

## The treatises against innovations (*kutub al-bida'*)\*

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The aim of this article is threefold: to give a definition of the *kutub al-bida'*, to offer an overview of the material collected in the two oldest treatises preserved, and to assess the value of that material. A basic bibliography is given in an appendix.

### 1. The treatises against innovations (*kutub al-bida'*).

1.1. *Bid'a*, pl. *bida'* is an Arabic term charged with a negative meaning in Islam, as it disqualifies as novelties and innovations those beliefs, practices or customs that are alleged to lack any precedent in the Islamic tradition.<sup>1</sup>) As a technical term in Muslim legal and theological literature, it is applied to innovations in ritual and social practices ('*ibādāt*, '*ādāt*) and to innovations of dogma.<sup>2</sup>) The term itself does not appear in the Qur'ān, where forms of the same root are found.<sup>3</sup>

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\* ) After the completion of the present article and its submission for publication to *Der Islam*, I received from the author an offprint of Vardit Rispler's study "Toward a new understanding of the term *bid'a*" (*Der Islam* 68, pp. 320–8). There was no opportunity, therefore, to take her study into account.

<sup>1</sup>) See Goldziher, *Muslim Studies*, II, 17–37, where the pre-Islamic and Islamic concepts of *sunna* and *bid'a* are studied; EI<sup>1</sup>, s.v. (D. B. MacDonald); Talbi, "Les *Bida'*"; 'Aṭīya, *al-Bid'a taḥdīdihā wa-mawqif al-Islām minhā*; EI<sup>2</sup>, I, 1234–5 (J. Robson); Juynboll, "Muslim's Introduction to his *Ṣaḥīḥ* translated and annotated with an excursus on the chronology of *fitna* and *bid'a*". See the Bibliography for the complete references and for the abbreviations employed in the following notes.

<sup>2</sup>) On the terms used in Islam to designate concepts similar to that of "heresy" see Lewis, "Some observations on the significance of heresy in the history of Islam".

<sup>3</sup>) See al-Ṭabarī, *Jāmi' al-bayān fi tafsīr al-Qur'ān* (30 vols. in 6, Cairo 1323/1905), I, 404, VII, 198 and XXVI, 4–6; al-Qurṭubī, *Tafsīr al-Qur'ān* (20 vols. in 10, Cairo, 1354/1935–1369/1950), II, 86–91, VII, 53–4 and XVI, 185–8; al-Suyūṭī, *Tafsīr al-imāmayn al-jalīlayn* (Cairo, 1956), pp. 17, 115 and 432; al-Bayḍawī, *Anwār al-tanzīl wa-asrār al-ta'wīl* (Istanbul, 1305H), pp. 24, 186 and 225.

– *Badi'*, “creator” is applied to God (Qur'ān, 2:111/117 and 6:101), being one his “beautiful names” (*al-asmā' al-ḥusnā*). In this case, the root form has a “positive” meaning, as God is the only one entitled to create something that lacks precedent.

– The condition of being *bid'* (a synonym of *bid'a*, “innovation”, and also of *mubtadi'*, “innovator”), is denied of Muḥammad in Qur'ān 46:8/9: the Prophet is neither an innovation nor an innovator, i.e., he was not the first messenger to be sent by God to men.

– *Ibtada'a* “to innovate” appears in Qur'ān, 57:27 (“... And monasticism they invented – We did not prescribe it for them – only seeking the good pleasure of God; But they observed it not as it should be observed . . .”), with a meaning which could be understood as being totally or partially negative.<sup>4)</sup>

With the appearance of the concept *sunnat al-nabi*,<sup>5)</sup> *bid'a* became a specialized term to indicate those practices without a precedent in the tradition of the Prophet. A *ḥadīth* exists warning severely against the innovations: “the worst of all things are novelties (*muḥdathāt*); every novelty is innovation (*bid'a*); every innovation is error (*ḍalāla*) and every error leads to hell”.<sup>6)</sup> However, there was an exception in the general condemnation of *bid'a*. The second caliph, 'Umar b. al-Khaṭṭāb, observing that the believers did not know how to perform the night prayer of Ramaḍān (*ṣalāt al-tarāwīḥ*), established certain norms and doing so, he exclaimed: “What an excellent innovation is this! (*ni'mat al-bid'a ḥādhiḥi*)”.<sup>7)</sup> The possibility was thus open to the existence of a “good” innovation. Al-Shāfi'i stated that every *bid'a* was bad, but that everything new was not necessarily a *bid'a*: “There are two types of novelties (*muḥdathāt*). The first type is the novelty which contradicts the Qur'ān, the *sunna* of the Prophet, the example of his Companions and Successors (*athar*), or the consensus (*ijmā'*); this is an

<sup>4)</sup> See Sviri, “*Wa-rahbāniyat<sup>an</sup> ibtada' ūhā* – an analysis of traditions concerning the origin and evaluation of Christian monasticism”, and cf. al-Ṭurṭūshī. *Kitāb al-ḥawādīth wa-l-bida'* (henceforth *Hawādīth*), n° 61. This verse deserves further attention for an understanding of the concept of *bid'a*.

<sup>5)</sup> See Schacht, “Sur l'expression 'Sunna du Prophète'”; Juynboll, *Muslim Tradition. Studies in chronology, provenance and authorship of early "ḥadīth"*, pp. 30–9, and his “Some new ideas on the development of *sunna* as a technical term in early Islam”.

<sup>6)</sup> This *ḥadīth* is to be found in the canonical collections: see *Concordance et Indices de la Tradition musulmane*, I, 152b; also in 'Abd al-Razzāq, *Muṣannaḥ*, XI, 159, n° 20198. It is quoted of course in the *kutub al-bida'*, on which see *infra*.

<sup>7)</sup> See Ibn al-Jawzī, *Manāqib amīr al-mu'minīn 'Umar b. al-Khaṭṭāb* (Beirut, s.d.), pp. 63–65.

innovation which is an error (*fa-hādhihi l-bid'a al-dalāla*). The second type is something new introduced which is not evil in itself and does not contradict the above-mentioned authorities: this is an unobjectionable novelty (*fa-hiya muḥdatha ghayr madhmūna*).<sup>8)</sup> Later, the Shāfi'ī Ibn 'Abd al-Salām (d. 660/1262) and the Māliki al-Qarāfi (d. 685/1285) applied the five legal qualifications to the category of *bid'a*, so that an innovation could be forbidden (*muḥarrama*), reprehensible (*makrūha*), indifferent (*mubāḥa*), recommended (*mandūba*) and obligatory (*wājiba*).<sup>9)</sup>

Among Sunnis, the accusation of *bid'a* might be made by members of a particular legal school against certain doctrines held by other members of the same school, or by members of a particular legal school against doctrines of other legal schools. It is also an accusation made by Sunnis against non-Sunnis' legal and theological doctrines and viceversa. The tensions existing between popular and normative religion lead also to accusations of innovation made by jurists and scholars against certain popular practices or beliefs. Some of these practices are influenced by Sūfism, the latter considered by some to be in itself an innovation or contributing at least to the introduction of innovations in Islam.

1.2. In a study which appeared in 1988, accompanying my edition and translation of the *Kitāb al-bida'* by Ibn Waḍḍāḥ al-Qurṭubī, I defined the *kutub al-bida'* as those treatises dealing mainly with the condemnation of the innovations introduced in the 'ibādāt or ritual sphere of the law.<sup>10)</sup> Part of the issues dealt with in the *kutub al-bida'* can be found in other genres:<sup>11)</sup>

a) the heresiographical treatises that deal with dogmatic innovations (*kutub al-mīlal wa-l-niḥal*). For example, in the *kutub al-bida'* mention is usually made of the famous prophetic tradition on the division of the Muslim community into seventy three sects, as well as mention of the most important sects of Islam.

b) the professions of faith (*'aqā'id*), books centred not on dogmatic errors, but on the orthodox formulation of dogma from the point of view of the legal and theological school of the author. The mention of dogmatic

<sup>8)</sup> See *Bā'ith*, p. 23; in the translation I follow Goldziher, *Muslim Studies*, II, 36-7 and Talbi, "Les *Bida'*", p. 61.

<sup>9)</sup> See *Ftiṣām*, I, 188.

<sup>10)</sup> *Kitāb al-bida'*, pp. 117-8. This part of my study was translated into Arabic by Turki, who included it in the introduction to his new edition of al-Ṭurṭūshī's *Hawādith*, pp. 38-41.

<sup>11)</sup> In my study cited in note 10, I mentioned the treatises of ethics (*akhlāq*), where the moral qualities of the believer are described, including the correct performance of religious duties. However, further research has shown that this genre is not as important as the others for the study of *bid'a*.

innovations of sects is often accompanied by references more or less extended to innovations introduced into the ritual practices. An example of this is the *Kitāb al-sharḥ wa-l-ibāna 'alā uṣūl al-sunna wa-l-diyāna* by Ibn Baṭṭa (d. 387/997), where it is possible to find material in common with Ibn Waḍḍāh's *Kitāb al-bida'*.<sup>12)</sup>

c) the treatises of *ḥisba*.<sup>13)</sup> For example, part of the material collected by al-Ṭurṭūshī coincides with that found in *ḥisba* manuals, like those written by Yaḥyā b. 'Umar, Ibn 'Abd al-Ra'ūf and Ibn 'Abdūn, or in the section on *ḥisba* in Ibn al-Munāṣif's *Tanbih*.

d) *fatāwā* collections. Sections on *bida'* can be found, for example, in the works by Ibn Sahl (d. 486/1093), *al-Aḥkām al-kubrā*,<sup>14)</sup> and al-Wansharīṣī (d. 914/1508), *Mi'yār al-mu'rib 'an fatāwī ahl Ifrīqiya wa-l-Maghrib wa-l-Andalus*.<sup>15)</sup>

Given the polyvalence of the *bida'* material, there may occur a coincidence of *bida'* books with books belonging to other genres, for example, *adab* works.

Taking into account the definition I have given of *kutub al-bida'*, I have drawn the following list:<sup>16)</sup>

1) Ibn Waḍḍāh, Abū 'Abd Allāh Muḥammad al-Qurṭubī (d. 287/900), *Kitāb al-bida'*, ed. M. A. Duhmān, Damascus, 1349/1930; new ed., transl. and study M<sup>d</sup> I. Fierro, Madrid, 1988. On Ibn Waḍḍāh, an Andalusian Māliki, see *GAS*, I, 474-5 and the biography included in the study that accompanies my edition of his *Kitāb al-bida'*.

<sup>12)</sup> Cf. the edition and translation by H. Laoust (*La Profession de foi d'Ibn Baṭṭa*, Damas, 1958), pp. 15, 16, 17, 20, 21, 22, 23, 24, 25, 28, 29, 34, 37, 38, 39, 41, 42, 43, 46, 47, 57, 60, 66, 67, 94 and *Bida'*, XII, 58, 42; III, 21; XII, 26; IV, 1; IX, 3, 5; III, 24; XI, 37, 39, 40; XI, 17, 18, 19, 20, 21; XII, 50; IX, 8, 9, 10; IX, 7; X, 2, 7; III, 14, 5; V, 1, 2; X, 5, 6; IX, 10; XII, 33; II, 7; V, 5, 6; IX, 13; II, 7; IX, 4, 11, 15, 16, 17; X, 5, 6; XI, 4.

<sup>13)</sup> See *EI*<sup>2</sup>, s.v. (Cl. Cahen and M. Talbi).

<sup>14)</sup> This work is still unpublished in its entirety, although two Ph.D.'s were devoted to editing the text: N. Najjār, Univ. Complutense of Madrid, 1974, and R. H. al-Nuaymi, Saint Andrews Univ., 1979. Sections of the text have been edited and published by M. 'A. W. Khallaf, among them the section on *bida'*: see his *Tres documentos sobre procesos de herejes en la España musulmana/Thalāth wathā'iq fi muḥārabat al-ahwā' wa-l-bida' fi l-Andalus* (Cairo, 1981).

<sup>15)</sup> See op. cit., II, 337-555. This section was edited separately by Pérès under the title *al-Mustaḥsan min al-bida'*.

<sup>16)</sup> For a first list see my study on Ibn Waḍḍāh, pp. 118-9; for a revised list, see my study on al-Ṭurṭūshī, Part II, section 2.1.

2) al-Ṭurtūshī, Abū Bakr Muḥammad b. al-Walid Ibn Abi Randaqa (d. 520/1126), *Kitāb al-ḥawādith wa-l-bida'*, ed. M. Talbi, Tunis, 1959; ed. 'A. M. Turki, Beirut, 1410/1990; transl. and study M<sup>a</sup> I. Fierro, Madrid, 1992, *FAH*, n<sup>o</sup> 14 (forthcoming). On al-Ṭurtūshī, an Andalusian Mālikī who settled in Alexandria, see EI<sup>1</sup>, s.v. Ibn Abi Randaqa (M. Ben Cheneb) and the biography included in the study that accompanies my translation of his *Kitāb al-ḥawādith*.

3) Ibn al-Jawzī, Abū l-Faraj 'Abd al-Raḥmān b. 'Alī (d. 597/1200), *Talbis Iblīs*, many editions, among them Cairo, 1928, and ed. Khayr al-dīn 'Alī, Beirut, s.d.;<sup>17</sup>) English transl. D. S. Margoliouth, "The Devil's delusion", *Islamic Culture* 9 (1935), 10 (1936), 11 (1937), 12 (1938), 19 (1945), 20 (1946), 21 (1947), 22 (1948). On Ibn al-Jawzī, a Ḥanbalī from Baghdad, see EI<sup>2</sup>, s.v. (H. Laoust). Material on *bida'* is also found in Ibn al-Jawzī's *Kitāb al-quṣṣās* and *Kitāb al-mawḍū'āt*.

4) al-Maqdisī, Abū 'Abd Allāh Muḥammad b. 'Abd al-Wāhid (d. 643/1245), *Ittibā' al-sunan wa-jtināb al-bida'*, ed. M. Badr al-dīn al-Qahwajī and Maḥmūd al-Arnā'ūt, Damascus/Beirut, 1407/1987. On al-Maqdisī, a Ḥanbalī from Syria, see Kahhāla, *Mu'jam*, X, 263-4.

5) Abū Shāma, Abū l-Qāsim 'Abd al-Raḥmān b. Ismā'il (d. c. 665/1268), *al-Bā'ith 'alā inkār al-bida' wa-l-ḥawādith*, ed. 'Uthmān Aḥmad 'Anbar, Cairo, 1398/1978 (references in the article are to this ed.); ed. 'Ādil 'Abd al-Mun'im Abū l-'Abbās, Cairo, 1989. On Abū Shāma, a Syrian Shāfi'i, see EI<sup>2</sup>, s.v. (Hilmy Ahmad).

6) Ibn Taymiya, Abū l-'Abbās Aḥmad b. 'Abd al-Ḥalīm (d. 728/1328), *Kitāb iqtidā' al-ṣirāṭ al-mustaḳīm mukhālafat aṣḥāb al-jahīm*, ed. s. l., 1325/1907; ed. Cairo, 1369/1950;<sup>18</sup>) partial transl. M. Umar Memon, *Ibn Taymiya's Struggle against Popular Religion*, Paris, 1976. On Ibn Taymiya, a Syrian Ḥanbalī, see EI<sup>2</sup>, s.v. (H. Laoust).

7) Ibn al-Ḥājj, Abū 'Abd Allāh Muḥammad b. Muḥammad al-'Abdarī al-Fāsi (d. 737/1336), *Madkhal al-shar' al-sharīf*, ed. Cairo, 1348/1929-30, 4 vols. in 2; ed. Cairo, 1380/1960, 4 vols.<sup>19</sup>) On Ibn al-Ḥājj, a North African Mālikī, see EI<sup>2</sup>, s.v. (J.-C. Vadet) and 'Abd Allāh Ghannūn al-Ḥasanī, *Ibn al-Ḥājj al-Fāsi*, *Dhikriyat mashāhir rijāl al-Maghrib*, n<sup>o</sup> 22, Tetuan, s.d.

