Hadith, Piety and Law

Selected Studies

By Christopher Melchert

Resources in Arabic and Islamic Studies

HADITH, PIETY, AND LAW
Selected Studies

RESOURCES IN ARABIC
AND ISLAMIC STUDIES

series editors

Joseph E. Lowry
Devin J. Stewart
Shawkat M. Toorawa

Number 3
Hadith, Piety, and Law: Selected Studies

HADITH, PIETY, AND LAW
Selected Studies

Christopher Melchert

LOCKWOOD PRESS

Atlanta, Georgia
2015

HADITH, PIETY, AND LAW
Selected Studies

ISBN: 978-1-937040-49-9

Library of Congress Control Number: 2015954883

Cover image: Page from *Ṣaḥīḥ al-Bukhārī*, Egypt or Syria, 14th–15th century AD. Ink and gold on paper. The The Nasli M. Heeramaneck Collection, gift of Joan Palevsky (M.73.5.600), Los Angeles County Museum of Art. (Image in the public domain.)

Printed in the United States of America on acid-free paper.

CONTENTS

Law

Series Editors' Preface

Professor Christopher Melchert has spent his career illuminating the early history of Islamic religious sentiment, thought, and institutions. His first book, *The Formation of the Sunni Schools of Law* (1997), provided a convincing framework for dating the emergence of the Sunni schools of legal thought (*madhhab*s). Subsequent articles investigated regional and ideological alignments among 8th- and 9th-century religious scholars, trends in piety among religious figures committed to the study and transmission of traditions—hadiths—from the Prophet Muḥammad, the distinction between asceticism and mysticism in early Islamic religious practice, and scholarship of the Qur'an by early Muslim savants.

Professor Melchert's evident sympathy for the historical figures whose lives and thought he has studied, most of whom belong to pietistic currents of various kinds that were often skeptical of the intellectualizing adventures of their co-religionists, has lent a unique scholarly depth and empathy to his work. It must be said that non-mystical piety, especially when associated with the transmission of Prophetic hadiths, has not received the attention it might have in the field of Islamic studies. This lack of attention stems partly from the field's enduring interest in and perhaps overemphasis of rationalism and Hellenism in early Islam, and partly from a suspicion of traditionalist Islam, especially among many modern scholars who choose to see in Sufism a potential for ecumenism. Melchert recognized more than two decades ago that this major blind spot in modern scholarship required urgent redress, and the fifty or so articles he has published are eloquent testimony to his perseverance and success.

All of Professor Melchert's scholarship is characterized by the methodological rigor of the historian, the judicious deployment of traditional categories of analysis from the discipline of religious studies, and the philological tools of Arabic and Islamic studies. The essays collected here, on the themes of hadith, piety, and law, bear witness to all of these.

We feel bound to disclose that we have known Christoph Melchert since all of us were in graduate school together at the University of Pennsylvania in the late 1980s and early 1990s. It was a heady time at Penn, due in no small part to the enormous inspiration provided to all of us by the late George Makdisi, whose footsteps we continue to try

to follow in our various ways. We hope Melchert will agree that this fine collection of studies is also in a way a tribute to that time and to our teacher and mentor, *raḥimahu 'llāh*.

Joseph E. Lowry
Devin J. Stewart
Shawkat M. Toorawa

Author's Preface

I am often asked how I came to take up Arabic or Islamic History or whatever my subject seems to be. That is fairly easy to answer: at UC Santa Cruz, I was pretty sure I wanted to major in History; I thought I should prefer to study the history of some part of the world besides the United States and Europe (they had been studied enough, I thought); and I wandered by accident (distributing class-evaluation forms) into Terry Burke's introductory survey of Middle Eastern history. Finding that I enjoyed all four parts of that (the late Ottoman Empire, then twentieth-century Egypt and Iran, finally the Arab-Israeli conflict), I thought the Middle East should be as good a place as any. A bit over a year later, I took my first Arabic class, a ten-week intensive summer course at Cal. I made the Middle East my major area of concentration for the History degree and enjoyed further classes with Burke and with Alan Richards in Economics. At Burke's suggestion, I applied to spend a year at the American University in Cairo. I prepared for that with a second ten-week summer course at Cal. I thought I should come back able at least to read a newspaper, which was a good estimate of what nine more months would do, also to make sure I didn't hate Arabs or something—better to find out before I embarked on a Ph.D.

This collection is dedicated to my teachers. The unsuspected influence a teacher can have hit me when I wrote a two-page review of Marshall Hodgson, *The Venture of Islam*, for a graduate-student forum at Princeton. A little later, I read Terry Burke's own review and was astonished to see that we had made pretty much the same points, although I had read only the second half of volume 3 with him at Santa Cruz (Edmund Burke III , "Islamic History as World History: Marshall Hodgson, 'The Venture of Islam,'" *IJMES* 10 [1979]: 241–64). It was thanks to a fellow student at Santa Cruz, though, that I first read Max Weber. I have often recalled an observation in his late lecture "Science as a Vocation" on scholarship as a career: "Certainly, chance does not rule alone, but it rules to an unusually high degree. I know of hardly any career on earth where chance plays such a role" (*From Max Weber*, trans. Hans H. Gerth & C. Wright Mills [London: Routledge & Kegan Paul, 1948], 132). I remain a believer in what he says of the professor and politics, that the professor has no business trying to convert students to his own point of view. Rather, he says, for every political position there are inconvenient facts, and the professor's job is to habituate his students to facing those facts, whatever they may be. More generally,

I also keep to an interpretation of history as dominated by the struggle of groups. Weber thought the most important groups of his time were the nation states and committed himself to the German, a position I find appalling; however, he presumably did it more self-consciously and responsibly than most.

