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Law, Tradition, and Innovation in Islamic Preaching in the Medieval Muslim West during the Almohad Period

by Linda Gale Jones

While the symbiosis between law, morality, and religion is generally true of premodern Islamic societies, the interrelation among them was unparalleled under Almohad rule in the Maghreb and al-Andalus. This article discusses how the so-called “Almohad sermon” epitomized this heightened legal-moral-theological interaction. It begins with an overview of Maliki law, the legal prescriptions that determined the juridical validity of preaching, and the problem of «innovation (*bid‘a*)» as it pertains to preaching and preachers. It then analyzes the innovations that the Almohads introduced into the canonical sermon in order to propagate their revolutionary model of synthesized theological and juridical authority.

Middle Ages; Law and Religion; Iberian Peninsula; Maghreb; 12th-13th Century; Islamic preaching; Shari‘a; law; *khuṭba*; Almohads; Maliki law; *bid‘a* (innovation); sermon.

1. Introduction

Muḥammad Ibn ‘Idhārī al-Marrākushī, an early fourteenth-century Moroccan chronicler, preserves a striking testimony regarding the legal policies of the Almohads, a revolutionary dynasty that ruled over North Africa and parts of Muslim Iberia in the twelfth and thirteenth centuries¹. A young boy, whom Ibn ‘Idhārī identified only as «the young son of Ibn al-Ṣaḡar», «had spoken back to the preacher during his sermon and called him a liar when he mentioned the [doctrine of the] infallibility of the Maḥdī» referring to Ibn Tūmart (d. 1130), the Masmuda Berber who founded the Almohad movement².

¹ On Ibn ‘Idhārī al-Marrākushī, an historian and military commander of Marinid-ruled Fez, see Bosch-Vilà, *Ibn ‘Idhārī, Abū ‘l-Abbās Aḥmad b. Muḥammad b. ‘Idhārī al-Marrākushī*, p. 805. For the origins of the Almohad dynasty, see Fromherz, *The Almohads*; Fierro, *The Almohad Revolution*. On their legal policies, see Fierro, *The Legal Policies of the Almohad Caliphs and Ibn Rushd’s “Bidayat al-mujtahid”*.

² Ibn ‘Idhārī, *Al-Bayān al-mughrib fī akhbār al-Andalus wa-l-Maghrib li-Ibn ‘Idhārī al-Mar-*

The reigning Almohad caliph, Abū Ḥafṣ ‘Umar al-Murtadaḍā (r. 1248-1266), ordered the boy to be «incarcerated but not killed», however the Almohad jurists and ministers attempted to persuade the sovereign to impose the death penalty³. I shall leave the fate of the son of Ibn al-Ṣāqar for the conclusion of this article and state here that not only did the life of the boy hang in the balance as the Almohad caliph and jurists deliberated over which punishment to apply for his insolent interruption of the sermon. What also hung in the balance was «the [very] principle upon which the Almohads had built their religion», to cite Aḥmad al-Wansharīsī, a late fifteenth-century Moroccan jurist, who recorded the incident in his compilation of juridical *responso*⁴.

One of the principal tenets of Almohadism was the assimilation of the authority of Almohad rule with God's supreme authority. Just as there could be no resisting, no defying, and no contesting the will of God as Regulator of the universe and Law-giver and Judge over humanity, so too could there be no resisting or contesting the divinely-ordained power of the Almohads, whose founding principles were the absolute oneness of God and the infallibility of His messianic envoy, the “Mahdi (divinely-guided)” Ibn Tūmart, whom had God sent to restore a pure and just Islamic order⁵. Ibn Tūmart himself imposed the proclamation and unconditional acceptance of these theological principles as a legal duty, the infringement of which was punishable under Islamic law or Shari‘a. From the very beginning of the Almohad movement, Ibn Tūmart and his successors deployed preaching to articulate the revolutionary creed of Almohadism and to assert their divinely-ordained religious and juridical authority⁶. Toward this end they implemented unprecedented changes in the content, ritual order, performance, and juridical status of the traditional canonical sermon, so much so that it gained notoriety as “the Almohad sermon” among historians both sympathetic to and critical of the dynasty. The ability to legally enforce the performance and attendance of “the Almohad sermon” became a sign of Almohad juridical and religious power. Contrarily, challenges to “the Almohad sermon” came to be synonymous with opposition to Almohad rule.

The interruption of the sermon by the son of Ibn al-Ṣāqar will serve as a point of departure to explore some of the ways in which preaching intersected with law and religion in premodern Islamic societies. While the symbiosis between law, moral ethics, and religion holds true generally for the

rākushī. *Qism al-Muwaḥḥidīn*, pp. 445-446. On mahdism in the thought of Ibn Tūmart, see Goldziher, *Le livre de Ibn Tūmert*; Fletcher, *Al-Andalus and North Africa in Almohad Ideology*; and García-Arenal, *Messianism and Puritanical Reform*.

³ al-Wansharīsī, *Kitab al-Mīyār*, II, p. 469.

⁴ *Ibidem*: «wa-qatalūhu khawfan an yaqūla dhālika ghayrihi fa-takhattala ‘alayhim al-qā‘ida allāti bānū dīnahum ‘alayhā».

⁵ On the philosophical underpinnings of Almohadism, see Fletcher, *The Almohad Tawhid*.

