, in narratives of polemics they demonstrate excellence and triumph. The most illustrative examples of these are found in the narratives of debates (*munāzara*), which are usually presented as truthful accounts of polemical encounters.⁶⁵ The popularity of this genre among all religious communities and the abundance and circulation of texts allow for a cross-examination of their role in creating competing communal memories.

On the contrary, humiliation and defeat present an inconvenience that has to be rationalised by memory communities. The memory of Abū Yazīd's unsuccessful rebellion against the Fātimids is a telling example which put both the Ibādīs and the Mālikīs who supported Abū Yazīd in an embarrassing situation, while it helped the Fātimids to secure their control over the Maghrib. Because of the importance of this victory for Fātimid propaganda, they could not have this forgotten and commemorated the victory in poetry and speech, and made implicit references to it in coinage and inscriptions.⁶⁶ Therefore, both the Ibādīs and the Mālikīs had to come up with justifications of their actions.⁶⁷

Remembrance and commemoration of individuals, events, and the narrative format of these memories, especially certain types of dramatic memories discussed above, are thus crucial to a given community's ability to imagine its past and to have a sense of communal identity. Next I turn to the function and of texts, as vehicles of connectivity and dissemination of information, stories, memories, genealogies, and so on from one physical environment to another. The focus is still on the Mālikī juristic community and its foremost champion Sahnūn.

The Memory of Sahnūn and Textual Networks in Qayrawān

Sahnūn b. Sa‘īd (d. 854) was a venerated teacher who succeeded in passing on the teaching of the scholars of Medina (and Egypt) to a large number of students in Qayrawān and al-Andalus.⁶⁸ The number of his disciples is reported to have reached 700, most likely an arbitrary estimation, if not a symbolic number, but

centuries. As Yarbrough shows, this type of polemics was by no means used against non-Muslims only. See, for instance, *Friends of the amir*, 164ff.

⁶⁵For an example of *munāzarāt* in this context, see Aslisho Qurboniev "The Writing of *Munāzarāt* in Times of Turmoil: Disputations in Fatimid Ifrīqiya," in *The Medieval Globe 5.2. Medieval Sicily, al-Andalus and the Maghrib: Writing in Times of Turmoil*, edited by Nicola Carpentieri and Carol Symes (Leeds: Arc Humanities Press, 2019), 59–86; idem, "Traditions of Learning in Fātimid Ifrīqiya (296–362/909–973): Networks, Practices, and Institutions," PhD Diss. (University of Cambridge, 2019), ch. 3–4, for a broader appraisal of the culture of disputation in Fātimid Ifrīqiya.

⁶⁶That being said, that is a similar discernible uneasiness with the recollection of the events by the Fātimid *dā’is*, especially by those who had to flee Qayrawān, like the *dā’i* Ibn al-Haytham. See, Ibn al-Haytham's brief allusions in his *Kitāb al-Munāzarāt*, ed. and tr. Paul Walker and Wilferd Madelung as *The Advent of the Fatimids*.

⁶⁷I will expand on the narratives of defeat and triumph here taking the case of the Ibādī communities of the Maghrib.

⁶⁸Brockopp, "Contradictory Evidence and the Exemplary Scholar: The Lives of Sahnūn b. Sa‘īd (d. 854)", *IJMES* 43, 1 (February 2011): 128. For his biographies, see Abu'l-‘Arab, *Tabaqāt*, 101–104; al-Khushānī, 227, 238; al-Mālikī, *Riyād*, 1:345–375; ‘Iyād, *Madārik*, 86–136.

a sure testimony to the special position accorded to him by later generations.⁶⁹ He is credited for the triumph of Mālikism in Ifrīqiya through his students who disseminated his compendiums of Mālikī *fiqh*, titled *al-Mudawwana* and *al-Mukhtalīfa*.⁷⁰ The transmission of these works, accompanied by an emerging textual tradition, went back to Saḥnūn through his closest associates and numerous disciples, including his son, also a prolific scholar, Muḥammad b. Saḥnūn (d. 256/870). However, it is reasonable to suggest that the portrait of Saḥnūn is likely a later construction, even if the *Mudawwana* was largely the product of his own efforts.⁷¹

