

ORAL TRADITION AND SCRIBAL CONVENTIONS IN THE DOCUMENTS ATTRIBUTED TO THE  
PROPHET MUḤAMMAD

by

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A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
(Near Eastern Studies)  
in The University of Michigan  
2010

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Sound is given body  
But body itself ceases to exist  
Body has a prehistory as sound

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To my sun, moon, and stars: Ami, Abu, Nadi, Nym  
and to *Gackt*, viskei sensei

## Acknowledgements

The past five years have seen changes to my world and to my approach to these documents through not only the academic and intellectual support and contributions of several experts, but their friendship and personalities.

For managing all the details of enrolling, teaching, and funding throughout my time at NES: Margaret Casazza and Angela Beskow.

For feedback and references: Dr. Gottfried Hagen, and Dr. Diane Hughes for introducing me to memory palaces.

Mentors: Dr. Michael Bonner, under whom I have had the privilege to study early Islamic historiography during my time at UM, for endless good humor, scholarship that is rigorous and comprehensive, not letting me step away from any opportunity to undertake a *rihla*, and for his unwavering confidence in the project and my ability to execute it. Dr. Margaret Hedstrom, who encouraged this particular project on the Prophet's Letters from its very first form as a paper in her seminar on Archives and Collective memory, for introducing me to the historiographical implications of how documents are stored. Dr. Geoffrey Khan, for his welcome in Cambridge and for his generous availability week after week in working on the paleography and formulae of the parchment and literary documents. Dr. Sherman Jackson, for ensuring that I worked out exactly what I was saying regarding oral and literate transmission and Prophetic objects and their relationship to traditionist understanding of *ḥadīth*.

Hostesses: Ana Bélen Chorro Pérez in Granada, Nur and the girls in Istanbul and the lovely lovely Guläy Ostaz, Anna Langley and Casper of Cambridge, and Sameer and Ambreen Mirza of Manchester, for tea, quiet, and the sweetness of company.

Conservators: for transforming my last year of the PhD program into one concentrated on tactile information, antique and medieval artifacts, and craftsmanship: Julia Miller, Leyla Lau-Lamb, Dr. Cathleen A. Baker, Shannon Zachary, and the staff at the Conservation laboratory at the University of Michigan. For sweeping in to get me permission to read, Betül Çakırca at

Süleymaniye library. And to Dr. Traianos Gagos at the University of Michigan, for creating a space for me in Papyrology.

Amis des couer: Fathima Sahulhameed, Wardha Idrees, Ratchet, Farrah Chaudry, Fareeha Khan, Özgen Felek, and Min Yong Cho, for inexhaustible friendship and long late-night phone calls of shared self-doubt. And to Karim Samji, for knowing what I mean.

و الحمد لله رب العالمين

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## Abbreviations

- AP=A. E. Cowley *Aramaic Papyri of the Fifth Century BC* (Oxford: The Clarendon Press, 1923)
- Chrest.Khoury = Raif Georges Khoury, *Chrestomathie de papyrologie arabe* (Leiden, New York, Köln, 1993)
- Cic. Att.=Marcus Tullius Cicero, *Epistulae ad Atticum*
- EA=Anson F. Rainey *El Amarna Tablets 359-379 AOAT 8*, 2d ed. (Kevelaer and Neukirchen, 1978)
- Oost. Inst.= Leiden University Library, permanent loan "Het Oosters Instituut," Yemeni sticks
- P.BeckerPapyrusstudien=Becker, Carl Heinrich, "Papyrusstudien", in: *Zeitschrift für Assyriologie und verwandte Gebiete* 22 (1909): 137-154
- P.BeckerNPAF=Becker, Carl Heinrich, "Neue arabische Papyri des Aphroditofundes", in: *Islam* 2 (1911): 245-268
- P.BeckerPAF=Becker, Carl Heinrich, "Arabische Papyri des Aphroditofundes", in: *Zeitschrift für Assyriologie und verwandte Gebiete* 20 (1906): 68-104
- P.Cair.Arab=Adolf Grohmann, ed. *Arabic Papyri in the Egyptian Library* 6 vols (Cairo 1934-74)
- PDK=E. Weidner *Politische Dokumente aus Kleinasien. Boghazkoi Studien* 8, 9 (Leipzig: J.C. Hinrichs, 1923)
- P.GrohmannQorra-Brief=Grohmann, Adolf, "Ein Qorra-Brief vom Jahre 90 H.", in: *Aus fünf Jahrtausenden morgenländischer Kultur. Festschrift Max Freiherr von Oppenheimer zum 70. Geburtstag gewidmet von Freunden und Mitarbeitern*, ed. Weidner, Ernst F., (Archiv für Orientforschung Beiband 1 (Nachdruck Osnabrück 1977) 37-40
- P.Heid.Arab I=C. H. Becker, ed. *Papyri Schott-Reinhardt I* (Heidelberg: 1906)
- P Khalili=Geoffrey Khan *Arabic Papyri: Selected Material from the Khalili Collection* (London: The Nour Foundation, 1992)
- P. Marchands=Yūsuf Rāḡib. *Marchands d'étoffes du Fayyoub au IIIe/IXe siècle d'après leurs archives (actes et lettres)*. Vols. I; II; III; V/1. Suppléments aus Annales Islamologiques. Cahiers vol. 2; 5; 14; 16. Publications de l'Institut Français d'Archéologie Orientale, vol. 586; 631; 727; 768 (Cairo: Institut Français d'Archéologie Orientale, 1982-1996)
- P.RagibQurra=Yūsuf Rāḡib, "Lettres nouvelles de Qurra b. Šarīk", *Journal of Near Eastern Studies* 40 (1981) (= *Arabic and Islamic studies in honor of Nabia Abbott*) 173-187

Mon.script.sab=*Monumenta scripturae sabaicae*, inscribed sticks in collection of Bayerische Staatsbibliothek, München

RA=*Revue d'assyriologie et d'archéologie orientale* (Paris).

TR=S. Dalley, C. B. Walker and J. D. Hawkins *The Old Babylonian Tablets from Tell Al Rimah* (London: British School of Archaeology in Iraq, 1976)

TYA= Ryckmans, Jacques, Walter W. Müller, Yusuf M. Abdallah *Textes du Yémen antique inscrits sur bois (with an English summary)*. (Publications de l'Institut Orientaliste de Louvain, vol. 43). Louvain-la-Neuve, 1994.

YM=prefix to registration numbers of objects in Yemen Museum, Ṣan'ā'

## Abstract

This dissertation is on the citations in early Islamic sources of documents said to have been written or dictated by the Prophet Muḥammad (~570-632 CE). These documents include contracts, grants of land, and diplomatic and personal letters. While documentary evidence from the period of the Prophet's lifetime and the rise of Islam is scarce, the transmission of these documents can serve as an entry into a discussion of *kitāba* (writing) as a cultural practice and the representation of written artifacts in early Islam. I examine these documents as objects functioning within the contexts of textual transmission, the chancery and epistolary conventions of the late antique Mediterranean world, and orality and literacy. Keeping in mind that the discourse surrounding the Prophetic documents was not only a spoken but a material and social one, I ask the following questions. How did these documents and their transmission fit into the culturally current practices of storing and preserving information in verbal modes? How can we describe the physical characteristics as well as the symbolic and other non-linguistic functions of these written texts? In which ways did they interact with the idea of Prophetic relics and Prophetic *ḥadīth* (reports of sayings and deeds)?

This study of the documents attributed to the Prophet Muḥammad shows that techniques of redaction, including preference for or laxity concerning verbatim reproduction, cannot be definitively divided between those belonging to oral and to written methods. An intense overlap and interchange exist between both oral and written mediums in our earliest surviving written sources for Islamic tradition. In addition, attesting to the sharing of traditions, the variation in the redactions of the Prophetic documents, their formulaic content and layout, and the scribal practices influencing their transmission are not unique to early Islam but find direct parallels in written practices of other (primarily Semitic) languages from the late antique world.

## CHAPTER I: Introduction

Everything about medieval literary inscription seems to elude the modern conception of the text, of textual thought.

--Bernard Cerquiglini, *In Praise of the Variant*<sup>1</sup>

Studies on the Islamic religious sciences (Arabic grammar, history, jurisprudence, and theology) have long debated whether the major works in these fields were based on oral or written sources traced to early Islamic figures. This debate on the sources is centered on the authenticity of the material ascribed to the Prophet Muḥammad (d. 10 A.H./632 C.E.), including the disputed place of writing in the transmission of reports of the Prophet's sayings and deeds (*ḥadīth*). Muslim tradition cites the Prophet as being *ummī*, illiterate or unlearned. *Ummī*, generally understood as connoting "oral," is also applied by both medieval Muslim exegetes and modern scholars to encompass the character of the early Muslims as a people as well as the nature of their common Arab literature: odes and tribal genealogies. On the other hand, it is generally agreed that the culture of medieval Islam, perhaps dating back to court culture under the Umayyad dynasty (661-750), and especially after the introduction of paper to the Islamic world,<sup>2</sup> was a bibliophilic one.<sup>3</sup>

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<sup>1</sup> Bernard Cerquiglini, *In Praise of the Variant: A Critical History of Philology* trans. Betsy Wing (Baltimore, London: The John Hopkins UP, 1997) 21.

<sup>2</sup> Muslims began using paper after conquering Samarqand in 85/704, where the paper used was imported from China. In 134/751 the capture of Chinese prisoners of war is accorded the introduction of paper-making to the Islamic world. The process reached the central provinces later, with Baghdad's first paper mill founded in 177/793 under Hārūn al-Rashīd.

<sup>3</sup> Some studies argue that Islamic book culture began under the Umayyads. Tarif Khalidi understands the Umayyads not as initiating an era of writing of tradition but as encouraging or pressuring some scholars

Tradition also holds the *nabī ummī* to have “authored” a number of documents, including contracts, grants of land, and diplomatic and personal letters. Full texts, paraphrase, citation, physical description, and claims of possession of these documents are found in early Islamic sources from the late second Islamic century. This corpus, the traditions surrounding them, and the choices made by the medieval compilers in their arrangements of these texts can serve as an entry into a discussion of *kitāba* (writing) as a cultural practice and the representation of written artifacts in early Islam.

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to make materials in written form available to a wider public (Tarif Khalidi, *Arabic Historical Thought in the Classical Period* (Cambridge: Cambridge UP, 1994) 27). Nabia Abbott notes that the earliest representative sources on the secretarial arts indicate that Arabic scripts were classified almost from the start of the Islamic period into the Qur’ānic and chancery scripts (Nabia Abbott, *Studies in Arabic Literary Papyri I: Historical Texts* (Chicago: University of Chicago Press, 1957) 2). The size and number of royal and private libraries increased under the Umayyads, and the book-trade found its beginnings in non-Muslim communities. Reference to a *sūq al-kutub* (book bazaar) or *sūq al-warrāqīn* (booksellers’ bazaar) occurs as early as the time of Muhallab b. Abī Sufrah (d. 82-3/701-2) (Abbott, *Arabic Literary Papyri I*, 28-30). Ruth Mackensen notes the uncertainty over whether mention of *ṣuḥuf* or *kutub* refers to codices or loose sheets at the time, but asserts that private collections of notes preceded the compilations of ḥadīth in the ‘Abbasid period (Ruth Mackensen, “Arabic Books and Libraries in the Umayyad Period,” *The American Journal of Semitic Languages and Literatures* 52/4 (July 1936) 250.) Collections of Jāhilī (pre-Islamic) wisdom sayings and poetry were probably prized by families and were promoted by the literary activity of the Umayyad court (Ruth Mackensen, “Arabic Books and Libraries in the Umayyad Period (Concluded)” *The American Journal of Semitic Languages and Literatures* 54/1 (Oct., 1937) 44). The Umayyad state chancery also demanded skilled scribes and may have encouraged a spread of literacy. A *dīwān al-rasā’il* (bureau of letters) is said to have existed under Mu’āwiya (661-680), if not earlier. By the last years of ‘Abd al-Mālik (685-705), the chancery was a complex institution with numerous scribes, and evolved into a training center for prospective official letter-writers in the literary style. The spread of literacy was facilitated by the state, acting as the major employer in the empire, and through requiring, especially after ‘Abd al-Malik, knowledge of Arabic (Wadad Al-Qadi, “Early Islamic State Letters: The Question of Authenticity,” *The Byzantine and Early Islamic Near East I Problems in the Literary Source Material* (Princeton: The Darwin Press, Inc., 1992) 217-8). Public collections of books are first dated to the ‘Abbāsids, to Mansūr, or Hārūn (Jonathan M. Bloom, *Paper before Print: The history and impact of paper in the Islamic World* (New Haven: Yale UP, 2001) 117).

Discussing the linguistic environment and textual record of antique Arabia, M.C.A Macdonald has noted that literacy (both reading and writing) can be widespread in oral societies, where it remains peripheral to status-bearing and necessary daily activities. As a modern example, the Tifinagh characters used exclusively for ephemeral writing such as puzzles and games and desert graffiti by the oral society of the Tuareg of north-west Africa are acquired in non-formal situations, with both their use and learning characterized by playfulness.

The earliest inscriptions in Old (or Ancient) South Arabian (OSA) languages return to around the eighth century BCE. These feature use of a full alphabet and developed writing system indicating a long preceding period of development.<sup>4</sup> The languages of the inscriptions are sometimes collectively referred to as Himyaritic or Sayḥadic and belong to the “South Semitic” family, of which Ethiopic is the only surviving example. The most commonly attested OSA language is Sabaean (or Sabaic), in central and the western part of northern Yemen. Minaean (or Minaic) is attested in eastern Yemen, and also at al-‘Ula, a Minaean trading settlement in the northern Hijaz. Qatabanian is attested south in the region of the Wādī Ḥarīb and Wādī Bayḥān. Ḥaḍramitic is used for inscriptions at the royal residence at Shabwa in western Hadramawt. Most of these inscriptions are graffiti, but some are public works commemorations, treaties, legal documents, and religious texts.<sup>5</sup>

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<sup>4</sup> Abdul Nayeem argues for Arabian inscribed tribal signs, *wasum*, dated 10<sup>th</sup>-8<sup>th</sup> c. BCE, as intermediary in development of Arabian scripts and alphabet, a suggestion returning to Henry Field (1952: 15, 30). Muhammed Abdul Nayeem, *Origin of ancient Writing in Arabia and New Scripts from Oman (An Introduction to South Semitic Epigraphy and Palaeography)* (Hyderabad: Hyderabad Publishers, 2001) 30-32.

<sup>5</sup> John Huehnergard, “Semitic Languages,” *Civilizations of the Ancient Near East* Jack M. Sasson, ed. (New York: Simon and Schuster Macmillan) 2120.

Ancient North Arabian (ANA) dialects are attested in inscriptions in the northern part of the peninsula, written in scripts derived from the OSA alphabet. Around a thousand graffiti in the Thamudic language date from the sixth century BCE to the fourth century CE. These are widely scattered but concentrated in western north Arabia. The languages Dedānite and Liḥyānite are attested around Dedān, an ancient oasis in northwestern Arabia. Ḥasaeen (or Ḥasā'itic) inscriptions are mostly funerary and are found in northeastern Arabia near the Persian Gulf. The largest and latest group of inscriptions is in Safaitic (Ṣafā'itic), numbering around twenty thousand graffiti dating from the first century BCE to the third century CE. This is the northernmost dialect, attested in inscriptions found east of Damascus and up to the Euphrates. The contents are generally similar to those of Thamudic graffiti.<sup>6</sup>

In the ancient world, papyrus outside of Egypt was likely expensive for peoples of subsistence economies. Nomadic Arabs preferred more durable vessels of stone, wood, metal, and leather, resulting in a scarcity of ostraca, the everyday writing support for much of the sedentary populations of the ancient Near East. For these populations the only plentiful writing material was desert rock, but not for everyday documents such as lists or letters.<sup>7</sup> In fact there is a complete absence of evidence for Safaitic being habitually used for writing on materials other than rock.<sup>8</sup>

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<sup>6</sup> Huehnergard, "Semitic Languages" 2121.

<sup>7</sup> M. C. A. Macdonald "Literacy in an Oral Environment" In Piotr Bienkowski, Christopher Mee, and Elizabeth Slater, eds. *Writing and Ancient Near Eastern Society: papers in honour of Alan R. Millard* (New York; London: T & T Clark, 2005): 49-118; 75.

<sup>8</sup> Macdonald "Literacy in an Oral Environment" 84.

Northwest Arabia had multiple different native scripts as well as the imported Aramaic, Greek, and South Arabian alphabets. For the writers of the Safaitic graffiti, their language and script would have been incomprehensible to their Aramaic and Greek speaking settled neighbors in the south.<sup>9</sup> These Bedouin thus probably did not learn reading and writing for practical purposes, though the exact learning process through which they acquired Safaitic remains unknown. A script incomprehensible to the outside world would also have little reason to be taught formally.<sup>10</sup>

While writing the Safaitic inscriptions may not have been practical, they fulfilled a real emotional need and served as a pastime.<sup>11</sup> The majority must have been carved in solitude. 98% of North Arabian graffiti are found in places of pasture, where Bedouin spent long hours of solitude and idleness, carved on stone or rock among millions and to be noticed only by accident.<sup>12</sup> While not one Safaitic inscription contains a message,<sup>13</sup> the graffiti “speak” to each other and evince a graphic understanding. Macdonald points out the “open tone” of ANA graffiti and their frankness in emotional expression: “it was commonplace for a passer-by to add a note to a Safaitic graffito, saying that he had found it and (usually) was saddened. Often he weaves his text

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<sup>9</sup> Macdonald “Literacy in an Oral Environment” 75. cf. M. C. A. Macdonald “Reflection on the Linguistic Map of Pre-Islamic Arabia” *Arabian Archaeology and Epigraphy* 11 (2000) 40.

<sup>10</sup> Conventional letter order in scripts indicates formal schooling and also allows numerical use of letters. The orthographies of the scripts used by ancient North Arabian nomads have no word division or ligatures between letters and can be written in any direction. Word-division is also a feature of South Arabian formal (monumental) and informal (miniscule) scripts. Safaitic is entirely consonantal and shows no strengthened or doubled consonants, all its features indicating the role of self-expression rather than communication. Neither do Hismaic, Thamudic B, C, and D and Southern Thamudic alphabets seem to have been of literate societies Macdonald “Literacy in an Oral Environment” 78-91.

<sup>11</sup> Macdonald “Literacy in an Oral Environment” 81.

<sup>12</sup> Macdonald “Literacy in an Oral Environment” 82.

<sup>13</sup> Macdonald “Literacy in an Oral Environment” 81 n. 109

amongst the letters of the first.”<sup>14</sup> Content with more than personal names is exclusively concerned with nomadic life.<sup>15</sup> In one, the author records that his father drew the picture while they waited with his brother for the tribe to return from annual migration.<sup>16</sup> In another, brothers each carve their own names and the particle *bn* (son of) but share the father’s name graphically.<sup>17</sup>

Most writers express what they were doing or feeling and date their texts by events of importance. A large number of Safaitic graffiti also end with prayers for security or rain or a change in circumstances, as well as invoking curses on those who would vandalize the text and blessings on those leaving the writing undisturbed.<sup>18</sup> It is noteworthy that this verbal protection of writing does not address readers but individuals who respect the writing physically.

The contents of graffiti in early Arabic from the medieval period are markedly different. Medieval Arabic graffiti containing prayers often extend the prayer to whoever reads the text and so recites the prayer.<sup>19</sup> Arabic graffiti center on the Qur’ān

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<sup>14</sup> Macdonald “Literacy in an Oral Environment” 81 n. 104.

<sup>15</sup> Macdonald “Literacy in an Oral Environment” 82.

<sup>16</sup> 325 in E. Littmann *Safaitic Inscriptions* Syria. Publications of the Princeton University Archaeological Expeditions to Syria in 1904-1905 and 1909. Division IV. Section C. (Leiden: Brill, 1943) 325. Macdonald “Literacy” 84 n. 111.

<sup>17</sup> Macdonald “Literacy” 84 n. 111. See 1754 and 1755 in F.V. Winnett and G. Lankaster Harding, *Inscriptions from Fifty Safaitic Cairns*, Near and Middle East Series 9 (Toronto: University of Toronto Press, 1978); also in Hismaic: 716 and 716aa in G. M. H. King, *Early North Arabian Thamudic E: Preliminary Description Based on a New Corpus of Inscriptions from the Ḥismā Desert of Southern Jordan and Published Material* (PhD Diss, University of London, 1990).

<sup>18</sup> Macdonald “Literacy” 95.

<sup>19</sup> Macdonald “Literacy” 99. See nos. 5 and 93 in E. Littmann *Arabic Inscriptions* Syria. Publications of the Princeton University Archaeological Expeditions to Syria in 1904-1905 and 1909. Division IV. Section D (Leiden: Brill, 1949). From the late first millennium BCE and early first millennium CE Old Arabic, ancestor of Classical Arabic of the early Islamic period, was presumably the vernacular of basically non-literate, perhaps primarily nomadic, groups, who in situations requiring literacy, such as contact with

and most likely functioned in an oral context of being read aloud. Graffiti in Arabic are found mostly in the arid zones of North Arabia, the Negev, Jordan, and Syria, and are probably the work of nomadic or semi-nomadic peoples, consisting of names and basic phrases. Surveying early Arabic inscriptions datable to 1-200A.H./622-815 C.E., Robert Hoyland notes that from the 170's/790's epitaphs begin to be numerous especially in Egypt. These, along with graffiti, are personal statements. Official inscriptions are also found but are few, and increase only with the full establishment of the 'Abbasids in the second/eighth century. These inscriptions evince a common repertoire of phrases with a high degree of recurrence of set formulae.<sup>20</sup> Most are petitions addressed to God. Citations of the Qur'ān include verses quoted in full within the text of the inscription, but more commonly occur as a blend of words and phrases from different Qur'ānic verses. There is a marked rhythmic quality to many of the formulae, indicating that they were read aloud and had an oral context.<sup>21</sup>

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settled peoples, found writing systems associated with other languages already established (Macdonald "Reflection" 57). Old Arabic probably remained spoken until the late fifth and early sixth century CE, with no specific script associated with it. Any text of length, as in other oral cultures, was inscribed in a foreign script, usually that of the local language of prestige such as Sabaic, Ancient North Arabian, Aramaic, or Greek (Macdonald "Reflections" 63). Thus there are relatively few inscriptions in "pure" Old Arabic, while there are more "mixed" texts where Old Arabic features are found in texts in languages normally associated with such scripts as Safaitic, Dedānitic, Nabataean or other Aramaic. Inscriptions in more or less "pure" Old Arabic: the earliest, possibly from the end of the first century BCE, is the inscription of 'gl bn Hf m, in the Sabaic script, found at Qaryat al-Faw; the Namāra Inscription (328 CE); lines 4-5 of the 'ēn 'Avdat inscription, of uncertain date, both lines in Nabataean script; the inscriptions of Umm al-Jimāl, of uncertain date; and of Zebed (512 CE), Jabal Usays (528 CE), and Harrān (568 CE), all in recognizably Arabic script. Macdonald has an additional document on parchment found in the genizah of the Umayyad mosque in Damascus, containing part of the Septuagint text of Psalm 78 (LXX, 77) with a parallel column of Arabic gloss in Greek transliteration. It is undated but to Macdonald appears to definitely be pre-Islamic: "This is the most valuable text in Old Arabic so far discovered since the Greek transliteration seems to have been made with great care and consistency from an *oral* source, and thus is uncomplicated by the orthographic conventions of another script. It also, of course, provides the vowels and has the additional advantage that there can be no doubt as to the meaning" (Macdonald "Reflections" 50).

<sup>20</sup> Robert Hoyland, "The Content and Context of Early Arabic Inscriptions" *Jerusalem Studies in Arabic and Islam* 21 (1997) 78.

<sup>21</sup> Hoyland "Content and Context" 89.

The following pages are an inquiry into a series of disconnects. The dogma of a diametric opposition between oral and written transmission cannot make sense of the early Islamic biographical and historiographical tradition that accepts accounts of the Prophet Muḥammad dictating hundreds of mundane texts as a matter of course. And the understanding that there is little documentary evidence for a textual culture in pagan Arabia silences the witness of tens of thousands of graffiti and monumental inscriptions and hundreds of more recently discovered private documents on wooden sticks.

### 1.1 The transmission of early Islamic texts

Islamic learning processes, up to the Western-influenced nationalistic reforms of the nineteenth century, are assumed to have institutionalized an oral tradition invested with an authority and authenticity denied to written texts. In his study of the history of the press in the Arab world, Ami Ayalon states that writing “was meant to be performed deliberately, not casually.”<sup>22</sup> In Europe, printing was becoming the accepted method of textual reproduction by the sixteenth century, while “[c]ultural values in the Islamic empire were remote from the idea of unauthorized writing and the mass production of texts.”<sup>23</sup>

This problem of the written text, in which “writing could never unambiguously represent an author’s unambiguous meaning,”<sup>24</sup> could be overcome only by the tradition of oral transmission of scholarly texts and instruction through use of the

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<sup>22</sup> Ami Ayalon, *The Press in the Arab Middle East: a History* (New York: Oxford UP, 1995) 166.

<sup>23</sup> Ayalon, *Press*, 166.

<sup>24</sup> Timothy Mitchell, *Colonizing Egypt* (Cambridge: Cambridge UP, 1990) 150.

*isnād*, the traditional “support” to a reported text, consisting of direct transmitters acting as a series of teachers ultimately traced to the author/composer. A belief in the author’s presence in the spoken word is of course not unique to Islamic culture. Derrida explores the question of writing as a moral one, writing as drug, as non-presence and non-truth, in Plato.<sup>25</sup>

Much of the scholarship on this topic has focused on debates on authenticity and the origins of Islamic practices. It is generally accepted that, until the third/ninth century, the concept of a singly-authored, finalized version of a text did not appear among the Islamic religious sciences. Historiographical reliance on literary sources dated to the second and third Islamic centuries has been met with a radical source-critical approach by some. John Wansbrough has argued that biographical literature on the Prophet Muḥammad and his military campaigns (*sīra-maghāzī* literature) is framed by a salvation narrative based in part on exegesis.<sup>26</sup> Patricia Crone and Michael Cook have argued that one cannot use Islamic literary sources at all to reconstruct the early Islamic period.<sup>27</sup> Even in the most source-critical works, such as Albrecht Noth’s, it is not the existence of documents attributed to the early period that is questioned, but

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<sup>25</sup> Mitchell, *Colonizing Egypt*, 159; Jacques Derrida, “Plato’s Pharmacy” In *Dissemination* trans. Barbara Johnson (University of Chicago Press, 1981). Comparable is Roger Chartier’s summary of the division in Western tradition between commentary on works of literature and analysis of the technical and social conditions of their production and dissemination: “There are a number of reasons for this separation: the durable contrast between the purity of the idea and its inevitable corruption by matter; the definition of copyright, which established the author’s ownership of a text that was said to remain the same no matter what form its publication took; and the triumph of an aesthetic that judged works apart from their material substrate.” Roger Chartier, “Aesthetic Mystery and the Materiality of the Written,” In *Inscription and Erasure: literature and written culture from the eleventh to the eighteenth century* trans. Arthur Goldhammer (Philadelphia: The University of Pennsylvania Press, 2007) viii.

<sup>26</sup> John Wansbrough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford: Oxford UP, 1978).

<sup>27</sup> Patricia Crone and Michael Cook, *Hagarism* (Cambridge: Cambridge UP, 1977).

their wording, found to rely on editorial intervention or the results of transmission, and their historical and legal claims, which may be seen as shaped by sectarian and other interests.<sup>28</sup> The source-critical discussion is limited to the theological and jurisprudential implications of textual transmission rather than exploring writing practices on the level of bureaucracy or daily transactions.

Arrayed against the skeptics are the following proposals for recovering original works from later redactions. Fuat Sezgin argues that ḥadīth isnāds preserve the names not of oral reporters but of authors whose works were relied on as either written supports to oral tradition or as independent written texts, this custom of textual transmission possibly originating in the pre-Islamic Arabian period.<sup>29</sup> In her study of twelve Arabic papyrus fragments containing ḥadīth, which date from 125/743 to 225/840, Nabia Abbott traces the literate activity of the earliest transmitters as well as the practices of their students, finding frequent chains of continuous written transmission of the ḥadīth recorded. In contrast to Sezgin, she is unable to take documentation of ḥadīth back to the close associates of the Prophet, his Companions, but presents evidence for written transmission of ḥadīth at the earliest from 150 A.H., as a mode parallel to oral transmission.<sup>30</sup>

The issue of characterizing methods of composition and transmission is integral to debates on the authenticity and historicity, and thus the attribution and authorship,

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<sup>28</sup> Albrecht Noth, *The Early Arabic Historical Tradition: A Source-Critical Study* trans. Michael Bonner (Princeton: The Darwin Press, Inc., 1994).

<sup>29</sup> Fuat Sezgin, *Geschichte des arabischen Schrifttums*, Vol. 1 (Leiden: E.J. Brill, 1967), 55.

<sup>30</sup> Nabia Abbott, *Studies in Arabic Literary Papyri II: Qur'anic Commentary and Tradition* (Chicago: University of Chicago Press, 1967).

of the sources. Drawing on descriptions of the lecture activity and of publication processes in the early Islamic manuscript tradition in his article, “The Transmission of the Sciences in Early Islam: Oral or Written?” Gregor Schoeler concludes that the sources for works in the Islamic religious sciences of the second/eighth to fourth/tenth centuries are lessons given by teachers on the basis of written notes, which they read or recited for students who took their own notes.<sup>31</sup> Thus variations in the presentation of traditions are inherent to the material and both the oral and written transmission methods.<sup>32</sup>

Basing themselves on Schoeler’s distinction between public and private use of written material by early ḥadīth transmitters, Kister, Cook, and Günther each characterize the use of written documents, in the form of memory aids or private notes on ḥadīth, as having an auxiliary rather than an essential role to play in the transmission of religious learning.<sup>33</sup>

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<sup>31</sup> Gregor Schoeler, “The Transmission of the Sciences in Early Islam: Oral or Written?” In Schoeler, *The Oral and the Written in Early Islam* trans. Uwe Vagelpohl (London: Routledge, 2006), 40-41.

<sup>32</sup> Schoeler, “Transmission of Sciences” 33, 38. Whether or not the process of combined oral-written transmission was due to a religiously based distrust of recording anything other than scripture is explored more fully in Schoeler’s article “Oral Torah and *Hadīth*: Transmission, prohibition of writing, redaction,” where he concludes that various schools of thought exhibited different positions on the prohibition or allowance of recording ḥadīth, ranging from a frequent, private use of notes to a distrust of recording anything other than the Qur’an (Gregor Schoeler, “Oral Torah and *Hadīth*: Transmission, prohibition of writing, redaction,” In Schoeler *The Oral and the Written in Early Islam* trans. Uwe Vagelpohl (London: Routledge, 2006).

<sup>33</sup> M. J. Kister, “...*Lā taqra’u l-qur’āna ‘alā l-muṣḥafiyīn wa-lā taḥmilu l-‘ilma ‘ani l-ṣahāfiyyīn*...Some notes on the Transmission of Hadith,” *Jerusalem Studies in Arabic and Islam* 22 (1998) 127-62; Michael Cook, “The Opponents of the Writing of Tradition in Early Islam,” *Arabica* 44:4 (1997) 437-530.; Sebastian Günther, “Due Results in the Theory of Source-Criticism in Medieval Arabic Literature,” *Al-Abhath* 42 (1994) 3-15. Kister and Cook each argue for the use of private notes on ḥadīth in the second Islamic century. Modifying Schoeler’s theory, Sebastian Günther introduces a third category in the typology of early Islamic manuscripts, the “literary composition,” which falls between private lecture-notes and a finalized work. Günther concludes that while personal and long-term contact between student and teacher and the predominance of oral transmission of ḥadīth was necessitated by difficulties in reading unvocalized and unpointed Arabic script, the earliest authorities in the Islamic religious sciences made use of writing in order to retain information, although this was more acceptable in branches of Islamic

Illustrating that a distinction between auxiliary and essential writing was also part of medieval debate, Paul Heck summarizes the dialogue between ḥadīth specialists, theologians, and litterateurs/state officials in the first few Islamic centuries. Heck argues that the fifth/eleventh century saw a theoretical discussion on the place of written transmission of knowledge (ḥadīth) in a period of widespread use of books. This discussion was less about the actual use of books than the issue of authoritative discourse, and was influenced by surrounding debates including the division between revealed and rational verification of knowledge, leading to the development of an epistemological distinction between syllogistic reasoning and the isnād (which served as the account of a report's authoritative transmission). Thus by the time of al-Khaṭīb al-Baghdādī (d. 463/1071), writing could be defined in non-written terms, synonymous with memory, as seen for example in the interchangeable use of the words *kitāb* (a writing/book) and *ḥifẓ* (memorization) in al-Baghdādī's *Kitāb al-Kifāya*.<sup>34</sup>

Heck illustrates how al-Khaṭīb's work strengthened the position against the authority of written transmission, which had been maintained in earlier decades, and established an essential relation between mode and material.<sup>35</sup> Thus, "In the teaching of ḥadīth . . . the oral transmission was the epistemological guarantee of the particulars of revelation and therefore the focus around which ḥadīth specialists carved out their

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sciences other than ḥadīth. These articles however limit Schoeler's broader understanding of interrelated and organic processes of transmission involving oral and written modes.

<sup>34</sup> Paul L. Heck, "The Epistemological Problem of Writing in Islamic Civilization: al-Ḥaṭīb al-Baghdādī's (d. 463/1071) *Taqyīd al-'ilm*," *Studia Islamica* 94 (2002) 100.

<sup>35</sup> Heck, "Epistemological Problem," 92-93.

social space in Islamic civilization as custodians of the prophetic tradition.”<sup>36</sup> Heck also notes that historical reports (*akhbār*) in early Islamic literature occupy a similar epistemological position as Prophetical reports, as seen in their sometime accompaniment by chains of transmitters.<sup>37</sup>

## 1.2 An approach inspired by Book History

Issues of fixity of text, historical correctness, or authenticity and origin of the sources are tangential to this study on the intersection between the contents of the surviving texts and the material and cultural factors involved in their production and consumption over time, including into the twentieth century, which saw the appearance of a number of parchment documents claiming to be the originals of the Prophet’s proselytizing letters to foreign rulers including Byzantine emperor Heraclius and Sassanian ruler Khosroes the Second.

While most discussion on the transmission processes of early Islamic tradition assumes sociological distinctions between oral and written transmission, many scholars in various disciplines, including literacy studies and education, now discuss the transition from orality to literacy as part of a “continuum” rather than a “split.”<sup>38</sup>

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<sup>36</sup> Heck, “Epistemological Problem,” 95 n. 27.

<sup>37</sup> Heck, “Epistemological Problem,” 110.

<sup>38</sup> Based on the New Literacy thesis represented by Jack Goody and others, a new medium of accumulation and transmission of knowledge is considered to transform consciousness and be a measure of civilizational (and political) advantage and human progress. Jack Goody and Ian Watt, “The Consequences of Literacy” In Jack Goody, ed., *Literacy in Traditional Societies* (Cambridge: Cambridge UP, 1968): 27–68; idem *The Logic of Writing and the Organization of Society* (Cambridge; New York: Cambridge UP 1987); idem *The Domestication of the Savage Mind* (Cambridge: Cambridge UP, 1997). Walter Ong stresses the qualitative difference between orally composed and written thought, defining writing as a technology: “More than any other single invention, writing has transformed human consciousness.” Writing, which Ong sees as developing in part from the use of memory-aids and the need for account

Scholarship on early Islam has given little attention to the process, as opposed to the assumed products, of oral tradition. An exception is the application of the Parry-Lord thesis on performance of epic poetry to pre-Islamic Arabic poetry by Michael Zwettler.<sup>39</sup> The question of the place of written transmission has focused on works in the Islamic religious sciences and on the social and cultural values attributed by the Muslim scholarly elite to oral and written modes. The evidence within textual artifacts concerning the relations between oral tradition, documentary evidence for writing and levels of literacy, and the professionals and materials involved in the production of texts has found little place in this discussion. Several of these issues drive works in the history of the book from a historical perspective, drawing on the approaches of bibliography and textual criticism and concepts of orality and literacy, and have found relevance in information studies, memory studies, and Biblical scholarship.

In his 1981 essay on the juncture between the French discipline of *histoire du livre* and English analytical bibliography and their centrality to any historical study of books, G. T. Tanselle pointed out:

There has been a strange reluctance to recognize that what written or printed works say is affected by the physical means through which they are transmitted—the procedures by which texts are produced and the forms in which they are packaged. Once one does understand this point, one perceives not only that every edition of a work may differ but that every copy of every edition is a separate piece of historical evidence.<sup>40</sup>

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keeping, is considered to heighten consciousness and allow introspection, rhetoric, and analytic precision by presenting a distance between the knower and the known. Walter Ong, *Orality and Literacy: The Technologizing of the Word* (London: Methuen, 1982) 78.

<sup>39</sup> Milman Parry, *The Making of Homeric Verse: the collected papers of Milman Parry* ed. Adam Parry (Oxford: Clarendon Press, 1971). Albert B. Lord, *The Singer of Tales* (Cambridge: Harvard UP, 1960). Michael Zwettler, *The oral tradition of classical Arabic poetry: its character and implications* (Columbus: Ohio State UP, 1978).

<sup>40</sup> G. Thomas Tanselle, “The History of Books as a Field of Study” In *Literature and Artifacts* (Charlottesville: The Bibliographical Society of the University of Virginia, 1998) 52.

Fixity of the text is not a fruitful starting point for a study of the production and reception of written works. Adrian Johns writes:

Where work has been done, its concentration on fixity has tended to draw attention away from, rather than towards, the labour exerted by actors to keep their products stable across space and time. The effect has been still to privilege the work of certain individuals and institutions over others. A better way to proceed is to focus on just that very labour which such a treatment underplays.<sup>41</sup>

Leslie Howsam states that “bibliographical evidence not only can be useful but must be considered when dealing with the mechanics of cultural transmission,” and that the bibliographical context enhances our sense, in James Raven’s phrase, of “the mutability of the text.”<sup>42</sup> Similarly Erick Kelemen in his textbook on textual editing and criticism notes that textual criticism instills in readers a “basic skepticism toward the text,” useful for bringing a text’s subtleties and details “into greater relief.”<sup>43</sup> The approach of this dissertation is inspired by what D.F. McKenzie introduced in his 1985 Panizzi lectures as “the sociology of texts,”<sup>44</sup> defined as “the discipline that studies texts as recorded forms, and the processes of their transmission, including their production and reception.”<sup>45</sup> To McKenzie, historical bibliography showcases the shift “from questions of textual authority to those of dissemination and readership as matters of economic and political motive,” relationships that “preclude certain forms

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<sup>41</sup> Adrian Johns, “History, Science, and the History of the Book: The Making of Natural Philosophy in Early Modern England,” *Publishing History* 30 (1991): 17.

<sup>42</sup> Leslie Howsam, *Old Books and New Histories: An Orientation to Studies in Book and Print Culture* (Toronto: University of Toronto Press, 2006) 66, quoting James Raven, “New Reading Histories, Print Culture and the Identification of Change: The Case of Eighteenth-Century England,” *Social History* 23/3 (1998) 268-87.

<sup>43</sup> Erick Kelemen, *Textual Editing and Criticism: An Introduction* (New York and London: W. W. Norton & Co., 2009) 9.

<sup>44</sup> In 1983 Jerome McGann independently argued also for a sociological rather than intentionalist approach in *A critique of modern textual criticism* (Chicago: University of Chicago Press, 1983).

<sup>45</sup> D. F. McKenzie, *Bibliography and the Sociology of Texts* (Cambridge: Cambridge UP, 1999) 12.

of discourse and enable others” and “determine the very conditions under which meanings are created.”<sup>46</sup>

This study examines the documents said to have been written or dictated by the Prophet Muḥammad as objects functioning within the contexts of textual transmission, the chancery and epistolary conventions of the late antique Mediterranean world, and orality and literacy. Keeping in mind that the discourse surrounding the Prophetic documents was not only a spoken but a material and social one, I ask the following questions. How did these documents and their transmission fit into the culturally current practices of storing and preserving information in verbal modes? How can we describe the physical characteristics as well as the symbolic and other non-linguistic functions of these written texts? In which ways did they interact with the idea of Prophetic relics and Prophetic *ḥadīth* (reports of sayings and deeds)?

### 1.3 Scholarship on the Prophetic Documents

Albrecht Noth in *The Early Arabic Historical Tradition: A Source-Critical Study* and Chase Robinson in his *Islamic Historiography* argue that documents that are found only as transmitted in the early Islamic historiographical tradition consist mostly of elements that are literary devices applied by Muslim historians beginning in the Umayyad period (661-750 CE), to reflect certain themes and issues of the time.<sup>47</sup> Robinson’s argument is that early Islamic documents were considered by the generations succeeding the Prophet to be “living” documents, and thus were

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<sup>46</sup> McKenzie, *Bibliography*, 1.

<sup>47</sup> Chase F. Robinson, *Islamic Historiography* (Cambridge: Cambridge UP, 2003).

continuously subjected to rewriting and editing. By this argument, documents attributed to the early generation of Muslims illustrate less about their time than that of later writers who edited, formatted, or created these forms in their literature and retrogressively projected their contents to the period of the Prophet.<sup>48</sup>

This content-based analysis with the conclusion that the documents should be dated to the Umayyad period was also conducted by W. Montgomery Watt. Watt separates the reports of the Prophet's letters to foreign rulers from the reports on other letters and treaties, arguing that the letters to kings exhibit "tendential shaping" of a factual basis by theological interest. This theological interest is expressed in the accompanying tradition which emphasizes the comparison of the Prophet with Jesus in his sending out apostles to other regions. Watt states that the letters must have been offers of political arrangements, perhaps pacts of neutrality, and could not have been a summons to these rulers to convert to Islam. The factual basis of these reports is that the messengers (except the messenger to Kisrā/Chosroes) were favorably accepted and given gifts. He finds it unlikely that the Christian Byzantine Emperor or Negus of Abyssinia could have been expected to become Muslims, or that an embassy was even

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<sup>48</sup> Similarly in *On Collective Memory* Maurice Halbwachs argues that a religion persists as a permanent institution promoting atemporal moral teachings only as its founder fades into the background. Maurice Halbwachs, *On Collective Memory* (Chicago and London: University of Chicago Press, 1992) 88. This distance from orally preserved memories of the founding figure is due to the application of an authoritative institution and the demands of a group religious consciousness (117-8). Halbwachs' focus is on the Gospels, which he argues present an established version of the life of Jesus accomplished through alteration and adaptation over a short time, while preserving few traces of these adaptations (101-2). In his chapter on "The Legendary Topography of the Gospels in the Holy Land," Halbwachs argues that the story of Christ would have disappeared with the effacing or ruin of the sites of his activities, if it had not been maintained by doctrine, the abstract idea of God dying to expiate believers' sins. Thus the narration of the Gospels in general agrees on identifying central events, their significance, and their topography, while dissonant details are preserved in the reported speech included (Halbwachs, *Collective*, 193-4).

sent to the Persian King of Kings.<sup>49</sup> While the letters may have made some reference to the Prophet's religious beliefs, their texts were altered in the course of transmission.<sup>50</sup>

Similarly, while R. B. Searjeant comments on the language and style of the Prophetical documents, stating that “the corpus of letters and treaties of the Prophet's lifetime can be characterized as generally brief, laconic and succinct: this is Arabian Arabic,”<sup>51</sup> and considers the majority of the documents attributed to the Prophet authentic despite inconsistencies in reports of them and occasional “improvement” of the texts, he finds it improbable that the Prophet would send provocative letters to Heraclius and Chosroes when he had not yet mastered even a large part of Arabia. To Serjeant, their standardized contents and ideology make these letters suspicious. Though the letters contain conventional phrases found in the Prophet's letters to the Arabian tribes, the style seems too “sophisticated,” as if phrases were taken from documentary material available to the redactors. Serjeant suggests that these letters were created in the age of the Umayyad Caliph ‘Umar II (99-101/717-20), who is credited with writing to the princes of Transoxiana, the King of Sindh, and the Byzantine Emperor Leo III, to submit to Islam. The Prophetical letters to kings fit into this theme of strengthening the Muslim position against Christians as a universal religion, a polemic contemporary with ‘Umar II (717-720).<sup>52</sup>

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<sup>49</sup> W. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956) 346.

<sup>50</sup> Watt, *Muhammad at Medina*, 41.

<sup>51</sup> R. B. Serjeant, “Early Arabic Prose,” *Cambridge History of Arabic Literature: Arabic Literature to the End of the Umayyad Period* (Cambridge; New York: Cambridge University Press, 1983) 152.

<sup>52</sup> Serjeant, “Early Arabic Prose,” 140-142.

Albecht Noth locates authentic Islamic historical traditions, not by determining the temporal order of the material which has been transmitted, but through developing a chronology of shared thematic concerns in early Islamic historiography. These common features include the conceptualization of the early Islamic state as centralized, the systematization of events, the use of anecdotes, recasting of earlier conquests as religious acts, and listing by name as many persons as possible.<sup>53</sup> Many of these are literary motifs and do not represent actual occurrences, for they recur exactly in varying traditions and events with the names of the actors and places changed. The primary themes of traditions are genuine and original topics of interest, while secondary themes are fictional conceptualizations that involve the recasting of original information belonging to other thematic groups in order to answer questions formulated by later scholars. Documents and letters are literary forms with elements formed by both primary and secondary themes.

Noth's analysis of the redactions of three treaties from the Islamic conquests period reveals the same types of variation as found in the corpus of Prophetic documents. The treaty with Tiflis includes quotation of the Qur'an and a list of witnesses in only one version, and an extra stipulation and clause in another, while "[w]ithin the parts which by and large agree with one another, we find on the one hand verbatim agreement, and on the other hand deviations which are to be attributed to the use of synonyms, to trivial additions and omissions, and to the rendering of (longer) passages in different words (with more or less the same content)." In the treaty with

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<sup>53</sup> Noth, *Early Arabic Historical Tradition*, 7.

Edessa, material differences occur over the type of payment due (specified in money and kind in one redaction, generally in the other), in types of required services, and in details of phrasing with no impact on content.<sup>54</sup> In the treaty with Ibn Saluba, differences occur in the amount of tribute (the longer version has an amount ten times larger than the other), and the inclusion in one version of an extra condition, the names of two extra witnesses, the date, and a different construction of the *dispositio* (legal content).<sup>55</sup>

Noth assumes that the redactions return “however circuitously” to a single written original source. He sees near verbatim agreement and the variants described above as corresponding to an agreement among redactions only in rough outline, indicating a common source which was “corrupted,” and exhibiting “tampering” with entire sections.<sup>56</sup> He does not contest that written documents were produced in the earliest period of Islam, and survived to be used by the traditionists. He writes that “[e]xchanges of letters, as between caliphs and commanders, may very well have occurred in fact. But the letters which our sources have transmitted are not the authentic ones, and may not be cited as proof of the existence of correspondence of this sort.”<sup>57</sup> The original texts remain “barely perceptible after a long process of (most likely oral) transmission, in the course of which they have been subjected to all sorts of changes.”<sup>58</sup> It is the literary use, framing, and shaping of the documents which serve as grounds to reject their historicity. Conclusions on their authenticity and evidentiary

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<sup>54</sup> Noth, 74-75.

<sup>55</sup> Noth, 75.

<sup>56</sup> Noth, 75-76.

<sup>57</sup> Noth, 80.

<sup>58</sup> Noth, 72.

value are based on assumptions of the extreme flexibility due to primarily oral transmission.

Assuming that reliable use of epistolary and chancery formulas can only be achieved by drawing on physical sample texts rather than convention or memory, Noth notes the similarities of the formulae of the conquest-era treaties with the documents attributed to the Prophet.<sup>59</sup> However, he dismisses the possibility of the Prophetic documents serving as a textual model for the *futūḥ* documents, since “Arab armies and the smaller contingents which often accepted the surrender of towns and villages would not have had sample texts with them to use as such literary models, and in any case would not have needed them to formulate the straightforward arrangements under discussion.”<sup>60</sup> While on the one hand arguing that the citation of documents and letters serves narrative and stylistic purposes and has little relation to historical reality, on the other hand Noth states that the use of the epistolary form evinces that to the traditionist who cites the text the written document had a special status as “evidence.”<sup>61</sup> He points out that legal content is provided more often through letters than quoted speeches in the literary sources.<sup>62</sup>

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<sup>59</sup> Noth sees the occasions and basic texts of the Prophetic documents to be authentic. “Very early on in the history of Islam, people could and did express themselves in letters. This emerges from the important correspondence of the Prophet Muhammad, the authenticity of part of which can be contested in a number of details, but not fundamentally” (Noth, *Early Arabic Historical Tradition*, 76).

<sup>60</sup> Noth, 73.

<sup>61</sup> Wansbrough (*The Sectarian Milieu*) also discusses the use and form of documents in the episodic *sīra-maghāzī* narrative. The function of documents here is testimonial, “witness to action as cause and effect” (36). As *sīra-maghāzī* narrative is characterized by informal dialogue, any utterance in a formal register is noticeable. Wansbrough remarks concerning the introductory formula “he wrote,” always used by al-Wāqidī and Ibn Ishāq, that *kataba* gives “to the report a dimension (*scil.* attested, reliable, “official”) not contained in such introductions as ‘he said’ (*qāla*) and ‘he related’ (*ḥaddatha*). Documents, in brief, provided emphasis of a sort not otherwise available” (37).

<sup>62</sup> Noth, 96.

The use of documents in our medieval sources does indeed seem to have a distinct tone highlighting the administrative and legal sphere of the texts. But can documents really be supposed to have served a testimonial function in early Arabic historiography, the written format innately having a more “reliable” form? In her study of the quotation of an Umayyad-era papyrus in Abū ‘Umar Muḥammad b. Yūsuf al-Kindī’s (283–350/897–961) history of the governors and judges of Egypt, the *Kitāb al-‘Umarā’* and *Kitāb al-Quḍāt*, Wadad al-Qadi notes that only in five reports does al-Kindī state that his information is copied from written sources. However, there seems to be nothing remarkable about the reports (two are funny anecdotes) requiring written evidence.<sup>63</sup> All five of the reports share the same isnad: al-Kindī ← Abū l-Qāsim ‘Alī b. al-Ḥasan b. Khalaf al-Azdī (229–312/844–925) ← Abū Zakariyyā Yaḥyā b. ‘Uthmān b. Ṣāliḥ al-Sahmī (210–82/826–96), all known students of each other.<sup>64</sup>

In addition, al-Kindī rejects the use of documentary evidence reported by his teachers in his account of a treaty between the Muslims and the Nubians under the governor ‘Abdāllah b. Sa’d b. Abī Sarḥ after 31/651. Al-Kindī chooses to transmit Ibn Qudayd’s three-line straightforward and skeptical report asserting that “there was no pact (*‘ahd*) between the Egyptians and the blacks; rather there was only a truce (*hudna*), a mutual safe conduct (*amān ba’dinā min ba’d*), whereby we give them some grain and lentils and they give us slaves.”<sup>65</sup> This report contradicts that of Ibn Ṣāliḥ, Ibn Qudayd’s teacher,

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<sup>63</sup> Wadad al-Qadi, “An Umayyad Papyrus in al-Kindī’s *Kitāb al-Quḍāt*?” *Der Islam* 84.2 (2008): 200-245; 231.

<sup>64</sup> Al-Qadi, “An Umayyad Papyrus,” 232.

<sup>65</sup> Al-Qadi, “An Umayyad Papyrus,” 234, citing Abū ‘Umar Muḥammad b. Yūsuf al-Kindī *The Governors and Judges of Egypt, or Kitāb El ‘Umarā’ (El Wulāh) wa Kitāb El Quḍāh of El Kindī* (Leiden: 1912).

which survives not through Ibn Qudayd nor through his student al-Kindī but in the later al-Maqrīzī in his *Kitāb al-mawā‘iẓ wal- i’tibār bi-dhikr al-khiṭaṭ wa l-āthār*. Al-Maqrīzī provides a lengthy account with an elaborate setting asserting that a written pact (*baḡṭ*) was concluded for specific amounts annually of grain, barley, wine, and clothes in return for slaves. Al-Maqrīzī quotes the text of the pact and cites a transmitter who says he took it not from any written book but from Ibn Ṣāliḥ, who narrated it as he had memorized it from his own father ‘Uthmān (often Ibn Ṣāliḥ’s source, even in al-Kindī’s works), who transmitted it in al-Fuṣṭāṭ in the presence of Egypt’s governor ‘Abdāllah b. Ṭāḥir in 211/826, and that Ibn Ṭāḥir found the transmission accurate to the letter when compared with the text of the actual pact “in the archives (*dīwān*) [kept] outside the grand mosque of al-Fuṣṭāṭ.” Ibn Qudayd chose not to transmit this account in favor of the skeptical report from a unique and particularly strong source, the Egyptian scholar and son of a Nubian prisoner of war, Yazīd b. Abī Ḥabīb (53-128/672-745), thus basing his choice on transmitter-criticism.<sup>66</sup>

Wadad al-Qadi concludes that the letter from the Director of Finance to the bursars of the treasury for an advance salary to the Egyptian judge al-Jayshānī in 131/749, quoted in full by al-Kindī, was actually seen and copied by al-Kindī. Why al-Kindī copies the document remains unclear, since he is capable of ignoring documentary evidence from his frequent authority in favor of a more “prosaic” skeptical report. In any case, al-Qadi concludes, al-Kindī probably used more documentary sources than he mentions

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<sup>66</sup> Al-Qadi, “Umayyad Papyrus,” 232-35.

explicitly, as indicated by his use of technical terminology shared with surviving documents on papyri and some unique information based on census and land surveys.<sup>67</sup>

The case of al-Maqrīzī's account of Ibn Ṣāliḥ's report calls into question how accurate it is to assume that written documents carry evidentiary value in early Arabic historiography, or that these documents functioned and were transmitted solely through written transmission based on notions of "originals" and "copies." In al-Maqrīzī's text, the pact with the Nubians is transmitted by two subsequent tradents through recitation based on (verbatim?) memorization, with the original tradent (Ibn Ṣāliḥ's father 'Uthmān) transmitting the document through public recitation based on memory while undergoing a (simultaneous?) public checking against the physical document. Thus its primary mode of preservation and performance is through memory and recitation and not through reading out of a document that was extant and accessible. The checking also may not be literally word for word but based on a scanning of the contents of the text by the political authority, the governor of Egypt.

Modern editions of the "letters" ascribed to the Prophet include Aloys Sprenger's *Das Leben und die Lehre des Mohammad* (1869), Julius Wellhausen's *Skizzen und Vorarbeiten* (1889), and Leone Caetani's *Annali dell'Islam* (1905),<sup>68</sup> which summarize the texts of the Prophetic documents, drawing primarily on the chapters on the letters and tribal delegations in the *Kitāb al-Ṭabaqāt* of Ibn Sa'd (d. 230/845). Most significantly,

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<sup>67</sup> Al-Qadi, "Umayyad Papyrus," 242-43.

<sup>68</sup> Julius Wellhausen, *Skizzen und Vorarbeiten* Vol 2 (Berlin: Druck und Verlag von Georg Reimer, 1889). Aloys Sprenger, *Das Leben und die Lehre des Mohammad* vol 1 (Berlin, Nicolaische verlagsbuchhandlung, 1869). Leone Caetani, *Annali dell'Islam* Vols 1-3 (Milano: U. Hoepli, 1905-).

Muhammad Hamidullah has collected letters and other documents attributed to the Prophet and the first four Caliphs in French and Arabic editions. In his *Corpus des traités diplomatiques de l'Islam à l'époque du prophète et des khalifes orthodoxes* Hamidullah collects in French translation 217 texts or summaries of documents from the Prophet, with a brief introduction on the problem of authenticity, providing eight aspects for an analysis of the texts: language, vocabulary, style, subject matter, completion by editors, length, arbitrary corrections, and editorial interpolations.<sup>69</sup>

In his Arabic work, *Majmū'at al-wathā'iq al-siyāsīya lil-'ahd al-nabawī wa-l-khilāfa al-rāshida*, Hamidullah provides the texts of and references to 246 documents attributed to the Prophet. He argues, as does Michael Lecker,<sup>70</sup> that medieval collectors obtained their *riwāyāt* (narrations) of the documents mostly from the families of the documents' recipients.<sup>71</sup> Hamidullah is interested in administrative information provided by the documents, positing that the reason for a turn to writing in the Medinan period of the Prophet's career (1-10/622-632), from which most of the documents originate, was the increasing centralization of power and relations with foreign rulers.<sup>72</sup> He adds some points on the issue of authenticity, expanding on his observations in the French edition.

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<sup>69</sup>Muhammad Hamidullah, *Corpus des traités diplomatiques de l'Islam à l'époque du prophète et des khalifes orthodoxes* (Paris: G.-P. Maisonneuve, 1935).

<sup>70</sup>Michael Lecker, "The Preservation of Muhammad's Letters" In *People, Tribes and Society in Arabia around the Time of Muhammad* (Ashgate: Variorum, 2005).

<sup>71</sup>Muhammad Hamidullah, *Majmū'at al-wathā'iq al-siyāsīya lil-'ahd al-nabawī wa-al-khilāfa al-rāshida* (Cairo: Matba'at Lajnat al-Ta'līf wa-al-Tarjamah wa-al-Nashr, 1956), 11.

<sup>72</sup>Hamidullah, *Wathā'iq*, no. 10.

Hamidullah also published a paleographical analysis of the supposed originals of six letters of the Prophet. He undertakes a painstaking reconstruction of the path of the manuscripts in the modern era and a visual inspection of each, observing an archaic orthography in some. For example, the double *yā'* or *tā'* curve in the letter to the Negus of Abyssinia,<sup>73</sup> is also seen in the script of the Qur'an.<sup>74</sup> Hamidullah argues that a forger would not likely employ the grammatical and orthographic peculiarities found in the manuscripts, considered errors according to today's usage, for fear of offending potential buyers. This leads him to conclude that although these characteristics cannot be taken so far as to affirm the authenticity of the manuscripts, such idiosyncrasies argue more on the side of their historicity. That is, though they may not be positively traced to the Prophet's lifetime, these documents may be much older than the modern forgeries they are assumed to be.<sup>75</sup>

While Hamidullah does not deal extensively with the transmission of the Prophetic documents, Michael Lecker takes up this issue in his article covering Ibn Sa'd's chapters on the letters and tribal delegations, and in his monograph on the Banū Sulaym tribe. Lecker's article argues that the principle tradents in Ibn Sa'd's *isnāds* were his, probably written, sources for the collections of the letters, which they themselves obtained from "fieldwork" among tribal informants,

because those who kept the letters for posterity in the first place were not historians. We usually owe the preservation of the extant letters of the Prophet not to the Prophet's "chancery" but to the fact that they became an important component of the historical tradition of the relevant families and tribes.

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<sup>73</sup> Muhammad Hamidullah, *Six originaux des lettres du Prophète de l'islam : étude paléographique et historique des lettres du Prophète* (Paris: Tougui, 1985) 128-133.

<sup>74</sup> 51:47 where *bi-ayd* is written *bi-ayyd*.

<sup>75</sup> Hamidullah, *Six originaux*, 214.

Lecker notes that these individuals are usually not found in the medieval genre of *rijāl* literature, biographical dictionaries which focus on transmitters of interest to the major ḥadīth collections that usually exclude tribal traditions whose isnāds fall short of the standard for ḥadīth transmission.<sup>76</sup> In his book on the Banū Sulaym, Lecker undertakes identification of the individual recipients of the Prophet's letters and grants to this tribe through use of Arabic geographical and genealogical texts.<sup>77</sup>

In these editions of the Prophetic documents they have primarily been assessed for function and authenticity based on semantic content alone. Yet the medieval sources can tell us much more beyond simply attesting the authenticity or historicity of these texts. This study will describe the mechanics of the oral-written interface as evinced by the Prophetic documents considered as artifacts, but not in order to attribute oral and written transmission methods to a particular era or textual layer; that is, not in order to recover an archetypal text through textual criticism. This investigation into the oral and written aspects of redaction ultimately concerns an element of culture as represented through the interlacing of media and (individual and collective) memory. José van Dijk explores a contradiction in modern studies of culture and technology that is also exhibited in discussions of early Islamic textual tradition: "On the one hand, media are considered aids to human memory, but on the other hand, they are considered as a threat to the purity of remembrance."<sup>78</sup> Short-circuiting the moral undertones of many modern discussions on pre-print societies, van Dijk's concept of

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<sup>76</sup> Lecker, "The Preservation of Muhammad's Letters," 22.

<sup>77</sup> Michael Lecker, *The Banu Sulaym: A Contribution to the Study of Early Islam* (Jerusalem: The Hebrew University of Jerusalem, 1989).

<sup>78</sup> José van Dijk, *Mediated Memories in the Digital Age* (Palo Alto: Stanford UP, 2007) 15.

twenty-first century private media collections as “mediated memories” emphasizes “the *mutual shaping* of memory and media.”<sup>79</sup>

This study will show that there was a cultural significance itself in the composition, transmission, and reception of the Prophetical documents, particularly in their character as mobile texts, and that these successive acts were perceived by “the people who belong to the text”<sup>80</sup> as retaining and acquiring meanings rather than losing them. The Prophetical documents do not signify as much as transmit private contact and identity. The question of writing and Prophetical documents, which have been predominantly studied within arguments on the authenticity of the sources or the origins of institutions and early dogma, here becomes an investigation of these traditions as evidence for how oral tradition intersects with written information and techniques of material preservation.

#### 1.4 Sources for the Prophetical documents

Hamidullah in his *Majmū‘at al-wathā‘iq* has provided a collection of texts, with their variants, of the Prophetical documents from medieval Islamic sources. I will be using his collection and investigating works he has not used. The primary sources for the redactions of the documents include Ibn Hishām’s redaction of the *Sīra* of Ibn Ishāq (d. c. 150/767), the biographical dictionary, *Kitāb al-Ṭabaqāt*, of Ibn Sa‘d (d.230/845), legal manuals on taxation, *Kitāb al-Kharāj* by Abū Yūsuf Ya‘qūb b. Ibrāhīm (d. 182/798) and *Kitāb al-Amwāl* by Abū ‘Ubayd al-Qāsim b. Sallām (d. 224/838 ), ḥadīth collections,

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<sup>79</sup> van Dijk, *Mediated Memories*, 2.

<sup>80</sup> Jerome McGann’s review of McKenzie’s *Bibliography and the Sociology of Texts*, “Theory of Texts,” *London Review of Books* vol. 10, no. 4 (Feb. 18, 1988)

the *Musnad* of Aḥmad b. Ḥanbal (d. 241/855), *Sunan* of Abū Dāwūd al-Sijistānī (d. 275/889), and *Ṣaḥīḥ* of Muḥammad b. Ismāʿīl al-Bukhārī (d. 870 CE) and of Muslim b. Hajjaj (261/874-5CE), a history of Medina, *Tārīkh al-Madina al-Munawarra*, by ʿUmar b. Shabba (d. 262/878) (not used by Hamidullah), Aḥmad b. Abī Yaʿqūb al-Yaʿqūbī's (d. 284/897) history, the *Tārīkh*, the annalistic history of Muḥammad ibn Jarīr al-Ṭabarī (d. 310/923), *Tārīkh al-rusul wa al-mulūk*, and the chancery manual, *Ṣubḥ al-Aʿshā*, of Mamluk secretary Aḥmad b. ʿAlī al-Qalqashandī (d. 791/1389).

### 1.5 Chapter outline

Chapter Two of this dissertation, *Textual witnesses: range of variation*, presents the texts and types of variants found in a number of redactions of a selection of documents attributed to the Prophet. This chapter discusses the implications of variation and textual transmission for early Arabic historiographical processes. Chapter Three, *Transmission: the documents as ḥadīth*, examines the Prophetic documents as aspects of manuscript culture, focusing on discussion on the nature and practices of transmission by the traditionists themselves, drawing on a core of ʿulūm al-ḥadīth works. This chapter explores sets of determining criteria for variation as indicating modes of transmission. Chapter Four, *Administrative, legal, and epistolary formularies*, enlarges the context of the Prophetic documents beyond literary redaction to chancery and epistolary tradition. This chapter explores the correspondences in formulae within the corpus of Prophetic documents as well as locating parallels in documentary evidence from neighboring (mostly Semitic-language) traditions and finally discusses any indications these conventions give regarding definitions and levels of literacy in these

cultures. Chapter Five, *The documents as sacred objects*, conducts a paleaographical study of the pseudo-originals of a number of Prophetical documents on leather and examines the limited success of these objects as Prophetical relics in the modern age. Chapter Six, *Audience, readers/interpreters, and messengers*, examines the narrative content of the reports on the Prophetical documents with an interest in exploring mentions of their media and the professions associated with them. This chapter illuminates the roles of the readers and messengers associated with the Prophetical documents through their parallels with documentary and literary Semitic-language sources on the reception of letters in the antique world.

This study of the documents attributed to the Prophet Muḥammad will show that an intense overlap exists between oral and written modes of transmission of early Islamic material. Techniques of redaction, including preference for or laxity concerning verbatim reproduction, cannot be definitively divided between those belonging to oral and to written methods. Terminology concerning oral and written sources must be carefully extracted from definitions dependent on modern sensibilities. The essential written nature of *kitāb*, or the translation of *qara'a* as reading or recitation of a written support, can be challenged based on the uses of these terms in the sources. In addition, the variation in the redactions of the Prophetical documents, their formulaic content and layout, and the scribal practices influencing their transmission are not unique to early Islam but find direct parallels in written practices of other (mostly Semitic) languages from the late antique world.

Transmission methods are in part determined by cultural definitions of the essential as well as of truth-value (particularly, the usefulness of the literal truth of a statement, that is, whether or not it can be held to “correctly” represent the speaker). Does this truth involve the reproduction of the exact words of a statement, the identities of those persons involved in an account and its transmission, or the currency and resonance of the initial experience with the present audience? Both oral and written texts thus have a level of display and performance that determines the (authentic and accepted) shaping of the text. The intersecting use of oral and written modes of transmission in the traditions of the Prophetic documents challenges notions of the fixity of written documents as opposed to the supposed fluidity of oral communication.

## CHAPTER II: Textual witnesses: range of variation

### 2.1 Variation in a select group of Prophetic documents

This chapter will present the following information for a selection of documents attributed to the Prophet. 1) The narrative context where significant in each redaction and any historiographical concerns based on the reports. 2) A collation of textual witnesses revealing variants keyed by location in a formulary. Decisions on designating clauses are guided by the formulae and structure of the documents (new clauses tend to begin in the same way, for example, introduced by a series of the particle *wa-inn* or connector *wa*). Rather than listing only the variants, each redaction's version of the clause will be presented in its entirety. This takes into account such concerns as Bernard Cerquiglini's, that the listing in the critical apparatus of variants to a chosen manuscript delimits meaning by not providing the syntax, leaving variants defined according to classical morphology, "blind to the movements of the text."<sup>81</sup> The redactions will be presented from the earliest to latest chronologically. ~~Strikethrough~~ indicates a redaction's exact agreement with the first source. *Om.* indicates that the clause is entirely omitted in the redaction. Note that terminology such as "addition," "omission," or "change" is meant to be neutral and does not suggest directionality, since neither text is considered original or most ancient. 3) A summary of the types of variants found. 4) Tables appended to this dissertation provide the texts of the

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<sup>81</sup> Cerquiglini, *In Praise of the Variant*, 74.

redactions of each document as found in the group of sources listed below, omitting the punctuation and layout provided in the printed editions of the Arabic texts.

Differences in layout among redactions will be noted in the description of each document in this chapter. The tables will include those reports that are paraphrases for the sake of comparison. Introductory and concluding remarks in the narrative are included (given in italics font, but not considered in the collation of witnesses in order to identify variants).

### 2.1.1 The redactors

The sources for the redactions presented in this chapter include Muḥammad b. ‘Umar al-Wāqidī’s (d. 207/822) work on the Prophet’s military campaigns, the *Kitāb al-Maghāzī* (Wa);<sup>82</sup> Ibn Hishām’s (d. 213/828 or 218/833) redaction of the biography (*Sīra*) of the Prophet by Ibn Ishāq (d. ca. 150/767) (IH);<sup>83</sup> legal manuals on taxation, *Kitāb al-Kharāj* by Abū Yūsuf Ya‘qūb b. Ibrāhīm (d. 182/798) (AY)<sup>84</sup> and *Kitāb al-Amwāl* by Abū ‘Ubayd al-Qāsim b. Sallām (d. 224/838) (AU);<sup>85</sup> the chapters on the letters of the Prophet and on the delegations to the Prophet in the biographical dictionary *Kitāb al-Tabaqāt*, of

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<sup>82</sup> Al-Wāqidī was an expert of early Islamic history. He settled in Baghdad and served as qāḍī (judge) under the caliphs Ḥārūn al-Rashīd and al-Ma‘mūn. This edition of the *Maghāzī* is based on a copy of a redaction made by Muḥammad b. al-‘Abbās Ibn Ḥayyawayh (d. 382/992).

<sup>83</sup> Ibn Ishāq was one of the earliest Medinan authorities on the *sīra* of the Prophet. ‘Abd al-Malik Ibn Hishām, who settled in Egypt, was a scholar of the Prophet’s life, Arab genealogy, and Arabic grammar. His redaction of Ibn Ishāq’s *sīra* work is based on Ziyād al-Bakkāī (d. 183/799)’s transmission from Ibn Ishāq.

<sup>84</sup> Abū Yūsuf’s is the earliest surviving legal manual of the *kitāb al-kharāj* type. His work exemplifies a “sharī‘a consciousness” through frequent reference to reports (often accompanied with isnāds) of the practices of the Prophet and his Companions as sources for law. Abū Yūsuf recognizes the use of written records (*tadwīn*) in administration as an innovation of the second caliph ‘Umar b. al-Khaṭṭāb (d. 20/644), but as sanctioned by a statement of the Prophet (*Kitāb al-Kharāj* #2962). Paul L. Heck *The Construction of Knowledge in Islamic Civilization: Qudāma b. Ja‘far and his Kitāb al-Kharāj wa-Ṣinā‘at al-Kitāba* (Leiden: Brill, 2002) 170-73. Abū Yūsuf studied ḥadīth and law under Abū Ḥanīfa, Mālik b. Anas, and al-Layth b. Sa‘d and served as qāḍī in Baghdad.

<sup>85</sup> Abū ‘Ubayd was a scholar of grammar, ḥadīth, fiqh (jurisprudence), and the Qur’an. In 192/807 he was appointed qāḍī of Ṭarsūs, and was later patronized in Baghdad by ‘Abd Allāh b. Ṭāhir.

Muḥammad Ibn Sa'd (d. 230/845) (IS);<sup>86</sup> Aḥmad b. Yaḥyā al-Baladhūrī's (d. ca. 892) history of the Muslim conquests, *Futūḥ al-Buldān* (Ba);<sup>87</sup> Aḥmad b. Abī Ya'qūb al-Ya'qūbī's (d. after 292/905) history, the *Tārīkh* (Ya);<sup>88</sup> the annalistic history of Muḥammad b. Jarīr al-Ṭabarī (d. 310/923), *Tārīkh al-rusul wa-l-mulūk* (Ta);<sup>89</sup> the later biographical dictionaries of 'Izz al-Dīn Ibn al-Athīr (d. 630/1233), *'Usd al-Ghāba fī Ma'rifat al-Ṣaḥāba* (IA)<sup>90</sup> and Aḥmad b. 'Alī Ibn Ḥajar al-'Asqalānī (d. 852/1449), *Al-Isāba fī Tamyīz al-Ṣaḥāba* (IHj);<sup>91</sup> Yāqūt al-Rūmī's (d. 626/1229) geographical dictionary, *Mu'jam al-Buldān* (Yt);<sup>92</sup> the chancery manual, *Ṣubḥ al-a'shā fī ṣinā'at al-inshā'* of Mamluk secretary Aḥmad b. 'Alī al-Qalqashandī (d. 791/1389) (Ql);<sup>93</sup> Aḥmad b. 'Alī b. 'Abd al-Qādir al-Maqrīzī's (d. 845/1442) biographies of the Prophet, *Imtā' al-asmā'* and of Tamīm al-Dārī, *Ḍaw' al-sārī*

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<sup>86</sup> Ibn Sa'd studied under al-Wāqidī and Hishām Ibn al-Kalbī, his sources for much of the material in the *Kitāb al-Ṭabaqāt*. His work is the earliest source used by al-Ṭabarī that survives in full, who quotes the *Ṭabaqāt* from his teacher al-Ḥārith b. Abī Usāma (186-282/802-895) (Ghada Osman, "Oral Vs. Written Transmission: The Case of Ṭabarī and Ibn Sa'd" *Arabica* 48/1 (Jan. 2001) 68, 70-71).

<sup>87</sup> Al-Baladhūrī studied with al-Madā'inī, Ibn Sa'd, and Muṣ'ab al-Zubayrī. The *Futūḥ al-Buldān* probably abridges but remains faithful to his sources (C. H. Becker, "al-Baladhūrī, Aḥmad b. Yaḥyā b. Ḍjābir b. Dāwūd." *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs (Leiden: Brill, 2009)).

<sup>88</sup> Al-Ya'qūbī, historian and geographer, was born in and trained as a secretary in Baghdad, later going on to serve under the Jāhirids in Khurasān.

<sup>89</sup> Al-Ṭabarī, settled in Baghdād, was a scholar of ḥadīth, fiqh, Qur'anic exegesis, and history. He seems to have never accepted an official post. The *Tārīkh* makes use of earlier authorities in its presentation of parallel accounts of events, including al-Zuhrī, Abū Mikhnaf, al-Madā'inī, Sayf b. 'Umar, Naṣr b. Muzāḥim, 'Umar b. Shabba, Ibn Ishāq, Ibn Sa'd, al-Wāqidī, and Ibn Abī Ṭāhir Ṭayfūr.

<sup>90</sup> Ibn al-Athīr was born and educated in Mosul. His major work is the chronicle, *al-Kāmil fī l-Ta'rīkh*, which ends with the year 1231.

<sup>91</sup> Ibn Ḥajar was a Shāfi'ī imam and muḥaddith, held many professorships in his time and was the chief qāḍī of Egypt. He wrote on ḥadīth, history, biography, Qur'anic exegesis, poetry, and Shafi'ī jurisprudence.

<sup>92</sup> Yāqūt was based in Aleppo, and had several patrons including the wazīr of Aleppo, Ibn al-Qiftī.

<sup>93</sup> Al-Qalqashandī was a Shāfi'ī scholar and secretary in the Mamluk chancery in Cairo. His manual traces several genres of administrative document, including the *'ahd* (contract in general, also between caliph and successor (sultan), or of appointment) and the *amān* (guarantee of safe-conduct for tribes or individuals, for foreigners in Islamic territory and later for Muslims) (C.E. Bosworth, "al-Qalqashandī." *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs (Leiden: Brill, 2009)).

(Ma);<sup>94</sup> and Aḥmad b. Muḥammad al-Qaṣṭallānī's (d. 901/1495-6) history of the Prophet, *al-Mawāhib al-laduniyya fī-l-Minaḥ al-Muḥammadiyya* (Qs).<sup>95</sup>

Works devoted to the “letters” of the Prophet and the tribal delegations to him return to the earliest surviving layer of Arabic historiography, and several works have been lost.<sup>96</sup> The group of sources in this chapter has been selected based on their inclusion of quotations of several of the Prophetic documents and their representing a range of literary genres and time periods.

### 2.1.2 Types of variation

The following presentation cannot be a comprehensive display of variants, as a number of variants may be found in multiple manuscript copies of each source. Thus this chapter is not representative of the extent of variation possible even in this group of Arabic sources. However this presentation attempts a systematic selection for a sample representative of the range of variation found in different genres of document. The documents presented here are categorized by genre according to internal terminology or the terminology of the historical report in which they occur. The presentation

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<sup>94</sup> Al-Maqrīzī held several administrative positions in Egypt and Syria, and authored a number of historical works.

