

On the *fiqh* of Education – Traditional School Organisation and Religious Pedagogy in Oman. The Example of Shaykh Jā‘id b. Khamīs al-Kharūṣī (d. 1237/1822) and *fiqh al-madrasa*

Anke Iman Bouzenita and Khalfan Al-Jabri*

Abstract

This paper examines the relationship between Islamic jurisprudence (*fiqh*) and education. After an overview of the traditional educational system in Oman, it showcases the life and contributions of the Omani scholar Shaykh Jā‘id b. Khamīs al-Kharūṣī (d. 1237/1822) by providing an explanation and contextualisation of selected case studies from his book, “*al-Madāris wa-amwāluhā wa-l-qawl fī al-muta‘allimīn fihā*” (Schools and their Funding, and the Dictum on Those Learning in Them). This paper thus sheds light on a little-known aspect of the Islamic educational heritage that was a precursor to modern codes of school management and professional ethics. A key takeaway is the emphasis on the right of access to basic education for whoever is willing to learn. The guiding principle in these case studies is ensuring the benefit of students, and protecting them from harm.

Keywords

madrasa, *fiqh*, religious pedagogy, education as a right, student rights, Shaykh Jā‘id al-Kharūṣī, *fiqh al-madrasa*, Oman

Introduction

Is a teacher allowed to distinguish between students on the basis of their guardians’ payments? How should school funding be distributed? Who is in charge of school maintenance? Who is liable if the school building or equipment were to endanger or hurt the students? How should the education of orphans be organised? How far does the teacher’s authority over his students go? The Islamic legal discussion of these and many other related questions uncovers the contribution of a scarcely researched literary and educational heritage.

* Assoc. Prof. Dr. Anke Iman Bouzenita is Associate Professor at the Department of Islamic Sciences in the College of Education at the Sultan Qaboos University. Assist. Prof. Dr. Khalfan Al-Jabri is Assistant Professor at the Department of Educational Foundations in the same college and university.

This paper explores the interplay between Islamic jurisprudence (*fiqh*) and (religious) institutionalised education. *Fiqh al-madrasa*¹ is a term that encompasses the educational and financial management of schools, school premises, teacher/student responsibilities and supervision, as well as questions of teaching methodology and professional ethics. Along these lines, the paper highlights the relationship between *fiqh* and education in administration, management, and methodology, through the Islamic *Fiqh* compendia of Shaykh Jā'id b. Khamīs al-Kharūṣī (d. 1237/1822). Shaykh Jā'id is a major representative of Omani scholars and educationalists of the late 12th/18th to early 13th/19th century, a phase that has been described as a *nahḍa*, or revival, in the region.² The paper breaks new ground in presenting the educational thought of a representative of the Ibadī School in Oman, a field that has been subject to very little academic presentation and scrutiny so far. It should be regarded as a foundational study in the field and will hopefully encourage other scholars to carry out further academic work on this topic.

More particularly, the paper explores the third chapter of his book, entitled “*Kitāb al-Masājīd wa-ahkāmuhā wa-l-madāris wa-aqsāmuhā wa-l-miḥṣana wa-qiwāmu-hā*” (The Book on Mosques and their Rules, Schools and their Departments, and Fortresses and their Foundations). The chapter has been edited and published under the title “*al-Madāris wa-amwāluhā wa-l-qawl fī al-muta'allimīn fihā*” (Schools and their Funding, and the Dictum on Those Learning in Them).³

After an initial introduction to the interplay between *fiqh* and education, this paper introduces Shaykh Jā'id's personality and work. It provides an overview of the most important topics and cases in *K. al-Madāris*, and thereby highlights the interdependence between *fiqh* and the educational enterprise. *K. al-Madāris* can be considered an original testimony uncovering many details of school organisation and management in Oman in the 12th/18th century.

A preliminary note on the region and *madhhab* affiliation

The Ibadī (*ibādī*) School has its origins in the first century of the Hijra, and may be the oldest of the extant Islamic schools of law.⁴ Its development, just like the development of the Sunni and Shia (Shī'a) schools, has been informed by a particular stance on the early political incidents at the end of the Rightly Guided Caliphate.⁵ The distinctive point of view taken by the original opposition movement

1 The term *fiqh al-madrasa* is an innovative term used by the co-author of this paper in the edition of Shaykh Jā'id's book chapter, see Khalfān b. Nāṣir al-Jābirī (Khalfan Al-Jabri) (ed.), *al-Madāris wa-amwāluhā wa-l-qawl fī al-muta'allimīn fihā li-l-Shaykh Jā'id b. Khamīs al-Kharūṣī*, Oman 2017. Historically, the term *fiqh* has been used to refer to schools of thought (*madhāhib*), i.e. the *fiqh* of a particular school of thought, rather than the institution of learning, its management, and the (legal) rules related to this.

2 See John C. Wilkinson, *The Imamate Tradition of Oman*, Cambridge 1987.

3 See al-Jābirī (Khalfan Al-Jabri), *al-Madāris wa-amwāluhā*.

4 See Amr Ennami, *Studies in Ibadhism (al-ibādīyah)*, Oman 2008, p. 128.

5 See Valerie Hoffman, *Essentials of Ibadī Islam*, New York 2012, pp. 5ff.

(out of which the Ibadī School developed) is that the imam or head of state should be the most suitable person for the position, and must be elected by renowned scholars. Hereditary rule is a usurpation of power.⁶ The school itself was named after ‘Abdallāh b. Ibād at-Tamīmī (d. 89/708), a spokesperson of the oppositional movement in Umayyad times,⁷ while its intellectual leadership goes back to Jābir b. Zayd (d. 93/712), a Tābi‘ī,⁸ an eminent scholar of *fiqh*, and author of the “*Dīwān*”.⁹ The school has some distinctive theological teachings, but exhibits hardly any difference in its *fiqh* as compared to Sunni schools of law.¹⁰ Followers of the Ibadī School have, over the centuries, made multiple attempts at establishing independent imamat in Yemen, Oman, and North Africa; most of them were short-lived.¹¹ Today, the main centres of the Ibadī School are found in North Africa (Jerba [Jarba] in Tunisia, Jabal Nafūsa in Libya, and the Mzab Valley in Algeria), East Africa (the Swahili coast and Zanzibar), and Oman. Over the centuries, exchange between these different centres of Ibadism has been vigorous, with extensive networking among scholars.¹²

Fiqh, the madrasa, and the interconnectedness of fiqh and education

Education and educational systems are embedded in the larger worldview of a society, both being informed by it and informing society with its values. In this sense, education in the Islamic world and its organisation cannot be separated historically from the foundations of Islam and its systems. Nor can it be separated from *fiqh*. The term *fiqh* (lit. “understanding”)¹³ describes, in its technical denotation, the knowledge of detailed Islamic legal rules as taken from their sources.¹⁴ *Fiqh*, or Islamic jurisprudence, has an encompassing character, organising human activities ranging from personal behaviour to acts of worship, to social interactions, and international relations. Against this background, *fiqh* unsurprisingly also addresses learning and teaching, educational organisation, and school management. The relationship between *fiqh* and education is reciprocal, as *fiqh* is both a science to be taught and the organising force guiding that process and its institutions. While Islamic education has been profoundly researched in different regional contexts

6 See *ibid.*, p. 7.

7 See Ennami, *Studies in Ibadism*, pp. 21ff.

8 A Successor to the Companions of Prophet Muḥammad.

9 See Ennami, *Studies in Ibadism*, pp. 65ff.

10 See *ibid.*, pp. 163ff., 181ff.

11 See Hoffman, *Essentials*, pp. 13ff.

12 See Amal N. Ghazal, “*Transcending Area Studies: Piecing Together the Cross-Regional Networks of Ibadī Islam*”, in: *Comparative Studies of South Asia, Africa and the Middle East* 34 (2014) 3, pp. 582–589.

