This study attempts to identify the “mufti 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 mufti himself, Abū l-‘Abbās Ahmad b. Abī Jum‘ah (d. 917/1511), and that of his son, Abū ‘Abd Allāh Muhammad Shaqrūn (d. 929/1523-24). This study endeavors to resolve this conflation. Originally from Oran, Ahmad 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 Ahmad b. Yahyā al-Wansharīṣ (d. 914/1508).

Keywords: Abū l-‘Abbās Ahmad b. Abī Jum‘ah (m. 917/1511); Abu ‘Abd Allāh Muhammad Shaqrūn (m. 929/1523-24); Oran; 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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Abū Jum‘ah al-Maghrawī 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


(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. A third aljamiado version that used to be in Madrid (hereafter X) may be lost. 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 Muhammad ‘Abd Alláh ‘Inán 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 Taqiyya”, 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 Mejanes 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 LXXXXVII/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, in 1519 by a certain Maestro Figuerola, an apocryphal gospel entitled Vida y milagros de Cristo N. S. por Thesiphon 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 Mufti 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


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-Haqq 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 Wattāsid Muhammad 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. 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.» 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. X gave the date of composition as 1 Rajab 910; it is not known when it was copied. 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

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. It bears mention that the *fatwā* is dated quite precisely. Many studies state that it was written “in the beginning” of Rajab, 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, «fechada en la menguante de la luna de Ragiabo, año 910 de la Hégira.» Muḥammad ‘Abd Allāh ‘Inān realizes this and reports the date as 1 Rajab 910/28 November 1504. He errs, though, in figuring out the equivalent date in the Christian calendar; 1 Rajab 910 actually corresponds to 8 December 1504. 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 Ahmad ibn Abī Jumu’a; Cardaillac reports his name as Ahmed ben Juma’a; Harvey records ‘Ubaydallah Aḥmad Ben Bū Jumū’ah al-Maghrawī al-Wahrānī. These variants derive from readings of

the *aljamiado* MSS: M has «Jamaga»; 19 A has «Ahmed fijo de Abū Jumu‘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‘a 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 mahometica 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 vecindado 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

22 Harvey, L. P., “Crypto-Islam”, 166 n. 11.
23 Harvey, L. P., “Political, Social and Cultural History”, 209.

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Muslim who had fled to Algeria. Cantineau comments, «Ceci nous donne un renseignement important. Ahmd ibn Abí Ŷumu’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 muftí was not a native of Spain: «The interpretation of X (natural de Almagro) would make the muftí a Spaniard by birth, but it would seem more probable that al-Magrāwī simply means ‘member of the tribe of Magrawa’, which would make him a North African Berber». He adds that the muftí 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 muftí’s name is presented, al-Maghrāwī thumma al-Wahranī, “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 muftí 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 muftí 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 vicinity of Almagro in the region of La Mancha.

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 Mufti 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

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

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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, Ḥājīj Khalīfah’s Kashf al-zunūn, its sequels Ḥidāyah al-‘arīfīn and Ḥadīyat al-‘ārifīn, and Zirikli’s A’lām. He is not to be found in the best known biographical dictionary of the tenth Islamic century, Najm al-Dīn al-Ghazzā’s al-Kawākib al-sā‘irah, nor does he appear in the comprehensive twentieth-century Malikī biographical works Sha`jarat al-nūr al-zakīyah by Muhammad b. Muḥammad Makhlūf or Ta’rīf al-khalaf bi-rijāl al-salaf by al-Hifnawī. 40 He does not even merit an appearance in Mohamed Benchekroun’s extensive survey of Moroccan intellectual history under the Marinids and Waṣṣids, 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 `Abd Allāh b. Abī Jum‘ah is ʿUmar Riḍā Kahlīlah’s Mu`jam al-mu’allīfīn. Drawing on the late collection of Malikī biographies al-Yawāqūt al-thamīnah by Muḥammad Baṣhir b. Zāfir al-Madāni (d. 1909), Kahlīlah reports that `Abd Allāh 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’ al-ikhtīṣāṣ wa`l-tibyān fī mā ya’ruḍu bayna al-mu’allīmīn wa-`abā’ al-ṣibyān. 42 The reference in Mu`jam al-mu`allīfīn 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

