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FIVE QUESTIONS ABOUT NON-MUSLIM MEAT:  
TOWARD A NEW APPRECIATION OF IBN QAYYIM AL-ĠAWZIYYAH'S  
CONTRIBUTION TO ISLAMIC LAW\*

I believe that good questions are more important than answers...  
and every new question is going to disturb someone's universe.

Madeleine L'Engle<sup>1</sup>

**M**uḥammad ibn Abī Bakr ibn Qayyim al-Ġawziyyah's *Aḥkām ahl al-dīmah* (herein: the *Aḥkām*) is the most extensive and, arguably, the most incisive medieval study devoted to the status of non-Muslims in Islamic law.<sup>2</sup> Scholars of Islamic attitudes toward adherents of other religions cite the *Aḥkām* frequently because, as one observes, "it provides a handy synthesis of material that is widely scattered through the earlier literature."<sup>3</sup> To approach the *Aḥkām* as a compendium of existing Islamic law regarding non-Muslims, however, is to overlook the originality of Ibn al-Qayyim's work. Oversights of this nature characterize the studies of Ibn al-Qayyim's legal treatises: scholars tend to portray Ibn al-Qayyim as little more than the dedicated pupil of Aḥmad ibn ʿAbd al-Ḥalīm ibn Taymiyyah (d. 728/1328).<sup>4</sup> By highlighting several ways in which

\* I am grateful to Caterina Bori, Livnat Holtzman, and an anonymous reader for their comments on prior drafts of this essay.

1 – Madeleine L'Engle, *Dare to Be Creative!*, Washington, Library of Congress, 1984, p. 23.

2 – The *Aḥkām* comprises two volumes in its modern printed editions: Ibn al-Qayyim, *Aḥkām ahl al-dīmah*, ed. Ṣubḥī al-Ṣāliḥ, Damascus, Maṭbaʿat ḡāmiʿat Dimašq, 1381/1961; reprinted Beirut, Dār al-ʿilm li-l-malāyīn, 1981, 1983, and 1994; ed. Ṭāhā ʿAbd al-Raʿūf Saʿd, Beirut, Dār al-kutub al-ʿilmiyyah, 1415/1995; ed. s Yūsuf ibn Aḥmad al-Bakrī and Ṣākīr ibn Tawfiq al-ʿArūrī, Dammam, Ramādī li-l-naṣr, 1418/1997; ed. ʿĀdil Saʿd, Mecca, Maktabat Nizār Muṣṭafā al-Bāz, 1425/2004. All citations of the *Aḥkām* in the present study refer to the Ṣāliḥ edition.

3 – Mark R. Cohen, *Under Crescent and Cross: The Jews in the Middle Ages*, Princeton, Princeton University Press, 1994, p. 53; see also Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*, Cambridge, Cambridge University Press, 2003, p. 38.

4 – See, to cite one example, Baber Johansen, "Signs as Evidence: The Doctrine of Ibn Taymiyya (1263-1328) and Ibn Qayyim al-Jawziyya (d. 1351) on Proof", *Islamic Law and Society*, 9 (2002), p. 168-193; as its title implies, this article portrays master and disciple as articulating the same doctrine. As Abdul Hakim Al-Matroudi, *The Hanbali School of Law and Ibn Taymiyyah*, London, Routledge, 2006, p. 134-135, remarks: "It appears, however, that the allegation that Ibn al-Qayyim was only emulating his sheikh is incorrect, as a careful study of his treatises

the *Ahkām* elucidates Ibn al-Qayyim's original contributions in the field of Islamic law, this essay demonstrates that Ibn al-Qayyim does more than merely emulate Ibn Taymiyyah. In the process, it problematizes the use of the *Ahkām* as a mere compendium of medieval Islamic law regarding non-Muslims.

Birgit Krawietz describes *Ahkām abl al-dimmah* as "one of the most prominent works of Ibn al-Qayyim in general, and the most important of his writings in practical jurisprudence in particular. In fact, it has to be regarded as the main late medieval reference concerning the status of minorities in Islamic law."<sup>5</sup> The *Ahkām* also bears the distinction of being the earliest comprehensive treatise on the legal status of non-Muslims.<sup>6</sup> Ibn al-Qayyim introduces the *Ahkām* by explaining that he wrote the work in response to a query about the details of the *ḡizyah* tax imposed upon non-Muslims, and he devotes the first portion of this work to this subject. The final portion of the *Ahkām* addresses the *Šurūt ʿumariyyah*. The *Šurūt* contains a set of restrictions which mandates non-Muslim deference toward Muslims, forbids the public display of non-Muslim religious objects and rituals, and establishes visible markers of the distinct and inferior status of non-Muslims within Islamic society.<sup>7</sup> In the middle sections of the *Ahkām*, Ibn al-Qayyim addresses a variety of other topics related to non-Muslims. These topics include commercial and social intercourse between Muslims and non-Muslims, the employment of non-Muslims in positions of governmental authority, the impact of conversion to Islam on the convert's existing marriage to a non-Muslim, and the relative merits of non-Muslim religions. Livnat Holtzman ascribes the *Ahkām* to a relatively early date within the "middle" period of Ibn al-Qayyim's literary production, as Ibn al-Qayyim quotes the *Ahkām* frequently in other works.<sup>8</sup>

A comprehensive evaluation of the *Ahkām*'s significance would require monographic treatment. This essay aims instead to offer a glimpse of what such a study might reveal, with the hope of inspiring others to join in plumbing the depths of this work. Rather than attempt to survey the entirety of the *Ahkām*, this essay focuses exclusively on a single chapter, "Regarding the laws governing their acts of animal slaughter" (*fi ahkām dabāʾ ihīhim*).<sup>9</sup> Ibn al-Qayyim devotes the majority of this chapter to five questions about non-Muslim meat. We will see that

reveals that he occasionally asserted opinions of his own." The present essay suggests that Al-Matroudi's observation is not only correct but may in fact be overly timid.

5 – Birgit Krawietz, "Ibn Qayyim al-Jawziyyah: His Life and Works", *Mamlūk Studies Review*, 10 (2006), p. 44.

6 – This assertion is made by Šāliḥ on p. 6 of the introduction to his edition of the *Ahkām*; Cohen and Krawietz both cite this assertion as plausible if not definitive, and I, too, am unaware of evidence to the contrary.

7 – For a translation of the *Šurūt* and a discussion of its origins, see Mark R. Cohen, "What was the Pact of ʿUmar? A Literary-Historical Study", *Jerusalem Studies in Arabic and Islam*, 23 (1999), p. 100-157.

8 – Livnat Holtzman, "Ibn Qayyim al-Jawziyyah," in: *Essays in Arabic Literary Biography*, Joseph E. Lowry and Devin J. Stewart (ed.s), Wiesbaden, Harrassowitz Verlag, 2009, p. 202, 214.

9 – Ibn al-Qayyim, *Ahkām*, p. 244-269.

these questions, subtly but significantly different from those typically addressed by Sunnī jurists, reflect Ibn al-Qayyim's distinctive approach to this topic.

The status of meat from animals slaughtered by non-Muslims was, of course, of potential interest to Muslim consumers, and was occasionally of interest also to the authorities who supervised medieval Muslim marketplaces (the *muḥtasibs*).<sup>10</sup> The symbolic significance of this topic within Islamic legal discourse, however, far exceeds its practical relevance.<sup>11</sup> Underlying discussions of non-

10 – Donald P. Little, "Haram Documents Related to the Jews of Late Fourteenth Century Jerusalem", *Journal of Semitic Studies*, 30 (1985), p. 227-264, presents and discusses a text according to which Jewish butchers accepted upon themselves the requirement not to sell meat to Muslim consumers. As Little observes, this requirement contravenes the dominant opinion of Šāfiʿī, Ḥanafī, and Ḥanbalī jurists. The prohibition of such sales is also stipulated in the *ḥisbah* manual by the Mālikī Muḥammad ibn Aḥmad ibn ʿAbdūn (d. early 6th/12th c.), par. 157, Évariste Lévi-Provençal, "Un document sur la vie urbaine et les corps de métiers a Séville au début du XII<sup>e</sup> siècle: Le traité d'Ibn ʿAbdūn", *Journal Asiatique*, 224 (1934), p. 239 (= Évariste Lévi-Provençal, *Documents arabes inédits sur la vie sociale et économique en occident musulman au moyen âge*, Cairo, Institut Français d'Archéologie Orientale, 1955, p. 49); translated by Alejandro García-Sanjuán, "Jews and Christians in Almoravid Seville as Portrayed by the Islamic Jurist Ibn ʿAbdūn", *Medieval Encounters*, 14 (2008), p. 98 (English) and Évariste Lévi-Provençal, *Séville musulmane au début du XII<sup>e</sup> siècle: Le traité d'Ibn ʿAbdūn sur la vie urbaine et les corps de métiers*, Paris, G. P. Maisonneuve, 1947, p. 110 (French).

Although Mālikīs were on the whole far more restrictive than other Sunnī authorities with respect to the status of meat prepared by non-Muslims, there is little evidence that these norms consistently translated into social practice, even in regions of Mālikī dominance. Evidence to the contrary may be found in the polemical poetry of the jurist Abū Ishāq of Elvira (d. 459/1067), who complains that the Jews "slaughter beasts in our markets and [Muslims] eat the meat they spurn"; on the term I render "the meat they spurn", *ayrifihim*, see the discussion of Ibn al-Qayyim's fifth question below. Text: Reinhart Dozy, *Recherches sur l'histoire et la littérature de l'Espagne pendant le moyen âge*, Paris, Maisonneuve, 1881, vol. 1, p. lxvi. English translations: Bernard Lewis, *Islam in History: Ideas, People and Events in the Middle East*, 2nd ed., Chicago, Open Court, 1993, p. 167-174; Moshe Perlmann, "Eleventh-Century Andalusian Authors on the Jews of Granada", in: *Proceedings of the American Academy for Jewish Research*, 18 (1948-1949), p. 284-290, reprinted in Robert Chazan (ed.), *Medieval Jewish life: Studies from the Proceedings of the American Academy for Jewish Research*, New York, Ktav, 1976, p. 162-168.

