

A Meta-Critical Examination of Scholarship in English on the Otherness of al-Andalus

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Continental scholars have noted the persistence among academics in the English-speaking world of a particular set of views on Islamic Spain (Soravia).

Perhaps the most common view is that Christians were treated generally well, except for a few unfortunate occasions, so there was no reason for them to feel too bad under Islamic rule.¹ Related to this view are the beliefs that basically good relations between Christians and Muslims existed (especially under the tolerant Umayyads, with some exceptions of course), that both sides learned a great deal from each other, and that we should learn today from this successful experiment in diversity.

This article will not examine this view, since both Medievalist and Islamic Studies academics in the English-speaking world may vigorously protest that they, too, believe, after all, that there was no *convivencia*, so attacking the concept of *convivencia*, they might insist, is creating “a straw man.”

Instead, this article will list and briefly discuss just a few among the other propositions that comprise much academic teaching and publishing in English on Islamic Spain. Then it will explore a particular example, the practice of female circumcision, which illustrates the *otherness* of this civilization—an otherness pointed out by José Ortega y Gasset, among others, but dismissed by a large number of today’s scholars in the English-speaking world in favor of such edifying phrases as “internalization of the other,” “cultural congruence,” “creative interaction,” “complex social dynamic,” and so forth. In this discussion of female circumcision, this paper will present the first translation from Arabic of a passage in one of the most instructive works by Ibn Rushd

1. There was no Islamic conquest as a result of a jihad, and perhaps there was not even a conquest, but rather a migration, analogous to that of, say, the Visigoths, or perhaps even some sort of willing conversion of the people to Islam, which somehow turned Hispania into “al-Andalus” (this also supports the teaching according to which the “change” from Hispania to “Al-Andalus” was not a catastrophe for the Christians)

This view originated in the work of Ignacio Olagüe and has continued to be proposed, with some modifications, by Emilio González Ferrín, a creative professor of Arabic and Islamic Studies at the University of Seville. Although largely discredited among historians and Arabists in Spain, it has developed a surprising following in the English-speaking academic world.

Thus a professor affirms, “We should think of the Muslims, in some way, as a migratory wave, just like the Visigoths, except two hundred [*sic*] years later.”² While reviewing a recent book by the historian and Arabist Alejandro García Sanjuán, a book which once more discredits these views, another professor defends ingeniously the plausibility of the “there was no conquest” thesis,

¹ This gem is representative: “Modern historians seem to agree that the invasion was not particularly cruel, or destructive and it is certain that Muslims—already familiar with both religions in the Middle East—were taught to respect Christians and Jews as ‘People of the Book’; moreover, a large Christian population lived on for centuries in al-Andalus with legal rights and relative freedom of worship.” Smith (Professor of Medieval Spanish Literature at Cambridge University, President of the Modern Humanities Research Association, Editor of the *Modern Language Review*, and Commander in the Order of Isabel La Católica) (1:10).

² Nirenberg. Elsewhere, this academic has done excellent work on the religious conflicts in medieval Spain.

since after all, the sources are few, we cannot trust the sources completely anyway, and besides, history is as much about convincing with a good narrative rather than about establishing the truth—history is a form of “rhetoric” (perhaps the professor might have used here the French *bon mot* and write, history “n’est que littérature”):

[N]egationism is not simply a figment of Olagüe’s or González Ferrín’s imagination; it is— despite its obvious shortcomings—an interpretation of the past that, like all interpretations of the past, attempts to account for the evidence. In the case of early medieval Spanish history, the evidentiary record is a spotty one, to say the least. Hence every modern historian of Spain is forced to confront not only the paucity of sources from the early eighth century, but the tendency of ninth-century (and later) historians to “retroject” (that is, to project backwards) their political agendas onto the events of that era. One could certainly argue...that the negationist point of departure—with its radically skeptical approach to the sources—is too “pessimistic;” that it throws out the baby with the bathwater. But one should not do so without acknowledging that the opposite tendency—that is, taking medieval historians at their word—has had a much more negative effect on Spanish historical scholarship for a much longer time. Regardless of whether any given historian of medieval Spain believes there was a conquest or not, he must come up with a convincing explanation for the suddenness with which the Visigothic kingdom disappeared, the speed with which Arabs and Berbers established their authority over much of the peninsula, the willingness with which Iberian [sic] Christians accepted the terms of capitulation offered to them, the tardiness with which Christians responded to the religious identity of the new regime, and the astonishing fact that al-Andalus came to be Islamized and Arabized despite the fact that the Muslims and Arabs were so vastly outnumbered by the native population....In this sense history remains true to its roots; the Romans considered it a subfield of rhetoric, useful primarily for providing examples to strengthen a rhetorician’s argument. (Baxter Wolf s.p.)