⁶ Regarding the political uses of oratory and preaching under the Almohads, see Jones, *The Preaching of the Almohads*.

medieval Islamic world⁷, I would argue that the blurring of the boundaries between them was virtually unparalleled under Almohad rule. This article will discuss how the so-called “Almohad sermon” functioned as a vector of this heightened legal-moral-theological interaction. The first part has three aims: to summarize the key developments in Islamic law especially relating to Malikism, the dominant school of law in the Muslim West, illustrate how Maliki legal prescriptions inform the preaching event, and examine the problem of “innovation (*bid'a*)” as it pertains to preaching and preachers. The second part identifies the principal innovations that the Almohads introduced into the canonical preaching rituals and explains how the regime deployed the “Almohad sermon” to propagate their revolutionary ideology. Finally, I will discuss the legal implications of this transformation, suggesting that the “Almohad sermon” epitomized the revolutionary nature of a regime that supplanted the normative balance of power between the ruler and a relatively independent judiciary with a political model of synthesized theological and juridical authority. My primary sources for this study include chronicles from the Almohad and post-Almohad periods and juridical *responsa* and treatises composed by Maliki jurists.

2. *Maliki Law, Tradition, and Innovation in Religious Preaching*

In order to appreciate the theological and legal transformations that the Almohads introduced into the canonical sermon, a word must be said about the nature of Islamic law and its application to preaching in the Muslim west prior to the Almohad conquests. To begin with, the confluence between law, moral ethics, and religious doctrine and practices was the normative situation across the medieval Islamic world.

As the legal scholar Wael Hallaq argues, «the legal was an organically derivative category from the moral: what is moral is *ipso facto* legal»⁸. Furthermore, in Qur'anic discourse faith (*īmān*), which comprises belief in the oneness of God, the prophetic mission of Muḥammad, and the realities of the angels, the Last Judgment, heaven, and hell, is inextricably linked to the moral imperative of doing “good works” and «doing what is right [morally and legally]». According to one Companion of Muḥammad, «performing a good deed is belief in the oneness of God (*al-ḥasana tawḥīd*)»⁹. And deeds encompass not only the performance of acts that we associate with religion, such as prayer, pilgrimage, rituals, or charitable giving. All human activities – social, law. Hence a key concern for the early Muslim community was how to interpret divine law and apply it to society. As many scholars have observed, this process of legal interpreta-

⁷ On the origins and evolution of Islamic law, see Hallaq, *An Introduction to Islamic Law*.

⁸ Hallaq, *Groundwork of the Moral Law*, pp. 258-259. On law in the Islamic West, see Powers, *Legal Consultation («Futya») in Medieval Spain and North Africa*.

⁹ *Ibidem*, p. 267.

tion and pragmatic application evolved into two independent yet interacting trends: the moral-religious law, which was developed by jurists (fuqahā), and the positive law, which consisted of «enforceable legal rules» and was administered in courts under the aegis of a judge (qāḍī)¹⁰.

For our purposes, the moral-religious law as developed by the traditionalist jurists is the most relevant trend. By the ninth century there emerged four major schools of jurisprudence in the Sunni Islamic world: Maliki, Shafi'i, Hanbali, and Hanafi, and all religious personnel, especially judges and jurists, but also preachers and prayer leaders, as well as laypersons were expected to adhere to a particular school (*madhhab*)¹¹. Of these four schools, Malikism had the widest following in al-Andalus and the Maghreb¹². The schools perpetuated themselves institutionally through formal study of the works of their founders and author-jurists. Thus Andalusī and Maghrebi scholars would begin their legal studies by taking classes with experts in the field of Maliki law, usually a jurist (*faqīh*), author-jurist, or *muftī*. The curriculum of study typically included hadith reports, legal treatises, code-books, compilations of legal *responsa* (*fatāwā*), queries (*masā'il*), or other works attributed to the eponymous founder of the Maliki school, al-Imām Mālik ibn Anas (d. 795)¹³, his disciples, and later interpreters. Of relevance is that juridical texts such as the *al-Muwatta'* of Mālik ibn Anas, the *al-Mudawwana* of Saḥnūn (d. 854)¹⁴, or the *al-Risāla* of Ibn Abī Zayd al-Qayrawānī (d. 996)¹⁵ clarify the Maliki position regarding the correct practices of the canonical festivals and other events for which preaching is prescribed or recommended. Some texts, such as the famed philosopher and qāḍī Ibn Rushd's *Bidāyat al-mujtahid*¹⁶, methodically explain the differences of opinion among the legal schools or even within a single *madhhab* regarding ritual practices, which include preaching. Compendia of *fatāwā*, including those of the aforementioned Moroccan jurist, al-Wansharīsī, Abū l-Walīd Ibn Rushd (d. 1126, grandfather of the famous philosopher)¹⁷, and the Andalusī jurist Ibrāhīm al-

¹⁰ Khalid Masud, *Shatibi's Philosophy of Islamic Law*, pp. 13-15. The debate over the relationship between Islamic legal theory and practice has a long history. Some of the seminal works include Coulson, *A History of Islamic Law*; and Kramers, *Droit de l'Islam et droit islamique*.

¹¹ Khalid Masud, *Shatibi's Philosophy of Islamic Law*, p. 15; and Hallaq, *An Introduction to Islamic Law*, pp. 25-31. See also Melchert, *The Formation of the Sunni Schools of Law*.

¹² Other Sunni schools of law, notably Shafi'ism and Zahirism, also enjoyed a following in al-Andalus, while Shi'i law was applied in the Maghreb during the Zaydi Idrisid Dynasty (r. 789-974). See Powers, *Law, Society and Culture in the Maghrib*; Adang, *From Malikism to Shafi'ism to Zahirism*; and Brett, *The Rise of the Fatimids*.

¹³ On the life and works of Malik ibn Anas, see Imam Malik ibn Anas, *Al-Muwatta' of Imam Malik ibn Anas*; and *al-Muwatta'*.

¹⁴ Saḥnūn ibn Sa'īd ibn Ḥabīb at-Tanūkhī, author of the famous legal manual, *al-Mudawwana al-Kubrā*.

¹⁵ A Moroccan jurist whose many works include this famous treatise on Maliki law: Ibn Abi Zaid al-Qairawani, *La Risāla*.