13 See Abū l-Faḍl Jamāl ad-Dīn b. Manẓūr, *Lisān al-‘Arab*, Vol. 11, Beirut 2003, p. 210, paragraphs f-q-h.

14 See Aḥmad Maḥmūd al-Shāfi‘ī, *al-Madkhal li-dirāsāt al-fiqh al-islāmī wa-naẓariyyātuh al-‘āma*, Beirut 2003, pp. 9ff.

and in theological, moral, and religious dimensions, it has not been presented under the scope of the *fiqh* of the educational enterprise. For this reason, the work of Shaykh Jā'id in this field certainly deserves academic attention.

The term *madrasa* (pl. *madāris*) refers to a physical institution as well as an educational community, a school of thought,¹⁵ and, we may add, a pedagogic methodology. For Oman, the existence of *madāris* as learning institutions physically separated from mosques is documented through the Omani Ibadi *fiqh* encyclopaedia, Muḥammad b. Ibrāhīm al-Kindī's (d. 508/1111) "*Bayān al-shar'*", as early as the 6th/12th century; they may have existed earlier. "Whoever wants to build a school needs to cover the salary for the workers from his own funds, not from the funds of the mosque, and Allah knows best."¹⁶ A number of schools for the teaching of Islamic sciences are documented by name for that time period, such as the schools of Muḥammad b. Sa'id al-Shajjī and Aḥmad b. Muḥammad b. Šālāḥ, both in Nizwa.¹⁷ The term "school" (*madrasa*) may refer to both primary and higher teaching institutions (in the former, children were taught reading, writing, and Qur'anic memorisation; in the latter, they were taught the Islamic sciences).¹⁸ The *madrasa* model that Abū Nabḥān al-Kharūšī described in his book – to recapitulate, on a par with mosques and fortresses as state-bearing institutions – is a school with its own building, premises, and budget.

With Abū Nabḥān al-Kharūšī, this research focuses on the contribution of an Omani scholar to the Islamic educational heritage who has hardly been considered in the field. While other famous scholars and educators of the modern age hailing from the region, such as Nūr al-Dīn al-Sālimī (d. 1914) and Muḥammad b. 'Abdallāh al-Khalīlī (d. 1954), have gained some degree of attention beyond the borders of Oman,¹⁹ others, like Shaykh Jā'id b. Khamīs al-Kharūšī (d. 1237/1822), have barely even been heard of.²⁰

15 See Glenn Hardaker and Aishah Ahmad Sabki, *Pedagogy in Islamic Education. The Madrasah Context*, Emerald 2018, p. 5.

16 Cf. Muḥammad b. Ibrāhīm al-Kindī, *Bayān al-shar'*, Vol. 37, Muscat 1414/1993, p. 11. See also 'Uthmān, *al-Muṣṭalahāt al-'umrāniyya*, Vol. 2, p. 174.

17 See 'Uthmān, *al-Muṣṭalahāt al-'umrāniyya*, Vol. 2, p. 175.

18 See *ibid.*

19 See Mohsin Nassir Yousof Al-Salmi, *Training Programmes for Islamic Education Teachers in the Sultanate of Oman. Description and Evaluation*, Edinburgh 2001; Abdurahman Al-Salimi, "The Transformation of Religious Learning in Oman: Tradition and Modernity", in: *Journal of the Royal Asiatic Society* 21 (2011) 2, pp. 147–157.

20 A local conference held in Muscat in 2016 was among the first attempts to systematically highlight the scholar's civilisational and historical contribution (*Nadwat 'āfāq ḥadāriyya min ḥayāt al-Shaykh ar-Ra'īs Jā'id b. Khamīs al-Kharūšī* [Conference on Civilisational Horizons of the Life of Shaykh Jā'id b. Khamīs al-Kharūšī], Muscat, Sultan Qaboos University 2016). The Conference proceedings, printed in Muscat in 2018, shed light on numerous aspects of the scholar's life and work.

The region is rich, even today, in famous traditional schools that produced a number of outstanding scholars in the Islamic sciences as well as other fields.²¹ The distinctive features of the Ibadī *madhhab*, with its focus on righteousness and asceticism, in the geographical setting of Oman, may have contributed to the formation of some unique schools in the Islamic world. These schools were established under state or regional supervision, or established, financed, and run by scholars. They had enormous potential for social and political reform. Educational history and the influence of these schools in Oman is very closely bound to the different phases of the country's political and economic flourishing and decline, with phases of stability and unification followed by internal and external wars.²²

The organisation of education was, for centuries, similar throughout the Islamic world, with variations in terminology and specifics of teaching methods. Schools were often organised as endowments (*awqāf*, sg. *waqf*) with their own property and funding, which enabled a degree of autonomy and independence. The first cycle of education, learning to read and write, memorising and reciting the Qur'an, and basic knowledge of *fiqh* and 'aqīda, was organised in Qur'an schools or *kut-tāb* or *katātīb*. In the second cycle or level, more profound knowledge on 'aqīda, Qur'anic exegesis, *fiqh* and *uṣūl al-fiqh*, the rules of inheritance, Arabic, logic, history, and the prophetic biography (*sīra*), would be taught.²³ Teaching generally took place from Saturdays to Thursdays, with Qur'an classes in the morning, and lessons in basic grammar, arithmetic, history, and other subjects in the evening. While beginners would start memorising what their teacher asked them to do one by one, more advanced students would copy their designated text on tablets or writing boards (*alwāh*).²⁴ Teaching was highly individualised and personalised, based on the student's capabilities.²⁵ It was common to employ more advanced students as teaching assistants. Graduation from this type of school was achieved by memorisation and reading of the entire Qur'an, referred to as *khatma* in Oman.²⁶ The *katātīb* had a substantial impact on societies in the Muslim world.²⁷ As an Omani particularity in teaching reading and writing, we may point to the method of *i'rāb and hajw*. This method stands for spelling out the word while pointing with one's index finger to the writing, then spelling out its letter components with their vocalisation while pointing at them, and finally pronounc-

21 For details see Markaz al-Sulṭān Qābūs al-'ālī li-l-thaqāfa wa-l-'ulūm, *al-Thaqāfa al-islāmiyya wa-l-tahaddiyāt al-mu'āshira. Majmū'a min al-bāḥithīn al-mutakhaṣṣiṣīn*, Muscat 2013, pp. 315ff.

22 For more on this topic see Abdurrahman Al-Salimi, "The Transformation of Religious Learning in Oman", pp. 147–157.

23 See Markaz as-Sulṭān Qābūs, *al-Thaqāfa al-islāmiyya*, p. 340.

24 See Khalfān b. Nāṣir al-Jābirī (Khalfān Al-Jabri), "Mabādi' al-ta'līm fī al-katātīb bi-Salṭanat 'Umān fī daw' al-fīkr al-tarbawī al-islāmī", in: Majallat al-'ulūm al-tarbawīyya 2 (2015), pp. 313–360, p. 338.