Recent studies have emphasised the importance of Saḥnūn's oeuvre in consolidating Mālikism in Ifrīqiya and al-Andalus.⁷² The five oldest dated (non-Qur'anic) textual fragments preserved in the ancient collection of the Great Mosque of Qayrawān are also from the *Mudawwana*, one of them written during Saḥnūn's lifetime (a single folio written before 235 AH).⁷³ It is difficult to explain, however, without considering the intellectual and political context, why and how this compilation, mostly based on a transmission of Mālik's legal opinions through his Egyptian student Ibn al-Qāsim (d. 191/807), should have surpassed the efforts of all other legal schools and jurists in North Africa and al-Andalus. What is more, as mentioned in the beginning of this chapter, the original compilation, of which the *Mudawwana* was a revised copy, that is the *Asadiyya*, was actually compiled by Asad b. al-Furāt following a Hanafi framework.⁷⁴ The answer

⁶⁹Talbi, "Saḥnūn", *EI2*; Manuela Marín, "Ifriqiya et Al-Andalus, à Propos de la Transmission des Sciences Islamiques aux Premiers Siècles de l'Islam," *Revue de l'Occident Musulman et de la Méditerranée* 40, 1 (1985): 45–53.

⁷⁰It appears that the *Mukhtalīfa* was the first draft of what was essentially a revised *Asadiyya*. Saḥnūn later compiled and arranged it and it became the *Mudawwana*, but there is a great deal of confusion about this process. See Najmeddine al-Hentati, "Min al-Asadiyya ilā al-Mukhtalīfa f'al-Mudawwana," in *Murāsilāt ḥadāriyya ḥawla al-Qayrawān*, ed. N. Hentati (Tunis: Markaz al-Dirāsāt al-Islāmiyya, 2015), pp. 39–52. For a survey of modern studies and classical sources on Saḥnūn's life, see, Brockopp, "Saḥnūn b. Sa'īd (d. 240/854)", in O. Arabi et al. (eds.), *Islamic Legal Thought: A Compendium of Muslim Jurists* (Leiden: Brill, 2013): 66, notes 1, 3.

⁷¹It is however believed that the *Mudawwana* is a product of the efforts of several generations of scholars. See, Jonathan E. Brockopp, "Literary Genealogies from the Mosque-Library of Kairouan," *ILS* 6, 3 (October 1999): 393–402, 394. The date of the compilation of the *Mudawwana*, and whether its transmission was fixed during Saḥnūn's lifetime has been a subject of debate. While early fragments point to the circulation of various chapters of the work in the teaching circles of Qayrawān in the second half of the third/ninth century, the earliest witness to a complete copy of it is from mid-fifth/eleventh century. See Jonathan E. Brockopp, "Saḥnūn's *Mudawwana* and the Piety of the *Shāfi'i*-minded" in *Islamic Law in Theory: Studies on Jurisprudence in Honor of Bernard Weiss*, eds. Kevin Reinhart and Robert Gleave (Leiden: E.J. Brill, 2014), 129–41, 132–33.

⁷²Miklos Muranyi, *Die Rechtsbücher des Qairawāners Saḥnūn b. Sa'īd: Entstehungsgeschichte und Werküberlieferung* (Stuttgart: Franz Steiner, 1999); Brockopp, *Muhammad's Heirs*; idem, "Contradictory Evidence," 115–32; idem, "Saḥnūn b. Sa'īd (d. 240/854)." To this add the works of Tunisian historians, including Hady R. Idris, H. Mones, M. Talbi and more recently by N. Hentati.

⁷³Brockopp, *Muhammad's Heirs*, 200. While the dating of the final compilation of the *Mudawwana* to the third/ninth century is a subject of debate, it is certain that by the Fāṭimid period the work received its final shape.

⁷⁴My computational textual comparison shows many similarities between the *Mudawwana*

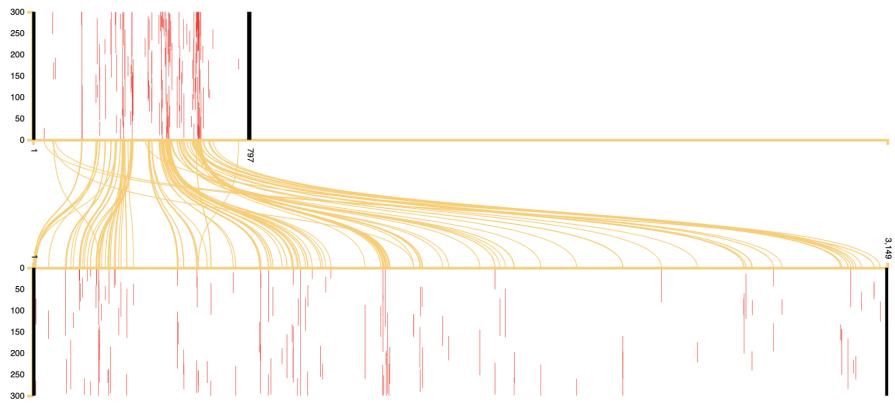


Figure 2: While Sahnūn's *Mudawwana* builds on the opinions of Mālik b. Anas it also includes much material that is not found in the *Muwatta*, including opinions of other Mālikī jurists, *ahādīth* and *āthār*: (top *Muwatta*, bottom *Mudawwana*). Some scholars (notably N. Calder, Nicolle Cottard) believed that the text of the *Mudawwana* was not fixed during Sahnūn's lifetime.

