

Zayn al-‘Abidīn, Zayn al-Dīn ibn Ibrahīm ibn Muḥammad ibn Muḥammad ibn Abī Bakr

Ibn Nujaym al-Miṣrī

DATE OF BIRTH 1520
PLACE OF BIRTH Egypt
DATE OF DEATH 1563
PLACE OF DEATH Cairo

BIOGRAPHY

Ibn Nujaym was born in Egypt during the early period of Ottoman rule. Biographical references do not give detailed accounts to his early life and upbringing, his family or his father’s profession. After his elementary religious education, he probably joined the circles of well-known religious Ḥanafī scholars, such as Amīn al-Dīn ibn Muḥammad ibn ‘Abd al-‘Āl al-Ḥanafī (d. 1560), and gained his *ijāza* at a young age. He became a teacher at the *madrasa* of the amīr Sarghitmish in Cairo, and gave *fatwās* on various issues during the lifetime of his teachers at an early age. He was also known for his inclination to Sufism. For many years, he was a close friend of the Egyptian Sufi scholar ‘Abd al-Wahhāb al-Sha‘rānī, with whom he performed the *hajj* in 1546. It appears that Ibn Nujaym wanted to embrace a full Sufi way of life, but al-Sha‘rānī discouraged him until he had gained full mastery of the *sharī‘a* and its disciplines.

Ibn Nujaym died at the early age of 43, before fulfilling his intellectual potential, though his pioneering judicial contributions ensured him a prominent position in the Ḥanafī school of law. In his legal works, Ibn Nujaym introduced a systematic approach by articulating the relationship between law, legal theory, and custom in Ottoman Egypt. He also contributed to discussions on public finances and Muslim international relations in the 16th century. He was buried near the sanctuary of Sayyida Sukayna in Cairo.

In his general attitudes to non-Muslims, Ibn Nujaym showed an attitude that reflected a combination of tolerance and harsh criticism. In one case, he took the view that a *qāḍī* should reject the testimony of a Muslim against a *dhimmī* if it was known that the two were enemies, while in another he maintained that *dhimmīs* should wear distinguishing

clothes and not appear in the attire of ‘*ulamā*’ and *ashraf* (Winter, *Egyptian society*, p. 216). In contrast with his *risāla*, Ibn Nujaym comments on the case of Ḥārat Zuwayla in his *Al-ashbāh wa-l-naẓā’ir* by stating that if a church or synagogue is demolished by a ruler’s decree, it should not be reopened (p. 386; also Winter, *Egyptian society*, p. 217).

MAIN SOURCES OF INFORMATION

Primary

Ibn Nujaym, *Kitāb al-ashbāh wa-l-naẓā’ir*, Calcutta, 1825, and Beirut: Dār al-Kutub al-‘Ilmiyya, 1985

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‘Alī Pasha Mubārak, *Al-khiṭaṭ al-jadīda li-Miṣral-Qāhira*, Cairo: al-Maṭba‘a al-Kubra al-‘Amīriyya, 1886, vol. 5, pp. 17-18

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Ibn Nujaym, *Al-baḥr al-rā’iq*, 8 vols, Cairo, 1915

Najm al-Dīn al-Ghazzī, *Al-kawākib al-sā’irabi-a’yān al-mi’a al-‘āshira*, Beirut: Dar al-Kutub al-‘Ilmiyya, vol. 3, 1997, pp. 137-38

Secondary

A.A. Islahi, ‘Perception of market and pricing among the sixteenth century Muslim scholars’, *Thought on Economics* 18 (2008) 31-42

A.M. Asmal, ‘Muslims under non-Muslim rule. The fiqhi (legal) views of Ibn Nujaym and al-Wansharisi’, Manchester, 1998 (PhD diss. University of Manchester)

M. Winter, *Egyptian society under Ottoman rule, 1517-1798*, London, 1992

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WORKS ON CHRISTIAN-MUSLIM RELATIONS

Risāla fī l-kanā’is al-miṣriyya, ‘A treatise on the Egyptian churches’

DATE 1559/60

ORIGINAL LANGUAGE Arabic

DESCRIPTION

This treatise is the twelfth in Ibn Nujaym’s compilation, *Al-rasā’il al-zayniyya fī madhhab al-Ḥanafīyya*, which contains 40 short chapters and fatwas collected by Ibn Nujaym’s son Aḥmad one month after his father’s

death. Ibn Nujaym wrote most of these chapters at the request of the head judge in Cairo.

This treatise is very short, no more than four folios in some manuscripts. It begins: ‘This is a treatise on the Egyptian churches, [particularly] the issue of the church [*kanīsa*] of Ḥārat Zuwayla that was closed down while *mawlāna* Shaykh Muḥammad ibn Ilyās was in office. *Mawlāna* the Sultan ordered the issue to be evaluated according to the *shar‘* in 967 [1559-60].’ Muḥammad ibn Ilyās was most probably Muḥī al-Dīn Muḥammad ibn Ilyās al-Rūmī al-Ḥanafī, a military judge in this period (ed. Sirāj, p. 206). Winter understands *kanā’is* in the treatise to refer to synagogues not churches (*Egyptian society*, p. 217), and Ibn Nujaym himself states in his *Al-baḥr al-rā’iq* (vol. 5, p. 122) that the term can refer to both Jewish and Christian places of worship. On the other hand, Muslim legal discussions in medieval Egypt mostly refer to Coptic places of worship as *kanā’is*, and Ḥārat Zuwayla, site of the the residence of the Coptic patriarch, was one of the most important Christian quarters in medieval Cairo.

