Araştırma Makalesi / Research Article

Constructing 19th-century Ḥanafī authority: The case of Qur'anic recitation for pay

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Abstract

By the thirteenth century AH/19th century CE, the practice of hiring a professional to recite the Quran and donate the resulting merit (*thawāb*) to a deceased person was well-entrenched in many parts of the Islamic world. Responding to a wave of bequests for this purpose after an outbreak of the plague, the Syrian Ḥanafī jurist Ibn ʿĀbidīn (d. 1252/1836) produced a famous work strongly denying the legitimacy of such transactions in Ḥanafī *fiqh*. Freestanding treatises representing the opposing view were produced by two other leading Ḥanafī thinkers of the 19th century, the Algerian Ibn al-ʿAnnābī (d. 1850) and the later Syrian authority Maḥmūd al-Ḥamzāwī (d. 1887). While Ibn ʿĀbidīn's intervention has usually been interpreted as a response to evolving social practices, it can also be read as an extended application of Ibn ʿĀbidīn's distinctive approach to the authority structure of the Ḥanafī madhhab. This paper centers on Ibn ʿĀbidīn's Ḥanafī legal methodology and how it contrasts with those of these other two scholars. Through an examination of these three contrasting Ḥanafī discussions of the same legal issue, it is possible to see the methodological diversity of the Ḥanafī madhhab in the 19th century.

Keywords: Qur'anic recitation, Ibn ʿĀbidīn, Hanafi, Legal methodology.

XIX. Yüzyıl Hanefî Otoritesinin İnşası: Ücret Karşılığı Kur'an Okuma Meselesi

Öz

XIX. yüzyıla gelindiğinde, Kur'an okuması için bir profesyonel kiralamak ve ortaya çıkan sevabı (thawāb) ölen bir kişiye bağışlama uygulaması, İslam dünyasının birçok yerinde iyice yerleşmişti. Veba salgınının ardından bu amaçla yapılan bir dizi vasiyete yanıt olarak, Suriyeli Hanefî fakihi İbn Âbidîn bu tür işlemlerin Hanefî fıkhında meşruiyetini kesin bir dille reddeden ünlü bir eser kaleme aldı. Karşı görüşü temsil eden bağımsız

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risaleler ise XIX. yüzyılın önde gelen diğer iki Hanefî düşünürü, Cezayirli İbnü'l-Annâbî (ö. 1850) ve daha sonraki Suriyeli Maḥmûd Ḥamza (ö. 1887) tarafından yazılmıştır. İbn Âbidîn'in müdahalesi genellikle gelişen sosyal uygulamalara bir yanıt olarak yorumlanmış olsa da bu müdahale aynı zamanda İbn Âbidîn'in Hanefî mezhebinin otorite yapısına dair kendine özgü yaklaşımının genişletilmiş bir uygulaması olarak da okunabilir. Bu makale İbn Âbidîn'in Hanefî hukukî metodolojisine ve bunun diğer iki âliminki ile nasıl tezat oluşturduğuna odaklanmaktadır. Aynı hukukî meseleye dair bu üç zıt Hanefî tartışmasının incelenmesi yoluyla, XIX. yüzyıldaki Hanefî mezhebinin metodolojik çeşitliliğini görmek mümkündür.

Anahtar Kelimeler: Kur'an tilaveti, İbn Âbidîn, Hanefî mezhebi, Fıkıh usulü.

1. Introduction

In the early nineteenth century, recurrent outbreaks of plague left many Syrian Muslims bereaved. Concerned for the otherworldly wellbeing of their kinsfolk, some of them did what Muslims in many places had been doing for centuries: they hired professionals to recite the Qur'an and donate the resulting religious reward (*thawāb*) to the souls of their deceased loved ones.[1] By this period, the validity of such transactions had been a fiercely contested legal issue for many centuries, one that potentially affected not only the private arrangements of individual believers but the provisions of many pious foundations (*awqāf*) that designated some or all of their revenues to support such recitations.

The validity of Qur'anic recitation for pay is a conceptually complex issue in Islamic legal thought, reflecting varied and evolving attitudes towards ethical individualism and the distinction between religious and economic spheres.[2] In the nineteenth century, it also elicited unusually lengthy and elaborate legal argumentation from a diverse set of Ḥanafī authors, offering a rich sample of their contrasting legal approaches. This article will use three nineteenth-century Ḥanafī legal treatises on the question of Qur'anic recitation for pay as a window into the diversity of late Ḥanafī legal methodology. In each case, while summarizing the author's substantive views on the issue, the emphasis will be on the given treatise's explicit and implicit arguments about what constitutes authoritative Ḥanafī doctrine. As we shall see, despite the authors' shared commitment to the Ḥanafī *madhhab*––and despite the fact that two of them share the same substantive doctrine on this issue––from a methodological point of view, they have very little in common. Their differences suggest the diversity of legal frameworks among nineteenth-century Ḥanafīs.

1 See Ibn ʿĀbidīn, ʻShifāʾ al-ʿalīl, 1:152.

2 I plan to address these themes in a forthcoming study.

2. The first treatise: Ibn ʿĀbidīn, *Shifāʾ al-ʿalīl*

The first treatise is *Shifāʾ al-ʿalīl wa-ball al-ghalīl fī ḥukm al-waṣīya bi'l-khatamāt wa'l-tahālīl*, by the prominent Syrian Ḥanafī Muḥammad Amīn Ibn ʿĀbidīn (d. 1252 AH/1836 CE). Ibn ʿĀbidīn is by far the most prominent of our three authors in the English-language secondary literature, often regarded as either the final representative of traditional Ḥanafī scholarship before the ruptures of modernity or an early harbinger of legal responses to modern social change.[3] The work is dated 1229 AH/1814 CE, and as evoked above, the author states that it was composed in response to a wave of bequests for the recitation of the Qur'an following an outbreak of plague.[4] This lengthy epistle (forty eight pages in a modern printed edition) is a sustained refutation of the idea that acts of worship can legitimately be performed for pay, aside from limited exceptions. Ibn ʿĀbidīn's contention throughout is that acts performed for the sake of otherworldly reward cannot simultaneously be contracted for this-worldly wages. Indeed, he states that he has long harbored doubts about the validity of the ubiquitous practice of hiring third parties to generate and donate *ajr* (compensation) based on 'the principles of our Ḥanafī authorities' (*qawāʿid aʾimmatinā al-ḥanafīya*). Nevertheless, he has heretofore kept his reservations to himself because he 'knew that people are constitutionally averse to anything that diverges from what they are familiar with.'[5]

Implicitly, he is confronting not only entrenched popular mores but the doctrine currently prevalent among Ḥanafī jurists. This is made explicit towards the end of the epistle, when his imagined interlocutor asks outright: 'Have not the Ḥanafīs of your time been giving fatwas affirming the validity of these bequests and contracts of hire, [or] do you think they have been doing so without any basis?!' Ibn ʿĀbidīn responds with a defiant 'Yes!'[6] Nevertheless, he insists that he is not engaging in novel legal reasoning that departs from school doctrine: 'I have stated nothing without a textual basis (*mustanad*) and have relied only on authentic (*ṣaḥīḥ*) and authoritative (*muʿtamad*) citations.'[7] Clearly anticipating quick rejection of his stance, he implores his audience to read his essay multiple times and reflect deeply before evaluating his arguments.

3 For a discussion of the various ways in which Ibn ʿĀbidīn has been framed either as a traditional continuation of or a reformist rupture with the premodern Ḥanafī tradition, see Martha Mundy, 'On reading two epistles of Muhammad Amin Ibn 'Abidin of Damascus,' in Yavuz Aykan and Işık Tamdoğan (eds.), *Forms and Institutions of Justice: Legal Actions in Ottoman Contexts* (Istanbul: Institut français d'études anatoliennes, 2018).

4 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl,'1:152.

5 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 1:152; see also 1:173.

6 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 188.

7 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 152.

This treatise has already been discussed by several scholars. Ahmad Atif Ahmed uses it to illustrate Ibn ʿĀbidīn's approach to the problem of legal change;[8] Itzchak Weismann interprets it as a response to contemporary 'socio-religious deterioration';[9] and Astrid Meier frames it as an effort to revive scholarly *adab* in the face of the 'over-commodification of scholarship' in his times.[10] Rather than approaching the work as a source of evidence for Ibn ʿĀbidīn's response to contemporary social developments, this article builds on Samy Ayoub's observation that *Shifāʾ al-ʿalīl* 'illustrates Ibn ʿĀbidīn's affirmation of the hierarchy of legal authority within the *madhhab*."[11] Despite the vividness of the few passages denouncing contemporary customs and the palpable sincerity of Ibn ʿĀbidīn's concern for the concrete issue at stake, this epistle appears, at heart, an unusually sustained argument about the right and wrong ways to construe a complex Ḥanafī canon. Ibn ʿĀbidīn himself seems to have regarded it as a key example of his methodology, one that he revisits at some length in his methodological auto-commentary *ʿUqūd rasm al-muftī*.[12]

Ibn ʿĀbidīn's overall line of argumentation is straightforward. The introductory section presents relevant ḥadīth and their interpretation by Ḥanafī authorities in this field, including Badr al-Dīn al-ʿAynī and al-Ṭaḥāwī.[13] It establishes that it is prohibited to take wages for acts of worship (*ṭāʿa*, *qurba*); apparent exceptions, such as Qur'anic recitation for purposes of healing (*ruqya*), should be regarded as services provided to other human beings rather than as pure acts of worship. This rule was espoused by the founding authorities of the school, Abū Ḥanīfa, Abū Yūsuf and Muḥammad al-Shaybānī, and by the early Ḥanafī jurists (*al-mutaqaddimūn*).