25 See Hardaker and Sabki, *Pedagogy in Islamic Education*, p. 6.

26 See al-Jābirī, *al-Madāris wa-amwālūhā*, p. 74.

27 See al-Jābirī, "Mabādi' al-ta'līm fī al-katātīb", p. 338ff.

ing the entire word.²⁸ The reading is supported by a particular musical intonation. The word *bismi*, for instance, would be read and learned like this: *bā' kasra bi, sīn sākina is: bis; mīm kasra mi: bismi*.²⁹

Evidence of famous *madāris* in Oman can be found starting from the 3rd/9th century. Examples include the *fiqh* schools of Maḥbūb b. al-Ruḥayl in Sohar, the school of Mūsā b. Abī Jābir al-Izkawī in Izki, both established in the 3rd/9th century, the school of Ibn Baraka al-Bahlawī in Bahla (4th/10th century), and the school of al-Ḥasan b. Aḥmad al-Nizwī, which produced Muḥammad b. Ibrāhīm al-Kindī, author of the famous *fiqh* encyclopaedia "*Bayān al-shar'*". These schools, which obviously afforded an advanced level of study, attracted students from across the region, and produced a number of outstanding scholars.³⁰

An important impetus for the development of educational institutions was initiated by the Ya'rubī imam Bil'arab b. Sulṭān b. Mālik (r. 1091–1104/1680–1692), upon a recommendation by a Jerban scholar, 'Umar b. Sa'id al-Jarbī, to enliven his fortress, Jibrin (Jibrīn), with scholarly activity. The imam heeded the advice, hiring teachers and allotting the best rooms for teaching. Students received full scholarships, and the school attracted students from all over the country. Islamic sciences were taught, as well as history, astronomy, medicine, and chemistry. Fifty scholars qualified in *ijtihād* graduated from this school alone.³¹

Shaykh Jā'id, who witnessed the effects of this revival, established a school himself, in his mosque, the Maṣjid al-Ḥushāt. The school was financed by the affluent scholar himself and attracted many students across the country. Among its most famous graduates were the Shaykh's son, Nāṣir b. Jā'id al-Kharūṣī, who also established a school in Dārsait in Muscat.³² Famous institutions from later centuries that have left an impact which persists to the present day include the school of Sa'id b. Khalḫān al-Khalīlī in Samā'il, the school of Nūr al-Dīn al-Sālimī in the 13th/19th century, and the school of Muḥammad al-Khalīlī, along with numerous other schools which, though they may have declined in influence due to the intensified introduction of the modern school and university system during the reign of Sultan Qaboos b. Said (1970–2020), still exist today, albeit with changes to their modes of operation.

Shaykh Jā'id b. Khamīs al-Kharūṣī: Life and scholarly contributions

Shaykh Jā'id b. Khamīs b. Mubārak al-Kharūṣī al-Yuḥmadī al-Azdī al-Qaḥṭānī, known as Abū Nabḥān, was born in 1147/1735 in al-'Ulyā, Wādī Banī Kharūṣ, in what is today the Omani governorate of al-'Awābī, during the reign of the Ya'rubī imam Sayf b. Sulṭān. The historical era into which Shaykh Jā'id was born, the

28 This process resembles the modern-day phonics method of teaching reading in English.

29 See al-Jābirī, "*Mabādi' al-ta'lim fī al-katātib*", p. 342ff.

30 See Markaz al-Sulṭān Qābūs, *al-Thaqāfa al-islāmiyya*, pp. 341ff.

31 See *ibid.*, p. 343; Valerie Hoffmann, *The Essentials of Ibadi Islam*, New York 2012, p. 24.

32 See Markaz as-Sulṭān Qābūs, *al-Thaqāfa al-islāmiyya*, pp. 344ff.

Ya‘rūbī State (1034/1624–1157/1744), brought about the political unification and relative economic and social stability in Oman necessary for establishing a framework for scholarly activity in various branches of the sciences.³³ The Ya‘rūbī State ended in a state of civil war and unrest, with a series of attacks and occupation of the country by Persia. The beginning of the subsequent Busaidi dynasty (from 1157 /1744) introduced a new phase of hegemony and a restoration of Omani rule by driving out Persian forces, but it was not undisputed internally. The beginning of the Busaidi reign was particularly characterised by a weakness of central power.³⁴ However, the revival of scholarship and education that had already started during the Ya‘rubi period continued in spite of political unrest, as evidenced by the many influential scholars from that era.³⁵ The late 12th/18th century has been referred to as the modern “Ibadi renaissance.”³⁶ This intellectual movement, however, had started in the second homeland to Ibadi thought, the North African Mzab Valley in present-day Algeria, with the social reforms of Abū Zakariyyā al-Afḍalī (d. 1202/1787) and his student, ‘Abd al-‘Azīz al-Thamīnī (d. 1223/1808).³⁷ According to his own statement, Shaykh Jā‘id was most impressed and influenced by the thought of Abū Sa‘īd al-Kudamī, a scholar of the 3rd/9th century.³⁸ One of his most important teachers was Sa‘īd b. Aḥmad al-Kindī (d. 1207/1792).³⁹ In order to understand the importance of Abū Nabhān for Omani scholarship, it is vital to place him at the beginning of a series of highly influential scholars.⁴⁰ His son and student, Nāṣir b. Abī Nabhān (d. 1263/1847), became the most important scholar of the subsequent generation; Nāṣir in turn mentored outstanding students such as Jumayyil b. Khalfān al-Sa‘dī (d. 1278/1862), author of the 90-volume work “*Qāmūs al-sharī‘a*”; and Sa‘īd b. Khalfān al-Khalīlī (d. 1226/1871), a highly influential scholar who was instrumental in the installation of Imam ‘Azzān b. Qays al-Būsa‘īdī.⁴¹

Due to his vast and profound knowledge, Shaykh Jā‘id became known as the leading authority (al-Shaykh al-Ra‘īs), a unique description not bestowed upon any other scholar in Oman. He has been described as a scholar with mystical inclina-

33 For details on intellectual and scholarly life in this era see Mūsā b. Sālīm b. Ḥamad al-Barāshidī, *al-Ḥayāt al-‘ilmiyya fī ‘Umān fī ‘ahd al-Ya‘ariba khilāl al-fatra (1034/1624 ilā 1157/1744)*, Muscat 2013.

34 See Nāṣir b. Sayf al-Sa‘dī, “*Ma‘ālim al-iṣlāḥ al-siyāsī ‘ind al-Shaykh Jā‘id b. Khamīs al-Kharūṣī (1147–1237 h/1734–1821 m)*”, in: Maktab al-Iftā’, *‘Āfāq ḥaḍāriyya min ḥayāt al-Shaykh al-Ra‘īs Jā‘id b. Khamīs al-Kharūṣī*, Muscat 2018, pp. 359–387; here: p. 367.

35 Nāṣir al-Sa‘dī, “*Ma‘ālim al-iṣlāḥ al-siyāsī*”, p. 367.

36 Wilkinson, *The Imamate Tradition of Oman*, chap. 10. See also Hoffmann, *The Essentials of Ibadi Islam*, p. 24.

37 See Hoffmann, *The Essentials of Ibadi Islam*, p. 24.

38 See Nāṣir as-Sa‘dī, “*Ma‘ālim al-iṣlāḥ al-siyāsī*”, p. 364.

39 See *ibid.*, pp. 362ff.

40 See Muḥammad Ṣāliḥ Nāṣir and Sulṭān b. Mubārak al-Shaybānī, *Mu‘jam a‘lām al-Ibāḍiyya min al-qarn al-awwal al-hijrī ilā al-‘aṣr al-ḥāḍir. Qism al-mashriq*, Beirut 1427/2006.

41 See Hoffmann, *The Essentials of Ibadi Islam*, p. 25.

tions, due to the terminology he used and some of the topics with which he was preoccupied. Abū Nabhān was the focal point and main source of scholarship in Oman during his time. He died in 1237/1822 and is buried at his birthplace.⁴² Shaykh Jā'id hailed from a family well known for both their scholarship and political importance in the country, from the first centuries of the Hijra to modern times. One of his direct ancestors was the Ibadī imam al-Ṣalt b. Mālik al-Kharūṣī of the 3rd/9th century. Shaykh Jā'id's father, Khamīs b. Mubārak, was also well-known for his influential role as one of the *ahl al-siyāsa wa-l-'aṭā'*, an expression describing people of political and social influence through their contributions.⁴³ Abū Nabhān was well rooted in this tradition. The scholar took on a political role in opposing Sultan Sa'īd b. Aḥmad after initially supporting him.⁴⁴ He is also famous for his verdict that coffee is not an intoxicant, thereby reversing what had previously been the prevailing view in Oman.⁴⁵ Abū Nabhān was financially independent and able to devote himself to his vocation; this allowed him to produce a multitude of (mainly legal) works, such as "*al-Daqqāq li-a'nāq ahl al-nifāq*", "*'Idāh al-bayān fī-mā yuḥarrām min al-ḥay-awān*", "*Masā'il fī al-ṣiyām*", "*Jawābāt Abī Nabhān*", and many more. Among his books was a refutation of Ghazālī's "*Iḥyā' ulūm ad-dīn*", an indicator of the flow of thought and availability of books across the different regions of the Islamic world, including Oman. He was also known as a poet ("*al-Qaṣīda al-nūniyya*") and an educational theorist.⁴⁶ He wrote a number of letters to the rulers and scholars of his age that document his societal and political opinions, aptly rendering him a politician and social reformer. He is credited with authoring some 75 works.⁴⁷

