

THE IDENTITY OF “THE *MUFTĪ* OF ORAN”, ABŪ L-‘ABBĀS
AḤMAD B. ABĪ JUM‘AH AL-MAGHRĀWĪ AL-WAHRĀNĪ
(D. 917/1511) *

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This study attempts to identify the “*muftī* of Oran”, outlining his life and career through an analysis of the available data in North African sources. I suggest that already in the biographical sources of sixteenth century, the biographies of two scholars were conflated, that of the *muftī* himself, Abū l-‘Abbās Aḥmad b. Abī Jum‘ah (d. 917/1511), and that of his son, Abū ‘Abd Allāh Muḥammad Shaqrūn (d. 929/1523-24). This study endeavors to resolve this conflation. Originally from Oran, Aḥmad studied in Tlemcen and eventually settled in Fez, where he obtained a position as professor of Islamic law. It is likely that he issued his famous *fatwā* of 910/1504 to the Moriscos there, as one of the prominent jurists of the city, intending to oppose the opinion of his contemporary Aḥmad b. Yahyā al-Wanšarīsī (d. 914/1508).

Keywords: Abū l-‘Abbās Aḥmad b. Abī Jum‘ah (m. 917/1511); Abū ‘Abd Allāh Muḥammad Shaqrūn (m. 929/1523-24); Oran; *Fiqh*; Moriscos.

Esta investigación intenta identificar al “*muftī* de Orán,” bosquejando su vida y carrera a través de un análisis de los datos disponibles en las fuentes norteafricanas. Quisiera plantear que, ya en las fuentes biográficas del siglo XVI, se han confundido las biografías de dos eruditos, la del *muftī*, Abū l-‘Abbās Aḥmad b. Abī Ÿum‘a (m. 917/1511), y la de su hijo, Abū ‘Abd Allāh Muḥammad Šaqrūn (m. 929/1523-24). Mi investigación propone resolver esta confusión. Originario de Orán, Aḥmad estudió en Tremecén y acabó por establecerse en Fez, donde consiguió un puesto como profesor de ley islámica. Es probable que haya emitido su famosa *fatwā* de 910/1504 a los moriscos desde allá, como uno de los juristas prominentes de la ciudad, con la intención de oponerse a la opinión de su contemporáneo Aḥmad b. Yahyā al-Wanšarīsī (m. 914/1508).

Palabras clave: Abū l-‘Abbās Aḥmad b. Abī Ÿum‘a (m. 917/1511); Abū ‘Abd Allāh Muḥammad Šaqrūn (m. 929/1523-24); Orán; *fiqh*; moriscos.

For nearly a century now, scholars have been aware of an important legal *responsum* for Moriscos issued by the jurist Aḥmad b.

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Abī Jum‘ah al-Maghrāwī al-Wahrānī in the early 1500s. This *fatwā* has been described as “the key theological document for the study of Spanish Islam” in the period following the reconquista and leading up to the expulsions.¹ It is particularly intriguing in that it grants comprehensive dispensation to Muslims living under the Inquisition to dissimulate – to conform outwardly to Christianity in their daily lives, performing acts that are expressly forbidden in Islamic law, if necessary, just as long as they do this with the internal knowledge that these acts are ordinarily forbidden and without relinquishing their internal conviction. It thus goes against the uncompromising position of the majority of Mālikī jurists, who required Muslims living under non-Muslim rule to flee to Muslim territory.² The *fatwā* was evidently of great importance to the Morisco community, for the Arabic text, composed in 1504, was translated and copied as late as 1563 and 1609 in different parts of Spain. Four versions of the text, one Arabic copy and three *aljamiado* translations, are known. The Arabic text (hereafter V), first discovered in the Vatican in 1951, has been edited twice and translated, though not completely, into English, German, and Spanish.³ An *aljamiado* version from Aix-en-Provence

¹ Harvey, L. P., *Muslims in Spain, 1500-1614*, Chicago, 2005, 60.

² Lewis, B., “Legal and Historical Reflections on the Position of Muslim Populations under Non-Muslim Rule”, 43-57, in *Islam and the West*, New York, 1993, 53-54; El Fadl, Kh. A., “Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries”, *Islamic Law and Society*, 1 (1994), 141-87, esp. 153-57; Miller, K. A., “Muslim Minorities and the Obligation to Emigrate to Islamic Territory: Two Fatwās from Fifteenth-Century Granada”, *Islamic Law and Society*, 7 (2000), 256-88. Other less strict *fatwās* on this issue have recently been discovered. See Koningsveld, P. S. and Wiegers, G. A., “The Islamic Statute of the Mudejars in the Light of a New Source”, *Al-Qanṭara*, 17 (1996), 19-58; id., “Islam in Spain during the Early Sixteenth Century: The Views of the Four Chief Judges in Cairo (Introduction, Translation and Arabic Text)”, in Zwartjes, O., Van Gelder, G. J., De Moor, E. C. M. (eds.), *Poetry, Politics and Polemics: Cultural Transfer between the Iberian Peninsula and North Africa*, Leiden, 1997, 133-52.

³ Muḥammad ‘Abd Allāh ‘Inān discovered the text, MS Vatican, Borgiano arabo 171, fols. 2-4 (hereafter V) in 1951 and published his edition three times, in 1952, 1958, and 1966. Muḥammad ‘Abd Allāh ‘Inān, “Wathīqah ‘arabīyah jadīdah tulqī daw‘an ‘alā tārikh al-mūriskīyīn”, *Majallat al-Thaqāfah*, Cairo, 1371/1952, 8-9; id., *Nihāyat al-A-ndalus wa-tārikh al-‘arab al-mutanaṣsirīn*, 2nd ed., Cairo, 1958, 325-27; *ibid.*, 3rd ed., Cairo, 1966, 342-44; repr. in ‘Abd al-Hādī al-Tāzī, *al-Maghrāwī wa-fikruhu al-tarbawī min khilāl kitābihi Jāmi‘ jawāmi‘ al-ikhtisār wa’l-tibyān fīmā ya’ruḍu bayna al-mu‘allimīn wa-ābā’ l-ṣibyān*, 898 H./1493 M., Beirut, 1986, 120-22. L. P. Harvey published an edition together with an English paraphrase and photographic plates of the manuscript folios in “Crypto-Islam in Sixteenth-Century Spain”, *Actas del Primer*

(hereafter A) was edited in 1927, and another, from Madrid (hereafter M), was presented in a Castilian translation in 1915 and transcribed completely in 1964.⁴ A third *aljamiado* version that used to be in Madrid (hereafter X) may be lost.⁵ Since the publication of these texts, the *fatwā* has been discussed in many studies on the history of

congreso de estudios árabes e islámicos, Córdoba, 1962, Madrid, 1964, 163-83. Peter Dressendörfer provided a German translation based on the editions of Harvey and Muḥammad ‘Abd Allāh ‘Inān in *Islam unter der Inquisition: Die Morisco-Prozesse in Toledo 1575-1610*, Wiesbaden, 1971, 137-41. María Jesús Rubiera Mata provides a nearly complete Spanish translation in “Los Moriscos como Criptomusulmanes y la *Taqiyā*”, *Actas del IX Simposio Internacional de Mudejarismo*, Teruel, 2004, 541-44. A near-complete English translation is given by L.P. Harvey in *Muslims in Spain*, 61-63.

⁴ Pedro Longás published an abridged Castilian rendition of what is now MS Madrid, Academia de la Historia MS 280.13 in 1915 (hereafter M): *Vida religiosa de los Moriscos*, Madrid, 1915, 305-7; repr. in García-Arenal, M., *Los moriscos*, Madrid, 1975, 44-45. Harvey presented a complete transcription of M in “Crypto-Islam.” A complete transcription of an *aljamiado* translation found in Aix-en-Provence (Bibliothèque Mejanés MS 1223, fols. 130-38; hereafter A), together with a French translation, is provided in Cantineau, J., “Lettre du Moufti d’Oran aux Musulmans d’Andalousie”, *Journal Asiatique*, 210 (1927), 1-17.

⁵ Saavedra noted the existence of two *aljamiado* versions of the *fatwā* in the collection of Pascual de Gayangos in “Discurso que el Excmo. Sr. D. Eduardo Saavedra leyó en Junta pública de la Real Academia Española, el día 29 de diciembre de 1878, al tomar posesión de su plaza de Académico de número”, *Memorias de la Real Academia Española*, VI, Madrid, 1889, 140-328. In *Apéndice I. Índice general de la literatura aljamiada*, 237-320, he labels one version LXXXVII/no. 5 (the fifth of twenty-nine short treatises and other texts contained in MS T 13 of the collection) (pp. 300-2), and the other CXXVI/no. 3 (the third of three texts included in an unnumbered MS of the same collection) (p. 314-15). The first is M and the second X. Harvey reports that X has been lost in “Crypto-Islam”, 164-65. Cantineau did not view X himself, but was informed about it by Miguel Asín Palacios in a private communication (Cantineau, “Lettre”, 15). Asín Palacios was apparently quoting Saavedra’s description and probably had not examined the text himself. It appears, then, that no one has seen the text since Saavedra. However, examination of Saavedra’s description raises the possibility that X was not actually part of Gayangos’ collection of *aljamiado* texts proper. Saavedra does not report a shelf number designating the particular codex that contained X, in contrast with his preceding entries on the Gayangos MSS, designated S1-S4, T1-T19, and V1-V32 (Saavedra’s LXX-CXXV, pp. 289-314). Judging by its place in the list, the manuscript’s number should be V33, but the lack of a number may indicate that it was not considered an *aljamiado* MS proper. The MS bore the title *Tractados contra el corán* and included three texts, of which two were in Castilian: *Lumbre de la fe contra el Alcorán*, written in 1519 by a certain Maestro Figuerola, an apocryphal gospel entitled *Vida y milagros de Cristo N. S. por Thesiphón Abenathar, discípulo de Jacobo el Apóstol*, and the *fatwā*, under the title *Epístola Mahomética del Apóstata*, intercalated between the out-of-order quires of the second work. It is possible that the whole MS was subsequently catalogued with Castilian texts and that this is why X has not been relocated.

the Moriscos in particular and the status of Muslim minorities living under non-Muslim rule in general.⁶

Despite considerable scholarly attention, the identity of the author of the *fatwā* – often termed simply “the *Muftī* of Oran” – remains something of a mystery. In most cases, the investigators of the *fatwā* have not located any information on its author in biographical or other sources. The few exceptional studies merely provide the death date 929/1523-24. Even in 2005, L. P. Harvey has remarked, «In the case of the Oran fatwa of 1504, the scholar in question is only known to us from just this one text...»⁷ Drawing on North African biographical works as well as a published work by Ibn Abī Jum‘ah and a treatise by his son extant in manuscript, this study endeavors to sketch, however

⁶ Vernet, J. “Traducciones moriscas de El Corán”, in *Der Orient in der Forschung: Festschrift für O. Spies*, ed. W. Hoenerbach, Wiesbaden, 1967, 691-92; Dressendörfer, P., *Islam unter der Inquisition*, Wiesbaden, 1971, 134-42; Cardaillac, L., *Morisques et Chrétiens: Un Affrontement Polémique (1492-1640)*, Paris, 1977, 88-90; *idem*, “Un aspecto de las relaciones entre Moriscos y Cristianos: Polémica y ‘Taqiyya’”, 107-22 in *Actas del Coloquio Internacional sobre Literatura Aljamiada y Morisca*, Madrid, 1978, 108-10; Vernet, J., “La Exégesis Musulmana Tradicional en los Coranes aljamiados”, 123-45 in *Actas del Coloquio Internacional sobre Literatura Aljamiada y Morisca*, 125; Sabbagh, L. “La religion des Moriscos entre deux fatwas”, 45-56, in *Les Morisques et leur Temps. Table Ronde Internationale 4-7 Juillet 1981, Montpellier*, Paris, 1983, esp. 49-55; Chejne, A. G., *Islam and the West: The Moriscos, A Cultural and Social History*, Albany, 1983, 24; Epalza Ferrer, M. de, “L’identité onomastique et linguistique des Morisques”, in *Religion, Identité et Sources Documentaires sur les Morisques Andalous*, Tunis, 1984, 269-79; Bouzineb, H., “Respuestas de Jurisconsultos Magrebies en torno de la inmigración de Musulmanes hispánicos”, *Hespéris-Tamuda*, 26-27 (1988-89), 53-66, esp. 53-54, 59-60; Razūq, M., *al-Andalusīyūn wa-hijratu-hum ilā l-Maghrib khilāl al-qarnayn 16-17*, Casablanca, 1989, 10, 148, 150-51; Fierro, M., “La emigración en el Islam: Conceptos antiguos, nuevos problemas”, *Awrāq*, 12 (1991), 11-41, esp. 21-22; Harvey, L. P., “The Political, Social and Cultural History of the Moriscos”, 201-34 in Jayyusi, S. Kh. (ed.), *The Legacy of Muslim Spain*, Leiden, 1994, esp. 209-10; El Fadl, Kh. A., “Islamic Law”, 156-57, 179-80; Epalza, M. de, “La voz oficial de los musulmanes hispanos, mudéjares y moriscos, a sus autoridades cristianas: cuatro textos, en árabe, en castellano y en catalán-valenciano”, *Sharq al-Andalus*, 12 (1995), 279-98, esp. 290-95; Magnier Heney, G., “The Veneration of Images and Other Religious Polemics between Morisco and Cristiano Viejo as Reflected in Golden-Age Drama”, 173-98 in *Actes du VI^e Symposium International d’Études Morisques sur: État des Études de Moriscologie durant les trentes dernières années*, A. Temimi (ed.), Tunis, 1995, 176-77; Molénat, J. P., “Le Problème de la permanence des Musulmans dans les territoires conquis par les Chrétiens, du point de vue de la loi islamique”, *Arabica*, 48 (2001), 394-400, esp. 399-400; Pormann, P.E., “Das Fatwa Die Herrlichsten Waren (*Asnā l-matağir* des al-Wansarīst)”, *Der Islam*, 80 (2003), 301-28, esp. 311-12; Rubiera Mata, M.^a J., “Los Moriscos como Criptomusulmanes”, 537-47; Harvey, L. P., *Muslims in Spain*, 60-64.

