

Al-Qāḍī ʿIyāḍ

Abū l-Faḍl ʿIyāḍ ibn Mūsā
ibn ʿIyāḍ al-Yaḥṣubī al-Sabtī

DATE OF BIRTH 1083
PLACE OF BIRTH Ceuta
DATE OF DEATH 1149
PLACE OF DEATH Marrakesh

BIOGRAPHY

Al-Qāḍī ʿIyāḍ was one of the most significant religious personalities of Islamic Spain. He excelled in the fields of prophetic tradition and Islamic jurisprudence, and also wrote on history and literature (*adab*). After he composed the *Kitāb al-shifāʾ bi-taʾrīf ḥuqūq al-Muṣṭafā* ('The cure by the acknowledgement of the rights of the chosen one'), his reputation went beyond the confines of his homeland through the whole Islamic world.

He served the Almoravids as *qāḍī* of Ceuta between 1121 and 1136, of Granada between 1136 and 1138, and of Ceuta again from 1144-45 to 1148. At the same time, he acted as a *muftī*, giving advice on legal matters to both the authorities, including the Almoravid ruler, and private individuals.

In 1148, when the Almohads besieged Ceuta, it was al-Qāḍī ʿIyāḍ who decided that surrender was the only course. He was retained in his position, but was dismissed and expelled a short time later after leading an unsuccessful uprising. He spent some time in Day, in the area of Tadla close to Marrakesh, and was later called to Marrakesh itself. He died there of a sudden sickness in circumstances that remain unclear.

Al-Qāḍī ʿIyāḍ is now venerated as one of the seven 'patron-saints' of Marrakesh.

MAIN SOURCES OF INFORMATION

Primary

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Al-Ḍabbī, *Bughyat al-multamis*, ed. F. Codera and J. Ribera, Madrid, 1834-85

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- Ibn Bashkuwāl, *Kitāb al-ṣila*, ed. F. Codera, Madrid, 1882-83, pp. 446-47
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Secondary

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- M. Talbi, *Biografies aghlabides extraites des Madārik du Cadi 'Iyāḍ*, Tunis, 1968, pp. 5-22
- M. Ibn Tāwīt al-Ṭanjī (ed.), *Tartīb al-madārik*, Rabat, 1965, introduction, pp. *alif-lamhā'*

WORKS ON CHRISTIAN-MUSLIM RELATIONS

Kitāb al-shifā' bi-ta'rif ḥuqūq al-Muṣṭafā, 'The cure by acknowledging the rights of the chosen one'

DATE Between about 1110 and 1136

ORIGINAL LANGUAGE Arabic

DESCRIPTION

Al-Shifā' is recognised as the most authoritative reference of its kind. 'Iyāḍ must have completed it before 1136, when he was made *qāḍī* of Granada, since by this time he was already teaching it to his students. His goal in writing it was to establish Muḥammad's precedence over other figures (e.g. saints), and to warn Muslims against unbelief (*kufr*).

The book is divided into four parts. The first deals with references in the sacred texts that demonstrate how God exalted Muḥammad and preferred him over other Muslims. The second deals with the obligation to believe in Muḥammad's prophetic mission and venerate him. In the third part, the Prophet's superiority vis à vis other religious figures is established on the grounds of the arguments presented in earlier chapters, and of his sinlessness. The fourth part is concerned with the duty of legal authorities to prevent and punish any violation of the duty to venerate Muḥammad.

References to Christians, who are usually mentioned together with Jews as *dhimmi*s, are found in part four. 'Iyāḍ warns of the danger of falling into unbelief, having in mind 'those members of the populace, women and idiots who imitate Christians and Jews' (ed. Amīn, ii, p. 280). Drawing on the authority of the Mālikī jurist and Ash'arī theologian Abū Bakr al-Bāqillānī (q.v.), he criticizes al-Ghazālī (q.v.) for not supporting the view that Christians, Jews and 'those who move away from Islam' are to be declared unbelievers when they profess heretical doctrines. Among such doctrines he mentions the denial of God's oneness, the worship of a being other than God (p. 282), the belief that God became incarnate in one particular being, the rejection of Muḥammad's prophethood, the refusal to acknowledge any of the prophets acknowledged by Sunnī Muslims – a doctrine he attributes to Orosian Christians (p. 283) – and denial of the miraculous nature of the Qur'an (pp. 290, 304-7).

An infidel is also someone who, despite being a Muslim, 'bows down to worship an idol, the sun, the moon, the cross, fire, etc... or goes to churches and synagogues together with their people, and adopts their manners and their attire, such as wearing close-fitting belts or shaving their heads' (ibid, 287). This is a valuable testimony to social interaction across religious boundaries in the Islamic West.

Christians who insult the Prophet and God, and are therefore subject to the death penalty, should not be offered an opportunity to repent unless they convert to Islam (pp. 295-96). The same should apply to *dhimmi*s who insult the angels or any one of the Islamic prophets (p 302).