11 – On this discourse, see David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law*, Berkeley, University of California Press, forthcoming 2011, a revision of "Foreign Food: A Comparatively-Enriched Analysis of Jewish, Christian, and Islamic Law", Ph.D. diss., Columbia University, 2006. The present essay constitutes a revision and expansion of dissertation material excluded from the book manuscript. It is my pleasure to acknowledge once more the financial support provided by Columbia University, the Memorial Foundation for Jewish Culture, the National Foundation for Jewish Culture, and the Mrs. Giles Whiting Foundation during the dissertation phase of research into this subject matter. On the significance of discourse about non-Muslim meat, see also Muhammad Khalid Masud, "Food and the Notion of Purity in the *Fatāwā* Literature", in: *Alimentación de las culturas Islámicas*, Manuela Marín and David Waines (ed.s), Madrid, Agencia Española de Cooperación Internacional, 1994, p. 89-110; Nurit Tsafir, "The Attitude of Sunnī Islam toward Jews and Christians as Reflected in Some Legal Issues", *al-Qanṭara*, 26 (2005), p. 317-328.

Muslim meat is the Quranic dictum, “the food of those to whom the Book was given is lawful to you, and yours to them” (Q. 5:5).<sup>12</sup> This verse, which proceeds to allow its audience of (male) believers to marry women from among those who were given the Book, gives normative social expression to the affinity of all who received authentic Scriptures, whether Jewish, Christian, or Muslim.<sup>13</sup> Sunnī authorities understand Q. 5:5 to indicate that Jews and Christians, unlike other non-Muslims, are competent to perform the act of animal slaughter, a ritual that involves the invocation of God’s name.<sup>14</sup> These authorities employ the permissibility of Jewish and Christian meat as a marker that distinguishes the People of the Book from other non-Muslims. Šī‘īs, who reject the normative significance of affinities between Islam and other religions, make no distinctions among the food (or marriageability) of different types of non-Muslims. Most Šī‘īs regard animal slaughter performed by non-Muslims as invalid and interpret Q. 5:5 to refer solely to “fruit and grain,” that is, foodstuffs unaffected by the beliefs and practices of those who prepare them. These different opinions regarding the status of non-Muslim meat, and likewise more subtle differences advanced by various jurists, reflect the ideas of their proponents regarding the nature and relative status of non-Muslims themselves.

*The standard questions addressed in Sunnī discourse about non-Muslim meat*

Two questions naturally arise from the Quran’s declaration that “the food of

12 – Citations of Quranic verses follow the translation of Nessim J. Dawood, *The Koran with Parallel Arabic Text*, London, Penguin, 1993; all other translations in this essay are by the author.

13 – The fact that intermarriage is permitted only to Muslim men, in turn, gives social expression to the superiority of Muslims over the People of the Book, affinities notwithstanding. As Yohanan Friedmann, *Tolerance and Coercion*, p. 161, observes, “A marriage of a Muslim woman to a non-Muslim man would result in an unacceptable incongruity between the superiority which the woman should enjoy by virtue of being Muslim, and her unavoidable wifely subservience to her infidel husband”. Marriage to polytheists, in contrast, is categorically forbidden (Q. 2:221).

14 – The practice of invoking God’s name during the act of slaughter is attested in Jewish and Christian as well as Islamic sources from the Near East, so the presumption by Islamic authorities that non-Muslim butchers offer some form of invocation is a reasonable one. Two examples suffice: *Tosefta Berahot* 6:11 (3rd century AC., but reflecting a Rabbinic Jewish practice that continues to the present day) stipulates that the butcher must recite the blessing, “Blessed [are You, Lord our God, eternal King, who has sanctified us through His commandments, providing us commandments] regarding the act of animal slaughter.” The Syrian Orthodox bishop Gregorius Barhebraeus (d. 1286) states that proper acts of Christian animal slaughter include the invocation, “in the name of the living God”. Gregorius Barhebraeus, *Nomocanon Gregorii Barhebraei*, ed. Paul Bedjan, Lipsie, Harrassowitz, 1898, p. 461. On Barhebraeus’ discussion of animal slaughter and the nature of its relationship to Islamic counterparts, see David M. Freidenreich, “Fusion Cooking in an Islamic Milieu: Jewish and Christian Jurists on Food Associated with Foreigners”, in: *Border Crossings: Interreligious Interaction and the Exchange of Ideas in the Islamic Middle Ages*, David M. Freidenreich and Miriam Goldstein (ed.s), Philadelphia, University of Pennsylvania Press, forthcoming.

those to whom the Book was given is lawful to you”: what does the Quran mean by “food,” and who exactly are “those to whom the Book was given”? These definitional questions establish not only the normative implications of Q. 5:5 but also the nature of the relationship between Islam, on the one hand, and Judaism and Christianity, on the other. Most Sunnī jurists and exegetes devote their attention primarily or exclusively to these two questions. Typical in this respect is a fatwa by Ibn Taymiyyah, which offers a valuable baseline against which to compare *Ahkām abl al-dimnah*. To the best of my knowledge, this fatwa is the only occasion on which Ibn Taymiyyah addresses the subject of non-Muslim meat.<sup>15</sup>

Ibn Taymiyyah, giving expression to Sunnī consensus on the matter, declares categorically that Q. 5:5 permits Muslims to consume the meat of animals slaughtered by Jews and Christians (*dabiḥat al-yahūd wa-l-naṣārā*) and refutes the Šī‘ī claim that the term “food” in this verse refers solely to fruit and grain. Employing arguments based on evidence from the Quran itself, from the Sunna, and from consensus among the Companions, Ibn Taymiyyah demonstrates that the distinction between the People of the Book and other non-Muslims carries normative significance in that meat prepared by the former is permitted while meat prepared by the latter is prohibited. Q. 5:5 refers specifically to food produced through the activity of the People of the Book, yet fruit and grain require no human activity to become edible, and are permissible irrespective of the religious affiliation of their owners. The Prophet consumed meat prepared by a Jew after the Battle of Ḥaybar, and he signaled his approval when ‘Abd Allāh ibn Muḡaffal (d. 57/676-7) absconded with a sack containing the fatty portions of animals slaughtered by Jews in that besieged fortress.<sup>16</sup> The Companions who conquered Syria, Iraq, and Egypt regularly consumed meat prepared by Jews and Christians but abstained from meat prepared by Zoroastrians, thereby testifying to the accuracy of the Sunnī interpretation of the Quranic verse in question.<sup>17</sup>

The focus of Ibn Taymiyyah’s fatwa, however, is not the question of whether Q. 5:5 refers to meat. Rather, Ibn Taymiyyah was asked to address an internal Sunnī dispute regarding the question of who qualifies as “those to whom the Book was given” such that their act of animal slaughter (*dakāh* or *tadkiyah*) ren-

15 – Ibn Taymiyyah, an untitled epistle, *Maḡmū‘ fatawā šayḥ al-islām Aḥmad ibn Taymiyyah*, ed. ‘Abd al-Rahmān ibn Muḡammad ibn Qasīm and Muḡammad ibn ‘Abd al-Rahmān ibn Muḡammad, Riyadh, 1381-86/1962-67, reprint Rabat, Maktabat al-ma‘ārif, [ca. 1980], vol. 35, p. 212-233. This fatwa also appears in *al-Tafsīr al-kabīr*, ed. ‘Abd al-Rahmān ‘Umayrah, Beirut, Dār al-kutub al-‘ilmiyyah, 1408/1988, vol. 4, p. 22-46; *Daqā‘ iq al-tafsīr: al-ḡāmi‘ li-tafsīr al-imām Ibn Taymiyyah*, ed. Muḡammad al-Sayyid al-Ḡulaynād, Damascus, Mu‘assasat ‘ulūm al-Qur’ān, 1404/1984, vol. 3, p. 13-25.

16 – Accounts of the Prophet’s willingness to consume and condone the consumption of meat from the Jews of Ḥaybar appear in all of the major Sunnī Hadith collections; expansive accounts of these incidents may be found in ‘Abd al-Malik ibn Hišām (d. ca. 218/833), *Sīrat al-nabī*, ed. Muḡammad Ḥalīl Harrās, Cairo, Maktabat al-ḡumhūriyyah, 1391/1971, vol. 3, p. 450-453; Alfred Guillaume, (trans.), *The Life of Muḡammad: A Translation of Ishāq’s Sīrat Rasūl Allāh*, Oxford, Oxford University Press, 1955, p. 516.

17 – Ibn Taymiyyah, an untitled epistle, *Maḡmū‘ al-fatawā*, vol. 35, p. 213-218.

ders meat permissible for Muslim consumption. Šāfi'is, observing that Q. 5:5 permits marriage to "those who were given the Book *before you*" (emphasis added), believe that this verse refers solely to Jews and Christians whose ancestors were adherents of these religions before the revelation of the Quran. By this logic, more recent converts to these religions and their descendants are unfit as marriage partners for Muslims and may not slaughter meat on behalf of Muslims. Nearly all authorities from other Sunnī schools, in contrast, believe that any authentically Jewish or Christian butcher, even a convert or the descendant of a convert, is qualified to perform the act of animal slaughter. These authorities adduce the verse, "Believers, take neither the Jews nor the Christians for your friends. ... whoever of you seeks their friendship shall become one of their number" (Q. 5:51), to demonstrate the validity of conversion to Judaism or Christianity even after the revelation of the Quran. In addition to citing Quranic prooftexts, participants in the debate over the permissibility of meat prepared by converts to Judaism or Christianity address *ḥadīths* regarding the Banū Taglib. The members of this Arab tribe embraced Christianity after the time of Jesus, but before the time of Muḥammad. Šāfi'is cite a statement by 'Alī ibn Abī Tālib (d. 40/660), who prohibits consuming the meat of animals slaughtered by the Banū Taglib; other authorities both cite *ḥadīths* to the contrary, and assert that 'Alī's statement applies solely to converts who do not truly embrace Christianity.<sup>18</sup> After surveying these positions, Ibn Taymiyyah offers a vigorous and lengthy argument for why the date upon which one joins the People of the Book is legally irrelevant. Ibn Taymiyyah thus establishes that all Jewish and Christian butchers, irrespective of their lineage and unlike other non-Muslims, are competent to perform the act of animal slaughter on behalf of Muslims.<sup>19</sup>