⁷ Harvey, L.P., *Muslims in Spain*, 64.

incompletely, his life and career and to clarify several points concerning the *fatwā* that have been subject to confusion and debate. The sources examined below suggest that Ibn Abī Jum‘ah resided in Oran at one point, but eventually settled in the northern Moroccan city of Fez, capital of the Marinids (592-875/1196-1470) and their successors the Wattāsids, who served first as regents for the Marinid ‘Abd al-Ḥaqq II (831-75/1428-70), then ruled as independent sultans from 877/1472 until 956/1549. He would have been active in Fez during the long reign of the Wattāsīd Muḥammad II al-Burtuqālī (875-931/1470-1525).

Considerations Based on the Text of the *Fatwā*

The *fatwā* itself provides quite limited information concerning its author and the circumstances under which it was granted. The year of its composition has been reported variously as 909/1503, 910/1504, and 1563; the day and month given also vary. In his abridged rendition of the *aljamiado* text, Longás affixed the date 3 May 1563 at the head of the document.⁸ Had he been familiar with the Islamic calendar, he would have realized that this was wrong from that manuscript itself, for the end of the same text reads, «Al principio de Racheb, año de 910 de la Hégira, escrito a 3 Mayo del año 1563.»⁹ The month of Rajab 910 corresponds to 8 December 1504-6 January 1505. This must be the date when the document was originally drawn up, and 3 May 1563 the date of this particular *aljamiado* copy. The date of composition given in the text of A is the beginning of Rajab 909, corresponding, Cantineau notes, to the end of December 1503; it was copied in 1609.¹⁰ X gave the date of composition as 1 Rajab 910; it is not known when it was copied.¹¹ The date given in V is the same, 1 Rajab 910.¹² Cantineau and Harvey both point out that the date 1563 is merely that of the copy of the *aljamiado* translation in M. They also note the

⁸ Longás, P., *Vida religiosa*, 305. Chejne, among others, reports this as the date of the *fatwā*. Chejne, A. G., *Islam and the West*, 24.

⁹ Longás, P., *Vida religiosa*, 307. Saavedra states clearly that it was just copied in 3 May 1563. Saavedra, E., "Índice", 301.

¹⁰ Cantineau, J., "Lettre", 1, 5, 10, 14. Cardaillac erroneously states that this MS, too, is dated 3 May 1563. Cardaillac, L., *Morisques et Chrétiens*, 89.

¹¹ Saavedra, E., "Índice", 315.

¹² 'Inān, *Nihāyat al-Andalus*, 3rd ed., 342; Harvey, L. P., "Crypto-Islam", 178.

discrepancy between the dates Rajab 909 and Rajab 910 A.H. The fact that these dates coincide in the month suggests that there has been some confusion in the textual transmission, likely caused by the Morisco copyist's lack of expertise in dealing with the *hijrī* calendar. Cantineau observes that the copyist of A was using the Christian calendar throughout the anthology of Morisco texts that contained the *fatwā* and suggests that he introduced this error by converting the *hijrī* year into the Christian year and then back (1504 overlaps with both 909 and 910 A.H.). The year 910 A.H. is presumably the correct date, as it occurs in V and is confirmed by M and X.¹³ It bears mention that the *fatwā* is dated quite precisely. Many studies state that it was written "in the beginning" of Rajab,¹⁴ giving the impression that the date is some unspecified day early in the month. The term *ghurrah* in V, however, denotes precisely the first day of the month. This is evident in X, as recorded by Saavedra, «fecha en la menguante de la luna de Ragiabo, año 910 de la Hégira.»¹⁵ Muḥammad 'Abd Allāh 'Inān realizes this and reports the date as 1 Rajab 910/28 November 1504.¹⁶ He errs, though, in figuring out the equivalent date in the Christian calendar; 1 Rajab 910 actually corresponds to 8 December 1504.¹⁷ As Harvey and others have deduced, this date suggests that the *fatwā* was issued for Muslims living under the rule of the crown of Castile who had been forcibly converted in 1501-2, especially in the former kingdom of Granada.

Modern scholars have given the name of the *muftī* in various forms as a result of confusion stemming from its rendition in the several *aljamiado* versions. Longás writes no name, but simply refers to the author as "el muftí de Orán"; Cantineau presents his name as Aḥmad ibn Abī Jumu'a; Cardaillac reports his name as Ahmed ben Juma'a; Harvey records 'Ubaydallah Aḥmad Ben Bū Jumū'ah al-Maghrāwī al-Wahrānī.¹⁸ These variants derive from readings of

¹³ Cantineau, J., "Lettre", 15-16; Harvey, L. P., "Crypto-Islam", 165-66.

¹⁴ Longás, P., *Vida religiosa*, 307; Cantineau, J., "Lettre", 5, 10, 14; Harvey, L. P., "Crypto-Islam", 166.

¹⁵ Saavedra, E., "Índice", 315.

¹⁶ 'Inān, "Wathīqah 'arabīyah jadīdah", 8; *idem*, *Nihāyat al-Andalus*, 2nd ed., 325; *idem*, 3rd ed., 342.

¹⁷ See Ferdinand Wüstenfeld, *Vergleichungs-Tabellen der Muhammedanischen und Christlichen Zeitrechnung*, Leipzig, 1854.

¹⁸ Longás, P., *Vida religiosa*, 305; Cantineau, J., "Lettre", 5; Cardaillac, L., *Morisques et Chrétiens*, 88; Harvey, L. P., "Crypto-Islam", 166.

the *aljamiado* MSS: M has «Jamaga»;¹⁹ A has «Aḥmad fijo de Abū Jumū‘ah»;²⁰ X had «Obaydala Ahmed Abenabigiomoa».²¹ Harvey notes that the vocalization of the father’s name is uncertain, suggesting the reading Jum‘ah,²² and later gives ‘Ubaydallāh Aḥmad b. Bū Jum‘a al-Maghrāwī.²³ The text of V makes it clear that the name of the *muftī* is Aḥmad b. Abī Jum‘ah al-Maghrāwī al-Wahrānī. MS X added ‘Ubayd Allāh, and this has been repeated by Harvey,²⁴ but ‘*ubayd Allāh*, literally “the little/insignificant servant of God,” is a self-deprecatory term similar to other pious formulae such as *al-‘abd al-faqīr* “the miserable servant” that commonly occur in Islamic texts. Though ‘Ubayd Allāh may serve as a given name, that does not appear to be the case here.

The background, origin, and location of the *muftī* have also been matters of dispute. The sources the author cites in the *fatwā*, including the commentary by Qāsim b. ‘Īsā b. Nājī (d. 837/1433-34) on Ibn Abī Zayd al-Qayrawānī’s famous legal work *al-Risālah*, indicate that he was a Mālikī jurist, as one would expect. The *nisbah* al-Wahrānī derives from Wahrān, the city of Oran in western Algeria. In itself, such a *nisbah* does not necessarily indicate current residence; it may refer instead to ancestral origin, place of birth, or one-time residence. Longás supposed that the *muftī* was writing from the region of Sus in southern Morocco because he read his request that the Moriscos send further questions *a nos* “to us,” as *a sus* “to Sus” in M.²⁵ The sense of the *nisbah* al-Maghrāwī is contested. MS X, labeled *Epístola mahomética del Apóstata* by a later hand, identified the *muftī* as a native and one-time resident of Almagro who had settled in Oran: «Es una carta de Obaydala Ahmed Abenabigiomoa, natural de Almagro y avecindado en Orán...»²⁶ The *aljamiado* copyist or translator apparently interpreted the *nisbah* al-Maghrāwī as referring to the Spanish town of Almagro and understood that the *muftī* was an Andalusian

¹⁹ Harvey, L. P., “Crypto-Islam”, 171.

²⁰ Cantineau, J., “Lettre”, 7.

²¹ Saavedra, E., “Índice”, 315.

²² Harvey, L.P., “Crypto-Islam”, 166 n. 11.

²³ Harvey, L. P., “Political, Social and Cultural History”, 209.

²⁴ Harvey, L. P., “Crypto-Islam”, 166; *idem*, “Political, Social and Cultural History”, 209; *idem*, *Muslims in Spain*, 60.

²⁵ Longás, P., *Vida religiosa*, 306.

²⁶ Saavedra, E., “Índice”, 315.

Muslim who had fled to Algeria. Cantineau comments, «Ceci nous donne un renseignement important. Aḥmad ibn Abī ʿYumu‘a n’était pas un Arabe de Maghreb, mais un Morisque d’Almagro, en Nouvelle-Castille, qui, peut être après avoir feint de se convertir, avait fini par s’enfuir à Oran (c’est pourquoi les Espagnols l’appellent el Apóstata).»²⁷ Harvey argues to the contrary that the *muftī* was not a native of Spain: «The interpretation of X (natural de Almagro) would make the *muftī* a Spaniard by birth, but it would seem more probable that al-Maghrāwī simply means ‘member of the tribe of Magrawa’, which would make him a North African Berber». He adds that the *muftī* shows little grasp of the actual problems facing the Moriscos in Spain.²⁸ Mikel de Epalza correctly points out, however, that the manner in which the *muftī*’s name is presented, *al-Maghrāwī thumma al-Wahrānī*, “al-Maghrāwī then al-Wahrānī”, strongly suggests that al-Maghrāwī, like al-Wahrānī, is a toponymic and not a tribal appellation, for one cannot logically be designated as a member of the tribe of Maghrāwah, then a resident of Oran. He argues that the *nisbah* al-Maghrāwī indeed identifies the *muftī* as a native of the town of Almagro in the region of La Mancha.²⁹ Epalza’s argument has recently been endorsed by María Jesús Rubiera Mata, who adds that a Maghrāwah Berber would have had difficulty acquiring the knowledge of the realities of life among Spanish Muslims necessary to write such a *fatwā*.³⁰ Leila Sabbagh, Muḥammad Razūq, and Jean-Pierre Molénat also describe the *muftī* as a native of Almagro.³¹ I believe that this interpretation is wrong. While al-Maghrāwī must be a toponymic, as Epalza points out, it probably does not derive from Almagro but refers instead to Maghrāwah, an area in north-western Algeria bordered by the Mediterranean in the north, the mountain of Wansharīsh in the south, and Tlemcen in the west. Writing *ca.* 1525-26, Leo Africanus reports that the “Magraua mountain” covered an area of some forty miles near the town of Mustaganem.³² Ibn Abī Jum‘ah or one of his ancestors was probably born in a village in the

²⁷ Cantineau, J., “Lettre”, 15-16.

²⁸ Harvey, L. P., “Crypto-Islam”, 166-67.

²⁹ Epalza, M. de, “La voz oficial”, 293-94.

³⁰ Rubiera Mata, M^a J., “Los Moriscos como Criptomusulmanes”, 538-39.

³¹ Sabbagh, L., “La religion des Moriscos”, 49; Razūq, *al-Andalusīyūn wa-hijrātuhum*, 148; Molénat, J. P., “Le Problème”, 400 n. 24.

³² Lewicki, T., “Maghrāwa”, *EI*², 5:1173-83.

Maghrāwah region, then settled in nearby Oran; he was not himself a Spanish Muslim.

The author of the *fatwā* has frequently been referred to as “the Muftī of Oran,” suggesting not only that he was a native of Oran, but also that he wrote the *fatwā* there, and even, perhaps, that he held some sort of official or generally recognized position as a leading authority there, being *the muftī* of the city.³³ On similar reasoning, the document has often been termed “the Oran *fatwā*”.³⁴ Molénat argues that 1503 or 1504 is a more plausible date of the *fatwā* than 1563 in part because Oran, which was occupied by the Spanish in 1509, would still have been under Muslim rule at that time.³⁵ Again, this impression derives primarily from the *aljamiado* versions of the *fatwā*. M reads, in Longás’ version: *Respuesta que hizo el muftí de Orán a ciertas preguntas que [le] hicieron desde la Andalucía*.³⁶ A reads, «Ešte eš un trešladho de una šentencia i rrešpuešta que invio el Muftī de Wahrān a loš dhe l’Andalucia». ³⁷ These statements are evidently based entirely on the *nisbah* al-Wahrānī that appears in the text, and not on any independent information concerning the source of the *fatwā* or the circumstances under which it was sent to Spain. Indeed, as Cantineau remarks, A fails to comprehend the title *muftī* itself, supposing that it refers to a grand religious official, perhaps on a level with a Catholic bishop or even the pope: «Muftī quiere dezir el mayor del ad-dīn del al-islām». ³⁸ Cantineau comments, «Très exagéré. Le Mufti est dans chaque ville un personnage qui donne des consultations théologiques et juridiques (*fatwa*)». ³⁹

³³ Longás, P., *Vida religiosa*, 305; Cantineau, J., “Lettre”, 5, 6; Cardaillac, L., *Morisques et Chrétiens*, 88; Chejne, A. G., *Islam and the West*, 24; Sabbagh, L., “La religion des Moriscos”, 52; Razūq, *al-Andalusīyūn wa-hijrātuhum*, 148, 150; Harvey, L. P., “Political, Social and Cultural History”, 209, 210; Rubiera Mata, M^a J., “Los Moriscos como Criptomusulmanes”, 538.