Weber's idea of groups was more flexible than the Marxist idea of classes, more applicable to pre-modern history. But my college years were also the high tide of academic Marxism in the United States and I was affected. I continue to organize history into stages, expect to find conflict, look for explanations of historical change (why things went one way rather than another, resisting Mark Twain's characterization of history as "one damned thing after another"), and to explain in terms of the conflict of groups. I suppose Marxism inoculated me against the linguistic turn, feminism, postmodernism, and other academic fads, although they have anyway had less influence on Islamic history than other fields. It also made me permanently suspicious of nationalism, which tends to deny conflict within the nation, blaming all ills on outsiders. Weber said that materialism was not a street car one boards and gets off at will, and I suppose I should concede that, if Louis XVI and Nicolas II were bound to be incompetent monarchs when revolution was imminent, so the Left was bound to fritter away its energies on side issues in a time when capital was increasing its share of income. Besides, I myself have drifted into apolitical Mennonitism at the same time.

I initially planned to devote myself to problems of development—how it came to be that we are rich and they poor. However, I found that modern Middle East studies is a highly politicized field. People who pursue it have to spend a lot of time arguing about Arabs and Israelis, and there seemed to be an oversupply of people who were there first for the sake of promoting some political line, only secondly for the sake of scholarship. Therefore, I pushed my studies back in time. Study of the medieval Middle East also turns out to be regrettably politicized, but at least the linguistic demands reduce the number of dilettantes. In graduate school, first at Princeton, then U. Penn., I found my way to the study of Islamic movements and institutions, especially in the ninth century C.E. (A qualifying exam written by Roy Mottahedeh and Bernard Lewis at Princeton probably disposed me to look at the ninth century a few years later, but I was more conscious at the time that it fell within the scope of Fuat Sezgin, *GAS*, without, I then thought, all the difficulties of attribution that plague the study of earlier centuries.) At different points, I proposed various topics for my dissertation: Ibn Khaldūn, Syrian cities in the twelfth century, judges, the Jarīri school, the formation of Sunnism—as it turned out, I had enough material for the law chapter of the last to constitute a whole dissertation by itself. (Besides, I could stand on the shoulders of a giant, mainly George Makdisi, whose attention to the school of law as a teaching institution was crucial to my identifying the teachers with whom they reached their classic forms.) My later articles on Ibn Mujāhid and the transition from asceticism to mysticism are roughly the Qurʾan and piety chapters I planned for the dissertation on Sunnism. Maybe I'll write such a book in the future.

My first published article was something I actually prepared as a graduate student:

"Sectaries in the Six Books: Evidence for Their Exclusion from the Sunni Community," *Muslim World* 82 (1992): 287–95. I was using Ibn Ḥajar, *Taqrīb* al-Tahdhīb, to look up men in my dissertation research and noticed what seemed like a lot of heretics amongst traditionists in the Six Books. I thought to rearrange them chronologically and thought I saw a pattern of increasing numbers of Murjiʾa, Qadariyya, and Shiʿa into the early ninth century, then drastically declining from about the time of the Inquisition. I began something more substantial in the summer of '92 before taking up my first job out of graduate school, teaching History at Wake Forest University, what became "Religious Policies of the Caliphs From al-Mutawakkil to al-Muqtadir," *Islamic Law and Society* 3 (1996): 316–42. I think it turned out to be my most-cited article. I had taken to heart J. H. Hexter's advice, referring to an article of his that provoked a massive historiographical debate in the 1950s and '60s after it had been rejected by the *AHR*: "A letter of rejection is not a divine decree ..., but the decision of one or two fallible men, subject to reversal by other men equally fallible" (*Reappraisals in History* [London: Longmans, 1961], xxi). "Religious Policies" was rejected by two journals before being accepted by a third. "Revise and resubmit" was the usual response to my submissions in the 1990s, before my particular point of view had become part of common wisdom, or at least well-enough known not to seem aberrant.

My first invitational article was "The Imāmīs between Rationalism and Traditionalism," for Lynda Clarke. It eventually appeared in *Shīʿite Heritage: Essays on Classical and Modern Traditions*, ed. L. Clarke (Binghamton, N.Y.: Global Publications, 2001), 273–83. I wrote it mainly over the summer of '93 between my first job, at Wake Forest, and my second, at Southwest Missouri State University. It was my first experience of Shiʿi biographical dictionaries. They seem recalcitrant after Sunni biographical dictionaries, but I was pleased to discover that some of the categories I and others had made out among the Sunnis also appeared among the Shiʿis. The conference, in a suburb of Philadelphia, brought together four groups of scholars: North American academics, Muslim and non-Muslim, Middle Eastern academics, and Middle Eastern Shiʿi religious authorities. The North Americans spoke the same language and easily communicated with one another, the Middle Eastern religious authorities spoke their own language with confidence—it was the Middle Eastern academics who looked demoralized, having some idea of the scholarly game that the North Americans were playing, always driving to overturn preconceptions, but feeling pressured at the same time to uphold the tradition more easily represented at the meeting by the men in gowns and turbans.