18 – See Muḥammad ibn Idrīs al-Šāfi'ī (d. 204/820), *Kitāb al-umm*, ed. Rif'at Fawzī 'Abd al-Muṭṭalib, al-Mansura, Dār al-wafā' li-l-ṭibā'ah wa-l-naṣr wa-l-tawzī', 1422/2001, pt. 3, p. 605; see also pt. 6, p. 17-18. For a further elaboration of the Šāfi'ī position regarding meat prepared by Jews and Christians, see Yahyā ibn Šaraf al-Nawawī (d. 676/1277), *Rawḍat al-ṭālibin*, ed. 'Adil Aḥmad 'Abd al-Mawḡūd and 'Alī Muḥammad Mu'awwad, Beirut, Dār al-kutub al-'ilmiyyah, 1421/2000, vol. 5, p. 474-475. This elder contemporary of Ibn Taymiyyah distinguishes between descendants of the original Jews and Christians, descendants of those who converted after the corruption (*tabdīl*) of these religions, and descendants of those who converted after the abrogation of these religions (*nash*). For a representative Ḥanafī discussion of this subject, see Aḥmad ibn 'Alī al-Ġaṣṣās (d. 370/981), *Aḥkām al-Qur'ān*, no editor identified, Istanbul, Dār al-ḥilāfah al-'Alīyyah, 1336-1339/1917-1920, vol. 2, p. 322-324. Mālikis address this issue with far less regularity than their Ḥanafī and Šāfi'ī counterparts; see, as a representative example, Muḥammad ibn Aḥmad al-Qurṭubī (d. 671/1272), *al-Gāmi' li-ahkām al-Qur'ān*, ed. Muḥammad Ibrāhīm al-Hifnāwī, Cairo, Dār al-ḥadīth, 1414/1994, vol. 6, p. 80, on Q. 5:5. Ibn Taymiyyah observes that early Ḥanbalī authorities were divided on this subject.

19 – Ibn Taymiyyah, an untitled epistle, *Maḡmū' al-fatāwā*, vol. 35, p. 212-213, 219-233. For a more extensive discussion regarding the legal status of converts to Judaism and Christianity, see Yohanan Friedmann, *Tolerance and Coercion*, p. 60-69.

### *Ibn al-Qayyim's questions about non-Muslim meat*

Sunnī responses to the standard definitional questions about non-Muslim meat establish the affinity between Muslims and at least some – Ibn Taymiyyah would insist: all – People of the Book. Ibn al-Qayyim, however, displays little interest in these questions in his discussion of non-Muslim meat. Whereas Ibn Taymiyyah devotes page after page to the status of animal slaughter performed by the Banū Taglib and other descendants of converts, Ibn al-Qayyim dismisses the issue with a single sentence: "There are two opinions regarding the Christians of Banū Taglib, both grounded in statements of the Companions, may God be pleased with them."<sup>20</sup>

Ibn al-Qayyim analyzes the laws governing non-Muslim meat not in order to demonstrate the existence of an affinity between Muslims and the People of the Book – this he takes for granted – but rather in order to clarify the theological basis for this affinity: what must Jewish and Christian butchers believe and practice to warrant treating their meat as equivalent to that of Muslim butchers? *Aḥkām ahl al-dimmah* is not the first legal treatise to explore the subject of non-Muslim meat at least partially from this perspective, but it is the first Sunnī work to do so systematically. The significant role played by theology in the *Aḥkām's* treatment of laws governing non-Muslim meat reflects Ibn al-Qayyim's embrace of the Taymiyyan conception that theology and jurisprudence are inherently intertwined.<sup>21</sup> Ibn Taymiyyah himself, however, does not address issues of theology in his fatwa regarding non-Muslim meat; Ibn al-Qayyim breaks new ground by doing so.

The contrast between the *Aḥkām* and a Šī'ī treatise that also addresses non-Muslim meat from a theological perspective is especially illuminating. In *The Prohibition of Animal Slaughter Performed by the People of the Book*, Muḥammad ibn Muḥammad al-Mufīd (d. 413/1022) argues that Jews and Christians cannot invoke the name of God properly because they do not truly know God or the divine will. According to al-Mufīd, the People of the Book are equivalent in their disbelief to idolaters, and their acts of animal slaughter are consequently invalid.<sup>22</sup> Ibn al-Qayyim takes direct aim at this argument in the introduction to

20 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 248. Ibn al-Qayyim instead addresses the status of converts and their descendants in the context of laws regarding the *gīzyah*. *Aḥkām*, vol. 1, p. 65-75; there, he offers an argument parallel to that of Ibn Taymiyyah, but does not focus on the issue of animal slaughter.

21 – See John Hoover, *Ibn Taymiyya's Theology of Perpetual Optimism*, Leiden, Brill, 2007, p. 19-69. See also Yossef Rapoport, "Ibn Taymiyya's Radical Legal Thought: Rationalism, Pluralism and the Primacy of Intention", in: *Ibn Taymiyya and His Times*, Yossef Rapoport and Shahab Ahmed (ed.s), Karachi, Oxford University Press, 2010, 191-226; I am grateful to the author for sharing this essay with me in manuscript form.

22 – Muḥammad ibn Muḥammad al-Mufīd, *Tabrīm dabā' ih ahl al-kitāb*, Muṣannafāt al-Šayḥ al-Mufīd, Qom, al-Mu'tamar al-'ālamī li-alfiyyat al-Šayḥ al-Mufīd, 1992, vol. 43; this work is representative of classical Imāmī Šī'ī norms regarding non-Muslim meat, norms whose emergence I explain in: "The Implications of Unbelief: Tracing the Emergence of Distinctively Shi'ī Notions Regarding the Food and Impurity of Non-Muslims," *Islamic Law and Society*

the *Aḥkām*'s chapter on non-Muslim meat, which refutes Ṣīrī assertions that such meat is categorically forbidden. In addition to repeating arguments offered by Ibn Taymiyyah and other Sunnī jurists, Ibn al-Qayyim makes a point of rebutting the claim that Jewish and Christian butchers are unfit to invoke God's name because they lack accurate knowledge about God. "Jews and Christians do indeed know that God is their creator and sustainer, who grants them life and causes their death. Despite the fact that they are ignorant of some, or even most, of God's characteristics, perfect knowledge is not a precondition [for the invocation of God's name] that renders this act impossible for them, as they possess knowledge of the fundamentals."<sup>23</sup> Ibn al-Qayyim, apparently on his own authority, defines the core beliefs shared by Jews, Christians, and Muslims as they relate to the act of slaughtering an animal for the purpose of consuming its meat: God created the earth and all its inhabitants, God provides sustenance for all, and God determines the proper lifespan of each creature. As we will see, Ibn al-Qayyim proceeds to require Jewish and Christian butchers to espouse several specifically Islamic beliefs about God and His prohibitions as well.

Ibn al-Qayyim's desire to define orthodox Judaism and Christianity in Islamic terms, without regard for what Jews and Christians themselves might say on the subject, shapes the *Aḥkām*'s discussion of non-Muslim meat. Whereas the standard questions addressed by Ibn Taymiyyah and other Sunnī authorities define the relationship between Islam and its fellow monotheistic religions, Ibn al-Qayyim poses five questions that explore the content of those religions as they relate to the act of animal slaughter. The first two questions address the invocation (*tasmiyah*) uttered by the butcher during the act of animal slaughter: 1) What if the butcher omits this invocation out of negligence? 2) What if the butcher intentionally invokes a being other than God? The first question is preparatory to the second, which Ibn al-Qayyim uses as a vehicle for discussing whether Christian butchers may legitimately employ such invocations as "in the name of Christ." The remaining three questions address in various ways the fact that the dietary laws associated with Judaism are more restrictive than those incumbent upon Muslims: 3) May Muslims eat the meat of an animal which is permitted to Muslims but prohibited to Jews when a Jewish butcher slaughters it? 4) When a Jewish butcher slaughters an animal permissible for Jewish consumption, may Muslims eat the fatty portions of that animal, portions which are prohibited to Jews? 5) If a Jewish butcher discovers that a slaughtered animal is unfit for Jewish consumption because of a lung defect or the like, may a Muslim eat its meat? Ibn al-Qayyim uses these three questions to define the scope of

18.1, forthcoming, 2010. It is clear from this chapter of the *Aḥkām* that Ibn al-Qayyim is familiar with the argument advanced by al-Mufid, but the precise source of this familiarity cannot be determined. Interest in the degree of theological knowledge that a butcher must possess in order to perform the act of ritual slaughter properly is also attested in Karaite Jewish sources from the Middle Ages; see Daniel Frank, "A Karaite *Sheḥiṭah* Controversy in the Seventeenth Century", in: *Be'erot Yitzhak: Studies in Memory of Isadore Twersky*, Jay M. Harris (ed.), Cambridge, Mass., Harvard University Press, 2005, p. 69-97.

23 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 247.