Yet another influential professor assures us that the conquest had nothing to do with religion:

The traditional interpretation has been that the invasion was impelled by belief in the notion of *jihād* in the sense of Holy War. When writing history in certain epochs, particularly in the nineteenth century, it was natural to ascribe the growth of Islam to the ardour of the faith of the early Muslims [...]. The pursuit of *jihād* as Holy War is not [...] a motivating factor relevant to the clashes between Muslims and the people they vanquished in the first century of Islam, at least not as far as the conquest and subsequent occupation of the Iberian peninsula is concerned.³

These views of the Islamic conquest have been, of course, debunked by leading Spanish historians and Arabists, from Felipe Maíllo Salgado to Alejandro García Sanjuán to Serafin Fanjul to Luis A. García Moreno to Francisco García Fitz, to Manuel González Jiménez, to Miguel Ángel Ladero Quesada, to Rafael Sánchez Saus, to José Enrique Ruiz-Domenèc y Antonio Domínguez

³ Hitchcock (Professor Emeritus of Arab and Islamic Studies at the University of Exeter) 7–8.

Ortiz among many others--as well as by expert French Arabists such as Dominique Urvoy and Charles-Emmanuel Dufourcq.⁴

Betraying his exasperation at the continuing life of these views, and their curious imperviousness to scholarly refutation, historian Francisco García Fitz laments in his review of the book by Alejandro García Sanjuán:

It is rather perplexing to see how, already in the second decade of the XXI century, it is still necessary to demonstrate, in a rigorous and well-documented work, that the conquest of 711 was carried out by armed Berber and Arab contingents, acting under the orders of the authorities of the Islamic State, whose ideology was based on faith in a One God, and in his prophet Muhammad, and that there are sufficient sources to ascertain it. (García Fitz 562)

These views of the conquest are not supported by the Christian *Chronica mozarabica* of 754, written only a few decades after the invasion, or by the Visigoth hymn *Tempore belli*, also written shortly after the conquest. And they are not supported by archeology—numismatics—either, because we have Muslim coins dated from 711 in North Africa that call for the Islamic warriors to carry out a jihad—jihad as Holy War, not as some peaceful “self-improvement” effort. Moreover, later Muslim chronicles, which claim to use earlier sources, affirm that jihad was the motivation for the conquest. And as Arabists such as Felipe Maíllo Salgado explain, whenever the Muslim texts of al-Andalus talk about war against the Christians, they are talking about a jihad—-as a religiously motivated war, not as an “effort to try to be the best we can be” (as many experts in academia in the English-speaking world now portray the principal meaning of “jihad”).

2. Islam, if it conquered anything, conquered a dismal and ignorant and retrograde Christian kingdom, much inferior to the civilized conquerors (this also supports, indirectly, the widespread teaching according to which the conquest was not a catastrophe for the Christians but in fact beneficial, since it got rid of a terrible kingdom and replaced it with the tolerant “al-Andalus”)

Typical of this dismissive view are the words of a prominent professor, who, in his animosity against the Christian Visigoths, calls them "*men of the woods*" who never quite left those woods:

The failure of the Visigothic state [...] was also reflected in its technological atony, which was at the core of the elite’s inability to adapt to any ecology other than that with which it was originally familiar: the men of the woods never strayed too far from there.⁵

This curious animosity against the Christian Visigoths (Visigodophobia or Christianophobia?) is also reflected in the sarcasm of another professor:

For all the glorification of the ‘Great Christian monarchy’ of legendary Visigothic Spain that one encounters in chronicles, etc., the fact is that the Visigoths had fled Spain and

⁴ For a full discussion of the work of Spanish and French scholars as well as my own examination of the primary sources see Fernández-Morera chapter 1.

⁵ Glick (Professor of Medieval History and Director of the Institute for Medieval History at Boston University) 31.

abandoned it to the invading Muslims. The Christians of the Reconquest . . . learned well the lesson [...] of *convivencia*. That was only one of the many things that made Spain great, and which the rest of Europe could have learned from it to its profit.⁶

Other professors display a similar dismissiveness towards (or perhaps ignorance of) the culture of the Christian Visigoth kingdom, one of them stating that “very little evidence survives from the short-lived Visigoth kingdom” and that a “treasure hoard” does not prove that it was “magnificent.”⁷

However, the available evidence, which is, in fact, considerable and growing, shows the opposite of what these and other professors write and presumably teach at their universities. In fact, the Muslim conquerors were largely Berbers, with a cultural level far inferior to that of the population of the Christian kingdom of the Visigoths, and, as the Muslim chronicles state, these invaders were quite impressed by the culture they found.⁸

Well-known archeological evidence indicates the continuity between the Roman imperial world of Spain and the Visigoth kingdom. We have remains of aqueducts, of baths, of coinage printing. We have evidence of even an artistic center in Merida.