<sup>17</sup>) I have consulted both. Unless otherwise stated, quotations are taken from the Cairo edition.

<sup>18</sup>) I have consulted both. Unless otherwise stated, quotations refer to the first edition.

<sup>19</sup>) I have consulted both. Unless otherwise stated, quotations refer to the first edition.

8) al-Shāṭibī, Abū Ishāq Ibrāhīm b. Mūsā al-Lakhmī (d. 790/1388), *al-Fṭiṣām*, different editions reproducing the one prepared by M. R. Riḍā and published in *al-Manār* XVII (1332/1913); the one I have used is Beirut, s.d. On al-Shāṭibī, an Andalusian Mālikī, see M. Kh. Masud, *Islamic Legal Philosophy. A study of Abū Ishāq al-Shāṭibī's life and thought*, Islamabad, 1977.

9) al-Turkumānī, Ṣafī l-dīn Idrīs b. Baydakīn b. 'Abd Allāh (8th–9th/14th–15th centuries), *al-Luma' fi l-ḥawādith wa-l-bida'*, ed. S. Labib, 2 vols., Stuttgart, 1986.<sup>20)</sup> On al-Turkumānī, a Ḥanafī who lived in Mecca and Egypt, see GAL, II, 169 and SII, 168.

10) Zarrūq al-Fāsi, Abū l-'Abbās Aḥmad b. Aḥmad al-Burnusī (d. 899/1493), *Uddat al-murīd al-ṣādiq/al-Bida' wa-l-ḥawādith*, unpublished. On Zarrūq, a North African Mālikī, see A. F. Khushaim, *Zarrūq the Ṣūfī. A Guide in the Way and a Leader to the Truth: a biographical and critical study of a Mystic from North Africa*, Tripoli, 1976.

11) al-Suyūṭī, Abū l-Faḍl 'Abd al-Raḥmān b. Abī Bakr (d. 911/1505), *al-Amr bi-l-ittibā' wa-l-nahy 'an al-ibtidā'*, ed. al-Ḥusaynī 'Abd al-Majīd Hāshim, Cairo, 1985; ed. Muṣṭafā 'Abd al-Qādir 'Aṭā', Beirut 1408/1988; ed. *Dār Ibn al-Qayyim li-l-naṣr*, 1990. On al-Ṣuyūṭī, a Shāfi'ī from Egypt, see EI<sup>1</sup>, s.v. (Brockelmann).

12) 'Uthmān b. Fūdī/Usumanu dan Fodio (d. 1232/1817), *Iḥyā' al-sunna wa-ikhmād al-bid'a*, ed. I. A. Balogun, Sokoto, 1979; ed. Beirut s.d.;<sup>21)</sup> ed. al-Azhar, Cairo 1381/1962. On Ibn Fūdī, a Mālikī from present day Nigeria, see M. Hyskett, *The sword of Truth. The life and times of the Shehu Usumanu dan Fodio*, New York, 1973; I. A. Balogun, *The life and works of 'Uthmān dan Fodio*, Lagos, 1975; I. A. Balogun, "Features of the *Iḥyā' al-sunna wa-ikhmād al-bid'a* of 'Uthmān dan Fodiye", *Research Bulletin Centre of Arabic Documentation of Ibadan* 6 (1970), pp. 13–41.

There are lost works with titles that suggest that they could be included in the list.<sup>22)</sup> However, a title by itself is not a good indication of the contents: for example, al-Malaṭī (d. 377/987) is the author of a book entitled *Kitāb al-tanbīh wa-l-radd 'alā ahl al-ahwā' wa-l-bida'*,<sup>23)</sup> but it is a heresiographical treatise and therefore I do not include it among the *kutub al-bida'*.

<sup>20)</sup> See my review in *Die Welt des Islams* XXX (1990), pp. 247–8.

<sup>21)</sup> This edition, which I have not seen, is quoted by M. Kh. Masud, "Shehu Usumanu dan Fodio's restatement of the doctrine of Hijrah", *Islamic Studies* XXV (1986), pp. 59–77.

<sup>22)</sup> See for example note 24 below and the books mentioned by C. Gilliot in *SI* LXXIII (1991), pp. 190–2.

<sup>23)</sup> Ed. S. Dederling, Leipzig, 1936.

1.3. It is worth noting the number of Mālikī authors in the list (Ibn Waddāh, al-Ṭurtūshī, Ibn al-Hājj, al-Shāṭibī, Zarrūq, Ibn Fūdī, 6 out of 12). In fact, the *kutub al-bida'* was a genre which was often cultivated by Mālikī authors, especially from Western Islam. The beginning of the Mālikī interest in the issue of *bida'* can be traced back to the correspondence between Mālik b. Anas (d. 179/795) and Ibn Farrūkh of Qayrawān, dealing on how to fight against the innovators.<sup>24</sup> The North African Muḥammad b. Saḥ-nūn (d. 256/870) is reported to have written against the *ahl al-bida'*,<sup>25</sup> and so did Ibn Abī Zayd al-Qayrawānī (d. 386/996),<sup>26</sup> al-Qābisī (d. 403/1012)<sup>27</sup> and Abū l-Walīd al-Bājjī (d. 474/1081).<sup>28</sup> Their concern for the problem of the *bida'* was shared by many other Western Mālikīs who are often described in the sources as *shadīd 'alā ahl al-bida'*.<sup>29</sup> It is possible to collect many references to the condemnation of *bida'* in the early Mālikī legal literature.<sup>30</sup> But the first Mālikī to think of compiling a treatise devoted exclusively to that subject was Ibn Waddāh al-Qurtubī, a man who tried to conciliate Mālikī *ra'y* and *ḥadīth* at a time when these two disciplines were still seen in al-Andalus as separate and even as antagonic.<sup>31</sup> His treatise took the form of a collection of *aḥādīth* and *akhbār*, of which the major part came from the Umayyad traditionist Asad b. Mūsā (d. 212/827).<sup>32</sup> The second treatise was written by al-Ṭurtūshī, an Andalusian Mālikī who settled and died in Alexandria. Al-Ṭurtūshī's treatise was very influential on later works, not only in terms of content but also in terms of structure.

<sup>24</sup> See al-Mālikī, *Riyāḍ al-nufūs* (ed. Bashir al-Bakkūs and Muḥammad al-'Arūsī al-Matawī, 3 vols., Beirut, 1403/1983), I, 177; Qāḍī 'Iyāḍ, *Tartīb al-madārik wa-taqrīb al-masālik li-ma'rifat al-'ālam madhhab Mālik* (8 vols., Rabat, s.d. – 1983), III, 110–1.

<sup>25</sup> See my study on the *Kitāb al-bida'* by Ibn Waddāh, pp. 24 and 97, note 193. His works on this subject are lost, so that it can not be checked whether their contents belonged to heresiography or to the *kutub al-bida'* as I have defined them.

<sup>26</sup> See his *Kitāb al-jāmi' fi l-sunan wa-l-ādāb wa-l-maghāzī wa-l-ta'riḥ*, with material common with that of al-Ṭurtūshī's treatise.

<sup>27</sup> Qāḍī 'Iyāḍ mentions among his works a *Risāla fi l-bida'*.

<sup>28</sup> He is often quoted by his pupil al-Ṭurtūshī.

<sup>29</sup> See Goldziher, "Mohammed ibn Toumert et la théologie de l'Islam dans le Maghreb au XIe siècle", p. 66; and Fierro, "El proceso contra Abū 'Umar al-Talamankī a través de su vida y de su obra".

<sup>30</sup> For example, in the *Mustakhraja* or *al-'Utbiya* by al-'Utbi (d. 255/868), a text preserved in Ibn Rushd al-Jadd (d. 520/1126), *Kitāb al-bayān*.

<sup>31</sup> See on this I. Fierro, "The introduction of *ḥadīth* in al-Andalus", *Der Islam* 66 (1989), pp. 68–93.

<sup>32</sup> See pp. 78–88 of the study that accompanies my edition of Ibn Waddāh's *Kitāb al-bida'*.

All following Mālikī authors of *kutub al-bida'* quote al-Ṭurṭūshī's book. The same is true as well of the Shāfi'ī Abū Shāma, who uses the distinction made by al-Ṭurṭūshī between two categories of innovations: those that everybody knows that are innovations, either prohibited or reprehensible, and those that everybody, with a few exceptions, thinks are religious duties and pious and traditional practices. Like al-Ṭurṭūshī, Abū Shāma concentrates only on denouncing the latter. Indirectly, al-Ṭurṭūshī's influence can be traced in the works by Ibn Taymiya and al-Suyūṭī, and possibly too in al-Turkumānī; no evidence of such influence is found in Ibn al-Jawzī.<sup>33</sup>) What can be concluded is that the Shāfi'ī tradition of *kutub al-bida'* is indebted to the Mālikī; the Ḥanbalī tradition appears to have been independent, whereas the Ḥanafī al-Turkumānī seems to be dependent on the Ḥanbalī tradition.<sup>34</sup>)

What innovations are dealt with in the *kutub al-bida'*? Given the amount of material, I have concentrated on the data found in the two oldest extant treatises, those of Ibn Waḍḍāḥ and al-Ṭurṭūshī: innovations introduced in the recitation and writing of the Qur'ān, in the mosques, in the celebration of certain days or months, in prayer, funerals, food and clothing, and finally those introduced by the *quṣṣāṣ* and women. I have examined the other treatises for the same issues. Some of the later treatises, like those by Ibn al-Ḥājj, al-Turkumānī and Ibn Fūdī, present a wider variety of issues. In the following section I give a commented overview of the material collected in the two oldest treatises preserved. I usually record additional material from other sources.

## 2. The "innovations" censured by Ibn Waḍḍāḥ and al-Ṭurṭūshī in their *kutub al-bida'*.

### 2.1. Recitation and writing of the Qur'ān.

2.1.1. The *qirā'a bi-l-alḥān*. Among the innovations related to the Qur'ān, the authors of *kutub al-bida'* pay special attention to the one consisting of its canting (*qirā'a bi-l-alḥān*). Ibn Waḍḍāḥ mentions it, as do Ibn al-Jawzī, Ibn al-Ḥājj, al-Turkumānī,<sup>35</sup>) and al-Suyūṭī, who is not so explicit

<sup>33</sup>) See the discussion of this issue in the study that accompanies my transl. of al-Ṭurṭūshī's *Ḥawādith*, Part II, section 4.

<sup>34</sup>) Al-Turkumānī quotes Ibn al-Jawzī and Ibn Taymiya.

<sup>35</sup>) See *Kitāb al-bida'*, II, 37; XII, 46 and 48 and p. 107 of the study; *Talbis*, pp. 113 and 120, ed. Beirut, pp. 124 and 159; Ibn al-Jawzī, *Quṣṣāṣ*, pp. 204-5; *Madkhal*, I, 51-63, ed. 1380/1960, I, 48-52 and III, 113-5; *Luma'*, p. 63:14-70 (this text is very similar to that of *Ḥawādith*). See also Ibn al-Munāṣif, *Tanbīh*, pp.



in his condemnation.<sup>36)</sup> Al-Ṭurtūshī deals with it extensively,<sup>37)</sup> as did the Ḥanbalī al-Khallāl (d. 311/923).<sup>38)</sup> Al-Ṭurtūshī establishes a distinction between two kinds of recitation of the Qur'ān: that called *taṭrīb* or *alḥān*, and that called *tartīl* or *tarsīl*. The latter, recommended in Qur'ān 73:4, is correct, consisting in reciting the Book slowly, pronouncing the words carefully and clearly, marking the pauses and with a sad intonation. The former, invented by musicians, consists in the adoption of melodies and tunes. Mālik and Ibn Ḥanbal were adamant in their condemnation of this form of reciting, and the same can be said of al-Shāfi'ī, in spite of certain evidence to the contrary.<sup>39)</sup> Al-Ṭurtūshī understands that persons have different capacities and that not everyone is able to perform the Qur'ān recitation in its most perfect form. It is thus allowed to make it in a imperfect form (but never with *alḥān*), because Mālik always said that if people are obliged to do things that they cannot do, they would end by ceasing to do them, in this case, ceasing to recite the Qur'ān.<sup>40)</sup> The reasons behind the prohibition of the *qirā'a bi-l-alḥān* lay not only in its lacking Prophetic precedent, but also in the fact that listening to it makes the believers forget paying attention to the meaning of the Qur'ān, contrary to what is ordered in Qur'ān 8:35; 38:28/29; 4:84/82; 8:2; 5:86/83 and 59:21. The *alḥān* thus belong to the category of *dharā'ī'*, "ways that may lead to dangerous consequences", and one of the aims of the Mālikī *kutub al-bida'* is to deter people from following those ways.<sup>41)</sup> Another reason is that the *qirā'a bi-l-alḥān* is similar to non-Islamic practices.<sup>42)</sup> According to Ibn Qutayba, the first who made the *qirā'a bi-l-alḥān* was 'Abd Allāh b. Abī Bakr al-Thaqafi, a Successor from

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333-4 and 346; *Mi'yār*, XII, 361-2. Ibn Fūdī censures singing in the call to prayer: *Iḥyā' al-sunna*, pp. 83-4.

<sup>36)</sup> See *al-Amr bi-l-ittibā'*, pp. 99 and 106.

<sup>37)</sup> See *Hawādith*, chapters I-II of the Fourth Part (n°s 130-159). These passages were studied by Talbi, "La *qirā'a bi-l-alḥān*".

<sup>38)</sup> See his *al-Amr bi-l-mā' rūf wa-l-nahy 'an al-munkar*, pp. 108-15. See also al-Ājurri (d. 360/970), *Akhlāq ahl al-Qur'ān* (Beirut, 1406/1986), pp. 157-170, and al-Haythamī, *Majma' al-zawā'id*, VII, 169-71.

<sup>39)</sup> See *Hawādith*, n°s 150-158 and cf. *Kitāb al-umm*, I, 95 and 147-8. Al-Shāfi'ī's ambiguity explains the reticence of al-Suyūṭī.

<sup>40)</sup> See *Hawādith*, n° 157 and cf. R. Brunschvig, "Devoir et pouvoir", *Études d'Islamologie* (2 vols., Paris, 1976), I, 183.

<sup>41)</sup> See Fierro, "El principio mālikī *sadd al-darā'ī'*" and the study that accompanies my transl. of *Hawādith*, Part II, section 2.4.1.

<sup>42)</sup> See *Hawādith*, n° 138, on the use of melodies of the monks. On the other hand, the Muslim *qirā'a bi-l-alḥān* would have influenced the Jews: see Perlmann, "A seventeenth century exhortation concerning al-Aqṣā", p. 266, note 18.

Baṣra.<sup>43</sup>) In North Africa, the *qirā'a bi-l-alḥān* was known in the 2nd/8th century,<sup>44</sup>) as well as in al-Andalus.<sup>45</sup>) However, according to al-Ṭurtūshī, the *qirā'a bi-l-alḥān* was invented in the 4th/10th century. The aversion for the *qirā'a bi-l-alḥān* forms part of the general aversion for singing that exists in Islam, being especially strong in the case of the singing associated with Ṣūfī practices,<sup>46</sup>) condemned by al-Ṭurtūshī,<sup>47</sup>) al-Maḥdīsī, Ibn al-Jawzī, al-Turkumānī, Ibn al-Ḥājj and al-Suyūṭī.<sup>48</sup>)

2.1.2. The *qirā'a bi-l-idāra*. This is mentioned by al-Ṭurtūshī.<sup>49</sup>) The reason behind the prohibition of this kind of recitation is Qur'ān 7:203/4: "When the Qur'ān is recited, listen and be silent". On these grounds, Mālik condemned the *qirā'a bi-l-idāra* performed in Alexandria, consisting in a recitation made by a number of people simultaneously: as everybody recites at the same time, it is impossible for someone to listen to another. Mālik does not condemn the recitation where a person from a group recites a few verses, then stops and another person begins where he left off, because in this case everyone can follow the recitation. An objection was

<sup>43</sup>) See EI<sup>2</sup>, s.v. (Houtsma-Ch. Pellat) and Talbi, "La *qirā'a*", p. 186. See also Ḥājjī Khalifa (d. 1067/1657), *Kashf al-zunūn* (ed. G. Flügel, 7 vols. in 4, Leipzig, 1835–1858), III, 616, n° 7248.

