

RELIGIOUS DISSENSION IN AL-ANDALUS: WAYS OF EXCLUSION AND INCLUSION ¹

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The Cordoban Ibn Rushd al-Jadd (d. 520/1126) explained that faith and infidelity (*imān* and *kufīr*) are «deeds of the heart» (*min af'āl al-qulūb*), so that the infidelity or faith of a person are difficult to establish, because he could be a hypocrite or a concealed apostate (*zindīq*). There are only two ways to know: a text from God or from the Prophet where it is stated that someone is an infidel, ² or by performing debates or investigations (*munāzara*, *mujādala* or *mubāḥḥatha*) in which evidence of infidelity could be uncovered and brought to light. At this point, the hidden infidel or heretic may confess or, on the basis of words or deeds that show him to be an infidel (such as considering licit drinking wine, ³ or committing murder, fornication, stealing, seizing property unlawfully, worshipping other than God, concurring in blasphemy against the Prophets, or rejecting a chapter of the Qur'ān and similar things), he could be brought to trial. ⁴

Ibn Rushd al-Jadd belonged to the Mālikī school of law, predominant in al-Andalus and the Islamic West. Religious dissension has a specific vocabulary in Mālikī legal works. *Zandaqa*, which I will translate as «heresy», is one of the terms used. Both *zandaqa* and blasphemy (*sabb Allāh*, *sabb al-rasūl*) are treated under the heading devoted to apostasy (*ridḍa*), as they are seen to represent the

¹ A previous version of this paper was read at the Seminar «Conversion to Islam in the Mediterranean Muslim World», organized by the European Science Foundation, Escuela Española de Roma (September, 1997), within the project *Individual and Society in the Mediterranean Muslim World*, Workshop n.º 6, Religious activity and experience, teamleader M. García-Arenal. It was also read at the International Medieval Congress, University of Leeds (July, 1997).

² A related possibility was that information could be given by extraordinary means, such as dreams. See an example in Fierro, M., «Religious beliefs and practices in al-Andalus in the third/ninth century», *Rivista degli Studi Orientali* LXVI (1993), 15-33, 21-2.

³ As D. Stewart has recently reminded us, «One is not considered a heretic in Islam for drinking alcohol, and one is not excluded irrevocably from the community of believers for doing so... To hold the opinion that it is not sinful and forbidden to drink alcohol is to go against the consensus and leave the community of believers»: Stewart, D., *Islamic Legal Orthodoxy. Twelver Shiite Responses to the Sunni Legal System*, Salt Lake City, 1998, 47. To consider licit drinking wine was one of the accusations made against the ṣūfī Ibn Aḥlā (d. 645/1247): see Marín, M., *Mujeres en al-Andalus*, Madrid, 2000 (*Estudios Onomástico-Biográficos de al-Andalus*, XI), 407.

⁴ Ibn Rushd al-Jadd (d. 520/1126), *Kitāb al-bayān wa-l-taḥṣīl wa-l-sharḥ wa-l-tawjīh wa-l-ta'līl fī masā'il al-Mustakhraja* (commentary of al-'Utbi's *al-Mustakhraja*), ed. M. Ḥājjī, 20 vols., Beirut, 1984-7, 2nd ed. 1988, XVI, 364.

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passage of someone who had once been faithful (*mu'min, muslim*) to infidelity (*kufr*). Apostasy is a crime punished in Islamic law by the death penalty, either death by the sword or decapitation. Crucifixion is contemplated in the case of a blasphemer. Exile is another possibility.⁵ In some Islamic texts, deviation from fundamental religious principles in the form of apostasy and heresy was regarded as treason against the state and revolt against the social order, thus existing the tendency of assimilating «apostates, rebels and brigands», as the title of Kraemer's study reads.⁶

There was no part of pre-modern life that religion did not touch, and none therefore that did not touch religion. The adoption of heresy and the imputation of heresy to others were statements about communal membership and exclusion. A. Knysh has remarked the danger of seeing the persecution of all manners of deviants as a clear proof of the fact that in Islam there was an «authentic» or orthodox religious dogma upheld by the majority of Muslims. Muslim intellectual life was, in Knysh's words, «a perpetual collision of individual opinions over an invariant set of theological problems that eventually leads to a transient consensus that already contains the seeds of future disagreement».⁷ It is «orthodoxy-in-the-making» (my own words would be that orthodoxy in Islam is not a thing, but a process), in which the most effective way to establish an «orthodox» creed was to assure it state support. On the other hand, the rulers had a vested interest in playing the role of umpires between factions of scholars, which again helped the fluidity of belief and practice. Accusations of heresy were among the means that those scholars had at their disposal to fight their struggles for the social, economic and political prizes bestowed by the rulers, as has been shown by M. Chamberlain.⁸ The studies I have carried out of

⁵ See on this Fierro, M. I., *La heterodoxia en al-Andalus durante el periodo omeya*, Madrid: I.H.A.C., 1987, 177-187; *idem*, «Heresy in al-Andalus», in *The legacy of al-Andalus*, ed. S. Jayyusi, Leiden, 1992, 895-908; *idem*, «Accusations of blasphemy in al-Andalus», *Annales Islamologiques* 25 (1990), 103-117. To the sources thereby mentioned I have added material from Ibn Rushd al-Jadd, *Bayān*, XVI, 359-445 (*kitāb al-murtaddīn wa-l-muḥāribīn*).

⁶ «Apostates, rebels and brigands», *Israel Oriental Studies* X (1980), 34-73. See also J. Kraemer, «Heresy versus the state in Medieval Islam», *Studies in Judaica, Karaitica and Islamica presented to Leon Nemoy on his Eightieth Birthday*, ed. Sh. R. Brunswick, Bar-Ilan, 1982, 167-180. However, the concept of rebellion as something distinct from apostasy is present in Muslim legal theory, as shown by Abou El Fadl, Kh., «*Ahkam al-bughat*: irregular warfare and the law of rebellion in Islam», in *Cross, Crescent, and Sword. The Justification and Limitation of War in Western and Islamic Tradition*, ed. J. T. Johnson and J. Kelsay, New York/Westport, CT/London, 1990, 149-176.

⁷ «Orthodoxy and heresy in Medieval Islam: an essay in reassessment», *The Muslim World* LXXXIII (1993), 48-67, 57. On the concept of orthodoxy in Islam see also Stewart, *Islamic Legal Orthodoxy*, 37-53 and Calder, N., «The limits of Islamic orthodoxy», in F. Daftary (ed.), *Intellectual traditions in Islam*, London, 2000, 66-86.

⁸ *Knowledge and social practice in medieval Damascus, 1190-1350*, Cambridge: Cambridge University Press, 1994, Cambridge Studies in Islamic Civilization, 167-175.

accusations of heresy and apostasy in al-Andalus show that they only led to trial and execution when the ruler saw or was made to see in the accused a political danger in times of upheaval or external threat. Most of those accusations did not involve legal prosecution, but even so they could be quite effective in censoring and damaging those accused.

What were the mechanisms by which exclusion of heretics, apostates and innovators operated in a pre-modern Islamic society, that of al-Andalus? What were the mechanisms or strategies by which those labelled as heretics managed not to be excluded or if they had been, managed to be reincorporated into their social and religious milieu?

WAYS OF EXCLUSION FROM THE COMMUNITY

In the case of accusations of heresy and apostasy that did not lead to trial and did not bring any threat to the life of the accused, exclusion could be operated by the accusation itself and related terms of abuse, by the idea of impurity, by social isolation, by the destruction of books and by refutations. As regards the case of accusations of heresy and apostasy that led to trial, exclusion could also be brought about by the accusation itself and related terms of abuse, by the idea of impurity and by social isolation, but it could also involve loss of Muslim status, imprisonment, physical punishment, exile or execution.

The accusation itself and related terms of abuse. God knows who the heretics and sinners are and will punish them in the other world, but those who remained in this world would not know it, except by the ways pointed out by Ibn Rushd al-Jadd (see above). In any case, simply to make an accusation of heresy, even if unproven and without legal consequences, marked the person accused apart from his contemporaries. That in itself «isolated» him in the community either in a temporary or more lasting way. The accusation of *zandaqa* against ‘Abd al-A‘lā b. Wahb (d. 261/874), probably caused by his Mu‘tazili ideas, did not lead to any trial and he continued being a respected member of the scholarly elite in Umayyad Cordoba, but it made him temporarily lose his authority as jurist consultant to the judge (*mushāwar*). The Cordoban *qāḍī*, in fact, consulted him in the trial for blasphemy against the nephew of ‘Ajab, but the Umayyad emir did not accept ‘Abd al-A‘lā b. Wahb’s opinion (favorable to the acquittal of the blasphemer) arguing that his opinion was not worth considering because of that accusation of *zandaqa* that had been formulated against him.⁹ The decrees

⁹ See Fierro, *Heterodoxia*, 49-53.

promulgated by 'Abd al-Raḥmān III against the Masarrīs accusing them of *ilhād*, *bid'a* and *zaygh*, accusations accompanied by numerous terms of abuse, were read publicly in the mosques.¹⁰

Accusations of heresy were occasionally exchanged among scholars merely as terms of abuse, arising from much the same mixture of intellectual ferment and personal intrigue that often go together in academic disputes. One of these cases could have been the accusation of *zandaqa* against Ibn 'Aṭīyya (d. 541/1147), for which no explanation is given in the sources, although it might have been provoked by his Ash'arism.¹¹ Ibn García (5th/11th century) was accused of *zandaqa* because of his *shu'ūbism*, as if being anti-Arab made him anti-Muslim.¹² Rulers tried to control the social and legal impact of such accusations. This was the case of the Almohad caliphs, as shown by a letter from Abū Ya'qūb Yūsuf (558/1163-580/1184).¹³

It was common in Islam to discredit the holders of a certain doctrine by assimilating them to members of another religion with formulas such as «the Qadarites are the Zoroastrians of this community» (*al-qadariyya majūs hādhihi al-umma*) or «the Shī'tes are the Jews of our community».¹⁴ Ṭarīf, the founder of the heretical religion of the Berber Barghawāta, was presented as a Jew, as was the Fatimid 'Ubayd Allāh al-Mahdī. Some Andalusī heretics or suspects of heresy and deviation were said to be Jews. This happened, for example, with the philosophers Ibn Bājja (Averpace)¹⁵ and Ibn Rushd (Averroes).¹⁶ A dead

¹⁰ *Id.*, 132-140. See also Fierro, M., «Opposition to Sufism in al-Andalus», *Islamic Mysticism contested. Thirteen Centuries of Controversies and Polemics*, ed. F. de Jong and B. Radtke, Leiden, 1999, 174-206, especially 178-84.