is often sought either in the legal text - the *Mudawwana* itself (what made it so outstanding?), or in the Aghlabid context (what made Aghlabid Qayrawān such a brilliant environment for legal studies?). Sahnūn himself is considered an outstanding jurist of his time, despite the reservations of some of his own students. After all, the *Mudawwana* was considered notoriously imperfect by some.⁷⁵ At the same time, many other works by Mālikī authorities were in circulation, including the above-mentioned *Asadiyya*.⁷⁶ Thus, the heroic image of Sahnūn, created by later generations as a prodigious and exemplary champion of the Mālikī school, I suggest, was less due to his activity as a jurist, or as a champion of the public against the Aghlabids, than to the consolidation of the Mālikī *madhab/memory* – community, which crystallised during the Fātimid period, and was in need of local heroes. Transmission of Mālikī legal knowledge compiled in the *Mudawwana* (Appendix 4), played a crucial role in this process. This argument can be demonstrated through the intensity of the transmission

and Muhammad b. Hasan al-Shaybānī's *Kitāb al-Asl*. This discussion is however beyond the scope of this paper.

⁷⁵Sahnūn's student Sa'īd b al-Haddād reportedly criticised the *Mudawwana* calling it "head-spinner" (*mudawwima*), because of its bad organisation. See, Ḡiyād, *Madārik*, 352. According to Ibn Nājī and al-Dabbāgh, he called the book "mudawwada" (worm-eaten). See, *Ma ʿalim*, 2: 295. Later, the famous North African historian, Ibn Khaldūn also stated that the structure of Sahnūn's book was so confusing that people called it "Mudawwanah-and-Mukhtalītah (the messed up, confused one)." See Ibn Khaldūn, *The Muqaddimah*, 1:15.

⁷⁶Qādī Ḡiyād mentions at least three abridgements of the *Asadiyya*, one of them by the eminent Mālikī scholar and historian of Egypt, Muhammad b. ʿAbd al-Ḥakam (d. 268/882). Ḡiyād, *Tartīb al-madārik wa taqrīb al-masālik li-ma ʿrifati aṣlām madhab Mālik*, ed. ʿAbd al-Qādir al-Sahrāwī (Rabāṭ, al-Maṭbaʿat al-Malikiyya, 1968), 3:299-300, for the general context of the alleged suppression of the *Asadiyya*, pp. 296-301.

of his works attested in the *ṭabaqāt* and surviving manuscripts (Figures 3).

The surviving catalogue of the manuscript collection of the Great Mosque of Qayrawān, and the collection itself demonstrates the growing significance of the *Mudawwana* in the Fātimid and Zīrid period. As manuscript and text reuse data show, by the Zīrid period the *Mudawwana* became the most transmitted work in Qayrawān. At the same time, the biographies of Sahnūn expanded and separate accounts of his virtues were composed, as noted above.

The scholars of Qayrawān many of whom were Sahnūn's students, remembered him as a staunch defender of the Mālikī *madhhab* in the context of bitter revenge and humiliation from the Ḥanafīs (Hanafīs) in the late Aghlabid period (late third/ninth century). Only a handful of the students and contemporaries of Sahnūn, who had memories of him, lived into the early Fātimid period and transmitted eyewitness accounts alongside his emerging hagiography to a new generation of Mālikīs, who, almost sixty years after his death, began to compile the accounts of his virtues (*manāqib*).⁷⁹ The Fātimid reality is thus key to understanding the formation of the Mālikī cultural memory, which excluded not only rival communities (Shī‘īs, Ibādīs, Hanafīs), but also plurality and disagreement within the community. For instance, the Ifrīqiyyans who followed al-Shāfi‘ī were later reclaimed by the Mālikīs. Abū Bakr al-Mālikī's father, who was known as “al-Shāfi‘ī,” was ostensibly encouraged by his teacher al-Qābisī to change his nisba to “al-Mālikī,” which points to the major preoccupation of the authors of the *ṭabaqāt*.