While I was at SMSU, I finished and submitted the articles that eventually appeared as "The Transition from Asceticism to Mysticism at the Middle of the Ninth Century C.E." [*HPL 6] and "The Adversaries of Aḥmad Ibn Ḥanbal" [*HPL 1]. "Transition" is the one I expected to make my name but for years it was actually very little cited. The polarity of asceticism and mysticism had been pushed to my attention especially by one of my teachers at U. Penn., Lowell Clucas, who made much of the contrast between the Latin and Greek outlooks in the Middle Ages. I have found it very helpful, myself, at

giving me things to notice (in different churches' hymnals, for example), and some such transition was an ill-defined part of the Islamic scholarly tradition, besides. However, scholarly fashion had turned strongly against Weber in the mid-'90s, and the concept of mysticism has come under attack, too. I would still defend it. Pointing to marginal cases proves nothing—every scheme of classification breaks down at the margins. (The weather normally changes little from December 20th to 21st, for example, but "fall" and "winter" remain useful categories.) Some hold to the idea that Islamic mysticism (or at least something like Sufism) was there from the time of the Prophet—usually scholars with private commitments to Sufism they would do better to keep away from their scholarship. "Mysticism" has often been used too loosely to be illuminating, but the solution is to define it carefully.

I presented one more convention paper while I was teaching at SMSU, the one that eventually became "The Ḥanābila and the Early Sufis," *Arabica* 48 (2001): 352–67. I did not submit any more articles from SMSU, though, because I lost my job, mostly for being an insufficiently popular teacher. I did present a paper on Sufi movements in Khurasan to MESA in December 1995, which eventually became "Sufis and Competing Movements in Nishapur, 9th–10th Centuries C.E.," *Iran* 39 (2001): 237–47. It was based heavily on excerpts from al-Ḥākim al-Naysābūrī, *Tārikh Naysābūr*, preserved in al Dhahabī, *Tārīkh al-islām*, of which I had purchased a dozen volumes from a dealer in Damascus by money transfer to Switzerland. Getting books from the Middle East was to become much easier with the Internet in years to come. I also travelled by bus to Philadelphia to present a paper to AOS in March 1996, which eventually became "Ibn Mujāhid and the Establishment of Seven Qurʾanic Readings," *SI*, no. 91 (2000), 5–22. It was based mainly on three weeks of note-taking at the U. Penn. library in Philadelphia the previous November, before the MESA meeting in Washington. I was interested by differences between the study of variant readings and of hadith, surprised to discover that there was apparently no connection between Ibn Mujāhid's seven and hadith reports by which the Qurʾan was revealed in seven *aḥruf* (contrary to a great deal of secondary literature), also that there was no clear traditionalist impulse behind the establishment of seven (contrary to what Makdisi had assumed) and that it was not accomplished by Ibn Mujāhid himself or even in his time but by later generations of scholars (actually confirming what Bergsträsser and Pretzl had said in the '30s). I travelled to Providence, Rhode Island, to present what would eventually become "The Piety of the Hadith Folk" [*HPL 8], my tribute to Marshall Hodgson. That was for a pre-arranged panel, so attendance was better than the previous year, and my paper was well received. In some ways, on the other hand, it seemed a low point in my exile from academe, as, having no friends in Providence as I had in Philadelphia, I arranged to arrive there by bus around noon, then left again for the bus station that same evening to begin the trip back to Missouri around 24 hours later. Submission of a draft for publication was held up for another year and a half, till Matthew Gordon invited me to another gathering (this time finding money to pay for it, so I flew instead) and Michael Bates got me into the Columbia library to look at a relevant German book.

The warmer parts of 1996 and most of 1997 I supported myself by painting houses, but in September '97 we moved to South Carolina for me to teach in a Mennonite secondary school. I learnt a lot more about conservative Mennonitism from interacting so closely with children and parents, some of it disappointing, some encouraging. I got away in November to attend another pre-arranged MESA panel in San Francisco to present an early version of a paper on hadith that is now slated to appear as "The transmission of hadith: changes in the ninth and tenth centuries C.E.' among selected papers of the Union Européenne des Arabisants et Islamisants, 2012. I was invited to appear in yet another pre-arranged panel in 1998, where someone kindly read aloud what would become "Early Renunciants as *Ḥadīth* Transmitters," *The Muslim World* 92 (2002): 407–18, but by this time I was in Damascus on a Social Science Research Council grant. Having had such difficult access to primary sources for so long, I threw myself onto the riches of the Asad Library and l'Institut français des études arabes de Damas with great energy. I framed, researched, wrote, and submitted three articles from there: "How Ḥanafism Came to Originate in Kufa and Traditionalism in Medina" [*HPL 12], "Bukhārī and Early Hadith Criticism" [*HPL 2], and "The Concluding Salutation in Islamic Ritual Prayer," *Le Muséon* 114 (2001): 389–406. I also framed and researched what became "Qurʾanic Abrogation Across the Ninth Century," *Studies in Islamic Legal Theory*, ed. Bernard Weiss, Islamic Law and Society 15 (Leiden: Brill, 2002), 75–98, my laptop succumbing to a virus two months before my grant expired. I will say that my experience of writing articles as an "independent scholar" has made me pretty stony-hearted about "publish or perish." Getting a job is such a dice game, it would be absurd to blame anyone for rolling the dice as often as possible or for accepting any job offered. However, we who have jobs should also, I believe, work to deserve our luck. Anyone with a good job means two or three holders of doctorates without. I feel scant sympathy for people who hold down good jobs but don't publish.