³⁴ Most recently, Harvey, L. P., *Muslims in Spain*, 64.

³⁵ Molénat, J. P., “Le Problème”, 399-400.

³⁶ Longás, P., *Vida religiosa*, 305; Harvey, L. P., “Crypto-Islam”, 171.

³⁷ Cantineau, J., “Lettre”, 6.

³⁸ Cantineau, J., “Lettre”, 10.

³⁹ Cantineau, J., “Lettre”, 14 n. 1.

Conflation in the Biographical Sources

On the whole, scholarship on this *fatwā* to date has not located any information about the author other than what can be deduced from the text itself. Ibn Abī Jum‘ah is absent from most standard reference works in Arabic and Islamic studies, including both editions of *The Encyclopaedia of Islam*, Brockelmann’s *Geschichte der arabischen Litteratur*, Ḥājjī Khalīfah’s *Kashf al-zunūn*, its sequels *Īdāh al-maknūn* and *Hadīyat al-‘arīfīn*, and Zirīklī’s *A‘lām*. He is not to be found in the best known biographical dictionary of the tenth Islamic century, Najm al-Dīn al-Ghazzī’s *al-Kawākib al-sā‘irah*, nor does he appear in the comprehensive twentieth-century Mālikī biographical works *Shajarat al-nūr al-zakīyah* by Muḥammad b. Muḥammad Makhlūf or *Ta‘rīf al-khalaf bi-rijāl al-salaf* by al-Ḥifnāwī.⁴⁰ He does not even merit an appearance in Mohamed Benchekroun’s extensive survey of Moroccan intellectual history under the Marinids and Waṭṭāsids, which covers North African scholars of the fifteenth and sixteenth centuries in some detail.⁴¹ The only major reference work that includes an entry on Aḥmad b. Abī Jum‘ah is ‘Umar Riḍā Kaḥḥālah’s *Mu‘jam al-mu‘allifīn*. Drawing on the late collection of Mālikī biographies *al-Yawāqūt al-thamīnah* by Muḥammad Bashīr b. Zāfir al-Madanī (d. 1909), Kaḥḥālah reports that Aḥmad b. Abī Jum‘ah al-Wahrānī was a jurist who died in the third decade of the tenth Islamic century – 920-929/1514-1523 – and wrote a work entitled *Jāmi‘ jawāmi‘ al-ikhtisāṣ wa’l-tibyān fī mā ya‘ruḍu bayna al-mu‘allimīn wa-‘ābā’ al-ṣibyān*.⁴² The reference in *Mu‘jam al-mu‘allifīn* is presumably the source of the death date 920-30/1514-24 reported by Leila Sabbagh, Muḥammad Marzūq, and Peter E. Pormann.⁴³ The death date Khaled Abou El-Fadl gives, 909-10/1504, is evidently based on the dates reported for the *fatwā* itself; Abou

⁴⁰ Al-Ḥifnāwī, Muḥammad b. Abū al-Qāsim, *Ta‘rīf al-khalaf bi-rijāl al-salaf*, 2 vols., Tunis, 1982.

⁴¹ Benchekroun, M. B. A., *La vie intellectuelle marocaine sous le Mérinides et les Waṭṭāsides (XIIIe XIVE XVe XVIe siècles)*, Rabat, 1974.

⁴² Kaḥḥālah, ‘Umar Riḍā, *Mu‘jam al-mu‘allifīn*, 15 vols., Beirut, 1983, 1:184; Muḥammad al-Bashīr Zāfir al-Azharī, *Ṭabaqāt al-Mālikīyah, wa-huwa al-kitāb al-musammā al-Yawāqūt al-thamīnah fī a‘yān madhhab ‘ālim al-madīnah*, Cairo, 2000, 17.

⁴³ Sabbagh, L., “La religion des Moriscos”, 49; Marzūq, M., *al-Andalusīyūn wa-hijrātuhum*, 148.

El-Fadl must have intended that Aḥmad b. Abī Jum‘ah died *after* 910/1504.⁴⁴

The few exceptions are the following. Muḥammad Ḥajjī discusses a treatise on elementary education entitled *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān* by Aḥmad b. Abī Jum‘ah briefly in *Activité intellectuelle au Maroc à l’époque sa‘dide*, having examined manuscript copies in Morocco, but does not give a death date.⁴⁵ In another passage, he reports that Aḥmad b. Abī Jum‘ah and his son immigrated to Fez from Oran and that the son died in 929/1522.⁴⁶ Fernando Rodríguez Mediano provides a brief notice on this scholar in *Familias de Fez*, giving the death date 920-30/1514-24.⁴⁷ The death date 920/1514 is given by the editors of the first edition of Ibn Abī Jum‘ah’s work *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān* (1975).⁴⁸ None of these modern scholars connects Aḥmad b. Abī Jum‘ah with the author of the 1504 *fatwā* to the Moriscos. The only scholar to date to provide biographical information on Aḥmad b. Abī Jum‘ah and to state that he is indeed the author of the 1504 *fatwā* is ‘Abd al-Hādī al-Tāzī, the editor of the second edition of *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān* (1986).

At first, examination of North African biographical sources from the tenth/sixteenth and early eleventh/seventeenth centuries turns up only one biographical notice devoted to this scholar, that of Ibn ‘Askar in *Dawḥat al-nāshir*. The reason for this is that the biographies of two scholars have been conflated: the author of the *fatwā*, named Abū al-‘Abbās Aḥmad, and his son, named Abū ‘Abd Allāh Muḥammad Shaqrūn. As a result of this conflation, a number of the other biographical dictionaries from this period provide what are in fact notices on Aḥmad b. Abī Jum‘ah, but give his name as (Abū ‘Abd Allāh) Muḥammad b. Abī Jum‘ah instead. The probable cause of this confusion is that both father and son were known by the sobriquet Ibn Abī Jum‘ah. It is common for the name Ibn X to serve as a family name and to apply to many generations, so such confusions

⁴⁴ El-Fadl, Kh. A., “Islamic Law”, 179.

⁴⁵ Ḥajjī, M. *Activité intellectuelle au Maroc à l’époque sa‘dide* (1 vol. in 2), Rabat, 1976-77, 194.

⁴⁶ *Ibid.*, 401.

⁴⁷ Rodríguez Mediano, F., *Familias de Fez (SS. XV-XVI/I)*, Madrid, 1995, 125.

⁴⁸ Aḥmad b. Abī Jum‘ah, *Jāmi‘ al-jawāmi‘*, 6. Kaḥḥālah lists the death date as 920 and explains in a footnote that this is merely shorthand for 920-929 A.H. Kaḥḥālah, *Mu‘jam al-mu‘allifīn*, 1:184.

can arise quite easily.⁴⁹ In addition, Aḥmad and Muḥammad, the most common Muslim male given names, are both considered names of the Prophet and are easily confused in Arabic script and common usage. When later scholars inquired about “Ibn Abī Jum‘ah” several decades after his death, they or their informants could easily have confused Aḥmad with his son Muḥammad.

In Fez ca. 985/1577, Ibn ‘Askar (936-86/1530-1578) completed a biographical work entitled *Dawḥat al-nāshir li-maḥāsīn man kāna bi-l-Maghrib min mashāyikh al-qarn al-‘āshir* (“The Shady Tree over Him Who Spreads Abroad the Excellent Qualities of the Masters of the Tenth Century in the Maghreb”); hereafter DN) devoted to scholars and Sufi masters of the tenth sixteenth century.⁵⁰ The entry on Aḥmad b. Abī Jum‘ah al-Maghrāwī reads as follows.

Aḥmad Shaqrūn b. Abī Jum‘ah of Maghrāwah: Among them [Ibn ‘Askar’s authorities] is the master, jurist (*faqīh*), and *ḥadīth* expert (*ḥāfiẓ*), widely-read, exacting, and accomplished in several fields, the consummate scholar Abū al-‘Abbās Aḥmad son of Abū Jum‘ah, of Maghrāwah then of Oran. He is known as Sayyid Shaqrūn of Oran because he had light complexion,⁵¹ red eyes, and a stentorian voice. He came to Fez, taught as a law professor there, and became one of the prominent jurists. He composed the book *Jāmi‘ jawāmi‘ al-ikhtisās wa-l-tibyān fīmā ya’ruḍu bayna al-mu‘allimīn wa-ābā’ al-ṣibyān* (“The Epitome

⁴⁹ An example from North Africa during the period under investigation here is an important scholarly family from Tlemcen known by the name Ibn Marzūq. Ibn Marzūq “the Elder” or “the Great” (*al-akbar*), named Abū ‘Abd Allāh Shams al-Dīn al-Khaṭīb Muḥammad b. Aḥmad b. Muḥammad b. Muḥammad b. Abī Bakr b. Marzūq al-‘Ajīsī al-Tilimsānī, was born in 711/1311-12 and died in 780-81/1378-80. Marzūq was not his father but actually his great-great-great-grandfather; the name had apparently applied to the family for many generations already. Ibn Marzūq “the Grandson” (*al-ḥafīd*), a grandson of Ibn Marzūq “the Elder” named Abū ‘Abd Allāh Muḥammad b. Aḥmad b. Muḥammad, was born in 766/1364-65 and died in 842/1438-39. His son Muḥammad, known as Ibn Marzūq “the Blind” (*al-kafīf*), died in 901/1495-96. See Ibn Maryam, *al-Bustān fī dhikr al-awliyā’ wa l-‘ulamā’ bi-Tilimsān*, ed. Muḥammad Ibn Abī Shanab, Algiers, 1908, 184-90, 201-14, 249-51. Rodríguez Mediano, F., *Familias de Fez; passim*, for many other examples.

⁵⁰ Ibn ‘Askar, *Dawḥat al-nāshir li-maḥāsīn man kāna bi-l-Maghrib min mashāyikh al-qarn al-‘āshir*, ed. Muḥammad Ḥajjī, Rabat, 1977, 125-26; *ibid.*, lithograph ed., Fez, 1309/1892, 92; Graulle, A. *La “Daouhat an-Nachir” de Ibn ‘Askar*, in *Archives Marocaines*, 19 (1913), 1-341, here 217. On this author and his work, see *ibid.*, 5-8; Lévi-Provençal, E., *Les historiens des Chorfa; essai sur la littérature historique et biographique au Maroc du XVIe au XIXe siècle*, Paris, 1922, repr. Paris, 2001, 231-37.

⁵¹ The 1977 edition reads *ashqar al-lawṇ* “blond of color”; Graulle’s translation reads «à cause de la couleur blond de son teint». In the lithograph edition of 1892, however, the text appears to read *ashqar al-qawr* “blond of rounded area (?)”. Perhaps the correct reading should be *ashqar al-qarn* “blond of the temples”.

of Epitomes of Competence and Explanation, on What Arises Between Teachers and the Fathers of Boys”).⁵² I derive material from him through an intermediary, and I have met scholars who met him. He died in the third decade – may God have mercy on him. (DN, 125-26)

According to Ibn ‘Askar, this scholar was known as al-Sayyid *Shaqrūn* – derived from *ashqar* “blonde” – because of his light-colored skin or hair and eyes. He had a stentorian voice, which suggests that he was well-known as a preacher or reader of the Qur’ān. He settled in Fez, where he taught law and became a prominent jurist. He wrote a book on the duties of teachers, entitled *Jāmi‘ jawāmi‘ al-ikhtiṣāṣ wa’l-tibyān fīmā ya’ruḍu bayna al-mu‘allimīn wa-‘ābā’ al-ṣibyān*. Ibn ‘Askar, who was born in 936/1530, did not study with him directly, but met scholars who had known him. Ibn ‘Askar reports that he died in the third decade of the tenth century, that is, between 920/1514 and 929/1523. This notice is evidently the source of the death date given in *al-Yawāqīt al-thamīnah* and repeated by Kaḥḥālāh and others.

Five other biographical works written in North Africa in the sixteenth and early seventeenth century devote brief notices to a certain “Muḥammad b. Abī Jum‘ah”. Three of these are works of Ibn al-Qāḍī al-Miknāsī (Abū l-‘Abbās Aḥmad b. Muḥammad, 960-1025/1553-1616): *Durrat al-ḥijāl fī ghurraṭ asmā’ al-rijāl* (“The Cloistered Pearl, on the Outstanding Names of Men”; hereafter DH), a biographical dictionary begun in Rajab 999/April-May 1591 and completed several years later;⁵³ *Laqṭ al-farā’id min ḥuqaq al-fawā’id* (“Selecting Unique Pearls from Boxes of Instructive Lore”; hereafter LF), an abridged chronicle presenting events and obituaries for the years 700/1300-1 through 1009/1600-1;⁵⁴ and *Jadhwat al-iqtibās fī man ḥalla min al-a’lām madīnat Fās* (“The Ember from Which One Derives Fire, on the Notable Men Who Have Been Present in the City

⁵² This is the title reported in *Dawḥat al-nāshir* and also in later notices that derive therefrom. As seen below, the extant manuscripts of the work itself show that *ikhtiṣāṣ* “competence” is an error for *ikhtiṣār* “abridgement”.

⁵³ Ibn al-Qāḍī al-Miknāsī, *Durrat al-ḥijāl fī ghurraṭ asmā’ al-rijāl*, ed. Muṣṭafā ‘Abd al-Qāḍir ‘Aṭā, Beirut, 2002, 206. On this author and his works, see Lévi-Provençal, E., *Les historiens des Chorfa*, 247-50.