<sup>44</sup>) See Abū l-'Arab (d. 333/945), *Ṭabaqāt 'ulamā' Ifriqiya wa-Tūnis* (Tunis, 1968), p. 41. See also Yaḥyā b. 'Umar, *Kitāb aḥkām al-sūq*, n° 31/29.

<sup>45</sup>) See Ibn al-Abbār (d. 658/1259), "Apéndice a la edición Codera de la *Takmila* de Aben al-Abbar" (ed. M. A. Alarcón and A. González Palencia, *Miscelánea de Estudios y Textos Arabes*, Madrid, 1915, pp. 147–690), n°s 2676, 2680, 2783, biographies of *qurrā'* from Córdoba who employed the technique of the *alḥān* in their recitation; one of them died in 209/824. The *qirā'a bi-l-alḥān* is also mentioned in the '*Uṭbiya*: see Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 275.

<sup>46</sup>) See G. H. Farmer, "The religious music of Islam", *JRAS* (1952), pp. 60–5; L. Pouzet, "Prises de position autour du *samā'* en Orient musulman au VIIe/XIIIe siècle", *SI* LVII (1983), pp. 119–34.

<sup>47</sup>) In his book, still unpublished, *Kitāb taḥrīm al-ghinā' wa-laḥw 'alā l-ṣūfiya fi raqṣi-him wa-samā' i-him*.

<sup>48</sup>) See respectively *Ittibā' al-sunan*, pp. 58–76; *Talbīs*, ed. Beirut, pp. 248–79 and Ibn al-Jawzī, *Kitāb al-mawḍū'āt*, III, 115–6; *Luma'*, pp. 76–100; *Madkhal*, ed. 1380/1960, III, 95–128; *al-Amr bi-l-ittibā'*, pp. 32–5 and 107. See also Abū Bakr Ibn al-'Arabī (d. 543/1148), *Aḥkām al-Qur'ān* (ed. 'Alī Muḥammad al-Bijawī, Cairo, 1376/1957–1378/1958), III, 1481–2 and Ibn al-Munāṣif, *Tanbih*, pp. 337–8.

<sup>49</sup>) See *Hawādith*, n°s 97, 99, 160 and chapters XVI and XVII of the Fourth Part (n°s 284–295). Al-Ṭurtūshī's source seems to be the '*Uṭbiya*: see Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 298. The same practice is mentioned by al-Wansharīsī, whose source is al-Ṭurtūshī: see *Mi'yār*, XI, 116. See also *I'tisām*, II, 30 and cf. *Iḥyā' al-sunna*, pp. 141–2.

raised, however, that Mālik had said that there was no obligation to listen to someone reciting the Qur'ān. Al-Ṭurṭūshī explains that Mālik was referring to the case when people get together to spend some time and one of them starts reciting, without the rest having given their consent: they are not obliged to listen and may continue talking. In the case where people get together deliberately to recite the Qur'ān or in the case when someone passes near the place where the *qurrā'* are reciting, then it is obligatory to be silent and listen, as believers do when the *khutba* is performed and when the *imām* raises his voice in prayer. Here the objection is that both *khutba* and prayer are obligatory, and therefore listening in silence is also obligatory, whereas to get together to recite the Qur'ān is not obligatory and consequently it is not obligatory to be silent. Al-Ṭurṭūshī retorts that the recitation of the Qur'ān is something praiseworthy involving merit, and therefore the same applies to listening to it. Another objection is made using the *ḥadīth* which says that when a group of people gather together in the house of God to recite the Qur'ān or to study it, calmness (*sakīna*) descends upon them, mercy seizes hold of them and God considers them among those who are near him,<sup>50</sup> a *ḥadīth* that seems to contradict the Qur'ānic verse 7:203/4. Here al-Ṭurṭūshī retorts explaining that the meaning of the sentence "to recite the Qur'ān or to study it" is not that everyone recites it at the same time, but that there is one person who recites while the rest listen to him.

2.1.3. Other innovations related to the Qur'ān. Al-Ṭurṭūshī devotes three chapters to the censure of a number of practices associated with the recitation and writing of the Qur'ān.<sup>51</sup> It is forbidden to be paid for reciting the Qur'ān.<sup>52</sup> The Qur'ān must not be recited in the streets, the market or the *ḥammām*, according to the doctrine of Mālik and Saḥnūn.<sup>53</sup> One should not commit to memory the words of the Qur'ān without learning its contents: this was the doctrine of Mālik, who did not accept that children should learn the Qur'ān, because they would not understand what they were learning.<sup>54</sup> Mālik also disliked people endeavouring to complete the recitation of the Qur'ān in a few days, because this prevents meditating up

<sup>50</sup>) Cf. *Madkhal*, ed. 1380/1960, I, 82–93. On the meaning of *sakīna* see I. Goldzihler, "La notion de la *sakīna* chez les Mohamétans", *Gesammelte Schriften* (6 vols., Hildesheim, 1967), III, 296–308.

<sup>51</sup>) See *Hawādith*, chapters III–V of the Fourth Part (n°s 160–177).

<sup>52</sup>) *Hawādith*, n° 161; cf. Saḥnūn, *al-Mudawwana al-kubrā*, I, 223–4.

<sup>53</sup>) *Hawādith*, n°s 162–163, and cf. Ibn Abī Zayd, *Kitāb al-jāmi'*, pp. 165–6. The same censorship in Ibn al-Ḥājj and al-Turkumāni: see *Madkhal*, ed. 1380/1960, III, 114 and *Luma'*, pp. 58, 231.

<sup>54</sup>) See *Hawādith*, chapter IV of the Fourth Part (n°s 164–173).

on its contents.<sup>55</sup>) Al-Ṭurṭūshī states that the fear expressed by the first generations of Muslims has become true in his days: the *qurrā'* know by heart the Qur'ān, but totally ignore what is prescribed in it, therefore resembling donkeys carrying books. Their behaviour is the same of that of the Jews with their Sacred Books.<sup>56</sup>) As regards the writing of the Qur'ān, copies should not be divided into volumes; the verses of each *sūra* should not be numbered, and no punctuation should be introduced. These prohibitions do not apply to the way children write the Qur'ān on their slates.<sup>57</sup>) Mālik was against the writing in red of the ten divisions of the Qur'ān, an innovation introduced by al-Ḥajjāj b. Yūsuf.<sup>58</sup>) Mālik forbade the use of gold for writing the Qur'ān, the division of the Qur'ānic text into ten parts and embellishing its copies.<sup>59</sup>) Nāfi' and Sufyān al-Thawrī were against making a clamor when the *imām* recites Qur'ān 79:24 ("He said: I am your Lord, the most High").<sup>60</sup>) Ibn Waddāḥ, al-Ṭurṭūshī and al-Shāṭibī quote the condemnation by Mālik and Sufyān al-Thawrī of the practice of giving preference in Qur'ānic recitation to the verse 112:1 ("Say: He is God, One").<sup>61</sup>) The practice seems to have been backed by a well-known *ḥadīth* where the Prophet states that the recitation of that verse is equivalent to the recita-

<sup>55</sup>) *Hawādith*, n° 147. The practice was nevertheless very common among ascetics: see in Ibn al-Abbār, *Takmila* (ed. 'I. al-'Atṭār al-Ḥusaynī, Cairo, 1956), n° 338, a pupil of Ibn Mujāhid al-Ilbiri who used to recite the Qur'ān in a *rak'a* that lasted only one night.

<sup>56</sup>) *Hawādith*, n°s 166 and 169–173. All these issues are treated in the works devoted to *akhlāq/ādāb ḥamalāt/ahl al-Qur'ān*, like the work by al-Ājurri (see note 37) and that by Yaḥyā b. Sharaf al-Nawawī, *al-Tibyān fī ādāb ḥamalāt al-Qur'ān*, edited several times. See also *Talbis*, ed. Beirut, pp. 123–5. The negative image of the *qurrā'* is the result of a process studied by G. H. A. Juynboll: see his "The position of Qur'ān recitation in early Islam", *JSS* 19/2 (1974), pp. 240–251.

<sup>57</sup>) See *Hawādith*, chapter V of the Fourth Part (n°s 174–177). Cf. *Madkhal*, ed. 1380/1960, I, 73–4.

<sup>58</sup>) *Hawādith*, n° 177 and cf. Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 240. Al-Ḥajjāj is allegedly the author of several innovations: see *Iṭiṣām*, I, 172; Fierro, "The celebration of 'Āshūrā", section 3 and note 24.

<sup>59</sup>) *Hawādith*, n° 272. On the prohibition of gold, see *Iqtidā'*, ed. 1369/1950, pp. 297–8/245 and G. H. A. Juynboll, "The Attitude towards Gold and Silver in Early Islam", *Pots and Pans. A colloquium on precious metals and ceramics* (ed. M. Vickers, Oxford Univ. Press, 1986), pp. 107–115.

<sup>60</sup>) *Hawādith*, n° 252.

<sup>61</sup>) See *Kitāb al-bida'*, VI, 5 and VI, 6 and p. 111 of the study; *Hawādith*, n° 266; *Iṭiṣām*, II, 15. Cf. Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 371–3, 471, 488, and *Mī'yār*, II, 474–6 and XI, 90–1.

tion of a third of the Qur'ān.<sup>62</sup>) However, this *ḥadīth* should not be taken as a pretext to forget the rest of the Qur'ān. The predilection for Qur'ān 112: 1 led to the invention of a prayer called *alfīya*: formed by one hundred *rak'a*-s, in each of them the first *sūra* is recited together with Qur'ān 112: 1 ten times, making a thousand repetitions. The *alfīya* was performed in the night of mid-Sha'bān.<sup>63</sup>) Al-Ghazālī saw nothing wrong with it.<sup>64</sup>) Mālik rejected the recitation in the mosque made using a copy (*muṣḥaf*) of the Qur'ān, another innovation introduced by al-Ḥajjāj b. Yūsuf.<sup>65</sup>) It is blameworthy to assemble in the mosque to recite the Qur'ān on Thursday or another day; the Qur'ān should not be recited, totally or partially, starting at the end and ending at the beginning.<sup>66</sup>) It is also blameworthy to recite publicly the entire Qur'ān (*khatm*) during Ramaḍān.<sup>67</sup>)

## 2.2. Mosques.

2.2.1. *Miḥrāb*. Al-Ṭurṭūshī states that the *miḥrāb* is an innovation<sup>68</sup>) and therefore it is also an innovation that the *imām* stands in it.<sup>69</sup>) Al-Ḍaḥḥāk b. Muzāḥim considered that the *miḥrāb* was the first sign of polytheism and thus avoided entering it. Al-Suyūṭī dealt with this issue in a monograph, entitled *Flām al-arīb bi-ḥudūth bid'at al-maḥārib*.<sup>70</sup>) According to al-Wansharīsī, the *miḥrāb* is a praiseworthy innovation.<sup>71</sup>) The fact that the

<sup>62</sup>) See 'Abd al-Razzāq, *Muṣannaf*, III, 371, n° 60003-6 and I, 148-9, n° 2853; Mālik, *Muwatta'*, pp. 166-7, n°s 333-5; Ibn al-Jawzī, *Mawḍū'āt*, I, 249-50; *Concordance*, I, 296. Yūsuf b. 'Abd Allāh al-Armiyūnī (d. 958/1551) wrote a work entitled *al-Arba'ūn ḥadīth<sup>an</sup> fi faḍā'il qul huwa Allāh aḥad*, of which there is a ms. in the King Faisal Ph. Foundation, n° 2165/6.

<sup>63</sup>) See *Bā'ith*, pp. 34-41; *Madkhal*, I, 293, 299; *Fi ṭiṣām*, I, 168-9, 227, 229; *Mi'yār*, II, 508-9 (*Mustaḥsan*, n° 124); *Iqtidā'*, ed. 1369/1950, pp. 302-3/249-50; Longás, *Vida religiosa*, p. 94; Kister, "Sha'bān", pp. 32-3. See *infra*, section 2.3.2.

<sup>64</sup>) See the chapter of the *Ihyā'* entitled *kitāb tartīb al-awrād wa-tafṣīl ihyā' al-layl*.

<sup>65</sup>) *Hawādith*, n° 272 and cf. Ibn Abi Zayd, *Kitāb al-jāmi'*, p. 164; *Madkhal*, ed. 1380/1960, II, 211 and III, 114.

<sup>66</sup>) *Hawādith*, n° 272.

<sup>67</sup>) *Hawādith*, n°s 51 and 118 and see also section 2.3.1. below (*ṣalāt al-tarāwīḥ*).

<sup>68</sup>) See *Hawādith*, n° 178 and EI<sup>2</sup>, s.v. (G. Fehérvári): the concave *miḥrāb* was employed for the first time by 'Umar b. 'Abd al-'Aziz.

<sup>69</sup>) 'Abd al-'Aziz b. Mūsā b. Nuṣayr stood in the *miḥrāb* while presiding at prayer in Sevilla: see Ibn al-Qūṭiyya, *Ta'rikh iftitāḥ al-Andalus* (Madrid, 1926) p. 8/11; *Fath al-Andalus* (Alger, 1889), p. 24. Cf. *Talbis*, ed. Beirut, p. 276.

<sup>70</sup>) See GAL, II, 154. See also al-Haythamī, *Majma' al-zawā'id*, II, 15-6.

<sup>71</sup>) See *Mi'yār*, II, 486-7 (*Archives Marocaines* XII (1908), p. 356). Cf. Ibn Ḥazm, *Muḥallā*, IV, 239-40; *Bā'ith*, p. 68.

*mihṛāb* had become a well-established feature of the mosque explains that al-Ṭurṭūshī, in spite of its condemnation, recalls that, according to Mālik, the *mihṛāb* should not be decorated with inscriptions taken from the Qur'ān.<sup>72)</sup>

2.2.2. Embellishment of mosques. The embellishment and decoration of mosques is censured by al-Ṭurṭūshī<sup>73)</sup> mainly for two reasons: it imitates a Jewish and Christian practice, and it distracts the believers from their prayers, contributing to the corruption of the people.<sup>74)</sup> For al-Qurtūbī (d. 671/1272), the decoration of mosques is one of the signs of the Last Hour.<sup>75)</sup> Because of that, the Prophet mentioned the futility of building sumptuous temples in a *ḥadīth* studied by Kister.<sup>76)</sup> Inscriptions are not to be made in the mosques.<sup>77)</sup> Although the decoration of mosques is wrong, al-Ṭurṭūshī seems to consider that it cannot be stopped. On the one hand, the embellishment of mosques was always a polemical issue, with scholars such as Abū Ḥanīfa and al-Samarqandī favourable to it.<sup>78)</sup> On the other hand, it has positive aspects, like showing the infidels the grandeur of Islam, as in the case of the decoration with mosaics of the Damascus mosque.<sup>79)</sup>

2.2.3. *Ittibā' āthār al-nabī*. A number of traditions in Ibn Waḍḍāḥ's treatise quote Mālik's doctrine against *ittibā' āthār al-nabī*,<sup>80)</sup> literally, "following the footsteps of the Prophet", by which it is meant the tendency of going to pray in places visited by the Prophet or places that had a special significance during his life, thus transforming them into sanctuaries. The opposition to this practice is based on the fact that Jews and Christians acted that way. 'Umar b. al-Khaṭṭāb ordered the Ḥudaybiya tree cut down

<sup>72)</sup> *Ḥawādith*, n° 184 and cf. Kister's review of Talbi's ed. of *Ḥawādith*, pp. 138-9.