My research in the 1990s was overwhelmingly based on biographical dictionaries. My time in Damascus was something of a turning point. "How Ḥanafism Came to Originate in Kufa" certainly came from digging in biographical dictionaries, and some biographical dictionaries were at the center of "Bukhārī and Early Hadith Criticism," but with the latter my technique shifted from what biographical dictionaries could tell us about networks and parties of the men of religion to the dictionaries themselves. Bukhārī, *al-Tārīkh al-kabīr*, had struck me as the most boring biographical dictionary ever, but trying to work out its relation to Bukhārī's *Ṣaḥīḥ* and how it might have been used in the ninth century, I was led to a theory of how hadith criticism worked (largely confirming the way Eerik Dickinson had described it in his dissertation, contra other secondary literature on hadith based on later theoretical syntheses; subsequent reading has not confirmed my idea of a distinct Khurasani approach). But "The Concluding Salutation" and "Abrogation" came of comparing what different law books said of a given problem. It's the obvious way to study the history of Islamic law and probably where the most progress is to be made.

My luck continued to improve when I was awarded a fellowship at the Institute for Advanced Study in Princeton for the year 1999–2000. I had proposed to write (in effect) the book on Sunnism of which a chapter had become my actual dissertation. What I mostly did was to catch up on my secondary reading and to tidy up various earlier works for publication. The only publication that I framed, researched, and mostly wrote from the Institute was the AOS convention paper that became "Traditionist-Jurisprudents and the Framing of Islamic Law" [*HPL 13]. It also has turned out to be much-cited. Perhaps it does make a difference what journal an article appears in. A European historian at Pembroke College, Oxford, once suggested that scholars be restricted to four articles across their careers. I can easily see advantages to such a restriction, but I doubt whether authors would choose the same four as their readers.

I cannot find a copy of my presentation to the Islamic Legal Studies conference at Harvard two months later, it must have seemed so little worth preserving, but it probably formed part of my retrospective for Wael Hallaq two years later, "The Formation of the Sunnī Schools of Law," *The Formation of Islamic Law*, ed. Wael B. Hallaq, The Formation of the Classical Islamic World 27 (Aldershot: Ashgate, 2004), 351–66. I did get a much better idea there at the Institute of how my work fit into the larger field: tending to the skeptical end of the spectrum as to the reliability of ninth-century and later sources for the history of the seventh and eighth, insisting on the importance of the traditionalists as well as writers more congenial to most educated American sensibilities, and insisting on the importance of theology and piety to the jurisprudents and the way they developed the law. It seems it normally takes a while to see where one fits in, as I have now observed from being on hiring committees. Perhaps uncertainty is one reason graduate students so often make exaggerated claims for the originality of their own approaches and the foolishness of earlier students. This said, I have also found that graduate students seem to be my best readers. A peculiar point of view is the most valuable thing a new entrant brings to a scholarly field, but we evidently risk becoming inflexibly attached to our own, resisting other points of view, as we begin to publish.

In February 2000, then, I was offered my present job at Oxford. That was the ultimate turn of the wheel. Now I especially recalled Hamlet's conversation with Rosencrantz and Guildenstern, concluding, "In the secret parts of Fortune? O, most true! She is a strumpet." I had applied for dozens of jobs, as usual, but I was on just two other short lists, at the University of Sunderland (for a department that would be abolished a year later) and Northwest Georgia State—another indication of how much luck determines who goes where and how little in demand I was still, never mind I presume to say a pretty strong publication record. Teaching at all levels has its special rewards, but I do get to work with an unusually high average level of undergraduates, here. Because British higher education is more specialized than American, they soon go to a higher skill level, so I don't have to rely on translations for the third- and fourth-year students, rather ask them to read anything I like in Arabic. We have almost no money for graduate students, so the best undergraduates usually go on to the United States; however, we get a few good ones

who wish to be in the UK for family reasons, so I have had several outstanding doctoral students, as well. If the Arabic collection here were moved to the United States, I doubt it would figure in the top half-dozen, but it might in the next half-dozen. Interlibrary Loan is a good deal less vigorous than in the US. So much is now available electronically, though, and shipping costs from the Middle East are lower for what I purchase than they would be in the US, that altogether it is an excellent place from which to conduct research.

The first piece of research I remember conducting in Oxford is my contribution to what became the George Makdisi memorial volume, "The Etiquette of Learning in the Early Islamic Study Circle," *Law and Education in Medieval Islam*, ed. Joseph E. Lowry, Devin J. Stewart, and Shawkat M. Toorawa (n.p.: E. J. W. Gibb Memorial Trust, 2004), 33–44. This seems as good an illustration as any of the importance of technical skill in reading Arabic. It's like differential equations to a chemist—not what he studies, not what he teaches, but totally necessary for what he does study and teach. Graduate students for whom reading Arabic remains painful may write publishable dissertations and get good jobs (one is seldom hired by fellow Arabists, almost never by fellow specialists), but if all they read is what's directly relevant to the research question at hand, they will not notice interesting things on the periphery and they will not accumulate material for future projects. "Religious Policies," "Adversaries," "The Ḥanābila and the Early Sufis," "Piety of the Hadith Folk," "Etiquette," and other articles all developed out of notes I had accumulated while working on something else. People who don't accumulate notes on the periphery tend to become scholars of single books, little heard from after they get tenure.