Ibn ʿĀbidīn goes on to acknowledge that many later Ḥanafīs (*mutaʾakhkhirūn*) made an exception allowing compensation for teaching the Qur'an, and that some of them added further exceptions (such as teaching *fiqh* or serving as a prayer leader). It is these exceptions that have led some of Ibn ʿĀbidīn's contemporaries to claim that the doctrine of the later Ḥanafīs allows the payment of wages for acts of worship. Ibn ʿĀbidīn's response is threefold. Firstly, he argues that according to the rules of jurisprudence, the articulation of an exception implies that the original rule applies to all cases that are not enumerated—that is, if a text states that it is invalid to contract for wages for acts of worship *except* teaching the Qur'an, it affirms by implication

8 Ahmad, *The Fatigue of the Sharīʿa*, 45.

9 Weismann, 'Law and Sufism", 74.

10 Meier, "*Adab* and Scholarship Mirrored by Law", 98, 113.

11 Ayoub, *Law, Empire, and the Sultan*, 112.

12 Ibn ʿĀbidīn, "Uqūd rasm al-muftī", 1:13-14.

13 Ibn ʿĀbidīn, "Shifāʾ al-ʿalīl", 1:153-157.

that such a contract remains invalid for all other acts of worship (including pure recitation). Secondly, he argues that the explicit rationale (*ʿilla*) for the exceptions enumerated by the later Ḥanafīs is necessity (*ḍarūra*);[14] when the early Islamic state ceased to pay stipends to Qur'an teachers and the religious commitment of Muslims began to wane, it was necessary to sustain Qur'anic instruction. In contrast, no necessity dictates the payment of wages for Qur'anic recitation.[15] Thirdly, he argues that the ubiquity of the custom of paying for Qur'anic recitation does not legitimate it as a legally authoritative custom (*ʿurf*).[16] Here Ibn ʿĀbidīn invokes a distinction between general (*ʿāmm*) and particular (*khāṣṣ*) custom. He argues that the practice of paying for qurʾanic recitation is neither documented to have persisted since the time of the Prophet (implying his tacit approval and thus the custom's status as sunna) nor universally practiced in all Muslim communities (demonstrating the existence of consensus, *ijmāʿ*); it is thus an *ʿurf khāṣṣ* without legal legitimacy.[17]

Ibn ʿĀbidīn's arguments are deeply imbued with ethical concern; in his eyes the practice of payment for Qur'anic recitation is inherently fraudulent (because acts of worship driven by a profit motive generate no religious merit to donate)[18] and represents a misuse of the assets of the deceased (which are wrongfully diverted from heirs, including needy kinsfolk and orphans).[19] Perhaps more painfully, scholarly endorsement of the practice reflects the distortion of legal knowledge by cupidity and ignorance.[20] Nevertheless, most of the work's length results from Ibn ʿĀbidīn's sustained effort to demonstrate that his position is, in fact, that of the Ḥanafī *madhhab* correctly understood; it is an extended master class in how to read the school tradition.

In *Shifāʾ al-ʿalīl*, Ibn ʿĀbidīn consistently positions himself as a *muqallid* (an 'emulator,' or a scholar unqualified to engage in independent legal reasoning) in an age of *taqlīd* whose task is to faithfully transmit the doctrines of the school in the form of prooftexts (*nuqūl*) from authoritative works of the Ḥanafī canon. In one place, pointing to the unanimity of

14 Ibid, 1:161, 167.

15 Ibid, 1:167, 180.

16 Ibid, 1:186-9.

17 Ibid, 186. This restrictive approach seems at first blush to contrast with his more expansive approach in 'Nashr al-ʿurf' (see id., *Majmūʿat rasāʾil*, 2:124-5), but this would require further study. Ibn ʿĀbidīn's arguments about the authority of *ʿurf* have been discussed extensively; see Ayoub, *Law, Empire, and the Sultan*, 103-6 and the sources discussed there.

18 Id., 'Shifāʾ al-ʿalīl', 1:167, 171.

19 Ibid, 1:172.

20 Ibid, 1:185-6.

authoritative Ḥanafī sources, he asks rhetorically, 'Would any of us have the audacity to contradict them and refute their texts on the basis of his own opinion (*raʾy*)? Indeed, if anyone were to do so … even junior students would refute him and tell him, 'We do not accept *fiqh* based on rational argumentation (*ʿaql*); you need to give us citations (*lā budda min iḥḍār al-naql*)!'[21] Ibn ʿĀbidīn states firmly that engaging in fresh analogical reasoning (*qiyās*) has not been permissible since the year 400 AH (roughly corresponding to the turn of the first millennium CE).[22] In his view, even more modest forms of personal judgment are not available to latter-day scholars; he cites al-Qāsim ibn Quṭlūbughā (d. 879/1474) to the effect that a *muqallid* judge cannot engage in *tarjīḥ*, or independent evaluation of the merits of competing legal opinions transmitted within the school.[23]

In light of this positioning, it is unsurprising that the epistle consists in large part of verbatim quotations (*nuqūl*) from texts in the Ḥanafī canon. Ibn ʿĀbidīn highlights the extent to which his work is grounded in a broad canon of prior texts by prefacing it with a bibliography of more than fifty works from which he has cited. Early in the treatise he promises his reader 'mutually corroborating prooftexts (*nuqūl*) on that [subject] that will leave no scope for doubt to the perplexed.'[24] At one point in his argumentation he exclaims, 'Look at these prooftexts (*unẓur ilā hādhīʾl-nuqūl*) and how they explicitly state the invalidity of this kind of bequest!'[25]

Despite this emphasis on verbatim quotation from long-established school textbooks, *Shifāʾ al-ʿalīl* is a complex and original piece of legal argumentation. For Ibn ʿĀbidīn, the Ḥanafī canon is a complex entity whose correct representation itself involves significant interpretive sophistication. His primary, and far from trivial, task is to take the multifarious statements produced by historical members of the school and harmonize them with another. Jonathan A.C. Brown notes that it is a widely accepted idea in the study of canonization that the 'canonicity of a scripture [or in this case, a body of legal texts] can be measured by the charity with which it is read and interpreted.'[26] In other words, a person's commitment to the authority of a canon is manifested in efforts to affirm its accuracy and cohesiveness. In this epistle, Ibn ʿĀbidīn strives to present his Ḥanafī canon as consistent both internally and with respect to external standards such as authentic hadith and fundamental legal principles (*qawāʿid*).

21 Ibid, 1:184.
22 Ibid, 1:163.
23 Ibid, 1:189.
24 Ibid, 1:157; see also 164, 178.
25 Ibid, 1:169.
26 Brown, *The Canonization of Al-Bukhārī and Muslim*, 30.

He explicitly describes his own efforts in terms of harmonization (*tawfīq*),[27] and this goal is evident throughout the work. For instance, he rejects one possible construal of a statement by al-Ṭaḥāwī (d. 321/933-4) on the grounds that 'it would entail contradiction in the statements of this illustrious authority (*hādhā'l-imām al-jalīl*)' and also because it would create a contradiction between al-Ṭaḥāwī's doctrine and those of other Ḥanafī textbooks (*mutūn*), commentaries (*shurūḥ*), and legal opinions (*fatāwā*).[28] Of course, al-Ṭaḥāwī himself could not have been animated by fear of contradicting Ḥanafī authorities who lived long after his death; the implication is that Ibn ʿābidīn envisions the cumulative Ḥanafī tradition as a canon that must be approached with maximal charity. At another place, rejecting al-Shurunbulālī's (d. 1069/1658) construal of a statement of Ibn al-Humām (d. 861/1457), Ibn ʿĀbidīn asks in a rhetorical display of horror, 'Could anyone imagine of Ibn al-Humām that he did not understand the expressions of the school texts (*al-mutūn*) … to the point that he would have the audacity to object to Qāḍīkhān [d. 592/1196]?!'[29] He then proposes a charitable reading of Qāḍīkhān to bring his wording into line with the madhhab's doctrine (of course, as Ibn ʿĀbidīn understands it).[30]

The project of harmonizing apparently divergent statements of doctrine is not a straightforward one. While Ibn ʿĀbidīn does not engage in original reasoning based on Qur'an or hadith, he uses the tools of legal theory to construe the statements of the school's past authorities.[31] As mentioned above, he is at pains to show that the later Ḥanafīs' acceptance of contracts of hire for teaching the Qur'an is a limited and exclusive one that cannot be extended to contracts for mere recitation. To support this point, he invokes the legal principle known as *mafhūm al-laqab* to argue that an explicit exception implies that the original rule continues to apply to all other cases.[32] He also notes that works of legal theory identify the naming of an exception as one of the constructions indicating that a statement is general (*al-istithnāʾ min adawāt al-ʿumūm ka-mā taqarrara fī'l-uṣūl*).[33] The key thing here is that, as one would expect under what Sherman Jackson calls a

27 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 1:160, 161.

28 Ibid, 1:156, 157. On Ibn ʿĀbidīn's understanding of these categories see Calder, 'The "*ʿUqūd rasm al-muftī*" of Ibn ʿĀbidīn, 226-7; Ayoub, *Law, Empire, and the Sultan*, 101-103.

29 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 184.

30 See also ibid, 1:185, where he argues that Khayr al-Dīn al-Ramlī (d. 1081/1671) cannot be assumed to have ruled arbitrarily or to have misunderstood school texts.

31 For a discussion of this phenomenon see, for instance, Jackson, "Kramer versus Kramer", 29.

32 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 159.

33 Ibid, 1:163.

regime of *taqlīd*,[34] he is applying *uṣūl* principles not to the primary sources of Qur'an and hadith but to the texts of his Ḥanafī canon.

Of course, harmonization is not always possible. Ibn ʿĀbidīn sometimes makes arguments based on the comparative stature of individual scholars. For example, in one case of conflict, he states unapologetically that al-Sarakhsī (d. 483/1090) is more knowledgeable than al-Bazzāzī (d. 827/1424).[35] He also gently suggests that the authorities of the school may sometimes have misunderstood each other's arguments. For instance, he argues that commentators on Ibn Nujaym's (d. 970/1562) *Ashbāh wa'l-naẓāʾir* may have failed to adequately distinguish between the rules applying to endowments and those applying to bequests.[36] Most centrally, he claims that in *al-Jawhara al-nayyira*, al-Ḥaddādī (d. 800/1397) inadvertently confused the ruling applicable to teaching the Qur'an with that for simply reciting it, thereby leading later Ḥanafī scholars astray. However, he charitably construes this as an honest oversight (*sabaqa qalamuhu*) and a mere slip (*zilla*), albeit one with momentous consequences, in his words, *fī zillat al-ʿālim zillat al-ʿālam* (in the error of the scholar is the error of the world).[37] He is notably less charitable to al-Zāhidī (d. 658/1259-60), whom he portrays as generally unreliable.[38] By sacrificing individual statements and even individual scholars, Ibn ʿĀbidīn is able to construct a broad Ḥanafī mainstream characterized by agreement, consistency, and deference to the early authorities of the school.

