

TO FLOG OR NOT TO FLOG: WHAT A QUESTION IS IT?
On Instructive Uses of Violence in Sources of Islamic Pedagogy and Education
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ABSTRACT: The aim of this paper is to explore the existence of a sustainable normative framework within an authoritative range of Muslim sources, which establishes the role of flogging as a religiously sanctioned educational method to enforce legitimate behavioral patterns and support “right” attitudes. This is achieved by an inquiry into relevant Sunni texts supporting the Muslim educational practice and theory within a prolonged time frame up to Ibn Khaldun (d. 1406). It appears that there is clear historically consistent continuity on the role of beating as a substantial part of the education process, starting from the Qur’an, the *ḥadīth* texts, then the *tafāsīr* and the commentaries of the *ḥadīth*, followed by key educational treatises, philosophical works and pieces of *adab*. Flogging seems to be closely linked to divinely imposed concepts of authority and its delegation; it constitutes substantial means to delineate and enforce the permissible from religious and ethical point of view. Thus, in case that 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 continuity of perceptions, explaining out what has already been confirmed within the historical authoritative discourses of Sunni establishment and depriving Sunni mainstream of a major tool to guard the borders of the religious norm.

Let us start with three accounts that seem somehow chronologically separated. The first one is related to an online *fatwā* portal, where a certain inquirer in November 2005 in posed a question on the legitimacy of violence as means of education used by teachers during their classes. The answer issued by a Hisam ad-Din, a mufti from Al-Quds University in Jerusalem, has been circulated since in the cyber space and follows in 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 to apply disciplining violence whenever all other means have failed, according to the prophet Muhammad, and following a prescriptions from him to urge children to prayer when they are seven years old, and beat them to it, when they are as old as ten. In the opinion of Hisam al-Din, there is divergence of opinions on the number of lashes that a student is to be inflicted: some of the ‘*ulamā*’¹, he goes on, recommend three lashes while others see ten as an appropriate measure. Ultimately, the mufti reasons, the call to abolish

¹ Within the present paper the transliteration guide of the International Journal of Middle East Studies (IJMES) is followed. Unless otherwise specified, all translations of original Arabic source texts are mine.

violence as educational means, would have a negative impact on the educational process as a whole.²

The second point is an observation made by the anthropologist of Islam Dale F. Eickelman. In his exploration of what he calls “the art of memory” within Islamic education and its social reproduction in Morocco³, he remarks that whenever a father handed his child over to a teacher, that was done with the formula that the child could be beaten according to the teacher’s own discretion. As a rule, punishments have been intended to induce a respect for accurate Qur’anic recitation; added to this, former students have explained that the teacher or the parent when he supervised the process of memorization “was regarded as only the impersonal agency of the occasional punishments which, like the unchanging word of God itself, were merely transmitted by him. Moreover, students were told that any part of their bodies struck in the process of Qur’anic memorization would not burn in hell.”⁴

The third account rapidly pushes us through some seven centuries’ leap back in the past. The voluminous collection of Ibn Taymiyya’s (d. 1328) Hanbali authoritative *fatāwā*, elaborates in a short chapter on the idea of corruption of children by their masters. Corruption is, informs us the textual corpus, to teach children beggary, and prevent them from obtaining gain in a piously permissible manner (*kasb ḥalāl*), as well as leading them into all other sorts of reproachable misdoings. Hence, such custodians would be liable to severe punishments to stop them from inflicting such deteriorations by virtue of a simple point: by not adhering to a proper pedagogical praxis, the careless custodians blatantly fail in fulfilling the divine imperative to teach their children what Allah has commanded and in educating them to obey God and His Prophet. To substantiate this pedagogically charged statement on responsibility of parents and masters of children, Ibn Taymiyya links to a tradition of Muhammad that

² Refer e.g.: <http://www.onislam.net/arabic/ask-the-scholar/8308/8294/52285-2004-08-01%2017-37-04.html> [link existing as of last edited version of this paper from February 13th 2013].

³ Eickelman, Dale F. “The Art of Memory: Islamic Education and Its Social Reproduction”, *Comparative Studies in Society and History*, vol. 20, No. 4 (Oct., 1978), pp. 485–516.

⁴ *Ibid.* p. 494.

admonishes Muslims to command their children the rulings of ritual prayer when they are seven years old, and beat them to it, when they grow as old as ten.⁵

It constitutes a methodological challenge to look at the three pieces of reference from the point of view of historical continuity and religious justification of a practical dimension of Muslim pedagogies. At first glance, they are united by the general prescription to apply flogging in order to facilitate a certain behavioral outcome. Yet, several questions immediately arise. Could we infer a theoretical and practical linkage between them as part of a fairly consistent historical approach to a Muslim educational norm regulating application of beating as a pedagogical method? If existence of such a normative framework is found, how has it evolved historically within the primary texts that facilitated its constitution? What would be the possible relation of motivation to the separate individual acts of violence within the educational sphere? Are we able then to judge on motivation of social agents within the Muslim educational sphere? And to what extent the religious element the use of which develops in a chronological plan would be part of such a motivation? Are these two events rather accidentally convergent occurrences on the basis of contextual historical and cultural localisms the grounding of which on a Muslim conceptual educational basis would seem rather coincidental? How could we avoid the danger of essentialism with its gross generalizations, on 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?

Keeping all these questions in mind, the aim of this paper is to explore the possible existence of such a sustainable normative framework establishing the role of flogging as a religiously sanctioned method to enforce legitimate behavioral patterns and support “right” attitudes, as well as look into the adaptive development of its outlines. This would not target absolutization of the role of a fixed textual norm and its projection over historical Muslim educational practice. Such an approach, at least since the work of Edward Said and the academic controversies generated thereof⁶, has

⁵ Ibn Taymiyya. *Fatāwā Ibn Taymiyya*, Dār al-Wafā’ li-l-Ṭibā’a wa-l-Nashr, 2005, Mansoura, vol. 11, p. 274.

⁶ Refer to Said, Edward. *Orientalism*, Pantheon Books, New York. 1978. Then a brief summary of the Saidian controversy in Irwin, Robert. *For Lust of Knowing. The Orientalists and Their Enemies*,

proven a risky methodological enterprise. Here we will rather seek to identify the potential of key normative material to provide a sustainable legitimizing impetus to educational theory and practices in general and violence in specific, the possible existing conceptual interrelations among pieces of this material, look at the potential relations between a historically established Islamic educational *doxos* and its *praxis*, and try to illuminate why the relation of some vital and historically sustainable practices and views to normative texts could be more clearly established than others. Yet, considering the scope of the present scholarly exercise, the objective here would be in no way to offer a comprehensive outline of traditional Muslim attitudes to religious education and knowledge, to which a plenty of research resources have been invested already since the work of Ferdinand Wüstenfeld (d. 1899).⁷ That is why, as far as possible, general reviews and outlines of history of Muslim education, views on transmission of knowledge, its professionalization or Muslim educational institutions have been kept aside.

The task of tracing the relevant thematic threads would be achieved by a critical inquiry into relevant portions of the authoritative texts of Sunni orthodoxy, starting from the text of the Qur'an in the 7th century, then the Sunna, later developments within major interpretations of the Sunni mainstream, and subsequent elaborations in historical and literary source material generated within a prolonged time frame up to Ibn Khaldun (d. 1406).⁸ With view on that, it might seem a helpful scholarly insight to

Penguin Books, London, 2007, as well as criticism in Kramer, Martin. "Edward Said's Splash", *Ivory Towers on Sand: The Failure of Middle Eastern Studies in America*, The Washington Institute for Near East Policy Washington, 2001, pp. 27–43, and more recently in Varisco, Daniel Martin. *Reading Orientalism. Said and the Unsaid*, University of Washington Press, Seattle and London, 2007.

⁷ Wüstenfeld, Ferdinand. *Die Akademien der Araber und ihre Lehrer*, Vandenhoeck und Ruprecht, Göttingen, 1837. Emblematic works in the field employing a variety of approaches are Rosenthal, Franz. *Knowledge Triumphant: the Concept of Knowledge in Medieval Islam*, Brill, Leiden-Boston, 2007, Makdisi, George. *The Rise of Colleges. Institutions of Learning in Islam and the West*, Edinburgh University Press, Edinburgh, 1981, then again Makdisi, George. "Muslim Institutions of Learning in Eleventh-Century Baghdad", *Bulletin of the School of Oriental and African Studies*, University of London, Vol. 24, No.1 (1961), Berkey, Jonathan P. *The Transmission of Knowledge in Medieval Cairo: a Social History of Islamic Education*, Princeton, Princeton University Press, 1992; Ephrat, Daphna, *A Learned Society in a Period of Transition: the Sunni 'Ulama' in Eleventh Century Baghdad*, SUNY Press, 2000, as well as Safi, Omid. *The Politics of Knowledge in Premodern Islam. Negotiating Ideology and Religious Inquiry*, The University of North Carolina Press, 2006.

⁸ For a summary of the main sources of Muslim educational theory and practice, ref. e.g. Giladi, Avner. "Islamic Educational Theories in the Middle Ages: Some Methodological Notes with Special Reference to al-Ghazali, *Bulletin of British Society for Middle Eastern Studies*, Taylor & Francis, Ltd Vol. 14, No. 1 (1987), pp. 3–10.

digest the concept of educational violence and its use through the prism of Western theories on education, but the objective here would go in a different direction. Our aim here is to look at the Muslim self-perception on the topic within a period that within Western history would be loosely categorized as “Middle Ages”, hence chronologically and thematically, projecting reversibly upon the Muslim framework modern Western views on education [e.g. the ones of John Dewy (d. 1952)]⁹ would not only be out of scope of the topic and approach adopted for this paper, but also be risky on the methodological plane.

It is an Arabists’ truism that one of the most common terms employed in Arabic sources to designate the use of violence is *ḍarb*. Literally meaning “beating” in the most general sense, *ḍarb* is frequently used in numerous contexts. Yet, an important distinction should be made here. Islamic jurisprudence has built a detailed regulatory framework for several cases of punishment by beating in case of transgressing the formal provisions of the Shari‘a. All those, however, refer rather to the category of legal punishment and limitations (*ḥadd*, pl. *ḥudūd*), while the only uses of *ḍarb* that fit in the present thematic scope are those related to the educational field and do not touch upon the categories of flogging as *ḥadd* whatsoever.¹⁰

The idea of application of violence to facilitate or reproach certain behavioral patterns in the broadest sense could be deduced from Qur’anic 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 those you fear may be rebellious admonish; banish them

⁹ E.g Dewy, John. *Democracy and Education: An Introduction to the Philosophy of Education*, Macmillan, New York, 1916.