The first convention paper I prepared at Oxford was "The Holy Man in Early Islam" for the AOS in Toronto. This was inspired by a collection of essays from some of my new colleagues in Oxford, *The Cult of Saints in Late Antiquity and the Middle Ages: Essays on the Contribution of Peter Brown*, ed. James Howard-Johnston and Paul Antony Hayward (Oxford: University Press, 1999). No version of this has been published. It has been rejected twice by journals, partly for good reasons (unclear focus, unevenness of citations, &c.), partly for bad, mainly that it didn't talk about what the Europeanists talk about. I am reminded of inter-religious dialogue. The naïve approach is to say, "The important questions are A, B, C; our answers are 1, 2, 3; now what are your answers?" It always turns out that the questions are part of the tradition as well as the answers; for example, the problem of sin seems great to Christians, minor to Muslims, as problems of law seem crucial to Muslims, peripheral to Christians. In the same way, the Arabic sources for Islamic history are very different from the Latin and Greek for European history, so naturally the problems that Arabists address are different from what Europeanists do. There is also a sort of scholarly imperialism: European topics seem intrinsically interesting, whereas extra-European demand special justification, so an article on monastic ritual in late-medieval France, say, is welcome, whereas an article on Sufi ritual in late-medieval Syria is obviously for specialists only and unwelcome in a journal for historians, not just Islamicists. (The *Journal of the American Academy of Religion* expressly rejected "Transition" in 1995 for not including

inter-religious comparisons and therefore interesting too few readers. They have somewhat mended their ways since the World Trade Center attack.) I suppose the material of "The Holy Man" will show up as part of my projected book on Islamic piety before Sufism.

My 2002 presentation to the AOS became "Baṣran Origins of Classical Sufism" [*HPL 9]. Based mainly on biographical dictionaries, still, this one proposed three stages in the development of early piety: pervasive respect for renunciation in the early eighth century, increasing doubt in the later eighth century and into the ninth, then the emergence of Sufism as a safely Sunni approach at the end of the ninth century. Later that year, I presented a paper to the revived School of Abbasid Studies at Cambridge that became "The Meaning of *qāla 'l Shāfi'ī* in Ninth Century Sources" [*HPL 14]. This was based mainly on reading books of law, largely inspired by Norman Calder, *Studies in Early Muslim Jurisprudence* (New York: Clarendon Press, 1993). It makes out that apparent quotations are often paraphrastic, sometimes speculative, although probably more as Wael Hallaq had described in his contribution to the Weiss volume than as Calder had in Studies. I got quite a kicking a few years later by Ahmed El Shamsy in *JAOS*. I was wrong to overlook Siyar al-Wāqidī buried within the *Umm* ("it seems that no copy of *Siyar al-Wāqidī* is extant," 278)—it is preserved in the *Umm* at 4:176–94, presumably placed there in the revision of al-Bulqīnī (d. 805/1403). I was also wrong to overlook the survival in manuscript of Buwayṭī's *Mukhtaṣar* ("presumably quoting al-Buwayṭī's *Mukhtaṣar*, still extant in the late Mamluk period," 300). But I did say that Muḥammad ibn Naṣr al-Marwazī, over whom El Shamsy takes me to task, evidently had access to the *Umm* pretty much as we know it, whereas I do not see that El Shamsy has new evidence that the *Umm* as we know it was published before mid-century.

It must have been already in 2002 that Patricia Crone invited me to contribute to her series of short biographies. She was a great editor, so I was happy to offer something. She suggested Ibn Qutayba, but I said I didn't respect him sufficiently, offering to treat Aḥmad b. Ḥanbal if Cook had turned her down. Indeed, it transpired that she had asked him and Aḥmad was free, so my next several conference papers were bound to be about him. To the AOS in Nashville I presented what would become "The *Musnad* of Aḥmad ibn Ḥanbal" [*HPL 3], to a local gathering organized by Ron Nettler what would become "The Ḥanbali Law of *Ǧihâd*," *The Maghreb Review* 29 (2004): 22-32, and to the 2003 SOAS Qurʾan conference what would become "Aḥmad ibn Ḥanbal and the Qurʾan," *Journal of Qurʾanic Studies* 6/2 (2004): 22–34. I reproduced very little prose from these in the book that eventually came out in Crone's series, *Ahmad ibn Hanbal*, Makers of the Muslim World (Oxford: Oneworld, 2006), but they all involved important background reading. I had a terrible time with the publisher of that book, who set an overactive proofreader to rewrite my text, among other things continually making it read better at the cost of saying more than my sources would support. The resultant book is at least 90 percent mine, though. Had it been a Brill book, there would have been an additional chapter on the secondary literature, which it is as well I never wrote (it would have sounded ill-tempered), and another on the works ascribed to Aḥmad ibn Ḥanbal, which, not done by me, left the way

open to Saud Al-Sarhan, whose 2011 dissertation at Exeter covered that ground at least as capably as I should have.