In this brief treatise, Ibn Nujaym does not offer fresh views but constructs his opinion on the basis of earlier precedents in the Ḥanafī school of law. He quotes Hadiths and the views of earlier Ḥanafī jurists such as Ibn Sahl al-Sarkhasī (d. 1096) and Qāḍī Khān (d. 1196), who held that synagogues and churches built before the Muslim conquest should not be demolished unless there was proof that they were actually built after the conquest or that new parts had been added. He also cites other Ḥanafī works, such as Abū Bakr ibn ‘Alī al-Ḥaddād’s (d. 1397) *Al-jawhara al-nayyira sharḥ mukhtaṣar al-Qudūrī* and Burhān al-Dīn ibn Māza’s (d. 1106) *Al-dhakhīra al-burhāniyya fī l-fatāwā*, in which the view is advocated that ancient places of worship should not be demolished because this would violate Muslim treaties with *dhimmīs*, and also the opinion of Ibn ‘Abbās that in newly conquered lands *ahlal-dhimma* should not be allowed to build new places of worship, sell wine or ring church bells, except when there were previous agreements allowing them to do so. At the end of the treatise, Ibn Nujaym cites *Ghāyat al-bayān fī nādīrat al-zamān* by Qawām al-Dīn Amīr Kātib al-Ḥanafī, who argues that the Hadith ‘No *kanīsa* in Islam’ does not refer to the repair of existing buildings but to the erection of new churches and synagogues, and he concludes that pre-existing churches and synagogues should not be destroyed. If a church collapses, it can be re-built on the same site, though it cannot be re-sited because that would be the same as building a new church, which is not permitted.

SIGNIFICANCE

Ibn Nujaym’s treatise should be read against the historical background of legal works on the question of demolishing churches and synagogues in the Muslim lands. It was written in the early period of Ottoman rule in Egypt, when the status of Copts in the tumultuous Mamluk era had changed somewhat. The reign of Suleiman the Magnificent (1520-66) represented a period of firm and efficient rule with developed economic awareness. The Ottomans made use of all the Empire’s material and human resources, including the economic talents of the religious minorities (Winter, *Egyptian society*, p. 194). Ibn Nujaym’s tone is concomitantly moderate, and his legal view is based on traditional Ḥanafī teachings without any harsh polemical elements.

It is worth noting that his friend ‘Abd al-Wahhāb al-Sha‘rānī argued that the demolition of churches and synagogues should be carried out only by the authorities. He also supported the ruler’s decree that Frankish kings be permitted to enter Muslim lands, and be given horses to ride (against the stipulations of the Pact of ‘Umar) and *mamlūks* to serve them. Al-Sha‘rānī relates many incidents in which Muslim fanatics were brought to court because of their disobedience to such decrees. For example, a dervish was badly beaten by the *mamlūks* when he attempted to pull down a Frank riding a horse, while the preacher al-Sunbāṭī (d. 1587) was sent into exile for attempting to demolish a church himself (Winter, *Egyptian society*, pp. 263-64).

Ibn Nujaym’s student ‘Abdullāh al-Khatīb al-Timirtāshī al-Ghazzī (d. 1595-6) followed his master by writing a similar work, *Risālat al-nafā’is fī aḥkām al-kanā’is*, though this has not survived.

MANUSCRIPTS

See the Cairo edition of *Rasā’il Ibn Nujaym* for a list of four MS copies of the treatise.

Other MSS are held in:

MS Istanbul, Bayezid Library – 479 (1727)

MS Cairo, Al-Azhar Library – 1048 (no date)

EDITIONS & TRANSLATIONS

Rasā’il Ibn Nujaym al-iqtisādiyya wa-l-musammā al-rasā’il al-zayniyya fī madhhab al-Ḥanafīyya, ed. Muḥammad Aḥmad Sirāj and ‘Alī Jum‘a Muḥammad (Markaz al-Dirāsāt al-Fiqhiyya wa-l-Iqtisādiyya), Cairo: Dār al-Salām, 1998-99, pp. 207-11

Al-rasā’il al-zayniyya fī madhhab al-Ḥanafīyya, Cairo: Būlāq, 1904-5

STUDIES

Winter, *Egyptian society under Ottoman rule*, p. 217

M. Winter, *Society and religion in early Ottoman Egypt. Studies in the writings of ‘Abd al-Wahhāb al-Sha‘rānī*, New Brunswick NJ, 1982

‘Alī Pasha Mubāarak, *Al-khiṭaṭ al-jadīda li-Miṣral-Qāhira*

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