In addition, archeological research in the great Visigoth ruins of Recópolis shows a vibrant city, again with aqueducts, plazas, great stone buildings, baths, and even a city plan that tried to imitate that of the great city of Constantinople, or New Rome, the most extraordinary city of the early Middle Ages (yes, the most extraordinary city of the early Middle Ages was not Baghdad or Damascus or Cordoba or Rome, but Constantinople, the capital of the Christian Greek Roman Empire). So does the archeological evidence in the Visigoth capital of Toledo.

We know, of course, of several Visigoth intellectuals, among them the great Saint Isidore of Seville, the most frequently cited scholar during the High Middle Ages; Theodulf, a Visigoth who became one of the pillars of the Carolingian Renaissance and bishop of Orleans; and the bishop and historian Julian of Toledo (who, coming from a family regarded as sincere Jewish *conversos*, was named by the Catholic Church Primate of the entire Visigoth kingdom).

We also know that the Visigoth educational system preserved the Roman system of education. In addition, French scholars have pointed out the beneficial and fundamental influence of Visigoth culture in the creation of Christian Medieval Europe.

And we have the Visigoth Code of Law, which, “barbaric” as some of its provisions may seem to us today, was nonetheless far closer to our present day notions of Western jurisprudence than either medieval Jewish or Islamic law. At one point it even states the need to restrain the power of government (“the king”) in a section reminiscent of the much later and famous Magna Carta and, even later and most famous, the Constitution of the United States. This Visigoth Code is of course a combination of Roman law and some remaining Germanic customs, all of it influenced by Christian principles.

It should be emphasized that the Visigoths' assimilation of the Christian Greco-Roman heritage--of this *romanitas* which informs the nations of the West and indeed Western Civilization, and which has been examined profoundly by the French philosopher and Arabist Rémi Brague in

⁶ Roth (Professor of Hebrew and Semitic Studies) 38.

⁷ Madden (Professor of History and Director of the Center for Medieval and Renaissance Studies at Saint Louis University).

⁸ For the work of archeologists, the textual evidence, the work of French and Spanish scholars, and my examination of the Visigoth Code see Fernández-Morera chapter 2.

his *Europe, la voie romaine*--differs qualitatively from the manner in which Islam used the civilizations that it conquered.

The Visigoths, which were already quite Romanized by the time they entered Spain in 415 to help the Christian Latin Roman Empire against other Germanic nations (such as the Vandals and the Suevi), assimilated themselves to the civilization they found in the land—in their language, in their religion, in their laws, in their literature, in their philosophy, in their cultural practices and in their science and technology.

The Muslim conquerors, however, neither assimilated themselves to— nor even integrated themselves with— the preceding civilizations. Instead, they took advantage of the practical knowledge they found in those civilizations, and then proceeded to *replace* them, using a number of brilliantly designed hegemonic laws and social and family practices, all of which had a religious grounding and force, and which inexorably changed the culture and the demographics of the conquered lands, eventually wiping out their civilizations—among them, Zoroastrian Persia, the Christian Greek Roman Empire in the Middle East, North Africa and Asia Minor (today's Turkey), the Hindu-Buddhist kingdom of Sind, and the Christian kingdom of the Visigoths in Spain.

As several Spanish historians and Arabists have pointed out while discussing the presumed “cultural cooperation” between Christian and Muslims, this “cultural cooperation”

was, in the words of Garcia Fitz, largely a practical utilization of the knowledge of those who had submitted, a utilization which not at all implies a recognition of their religious or moral values, that is to say, an acceptance of the Other in positive terms.⁹

The achievements of the Visigoth kingdom evidenced by the archeological findings are echoed in the Muslim chronicles, and not just in the Christian ones: these textual sources even speak of magnificent palaces which the Umayyad rulers chose for their residence, and of libraries, and of wonderful metallurgy, this last cultural feature corroborated by archeological findings as well.

We may ask ourselves, what happened to all this Hispano-Roman-Visigoth civilization? To understand what happened we have two sources. One is the evidence from archeology: the constructions of the Visigoth kingdom were crushed for their superior materials for the building of Muslim constructions, as art historian Basilio Pavón Maldonado, among others, has shown (vol. 3). We also have the evidence from both Christian and Muslim chronicles of the practice of the early Islamic conquests: this practice included the destruction or transformation of monuments from the conquered civilizations, including their houses of worship, which might obscure or rival or offend Islam and its material achievements.

Ignorance of the achievements of the Visigoth kingdom may be the result of an inability to read the work of Spanish and French scholars, who have published the best studies of the cultural importance of the Christian kingdom of the Visigoths for the creation of the European medieval identity. But since work on the Visigoths is also available in English, written by scholars such as Alberto Ferreiro (1999, 1997), this ignorance may be the result of what we in Spanish call, in its most polite formulation, *mala fe*, as indicated by the words of many professors in the English-speaking world.

⁹ Mañllo Salgado 2016, 182. This entirely practical use is not unlike the use of some aspects of Western Civilization— basically technology and science--by Islamic nations such as Saudi Arabia, or by the Caliphate of al-Baghdadi, or even by many Muslims living in Western nations.