⁵⁴ Ibn al-Qāḍī al-Miknāsī, *Laqṭ al-farā’id min lufāzāt ḥuqaq al-fawā’id*, printed in *Alf sanah min al-wafayāt fī thalāthat kutub*, ed. Muḥammad Ḥajjī, Rabat, 283. The title of this work is reported in various forms. The first word could be the verbal noun *laqṭ* “gleaning, selecting”, the collective noun *laqaṭ* “gleanings”, or *luqaṭ*, the plural of *luqṭah*, “an object that has been gleaned, selected.”

of Fez”; hereafter JI), a history of Fez and biographical dictionary of the nobles and scholars who resided there or passed through, written between 1003/1594-95 and 1007 1598-99 (JI, 325, 541).⁵⁵ The two other works were both written by Aḥmad Bābā al-Tunbuktī (963-1036/1556- 1627), a jurist originally from Timbuktu who lived and taught in Marrakesh: *Nayl al-ibtihāj bi-taṭrīz al-Dībāj* (“The Attainment of Joy by Adding a Decorative Border to ‘The Silk Brocade’”; hereafter NI) a sequel to Ibn Farḥūn’s (d. 799/1397) famous biographical dictionary, *al-Dībāj al-mudhahhab fī ma’rifat a’yān ‘ulamā’ al-madhab* (“The Gilded Silk Brocade, Identifying the Prominent Scholars of the [Mālikī] Legal School”), completed on 7 Jumādā I 1005/27 December 1596;⁵⁶ and *Kifāyat al-muhtāj li-ma’rifat man laysa fī al-Dībāj* (“The Sufficient Book for the One who Needs to Know Those Who are Not in ‘The Silk Brocade’”; hereafter KM), an abridgement of *Nayl al-ibtihāj* completed on 1 Ṣafar 1012/11 July 1603.⁵⁷ These five notices, the texts of which match quite closely, report that a certain “Muḥammad b. Abī Jum‘ah,” a jurist and professor of law, died on Thursday the sixth of Rabi‘ I or Rabi‘ II in the year 917 and was buried the next day, after Friday prayer, in the cemetery outside the Gisa Gate (DH 206; LF 283; JI 246; NI 580; KM 458). DH, LF, and NI add to his name the *kunya*h Abū ‘Abd Allāh; JI and KM add the *nisbah* al-Maghrāwī. As he is included in JI, which is devoted to scholars who visited or resided in Fez in particular, and as Bāb Gisa or Bāb al-Gīsa is the northern gate of the Old City of Fez which led to the cemetery of the Merinid Sultans, it is clear that this scholar resided in Fez and passed away there.⁵⁸ Of the two months reported in the scholar’s death date,

⁵⁵ Ibn al-Qāḍī al-Miknāsī, *Jadhwat al-iqtibās*. Lévi-Provençal, E., *Historiens*, 249.

⁵⁶ Aḥmad Bābā al-Tunbuktī, *Nayl al-ibtihāj bi-taṭrīz al-Dībāj*, ed. ‘Abd al-Ḥamīd ‘Abd Allāh al-Harrāmah, Tripoli, 1989, 580. On this author and his works, see Lévi-Provençal, E., *Les historiens des Chorfa*, 250-55; Zouber, M.A., *Aḥmad Bābā de Tombouctou (1556-1627): Sa vie et son oeuvre*, Paris, 1977; Rodríguez Mediano, F., “Estudio de las fuentes del *Nayl al-ibtihāj* de Aḥmad Bābā e índice de los personajes biografiados en él”, in *Estudios Onomástico-Biográficos de al-Andalus*, III, Ávila, M^a L. (ed.), Madrid, 1988, 59-155; *Aḥmad Bābā al-Tunbuktī: Buḥūth al-nadwah allatī ‘aqadathā ISESCO bi-munāsabat murūr arba‘at qurūn wa-niṣf ‘alā wilādatih*, Rabat, 1993.

⁵⁷ Aḥmad Bābā al-Tunbuktī, *Kifāyat al-muhtāj li-ma’rifat man laysa fī al-Dībāj*, ed. Abū Yahyā ‘Abd Allāh al-Kundurī, Beirut, 2002, 458.

⁵⁸ This gate, now called Bāb Gīсах or Bāb al-Gīсах, was originally named Bāb ‘Ajīсах. It and the south-eastern gate Bāb al-Fatūh were named after the two sons of the Zanātī prince Dūnās b. Ḥamāmah al-Mu‘izz b. ‘Aṭīyah, who came to power in Fez in

either Rabī' I or Rabī' II, the first appears to be the more reliable; one may therefore set his death date at 6 Rabī' I 917/3 June 1511.⁵⁹

These five notices refer, I argue, to Aḥmad b. Abī Jum'ah, despite the difference in name. It is clear from Ibn 'Askar's notice that Aḥmad b. Abī Jum'ah was a jurist and professor of law in Fez, the leading center of learning in North Africa at the time. JI also indicates that Muḥammad b. Abī Jum'ah became a recognized jurist in Fez. The term *mudarris* used in DN and JI suggests that the two biographees both held an endowed position as law professor at a college of law (*madrasah*) there. The *nisbah* al-Maghrāwī is applied to both. The death date of 917/1511 is in keeping with the probable career and lifespan of a jurist who is known to have written an important *fatwā* in 910/1504. Very suggestive is the fact that while DN contains a notice on Aḥmad b. Abī Jum'ah but none on Muḥammad b. Abī Jum'ah, the five other sources all contain notices on Muḥammad b. Abī Jum'ah but none on Aḥmad b. Abī Jum'ah. This absence of notices on Aḥmad b. Abī Jum'ah seems surprising given his evident status as a scholar of some reputation in Fez. In all likelihood, the name of Ibn Abī Jum'ah junior, Abū 'Abd Allāh Muḥammad, has been unintentionally confused with and substituted for that of Ibn Abī Jum'ah senior, Abū l-'Abbās Aḥmad. This confusion cannot have resulted from a copyist's error in any of these five texts, for all five en-

452/1060. See Abū l-Hasan 'Alī al-Jaznā'ī, *Zahrāt El-Ās (La Fleur du mirte), traitant de la fondation de la ville de Fès*, Bel, A. (ed. and trans.), Algiers, 1923, Arabic text 30-31, trans. 74-75; Michaux-Bellaire, "Description de la ville de Fès", *Archives Marocaines*, 11 (1907), 252-330. esp. 266-69; Lévi-Provençal, E., "Notes de toponymie hispano-magrebine: les noms des portes, le 'bab ech-chari'a' et la 'chari'a' dans les villes de l'Occident musulman au Moyen Age", *Annales de l'Institut d'Études Orientales*, 2 (1936), 210-34, esp. 217; Tourneau, R. Le, *Fès avant le Protectorat: Étude économique et sociale d'une ville de l'occident musulman*, Casablanca, 1949, repr. Rabat, 1987, 110-11.

⁵⁹ Aḥmad Bābā gives the month as *Rabī' al-awwal* (Rabī' I) in both NI and KM. Ibn al-Qāḍī al-Miknāsī gives the date as *Rabī' al-thānī* (Rabī' II) in LF. In DH and JI, the date appears as *Rabī' al-nabawī* (Prophetic Rabī'); one interprets this to mean Rabī' I, since the Prophet's birthday is celebrated by Sunni Muslims on 12 Rabī' I. Ibn al-Qāḍī al-Miknāsī uses this expression also to give the death date of Muḥammad b. Muḥammad b. Muḥammad al-Ghumārī al-Gūmī al-Miknāsī: 23 *Rabī' al-nabawī* 1002 (JI, 327; LF 327). One way of reconciling this discrepancy is to suppose that the editor of LF, or a copyist, mistook *Rabī' al-nabawī* (a.l.n.b.w.y) for *Rabī' al-thānī* (a.l.th.a.n.y). Aḥmad Bābā's texts derive from interpreting *Rabī' al-nabawī* correctly as designating Rabī' I, the month of the Prophet's birthday. Thus, the month Rabī' I in DH, JI, NI, and KM is probably the correct date, copied by Ibn al-Qāḍī al-Miknāsī from some earlier source.

tries occur in sections of their respective works devoted to subjects named Muḥammad and not Aḥmad. The presence in three of the entries of the *kunya* Abū ‘Abd Allāh, unlikely to have resulted from a copyist’s error for Abū al-‘Abbās, strongly suggests substitution rather than an error in transmission. The probable cause of the confusion is that both father and son were known by the sobriquet Ibn Abī Jum‘ah. That this was indeed the case is suggested by Ibn al-Qāḍī al-Miknāsī’s reference to the son as *Muḥammad Shaqrūn Ibn Abī Jum‘ah* (LF, 289) and Badr al-Dīn al-Qarāfi’s *Shaqrūn Ibn Abī Jum‘ah al-Wahrānī, Abū ‘Abd Allāh Muḥammad* (TD, 107), leaving out Aḥmad, his father’s name.

If the notices labeled Muḥammad b. Abī Jum‘ah indeed refer to Aḥmad b. Abī Jum‘ah, they contradict the death date Ibn ‘Askar provides, 920-29/1514-23. Ibn ‘Askar is notoriously imprecise about dates, and often indicates death dates by decades, as is the case here, while Ibn al-Qāḍī al-Miknāsī has been held up as an extremely precise historian.⁶⁰ The case at hand may simply represent one of his numerous inaccuracies, but more probably results from confusion with the death date of Ibn Abī Jum‘ah junior. Examination of the biographical notices devoted to Aḥmad’s son, Abū ‘Abd Allāh Muḥammad, confirms this hypothesis. Seven biographical notices devoted to this scholar date to the century following his death. Ibn ‘Askar does not include an entry on him in DN. Ibn al-Qāḍī al-Miknāsī includes entries to him in DH, LF, and JI, as does Aḥmad Bābā in NI and KM. The Egyptian Mālikī scholar Badr al-Dīn al-Qarāfi (939-1008/1533-1600) includes an entry on him in his sequel to Ibn Farḥūn’s *Dībāj, Tawshīḥ al-Dībāj* (TD: “Providing an Ornamental Sash for ‘The Silk Brocade’”), which dates to the late tenth sixteenth century.⁶¹ Abū ‘Abd Allāh Muḥammad b. Muḥammad b. Aḥmad al-Sharīf al-Malīṭī al-Tilimsānī (d. after 1605), known as Ibn Maryam, includes an entry on him in his work on scholars and holy men of Tlemcen, *al-Bustān fī dhikr al-awliyā’ wa’l-‘ulamā’ bi-Tilimsān* (B). The term *mudarris* is not attributed to him, in contrast to the accounts of his father. This

⁶⁰ Lévi-Provençal, E., *Les Historiens des Chorfa*, 236-37, 250.

⁶¹ Badr al-Dīn al-Qarāfi, *Tawshīḥ al-Dībāj wa-hilyat al-ibtihāj*, ed. Aḥmad al-Shityāwī, Beirut, 1983. His work is not dated, but must have been composed after Muḥarram 979/June 1571, which he records as the death date of the Egyptian Mālikī jurist Zayn b. Aḥmad b. Mūsā al-Jīzī (p. 102).

suggests that he did not hold a professorship of law at a *madrāsah*. Nevertheless, he was also a scholar of some renown. The title *ustādh* "master, professor" suggests that he was an important teacher in fields other than Islamic law, perhaps in Qur'ānic recitation, *ḥadīth*, or theology, in which he reportedly excelled. According to Muḥammad Ḥajjī, in the Sa'dī period, the term *ustādh* refers in particular to a skilled reciter of the Qur'ān who is expert in the Qur'ānic sciences (DN, 15 n. 6). It is evident that he resided in Fez, for he studied under Ibn Ghāzī and al-Daqqūn, the most prominent professors of the religious sciences in the city, and JI specifies that he died there (DH, 208; JI, 321; LF, 289; NI, 199; KM, 146; B, 115; TD, 107). Aḥmad Bābā records that he wrote a treatise entitled *al-Jaysh al-kamīn fī al-karr 'alā man yukaffiru 'awāmm al-muslimīn* (NI, 199; KM, 146).

Abū 'Abd Allāh Muḥammad Ibn Ghāzī was a native of Miknās who became the leading legal authority and scholar of the religious sciences in Fez in the late fifteenth and early sixteenth century. Born in Miknās in 841/1437-38, he came to Fez as a youth *ca.* 858/1454. After studying in Fez for many years, he returned to Miknās, where he served as judge and delivered Friday sermons at the Mosque. In 891/1486, he had an altercation with the governor there and consequently relocated to Fez. He eventually became the prayer leader and preacher at the Qarawīyīn Mosque and the chief judge (Qāḍī al-Jamā'ah) of Fez. He wrote commentaries on many standard texts in the fields of grammar, Qur'ānic recitation, and law. When he died on 9 Jumādā 919/13 July 1513, his student Ibn Abī Jum'ah junior delivered a famous elegy (DN, 45-47; DH, 206-7; JI, 320; LF, 284; NI, 581-83; KM, 459-61; TD, 176-78).⁶² The fact that Ibn Abī Jum'ah wrote this elegy suggests that he was close to Ibn Ghāzī and well integrated into the scholarly elite of Fez in addition to being a talented poet.

