

To Flog or Not to Flog? On Instructive Uses of Violence in Muslim Pedagogy and Education

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I.

Scholarly efforts invested into Muslim education hardly appear possible without consideration of the implications of the term “knowledge” (*‘ilm*)¹. As it has been strikingly pointed out by Franz Rosenthal, “*‘Ilm* is Islam”², which indicates the centrality of a concept that, situated in the field of “theology and religious science”³, could sharply differ from the Aristotelian ἐπιστήμη⁴. The difference shows through the texts of the Qur’ān⁵ and the *ḥadīth* corpus⁶, where *‘ilm* is to be construed as representing the divine revelation and its impact on the formation of an ethos of Muslim life. Such a perception of transcendently guaranteed “knowledge” would find its reflection as well upon Muslim education, inasmuch the latter constitutes by definition a “transmission of knowledge”⁷. Notably,

¹ I would like to thank Christopher Melchert for his helpful comments on a very early draft of the present paper. Unless otherwise specified, all translations of original Arabic source texts are mine.

² F. Rosenthal, *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam*. With an Introduction by D. Gutas (Brill Classics in Islam 2), Leiden–Boston 2007, 2.

³ *Ibid.*, 70–154.

⁴ For a summary of the difference between *‘ilm* and Aristotelian ἐπιστήμη see A. Shinikov, *Al-Ghāzālī (d. 1111) Revisited: Classification of Sciences and Muslim Religious Education*, in: *Archiv für mittelalterliche Philosophie und Kultur* 21 (2015), 171–206 [in Bulgarian].

⁵ According to Rosenthal, the Arabic *‘-l- m* root, related to knowledge, is found around 750 times in the text of the Qur’ān (Rosenthal, *Knowledge Triumphant* [nt. 2], 19–20). Besides, one of the most common attributes (*ṣifāt*) of Allah is the “Omniscient” (*‘alīm*), enjoying 138 mentions. Knowledge is situated in the framework of the relations between Allah and man – Allah is the only one to possess knowledge (Qur’ān 2:216, 2:232, 16:74, 24:19), he reveals to man what man cannot know (2:239, 7:62), no part of divine knowledge can be revealed except by the will of Allah (2:255–256), or Qur’anic portions (58:11) that provide us with information, scarce as it is, about the settings within the gatherings (*maǧālis*) during which transmission of the divine relation was said to take place.

⁶ Cf. e.g. the ‘Book of Knowledge’ (‘Kitāb al-‘ilm’) in al-Buḥārī’s (d. 870) ‘Ṣaḥīḥ’ who allocates to it a third place at the beginning of his compilation, right after the books of ‘Revelation’ (‘Waḥyi’) and ‘Faith’ (‘Īmān’) (al-Buḥārī, *Al-Ġāmi‘ al-ṣaḥīḥ* ●, vol. 1, Cairo 1979, 37), or the ‘Ṣaḥīḥ’ of Muslim b. al-Ḥaǧǧāǧ (d. 875), which features a book of knowledge on its own (‘Abū al-Ḥusayn Muslim, *Ṣaḥīḥ Muslim*, Riyadh 1998, 1070).

⁷ Here, the term is borrowed from J. Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education*, Princeton 1992.

within this view on *‘ilm* that relates the postulates of the Qur’ān and the *Ṣiḥāḥ* to normative regulation of Muslim life, and its linkage to education, treatises on knowledge often resided in the domain of theological and legal discourse, such as al-Šāfi‘ī’s (d. 820) *‘Ġimā‘ al-‘ilm*⁸ or the *‘Kitāb al-‘ālim wa-l-muta‘allim*’, ascribed to the circle around ‘Abū Ḥanīfa (d. 767)⁹. And just as much as early legal writings, like the *‘Muwaṭṭa’* of Mālik b. Anas (d. 795), represent topical collections of *ḥadīth* considered relevant by their compilers, same can be said about early works on education, with ‘Abū Ḥaytama’s¹⁰ (d. 849) *‘Book of Knowledge’* (*‘Kitāb al-‘ilm*’) being a good example. In this line of reasoning, it needs to be noted that the rise of Muslim educational institutions is only made meaningful within a religious context, as long as the preservation of *‘ilm* is a main objective of the religious scholars (*‘ulamā’*) in order to regulate the life of the *‘umma* by the application of a religious norm embodied in the *Ṣarī‘a* through Muslim jurisprudence (*fiqh*). Muslim education, being focused on religious subjects, has required different external forms for a different content compared to antiquity, while the numerous similarities – among them the ethos of the teacher-pupil relationship – have been outlined as general and superficial¹¹.

Considering the abovementioned dimensions of perceptions of knowledge, the institutional aspects of Muslim education have enjoyed considerable academic attention, at least since the work of Ferdinand Wüstenfeld (d. 1899)¹². The way in which relations for transmission of knowledge have emerged and developed, have been qualified as “spontaneous” and “without outside interference”¹³; it is stated that the original realization of these relations is not carried out in “institutions formally devoted to education, but in mosques, where reli-

⁸ Muḥammad b. ‘Idrīs al-Šāfi‘ī, *‘Ġimā‘ al-‘ilm*, Maḥtabat Ibn Taymīya, Cairo 1940. As Majid Khadduri has pointed out in his translation of al-Šāfi‘ī’s *‘Risāla in fiqh’*, *‘al-‘Ġimā‘* [referred to by him as *‘al-‘Ġumā‘*], is actually the chapter within the *‘Risāla’* dedicated to the general topic of knowledge. Tellingly, *‘ilm* has been translated with the interpretative “[legal] knowledge”, by which “knowledge” is not only situated in the field of the religious domain, but has also been narrowed down to the field of legal discourse (Al-Šāfi‘ī’s *Risāla. Treatise on the Foundations of Islamic Jurisprudence*. Translated by M. Khadduri, Baltimore 1961, 81).

⁹ ‘Abū Ḥanīfa [?], *Kitāb al-‘ālim wa-l-muta‘allim*, Maṭba‘at al-‘anwār, Cairo 1948.

¹⁰ ‘Abū Ḥaytama, *Kitāb al-‘ilm*, Riyadh 2001.

¹¹ F. Rosenthal, *The Classical Heritage in Islam*. Translated from the German by E. and J. Marmorstein (Arabic Thought and Culture), London–New York 1992, 53.

¹² F. Wüstenfeld, *Die Akademien der Araber und ihre Lehrer*, Göttingen 1837. Emblematic works in the field employing a variety of approaches are the already mentioned ones by Franz Rosenthal, G. Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West*, Edinburgh 1981, then again G. Makdisi, *Muslim Institutions of Learning in Eleventh-Century Baghdad*, in: *Bulletin of the School of Oriental and African Studies* 24 (1961), 1–56, Berkeley, op. cit. (nt. 7), D. Ephrat, *A Learned Society in a Period of Transition: the Sunni ‘Ulama’ in Eleventh Century Baghdad*, New York 2000, as well as O. Safi, *The Politics of Knowledge in Premodern Islam: Negotiating Ideology and Religious Inquiry*, Chapel Hill 2006.

¹³ G. Schoeler, *The Oral and the Written in Early Islam*. Translated by U. Vagelpohl. Edited by J. E. Montgomery (Routledge Studies in Middle Eastern Literatures 13), London–New York 2006, 48 (“Undoubtedly, the Islamic [religious] teaching system grew spontaneously, without outside interference, out of the need to teach the new religion”).

gious scholars would seat in teaching circles (*ḥalqa, majlis*) with their students”¹⁴. We are being reminded to “look beyond the institutional structure of higher education to the informal world of personal instructional relationships that guided the transmission of Muslim knowledge”¹⁵. At the same time, other scholarly discourses that treat “institutional aspects of Muslim higher education”, seem not to include space for the master-disciple relationship, detaching it from the scope of the institutional domain¹⁶. It is as if we observe a dichotomy between the realm of the “formal” – embodied by educational institutions such as the *madrasa* – as opposed to the “informal” transmission of knowledge within the master-disciple relationship, which opposes “institutional” dimensions and “personal” ones. Within the terms of such a scholarly talk, on the one hand, it is noted that the primary topos of Muslim education can be seen in the relation between a master and a disciple in the *ḥalqa*-s. On the other hand, “formal” educational institutions are considered to go beyond those relations, contradictory as they are. Hence, constructing precise definition of Muslim educational institutions might appear problematic, as long as they seem more “guided by an elastic custom rather than by a rigid theory”¹⁷.