Jewish dietary laws, laws which a Jewish butcher must embrace in order for his meat to be permissible for Muslim consumption.<sup>24</sup>

#### Questions 1-2: Defining authentic Christian theology

Ibn al-Qayyim establishes in his introductory remarks that Jews and Christians possess sufficient knowledge about God to invoke God's name properly. What happens, however, if a Jewish or Christian butcher accidentally omits the required invocation? Ibn al-Qayyim takes no stand on this issue, contenting himself with a brief survey of four alternative answers. Among those authorities who permit meat prepared by forgetful Muslims, Ibn al-Qayyim reports, some apply the same leniency toward Jews and Christians while others do not. Those who hold the second of these positions, he explains, believe that one may presume Muslims, unlike others, to always have God in their hearts. Among those who are not lenient toward forgetful Muslim butchers, some apply the same stringency to non-Muslims while others, ironically, extend greater leniency to Jews and Christians. The last of these four positions, which Ibn al-Qayyim does not explain, may reflect the frequently attested belief that Q. 5:5, the verse permitting Jewish and Christian meat, supersedes Quranic verses that require the invocation of God's name.<sup>25</sup> Ibn al-Qayyim does not identify by name the advocates of these various positions, making it impossible to identify his sources with any certainty. The positions that apply different standards to different types of butchers are plausible but, to my knowledge, unattested in earlier works; Ibn al-Qayyim, it would seem, supplies these alternatives in the present context in the interest of conceptual comprehensiveness.<sup>26</sup> Perhaps Ibn al-Qayyim elects not to evaluate the merits of these opinions because none relates to the substance of Judaism or Christianity, the focus of Ibn al-Qayyim's treatment of non-Muslim meat.

24 – Ibn al-Qayyim frames all five questions as referring to "them," i.e., the People of the Book. It is, however, obvious from the subject matter and from some of the statements Ibn al-Qayyim cites that these questions refer either to Christians or to Jews.

25 – Ibn al-Qayyim, *Aḥkām*, 1, p. 248-249.

26 – Nurit Tsafir, "Attitude of Sunnī Islam", p. 317-326, reports that most Sunnī authorities permit meat prepared by forgetful Muslims and that many (including the Ḥanafī Naṣr ibn Muḥammad Abū al-Layṭ al-Samarqandī [d. late 3<sup>rd</sup>/10<sup>th</sup> century], 'Alī ibn Abī Bakr al-Marḡinānī [d. 593/1197] and the Ḥanbalī 'Abd Allāh ibn Aḥmad ibn Qudāmah [d. 620/1223]) extend this permission to forgetful Jews and Christians. Similarly permissive statements are expressed by 'Abd al-Razzāq ibn Ḥammām al-Ṣan'ānī (d. 211/827), *al-Muṣannaf*, ed. Ḥabīb al-Raḥmān al-A'zamī, Johannesburg, Maḡlis 'ilmī, 1983, vol. 6, p. 119, *ḥadīṭ* no. 10183, and Muḥammad ibn Ḡarīr al-Ṭabarī (d. 310/923), *Ḡāmi' al-bayān 'an ta'wil āy al-Qur'ān [= Taf-sīr al-Ṭabarī]*, ed. Maḥmūd Muḥammad Ṣakīr and Aḥmad Muḥammad Ṣakīr, Cairo, Dār al-ma'ārif, 1961, vol. 12, p. 88, on Q. 6:121. The Zāhiri 'Alī ibn Aḥmad ibn Ḥazm (d. 456/1064) is the most prominent opponent of allowing meat prepared by forgetful butchers, Muslim or otherwise; Ismā'īl ibn 'Umar ibn Kaṭīr (d. 774/1373) ascribes this position to a minority of Ḥanbalī and Mālikī authorities as well. On Zāhiri insistence that the butcher invokes God's name, see also Ignaz Goldziher, *The Zāhiris: Their Doctrine and Their History*, Wolfgang Behn (trans.), Leiden, Brill, 1971, p. 71-72. Tsafir does not cite any authority who holds Jewish or Christian butchers to a different standard than Muslim butchers regarding the *tasmiyah*, nor have I found any explicit statements to this effect in my own research.

Ibn al-Qayyim displays far greater interest in the question of whether Muslims may eat meat from an animal over which a non-Muslim butcher intentionally invoked a name other than God's, thereby giving voice to a theology antithetical to Islamic monotheism: should jurists who permit meat prepared by forgetful People of the Book permit such meat as well? The primary example of such an invocation is "in the name of Christ," but the *Aḥkām* also contains references to acts of animal slaughter associated with non-Muslim festivals and funerals, as well as those which involve such invocations as "in the name of Venus" and "by George!"<sup>27</sup> Ibn al-Qayyim reproduces nearly two dozen opinions on this subject, indicating that he has derived most of them from the *Aḥkām al-Qurʾān* of the third/ninth-century Mālikī Ismāʿīl ibn Iṣḥāq al-Ġaḥḍamī.<sup>28</sup> The positions expressed by these authorities, whose opinions reflect the broad spectrum of Sunnī thought on this subject, range from the absolute prohibition of such meat through discouragement of its consumption to nonchalant permission. As Ibn al-Qayyim explains in a summary statement, "Those who permit say: This is their food, and God has permitted their food to us without qualification even though God, praised be He, already knew that they invoke a name other than His. Those who prohibit say: The Quran establishes a clear prohibition of anything over which a name other than God's is invoked, and this encompasses acts of slaughter performed by both idolaters and the People of the Book when they invoke a name other than God's."<sup>29</sup>

In addition to providing a compendium of diverse opinions on this subject, *Aḥkām ahl al-dimmah* contains Ibn al-Qayyim's original and incisive analysis of what he perceives to be the crux underlying these differences of opinion. The

27 – Ibn al-Qayyim's reference to invoking the name of Venus probably stems from his familiarity with the *Irṣād* of Ibn Abī Mūsā al-Hāšimī (d. 428/1037), which reports that Aḥmad ibn Ḥanbal (d. 241/855), the eponym of the Ḥanbalī school, recommends avoiding meat over which such an invocation was pronounced. Ibn al-Qayyim cites a different portion of the same passage later in our chapter (see n. 36 below). Aḥmad ibn Muḥammad al-Naḥḥās, *al-Nāsib wa-l-mansūb*, Kuwait, Maktabat al-falāh, 1988, p. 363-364, on Q. 5:5, reports that several Companions and Successors permitted the meat of animals which Christians slaughtered *bi-smi Ġirġis* despite the irregularity of this invocation. The "George" in question is presumably St. George Megalomartyros, in whose honor at least one Christian community sacrificed rams; see Andrew Sharf, "Animal Sacrifice in the Armenian Church", *Revue des études Arméniennes*, 16 (1982), p. 449, reprinted in *Jews and Other Minorities in Byzantium*, Ramat Gan, Bar-Ilan University Press, 1995. I am unaware of evidence within Christian literature that Christian butchers invoked the name of Christ rather than that of God when slaughtering animals (see n. 14), but Islamic jurists imagined the matter to be a real and pressing concern.

28 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 249-253; 'Amir Ḥasan Ṣabīrī's edition of al-Ġaḥḍamī's work (Beirut, Dār Ibn Ḥazm, 2005) contains no discussion of this subject. Ibn al-Qayyim also cites the *Muḥarrar* of Maġd al-Dīn 'Abd al-Salām ibn Taymiyyah (d. 652/1254), grandfather of Ibn al-Qayyim's mentor, and provides several accounts of statements attributed to Aḥmad ibn Ḥanbal without citing his immediate source.

29 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 253. Ibn al-Qayyim regards the discouragement of a practice as reprehensible to be equivalent to its outright prohibition, although he acknowledges elsewhere in our chapter (vol. 1, p. 258) that some authorities regard reprehensibility to be a separate degree in between permission and prohibition.

permissibility of problematic invocations, according to Ibn al-Qayyim, boils down to a question of how to interpret conflicting Quranic verses. Ibn al-Qayyim offers two formulations of this conflict: (1) Does the permission of "the food of those to whom the Book was given" (Q. 5:5) supersede the prohibition of "flesh dedicated to any other than God" (5:3, among others), or not? (2) Should one understand the permission expressed in Q. 5:5 as an exception to the general prohibition found in 5:3, or should one understand this prohibition to limit the general permission of Jewish and Christian meat? In distilling a long-standing dispute among Sunnī jurists down to a question of how one should understand the relationship among Quranic statements, Ibn al-Qayyim again displays his conformity to Ibn Taymiyyah's approach to jurisprudence, which eschews analogical reasoning in favor of direct application of scriptural dicta whenever possible.<sup>30</sup>

Ibn al-Qayyim argues forcefully that the Quran's rules about invocations apply to acts of animal slaughter performed by Jews and Christians (the second position in his second formulation). Consumption of food prepared in the name of a being other than God, he observes, is the most serious dietary offense addressed in the Quran, the climax of every list of prohibited foodstuffs, and is universally singled out for opprobrium within the community of Muslims. Muslims may not consume pork prepared by Christians; how much the more so should they abstain from meat over which the name of a being other than God's was invoked! In the course of his argument, Ibn al-Qayyim also makes the case that invoking the name of a being other than God's contravenes the dietary laws incumbent upon Jews and Christians no less than those applicable to Muslims. The invocation of such beings, he explains, is an expression of polytheism and for that reason cannot possibly be a valid practice, irrespective of what non-Muslims may claim.<sup>31</sup>

To my knowledge, Ibn al-Qayyim is the first Islamic authority to declare that both Muslims and non-Muslims are forbidden to consume meat over which a name other than God's was invoked. Whereas Ṣāfi'ī jurists distinguish legitimate and illegitimate Christian butchers on the basis of their genealogy, Ibn al-Qayyim does so on the basis of their theology: butchers who invoke God's name alone are legitimate, while those who invoke Christ's name are heretical Christians who deviate from authentic Christianity by adopting an idolatrous practice. (Recall that Ibn Taymiyyah makes no distinction among Christian butchers in his fatwa.) The tenets of "authentic Christianity" as stipulated in the *Aḥkām*,

30 – See Rapoport, "Ibn Taymiyya's Radical Legal Thought", p. 193-199. Ibn Taymiyyah's fatwa regarding non-Muslim meat similarly understands the dispute over descendants of converts to hinge first and foremost on the meaning of Q. 5:5. Ibn Taymiyyah, of course, was not the only Islamic authority to understand disagreements among jurists as stemming from divergent interpretations of the Quran; al-Ṭabarī, for example, understands the dispute regarding meat prepared by Arab Christians in the same manner. *Tafsīr al-Ṭabarī*, vol. 9, p. 573-575, on Q. 5:5. The earliest authorities who address the status of such meat, in contrast, appear to do so without Q. 5:5 in mind.

