

The Religious Life of the Andalusians Between the Malikis' Prohibition of Survival in al-Andalus and the Castilian Persecution after 1492

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Abstract: In the last two decades of the 15th century, a Mālikī jurist in North Africa issued a fatwā warning Muslims in the Iberian Peninsula against remaining there under Catholic rule for religious reasons. This Mālikī jurist invited them to emigrate to any state in North Africa to protect their beliefs and practise their religious duties and rituals correctly. However, many Iberian Muslims chose to remain for non-religious reasons. Many scholars have examined the content of this fatwā and described the personality of the jurist who issued it. In addition, they have analysed the importance of this fatwā for the Mālikī school and other Mālikī jurists. However, they have not clarified the extent to which Muslims in the Iberian Peninsula were able to preserve their heritage and practise their religious rituals accurately and continuously in the wake of this jurist's directive. Consequently, this research discusses the status of Iberian Muslims in the Iberian Peninsula under Catholic rule and the means that they used to maintain the rituals and practices prescribed in their religion. It also highlights the religious support that the Andalusians received in Oran in 1504. The study relies on historical evidence and analyses the same as the primary source.

Keywords: Al-Wansharīsī, immigration, fatwā, Mālikī, Moriscos, religious duties.

الحياة الدينية للأندلسيين بين تحريم المالكية للبقاء في الأندلس واضطهاد قشتالة بعد عام ١٤٩٢م

مشعل بن محمد العتري

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ملخص البحث: في العقدين الأخيرين من القرن الخامس عشر، أصدر فقيه مالكي في شمال إفريقيا فتوى يحذر فيها المسلمين في شبه الجزيرة الأيبيرية من البقاء تحت الحكم الكاثوليكي لأسباب دينية. ودعاهم هذا الفقيه المالكي إلى الهجرة إلى أي دولة في شمال إفريقيا لحماية معتقداتهم وممارسة واجباتهم الدينية وشعائهم الدينية على النحو الصحيح. ومع ذلك، اختار العديد من مسلمي أيبيريا البقاء لأسباب غير دينية. وقد درس العديد من العلماء مضمون هذه الفتوى ووصفوا شخصية الفقيه الذي أصدرها. بالإضافة إلى ذلك، قاموا بتحليل أهمية هذه الفتوى للمذهب المالكي وغيرهم من فقهاء المالكية. ومع ذلك، لم يوضحوا مدى تمكن المسلمين في شبه الجزيرة الأيبيرية من الحفاظ على تراثهم وممارسة شعائهم الدينية بدقة واستمرار في أعقاب توجيه هذا الفقيه. وبناءً على ذلك، يناقش هذا البحث وضع المسلمين الإيبيريين في شبه الجزيرة الأيبيرية تحت الحكم الكاثوليكي، والوسائل التي اتبعوها للحفاظ على شعائهم وممارساتهم الدينية. كما يُسلط الضوء على الدعم الديني الذي حظي به الأندلسيون في وهران عام ١٥٠٤. وتعتمد الدراسة على الأدلة التاريخية وتحليلها كما هو الحال في المصدر الأصلي.

الكلمات المفتاحية: الونشريسي، الهجرة، الفتوى، المالكية، الموريسكيون، الشعائر الدينية.

Introduction

A few months after the fall of the last Islamic state in the Iberian Peninsula, the Emirate of Granada, in 1492, some Muslims of the city of Granada, particularly nobles, chose to emigrate to North Africa, as they would have lost their prestige and influence under Christian rule. It can thus be assumed that this noble class did not earn the approval of the Mālikī jurist Ahmad al-Wansharīsī (d. 1508), despite applying his Marbella *fatwā*,⁽¹⁾ because their emigration was not for religious reasons. They emigrated because they lost their social and political status.

One source estimates that in 1492, more than a thousand Muslims, including many nobles, emigrated to North Africa – specifically to the Rif and the city of Fez in the Kingdom of Fez and Oran in the Kingdom of Tlemcen – due to the proximity of these territories to their former homes.⁽²⁾ These emigrants were forced to sell their large properties at low prices, either to Iberian Christian immigrants in the city of Granada or to Granadan Muslims who had decided to live under Christian rule.⁽³⁾

This paper concentrates on al-Wansharīsī's predictions in his *fatwā* about the situation of the Andalusians after the fall of the Islamic rule in the Iberian Peninsula, their methods of confronting these

predictions, and the extent of their response to al-Wansharīsī's *fatwā*. In addition, it discusses the religious life of the Andalusians under the Castilian persecution.

Previous studies have not addressed this aspect. Jocelyn N. Hendrickson, in her PhD dissertation, *The Islamic Obligation to Emigrate: Al-Wansharīsī's Asnā al-Matājir Reconsidered*,⁽⁴⁾ discusses the contents of al-Wansharīsī's *fatāwā*, *Asnā al-Matājir* and *Marbella* and their significance for later Mālikī followers and jurists. The Algerian historian Ḥanīfī Halayālī focuses on *fatāwā* issued during and after the Granada War. In his article *Ḥurīyat al-I'tiqād 'ind al-Mūriskīyūn*,⁽⁵⁾ he summarises the contents of al-Wansharīsī's *fatāwā*, namely the Marbella *fatwā*. He also briefly discusses their issuance dates and transcribes extracts from the Oran *fatwā*, but he does not analyse the differences between this *fatwā* and those of al-Wansharīsī.