<sup>95</sup> Al-Qaṣṭallānī was a Cairene muḥaddith and theologian, best known for his commentary on the *Ṣaḥīḥ* of al-Bukhārī.

<sup>96</sup> Ibn Sa'd's sources return to the second half of the second/eighth and beginning of the third/ninth centuries and indicate that several, now lost, works were compiled, most prominently by al-Madā'inī and Ibn al-Kalbī, on the letters of the Prophet and tribal delegations (Lecker “Preservation” 4). To Ibn al-Kalbī is attributed a *Kitāb al-Wufūd* (*Book of Delegations*). Based on the bibliographical listing by Ibn al-Nadīm in his *Fihrist*, al-Madā'inī wrote several now lost works whose titles are given as: *kitāb 'uhūd al-nabī*, *kitāb rasā'il al-nabī*, *kitāb kutub al-nabī ṣ ilā l-mulūk*, *kitāb iqṭā' al-nabī ṣ*, *kitāb ṣulḥ al-nabī ṣ*, *kitāb al-khātam wa-l-rusul*, *kitāb al-wufūd*, *kitāb man kataba lahu l-nabī ṣ kitāban wa-amānan* (Lecker “Preservation” 18-19 n. 103). In addition, al-Haytham b. 'Adī's lost *Kitāb al-Wufūd* may be quoted in Abu Zayd 'Umar b. Shabba, *Tārīkh al-Madīna al-Munawwara*, 4 vols. Fahim Muhammad Shaltut, ed. (Jedda: Dar al-Asfahani, [1979?]) II: 537 (Lecker “Preservation” 19 n. 103).

makes clear that variants occur within the template/formulary, rather than as to the template.

### 2.1.3 Categories of document

#### 2.1.3.1 Treaties/contracts, documents referred to as ‘ahd or *ṣulḥ*

##### 2.1.3.1.1 (Wathā’iq 11) *Ḥudaybiya (ṣulḥ)*

In an expedition of 6/628 intending to perform the pilgrimage the Prophet halted outside of Mecca and negotiated a truce of ten years with the Quraysh. The provisions were that the Muslims be allowed to perform the Hajj in the following year, that the Prophet return any of the Quraysh who had fled to him without their guardians’ permission, and that all other tribes were free to enter into alliances with either the Quraysh or Muḥammad. Most accounts of the treaty include explication of the resistance on the Qurayshi side to use of the invocation “In the name of God the Beneficent, the Merciful” and Muḥammad’s title “Prophet of God” in the document.

Ibn Hishām has the whole text. There is no witness list or scribal clause within the document. These names are found later in the report, introduced by the formula, “When the Prophet of God *ṣl’m* finished with the document men from among the Muslims and from among the polytheists witnessed to it,” followed by names, ending with “and ‘Alī b. Abī Ṭālib and he wrote and he was the scribe of the document [*wa-‘Alī b. Abī Ṭālib wa-kataba wa-kāna huwa kātib al-ṣaḥīfa*].”<sup>97</sup>

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<sup>97</sup> Ferdinand Wüstenfeld, *Das Leben Muhammed's nach Muhammed ibn Ishāk bearbeitet von Abd el-Malik ibn Hishām* 2 vols. (Gottingen: Dieterich, 1858-1860) 748-749.

Al-Wāqidī has a lengthened story on the erasure of the basmala and the title of the Prophet. According to his note following his quotation of the document, his list of witnesses' names was included in the body of the document.<sup>98</sup>

Abū Yūsuf has a short summary of the document, including direct quotations from individuals concerning discussion over its phrasing (the basmala and the Prophet's title), followed by a short excerpt, followed by direct quotations, rather than a clause in the document, of the Prophet and the Quraysh announcing that "anyone who has entered with me/us upon him will be the like of my/our conditions."<sup>99</sup>

Abū 'Ubayd has three reports on the document in his chapter on *ṣulḥ* and *muhādana* between Muslims and *mushrikīn* (polytheists) for a certain period. The first returns to 'Urwa b. al-Zubayr and gives a summary of the clauses. The second is from al-Miswar b. Makhrama and Marwān b. al-Ḥakam, a short paraphrase of the conditions given in the second person. The third is from al-Barā'a b. 'Āzib, a summary followed by mention of the scribe, followed by quotation of a compact form of the text without witnesses or scribal clause.<sup>100</sup>

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<sup>98</sup> Muḥammad b. 'Umar al-Wāqidī, *Kitāb al-Maghāzī* ed. Marsden Jones (Oxford: Oxford UP, 1996) II: 612.

<sup>99</sup> Abū Yūsuf Ya'qūb b. Ibrāhīm, *Kitāb al-Kharāj* (Cairo: Maktabat al-Azhariyya lil-turāth, 1420/1999) 22.

<sup>100</sup> Abū 'Ubayd al-Qāsim b. al-Sallām, *Kitāb al-Amwāl* (Cairo: Maktabat al-kuliyyāt al-Azhariyya, 1388/1968) 230-33.

Al-Ya‘qūbī quotes the dialogue over writing the basmala and the address, followed by a paraphrase of the document. According to his report, ‘Alī puts the *kitāb* in the hand of Suhayl b. ‘Amr of the Quraysh at the end.<sup>101</sup>

Al-Ṭabarī’s first report returns to ‘Alī. The document is quoted and later in the report a list of witnesses and the scribe named. The second report paraphrases the document and returns to al-Barā’a. This report includes ‘Alī’s objection to erasing the Prophet’s title and the Prophet taking the document and rewriting the address himself.

Al-Maqrīzī has a quotation of the document, with the final clause featuring a change in grammatical person so it is uncertain whether it is meant to be included in the quotation. A list of witnesses and the scribe immediately follows. According to his report, the document is not handed over to Suhayl but the issue of original versus copy is made explicit. The document is copied and the Prophet keeps the original.<sup>102</sup>

Al-Qalqashandī has the text as a prototype of a *muhādana* document with the *ahl al-kufr*. A long ḥadīth returning to ‘Urwa b. al-Zubayr on disagreement over the phrasing of the opening of the document is taken from al-Bukhārī’s *Ṣaḥīḥ*. A scribe, *kātib*, is referred to but no name given. Al-Qalqashandī ends this account with a note that such is the account in al-Bukhārī, while the experts of the *sīra* provide the information that the scribe was ‘Alī, and introduces the (abbreviated version) of the text of the document with the phrase, *wa an nasakhtuhu l-kitāb* (“Here I have copied the

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<sup>101</sup> Aḥmad b. Abī Ya‘qūb al-Ya‘qūbī, *Tārīkh* (Beirut: Dār ṣādir lil-ṭibā’a wa-l-nashr, 1379/1960) II: 54-55.

<sup>102</sup> Aḥmad b. ‘Alī al-Maqrīzī, *Imtā’ al-asmā’* (Cairo: 1941) I: 296-98.

document”).<sup>103</sup> The quotation is followed by a statement that the treaty was witnessed by a number of men from among the Muslims and the polytheists, *wa ushhidu fī l-kitāb ‘alā l-ṣulḥ rijālan min al-muslimīn wa-l-mushrikīn.*<sup>104</sup>

Collation of witnesses [Table 1]:

(1. Basmala)

باسمك اللهم  
IH, AU3, Ṭ1, Ṭ2, Ql om.  
Ma

(2. address)

هذا ما صالح عليه محمد بن عبد الله سهيل بن عمرو IH  
هذا ما اصطاح عليه محمد بن عبد الله و سهيل بن عمرو Wa  
هذا ما قاضى عليه محمد بن عبد الله اهل مكة AU3  
هذا ما صالح عليه محمد بن عبد الله سهيل ابن عمرو Ṭ1  
هذا ما قاضى عليه محمد Ṭ2  
هذا ما قاضى عليه محمد بن عبد الله سهيل بن عمرو-Ql  
Ma

(3. clause 1)

يامن فيهن الناس و يكف بعضهم عن بعض اصطاحا على وضع الحرب عن الناس عشر سنين IH  
يامن فيها الناس و يكف بعضهم عن بعض عمرو اصطاحا على وضع الحرب عشر سنين Wa  
يامن فيهن الناس و يكف بعضهم عن بعض عمرو اصطاحا على وضع للحرب عن الناس عشر سنين Ṭ1  
و على وضع الحرب عن الناس عشر سنين Ql  
AU3, Ṭ2 om.  
Ma

(4. clause 2)

على انه لا اسلال ولا اغلال و ان بيننا عيبة مكفوفة Wa  
IH, AU3, Ṭ1, Ṭ2, Ql om.  
Ma

(5. clause 3)

و انه من احب ان يدخل في عهد محمد و عقده فعل و انه من احب ان يدخل في عهد قريش و عقدها فعل Wa  
و انه من احب ان يدخل في عقد محمد و عقده دخل فيه و من احب ان يدخل في عقد قريش و عقدهم دخل فيه Ql  
IH, AU3, Ṭ1, Ṭ2 om.  
Ma

(6. clause 4)

<sup>103</sup> Reference to a *nuskha* may not refer to a copy of a written original but serve as a formulaic introduction of quoted or inserted material. Ambiguity remains over whether to vocalize this term as a verb or as a noun (*nuskha*) in the narrative introductions of these documents. *Nuskha* refers to a copy, transcript, recension, or variant in the manuscript tradition and may also be noted in-text with an abbreviation (Adam Gacek, *The Arabic Manuscript Tradition: A Glossary of Technical Terms and Bibliography* (Leiden: Brill, 2001) 139-140.

<sup>104</sup> Aḥmad b. ‘Alī al-Qalqashandī, *Ṣubḥ al-A’shā ‘fī sina’at al-anṣhā’* 14 vols (Cairo: al-Mu’assasah al-Miṣrīyah al-‘Āmmah lil-Ta’līf wa-al-Tarjumah wa-al-Ṭiba’ah wa-al-Nashr, 1964) XIV: 4-6.

على انه من اتى محمدا من قريش بغير اذن وليه رده عليهم IH  
 و انه من اتى محمدا منهم بغير اذن وليه رده اليه Wa  
 AU3, T2 om.

على انه من اتى رسوا الله من قريش بغير اذن وليه رده عليهم T1  
 و انه من اتى محمدا منهم بغير اذن وليه رده محمد اليه Ma

(7. clause 5)

و من جاء قريشا ممن مع محمد لم يردوه عليه IH  
 و انه من اتى قريشا من اصحاب محمد لم ترده Wa  
 AU3, T2 om.

و من جاء قريشا ممن مع رسول الله لم ترده عليه T1  
 و انه من اتى قريشا من اصحاب محمد لم يردوه Ma

(8. clause 6)

و ان بيننا عيبة مكفوفة IH  
 و ان محمدا يرجع عنا عامه هذا باصحابه و يدخل علينا قابل في اصحابه فيقيم ثلاثا Wa  
 AU3, T1 om.

و ان بيننا عيبة مكفوفة T1  
 و ان محمدا يرجع عنا عامه هذا باصحابه و يدخل علينا من قابل في اصحابه فيقيم بها ثلاثا Ma

(9. clause 7)

و انه لا اسلال و لا افلال IH  
 لا يدخل علينا بسلاح الا سلاح المسافر السيوف في القرب Wa  
 مكة على ان لا يدخل مكة بسلاح الا السيوف في القرب AU3  
 و انه لا اسلال و لا اغلال T1  
 لا يدخل مكة بالسلاح الا السيوف في القرب T2  
 Ma

(10. clause 8)

و انه من احب ان يدخل في عقد محمد و عهده دخل فيه و من احب ان يدخل في عقد قريش و عهدهم دخل فيه IH  
 T1  
 و انه من احب ان يدخل في عقد رسول الله و عهده دخل فيه و من احب ان يدخل في عقد قريش و عهدهم دخل فيه  
 Wa, AU3, T2, Ma om.

(11. clause 9)

و ان لا يخرج من اهلها باحد اراد ان يتبعه و لا يمنع احدا من اصحابه اراد ان يقيم بها AU3  
 Wa, IH, T1, Ma om.  
 و لا يخرج من اهلها باحد اراد ان يتبعه و لا يمنع احدا من اصحابه اراد ان يقيم بها T2

(12. witness clause)

Wa  
 شهد ابو بكر بن ابي قحافة و عمر بن الخطاب و عبد الرحمن بن عوف و سعد بن ابي وقاص و عثمان بن عفان  
 و ابو عبيدة بن الجراح و محمد ابن مسلمة و حويطب بن عبد العزى و مكرز بن حفص بن الخيف  
 IH, AU3, T1, T2, Ma om.

(13. scribal clause)

و كتب ذلك على صدر هذا الكتاب Wa  
 IH, AU3, T1, T2, Ma om.

Variants found: *basmala* omission of *basmala*; address difference in operative verb;

difference in addressee (personal name vs. people of town); omission of addressee;

*clause 1* use of feminine singular or plural pronoun for non-human plural; abbreviated version of clause with same phrasing; *clause 2* later positioning of entire clause; *clause 3* later positioning of entire clause; reversal of words used for reference to pact; repeated use of operative verb with preposition; *clause 4* reference to group by name or pronoun; repetition or omission of particle and pronoun; repeated mention or omission of subject; *clause 5* use of second- versus third-person of operative verb; verb replaced with synonym; noun replaced with synonym; *clause 6* additional clause concerning time period of truce; *clause 7* specifying place; addition or omission of defining weapons; *clause 8* reference to Prophet with title or given name only; *clause 9* omission of conditional particle (*in*); omission of clause; *witness clause and scribal clause* omission.

#### 2.1.3.1.2 (Wathā'iq 190) Ukaydir and Ahl Dūmat al-Jandal ('ahd; ṣulḥ; amāna)

Dūmat al-Jandal is an oasis at the head of Wādī Sirḥān, linking central Arabia and mountains of Ḥawrān and Syria, en route between Damascus and Medina.<sup>105</sup>

Ibn Sa'd's report returns to al-Wāqidī. The text is followed by al-Wāqidī's explication of the taxes and terminology. Al-Wāqidī read and copied the document from an old man of Dūma (*wa-akhadhtu minhu nuskhatahu*).<sup>106</sup>

Abū 'Ubayd's report gives the material support of the document as "white leather," and that he copied it, with the phrase, *ḥarfān bi-ḥarfīn* ("letter by letter").

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<sup>105</sup> Al-Ṭabarī, *The History of al-Ṭabarī, Vol IX: The Last Years of the Prophet* Trans. and ed. Ismail K. Poonawala (Albany: SUNY Press, 1990) 58 n. 412.

<sup>106</sup> Muḥammad b. Sa'd *al-Tabaqāt al-Kabīr* (Leiden: E. J. Brill, 1904-40) I/ii: 36.

Terminology in the text calls it *'ahd* and *mīthāq*.<sup>107</sup> Michael Lecker points out that while Abū 'Ubayd's report is that he saw and copied the letter from an old man in Dūmat al-Jandal, Ibn Sa'd's text clarifies that the copyist was al-Wāqidī. The isnād in Abū 'Ubayd is corrupt.<sup>108</sup>

Al-Baladhūrī's report introduces the text as a "copy," *naskhatuhu*. The text is followed by explication of its terms.<sup>109</sup>

Al-Ṭabarī only has a report, from Ibn Ishāq, that Khālīd b. al-Walīd captured and brought Ukaydir (a Christian) to the Prophet, where he agreed to pay the poll tax. No text is given.<sup>110</sup>

Al-Qalqashandī has the text taken from Abu 'Ubayd, followed by a note that this document is also useful for the explication of *gharīb* (unusual) terms and definitions of the geographical terminology.<sup>111</sup>

Al-Maqrīzī's report calls the document *amān* in introduction, and mentions that the Prophet sealed it with a fingernail imprint because his signet was not available. The exchange is described as a gift. His introduction notes that a formula found in the

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<sup>107</sup> Abū 'Ubayd, 281-282.

<sup>108</sup> Lecker "Preservation" 2 n. 4.

<sup>109</sup> Aḥmad b. Yaḥyā al-Baladhūrī *Futūḥ al-Buldān* (Dār al-nashr lil-jāmi'in, 1377/1957) 82-83.

<sup>110</sup> Al-Ṭabarī 1703.

<sup>111</sup> Al-Qalqashandī *Subḥ* VII:370-71.

document has been omitted in the quotation: *wa-nasakhtuhu l-kitāb ba'da l-basmala* (“I have copied the document after the basmala”).<sup>112</sup>

Al-Qastallānī has the text without isnād, followed by a brief list of definitions of its terminology.<sup>113</sup>

#### Collation of witnesses [Table 2]:

	(1. basmala)
	بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ IS
	Ⓐⓤ
	Ba, Ma, Ql om.
	ⓆⓈ
	(2. address)
	IS
	هذا كتاب من محمد رسول الله لاكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دومة الجندل و اكنافها
	Ⓐⓤ
	من محمد رسول الله لاكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دوما الجندل و اكنافها
	Ba
	هذا كتاب من محمد رسول الله صلى الله عليه و سلم لاكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام و لاهل دومة
	<del>Ma</del>
	Ql
	من محمد رسول الله لاكيدر دومة حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دومة الجندل و اكنافها
	Qs
	الرحيم هذا كتاب من محمد رسول الله لاكيدر و لاهل دومة
	(3. clause 1)
	IS
	ان له الضاحية من الضحل والبور والمعامي واغفال الارض والحلقة والسلاح والحافر والحصن
	Ⓐⓤ
	ان لنا الضاحية من الضحل والبور والمعامي و اغفال الارض والحلقة والسلاح والحافر والحصن
	Ba
	ان لنا الضاحية من الضحل والبور والمعامي و اغلال الارض والحلقة والسلاح والحافر والحصن
	<del>Ma</del>
	Ql
	ان لنا الضاحية من الضحل والبور والمعامي و اغفال الارض والحلقة والسلاح والحافر والحصن
	Qs
	ان لنا الضاحية من الضحل والبور والمعامي و اغفال الارض والحلقة والسلاح والحافر والحصن
	(4. clause 2)
	ولكم الضامنة من النخل والمعين من المعمور و بعد الخمس IS

<sup>112</sup> Al-Maqrīzī *Imtā'* 466-67.

<sup>113</sup> Aḥmad b. Muḥammad al-Qaṣṭallānī, *al-Mawāhib al-ladunīyah bi-al-minaḥ al-Muḥammadīyah* (Beirut: al-Maktab al-Islāmī, 1991) II: 153-54.

و لكم الضامنة من النخل و المعين من المعمور AU  
 ولكم الضامنة من النخل و المعين من المعمور Ba  
 و لكم الضامنة من النخل والمعمور بعد الخمس Ma  
 و لكم الضامنة من النخل و المعمور QI  
 و لكم الضامنة من النخل و المعين من المعمور QS

(5. clause 3)

لا تعدل سارحتكم ولا تعدل فاردتكم ولا يحظر عليكم النبات ولا يؤخذ منكم الا عشر الثبات IS  
 لا تعدل سارحتكم ولا تعدل فاردتكم AU  
 لا تعدل سارحتكم ولا تعدل فاردتكم ولا يحظر عليكم النبات Ba  
 لا تعدل سارحتكم ولا تعدل فاردتكم ولا يحظر عليكم النبات QI  
 لا تعدل سارحتكم ولا تعدل فاردتكم ولا يحص عليكم النبات QS

(6. clause 4)

تقيمون الصلاة لوقتها وتؤتون الزكاة بحقها IS  
 AU om.  
 Ba, Ma, QI, QS

(7. closing)

عليكم بذاك العهد والميثاق و لكم بذلك الصدق والوفاء IS  
 عليكم بذلك عهد الله والميثاق و لكم بذلك الصدق والوفاء AU  
 عليكم بذلك عهد الله والميثاق و لكم به الصدق والوفاء Ba  
 عليكم بذلك العهد والميثاق و لكم بذلك الصدق والوفاء Ma  
 عليكم بذلك عهد الله و الميثاق QI  
 عليكم بذلك حق الله والميثاق و لكم به الصدق و الوفاء QS

(8. witness clause)

شهد الله و من حضر من المسلمين IS  
 شهد الله تبارك و تعالى و من حضر من المسلمين AU  
 Ba  
 Ma  
 QI om.  
 QS

Variants found: *basmala* omission of *basmala*; *address* omission of demonstrative pronoun and reference to writing (formulaic phrase beginning with a demonstrative pronoun referring to a document, in monumental style); orthography of place-name; addition of phrase pronouncing prayers on the Prophet; omission of mention of commander; positioning of mention of place-name; “people of” replacing place-name; omission of mention of occasion of document; *clause 1* replacing third-person pronoun referring to sender with first-person plural (change between objective and subjective style); substitution of noun with

synonym; *clause 2* omission of condition (of khums); omission of one property-type (“springs”); *clause 3* omission of part of clause; *clause 4* omission of one conditional clause; *closing* additional mention of God following reference to pact; omission of noun in series of synonyms referring to “vow”; replacing noun with synonym; *witness clause* omission of clause; additional mention of epithets following reference to God.

### 2.1.3.2 Proselytizing letters, da‘wā

#### 2.1.3.2.1 (Wathā’iq 21) Najāshī

The Negus of Abyssinia at the time of the Prophet was said to be a tolerant Christian ruler, and in the year 614, before the Hijra, he had accepted a group of Muslim refugees from persecution in Mecca. The Arabic sources variously give the name of the Negus in related traditions as As’hamah or Asham son of Abjar. The identity of the Negus remains ambiguous, since the Prophet was already in contact with a friendly Negus of Abyssinia. Hamidullah points out that no contemporary Abyssinian chronicles exist which would help identify the addressees of the letters, and that even the originals of the Arabicized Abyssinian names remain unknown.<sup>114</sup>

Ibn Hishām has mention of messengers of the Prophet, who are not named, as based on al-Miṣrī’s document, confirmed by al-Zuhrī,<sup>115</sup> but not to the Negus nor the text.

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<sup>114</sup> Muhammad Hamidullah, *The Life and Work of the Prophet of Islam*. Vol 1. Trans. Mahmood Ahmad Ghazi. Islamabad: Islamic Research Institute, 1998) 228.

<sup>115</sup> A document accounting the messengers can be dated to the second century. Yazīd b, Abī Ḥabīb al-Miṣrī (d. 128/745) told Ibn Ishāq that he found a book about the Prophet’s messengers to surrounding buldān and kings of the Arabs, sent to Zuhrī who confirmed it as genuine (*fa-‘arafahu*) (Ibn Hishām 972; Ṭabarī, *Tarīkh* 1560). Al-Ṭabarī’s reports on the Prophet’s messengers have the isnād Ibn Ishāq ← Yazīd b.

Ibn Sa'd has mention of the letter within his report on the letters to kings which returns to a combined isnād, but has no text. The report states that two letters were sent to al-Najāshī. The first letter “invited him to Islam and recited the Qur’an upon him,” probably referring to the verse partially quoted in lines five and six. The Negus is said to have taken this letter, held it to his eyes, and stated his conversion to Islam. The second letter was sent at the same time by the Prophet, requesting the Negus to marry the Prophet, in absentia, to Umm Ḥabība, daughter of Abū Sufyān, who had emigrated to Abyssinia with the first group of Muslim refugees in 614, and whose husband had converted to Christianity while she refused to follow him.<sup>116</sup> Here Ibn Sa'd or his narrators recognize that two separate letters were sent, while other sources provide, as Hamidullah observes,<sup>117</sup> what is probably an amalgam of the two, making the text very different in tone from its companion letters in the group of six. The additional line, as given by al-Ṭabarī and al-Qaṣṭallānī, on sending Ja'far b. Abī Ṭālib, remains problematical. Hamidullah believes that the line, “and I am sending to you my paternal cousin Ja'far, and a group of people with him from among the Muslims,” belongs to the original letter sent by the Prophet in 614 when the Muslims first fled to Abyssinia.<sup>118</sup> Ja'far was present in this group and played a prominent role in approaching the Christian king for refuge, and thus could not have been sent again at a time when the Muslim emigrants were preparing to leave Abyssinia, and were finally called back by

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Abī Ḥabīb. Ensuing events led to conversion of the Abnā' and may have been the main concern of transmitters preceding Yazīd, Yazīd's immediate sources could have been the Abnā' who settled in Egypt (Lecker, “Preservation,” 14).

<sup>116</sup> Ibn Sa'd I/ii:15.

<sup>117</sup> Hamidullah, *Life and Work* 233.

<sup>118</sup> Hamidullah, *Life and Work* 223.

the Prophet in the year 7 AH. The use of the blessing formula, *fa-innī aḥmadu ilayka Allāh*, “I address God’s praises to you,” differs from the call to submit given in the other letters to kings, *aslim taslam*, “submit [to Islam] and you will have security,” suggesting that the addressee of this letter was believed to be the original Negus with whom the Prophet already had relations. Hamidullah finds it improbable that the last additional line, which al-Qaṣṭallānī does not provide but al-Ṭabarī does, “When the group arrives, receive them hospitably, leaving aside all arrogance,” could belong to the initial letter sent asking for refuge, and suggests that this line may actually belong to a later letter sent to a second Negus, who was not favorable to Islam, as the Negus who answered favorably to the invitation to Islam died in 9 AH.<sup>119</sup>

Al-Ṭabarī has the full text, with an isnād returning to Ibn Ishāq.<sup>120</sup> Al-Baladhūrī’s *Ansāb* mentions the messenger and the Negus’ reponse but provides no texts. Ibn al-Athīr’s *al-Kāmil* has mention of the letter and the messenger but no text (though texts of the letters to Heraclius and to Khusro are given in the same set of reports). Al-Qalqashandī’s text returns to Ibn Ishāq as well.<sup>121</sup> Al-Qaṣṭallānī gives the text without isnād.<sup>122</sup>

Collation of witnesses [Table 3]:

(1. basmala)  
 بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ  
 Ql om.  
 ☞

<sup>119</sup> Hamidullah, *Life and Work* 227-8.

<sup>120</sup> Al-Ṭabarī III: 1569 from Ibn Hamīd ← Salama ← Ibn Ishāq.

<sup>121</sup> Al-Qalqashandī VII: 371.

<sup>122</sup> Al-Qaṣṭallānī II:141

(2. address)

من محمد رسول الله الى النجاشي الاصحم ملك الحبشة T  
 QI

من محمد رسول الله الى النجاشي ملك الحبشة Qs

(3. greeting)

سلم انت T

QI

Qs om.

(4. transition)

T, QI om.

اما بعد Qs

(5. blessing)

فاني احمد اليك الله الملك القدوس السلام المؤمن المهيم T

QI

فاني احمد اليك الله الذي لا اله الا هو الملك القدوس السلام المؤمن المهيم Qs

(6. clause 1)

و اشهد ان عيسى بن مريم روح الله و كلمة القاها الى مريم البتول الطيبة الحصينة فحملت بعيسى فخلقه الله من T روحه و نفخه كما خلق ادم بيده و نفخه

و اشهد ان عيسى ابن مريم البتول الطيبة الحصينة حملته من روحه و نفخه كما خلق ادم بيده QI

Qs

و اشهد ان عيسى ابن مريم روح الله و كلمة القاها الى مريم البتول الطيبة الحصينة فحملت بعيسى فخلقه الله من روحه و نفخه كما خلق ادم بيده

(7. clause 2)

و اني ادعوك الى الله وحده لا شريك له والموالاة على طاعته T

و اني ادعوك الى الله وحده لا شريك له QI

Qs

(8. clause 3)

و ان تتبني و تؤمن بالذي جاءني فاني رسول الله T

QI

Qs

(9. clause 4)

و قد بعثت اليك ابن عمي جعفرا و نفرا معه من المسلمين فاذا جاءك فاقرهم ودع التجبر T

و اني ادعوك و جنودك الى الله عز و جل QI

و اني ادعوك و جنودك الى الله تعالى Qs

(10. clause 5)

فاني ادعوك و جنودك الى الله T

و قد بلغت و نصحت فاقبلوا نصحي QI

و قد بلغت و نصحت فاقبلوا نصيحتي Qs

(11. clause 6)

و قد بلغت و نصحت فاقبلوا نصحي T

و قد بعثت اليكم ابن عمي جعفرا و نفرا من المسلمين QI

و قد بعثت اليكم ابن عمي جعفرا و معه نفرا من المسلمين Qs

(12. closing)

و السلام على من اتبع الهدى T

QI

Variants found: *basmla* omission of the basmla; *address* omission of surname of addressee; *greeting* omission of greeting formula; *transition marker* omission of transition marker; *blessing* additional epithet of God in blessing; *clause 1* position of phrase; omission of particle *fa-* prior to verb; omission of object pronoun following verb; *clause 2* additional epithet for God; *clause 4* placement of formula on naming messengers; omission of clause on good treatment of messengers; *clause 5* and *6* identical wording but differing placement of clauses.

#### 2.1.3.1.2 (Wathā'iq 68) Hawdha b. 'Alī of Yamāma

Ibn Sa'd mentions the messenger sent to Hawdha and has Hawdha's reply, but no text of the Prophet's letter. The report returns to his combined isnād. Al-Baladhūrī has no text but names the messenger.<sup>123</sup>

Al-Qalqashandī cites al-Suhaylī for his text.<sup>124</sup> Al-Qaṣṭallānī's report mentions that the letter was sealed, names the messenger, and provides the full text. The report uses a passive construction for the reception of the letter ("read to" *uqtari'a 'alayhi*) and the active for the Prophet's reception of Hawdha's reply ("the Prophet read" *wa-qara'a al-nabi*).<sup>125</sup>

Collation of witnesses [Table 4]:

<sup>123</sup> Ibn Sa'd I/ii: 18.

<sup>124</sup> Al-Qalqashandī VII: 379.

<sup>125</sup> Al-Qaṣṭallānī II: 148-49.

(1. basmala)

QI om.

بسم الله الرحمن الرحيم QS

(2. address)

من محمد رسول الله الى هودة بن على QI

QS

(3. greeting)

سلام على من اتبع الهدى QI

QS

(4. clause 1)

الهدى و اعلم ان ديني سيظهر الى منتهى الخف و الحافر QI

QS

(5. clause 2)

فاسلم تسلم QI

QS

(6. clause 3)

و اجعل لك ما تحت يدك QI

و اجعل لك ما تحت يدك QS

Variants found: *basmala* omission of *basmala*; *clause 3* difference in number of noun in formulaic phrase (“what lies under your hand” for “what lies under your hands”).

### 2.1.3.3 Guarantees of Security, documents referred to as *amāna*

#### 2.1.3.3.1 (Wathā’iq 33) Ahl Maqnā (*amāna*)

Ibn Sa ‘d has the text written for the Jews of Maqnā, the Banū Janba.

Without the *basmala*, the narrative enters into the quoted text seamlessly. The closing formula is given. The report returns to al-Sha‘bī.<sup>126</sup>

Al-Baladhūrī, in a report on the *jizya* settlements at Tabūk, states that a resident of Miṣr saw the document “with his eyes” on red hide written in a studious hand. He copied it and dictated it to al-Baladhūrī. A summary of the *jizya* settlement

<sup>126</sup> Ibn Sa‘d I/ii: 28-29.

precedes the quotation. The scribal clause and date are given. There is no isnād for the report.<sup>127</sup>

Al-Maqrīzī has a paraphrase only, including the formulas of *amāna* and the imposition of two taxes (a fourth of spinning and dates).<sup>128</sup>

Collation of witnesses [Table 5]:

- (1. basmala)  
IS *om.*  
Ba بسم الله الرحمن الرحيم
- (2. address)  
IS *om.*  
Ba من محمد رسول الله الى بني حبيبة و اهل مقنا
- (3. greeting)  
IS *om.*  
Ba سلم انتم
- (4. transition)  
Is اما بعد  
Ba *om.*
- (5. clause 1)  
فقد نزل علي ايتكم راجعين الى قريبتكم فاذا جاءكم كتابي هذا فانكم امنون لكم ذمة الله و ذمة رسوله IS  
فانه انزل علي انكم راجعين الى قريبتكم فاذا جاءكم كتابي هذا فانكم امنون و لكم ذمة الله و ذمة رسوله Ba
- (6. clause 2)  
و ان رسول الله غافر لكم سيئاتكم و كل ذنوبكم IS  
و ان رسول الله غفر لكم ذنوبكم و كل دم اتبعتم به Ba
- (7. clause 3)  
و ان لكم ذمة الله و ذمة رسوله لا ظلم عليكم و لا عدى IS  
لا شريك لكم في قريبتكم الا رسول الله او رسول رسول الله و انه لا ظلم عليكم و لا عدوان Ba
- (8. clause 4)  
و ان رسول الله جاركم مما منع منه نفسه IS  
و ان رسول الله صلى الله عليه و سلم يجيركم مما يجير منه نفسه Ba
- (9. clause 5)

<sup>127</sup> Al-Baladhūrī *Futūḥ* 78-81.

<sup>128</sup> Al-Maqrīzī *Imtā'* 469-70.

فان لرسول الله بركم و كل رقيق فيكم و الكراع و الحلقة الا ما عفا عنه رسول الله او رسول رسول الله IS  
 فان لرسول الله بركم و رقيقكم و الكراع و الحلقة الا ما عفا عنه رسول الله او رسول رسول الله Ba

(10. clause 6)

و ان عليكم بعد ذلك ربع ما اخرجت نخلكم و ربع ما صادت عروكم و ربع ما اغتزلت نساؤكم IS  
 و ان عليكم بعد ذلك ربع ما اخرجت نخيلكم و ربع ما صادت عركم و ربع ما اغتزلت نساؤكم Ba

(11. clause 7)

و انكم برئتم بعد من كل جزية او سخرة IS  
 و انكم قد ثريتم بعد ذلك Ba

(12. clause 8)

فان سمعتم و اطعتم فان على رسول الله ان يكرم كريمكم و يعفو عن مسيئكم IS  
 و رفعكم رسول الله ان يكرم كريمكم و يعفو عن مسيئكم Ba

(13. clause 9)

اما بعد فالى المؤمنين و المسلمين من اطلع اهل مقنا بخير فهو خير له IS  
 و من انتم في بني حبيبة و اهل مقنا من المسلمين خيرا فهو خير له Ba

(14. clause 10)

و من اطعهم بشر فهو شر له IS  
 Ba

(15. clause 11)

و ان ليس عليكم امير الا من انفسكم او من اهل رسول الله IS  
 و ليس عليكم امير الا من انفسكم او من اهل بيت رسول الله Ba

(16. closing)

و السلام IS  
 Ba om.

(17. scribal clause and date)

IS om.  
 و كتب علي بن ابو طالب في سنة ٩ Ba

Variants found: *basmala* omission of *basmala*; *address* omission of *address*; *greeting* omission of *greeting*; *transition* omission of *transition marker*; *clause 1* different form of single verb; *clause 2* replacing active participle with verb; replacing noun with synonym; *clause 3* additional portion of clause (on exclusivity of rights); *clause 4* verb replacing active participle; additional prayers on the Prophet; *clause 5* omission of particle *fa-* prior to verb; *clause 6* orthography of plural noun; replacing masculine verb with feminine verb for feminine subject; *clause 7* differing phraseology for *quittance formula*; *clause 8* omission of portion of clause (condition of obedience);

*clause 9* differing order of phrases; *clause 11* missing conditional particle *in*; “people of the house of the Prophet” replacing “people of the Prophet”; *closing* omission of closing greeting; *scribal clause and date* omission of scribe’s name and date.

#### 2.1.3.3.2 (Wathā’iq 233) ‘Ukl

Ibn Sa’d has the full text, with the isnād Isma’īl b. Ibrāhīm al-Asadī b. ‘Ulayya—al-Jarīrī—Abī al-‘Alā’ who said, “I was with Muṭarrif in the camel (*ibl*) market when there came a Bedouin (*a’rābī*) with a scrap of leather (*qiṭ’at adīm*) or a leather pocket (*jarāb*) asking who reads or he said is there amongst you anyone who reads so I said yes I do read and he replied here then and indeed the Prophet of God (ṣl’m) wrote it for me.” The Bedouin was then followed by “the crowd or someone in the crowd” asking for anything he had heard from the Prophet until he related a ḥadīth on Ramadan.<sup>129</sup>

Abu ‘Ubayd has a different isnād returning to Abū al-‘Alā’, ‘Anbasa b. ‘Abd al-Wāḥid al-Qurashī ← Sa’īd b. Abī ‘Arūba or Sa’īd b. Iyyās al-Jarīrī [“and the opinion of the majority is that it was Sa’īd b. Iyyās” ← Abī al-‘Alā’ b. ‘Abd Allah b. al-Shukhkhayr. The location of the exchange is given as the mirbad in Basra. “He said, we were in Mirbad—Abū ‘Ubayd said I think he said, and with us was Muṭarrif—when there came to us a Bedouin and he had with him a scrap of leather and he asked is there amongst you one who reads. We said, yes, so he gave us the leather.” It is the narrator and his brother who later ask the Bedouin for a ḥadīth.<sup>130</sup>

<sup>129</sup> Ibn Sa’d I/ii: 30.

<sup>130</sup> Abū ‘Ubayd 19.

Al-Qalqashandī in his chapter on the writing of *amānāt* for Muslims gives

Abū ‘Ubayd’s report, with full text but no report concerning the narration of

ḥadīth.<sup>131</sup>

Collation of Witnesses [Table 6]:

	(1. basmala)
	بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ IS
	ⓐ
	ⓑ
	(2. address)
	من محمد النبي لبنى زهير بن اقيش حي من عكل IS
	من محمد رسول الله صلى الله عليه و سلم لبنى زهير بن اقيش من عكل AU
	من محمد رسول الله صلى الله عليه و سلم لبنى زهير بن اقيش من عكل QI
	(3. clause 1)
	IS
	انهم ان شهدوا ان لا اله الا الله و ان محمدا رسول الله و فارقوا المشركين و اقرؤا بالخمسة في غنائمهم و سهم النبي و صفيه فانهم امنون بامان الله و رسوله
	AU
	انكم ان شهدتم ان لا اله الا الله و اقمتم الصلاة و اتيتم الزكاة و فارقتم المشركين و اعطيتم من المغنم الخمس و سهم النبي صلى الله عليه و سلم و الصفى او قال و صفيه فانتم امنون بامان الله و رسوله
	QI
	انكم ان شهدتم ان لا اله الا الله و اقمتم الصلاة و اتيتم الزكاة و فارقتم المشركين و اعطيتم من المغنم الخمس و سهم النبي صلى الله عليه و سلم و الصفى او قال و صفيه فانتم امنون بامان الله و رسوله

Variants found: *basmala* omission of the basmala; *address* addition of prayers on the Prophet; *clause 1* replacing use of third-person with second-person pronouns and verbs in reference to addressee; additional conditions (establishing the prayer and paying the *zakāh*); differing phraseology for condition (payment of the khums); additional prayers on the Prophet.

<sup>131</sup> Al-Qalqashandī XIII: 329.

#### 2.1.3.4 Land Grants, documents referred to as *iqṭā'a*

Part six of seven in Qudāma's *Kitāb al-Kharāj* states that the Prophet's principle of land-grants bestowing on the grantee right to cultivate for individual benefit (which did not allow him to prohibit others enjoying water, pasture, wood for fire, etc.), was a custom originating with the pre-Islamic Bedouin.<sup>132</sup> Lecker cautions against referring to "grants" from the Prophet unless they are explicitly called such. Usually the Prophet recognized existing rights, relying on information given by recipients of the document. Some reports may indicate that a recipient received a document for himself, but others will clarify that an individual acted as the leader and representative of a tribal group.<sup>133</sup>

##### 2.1.3.4.1. (Wathā'iq 207) Salama al-Sulamī

The place-name "Madfū" appears in two similar letters to members of of the B. Jāriya, 'Abbās b. Mirdās b. Abī 'Āmir and his cousin Salama b. Mālik b. Abī 'Āmir. Ibn Sa'd records both documents in succession, as reports, not quotations.<sup>134</sup> The appearance of the same place-name in letters to two different individuals is problematic. Salama is almost unknown; the entries on him in the *Iṣāba* and *Uṣd al-Ghāba* say nothing except that he received this document. The only source recording the "Madfū" letter of Salama is Ibn Sa'd. 'Abbās' letter may have been duplicated there as a scribal error.<sup>135</sup> Ibn Sa'd later has another letter to Salama

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<sup>132</sup> Heck *Construction* 178.

<sup>133</sup> Lecker, *Banu Sulaym* 175.

<sup>134</sup> Ibn Sa'd I/ii: 26 returns to combined isnad

<sup>135</sup> Lecker, *Banu Sulaym* 159-161.

(quoted text rather than a report) including the boundaries of the land, Dhāt al-Ḥanāzī and Dhāt al-Asāwid.<sup>136</sup>

The *Usd al-Ghāba* version differs slightly from Ibn Sa‘d’s. The entry on Salama mentions only that there is mention of him in the hadīth of ‘Ammār b. Yāsir. The isnād of the document returns to ‘Ammār b. Yāsir and the entry quoted from the dictionaries of Abū Nu‘aym and Ibn Manda.<sup>137</sup>

A fuller isnād is given in the *Iṣāba* along with a truncated text of the document. This entry clarifies that the ḥadīth including the text of the document was preserved by the family of ‘Ammār (thus the document has a family isnād). Presumably quoted from the dictionary of Ibn Manda, the report refers to a document granting “Ḥādha” and not “Madfū.” The report is followed by Ibn Manda’s statement that the ḥadīth is *gharīb*, not known through any other route (*wajh*).

Collation of witnesses [Chart 7]:

(1. basmala)

IS1, IS2 *om.*

IHj بسم الله الرحمن الرحيم

IA بسم الله الرحمن الرحيم

(2. address/opening)

IS1 *om.*

IS2 هذا ما اعطى رسول الله صلعم سلمة بن ملك السلمى

IHj هذا ما اقتع محمد رسول الله سلمة بن ملك

IA هذا ما اقتع محمد رسول الله سلمة بن ملك

(3. clause 1)

IS1 انه اعطاه مدفوا

<sup>136</sup> Ibn Sa‘d I/ii: 34 has combined isnad

<sup>137</sup> Izz al-Din b. al-Athir, *Usd al-Ghāba fi Ma‘rifat al-Sahāba*, 5 vols. (Beirut: Dar al-Ma‘rifa, 1997) II: 360.

اعطاه ما بين ذات الحناظي الى ذات الاساود IS2

IHj om.

ملك اقتعه ما بين الحباطي الى ذات الاساود IA

(4. clause 2)

لا يحاقه فيه احد و من حاقه فلا حق له و حقه حق IS1

لا يحاقه فيها احد IS2

IHj om.

فمن حاقه فهو مبطل و حقه حق IA

(5. witness clause)

IS1, IHj, IA om.

شهد على بن ابي طالب و حاطب بن ابي بلتعة IS2

Variants found: *basmala* omission of the *basmala*; *address* omission of address; addition of prayers on the Prophet; difference in operative verb (synonyms *aqṭaʿa* for *aʿṭā*); addition of nisba to name of addressee; *clause 1* omission of clause; describing boundaries of land replacing naming of land; difference in operative verb; *clause 2* omission of clause; shorter version of clause on exclusive rights; different phraseology for clause; *witness clause* omission of clause.

#### 2.1.3.4.2 (Wathāʾiq 43-45) Tamīm al-Dārī

There are several sets of the conversion story of this Companion, two sets of the deputation story each with its version of the Prophet's land grant document to the delegation. The redactions of the document differ over the verb and formula used for granting, the place-names, the name of the recipient (whether Tamīm or his brother), the phrasing of a curse against forcing the family from its land, the list of witnesses, and the name of the scribe. David Cook believes that redactions such as al-Qalqashandī's which include both sets of deputation stories and cite two documents, are attempts to reconcile the two deputation stories (and the situation of Tamīm's subsequent conversion) by recognizing that two letters were written,

one original grant made to the deputation arriving in Mecca, and the second a confirmation of that grant to the post-Hijra deputation arriving in Medina.<sup>138</sup> Interestingly, Cook sees this as an attempt to reconcile the *akhbār* (historical reports) on the deputation, and not the redactions of the documents. Mamluk-era sources also provide an afterlife for the land grant documents, which are repeatedly cited as part of a dispute, Cook reveals, between Ḥanafī rulers and Shafī'ī jurists over the legality of the Prophet's granting land distant from his control at the time.<sup>139</sup> Something that Cook does not note is that the dispute does not entail citing the grant in law books but is centered on reporting acts of visually examining the document itself and judgments on its veracity. The text of this grant is not quoted in any *ṣaḥīḥ* ḥadīth collections.

Abū Yūsuf reports that Tamīm al-Dārī, that is Tamīm b. Aws of the Lakhm, told the Prophet that he had family in Palestine who had a town called Jayrūn and another called 'Aynūn, and requested that should God allow the conquest of Syria that the Prophet would grant him both. The Prophet replied that they were both his and Tamīm asked for this to be written in a document, *fa-ktub lī bi-dhālika kitāban*. The report is followed by the text of Abū Bakr's renewal/confirmation of the document.

Ibn Sa'd has a paraphrase returning to his combined isnad, for a document addressed to "Nu'aym b. Aws brother of Tamīm al-Dārī."

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<sup>138</sup> David Cook "Tamīm al-Dārī" *BSOAS* 61.1 (1998): 20-28.

<sup>139</sup> Cook "Tamim" 26-27

Yāqūt in his entry on “Ḥabrūn” starts with the significance of the area to the history of Abraham and his family. Towards the end of this entry he comes to the time of the Prophet, providing a report without an isnād of Tamīm approaching the Prophet, along with his people, at an unspecified time and place, and asking for Habrūn, and that the Prophet wrote a document for him, whose text is given, introduced by *wa-kataba lahu kitāban nuskhathuhu* (“He wrote for them a document, its text:”). This citation concludes the entry.<sup>140</sup>

Al-Qalqashandī has three texts of the land grant, starting with a report on the pre-Hijra episode, at the very beginning of his chapter on *iqṭa‘āt*, “on what has been written in land grants, ancient and modern” under the first sub-chapter on the “origins” of the practice. The grant to Tamīm al-Dārī is held as the first prototype: “The origin (*aṣl*) of this is what has been related concerning how the Prophet, the blessings of God upon him and peace, granted (*aqṭa‘a*) Tamīm al-Dārī some land of Syria and wrote for him a document (*kitāb*) for this.”<sup>141</sup> The first account, of the initial document, its renewal post-Hijra, and the confirmation document by Abu Bakr, is the one with a family isnād, returning to Abu Hind al-Dārī. Al-Qalqashandī’s sources include Ibn ‘Asākir, and his account corresponds to al-Maqrīzī’s first account below with one difference. In the description of the writing material that the Prophet takes into his home and ties up, al-Qalqashandī has a handful of extra words prior to

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<sup>140</sup> Yāqūt b. ‘Abd Allāh al-Hamawī *Mu‘jam al-Buldān* 5 vols (n.p.; 1955-57) II: 212a-213a.

<sup>141</sup> al-Qalqashandī XIII: 118.

describing the document being “covered.” The Prophet “prepared a leather scrap from a square” (*fa-‘alaja fī zāwiyatin al-ruq‘ata*).<sup>142</sup> Here the grammar attributes to the Prophet himself the activity of a scribe in preparing writing materials. Was the document, described in this account as written on red hide (leather) in front of the delegates, then taken in and covered or wrapped in some other material and tied with a thong? The printed edition does not distinguish the witness and scribal clause as extra-textual, but places them within quotation marks (an element of punctuation not occurring in the manuscript tradition) surrounding the document.

Al-Qalqashandī’s second account is extracted from Ibn ‘Asākir with an isnād returning to Rāshid b. Sa’d. Again the printed edition places the witness and scribal clause within the document [Figure 1].<sup>143</sup>

A third account is extracted from Ibn Manda with an isnād returning to ‘Amr b. Hazm. Al-Qalqashandī concludes this set of accounts by attesting that the document itself (*hādhihi al-ruq‘a*, literally “this scrap”) is currently held by the family. This has been reported to him by a multitude of narrators. In addition, al-Qalqashandī attests, again with an interesting focus on the physical material of the document as opposed to the claim to the land itself, that the leather was prepared in such a way as to last a long time (“*wal-adīmu llatī hiyya fīhi qad khuliqa li-tūli l-amadi*”).<sup>144</sup> In this report the editor (or

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<sup>142</sup> Al-Qalqashandī, *Ṣubḥ*, XIII: 119.

<sup>143</sup> Al-Qalqashandī, *Ṣubḥ*, XIII: 120.

<sup>144</sup> Al-Qalqashandī, *Ṣubḥ*, XIII: 122.

perhaps the printer) contrary to his habit places the scribal clause outside of quotation marks.

Al-Maqrīzī collects in one place a number of reports on Tamīm’s request and redactions of the document with his own commentary on their reliability.<sup>145</sup> In his biography of Tamīm al-Dārī, *Ḍaw’ al-Sārī fī Ma’rifat khabr Tamīm al-Dārī*, he provides a chapter on the grant of Hebron and ‘Aynūn.

*First account:* Extracted from al-Ṭabarānī’s *Mu’jam al-kabīr*, Abu Nu‘aym’s *Ma’rifat al-Ṣaḥāba*, and Ibn ‘Asākir’s *Ta’rīkh Dimashq* by way of an family isnād: Sa’īd b. Ziyād b. Fā’id b. Ziyād b. Abī Hind al-Dārī ← his father ← his grandfather ← Abū Hind al-Dārī. This report explicitly places the delegation in Mecca with six members who convert. Abū Hind and Tamīm discuss asking the Prophet for a piece of land, and they agree to request Abū Hind’s choice, a town in which there remains an elevated area bearing the traces/footprints of Abraham. However when they approach the Prophet, before they can identify the land they desire, he informs them himself and asks for writing material, which is specified: “a scrap of red leather (*qiṭ’atu jildin min adam*).”<sup>146</sup> The first document is quoted, introduced, *fa-kataba lanā fihā kitāban nuskhatuhu*. The printed edition has the text within quotation marks so that the mention of witness and scribe at the end are separated from the document proper.<sup>147</sup> The end of this report has an

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<sup>145</sup> Aḥmad b. ‘Alī al-Maqrīzī *Ḍaw’ al-Sārī fī Ma’rifat khabr Tamīm al-Dārī* Ed. Muhammad Aḥmad ‘Āshūr (Cairo: Dār al-‘Iṭisām lil-Ṭab’ wa-l-Nashr, 1972) 60-78.

<sup>146</sup> Al-Maqrīzī, *Ḍaw’*, 62.

<sup>147</sup> Al-Maqrīzī, *Ḍaw’*, 62-63.

interesting focus on and description of the physical document from the point of view of the delegates.

Then with the document he entered his home and covered it with something we do not know (*ghashshāhu bī shay'in lā na'rifuhu*) and knotted over the exterior of the leather scrap with a thong knotted twice (*wa 'aqadahū min kharija 'l-ruq'ati bi-sayin 'uqdayn*), then he came out to us with this folded/rolled up (*maṭwīyan*).<sup>148</sup>

The document had been covered with something, perhaps with sand in order to dry the ink. *Ṭawā* refers to a type of securing and concealing, but the terminology may be more precise and indicate either folding or rolling.<sup>149</sup> The Prophet then commands the group to depart and wait until they hear that he has migrated. Abū Hind narrates that they obeyed, and then approached the Prophet when he was in Medina, and asked for a renewal of the document, which was provided. The second document is quoted, introduced by, *fa-kataba lanā kitāban nuskhatuhu*, also with the witness and scribal clause set apart from quotation of document by the editor [Figure 2].<sup>150</sup>

The report continues with Abū Bakr's renewal of the document as caliph, also quoted.<sup>151</sup>

Al-Maqrīzī in general disagrees with the account of a pre-Hijra delegation, since, he says, scholars agree that Tamīm approached the Prophet in Medina, according to most in the year 9, while some say year 8. Ibn 'Asākir's account he calls *munkar* (uncontradicted) based on this *matn* criticism, due to its describing two separate

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<sup>148</sup> Al-Maqrīzī, *Ḍaw'*, 63.

<sup>149</sup> A number of the pseudo-original parchment Prophetic documents show fold lines. See Chapter V section 5.1.

<sup>150</sup> Al-Maqrīzī, *Ḍaw'*, 64.

<sup>151</sup> Al-Maqrīzī, *Ḍaw'*, 65.

delegations. Moreover, the isnād is weak (*daʿīf*), according to the judgments of Ibn Ḥibbān and al-Azdī on Saʿīd b. Ziyād.<sup>152</sup>

*Second account:* Extracted from Abū ʿUbayd al-Qāsim b. Sallām in his *Kitāb al-Amwāl* who narrates from Hajjāj b. Muhammad, on the authority of Ibn Jurayj on the authority of ʿIkrima. The report only mentions that once Tamīm converted he asked the Prophet for two lands from “Bayt Laḥm,” for which the Prophet wrote a document for him. There is no account of the delegation, where and when it occurred, or any discussion among the delegates on the land to ask for. The document is not quoted. The account concludes with mention of ʿUmar being asked to confirm the deed during his caliphate and the conquest of Syria. ʿUmar responds that he had indeed witnessed the original deed and bestows the land on Tamīm. Abū ʿUbayd concludes that the land remains in the possession of Tamīm’s family “to this day.” The isnād of this account is *munqaṭiʿa* (interrupted), since Ibn Jurayj did not hear from ʿIkrima. Moreover, al-Maqrīzī finds the content problematic: “Bayt Laḥm” cannot be identified with the land where Abraham is said to be buried.<sup>153</sup>

*Third account:* Extracted from Abū ʿUbayd who narrates from Saʿīd b. ʿUfayr on the authority of Ḍamra b. Rabīʿa on the authority of Samāʿa. Tamīm asked the Prophet to bestow on him “Aynūn,” “Qallāya,” and the area where Abraham, Ishmael and Jacob are buried. The Prophet was surprised at this request, presumably because the land

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<sup>152</sup> Al-Maqrīzī, *Ḍawʿ*, 65-66.

<sup>153</sup> Al-Maqrīzī, *Ḍawʿ*, 66-68.

was not under Muslim control, and responded that Tamīm should ask him again after the Prophet had prayed. He does so and the Prophet then grants him the land. This report thus has a different take on the miracle/foreknowledge story. The isnād here is *mu‘ḍil* (problematic, interrupted), missing two links, but weighing in on the side of the correctness of the story is al-Layth b. Sa‘d’s attestation that the land remains in the possession of Tamīm’s family by everyone’s reckoning.<sup>154</sup>

*Fourth account:* Extracted from Ibn ‘Asākir by way of Ibn Zanjawayh in his *Kitāb al-Amwāl* who narrates from al-Haytham b. ‘Adī from Yūnus on the authority of al-Zuhrī and Thawr b. Yazīd on the authority of Rāshid b. Sa‘d. Tamīm approaches the Prophet and asks to be granted, in case of the conquest of Syria, a neighborhood he knows of containing Habrūn and Bayt ‘Aynūn. The prophet responds with an oral promise: *humā laka*, “they’re both yours.” But Tamīm insists on a written deed, which is quoted, and introduced with the phrase, *fa-kataba lahu*, with the scribal clause again set out by the modern editor.<sup>155</sup> The deed is confirmed by Abu Bakr.

*Fifth account:* This set of reports narrows in on the curse clause in the document.

From Ibn Sa‘d in his *Ṭabaqāt*, who narrates from Isma‘īl b. ‘Abd Allah (who is Ibn Abī Aws) from Ismā‘īl b. ‘Abd Allāh b. Khālid b. Sa‘īd b. Abī Maryam al-Tamīmi the client of Banī Jud‘ān on the authority of his father on the authority of his grandfather. The

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<sup>154</sup> Al-Maqrīzī, *Ḍaw’*, 87-70.

<sup>155</sup> Al-Maqrīzī, *Ḍaw’*, 70-71.

Prophet wrote for Tamīm a document, quoted.<sup>156</sup> Another report from Ibn Sa'd through his combined isnad (from al-Haytham b. 'Adī←Dālham b. Ṣāliḥ and Abū Bakr al-Hudhalī←'Abd Allāh b. Burayda al-Khaṣīb) has a grant written for Tamīm's brother, Nu'aym, paraphrased.<sup>157</sup> This set of reports is favored by al-Maqrīzī, who adduces judgments on the reliability (*thiqāt*) of its narrators.<sup>158</sup>

*Sixth account:* Extracted from al-Ṭabarānī in his *Mu'jam al-kabīr* from Aḥmad b. 'Arām al-Īdhajī from 'Alī b. al-Ḥasan al-Durhi from al-Faḍl b. al-A'lā on the authority of al-Ash'ath b. Sawwār on the authority of Ibn Sīrīn on the authority of Tamīm al-Dārī. Tamīm sought a land grant for an area in Syria from the Prophet prior to its conquest and was given such a grant, then the land was bestowed on him by 'Umar after his conquest. The document is not quoted. The isnād is *ṣaḥīḥ* but with one flaw based on the improbability of Ibn Sīrīn, then a boy with his parents in Medina, meeting Tamīm there a year before he is said to have moved to Syria.<sup>159</sup>

Al-Qaṣṭallānī has two texts. The first account is from “ṣāḥib bā'ath al-nufūs” that is Burhān al-Dīn Ibrāhīm al-Fazārī. The isnād returns to Abū Hind al-Dārī and involves the discussion between him and Tamīm over the land to request from the Prophet and corresponds with al-Maqrīzī's first account. The writing material is *qiṭ'a min adam* and the quotation of the document is followed by information identical with

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<sup>156</sup> Al-Maqrīzī, *Ḍaw'*, 73.

<sup>157</sup> Al-Maqrīzī, *Ḍaw'*, 74.

<sup>158</sup> Al-Maqrīzī, *Ḍaw'*, 75.

<sup>159</sup> Al-Maqrīzī, *Ḍaw'*, 76-77.

al-Maqrīzī's account of the "covering" and tying up of the document. The editor places the scribal clause outside the document. The report includes Tamīm's approaching the Prophet post-Hijra for a renewal document, and its confirmation by Abū Bakr as caliph. The second document is quoted, with the printed edition placing witness and scribal clause outside of the text of the document. In this edition, parantheses delimit textual quotation.<sup>160</sup>

Aḥmad b. Yaḥyā Ibn Faḍl Allāh al-'Umarī, visiting Hebron on Dhul Hijjah 14, 745/May 3, 1344 saw the document on a strip of leather sandal, produced by a direct descendent of Tamīm along with a document confirming it by the caliph al-Mustaḍī Billāh. He records the text.<sup>161</sup>

Collation of witnesses [Table 8]:

(1. basmala)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ AY

Yt, Q11, Q12, Q13, Q14, Ma1, Ma3, Qs1, Qs2, IF

IS, Ma2, Ma4, Ma5 om.

(2. address)

IS, Ma5 om.

هذا كتاب من محمد رسول الله لتميم بن اوس الدارى AY

هذا ما اعطى محمد رسول الله صلى الله عليه وسلم لتميم لدارى و اصحابه Yt

هذا ذكر ما وهب محمد رسول الله للداريين اذا اعطاه الله الارض Q11

هذا ما انطى محمد رسول الله صلى الله عليه وسلم لتميم الدارى و اصحابه Q12

<sup>160</sup> Al-Qaṣṭallānī II: 150-52.

<sup>161</sup> Aḥmad b. Yaḥyā Ibn Faḍl Allāh al-'Umarī, *Masālik al-abṣār fī mamālik al-amṣar* (Abu Dhabi: al-mujma'a al-thiqāfa, 1424/2003) I: 225-27.

هذا كتاب من محمد رسول الله صلى الله عليه و سلم لتميم بن اوس الدارى Ql3

هذا كتاب محمد رسول الله لتميم بن اوس Ql4

هذا ما وهب محمد رسول الله صلى الله عليه و سلم للداريين Ma1

هذا ما انطى رسول اللع صلى الله عليه و سلم لتميم الدارى و اصحابه Ma2

هذا كتاب من محمد رسول الله لتميم بن اوس الدارى Ma3

هذا كتاب محمد رسول الله لتميم بن اوس Ma4

هذا كتاب ذكر فيه ما وهب محمد رسول الله صلى الله عليه و سلم للداريين اذا اعطاه الله الارض Qs1

هذا ما انطى محمد رسول الله لتميم الدارى و اصحابه Qs2

هذا ما انطى محمد رسول الله لتميم الدارى واخوته IF

### (3. clause 1)

ان له حبرى و عينون بالشام قريتها كلها سهلها و جبلها و ماءها و حرثها و انباطها و بقرها و لعقبها من بعده IS

AY

ان له قرية جبرون و بيت عينون قريتهما كلها و سهلها و جبلها و ماءهما و حرثهما و انباطهما و بقرهما و لعقبه من بعده

انى اعطيتكم بيت عينون و حبرون و المرطوم و بيت ابراهيم بدمتهم و جميع ما فيهم عطية بت Yt

وهب لهم بيت عينون و حبرون و بيت ابراهيم بمن فيهم لهم ابدأ Ql1

انى انطيتكم عينون و حبرون و المرطوم و بيت ابراهيم بدمتهم و جميع ما فيهم نطية بت Ql2

ان له قرية حبرى و بيت عينون قريتها كلها سهلها و جبلها و ماءها و حرثها و انباطها و لعقبه من بعده Ql3

ان له سهيون قريتها كلها سهلها و جبلها و ماءها و كرومها و انباطها و ورقها و لعقبه من بعده Ql4

وهب لهم بيت عين و حبرون و بيت ابراهيم بما فيهم لهم ابدأ Ma1

انى انطيتكم عين و حبرون و بيت ابراهيم بدمتهم و جميع ما فيهم نطية بت Ma2

ان له قرية حبرى و بيت عينون كلها سهلها و جبلها و ماءها و حرثها و انباطها و لعقبه من بعده Ma3

اوس ان عينون كلها سهلها و جبلها و ماءها و حرثها و كرمها و انباطها و ثمرها له و لعقبه من بعده Ma4

Ma5

وهب لهم بيت عينون و حبرون و المرطوم و بيت ابراهيم و من فيهم الى ابدأ Qs1

انى انطيتكم بيت عينون و حبرون و المرطوم و بيت ابراهيم بدمتهم و جميع ما فيهم نطية بت Qs2

حبرون و المرطوم و بيت عينون و بيت ابراهيم وما فيهم نطية بت بدمتهم IF

### (4. clause 2)

لا يحاقه فيها احد ولا يلجه عليهم بظلم و من ظلمهم و اخذ منهم شيا فان عليه لعنة الله و الملائكة و الناس اجمعين IS

لا يحاقه فيهما احد ولا يلجهما عليهم احد بظلم فمن ظلم واحدا منهم شيا فان عليه لعنة الله AY

و نفذت و سلمت ذلك لهم و لا عقابهم بعدهم ابد الابدين فمن اذاهم فيه اذى الله Yt

Ql1, Ma1, Qs1 om.

و نفذت و سلمت ذلك لهم و لا عقابهم من بعدهم ابد الابدين فمن اذاهم فيها اذاه الله Ql2

لا يحاقه فيها احد ولا يلجه عليهم احد بظلم فمن ظلمهم او اخذ منهم شيا فعليه لعنة الله و الملائكة و الناس اجمعين Ql3

Ql4

لا يحاقهم فيها احد ولا يدخل عليه بظلم فمن اراد ظلمهم او اخذه منهم فان عليه لعنة الله و الملائكة و الناس اجمعين  
و نفذت و سلمت ذلك لهم ولا عقابهم من بعدهم ابد الابد Ma2

لا يحاقه ولا يلجها عليهم احد بظلم فمن ظلمهم او اخذ منهم شيا فعليه لعنة الله و الملائكة و الناس اجمعين Ma3

Ma4

لا يحاقهم فيها احد ولا يدخل عليهم بظلم فمن اراد ظلمهم او اخذها منهم فعليه لعنة الله و الملائكة و الناس اجمعين  
لا يحاقه فيها احد ولا يلجه عليهم بظلم و من ظلمهم و اخذ منهم شيا لعنة الله و الملائكة و الناس اجمعين Ma5  
و نفذت و سلمت ذلك لهم ولا عقابهم ابد الابد فمن اذاهم فيه اذاه الله Qs2

و نفذت و سلمت ذلك لهم ولا عقابهم فمن اذاهم اذاه الله فمن اذاهم لعنه الله IF

(5. witness and scribal clause)

و كتب على IS

AY, Ma4, Ql4 om.

Ql3, Ma3, Ma5

شهد ابو بكر ابن ابي قحافة و عمر و عثمان و علي بن ابي طالب Yt  
شهد عباس بن عبد المطلب و جهم بن قيس و شرحبيل بن حسنة و كتب Ql1

Ql2

شهد ابو بكر بن ابي قحافة و عمر ابن الخطاب و عثمان بن عفان و علي بن ابي طالب و معاوية بن ابي سفيان و كتب  
شهد عباس بن عبد المطلب و جهم بن قيس و شرحبيل بن حسنة و كتب Ma1

Ma2

شهد ابو بكر بن ابي قحافة و عمر ابن الخطاب و عثمان بن عفان و علي بن ابي طالب و معاوية بن ابي سفيان و كتب  
شهد عباس ابن عبد المطلب و خزيمة بن قيس و شرحبيل بن حسنة و كتب Qs1

Qs2

شهد ابو بكر بن ابي قحافة و عمر ابن الخطاب و عثمان بن عفان و علي بن ابي طالب و معاوية بن ابي سفيان و كتب  
شهد عتيق بن ابو قحافة و عمر بن الخطاب و عثمان بن عفان و كتب علي بن ابو طالب و شهد IF

Variants found: *basmala* omission of the *basmala*; *address* additional prayers on the Prophet, additional phrase with operative verb, difference in operative verb (*aṭā*, *anṭā*, *wahaba*), replacing reference to document with synonym (*kitāb*, *dhikr*), difference in naming addressee (Tamīm, the Dārīs, Tamīm and his companions), additional statement of occasion of document; *clause 1* additional terms for included property, difference in place-names, additional place-name, additional use of phrase in first-person with operative verb, replacement of third-person feminine singular pronoun with third-person feminine dual for non-human plural nouns, additional clause of perpetuity of grant; *clause 2* guarantee for perpetuity added to

exclusive rights and curse clause; *witnesses list and scribal clause* omission of list of witnesses, additional witness, difference in given name of witness, difference in identity of scribe.

### 2.1.3.5 Letters to governors/summary of taxation duties

#### 2.1.3.5.1 (Wathā'iq 133) tax summary to chiefs of 'Abāhila

Both redactions seem to include some paraphrase and it is therefore unclear where narrative introduction ends in Ibn Sa'd or paraphrase begins in al-Qalqashandī. Ibn Sa'd's report returns to his combined isnad. The document was written for Wā'il b. Ḥujr according to his request when returning to his tribe. The text of the document is seamlessly integrated into the report, given in the third person.<sup>162</sup> Al-Qalqashandī's text uses a verbal noun rather than the third person. The text is introduced by a note on understanding the vocabulary of the Bedouin and their habit of "hearing" a text, necessitating clear articulation.<sup>163</sup>

Collation of witnesses [Table 9]:

	(1. address)
	الى الاقبال العباهلة IS
	من محمد رسول الله الى الاقبال العباهلة من اهل حضرموت QI
	(2. clause 1)
	ليقيموا الصلاة و يؤتوا الزكاة و الصدقة على التبعة السائمة لصاحبها التيمة IS
	باقامة الصلاة و ابتاء الزكاة على التبعة الشاة و التيمة لصاحبها و في السيوب الخمس IQ
	(3. clause 2)
	لا خللاط ولا وراطو لا شغار و لا جلب و لا جنب و لا شناق IS
	لا خللاط ولا وراطو لا شناق و لا شغار QI
	(4. clause 3)
	و عليهم العون لسرايا المسلمين IS

<sup>162</sup> Ibn Sa'd I/ii: 35.

<sup>163</sup> Al-Qalqashandī VII: 292.

Ql om.

(5. clause 4)

و على كل عشرة ما تحمل العرب من اجبا فقد اربى IS  
و من اجبى فقد اربى Ql

(6. clause 5)

IS om.

و كل مسكر حرام Ql

Variants found: *address* omission of sender's name; additional mention of origin of addressee; *clause 1* replacing verb with verbal noun; differing phrasing of condition; additional condition (payment of khums); *clause 3* omission of clause (guaranteeing the military aid of the Muslims); *clause 4* shorter form of clause; *clause 5* omission of clause (on prohibition of drinking alcohol).

#### 2.1.3.5.2 (Wathā'iq 205) summary of religious duties ('ahd) to 'Amr b. Ḥazm

Ibn Hishām gives the text within his account of the acceptance of Islam by al-Ḥārith b. Ka'b in Najrān and the entire document falls under and composes a section on "the Prophet's sending 'Amr b. Ḥazm to them [B. al-Ḥārith b. Ka'b]." The text enjoins the Hajj, prayers (*salāt*) with timings mentioned, the fifth of booty (*khums*), land taxes, and poll tax. There is a clear formulaic introduction to document, and clear closing.<sup>164</sup>

Ibn Sa'd has a summary without quoting the text, with similar wording of the narrative introduction going back to a combined isnad and with the name of the scribe (Ubayy [b. Ka'b]) mentioned.<sup>165</sup>

<sup>164</sup> Ibn Hishām 960-963.

<sup>165</sup> Ibn Sad I/ii: 21.

Al-Ṭabarī has the same text as Ibn Hishām, with the isnād Ibn Ḥumayd—Salama--  
Ibn Ishāq--‘Abdallah b. Abī Bakr. The document is introduced in the narrative  
formulaically with nearly identical wording as in Ibn Hishām. There is no closing.<sup>166</sup>

Al-Baladhūrī has the contracted form of the text under his section on the Yemen,  
with the isnād al-Ḥusayn←Yaḥyā b. Adam←Ziyād←Muḥammad b. Ishāq.<sup>167</sup>

Collation of witnesses [Table 10]:

	(1. basmala)
	IH بسم الله الرحمن الرحيم
	‡
	Ba
	(2. address)
	IH
	هذا بيان من الله ورسوله يا ايها الذين امنوا اوفوا بالعقود عهد من محمد النبي رسول الله لعمر بن حزم حين بعثه الي اليمن
	‡
	Ba
	(3. clause 1)
	IH امره بتقوى الله في امره كله فان الله مع الذين اتقوا و الذين هم محسنون
	‡
	Ba امره بتقوى الله في امره كله
	(4. clause 2)
	IH و امره ان ياخذ بالحق كما امره الله
	‡ و امره ان ياخذ بالحق كما امر به الله
	Ba om.
	(5. clause 3)
	IH
	وان يبشر الناس بالخير و يامرهم به و يعلم الناس القرآن و يفقههم فيه و ينهي الناس فلا يمس القرآن انسان الا و هو طاهر و يخبر الناس بالذي لهم و الذي عليهم و يلين الناس في الحق و يشتد عليهم في الظلم فان الله كره الظلم و نهي عنه فقال الا لعنة الله علي الظالمين و يبشر الناس بالجنة و يعلمها و ينذر الناس النار و علمها و يستالف الناس حتى يفقهوا في الدين و يعلم الناس معالم الحج و سنته و فريضته و ما امر الله به و الحج الاكبر و الحج الاصغر هو العمرة و ينهي الناس ان يصلي احد في ثوب واحد صغير الا ان يكون ثوبا يثني طرفيه علي عاتقيه و ينهي ان يحتبي احد في ثوب واحد يفضي بفرجه الي السماء و ينهي ان يعقص احد شعر راسه في قفاه و ينهي اذا كان بين الناس هيج عن الدعاء الي القبائل و العشائر فليقتفوا بالسيف حتي يكون دعواهم الي الله وحده لا شريك له و يامر الناس باسباغ الوضوء و جوههم و ايديهم الي المرافق و ارجلهم الي الكعبين و يمسحون برؤوسهم كما امرهم الله و امر بالصلاة لوقتتها و اتمام الركوع و الخشوع يغسل بالصبح و يهجر

<sup>166</sup> Al-Ṭabarī 1766-1779

<sup>167</sup> Al-Baladhūrī *Futūḥ* 95.

بالحجارة حين تميل الشمس و صلاة العصر و الشمس في الارض مدبرة و المغرب حين يقبل الليل لا تؤخر حتى تبدو النجوم في السماء و العشاء اول الليل و امر بالسعي الي الجمعة اذا نودي لها و الغسل عند الرواح اليها

‡

و ان يبشر الناس بالخير و يامرهم به و يعلم الناس القران و يفقههم في الدين و ينهي الناس ولا يمس القران انسان الا و هو طاهر و ‡ يخبر الناس بالذى لهم و بالذى عليهم و يلين الناس في الحق و يشتد عليهم في الظلم فان الله عز و جل كره الظلم و نهى عنه و قال الا لعنة الله على الظالمين و يبشر الناس بالجنة و بعلمها و ينذر بالنار و بعلمها و يستالف الناس حتى يتفقهوا في الدين و يعلم الناس معالم الحج و سنته و فريضته و ما امر الله به في الحج الاكبر و الحج الاصغر و هو العمرة و ينهي الناس ان يصلي احد في ثوب واحد صغير الا ان يكون ثوبا ثوبا يثنى طرفه على عاتقه و ينهى ان يحتبى احد في ثوب واحد يفضى بفرجه الي السماء و ينهى ان لا يعقص احد شعر راسه اذا عفا في قفاه و ينهى اذا كان بين الناس هيج عن الدعاء الي القبائل و العشائر وليكن دعاءهم الي الله وحده لا شريك له فمن لم يدع الي الله و دعا الي القبائل و العشائر فليقطعوا بالسيف حتي يكون دعواهم الي الله وحده لا شريك له و يامر الناس باسباغ الوضوء و جوههم و ايديهم الي المرافق و ارجلهم الي الكعبين و يمسحون برؤوسهم كما امرهم الله عز و جل و امر بالصلاة لوقتها و اتمام الركوع و الخشوع يغلس بالفجر و يهجر بالهجرة حين تميل الشمس و صلاة العصر و الشمس في الارض مدبرة و المغرب حين يقبل الليل لا تؤخر حتى تبدو النجوم في السماء و العشاء اول الليل و امر بالسعي الي الجمعة اذا نودي لها و الغسل عند الرواح اليها

Ba om.

(6. clause 4)

IH

وامر ان ياخذ من المغانم خمس الله و ما كتب علي المؤمنين في الصدقة من العقار عشر ما سقت العين و سقت السماء و علي ما سقى الغرب نصف العشر و في كل عشر من الابل شاتان و في كل عشرين اربع شياه و في كل اربعين من البقر بقرة و من كل ثلاثين من البقر تبيع جذع او جذعة و في كل اربعين من الغنم سايمة و حدها شاة فانها فريضة الله التي افترض علي المؤمنين في الصدقة فمن زاد خيرا فهو خير له

‡

وامر ان ياخذ من المغانم خمس الله و ما كتب على المؤمنين في الصدقة من العقار عشر ما سقى البعل و ما سقت السماء و ما سقى الغرب نصف العشر و في كل عشر من الابل شاتان و في كل عشرين اربع شياه و في كل اربعين من البقر بقرة و من كل ثلاثين من البقر تبيع جذع او جذعة و في كل اربعين من الغنم سائمة شاة فانها فريضة الله التي افترض علي المؤمنين في الصدقة فمن زاد خيرا فهو خير له

Ba

و ان ياخذ من المغانم خمس الله و ما كتب على المؤمنون من الصدقة من القار عشر ما سقى البعل و سقت السماء و نصف العشر مما سقى الغرب

(7. clause 5)

IH

وانه من اسلم من يهودي او نصراني اسلاما خالصا من نفسه ودان بدين الاسلام فانه من المؤمنين له مثل ما لهم و عليه مثل ما عليهم و من كان علي نصرانيته او يهوديته فانه لا يرد عنها و علي كل حالم ذكر او انثى حرا او عبد دينار و اف او عرضة ثيابا فمن ادى ذلك فان له ذمة الله و ذمة رسوله و من منع ذلك فانه عدو الله و لرسوله و للمؤمنين جميعا

‡

وانه من اسلم من يهودى او نصرانى اسلاما خالصا من نفسه ودان دين الاسلام فانه من المؤمنين له مثل ما لهم و عليه مثل ما عليهم و من كان علي نصرانيته او يهوديته فانه لا يفتن عنها و علي كل حالم ذكر او انثى حر او عبد دينار و اف او عرضة ثيابا فمن ادى ذلك فان له ذمة الله و ذمة رسوله و من منع ذلك فانه عدو الله و لرسوله و للمؤمنين جمي

Ba om.