31 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 253-256.

of course, derive not from sources Christians themselves deem authoritative, but rather from the Quran and other Islamic sources.

*Questions 3-5: Defining authentic Jewish dietary laws*

Ibn al-Qayyim defines “authentic Judaism” by means of Islamic sources as well. This conception of Judaism is implicit within the first of the *Aḥkām*’s three questions regarding meat prepared by Jews which Jews themselves regard as forbidden: “The third question: When they slaughter animals which they believe to be prohibited – such as camels, ostriches, ducks, and others without divided toes (*kull mā laysa bi-mašqūq al-aṣābi*<sup>c</sup>) – is the meat prohibited for Muslim consumption?”<sup>32</sup> The Jewish Bible prohibits consumption of camels, ostriches, and quadrupeds without split hoofs (that is, “divided toes”), but neither the Bible nor Rabbinic literature applies this last criterion to fowl or prohibits the consumption of duck, which nearly all Jews regard as kosher.<sup>33</sup> Ibn al-Qayyim, however, pays no attention to these Jewish sources. He presumes that Jews adhere – or, ought to adhere – to the restrictions found in Q. 6:146, “We forbade the Jews all animals with undivided hoofs and the fat of sheep and oxen, except what is on their backs and intestines and what is mixed with their bones. Such is the penalty we imposed on them for their misdeeds. What we declare is true.” This verse, according to an interpretation ascribed to Muḡāhid ibn Ḡabr (d. ca. 102/720), prohibits Jews from consuming duck, geese, or other fowl with “undivided hoofs,” i.e., webbed feet.<sup>34</sup> In both his questions and answers, Ibn al-Qayyim addresses what Jeremy Cohen dubs “the hermeneutical Jew,” a construct derived by non-Jewish authorities through the interpretation of their own sacred texts in the service of advancing their own definitional agenda.<sup>35</sup> Ibn al-Qayyim does not describe the dietary laws observed by Jews or, for that matter, the invocations offered by Christians; rather, he defines foreign religious norms by means of Islamic sources.

32 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 256.

33 – Some Karaite Jewish authorities prohibit the consumption of all birds not explicitly permitted in the Bible, including duck, but these authorities also prohibit unmentioned birds with divided toes, such as chicken, so it is clear that Ibn al-Qayyim and other Islamic authorities who address this subject do not have Karaites in mind. On Karaite opinions regarding the permissibility of fowl, see Daniel J. Lasker, “Medieval Karaism and Science”, in: *Science in Medieval Jewish Cultures*, Gad Freudenthal (ed.), Cambridge, Cambridge University Press, forthcoming 2010; I am grateful to the author for sharing this essay with me in manuscript form.

34 – Muḡāhid ibn Ḡabr, *Tafsīr al-imām Muḡāhid ibn Ḡabr*, ed. Muḡammad ‘Abd al-Salām Abū l-Nīl, Cairo, Dār al-fikr al-islāmī al-ḥadīthah, 1410/1989, p. 330, n. 1. The *Wādīḥab*, a major early work of Mālikī law by ‘Abd al-Mālik ibn Ḥabīb (d. 238/853), cites Muḡāhid’s interpretation as authoritative; see ‘Abd Allāh ibn Abī Zayd al-Qayrawānī (d. 386/995), *al-Nawādir wa-l-ziyādāt ‘alā mā fi al-mudawwanah wa-ḡayrihi min al-ummahāt*, ed. ‘Abd al-Fattāḥ Muḡammad al-Hulw, Beirut, Dār al-ḡarb al-islāmī, 1999, vol. 5, p. 367. On the relationship – and lack thereof – between Jewish dietary regulations and Islamic conceptions of Jewish dietary relations, see Ze’ev Maghen, *After Hardship Cometh Ease: The Jews as Backdrop for Muslim Moderation*, Berlin, Walter de Gruyter, 2006, p. 146-160.

35 – Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkeley, University of California Press, 1999.

God, according to Q. 6:146, imposed dietary prohibitions upon the Jews that are not incumbent upon Muslims. Given that Muslims, to use Ibn al-Qayyim’s example, are allowed to eat camel meat whereas Jews are not, may a Muslim eat the meat of a camel slaughtered by a Jew? Ibn al-Qayyim observes that Muḡammad ibn Idrīs al-Šāfi‘ī (d. 204/820), Abū Ḥanīfah al-Nu‘mān ibn Ṭābit (d. 150/767), and Aḡmad ibn Ḥanbal (d. 241/855), along with most adherents of their respective schools, permit the consumption of camel meat. Ibn al-Qayyim himself, however, departs from both the majority Sunnī and majority Ḥanbalī position, ruling that camel meat slaughtered by Jews is forbidden. He bases his opinion on the opinion of the Ḥanbalī jurist Muḡammad ibn Aḡmad ibn Abī Mūsā al-Hāšimī (d. 428/1037) who, Ibn al-Qayyim observes, endorses the typically Mālikī position on this subject.<sup>36</sup>

Ibn al-Qayyim justifies the prohibition of camel meat prepared by Jews as following inexorably from the confluence of three self-evident premises. First, God prohibited Jews from eating the meat of certain animals, including camels; this fact is clearly established in Q. 6:146. Second, this prohibition continues to apply because its enactment principle, namely Jewish transgression, continues unabated, as witnessed by the Jews’ ongoing refusal to accept God’s final Prophet. Third, and most importantly, one who slaughters an animal he knows to be prohibited for consumption cannot through that act intend to render the animal’s meat permitted for consumption, as the butcher himself recognizes the impossibility of this transformation. Intention, Ibn al-Qayyim asserts, is crucial to the effectiveness of any ritual: because Jewish butchers cannot intend to perform a valid act of *dakāb* on a camel, Muslims may not eat the meat that results from this act.

Yossef Rapoport observes that “the primacy of intention” constitutes a central principle in Ibn Taymiyyah’s jurisprudence.<sup>37</sup> Ibn Taymiyyah himself applies this principle to such matters as contract law, legal fictions, acts of worship, and the visitation of graves; in the *Aḥkām*, Ibn al-Qayyim becomes the first Sunnī authority to extend this principle to non-Muslim acts of animal slaughter.<sup>38</sup> Ibn Abī Mūsā al-Hāšimī and Mālikī jurists, in contrast, prohibit the consumption of camel meat prepared by Jews solely on the basis of Ibn al-Qayyim’s first premise, namely the fact that such meat is forbidden to the Jews themselves.

36 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 256, citing Muḡammad ibn Aḡmad ibn Abī Mūsā al-Hāšimī, *al-Irṣād ilā sabīl al-raṣād*, ed. ‘Abd Allāh ibn ‘Abd al-Muḡsin al-Turkī, Beirut, Mu’assasat al-risālah, 1410/1998, p. 378. The *Nawādir* of Ibn Abī Zayd al-Qayrawānī (see n. 34) is one Mālikī treatment of this subject that closely parallels that of the *Aḥkām*.

37 – Rapoport, “Ibn Taymiyya’s Radical Legal Thought”, p. 207-212.

38 – Ibn al-Qayyim may be anticipated in this respect by the Ši‘ī jurist al-Šayḡ al-Mufīd who, in addition to asserting that non-Muslims are incapable of offering a valid invocation of God’s name on account of their defective theology, observes that non-Muslim butchers do not regard the invocation of God’s name as obligatory. The relevance of this observation, it would seem, is that non-Muslim butchers cannot intend to fulfill the Islamic obligation of invoking God’s name. See *al-Muḡni‘ah*, Qom, Mu’assasat al-naṣr al-islāmī, 1990, p. 579; al-Mufīd’s statements on this subject are echoed by most subsequent Imāmī authorities.

The three premises which Ibn al-Qayyim employs in his answer to the relatively simple question regarding animal species prohibited to Jews also underlie his responses to the more complex questions that follow. Question 4, "When [Jews] slaughter an animal which they believe to be permitted, are the fatty portions prohibited to them also prohibited for us?" turns on the issue of whether the act of Jewish slaughter renders the entire animal permitted for consumption or only certain parts of it.<sup>39</sup> Mālikīs regularly address this question and usually respond in the affirmative, forbidding Muslim consumption of the fatty portions of animals slaughtered by Jews. Jurists affiliated with the other Sunnī schools, in contrast, generally subsume the fatty portions within the broader permission of Jewish meat, and tend not to address the status of these portions directly.<sup>40</sup> One of the few non-Mālikī authorities to address this question at any length, other than Ibn al-Qayyim, is Ismā'īl ibn 'Umar ibn Ka'ūr (d. 774/1373), a disciple of Ibn Taymiyyah and of Ibn al-Qayyim himself. In his *Tafsīr*, Ibn Ka'ūr declares that Muslims may consume the fatty portions of animals slaughtered by Jews; this permission, he states, is uniformly endorsed by Ḥanafīs, Šāfi'īs, and Ḥanbalīs. Ibn Ka'ūr justifies this position in the face of Mālikī opposition by adducing two *ḥadīths* we encountered in Ibn Taymiyyah's fatwa. One recounts the Prophet's consumption of meat prepared by a Jew after the Battle of Ḥaybar, and the other reports that the Prophet approved when 'Abd Allāh ibn Muğaffal absconded with a sack containing fatty portions of animals slaughtered by Jews in that besieged fortress.<sup>41</sup>

Ibn al-Qayyim, in contrast, goes to great lengths—ten printed pages—to demonstrate that the fatty portions of animals slaughtered by Jews are in fact prohibited to Muslims. Once again, Ibn al-Qayyim displays his willingness to depart from the dominant position of Sunnī jurists in general, and Ḥanbalī jurists in particular, in favor of an opinion espoused primarily by Mālikī authorities. Once again, Ibn al-Qayyim begins his discussion by establishing the Ḥanbalī credentials of this position: Aḥmad ibn Ḥanbal himself, Ibn al-Qayyim reports, prohibited the consumption of the fatty portions of animals slaughtered by Jews, even though most of his disciples permitted such behavior.<sup>42</sup> Ibn al-Qayyim also chooses to lock horns not with a fellow Ḥanbalī, but rather with

the archetypical anti-Mālikī, 'Alī ibn Aḥmad ibn Ḥazm (d. 456/1064).<sup>43</sup> The opinions of Ibn Ḥazm and Ibn al-Qayyim regarding the status of fatty portions of Jewish meat reveal their very different conceptions of the dietary laws incumbent upon Jews.