3. Islam, if it conquered Spain at all, did not conquer it by force but through peaceful pacts (this also supports the teaching according to which the change from Hispania to “al-Andalus” was not a catastrophe for the Christians)

This is a half-truth. There were peaceful pacts, of course, but Christians accepted them because they had seen what had happened to those who did not accept the pacts and resisted. And what were these pacts? The pacts were one version or another of the *dhimma*, the ingenious system developed by Islamic law to control and exploit Christians and Jews.¹⁰

Under the *dhimma*, the Christian lords and the bishops and their people, called *dhimmis* (not “mozarabs”), were allowed to continue living and practicing their religion-- as long as they accepted their juridical status as subalterns to the Muslim population, their restrictions on the practice of their faith, and their payment to the Islamic authorities of a tribute, a so-called “protection” tax, the *jizya*—a tribute which was intended, according to Islamic jurists, not only as a steady source of revenue but as a reminder to the *dhimmis* of their humiliated status. The second Caliph, Umar, one of the Companions of Muhammad and his father-in-law, had explained to Muslims the reason to keep Christians and Jews as *dhimmis* rather than turn them into outright slaves: they were far more profitable as *dhimmis* than as slaves.

Moreover, as the scholar of Islamic law Majid Khadduri has observed, Islamic jurisprudence reserved for Muslims the right to abrogate any pact if the abrogation was in the interest of Islam (Khadduri 202) (as it reserved for Muslims the related right to lie to the infidels about their real views, even if apostasy was necessary—the *taqiyya* system, most famously illustrated by the mass “conversions” of the *moriscos*, a system employed by most of the *moriscos* to be able to remain in Spain while practicing Islam in secret).¹¹ These and other such juridical prescriptions were part of the marvelously designed Islamic approach to hegemony. Indeed, both the *Chronica mozarabica* and Muslim chroniclers like al Hakam point out the often deceitful nature of the pacts. We have evidence that the palace of Theodomir, one of those lords who signed a pact, was eventually destroyed. We have a text from the pact with Theodomir that shows the considerable tribute that this Visigoth lord had to pay to the Islamic authorities to be allowed to live and enjoy his land and his servants and his wealth.

So we have both the evidence from the Christian and Muslim chronicles and other texts, and the evidence from Islamic legal teachings and practice, to counter the academic idea of a peaceful conquest by means of pacts. And, of course, people enter into pacts where they have to pay for “protection” only when they fear for their lives. This ingenious system, the *dhimma*, has facilitated the scholarly and popular interpretation of Christian submission to Islam as some sort of tolerance, even down to our days in the Middle East.¹²

¹⁰ For a full examination of the primary sources and a presentation and discussion of the secondary sources from Spanish and French historians and Arabists see Fernández-Morera chapters 1, 3, and 7.

¹¹ For the concept see Maïllo Salgado (1996). There are several studies on the use of *taqiyya* by the *moriscos*, among them Cardaillac. Today in countries such as Germany, many “refugees” convert to Christianity to avoid being deported, using *taqiyya* with both the government authorities and the Church authorities, and the latter remain very satisfied for having saved these souls for Christianity.

¹² It is fascinating to see how the *dhimma* system continues to work in favor of Islamic hegemony even today. Thus we find that the United Nations declines to name the destruction of Christians in the Middle East by the Islamic State a genocide because, after all, the use by the Islamic State of the *dhimma* system and its accompanying tax, the *jizya*, does allow the Christians to live and practice their religion: see Rychlak.

4. Islam conquered a place called “Iberia”, not Spain, so in our scholarly writings we should use the name medieval “Iberia” rather than Medieval Spain

In fact, both Muslim and Christian medieval texts referred to the land as *Spannia*, and to its inhabitants as *Spani*, that is, Spaniards. Even archeology—numismatics—confirms this point: early Islamic coins in Spain have on one side the word “Alandalus” in Arabic, and on the other side SPAN, that is *Spannia*. Christian kingdoms such as León, Asturias, and Portugal, were kingdoms within Spain, not within “Iberia.”¹³

Neither Christian nor Muslim medieval texts refer to the land as “Iberia.” This term was used only by Greek geographers, and then only before the conquest of the land by the Romans, who called it *Hispania* (possibly borrowing the word from the Carthaginians, who had even earlier occupied part of the land), which of course becomes the Romance language *España* (“*Espanna*”).

Neither Christian nor Muslim medieval texts refer to Spain as the “Iberian Peninsula” either. However, both terms—“Medieval Iberia” and “Iberian Peninsula”—have been adopted by scholars, largely in the English-Speaking world, for unhistorical reasons—beginning about twenty some years ago (before then, scholars consistently used the term “Medieval Spain”).