The activities of the juristic community of Qayrawān centred around the transmission of the *Mudawwana* amounted to its canonisation. According to Aleida Assmann, canonisation involves a) the maintenance of texts, as I have reconstructed in Figure 3 and Appendix 1; b) the maintenance of meaning, which is signalled by the emergence of commentaries and abridgements, as captured by text reuse evidence (Figure 4, 5; Appendix 2); and c) censorship, of which the censorship of Asad b. al-Furāt and his contribution is one example.⁸⁰ Textual evidence also allows us to reconstruct the transition from the communicative, almost autobiographical narration of the *Mudawwana*, and its function as a school text (as shown by Miklos Muranyi and Jonathan Brockopp), to cultural memory in its final shape, perhaps spanning 80-100 years, as described by Jan Assmann.⁸¹ The appearance of the massive *Kitāb al-Nawādir wa ʻl-ziyādāt* by Ibn Abī Zayd al-Qayrawānī, dealing with cases not included Sahnūn's compilations, as well as his “book by book and chapter by chapter” abridgement

⁷⁸See, Qurboniev, “The Writing of *Munāẓarāt*.”

⁷⁹Abūl-‘Arab, *Ṭabaqāt*, 102. Here, Abūl-‘Arab mentions his compilation titled “On the Virtues [of Sahnūn] and his Character as a Judge.”

⁸⁰Aleida Assmann, “Canon and Archive,” in Astrid Erll and Ansgar Nünning (eds.), *Cultural Memory Studies: An International and Interdisciplinary Handbook* (Berlin, New York: de Gruyter, 2008), 98.

⁸¹Jann Assmann, “Communicative and Cultural Memory,” in Astrid Erll and Ansgar Nünning (eds.), *Cultural Memory Studies: An International and Interdisciplinary Handbook* (Berlin, New York: de Gruyter, 2008), 109-18.

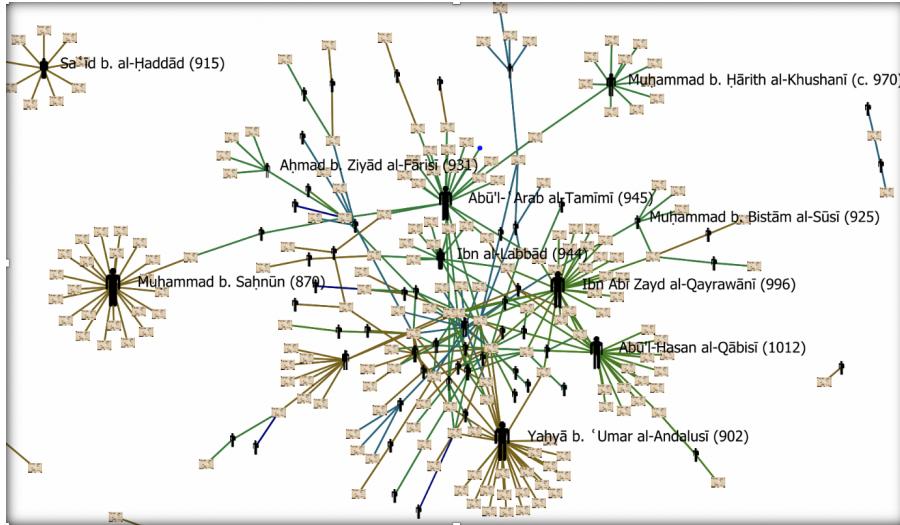


Figure 3: This is an example of a textual network, that is a network formed through participation in transmitting the same texts. The dark and light green links represent the transmission of Mālikī knowledge (mostly *fiqh*; each book represented by a rectangle page) during the Fātimid and Zīrid period. This network is based on information from biographical dictionaries, in many cases attested in transmission notes on manuscripts compiled by M. Muranyi in his *Beiträge*. Note that Sahnūn was not a prolific author, although his compilation *al-Mudawwana* was one of the most transmitted works among the Mālikī community, as this graph shows. Also note the isolation of the revered Mālikī disputationist, Sa'īd b. al-Haddād, who actually did not take part in the transmission of legal works by his predecessors, including his teacher Sahnūn, though he was an avid storyteller and a major source of biographical information about the Mālikī scholars. The study of his personal networks in the Mālikī *tabaqāt* also shows that he was somewhat ostracised by the Mālikī community. Yet, he was posthumously rehabilitated in the memory of the community and accorded a prominent position.⁷⁸ NB. In this visualisation, the algorithm makes prolific authors more prominent, such as Sahnūn's son Muhammad. Sahnūn himself is not labelled because he did not author many books. However, his *Mudawwana* is central to the network and most of the other scholars participate in its transmission. An interactive version of this graphic is currently available online for testing: <https://aslishah.github.io/Qayrawan/> It will be completed and made available with this publication. An overview of the network can be seen in Appendix 4.