Hence, perceptions as the ones voiced above need to be carefully reproduced through the critical usage of the terminological framework, cautiously resorting to terms such as “formal”, “informal”, “personal”, “institutional”. The notion that the relation of transmission of knowledge within the scholarly circles (*ḥalaqāt, ḡālasāt*) built between a master and his disciples can be qualified as “informal” or “personal”, could be subject to refinement. The origin of the master-disciple relationship, made necessary by the need to transmit *‘ilm*, the purpose of its transmission and application, formalized in the *fiqh* tradition, is difficult to describe as “spontaneous” or “informal”, as it finds its solid grounding in the normative texts of the Qur’ān and the Sunna, which transcendently regulate it. In addition, Muslim educational authorities dedicate efforts to substantiate not only the general need to transmit and apply “knowledge”, but also the framework of relations between bearers of knowledge and its recipients. As even a lapidary look into a range of representative works reveals, the precise “institutional” environment in which Muslim education takes place does not enjoy abundant coverage, contrary to aspects that outline the ethos of the master-disciples relations. These dwell on topics such as praiseworthy or reproachable

¹⁴ Berkey, op. cit. (nt. 7), 7.

¹⁵ Ibid., 17.

¹⁶ J. Waardenburg, Some Institutional Aspects of Muslim Higher Education and Their Relation to Islam, in: *Numen* 12/2 (1965), 96–138.

¹⁷ A. L. Tibawi, Origin and Character of al-Madrassa, in: *Bulletin of the School of Oriental and African Studies* 25/2 (1962), 225–238, at 230. In a critique of the attempts of George Makdisi (*Muslim Institutions* [nt. 12]) to define descriptions and terminology of Muslim educational institutions, he notes that Muslim historians, including key authors as ‘Abū Ḥāmid al-Ġazālī (d. 1111), “are notorious for their inconsistency with what might be considered by modern scholars technical terms”, providing *mudarris* or the *mu’allim* terms as examples (ibid.).

behavioral models, delegation of authority from parents to teachers, practical cases such as payments of teachers, daily activities of teaching and learning, or the foundations and principles of those relations¹⁸. Their codification and normative regulation would hardly be possible in case they do not go beyond the “informal” and “non-institutional” borders.

A look into the nature of the master-disciple relationship (*ṣuḥba*) as possessing a degree of institutionalization can be supported by studies such as those by Shlomo D. Goitein. In a short article on the topic of “formal friendship in the medieval Near East”¹⁹, the “friendship” term has been described as a “social institution”²⁰. *Ṣuḥba*, he goes on, “is the formal friendship”, a “fixed, lasting and strongly emotional relationship”²¹, which might acquire various dimensions: it is related to conversion to Islam, linguistically linked to the “friendship” which the companions (*ʿaṣḥāb*, stemming from the same *ṣ-ḥ-b* consonant root as *ṣuḥba*) build with the Prophet Muhammad, but could as well denote the relation between a master and his disciple, especially strong in Muslim mysticism, as long as truth could not be acquired from the books or through a change of the master²². Goitein points out that the terminology worked out in spheres such as religion, politics, or philosophy has been circulated in daily life, e.g. institutionalized in the form of trade relations²³. Hence, this type of “friendship” starts and is subsequently terminated in a formal way, as could be exemplified by the master-disciple relations²⁴. Their central role has led to the scholarly conclusions that even the Muslim educational institution par excellence – the *madrasa* – can be seen as an embodiment of the original relations between masters and disciples, defined arguably as no more than a “glorified *ḥalqa*”²⁵. Without aiming at resolving the issue of definitions, the present paper would argue that the paradigmatic relations between a master and a disciple can be perceived as having institutional characteristics, around which much of the Muslim transmission of religious knowledge revolves. Hence, one might expect to see a degree of normative regulation of them, as well as mechanisms for their reproduction.

¹⁸ Good examples can be observed within the works of Ibn Saḥnūn (d. 870) and ʿAbū al-Ḥasan al-Qābisī (d. 1012) cited below. Same can be said about ʿAbū Ḥāmid al-Ġazālī who, in his lengthy exposition of the master-disciple relations (*Al-Ġazālī, ʿIḥyāʾ ʿulūm al-dīn*, vol. 1, Cairo s. a. , 82), does not appear to show interest in any other institutional environment. In spite of the great variety of educational institutions in 11th century Baghdad during al-Ġazālī’s time (cf. Makdisi, *Muslim Institutions* [nt. 12]), they, including the *madrasa*, are not covered in the scope of his treatment of the topic.

¹⁹ S. D. Goitein, *Formal Friendship in the Medieval Near East*, in: *Proceedings of the American Philosophical Society* 115/6 (1971), 484–489.

²⁰ *Ibid.*, 484.

²¹ *Ibid.*

²² *Ibid.*, 485–486, as the example provided by Goitein has been taken from the mystical treatise (*ʿRisālaʾ*) of ʿAbd al-Karīm b. Ḥawāzin al-Qushayrī (d. 986) from Nishapur.

²³ *Ibid.*

²⁴ *Ibid.*, 487.

²⁵ Ephrat, *op. cit.* (nt. 12), 78.

This notion will be tested here by looking at one of the formalization aspects of the relation, which enables it and, as will be demonstrated below, which has enjoyed enduring attention in the works of Muslim educational theory and practice, namely the topic of disciplining punishment as a tool for preserving the *ṣubḥa*.

Muslim accounts of disciplining educational violence appear to pose a methodological challenge from the viewpoint of continuity and religious justification²⁶. Could we infer theoretical and practical linkages from the various occurrences as part of a consistent historical approach to a Muslim educational norm to make disciplinary punishment necessary? What could the possible relation of motivation and the separate individual acts of violence within the educational sphere be? Are we able to judge the motivation of social agents within the Muslim educational sphere? And to what extent could the religious element be part of such a motivation? Can such practices be considered to be accidentally convergent on the basis of contextual historical and cultural localisms, whose grounding on a Muslim conceptual educational basis would seem rather coincidental? How could we avoid the danger of essentialism with its gross generalizations, on the one hand, and the traps of fragmentation of explored material to the degree of not being able to make conclusions beyond the scope of the immediately observable samples on the other?

II.

With all these questions in mind, we can explore the possible existence of a sustainable framework establishing the role of flogging as a religious sanction

²⁶ It would suffice here to mention three chronologically and geographically distanced accounts. The first one is taken from the collection of Ibn Taymīya's (d. 1328) authoritative *fatāwa*, elaborating on the idea of corruption of children by their masters. Dwelling on responsibility of custodians, he refers to a *ḥadīth* to command children the rulings of ritual prayer when they are seven years old, and beat them to it when they grow as old as ten (Ibn Taymīya, *Fatāwā Ibn Taymīya*, vol. 11, Mansoura 2005, 274). The second point here is made by the anthropologist of Islam Dale F. Eickelman. Looking at "the art of memory" within Islamic education in Morocco, he remarks that whenever a father handed his child over to a teacher, this was done with the formula that the child could be beaten at the teacher's own discretion. Punishments have been intended to induce a respect for accurate Qur'anic recitation; besides, the teacher or the parent "was regarded as only the impersonal agency of the occasional punishments which, like the unchanging word of God itself, were merely transmitted by him" (D. F. Eickelman, *The Art of Memory: Islamic Education and Its Social Reproduction*, in: *Comparative Studies in Society and History* 20 [1978], 485–516, at 494). And finally, the third account is related to a contemporary online *fatwā* portal, where a certain inquirer in November 2005 posed a question on the legitimacy of educational violence. The answer was issued by a mufti from al-Quds University in Jerusalem and unfolded along several points: a teacher is forbidden to beat his student only for disagreeing with him or out of anger lest he lost control; he is allowed to apply disciplining violence whenever all other means have failed, following a prescription from Muḥammad to urge children to prayer when they are seven years old, and beat them to it, when they are as old as ten (cf. e.g. URL: <<http://www.onislam.net/arabic/ask-the-scholar/8308/8294/52285-2004-08-01%2017-37-04.html>> [last access on September 27, 2015]).

method to enforce behavioral patterns and support “right” attitudes between teachers and their students. This would not target the absolutization of the role of a fixed textual norm and its projection on historical Muslim educational practice. Such an approach, at least since the work of Edward Said and the academic controversies generated thereof²⁷, has proven to be a risky methodological enterprise. Here, we will rather seek to identify the potential of key normative material to provide a legitimizing impetus to educational theory and practices in general, and masters punishing their students in specific, and try to illuminate why the linkage of some vital practices and views to normative texts could be more clearly established than others. Tracing the thematic threads could be achieved through a critical inquiry into relevant parts of the authoritative texts of the Sunni mainstream as well as educational theory and practice²⁸. From this chronological and narrative point of view, reversibly projecting modern Western views about education (e.g. those of John Dewey [d. 1952])²⁹ on the Muslim framework would not only be out of scope but also a vulnerable endeavor on the methodological plane.