5. The Essential Otherness of al-Andalus--The Example of Female Circumcision

Elsewhere I have cited and examined extensively many primary sources illustrating religious and therefore juridically justified cultural practices in al-Andalus that made the side-by-side living of Muslims and Christians difficult, at best: among them, considering the dog— an animal that both pagans and Christians in the West have regarded as their closest companion for thousands of years (one of the most moving scenes in Western literature involves Odysseus and his dog Argos)—a polluting animal unfit to share a home with human beings; or regarding as polluted the water or utensils touched by a Christian; or regarding as forbidden the meat from an animal killed by a Christian because Christians did not follow the ritual Islamic practice used to kill an animal, namely letting it die from loss of blood by means of a cut in the throat that severs the trachea, the esophagus, and the jugular veins, but does not separate the head from the body; or regarding the life of a Christian man (as well as that of a Muslim woman) as juridically worth only half that of a Muslim man (thus a Christian must be punished with death if he killed a Muslim, even if in self-defense, whereas a Muslim man must not be punished with death if he killed a Christian, even if he killed him intentionally); or stoning an adulterous *muhsana* (a free Muslim woman of sound mind in a properly consummated marriage); or turning war into a religious obligation; or considering Christians, as eaters of pork and garlic and drinkers or wine, polluters who could not be allowed to walk among the tombs of a Muslim cemetery in Umayyad Cordoba.¹⁴

But perhaps it is the juridical and biographical Islamic primary sources on female circumcision that offer the most instructive examples of the otherness of the civilization of al-Andalus. Most scholars insist that there was no female circumcision in al-Andalus, and that, in fact, it was not practiced in the “Islamic West.” This Islamic West presumably covered North Africa West of Egypt (where it continues to be widely practiced today) and, of course al-Andalus.

¹³ For the primary and secondary evidence see Fernández-Morera Introduction and chap. 1.

¹⁴For a detailed citation of these primary sources see Fernández-Morera, chap. 3, 5, 7. See also Maíllo Salgado 2016, 184-205; Fanjul 1995 and 2004.

So it would not have been practiced in the areas of what are today's Morocco, Algeria, and Libya either. Yet the documentary evidence indicates otherwise, at least in the case of al-Andalus.¹⁵

In the book mentioned above I have cited and examined several passages in a number of Maliki juridical texts used in al-Andalus, including the foundational *Muwatta* by Malik Ibn Anas, which take for granted female circumcision and *even recommend it as honorable or noble*, such as the influential *Risala* by al-Qayrawani, *al-Tafri* by Ibn al-Gallab and the *Leyes de Moros*--these last two so widely used that they were still being used by Muslims to rule themselves according to their own law when already under Christian domination.

But the most impressive documentary evidence of the practice may be that of the great sharia judge Ibn Rushd (known in the West only as "the philosopher Averroes"). The passage that I cite and discuss below from Ibn Rushd has never before been even mentioned by scholars as far as I know.

It should be understood that Ibn Rushd (who like most of the best known intellectuals in al-Andalus probably had a Christian ancestry) reached the highest possible juridical post in the land: sharia judge in Cordoba. In his famous manual of instruction for Islamic judges, the *Bidayat*, this great Islamic thinker tells them that, according to the majority of the Maliki juridical authorities in al-Andalus (Malikism was the school of sharia prevalent in al-Andalus for most of its history), if *the two circumcised parts* touch, the Hajj (the obligation to travel to Mecca at least once in a life time) becomes invalid. Ibn Rushd's relevant words deserve citation:

Abu Hanifa said: The majority of people and the notables believe that the touching of the *two circumcised parts* [emphasis added] invalidates the major pilgrimage (Hajj). And whoever wants to obtain purification for ejaculating between *the two circumcised parts* [emphasis added], must keep in mind this condition for the Hajj. And the authorities disagree about the matter when the semen drops in some other place that is not the vulva. (trans. from the Spanish of Felipe Maíllo Salgado)¹⁶

¹⁵ That today it seems not to be practiced in Morocco, Algeria, or Libya is a different issue, although one may suspect that it ended there under the influence of European colonialism (as was the case with slavery of white Europeans captured at sea or from coastal towns, which ended only with the European colonization of the Barbary Coast). Or perhaps, because it is outlawed, as a result it has simply gone underground and remained unobserved even by expert Arabists travelling there and of course by international health agencies: in the news one still sees the case, in Europe, of an "immigrant" Moroccan father (Morocco being the example usually presented to show that it does not happen in those places) discovered having had a daughter circumcised: see Stuu. This Moroccan father did not seem to realize that female circumcision is not practiced in Morocco.

¹⁶Ibn Rushd:

التقاء أن على فالجمهور مقدماته، وفي الحج يفسد الذي الجماع صفة في واختلوا. عمرته فسدت قبله جامع وإن الحلاق، بعد إلا يحل لا: حنيفة أبو وقال فقال الفرج، دون فيما الماء إنزال في واختلوا. الحج في يشترطه أن الختانين التقاء مع الإنزال الطهر وجوب في يشترط من ويحتمل الحج، يفسد الختانين المباشرة من مقدماته وكذلك الحج، يفسد نفسه الإنزال: مالك وقال. الحج يفسد الحد بوجوب ما: الشافعي وقال. الفرج في الإنزال إلا الحج يفسد لا: حنيفة أبو والقبلة.