¹¹ See Ibn 'Aṭīyya, *Fahrassa*, ed. Muḥammad Abū l-Ajḫān and Muḥammad al-Zāhī, Beirut, 1980, introduction, 23, and Fierro, M., «Religi3n», in vol. VIII/2 (*El retroceso territorial de al-Andalus. Almorávides y almohades. Siglos XI al XIII*) of *Historia de España fundada por R. Menéndez Pidal y dirigida por J. M.ª Jover*, coord. M. J. Viguera, Madrid, 1997, 435-546, 474.

¹² See Monroe, J. R., *The Shu'ūbiyya in al-Andalus*, Berkeley, 1970, 59, 69, 93-4, 98 and Fierro, M., «Religi3n», in vol. VIII/1 (*Los Reinos de Taifas*) of *Historia de España fundada por R. Menéndez Pidal y dirigida por J. M.ª Jover*, coord. M. J. Viguera, Madrid, 1994, 399-496, 433.

¹³ Ibn Ṣāhib al-ṣalāt (d. after 594/1197), *al-Mann bi-l-imāma*, ed. 'Abd al-Hādī al-Tāzī, Beirut, 3rd edition, 1987, 225-9; transl. A. Huici Miranda, Valencia, 1969, 96-100. The scholar Ibn Mawjuwāl al-'Abdarī was subject to persecution (*miḥna*) probably during Yūsuf's caliphate, the reason being his rivalry with the powerful Abū Bakr b. al-Jadd. On the latter see Marín, M., «Abū Bakr b. al-Ŷadd y su familia», *Estudios Onomástico-Biográficos de al-Andalus, IX (Biografías almohades I)*, ed. M. Fierro and M. L. Ávila, Madrid-Granada, 1999, 223-59. On the former see Benouis, M., «Les savants mis à l'épreuve à l'époque almohade», *Estudios Onomástico-Biográficos de al-Andalus, X (Biografías almohades II)*, ed. M. L. Ávila and M. Fierro, Madrid-Granada, 2000, 315-57, 323.

¹⁴ See Wasserstrom, S. M., *Between Muslim and Jew. The problem of symbiosis under early Islam*, Princeton, 1995, 96-8.

¹⁵ The latter was declared to be so by Leo Africanus: see EI2, s.v. Ibn Bādjja [D.M. Dunlop].

¹⁶ See Urvoy, D., *Averroès. Les ambitions d'un intellectuel musulman*, Flammarion, 1998, 18.

ascetic contacted the Cordoban Ibn Waddāh (d. 287/900) in his dreams to inform him that his son was having encounters with a Jew who taught him heretical doctrines, in a context which makes possible the interpretation that «Jew» might be used as a term of abuse to refer to a Muslim holding heretical doctrines.¹⁷

«To be a Christian» was mainly used as a term of abuse against rulers who established alliances with the Christian enemy. Thus, the Arabic sources accuse a member of the Naṣrids of Granada of being «Christianized».¹⁸ Christians played an important role in the internal fights among Muslims, as their alliance was sought by the contending parties. This entails that in the chronicles, which give us the view of the central power, a usual way of attacking Muslim rebels is to point out their alliance with Christians. This is especially so in the case of Ibn Mardanih (6th/12th century), a ruler accused of not being Muslim because of his contacts with Christians and his alleged «Christian» behaviour, such as drinking wine.¹⁹ Alliances with Christians, however, were so widespread among contending Muslim parties that its scandalous nature was usually remembered only in the context of propaganda and ideological fights. This means that when, for example, the murder of the Sufi rebel Ibn Qasī by his followers is explained in the sources as a punishment for his alliance with the Portuguese, this implied that the alliance was seen as having more negative consequences than positive ones by those who got rid of their former leader.²⁰

As regards accusations that led to trial, a document (*wathīqa*) of accusation of *zandaqa* has been preserved by Ibn Mugīth (d. 459/1067):

The witnesses who sign this document testify that they know Fulān b. Fulān by his name and in person and that they know that he belongs to the *ahl al-ta'īl*²¹ of those who follow the doctrine of the heretics (*madhhab al-zanādiqa*) and that they heard him saying words that certify heresy against him and prove it against him from his disregarding... [what is] obligatory for Muslims and his turning

¹⁷ See Fierro, «Religious beliefs and practices in al-Andalus», 21-2. However, there were Jewish teachers of Muslim scholars. For example, a contemporary of Ibn Waddāh, the North African Shi'ī Ibn al-Haytham, studied logic with a Jew in Qayrawān: see Madelung, W., and Walker, P., *The advent of the Fatimids: a contemporary Shi'i witness*, London, 2000, 112.

¹⁸ See Rubiera, M. J., *Ibn al-ʿAyyāb, el otro poeta de la Alhambra*, Granada, 1982, 105, quoting Ibn al-Khaṭīb's *Ihāṭa*.

¹⁹ See Guichard, P., *Les musulmans de Valence et la Reconquête (xie-xiiiè siècles)*, 2 vols., Damascus, 1990-1991, I, 116-122. Of course, Ibn Mardanih was only one of a long series of Andalusī rulers who drank wine.

²⁰ See Fierro, M., «Christian success and Muslim fear in Andalusī writings during the Almoravid and Almohad periods», *Israel Oriental Studies* XVII (1997), 155-178, 162.

²¹ The term refers to the denial of God's attributes, and more generally, to unbelief or atheism. See Chokr, M., *Zandaqa et zindīqs en Islam au second siècle de l'hégire*, Damascus, 1993, 246.

away from them by declaring false the divinity... This is testified by all those who knew him and heard him saying what was said openly and spoken distinctly and made public.²²

Apart from the labels discussed above, heretics subject to the action of justice had to suffer other kinds of verbal and physical abuse. The heretic Abū l-Khayr was referred to as Abū l-Sharr, changing the «good» of his *kunya* for «evil». The list of accusations made against him²³ include homosexuality, drinking wine, eating pork, mocking Muslim practices, non performance of the obligatory prayers, comparing human beings with plants.²⁴ When the *muhtasiba* detained Ibn Ḥātim al-Ṭulayṭulī in Cordoba, they grabbed him by the hair, slapped him and drove him, barefoot and with this head shaven, before the judge.²⁵

Impurity. The infidel (*mushrik*) is impure, and impure are also Jews and Christians, so that when they convert to Islam they must perform the major ritual purification (*ghusl*), as it is stressed in the documents of conversion recorded by Ibn al-'Aṭṭār, Ibn Mughīth and al-Jazīrī.²⁶ Purification is especially stressed in the case of the Christian,²⁷ not in the case of the Jew, for whom the minor ritual ablution is enough, as it is needed in order to perform prayer. The apostate or heretic who repents must perform the major ritual ablution, as shown also by the legal document recording the process of repentance (see below). The Almohads purified the mosques of the territories over which they ruled. Ibn Hūd did the same with Almohad mosques,²⁸ thereby implying that the mosques themselves and the behaviour of those who had previously prayed there were not properly Islamic.

²² Ibn Mughīth, *al-Muqni' fi 'ilm al-shurūṭ*, ed. F. J. Aguirre Sádaba, Madrid, 1994 (Fuentes Arábico-Hispanas, 5), 347-9, n.º 64. Ibn Mughīth is the only author of a work on *shurūṭ* who includes such a document. He was involved in the accusation of *zandaqa* made against Ibn Ḥātim al-Ṭulayṭulī, executed in 464/1072 (see below note 25). The inclusion in his work of this document must be related to Ibn Mughīth's participation in Ibn Ḥātim's trial.

²³ See Fierro, *Heterodoxia*, 149-55.

²⁴ The last accusation seems to be a standard one in cases of heresy: see Chokr, *Zandaqa et zindīqs*, 80, 82, 116, 244, 263, 294.

²⁵ See Fierro, M., «El proceso contra Ibn Ḥātim al-Ṭulayṭulī (años 457/1064-464/1072)», *Estudios onomástico-biográficos de al-Andalus. VI*, ed. M. Marín, Madrid, 1994, 187-215, 196-7; Ch. Müller, *Gerichtspraxis im Stadstaat Córdoba. Zum Recht der Gesellschaft in einer mālikitisch-islamischen Rechts-tradition des 5./11. Jahrhunderts*, Leiden, 1999, 204-210.

²⁶ Ibn al-'Aṭṭār (d. 399/1009), *Kitāb al-wathā'iq wa-l-sijillāt*, ed. P. Chalmeta and F. Corriente, Madrid, 1983, 405-18; Spanish transl. *Formulario notarial y judicial andalusí* by P. Chalmeta and M. Marugán, Madrid, 2000, 623-646; Ibn Mughīth, *Muqni'*, 344-6, n.ºs 61-62; al-Jazīrī (d. 585/1189), *al-Maqṣad al-mahmūd fi talkhis al-'uqūd*, ed. A. Ferreras, Madrid, 1998 (Fuentes Arábico-Hispanas, 23), 424-7. Al-Jazīrī, writing in Almohad times, insists more on purification than his predecessors Ibn al-'Aṭṭār and Ibn Mughīth.