The tradition of Islamic pedagogic literature

It may be helpful to position Shaykh Jā'id's book within the wider context of Islamic pedagogic literature. Basic tenets of Islamic education can be found in

42 See al-Jābirī, *al-Madāris wa-amwālūhā*; Mubārak b. 'Abdallāh al-Rāshidī, *al-Tajdīd al-fiqhī 'ind Abī Nabhān al-Kharūṣī. Buḥūth nadwat fiqh an-nawāzil wa-tajdīd al-fatwā*, Muscat 2008, pp. 273–294; 'Abdallāh b. Ḥumayd al-Sālimī, *Tuḥfat al-a'yān bi-sīrat ahl 'Umān*, Vols 1 & 2, Muscat 1995.

43 See Nāṣir al-Sa'īdī, "*Ma'ālim al-iṣlāḥ al-siyāsi*", pp. 362, 365.

44 See as-Sālimī, *Tuḥfat al-a'yān*, Vol. 2, pp. 181ff.; Wilkinson, *The Imamate Tradition of Oman*, pp. 171ff. & p. 231.

45 See Fahd b. 'Alī b. Hāshil al-Sa'īdī, *Mu'jam al-fuqahā' wa-l-mutakallimīn al-ibādīyya. Qism al-mashriq min al-qarn al-awwal al-hijri ilā bidāyat al-qarn al-khāmis 'ashar al-hijri*, 2 vols, Muscat 2007, here: Vol. 1, pp. 102–113; Wilkinson, *The Imamate Tradition of Oman*, p. 52; For Abū Nabhān's political role, see also Nāṣir al-Sa'īdī, "*Ma'ālim al-iṣlāḥ al-siyāsi*", pp. 359–387.

46 See al-Jābirī, *al-Madāris wa-amwālūhā*, p. kāf, lām, mīm.

47 See Sa'īd b. Muḥammad Sa'īd al-Hāshimī, *Abū Nabhān Jā'id b. Khamīs al-Kharūṣī. Thaqāfatuh, shuyūkhuh, wa-talāmīdhuh. Qirā'ā fī fikr Abī Nabhān. Ḥaṣād al-nadwa allatī aqāmahā al-muntadā al-adabī iḥtifālan bi-dhikrā al-'allāma al-marḥūm Abī Nabhān 'ām 1996*, Oman 2007; Fahd al-Sa'īdī, *Mu'jam al-fuqahā'*, pp. 102ff.; Fahd b. 'Alī b. Hāshil al-Sa'īdī, "*al-Turāth al-makhḥūṭ li-Abī Nabhān al-Kharūṣī (Dirāsa bibliyūghrāfiyya)*", in: Maktab al-Iftā', *'Āfāq ḥaqāriyya min ḥayāt al-Shaykh al-Ra'īs Jā'id b. Khamīs al-Kharūṣī*, Muscat 2018, pp. 42–76.

the Qur'an and the Sunna of the Prophet, peace be upon him. Islamic pedagogical works are situated in different literary traditions, according to the author's background, and this is reflected in the style of presentation. They can be part of professional *adab* literature⁴⁸, such as the works of Ibn Saḥnūn (3rd/9th century) and al-Jāhīz (4th/10th century), philosophical (such as the work of al-Fārābī, 4th/10th century), or theological in nature (al-Ghazālī, 5th/11th century). These and many other authors were educationalists as well as scholars of *ḥadīth* and *fiqh*, *uṣūl al-dīn*, literati, and scientists.⁴⁹ Such a phenomenon was possible because there was no “compartmentalisation of the mind”⁵⁰ that has become so prevalent today, with increasing secularisation and bifurcation of educational systems in the Islamic world.

**The book “*al-Madāris wa-amwāluhā wa-l-qawl fī al-muta'allimīn fīhā*”
(Schools and their Funding, and the Dictum on Those Learning in Them)**

Books of Islamic law discuss real legal cases. They can therefore be seen as a mirror reflecting society and its systems in their time. The book “Schools and their Funding” is no exception. Shaykh Jā'id refers to and discusses views of other scholars and learned authorities, notes differences of opinion where they exist, and gives his own prevailing point of view. The writing style is therefore typical of Islamic legal treatises with their “he said – I said” (*qāla – qultu*) style of quoting and responding to other scholars' views. The book's main importance lies in it being a documentation of the nature and organisation of education in Oman at the time. It allows insights into the actual state of education, the running of (Qur'anic) schools, and student-teacher-parent relations in the time of and before Shaykh Jā'id. This is so for two reasons: first, educational institutions in Oman changed little up to the 1970s, with the beginning of the reign of Sultan Qabūs b. Sa'īd.⁵¹ Second, the book draws on scholarly authorities preceding Shaykh Jā'id by centuries, and in those earlier case studies the topics and situations presented are very similar, as are their responses and proposed solutions – even in cases that are separated by three or four centuries.

48 Pellat has coined the term “training or occupational *adab*” for this type of *adab*-literature, which “consisted of handbooks or guides intended for members of the ruling, intellectual, and professional classes.”, cf. Charles Pellat, “ADAB ii. Adab in Arabic Literature”, in: *Encyclopædia Iranica* 1/4, pp. 439–444; URL: <http://www.iranicaonline.org/articles/adab-ii-arabic-lit> (accessed on 6/9/2020).

49 See Sebastian Günther, “*Be Masters in That You Teach and Continue to Learn. Medieval Muslim Thinkers on Educational Theory*”, in: *Comparative Education Review* 50 (2006) 3 (Special Issue on Islam and Education – Myths and Truths), pp. 367–388, here: p. 369.

50 A term coined by Syeed Hosein Nasr, see Nadeem Memon, “*Islamic Pedagogy. An Interview*”, in: *Islam and Science* 10 (2012) 1, pp. 7–24, here: p. 11.

51 See Caroline Dorothy Ladewig, *Power, Epistemology and Pedagogy. Female Teacher Education in Oman*, n.p. 2017, p. 171.

“*Al-Madāris wa-amwāluhā wa-l-qawl fī al-muta‘allimīn fihā*” (Schools and their Funding, and the Dictum on Those Studying in Them) is the title of the third chapter of the book “*Kitāb al-Masājīd wa-aḥkāmuhā wa-l-madāris wa-aqsāmuhā wa-l-muḥaṣṣana wa-qiwāmuhā*” (The Book on Mosques and their Rules, Schools and their Departments, and Fortresses and their Foundations). The chapter’s title seems to have been chosen by the scribe rather than the author. At least twelve copies of the book exist today, most of them in the Dār al-Turāth al-‘Umāniyya (Omani Heritage Centre) and in the Maktabat as-Sayyid in Seeb, Oman.⁵² Some of these manuscripts date back to 1252/1836, 1266/1850, 1272/1856 and 1291/1874, and one of the undated manuscripts may be even older than that.⁵³ According to Fahad al-Sa‘dī, the oldest copy is in the Shaykh’s handwriting.⁵⁴

“*Kitāb al-Masājīd*” is one of the most important books by Shaykh Jā‘id. The book, a *fiqh* treatise in its nature, is divided into four chapters. It discusses case studies (*masā’il*) related to the operation, administration, and organisation of mosques, fortresses, and schools. It ought to be mentioned that Shaykh Jā‘id also authored another book, entitled “*Naṣīḥa li-mu‘allim al-ṣibyān*” (Advice to the Teacher of Children), which is a summary of the third chapter, *al-Madāris*.⁵⁵ The “*Naṣīḥa*”, only very recently edited,⁵⁶ is written in an admonishing style, with an introduction on the necessity of counselling in the Islamic context. It addresses the teacher directly about what he is or is not supposed to do, and may rightly be called a code of ethics for teachers. While the themes are congruent with the contents of the cases mentioned in “*K. al-Madāris*”, it is apparent that the *Naṣīḥa* addresses teachers on the basis of obvious mismanagement in the field. The book is addressed to teachers of children generally, in any time period or place.⁵⁷ Although the jurisprudential background is obvious, it may be categorised as a book following the style of professional *adab* literature.