This is the translation into Spanish of the entire passage, never before translated into any language from the original Arabic (generously and professionally translated into Spanish at my request, upon my finding of the Arabic passage, by Arabist Felipe Maíllo Salgado):

"Dijo Abū Ḥanīfa: No está permitido sino después de la circuncisión, y si cohabita antes de ello se invalida la peregrinación menor (*umra*). Discrepan acerca de la calificación del coito que invalide (=hace *fāsīd*) la peregrinación mayor (*ḥajj*) y lo anterior. La mayoría de la gente y notables (*yūmhūr*) consideran que el encuentro de *las dos partes circuncidadas* [énfasis añadido] invalida (=hace *fāsīd*) la peregrinación mayor (*ḥajj*). Y quien quiera buscar la purificación eyaculando entre *las dos partes circuncidadas* (los dos circuncidados) [énfasis añadido], debe tener en cuenta esta condición para el *ḥajj*. Y discrepan si cuando escurre el líquido en otro sitio que no sea la vulva.

Dijo Abū Ḥanīfa: No hace nulo (*fāsīd*) el *ḥajj* sino la eyaculación en la vulva.

In view of the generalized and prudent insistence among researchers on “doubting” the practice of female circumcision in the “Golden Age” of Islam—al-Andalus—it is not surprising that the English translation of the *Bidayat* omits this passage, effectively censoring Ibn Rushd (nor is it surprising that the English translation of al-Bukhari by the Center for Jewish-Muslim Engagement at the University of Southern California also censors a related passage in Bukhari; see below).

Thus Ibn Rushd, writing in the twelfth century, after generations of mixed marriages (an argument against the practice of female circumcision could be that Muslim women of Christian origin would successfully refuse to circumcise their daughters--against the wishes of their Muslim husbands, who might insist, like good fathers, in having their daughters grow up to be considered honorable by the Islamic law and by their future Muslim husbands...), *in the course of instructing judges* on cases of ritual purity, also *takes for granted the existence of female circumcision*.

Now, it would be difficult to imagine Western philosophers such as Saint Thomas Aquinas, or Plato, or even Aristotle (who did not hesitate to tackle biological matters in a naturalistic manner) writing a discussion of the views of erudite Christian thinkers or even pagan Greek thinkers on the subject of washing oneself, for religious reasons, if the two circumcised human genitals touch--as it would be difficult to imagine them discussing the views of erudite Christian thinkers or even pagan Greek thinkers on the subject of what is the most appropriate way that religious law dictates for the stoning of an adulterous woman, as also does Ibn Rushd in his *Bidayat* (he writes that most juridical authorities agree, with the exception of al-Shafii, that the woman need not be placed in a hole in the ground for her stoning); or the best way to do *jihad* (as Holy War, not some “effort to improve ourselves”), to which he dedicates a large section of his treatise.

Without mentioning most of the texts we examine, the Spanish Arabist Manuela Marín gives some “real life” biographical cases from al-Andalus which confirm the practice.¹⁷ One is a biography of a judge who is consulted about whether one needs to practice an ablution to purify oneself after *the two circumcised parts* have touched. So here we have a real life consultation that makes reference to the existence of female circumcision in the course of talking about purification, a type of reference repeatedly found in the juridical texts.

Another real life case is yet another biography, where a learned man in al-Andalus complains that his “twelve women” refuse to undergo circumcision. This case indicates that female circumcision was practiced as a matter of course--hence the man’s complaint that these twelve women of his do not want to have it done to them. And the case also indicates that these “twelve women” who refuse circumcision could not be the man’s proper Muslim wives (*muhsanas*)--because Islamic law allowed only *four* wives, not “twelve.” They must therefore be

Y Šafī‘ī: Lo que hace obligatorio el *ḥadd* (los castigos “límite”) hace nulo (*fāsīd*) el *ḥayy*.

Y Mālik dijo: La eyaculación de por sí anula el *ḥayy*, y así mismo los preliminares de la cohabitación y la dirección [en que se efectúa].”