¹⁰ Works on the subject of legal punishment and types of punishment in Islam for further reference on *ḥadd* are Peters, Rudolph. *Crime and Punishment in Islamic Law. Theory and Practice from the Sixteenth to the Twenty-first Century*, Cambridge University Press, Cambridge, 2005, and Lange, Christian. *Justice, Punishment, and the Medieval Muslim Imagination*, Cambridge University Press, Cambridge, 2008.

to their couches, and beat them. If they then obey you, look not for any way against them; God is All-high, All-great.¹¹

This portion of the Qur'an as a primary text further to the formation of the doctrine and argumentation within the Muslim religious discourses can be perceived as providing a justification for instructive use of violence. The authoritative *tafāsīr* on the above mentioned verse lent a consistent supporting hand to their interpretation and elaborated upon the literal meaning of the sacred text. Al-Tabari (d. 923) situated this specific use of bodily punishment as being realized 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 is nuanced in several aspects. According to several *aḥādīth* cited by al-Tabari in this passage, this would mean that men are “managers” over women in the sense of their “disciplining” (*ta'dīb*), a term which appears often in synonymous relation to *ḍarb*, being “preferred in bounty one of them over another” in the sense of being recipients of the dowry (*muhūr*), expending their property for the women, by this being preferred and appointed “managers” (*qawwāmūn*, explained by the straightforward “commanders”, *umarā'*).¹² Moreover, men are responsible, as stated further by al-Tabari, to command her obedience to Allah (*ya'muruhā bi-ṭā'ati-l-lāh*), consequently being granted with the right in case that “she refuses, to beat her with beating which is not severe (*ghayr mubarrīḥ*)”¹³, then, according to another prescription, “discipline” her (again, indicative usage of *addaba*).¹⁴

The regulatory nuance is elaborated by the narrative context which al-Tabari built around the story by relating to a saying that the verse has been revealed after a man beat (*laṭama*) his wife following a family scandal [literally, “there was a word of dispute between them” (*kāna baynahu wa bayna imra'atihi kalām*)]¹⁵; then she

¹¹ All portions of the Qur'an have been cited according to the translation of Arberry, Arthur John. *The Koran Interpreted*, Macmillan, New York, 1955.

¹² Al-Tabari, Abu Ja'far Muhammad Ibn Jarir. *Tafsīr al-Ṭabarī*, Maktabat Ibn Taymiyya, Cairo, no date, vol. 8, p. 290.

¹³ Ibid.

¹⁴ Ibid, p. 291.

¹⁵ Ibid, p. 292.

insisted upon penalty for offence in the spirit of the Muslim *lex talionis* (*qiṣāṣ*)¹⁶ before the Prophet; when he ordered such, the verse was revealed.¹⁷

Thematizing in length the topic of obedience, al-Tabari summarized that breaches of this divinely sanctioned order can be rectified through a justified use of beating:

“[...] and if they [women] refuse to reverse to what has been their duty to you [men], then keep them tight in their houses (*shuddūhunna withāqan fī manāzilihinna*) [?], and then beat them in order to make them return to their duty (*wājib*) to obey Allah in what has been mandated to them further to your rights. And the exegetes (*ahl al-ta'wīl*) have said that the characteristic of the beating permitted by Allah to the husband of the rebellious [one] to beat her, is that it is not severe (*al-darb ghayr al-mubarriḥ*).”¹⁸

The formulation of the “non-severe beating” (*darb ghayr mubarriḥ*) has been abundantly emphasized, and refined by “not breaking a bone of hers”¹⁹, then the “non-severe” formulation has been additionally clarified by answering a question, namely what is “non-severe beating”? The answer provided in the source text is that it is one inflicted on the woman by the Muslim toothpick (*siwāk*)²⁰ or a similar object²¹, as well as beating which does not leave any traces or bruises (*ghayr mu'athhir*).²²

The view of the Muslim divine presents a fairly consistent approach to the application of violence for disciplining purposes that cannot be perceived as having an allegorical value independent of, and contradicting the literal meaning of the Qur'anic text. The

¹⁶ Quran 2:178–179: “O believers, prescribed for you is retaliation (*qiṣāṣ*), touching the slain; freeman for freeman, slave for slave, female for female. But if aught is pardoned a man by his brother, let the pursuing be honourable, and let the payment be with kindness. That is a lightening granted you by your Lord, and a mercy; and for him who commits aggression after that – for him there awaits a painful chastisement. In retaliation (*qiṣāṣ*), there is life for you, men possessed of minds; haply you will be godfearing.”

¹⁷ Ibid.

¹⁸ Al-Tabari. Ibid. p. 313.

¹⁹ Al-Tabari. Ibid. p. 314.

²⁰ Associations with the modern accessory can be considered rather inappropriate in this aspect. The traditional Muslim *siwāk*, also known as *miswāk*, is rather a wooden twig used as a toothpick for hygiene purposes. It is often mentioned in the *ḥadīth*, and carries religiously charged connotations with mandatory prescriptions of Muhammad to use it before performing the ritual prayer (*ṣalāt*), ref. Wensinck, A.J. “Miswāk”, *EI2*, E.J.Brill, Leiden–New York, 1993, vol. 7, p. 187.

²¹ Al-Tabari. Ibid. p. 314.

²² Al-Tabari. Ibid. p. 315.

same stands for Ibn Kathir (d. 1373), who had the advantage of writing his *tafsīr* in a later historical period, and hence the option to build on the basis of a much richer Muslim theological interpretative heritage. The refinement of men being “managers” over women follows the meaning of “being appointed over her” (*raʿṣuhā, kabīruhā*), “ruling over her” (*hākim ʿalayhā*) and once more, disciplining her (*muʿaddibuhā*) in case that she transgressed (*ʿidhā ʿaʿwajāt*) being better than her (*khayr minhā*).²³ The narrations follow similar lines with the ones of al-Tabari: again, “managers” is perceived as commanding obedience to the divine establishment, with Ibn Kathir himself giving credits to al-Tabari for portions of his interpretation, including the story of one of the Companions who beat his wife.²⁴ With Ibn Kathir we find another clarification on the application of retaliation as a penalty (*qiṣāṣ*) for the act of violence. We are told that when the woman went to Muhammad and complained on the violent misbehaviour of her husband, he commanded that penalty was due by the short *al-qiṣāṣ!*; yet, immediately Allah revealed the verse in scope of this commentary portion, which seemingly averted the prophet from his intention, as Ibn Kathir reports that she went back with no retribution (*fa-rajaʿat bi-ghayr qiṣāṣ*).²⁵

In another rendering of the story, she had been beaten by her husband, who “bruised her face” (*atthara fī wajhihā*); when the Prophet was made aware, he made a plain statement that “he [the husband] should not do so” (*laysa dhālika lahu*). Yet, this was followed by the Qurʾanic revelation, clarified by Ibn Kathir here towards the contextual notion that “men are managers over women in their disciplining (*adab*) of them.” With this Muhammad gave priority to God’s revelation, stating that “I wanted something, but Allah wanted something different (*aradtu amran wa-arāda Allāh ghayrahu*).”²⁶

Although these mainstream Sunni perceptions of the Qurʾanic admonition briefly touched upon occurred within the specific field of the marital relations, the prescription fits into a more general area of conceptual use of disciplining violence by outlining several associative illuminative deductions that point to the area of religious

²³ Ibn Kathir, ‘Imad al-Din Abu al-Fida’ Isma‘il. *Tafsīr al-Qurʾān al-ʿAẓīm*, Muʿassat al-Qurtuba, Cairo, 2000, vol. 4, p. 20.

²⁴ Ibn Kathir, Ibid. p. 20–21.

²⁵ Ibn Kathir. Ibid., p. 21.

²⁶ Ibid. pp. 21–22.

education in the broader sense. Firstly, the case above suggests a possibility of edifying violence occurrences through bypassing the concrete application of the category the divinely ordained *lex talionis* (*qiṣāṣ*) in its context. That would suggest that with such sayings of the Prophet, the legitimate use of violence can potentially be situated not only outside of the scope of the aforementioned legal punishment (*ḥadd*), but also of other categories of legal retaliation. Henceforth, instructive uses of flogging can be realized and observed within a less formalized environment without resorting to the rulings of the publicly enforced types of punishment for disobedience to the provisions of the Shari‘a. In this sense, suggesting a direct link between the occurrences of disciplining flogging within the marital area on one hand, and the same disciplining measure of students in the educational field, on the other, might be looked upon as an unnecessary and arbitrary risky leap of associative logic within a hastily constructed generalization.²⁷ Yet, as it can be observed by Muslim source texts cited above, the degree of individual dimension [that is, not public, being limited to a private domain] and the hierarchical relations of authority and responsibility [to discipline and enforce obedience to the divinely established order] strike a similarity to the ones later on established and embodied in the relation of authority between a teacher and a student (*ṣuḥba*) and would eventually hint at a commonality.

Secondly, the inquiry into the perceptions the Qur’anic text of beating of women, would suggest the recommendation for adopting a gradual approach towards one’s disciplining, with beating being the radical yet necessary measure applicable when all other means have failed. The same important notion can be evidenced by authors of educational treatises further examined within the present study, who advised on the application of flogging.

And last, but not least definitely, the above mentioned Qur’anic text and its later interpretations might impart an educative value to the term *ḍarb* by relating it clearly to the means of discipline (*adab*) enforced thereof. As later Muslim educational

²⁷ To contemporary Muslim voices of authoritative speaking, though, this link also might seem natural, as exemplified within a *fatwā* of the Egyptian Dar al-Ifta’ where a parallel between beating of the disobedient wife and students is drawn using the same Qur’anic verse: <http://www.al-eman.com/%D8%A7%D9%84%D9%81%D8%AA%D8%A7%D9%88%D9%89/%D8%B6%D8%B1%D8%A8%20%D8%A7%D9%84%D8%AA%D9%84%D9%85%D9%8A%D8%B0/i9288&rs&p7> [link existing as of last edited version of this paper from October 10th 2012].

authors relate, it is precisely *adab* that denotes the practice of harsh treatment of students for their own good [we just need to invoke Ibn Sahnun's "What is permitted as pertaining to disciplining punishment (*adab*) and what is not"].²⁸ Thus, in spite of the other most often usage of this term in the sense of *belle-lettres*, in this context it is often employed to throw a euphemistic cloak over the sterner meaning of beating. As Ibn Manzur (d. 1312) in his famous dictionary of the Arabic language would point out, it had been called *adab*, because it cultivated, disciplined (*ya'dab*) people toward praiseworthy deeds and prevented them from misdoings (*maqābih*)²⁹ – and in the spirit of what has been demonstrated by perceptions of the Qur'anic admonitions, this could likely imply means other than verbal counseling and persuasion.

The interpretations of the Qur'anic text sampled hitherto can be complemented by the helpful support of the normative textual base of the *ḥadīth* which offers further insight into the field of construction of this theoretical and practical dimension of Islamic education. As it appears from looking at the source material, the most common tradition that underpins Muslim pedagogical framework, is the one whereas Muhammad prescribed that Muslims should: "Command your children to pray when they become seven years old, and beat them for it [that is, prayer, parenthesis mine, A. Sh.] when they become ten years old; and separate among them in the beds."

This *ḥadīth* is found with minor variations within the compilations of at least Ahmad Ibn Hanbal (d. 855) in his *Musnad*³⁰, Abu Dawud (d. 889)³¹ and al-Tirmidhi (d. 892)³². Variations in contents might be considered nominal, as they mainly affect the term used to denote the subject of this religious ruling: by the two consecutive traditions in Abu Dawud's chapter on "When should young people be ordered to pray" we have first "young [boy]" (*ghulām*), then "youth", "younglings" (*ṣabyi*, pl. *ṣibyān*)³³, followed by the more neutral "children, boys" (*walad*, pl. *'awlād*)³⁴, on to

²⁸ Ibn Sahnun. "Ādāb al-Mu'allimīn", in *Al-Tarbiyya fi-l-Islām*, Dār al-Ma'ārif bi-Miṣr, Cairo, 1968, p. 356.

²⁹ Ibn Manzur. "Adab", *Lisān al-'Arab*, Dār Ṣādir, Beirut, no date, p. 206.

³⁰ Ibn Hanbal, Ahmad. *Musnad*, Mu'assasat al-Risāla, Beirut, 1997, vol. 11, pp. 284–285.

³¹ Abu Dawud, "Kitāb al-Ṣalāt" ["Book of Prayer"], *Sunan*, Dār Ibn Ḥazm, Beirut, 1997, vol. 1, p. 237–239.