¹⁶ The famous philosopher and jurist during the Almohad period, Ibn Rushd, *The Distinguished Jurist's Primer*.

¹⁷ *Masā'il Abi l-Walīd Ibn Rushd (al-Jadd); Fatāwā Ibn Rushd*.

Shāṭibī (d. 1388)¹⁸, are pertinent because they record cases involving irregularities that affected the legal validity of the liturgical sermon or cast doubt upon the probity of the preacher.

The mention of judges and jurists raises the issue of how Maliki law operated in the Muslim West. The most powerful figure was the chief justice (*qāḍī al-quḍāt*) of a royal capital. The judgeship was a political office since it was the ruler or one of his designated representatives who appointed the chief justice of a major province or city. In the Maliki court system the *qāḍī* was required to work with a council of legal advisers (*majlis al-shūrā*)¹⁹ composed of jurists and *muftīs* (legal specialists). Although the *muftī*'s opinions (*fatāwā*) were not legally binding, in practice they were considered definitive and rarely challenged by judges, rulers, or private individuals²⁰. As we shall see, legal queries could concern some aspect of the preaching event or affect the preacher's reputation.

Judges and jurists also relied upon "author-jurists"²¹ who composed practical manuals that adapted the law to contemporary society, and treatises examining «novelties (*ḥawāḍith*)» and «innovations (*bida'*)» that deviated from the established practices (*sunna*) of Muḥammad and the early community in Medina²². Andalusī Maliki jurists were particularly prolific in composing treatises against innovation²³. A text composed by the Egyptian Maliki jurist Ibn al-Ḥājj al-'Abdarī al-Fāsī (d. 1336), gained a wide following in al-Andalus and the Maghreb²⁴.

Another important figure was the *muḥtasib* or «inspector» whose principal duties were to regulate public morals and guarantee the application of Islamic law in all areas affecting civil, religious, and political society. Some Andalusī inspectors composed manuals of public morality (*ḥisba*), which delineated the proper conduct for Muslims in public places and for all public occasions, including those in which sermons were pronounced²⁵. In sum, there exists a wealth of premodern Maliki juridical texts, both theoretical and casuistic, which affirms that Islamic preaching was bound by norms that governed virtually every aspect of the preaching event.

Space does not allow for a detailed explanation of all the norms that govern the delivery of the sermon. It suffices to comment upon the major areas in which the law informed the preaching event and provide a few choice

¹⁸ al-Shāṭibī, *Fatāwā l-Imām al-Shāṭibī*.

¹⁹ On the *majlis al-shūrā* in al-Andalus, see Marín, *Shūrā et ahl al-shūrā dans al-Andalus*.

²⁰ On the roles of the *mufti*, jurist, judge, and the ruler see Hallaq, *Authority, Continuity, and Change*, pp. 1-7.

²¹ On the role of the «author-jurist», see Hallaq, *Introduction to Islamic Law*, pp. 2-8.

²² On the concept of innovation in Islam, see 'Abd-Allah, *Innovation and Creativity in Islam*.

²³ Fierro, *The Treatises against Innovation: (Kutub al-Bida')*. See also Muḥammad b. Waddāh, *Al-Bida' wa-l-nahy 'an-hā (Innovations and their Interdiction)*; and Abū Bakr al-Ṭurtushī, *Ki-tāb al-Ḥawāḍith wa-l-bida'*. *El libro de las novedades y las innovaciones*.

²⁴ Ibn al-Ḥājj, *Madkhal al-shar' al-sharīf*. It was quoted extensively by the Moroccan jurist al-Wansharīsi.

²⁵ The most well-known is that by Ibn 'Abdūn, *Seville musulmane*.

illustrations of what were considered deviations or «innovations» from the established homiletic practices. I will begin by referring back to Hallaq's affirmation regarding the organic or symbiotic relation between morality and the law. This model of religiously-based moral law has two important implications for preaching. First of all, one may qualify as "legal" the sum total of the sermon's moral imperatives to carry out good deeds (*ṣāliḥat*), righteous acts (*ḥasanāt*), and perform the ritual injunctions (*ibadāt*). From a methodological viewpoint, this means that to scour the sermons and related sources in search of "strictly legal" messages or terminology is myopic and overlooks the fact that moral messages were intended to be understood as legally prescriptive and would have been received as such by their audiences.

Secondly, from a juridical point of view, preaching, like all other human activities, was classified according to one of five legal-moral categories: obligatory acts, which include individual obligations and collective obligations; recommended acts; acts about which the law is neutral or indifferent; reprehensible acts; and forbidden acts²⁶. Moreover, these legal-moral categories varied according to the distinct genres of oratory. The «canonical» or «liturgical» sermon is an obligatory act whose performance and time of delivery are explicitly prescribed in Islamic law. Technically, it is classified as a collective obligation, meaning that the celebration of the sermon is a legal duty, however attendance is required only of a fixed percentage of a given populace, normally a sufficient number of adult Muslim males. The other people are exempted from the obligation to attend the service. The earliest Hadith collections and Islamic legal codebooks, which date from the eighth and ninth centuries, mention specific juridical norms for canonical preaching: where and when the sermon should be held, the appropriate gestures of the preacher and the audience, the obligatory liturgical formulae, Qur'anic verses, and pious exhortations the preacher should pronounce, and even the color of the preacher's clothing are legislated in accordance with practices attributed to Muḥammad, his Companions, and immediate successors²⁷. Maliki law recognizes a fixed number of obligatory «canonical orations (*khuṭab shar'iyya*)». These are the Friday sermon, which must be held in the congregational mosque immediately prior to the Friday communal prayer; the sermons for the two canonical feast days (the Festival of the Breaking of the Ramadan Fast and the Festival of the Sacrifice, which marks the end of the Hajj pilgrimage season). Unlike the Friday sermon, these two festival sermons must be delivered after the communal prayer and held in the mosque's outdoor oratory (*muṣallā*). Other prescriptive orations included the rain rogation sermon, which is part of the rituals prescribed during times of extreme drought; the sermon for the solar or lunar eclipse; and the marriage oration.