(8. closing)

صلوات الله علي محمد و السلام عليه و رحمة الله و بركاته IH

‡, Ba om.

Variants found: *clause 1* shortened form of clause omitting Qur'anic quote; *clause 2*

omission of clause on rightful conduct; *clause 3* omission of clause listing religious

duties, replacement of suffixed pronoun with noun, additional epithets for God;

*clause 4* abbreviated form of clause with omitted phrases on taxed items,

replacement of feminine singular with masculine singular verb for non-human

plural; *clause 5* omission of clause on rights on non-Muslims, replacement of verb with synonym, omission of particle *bi-* preceding noun; *closing* omission of closing.

### 2.1.3.6 Quittance/document of sale

#### 2.1.3.6.1 (Wathā'iq 224) bay' for al-'Addā' b. Khālid

Ibn al-Athīr extracts a report from al-Tirmidhī, through Ibrāhīm b. Muḥammad and others by their various chains. Al-Tirmidhī's report returns to 'Abd al-Majīd b. Wahb, who was asked by al-'Addā' if he had ever read to him the document the Prophet wrote for him. Upon a negative answer he brought out the document (or recited it). Al-Aṣmā'ī asks for definitions of *al-ghā'ila* from Sa'īd b. Abī 'Arūba, and of *al-khabī'a*.<sup>168</sup> Al-Qaṣṭallānī has the text with no isnād.<sup>169</sup> The vocabulary (with orthographic differences contained in the redactions) becomes part of the commentary on this document in both texts.

Collation of witnesses [Table 11]:

(1. basmala)

IA om.

QS بسم الله الرحمن الرحيم

(2. address)

IA هذا ما اشترى العداء بن خالد بن هوذة من رسول الله صلى الله عليه وسلم

QS هذا ما اشترى العداء بن هوذة من محمد رسول الله

(3. clause 1)

IA عبدا او امة

QS

(4. clause 2)

IA لا داء و لا غائلة و لا خبثة

<sup>168</sup> Ibn al-Athīr *Usd al-Ghāba* III: 230, no. 3602.

<sup>169</sup> Al-Qaṣṭallānī II: 154-55.

(5. clause 3)  
 بيع المسلم المسلم IA  
 بيع المسلم للمسلم QS

Variants found: *basmla* omission of the *basmla*; *address* addition of prayers upon the Prophet; *clause 3* differing phraseology of final clause due to additional particle *li-*.

## 2.2 Conclusion

Among the redactions of the Prophetic documents, variants commonly occur as the omission of formulae and replacement of single nouns and verbs with synonyms; less frequently occurring are the transpositioning of formulae and the reversal of words and differing phraseology within formulae. The names of scribes and witnesses can be given in clauses or as information as part of the *khbar* and these names sometimes differ. Differences among place-names and names of addressees most commonly exhibit orthographical differences or the results of confusing one letter for another of similar shape. As internal factors restricting variation, brevity, compactness, and a formulaic nature characterize Prophetic letters and legal and administrative documents. That the variation overwhelmingly occurs as dropping of entire sections and substitution through synonymy suggests both errors of sight and editorial choices for the written form resulting from considerations of style or reconstructive memory of the text (since often the variants do not appear to result from skipping due to similarity of textual elements through *parablepsis*). Erick Kelemen discusses how visual movement between exemplar and copy “practically invites errors of

omission.”<sup>170</sup> While substitution through synonymy is often cited as a feature of oral performance and can suggest oral recall of the material, it can also indicate choices made by the composer and redactor taking into account the style of the larger written work as well as the current lexical usage.

The element of personal and place-names may be most vulnerable to tendentious shaping in both oral and written transmission as well as in a text’s reproduction and performance. Witness and scribe names are frequently omitted from quotation of a document and provided later on in the narrative, or names will not be provided while the fact that a document was witnessed will be noted. Also, fixing or stabilizing the identities of those involved in the initial event may not have been part of the essential unit of information to early transmitters. A useful concept in this regard is found in ethnographic studies of oral tradition: the supremacy in composition of immediate experience and the resonance of this experience with the audience. That "resonance" may be considered the most “sensible deployment”<sup>171</sup> of the words of the report rather than verbatim repetition or historical information (names, dates). This does not mean that whenever these reports are transmitted the changes in personal and place names, for example, reflect sectarian interests but rather that they are less stable than epistolary formulae and other textual conventions, which are more archaic than the

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<sup>170</sup> Kelemen, *Textual Editing*, 62-63.

<sup>171</sup> Phrase used by Juliet Fleming *Graffiti and the Writing Arts of Early Modern England* (London: Reaktion Books, 2001) 23 to describe functions of the graphic culture, including visual poetry, of early modern England. The notion of a “graphic culture” is evoked by Roger Chartier, defined as “the whole range of written objects and practices in a given society” including the “differences among contemporary forms of writing and cataloguing multiple uses to which writing is put” (Roger Chartier, *Inscription and Erasure: Literature and Written Culture from the Eleventh to the Eighteenth Century* Trans. Arthur Goldhammer (Philadelphia: University of Pennsylvania Press, 2007) viii).

terminology of transmission or the weight given to proper names and identifying principal actors.

Complexity in transmission, that is, the existence of multiple versions of a document quoted in a single source, seems to be a function of legal and exegetical interests, where their inclusion in these works seems to be a factor of two things, interest in their legal contents, and possession of a chain of attested transmitters. However, citations in manuals related to law and administration account for only a fraction of our corpus of documents attributed to or related to the Prophet. Thus legal and exegetical concerns are not the only ones that seem to be motivating their transmission. One of the earliest biographically-organized works, the *Ṭabaqāt* of Ibn Sa'd, with its distinct section devoted to the *sīra*, as well as later biographical dictionaries devoted to individuals of interest to ḥadīth criticism, quote the Prophetic documents primarily due to their value in representing claims of contact with the Prophet by named individuals. They thus have a testimonial function in these biographical texts, but not to material claims (such as to land), but to the charismatic authority of the Prophet. Later *ta'rikh* works, many using Ibn Sa'd and his sources, such as al-Ṭabarī's *Ta'rikh*, draw on the same theme in their reproduction of the documents. Focusing on the legal contents and historiographical value of the Prophetic documents can result in ignoring a sense in the early tradition of a bulk of telegraphic texts said to be written on scraps of leather, the majority of which are mentioned only under claims by possession of individuals and families, claims given or traced by the earliest redactors (Ibn Ishāq, al-Wāqidī, Ibn Shabba, and Ibn Sa'd) drawing on tribal informants and memories.

Variation is partially a function of the technologies of transmission. The corpus of Prophetic documents includes those with highly contested legal and exegetical content and those which appear much simpler, yet the areas in which their redactions evince variation are shared. The variants are formal: including substitution by synonyms, altered order of phrases and occasionally of clauses, and addition or omission of formulae, suggesting both oral recall as well as narrative choices made in self-consciously literary works, and substantive: differences in given names, both in the historical reports and in the texts of the documents, where they are sometimes also the result of visual errors. It is not safe to assume that either type of variation directly corresponds with either oral or written transmission. Nor is it safe to conclude that shaping and variation drawing, presumably, on historiographical concerns based on legal or exegetical content, are facilitated or more likely to occur through one transmission method or the other. The technologies of transmission and redaction make use of both oral and written methods; neither method can be considered a pure strand that can be extracted from the history of a text based on the surviving evidence.

### 2.2.1 Variation in the medieval Arabic poetic tradition

The handing down of variants in pre-Islamic poetry, and the attention granted them by medieval critics, are illustrative of at least one strand of the medieval Islamic perception of textual variation and its relationship to notions of authenticity and authorship. Suzanne Stetkevych has argued for a comparability of the early compilation (2<sup>nd</sup>-4<sup>th</sup> c. A.H.) of *Jāhili* (pre-Islamic) poetry and of *ḥadīth* based on a shared

notion of correct attribution. This criterion, however, was not necessarily based on an indisputable isnād but on the concept of *ijmā'*, the consensus of past authorities. In compilations of poetry and biographical material, the shaping effect of *ijmā'* can be seen in the coherence of narrative and personality provided by the currency and acceptance of the material.<sup>172</sup>

In his study of the practice of pre-Islamic poetry through applying the Parry-Lord thesis of oral composition and performance of formulaic epic poetry, Michael Zwettler's central argument is that the type and measure of variation in pre-Islamic *qaṣīdas* (odes) serve as documentation of techniques of oral composition and rendition.<sup>173</sup> The bulk of ancient Arabic poetry survives as recorded after the first/seventh century.<sup>174</sup> Zwettler points out that, in the first place, there are internal factors that lend themselves to variation, including the rich variety of available synonyms in Arabic. Variation among redactions of a *qaṣīda* occurs in the details of verses, in their number, and in their sequence. Régis Blachère has characterized a small number of these variations as due to the writing system and the practice of substitution by synonyms, while attributing most to failures of memory during oral transmission in an inherently unstable tradition.<sup>175</sup>

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<sup>172</sup> Suzanne Stetkevych "Archetype and Attribution: Al-Shanfarā and the *Lāmiyyat al-'Arab*" In *The Mute Immortals Speak: Pre-Islamic Poetry and the Poetics of Ritual* (Ithaca: Cornell UP, 1993) 123.

<sup>173</sup> Michael Zwettler *The Oral Tradition of Classical Arabic poetry: its Character and Implications* (Columbus: Ohio State UP, 1978).

<sup>174</sup> Zwettler 220.

<sup>175</sup> Régis Blachère *Histoire de la littérature arabe des origines à la fin du XVe siècle de J. C.* (Paris: A. Maisonneuve, 1952-) I: 181-82.

Zwettler takes issue with each of these conclusions. He focuses on the example of the *Mu'allaqa* of Imru' l-Qays. This *qaṣīda* circulated in the medieval period in seventeen different versions, and its “textual tradition. . . has been characterized since the second/eighth century by a generally scrupulous concern to clarify obscurities, cite variants, and credit authorities.”<sup>176</sup> The range of variation in this and other *qaṣīdas* is too broad to posit a singly-authored archetypal text composed at one moment in time.<sup>177</sup> Zwettler thus argues against the assumption in modern scholarship of an “original version” underlying variation in textual transmission of a poem, as well as the related assumption that verbal correspondences among poems by the same poet or by different poets represent misattribution, plagiarism, or coincidence.<sup>178</sup> Instead, works of poets in an oral tradition “are undertaken preeminently to re-create, if not reproduce, a traditional standard.”<sup>179</sup> Correspondences and formulaic elements thus “may be the surest proof that we are dealing, by and large, with an *authentic and conscientiously recorded* body of poems composed and rendered within an oral tradition as it has come to be understood.”<sup>180</sup>

Some variation in the poetic tradition can be due to misreadings, especially before the stabilization of the Arabic script and the full differentiation of dotted letters.

Philologists did discuss both aural and graphic misreadings in poetical texts in the genre of *taḥrīf* (transposition of letters due to their phonetic or graphic similarity, orthographic confusion, or erroneous vocalization) and *taṣḥīf* (errors due to erroneous

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<sup>176</sup> Zwettler 192.

<sup>177</sup> Zwettler 194.

<sup>178</sup> Zwettler 196-97.

<sup>179</sup> Zwettler 197.

<sup>180</sup> Zwettler 198.

letter-pointing).<sup>181</sup> Note that the medieval critics discussed both errors due to phonetic and graphic similarity in letters side by side, as a pair, indicating that oral transmission is an element of scribal practices. Similarly, in textual criticism of the Hebrew Bible, the category of differences among textual witnesses due to phonetic similarity of letters is included among scribal errors.<sup>182</sup>

Zwettler argues that these errors are not a major source of variation in the redactions of pre-Islamic odes. More often the variation found in poetry is of a non-scribal nature, resulting in substantially divergent verses which co-exist or are accepted as more or less equally valid. While in modern scholarship non-scribal variation is generally attributed to lapses in memory, Zwettler argues that this argument serves only when it is a matter of alternation by synonymy. Thus these differences should not be seen as results of techniques of transmission but as evidence for the operation of a particular concept of textual integrity. Rather, “too often the variations give indication of differing conceptions of the poem at hand—or at least of the particular passage—and of different approaches to solving immediate and specific compositional problems.”<sup>183</sup> An example of this type of variation from Imru’ l-Qays’ *Mu‘allaqa* involves shared thematic content, syntactic structure, and the key verb between two versions of the first hemistich of verse 8, but differing “semantic and imagistic intent,” a difference cemented with the different positions of the hemistich in each version. Most sources

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<sup>181</sup> Zwettler 206. The same discrepancies are discussed in ḥadīth transmission, for example, Ibn al-Ṣalāḥ’s chapter on misreadings, graphic and aural: Ibn al-Ṣalāḥ al-Sharazūrī *An Introduction to the Science of the Ḥadīth: Kitāb Ma‘rifat anwā’ ‘ilm al-ḥadīth* Trans. Eerick Dickinson (Reading: Garnet, 2005) 201-204.

<sup>182</sup> Emmanuel Tov, *Textual Criticism of the Hebrew Bible* revised 2<sup>nd</sup> ed. (Minneapolis: Fortress Press, 2001) 251.

<sup>183</sup> Zwettler 206.

have: *idhā qāmatā taḍawwa‘a l-misku min-humā*, “When both arise the scent of musk is wafted from them.” Three sources have a variant reading: *idhā ltafatat naḥwī taḍawwa ‘a rīḥuhā*, “When she turns toward me, her fragrance is wafted (through the air).”<sup>184</sup>

Making a valuable distinction between *memorized* and *remembered* content, Zwettler concludes that these differences indicate that the hemistich’s “essential features were rendered very much intact as remembered (*not* memorized) components of a familiar poem; and. . . that its realized verbal formulation depended upon where in the course of his rendition the particular renderant called it to mind.”<sup>185</sup> Finally, judgment on whether a variant is non-scribal is ultimately subjective, since interpolations and grammatical normalization by editors and scribes also occurred during written transmission of poetry. This normalizing tendency in grammar was observed and criticized by many early textual critics.<sup>186</sup>

Gregor Schoeler’s criticism of Zwettler’s approach points out that the abundance of variants which Zwettler accepts as proof of the oral-formulaic nature of pre-Islamic poetry also occurs in early ‘Abbasid (third century AH) poetry.<sup>187</sup> Formulae occur in written poetry as well and not only in small quantities, but differ from oral formulae in function and form. Parry’s formula is a device designed to facilitate improvisation, by occurring in the same metrical position and using the same words. Instances in Arabic poetry rarely do so, as recurring word groups often change position in verses and vary

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<sup>184</sup> Zwettler 209-210, his translation of Imru’ al-Qays

<sup>185</sup> Zwettler 210.

<sup>186</sup> Zwettler 209.

<sup>187</sup> Gregor Schoeler “Oral Poetry Theory and Arabic Literature” In Schoeler *The Oral and the Written in Early Islam*. Trans. Uwe Vagelpohl (London: Routledge, 2006) 91. Rosalind Thomas also argues against formulaic style as an absolute characteristic of oral poetry: *Literacy and Orality in Ancient Greece* (Cambridge: Cambridge UP, 1992) 43.

in wording.<sup>188</sup> Schoeler's argument, corroborated by Saad Sawayan's study of modern Bedouin poetry,<sup>189</sup> is that the Arabic formulae are not generative but stylistic in function. In Sawayan's study, each Nabati poem has an original version by an original composer, and emphasis is on memorization word by word.<sup>190</sup> In both modern and ancient Arabic poetry, both illiterate and literate poets polish and review their compositions several times, and the processes of composition and transmission are independent and subsequent.<sup>191</sup> Reports of a poet improvising a *qaṣīda* are rare.<sup>192</sup> Ability to improvise is also not limited to a milieu or era.

Despite criticism of and limits placed on Zwettler's direct application of the Parry-Lord thesis of the formula to Arabic *qaṣīdas*, his discussion of the transmission processes remains useful for understanding the concept of textual authenticity in the first written collections of Arabic literary material. This concept does not depend on his definition of a formula but on his description of variation in redactions of poetry. Zwettler's broader concept of an oral traditional and orally performed poetry, even if that poetic tradition, as per Schoeler's critique, cannot be considered to have been based on improvised composition, can be usefully placed side by side with early ḥadīth critics' discussions of variants in textual transmission, as discussed in Chapter III of this dissertation.

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<sup>188</sup> Schoeler, "Oral Poetry," 106.

<sup>189</sup> Saad A. Sawayan *Nabati Poetry: The Oral Poetry of Arabia* (Berkeley: University of California Press, 1985).

<sup>190</sup> Sawayan, *Nabati Poetry*, cited in Schoeler "Oral Poetry" 108-109.

<sup>191</sup> Schoeler "Oral Poetry" 108-109 citing Sawayan.

<sup>192</sup> Schoeler "Oral Poetry" 94-95.

### CHAPTER III: Transmission: the documents as ḥadīth

The documents attributed to the Prophet were an element of lived experience conveyed by social memory and preserved in communal practices of recitation and recording. These included practices for differentiating between verbatim and non-verbatim or edited reproduction of text, socially current definitions of authenticity and correct attribution, scribal practices for the citation of quoted materials, and choice of media for the recording of texts. How did the Prophetical documents fit under the culturally current practices of storing and preserving information in verbal modes? One way of looking at the tendentious material in accounts of early Islamic documents is through a content-based criticism which concludes that sectarian issues and polemic directly explain the tendency toward variation in the redactions. But this explanation does not take into account the nature of transmission as well as the perception of transmission by medieval collectors and critics.

This chapter studies oral and written modes of transmission of early Arabic material while attempting to avoid assigning modern conceptions of textual authenticity and fidelity to the medieval authors. The chapter examines discussion among the traditionists themselves concerning the criteria developed for the transmission of ḥadīth, to be compared with the collection of pre-Islamic Arabic poetry and *Ayyām al-ʿArab* tribal traditions. Thus this chapter answers the question: What is the place given to verbatim reproduction and literal authenticity in reporting the Prophet's words in

works from the second/eighth to fifth/eleventh centuries, the period in which most of our literary sources for the Prophetical documents were produced?

There also remains the issue of the motives for preservation of texts, whether reproduced verbatim or not. This issue can be usefully understood through the role of the rhapsode that has been evoked in information studies,<sup>193</sup> which challenges a conception of ḥadīth and historical and biographical *akhbār* (reports) as atomistic units collected and shaped through processes of compilation. The rhapsode, the *rāwī*, the singer of tales, the *qāṣṣ*, the reciter, each collapses the roles of composer and preserver in order to select and package memories and recorded information in socially meaningful forms. The early Islamic written tradition is drawing its material from a place where the motivating factors in transmission and performance of texts are personalities, location, and charisma. Redaction should thus not be seen as the result of the stratification of distinct layers of texts but of strings of processes that make up competing and varying texts that are set within a discourse.

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<sup>193</sup> The role of the rhapsode is evoked by David Bearman in his chapter on “Recorded Memory and Cultural Continuity.” Bearman discusses the issues raised by Kenneth Foote’s 1985 article, “Artifacts and Memory in Communication and Culture,” which stresses the “intellectual impermanence of recorded memory,” that, out of context, becomes unintelligible noise to the future. This problem is overcome by collapsing the roles of composer and preserver in the storyteller, whose achievement is adapting the words of the text to the meaningful forms communicable to the current society (David Bearman, “Recorded Memory and Cultural Continuity” in *Archival Methods Archives and Museum Informatics Technical Report #9* (Pittsburgh, Archives and Museum Informatics, 1989) 38).

### 3.1 The status of verbatim transmission/literal authenticity regarding speech of the Prophet

A study of the processes of transmission engaged by medieval scholars and compilers requires describing the cultural practices that served as background for these modes. When considering the material attributed to the Prophet, there remains the issue of a greater social context surrounding the transmission of ḥadīth as a unit of information.

Medieval ḥadīth critics had their own criteria for determining whether the precise wording of Prophetic speech has been and should be transmitted. The earliest critics made distinctions between transmission of the “meaning” (*ma'nā*) and verbatim transmission in reports. Under verbatim transmission, there were various ways in which the text (*matn*) of a ḥadīth was recognized as having been edited by an oral or written transmitter. As Jonathan Brown demonstrates, however, in the age preceding the full development of ḥadīth criticism, scholars of ḥadīth conceived of the meaning (*aṣl*) of a ḥadīth to reside in an event and the Companion related to it, and not in a particular act of speech. In addition, a single narration of a ḥadīth did not need to bear the entire weight of establishing its link to the Prophet. Repairs could be made in the historical certainty attributed to a particular narration of a ḥadīth with corroborating versions.<sup>194</sup>

Brown elaborates the epistemological scale used by the formative Partisans of Ḥadīth (*ahl al- ḥadīth*) and original Sunni scholars (*ahl al-sunna wa-l-jamā'a*) preceding the

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<sup>194</sup> Jonathan A. C. Brown “Did the Prophet Say It or Not? The Literal, Historical and Effective Truth of Hadiths in Early Sunnism,” forthcoming.

development of ḥadīth criticism and legal theory of the late fourth/tenth and early fifth/eleventh centuries. Here he defines three useful concepts: 1) historical truth, the extent to which ḥadīth accurately represents “the Prophet’s precedent and general teachings as manifested in historical moments in the life of the early Muslim community”; 2) literal truth, “whether or not the Prophet actually said a certain statement or performed a certain act”; and 3) effective truth, the power that the Prophet’s idiom “could wield in the Sunni tradition regardless of its actual authenticity or the stated commitment of the Muslim scholars to assuring a hadith’s reliability.”

Brown provides the example of the written recording of the Gettysburg Address of 1863 to show how, even in the case of a well-documented, modern speech, we can arrive only at a certainty about approximately what was said in the past, rather than a binary certainty about whether a certain phrase was spoken or not.<sup>195</sup> Prominent Partisans of Ḥadīth jurists of the third/ninth century and the authors of the great canonical ḥadīth collections held the opinion, dismissed by later legal theorists, that reliable *aḥad* (transmitted through a single narration) ḥadīths were a true record of the Prophet’s message and a sound base for theological beliefs. They did not maintain the distinction made, for example, by al-Khaṭīb al-Baghdādī (d. 463/1071), that a lack of certainty over whether a report transmits the words of the Prophet compromises certainty over the meaning of its contents.<sup>196</sup>

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<sup>195</sup> Brown “Did the Prophet Say It or Not?” 11.

<sup>196</sup> Brown “Did the Prophet Say It or Not?” 13, citing al-Khaṭīb al-Baghdādī *al-Kifāya fī Maʿrifat uṣūl fī ʿilm al-riwāya* ed. Abu Ishaq Ibrahim Mustafa al-Dimyati, 2 vols. (Cairo: Dar al-Huda, 1423/2003) 2: 557.

The generation of al-Bukhārī and Muslim’s teachers seems to have held that a ḥadīth represented an item of historical truth, meaning that it documented elements of the Prophet’s teachings or events in his life.<sup>197</sup> Indeed, “the Muslim ḥadīth critics of the second/eighth and third/ninth centuries were eminently aware of both the literal ambiguity inherent in even a ‘historically true’ report and the creative component of transmitting the words of the Prophet.”<sup>198</sup> As an example, when al-Tirmidhī asked his teacher, ‘Abdallah al-Dārimī (d. 255/869), whether a scholar who narrates a ḥadīth while knowing it contains some trivial textual uncertainties would suffer the threat in the Prophet’s statement “Whoever narrates from me a ḥadīth that he sees is a lie (*khādhīb*) is among the liars,” al-Dārimī replied that the warning only applies to those who narrate ḥadīth that has “no basis (*aṣl*)” as being from the Prophet, not those narrating versions of a ḥadīth with minor differences in transmission.<sup>199</sup>

The notion of a ḥadīth having an *aṣl* was central to ḥadīth criticism and transmission, and this basis was usually associated with a Companion assumed to have witnessed the Prophet speak or act on a certain occasion. With this basis, Brown points out, a wide range of acceptable permutations was possible, in both the chain and text of a report, even if the ḥadīth was concluded to be *ṣaḥīḥ* (sound/correct/authentic). For example, al-Bukhārī includes three different narrations of a well-known ḥadīth of the Prophet from Anas b. Malik, with the second and third versions including the substantial

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<sup>197</sup> Brown “Did the Prophet Say It or Not?” 24.

<sup>198</sup> Brown “Did the Prophet Say It or Not?” 26.

<sup>199</sup> Brown “Did the Prophet Say It or Not” 26 citing *Jāmi‘ al-Tirmidhi, Kitab al-‘ilm bab ma ja’a fiman rawa hadīth wa huwa yara annahu kadhib.*

addition of an explanation by the Prophet to his aphoristic statement.<sup>200</sup> The practice of *riwāya bi-l-ma'nā*, where a narrator substituted the gist of a statement of the Prophet or a “recreation” of his literal words, was widely accepted by ḥadīth transmitters of the second/eighth and third/ninth centuries and eventually accepted unanimously in later manuals of ḥadīth sciences such as those of al-Khaṭīb al-Baghdādī and Ibn al-Ṣalāḥ al-Shahrazūrī (d. 643/1245). Thus even a *ṣaḥīḥ* ḥadīth “was only a permutation of an authentic urtext, with a strong possibility that it was just the gist of his words.”<sup>201</sup> In the formative phase of ḥadīth criticism, thus, the question of which ḥadīth was “sounder” than another often had nothing to do with the wording or implications of a ḥadīth but with which narration drew on more respected transmitters or enjoyed more corroboration through the general practice of scholars or other supporting narrations.<sup>202</sup>

Scott Lucas also points out that *bi-l-ma'nā* was a major method of reliable ḥadīth transmission. Early ḥadīth scholars distinguished between the Followers (the generation following the Companions of the Prophet) who transmitted ḥadīth precisely and those transmitting the general meaning of a report, though this discussion “suggests that a percentage of the vast ḥadīth corpus *never* consisted of the exact locutions of the Prophet Muhammad, even though the reports were considered faithful to his practices and opinions.”<sup>203</sup> From the Umayyad period major transmitters such as

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<sup>200</sup> Brown “Did the Prophet Say It or Not” 27. *Sahih al-Bukhari kitab al-mazalim, bab a 'in akhaki; kitab al-ikrah, bab 7.*

<sup>201</sup> Brown “Did the Prophet Say It or Not” 28-29.

<sup>202</sup> Brown “Did the Prophet Say It or Not” 30-32.

<sup>203</sup> Scott C. Lucas *Constructive Critics, Ḥadīth Literature, and the Articulation of Sunnī Islam: The Legacy of the Generation of Ibn Sa'd, Ibn Ma'in, and Ibn Hanbal* (Leiden: Brill, 2004) 324.

Anas b. Mālik (d. 90-93/709-711), al-Sha‘bī (d. after 103/721), Ibrāhīm al-Nakha‘ī (d. 95/714), and al-Ḥasan al-Baṣrī (d. 110-728) are reported to have conveyed the general meaning rather than the precise wording of Prophetical reports.<sup>204</sup> Later transmitters also sometimes repeated only the essential part of a report while at other times repeating it in its entirety.<sup>205</sup> In his letter explaining the criteria for his ḥadīth collection, the *Sunan*, Abū Dawūd al-Sijistānī (d. 275/889) writes that his reason for sometimes abbreviating ḥadīth was to make the juridical significance of a report apparent: “Sometimes I abbreviated a long ḥadīth because, if I had written it in its entirety, some who hear it might not have recognized its juristic import.”<sup>206</sup>

Al-Ḥākim al-Naysābūrī’s (d. 405/1014) *al-madkhal ilā ma‘rifat al-iklīl*, an early work on the categories of acceptable and unacceptable ḥadīth transmitters, builds up the argument for focusing transmitter-criticism on certain types of reports and Prophetical material, making a distinction between ethical and legal traditions that becomes a staple of later *‘ulūm al ḥadīth* works. Ethical traditions are described as prompting a critical indulgence. Al-Naysābūrī provides two reports, quoting the critic ‘Abd al-Raḥmān b. Maḥdī (d. 198/814) and his student Ibn Ḥanbal, promoting the practice of accommodating the isnād when dealing with ḥadīth on virtuous actions and reward and punishment, but applying scrutiny to the isnāds for ḥadīth on the lawful and the

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<sup>204</sup> Lucas 341.

<sup>205</sup> Jonathan A. C. Brown “Criticism of the Proto-Hadith Canon: al-Dāraqūṭnī’s Adjustment of the *Ṣaḥīḥayn*” *Journal of Islamic Studies* 15, no. 1 (2004): 26.

<sup>206</sup> Abū Dawūd al-Sijistānī *Risāla li-Abī Dawūd ilā ahl Mecca fī waṣf sunanihi* Ed. Muhammad al-Luṭfī al-Ṣabbāgh (Beirut: al-Maktab al-Islāmī, 1317/1997) 64.

prohibited.<sup>207</sup> In another place al-Naysābūrī traces this division of material to the Prophet, citing a ḥadīth, returning to ‘Abdallāh b. ‘Amr, in which the Prophet encourages transmitting without restriction from him, prohibiting only deliberate forgery: “Convey information from me, though only a verse, tell traditions without restriction from the Banī Isrā’īl, and tell traditions from me, but do not lie against me, for let him who lies against me intentionally come to his seat in hell.”<sup>208</sup>

What about discussion on the methods of the Companions? Additional material, including words, phrases, or historical circumstances, found within the text of a ḥadīth through a particular transmission may be due, according to al-Khaṭīb al-Baghdādī’s *al-kifāya fī ma’rifat uṣūl fī ‘ilm al-riwāya*, to Companions at one time quoting the Prophet, and at another, pronouncing a religious judgment based on his words.<sup>209</sup> In his summary of methods for ḥadīth transmission, Ibn al-Ṣalāḥ offers a chapter on types of material, which usually occurs as commentary, found interpolated into ḥadīth and appearing as if from the Prophet.<sup>210</sup> Under a chapter on the manner of relating ḥadīth and its stipulations, Ibn al-Ṣalāḥ permits paraphrasing with clear indications by knowledgeable transmitters, “knowledgeable in words and what they mean, familiar with what changes their sense and in possession of insight into the shades of difference between them.”<sup>211</sup> The Companions originated this practice of paraphrasing, indicated with code phrases. But this is no longer an issue with the spread of books. “Rather,

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<sup>207</sup> Al-Ḥākim al-Nīsābūrī *An Introduction to the Science of Tradition: al-Madkhal ilā ma’rifat al-Iklīl* Trans. James Robson (London: The Royal Asiatic Society of Great Britain and Ireland, 1953) 11.

<sup>208</sup> al-Nīsābūrī, *Madkhal*, 26-27.

<sup>209</sup> Brown, “Criticism,” 29.

<sup>210</sup> Ibn al-Ṣalāḥ, *An Introduction to the Science of the Ḥadīth*, 73-75.

<sup>211</sup> Ibn al-Ṣalāḥ, *An Introduction to the Science of the Ḥadīth*, 150.

those who permitted transmission by paraphrasing did so on account of the difficulty and hardship faced by the Companions and early forebears in rendering words exactly and rigidly sticking to them.”<sup>212</sup> Allowances for non-verbatim transmission are thus associated with a less widely literate age. At the same time, that age is presented as exhibiting greater interest in maintaining verbatim transmission. Paraphrasing of ḥadīth should be followed by phrases such as “or as he said (*aw kamā qāla*)” or “or something like this (*aw naḥwa hādihā*),” as was done by the Companions Ibn Mas‘ūd (d. 32/652-3), Abu ‘l-Dardā’ (d. ca. 32/652), and Anas.<sup>213</sup> Early transmitters such as Abū Ma‘mar ‘Abd Allāh b. Sakhbara (d. before 53/673) and Ibn Sīrīn (d. 110/728) are mentioned as disallowing grammatical corrections or correcting misreadings, although the doctrine of the majority, which allows knowledgeable paraphrasing, is to allow it.<sup>214</sup>

More judgments can be found on the issue of preserving the precise wording of Prophetical ḥadīth under the discussion of *ziyāda* (addition). The concept of “addition” in ḥadīth criticism includes three types (though this is not the medieval categorization): 1) isnād addition, of a transmitter not found in other narrations of the same report; 2) literal *matn* addition, a narration which adds material to the text of the report; and 3) normative *matn* addition, a narration of a report generally considered to be the statement of a Companion elevated (*mawqūf*) to the Prophet.<sup>215</sup> Like variation in

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<sup>212</sup> Ibn al-Ṣalāḥ, *An Introduction to the Science of the Ḥadīth*, 151.

<sup>213</sup> Ibn al-Ṣalāḥ, *An Introduction to the Science of the Ḥadīth*, 151.

<sup>214</sup> Ibn al-Ṣalāḥ, *An Introduction to the Science of the Ḥadīth*, 153.

<sup>215</sup> Jonathan Brown *The Canonization of al-Bukhārī and Muslim: The Formative Function of the Sunnī Ḥadīth Canon* (Leiden: Brill, 2007) 116.

ancient Arabic poetry, the identification of *ziyāda* in ḥadīth by the critics was subjective to an extent, but was ultimately a topic of transmitter-criticism and thus an issue of authenticity and attribution based on identifying the source of a report. If one narration from reliable transmitters was attributed to the Prophet while others were attributed to a Companion, most critics ruled out the exception as not *ṣaḥīḥ*. However, an individual critic may trust the single transmitter returning the report to the Prophet and choose his as the correct narration.<sup>216</sup>

The study of *ziyādat al-thiqa*, addition by a reliable transmitter, was developed by ḥadīth scholars starting in the third/ninth century. Initially involving a uniform notion of *ziyāda*, a theoretical distinction between *matn* and *isnād* addition arose with al-Baghdādī in the fifth/eleventh century.<sup>217</sup> According to al-Baghdādī, the majority of ḥadīth critics and legal scholars accepted a report with additional material if only one reliable transmitter narrates it.<sup>218</sup> Jonathan Brown clarifies, however, that critics rarely distinguished between literal and normative *matn* addition, as both were considered cases of attributing material to the Prophet. Precluding deliberate forgery, *ziyāda* in the *matn* is inseparable from *idrāj* (insertion), and could be the words of a Companion or commentary accidentally presented as the Prophet's speech.<sup>219</sup> *Isnād* and *matn* were thus inseparable as the “organic product of the transmission process,” and reports were associated with specific transmitters.<sup>220</sup> Whether multiple narrations of a single report were seen as contrasting was thus up to the individual ḥadīth critic. For ‘Alī b.

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<sup>216</sup> Brown, *Canonization*, 116.

<sup>217</sup> Brown, “Criticism,” 27.

<sup>218</sup> Brown, “Criticism,” 29.

<sup>219</sup> Brown, “Criticism,” 10-11.

<sup>220</sup> Brown, “Criticism,” 13.

‘Umar al-Dāraquṭnī (d. 385/995), two almost identical *matns* are unrelated if they occur through radically different chains. Thus the existence of various reliable chains, resulting in two distinct representations of the Prophet’s speech, with variant wordings, is not problematic to al-Dāraquṭnī.<sup>221</sup> Scholars could criticize different narrations of a ḥadīth without dismissing the Prophetic tradition as a whole. For example, in his *Ta’rīkh Baghdād* al-Baghdādī provides Companion ḥadīth side by side with the corresponding Prophetic versions.<sup>222</sup> The orthodox ruling on the acceptance of *ziyādat al-thiqa* formed in the work of Abī Zakarīyā Yaḥyā b. Sharaf al-Nawawī (d. 676/1277) and Ibn Ḥajar al-‘Asqalānī (d. 852/1449) and the attempt to recreate the criteria of al-Bukhārī and Muslim.<sup>223</sup>

To the ḥadīth scholars then, ḥadīth is not an isolated unit but one reflection of an observed act or saying of the Prophet, like ripples spreading out from their source in water. Ḥadīth are distinguished by criteria applied to them, commonly on the integrity of the isnād, for purposes of use within the scholarly community, in their function as evidence for rulings on religious practice and theological doctrines.

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<sup>221</sup> Brown, “Criticism,” 13-15.

<sup>222</sup> Jonathan A.C. Brown “Critical Rigor vs. Juridical Pragmatism: How Legal Theorists and Ḥadīth Scholars Approached the Backgrowth of *Isnāds* in the Genre of *‘Ilal al-Ḥadīth*” *Islamic Law and Society* 14 (2007) 8-9.

<sup>223</sup> Brown, “Criticism,” 30.

### 3.2 Authenticity, attribution, and integrity

#### 3.2.1 Conceptions of authenticity and attribution in Arabic literary criticism and theory between the second and fifth Islamic centuries

In early Arabic literary criticism and theory, the concept of authenticity comparably encompasses significant variation in the wording of poetic material. Michael Zwettler's discussion of the issue of attribution of pre-Islamic poetry reveals the importance of location, particularly based on a distinction between rural and urban Arabic speakers, to medieval Islamic literary critics in verifying the "authenticity" of verses. Zwettler characterizes as "classicist" the trend to ascribe poems to individual poets and of differentiating poets from one another, features that are not characteristic of pre- and early Islamic or even of the first stages of written poetic tradition.<sup>224</sup> Zwettler points out that Umayyad era singers and compilers of lyrics, as well as the earliest philological texts such as al-Khalīl's (d. 175/791) *Kitāb al-'Ayn* and Sībawayh's (d. 177-194/793-809) *Kitāb*, leave the majority of their cited lines unattributed.<sup>225</sup> Similarly, the numerical grid system of chapters and verses in medieval Bible manuscripts functioned as a mnemonic, and not as a citation system. Carolingian manuscripts are the first to occasionally indicate as marginalia the name of a Biblical book that is quoted, but this information was frequently not copied by later scribes. Medieval Western manuscripts typically cite scripture without attribution and without using numbers. As Mary Carruthers point out:

[I]t is a significant point that medieval citations are given *before* the text more frequently than after it. The anterior position serves to cue the mental grid. Our mode of citing after a

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<sup>224</sup> Zwettler 199-200.

<sup>225</sup> Zwettler 202.

quotation, in parentheses or a footnote, is designed solely to send a reader to a printed source that he or she must find elsewhere.<sup>226</sup>

Attribution of pre-Islamic lines of poetry drew on historical reports, *ayyām* (Arab tribal) traditions, and tribal informants. The “failure of the renderants and auditors of a traditional poem to include specific information regarding its ‘authorship’ (if such a term is even appropriate here),”<sup>227</sup> does not characterize the pre-classicist period as an entirely anonymous era. There exist, for example, accounts of performances where a poet is asked to repeat a verse, revealing that verses were remembered and associated with certain poets in popular memory.<sup>228</sup> Anonymity does not equal collectivity. The poet as individual persona existed in the pre-Islamic period.<sup>229</sup> The issue becomes then, to the classicist critics, less identifying the poet than establishing his status in the canon. Compare this to Adrian Johns’ description of the printed publication of the first folio of Shakespeare in the 19<sup>th</sup> century, having

some six hundred different typefaces, along with nonuniform spelling and punctuation, erratic divisions and arrangement, mispaging, and irregular proofing. No two copies were identical. It is impossible to decide even that any one is “typical.” In such a world, questions of *credit* took the place of assumptions of *fixity*.<sup>230</sup>

Anonymous citations are justified if close familiarity with the quoted material is assumed and there are no strict criteria for determining the classical status of a poet.<sup>231</sup>

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<sup>226</sup> Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge: Cambridge UP, 1990) 100.

<sup>227</sup> Zwettler 204.

<sup>228</sup> Zwettler 207.

<sup>229</sup> A poet’s acts and verses were not only the medium for but the material of historical narratives. Cf. Suzanne Stetkevych “Archetype and Attribution: Al-Shanfarā and the *Lāmiyyat al-‘Arab*” In *The Mute Immortals Speak: Pre-Islamic Poetry and the Poetics of Ritual* (Ithaca: Cornell UP, 1993) 119-57, on the semantic underpinning of a poetic persona outlined by *akhbār* and the poetry attributed to him.

<sup>230</sup> Adrian Johns *The Nature of the Book: Print and Knowledge in the Making* (Chicago, London: University of Chicago Press, 1998) 31. Emphasis mine.

<sup>231</sup> Zwettler 203.

The question of attribution was raised by third/ninth century Arabic philologists not to determine the composer of certain verses but to ensure that the poetry was an “authentic product of desert ‘arabiya,” and not the forgery of the more urbanized contemporary *ruwāt* (transmitters/rhapsodes, sing. *rāwī*).<sup>232</sup> Considered by modern scholars to represent the “corruption” of a poetic tradition, misattribution and tendentious or propagandistic claims of authenticity “are problems that evidently did not overly concern those who were actively involved in the living tradition of early Arabic poetry—poets, *rāwīs*, or audience. Neither did they seem to be of great importance to the earliest compilers and connoisseurs of poetry.”<sup>233</sup> Even when more rigid criteria were developed, scholars included literal variants as well as lines of questionable attribution or authenticity in their commentaries, literary and historical collections, and philological studies, rather than omitting them without note.<sup>234</sup>

While later Arabic literary critics were more interested in the *sariqāt* (thefts) conducted by modern poets, they did note such cases among the ancient poets, a prominent example being the case of a verse shared verbatim between Imru’ l-Qays and the later Ṭarafa. Amidu Sanni has usefully pointed out that there are multiple reports in medieval Arabic literary criticism concerning the manufacturing, false attribution, and addition of foreign materials into others’ poems, by professional rhapsodists, rival tribesmen, and some literati, based on social, economic, and political motivations. Sanni argues that the question of the authorial creativity of the modern Arabic (*muḥdathūn*) poets raised the discussion of *tawārud* or the coincidence of expressions in

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<sup>232</sup> Zwettler 203.

<sup>233</sup> Zwettler 205.

<sup>234</sup> Zwettler 206.

a new way for ‘Abbasid era literary theorists. Theorists were hesitant to ascribe outright theft in cases of verbal and thematic correspondence and the dominant position leaned toward describing these cases as borrowing (*akhdh*), excluding instances of absolute correspondence in lines. Such correspondences were explained variously as literary convention, or coincidence of thoughts among poets of the same generation or regional affiliation, especially when composing on the same theme. This discussion, however, was limited to the theorists. Editors and compilers of *dīwāns* in the ‘Abbasid period would reproduce lines of ambiguous attribution where they were found, even though identical material appeared under various poets, without presenting explanations or arguments on plagiarism or coincidence. Sanni explains this difference as due to the self-perception of editors as preservers and transmitters, while literary theorists and critics had an interest in legislating aspects of literary practice.<sup>235</sup>

Taking an example from his study of the redactions of Imru’ l-Qays’ *Mu‘allaqa*, Zwettler argues that although the verses of dubious attribution correspond with the thematic structure at the points where they occur, they could possibly originate in the repertoire of another poet. But this is ultimately irrelevant, “for it is clear that they had come to form an integral part of the poem as it was rendered, received, and experienced within the living oral tradition.” Zwettler concludes, most significantly, that “it may be that the matter of a *qaṣīda*’s integrity—something that we are only

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<sup>235</sup> Amidu Sanni “Did Ṭarafa Actually Steal from Imra ‘l-Qays? On coincidence of thoughts and expressions (*tawārud*) in Arabic literary theory” *Arabic and Middle Eastern Literatures* 4, no. 2 (2001): 117-136.

beginning to understand—is of far greater importance than its authenticity or attribution.”<sup>236</sup>

The formulation of attribution and integrity in Arabic literary criticism is not entirely distinct from the topic of Prophetic texts but features an intersection with ḥadīth scholarship. Amidu Sanni points out that discussion of the possibility of coincidence of thoughts in Arabic criticism from the late third and fourth Islamic centuries resembles *Faḍā'il al-ṣaḥāba* (the merits of the Companions) literature, including reports in which expressions of the Companions coincide with what is later revealed to the Prophet as the Qur'an. Reports of such incidents demonstrate “the possibility of tawārud between man and the Divine thought, a phenomenon that can thus be regarded as a positive attribute rather than a condemnable feature of discourse.”<sup>237</sup>

### 3.3 Orality, literacy, and the definition of a Companion

#### 3.3.1 The status of documents within 'ulum al-ḥadīth literature as a category of material transmitted from the Prophet

The earliest medieval sources assume that the society surrounding the Prophet exhibited a certain level of literacy, with particular individuals being known as having

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<sup>236</sup> Zwettler 234, n. 125.

<sup>237</sup> Sanni “Did Ṭarafa Actually Steal from Imru' al-Qays?” 130-31. For traditions on *faḍā'il al-ṣaḥāba* see *Saḥīḥ al-Bukhari* bāb *Faḍā'il al-Aṣḥāb al-Nabī* (chapter on “The merits of the Companions of the Prophet”); Jalāl al-Dīn 'Abd al-Raḥmān al-Suyuti *al-Itqān fi 'Ulūm al-Qur'ān* chapter *Fīma unzil min al-Qur'ān 'alā lisān ba'd al-Ṣaḥāba* (“Concerning that which was revealed of the Qur'an upon the tongues of some of the Companions”).

the ability to write.<sup>238</sup> An exploration of the formulae used in biographical *rijāl* literature to characterize Companions as literate indicates that there is no necessary relation conceived between Companionship, literacy, and ḥadīth transmission. The relation instead is between literacy and administration (*isti'māl* and *istikhfāl*), implying a primarily pragmatic use of writing and recording skills. Biographical material on those Companions who are cited as scribes of the Prophet or as literate in Ibn Sa'd's *Ṭabaqāt* by the formula, "he used to write in Arabic before Islam while writing was rare among the Arabs" (*kānā... yaktubu bi-l-'arabiyya qabla l-Islām, wa-kānat al-kitāba fī-l-'arab qalīlan*),

<sup>238</sup> In "Zayd b. Thabit: 'A Jew with two sidelocks,'" Michael Lecker cites the following report from al-Wāqidī, as quoted in *Subḥ al-A'shā* of al-Qalqashandī: "Literacy (*al-kitāba*) in Arabic among the Aws and Khazraj was rare. A Jew of the Yahud Masika was instructed in it (*'ullimahā*) and used to teach it to the [Arab] children. When Islam came, some ten of them were literate. They were: Sa'īd b. Zurara, al-Mundhir b. 'Amr, Ubayy b. Ka'b, Zayd b. Thābit—who could write in both Arabic and Hebrew—Rāfi' b. Malik, Usayd b. Ḥudayr, Ma'n b. 'Adī, Abu 'Abs b. Jabr, Aws b. Khawlī, and Bashīr b. Sa'd" (Lecker "Zayd b. Thabit" 265). The version of the report in al-Baladhūri's *Futūḥ al-Buldān* provides three more names: Sa'd b. 'Ubāda in place of the obscure Sa'īd b. Zurāra, Sa'd b. al-Rabi', and the *munāfiq* or hypocrite, 'Abdallah b. Ubayy. They are listed among the *al-kamāla*, the "perfect men" who had mastered *kitāba*, along with swimming and shooting (Lecker "Zayd b. Thabit" 265-66). Literate Anṣār found in other sources are: Hudhayfa b. al-Yamān, Mu'ādh b. Jabal, Muḥammad b. Maslama, Zayd b. Arqam, Anas b. Malik, Thābit b. Qays b. Shammās, Abu Ayyub al-Anṣārī (son-in-law of Zayd b. Thābit, listed as a scribe of the Prophet in *al-Misbāh al-Mudī' fī Kuttāb al-Nabī* of Ibn Ḥudayda al-Anṣārī), and 'Ubāda b. al-Ṣāmit (Lecker "Zayd b. Thabit" 269-70). In his lost *Kitāb al-Kuttāb* as quoted in Ibn 'Abd al-Barr's *Istī'āb* and al-Suhaylī's *al-Rawḍ al-Unuf*, Ibn Shabba lists Muḥammad b. Maslama, Ubayy b. Ka'b, and 'Abd Allah b. Rawāḥa, and the hypocrite 'Abdallah b. Ubayy (noted in 'Abd al-Barr while he is replaced by his son in al-Suhaylī) among the Prophet's scribes (Lecker, "Zayd b. Thabit," 270, and note 87).

Al-Mundhir b. 'Amr, Usayd b. Hudayr, Ma'n b. 'Adī, Abu 'Abs b. Jabr, Bashīr b. Sa'd, and Sa'd b. al-Rabi' are cited with the usual formula of being literate before Islam in Ibn Sa'd. Aws b. Khawlī and Rāfi' b. Malik, who was one of the first Ansār to accept Islam, are cited as *al-kāmil* before Islam. There is no entry for Sa'īd b. Zurāra in Ibn Sa'd. Other Ansār listed in Ibn Sa'd as literate before Islam but not found in al-Wāqidī's list are 'Abd Allah b. Zayd and 'Abd Allah b. Rawāḥa (Sarah Mirza, *Scribes of the Ummiyūn* (MA Thesis, University of Michigan, 2004).

Scribes of documents other than the Qur'an and official treaties under the Prophet, according to Abū al-Ḥasan 'Alī al-Mas'ūdī's (d. 956) *al-Tanbīh wa al-Ishrāf* (Tehran: Sharikat Intisharat 'Ilmi wa Farhangi, 1986): Khālīd b. Sa'īd b. al-'Ās recorded the various demands, *mutālib*, which came up, as did al-Mughirah b. Shu'ba and Husayn b. Al-Numayr (al-Mas'udi 258). 'Abdullah b. Arqam and al-'Alā' b. 'Uqbah recorded documents, contracts and transactions for the public: *qurūd*, *'uqūd*, *mu'āmalāt* (al-Mas'udi 259). Al-Zubayr b. al-'Awwām and Juhaym b. al-Ṣalt wrote down *zakāt*. Hudhayfa b. al-Yamān recorded the receipts, *hāsīl*, of the Hijaz. Mu'ayyib b. Abī Fātima al-Dūsī recorded war-spoils, *ghanā'im*. Zayd b. Thābit al-Anṣārī wrote letters to rulers while also serving as a translator to the Prophet. He translated from Persian, Roman, Coptic and Ethiopian (*fārisī, rūmī, qibtī, ḥabashī*). Hanzala b. al-Rabi' served as a scribe when any of the above were not available. 'Abd Allah b. Sa'd b. Abī Sarh served as a scribe for a time, but later apostasized. Shurhabīl b. Ḥasana, Abān b. Sa'id, and Al-'Alā' b. al-Ḥaḍramī also occasionally wrote for the Prophet. Mu'awiya wrote for the Prophet but only for a few months before the Prophet's death (al-Mas'udi 259). Cf. Mirza, *Scribes*, Appendices II, III, IV.

shows that most of them are linked with other administrative and record-keeping duties, including calculation and collection of taxes, treasury, or spoils, under the Prophet and sometimes also under the first three Caliphs.<sup>239</sup> Significantly, citations of the literate nature of these Companions' duties make no mention of the act of reading. Proselytizing activities, on the other hand, are associated with messengers and carriers

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<sup>239</sup> Khālid b. Sa'īd b. al-'Ās, who wrote for the Prophet (Ibn Sa' d I/ii: 20; 23; 25; 26; 29; 30; 33; 34) and an important commander, was employed as a tax collector in Yemen, *'āmil ṣadaqāt*, by the Prophet, and also employed in the army sent to Syria by Abu Bakr (Izz al-Dīn b. al-Athīr, *Usd al-Ghāba fi Ma'rifat al-Sahāba*, 5 vols. (Beirut: Dar al-Ma'rifa, 1997) II: 88b; Ibn Sa' d I/ii: 64). Al-Mughīra b. Shu'ba, who wrote for the Prophet (Ibn Sa' d I/ii: 21; 22; 23; 24; 26.), was sent as a governor, *walī*, to Basra by 'Umar (Ibn al-Athīr IV:181b.), was the first to establish the military register, *dīwān*, of Basra (Ibn al-Athīr IV:182a.), and was appointed as governor (*ista'malahu 'alā*) by 'Umar to al-Bahrayn (Aḥmad b. 'Alī b. Ḥajar al-Asqalani, *Al-Isāba fi Tamyīz al-Sāhaba* III: 432 no. 8181). Muḥammad b. Maslama, who wrote for the Prophet (Ibn Sa' d I/ii: 82; 83), collected taxes from the Juhayna and was appointed as chief of the governors, *ṣāhib al-'ummāl*, under 'Umar. In this role, he was sent by 'Umar to the governors who complained to him, and collected the tax portions due from them (Ibn al-Athīr IV:84a). Shurahbīl b. Ḥasana, who wrote for the Prophet (Ibn Sa' d I/ii: 37), was sent by Abu Bakr to Syria, where he died (Ibn Ḥajar al-Isāba II: 141 no. 3869.). Juhaym b. al-Ṣalt, who wrote for the Prophet (Ibn Sa' d I/ii: 22; 37) learned writing, *al-khaṭṭ*, in the period before Islam. Along with al-Zubayr b. al-'Awwām, who also wrote for the Prophet, he used to record tax amounts, *yaktuban amwāl al-ṣadaqāt* (Ibn Ḥajar, al-Isāba I: 257 no. 1256). Al-'Alā b. al-Ḥaḍramī, who wrote for the Prophet (Ibn Sa' d I/ii: 23; 24), was appointed governor (*ista'malahu 'alā*) of al-Bahrayn by the Prophet, and was confirmed (*wa aqarrahu*) in this position by both Abu Bakr and 'Umar. Al-'Alā b. 'Uqbah, one of the Prophet's scribes (Ibn Sa' d I/ii: 24; 26) used to write contracts of debt, treaties, and transactions for the people together with al-Arḳam: *kānā yaktubān bayna l-nās al-mudāyanāt wa l-'uhūd wa l-mu'āmalāt*. Hatīb b. Abī Baltha'a acted as scribe for the Prophet for a document sent to the Meccans conveying his desire to take the city without battle. He was sent with 'Alī and al-Zubayr b. al-'Awwām, both scribes, on this occasion. He was also one of the first six messengers sent with invitations to Islam in 7 A.H., to al-Muqawqīs, the ruler of Alexandria (Ibn al-Athīr I:411a). Mu'ayyib b. Abī Fatima al-Dūsī acted as a scribe for Abu Bakr and 'Umar in partnership with Zayd b. Thābit (Ibn al-Athīr II:235b) and was employed (*ista'malahu*) as treasurer (*khāzin*) of the treasury under 'Umar (Ibn al-Athīr IV:176b). Abu 'Abs b. Jabr is cited as literate in Ibn Sa' d with the usual formula (*kānā. . . yaktubu bi l-'Arabiyya qabla l-Islām, wa kānat al-kitāba fi l-'Arab qalīlan*), and was employed as tax collector by both 'Umar and 'Uthman. 'Abd Allah b. Rawāḥa is cited in Ibn Sa' d as literate before Islam with the usual formula, was left in charge of Medina during the Prophet's absence during the second Badr, and was sent by the Prophet to evaluate (*kharasa*) the date produce of Khaybar, a position he remained in until the Prophet's death. (Ibn Sa' d III/ii: 79). Sa' d b. 'Ubadah is cited with the usual formula of literacy before Islam. The Prophet left him in charge of Medina (*istakhlafahu*) during the first battle, of Abwa'. Hudhayfa b. al-Yamān al-'Abasī used to record for the Prophet the quantity by conjecture of fruit on the palm-trees of the Hijaz (al-Mas'ūdī 259). He was employed (*ista'amala*) by 'Umar to take down his dictation when he dispatched someone with a command or answered a request from some chief (Ibn al-Athīr I:444a). He was also employed by 'Umar in the division of spoils along with other Companions who knew writing, Abu 'Ubayda and Mu'ādh b. Jabal (Ibn al-Athīr I:444a). 'Alī b. Abī Ṭālib served as a scribe (Ibn Sa' d I/ii: 22; 26) and was sent to judge and administrate in Yemen. Cf. Mirza, *Scribes*.

of documents, Companions whose biographical information generally includes no mention of writing or reading.<sup>240</sup>

The number of secretaries of the Prophet in Medina is estimated to have been in the dozens according to lists in late Islamic sources. Older sources are more conservative. This may be due to the fact that later writers included in their estimates individuals who had written something for the Prophet on one or two occasions. This issue is clear in al-Mas'ūdī's (d. 344/956) note that while he provides a list of sixteen secretaries, he has excluded those who did not serve in the capacity of scribe due to having only one or two opportunities to transcribe something for the Prophet.<sup>241</sup>

In his *Madkhal* al-Naysābūrī outlines the first category of what is agreed upon as sound concerning material attributed to the Prophet. He arrives at a total number of traditions (about ten thousand), based on stipulations that a Companion *with reputation* transmits from the Prophet, having two trustworthy transmitters, then a Follower with a reputation for transmission from that Companion transmits from him, also having two trustworthy transmitters. Then a well-known *ḥāfiẓ* (master) from among the Followers of the Followers transmits the report, having trustworthy transmitters from the fourth class. Then al-Bukhārī or Muslim collects the report, as masters with reputations of transmission from this transmitter. The total number of traditions from the Prophet must initially have been much greater, as four thousand Companions transmitted from him, individuals who associated with him for more than twenty years

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<sup>240</sup> Messengers and carriers are discussed in Chapter VII of this dissertation.

<sup>241</sup> Khalil 'Athimina "'Al-Nabiyy al-Umiyy': an inquiry into the meaning of a Qur'anic verse" *Der Islam* 69 (1992): 71. citing al-Mas'ūdī, *al-tanbīh wa-l-ishrāf*, ed. M. J. de Goeje Leiden 1894) rpt Beirut 1965, pp 282-4.

in Mecca, then in Medina. Al-Naysābūrī provides a revealing list of the types of material all of these Companions have transmitted from the Prophet:

They committed to heart from him his words and deeds, his sleeping and his waking, his movements and his quiescence, his rising up and his sitting down, his striving and his worship, his manner of life and his expeditions, his lessons and his jesting, his rebuke and his preaching, his eating and his drinking, his walking and his remaining still, his sporting with his family and his training of his horse, his letters to Muslims and polytheists, his treaties and covenants [*wakutubihī ilā l-muslimīn wa-l-mushrikīn wa-'uhūdihi wa-mawāthiqihī*], his glances, his breaths, and his characteristics. . . This is apart from what they committed to heart from him of the statutes of the *sharī'a*, what they asked concerning religious duties and things permitted and forbidden, and the disputes which they brought to him.<sup>242</sup>

The mention of the letters, treaties, and covenants here appears as a category of lived experience, and intimacy. The documents are something one receives from simply knowing the Prophet (being a Companion), and are not part of the strictly controlled material. They are clearly divided from legal issues and questions concerning ritual, the forbidden, and the permitted.

Al-Naysābūrī's subsequent definition of a Companion includes those who were consistently in the presence of the Prophet and participating in major events, stating that no transmission was received from those who resided in the desert: "These Companions were the transmitters except so far as they were kept away from him and died before him and were killed in his presence in the ranks, or lived in the desert and no transmission or tradition has appeared from such."<sup>243</sup> What is the place within this definition of tribal recipients of documents, those who departed from the Prophet having received written communication?

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<sup>242</sup> al-Nīsābūrī, *Madkhal* (English translation) 15, (Arabic) 12.

<sup>243</sup> al-Nīsābūrī, *Madkhal*, 16.

The classical definition of a Companion may account for the difference in ḥadīth literature of the use of reports of the Prophetical documents through family isnāds of tribal recipients and family isnāds returning to a reputable transmitter including Companions who were sent away from the Prophet but appointed an administrative position. For example, the letters to ‘Amr b. Ḥazm, sent to govern Yemen, are cited in ḥadīth collections. Al-Dārimī’s (d. 280/894) chapter on blood-money, “Kitāb al-Diyāt,” in his *Sunan* consists almost entirely of reports of and the texts of the letters by the Prophet to ‘Amr b. Ḥazm, whose son relates them.<sup>244</sup> The legal content of some of the documents makes them choice material for ḥadīth collections. Some of these reports of documents originate with less well-known individuals who claim to have been eye-witnesses to the production or reception of a document from the Prophet. When this is the case, however, ḥadīth collections tend to paraphrase or quote the legal content only, rather than the entire text of the document. For example, a document from the Prophet addressed to the Juhayna concerning a legal prohibition is redacted in the canonical ḥadīth collections of al-Bukhārī, Muslim, Abū Dāwūd, al-Tirmidhī, and Ibn Mājah, as well as the books of Ibn Ḥanbal and Ibn Ḥibbān. The report returns to ‘Abd Allāh b. ‘Ukaym al-Jahnī, who witnessed the arrival of a document to his clan as a boy. The text is not quoted in full but excerpted only, the excerpt concerning a prohibition regarding the use of dead flesh.<sup>245</sup>

As an example of a set of traditions that provide little else besides information on the location of a document and identification of the recipient, *Wathā’iq* nos. 81-88 are all

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<sup>244</sup> ‘Uthmān b. Sa’īd al-Dārimī *Sunan al-Dārimī* (Damascus: Matba’a al-I’tidāl, 1349/1929) II: 188-195.

<sup>245</sup> Hamidullah *Wathā’iq* no. 156.

grants found only in Ibn Sa'd's *Ṭabaqāt*, with their tribal recipients identified in the surrounding *akhbār*. Mention of the physical preservation of a document is often accompanied by a claim of possession by the family or a family isnād. Ibn Sa'd is one of the major sources for the Prophetic documents, and his immediate sources for reports on the documents include al-Wāqidī, al-Madā'inī (d. 228/843), Ibn al-Kalbī (d. 204/819 or 206/821), and al-Haytham b. 'Adī (d. 207/822).<sup>246</sup> In Ibn Sa'd's chapter on the tribal delegations, his reports from al-Wāqidī, Ibn al-Kalbī, and al-Madā'inī often quote tribal informants.<sup>247</sup> Occasionally the tribal origins of these reports in Ibn Sa'd become clear in the parallel versions given with isnāds in later biographical dictionaries such as Ibn al-Athīr's *Usd al-Ghāba* and Ibn Ḥajr's *al-Iṣāba fī Tamyiz al-Ṣaḥāba*.<sup>248</sup> These isnāds

<sup>246</sup> Lecker "Preservation" 4.

<sup>247</sup> On the arrival of two members of the Ju'fī, one of whom receives a document, Ibn al-Kalbī quotes the document from a Ju'fī source. Ibn al-Kalbī also quotes a tribal informant, who quotes his father, who quotes "their elders" (*an ashyākhihim*) on a land grant given to another member, without quoting the text. Ibn Sa'd's report from Ibn al-Kalbī on the document to 'Uqayl b. Ka'b states the document is with them, *wu-huwa 'indahum*. Ibn al-Kalbī from an informant of the Mahra states that "their document is with them until today," *fa-kitābuhu 'indahum ilā l-yawm*. Ibn al-Kalbī reports a document of Abū Zabyān al-Azdī (no text) quoted from Lūṭ b. Yaḥyā al-Azdī al-Ghāmīdī (who is Abū Mikhnaf d. 157/744) (Ibn Sa'd I/ii: 30). Ibn al-Kalbī has from an unnamed man of the Buḥtur a document of al-Walīd b. Jābir of the Buḥtur of Ṭay' that "remains with his family at Jabalayn," *huwa 'inda ahlihi bi-l-jabalayn* (Ibn Sa'd I/ii: 30, cf. Wathā'iq no. 199). A report found in Ibn al-Athīr's *Usd al-Ghāba* and Ibn Ḥajr's *al-Iṣāba fī Tamyiz al-Ṣaḥāba* as well as in al-Ṭabarī's *Tārīkh* mentions that the Prophet wrote a document for Jābir b. Zālim b. Ḥāritha al-Ṭā'ī which is kept with the tribe. The text is not given (Ibn Ḥajar al-Isāba I: 213 no. 1023. Cf. Hamidullah Wathā'iq no. 198)). Ibn Sa'd from Ibn al-Kalbī through a tribal informant reports on a letter to two members of the Jarm (no text). Ibn al-Kalbī reports on the letter of Qays b. Mālik al-Hamdānī al-Arḥabī from an Arḥab source quoting "their elders," *an askhyākhihim* (no text). (Cf. Lecker, "Preservation," 16-17). Ibn Sa'd's report on the document to the kings of Ḥimyar is from al-Wāqidī whose isnād returns to unnamed man of Ḥimyar who lived at the time of Prophet and came to him.

<sup>248</sup> The *kitāb al-ṣulḥ* granted to the al-Raqqā is kept by the inhabitants "to this day" (Ibn 'Abd al-Barr, *Istī'āb*, Ed. al-Bijāwī (Cairo: n.d.) III: 1234, cited by Lecker, "Preservation," 2 n. 2). A document to 'Amir b. al-Hilāl is said to be kept with the family of his paternal uncle (Ibn al-Athīr's *Usd al-Ghāba*, Ibn 'Abd al-Barr's *al-Istī'āb*, and Abu Ḥatim al-Rāzī's *Jarḥ wa Ta'dīl*) (Cited by Hamidullah Wathā'iq no. 237). Ibn al-Athīr and Ibn Ḥajr (*Usd al-Ghāba* and *Iṣāba V*: 499 no. 7234) have the same letter through differing family isnāds (text given), 'Amr b. Yaḥyā b. 'Amr b. Sahma al-Hamdānī (of Arḥab) returning to his great-grandfather Salima. Al-Madā'inī's report of a letter to Bakr b. Wā'il returns to "a man of the Sadūs" (Ibn Ḥajar, *Tahdhīb* Hyderabad 1907, IV: 64, cited by Lecker, "Preservation," 20). Al-Madā'inī has the letter of Su'ayr b. 'Addā' al-Kilābī shown "by his son" (that is, a descendent) to the earliest transmitter—Abdallah b. Yaḥyā b. Salmān Abū Ya'qūb al-Taw'am al-Thaqafī al-Baṣrī who lived in second half of second century (Ibn Ḥajar, *Iṣāba* III: 120 no. 3302, cited by Lecker). Thus the text of Su'ayr's letter reached a traditionist

show that some documents became known outside of the recipient's family only in the second Islamic century.<sup>249</sup> Some of these reports mention that the tribal informant himself traces his report to something read in "the books of my fathers."<sup>250</sup> In his *Tārīkh* Ibn Shabba also transmits a handful of reports on the preservation of Prophetic documents related by tribal recipients and seen by later scholars.<sup>251</sup> A number of these reports on the family preservation of Prophetic documents include eye-witness reports by their most recent tradents and/or mention of copying of the text. For example, in a report from al-Faḍl b. Dukayr al-Taymī al-Ṭalhī al-Kūfī (d. 219/834) on a document to al-Fujay' al-Bakkā'ī (who emigrated to Kufa), al-Faḍl says that a member of the Bakkā' produced the document, *akhraja ilaynā...kitāban*, and told them to copy it (*Usd al-Ghāba*). Al-Wāqidī copied his text from the original Dūmat al-Jandal letter<sup>252</sup> as

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outside the recipient's family in the middle of the second century (Lecker, "Preservation," 21). Ibn Sa'd has a combined isnād for the document to the Khuzā'a (addressed to Budayl b. Warqā' and others). Abu 'Ubayd and Ibn Zanjawayh have the report with two isnāds, one returning to al-Sha'bī (d. 103/721) and the other to 'Urwa b. al-Zubayr (d. 94/713). Al-Ṭabarānī's redaction reveals the family transmission. In his *Mu'jam al-kabīr* the isnād returns to the recipient's son Salama b. Budayl b. Warqā', who says it was given to him by his father who said they should make it their concern because they would stay prosperous as long as it remained with them, *hādha kitābu l-nabī ṣ fa-stawṣū bihi wa-lan tazālū bi-khayr mā dāma fikum*. Al-Ṭabarānī also records a family isnād for a letter to Bilāl b. al-Ḥārith al-Muzanī (*Mu'jam al-kabīr*, cited by Lecker), and for three letters to Wā'il b. Ḥujr al-Ḥaḍramī (*Mu'jam al-saghīr*, cited by Lecker, "Preservation," 10).

<sup>249</sup> Lecker "Preservation" 5.

<sup>250</sup> From al-Wāqidī, Ibn Sa'd has a report returning to an 'Udhri informant who cites "what I found in the book of my fathers, it said," *wajadtu fī kitāb ābā'ī qālū*. On the Salāmān delegation al-Wāqidī has from Muḥammad b. Yaḥyā b. Sahl b. Abī Ḥathma al-Anṣārī that he found "in the book of my fathers," *wajadtu fī kitābi ābā'ī*, that Ḥabīb b. 'Amr al-Salāmānī used to tell....(Ibn Ḥajar, *Iṣāba*, II: 22 no. 1594, cited by Lecker). Ibn Sa'd has "I found in the books of my father," *wajadtu fī kutub abī*. Muḥammad b. Yaḥyā (d. 166/783) was of Ḥāritha b. al-Ḥārith and this "book" should be dated to the first half of the second Islamic century (Lecker, "Preservation," 13).

<sup>251</sup> A report returning to Ismā'il b. Ibrāhīm notes that a family of the 'Abd al-Qays brought him their *kitāb* which he copied, *fa-nasakhtu bi-hijā'ihī* (Ibn Shabba 589-90). A *kitāb* regarding the B. Numayr, written by the Prophet for Khālīd b. al-Walīd and 'Uyayna b. Ḥasn al-Fazārī when they were sent to the tribe is reported through an isnād returning to a member of the tribe, Abū Mu'āwiya Yazīd b. 'Abd al-Malik b. Sharīk al-Numayrī. The governor Shurayḥ brought this document to 'Umar as caliph (Ibn Shabba 592-96). The document to the Wā'il b. Ḥujr was also preserved. Ibn Shabba quotes the text, as heard/seen by Ibn Luhay'a in Kufa (Ibn Shabba 580). In contrast to Ibn Sa'd's accounts of the letters, Ibn Shabba's citations of the Prophet's documents are usually accompanied by the text of the letters themselves. However, he rarely mentions a scribe or witnesses.

<sup>252</sup> Ibn Sa'd I/ii: 36. See Chapter II, section 2.1.3.1.2 above.

well as the letter of the Adhrūḥ.<sup>253</sup> Al-Ṭabarī reports on the documents to the Janbā and Adhrūḥ on *jizya* as still in their possession.<sup>254</sup> Ibn Sa'd has an endowment document shown to 'Abd Allāh b. Yaḥyā b. Salmān.<sup>255</sup> Ibn Sa'd's report from al-'Abbās al-Sulamī—Abū al-Azhar Muḥammad b. Jamīl—Nā'il b. Muṭarrif b. al-'Abbās—his father—his grandfather al-'Abbās states that Ibn Jamīl says Nā'il was living in al-Dathīna and brought a casket containing red hide on which was a grant from the Prophet. Another report has the recipient not as 'Abbās al-Ri'lī but Razīn b. Anas (*Iṣāba* II: 483 no. 2653) who transmits the report. Another report with Razīn as the recipient returns to Nā'il b. Muṭarrif b. 'Abd al-Raḥman b. Jaz' b. Anas al-Sulamī who saw his father and grandfather who had a document from the Prophet which is with them today, written for Razīn, the paternal uncle of his grandfather.<sup>256</sup> On the document for Zuhayr b. Uqaysh (of 'Ukl) Ibn Sa'd's isnād returns to Abū l-'Alā', that is Yazīd b. 'Abdallah b. al-Shikhkhīr al-'Āmirī al-Baṣrī (d. 111/729), concerning an illiterate Bedouin bringing him and his brother Muṭarrif a piece of skin or leather in the camel market of Baṣra.<sup>257</sup> Thus the text was copied for the first time from the original in Basra no later than the beginning of the second century and reached Ibn Sa'd through two Basran transmitters.<sup>258</sup> One of these transmitters, Ibn 'Ulayya Ismā'īl b. Miqṣām al-Baṣrī (d. 193/809) recorded the Prophet's document to Sufyān b. Humām of 'Abd al-Qays which the family brought to him, *fa-ntasakhtu bi-hijā'ihī*.<sup>259</sup> Ibn 'Ulayya's Syrian contemporary al-Walīd b. Muslim al-Qurashī al-Dimashqī (d. 194/809 or 195/810) saw the original letter to Mālīk b. Aḥmar al-

<sup>253</sup> Ibn Sa'd I/ii:37.

<sup>254</sup> Al-Ṭabarī 1702. Cf. Lecker, "Preservation," 2 n. 5.

<sup>255</sup> Ibn Sa'd I/ii: 32.

<sup>256</sup> Ibn al-Athīr, *Uṣd al-Ghāba*, s.v. Jaz' b. Anas, I: 281 quoting the dictionary of Abu Mūsā. Cf. Lecker, *Banu Sulaym*, 170.

<sup>257</sup> See Chapter II, section 2.1.3.3.2 above.

<sup>258</sup> Lecker, "Preservation," 14.

<sup>259</sup> Ibn Shabba II: 589

Judhāmī, and asked the recipient’s great-grandson Sa’īd to read the letter to him. As Sa’īd was old and poor of sight he referred al-Walīd to an uncle who produced the letter, on leather four fingers wide one span long and with badly worn lettering (*Iṣāba* V:707 no. 7597), *fa-akhraja lahu ruq‘a min adam ‘arḍuhā arba‘at aṣābi‘ wa-ṭūluhā qadr shibr wa-qadi nmāḥa mā fihā.*

Lecker argues that such documents as land grants from the Prophet seem to have been initially preserved by families and interested parties, and by later generations for philological interests. In these instances documents had a testimonial function, since “in order to substantiate their claims to lands or watering places, tribal representatives demanded written documents. . . .The general tribal awareness regarding the importance of written documents was deep rooted among the pre-Islamic Arabs, be they settled or nomadic, and it continued under Islam.”<sup>260</sup> For example, a pre-Islamic document, cited in al-Marzūqī’s *Kitāb al-Asmina wal-Amkina*, provides insight into pre-Islamic Arabian legal practice and vocabulary. This is an endowment purportedly written at ‘Ukāz by a scribe from one attendee to another in recognition of favors and respect. Lecker notes that the preservation of such a document at the “pre-literary” stage was probably by informants from one of the two tribes involved, in order to safeguard income or glorify an ancestor’s generosity. It may have been preserved at the “literary stage,” among other reasons, for its use of unknown (*gharīb*) words.<sup>261</sup> Lecker concludes that conventional forms and phraseology of legal documents were established by the time of the Prophet and generally followed by him, perhaps along

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<sup>260</sup> Michael Lecker “A Pre-Islamic Endowment Deed in Arabic regarding al-Wahīda in the Hijāz.” In *People, Tribes and Society in Arabia around the Time of Muhammad* (Ashgate: Variorum, 2005) 13.

<sup>261</sup> Lecker, “Pre-Islamic Endowment,” 11.

with the practice of family collections as opposed to archives. Hamidullah also argues that the medieval collectors obtained their reports of the Prophetic documents mostly from the families of the letters' recipients.<sup>262</sup> Lecker responds to a statement of modern scholar Ḥamad al-Jāsir in his *al-Qaṭā'ir an-nabawiyya fī bilād B. Sulaym* who refers to the unfavorable view by Ibn Ḥajar of one of the transmitters for the B. Ri'l document, adding that many reports concerning grants are considered untrustworthy to ḥadīth experts. Lecker writes, "However, it seems that the criteria employed by the experts of ḥadīth have nothing to do with the reliability of the reports on the letters of the Prophet."<sup>263</sup> A document was proof of a link, and the "recording of such a link (which often involved a visit to Medina during the Prophet's lifetime, and conversion to Islam) formed a most essential element in the history of the relevant family or clan."<sup>264</sup>

The great frequency with which reports concerning Prophetic documents granted to tribal recipients occur in biographical dictionaries seems to have less to do with preservation due to testimonial concerns or philological interests than the claim of having had some spoken contact with the Prophet. Ḥadīth literature links this contact with the Prophet necessarily with transmission. Al-Naysābūrī stresses, as do various *'ulūm al-ḥadīth* works after him, that hearing should be made evident in the chain of transmission. For this assertion he adduces Qur'an 9:123, which describes a party that goes out in order to "gain understanding in religion," and returns home to share what

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<sup>262</sup> Muhammad Hamidullah, *Majmū'at al-wathā'iq al-siyāsīya lil-'ahd al-nabawī wa-al-khilāfa al-rāshida* (Cairo: Matba'at Lajnat al-Ta'līf wa-al-Tarjamah wa-al-Nashr, 1956), 11.