Additionally, Zakrī Lāmiyah discusses in his article, *Min A'lām Tlemcen Ahmad al-Wansharīsī 834 -914 AH / 1430-1508 AD, Sirah wa Masīrah*, a biography of al-Wansharīsī.⁽⁶⁾ Hasūnī Abū Bakr examines in his article, *Makhṭūṭat Risālat al-Imām al-Maghrawī Muftī al-Diyār al-Wahrāniyah fī al-Qarn al-'Ashir li Ahl al-Andalus*, Oran *Fatwā*.⁽⁷⁾

Teachings of Al-Wansharīsī's *Fatwā*

In the last decades of the 15th century, the jurist Ibn Qaṭīya (d. unknown) asked al-Wansharīsī about another case concerning Granadan Muslims continuing to live under Christian rule. In his question, he inquired whether an unnamed Muslim man from Marbella could remain in the western part of al-Andalus – the territories stretching from Seville to the town of Alosno in the Crown of Castile – in order to assist Mudejars living under Catholic rule in the area.⁽⁸⁾

(1) Marbella *fatwā* Urged Muslims to emigrate to Islamic countries to perform Islamic rituals. For further details see, Ahmad al-Wansharīsī, *Al-Mi'yār al-Mu'rib wa'l-Jāmi' al-Maghrib 'an Fatāwī 'Ulamā' Ifrīqiya wa'l-Andalus wa'l-Maghrib* (The Clear Measure and the Extraordinary Collection of the Judicial Opinions of the Scholars of Ifrīqiya, al-Andalus, and the Maghrib), ed. Muḥammad Ḥajjī (Rabat: Wizārat al-Awqāf wa'l-Shu'ūn al-Islāmiyah, 1981), 2:138.

(2) Mariano Gaspar y Remiro, "Emigración de los moros granadinos allende," *Revista del centro de Estudios Históricos de Granada y su Reino* 2 (1912): 1–13; Fernando del Pulgar, *Crónica de los Señores Reyes Católicos Don Fernando y Doña Isabel de Castilla y de Aragón*, in *BAE* 70 (1788): 511. Pulgar stated that the king and queen stayed in the city of Granada from January 1492 to June 1492 to monitor the emigration of the Granadan nobles. He also stated that one thousand five hundred nobles emigrated to the cities of the Kingdom of Tlemcen and Fez.

(3) Anonymous, *Nubdhat al-'Aṣr fī Akhbār Mulūk Banī Naṣr: Taslīm Gharnāṭah wa Nuzūḥ al-Andalusīn ilā al-Maghrib* (An Overview of the Era in News of the Naṣrid Kings; the Capitulation of Granada and the Emigration of Muslims of al-Andalus to al-Maghrib), ed. Al-Farīd al-Bustānī (Cairo: Maktabat al-Thaqāfah al-Dīniyah, 2002), 43.

(4) Jocelyn N. Hendrickson, *The Islamic Obligation to Emigrate: Al-Wansharīsī's Asnā al-Matājir Reconsidered* (PhD diss., Emory University, 2009).

(5) Ḥanīfī Halayālī, "Ḥurīyat al-I'tiqād 'ind al-Mūriskīyūn (Freedom of Belief of the Moriscos)," *Algerian Scientific Journal Platform* 9, no. 17 (2008): 163–79.

(6) Zakrī Lāmiyah, "Min A'lām Tlemcen Ahmad al-Wansharīsī 834 -914 AH / 1430-1508 AD, Sirah wa Masīrah," *Majalat 'Uṣūr Jadīdah* 3, no. 10(2013): 61–73.

(7) Hasūnī Abū Bakr, "Makhṭūṭat Risālat al-Imām al-Maghrawī Muftī al-Diyār al-Wahrāniyah fī al-Qarn al-'Ashir li Ahl al-Andalus," *Majalat al-Jaz'ir li-Makhṭūṭat* 6, no.7(2010): 155–163.

(8) Felipe Maíllo Salgado, "Consideraciones acerca de una *fatwā* de al-Wansharīsī," *Studia Historica* 3, no. 2 (1985): 186–91.

In the so-called Marbella *fatwā*, al-Wansharīsī responded that the Marbella Muslim man and other Muslims of the emirate were not permitted to live under Christian rule for even one hour of one day for religious reasons.⁽⁹⁾ On the other hand, some Granadan Muslims became vassals of non-Muslim rulers after the forces of Castile and Aragon had captured their territories. One example supporting this view is that after the capture of Vélez-Málaga in 1487, some Muslim inhabitants of the neighbouring villages and the fortress east of Málaga legitimised the Catholic conquest of the emirate's cities. They swore by the words of the Qur'ān that they and their descendants would always remain faithful to the United Crowns of Castile and Aragon, obey their commands regarding war or peace and make tribute payments. Meanwhile, they were prohibited from contacting Muslims who were not under Castilian rule.⁽¹⁰⁾

As a consequence, in his question directed at al-Wansharīsī, Ibn Qaṭṭiyya described the Muslims who remained under Christian rule as *ahl al-dhimmah* ('tributaries'), a term used for Jews and Christians who lived under Muslim rule and paid tribute to the Islamic authorities.⁽¹¹⁾ Al-Wansharīsī affirmed that Muslims could live among Christians and Jews only under Muslim rule, but not under non-Muslim rule, as this would prevent them from correctly practising their religious duties.