²⁶ Hallaq, *Introduction to Islamic Law*, pp. 20-21.

²⁷ The following discussion is based on Jones, *The Power of Oratory*, pp. 38-86.

There were also «*Sunna*-prescribed sermons», which emulated Muḥammad's practices, but did not have the same compulsory status as the Shari'a-prescribed *khuṭba*²⁸. The legal schools dissented over which sermons to include in this category. The Malikis sanctioned three sermons during the pilgrimage season or Ḥājj: the first takes place on the seventh day of the month of *Dhū al-Ḥijja* when the imam preaches at the Ka'ba after the afternoon prayer. He delivers the second sermon on the ninth of *Dhū al-Ḥijja*, the day of the «standing» on Mount 'Arafat, just before the ritual prayer. He pronounces the third sermon the following day, which is in fact the *khuṭba* for 'Īd al-Adhā, when the sheep are slaughtered²⁹. There also existed an array of occasional and thematic orations, some of which were delivered on para-liturgical festivals, such as the *Mawlid al-Nabī* (the Prophet Muḥammad's birthday) or *Laylat al-Qadr* (the "Night of Power" during the month of Ramadan when the Qur'an was first revealed). Others were pronounced whenever the *khaṭīb* felt the need to exhort moral, social, or political reforms or to urge the public to wage jihad³⁰. A separate genre of pious exhortation (*wa'z*) was practiced mainly by religious ascetics and mystics³¹.

The «court preacher (*khaṭīb al-ḥadra*)» and the «reception orator (*khaṭīb al-maḥāfil*)» delivered ceremonial and reception speeches, political addresses, and war harangues, although these orations could be pronounced by a liturgical preacher, judge, or jurist as well. Linda Gale Jones has explained in detailed the nature of political oratory and court orations³². Here it suffices to mention that sometimes preachers attempted to influence royal or legal policies. An example from the Almohad period is a *khuṭba* that Abū Ḥafṣ al-Aghmātī (d. 1206), the Moroccan *qāḍī* of Seville, delivered vilifying the «lies» and «filth» of the Greek and Muslim philosophers and extolling the «truths of prophetic revelation»³³. The legal and political implications of this *khuṭba* become apparent when one recalls that the Almohads had promoted Greek philosophy, as seen in their patronage and appointment of philosophers Ibn Ṭufayl (d. 1185) and Ibn Rushd to elevated court positions³⁴. Al-Aghmātī was a contemporary of Ibn Rushd and most likely delivered this *khuṭba* toward the end of the reign of Caliph Ya'qūb al-Manṣūr (r. 1184-1199) at a time when attacks upon philosophy and philosophers were tolerated. Although we cannot establish a direct link to al-Aghmātī's sermon, it is noteworthy that Ibn Rushd

²⁸ Rifa'i, *Khuṭbat al-jum'a*, p. 157.

²⁹ *Ibidem*, p. 158.

³⁰ Jones, *The Power of Oratory*, p. 41.

³¹ On these "popular preachers" see Swartz, *The Rules of the Popular Preacher in Twelfth-Century Baghdad*; Berkey, *Popular Preaching and Religious Authority*; and Jones, "Witnesses of God".

³² Jones, *A Case of Medieval Political "Flip-Flopping"?*; Jones, *The Power of Oratory*, pp. 112-114, 209-215.

³³ On Abū Ḥafṣ al-Aghmātī and his *khuṭba*, see al-Manūnī, *al-'Ulūm wa l-adab wa l-fanūn 'alā 'ahd al-Muwaḥḥidīn*, pp. 172-173, 207.

³⁴ See Fletcher, *The Almohad Tawhid*; Fletcher, *Almohadism*.

was temporarily dismissed from the qadiship of Cordoba and banished to Lucena in 1195, his philosophical teachings were banned, and his philosophical writings were publicly burned³⁵.

Another salient point is that Maliki law differentiated between these other forms of oratory and the canonical sermons. Significantly, they did not share the canonical *khuṭba*'s status as a religious obligation nor were they subject to the same legal prescriptions in terms of the location and time of delivery, length, content, or the other ritual norms. Thus, whereas the canonical sermons could only be delivered in the main mosque, the other orations could be delivered elsewhere – in the palace mosque, in the case of court and reception orations, in neighborhood or private mosques or religious schools (*madrasas*), or in a public square in the case of hortatory, thematic, or occasional sermons. The legal sources agree that the *khaṭīb* should actually pronounce two brief sermons during the canonical Friday and feast day rituals. He should stand on a pulpit or other elevated place facing the audience while speaking, but pause and sit down briefly between two sermons. While standing he should lean upon a wooden sword or rod. Maliki jurists generally agreed that the preacher should hold the sword or rod in his right hand, although some admitted the use of the left hand³⁶. Juridical opinions differed regarding the permissibility of remaining seated while delivering longer sermons such as the wedding *khuṭba*³⁷. If wearing one's best clothing was prescribed for the imam-preacher presiding over the canonical Friday and festival celebrations, the law mandated that he should wear old clothing and adopt a posture of extreme humility when performing the prescriptive rain rogation and sermon rituals. The precedent for this ritualized humiliation is found in a hadith in the *Sunan of Abū Dāwūd*, which states that Muḥammad went out «wearing old clothes in a humble and lowly manner until he reached the place of prayer»³⁸.