³² Al-Tirmidhi, Abu 'Isa Muhammad Ibn 'Isa. *Al-Jāmi' al-Ṣaḥīḥ wa-Huwa Sunan al-Tirmidhi*, Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlādihi, Cairo, 1977, vol. 2, p. 259.

³³ Found also by Ibn Hanbal, Ahmad. *Ibid.*

³⁴ Abu Dawud, *Ibid.*

the common “children” (*tifl*, pl. *atfāl*), in some cases also “sons” (*ibn*, pl. *abnā*). Regardless of the terminological peculiarities, though, the age range makes the scope quite unambiguous: seven to ten years are crucial for enforcing obedience to one of Islam’s pillars, with ten years being the permissible minimum for application of flogging to achieve the means thereof.

The *ḥadīth* is important because it gave rise to a richness of later generated contents that went beyond its literal prescription in a variety of extensions of interpretation; yet in no way they did refute it, rather the opposite: by elaborating upon the details of its application and the reasons of its validity, they actually reaffirmed it and linked it to a diversity of fields of Muslim normative practices within ritual life (the rule of prayer), legal punishment (*ḥadd*) and pedagogical discipline. The vitality of teaching children the principle of ritual prayer cannot be underestimated. Let us take, for example, Abu Zakariya Muhyi al-Din Yahya Ibn Sharaf al-Nawawi (d. 1278) and his *Majmū‘ Sharḥ al-Muhaddhab*.³⁵ He listed prayer within the imperative of stressing the need to adhere to several ritual “do’s” and avoid a greater number of Muslim “don’ts”, attributed to the sayings of Abu ‘Abd Allah Muhammad Ibn Idris al-Shafi‘i (d. 820). Fathers and mothers, just as their custodians, goes on al-Nawawi, have to teach their little children ritual prayer, ritual purity and fasting, and avoid adultery, homosexuality, theft, drinking of alcohol, lies and all similar practices, as well as to convey the concept that with the child growing up to maturity (*bulūgh*), it would eventually be held accountable.³⁶ The discourse of al-Shafi‘i, articulated by al-Nawawi offers this view of the postulate to teach children the rules of *ṣalāt* by stretching out a broader parallel with instruction in the basics of Islamic ritual life and ethics.

Having in mind the above – namely, the prescriptions of the *ḥadīth* binding beating to the ritual prayer, and the postulate of childhood as an age whereas basics of ritual behaviour were to be taught, we see that childhood with the application of beating as of the age of ten, is considered a transitional, borderline case before actual maturity occurs, that is, full legal accountability (*taklīf*) is imparted. Hence flogging emerges as

³⁵ Al-Nawawi, Abu Zakariya Muhyi al-Din Yahya Ibn Sharaf. *Majmū‘ Sharḥ al-Muhaddhab*, Maktabat al-Irshād, Jeddah, no date, vol. 1, p. 50.

³⁶ Al-Nawawi, *Ibid*.

a preventive measure and a warning sign, enforcing right attitudes to avoid reproachable misdoings, for which rather full responsibility would be borne by the individual at later stage. The implications of al-Nawawi on the vitality of teaching children the *ṣalāt* are complemented in similar spirit around a century later by Abadi (d. 1329) in his copious commentary *‘Awn al-Ma‘bud fī Sharḥ Sunan Abi Dawūd*³⁷ to Abu Dawūd’s Sunna. Abadi brings in a comparative dimension on the diverse points of perception through expounding upon some of the views of the major legal schools the formation of which by that historical period has already been brought to completion. It is explicitly stated that the *ḥadīth* does not target children as responsible for ensuring adherence to its prescription; rather, the area of primary responsibility is shifted into the authority of the custodians (*‘awliyā’*), and an extension of scope onto the two genders is made explicit – girls, by calling into the authority of the above mentioned al-Nawawi, are not exempt only by virtue of the fact that primary the term “boys” (*ṣabyi*) had been employed.

Some, goes the text, consider commanding the young to prayer an absolute religious duty (*wājib*) while others perceive it only as recommended (*mustaḥabb*), that is, one degree lower in the scale of the five categories (*aḥkām*) to quality acts of man within the Shari‘a framework. Drawing on the saying on earlier al-‘Alqami, a clarification is brought forth, namely that beating children to prayer, actually means beating the one who abandons it (*tārik al-ṣalāt*). Bearing in mind the importance of teaching prayer previously outlined in al-Nawawi’s commentary, we can observe the ways flogging is justified and enforced as educational approach. The value of beating is tied in a yet closer manner to the doctrinal dimensions of Islam by linking it to one of Islam’s pillars, then situating it within the scale of the traditional Sunni *aḥkām* framework and, following the same kind of logic, bringing it then closely to the bordering line between educational beating and legal punishment due to violation of essential Islamic principles (*ḥadd*). The age of ten is again considered as a borderline, as then,

³⁷Abadi. Abu al-Tayyib Muhammad Shams al-Haqq al-Azim. *‘Awn al-Ma‘bud fī Sharḥ Sunan Abi Dawūd*, Al-Maktaba al-Salafiyya, Medina, 1968, vol. 2, pp. 161–164.

according to the commentary, children have approximated or reached maturity (*balaghū aw qārabū al-bulūgh*)³⁸.

Once more, the question of maturity is examined in the light of bearing full responsibility for one's actions: according to reference to al-Khattabi (d. 998)³⁹, goes on the *sharḥ*, the prescriptions to beat children when reaching ten, points to a "severity of punishment" (*ghalāz al-'uqūba*), in case prayer is neglected consciously (*tarakahā mudrikan*)⁴⁰. This has given grounds to some of the adherents of the Shafī'i school of law to argue that inflicting the capital punishment for deliberate abandonment of prayer after reaching maturity is a religious duty (*wājib*). Then, reasons on al-Khattabi, if the young one deserves to be beaten for this before reaching maturity with the already mentioned stereotypical definition of "non-severe" (*ghayr mubarrīḥ*), then after maturing, he would deserve a more severe penalty than mere beating; and what would this penalty be, as there is no other penalty more severe than beating, other than death?

The provision of linkage between beating as an educational measure in childhood and penalty for non-adherence to the ultimate imperative of performing ritual prayer, is nuanced by drawing upon some of the Sunni authorities. Malik Ibn Anas (d. 795) and al-Shafī'i have insisted that the penalty of for abandoning the rule of prayer is death. Such a transgressor would be asked to repent, and in case he would not, then a death penalty would follow. Contrary to that, eponymous Abu Hanifa (d. 767) would suggest a softened approach: instead of being murdered, the transgressor is to be beaten and placed in detention, with al-Zuhri [?]⁴¹ going as far as to state that the person who abandons prayer, is a flagrant violator (*fāsiq*), so would be subject to openly cruel [*mubarrīḥ*, as opposed to the "non-severe" (*ghayr mubarrīḥ*) beating applied to children for the same offence] flogging and then thrown into prison. Then, a collective reference to the larger scholarly community is made, according to which the person who abandons the Muslim prayer, is plainly considered a non-believer

³⁸ Abadi. Ibid. p. 162.

³⁹ This is most likely Abu Sulayman al-Khattabi, a Shafī'i author of *Ma'ālim al-Sunna*, commentary on Abu Dawud's Sunna. Ref. *EI2*, vol. 4, E.J. Brill, Leiden, p. 1131–1132.

⁴⁰ Abadi. Ibid. p. 163.

⁴¹ Probably famous Muhammad Ibn Muslim Ibn 'Ubayd Allah Ibn Shihab al-Zuhri (d. 742), one of the earliest *ḥadīth* collectors.

(*kāfir*), substantiated by a prolonged chain of authorities among whom Ahmad Ibn Hanbal himself. Even more, to aggravate the severity of the subject of educational discipline in childhood as linked to safeguarding rules of ritual life in mature age, Ibn Hanbal is referred to, as saying that there would be no sin to place a believer outside the borders of Islam into the realm of disbelief (*kufr*), except consciously abandoning prayer, in line with the tradition of Muhammad that “there would be nothing [to distinguish between, additions in parenthesis mine, A. Sh.] between a servant [of Allah, that is, a Muslim] and a non-believer, except the abandonment of prayer”.⁴²

The exploitation of the *ḥadīth* on urging children to prayer through beating can be traced within later works on education. One of them belonged to the Hanbali Ibn Qayyim al-Jawziyya (d. 1350), in which the theologian allocated some space to look at the traditions on ritual prayer in the life of children under the chapter of “On the Necessity of Disciplining Children, Teaching Them and Treating Them Justly”.⁴³ Ibn Qayyim exemplified the continuity within the usage of this saying of the prophet Muhammad. First, he linked it backwards to the authority of Ahmad Ibn Hanbal’s compilation of *ḥadīth* (*Musnad*); then, citing it, he went on to explain that there were three “morals” (*ādāb*) out of it: commanding children to pray, beating them, and then, separating from them in their beds. When we look into the historical traceability of the reception of this principle, suggesting an uninterrupted conceptual flow linking among the authorities that resorted to it, does not seem impossible: starting from citing Ibn Hanbal, we can guess that Ibn Qayyim was also influenced by Ibn Taymiyya, who used this *ḥadīth* in his *fatwā* cited at the start of this chapter, and to whom Ibn Qayyim al-Jawziyya was a chief pupil.⁴⁴

As we can observe, the direct implications of the historical interpretations of this influential prophetic tradition on the pedagogical use of beating are in no way belittled or rejected; divergences of opinions occur in no way within the realm of speculation whether children would be disciplined in such a way, but as to whether the penalty of the Muslim abandoning prayer after reaching maturity would be again

⁴² Abadi, *Ibid.* p. 163.

⁴³ Ibn Qayyim al-Jawziyya. “Fī Wujūb Ta’ḍīb al-Awḷād wa-Ta’līmihim wa-l-‘Adl Baynahum”, *Tuḥfat al-Mawdūd bi-Ahkām al-Mawḷūd*, Maktabat al-Qur’ān, Cairo, no date, p. 152.

⁴⁴ Laoust, Henri. *EI2*, “Ibn Kayyim al-Djawziyya”, p. 821–822, ref. also Laoust, Henri. “Ibn Taymiyah”, *EI2*, p. 952, vol. 3, E.J. Brill, Leiden, Luzac & Co, London, 1986.

death or yet beating. Flogging of children is looked upon not as an isolated and optional contextual practice but rather as a tool historically substantiated by the primary sources of Sunni doctrine to safeguard the borders of orthodoxy and thereby far exceeding the mere pedagogical dimension. Thus, as stated within the massive body of interpretative tradition, adherence to the ruling of the *ṣalāt* can be construed as a primary religious motivational factor to justify and enforce application of violence in educational and pedagogical context. Yet, it is not necessarily situated within a strictly educational framework, let alone any institutionalized form of transmission of knowledge, as the interpretations of the *ḥadīth* do not mention explicitly teachers and students, and employ a rather loose language: anyone to the care of whom a child has been given, would be responsible to adhere to this proper admonition, regardless of whether this is a parent, custodian (*walī*) or a master (*ṣāhib*) in the more general sense.

Besides that, as demonstrated below, certainly flogging would be applied in much more instances of disobedience of teacher in general, not only in cases if violation of strictly and 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 *ḥadīth*, that is since Abu Dawud and Ibn Hanbal until at least Ibn Qayyim al-Jawziyya in the course of more than four centuries, the Muslim educational tradition and practices of transmission of knowledge would solely and schematically lean on a narrowed *ḥadīth* base, regardless of how influential it might turn. On the contrary, the copious body of emblematic educational treatises generated within the same historical timeframe would suggest that such a pedagogical approach would be developed further and due as a broader expression of the penalty for violation of the religiously sanctioned authority between a teacher and a student, in connection to the relations of delegation of rights of the parents over to teachers. On the development of this concept, early educational works could add an illuminative touch.