Al-Wansharīsī's Marbella edict primarily referred to the pillars of Islam, such as prayer, *zakāt* (alms for poor Muslims) and fasting during the month of Ramaḍān; the latter two, in particular, were difficult to observe in the absence of Islamic political authorities.⁽¹²⁾ He stated that as many cities of the emirate would no longer be ruled by a Muslim ruler and his deputies – who were entitled to collect *zakāt* – it would be impossible to fulfil this duty.

Furthermore, the month of Ramaḍān requires the sighting of the crescent moon to mark its beginning and end. The crescent moon can only be confirmed through the testimony of a witness, and such testimony must be given before a Muslim ruler and his deputies. As there was no longer a Muslim ruler or deputy in many of these territories, it would be

difficult to announce the accurate dates for the start and end of Ramaḍān.⁽¹³⁾

According to al-Wansharīsī, it would also be difficult for Muslims to pray due to the many Christians who had emigrated to the fallen cities of the emirate; these Christians would mock the call to prayer, as many of them did not understand it.⁽¹⁴⁾ As noted above, many of the chief mosques in Granadan cities and towns had been converted into churches during the war. Following the final expulsion in 1609, some remaining Moriscos, particularly those in the former towns and villages of the emirate, continued to fulfil their religious duties correctly for several generations and centuries, albeit in a circumspect manner.⁽¹⁵⁾ They also maintained Islamic traditions in their methods of preparing and eating food.⁽¹⁶⁾

Despite promoting strict observance, al-Wansharīsī himself did not fulfil the obligation to perform al-Ḥajj (pilgrimage), the fifth pillar of Islam.⁽¹⁷⁾ It is probable that the routes from the Kingdom of Fez to the Arabian Peninsula were unsafe. It seems likely that al-Wansharīsī feared the Portuguese, who were located in the north of the Kingdom of Fez. He may also have feared the roads of the Kingdom of Tlemcen, as he had previously fled from there in 1469. Additionally, it is likely that he did not have enough money for al-Ḥajj.

The Shape of the Islamic Community in the Iberian Peninsula After the Fall of Islamic Rule from 1492 to 1494

Beginning in 1493, the city of Granada became a laboratory for some moderate methods of 'Christianising' – transforming and acculturating the Muslims into Christians. Forced conversion might have induced the inhabitants of North Africa to protest to their rulers in an attempt to pressure them into intervening politically against the Iberian Catholic authorities. In addition, The Catholic authorities in the Iberian Peninsula did not want all

(9) Aḥmad al-Wansharīsī, *Al-Mi'yār al-Mu'rib wa'l-Jāmi' al-Maghrib 'an Fatāwī 'Ulamā' Ifrīqiya wa'l-Andalus wa'l-Maghrib*, 2:138.

(10) Fernando del Pulgar, *Crónica de los Reyes Católicos*, ed. Juan de Mata Carriazo (Madrid: Espasa-Calpe, 1943), 2:279–80.

(11) Al-Wansharīsī, *Al-Mi'yār al-Mu'rib*, 2:137.

(12) Ibid., 2:138–39.

(13) Ibid., 2:139.

(14) Ibid., 2:138.

(15) Domingo Eugenio Casanova, "En la Sierra del Segura se mantiene el recuerdo de descendientes de moriscos que practicaban costumbres musulmanas," *La Vanguardia*, 2006, 56.

(16) Ibid.

(17) According to Muḥammad b. 'Askar, Aḥmad b. al-Qāḍī, Aḥmad al-Manjūr, and Ibn Maryam al-Tilimsānī. In the Marbella *fatwā*, al-Wansharīsī indicated the difficulty of applying this pillar from the Iberian Peninsula under Catholic rule to the Arabian Peninsula. See Al-Wansharīsī, *Al-Mi'yār al-Mu'rib*, 2:139.

the people of Granada to emigrate after the *fatwā* of Al-Wansharīsī that urged them to emigrate.

Archbishop of Granada, Hernando de Talavera (d. 1507) thus commenced Christianisation through education and persuasion. He encouraged his assistants to learn Arabic to enable them to explain Christian teachings clearly to the Muslim inhabitants of Granada.⁽¹⁸⁾ He aimed to spread Christianity through persuasion, as he himself had converted from Judaism to Christianity in this manner and had consequently become a critic of Judaism.⁽¹⁹⁾ It is, therefore, likely that he was convinced that Muslims could be persuaded to become Christians and severe critics of Islam.

Talavera did not face significant difficulties in this task because the Granadan Mālikī jurists had died during the last siege of Granada and after its seizure. Ibn al-Azraq died in Jerusalem in 1491, while Abū ‘Abd Allāh al-Mawwāq died in Granada in 1492.