¹⁷ Marín 157-160. Marín does not quite commit to accepting the practice. She uses the second example of the “twelve women” to write that it shows that perhaps not all women were willing to be circumcised. But she overlooks that a) these “twelve women” could not be Muslim wives, of which the law allowed only four; they must therefore be sexual slaves, of whom the law permitted a Muslim man to have as many as he could buy (or capture in jihad) and maintain; and probably they were from Christian lands at that, and b) that since they were women, they could not have been Muslim women either, since the Muslim females, as famous sharia judge Ibn Rushd al-Yadd pointed out, must be circumcised when they are still “daughters” (see above the juridical ruling by Ibn Rushd al-Yadd). Even today, in about half the places that practice it girls are circumcised before they are 5 years old, and most Muslim females who undergo circumcision are circumcised as girls not older than 14: see the report on FGC (Female Genital Cutting) by the Office on Women’s Health of the U.S. Department of Health at <https://www.womenshealth.gov/a-z-topics/female-genital-cutting> (retrieved Sept. 23 2017).

sexual slaves (*yawari l'muta*), of which a Muslim man in al-Andalus could have as many as he could afford to buy at the slave market (or capture during jihad) and maintain (the tenth century geographer Ibn Hawkal writes that one of the principal exports of Umayyad al-Andalus was slaves, and that most of the white—he uses the word “Slav,” which became generally applied to all white slaves--eunuchs that one finds “on the face of the earth” come from “Spain”; and Celia del Moral reminds us that the most coveted sexual slaves were blond or red-haired ones from Christian lands, and therefore commanded the highest price).¹⁸ And if these twelve sexual slaves resisted circumcision, they would have been captured in lands where female circumcision was not practiced, more likely the Christian lands to the North. Moreover, since these were “women,” therefore they could not be Muslim women, because Muslim females would have been circumcised not when they were already women, but when they were still girls, as indicated in Ibn Rushd al-Yadd’s recommendation—see next-- to circumcise one’s “daughters”.

Indeed, Marín cites the testimony of the famous Cordoban judge Ibn Rushd al-Yadd (the grandfather of Ibn Rushd), which also confirms that, as Malik Ibn Anas taught, circumcision is recommended and honorable for Muslim “daughters” and for female sexual slaves that their master wants to keep.

It should be also of interest to specialist researchers to see other testimonies, some not mentioned before by scholars, about the practice of female circumcision in Islam in general as a possible result of the teachings of Muhammad.

One such testimony is that of Aisha—Muhammad’s youngest wife, whom, according to al-Bukhari and other authoritative sources, he married when she was six and with whom he consummated the marriage when she was nine. In one of the six most authoritative collections of *ahadith*, the *Sunan Ibn Majah*, we are informed by Aisha herself that, after their *two circumcised* genitals had met (hers and Muhammad’s), both took a purification bath; and that, therefore, purification is always necessary after *the two circumcised parts* have touched.

Another testimony is that of one of the earliest sources we have on Islam: the Christian scholar Saint John of Damascus—who possibly was, like his father certainly was before him, a *dhimmi* serving the Umayyad Caliph in Damascus as a bureaucrat towards the end of the seventh and the beginning of the eighth century. The Damascene points out in one of his writings that “He [Muhammad] legislated that they be circumcised, including their women [γυναιξί].”¹⁹

We also learn in al-Bukhari, author of one of the two or three most respected collections of *ahadith* among the Sunnis, that purification is necessary if *the two circumcised parts* touch.²⁰

¹⁸ For a full discussion of the massive commerce in slaves of all kinds, from slave-soldiers to eunuchs to sexual slaves, in al-Andalus, see Fernández-Morera chap. 5.

¹⁹ For the testimony of Saint John Damascene (as far as I know, not mentioned before by any scholar examining the issue of female circumcision in Islam) see Janosik 268, who translates γυναιξί as “wives” (I thank Professor Anne Gardiner for calling my attention to this passage by the Damascene); for the testimony of Aisha (again, as far as I know, a testimony not mentioned by any scholar examining the issue of female circumcision in Islam) see *Sunan Ibn Majah*:

It was narrated that 'Aishah the wife of the Prophet said:

"When the two circumcised parts meet, then bath is obligatory. The Messenger of Allah and I did that, and we bathed." حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ الطَّنَافِيسِيُّ، وَعَبْدُ الرَّحْمَنِ بْنُ إِبْرَاهِيمَ الدِّمَشْقِيُّ، قَالَ حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ، حَدَّثَنَا الْأَوْزَاعِيُّ، أَنبَأَنَا عَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ، أَخْبَرَنَا الْقَاسِمُ بْنُ مُحَمَّدٍ، عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَتْ إِذَا التَّقَى الْجِنَاتَانِ فَقَدْ وَجِبَ الْغُسْلُ. فَأَغْتَسَلْنَا - وَسَلَّمَ عَلَيْهِ اللَّهُ صَلَّى - اللَّهُ وَرَسُولُ أَنَا فَعَلْنَاهُ الْغُسْلُ. Maillo Salgado refers to and confirms my findings (2017, 76 n7).