Ibn Sahnun (d. 870) in his treatise “Rules of Conduct for Teachers”⁴⁵ sheds some light on such points of educational concern in a short chapter on “On disciplining punishment (*adab*), what is permitted and what is not”.⁴⁶ This meaningful paragraph opens with the story of certain Sa‘ad al-Khaffaf, whose son had just been driven to tears by being beaten by his teacher. The event invoked the saying of the prophet Muhammad that “The 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 drawing for argumentation upon the Prophet himself, 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 over al-Khaffaf’s son in this definite instance by setting a restrictive border of the permissible violence. As Ibn Sahnun goes on, this tradition targets reproachable cases when beating has occurred if “he [the teacher] has beaten them out of anger and not for their benefit (*‘alā manāfi‘ihim*), as there nothing bad (*lā ba’s*) to beat them for their benefit”⁴⁷. The invocation of the “benefits” inevitably enlarges the scope of the permissible occasions; yet, having outlined the broader religious context for the duties of the teacher to guard Islamic ethics and enforce right behavior, it can be suggested that avoidance of misdoings is in focus, in the spirit of what Ibn Manzur already outlined within the scope of *adab*.

⁴⁵ Translation of treatise title follows the one suggested by Sebastian Günter [e.g. in “Be Masters in That You Teach and Continue to Learn: Medieval Muslim Thinkers on Educational Theory”, *Comparative Education Review*, Comparative and International Education Society, vol. 50, No. 3, 2006, p. 369].

⁴⁶ Ibn Sahnun, “Ādāb al-Mu‘allimīn”, in *Al-Tarbiyya fī-l-Islām*, Dār al-Ma‘ārif bi-Miṣr, Cairo, 1968, p. 356. It has to be brought to attention here that Ibn Sahnun employs frequently the term *adab* across 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 by its more general meaning of ‘ethics’, similar to the treatise title [e.g. Ismail, Sha‘ban Muftah. “Muhammad Ibn Sahnun: an Educationalist and a Faqih”, *Muslim Educational Quarterly*, Vol. 12, No 4, The Islamic Academy, Cambridge, UK, 1995, p. 44] who suggests the extended alternative of “Code of ethics, what is approved and disapproved of teaching and learning”. Yet, translation of *adab* here in the sense of “code of ethics” is not likely to convey the original text’s conceptual 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 Sahnun covers predominantly uses of beating, as demonstrated by its contents in the course of the present paper, whereas *adab* has been consistently and unambiguously clarified and explained within the context by the plain *ḍarb* [“beating”], hence “disciplinary punishment” would constitute a more precise rendering of the Arabic original.

⁴⁷ Ibn Sahnun. *Ibid.*

Then, discoursing on the boundaries of the punishment itself, Ibn Sahnun advises that teachers should adhere to a maximum of three lashes, any disciplining measure exceeding this shall not occur without the explicit permission of the parent (*al-ab*)⁴⁸, as the primary responsible individual for a child’s welfare to 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 occurring because of [misdemeanor regarding] recitation of the Qur’an shall not exceed three lashes. This would arouse the question of Ibn Sahnun’s dialogical partner: what would be the rationale, then, that disciplinary punishment on general matters except the Qur’an is limited to ten lashes at the uttermost, while for misbehavior on reciting the Qur’an is not to exceed three? The answer, according to the author, lies within the fact that ten lashes are the utmost extent (*ghāya*) of permissible punishment in general, stepping on the authoritative saying of Malik⁴⁹ who has been heard to say that no one shall be inflicted more than ten lashes except in cases of legal punishment (*ḥadd*). Moreover, the same line of argumentation is extended by another prophetic tradition which stipulates that no man that believes in Allah and the Last Day would be flogged with more than ten lashes, except in cases of *ḥadd*. Controversial, as to its contents, *ḥadīth* base is employed, to express the divergence of prescriptions: according to some, the Prophet himself has stated that the discipline [of punishment (*adab*)] incumbent on the young ones, would be three whips, anything in excess to that would be retaliated for in the Judgment Day, while the punishment inflicted on a Muslim in cases outside the boundaries of legal punishment (*ḥadd*), would be from ten to fifteen lashes. Whatever exceeds that up to twenty, would bring beating with the respective number of lashes over the prescribed ones (*yudrab bihi*) as a counter measure of recompense in the Last Day. Then Ibn Sahnun concludes the chapter, as if to make sure that religious

⁴⁸ Ibn Sahnun. Ibid. p. 356.

⁴⁹ This is most likely eponymous Imam Malik (d. 795) himself. Use of Maliki citation as an specific argument here clearly fell into the author’s agenda and constitutes no surprise, as Ibn Sahnun was not only a Maliki *faqīh*, but also son of Sahnun Ibn Sa‘id, the main protagonist responsible for the establishment of the Maliki school of law in North Africa thus pushing back the influence of the Hanafism and Mu‘tazilism at the time when Hanbalism prevailed in ‘Abbasid Baghdad, see Lecomte, Gerard. *EI2*, “Muhammad Ibn Sahnun”, E.J.Brill, Leiden–New York, 1993, vol. 7, p. 409.

argumentation for the cases posed by educational praxis is duly elaborated by drawing a parallel with other relations of authority, including family ones⁵⁰:

“Likewise, I deem that no one is to beat his slave with more than ten [lashes], for what exceeds over that, shall be retaliated for in the Judgment Day, unless in cases of *ḥadd*; and in cases of proliferation of his sins, whereas there is nothing wrong to beat him with more than ten [lashes] in cases that he has not been virtuously abstaining from what 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 sin⁵¹, and it is possible that the disciplining punishment exceeds the *ḥadd*; amongst them is Sa‘id Ibn al-Musayb and others.”

Ibn Sahnun appears to be the earliest educational specialized text of this scale that has put a special emphasis on the educational practice and provides helpful support to the attempts to reconstruct early Muslim views on the daily environment in which the transmission of knowledge used to operate. It would be an outdated exercise in historical positivism in the spirit of Leopold von Ranke’s (d. 1886) theory to infer plainly from this text that this is the way “it has actually been” (*wie es eigentlich gewesen*).⁵² Yet, on the basis of what Ibn Sahnun summarized, we can at least have a glimpse on the perceptions of the influential intellectual Sunni elite of the ‘*ulamā*’ about the proper way instruction of children should be conducted. Some vital thematic threads can be outlined: in the first place, borders of permissible punishment are

⁵⁰ Ibn Sahnun. *Ibid.* p 357.

⁵¹ Here “transgression” would probably be a better translation, although the original uses the plain “sin” (*dhanb*). 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.

⁵² Von Ranke, Leopold. *Geschichten der romanischen und germanischen Völker von 1494 bis 1514*, [*Histories of the Latin and Germanic Nations from 1494–1514*, 3rd ed.], Dritte Auflage, Duncker und Humblot, Leipzig, 1885, p. VII.

elaborated upon. This would cover not only qualitative measures for legitimizing of the disciplinary measure, respectively invalidating it [by contrasting motivations “for their benefit” as opposed to “out of anger”], but also the quantitative criteria for that: the number of lashes, regardless of their exact number, if exceeded, would call for precise divine retaliation and render educational measure useless. A second point of the Maliki theologian is also worth considering, something that later on would face more detailed treatment, namely of the similarity of relations of authority and submission within different circles of relations. A parallel is drawn between the connection of teacher and student on the one hand and parental one, on the other – by implying an explicit parental license in cases of more several 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 the responsible for their education to exercise such prerogatives of parents and custodians, as the ones suggested by the prophetic tradition regarding prayer, and later expanded by authors such as Ibn Sahnun, namely their punishment. And last, by problematizing the touch points between *adab* and *ḥadd*, Ibn Sahnun 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 Sahnun around the cases of *adab* has been reused in the work of Abu al-Hasan al-Qabisi (d. 1012), another emblematic author within the body of texts on Muslim educational tradition. The continuity between this textual piece and earlier works in the field is traceable, as al-Qabisi, who being a follower of the Maliki jurisprudence, draws on Ibn Sahnun by relating to him⁵³; numerous mentions of Sahnun in his treatise refer most likely not to Ibn Sahnun himself but rather to his father, Sahnun Ibn Sa‘id (d. 856), signatory of one of the most respected manuals in Maliki law, the *Mudawwana*, as a great part the portions

⁵³ E.g. al-Qabisi, Abu al-Hasan. *Al-Risāla al-Mufaṣṣala*, al-Sharika al-Tūnisiyya li-l-Tawzī‘, Tunis, 1986, p. 131–132.

that al-Qabisi attributes to “Sahnun” in his “Treatise” (*al-Risala*)⁵⁴ cannot be identified in the “Rules of Conduct” of Ibn Sahnun.

The link between both of the Sahnun’s and al-Qabisi is also evident from the prescriptions of the author of *al-Risala*. In a much longer paragraph than the one dedicated to the topic of disciplinary punishment for children by Ibn Sahnun, the *al-Risala* offers a merge of several thematic fields under the title of “A Mention of His Discourse on the Teachers’ Disciplining Education (*siyāsa*) of Children” covering a large scope of points. Among them we find the exertion of authority and supervision (*qiyāmuḥu*) over children, equal treatment, his delegation of authority over another person, organization of time to teach and study, how tablets are to be wiped out (also found by Ibn Sahnun⁵⁵), places and methods of teaching, touching the Qur’anic copies, spending time idly and among all – clearly linked to the present topic in scope – to what extent and how disciplinary punishment is to be applied (*ḥadd adabihi iyāḥum*)⁵⁶.

As seen above, al-Qabisi is not coming up with a standalone view focusing explicitly on educational punishment; on the contrary, the topical context within which he situates flogging, is hinting at the existence of a school 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 on the topic of delegation of authority by the children’s custodians, binding the practicality of the hiring contract for a teacher’s wage (*ijāra*) with the duty to instruct only to the sufficient extent (*mā yanbaghī an yu’allimuhu lahum mā fīhi al-kifāya*). A teacher is called to use his own individual reasoning (*ijtihād*) to determine the stretch of this restriction in order to deliver the exact measure of what is needed to the children under his care in accordance with the provisions of “those who have contracted his wage, and who have clarified what his duties are”⁵⁷, namely children’s custodians. Strengthening the same line of reasoning, the commission of authority to the holder of the prerogative to instruct is enforced by its binding to a divine

⁵⁴ E.g. al-Qabisi. p. 136.

⁵⁵ Ibn Sahnun. Ibid, p. 355.

⁵⁶ Al-Qabisi. Ibid, p. 126.

⁵⁷ Al-Qabisi. Ibid.

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.”⁵⁸ Al-Qabisi’s point summarized above is just an example of his argumentation flow, clearly enforcing the binding duties of the teachers because of their responsibility stemming out of both practical and divine orders.

The general topic of responsibility and authority is linked by the Maliki theologian to the area of practical and disciplining punishment through an argument which is worth following. By fulfilling what is due to him, al-Qabisi extends his exposition, a teacher becomes a “well-doer” (*muḥsin*), being in scope of the divine words that “We leave not to waste the wage of him who does good works (*man aḥsana ‘amalan*)”.⁵⁹ And it is precisely by virtue of his “well-doing in his care for them” (*ḥusn ri‘āyatihī lahum*) that a teacher has to be lenient and merciful (*raḥīm*), in accordance with a number of prophetic traditions.⁶⁰ But then invigoratingly discoursing with his dialogical partner, al-Qabisi adds: given that the above mentioned prescriptions are also relevant to children, is it recommended (*mustaḥabb*) that the young ones would be subject to “harsh treatment” (*tashdīd*) by the teacher, having in mind that one has to show mercy, and not be frowning (*‘abūs*)⁶¹?