SIGNIFICANCE

These harsh recommendations have earned the Qāḍī 'Iyāḍ, together with Abū Bakr ibn al-'Arabī al-Ma'āfirī (q.v.), the reputation of being the foremost anti-Christian polemicist of his time (Urvoy, *Penseurs*,

p. 166). His strictures against Christians who insulted Muḥammad were followed by the Ḥanbali jurist and theologian Ibn Taymiyya (see Turki, 'Situation du "tributaire" qui insulte l'islam', pp. 221-26).

MANUSCRIPTS

There are thousands of manuscripts of the *Shifā'*. The best list currently available is given in Brockelmann, *GAL* i, pp. 369-70, and *GAL* S i, pp. 630-32.

EDITIONS & TRANSLATIONS

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STUDIES

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- H. Laoust, *Essai sur les doctrines sociales et politiques de Takī-d-Dīn Ibn Taimīya*, Cairo, 1939, pp. 103, 191

Fatwā, Legal opinion

DATE Between 1126 and 1149

ORIGINAL LANGUAGE Arabic

DESCRIPTION

This *fatwā* is concerned with 'a church constructed by Christian subjects (*Naṣārā mu'āhidūn*) over which a mosque was built: are the endowments (*aḥbās*) of the church to be transferred to the mosque or to the public treasury?' The text contains a formal question (*istiftā'*) concerning properties endowed for the benefit of an unnamed church, which was presumably in the vicinity of Granada or Seville, together with two answers given by 'Iyād. The church and its endowments had been abandoned after the local Christian community were deported to the Maghrib by the Almoravid emir 'Alī ibn Yūsuf for helping Alfonso I of Aragon during a raid in 1125.

In his formal replies, 'Iyād endorses the decision to convert the church into a mosque. And he judges that the endowments should be returned to their original owners, if known, because, unlike endowments by Muslims, they have no sacred character (*ḥurma*). If the owners cannot be found, the ruler should decide whether their rents should go to the mosque or the public treasury.

SIGNIFICANCE

The text gives information about the legal status of landed property of Andalusī Christians, and about the organization of Christian communities under Muslim rule. It also offers an insight into the kind of punishments meted out to Christians who betrayed their rulers, and the threat from mass deportations to Christian survival in al-Andalus.

MANUSCRIPTS

Rabat, al-Khizānat al-Ḥasaniyya or al-Malikiyya – 4042, fols 95-97 (1670)

EDITIONS & TRANSLATIONS

D. Serrano Ruano, *La actuación de los jueces en los procesos judiciales*, Madrid, 1998, pp. 359-61 (Spanish trans.)

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 V. Lagardère, 'Communautés mozarabes et pouvoir almoravide en 519h/1125 en Andalus', *Studia Islamica* 67 (1988) 99-119

Tartīb al-madārik wa-taqrīb al-masālik
bi-ma'rifat a'lām madhhab Mālik, The ordering
 of perception and facilitation of procedures
 for knowledge of the most eminent in the
 school of Mālik

DATE Before 1149

ORIGINAL LANGUAGE Arabic

DESCRIPTION

The *Tartīb* is a collection of about 1,600 biographies of jurists of the Mālikī school of law, from the founder, Mālik ibn Anas, to 'Iyāḍ's own time (the precise date of composition is unknown). It is one of the most important sources for the history of the Mālikī school.

In the biography of Abū Bakr Yaḥyā ibn Hudhayl, 'Iyāḍ reports about celebrations of St John the Baptist's Day, the *mahrajān* or *'anšara*, in 10th-century Cordova. He says that horse races took place, presumably organized and presided over by the Caliph 'Abd al-Raḥmān

III himself. The celebration was accompanied by a poetry contest in which both Christian and Muslim poets participated.

SIGNIFICANCE

The fact that 'Iyāḍ gives this report without any comment suggests that the participation of Muslims, both ordinary people and elite, in Christian festivals was not unusual (see De la Granja, 'Fiestas cristianas II', p. 127). Read in relation to 'Iyāḍ's harsh words in the *Shifā'* about Muslims who imitated Christians and consorted with them, the story indicates that, when the balance of military power between Muslims and Christians in the Iberian peninsula started to shift in favor of the latter, customs and social practices that had been common before became unacceptable to Muslim jurists and theologians. They feared that mixing would weaken Muslims and increase the danger of being absorbed by the enemy, culturally and religiously.

MANUSCRIPTS

MS Rabat, Al-Khizāna al-Malikiyya (no number) (undated)

MS Rabat, Al-Khizāna al-Āmma – 2633 (undated)

MS Rabat, Al-Khizāna al-Āmma – 2634 (undated)

MS Rabat, Al-Khizāna al-Āmma – 2635 (undated)

There are also numerous manuscripts in private collections and libraries (see R. Brunschvig, 'Polémiques médiévales autour du rite de Mālik', *Al-Andalus* 15 (1950) 377-435, p. 414, and M. Ibn Tāwīt al-Ṭanjī, Introduction, p. *lam*).

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F. de la Granja, 'Fiestas cristianas en al-Andalus (materiales para su estudio). II: Textos de Ṭurtūšī, el cadī 'Iyāḍ y Wanšarīšī', *Al-Andalus* 35 (1970) 19-42, p. 127 (Spanish trans.)

STUDIES

de la Granja, 'Fiestas cristianas en al-Andalus', pp. 125-27

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