It is a truism that one of the most common terms employed in Arabic sources to designate the use of violence is *ḍarb*, with the literal meaning of “beating”. Here, an important distinction should be made. Islamic jurisprudence has built a regulatory framework for several cases of punishment by beating in case of transgressing the formal provisions of the *Šarī‘a*. All of those, however, rather refer to the category of legal punishment and limitations (*ḥadd*, pl. *ḥudūd*), while the only uses of *ḍarb* that fit the present scope are those related to the educational field and do not touch upon the categories of flogging as *ḥadd* of any kind³⁰.

The idea of applying violence to facilitate or reproach certain behavioral patterns in the broadest sense could be deduced from Qur’ānic verses such as 4:34:

“Men are the managers of the affairs of women for that God has preferred in bounty one of them over another, and for that they have expended of their property. Righteous women are therefore obedient, guarding the secret for God’s guarding. And

²⁷ E. Said, *Orientalism*, New York 1978, then a brief summary of the Saidian controversy in R. Irwin, *For Lust of Knowing: The Orientalists and Their Enemies*, London 2007, as well as M. Kramer, *Edward Said’s Splash*, in: id., *Ivory Towers on Sand: The Failure of Middle Eastern Studies in America*, Washington, D.C. 2001, 27–43, and more recently in D. M. Varisco, *Reading Orientalism. Said and the Unsaid*, Seattle–London 2007.

²⁸ For a summary of the main sources of Muslim educational theory and practice, cf. e.g. A. Giladi, *Islamic Educational Theories in the Middle Ages: Some Methodological Notes with Special Reference to al-Ghazali*, in: *Bulletin of British Society for Middle Eastern Studies* 14 (1987), 3–10.

²⁹ E.g. J. Dewey, *Democracy and Education: An Introduction to the Philosophy of Education*, New York 1916.

³⁰ Works on the subject of legal punishment and types of punishment in Islam for further reference on *ḥadd* are R. Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century (Themes in Islamic Law 2)*, Cambridge 2005, and C. Lange, *Justice, Punishment, and the Medieval Muslim Imagination*, Cambridge 2008.

those you fear may be rebellious admonish; banish them to their couches, and beat them. If they then obey you, look not for any way against them; God is All-high, All-great.”³¹

The verse can be perceived as providing a normative justification for the instructive use of punishment within the authoritative *tafsīr*. Al-Ṭabarī (d. 923) situates this specific use of bodily punishment within the divinely established relations of obedience of the wife before her husband, whose duty, on the other hand, is to ensure obedience before Allah. The “men are the managers of the affairs of women” phrase would mean here that men are “managers” of women with reference to their “disciplining” (*ta’dīb*), a term which appears often in synonymous relation to *ḍarb*, as God “preferred in bounty one of them over another” in the sense of being recipients of the dowry (*mubār*), expending their property for the women, by this being appointed “managers” (*qawwāmūn*, explained by the straightforward “commanders”, *’umarā’*)³². Moreover, a man is responsible, as stated further by al-Ṭabarī, to “command her obedience to Allah” (*ya’murubā bi-ṭā’ati l-lāh*), consequently being granted the right, in case that “she refuses, to beat her with beating which is not severe (*ḡayr mubarrih*)”³³, then, according to another prescription, “discipline” her (indicative usage of *’addaba*)³⁴.

Dwelling at length on the topic of obedience, al-Ṭabarī summarizes that breaches of this divinely sanctioned order can be rectified through the justified use of “non-severe” (*ḡayr mubarrih*) beating³⁵. The formulation of the “non-severe” is abundantly emphasized and refined by “not breaking a bone of hers”³⁶. Then, the “non-severe” expression is additionally clarified by answering a question, namely what is “non-severe beating”? The answer given is that it is one inflicted on the woman by the Muslim toothpick (*ṣiwāk*)³⁷ or a similar object³⁸, as well as beating which does not leave any traces or bruises (*ḡayr mu’attir*)³⁹. The application of violence for disciplining purposes here cannot be perceived as having an allegorical value independent of and contradicting the literal meaning of the Qur’anic text. Similarly, Ibn Kaṭīr (d. 1373), writing his

³¹ All portions of the Qur’ān have been cited according to *The Koran Interpreted. A Translation* by A. J. Arberry, 2 vols., London–New York 1955.

³² Abū Ḡa’far Muḥammad b. Ḡarīr al-Ṭabarī, *Tafsīr al-Ṭabarī*, vol. 8, Cairo s. a. , 290.

³³ *Ibid.*

³⁴ *Ibid.*, 291.

³⁵ *Ibid.*, 313.

³⁶ *Ibid.*, 314.

³⁷ Associations with the modern accessory can be considered inappropriate in this aspect. The traditional Muslim *ṣiwāk*, also known as *miswāk*, is rather a wooden twig used as a toothpick for hygiene purposes. It is often mentioned in the *ḥadīṡ* and is religiously connoted with mandatory prescriptions of Muḥammad to use it before performing the ritual prayer (*ṣalāt*), cf. A. J. Wensinck, *Miswāk*, in: P. Bearman e. a. (eds.), *Encyclopaedia of Islam*, Second Edition (= EI2), 12 vols., Leiden e. a. 1960–2004, vol. 7, 187.

³⁸ Al-Ṭabarī, *op. cit.* (nt. 32), 314.

³⁹ *Ibid.*, 315.

tafsīr in a later historical period, states that the refinement of men being “managers” over women follows the meaning of “being appointed over her” (*raʿṣubā*, *ḵabīrubā*), “ruling over her” (*ḵāḵim ʿalayhā*) and once more, disciplining her (*muʿaddībubā*) in case that she transgressed (*ʿidā ʿaʿwaḡat*), being better than her (*ḵayr minhā*)⁴⁰.

Such authoritative Sunni perceptions of the Qurʾānic admonition occur within the specific field of marital relations. The prescription, however, fits into a more general area of disciplining violence by outlining several associative illuminative deductions. Instructive uses of flogging can be realized within a diversity of environments without resorting to the rulings on the types of punishment for disobedience or to the provisions of the *Šarīʿa*. In this sense, suggesting a direct link between the occurrences of disciplinary flogging within the marital area, on the one hand, and the same measure on students in the educational field, on the other, might be seen as an arbitrary and risky leap in associative logics within a hastily constructed generalization. Yet, as it can be observed in the Muslim source texts cited above, the hierarchical relations of authority and the responsibility to enforce obedience to the divinely established order strike a similarity to the ones established later on and embodied in the relation of authority between a teacher and a student (*ṣuḵba*).

Thus the abovementioned Qurʾānic text and its later interpretations might impart an educative value to the term *ḍarb* by relating it to the enforced discipline (*ʿadab*). As later Muslim educational authors mention, it is *ʿadab* that denotes the practice of harsh treatment of students for their own good – we just need to invoke educational chapters such as “What is permitted as pertaining to disciplining punishment (*ʿadab*) and what is not”⁴¹. In this context, *ʿadab* is often employed to euphemistically veil the sterner meaning of beating. As Ibn Manẓūr (d. 1312) would point out in his famous dictionary of the Arabic language, it had been called *ʿadab* because “it cultivates, disciplines (*yaʿḍab*) people toward praiseworthy deeds and prevents them from misdoings (*maqābiḥ*)”⁴².