The dialogical suspense is resolved through a subtle elaboration of argumentation within a verbally nuanced paragraph. If a teacher is supposed to be a “well-doer” in

⁵⁸ Al-Qabisi. Ibid, p. 127. He makes elliptical argumentative use of a *ḥadīth* found in al-Bukhari’s *Sahih* “Book of Friday Prayer” but does not mention the *ḥadīth* in its complete form as found originally. This tradition might be illuminative to understanding the mechanism and relations of delegation of authority, as in the context of al-Qabisi’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 *ḥadīth* through the clarification in the *Sahih* 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” [*Ṣaḥīḥ Bukhārī*, Al-Maṭba‘a al-Salafīya, Cairo, 1979 [1400 Hijri], vol. 1, pp. 284–285, also a shorter version lacking the elaboration thereof found in the “Book of Funerals” (*Kitāb al-Janā‘iz*), p. 395].

⁵⁹ Quran 18:30.

⁶⁰ E.g. Al-Bukhari. *Ṣaḥīḥ*, “Book of Funerals”, vol. 1, p. 396 (“[...] Allah is merciful only to those of His slaves who are merciful.”)

⁶¹ Al-Qabisi. Ibid. p. 129.

his supervision (*aḥsana al-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 prevention from what is not beneficial for their good, and exercising a compulsion (*ikrāh*) 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" (*huwa lahum 'iwaḍa abā'ihim*).⁶² In fact, al-Qabisi 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 base on the basis of delegation of parental prerogatives. By having made this high level transition through overlapping the conceptual fields of "mercy" and "good care" with the ones of "harsh treatment" and "compulsion", al-Qabisi opens the floor for drilling down into the topic of enforcing discipline through the necessary measures captured in more practical recommendations.

Thus, a teacher is not to be frowning constantly, for this is described as an act of detestable rudeness (*fazāza mamqūta*); besides, boys would be getting accustomed to it which would lead to their rebellious daring over the teacher (*fa-yajra'ūna 'alayhi*). That is why used only in appropriate occasions when discipline (*adab*) is needed, frowning would be an indicator for their real edification avoiding in some cases the need of beating (*adaban lahum fī ba'd al-'aḥāyīn dūna al-ḍarb*). In other case, however, beating is considered necessary, in accordance with what children are worthy of in line with the measure of their transgression. Similar to what Ibn Sahnun has already explicated, it is considered inadmissible to allow anger when applying punishment, otherwise a teacher would lose the privilege of being listed among the "well-doers".

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

⁶² Ibid.

“[...] 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 (*hifẓ*), allowing for many mistakes in [recitation of] his Qur’anic portion (*ḥizb*), 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 (*miskh*)!” or “You, monkey (*qird*)!”. Thou shall not do this, neither any other hideous thing similar to this.”⁶³

The prescription to abstain from verbal obscenities over the students is bound to the requirement of anger management, already hinted by al-Qabisi, corresponding to Ibn Sahnun’s one and thereby receiving a more detailed treatment. Anger is the primary reason that could make “expressions of obscenity (*alfāz qabīḥa*) flow out of the tongue of the pious”, while “this is no place for anger” (*hādhā laysa makān al-ghaḍab*). The exemplum set by the Prophet is indicated, who had forbidden judges to make a judgement while in a state of anger. Moreover, according to a historical anecdote about the Umayyad caliph ‘Umar Ibn ‘Abd al-‘Aziz (d. 720), he ordered the flogging of a certain man. When the convict was about to suffer the disciplining measure, the caliph averted from his intention and ordered that the man should be released. Asked on 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”⁶⁴. It might probably be interesting to track whether the caliph would resume his intention, once his anger subsided. Yet, al-Qabisi makes no mention on this, as this point is seemingly found irrelevant to the moral he made, namely that any occurrence of anger would constitute an infringement of the principle of just punishment and will place it outside the borders of the permissible, regardless of the initial transgression.

⁶³ Al-Qabisi. Ibid, p. 129.

⁶⁴ Al-Qabisi. Ibid, p. 129.

To emphasize validation of punishment through 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 hādihā laysa min al-‘adl*)”. It might seem that the reasoning of al-Qabisi paradoxically establishes a linkage between the acts of mercy and those of justice, subjecting the former to the latter. Yet, this represents in no way a surprise within a larger context of development of Muslim jurisprudence, for it reaffirms the supremacy of the concept of enactment of “commanding right and forbidding wrong” (*al-amr bi-l-ma‘rūf wa-n-naḥyi ‘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 dedicated.⁶⁵ Our goal here would not be to drill into a detailed exposition on these fundamental concepts, but rather to point out that al-Qabisi’s theoretical and practical framework can be positioned within the grand flow of developments of Islamic jurisprudence and continuity among the historically emerging perceptions of relations between justice and mercy, embodied in this definite case in attitudes towards just punishment through beating. Within this historical and casuistical order of thinking, as al-Qabisi also argumentatively demonstrates, to render a just measure of lashes resisting one’s own anger towards 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 several cases, however, where al-Qabisi point that the act of delegation of authority to the teacher is not universal and does not have a universal scope: e.g. cases of escaping from school (*kuttāb*) or addiction to idleness (*idmān al-biṭāla*). Then a teacher would be expected to consult the parent or custodian – if the child is an orphan –inform him if the transgressor deserved more than three lashes and request a permission to inflict the measure of lashes between three and ten, yet again “if the boy can bear it” (*idhā kāna al-ṣabyi yuṭīqu dhālika*). Complimentary to Ibn Sahnun, here we have a lower level of detail in the specifics of the punishment:

⁶⁵ E.g. Tyan, Emile. “‘Adl”, *EI2*, E.J.Brill, Leiden, vol. 1, 1986, pp. 209–210, see also Cook, Michael. *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge University Press, Cambridge, 2000.

“[...] the characteristics of beating should be such as to inflict pain and shall not exceed pain towards [having a] mutilating impact (*ta'thīr mushni'*) or harmful effect (*wahn muḍirr*). And it might be that among the boys of a teacher there as such ones that approximate maturity, and are badly mannered (*sayyi' al-ra'īya*), their moral qualities are ungainly (*ghalīz al-akhlāq*), and are not frightened by being beaten upon with ten lashes. Then a space is provided for exceeding it (*yurā li-l-ziyāda 'alayhi 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-mufsid min al-muṣliḥ*).”⁶⁶

In keeping with the prescription of the infliction of the just measure of lashes, al-Qabisi cites aforementioned Sahnun, according to whom the duty of flogging is not to be easily delegated to anyone. The reasoning lurking behind this admonition is practically grounded: sometimes boys are taken over by 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 limits are not transgressed. As a case where this might happen, al-Qabisi points later on in the treatise occurrences of competition in knowledge (*takhāyur*) initiated by the teacher, when their mutual “disciplining each other” is considered legitimate (*yubīḥu lahum adab ba'ḍihim ba'ḍan*). The character of this disciplining is undoubtedly clarified by the unambiguous that “it shall not exceed three [lashes]”.⁶⁷ In such an educative environment it is considered a responsibility of the teacher himself to ensure that boys do not hurt each other, investigate carefully complaints⁶⁸ if the rule is breached and apply proper disciplining measure, again by prescription of Sahnun (*'alā al-mu'allim an yu'addibuhum idhā adhā ba'ḍuhum ba'ḍan*)⁶⁹ and within the boundaries of the already established rules: one to three lashes, with a possibility to exceed if deemed appropriate.

⁶⁶ Al-Qabisi. Ibid, p. 130.

⁶⁷ Al-Qabisi. Ibid, p. 131.

⁶⁸ This might happen in case that the transgressor has been judged to have inflicted pain by many or if there has been a self-testimony (*in istaqāḍa 'ala al-īdha' min jamā'atin minhum aw kāna al-i'tirāf*).

⁶⁹ Ibid. p. 132.

With the same purpose of delineating the borders of legitimate punishment, flogging over one's face or head had to be avoided (*li-yajtanib an yaḍrib ra'sa al-ṣabyii aw wajhahu*). This instruction is again in keeping with the saying attributed to Sahnun: beating on these bodily members is not permitted, as the damage resulting thereof is evident (*ḍarar al-ḍarb fīhimā bayyin*), and injury of the brain or the eyes might follow as an effect or “ugly tracks”, scars, injuries, consequences might be caused (*yu'athhir atharan qabīhan*). That is why flogging of the legs is pointed as the safest approach (*fa-l-ḍarb fī-l-rijlayn āmin*), as they are considered the most resilient to pain with the lowest risk to their integrity (*aḥmal li-l-alam fī salāma*). As noted, other cases of harsh treatment are found within al-Qabisi's work and periodically referred to within 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” (*tawa'ud bi-shiddat al-'uqūba 'alayhi in huwa 'āwadahu li-yatadarraj mujānabat al-khaṭa'*)⁷⁰ which is due in cases of illegitimate intra school food barter among boys, looked upon as encouraging the condemned practice of usury (*ribā*)⁷¹.

As demonstrated by our glance at the textual material provided by Abu al-Hasan, the high level framework structured along the texts of the Qur'an and the *ḥadīth* used by Ibn Sahnun, in the course of time (that is, some century and a half after him) has been here cascaded down and melded into an more elaborated conceptual flow, which is now focused more on secondary religious normative texts and careful to provide guidance on practical daily life in primary religious schools. By borrowing, in some cases literally, from previous authoritative sources, al-Qabisi is following the same line and thematic points being able to sustain continuity of ideas, at the same time expanding them. Thus we observe a clearer outline of the subordination and inclusion of “mercy” in “justice” in the context of Islamic jurisprudence, dimensions and boundaries of delegation of authority, the permissible application of the disciplining punishment, as well as exemplary illustrative cases of its contextualization.

⁷⁰ Ibid. p. 133.

⁷¹ Ibid. p. 132–133.

At the time when al-Qabisi was being busy outlining the framework of Muslim education through the eyes of a Maliki theologian in North Africa, the ‘Abbasid East had already been facing enormous developments in the field of education. The second ‘Abbasid period (945–1258)⁷², and more definitely the Buwayhid age (945–1055) followed by the Great Seljuks (since 1055 in Baghdad–1157) witnessed a proliferation of educational institutions. Despite the incessant practice of organizing informal scholarly circles (*ḥalaqāt*), parallel institutionalized educational forms started to emerge around the mosques⁷³, private homes, public endowments (*waqf*), the lodging places around the mosques (*maṣjid khans*) and ultimately result in the establishment of the Islamic colleges (*madrasa*) as an independent entity.⁷⁴ The process of defining the institutional framework of transmission of knowledge was complemented by the turbulences in defining what we now conditionally label as “Sunni orthodoxy”, and the vehement intra-Sunni contests among the legal schools. It is in such a broadly outlined historical setting that Abu ‘Ali Ahmad Ibn Muhammad Ibn Yaqub Miskawayh (d. 1030) and Abu Hamid al-Ghazali (d. 1111) addressed the field of knowledge, ethics and education from a variety of perspectives. The first one has left us his “Treatise on Ethics”⁷⁵, while the educational ideas of the latter, as noted by scholars, have been found split among a multiplicity of sources.⁷⁶ First and foremost, his reputed *opus magnum* of “The Revival of the Religious Sciences”⁷⁷; then we have the “Criterion of Action”⁷⁸, as well as other textual pieces.⁷⁹ Mention of

⁷² Here a periodization of Abbasid history offered in Lewis, Bernard. “‘Abbāsids”, *EI2*, E.J. Brill, Leiden, vol. 1, 1986, pp. 15–23, is followed.