<sup>73)</sup> See also Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 270; al-Suyūṭī, *al-Amr bi-l-ittibā'*, p. 117.

<sup>74)</sup> *Ḥawādith*, n°s 180, 181, 182, 188.

<sup>75)</sup> *al-Tadhkira fī aḥwāl al-mawtā wa-umūr al-ākhirā* (ed. Ahmad Ḥijāzī al-Saqqa, 2 vols. in 1, Beirut, 1406/1986), II, 356. See also *Madkhal*, ed. 1380/1960, II, 209.

<sup>76)</sup> "A booth like the booth of Moses . . .": a study of an early *ḥadīth*", *BSOAS* XXV (1962), pp. 150-5, and see *Ḥawādith*, n° 179.

<sup>77)</sup> *Ḥawādith*, n° 184 and cf. n° 217.

<sup>78)</sup> See Kister's review, pp. 137-8.

<sup>79)</sup> *Ḥawādith*, n° 183. See M<sup>a</sup> I. Fierro, "Sobre la decoración con mosaicos de las mezquitas omeyas", *Homenaje al Prof. Jacinto Bosch Vilà* (2 vols., Granada, 1991), II, 131-44. See also *Mī yār*, II, 423.

<sup>80)</sup> See *Kitāb al-bida'*, VI, 1, 2, 3, 4, 4a and 8b, and pp. 110-1 of the study.

when it became a pilgrimage site.<sup>81)</sup> Mālik and other scholars from Medina prohibited the abundant *āthār* of the Prophet in the region being transformed into sanctuaries. There was difference of opinion as to whether Qubā' and Uḥud were excepted. There was no question, however, that Muslims should not go deliberately to Jerusalem in order to pray there.<sup>82)</sup> Mālik's opposition to *ittibā' āthār al-nabī* does not deny that the practice in itself is good if performed on a voluntary basis. However, it may lead to dangerous consequences if it is taken to be something established by the tradition, because in that way new ritual practices might be created to rival the obligatory practices prescribed by the law. The danger in this case is that those places might be transformed into sanctuaries rivaling the mosques of Mecca and Medina. The same practices are condemned by al-Ṭurtūshī,<sup>83)</sup> although for him Jerusalem stands in the same rank as Mecca and Medina. Apart from the latter, the only mosque which has a special merit is that of Qubā', but even so, the fixing of a special day for its visit was avoided for fear that such practice would become a festival ('*īd*) or an obligatory precept. Al-Ṭurtūshī deals extensively with the issue whether praying in the places where the Prophet prayed implies a special merit. Two contrary opinions of Mālik are recorded. As regards Mālik's opinion denying to the practice any special merit, it coincides with that of 'Umar b. al-Khaṭṭāb. As regards Mālik's opinion stating the presence of special merit, there are the precedents established by Ibn 'Umar and Salama b. al-Akwa', who practiced *ittibā' āthār al-nabī*.<sup>84)</sup> The explanation for the fact that, compared to Ibn Waḍḍāh, al-Ṭurtūshī does not seem to consider polemical the place of Jerusalem, is that the latter is writing at a moment when Jerusalem was in Christian hands and it is well known the effect that the Crusades had in enhancing the veneration of Jerusalem.<sup>85)</sup> The denunciation of pilgrimages

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<sup>81)</sup> See *Kitāb al-bida'*, VI, 3, 4; *Hawādith*, n°s 265 and 281; see also *Iqtidā'*, ed. 1369/1950, p. 306/250.

<sup>82)</sup> On this issue see Kister, "You shall only set out for three mosques".

<sup>83)</sup> See *Hawādith*, n°s 186, 187, 252, 265, 280, 281, 282, chapter XV of the Fourth Part, and cf. *Iqtidā'*, ed. 1369/1950, pp. 429-32/314-5.

<sup>84)</sup> Cf. *Iqtidā'*, ed. 1369/1950, pp. 387-9/300-2 and I. Goldziher, *The Zāhiris, their doctrine and their history* (trad. W. Behn, Leiden, 1971), p. 77, note 3.

<sup>85)</sup> See E. Sivan, "Le caractère sacré de Jerusalem dans l'Islam aux XIIe-XIIIe siècles", *SI XXVII* (1967), pp. 149-82, and *L'Islam et la Croisade. Ideologie et propagande dans les réactions musulmanes aux Croisades* (Paris, 1968), pp. 47, 48, 59, 64, 80, 118, 145, 147. Cf. A. L. Tibawi, "Jerusalem: its place in Islam and Arab history", *IQ* 12 (1968), pp. 185-218.

to places other than Mecca is especially emphasized by Ibn Taymiya,<sup>86)</sup> also by al-Suyūṭī and Ibn Fūdī.<sup>87)</sup> Neither Ibn Waḍḍāḥ nor al-Ṭurṭūshī mentions the most important development of such innovation: the visiting of saints' tombs (*ziyārat al-qubūr*).

2.2.4. Good manners in the mosques.<sup>88)</sup> Al-Ṭurṭūshī devotes two chapters to this issue.<sup>89)</sup> According to Qur'ān 24:36–7, mosques were built for the performance of acts leading to the other life. It is thus necessary to respect them, to make sure that their cleanliness is preserved and that they are kept free of a number of practices that were already reprehended by Mālik:

– Putting a box (*tābūt*) for collecting alms, as well as asking for alms.<sup>90)</sup>

– Eating and drinking.<sup>91)</sup> Eating something light or in small quantity could be admitted, although it is always better to eat outside the mosque. If the food is abundant, its consumption is not allowed even in the esplanade (*riḥāb*) of the mosque. It is permitted to have dates in the mosque to give to the poor. Fasts should not be broken in the mosque by eating dates, dried fruit or the like, because there will be the problem of what to do with the remnants. Mālik and other scholars of Medina used to drink in the mosque, where there were waterskins for the thirsty.

<sup>86)</sup> See *Iqtidā'*, ed. 1369/1950, pp. 306/250 and 386/299–300. See also Perlmann, "A seventeenth century exhortation", p. 270.

<sup>87)</sup> See *al-Amr bi-l-ittibā'*, p. 67; Masud, "Shehu Usumanu dan Fodio", pp. 70 and 72.

<sup>88)</sup> Cf. the section entitled *Munkarāt al-masājid* in al-Ghazālī, *Iḥyā' 'ulūm al-dīn*. See also Ibn Abī Zayd, *Kitāb al-jāmi'*, pp. 164–5; Ibn Ḥazm, *Muḥallā*, IV, 239–49; Ibn 'Abdūn, *Risāla*, transl., pp. 87, 90 (n°s 110, 111, 114); Ibn 'Abd al-Ra'ūf, *Risāla*, pp. 73–4; al-'Uqbānī, *Tuḥfa*, p. 148; al-Haythamī, *Majma' al-zawā'id*, II, 18–22; *Madkhal*, ed. 1380/1960, II, 207–46 (the source is *Hawādith*); *Luma'*, pp. 138–48; *Iṭiṣām*, II, 92; al-Dajjānī's tract on *faḍl al-masājid* studied by Perlmann, "A seventeenth century exhortation concerning al-Aqṣā"; *Iḥyā' al-sunna*, pp. 72–79 (the source is *Madkhal*). I have been unable to consult the work by Jamāl al-dīn al-Qāsimī, *Iṣlāḥ al-masājid min al-bida' wa-l-'awā'id* (Cairo, 1341 H), mentioned by Kister, "Sha'bān", note 76.

<sup>89)</sup> See *Hawādith*, chapters VIII–IX (n°s 199–224) of the Fourth Part.

<sup>90)</sup> *Hawādith*, n°s 199, 212 and cf. n° 197. See also Ibn 'Abd al-Ra'ūf, *Risāla*, p. 74; *Mūyār*, I, 147.

<sup>91)</sup> *Hawādith*, n°s 200, 206–209. See Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 237, 268, 334; Ibn 'Abd al-Ra'ūf, *Risāla*, p. 74.



– Fans placed in the entrance of mosques, speaking in foreign languages or adopting the upper part of the mosque as a house.<sup>92)</sup>

– Cutting the nails and the hair, or cleaning the teeth and rinsing the mouth. The barber cannot enter the mosque to perform his work on a person who is in spiritual retirement (*ṣ'tikāf*).<sup>93)</sup>

– Foreigners and the poor can spend the night in the mosque, but people living near it cannot, unless they have no other place to sleep. In any case, mosques must not become permanent residences. An exception is the case of the *mu'takif* or the person who remains in the mosque for the performance of nightly prayers, and even so he must leave the mosque for his personal hygiene. Young people must not sleep in the mosque. Foreigners and locals may have their siesta in the mosque during the day, because the Prophet, 'Umar and 'Uthmān used to do so.<sup>94)</sup>

– Cushions and pillows to sit on should not be used. Mats and carpets are admitted in order to obtain a more uniform and soft floor and for protection from the cold pebbles.<sup>95)</sup>

– Lice and fleas should not be killed. Killing the latter is less serious. Spitting is forbidden, being admitted only if it is possible to conceal it, for example amidst the pebbles of the floor, or, if the floor is covered with mats, it is possible to spit beneath them.<sup>96)</sup>

– Selling or displaying goods. But if selling is not premeditated (for example, one proposes to another to buy the clothes that he is wearing), then it may be admitted. The prohibition of selling is based on two reasons: the mosque is not a market and one of the signs of the Last Hour will be that goods will be sold in the mosques; such activities produce commotion and turmoil.<sup>97)</sup>

<sup>92)</sup> For the first see *Hawādith*, n° 200; Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 251, 317, 401; *Madkhal*, ed. 1380/1960, I, 191-2 and II, 222; *Ihyā' al-sunna*, p. 74. For the second, see *Hawādith*, n° 201 and cf. n° 126. See Kister's review, p. 139; Goldziher, *Muslim Studies*, I, 157, note 3; Ibn al-Jawzī, *Mawḍū'āt*, III, 71-2. For the third, see *Hawādith*, n° 202.

<sup>93)</sup> *Hawādith*, n°s 202 and 210. See *Luma'*, p. 147.

<sup>94)</sup> *Hawādith*, n°s 203-204. See *Mi'yār*, I, 23 and XI, 13; Ibn Ḥazm, *Muḥallā*, IV, 241.

<sup>95)</sup> *Hawādith*, n° 205.

<sup>96)</sup> *Hawādith*, n°s 210-211. See Ibn 'Abd al-Ra'ūf, *Risāla*, p. 74; *Madkhal*, ed. 1380/1960, II, 208; *Luma'*, p. 147. According to al-Wansharisī (*Mi'yār*, II, 478), the substitution of pebbles by mats is a blameworthy innovation. In *Hawādith*, n° 211, it is stated that the first to use pebbles was 'Umar b. al-Khaṭṭāb.

<sup>97)</sup> *Hawādith*, n°s 213-215. Cf. Ibn Sahl, *Mezquitas*, pp. 66-7; Ibn 'Abd al-Ra'ūf, *Risāla*, p. 73; *Madkhal*, ed. 1380/1960, I, 290; *Luma'*, pp. 141 and 147; *Mi'yār*, XI, pp. 97-8. See also Ibn Sahl, *Mezquitas*, pp. 75-7.

– Making noise and fuss, for example, crying out for something lost. In order to avoid noise in the mosque, the caliph 'Umar ordered a courtyard (*al-bathā'*) to be built near the mosque. 'Umar was very harsh with people who raised their voices in the mosque and punished those inhabitants of Medina who did so, although he used to forgive foreigners; Mālik acted similarly. It is allowed in the mosques to relate the news of the armies and *aḥādīth* but in a proper tone of voice. God once punished those who talked of mundane things in the mosque, and Jesus hit those who engaged in polemics in the temple.<sup>98</sup>)

– It is allowed to write copies of the Qur'ān in the mosques. Children must not be taught in the mosques for two reasons: because there is gain and because children are dirty. It is allowed to bring children to the mosque if they are well behaved and will not make noise.<sup>99</sup>)

– Sewing and other activities that are performed in the open air are not allowed in mosques. It is permitted to inflict corporal punishments of few lashes in the mosques.<sup>100</sup>)

2.2.5. The mosque of Mecca. Al-Ṭurṭūshī recalls certain reprehensible practices associated with the mosque of Mecca, such as raising the hand in front of the Ka'ba, a Jewish practice according to Mujāhid, and touching the *maqām Ibrāhīm*. The latter habit could not be stopped, so the place was destroyed.<sup>101</sup>) Al-Ṭurṭūshī's source is the *Ta'rikh Makka* of al-Azraqī (d. 244/838).

2.2.6. The mosque of Medina. The tomb and the *minbar* of the Prophet must not be touched. It is admissible to approach the tomb and make the *salām* of the Prophet. The invocation must be done, facing the *qibla*, with one's back to the tomb, in order to make clear that the invocation is direct-

<sup>98</sup>) *Hawādīth*, n°s 216, 220–224. See Ibn 'Abd al-Barr (d. 463/1070), *Jāmi' bayān al-'ilm* (2 vols. in 1, Beirut, 1398/1978), I, 139; Ibn Ḥazm, *Muḥallā*, IV, 241; *Iṭīṣām*, II, 94; *Iḥyā' al-sunna*, p. 75. Cf. also *Madkhal*, ed. 1380/1960, I, 45 and II, 104.

<sup>99</sup>) *Hawādīth*, n°s 217–218. Cf. Ibn Sahl, *Mezquitas*, pp. 67–8; *Luma'*, p. 141; *Mi'yār*, VII, 83–4; *Iḥyā' al-sunna*, p. 74.

<sup>100</sup>) *Hawādīth*, n° 219 (cf. Ibn 'Abd al-Ra'ūf, *Risāla*, p. 73) and n° 224.

<sup>101</sup>) See *Hawādīth*, chapter XII (n° 239) of the Fourth Part. On the practice of *mash*, see A. Guillaume, "Stroking an idol", *BSOAS XXVII* (1964), p. 430. On the *maqām Ibrāhīm*, see *Luma'*, p. 142; G. R. Hawting, "The origins of the Muslim sanctuary at Mecca", *Papers on Islamic history. Studies on the first century of Islamic society* (Carbondale, 1982), pp. 23–48.

ed not to a physical object but to God. There is discordant opinion on this issue.<sup>102)</sup>

2.2.7. Other innovations. The mosques of the innovators must be destroyed and those built with illicit money should not be visited.<sup>103)</sup>

### 2.3. Celebration of certain days or months.

#### 2.3.1. Ramaḍān.

*Ṣalāt al-tarāwīḥ*.<sup>104)</sup> Al-Ṭurtūshī denies that the *ṣalāt al-tarāwīḥ* (nightly prayer of Ramaḍān) is an innovation and considers it a recommendable practice. On the one hand, the prayer has a prophetic precedent; on the other, the innovation attributed to ‘Umar (see 1.1.) merely consisted in fixing and prescribing certain of its characteristics. The caliph acted legitimately in doing so, because his intervention was made according to what he knew the Prophet had in mind. The “innovation” of ‘Umar was attacked by the Shi‘ites and others.<sup>105)</sup> As a Mālikī scholar living under the Fāṭimids, al-Ṭurtūshī must have felt compelled to defend a practice that was itself under attack by the Fāṭimids. The North African historian al-Mālikī informs us that Muḥammad b. ‘Umar al-Marwarrūdhī, *qāḍī* of the first Fāṭimī caliph, forbade the people of Ifriqiya to perform that prayer, as part of the policy aimed at emphasizing the Shi‘ī character of the new dynasty.<sup>106)</sup> Several data in the biographical dictionaries and historical chronicles show that the *ṣalāt al-tarāwīḥ* was a very common practice among the Sunnis in North Africa, including Egypt,<sup>107)</sup> as well as in other

<sup>102)</sup> *Hawādith*, n° 274. Cf. *Iqtidā’*, ed. 1369/1950, pp. 322–3/260, 325/260–1, 364/286, 368/289, 394/303 and ss. See also Memon’s study, p. 19; *Iḥyā’ al-sunna*, p. 127.