According to the German physician Hieronymus Münzer (d. 1508), who visited the Iberian Peninsula in October 1494, Islam was still thriving there at the time of his visit. He noted the numerous mosques in the Albaicín district of Granada, the splendour of the gardens and houses belonging to some remaining Muslim nobility and that a large number of Muslims were still practising Islamic rituals, such as gathering at the mosque for Friday prayers.⁽²⁰⁾

Islam was still flourishing in Granada in 1494, two years and nine months after the withdrawal of the last Iberian Muslim emir, Boabdil, the emir of the Emirate of Granada (1482–1482/1487–1492), from the Alhambra Palace in January 1492. Under Catholic rule, Granada's economy declined, partly due to the large amounts of gold and silver the Castilian authorities had to spend to fund Muslim emigration to North Africa from 1491 to 1494.⁽²¹⁾ Castilian officials in Granada were required to prepare ten large ships every sixty days to transport Muslims who wished to emigrate to North Africa, along with their movable goods, free of charge, in

accordance with the Treaty of the Capitulation of Granada (Articles 6–7).⁽²²⁾

During this period (1491–1494), Granada witnessed the emigration of the majority of its noble Muslims, military leaders, some craftsmen and a large proportion of the lower class – who had little to lose in Granada – to areas between Fez and Tlemcen. The common people, who formed the majority, remained in Granada, contributing to the continued prosperity of Islam in the city.

The Efforts of the Muslim Community in the Iberian Peninsula to Perform their Religious Duties Correctly from 1494 to 1499

In 1495, Íñigo López de Mendoza y Quiñones (d. 1515) was appointed governor of the city of Granada by Isabella I of Castile (1474–1504) and Ferdinand II of Aragon (1479–1516), banned the call to prayer from the minarets of the mosques in Granada.⁽²³⁾ This act was the first violation of the Capitulation Treaty; however, it did not provoke a reaction from the Muslim states in North Africa.⁽²⁴⁾ While banning the call to prayer from the minarets did not mean that Muslims were prohibited from praying in mosques, it did complicate prayer times. We can deduce that one purpose of this decree was to hinder Muslims in Granada from gathering at the mosque during prayer times, which could have posed a threat to Catholic rule in the Iberian Peninsula. Such gatherings could have incited a rebellion against the Castilian authorities. We can, therefore, see that one of al-Wansharīsī's fears was justified when he advised Iberian Muslims through the Marbella *fatwā* regarding the difficulties of correctly performing Islamic rituals under Catholic rule.⁽²⁵⁾ The Granadan Muslims, however, likely determined prayer times correctly after the ban by observing the declination of the sun.

Al-Wansharīsī was convinced that all Muslims in the Iberian Peninsula would face difficulties in fulfilling their religious duties correctly, as the expulsion of the Naṣrid dynasty had ended eight

(18) Anwar G. Chejne, *Islam and the West: The Moriscos, A Cultural and Social History* (Albany: State University of New York Press, 1983), 6.

(19) Norman Roth, *Conversos, Inquisition, and the Expulsion of the Jews from Spain* (Madison: University of Wisconsin Press, 2002), 152.

(20) Hieronymus Münzer, "Itinerarium Hispanicum (1494–1495)," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 111 (2003): 317–22.

(21) Elizabeth Drayson, *The Moor's Last Stand: How Seven Centuries of Muslim Rule in Spain Came to an End* (London: Profile Books, 2017), 131.

(22) Miguel Garrido Atienza, *Las capitulaciones para la entrega de Granada* (Granada: Paulino Ventura Traveset, 1910), 269–95.

(23) Anonymous, *Nubdhat al-‘Aṣr fī Akhbār Mulūk Banī Naṣr*, 44.

(24) Aḥmad al-Maqqarī, *History of the Mohammedan Dynasties in Spain*, Extracted from *Nafḥu al-Ṭīb min al-Ghuṣn-al-Andalusī al-Raṭīb wa Tārīkh Lisān al-Dīn Ibn al-Khaṭīb*, ed. and trans. Pascual de Gayangos (London: Oriental Translation Fund, 1843), 2:389.

(25) Al-Wansharīsī, *Al-Mi‘yār al-Mu‘rib wa ‘l-Jāmi‘ al-Maghrib*, 2:138.

centuries of Islamic rule in the region. As a consequence, when Boabdil relinquished the keys to the Alhambra Palace, he is said to have asked Ferdinand II to 'be merciful and fair to the Muslims'.⁽²⁶⁾ This statement suggests that Boabdil did not trust the intentions of the Catholic king and queen towards Muslims and Islam in Granada.