entitled *Ikhtīṣār al-Mudawwana wa ȝl-Mukhtalīṭa*, not only confirms the “closure” of the texts, but also its canonicity.⁸² For sceptics, the early 5th/11th century abridgement by al-Barādhi^cī (Fig 4), and the *Jāmi^c li masā^ȝil al-Mudawwana* (Appendix 2) by the contemporary Ibn Yūnus, leave no room for doubt that the *Mudawwana* had already achieved its status as the crowning achievement of the Mālikī school.

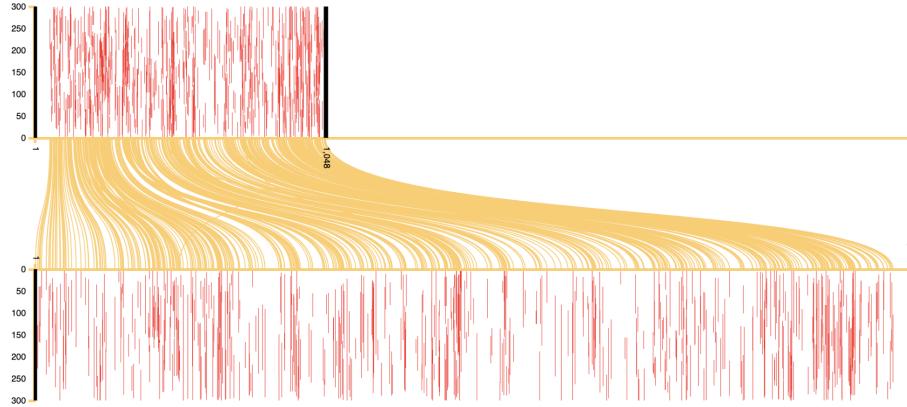


Figure 4: *Tahdhīb al-Mudawwana* (top), an important abridgement of Saḥnūn’s *Mudawwana* (bottom), by Abū Sa‘īd al-Barādhi^cī 438/1046-47, after Ibū Zayd’s (d. 386/996) *Ikhtīṣār*, with which the tradition of making abridgements of Saḥnūn’s *Mudawwana* begins. These abridgements and multiple early commentaries testify to the popularity of the book and had practical significance for teaching.

These activities went hand in hand with the growing importance of Saḥnūn in the community’s remembrance of its past, which can be captured by Pierre Nora’s concept *lieux de mémoire*. The “sites of memory”, as opposed to “environments of memory” (*milieux de mémoire*) are not directly connected with the real context; rather, as in our case, they are the collective (and nostalgic) memory of later generations who were mostly removed from Saḥnūn’s Qayrawān in time or space, or both. Whether they wrote about Qayrawān from al-Andalus, like al-Khushāmī, or wrote after the decline of Qayrawān, like Abū Bakr al-Mālikī, they found in the figure of Saḥnūn a metaphorical “site of memory” where they could deposit⁸³ their diverse values and ideals.⁸⁴ Subsequently, as Brockopp

⁸²Ibn Abī Zayd al-Qayrawānī, *Ikhtīṣār al-Mudawwana wa ȝl-Mukhtalīṭa*, ed. Aḥmad ȝAbd al-Karīm Najīb (al-Qāhira: Markaz Najībawayh li-l-Makhtūtāt wa Khidmat al-Turāth, 1434/2013), 11. na

⁸³Therefore, the term “deposits of memory” may be suitable.

⁸⁴Brockopp’s portrayal of Saḥnūn as an exemplary individual with an appeal to diverse audiences supports my contention. Brockopp, “Contradictory Evidence,” 127. On a broader understanding of “sites of memory” to include metaphorical “sites” such as events, people and so on, see, Andrzej Szpociński, “Sites and Non-Sites of Memory”, *Teksty drugie: Memory*

notes, these and similar stories are reported as historical facts in modern scholarship.⁸⁵ Our attempt is, of course, not to downplay the crucial role of the historical Saḥnūn and his teaching, but rather to interpret the hagiographic accounts elaborated by Ifrīqiyan scholars from the Fātimid period onwards. This is the context for a process in which the *Mudawwana* (compilation) of Asad b. al-Furāt, became the *Mudawwana* of Saḥnūn b. Sa‘īd and transmitted on his authority among the expanding Mālikī network (see Appendices 1, 3). Alongside with the transmission of the *Mudawwana*, the collective remembrance of Saḥnūn by his students and their students, a group often connected through more than textual networks, passed on between generations of Mālikīs.⁸⁶ Since this “remembrance” or “reconstruction of the past” is inevitably embedded in their present, as Halbwachs had postulated,⁸⁷ it is the “remembered” part that matters for our understanding of the processes that shaped the Mālikī community.