²⁷ The reason being the non observance of dietary restrictions on the part of the Christians.

²⁸ See Fierro, «Religión», in vol. VIII/2 of *Historia de España*, 451 and 515.

Social isolation. Apart from the terms of abuse just mentioned, a mechanism to isolate and expose heretics recorded in Islamic law is not to pray behind them or, if the prayer had to be performed, to repeat the prayer immediately.²⁹ When the practice of making the invocation in the name of the ruling Almohad caliph after the prayers in congregational form was introduced into al-Andalus in the sixth twelfth century, some of the Mālikī *fuqahā*, namely Abū ‘Abd Allāh b. Mujāhid (d. 574/1178) and his disciple Abū ‘Imrān al-Mīrtulī, opposed it at the risk of their lives, wanting to make the point that the practice was to be rejected.³⁰

Heretics and innovators should not be visited if they are sick and the funeral prayer should not be said when they die. The marriage of the heretic is considered to be invalid; if he repents, he has to marry again.³¹ The «sanitary barrier» that believers should erect to isolate the innovator or heretic is the recurrent theme in Ibn Waḍḍāh’s *Kitāb al-bida’*.³² Those suspected in their doctrines might also be confined to their houses.³³

In principle, the only wordly legal consequence of non-performance of religious duties could be loss of probity and thus exclusion as a witness in court. In this sense, al-Jazīrī (d. 585/1189) records a *wathīqa* for invalidating witnesses on the basis of bad behaviour in matters pertaining to religion, such as performing usury, drinking wine, listening to singing slavegirls, being a liar. Invalidation also comes from not performing *zakāt* or prayer and other capital sins (*kabā’ir*) or, more generally, from *fasād fi l-dīn* (corruption in religion).³⁴ As J. Wakin remarks, witnesses were persons to be emulated with respect to ethical and social standards; they were usually counted among the notables of the town and were in touch with many of the economic and social concerns of the community. The witnesses, persons certified to be of good moral character, penetrated the whole of society and were influential in preserving and spreading Islamic norms.³⁵

²⁹ If they are not heretics, but innovators, there is no need to repeat the prayer: Ibn Rushd al-Jadd, *Bayān*, XVI, 411. See also al-Wansharīsī (d. 914/1508), *al-Mi’yār al-mu’rib wa-l-jāmi’ al-mughrib ‘an fatāwī ahl Ifrīqiya wa-l-Andalus wa-l-Maghrib*, 13 vols., Rabat, 1401/1981, VII, 117.

³⁰ See Fierro, «Religi3n», in vol. VIII/2 of *Historia de Espa3a*, 515. This case is recorded by al-Wansharīsī, *Mi’yār*, VI, 386-96 (cf. Lagardère, V., *Histoire et société en Occident musulman au Moyen Age. Analyse du «Mi’yār» d’al-Wansharīsī*, Madrid, 1995, 165, n.º 234). It has been studied by Masud, M. Kh., *Islamic Legal Philosophy. A Study of Abū Ishāq al-Shāḥibī’s life and Thought*, Islamabad, 1977, 108 (new edition *Shatibi’s philosophy of Islamic law*, Islamabad, 1995, 77), having as his source al-Shāḥibī’s *al-I’tisām*, ed. R. Riḍā, Cairo [1332/1915], 237-8. See also Berque, J., *Ulémas, fondateurs, insurgés du Maghreb*, Paris, 1982, 205.

³¹ Ibn Rushd al-Jadd, *Bayān*, XVI, 382, and VI, 422.

³² Muḥammad b. Waḍḍāh al-Qurtubī (d. 287/900), *Kitāb al-bida’ (Tratado contra las innovaciones)*, ed. M. I. Fierro, Madrid, 1988, 103 (study) and I, 7, and chapter IX (text).

³³ See Benouis, «Les savants mis à l’épreuve», 344-5, n.º 30.

³⁴ al-Jazīrī, *Maqṣad*, 400-6.

³⁵ See Wakin, J., *The function of documents in Islamic law*, Albany, 1972.

Al-Jazīrī also records some documents that he describes as novelties and that had the function of stating someone's good or immoral conduct.³⁶ Pressure made by family and friends of the heretic or deviant has left almost no traces in the extant sources, but it undoubtedly existed.³⁷

It is forbidden to engage in debate (*mujādala*) with innovators (*aṣḥāb al-ahwā'*), as nothing can be gained from it and much can be lost, because they can incline you to their innovation or raise doubt in your faith.³⁸ Only those who are prepared and sure to come out victorious should do it. This was the case of the Cordoban traditionist Baqī b. Makhlad (d. 276/889) who defeated in scholarly debate the Qadarī Khalīl al-Ghafla (second half of the 3rd/9th century). The latter's books were burnt after his death.³⁹ It was also the case of Muḥyī l-dīn Ibn al-'Arabī, who convinced a philosopher of the existence of miracles performed by saints.⁴⁰

Rejection and disapproval could be shown by pronouncing legal opinions which might have never been put into practice, but helped creating a «climate of opinion». For example, Mālik b. Anas (the founder of the Mālikī school of law) was asked about people in the Maghrib who followed a wrong ritual practice (they only made two *rak'as* instead of four) and he said that they should be offered the possibility of repentance and if not, executed.⁴¹ According to the Cordoban jurist Ibn al-Ḥājj (d. 529/1134), those who deny the punishment of the grave (*fitnat al-qabr*) and the arrival of the two angels must be beaten until they repent or die; in case they repent, they are free.⁴² Who states that the Qur'ān is created will be invited to repentance and condemned to death if he does not.⁴³

Many Andalusīs are described as having been «harsh against the innovators» (*shadīd 'alā ahl al-bida'*), censoring and forbidding what was wrong and by their moral and religious authority stopping wrong practices or showing which

³⁶ al-Jazīrī, *Maqṣad*, 406-8.

³⁷ See al-Jazīrī, *Maqṣad*, 407.

³⁸ Ibn Waḍḍāḥ, *Kitāb al-bida'*, IX, 2, 7, 9, 10, 23, 25; Ibn Rushd al-Jadd, *Bayān*, XVI, 369-70, 382.

³⁹ See Fierro, *Heterodoxia*, 91-3.

⁴⁰ See Addas, Cl., *Ibn 'Arabī ou La quête du Soufre Rouge*, Paris, 1989, 135-6, quoting *al-Futūḥāt al-makkiyya*.

⁴¹ Ibn Rushd al-Jadd, *Bayān*, XVI, 437.

⁴² See al-Wansharīsī, *Mi'yār*, II, 442.

⁴³ See Lagardère, *Histoire et société*, p. 66, n.° 252, quoting al-Wansharīsī, *Mi'yār*, II, 422. See also on religious transgressions Ibn 'Abdūn (5th/11th-6th/12th centuries), *Risāla fī l-qaḍā' wa-l-ḥisba*, ed. E. Lévi-Provençal, *Thalāth rasā'il andalusīyya fī ādāb al-ḥisba wa-l-muḥtasib*, Cairo, 1955, 1-65; transl. E. García Gómez-E. Lévi-Provençal, *Sevilla a comienzos del siglo XII. El tratado de Ibn 'Abdūn*, Madrid, 1948 (facsimile ed. Sevilla, 1981), 71, and numbers, 141, 164, 170, 186, 190, 194, 205, 213. The issue of *tārik al-ṣalāt* would deserve a study of its own: see for

practices were the correct ones. Such was the case of a man who divorced his wife by pronouncing the *li'ān* formula publicly in the mosque of Cordoba in order to revive the *sunna*.⁴⁴ The voluntary practice of ordering good and forbidding evil (*al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar*)⁴⁵ could, however, be dangerous if seen as rivalling the coercive power of the state or as a threat to the state itself, especially if, as in the case of al-Ṭalamankī, those who performed it went to the extreme of declaring that all Muslims, judged by them to be in rebellion against God, were to be put to death.⁴⁶ The fact that the *takfir* or accusation of infidelity could bring about the death punishment determined a certain reluctance to use it or at least to concede the benefit of doubt to those who declared to profess the *shahāda*, leaving to God to judge the sincerity of such profession. A parallel could be traced between the fact that in Islam fornication and the accusation of fornication are considered to be crimes equally serious and the fact that traditions circulated making the same comparison between infidelity and the accusation of infidelity. One such tradition, recorded by Abū Dāwūd (d. 275/889) says, «If a Muslim accuses of *kufir* another Muslim, he is a *kāfir* if the accusations is false» or «No *ḥadd* should be applied in the ambiguous cases».⁴⁷ What characterizes Sunnī Islam from Khārijī Islam is a great caution about declaring a Muslim infidel.

As regards the accusations that led to trial, when Ibn Ḥātim escaped from Toledo, a man called Ibn Labīd al-Murābiṭ visited different Taifa kingdoms, collecting *fatāwā* against him and thus weaving a net around him from which Ibn Ḥātim was unable to escape. Ibn Ḥātim, who had been in charge of the *tazkiya* (attestation of a witness' honorable record) in Toledo,⁴⁸ was thus stripped of his probity. Heretics, as I have mentioned before, could not act as witnesses in court. In the case of the philosopher Averroes, he was proclaimed in the mosque of Cordoba to have deviated from religion (*māriq 'an al-dīn*); he and his son were expelled from the mosque.⁴⁹

example Ibn 'Abd al-Malik al-Marrākushī (d. 703/1303), *al-Dhayl wa-l-takmila*, vols. I, IV-VI, VIII, Beirut...-1984, VIII/2, 435; Ibn Rushd al-Jadd, *Masā'il*, ed. M. al-Ḥabīb al-Ṭijjānī, 2 vols., Morocco, 1412/1992, I, 190-198, n.º 38.