One example concerning the preacher's attire will suffice to illustrate how pedantic some juridical debates could be concerning whether an aspect of the preaching event was obligatory, recommended, neutral, censurable, or forbidden. Numerous hadiths affirm that Muḥammad preferred white garments and that he enjoined the Muslims to «choose white clothing, as it is the best clothing» to wear on sacred occasions, which included not only the communal rituals; the Muslim should also be buried in a white shroud³⁹. Thus it became a matter of contention when some religious agents chose to wear black. The Shafī'i theologian Abū Ḥamīd al-Ghazālī (d. 1111), declared that «a white garment was more beloved to God» than a black one and that preachers who wore

³⁵ Arnaldez, *Ibn Rushd*.

³⁶ Jones, *The Power of Oratory*, pp. 53-61.

³⁷ Cfr. al-Kalā'ī, *Iḥkām ṣan'at al-kalām*, p. 171, who said there was no harm in doing so.

³⁸ *Sunan Abī Dāwūd*, chapter 3, number 1163.

³⁹ See the Hadith collections of al-Tirmidhi, *Al-Shamā'īl*, chapter 8, number 15; and Abū Dāwūd, *Sunan*, chapter 27, number 4050.

black silk robes would be condemned to hell⁴⁰. The Maliki jurist Ibn al-Ḥājj likewise asserted that the very «first thing that the prayer leader must avoid» is black clothing, although he conceded that technically it was licit because «the Prophet himself had worn black and preached in it». Still, he argued that the prayer leader or *khaṭīb* who was «obstinate about (*al-muwāḏaba 'alā*)» wearing black on Fridays «to the exclusion of any other [color]» was indeed committing an «innovation»⁴¹.

Another factor to bear in mind is that the positions of court, reception, and liturgical preacher were official appointments. As with the *qāḍī*, the *khaṭīb* was appointed by the ruler or his local representative. In particular, the liturgical *khaṭīb* represented the ruler and mediated between him and the polity. At the same time, he was expected to be the exemplary model (*quḍwa*) of the virtues and practices enshrined in the Qur'an and the *sunna* (example) of the Prophet and the first generation of Muslims⁴². While he would be praised for his oratorical skills and booming voice, the liturgical preacher was expected to have mastered the core disciplines of Qur'anic recitation and interpretation, Hadith studies, and the principles of the law. This knowledge should not only inform the content of the sermon, it should also guide the preacher's own comportment and delivery of the sermon⁴³. Yet it is important to observe that the expectation that the *khaṭīb* be thoroughly grounded in the law and especially the norms regarding preaching cut both ways: He was beholden to these norms and could be censured for infringing them or otherwise comporting himself in an unbecoming manner. Thus in a case from fourteenth-century Nasrid Granada some villagers rebelled against the imam-preacher who participated in the murder of an «enemy Muslim fighter (*muḥārib*)» and refused to perform the communal rituals with him⁴⁴. Believing that the preacher had committed a grave sin by murdering a fellow Muslim, they sought the opinion of the jurist Ibn Lubb (d. 1388) regarding whether the preacher's conduct absolved them of the religio-legal duty to pray behind him and listen to his sermon. One infers from Ibn Lubb's arguments that since the «enemy Muslim fighter» was a soldier in a Christian army, «there was no question of any wrongdoing on the part of [the *khaṭīb*] who participated in killing him, and there was consequently no harm in saying the ritual prayer behind him»⁴⁵.

Conversely, because the liturgical *khaṭīb* was as an authority figure and community model, he could assert his authority over jurists or laypersons when disputes arose concerning one of the grey areas in which there was no consensus in Maliki law. For instance, in 1246, Ibn al-Murābiṭ, the *qāḍī* and *khaṭīb* of Orihuela, was invited by the court secretary to deliver a *khuṭba*

⁴⁰ Cited in Ibn al-'Aṭṭār, *Adab al-Khaṭīb*, p. 106.

⁴¹ Ibn al-Ḥājj, *al-Madkhal*, vol. 2, p. 266.

⁴² Jones, *The Power of Oratory*, pp. 58-67.

⁴³ al-Kalā'ī, *Iḥkām*, pp. 166-175; Ibn al-'Aṭṭār, *Adab al-Khaṭīb*, pp. 89-91.

⁴⁴ al-Wansharīsī, *Kitāb al-Mi'yār*, I, pp. 132-133.

⁴⁵ *Ibidem*, II, p. 404.

khatmiyya or sermon marking the completion of the recitation of the entire Qur'an during Ramadan in the Great Mosque⁴⁶. Yet in so doing Ibn al-Murābiṭ defied the legal opinion of influential Andalusī Maliki jurists such al-Ṭurṭuṣhī (d. 1126), who had censured this popular custom as a «blameworthy innovation». Some jurists had called for this sermon to be banned altogether or at least to be prevented from taking place in the congregational mosque⁴⁷.

Another case from Nasrid Granada illustrates how preachers could deploy the sermon to exert their juridical power: Ibn Rushayd (d. 1321), a famous Ceutan liturgical *khaṭīb* and hadith transmitter, was appointed chief preacher and prayer leader of the Great Mosque of Granada⁴⁸. Apparently Ibn Rushayd was unaware that the custom in Granada was that four muezzins perform the call to prayer (*adhān*) in concatenation before the *khaṭīb* stood up to preach, because when the third muezzin finished Ibn Rushayd stood up and began to deliver his sermon. This caused a scandal among the congregation, some of whom admonished him and urged him to be quiet until the fourth muezzin had finished. As a result of this commotion, Ibn Rushayd forgot to utter the obligatory praises of God and testimony of faith and began the *khuṭba* abruptly, improvising a sermon in rhymed prose that censured audience's reaction:

Oh people, May God have mercy upon you! Verily (...) the call to prayer that / comes after the first one is not a prescribed / obligation, so prepare to seek / knowledge and take hold of it eagerly and remember the words of the / Almighty and Sublime, «So take what the Messenger has brought to you and / deny yourselves that which he has forbidden--said, / «Whoever says to his brother / while the imam is preaching, "be quiet", has spoken in error»⁴⁹, and whoever has / spoken in error, his Friday worship is invalidated. God has made you and me / among those who learned and thus acted, who acted and [whose deeds were] / accepted [by God], and who showed devotion (to God) and will be saved⁵¹.