<sup>263</sup> Lecker, *Banu Sulaym*, 176 n. 81.

<sup>264</sup> Lecker, "Preservation," 2.

it has learned.<sup>265</sup> The understanding of this verse as bearing on the correct method of ḥadīth transmission turns on the relationship between actively receiving knowledge from God, hearing, and then teaching. Emphasis on the relation between hearing and (to al-Khaṭīb al-Baghdādī, precise) verbal transmission is echoed in a ḥadīth given by al-Baghdādī in his chapter “On the transmission of ḥadīth word-by-word (*alā al-lafẓ*) and those who consider it obligatory (*wājib*).” The Prophet is reported to have said: “Whoever relates a ḥadīth as he heard it, if it is truthful and faithful then it is [a credit] for him, and if it is false then it [the blame] is upon the one who fabricated it.”<sup>266</sup>

Similarly Ibn Ḥanbal’s report of the Prophet’s sermon delivered upon the completion of the Hajj in year 10/632 both begins and ends with a perlocutionary act. The Prophet begins the sermon by enjoining his community to listen so that they may be fortunate, *isma’ū ummatī ta’īshū*, and the report concludes with a note from the transmitter commanding those present to spread the words of the speech so that they are heard and make those hearers fortunate through their obedience, *qāla la-yablagh al-shāhid al-ghā’ib fa-innahu rubba mabliḡ as’adu min sāmi’ qāla Ḥumayd qāla al-Ḥasan ḥīna balaghā hādhihi al-kalima qad wa-llāhi balaghū aqwaman kānū as’ada bi-hi.*<sup>267</sup> The establishment of an authoritative relationship between hearing directly, repeating, and orally broadcasting may be seen as parallel to the Biblical verse “Whoever hears you hears

<sup>265</sup> al-Nisābūrī, *Madkhal*, 21.

<sup>266</sup> Abū Sa’īd Muhammad b. Mūsā b. al-Faḍl b. Shadhan al-Ṣirafi--Abū al-‘Abbas Muḥammad b. Ya’qūb al-Aṣm--al-Rabī b. Sulaymān--Asad b. Mūsā--Marwān b. Mu’āwiya--Ja’far b. al-Zubayr--al-Qāsim--Abī Umāma: the Prophet of God (ṣl’m) said: *Man hadatha hadīthan kamā samī’a fa-in kāna sidqan wa birran fa-lahu wa in kāna kadhiban fa-‘alā man ibtada’ahu*. Abū Bakr Aḥmad b. ‘Alī al-Khaṭīb Al-Baghdadi *Kitāb al-Kifaya fi ‘ilm al-Riwaya* (Cairo: Dar al-kutub al-Ḥadītha, 1972) 266.

<sup>267</sup> Aḥmad b. Ḥanbal *Musnad al-Imām Aḥmad ibn Ḥanbal*, vol. 5 (Beirut: al-Maktab al-Islāmī lil-Ṭibā’a wa-l-Nashr, 1969), 72-73. See also MS OR.P365, left side verso ll. 9-13, Aziz S. Atiya Papyri and Paper Collection, University of Utah in Karim Samji, *Studies in Arabic Literary Papyri* (MA Thesis, University of Utah, 2008) 51-53, fragment of the *Musnad* with slightly variant wording of these lines.

me, and whoever rejects you rejects me; but whoever rejects me rejects Him who sent me.” This serves as what Werner Kelber calls the “oral-performative key” of Q, the proposed shared source of Matthew and Luke, (10:16; corresponding to Matthew 10:40/Luke 10:16), authorizing the envoys of Jesus as his spokespersons.<sup>268</sup> A similar structure is constructed by the keywords in Romans 10:14-17:

How then shall they **call** upon the One in whom they have not believed?  
 And how shall they believe in the One whom they have not **heard**?  
 And how shall they **hear** apart from a **preacher**?  
 And how shall they **preach** if they are not **sent**?  
 Just as it stands **written**: “How beautiful are the feet of those **preaching** a Gospel of good things.”  
 However, not all heeded the Gospel.  
 For Isaiah **says**: “Lord, who believed what we put forth to be **heard**?”  
 For faith is from **hearing**, and **hearing** through the **message** of Christ.<sup>269</sup>

Here writing enters the structure but as proof of the authority and integrity of the orally transmitted message.

### 3.4 Conclusion

#### 3.4.1 The citation of documents as challenging the notion of the *khabar*-unit as the basis of early Arabic historiography

Early Arabic historiography in its first and second phases is usually seen as growing out of the use of the *khabar* (report) as a basic narrative unit. The *khabar*-unit is seen as returning to pre-Islamic tribal literature and is considered to have been first used to present communal Muslim memories that were later organized within a thematic and chronological framework. Chase Robinson characterizes pre-modern Muslim history

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<sup>268</sup> Werner H. Kelber “The Verbal Art in Q and Thomas” In Richard Horsley, ed. *Oral Performance, Popular Tradition, and Hidden Transcript in Q. Semeia Studies* 60 (Atlanta: Society of Biblical Literature, 2006) 35.

<sup>269</sup> Translation and emphasis by Thomas M. Winger *Orality as the Key to understanding Apostolic Proclamation in the Epistles* (ThD dissertation) (Concordia Seminary, St. Louis: 1997) vii.

not as an independent discipline but a narrative practice, having little social authority in itself.<sup>270</sup> Early historiography thus elevated the “low” register of culture for use in the “high,” its anecdotal character inspired by storytelling rhetoric and the existence of popular religious preachers as well as the resistance to writing and preference for oral testimony by the ḥadīth-scholars.<sup>271</sup> Early Arabic annalistic and universalist history thus accrues the social authority and rhetoric of ḥadīth transmission.

The nature of publishing in Islamic manuscript culture retained this oral component. Fair copies were made through authorizing transcripts made via public dictation, usually from memory or a draft, checked by the author usually through the copyist reading the transcript aloud. This process formed part of the scholarly discourse and such checking was a prerequisite for transmission of a work.<sup>272</sup> The process could include reading back different versions of the work by copyists, changes and addenda produced by the author and dictated, with the resulting version then being read back to the author, and finalized only when read aloud to the author in the presence of the public and authorized by him through an *ijāza*, the permit to transmit. An author could dictate the same work several times, resulting in several published versions.<sup>273</sup>

Jonathan Bloom points out that after the spread of paper, the publication of both religious and non-religious subjects remained oral, as recited and dictated in mosques. Dictation led to the creation of multiple copies, each authorized copy going on to

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<sup>270</sup> Robinson, *Islamic Historiography*, 6.

<sup>271</sup> Robinson 14-15.

<sup>272</sup> Johannes Pedersen, *The Arabic Book*. Trans. Geoffrey French (Princeton: Princeton UP, 1984) 27.

<sup>273</sup> Pedersen 32-33.

generate another group, which could thus produce hundreds of copies of a work within two generations of “readings.”<sup>274</sup>

A multi-layered concept of textual authority is of course not limited to the medieval Islamic world. Artifacts from medieval manuscript traditions are testament to interrelated processes of composition in both their semantic and visual elements along with the evidence of the moral debates that accompanied prescriptions for learning, reading, and writing. The practice of producing a text in the medieval West may be described based on both pedagogical texts and the practice of individual writers. The steps in this process are: invention, a mental process of searching one’s inventory, resulting in a product called *res* or the “gist” of a text, requiring only further ornamentation and rhythm; composition, which may be entirely mental or accompanied by the use of informal writing supports such as wax tablets if needed, resulting in *dictamen*, drafts;<sup>275</sup> and writing out, producing *exempla*, on permanent surfaces such as parchment in a scribal hand, a *liber scriptus* that may be submitted to the public, often more than once, with a final corrective collation by the author or the author’s agent made before the *exemplar* is made available for further copying. Writing begins with a meditative and emotional state in invention that could result in withdrawal from food, sleep, and routine.<sup>276</sup>

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<sup>274</sup> Bloom, 116

<sup>275</sup> According to Quintilian (*Institutio Oratoria*, book x), writing out sayings and maxims on wax tablets is an elementary preparation for eloquence, fostering care and concentration in composition (Carruthers 204).

<sup>276</sup> Carruthers, 195-200.

There are parallels in the formatting of *sīra-maghāzi* works in terms of elements probably drawn from *qaṣas*, early popular telling of traditions, with its interactive arena. J.M.B. Jones provides an example of this larger arena in "Ibn Ishāq and al-Wāqidī: The Dream of 'Ātika and the Raid to Nakhla in Relation to the Charge of Plagiarism."<sup>277</sup> The following are what he gives as the distinguishing elements of al-Wāqidī's version of the Dream of 'Ātika: 1) lack of explanatory gloss, 2) less logical development, 3) changes to grammatical person (also shortening of proper names and substituting verb for the subject), 4) abrupt sentence structure, 5) apparent ellipsis, 6) elaboration of details and not to accretional themes, 7) repetition of certain phrases, 8) emphasis on a number. He concludes that the presence of these elements means that al-Wāqidī's account reflects the *qiṣṣa* (tale/story) of his time, rather than simply his edition of the work of his predecessor, Ibn Ishāq.

Jones is more precise in the matter of identifying formulaic devices than Patricia Crone in her argument for the "storytelling" origins of exegetical traditions as forming the basis of all *sīra-maghāzī* works. In her conclusion to *Meccan Trade* Crone maintains that the storytellers/*quṣṣās* (who, except for one, 'Āṣim b. 'Umar b. Qatāda, are not identified by name or locale) are responsible for the wholesale creation of traditions, discounting the role of social memory altogether. The storytellers' work can be seen in the nature of historical accounts as "variations on a theme," both contradictory developments of the same theme and different developments of a minor theme; in the accretion of details over generations or the "growth of information"; the context-free

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<sup>277</sup> J.M.B. Jones "Ibn Ishāq and al-Wāqidī: The Dream of 'Ātika and the Raid to Nakhla in Relation to the Charge of Plagiarism" *BSOAS* vol 22, no. 1/3 (1959): 41-51, esp pp. 45-47.

nature of motifs, seen in their use in multiple and often contradictory scenarios in order to induce emotional responses, “told for different purposes in different contexts, each one of them making emotional sense on its own”;<sup>278</sup> the collapsing of independent accounts into a common theme; the proliferation of variant versions of a tradition; and a free invention entirely obscuring “historical fact” or, more radically, having no relation to reality at all, whether concerning miraculous or non-supernatural events.

Crone writes:

As storyteller followed upon storyteller, the recollection of the past was reduced to a common stock of stories, themes, and motifs that could be combined and recombined in a profusion of apparently factual accounts. Each combination and recombination would generate new details, and as spurious information accumulated, genuine information would be lost.<sup>279</sup>

Forming a common stock relied on entirely by the first compilers of Islamic traditions, the work of the storytellers thus created unanimity in tradition. “It is. . . thanks to the contribution of storytellers that the historical tradition is so short of authentic information.”<sup>280</sup>

Can *qaṣaṣ* really be posited as irresponsible “storytelling”? And why identify the early collection of historical reports as such? Michael Lecker points out that ‘Aṣim (d. 120), envisioned as a popular preacher by Crone, was not even considered a *qāṣṣ*, and that ḥadīth experts unanimously agreed upon his *thiqa* (reliable) status. Biographical information on this figure relates that he was invited by ‘Umar II to transmit ḥadīth on the *maghāzī* of the Prophet and the virtues of the Companions in the central mosque of Damascus (Ibn Sa’d *Ṭabaqat*), and describes him as *ṣāhib al-siyar wa-l-maghāzī*, an expert

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<sup>278</sup> Patricia Crone, *Meccan Trade and the Rise of Islam* (Princeton: Princeton UP, 1987) 218.

<sup>279</sup> Crone, *Meccan Trade*, 225.

<sup>280</sup> Crone, *Meccan Trade*, 216.

on the subject, on the same level with later scholars who compiled traditions on the Prophet, including Ibn Ishāq, Mūsā b. ‘Uqba, Abū Ma’shar, al-Wāqidī, Ibn Hishām, and Ibn Sa’d.<sup>281</sup>

The fact that in the period of the standardization of ḥadīth criteria and legal theory, a distinction needed to be made between those individuals from the first century of Islam and the Umayyad period identified as *quṣṣāṣ* and the transmitters of ḥadīth indicates an ambiguity regarding their roles. Yet if we take our focus away from issues concerning individual narrators, we cannot conclude that the “storytellers” are responsible for the bulk of the material feeding into the early tradition. Instead, mention of a practice of popular telling of tales hints at a substratum of social memory and communal practice under the textual remains that the processes of transmission leave available to us. Neither can we accept Jones’ assumption that the *qiṣṣa* of a certain age was coherent, singular, and entirely oral. Richard Horsley and Jonathan Draper argue persuasively for the discourse rather than the saying as the basic unit of composition and communication in Q<sup>282</sup> which displays “interconnecting features that appeal to the ear more than to the eye.” This includes features usually attributed to oral versus written compositions: composition in stanzas; parataxis; use of additives rather than subordinate clauses; linkages of different kinds; and repetitions of words, phrases, and

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<sup>281</sup> Michael Lecker “King Ibn Ubayy and the Qussas” In Herbert Berg, ed. *Method and Theory in the Study of Islamic Origins* (Leiden: Brill, 2003) 29-71.

<sup>282</sup> Richard A. Horsley and Jonathan A. Draper *Whoever Hears You Hears Me: Prophetics, Performance, and Tradition in Q* (Harrisburg: Trinity Press International, 1999) 84.

themes. Q thus can no longer simply be analyzed in terms of representing an “imposition of textual layer upon layer.”<sup>283</sup>

Horsley applies four aspects of analysis to the text of Q: contours of the text, performance context, register of speech, and cultural tradition (resonance with the audience).<sup>284</sup> Clues to the register of the message are given in its references to shared cultural tradition between the speaker and listeners (metonymic referencing).<sup>285</sup>

Division of the text of Q as an “oral-derived” text (with lines blocked in “measured verse”) reveals parallelism and markers. The repetition of words, sounds, and verbal forms, and the occurrence of parallel lines and sets of lines illustrate the “connections and cohesions of the various steps in the speech.”<sup>286</sup> Referencing is not just allusive but structural and substantive, in the case of the Sermon on the Plain in Q to Israelite covenantal teaching tradition.<sup>287</sup>

Draper brings up the relevance of Jack Goody’s distinction between narrative or philosophical material (characterized as freely composed) and ritually performed, mnemonically structured, or proverbial material.<sup>288</sup> Attempts to derive an original oral text from written remains ignore the dependence of discourse or performance on register. This narrative framework is critical to discourse register and is lost when dismissed as redactional. Draper applies M.A.K. Halliday’s three factors determining

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<sup>283</sup> Kelber “The Verbal Art in Q and *Thomas*” 36.

<sup>284</sup> Richard A. Horsley “Performance and Tradition: The Covenant Speech in Q.” In Richard Horsley, ed. *Oral Performance, Popular Tradition, and Hidden Transcript in Q*. Semeia Studies 60 (Atlanta: Society of Biblical Literature, 2006) 45.

<sup>285</sup> Horsley “Performance and Tradition” 48.

<sup>286</sup> Horsley, “Performance and Tradition,” 55.

<sup>287</sup> Horsley, “Performance and Tradition,” 68-69.

<sup>288</sup> Jack Goody, *The Interface between the Written and the Oral* (New York; Cambridge: Cambridge UP, 1987).

register of communication: what is going on and where it is happening (field); who is communicating with whom, including aspects of class, gender, and power relations (tenor); and what method of communication has been adopted, either speech, song, or letter (mode). In a transcript of oral performance mnemonic clues take prominence, including repetition, inclusion, formula, sound patterning, rhythm, balance, and verbal signals to mark divisions in thought. Indicators lost with performance include silence, volume control, bodily signals, and eye contact.<sup>289</sup>

Modern source-critical works discuss the placement of documents attributed to the earliest Islamic figures, and several scholars lean towards ascribing to them a certain level of genuineness and stability based on their formulaic elements. However there is also something to be taken into account regarding the classical assessment of these texts as distinct from ḥadīth proper: it was those who took these texts, where they went and where they were from and who they communicated with that set them apart, not, as modern scholars focus on, their form (written and formulaic). This assessment may preserve a certain substratum concerning the performance context and register of the Prophetic documents. Documents functioned and were employed by early transmitters just like ḥadīth broadly speaking, as “sound-bites”<sup>290</sup> of a

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<sup>289</sup> Jonathan A. Draper, “Jesus’ ‘Covenantal Discourse’ on the Plain (Luke 6:12-7:17) as Oral Performance: Pointers to ‘Q’ as Multiple Oral Performance” In Richard Horsley, ed. *Oral Performance, Popular Tradition, and Hidden Transcript in Q*. Semeia Studies 60 (Atlanta: Society of Biblical Literature, 2006) 8.

<sup>290</sup> Recep Senturk applies social network analysis to ḥadīth transmission over the first few generations after the time of the Prophet. In *Narrative Social Structure*, he sees the ḥadīth network as “the longest social network in history ever to be recorded in such detail,” and examines ḥadīth as a disjointed “sound-bite,” a narrative unit that functions as a mnemonic structure. Recep Senturk, *Narrative Social Structure: Anatomy of the Hadith Transmission Network 610-1505* (Stanford: Stanford UP, 2005) 3. Agreeing with Walter Ong’s argument in *Orality and Literacy* and Umberto Eco’s in *Six Walks in the Fictional Woods*, Senturk argues that some narrative structures are more likely to spread and become associated with larger networks of narrators. According to Senturk, ḥadīth reports with shorter sentences, mnemonic or formulaic

discourse composed by what are revealed to be strong visual memories of objects originating in the presence of the Prophet.<sup>291</sup> Their subsequent transmission in written compilations undergoes the same processes as early Arabic poetry, historical accounts, and ḥadīth as more classically defined. The following section takes the discussion of redaction methods to early Arabic tribal narratives.

### 3.4.2 Criteria for determining oral traditional and scribal sources in redactions

Geo Widengren lists fourteen issues facing the comparison of early Arabic and Hebrew prose narratives. Those concerned with oral-written transmission and issues of organization include 1) clustering of oral traditions around an outstanding epic figure (the creation of a cycle of narratives); 2) arrangement of two or more such cycles to form a complex cycle; 3) artificial chronological scheme; 4) use of variant traditions as supplementary details; 5) circles of traditionists at work; and 6) parallel sources and harmonization.<sup>292</sup>

The oldest stage of Arab tribal (*ayyām*) literature consists of narrations of single *yawm* (tradition) in a concentrated style. *Sīra* works follow the same pattern, where “the single tradition is more trustworthy than the context where it is found.”<sup>293</sup> Parallel

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structures, and with stories as their content are more efficient structures for storage and more likely to spread in an oral network, than longer texts with plain prose or legal injunctions. Senturk also points out that the “sound-bite” form of ḥadīth contributed to the identity of ḥadīth narrators as distinguished from those practicing other narratives in early Islamic communities. To Senturk, the distinction is that storytellers, historians, and biographers presented their material chronologically, a fictive mode more appealing to the public than the empirical mode of ḥadīth scholars and jurists (Senturk 34-5).

<sup>291</sup> See Chapter VI of this dissertation on visual descriptions of the documents.

<sup>292</sup> Geo Widengren, “Oral Tradition and Written Literature among the Hebrews in the light of Arabic evidence, with special regard to prose narratives,” *Acta Orientalia* XXIII/3-4 (1959): 231-32.

<sup>293</sup> Widengren 235.

traditions can serve as additional versions of one tradition or be interwoven as a single episode. Thus the redactor's work through narrative framing may result in the following changes: 1) in persons and 2) the appearance of isolated new traits, while an essential point or saying, the *logion*, the basis of the story, is unchanged. These *logia* are the "common property of parallel traditions" even where they vastly differ. Similarly, single striking terms such as uncommon poetical expressions recur across parallel traditions.<sup>294</sup> However both *ayyām* literature and *sīra* should not be narrowly understood as reflexions of a single basic tradition since two or more narrations of the same event, sometimes irreconcilable, may have been circulating in the earliest phases.<sup>295</sup> Topographical, chronological, genealogical, and philological notes are usually additions by later traditionists and redactors.<sup>296</sup>

Widengren takes al-Ṭabarī's method of composition in his *Tārīkh* as an example. The skipping of words or entire sets of lines found in his sources can be seen as typical of written transmission or copying. Similarly repetition of information due to the synthesis of sources, shortening of traditions, and providing oblique narration rather than direct speech (the latter preferred in older prose narratives) indicate written transmission.<sup>297</sup> Widengren concludes that *ayyām* and *sīra* literature share processes of redaction, and that both also exhibit a striking dependence on their sources seen in the transmission of exact wording, confirming that "the separate tradition in its actual wording is preserved for centuries after centuries." Further, he argues that this

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<sup>294</sup> Widengren 236.

<sup>295</sup> Widengren 237.

<sup>296</sup> Widengren 241.

<sup>297</sup> Widengren 248-53.

“fidelity” is due not to oral but written transmission due to the shortness of the period of oral transmission undergone by early Islamic tradition deduced from references to written sources of tradition from the end of the first Islamic century.<sup>298</sup> This includes references to the corpus of ‘Urwa b. al-Zubayr (d. 93/711-2 or 94/712-13), often transmitted through his student al-Zuhrī (d. 124/742), in Ibn Hishām’s *Sīra*, Ibn Sa‘d’s *Ṭabaqāt*, and al-Ṭabarī’s *Tārīkh* and *Tafsīr*.

Drawing on the material gathered by H. Gunkel in *The Legends of Genesis* and W. Caskel in his article on “Ajjam al-‘Arab,”<sup>299</sup> J. R. Porter lists the shared features of two cultures that he describes as having formalized a narrative technique based on the unit of the self-complete episode, due to the strictures of oral recitation. These features include: brevity and concentration of stories; arrangement into succession of small scenes; avoiding delineation of feelings of personages; introduction of descriptive detail only to advance action; centrality of speech and dialogue; realism of tales; variations on a theme; recurrence of stock expressions in different versions of an episode; individuals treated as types; priority of individual narrative and subsequent development of legend cycles; small number of personages appearing in narratives.<sup>300</sup> Porter continues to note:

is it possible that scholars still talk too much in terms of a *qualitative* difference between the oral and the written and that, along with such concepts as a “preliterary” stage followed by a written one or the simultaneous existence of both oral and written transmission, have we not also to think of narrative, conceived and executed from the first as written documents, yet wholly

<sup>298</sup> Widengren 258. Though it seems just as possible that fidelity can be due to verbatim memorization.

<sup>299</sup> Hermann Gunkel *The Legends of Genesis* Trans. W. H. Carruth (New York: Schocken, 1964); W. Caskel “Ajjam al-‘Arab” *Islamica* 3, fasc. 5 (1930) 82-90.

<sup>300</sup> J. R. Porter “Pre-Islamic Arabic Historical Tradition and the Early Historical Narratives of the Old Testament” *JBL* 87/1 (1968) 17-26. 21. n. 21.

determined, as regards their form, by long-established conventions developed in oral tradition?<sup>301</sup>

Can the functioning of oral tradition and scribal conventions be precisely determined in medieval redactions of the Prophetic documents? Though there are several sets of criteria for elucidating these processes of transmission and redaction, an ultimate ambiguity seems to remain in describing them.<sup>302</sup> This conclusion is also reached by David Gunn in a debate with John Van Seters over oral traditional versus direct literary models for “patterns” in the Old Testament. Van Seters has argued that Assyrian annals and Babylonian chronicles serve as models of battle accounts in the Old Testament. He rules out the notion that direct verbal correspondence and similar structures of episodic elements are evidence for “story-telling” conventions. Instead, Van Seters argues for direct verbal dependence on written literary texts.<sup>303</sup>

In his response, D. M. Gunn argues that formal dependence on literary texts would lead to closer verbal and elemental similarity. He points out that dissimilarities in structure, style, and orientation become apparent when passages such as the battle accounts in both Assyrian annals and the Old Testament are viewed in context.<sup>304</sup> It is oral composition that is characterized by the kind of stereotyping he finds in such cases as the gift of promises in 1 and 2 Samuel. Gunn cautions, however, that this

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<sup>301</sup> Porter 22.

<sup>302</sup> Carruthers vehemently rejects the proposed contrast between the oral style of medieval sermons and a written or authorial style, the first as characterized by repetition, verbal formulae, digression, and parataxis, the second by hypotaxis, subordination and subdivision, longer and more unusual words, non-repetitiveness and self-conscious artfulness. She characterizes this opposition as a tautology based on associating stylistic features of a text whose conditions of production are known with the method of its composition then used to prove that the text was composed in a particular way (Carruthers 201).

<sup>303</sup> John Van Seters “Oral Patterns or Literary Conventions in Biblical Narrative” *Semeia* 5 (1976): 139-154.

<sup>304</sup> David M. Gunn, “On Oral Tradition: A Response to John Van Seters” *Semeia* 5 (1976) 155-161.

stereotyping cannot be assumed to be exclusive to oral literature and must be supported by other “general cultural” indications of an oral traditional origin for the texts. Van Seters follows studies of (North European) folk narrative in characterizing oral style as necessarily concise and clear, in stories that are brief and simply structured. Thus he concludes that “the notion of a discursive oral tradition is self-contradictory.”<sup>305</sup>

Gunn’s own conclusion regarding Old Testament literature is that production of this largely anonymous undated material cannot be precisely described, especially since literary editorial modification of oral traditional material is also a factor. “Thus signs of editorial conflation or adaptation need not mean that core material or even major stylistic features may not be derived from oral tradition.”<sup>306</sup> He advances the concept of “transitional texts,” on a spectrum between direct transcripts of oral performance at one end and written historical reports with little direct dependence on oral tradition on the other. Gunn concludes that texts can be studied as occurring somewhere along this continuum, but that disentangling each oral and written process that contributed to the product we have at hand cannot be decisively achieved. He writes,

The more stylistic techniques (e.g. the “patterns” at issue here) which could be explained as likely to be derived from an oral style and the more demonstrably traditional subject matter in the story, the more likelihood of its being closely related to oral tradition. But precisely *how* related would be almost certain to remain unknown, since decisive criteria are so hard to come by.<sup>307</sup>

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<sup>305</sup> John Van Seters, *Abraham in History and Tradition* (New Haven: Yale UP, 1975) 242.

<sup>306</sup> Gunn, “On Oral Tradition,” 161.

<sup>307</sup> Gunn, “On Oral Tradition,” 161.

As is evident in the approaches of medieval Arabic literary and ḥadīth critics in outlining redaction methods, there is similarly no neat packaging of assumptions regarding textual authenticity and verbal stability into fluid and fixed states identified with the oral and the written in early Islamic tradition. Study of the truth-value given to the words of the Prophet in early ḥadīth criticism has showcased how the “vagaries of transmission”<sup>308</sup> lead to no clear demarcation of oral and written redaction methods. The corroborative weight given by the ḥadīth scholars to the standing of certain transmitters and to the practice of the scholarly community, as well as the ethical and homiletic usages of the Prophet’s idiom, nuance the question of whether or not a report attributed to the Prophet represents a historical truth. Early Arabic literary and ḥadīth critics recognize that the texts they record were orally rendered (their reproduction involved an oral component at every point in the line of transmission). Ḥadīth critics also recognize and explicate activities such as paraphrasing, abbreviating, correcting grammar, and replacing words. Judgment on these activities varies from critic to critic. As Jonathan Brown has demonstrated regarding the truth-value assigned to ḥadīth by medieval critics, epistemological certainty is not a factor required for daily living and belief, for the formulation of law, religious practice, and theology.

The same differentiation between “reporting” a saying or action attributed to an individual (a *chreia*) in “the same words” or in others is made in Hellenistic rhetoric, for example by Aelius Theon (c. 50-100 CE).<sup>309</sup> Similarly, the medieval Western scholastic concept of “memory,” based on the anonymous *Rhetoric ad Herennium* (ca. 86-82 BCE)

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<sup>308</sup> Brown, “Did the Prophet Say It or Not?” 27.

<sup>309</sup> R. F. Hock and E. N. O’Neil, *The Chreia in Ancient Rhetoric* vol I *The Progymnasmata* (Atlanta: Scholars Press, 1986) 95.

and Quintilian's *Institutio Oratoria* (Rome, first century CE), institute a distinction between *memoria rerum*, remembering things, and *memoria verborum*, remembering words. The *Ad Herennium* recommends that the second be reserved only for extracts from the poets, for use by children and by adults only as an exercise to sharpen memory for things. Quintilian's reservation regarding systems which promise an accurate memory for words reflects the "basically ethical value given to memory training. Memory for words, like any merely iterative reproduction of items in a series, can deteriorate rather quickly into mere trickery."<sup>310</sup> Even when a speaker possesses an accurate memory of the original words, training in *memoria rerum* is preferred. For example, early monastic rules require memorization of central texts accurately and in full but the purpose being to meditate on them.<sup>311</sup>

Modern scholarship focusing on the early Islamic tradition agrees on the emphasis that the act of authenticating placed on transmitter-criticism.<sup>312</sup> This could result, for example, in coexisting reports of a single instance of speech where the difference (and their identification as distinct reports) is based on the difference in transmitters involved and not on the text of the report. Some conclusions arising from recent scholarship on ḥadīth criticism can be extended with our study of the redactions of the Prophetical documents. First, medieval critics were consistent in identifying verbatim from non-verbatim transmission of Prophetical speech, though this does not mean that

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<sup>310</sup> Carruthers, 72-74.

<sup>311</sup> Carruthers, 88-89.

<sup>312</sup> In "How we Know Early Ḥadīth Critics Did *Matn* Criticism and Why It's So Hard to Find" *Islamic Law and Society* 15, no. 2 (2008): 143-84, Jonathan Brown argues that criticism of the content of ḥadīth reports based on meaning and logical fallacies occurred in the formative period but under the guise and terminology of isnād-criticism.

one is valued over the other in conveying information from the Prophet. Second, when it comes to the issue of authenticating or verifying a text, the issue seems to be, in Michael Zwettler's useful phrase, one of the "identity and integrity of the sources," and not of authorship in the modern sense of attributing a fixed text to a single individual. Third, the distribution of citations of the Prophetic documents in the medieval sources highlights tribal identity and local tradition as factors in the transmission of these texts. The primary mode for the preservation and performance of these texts was through memory and recitation. The great frequency with which reports concerning documents granted to tribal recipients occur in biographical dictionaries emphasizes the nature of a localized, tribal audience for the Prophetic documents, the majority of which are not found in hadīth literature and many of which feature family isnāds and reports from the tribal recipients themselves.

The case of documents attributed to the earliest Islamic figures showcases the danger of categorizing a transmission method as either written or oral based on stylistic evidence, phrasings, and formatting in the final redaction. A text can be reworked across both oral and written mediums even in a more literate age, and versions can exist simultaneously as oral and written narrative models that influence each other. Some of the usual characteristics of oral tradition may also be the result of or include corrective or shaping editing of a transcribed text. For example, use of rhyme is usually cited as facilitating oral composition and reproduction. However, use of *saj'* (rhymed prose, featured in the Qur'an) and other rhetorical devices could be due to a self-consciously written literary production of a text otherwise relying heavily on

oral tradition.<sup>313</sup> Another example of this overlap can result in “feedback” from written formulation into oral tradition. As Caskel points out concerning tribal North Arabian historical traditions, a contemporary or near-contemporary written history that claims to depend on eye-witness accounts may actually be framed in the same form as oral tradition.<sup>314</sup>

A great example of this complexity is Matthew Innes’ article on the ninth century chronicle of Charlemagne, the *Gesta Karoli*, by Notker of St. Gallen. Innes argues that early medieval texts can be characterized as “soft,” their audiences more active in determining their content, while scribes not only copied but adapted texts using revisionary techniques and literary devices. Notker uses both oral testimonies and stories and written histories as his sources, and Innes argues that these sources are not distinct, nor do they individually determine Notker’s organization or literary techniques. One example of how oral tradition and written literary models interfere with each other in Notker’s text is how a story told by a soldier about Charlemagne’s campaigns is marked by a theme from the *Aeneid*. Oral tradition is usually associated with “ahistorical present mindedness” and a lack of chronological or diachronic depth, but while Notker's chronicle exhibits some of these characteristics, the monk lived in a highly literate environment and was not of an “oral mindset.” Instead, Innes argues, the “flat” nature of Notker's organization is due to liturgical literary models. In addition, while Notker’s themes can have written sources, written texts such as his

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<sup>313</sup> For the use of rhetorical and literary devices in the Prophetic documents see below, Chapter V, section 5.2.

<sup>314</sup> Caskel 85.

chronicle can also come to serve as mnemonics for the contemporary oral tradition on Charlemagne.<sup>315</sup> The same point was made by Patrick Geary concerning hagiographer Letaldus of Micy, who in the year 1000 circulated his draft of *Miracula S. Maximus* among the elder monks, who reminded him of what he had omitted. Letaldus revised his text accordingly, while in reading the draft the monks had probably also incorporated the written text in their memories.<sup>316</sup> Geary notes, “The difference between hagiography and archival evidence is a modern, not a medieval, one. . . . Both saints’ lives and charters are writings recording the glory of the saints.”<sup>317</sup>

Finally, variation is a function not only of practices of transmission but also of medium.

As Bernard Cerquiglini stresses, variation characterizes the Western medieval textual tradition, both in manuscript *and* early print.<sup>318</sup> He writes:

Now, medieval writing does not produce variants; it is variance. The endless rewriting to which medieval textuality is subjected, the joyful appropriation of which it is the object, invites us to make a powerful hypothesis: the variant is never punctual. Paraphrastic activity works on the utterance itself, like dough; variance is not to be grasped through the word; this must be done, rather, at least at the level of the sentence if not, indeed, at the very heart of the complete utterance, of the segment of discourse. . . . Variance is the construction of a sense, of a sequence of writing. It is a syntax, the “building,” as Ramus called it, of a collection of language phenomena that take on meaning only through the link uniting them. It is in this way that variance is to be grasped and appreciated, that it is important to have it understood.<sup>319</sup>

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<sup>315</sup> Matthew Innes, “Memory, Orality and Literacy in Early Medieval Society” *Past and Present* 158 (Feb. 1998) 3-36.

<sup>316</sup> Patrick J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton UP, 1994) 11.

<sup>317</sup> Geary, *Phantoms*, 159.

<sup>318</sup> A point also made by Adrian Johns’ *The Nature of the Book*. The identification of “print culture” with fixed and reliable texts allowing the spread of veracious knowledge “is probably the most powerful force resiting the acceptance of a truly historical understanding of print and any cultural consequences it may foster” (2). Johns traces the relationship between credibility and printing through the early modern concept of piracy which “came to stand for a wide range perceived transgressions of civility emanating from print’s practitioners” (32).

<sup>319</sup> Cerquiglini, *In Praise of the Variant*, 78. Cerquiglini suggests the digital format as most applicable to the display of variance: “It is less a question. . . of providing data than of making the reader grasp this

An intense overlap and interchange exist between both oral and written mediums in our earliest surviving written sources for early Islamic traditions. Here, material may be heavily drawn from the practice of *qaṣas* and other orally performed material, and yet the use of notes, documents, written literary models, scribal errors and corrective, stylistic, and shaping editing cannot be ruled out. How oral or written modes are contributing to transmission methods may be identifiable, but the nature of the interaction between these modes is not always obvious in the texts themselves. It is misleading to consider techniques of redaction as indicators of larger cultural practices including the extent of orality or literacy in a community. Oral and written modes interact and exchange with any act of reproduction of a text (an activity that is not limited to medieval texts but functions also in modernity). Rather than conceiving of a linear and one-directional model of transmission of texts from predominantly oral cultural practices to increasing use of writing, oral tradition and scribal conventions involved in the production of a written text may be best visualized as forming a braid of influences.

The collation of redactions of a selection of Prophetic documents in Chapter II has showcased how each text features narrative and structural (continuing into the age of print with the use of indentation, typefaces, and punctuation) shaping, and the inclusion of information from additional traditions and interpolations with exegetical implications. The range of variation on the other hand showcases the relative stability

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interaction of redundancy and recurrence, repetition and change, which medieval writing consists of” (80).

of the formulaic contents of the documents, a stability resulting in part from their reliance on pre-Islamic formularies.

## CHAPTER IV: Administrative, legal, and epistolary formularies

The formulaic nature of the Prophetical documents has been noted before. This formulaic content enlarges the documents' context beyond literary redactions to chancery and epistolary tradition. This chapter will explore the correspondences in formulae within the corpus as well as parallels in documentary evidence in early Arabic and neighboring traditions. The items in the corpus of Prophetical documents are not only highly structured and internally consistent in phraseology and formulae but feature formularies whose closest parallels are found in earlier Semitic-language chancery and epistolary traditions and are markedly different from the epistolary and documentary formats of 'Abbasid-era Arabic papyri dating to the third/ninth century.

### 4.1 Formulas, epistolary style, and use of letters

In order to describe characteristic features of the Prophetical documents, their formulae can be compared with surviving documents in Arabic, particularly Umayyad-era and early 'Abbasid papyri. This chapter will present the texts according to their formulae, as well as the closest relatives of each formula from documentary finds. A formula will be any phraseology that occurs more than once in the corpus. Hamidullah provides a basic text derived from a collation of several medieval redactions, giving variants in footnotes. Therefore it seems most useful for an overview of the formulae

in this corpus to refer to his collection rather than any single medieval source collecting many of the documents.<sup>320</sup>

#### 4.1.1 Introductory formulae

##### 4.1.1.1 *Basmala* (invocatio)

Generally *bism Allāh al-Raḥmān al-Raḥīm* is used to open the document, with these variations: *bismika Allāhumma* (11-Ḥudaybiyya; 189); *Bism ilāh Ibrāhīm wa Ishāq wa-Ya‘qūb*, following the address (93-Najrān); and the traditional formula but following the address (65-‘āmil Kisrā).

The location of this formula at the head of the text with the prayer as a rhetorical address, and its orientation with beneficiary being the sender and not the addressee, distinguishes the formula as monotheist and distinct from the pre-Christian blessing formula, found in medieval Christian (Latin) and Islamic documents of all types as a verbal phrase, sign, or cipher. The invocation is “Emblem of (divine) authority, the formula is also a cultural symbol, its effect the product of position and design.”<sup>321</sup>

The *proskynema/berākhāh* formula explicitly acknowledging the deity in Aramiac and Greek documents, although semantically an *invocatio*, is structurally part of the greeting (*salutatio*). In cuneiform and Egyptian documents also the *invocatio* is a greeting and is placed after the address.

<sup>320</sup> References are to the numbering of the documents in Muhammad Hamidullah, *Majmū‘at al-wathā’iq al-siyāsīya lil-‘ahd al-nabawī wa-al-khilāfa al-rāshida* (Cairo: Matba‘at Lajnat al-Ta’līf wa-al-Tarjamah wa-al-Nashr, 1956). Addressees or occasion, if particularly significant, are given in parantheses.

<sup>321</sup> John E. Wansbrough *Lingua Franca in the Mediterranean* (Richmond, Surrey: Cruzon Press, 1996) 99-100.

One of the changes to the introductory formulary of Arabic letters beginning in the third/ninth century is that the address is generally placed before the *basmala*.

Exceptions occur in high level official correspondence, which continued the old epistolary tradition as late as the Fatimid period.<sup>322</sup>

#### 4.1.1.2 Address (*intitulatio* and *inscriptio*)

The address immediately follows the *Basmala*. Generally the address is: *min Muḥammad rasūl Allāh ilā fulān*. The following formulae also occur. Except one occurrence, all begin with a demonstrative pronoun and reference to the text itself (monumental opening). *Hādhā kitāb min Muḥammad* (1-‘Ahd al-Umma; 22-Najāshi; 70; 72/a; 78; 111; 113; 121; 124; 134; 137; 153; 159; 166; 173; 174; 175; 182; 185; 186; 189; 191; 192; 193; 194; 196; 197; 203; 217; 244). *Hādhā mā ṣālaḥa ‘alayhi* (11). *Hādhā mā a’ṭā Muḥammad. . . li fulān* (17; 89; 154; 155; 163; 164/a; 207; 209; 210; 212; 213; 215; 216; 223; 229; 230; 231). *Dhikr mā a’ṭā Muḥammad* (18). *Hādhā amān min Muḥammad. . . li fulān* (31). *Hādhā kitāb dhukira fīhi mā wahaba Muḥammad* (43). *Hādhā mā anṭā Muḥammad* (45-Tamīm al-Dārī). *Hādhā mā kataba Muḥammad. . . li fulān* (94-‘Ahd Najrān). *Hādhā kitāb katabahu Muḥammad* (69; 97). *Hādhā kitāb amān* (96-Najrān). *Hādhā ‘ahd min Muḥammad. . . ilā* (104/a). *Hādhā bayān min Allāh wa-rasūlihi* (taxation instructions to ‘Amr b. Ḥazm 105 and 106). *Hādhā kitāb li fulān* (141). *Hādhā l-kitāb min Allāh al-‘azīz ‘alā lisān rasūlihi bi-ḥaqq ṣādiq wa-kitāb nāṭiq ma’a. . . li fulān* (157).<sup>323</sup> *Hādhā kitāb min Muḥammad. . . li-fulān kataba* (181). *Kitāb Muḥammad rasūl Allāh li fulān* (222). *Hādhā mā fāda Muḥammad* (243/a).

<sup>322</sup> Khan, *Selected Arabic Papyri*, 127.

<sup>323</sup> Both redactions agree on this unusual wording for the document.

The custom of placing the address at the beginning of letters is a feature of ancient Near Eastern epistolary style.<sup>324</sup> In some Middle Assyrian documents the introduction includes a term referring to the message itself (*awat/amat/abat* meaning “word”; *tuppi* meaning “tablet”; Ugaritic *tḥm* and Akkadian *ṭēmu* rendered “message”) inserted into the construct along with the name of the sender. More common was an adverbial use of *umma/enma* (“thus” or “say/said. . .”).<sup>325</sup> In Akkadian letters an address to a superior party would run for example: “To the King of the land of Ugarit, my lord, speak. Message (*umma*) to Taguḥli, your servant.” *Taḥmu* introduces the sender in Akkadian letters from the Old Babylonian period on. In the Amarna letters however *umma* occurs with a genitive and rendered “word, message, saying” corresponding with Ugaritic *tḥm*.<sup>326</sup>

In the international correspondence among the Amarna letters the address is directed to the scribe who will read the letter: “Say to PN. Thus PN<sub>2</sub>.” This format is inherited from the Old Babylonian period and has no implications concerning the relative social status of the correspondents. The variation “Thus PN: Say to PN<sub>2</sub>” is also found later when the sender if superior or equal names himself first.<sup>327</sup> In the vassal

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<sup>324</sup> Geoffrey Khan, *Bills, Letters, and Deeds: Arabic Papyri from the 7<sup>th</sup> to 11<sup>th</sup> Centuries* (London: The Nour Foundation, 1993) 63.

<sup>325</sup> Wansbrough, *Lingua Franca*, 100.

<sup>326</sup> William M. Schniedewind and Joel H. Hunt, *A Primer on Ugaritic: Language, Culture, and Literature* (New York: Cambridge UP, 2007) 43 n. 4.

<sup>327</sup> William L. Moran, ed. and trans., *The Amarna Letters* (Baltimore: John Hopkins UP, 1992) xxii n. 52.

correspondence an exception to this formula occurs in the letters of Rib-Hadda of Byblos, opening “Rib-Hadda speaks/writes to the king...”<sup>328</sup>

The messenger-formula (along with the prostration formula) found in the cuneiform tradition eventually disappears. Inflexions of the verb “to speak” remain for centuries and may reflect instructions to the message-carrier. Neither formula is attested in Phoenician, Aramaic, Hebrew, or Greek documents.<sup>329</sup>

The change from an opening verbal to a nominal sentence in Old South Arabian languages reflects a major change in the formulary. The epistolary structure remains constant except for this syntactical change. At the end of the early Sabaic period (fifth to fourth centuries BCE), an opening verbal sentence, “PN [sender] has written to PN<sub>2</sub> [addressee],” becomes a nominal phrase usually referencing the document with the word *ṭbyt*, “message.”<sup>330</sup> Letters from this period mention the addressee first ((Message) to PN from PN<sub>2</sub>).<sup>331</sup> Mentioning the sender first was older formula, of the Old Sabaic period (eighth to first centuries BCE).<sup>332</sup>

Most forms of the address in surviving Aramaic letters (official and private, mostly from Egypt), where the names are given rather than implied, give the addressee first.

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<sup>328</sup> Moran, *The Amarna Letters*, xxix.

<sup>329</sup> Wansbrough, *Lingua Franca*, 97-98.

<sup>330</sup> As in X.BSB 98 (=Mon.script.sab 38) in Peter Stein, “Correspondence by Letter and Epistolary Formulae in Ancient South Arabia” In Eva Mira Grob and Andreas Kaplony, eds. *Documentary Letters from the Middle East: the Evidence in Greek, Coptic, South Arabian, Pehlevi, and Arabic (1<sup>st</sup>-15<sup>th</sup> c. CE)* (Bern: Lang, 2008) 783.

<sup>331</sup> Stein, “Correspondece,” 781. The word for “message” here also seems to have an oral component. Stein suggests the root *ṭ-b-b*, “teach, proclaim, judge,” for *ṭbyt*.

<sup>332</sup> Mohammed Maraqtan “Some Notes on Sabaic Epistolography” *Proceedings of the Seminar for Arabian Studies* 33 (2003) 278.

Naming the sender first is not unknown however, and examples are found mostly in the Arsames correspondence written in Mesopotamia or Persia.<sup>333</sup>

Early Arabic documents contain an introductory reference to the message using a noun in the monumental format, but lack any inflexion of the verb “to speak.” In most of the letters in our main surviving corpus of official Umayyad documents, from Qurra b. Sharīk, governor of Egypt (90-96/709-714) under al-Walīd (86-96/705-15), the sender is identified by name only and the addressee by title as well as name.<sup>334</sup> In other second Islamic century official documents from both Khurasan and Egypt, the use of the demonstrative pronoun for a kind of monumental opening in the introduction differentiates official from private letters from the same period, even if the document appears to be a letter, with an opening address and subjective (second-person, letter) style.<sup>335</sup> The sender or issuing agency is also announced at the beginning.<sup>336</sup> Letters open with an address formula indicating sender and addressee with the higher ranked individual mentioned first, with no reference in the opening to the document itself.<sup>337</sup> By the late second Islamic century, an official document still starts by referring to itself, identifying itself, but has lost the demonstrative pronoun and address: *kitāb jamā‘at mā*. . . “ (P.Khalili 2, account of cultivated land based on annual survey).<sup>338</sup> Self-reference of a document in the opening of texts such as leases, work permits, and tax receipts of the

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<sup>333</sup> Joseph Fitzmeyer, “Aramaic Epistolography” *Semeia* 22 (1981) 31-32.

<sup>334</sup> Wadad al-Qadi “An Umayyad Papyrus in al-Kindi’s *Kitab al-Qudat?*” *Der Islam* 84.2 (2008): 200-245; 222.

<sup>335</sup> Geoffrey Khan, *Arabic Documents from Early Islamic Khurasan*. Studies in the Khalili Collection V. (London, 2006 [2007]) 28.

<sup>336</sup> Khan, *Arabic Documents*, 28.

<sup>337</sup> Khan, *Arabic Documents*, 28.

<sup>338</sup> Geoffrey Khan *Arabic Papyri: Selected Material from the Khalili Collection* (London: The Nour Foundation, 1992) 58.

late Umayyad period shows that they had the status of legal instruments of proof.<sup>339</sup>

Legal documents such as quittances, as opposed to administrative documents, use the third-person rather than a subjective style.<sup>340</sup>

In the Prophetic documents, the letters to rulers (except 22 to the Najāshī) start without the demonstrative pronoun. Invariably mentioning the Prophet as the sender first parallels the Umayyad-era custom of the higher status individual mentioned first. Self-reference in a nominal phrase to the document also parallels Umayyad-era official letters and legal documents. This formula returns to cuneiform Akkadian and Ugaritic official correspondence and surfaces later in the early Iron Age in Early to Middle Sabaic, accompanied with an address to the messenger or receiving scribe in Akkadian and Ugaritic echoed perhaps in the Sabaic formula where the word for “message” seems to denote an oral proclamation.<sup>341</sup> Both of these elements do not survive in the later Semitic tradition in Phoenician, Aramaic, or Hebrew correspondence.

#### 4.1.1.3 Greeting (*salutatio*)

The greeting includes some form using the root for “peace,” *slm* and is followed by a blessing formula addressing the praises of God to the addressee. The most common greeting formula is: (Al-)salām ‘alā man ittaba‘a al-hudā (26-Hiraqal; 49-Muqawqas; 56-Mundhir; 76-Jayfar and ‘Abd; 68; 206). Variations include: Salām ‘alā man ittabi‘a al-hudā wa-āmana bi-llāhi wa-rasūlihi (22-Najashi). Salām ‘alā man āmana (29). Salām ‘alā man ittaba‘a al-hudā wa-āmana bi-llāhi wa-ṣaddaqa (37-Ghassani). Salām ‘alā man ittaba‘a al-

<sup>339</sup> Khan, *Arabic Documents*, 28.

<sup>340</sup> Khan, *Arabic Documents*, 28.

<sup>341</sup> See note 319 above.

*hudā wa-āmana bi-llāhi wa-rasūlihi wa-shahida an lā ilāha illa-llāh waḥdahu lā sharika lahu wa anna Muḥammadan ‘abduhu wa-rasūluhu* (53-Kisra). *Salām antum* (34). *Salām ‘alayka* (56-Mundhir; 80; 112). *Salām Allāh ‘alayka* (59-Mundhir). *(Al-)salām ‘alaykum* (91; 202). *Salām Allāh* (141/a-b). *Silmun anta/antum* (21-Najāshī; 30; 60; 66/a; 67; 111). *Silmun antum mā āmantum bi-llāhi wa-rasūlihi* (107). *Aslim anta* (246/a-b).

In Middle Babylonian (ca. 1600-1200 BCE) including the texts from Ugarit and Amarna, a collective reference to the deity occurs, *ilānu liṣṣurūka* (“May the gods protect you”) along with a prostration formula. The Ugaritic version draws on an Akkadian template: *ilm tgrk tślmk* (“May the gods protect you and give you peace”). Wansbrough traces the use of the root *ślm* (“peace/prosperity/well-being”) in the *salutatio* over two millenia. In Aramaic letters the initial greeting formula usually involves some form of *slm* or the root *brk*. This is often omitted in official or quasi-official letters.<sup>342</sup> In early Arabic documents this slot is often filled by an invocation (prayer, *du‘ā*) such as *abāka Allāh*, *akramaka Allāh* and “exhibit thus the cuneiform tradition virtually intact.” The prostration formula resurfaces in Arabic documents only in Fatimid Egypt documents of the twelfth century.<sup>343</sup> Arabic letters from the third/ninth century are distinguished from Umayyad-period introductory formulae in opening directly (with the address now placed outside the document proper) with a lengthy series of blessings using the optative verb, which can be repeated in the closing.<sup>344</sup>

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<sup>342</sup> Fitzmeyer, “Aramaic Epistolography,” 34.

<sup>343</sup> Wansbrough, *Lingua Franca*, 104-105.

<sup>344</sup> Khan, *Bills, Letters and Deeds*, 64.

Sabaic shares with Arabic an increasing elaboration in greetings in the later period of epistolary development. In late Sabaic letters (ca. fourth century CE) the basic formulary has remained consistent but includes more elaborate phrases. The addressee is introduced by the polite epithet *tḥrg* “authority, honor,” and the designation *ṭbyt*, “message,” no longer occurs and can be replaced by the phrase *d-‘rh\_m w-slmnm*, “news and greetings.”<sup>345</sup>

The greeting “peace be on the one who follows the right guidance,” *salām ‘alā man ittaba’a al-hudā*, occurs in documents of the early period in Arabic papyri, but at the end, before the scribal clause, rather than as a greeting as in the Prophetic documents. It also occurs in the closing of four Prophetic documents (21; 29; 66/a; 67). As a closing formula it is found in the Qurra b. Sharīk corpus in documents of an administrative nature, many of them addressed to the pagarch of the district of Ashqawh/Aphrodito, Basīl/Basilus. In these *wa-l-salām ‘alā man ittaba’a al-hudā* is followed immediately by the scribal clause (including the date), *kataba fulān sana. . .* (P.Heid.Arab. I: Documents I, II, III, IV, X, XI, XVIII;<sup>346</sup> P.Qurra: Docs. I, II, III, IV, V).<sup>347</sup>

Diem’s study of the introductory formula comparing its occurrence and phrasing in the Prophetic documents to Arabic letters of the first/seventh and second/eighth centuries has the following variations: *Salām ‘alayka fa-innī aḥmadu ilayka Allāh alladhī lā ilāha illa huwa* occurs in the Prophetic letters (47, 59, 80, 99, 103, etc.) and Arabic

<sup>345</sup> Khan, *Bills, Letters, and Deeds* 64; Stein, “Correspondence,” 786.

<sup>346</sup> C. H. Becker, ed. *Papyri Schott-Reinhardt I* (Heidelberg: 1906).

<sup>347</sup> Nabia Abbott, *The Kurrah Papyri from Aphrodito in the Oriental Institute, Studies in Ancient Oriental Civilization 15* (Chicago: University of Chicago Press, 1938).

documents from the seventh and eighth centuries. There are two variants to this formula occurring in documents of the early eighth century: *al-salām ‘alayka ayyuhā al-amīr wa-rahmatu ‘llāhi fa-innī aḥmadu ilayka Allāh alladhī lā ilāha illā huwa*, and *al-salām ‘alayka yā rasūl Allāh wa-rahmatu ‘llāhi wa-barakatuhu fa-innī aḥmadu ilayka Allāh alladhī lā ilāha illā huwa*.<sup>348</sup>

The introductory *silmun anta* followed by *fa-innī aḥmadu ilayka Allāh* (“I address the praises of God to you”) or variations thereof in the Prophetic documents is not attested in surviving early Arabic documents.<sup>349</sup> Diem asserts that the occurrence of this formula in the Prophetic corpus cannot be influenced by later epistolary conventions nor invented because it occurs across various texts and sources. It is not attested (excepting one letter ascribed to ‘Uthmān) in the literary sources for other early figures after the Prophet and must pre-date Islam. It was replaced by *salām ‘alayka* in the early period of Islam as *salām ‘alā* is a typical Qur’anic expression<sup>350</sup>

#### 4.1.1.4 Blessing (*devotio*)

*Fa-innī aḥmadu ilayka/ilaykum Allāh alladhī lā ilāha illā huwa* is followed immediately by *ammā ba’d* (21; 30; 34; 59; 60; 80; 109; 111; 172; 202). Variations include dropping *fa-innī*: *aḥmadu ilayka Allāh* (141/al-b); adding the phrase *lā sharīka lahu* at the end (67); or

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<sup>348</sup> Werner Diem “Arabic Letters in Pre-Modern Times, A Survey with Commented Selected Bibliographies” in Andreas Kaplony and Eva Mira Grob, eds. *Documentary Letters from the Middle East: the Evidence in Greek, Coptic, South Arabian, Pehlevi, and Arabic (1<sup>st</sup>-15<sup>th</sup> c. CE)* (Bern: Lang, 2008) 859.

<sup>349</sup> Diem, “Arabic Letters,” 860.

<sup>350</sup> Diem, “Arabic Letters,” 860.

replacing *illā huwa* with *ghayruhu: fa-innī aḥmadu Allāh ilayka alladhī lā ilāha ghayruhu* (56-Mundhir).<sup>351</sup>

In Demotic, Greek, and Aramaic letters, the invocation of a deity by the sender on behalf of the addressee is not equal in function to the older prostration formula of cuneiform documents.<sup>352</sup> The *devotio* in early Arabic documents, the *ḥamdala* formula common in the Prophetic documents, *tawfīqī bi-llāh*, or *tawakkaltu ‘alā Allāh* maybe return to cuneiform seal inscriptions indicating the owner’s service to particular deities.<sup>353</sup>

#### 4.1.1.5 Transition marker

The blessing formula is followed immediately by a transition marker between the introduction and body, generally *ammā ba’d*. Variations are: *ammā ‘alā athar dhālika* (29); *ammā ba’d dhālikum* (66/a-b; 109); and *ammā ba’d dhālika* (111).

One of the mechanical divisions between elements of the document, which can in cuneiform tablets occur as horizontal lines, is here a “fossilized” adverbial phrase.<sup>354</sup>

Arabic documents use *wa-lammā*, *ammā ba’d*, *wa ab’ad*, *fa-inna*. Akkadian has

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<sup>351</sup> Benjamin Kedar studies letters and contracts between Catholics and Muslims, covering examples from the tenth to thirteenth centuries, tracing the attestations to creed especially in addresses. Benjamin Z. Kedar, “Religion in Catholic-Muslim Correspondence and Treaties” In *Diplomatics in the Eastern Mediterranean 1000-1500: Aspects of Cross-Cultural Communication* (Leiden: Brill, 2008) 407-421.

<sup>352</sup> Wansbrough, *Lingua Franca*, 98.

<sup>353</sup> Wansbrough, *Lingua Franca*, 102.

<sup>354</sup> Parallels to the mechanical text divider are the use of red ink to indicate new units, found in Egyptian literary texts from the 18<sup>th</sup> dynasty on, the “painted” Aramaic inscription of Deir ‘Allā (ca. 840-660 BCE), and Talmudic tradition (Emanuel Tov, *Scribal Practices and Approaches Reflected in the Texts found in the Judean Desert* (Leiden: Brill, 2007) 54). The use of red ink for headings within the text is an element of early Islamic manuscript tradition as well (cf. Figure and section 4.2 below).

*anuma/enuma*, Ugaritic *ht/wht*, Aramaic *k't/wk't*, *k'n/wk'n*, *k'nt/wk'nt*, and Hebrew *w't/w'ttā, šē*.<sup>355</sup>

A phrase corresponding with *ammā ba'd* is not found in the letters in Greek written from Qurra b. Sharīk's office to Basīl. Transition formulae are absent entirely from Greek epistolary style, but are found in North-West Semitic epistolary.<sup>356</sup> In Aramaic letters the initial greeting is often followed by a transition marker using some form of *k'n* to introduce the body or serve as message divider within it,<sup>357</sup> marking the beginning of short disconnected sections using the particle.<sup>358</sup> Sabaic letters have some kind of transitional formula between the introduction and body, as well as between sections of the body, using the particle *w*, "and" (Mon.script.sab 68/2), *wh'*, "and now" (TYA 14/1; Mon.script.sab 68/3,4), sometimes occurring as a phrase parallel to *amma ba'd*: *wbdt*, "and now, now then, herewith" (TYA 7/3), or using *wr'* or *kr'*, "behold, indeed, in fact" (TYA 14/1-2).<sup>359</sup> A parallel appears in the Greek prescript of the Arab period, in texts from the chanceries of the Arab administration, as a novelty and only through the influence of Arabic epistolary formulae.<sup>360</sup>

Mention of the sender and addressee immediately after the *basmala* and the blessing, *fa-innī aḥmadu ilayka Allāh alladhī lā ilāha illā huwa*, followed by *ammā ba'd* is a feature of the

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<sup>355</sup> Wansbrough, *Lingua Franca*, 107.

<sup>356</sup> Geoffrey Khan Arabic Papyri Seminar Cambridge University 2008.10.13.

<sup>357</sup> Fitzmeyer, "Aramaic Epistolography," 35.

<sup>358</sup> Paul E. Dion "The Aramaic 'Family Letter' and Related Epistolary Forms in Other Oriental Languages and in Hellenistic Greek" *Semeia* 22 (1981) 61.

<sup>359</sup> Mohammad Maraqtan, "Some Notes on Sabaic Epistolography," *Proceedings of the Seminar for Arabian Studies* 33 (2003) 281.

<sup>360</sup> Raffaele Luiselli, "Greek Letters on Papyrus First to Eighth Centuries: a Survey" In Grob and Kaplony, eds. 691.

epistolary style of both official and private Arabic letters of the first and second Islamic centuries, though the blessing formula can be omitted from letters from the same period which still follow the format of the address after the *basmla* (for example, verso Cat. 26 in Khan 1993).<sup>361</sup> The use of this blessing formula, typical of early Arabic letters, in what may be called administrative or high chancery documents in the Prophetical corpus, along with the opening using a demonstrative pronoun, which is typical of legal documents of the Umayyad period, shows a blending of what are later more discrete formularies. Though the Prophetical documents can follow the subjective style of a letter they often retain all the major elements of legal and high chancery documents with evidentiary purposes. The *ḥamdala* blessing formula occurs in the Qurra corpus followed immediately by *ammā ba'd* (P.Heid.Arab. I: Docs. I, II, III, X, XII, XIV, XVI).

In second/eighth century Arabic letters, *ammā ba'd* is followed by a further blessing using an optative perfect verb, such as *aṣlahāka Allāh*, *'afāka Allāh*, or *ḥafiẓaka Allāh*.<sup>362</sup> This construction is not attested for any of the Prophetical documents. The effect in early Arabic letters of peppering the introductory portion of the letter with blessings of this type and phrases praising God along with stereotypical polite requests following *amma ba'd* is also not found in the Prophetical documents. See for example P.Khalili 14, a second century letter concerning the detention of the sender in a Delta village, where the first eight lines prior to expressing specific requests are almost entirely composed of these formulae.

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<sup>361</sup> Khan, *Bills, Letters, and Deeds*, 126.

<sup>362</sup> Khan, *Bills, Letters, and Deeds*, 64.

A parallel use of *ammā ba'd* as text divider is seen in the judicial documentation of the Ḥanafī's of Transoxiana in the fifth/eleventh century, where the formula draws attention to the written and evidentiary nature of the document. A judge's *dīwān* included his correspondence which was ultimately of superior testimonial value to oral testimony concerning a previous judgment (but only valid as long as the *qāḍī* was not deposed upon which he lost protection from falsification).<sup>363</sup> In the *qāḍī*'s archive, recorded *ḥikāya* (indirect speech) had no judicial consequences, while documented *khiṭāb* (direct speech) did.<sup>364</sup> The formula *ammā ba'd* acts as the *faṣl al-khiṭāb* mentioned in Qur'an 38:20 and begins the law-giving part of the letter between *qāḍīs*. It precedes the operative section of the document, the allocution (*khiṭāb*), and is "the sign and symbol of a document." Thus it indicates a written text which may serve to prove or effect an act of law that is thus expressed as *khiṭāb*.<sup>365</sup> The oral message of a courier accompanied by a letter is considered *ḥikāya* and not *khiṭāb* and remains secondary (*khaṣṣāf*). Thus the messenger cannot pronounce *ammā ba'd* and follow this by the first-person speech of the *qāḍī*.<sup>366</sup> The validity of judicial documents depends on the office and the official roles of their authors as well as on the linguistic form and structure of the document.<sup>367</sup> The "inherent ambiguity" of a written text is alleviated by notarization, linked to the Qur'anic injunction and giving it a testimonial value that

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<sup>363</sup>Baber Johansen, "Formes de langage et fonctions publiques: stéréotypes, témoins et offices dans la pérvue par l'écrit en droit musulman" *Arabica* 44.3 (July 1997) 349.

<sup>364</sup>Johansen, "Formes de langage," 353.

<sup>365</sup>Johansen, "Formes," 353-54.

<sup>366</sup>Johansen, "Formes," 354. That the messenger's oral text differs in format, function, and perhaps also in legal status from the text of the written document is also suggested by reports on the reception of the Prophetic letters and seems to be the case of the messenger in the Ancient Near East as based on surviving letters in Sumerian, Akkadian, and Hittite. See Chapter VI of this dissertation for this argument.

<sup>367</sup>Johansen, "Formes," 356-57.

contextualizes and individualizes the private legal document by indicating author, place, date, whether written or dictated by the author, and its approval for testimonial use. Notarization is not required for a document following the prescribed formulary (*‘alā al-rasm*), an official letter (*risāla*), or political/military documents or correspondence between *qāḍīs* and caliphs, which have dispositive value whether or not recognized by their authors, providing there are witnesses who testify that the author wrote the document. These are activated upon the instance of writing.<sup>368</sup>

The transition marker (which becomes the *faṣl al-khiṭāb* in the correspondence of Ḥanafī *qāḍīs* practicing in the Ottoman period) can be added to features that self-reference the written nature and indicate the legal function of documents along with the monumental opening, scribal and witness clause, and inclusion of reported speech. All of these occur in the Prophetical documents and find parallels in documentary materials from the Ancient Near East.

This formula emphasizes the significance of positioning/packaging in relation to readers’ expectations. Wansbrough writes that the Semitic tradition retains “syntactic formality” of the phrase used as transition marker even where the semantic values are not shared, and points out that layout, while visual, is also an expected sequence (stereotype, cliché) especially for introductory formulae. “Exceptions, omissions, and variations may occur, but seldom in such degree as to distort perception.”<sup>369</sup>

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<sup>368</sup> Johansen, “Formes,” 360-61.

<sup>369</sup> Wansbrough, *Lingua Franca*, 108.

## 4.1.2 Body

### 4.1.2.1 Polite expressions (*expositio*)

In an example of a Prophetical letter full of greetings, blessings, and polite formulas expressing the reception of the messenger, reception of news, and reception of greetings, in response to Farwa b. ‘Amr’s letter announcing his conversion, following the address and transition formula the letter has: *fā-qad qadima ‘alaynā rasūluka wa-ballagha mā arsalta bihi wa-khabbara ‘ammā qibalakum wa-atānā bi-salāmika* and continues to the end with a conditional blessing: *wa-inna Allāha hadāka bi-hudāhi in aṣlaḥta wa-aṭa‘ta Allāha wa-rasūlahu wa-aqamta l-ṣalāh wa-atayta l-zakāh* (36).

*Mā qibalaka* as a phrase meaning “what you owe” is found in Umayyad-era official documents, for example, a Qurra b. Sharīk letter to Basīl (P.Heid.Arab. I: Doc. I).

The function of this slot in letters in Hittite, Achaemenid Aramaic, and Hebrew as well as early Arabic is reference to the immediate circumstances of the document in narrative form, usually using a declarative syntax, such as details of previous correspondence, a messenger’s arrival, reference to a claim or request, or an event provoking an action or response.<sup>370</sup> The body of letters in the vassal correspondence in the Amarna corpus generally begins with announcing reception of a letter from the king, sometimes citing commands verbatim.<sup>371</sup>

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<sup>370</sup> Wansbrough, *Lingua Franca*, 108.

<sup>371</sup> Moran, *The Amarna Letters*, xxx.

Stereotypical expressions of politeness in early Arabic letters, optional expressions but with fixed positions, include recurring phrases requesting news,<sup>372</sup> or blessings embedded in a standard phrase stating the writer's good health and where he/she is writing from.<sup>373</sup> Aramaic letters are also characterized by affectionate phrases in the body, including complaints about the lack of a letter, and requests for sending news.<sup>374</sup> Such expressions are also a prominent feature of Minaic and Sabaic letters.<sup>375</sup> Here they include reference to a previous letter, as for example in X.BSB 98,<sup>376</sup> and inquiry after the well-being of the recipient and a statement on the sender's own condition, for example in YM 11729.<sup>377</sup> In Greek correspondence of the Roman period much private correspondence begins with a phrase praying for the recipient's health and repeated requests for such news, and includes commonplaces expressing joy at receiving a letter or the complaint that none has arrived.<sup>378</sup> Stereotyped formulae<sup>379</sup> introduce the main topics through establishing a mutual ground by offering new information or recalling previous communication.<sup>380</sup>

The function of the body of the Greco-Roman letter seems to have been primarily imparting or requesting information and/or making requests or commands, with little

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<sup>372</sup> Khan, *Bills, Letters, and Deeds*, 65.

<sup>373</sup> Khan, *Bills, Letters, and Deeds*, 64.

<sup>374</sup> Dion, "Family Letter" 61.

<sup>375</sup> =TYA 7. Stein, "Correspondence," 779.

<sup>376</sup> =Mon.script.sab 38.

<sup>377</sup> Stein, "Correspondence," 783-785.

<sup>378</sup> Luiselli, "Greek Letters," 700-702.

<sup>379</sup> Defined by E. Richards for Latin and Greek letters as having a definite form and purpose with limited content (E. Randolph Richards, *The Secretary in the Letters of Paul* (Tübingen: J.C.B. Mohr (Paul Siebeck), 1991) 132).

<sup>380</sup> Richards, *Secretary*, 132.

mention of personal details beyond stylistic references to good or bad health.<sup>381</sup> Heikki Koskeniemi (*Studien zur Idee und Phraseologie des griechischen Briefes bis 400 n. Chr.*) breaks down the purpose of the Greco-Roman letter into: *philophronesis*, expressing a friendly relationship between sender and addressee, more in the act of sending the letter than in any content; 2) *parousia*, reviving actual friendship, and representing the presence of the writer, despite physical distance; and 3) *homilia*, one-half of a conversation.<sup>382</sup> More occasional letters can be further divided in this framework into: business (in letter form), official (used by rulers as decrees), public (formal letters of apology or persuasion framed as personal letters made public), “non-real” (pseudonymous), discursive (similar to literary essays), and ostraca (with brief personal greetings, receipts, and short orders) forming a separate group.<sup>383</sup>

#### 4.1.2.1.1 How sender represents to recipient: expressions of presence, nearness/distance, and formality/respect

The Arabic letter of the third/ninth century had the function of establishing or maintaining social and familial ties with a primary role played in structure by phatic expressions. Eva Grob’s work on “Information Packaging,” achieved through highly structured epistolary conventions, such as expressions of politeness, shows the importance of positioning in Arabic private and business letters.<sup>384</sup> In the P. Marchands corpus both business and family letters mostly follow the template: 1) introductory

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<sup>381</sup> Richards, *Secretary*, 130-31.

<sup>382</sup> Richards, *Secretary*, 130.

<sup>383</sup> Richards, *Secretary*, 130, following William G. Doty, *Letters in Primitive Christianity*. Guides to Biblical Scholarship, New Testament Series (Philadelphia: Fortress, 1973) 4-8.

<sup>384</sup> Eva Mira Grob “3<sup>rd</sup>/9<sup>th</sup> c. Arabic Letters on Papyrus: The Issue of Politeness” paper presented at 24th Congress of the Union Européenne des Arabisants et Islamisants 25 Sept. 2008.

formula, 2) slide-in-blessing, 3) text, and 4) religious formula. Grob describes this as a simulation of “real conversation” with a high proportion of pre-patterned speech. She points out that while modern Western society emphasizes strategic politeness, East Asian and medieval Islamic society emphasize what can be called conventional politeness, oriented towards role and settings rather than the individual wants of participants, using formal forms and executing linguistic routines rather than verbal strategies, and expressing constant recognition of group membership rather than being directed at reducing friction in concrete personal interactions. Blessings, such as the repetitive “May God protect you,” *ḥafīẓaka Allāh* (e.g. P. Marchands II 8 letter within family), are essential to the formulary at the beginning and conclusion and are a device to endear the sender to addressee. Slide-in-blessings in particular mark deference. Religious speech (e.g., repetitive *wa-l-ḥamdulillāh (rabbi l-‘ālamīn)* and *wa-llāhi* in P. Marchands II 1, letter of justification between business partners, and P. Marchands II 23, begging letter within family) is constitutive of this period of Arabic letter-writing.<sup>385</sup>

The Prophetical documents parallel the earliest Arabic papyri and most Umayyad-era legal documents and private letters in their more straightforward formularies, generally lacking endearment phrases and slide-in-blessings. See for example from the second/eighth Islamic century, letters sending greetings (Doc. 15, recto and verso, Khan 1992). Each follows the formulary: *basmala*, address (*lī. . . min* for the letter on the recto, *min. . . ilā* on the verso), *salām ‘alayka* followed immediately by the *ḥamdala* blessing common to the Prophetical documents, *amma ba‘d* as transition, and in the

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<sup>385</sup> Grob “3<sup>rd</sup>/9<sup>th</sup> c. Arabic Letters.”

body of the text repeated petitions to God on behalf of the sender and no endearments to and only one additional blessing on the addressee. The bodies of both texts simply mention the occasions of writing (the addressee's request for a letter) and that the sender is well and in good health thanks to God. The letter on the recto ends simply with the closing greeting, *wa-l-salām 'alayka wa raḥma*; the verso text is incomplete.<sup>386</sup> Contrast this format to a letter from the amanueusis of a Ṭūlūnid official (Doc 18 in Khan 1992) from the third/ninth century. The opening contains a slide-in blessing, following an abbreviated form of the basmala: "My first words to you, may God grant you happiness..." *wa awwal qawlī laka as'adaka Allāh*. In the body of the letter each mention of a personal name or second-person reference to the addressee is followed by a slide-in-blessing, frequently "May god show you kindness," *akramaka Allāh*. The letter ends by stating that a response is awaited, with no final greeting.<sup>387</sup>

The idea of the letter as a conversation and the representation of the sender's personal presence surmounting physical distance bring us back to ancient writers. Demetrius (second half of the first century BCE) thus describes a letter. Seneca similarly in *Ad Lucilium epistulae morales* mentions the letter as a substitute for oral conversation.<sup>388</sup> John White thus speaks of the concepts of actual and epistolary presence as "integrally related and an extension of each other."<sup>389</sup> The record may be distinguished as a secondary form for the oral agreement (referred to in Greek with the word for

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<sup>386</sup> Khan, *Selected Arabic Papyri*, 129-135.

<sup>387</sup> Khan, *Selected Arabic Papyri*, 151-59.

<sup>388</sup> Richards, *Secretary*, 130 n. 8, citing Demetrius of Phaleron *On Style* and Lucius Annaeus Seneca *Ad Lucilium epistulae morales*.

<sup>389</sup> John L. White, "Epistolary Formulas and Cliches in Greek Papyrus Letters" *SBLASP* 14/2 (1978): 307.

“reminder”).<sup>390</sup> An ambiguity between letter and record thus remains in antiquity. Greek papyrus records sometimes appear in letter form, beginning for example with the formula “N.N. to N.N., greeting.” In Hebrew similarly a variety of documents are named as a type of “letter,” including documents of evaluation, assessment, divorce, and alimony.<sup>391</sup> The subjective style of these documents is similar to early Arabic legal papyri, particularly tax receipts, from Egypt and Khurasan. The blending of subjective and objective elements is echoed in the Prophetical documents.

#### 4.1.2.2 Formulas of sale

One document of sale is found in Hamidullah’s corpus of the Prophetical documents. All redactions of this text use the demonstrative pronoun and an operative term in the introductory formula and are written in an objective style, but none have a witness or scribal clause. The document opens with: *hādhā mā ishtarā Muḥammad rasūl Allāh min fulān*, followed by a statement that there is no flaw in the item and that the sale is one conducted between Muslims: *lā da’wā lā ghā’ila wa-lā khābitha bay’a l-muslim li-l-muslim* (224). A variant has the statement with a slightly differing order of phrases: *bay’a l-muslim al-muslim lā da’wā lā khābitha wa-lā ghā’ila* (224/a).<sup>392</sup>

#### 4.1.2.3 Formulas of manumission

There are two documents of manumission from the Prophet in Hamidullah’s corpus. One opens with the *basmala* and the introductory formula: *kitāb min Muḥammad rasūl*

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<sup>390</sup> Gordon J. Bahr, “The Subscriptions in the Pauline Letters” *Journal of Biblical Literature* 87/1 (1968): 27-41.