⁴⁴ See Goldziher, I., *Muslim Studies*, transl. S. M. Stern, 2 vols., London, 1967-71, II, 33, and Marín, *Mujeres en al-Andalus*, 471-2.

⁴⁵ See on the voluntary performance of this precept Cook, M., *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge, 2000.

⁴⁶ See Fierro, M., «El proceso contra Abū 'Umar al-Ṭalamankī a través de su vida y de su obra», *Sharq al-Andalus* 9 (1993), 93-127, 119.

⁴⁷ See Fierro, *Heterodoxia*, 85 with references. The latter tradition (*idra'ū l-ḥudūd bi-l-shubuhāt*) would deserve a study of its own.

⁴⁸ See Fierro, «El proceso contra Ibn Ḥātim al-Ṭulayṭulī», 190.

⁴⁹ See on this episode *EF*, 934 [R. Arnáldez]; Fricaud, E., «Les *talaba* dans la société almohade (le temps d'Averroès), *Al-Qantara* XVIII (1997), 331-87, 375-9.

Destruction of books. A way to stop certain ideas spreading was the burning of books, as happened with the Zāhirī Ibn Ḥazm (d. 456/1064). He, however, admonished the 'Abbādid ruler of Sevilla responsible for it about the limits of the latter's action, saying that his books could be destroyed but not their contents which remained in his heart.⁵⁰ The books of the Qadarī Khalīl al-Ghafla were also burnt, but only after his death.⁵¹ The famous destruction of books of suspect sciences (those of the «ancients») preserved in the library of the Umayyad caliph al-Ḥakam II was ordered by al-Manṣūr b. Abī 'Āmir, in an attempt to increase his level of religious legitimacy.⁵² These episodes might explain the fact that Mu'tazilī works did not circulate in al-Andalus, their absence being commented upon by the philosopher Ibn Rushd.⁵³ And this was so in spite of the fact that Mu'tazilism had been favoured by members of the Cordoban elites in the 4th/10th century.⁵⁴ Official burning of books did not stop after Almanzor's death. The Cordoban qāḍī Ibn Ḥamdīn ordered the burning of al-Ghazālī's books during the Almoravid period.⁵⁵ Fearing persecution, Abū Bakr b. al-'Arabī (d. 543/1148), who had been the main agent in introducing al-Ghazālī's works into al-Andalus, destroyed and threw into the sea his copy of *al-Iḥyā'*.⁵⁶ Under the Almohads, attempts at burning Mālikī *furū'* works are mentioned.⁵⁷ After the persecution against Averroes, the Almohad caliph al-Manṣūr wrote a letter in which he ordered the burning of philosophical works.⁵⁸ The burning of heretical books was supported by the Naṣrid qāḍī al-Bunnāhī (d. 792/1390).⁵⁹

Writing refutations. If debates in person with heretics and innovators were to be avoided, written refutations of mistaken or heretical doctrines were more acceptable. The Andalusī wrote treatises against innovations (*kutub al-bida'*) in order to make it clear which practices and doctrines were wrong.⁶⁰ Mundhir b.

⁵⁰ See Fierro, *Heterodoxia*, 174, note 9; *idem*, «Religi6n», in vol. VIII/1 of *Historia de Espa1a*, 434.

⁵¹ See Fierro, *Heterodoxia*, 92.

⁵² *Id.*, 161-2.

⁵³ See his work *al-Kashf 'an manāhiġ al-adilla*, ed. M. J. M1ller (*Philosophie und theologie von Averroes*, Munich, 1859), 42; trad. M. Jamil-ur-Rahman, *The Philosophy and Theology of Averroes*, Baroda, 1921, 119. See also C. A. Nallino in *Rivista di Studi Orientali* XIII (1931-1932), 170.

⁵⁴ See Fierro, *Heterodoxia*, 111-3, 140-2, 155-6, 166-8.

⁵⁵ See Fierro, «Opposition to sufism», 186.

⁵⁶ See A'rab, S., *Ma'a l-qāḍī Abi Bakr b. al-'Arabī*, Beirut, 1987, 79.

⁵⁷ See Fierro, «Religi6n», in vol. VIII/2 of *Historia de Espa1a*, 460-5; Benouis, «Les savants mis à l'6preuve», 342-3, n.° 27.

⁵⁸ See 'Azzāwī, A., *Rasā'il muwaḥḥidiyya: majmū'a jadida*, Kenitra, 1995, vol. I, 206-7, n.° 43.

⁵⁹ See below, note 103. Al-Bunnāhī is the correct reading instead of «al-Nubāhī».

⁶⁰ See on Andalusī *kutub al-bida'* and their influence in later literature Fierro, M., «The treatises against innovations (*kutub al-bida'*)», *Der Islam* 69 (1992), 204-46.

Sa'īd al-Ballūṭī wrote a book of *radd* against sectarians and innovators (lost),⁶¹ so did Ibn Ḥazm and Abū Bakr b. al-'Arabī.⁶² The latter, Mālikī-Ash'arī, refuted the doctrines of the Zāhirī Ibn Ḥazm.⁶³ In fact, the refutation of Ibn Ḥazm's or Zāhirī doctrines seems to have been a common occupation of Andalusī scholars.⁶⁴ Refutations of philosophy were written at the time of the trial of Ibn Rushd and the persecution of philosophers.⁶⁵ The refutations could produce counter-refutations, as shown in the case of the well known refutation of philosophy by al-Ghazālī and its refutation by Averroes.⁶⁶ The same could happen regarding specific practices, as in the case of the invocation after prayer, studied by M. Kh. Masud. Al-Shāṭibī opposed it. From a letter written by al-Shāṭibī to one of his followers, it appears that an *imām* who rejected this practice in favour of al-Shāṭibī's position was deposed from *imāma* and was denied all other privileges and put on trial. Refutations were written against al-Shāṭibī by his contemporaries al-Bunnāhī (*Mas'alat al-du'ā' ba'd al-ṣalāt*) and Abū Sa'īd b. Lubb (*Mas'alat al-ad'iya ithr al-ṣalāt*). Al-Shāṭibī's disciple Abū Yahyā b. 'Aṣim (d. 813/1410) wrote a treatise refuting Ibn Lubb and supporting al-Shāṭibī. Muḥammad al-Fishtāli, *qāḍī* in Fez, wrote a refutation of Ibn 'Aṣim, supporting Ibn Lubb (*Kalām fi l-du'ā' ba'd al-ṣalāt 'alā al-hay'a al-ma'hūda*). Ibn 'Arafa (d. 803/1400), *qāḍī* in Tunis, also entered into the discussion when he was asked for a *fatwā* on this issue by someone in Granada.⁶⁷ All this activity had to do with struggles among scholars for the definition of correct belief and practice, and for the establishment of their own reputation as upholders of orthodoxy.

⁶¹ Ibn Khāqān (d. 535/1140), *Maṭmaḥ al-anfus*, ed. M. Shawābika, Beirut, 1983, 238.

⁶² Ibn Ḥazm, *Kitāb al-fiṣal fi l-milal wa-l-ahwā' wa-l-niḥal* (in the margins of *al-Milal wa-l-niḥal* by al-Shahrastānī), 5 vols., in 1, Cairo, 1347-8; partial transl. by M. Asín Palacios, *Abenḥázam de Córdoba y su Historia Crítica de las ideas religiosas*, 5 vols., Madrid, 1929. Abū Bakr b. al-'Arabī (d. 543/1148), *al-'Awāṣim min al-qawāṣim*, ed. 'Abd al-Ḥamīd b. Bādīs, 2 vols., Constantine 1346-7/1927-8; Cairo, 1387/1967; see also 'Ammār Ṭālibī, *Ārā' Abi Bakr b. al-'Arabī al-kalāmiyya*, 2 vols., Alger, s.d.

⁶³ See A'rāb, *Ma'a l-qāḍī Abi Bakr b. al-'Arabī*, 144, n.° 46; 150, n.° 57.

⁶⁴ See in this issue Kadduri, S., «Identificación de un manuscrito andalusí anónimo de una obra contra Ibn Ḥazm al-Qurṭubī (m. 456/1064)», *Al-Qanṭara* XXII (2001), 299-319 and A'rāb, S., «Mawqif al-muwahḥidīn min kutub al-furū' wa-ḥaml al-nās 'alā l-madhḥab al-ḥazmī», *Da'wat al-ḥaqq* 249 (1405/1985), 26-30.

⁶⁵ 'Umar b. 'Abd Allāh b. Muḥammad Ibn 'Umar al-Sulamī (d. c. 602/1105) wrote a *Khuṭba fi l-ḥaḍḍ 'alā l-tamassuk bi-l-Kitāb wa-l-sunna wa-tajannub al-falsafa wa-'ulūm al-quḍamā'*: see Ibn 'Abd al-Malik al-Marrākushī, *Dhayl*, VIII/1, 227, n.° 26. See also above note 58.

⁶⁶ See the study by Bello, I. A., *The medieval Islamic controversy between philosophy and orthodoxy. Ijma' and ta'wil in the conflict between al-Ghazali and Ibn Rushd*, Leiden, 1989, with references.

⁶⁷ See Masud, *Shatibi's philosophy of Islamic Law*, 77.