<sup>103)</sup> *Hawādith*, n°s 260 and 185.

<sup>104)</sup> See Wensinck’s studies in EI<sup>1</sup>, IV, 698 and “Arabic New Year”, p. 13. He thinks that the *ṣalāt al-tarāwīḥ* was a substitute of the spiritual retirement (*i’tikāf*) associated with Ramaḍān; on p. 37 he suggests a Jewish precedent.

<sup>105)</sup> For example, the Mu‘tazilī al-Nazzām accused ‘Umar of having invented that prayer: see al-Baghdādī (d. 429/1037), *Kitāb al-mīlāl wa-l-niḥāl* (ed. A. Nader, Beirut, 1986), p. 99.

<sup>106)</sup> See *Riyād*, II, 55–6; Brunschvig, “*Fiqh fatimide et histoire de l’Ifriqiya*”, *Études d’Islamologie*, I, 68; Lev, *State and society*, p. 143 and note 48. The Umayyad caliph of al-Andalus al-Ḥakam II, after defeating the Fāṭimids in the Maghrib, made the rulers of Fez promise that they will practice the *ṣalāt al-tarāwīḥ*: see Ibn Hayyān, *Muqtabis* (ed. ‘A. R. Hājjī, Beirut, 1965), p. 174.

<sup>107)</sup> For Egypt, see al-Kindī (d. 350/961), *Kitāb wulāt Miṣr* (ed. R. Guest, Leiden/London, 1912), p. 210; al-Ṣubkī (d. 771/1369), *Ṭabaqāt al-shāfi‘iyya* (10 vols.,

parts of the Islamic world.<sup>108</sup>) If on the one hand al-Ṭurtūshī defends the *ṣalāt al-tarāwīḥ*, on the other, he does not hesitate to condemn a number of practices associated with that prayer, like erecting pulpits (*minbar*) during the entire recital (*khatm*) of the Qur'ān performed in Ramaḍān. From those pulpits sermons are pronounced, stories are told and invocations are made.<sup>109</sup>) Al-Ṭurtūshī does not condemn the *khatm* in itself, if it were made privately or discretely,<sup>110</sup>) but only when it becomes a public demonstration<sup>111</sup>) and thus an opportunity for the fearful *ikhtilāṭ*, or the mixing of men and women, to take place. Later scholars who have paid attention to these practices are Ibn Rushd (Averroes), Abū Shāma, Ibn Taymiya, Ibn al-Ḥājj, al-Turkumānī, al-Shāṭibī,<sup>112</sup>) al-Suyūṭī,<sup>113</sup>) al-Wansharisī and Ibn Fūdī.<sup>114</sup>)

*Laylat al-qadr*.<sup>115</sup>) The identification of which night is *laylat al-qadr* mentioned in Qur'ān 92:1 has always been a debated issue in Islam. Al-

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Cairo, 1383/1964), VIII, 251-2; Lane, *An Account of the Manners and Customs of the Modern Egyptians*, pp. 475-8. For North Africa see 'Iyād, *Madārik*, V, 147 and VI, 218 (Ibn Abi Zayd wrote a *Kitāb faḍl qiyām ramaḍān*). For al-Andalus see Ibn al-Abbār, *Takmila*, ed. Cairo, n°s 305, 423, 703, 930, 1524; Ibn 'Abdūn, *Risāla*, transl., p. 83. I am preparing a study of the *ṣalāt al-tarāwīḥ*.

<sup>108</sup>) See G. Makdisi, *Ibn 'Aqil et la résurgence de l'Islam traditionniste au XIe siècle* (Damascus, 1963), p. 446. See also A. J. Wensinck, *The Muslim creed. Its genesis and historical development* (Cambridge, 1932), pp. 219-20.

<sup>109</sup>) See *Bā'ith*, p. 39; *Iḥyā' al-sunna*, p. 139; al-Shāṭibī, *Fatāwā*, pp. 207-8.

<sup>110</sup>) See 'Iyād, *Madārik*, IV, 384 and VI, 35-6, examples of North African scholars (3rd-4th/9th-10th centuries) who made the *khatm* in Ramaḍān. See also *Bā'ith*, p. 40 and *Mi'yār*, XI, 114.

<sup>111</sup>) See R. Brunschvig, *La Berbérie Orientale sous les Hafsides* (2 vols., Paris, 1940-7), II, 308-9.

<sup>112</sup>) See *Bidāya*, I, 202-3; *Bā'ith*, pp. 85-87; *Iqtidā'*, pp. 129/231, 132-3/234-6 and ed. 1369/1950, pp. 103/156, 275/231, 276-7/234-6, p. 360, note 279; *Madkhal*, II, 290-305 and ed. 1380/1960, II, 298-314; *Luma'*, p. 232; *Ftiṣām*, I, 39, 193-5.

<sup>113</sup>) Author of a work entitled *al-Maṣābiḥ fī ṣalāt al-tarāwīḥ*, with mss. in Baghdad, *Awqāf*, n° 13741/15; Yale, n° 776; Ahlwardt, III, 319 and 389. See also *al-Amr bi-l-ittibā'*, p. 71.

<sup>114</sup>) See *Mi'yār*, I, 147-9, 156, 158-9, 162, 172, 216; XII, 68; *Iḥyā' al-sunna*, pp. 22, 25, 13-5, 197.

<sup>115</sup>) See Wensinck's study, "Arabic New Year", for whom that night was originally a New Year's night. See also the material in al-Bayhaqī, *Sunan*, IV, 306-14; al-Haythamī, *Majma' al-zawā'id*, III, 174-9; Ibn Ḥazm, *Muḥallā*, VII, 33; *Mi'yār*, XI, 114; al-Nābulusī, *Faḍā'il*, pp. 51-4. In the 14th century AD there was a polemic in Tunis on which festival was more important, the *laylat al-qadr* or the *mawlid*: see *Mi'yār*, VIII, 255 and de la Granja, "Materiales. II", p. 123, note 4.

Ṭurṭūshī dealt with this problem in his work.<sup>116)</sup> On the one hand, it is generally considered to be the night on which the Qur'ān was revealed, and belongs to the month of Ramaḍān; on the other hand it is discussed by some whether it coincides with the “blessed night” mentioned in Qur'ān 44:1-3/4, identified with the night of mid-Sha'bān. Al-Ṭurṭūshī rejects the latter possibility, as did Ibn Waddāh before him,<sup>117)</sup> but without proposing a specific date in Ramaḍān.<sup>118)</sup>

2.3.2. Sha'bān.<sup>119)</sup> Ibn Waddāh and al-Ṭurṭūshī,<sup>120)</sup> like other Mālikīs, do not accept the alleged excellence of the night of mid-Sha'bān (*laylat al-nisf min sha'bān*) and its celebration, an issue (as we have seen) connected with the identification of *laylat al-qadr*. The night of mid-Sha'bān has been identified with both the “blessed night” mentioned in Qur'ān 44:2, and also with *laylat al-qadr*. The belief exists that on the night of mid-Sha'bān God fixes everything that will transpire in the New Year.<sup>121)</sup> Compared to the Mālikīs, Ibn Taymiya and al-Suyūṭī are less firm, admitting that the night of mid-Sha'bān has certain qualities which make it a night different from others.<sup>122)</sup> Like the Mālikīs, however, both are against the *alfiya* prayer made on that night. For Ibn al-Jawzī, the *ḥadīth* establishing the precedent for the prayer is false.<sup>123)</sup> In spite of these reservations, the night of mid-Sha'bān has been celebrated by the Sunnis,<sup>124)</sup> and especially by the

<sup>116)</sup> See *Hawādīth*, chapter XI (n°s 232-237) of the Fourth Part.

<sup>117)</sup> See *Kitāb al-bida'*, VII, 1, 2, and pp. 114-5 of the study.

<sup>118)</sup> On the vacillations about which night of Ramaḍān is the *laylat al-qadr* see 'Abd al-Razzāq, *Muṣannaf*, IV, 246-55; Ibn Abi Shayba, *Muṣannaf*, II, 511-5 and III, 75-7; *Concordance*, V, 314-5; Mālik, *Muwatta'*, pp. 262-4, n°s 11-17; Saḥnūn, *Mudawwana*, I, 239; Ibn Ḥazm, *Muhallā*, VII, 33.

<sup>119)</sup> See Kister, “Sha'bān is my month” and review, p. 141; Wensinck, “Arabic New Year”, p. 11; al-Nābulusī, *Fadā'il*, pp. 33-8.

<sup>120)</sup> See *Kitāb al-bida'*, VII, 1, 2, and pp. 114-5 of the study; and *Hawādīth*, chapter XI (n°s 232-238) of the Fourth Part. See also *Madkhal*, ed. 1380/1960, I, 292-307 and II, 19; *I'tisām*, I, 227, 229, 230, as well as *Bā'ith*, pp. 34-4.

<sup>121)</sup> See Abū Bakr Ibn al-'Arabī, *Aḥkām*, IV, 1678 and 1949-51.

<sup>122)</sup> See *Iqtidā'*, ed. 1369/1950, pp. 302-3/248-9; *al-Amr bi-l-ittibā'*, p. 61. See also al-Nābulusī, *Fadā'il*, pp. 39-43; Perlmann, “A seventeenth century exhortation”, p. 264.

<sup>123)</sup> See *Mawḍū'āt*, II, 127-130; al-Suyūṭī, *al-Amr bi-l-ittibā'*, p. 65.

<sup>124)</sup> The celebration seems to have already existed in the times of the Successors, especially in Syria: see Kister, “Sha'bān”, p. 29, who considers it a survival of the Jāhiliya (p. 34). Examples of its celebration in Ibn 'Abdūn, *Risāla*, transl., p. 74; Ibn Munqidh (d. 584/1188), *Kitāb al-Ftibār* (transl. Ph. K. Hitti, *Memoirs of an Arab-Syrian Gentleman or an Arab Knight in the Crusades*, Beirut, 1964), p. 156; Laoust, *Profession de foi*, XL; *Madkhal*, ed. 1380/1960, I, 302-3 (see Kister, “Sha'bān”)

Shi'ites.<sup>125</sup>) Not accepting the "merits" of the night of mid-Sha'bān, al-Ṭurṭūshī does not accept either an innovation associated with Sha'bān and Rajab that appeared in his time. This is the prayer called *ṣalāt al-raqhā'ib* ("prayer of the desires"). His informant, Abū Muḥammad al-Maqdisī, told him that in the year 448/1056, a man from Nablus, called Ibn Abi l-Ḥamrā', performed that prayer in the mosque of Jerusalem. Ibn Abi l-Ḥamrā' had many followers and soon it was believed that the prayer was *sunna*.<sup>126</sup>) Later authors employ the term *ṣalāt al-raqhā'ib* to designate the prayer made in Rajab (see *infra*). For his part, Abū Shāma states that the *alfīya* prayer was made on the night of mid-Sha'bān.<sup>127</sup>)

2.3.3. Rajab.<sup>128</sup>) Ibn Waḍḍāḥ and al-Ṭurṭūshī recall that 'Umar b. al-Khaṭṭāb used to punish those who fasted the whole of the month of Rajab.<sup>129</sup>) There are three reasons behind the prohibition of fasting in Rajab: first, because it was a month subject to special veneration during the Jāhiliya, and hence fasting during it could be seen as a perpetuation of a pagan practice;<sup>130</sup>) second, because to fast in it could be seen as rival to Ramaḍān; and finally, because the ignorant may think that fasting in Rajab is an obligatory duty like Ramaḍān. The traditions that recommend the fast of Rajab must not lead one to think that it is a *fariḍa* like the fast of Ramaḍān or a commendable practice like the fast of 'Āshūrā'. Who ever wants to fast out of devotion may do so,<sup>131</sup>) while making it plain that it is

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bān", p. 30); Ibn al-Abbār, *Takmila*, ed. Cairo, n° 643; I. Calero, "Los Banū Sid Būna", *Sharq al-Andalus* 4 (1987), p. 38.

<sup>123</sup>) See Kister, "Sha'bān is my month", p. 27.

<sup>126</sup>) *Hawādith*, n° 238.

<sup>127</sup>) See *Bā'ith*, p. 34, as well as *Iḥyā' al-sunna*, p. 100.

<sup>128</sup>) See on this month Kister's review, pp. 139-40 and his "Rajab is the month of God . . ."; al-Nābulusī, *Fadā'il*, pp. 27-32. See also *Iqtidā'*, ed. 1369/1950, pp. 301-2/248; *al-Amr bi-l-ittibā'*, pp. 60-6. Like the case of Sha'bān, there are special treatises devoted to Rajab: an example is Ibn Ḥāyar, *Tabyīn al-'ajab bi-mā warada fi faḍl rajab* (Beirut, 1988).

<sup>129</sup>) See *Kitāb al-bida'*, VI, 7 and pp. 111-2 of the study; *Hawādith*, chapter XIII (n°s 240-251) of the Fourth Part; *Bā'ith*, p. 52; *Iqtidā'*, ed. 1369/1950, pp. 301-2/248. See also 'Abd al-Razzāq, *Muṣannaḥ*, IV, 291-3; Ibn Abī Shayba, *Muṣannaḥ*, III, 102. Traditions in favour of the fast of this month are found in Ibn al-Jawzī, *Mawḍū'āt*, II, 205-8; al-Haythamī, *Majma' al-zawā'id*, III, 191.

<sup>130</sup>) This survival of a pagan practice might also be seen in the fact that one of the precepts of the religion of the Berber heretic Barghawāta was the fast of Rajab: see M<sup>a</sup> I. Fierro, *La heterodoxia en al-Andalus durante el periodo omeya* (Madrid, 1987), p. 157, section 9.4.

<sup>131</sup>) As the Moriscos did: see Longás, *Vida religiosa*, p. 230.

not considered an obligatory duty. The fact that al-Ṭurtūshī deals extensively with this month may be related with its being especially venerated among the Fāṭimids.<sup>132)</sup>

The *ṣalāt al-raqhā'ib*. Abū Muḥammad al-Maqdisī related to al-Ṭurtūshī that it was introduced in Jerusalem in the year 480/1087 during the month of Rajab. Al-Ṭurtūshī's information is quoted by Abū Shāma and al-Suyūṭī, who, like Ibn Taymiya, Ibn al-Ḥājj, al-Turkumānī and Ibn Fūdī, all paid attention to this prayer.<sup>133)</sup> The denunciation of the *ṣalāt al-raqhā'ib* is found too in *Mi'yār*, in a text insisting upon its being an innovation, in spite of the fact that many perform it and it is mentioned with approval in works like the *Qūt al-qulūb* by Abū Ṭālib Makkī (d. 386/996) and the *Ihyā' 'ulūm al-dīn* by al-Ghazālī.<sup>134)</sup> Abū Shāma is the one author who has devoted most coverage to this innovation.<sup>135)</sup> He explains that in his time *ṣalāt al-raqhā'ib* is called the prayer performed on the first Friday of Rajab, and that its invention is attributed to the traditionist and Ṣūfī Ibn Jaḥdam (d. 414/1023)<sup>136)</sup>. Ibn Taymiya prohibited the *ṣalāt al-raqhā'ib* in Syria, but after his imprisonment in Cairo, it was again performed in the mosque of Damascus.<sup>137)</sup>

2.3.4. 'Arafa.<sup>138)</sup> Ibn Waḍḍāḥ and al-Ṭurtūshī censure the vicarious celebration of the day of 'Arafa (9 Dhū l-ḥijja) elsewhere, by going to the local mosque and uttering the invocation.<sup>139)</sup> This practice (which I will call *ta'rīf bid'a*) is condemned because it lacks any precedent. However, it

<sup>132)</sup> See *al-Majālis al-mustanṣiriya*, ed. M. Kāmil Ḥusayn, p. 112, information given by Kister's review, p. 140, nota 3; Lev, *State and society*, p. 144.