⁷³ Pedersen, Johannes. *The Arabic Book*, Princeton University Press, Princeton, New Jersey, 1984, p. 21.

⁷⁴ Makdisi, George. “The Significance of the Sunni Schools of Law in Islamic Religious History”, *International Journal of Middle East Studies*, Cambridge University Press, Vol. 10, No. 1 (February 1979), p. 9.

⁷⁵ [Ibn] Miskawayh, Ahmad Ibn Muhammad Ibn Yaqub. *Tahdhīb al-Akhlāq*, Dār al-Kutub al-‘Ilmiyya, Beirut, 1985. It should be noted here that he was commonly known as Ibn Miskawayh but this has been questioned [ref. cited source below]. Literally, the title of Miskawayh’s work would be translated as “Refinement of Ethics”, yet for the sake of consistency we are following here the one proposed in Ed. “Miskawayh”, E.J Brill, Leiden-New York, 1993, *EI2*, vol. 7, pp. 143–144.

⁷⁶ Giladi, Avner. *Ibid.* p. 4.

⁷⁷ Al-Ghazali, Abu Hamid. *Iḥyā’ ‘Ulūm al-Dīn*, Dār al-Sha‘b, Cairo, no date. Translation of the title of the *Iḥyā’* mentioned here have been cited according to Watt, W. Montgomery. “Al-Ghazālī”, *EI2*, E.J. Brill, Leiden, 1991, vol. 2, pp. 1038– 1041. In case translation of titles of the rest of his works is not found in the *EI2* or in other sources, translation is mine.

⁷⁸ Al-Ghazali, Abu Hamid. *Mīzān al-‘Amal*, Dār al-Ma‘ārif bi-Miṣr, Cairo, 1964.

⁷⁹ E.g. the “O Youth” (*Ayyuhā Walad*) work. Translation of title of treatise here follows the one in the Arabic edition of the original text and its English translation by Scherer, George Henry. *Al-Ghazali’s*

both authors in connection here would make sense, as al-Ghazali has been sometimes indicated to have been indebted to Miskawayh.⁸⁰

Miskawayh's work bears the marks of the obvious influence of the Greek heritage retold through the reception of a Muslim intellectual prone to indulge into the intellectual pleasures of the *falsafa*. In a paragraph explicitly dedicated to the “disciplining” (*ta'dīb*) of “young ones and boys”, he plainly stated that it has been “[...] taken from the book of Bryson [?]”⁸¹. While in this chapter Miskawayh outlines the more abstract dimensions of education, it is in the ones that follow, namely “Clothes” (*malābis*), “Ethical Prescriptions of [Places of] Eating” (*ādāb al-maṭā'im*), and the more inclusive “Various Ethical Prescriptions” (*ādāb mutanawwi'a*)⁸², that we are illuminated on detailed behavioural patterns in children to be strictly avoided.⁸³ As a conclusion of this textual portion 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.”⁸⁴

We find a similar situation of conciseness of expression and coverage of this thematic field by al-Ghazali. The education in the elementary school (*maktab* or *kuttāb*), was not in his explicit focus. Most of his pronouncements relate to the moral education of

Ayyuha 'l-Walad: A Dissertation Submitted to the Graduate Faculty in Candidacy for the Degree of Doctor of Philosophy, Department of Old Testament Literature and Interpretation, University of Chicago (1930), published by the American Press, Beirut, Syria, 1933.

⁸⁰ E.g. Asari, Hasan. *The Educational Thought of Al-Ghazali: Theory and Practice* [Master's Thesis] McGill University, Montreal, Canada, 1993, p. 83–84, ref. also other scholarly material there in support of the same statement.

⁸¹ [Ibn] Miskawayh. *Ibid.* p. 47. The identity of this presumably Greek author mentioned by Miskawayh is quite questionable and subject to scholarly controversy, as he was perceived to have influenced Miskawayh through the Arabic translation of his book *Tadbīr Manāzil* which would be the Arabic equivalent of the Greek *oikonomikos* [ref. e.g. Jamal al-Din, Nadia. “Miskawayh”, *Prospects: the Quarterly Review of Comparative Education*, UNESCO: International Bureau of Education, Paris, vol. 24, No. 1/2 1994, pp. 131–152].

⁸² [Ibn] Miskawayh. *Ibid.* pp. 48–55.

⁸³ Among the long list of admonitions throughout Miskawayh's text we observe that one shall not spit while in the educational circle (*majlis*), shall not cross his legs, shall not pound under his chin with his hand, shall not lean his head on his hand, as this is a sign of laziness. Then, shall not lie, neither 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 older than him and speak only when answering (*lā yatakallam illā jawāban*). Then, he has to be forbidden malicious speech, as well as ambiguously weird one (*khābīth al-kalām wa-hajīnihi*), swearing, cursing and idle talk. On the contrary, he shall be accustomed to the noble and beautiful way of verbal expression. [Ref. [Ibn] Miskawayh. *Ibid.*, p. 52.]

⁸⁴ [Ibn] Miskawayh. *Ibid.*

children, to advanced theoretical studies and especially to the training of Sufi mystics; a great deal of his views bears the notion of borrowings from concepts within the Greek philosophical environment⁸⁵, referred to by Miskawayh too. With this observed, the greatest portion of texts dedicated by al-Ghazali to practical issues of child bringing is the “Book of Training of the Soul, Refinement of Character and Healing Diseases of the Heart”⁸⁶ which follows the structure of Miskawayh’s paragraph within the similar contents on child punishment within an exposition on the way of upbringing of boys.⁸⁷ The influence of Miskawayh on al-Ghazali here can be recognized within the narrative flow. In a similar manner, Abu Hamid goes first through a general introduction on education and discipline, as being the responsibility of parents and teachers as means to prevent children from the “worldly fire” (*nār al-dunyā*), as if making an allusion to the Qur’anic verse calling the believers to “[...] guard yourselves and your families against a Fire [...]”.⁸⁸ Then practical ethics around food and eating behaviour is presented to us, followed by regulations related to clothing, and then various prescriptions which bring to mind the “Various Ethical Prescriptions” of Miskawayh. In case of transgression of permissible boundaries, al-Ghazali goes on, first a reproach in private is due, as it shall not be copious in words (*lā takthur al-qawl ‘alayhi bi-l-‘itāb*) in order not to lose its effect: not only a conceptual but also a literal borrowing from the text of Ibn Miskawayh. Respect for words shall be retained by the parents (*li-yakun al-ab ḥāfiẓan haybat al-kalām ‘indahū*), hence reproach shall not occur all too often; in the same line of thinking, mothers shall use the authority of fathers to frighten their children and prevent them from misdoings.⁸⁹

Again in conformance with Miskawayh⁹⁰, al-Ghazzali drills down in the manifold aspects of practical behaviour, and ultimately reasons that “the fundamental principle of disciplining the boys is guarding them from the companions of evil.” And then, if

⁸⁵ Giladi, Avner. Ibid. pp. 5–6.

⁸⁶ Al-Ghazali, Abu Hamid. “Kitāb Riyāḍat al-Nafs wa-Tahdhīb al-Akhlāq wa Mu‘ālatat Amrāḍ al-Qalb”, *Ihyā’ ‘Ulūm al-Dīn*, Dar al-Sha‘b, Cairo, no date, Vol. 8, p. 1426.

⁸⁷ Al-Ghazali, Ibid, p. 1468.

⁸⁸ Qur’an 66:6.

⁸⁹ Al-Ghazali. Ibid, p. 1469.

⁹⁰ Refer to footnote above on detailed prescription on practical behaviour by Miskawayh. Here al-Ghazali is exhibiting affinity to stay close to it to the extent of reproducing it almost word by word.

the boy gets beaten by the teacher, “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.⁹¹

As it is seen through sampling of the source texts, both authors are united by the same approach to the topic that contrasts the educational sources previously looked into. Differing from al-Qabisi and Ibn Sahnun, who adhere to a textual format drawing extensively on the Qur’an and the compilations of *ḥadīth* complimented by later *fiqh* treatises, Miskawayh and al-Ghazali hardly make any effort to follow such a genre. Another notion stemming from the comparison of these two formally divergent ways of treating the topic, is the lack of any specifics within the works of Miskawayh and al-Ghazali that regulate the practical application of punishment to boys. Without being emphasized upon, punishment is looked upon as an indispensable reality within the larger area of general views on knowledge and its transmission, and as a necessary measure to ward off reproachable behavioural patterns for the sake of avoidance of a greater evil in future represented by such striking metaphors as the “worldly fire”. Again, notions of hierarchical responsibility and relations are observed, but the more detailed criteria of definite cases of flogging are missing. Hence, emphasis is put on the ability of a teacher to judge and exercise authority in accordance with the given context, rather than rely on a set of fixed norms. Thus, if one would like to acquire a broader view on how traditional Muslim sources viewed the role of instructive beating, both the stricter legal approach of al-Qabisi and Ibn Sahnun, and the looser treatment under the influence of Greek philosophical heritage and rational *kalām* tradition, proposed by of Miskawayh and al-Ghazali, are to be perceived as complimentary, rather than mutually excluding each other.

Muslim theorists have been quite concerned to outline the admissible boundaries of punishment through employment of variety of argumentative approaches and styles. It is in this aspect that Ibn Khaldun in his *Muqaddima*⁹² dedicated a chapter on this topic

⁹¹ Al-Ghazali. Ibid, p. 1471.

⁹² Ibn Khaldun, Abd al-Rahman. *Al-Muqaddima*, Dār al-Fikr, Beirut, 2001, p. 743. English translation of the cited parts follows translation of Franz Rosenthal in Ibn Khaldun. *The Muqaddimah: An*

which permeates the Muslim educational tradition. Cautious to prevent any unnecessary excess, he presents us with his musings under the title that “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. Moreover, it tends to facilitate other negative social patterns, as laziness and induce to insincerity because of fear of tyrannical attitude and “are taught deceit and trickery”. Negative impact of the tyrannical attitude in individual relations is paralleled to the same one 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 *khurj* which, according to well-known technical terminology, means “insincerity and trickery.”⁹³

We need to stay cautious in interpreting this paragraph. At first sight, without considering the contexts of development of Muslim doctrine and educational views, it might seem that Ibn Khaldun’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, at least the mention of tyranny (here, *qahr*) we need to consider, as its opposition are the divinely sanctioned relations of justice (*‘adl*). It is here that the notion of previously mentioned al-Qabisi is invoked, as he already made the point that a non-tyrannical attitude, that is, a just one, is not the one that avoids punishment at all costs, but rather the one which is careful to inflict the exact measure of lashes deserved by a transgressor.

In confirmation of this nuance of interpretation, Ibn Khaldun extends the details on this part of educational environment by clarifying what is considered a “non-severe” punishment:

“[...] a teacher must not be too severe toward his pupil, nor a father toward his son, in educating (*ta’dīb*) them. In the book

Introduction to History, Princeton University Press, Bollingen Series, 1958, while reference and mentions of Arabic terms is made in accordance with to the Arabic edition.