41 Benchekroun, M. B. A., La vie intellectuelle marocaine sous le Mérinides et les Waṣṣides (XIIIe XIVe XVe siècles), Rabat, 1974.
El-Fadl must have intended that Aḥmad b. Abī Jumʿah died after 910/1504. 44

The few exceptions are the following. Muḥammad Ḥajjī discusses a treatise on elementary education entitled Jāmiʿ j̱awāmiʿ al-ikhtiṣār waʾl-tibyān by Aḥmad b. Abī Jumʿah briefly in Activité intellectuelle au Maroc à l’époque saʿdide, having examined manuscript copies in Morocco, but does not give a death date. 45 In another passage, he reports that Aḥmad b. Abī Jumʿah 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 Jumʿah’s work Jāmiʿ j̱awāmiʿ al-ikhtiṣār waʾl-tibyān (1975). 48 None of these modern scholars connects Aḥmad b. Abī Jumʿah with the author of the 1504 fatwā to the Moriscos. The only scholar to date to provide biographical information on Aḥmad b. Abī Jumʿah and to state that he is indeed the author of the 1504 fatwā is ʿAbd al-Ḥādī al-Tāzī, the editor of the second edition of Jāmiʿ j̱awāmiʿ al-ikhtiṣār waʾl-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 ʿAskar 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-ʿAbbās Aḥmad, and his son, named Abū ʿAbd 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 Jumʿah, but give his name as (Abū ʿAbd Allāh) Muḥammad b. Abī Jumʿah instead. The probable cause of this confusion is that both father and son were known by the sobriquet Ibn Abī Jumʿah. It is common for the name Ibn X to serve as a family name and to apply to many generations, so such confusions

45 Ḥajjī, M. Activité intellectuelle au Maroc à l’époque saʿdide (1 vol. in 2), Rabat, 1976-77, 194.
46 Ibid., 401.
47 Rodríguez Mediano, F., Familias de Fez (SS. XV-XVII), Madrid, 1995, 125.
48 Aḥmad b. Abī Jumʿah, Jāmiʿ al-j̱awāmiʿ; 6. Kaḥḥalāh lists the death date as 920 and explains in a footnote that this is merely shorthand for 920-929 A.H. Kaḥḥalāh, Muʿjum al-muʾallifīn, 1:184.
can arise quite easily. In addition, ʿĀhmād 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 ʿAbī Jumʿah” several decades after his death, they or their informants could easily have confused ʿĀhmād with his son Muḥammad.

In Fez ca. 985/1577, Ibn ʿAskar (936-86/1530-1578) completed a biographical work entitled Dawḥat al-nāshir li-maḥāsin man kāna bi-l-Maghrib min mashāyikh al-qarn al-ʿāshir (“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. The entry on ʿĀhmād b. ʿAbī Jumʿah al-Maghrawī reads as follows.

ʿĀhmād Shaqūrūn b. ʿAbī Jumʿah of Maghrāwah: Among them [Ibn ʿAskar’s authorities] is the master, jurist (faqlīh), and hadith expert (ḥāfīz), widely-read, exacting, and accomplished in several fields, the consummate scholar Abū al-ʿAbbās ʿĀhmād son of ʿAbī Jumʿah, of Maghrāwah then of Oran. He is known as Sayyid Shaqūrūn of Oran because he had light complexion, 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 Jāmī` jawāmī` al-ikhṭiṣās wa-l-tiby wa-l-mu`allaq wa-l-šāykh “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 ʿAbd Allāh Shams al-Dīn al-Khaṭīb Muḥammad b. ʿĀhmād b. Muḥammad b. ʿAbī Bakr b. Marzūq al-ʿAǧīšī al-Tīlīmsānī, 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 ʿAbd Allāh Muḥammad b. ʿĀhmād 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 fi dhikr al-awlīyā` wa l-`ulamā` bi-Tīlīmsānī, ed. Muḥammad Ibn Abī Shanab, Algiers, 1908, 184-90, 201-14, 249-51. Rodríguez Mediano, F., Familias de Fez, passim, for many other examples.