<sup>133)</sup> See *Hawādith*, n° 238; *al-Amr bi-l-ittibā'*, pp. 59-60; *Iqtidā'*, ed. 1369/1950, pp. 292-3/241; *Madkhal*, ed. 1380/1960, I, 286-8 and IV, 261-97; *Luma'*, p. 53; *Ihyā' al-sunna*, p. 100. See also al-Subkī, *Ṭabaqāt*, VIII, 251-2.

<sup>134)</sup> *Mi'yār*, I, 300; see also II, 508-9. Ibn al-Jawzī argues the falsehood of the traditions presented as precedents for the *ṣalāt al-raqhā'ib*: see *Mawḍū'āt*, II, 124-6, as well as *Luma'*, p. 53.

<sup>135)</sup> See *Bā'ith*, pp. 10, 41-76.

<sup>136)</sup> *Bā'ith*, pp. 42-3. See on Ibn Jaḥdam Fierro, "El proceso contra Abū 'Umar al-Ṭalamankī", section 1.3., n° 10, and Ibn Ḥajar, *Lisān al-mizān* (5 vols., Beirut, 1971), IV, 238.

<sup>137)</sup> See Memon's introd. to his transl. of *Iqtidā'*, p. 12.

<sup>138)</sup> 'Arafa or 'Arafāt is a plain to the east of Mecca. On the day of 'Arafa or 9 Dhū l-ḥijja, the pilgrims perform there the *wuqūf* or assembly: see EI<sup>2</sup>, s.v. (A. J. Wensinck-H. A. R. Gibb); EI<sup>2</sup>, III, s.v. *ḥadjdj* (A. J. Wensinck-J. Jomier). See also Kister's review, p. 141; al-Nābulusī, *Fadā'il*, pp. 61-5.

<sup>139)</sup> See *Kitāb al-bida'*, ch. VIII, and pp. 115-6 of the study; *Hawādith*, chapter X (n°s 225-231) of the Fourth Part.

seems to have been an old practice. Its denunciation, made among others by Mālik, may be traced back to the 1st–2nd/8th–9th centuries.<sup>140)</sup> In order to stop the spreading of the *ta'rif bid'a*, scholars should avoid going to the mosque on that day, and should instead perform their invocations at home.<sup>141)</sup> Al-Ṭurtūshī recounts how he once assisted at the prayer of the day of 'Arafa in the mosque of Jerusalem, and learned that it was a widespread belief that whoever made four *wuqūfs* on that day in Jerusalem, performed the equivalent of the pilgrimage to Mecca. It is clear that behind the censoring of the *ta'rif bid'a* there is the fear that it may become a rival to the canonical rites of pilgrimage. The *ta'rif bid'a* seems to have made its appearance in the 1st/7th century,<sup>142)</sup> and was probably enhanced by the difficulty of making the pilgrimage to Mecca during the second civil war. Later, the 'Abbāsīd caliph al-Manṣūr built in Samarrā' for his Turkish troops a reproduction of the pilgrimage sites.<sup>143)</sup> In the second half of the 3rd/9th century, the mystic al-Hallāj was accused of promoting the *ta'rif bid'a*, through which he wanted to universalize the pilgrimage to Mecca, teaching that it could be performed while staying at home.<sup>144)</sup> The persistence of the practice can be seen in the pages devoted to it by Abū Shāma, al-Shāṭibī, Ibn Taymiya, al-Wansharīsī and al-Suyūṭī.<sup>145)</sup>

2.3.5. Friday.<sup>146)</sup> Mālik, on the authority of the Companions of the Prophet, censured Muslims who stopped working on Friday, in imitation of what Jews and Christians did on Saturday and Sunday.<sup>147)</sup>

<sup>140)</sup> See the transmissions collected in *Bida'*, chap. VIII and in al-Bayhaqī, *Sunan*, V, 117–8.

<sup>141)</sup> *Hawādith*, n°s 227–9.

<sup>142)</sup> See *Bā'ith*, p. 33: the first who innovated the *ta'rif* in Basra was Ibn 'Abbās and in Kufa Muṣ'ab b. al-Zubayr.

<sup>143)</sup> See al-Dhahabī, *Siyar a'lām al-nubalā'* (23 vols., Beirut, 1981–5), VI, 214.

<sup>144)</sup> See L. Massignon, *La passion de Husayn ibn Mansur Hallaj* (4 vols., Paris, 1975), I, 68, 264–7, 532–3, 586–8, 596–7, 626; II, 94–5. See also Kister, "On 'Concessions'", pp. 104–5 and 228, note 136 and Lev, *State and society*, p. 51 and note 50.

<sup>145)</sup> See *Bā'ith*, pp. 31–3; *Ṭiṣām*, I, 357, 359 and II, 15–6; *Iqtidā'*, ed. 1369/1950, pp. 309–10/251–3; *Mī'yār*, I, 284–5; *al-Amr bi-l-ittibā'*, pp. 66–7 and 68. See also Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 274 and 351; Perlmann, "A seventeenth century exhortation", pp. 264, 287.

<sup>146)</sup> For various innovations related to Friday see *Bā'ith*, pp. 96–102; *Iqtidā'*, ed. 1369/1950, p. 287/239.

<sup>147)</sup> See *Hawādith*, n° 255. See also Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 244; Kister, "Do not assimilate yourselves . . .", p. 135 and note 13. Ibn 'Abd al-Ra'ūf,



2.3.6. Liberal spending on the night of 'Āshūrā'. A transmission in the *Kitāb al-bida'* by a contemporary of Ibn Waḍḍāḥ condemns liberal spending on the night of the 10th Muḥarram, 'Āshūrā day (*al-tawṣī'a laylata 'Āshūrā'*), for fear that the practice will become a *sunna*.<sup>148</sup>) This condemnation was shared by other Mālikī scholars.<sup>149</sup>) It is well known that 'Āshūrā' is one of the most important religious events of the Shi'ites. As the commemoration of Ḥusayn's death at Karbalā', it is a sad occasion. According to Ibn Taymiya, the "enemies of the Prophet's family" (*al-nā-ṣiba*) would have invented a number of traditions inviting to the joyful celebration of 'Āshūrā' through practices like giving presents to friends and relatives and spending extraordinary amounts on food.<sup>150</sup>) Liberal spending on 'Āshūrā' was a practice known in al-Andalus in the first half of the 3rd/9th century and it also enjoyed great success in North Africa.

2.3.7. The celebration of non-Islamic festivals. Ibn Waḍḍāḥ condemns the Muslim celebration of the Persian festivals of *nayrūz* and *mihrajān*, and more specifically, the fast performed on these two occasions.<sup>151</sup>) In al-Andalus, these two festivals corresponded to the Christian celebrations of *yannayr* (1st January) and 'anṣara (24th June).<sup>152</sup>) Ibn Waḍḍāḥ's condemnation arose from the concern that the Muslims will assimilate to the Christians.<sup>153</sup>) It did not however stop the celebration of *yannayr* and 'anṣara which lasted until the Nazarī kingdom of Granada. Al-Ṭurtūshī does not make any reference to this practice,<sup>154</sup>) in spite of the fact that it was a matter of concern for scholars in al-Andalus and in Egypt, where he lived for

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*Risāla*, p. 75 and Ibn al-Munāṣif, *Tanbih*, pp. 332-3 (Viguera, "Censura", p. 598) lament that people of the market do not perform the Friday prayer, because they keep working.

<sup>148</sup>) *Kitāb al-bida'*, VI, 8c and pp. 113-4 of the study. I have devoted a study to this particular practice, "The celebration of 'Āshūrā' in Sunni Islam", where more information can be found. See now also, S. Bashear, "'Āshūrā', an early Muslim fast", *ZDMG* 141-2 (1991), pp. 281-316.

<sup>149</sup>) See *Ftiṣām*, I, 347; *Madkhal*, I, 289-91.

<sup>150</sup>) See *Iqtidā'*, p. 144/247-8, using the terms *tawassu'* and *tawṣī' al-naḥāqāt*.

<sup>151</sup>) See *Kitāb al-bida'*, II, 18 and 19. Cf. Ibn Abī Shayba, *Muṣannaf*, III, 10 and Goldziher, *Muslim Studies*, I, 192-3 and II, 300.

<sup>152</sup>) See de la Granja, "Fiestas cristianas en al-Andalus".

<sup>153</sup>) See now on this issue, Kister, "'Do not assimilate yourselves' . . .".

<sup>154</sup>) The text studied by de la Granja as belonging to al-Ṭurtūshī's *Hawādith*, has been proved to be an addition by a copyist: see Turki's edition, pp. 300-1, note 6. On the celebration of non-Muslim festivals in Fāṭimid Egypt, see Lev, *State and society*, pp. 191-4.

around thirty years. Ibn Taymiya, Ibn al-Hājj and al-Turkumāni dealt extensively with this problem in their own treatises.

#### 2.4. Prayer.<sup>155)</sup>

2.4.1. *Tathwīb*. Ibn Waḍḍāh quotes Mālik's doctrine against the innovation called *tathwīb*,<sup>156)</sup> attributing its practice to the Kufans and the Khārijites/Ibādites.<sup>157)</sup> The term *tathwīb* is used to indicate the pronunciation of the formula *al-ṣalāt khayr min al-naʿm* (prayer is better than sleep) in the call (*adhān*) to the morning prayer. The introduction of this formula is attributed to 'Umar b. al-Khaṭṭāb. It did not enjoy immediate acceptance among the Sunnis and although the Ibādites accepted it, it was rejected by the Shi'ites.<sup>158)</sup> The term *tathwīb* is also applied to the second call to prayer or *iqāma*, consisting in a repetition of the *adhān* with the addition of a new formula, *qad qāmat al-ṣalāt*.<sup>159)</sup> This *tathwīb* was accepted by Mālik. It is in the *kutub al-bida'* by al-Ṭurṭūshī and al-Shāṭibī<sup>160)</sup> that we find information on a third kind of *tathwīb*, this one considered an innovation by Mālik: to introduce, between the first and the second call to prayer, a number of exhortations (*qad qāmat al-ṣalāt, ḥayya 'alā l-ṣalāt, ḥayya 'alā l-falāḥ*) in order to urge the believers to perform the prayer. In al-Ṭurṭūshī's time, the formula employed was *al-ṣalāt al-ṣalāt*; in the times of Ibn Rushd al-Jadd (d. 520/1126), the formula was *ḥayya 'alā l-ṣalāt*. For the Almohads the *tathwīb* was *sunna*, and they employed exhortations not only in Arabic (*aṣbiḥ wa-li-llāh al-ḥamd*), but also in Berber. Al-Shāṭibī still heard the Arabic formula in Granada. Therefore, in the *kutub al-bida'* written by Mālikīs, the *tathwīb* that is considered an innovation consists in proclaiming, between the call to prayer and its repetition, certain formulae which urge the believers to perform the prayer. In spite of its early condemnation by

<sup>155)</sup> In the *Awqāf* library of Bagdad there is work entitled *Risāla fi l-bida' fi l-ṣalāt* (ms. n° 2330) that I have been unable to consult.

<sup>156)</sup> *Kitāb al-bida'*, V, 13; V, 14 and 14a.

<sup>157)</sup> It may be a practice that Ibn Waḍḍāh witnessed during his visit to Tāhart, the capital of the Ibādī dynasty of the Banū Rustum: see EI<sup>1</sup>, s.v. Rustumides (G. Marçais).

<sup>158)</sup> See Howard, "The development of the *adhān* and *iqāma* of the *ṣalāt* in early Islam", especially p. 221.

<sup>159)</sup> See EI<sup>2</sup>, s.v. *iqāma* (Th. W. Juynboll).

<sup>160)</sup> See *Hawādith*, n° 269 (cf. 'Abd al-Razzāq, *Muṣannaḥ*, I, 475, n° 1821 and 1832); *Ftiṣām*, II, 53, 69–70 and I, 256–7 (cf. Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 435–6). See also *Mi'yār*, I, 278 and II, 462–3.

Mālik, it was an extremely persistent practice, so that al-Wansharisī, himself a Mālikī, ended by accepting it, calling it *bidʿa mustahsana*.

2.4.2. Mālik related that ʿUmar was against continuing praying between the prayer of *al-ʿaṣr* and that of *al-maghrib*.<sup>161)</sup>

2.4.3. Invocation (*duʿāʾ*).<sup>162)</sup> Ibn Waḍḍāḥ and al-Ṭurtūshī condemn the raising of the hands and of the voice during the invocation. Mālik b. Anas and others before him had condemned the same practice<sup>164)</sup> as being an imitation of a Jewish practice (*taqlīṣ*),<sup>165)</sup> the *quṣṣāṣ* being responsible for its diffusion.<sup>166)</sup> As regards the raising of the voice, Ibn Abī Shayba devoted a special section of his *Muṣannaḥ* to its condemnation: raising the voice seems to suggest that God is far from man, whereas it is absurd to try to call the attention of He who hears everything and is Omnipresent. Moreover, if it is the case of a personal invocation made in the mosque during prayer, it can disturb the rest of the assembly. Al-Ṭurtūshī also condemns making the invocation after the *khatm* of the Qurʾān, and according to Mālik’s doctrine, using rhymed prose in the invocation. Mālik preferred to make the invocation using the words of the Qurʾān itself.<sup>167)</sup>

2.4.4. The rosary. Ibn Waḍḍāḥ condemns the use of any aid to keep account of the number of supererogatory prayers called *tasbīḥ*, such as small pebbles, calculating with the help of the fingers or even mental calculation. He also mentions the rosary: “a strand of pearls, beads and other things which are strung together”.<sup>168)</sup> The study by Goldziher has shown the rosary to be of Indian influence.<sup>169)</sup> To the sources quoted by him, one

<sup>161)</sup> *Hawādith*, n° 253. Cf. what seems to be the same innovation in J. Berque, *Ulémas, fondateurs, insurgés du Maghreb* (Paris, 1982), p. 63.

<sup>162)</sup> Al-Ṭurtūshī wrote a *Kitāb al-duʿāʾ* (ed. M. Ridwān al-Dāya, Beirut, 1988), where he explains the correct ways of performing invocations.

<sup>163)</sup> See *Kitāb al-bidaʿ*, II, 41, and p. 108 of the study; *Hawādith*, n° 100. See also *Bāʿith*, pp. 17, 87–8; *Iṭīṣām*, I, 358; *al-Amr bi-l-ittibāʿ*, p. 68 and *Fadd al-wiʿāʾ fi aḥādīṯ rafʿ al-yadayn fi l-duʿāʾ*; Ibn Sahl, *Mezquitas*, p. 55 (cf. Marín, “Law and piety”); Fierro, “La polémique à propos de *rafʿ al-yadayn*”, p. 69.

<sup>164)</sup> See Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 249, 374–6. Cf. *Mudawwana*, II, 158–9 and Ibn Abī Zayd, *Kitāb al-jāmiʿ*, p. 163.

<sup>165)</sup> See Vajda, “Juifs et musulmans”, p. 84; Kister, “Do not assimilate yourselves . . .”, p. 333, note 40.

<sup>166)</sup> See Pedersen, “The criticism of the Islamic preacher”, especially pp. 218–9, and “The Islamic preacher”, especially p. 233.