By 1495, life for Muslims in Granada had become almost unbearable when the Catholic king and queen imposed special levies on them, amounting to 1,600 doblas per person. The monarchs claimed that this sum had already been imposed and collected from other areas under the Crown of Castile and that Granada, now part of Castile, was subject to the same tax.⁽²⁷⁾ In addition, an ordinary tax (one-tenth of wages) was imposed on Muslims who chose to remain in Granada under Catholic rule. This tax was among the terms of the Capitulation Treaty of Granada.⁽²⁸⁾ However, I suggest that the 1,600 doblas was specifically levied to cover the military expenses of the United Crowns of Castile and Aragon outside the Iberian Peninsula. Here, we see the realisation of another of al-Wansharī's fears, as stated in the Marbella *fatwā*, namely that Catholic rulers would financially exploit Muslims through taxation.⁽²⁹⁾ The Muslims of Granada resisted this exploitation through a rebellion in 1499, as well as by refusing to pay.⁽³⁰⁾

After the rejection of these special levies, Isabella I and Ferdinand II primarily relied on Hernando de Talavera to deal with the remaining Muslims in Granada. Talavera chose a book that was probably written in the first decade of the 15th century by the Franciscan Catalan Francesc Eiximenis (d. 1409), *Vida de Jesucrist (Life of Jesus Christ)*. He had the work translated into Castilian and distributed among Granada's Muslims in 1496.

⁽³¹⁾ This act did not upset the remaining Muslims because Articles 30–33 of the treaty allowed Talavera to spread Christian teachings widely among them.⁽³²⁾ These articles prevented him from forcing Muslims to convert to Christianity, from insulting a Christian who converted to Islam and from compelling former Christians to revert to Christianity.

Talavera realised that persuasion alone would not convert large numbers of Iberian Muslims to Christianity. In March 1498, he therefore began suppressing Muslims socially and economically by prohibiting Christians in Granada from renting property to Muslims, wearing Muslim clothing, visiting bathhouses and buying meat from Muslim butchers.⁽³³⁾ The existence of these regulations asserts that Muslims were still present in large numbers in the Albaicín district of Granada at this time. Talavera then worked to compel some former Christians in Granada to re-convert from Islam to Christianity in August 1498.⁽³⁴⁾ This act constituted a second violation of the Capitulation Treaty.

The Rebellion of the Iberian Muslim Community Against Iberian Catholic Authorities from 1499 to 1501

In September 1499, Isabella I and Ferdinand II arrived in the city of Granada, where they remained until the end of November. Upon their arrival, they were welcomed by many Muslims, who believed that the presence of the Catholic king and queen would improve their situation. However, the status of Granada's Muslim community instead worsened when the Archbishop of Toledo, Francisco Jiménez de Cisneros (d. 1517), arrived at the end of November 1499 and expressed dissatisfaction with Talavera's policies. The monarchs were also disappointed with the results of Talavera's approach towards the Granadans, as most of them were still Muslims, and the city remained largely Islamic. As a

(26) 'Abd al-Hakīm Dhanūn, *Afāq Gharnāṭah (The Prospects of Granada)* (Damascus: Dār al-Ma'rifah, 1988), 70. Dhanūn quoted this statement from Pulgar, *Crónica de los Señores Reyes Católicos Don Fernando y Doña Isabel de Castilla y de Aragón*, 509.

(27) Miguel Ángel Ladero Quesada, "Mudejares and Repobladores in the Kingdom of Granada (1485–1501)," in *Jews, Christians, and Muslims in the Mediterranean World After 1492*, ed. Alisa Ginio (London: Frank Cass, 2002), 60.

(28) Anonymous, *Nubdhat al-'Aṣr fī Akhbār Mulūk Banī Naṣr*, 41.

(29) Al-Wansharī, *Al-Mi'yār al-Mu'rib*, 2:141.

(30) L. P. Harvey, *Muslims in Spain, 1500 to 1614* (Chicago: University of Chicago Press, 2005), 212.

(31) Barbara F. Weissberger, *Queen Isabel I of Castile: Power, Patronage, Persona* (Woodbridge: Tamesis, 2008), 79.

(32) Luis del Mármol Carvajal, *Historia del rebelión y castigo de los moriscos del reino de Granada*, 2 vols. (Madrid: Sancha, 1797), 1:87–98.

(33) Matthew Carr, *Blood and Faith: The Purging of Muslim Spain, 1492–1612* (London: C. Hurst & Co. Publishers, 2017), 72.

(34) Aḥmad al-Maqqarī, *History of the Mohammedan Dynasties in Spain*, 2:391.

result, Ferdinand II appointed Cisneros as a special inquisitor for Granada.⁽³⁵⁾

Cisneros initiated an aggressive and oppressive approach to converting the city's Muslim inhabitants to Christianity, which included forced mass conversions and the burning of around five thousand Arabic manuscripts.⁽³⁶⁾ However, he excluded Arabic manuscripts related to scientific subjects, which were preserved at the University of Alcalá (al-Qal'ah) in the north of the Iberian Peninsula, an institution he himself founded.⁽³⁷⁾ Additionally, between 18 and 25 December 1499, a total of three thousand Muslims were baptised in the Albaicín district, prompting Pope Alexander VI to congratulate Cisneros on his achievement.⁽³⁸⁾

Consequently, a rebellion broke out among Muslims from the Albaicín district in Granada to the Alpujarras, lasting from 1499 to April 1501. In an effort to bring the rebellion to a swift end, the Catholic king and queen decided that the rebels would not be compelled to convert to Christianity.⁽³⁹⁾ It is likely that they made this decision to ease the pressure on their forces in the mountains while Castilian and Aragonese troops were simultaneously engaged in the Second Italian War.