Of course, the obvious irony of this approach is that on the specific issue at hand, the anomalies Ibn ʿĀbidīn seeks to explain away explicitly include the majority doctrine of his Ḥanafī contemporaries. Despite his disavowal of performing *tarjīḥ*, Ibn ʿĀbidīn is making a vigorous argument against a prevailing doctrine that in fact has textual precedents reaching back centuries in the school. It is not surprising that he later refers back to *Shifāʾ al-ʿalīl* as his prime example of the methodological principle that a mufti may not opine on the basis of books written in recent centuries (*al-kutub al-mutaʾakhkhira*) without scrutiny of their sources and their modes of transmission.[39] Indeed, without such scrutiny, the accumulation of latter-day sources is to no avail, because as many as twenty later sources can transmit the error of a single earlier author.[40] This can even apply to

34 See Jackson, "Kramer versus Kramer", 29 and sources cited in n. 5 there.

35 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 1:159.

36 Ibid, 1:181. He similarly suggests that al-Shurunbulālī (d. 1069/1659) may have overlooked a relevant statement in an earlier source (ibid, 1:163).

37 Ibid, 1:190.

38 Ibid, 1:176, 180, 190.

39 Ibn ʿĀbidīn, "Uqūd rasm al-muftī', 1:13, 14.

40 Ibid, 1:13.

al-Ḥaṣkafī (d. 1088/1677), the celebrated author of Ibn ʿĀbidīn's base text in *Radd al-muḥtār*.[41]

Implicitly, such a deviant doctrine does not become authoritative simply because later authors broadly agree on it; they are not performing (or qualified to perform) *tarjīḥ* but failing to identify and transmit the preponderant position (*rājiḥ*) long ago established by qualified interpreters. Ibn ʿĀbidīn treats with respect works (some of which number among the *mutūn*) of authors belonging to the Ottoman period and offers serious discussion on them, but he tends to handle even the most prominent scholars of later centuries simply as distinguished interpreters of an authoritative tradition, transmitted from earlier scholars who enjoyed the hermeneutic authority to make independent doctrinal determinations.

As Ayoub has demonstrated, Ibn ʿĀbidīn more than once states that he accepts the authority of the doctrines of the later Ḥanafīs (*mutaʾakhkhirīn*) even when these diverge from those of the founding figures (the *mutaqaddimūn*).[42] Indeed, in such instances, he considers it impermissible to adhere to the doctrine of the *mutaqaddimūn*. In the case at hand, the argument that prohibition of recitation for pay mistakenly adheres to the doctrine of the *mutaqaddimūn* is a counter-argument that Ibn ʿĀbidīn must refute.[43] However, I believe that Ibn ʿĀbidīn uses the term *mutaʾakhkhir* in two distinct senses. In its technical sense (the one in which the doctrine of the *mutaʾakhkhirūn* is binding on later scholars), it refers to anyone coming after the beginning of the third century AH (*raʾs al-qarn al-thālith*).[44] Ibn ʿĀbidīn, like other Ḥanafī thinkers, gives no fixed end date for the period of the *mutaʾakhkhirūn*, but as Talal al-Azem has observed, this label generally refers not to all Ḥanafī jurists subsequent to the formative period of the school but to a specific stage in the development of Ḥanafī doctrine, one whose precise boundaries vary from one author to another. Al-Azem concludes that 'being a late jurist … has intrinsically less to do with period, and more to do with function: it is to weigh opinions and to formulate rules.'[45] It would seem that for Ibn ʿĀbidīn, the functions of weighing opinions and formulating rules are not legitimately exercised by jurists in or close to his own time (who are *mutaʾakhkhir* in a distinct, less technical sense).

41 Ibid, 1:15.

42 Ayoub, *Law, Empire, and the Sultan*, 101.

43 See Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 1:170, 1:183. For another example, see id., *Radd al-muḥtār*, 4:352.

44 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 1:161; see also Ayoub, *Law, Empire, and the Sultan*, 8-13; Al-Azem, *Rule-Formulation*, 84-88; Ibn ʿĀbidīn, "Uqūd rasm al-muftī', 1:33.

45 Al-Azem, *Rule-formulation*, 88.

In *Shifāʾ al-ʿalīl*, the applicable doctrine of the *mutaʾakhkhirūn* appears to originate with Abū'l-Layth al-Samarqandī (d. 373/983).[46] It is documented with references to texts that Ibnʿ Ābidīn categorizes among the canonical *mutūn* and *fatāwā* of the *madhhab*.[47] The sources cited (like Ibn ʿĀbidīn's general category of *mutūn*) do stretch into the Ottoman period. However, my reading of *Shifāʾ al-ʿalīl* is that these later texts serve to document the doctrine of the *mutaʾakhkhirūn*, rather than to form it. The doctrine of the *mutaʾakhkhirūn*, like that of the *mutaqaddimūn*, appears to be time-honored and binding, and it is implied that no quantity of more recent Ḥanafī learned opinion can change it.[48] In this case, recent Ḥanafīs agree on the permissibility of Qur'anic recitation for pay, but they are represented as being wrong about the doctrine of the *mutaʾakhkhirūn*, not collectively right about the currently valid interpretation.

Based on his arguments in *Shifā al-ʿalīl*, then, Ibn ʿĀbidīn does not appear to believe that the *mutaʾakhkhirūn* in the non-technical sense—that is, all later Ḥanafīs stretching to his own time and into the future—have the authority to establish a new doctrine as authoritative (unless, as is the case in his own treatise, they are identifying and restoring an obscured earlier doctrine). This, of course, does not mean that he regarded the tradition as rigid or static, both because *taqlīd* (like Ibn ʿĀbidīn's own) could be so complex and creative—up to and including, in this case, fully overturning received doctrine and practice—and because he accorded important roles to custom and necessity.

3. The second treatise: Ibn al-ʿAnnābī, *Imʿān al-bayān*

The second text under consideration is a lengthy fatwa by a North African contemporary of Ibn ʿĀbidīn, the Algerian mufti Muḥammad ibn Maḥmūd Ibn al-ʿAnnābī. Ibn al-ʿAnnābī, descended from a prominent family of Algerian Ḥanafī ulama, is best known for his work *al-Saʿy al-maḥmūd fī naẓm al-junūd,* which addresses the issue of military reform in the face of European ascendancy.[49] His work, including the fatwa to be discussed here, has been studied by Algerian scholars including Abū'l-Qāsim Saʿd Allāh, Fikrāt ʿĀbid, and Ṣādiq Ghirrīsh,[50] yet has been largely neglected in

46 Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl', 1:157.

47 Ibid, 1:157-9.

48 Were it possible for a later work (like that of Ibn ʿĀbidīn himself) to be established as an authoritative *matn* of the *madhhab*, it would in any case serve only to offer an authoritative interpretation of the prior canon.

49 Saʿd Allāh, *Rāʾid al-tajdīd*, 57-84.

50 Saʿd Allāh, *Rāʾid al-tajdīd*; ʿĀbid, "al-Mawsūʿa al-ʿilmīya, 27-61; Ghirrīsh, "Qirāʾa taʾṣīlīya", 50-71.

the English-language secondary scholarship. Ibn al-ʿAnnābī was nine years older than Ibn ʿĀbidīn but lived longer than the latter, dying in 1257/1851.

His work on payment for Qur'anic recitation, titled *Imʿān al-bayān fī ḥukm al-ujra ʿalā al-Qur'ān*, is a lengthy work of 63 folios. It is preserved in a manuscript that the author himself donated as a *waqf* to al-Azhar and is dated to Rabīʿ al-Awwal of the year 1240 (corresponding to October or November of 1824),[51] a period when Ibn al-ʿAnnābī is known to have been living in Egypt.[52] However, it remains unclear when the work itself was originally composed. It is framed as a response to the inquiry of an unnamed notable writing from Istanbul about the legitimacy and parameters of receiving wages for reciting the Qur'an.[53] It nowhere mentions Ibn ʿĀbidīn, and does not, as far as I can tell, directly acknowledge his arguments. It could predate *Shifāʾ al-ʿalīl,* reflect an ongoing controversy sparked by Ibn ʿĀbidīn's intervention, or be completely unrelated.

Ibn al-ʿAnnābī opens his work observing,

> since the objective of contracts of hire to perform different acts is the benefits resulting from [those acts] that accrue to someone other than the person who performs them, it is necessary to begin by discussing what [transferable benefits] result from the recitation of the Noble Qur'an.[54]

Here he is building on the overall definition and parameters of the contract of hire (*ʿaqd al-ijāra*) in Islamic law. One of the constitutive components of the transaction is the benefit (*manfaʿa*) delivered to the hirer by the hiree.[55] The first section of the text is devoted to the presentation of prooftexts supporting the idea that Qur'anic recitation can yield both this-worldly (*dunyawī*) and otherworldly (*ukhrawī*) benefits to someone other than the reciter.

According to Ibn al-ʿAnnābī, the this-worldly benefits (which include bodily healing, banishment of Satan from one's home, and the easing of poverty) are known both from hadith of the Prophet and from empirical experience.[56] The otherworldly benefits include those reaped by the living (including enhanced comprehension of the meanings of the Qur'an[57] and

51 Ibn al-ʿAnnābī, *Imʿān al-bayān*, Cairo ms., al-Maktaba al-Azharīya, 1130 ʿUlūm al-qurʾān, 91945 al-Shawāmm. The word *taʿlīm* ("teaching") in the title is clearly an error.

52 Saʿd Allāh, *Rāʾid al-tajdīd*, 8, 36-37.

53 Ibn al-ʿAnnābī, *Imʿān al-bayān,* 1[b].

54 Ibid, 1[b]-2[a].

55 *al-Mawsūʿa al-fiqhīya*, 1:259-263.