Abū al-'Abbās Aḥmad b. Muḥammad b. Yūsuf al-Ṣinhājī, known as al-Daqqūn, was a native of Granada who emigrated to Fez and became one of the most prominent scholars there. The sources do not record his date of birth. In his youth, he studied with the leading jurist

⁶² García-Arenal, M., "Société civile et pouvoir dynastique au Maroc: La résistance de Fés aux Sa'diens", *Annales ESC*, 4 (1990), 1030, 1032; Rodríguez Mediano, F., *Familias de Fez*, 162-64.

of Granada, Abū ‘Abd Allāh Muḥammad b. Yūsuf b. Abī al-Qāsim al-Mawwāq (d. 897/1492), and he came to be considered an expert in *ḥadīth* in particular. After Ibn Ghāzī’s death, he took over delivering the Friday sermon at the Qarawīyīn Mosque. He died two years later, on 1 Sha‘bān 921/10 September 1515 (DH, 49; JI, 132; LF, 285; NI, 136; TD, 64).⁶³ Ibn Abī Jum‘ah junior also compiled a short work (*juz’*) devoted to the texts that he relates from al-Daqqūn (DH, 49).

The notices devoted to Ibn Abī Jum‘ah junior, Abū ‘Abd Allāh Muḥammad, show that he had the additional nickname *Shaqrūn*, derived from *ashqar*, meaning blond or of fair complexion. However, the accounts include certain discrepancies regarding his name and date of death. The name Shaqrūn b. Muḥammad recorded in the headings of the entries in NI, KM, and B, suggesting that Shaqrūn is a grandson rather than a son of Aḥmad b. Abī Jum‘ah, is evidently an error for Shaqrūn Muḥammad. That the extra *ibn* has been inserted inadvertently in the headings is indicated by the name Abū ‘Abd Allāh Muḥammad that appears in the texts proper of the notices, as well as by the fact that these notices appear in sections on scholars named Muḥammad and not among scholars whose names begin with the letter *shīn*. Badr al-Dīn al-Qarāfī in TD and Ibn al-Qāḍī al-Miknāsī in DH, JI, and LF confirm that this is the case. The supposition that Shaqrūn was a nickname of Muḥammad is proved by the entry in JI, which states that Muḥammad b. Aḥmad b. Abī Jum‘ah is *mulaqqab* “nicknamed” or “designated by the epithet” Shaqrūn. Ibn al-Qāḍī al-Miknāsī also states in the entry in DH devoted to Aḥmad al-Daqqūn, a teacher of Ibn Abī Jum‘ah the younger, that he granted a certificate of transmission (*ijāzah*), in verse, to «Abū ‘Abd Allāh Muḥammad b. Aḥmad, who is called (*al-mad‘ūw*) Shaqrūn Ibn Abī Jum‘ah» (DH, 49). This statement confirms the hypothesis above that this scholar was commonly known as Ibn Abī Jum‘ah even though Abū Jum‘ah was actually his grandfather. Badr al-Dīn al-Qarāfī also gives his name as Shaqrūn Ibn Abī Jum‘ah al-Wahrānī, Abū ‘Abd Allāh Muḥammad (TD, 107), and Ibn al-Qāḍī gives his name as Muḥammad Shaqrūn Ibn Abī Jum‘ah al-Maghrāwī (LF, 289). Both suggest that Muḥammad Shaqrūn was

⁶³ Seco de Lucena, L., “La Escuela de juristas granadinos en el siglo XV”, *Miscelánea de Estudios Árabes y Hebraicos*, 8 (1959), 17-19; García-Arenal, M., “Société civile”, 1030, 1032; Rodríguez Mediano, F., *Familias de Fez*, 142-43.

known, like his father, as Ibn Abī Jum‘ah. The verses of al-Daqqūn’s *ijāzah* also provide corroborating evidence:

*ajāza laka 'd-Daqqūnu yā najla Sayyidī Abī Jum‘atīn wa'l-āla kulla lladhī
rawā
fa-ḥaddith bimā 'stud'ūta fīhi ijāzatan wa-sallim 'alā man khālaḥa 'n-naḥsa
wa'l-hawā*

Al-Daqqūn hereby grants permission to you, oh son of Master Abū Jum‘ah,
along with your family, for all that he has transmitted.

So relate that which you are requested to relate, by license, and wish peace upon
those who go against carnal instinct and whim. (DH, 49, JI, 132).

The name Shaqrūn clearly applies to the son (*najl*) – i.e., Muḥammad – of Ibn Abī Jum‘ah – i.e., Aḥmad – and not to Aḥmad himself. It is safe to say, then, that Ibn Abī Jum‘ah junior’s full name is Abū ‘Abd Allāh Muḥammad Shaqrūn b. Aḥmad b. Abī Jum‘ah al-Maghrāwī al-Wahrānī.

Muḥammad Shaqrūn’s correct death date appears to be 929/1522-23. TD gives no death date. The text of NI as it stands gives the date 927 A.H., evidently a copyist’s error for 929 A.H. caused by the close resemblance of *sab* ‘ (*s.b.* ‘) “seven” and *tis* ‘ (*t.s.* ‘) “nine” in Arabic script. This emendation is confirmed by KM, which gives 929 A.H. Therefore, LF, NI, and KM all have 929 A.H., whereas DH has 930 A.H. and JI has “near” 930 A.H. One assumes that 930 in DH and JI is an approximation and that 929 in LF is Ibn al-Qāḍī’s best estimate of Abū ‘Abd Allāh Muḥammad’s date of death. Biographical sources do not include where he was born or the date of his birth. He was certainly in Fez in 919/1513 when Ibn Ghāzī died, and he himself died in Fez ten years later, in 929/1522-23. It is likely that he remained in Fez throughout the intervening period and, furthermore, that he had been there for many years previously, particularly if he was considered close enough to Ibn Ghāzī to proclaim a public elegy for the city’s greatest scholar on the day of his death. By then, Muḥammad Shaqrūn had evidently become a member in the scholarly elite of Fez.

Consideration of these seven entries in conjunction with the six entries presented above suggests that two biographies have been conflated. The information they provide refers to two distinct scholars, one of whom died in 917/1511 and the other in 929/1522-23. The former must be Ibn Abī Jum‘ah senior, Abū al-‘Abbās Aḥmad, and the

latter Ibn Abī Jum‘ah junior, Abū ‘Abd Allāh Muḥammad. The nickname Shaqrūn applies to the son and not to the father. Ibn ‘Askar evidently interpolated the nickname Shaqrūn, the death date of the son, and his physical description into the biographical notice on the father. The remaining entries devoted to the father, while providing the correct death date and description, have substituted for his name, Abū al-‘Abbās Aḥmad, that of his son, Abū ‘Abd Allāh Muḥammad.

Later biographical works merely repeat the entries on the two Ibn Abī Jum‘ahs included in the late sixteenth and early seventeenth-century works cited above, perpetuating their errors and conflation. Several important modern works include entries on Ibn Abī Jum‘ah junior only, omitting his father. In *Shajarat al-nūr al-zakīyah fī ṭabaqāt al-Mālikīyah*, completed in Muḥarram 1340/September 1921, Muḥammad b. Muḥammad Makhlūf includes an entry on Ibn Abī Jum‘ah junior in the section on scholars of Fez in the nineteenth class or generation of Mālikī jurists, giving his name as Abū ‘Abd Allāh Shaqrūn b. Muḥammad b. Aḥmad b. Abī Jum‘ah al-Maghrāwī and his date of death as 929 A.H.⁶⁴ In *Fihris al-fahāris wa’l-athbāt*, completed on 8 Shawwāl 1344/21 April 1926, ‘Abd al-Ḥayy al-Kattānī gives his name as Abū ‘Abd Allāh Muḥammad Shaqrūn b. Muḥammad b. Aḥmad b. Abī Jum‘ah al-Maghrāwī al-Wahrānī al-Fāsī and sets his death date at 929 A.H.⁶⁵ These two scholars have added a generation in the genealogy, apparently following NI and KM. Neither include an entry on Ibn Abī Jum‘ah senior. Mohammed Ben Cheneb mentions Ibn Abī Jum‘ah junior twice in his analysis of a lengthy *ijāzah* by ‘Abd al-Qādir al-Fāsī (d. 1071/1661), once as “Chaqroun ben Abou Djam‘a El Mar’rāwy” and student of al-Daqqūn, and once as “Abou Abd Allah Mohammed ben Abou Djam‘a El Wahrāny” and teacher of Abū al-‘Abbās Aḥmad Ibn Jīdah (d. 951/1544).⁶⁶ Benchebkroun mentions Ibn Abī Jum‘ah junior twice in his intellectual history of the thirteenth-sixteenth century Morocco,

⁶⁴ Muḥammad b. Muḥammad Makhlūf, *Shajarat al-nūr al-zakīyah fī ṭabaqāt al-Mālikīyah*, 2 vols., Beirut, 1974, 1: 277.

⁶⁵ ‘Abd al-Ḥayy b. ‘Abd al-Kabīr al-Kattānī, *Fihris al-fahāris wa’l-athbāt wa-mu‘jam al-ma‘ājim wa’l-mashyakhāt wa’l-musalsalāt*, 1 vol. in 3, ed. Iḥsān ‘Abbās, Beirut, 1982, 1065.

⁶⁶ Ben Cheneb, M., “Étude sur les personnages mentionnés dans l’*idjāza* du Cheikh ‘Abd Al Qādir El Fāsy”, 168-560, in *Actes du XIVe Congrès international des orientalistes*, vol. 3, part 2, Algiers, 1905, 293, 412-13.

once as a student of Ibn Ghāzī named Muḥammad b. Aḥmad Ṣāqrūn al-Magrāwī al-Wihrānī, and once as the author of *al-Jaysh al-kamīn fi al-karr* 'alā man yukaffir 'awāmm al-muslimīn, giving his name as Abū Ŷumu'a Muḥammad b. Aḥmad al-Magrāwī Ṣāqrūn.⁶⁷ Both apparently think they are describing two distinct scholars.

The most complete example of conflation is found in the biographical dictionary of famous people buried at Fez, *Salwat al-anfās*, completed by Muḥammad b. Ja'far al-Kattānī (d. 1927) in 1313/1895-96. Lévi-Provençal praises this work a great deal, declaring it indispensable for the study of Moroccan bio-bibliography, and commends its author on his diligence in investigating the cemeteries of Fez, collecting biographical sources, and citing them responsibly.⁶⁸ Al-Kattānī's entry is essentially a combination of Ibn 'Askar's entry on Ibn Abī Jum'ah senior with the entries on Ibn Abī Jum'ah junior, giving the subject's name as *Sayyid Muḥammad al-mad'ūw Shaqrūn b. Aḥmad b. Abī Jum'ah al-Maghrāwī thumma 'l-Wahrānī* and the date of death as near 930 A.H. (citing JI) and 929 A.H. (citing LF, KM, and NI). This scholar is portrayed as having come to Fez and held a position as *mudarris* there, as well as having authored both *Jāmi' jawāmi' al-ikhtiṣāṣ wa'l-tibyān* and *al-Jaysh al-kamīn*.⁶⁹

Earlier Attempts at a Solution

Aḥmad b. Abī Jum'ah's treatise on elementary education, entitled *Jāmi' jawāmi' al-ikhtiṣār wa'l-tibyān fīmā ya'ruḍ bayna l-mu'allimīn wa'l-ṣibyān*, has been edited twice to date, in 1975 and 1986. The editors of the first edition provided very limited biographical information on the author, and were unaware of his *fatwā* to the Moriscos. 'Abd al-Hādī al-Tāzī, editor of the 1986 edition, understood that the author of *Jāmi' jawāmi' al-ikhtiṣār wa'l-tibyān* and the author of the *fatwā* to the Moriscos were one and the same, and even included Muḥammad 'Abd Allāh 'Inān's edited Arabic text of the *fatwā* in an appendix to his

⁶⁷ Benchekrone, M. B. A., *La Vie intellectuelle*, 387, 424.

⁶⁸ Lévi-Provençal, E., *Historiens des Chorfa*, 379-85.

⁶⁹ Muḥammad b. Ja'far al-Kattānī, *Kitāb salwat al-anfās wa-muḥādathat al-akyās fīman uqbira min al-'ulamā' wa'l-ṣulahā' bi-Fās*, 3 vols., Fez, 1898-99, 3:280; *ibid.*, 3 vols., 'Abd Allāh al-Kāmil al-Kattānī, Ḥamzah b. Muḥammad al-Ṭayyib al-Kattānī and Muḥammad Ḥamzah b. 'Alī al-Kattānī (eds.), Casablanca, 2004, 3:353.

edition. Nevertheless, following al-Kattānī's notice in *Salwat al-anfās*, he resolves the problem posed by the biographical sources by conflating the father and son completely and ignoring the death date given for Muḥammad b. Abī Jum'ah.

The best treatment of Ibn Abī Jum'ah and his son to date is that of Fernando Rodríguez Mediano in his excellent work on the scholarly families of Fez in the fifteenth, sixteenth, and seventeenth centuries, where he devotes a short section to the "Banū Abī Jum'ah" family, listing three scholars. The first two are Abū al-'Abbās Aḥmad Ibn Abī Jum'ah al-Maghrāwī al-Wahrānī, reported to have died in 920-30/1515-24, and his son Abū 'Abd Allāh Muḥammad Shaqrūn Ibn Abī Jum'ah, reported to have died in 929 or 930/1522-24. Rodríguez Mediano suggests that the third scholar, Abū 'Abd Allāh Muḥammad Ibn Abī Jum'ah al-Maghrāwī, reported to have died on 6 Rabī' I 917/3 June 1511, is possibly a member of the same family, but does not specify any further.⁷⁰ Rodríguez Mediano correctly notes that al-Kattānī in *Salwat al-anfās* has conflated the biographies of the first two.⁷¹ However, he does not sense that a conflation had already occurred in DN. He therefore identifies Shaqrūn as a name both of Aḥmad and of his son Muḥammad, and accepts the death date Ibn 'Askar gives for Aḥmad. He did not conclude that the third, "possible," member of the family here is actually identical with Aḥmad b. Abī Jum'ah. Rodríguez Mediano also states that Ibn 'Askar studied under Aḥmad, when Ibn 'Askar makes clear that he only has material from him indirectly. Rodríguez Mediano does not identify this scholar as the author of the *fatwā* to the Moriscos.