The interpretations of the Qurʾānic text sampled hitherto can be complemented by the normative textual base of the *ḥadīṭ*. The most common tradition that underpins Muslim pedagogical framework is the one in which Muḥammad prescribes that Muslims should “Command [their] children to pray when they become seven years old, and beat them to it [that is, prayer, parenthesis mine, A. Sh.] when they become ten years old; and separate among them in the beds”. This *ḥadīṭ* is found with minor variations within the compilations of at least Aḥmad b. Ḥanbal (d. 855) in his *ʿMusnad*⁴³, ʿAbū Dāwud (d. 889)⁴⁴ and al-

⁴⁰ ʿImād al-Dīn ʿAbū al-Fidāʾ Ismāʿīl b. Kaḡīr, *Tafsīr al-Qurʾān al-ʿaẓīm*, vol. 4, Cairo 2000, 20.

⁴¹ Ibn Saḡnūn, *ʿĀdāb al-Muʿallimīn*, in: *Al-Tarbiya fī l-Islām*, Cairo 1968, 356.

⁴² Ibn Manẓūr, *Lisān al-ʿArab*, vol. 1, Beirut s. a. , 206.

⁴³ Aḥmad b. Ḥanbal, *Musnad*, vol. 11, Beirut 1997, 284–285.

⁴⁴ ʿAbū Dāwud, *Kitāb al-ṣalāt* (Book of Prayer), in: ʿAbū Dāwud, *Sunan*, vol. 1, Beirut 1997, 237–239.

Tirmīdī (d. 892)⁴⁵. Variations in contents might be considered nominal. Seven to ten years appear to be the crucial age for enforcing obedience in one of Islam's pillars, with ten years being the permissible minimum age for the application of flogging to achieve the means thereof. The tradition is important because it gave rise to a richness of later generated contents that went beyond its literal connotation. Yet in no way they refute it, rather the opposite: by elaborating on the details of its application and the reasons of its validity, they actually reaffirm it and link it to a diversity of fields of Muslim normative practices within ritual life (the rule of prayer), legal punishment (*ḥadd*) and pedagogical discipline⁴⁶.

The recommendations of the *ḥadīth* that tie punishment to ritual prayer, and the postulate of childhood as a period in which the basics of religious behavior are to be taught, outline childhood – with the application of beating starting at the age of ten – as a transitional, borderline period before actual maturity occurs and legal accountability (*taklīf*) is imparted. Hence flogging emerges as a preventive measure and a warning sign, enforcing right attitudes to avoid reproachable misdoings, for which full responsibility would have to be borne by the individual at a later stage. Such implications are elaborated in similar spirit by other authoritative voices such as 'Ābādī (d. 1329) in his copious 'Awn al-ma'būd fī šarḥ sunan 'Abī Dāwud' to comment on 'Abū Dāwud's Sunna. 'Ābādī expounds some of the views of the major legal schools, the formation of which had already been brought to completion in that historical period. The *ḥadīth*, according to him, does not hold children responsible for ensuring adherence to its prescription; rather, the area of responsibility is shifted to the authority of the custodians (*'awlīyā'*)⁴⁷.

The exploitation of the *ḥadīth* on urging children to prayer through beating can also be found in later works on education. One of them is a work by the Ḥanbalī Ibn Qayyim al-Ġawzīya (d. 1350), in which the theologian allocates some space to look at the traditions on ritual prayer in the life of children in the chapter titled "On the Necessity of Disciplining Children, Teaching Them and Treating Them Justly" (*"fī wuḡūb ta'dīb al-'awlād wa-ta'limihim wa-l-'adl baynahum"*)⁴⁸. Ibn Qayyim al-Ġawzīya exemplifies the continuity of the usage of this saying of the prophet Muḥammad. First, he links it back to the authority of 'Aḥmad b. Ḥanbal's compilation of *ḥadīth* ('Musnad'); then, citing it, he goes on explaining that there were three "rules of discipline" (*'ādāb*) in it: commanding children to pray, beating them, and then, separating them in their beds.

The flogging of children is looked upon not as an isolated and optional contextual practice, but rather as a tool substantiated by the primary sources of

⁴⁵ 'Abū 'Īsā Muḥammad b. 'Īsā al-Tirmīdī, *Al-Ġāmi' al-šāḥiḥ wa-huwwa sunan al-Tirmīdī*, vol. 2, Cairo 1977, 259.

⁴⁶ Cf. e.g. 'Abū Zakariya Muḥyi al-Dīn Yaḥyā b. Šaraf al-Nawawī (d. 1278) and his *Maḡmū' šarḥ al-muḥaḍḍab*, vol. 1, Jeddah s. a. , 50.

⁴⁷ 'Abū al-Ṭayyib Muḥammad Šams al-Ḥaqq al-'Azīm 'Ābādī, 'Awn al-ma'būd fī šarḥ sunan 'Abī Dāwud, vol. 2, Medina 1968, 161–164.

⁴⁸ Ibn Qayyim al-Ġawzīya, *Tuḥfat al-mawdūd bi-'aḥkām al-mawlūd*, Cairo s. a. , 152.

Sunni doctrines. Thus, as stated within the body of interpretative tradition, adherence to the ruling of the *ṣalāt* can be construed as a primary religious motivational factor to justify violence in educational and pedagogical settings. Yet, it is not necessarily situated within specific institutionalized forms of transmission of knowledge, as the interpretations of the *ḥadīṭ* do not explicitly mention teachers and students and employ a looser language referring to a general topic of authority: anyone to whom the care of a child has been given, is responsible for adhering to this proper admonition, regardless of whether this person is a parent, custodian (*walī*) or a master (*ṣāhib*) in the more general sense.

Flogging is applied in multiple instances of disobedience to the teacher in general, not only in cases of violation of directly stipulated Islamic rulings such as the mandatory nature of prayer. It would be a gross simplification of the historical development of Muslim theology and applied ethics to expect that during the timeframe of development of interpretations of the aforementioned *ḥadīṭ*, i. e., since 'Abū Dāwud and Ibn Ḥanbal until at least Ibn Qayyim al-Ġawzīya, meaning in the course of more than four centuries, the Muslim educational tradition and practices solely leaned on a narrowed *ḥadīṭ* base, regardless of how influential it might have become. On the contrary, the large body of emblematic educational treatises generated within the same historical timeframe suggests that such a pedagogical approach had been further refined and applied as a broader expression of the penalty for the violation of the religiously sanctioned authority between a teacher and a student, in connection to the relations of delegation of the parent's rights to the teachers. Concerning this concept, two of the most famous Muslim educational works, namely those of Ibn Saḥnūn (d. 870) and 'Abū al-Ḥasan al-Qābisī (d. 1012), could be illuminating.

Ibn Saḥnūn, in his treatise 'Rules of Conduct for Teachers'⁴⁹, sheds some light on these points of educational concern, in a short chapter titled "On disciplining punishment (*'adab*), what is permitted and what is not"⁵⁰. This

⁴⁹ The translation of the treatise's title follows the one suggested by Sebastian Günter (e.g. in S. Günter, *Be Masters in That You Teach and Continue to Learn: Medieval Muslim Thinkers on Educational Theory*, in: *Comparative Education Review* 50 [2006], 367–388, at 369).