51 The 1977 edition reads ashqar al-lawn “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-qaww “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”). 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’an. He settled in Fez, where he taught law and became a prominent jurist. He wrote a book on the duties of teachers, entitled Jami’ jawmi’ al-ikhtisās wa l-tibyān fimā ya’ruḍu bayna al-mu’allim 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-Yawqīt al-thamānah and repeated by Kahhālah 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-Qādī al-Miknāsī (Abū l-‘Abbās Ahmad b. Muḥammad, 960-1025/1553-1616): Durrat al-ḥijāl fi ghurrat asmā’ al-rija’āl (“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-fağrā‘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 fi man ḥalla min al-a‘lām madānat Fās (“The Ember from Which One Derives Fire, on the Notable Men Who Have Been Present in the City

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52 This is the title reported in Dawḥat al-nāshīr and also in later notices that derive therefrom. As seen below, the extant manuscripts of the work itself show that ikhtisās “competence” is an error for ikhṭisār “abridgment”.


54 Ibn al-Qādī al-Miknāsī, Laqṭ al-fağrā‘id min ḥuqaq al-fawā‘id, printed in Alī sanah min al-wafayāt fi 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 laqat, 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). The two other works were both written by Ahmad Bābā al-Tunbuktī (963-1036/1556-1627), a jurist originally from Timbuktu who lived and taught in Marrakesh: Nayl al-ibtihāj bi-taťrīz al-Dībāj (“The Attainment of Joy by Adding a Decorative Border to ‘The Silk Brocade’”; hereafter KM), an abridgement of li-ma’rifat man laysa fi ‘al-madhhab fi ma’rifat a’yān ‘ulamā’ al-madhhab (“The Gilded Silk Brocade, Identifying the Prominent Scholars of the [Mālikī] Legal School”), completed on 7 Jumādā I 1005/27 December 1596; and Kifāyat al-muqtāj li-ma’rifat man laysa fi al-Dībāj (“The Sufficient Book for the One Who Needs to Know Those Who are Not in ‘The Silk Brocade’”); hereafter NI), a sequel to Ibn Farḥūn’s (d. 799/1397) famous biographical dictionary, al-Dībāj al-mudhahhab fi ma’rifat a’yān ‘ulamā’ al-madhhab (“The Gilded Silk Brocade, Identifying the Prominent Scholars of the [Mālikī] Legal School”), completed on 1 Șafar 1012/11 July 1603. 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 kunyah Abū ‘Abd Allāh; JI and KM add the nisbah al-Maghrawī. 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. Of the two months reported in the scholar’s death date, 57 A gate, now called Bāb Gīsa or Bāb al-Gīsa, was originally named Bāb ‘Ajšah. It and the south-eastern gate Bāb al-Fatūḥ were named after the two sons of the Zanātī prince Dūnās b. Ḥamāmah al-Mu‘izz b. ‘Ajšah, 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 Ahmad b. Abī Jum‘ah, despite the difference in name. It is clear from Ibn ‘Askar’s notice that 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-Maghrūb 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 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 Ahmad b. Abī Jum‘ah. This absence of notices on Ahmad 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 senior, Abū l-’Abbās Ahmad, has been unintentionally confused with and substituted for that of Ibn Abī Jum‘ah junior, Abū l-’Abbās Ahmad. This confusion cannot have resulted from a copyist’s error in any of these five texts, for all five en-


59 Ahmad Bābā gives the month as Rabī‘ al-awwal (Rabī‘ I) in both NI and KM. Ibn al-Qādī 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-Qādī al-Miknāsī uses this expression also to give the death date of Muhammad b. Muhammad b. Muhammad al-Ghumārī al-Gāmî 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). Ahmad 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-Qādī al-Miknāsī from some earlier source.

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tries occur in sections of their respective works devoted to subjects named Muhammad and not Ahmad. The presence in three of the entries of the kunyah 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 Šaqrūn Ibn Abī Jum‘ah (LF, 289) and Badr al-Dīn al-Qarāfī’s Šaqrūn Ibn Abī Jum‘ah al-Wahrānī, Abū ‘Abd Allāh Muḥammad (TD, 107), leaving out Ahmad, his father’s name. If the notices labeled Muḥammad b. Abī Jum‘ah indeed refer to Ahmad 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 Ahmad’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 Ahmad Bābā in NI and KM. The Egyptian Mālikī scholar Badr al-Dīn al-Qarāfī (939-1008/1533-1600) includes an entry on him in his sequel to Ibn Farḥān’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. Ahmad al-Sharīfī al-Mālītī al-Tīlīmānī (d. after 1605), known as Ibn Maryam, includes an entry on him in his work on scholars and holy men of Tlemcen, al-Bustān fi dhikr al-awliyā’ wa l-‘ulamā’ bi-Tīlīmānī (B). The term mudarris is not attributed to him, in contrast to the accounts of his father. This