56 Ibn al-ʿAnnābī, *Imʿān al-bayān*, 2[a]-5[a].

57 Comprehension of the Qur'an is probably categorized as an otherworldly benefit because it leads to salvation after death.

the rewards of listening to it[58]) and the merit that reaches the dead.[59] Ibn al-ʿAnnābī acknowledges some degree of scholarly disagreement about the latter, specifically regarding cases in which the reciter unilaterally donates the recitation or the resulting merit to the deceased rather than simply praying to God to bestow it on them.[60] He then offers an overview of *madhhab* doctrines on the different kinds of action that can benefit a deceased person and evaluates them through direct interpretation of relevant texts from Qur'an and hadith.[61] Ibn al-ʿAnnābī's own view is that the doctrine of the *Ahl al-sunna wa'l-jamāʿa* (that is, of hadith-oriented Sunnis) affirms that a believer can donate the merit resulting from any act of piety, and that dissenting views within his madhhab reflect their authors' adherence to Muʿtazilism.[62]

The second chapter of *Imʿān al-bayān* presents hadith texts concerning the performance of Qur'anic recitation and other acts of devotion for pay,[63] and the third reviews scholars' interpretations of this material. Observing that there are relevant prooftexts suggesting both the permissibility and the prohibition of contracts of hire for Qur'anic recitation, Ibn al-ʿAnnābī notes that jurists' approaches fall into four categories. The first group argues that, in the absence of clear evidence for the chronological sequence of the reports permitting and forbidding recitation for pay, one must exercise pious caution by adhering to the prohibition.[64] This approach is also justified by the idea that God's speech must be protected from degradation through ordinary use (*ibtidhāl*; in this case, being subject to a commercial transaction).[65]

The second group of scholars argues that with the proper intention, far from cheapening God's word, the expenditure of money can in fact serve as a form of glorification (*taʿẓīm*). However, they hold that one cannot contract to perform acts of worship for pay because their validity depends on being performed with the intention of drawing closer to God (*taqarrub*) – an intention that a profit motive would presumably vitiate.

58 Ibid, 2[a].

59 Ibid, 5[a].

60 Ibid, 5[a]-6[a].

61 Ibid, 6[a]-21[a].

62 Ibid, 10[b]-11[a]; see also 7[b]. For this doctrinal position see al-Marghīnānī, *al-Hidāya*, ed. Sāʾid Bakdāsh (Medina: Dār al-Sirāj, 1440/2019), 2:505.

63 Ibid, 21[a]-25[a].

64 Ibn al-ʿAnnābī himself argues that the hadith texts permitting payment for Qur'anic recitation must be later than (and thus abrogate or specify) those forbidding it (ibid, 31[a]).

65 Ibid, 25[a]-26[a].

Ibn al-ʿAnnābī states that this is the original doctrine of the Ḥanafī school (*ẓāhir al-riwāya*) and offers a series of relevant citations from the *Mabsūṭ* of al-Shaybānī. He states that Ḥanafīs also justify this doctrine by arguing that acts of worship are legislated to test people's devotion to God, an objective that presumably cannot be achieved by outsourcing the relevant ritual. There follows a long series of prooftexts for this position from the Qur'an and hadith, all of them focusing on the idea that one should not have mixed or ulterior motives for one's acts of worship.[66]

The third group of scholars, Ibn al-ʿAnnābī writes, seeks to harmonize (*tawfīq*) the previous two.[67] In their view, the relevant prooftexts do not categorically prohibit the admixture of this-worldly motivations for one's acts of worship; rather, they apply to someone who acts purely for profane ends.[68] This group of scholars limits the prohibition on performing acts of worship for pay to those acts that are individually incumbent on a person (such as obligatory prayers).[69] In such a case, the person performing the ritual would in effect be acting for his own benefit by discharging the obligation; this is incompatible with a contract of hire, which is predicated on the hiree acting for the benefit of the employer.[70] Ibn al-ʿAnnābī points out that this approach entails the permissibility of contracts of hire for Qur'anic recitation (in cases where recitation is not individually incumbent on the reciter) as long as the reciter intends some transferrable benefit, whether this-worldly or otherworldly and whether its occurrence is certain (such as the comfort or pleasure of listening) or merely conjectural (such as healing a sick person or driving away Satan).[71]

Ibn al-ʿAnnābī's fourth group goes yet farther, allowing contracts of hire for all acts of devotion yielding transferrable benefits and making exceptions only in cases of specific textual prohibition. Some of these jurists even allow compensation for individual obligations, as when a man uses his conversion to Islam as dower in a marriage contract.[72] Others limit the permission to acts of worship that can be carried out by proxy, do not require intent (*nīya*) for their validity, and are not among the defining rites of the religion (*shaʿāʾir al-dīn*). Ibn al-ʿAnnābī states that this is the doctrine of al-Shāfiʿī and also of Mālik. He notes some diversity of opinion within individual schools about the religious functions that can be performed for

66 Ibid, 26[a]-28[b].
67 Ibid. 28[b].
68 Ibid, 29[b].
69 Ibid, 29[b]-30[a].
70 Ibid, 30[b].
71 Ibid, 33[a], 34[a].
72 Ibid, 44[a].

pay and observes that the *mashhūr* of the Ḥanbalī *madhhab* is (like that of the Ḥanafīs) that contracts of hire are forbidden for all acts of worship.[73]

Ibn al-ʿAnnābī goes on to observe, 'There are those of our later [Ḥanafī] authorities (*mutaʾakhkhirī aʾimmatinā*) whose statements suggest that they followed this [fourth doctrinal] line.'[74] He illustrates this point with a quotation from the 4th century AH /10th century CE Bukharan Ḥanafī al-Zindawīstī, who states that it had become necessary to allow wages for duties such as leading prayers and calling the *adhān* when the zeal of the early Muslims abated, leaving none to undertake them without compensation.[75] While (as we have already seen) this had become a standard argument among later Ḥanafīs, Ibn al-ʿAnnābī draws distinctive conclusions from it. He argues that the arguments of the later Ḥanafīs imply

> the rationale (*ʿilla*) for the prohibition of contracts of hire for the performance of functions related to acts of worship (*waẓāʾif al-ṭāʿāt*) transmitted from our authorities in the books of *ẓāhir al-riwāya* is not based on their being acts of worship (*min qibal kawnihi ṭāʿa*); rather, it is the absence of need to hire people for [these functions] in their time.[76]

While reproducing the conventional argument that the waning of pious motivations created a new need to hire people for religious duties, he here rejects the conventional Ḥanafī assumption that this new situation creates an exception to a preexisting prohibition applying specifically to acts of worship. Ibn al-ʿAnnābī explains,

> The true analysis (*taḥqīq*) of it is that contracts of hire were legislated as a deviation from the logic [of the law of contracts] (*shurriʿat ʿalā ghayr qiyās*). The [logic of the law of contracts] precludes the permissibility of [contracts of hire] because in them the contract applies to benefits that do not [yet] exist; this involves an element of risk and gambling that is [generally] forbidden [in the Sharia]. Nevertheless, the divine law dictated that [contracts of hire] are permissible in necessary matters that are demanded by people's needs. The most obvious interpretation [*al-ẓāhir*] is that their permissibility is predicated on (*maʿlūl bi-*) need, existing wherever need exists and not existing whenever need is absent.[77]

The idea that contracts of hire are inherently anomalous with respect to the Sharia's underlying rules of economic exchange was not a novel one;

73 Ibid, 45ª-b.
74 Ibid.
75 Ibid, 45ᵇ.
76 Ibid, 46ª.
77 Ibid, 46ª-b.

indeed, it was a prevalent (although disputed) position among Ḥanafīs.[78] By bringing it to bear in this specific context, however, Ibn al-ʿAnnābī transforms a conversation about acts of worship as a distinctive class of activities into one in which the permissibility of contracts of hire depends exclusively on a case-by-case assessment of social need. Whereas (as we have seen) Ibn ʿĀbidīn briskly denies the existence of a need to hire anyone for Qur'anic recitation, Ibn al-ʿAnnābī firmly declares that 'it is something that is demanded by the needs of most people today due to the prevalence of ignorance.'[79] As far as Ibn al-ʿAnnābī is concerned, the benefits of Qur'anic recitation are multifarious and concrete, and providing them fills a genuine need; while he does not elaborate on his reference to 'the prevalence of ignorance,' he may mean that many contemporary Muslims are not capable of extensive Qur'anic recitation themselves and thus need to hire professionals.

Ibn al-ʿAnnābī's methodology in this work is distinctively comprehensive. While he unambiguously identifies as a Ḥanafī throughout and gives disproportionate space to Ḥanafī authorities,[80] his framework is a comparative one that includes all four Sunni schools of law. Furthermore, he consistently follows his presentation of the various school doctrines with discussion of relevant prooftexts from Qur'an and hadith. He treats this material as dispositive for the evaluation of the competing *madhhab* doctrines, and evaluates them directly (rather than citing the usage of those texts in school legal manuals).[81] Structurally, the entire discussion is organized not around the individual *madhhab*s but around a set of four broad interpretive approaches to the issue at hand that Ibn al-ʿAnnābī has independently conceptualized. Discussion of the Ḥanafī school tradition, which is the heart and soul of Ibn ʿĀbidīn's analysis, in *Imʿān al-bayān* occupies a relatively modest middle ground between the macro level of broad generic approaches to the problem of recitation for pay and the micro level of interpreting individual hadith texts.

This approach seems far removed from Ibn ʿĀbidīn's elaborate protestations of adherence to *taqlīd*. Indeed, Ibn al-ʿAnnābī frames his composition very differently from the outset. He writes, "The verification (*taḥqīq*) of this issue demands a great deal of elaboration and distinction,

78 See, for instance, Sarakhsī, *Kitāb al-Mabsūṭ*, 15:74.

79 Ibn al-ʿAnnābī, *Imʿān al-bayān*, 48[a]; see also 46[a], b.

80 For instance, he references 'our Ḥanafī authorities' (*mashāyikhunā al-ḥanafīya*; ibid, 6[b]); throughout, the second-person plural 'we' refers to Ḥanafī positions.

81 Compare with the description of his methodology in his most famous work, *al-Saʿy al-maḥmūd fī naẓm al-junūd*, (in Saʿd Allāh, *Rāʾid al-tajdīd*, 67, 80), and in his other fatwas (ibid, 87-88).

followed by verification and study of the bases [of arguments], supported with splendid transmitted proofs (*al-adilla al-samʿīya*) and illuminated with radiant approved citations (*al-nuqūl al-marḍīya*) and reports from the early Muslims (*al-āthār al-salafīya*)."[82] This programmatic statement suggests both that quotations from authoritative legal texts (*nuqūl*) will play a supporting role in a discussion driven by analytic arguments and that they will share this role with reports from the Prophet and the early Muslims. Both of these expectations are, of course, richly fulfilled by the content of the text.