⁵⁰ Ibn Saḥnūn, *op. cit.* (nt. 41), 356. It has to be brought to attention here that Ibn Saḥnūn frequently employs the term *'adab* throughout this chapter of his treatise. This poses a certain challenge to the translator and the scholar, as some of the authors that have treated the subject of education translate it according to its more general meaning of "ethics", similar as in the treatise's title (e.g. S. M. Ismail, *Muhammad Ibn Sahnun: an Educationalist and a Faqih*, in: *Muslim Educational Quarterly* 12 [1995], 37–54, at 44) who suggests the extended alternative of "Code of ethics, what is approved and disapproved of teaching and learning". Yet, the translation of *'adab* here, in the sense of "code of ethics", is not likely to convey the original text's message, as uses of *'adab* in the sense of "disciplinary punishment" have already been mentioned in the sources cited above. In addition to that, the chapter of Ibn Saḥnūn predominantly covers uses of beating, as demonstrated by its contents in the course of the present paper, whereas *'adab* has been consistently explained within the context of the plain *ḍarb* ["beating"]; hence "disciplinary punishment" would constitute a more precise rendering of the Arabic original.

meaningful paragraph opens with the story of a certain Sa'd al-Ḥaffāf, whose son had just been brought to tears after being beaten by his teacher. The event invokes the saying of the prophet Muḥammad that “[t]he evil ones of my *’umma* are the teachers of its young ones (*ṣibyān*) who are little of mercy to its orphans and cruel to its miserable ones”. This short notice, however, should not be hastily taken for a general condemnation of the use of violence in education, but rather goes on to rebuke only the inappropriately inflicted punishment of al-Ḥaffāf’s son, setting a restrictive limit for the acceptable degree of violence. As Ibn Saḥnūn goes on, this tradition targets reproachable cases, specifically when “he [the teacher] has beaten them out of anger and not for their benefit (*alā manāfi’ibim*), as there is nothing bad (*lā ba’s*) to beat them for their benefit”⁵¹. The invocation of the “benefits” inevitably broadens the scope of permissible occasions; yet, having the broader religious context for the duties of the teacher in mind, it can be suggested that the avoidance of misdoings is again central.

Then, discussing the boundaries of the punishment itself, Ibn Saḥnūn advises that teachers should adhere to a maximum of three lashes, and that any disciplining measures exceeding this shall not occur without the explicit permission of the parent (*al-’ab*)⁵² as the primarily responsible individual for a child’s welfare, for whom a teacher is only a delegate. Flogging would be applied in case of play (*la’b*) or idleness (*biṭāla*); in general, beating should not exceed ten whips, while a special case should be taken into consideration: punishment due to (misdemeanor regarding) recitation of the Qur’ān shall not exceed three lashes. This has aroused the question of Ibn Saḥnūn’s dialogical partner: what would be the rationale, then, for the fact that disciplinary punishment for general matters except the Qur’ān is limited to ten lashes at the utmost, while regarding misbehavior on reciting the Qur’ān it is not to exceed three? The answer, according to the author, lies in the fact that ten lashes is the utmost extent (*ḡāya*) of legitimate punishment in general, based on the authoritative saying of Mālik⁵³ who has been heard to have said that no more than ten lashes shall be inflicted on anyone, except in cases of legal punishment (*ḥadd*). The same line of argument is extended by another prophetic tradition which stipulates that no man that believes in Allah and the Last Day should be flogged with more than ten lashes, except in cases of *ḥadd*. Controversial *ḥadīth* material is employed to express the divergence of prescriptions: according to some, the prophet Muḥammad himself has stated that the discipline (of punishment [*’adab*]) to be endured

⁵¹ Ibn Saḥnūn, op. cit. (nt. 41), 356.

⁵² Ibid.

⁵³ This is most likely the eponymous Imam Mālik (d. 795) himself. The use of Mālikī citation as a specific argument here clearly was on the author’s agenda and comes as no surprise, as Ibn Saḥnūn was not only a Mālikīte *faqīh*, but also son of Saḥnūn b. Sa’īd, the main protagonist in the establishment of the Mālikī school of law in North Africa, thus pushing back the influence of the Ḥanafism and Mu’tazilism at the time when Ḥanbalism prevailed in ‘Abbasid Baghdad, see G. Lecomte, Muḥammad b. Saḥnūn, in: EI2 (nt. 37), vol. 7, 409.

by the young ones is to be three whips, and anything exceeding this will be retaliated on Judgment Day, while the punishment inflicted on a Muslim in cases outside the boundaries of legal punishment (*ḥadd*), could be anything from ten to fifteen lashes. Whatever exceeds this limit up to twenty will bring beating with the respective number of lashes over the prescribed ones (*yudḥrab bibi*) as a counter measure of recompense on the Last Day. Then, Ibn Saḥnūn concludes the chapter, as if to make sure that religious argumentation for the cases posed by educational praxis is duly elaborated on by drawing a parallel to other relations of authority, including those within a family⁵⁴:

“Likewise, I deem that no one is to beat his slave with more than ten [lashes], for what exceeds this shall be retaliated on Judgment Day, unless in cases of *ḥadd* and in cases of the proliferation of his sins; there is nothing wrong to beat him with more than ten [lashes] in cases where he has not been virtuously abstaining from what he has previously done. The Prophet, peace be upon him, has also permitted that women be disciplined. It is narrated that Ibn ‘Umar, may Allah be content with him, beat his wife. Also, the Prophet, peace be upon him, has said ‘If a man disciplines his child, this is better for him than to show mercy (*yataṣaddaq*)’. Some of the people of knowledge have also said that the disciplin[ing punishment] is according to the measure of the sin⁵⁵, and it is possible that the disciplining punishment exceeds the *ḥadd*; amongst them are Sa‘īd b. al-Musayyib and others.”

Ibn Saḥnūn appears to have authored the earliest educational, specialized text of this size that puts a special emphasis on the educational practice and provides helpful support to the attempts of reconstructing early Muslim views on the environment in which the transmission of knowledge used to take place. It would be an exercise in historical positivism to infer plainly from this text that this is the way “it has actually been” (“wie es eigentlich gewesen”)⁵⁶, as the difference between prescriptive and descriptive sources is not always easy to delineate. Yet, on the basis of what Ibn Saḥnūn summarizes, we can at least catch a glimpse of the perceptions of the influential intellectual Sunni elite of the ‘*ulamā*’ with reference to the proper way that the instruction of children should be conducted. Some vital thematic threads can be outlined: in the first place, borders of permissible punishment are elaborated on. This does not only cover qualitative measures for legitimizing the disciplinary measure, or invalidating it (by contrasting the motivations “for their benefit” and “out of anger”), but also the quantitative criteria for that: the number of lashes, regardless of their exact number, which, if exceeded, would call for precise divine retaliation and render educational measure useless. A second point of the Mālikī theologian

⁵⁴ Ibn Saḥnūn, op. cit. (nt. 41), 357.

⁵⁵ Here “transgression” would probably be a better translation, although the original uses the plain “sin” (*ḍanb*). Yet, actions such as lack of children’s discipline or children’s play could hardly be classified under the category of “sins” in the sense of reproachable misdoings deserving severe legal punishment, such as adultery, wine drinking, or homosexual indulgence.

⁵⁶ L. von Ranke, *Geschichten der romanischen und germanischen Völker von 1494 bis 1514*, Leipzig 31885, VII.

is also worth considering and something that would later on receive a more detailed treatment, namely the similarity between relations of authority and submission within different relational circles. A parallel is drawn between the connection of teacher and student, on the one hand, and the parental one, on the other – by implying an explicit parental license for more severe punishment. Both cases of hierarchic submission are compared, although the first is subordinated to the latter; in addition to this, other associative hints on connections of subordination are made by mentions of women, due to be disciplined, as well as slaves. This possibility of delegation of authority over children by parents or custodians (*walī 'amr*) to teachers also enables those responsible for their education to exercise the rights of parents and custodians, such as those suggested by the prophetic tradition regarding prayer and, as has been later expanded by authors such as Ibn Saḥnūn, punishment. And last, by problematizing the points of contact between *'adab* and *ḥadd*, Ibn Saḥnūn has in fact invested effort in distinguishing between both, despite the variance of interpretations as to whether and how the measure of disciplinary punishment might or might not exceed the legal punishment of the *ḥadd*.