<sup>167)</sup> See *Hawādith*, n° 99 and cf. *Miʿyār*, I, 284; for the latter practices see *Hawādith*, n°s 275–276.

<sup>168)</sup> *Kitāb al-bidaʿ*, II, 10, 11, 15 and 17.

<sup>169)</sup> “Le rosaire dans l’Islam”.

can now add the material collected by Ibn Abī Shayba in his *Muṣannaf*, from which it can be deduced that the polemic concerning the permissibility of the rosary already existed in the second half of the second/eighth century. The polemic did not put a stop to the practice and the rosary became a widespread feature of Muslim devotion. Ibn al-Ḥājj condemns the excesses associated with it but not the rosary itself; al-Suyūṭī wrote a work on its defence, and Zarrūq stated that it was a recommended innovation (*bid'a mustahsana*).<sup>170)</sup> Al-Ṭurṭūshī and al-Shāṭibī make no reference to it; their silence maybe an indication of approval, but it may also be understood as a sign that they found it difficult to condemn something which had become such a normal part of the Muslim religious landscape. This reticence was not shared by the Wahhābīs, who openly condemned the use of the rosary.

2.4.5. Prostration of thanksgiving (*sajdat al-shukr*). In the *Kitāb al-bida'*, a contemporary of Ibn Waddāh relates that Mālik rejected the tradition alleging that the caliph Abū Bakr made a prostration of gratitude to God upon the victory of al-Yamāma.<sup>171)</sup> Mālik countered by arguing that neither the Prophet, 'Umar b. al-Khaṭṭāb nor Abū Bakr on any other occasion is known to have acted in that way. This could be understood in two ways: either Mālik did not know the existence of traditions to such effect<sup>172)</sup> or he decided not to take them into account. If Mālikis and Ḥanafis opposed the *sajdat al-shukr*, it was accepted by al-Shāfi'ī and Ibn Ḥazm.<sup>173)</sup>

## 2.5. Funerals.<sup>174)</sup>

Al-Ṭurṭūshī devotes the last chapter of his work<sup>175)</sup> to innovations related to funerals. Funerals must be short.<sup>176)</sup> Sanctuaries should not be

<sup>170)</sup> See Khushaim, *Zarrūq*, p. 196, note 13. See also *Mi'yār*, XI, 5-6 and XII, 362-4.

<sup>171)</sup> *Kitāb al-bida'*, VI, 8a and p. 113 of the study. The tradition is found in 'Abd al-Razzāq, *Muṣannaf*, III, 357-8, n° 5963 and in Ibn Abi Shayba, *Muṣannaf*, II, 482. See also Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 392-3; *I'tisām*, I, 362-4.

<sup>172)</sup> See 'Abd al-Razzāq, op. cit., III, 357-8 and Ibn Abi Shayba, op. cit., II, 482-4.

<sup>173)</sup> See *Kitāb al-umm*, I, 90 and 117-8; *Muḥallā*, V, 111-2.

<sup>174)</sup> Innovations related to funerals have been dealt by other authors. See Ibn 'Abd al-Ra'ūf, *Risāla*, p. 76-7; *Bā'ith*, pp. 91-3; Ibn al-Jawzi, *Mawḍū'āt*, III, 216-29 and 231-43; *Luma'*, pp. 214-229; *Madkhal*, ed. 1380/1960, III, 243-96; *al-Amr bi-l-ittibā'*, pp. 99-100; *Mi'yār*, II, 484; *Ihyā' al-sunna*, pp. 118-9.

<sup>175)</sup> See *Ḥawādith*, chapters XVIII-XXII (n°s 296-313) of the Fourth Part.

<sup>176)</sup> Cf. *Luma'*, p. 219.

erected over the graves, because this leads to *ziyārat al-qubūr*, although al-Ṭurtūshī does not explicitly mention the latter practice.<sup>177</sup>) Mālik stated that stones should not be put near graves, a reference, according to Ibn Shaʿbān, to the engraved slab stones placed near the head of the deceased.<sup>178</sup>) However, al-Bukhārī transmitted an account that the Prophet placed a stone near the grave of ʿUthmān b. Maẓʿūn, to mark its place so as to have his family buried at the same place. This would prove that the practice was recommended. Mālik's words must be understood as prohibiting the construction of graves with stones, because the Prophet's grave and those of Abū Bakr and ʿUmar were dug in the earth.<sup>179</sup>) One should not announce a funeral in advance thereby seeking to assemble a lot of people and deriving pride from it. Voices should not be raised while the corpse is transported to the grave. One should not publicize funerals at the gates of the mosques nor cry them in the streets, according to the doctrine of Mālik, Abū Ḥanīfa and al-Shāfiʿī. But there is no harm in conveying the matter in private. Based upon a *ḥadīth*, al-Ṭurtūshī condemns a contemporary practice in Egypt, whereby a clamor is made at the head of the funeral from the moment it leaves the house.<sup>180</sup>) A Muslim should not be consoled by a relative (or a neighbour) who is an infidel. However, consoling is in itself a very desirable *sunna*, to which recompense is granted in the other life. According to al-Shāfiʿī, consolation can be given from the moment a person dies until the corpse is buried and later. According to Abū Ḥanīfa and Sufyān al-Thawrī, it should not be given after the burial, or if some time has passed. Al-Ṭurtūshī on this point agrees with al-Shāfiʿī, stating that consolation should be given especially after the burial, because it is then that sorrow increases. The most beautiful consolation were the words of al-Khiḍr who addressed the Muslim community after the Prophet's death. Consolation must be given to all, independently of the deceased's status, age or sex, although a woman should only be consoled by those who are forbidden to marry her. To ask the consolation of others is an innova-

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<sup>177</sup>) On the cult of saints in Fātimid Egypt see Lev, *State and Society*, pp. 149–52. See also *Iqtidāʿ*, ed. 1369/1950, pp. 108, 329/160, 262; *Miʿyār*, I, 317–9, 320–4; XI, 152; *Iḥyāʾ al-sunna*, p. 126.

<sup>178</sup>) Cf. *Madkhal*, ed. 1380/1960, III, 286, and al-Haythamī, *Majmaʿ al-zawāʿid*, III, 61.

<sup>179</sup>) See Th. Leisten, “Between orthodoxy and exegesis: some aspects of attitudes in the Shariʿa toward funerary architecture”, *Muqarnas* VII (1990), pp. 12–22.

<sup>180</sup>) Cf. *Madkhal*, ed. 1380/1960, II, 225–6; *Miʿyār*, I, 317.

tion. It is accepted, on the other hand, to sit at home or in the mosque, because the Prophet did so after Ja'far's death. On that occasion, the Prophet asked for food be sent to the deceased's family, a practice thus admitted by Mālik. However, according to the doctrine of Mālik and al-Shāfi'i, it is reprehensible for the family afflicted by death to prepare food, and invite people to share in it.<sup>181</sup>) Funeral ceremonies (*al-ma'ātim*) are forbidden and there exists a consensus on this point among scholars. Al-Shāfi'i censured them because they renew pain.<sup>182</sup>) The *ma'tam* consists in assembling the morning after the burial, and also on the second, third and seventh day afterwards, as well as one month and a year later;<sup>183</sup>) all this is innovation and should be rejected as did Abū 'Imrān al-Fāsi. Al-Ṭurtūshī's insistence on this point is clearly an attack against Shi'ite practices.<sup>184</sup>) Candles should not be lit and incense should not be burned, both being an excess and waste. Women should not leave their houses to accompany a burial procession.<sup>185</sup>) Mālik allowed them only when it was the burial of the husband, a son, or a brother. In this case, the woman can recite the prayer for the dead. Water should not be sprinkled over the deceased after the burial. The deceased can be buried with his shoes. At a certain moment (maybe in al-Ṭurtūshī's time) it was permitted to relate a story (*qiṣṣa*) during the burial. The sacrifice of a camel (*'aqr*) during the burial is forbidden, since it was a practice of the Jāhiliya, the aim of which was to thank the dead for their generosity in this life, but also to reassure them that they would be mounted on the day of the Resurrection.<sup>186</sup>) Lamenting the dead is forbidden, resignation is obligatory.<sup>187</sup>) Grief and sorrow for the loss of a relative

<sup>181</sup>) See Ibn 'Abd al-Ra'ūf, *Risāla*, p. 77; cf. *Mi'yār*, I, 317 and 338; *Ihyā' al-sunna*, p. 125; Kister, "Do not assimilate yourselves . . .", p. 324, note 8.

<sup>182</sup>) See *al-Amr bi-l-ittibā'*, p. 112.

<sup>183</sup>) Cf. *Iqtidā'*, ed. 1369/1950, pp. 299-300/247; *Mi'yār*, I, 319.

<sup>184</sup>) See M. Ayoub, *Redemptive suffering in Islam. A study of the devotional aspects of 'Āshūrā' in Twelver Shi'ism* (The Hague/Paris/New York, 1978) and cf. *Ihyā' al-sunna*, p. 124.

<sup>185</sup>) See Yahyā b. 'Umar, *Kitāb aḥkām al-sūq*, n°s 35/33 and 56/55a; Ibn 'Abd al-Ra'ūf, *Risāla*, p. 77; al-Jarsifi, *Risāla*, p. 121; al-'Uqbāni, *Tuhfa*, p. 149; *Luma'*, p. 218.

<sup>186</sup>) See Ṣā'id (d. 462/1070), *Ṭabaqāt al-umam*, transl. R. Blachère (Paris, 1935), pp. 92-3.

<sup>187</sup>) Cf. Yahyā b. 'Umar, *Kitāb aḥkām al-sūq*, n° 34/32; Ibn 'Abd al-Ra'ūf, *Risāla*, pp. 76-7; al-'Uqbāni, *Tuhfa*, p. 149; *Luma'*, pp. 218 and 222; *Mi'yār*, I, 315-6; *Ihyā' al-sunna*, p. 122; al-Haythamī, *Majma' al-zawā'id*, III, 12-6. See also Kister, "Do not assimilate yourselves . . .", p. 323, note 6.

are natural feelings in man and thus he is allowed to cry, as did the Prophet when his son Ibrāhīm was dying, but crying must cease once the person has died. If crying were allowed, wailing is forbidden absolutely. The Prophet cursed hired female mourners and those who listen to them.<sup>188</sup>) Wailing is forbidden because it could be interpreted as censorship of or an accusation against God. The tomb of the Prophet must not be touched.<sup>189</sup>) From a quotation by al-Wansharīsī,<sup>190</sup>) we know that al-Ṭurṭūshī considered it an innovation that people would assemble near a grave for seven days after the burial performing *tasbīh*. Recitation of the Qur'ān near graves is also an innovation, but we know that al-Ṭurṭūshī performed this in Alexandria.<sup>191</sup>) For his part, Ibn Waḍḍāḥ mentions an account censuring exhumations (*nabsh al-qubūr*),<sup>192</sup>) perhaps recalling the exhumation of Umayyad graves by the 'Abbāsids.

## 2.6. Food and clothing.<sup>193</sup>)

Al-Ṭurṭūshī devotes one chapter of his book to the censure of those innovations which are so widespread that almost nobody notices that they are innovations. Among the examples given, he mentions selling beans cooked in their skin.<sup>194</sup>) As regards clothing, al-Ṭurṭūshī condemns the wearing of the turban without passing the longest extremity under the chin.<sup>195</sup>) He also censures the wearing of clothing which drags on the ground; wearing attire which at the same time covers the head<sup>196</sup>) and the use of elegant clothes.<sup>197</sup>)

<sup>188</sup>) See Juynboll, *Muslim tradition*, pp. 102–8.

<sup>189</sup>) *Hawādith*, n° 274.

<sup>190</sup>) *Mi'yār*, I, 328 and II, 509. Cf. al-Shāṭibī, *Fatāwā*, pp. 209–10.

<sup>191</sup>) On this practice see al-Khallāl, *al-Amr bi-l-ma'rūf*, p. 121.

<sup>192</sup>) *Kitāb al-bida'*, XI, 46a and p. 116 of the study.

<sup>193</sup>) Cf. Ibn al-Jawzī, *Mawḍū'āt*, II, 284–305 and III, 3–51; *Luma'*, pp. 203–13 and 333–46; *Madkhal*, ed. 1380/1960, I, 124–131, 209–30 and 234–8; *Iḥyā' al-sunna*, pp. 194–204 and 206–11; *al-Amr bi-l-ittibā'*, pp. 93–7. See also Ibn al-Munāṣif, *Tanbīh*, p. 346; *Mi'yār*, II, 479 and XII, 321–2.

<sup>194</sup>) See *Hawādith*, n° 110. The consumption of cereals and of beans cooked in their skin is connected with the celebration of summer festivals: see Wensinck, "Arabic New Year", p. 33.

<sup>195</sup>) See *Hawādith*, n°s 110–111. See also *Iḥyā' al-sunna*, pp. 198–9.

<sup>196</sup>) See Ibn Abī Zayd, *Kitāb al-jāmi'*, p. 227.

<sup>197</sup>) See *Hawādith*, n°s 112–113.

2.7. The story-tellers (*quṣṣāṣ*).<sup>198)</sup>

Story-tellers are censured by Ibn Waddāh and al-Ṭurṭūshī,<sup>199)</sup> as they were by Mālik, who objected to the *quṣṣāṣ* telling their stories in the mosques.<sup>200)</sup> The first *quṣṣāṣ* would have appeared after 'Uthmān's caliphate, and they intervened in the following political and religious struggles. The *quṣṣāṣ*'s activity is an innovation because it lacks any precedent in the times of Muḥammad, Abū Bakr and 'Umar.<sup>201)</sup> At the same time, it is an innovation that gives birth to innovations, as, for example, raising the hands and the voice during the invocation. The *quṣṣāṣ* are liars who invent traditions about the Prophet and who thereby contribute to the corruption of religion. However, not everybody who tells stories is an innovator: 'Alī made a distinction between the *qāṣṣ* innovator and a person such as al-Ḥasan al-Baṣrī.<sup>202)</sup> Without going into the details found in Ibn al-Jawzī,<sup>203)</sup> al-Ṭurṭūshī distinguishes between the "bad" *qāṣṣ* and the good one, the latter being the *wā'iz* in charge of reminding the believers of death and the punishment of the tomb. 'Umar b. 'Abd al-'Aziz was the first to name an "official" story-teller in Medina.<sup>204)</sup>

## 2.8. Women.

The temptations and the dangers of women are often treated in the *kutub al-bida'*.<sup>205)</sup> In *Ḥawādith* mention is made of the prohibition of women's visiting the mosques in spite of the Prophet's saying that they

<sup>198)</sup> See Kister's review, p. 140. See also Ch. Pellat, *Le milieu basrien et la formation de Ḡāhiz* (Paris, 1953), pp. 108–16; Pedersen's articles; J. Pauliny, "Zur Rolle der *Quṣṣāṣ* bei der Entstehung und Überlieferung der populären Prophetenlegenden", *Asian and African Studies* X (1974), pp. 125–41.

<sup>199)</sup> See *Kitāb al-bida'*, II, 12, 22, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 43, 44; III, VII, 2 and cf. III, 24 and I, 3 and p. 116 of the study; *Ḥawādith*, chapter VII of the Fourth Part (n°s 189–198).

<sup>200)</sup> See *Ḥawādith*, n°s 189–191 and 194–195. Mālikī doctrine is rather hostile to the *quṣṣāṣ*: see Ibn Abi Zayd, *Kitāb al-jāmi'*, p. 164; *Madkhal*, ed. 1380/1960, II, 14–5; *Ihyā' al-sunna*, pp. 75–9; *Mi'yār*, II, 478; XI, 113. See also *Bā'ith*, p. 17.

<sup>201)</sup> See *Ḥawādith*, n° 191, and cf. n° 192.