More importantly, Ibn al-ʿAnnābī's opening statement features two terms that have been associated with distinctive approaches to Islamic thought. It twice uses the word 'verification,' *taḥqīq*, a term that Ibn al-ʿAnnābī makes use of again when introducing his argument about the non-analogic nature of contracts of hire.[83] Khaled El-Rouayheb has shown that over the centuries the term *taḥqīq* was used in contrast with *taqlīd*: '[A] scholar who was not a *muḥaqqiq* [a practitioner of *taḥqīq*] would confine himself to reiterating received views and perhaps also clarifying them.... A *muḥaqqiq*, on the other hand, would critically assess received views.'[84] El-Rouayheb shows that a strand of theology emphasizing *taḥqīq* rose to prominence in the Maghrib in the postclassical period.[85] This emphasis on independent verification of proofs certainly characterizes the content of *Imʿān al-bayān*, which scrutinizes the logic and revealed prooftexts for even the most established school doctrines. To what extent Ibn al-ʿAnnābī generally conceived himself as a *muḥaqqiq* and what the broader role of the concept of *taḥqīq* in his thought is must be questions for further research.

The other suggestive term appearing in the treatise's opening statement is *salafī* (relating to the first generations of Muslims). In this historical context, of course, the reference is not to the modern Salafi movement but to the longstanding strand of Islamic thought emphasizing adherence to the teachings of the earliest Muslims over analytic argumentation, particularly in the field of theology.[86] In the field of theology (the core area of their application), the terms *taḥqīq* and *salafī* would seem to stand in tension. As El-Rouayheb has shown, advocates of *taḥqīq* rejected the authority-based textual approach of the traditionalists.[87] However, these terms' application to the field of law is less well known, and in this field the

82 Ibn al-ʿAnnābī, *Imʿān al-bayān*, 1[b].

83 Ibid, 46[a].

84 El-Rouayheb, *Islamic Intellectual History*, 28.

85 El-Rouayheb, *Islamic Intellectual History*, chapters 5-6.

86 El-Rouayheb, *Islamic Intellectual History*, chapters 4-6.

87 C.f. El-Rouayheb, *Islamic Intellectual History*, 185-7.

two ideals may have harmonized. Ibn al-ʿAnnābī's systematic commitment to the application of hadith texts supports his independent and analytic exploration of the legal problem at hand.

Indeed, in *Imʿān al-bayān*, Ibn al-ʿAnnābī not only displays his expertise as a *muḥaddith*[88] but openly claims forms of legal authority that Ibn ʿĀbidīn considered unavailable to latter-day jurists. He describes his third chapter as involving the 'presentation of the doctrines of the ulama on that [subject], the specification of the grounds of their arguments (*maʾākhidh*) and their proofs (*ḥijāj*) and the clarification of which of their opinions is more or less preponderant (*bayān al-rājiḥ wa'l-marjūḥ*).'[89] Here, Ibn al-ʿAnnābī himself appears to propose engaging in *tarjīḥ*. In other places,[90] he explicitly states that he is performing *takhrīj* (extrapolation) based on school doctrine[91] and *istiḥsān* (juristic preference).[92] Ṣādiq Ghirrīsh points out that Ibn al-ʿAnnābī also makes use of *qiyās* at several points in his argument.[93] Indeed, as Ghirrīsh discusses in some detail, throughout the fatwa Ibn al-ʿAnnābī productively applies *ūṣūl* principles to the primary sources of Qur'an and hadith.[94] These are techniques that Ibn ʿĀbidīn, in his stance as *muqallid*, applies to the texts of the Ḥanafī canon. When Ibn al-ʿAnnābī engages in harmonization (*tawfīq*), it is between apparently conflicting revealed prooftexts, not between authority statements from *madhhab* canon.[95]

In the content of his canon as well as his unabashed willingness to engage in legal reasoning based directly on Qur'an and hadith rather than on authoritative texts of his school, Ibn al-ʿAnnābī in some ways seems to prefigure a modern Salafī approach. He displays a fondness for the Ḥanbalī jurist Abū Yaʿlā, quotes Ibn Ḥazm, and indirectly cites Ibn Taymīya.[96] At least with respect to theology, he seems to have had an affinity with the Wahhābīs; one of his students in Cairo was a grandson of Ibn ʿAbd al-Wahhāb (ʿAbd al-Raḥmān ibn Ḥasan Āl al-Shaykh), who described him

88 In addition to citing vast quantities of hadith, he second-guesses a source's impugning (*jarḥ*) of a transmitter (Ibn al-ʿAnnābī, *Imʿān al-bayān*, 21[b]) and invokes negative evaluations of another report's isnād (ibid, 41[b]-42[a]).

89 Ibid, 25[a].

90 Ibid, 53[a]; see also 42[b].

91 E.g. ibid, 53[a] (*kull hādhā takhrīj minnī*); see also 42[b].

92 Ibid, 42[b] (*wa'l-istiḥsān ʿindī jawāzuhu*).

93 Ghirrīsh, *'Qirāʾa taʾṣīlīya*, 60-61.

94 This is the main topic of Ghirrīsh, 'Qirāʾa taʾṣīlīya.

95 E.g. Ibn al-ʿAnnābī, *Imʿān al-bayān*, 31[b].

96 See, for instance, ibid, 8[a] (reference to Ibn Taymīya within quotation from Ibn al-ʿAnnābī's grandfather's Qur'an commentary), 9[b], 19[b]-20[a] (Abū Yaʿlā), 20[b] and 25[b] (Ibn Qayyim al-Jawzīya).

with the title *al-Atharī* (that is, one whose doctrines were based on the texts of Qur'an and hadith) and praised his *ʿaqīda* (creed).[97]

Ibn al-ʿAnnābī's approach of discussing doctrines across the four *madhhab*s is another distinctive feature of his legal methodology. It is possible that his engagement with fiqh across madhhabs was a feature of his scholarship more broadly. An intriguing but ambiguous anecdote suggests that Ibn al-ʿAnnābī may have been involved in an early project of cross-*madhhab* legal codification. The historian ʿAbd al-Ḥamīd Bīk (d. 1863) writes that near the end of his reign, Muḥammad ʿAlī became concerned with the phenomenon of litigants manipulating the legal pluralism of the four-*madhhab* system by obtaining fatwas representing different schools of law. Accordingly, he approached Ibn al-ʿAnnābī and 'ordered him to compose a book that would comprise all that he deemed most sound (*mā rajjaḥa*) of the doctrines of the four legal schools and harmonize [them] with the laws of *siyāsa*, so that all verdicts could follow it and seeking a fatwa from the rest of [the doctrines of] the four legal schools would be abolished.'[98] According to ʿAbd al-Ḥamīd, this initiative led to Ibn al-ʿAnnābī's removal from office after the death of Muḥammad ʿAlī, when disenfranchised muftis and shaykhs complained to his successor ʿAbbās.[99]

Abū'l-Qāsim Saʿd Allāh notes that ʿAbd al-Ḥamīd Bīk's biographical notice contains obvious factual errors but is still one of the richest sources for the thinly-documented life of Ibn al-ʿAnnābī. The information seems to derive from oral communication with Ibn al-ʿAnnābī himself or with the Algerian community in Egypt, rather than from documentary sources.[100] His account of Muḥammad ʿAlī's commission to Ibn al-ʿAnnābī thus cannot be taken literally in its details.[101] Saʿd Allāh also notes that the partial manuscript that appears to represent the results of this commission, *Ṣiyānat al-riyāsa*, is based only on Ḥanafī doctrine.[102] Without further evidence, it is difficult to know whether there were two separate commissions or whether ʿAbd al-Ḥamīd Bīk was simply incorrect about the nature of the work.

Despite the ambiguity of the evidence, it would appear that Ibn al-ʿAnnābī may have been regarded as qualified and willing to select from the school tradition (and perhaps beyond) legal doctrines appropriate to the needs of

97 ʿĀbid, 'Al-Mawsūʿīya al-ʿilmīya, 5.

98 ʿAbd al-Ḥamīd Bīk, *Aʿyān min al-mashāriqa wa'l-maghāriba*, 189.

99 Ibid, 190.

100 Saʿd Allāh, *Rāʾid al-tajdīd*, 5-6.

101 For instance, Saʿd Allāh notes that he implies in one place that Ibn al-ʿAnnābī never finished his legal manual and in another that it was actually enacted (ʿAbd al-Ḥamīd Bīk, *Aʿyān min al-mashāriqa,* p. 189, n. 2).

102 Saʿd Allāh, *Rāʾid al-tajdīd*, 99-103.

his time. Ibn al-ʿAnnābī's methodology in *Imʿān al-bayān* is just one data point, albeit a rich one, toward reconstructing the approach of this still under-studied scholar. One hopes that this exploration can be extended when more of his *fatāwā* become available.

4. The third treatise: al-Ḥamzāwī, *Rafʿ al-ghishāwa*

The final text to be considered is the treatise *Rafʿ al-ghishāwa ʿan jawāz akhdh al-ujra ʿalā'l-tilāwa,* by Maḥmūd Efendī al-Ḥamzāwī (d. 1887). Like Ibn ʿĀbidīn, al-Ḥamzāwī was born and died in Damascus; he served as the Ottoman mufti of Damascus from 1867 until his death.[103] His work on the permissibility of taking pay for Qur'anic recitation was written far later than the other two and is dated 1302/1885, long after the deaths of the other two scholars. Al-Ḥamzāwī's work is framed as a response to a questioner asking whether Ibn ʿĀbidīn's position was the currently valid doctrine of the Ḥanafī school (*al-muftā bihi fi'l-madhhab*) or not.[104] In content, it is not only a vigorous refutation of Ibn ʿĀbidīn's position but a repudiation of the very form of legal writing that Ibn ʿĀbidīn had engaged in.