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60 Lévi-Provençal, E., Les Historiens des Chorfa, 236-37, 250.
61 Badr al-Dīn al-Qarāfī, Tawshīḥ al-Dībāj wa-ḥiyat al-ibtiḥāj, ed. Ahmad al-Shīṭāwī, Beirut, 1983. His work is not dated, but must have been composed after Muhammad 979/June 1571, which he records as the death date of the Egyptian Mālikī jurist Zayn b. Ahmad b. Mūsā al-Jīz (p. 102).
suggests that he did not hold a professorship of law at a madrasah. Nevertheless, he was also a scholar of some renown. The title ʿustādh “master, professor” suggests that he was an important teacher in fields other than Islamic law, perhaps in Qur’ānic recitation, hadith, or theology, in which he reportedly excelled. According to Muhammad Ḥājjī, in the Sa’dī period, the term ʿustādh 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). Ahmad Bābā records that he wrote a treatise entitled al-Jaysh al-kamīn fi al-karr ‘ālā man yuṣaffiru ‘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 (Qādī 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). 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 ʿAbd Allāh 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

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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 Qarawīyun Mosque. He died two years later, on 1 Sha‘bān 921/10 September 1515 (DH, 49; JI, 132; LF, 285; NI, 136; TD, 64). 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 Muhammad, 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 Muhammad 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-Mīknāsī 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-Mīknāsī 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

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known, like his father, as Ibn Abī Jumʿah. The verses of al-Daqqūn’s ījāzah also provide corroborating evidence:

\[
\begin{align*}
\text{ājāza laka 'd-Daqqūnu yā najla Sayyidī Abī Jumʿatīn wa'l-āla kullā lladhī rawā} \\
\text{fa-ḥaddith bimā 'stud'īta fīhī ījāzatan wa-sallīm 'alā man khālafrī 'n-nafṣa wa'l-hawā} \\
\text{Al-Daqqūn hereby grants permission to you, oh son of Master Abū Jumʿah,} \\
\text{along with your family, for all that he has transmitted.} \\
\text{So relate that which you are requested to relate, by license, and wish peace upon} \\
\text{those who go against carnal instinct and whim. (DH, 49, JI, 132).}
\end{align*}
\]

The name Shaqrūn clearly applies to the son (najl) – i.e., Muhammad – of Ibn Abī Jumʿah – i.e., Ahmad – and not to Ahmad himself. It is safe to say, then, that Ibn Abī Jumʿah junior’s full name is Abū ‘Abd Allāh Muḥammad Shaqrūn b. Aḥmad b. Abī Jumʿah 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 “near” 930 A.H. One assumes that 930 in DH and JI is an approximation and that 929 in LF is Ibn al-Qādī’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 Jumʿah senior, Abū al-‘Abbās Ahmad, and the
latter Ibn Ab Jum’ah junior, Abū ‘Abd Allāh Muḥammad. The nick-name 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 Āḥmad, that of his son, Abū ‘Abd Allāh Muḥammad.

Later biographical works merely repeat the entries on the two Ibn Ab Jum’ahs included in the late sixteenth and early seventeenth-century works cited above, perpetuating their errors and conflations. Several important modern works include entries on Ibn Ab Jum’ah junior only, omitting his father. In Shajarat al-nūr al-zakīyah fi 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 Mālik jurists, giving his name as Abū ‘Abd Allāh Shaqrūn b. Muhammad b. Āḥmad b. Abī Jum’ah al-Maghrawī and his date of death as 929 A.H. In Fihris al-fahāris wa’l-athbāt, completed on 8 Shawwāl 1344/21 April 1926, ‘Abd al-Hayy al-Kattānī gives his name as Abū ‘Abd Allāh Muḥammad Shaqrūn b. Muhammad b. Āḥmad b. Abī Jum’ah al-Maghrawī al-Qabrānī al-Fāsī and sets his death date at 929 A.H. 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 “Chaqrūn ben Abou Djam’a El Mar’awī” and student of al-Daqqūn, and once as “Abou Abd Allah Mohammed ben Abou Djam’a El Wahrānī” and teacher of Abū al-‘Abbās Āḥmad Ibn Jīdāh (d. 951/1544). Ben Chekroun mentions Ibn Abī Jum’ah junior twice in his intellectual history of the thirteenth-sixteenth century Morocco,