An attempt to interpret the biographical data was made already in the late nineteenth century by the Algerian scholar Muḥammad b. Yūsuf al-Zayyānī, who wrote a history of Oran entitled *Dalīl al-ḥayrān wa-anīs al-sahrān fī akhbār madīnat Wahrān*.⁷² He also identifies three distinct scholars, as follows: 1) Abū al-'Abbās Aḥmad b. Abī Jum'ah al-Najjār al-Wahrānī, author of *Jawāhir al-ikhtisār wa'l-bayān fīmā ya'ruḍu bayna l-muta'allimīn wa-ābā' al-ṣibyān*, a great Sufi saint who studied with the scholar Ghānim b. Yūsuf al-Ghamrī (pp. 47, 57); 2) Muḥammad b. Abī Jum'ah al-Wahrānī, brother of Abū al-'Abbās

⁷⁰ Rodríguez Mediano, F., *Familias de Fez*, 125-26.

⁷¹ Rodríguez Mediano, F., *Familias de Fez*, 125 n. 8.

⁷² Muḥammad b. Yūsuf al-Zayyānī, al-Mahdī al-Bū-'Abdalī (ed.), Algiers, 1978.

Aḥmad, who died in 910 or 920 A.H. and wrote a commentary on the *Lāmīyah* of Ka‘b b. Zuhayr entitled *Tashīl al-ṣa‘b ‘alā Lāmīyat Ka‘b* (pp. 37, 47 n. 35, 57); 3) Shaqrūn al-Fāsī, student of Ibn Ghāzī, author of *al-Jaysh al-kamīn fī al-radd ‘alā man yukaffīru ‘ulamā’ al-muslimīn, al-Manzūmah al-shaqrūnīyah* on types of food and drink, and other works, and descendant of Muḥammad b. A‘mar b. ‘Uthmān al-Hawwārī, who is buried in Oran (pp. 37 n. 12, 57). Al-Zayyānī’s interpretation would thus explain the biographical notices devoted to Muḥammad b. Abī Jum‘ah by suggesting that Abū al-‘Abbās Aḥmad had a brother named Muḥammad. However, the information he provides is riddled with errors. He does not identify Shaqrūn, the author of *al-Jaysh al-kamīn*, as the son of Abū al-‘Abbās Aḥmad b. Abī Jum‘ah. He evidently conflates Aḥmad b. Abī Jum‘ah with yet another scholar, a sufi saint with the epithet al-Najjār. He reports the title of his work incorrectly, giving *Jawāhir* instead of *Jāmi‘ jawāmi‘*, *bayān* instead of *tibyān*, and *muta‘allimīn* instead of *mu‘allimīn*. He identifies Muḥammad b. Abī Jum‘ah as the author of a commentary on the *Lāmīyah* of Ka‘b b. Zuhayr. He gives his death date as 910 or 920 A.H., when the biographical notices state 917 A.H. He does not give Shaqrūn’s full name, Abū ‘Abd Allāh Muḥammad Shaqrūn b. Aḥmad b. Abī Jum‘ah al-Wahrānī, and he gives ‘ulamā’ instead of ‘awāmm in the title of his work *al-Jaysh al-kamīn*. The claim that he is a descendant of Muḥammad b. A‘mar al-Hawwārī seems completely unsubstantiated. The *Shaqrūnīyah*, the poem on food and drink that al-Zayyānī attributes Shaqrūn Ibn Abī Jum‘ah, was actually authored by a scholar of the eighteenth century, ‘Abd al-Qādir Ibn Shaqrūn al-Miknāsī (d. after 1140/1727-28), who served as a doctor at the court of Mulay Ismā‘īl (1082-1139/1672-1727).⁷³ ‘Abd al-Hādī al-Tāzī criticizes al-Zayyānī’s presentation, insisting that all three names refer to the same person.⁷⁴ As argued above, these three names likely refer to two scholars who were father and son, rather than three or one, as al-Tāzī argues.

⁷³ Reinaud, H. P. J., “Médecine et Médecins marocains au siècle de Moulay Ismā‘īl”, *Annales de l’Institut d’Études Orientales*, 3 (1937), 89-99; Badr al-Tāzī, *al-Ṭibb al-‘arabī fī l-qarn al-thāmin ‘ashar min khilāl al-Urjūzah al-Shaqrūnīyah*, Cairo, 1984; Rodríguez Mediano, F., *Familias*, 126-27.

⁷⁴ ‘Abd al-Hādī al-Tāzī, *al-Maghrāwī wa-fikruhu al-tarbawī*, 16.

Al-Maqqarī's *Azhār al-Riyāḍ fī Akhbār 'Iyāḍ*

Additional evidence concerning these two scholars may be derived from several works other than biographical dictionaries of the period. In his voluminous biography of al-Qāḍī 'Iyāḍ (d. 544/1149), Aḥmad b. Muḥammad al-Maqqarī al-Tilimsānī (d. 1041/1631-32) presents a sermon attributed to that famous Mālikī jurist which he had copied in Fez from a document (*min ba'd al-muḥayyadāt*) recorded by Muḥammad Shaqrūn Ibn Abī Jum'ah. In introducing this sermon, which weaves the titles of the *sūrahs* of the Qur'ān into its text, he remarks:

The clever professor (*ustādh*) and jurist and intelligent preacher Abū 'Abd Allāh Muḥammad, son of the Master, jurist, preacher, and professor of law (*mudarris*) Abū al-'Abbās Aḥmad b. Abī Jum'ah al-Wahrānī, reported that his aforementioned father used to preach the sermon of al-Qāḍī 'Iyāḍ Abū al-Faḍl, and stated: "I memorized it from his words, and he memorized it from a preacher they used to have in Oran named Muḥammad b. Aḥmad b. Kharzūzah al-Qaysī" ...⁷⁵

Al-Maqqarī's statement confirms that Abū al-'Abbās Aḥmad b. Abī Jum'ah al-Wahrānī, undoubtedly the author of the *fatwā*, had a son named Abū 'Abd Allāh Muḥammad, also a scholar of some standing. It identifies Abū 'Abd Allāh Muḥammad as a jurist, and both father and son as preachers, labels that do not appear in the biographical notices. The text suggests that both used to preach in an official capacity, something that is corroborated by the statement in DN concerning Shaqrūn's stentorian voice – probably meaning the son, in this case. Furthermore, the text shows that Aḥmad b. Abī Jum'ah resided in Oran as a youth, for he learned this sermon from a preacher there named Muḥammad b. Aḥmad b. Kharzūzah al-Qaysī. It also suggests that his son did not spend any significant time as a resident of Oran, for he states, *min khaṭībin kāna 'indahum bi-Wahrān* "from a preacher they had in Oran," rather than "we had" (*kāna 'indanā*).

⁷⁵ Aḥmad b. Muḥammad al-Maqqarī, *Azhār al-riyāḍ fī akhbār 'Iyāḍ*, 5 vols., ed. Sa'īd Aḥmad A'rāb and Muḥammad b. Tāwīt, Rabat, 1978-81, 4:79. He makes a similar but less detailed statement in *idem*, *Nafḥ al-ṭīb min ghuṣn al-Andalus al-raṭīb*, 8 vols., ed. Iḥsān 'Abbās, Beirut, 1968, 7, 334.

Aḥmad b. Abī Jum‘ah’s Treatise on Elementary Education

Aḥmad b. Abī Jum‘ah’s work *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān fīmā ya’ruḍu li’l-mu‘allimīn wa-ābā’ al-ṣibyān* (“The Compendium of Compendia of Brevity and Explanation, On That Which Befalls Teachers and Fathers of Boys”) deals with legal issues facing teachers who instruct children in basic reading, writing, and memorization of the Qur’ān in the traditional *maktab* or *kuttāb*, the equivalent of elementary school. It discusses the propriety of receiving payment, the amount of payment to be received when a student completes memorization of the entire Qur’ān or a certain portion thereof, the propriety and proper method of administering corporal punishment, and other related questions. At least five MSS of the work are extant: Algiers, National Library, MS Arabic 2078; Rabat, Royal Library, MS 1541 and MS 7579.33 (fols. 231-240); Tetouan, General Library, MS 595, fols. 224-46; and a MS in the private collection of al-Sayyid Muḥammad Bū-Khubzah, Tetouan.⁷⁶ The Algerian MS was copied on 16 Dhū al-Qa‘dah 1148/29 March 1737; the remaining copies appear to be undated. The title of the work is given in the manuscripts as *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān fīmā ya’ruḍu bayna al-mu‘allimīn wa-ābā’ al-ṣibyān*. This corrects the form found in the biographical sources, beginning with DN, which give *al-ikhtiṣāṣ* “need, jurisdiction, competence” rather than *al-ikhtiṣār* “brevity, abridgement.”

Muḥammad Ḥajjī included a brief description of the work in *Activité intellectuelle*.⁷⁷ In 1975, Aḥmad Jalūlī al-Badawī and Rābiḥ Bū Nār published the first edition, based on MS Arabic 2078 in the Algerian National Library.⁷⁸ Unfortunately, the MS is defective and has several large lacunae. The editors were aware of MS 7579.33 in the Royal Library in Rabat but were unable to gain access to it (p. 6). In addition, their annotations of the work are insufficient and often incorrect. A second edition of the work was published in Beirut in 1986 by the Moroccan scholar ‘Abd al-Hādī al-Tāzī under the title *al-Maghrāwī wa-fikruhu al-tarbawī*. His edition, based on the four

⁷⁶ ‘Abd al-Hādī al-Tāzī, *al-Maghrāwī wa-fikruhu al-tarbawī*, 11-12.

⁷⁷ Muḥammad Ḥajjī, *Activité intellectuelle*, 194.

⁷⁸ Ibn Abī Jum‘ah, *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān fīmā ya’ruḍu li’l-mu‘allimīn wa-ābā’ al-ṣibyān*, Aḥmad Jalūlī al-Badawī and Rābiḥ Bū-Nār (eds.), Algiers. The text does not provide a date, but the publication number is 75/406, indicating a copyright of 1975.

Moroccan MSS, fills in the lacunae of the first edition and includes a discussion of the life of the author. Along with text, he publishes three appendices: quotations from Mālikī legal works concerning elementary education (pp. 113-19), the text of Ibn Abī Jum‘ah’s *fatwā* to the Moriscos, based on the edition of Muḥammad ‘Abd Allāh ‘Inān (pp. 120-22), and Ibn Abī Jum‘ah the younger’s elegy for Ibn Ghāzī, which he edited from Rabat, General Library MS 1032.20 (pp. 123-26).⁷⁹ Even so, al-Tāzī’s edition leaves much to be desired. There remain many errors in the edited text. Al-Tāzī does not break up the text into paragraphs, something that would help the reader follow the various topics discussed. The indices are evidently keyed to a pagination that ignored the introduction but was abandoned before printing – one must add 59-60 throughout to correct them. While noting confusion over Ibn Abī Jum‘ah’s name, al-Tāzī has followed *Salwat al-anfās* in completely conflating the two Ibn Abī Jum‘ahs, giving his name as Aḥmad Shaqrūn b. Abī Jum‘ah. The author of *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān* and the *fatwā* to the Moriscos is, in his view, the same scholar who wrote the elegy for Ibn Ghāzī and *al-Jaysh al-kamīn*. He died, al-Tāzī asserts, *ca.* 929/1523 (pp. 13-20).

The author’s name does not appear in the text itself, either in the colophon or in the introduction after the *ba’dīyah* – the transitional phrase *ammā ba’dū* which follows the opening blessing and leads into the text proper. However, it is given in the headings of several manuscripts, as is evident in the photographic plates al-Tāzī includes in his introduction: *‘ubayd Allāh subḥānahu Aḥmad b. Abī Jum‘ah al-Maghrāwī al-nasab al-Wahrānī al-dār, raḥimahu Allāh ta‘ālā wa-raḍīya ‘anhu āmīn* (p. 57; MS Rabat, Royal Library, 1541); *ta’līf al-Imām Abī al-‘Abbās Aḥmad b. Abī Jum‘ah al-Maghrāwī al-nasab al-Wahrānī, taḡhammara Allāhu bi-raḥmatihī* (p. 59; MS Tetouan, General Library, 595); *ta’līf al-Imām al-‘Allāmah Abī al-‘Abbās Aḥmad b. Abī Jum‘ah al-Maghrāwī al-nasab al-Wahrānī al-dār, ḥasharahu ma‘a alladhīna an‘ama ‘alayhim min al-abrār bi-mannihi wa-fadlihi wa-jūdihi wa-ṭawlihi fa‘‘ālun limā yurīd* (p. 60; MS Tetouan, collection of Muḥammad Bū-Khubzah). The blessings here indicate that the author had already died and prove that these headings

⁷⁹ ‘Abd al-Hādī al-Tāzī, *al-Maghrāwī wa-fikruhu al-tarbawī*, 1986.

were written by later scholars or copyists. They confirm that his name was Abū l-‘Abbās Aḥmad b. Abī Jum‘ah al-Maghrāwī al-Wahrānī.