The Efforts of the Iberian Muslim Community to Preserve Their Religion After the Suppression of Their Rebellion from 1501 to 1504

Following the end of the rebellion, Isabella I and Ferdinand II cancelled the Capitulation Treaty of Granada in July 1501. They then presented the Muslims of Granada with two difficult choices: remain and be baptised or go into exile by departing from the port of Estepona in the southern Iberian

Peninsula after paying ten gold doblas.⁽⁴⁰⁾ In October 1501, the king and queen ordered the burning of all copies of the Qur'ān in Granada to suppress all evidence of Islam.⁽⁴¹⁾ These choices were imposed on the rest of the territories of the Crown of Castile in February 1502, despite the fact that the Muslims in these areas had not supported the rebels. After 1501, the Granadan Muslims and then the Castilian Muslims were referred to as 'Moriscos' because they had been baptised. During the forced conversion operations, the Moriscos of Granada adopted several religious strategies to protect themselves from Castilian persecution.

In the early years of the 16th century, thousands of Granadan and Castilian Moriscos were baptised; however, most of them secretly continued to adhere to Islam. This course of action is known as *taqīyah*, or 'precaution': in essence, *taqīyah* permits Muslims to obey their enemies' orders or even outwardly demonstrate adherence to their enemies' faith while maintaining their true belief internally. A verse in the Qur'ān allows Muslims to practise *taqīyah* when their lives are in danger. It states: 'Whoever disbelieves in Allah after his belief... except for one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from Allah, and for them is a great punishment'.⁽⁴²⁾

Taqīyah was first used by the Prophet Muḥammad and his followers in Mecca when they faced persecution by non-believers.⁽⁴³⁾ Similarly, the Granadan Moriscos applied this principle to their situation. The principle of *taqīyah* was not only used by the Moriscos of Granada and other areas in Castile but also by some Granadan Jews who were forced to convert to Christianity to remain in the Iberian Peninsula. These Jews continued to practise Judaism in secret and were known as Marranos.⁽⁴⁴⁾ Al-Wansharīṣī did not publish any statement regarding the *taqīyah* of the Moriscos before his

(35) Mercedes Garcia-Arenal, "Granada as a New Jerusalem: The Conversion of the City," in *Space and Conversion in Global Perspective*, ed. Giuseppe Marcocci, Wietse de Boer, Aliocha Maldavsky, and Ilaria Pavan (Leiden: Brill, 2014), 32.

(36) Daniel Eisenberg, "Cisneros y la quema de los manuscritos granadinos," *Journal of Hispanic Philology* 16 (1992): 112.

(37) Juan de Vallejo, *Memorial de la vida de fray Francisco Jiménez de Cisneros*, ed. Antonio de la Torre (Madrid: Imprenta Bailly-Bailliere, 1913), 35.

(38) Stefania Pastore, *Il Vangelo e la Spada: L'Inquisizione di Castiglia e i suoi critici (1460–1598)* (Rome: Edizioni di Storia e Letteratura, 2003), 114.

(39) Andrés Bernáldez, *Memorias del reinado de los Reyes Católicos*, ed. Manuel Gómez Moreno and Juan de Mata Carriazo (Madrid: Real Academia de la Historia, 1962), 395–400.

(40) Henry Charles Lea, *The Moriscos of Spain: Their Conversion and Expulsion* (Philadelphia: Lea Brothers and Company, 1901), 35–40.

(41) Joseph F. O'Callaghan, *The Last Crusade in the West: Castile and the Conquest of Granada* (Philadelphia: University of Pennsylvania Press, 2014), 247.

(42) *Sūrat al-Naḥl* ("Bees"), Qur'ānic verse 16:106 (*Ṣaḥīḥ International*).

(43) Fathīyah 'Aṭwā, *Taqīyah fī al-fikr al-Islāmī* (Beirut: Dār al-Islāmīyah, 1993), 44.

(44) Alexander Marx, "The Expulsion of the Jews from Spain (1495)," in *Early Modern Spain: A Documentary History*, ed. Jon Cowans (Philadelphia: University of Pennsylvania Press, 2003), 24.

death. However, *taqīyah* was a solution adopted by the Moriscos to avoid persecution at the beginning of the 16th century and to legitimise their remaining in the Iberian Peninsula under Catholic rule – a course of action forbidden by al-Wansharīsī's Marbella *fatāwā*. Many Moriscos during this period were unable to pay the emigration fees, and most could not flee. Nonetheless, *taqīyah* sometimes created dangers for the Moriscos, who were obliged to practise two religions simultaneously: Christianity in public and Islam in secret.⁽⁴⁵⁾

Within the first decade of the 16th century, *taqīyah* was widely practised. This was because the Granadan Moriscos had come to realise that the North African political authorities, particularly those from the Kingdoms of Fez and Tlemcen, were not interested in their plight, a reality that rendered al-Wansharīsī's *fatāwā* ineffective. Another reason why Moriscos throughout the Iberian Peninsula continued practising *taqīyah* in the 16th century was the Oran *fatāwā*, which legitimised its use further.