Prison. Those accused of heresy had to stay in prison during the trial and after, if proved guilty. There they had to decide whether to repent if they had been granted the *istitāba*, i.e. the possibility of repentance (which was always granted to apostates, as happened in the case of the Cordoban apostates in the so-called movement of the voluntary Christian martyrs and Ibrāhīm al-Qurashī).⁶⁸ The traditionist Muḥammad b. ‘Abd al-Salām al-Khushanī was put in prison during the episode of the tensions between traditionists and Mālikīs in the second half of the third/ninth century: as a scholar and member of the urban elite, he was appalled at the unhygienic conditions he had to face during his imprisonment.⁶⁹ A descendant of Ibn Ḥazm who died in 540/1146 was persecuted at the end of the Almoravid period, accused of being a bāṭinī; he was imprisoned and lost his properties.⁷⁰ The philosopher Ibn Bājjā (d. 533/1138) was imprisoned accused of heresy in Játiva and freed thanks to the intervention of the Mālikī jurist Ibn Rushd al-Jadd.⁷¹

Physical punishment. This could be inflicted, even if torture was forbidden in principle.⁷² A story widely spread in al-Andalus (it appears in the Andalusī treatises against innovations) was the story of the innovator Ṣabīgh al-‘Irāqī, who was physically punished by ‘Umar b. al-Khaṭṭāb until he repented.⁷³ The same penalty was supported by Ibn al-Ḥājj for those who denied the *fiṭnat al-qabr*,⁷⁴ although it was probably never applied.

Execution. Those accused of heresy and blasphemy in al-Andalus who were sentenced to death were crucified and then pierced to death on the cross, as happened in the cases of the blasphemer known as ‘Ajab’s nephew, the *zindiqs* Abū l-Khayr and Ibn Ḥātim, the philosopher Ibn Ḥabīb al-Qaṣrī and ‘Abd al-Wahhāb b. ‘Abd al-Ṣamad al-Ṣadafī.⁷⁵ This practice ran counter the legal

⁶⁸ See Fierro, *Heterodoxia*, 53-7, 128.

⁶⁹ See on him Molina, L., «An Arab among Muwallads: Muḥammad Ibn ‘Abd al-Salām al-Khushanī», in M. Marín (ed.), *The Formation of al-Andalus. Part 1: History and Society*, Ashgate: Variorum, 1998 (The Formation of the Classical Islamic World, vol. 46), 115-128 (English translation of «Un árabe entre muladíes: Muḥammad b. ‘Abd al-Salām al-Jušānī», *Estudios Onomástico-Biográficos de al-Andalus. VI*, Madrid, 1994, 337-51).

⁷⁰ See Fierro, «Religi3n», in vol. VIII/2 of *Historia de Espa1a*, 474.

⁷¹ See EI², III, 750 [D. M. Dunlop].

⁷² See Johansen, B., «Vérit  et torture. Ius commune et droit musulman entre le xe et le xiii  si cle», en F. H ritier (ed.), *De la violence*, Paris: Odile Jacob, 1996, 123-68 and *idem*, «La d couverte des choses qui parlent. La l galisation de la torture judiciaire en droit musulman (xiii -xv  si cles)», *Enqu te* («Les objets du droit»), 1998, n.  7, 173-202.

⁷³ See Ibn Wadd h, *Kit b al-bida’*, X, 8-10. See on Ṣabīgh Goldziher, *Muslim Studies*, II, 84.

⁷⁴ See above, note 42.

⁷⁵ See Fierro, *Heterodoxia*, 57-63, 149-155; *idem* «El proceso contra Ibn Ḥ tim al-Ṭulayṭul »; *idem*, «Religi3n», in vol. VIII/2 of *Historia de Espa1a*, 472, and Benouis, «Les savants mis   l’ preuve», n.  11 and 34.

theory in favour of decapitation, defended for example by Abū 'Umar b. 'Abd al-Barr (d. 463/1070).⁷⁶

According to a text by Ibn Sa'īd (d. 685/1286), the populace in al-Andalus had such hatred of philosophy and astrology that whoever studied them was labelled as a *zindīq* and risked being lapidated or burnt without the sultan's intervention.⁷⁷ I have not found any evidence that such acts ever took place. The possibility of someone killing an heretic without the sultan's permission was, however, discussed in Andalusī legal writings.⁷⁸

Exile (nafy). According to a *ḥadīth* transmitted by 'Ā'isha, apart from execution, there was the possibility of exile as punishment for heretics.⁷⁹ In the second half of the 4th/10th century, scholars became involved in a debate on the existence of miracles of the saints and al-Manṣūr b. Abī 'Āmir sent the factions involved into exile.⁸⁰ The philosopher Ibn Rushd, after being publicly denounced as an heretic in the mosque, was sent into exile to Lucena (a town known as «Lucena of the Jews», as Ibn Rushd had been accused of being of Jewish origin).⁸¹

Loss of Muslim status. No funeral prayer could be said upon the heretic, blasphemer or apostate, no Muslim could inherit from him, his property going to the *bayt al-māl*, and his marriage became nul and void.⁸² In the case of the secretary Qūmis b. Antunyān, the main issue of knowing whether he had died as Christian or Muslim was where his inheritance should go.⁸³ In case of necessity, some jurists allowed the killing of religious deviants and rebels and eating them.⁸⁴

⁷⁶ *Kitāb al-tamhīd li-mā fī l-Muwaḥḥa' min al-ma'ānī wa-l-aṣānīd*, 26 vols., Rabat, 1387-1412/1967-1992, V, 304-20.

⁷⁷ See Ibn Sa'īd's text in al-Maqqarī (d. 1041/1632), *Nafḥ al-ḥib*, ed. I. 'Abbās, 8 vols., Beirut, 1398/1968, I, 221. See the comments on it by Masud, *Islamic Legal Philosophy*, 55, and J. Samsó, *Las ciencias de los antiguos en al-Andalus*, Madrid, 1992, 77-8.

⁷⁸ See Ibn Rushd al-Jadd, *Bayān*, XVI, 445.

⁷⁹ See Fierro, *Heterodoxia*, 181. On their part, the Barghawāta (considered heretics by Sunnī Muslims), «appliquaient au voleur la peine de mort, au fornicateur la lapidation, et au menteur le bannissement»: see Talbi, M., «Hérésie, acculturation et nationalisme des Berbères Bargawāta», *Actes du Premier Congrès d'Etudes de Cultures Méditerranéennes d'influence arabo-berbère*, Alger, 1973, 217-233, 228.

⁸⁰ See Fierro, M., «The polemic about the *karāmāt al-awliyā'* and the development of Ṣūfism in al-Andalus (4th/10th-5th/11th centuries)», *Bulletin of the School of Oriental and African Studies* LV (1992), 236-49, 238-9.

⁸¹ See above note 49.

⁸² See Fierro, *Heterodoxia*, 183.

⁸³ *Id.*, 77-80.

⁸⁴ See al-Nawawī, *al-Majmū'* (*Sharḥ al-Muhadhdhab*), 12 vols., Cairo, 1344/1925, IX, 43-4. I take this reference from W. Hallaq, *Authority, continuity and change in Islamic law*, Cambridge, 2001, 136-7.

HOW TO AVOID AND RESIST EXCLUSION, AND WAYS OF REINCORPORATION INTO THE COMMUNITY

The mechanisms of avoidance of and resistance to exclusion were autocensorship, writing defences of your position and dissimulation.

Autocensorship. When people felt that certain practices were disapproved of or suspect in their orthodoxy, they might decide not to engage in them in order to ensure salvation in the other world and avoid exclusion in this. Muḥammad b. ‘Alī b. ‘Ayyāsh (d. 546/1151) was *imām* in the Great Mosque of Cordoba. He was interested in medicine and decided to study in Sevilla with ‘Alī b. Barraḡān, expert in *ḥadīth* and medicine, and the brother of the famous Ṣūfī Ibn Barraḡān, who died in Marrakech in suspicious circumstances. One day when Ibn ‘Ayyāsh was copying books by Galen, he fell asleep and saw in dreams the *muqri’* Abū l-Ḥasan al-‘Abbāsī, who censored him for having abandoned the recitation of the Qur’ān and the *ḥadīth*. When he awoke, he abandoned his medical studies and devoted himself to *ḥadīth*. After some time, he saw again Abū l-Ḥasan in his dreams and this time the latter showed his approval of him.⁸⁵

Writing defences of your position. Sa‘īd b. Faṭḥūn defended himself against those who attacked him for his interest in logic, saying in a poem:

They insult this book, when they attribute to it
what it does not contain, because they do not know it.
If they understood its value, they will not despise it;
if they knew its true merit, they will praise it.
They lie, ¡by God! If they knew it
they will not attribute it what they do...!⁸⁶

Abū l-Walīd al-Bāḡī (d. 474/1081) was respected and sought after for his knowledge when he returned to al-Andalus after having studied in the East the art of polemics (*jadāl*), Ash‘arī theology and Mālikī *uṣūl al-fiqh*. In connection with his reliance on Prophetic traditions, al-Bāḡī transmitted the *ḥadīth* according to which the Prophet wrote (*kataba*) on the day of Ḥudaybiyya (*ḥadīth al-muqāḍāt*), and openly maintained that the Prophet did so, despite his being illiterate (*ummī*). Al-Bāḡī encountered the hostility of an ascetic preacher who

⁸⁵ See Ibn ‘Ayyāsh’s biography in Ibn al-Abbār (d. 658/1260), *al-Takmilā li-kitāb al-Ṣila*, ed. ‘I. al-‘Aṭṭār al-Ḥusaynī, Cairo, 1956, n.º 1408; al-Marrākushī, *Dhayl*, VI, n.º 1265.