⁹³ Ibn Khaldun. *Ibid.* p. 743–744.

that Abu Muhammad Ibn Abi Zayd wrote on the laws governing teachers and pupils, he said: “If children must be beaten, their educator must not strike them more than three times.” ‘Umar said: “Those who are not educated (disciplined) by the religious law are not educated (disciplined) by God.”⁹⁴ He spoke out of a desire to preserve the souls from the humiliation of disciplinary punishment and in the knowledge that the amount [of disciplinary punishment] that the religious law has stipulated is fully adequate to keep [a person] under control, because the [religious law] knows best what is good for him.”⁹⁵

A look into the translation proposed by Franz Rosenthal is illuminative for our understanding. Apparently, additions in parenthesis were made by him⁹⁶, whereby it has appeared difficult to prefer one English translation of *ta’dīb*, the *nomina verbi* of *addaba*, over another: both contained meanings of “educated” and “disciplined” were considered equal, hence worthy of being preserved in the output text of the translation. Then we have a third rendering of *ta’dīb* into English made by him, namely “disciplinary punishment”. Thus in a short paragraph Franz Rosenthal captures the three overlapping semantic fields carried by this term and made evident by the context outlined by Ibn Khaldun, starting from “education”, then developing a sterner meaning of “discipline” and ultimately ending up in the way to enforce it, namely through “disciplinary punishment”. This conforms to use of *addaba* and *ta’dīb* within the texts of the rest of the Muslim educational theorists investigated hitherto. The prescriptions of Ibn Sahnun and al-Qabisi on the number of lashes due

⁹⁴ Ibn Khaldun. Ibid. p. 744. Here Franz Rosenthal addressed an illuminative note to this part of the English translation, binding religious law to the norms of corporal punishment. Apparently, he states, “Ibn Khaldun interprets this statement to demand that “discipline” (which may mean “education” or “corporal punishment”) should be applied only where it is stipulated by the religious law, and not freely meted out by teachers. Actually, it seems to mean that where the religious law prescribes no punishment, none will result in the other world for the individual involved.”

⁹⁵ Ibn Khaldun. Ibid. p. 744

⁹⁶ The liberty that I have allowed here is changing the format of the parenthesis of Franz Rosenthal whereby he had already added larger portions of text, e.g. [of disciplinary punishment] instead of (of disciplinary punishment). This has been done to distinguish cases where a certain word existed in the original text and there were concerns over its precise rendering into English (e.g. “educated (disciplined)”) from instances where Franz Rosenthal added portions of additional texts while no such existed in the original (e.g. “the amount [of disciplinary punishment]”).

can be recognized, as well as binding the admonition to discipline through flogging to the stipulations of the religious law. Yet, in the spirit of the previous traditional authorities, Ibn Khaldun is paying his debt to the need to impose a limit on the usage of such educational methods by relating to an anecdote by Khalaf Ibn Ahmar, the teacher of the son of Harun al-Rashid's (d. 809) son Muhammad al-Amin. According to the narrative, the Abbasid caliph advised the teacher on several points pertaining to education, and concluded that the educator shall not "always be too lenient with him [the caliph's son, parenthesis mine, A. Sh.], or he will get to like leisure and become used to it. As much as possible, correct him kindly and gently. If he does not want it that way, you must then use severity and harshness."⁹⁷ We cannot be sure on the historical veracity of the saying, yet we can observe that to Ibn Khaldun the invocation of the caliph's regalia was appropriate to establish the proper outlines of the field of permissible punishment.

This Muslim scholarly effort invested in delineating the boundaries of the area of educational punishment points that not all instances of beating can be considered legitimate and necessary, as well as not all of them can be considered as being motivated and justified by the normative religious and educational framework. Just as we can have punishment inflicted in a "proper" manner, we can have also the opposite; and ultimately, one is not able to judge on the individual hidden motivation of the social agents within the Muslim educational sphere. What we can have insight into and reason upon, though, to the extent of the existence of appropriate historical source material, are the outlines of the normative framework, its substantiation by various argumentative means, its potential to facilitate certain behavioural patterns or respectively condemn other patterns as reproachable, and consequently, the convergence of actions of the relevant social agents to it, as well as invest efforts to investigate as to whether they demonstrate compliance or non-compliance to it. Examples of such dubious applications and reproachable uses of punishment or lack of it for presumably educational purposes are not missing.

Abu 'Uthman al-Jahiz (d. 869) as one of the key stakeholders of the *adab* production in the 'Abbasid age, was credited with the authorship of textual contents on the topic

⁹⁷ Ibn Khaldun. Ibid. p. 744.

of teachers which is found referred to throughout later originated works. Abu al-Faraj ‘Abd al-Rahman Ibn ‘Ali Ibn al-Jawzi (d. 1200) for example, in his “Stories of the Fools and the Ignoramuses”⁹⁸ frequently refers to such textual pieces of al-Jahiz. As we can infer from the title of Ibn al-Jawzi’s *adab* work, it was not intended as an account of praiseworthy behavioural exempla, but rather the contrary. The intellectual of the 12th century dedicated a chapter in his book on “The Ignoramuses among Teachers” (*dhikr al-mughaffalīn min al-mu‘allimīn*) through which he abundantly cited al-Jahiz’s heritage. It appears that despite the severe historical controversy between the Hanbali school of which Ibn al-Jawzi was a prominent stakeholder, and the Mu‘tazila, to whom al-Jahiz belonged, both authors meet on the field of *adab* and bridge the time span between them and their theological differences by ridiculing bad manners in education. Thus, according to a short story reported by al-Jahiz, a certain teacher had been seen with having no stick. This lack of the usual tool to administer justice for the students’ educational benefit seemed to have excited the curiosity of al-Jahiz who inquired into the case (*ma lī lā arā laka ‘aṣā*, “What’s up, I do not see you having a stick?”). To this the teacher replied that he did not need one, as he employed an exotic educational technique: whenever a student raised his voice, the teacher – instead of applying the prescribed measure with the conventional tool – resorted to verbally offending him with the concise obscenity “His mother is a whore!” (*ummuhu zāniyya*). In the eyes of the abuser such an approach proved to be “more eloquent than the sticks and more proper” (*ablagh min al-‘aṣāt wa-aslam*)⁹⁹. Bearing the stamp of a typical al-Jahiz style irony, this paragraph presents an example of critical attitude to failures in applying pedagogical violence where such had been needed, as well as hints on a deviation from an established practice to put in operation a popular educational instrument, which had been strangely missing: namely, the stick. Neglecting the point to apply the right degree of punishment and abuse students verbally instead, was once more ridiculed by the mention of a teacher who had been found out by certain Abu al-‘Anbas to swear at the students. Reminded reproachfully by the narrator and an elder (*shaykh*) that he was not “allowed to do this!” (*lā yaḥillu*

⁹⁸ Ibn al-Jawzi, Jamal al-Din Abu al-Faraj ‘Abd al-Rahman Ibn ‘Ali. *Akhhbār al-Ḥamqā wa-l-Mughaffalīn*, Dār al-Fikr al-Lubnānī, Beirut, 1990.

⁹⁹ Ibn al-Jawzi. *Ibid.* p. 150.

laka), the teacher justified such a pedagogical misbehaviour by explaining that he would swear only at those “who deserved it” (*mā ashtum illā man yastahiqqu al-shatm*)¹⁰⁰, by this seemingly contributing to his own inclusion into the book of Ibn al-Jawzi.

On the other pole, within the area of the disputable uses of beating, stood the ones who carry it too far, such as the educator who used to flog his students without any obvious reasons. The justification for this condemnable practice was prevention: having beaten a boy “before he had committed sinful act, so that he would not transgress” (*qabla an yadhniḥ li’allā yadhniḥ*).¹⁰¹ Beating with no clear reason would be questioned, and yet in some cases found praiseworthy, not before an investigation of the possible justifications of the protagonists. According to a story transmitted in another source about the caliph al-Mu‘tazz (d. 869), in the caliph’s childhood, when he had been appointed a heir-apparent, the tutor, a certain Ahmad Ibn ‘Ubayd Ibn Nasih, treated him harshly, kept him

“[...] waiting for meal and beat him though he had done nothing to deserve it. When the boy complained the tutor explained: I failed in respect to him that he might know the meaning of disgrace and not be precipitate in withdrawing his favour from men. I let him go hungry that he might know injustice (*miqdār al-zulm*) and not be hasty in his dealings with men.”¹⁰²

Arthur Tritton, to whom we owe this paraphrase of the paragraph into English, tends to render the original Arabic expression in rather concise terms, as well as does not fully bring the anecdote to completion. The story is originally found in Yaqut al-Hamawi’s (d. 1229) “Dictionary of the Learned Men”.¹⁰³ His account in fact presents us with a vivid picture of the angry faced al-Mutawakkil (d. 861), al-Mu‘tazz’s father, who sitting on his throne and having Fath [Ibn Khaqan, the caliph’s vizier, A.Sh.]

¹⁰⁰ Ibn al-Jawzi, p. 151.

¹⁰¹ Ibid. p. 150.

¹⁰² Tritton, Arthur S. *Materials on Muslim Education in the Middle Ages*, Luzac & Co. Ltd., London, 1957, p. 6.

¹⁰³ Al-Hamawi, Yaqut. *The Irshād al-Arīb ilā Ma’rifat al-Adīb or Dictionary of the Learned Men of Yaqut*, ed. by D.S. Margoliouth, E.J. Brill, Leyden, Luzac & Co, London, 1907, vol. 1, pp. 222–223.

“leaning on his sword before him”, demanded an explanation from the tutor. After a prolonged clarification, the caliph’s anger had been averted; he approved this approach and ordered a prize of ten thousand dirham for the tutor. Al-Mu‘tazz’s tutor appeared to have resorted willingly to such a disciplinary measure more than once and to have imparted to this religious nuance binding it to the category of the religious imperative. As narrated within another story told by Ahmad Ibn ‘Ubayd Ibn Nasih himself, the caliph boy was curious to inquire as to why his teacher performed his prayer kneeling, while he stood up to beat him (*tuṣallī jālisan wa taḍribunī qā’iman*). The instructor replied by the clarification that beating the boy was considered among the religious duties (*furūd*), “and I perform my religious duty only while standing” (*wa lā u’addī farḍī illā qā’iman*).¹⁰⁴

Going back to Ibn al-Jawzi’s fools, we find other disgraceful practices, as if reaching a nadir of degradation within the scale of the acceptable. There were cases when the tutor himself suffered physical abuse within a radical shift of roles between him and the students or allowed students to beat each other without interceding. In one of these occurrences, students were found to beat each other, as well the teacher himself. On another occasion a teacher was observed to sit alone, without his boys around him. Asked on what his students were doing, he stated that they had gone away to beat each other (*dhahabū yataṣāfa’ūn*), and warned that anyone who went to watch over them – only in case there was no other way (*in kāna wa-lā budda*) – should go there and have his head covered (*ghaṭṭī ra’sak*), lest they thought that this was the teacher himself and beat him till we went blind (*hattā ta’mā*).¹⁰⁵ Ibn al-Jawzi chose again the authority of al-Jahiz to illustrate such transgressive behaviour in these events. Then, drawing on the transmission of “some of them” (*ba’dhum*), he tells us that a certain man passed by a teacher, who was being beaten by his students and his beard was being plucked. When the witness of this misbehaviour stepped forth to save him from the abusers, the teacher averted his intention by informing that

“[...] there is a conditional arrangement (*shart*) between me and them: if I get ahead of them in the school, I would beat them. If they get ahead of me, they would beat me. Today sleep

¹⁰⁴ Ibid. p. 223.

¹⁰⁵ Ibn al-Jawzi. Ibid. p. 151.

prevailed over me and I was late; but as you live, tomorrow I will go as early as the middle of the night and then you will see what I will do with them! Then a boy turned to him and said: “I will spend the night here until you come and I will beat you!”¹⁰⁶

The sarcastic note imparted to all those occasions within Ibn al-Jawzi’s work fits into the pathos of ridiculing the instances of illegitimate applications of educational violence and indirectly assists us into outlining the broad area of acceptable occurrences. Somehow it appears that, while application of beating beyond the acceptable measure would seem dubious, and yet justifiable in some cases, the lack of it or deficiency to apply it according to the prescriptions, regardless of how generic they are, aroused questioning even more, as having the potential to disrupt the established model of authority.