Ibn Rushayd used his sermon to exert his religious and juridical authority over the congregation by masterfully invoking the irrefutable authority of Qur'anic scripture and a famous hadith of Muḥammad concerning the obligation to remain silent during to sermon, against the innovative and hence juridically dubious custom of the four-fold *adhān*. That some audience members dared to interrupt the preacher and urge him to wait until the fourth muezzin had completed shows that they had mistakenly elevated this custom to the status of one of the obligatory acts of the *khuṭba* ritual. Ibn Rushayd's response articulated a strict interpretation of divine law by which the only prescriptive obligations were those explicitly ordained by God and his Messenger; proper Muslims should refrain «from that which he has forbidden

⁴⁶ Ibn al-Murābiṭ, *Zawāhir al-fikar wa-jawāhir al-faqar li-Ibn al-Murābiṭ*, vol. 2, pp. 533-549.

⁴⁷ al-Ṭurṭuṣhī, *al-Ḥawādiṭh wa-l-bida'*, pp. 243, 256; Ibn al-Ḥājj, *al-Madkhal*, vol. 2, p. 295.

⁴⁸ Ibn al-Khaṭīb, *al-Iḥāṭa fī akhbār al-Gharnāṭa*, vol. 3, p. 102.

⁴⁹ Qur'ān 59:7.

⁵⁰ *Saḥīḥ Muslim*, chapter 150, book 4, number 1846.

⁵¹ Ibn al-Khaṭīb, *al-Iḥāṭa*, vol. 3, p. 103.

you», which included interrupting the preacher. Ibn Rushayd reminded his audience that at time of the obligatory ritual sermon it was he – and not the muezzins or the audience – who truly embodied and fulfilled the authentic prescriptions based upon the irrefutable sources of the Qur’an and the Sunna of the Prophet.

It is interesting to note that some innovations in the canonical sermons were ascribed to the corrupting influences of Jewish or Christian practices⁵². For example, Muslim jurists debated whether it was licit for prayer leaders and preachers to recite from scripture while holding a written copy (*muṣḥaf*) of the Qur’an. While some legists approved of the practice, others disagreed, saying, «One should not perform the recitation [holding] a copy of the Qur’an as the Jews and Christians do»⁵³. A fourteenth-century Syrian jurist and preacher of Jewish origin was adamant that the preacher must not turn his back to the audience while delivering the sermon. He affirmed that «the preacher’s facing the direction of prayer is a custom of the Jews and Christians in their temples and churches and it is reprehensible (*qabīḥ*)»⁵⁴. Another “Judaizing” custom that Muslim jurists unanimously condemned was the preacher’s wearing a garment called a *taylasān*, with which Jewish rabbis covered the head and shoulders while leading the prayers⁵⁵.

3. *The “Almohad Sermon” as a Vector of Almohad Ideology*

Although the juridical distinction first articulated in the eighth century between praiseworthy, neutral, reprehensible, and forbidden innovations was broadly accepted during Ibn Tūmart’s lifetime, Almohad historiography depicts Ibn Tūmart as a fierce opponent of innovation *per se*. Ibn Tūmart believed that his mission as the “infallible Mahdī” was to reestablish the “pure true” religion and religious laws inscribed in the Qur’an and the firmly established practices of Muḥammad. He sought to abolish the innovations that had crept into Muslim communities of the Maghreb, in his opinion, as a result of the moral corruption of the Almoravid rulers, and as a result of the ignorance and discrepancies among the Maliki judiciary. Only under the firm leadership of a man endowed with impeccable knowledge of Islam’s authentic doctrines and legal precepts, who was morally sinless and wielded absolute religious and legal authority could the ideal Islamic state, shorn of innovations, corruption, and injustice, be reestablished⁵⁶.

⁵² Ibn al-‘Aṭṭār, *Adab al-Khaṭīb*, p. 106.

⁵³ al-Ṭurtuṣhī, *Kitāb al-Ḥawādith wa-l-bida’*, pp. 237-238.

⁵⁴ Ibn al-‘Aṭṭār, *Adab al-Khaṭīb*, p. 106.

⁵⁵ *Ibidem*, pp. 98-99. See also Stillman, Stillman, *Arab Dress from the Dawn of Islam to Modern Times: A Short History*.

⁵⁶ For Ibn Tūmart’s conception of the role of the Mahdī and of the notion of infallibility, see ‘Alī al-Idrisī, *Al-Imāma ‘indā Ibn Tūmart*, pp. 131-132, 162-185.

It is thus ironic that in the process of preaching his message of Islamic reform and purification Ibn Tūmart introduced many innovations into the canonical sermon. In what follows I synthesize the most salient innovations that would comprise “the Almohad sermon” and offer a brief explanation of their legal implications. The first of these was the duty to recite the creed of the infallible Mahdī as part of the prescribed liturgy of the sermon on par with the obligatory utterance of the introductory doxology and the testament of faith in the oneness of God and the prophethood of Muḥammad. The chronicler al-Marrākushī preserves the liturgical formula of a typical Almohad sermon, which states: «And God bless the infallible ruler (...) al-Mahdī [the rightly guided one] (...), whose infallibility has been endorsed [by God] and whose authority is a legal injunction»⁵⁷. This proclamation effectively added a creed to the original Islamic testament of faith, «There is no god but God; Muḥammad is the messenger of God» as expressed in numerous Qur’anic passages. The Qur’an does not mention the term “al-Mahdī” nor is there consensus in the extra-Qur’anic traditions (commentaries or Hadith) about the identity of this figure. Some traditions identify him with Muḥammad, others with Jesus, still others claim that he would descend from the Prophet’s family⁵⁸. In sum, since there was no Qur’anic prescription that included belief in an “infallible Mahdī” as one of the essential pillars of the Muslim faith, nor was there a firm consensus in the canonical sayings of the Prophet regarding this tenet, it follows that the Almohad treatment of this creed as an obligatory article of faith was a legal as well as a theological innovation. And if this be true, then we must also conclude that the imperative to add the recitation of the creed of the infallibility of the Mahdī to the obligatory liturgical formulae of the canonical sermon likewise constituted an innovation to the juridical norms of the sermon ritual⁵⁹.