Al-Ḥamzāwī opens his discussion by declaring that the Ḥanafī prooftexts (*nuqūl*) affirming the legitimacy of wages for Qur'anic recitation are so numerous that they almost reach the point of apodictic certainty (*kādat tablughu al-tawātur*). He continues, "Here I will present their citations in an epistle… that will be free of speculative legal analyses that are of no benefit (*mujarrada ʿan al-abḥāth al-latī lā tujdī*), since a mufti who is *muqallid* may only transmit what is reliably attributed to the scholars of his school."[105] Having cited several authorities on this point, he continues, 'As for entering into argumentation, legal extrapolation (*takhrīj*), and hypothetical disputation (*al-finqulāt*), none of that should be relied on because it exceeds the role of a mufti who is *muqallid*.'[106] The term *finqulāt*, which designates speculative dialogues featuring the formulation '*fa-in qulta*' ("if you were to say…"), is a particularly telling description of Ibn ʿĀbidīn's style in *Shifāʾ al-ʿalīl*.

Al-Ḥamzāwī is as good as his word; in fact, his epistle consists exclusively of a numbered list of 40 *nuqūl* supporting the validity of contracts of hire for the recitation of the Qur'an. Given the simplicity of his framework, I will not further analyze his methodology. What is most striking about the

103 On al-Ḥamzāwī's life see Ayoub, "Creativity in Continuity", 317-318.

104 al-Ḥamzāwī, "Rafʿ al-ghishāwa", 2. Note that each treatise in this collection is paginated separately; 'Rafʿal-ghishāwa' is the third treatise.

105 al-Ḥamzāwī, "Rafʿ al-ghishāwa", 2.

106 Ibid.

Ḥanafī canon he invokes is how little it overlaps with that invoked by Ibn ʿĀbidīn in *Shifāʾ al-ʿalīl*. One clear difference is in chronology. Ibn ʿĀbidīn cites a set of sources that gradually increase in number starting with the 6th century AH, peaking in the tenth century AH and dropping off rapidly after that. In contrast, the bulk of al-Ḥamzāwī's sources date from the tenth to twelfth centuries AH.[107] Although one might explain this in terms of a shift in school doctrine over time (with Ibn ʿĀbidīn prioritizing earlier sources that reject recitation for pay), in fact Ibn ʿĀbidīn (unlike al-Ḥamzāwī) cites sources representing a fairly broad range of opinion. His bibliography's earlier center of gravity thus seems to reflect his understanding of the authoritative Ḥanafī canon that needs to be accounted for.

Furthermore, while both scholars' citations peak in the 10th century AH/16th century CE, they have very few sources from this century in common. Again, one might attribute this to each author's selective citation of sources that support his case, but there seem to be other factors at work. Of al-Ḥamzāwī's tenth-century citations, no fewer than seven are from the *fatāwā* of the Ottoman Shaykh al-Islām Abū'l-Suʿūd Efendī. This is perhaps not surprising, since if one consults collections of Abū'l-Suʿūd's *fatāwa*, it emerges that he issued a number of fatwas affirming the validity of contracts involving payment for reciting the Qur'an.[108] What is perhaps more surprising is that Ibn ʿĀbidīn never mentions this figure at all, not even to refute him. This difference does not involve simply Abū'l-Suʿūd as an individual, but arguably Ottoman *shaykh al-islām*s (jurists who held the highest post in the Ottoman official hierarchy) as a category. Al-Ḥamzāwī also cites two passages from Ibn Kamāl Pasha (d. 940/1534), meaning that of his thirteen *nuqūl* from the tenth century AH, a whopping nine are from Ottoman *shaykh al-islām*s. Ibn ʿĀbidīn's opening bibliography, in contrast, appears to feature no *shaykh al-islām* from the tenth century AH.[109]

107 It should be noted that these tallies represent somewhat different things in each case. I have counted Ibn ʿĀbidīn's sources based on the bibliography he provides at the beginning of the work without weighting the number or extensiveness of citations from each source. They vary widely in this respect, but since ʿĀbidīn's analyses include reinterpretation and critique, the number and length of the quotations does not necessarily correlate with the authority Ibn ʿĀbidīn accords to each author. In contrast, since al-Ḥamzāwī structures his treatise as a numbered list of citations that he argues to be cumulatively dispositive, a quantitative comparison of the number of citations from each author seems appropriate.

108 See, for instance, Demirtaş, *Açıklamalı Osmanlı Fetvâları IV*, 2:865, 2:1126-8, 2:1165-6. I thank Fatma Deniz for her help in consulting this source; all errors are my own.

109 See Ibn ʿĀbidīn, 'Shifāʾ al-ʿalīl,' 1:151. Ibn ʿĀbidīn's sources for the 10th century AH are Ibn al-Shiḥna (d. 921/1515), al-Ṭarābulusī (d. 922/1516), Zakarīyā al-Anṣārī (Shāfiʿī, d. 926/1520), Ibrāhīm al-Ḥalabī (d. 956/1549), Ibn Nujaym (d. 970/1563),

The hypothesis that al-Ḥamzāwī accorded a special status to the fatwas of Ottoman *shaykh al-islām*s is supported by another work dating to a similar period of his life. His short treatise 'Rectification of prooftexts on the hearing of a woman's claim for her entire prompt dower after consummation' (*Taṣḥīḥ al-nuqūl fī samāʿ daʿwā al-marʾa bi-kull al-muʿajjal baʿd al-dukhūl*) is dated to 1301 AH/1884 CE,[110] just a year before *Rafʿ al-ghishāwa*. The work's overall objective parallels that of Ibn ʿĀbidīn in *Shifāʾ al-ʿalīl*: to reassert the authentic *madhhab* doctrine of *ẓāhir al-riwāya* in the face of widespread contemporary Ḥanafī agreement on a deviant interpretation.[111]

Al-Ḥamzāwī proposes to achieve this "by reviewing the authentic prooftexts (*nuqūl*)."[112] As in his *Rafʿ al-ghishāwa*, the bulk of the treatise is an enumeration of these prooftexts from a range of authorities in the school. Notable in this presentation is that he explicitly labels Ottoman muftis as a distinct category. After citing two Ottoman-language fatwas (one of them from the 'mufti of the imperial capital (*dār al-salṭana*), ʿAlī Efendī' (Çatalcalı ʿAlī Efendī, d. 1103/1692) and the other from ʿAbd al-Raḥīm Efendī (Menteshzādeh, d. 1128/1716)), he declares, 'These are the Ottoman scholars (*hāʾulāʾī ʿulamāʾ al-rūm*); as for the fatwas of the Egyptians…'[113] Al-Ḥamzāwī concludes his discussion by declaring that "The fatwas of the *shaykh al-islām*s in the exalted imperial capital (*mashāyikh al-islām fī dār al-salṭana al-ʿalīya*) and of the Kāzarūnīya[114] suffice to refute the statements in the [*Fatāwā*] *al-Khayrīya* [of Khayr al-Dīn al-Ramlī] and the [*Fatāwā*] *al-Ḥāmidīya* that a woman's claim for her entire prompt dowry after consummation is not heard."[115] Here al-Ḥamzāwī implies his recognition of a special (although certainly not exclusive) authority attaching to Ottoman *shaykh al-islām*s.

Ibn Ḥajar al-Haytamī (Shāfiʿī, d. 1566), al-Khaṭīb al-Shirbīnī (Shāfiʿī, d. 977), Muḥammad Birkevi (d. 1573), Yūsuf al-Amāsī (d. circa 1000/1592), and Muḥarram ibn Muḥammad al-Zaylaʿī (d. 1000).

110 Maḥmūd Efendī al-Ḥamzāwī, "Taṣḥīḥ al-nuqūl", 8.

111 Ibid, 2.

112 Ibid, 'Taṣḥīḥ al-nuqūl', 2; Ibn ʿĀbidīn, *al-ʿUqūd al-durrīya*, 1:49-50, 55.

113 al-Ḥamzāwī, "Taṣḥīḥ al-nuqūl", 6. For see İpşirli, "Çatalcalı ʿAlī Efendī". The fatwa cited by al-Ḥamzāwī can be found in Fetava-yi Ali Efendi ma in-nükûl, [İstanbul]: Tabʿhane-yi Amire, 1272 [1856], 1:60 (accessed online through HathiTrust). For ʿAbd al-Raḥīm Efendi see İpşirli, "Abdürrahim Efendi, Menteşzâde" in *DİA*. The fatwa cited by al-Ḥamzāwī can be found in the manuscript of Fatāwā ʿAbd al-Raḥīm Efendī available from the Prince Ghazi Trust for Qur'ānic thought online at https://www.quranicthought.com/ar/content/2374512

114 Probably the *Fatāwā al-Kāzarūnīya* of ʿAbd Allāh ibn Ḥasan al-ʿAfīf al-Kāzarūnī (d. 1102 AH/1690-1 CE).

115 al-Ḥamzāwī, 'Taṣḥīḥ al-nuqūl', 8.

This fatwa usefully illustrates both the parallels and divergences between al-Ḥamzāwī's method and that of Ibn ʿĀbidīn. Both men fervently affirm their own status (and that of their contemporaries) as *muqallid*s, and both avowedly seek to realign the current doctrine of the *madhhab* with the classical doctrines of the school. Within this framework, both men scrutinize the prooftexts of latter-day Ḥanafīs for errors and misattributions. However, from this point, their methodologies diverge sharply. While Ibn ʿĀbidīn applies the hermeneutic tools of *uṣūl al-fiqh* to parse and harmonize the texts of the Ḥanafī canon, al-Ḥamzāwī relies on the quantitative accumulation of prooftexts largely without hermeneutic engagement with their arguments (an engagement which he holds to be precluded by *taqlīd*). It should be noted that al-Ḥamzāwī's restrictive approach to *taqlīd* does not freeze Ḥanafī law into backwards-looking rigidity; on the contrary, with its overwhelming emphasis on the statements of jurists of relatively recent centuries, he frames the Ḥanafī canon as evolving in an open-ended manner over time. As Samy Ayoub has demonstrated, al-Ḥamzāwī's arguments could be quite creative.[116]

Furthermore, each man's canon of authoritative Ḥanafī texts is quite distinct. While Ibn ʿĀbidīn emphasizes the steadily diminishing interpretive authority of jurists over time, the center of gravity of al-Ḥamzāwī's canon is strikingly late; for him the collective weight of relatively recent authorities can be decisive. Even more striking is al-Ḥamzāwī's explicit acknowledgement of a special status for jurists who held the position of *shaykh al-islām* of the Ottoman empire and opined from the imperial capital.