⁸⁶ See Terés, E., «Enseñanzas de Ibn Ḥazm en la *Yaqwat al-muqtabis* de al-Ḥumaydī», *Al-Andalus* XXIX (1964), 147-178, 175, quoting al-Ḥumaydī’s *Jadhwa*.

wanted to stress the illiteracy of the Prophet as a way of enhancing the miraculous nature of the Qur'ān. That hostility did not lead to al-Bājī being placed on trial, but he was publicly accused by the preacher of infidelity (*kufr*), heresy (*zandaqa*) and of introducing innovations (*tabdī'*). Al-Bājī defended his doctrine of the *ḥadīth* of Ḥudaybiyya by writing a detailed exposé of his position and by obtaining the written support from other scholars.⁸⁷ We have seen already how the refutation of a certain doctrine gave often rise to the writing of counter-refutations.

Dissimulation or taqiyya. It was said of the Ḥammūdīd caliph Qāsim b. Ḥammūd that he was Shī'ite, but concealed it.⁸⁸ Dissimulation was adopted mainly by the *falāsifa*, not only to escape persecution, but for the welfare of mankind, according to the following argument: reason may be universal, but not all men are able to grasp rational thinking. The *falāsifa* tended to assume a prudent, discreet posture in the societies where they lived. Ibn Ṭufayl (d. 581/1185) stated that those who searched the truth with the only aid of reason were scarce in al-Andalus and that they talked about their results only in allegorical form, in order to avoid problems with the upholders of religious law.⁸⁹ Ibn Ṭumlūs (d. 620/1223) manifested himself favourable to dissimulation, praising al-Ghazālī for having altered the technical terms of logic and having disguised them with terms usual among the jurists in order to avoid persecution, as had happened to al-Fārābī.⁹⁰ Averroes described the difficult position of the philosophers in non philosophical societies⁹¹ and wrote his famous treatise on the compatibility between religion and philosophy⁹². Kraemer has shown that apparent deviants like the Mu'tazilī or the *falāsifa* were not persecuted as such, because although they upheld the supremacy of reason over revelation, they expounded a system which retained the revealed law of Islam intact. Kraemer describes them like the *dhimmīs* of the Islamic state, a tolerated minority, who remained relatively free from harm provided they maintained a low profile and did not openly attempt to convert others to their views.⁹³

⁸⁷ See Fierro, «Religión», in vol. VIII/1 of *Historia de España*, 425.

⁸⁸ Al-Marrākushī (d. after 621/1224), *Kitāb al-mu'jib fī talkhiṣ akhbār al-Maghrib*, ed. M. Sa'īd al-'Uryān and M. al-'Arabī al-'Alamī, Casablanca, 7th ed., 1978, 78; transl. (based on R. Dozy's ed.), A. Huici Miranda, Tetuán, 1955, 43.

⁸⁹ *El filósofo autodidacto*, transl. A. González Palencia (Madrid, 1934), revised by E. Tornero, Madrid, 1994, 179-180, 191-2, 194-7.

⁹⁰ *Kitāb al-madkhal li-ṣinā'at al-manṭiq*, ed. and transl. M. Asín Palacios, *Introducción al arte de la lógica por Abentomlūs de Alcira*, Madrid, 1916, 22, note 2.

⁹¹ See *Averroes' Commentary on Plato's Republic*, ed. and transl. E. I. J. Rosenthal, Cambridge, 1996, 183.

⁹² *Faṣl al-maqāl wa-taqrib mā bayna l-sharī'a wa-l-ḥikma min al-ittiṣāl*, ed. G. Hourani, Leiden, 1959; transl. G. F. Hourani, *On the harmony of religion and philosophy*, London, 1976.

⁹³ Kraemer, «Heresy versus the state in Medieval Islam», 175.

As regards accusations that led to trial, the strategies for avoiding punishment and for being re-incorporated into the community of believers were: to go into hiding or leave the country and wait for better times, to challenge the witnesses of the prosecution, to repent, to be pardoned by the ruler.

Hiding. The fact that trials for *zandaqa* had much to do with struggles between factions of scholars, meant that the passage of time could change the balance of force. Thus, going into hiding, as Baqī b. Makhlad, Ibn Ḥātim al-Ṭulayṭulī, the philosopher al-Dhahabī and others did, not only served momentarily to save their life (although not always in a permanent manner), but also allowed them time to wait for a reversal of the situation.⁹⁴ The issue of the permissibility of giving shelter to an accused of heresy (*ilhād*, *zandaqa*) was discussed by the jurists in the case of Ibn Ḥātim, and they forbade giving a heretic refuge, on the grounds of Qur'ān 58:22 and a tradition in which the Prophet is reported to have said: «Madina is sacred. Whoever introduces into it an innovation or shelters an innovator, upon him be the curse of God, the angels and the people all together».⁹⁵ Both texts make it clear that whoever helped a heretic would be doing something unlawful and therefore subject to punishment. Ibn Ḥātim had found refuge with the king of Badajoz, but when Ibn Labīd al-Murābiṭ arrived there with documents where such an action was deemed to be unlawful, the king disavowed any responsibility for Ibn Ḥātim. Ibn Bājja's pupil 'Alī b. Jūdī (d. 530/1135), also considered a heretic and persecuted, had to escape and took refuge with bandits.⁹⁶ Abū Bakr b. Šārim al-Ishbīlī was also persecuted for *zandaqa*: fearing the death penalty, he decided to escape to the East, but died tragically in the burning of the house where he had taken refuge.⁹⁷ Another scholar involved in philosophical studies, Sa'īd b. Faṭḥūn al-Saraqusṭī, left al-Andalus never to return.⁹⁸

Challenging the witnesses (i'dhār). This legal possibility was usually denied by some of the jurists involved in trials of heresy, and even if granted, as in the case of Ibn Ḥātim, it revealed itself to be unsuccessful in freeing the accused. In Ibn Ḥātim's trial, all the jurists consulted agreed that he should be granted the option of challenging the witnesses for the prosecution (*al-i'dhār*), on the understanding that if he could produce convincing evidence against them,

⁹⁴ See on Baqī Fierro, *Heterodoxia*, 80-88; on Ibn Ḥātim, see Fierro, «El proceso contra Ibn Ḥātim al-Ṭulayṭulī», 191; on al-Dhahabī Benouis, «Les savants mis à l'épreuve», 336-8, n.º 21. For other cases see Benouis, *ibid.*, 341-2, n.º 26.

⁹⁵ See Fierro, «El proceso contra Ibn Ḥātim al-Ṭulayṭulī», 191-5.

⁹⁶ See Fierro, «Religión», in vol. VIII/2 of *Historia de España*, 471.

⁹⁷ *Id.*, 475.

⁹⁸ See Fierro, *Heterodoxia*, 162-3.

then the death penalty would be dismissed. In spite of the granting of *i'dhār*, Ibn Ḥātim must not have felt safe, because he escaped from Toledo. Later on, other jurists consulted in his case were of the opinion that the *i'dhār* should not be granted on two grounds: that the *i'dhār* weakens the testimony of a witness whose probity has been certified beforehand, and that a precedent had been established in a former case, that of Abū l-Khayr,⁹⁹ when the Umayyad caliph had supported the faction that was against granting the *i'dhār* to him. Other jurists, however, like Ibn Sahl, insisted that Mālikī doctrine was in favour of every accused having the right to challenge his accusers on account of the possibility of enmity existing between them. Ibn Ḥātim was finally granted the *i'dhār* and given two months to challenge the testimonies against him. But he was by then in Cordoba, whereas the trial against him had taken place in Toledo. After the two months granted for the *i'dhār* had passed, Ibn Ḥātim was considered not to have been able to challenge the witnesses and was crucified (pierced to death on the cross with lances).¹⁰⁰

Witnesses were essential for the trial to take place. When al-Yuḥānisi informed the governor of Málaga of the behaviour of the false prophet al-Fazārī, the governor told him: «Two witnesses against him would be enough evidence to sentence him to death by decapitation».¹⁰¹ In some cases there was no need for witnesses, as «heretical» books were considered to be enough evidence. Al-Bunnāhī (d. 792/1390) wrote:

«If some written material, dealing with philosophical matters, which are contrary to the *sharī'ah* is found in someone's hand-writing, the practice is to examine the writing. If it is clear that it is in his hand-writing and that it is written as his opinion or implies his agreement to that matter the case will be decided against him, even if he denies verbally and even if it is a quotation from a book of philosophy...

Who could be worse than the person who possesses such books. Such books must be burnt and such persons must be punished.»¹⁰²

⁹⁹ See Fierro, *Heterodoxia*, 149-155.

¹⁰⁰ See Fierro, «El proceso contra Ibn Ḥātim al-Ṭulayṭulī», 191-7.

¹⁰¹ Aḥmad al-Qashtālī (alive during the 7th/13th century), *Tuḥfat al-mughtarib bi-bilād al-Maghrib fī karāmāt al-shaykh Abī Marwān*, ed. F. de la Granja (*Milagros de Abū Marwān al-Yuḥānisi*), Madrid, 1974, 81-2.

¹⁰² *al-Marqaba al-'ulyā*, ed. E. Lévi-Provençal, Beirut, s.d., 201-2. Al-Bunnāhī's position must be connected with his enmity and persecution of the famous Ibn al-Khaṭīb. See in this issue Calero, M., «El proceso de Ibn al-Jaṭīb», *Al-Qanṭara* XXII (2001), 421-461.

The trial could lead to a proclamation of innocence of the accused, as was the case with al-Ṭalamankī: the *qāḍī* of Saragossa rejected the accusations against him and produced a certificate attesting his innocence.¹⁰³

The accused and those jurists who were against capital punishment could also insist that the case was ambiguous and, therefore, that someone who was not a *kāfir* could be condemned as such. This was argued in the case of the alleged blasphemer Hārūn b. Ḥabīb, who escaped the death penalty and had to suffer only prison and *ta'zīr*.¹⁰⁴ What is clear from the trials on which we have data, is that even if the jurists involved belonged all of them to the same school, there was always discrepancy among them and there was always someone who was in favour of acquitting or exculpating the accused.