<sup>202)</sup> See *Ḥawādith*, n° 191 and cf. *Ihyā' al-sunna*, p. 75.

<sup>203)</sup> See *Talbis*, pp. 131–4, ed. Beirut, pp. 135–8, and especially his *Kitāb al-quṣṣāṣ wa-l-mudhakkirin*.

<sup>204)</sup> See *Ḥawādith*, n°s 197, 198 and cf. n° 275.

<sup>205)</sup> See Ibn al-Jawzī, *Mawḍū'āt*, II, 255; *Madkhal*, ed. 1380/1960, I, 238–76 and *passim*; *Iqtidā'*, ed. 1369/1950, p. 224/220; al-Maḥdī, *Ittibā' al-sunan*, pp. 37–57. See also Ibn al-Munāsif, *Tanbih*, pp. 339–40; *Mi'yār*, II, 499–500 and 505.



should not be forbidden. The reasons are the innovations invented by women in their efforts to attract the attention of men.<sup>206</sup>) But al-Ṭurtūshī is especially concerned with the mixing (*ikhtilāt*) of men and women during the *khatm* of the nights of Ramaḍān, mixing which gives rise to immoral practices between the sexes.<sup>207</sup>) The caliph ‘Umar forbade slaves wearing the veil called *izār* to prevent their being confounded with free women.<sup>208</sup>) Ibn Waddāh censures forcing women to become fat and lesbianism.<sup>209</sup>)

## 2.9. Other innovations.

Renting the services of a person to perform vicariously the pilgrimage is an innovation.<sup>210</sup>) Mālik considered it an innovation to say: “My Lord! This sacrifice comes from you and is for you”, when the sacrifice of the ‘*id al-adhā* is performed, as well as saying the prayer for the Prophet on such occasion.<sup>211</sup>) The veneration of the lotus-tree (*sidra*) called *dhāt anwāt* (because of the weapons, rags and other things hung on its branches) was censured by the Prophet, and although al-Ṭurtūshī does not make any reference to the persistence of this practice, it is still known to exist.<sup>212</sup>)

<sup>206</sup>) See *Hawādith*, n°s 46–50. Cf. al-Haythami, *Majma‘ al-zawā‘id*, II, 32–5; *Iqtidā‘*, ed. 1369/1950, p. 307/250–1; *Luma‘*, p. 312; *Madkhal*, ed. 1380/1960, I, 237; *Madkhal*, I, 304; Yaḥyā b. ‘Umar, *Kitāb aḥkām al-sūq*, n° 36/34; Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 420; Ibn Ḥazm, *Muḥallā*, III, 134 and IV, 200; Ibn al-Munāsif, *Tanbih*, p. 334; al-‘Uqbāni, *Tuhfa*, p. 150; *Mi‘yār*, II, 497; Perlmann, “A seventeenth century exhortation”, pp. 263, 279; S. D. Goitein, “The sexual mores of the common people”, *Society and the Sexes in Medieval Islam* (Malibu, 1979), p. 47.

<sup>207</sup>) *Hawādith*, n°s 51 and 118. Cf. Ibn ‘Abd al-Ra‘ūf, *Risāla*, pp. 74 and 113; al-Jarsifi, *Risāla*, p. 121; Ibn al-Munāsif, *Tanbih*, pp. 337–8; *Bā‘ith*, pp. 34, 40; al-Suyūṭi, *al-Amr bi-l-ittibā‘*, p. 65; *Mi‘yār*, II, 500 and XI, 228; Perlmann, “A seventeenth century exhortation”, p. 263, 286, 287, 289; *Ihyā‘ al-sunna*, pp. 139–41.

<sup>208</sup>) *Hawādith*, n° 262.

<sup>209</sup>) See *Kitāb al-bida‘*, XI, 46a and p. 116 of the study.

<sup>210</sup>) See *Hawādith*, n° 110. This practice seems to have approved by ‘Alī: see W. Ivanow, *Ibn al-Qaddah (The alleged founder of Ismailism)* (2<sup>d</sup> ed., Bombay, 1957), p. 35 and see also J. Sourdél-Thomine and D. Sourdél, “Nouveaux documents sur l’histoire religieuse et sociale de Damas au Moyen-Age”, *REI* 32 (1964), pp. 1–25 and *REI* 33 (1965), pp. 73–85. It was common among the moriscos: see L. P. Harvey, “The Moriscos and the Hajj”, *Brismes Bulletin* 14 (1988), pp. 11–24.

<sup>211</sup>) *Hawādith*, n°s 257.

<sup>212</sup>) See *Hawādith*, n° 28. See on this practice Goldziher, *Muslim Studies*, II, 280, note 4 and 316–9; Westermarck, *Pagan survivals in Mohammedan civilisation* (London, 1933), pp. 78–9 and 81–2; E. Doutté, *Magie et religion dans l’Afrique du*

Another practice censured by the Prophet was exaggeration in one's fasting.<sup>213)</sup>

2.10. The innovations condemned by Ibn Waḍḍāḥ and al-Ṭurṭūshī are in general "old" practices that had already been censured by Mālik, although in the case of al-Ṭurṭūshī explicit references to contemporary practices are also found.<sup>214)</sup> There are some innovations to which neither Ibn Waḍḍāḥ nor al-Ṭurṭūshī make any reference, for example, the planting of trees in the courtyards of mosques;<sup>215)</sup> the pilgrimage to tombs,<sup>216)</sup> and the *mawlid* of the Prophet, an innovation initiated by the Fāṭimids that al-Ṭurṭūshī must have witnessed because it is known that it was celebrated while he was in Egypt.<sup>217)</sup>

The reasons behind the censorship of certain practices in Ibn Waḍḍāḥ's and al-Ṭurṭūshī's books are: because they are an imitation of Jewish and Christian practices;<sup>218)</sup> because they are inventions of certain specific individuals (i.e. al-Ḥajjāj b. Yūsuf and Ibn Abī l-Ḥamrā') or groups; because both learned and not learned people perform them, everyone imagining them to be good and pious practices. Some of the practices censured here are indeed acts of devotion (prayers, invocations and so on) which are praiseworthy under certain circumstances. However, if they are allowed to exist and spread they could eventually destroy the system of the *sharī'a*. Both Ibn Waḍḍāḥ and al-Ṭurṭūshī's treatises have as their main aim to

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*Nord* (Paris, 1984), pp. 436-9 and 447-8; A. Munson, *The House of Si Abd Allāh* (New Haven/Londres, 1984), p. 156; a similar tree may be seen nowadays in the oasis of Tozeur, near the tomb of the marabout Sidi Ali Bou Lifa.

<sup>213)</sup> See *Ḥawādith*, n°s 31-32 and *al-Amr bi-l-ittibā'*, p. 56. This practice is especially attributed to Ṣūfīs like Abū Madyan: see V. J. Cornell, *Mirrors of prophethood: the evolving image of the spiritual master in the Western Maghrib from the origins of sufism to the end of the 16th century* (Ph.D. University of California Los Angeles, 1989), p. 334.

<sup>214)</sup> See *Ḥawādith*, n°s 51, 106, 110, 112-114, 118, 119, 166, 238, 250, 313; cf. n° 40.

<sup>215)</sup> See Ibn Sahl, *Mezquitas*, pp. 49-50.

<sup>216)</sup> See *al-Amr bi-l-ittibā'*, pp. 40-7.

<sup>217)</sup> See Lev, *State and society*, p. 146. See also the work by al-'Azafī mentioned in the bibliography; J. Knappert, "The Mawlid". *Orientalia Lovaniensia Periodica* 19 (1988), pp. 209-15; EI<sup>2</sup>, s.v. (H. Fuchs - F. de Jong - J. Knappert) and P. Shinar, "Traditional and reformist mawlid celebrations in the Maghreb", *Studies in Memory of Gaston Wiet* (ed. M. Rosen-Ayalon, Jerusalem, 1977), pp. 371-414.

<sup>218)</sup> See on this issue Goldziher, "Usages juifs d'après la littérature religieuse des Musulmans"; Vajda, "Juifs et musulmans"; Kister, "Do not assimilate yourselves".

check the spread of unfounded ritual practices and to dissuade Muslims from performing certain acts that could lead to dangerous consequences. Al-Ṭurṭūshī states that in pursuing this aim he is following the example of many Companions and Successors, whose times had already witnessed innovations increasing over time; as such this reflects in al-Ṭurṭūshī's work the idea of *fasād al-zamān*. The Companions and Successors had to struggle in different ways to end the increasing corruption of the community and the appearance of innovations out of a misunderstanding of what constituted the true example of the Prophet or what was obligatory. For example, 'Uthmān ended the shortening of the travel-prayer (*ṣalāt al-safar*), in spite of the precedent set by the Prophet, as he feared the bedouins would think that its abbreviation was the *sunna*,<sup>219</sup>) some Companions stopped performing the sacrifice (*udḥīya*) on the Day of Immolation fearing that it would be considered obligatory, whereas it was only recommendable;<sup>220</sup>) Ibn 'Umar condemned the innovations related to the supererogatory prayer of *al-ḍuḥā*;<sup>221</sup>) access of women to the mosques was prohibited in spite of the Prophet's saying to the contrary.<sup>222</sup>)

Al-Shāṭibi was able to formulate clearly the problem facing the authors of *kutub al-bida'* when he defined *bid'a* in the *'ibādāt* as "an invented path, parallel to that of the *sharī'a*, which on being followed leads to exaggeration (*mubālagha*) in the cult (*ta'abbud*) of God".<sup>223</sup>)

### 3. The material of the *kutub al-bida'* and the study of the Islamic ritual.

In recent years, there has been a renewed interest in the difference and the relationship between "popular" and "official" Islam,<sup>224</sup>) together with a necessary insistence that Islamic ritual develops and changes.<sup>225</sup>) This has

<sup>219</sup>) See on this prayer al-Haythamī, *Majma' al-zawā'id*, II, 154-63; Ibn Rushd al-Jadd, *Kitāb al-bayān*, I, 233; *Bā'ith*, pp. 57 and 73; *Ṭiṣām*, I, 80 and II, 106; *Mi'yār*, 153-4, 204-10, 218-21; *Iḥyā' al-sunna*, pp. 106-10; Ibn Ḥazm, *Muḥallā*, IV, 228, 264; Burton, "The 'travel-prayer': *ṣalāt al-safar*", p. 68.

<sup>220</sup>) Cf. *Bā'ith*, p. 57; *Ṭiṣām*, I, 346.

<sup>221</sup>) See Abū Bakr Ibn al-'Arabi, *Aḥkām*, IV, 1613; the studies by Rubin (quoted in the Bibliography); King, "Science in the service of religion", p. 250 and L. I. Conrad, "On the origins of *ṣalāt al-ḍuḥā*", paper presented in the "5th International Colloquium From Jahiliyya to Islam", 1-6 July 1991.

<sup>222</sup>) See *Hawādith*, n°s 41-43 and 45-50.

<sup>223</sup>) *Ṭiṣām*, I, 37.

<sup>224</sup>) See the study by Waardenburg with an analysis of previous works, and that by B. Shoshan, both mentioned in the Bibliography.

<sup>225</sup>) See for example the study by Rippin.

produced both general and specific studies.<sup>226</sup>) The need to study Islam in its local contexts has also arisen. In all those studies, the treatises against innovations are used or at least mentioned (especially Ibn Taymiya's *Iqtidā'* which has been translated into English), but no systematic attempt has been made to establish the value of the material they offer.

The data collected in section two above would constitute useful material for our knowledge of Islamic ritual in practice allowing its comparison with the orthopraxis expounded in the legal works, if the information could be demonstrated to correspond to the actual practice of Muslims at certain places and moments. However, the author of a *kitāb al-bida'* does not always state explicitly that he is referring to current practices. In the majority of cases, he is discussing practices already known for some time. This is especially true of Ibn Waḍḍāḥ, which may lead one to think that his treatise does not deal with specific innovations of his time and region. However, in spite of the fact that Ibn Waḍḍāḥ never offers any personal comment, my own research on the specific innovations he condemns demonstrates that they were in the majority of cases practices known from other sources to have existed in al-Andalus in his own day.<sup>227</sup>) It can therefore be concluded that Ibn Waḍḍāḥ wrote his treatise in order to censure certain practices of third/ninth century Andalusian Islam. Al-Ṭurṭūshī's book reveals more clearly than Ibn Waḍḍāḥ's that its aim is also the censorship of contemporary practices. Although many of the innovations condemned can be traced back to previous Mālikī legal literature, there are references to al-Ṭurṭūshī's own time and some of the practices dealt with were a matter of dispute between Mālikis and the Fāṭimids, thus illustrating a contemporary interest.<sup>228</sup>) It is safe to assume that mention of a practice by the author of a *kitāb al-bida'* means that the practice itself was known to exist in his own day although it may not be referred to as a contemporary practice, but only as one condemned by an earlier source. One needs, nevertheless, to corroborate the existence of every given example by

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<sup>226</sup>) See for example the studies by Burton, Haarmann, Howard, Kister, Lech, Longás, Nabhan, Graham, Rubin, and others mentioned in the Bibliography.

<sup>227</sup>) See my study of his *Kitāb al-bida'* and Fierro, "Una refutación contra Ibn Masarra".

<sup>228</sup>) In his *Risāla* to the Almoravid Ibn Tāshufīn, al-Ṭurṭūshī invites him to fight against innovations: see 'Iṣmat 'Abd al-Laṭīf Dandash, *Dawr al-murābiṭīn fī nashr al-Islām fī gharb Ifrīqiya 415-530 H/1038-1121 AD ma'a nashr wa-tahqīq rasā' il Abi Bakr b. al-'Arabī* (Beirut, 1408/1988), p. 216; M<sup>a</sup> J. Viguera, "Las cartas de al-Gazālī y al-Ṭurṭūshī al soberano almorávid Yūsuf b. Tašufīn", *Al-Andalus* XLII (1977), pp. 341-374, p. 372.

means of other sources (eg. biographical dictionaries, historical chronicles, literary works, etc.). In the cases of Ibn Waḍḍāḥ and al-Ṭurṭūshī such correspondence between the various sources of information confirms in most cases the contemporary existence of the practice rejected as an innovation.

My own analysis of some of the material collected in Ibn Waḍḍāḥ's and al-Ṭurṭūshī's *kutub al-bida'* leads to the conclusion that many of the practices condemned as "innovations" can be proved to be practices of various provenance stemming from the origins of Islam, and having enjoyed in many cases acceptance by some sections of the Muslim community, both in the past and in the present. As in the case of those practices which could be easily proved to have been "new" at a certain point in Islamic history (eg., the *mawlid*), both these and the former were either eventually accepted as *bida' mustahsana*, or were subject to controversy, their status of *bida'* not being agreed upon, or else they ended by being taken for granted because of their diffusion and popularity among Muslims. The material found in the *kutub al-bida'* is thus of crucial importance for the study of the processes of continuity and change in Islamic ritual. At the same time, it shows how there always existed ritual practices, some of great antiquity, parallel to those prescribed in the *fiqh* works. In the cases belonging to the formative period of Islamic ritual, their rejection by all or certain sections of the Muslim community eventually excluded them from finding a firm place or a place at all in the canonical literature. However, the persistence of such practices shows that they were very much part of the history, needs and identity of the Muslim community. The differences in dealing with them that can be found in the different *kutub al-bida'*, even in those belonging to the same legal school, prove that the boundaries between theory and practice were not closed, and that a boundary shifted continuously between the two allowing for a relaxing of tensions. Thus, unless a reformer or moralist, like Ibn Waḍḍāḥ and al-Ṭurṭūshī, felt obliged to raise the alarm among his community that such practices were to be rejected as innovations, Muslims could have continued to believe that those practices were proper and pious.<sup>229)</sup>

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<sup>229)</sup> I wish to thank Prof. A. Noth for his comments and suggestions.

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