I regret I could not show my second book to George Makdisi. His idea for a dissertation was to pick a man, read his works, and make him one's window into his century. He had picked Ibn ʿAqīl, his teachers had picked Ḥallāj (Massignon) and Ibn Taymiyya (Laoust), others had picked Jāḥiẓ (Pellat), Ibn Qutayba (Lecomte), and so on. At my penultimate meeting with him, he still asked me, "When are you going to pick a man?" I had instead written about a problem for my dissertation, but I did come to see the advantages of beginning with a person or a text, especially when I began to supervise graduate students. If one starts with a problem, there is always the danger that one will read and read and never find the needed data; alternatively, that one will force the given data to provide a solution they really cannot. I have regularly set master's students an exam comprising four or five photocopies of pages from original sources with instructions to come back in a week having characterized the place of any one of them in the larger work, compared it with similar pages in other works, identified persons and technical terms, finally having sketched one or more research problems that the page suggested. A few historical incidents have been exhaustively written up (the fall of Jerusalem in 1099, perhaps), a few persons (I doubt anyone will add much to Rosenthal's biography of al-Ṭabarī, for example, although no doubt reading his works will add much about law, qur'anic interpretation, and history), but I think a graduate student could hardly fail to come up with a workable topic for a seminar paper by reading a page from some relevant source in the first week, then lining up parallel pages from other works. It might not be publishable, but it will certainly leave the student with a much firmer knowledge of what different sources will yield.

In 2004, I began to attend the biennial meetings of l'Union européenne des arabisants et islamisants. My first contribution was published as "Whether to Keep Women Out of the Mosque: A Survey of Medieval Islamic Law," *Authority, Privacy and Public Order in Islam*, ed. B. Michalak-Pikulska and A. Pikulski, Orientalia Lovaniensia analecta 148 (Leuven: Peeters, 2006), 59–69. This was based on comparing law books from the different schools. To my surprise, I discovered that the Ḥanbali school seemed the friendliest to women's participation in group prayer, to the point of calling for women to lead some group prayers, the *tarāwīḥ* prayers in Ramadan if a woman should know the Qurʾan but none of the men present (the whole school's position) or any prayer if a woman should be the one who best knows the Qurʾan (a minority position in the school). I go to UEAI meetings to keep up with Continental scholarship, to represent the UK in a European-wide organization (actually, French scholarship seems the least well-represented there, although French remains the second language of meetings after English), and, admittedly, because they meet in picturesque places with good food and drink. I continued to be a regular at AOS until they took to scheduling meetings early enough in March to intersect with Hilary Term in Oxford, when it is difficult for me to get away. The attractions of AOS are seeing old pals and a fairly high average level of papers presented, but I admit they

also weigh ever less against the ordeals of intercontinental air travel.

I have accepted over many invitations to conferences since coming to Oxford. When I was starting out, I was eager to publish my ideas, of course, and jumped at every chance. Now, conferences can too easily distract from my chosen research program. But they tend to be organized by friends, who are hard to turn down, or I am drawn to present something from loyalty to the subject. But this paper on women in the mosque and a series of presentations to future SOAS Qurʾan conferences are examples of distraction. (At least the most substantial of the Qur'an articles, "The Relation of the Ten Readings to One Another," *Journal of Qurʾanic Studies* 10/2 [2008]: 73–87, addresses a problem I had wondered about for a long time, how many discrepant readings could have been generated by oral transmission, also whether readings from the same metropolis are notably more similar—it transpires not.)

Reading Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, Themes in Islamic Law 1 (Cambridge: University Press, 2005), it seemed as though my ideas were well represented, from which I concluded that I had had my say about Islamic law and that it was time to move to another field. I do not wish to be another who, on finding that he has not converted everyone to his opinion, repeats it over and over in hopes of attracting notice that way. The field I chose was renunciant piety (*zuhd*) before Sufism. "Baṣran Origins" was a sketch of my historical scheme, the piety chapter of *Ahmad ibn Hanbal* was a sketch of renunciant activities and attitudes (as exemplified in the earliest Ḥanbali works). I came up with "The History of the Judicial Oath in Islamic Law," *Oralité et lien social au Moyen Âge (Occident, Byzance, Islam)*, ed. Marie-France Auzépy and Guillaume Saint-Guillain, Centre de recherche d'histoire et civilization de Byzance Monographies 29 (Paris: ACHCByz, 2008), 309–26, because I had accepted an invitation from Denise Aigle to a conference in Paris on a topic too far from what I thought to talk about. It was great to sit in the Sorbonne where Makdisi had studied, but I really should have declined. What became "Māwardī, Abū Yaʿlá, and the Sunni Revival" [*HPL 15], was my contribution to a small conference in Cracow. The problem I addressed, whether Māwardī's famous treatise *al-Aḥkām al-sulṭāniyya* depended on Abū Yaʿlā's treatise by the same name or the other way around, had been on my mind since it came up in a seminar under Makdisi, and I am pleased to have come up with an answer, but it was a distraction. The same goes for "The Relation of Ibn Taymiyya and Ibn Qayyim al-Jawziyya to the Ḥanbali School of Law," *Islamic Theology, Philosophy and Law: Debating Ibn Taymiyya and Ibn Qayyim al-Jawziyya*, ed. Birgit Krawietz and Georges Tamer with Alina Kokoschka, Studien zur Geschichte des islamischen Orients, n.F. 27 (Berlin: de Gruyter, 2013), 146–61, which afforded a pleasant trip to Berlin and I hope usefully extends Henri Laoust's history of the Ḥanbali school.