<sup>391</sup> Bahr, “Subscriptions,” 32 n. 31.

<sup>392</sup> See Chapter II, section 2.1.3.7 for this text.

*Allāh li fulān*, followed by the operative term in subjective style: *innī a'taqtuka li-llāhi 'ataqan mabtūlan*, and ends with a list of witnesses and naming the scribe (222). The other is written entirely in objective style, opening with: *inna rasūl Allāh a'taqahum*, and closing with a greeting, *wa-l-salām*, and naming the scribe (244). Both use different phrases to express renunciation of any rights upon the former slave.<sup>393</sup>

Demotic and Achaemenid Aramaic texts follow the formulary in legal documents: objective framework (date, parties; scribe, witnesses) enclosing a subjective core (transfer, investiture, warranty/waiver). The subjective core follows a narration in the past—present—and future, “I gave you this property; it is yours; I guarantee your rights to it.”<sup>394</sup> Narration of the transaction in Demotic, Aramaic and Greek documents is in subjective style, while Arabic documents from the first two Islamic centuries, like most Akkadian contracts, use the objective style.<sup>395</sup>

The documents of sale and of (unconditional) manumission are the closest to something like quittances or promissory notes in the Prophetical corpus. Khurasani *‘iṭq* documents, for example Docs. 29 and 30 in Khan’s collection dated 138 and 160 AH respectively, include a statement that the act is performed for the sake of God and a renunciation clause.<sup>396</sup> The only other published Arabic papyrus of the legal act of

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<sup>393</sup> The difference in formulary between the two documents is thus one of subjective/objective style, also seen in the variants to document to Ukaydir and ahl Dūmat al-Jandal in Chapter II section 2.1.3.1.2.

<sup>394</sup> Bezalel Porten, et al. *The Elephantine Papyri in English: Three Millennia of Cross-Cultural Continuity and Change* (Leiden: EJ Brill, 1996) 18-19.

<sup>395</sup> Wansbrough, *Lingua Franca*, 125.

<sup>396</sup> Khan, *Arabic Documents*

unconditional manumission is P.Cair.Arab 37 from 383 AH,<sup>397</sup> which uses entirely different formulae.<sup>398</sup> Both of the Khurasani second century documents begin with the introductory formula using a demonstrative pronoun, which does not appear in either of the Prophetical documents. The renunciation phrase in both Khurasani documents, expressing that no one has a right upon the slave except the right of patronage, *laysa li-aḥadin ‘alayhim sabīl illā sabīl al-walā’*, does not match with those in the two Prophetical documents. Both Khurasani documents have the operative term repeated in objective style and end with a list of witnesses and the phrase *wa kutiba* followed by the date.

The Khurasani documents of unconditional emancipation use the phrase *li-wajh Allāh* or *li wajhihi*. A phrase expressing that the act is performed for the sake of God is found in the Prophetical document (222) but utilizing a different phraseology: *lillāhi ‘ataqan mabtūlan*. The phrase *‘ahd Allāh wa-dhimmatihi*, “by God’s bond and covenant,” to express obligation, is found in contractual emancipation documents (*mukātaba*) from second/eighth century Khurasan, for example in Docs. 31 and 32 dated 146 AH and 148 AH.<sup>399</sup> A variation of this phrase, *inna lahum/lakum dhimmat Allāh wa-dhimmat rasūlihi*, is used heavily in the Prophetical documents accepting conversion and listing religious duties and taxes. These documents are variously written in objective and subjective style (referring to recipients in the second person), and typically open with a simple address, which can be followed by greeting and blessing formulae (30; 31; 33; 41; 42; 90; 116; 121; etc).

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<sup>397</sup> Adolf Grohmann, ed. *Arabic Papyri in the Egyptian Library* 6 vols (Cairo 1934-74).

<sup>398</sup> Khan, *Arabic Documents*, 59.

<sup>399</sup> Khan, *Arabic Documents*, 61-63.

#### 4.1.2.4 Formulas of taxation

Taxation-related Prophetical documents share no terminology with originals from the Umayyad and early 'Abbasid period. A sample of a Prophetical tax document, that is a text referring specifically to amounts due, follows a simple format, stating the amount due per quantity of crops or cattle, which are named (*fī*+taxed material+amount). If any terminology referring to the tax is used it is usually *ṣadaqa* (if referring to non-Muslim protected minorities then there is usually simply a mention, *fa-'alayhim al-jizya*). A list of taxes can be lengthy documents sent to administrators of an area.

These tax documents use no operative clauses (found in subjective style in documents from Egypt), liability clauses, conditional warranties, or scribe and witness clauses, as given by Gladys Frantz-Murphy in the formulary for leases (tax assessments) ca. 159-178 AH, where tax receipts take the form of contractual leases of land in return for paying taxes assessed on it.<sup>400</sup> The formulary for Khurasani tax receipts from the second Islamic century is similar.<sup>401</sup> Changes in these types of documents from mid-century occur in the vocabulary of the operative clause and the inclusion of additional clauses, an increase clause, consent clause, and investiture clause.<sup>402</sup> Changes in Khurasani documents for this period include autograph witness clauses.<sup>403</sup>

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<sup>400</sup> Gladys Frantz-Murphy, *Arabic Agricultural Leases and Tax Receipts from Egypt 148-427 AH/765-1035 AD. Corpus Papyrorum Raineri* vol 21 (Wein: 2001) 21-23.

<sup>401</sup> Khan, *Arabic Documents*, 25-27.

<sup>402</sup> Archetypal formulary 244-348 AH, Frantz-Murphy, *Arabic Agricultural Leases*, 50-52.

<sup>403</sup> Khan, *Arabic Documents*, 29-30; 58.

The closest parallel in structure to the Prophetical documents may again be Umayyad-era “official payment orders” such as those in the Qurra finds.<sup>404</sup>

#### 4.1.2.5 Formulas of guarantee

In the Prophetical documents, guarantees of safe-conduct, property, lands, and rights and duties of new converts, are usually given in the same document that accepts their conversion. These occur as a variation of the phrase, sometimes coupled with a conditional clause, *innahum/falahu āminun bi-amān Allāh wa-amān rasūlihi* (32; 34; 72; 40; etc). The formula can also omit mention of God and his Prophet and simply state the safety of persons and wealth, *‘alā anfusihim/amwālihim* (34; 83; 151, etc.). There do not seem to be any parallels for this formula in documentary finds from the Umayyad or ‘Abbasid period. Conditions are generally introduced by *wa-inna* or *wa*.

The *sanctio* in cuneiform documents consists of names of deities invoked as guardians of the oath and can occur as curse and blessing formulae. This formula is not found in extant Aramaic and Hebrew letters but does occur in Aramaic legal papyri.<sup>405</sup> Again a parallel with the Prophetical documents is found in Semitic legal documents.

Contracts and treaties from the period of the early Islamic conquests, forming the bulk of those found in literary transmission, have both subjective and objective style with shared formulae.<sup>406</sup> All follow the formulary: *invocatio (basmala)*; issuers and recipients named (in epistolary form, *hādhā kitāb min fulān li-fulān*, or the shortened form *min fulān*

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<sup>404</sup> Al-Qadi, “An Umayyad Papyrus,” 227.

<sup>405</sup> Wansbrough, *Lingua Franca*, 111-12.

<sup>406</sup> Surveyed by Noth, *Early Arabic Historical Tradition*, 64-70

*li fulān*, while the objective form has *hādhā mā a'tā*, *hādhā mā amara bihi*, or *hādhā mā 'ahida 'alayhi*); legal content or *dispositio* (guarantee of safety, citation of amount of tribute and all rights and obligations of recipients not pertaining to property); witnessing; indication of written record; date; seal. Conditions are introduced by *'ala* or *'ala an*. The guarantee takes the form *wa-'alā mā fī hādha l-kitābi 'ahdu āhi wa-dhimmatu rasūlihi wa-dhimmatu l-khulafā'i wa-dhimmatu l-muslimīn*; *wa laka bi-dhālika dhimmatī wa-dhimmatu abī wa-dhimamu l-muslimīna wa-dhimmatu ābā'ihim*; *wa 'alaynā l-wafā'u wa-llāhu l-musta'ān*, referring to Qur'an 12:18 and 21:112; or *wa 'alaynā l-wafā'u lakum bi-l-'ahdi mā wafaytum wa-addaytum*). Witnesses are introduced with *wa shahida*, between one to five are mentioned, usually three; God can also be invoked together with angels and human witnesses, or alone.<sup>407</sup> Occasionally this section only mentions that witnessing took place without naming any witness, using *shahida*, “witnessed,” without a list of names. An indication of written record uses *kataba/kutiba*, “wrote/was written.” References to the writing of the document occur in half of the examples conquest-era documents surveyed by Albrecht Noth; the scribe's name is given in only four cases. In the remaining cases, therefore, whether the vocalization *kataba*, missing a scribe's name, or *kutiba*, lacking the date, should be supplied at the end remains ambiguous. The date is sometimes given; this is more rare than indications of written record of the document. Finally, a seal may be mentioned (Noth has found only one instance).

#### 4.1.2.6 Formulas of granting land or confirming ownership of property

These Prophetic documents open with the demonstrative pronoun followed

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<sup>407</sup> God and angels as witnesses to contracts and grants occurs occasionally in the Prophetic corpus. See section 4.3.2 below.

by an operative term (usually *a'ṭā*)<sup>408</sup> in objective style. Typically they have a formula of repetition of the operative verb: *hādhā mā a'ṭā rasūl Allāh li fulān a'ṭāhu...*, or without repeating the operative term simply have *inna lahu/lahum*, with a phrase expressing exclusive rights, typically *lā yuḥāqquhu fihā aḥadun*, sometimes adding to it *wa man ḥaqquhu fala hāqq lahu wa-ḥaqquhu ḥaqq*, and ending with a scribal clause. Prophetic land grants can simply identify, by name, the land concerned without description of its boundaries, for example (212) consists entirely of formulae: *basmalā+hādhā mā a'ṭā. . . +a'ṭāhum. . . +wa kataba fulān*. The area can also be qualified and described, with phrases such as “all of it,” “its date palms,” or “its fort,” “its highlands and lowlands.” The extent of the land can also be given, using the phraseology *ilā* (until) and *mā bayna* (what is between). For example (229) has: *a'ṭāhu sawāraq kullahu a'lāhu wa-asfalahu mā bayna murī al-qarya ilā muqit ilā ḥīn al-malhama*.

These documents attest the rights of converts to their lands or the land newly granted to them by the Prophet and make no mention of taxes due. Thus they are not comparable (and share no formulae, except for the monumental opening, operative clause, and scribal clause) with Egyptian and Khurasani tax receipts from the second Islamic century, and seem to have no other parallels in surviving Arabic documents.

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<sup>408</sup>Concerning an endowment text written at the annual market of 'Ukāz, reported in al-Marzūqī's (d. 1030) *Kitāb al-Asmīna wa 'l-Amkīna*, Michael Lecker points out that the operative verb in this text is *manaha*, while the Prophet's documents regularly use *a'ṭā* to express granting. According to Lecker, the latter reflects the legal vocabulary of Medina and the context of a settled population addressing tribes in the vicinity of the city, whereas the 'Ukāz endowment illustrates a relationship between nomadic or semi-nomadic tribes (Michael Lecker, “A Pre-Islamic Endowment Deed,” 6-7).

### 4.1.3 Closing (*corroboratio*)

#### 4.1.3.1 Closing formula

Most of the documents in the Prophetical corpus do not have clear closings. The following greeting formula occurs where there are closings. *Wa--salām* (33; 51-Muqawqas; 63-64-Mundhir; 93-Najran; 234; 244). Variants include the lengthened formulae, some with additional condition or blessing: *Wa-l-salām ‘alayka/’alaykum* (60; 173). *Wa-l-salām ‘alā man ittaba‘a al-hudā* (21; 29; 66/a; 67). *Wa-l-salām ‘alaykum in aṭ‘ātum* (30). *Wa-l-salām wa-raḥmatu Allāhi yaghfiru Allāh laka* (59-Mundhir). *Wa-l-salām ‘alayka wa ‘alā qawmika* (65-‘amil Kisra). *Wa-l-salām ‘alayka/’alaykum wa-raḥmatu Allāhi wa barakātuhu* (80; 109). Some documents do not have a greeting but references to the aid of God or endearing the addressee to God in the closing formula: *Wa-llāhu al-musta‘ān* (151), *Wa’taqa Allaha rabbuk* (42), *Wa liyuhibbannakum rabbukum* (172). One has a repeated mention of the sender as the closing: *wa inna hādhā min Muḥammad al-nabī* (182).

The *corroboratio* is a reference in text to the document’s sign of authentication, including signature, seal, cipher etc. In Aramaic legal papyri from Egypt a dictation clause (including the name of the scribe) and witness list serve this purpose. Closing remarks are to ensure against addition, deletion, or modification of the document and to indicate the closure of the transaction.<sup>409</sup>

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<sup>409</sup> Wansbrough, *Lingua Franca*, 112-14.

#### 4.1.3.2 Witness clause (*testificatio*)

Generally the Prophetic documents have the verb *shahida* followed by a list of names at the very end of the document. Variations to the formula are as follows. *Shahida fulān wa-man ḥaḍara min al-muslimīn* (190; 191). *Ashhadu ‘alā* “I called to witness” (11-‘Ahd al-Umma). *Shahida Allāh alladhī lā ilaha illa huwa wa-jafā bihi shahīdan wa-malā’ikatihī ḥamalat ‘arshihī wa man ḥaḍara min al-muslimīn*, followed by traditional witness clause (34). Preceded immediately by scribal clause: *wa kataba fulān wa shahida...* (45; 155; 165; 196; 210). *Wa-llāhu wa-rasūluhu yashadu ‘alayhim* (72). *Wa shahida hādha l-kitab alladhī katabahu Muhammad...baynahu wa bayna...wa kutiba hādha l-‘ahd lahum+names of witnesses+wa kataba fulān* (97-Najran). *Shahida fulān wa kataba fulān* (124). *Shahida fulān wa man ḥaḍara* (186). (Mid-text) *Bi-maḥdar shuhūd min al-muslimīn minhum+names...(end of text) yashhadu Allāh ta‘ala dhālika wa rasulūhu* (192/2). *Shahida bi-dhālika fulan wa shahida fulān* (222). *Shahida ‘alā dhālika + names* (243/a).

Witness clauses with mention of God and angels, etc., in positioning and phraseology follow the format of the traditional witness formula in the rest of the Prophetic legal and administrative documents. These occur occasionally in the first-century documents transmitted in literary sources surveyed by Noth as well as in later documentary finds, e. g. PCairArab 037 manumission document Egypt 1003 CE: *wa kutiba dhālika fī... shahida Allāhu wa-malā’ikatuhu wa kafā bi-llāhi shahīdan*.

Wansbrough points out the distinction between a witness as a party to a transaction and as guarantor of its legality. In Aramaic and Arabic documents the use of the root *sh-h-d* renders the witness as guarantor in documents serving an evidentiary purpose.<sup>410</sup>

The ability to sign one's name does not imply that one can read. Based on the number of occurrences of witness names in the Prophetic documents being identical with the scribe of the document or designating individuals who have also served as scribes for other documents suggests at least elementary literacy and familiarity with document templates for the role of witness.<sup>411</sup> Witnesses are also sometimes named where there is no scribal clause. Usually two or three witnesses are cited; in the case of the letter to the Christians of Najran seven are mentioned. However, there are also occurrences in the Prophetic documents of individuals serving as witnesses concerning whom we have no information on their literacy or writing practices, or simply the statement for

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<sup>410</sup> Wansbrough, *Lingua Franca*, 118.

<sup>411</sup> Al-Mughīra b. Shu'ba and Khālid b. Sa'īd are cited most often as scribes in Ibn Sa'd's *Ṭabaqat* (Beirut edition). Al-Mughīra is credited with having written seven letters (Ibn Sa'd I 266; 268; 269; 271; 274), and Khālid b. Sa'īd is said to have written eight (I 265; 270; 273; 274; 279; 284 where the Prophet's young sons al-Hasan and al-Husayn bore witness; 285). Cited less often are 'Alī b. Abī Ṭālib (I 267; 268; 274), Mu'āwīya (I 266; 267; 271; 285; 287), and Ubayy b. Ka'b (I 267; 270; 276; 278; 287 where Abu 'Ubayda b. al-Jarra and Hudhayfa b. al-Yamān bore witness). Finally, Companions credited in Ibn Sa'd with writing from one to three letters are Al-Arqam b. Abī al-Arqam al-Makhzūm (I 268; 269; 271), 'Uqba (I 271 scribe and witness for two letters), 'Uthmān b. Affān (I 284; 307), al-Zubayr b. al-Awwām (I 269), al-'Ala' (I 269 scribe and witness), al-'Ala' b. al-Hadrami (I 271 scribe and witness), al-'Ala' b. 'Uqba (I 271 scribe and witness), 'Abd Allah b. Zayd (I 267), Juhaym b. al-Ṣalt (I 268), Shurhabīl b. Ḥasana (I 268 and 289), Thabit b. Qays b. Shammas (I 286), and Muḥammad b. Maslama (I 286 and 355).

In the following cases in Ibn Sa'd, witnesses are mentioned for documents from the Prophet for tribal delegations whose scribes remain unknown. Al-'Abbas b. 'Abd al-Muttalib, 'Ali, 'Uthman, and Abu Sufyan b. Harb bore witness to a letter to the Banu Ju'ayl (I 271). 'Ali and Hatib b. Abi Baltha'a bore witness to a letter to Salama b. Malik al-Sulami (I 285). Sa'd b. 'Ubada, 'Abd Allah b. Unays, and Dihya b. Khalifa al-Kalbi bore witness to a letter to the Banu Janab (I 286). In a report from Yazid b. Ruman and Muhammad b. Ka'b, Jarir b. 'Abd Allah "and others present" bore witness to a document for the Khath'am (I 286; 348). Abu Ubayy b. al-Jarra and 'Umar bore witness to a document for the deputation of Aslam (I 354). Abu Sufyan b. Harb, Ghaylan b. 'Amr, Malik b. 'Awf al-Nasri, al-Aqra' b. Habis, al-Mustawrid b. 'Amr, the brother of Bali, al-Mughira b. Shu'ba and 'Amir, the mawla of Abu Bakr bore witness to a letter to the people of Najran on the tax, *kharaj*, due from them (I 288). 'Uthman and Mu'ayyib b. Abi Fatima witnessed a letter of 'Umar's concerning ruling on the Christians of Najran (I 358). Cf. Mirza, *Scribes*, Appendix I.

witnessing by those present, *wa-man haḍara*. The use of scribes as witnesses may reflect the practicality of having as witnesses those individuals present during the transcription of a document. That the ability to read was a requirement of a witness cannot be fully established.

#### 4.1.3.3 Scribal clause

Generally the Prophetical documents have: *wa-kataba fulān*. Variations occur as follows. *Hādhā kitāb+names+bi-idhn rasūl Allāh* (31/a).<sup>412</sup> *Wa-kataba fulān bi-khaṭṭihi wa rasūl Allāh yamli ‘alayhi ḥarfān harfan+date* (34). *Wa-kātib al-ṣaḥīfa fulān* (78). *Wa-kataba lahum hādha al-kitāb fulān* (94). *Kitāb fulān* (157). *Wa-kataba fulān bi-amr rasūl Allāh fa-lā yatta‘idahu aḥadun fa-yazlumu nafsahu fi-mā amarahu Muḥammad* (182).

In more official Aramaic letters such as the Arsames correspondence, mention of the secretary who drafted and the scribe who copied or took dictation for the document is included after the closing greeting with the formula “X was the scribe” or “X wrote (it).”<sup>413</sup>

Sabaic letters have a distinct colophon stating the sender’s name followed by a signature. Professional scribes assumedly wrote the letters. Occasionally the person named in the colophon is not identical with the sender (e.g., X.BSB 158/7), indicating dictation by a representative of the sender, along with the phrase “has signed as he was

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<sup>412</sup> In this document, uniquely, two scribes are named.

<sup>413</sup> Fitzmeyer, “Aramaic Epistolography,” 37.

informed,” *w-zbr k-h’dn*.<sup>414</sup> The oral nature of this instruction is manifest in use of the root *‘dn* “to hear.”<sup>415</sup>

The passive *kutiba*, sometimes occurring as *wa kutiba*, signaling the end of the document and immediately following the witness clause, occurs in three Prophetic documents in Hamidullah’s corpus (11-‘Ahd al-Umma; 43-land grant; 185-land grant). In surviving Arabic documents from Egypt, this phrase follows the list of witnesses and is followed by the date, as for example in Doc. 9, two quittances from 104 AH, and not following a list of witnesses but immediately after the body of the document and followed by the date, as in Doc. 10, quittance for land tax, 194 AH.<sup>416</sup> In Khurasani tax receipts this phrase occurs as a closure, followed by the date, sometimes with *wa kutiba* repeated at the end again, and can also occur without the date (Doc. 3 quittance, 148 AH).<sup>417</sup> This phrase can also signal closure at the end of a letter (Doc. 25, letter concerning delivery of textiles).<sup>418</sup>

Scribal clauses are unusual in third/ninth century Arabic papyri. Their function there is unclear. For example, does the scribe have any legal or administrative role? Does the scribal clause serve to raise the tone of the document and its level of formality? Does the scribe serve as a witness? The Prophetic documents make frequent use of not only citing the scribe but referring explicitly to the writing of the document in some variations of the scribal clause.

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<sup>414</sup> Stein, “Correspondence,” 790.

<sup>415</sup> Stein, “Correspondence,” 783 n. 47.

<sup>416</sup> Khan, *Selected Arabic Papyri*

<sup>417</sup> Khan, *Arabic Documents*

<sup>418</sup> Khan, *Selected Arabic Papyri*

In “official orders of payment” in Arabic (the earliest from 158/775 while most of the corpus, dated and estimated, returns to the third/ninth century), of 29 papyri examined by Wadad al-Qadi, most have a letter-like opening and start with the *basmala*, and a third use *wa kutiba* where the end is preserved without naming the scribe. There are no salutations at beginning or end of the text nor the transitional *amma ba’d* due to the briefness of these documents. The operative verb is *idfa’*.<sup>419</sup>

The clearest parallel to the scribal clause in Prophetical documents is again found in the Qurra papyri, though there it occurs not in legal but administrative documents, while the Prophetical documents frequently utilize a scribal clause at the end of legal documents, most prominently in land grants. In the Qurra documents the scribe is a secretary and not a witness, occasionally with his full name given, other times a “copyist” is also named, introduced by *nasakha*, following mention of the scribe.

Naming the scribe is followed immediately by the date introduced with *ft.*<sup>420</sup>

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<sup>419</sup> Al-Qadi, “Umayyad Papyrus,” 227-28.

<sup>420</sup> P.Heid.Arab. I: I (Rashid); II (‘Abd Allah b. Nu‘man); III (al-Ṣalt); IV (‘Abd Allah); V (Rashid); VI (Rashid); X (Muslim b. Labnān and copyist Sa‘īd); XI (Muslim b. [. . .]); XVIII (names not clear following *wa kataba* and *wa nasakha*). All of these are official correspondence, usually to “Ṣāhib Ashqauh,” except for VI, which is addressed to the townspeople of Badris from Ashqauh concerning the *jizya*. P.Qurra: I (Yazīd?); II (Basīl); III (Muslim [b.] Labnān and copyist al-Ṣalt); IV (Khalīfa); V (name unclear). P.RagibQurra: I (Yazīd); III (Muslim b. Labnān and copyist al-Salt b. Mas‘ud). P.BeckerNPAF: I (‘Umar); II (Yazīd); IV (Jarīr); V (Yazīd); VI (Muslim); VIII (Muslim b. Labnān and copyist al-Ṣalt); IX (Muslim b. Labnān and copyist al-Ṣalt); X (Muḥammad b. ‘Uqba); XI ([... b.] ‘Abd Allah); XII (Yazīd); XIII (Rashid); XIV (Rashid); XV (Rashid); XVI (Rashid). P.BeckerPAF: I (Muslim b. Labnān and copyist al-Ṣalt b. Mas‘ūd); II (al-Salt b. Mas‘ud); III (name unclear); IV (‘Īsā); V (Ḥubays b. ‘Adī); VI (name unclear); VIII (Murtid); IX (Murtid); X (Murtid), XII (Walīd). P.BeckerPapyrusstudien: VIII ([al-Ṣalt]). P.GrohmannQorra-Brief: X (Wāzi‘). P.Cair.Arab 158 (Yazīd); 159 ([...]Khālid); Chrest.Khoury I 90 (Jarīr).

Outside of the Qurra corpus, a scribal clause including the name of the writer occurs in a few private letters and some business letters in Arabic from the first three Islamic centuries. In general, the papyri surveyed (through searching the University of Zurich database of published papyri),<sup>421</sup> including private and business letters, legal notices such as quittances, and official administrative documents, use *wa kutiba/kataba* as a closing marker, occurring either as the final element or followed immediately by the date (very rarely also the place of writing).<sup>422</sup> *Kataba* also occurs as part of the witness clause in many legal documents of the third/ninth century. Almost all citations of *kataba* in the documents from the first three Islamic centuries are in introducing the witness clause in legal documents.<sup>423</sup> On a few occasions *kataba* does introduce a scribal clause in private and business letters.<sup>424</sup>

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<sup>421</sup> “The Arabic Papyrology Database” (APD) <http://orientw.uzh.ch/apd/project.jsp> Accessed January 2009.

<sup>422</sup> As in P. World p. 183 b private letter 9<sup>th</sup> c.; P. Jahn 13 private letter 9<sup>th</sup> c.; CPR XVI 01.5 quittance 821 CE Egypt; P. World p. 150 order for payment/delivery 816 CE Egypt; P. GrohmannWirtch 03 (=P Marchands VII 05) recto business letter 9<sup>th</sup> c. Fayyum; P Grohmann Wirtsch 07 business letter 9<sup>th</sup> c.; P. Grohmann Wirtsch 08 order for payment/delivery 823 CE Egypt; P Grohmann Wirtsch 09 business letter 823 CE Egypt; P. World p. 130 (=P Diem Aphrodito p.142a) official letter 709-710 CE, P. Grohmann Urkunden 06 quittance 964 CE al-Ushmuunayn; P. Grohmann Urkunden 16 official letter 10<sup>th</sup> c.; P. Grohmann Urkunden 19 recto business letter 9<sup>th</sup> c.; P. Grohmann Probleme 18 quittance Egypt 812 CE; P. Grohmann Probleme 17 official letter Egypt 796 CE; P. David-Weill Louvre I 08 (=P Marchands V 17 03) business letter Fayyum 9<sup>th</sup> c.; P. Marchands V/1 10 recto business letter Fayyum 9<sup>th</sup> c.; P Marchands V/1 11; P. Marchands V/1 16 recto business letter 9<sup>th</sup> c.; P. Marchands V/1 20 business letter 9<sup>th</sup> c.; P. Marchands V/1 19 written obligation Fayyum 829 CE; P. World p. 141a order for payment/delivery Fayyum 776CE; P. World p.142b order for payment/delivery 820 CE Egypt; P. World 143a payment/delivery order 810 CE; P. World 144b payment/delivery order Fayyum 819 CE; P World p145 pyament/delivery order; P. World 183b private letter 9<sup>th</sup> c. Egypt; P. World p.183b private letter Egypt 9<sup>th</sup> c.; P Grohmann Wirtsch 07 business letter 9<sup>th</sup> c.; P Jahn 12 (=Chrestkhoury I 98) recto private letter Fayyum 771-800; P. World p. 130 (=Pdiem Aphrodito p.261) official letter 709-710.

<sup>423</sup> P KarabacekPapyrusfund 2 quittance Fayyum 819 CE; P Karabacek Papyrusfun 3 quittance Fayyum 863-864 CE; P Cair Arab 089 lease Egypt 824 CE; P Cair Arab 090 lease al-Ushmuunayn 887 CE; P Cair Arab 093 lease Egypt 865 CE; P Cair Arab 096 hire of employees Egypt 841-842 CE; P Cair Arab 098 written obligation Egypt 851 CE; P Cair Arab 100 written obligation Egypt 897 CE; P Cair Arab 104 written obligation Egypt 855CE; P Cair Arab 115 quittance Egypt 9<sup>th</sup> c.; P Cair Arab 114 quittance 855-856 CE; P Cair Arab 121 contract of sale 897 Egypt; P Cair Arab 122 lease Egypt 865 CE; P Cair Arab 124 contract of sale 884; P Marchands I 02 written obligation 864-865 Fayyum; P Marchands I 03 written obligation 864 Fayyum; P Marchands I 04 written obligation Fayyum 865; P Marhcnaads I 05 written obligation 870; P Marchands I 06 recto written obligation 870; P Marchands I 08 written obligation 878; P Marchands I 10 written obligation 872; P World p. 199 (=ChrestKhoury I 20) divorce statement Egypt 9<sup>th</sup> c.; P Cair Arab 052

The significance of the regularity of the scribe's name in legal and administrative documents attributed to the Prophet may be an issue of personal attention given to agents involved in the production of documents in that tradition. A scribal clause as component of legal or administrative formulary is found in the Amarna correspondence as well as documents in Old South Arabian languages (in Sabaic and Minaic) that predate the Islamic tradition. The use in the Prophetic documents again finds its closest parallel in Arabic in the letters issued from the office of Umayyad governor Qurra b. Sharīk, where the names of scribes recur and seem to identify those individuals serving in this capacity in the bureaucracy. The consistent use of the scribal clause in the Qurra documents may be a factor of both chronology (their proximity in time to more antique Semitic use), as well as their bureaucratic origins. In diplomatic history authoritative documents remain more conservative in formulation.<sup>425</sup>

#### 4.1.4 Signatures

Surviving Arabic legal documents usually make no reference to their writing, for example by identifying the individual scribe, though they can include a witness clause. By the second century one finds references to the witness doing so “with his hand” or “with his permission,” *bi-khaṭṭihi* or *bi-amrihi*. For example, P. Michaelides B59, a lease from 180 AH, refers to both types of testimony, *bi-amrihi* and *bi-yaddihi* and is the

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legal document 888CE; P Cair Arab 039 marriage contract Egypt 878; P Cair Arab 041 marriage contract 892.

<sup>424</sup> PCairArab 080 lease 850-851 CE in beginning after the basmala: *hādha kitāb katabahu [ ] bin Isma‘il*; P Jahn 01 (=PheidArab II 01=ChrestKhoury I 96) verso private letter Egypt 8<sup>th</sup> c. final *wa kataba [ ]* +date; P Jahn 03 private letter Fayyum 745CE *wa-l-salām ‘alayka wa raḥmat Allāhi [wa] kataba [...bin...]*+date; P Grohmann Urkunden 15 official letter 877-878 followed by name and date; P. World 151a order 9-11<sup>th</sup> c., *wa kiāb ...bi khaṭṭihi*+date, unclear if scribal clause or signature of sender (who is not named).

<sup>425</sup> Personal communication, Geoffrey Khan, 26 Feb. 2010.

earliest reference to an autograph witness in Arabic documents. Use of *bi-khaṭṭihi* for a scribe, as well as explicit reference to dictation “word by word,” occurs once in Hamidullah’s Prophetic corpus (34). Use of *bi-amr* also occurs once, followed by a warning against changing the text (182), which may be drawing from Qur’anic injunctions on drawing up the bequest (Qur’an 2:180; 2:240).

Distinct from the witness list in Aramaic and Arabic documents as part of the objective framework closing the transaction,<sup>426</sup> in Greek legal documents the signatures are more properly subscriptions that summarize the body of the document, followed by signatures of the author(s) or agent(s). These are written in the first person and typically repeat the major points of the document, but can vary from a minimal to elaborate and thorough summary. The subscription rarely contains anything not found in the body and normally repeats the points in the same sequence. It is noteworthy that the subscription does not represent witnesses to the legal act but the parties involved in the act. In Greek documents it is the handwriting of the party or parties or of their agent(s) that serves as the seal of acceptance of the terms of the subscription. Notably, it is not the body of the document, commonly written by a scribe, that needs to be officially accepted, and which seems to have served as secondary to the oral contract. The importance of handwriting in the subscription resulted in the record-keeping practice of repeating the notation for a “copy” before transcribing the subscription in order to remind the reader why the subscription was not in a different hand.<sup>427</sup>

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<sup>426</sup> See sections 4.1.2.3 and 4.1.3.2 above.

<sup>427</sup> Richards, *Secretary*, 81-83.

In Greek letters, the signature usually consists of a healthwish in the hand of the author, or a closing greeting and occasionally mention of the date and place of writing. These serve an authenticating function. The letter is then folded and sealed.<sup>428</sup>

#### 4.1.5 Dating

Within the given text of a Prophetic document dating only occurs in 33(Ahl Maqnā) and 234/a (grant to Salmān al-Farsī). Both have related reports claiming the physical survival of these documents.

Endowments, property transfers, assignments of rights, marriage and divorce documents in the Bronze Age (Akkadian and Ugaritic) and Iron Age (Aramaic) were dated, with the position fluctuating between the head and the close of the text. In the Byzantine chancery the position was final and thus part of the “signature.”<sup>429</sup>

#### 4.1.6 Seal

The use of a seal on a certain document is mentioned in reports of Prophetic documents to tribal delegations (68, 76, 141, 143/a, and 146/a). The pseudo-originals of some of these documents show the seal as an imprint in ink after the closing of the text, rather than serving to seal the document on the outside after it has been rolled or folded.<sup>430</sup>

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<sup>428</sup> Richards, *Secretary*, 83.

<sup>429</sup> Wansbrough, *Lingua Franca*, 121.

<sup>430</sup> See chapter V below

## 4.2 Literary and rhetorical devices

Are epistolary formulae repeating or imitating conventions and structures found in speech? In their letters, Cicero and Seneca argue that letters should be in common, natural speech.<sup>431</sup> E. Richards divides the use of epistolary rhetoric in Greco-Roman letters into “literary” and “oratorical” devices, making the point that literary epistles were often speeches put into writing, while there are also some oratorical devices that lend themselves more easily to the written form. The difference between the ancient letter and speech thus remains ambiguous.<sup>432</sup> Literary devices (written rhetoric) were probably composed in and are most apparent in written form. These include analogy, chiasmus (in sense-lines and thematic development), parallelism and antithesis, grouping of items for dramatic effect, and lists of virtues/vices and tribulations.<sup>433</sup> “Minor literary devices” in the Pauline letters include tribulation lists, moral imperatives, and curse pronouncements.<sup>434</sup> Moral imperatives occur in the Prophetical documents as conditional clauses, while curse pronouncements also occur but rarely, always directed at the treatment of the recorded agreement and sometimes specifically to the physical document. Oratorical devices in the Greco-Roman tradition are those used in speeches, both in the more formal forum and popular street preaching, and include paraenesis, diatribe, and oration.<sup>435</sup>

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<sup>431</sup> Richards, *Secretary*, 195-96.

<sup>432</sup> Richards, *Secretary*, 132 n 15. Richards stresses that the ancient writer practiced and valued oral delivery over written presentation, oratory being the highest stage of education after completion of the secondary level and studying with a teacher of rhetoric. The display of linguistic skill was thus focused on the medium of oral speech. Thus authors may have preferred the *viva voce* method for composing rhetorical pieces, since being forced to deliver such material syllabatim would probably have been challenging. The Younger Pliny advises the orator in exercises to improve oratorical skills, reading works in good style and letter writing (*De orat.* 2. 51-62) (Richards, *Secretary*, 101-102).

<sup>433</sup> Richards, *Secretary*, 133.

<sup>434</sup> Richards, *Secretary*, 141.

<sup>435</sup> Richards, *Secretary*, 134-35.

#### 4.2.1 *Iltifāt* and *saj'*

There are very few instances of employment of rhetorical devices in the Prophetical documents. These include *iltifāt* (“transition”): a sudden shift in pronoun for the speaker or person spoken about for rhetorical purposes. This includes a shift from address to narration and in tense of verb, and often occurs at semantically significant points. A feature of the style of the Qur’an, according to Ibn al-Athīr, *iltifāt* is considered a “daring” aspect of language and its revelatory power (*bayān*).<sup>436</sup> An example of *iltifāt* in the Prophetical documents occurs in the document to the kings of Himyar in answer to news of their conversion to Islam.<sup>437</sup>

There are a few clear instances of the use of *saj'* (rhymed prose, also featured in the Qur’an) in the Prophetical documents.<sup>438</sup> Werner Diem rejects as inauthentic the employment of *saj'* in the Prophetical corpus, arguing for the lateness of its use as a (written) stylistic device.<sup>439</sup>

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<sup>436</sup> M. A. S. Abdel Haleem “Grammatical Shift for Rhetorical Purposes: "iltifāt" and Related Features in the Qur'ān” *BSOAS* 55/3 (1992): 407-32. Citing Ibn al-Athir *al-Mathal al-sha'ir* II (Cairo 1939) 4.

<sup>437</sup> Ibn Hishām 955-957. Cf. Hamidullah, *Watha'iq* no. 109.

<sup>438</sup> Guarantee document to the B. Nahd. Al-Qalqashandī, *Subh*, VI: 368-369; cf. Hamidullah *Watha'iq* no. 91, who derives the text from Ibn 'Abd Rabbih, al-Maqrizi, al-Qalqashandi. The variants add or subtract lines or reorder the sequence of words but agree on the use of *saj'* which almost entirely composes the text. In *Watha'iq* no. 141/a-b the last three lines use *saj'*. This is agreed on by all four redactions.

<sup>439</sup> Diem, “Arabic Letters,” 858. Diem determines the authenticity of the letters attributed to the Prophet based on whether or not they repeat post-2nd/8<sup>th</sup> century epistolary conventions. Where the formulae resemble but do not fully match (in words and in positioning) Umayyad conventions, or resemble nothing in Umayyad or Abbasid epistolography, Diem considers these indicative of the conventions of the Prophet's time and the decades leading up to the Prophetical period, possibly formulae that were already becoming obsolete during the Prophet's lifetime. Questionable authenticity of the contents of the letters based on historical and/or stylistic grounds but without effect on formulae reflecting archaic epistolary conventions.

#### 4.2.2 Quoted material

In his study of secretarial mediators in the Pauline letters, E. Richards uses examples of the quoted material in Cicero's letters. Cicero occasionally uses an introductory formula (usually *o illud verum*) to signal quotation of preformed materials, even though the change from Cicero's Latin to the Greek of the quotation distinguishes the quoted material. The introductory formula is also not applied particularly to highly venerated material.<sup>440</sup> The introductory formula may be a rhetorical usage, highlighting the appropriateness of the saying for the current topic in the letter, or may be due to a secretarial preference. Other embedded material in Greco-Roman letters, such as copies of previous letters, retain their original formulas including addresses, even where these have become redundant due to the copies that have been introduced in the text of the letter, and may indicate the use of a secretary.<sup>441</sup> In cases of preformed material the insertion in letters can draw both on memory without recourse to texts, with the expectation that the reader/hearer will be able to recall or locate the entire passage, as well as copying directly from texts.

To return to our own material, the most obvious use of preformed material in the Prophetic documents is quotation of the Qur'an. Both direct and indirect quotes of the Qur'an are most often found in the famous proselytizing letters to foreign rulers. The body of the letter to al-Muqawqas consists almost entirely of a quotation of Qur'an 3:64. There is no introductory formula for the quotation, except in one redaction

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<sup>440</sup> Richards, *Secretary*, 166.

<sup>441</sup> Richards, *Secretary*, 168.

which uses the particle *wa* (“and”) preceding the quote.<sup>442</sup> The letter to Kisrā/Chosroes, has a partial quote of Qur’an 36:70, replacing the Qur’anic *li-yundhira* with *li-undhira* (“so that I warn” for “so that he warns”), integrated into the text seamlessly. The redactors disagree over this textual substitution.<sup>443</sup> A document addressed to the Jews of Khaybar quotes Qur’an 48:29 as part of an argument concerning scripture, within a paraphrase of the Qur’anic argument introduced with the phrase “Has not God said” (*allā inna Allāh qāla*). The direct quotation is introduced by the phrase, “you will indeed find this your book” (*wa-innakum la-tajidūna dhālika fī kitābikum*). The length of the quotation is disagreed upon, with some redactors omitting the latter part.<sup>444</sup> Later in the text, a phrase from the Qur’an is integrated into a sentence, the reference made explicit with the introduction, “If you do not find this in your book then there is no compulsion against you.” The quoted phrase is from Qur’an 2:256, but omitting the beginning portion of this verse. This partial quotation suggests that hearers are expected to bring the entire text to mind. The letter to the Negus of Abyssinia contains a partial quotation of Qur’an 59:23, placed not in the body of the letter but within the blessing formula, and introduced by the particle *wa*. The redactors agree on this presentation, with the exception that Ibn Kathīr (d. 1373 CE) in his *al-Bidāya wa-l-Nihāya fī-l-Ta’rīkh* omits the last clause of the quotation.<sup>445</sup> In the letter to Heraclius, Qur’an 3:64 is quoted, introduced again by the particle *wa*, with the redactors agreeing on this

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<sup>442</sup> The exception is found in ‘Ali b. Ibrāhīm al-Ḥalabī’s (d. 1044/1634) *Insān al-‘Uyūn fī sirat al-amīn al-ma’mūn (al-Sīra al-Ḥalabiyya*, as cited by Hamidullah *Wathā’iq* no. 49.

<sup>443</sup> al-Tabari, al-Qalqashandi, and Ya‘qubi have *li-yundhir* following the precise wording of the Qur’an. Cf. *Wathā’iq* no. 53.

<sup>444</sup> Wüstenfeld, *das Leben Muhammed’s*, 376-77. cf. Hamidullah *Wathā’iq* no. 15.

<sup>445</sup> *Wathā’iq* no. 22.

presentation.<sup>446</sup> Finally, in the letter to Jayfar and ‘Abd of Julandā, Qur’an 36:70 is integrated into the text without an introductory formula and exhibiting textual substitution, again the phrase *li-undhira* for *li-yundhira*. The redactors are faithful to this substitution, agreeing on it.<sup>447</sup> In these examples there is only one instance of the use of an introductory formula for a direct quotation; otherwise the use of the conjunction *wa* may indicate self-conscious insertion of preformed material. Generally scriptural quotations are integrated into the text of the Prophetic documents, with paraphrasing and textual substitution commonly occurring.

Reworking of scriptural quotations is an element of the medieval manuscript tradition. Patrick Geary examines the textual production of Arnold of the Bavarian monastery of St. Emmeram of Regensburg (ca. 1000-1050), who recalls meeting a dragon in 1030. In his writings, Arnold quotes the book of the Apocalypse in an attempt to make sense of his past experience. The quotation is inexact: “Woe to you because the dragon comes to you with great wrath, knowing that he may have but little time” is actually, “Woe to the earth and to the sea, because the devil is come down upon you, having great wrath, knowing that he hath but a short time” (12:12). Arnold thus first simplifies the original text, substituting “you” for “the inhabitants of the earth and of the sea,” then replaces “devil” with “dragon,” a change not supported by the grammar or by exegesis, and finally changes *habet* to *habeat*, a change from the indicative to the subjunctive mood resulting in a shift from certainty to possibility. While in 1030 the end of the world was imminent to the monk, by the time of his writing the end has not come. “The new

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<sup>446</sup> Watha’iq no. 26.

<sup>447</sup> Watha’iq no. 76.

meaning likewise came from the specific circumstances within which the events were remembered, not from the memories themselves.”<sup>448</sup>

Most revealing in regards to the quotation of scripture in the Prophetic documents is how manuscript editions graphically introduce the citation of preformed material through use of script style, ink color, and spacing. Though developments in manuscript tradition must be taken into account, the only quoted material that seems to be consistently graphically marked in early *Sīra* works is neither the Qur’an nor documents but poetry. For example Cod. Or. 482 in the Leiden University library, *Mukhtaṣar sīrat rasūl allāh* by Aḥmad b. Ibrāhīm al-Wāsiṭī (d. 711/1311), a manuscript dated to 707 AH and used by Wüstenfeld for his standard edition of the *Sīra* of Ibn Ishāq as redacted by Ibn Hishām, has poetry always marked, fully vowelled, usually indented with each stich limited to a line and often with gaps and rubricated dots between hemistiches (stichometric layout) [Figure 3].<sup>449</sup>

Cod. Or. 482 features a superscript tilde in red ink occasionally over the initial *qāla* introducing a new isnād and regularly over personal names (both individual and clan names) in a series within the narrative. It seems to be a highlighting mark for scribes/readers/students to aid in copying, memorization, or recitation and prevent skipping of text, perhaps serving as both notabilia marker and text divider for both oral and written methods of engagement with the text [Figure 4].

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<sup>448</sup> Geary, *Phantoms*, 164.

<sup>449</sup> Aramaic texts of the fifth century BCE feature divisions into sense units in a different way, with a vertical verse divider mark as in Akkadian texts. Egyptian texts feature verse points. Tov, *Scribal Practices*, 173.

In Cod. Or. 482, Qur’anic quotations are not always fully vocalized, and are unmarked, except for an occasional calligraphic lengthening of the *sīn* in the basmala and its rubrication. The same lengthening of the *sīn* is found when the basmala occurs as part of the quotation of the text of a document of the Prophet [Figure 5, lines 10-16, where a letter of the Prophet to the Jews includes a Qur’anic quotation that is not fully vocalized and ends with the phrase “till the end of the *sūra*” (*ilā ākhir al-sūra*). Following a collation marker, the narrative continues in the first-person of the quoted letter and ends with a second Qur’anic quotation which is not vocalized]. When the basmala is not part of the quotation, as in the text of the Prophet’s response to a letter from Khālīd b. al-Walīd (quoted earlier on the same page and featuring the introductory basmala), the text is graphically indistinguishable from the narrative [Figure 6, lines 20-23]. Therefore, the graphic introduction (the calligraphic style of the *sīn*) is a function of the basmala formula and not of the genre of the document being quoted.<sup>450</sup> A later work, Ibn Ḥudayda’s *Kitāb al-miṣbāḥ al-muḍī* dedicated to reports on the individuals who transcribed for the Prophet, in a manuscript dated to 759 AH uses rubrication as text divider, to introduce new sections beginning with the quoted text of a Prophetic document, which remains indistinguishable from the surrounding text in layout [Figure 7].<sup>451</sup>

The use of punctuation and spacing in modern printed editions of early Islamic texts may disguise paraphrase as citation in cases where the quoted material is not verbally

<sup>450</sup> Leiden University Library Cod. Or. 482.

<sup>451</sup> Muḥammad b. ‘Alī Ibn Ḥudayda al-Anṣārī, *Kitāb al-miṣbāḥ al-muḍī fī kuttāb al-nabī al-ummī wa rusulihī ilā mulūk al-arḍ min ‘arabī wa-a’jamī*. Süleymaniye Library, Damad Ibrahim Paşa 407.

introduced, and the modern habit of highlighting Qur'anic quotations obscures earlier approaches towards scripture as text. Unmarked and altered Qur'anic quotations are also a feature of inscriptions from the Umayyad period.<sup>452</sup> The integration of Qur'anic material into the manuscript texts alerts us to a mode of composition, suggesting oral delivery using memorized (and re-arranged or manipulated) material rather than copying. This manipulation, including paraphrasing, textual substitution to fit the context and syntax of the text, and omission of parts of the quotation, is deliberate and does not necessarily indicate the fluid state of texts in oral transmission but rather greater allowances for their use.

#### 4.2.3 Direct and reported speech

In the Amarna letters from the Pharaoh to his subordinates the introduction runs: “He hereby sends this tablet to you, saying to you. . . .” The king usually refers to himself in the third-person with use of *qabê* or *ana qabê*, literally “to speak,” possibly corresponding with Egyptian *ḥn ḏd*, literally “with saying” and introducing quotation of direct speech.

Reported speech also occurs in the Prophetic documents and does feature introductory formulae. A response of the Prophet to a letter from the Meccan polytheist leader Abū Sufyān quotes the letter it is replying to verbatim, introducing this quotation as reported speech: “and as to your saying” (*wa-ammā qawluka*).<sup>453</sup>

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<sup>452</sup> For example the Qaṣr Kharāna inscribed dated 92/710. See Figure 11 in this dissertation.

<sup>453</sup> Hamidullah Watha'iq no. 7.

Reported speech also occurs in the correspondence related to the famed commander Khālid b. al-Walīd. Within a report narrated by Khālid concerning his own conversion, he quotes the text of a letter from his brother addressed to him, with all epistolary trappings including the *basmala* and transition marker (*ammā ba'd*). The letter includes a marked reporting of an exchange between Khālid's brother and the Prophet: "The Prophet asked me concerning you: Where is Khālid? I replied: God the Exalted will bring him. He said: There is nothing like him in ignorance of Islam. And although his spite makes him alone amongst the Muslims against the polytheists this is better for him, but indeed his fate is otherwise."<sup>454</sup> In another document, Khālid reports to the Prophet concerning his orders amongst the Banū al-Ḥārith. In this letter he quotes his own proclamation to the people, using the same phraseology and diction as in the proselytizing letters attributed to the Prophet: "I approached them on horseback, O Banū al-Ḥārith submit to Islam and you will be safe." The reported speech runs without break into the text of the letter and the continuation of Khālid's report: "so they submitted and I did not fight them. . . "<sup>455</sup>

#### 4.3 Levels of Literacy indicated by documents

Surviving documents point towards a minimum literacy of scribes and clerks in Galilee and Ptolemaic and Roman Egypt.<sup>456</sup> Finds from Egypt during the Roman period contain evidence for signature-writing practice. The signatures of witnesses should thus properly be understood not as writing but copying from memory a sequence of shapes.

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<sup>454</sup> Wathā'iq no. 12/a.

<sup>455</sup> Ibn Hishām 959. cf. Hamidullah *Wathā'iq* no. 79.

<sup>456</sup> Richard A. Horsley. *Introduction* to Richard Horsley, ed. *Oral Performance, Popular Tradition, and Hidden Transcript in Q. Semeia Studies* 60 (Atlanta: Society of Biblical Literature, 2006) 12-15.

This level of literacy can also extend to scribes responsible for drafting administrative documents, mostly relating to economic management and tax collection. For example, a second century CE papyrus shows a “village scribe,” Petaus, practicing his signature, title, and the formula “I have submitted this.”<sup>457</sup> Similarly, describing literacy levels based on surviving private and official Greek letters, Raffaele Luiselli points out that formulae and epistolary style are not necessarily evidence of high literacy or even linguistic competence in Greek.<sup>458</sup>

In Sabaic letters, Peter Stein suggests that the grammatical person used to refer to the sender can be used as an indication of literacy. First-person is used occasionally, indicating either that the letter was written by the sender or dictated to a (professional) scribe. But usually the third-person is used, thus indicating use of a professional scribe, perhaps even that the letter was written through a third party delivering dictation on the sender’s behalf. For example X. BSB 158/7 uses a phrase expressing that the sender requests what follows in the text. There is evidence for the centralized training of Sabaic scribes, as all known letters originate from the same place, and were found together with legal and business documents, ritual notes, and writing exercises (featuring epistolary and legal and business formulae).<sup>459</sup> Stein argues for “the existence of a central archive, an office which was occupied with the

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<sup>457</sup> M. C. A. Macdonald “Literacy in an Oral Environment” *In Writing and Ancient Near Eastern Society: papers in honour of R. Millard* (New York; London: T & T Clark, 2005) 53.

<sup>458</sup> Luiselli, “Greek Letters,” 718.

<sup>459</sup> Stein, “Correspondence,” 782, n. 67.

composition, notarizing, and storage of all kinds of written documents as well as with the education of the trainee scribes.”<sup>460</sup>

In Greek documents the “illiteracy formula” is found in the predominant number of papyrus business letters and is one of the clearest indicators of the pervasive use of a secretary in the business sector and for official letters by both upper and lower classes in the first century CE. Occasionally also minor letters such as of invitation are written by a secretary for members of the lower class who were functionally illiterate. Literate members of both the upper and lower classes also used a secretary for writing private letters as well as occasionally writing these themselves.<sup>461</sup> Thus it appears that official communication as well as business required an explicit notation if written by someone other than the sender. The formula takes the form of a first-person statement by the scribe, following his name, that he is writing the document because of the sender’s unfamiliarity with or total ignorance of writing. This statement can occasionally occur in the third-person. The formula citing total illiteracy is the most common and most formulaic.<sup>462</sup>

Richards makes use of Greco-Roman letters preserved through literary transmission, primarily Cicero’s, in order to describe the use a secretary. Dictation of a letter could take place syllabatim or *viva voce* (at the speed of speech), the latter requiring specific

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<sup>460</sup> Stein, “Correspondence,” 789-90.

<sup>461</sup> Richards, *Secretary*, 18-22.

<sup>462</sup> Richards, *Secretary*, 73-75 citing Francis X. J. Exler *The Form of the Ancient Greek Letter: a study in Greek Epistolography* (Washington DC: Catholic University of America, 1922) 124-27.

training and the existence of shorthand.<sup>463</sup> Stylistic variations in a letter, used in modern techniques for determining authenticity, thus may actually be the result of the influence of a secretary. In Greco-Roman antiquity, these variations did not challenge the attribution of either the contents or tone of the letter to the author, who remained responsible for them and could be rebuked for them even when secretarial use was assumed. If the seal is broken and the letter in unfamiliar handwriting, the ancients could determine authenticity even in the case of deviation in diction, phraseology, and grammar, due to an author's distinctive tone or argument. In discussing a forged letter of Caesar, for example, Cicero makes no appeals to deviation in grammar or vocabulary but to the "out of character" nature of the document (Cic. Att.11.16).<sup>464</sup> On a formal level, a letter closer to the author-controlled end of the spectrum of secretarial mediation could evince very subtle plays on words, a "chatty" character, and haphazard structure.<sup>465</sup> Dictating could also result in verbosity and spontaneity, including self-correction, if author-controlled.<sup>466</sup>

On the other hand, a clear structure and closing to a letter were provided with secretary use. In one letter, Cicero writes to a friend after an illness, in a stylistic manner similar to his orations, with a preface that he was practicing rhetorical technique (Cic. Att. 9.4). If his secretary had been available perhaps this letter would not have been written, as the use of a secretary prompted a more pragmatic

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<sup>463</sup> Richards, *Secretary*, 26.

<sup>464</sup> Richards, *Secretary*, 95. Compare below (section 5.1.8) to medieval Arabic criticism of the Khaybar document, including arguments for inauthenticity based on its "out of character" nature rather than linguistic or formulaic elements.

<sup>465</sup> Richards, *Secretary*, 98.

<sup>466</sup> Richards, *Secretary*, 118.

production.<sup>467</sup> Use of a secretary can clearly be seen in the example of two letters of Cicero written to Atticus on the same day. The first is written to apologize for an offense; it is very brief, with no clear closing, and going straight into some incidental (in other letters usually postscripted) types of remarks, ending with sending thanks for the workers in his library (Cic. Att. 4.5). The next letter (Cic. Att. 4.8) repeats the matter of Atticus' provision of library slaves, in a more full and eloquent manner, mentioning the slaves by name. This is a formal letter of thanks, with the secretary probably appointed to filling in the details, including the names of the workers. The second letter is more solid and has a fuller format and significantly a clear closing.<sup>468</sup> Secretary usage also prominently affected the appearance of a letter, including neatness and handwriting, which received much notice in antiquity. If the author thought authentication was required due to the unfamiliar handwriting, he appended a farewell, final healthwish, or postscript himself.<sup>469</sup>

In early Arabic papyri, there is no comparable requirement of an "illiteracy formula" in official and legal documents. The issue arises of how, in a scribal age, there are literary conventions and formulae produced explicitly for the written form, for example, the repetitive and textually localized blessings and invocations of God in Arabic letters

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<sup>467</sup> Richards, *Secretary*, 115-16.

<sup>468</sup> Richards, *Secretary*, 116.

<sup>469</sup> Richards, *Secretary*, 117-18. Arthur Verhooght provides a similar list for determining whether papyri letters in Greek and Roman Egypt were dictated. Signs that a letter is a more or less direct transcription of dictation include: changes of hand (the author's final greeting or postscript), references in-text to the scribe, and style (including direct discourse, fragmentation into smaller units attached with conjunctions, heaping up of clauses, omissions, repetitions, and inclusion of after-thoughts). From his own anthropological study in southwest Mali, Verhooght notes that the involvement and control of the author in the composition of a letter (performed in public with multiple participants) is not static but continuously negotiated. Arthur Verhooght, "Dictating Letters in the Ancient World: Reconstructing the Interplay between Author, Scribe, and Audience" (Lecture, University of Michigan, 9 Nov 2009).

from the second to third Islamic centuries, as studied by Eva Grob. Rather than being a representation of the influence of oral form or common speech, these expressions and their occurrence may instead result from the development of a very visual and spatial sense of the message as written even if the sender is mostly illiterate (either dictating or giving instructions for a letter to be written in his/her name).

The Prophetic documents have less room for this kind of packaging. They are generally abbreviated and almost entirely formulaic. This may be due entirely to the constraints of the material support (*qiṭʿat adīm*, a leather scrap). The room for packaging available is oriented more toward citation and use of Qurʾanic text. The intertextual features and literary devices consist almost entirely of reference to the Qurʾan and occur in a small fraction of the Prophetic corpus.

According to these traditions, the Prophet either wrote the documents himself or dictated them to a scribe. Use of a scribe may have involved the Prophet providing the scribe with the information needed to fill the slots (name of address, content), rather than word-by-word dictation. There arises the question of who possessed the template for documents and letters. Was the Prophet himself a scribe? He is never named in a scribal clause to any of the documents in his corpus. The skill of manipulating and reproducing the formulary belonged to the practiced scribe. Not all of the individuals named in tradition as transcribing documents for the Prophet may have possessed more than an elementary ability to write/take dictation. In these cases, the Prophet himself, providing dictation, would have had knowledge of the formulary required.

There is textual evidence for the Prophet's ability to read, as for example in a tradition concerning a document written in his presence by Mu'āwiya.<sup>470</sup> Medieval Islamic tradition does not accord him more than poorly executed writing. Al-Ṭabarī repeats al-Bukhārī's judgment that the Prophet wrote "Muhammad" in the opening to the Treaty of Hudaibiya when his scribe 'Alī refused to erase the title *rasūl Allāh* ("prophet of God") at the request of the polytheist Meccans, while "he did not write well," *wa-huwa lā yuhsinu l-kitāba*.<sup>471</sup> Thus Ibn Qutayba (d. 276/889) defines *ummī*, taken by most modern and later medieval Islamic scholars to denote illiteracy,<sup>472</sup> as a lack or minimum of skill in writing. Ibn Qutayba argues that apart from 'Abdallah b. 'Amr b. al-Āṣ, the Companions of the Prophet were *ummīyūn*, as only a few could write, and that only imprecisely and with spelling errors.<sup>473</sup> As the corpus of Prophetical documents

<sup>470</sup> See below section 6.2.1.

<sup>471</sup> Al-Ṭabarī *Annales* III 1548-1549.

<sup>472</sup> The concept of the Prophet's illiteracy developed not before the first half of the second Islamic century and as part of the exegetical discussion which also included illiteracy as "a national trait of the pre-Islamic Arabs (*Ummah Ummiyyah*)," in order to support the assertion of the complete inspiration and originality of the Prophet (Isaiah Goldfeld, "The Illiterate Prophet (*Nabī Ummī*): An Inquiry into the development of a dogma in Islamic tradition" *Der Islam* 57 (1980): 58). By al-Ṭabarī's time this concept was already dogmatized.<sup>472</sup> An earlier substratum of understanding of the term *ummī* can be seen in the fact that the sources for Qur'anic verses containing the words *ummī* or *ummīyūn* (a total of six: 2:78, 3:20, 3:75, 7:157, 7:158, 62:2) in al-Ṭabarī's *Tafsīr, Jāmi' al-bayān fī ta'wīl al-Qur'ān*, which return to the earliest authority on *tafsīr*, Ibn 'Abbās (d. 687), lack any reference to illiteracy (Goldfeld, 62). But by the beginning of the second Islamic century, Ibn Jurayj (d. 767) attributes to Ibn 'Abbās a commentary on Qur'an 3:20 where the *ummīyūn* are *alladhīna lā yaktubūna* ("those who do not write").

In a report from Ibn 'Umar, the Prophet said, "We are an *ummī* nation, we neither write nor count," *innā ummatun ummiyyatun, la naktubu wa-la nahsubu*, and indicated that the month can be twenty-nine or thirty days long.<sup>472</sup> Authorities such as Ibn Ḥanbal and al-Bukhārī take this ḥadīth as referring only to the calculation of the calendar (Goldfeld, 66 n. 54).

In the *Kitāb al-aṣl* of Ḥanafī jurist Muḥammad b. Ḥasan al-Shaybānī (189/805) *ummī* is used to describe a Muslim incapable of reciting the small quantity of the Qur'an that is a minimum for prayer. *Ummī* may thus be a naturalization of the Rabbinical *'am ha-ares* in denoting ignorant insider, either one ignorant of or not practicing purity laws or ignorant of scripture. The *Kitāb al-aṣl* contains the longest discussion of problems relating to an *ummī* individual in early fiqh literature. Al-Shāfi's *Umm* uses the term once in discussion of this topic, denoting those unable to recite the *umm al-Qur'an* ("The mother of the Qur'an," the seven verses of the sura al-Fātiḥa) (Norman Calder, "The *Ummī* in Early Islamic Jurisitic Literature" *Der Islam* 67 (1990): 115-119).

<sup>473</sup> 'Abd Allāh b. Muslim Ibn Qutayba, *Ta'wīl mukhtalif al-ḥadīth*, ed M. Zuhri al-Najjār (Beirut 1972), 287 cited by Khalil 'Athima, "Al-Nabiyy al-Umiyy": An Inquiry into the Meaning of a Qur'anic verse" *Der Islam* 69 (1992) 78.

exemplifies, writing in the late antique world is not only a manual and an aesthetic skill but one of diplomacy, requiring a ready knowledge of proper formulae and layout.

#### 4.3 Conclusion

The formularies of the Prophetical documents feature components or properties of the formularies of surviving Umayyad-era documents (mostly on papyrus), but have no complete shared profile. Legal documents in the Prophetical corpus, including grants of land, manumission, and sale documents correspond to the conventions of first and second century Arabic documents by being written in an objective style and sometimes opening in monumental style with the demonstrative pronoun. The formularies of the Prophetical documents are also in stark contrast with ‘Abbasid-era legal documents with their intricate nature, multiple warranty clauses, and autograph witness clauses. Rather the Prophetical documents share structural affinities with formulae found in earlier traditions in other languages used in the region. These “family resemblances”<sup>474</sup> with earlier Semitic-language documentary sources have implications regarding the categorization of the Prophetical documents, which have previously been assessed for their function based on content alone. Their objective format with subjective elements (polite expressions) indicates their legal status even when phrased as letters (introduction in subjective style with address, greeting, and blessing).

The formulae of the Prophetical documents also find no resemblances in contemporary surety contracts among the Bedouin studied by Frank Stewart. These documents mostly involve evoking the concept of *wajh*, “honor,” are comprised of complaint,

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<sup>474</sup> Ludwig Wittgenstein, *Philosophical Investigations* 3<sup>rd</sup> ed. Trans. G. E. M. Anscombe (Englewood Cliffs, NJ: Prentice Hall, 1958) § 65-67.

response, and summary by a judicator and have a “special style, replete with formulas, quite different from ordinary speech, and not used in any other context.”<sup>475</sup> These are distinct from the Prophetical corpus and early Arabic documents for example in their reference to witnesses. In the modern Bedouin contract, there is no formula for the inclusion of witnesses and witnesses are not mentioned in order to provide testimony for the legal act recorded.<sup>476</sup>

In terms of the parallels of the Prophetical documents with the formularies of surviving documents in Akkadian, Ugaritic, Aramaic, and Old South Arabian languages, we can also consider how administrative, legal, and epistolary traditions travel. Northern and Central Arabia in the pre-Islamic period was under the influence of the Achaemenid Empire (539-333 BCE) and thus Aramaic linguistically. Legal formulae are characteristically tenacious and may survive for centuries.<sup>477</sup> Commenting on the multilingual language situation of Syria-Palestine during the time of Jesus, Holger Gzella offers the useful concept of considering language use according to purposes and textual genres rather than as composing uniform “native tongues.” Property contracts in both Aramaic and Hebrew reflect the same legal tradition; also “functional words” in Aramaic textual corpora, words that tend to be used in daily discourse, suggest that it may have been pragmatically prominent. Aramaic may thus have been the default language for legal transactions, but literary texts were written bilingually (cf. Book of Daniel). Studies in contact linguistics also support the idea of language diversity

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<sup>475</sup> Frank H. Stewart, “The Contract with Surety in Bedouin Customary Law” *Journal of Islamic and Near Eastern Law* (2003) 7.

<sup>476</sup> Stewart, “Contract,” 8.

<sup>477</sup> Personal communication, H. Gzella, 5 Aug. 2009.

according to use.<sup>478</sup> Formularies are thus moving around the Arabian peninsula and must be travelling with something else, such as influential families and trade.<sup>479</sup>

These features of the Prophetic documents do not indicate merely an awareness of and occasional use of conventions from surrounding cultures, such as Byzantine Greek, cultures that became local to Muslim administration following the conquests but maintained parallel rather than merged administrative and epistolary traditions.

Geoffrey Khan's work comparing formularies found in first/seventh and second/eighth century Arabic legal documents from Egypt and Afghanistan with those in Hebrew and Aramaic suggests the existence of a local Semitic chancery tradition, probably shared through oral exchange. Khan also argues that the later, more elaborate formulae, including changes in operative verbs, in the papyri documents from the Fatimid period (ninth and tenth century Egypt) can be traced to Islamic legal scholars developing literature on such formularies (*shurūt*), in Iraq of the first half of the second Islamic century, adopting legal conventions into documentary practice, elements of which are also found in pre-Islamic Syriac and Jewish Aramaic formularies. These include lists of rights of disposition, the warranty clause, accessory formulae, a validity formula, and defension clauses.<sup>480</sup>

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<sup>478</sup> Holger Gzella "Hebrew: Literary Language or Vernacular?" (Lecture, Leiden University, 5 Aug 2009).

<sup>479</sup> Michael Bonner discusses the tradition of wordless trade described as occurring at the pre-Islamic annual market of 'Ukaz. The earliest example of an account of "silent trade" is found in Herodotus' description of the Carthagian traders on the coast of West Africa. Michael Bonner, "The Arabian Silent Trade: Profit and Nobility in the Markets of the Arabs" forthcoming in *Studies in the Social and Economic History of the Medieval Middle East. Essays in Honour of Avram L. Udovitch* (Leiden: E.J. Brill).

<sup>480</sup> Geoffrey Khan, "The Pre-Islamic Background of Muslim Legal Formularies," *Aram* 6 (1994): 193-224.

The items in the corpus attributed to the Prophet are thus not only highly structured and internally consistent in phraseology and formulae but feature formularies whose closest parallels are found in local chancery and epistolary conventions. This comparison of formularies reveals the importance of spatial layout as a carrier of information. “The data are certainly linguistic but also. . . *visual*. In the composition of documents, whether for epistolary, juridical or accounting purposes, format is dominant.”<sup>481</sup> Our study of redactions of the Prophetical documents has shown that while the content of formulary slots may be omitted and added, documentary and epistolary frameworks are maintained through transmission. Interchangeable formulaic phrases are often cited as a characteristic of oral tradition, usually epic and improvised poetry and narratives. This study of late antique formularies shows how a written tradition can be intimately bound with the oral. Formulaic slots may be a technique derived from the composition and performance of oral literature, but are here developed and maintained within a written context.

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<sup>481</sup> Wansbrough, *Lingua Franca*, 96-97.

## CHAPTER V: The documents as sacred objects

### 5.1 Palaeographical study of supposed originals of Prophetic documents

As for any surviving material traces of documents written by the Prophet Muhammad, beginning in the late nineteenth century, a number of “original” Prophetic documents (mostly on leather) came to light. These all fall within the tradition of the Prophet’s letters sent to foreign rulers, and their texts correspond with the redactions in literary transmission. Four of the leather Prophetic manuscripts (letters addressed to al-Muqawqas, al-Mundhir b. Sawā, al-Ḥārith b. al-Ghassānī, and the “false prophet” Musaylama) are now housed in the Pavilion of the Sacred Relics, in Topkapı Sarayı, Istanbul, where they are not on permanent exhibition, and 2004 saw the first publication of images of them by manager Hilmi Aydın, while the remaining documents, reported in Arabic newspapers at the time of their discovery, have now disappeared from view.

This chapter will present a palaeographical analysis based on published images of seven of the discovered manuscripts, which will be presented in their order of discovery.

These include the letters addressed to: 1) al-Muqawqas, 2) al-Mundhir b. Sawā, 3) al-Najāshī, 4) Hiraql, 5) Kisrā, 6) the sons of Julandā, and 7) al-Ḥārith b. al-Ghassānī. The texts of the letters share the following formulary, with the exception of the letter to al-

Najāshī, which has a blessing and closing (repeating the *salām 'alā man ittabi'ā al-hudā* formula otherwise found as introductory greeting).

*Basmala*

Address (*min fulān ilā fulān*)

Greeting

Transition to text (*ammā bad*)

Text (almost entirely quotation of Qur'an)

[seal]

Typical of the parchment documents is the interruption of single words across line breaks. A number show fold lines, both vertical and horizontal (that is, the document was folded finally into a square, rather than a tight roll subsequently folded in half and then sealed). Some evince no fold lines (al-Muqawqas, which was stored flat within the pasteboard of a codex). The ductus of the letter to al-Mundhir b. Sawā and to a lesser extent that of the letter to Musaylama resembles that of late first century/early second century legal documents such as Doc 9 from 104 A.H. in Khan 1992.<sup>482</sup> There are no visible signs of ruling (drawn or blind) or pricking (holes at the ends of lines). The scribal hands of some of the documents are neater; the Musaylama document shows an understanding of the line [Figure 12]. Others are a little less neat (al-Muqawqas). Some hands are totally divergent, such as in the documents to Heraclius, Chosroes, and Jayfar

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<sup>482</sup> Khan, *Selected Arabic Papyri*, 101.

and ‘Abd, the last especially indicating use of a different implement, perhaps a split reed pen.

Based on comparison to a limited corpus, gathered by Beatrice Gruendler in *The development of the Arabic scripts: from the Nabatean era to the first Islamic century*,<sup>483</sup> the leather manuscripts show a superficial similarity with the script of early (first to second Islamic century) Arabic papyri. Some letter shapes in the later discovered documents are very unusual and do not closely correspond to anything in the first century papyri gathered by Gruendler. The documentary source that the letter shapes found in these manuscripts most often echo is Gruender P17—Kharāna A and B, two inscriptions in the Umayyad Qaṣr Kharāna (a castle of pre-Islamic origins which may have been visited by Walīd I in Muḥarram of 92 AH during his return from the *ḥajj*),<sup>484</sup> northwest corner of Room 51 on the second floor, written by ‘Abd al-Malik b. ‘Umar, dated 92/711, a cursive type written with brush or pen in ink on the wall [Figure 11].<sup>485</sup>

In the earliest discovered letter, to al-Muqawqas, the unusual shapes include the

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<sup>483</sup> Beatrice Gruendler, *The development of the Arabic scripts : from the Nabatean era to the first Islamic century according to dated texts* (Atlanta: Scholars Press, 1993).

<sup>484</sup> Nabia Abbott, “The Kaṣr Kharāna Inscription of 92 H. (710 A.D.). A New Reading” *Ars Islamica* XI (1946): 190-95.

<sup>485</sup> Few early Islamic inscriptions are known to have been “painted” rather than inscribed; these include two others dated definitely to the Umayyad period: Quṣayr ‘Amra of 100/718 and Madīna in Upper Egypt dated to 117/735. Of the second van Berchem notes the resemblance of the script to features of the Qur’ans and papyri documents of the first and second Islamic centuries (M. van Berchem, *Matériaux pour un Corpus inscriptorum arabicarum, Egypt* (Paris, 1903) I: 695 f, cited by Abbott, “The Kaṣr Kharāna”). The Kharāna script also resembles that of the earliest dated Arabic papyrus of 22 AH. The script can be characterized as “poorly executed,” with “unorthodox and thus unexpected ligatures,” especially that of the initial *alif* with the last letter of the preceding word. These ligatures appear incidental (Abbott, “The Kaṣr Kharāna”). It is also noteworthy that the Kharāna inscription features a series of invocations of God (heavily influenced by the Qur’an) and ends with a witness statement (according to Abbott’s more complete reading of the text which includes three lines on the opposite wall). Usage of the Qur’an includes both short verbatim quotations and more lengthy ones adapted to the context, as well as changes in style. For example, in line 6 while petitioning Allah to accept his offerings (Qur’an 2:127; 3:34, 37), the scribe slips back from the first-person style of lines 4 and 5 to the third-person (objective, monumental) style with which he had started his position, including naming himself (Abbott, “The Kaṣr Kharāna”).

letters: *jīm/ḥā'/khā'*, *dāl/dhāl*, *sīn/shīn*, *ʿayn/ghayn*, *ṭā'*, *qāf*, *mīm*, and *hā'*. The open loop of the medial *ʿayn* and single loop for medial *hā'* are shapes unknown in first and second century Arabic papyri, though the open loop of medial *ʿayn* occurs thrice in the Qaṣr Kharāna inscription.<sup>486</sup> There are also striking cases of defective orthography in some of the documents.<sup>487</sup>

### 5.1.1 Proselytizing letter to al-Muqawqas

The letter to al-Muqawqas of Egypt was found in 1850 by French Egyptologist Étienne Barthélemy in a monastery at Akhīm in Upper Egypt. It was first published along with a letter from C. Belin dated Oct. 3, 1852 in the *Journal Asiatique* in 1854.<sup>488</sup> Belin recounts that Barthélemy obtained an Arabic manuscript whose binding looked like it was made for a larger book. Removing the pastedown, Barthélemy found pages of the Coptic Gospels pasted together to form a sheet of harder cardboard. By removing the Coptic sheet that composed the cover of the book, he found a piece of black leather serving as joint for the binding. The leather was eaten by worms in two places, and additional words were effaced since Barthélemy had to moisten the letter in order to extract it from the book. Something that may throw light on the location of this Arabic diplomatic document is an observation made by Michael Clanchy on charters being

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<sup>486</sup> l. 6 and l. 8 of Kharāna A. Abbott, "The Kaṣr Kharāna," 193.

<sup>487</sup> Hamidullah argues that a forger would not likely employ the grammatical and orthographic peculiarities found in the letters, considered errors according to today's usage, for fear of offending potential buyers. This leads him to conclude that although these characteristics cannot be taken so far as to affirm the authenticity of the documents, there are more chances of their being authentic than forged (Hamidullah, *Six originaux*, 214).