once as a student of Ibn Ghâzi named Muḥammad b. Aḥmad Ṣaqrub Ṣaqrân al-Maghrāwī al-Wihrānî, and once as the author of al-Jaysh al-kāmî fî al-karr 'alâ man yuğfar 'awāmm al-muslimîn, giving his name as Abū Ḫumâ's Muḥammad b. Aḥmad Šaqrân al-Magrâwî Ṣaqrân. 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-anfâs, completed by Muḥammad b. Jaʿfar al-Kattânî (d. 1927) in 1313/1895-96. Levi-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-Kattânî’s entry is essentially a combination of Ibn ‘Askar’s entry on Ibn Abî Jum’ah senior with the entries on Ibn Abî Jum’ah junior, giving the subject’s name as Sa[yy]d Muḥammad al-mad’ al-Maghrâwî b. Aḥmad al-Maghrâwî Šaqrân b. Aḥmad al-Maghrâwî thumma ‘l-Wahrânî 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’ jawāmî’ al-ikhtiṣâs wa’l-tibyân and al-Jaysh al-kāmî. 69

Earlier Attempts at a Solution

Aḥmad b. Abî Jum’ah’s treatise on elementary education, entitled Jāmi’ jawâmî’ al-ikhtiṣâr wa’l-tibyân fîmā ya’ruḍ bayna l-mu’allîmîn 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 fatwâ to the Moriscos. ‘Abd al-Hâdî al-Tâzî, editor of the 1986 edition, understood that the author of Jāmi’ jawâmî’ al-ikhtiṣâr wa’l-tibyân and the author of the fatwâ to the Moriscos were one and the same, and even included Muḥammad ‘Abd Allâh ‘Inân’s edited Arabic text of the fatwâ in an appendix to his

67 Benchekroun, M. B. A., La Vie intellectuelle, 387, 424.
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 Muhammad 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-Maghrawī al-Wahrānī, reported to have died in 920-30/1515-24, and his son Abū ‘Abd Allāh Muhammad 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 Muhammad Ibn Abī Jum‘ah al-Maghrawī, 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. Yūsuṭ al-Zayyānī, who wrote a history of Oran entitled Dalīl al-ḥayrān wa-anīs al-sahrān fi 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-ikhtiṣār wa ‘l-bayān fīmā ya’ruḍu bayna l-muta ‘allimin wa-ābā’ al-ṣibyān, a great Sufi saint who studied with the scholar Ghānim b. Yūsuṭ 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.
Ahmad, who died in 910 or 920 A.H. and wrote a commentary on the Lamiyah of Ka’b b. Zuhayr entitled Tashil al-sa’b ‘alá Lamiydt Ka’b (pp. 37, 47 n. 35, 57); 3) Shaqrün al-Fasi, student of Ibn Ghazi, author of al-Jaysh al-kamin fi al-radd ‘alá man yukuaffiru ‘ulumá’ al-muslimin, al-Manzumah al-shaqraniyah on types of food and drink, and other works, and descendant of Muhammad b. A’mar b. ‘Uthman al-Hawwari, who is buried in Oran (pp. 37 n. 12, 57). Al-Zayyan’s interpretation would thus explain the biographical notices devoted to Muhammad b. Abi Jum’ah by suggesting that Abi al-‘Abbás Ahmad had a brother named Muhammad. However, the information he provides is riddled with errors. He does not identify Shaqrün, the author of al-Jaysh al-kamin, as the son of Abi al-‘Abbás Ahmad b. Abi Jum’ah. He evidently conflates Ahmad b. Abi Jum’ah with yet another scholar, a sufi saint with the epithet al-Najjar. He reports the title of his work incorrectly, giving Jawhir instead of Jami’ jawi, bayin instead of tibyin, and muta’allim in instead of mu’allim in. He identifies Muhammad b. Abi Jum’ah as the author of a commentary on the Lamiyah 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 Shaqrün’s full name, Abi ‘Abd Allâh Muhammad Shaqrün b. Ahmad b. Abi Jum’ah al-Wahrani, and he gives ‘ulamâ’ instead of ‘awâm in the title of his work al-Jaysh al-kamin. The claim that he is a descendant of Muhammad b. A’mar al-Hawwari seems completely unsubstantiated. The Shaqraniyah, the poem on food and drink that al-Zayyan attributes Shaqrün Ibn Abi Jum’ah, was actually authored by a scholar of the eighteenth century, ‘Abd al-Qadir Ibn Shaqrün al-Miknasi (d. after 1140/1727-28), who served as a doctor at the court of Mulay Ismâ’il (1082-1139/1672-1727). ‘Abd al-Hâdi al-Tâzî criticizes al-Zayyan’s presentation, insisting that all three names refer to the same person. As argued above, these three names likely refer to two scholars who were father and son, rather than three or one, as al-Tâzî argues.