Ibn al-Qayyim treats Ibn Ḥazm, a principal spokesperson for Zāhirism, as the paradigmatic representative of those who permit eating the fatty portions of animals slaughtered by Jews. Ibn al-Qayyim's presentation of arguments advanced by lenient authorities consists entirely of citations and paraphrases, mostly unattributed, from Ibn Ḥazm's *al-Muḥallā*.<sup>44</sup> Ibn Ḥazm contends that the Quran's permission of "the food of those to whom the Book was given" must refer to the meat of animals which Jews and Christians slaughter in accordance with Quranic norms, not the meat they actually eat; were the reference to meat which Jews and Christians eat, Muslims would be allowed to eat Christian pork! Ibn Ḥazm adduces the *ḥadīths* regarding Muḥammad's consumption of meat prepared by a Jew and 'Abd Allāh ibn Muğaffal's sack of fatty portions as further evidence that Muslims may consume the entirety of animals slaughtered by Jews. In addition to arguments based on Quran and *ḥadīth*, Ibn Ḥazm offers an argument based on reason: it is illogical to assert that an act of slaughter performed by a Jewish butcher renders only part of an animal permitted. If the animal has been slaughtered properly, then all of its meat must thereby be rendered fit for consumption.

Ibn Ḥazm treats the status of meat Jews alone refuse to eat as a litmus test for Muslim jurists, posing the following question to his Mālikī opponents: "Are camel meat and the fatty portions permitted to contemporary Jews, or are these foodstuffs still prohibited? Those who say that these foodstuffs remain prohibited even today clearly renounce Islam (*kafarū*), for it is as if they declare that God, exalted be He, never abrogated these norms!" In truth, however, "God has nullified all laws of the Torah, Gospels, and other religions, and has made the law of Islam obligatory for all divine and human beings. Nothing is prohibited except that which Islam prohibits, and nothing is obligatory except that which Islam requires." Ibn Ḥazm cites the conclusion of the statement "The food of those to whom the book was given is lawful to you, and yours to them" (Q. 5:5) as evidence that God now allows Jews to eat such foodstuffs as camel meat and the fatty portions; God spoke of this abrogation to Moses, who was informed

39 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 257; the discussion of this question continues through p. 267.

40 – For a survey of early Sunnī opinions on this subject, see Aḥmad ibn Muḥammad al-Ṭaḥāwī (d. 321/933), *Iḥtilāf al-Ṣuqabā'*, ed. Muḥammad Ṣaḡīr Ḥasan al-Ma'ṣūmī, Islamabad, Ma'had al-abḥāṭ al-islāmiyyah, 1971, p. 73-74. An extensive discussion of this question from the Mālikī perspective, including citation of earlier Mālikī authorities, appears in Abū l-Walīd Muḥammad ibn Rušd (al-Ġadd, d. 520/1126), *al-Bayān wa-l-taḥṣīl wa-l-šarḥ wa-l-tawḡīḥ wa-l-ta'ṭīl fī masā'il al-mustabraqah*, ed. Muḥammad al-Ḥaḡḡī, Beirut, Dār al-ḡarb al-islāmī, [1405]-1408/1984-1987, pt. 3, p. 366-368.

41 – Ismā'īl ibn 'Umar ibn Ka'ūr, *Tafsīr al-Qur'ān al-'aẓīm*, Beirut, Dār al-Andalus li-l-ṭi-bā'ah wa-l-našr, [1386]/1966, vol. 2, p. 501-503.

42 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 257-258.

43 – On Ibn al-Qayyim's familiarity with the works of Ibn Ḥazm in general and Ibn Ḥazm's anti-Christian polemics in particular, see Abdelilah Ljamai, *Ibn Ḥazm et la polémique Islamo-Chrétienne dans l'histoire de l'Islam*, Leiden, Brill, 2003, p. 183-190.

44 – Compare Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 259-260, and 'Alī ibn Aḥmad ibn Ḥazm, *al-Muḥallā bi-l-aṭār*, ed. 'Abd al-Ġaffār Sulaymān al-Bindārī, Beirut, Dār al-kutub al-'ilmiyyah, 1988, vol. 6, p. 143-144 (*Kitāb al-tadkiyah*, section no. 1059); Šubḥī al-Šāliḥ, whose edition of the *Aḥkām* I employ, does not notice the relationship between these works. Attributions to Ibn Ḥazm in the discussion that follows refer to passages found in the *Aḥkām*, including those that appear without attribution in that text. For a more extensive discussion of Ibn Ḥazm's writings on the subject of non-Muslim meat, see Camilla Adang, "Ibn Ḥazm's Criticism of Some 'Judaizing' Tendencies among the Mālikites", in: *Medieval and Modern Perspectives on Muslim-Jewish Relations*, Ronald L. Nettler (ed.), Luxembourg, Harwood, 1995, p. 1-16.

that in the future Muhammad would “make good things lawful to them... He will relieve them of their burdens and of the shackles that weigh upon them” (Q. 7:157). Those who maintain that Jews today are still bound by the prohibitions against camel meat and the fatty portions, Ibn Ḥazm asserts with rhetorical flourish, are apostates.

Ibn Ḥazm employs discourse about meat prepared by Jews as a means of emphasizing the irrelevance of Jewish norms in the era of Islam. Ibn al-Qayyim, in contrast, uses such discourse as a means of emphasizing the continued applicability of distinctively Jewish food restrictions. As he made clear in his response to Question 3, Ibn al-Qayyim insists that Jews who reject the truth of Muhammad’s prophethood are still bound by more restrictive regulations than their Muslim counterparts. Ibn al-Qayyim elaborates on this point in the course of refuting Ibn Ḥazm’s arguments.

Ibn al-Qayyim explains that the Quranic permission of “the food of those to whom the Book was given” must refer to what Jews and Christians eat, for that alone constitutes their “food.” As the Quran itself forbids Jews to eat the fatty portions, these portions must be excluded from the general permission of Jewish food. Jewish butchers, moreover, perform the act of slaughter with the understanding that this act does not render the fatty portions permissible. If the butcher does not intend these portions to be permissible for his own consumption, they cannot be permissible for anyone else because the intention of the butcher determines the effectiveness of his ritual act. By appeal to Ibn Taymiyyah’s doctrine of the primacy of intention, Ibn al-Qayyim dismisses Ibn Ḥazm’s concern about the logical merit of distinguishing between permitted and prohibited portions of a properly slaughtered animal: logical or not, this is exactly what the Jewish butcher himself does.<sup>45</sup>

Ibn al-Qayyim completely rejects the claim that the prohibition to Jews of the fatty portions of meat no longer applies: this prohibition, he insists, has only been abrogated for those Jews who embrace Islam. In support of this contention, Ibn al-Qayyim cites *ḥadīths* from *Ṣaḥīḥ al-Buḥārī* and the *Musnad* of Ibn Ḥanbal in which Muhammad rails against the behavior of Jews who sell the fatty portions which they are not allowed to eat, even though the prohibition of these cuts extends to the derivation of benefit from them.<sup>46</sup> The *ḥadīth* reporting Muhammad’s consumption of meat prepared by a Jew, Ibn al-Qayyim emphasizes, specifies that the Prophet ate the shoulder joint, a portion permitted to Jews; Ibn al-Qayyim further observes that the Jewish cook presumably removed the fatty portions before roasting the lamb in question.<sup>47</sup>

Ibn al-Qayyim has a harder time explaining away the *ḥadīth* about ‘Abd Allāh ibn Muḡaffal, who absconded with a sack of fatty portions from the battle against the Jews of Ḥaybar. This report does not say that ‘Abd Allāh was going to eat these fatty portions – perhaps he wished to use them for some other pur-

45 – Ibn al-Qayyim, *Abkām*, vol. 1, p. 260-261.

46 – *Ibid.*, vol. 1, p. 261-262.

47 – *Ibid.*, vol. 1, p. 264.

pose!<sup>48</sup> Perhaps ‘Abd Allāh was interested in the sack itself, not its contents. Maybe he was starving and wished to eat the fatty portions out of necessity. Maybe the sack contained the fatty portions of an animal slaughtered by a Muslim! (Ibn al-Qayyim himself regards this possibility as far-fetched – after all, the sack came from inside the fortress which the Muslims were besieging.) The final possibility, which Ibn al-Qayyim regards as the most likely, is that the sack did not contain prohibited fatty portions, but rather those fatty portions of the animal which are permitted for Jews to eat; how ‘Abd Allāh could have known this is far from clear.<sup>49</sup> Ibn al-Qayyim’s strenuous efforts to reconcile this *ḥadīth* with his own ruling on the subject, which stand in stark contrast to his blithe acceptance of multiple contradictory *ḥadīths* regarding the Banū Taglib, demonstrates the weight Ibn al-Qayyim ascribes to the absolute prohibition of fatty portions derived from Jewish acts of animal slaughter. Ibn al-Qayyim cannot compromise on this matter because he insists that Jews must adhere to more stringent dietary norms than Muslims, and that this adherence must have a substantial impact on the effectiveness of Jewish acts of animal slaughter.

The reason for Ibn al-Qayyim’s insistence upon this point becomes clear in his response to Ibn Ḥazm’s assertion that Muslims who believe Jews to remain bound by the prohibition of the fatty portions are apostates. Displaying his awareness of the power of an incisive question, Ibn al-Qayyim throws back at Ibn Ḥazm a reformulated version of the question Ibn Ḥazm himself posed to the Mālikis: “Did God make these fatty portions lawful for Jews who remain in their state of disbelief regarding Muhammad, permitting these portions to them as a good thing even in this state, or did God leave such Jews to their existing burdens and shackles?”<sup>50</sup> To say that the lenient laws of Islam apply even to those who reject its Prophet, Ibn al-Qayyim exclaims, is truly a rejection of the Quran and a denial of Islam’s core tenets!