The second innovation the Almohads introduced into the canonical sermon was the obligation to invoke individualized blessings upon the Mahdī Ibn Tūmart and each of his Almohad successors in the sermon. The earliest sermon specimens preserved in literary collections dating from the ninth century reveal that it had become customary to pronounce a liturgical formula of blessing upon Muḥammad, his family and his Companions. Yet various Maliki jurists pointed out that there was no established custom, much less an obligation, to single out other individuals, including the current ruler, for a special blessing in the sermon. Indeed, some surviving specimens of orations from Muslim Iberia during the period of the *taifa* rulers reveal that it was customary to *avoid* men-

⁵⁷ ‘Abd al-Wāhid al-Marrākushī, *Al-Mu’jib fī talkhīṣ akhbār al-Maghrib*, p. 487: «wa-‘alā al-imām al-ma’šūm al-Mahdī (...) alladhī uyyīda bi-l-‘iṣma fa-kāna amruhu ḥataman». Masud, *Shatibi’s Philosophy of Islamic Law*, p. 77; al-Wansharīsī, *Kitāb Mi’yār*, vol. 1, pp. 252-274 and vol. 2, p. 465; Lagardère, *Histoire et société en Occident musulman au Moyen Âge*, p. 49, no. 184 b.

⁵⁸ On the various theories regarding the Mahdī, see al-Idrisī, *al-Imāma ‘indā Ibn Tūmart*, pp. 134-162; and Madelung, *Al-Mahdī*.

⁵⁹ Cfr. Masud, *Shatibi’s Philosophy of Islamic Law*, p. 77.

tioning the sovereign by name⁶⁰. At most, some Maliki legists conceded that pronouncing a short blessing for the ruler could be classified juridically as a recommendable act, but never obligatory, and that lengthy grandiose laudatives were an offense against God⁶¹. Hence the Almohads innovated by transforming this practice into a religious and legal obligation.

The third of the homiletic innovations was the compulsory attendance of “the Almohad sermon”, thereby changing the juridical status of this ritual from a collective duty into an individual one. The Almohad chronicler Ibn Šāhib al-Šalāt, stated that the measure was officially imposed in 1182 by the son of Caliph Abū Ya’qūb Yūsuf (r. 1163-1184) to obligate the people to attend the Friday service in the new congregational mosque in Seville⁶². Yet the edict would have been extended throughout the empire.

These innovations exemplify how the “Almohad sermon” became a vector of Almohad ideology and religio-legal power through its routinization and institutionalization, a process that Ibn Tūmart began in his lifetime, and which was continued following his death in 1130. In addition to the traditional occasions for which canonical sermons were pronounced, during the Friday communal worship and the other canonical festivals, the “Almohad sermon” was customarily performed at weekly public assemblies hosted by the caliph or his representatives. Wherever the Almohads governed they appointed preachers and prayer leaders loyal to the regime and duly trained in the Almohad creed. Networks of Almohad officials and spies reported back to the caliph the slightest deviation or imperfection in the delivery of the Almohad sermon, which led almost invariably to the dismissal of the preacher. Chronicles and biographical dictionaries of Muslim elites from the Almohad period attest to the lengths some preachers were willing to go to in order to avoid having to preach the Almohad sermon. Some of these “conscientious objectors” fled town⁶³. Others respectfully declined the post of preacher pleading old age or infirmity. Those who stubbornly persisted in preaching the traditional sermon or who dared to invoke the blessing upon a rival dynasty could be removed from their posts, incarcerated, subjected to torture, or even executed⁶⁴. Indeed, the application of the death penalty for missing or defying “the Almohad sermon” constituted the gravest innovation, for it added crimes to the infractions that Islamic law traditionally penalized by execution. The anecdote with which I began this paper, referring to the imprisonment of the son of Ibn al-Šaqar for calling the preacher a «liar» when he mentioned the infallibility of the Maḥdī Ibn Tūmart, shows that Almohad intolerance of dissent toward the “Almohad sermon” applied to members of the audience as well.

⁶⁰ Jones, *The Power of Oratory*, pp. 137-138.

⁶¹ al-Wansharīsi, *Kitāb al-Mi’yār*, vol. 2, pp. 469-470.

⁶² Ibn Šāhib al-Šalāt, *Al-Mann bi-l-imāma*, p. 389.

⁶³ Ibn Zubayr, *Šilat al-šila*, vol. 3, pp. 119-124, p. 122. Cited in Calero Secall, *Málaga almohade*, II, p. 304.

⁶⁴ Jones, *The Preaching of the Almohads*, pp. 97-98.

Given the Almohads' "jihad"⁶⁵ against innovations in the norms established in the Qur'an and the practices of Muḥammad and the early community, how are we to explain the changes they introduced into the canonical sermon? And what is the larger legal significance of these changes? The answer may be found by considering the legal implications of the dogma of the Mahdī's infallibility and the affirmation of Almohad rule as an extension of the divine will⁶⁶. For Ibn Tūmart, infallibility encompassed the notions of moral impeccability, faultless knowledge of orthodox doctrine and law, and freedom from sin, innovation, or error in doctrinal and legal matters. As Ibn Tūmart himself declared, «the Mahdī is infallible with respect to whatever he invokes as the truth, for error is inconceivable in him, he cannot be opposed, nor can he be refuted, fought against, resisted, contradicted, or contested»⁶⁷. Preachers systematically reiterated these messages in the Almohad sermon along with the aforementioned obligatory liturgical formula, which stated that the Mahdī's infallibility was «confirmed by God» and that submission to Almohad authority was «a legal obligation».