Encyclopaedia articles were the provocation for two articles on hadith: "The Life and Works of Abū Dāwūd al-Sijistānī," *Al Qanṭara* 29 (2008): 9–44, and "Bukhārī and His *Ṣaḥīḥ*" [*HPL 4]. I had had a bad experience with al-Ḥasan al-Baṣrī, having agreed to write a thousand-word article on him for *The Encyclopaedia Iranica* and devoted a week to researching it, which seemed sufficient for a piece of that size. Some time later, Michael

Cooperson and Shawkat Toorawa prevailed on me to write a 5,000-word article on him (*Dictionary of Literary Biography* 311: *Arabic Literary Culture, 500–925*, ed. Cooperson and Toorawa [Detroit: Thomson Gale, 2005], 121–27). I spent over a month on that and discovered many things I wished I had said differently in the earlier article. When asked to write about Abū Dāwūd and Bukhārī for *EI3*, I resolved to submit précis of longer studies. They were fun to write, too. A third hadith article, "The Life and Works of Al Nasā'ī" [*HPL 5], was provoked by reading a good book in Arabic, which I happened to pick up in Damascus where I was looking for books in Arabic on Aḥmad b. Ḥanbal and Abū Dāwūd. My latest hadith article, "The Early Controversy over Whether the Prophet Saw God," *Arabica* 62 (2015): 459–76, was provoked mainly by my noticing some odd reports in a Ḥanbali creed I was translating.

I got to take off all of calendar 2008 from teaching. I had two terms of normal sabbatical leave coming and was able to secure a third thanks to a sabbatical-leave-extension grant from the Arts and Humanities Research Council. For a time, it was fairly easy to get such grants if one's sabbatical leave was not quite adequate to finish some worthy project, but word spread and the year I applied the success rate fell from half to a third. It fell again the next year, then the category was abolished. Funding bodies increasingly prefer a few large projects over many small ones. Perhaps they are easier to administer. I doubt that one "principal investigator" and several others working on a topic of his choice will come up with better work than the same number of scholars working on projects of their own choosing. Moreover, I strongly doubt whether funding bodies have the capacity to decide which topics will be most fruitful. They are too vulnerable to following fads (e.g., interdisciplinarity, an import from the natural sciences) and politics (e.g., encouraging scholarship to make Muslims happy citizens). But in 2007 I pleaded with success that my studies of the holy man and Ahmad's book *al-Zuhd* (what became "Aḥmad ibn Ḥanbal's Book of Renunciation," *Der Islam* 85 [2008]: 345–59) constituted a coherent project, which my study of exaggerated fear (what became "Exaggerated Fear in the Early Islamic Renunciant Tradition" [*HPL 10]) would complete. I was able to submit all three as promised, along with another article analysing an early Sufi work I happened to take along on a trip to Japan, "Khargūshī, *Tahdhīb al-asrār*," *BSOAS* 73 (2010): 29–44. Still, I noticed some discomfort with having a deadline; with having to work on just these three articles I had told a funding body I would produce. I don't think it made them better, and it reinforces my feeling that the best course is to let scholars follow their noses wherever their reading leads them. It also illustrates how important it is to have time off. People with short contracts may well envy me my permanent teaching position, but they need not think that I have an easier time than they doing research during term time. On the contrary, I can wrest away no more than one or two hours a day, which is all right for mechanical data collection but not original thinking. I do research between terms, the same as if I were an adjunct.

I managed to adapt some invitations to my project of historicizing the renunciant period. "Abū Nuʿaym's Sources for *Ḥilyat al-awliyāʾ*, Sufi and Traditionist," *Les maîtres soufis et*

leurs disciples, ed. Geneviève Gobillot and Jean-Jacques Thibon, Études arabes, médiévales et modernes (PIFD 273) (Beirut: Presses de l'IFPO, 2012), 145–60, was ostensibly about the tenth century and Sufi literature but provided me with valuable background on our largest single source for renunciant sayings. "Renunciation (*zuhd*) in the Early Shiʿi tradition" [*HPL 11] started as a presentation to a conference at the Institute of Ismaili Studies. It attracted an unusual editorial introduction when it was published. Editors of collected articles usually purport to identify common themes and convergent results, never mind that the actual articles go off in many different directions. Here, Mohyddin Yahia objected to my making out mysticism as something that arrived in time and was not there from the beginning, likewise overlooking that the modest austerities endorsed by the Sufis' ninth-century critics were exactly what the Qurʾan itself had called for two centuries before. "The Islamic Literature on Encounters between Muslim Renunciants and Christian Monks," *Medieval Arabic Thought: Essays in Honour of Fritz Zimmermann*, ed. Rotraud Hansberger, M. Afifi al-Akiti, and Charles Burnett, Warburg Institute Studies and Texts 4 (London: Warburg Institute, 2012), started as a conference presentation on a panel organized by my colleague Afifi al-Akiti. "Three Qur'anic Terms (*Siyāḥa*, *Ḥikma* and *Ṣiddīq*) of Special Interest to the Early Renunciants," *The Meaning of the Word: Lexicography and Qur'anic Exegesis*, ed. S. R. Burge (London: Oxford University Press, 2015), started as another presentation to the Institute of Ismaili Studies. "Ibn al-Mubārak's *Kitāb al-Jihād* and Early Renunciant Literature," *Violence in Islamic Thought from the Qur'ān to the Mongols*, ed. Robert Gleave and István Kristó-Nagy, Legitimate and Illegitimate Violence in Islamic Thought 1 (Edinburgh: University Press, 2015), 49–69, managed to combine Rob Gleave's catchy theme of violence with mine of renunciant piety.