The continued prohibition of the fatty portions of animals slaughtered by Jews, according to Ibn al-Qayyim, expresses the principle that Islam alone is a religion blessed with easy norms. In keeping with a trend in Sunnī thought well documented by Ze’ev Maghen, Ibn al-Qayyim highlights the relative ease of Islam by contrasting Islamic law with a Jewish law imagined to consist of especially stringent restrictions.<sup>51</sup> Ibn al-Qayyim insists that contemporary Jews bear an oppressively heavy yoke of obligations, a yoke from which God freed only those who believe in the revelation granted to Muhammad. Ibn al-Qayyim regards conception of the Jew as a foil to the Muslim – “the strait man,” as Maghen punningly puts it – to be so central to Islamic identity that he turns the ta-

48 – Actually, some versions of this *ḥadīth* state explicitly that ‘Abd Allāh ate the fatty portions; see, for example, the version in Ibn Hišām, *Sirah*, vol. 3, p. 452-453 (trans. Guillaume, *Life of Muhammad*, p. 516).

49 – Ibn al-Qayyim, *Abkām*, vol. 1, p. 263-264.

50 – *Ibid.*, vol. 1, p. 266; the question contains multiple allusions to Q. 7:157, cited above.

51 – Ze’ev Maghen, *After Hardship*. Rhetoric regarding the rigors of Jewish dietary laws, to which Maghen devotes multiple chapters, plays a significant role in this construction of Judaism as inferior to Islam.

bles and brands Ibn Ḥazm as an apostate for denying the distinctive set of food restrictions incumbent upon Jews.

Ibn al-Qayyim's conception of Judaism as defined by its restrictive dietary laws receives full expression in his refutation of a hypothetical scenario formulated by Ibn Ḥazm: Imagine that a Jewish butcher who spurns Jewish norms and adheres instead to Islamic dietary law slaughters an animal; given that both the Jewish butcher and the Muslim consumer regard the fatty portions of this animal as permitted, on what basis could one reasonably claim that these portions of meat are prohibited to the Muslim? Ibn Ḥazm declares that such meat must be permitted for Muslim consumption and thus, by *a fortiori* reasoning, the fatty portions of animals slaughtered by Jewish butchers who do not spurn Jewish norms must also be permitted. Ibn al-Qayyim, in contrast, declares that such a butcher, because he spurns Jewish dietary laws, is in fact not Jewish: "the prohibited fatty portions are not permitted to him unless he accepts upon himself the laws of Islam, through which God releases the Jews from their restrictions and shackles." If Ibn Ḥazm's hypothetical butcher is not actually a Muslim, he must be a heretic, in which case all of his meat is prohibited.<sup>52</sup> To be a Jew, according to Ibn al-Qayyim, one must embrace onerous food restrictions, such as the prohibition of the fatty portions.

Through his answers to Questions 3 and 4, Ibn al-Qayyim demonstrates that Judaism is defined by its distinctively restrictive dietary laws and that a Jewish butcher cannot render fit for Muslim consumption any meat forbidden to the Jews. Ibn al-Qayyim thus endorses Mālikī prohibitions of Jewish camel meat and fatty portions, positions atypical among Sunnī jurists and antithetical to the views of Ibn Ḥazm. We might, therefore, feel secure in guessing that Ibn al-Qayyim supports the restrictive reply many Mālikīs offer to the last of Ibn al-Qayyim's questions. "Question 5: Regarding *al-tarīfā*, that is, an animal whose lung adheres to its ribs, is its meat forbidden to us [when slaughtered by a Jew] on account of the fact that Jews do not consider it permitted, or not?"<sup>53</sup> The term *al-tarīfā*, borrowed from the Hebrew *terefah*, refers to a permitted and properly slaughtered animal which, upon post-mortem inspection, is found to have a lung defect that, according to the Rabbis, renders the animal prohibited for Jewish consumption. The Torah, in contrast, does not prohibit the meat of animals with lung defects.<sup>54</sup> Mālikīs forbid eating the meat of such an animal when prepared by a Jew on the grounds that Jews themselves do not eat it; recall that Mālikīs understand "the food of those to whom the Book was given" to refer to that which Jews and Christians regard as permissible.<sup>55</sup> Ibn Ḥazm, of

52 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 260, 266.

53 – *Ibid.*, vol. 1, p. 267.

54 – See *s.v.* «Tereḥah» (Abraham Arzi), in: *Encyclopaedia Judaica*, 2nd. ed., Michael Berenbaum and Fred Skolnik (ed.s), Detroit, Macmillan Reference, 2007, vol. 19, p. 647. The foundational Rabbinic discussion of animals with lung defects appears in the Babylonian Talmud, *Hullin* 46a-49a.

55 – See the *Wādīḥah* of Ibn Ḥabīb, as preserved in Ibn Abī Zayd al-Qayrawānī, *Nawādir*, vol. 5, p. 367; see also the poetic expression of Mālikī opposition to *arīfīhim* cited in n. 10 above.

course, insists that such meat is permitted for Muslim consumption, and he ridicules Mālikīs for being "wary of contradicting Hillel and Shammai, the two elders of the Rabbanites!"<sup>56</sup>

Contrary to what one might expect, Ibn al-Qayyim endorses Ibn Ḥazm's opinion on this matter, although he does not acknowledge this similarity.<sup>57</sup> The prohibition of animals with lung defects, Ibn al-Qayyim declares, is not authoritative because it has no basis in the Torah. He further observes that a Jewish butcher who slaughters an animal with a lung defect, unlike a Jewish butcher who slaughters a camel, intends to render the animal's meat fit for Jewish consumption, and for this reason his act of slaughter is ritually effective.<sup>58</sup>

Ibn al-Qayyim limits himself to a brief discussion of this subject in the *Aḥkām* and refers his readers to the lengthier treatment of Jewish law regarding animals with lung defects found in his *Hidāyat al-ḥayārā fi aḡwibat al-yahūd wa-l-naṣārā*, a work of anti-Jewish and anti-Christian polemic.<sup>59</sup> That work, in turn, relies upon Samaw'al al-Maḡribī's *Iḥām al-yahūd*, an anti-Jewish polemic by a convert to Islam (d. 570/1175).<sup>60</sup> Ibn al-Qayyim, who distrusts Arabic translations of the Bible and has no familiarity with the Hebrew original,<sup>61</sup> thus nevertheless possesses accurate information about the difference between the

56 – Ibn Ḥazm, *al-Iḥkām fi uṣūl al-aḥkām*, ed. Aḥmad Šakir, Cairo, Maṭba'at al-ʿaṣimah, 1968, p. 722-723; on this passage, see Adang, "Ibn Ḥazm's Criticism", p. 6-7. Ibn Ḥazm displays familiarity with the differences between Rabbanite and Karaite norms on this subject, knowledge evidently derived from Karaite texts or informants. On Ibn Ḥazm's familiarity with such material, see Camilla Adang, *Muslim Writers on Judaism and the Hebrew Bible: From Ibn Rabban to Ibn Ḥazm*, Leiden, Brill, 1996, p. 94-109; idem, "Éléments karaïtes dans la polémique antijudaïque d'Ibn Ḥazm", in: *Diálogo filosófico-religioso entre cristianismo, judaísmo, e islamismo durante la edad media en la Península Ibérica*, Horacio Santiago-Otero (ed.), Turnhout, Brepols, 1994, p. 419-440.

57 – I suspect that Ibn al-Qayyim is in fact familiar with Ibn Ḥazm's *Iḥkām*, as the definition he offers for *al-tarīfā* matches the one used by Ibn Ḥazm (who, however, employs the term *al-tarīf*). Ibn al-Qayyim's primary source of information regarding *al-tarīfā*, Samaw'al al-Maḡribī's *Iḥām al-yahūd* (see below), neither defines the term explicitly nor uses the terminology found in Ibn Ḥazm's *Iḥkām* and Ibn al-Qayyim's *Aḥkām*.

58 – Ibn al-Qayyim, *Aḥkām*, vol. 1, p. 269.

59 – Ibn al-Qayyim, *Hidāyat al-ḥayārā fi aḡwibat al-yahūd wa-l-naṣārā*, ed. Muḥammad Aḥmad al-Ḥaḡḡ, Damascus – Beirut, Dār al-qalam- al-Dār al-Šamiyyah, 1996, p. 468-475; for a poor English translation, see *Guidance to the Uncertain in Reply to the Jews and the Nazarenes*, Abedelhay el-Masri (trans.), Beirut, Dar al-Kotob al-Ilmiyah, 2001, p. 209-214.

60 – Samaw'al al-Maḡribī, *Iḥām al-yahūd: Silencing the Jews*, Moshe Perlmann (trans. and ed.), New York, American Academy for Jewish Research, 1964, p. 71-85 (Arabic), p. 64-70 (English). Ibn al-Qayyim incorporates a more extensive citation from this passage of the *Iḥām* in a later work, *Iḡātat al-labfān min maṣāyid al-šayṭān*, ed. Muḥammad Ḥamid al-Fiḡī, reprint, Cairo, Maktabat ʿAtif, [1939], 1978, pt. 2, p. 329-334. On Ibn al-Qayyim's use of the *Iḥām*, see Moshe Perlmann, "Ibn Qayyim and Samaw'al al-Maḡribī", *Journal of Jewish Bibliography*, 3 (1942), p. 71-74. I am grateful to Livnat Holtzman for alerting me to Ibn al-Qayyim's reliance on Samaw'al's polemical treatise and to the parallel passage in *Iḡātat al-labfān*.

61 – See Hava Lazarus-Yafeh, *Intertwined Worlds: Medieval Islam and Bible Criticism*, Princeton, Princeton University Press, 1992, p. 126.

