

Women in Jihad: a Question of Honour, Pride and Self-Defence

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Abstract: The notion of Jihad in Islamic Law and in the contemporary world has different meanings. Jihad nowadays is regarded by millions of people not just as a military concept but as a religious and constitutional right. For Muslims in Spain jihad represented the most obvious way to defend their land against enemies, although towards the end of the Muslim period in Spanish history the Muslim community was not well armed or well defended and was not organised under a single authority. In his book on the Moorish revolt in Spain and their subsequent punishment, Mármol Carvajal draws attention to another aspect of the war between the Muslims and the newly established power, namely the idea of jihad as a religious duty of resistance, the doctrine of which had developed in various stages and in which women played a very important role. This study charts the transformation of the concept of jihad among Spanish Muslims. The method proposed is to study the meaning given to this word from the Qur'an by certain writers, in particular the Spanish maliki school, influenced by other authors outside the Malik school, such as al-Qayrawani and Ibn Rušd, but especially the later Spanish and Maghrib doctrine. The historical sources confirm that women played an important role in war, not only in supporting their menfolk in their fight against the Christians but even leading the revolts in certain cases where they found themselves alone and had to defend their homes and children. Women struggled spontaneously against the Christian leaders, refusing to accept the power imposed upon them. Spanish women were involved in the Moorish revolt and, according to the general doctrine – proposed by al-Mawardi- *jihad* became legitimate and necessary for the survival of faith in God. As an act of devotion women were permitted to throw themselves over a cliff after a vigorous fight against numerous enemies.

Key words: Jihad • Gender • Self-defence • Pride, honour • Islamic law • Al-Andalus

Suggested Shorter Title: Women in jihad: a question of honour, pride and self-defence

INTRODUCTION

The *jihad*, regarded as one of the Umma's religious obligations, is one of the concepts which have experienced successive variations over time and space. The term is etymologically derived from the root *j.h.d.* and implies the notion of effort and the sense of resistance[1]. Three different acceptations or meanings can be found in the Qur'an across the thirty-five *aleyas* where the term appears: either as a general effort, as a warlike action or as an elevation of the spirit, all three of them conveying the idea of an action undertaken by the Muslim to defend the values which are deemed to be worthwhile by the believer.

At present one of the interpretations of this term authorises *jihad* in cases of "self- defence" and of "support owed to a defenceless ally or brother". This modern point of view must be contrasted with the phenomenon of "deradicalisation" of *jihad*, a process which took place on the behavioural, ideological and organisational levels[2], thus changing attitudes towards democracy and pluralism, where women play a relevant role in the exercise of their rights. But the notion of *jihad*, has been extrapolated to other contexts –such as the economic one, in which such controversial notions as *jihad*, *macworld*, *globalisation*, *fundamentalism* and *democracy* combine [3]– in which women also play an important role [4].

It is well known that *jihad*, is a religious duty for every male, able-bodied, male Muslim. However, in various hadiths, Aisha asks the Prophet about the possibility of accompanying him in *jihad*, to which Muhammad answers that the best *jihad* for women is the *Hajj Mabruur* [5]. In other cases, Muhammad remains silent when asked the same question [6]; and according to a tradition of Anas bin Malik, it is said that Um Haram accompanied her husband, 'Ubada bin as-Samit, to the *jihad* during the first expedition commanded by Muawiya (624 AD) who, according to other traditions, was also accompanied by his wife, bin Qaraza [6].

According to the Maliki doctrine and in the historical tradition, at the beginning of Islam, *jihad* consisted in a military action which had expansion as its purpose [6]. As time went by, *jihad* acquired a new meaning, since keeping the territories also required an effort to defend them from external threats [1, 7]. Ibn Rušd, said that the authors were unanimous about declaring *jihad*, as it constitutes a strict obligation, this act being more meritorious than the pilgrimage. And periods of peace are not at all advisable, because during these periods the enemies could become stronger, rearm themselves and consolidate their positions, making it impossible Muslims to expel them in the future [10]. Nevertheless, following a consultation with Ibn Habib, Ibn Rušd says that obedience to an *imam*, even if the order is unfair, is compulsory unless the *imam* orders one to do something forbidden, including banning *jihad* when it has been prescribed [11]. Taking into account that, in theory, Islam constitutes a single community and that any armed conflict between Muslims is forbidden, a *jihad* between Andalus Muslims could hardly be justified.