The conceptual framework built by Ibn Saḥnūn around the cases of *'adab* has been reused in the work of 'Abū al-Ḥasan al-Qābisī. The continuity between this textual piece and earlier works in the field is traceable, as al-Qābisī, also a follower of the Mālikī jurisprudence, draws on Ibn Saḥnūn by relating to him⁵⁷. The numerous mentions of Saḥnūn in his treatise, however, refer most likely not to Ibn Saḥnūn himself but rather to his father, Saḥnūn b. Sa'īd (d. 856), signatory of one of the most respected manuals of Mālikī law, the 'Mudawwana', as a part of the portions that al-Qābisī attributes to "Saḥnūn" in his 'Treatise' ('al-Risāla')⁵⁸ cannot be identified in the 'Rules of Conduct' of Ibn Saḥnūn.

The link between both Saḥnūns and al-Qābisī is also evident from the prescriptions of the author of 'al-Risāla'. In a much longer paragraph than the one dedicated to the topic of disciplinary punishment for children by Ibn Saḥnūn, the 'al-Risāla' offers a blend of several thematic fields under the title "A Mention of His Discourse on the Teachers' Disciplining Education (*siyāsa*) of Boys", covering a great variety of points. Among them we can find the exertion of authority and the supervision (*qiyāmuhu*) of a teacher over children, equal treatment of boys, his delegation of authority over another person, the organization of time to teach and study, how to wipe out tablets (also found in Ibn Saḥnūn⁵⁹), the places and methods of teaching, how to handle the Qur'ānic copies, how to spend time idly and – clearly linked to scope of the present topic – , to what extent and how disciplinary punishment is to be applied (*ḥadd 'adabihi 'iyyābuhum*)⁶⁰.

⁵⁷ E. g. 'Abū al-Ḥasan al-Qābisī, *Al-Risāla al-mufaṣṣala*, Tunis 1986, 131–132.

⁵⁸ *Ibid.*, 136.

⁵⁹ Ibn Saḥnūn, *op. cit.* (nt. 41), 355.

⁶⁰ Al-Qābisī, *op. cit.* (nt. 57), 126.

Al-Qābisī does not develop a standalone view focusing explicitly on educational discipline; rather, the context within which he situates flogging is hinting at the existence of an educational ethos underpinned by a structured practical framework of which punishment for transgression of the established boundaries constitutes an integral part. The excerpt starts with a brief treatment of the delegation of authority over the children by their custodians, linking the practicality of the hiring contract for a teacher's wage (*'iğāra*) with the duty to instruct only to the sufficient extent (*"mā yanbağī'an yu'allimabu labum mā fibi l-kiḡāya"*). A teacher is supposed to use his own individual reasoning (*iğtibād*) to take exactly those measures that the children need under his care, in accordance with the provisions of "those who have contracted his wage, and who have clarified what his duties are"⁶¹, namely the children's custodians. Strengthening the same line of thought, the commission of authority to the holder of the prerogative to instruct is enforced by its binding to a divine imperative, listed among the "contracts (*'uqūd*) the loyal adherence to which has been ordered by Allah [...] and falling under [the prescription of] what's been said by the Prophet, peace be upon him: 'All of you are guardians and responsible for your wards and the things under your care'"⁶². Al-Qābisī's point summarized above is just an example of his line of argumentation, clearly enforcing the mandatory duties of the teachers because of their responsibility stemming from both practical and divine orders.

The general topic of responsibility and authority is linked by the Mālikī theologian to the area of disciplining punishment through reasoning which is worth following. By fulfilling what is due to him, al-Qābisī extends his exposition: a teacher becomes a "well-doer" (*muḡsin*), being within the scope of the divine words that "[w]e leave not to waste the wage of him who does good works (*man aḡsana 'amalan*)"⁶³. And it is precisely by virtue of his "well-doing in his care for them" (*ḡusn ri'āyatibi labum*) that a teacher has to be lenient and merciful

⁶¹ Ibid.

⁶² Ibid., 127. Al-Qābisī makes elliptical argumentative use of a *ḡadīḡ* found in al-Buḡārī's 'Ṣaḡīḡ', the 'Book of Friday Prayer', but does not mention the *ḡadīḡ* in its complete form as found originally. This tradition might be illuminative for understanding the mechanisms and relations of delegation of authority, as in the context of al-Qābisī's reasoning it is employed to draw a parallel between the connection along the "teacher-child" axis and other similar relations by exemplifying the main statement of the *ḡadīḡ* through the clarification in the 'Ṣaḡīḡ' that "[...] The *imam* [i. e. ruler] is the guardian of his subjects and is responsible for them, and a man is the guardian of his family and is responsible for them. A woman is the guardian of her husband's house and is responsible for it. A servant is the guardian of his master's belongings and is responsible for them.' I thought that he also said, 'A man is the guardian of his father's property and is responsible for it. All of you are guardians and responsible for your wards and the things under your care'" (Ṣaḡīḡ Buḡārī, vol. 1, Cairo 1979 [1400 Hijri], 284–285, a shorter version lacking the elaboration thereof is also to be found in the 'Book of Funerals' ['Kitāb al-ḡanā'iz'], ibid., 395).

⁶³ Qur'an 18:30.

(*rafiq, rahīm*), in accordance with a number of prophetic traditions⁶⁴. But then, invigoratingly discoursing with his dialogical partner, al-Qābisī adds: given that the abovementioned prescriptions are also relevant to children, is it recommended (*mustahabb*) that the young ones be subject to “harsh treatment” (*tašdīd*) by the teacher, having in mind that one has to show mercy, and not be frowning (*‘abās*)⁶⁵?

The dialogical suspense is resolved through a subtle elaboration within a nuanced paragraph. If a teacher is supposed to be a “well-doer” in his supervision (*aḥsana l-qiyām*), showing a diligent care, putting all things in their proper places, being charged with the responsibility of teaching and disciplining children in a moral way (*‘adab*), supervising their abstinence from what is not beneficial for their good, and exercising a compulsion (*‘ikrāb*) to what is beneficial, then this would not position children outside the scope of a teacher’s mercy, as “he is for them instead of their parents” (*‘humwa labum ‘iwaḍa ‘āba’ihim*)⁶⁶. Hence, al-Qābisī is presenting us with a straightforward view on the permissibility of “harsh treatment” whereas “mercy” is construed as a subordinate function of the necessity to guard ethical and religious normative behavior on the basis of the delegation of parental prerogatives. By having made this high-level transition through overlapping the conceptual fields of “mercy” and “good care” with those of “harsh treatment” and “compulsion”, al-Qābisī opens the floor for drilling down on the topic of enforcing discipline within more practical recommendations.

Thus, a teacher is not to be constantly frowning, for this is described as an act of detestable rudeness (*faẓāẓa mamqūta*); besides, boys would get accustomed to it which might lead them to rebellious behavior towards the teacher (*fa-yağrā’ūna ‘alayhi*). This is why, a teacher might frown only on occasions when discipline (*‘adab*) is needed for their edification, avoiding in some cases the need of beating (*‘‘adab labum fī ba‘d al-‘aḥāyīn dūna l-ḍarb’*). In other cases, however, beating is considered necessary, in accordance with what children deserve and in line with the extent of their transgression. Similar to Ibn Saḥnūn, it is considered inadmissible to be angry when meting out punishment; otherwise a teacher would lose the privilege of being listed among the “well-doers”.

The measure of legitimate beating is treated by al-Qābisī in the same manner as by Ibn Saḥnūn: punishment shall vary from one to three lashes, as use of the aforementioned individual reasoning is recommended to avoid exceeding the degree of the necessary (*rutbat isti’bālīhā*). This type of disciplinary punishment, again designated by the term *‘adab*, is due in a multitude of cases:

“[...] in cases of his [i.e. the student’s] excess, in cases that he is slothful in his reception of the teacher, being slow in his memorization (*hiḥẓ*), allowing for many

⁶⁴ E.g. Al-Buḥārī, op. cit. (nt. 62), 396: “[...] Allah is merciful only to those of His slaves who are merciful”.

⁶⁵ Al-Qābisī, op. cit. (nt. 57), 129.