Rabbinic conception of *terefah* and the meaning of that term in the Torah itself. It is surely significant, however, that Ibn al-Qayyim decides to supplement Samaw'al's own words on this subject (partially preserved in direct citation and partially paraphrased) with a discussion of Quranic prooftexts that demonstrate the true scope of the dietary laws which God imposed upon the Jews. Unlike Samaw'al, who seeks to demonstrate that the Torah testifies to the truth of Islam, Ibn al-Qayyim posits that the Quran articulates the authentic tenets of Judaism and its dietary laws; evidence from Jewish sources is only of secondary importance.

Ibn al-Qayyim's response to Question 5 clarifies his understanding of Jewish meat. Unlike Mālikī, who prohibit Muslim consumption of all meat prepared by Jews which Jews themselves refuse to eat, Ibn al-Qayyim prohibits only those types of meat forbidden to Jews by God Himself. Ibn al-Qayyim expresses only minimal interest in actual Jewish beliefs and practices, as he defines proper Jewish belief and practice on the basis of the Quran. Because Ibn al-Qayyim's "hermeneutical Jew" (to use Cohen's phrase) is bound exclusively by Quranic statements regarding the Jews, that Jew must abstain from forbidden species and fatty portions but need not concern himself with lung defects.

#### *The impact of Ibn al-Qayyim's original contributions*

Ibn al-Qayyim clearly recognizes the power of insightful questions, and he wields this power with great effectiveness in the chapter of *Ahkām ahl al-dimmah* we examined in this essay. Madeleine L'Engle, in the essay's epigram, observes that "every new question is going to disturb someone's universe"; this observation certainly applies to the impact Ibn al-Qayyim's questions have on the *status quo ante* of Sunnī discourse regarding non-Muslim meat, at least within the pages of the *Ahkām* itself. By posing the questions he does, Ibn al-Qayyim shifts the focus of this discourse from the identity of the Christian or Jewish butcher to that butcher's theology. This shift enables Ibn al-Qayyim to offer authoritative Islamic definitions of orthodox Christianity and Judaism, definitions whose relevance extends far beyond the permissibility of various cuts of meat. Ibn al-Qayyim also displays great deftness in distinguishing one question from another. Unlike Mālikī jurists and Ibn Ḥazm, who treat all meat Jews refuse to eat similarly, Ibn al-Qayyim shows that animals with lung defects need not fall into the same category as forbidden animal species or prohibited cuts of meat. He is similarly careful to insist that even Muslims who are lenient with respect to forgetful Christian butchers must not tolerate invocations of beings other than God.

To say that *Ahkām ahl al-dimmah's* chapter on non-Muslim meat "provides a handy synthesis of material that is widely scattered through the earlier literature", as Mark R. Cohen says about this work in general, is to provide an accurate yet sorely inadequate account of Ibn al-Qayyim's contribution to Islamic law. Ibn al-Qayyim does indeed synthesize a wide variety of existing material. He cites by name the *Iršād* of Ibn Abī Mūsā al-Hāšimī, the *Ahkām al-Qur'ān* of al-Gaḥḍamī, and the *Muḥarrar* of Maḡd al-Dīn ibn Taymiyyah, as well as *Ṣaḥīḥ al-*

*Buḥārī* and the *Musnad* of Ibn Ḥanbal. He quotes Ibn Ḥazm extensively, usually without attribution, and cites a variety of *ḥadīths* and teachings of Ibn Ḥanbal without specifying the works from which he gathered this material. Ibn al-Qayyim also displays familiarity with Mālikī and Ṣāfi'ī sources whose precise identity cannot be inferred on the basis of this chapter alone. If prior Ḥanafī or Ṣāfi'ī authorities had weighed in on the issues of interest to him, no doubt Ibn al-Qayyim would have also engaged their ideas.

It would, however, be a mistake to treat this chapter of the *Ahkām* as a synopsis of prior opinions regarding the status of non-Muslim meat. We have seen that Ibn al-Qayyim poses questions which most of his predecessors fail to consider, and that he devotes scant attention to the questions which these predecessors address at length. Ibn al-Qayyim's application of Taymiyyan notions regarding the significance of intention and the inter-relatedness of law and theology, as well as the broader Sunnī conception of Judaism as the oppressively rigorous antithesis of Islam, result in unprecedented answers to the questions he poses. Ibn al-Qayyim, moreover, fuses the ideas expressed by his predecessors with his own original contributions at every step of the way. He supplements the classic Sunnī argument for reading Q. 5:5 as a permission of non-Muslim meat with a new theological rationale. When surveying prior opinions regarding the status of meat slaughtered by a butcher who forgets to invoke God's name, Ibn al-Qayyim appears to provide alternatives which no prior authority actually endorses. Ibn al-Qayyim faithfully reproduces the full scope of prior opinions regarding the permissibility of meat prepared by a butcher who invokes Christ, but he situates these opinions within his own interpretive framework and he provides a wholly original argument in favor of one of these positions. Ibn al-Qayyim's stance regarding the status of problematic meat prepared by Jewish butchers is thoroughly idiosyncratic: he draws upon both Mālikī rulings and the anti-Mālikī positions of Ibn Ḥazm, even as he rejects the logic employed by both parties in favor of his own understanding of Jewish dietary laws and their implications for Muslim consumers.

If the idiosyncrasy that characterizes this chapter is reflective of the work as a whole, then one ought not regard the *Ahkām* as a compendium of existing Sunnī law regarding non-Muslims at all. Rather, *Ahkām ahl al-dimmah* deserves recognition as a brilliantly incisive work of original scholarship whose author builds in new ways upon the foundations laid by earlier Sunnī authorities.

It is clear from both the questions posed in the *Ahkām* and the answers this work contains that Ibn al-Qayyim is a thoroughly independent thinker, willing to depart from and disagree with the majority of Sunnīs and, indeed, the majority of fellow Ḥanbalīs. When he does endorse the opinions of others, Ibn al-Qayyim advances original arguments to support these conclusions and deftly distances himself from opinions that do not conform to his own reasoning. We are thus once more able to recognize the degree to which Ibn al-Qayyim follows in the footsteps of Ibn Taymiyyah, who saw himself and was seen by Ibn al-Qay-

yim and others as an absolute *muḡtabid*.<sup>62</sup> The very practice of imitating Ibn Taymiyyah in this respect, of course, involves going beyond (and even, on occasion, going against) Ibn Taymiyyah's own rulings. A true disciple of Ibn Taymiyyah, Ibn al-Qayyim is no mere *muqallid*.<sup>63</sup>

Within the pages of the *Ahkām*, the impact of Ibn al-Qayyim's original contributions is omnipresent. Beyond these pages, however, Ibn al-Qayyim's impact is far less evident. Krawietz observes that Ibn al-Qayyim's writings "quickly fell into oblivion."<sup>64</sup> Indeed, the discussion of non-Muslim meat in the *Insāf* of 'Alī ibn Sulaymān al-Mardāwī (d. 885/1480-81), a compendium of Hanbalī legal opinions, displays no familiarity with Ibn al-Qayyim's insights into this subject.<sup>65</sup> Perhaps Ibn al-Qayyim's insistence that Jewish and Christian butchers must accept basic theological tenets provided a source of inspiration for twentieth-century prohibitions of meat prepared by Jews and Christians who, in the words of Muhammad Šafi' (d. 1396/1976), "do not really believe in the existence of God."<sup>66</sup> Further exploration of the relationship between the *Ahkām* and subsequent conceptions of the laws governing non-Muslims will be necessary to determine whether and to what extent Ibn al-Qayyim shaped the ideas of other Sunnī authorities. Its incisiveness and insightfulness notwithstanding, *Ahkām ahl al-dīmah* may constitute little more than a fascinating footnote in Islamic legal history, an erudite treatise whose contributions, for one reason or another, remained trapped on their original pages.

62 – Al-Matroudi, *Hanbali School*, p. 50-55; see also Rapoport, "Ibn Taymiyya's Radical Legal Thought", p. 199-207.

63 – Al-Matroudi, *Hanbali School*, p. 131-135; al-Matroudi addresses several instances in which Ibn al-Qayyim disagrees with Ibn Taymiyyah on p. 135.

64 – Krawietz, "Ibn Qayyim al-Jawziyah", p. 27.

65 – 'Alī ibn Sulaymān al-Mardāwī, *al-Insāf fi mā rifat al-rāḡib min al-bilāf 'alā madhab al-imām al-mubaḡḡal Ahmad ibn Hanbal*, ed. Muḡammad Ḥamid al-Fiḡī, Cairo, Maḡba'at al-sunnah al-Muḡammadiyyah, 1955-1958, vol. 10, p. 376-379.

66 – Muhammad Shafi', *Ma'ariful-Quran*, Muhammad Hasan Askari and Muhammad Shamim (trans.), Karachi, Maktaba-e Darul-Uloom, 1996, vol. 2, p. 63, on Q 5:5. Similarly, it is possible that Ibn al-Qayyim's insistence on the importance of the butcher's intent lies beneath the argument offered by Syed Abul 'Ala Maudoodi (d. 1399/1979), who prohibits meat prepared by non-Muslims on the grounds that Jews and Christians today do not believe that the invocation of God's name makes a difference with respect to the permissibility of the resulting meat. See "Are Animals Slaughtered by People of the Book Lawful?" in Zaheer Uddin, *A Handbook of Halaal and Haraam Products*, New York, Center for American Muslim Research and Information, 1996, p. 17-32 (originally published in Urdu in Tarḡumanul Qur'an, April 1959). One would expect to find a citation of the *Ahkām* in 'Abd al-Hayy ibn Muḡammad ibn al-Šiddiq, *Hukm al-laḡm al-mustawrad min ūribā*, Tanḡah, self-published, 1986, a nearly 100-page treatise forbidding Muslim consumption of meat slaughtered by contemporary Jews and Christians that cites a wide variety of medieval authorities; as best I can tell, however, no reference to Ibn al-Qayyim appears in this work. On the modern Sunnī trend toward prohibiting Muslim consumption of non-Muslim meat, a trend that is especially pronounced in South Asia, see Masud, "Food and the Notion of Purity". On the unprecedented degree to which Ibn al-Qayyim's works are now accessible to Muslim audiences, see Krawietz, "Ibn Qayyim al-Jawziyah", p. 61-64.

## God and Man