“*K. al-Madāris*” is unprecedented and unique in its style and topic for Oman. Although books and treatises on teaching and the related professional ethics (*adab*) exist (see below), and legally relevant cases are randomly found in *fiqh* compendia, there is no precedent as to the extent and organisation of this book. The re-discovery of this book fills an important void in the field of Islamic education

52 See Fahad b. ‘Alī b. Hāshil as-Sa‘dī, “*al-Turāth al-makhṭūṭ li-Abī Nabhān al-Kharūṣī (dirāsa bibliyūghrāfiyya)*”, in: Maktab al-Iftā’, ‘*Āfāq ḥaḍārīyya min ḥayāt al-Shaykh al-Ra‘īs Jā‘id b. Khamīs al-Kharūṣī*, Muscat 2018, pp. 43–76.

53 See al-Jābirī, *al-Madāris wa-amwāluhā*, p. 14.

54 Cf. Fahad b. ‘Alī b. Hāshil al-Sa‘dī, “*al-Turāth al-makhṭūṭ li-Abī Nabhān al-Ḥarūṣī (dirāsa bibliyūghrāfiyya)*”, here, p. 38.

55 See Fahd b. ‘Alī b. Hāshil al-Sa‘dī, *Qāmūs al-turāth. Buḥūth wa-maḥālāt fī al-turāth wa-l-ta‘rīf bi-hi wa-munāqashat qaḍāyāh*, Muscat 2017, p. 44.

56 See Jā‘id b. Khamīs al-Kharūṣī, *Naṣīḥa ilā al-mu‘allim. Tahqīq wa-sharḥ*, edited and commented by Khalfān al-Jābrī (Khalfan Al-Jabri), Oman 2019.

57 See Fahd al-Sa‘dī, *Qāmūs al-turāth*, p. 44.

research, insofar as it is not a philosophical or theoretical treatise on education,⁵⁸ but rather a reflection of how schools were actually run and organised as a result of an underlying Islamic (educational) worldview in a rather neglected area of the Islamic world, 12th/18th century Oman. Following the jurisprudential style, the book is organised as a discussion of case studies (*masā'il*) which mirror a certain reality at hand.

Bearing in mind the author's reformist background, we may state that the book is also an attempt to lay down guidelines for the organisation of schools as institutions – just as he outlines the organisation of mosques and fortresses. Stylistically, the author introduces preceding scholars' views by stating "he said" (*qāla*), and his own by writing "someone else says" (*qāla ghayruh*). He often refers back to other scholars' views by stating "he returned" (*raja'a*) and sometimes offers his own view by remarking "its author said" (*qāla mu'allifuh*). He introduces sub-questions under "Abū Nabhān's branchings" (*tafīrī'āt Abī Nabhān*), in order to initiate an imaginary dialogue under *qāla* and *qultu lah*, an intentionally didactic stylistic method often used to introduce different angles of an issue and respond to them.⁵⁹ In his "*K. al-Madāris*", Shaykh Jā'id often refers to differences of opinion, while pointing out the strongest view according to his understanding. He quotes from different books, mainly "*K. Minhāj al-'adl*" by Shaykh 'Umar b. Sa'id b. Mu'dī al-Bahlawī (d. 1009/1601), as well as the famous Ibadī *fiqh* encyclopaedia "*Bayān al-Shar'*" by Muḥammad b. Ibrāhīm al-Kindī (d. 557/1115). Altogether, he mentions the views of 16 scholars by name in the chapter *al-Madāris*.⁶⁰ Particularly, the last cases of the book refer to dicta of other famous learned authorities in Oman who preceded him by two to four centuries, such as Aḥmad b. Midād Abū Bakr al-Nā'ibī of the 10th/16th century, or Ṣāliḥ b. Sa'id al-Ma'walī of the 11th/17th century, and others.⁶¹ Since the same topics are reiterated in all these cases, and the answers are similar, we may infer that the everyday reality of teaching in Qur'anic schools in Oman had not changed much during that time. Some of the terminology used in the book, such as *al-muḥāsana*, or *al-mumāsha'a* (see §§241ff.), indicates educational approaches used in the past. The author expresses his own views on these. Considerable changes in the educational system were only much later introduced in the 20th century, particularly since the 1970s.⁶²

58 A number of valuable books and contributions have outlined the (philosophical) foundations of Islamic education, among them 'Abd al-'Azīz al-Mu'āyaṭa, *al-Madkhal ilā uṣūl al-tarbiyya al-is-lāmīyya*, Amman 2006; Aḥmad Rajab al-Asmar, *Falsafat al-tarbiyya fī al-Islām. Intimā' wa-irtiqā'*, Amman 2008; Muḥammad Ḥasan al-'Amāyira, *al-Fikr al-tarbawī al-islāmī*, Amman 2000.

59 See Khalfān b. Nāṣir al-Jābirī (Khalfan Al-Jabri), *al-'Ārā' al-tarbawīyya li-l-Shaykh Jā'id b. Khamīs fī kitāb al-masājīd wa-aḥkāmuhā wa-l-madāris wa-aqsāmuhā wa-l-muḥāsana wa-qī-wāmuhā*, in: Maktab al-Iftā', *Āfāq ḥadāriyya min ḥayāt al-Shaykh al-Ra'īs Jā'id b. Khamīs al-Kharūṣī*, Muscat 2018, pp. 641–667; here, p. 651.

60 See al-Jābirī, *al-'Ārā' al-tarbawīyya li-l-Shaykh Jā'id b. Khamīs*, p. 652.

61 See al-Jābirī, *al-Madāris wa-amwāluhā*, pp. 157, 163, 167, 170, 171. For an identification of these authorities, see *ibid*, pp. 173–185.

62 See al-Salmi, *Training Programmes for Islamic Education Teachers*, pp. 74ff.

Shaykh Jā'id's "*K. Al-Madāris*" therefore stands in a long tradition of educational literature. Many of the topics he discusses had been raised and – at times divergently – answered by his predecessors centuries ago. For instance, writing in the 3rd/9th century, Ibn Saḥnūn discusses some very similar questions in his "*Kitāb Adab al-mu'allimīn*", concerning student–teacher relations, equity between students, the teacher's responsibilities, and other issues – a phenomenon that, in the end, proves the coherence of the Islamic educational systems throughout time and space.⁶³ It may also serve as evidence that the different parts of the Islamic world, regardless of *madhhab* affiliations, shared a common standard literature and discussed shared topics in a comparable style. However, preceding discussions of shared topics in no way diminish the importance of Shaykh Jā'id's book.

The book's contents and themes

Of the 299 case studies (*masā'il*) in the book, six are introductory cases; 49 are related to school funding, bequests, or donations to the schools and those who teach in them; 75 relate to the school's principal (*wakīl*), and how he can or cannot allocate the money; and 54 are devoted to teaching the Qur'an for a fixed salary (*ujra*) or from the school budget (*al-ghilla*). The majority of cases (115) discuss the Qur'an teacher, and what is or is not allowed in dealing with his students. This division reflects the organisational structure and funding of Qur'an schools at the time, as well as the tasks of the teacher and the principal, the teaching methodology, and educational aspects.