Al-Ḥamzāwī's approach reinforces recent arguments about the distinctive role of Ottoman (*Rūmī*) jurists and of the Ottoman state in articulating Ḥanafī law.[117] However, based on the fatwas at hand, in this respect his approach appears to diverge from those of the other two authors. At least in the context of this particular legal conversation, neither Ibn ʿĀbidīn nor Ibn al-ʿAnnābī appears to accord any special authority to doctrines backed by the Ottoman state, although this would have been possible to do so given Abū'l-Suʿūd's vigorous participation in this particular legal dispute.[118]

An overall evaluation of Ibn ʿĀbidīn's attitude toward Ottoman imperial authority is a complex matter that cannot be fully explored in this article.

116 See Ayoub, "Creativity in Continuity".

117 See Burak, *The Second Formation of Islamic Law*; Ayoub, *Law, Empire, and the Sultan*.

118 It seems at least possible that Ibn ʿĀbidīn was unaware of Abū'l-Suʿūd's interventions in this debate; his references to the latter appear to be mediated by previous authors who rendered his opinions into Arabic. See Ibn ʿĀbidīn, *al-ʿUqūd al-durrīya*, 1:202; id., *Kitāb tanbīh al-wulāt wa-l-ḥukkām*, 79.

Samy Ayoub has shown that there are many references to the *Maʿrūḍāt* of Abū'l-Suʿūd (a collection of opinions officially reviewed by the Ottoman sultan)[119] and to Ottoman imperial edicts in *Radd al-muḥtār*, but also that all of them are inherited from al-Ḥaṣkafī's base text on which he is commenting.[120] In some cases, Ibn ʿĀbidīn does not seem to treat such citations as authoritative in themselves. For instance, addressing a scenario where a mosque is surrounded by homes owned by non-Muslim subjects, al-Ḥaṣkafī cites the *Maʿrūḍāt*, where the latter in turn invokes a sultanic decree.[121] For al-Ḥaṣkafī, as Ayoub has demonstrated, such citations appear to be authoritative.[122] Ibn ʿĀbidīn's commentary implicitly accepts Abū'l-Suʿūd's position but states, 'This answer is based on the doctrinal preference (*ikhtiyār*) of al-Ḥalwānī [d. 448/1056-7] and others.'[123] For Ibn ʿĀbidīn, at least in this example, Abū'l-Suʿūd is understood neither as the originator of the doctrinal judgment nor as the authority underwriting it; like other latter-day jurists, he is merely a distinguished mediator of the school tradition.

In the treatise *Tanbīh al-ḥukkām*, which deals with the question of whether the authorities should accept the repentance of a person who has insulted the Prophet Muḥammad,[124] Ibn ʿĀbidīn's hypothetical interlocutor invokes the authority of Abū'l-Suʿūd's *Maʿrūḍāt* and of a pair of relevant sultanic decrees.[125] Ibn ʿĀbidīn's response begins by arguing that Abū'l-Suʿūd's position is internally contradictory[126] but continues to a far more devastating point: Abū'l-Suʿūd, implicitly but unmistakably, is simply not a *mujtahid*. Having established to his own satisfaction that Abū'l-Suʿūd's opinion cannot be harmonized (*tawfīq*) with those of the early authorities of the school, Ibn ʿĀbidīn declares:

> If the statements of the authorities of the school who were *mujtahids* conflicts with those of other, later authorities (*mutaʾakhkhirīn*) without the latter basing themselves on prooftexts transmitted from the *mujtahids*, we follow [the opinions of] the authorities who were *mujtahids*.[127]

119 See Ayoub, *Law, Empire, and the Sultan*, 66.

120 See Ayoub, *Law, Empire, and the Sultan*, 119-120.

121 See al-ʿImādī, *Maʿrūḍāt Abī al-Suʿūd*, 101.

122 Ayoub, *Law, Empire, and the Sultan*, 86-90.

123 Ibn ʿĀbidīn, *Radd al-muḥṭār,* 4:209.

124 On the history of Islamic juristic debate on this issue see Sarah Islam, *Blasphemy (*Sabb al-Rasūl).

125 Ibn ʿĀbidīn, *Tanbīh al-ḥukkām*, 79.

126 Ibid, 80.

127 Ibid, 81.

Here Ibn ʿĀbidīn seems to use the term *mutaʾakhkhir* in its ordinary, non-technical sense of 'latter-day'; he is representing Abū'l-Suʿūd not as one of the *mutaʾakhkhirūn* who (like al-Ṭaḥāwī and al-Samarqandī) can cumulatively establish an authoritative doctrine diverging from that of Abū Ḥanīfa and his two disciples, but simply as a scholar too belated to exercise independent hermeneutic authority. He underlines the point by citing the dictum, 'The statements of non-*mujtahid*s are not taken into consideration' (*lā iʿtibār bi-kalām ghayr al-mujtahidīn*).[128]

None of this is to imply that Ibn ʿĀbidīn disrespects Abū'l-Suʿūd's opinions. However, even when he endorses their content, in such cases he seems to regard them merely as channeling the authority of earlier Ḥanafī scholars who belonged to historical cohorts qualified to engaged in independent evaluation of school doctrines. Further research would be required to determine whether this is typical of his approach overall. In contrast, al-Ḥamzāwī appears willing to frame the fatwas of Abū'l-Suʿūd framed as authority statements without reference to the prior Ḥanafī tradition.[129]

5. Conclusion

Taken together, these three legal analyses of the same concrete issue display the methodological and ideological diversity of Ḥanafī law in the nineteenth century. Their variation is most notable along two axes: the different degrees and forms of independent legal reasoning that the authors represent themselves as being qualified to engage in, and the apparently different roles accorded to the Ottoman establishment in shaping the content of the law. On the first axis, one extreme is represented by Ibn al-ʿAnnābī, whose direct analysis of revealed sources and engagement with all four *madhhab*s seem to foreshadow later developments while eschewing overt invocation of the dichotomy of *ijtihād* and *taqlīd*. His approach in *Imʿān al-bayān* raises the question of how the model of *taḥqīq* may have manifested itself in his *fiqh* more broadly. It also invites us to ask how our understanding of Islamic law in this period might be enriched by incorporating less-studied geographical areas (in this case, Algeria). The other extreme of the first axis is represented by al-Ḥamzāwī, whose model of *taqlīd* eschews analysis of school texts in favor of the quantitative accumulation of prooftexts, yet envisions an

128 Ibid, 81. His dismissal applies not only to Abū'l-Suʿūd but to Ottoman *shaykh al-islām*s as a class; in his discussion of blasphemy in *al-ʿUqūd al-durrīya* he notes that 'the *shaykh al-islām*s of the Ottoman dynasty' have ruled that Shīʿites are heretics whose repentance should not be accepted (1:202), but goes on to reject this view as an expression of school doctrine (1:202-206).

129 A keyword search on the Shamela database suggests that Ibn ʿĀbidīn was far more interested in Abū'l-Suʿūd as a commentator than as a mufti, although this would require further research.

evolving school doctrine that can be authoritatively reshaped by scholars of recent centuries. It remains to be determined to what extent this approach is distinctive to al-Ḥamzāwī, or whether it might represent a broader trend in *fiqh* in the Hamidian era.

On the second axis, one extreme may be represented by Ibn ʿĀbidīn, who – at least in this specific discussion – largely ignores the contribution of the Ottoman state to Ḥanafī *fiqh*. Ibn al-ʿAnnābī, despite the fact that his work is framed as a response to an inquiry from Istanbul, appears to simply ignore the possibility that Ottoman authorities (whether sultans or *shaykh al-islām*s) might be relevant to his argumentation. Al-Ḥamzāwī, in contrast, gives pride of place to the Ottoman shaykh al-islāms. To the extent that these differences reflect the underlying attitudes of the individual authors, they may in part reflect geography: as an Algerian, Ibn al-ʿAnnābī is in touch with a broader Ottoman system but perhaps less directly shaped by it than the other two men. The personal trajectories and commitments of the authors may also be relevant; as an *amīn al-fatwā* (assistant mufti), Ibn ʿĀbidīn was at most at the very edge of Ottoman officialdom, while al-Ḥamzāwī climbed through the hierarchy of official Ottoman judicial appointments, cultivated a near-native command of Turkish, and received the highest honors and medals of the Ottoman state.[130] Nevertheless, their positions cannot be reduced to self-interest. The extent to which these patterns are sustained throughout the three scholars' works is a question for further research.

Finally, one can ask to what extent each of these scholars should be understood as representing the new conditions of nascent modernity. Is Ibn ʿĀbidīn's framework best understood as a conservative extension of a model at least as old as the Mamluk period or as a model for social and ritual change underwritten by the authority of the past? Is his approach a particularly brilliant and virtuoso example of an already widely accepted methodology, or is he pushing back against a status quo that (somewhat like al-Ḥamzāwī) values the continuing evolution of school doctrine through the accumulating authority of relatively recent sources? Does Ibn al-ʿAnnābī's methodology reflect a centuries-long North African tradition of *taḥqīq*, or is it a conscious response to the changing circumstances of his time? Does al-Ḥamzāwī's legal methodology reflect a long tradition of Ottoman jurisprudence or a distinctive development of the Hamidian era? Only further research can answer these questions, but these three works demonstrate the profound methodological diversity of nineteenth-century Ḥanafism.

130 See biographies of al-Ḥamzāwī in Muḥammad Saʿīd ibn ʿAbd al-Raḥmān al-Bānī al-Ḥasanī, *ʿUlamāʾ al-Shām kamā ʿaraftuhum*, 215-229 and al-Bīṭār, *Ḥilyat al-bashar*, 1467-1476.

Bibliography

ʿAbd al-Ḥamīd Bīk, *Aʿyān min al-mashāriqa wa'l-maghāriba: Tārīkh ʿAbd al-Ḥamīd Bīk*, ed. Abū'l-Qāsim Saʿd Allāh, Beirut: Dār al-gharb al-Islāmī, 2000.

ʿĀbid, Fikrāt, "al-Mawsūʿa al-ʿilmīya li-ʿulamāʾ al-Jazāʾir: Makhṭūṭ 'Imʿān al-bayān fī masʾalat al-ijāra ʿalā al-Qurʾān' li-Ibn al-ʿAnnābī al-Jazāʾirī al-Ḥanafī namūdhajan", *al-Majalla al-jazāʾirīya li'l-makhṭūṭāt*, 8 (2012): 27-61.