Religious Support for Moriscos and the Continuation of Their Religious Practice in 1504

The Moriscos decided to request a *fatwā* from the Mālikī jurist Aḥmad b. Abī Jum'ah al-Maghrāwī al-Wahrānī (d. 1511) regarding ways they could fulfil their Islamic religious duties correctly under the nominal affiliation of Christianity and the monitoring of Castilian authorities. This request emphasised the Moriscos' keenness to carry out their religious duties despite the danger of persecution by Castilian religious authorities.

The Moriscos likely chose to contact this jurist in particular due to his reputation, as represented by his lineage. He was related to 'Alī b. Abī Ṭālib (d. 661), the cousin of the Prophet Muḥammad; this was indicated in a poem by the Mālikī jurist Abū al-'Abbās Aḥmad al-Šinhājī in the 16th century.⁽⁴⁶⁾ Al-Šinhājī described the son of Maghrāwī al-Wahrānī, Shaqrūn al-Wahrānī (d. 1523), in his poem: 'Oh, son of my lord Abī Jum'ah and of the Prophet's descent'.⁽⁴⁷⁾

Al-Maghrāwī al-Wahrānī responded to the Granadan and Castilian Moriscos' request on 28

November 1504 in a legal statement that became known as the Oran *fatwā*.⁽⁴⁸⁾ He approved *taqīyah* and guided the Moriscos on how to practise Islamic religious duties under persecution, such as performing prayer by gesture and fulfilling *zakat*, even if it could only be done by giving gifts to poor Muslims. Furthermore, he instructed that if the time for prayer had passed or coincided with church attendance in Granada or Castile, the Moriscos should go to church and then perform the missed prayer at night.⁽⁴⁹⁾ Following this, he advised them on how to avoid sin when forced to engage in practices forbidden by Islam, such as consuming pork and wine or practising moneylending.⁽⁵⁰⁾ For example, he urged them to reject pork and wine in their hearts if compelled to consume these items by the Castilian religious authorities.

The Moriscos applied his *fatwā*. This can be confirmed by Carvajal's observation that, although many Moriscos in Granada were committed to attending church every Sunday to protect themselves from Castilian persecution, they were not attracted to Christianity.⁽⁵¹⁾ Some did not wish to go to church at all and instead closed their homes every Sunday to deceive the Castilians into believing they were attending church.⁽⁵²⁾

The Oran *fatwā* saved more lives among the Moriscos than al-Wansharīsī's *fatāwā*, including the Marbella *fatwā*. Unlike al-Wansharīsī's *fatāwā*, the Oran *fatwā* legitimised praying at night for Granadan and Castilian Moriscos to avoid Castilian persecution.⁽⁵³⁾ Performing prayer – the second pillar of Islam – five times per day at the correct time would have drawn the attention of the Castilians and endangered the Moriscos in a period marked by Muslim persecution. Therefore, this *fatwā* was widely applied among the Morisco community across the Iberian Peninsula throughout the 16th century. It was also circulated twice in the Iberian

(48) Harvey, *Muslims in Spain*, 60-63.

(49) See Muḥammad 'Abd Allāh 'Inān, *Dawlat al-Islām fi al-Andalus, al-'Aṣr al-Rābi': Nihāyat al-Andalus wa-Tārīkh al-'Arab al-Mutanaṣṣirīn*, 4th ed. (The Islamic State in the Iberian Peninsula, the Fourth Era: The End of al-Andalus and the History of Arab Converts) (Cairo: Maktabat al-Khānījī, 1997), 342-44.

(50) Ibidem.

(51) Mármol Carvajal, *Historia del rebelión y castigo de los moriscos del reino de Granada*, 1:124-32.

(52) Fernand Braudel, "Conflits et Refus de Civilisation: Espagnols et Morisques au XVIe Siècle," *Annales: Économies, Sociétés, Civilisations* 2, no. 4 (1947): 402.

(53) The text of the Oran *fatwā* in 'Inān, 342-44.

(45) Aḥmad ibn Qāsim al-Ḥajarī, *Nāṣir al-Dīn 'alā al-Qawm al-Kāfirīn* (Supporter of Religion Against Non-Believers), ed. Muḥammad Razūq (Casablanca: Dār al-Shurūq, 1987), 21.

(46) Aḥmad b. Muḥammad b. al-Qāḍī al-Miknāsī, *Durrat al-Ḥijāl fī Ghurraṭ Asmā' al-Rijāl* (The Names of Men), ed. Muḥammad al-Aḥmadī (Cairo: Dār al-Turāth, 1970), 1:93.

(47) Ibid.

Peninsula, in 1519 and 1563.⁽⁵⁴⁾ It remained the only effective solution for the Moriscos, except for a number of evacuation campaigns conducted by the Barbary corsairs to transfer them to North Africa throughout the 16th century.

The Moriscos adhered to fasting during the month of Ramaḍān by deceiving the Castilian authorities. They did this by leaving their homes in the morning and at noon each day of Ramaḍān to avoid being monitored by the Castilian authorities in Granada and Castile and later by the Aragonese authorities in Valencia in the third decade of the 16th century.⁽⁵⁵⁾ In this regard, the text of the Oran *fatwā* did not include any guidance for the Moriscos regarding fasting during Ramaḍān. It can, therefore, be surmised that al-Maghrawī al-Wahrānī wanted the Moriscos to find suitable ways to deceive the Catholic authorities monitoring them during Ramaḍān rather than providing his own suggestions.