The terms *ghilla* and *ujra* may need explanation. The term *ghilla* or *ghalla* (here translated as school budget or funds) originally refers to income obtained through agricultural activity.⁶⁴ Given that most of the schools had agricultural endowments (*awqāf*), they were able to support themselves through the harvest or its equivalent value after sale. Unless otherwise stipulated in the endowment terms and conditions, this budget would be used for the maintenance of the school, then for the teacher's wages, and finally for the students' needs. Should these funds of the *ghilla* be insufficient, the students' parents might be asked to contribute by assisting with the maintenance costs or paying the teacher's salary (*ujra*). Parents might also pay the teacher a fee for extra classes for their children outside of the usual teaching hours; the term *ujra* is used for this type of payment as well.⁶⁵ The following is a summary of some of the cases discussed in "*K. Al-Madāris*", with special emphasis on those cases discussing the scope of the teacher's authority and student-teacher-parent relations.

63 Cf. Muḥammad b. Saḥnūn, *Kitāb Adab al-mu'allimīn*, Tunis 1392/1972. See, for instance, the discussion on physically disciplining the student, pp. 90ff., on whether the teacher is allowed to occupy himself with writing letters or *fiqh* books during teaching hours, pp. 101ff., and on (physical) disputes between students, pp. 117ff.

64 See Ibn Manẓūr, *Lisān al-'arab*, Vol. 11, p. 75 (*gh-l-l*).

65 These priorities are apparent from the discussion in "*Kitāb al-Madāris*", particularly §§ 75ff., pp. 45ff.

Some of the cases discuss questions related to the school facilities and equipment and their maintenance (§1, p. 1).⁶⁶ The expenses for these, the Shaykh emphasises, are the responsibility of neither the teacher nor the inhabitants of the region, but of the public treasury (*bayt al-māl*). If a person (§2) has made a bequest to a particular school, it must be allocated to the benefit of that school, in analogy to a bequest to a mosque (p. 2). §3 stipulates that it is permissible to cut and remove date palms belonging to the school if they no longer yield any benefit (pp. 2ff.).

Cases concerning school property and endowments or bequests for the school or for those teaching in it

Many case studies are related to the use of school funding and property: these include a case on whether it is permissible for the teacher to build a house on the school grounds at his own expense (it is, provided there is a benefit to the school; pp. 4ff.).

§§21ff. discuss cases of bequests: what if the person makes a bequest to schools in his or her area generally, without naming any particular school? For the Shaykh, the answer is to distribute it equally if there is more than one school in that particular region.

Cases concerning the principal (*wakīl*) of the school and what he may or may not do with its property

§57 discusses whether it is permissible for the teacher to use water belonging to the school to irrigate a piece of unused land that belongs to the school, after asking for permission from the local people. The answer implies that he may not use any of the school's belongings for his own benefit, even with the local people's permission, and that he needs to compensate the school if he does, unless he takes something that is without any value (pp. 33ff.).

§60 mentions society's responsibility for the school. Is it incumbent upon the inhabitants of the village to ensure that the school budget is used to carry out repair work? The Shaykh's answer implies that the most appropriate person among them should take care of it, probably meaning the principal (p. 36). It is, however, not allowed for the community as a whole to abandon its responsibility for the school, as stated in §61 (p. 36). The discussion is reminiscent of the concept of *farḍ kifāya*, the collective obligation society has, in this case to take care of the school's needs. Many cases discuss the appointment of a school principal (*wakīl*), including his range of duties and dismissal (§§62ff.). The principal is appointed by the governor or chosen by the community of Muslims. They may choose him without consulting him beforehand, as long as he does not disagree. He may be chosen by people who themselves are not trustworthy, in case trustworthy persons (in places of deci-

66 In the following, § refers to the case number; page numbers are from the 2017 edition of the book.

sion-making) are not available, but he must be trustworthy himself (pp. 38ff.). An untrustworthy principal may be dismissed by the ruler (§71, p. 40).

§§75ff. discuss the use of the *ghilla* for maintenance and repair work. Any parts of the school property that may be damaged or dangerous need to be removed (§79). The school budget may be used to invest in maintenance and repair work as long as the school benefits from it. Funds from the budget may also be used to clean the school of impurities (§78, p. 36).

Is it permissible to light a fire of dried palm trees on cold teaching days (§89, p. 47)? The Shaykh mentions a difference of opinion here; it is not permissible according to those who deem date trees to pertain to the school foundations, while those who see them as part of the *ghilla* deem it permissible.

§93 asks, is it permissible to employ a person who is unknown – or known for his treachery – for the service of the school, for which he would be paid with the school's money? He answers yes, on the condition that he is supervised and watched over (p. 49), thereby highlighting the need for administrative supervision. It is not permissible (§107) to use the budget specified for teaching for other purposes, such as repair work (p. 56). Should there be a surplus in the budget in the categories specified for building and teaching, this is to be divided among the students.

On questions of teaching the Holy Qur'an in return for payment, and what is to be taken from the school's budget

The Shaykh asserts (in §§131ff.) that the teacher may take fees from his students for teaching the art of writing (*khatf*) and *adab*. Other cases (§134) mention the teaching of writing, *adab*, and letter writing. One may infer that those were common subjects taught at the time. Shaykh Jā'id reports, however, a difference of opinion among scholars with regard to teaching the Qur'an – a common issue of debate in the Islamic context. Shaykh Jā'id does not personally agree with the permissibility of taking money for teaching the Qur'an, but accepts the opposing view as valid. He allows taking payment for spending time to teach other skills.

§135 gives insights into the school fees at the time; the fee for one month is mentioned as one dirham; it could also be more or less.

What if an agreement has been made to pay the teacher a certain sum of money for the teaching of one part (*juz'*) of the Qur'an, or the reading of the entire Qur'an (*khatma*)? The Shaykh stipulates that a time frame needs to be specified for the completion of this task (§§133ff.).

§150 asks whether the wealth of an orphan may be used to pay for his teaching. The Shaykh answers, yes, for those who approve of taking fees for tuition in the first place, as it is to the orphan's benefit (p. 82).

The teacher is entitled to what he has invested in the school, as §133 stipulates: If the teacher is removed from his position in the school, but has left certain properties in the school (the example given is food: specifically, banana mixed with small

dried fish), he is entitled to them. The reader can infer that the teacher is entitled to any investment he has made in the school.

Cases related to the Qur'an teacher, and what he may or may not do with regard to his students

How far does the teacher's authority over his students go? In some of his case studies (§186, cf. §212), Shaykh Jā'id asks: Is it permissible for the teacher to send a group of his students to the home of an absent or late student to fetch him? His answer is in the negative; first, because the teacher cannot be sure that his students would not apply inappropriate means of persuasion, such as corporal punishment, and because questions of liability may then accordingly arise; second, because, by sending students as his envoys, he cannot be sure about their parents' consent (pp. 105, 120).

If prior parental consent has been given, and the students discipline and hurt the absentee, the Shaykh says that legal liability returns to the teacher (§213, p. 120). It is clear from the discussion that the Shaykh prohibits the practice of sending children to fetch truants out of concern that injury might occur. His view speaks of his consideration for students' mental and physical safety, and wisely acknowledges the need to guide social dynamics and interaction between students.

If students enter into a dispute and blame each another, it is not permissible to strike any of them (as punishment) until the matter is properly investigated and the perpetrator(s) are determined, and only on the condition of parental consent. On the other hand, the teacher may verbally reprimand the student concerned even without prior parental permission (§187).

May the teacher leave the school in case of need, for example to perform the washing of the dead, and appoint someone in charge of the teaching (§188, pp. 196ff.)? The Shaykh answers that it is permissible to leave someone in charge in case of need, but that person needs to be an adult; in case of a funeral (*janāza*), it is better for the teacher to stay with his students, unless he is leading the burial prayer himself.