On the other hand, "The Destruction of Books by Traditionists," *Al Qanṭara* 35 (2014): 213–31, represented my thanks to Maribel Fierro for bringing me to Barcelona for a conference. "Public Baths in Islamic Law," *25 siècles de bain collectif en Orient*, ed. Marie-Françoise Boussec, &al., Études urbaines 9 and PIFD 282 (Cairo: Institut français d'archéologie orientale, 2014), 1001–10, was prepared for a conference in Damascus I ended up being unable to attend because of visa difficulties and credit-card fraud. "Abū Isḥāq al-Šīrāzī and Ibn al-Ṣabbāġ and the Advantages of Teaching at a madrasa," *Annales Islamologiques*, no 45 (2011): 141–66, was a favor to Mathieu Tillier. "Whether to Keep Unbelievers out of Sacred Zones: A Survey of Medieval Islamic Law," *JSAI*, no 40 (2013): 177–94, was a follow-up to my article on women and mosques but also a tribute to Yohanan Friedmann, who solicited it.

And then there have been yet more articles on Islamic law. "Basra and Kufa as the Earliest Centers of Islamic Legal Controversy," *Islamic Cultures, Islamic Contexts: Essays in Honor of Professor Patricia Crone*, ed. Behnam Sadeghi, &al., Islamic History and Civilization, Studies and Texts, 114 (Leiden: Brill, 2015), 173–94, was more on my continuing quest to identify regional traditions, although less conclusive than I hoped. "The Early Ḥanafiyya and Kufa," *Journal of Abbasid Studies* 1 (2014): 23–45, was a follow-up to "How Ḥanafism Came to Originate in Kufa," again finding no evidence in the biographical and legal lit-

erature of a flourishing Ḥanafi school in Kufa after Abū Ḥanīfa himself transferred to Baghdad but, surprisingly, finding much transmission of hadith in Kufa purportedly going back to Abū Ḥanīfa. "The Spread of Ḥanafism to Khurasan and Transoxania," *Medieval Central Asia and the Persianate World*, ed. A. C. S. Peacock & D. G. Tor, I. B. Tauris & BIPS Persian Studies Series (London: I. B. Tauris, 2015), 13–30, was for a pleasant trip to St Andrews, Scotland, and built on notes I had accumulated over a long period. Roy Mottahedeh once told me and some other graduate students to be sure we liked our dissertation topics, since that is what people would ask us to talk about for the next ten years. "Twenty years" is my experience.

I used to say that younger scholars should work close to the sources when they have lots of energy, leaving the grand syntheses till they reach their sixties. I find myself still preferring to write articles, where it's easy to stick to what I know. It sometimes seemed regrettable that George Makdisi did not spend more time reading secondary literature, so that his articles would address current debates. On the other hand, work close to the sources seems likely to survive longer than the synthetic overview. Makdisi took pleasure in contrasting Joseph Schacht, whose work continues to provoke debate, whose methods continue to be fruitful, with H. A. R. Gibb, a pleasure to read when one does go back to him but seldom any longer the subject of debate. It is the fate of scholars for their work to be superseded, but I hope mine continues to find readers for at least another generation.

Editorial Note

As the articles in this volume were originally published in a variety of journals and edited collections, the transliteration systems vary. We have made no attempt to standardize transliteration across this volume. This should not pose a problem for specialists (especially now that they have been warned), and we suspect it will not matter much to readers who do not know Arabic.

The transliteration of names in the index follows the system employed by Brill in *Encyclopaedia of Islam Three*.

The abbreviation *HPL appearing in square brackets after the title of a Melchert article indicates that it appears also in this volume. Thus [*HPL 9] means it appears as chapter 9 here.

Rather than append a corrigendum, we have corrected typographical, dating and other errors, and also incorporated some light emendations supplied by Melchert.

We are grateful to the original copyright holders for allowing us to reproduce the articles.

Abbreviations

BSOAS	*Bulletin of the School of Oriental and African Studies*
EI1	*Encyclopaedia of Islam*, 1st ed. (Leiden, 1913–38)
EI2	*Encyclopaedia of Islam*, new ed. [= 2nd edn] (Leiden, 1954–2009)
EI3	*Encyclopedia of Islam Three* (Leiden, 2007–)
GAS	Fuat Sezgin, *Geschichte des arabischen Schrifttums* (Leiden, 1967–)
IBLA	*L'Institut des belles lettres arabes*
IJMES	*International Journal of Middle East Studies*
JAOS	*Journal of the American Oriental Society*
JSAI	*Jerusalem Studies in Arabic and Islam*
JRAS	*Journal of the Royal Asiatic Society*
NASB	*New American Standard Bible*
REI	*Revue des études islamiques*
SI	*Studia Islamica*
ZDMG	*Zeitschrift der Deutschen Morgenländischen Gesellschaft*