As Patrick J. Geary reminds us, memory is political by nature and “the political and intentional dimension of memory cannot be ignored.”⁸⁸ The most important political change in Ifrīqiya since the time of Saḥnūn was the Shi‘ī Fātimids’ takeover of the Aghlabid state (800-909). The new state challenged the *fuqāhā*⁸⁹’s authority as “heirs to the Prophet. Later, the *fuqāhā*⁹⁰ were inevitably drawn into, if not contributed to, the conflict between the Fātimid caliphate and the Zīrid emirate. Therefore, the formation of the memory and identity of the Mālikīs must be examined against the socio-political background and, more importantly, in comparison with the Fātimids’ counter-narrative, which I highlighted above.

In the next section of this book, I will look at the text reuse of the *Mudawwana* in more detail. An overview of the text reuse pattern in Figure 5 (systematic borrowing/commentary on the *Mudawwana*) demonstrate the continuous relevance of the *Mudawwana* for the Mālikīs of the Maghrib. Below, I have highlighted the top five reusers of the text until the 7th century AH. Next, I will divide the text into chapters of specific topics of law and will investigate their reuse through specific periods and texts. Since law was often taught and transmitted by topic, it would be interesting to see if this is reflected in text reuse data.

and Place 1 (2016): 245-54, 249; Stanković, “Spaces of memory,” 87-94. Also, compare the notion of remembering Qayrawān as “the city of Saḥnūn” with “Descartes c'est la France.” See, François Azouvi, “Descartes”, in Pierre Nora, *Realms of Memory: The Construction of the French Past, Vol. 3, Symbols* (New York, NY: Columbia University Press, 1998), ch. 14, 483.

⁸⁵Brockopp, “Contradictory Evidence”, 127.

⁸⁶On this see, Assmann, *Moses the Egyptian* (Cambridge, Mass.: Harvard University Press, 1998), 9. More generally, on the relationship between memory and power, written culture and identity formation, see Assmann, *Cultural Memory*, 15-111. For early Islamic context, see Borruat, *Entre Mémoire et Pouvoir: l'Espace Syrien sous les Derniers Omeyyades et les Premiers Abbassides* (v. 72-193/692-809) (Leiden: Brill, 2010).

⁸⁷Halbwachs, *Collective Memory*, 39-40.

⁸⁸Geary, *Phantoms of Remembrance*, 12.

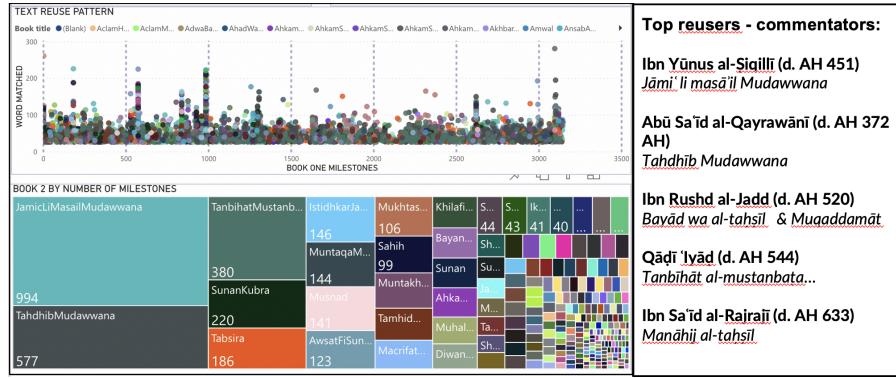
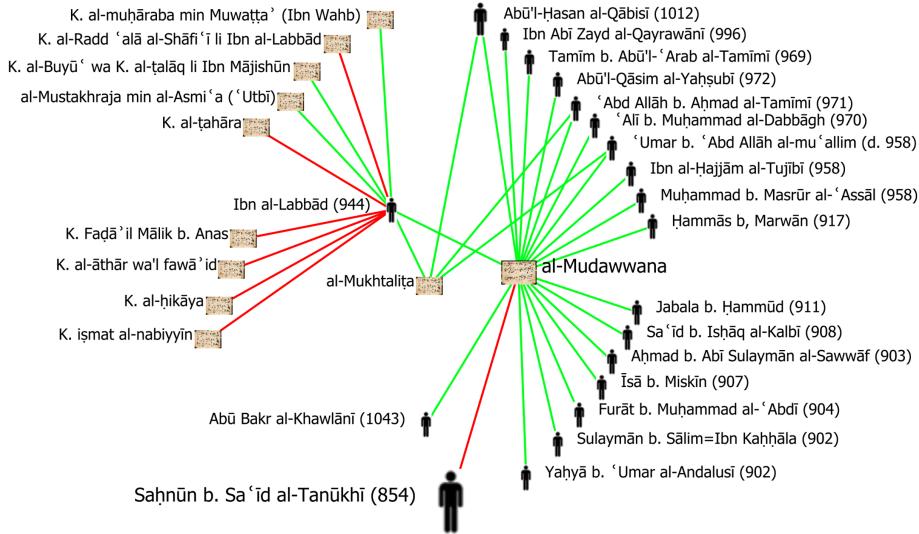