<sup>488</sup> C. Belin "Lettre a M. Reinaud, Membre de l'Institut, sur un Document Arabe Relatif a Mahomet, par M. Belin," *Journal Asiatique* Vol 4 (Dec. 1854) 483-4.

bound into liturgical books for safekeeping in twelfth-century England.<sup>489</sup> Barthélemy reported a Coptic tradition that four copies of the letter were sent to al-Muqawqas, one kept in the Kénisa amba Mārcos of Cairo, along with the Prophet's response to al-Muqawqas' reply.<sup>490</sup> The manuscript was presented to Ottoman Sultan Abdul Majīd I (r. 1839 -1861)<sup>491</sup> and is now in the Pavilion of the Sacred Relics of the Topkapı Sarayı in Istanbul [Figures 13-14].<sup>492</sup>

The issues facing the account of this letter are the identity of al-Muqawqas and origin of his title, as well as the historicity of the embassy sent to him.<sup>493</sup> Arab historians use the title "al-Muqawqas" to refer to various rulers of Egypt, but identify the addressee of the Prophet's letter as Cyrus, the Monothelite patriarch of Alexandria.<sup>494</sup> As early as the fifth century C. E., Alexandria had two patriarchs, the imperial appointee, usually a Chalcedonian, called the Melkite patriarch, and the more popular Monophysite patriarch, not recognized by the Byzantine Emperor. In 616 C. E. the Sassanians captured Egypt and ruled it for ten years. After their evacuation, Heraclius dispatched Cyrus as the new patriarch to Alexandria in 631, who for part of the time was also appointed the August prefect and thus chief imperial governor of Egypt. The Prophet's letter is said to have been sent three years before the Sassanian

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<sup>489</sup> M. T. Clanchy, *From Memory to Written Record, England 1066-1307* (Oxford; Cambridge, MA: Blackwell, 1993): 126.

<sup>490</sup> Belin, "Lettre," 498-9 n 1.

<sup>491</sup> Khwaja Kamal ud-Din, "Letters of the Holy Prophet to the Neighbouring Rulers of His Time," *Islamic Review* 61:1 (Jan. 1917): iv.

<sup>492</sup> Hilmi Aydin, *The Sacred Trusts: Pavilion of the Sacred Relics (Topkapı Palace Museum, Istanbul)* (Somerset, NJ: The Light Inc., 2004): 98.

<sup>493</sup> Al-Qastallānī, *Mawāhib*, II: 143 introduces the letter as sent to the "King of Egypt and Alexandria, Jurayj ibn Mīnā."

<sup>494</sup> K. Öhrnberg, "al-Mukawkas," *The Encyclopaedia of Islam, 2<sup>nd</sup> edition* (Leiden, Brill: 1999).

departure. It thus could not have been addressed to the imperially-appointed Cyrus, and may have been addressed to the Coptic patriarch Benjamin, who was favored by the Persians and fled when Cyrus arrived.<sup>495</sup> The Coptic addressee of the Prophet's letter is reported to have politely refused the invitation, sending his reply with gifts, including two slave-girls, of whom one, Māriah, become the mother of the Prophet's son Ibrahīm.<sup>496</sup> It remains unclear whether the letter was received by the Coptic patriarch, or a political leader who was a Copt. K. Öhrnberg in the second edition of the *Encyclopedia of Islam* states that the Prophet's embassy to al-Muqawqas is considered legendary, and that the leather letter was recognized as inauthentic based on historical and paleographic considerations.<sup>497</sup>

#### 5.1.1.1 Text and formulary

- (1) بسم الله الرحمن الرحيم من محمد عبد الله و ر
- (2) سوله الى المقوقس عظيم القبط سلام على
- (3) من اتبع الهدى اما بعد (فانى)
- (4) (ادعوك دعاية الاسلام اسلم تسلم واسلم
- (5) (يوتي)ك الله اجر ك مرتين
- (6) فان توليت فعليك اثم القبط
- (7) (يا) اهل الكتاب تعالو الى كلمة
- (8) سوى بيننا و بينكم الا تعبد الا الله

<sup>495</sup> Muhammad Hamidullah, *The Life and Work of the Prophet of Islam* Vol 1 (Islamabad: 1998): 235-6.

<sup>496</sup> Ibn Sa'd I/ii:17.

<sup>497</sup> K. Öhrnberg, "al-Mukawkas," *The Encyclopedia of Islam* CD-ROM ed. In A. Grohmann's article, "al-Mukawkas," in the first edition of the *Encyclopedia of Islam* (Leiden, Brill: 1954-): 712-713, the basis for dismissing the parchment is the inhistoricity of the Prophet's embassy.

(9) و لا (نشارك به شيء و) لا يتخذ بعضنا

(10) بعدضا (اربابا من دون) اله فا

(11) تولوا فقولوا اشهد (انا) مس

(12) لمون

Basmala

Address

Greeting

Transition to text

Text (almost entirely quotation of Qur'an; ll. 7-12 Q 3:64)

[seal]

#### 5.1.1.2 Features shared with Umayyad-era papyri<sup>498</sup>

Spaces between words and letters of words

Words broken at end of line to continue on next (ll. 11-12)

*Alif* of *alif-lām* distant from the *lām* and with a rightward bottom hook

Horizontally elongated final *kāf*

Backward bending final *yā'*

*Dāl* with upward top bend

Horizontal stroke of initial *ʿayn* extended to the right

Head of medial *ʿayn* as two oblique strokes without joining line

*Sīn* written with teeth rather than as single stroke

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<sup>498</sup> Khan, *Arabic Documents*, 66-80.

### 5.1.1.3 Unusual letter shapes

Initial and medial *ḥa'* resemble the *dāl/dhāl* shape composed of four strokes and a top hook.

Final *sīn* has a vertical tail.

*Ṣād/ḍād* resemble *kāf's* elongated shape with a top hook, having an open shape rather than closed.

Medial *'ayn* is found both open and closed in squared rather than v shape.

Medial *ha'* has only one loop, round or flattened on top.

### 5.1.1.4 Defective orthography

l. 10: *Allāh* is spelled without the second *lām*. This is rare in later ('Abbasid) papyri, but is found earlier, including in one of the two earliest known/dated papyri: PERF 558 Vienna, dated 22/643.

l. 10: The final word *fa-in* seems to feature a very irregular second *alif* (and no *nūn*).

### 5.1.2 Taxation-related letter to al-Mundhir

Tradition holds that, after the conversion of al-Mundhir b. Sawā, governor of Baḥrayn while under Sassanian control, to Islam, a correspondence on religious duties ensued between the Prophet Muḥammad and al-Mundhir. In autumn 1861 the attaché of the royal Prussian Embassy in Constantinople, Dr. Busch, obtained a document on leather assumedly from the Prophet to al-Mundhir discussing religious taxrs, from an Italian who had purchased it in Damascus. A lithographed facsimile first appeared in the 1863

issue of *Zeitschrift der Deutschen Morgenländischen Gesellschaft* [Figure 15].<sup>499</sup> According to the collection published by the deputy manager of the Topkapı Palace Museum, it is now in Topkapı Sarayı [Figure 16].<sup>500</sup> In September of 1914 the editor of the *Islamic Review*, Khwaja Kamāl al-Dīn, seems to have examined a second document also addressed by the Prophet to al-Mundhir. This letter was held by the family of Salāḥ al-Dīn in Damascus. Comparing the document to a copy of the al-Muqawqas letter discovered earlier, Kamāl al-Dīn concluded that their handwriting was similar.<sup>501</sup> In 1932, yet another manuscript from the Prophet addressed to al-Mundhir was said to be in the custody of the Quwwatlı family in Damascus. In 1939, a colleague of Muhammad Hamidullah, Mr. Reich, confirmed that this second manuscript was in Damascus. In 1956 Dr. Salahuddin al-Munajjid confirmed to Hamidullah that this manuscript was still with the Quwwatlı family.<sup>502</sup>

Baḥrayn in the Prophet's time was a coastal province of East Arabia under the Sassanian Empire and ruled by an Arab chief. Al-Mundhir belonged to the Banū Tamīm, an influential tribe in Mecca. The date of the Prophet's initial letter inviting al-Mundhir to accept Islam is not established, and variously given as 6 or 8 A.H. The Prophet's ruling in a later letter that al-Mundhir should accept the *jizya*, the head-tax levied on monotheistic peoples under Islamic rule, from the Magians became a controversial issue, since the Magians are not considered to be a strictly monotheistic

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<sup>499</sup> "Aus Briefen an Prof. Brockhaus, von Herrn Dr. Busch," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 17 (1863): 385-89.

<sup>500</sup> Aydin, *Sacred Trusts*, 98. The image is of the same letter reproduced in ZDMG. There is no information on how the manuscript entered the collection.

<sup>501</sup> Kamal ud-Din, "Letters," iv.

<sup>502</sup> Muhammad Hamidullah, *The Life and Work of the Prophet of Islam* Vol 1. Trans. M. A. Ghazi (Islamabad: Islamic Research Institute, 1998) 291.

people. The issue was taken up in the works of the following generations as a topic of *tafsīr*, Qur’anic exegesis, and *sharī‘a*, Islamic law.

### 5.1.2.1 Text and formulary

- (1) بسم الله الرحمن الرحيم من محمد رسول الله الى
- (2) المنذر بن سوى سلام عليك فاني احمد الله
- (3) اليك الذي لا اله غيره واشهد الا اله الا
- (4) الله وانا محمد عبده ورسوله اما بعد فاني اذكر
- (5) ك الله عز وجل فانه من ينصح فانما ينصح لنفسه و انه من يطيعو
- (6) رسله و يتبعوا امرهم فقد اطاع(عنى) و من نصح لى
- (7) فان رسلى قد اثنوا عليك خيرا و انى قد شفعتك فى
- (8) قومك فاترك للمسلمين ما اسلم عليه و عفوت عن اهل
- (9) الذنوب فاقبل منهم فانك مهما تصلح فلن نغزلك عن عملك و من
- (10) اقام على يهوديته و مجوسيته فعليه الجزية

Address

Greeting

Blessing

Transition to text

Text

[seal]

### 5.1.2.2 More cursive features of script:

l. 2 and l. 3: *dhāl* of al-Mundhir and *dhāl* of *alladhī* are indistinguishable from *zayn*, while in the rest of the manuscript *dhāl/dāl* has a more archaic shape.

l. 2 'alayka, l. 3 *ghayruhu*, l. 4 'abduhu, l. 5 'azza, l. 7 'alayka, l. 8 'alayhi, l. 9 'an: initial 'ayn/*ghayn* has reduced curvature and more vertical than horizontal extension.

l. 4 *ba'd*: medial 'ayn has a loop.

Initial *alif* has a reduced bend.

### 5.1.2.3 Unusual letter shapes

Initial and medial *hā'* follow the shape in the al-Muqawqas letter, resembling *dāl/dhāl*.

*Dāl/dhāl* is elongated to the point of looking identical with *kāf*.

Final *nūn* is a straight vertical line, with diacritical dot.

Medial *hā'* resembles the 'ayn shape, open v or u, with one loop only.

### 5.1.3 Proselytizing letter to al-Najāshī

M. Dunlop brought the manuscript to the British Museum in 1938, borrowed from the owner, who bought it in Damascus some years prior from an Ethiopian priest.

It was first published in the *Journal of the Royal Asiatic Society* in 1940 [Figure 17].<sup>503</sup>

The Arabic sources variously give the name of the Negus in related traditions as

As'hamah or Asham son of Abjar. No personal name is provided in the manuscript letter.<sup>504</sup>

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<sup>503</sup> D. M. Dunlop, "Another Prophetic Letter," *Journal of the Royal Asiatic Society* (Jan 1940): 54-60.

<sup>504</sup> Hamidullah, *Life and Work*, 228.

### 5.1.3.1 Text and formulary

- (1) بسم الله الرحمن الرحيم
- (2) من محمد رسول الله الى نجا
- (3) شى عظيم الحبشة سلام على من
- (4) اتبع الهدى اما بعد فانى احمد ال
- (5) ك الله الذى لا اله الا هو الملك
- (6) القدوس السلام المومن المهيمن
- (7) و اشهد ان عيسى بن مريم روح
- (8) الله و كلمته القاه الى مريم البتو
- (9) ل الطيبة الحسنة فحملت بعيسى من رو
- (10) حه و نفخه كما خلك ادم بيده و
- (11) انى ادعوك الى الله وحده لا شريك له و المولى على طاعته وان
- (12) تتبعنى و توقا بالذى جاعنى فانى ر
- (13) سول الله و انى ادعوك و جنو
- (14) دك الى الله عز و جل و قد بلغ
- (15) ت و نصحت فاقبلو نصيحتى والسلام
- (16) على من اتتبع الهدى

Basmala

Address

Greeting

Transition to text

Blessing (ll. 5-6 partial quotation of Q. 59-23)

Greeting/Closing

### 5.1.3.2 Unusual letter shapes

Medial ‘ayn has a u-shape sitting on the line.

Blocky final *nūn*

Medial *hā’* is a darkened t-shape sitting on the line (occurs three times, ll. 4, 7, 17)

### 5.1.3.3 Defective orthography

l. 16: *ittaba‘a* is spelled with two *tā’s*.

### 5.1.4 Proselytizing letter to Hiraql

Acquired by the governor of Abu Dhabi in May 1974, a facsimile of this document from the Prophet addressed to “Heraclius” was first published by *al-‘Amal* newspaper, Tunis, May 5, 1974/ 16 Rabi’ al-Thānī 1394 [Figure 18]. In 1977 it was held by King Hussein of Jordan, who was planning to transfer it to the Great Mosque of Hashimiyya.<sup>505</sup>

In the accounts of Diḥya al-Kalbī’s mission to Heraclius, the destinations are given variously as Busrā, Īlyā (Jerusalem), Damascus, and Hims. The confusion is compounded by the variety of titles given to the figure Dihya met, which include *Hiraql*, *Qayṣar* (Caesar), *Malik al-Rūm* (King of the Romans), and *Ṣāḥib al-Rūm* (Master of the

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<sup>505</sup> Hamidullah, *Life and Work*, 261-62

Romans), but accounts agree on a positive reception by this figure. A controversial statement in the letter is the warning of the “sins of the *arīsiyyīn*.” The usual meaning given for this is “the sin of the peasants.” In some redactions *arīsiyyīn* is substituted by *akkārīn*, *akkār* being the equivalent in southern Iraq for the term *arīs* used for “peasant” in Syria.<sup>506</sup> Al-Ya‘qūbī’s redaction has *al-arīsiyyīn* on line four, as in the manuscript.<sup>507</sup> Al-Ṭabarī’s has *ithm al-akkārīn*, “sin of the peasant.”<sup>508</sup>

#### 5.1.4.1 Text and formulary

(1) بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ مِنْ مُحَمَّدٍ عَبْدِ اللَّهِ وَرَسُولِهِ

(2) إِلَى هِرَقْلٍ عَظِيمِ الرُّومِ سَلَامٌ عَلَى مَنْ اتَّبَعَ الْهُدَى أَمَا بَعْدُ

(3) فَانِي أَدْعُوكَ بِدَعَايَةِ الْإِسْلَامِ اسْلَمْ تَسْلَمْ وَيُوتِيكَ اللَّهُ

(4) أَجْزَكَ مَرَّتَيْنِ فَإِنْ تَوَلَّيْتَ فَعَلَيْكَ إِثْمُ الْإِرْسِيِّينَ يَا أَهْلَ الْكِتَابِ

<sup>506</sup> Suliman Bashear, “The Mission of Dihya al-Kalbī and the Situation in Syria,” *Der Islam* 74 (1997) 88. According to Bashear reference to Heraclius’ responsibility for the sins of his peasant subjects does not fit in with the highly religious and theological context of the letter and Dihya’s mission. He points out that *arūsiyya* was a term also used for the religious sect said to exist among Heraclius’ people, followers of the fourth century Alexandrine, Arius, who denied the divinity of Christ. Theophanes (d. 818) also equates Islam with the heresy of an Arian monk. Theophanes, very briefly covering the history of the Prophet and some military engagements with the Byzantines within his life-time, makes no mention of any exchange between the Prophet and Heraclius or with the Byzantine patriarch in Alexandria. Theophanes, *The Chronicle of Theophanes Confessor: Byzantine and Near Eastern History A.D. 284-813* (Oxford: Clarendon Press, 1997): 464-5. A meaning other than “peasants” is also corroborated in part by the letter sent by the Prophet to Heraclius’ counterpart, Chosroes of Persia, which has no mention of peasants, but warns of the sin of the Magians. The word *ithm* can also mean “punishment.” Bashear concludes that the meaning of this sentence is a warning to Heraclius of divine punishment if he should fail to lead the Arusians, already close to Islam in denying Jesus’ divinity, to the correct faith, and traces the confusion over the meaning of *arīsiyyīn* and its substitution with *akkārīn* to Abū ‘Ubayd’s *Kitab al-Amwāl*, which substituted *fallāhīn*, “farmers,” for *arīsiyyīn*. Bashear 88-91. Another explanation for the obscure “sin of the peasants” that finds correspondence with the contemporary Byzantine discourse is as a reference to sexual deviances associated with rural peoples in the Byzantine Empire, include that of incest (marrying relative or cousins closer than the 7<sup>th</sup> degree allowed by the Church), which Heraclius, having married his niece Martina, had committed. Byzantine chroniclers attribute a swelling disease later contracted by Heraclius to God’s punishment for his incest with Martina (personal communication, John V. fine, 19 May, 2010).

<sup>507</sup> Ahmad b. Abī Ya‘qūb al-Ya‘qūbī, *Tārīkh* (Beirut: Dār Sādir lil-Tibā’a wa al-Nashr, 1960) II: 77.

<sup>508</sup> Al-Ṭabarī III: 1565 from Ibn Humayd—Salama—Muhammad b. Ishāq—Ibn Shihāb al-Zuhrī—‘Ubaydallāh b. ‘Abdallāh b. ‘Utba b. Mas’ūd (d. Medina 98-99 A. H.)—‘Abdallāh b. ‘Abbās—Abū Sufyān b. Harb.

(5) تعالوا الى كلمة سوى بيننا و بينكم الا نعبد الا الله

(6) و لا نشرك به شي و لا يتخذ بعضنا بعضا اربابا من

(7) دون الله فان تولوا فقولوا انا اسهد بانا مس

(8) مون

Basmala

Address

Greeting

Transition

Text (ll. 4-6 quotation of Q. 3:64)

[seal]

#### 5.1.4.2 Features shared with Umayyad-era papyri

Spaces between letters and words

Initial *alif* with bottom hook

*Dāl* and *kāf* retain archaic form

Teeth of *sīn/shīn* retained

#### 5.1.4.3 Unusual letter shapes

Initial and medial *ḥā'* has evolved to resemble *dāl/dhāl*.

Medial *ʿayn* has a blocky form, as square sitting on the line.

*Qāf*, *mīm*, *waw*, and final *nūn* are very squared and blocky.

Medial *hā'* is a small t-shape sitting on the line, without loop, identical with the shape found in the al-Najāshī manuscript letter.

### 5.1.5 Proselytizing letter to Kistrā

The May 1963 daily *al-Masā* of Beirut reported that Henri Pharaon, former minister of foreign affairs of Lebanon held the manuscript in his collection, bought by his father in Damascus at the end of World War I. Hamidullah saw the photo sent some months prior to the Bibliothèque Nationale in Paris, and later saw the original held by Pharaon in 1964. A facsimile was first published by Salahuddin al-Munajjid in the daily *al-Hayāt* of Beirut, May 22, 1963 [Figure 19].<sup>509</sup>

Kistrā is the Arabic form of the Persian name Khusraw, which came to be regarded as the title of the Persian Sassanian King of kings.<sup>510</sup> The Arabic sources are unanimous in reporting that the emperor ordered the letter to be read, but halted the reading before it was finished and tore it up. Of all the manuscripts this is the most effaced and difficult to read. Kistrā's arrogant reception of the messenger and subsequent murder by his own son are the focus of the accounts of this letter. Ibn Sa'd's account returns to the testimony of the messenger himself, 'Abd Allāh b. Ḥudhāfa al-Sahmī.<sup>511</sup>

#### 5.1.5.1 Text and formulary

(1) بِسْمِ اللَّهِ الرَّحْمَنِ

(2) الرَّحِيمِ (مَنْ مُحَمَّدٌ عَبْدُ اللَّهِ وَ

(3) رَسُولُهُ إِلَى كِسْرَى) عَظِيمِ (الْفَارِسِ)

<sup>509</sup> Hamidullah, *Life and Work*, 274-80.

<sup>510</sup> M. Morony, "Kistrā" *The Encyclopaedia of Islam, Second Edition*, Vol. 6, J. H. Kramers, H. A. R. Gibb, E. Lévi-Provençal, eds. (Leiden, Brill: 1999),

<sup>511</sup> Ibn Sa'd I/ii:16.

- (4) سلام على من اتبع الهدى  
 (5) و امن بالله و رسوله و  
 (6) شهد الا اله الا الله  
 (7) وحده لا شريك له و انا محمد  
 (8) عبده و رسوله ادعوك  
 (9) بدعاية الله و انى انا رسو  
 (10) ل الله الى الناس كافة  
 (11) لانذر من كان حيا و بحق  
 (12) القول على الكافرين ا  
 (13) سلم تسلم فان ---- ف  
 (14) انما عليك اثم المجور  
 (15) س

Basmala

Address

Greeting

Text (ll. 11-12 quote Q 36:70, replacing li-yundhir with li-undhir)

#### 5.1.5.2 Features resembling Umayyad-era papyri

Archaic shape of *dāl/dhāl*

Horizontal span of *kāf* shortened but retained along with the top hook

#### 5.1.5.3 Unusual letter shapes

*Fā'* and *waw* are oversized and overly curled.

### 5.1.6 Proselytizing letter to Jayfar and 'Abd of Julandā

The document was discovered by Professor Al-Rasāsi, former ambassador of 'Umān to Iran in the possession of a Lebanese collector, who allowed a photo, first published in the daily *al-Ṣabāḥ* of Tunis, 1975 [Figure 20].<sup>512</sup>

'Umān (Oman), in the extreme south of the eastern Arabian coast, at the time of the Prophet was under the joint rule of these two brothers, who had been recognized by the Persian Emperor. After the Byzantine defeat of the Sassanians at Niniveh in 627 C. E., 'Umān had become independent of the Persian capital of Ctesiphon.

#### 5.1.6.1 Text and formulary

- (1) بيسم الله الرحمن الرحيم
- (2) من ممد رسول الله
- (3) الى جيفر و عبد الجلند
- (4) ي سلام على من اتبع الهدى
- (5) اما بعد فانى ادعوك بد
- (6) عاية الاسلام اسلم تسلم ف
- (7) انى رسول الله الى الناس
- (8) كافة لانذر من كان حيا
- (9) و يحق القول على الكافرين
- (10) فانكما و ان اقررتما بالا

<sup>512</sup> Hamidullah, *Life and Work*, 316-7

(11) سلام وليتكما و ان ابیتما

(12) فان ملككما زایل و خیلی

(13) تحل بساحتكما و تتظهر نبو

(14) تی علی ملككما

Basmala

address

Greeting

Transition to text

Text (ll. 8-9 quotation of Q. 36:70, substituting li-undhijr for li-yundhir)

[seal]

#### 5.1.6.2 Features resembling Umayyad-era papyri

Archaic horizontally extended shape of *dāl*

*Kāf* with horizontal shape but reduced

*Sīn* with teeth

#### 5.1.6.3 Unusual letter shapes

*Jīm/ḥā'/khā'* resembles *dāl/dhāl*.

*Rā'/zā'* is a right angle hook that sits on the line.

Medial *ʿayn* is a square.

A slightly effaced medial *hā'* (l. 4) resembles the t-shape found in the al-Najāshī and

Hiraqal letters.

*Waw* is oversized and squared

#### 5.1.6.4 Defective orthography

l. 13 *tazharu* is written with two initial teeth.

#### 5.1.7 Proselytizing letter to al-Ḥārith b. al-Ghassānī

The manuscript is held in Topkapı Sarayı [Figure 21]. There is no information on how it was acquired.<sup>513</sup> Al-Ḥārith b. Abī Shamir al-Ghassānī was chief of a Syrian tribe allied with the Byzantines.

##### 5.1.7.1 Text and formulary

(1) بسم الله الرحمن الرحيم من محمد

(2) رسول الله الى الحارث ابن ابي

(3) شامر سلام على من اتبع الهدى و امن به

(4) و صدق و انى ادعوك الى ان تؤمن ب

(5) الله وحده لا شريك له بيقى

(6) لك ملكك

Basmala

Address

Greeting

Text

[seal]

<sup>513</sup> Aydin, *Sacred Trusts*, 100.

### 5.1.7.2 Features resembling Umayyad-era papyri

Spaces between letters and words

Initial *alif* with bottom hook

*Dāl* and *kāf* retain archaic horizontally extended shape

### 5.1.7.3 More cursive shapes

Final *yā'* is rounder and less horizontal.

### 5.1.7.4 Unusual letter shapes

*Dāl/dhāl* is horizontally extended to the point of looking identical with *kāf*.

l. 3 *al-hudā*: medial *hā'* has a single loop.

### 5.1.9 Copies of Prophetical documents

A number of other documents said to be copies of original Prophetical documents were published in the twentieth century. T-S.8 ka.I in the University of Cambridge library from the Cairo Genizah is in Arabic in Hebrew characters. The document is two leaves of paper, with text on both recto and verso of both leaves, consisting of three interconnecting texts: an account of a *khuṭba* (declaration) by a Jew who converted to Islam, the document of the Prophet to the Ḥanīna and the people of Khaybar and Maqnā, and the Prophet's genealogy. Among the correspondences in this "copy" with the redactions of the document is the orthography "Abū Ṭālib," which can be found in

al-Balādhūrī's version, which he says is a copy of an eye-witnessed manuscript dictated to him.<sup>514</sup> Hirschfield dates the manuscript to the tenth century if not earlier.<sup>515</sup>

Medieval Arabic sources evaluate a document attributed to the Prophet concerning the exemption of the Jews of Khaybar from paying the poll tax as inauthentic. In a discussion on the dating of texts, Ṣalḥuddin Khalīl b. Aybek al-Ṣafadī (ca. 1297-1363) recounts that the Jews brought a document witnessed by 'Alī b. Abī Ṭālib to the vizier 'Alī b. al-Ḥusayn b. Aḥmad as proof that the Prophet ordered cessation of the *jizya* from the people of Khaybar. The vizier consulted al-Khaṭīb al-Baghdādī, who declared the document a forgery because of the inclusion as a witness of Mu'āwiya, who converted in the year of the conquest of Mecca while the conquest of the oasis of Khaybar occurred in the year 7 AH, and of Sa'd b. Mu'ādh, who died on the day of the Battle of the Ditch two years prior to Khaybar.<sup>516</sup> Ibn Qayyim al-Jawziyya (1292-1350) had compiled a section on his work on the protected minorities (*ahl al-dhimma*) of accounts rejecting the claim that there was no *jizya* imposed on the Jews of Khaybar based on a manuscript of the Prophet. The document was declared a forgery (*kidhb mukhtaliq*) by the consensus of Muslim scholars based on ten points: the authorities on the *siyar* and the *maḡhāzī* (Prophetic biographical narratives) do not mention it; the poll tax was instituted by revelation after the conquest of Khaybar and was subsequently imposed on the settlement; Mu'āwiya, named as a witness, only converted to Islam later; Sa'd b. Mu'ādh, named as a witness, died prior; there were no taxes on Khaybar until the

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<sup>514</sup> Al-Baladhūrī *Futūḥ* 78-81. See Chapter II, section 2.1.3.3.1 above.

<sup>515</sup> Hartwig Hirschfield, "The Arabic Portion of the Cairo Genizah at Cambridge" *The Jewish Quarterly Review* vol. 15, No. 2 (Jan., 1903): 167-181.

<sup>516</sup> Salhuddin Khalīl b. Aybek al-Ṣafadī, *Kitāb al-wāfi bi-l-wafayāt* (Istanbul: Matba'a al-dawla, 1931) vol 1, ed. Heilmut Ritter, 44-45.

Prophet imposed them; Khaybar outweighed the Meccan polytheists in enmity towards the Prophet and his Companions and would not have been indulged; the document is in the hand of ‘Alī, whose enmity towards the Jews was famous; the claim is unknown except through transmission by Jews; if the manuscript were authentic the scholars of religion and the jurists (*‘ulamā’* and *fuqahā’*) of the time of the first four caliphs or of the Umayyad ‘Umar b. ‘Abd al-Azīz or Manṣūr, under whom the tax was imposed on the Jews, would have noted it; the luminaries of ḥadīth scholarship and of revelation (*al-naql*) witnessed to the inauthenticity of the manuscript when the Jews brought it forward after 400 years during the time of al-Baghdādī.<sup>517</sup>

Another manuscript that surfaced in the nineteenth century is a lithographed copy in Nast‘alīq script of a document concerning concessions including exemption of the descendants of Salmān al-Farsī from paying the *jizya*. It was first published by Sorabjee Jamshetji Jejeebhoy in Bombay in 1851. The lithographed copy is said to be of a document on red leather owned by a “Persian gentleman” in 1840, now lost. In medieval Arabic sources such a document being held by the family of Salmān al-Farsī is mentioned in the *Ṭabaqāt al-Muḥaddithīn* of Iṣbahān by Ibn Ḥayyān (d. 369 AH) and *Akḥbār Iṣbahān* of Abū Nu‘aym Aḥmad b. ‘Abdallāh b. Aḥmad al-Iṣḥāq (d. 430 AH) where the document is said to have been written on “white leather.” The wording of the “copy” differs from its medieval redactions including the use of anachronistic vocabulary (such the word *sulṭāniyya*).<sup>518</sup>

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<sup>517</sup> Shams al-Dīn Abī ‘Abdallāh Muḥammad b. Abī Bakr Ibn Qayyim al-Jawziyya, *Aḥkam ahl al-dhimma* Vol 1 (Beirut, dar al-kutub al-‘ilmiyya 1995/1315) 22-23.

<sup>518</sup> Abd al-Mu‘id Khan, “Authenticity of an important document of the Prophet” *Islamic Culture* No. 17 (1943): 96-104.

1970 saw the publication of a document on leather consisting of a transcription in epigraphic South Arabian characters of a document of the Prophet to the kings of Himyar. Redactions of this document are found in Ibn Hishām, Abū ‘Ubayd’s *Kitāb al-Amwāl*, al-Ṭabarī’s *Tārīkh*, Ya‘qūbī’s *Tārīkh*, and in abridged form in al-Baladhūrī’s *Futūḥ*. A photograph was provided to David Cohen in 1966, of cryptic provenance, bought from an antiquary in Beirut who suggested that it was discovered in a synagogue in Aleppo. Its use of South Arabian characters for transcription indicates that the text is a direct transcription of an Arabic original. The text differs from the medieval redactions of this document in details and the omission of a portion listing fiscal obligations on the newly converted Muslims.<sup>519</sup>

## 5.2 Relics and the status of the documents over time

There is some indication that there may have been a local popular tradition around the al-Muqawqas letter. Barthélemy reported that the Copts say that four copies of the letter were sent to al-Muqawqas, one kept in the Patriarchal church of Cairo, the Kénisa amba Mārcos, along with a letter from the Prophet in reply to al-Muqawqas’ reply.<sup>520</sup> In the *Islamic Review* issue of January 1917, the editor, Khwaja Kamal ud-Din also writes that after being read the letter was placed in an ivory casket by al-Muqawqas, “which was sealed and made over to the State Treasurer.”<sup>521</sup>

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<sup>519</sup> David Cohen, “Un manuscrit en caractères sudarabiques d’une lettre de Muḥammad” *Comptes rendus séances du groupe linguistique d’études chamito-sémitiques* Vol. 15 (1970-71): 103-109.

<sup>520</sup> Belin, “Lettre,” 498-9 n 1.

<sup>521</sup> Kamal al-Din, “Letters,” iv.

Distinctive about the letter to Heraclius is that while there seem to be no traditions on its preservation by the Byzantines, Hamidullah traces eyewitness accounts in literary sources of the original letter in Christian Spain. ‘Abd al-Raḥmān b. ‘Abd Allāh al-Suhaylī (d. 1185) in his *al-Rawḍ al-Unuf* reports that Heraclius conserved the letter in a box and that it was passed on to his successors. Al-Suhaylī himself saw this letter in the court of Alphonso VII of Castille.<sup>522</sup> Ibn Abī Zar’ in his *al-Rawḍ al-Qirtās* reports that, in 1211, the Almohad king Nāsir b. Ya‘qūb and his attendants saw the letter, brought by the king of Castille.<sup>523</sup> al-‘Aynī, a functionary under the Egyptian Mamluk sultans, writes that the Mamluk Sultan Qalā’ūn sent his ambassador Sayf al-Dīn Qilīg to the Spanish king, who showed him the letter in 1283.<sup>524</sup> Ibn Faḍlullah al-‘Umarī (d. 1347), secretary of the Egyptian chancellor’s office, in his *al-Ta’rīf bi ‘l-Mustala al-Sharīf*, reports that the ambassador of Spain assured him that the letter was still possessed by his master.<sup>525</sup> The legend persists that the letter was removed to Paris. The modern Moroccan scholar ‘Abd al-Ḥayy Kattānī pursued the matter, but France could not confirm that they possessed it. Hamidullah concludes that it is certain that the document existed in Christian Spain, but that it is unclear whether it was authentic or forged.<sup>526</sup>

Along with the letters to al-Muqawqas and Heraclius, the letter to the Negus is the only other letter with an accompanying local tradition on its preservation and its talismanic status. Hamidullah notes that the existence of the manuscript was known prior to

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<sup>522</sup> Muhammad Hamidullah, “La Lettre du Prophète à Héraclius,” *Arabica* 2:1 (1995): 107.

<sup>523</sup> Hamidullah, “La Lettre,” 108.

<sup>524</sup> Hamidullah, “La Lettre,” 108.

<sup>525</sup> Hamidullah, “La Lettre,” 109.

<sup>526</sup> Hamidullah, *Life and Work* 260-1

Dunlop's article. In 1936 the daily newspaper *al-Balāgh* of Cairo, quoting the Ethiopian journal *Burhān Islam*, reported that during the Italian invasion of Abyssinia (1935-6), the Negus took this letter out of his treasury to show it to the inhabitants, a ceremony which was performed during times of calamity. According to Hamidullah, in 1942 the government of Hyderabad corresponded with the British Resident at the Hyderabad Nizam's court, learning from him that the manuscript had arrived in England for sale before the declaration of the Italian-Ethiopian war, but that the British libraries did not consider it worth purchasing. Hamidullah attempted to track the document down through the Ethiopian Embassy in London in August of 1951, but the Embassy replied that Abyssinia did not seem to possess the manuscript.<sup>527</sup>

Four of the leather Prophetical manuscripts are now housed in the Pavilion of the Sacred Relics, the *Hırka-i Saadet Dairesi*, in Topkapı Sarayı, Istanbul. A 1965 brochure on the Pavilion provides a brief history of the museum that focuses on the reception of holy relics as the spoils of Ottoman conquest. With the Ottoman conquest of Mamluk Egypt in 1517 under Sultan Selim I (1512-1520), the territories under Mamluk control, including the cities of Mecca and Medina, with their relics, passed to the Ottoman state treasury. The transfer of Islamic sacred relics from both public and private collections all over the Muslim world, to the new seat of the Caliphate, continued after this time. The *Hırka-i Saadet Dairesi* was built in 1478 by Mehmet II (1465-1478), and the relics were transferred to Istanbul under Mahmut III (1574-1595). Topkapı Palace was converted into a museum in 1924 after the proclamation of the Turkish Republic. The

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<sup>527</sup> Hamidullah, *Life and Work* 232.

letter to al-Muqawqas is kept in a glass case beside hairs from the Prophet's beard, soil from his grave, the keys to the Ka'ba, the Prophet's footprint, and his seal.<sup>528</sup> According to a brochure published by the Turkish Ministry of Tourism and Information in 1966, an examination and cleaning of the letter showed that it "belonged to the Prophet," choosing words that emphasize the letter as a relic, although the letter, being dispatched, was never strictly a possession of the Prophet.<sup>529</sup> The most famed relic kept in the Pavilion is the mantle of the Prophet, kept by Sultan Ahmet I (1603-1615) behind his throne in the Imperial Chamber, an indication of the authorizing function of this heritage object. The Pavilion also claims to hold belongings of the Prophets Abraham, Moses, and Joseph.

The remaining leather manuscripts seem to have now disappeared from view,<sup>530</sup> and were apparently not given the chance to become well-known even though their discoveries were reported in Arabic newspapers. Though, as Lowenthal argues, dismissal as ahistorical is part of the construction of heritage objects and does not preclude their reverence,<sup>531</sup> the locations of the remaining letters are not publicized, and there are no noted traditions of their preservation or reverence. The available evidence instead indicates that the pseudo-originals serve testimonial functions for *non-Muslim* communities, of evidence of favors, recognition, and special status.

Dismissal of non-Muslim claims of possession of Prophetic documents is found for

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<sup>528</sup> Ziya Erkins, *The Topkapi Palace Museum* (Güzel Sanatlar Matbassı, 1965): 24-25.

<sup>529</sup> "Relics of Islam: Topkapi Museum, Istanbul" (Istanbul: Ministry of Tourism and Information, 1966).

<sup>530</sup> The letters did appear on the following, no longer active, websites, which seem to be using the same photos and source for six of the letters, excluding al-Ghassānī's:

<http://www.sayedamir.com/profetletters.htm> and

[http://www.geocities.com/al\\_thaqalayn/profetletters.htm](http://www.geocities.com/al_thaqalayn/profetletters.htm). The websites place the letters within the context of Prophetic relics. Accessed Dec 2005.

<sup>531</sup> David Lowenthal, *The Heritage Crusade and the Spoils of History* (Cambridge: Cambridge UP, 1998).

example in the medieval debate on the authenticity of the document for the Jews of Khaybar, where it is denied that the Prophet ever wrote such a document. Within the Muslim community the documents serve as relics, as keys to meditation on the sacred person of the Prophet and as claims to the inheritance of his authority, rather than as proof of any past or present claims.

## CHAPTER VI: Audience, readers/interpreters, and messengers

Like all written texts, the documents attributed to the Prophet were also considered material objects and as such ritually communicated within performance contexts created in part by the expectations of their audience. This chapter is organized by themes drawn from the narrative content of traditions on the documents, concerning the aural, material, and symbolic aspects of the texts. These themes will be discussed through analyses of groups of reports on the Prophetic documents, and end with a presentation of the implications of these reports in light of the idea of the ancient Near Eastern messenger.

How can we describe the wider sensory environment and extra-phonetic<sup>532</sup> communicative functions of these written texts? It is the visual and tactile aspects of the Prophet's documents that are most conspicuous in the reports contextualizing them. The foregoing discussion of the literary transmission of the documents will also

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<sup>532</sup> Sybille Krämer introduces the concept of “notational iconicity” (*Schriftbildlichkeit*) explored by a research group established in 2008 “On the materiality, perceptibility and operativity of writing” at the Freie Universität, Berlin. The aim of the research group is to “revise the predominant perception of writing as a mere discursive construct by resurrecting a fundamentally visual-iconographic dimension of writing” (Sybille Krämer “Writing, notional iconicity, calculus: on writing as a cultural technique” *MLN* 118.3 (April 2003): 518-37). The Saussurean assumption of writing as the transference of an oral form of language to the graphic imposes a one-dimensionality on writing and results in a doctrine of writing and thus text as characterized by linearity and sequential order, ignoring the fact that “every written text uses the *two-dimensionality* of surfaces” (Krämer 520). An alternative conception to that of writing as phonetic transcription will have three dimensions: 1) writing as medium, the structural aspect, whereas the inter-spatiality or digital nature is significant; 2) writing as system of symbols, the referential aspect, making epistemic contents visible; 3) and writing as cultural technology, the performative aspect, whereas different types of writing correspond to different modes of language use that can neutralize the referential aspect. A significant concept here is inter-spatiality, a spatial modality that depends on spacing and gaps, i.e. position and place-value, for meaning construction and differentiates writing from more common images working with “dense spatial constellations” (Krämer 523).

be informed through mapping how the accounts themselves describe the documents as functioning within an oral/aural arena in which information about the Prophet was transferred. The material locus of the accounts of the Prophet's documents illustrates a sense of documents as providing access to an individual's presence and to communal reminiscence of that presence. It is not the strictly linguistic contents but also the material nature and association with particular individuals and families that form the field in which these documents are sensible.

## 6.1 Materiality

### 6.1.1 Visual and tactile memories

In reports of the Prophetical documents, visual and other sensory descriptions are often included, sometimes more prominently than the contents of the documents. The following examples of reports feature attention to the materiality of the documents and include reports obsessed with the destruction of the documents over revealing their contents.

Rāfi' b. Khadīj reports that the Prophet's document sanctifying Medina, written on horse skin, is available and that he can have it read for anyone who wishes it: *huwa maktub 'indana fī adīm khawlānī in shi'ta aqra'tukahu*.<sup>533</sup> The account thus provides the occasion of a document without quoting it, but identifying its material and accessibility. Reports often mention the use of "red hide," *adīm aḥmar*, for the

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<sup>533</sup> Aḥmad b. Muḥammad Ibn Ḥanbal *Musnad Imām Aḥmad* 6 vols (1895) IV: 141. Cf. Muhammad Hamidullah, *Majmū'at al-wathā'iq al-siyāsīya lil-'ahd al-nabawī wa-al-khilāfa al-rāshida* (Cairo: Matba'at Lajnat al-Ta'līf wa-al-Tarjamah wa-al-Nashr, 1956) (henceforth *Wathā'iq*) no. 1/a, citing *Ṣaḥīḥ Muslim*, *Musnad Ḥanbal*, and *Taqyīd al-'ilm* of al-Khaṭīb al-Baghdādī.

Prophetical documents. The delegation of ‘Uqayl b. Ka‘b was provided with a *kitāb fi adīm aḥmar*.<sup>534</sup> A document for Qayla bt. Makhrama was written on a small piece of leather, *qiṭ‘a min adīm aḥmar*.<sup>535</sup> A document on the right to marriage in any Quryashi tribe to al-Azraq b. ‘Amr was written on *adīm aḥmar*.<sup>536</sup> The Tamīm al-Dārī tradition, given in Chapter 2, also features descriptions of the material and preparation of the documents written on hide.<sup>537</sup>

Traditions on the erasure destruction of documents from the Prophet are numerous. A report concerning the formalities involved in presenting a document of peace (*ṣulḥ*) to the Ghaṭafān during the Battle of the Khandaq notes that the document was received by Sa‘d b. Mu‘ādh who protested against it and had it erased. The text is not transmitted.<sup>538</sup> The Prophet’s proselytizing letter to Kisrā/Chosroes is described as having been torn and burnt.<sup>539</sup> A document for Hirāsh b. Jaḥsh b. ‘Amr al-Absī was burned. The text is not provided by the sources.<sup>540</sup> Burning of a written document conveyed disrespect, as seen for example in a citation in the medieval lexicon, *Lisān al-*

<sup>534</sup> Muḥammad b. Sa‘d *al-Tabaqāt al-Kabīr* (Leiden: E. J. Brill, 1904-40) I/ii: 45. cf. Hamidullah *Wathā‘iq* no. 216.

<sup>535</sup> Ibn Sa‘d I/ii: 58; cf. Hamidullah *Wathā‘iq* no. 142.

<sup>536</sup> Ibn Sa‘d I/ii:34; cf. Hamidullah *Wathā‘iq* no. 215/a.

<sup>537</sup> Al-Maqrīzī’s account has the first document written on “a scrap of red leather (*qiṭ‘atu jildin min adam*)” (Aḥmad b. ‘Alī al-Maqrīzī *Ḍaw’ al-Sārī fi Ma‘rifat khabr Tamīm al-Dārī*, ed. Muhammad Aḥmad ‘Ashūr (Cairo: Dār al-‘Islām li -l-Ṭab‘ wa -l-Nashr 1972) 62), and a description of the Prophet taking the document into his house in order to envelop it and tie it up (Al-Maqrīzī, *Ḍaw’*, 63). Al-Qalqashandī’s first account says the Prophet “prepared a leather scrap from a square” (*fa-‘alaja fi zāwiyatin al-ruq’ata*) (Aḥmad b. ‘Alī al-Qalqashandī *Ṣubḥ al-A’shā’* 14 vols (Cairo, 1964) XIII: 119), and his third account, on the current preservation of the document, notes that the leather was prepared in such a way as to last a long time, “*wa-l-adīmu allatī hiyya fihi qad khuliqa li-ṭūli l-amadi*” (Al-Qalqashandī, *Ṣubḥ*, XIII: 122).

<sup>538</sup> Ferdinand Wüstenfeld *Das Leben Muhammed's nach Muhammed ibn Ishāk bearbeitet von Abd el-Malik ibn Hischām* 2 vols. (Göttingen: Dieterich, 1858-1860) I: 676. Cf. Hamidullah *Wathā‘iq* no. 8.

<sup>539</sup> Abū Bakr Aḥmad b. ‘Alī al-Khaṭīb al-Baghdādī *Tārīkh Baghdād*, 14 vols in 7 (Cairo: Jawār mahāfaẓa, 1931) I: 132. Cf. Hamidullah *Wathā‘iq* no. 53/a.

<sup>540</sup> Aḥmad b. ‘Alī Ibn Ḥajar al-Asqalānī *al-Iṣāba fi tamyīz al-ṣaḥāba* (Cairo: al-Maktaba al-Tijārīya al-Kubrā, 1939) I: 462 no. 2371. Cf. Hamidullah *Wathā‘iq* no. 150.

‘*arab* of Muḥammad b. Mukarram b. Manzūr (d. 711 /1311-12), in which al-Aṣma‘ī reports on the authority of Abū ‘Amr b. al-‘Alā, who heard a Bedouin saying, “That man is a fool, my letter reached him and he burnt it” *fulānun laghūbun, jā’athu kitābī fa-ḥtaqarahā*.<sup>541</sup> The Prophet wrote a letter to the Banū ‘Udhra on a stripped palm branch or wooden stick, ‘*asīb*, which was seized and broken by a member of another tribe who later converted.<sup>542</sup> A document concerning blood money and two lands written for Zayd al-Khayl was burnt. Zayd died on his return trip from a delegation of the Ṭayy’ to the Prophet, and his widow, presumably in grief, intentionally burnt anything that the Prophet had written for him. The text is not quoted.<sup>543</sup>

A document, presumably on some skin, from the Prophet to Ru‘ya al-Suḥaymī was used by the recipient to patch his bucket. Ru‘ya later converted. No text is provided.<sup>544</sup> A document of the Prophet for Sim‘ān b. ‘Amr al-Kilābī was also patched into a bucket. The act was noteworthy, as the family was nicknamed “the children of the patcher,” *banū l-rāqī’*. Sim‘ān later converted and asked for forgiveness.<sup>545</sup> A second report on the same occasion notes that his daughter had feared that this use of a document from “the chief of the Arabs” would call catastrophe upon them. The document is not

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<sup>541</sup> Muḥammad b. Mukarram Ibn Manzūr *Lisān al-‘arab* 15 vols (Beirut: Dār ṣādir li-ṭibā’a wa-l-nashr, 1955) I: 699. Interestingly, several examples for verbs derived from the root k-t-b in the *Lisān*, many of which draw on poetic material, have meanings to do with tying or gathering together with leather straps or thongs. This sense of being concentrated in space is extended to *katabtu l-kitāb*, “I wrote a *kitāb*,” as referring to gathering letter upon letter, *ḥarfan ilā ḥarf* (*Lisān al-‘arab* I: 701).

<sup>542</sup> Ibn Sa’d I/ii: 33.

<sup>543</sup> Ibn Sa’d I/ii: 60. Cf. Ibn Hisham 947; Hamidullah *Wathā’iq* no. 201.

<sup>544</sup> Ibn Ḥajar *al-Iṣāba* I: 502-503 no. 2659; Hamidullah *Wathā’iq* no. 235.

<sup>545</sup> Ibn Sa’d I/ii: 31.

quoted.<sup>546</sup> Michael Lecker suggests that the repeated mention of “patching a bucket” may indicate a topos concerning destruction of letters.<sup>547</sup>

In *From Memory to Written Record*, Michael Clanchy discusses the letter as a symbolic object. He observes that, in eleventh and twelfth century England, a literate person, through habit, still placed more importance on an exchange of objects or oral messages than in written words. A letter sometimes took the place of a ring sent with the messenger as his identification.<sup>548</sup> The documentary and symbolic versus linguistic function is also central to studies of the development of public writing in the Greek city-states from the mid-seventh century B.C.E., around a century after the initial private use of the alphabetic script for inscribing graffiti, tombs, and objects. Writing public curses or laws in this period can be seen as continuing the practice of writing to aggrandize actions, to serve purposes of memorial, preservation, or self-advertisement.<sup>549</sup> This symbolic aspect is also evident in the traditions of the

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<sup>546</sup> Ibn Sa'd I/ii: 31.

<sup>547</sup> Michael Lecker “The Preservation of Muhammad’s Letters.” In *People, Tribes and Society in Arabia around the Time of Muhammad* (Ashgate: Variorum, 2005) 19-20 n. 107.

<sup>548</sup> M. T. Clanchy, *From Memory to Written Record, England 1066-1307* (Oxford; Cambridge, MA: Blackwell, 1993) 215.

<sup>549</sup> Rosalind Thomas, *Literacy and Orality in Ancient Greece* (New York: Cambridge UP, 1992) 72. In addition to their documentary function, inscriptions also served as memorials. Thomas notes that the stelae were often closely associated with the events they recorded. Cited by orators as arguments in themselves, or as the visual counterparts to the events referred to, the stelae were seen as actually being the treaty, peace, or disgrace mentioned, and are cited in the same way as tombs, temples, and other monuments were. They thus had a significance independent of whether they were read by most Athenians (Rosalind Thomas *Oral Tradition and Written Record in Classical Athens* (New York: Cambridge UP, 1989) 49-50). Many of the surviving inscriptions are lists of names, and required a lower level of literacy to navigate than lengthy decrees. The explicit evidence that the inscriptions were read by many Athenians is sparse (Thomas, *Oral Tradition*, 66-67). In addition, the practice of obliterating documents, according to Thomas, should be seen as part of the classical attitude toward archives, in which the destruction undoes the act that the writing records. Archive copies and public stelae were often destroyed at moments relating to political honor, shame, or change (Thomas, *Oral Tradition*, 52-53). John Davies agrees with many of Thomas’ conclusions relating archives to the Greek power structure. Davies points out that the private documents deposited at public archives were in the interest of establishing property and status. Many public inscriptions, similarly, announced the status of private individuals, as seen for example in the

Prophetic documents. Destruction and re-use of materials is frequently mentioned, as seen in the citations above, suggesting a symbolic function. Notably, destruction and re-use is practiced by non-Muslims or those who later convert and regret their actions. Grants of land, usually given to entire sub-tribes, name the property and mention boundaries and resources included, ending with scribal and sometimes witness clauses.<sup>550</sup> Reports citing the preservation of these documents by their recipients' families, examples of which have been explored in Chapter III, indicate that they were kept as physical evidence of interaction with the Prophet.

### 6.1.2 The trope of written traces in the pre-Islamic *qaṣīda*

This preoccupation with and the prominence of the material nature of written texts is familiar from references to writing materials and instruments in pre-Islamic *qaṣīdas* (odes). Such references are often characterized by modern scholars as indicative of writing as a marginalized practice. Alan Jones writes, for example,

The accepted view is that these references to writing were part of poetic convention and that the *bedu* tribesmen themselves were little concerned with writing, and there seems to be no reason to doubt this. That the illiterate Ṭarafa likens his camel's neck to Syrian parchment seems typical of the convention.<sup>551</sup>

But what exactly does this convention consist of? What sensory and other associations does writing evoke in this body of literature? It is noteworthy that references to

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survival of fourth century inscribed records on the manumission of slaves from many Greek polities. Public documents needed to record, in real or symbolic ways, major communal acts and the handling of community monies, something which was more common in the Greek republican micro-states where all adult males acted as shareholders in a polity, than the Near Eastern bureaucratic empires. John K. Davies "Greek Archives: From Record to Monument." In *Ancient archives and archival traditions: concepts of record-keeping in the ancient world*. Maria Brosius, ed (New York: Oxford UP, 2003) 323-43.

<sup>550</sup> See "Formulas of granting land or confirming ownership of property" in Chapter IV.

<sup>551</sup> Alan Jones "The World Made Visible: Arabic Script and the Committing of the Qur'an to Writing." In *Texts, Documents and Artefacts: Islamic Studies in Honour of D. S. Richards*. Chase F. Robinson, ed. (Leiden: Brill, 2003) 1-16.

writing in the pre-Islamic *qaṣīda* occur as imagery built around writing materials and instruments; thus writing is evoked through its objects. Though the trope of writing occurs across the ternary structure of the *qaṣīda* (elegiac opening *nasīb*, desperate journey *raḥīl*, and courtly praise of patron or tribe and self in the *madīḥ/fakhr*), often it is found in the *nasīb*. Here the theme of the ruinous abodes (*diyār/aṭlāl*) is visualized as script and is inherently historiographical, as are all traces (including ashes, tattoos, droppings).

Famous as a set of six or seven odes said to have been put in writing and hung on the Ka'ba, both the tradition on and the *Mu'allaqāt* themselves contain references to a variety of writing materials and practices. James Robson has pointed out that the actual meaning of the title, "al-Mu'allaqāt," presumed to have been given to the collection by the transmitter Ḥammād al-Rāwīya in the mid-second/eighth century, was forgotten. Later commentators assumed that the title referred to the odes being written or embroidered on linen and suspended on the door of the Ka'ba after winning the prize at the annual fair at 'Ukāz.<sup>552</sup> There is general agreement that this could not be the actual meaning of the title, and that "al-Mu'allaqāt" was used by Ḥammad to indicate the honor given to the odes, referring to their status and fame and meaning "necklace" or "ornament."<sup>553</sup> An alternative tradition calls the odes "Mudhhabāt," referring to their being written in gold on Coptic cloth.<sup>554</sup> The *Mu'allaqāt* include reference to a variety of indigenous Arabian and imported writing materials, scripts

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<sup>552</sup>James Robson, "The Meaning of the Title *al-Mu'allaqāt*," *Journal of the Royal Asiatic Society* (1936): 83-86.

<sup>553</sup>G. Lecomte, "Mu'allakat," *The Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 1999).

<sup>554</sup>Mohammed Maraqtan, "Writing Materials in Pre-Islamic Arabia," *Journal of Semitic Studies* 43:2 (1998), 297.

and practices associated with South Arabian scribes, references to devotional texts, and the practice of putting contracts and oaths in writing. Writing materials belonged to a sensuous and nostalgic experience, with tactile effects often evoked in the odes as similes for feminine beauty. The vocabulary for writing materials in the *Mu'allaqāt* also overlaps with such vocabulary in the Qur'an, where it is employed for the different effect of calling attention to the significance of scriptures and evidence under the themes of the Last Day and the transcendence of God's truth.

Ṭarafa writes of the beloved in verse 30 of his *mu'allaqa*,

Her cheek is smooth as Syrian parchment, her split lip  
a tanned hide of Yemen, its slit not bent crooked.<sup>555</sup>  
*wa-khaddun ka-qirtāsi l-shāmī wa- mishfarun*  
*ka-sibti l-yamānī qadduhu lam yuḥarradi.*

Al-Ṭibrizī's (d. 502/1109) commentary explains that *qirtās* refers to the whiteness of parchment before anything is written on it.<sup>556</sup> *Qirtās* or *qurtās* (plural *qarūṭīs*) has no specific meaning in the Arabic sources, and can refer to paper, a sheet of paper, parchment, papyrus, or a document.<sup>557</sup> It was imported in pre-Islamic times from Syria-Palestine and Egypt.<sup>558</sup> *Al-sibt* refers to leather tanned with sant-tree pods, also used for making sandals.<sup>559</sup> Thus Ṭarafa describes an untouched writing support in his praise of the youthful beloved. In contrast to this trend, writing as traces invokes age and absence, which prompt the memory.

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<sup>555</sup> Translation by A. J. Arberry, *The Seven Odes: the first chapter in Arabic literature* (London: George Allen & Unwin Ltd., 1957) 84.

<sup>556</sup> Yaḥyā b. 'Alī al-Ṭibrizī, *Sharḥ al-Qaṣa'id al-'Ashr*, Charles James Lyall, ed. (Calcutta, 1894) 37. All references to the *Mu'allaqāt* are to al-Ṭibrizī's edition.

<sup>557</sup> Maraqtan, "Writing Materials," 295.

<sup>558</sup> Maraqtan, "Writing Materials," 296.

<sup>559</sup> Nadā 'Abd al-Rahmān Yūsuf al-Shāyī, *Mu'jam alfāz al-ḥayā al-ijtimā'iyya fī rawawīn shu'arā' al-mu'allaqāt al-'ashr* (Beirut: Maktaba Lubnan, 1991) 130.

Labīd begins his *mu‘allaqa* with a comparison between camp traces and stone

inscriptions. Verse 2 runs:

The abodes are desolate, halting-place and encampment too,  
 at Mina; deserted lies Ghaul, deserted alike Rijam,  
 and the torrent-beds of Er-Raiyan—naked show their trace,  
 rubbed smooth, like letterings long since scored on a stony slab.<sup>560</sup>  
*Fa-madāfu al-rayyāni ‘urriya rasmuhā*  
*khalqan kamā ḍamni l-wuḥiyya silāmuḥā.*

*Wuḥiyy*, plural of *waḥy*, refers to a type of script,<sup>561</sup> and *silām* (singular *salima*) to a stone of Yemeni origin.<sup>562</sup> *Al-waḥy* is also used for writing on white or new parchment, used in this sense in Ḥassān b. Thābit’s (d. ca. 50/669) *diwān*.<sup>563</sup> *Waḥy* can also be used to refer to communication by sound or gesture, referring for example to the “speech” of animals.<sup>564</sup> *Waḥy* and the verb *awḥā* occur three times in terms of non-religious functions in the Qur’an: Zakariyyā making signs after being struck dumb (19:11), and twice for demons (*shayātīn*) communicating with each other (6:112, 121).<sup>565</sup> Jaroslav Stetkevych notes that Labīd’s *wuḥiyy*, “that secret, time-resistant palimpsestic ‘writing’ to which there still clings the memory of the physical existence of once-encountered ruins,” remains distinct from later poetic use of the term. For example, to the Abassid poet Miḥyār al-Daylamī *waḥy* is necessarily responsive, a symbolic revelation:

Yes, over ruins, there I halted and questioned,  
 But not all that are asked have ears to hear.  
 Though one you speak to may yet *reveal* the answer, [*wa qad yujībuka waḥyan*]  
 And you may understand the speech of one you do not query.”<sup>566</sup>

<sup>560</sup> Arberry, *Seven Odes*. 142.

<sup>561</sup> Al-Ṭibrizi, 67.

<sup>562</sup> Maraḡten, “Writing Materials,” 300.

<sup>563</sup> Maraḡten, “Writing Materials,” 302 n 133.

<sup>564</sup> Cf. Daniel A. Madigan, *The Qur’an’s Self-Image: Writing and Authority in Islam’s Scripture* (Princeton: Princeton UP, 2001) 17.

<sup>565</sup> Madigan 141.

<sup>566</sup> Stetkevych 112, his translation and emphasis.

Labīd repeats the comparison between ruins and fading writing later in verses 7-8:

Then the torrents washed the dusty ruins, until they seem  
 like scrolls of writing whose text their pens have revived,<sup>567</sup>  
*wa-l-īnū sākinatun ‘alā aṭlā’ihā ‘ūdhan ta’ajjalu bi-l-faḍā’i bihāmuhā*  
*wa-jalā l-suyūlu ‘ani l-ṭulūli ka-annahā zuburun tujiddu mutūnahā aqlāmuhā.*

Papyrus, parchment, and leather are generally associated with North-West Semitic scripts, and were used for writing in Aramaic, Phoenician, and Hebrew.<sup>568</sup> Two types of scripts are associated in the literary sources with South Arabian languages. The monumental, called *musnad*, script was used for monumental and official inscriptions. The *zabūr*-script, also called Himyarite, is a cursive used on soft material, and along with the verb *zabara* can refer specifically to writing on palm ribs and wooden sticks, such as those first discovered in Yemen in 1970.<sup>569</sup> Labīd uses *zubur* to refer to scholarly or scriptural materials and practices.

A final reference in Labīd’s *mu‘allaqa* to writing implements occurs in verses 33-

34:

Then they plunged into the middle of a rivulet, and split through  
 a brimming pool, where the kalam-rods grew close together,  
 encompassed about by the reeds overshadowing it.<sup>570</sup>  
*fa-tawassatā ‘urḍa l-sarriyyī wa sadda’ā*  
*masjūratan mutajāwaran qullāmuhā.*<sup>571</sup>

<sup>567</sup> Arberry, *Seven Odes*, 142.

<sup>568</sup> Maraḡten, “Writing Materials,” 300.

<sup>569</sup> J. Horowitz and R. Firestone, “Zabūr,” *The Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 1999); Jacques Ryckmans “Inscribed Old South Arabian Sticks and Palm-Leaf Stalks: an Introduction and a Palaeographical Approach” *Proceedings of the Seminar for Arabian Studies* vol 23 (1993): 127-140. Writing instruments also found in association with inscribed sticks include bronze, iron, and iron pointed wooden shafts, and ivory styles (Ryckmans 129).

<sup>570</sup> Arberry *Seven Odes* 144.

<sup>571</sup> Al-Ṭibrizī 75-76.

Mohammed Maraqten points out that *qalam*, the reed pen, is often mentioned in pre-Islamic sources along with *adīm* and *qaḍīm*, two kinds of leather which were a local Arabian product specifically developed for writing the cursive *zabūr* script.<sup>572</sup>

As cited above, Labīd refers to ruins as *matūn* (*mu‘allaqa* verse 8). *Matn* belongs to a series of expressions used by pre-Islamic Arab poets to describe desert ruins. Zuhayr calls these ruins “year-old parchments,” *raqqan muḥīlā*.<sup>573</sup> It is in the references to writing when describing desert ruins or camp traces, where erased texts are likened to silence after speech, that poets of the *Mu‘allaqāt* most emphasize the memorial function of writing. Imru’ l-Qays refers to “signs” or “tracings,” *rasm*, in verse 2 of his *mu‘allaqa*:

Halt, friends both! Let us weep, recalling a love and a lodging  
 By the rim of the twisted sands between Ed-Dakhool and Haumal  
 Toodih and El-Mikrāt, whose trace is not yet effaced  
 For all the spinning of the south winds and the northern blasts.  
*fa-ṭudiḥa fa-l-miqrāti lam ya ‘fu rasmuhā*  
*li-mā nasajathā min janūbin wa sham’alī.*

And al-Zuhayr invokes “unspeaking ruins,” *ḍimnatun lam takallami* (*mu‘allaqa* verse 1).

The “unqualifiable pastness” that is meditated upon by the pre-Islamic poet in the *nasīb*, J. Stetkevych states, is qualified only when “associated in meaning with the enigmatic palimpsestic antiquity of the remains of a writing.”<sup>574</sup> *Dimna* (dung) is also conceptually and imagistically associated with the retrieval of ancient writing traces.

Tha‘laba b. ‘Amr al-‘Abdī’s *qaṣīda* begins:

Whose are the *diman* like parchment written on:  
 A desolation, Kathīb and Wāḥif, their people gone!

<sup>572</sup> Maraqten, “Writing Materials,” 303.

<sup>573</sup> Ignaz Goldziher, *Muslim Studies*, Vol 2 . S. M. Stern, ed. Trans. C. R. Barber and S. M. Stern. (London: George Allen & Unwin Ltd., 1971), 20-21.

<sup>574</sup> Jaroslav Stetkevych “Toward an Arabic Elegaic Lexicon: The Seven Words of the *Nasīb*” In Suzanne Pinckney Stetkevych, ed. *Reorientations/Arabic and Persian Poetry* (Bloomington and Indianapolis: Indiana UP, 1994) 69.

*Li man dimanun ka'anna hunna ṣahā'ifū  
qifārūn khalā minhā l-Kathību fa Wāḥifū.*<sup>575</sup>

Written traces are central to the motif or poetic stance of questioning *su'āl*, that opens the pre-Islamic *qaṣīda*. This is a questioning without answer, an attendance to a “language of silence”<sup>576</sup> Labīd asks how he can question deaf, everlasting rocks whose words remain unclear: *wa-kayfa su'ālunā ṣumman khawālida mā yabīnu kalāmuhā* (verse 10).

In his *mu'allaqa*, al-Ḥārith refers to documents written on cloth, *mahāriq* (singular *mahraq*), in verses 41-42:

and recollect the oath at Dhul Majaz, and wherefore  
the pledges and the sureties were then proffered  
in fear of injustice and aggression; caprice  
can never annul what's inscribed on the parchments.<sup>577</sup>  
*wa-dhurū ḥilfa dhī-l-majāzi wa-mā  
quddima fīhi-l-'uhūdu wal-kufalā'u  
ḥdhara l-jawri wal-ta'addi wa-lan yanquḍa mā fī-l-mahāriqi l-ahwā'u'.*

Here writing endows a permanence on the legal act. According to al-Ṭibrizi, *mahraq* is Arabicized Persian, and refers to a type of cloth used for writing before the production of *qirtās* in Iraq.<sup>578</sup> Nasīr al-Dīn al-Asad gives the meaning of a scrap of cloth dyed and gummed before being written on.<sup>579</sup> Maraqaṭen identifies *mahraq* as silk, used along with *kirabas*, cotton, for writing on in pre-Islamic times.<sup>580</sup>

<sup>575</sup> J. Stetkevych “Arabic Elegaic Lexicon” 79, Stetkevych’s translation.

<sup>576</sup> Stetkevych 106.

<sup>577</sup> Arberry *Seven Odes* 224.

<sup>578</sup> Al-Ṭibrizī, 133.

<sup>579</sup> Nasir al-Din al-Asad, *Masādir al-shi'r al-jāhili wa-qiyamathā al-tārīkhīyah* (Cairo: Dar al-ma'ārif, 1962) 81.

<sup>580</sup> Maraqaṭen, “Writing Materials,” 303-4.

In both pre-Islamic and the early Islamic period contracts are said to have been written and displayed in order to emphasize their importance. The *Sīra* of Ibn Isḥāq through the redaction of Ibn Hishām mentions that when the Quraysh agreed on an economic boycott of and not to enter into marriage with the Banu Hāshim and Banu Muṭṭalib, the clans of the Prophet, they discussed creating a physical document (*an yaktubu kitāban*), which they then wrote on a “sheet” (*ṣaḥīfa*). They then bound themselves to and agreed upon this, then hung the *ṣaḥīfa* on the interior of the Ka’ba, “in order to stress its importance to them,” *tawkīdan ‘alā anfusihim*. The scribe (Manṣūr b. ‘Ikrama) for the document is named, though the text of the document is not quoted.<sup>581</sup> “While the Banū Hāshim and the Banū al-Muṭṭalib were in the quarters agreed upon by the Quraysh in the sheet (*ṣaḥīfa*) written by them,” some members of the Quraysh were secretly aiding the boycotted clans. Those opposed to the boycott met and

[t]here they bound themselves to take up the question of the document [*ṣaḥīfa*] until they had secured its annulment. Zuhayr claimed the right to act and speak first. So on the morrow when the people met together Zuhayr clad in a long robe went round the Ka’ba seven times; then he came forward and said: “O people of Mecca, are we to eat and clothe ourselves while the B. Hāshim perish, unable to buy or sell? By God I will not sit down until this evil boycotting document [*ṣaḥīfa*] is torn up!” Abū Jahl, who was at the side of the mosque, exclaimed, “You lie by Allah. It shall not be torn up.” Zama’a said, “You are a greater liar; we were not satisfied with the document [*kitābihā*] when it was written.” Abū ‘l-Bakhtarī said, “Zama’a is right. We are not satisfied with what is written and we don’t hold with it.” Al-Muṭ‘im said, “You are both right and anyone who says otherwise is a liar. We take Allah to witness that we dissociate ourselves from the whole idea and what is written in the document.” Hishām spoke in the same sense. Abū Jahl said: ‘This is a matter that has been decided overnight. It has been discussed somewhere else.’ Now Abū Ṭālib was sitting at the side of the mosque. When al-Muṭ‘im went up to the document [*ṣaḥīfa*] to tear it in pieces he found that worms had already eaten it except the words ‘In Thy name O Allah.’ The writer of the deed [*ṣaḥīfa*] was Manṣūr b. ‘Ikrama. It is alleged that his hand shriveled.<sup>582</sup>

Ibn Isḥāq’s narrative lingers on the physical nature of the document and on the fact that the legal status of the agreement as well as questions of truth, expressed and

<sup>581</sup> Ibn Hishām I: 247-249.

<sup>582</sup> Alfred Guillaume’s translation, *The Life of Muhammad: A Translation of Ibn Isḥāq’s Sirat Rasul Allah* (Karachi: Oxford UP, 2006) 172-73.

enacted orally and ritually, are intimately bound with the status of the physical text. References to the agreement continuously return to the contents of the “sheet,” which are never actually quoted.

Other terms for writing materials found in pre-Islamic poetry include *raqq*, *qaḍīm*, *adīm*, and *‘asīb*. Most of these terms contain within their meanings a sense of color or shade as well as density. *Raqq* or *waraq* refers to parchment, untanned skin, referred to by some Arabic writers as a “white document,” *al-ṣaḥīfa al-bayḍā’*.<sup>583</sup> It is associated with the verb *raqqa*, to be fine, thin. Its usage in Arabia is attested from the fifth century, when it is mentioned in the *qasida* of Kudam b. Kādīm (400-80 C.E.).<sup>584</sup> Hassān b. Thābit’s *diwān* refers to *al-raqq al-qashīb*, white or new parchment.<sup>585</sup> It is unknown when parchment began to be used in Arabia, but it was well known before Islam and manufactured in Yemen and the Hijaz.<sup>586</sup> *Adīm* or *adīm aḥmar*, presumably processed differently from parchment, was considered a precious material, used for the Qur’an, as well as for pre-Islamic treaties and promissory notes in Mecca.<sup>587</sup> *Qaḍīm*, “white hide,” was untanned leather and also used for writing. *‘Asīb* (plural *‘usub*) refers to wooden sticks or palm ribs. In his *diwān*, Labīd refers to a *walīd yamānī*, “Yemeni boy,” writing in *zubūr* script on *bān* (ben tree) and *‘asīb* with a *qalam*.<sup>588</sup> North and South Arabs wrote on the leaves and wood of various trees, including the palm, juniper (*‘ar‘ar*), and ben-tree (*al-bān*). *‘Asīb al-nakhl* refers to the palm leaf stalk, stripped of its leaves, and

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<sup>583</sup> Maraqtan, “Writing Materials,” 288.

<sup>584</sup> J. J. Witkam, “Rakk,” *The Encyclopaedia of Islam, Second Edition* (Leiden: Brill, 1999).

<sup>585</sup> Maraqtan, “Writing Materials,” 289.

<sup>586</sup> Maraqtan, “Writing Materials,” 290.

<sup>587</sup> Maraqtan, “Writing Materials,” 291.

<sup>588</sup> Maraqtan, “Writing Materials,” 295.

engraved on when fresh. Ibn Durayd (d. 321/993) mentions this as the material for the history books of the Himyarites (*zabūr Ḥimyarī*). When dry, *‘asīb* was written on with pen and ink. Inscribed wood-sticks discovered in Yemen, being mostly private letters and documents, show that these were easy-to-carry materials used for every day correspondence and agreements [Figures 8-10].<sup>589</sup>

Poetry remains the most prominent example of the mode of composition and performance in the textual culture of the audience of the Qur’an, which repeatedly contrasts its text to the practices of poets.<sup>590</sup> In the Qur’an, writing materials and instruments are invoked to emphasize the clarity of the Qur’an and the inexhaustible nature of God’s words. On the other hand, those hesitant in their belief are warned from desiring a purely material text, which they can see and touch,<sup>591</sup> though notably, reading is not specifically mentioned in these verses.

Writing materials mentioned in the Qur’an include the following. The plural of *lawḥ*, *alwāḥ*, is used in 7:145, 7:150, and 7:154, all referring to the commandments given to Moses. Using the singular, in 85:22 the Qur’an is called “a preserved tablet.” *Lawḥ*

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<sup>589</sup> Maraqtan, “Writing Materials,” 293.

<sup>590</sup> The Meccans’ dismissal of revelation due to claims that it is poetry: Qur’an 21:5 “Nay, but they say: ‘A hotchpotch of nightmares! / Nay, he has forged it; nay, he is a poet!’”; 38:36-37 “they were ever waxing proud, / saying, ‘What, shall we forsake our gods for a poet possessed?’” The Qur’an’s rebuttal: 69:40-43 “No! I swear by that you see / and by that you do not see, / it is the speech of a noble Messenger. / It is not the speech of a poet / (little do you believe) / nor the speech of a soothsayer / (little do you remember). / A sending down from the Lord of all Being”; 36:69-70 “We have not taught him poetry; it is not / seemly for him. It is only a Remembrance / and a Clear Koran, / that he may warn whosoever is living, / and that the Word may be realized against the unbelievers.” See also Qur’an 26:221-26; 52:30-31. Translation by A. J. Arberry *The Koran Interpreted* (New York: Simon and Schuster, 1955).

<sup>591</sup> al-Asad, 57.

refers to a board, plank, or tablet that can be written on.<sup>592</sup> Ink is referred to twice, as *midād* in 18:109, a sea which would not exhaust the words of God, and in 31:27 the sea is referred to as not supplying enough ink, *yamuddu*, to the trees in order to write God's words. *Qalam* or pl. *aqlām* are mentioned in 3:44, referring to the casting of lots using pens in order to decide on the guardianship of Mary, and in 68:1 and 96:4 where the pen is sworn by. *Qirṭās* is used in Qur'an 6:7, referring to the unbelievers' demand for a revelation they can see and touch. Another pre-Islamic term for writing is *qitt*, used in 38:16: "They say: "Our Lord! hasten to us our sentence [*qittinā*] (even) before the Day of Account!" According to Maraqtan, *qitt* is of Akkadian origin, entering Arabic through Aramaic, meaning "parchment, document" and denoting "legal instrument, deed."<sup>593</sup> In 52:3 the Qur'an swears by itself as an unfolded parchment, *raqq*. The scribe, *kātib*, is called upon in 2:282-3 to record debts and transactions on credit. *Ṣuḥuf*, plural of *ṣaḥīfa*, is used several times, in 20:133 referring to the previous books of revelation, in 53:36 referring to the scriptures of Moses, in 74:52 referring to the "scrolls spread out," *ṣuḥufan munashsharatan*, demanded by the unbelievers, in 80:13 referring to the book of deeds given to each person, in 87:18-19 referring to the scriptures of Abraham and Moses, and in 98: 2 referring to the Qur'an itself as "pure pages" *ṣuḥufan muṭahharatan*. *Ṣaḥīfa* refers to a document, any kind of sheet to write on, while the plural *ṣuḥuf* can refer to scrolls.<sup>594</sup> *Zabūr* is also cited multiple times, associated either with the previously revealed scriptures or emphasizing the clarity of the Qur'anic revelation. In 3:184, 26:196, 35:25, and 54: 43 it is used for the scriptures revealed to previous prophets, and in 16:44 where the previous scriptures are equated with "clear signs,"

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<sup>592</sup> Maraqtan, "Writing Materials," 308.

<sup>593</sup> Maraqtan, "Writing Materials," 307-8.

<sup>594</sup> Maraqtan, "Writing Materials," 309.

*bayyināt*. The singular is used for the revelations given to David in 4:163 and 17:55.

According to the *Encyclopaedia of Islam*, the root *zbr* occurs in the Qur'an thirteen times.

In 21:105 the singular is used to refer to the heavenly prototype, the book kept with God to record all that happens on earth: "We have written in the *zabūr* after the reminder that My righteous servants shall inherit the earth."<sup>595</sup>

In both the *Mu'allaqat* and the Qur'an a rich variety of materials is associated with writing. Such references in pre-Islamic Arabic poetry are based on tactile and visual images. In the pre-Islamic *nasīb*, written traces are a record of loss. Texts are rinsed off, worn down, and rewritten; what persists is "the *form* of textual presence."<sup>596</sup>

Mohammed Bamyeh emphasizes the visually striking nature to passerby in the desert of "willed speech," texts whose purpose and content have been long erased.<sup>597</sup> This theme of ruins undergoes a shift in the language of the Qur'an. Bamyeh points out the derisive attitude of the Qur'an to traces of past civilizations. Oriented not toward meditation on preservation but toward retrieval of a transcendent truth, in the Qur'an ruins are always metaphorical rather than located by specific geographical anchors.<sup>598</sup> Indeed, references to writing materials and instruments in the Qur'an are revelatory rather than speechless, taking on the emphasis of being related to evidence and proof, either as divine revelation itself or as "books" recording human deeds.