The treatise provides limited yet valuable information concerning the life and career of its author. The colophon records that the work was completed on 14 Dhū al-Ḥijjah 898/26 September 1493 (p. 110). Ibn Abī Jum‘ah mentions one scholar in particular as having been his teacher: «Our Master and our Blessing Sīdī Muḥammad b. Sīdī Yūsuf al-Sanūsī was consulted for a legal responsum about a similar case, and he answered ...» (p. 69). Muḥammad b. Yūsuf b. ‘Umar Shu‘ayb al-Sanūsī, a well-known theologian and mystic, was born after *ca.* 832/1429 and died on 18 Jumādā II 895/9 May 1490. He was a native of Tlemcen and apparently spent his entire career there (DN, 121-22; DH, 204; LF, 271; NI, 563-72; KM, 445-52). Ibn Abī Jum‘ah must therefore have left his native Oran to study in Tlemcen, presumably in his formative years, some time before he wrote this treatise.

The introduction to the first edition states that Ibn Abī Jum‘ah studied with other scholars in Tlemcen and with scholars in Tunis as well, claiming that this is evident in the text of *Jāmi‘ al-jawāmi‘* itself.⁸⁰ While he must have studied with other scholars in Tlemcen, no evidence of this appears in the treatise. Furthermore, the editors’ claim that he studied in Tunis is based on a misreading. One narrative passage in the first person refers to several teachers in Tunis, including Abū ‘Abd Allāh b. al-Ḥubāb and Abū ‘Abd Allāh b. ‘Abd al-Salām; the latter is described scolding a student in a lesson at the Madrasat al-Shammā‘īn (pp. 83-84). It is evident from the passage in question that the speaker is Ibn ‘Arafah, who refers to scholars who had taught him in his native Tunis in the eighth/fourteenth century; al-Maghrāwī is quoting Ibn ‘Arafah here and not referring to his own teachers. Muḥammad b. Yaḥyā b. ‘Umar b. al-Ḥabbāb died in 740/1339-40, and Abū ‘Abd Allāh Muḥammad b. ‘Abd al-Salām al-Hawwārī died in 749/1348-49, about a century before Ibn Abī Jum‘ah was born. It is unlikely that Ibn Abī Jum‘ah studied in Tunis.

‘Abd al-Hādī al-Tāzī has claimed that Ibn Abī Jum‘ah composed the treatise in Fez, but the evidence in the text is unclear and seems to suggest that that he wrote it in Tlemcen instead. Two passages in the work make pointed references to place. In a section discussing students’ days off during the week, Ibn Abī Jum‘ah writes, «It has be-

⁸⁰ *Jāmi‘ al-jawāmi‘ al-ikhtisār wa’l-tibyān*, 1st ed., 6.

come the custom in Tlemcen and its environs not to teach the [students] on Friday afternoon. The people of our town (*ahl baladīnā*) reserve it for cleaning⁸¹ the slates, so that it not⁸² be extremely difficult to erase all of them on Saturday morning. But God knows best.» (pp. 92-93). This passage contrasts Tlemcen with “our town.” Ibn Abī Jum‘ah has first-hand experience with the custom in both cities, so it is clear that he has resided in both. ‘Abd al-Hādī al-Tāzī claims that “our town” means Fez (p. 93 n. 1). According to this interpretation, Ibn Abī Jum‘ah would have been writing in Fez, and referred to that city as “our town” as his adopted home, contrasting it with Tlemcen, where he had lived and studied for a number of years. Alternatively, “our town” most likely means Oran, where Ibn Abī Jum‘ah had certainly lived as a youth. Contrary to al-Tāzī’s claim, this passage suggests that he was writing the treatise in Tlemcen, contrasting the practice there with local custom in Oran.

‘Abd al-Hādī al-Tāzī sees additional evidence that Ibn Abī Jum‘ah was writing in Fez in another passage where Ibn Abī Jum‘ah refers to an incident that occurred in Fez without, however, explicitly stating that he was there. The passage reads as follows:

A certain person recounted to us that two teachers⁸³ disputed over the right to payment for a student’s memorization of the Qur’ān in Fez – may God preserve it as the abode of Islam – during the reign of its Black Prince. The great scholar of the time was only able to distinguish between the two by the fact that⁸⁴ one of them would order the boy to write the blessing of the Prophet – may God bless him and grant him peace – after the *basmalah*, or adjacent to it, when he corrected his slate, while the other would omit this. So he awarded the payment to the teacher who used to write the blessing of the Prophet. (p. 97)

According to ‘Abd al-Hādī al-Tāzī, the blessing that occurs in the text referring to Fez – *abqāhā Allāhu dāra ’l-islām* – indicates that Ibn Abī Jum‘ah has a special attachment to that city and must have been residing there at the time (p. 23). Yet this account does not refer to a contemporary situation; Fez’s Black Prince (*amīruhā al-azraq*) to whom Ibn Abī Jum‘ah refers is probably Abū al-Ḥasan ‘Alī al-Marīnī, who reigned from 732/1331 to 749/1348. Ibn Abī Jum‘ah

⁸¹ Reading *taḥīran* for *tafkīran* in the text.

⁸² Reading *li’allā* for *l.y.lā* in the text.

⁸³ Reading *darrārāni* for *darrār ’anna* in the text.

⁸⁴ Reading *bi-kawnī* for *yakūnu* in the text.

may not have been residing in Fez when he recorded the anecdote, but may have included the blessing of the city in the text either because his informant did or because it was the main capital of the region, more important than Tlemcen itself. Given the pointed mention of Tlemcen and “our town” in the first passage, without explicit mention of Fez, it appears unlikely that Ibn Abī Jum‘ah voices this phrase of blessing because he is residing in Fez. He most likely completed the work in Tlemcen.

On the whole, the treatise shows that Ibn Abī Jum‘ah had resided in Oran, traveled to Tlemcen for advanced study, and had completed his studies in Tlemcen under al-Sanūsī and probably others by the late fifteenth century. He was already a jurist of some authority in 898/1493, the date he completed the treatise, and he was probably residing in Tlemcen at the time. It seems quite plausible that he composed the treatise to establish his credentials for a teaching position.

Muḥammad Shaqrūn’s Elegy for Ibn Ghāzī

As mentioned above, ‘Abd al-Hādī al-Tāzī has edited the text of Abū ‘Abd Allāh Muḥammad’s elegy for Ibn Ghāzī and published it as an appendix in *al-Maghrāwī wa-fikruhu al-tarbawī*. In the penultimate verse, he gives his own name: *Shaqrūnu nāzimu dhī ‘l-abyāti ajma‘ihā / najlu ‘bni Abī Jum‘atin bi‘l-Wahrānīyi mushtahirā //* “Shaqrūn is the composer of all these verses, the son of Ibn Abī Jum‘ah, known as al-Wahrānī.”⁸⁵ This confirms that Shaqrūn is his name, not that of his father. In the poem, he refers to al-Daqqūn as *shaykhunā* “our master,” a term often reserved for reference to one’s most important teachers in the Islamic sciences.⁸⁶ He also refers to a third teacher, al-Habṭī, as *ustādhunā* “our professor.”⁸⁷ This is Abū ‘Abd Allāh Muḥammad b. Abī Jum‘ah al-Habṭī al-Ṣummātī, a scholar who taught in Fez and died there in 930/1524-25. He authored a work on Qur’ānic punctuation entitled *Waqf al-Qur‘ān al-‘azīz* and another work entitled *Umdat al-faqīr fī ‘ibādat al-‘alī al-kabīr*. He evidently specialized in the Qur’ānic sciences (DH, 209; LF, 290; JI,

⁸⁵ Al-Tāzī, *al-Maghrāwī wa-fikruhu al-tarbawī*, 126.

⁸⁶ *Ibid.*, 125.

⁸⁷ *Ibid.*, 125.

321; NI, 586).⁸⁸ As mentioned above, the title *ustādh* indicates an expert in the Qur'ānic sciences in particular.

Muḥammad Shaqrūn's Treatise *al-Jaysh wa'l-kamīn*

Muhammad Ḥajjī includes a brief description of Muḥammad Shaqrūn and this work in *Activité intellectuelle*, noting that it was written in mid-920/1514.⁸⁹ At least eight copies are extant in manuscript: Rabat, Royal Library MS 12350.12 (fols. 37b-53a); Rabat, General Library MSS 39.7, 2618.5 D, 2775.5 D, 2842.3 D, and 1010 Q; Fez, Qarawīyīn, MS 1514; Tunis, National Library MSS 2824 and 5358. The MSS give the title of the work slightly differently from the biographical sources, as *al-Jaysh wa'l-kamīn li-qitāl man kaffara 'āmmat al-muslimīn*. Roughly twenty pages in length, the work treats the question whether common Muslim believers are required to produce proofs of their basic doctrinal beliefs. The author argues that they are not required to do so, criticizing an unnamed contemporary who has been teaching theology in Fez and has expressed the view that Muslims who cannot prove their basic doctrinal beliefs are actually unbelievers. The Rabat MS includes, in addition to the text proper, four *rusūm* (sing. *rasm*), short endorsements approving the work penned by contemporary jurists (fols. 51a-53a). All four scholars who wrote the endorsement were Tlemceni jurists who had studied under al-Sanūsī: Abū Sālim Ibrāhīm al-Wajdjī (d. 930/1523-33) (DN, 134), Abū 'Abd Allāh Muḥammad b. Muḥammad b. 'Īsā (d. mid-930/late 1520s) (DN, 135), Muḥammad [or Abū al-'Abbās Aḥmad] b. Mulūkah (d. mid-930s/late 1520s) (DN, 135-36), and Abū 'Abd Allāh Muḥammad [or Aḥmad] b. Muḥammad b. al-'Abbās al-'Abbādī (d. early 930s/mid-1520s) (DN, 119; NI, 585). The treatise is dated early Rajab 920/late August 1514 (fol. 50b). The *rusūm* are not dated but were presumably written soon after the work's completion.

This manuscript confirms the analysis above of the names of the author and his father. The author gives his own name as Muḥammad Shaqrūn b. Aḥmad b. Abī Jum'ah al-Maghrāwī *thumma* al-Wahrānī

⁸⁸ Muḥammad Ḥajjī, *Activité intellectuelle*, 400; Rodríguez Mediano, F., *Familias de Fez*, 175-76.

⁸⁹ *Ibid.*, 342-43, 401.

(fol. 50b). Muḥammad b. Muḥammad b. ‘Īsā gives his name as Abū ‘Abd Allāh Muḥammad Shaqrūn (fol. 51b). Muḥammad b. Muḥammad b. al-‘Abbās describes him as “the Sayyid, consummate scholar, brilliant, insightful, the Imam son of the Imam, Sidi Muḥammad Shaqrūn son of our Master and teacher, the ultimate scholar, Sidi Aḥmad b. Abī Jum‘ah” and once again simply as Muḥammad Shaqrūn (52b). Shaqrūn is without a doubt his own *laqab* and not that of his father.

The endorsements appended to the treatise suggest that the author’s father, Aḥmad b. Abī Jum‘ah, had already died by 920/1514. As mentioned above, they do not include any dates, but they must have been written soon after the treatise was composed. Otherwise, they would have little effect in the attack the author was launching against his unnamed adversary, the motivation for seeking the endorsements in the first place. This is confirmed by the remarks the Tlemceni jurists make in their endorsements, not only praising and supporting Muḥammad Shaqrūn but also criticizing his opponent. Ibrāhīm al-Wajdījī states, «... Sidi Abū ‘Abd Allāh Muḥammad, son of the venerated, deceased teacher, Sidi Aḥmad b. Abī Jum‘ah, may God have mercy on him.» (fol. 51a). Muḥammad b. Muḥammad b. al-‘Abbās includes the statement, «... son of our Master and teacher, the ultimate scholar, Sidi Aḥmad b. Abī Jum‘ah, may God have mercy on (our) forebears and bless (their) progeny». The blessing «may God have mercy on him» and the adjective *marḥūm* «deceased» indicate that Aḥmad b. Abī Jum‘ah had died before the endorsements were written, presumably still in 920/1514. The endorsements also suggest that Aḥmad b. Abī Jum‘ah had taught scholars in Tlemcen, for Muḥammad b. Muḥammad b. al-‘Abbās refers to him as «our Master and teacher», and also that Muḥammad Shaqrūn had studied in Tlemcen and considered himself a Tlemceni scholar, for he sought to use his connections there to strengthen his case in the course of an academic dispute in Fez.