Regarding the rights of an orphan student, §192 asks: Is it allowed to accept presents from him, like beans, figs, and the like? The Shaykh's answer implies uncertainty; he is sure that the teacher should be paid from the orphan's wealth, and that he may accept presents from the orphan's guardian that come from that wealth, but whatever is taken from the orphan's wealth should not exceed a *dāniq* of silver – the specified value of a *dāniq* alludes to any negligible value⁶⁷ – but the teacher should also give a present of the same or higher value in return (pp. 109ff.). This provision acknowledges the need to appreciate the student's goodwill and not to

67 A *dāniq* is equivalent in value to one sixth of a silver *dirham* (i.e. ~ 0.5 gram), see Ibn Manẓūr, *Lisān al-'arab*; here, Vol. 5, d-n-q); URL: https://library.islamweb.net/newlibrary/display_book.php?idfrom=2772&idto=2772&bk_no=122&ID=2775 (accessed on 15/5/2020).

disappoint his sincere intentions in honouring his teacher, as well as to safeguard the student from exploitation and the teacher from corruption.

Teaching the Qur'an is described as *farḍ kifāya* (§§193f.); teaching the Qur'an to children in villages and rural areas is recommended (*mustahabb*; p. 111).

The teacher may have been appointed by an unjust ruler (*hākim fāsīd*), but needs to be trustworthy himself (§198). This case gives an interesting insight into power relations at the time, as rulers have often been considered unjust or illegitimate by scholars; however, this does not necessarily impact the legitimacy of someone who has been appointed to carry out a certain function, provided the appointee is of upright character.

It is not sufficient for the teacher to be knowledgeable in writing and teaching the Qur'an: he must also be trustworthy regarding whatever is entrusted to him, particularly in cases of necessity (p. 113).

It is (§200) the responsibility of the teacher to teach writing and the Qur'an to any child or adult, be they free people or slaves, who requests this of him, unless there is an (authentic legal) reason for not doing so (pp. 113ff.). He may even teach a child without the explicit permission of the guardian, unless teaching him leads to a distraction from something more beneficial. The same applies to an orphan (§204). Even the slave, the Shaykh asserts, may be taught without the explicit permission of his master if there is no conflict with his usual working duties (§205). This case highlights the importance given to basic education for all strata of society and the Shaykh's advocacy in promoting this right for traditionally socially marginalised groups.⁶⁸

§206 explicitly stipulates that he needs to extend equal treatment to all students, provided he is paid from the school's budget (p. 116). Even if the parents pay extra based on an agreement between these parents and the teacher, during the common teaching time the teacher may not give preference to those children whose parents paid extra over those whose parents did not (§207, p. 117, also §§209f.). Moreover, he is not eligible for compensation if he does so (§208, p. 117). The teacher may, however, spend additional time, apart from the common teaching time for all of his students, on those students whose parents paid extra.

One important lesson to be derived from this case study is that, clearly, tuition fees for Qur'anic schools were set on what (today) we would call a sliding fee

68 Shaykh Jā'id obviously takes slavery as an institution for granted. He was concerned with a slave's right to basic education, as the discussion reveals, but seems not to have voiced deeper concerns about slavery as such. We may criticise him for not criticising the practice of slavery from the safe distance of two centuries; but the very important and ambiguous issue of slavery in the region against the framework of Islamic law really needs an independent paper, critically exploring the topic. Slavery, an important economic factor for the Sultanate in the 12th/18th and 13th/19th centuries, was abolished under British pressure, leading to economic collapse in the region. The 20th century saw the late prohibition of slavery (in 1970) with the accession of Sultan Qaboos b. Said, see Amal N. Ghazal, *Islamic Reform and Arab Nationalism. Expanding the Crescent from the Mediterranean to the Indian Ocean. 1880s–1930s*, London 2010, pp. 11, 22, 48.

scale according to the relative affluence of the child's guardians, a measure that guaranteed access to education for children with different backgrounds. However, for Shaykh Jā'id, the difference in payment is not allowed to lead to a difference in the children's treatment and teaching. The teacher may differentiate among his students if some parents specifically hired him to teach a certain skill (see §185), but not during the lesson periods common to all.

Is it permissible for the teacher to discipline students with a stick or something comparable, provided parental consent has been given (§214, p. 121)?⁶⁹ According to the Shaykh's interpretation, it is only permissible to a limited extent and if the legal guardian demands it. He makes some exceptions from this rule (§215, pp. 121ff.), such as arriving late without a valid reason; misbehaviour by the student or distracting other students; or if he transgressed against the teacher, somebody else, or their possessions; or if the student is preoccupied with other things so that it prevents him from studying. In any of these cases, however, the student is first advised to stop his undesirable behaviour. If he abides by the warning, it is not permissible to discipline him, but should he revert to the same deed, it is. The guardians need to be informed, and the beating must be light. Should the same mistake recur, the student may be disciplined without prior warning (§216, p. 122 and §§218ff., pp. 123ff.).

Concerning orphans (§218), the Shaykh deems it to their benefit to be disciplined over studying. In any other matter, the legal guardian's consent needs to be given, and the Shaykh is not in favour of disciplining orphans.

In case (as stipulated in §218, p. 123) a student complains about being beaten, insulted or hurt, or distracted from learning by another student, the teacher has an obligation to investigate the matter before taking action. This example shows that bullying was obviously an issue, as well as false accusations among students. The teacher (as in §§221ff.) may destroy students' toys if they only serve to distract. If they have useful purposes, like a bow and arrow, it is not permissible to destroy them, but the teacher may remove the object of distraction.

General hygiene and cleanliness is a topic still prevalent in schools today. Shaykh Jā'id (§223, p. 127) allows disciplining a student who does not trim his fingernails. He may not discipline a student for not using kohl on his eyes (a practice deemed to be preventive of eye infections), as this is a matter of choice, does not relate to

69 Again, we need to consider the educational framework and its means to discipline students 200 years ago, and in the setting of Oman. Shaykh Jā'id sees (light) beating as a means to discipline students. He is evidently in favour of limiting the practice, which may or may not seem reformist against the background of what may have been customary in his time and place. Although physical disciplining of students has, happily, been abandoned in many countries, and is illegal and subject to legal action in some, we cannot use this recent development as a standard to evaluate earlier views. It would be more appropriate to compare the stipulations of this book to common practices and pedagogical treatises and guidelines in the 12th/18th and 13th/19th centuries worldwide. The respective case studies are rendered for reasons of academic integrity, and should not be seen as an instruction for best educational practices in contemporary settings.

either teaching or cleanliness, and does not harm the student. But if the teacher orders children to clean their bodies and clothes of those impurities that Muslim scholars are agreed on, and the student refuses to do so, it is permissible to discipline him if he has neglected his purity without an excuse, such as forgetfulness, or other credible reasons.

The teacher may (§227) order the student to clean his clothes of lice and destroy them, for the same reasons as mentioned in the preceding case.

As to the manner of beating and the number of strikes (§228ff.), Shaykh Jā'id underlines that the teacher may only lightly slap a student on the palm of his hand, and not more than three times, and only on the condition that the student is not too young. He permits student detention in school without corporal punishment (§§230ff.) if students have neglected their schoolwork, provided that no harm befalls them such as heat, cold, or thirst. If there is a threat of such harm, students must not be held in detention.

In one of the last cases in this treatise (§296, p. 170), Shaykh Jā'id asserts that if the teacher has injured the student while disciplining him, by, for instance, hitting a previous injury, a blister, or a scab, and this causes it to bleed, the teacher is required to pay compensation.

§233 discusses an important pedagogical aspect of teaching. The teacher, whether he is paid a fixed salary from the school budget or by the students' parents, must pay attention to the level of his students, regardless of whether they are beginners or advanced students. It is not permissible for him to favour one level over any other, and he needs to treat all of his students equally (p. 130). Upholding justice between students, in terms of their mental capacities and their respective progression of learning, as well as the financial contributions of their parents, is a focal point in the cases under discussion.