⁶⁶ Ibid.

mistakes in [recitation of] his Qur'ānic portion (*ḥiṣṣa*), his writing on his tablet, defect in his letters, bad pronunciation, disfigured diacriticals, mistakes in putting the points [of the letters], then if he has been awakened time after time, and has been neglectful, if there have been no use to him to scorn and reproach with words of exhortation, without any curse or offense, as the sayings of ones who do not recognize any rights to the children of the believers and say: 'You freak (*miṣṣa*)!' or 'You, monkey (*qird*)!'. Thou shall not do this, neither any other hideous thing similar to this."⁶⁷

The prescription to abstain from verbal obscenities towards the students is bound to the requirement of anger management, already hinted at by al-Qābisī, corresponding to Ibn Saḥnūn, and thereby receiving a more detailed treatment. Anger is the primary reason that could make "expressions of obscenity (*'alfāḥ qabiḥa*) flow out of the tongue of the pious", while "this is no place for anger" (*"ḥādā laysa makān al-ḡaḍab"*). The exemplum set by the Prophet is indicated, as he had forbidden judges to make a judgment while in a state of anger. Moreover, according to a historical anecdote about the Umayyad caliph 'Umar b. 'Abd al-'Azīz (d. 720), he ordered the flogging of a certain man. When the convict was about to suffer the disciplining measure, the caliph averted his intention and ordered that the man should be released. Asked about that, 'Umar stated that the reason to change his mind was that "I found in myself anger, and deemed it detestable to beat him while I am in a state of anger"⁶⁸. It might probably be interesting to trace whether the caliph resumed his intention, once his anger had subsided. Yet, al-Qābisī makes no mention of this, as this point is seemingly found irrelevant for the moral of his story, namely that any occurrence of anger would constitute an infringement of the principle of just punishment and would thus place it outside the borders of the permissible, regardless of the initial transgression.

To emphasize the validation of punishment through the avoidance of anger, the educational theorist advances his case: if a teacher has to impose the disciplining measure, and at the same time "there would be no healing from his anger, neither anything to alleviate his heart from his wrath – and if he beats the children of the Muslims only for his own relief (*rāḥat nafsihi*) – then this would constitute no justice (*wa ḥādā laysa min al-'adl*)". It might seem that the reasoning of al-Qābisī establishes a linkage between the acts of mercy and those of justice, subjecting the former to the latter. This is in no way a surprise within the larger context of the development of Muslim jurisprudence, for it reaffirms the supremacy of the concept of the enactment of "commanding right and forbidding wrong" (*"al-'amr bi-l-ma'rūf wa-n-nahy 'an al-munkar"*) and the concept of justice (*'adl*), which have an emblematic place in Islamic theology and to which much scholarly effort has already been dedicated⁶⁹. Within this historical

⁶⁷ Ibid., 129.

⁶⁸ Ibid.

⁶⁹ E.g. E. Tyan, 'Adl, in: EI2 (nt. 37), vol. 1, 209–210, cf. also M. Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge 2000.

and casuistical order of thinking, as al-Qābisī also argumentatively demonstrates, to render a just measure of lashes and abstain from being angry about the transgressor, would be nothing less than an act of “merciful justice” or a “just mercy” for the transgressor’s own good.

There are indications of cases, however, where al-Qābisī points that the act of delegation of authority to the teacher does not have a universal scope: e.g. skipping school classes (*kuttāb*) or being prone to idleness (*idmān al-bitāla*). In those cases, a teacher would be expected to consult with the parent or custodian – if the child is an orphan –, informing them that the transgressor deserves more than three lashes and request permission to inflict the lashes, between three and ten, upon him, yet again, “if the boy can bear it” (“*’idā kāna l-ṣabiy yuṭīqu dālīka*”). Complimentarily to Ibn Saḥnūn, we have additional details here concerning the specifics of the punishment:

“[...] the characteristics of beating should be such as to inflict pain, and the pain shall not exceed towards [having a] mutilating impact (*ta’tīr mušni*) or harmful effect (*wahn muḍīrr*). And it might be that among the boys of a teacher there are such ones that approximate maturity, and are badly mannered (*ṣayyi’ al-ra’īya*), their moral qualities are ungainly (*ḡalīṣ al-ablāq*), and are not frightened by being beaten upon with ten lashes. Then a space is provided for exceeding it (*yurā li-l-ṣiyāda ‘alaybi makān*), which is a sound probability (*muḥtamal ma’mūn*) and there is nothing bad – if God wills! – to exceed the ten lashes – and God knows the corrupted one from the well-doer (*‘Allāh ya’lam al-muṣīd min al-muṣliḥ*)”⁷⁰.

Al-Qābisī cites the aforementioned Saḥnūn, according to whom the duty of flogging is not to be easily delegated to anyone. The reasoning behind this admonition is practical: sometimes, boys are get carried away in raging conflicts which might result in exceeding the due measure of punishment. Hence, if a teacher delegates this prerogative to another person, it would be necessary to make sure that the limits are not transgressed. As a case where this might happen, al-Qābisī points to occurrences of competition in knowledge (*tabāyur*) initiated by the teacher, when their mutual “disciplining each other” is considered legitimate (“*yubīḥu labum ‘adab ba’dihim ba’d*”). The character of this disciplining is clarified by the unambiguous statement that “it shall not exceed three [lashes]”⁷¹. In such an educative environment it is considered a responsibility of the teacher himself to ensure that boys do not hurt each other, carefully investigating complaints⁷² if the rule is breached and taking proper disciplining measures, again according to the prescription of Saḥnūn (“*‘alā l-mu’allim ‘an yu’ad-dibahum ‘idā ‘adā ba’dubum ba’d*”)⁷³ and within the boundaries of the already established rules: one to three lashes, with a possibility to exceed this limit if deemed appropriate.

⁷⁰ Al-Qābisī, op. cit. (nt. 57), 130.

⁷¹ Ibid., 131.

⁷² This might happen in case the transgressor has been judged by many to have inflicted pain or if there has been a self-testimony (“*’in istaqāda ‘alā l-’idā’ min ḡamā’a minhum ‘aw kāna li-’tirāf*”).

⁷³ Al-Qābisī, op. cit. (nt. 57), 132.

With the same purpose of delineating the borders of legitimate punishment, flogging someone's face or head has to be avoided (“*li-yağtanib ’an yaḍrib rās al-ṣabīyi ’aw wağhabu*”). The instruction is in line with the saying attributed to Saḥnūn: beating these body parts is not permitted, as the damage resulting thereof might be evident (“*ḍarar al-ḍarb fihimā bayyin*”), and injury of the brain or the eyes might follow as an effect, or “ugly tracks”, scars, injuries, or other consequences might be caused (“*yu’attir ’aṭar qabīl*”). This is why flogging of the legs is seen as the safest approach (“*fa-l-ḍarb fī l-riğlayn ’āmin*”), as they are considered to be most resilient to pain, bearing the lowest risk to lose their integrity (“*aḥmal li-l-alam fī salāma*”). Other cases of harsh treatment are also found within al-Qābisī’s work in a variety of contexts. An example of this would be the “admonishment through the severity of punishment in case that he [the boy, A. Sh.] repeats, gradually increasing in order to avoid wrongdoing” (“*yatawā’ad bi-šiddat al-’uqūba ’alayhi ’in huwwa ’awadabu li-yatadarrāğ ’ilā muğānabat al-ḥaḍā*”) ⁷⁴, which is due in cases of illegitimate intra-school food barter among boys, looked upon as encouraging the condemned practice of usury (*ribā*) ⁷⁵.

As demonstrated by our glance at the textual material provided by ’Abū al-Ḥasan, the high-level framework structured along the texts of the Qur’ān and the *ḥadīṭ* used by Ibn Saḥnūn has, in the course of time (i. e., a century and a half after him), descended to a more elaborate conceptual flow which is now focused on secondary normative religious texts to provide guidance for the practical daily life in primary religious schools. By borrowing from previous authoritative sources, al-Qābisī is following the same line and thematic points, being able to sustain the continuity of ideas and expand them.

In building the framework of regulating educational punishment, Ibn Saḥnūn and al-Qābisī appear indicative and not exceptional. Without claiming a thorough overview of all sources, some of them need to be listed to offer a diversity of approaches. ’Abū ’Alī Aḥmad b. Muḥammad b. Ya’qūb Miskawayh (d. 1030) ⁷⁶ and ’Abū Ḥamid al-Ġazālī ⁷⁷ address the same topic, yet from a slightly different

⁷⁴ Ibid., 133.