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Al-Maqqari’s *Azhār al-Riyād fi Akhbār ‘Iyād*

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 ‘Iyād (d. 544/1149), Ahmad b. Muhammad al-Maqqari 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-muqayyadāt*) 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 (ustādīḥ) and jurist and intelligent preacher Abū ‘Abd Allāh Muḥammad, son of the Master, jurist, preacher, and professor of law (*madarris*) Abū-‘Abbās ʿAbd Allām b. Abī Jum‘ah al-Wahrānī, reported that his aforementioned father used to preach the sermon of al-Qāḍī ‘Iyād Abū al-Fadl, and stated: “I memorized it from his words, and he memorized it from a preacher they used to have in Oran named Muḥammad b. ʿAbd Allām b. Khārazmah al-Qaysī...”

Al-Maqqari’s statement confirms that Abū al-‘Abbās ʿAbd Allām 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 Abī Jum‘ah resided in Oran as a youth, for he learned this sermon from a preacher there named Muḥammad b. ʿAbd Allām b. Khārazmah 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).

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Aḥmad b. Abī Jumʿah’s Treatise on Elementary Education

Aḥmad b. Abī Jumʿah’s work Jāmiʿ jawāmīʿ al-ikhtīṣār waʾl-ṭibāʿīn fīmā yaʾrūdū liʾl-muʿallīm wa-ṭibāʿ 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 Qurʾān 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 Qurʾān 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-Ḵhubzah, Tetouan. The Algerian MS was copied on 16 Dhū al-Qaʿdah 1148/29 March 1737; the remaining copies appear to be undated. The title of the work is given in the manuscripts as Jāmiʿ jawāmīʿ al-ikhtīṣār waʾl-ṭibāʿīn fīmā yaʾrūdū bayna al-muʿallīm wa-ṭibāʿ al-ṣibyān. This corrects the form found in the biographical sources, beginning with DN, which give al-ikhtīṣār “need, jurisdiction, competence” rather than al-ikhtīṣār “brevity, abridgement.”

Muḥammad Ḥajjī included a brief description of the work in Activité intellectuelle. In 1975, Aḥmad Jalūlī al-Badawī and Rābiḥ Bū-Ḵnār published the first edition, based on MS Arabic 2078 in the Algerian National Library. 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 ʿAbd al-Ḥādī al-Ṭāzī under the title al-Maghraḍāwī wa-fikruhu al-tarbawī. His edition, based on the four

76 ʿAbd al-Ḥādī al-Ṭāzī, al-Maghraḍāwī wa-fikruhu al-tarbawī, 11-12.
77 Muḥammad Ḥajjī, Activité intellectuelle, 194.
78 Ibn Abī Jumʿah, Jāmiʿ jawāmīʿ al-ikhtīṣār waʾl-ṭibāʿīn fīmā yaʾrūdū liʾl-muʿallīm wa-ṭibāʿ al-ṣibyān, Aḥmad Jalūlī al-Badawī and Rābiḥ Bū-Ḵnār (eds.), Algiers. The text does not provide a date, but the publication number is 75/406, indicating a copyright of 1975.