Shaykh Jā'id emphasises that teaching should progress from the simple to the more complex, and no student should be challenged beyond his abilities (§234). He even considers challenging the student beyond his abilities to be a form of fraud.

He does not unconditionally allow the teacher to employ older students as teaching assistants, as was presumably common in his time (§132). It is only permissible with the agreement of the parents and if there is a benefit involved (for the students). The same goes (§§237ff.) for requesting them to produce ink, sharpen pencils, wash writing tablets, or put water in the ink containers, unless there is a risk of harm. Parental permission is also required for the teacher to use the children's ink or to write on their tablets, or to have students write together (sharing their materials). If children write on each others' writing boards to improve their own writing, without being ordered to do so by the teacher, he allows it, evidently for the pedagogical benefit involved.

Is it permissible to allow the winner of a writing competition to (lightly) slap his unsuccessful opponent on the hand or shoulder, as a sign of defeat (§241)?⁷⁰ The Shaykh asserts that there is something in the narrated heritage (*athar*) to permit this, with parental consent, but he himself does not favour it, as it may lead to student harm. He also mentions that this kind of competition between students may spark an inclination to dominate the other. This may lead to a negative dynamic in the classroom, as the Shaykh rightly senses. He prefers to allow such competition, but not to permit this expression of defeat of the weaker student (§242).

In §246, he explicitly allows students to help each other with their work as long as they benefit from this (p. 137). May one student write the work of another (§247)? The response is that each student should do the writing he has been charged with. Others should only do the writing for him if there is a (learning) benefit involved (p. 137).

The teacher may write on the student's writing board, and with his writing utensils, without the explicit permission of the parents, as long as there is an educational benefit involved (§248).

May the teacher allow his students to leave the classroom to go to the toilet, drink, or eat? He may, provided that he can be sure about the student's truthfulness and comportment (§249, p. 138). The student may also be allowed to leave the school due to illness, or because his mother or father calls him (§250). We may conclude from this that students' health and wellbeing need to be considered at all times.

The same permission to leave the school applies if the student needs to clean himself or his clothes of impurities (§252). Teachers are supposed to investigate reasons for returning late (§253).

A number of cases (§§254–266) go into the details of the teacher leaving the school when necessary, whom to appoint as a substitute during this period of absence, and how to make up for the teaching time he misses. These cases explicitly demonstrate the concern for students' educational rights, for which their teacher is responsible. They also express the overall importance of maintaining an efficiently run institution of learning.

§267ff. then asks if the teacher may eat and drink during teaching hours, or write letters. The Shaykh asserts that the teacher may engage in any activity that does not keep him from carrying out his teaching duties (p. 147ff.). Any activity that keeps him from his teaching duties, however, is not allowed, as it infringes upon his students' educational rights (§270ff.). He may read and further his own knowledge during teaching hours, if he needs to answer an important question (§271, p. 150). However, he must make up for the time he missed while doing so (§272). The same applies should he oversleep or forget his teaching lessons, which are

70 The term used for this practice is *mumāṣa'a*. According to Ibn Manẓūr, the term is synonymous with *mujālada*, and describes fighting by the sword, cf. Ibn Manẓūr, *Lisān al-'arab*; Vol. 14, p. 87 (*m-ṣ-*). It is, however, not used for this meaning here, see al-Jābirī, *al-Madāris wa-amwālūhā*, p. 134, fn. 91.

funded by the school budget. The Shaykh mentions that some scholars have drawn the analogy between this case and someone who forgets or oversleeps and misses his prayer time. While both (sleep and forgetfulness) are considered valid (*shar'ī*) reasons for an excuse, the rights concerned are the rights of Allah in Islamic legal terms, meaning that it is incumbent upon that individual to ask Allah for forgiveness and make up for what he missed (pp. 151ff.).

§274 (p. 151) gives insights into the reality of teachers' payments at the time. What if no agreement on a salary has been made, and there is no school budget to be paid from, but people support the teacher financially now and again, and he does not ask anything from those who do not (voluntarily provide support)? This question indicates that not every family who sent their children to school was actually able to pay or did pay the teacher for his services; consequently, there was a system of social solidarity in place to fund the instruction of every schoolchild.

§275 asks: If a boy brings a present for the teacher, may he accept it? Yes, the Shaykh answers, according to some (scholars), provided he can be sure it comes from the boy's father or mother. Another dictum prefers for the teacher to first inquire about the origin of the present before accepting it.

The teacher may not, as explained in §279, charge a student with some of his tasks as an assistant, unless the student is an adult and agrees, or parental consent has been given. Again, this provision safeguards students from exploitation.

The teacher may (§281) ask his students to provide furnishing material from the valley (stones and plant material) if the school facilities are not suitable for the students, and the school does not have the budget to provide the materials, provided that parental consent has been given and that students are not harmed (p. 155). The teacher may also charge students with erecting a seating construct (*'arīṣ*) against the heat or cold in the school, he may also let them do so upon their own initiative, as long as they acquire some benefit and are safe from harm (§284).

Generally, the teacher may ask students to do work that is for their own or the school's benefit, provided there is no harm involved, even without prior parental consent, unless there is a previous agreement that requires parental consent for any of these actions (§285).

The teacher guarantees the safety of the students and must take full responsibility for any harm to them if he ordered them to build or make repairs that exceeded their abilities (§286).

Some of the closing cases of the book refer to dicta by other authorities. These cases reiterate and reinforce a number of the preceding points. §292, mentioning the view of 11th/17th century scholar Aḥmad b. Midād b. 'Abdallāh (p. 167), discusses the following: If the school pays a certain salary for the teacher that is not sufficient, and the parents agree to top up the salary with a certain amount each, is it permissible for the teacher to turn away a child whose parents did not pay the agreed sum, while others did?

The answer is in the negative. The teacher may not turn anyone away, whether his parents paid or not; moreover, he is obliged to safeguard equal treatment of

all of his students. If he did not treat his students equally (on these grounds), he is not asked to pay compensation (*damān*), but should repent and ask Allah for forgiveness.

Summary

In his “*K. al-Madāris*”, Shaykh Jā’id discusses a number of important educational and organisational questions that shed light on the state of education in Oman in the late 12th/18th and early 13th/19th century. The book highlights the relationship between *fiqh* and the *madrasa*, in the latter’s different dimensions of being a physical place, an educational community, or a methodology. It shows that, rather than being a mere science to be taught, *fiqh* was an active agent in determining vital questions of school organisation, management, funding, student-teacher-parent relations, and teaching methodology. Shaykh Jā’id’s work in the field is very detailed. His reference to older Omani scholars, some of them centuries before his time, and the discussion of identical cases places him, and the organisation of educational facilities, in an unbroken chain.

To summarise the most important teachings of the book, school premises and their use are subject to detailed rules; the principal’s appointment and obligations are specified, as is the allocation of funds. The book asserts the need for basic education to be accessible to whoever is willing to learn. This right is considered so essential and vital that obtaining the legal guardian’s permission is not a requirement for teaching, despite the fact that the need for parental consent is highlighted for just about any teacher-student interaction, from discipline to using the student’s writing materials. Equitable use of the available school budget and parents’ contributions are emphasised, as well as the suitability and safety of the premises. The book also advises the teacher to provide guidance to students by focusing on punctuality, carefulness, and diligence. The teacher may not be diverted from his duties, and must appoint a reliable substitute in case of absence. The teacher is responsible for the general physical wellbeing and cleanliness of his students. He is legally liable if he infringes in any way on his students’ rights. Teaching/learning progression must be such that students are not challenged beyond their abilities; it should proceed from less to more difficult, and allow each student to advance at his own pace. Students are to be educated to assist others. Competition in learning must not be used to allow some to benefit at the expense of others, and students are not to be given opportunities to bully or belittle others. The most important principle at work in these case studies is securing the benefit of students and preventing them from harm.