Figure 5: Text reuse pattern in Sahhnūn’s *Mudawwana* shows that the three top reusers are abridgements of the work as they rarely quote more than 100 word chunks, but systematically borrow shorter word chunks for the entire book. See, the graphical representation of top two reusers in Appendix 2. There are also other works which are not top reusers but they are important indicators of the canonicity of the *Mudawwana*, such as al-Jubbī (d.450/1058): *Kitāb sharh gharīb alfāz al-Mudawwana*, which again indicates that the author assumed the work to have been a closed corpus.

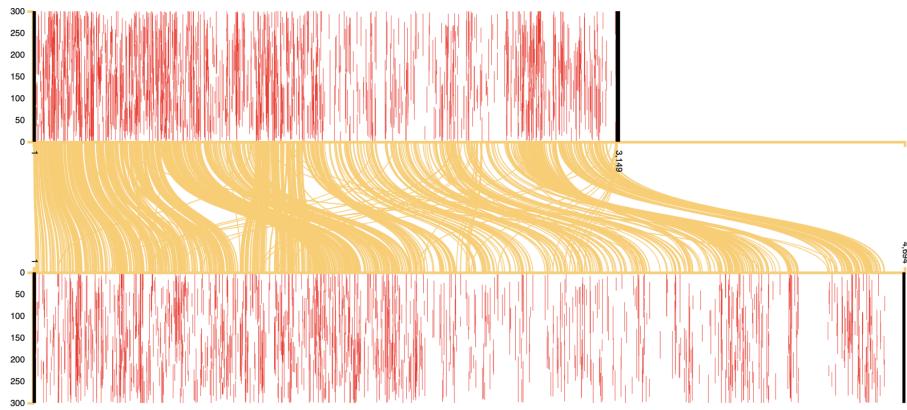
Appendices

Appendix 1. Transmission of the *Mudawwana* and *Mukhtalīta* (with particular attention given to the Mālikī scholar of the Fātimid period, Ibn al-Labbād's contribution). Green lines represent transmission of works by others (riwāya), red lines indicate composition of a new work.



Appendix 2. Top reuser of the of the *Mudawwana* in the Open Islamicate Initiative Corpus

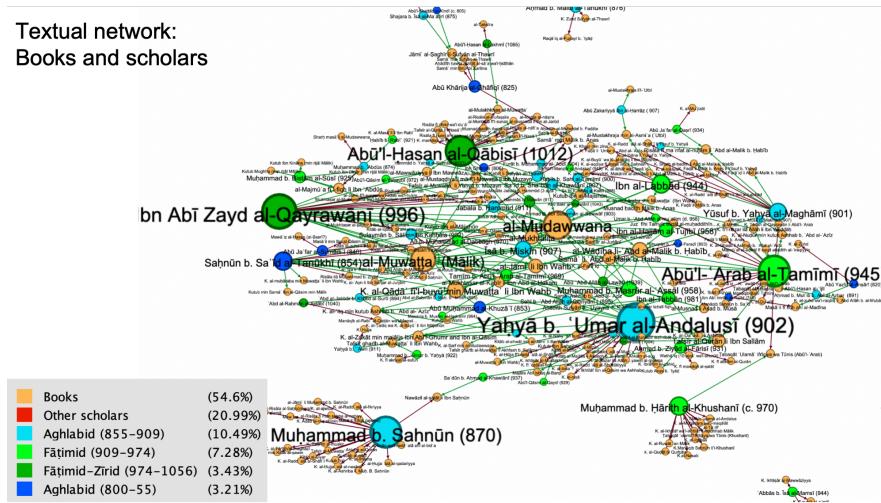
Top, *Mudawwana*, bottom, Ibn Yūnus al-Šiqillī's (d. 454/1059) *Jāmi' li masā'il al-Mudawwana*, which is closely followed by Abū Sa'īd al-Barādhī al-Qayrawānī's (d. 438/1046-47) *Tahdhīb al-Mudawwana*, in Figure 4, above.