The false prophet al-Fazārī alleged that his followers attributed things to him and spread them around, and that those things were not true. Al-Yuḥānisī commented that al-Fazārī should have left his followers, especially if he were innocent.¹⁰⁵

Istīāba. The accused could regain his freedom by accepting the possibility of repentance and showing it. However, that did not ensure anything: the nephew of 'Ajab, accused of blasphemy, stated his belief in God, but nevertheless was executed.¹⁰⁶ Documents of recantation of apostates and unbelievers have been preserved.¹⁰⁷ One of those documents refers to the case of a person who left Islam either for Judaism or Christianity

because a humiliation that humiliated him or for an anger that angered him, he escaped from himself and threw away Islam behind his back... and proclaimed his infidelity and made it public. Afterwards, the magistrate such and such contacted and fetched him, informing him of what he had entered into and explaining to him the ugliness of what he had done and what felony he had perpetrated against himself. The magistrate reminded him of Islam and the merit (*faḍīla*) of his religion and the religion of his fathers and exhorted him to return to it and to cling to it. God reconciled him to his good direction and inspired him towards taking the exalted line of the salvation of his soul from the punishment of God. [The apostate] returned to the religion of Islam and entered it, confessing to God with

¹⁰³ See Fierro, «El proceso contra Abū 'Umar al-Ṭalamankī», 122. An example of such a certificate is given above (note 36).

¹⁰⁴ See Fierro, *Heterodoxia*, 63-70. Of course, this defence was succesful mainly because the accused was the brother of an influential of the time, 'Abd al-Malik b. Ḥabīb.

¹⁰⁵ Aḥmad al-Qashtālī, *Tuḥfa*, 82.

¹⁰⁶ See Fierro, *Heterodoxia*, 59.

¹⁰⁷ Ibn Muḡhīth, *Muqni'*, 346-7, n.º 63 and 349-50, n.º 65; al-Jazīrī, *Maqṣad*, 425-7.

His divinity and thanking God for what had inspired him and the favours bestowed upon him for his escape from infidelity towards faith and the adhesion to the religion of Islam. And he performed a major ritual ablution for his return and prayed and testified that there is no god but God alone who has no partner, and that Muḥammad is His servant and His Messenger and the seal of His prophets and messengers, and that the religion for God is Islam and that He accepts no other religion or is satisfied by any other, and that whoever follows a religion other than Islam, it will not be accepted from him and in the other world would be among the deprived (*al-khāsirūn*).¹⁰⁸ He is declared free of the Jewish religion in which he was and curses Iblīs the repelled (*al-madhūr*) who incited him to it and turned him to it.¹⁰⁹

Another document of *istitāba* says:

Fulān b. Fulān al-Islāmī of the people of such place, being in health and capable, testifies that he abandoned Islam. [Later] he repented of his infidelity and apostasy, and came back to the religion that God does not accept other than it from his creatures and does not consider good the deed of anyone unless it comes from it. And testifies to God with what God testified for himself of His *tawḥīd*. His angels and those who possess *‘ilm* and uphold justice testified for him that there is no god but Him the Powerful the Wise. And he bears witness that Muḥammad is the Messenger of God that He sent with the right path and the religion of truth to make it manifest over all religion, to the abhorrence of polytheists. And he testifies that the religion for God is Islam..., it will not be accepted from him and he will be in the other life among the *khāsirūn*.¹¹⁰

Pardon. In the case of exile, rehabilitation did take place: the scholars exiled by al-Manṣūr and the philosopher Ibn Rushd returned to the ruler's favour.¹¹¹

¹⁰⁸ This quotation of Qur'ān, 3:85 was widespread in al-Andalus during the 5th/11th century and under the Almoravids. H. Kassis sees in it evidence of Muslim fear that apostasy will occur within the community at a time of Christian military success and territorial gains: see Kassis, H. E., «Muslim revival in Spain in the fifth/eleventh century. Causes and ramifications», *Der Islam*, 67 (1990), 78-110.

¹⁰⁹ Ibn Mughīth, *Muqni'*, 346-7, n.º 63.

¹¹⁰ Ibn Mughīth, *Muqni'*, 349-50, n.º 65. Al-Jazīrī records a similar one (*Maqṣad*, 425), in which al-Shayṭān is given more protagonism: he seduced the apostate and led him astray, until God brought the apostate back to the right path and made him repent, saying that there is no god but Him the Powerful and the Wise, that Muḥammad is His servant and Messenger and that the religion of God is Islam, and that he who seeks another religion, it will not be accepted from him and in the other world he would be among the *khāsirūn*.

¹¹¹ See on the former Fierro, *Heterodoxia*, 168, and on the latter note 49.

In the case of a scholar accused of heresy, the inclusion of his name in a biographical dictionary without mentioning any accusation or deviation could be taken as evidence that his memory was vindicated: this is the case of Ṣūfīs like Ibn al-‘Arīf or Ibn Barrajān.¹¹² Muslim biographical dictionaries of scholars and others might show a tendency towards inclusion more than towards exclusion.¹¹³ The doctrine considered «heretical» could be described but without giving the name of its holder.¹¹⁴ If the accusation were mentioned, the words or deeds that led to it could be explained away as being those of an ignorant or drunk person,¹¹⁵ of someone who was just joking (case of the blasphemy pronounced by the nephew of ‘Ajab),¹¹⁶ of someone angered or infuriated (case of the young Muslims who apostasized in Sicily)¹¹⁷ or of a mad person.¹¹⁸

During the 5th/11th century there was in al-Andalus a current of religious scepticism and relativism that led to the doctrine of the «equivalence of proofs» (*takāfu‘ al-adilla*), according to which there was no way to prove the existence of God and of prophecy, or to prove which, if any, religion contained the truth. The Jewish doctor Ibn al-Qarrād, when invited by Ibn Ḥazm to convert,

¹¹² See on them Fierro, «Opposition to Sufism», 184-197.

¹¹³ Ibn Ḥajar al-‘Asqalānī (d. 852/1449) does not identify Abū Ḥanīfa as a Murjī, whereas early heresiographers regularly identify him as a leader of that school: Melchert, Ch., «Sectaries in the six books: evidence for their exclusion from the Sunni community», *The Muslim World* LXXXII/3-4 (1992), 287-95, 293 and 295. See also S. Stroumsa’s discussion of Ibn Khallikān’s treatment of Ibn al-Rāwandī: *Freethinkers of Medieval Islam. Ibn al-Rāwandī, Abū Bakr al-Rāzī, and their impact on Islamic thought*, Leiden/Boston/Köln, 1999, 68. N. Hurvitz in his paper, «Marginalization and orthodoxy in the formative period of Islam», presented at the Conference «Elites in the Medieval Islamic World», Tel Aviv University, 12-17 December 1998, presents an analysis of how *ḥadīth* criticism (*al-jarḥ wa-l-ta’dīl*) marginalized certain religious orientations and interpretations.

¹¹⁴ See Ibn Rusḥd al-Jadd, *Bayān*, XVI, 406 where the name of someone holding a suspected view in the issue of God’s attributes, is not mentioned. Hallaq has pointed that «the practice of omitting names was of particular significance and had an important function, for the *fatwā* was not merely an ephemeral legal opinion produced for a specific occasion or purpose but was also an authoritative statement of the law considered to transcend the individual case and its mundane reality» (*Authority, continuity and change in Islamic law*, 176). However, some Andalusī *fatāwā* on heresy and blasphemy preserve the name of the accused, which might be an attempt to avoid transcending the individual case.

¹¹⁵ See Ibn Rusḥd al-Jadd, *Bayān*, XVI, 371.

¹¹⁶ See Fierro, *Heterodoxia*, 58.

¹¹⁷ See Ibn Jubayr (d. 614/1217), *Riḥla*, ed. W. Wright, Leiden, 1973, 342; transl. F. Mañilo Salgado, *A través del Oriente. El siglo XII ante los ojos. Riḥla*, Barcelona, 1988, 397. See also Ibn Rusḥd al-Jadd, *Bayān*, XVI, 419 (quoting the Cordovan jurist Ibn Lubāba, d. 314/926).

¹¹⁸ The connection between heresy and madness has been briefly explored by Dols, M. W., *Majnūn: the madman in Medieval Islamic Society*, Oxford, 1992, 412-3, 450-1 and Capezzone, L., «La funzione iconica della malattia nella rappresentazione islamica dell’eretico», *Annali di Ca’ Foscari* XXXV/3 (1996), 425-32. Persecution could engender madness as happened in the case of

answered that to change religion was a mockery (*al-intiqāl fi l-milal talā'ub*).¹¹⁹ One of the effects of his scepticism can be seen in the following case: when Toledo was conquered by the Christians, a Muslim scholar converted to Christianity saying that the God of both religions was the same and therefore he had no qualms about his conversion or apostasy. For religious sceptics or relativists, religious differences were of no importance.¹²⁰

Finally, the followers of a new doctrine would feel that there was no need for them to try not to be excluded from a community to which they felt no longer belonging. This must have been the case with the followers of the Ṣūfī Ibn Qasī, who called themselves *ghurabā'*, «strangers», making reference to the *ḥadīth* that says «Islam started by being stranger and it will again be stranger» (*bada'a l-islām gharīban wa-sa-ya'ūd gharīban kamā bada'a*). Many are the interpretations of this *ḥadīth*, but one of them could be that, in the same way that at the beginning Muslims were considered to be strangers, so renewal must come from people who will be considered «strangers» or deviants by their contemporaries, although they are the true Muslims.¹²¹

CONCLUSIONS

Persecution and suppression of heresy took place through a number of practices that can be best described as «diffuse» or «informal», as M. Chamberlain has shown.¹²² Labels of heresy conveyed the idea of impurity; heretics were not only non Muslims, but they were even becoming like Jews and Christians. There were mechanisms of social and religious exclusion related to the fields of prayer, funeral practices, inheritance, marriage. Loss of probity barred the access to become witness, a position of authority and prestige in the community, those who set ethical and social standards, and rank among the urban hierarchy. Scholarly life revolved mainly around meetings and debates: the company of heretics was avoided, refusing to engage in discussions with them; if debate took place, those victorious were those who could claim to be

Muḥammad b. 'Alī b. Khalaf al-Tujībī, who as a Mālikī was under pressure on the part of the Almohad caliph al-Manṣūr: see Benouis, «Les savants mis à l'épreuve», 332, n.º 16.