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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 not ing confusion over Ibn Abī Jum‘ah’s name, al-Tāzī has followed Salwat al-anfūs in completely conflating the two Ibn Abī Jum‘ahs, giving his name as Abī Jum‘ah. The author of Ḫayr al-ma‘mū Pulse of the Law 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‘du 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-Maghrawī al-nasab al-Wāḥrānī al-dār, raḥīmahu Allāh ta‘ālā wa-raḥmatihā (p. 57; MS Rabat, Royal Library, 1541); ta‘līf al-Imām Abī al-‘Abbās Ahmad b. Abī Jum‘ah al-Maghrawī al-nasab al-Wāḥrānī, taghammara Allāhu bi-raḥmatihā (p. 59; MS Tetouan, General Library, 595); ta‘līf al-Imām al-‘Allāmah Abī al-‘Abbās Aḥmad b. Abī Jum‘ah al-Maghrawī al-nasab al-Wāḥrānī al-dār, ḥasharahu ma‘a alladhīna an‘ama ‘alayhim min al-abrār bi-mannihi wa-fadlihi wa-jūdihi wa-ṭawlihi fa‘ālun limā yurid (p. 60; MS Tetouan, collection of Muḥammad Bū-Khubzah). The blessings here indicate that the author had already died and prove that these headings


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were written by later scholars or copyists. They confirm that his name was Abū l-‘Abbās Ahmad 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-Hijjah 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 Sūd Muhammad b. Sūd Yūsuf al-Sanūsī was consulted for a legal responsum about a similar case, and he answered ...» (p. 69). Muhammad 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‘ it-self. 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‘in (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. Muhammad b. Yahyā b. ‘Umar b. al-Ḥabba‘b 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-

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come the custom in Tlemcen and its environs not to teach the [students] on Friday afternoon. The people of our town (ahl baladinā) reserve it for cleaning the slates, so that it not 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 teachers 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 that 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 (amārah 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 tathārūn for taftārūn in the text.
82 Reading li ‘l-lā for l.y.ḥā in the text.
83 Reading darrārūnī for darrūr ‘anna in the text.
84 Reading bi-kawnī for yakūnī 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-Sanṣīs 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-fikrūhu al-tarbawī*. In the penultimate verse, he gives his own name: *Shaqrūnu nāzimu dhī ’l-abyāti ajma‘ihā / najlu ’bni Abī Jum‘ātin bi’l-Wahrānīyī 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 *shaykhun “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-Ḥabīṭī, as *ustādhunā “our professor.”* ⁸⁷ This is Abū ‘Abd Allāh Muḥammad b. Abī Jum‘ah al-Ḥabīṭī al-Ṣummātī, a scholar who taught in Fez and died there in 930/1524-25. He authored a work on Qur’ānic punctuation entitled *Waqq al-Qur‘ān al-‘azzīz* and another work entitled ‘*Umdat al-faqīrī ḵī ṭibādat al-‘alī al-kabīr*. He evidently specialized in the Qur’ānic sciences (DH, 209; LF, 290; JJ.

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⁸⁶ ibid., 125.
⁸⁷ ibid., 125.
As mentioned above, the title ustādh indicates an expert in the Qur'ānic sciences in particular.

**Muḥammad Shaqrūn’s Treatise al-Jaysh wa’l-kāmīn**

Muḥammad Ḥajjī includes a brief description of Muḥammad Shaqrūn and this work in *Activité intellectuelle*, noting that it was written in mid-920/1514. 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, Qarawiyyīn, 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-kāmīn li-qītāl man kaffāra ’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-Sanā’ī: Abū Sāliḥ Ibrāhīm al-Wajījī (d. 930/1523-33) (DN, 134), Abū ‘Abd Allāh Muḥammad b. Muḥammad b. ‘Isā (d. mid-930/late 1520s) (DN, 135), Muhammad [or Abū al-‘Abbās Ahmad] b. Muḥīthā (d. mid-930s/late 1520s) (DN, 135-36), and Abū ‘Abd Allāh Muḥammad [or Ahmad] 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. Ahmad b. Abī Jum‘ah al-Maghīrwī *thumma* al-Wāhrānī