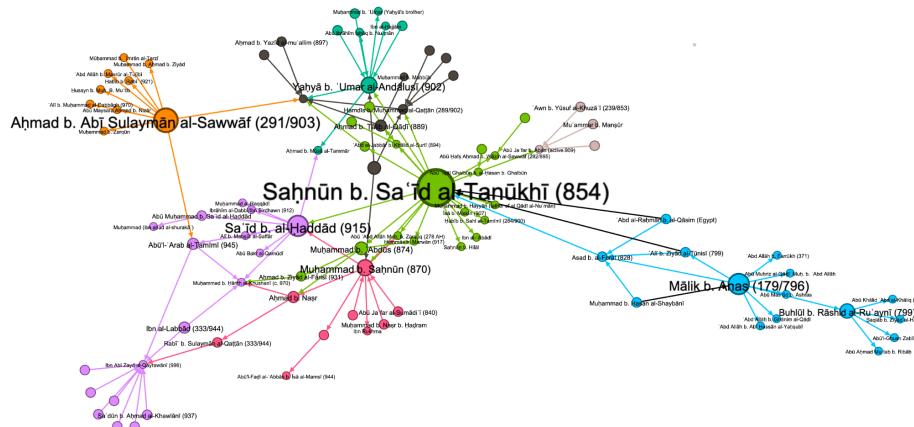
Appendix 3. The Textual Community of Qayrawān

- a) An overview of the textual networks of Mālikī community of Qayrawān.
 An online version will allow selection and filtering by close network, as well as by periods.

Textual network:
 Books and scholars

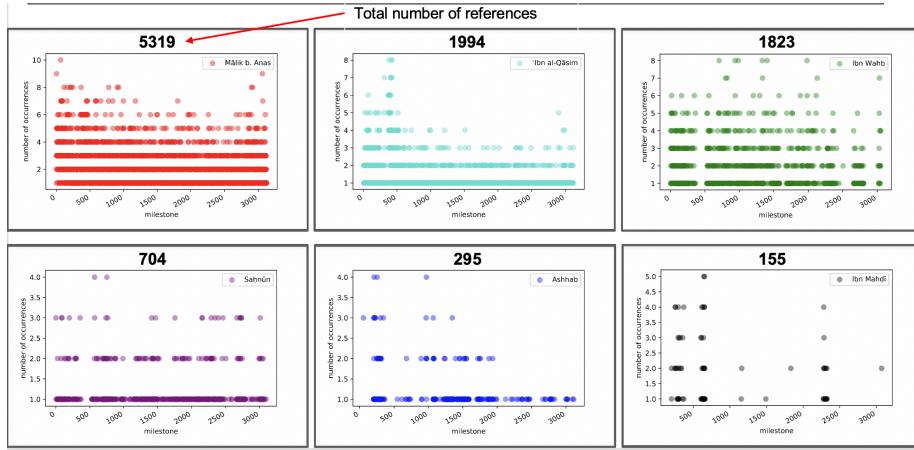


- b) The network of Sahnūn and his Mālikī teachers and students based on the *Tabaqāt al-‘ulamā’* by Abu'l-‘Arab al-Tamīmī (d. 333/945). Students associated with a teacher are identified and coloured by a clustering algorithm.



Appendix 4. Major authorities quoted in the *Mudawwana*.

This graph represents the occurrences of explicit citation from these authorities per milestone (300 tokens, roughly one printed page) across the text of the *Mudawwana*, which has slightly less than 1 million words and 3000 milestones. As a search term, I used “qāla”+ “narrator.” For comparison, there are 107 hadiths quoted using the formula “qāla” + “rasūl Allah.”



NB. The visualisations used in this piece are exploratory and will be refined before final publication. I am currently exploring different ways to visualise textual data and networks.