Crucially, the doctrine of infallibility positioned Ibn Tūmart and, by extension, the Almohad caliphs beyond the norms that had come to guide the traditional division of power between the caliph and the judiciary. Referring to premodern Muslim societies, scholar Wael Hallaq explains that «the caliph and the entire political hierarchy were subject to the law of God like anyone else. No exceptions could be made. The very reason for the caliphate itself was to enforce the religious law not to make it». Prior to the nineteenth century Muslim rulers generally did not involve themselves in court decisions or other legal matters, deferring instead to the expertise of the Muslim legists, the virtuous "Guardians of Religion" upon whom the leadership depended for its political legitimacy. Although it is true that rulers could appoint and dismiss judges, they could not make law nor influence how the law should be applied⁶⁸. The true juridical authorities were the muftis, whose expert legal opinions (*fatāwā*) were considered definitive and were rarely challenged by judges or rulers⁶⁹. In the premodern Muslim world the law did not reside in the precedents established by courts of law, nor was it to be found in edicts or legal codes issued by the caliphs⁷⁰. In fact, there is no Islamic equivalent of the Justinian Code or Alfonso el Sabio's *Siete partidas*. At most, the sovereign might personally issue a ruling or edict from the pulpit or entrust the court orator or liturgical preacher with the task of

⁶⁵ In several places in his manifesto, *A'azz mā yutlab*, Ibn Tūmart refers to the jihad against Muslims who fail to «forbid wrongdoing», including the innovators. See M. Ibn Tūmart, *A'azz mā yatlub*, pp. 392-395, 491-495, et al.

⁶⁶ Another justification may be found in arguing that Ibn Tūmart believed himself to be not only the infallible Mahdi but also a mujtahid, one who is able to.

⁶⁷ Cited in al-Idrisi, *al-Imāma 'indā Ibn Tūmart*, 174.

⁶⁸ Hallaq, *Introduction to Islamic Law*, p. 8.

⁶⁹ Hallaq, *Authority, Continuity, and Change*, pp. 1-7.

⁷⁰ Hallaq, *Introduction to Islamic Law*, p. 40.

delivering the address in the mosque pulpit. Rather, the law was to be found in the legal treatises written by «author-jurists» who recorded the *fatāwā* of successive generations of muftis, adapting them to the contemporary exigencies of their own society.

Almohad claims of the Mahdī Ibn Tūmart's infallibility and the self-representation of their authority as an extension of the divine will (*amr*) broke with this status quo⁷¹. Not only did the Almohads usurp the authority of the Maliki jurists who had virtually monopolized the legal system in the Muslim west by replacing them with Almohad loyalists⁷². Ibn Tūmart and the Almohads decisively changed the balance of power between rulers and jurists by appropriating the function of promulgating legal knowledge and effectively innovating in the law when they established belief in the infallibility of the Mahdī as a prescriptive dogma and a religious and legal obligation on par with belief in the oneness of God and the prophethood of Muḥammad. The juridical innovations that the Almohads imposed upon the canonical sermon, together with the legal penalties, which included incarceration, torture, and execution, which they inflicted upon dissident preachers and audience members alike, were the tangible signs of this synthesis of political, juridical, and religious power. For this reason chroniclers of the Almohad period invariably related imperfections in or challenges to “the Almohad sermon” with the declining power of the regime.

I will conclude by returning to the case of the young son of Ibn al-Ṣāqar. The chronicler Ibn 'Idhārī made a point of mentioning that the incident occurred at a time when the Almohad caliph al-Murtaḍā was in politically “dire straits”⁷³. Between 1252 and 1257, al-Murtaḍā had suffered various military reverses at the hands of their Fez-based political enemies, the Marinids, as well as the defection of one of his key allies⁷⁴, circumstances which must have diminished his power to enforce the preaching of the Almohad sermon. This political weakness could explain the caliph's reticence to apply the death penalty to the son of Ibn al-Ṣāqar. Ibn 'Idhārī explained that the Almohad jurists had urged al-Murtaḍā to sentence the boy to death «for fear that it would be said that this went against his customary procedures». In the end, the boy was indeed executed. I agree with the opinion of the Maliki jurist al-Wansharīsī that had al-Murtaḍā not followed the customary Almohad rule of law, which dictated execution in such cases, it would not only have signaled his personal weakness as a ruler; it would have damaged the ideological edifice upon which the Almohads staked their claim to religious and juridical power. Discrepancy and inconsistency in applying the law signifies fallibility and error, concepts that were, in the words of the

⁷¹ Jones, *The Preaching of the Almohads*, p. 81; Vega Martín et al., *El mensaje de las monedas almohades*, pp. 77-91.

⁷² Fierro, *The Legal Policies*, pp. 234-240; and Farhat, *Le pouvoir des fuqaha dans la cité*.

⁷³ Ibn 'Idhārī, *al-Bayān al-mughrib. Qism al-Muwahhidin*, p. 446.

⁷⁴ Huici Miranda, *Historia política del imperio almohade*, II, pp. 547-552.

Mahdī Ibn Tūmart, “inconceivable” of the Mahdī, but also, by extension, of the decisions promulgated by his successors in his name. Although the Almohad sermon represents an exceptional case of the nexus between theological doctrine and the law, the role of preaching in promulgating ethical, legal and religious precepts was by no means unusual.

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