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

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Muhammad b. Muhammad b. ’Isā gives his name as Abū ‘Abd Allāh Muhammad Shaqrūn (fol. 51b). Muhammad b. Muhammad b. al-‘Abbās describes him as “the Sayyid, consummate scholar, brilliant, insightful, the Imam son of the Imam, Sidi Muhammad Shaqrūn son of our Master and teacher, the ultimate scholar, Sidi Aḥmad b. Abī Jum’ah” and once again simply as Muhammad 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 Muhammad Shaqrūn but also criticizing his opponent. Ibrāhim al-Wajdi 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). Muhammad b. Muhammad 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 marhum «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 Muhammad b. Muhammad b. al-‘Abbās refers to him as «our Master and teacher», and also that Muhammad 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 Ahmad b. Abī Jum’ah al-Maghrawī 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 Žāmi‘jawāmi‘ al-ikhtīṣār 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. Ahmad 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. The only date at which Ahmad 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

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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 (*mushawars*), to serve as consultants on difficult cases. Most of the *fatwās* in Ahmad b. Yahyā al-Wansharīsī’s voluminous collection, *al-Mī’yār al-mu‘riḥ*, 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 Muhammad 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‘Līlāh (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-riyāsat al-‘ilm bi-ḥadrat Marrākush wa-sā‘ir aqtār 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)
Ahmad Zarrūq (d. 899/1493)
Abū Mahdī ‘Īsā b. Aḥmad al-Māwāsī al-Baṭṭū‘ī (d. 896/1491)


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Muhammad b. ‘Abd al-Rahmān al-Ifrānī, al-Qādi al-Miknāsī (d. 917/1511)
Ahmad b. Yahyā al-Wansharīsī (d. 914/1508)
Ibn Ghāzī (d. 919/1523)
Muhammad Ghāzī b. Ibn Ghāzī (d. 943/1536)
Ahmad b. ‘Alī al-Zaqqāq (d. 932/1525-26)
Muhammad b. Muhammad al-Qawr (d. ?)
‘Abd al-Raḥmān b. Sūqqayn (d. 956/1549)
Abū ʿAbd Allāh Muhammad al-Iṣsānī (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 ʿAbī Jumʿah held the position of muftī of Fez. He probably issued his fatwā not in any official capacity but as a private muftī.

ʿAbī Jumʿah’s fatwā is remarkable in that it goes against many fatwās in the Mālikī legal tradition. Ahmad b. Yahyā al-Wansharīsī, 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-matāǧir fī bayān ahkām man ghalaba ‘alā waṭāniḥi al-nasārā wa-lam yuhājir wa-mā yatarattabu ‘alayhi min al-ʿuqābāt 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

Al-Wansharīṣī 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-Wansharīṣī and Ibn Abī Jumʿāh represent in some fashion two sides of the same coin. Bouzineb rightly criticizes the view that the two fatwās are complementary, arguing that they are diametrically opposed. Rubiera Mata argues that Ibn Abī Jumʿah’s fatwā could not possibly have been a reply to that of al-Wansharīṣī on the grounds that it differs radically from earlier fatwās, including those that are more favorable to mudéjar’s continued presence under Muslim rule. It is my contention, however, that Ibn Abī Jumʿah’s fatwā was indeed intended as a rebuttal to the views al-Wansharīṣī 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 Jumʿah’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-Wansharīṣī. 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 Jumʿah’s responsum was drafted, even though he did not mention them. Al-Wansharīṣī was alive at the time, an active jurist, and the official muftī in Fez. He and Ibn Abī Jumʿah most likely both resided in Fez when the latter is-

96 Bouzineb, H., “Respuestas de Jurisconsultos”, 53-54.
sued his fatwâ in 910/1504. For Ibn Abî Jum‘ah to present a radically opposing view in a public document like a fatwâ would have been tantamount to attacking al-Wansharîsî’s views and impugning his legal authority. The mere fact that he was so bold as to counter al-Wansharîsî’s opinion when the great muftî 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-Wansharîsî.

Abbreviations

Manuscripts

A: MS 1223 (fols. 130-38), Bibliothèque Méjanes, Aix-en-Provence.


V: MS Borgiano arabo 171, fols. 2-4, the Vatican.

X: MS cited by E. Saavedra as n." 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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