⁷⁵ Ibid., 132–133.

⁷⁶ Among the list of admonitions in Miskawayh’s ‘Treatise on Ethics’ we observe that one shall not spit while in the educational circle (*mağlis*), shall not cross his legs, shall not drum his chin with his hand, shall not lean his head on his hand, as this is a sign of laziness. Then: shall not lie nor swear an oath, be it truthfully or falsely, as this is only sometimes needed to be done by adults, while a young one is to avoid it, shall be accustomed not to speak much, shall keep silent before those older than him and speak only when answering (“*la yatakallam ’illā ḡawāb*”). Then, he has to be forbidden malicious speech, as well as ambiguously weird ones (“*ḥabīṭ al-kalam wa-ḥağmubū*”), swearing, cursing and idle talk. On the contrary, he shall be accustomed to the noble and beautiful way of verbal expression. Finally, Miskawayh states briefly that “the children of the rich and the high-standing are the neediest of this type of discipline. And if he gets beaten by his teacher, he shall not shout, neither seek intercession of another, for this is what slaves and the weak in character do.” (Cf. Aḥmad b. Muḥammad b. Ya’qūb [Ibn] Miskawayh, *Tahḍīb al-’aḥlāq*, Beirut 1985, 52).

⁷⁷ The greatest portion of texts dedicated by al-Ġazālī to practical issues of child rearing is the ‘Book of Training of the Soul, Refinement of Character and Healing Diseases of the Heart’ (*Kitāb riyaḍat al-nafs wa-tahḍīb al-’aḥlāq wa-mu’alağat ’amrāḍ al-qalb*, in: ’Abū Ḥamid al-Ġazālī,

angle, bearing the marks of influence of the Greek heritage of antiquity. In the field of the *adab* production, 'Abū al-Farağ 'Abd al-Raḥmān b. 'Alī b. al-Ġawzī (d. 1201) covers the area in his 'Stories of the Fools and the Ignoramuses'⁷⁸, frequently referring to al-Ġāḥiẓ (d. 869–70) regarding "The Ignoramuses among Teachers" ("*ḍiker al-muğaffalīn min al-mu'allimīn*")⁷⁹.

And concluding, Ibn Ḥaldūn in his 'Prolegomena' ('Muqaddima')⁸⁰ dedicates a chapter to this topic as well. Cautious to prevent any unnecessary excess, he presents his thought under the title "Severity to students does them harm". According to him, "severe punishment in the course of instruction does harm to the student, especially to little children, because it belongs among [the things that make for a] bad habit". Inflicting punishment is paralleled with exercising tyrannical power, which has been the historical anti-ideal of Muslim governance. It tends to facilitate negative social patterns such as laziness and the tendency towards insincerity because of the fear of a tyrannical attitude, thus teaching them "deceit and trickery". The negative impact of a tyrannical attitude in individual relations is paralleled to that which was suffered collectively by "every nation that fell under the yoke of tyranny and learned through it the meaning of injustice" and exemplified in the "Jews and the bad character they have acquired, such that they are described in every region and period as having the quality of *ḥurǧ* which, according to well-known technical terminology, means "insincerity and trickery"⁸¹.

It might seem that Ibn Ḥaldūn's denial of "severe punishment" tends to create a negative image of beating in general by comparing it to the tyrannical attitude of rulers. Yet, we at least need to consider the mention of tyranny (here, *qabr*), as its opposition are the divinely sanctioned relations of justice (*ʿadl*). It is in this place that the previously mentioned al-Qābisī comes to mind, as he already makes a point in the direction that a non-tyrannical attitude, i. e., a just one, is not the one that avoids punishment at all costs, but rather one which is

Iḥyā' 'ulūm al-dīn, vol. 8, Cairo s. a. , 1426), which follows the structure of Miskawayh's paragraph, exhibiting a similar content on child punishment (ibid., 1468). 'Abū Ḥāmid points out that it is the responsibility of parents and teachers to prevent children from the "worldly fire" (*nār al-dunyā*), as if making an allusion to the Qur'ānic verse calling the believers to "[...] guard yourselves and your families against a Fire [...]" (Qur'ān 66:6). He follows the detailed prescription on practical behavior by Miskawayh almost verbatim, ultimately concluding that, if the boy gets beaten by the teacher, he "shall not cry a lot", shall not seek the intercession of another but shall rather endure, as this is the way of the courageous, while shrieks would be considered the response of slaves or women; again, echoing Miskawayh's admonition (Al-Ġazālī, op. cit., 1471).

⁷⁸ Ġamāl al-Dīn 'Abū al-Farağ 'Abd al-Raḥmān b. 'Alī b. al-Ġawzī, *Aḥbār al-ḥamqā wa-l-muğaffalīn*, Beirut 1990.

⁷⁹ Ibid., 150.

⁸⁰ 'Abd al-Raḥmān b. Ḥaldūn, *Al-Muqaddima*, Beirut 2001, 743. The English translation of the cited parts follows the translation of Franz Rosenthal in Ibn Khaldun, *The Muqaddimah: An Introduction to History*, Princeton 1958, while references and mentions of Arabic terms are made in accordance with the Arabic edition.

⁸¹ Ibn Ḥaldūn, op. cit. (nt. 80), 743–744.

careful to inflict the exact measure of lashes. In confirmation of this nuance of interpretation, Ibn Ḥaldūn extends the details in this part on educational environment by clarifying what is considered a “non-severe” disciplinary punishment, referring again to the limitation of three lashes⁸².

III.

This sample of Muslim educational sources, without intending it to be exhaustive, shows continuity within the Muslim sources on the role of beating as a substantial part of the regulation of the relation between masters and disciples. Flogging appears to be perceived as closely linked to divinely sanctioned concepts of authority and its delegation. The overlapping circles in which such a view on authority has been realized might not necessarily be identical (relations between man and woman within a family, then relations between parents or custodians and children, followed by relations between teachers and students). Nevertheless, in all of them flogging is perceived as a key means to delineate and enforce the permissible from a religious and ethical point of view, being a characteristic of the educational ethos to guarantee the enduring character of the *ṣūḥba*.

Not all disciplining punishment proves to be religiously motivated and legitimate. We cannot clearly judge on the cause-effect relationship between the normative framework and the acts of the social agents. We are not able to say whether the normative sources were the primary motivator for a certain act of educational violence or have been exploited only post factum to justify subjective preferences of a pedagogical approach [i. e., beating] over a softer one. Yet, in both cases, what we can observe is that the theoretical framework not only provides us with argumentation to justify possible occurrences of religiously motivated violence within the educational sphere, but carries it a bit further. Flogging is hardly considered optional, but its proper application is considered to be bound to a divinely established model of the practice of justice. Despite this general consensus and consistency on the necessity of beating as a disciplining measure, however, what emerges is the subjectivity of application. Truly, the sources present us with several detailed prescriptions on the “how” of a punishment with educational purpose. They, however, might be considered insufficient for an in-depth universal regulation of the area, also bearing in mind that it is frequently left to the judgment of the teacher how to exert his “religious duty”. Another dimension which has to be considered in this respect is that the realization of the educational relations occurs within the narrow circle of interface between the teacher and students, regardless of the surrounding institutional contexts in which this interface operates. This would rather allow for a

⁸² Ibid., 744.

broad, fluid area of practice, whereas abuse is defined by discretion of the teacher, as the divinely sanctioned authority able to distinguish between necessity and excess to guarantee proper transmission of *'ilm*.

And finally, this part of Muslim educational theory has been underpinned by religious implications that have developed over time in detail but do not contradict each other. In case a framework of Muslim educational relations between masters and disciples is to be substantiated with a consistent fundament, we are to consider these historical source perceptions on this to formalize them. Hence, if re-formulation of approaches to discipline and authority within Muslim educational reality is found to be necessary, one would have to venture on an attempt to bypass the conceptual continuity, explaining what has already been confirmed within the historical authoritative discourses of Sunni establishment, and depriving Sunni mainstream of a tool to guard the borders of the religious norm.