With regard to acts forbidden by Islamic law, such as consuming wine and pork, the Moriscos were able to avoid them by providing various excuses to the Castilian authorities. For example, many Moriscos in Castile, including those in Granada, claimed that they preferred to eat dishes other than pork or that they did not know how to cook it.⁽⁵⁶⁾

Several differences can be observed between the positions of al-Maghrawī al-Wahrānī and al-Wansharīsī. Firstly, the former accepted that the Moriscos of Granada and Castile were Muslims. Al-Maghrawī al-Wahrānī stated at the end of his *fatwā*: 'We witness for you (the Moriscos) that you were faithful to God'.⁽⁵⁷⁾ By contrast, al-Wansharīsī described the Moriscos as unbelievers despite both jurists following the Mālikī school.⁽⁵⁸⁾ Furthermore, al-Wahrānī showed greater sympathy towards the

Moriscos than al-Wansharīsī. For example, he prayed that their situation would improve and encouraged them to consult him again if they faced any difficulties related to religious rituals.⁽⁵⁹⁾ In short, al-Wansharīsī was a purist, whereas al-Wahrānī could be considered a pragmatist; accordingly, the Moriscos could follow him and his recommendations.

Another key reason that surely guided al-Maghrawī al-Wahrānī to issue this type of *fatwā*, which contradicted the view of his colleague al-Wansharīsī, was that he considered a certain prophetic ḥadīth applicable to the Moriscos. This ḥadīth states: 'It will come upon the Muslims a time in which the one who is patient on his religion will be like the clutch on the embers'.⁽⁶⁰⁾ The main lesson of this ḥadīth is that Muslims should be patient, faithful and careful about their religion in a time marked by the rise of evil and opposition to Islam, as they may be deprived of assistance.⁽⁶¹⁾ Al-Wahrānī began his *fatwā* with this ḥadīth. Furthermore, the Egyptian historian Mu'nis considered that this ḥadīth applied to the Granadan and Castilian Moriscos when he critiqued al-Wansharīsī's *fatwā*.⁽⁶²⁾

Conclusion

Before the fall of the last Islamic state in the Iberian Peninsula, the Nasrid Emirate of Granada, in 1492, The Mālikī jurist al-Wansharīsī warned the Muslims of al-Andalus against remaining under Catholic rule, fearing persecution for their religion and religious rituals. He expected in his *fatwā* that they would be persecuted by the Castilians, and his expectations came true.

Many nobles, military men and professionals emigrated from the Emirate of Granada and other Iberian cities to North Africa out of fear of losing their social status rather than for religious reasons. However, many Muslims from the general public remained in Granada and other provinces under Catholic rule and continued practising Islam under persecution. However, Iberian Muslims steadfastly held on to their faith and practised their religious rituals for several reasons, the most important of which are the following.

First, the Catholic authorities in the Iberian Peninsula gradually intensified their persecution,

(54) Maria del Mar Rosa Rodríguez, "Simulation and Dissimulation: Religious Hybridity in a Morisco Fatwa," *Medieval Encounters* 16 (2010): 159.

(55) Jamāl Yaḥyāwī, *Suqūt Gharnāṭah wa Ma'sāt al-Andalusīyīn, 1492–1610* (The Fall of Granada and the Persecution of the Muslims of the Iberian Peninsula) (Algiers: Dār al-Hūmah, 2004), 190.

(56) Kirill Dmitriev et al., *Insatiable Appetite: Food as Cultural Signifier in the Middle East and Beyond* (Leiden: Brill Press, 2019), 233.

(57) 'Inān, 342–44.

(58) Ḥusayn Mu'nis, "Asnā al-Matājir fī Bayān Aḥkām Man Ghalaba 'alā Waṭanihi al-Naṣārā wa-Lam Yuhājir, wa-Mā Yatarattab 'Alayhi min al-'Uqūbāt wa'l-Zawājir," by Abū al-'Abbās Aḥmad b. Yaḥyā Al-Wansharīsī, originally published in *Revista del Instituto Egipcio de Estudios Islámicos en Madrid* 5, no. 1–2 (1957): 144.

(59) 'Inān, 342–44.

(60) 'Abd al-Raḥmān al-Sa'dī, *Bahjat qulūb al-abrār* (The Joy of the Hearts of the Righteous) ed. Sa'ad 'Abd al-Ghafār (Beirut: Dār al-Kutub al-'Ilmiyah, 2002), 259.

(61) Ibid.

(62) Mu'nis, "Asnā al-Matājir," 144.

which led the Muslims to unite and rebel against them in a revolution that lasted from 1499 to 1501. Second, those Muslims who remained in the Iberian Peninsula preserved their religion and practised their rituals in ways that protected them and were permissible under Islamic law. The Mālikī jurist al-Maghrāwī issued the Oran *fatwā* in 1504. He provided them some means to practice their rituals safely.

Further studies on this period and areas of research should be undertaken in the future. The efforts of the Iberian Muslims who emigrated to North Africa to support the Barbary pirates in their attacks on the Iberian coasts in the first half of the 16th century have yet to be analysed.

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