¹¹⁹ See Fierro, M., «Ibn Ḥazm et le *zindīq* juif», *Revue de l'Occident Musulman et de la Méditerranée* 63-64 (1992), 81-90, 83.

¹²⁰ See Fierro, «Religión», in vol. VIII/1 of *Historia de España*, 480.

¹²¹ See Fierro, M., «Spiritual alienation and political activism: the *ghurabā'* in al-Andalus during the sixth/twelfth century», *Arabica* XLVII (2000), 230-260.

¹²² See note 8 and quotation below.

«orthodox» and their victory was recorded for posterity. Criticism and rejection of heretical words and deeds were recorded in different kinds of works, including legal opinions (*fatāwā*), usually advocating the death penalty: regardless of whether they ever acted upon (and it happened very rarely), their mere existence contributed to create fear and to establish disapproval and repugnance. Books were burnt at a time when writing a book was a long and expensive endeavour and when few copies of a work were in circulation. Even if, as Ibn Ḥazm pointed, the burning of a book did not burn the memory of its writer, the writer would eventually die and with him his memory. Heretical doctrines, even if the books that contained them were burnt, could be preserved in the refutations written of them. The advantage of this kind of preservation of heretical doctrines is that they could reappear and, at least, their refutation will then be available to future scholars. Special treatises against innovations, mainly in the field of ritual practices, were written as repositories of what had to be avoided.

But there were also stronger measures. The voluntary or official *muhtasib* may act publicly against the heretic, starting a more specialized procedure ending up in trial. Witnesses made accusations of *zandaqa* signing special documents. The *qāḍī* proceeded to bring the accused to trial.¹²³ In case the latter was granted the possibility of repentance, a special document was ready for him to sign. In case he was not granted it, he still could try the possibility of challenging the witnesses for the prosecution. While in prison, he could be subject to physical punishment. If execution was sentenced, it was public and involved being crucified alive and then pierced to death in the cross. Exile was another possible punishment which had the advantage that it might be followed by pardon and rehabilitation.

M. Chamberlain has insisted on the fact that in Islam there was no sovereign or autonomous body capable of planning and carrying out long-term ideological strategies and there is no evidence of state or corporate bodies with jurisdiction over heresy. In Mamlūk Damascus:

As there were no specialized agencies for determining truth from error, there were no specialized procedures such as trials or inquisitions. The form the identification and suppression of error took was usually the debate, in which a powerful *amīr* or a group of scholars invited the object of their suspicion to debate

¹²³ The *qāḍī* did not act preventively, as did the police officer (*ṣāḥib al-shurṭa*) and he was not entitled to pursue a case *ex officio* without the necessary legal evidence or personal knowledge: see Müller, Ch., «Judging with God's law on earth: judicial powers of the *qāḍī l-jamā'a* of Córdoba in the fifth/eleventh century», *Islamic Law and Society* 7 (2000), 159-186, 166 and 163.

with a shaykh in an audience before the a'yān. This crossing of the procedures of the trial before a qādī with the debate among scholars raised inevitable ambiguities... Although many involved in such events were qādīs, the «suppression» of heresy did not take the form of an official trial... When we encounter *fatwās* and debates dealing with the struggle to define truth, these were objects and instruments of political competition and not formal mechanisms or procedures. When the ruler or governor took part in these struggles, it was usually at the instigation of an outside group; and in any case his interest was usually in maintaining a balance between social peace and the satisfaction of the scholarly factions that supported him...¹²⁴

The Andalusī material, however, shows the existence of official trials in cases of accusations of heresy. It is true that of all the accusations of heresy recorded, formal trials took place in few cases during the existence of Andalusī Muslim society. In those cases, the accusation of *zandaqa* was closely connected to political strife. Because of that, it is difficult to establish to what extent the accused were truly «heretics», that is, whether the accusations made against them were forged in order to get rid of political opponents who had no deviant religious doctrine (this seems to have been the case of Ibn Ḥātim). The cases of Abū l-Khayr and Ibn Ḥātim show that suppression of heresy could take the form of an official trial, with formal procedures and documents. Abū l-Khayr's trial constituted a precedent that was referred to in Ibn Ḥātim's regarding the granting of a legal procedure (*i'dhār*).

There is no clear evidence for the presence in al-Andalus of heretics «grand style» such as Ibn al-Rāwandī, that is, enemies of the Islamic creed.¹²⁵ There were, of course, rationalists who in many cases were not persecuted at all,¹²⁶ probably because they were not anti-religious. As Kraemer has shown, there are some circumstances wherein radical views can be propounded with impunity, but they might also arise the repressive apparatus of the state to action; active pursuit and suppression of *zanādiqa* was often contemporaneous with heightened activity of heretical revolutionary movements.¹²⁷ In al-Andalus, persecution of heretics and blasphemers was historically associated with the threat of the Fatimids, with Christian military success and with the fear of extreme Sufism.

¹²⁴ *Knowledge and social practice*, 174.

¹²⁵ See Stroumsa, *Freethinkers of Medieval Islam*, chapter 2.

¹²⁶ See Stroumsa's discussion of the case of Abū Bakr al-Rāzī in *Freethinkers*, 117-8.

¹²⁷ Kraemer, «Heresy versus the state», 175.

Persecution and punishment could be avoided by dissimulation of one's beliefs (*taqiyya*), a mechanism particularly developed by the philosophers and the Shī'ites. Religious relativism could also be of help when pressure was put on conversion, and this applied especially to members of other religions. The followers of a new doctrine would feel that there was no need for them to try not to be excluded from a community to which they felt not belonging anymore, as seems to have been the case of Ibn Qasī's followers.

Renunciation of heretical temptation could be voluntary, brought about by having been convinced of its error in a debate or by receiving information from the other world (dreams) about what should be done or said and what not. Another possibility was to write a defence of your own position in order to show that it was not heretical. Destruction of books, as Abū Bakr b. al-'Arabī did with his copy of al-Ghazālī's *Iḥyā'*, implied fear, but also perhaps that one had been convinced that they were wrong.

As for reincorporation, in the case of a scholar, the inclusion of his name in a biographical dictionary without mentioning the accusation could be taken as evidence that his memory was vindicated. Also, the doctrine could be described but without giving the name of its holder. If the accusation is mentioned, the words or deeds that led to it could be explained away as being those of an ignorant, mad or drunk person or those of someone angered or infuriated.

In the case of a trial having taken place, one way to avoid punishment was to escape and to go into hiding, hoping for pardon. During the trial the witnesses might be challenged or insistence might be put on the fact that to prove heresy is not easy. The *fatāwā* on the subject of innovators and innovations reveal the reluctance of the *fuqahā'* to commit themselves to an uncompromising attitude on a matter so elusive and difficult to define. The Andalusī Ibn Sahl (d. 486/1093) has preserved in his collection of *nawāzil* entitled *al-Aḥkām al-kubrā* the answers given to the question of the difference between the innovators (*ahl al-bida'*) and grave sinners (*ahl al-kabā'ir*) or whether innovators should be declared infidels. Almost all the answers indicate the deep dislike of dealing with such a polemical issue on which there were so many different opinions both within the Mālikī school itself and outside it. The final statement of the jurists consulted is generally that the destiny of both groups depended upon the will of God.¹²⁸

¹²⁸ See Ibn Sahl (d. 486/1093), *Tres documentos sobre procesos de herejes en la España musulmana/Thalāth wathā'iq fī muḥārabat al-ahwā' wa-l-bida' fī l-Andalus*, ed. 'A. W. Khallaf, Cairo, 1981, 25-38. Ibn Rushd also warned against making accusations of heresy: see M. A. Makki, «Contribución de Averroes a la ciencia jurídica musulmana», *Al encuentro de Averroes*, ed. A. Martínez Lorca, Madrid, 1993, 15-38, 26.

ABSTRACT

What were the mechanisms by which exclusion of heretics, apostates and innovators operated in a pre-modern Islamic society, that of al-Andalus? What were the mechanisms or strategies by which those labelled as heretics or as religious dissenters managed not to be excluded or if they had been, managed to be reincorporated into their social and religious milieu? This article seeks to provide answers to these questions, drawing on previous studies carried out on accusations of apostasy, heresy, innovation and blasphemy that took place in al-Andalus.

RESUMEN

¿Cuáles fueron los mecanismos mediante los cuales se llevó a cabo la exclusión de herejes, apóstatas e innovadores en una sociedad islámica pre-moderna como la andalusí? ¿Cuáles fueron los mecanismos o las estrategias mediante los cuales los acusados de herejía o desviación religiosa lograron no ser excluidos de la comunidad o, en el caso de serlo, consiguieron la reincorporación a su medio social y religioso? Este artículo busca dar respuesta a estas preguntas, basándose en estudios previos sobre las acusaciones de apostasía, herejía, innovación y blasfemia que tuvieron lugar en al-Andalus.