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<sup>595</sup> J. Horowitz and R. Firestone, "Zabūr," *The Encyclopaedia of Islam, Second Edition*.

<sup>596</sup> Mohammed A. Bamyeh *Social Origins of Islam: Mind, Economy, Discourse* (Minneapolis: University of Minnesota Press, 1999) 122.

<sup>597</sup> Bamyeh 123-24.

<sup>598</sup> Baymeh 124-25.

Régis Blachère<sup>599</sup> and Alan Jones, cited above, have argued that poetic commonplaces on writing do not represent thorough knowledge of it by both nomadic and sedentary Arabic poets of the sixth to seventh centuries. But what does a “knowledge of writing” consist of? References to writing and the diverse vocabulary in ancient Arabic poetry do not serve merely ornamental functions or even to form primarily visual images; their use is actively woven into larger, often sensual, descriptions of the lost beloved and of camp traces, calling to mind a primarily emotive use of writing. Neither do these references in poetry serve as evidence for the poets’ ability to read and/or write in the varied scripts and languages they invoke. Mention of writing does not necessarily equate with a reference to one’s literacy or involvement in textual culture. In fact, early use of the basic Arabic root relating to writing and books, k-t-b, betrays a sense of text more familiar to post-structural criticism than the modern conception of a “book.” Based on a semantic field analysis of the root k-t-b in the Qur’an, Daniel Madigan argues that there is no necessary relation between the Qur’an calling itself *kitāb* and its being collected and/or written. The sense of a bounded, codified text is the result of a later understanding of what was originally a less physically determined “book.” This earlier sense of an unwritten and uncoded book is not unique to Arabic but has parallels in the use of texts and scriptural writings by the Christian and Jewish communities that were in contact with emerging Islam.

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<sup>599</sup> Régis Blachère *Histoire de la littérature arabe des origines à la fin du XVe siècle de J.C.* (Paris: A. Maisonneuve, 1952-) I:86-87. Blachère argues here specifically against F. Krenkow’s “The Use of Writing for the Preservation of Ancient Arabic Poetry” *A Volume of Oriental Studies Presented to Edward G. Brown on his 60<sup>th</sup> Birthday* (1992): 261-268.

Muslim accounts of the codification of the Qur'an show differences between earlier traditions and the opinions of later commentators. One difference is the relative importance of written and oral testimony in the process of collection. Later commentators show greater confidence in the role of written material.<sup>600</sup> The traditions themselves agree that written codification was not essential to the nature of the Qur'an but was encouraged by external situations such as the death of those who had memorized it and rising differences in the pronunciation of words with the geographical spread of the religion. In addition, the Qur'an in book form was consistently not called a *kitāb* but a *muṣḥaf* (collection of *ṣaḥīfas*).<sup>601</sup>

The earlier understanding of *kitāb* can be made visible in traditions dealing with alternate codices of the Qur'an prior to the establishment of the 'Uthmanic codex. In a famous competing version, according to Ibn Qutayba (d. 276/889), Ibn Mas'ūd omitted the opening *sūra* of the Qur'an, the "Fātiḥa," from his codex due to the fact that it needed no protection from being forgotten, serving as the minimum requirement of recited text in any Muslim's prayer.<sup>602</sup> According to al-Bāqillānī (d. 403/1013), Ibn Mas'ūd omitted *sūras* 1, 113, and 114, not in order to deny their place in the Qur'an but through his commitment to following only what the Prophet commanded to be recorded.<sup>603</sup> That these acts needed to be explained and defended shows how easily they were misunderstood by later commentators. Madigan also points out that all the variant *masāḥif*, including the 'Uthmanic codex itself, rely on a Companion *isnād*, an

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<sup>600</sup> Madigan 26-27

<sup>601</sup> Madigan 35.

<sup>602</sup> Madigan 36, citing Jalāl al-Dīn 'Abd al-Raḥmān al-Suyutī's *al-Itqān fi 'Ulūm al-Qur'ān*.

<sup>603</sup> Madigan 36.

oral lineage traced to Prophet, for their authority, while legitimate readings (the seven *qira'āt*) of the text are also based not on surviving *maṣāḥif* but on the authority of an early reciter for whose reading there is no written authority.<sup>604</sup>

The issue of the “mysterious opening letters,” the *fawātiḥ*, which appear at the beginning of several Qur’anic chapters, as discussed by James Bellamy,<sup>605</sup> suggests that early transcripts of the Qur’an had little public role in the preservation of the text, and that once these transcripts became reference points they retained idiosyncratic and archaic features of style and script that may have been incorrectly deciphered by copyists.<sup>606</sup> Thus we arrive at the question central to Madigan’s work, on how something that remained unwritten or fully transcribed insists on calling itself a *kitāb*. Madigan suggests that the speculative concept of the “word of God,” *kalām Allāh*, begins to assume the openness and richness of the term *kitāb*, as this latter concept becomes more limiting in Islamic culture, collapsed into the contents of the *muṣḥaf*. A struggle over that limitation is seen in the theory of scriptural abrogation.<sup>607</sup>

Madigan’s argument is that the principal function and semantic use of *kitāb* in the Qur’an is to metaphorically signify God’s power and knowledge, a reminder that God had brought a community into conversation, had contacted them and established a continuing relationship with them. This sense may have a parallel in the tables of stone in Judaism (Ex 31:18) and the broader concept of the Torah. Madigan notes that

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<sup>604</sup> Madigan 51.

<sup>605</sup> James A. Bellamy, “The Mysterious Letters of the Qur’an: Old Abbreviations of the Basmala” *JAOS* 93.3 (1973): 267-285.

<sup>606</sup> Madigan 42.

<sup>607</sup> Madigan 49-50.

in the Bible, the tablets are kept in the Ark not as a document to be consulted but as the “locus of continuing exercise of divine authority” (Ex 25:22). Additionally, phrases such as *sefer torah be yad-Mōsheh* (2 Chr 34:14) suggest that the Torah was initially conceived of as unwritten, until it was written by Moses.<sup>608</sup>

The *Lisān al-‘Arab*’s entry on k-t-b offers the meaning of an obligation from God through the mouth of his Prophet or the speech of God.<sup>609</sup> Like the verb *kataba* in the Qur’an, the noun can also be distributed between the categories of *ḥukm*, authoritative composition, and *‘ilm*, knowledgeable recording. Only one instance of the verb in the Qur’an refers to authoritative action (24:33), dealing with the manumission of slaves.<sup>610</sup> Qur’an 2:79 accuses those Jews who write “the *kitāb* with their own hands” which they then ascribe to God. Madigan posits that this probably refers to oral misreadings of the text, rather than an actual rewriting of the Torah.<sup>611</sup> To Madigan, ultimately there are two types of writing. One is the putting of mnemonic marks on some material, while “the other is a much more significant activity, the exercise of divine authority and knowledge, for which writing functions as a metaphor or a symbol rather than as a simple description.” For this second meaning, the Qur’an almost exclusively reserves the verb *kataba*.

As we have seen, reports of the Prophetic documents distinctly privilege their visual and tactile nature over linguistic contents and reveal a sense of writing that is

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<sup>608</sup> Madigan 57 n. 9.

<sup>609</sup> Ibn Manẓūr *Lisān* I: 700. Several meanings in the *Lisān* entry for “كتب” include the sense of obligation, either theological or legal.

<sup>610</sup> Madigan 117

<sup>611</sup> Madigan 120.

entwined with its material support. In her study of more visual types of writing in early modern England, Juliet Fleming describes the English Renaissance intellectual climate as one that “lacked a systematic bifurcation between real and thought objects, and consequently apprehended matter not as that which is deprived of meaning but as a principle of structure that underpins all meaning.”<sup>612</sup> In Renaissance pattern poems, for example, the poetry’s shape is a function of its relation with the material on which it appears.<sup>613</sup> Similarly, graffiti, tattooing, and writing on implements and clothes is writing that is portable “precisely because it has not achieved, and does not hope to achieve, the immaterial, abstracted status of the infinitely transmissible text.”<sup>614</sup> Fleming thus focuses on the existence of writing that is not only occasional but has a physical extension, language that exists to fill space, “[c]alling attention to itself as a sensible deployment of words beside the question of meaning.” Fleming appeals to Michel Foucault’s Renaissance “episteme” (the intellectual and technological unconscious of the period), in which a word is a thing and thus only partly legible as a word, while things have hidden signatures and appear as words to those who can properly read them.<sup>615</sup> The writing on walls, bodies, and implements studied by Fleming evince an embrace of literary forms “whose purpose was to arrest the reader with the proposition that visual and acoustical matter is structured before writing and speech begin.”<sup>616</sup>

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<sup>612</sup> Juliet Fleming *Graffiti and the Writing Arts of Early Modern England* (London: Reaktion Books, 2001) 21.

<sup>613</sup> Fleming 19.

<sup>614</sup> Fleming 20.

<sup>615</sup> Fleming 23; citing Michel Foucault’s *The Order of Things*.

<sup>616</sup> Fleming 27.

Related is the issue of materiality in the status of Buddhist ritual and household religious objects. Fabio Rambelli outlines various doctrines allowing the overcoming of the difference in the unconditioned nature of the Buddha and the conditioned nature of the image. One such doctrine allows that the deluded one sees buddha images as external to his/her mind, while the enlightened ones recognize images as unconditioned and existing inside their minds. There is no essential difference, no absolute existing outside transient beings.

These attempts to deny the “difference between map and territory” and to instate a form of (supposedly) direct and absolute communication—what Bernard Faure, in a different context, has defined as “rhetoric of immediacy”—result in a fluctuation, a continuous shifting of registers, between inanimate objects and sentient beings (icons as real buddhas, scriptures as relics, *butsudan* infused with the spirits of the Buddha and the ancestors) and between ritual implements (the objects themselves) and the states of mind and emotional feelings of their users.<sup>617</sup>

Writing and written materials as referenced by reports on the Prophetical documents, as well as by pre-Islamic odes and traditions on the collection of the Qur’an, alert us to the fact that the relation between materiality and written language is dense, and in the case of early Arabic material cannot be assumed to conform to modern conceptions, particularly those distinguishing between real and thought objects, between the word and its vehicle.

### 6.1.3 Aural relics

The oral arena of traditions on the Prophetical documents exceeds their preservation by tribes and compilers of historical reports. The audience of the documents crosses over several social sets, including Bedouin and town-dwellers, literate and illiterate,

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<sup>617</sup> Fabio Rambelli *Buddhist Materiality: A Cultural History of Objects in Japanese Buddhism* (Stanford UP, 2007) 86-87, quoting Bernard Fraure’s *The Rhetoric of Immediacy: a cultural critique of Chan/Zen Buddhism*.

established Companions, newly converted tribesmen, and non-Muslims. What kind of oral tradition about the Prophet surrounded these texts?

Ibn Sa'd records a report returning to Abū al-'Alā on meeting a Bedouin in the market in Basra who carried a piece of leather or some type of leather sheath, *qiṭ'at adīm aw jarab*, on which a protection agreement between a clan of the 'Ukāl and the Prophet had been written. The Bedouin inquired whether there was anyone around him who could read, *afīkum man yaqra'u*. Abu al-'Ala responded that he would read it, and the Bedouin replied that the Prophet wrote it for him, *katabahu lī*. The document, beginning with the *basmala* formula, states that if the sub-tribe of 'Ukal, Banū Zuhayr Ibn Uqaysh, submits to Islam and gives the fifth portion of booty, the *khums*, it will be guaranteed protection. The people in the market then asked the Bedouin if he had heard anything from the Prophet and for him to relate it to them, *asami'ta min rasūl Allāh shay'an tuḥaddithunahu?* He replied that he had heard the Prophet say that someone who wants to keep his chest free of anger should fast in the month of patience, that is Ramadan, and for three days of every month. The people then asked him to confirm that he had heard this statement from the Prophet, to which the Bedouin replied that if they were afraid that he told falsehoods about the Prophet he would never again relate a ḥadīth to them.<sup>618</sup> The report encapsulates the themes that form a kind of exoskeleton of transmission criteria in ḥadīth criticism (*'ulūm al- ḥadīth*): direct aural link to the Prophet's presence, marginality of the physical document, and prioritizing of concern

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<sup>618</sup> Ibn Sa'd I/ii: 30.

with truth-value of the *isnād-matn* compound or validation of the unit of speech identified as “ḥadīth.”

This report emphasizes the marketplace as a location where people anticipate the arrival of verifiable information from the Prophet. Here the sight of a document obtained from the Prophet encourages the observers to demand verifiable ḥadīth, and a written document identifies an (illiterate) individual as a site for oral access to Prophetical citations. The community has less interest in the contents of the document than in the spoken exchange the document testifies to. The contents of the document, including formulaic trappings such as the *basmala*, are transmitted as part of a greater interest in a maxim from the Prophet, even though the use of the document does not extend beyond the sub-tribe to whom it is addressed. When it comes to information about the document itself, however, the primacy of a visual rather than aural experience becomes evident: its material is precisely noted.

Multiple types of documents attributed to the earliest Islamic period are called *waṣīyya*, referring, like the Hebrew *sefer zikaron*<sup>619</sup>, to a sense of future use, including the last document of religious guidance the Prophet intended to dictate, and the documentation of a specific award allotted to Companions as in the ḥadīth discussed below (using the verb *awṣā*), 'Umar's will for a courtyard to be sold in case of debt, and Abu Bakr's document naming his successor.<sup>620</sup>

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<sup>619</sup> See discussion below on the genre of the “memorandum,” section 6.2.2.

<sup>620</sup> In his study of *futūḥ* (early conquests) traditions, Albrecht Noth notes the recurring use of *waṣīyya* as a designation for the speeches of the caliphs, and the verb *awṣā* used for the speaker's activity, the act of “the (living) caliph instructing his ‘subjects’ in law, religion, and morals.” This use adds another sense to

A report from Muslim b. al-Ḥārith b. Muslim al-Tamīmī from his father narrates how some Companions were sent by the Prophet on an expedition, and when the people there proclaimed their submission to Islam they spared them. They were then blamed by their companions for depriving them of booty, and when they informed the Prophet of this complaint, he told them that God had recorded a certain reward for them for each person they had spared. Then the Prophet said to Muslim al-Tamīmī, “I will write a document for you, and whoever comes after me among the leaders of the Muslims will advise you [*wa-awṣā bika*],” so he did so, and stamped/sealed it, and handed it to him.<sup>621</sup> After the Prophet's death the caliphs confirmed this document, now called *kitāb* in the account, for Muslim. According to the following report, by the time of 'Umar b. 'Abd al-Azīz, the *kitāb* is not seen as a documentation of hadith, but as a vehicle for the direct oral transmission of *ḥadīth* related to the document. Muslim narrates that he was asked to bring his father's *kitāb* to the caliph:

When God the Exalted caused the Prophet of God, God's peace and blessings be upon him, to die, I took the document to Abū Bakr. He opened it, read it, commanded (something to be given to) me, and sealed it. Then I took it to 'Umar, who did the same. Then I took it to 'Uthmān, and he did the same. Muslim said: then my father died during the caliphate of 'Uthmān and this document remained with us. When 'Umar b. 'Abd al-'Azīz came to rule, he wrote to a governor with power over us: “Send to me Muslim b. al-Ḥārith al-Tamīmī with the document that the Prophet of God, God's peace and blessings be upon him, wrote for his father.” [Muslim] said: so I departed with it to him, and he read it, commanded me, and sealed it. Then he said to me: I only sent for you so that you could narrate to me what your father narrated to you. [Muslim] said: so I narrated the *ḥadīth* directly to him.<sup>622</sup>

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the customary understanding of *waṣīyya* as legal or spiritual “testamentary disposition.” Albrecht Noth, *The Early Arabic Historical Tradition: A Source-Critical Study*. 2<sup>nd</sup> ed. Trans. Michael Bonner (Princeton: The Darwin Press, Inc., 1994) 91.

<sup>621</sup> “*ammā innī sa-aktubu laka kitāban, wa awṣī bika man yakūnu ba'dī min a'immāt al-Muslimīn,*” *fa-fa'ala, wa khatama 'alayhi, wa dafa'ahu ilayya* (Izz al-Dīn b. al-Athir, *Usd al-Ghāba fi Ma'rifat al-Sahāba*, 5 vols. (Beirut: Dar al-Ma'rifa, 1997) I: 394). The report in Abū Dāwūd, narrated by 'Alī b. Saḥl, reports the Prophet as saying, “*amma innī sa-ktubu laka bi l-wasā ba'dī*” (Abū Dawūd Sulaymān b. al-Ash'ath al-Sijistānī *Sunan Abi Dawūd*. Beirut: Dar Ibn Hazm, 1998, *Kitāb Al-Adab* no. 5080, p 767).

<sup>622</sup> *fa-lammā qabada Allah ta'ālā rasūl Allah [S] ataytu Abā Bakr bi l-kitāb, fa-faddahu, wa qara'ahu, wa amara lī, wa khatama 'alayhi, thumma ataytu bihi 'Umar, fa-fa'ala mithla dhālika, thumma ataytu bihi 'Uthmān, fa-fa'ala mithla dhālika, qāla Muslim: fa-tuwuffiyya abī fī khilāfat 'Uthmān fa-kānā l-kitāb 'indanā. Hattā waliya 'Umar b.*

As with other reports of documents heavily involved with physical description and identifying their recipients, exactly what was written by the Prophet in this text remains unclear. Whether or not the document contained the Prophet's judgment on the heavenly reward promised to the group of Companions who spared their enemies on this expedition, it is not the contents but the provenance of the document that is the focus of the reports. The document, as preserved in the family of Muslim b. al-Ḥārith, was received directly from the hands of the Prophet, its authenticity confirmed by each of the three succeeding caliphs, whose hands placed their seals on it. By the time of 'Umar b. 'Abd al-'Azīz, the *kitāb*, while its contents and significance remain ambiguous in the reports, it is thought to have acted as a confirmation of the authority of its owner as a transmitter of ḥadīth.

Documentation of the Prophet's sermons is presented in the ḥadīth literature as practiced individually and not limited to the group of those serving as the Prophet's scribes. In the following report, those in the congregation are free to make such requests for documentation for personal use and to prove points to those absent. Abū Hurayra narrates that the Prophet stood up among the people in the year of the conquest of Mecca, when the tribe of Khuzā'a killed a man from the tribe of Banū Layth in revenge for someone killed in the pre-Islamic period. He declared to them that Mecca is a sanctuary, that fighting, with the exception of the hour or so allowed for the

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*Abd al-'Azīz, fa-kataba ilā 'āmil qibalanā an ashkhasa ilayya Muslim b. al-Hārith al-Tamīmī bi kitāb rasūl Allah [ṣ] allādhi katabahu lī- abīhi, qāla: fa-shakhastu bihi ilayhi, fa-qara'ahu wa-amara lī, wa-khatama 'alayhi, thumma qāla lī: ammā innī lam ab'ath ilayka illā li-tuḥaddathanī bimā ḥaddathaka abūka bihi, qāla: fa-ḥaddathtuhu bi l-ḥadīth 'alā wajhihi. (Ibn al-Athir Usd al-ghāba I: 394).*

conquest, is not permitted there, that neither its thorny shrubs, nor trees should be cut down, nor fallen things picked up except by someone looking for the owner. A man from the Quraysh then stood up to also make the exception of uprooting *al-idhkhir*, a grass used in the houses and for graves, which the Prophet accepted. Thereupon another man, from Yemen, called Abu Shah, stood up and asked for this to be written down for him, and the Prophet commanded, and since the command is in the plural it appears to be directed at the congregation or the Companions in general, for this to be done for Abu Shah: *fa-qama Abū Shāh, rajulun min ahli l-Yamān, fa-qāla: uktubū li yā rasūl Allāh, fa-qāla rasūl Allah [Ṣ], ‘uktubū li Abī Shāh’.*<sup>623</sup> Again, it is unclear exactly what would have been written for Abu Shah, whether it was only the exception of uprooting *al-idhkhir*, and thus a single statement and ruling was to be read in the orally reproduced, more general and well-known context of the rest of the sermon. If this was the case, Abu Shah’s request would be an example of the communication between and interdependence of written and oral reproduction of Prophetic sayings.

Prophetical documents reported by eye-witnesses often make explicit mention of personal memories. These memories of documents include only summaries or excerpts of the documents concerned without providing full quotations of them. Zayd b. Arqam recalls that he was near the Prophet when he received a letter from ‘Alī in Yemen

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<sup>623</sup> Abū ‘Abd Allāh Muḥammad b. Isma‘īl al-Bukhārī. *Sahīh al-Bukhārī* (Riyad: Bayt al-Afkar al-Dawliyah lil-Nashr, 1998), *Kitāb fi l-Luqata* no. 2434, p 457.

relating a judicial case brought before him.<sup>624</sup> ‘Abd Allāh b. ‘Ukaym al-Jahnī recalls the arrival of a document from the Prophet to the Juhayna when he was a boy.<sup>625</sup>

The examples in this chapter illustrate that it is not primarily the semantic contents of the Prophetic documents but their material nature and association with particular individuals and families that form the field in which the documents are activated and sensible. Two characteristics of their formulary, as outlined in Chapter IV, also reinforce these concerns of the tradition, and that is their monumental register and citation of a scribe or scribes. In early Arabic papyri from Egypt, the monumental formula and third-person opening suggest that the document served not as a record of the act but almost as if it was assumed to be the act itself. In reports of the Prophetic documents, the document is not a sign of an act or of the Prophet’s presence but a point of access to that presence and for communal remembrance of that presence. As Madigan has suggested concerning the semantic field of the root k-t-b in the Qur’an, writtenness represents (in the Qur’an, creative, authoritative, divine) activity. Writing does not have a causal or derivative relationship to speech, and the book has a prehistory as book without being written.

In *The Heritage Crusade and the Spoils of History*, David Lowenthal presented heritage and history as distinct processes with distinct purposes. Heritage is exclusive, passing on prestige to a select few, thriving on and requiring historical error. It makes little use of linear chronology, and focuses on everyday life rather than grand historical events.

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<sup>624</sup> Muḥammad b. Khalaf Wakī’ *Akhbār al-quḍat* 3 vols (Cairo: al-maktaba al-tijariyya al-kubrā, 1947-50) I: 94. Cf. Hamidullah *Wathā’iq* no. 80/d

<sup>625</sup> Musnad Hanbal III: 310-11. Cf. Hamidullah *Wathā’iq* no. 156.

History, on the other hand, instead of recording such commonplaces, rewrites the past in terms of inevitability due to hindsight. Lowenthal introduces his study with the story of the creation of a relic. In 1162, Rainald of Cologne pillaged the relics of Milan, including the remains of the Magi. These remains had legendarily been brought from Constantinople to Milan in 314. In 1909 some of the remains were finally sent back to Milan, where they had actually never been, the entire story of the Magi in Milan being fabricated by Rainald “to promote the power of the emperor and the glory of Cologne. . . . As symbols of Christ’s lordship and of divine kingship, the Magi trumped vestiges of Church Fathers and Roman martyrs. But they needed a pedigree; a legacy of veneration was vital to their efficacy in Cologne.”<sup>626</sup>

The sacred relics held in Topkapı Palace in Istanbul were initially utilized in the same manner, as commonplaces of the Ottoman narrative of power and universal religious authority as the new seat of the caliphate. Yet, as Lowenthal notes, relics need a pedigree, a legacy or history of veneration, as “heritage relies on revealed faith rather than rational proof.”<sup>627</sup> As Lowenthal describes the shaping activities of heritage, objects seem to increase in relic-status the less verifiable they are by historical report, and the more by faith, attachment, and a history of veneration. The Prophetical documents instead have a skin of linearity and lineage in biographical literature and in *ḥadīth* collections. The documents are not only part of the Islamic historical tradition, but also occasionally the scholarly tradition of law and exegesis. The documents do not seem to have initially functioned as relics of the Prophet’s person or survive today, in

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<sup>626</sup> Lowenthal, xvi-xvii.

<sup>627</sup> Lowenthal, 2.

the parchment “originals,” as talismanic objects successfully competing with such objects more closely associated with the Prophet’s body as his hairs, tooth, or sword. They maintain pedigrees as historical texts whose provenance can be traced through their isnāds.

Is there a relationship between documents and Prophetic ḥadīth, between written texts and the concepts of Prophetic authority and agency? Did documents or *hadīth* act as relics of the Prophet? Eerick Dickenson deals with the relation between these concepts in Ayyubid era activities in *hadīth* transmission and patronage. Dickenson points out the “linguistic affinity” between ḥadīth and the sandal of the Prophet that was installed by the Ayyubid prince al-Ashraf Mūsā in the ḥadīth school, the Ashrafiyya, in Damascus. The word for relic, *athar*, is also regularly treated as a synonym for ḥadīth, for example by al-Nawawī (d. 676/1277).<sup>628</sup>

To later transmitters of ḥadīth, following the compilation of the canonical collections in the third and fourth Islamic centuries, authenticity of ḥadīth became linked with inclusion in earlier written compilations. “If one was no longer required to obtain a text by the approved methods and the aim of collecting ḥadīth was no longer to authenticate them, what drove the continued oral transmission of texts?”<sup>629</sup> The answer is the charismatic value of ḥadīth; but unlike relics, Dickenson states, in ḥadīth transmission pious association was necessarily mediated. This lent to an equation by such scholars as Ibn al-Ṣalāḥ (d. 643/1245) of “elevated” isnāds, that is, shorter chains

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<sup>628</sup> Eerick Dickenson “Ibn al-Ṣalāḥ al-Shahrazūrī and the Isnād” *Journal of the American Oriental Society*, Vol. 122, No. 3. (Jul. - Sep., 2002): 484.

<sup>629</sup> Dickenson 489.

of transmission featuring fewer mediators between oneself and the Prophet, with fewer opportunities for error in transmission. “Elevation made time elastic and gave those unlucky enough to have been born late the opportunity to enjoy the spiritual superiority of earlier generations.” Thus the isnād, “which had once served to guarantee the authenticity of the ḥadīth as it was passed down from generation to generation, both documented and quantified the believer’s remoteness from the object of his desire.”<sup>630</sup>

As for physical texts traced to the Prophet, Madigan notes that in traditional accounts of a *muṣḥaf* of the Qur’an prior to the compilation of the ‘Uthmānic codex, some pages with the Qur’an on them were stored under ‘Ā’isha’s bed where they were eaten by a household animal. Another account has Ḥaḥṣa’s *muṣḥaf* when called for under ‘Uthmān’s project, found to also have been stored under a bed and to have been damaged by worms. Madigan points out the discord here between the exalted and majestic manner in which the Qur’an describes its own preservation and the physical sheets containing its transcription: “no great scandal was attached to this apparent carelessness, nor to treatment of the Prophet’s own *muṣḥaf* as private inherited property rather than the prized possession of the community.”<sup>631</sup> Likewise, as we have seen in the reports of the Prophet’s documents, these texts were handled as private possessions. It is more surprising, given accounts such as of the proposed final *waṣīyya* of the Prophet, that these documents were not conceived as scriptural texts or relics in service of and inherited by the entire community. If the Prophet’s documents can be

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<sup>630</sup> Dickenson 504-505.

<sup>631</sup> Madigan 38-39.

said to have functioned as relics of the Prophet, they are relics of an oral exchange, and it is that exchange that is of interest to the larger community.

## 6.2 Audience

### 6.2.1 recipients and audience—requests

The Prophet's documents fall under the larger tradition of, and are often organized in the sources under the contacts the Prophet had with North Arabian and Yemeni tribes. Delegates and groups of new converts arriving in Medina requested written regulations involving worship, religious taxes, property allotments, protection, and other duties, whether or not the delegation members or the message carriers were literate. For example, in a report returning to Muhammad b. Ka'b, the members of the deputation of Khath'am asked the Prophet "to write a document so that we may follow what is in it," *fa-ktub lana kitāban natba'u mā fīhi*. This was witnessed by Jarīr b. 'Abd Allāh "and whoever was present."<sup>632</sup> The causative link here between being put in writing and obedience will also be repeated elsewhere. Administrative, religious, and personal needs could overlap in these documentary practices. Literate and illiterate members of the community alike took advantage of the interactive fields of oral and written production of texts. In the report cited above returning to Abū al-'Alā, the Bedouin, who claimed that the document had been written for him by the Prophet, had to ask someone else to read it for him.<sup>633</sup> Members of tribal delegations and other visitors to the Prophet were sometimes given documents in response to specific questions on duties. How exactly were these consumed by illiterate individuals?

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<sup>632</sup> Ibn Sa'd I/ii: 78.

<sup>633</sup> Ibn Sa'd I/ii: 30.

Two reports returning to Sahl b. al-Hanzaliyya<sup>634</sup> feature two men, ‘Uyayna b. Badr and al-Aqra‘ b. Habis, from the delegation of Tamīm. They approached the Prophet after the conquest of Mecca to ask for alms and were provided with a pair of documents which, according to the first report, were written by Mu‘āwiya who then cast the documents at them. In the first report, ‘Uyayna binds his document (presumably rolled) in his turban and leaves, whereas al-Aqra‘ approaches Mu‘āwiya and asks what the document contains, to which Mu‘āwiya replies that it contains what he was commanded to write: *fihā mā umirtu bihi*.<sup>635</sup> Al-Aqra‘ then comments that he is carrying, like the *ṣaḥīfa* of Mutalammis,<sup>636</sup> a letter back to his tribe the contents of which he does not know and which may be dangerous to him. To this the Prophet, annoyed that the petitioner is making light of a request which he was granted *in writing*, replies that whoever asks for more than what suffices him is demanding more of the coals of Hell.<sup>637</sup> In the second report, it is ‘Uyayna who makes the comment about *saḥīfat Mutalammis*. Upon this, the Prophet takes the document himself, scans it, and says, “I have written in it for you what was commanded” *fa-akhadha l-nabī [ṣ]*

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<sup>634</sup> Also reported in Abū Dāwūd Sulayman b. al-Ash‘ath al-Sijistānī, *Sunan Abī Dawūd*, (Beirut: Dar Ibn Hazm, 1998), *Kitāb al-Zakāt*, no 1629, p 255-56, from Sahl b. al-Hanzaliyya.

<sup>635</sup> Abu Zayd ‘Umar b. Shabba, *Tārīkh al-Madīna al-Munawwara*, 4 vols. Fahim Muhamad Shaltut, ed. (Jedda: Dar al-Asfahani, [1979?]) II: 534.

<sup>636</sup> Compare 2 Sam 11:15, 16 where Uriah delivers his own death warrant to Joab, unaware of the contents of his document. The Christian poet Mutalammis and his companion poet Ṭarafa lived during the reign of ‘Amr b. Hind of Hira (554-70 C.E.) in southern Iraq. The king, displeased with the poets, gave each a letter of introduction to his officer Rabī‘ b. Hawthara in Baḥrayn, ordering their deaths. Mutalammis, suspicious, had his read by a youth of Hira and discarded it. Ṭarafa refused to have his letter read and was consequently killed (Nabia Abbott *The Rise of the North Arabic Script and its Kur’anic Development, with a full description of the Kur’anic manuscripts in the Oriental Institute*. Chicago: University of Chicago Press, 1939) 6). Interesting about this version of a legend involving death-warrants for ignorant messengers is that it is their illiteracy and, in the case of Ṭarafa, a noble unwillingness to have a reader open and decipher the letter, and not so much that the documents are sealed, that endangers the messengers.

<sup>637</sup> Ibn Shabba II: 535.

*ṣaḥīfatahu fa-nazara fa-qāla: qad katabtu ilayka bimā umira fihā.*<sup>638</sup> The second version of the report, using the verb for seeing (*nazara*) rather than reading, suggests that the Prophet’s literacy may have extended beyond a basic ability to recognize and inscribe his name, to the ability to recognize any familiar written material. Significantly, though these two reports differ on the identity of the quibbling petitioner as well as of the authority who confirms the document, they agree in their use of the expression that the document “contains what was commanded.”

The accounts in this tradition are structured around the weightiness of a request that could remain orally fulfilled, a petition for alms, but goes through all the procedures of being written. The annoyance of both the scribe, Mu’āwiya, and the Prophet who dictates the documents seems to derive not so much from the identities of the petitioners or their request for alms but their less than stellar performance as recipients of documents. Although, on the surface, the moral of the story is that one should not ask for alms beyond one’s need, the details of both accounts concentrate on the recklessness and ingratitude of a petitioner who, after having received a document he had requested, questions its content and the intent of its writer.

Reports of the Prophetic documents feature requests by individuals specifically characterized as unable to read.<sup>639</sup> A proselytizing letter requested for himself and his tribe by Mālik b. Aḥmar al-Judhāmī al-‘Awfī, who approached the Prophet on the occasion of Tabūk, is described in terms of material (a small piece of leather, *ruq‘a min*

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<sup>638</sup> Ibn Shabba II: 535.

<sup>639</sup> Reports on the theme of seeking a reader for a document are explored separately below.

*adīm*), dimensions (width four fingerlengths and length about a span), and that it was a palimpsest. He sought a reader for the document, which was eventually read by an Abū Ayyūb, and the text is given.<sup>640</sup> Another report, whose only source seems to be the *Musnad* of Aḥmad b. Ḥanbal, on a document given to a chief of the Banū Tamīm, focuses on the repeatedly vocalized desire of a tribal member to obtain and keep a document from the Prophet, the response that it is common knowledge that his request need not be put in writing, and the claim that the document remains with the family. The document was shown in Basra at the time of the governor Ḥajjāj by the son of the recipient himself. The full text is not provided but it is paraphrased.

‘Abdallāh b. Aḥmad b. Ḥanbal—Aḥmad b. Ḥanbal—Ya ‘qūb—his father—Ibn Abī Ishāq—Sālim b. Abī Umayya Abū al-Naḍar, who was sitting with an old man from the B. Tamīm in the masjid in Basra and he had a *ṣaḥīfa* with him in his hand. He [Abū al-Naḍar] said, This was in the time of al-Ḥajjāj. Then he [the old man] said to me, O servant of God, have you seen this document that enriches me in the eyes of the kingdom? He said, I said then, what is this document? He replied, this is a document that the Prophet of God, God’s peace and blessings be on him, wrote for us, that none transgress against us concerning our *ṣadaqāt*. He said, I said, No, by God, I do not think that anything else would enrich you, and what is the situation concerning this *kitāb*? He said, I arrived at Medina along with my father while I was a young boy, and we had with us a camel to sell. My father was a friend of Ṭalḥa b. ‘Ubayd Allāh al-Tamīmī and so we stayed with him. . . . My father said to Ṭalḥa, Get for us from the Prophet of God, God’s peace and blessings be on him, a document [*kitāb*] that we will not be transgressed upon concerning our *ṣadaqa*. He said, This is for you as it is for every Muslim. He [my father] said, Concerning this I would like that I have from the Prophet of God, God’s peace and blessings be on him, a document. Then he went out until he came with us to the Prophet of God, God’s peace and blessings be on him, and he [Ṭalḥa] said: O Prophet of God, verily this man from among the Bedouin is a friend of ours. And he would like that you write for him a document that no one may transgress against him concerning his *ṣadaqa*. Then the Prophet of God, God’s peace and blessings be on him, said: This is for you as it is for every Muslim. He [my father] said: O Prophet of God, perhaps I would like to have from you a document on this. Then the Prophet, God’s peace and blessings be on him, wrote for us this document.<sup>641</sup>

This report of an exchange has some markings of stylistic devices of orally performed literature, including a structure created by near exact repetition of formulas. Of interest regarding its transmission here is that we can imagine an isnād for the physical document only it is unverifiable. The principal tradent is an unnamed “old man/chief”

<sup>640</sup> Ibn Ḥajar *al-Iṣāba* III: 318 no. 7593. Cf. Hamidullah *Wathā’iq* no. 174

<sup>641</sup> *Musnad Hanbal* (1895) I: 163-64.

of Tamīm. But the isnād for the report concerning the document (but not actually quoting the text) is of attested transmitters, coming down to Aḥmad b. Ḥanbal.

### 6.2.2 Memorandum

Hebrew and Aramaic feature terminology for a type of private document that does not merely prompt memory but serves as a display of memory in order to activate administrative authority with a compulsive force.<sup>642</sup> The function of displaying and applying administrative force along with an orientation toward future use is most evident in a document type than can be called a “memorandum.”<sup>643</sup> This genre is explored by David Deuel as part of the metaphor of God as king in the Hebrew Bible.<sup>644</sup> God’s use of administrative correspondence reflects a “relational distance,” a transcendence from humans.<sup>645</sup> Malachi 3:16 has God ordering an administrative document to be recorded, *spr zkrn* (while Ezra 6:2-5 provides the text of the document). The *sfr zkrn* has a well-defined function, and rather than “book of remembrance” is better rendered as “memorandum,” which was not a public document such as a decree or proclamation but intended for private use by its possessor.<sup>646</sup> It could also serve to

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<sup>642</sup> A type of document of the Hellenistic world, whose public nature differentiates it from the memorandum, called an “official” letter, is described by William Doty: “The official letter was of great significance, carrying as it did the sense of the presence of the ruler in epistolary form, and being often intended to establish a new situation or at least to convey directions or information to a large body of persons at once. In addition to readings in the administrative centers, some official letters were posted for public perusal” (William G. Doty *Letters in Primitive Christianity* (Philadelphia: Fortress, 1973) 6). Parallel to this form is the New Testament epistle containing “instructions” from one authority and having a public nature. See Thomas M. Winger *Orality as the Key to understanding Apostolic Proclamation in the Epistles* (ThD dissertation) (Concordia Seminary, St. Louis: 1997) 252.

<sup>643</sup> In extra-Biblical documents, *zkrn* occurs once in Early Aramaic, in the Sefire inscription I (Face C lines 2-3), and in various spellings 11 times in Imperial and Middle Aramaic. In Biblical Aramaic in Ezra 4:15 and 6:2. Paul E. Dion, “Aramaic Words for ‘Letter’” *Semeia* 22 (1981) 84.

<sup>644</sup> David C. Deuel “Malachi 3:16: ‘Book of Remembrance’ or Royal Memorandum? An Exegetical Note” *TMSJ* 7.1 (Spring 1996): 107-111.

<sup>645</sup> Deuel 108 n. 4

<sup>646</sup> As such it could also serve as a “messenger-text,” this function explored below.

facilitate the memory of a ruler at a later date, often as evidence for past administrative action, with this use illustrated by several Biblical passages. This genre of document is also attested in neighboring civilizations in the ancient Near East.<sup>647</sup> In Ezra 4:15 Artaxerxes orders a search of the archives for evidence of Judah's rebellion prior to exile. A *sfr zkrn* is found and provides the impetus to stop the Temple construction. In Ezra 6:1 Darius issues an order to search the "house of scrolls" for evidence of a previous administrative decision to rebuild the Temple, and a memorandum is found containing Cyrus' decree to rebuild the Temple, whose construction is resumed and subsequently completed. This last example illustrates the feature of memoranda and letters having other document types embedded in them.<sup>648</sup> Ahasuerus orders courtiers to search the royal archives for evidence of Mordechai's faithful deeds and after reading the memoranda, *sfr zkrn*, rewards him for protecting the king (Esth 2:21-23). In the Ezra and Esther passages the memoranda wield significant administrative force because they are recorded "to retain an accurate account of the past *so as to engage legal action* in the future."<sup>649</sup> In Malachi 3:16 God's memorandum on the day of his visitation and battle against his enemies (Malachi 4) will be drawn up in order to engage his administrative authority to spare the pure sons of Levi but also to burn those whose names do not appear there. Similarly In Dan 7:9-10 the books of judgment opened in God's court serve the same judgmental purpose. In Mal 3:16 and in the Daniel passages,

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<sup>647</sup> For example among the Persepolis Treasury Tablets in Elamite (Deuel 110 n. 12). Cf. R. T. Hallock, "A New Look at the Persepolis Treasury Tablets," *Journal of Near Eastern Studies* 19 (1960): 90-100.

<sup>648</sup> Deuel 110 n. 14.

<sup>649</sup> Deuel 110 n. 16.

P. A. Verhoef writes, “. . . these things are written which God wanted to be reminded of” and “concerning which he wanted to do something.”<sup>650</sup>

Arabic commentaries on the Qur’an also retain this understanding of administrative documents as reminders of past events and anticipating future action. This can be seen in references to the root k-t-b being used not for actual writing but for remembering, for memory being thought of in terms of writing. Maḥmūd ibn ‘Umar al-Zamakhshārī (d. 1144 C.E.), in his commentary on Qur’an 19:79, points out that the Qur’an’s references to the recording of people’s deeds or lack of faith or scheming should be understood as “taking note of” or “remembering” rather than to any actual writing. “‘We will write what they said’ in the pages of vengeful memory or We shall remember it and fix it in our knowledge the way what is written is fixed so as not to forget it.”<sup>651</sup> In fact, “memoranda” may be a more accurate term for the Prophet’s documents that are most commonly called his “letters.” The vocabulary of these documents themselves put different, legal emphases on words that carry a moral and eschatological sense in the Qur’an, including *haqq*, “truth” (used in formulae for guarantees to land) and *dhikr*, “remembrance/recitation” (with the same root as Aramaic d-k-r; used in introductory formulae to refer to the document itself).

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<sup>650</sup> Deuel 111 quoting P.A. Verhoef *The Books of Haggai and Malachi* (Grand Rapids: Eerdmans, 1987), 320.

<sup>651</sup> Madigan 114 n. 8, his translation of al-Zamakhshārī: *Sa-naktubu mā yaqūlū: fī ṣaḥā’if al-ḥifza aw sa-ḥafazahu wa-nathbitahu fī-’ilminā lā nansāhu kamā yathbitu l-maktūb*, citing Maḥmūd ibn ‘Umar al-Zamakhshārī’s *Kashshāf ‘an ḥaqā’iq al-ta’wīl wa ‘uyūn al-aqwāl fī wujūh al-ta’wīl*.

### 6.2.3 Memorizing

As M. C. A. Macdonald points out, reading as an aid to memory requires two distinct sets of skills. One set involves instantaneous sight-reading of an unfamiliar text followed by the text serving for a prompted recitation (in exact analogy with music). On the other hand, one may learn “by heart” something read or spoken by someone while the written text is also open before one, or be taught to read only in order to memorize. In these situations, reading aloud, painfully and slowly sounding out the text, confirms in memory not only the words but their positions and relations on the page, so that the written text can thereafter serve as a prompt.<sup>652</sup> It is the second set of skills that may most closely apply to ancient carriers of messages.

The only instance in extra-Biblical evidence for Hebrew or Aramaic /zkrn/ which does not refer to an administrative memorandum is in the opening of an Aramaic papyrus of the satrap of Egypt, Arsames (AP 32), which is an aide-memoire for a conveyer of an

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<sup>652</sup> M. C. A. Macdonald “Literacy in an Oral Environment” In Piotr Bienkowski, Christopher Mee, and Elizabeth Slater, eds. *Writing and Ancient Near Eastern Society: papers in honour of Alan R. Millard* (New York; London: T & T Clark, 2005): 70-71. The antique metaphor for memory as writing is also central to Mary Carruthers’ study of the Western medieval memorial structure derived from the ancient Greek *ars memoriae*. Carruthers demonstrates how memorization in this context (examining learned works, mostly in Latin, from the fourth to the fourteenth centuries) did not refer merely to repetition, but to achieving a secure knowledge of a work through the ability to sort and analyze it in memory. In not one of Carruthers’ sources is writing considered a supplanter of memory, but memory itself is compared to a book, the written page, or wax tablets, illustrating the belief that a text is best retained through seeing it. Mary Carruthers *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge: Cambridge UP, 1990) 16-17). Medieval Christian educators inherited this visual and spatial concept of memory from antiquity. A major outcome of her study is revealing the need to dissociate literacy from literary culture. Carruthers asserts that the medieval Western concept of memory is a literary and ethical one independent of orality and literacy as understood in the social sciences, and that “it is probably misleading to speak of literary culture as a version of “literacy” at all. The reason is simply this—as a concept, literacy privileges a physical artifact, the writing-support, over the social and rhetorical process that a text both records and generates, namely, the composition by an author and its reception by an audience. The institutions of literature, including education in the arts of language, the conventions of debate, and meditation, as well as oratory and poetry, are rhetorically conceived and fostered” (Carruthers 11).

oral message. This type is often referred to as a messenger-text.<sup>653</sup> From Bagohi and Delayah concerning the Jewish temple of Elephantine, it seems to be a note for the Jewish envoy to Arsames conveying the Palestinian governors' support for the building, an undated answer to an earlier petition (AP 30). Cowley notes that this is not a formal answer, lacking the titles of the senders and is not addressed to anyone. It also does not appear to have been written by a skilled scribe; the first three lines are crowded together and look as if they were written at different times from the rest. *Zkrn* is repeated in line 2, which begins the actual message. The text runs like a first-person account of a conversation, including reported speech.

1 Memorandum from Bigvai and Delaiah. They said  
 2 to me: Let it be an instruction to you in Egypt to say  
 3 to Arsames about the altar-house of the God of  
 4 Heaven, which was built in the fortress of Yeb  
 5 formerly, before Cambyses,  
 6 which Waidrang, that reprobate, destroyed  
 7 in the 14<sup>th</sup> year of Darius the king,  
 8 to rebuild it in its place as it was before  
 9 and they may offer the meal-offering and incense upon  
 10 that altar as formerly  
 11 was done.<sup>654</sup>

The “messenger-text” begins to unravel for us the relationship between reading and delivering a message in the ancient Near East.

### 6.3 Readers and messengers

Diodorus Siculus reports a famous incident recorded in 312 BCE, in which the Macedonian Antigonus I Monophthalmus sent an army to pillage the Nabataeans. The

<sup>653</sup> Paul E. Dion “The Aramaic ‘Family Letter’ and Related Epistolary Forms in other Oriental Languages and in Hellenistic Greek” *Semeia* 22 (1981) 84.

<sup>654</sup> AP=A E Cowley *Aramaic Papyri of the Fifth Century BC* (Oxford 1923) 122-24. Lines 1-2 read:

זכרן זי בגוהי ודליה אמרו  
 לי זכרן לם יהוי לך במערין לממר [לאמר]

Nabataeans successfully resisted, recovered their goods, and wrote the commander a letter “in Syrian [i.e. Aramaic] letters.” As Macdonald notes, the Nabataean ambassador sent with the message would have recited its contents in his own language or used Aramaic as a vehicle:

In none of this would the written text of the letter have been necessary, since the ambassador would have had to have had his piece by heart. Moreover, if the letter was not in the Aramaic language but in another tongue set down in Aramaic letters, it would probably have been more or less incomprehensible to Antigonus’ chancellery, even if it still contained Aramaeophone clerks. The letter, therefore, would simply have been a theatrical prop, to add dignity to the Nabataeans’ embassy.<sup>655</sup>

Again, it should be kept in mind that, especially in the ancient world, writing and reading are separable in skills, in their uses, material, and status.

The Semitic root q-r-’, normally translated as “to read” or “to recite” for Arabic, has the double sense of “to read” and “to say aloud” in other East and Central Semitic languages.<sup>656</sup> The use of *qr’* in the Hebrew Bible can refer to an act of proclamation without relation to any written text.<sup>657</sup> For example, Exod 24:7 reads: “And he took the Book of the Covenant, and he *qr’* [proclaimed] it in the ears of the people, and they said ‘All that the Lord has spoken, we will do and we will obey.’” And Deut. 31:11: “When all of Israel come to appear before the Lord. . . , *qr’* [recite/proclaim] this Torah in the presence of all of Israel, in their ears. . . in order that they hear and. . . that they learn and they fear the Lord. . . and perform all of the words of this Torah.” In these instances, the use of *qr’* is immediately followed “by the desired or actual result of the performance of the speech act in the performance of the listener.” Thus the intended

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<sup>655</sup> Macdonald “Literacy in an Oral Environment” 97-98.

<sup>656</sup> Macdonald “Literacy” 98 n. 156.

<sup>657</sup> Daniel Boyarin “Placing Reading: Ancient Israel and Medieval Europe” in *The Ethnography of Reading* Jonathan Boyarin, ed. (Berkeley: University of California Press, 1993) 10-37.

perlocutionary effect here is obedience, and *qr'* is not used towards an illocutionary act of exhortation with the intended effect of persuasion.<sup>658</sup>

Written texts can also be read and handled without interest in semantic content. In the context of medieval Japanese Buddhism, Fabio Rambelli points out:

Nonhermeneutic attitudes towards books involve various forms of ritual interaction (e.g., chanting and copying) and the attribution of additional forms of value that transcend “meaning” (affective, aesthetic, economic, symbolic, etc.), rather than reading in search for meaning—that is, scanning the expression to identify its content, which can be defined as “hermeneutic reading.”<sup>659</sup>

Uses beyond meaning include the texts’ performative nature, materiality, and value. In medieval Japanese religion,

[A]ccess to texts depended largely on the supposed moral and epistemological status of “readers”—a status that was often ontologically grounded. Such policing of reading entailed a politics of meaning whose effects are in part still felt today. “Meaning” was not restricted to the “signified” of these texts but encompassed larger semiotic contexts.<sup>660</sup>

A text referred to a labeled box containing a number of scrolls, which could be no more than a title or a more or less solid association with a presumed author. Boxes with the same title stored in different places could hold different scrolls, sometimes different texts. Reading of some texts was restricted or forbidden or simply never took place; these were texts that were not supposed to be read, stored secretly.

Premodern Buddhist texts were truly collaborative efforts, in which an individual (the “author”) is simply a point of contact in which teachers meet with students, humans meet with divinities, and the present meets with an (idealized) immemorial past going back to the first Buddha.<sup>661</sup>

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<sup>658</sup> Boyarin, “Placing Reading,” 15. Even in cases where a written text is involved, communication of its sense requires more than simply deciphering the written code. Clanchy notes that, in the Latin West, hearing a letter conveyed more sense and perhaps more authority than reading it. Literate rulers sometimes had letters read to them for better concentration on their contents, as for example Pope Innocent III in 1200 who, while literate, asked a letter to be read to him (Clanchy 215).

<sup>659</sup> Rambelli, *Buddhist Materiality*, 89

<sup>660</sup> Rambelli, 90.

<sup>661</sup> Rambelli, 92; 95.

In accounts of the Prophetic documents, those who read the documents are generally distinct from the recipients and also from their carriers/messengers. Explicit identification of the readers occurs less frequently in the reports than references to readers being sought or documents being read (use of the passive construction). Reports which include some description of the presentation of the message assume that the message was orally delivered and that its delivery was not identified with verbatim recitation of the text of the document. That they are identified by name alludes to the status of the messengers, independent of any writing and reading skills.

After receiving a document (on a leather piece, *fī qiṭ'at adīm*) from the Prophet, the people of Dūma could not find a reader for it (*fa-lam najid aḥadan yaqra'uhu 'alaynā*).<sup>662</sup> A document to the Bakr b. Wā'il, of which only a fragment is provided, could not find a reader until a man from the Banū Dabī'a b. Rabī'a arrived. The latter tribe became nicknamed "the people of the one with the document," *banū l-kātib*.<sup>663</sup> A document communicating a judgment from the Prophet to Muṭarrāf al-Māzini, "was read to him," *fa-quri'a 'alayhi*.<sup>664</sup> The text of a document for 'Ubāda b. al-Ashyab also uses the passive construction for reading, stating that those to whom it is read are required to obedience: "Those to whom this document of mine is read and do not obey, they will have no succor from God," *fa-man quri'a 'alayhi kitabi hadha fa-lam yutī'u fa-laysa lahu min allāh ma'una*.<sup>665</sup> 'Amr b. al-Ās was sent in 8 A.H. to Jayfar and 'Abd of the Julanda, with a written and sealed invitation to Islam by the Prophet. 'Amr reports that when the

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<sup>662</sup> The text of the document is quoted but becomes paraphrased towards the end as the diction changes: "demarcate the mosques thus and thus. . ." *wa khaṭṭū l-masājid kadhā wa kadhā*. Hamidullah *Wathā'iq* no. 77.

<sup>663</sup> Ibn Sa'd I/ii: 31. Cf. Hamidullah *Wathā'iq* no. 139

<sup>664</sup> Ibn Sa'd V/i: 36-37. Cf. Hamidullah *Wathā'iq* no. 126

<sup>665</sup> Ibn al-Athir II: 539 no. 2786. Cf. Hamidullah *Wathā'iq* no. 234.

brothers accepted Islam, they allowed him to collect the tax and to govern among them.<sup>666</sup> The rulers themselves read the letter, according to ‘Amr’s report, which states that he handed the letter to one, who broke the seal and read it to the end: *fa-fadda khātimahu fa-qara’ahu hattā intahā ilā ākhirihī*, after which he handed it to his brother who read it in the same way: *dafa’ahu ilā akhīhi fa-qara’ahu mithla qirā’atihi*.<sup>667</sup> The report emphasizes the recipients’ ability to read perhaps because it was unusual. Likewise, there is no indication that the messenger al-A‘lā b. al-Ḥaḍramī, identified as serving the Prophet as a scribe elsewhere,<sup>668</sup> read out the document he carried from the Prophet. Instead he seems to have been provided with a messenger-text. Appointed as a messenger to al-Mundhir b. Sawa, al-A‘lā is given instructions to remain in Baḥrayn if the response to his invitation to Mundhir to convert to Islam is positive, then to wait until he receives orders from the Prophet, and to collect the *ṣadaqa* and distribute it among the poor. Al -A‘lā requests a document to aid him: “Then write for a me a document that I could keep with me,” *fa-aktub lī kitaban yakuna ma’ī*. The Prophet wrote for him concerning the taxes on camels, cattle, sheep, cultivated land, gold, and silver. The document is not quoted.<sup>669</sup>

In the following reports of correspondence with the Prophet, messengers are named or mentioned formulaically within the text of the documents, but the reports make no explicit mention of the messengers engaging in any reading or recitation, although

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<sup>666</sup> Ibn Sa’d I/ii: 18.

<sup>667</sup> Ibn Sa’d I/ii: 18.

<sup>668</sup> Ibn Sa’d I/ii: 23; 24.

<sup>669</sup> Shams al-Dīn Muḥammad ibn ‘Alī ibn Ṭūlūn al-Dimashqī (880-953/1473-1546) *I’lām al-sā’ilīn ‘an kutub Sayyid al-Mursalīn* (Beirut: Mu’assasat al-Risāla, 1983) 57-59, who has the report from al-Zayla‘ī’s *Takhrīj aḥādīth al-hādiya* in which he cites al-Wāqidī’s *Kitāb al-ridda*.

some of these individuals are cited elsewhere as being able to write. The text of the Prophet's letter to the Negus of Abyssinia names his messengers, requesting their good treatment.<sup>670</sup> A document to the people of Ayla names the messengers, before the closing.<sup>671</sup> A reply of the Prophet to Farwa b. 'Amr mentions in greeting, "Your messenger reached us, and conveyed what you sent him with (*wa ballagha mā arsalta bihi*), and informed as to your situation, and offered us your greeting."<sup>672</sup> The Prophet wrote to the people of Yemen informing them about the regulations of Islam and the taxes, with orders to deal well with his messengers, Mu'ādh b. Jabal, identified as a scribe of the Prophet elsewhere,<sup>673</sup> and Mālik b. Murara.<sup>674</sup>

Sam Meier's study, *The Messenger in the Ancient Semitic World*, drawing on both literary and documentary sources, illustrates a world of illiterate messengers, anonymous scribes, and written documents referred to as witnesses. Evidence from Old Babylonian Mari and Neo-Assyrian archives shows the messenger acting not only as mediator of communication, but transporting goods, serving as legal representative in court, and witness to legal transactions.<sup>675</sup> One function of the document is to keep the messenger, whose recitation is independent of the document, accountable. Letters may emphasize that the messenger is not to be trusted if not confirmed by the tablet, forming a "forensic distinction" between the messenger's speech and the words of

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<sup>670</sup> Abū Ja'far Muḥammad b. Jarīr Al-Ṭabarī, *Annales quos scripsit* (Lugundi-Baavorum.:E. J. Brill, 1879-1965): III: 1569. Cf. Hamidullah *Wathā'iq* no. 21 for other redactions naming the messengers in-text.

<sup>671</sup> Ibn Sa'd I/ii: 28-29. cf. Hamidullah *Wathā'iq* no. 30

<sup>672</sup> Ibn Sa'd I/ii: 31. cf. Hamidullah *Wathā'iq* no. 36.

<sup>673</sup> Aḥmad b. Abī Ya'qūb al-Ya'qūbī. *Tā'rikh* (Beirut: Dār Sādir li-l-Ṭibā'a wa-l-Nashr, 1960) II: 80.

<sup>674</sup> Ibn Sa'd I/ii: 20.

<sup>675</sup> Sam Meier, *The Messenger in the Ancient Semitic World* (Atlanta: Scholars Press, 1988) 3-4; 7.

tablet.<sup>676</sup> A treaty of the Hittite king Muwattli with the king of Kizzuwatna (PDK 108, 109) cautions:

If the Sun sends you a tablet on which a message is placed and the message from the messenger's mouth which he responds to you--if the word of the messenger agrees with the word of the tablet, trust that messenger, Shunashura. If the word from the mouth of the messenger does not agree with the word of the tablet, Shunashura, don't trust that messenger and don't take that word to heart for evil.<sup>677</sup>

Meier notes that the “tablets rather stress the notion of witness with regard to the tablet itself.” Senders will mention that the tablet should be retained as witness and that its instructions are authoritative. Formulae such as “keep this tablet as a witness to my words” or “retain this tablet as my witness” occur in Akkadian documents from the Old Babylonian period, with the word for witness using the logogram for human being.<sup>678</sup> On the other hand, there are also letters in which instructions are alluded to but entirely entrusted to oral delivery by the messenger.<sup>679</sup> Nevertheless, a preference for written communication is found in several documents. One Old Babylonian letter (TR 121) reads: “You spoke to my maid, saying ‘Take a maid from PN.’ But you wrote to me that he was not to give (me a maid) and you did not write in your letter to me (to say that you had changed your mind); instead you are sending only an oral messenger with her. Must I have a fight with PN?”<sup>680</sup>

Scribes occasionally function as messengers in the ancient Near East, but in this case their scribal profession is noted in addition to their role as messengers, confirming that

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<sup>676</sup> Meier, 196.

<sup>677</sup> Meier, 171.

<sup>678</sup> Meier, 172-73.

<sup>679</sup> Meier, 176-77.

<sup>680</sup> Meier, 179.

messengers were not required to be literate.<sup>681</sup> Strikingly, Meier notes, “scribes, or individuals trained in the scribal craft, must be assumed to have written every cuneiform letter which we possess, yet they remain anonymous and unmentioned in the documents.”<sup>682</sup> Unlike descriptions in both literary and documentary sources of messenger commissioning and delivery protocol, reading and confirmation of a tablet by a scribe is assumed but no description of its technology or specific process are provided. Interpreters also belong to a distinct profession, aiding messengers at foreign courts and sometimes accompanying them, revealing that messengers were not required to be conversant in several languages of diplomacy.<sup>683</sup>

Most interestingly, there is a disagreement of the literary and documentary sources on the manner of recitation by a messenger. Literary and poetic descriptions of messenger activity suggest that an *oral* message was repeated verbatim to the recipient. Meier cautions that this is a commonplace of messengers memorizing and reciting messages.<sup>684</sup> In addition, literary and documentary evidence provide differing emphases in their descriptions of the act of commissioning a messenger. In literary sources, the oral commissioning is highlighted, described with vocatives of address, imperatives of speech or movement or bowing. The documentary evidence of letters however emphasizes less the oral commissioning and more the entrusted written

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<sup>681</sup> Meier, 21.

<sup>682</sup> Meier, 199. In contrast to the identification of scribes in reports of the Prophetic documents, early Arabic inscriptions in the Negev show a similar citation of anonymous scribes. Inscriptions from ca. 85/704-170/786 which seem to have been commissioned by someone other than the writer rarely provide identification of the scribe beyond the formula “the one who wrote/writes” (*man kataba hādhā l-kitāb*) (Yehuda D. Nevo, Zemira Cohen, and Dalia Heftman *Ancient Arabic Inscriptions from the Negev* vol I (Jerusalem: Ips Ltd., 1993) 4).

<sup>683</sup> Meier, 164-65.

<sup>684</sup> Meier, 248.

communication, of whose contents the envoy could be ignorant.<sup>685</sup> In fact, all of the sources seem to presume that the messenger should not know the contents of a document, which remains peripheral if not ignored in the delivery of the message. The epistolary evidence retains references to imperatives to speak. The Akkadian introduction is usually, “To PN<sub>1</sub> speak, thus PN<sub>2</sub>.”<sup>686</sup> Here *umma*, translated as “thus,” can also be understood in some instances as “word, message” (as in EA 19:3 and 29:2).<sup>687</sup> Sumerian epistolography also features the command to speak.<sup>688</sup>

The imperative in Akkadian may not have been addressed to the messenger but to the scribe who would read the message to the addressee. A. L. Oppenheim discusses how the scribe is often addressed in supplementary notes and comments in letters. For example, in the letters from Mari, Habdu-malik writes directly to the scribe, who has been intercepting and ignoring his letters to the king, confronting him in one (RA XXXIX 80): “Because you are the one who has always read the tablets addressed to the king and there is nobody else who reads them.”<sup>689</sup> Among the Amarna letters there are six from Abdi-Hepa of Jerusalem, four of which (EA 286-89) directly address the scribe of the Pharaoh in a postscript, demanding that a specific message apart from the body

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<sup>685</sup> Meier, 195.

<sup>686</sup> Meier, 191

<sup>687</sup> William L. Moran *The Amarna Letters* (Baltimore/London: The John Hopkins UP, 1992) xxii n. 52.

<sup>688</sup> Meier, 192 n. 87

<sup>689</sup> A L Oppenheim, “A Note on the Scribes in Mesopotamia” In *Studies in Honor of Benno Landsberger on the Occasion of His Seventy-fifth Birthday* AS 16 (Chicago: University of Chicago, 1965): 254. RA=*Revue d'assyrologie et d'archéologie orientale* (Paris).

of the letter be transmitted to the king. The scribe was thus the individual responsible for reading the tablet when received.<sup>690</sup>

Meier's sources illustrate two distinct functions of the ancient Near Eastern messenger: to deliver an oral message, based on faithful reproduction of the sender's "words and meanings," and to serve more as a diplomat by responding to questions about the message.<sup>691</sup> This second function has an illocutionary aim, including defense of and arguing for the claims of a message as well as its veracity in the face of resistance and incredulity.<sup>692</sup> Failure to respond to a message with an inquiry indicated a lack of interest in the message and in the sender him/herself.<sup>693</sup> Letters thus usually include a formula granting an allowance for further questioning of messengers should clarification be needed. In this regard, the sender will appeal to the messenger as witness to the contents of the letter.<sup>694</sup> Thus the legal role of the ancient Near Eastern messenger is a function of the link between the act of witnessing and a personal relation that allows being privy to the sender's voiced desires, represented by the messenger being entrusted with carrying the physical document, and excluding any direct link between the messenger and the actual words of the document.<sup>695</sup>

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<sup>690</sup> Each postscript uses the same formula with slight variants for the scribe to convey "with good words" a short, simply styled message written in the first-person, in contrast to the "pompous, long-winded, excited diction" of the main, public text (Oppenheim 255).

<sup>691</sup> Meier, 205.

<sup>692</sup> Meier, 208.

<sup>693</sup> Meier, 207.

<sup>694</sup> Meier, 206.

<sup>695</sup> Comparably, in the Greco-Roman world it was not the secretary's task to carry a message that he had aided in the composition of, nor did the servile roles of secretary and reader (*lector*) usually overlap. The carrier of a message did represent a personal link with the sender, as manifested in the genre of the recommendation, which could be a distinct document or occur at the end of a letter as a note on the trustworthiness of an unfamiliar carrier. The messenger was also responsible for providing oral information from the sender. A written message and oral report thus could conflict, sometimes because

## 6.4 Conclusion

Looking at the relation between written texts and audience in oral and scribal societies, one is faced with the necessity of forming what Alessandro Duranti calls, in several of his works, a “local theory of meaning.” In his studies of the intersection of intention and speech acts in Samoa, Duranti sees that

Interpretation is not conceived as the speaker’s privilege. On the contrary, it is based on the ability (and power) that others may have to invoke certain conventions, to establish links between different acts and different social personae. Meaning is collectively defined on the basis of recognized (and sometimes restated) social relationships.<sup>696</sup>

Even in modern Western societies, conversation analysis “has shown that even the apparently most ritualized acts of speaking, e. g. the beginning of telephone conversations, involve negotiations and must be cooperatively worked out.”<sup>697</sup>

Similarly, child language studies reveal that propositions can be produced across turns and speakers. Cross-cultural studies of language, intention, and meaning thus emphasize that once a proposition has been uttered, authorship, that is, who said what, “is defined on the basis of the local conventions for assigning responsibility and agency.”<sup>698</sup> Textual coherence and therefore authenticity is a function of multiplicity and is polyphonic.

The Prophetic documents likewise function within ritualized and conventional settings. As we have seen, reports on the documents privilege information on their

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the messenger carried confidential information superseding the written message (E. Randolph Richards *The Secretary in the Letters of Paul* (Tübingen: J.C.B. Mohr (Paul Siebeck) 1991) 7-10).

<sup>696</sup> Alessandro Duranti “The Audience as Co-Author: an Introduction” *Text* 6/3 (1986) 241.

<sup>697</sup> Duranti “Audience as Co-Author” 242.

<sup>698</sup> Duranti “Audience as Co-Author” 242; cf. Duranti “Sociocultural Dimensions of Discourse” In *Handbook of Discourse Analysis* I. T. A. van Dijk, ed. (New York: Academic Press, 1985) 192-230.

physical materials as well as identification of their possessors and carriers. It is within this field of memories transmitted by named individuals and families that the documents are sensible. The activity of the Prophet's messengers directly corresponds with the legal role of the messenger as drawn from Sumerian, Akkadian, and Hittite documentary sources. In these, the messenger is entrusted not with verbatim recitation or reading out of a document but with the representation and expression of the sender's wishes. A sense of the document as witness is especially apparent in the memorializing and authorizing force attached to written communication which serves as point of access, with the physical support as the prompt, to oral information. That access is created across persons and not located in any one individual,<sup>699</sup> and is symbolized in the Islamic manuscript tradition by the isnād.

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<sup>699</sup> Nor is information strictly passed from individual to individual. See also discussions of communal memory in the formation of early Christian tradition, surveyed by Holly E. Hearon "The Implications of 'Orality' for Studies of the Biblical Text" *Oral Tradition* 19/1 (2004): 96-107.

## VII: Conclusion

This study reinforces the conclusions reached by many on medieval textuality concerning its embrace of variance and the organic nature of medieval composition, and adds a layer of investigation to the historicity debate concerning early Islamic texts through focusing on the material and sociological cultures they speak to. It is clear that the construct of authenticity and correct attribution as defined by verbatim reproduction is a strictly modern one. The authenticity of an antique or medieval artifact cannot be established within a single cultural context. While parallel practices in earlier or contemporary linguistic and documentary traditions do not necessarily establish cases of direct influence, they are evidence of interfaces, the sharing of traditions. There remains the question of how templates for diplomatic and personal documents traveled to Arabia. The same way that the texts of letters, tax receipts, grants of land, and treaties preserve evidence for the interaction of oral and written sources and processes, individuals serve as oral carriers of written forms. Further research would proceed into the prehistory of these templates for written communication, across languages and documentary traditions. Finally, this study emphasizes the importance of visual evidence and visual structures, and the fact that any handling of texts involves visual information contributing to the experience of reading and that this information often differs critically between medieval manuscript

works and modern printed editions. The importance of both the discipline of Book History and a comparative approach are evident in the uniqueness of each redaction of each document attributed to the Prophet Muḥammad and in the extent of a shared Mediterranean tradition of administrative, legal, and epistolary formularies.

The Prophetic documents have needed to be approached through a number of filters if they are to be considered not just texts but cultural artifacts. This dissertation has examined the formulaic content and structure of the documents as well as the transmission criteria for collections of ḥadīth where these criteria have overlapping values with medieval criticism of Arabic poetry and historical narratives from pre-Islam. A study of the redactions showcases the primacy of standardized slots and sequence indicated by verbal and visual cues in the reproduction of these texts in the medieval period (the function of design and layout continuing into the modern age, as evident in the editorial decisions concerning Qur'anic quotation and scribal and witnessing information in the printed editions of the sources). Reports on the messengers associated with these texts as well as references within the documents to their reception reveals a practice of reading as the presentation of memorized content representing the sender and not as a strict decoding of written text, of written message as witness to the relation between carrier and sender.

The manuals on the sciences of ḥadīth transmission, including al-Ḥākim al-Naysabūrī's *al-Madkhal ilā ma'rifat al-iklīl* and al-Khaṭīb al-Baghdādī's *Kitāb al-kifāya fī 'ilm al-riwāya*, link the claim of spoken contact with the Prophet necessarily with authoritative

transmission, ḥadīth serving as an aural link to the Prophet's presence. Of the commonly-cited features of transcribed oral discourse, including parallelism and antithesis, rhythm, chiasmus, analogy, repetition, accretion of details, and harmonization of traditions, parallelism is the only element consistently occurring throughout the corpus of Prophetic documents. This occurs not at the level of themes, sounds, or verbal forms but as a series of formulae. These formulae have distinct diplomatic, legal, and epistolary functions, and their phraseology and the structure created by their sequence (formulary) are shared with more antique Semitic-language chancery, legal, and epistolary traditions, from Akkadian and Ugaritic to Aramaic and Sabaic. The linguistic format of the Prophetic documents is archaic. The legal function of the form (including an opening in monumental style, an operative section following a transition marker, inclusion of direct speech, and closing with a list of witnesses and scribal clause) and of the carrier of the document is shared with the legal status of the ANE messenger and references in extant Sumerian, Akkadian, Hittite, Aramaic, and Hebrew letters to the physical document as reminder of legal obligation.

The most commonly occurring variation in medieval redactions of the Prophetic documents consists of the omission and addition of entire (stereotypical) formulae and the substitution of single words with synonyms. Personal and place-names occurring in the documents feature orthographical differences and the results of visual errors as well as changes with exegetical implications across redactions. The range of variation apparent in the redactions confirms the pre-existence of a formulary as well as evidence for reproduction through scribal transmission (copying of written models)

and stylistic editorial choices. Oral and written influences remain intertwined and active during the entire transmission process.

In the modern age the Prophetic documents have had limited success as relics. The manuscripts that have surfaced were dismissed early on by Western scholars as forgeries based on historical considerations and palaeographical grounds, while the current locations of the manuscripts in the Islamic world are little-known. A number of documents remain in private hands and were never acquired by Topkapı Sarayı. The lineage of the Prophetic documents resides instead in the traditional isnād rather than accounts of veneration of the physical artifacts. The physical format of the documents does come into relief in the traditions associated with them in early Arabic historical, biographical, and ḥadīth collections. These accounts emphasize the documents' function as carriers of personal (family and tribal) memories of contact with the Prophet. This emphasis can be thought of as consistent with an element of the "graphic culture" of pre-Islam as represented by the *qaṣīda*, in which the trope of writing materials is not oriented towards the linguistic contents of writing but towards nostalgic traces.