Now, having outlined the conceptual contents of a sample of authoritative texts, let us go back again to the start of this paper. It appears that what the mufti in al-Quds University in Jerusalem did, was nothing but employ the framework what has already been captured and elaborated upon in much earlier representative sources on the subject. The prescriptions of Ibn Sahnun and al-Qabisi can be recognized without the application of elaborate interpretative approaches. Hence, such a contemporary reiteration within this particular case does not come *ex nihilo* and by no means follows a surprisingly innovative Muslim methodological twists; the same principle applies to the *fatwā* of Ibn Taymiyya who is cautious to draw on earlier source base that remains unchallenged historically.

As it has been demonstrated, there is clear historically consistent continuity within the Muslim sources on the role of beating as a substantial part of the education process, starting from the Qur’an, the *ḥadīth* texts, then the *tafāsīr* and the commentaries of the traditions of Muhammad, followed by key educational treatises, philosophical works and pieces of *adab*.¹⁰⁷ Flogging appears perceived as closely linked to divinely sanctioned concepts of authority and its delegation. The overlapping circles in which

¹⁰⁶ Ibid. p. 152.

¹⁰⁷ An outline of the conceptual framework and the relations among sources used in this paper is found in APPENDIX 1.

such a view on authority is being realized might not be necessarily identical (relations between man and woman within family, then relations between parents or custodians and children, followed by relations between teachers and students); yet in all of them flogging is perceived as substantial means to delineate and enforce the permissible from religious and ethical point of view, with such a perception stretching across interpretations within the four legal schools within what we conditionally label today as Sunni “orthodoxy”.

Not all beating proves to be religiously motivated and legitimate.¹⁰⁸ 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 were exploited only *post factum* to justify in public subjective preferences of one pedagogical approach [that is, beating] over a softer another. Yet, in both cases, what we can observe is that the normative framework that has been consistently developed in the course of some centuries, not only provides us with enough argumentation to substantiate and justify possible occurrences of religiously motivated violence within the educational sphere, but carries it a bit further. Flogging is considered in no way optional, with its proper application considered bound to a divinely established model of practice of justice.

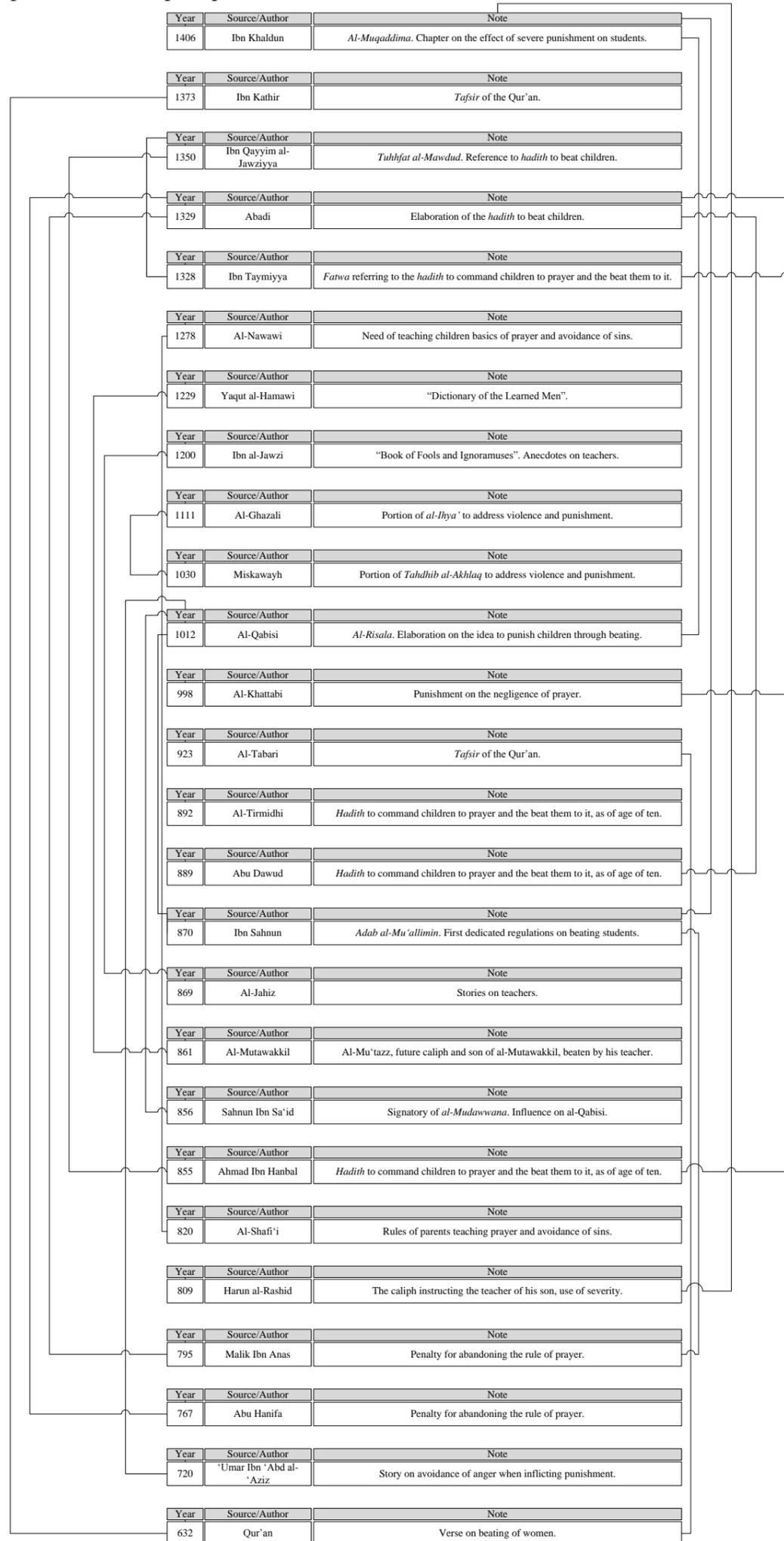
Despite this general consensus and consistency on the general necessity of beating as a disciplining measure, however, what emerges is the subjectivity of application of it. Truly, the sources present us with several detailed prescriptions on the “how” of a punishment with educational purpose. Yet, they might be considered insufficient for an in-depth universal regulation of this area bearing also in mind that it is frequently left to a subjective judgment of the teacher to exert his “religious duty” to the proper extent. Another dimensions which has to be considered in this aspect, is that the realization of the educational relations occurs within the narrow circle of interface between the teacher and students, regardless of the public institutional contexts in which this interface operates. This would rather allow for a broad, fluid area of application whereas abuse is defined by discretion of teacher and the definite context.

¹⁰⁸ On the overlapping occurrences of beating within various contexts and the terms used to denote them, refer to chart in APPENDIX 2.

And finally, as it has been made clear, this part of Muslim educational theory has been solidly underpinned by religious implications that evolved over time in detail but did not contradict each other within a larger flow of ideas. With eye on this, it appears that in case a framework of Muslim education is to be substantiated with consistent conceptual fundament, we are to consider this historical continuity of source perceptions and interpretations. Hence, in case that 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 continuity of perceptions, explaining out what has already been confirmed within the historical authoritative discourses of Sunni establishment and depriving Sunni mainstream of a major tool to guard the borders of the religious norm.

APPENDIX 1

Chronological and Conceptual Relationship Map

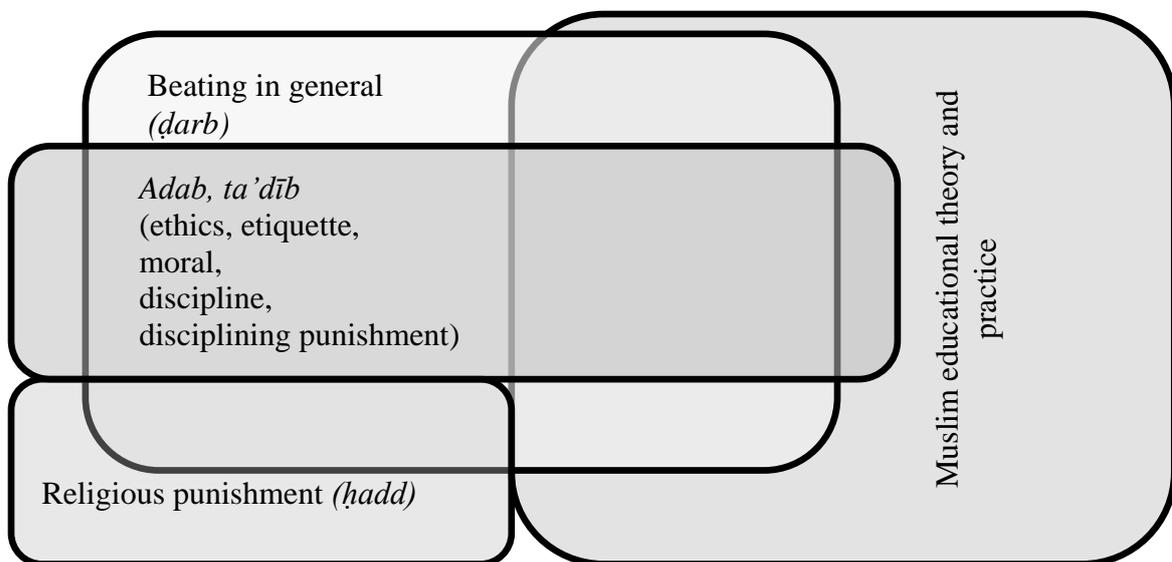


NOTES:

1. This scheme is relational. It has to be considered that the historical timeline shows approximation, as the dates listed for each author or source are the years of death. For the Qur'an the year is 632, the death of Muhammad.
2. A distinction has to be made among the various types of cited sources and interwoven references among them. Some of the sources and authors can be traced as being historically accurate existing textual works [e.g. the *hadith* compilations, al-Ghazali, Ibn Khaldun, works of Ibn Sahnun and al-Qabisi etc.]; other points along the timeline are only referenced to within the rest of the sources and hence their historical veracity is difficult to be confirmed: e.g. story on al-Mutawakkil within Yaqut al-Hamawi's work, al-Jahiz's stories on teachers etc. Hence, they are to be treated as indications of Muslim self-perceptions and views on establishing conceptual continuity with preceding authoritative discourses.

APPENDIX 2

Overlapping Occurrences of Beating



This chart presents a high-level outline of the intersecting instances of beating (*ḍarb*) in its most general sense, *adab* or *ta'dīb* (in all its implications of ethics, etiquette, moral, discipline, disciplining punishment), religious punishment (*ḥadd*) and Muslim educational theory and practice. Within these areas we can observe multiple relations of overlapping, e.g.:

1. Occurrences of beating which cannot be classified as educational violence, having ethical implications, or as religious punishment.
2. Areas where beating is applied as means of legal punishment (overlapping with *ḥadd*).
3. Beating where it occurs within the educational area without relation to *adab*, with no clear regulation, whereas attribution to the provisions of the normative framework is not clear.
4. *Adab*, that is, discipline and “refinement of character” within the area of education without implications of uses of physical violence.
5. Disciplinary punishment (*ta'dīb*) within the area of education through uses of beating (*ḍarb*).
6. The area of religious punishment (*ḥadd*) only touching but not overlapping with the instances of discipline, education and educational violence.

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