Ahmad, Ahmad Atif, *The Fatigue of the Shariʿa*, New York, NY: Palgrave Macmillan, 2012.

Al-Azem, Talal, *Rule-Formulation and Binding Precedent in the Madhhab-Law Tradition: Ibn Quṭlūbughā's Commentary on the Compendium of Qudūrī*, Leiden: Brill, 2016.

Ayoub, Samy, "Creativity in Continuity: Legal Treatises (*al-Rasāʾil al-Fiqhīya*) in Islamic Law", *Journal of Islamic Studies*, 34/3 (2023): 305-339.

Ayoub, Samy, *Law, Empire, and the Sultan: Ottoman Imperial Authority and Late Hanafi Jurisprudence*, Oxford: Oxford University Press, 2020.

al-Bānī al-Ḥasanī, Muḥammad Saʿīd ibn ʿAbd al-Raḥmān, *ʿUlamāʾ al-Shām kamā ʿaraftuhum*, ed. Ḥasan al-Samāḥī Suwaydān, Damascus: Dār al-qādirī: 1420/1999.

al-Bīṭār, ʿAbd al-Razzāq, *Ḥilyat al-bashar fī tārīkh al-qarn al-thālith ʿashar*, ed. Muḥammad Bahjat al-Bīṭār, Beirut: Dār Ṣādir, n.d.

Brown, Jonathan, *The Canonization of Al-Bukhārī and Muslim: The Formation and Function of the Sunni Ḥadīth Canon*, Leiden: Brill, 2007.

Burak, Guy, *The Second Formation of Islamic Law: The Ḥanafī School in the Early Modern Ottoman Empire*, Cambridge: Cambridge University Press, 2015.

Calder, Norman, "The *ʿUqūd rasm al-muftī*" of Ibn ʿĀbidīn", *Bulletin of the School of Oriental and African Studies*, 63/2 (2000): 215-228.

Demirtaş, H. Necâti, *Açıklamalı Osmanlı Fetvâları IV: Fetâvâ-yı Ebûssu'ûd Fâtih Nüshası*, İstanbul: Kubbealtı Neşriyâtı, 2020.

El-Rouayheb, Khaled, *Islamic Intellectual History in the Seventeenth Century: Scholarly Currents in the Ottoman Empire and the Maghreb*, New York: Cambridge University Press, 2015.

Ghirrīsh, Ṣādiq, "Qirāʾa taʾṣīlīya fī makhṭūṭ 'Imʿān al-bayān fī ḥukm al-ujra ʿalā al-Qurʾān' li-Ibn al-ʿAnnābī", *al-Majalla al-jazāʾirīya li'l-makhṭūṭāt*, 12 (2015): 50-71.

al-Ḥamzāwī, Maḥmūd Efendī, *Fetava-yi Ali Efendi ma in-nükûl*, İstanbul: Tabʿhane-yi Amire, 1272 (1856). Accessed online through HathiTrust.

al-Ḥamzāwī, Maḥmūd Efendī, "Rafʿ al-ghishāwa ʿan jawāz akhdh al-ujra ʿalā'l-tilāwa", *Majmūʿat rasāʾil li- Maḥmūd Efendī al-Ḥamzāwī*, Damascus: Maṭbaʿat Majlis al-Maʿārif, 1886, 2-11.

al-Ḥamzāwī, Maḥmūd Efendī, "Taṣḥīḥ al-nuqūl fī samāʿ daʿwā al-marʾa bi-kull al-muʿajjal baʿd al-dukhūl", *Majmūʿat rasāʾil li- Maḥmūd Efendī al-Ḥamzāwī*, Damascus: Maṭbaʿat Majlis al-Maʿārif, 1886, 2-8.

[Ibn al-ʿAnnābī], Muḥammad ibn Maḥmūd ibn Ḥusayn al-Jazāʾirī al-Ḥanafī, *Imʿān al-bayān fī masʾalat al-ijāra ʿalā taʾlīm al-Qurʾān*, Cairo ms., al-Maktaba al-Azharīya, 1130 ʿUlūm al-qurʾān, 91945 al-Shawāmm.

Ibn ʿĀbidīn, Muḥammad Amīn, *al-ʿUqūd al-durrīya fī tanqīḥ al-Fatāwā al-ḥāmidīya*, Beirut: Dar al-Maʿrifa, n.d.

Ibn ʿĀbidīn, Muḥammad Amīn, *Ḥāshiyat Radd al-muḥtār ʿalā al-Durr al-mukhtār*, Cairo: Sharikat Maktabat wal-Maṭbaʿat Muṣṭafā al-Bābī al-Ḥalabī, 1386/1966.

Ibn ʿĀbidīn, Muḥammad Amīn, *Kitāb tanbīh al-wulāt wa-l-ḥukkām ʿalā aḥkām shāʾim khayr al-anām aw aḥad aṣḥābihi al-kirām*, ed. Abī Bilāl al-ʿAdnī Murtaḍā bin Muḥammad bin Sālim al-Nuway, Cairo: Dar al-Āthār, 2007.

Ibn ʿĀbidīn, Muḥammad Amīn, "Nashr al-ʿurf", *Majmūʿat rasaʾil Ibn ʿĀbidīn*, Istanbul: Dar Saʿādat, 1907.

Ibn ʿĀbidīn, Muḥammad Amīn, *Radd al-muḥtār ʿalā al-durr al-mukhtār*, I-VI, Cairo: Sharikat Maktabat wa-Maṭbaʿat Muṣṭafā al-Bābī al-Ḥalabī wa-Awlāduhu bi-Miṣr, 1966.

Ibn ʿĀbidīn, Muḥammad Amīn, "Shifāʾ al-ʿalīl wa-ball al-ghalīl fī ḥukm al-waṣīya bi'l-khatamāt wa'l-tahālīl", *Majmūʿat rasaʾil Ibn ʿĀbidīn*, Istanbul: Dar Saʿādat, 1907.

Ibn ʿĀbidīn, Muḥammad Amīn, "ʿUqūd rasm al-muftī", in *Majmūʿat rasaʾil Ibn ʿĀbidīn*, Istanbul: Dar Saʿādat, 1907.

Ibn Ḥusayn al-Jazāʾirī al-Ḥanafī, Muḥammad ibn Maḥmūd, *Imʿān al-bayān fī masʾalat al-ijāra ʿalā taʿlīm al-Qurʾān*, nr. 1130 ʿUlūm al-qurʾān, 91945 al-Shawāmm, Cairo: al-Maktaba al-Azharīya, n.d.

al-ʿImādī, Muḥammad ibn Muḥammad ibn Muṣṭafā, *Maʿrūḍāt Abī al-Suʿūd*, trans. Karam ʿAbd al-ʿAzīz al-Imām, Amman: Dār al-Fatḥ, 2021.

Islam, Sarah, *Blasphemy (Sabb al-Rasūl) as a Legal Category in Early and Medieval Islamic History (1st/7th-13th/19th Centuries)*, PhD diss., Princeton University, 2022.

İpşirli, Mehmet, "*Abdürrahim Efendi, Menteşzâde*", *DİA*, https://islamansiklopedisi.org.tr/abdurrahim-efendi-menteszade.

İpşirli, Mehmet, "Çatalcali Ali Efendi", *DİA*, https://islamansiklopedisi.org.tr/catalcali-ali-efendi.

Jackson, Sherman, "Kramer versus Kramer in a Tenth/Sixteenth Century Egyptian Court: Post-Formative Jurisprudence between Exigency and Law", *Islamic Law and* Society, 8/1 (2001): 27-51.

Al-Marghīnānī, ʿAlī ibn Abī Bakr, *Al-Hidāya*, I-VII, ed. Sāʿid Bakdāsh, Medina: Dār al-Sirāj, 1440/2019.

al-Mawsūʿa al-fiqhīya, I-XLV, Kuwait: Wizārat al-Awqāf wa'l-Shuʾūn al-Islāmīya, 1404/1983-1427/2006.

Meier, Astrid, "*Adab* and Scholarship Mirrored by Law: Reading Ibn ʿĀbidīn's Treatise *Shifāʾ al-ʿalīl wa-ball al-ghalīl fī ḥukm al-waṣiyya bi-l-khatmāt wa-l-tahālīl*", *Adab and Modernity: A Civilising Process? (Sixteenth-Twenty-First Century)*, ed. Catherine Mayeur-Jaouen, Boston, MA: Brill, 2019, 93-122.

Mundy, Martha, "On reading two epistles of Muhammad Amin Ibn 'Abidin of Damascus", *Forms and Institutions of Justice: Legal Actions in Ottoman Contexts*, ed. Yavuz Aykan - Işık Tamdoğan, Istanbul: Institut français d'études anatoliennes, 2018.

Prince Ghazi Trust for Qur'ānic Thought, *Fatāwā ʿAbd al-Raḥīm Efendī*. https://www.quranicthought.com/ar/books/1046-%D9%81%D8%AA%D8%A7%D9%88%D9%89-%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D8%B1%D8%AD%D9%8A%D9%85-%D8%A3%D9%81%D9%86%D8%AF%D9%8A/.

Saʿd Allāh, Abū'l-Qāsim, *Rāʾid al-tajdīd al-islāmī Muḥammad Ibn al-ʿAnnābī*, ed., Beirut: Dār al-Gharb al-Islāmī, 2000.

al-Sarakhsī, Shams al-Dīn, *Kitāb al-Mabsūṭ*, Beirut: Dār al-Maʿrifa, 1989.

Weismann, Itzchak, "Law and Sufism on the Eve of Reform: The View of Ibn 'Abidin", *Ottoman Reform and Muslim Regeneration: Studies in Honour of Butrus Abu-Manneb*, ed. Itzchak Weismann - Fruma Zachs, *Ottoman Reform and Muslim Regeneration: Studies in Honour of Butrus Abu-Manneb*, London and New York: I.B. Tauris, 2005, 69-80.

al-Ziriklī, Khayr al-Dīn, *al-Aʿlām*, Beirut: Dār al-ʿIlm li'l-Malāyīn, 2002.