**Appendix A: Tables of collated redactions**

Ibn Hishām

فقال رسول الله صلعم اكتب هذا ما صالح عليه محمد بن عبد الله سهيل بن عمرو اصطلحا على وضع الحرب عن الناس عشر سنين يامن فيهن الناس و يكف بعضهم عن بعض على انه من اتى محمدا من قريش بغير اذن وليه رده عليهم و من جاء قريشا ممن مع محمد لم يردوه عليه و ان بيننا عيبة مكفوفة و انه لا اسلال و لا افلال و انه من احب ان يدخل في عقد محمد و عهده دخل فيه و من احب ان يدخل في عقد قريش و عهدهم دخل فيه

Al-Wāqidī

فكتب باسمك اللهم هذا ما اصطلح عليه محمد بن عبد الله و سهيل بن عمرو اصطلحا على وضع الحرب عشر سنين يامن فيها الناس و يكف بعضهم عن بعض على انه لا اسلال و لا اغلال و ان بيننا عيبة مكفوفة و انه من احب ان يدخل في عهد محمد و عقده فعل و انه من احب ان يدخل في عهد قريش و عقدها فعل و انه من اتى محمدا منهم بغير اذن وليه رده اليه و انه من اتى قريشا من اصحاب محمد لم ترده و ان محمدا يرجع عنا عامه هذا باصحابه و يدخل علينا قابل في اصحابه فيقيم ثلاثا لا يدخل علينا بسلاح الا سلاح المسافر السيوف في القرب شهد ابو بكر بن ابي قحافة و عمر بن الخطاب و عبد الرحمن بن عوف و سعد بن ابي وقاص و عثمان بن عفان و ابو عبيدة بن الجراح و محمد ابن مسلمة و حويطب بن عبد العزى و مكرز بن حفص بن الخيف و كتب ذلك على صدر هذا الكتاب

Abū Yūsuf (paraphrase)

فكان في شرطهم ان بيننا العيبة المكفوفة و انه لا اغلال و لا اسلال و انه من اتاكم منا رددتموه علينا و من اتانا منكم لم نرده عليكم

Abū 'Ubayd

First report (paraphrase):

فهادنت قريش رسوا الله صلى الله عليه و سلم و صالحته على سنين اربع ان يامن بعضهم بعضا على الا اغلال و لا اسلال فمن قدم حاجا او معتمرا او مجتازا الى اليمن او الى الى المشرق فهو امن قال و ادخل رسول الله صلى الله عليه و سلم في عهده بنى كعب و ادخلت قريش في عهدها حلفاءها بنى كنانة و على انه من اتى رسول الله صلى الله عليه و سلم مسلما رده اليهم و من اتاهم من المسلمين لم يردوه ليه

Second report (paraphrase):

كان في شرط رسول الله صلى الله عليه و سلم بينه و بين قريش يوم الحديبية ان ترجع عامك هذا حتى اذا كان عام قابل دخلت مكة و معك مثل سلاح الراكب لا تدخلها الا بالسيوف في القرب فتقيم بها ثلاثا

Third report:

فكتب هذا ما قاضى عليه محمد بن عبد الله اهل مكة على ان لا يدخل مكة بسلاح الا السيف في القرب و ان لا يخرج من اهلها باحد اراد ان يتبعه و لا يمنع احدا من اصحابه اراد ان يقيم بها

Table 1

حديبية

Al-Maqrīzī  
فكتب باسمك اللهم هذا ما اصطاح  
عليه محمد بن عبد الله و سهيل بن  
عمرو اصطاحا على وضع الحرب  
عشر سنين يامن فيها الناس و يكف  
بعضهم عن بعض على انه لا اسلال  
ولا اغلال و ان بيننا عيبة مكفوفة و  
انه من احب ان يدخل في عهد محمد  
و عقده فعل و انه من احب ان يدخل  
في عهد قريش و عقدها فعل و انه  
من اتى محمدا منهم بغير اذن و ليه  
رده محمد اليه و انه من اتى قريشا  
من اصحاب محمد لم يردوه و ان  
محمدا يرجع عنا عامه هذا باصحابه  
و يدخل علينا من قابل في اصحابه  
فيقيم بها ثلاثا لا يدخل علينا بسلاح  
الا سلاح المسافرين السيوف في القرب

Al-Qalqashandī  
هذا ما قاضى عليه محمد بن عبد الله  
سهيل بن عمرو و على وضع  
الحرب عن الناس عشر سنين و انه  
من احب ان يدخل في عقد محمد و  
عهده دخل فيه و من احب ان يدخل  
في عقد قريش و عهدهم دخل فيه

Al-Ṭabarī  
First report:  
فقال رسوا الله صلعم اكتب هذا ما  
صالح عليه محمد بن عبد الله سهيل  
ابن عمرو اصطاحا على وضع  
للحرب عن الناس عشر سنين يامن  
فيهن الناس و يكف بعضهم عن  
بعض على انه من اتى رسوا الله من  
قريش بغير اذن و ليه رده عليهم و  
من جاء قريشا ممن مع رسول الله لم  
ترده عليه و ان بيننا عيبة مكفوفة و  
انه لا اسلال ولا اغلال و انه من  
احب ان يدخل في عقد رسول الله و  
عهده دخل فيه و من احب ان يدخل  
في عقد قريش و عهدهم دخل فيه

Second report:  
فكتب هذا ما قاضى عليه محمد لا  
يدخل مكة بالسلاح الا السيوف في  
القرب ولا يخرج من اهلها باحد  
اراد ان يتبعه ولا يمنع احدا من  
اصحابه اراد ان يقيم بها

Ya 'qūbī (paraphrase)  
و امر عليا فكتب باسمك اللهم من  
محمد بن عبد الله و قال اسمي و اسم  
ابي لا يذهب بنبوتي و شرطو انهم  
يخلون مكة له من قابل ثلاثة ايام و  
يخرجون عنها حتى يدخلها بسلاح  
الراكب و ان الهدنة بينهم ثلاث سنين  
لا يؤذون احدا من اصحاب رسول  
الله ولا يمنعونه من دخول مكة و لا  
يؤذي احد من اصحاب رسول الله  
احدا منهم

Ibn Sa'd

قال اخبرنا محمد ابن عمر الاسلمي قال حدثني شيخ من اهل دومة ان رسول الله صلعم كتب لأكيدر هذا الكتاب فقراته و اخذت منه نسخته بسم الله الرحمن الرحيم هذا كتاب من محمد رسول الله لأكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دومة الجندل و اكنافها ان له الضاخية من الضخل و البور و المعامي و اغفال الارض و الحلقة و السلاح و الحافر و الحصن و لكم الضامنة من النخل و المعين من المعمور و بعد الخمس لا تعدل سارحتكم و لاتعد فاردتكم و لا يحظر عليكم النبات و لا يؤخذ منكم الا عشر الثبات تقيمون الصلاة لوقتها و تؤتون الزكاة بحقها عليكم بذاك العهد و الميثاق و لكم بذلك الصدق و الوفاء شهد الله و من حضر من المسلمين

Abū 'Ubayd

قال ابو عبيد اما هذا الكتاب فانا قرأت نسخته و اتاني به شيخ هناك مكتوبا في قضيم صحيفة بيضاء فنسخته حرفا بحرف فاذا فيه بسم الله الرحمن الرحيم من محمد رسول الله لأكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دوما الجندل و اكنافها ان لنا الضاخية من الضحل و البور و المعامي و اغفال الارض و الحلقة و السلاح و الحافر و الحصن و لكم الضامنة من النخل و المعين من المعمور لا تعدل سارحتكم و لاتعد فاردتكم و لا يحظر عليكم بذاك عهد الله و الميثاق و لكم بذلك الصدق و الوفاء شهد الله تبارك و تعالى و من حضر من المسلمين

Al-Baladhūrī

وكتب له و لاهل دومة كتابا نسخته هذا كتاب من محمد رسول الله صلى الله عليه و سلم لأكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام و لاهل دومة ان لنا الضاخية من الضحل و البور و المعامي و اغلال الارض و الحلقة و السلاح و الحافر و الحصن و لكم الضامنة من النخل و المعين من المعمور لا تعدل سارحتكم و لاتعد فاردتكم و لا يحظر عليكم النبات تقيمون الصلاة لوقتها و تؤتون الزكاة بحقها عليكم بذاك عهد الله و الميثاق و لكم به الصدق و الوفاء شهد الله و من حضر من المسلمين

Table 2

أكيدر و اهل دومة الجندل

### Al-Maqrīzī

فلما قدم باكيدر صالحه رسول الله صلى الله عليه و سلم على الجزية و خلى سبيله و سبيل اخيه و كتب لهم امانا و ختمه بظفره لانه لم يكن في يده خاتم و اهدى الى رسول الله صلى الله عليه و سلم ثوب حرير فاعطاه عليا فقال شققه خمرا بين القواطم و نسخة الكتاب بعد البسملة هذا كتاب من محمد رسول الله لاكيدر حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دومة الجندل و اكنافها ان له الضاحية من الضحل و البور و المعامى و اغفال الارض و الحلقة و السلاح و الحافر و الحصن و لكم الضامنة من النخل و المعمر لا تعدل سارحتكم و لا تحظر عليكم النبات و لا يؤخذ منكم الا عشر الثبات تقيمون الصلاة لوقتها و تؤتون الزكاة بحقها عليكم بذلك العهد و الميثاق و لكم بذلك الصدق و الوفاء شهد الله و من حضر من المسلمين

### Al-Qalqashandī

من محمد رسول الله لاكيدر دومة حين اجاب الى الاسلام و خلع الانداد و الاصنام مع خالد بن الوليد سيف الله في دومة الجندل و اكنافها ان لنا الضاحية من الضحل و البور و المعامى و اغفال الارض و الحلقة و السلاح و الحافر و الحصن و لكم الضامنة من النخل و المعمر لا تعدل سارحتكم و لا تحظر عليكم النبات تقيمون الصلاة لوقتها و تؤتون الزكاة بحقها عليكم بذلك عهد الله و الميثاق

### Al-Qaṣṭallānī

و كتب صلى الله عليه و سلم لاكيدر و اهل دومة الجندل لما صالحه بسم الله الرحمن الرحيم هذا كتاب من محمد رسول الله لاكيدر و لاهل دومة ان لنا الضاحية من الضحل و البور و المعامى و اغفال الارض و الحلقة و السلاح و الحافر و الحصن و لكم الضامنة من النخل و المعين من المعمر لا تعدل سارحتكم و لا تعد فاردتكم و لا يحصر<sup>1</sup> عليكم النبات تقيمون الصلاة لوقتها و تؤتون الزكاة بحقها عليكم بذلك حق الله و الميثاق و لكم به الصدق و الوفاء شهد الله و من حضر من المسلمين

<sup>1</sup> in alternate editions لا يحظر

Table 2

اكيدر و اهل دومة الجندل

### Al-Ṭabarī

وكتب معه كتابا بسم الله الرحمن الرحيم من محمد رسول الله الى النجاشي الاصحم ملك الحبشة سلم انت فاني احمد اليك الله الملك القدوس السلام المؤمن المهيمن و اشهد ان عيسى بن مريم روح الله و كلمة القاها الى مريم البتول الطيبة الحسينة فحملت بعيسى فخلقه الله من روحه و نفخه كما خلق ادم بيده و نفخه و اني ادعوك الى الله وحده لا شريك له و الموالاة على طاعته و ان تتبعتني و تؤمن بالذي جاءني فاني رسول الله و قد بعثت اليك ابن عمي جعفرا و نفرنا معه من المسلمين فاذا جاءك فاقرهم ودع التجبر فاني ادعوك و جنودك الى الله و قد بلغت و نصحت فاقبلوا نصحي و السلام على من اتبع الهدى

### Al-Qalqashandī

من محمد رسول الله الى النجاشي الاصحم ملك الحبشة سلم انت فاني احمد اليك الله الملك القدوس السلام المؤمن المهيمن و اشهد ان عيسى ابن مريم البتول الطيبة الحسينة حملته من روحه و نفخه كما خلق ادم بيده و اني ادعوك الى الله وحده لا شريك له و ان تتبعتني و تؤمن بالذي جاءني فاني رسول الله و اني ادعوك و جنودك الى الله عز و جل و قد بلغت و نصحت فاقبلوا نصحي و قد بعثت اليكم ابن عمي جعفرا و نفر من المسلمين و السلام على من اتبع الهدى

### Al-Qaṣṭallānī

بسم الله الرحمن الرحيم من محمد رسول الله الى النجاشي ملك الحبشة اما بعد فاني احمد اليك الله الذي لا اله الا هو الملك القدوس السلام المؤمن المهيمن و اشهد ان عيسى ابن مريم روح الله و كلمة القاها الى مريم البتول الطيبة الحسينة فحملت بعيسى فخلقه الله من روحه و نفخه كما خلق ادم بيده و اني ادعوك الى الله وحده لا شريك له و الموالاة على طاعته و ان تتبعتني و تؤمن بالذي جاءني فاني رسول الله و اني ادعوك و جنودك الى الله تعالى و قد بلغت و نصحت فاقبلوا نصيحتي و قد بعثت اليكم ابن عمي جعفرا و معه نفرنا من المسلمين و السلام على من اتبع الهدى

#### Al-Qaṣṭallānī

بسم الله الرحمن الرحيم من محمد رسول الله الى هودة بن علي سلام على من اتبع الهدى و اعلم ان ديني سيظهر الى منتهى الخف و الحافر فاسلم تسلم و اجعل لك ما تحت يدك

#### Al-Qalqashandī

من محمد رسول الله الى هودة بن علي سلام على من اتبع الهدى و اعلم ان ديني سيظهر الى منتهى الخف و الحافر فاسلم تسلم و اجعل لك ما تحت يديك

Ibn Sa'd

قال و كتب رسول الله صلعم الى بنى جنبه و هم  
يهود بمقنا و الى اهل مقنا و مقتل قريب من ايلة اما  
بعد فقد نزل علي ايتكم راجعين الي قرينكم فاذا  
جاءكم كتابي هذا فانكم امنون لكم ذمة الله و ذمة  
رسوله و ان رسول الله غافر لكم سيئاتكم و كل  
ذنوبكم و ان لكم ذمة الله و ذمة رسوله لا ظلم عليكم  
و لا عدى و ان رسول الله جاركم مما منع منه نفسه  
فان لرسول الله بركم و كل رقيق فيكم و الكراع و  
الحلقة الا ما عفا عنه رسول الله او رسول رسول الله  
و ان عليكم بعد ذلك ربع ما اخرجت نخلكم و ربع ما  
صادت عروككم و ربع ما اغتزل نساؤكم و انكم  
برئتم بعد من كل جزية او سخرة فان سمعتم و  
اطعتم فان على رسول الله ان يكرم كريمكم و يعفو  
عن مسيئتم اما بعد فالى المؤمنين و المسلمين من  
اطلع اهل مقنا بخير فهو خير له و من اطلعهم بشر  
فهو شر له و ان ليس عليكم امير الا من انفسكم او  
من اهل رسول الله و السلام

Al-Baladhūrī

و اخبرني بعض اهل مصر انه راى كتابم بعينه في  
جلد احمر دارس الخط ففسخه امل علي نسخته بسم  
الله الرحمن الرحيم من محمد رسول الله الي بني  
حبيبة و اهل مقنا سلم انتم فانه انزل علي انكم  
راجعين الي قرينكم فاذا جاءكم كتابي هذا فانكم  
امنون و لكم ذمة الله و ذمة رسوله و ان رسول الله  
غفر لكم ذنوبكم و كل دم اتبعتم به لا شريك لكم في  
قرينكم الا رسول الله او رسول رسول الله و انه لا  
ظلم عليكم و لا عدوان و ان رسول الله صلى الله  
عليه و سلم يجيركم مما يجير منه نفسه فان لرسول  
الله بركم و رقيقكم و الكراع و الحلقة الا ما عفا عنه  
رسول الله او رسول رسول الله و ان عليكم بعد ذلك  
ربع ما اخرجت نخيلكم و ربع ما صادت عروككم و  
ربع ما اغتزلت نساؤكم و انكم قد ثريتم بعد ذلكم و  
رفعكم رسول الله ان يكرم كريمكم و يعفو عن  
مسيئكم و من ائتمر في بني حبيبة و اهل مقنا من  
المسلمين خيرا فهو خير له و من اطلعهم بشر فهو  
شر له و ليس عليكم امير الا من انفسكم او من اهل  
بيت رسول الله و كتب علي بن ابو طالب في سنة ٩

Al-Maqrīzī (paraphrase)

و كتب لاهل مقنا انهم امنون بامان الله و امان محمد  
و ان عليهم ربع غزولهم و ربع ثمارهم

Ibn Sa'd

فأذ/ فيه بسم الله الرحمن الرحيم من محمد النبي لبنى  
زهير بن أقيش حي من عكل انهم ان شهدوا ان لا  
اله الا الله و ان محمدا رسول الله و فارقوا المشركين  
و اقرؤا بالخمس في غناءهم و سهم النبي و صفيه  
فانهم امنون بامان الله و رسوله

Abū 'Ubayd

فأذ/ فيه بسم الله الرحمن الرحيم من محمد رسول الله  
صلى الله عليه و سلم لبنى زهير بن أقيش من عكل  
انكم ان شهدتم ان لا اله الا الله و اقمتم الصلاة و  
اتيتم الزكاة و فارقتم المشركين و اعطيتم من المغانم  
الخمس و سهم النبي صلى الله عليه و سلم و الصفى  
او قال و صفيه فانتم امنون بامان الله و رسوله

Al-Qalqashandī

فأذ/ فيه بسم الله الرحمن الرحيم من محمد رسول الله  
صلى الله عليه و سلم لبنى زهير بن أقيش من عكل  
انكم ان شهدتم ان لا اله الا الله و اقمتم الصلاة و  
اتيتم الزكاة و فارقتم المشركين و اعطيتم من المغانم  
الخمس و سهم النبي صلى الله عليه و سلم و الصفى  
او قال و صفيه فانتم امنون بامان الله و رسوله

Table 6

بنو زهير بن أقيش

Ibn al-Athīr  
قال عمار ان النبي صلى الله عليه و  
سلم اقتطع سلمة بن ملك السلمي و  
كتب له بسم الله الرحمن الرحيم هذا  
ما اقتتعت محمد رسول الله سلمة بن  
ملك اقتتعت ما بين الحباطي الى ذات  
الاساود فمن حاقة فهو مبطل و حقه  
حق

Ibn Ḥajar al-Asqalānī  
عن عمار بن ياسر ان النبي صلى  
الله عليه و اله و سلم اقتتعت سلمة بن  
ملك السلمي و كتب له بسم الله  
الرحمن الرحيم هذا ما اقتتعت محمد  
رسول الله سلمة بن ملك فنكره

Ibn Sa'd  
قالوا و كتب رسول الله صلعم لسلمة  
بن ملك السلمي هذا ما اعطى رسول  
الله صلعم سلمة بن ملك السلمي  
اعطاه ما بين ذات الحناظي الى ذات  
الاساود لا يحاقيه فيها احد شهد على  
بن ابي طالب و حاطب بن ابي بلتعة

Ibn Sa'd  
قالوا و كتب رسول الله صلعم لسلمة  
ابن ابي عامر السلمي من بني حارثة  
انه اعطاه مدفوا لا يحاقيه فيه احد و  
من حاقه فلا حق له و حقه حق

Ibn Sa'd

قالوا وكتب رسول الله  
صلعم لتعيم بن اوس اخي  
تميم الداري ان له حبري و  
عينون بالشام قرينتها كلها  
سهلها و جبلها و ماءها و  
حرثها و انباطها و بقرها و  
لعقبها من بعده لا يحاقه  
فيها احد ولا يلجه عليهم  
بظلم و من ظلمهم و اخذ  
منهم شيا فان عليه لعنة الله  
والملائكة و الناس اجمعين  
و كتب على

Abū Yūsuf

بسم الله الرحمن الرحيم هذا  
كتاب من محمد رسول الله  
لتميم بن اوس الداري ان له  
قرية جيرون و بيت عينون  
قرينتهما كلهما و سهلها و  
جبلها و ماؤها و حرثها  
و انباطها و بقرها و  
لعقبه من بعده لا يحاقه  
فيهما احد ولا يلجهما عليهم  
احد بظلم فمن ظلم واحدا  
منهم شيا فان عليه لعنة الله

Yaqūt

بسم الله الرحمن الرحيم هذا  
ما اعطى محمد رسول الله  
صلى الله عليه و سلم لتميم  
لداري و اصحابه اني  
اعطيتكم بيت عينون و  
جبرون و المرطوم و بيت  
ابرهيم بذمتهم و جميع ما  
فيهم عطية بت و نفذت و  
سلمت ذلك لهم و لا عقابهم  
بعدهم ابد الابدين فمن اذاهم  
فيه اذى الله شهد ابو بكر  
ابن ابي قحافة و عمر و  
عثمان و علي بن ابي  
طالب

### Al-Maqrīzī

بسم الله الرحمن الرحيم هذا ما وهب محمد رسول الله صلى الله عليه وسلم للداريين ان اعطاه الله<sup>1</sup> الارض وهب لهم بيت عين و حبرون و بيت ابراهيم بما فيهن لهم ابداء شهد عباس بن عبد المطلب و جهم بن قيس و شرحبيل بن حسنة و كتب

### Al-Maqrīzi

هذا ما انطى<sup>2</sup> رسول اللع صلى الله عليه وسلم لتميم الدارى و اصحابه انى انطيتكم<sup>3</sup> عين و حبرون و بيت ابراهيم برمتهم و جميع ما فيهم نطية بت و نفذت و سلمت ذلك لهم و لا عقابهم من بعدهم ابد الابد فمن اذاهم فيهما اذاه الله شهد ابو بكر بن ابى قحافة و عمر ابن الخطاب و عثمان بن عفان و على بن ابى طالب و معاوية بن ابى سفيان و كتب

### Al-Maqrīzī

بسم الله الرحمن الرحيم هذا كتاب من محمد رسول الله لتميم بن اوس الدارى ان له قرية حبرى و بيت عينون كلها سهلها و جبلها و ماءها و حرثها و كرمها و انباطها و ثمرها له و لعقبه من بعده لا يحاقهم فيها احد و لا يدخل عليهم بظلم فمن اراد ظلمهم او اخذها<sup>4</sup> منهم فعليه لعنة الله و الملائكة و الناس اجمعين و كتب على

### Al-Maqrīzī

هذا كتاب محمد رسول الله لتميم بن اوس ان عينون كلها سهلها و جبلها و ماءها و حرثها و كرمها و انباطها و ثمرها له و لعقبه من بعده لا يحاقهم فيها احد و لا يدخل عليهم بظلم فمن اراد ظلمهم او اخذها<sup>4</sup> منهم فعليه لعنة الله و الملائكة و الناس اجمعين

### Al-Maqrīzī

ان له حبرى و عينون بالشام قريتها كلها سهلها و جبلها و ماءها و حرثها و انباطها و بقرها و لعقبه من بعده لا يحاقه فيها احد و لا يلجه عليهم بظلم و من ظلمهم و اخذ منهم شيا<sup>5</sup> لعنة الله و الملائكة و الناس اجمعين و كتب على

<sup>1</sup> (س) تعالى

<sup>2</sup> (س) اعطى  
<sup>3</sup> (س) اعطيتكم

<sup>4</sup> (س) اخذه

<sup>5</sup> (ق) فاته عليه

Al-Qalqashandī  
بسم الله الرحمن الرحيم هذا  
كتاب محمد رسول الله  
لتميم بن اوس ان له  
صهيون قرينتها كلها سهلها  
و جبلها و ماءها و كرومها  
و انباطها و ورقها و لعقبه  
من بعده لا يحاقهم فيها احد  
ولا يدخل عليه بظلم فمن  
اراد ظلمهم او اخذه منهم  
فان عليه لعنة الله و  
الملائكة و الناس اجمعين

Al-Qalqashandī  
بسم الله الرحمن الرحيم هذا  
كتاب من محمد رسول الله  
صلى الله عليه و سلم لتميم  
بن اوس الدارى ان له قرية  
حبرى و بيت عينون قرينتها  
كلها سهلها و جبلها و  
ماءها و حرثها و انباطها و  
لعقبه من بعده لا يحاقه فيها  
احد ولا يلجه عليهم احد  
بظلم فمن ظلمهم او اخذ  
منهم شيا فعليه لعنة الله  
والملائكة و الناس اجمعين  
و كتب على

Al-Qalqashandī  
بسم الله الرحمن الرحيم هذا  
ما انطى محمد رسول الله  
صلى الله عليه و سلم لتميم  
الدارى و اصحابه انى  
انطيتكم عينون و حبرون و  
المرطوم و بيت ابراهيم  
برمتهم و جميع ما فيهم  
نطية بت و نفذت و سلمت  
ذلك لهم و لا عقابهم من  
بعدهم ابد الابد فمن اذاهم  
فيها اذاه الله شهد ابو بكر  
بن ابي قحافة و عمر ابن  
الخطاب و عثمان بن عفان  
و على بن ابي طالب و  
معاوية بن ابي سفيان و  
كتب

Al-Qalqashandī  
بسم الله الرحمن الرحيم هذا  
ذكر ما وهب محمد رسول  
الله للداريين اذا اعطاه الله  
الارض و هب لهم بيت  
عينون و حبرون و بيت  
ابراهيم بمن فيهن لهم ابد  
شهد عباس بن عبد المطلب  
و جهم بن قيس و شرحبيل  
بن حسنة و كتب

Table 8  
تميم الداري

Ibn Faḍl Allāh al-  
‘Umarī  
نسخته كهيئته بسم الله  
الرحمن الرحيم هذا ما  
انطى محمد رسول الله  
لتميم الداري واخوته  
حبرون والمرطوم وبيت  
عينون وبيت ابراهيم وما  
فيهن نطية بت بذمتهم و  
نفذت و سلمت ذلك لهم  
ولا عقابهم فمن اذاهم اذاه  
الله فمن اذاهم لعنه الله شهد  
عتيق بن ابو قحافة و عمر  
بن الخطاب و عثمان بن  
عفان و كتب علي بن بو  
طالب و شهد

Al-Qaṣṭallānī  
بسم الله الرحمن الرحيم هذا  
ما انطى محمد رسول الله  
لتميم الدارى و اصحابه  
انى انطيتكم بيت عينون و  
حبرون و المرطوم و بيت  
ابراهيم برمتهم و جميع ما  
فيهم نطية بت و نفذت و  
سلمت ذلك لهم ولا عقابهم  
ابد الابد فمن اذاهم فيه اذاه  
الله شهد ابو بكر بن ابي  
قحافة و عمر ابن الخطاب  
و عثمان بن عفان و علي  
بن ابي طالب و معاوية بن  
ابي سفيان و كتب

Al-Qaṣṭallānī  
بسم الله الرحمن الرحيم هذا  
كتاب ذكر فيه ما و هب  
محمد رسول الله صلى الله  
عليه و سلم للداريين اذا  
اعطاه الله الارض و هب  
لهم بيت عينون و حبرون  
و المرطوم و بيت ابراهيم  
و من فيهم الى ابد الابد  
شهد عباس ابن عبد  
المطلب و خزيمة بن قيس  
و شرحبيل بن حسنه و  
كتب

**Table 8**  
تميم الداري

### Al-Qalqashandī

فكتب لوانل بن حجر الحضرمي من محمد رسول الله الى الاقيال العباهلة من اهل  
حضرموت باقامة الصلاة و ايتاء الزكاة على النبعة الشاة و التيمة لصاحبها و في  
السيوب الخمس لا خلاط ولا وراط و لا شناق و لا شغار و من اجبي فقد اربي و  
كل مسكر حرام

### Ibn Sa'd

فقال رسول الله صلعم اكتب له يا معاوية الى الاقيال العباهلة ليقموا الصلاة و يؤتوا  
الزكاة و الصدقة على النبعة السائمة لصاحبها التيمة لا خلاط ولا وراط و لا شغار  
و لا جلب و لا جنب و لا شناق و عليهم العون لسرايا المسلمين و على كل عشرة  
ما تحمل العرب من اجبا فقد اربي

### Ibn Hishām

و قد كان رسول الله صلعم قد بعث اليهم بعد ان ولي وفدهم عمرو بن حزم ليفقههم في الدين و يعلمهم السنة و معالم الاسلام و ياخذ منهم صدقاتهم ة كتب له كتابا عهد اليه فيه عهده و امره فيه امره بسم الله الرحمن الرحيم هذا بيان من الله و رسوله يا ايها الذين امنوا اوفوا بالعقود عهد من محمد النبي رسول الله لعمرو بن حزم حين بعثه الي اليمن امره بتقوي الله في امره كله فان الله مع الذين اتقوا و الذين هم محسنون و امره ان ياخذ بالحق كما امره الله و ان يبشر الناس بالخير و يامرهم به و يعلم الناس القران و يفقههم فيه و ينهي الناس فلا يمس القران انسان الا و هو طاهر و يخبر الناس بالذي لهم و الذي عليهم و يلين الناس في الحق و يشتد عليهم في الظلم فان الله كره الظلم و نهى عنه فقال الا لعنة الله علي الظالمين و يبشر الناس بالجنة و بعلمها و ينذر الناس النار و علمها و يستالف الناس حتي يفقهوا في الدين و يعلم الناس معالم الحج و سنته و فريضته و ما امر الله به و الحج الاكبر و الحج الاصغر هو العمرة و ينهي الناس ان يصلي احد في ثوب واحد صغير الا ان يكون ثوبا يثنى طرفيه علي عاتقيه و ينهي ان يحتبي احد في ثوب واحد يفضي بفرجه الي السماء و ينهي ان يعقص احد شعر راسه في قفاه و ينهي اذا كان بين الناس هيج عن الدعاء الي القبائل و العشائر فليقطعوا بالسيف حتي يكون دعواهم الي الله وحده لا شريك له و يامر الناس باسباغ الوضوء و جوههم و ايديهم الي المرافق و ارجلهم الي الكعبين و يمسحون برؤوسهم كما امرهم الله و امر بالصلاة لوقتها و اتمام الركوع و الخشوع يغلس بالصبح و

### Al-Ṭabarī

و كان رسول الله صلعم قد بعث الي بنى الحارث بن كعب بعد ان ولي وفدهم عمرو بن حزم الانصارى ثم احد بنى النجار ليفقههم في الدين و يعلمهم السنة و معالم الاسلام و ياخذ منهم صدقاتهم ة كتب له كتابا عهد اليه فيه و امره فيه بامرهم بسم الله الرحمن الرحيم هذا بيان من الله و رسوله يا ايها الذين امنوا اوفوا بالعقود عقد من محمد النبي رسول الله لعمرو بن حزم حين بعثه الي اليمن امره بتقوي الله في امره كله فان الله مع الذين اتقوا و الذين هم محسنون و امره ان ياخذ بالحق كما امره الله و ان يبشر الناس بالخير و يامرهم به و يعلم الناس القران و يفقههم في الدين و ينهي الناس ولا يمس القران انسان الا و هو طاهر و يخبر الناس بالذي لهم و بالذي عليهم و يلين الناس في الحق و يشتد عليهم في الظلم فان الله عز و جل كره الظلم و نهى عنه وقال الا لعنة الله علي الظالمين و يبشر الناس بالجنة و بعلمها و ينذر بالنار و بعلمها و يستالف الناس حتي يتفقهوا في الدين و يعلم الناس معالم الحج و سنته و فريضته و ما امر الله به في الحج الاكبر و الحج الاصغر و هو العمرة و ينهي الناس ان يصلي احد في ثوب واحد صغير الا ان يكون ثوبا يثنى طرفه علي عاتقه و ينهي ان يحتبي احد في ثوب واحد يفضي بفرجه الي السماء و ينهي ان لا يعقص احد شعر راسه اذا عفا في قفاه و ينهي اذا كان بين الناس هيج عن الدعاء الي القبائل و العشائر وليكن دعاءهم الي الله وحده لا شريك له فمن لم يدع الي الله و دعا الي القبائل و العشائر فليقطعوا بالسيف حتي يكون دعواهم الي الله وحده لا شريك له و يامر الناس

### Al-Baladhūrī

ان رسول الله صلى الله عليه و سلم كتب لعمرو بن حزم حين بعثه الي اليمن بسم الله الرحمن الرحيم هذا بيان من الله و رسوله يا ايها الذين امنوا اوفوا بالعقود عهد من محمد النبي رسول الله لعمرو بن حزم حين بعثه الي اليمن امره بتقوي الله في امره كله و ان ياخذ من المغنم خمس الله و ما كتب علي المؤمنون من الصدقة من القار عشر ما سقى البعل و سقت السماء و نصف العشر مما سقى الغرب

Table 10

عمرو بن حزم

Ibn Sa'd (paraphrase)  
قالوا و كتب رسول الله صلعم لعمر و بن حزم حيث  
بعثه الى اليمن عهدا يعلمه فيه شرائع الاسلام و  
فرائضه و حدوده و كتب ابى

Al-Ṭabarī (cntd)  
باسباغ الوضوء و جوههم و ايديهم الي المرافق  
و ارجلهم الي الكعبين و يمسون برؤوسهم كما  
امرهم الله عز و جل و امر بالصلاة لوقتها و اتمام  
الركوع و الخشوع يغلس بالفجر و يهجر بالهاجرة  
حين تميل الشمس و صلاة العصر و الشمس في  
الارض مدبرة و المغرب حين يقبل الليل لا تؤخر  
حتى تبدو النجوم في السماء و العشاء اول الليل و  
امر بالسعي الي الجمعة اذا نودي لها و الغسل عند  
الرواح اليها و امر ان ياخذ من المغانم خمس الله و  
ما كتب على المؤمنين في الصدقة من العقار عشر  
ما سقى البعل و ما سقت السماء و ما سقى الغرب  
نصف العشر و في كل عشر من الابل شاتان و في  
كل عشرين اربع شياه و في كل اربعين من البقر  
بقرة و من كل ثلثين من البقر تباع جذع او جذعة و  
في كل اربعين من الغنم سائمة شاة فانها فريضة الله  
التي افترض على المؤمنين في الصدقة فمن زاد  
خييرا فهو خير له و انه من اسلم من يهودى او  
نصرانى اسلاما خالصا من نفسه و دان دين الاسلام  
فانه من المؤمنين له مثل ما لهم و عليه مثل ما عليهم  
و من كان علي نصرانيته او يهوديته فانه لا يفتن  
عنها و علي كل حال ذكر او انثى حر او عبد دينار  
واف او عرضة ثيابا فمن ادى ذلك فان له ذمة الله و  
ذمة رسوله و من منع ذلك فانه عدو الله و لرسوله  
للمؤمنين جميعا

Ibn Hishām (cntd)  
يهجر بالهاجرة حين تميل الشمس و صلاة العصر  
و الشمس في الارض مدبرة و المغرب حين يقبل  
الليل لا تؤخر حتى تبدو النجوم في السماء و العشاء  
اول الليل و امر بالسعي الي الجمعة اذا نودي لها  
و الغسل عند الرواح اليها و امر ان ياخذ من المغانم  
خمس الله و ما كتب علي المؤمنين في الصدقة من  
العقار عشر ما سقت العين و سقت السماء و علي ما  
سقى الغرب نصف العشر و في كل عشر من الابل  
شاتان و في كل عشرين اربع شياه و في كل اربعين  
من البقر بقرة و من كل ثلاثين من البقر تباع جذع او  
جذعة و في كل اربعين من الغنم سائمة وحدها شاة  
فانها فريضة الله التي افترض علي المؤمنين في  
الصدقة فمن زاد خيرا فهو خير له و انه من اسلم من  
يهودي او نصراني اسلاما خالصا من نفسه و دان  
بدين الاسلام فانه من المؤمنين له مثل ما لهم و عليه  
مثل ما عليهم و من كان علي نصرانيته او يهوديته  
فانه لا يرد عنها و علي كل حال ذكر او انثى حرا و  
عبد دينار واف او عرضة ثيابا فمن ادى ذلك فان له  
ذمة الله و ذمة رسوله و من منع ذلك فانه عدو الله و  
لرسوله و للمؤمنين جميعا صلوات الله علي محمد  
و السلام عليه و رحمة الله و بركاته

Al-Qaṣṭallānī

و باع صلى الله عليه وسلم للعداء عبدا و كتب بسم  
الله الرحمن الرحيم هذا ما اشترى العداء بن هوذة  
من محمد رسول الله اشترى عبدا او امة -- شك  
الراوي— لا داء و لا غائلة و لا خبيثة بيع المسلم  
للمسلم

Ibn al-Athīr

هذا ما اشترى العداء بن خالد بن هوذة من رسول  
الله صلى الله عليه وسلم عبدا او امة لا داء و لا  
غائلة و لا خبيثة بيع المسلم المسلم

**Table 11**  
العداء بن خالد

## Appendix B: Images of manuscript and print pages

Figure 1: al-Qalqashandī, *Subḥ* XIII: 120, quotation of Tamīm document 2

قال : أَنْصِرُوا حَتَّى تَسْمَعُوا بِي قَدْ هَاجَرْتُ . قال أبو هند : فأنصرفتُ . فلما هاجر  
رسولُ الله صلى الله عليه وسلم إلى المدينة ، قَدِمْنَا عليه فسألناه أن يُجَدِّدَ لَنَا كِتَابًا ،  
فكتبَ لَنَا كِتَابًا نُسَخَّتُهُ :

« بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ »

« هَذَا مَا أَنْطَى مُحَمَّدٌ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِتَمِيمِ الدَّارِيِّ »  
« وَأَصْحَابِهِ ، إِنِّي أَنْطَيْتُكُمْ عَيْنُونَ وَحَبْرُونَ وَالرُّطُومَ وَبَيْتَ إِبْرَاهِيمَ بِرُمَّتِهِمْ »  
« وَجَمِيعَ مَا فِيهِمْ نَظِيَّةً بَتَّ ، وَنَفَذْتُ وَسَلَّمْتُ ذَلِكَ لَهُمْ وَأَعْقَابِهِمْ مِنْ »  
« بَعْدِهِمْ أَبَدَ الْأَبَدِ ، فَمَنْ آذَاهُمْ فِيهَا آذَاهُ اللَّهُ » .

« شَهِدَ أَبُو بَكْرٍ بْنُ أَبِي خُفَّافَةَ ، وَعُمَرُ بْنُ الْخَطَّابِ ، وَعِثْمَانُ بْنُ عَفَّانَ ، »  
« وَعَلِيُّ بْنُ أَبِي طَالِبٍ ، وَمَعَاوِيَةُ بْنُ أَبِي سُفْيَانَ ، وَكَتَبَ » .

فلما قبض رسولُ الله صلى الله عليه وسلم وولي أبو بكر، وجَّه الجنودَ إلى الشام،  
فكتبَ لَنَا كِتَابًا نُسَخَّتُهُ :

« بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ »

« مِنْ أَبِي بَكْرٍ الصِّدِّيقِ إِلَى عُبَيْدَةَ بْنِ الْجَرَّاحِ ، سَلَامٌ عَلَيْكَ فَإِنِّي »  
« أَحْمَدُ إِلَيْكَ اللَّهُ الَّذِي لَا إِلَهَ إِلَّا هُوَ » .

Figure 2: al-Maqrīzī, Daw' 64, quotation of Tamīm document 2

المدينة ، قدمنا عليه ، فسألناه أن يجدد لنا كتاباً ،  
 [ فكتب لنا كتاباً<sup>(١)</sup> ] نسخته :

« هذا ما أنطى<sup>(٢)</sup> رسول الله صلى الله عليه وسلم لتميم  
 الدارى وأصحابه ، أنى أنطيتكم<sup>(٣)</sup> «عين» و «حبرون»  
 [ والرطوم ]<sup>(٤)</sup> وبيت إبراهيم برمتهم ، وجميع ما فيهم  
 نَطِيَّةً بَتِّ ، ونفذت ، وسامت ذلك لهم ، ولأعقابهم من  
 بعدهم أبد الأبد ، فمن آذاهم فيها آذاه الله .

شهد أبو بكر بن أبي كحافة [ ١٦٦ / ١ ] وعمر  
 ابن الخطاب ، وعثمان بن عفان ، وعلى بن أبي طالب ،  
 ومعاوية بن أبي سفيان ، وكتب .

فلما قبض رسول الله ، صلى الله عليه وسلم ، وولى  
 أبو بكر ، رضى الله عنه ، ووجه الجنود إلى الشام

(١) سقطت من « س »

(٢) انطى : لغة في « أعطى » وهى في « س » : أعطى

(٣) في « س » أعطيتكم

(٤) ما بين القوسين عن « تاريخ مدينة » دمشق : ١٠ / ٦٧

والسيرة الحلبية : ٣ / ٢٤٠ وصبح الأعشى : ١٣ / ١٢٠





Figure 5: al-Wāsiṭī, Mukhtaṣar sīrat rasūl allāh  
Leiden University Library, Cod. Or. 482 fol. 190b  
Permission from Leiden University Library

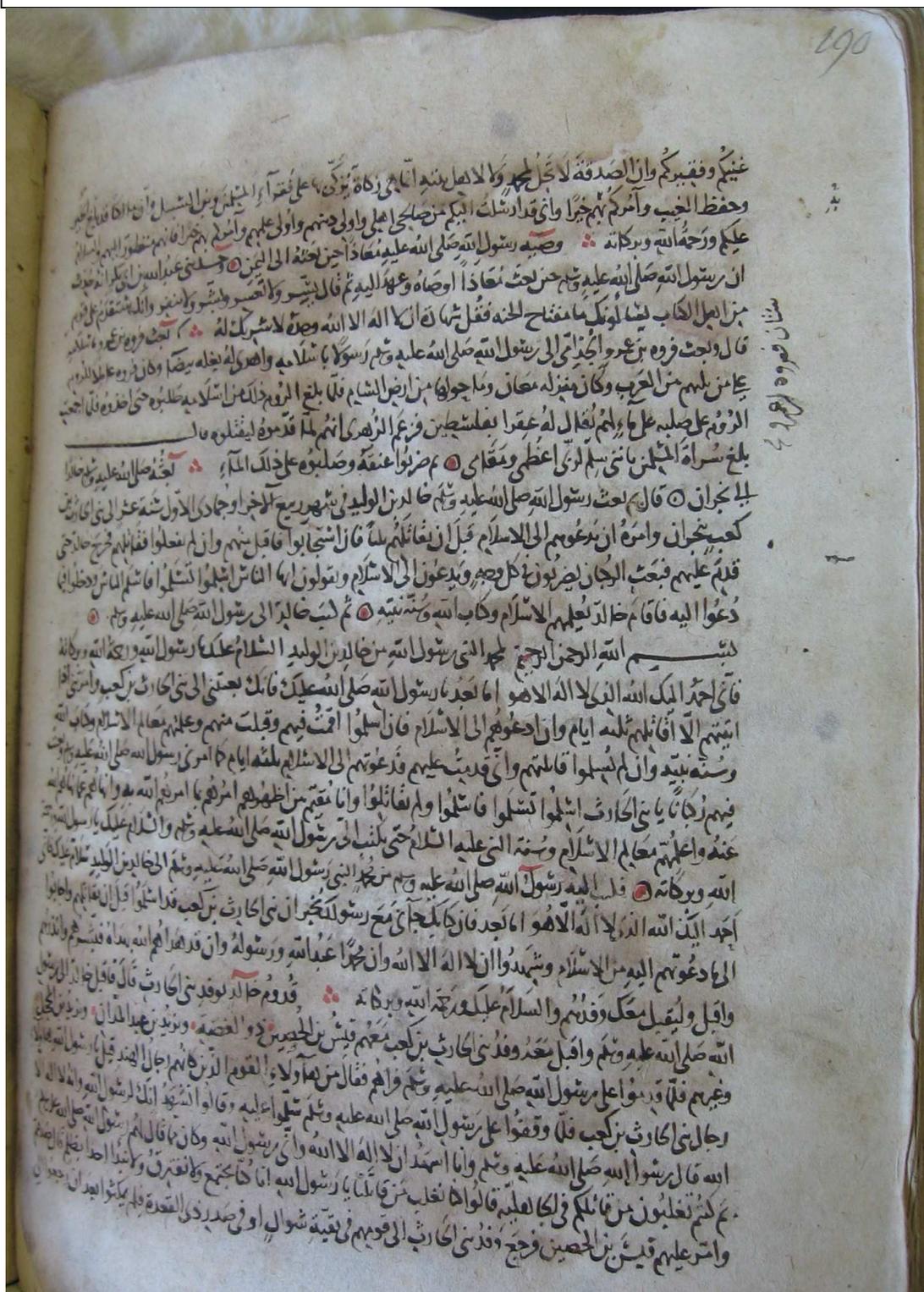


Figure 6: al-Wāsiṭī, Mukhtaṣar sīrat rasūl allāh  
Leiden University Library, Cod. Or. 482 fol. 82b  
Permission from Leiden University Library

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الذي يدعى عمرو وكان رجلاً طويلاً الحية فاخذ يحميه ففأذبه قوداً عنيفاً حتى أخرجته من المسجد ثم حج عاناً يريد فإذ به في  
صدره لدية خرمها قال يقول خدشتني يا عانة قال أبعذك الله يا شافق ما أعد الله لك من العذاب أشد من ذلك فلا تقرب  
مسجد رسول الله صلى الله عليه وسلم وقام أبو جهل رجل من بني النجار كان بدنياً وأبو جهل مشعور بن وائل القهني زعم من بني  
وكان يقين غلاماً شاباً وكان لا يعلم في الدنيا فيمن شابه غيره فجعل يرفع في قفاه حتى أخرجته من المسجد وقام رجل من بني النجار  
أي سعياداً كدرى فقال له عبد الله بن الحارث إلى رجل يقال له الحارث بن عمرو وكان ذا جمجمة فاخذ يحميه بها حتى غلبها  
حتى ما مر به من الأرض حتى أخرجته من المسجد قال يقول المأفوق لقد غلظت ما ابن الحارث فقال له أنك أهل لذلك أي عدو  
الله ما أنزل فيك فلا تقرب من مسجد رسول الله صلى الله عليه وسلم فأنك رسول الله عدو محسن وقام رجل من بني عمرو  
إلى الحية روى من الحارث فاخروجه من المسجد فاخذ يحميه وقال غلب عليك الشيطان واسمها فيها وبها من خص  
المسجد يوسوس من المنافقين فامر رسول الله صلى الله عليه وسلم بأخراجهم ففعلوا ولا من إجماعهم ومن لا يرضى ولا يخرج من  
صدر شعرة البقرة إلى المائدة منها فما بلغني والله أعلم وكتب رسول الله صلى الله عليه وسلم إلى يهود خيبر  
الله الرحمن الرحيم من محمد رسول الله صاحب موسى وأخيه المصدق لما جاءه إلا أن الله يقول لكم ما عسى يهودا فعل التوراة  
وأنكم تجدون ذلك في كتاب محمد رسول الله والذين معه أشهد على النجار رجا بئمة تراهم رجا عبيداً يفتنون فضلاً من الله ورضاه  
سيماهم في وجوههم من أثر السجود ذلك مثلهم في التوراة وبئسهم في الإنجيل إلى آخر السورة رأيت أشدكم بالله وأشدكم بالآل  
الله عليكم والنشد بالذي أطعم من كان قبلكم من أسباطكم الحزب والمسلوي والنشدكم بالذي لبس الحر بالذي حكم بينكم  
وعلمه إلا آخرتونا هل تجدون فما أنزل الله عليكم أن تؤمنوا محمد فال كنتم لا تجدون ذلك في كتابكم فلا ترموهم وتدينهم  
من التي فادعوك إلى الله وإلى نبيه ومن أختار اليهود وعناهم لرسول الله صلى الله عليه وسلم قال  
ابن إسحق وكان ممن تزأر فيه القرآن خاصة من الأجار وكان يهود الذين كانوا يسألونه ويتعنونه ليلبسوا الحق بالباطل فإذ  
لى عن ابن عباس وحابر بن عبد الله أن أبا التميمي يأسر من خطب من رسول الله صلى الله عليه وسلم وهو سئلوا فأكف البقرة  
ذلك الكتاب لا يسخنه فأنه أخاه جبري بن خطيب رجل من يهود فقال تملوا والله لقد سمعت جبراً سئلوا فما أنزل الله عليه  
الم ذلك الكتاب لا يسخنه فأنه أخاه جبري بن خطيب في أولئك النفر من يهود إلى رسول الله صلى الله عليه وسلم  
فقالوا له يا محمد ألم يذكر لنا أنك سئلوا فيما أنزل عليك ألم قال رسول الله صلى الله عليه وسلم بلى قالوا أحلك يا محمد  
الله فقال نعم قالوا لقد بعث الله قبلك أنبياء يعلمون لئى منهم مدة ملكه وما أكل الله غيرك فقال جبري بن خطيب  
جبري بن معة الألف وأحده واللام بلثون والميم اليعون هذه أحمر وسبعون سنة أفندخلون في دين آباءنا ملكه وأكل الله  
أحمر وسبعون سنة ثم أقبل على رسول الله صلى الله عليه وسلم فقال يا محمد هل مع هذا غيره قال نعم قالوا إذا قال المص  
والله انقل وطول الألف وأحده واللام بلثون والميم اليعون والصاد ستون فهذه أحمر وثلثون ومائة سنة فعل مع  
فأما يا محمد غيره قال نعم المص قال هذه انقل وطول الألف وأحده واللام بلثون والميم اليعون فهذه أحمر وسبعون سنة  
ثم قال قد لبس علينا امرئ يا محمد ما ندرى أقلبلاً أعطيت أم كبراً ثم قاموا عنه فقال أبو ياسر كعب بن جحيم ومن معه من الأجار  
ما يدرك لعله قد رجح هذا كله فجر أحمر وسبعون وأحمر وثلثون ومائة وأحمر وثلثون ومائة وأحمر وثلثون ومائة  
ذلك سبع مائة وأربع سنين فقالوا لقد تشابه علينا امرئ فنعمون أن لها والآيات أنزل منهم منه آيات فكانت

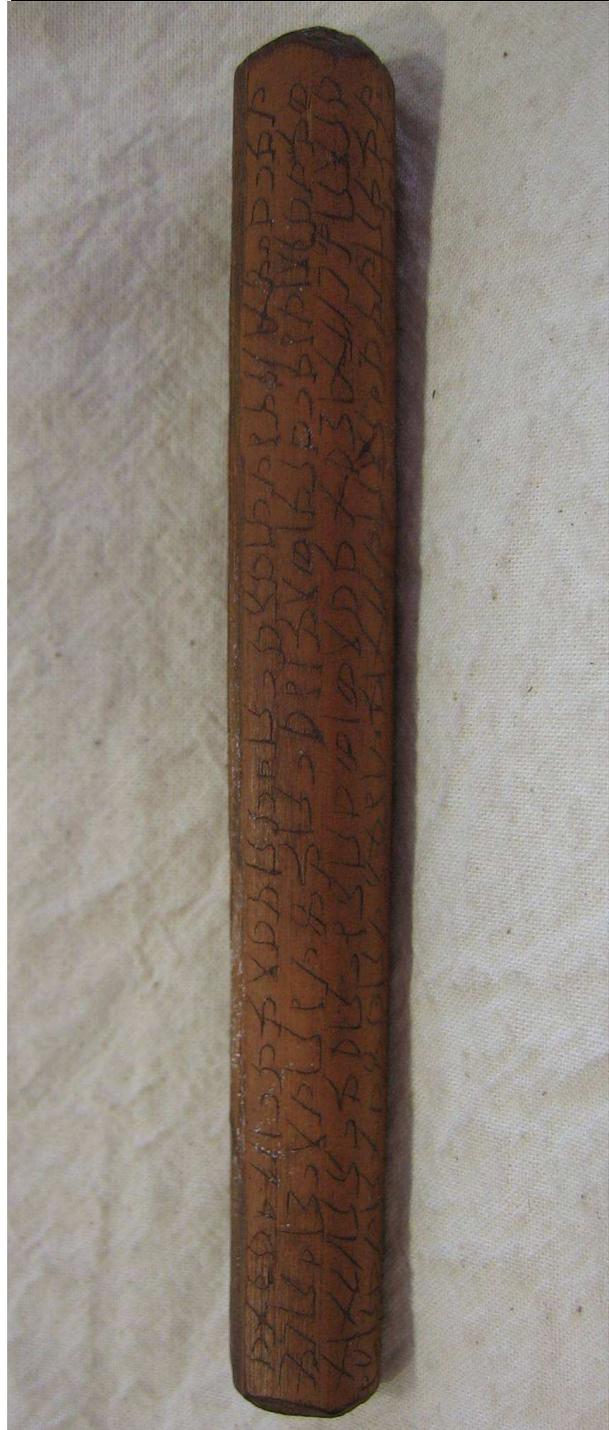
Figure 7: Ibn Hūdayda al-Anṣārī, Kitāb al-miṣbāḥ al-muḍī fī kuttāb al-nabī al-ummī wa rusulihi ilā mulūk al-arḍ min ‘arabī wa-a‘jamī  
Süleymaniye Library, Damad Ibrahim Paşa 407 fol. 292b-293a  
Purchased from Süleymaniye Library

والمسلمين فمن اطلع اهل مقنا بغير ظهوره ومن  
اطلعهم لشيء فهو مشركه وان لم ين علمكم امير المؤمنين  
او من اهل رسول الله صوم **تفسير** اما قوله اتاكم بغير  
رسولهم ولا رسول الله صوم **بني** بنو هذيل  
يصلحون عليها في صلحهم قال الجوهري برة بزة  
سلبه وفي كس من عزاي من خلب خلسلب  
وانبوت النبي اي استلبه والذين كمناب المنقأ  
البر والبر السواد ايضا والبزة **ورقيقهم** قال الجوهري  
الرق الكسر من الملك والعمودية والنبي اذ يقرأ ايضا  
ويقال لادنى اللبنة رقة **والحلقه** ما حدثت اذا لم  
السنادح او مال واما **كلهم** فالمراد خشب الجوهري  
بكره عينا فلفه نشأ كره بصيدو النهران قال الجوهري  
والمراد الصناديق وروى بسند عيسى بن  
غالبه قال راب على بجه بزوبه يوم في ابي رسول الله ص  
من ذهب وهو معروف الناصبه فلما رأى رسول الله ص

293  
كفر واوما برسبه فاوما اليه النبي ص ان ارفع رأسك  
وصالحه يوم يذ وكساه رسول الله صم برد يمينه ثم  
بانزاله عند يداي قال ورايت كيد رحمن قديم خالد  
الوليد وعليه صليب من ذهب وعليه الذباج ظاهرا  
**قال محمد بن يحيى** نسخ كتاب اهل دوح فاذا افيد **كفر**  
**كريم** هذا كتاب محمد بن اهل دوح انهم آمنوا بالله  
الله واما ان محمد ص وان عليهم مائة دينار وفي  
كل رجب وافية طيبة والله كمن علمهم بالصح والخطا  
للمسلمين ومن نجا اليهم من المسلمين من الخائف والغريب اذا  
خشوا على مسلمين وهو من حتى يجزئ لهم محمد  
خرج به يعني اذ الخروج **قال** ووضع رسول الله  
الجزية على اهل الشام ثلثا مائة دينار كل سنة وكانوا  
ثلاثمائة رجل **وكتب** اهل جربا ايضا وكتب اهل مقنا  
وجربا وادرج وهو على حال الجزية **قال الجوهري**  
الاه على وزن فاعله مدينة على شاطئ البحر ومنصفته

Appendix C: Images of inscriptions

Figure 8: Leiden University Library, Oost. Inst.,  
Yemeni stick No. 2  
Permission from Leiden University Library



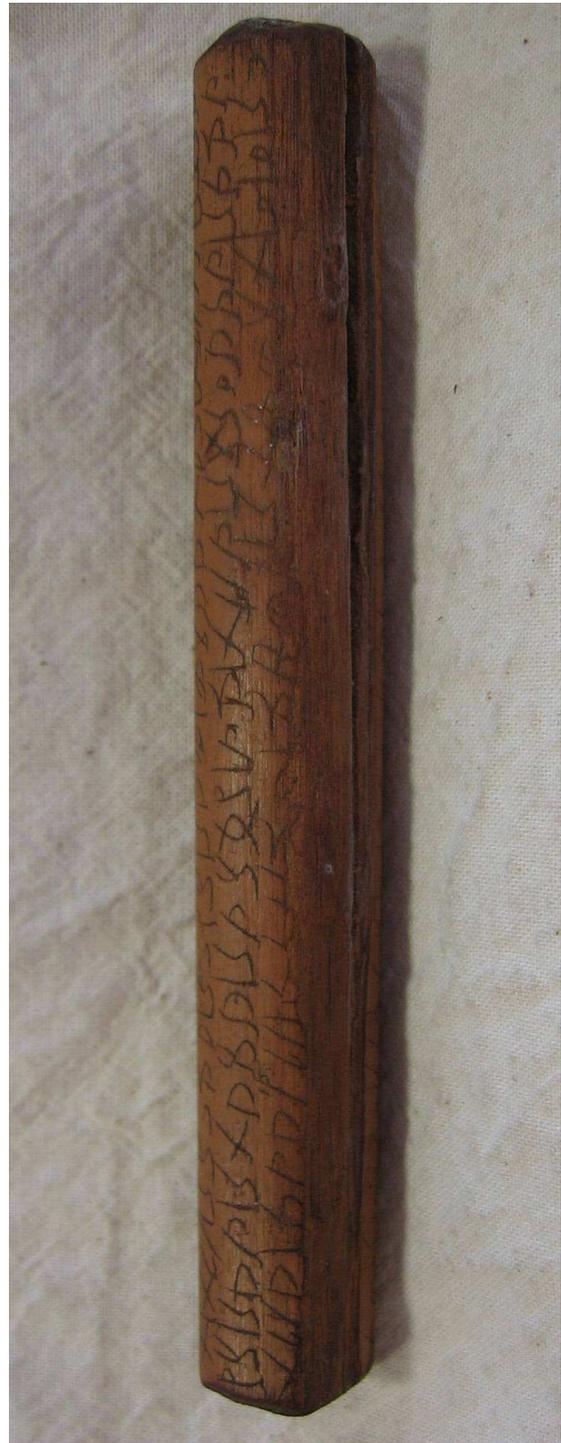


Figure 9: Leiden University Library, Oost.  
Inst., Yemeni stick No. 2  
Permission from Leiden University Library



Figure 10: Leiden University Library, Oost.  
Inst., Yemeni stick No. 2  
Permission from Leiden University Library

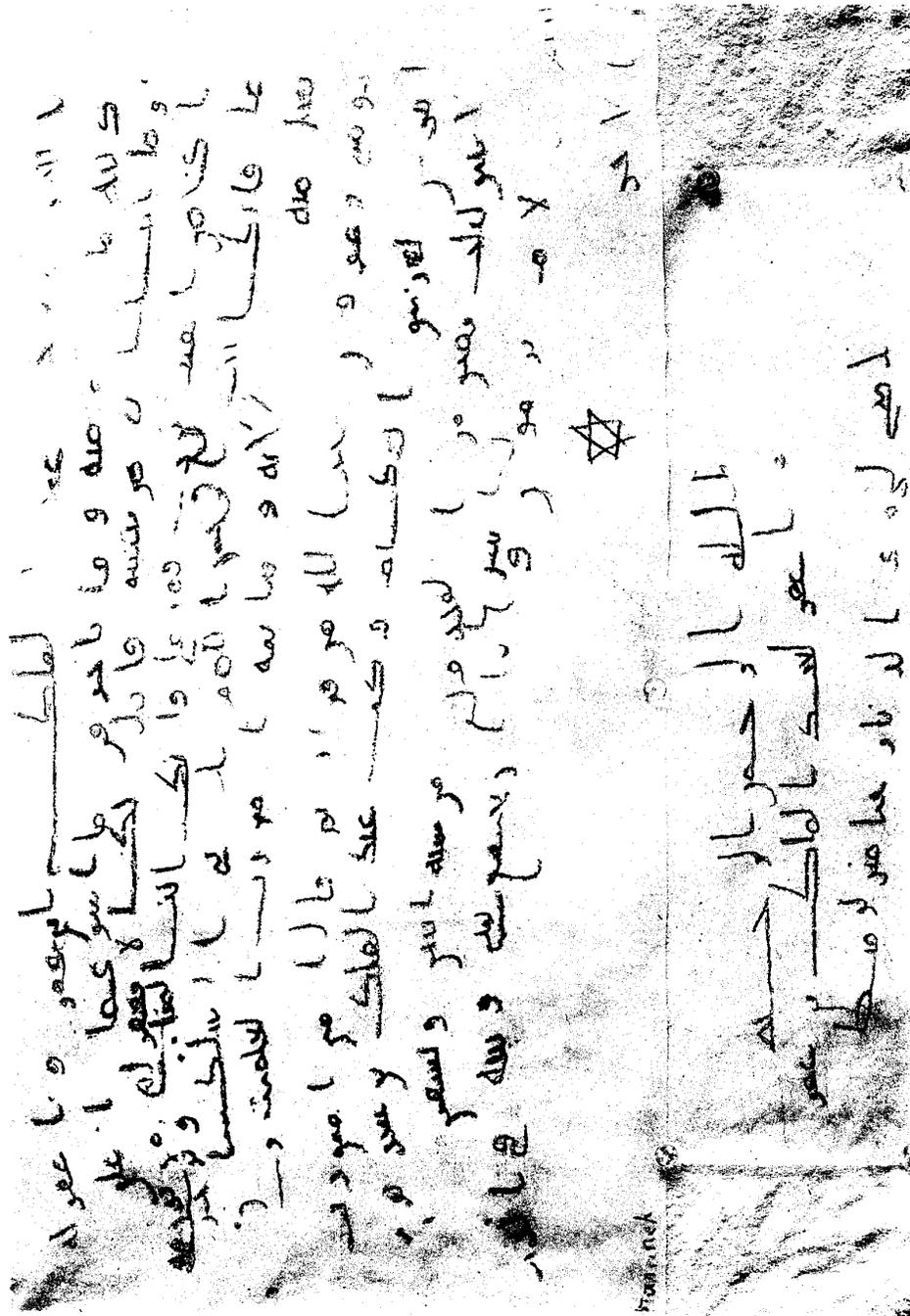


Figure 11: Photo, Kharāna A and B  
 Image Source: Nabia Abbott, "The Kaṣr Kharāna Inscription of 92 H. (710 A.D.). A New Reading" *Ars Islamica* XI (1946): 190-95, after A. J. Jaussen and R. Savignac, *Mission archéologie en Arabie* (Paris, 1922) plates LVII and LVIII.

Appendix D: Images of Prophetical documents on leather

Figure 12: Musaylama

Image source: Hilmi Aydin, *The Sacred Trusts: Pavilion of the Sacred Relics (Topkapi Palace Museum, Istanbul)* (Somerset, NJ: The Light Inc., 2004): 99



Figure 13: al-Muqawqas (text)

Image Source: Muhammad Hamidullah, *Six originaux des lettres du Prophète de l'islam : étude paléographique et historique des lettres du Prophète*. (Paris: Tougui, 1985) 97.

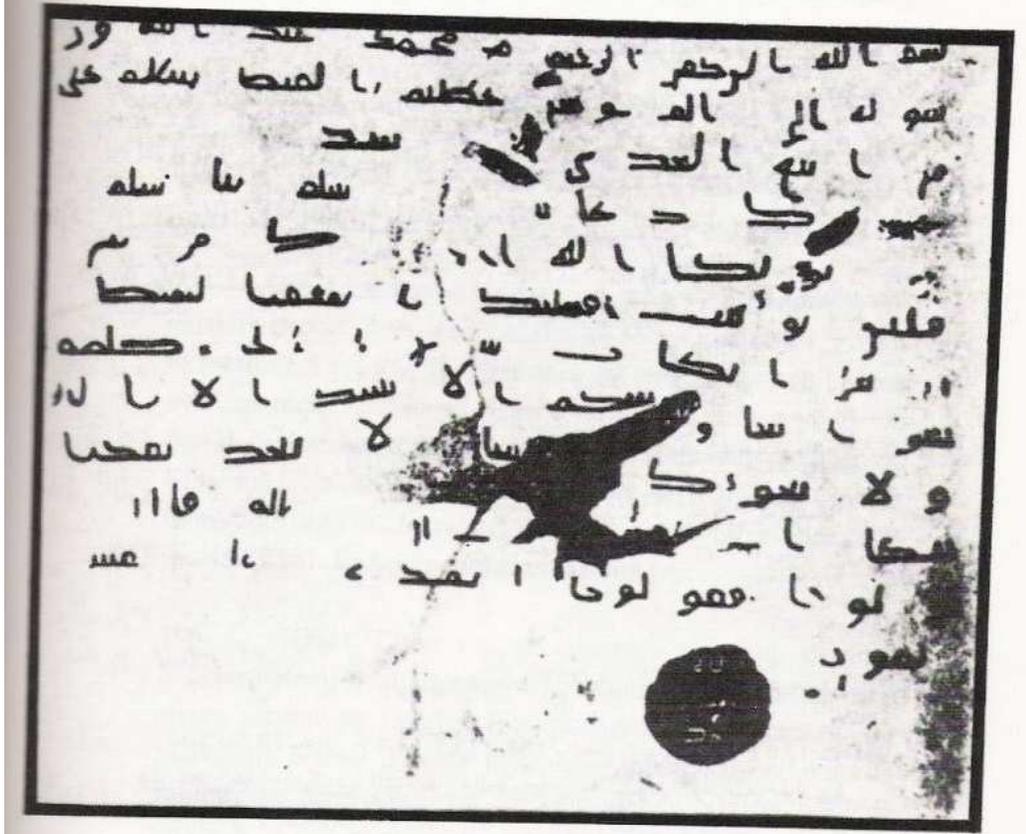
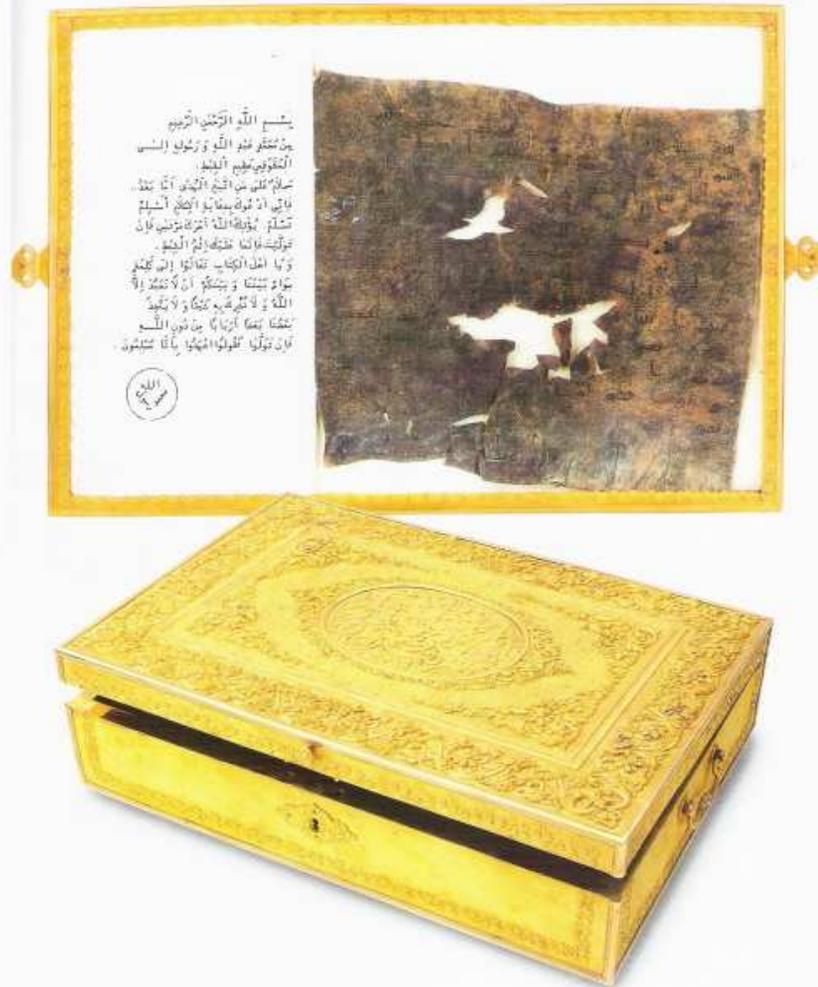


Figure 14: Muqawqas, housing

Image source: Hilmi Aydin, *The Sacred Trusts: Pavilion of the Sacred Relics (Topkapi Palace Museum, Istanbul)* (Somerset, NJ: The Light Inc., 2004): 91



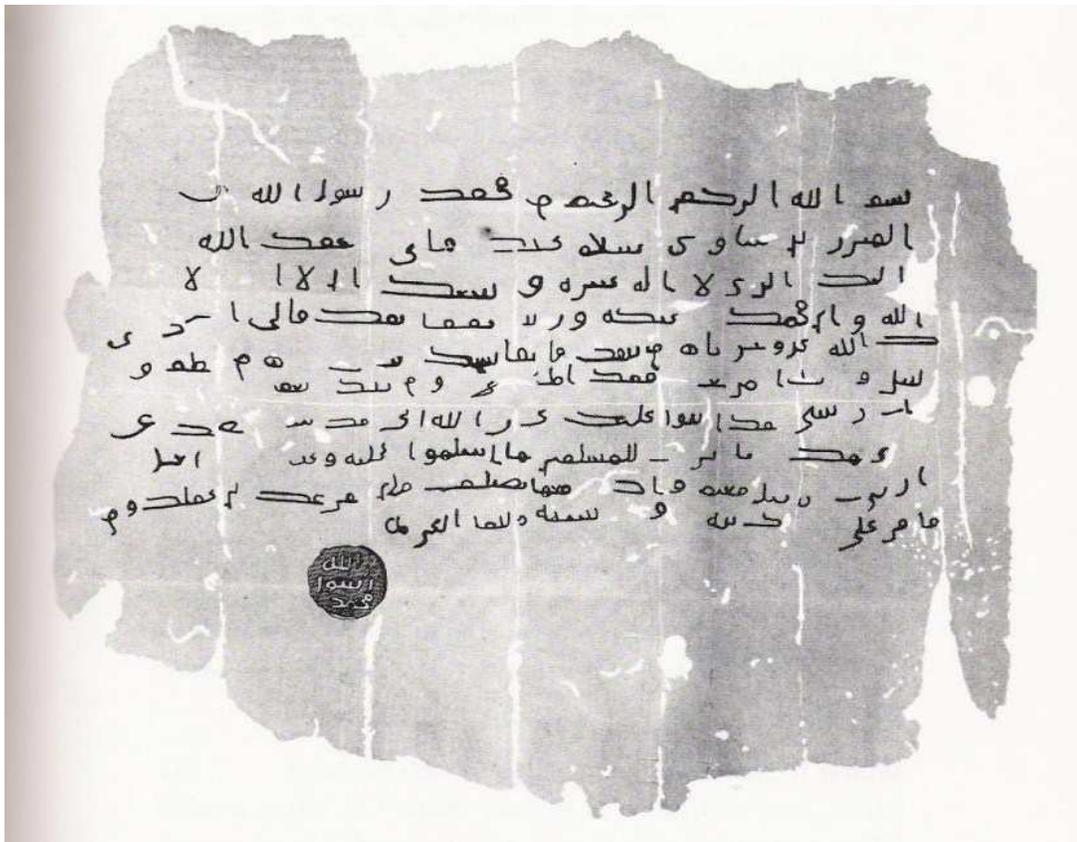


Figure 15: al-Mundhir b. Sawā (ZDMG)

Image Source : Muhammad Hamidullah, *Six originaux des lettres du Prophète de l'islam : étude paléographique et historique des lettres du Prophète* (Paris: Tougui, 1985) 111, after "Aus Briefen an Prof. Brockhaus, von Herrn Dr. Busch," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 17 (1863): 385-89

Figure 16: al-Mundhir b. Sawā (Topkapı)

Image Source: Hilmi Aydin, *The Sacred Trusts: Pavilion of the Sacred Relics (Topkapı Palace Museum, Istanbul)* (Somerset, NJ: The Light Inc., 2004): 98







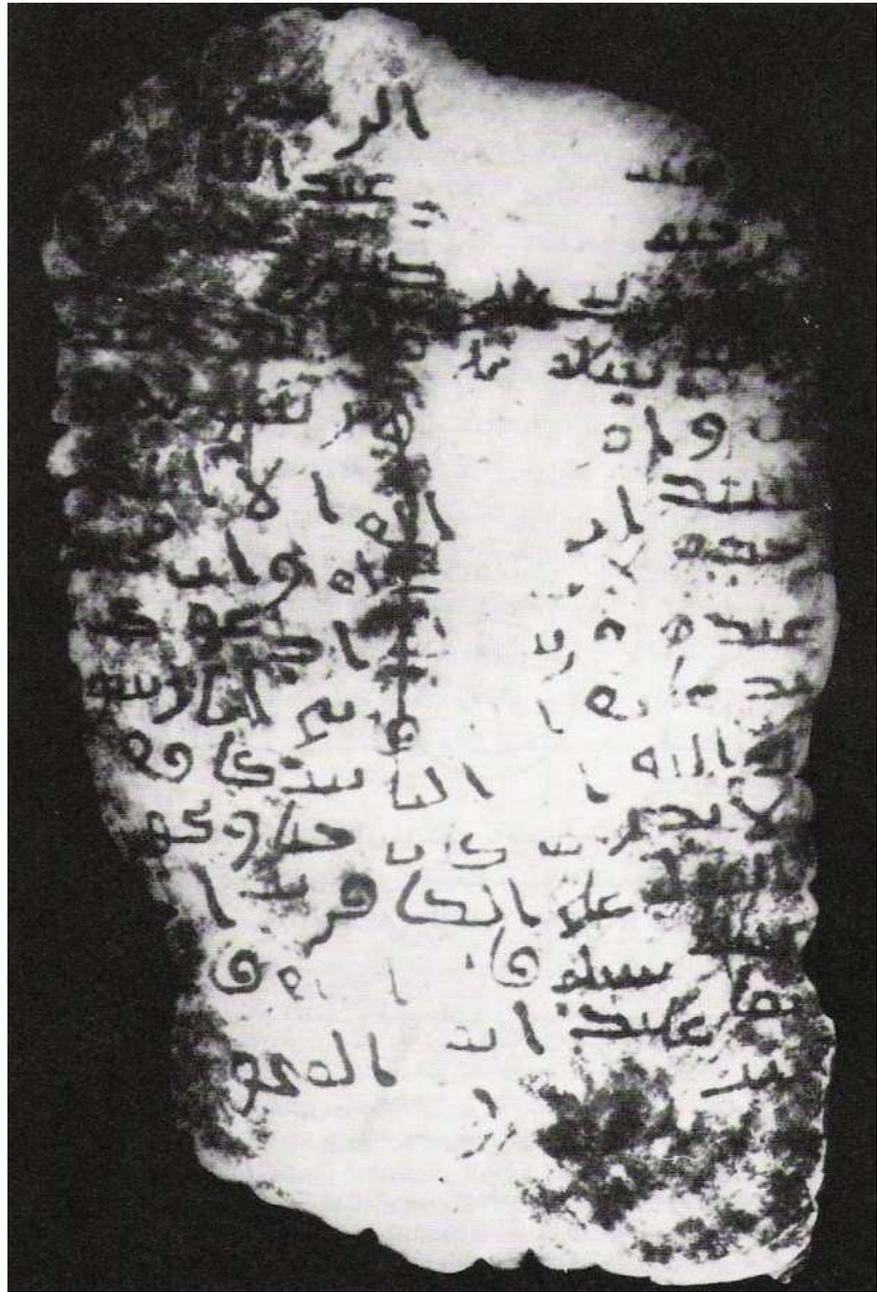


Figure 19: Kistrā

Image Source: Muhammad Hamidullah, *Six originaux des lettres du Prophète de l'islam : étude paléographique et historique des lettres du Prophète* (Paris: Tougui, 1985) 177

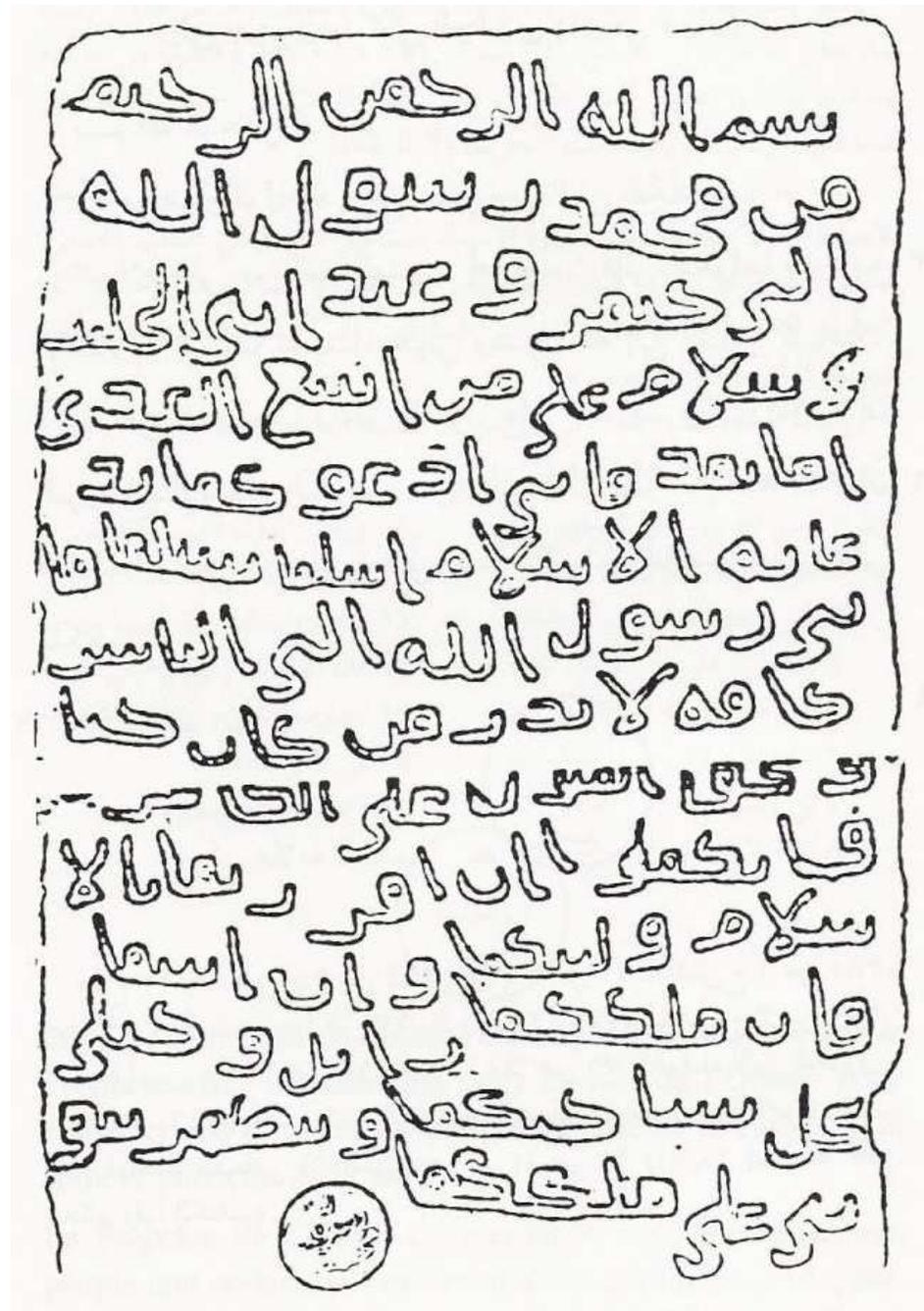


Figure 20: Jayfar and 'Abd

Image Source: Muhammad Hamidullah, *Six originaux des lettres du Prophète de l'islam : étude paléographique et historique des lettres du Prophète* (Paris: Tougui, 1985) 201

Figure 21: al-Ḥārith b. al-Ghassānī

Image Source: Hilmi Aydin, *The Sacred Trusts: Pavilion of the Sacred Relics (Topkapi Palace Museum, Istanbul)* (Somerset, NJ: The Light Inc., 2004) 100



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