The Life and Career of Aḥmad b. Abī Jum‘ah

Abū al-‘Abbās Aḥmad b. Abī Jum‘ah al-Maghrāwī al-Wahrānī resided in Oran as a youth. He may have been born in the nearby region of Maghrāwah and moved there in his early years, or he may have

been born in Oran itself, while his father or an earlier ancestor hailed from the Maghrāwah region. In either case, he was presumably of Berber origin and belonged to the Maghrāwah tribal federation. The sources do not provide his date of birth; one must set it tentatively in the mid-fifteenth century. He studied in Oran in his early years, then traveled to Tlemcen, the nearest major capital, to complete his education, particularly in Mālikī law and theology. There, he was taught by Muḥammad b. Yūsuf al-Sanūsī, a well-known scholar and mystic renowned for his theological works. It is likely that he studied with other scholars in Tlemcen as well but that he considered al-Sanūsī his main teacher in the religious sciences. He had presumably completed his education by the time al-Sanūsī died in 895/1490; this would imply that he had left Oran and taken up residence in Tlemcen many years before. It was probably in Tlemcen that he wrote *Jāmi‘ jawāmi‘ al-ikhtiṣār wa’l-tibyān*, in 898/1493. That work may have been intended to establish his credentials for a teaching position, and he must have taught in Tlemcen for a time after finishing his studies. His son Muḥammad Shaqrūn was probably born and grew up in Tlemcen. At some point, both father and son settled in Fez; the sources available do not allow us to date their movements with precision, but the move took place in all likelihood after 898/1493. Aḥmad b. Abī Jum‘ah ended up obtaining a salaried position as a professor of law in Fez. The position he held is not known; it may have been at the Qarawīyīn mosque or at any of the *madrasahs* of the city.⁹⁰ The only date at which Aḥmad b. Abī Jum‘ah can be located with certainty is that of 917/1511, when he died in Fez. Nevertheless, the fact that he had become a prominent jurist and held a position as a professor of law there, together with the fact that his son, Muḥammad Shaqrūn, was

⁹⁰ The main *madrasahs* in Fez during this period were Madrasat al-Saffarīn, founded in the early fourteenth century by Ya‘qūb b. ‘Abd al-Ḥaqq; Madrasat al-‘Aṭṭārīn, built 723/1323 under Sultan Abū Sa‘īd ‘Uthmān; al-Madrasah al-Miṣbāḥīyah, named after its first professor was Abū Ḍiyā’ Miṣbāḥ b. ‘Abd Allāh al-Yalṣūfī, built by Sultan Abū l-Ḥasan (731/752); Madrasat al-Ṣihrīj, founded in 721/1321 by then crown prince Abū l-Ḥasan; al-Madrasah al-Mutawakkilīyah or al-Bū-‘Inānīyah, built by Abū l-Ḥasan’s son Abū ‘Inān between 751/1350 and 756/1355. Pérétié, A., “Les medrasas de Fès”, *Archives Marocaines*, 18 (1912), 257-372; Shatzmiller, M., “Les premiers Mérinides et le milieu religieux de Fès: l’introduction des médersas”, *Studia Islamica*, 43 (1976), 109-19; Wadād al-Qāḍī, “Nubdhah ‘an al-madrasah fi l-maghrib ḥattā awākhir al-qarn al-tāsi‘ al-hijrī fi ḍaw’ kitāb *al-Mi‘yār li’l-Wansharīsī*”, *al-Fikr al-‘arabī*, 21 (1981), 61-86; Rodríguez Mediano, F., *Familias de Fez*, 32-43.

recognized as a prominent student of the city's three leading scholars by 919/1513, suggests that they had already spent many years there. It is very likely that he penned the *fatwā* of 910/1504 in Fez, rather than Tlemcen or Oran.

The question arises whether Ibn Abī Jum‘ah issued his *fatwā* to the Moriscos in an official capacity. Certainly, that is what one of the *aljamiado* scribes implies when he reports, «Muftī quiere dezir el mayor del ad-dīn del al-islām.» David Powers reports that in the Maghrib and the Andalus generally, two or more *muftīs* were attached to judges' courts as advisors (*mushāwars*), to serve as consultants on difficult cases. Most of the *fatwās* in Aḥmad b. Yaḥyā al-Wanšarīsī's voluminous collection, *al-Mi'yār al-mu'rib*, were drafted in response to requests from judges.⁹¹ The biographical sources of the period suggest that certain individual jurists were recognized as the official *muftīs* of specific North African cities. Thus, for example, Abū 'Uthmān Sa'īd al-Maqqarī (d. 1030/1621) is described as having been *the muftī* of Tlemcen for many years (B, 104-5). The sources in some cases indicate that chief *muftīs* were appointed by the Sultan, as Péretié reports was the case in later centuries.⁹² Ibn 'Askar relates that when Muḥammad Shaqrūn b. Hibat Allāh (d. 983/1576) came to Fez from Tlemcen in 967/1559-60, the Sa'dī Sultan 'Abd Allāh al-Ghālib bi'Llāh (964-81/1557-74) entrusted to him the position of *muftī* and head of the scholars in the capital, Marrakesh, with authority over all of Morocco (*qalladahu ... al-fatwā wa-riyāsāt al-'ilm bi-ḥaḍrat Marrākush wa-sā'ir aqṭār al-Maghrib*) (DN, 117). The following is a tentative list of the official *muftīs* of Fez from the mid-fifteenth century through the mid-sixteenth century:⁹³

Muḥammad b. Qāsim al-Qawrī (d. 872/1468)

Aḥmad Zarrūq (d. 899/1493)

Abū Mahdī 'Īsā b. Aḥmad al-Māwāsī al-Baṭṭū'ī (d. 896/1491)

⁹¹ Powers, D.S., *Law, Society, and Culture in the Maghrib, 1300-1500*, Cambridge, 2002, 20-22.

⁹² Péretié, A., "Medersas", 313-14.

⁹³ Based primarily on García-Arenal, M., "Sainteté et pouvoir dynastique au Maroc: la résistance de Fès aux Sa'diens", *Annales: ESC*, 4 (1990), 1019-42, esp. 1030-32; Rodríguez Mediano, F., *Familias de Fez, passim.*; Vidal Castro, F., "'Abd al-Wāḥid al-Wanšarīsī (m. 1549): adūl, cadī y muftī de Fez", 141-57, in *Homenaje a la profesora Elena Pezzi*, Granada, 1992, 143 and the sources cited there.

Muḥammad b. ‘Abd al-Raḥmān al-Ifrānī, al-Qāḍī al-Miknāsī (d. 917/1511)
 Aḥmad b. Yaḥyā al-Wanṣharīsī (d. 914/1508)
 Ibn Ghāzī (d. 919/1523)
 Muḥammad Ghāzī b. Ibn Ghāzī (d. 943/1536)
 Aḥmad b. ‘Alī al-Zaqqāq (d. 932/1525-26)
 Muḥammad b. Muḥammad b. Muḥammad al-Qawrī (d. ?)
 ‘Abd al-Raḥmān b. ‘Alī, Suqqayn (d. 956/1549)
 Abū l-Ḥasan ‘Alī b. Mūsā b. Hārūn al-Maṭgharī (d. 951/1545)
 ‘Abd al-Wāḥid b. Aḥmad al-Wanṣharīsī (d. 955/1549)
 Abū ‘Abd Allāh Muḥammad al-Issīnī (d. 959/1552)

These recognized *muftīs* did not enjoy an exclusive right to issue *fatwās*, though their *fatwās* evidently carried more weight because of their position. In theory, any competent jurist could issue a *fatwā*. It is unlikely that Ibn Abī Jum‘ah held the position of *muftī* of Fez. He probably issued his *fatwā* not in any official capacity but as a private *muftī*.

Ibn Abī Jum‘ah’s *fatwā* is remarkable in that it goes against many *fatwās* in the Mālikī legal tradition. Aḥmad b. Yaḥyā al-Wanṣharīsī, official *muftī* of Fez at the time, must have been recognized as the leading living authority who had spoken out on the issue. He had completed his extensive *fatwā*/treatise, *Asnā al-matājir fī bayān aḥkām man ghalaba ‘alā waṭanihi al-naṣārā wa-lam yuhājir wa-mā yatarattabu ‘alayhi min al-‘uqūbāt wa’l-zawājir* (“The Most Noble Commerce, Setting Forth the Legal Rulings regarding One Whose Lands Have been Conquered by the Christians and Who Has Not Emigrated, and the Punishments and Stern Threats That Apply to Him as a Consequence”), on 19 Dhū al-Qa‘dah 896/23 September 1491.⁹⁴

⁹⁴ On al-Wanṣharīsī’s life and works, see Vidal Castro, F., “Aḥmad al-Wanṣharīsī (m. 914/1508). Principales Aspectos de su Vida”, *Al-Qanṭara*, 12 (1991), 315-52; *idem*, “Las obras de Aḥmad al-Wanṣharīsī (m. 914/1508). Inventario analítico”, *Anaquel de Estudios Árabes*, 3 (1992), 73-112; *idem*, “Economía y sociedad en al-Andalus y el Magreb a través del *Mi’yār* de al-Wanṣharīsī. Breve introducción a su contenido”, *Actas del II Coloquio Hispano-Marroquí de Ciencias históricas “Historia, Ciencia y Sociedad”*, Madrid, 1992, 339-56; *idem*, “El *Mi’yār* de al-Wanṣharīsī (m. 914/1508): Fuentes, manuscritos, ediciones, traducciones”, *Miscelánea de Estudios Árabes y Hebraicos*, 42-43 (1993-94), 317-61; *idem*, “El *Mi’yār* de al-Wanṣharīsī (m. 914/1508). II: Contenido”, *Miscelánea de Estudios Árabes y Hebraicos*, 44 (1995), 213-46. On *Asnā al-matājir*, see Mu‘nis, H., “*Asnā al-matājir fī bayān aḥkām man ghalaba ‘alā waṭanihi*

Al-Wansharīsī had argued that Muslims could not in good conscience remain in Spain under Christian rule and had an obligation to emigrate on the grounds that they were not able to fulfill their religious obligations properly. Leila Sabbagh has argued that the two *fatwās* of al-Wansharīsī and Ibn Abī Jum‘āh represent in some fashion two sides of the same coin.⁹⁵ Bouzineb rightly criticizes the view that the two *fatwās* are complementary, arguing that they are diametrically opposed.⁹⁶ Rubiera Mata argues that Ibn Abī Jum‘ah’s *fatwā* could not possibly have been a reply to that of al-Wansharīsī on the grounds that it differs radically from earlier *fatwās*, including those that are more favorable to mudéjar’s continued presence under Muslim rule.⁹⁷ It is my contention, however, that Ibn Abī Jum‘ah’s *fatwā* was indeed intended as a rebuttal to the views al-Wansharīsī had promulgated, incited, as has been suggested, by the wave of forced conversions in territories under the Crown of Castile in 1501-2. While Ibn Abī Jum‘ah’s *fatwā* does not mention any direct opponents in the juridical tradition, let alone contemporaries whom he hopes to prove wrong, it is not far-fetched to suggest that it was directed against al-Wansharīsī. Islamic polemics, whether in law or other fields, were often oblique. Contemporary jurists would have had little trouble in identifying the authorities against whom Ibn Abī Jum‘ah’s *responsum* was drafted, even though he did not mention them. Al-Wansharīsī was alive at the time, an active jurist, and the official *muftī* in Fez. He and Ibn Abī Jum‘ah most likely both resided in Fez when the latter is-

al-naṣārā wa-lam yuhājir wa-mā yatarattabu ‘alayhi min al-‘uqūbāt wa’l-zawājir”, *Ṣaḥīfat Ma‘had al-Dirāsāt al-Islāmīyah fī Madrīd*, 1-2 (1957), 129-91; *idem* (ed.), *Asnā al-matājir fī bayān aḥkām man ghalaba ‘alā waṭanihi al-naṣārā wa-lam yuhājir wa-mā yatarattabu ‘alayhi min al-‘uqūbāt wa’l-zawājir*, Cairo, 1996; Muḥammad ‘Abd Allāh ‘Inān, *Nihāyat al-Andalus*, 3rd ed., 60-61; Sabbagh, L., “La religion des Moriscos”, 49-55; Molina López, E., “Algunas consideraciones sobre los emigrados andalusíes”, 419-31, in *Homenaje al Prof. Darío Cabanelas Rodríguez, O. F. M., con motivo de su LXX aniversario*, Granada, 1987, 425-27; Bouzineb, H., “Respuestas de Jurisconsultos”, 57-58; Maillou, F., “Del Islam residual mudéjar”, in Maillou, F. (ed.), *España. Al-Andalus. Sefarad: síntesis y nuevas perspectivas*, Salamanca, 1990, 129-40, esp. 134-37; Meier, F., “Über die umstrittene Pflicht des Muslims, bei nichtmuslimischer Besetzung seines Landes auszuwandern”, *Der Islam*, 68 (1991), 65-86, esp. 70-71; Khaled Abou El Fadl, “Islamic Law”, 156-57; Molénat, J. P., “Le Problème”, 399-400; Pormann, P. E., “Das Fatwā Die Herrlichsten Waren”, 311-12.

⁹⁵ Sabbagh, L., “La religion des Moriscos”, 53.

⁹⁶ Bouzineb, H., “Respuestas de Jurisconsultos”, 53-54.

⁹⁷ Rubiera Mata, M.^a J., “Los Moriscos como Criptomusulmanes”, 541.

sued his *fatwā* in 910/1504. For Ibn Abī Jum‘ah to present a radically opposing view in a public document like a *fatwā* would have been tantamount to attacking al-Wansharīsī’s views and impugning his legal authority. The mere fact that he was so bold as to counter al-Wansharīsī’s opinion when the great *mufīī* was still alive and active in Fez suggests that he must have been a jurist of considerable standing, with a sufficiently solid reputation and enough academic and social capital to withstand possible repercussions, including a harsh response by al-Wansharīsī.

Abbreviations

Manuscripts

- A:** MS 1223 (fols. 130-38), Bibliothèque Méjanes, Aix-en-Provence.
- M:** MS 280.13, Academia de la Historia, Madrid, formerly T.13 of the Gayangos collection.
- V:** MS Borgiano arabo 171, fols. 2-4, the Vatican.
- X:** MS cited by E. Saavedra as n.º 126.3 in “Discurso que el Excmo. Sr. D. Eduardo Saavedra leyó en Junta pública de la Real Academia Española, el día 29 de diciembre de 1878, al tomar posesión de su plaza de Académico de número.” *Memorias de la Real Academia Española*, VI, Madrid, 1889, 140-328, here 314-15. The whereabouts of this MS are currently unknown.

Biographical Works

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