²⁰ al-Bukhari. This passage on the need for purification if “the two circumcised parts touch” is omitted from the English translation of Bukhari at the Center for Jewish-Muslim Engagement of the University of Southern California, thus effectively censoring al-Bukhari’s text. Felipe Maillo Salgado has kindly confirmed my reading of the reference to the two circumcisions in the Arabic text (retrieved September 23 2017):

The non-Maliki Sunni collection of *ahadith Sahih Muslim* also takes for granted female circumcision in the course of discussing ablution.²¹ And for the *Risala* of the great non-Maliki Sunni authority al-Shafii, who belonged to the same tribe as Muhammad (the Quraysh), female circumcision is not only honorable, but indeed obligatory.²² Other Islamic sources also refer to the “two circumcised parts” in the course of discussing ablution.²³

Therefore the academic discussions on whether female circumcision is “really” prescribed by Islam; or if it is a “pre-Islamic Arabic practice that Islam kept” but that Muhammad would not have approved, but that later clerics, for some reason, adopted; or the affirmation that it was “not practiced in al-Andalus because “Islam adapts to all different conditions,” must face and deal with all this documentary biographical and juridical evidence from primary sources showing that it was legal, that it was practiced, and that it was even recommended as “honorable” or “noble” for proper Muslim women in al-Andalus. But merely continuing to repeat that it is “doubtful,” or that it is not “clear” that it was practiced in al-Andalus, will not do: it will be necessary to present documentary biographical and juridical evidence to demonstrate that it was not practiced among free Muslim women, and that way counter the documentary biographical and juridical evidence showing that it did. However, in favor of those Arabists who seem to have honestly missed the abundant evidence, one could say that perhaps they have missed it because they were looking only at those well-known texts that do recommend it explicitly (al-Qayrawani’s *Risala*, al-Shafii’s *Risala*, al-Yadd, etc.), instead of looking also in those texts that indicate its existence in the course of talking *about something else* (such as the rules for purification by washing or bathing).

On the other hand, it must be pointed out that perhaps the reluctance of many academics to accept the practice of female circumcision in al-Andalus arises from an unjustified dislike or even fear of the practice. As a modern translator of the religious texts of the Maliki School of Islamic jurisprudence observes: “The traditional circumcision of the Muslims must not be confused with that practiced today, widespread in parts of Sudan and Africa, known as Pharaonic circumcision.

الْجَنَائِنُ النَّقَى إِذَا ب

²¹ *Sahih Muslim*, Book 3, *ahadith* 105 and 107.

²² In fact, the law scholar Lyda Favali points out that a majority of early *fuqaha* agreed with Malik’s teaching that female circumcision was a sunnah—a proper religious practice derived from the actions and sayings of the Prophet handed down through the traditions or the *ahadith*—though the extent of the circumcision would vary: “Differences among various schools of Islam exist on the nature of the obligation (mandatory, advisable), and on its purport (does it refer to all of the clitoris, or only the hood etc.) [...] it is a *sunna* according to the majority [of early *fuqaha*], and according to Malik. Moreover, according to al-Shafii, it will be compulsory for men and women. For women, circumcision will involve only the excision of the hood of the clitoris.” See Favali. As of 2002, female circumcision in Egypt was still widely practiced though forbidden by the legal code: see Dupret, In the twentieth and twenty-first centuries, conflicting *fatwas* have been issued on the subject: on May 28, 1949, Egyptian *fuqaha* decided that it is not a sin to reject female circumcision; on June 23, 1951, they stated that female circumcision is desirable because it curbs “nature” (i.e. sexual drive among women), and that medical concerns over the practice are irrelevant; on January 29, 1981, the Great Sheikh of AlAzhar (probably the most famous university of the Islamic world) stated that parents must follow the lessons of Muhammad and not listen to medical authorities, because the latter often change their minds, and that parents must do their duty and have their daughters circumcised; on June 24, 2007, the Mufti of Egypt, Ali Gum, announced that the custom was now prohibited. However, in 2009 The Fatwa Committee of the National Council of Islamic Religious Affairs of Malaysia decreed that female circumcision is in fact obligatory for all Muslim women: see “Female circumcision on the rise in Malaysia.”

²³ The Arabist Felipe Maillo Salgado points out that the “two circumcised parts” are mentioned in the discussions on the need for purification in the following Islamic sources: “*Nāsa’ī*, en su obra *al-Sunan al-kubrā*, en el *Kitāb al-Taḥāra*, cap. 121 dice: ‘el gusl es obligatorio cuando se tocan las dos circuncisiones (*ḥitānān*) [i.e. los dos lugares circuncidados]’; los diccionarios *Lisān al-‘Arab* y el *Tāy al-‘Arūs*, en la entrada *ḥatana: idā iltaqā l-ḥitānānī faqad wayāba l-gusl*, ‘cuando se ponen en contacto los dos lugares circuncidados es obligatorio el *gusl* (baño o ablución mayor)’”.

The former is a very minor operation involving no damage to the woman, when carried out by suitably qualified practitioners. The latter is a particularly abhorrent mutilation” (Clarke 96). It is probably following this line of thought that in 2009 the Fatwa Committee of the National Council of Islamic Religious Affairs of Malaysia decreed that female circumcision is in fact “obligatory for all Muslim women”.

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