In the Iberian peninsula, this first phase of *jihad* – translated in Spanish sources from Muslim period as 'Holy War' [7,9,10]-, finished when the local autochthonous communities assumed the new Islamic sovereignty and accepted the conditions imposed on the *Dhimmi*s: non-Muslim people protected by Muslim, living in Islamic territories and people who were obligated to paid a tax (*dimma*) [11]. *Fitna* has the religious sense of 'uprising', 'riots' or 'civil war', since the believers' purity of faith is in serious danger. This certainly seems to be the case in Spain at the end of the 13th century, the moment when the notion of *Muslim community* fell into decline. From that moment on, the sources use the word *fitna* [12] when they refer to the internal fights which followed the disintegration of the Merini power, an action that the Qur'an does not allow when it takes place between

believers of the same faith (Qur'an. II,191 and II, 217) [13]. Despite these theoretical distinctions, the terms *jihad* and *fitna* are used interchangeably; the fact is that the term *Holy War* reappeared during the last third of the 14th century, in the face of the constant threat towards Muslims posed by the Christian community [14, 15].

Similarly, in the time of the Prophet andalusian women committed themselves to the defence of their principles and traditions, even putting their own lives in danger as a result. Later many testimonies describe their presence at the battlefield in Spain and it is well know that the Moors tended to push the Christians towards the areas where their women lived as these women formed part of their military strategy [16].

The Moors were regarded as a homogeneous community, without distinctions after they were forcibly converted to Christianity; they suffered persecutions and, following the general teachings of the *alfakis (fuqaha)*, decided to protect themselves from the enemies who lived closest to their territories. Them being considered 'new converts' for Christians, lived as Muslims indoors and made *jihad* as duty imposed upon the *community* by the *šari'a*. All this implied defending their community against aggression. Nevertheless, the *jihad* in the Alpujarras - the mountains, valley and fertile lowland of Granada- [20] was undertaken by individuals –men and women– as a personal action. Another notion that was very often used in Spain during the Middle Ages and in early Modern era, is *ribat*, a word used in relation with the no-man's lands which fell between Christian and Muslim areas and were susceptible to attack from either side; certainly, that religious border area was the territory of nobody, in which usually took place the rescue of captives [3].

This article offers some examples which explain the *jihad*, or *Holy War* following the chroniclers, during the *Revolt of the Alpujarras (1567)* and the active role that women played in the *rebellion*; one can find the terms 'revolt' (or 'uprising') being utilised in the sources to describe the action undertaken by the Moors [17] in 1567 against the presence of Christians in their territories. Indeed, the *jihad* was compulsory to defend the men, women and children of the Spanish Muslim community from Christians, who forced them to convert. At the same time *jihad* was considered essential in order to combat the conversion to Christianity of the *al-faqihs* [18]. In the light of this situation Spanish Muslims were considered from 1568 enemies of Catholicism and this attitude justified the expelled from al-Andalus [16].

For Spanish Muslims, the *jihad* against Christians had the effect of extending the sway of the faith in early times because it had been prescribed by God and his Prophet. More than thirty different hadiths of al-Bukhari support this theory. The doctrine regards the *jihad* as one of the true 'pillars' (arkan) of religion. I argue that, from the very beginning, Muslims in Spain considered *jihad* an act 'of pure devotion', 'one of the gates to Paradise' in line with the arguments of scholars. Consequently, those who fall in *jihad* are martyrs for the faith. One highly significant circumstance which is instructive for my purpose was that, in the *Revolt of the Alpujarras*, the Moors defended their land against the menace of the priests with both men and women falling in *jihad*, although they were not all regarded as true Muslims by people living on the other side of the Mediterranean Sea. The argument of Magrebiens was that these people preferred to live in a Catholic country rather than to emigrate to *dar al-Islam*.

The aim of this article is to highlight, as far as possible, the arguments underlying the significant role women played in the development of Spanish Muslim revolts. In order to provide a historical perspective, it is worth mentioning that different interpretations of *jihad* and *fitna* have been supported by historians in al-Andalus; those territories were considered the land of *jihad* and Christians and Muslims put down to the Muslim authority because of the rejection of Muslim faith [19-21]. The present article analyses the notions of *jihad* and *fitna* which are embodied in many sources of 16th and 17th thought [25], including Spanish literature and law, in a considered 'Modern era' by Historians. Because of the importance of the last Muslim period in Spain, this study uses traditional examples from scholars for the purpose of clarifying women's participation in *jihad* both as a legal practice and as an interpretation and frequently in relation with the participation of wives in battle. Thus, linking modern-era Islamic thinking about *jihad* with today's Islamic thinking, I will try to explain how women have participated in *jihad* from early modern Spain to the present day, my intention being to show that progressive interpretations of *šari'a* supported a legal approach to the participation of women as a way of providing a defence of *Umma*, family life and Muslim identity.

The Reasons for Jihad in Spanish Modern History (XV/XVITH Centuries): At present, the mass media often show the image of Muslim women relegated yet again to the household context in the middle of war. It is there that they cry for their loved ones who have died or

disappeared and it is there that they keep a vigil over them. But it is also within that environment that Muslim women cry out for justice, appeal to divine justice because human justice has deprived them of the lives of their loved ones. From their homes, they ask the cameras to bear witness to their pain and sorrow, to the injustice committed and to the consequences derived from the horrors of war, a war which judging from the world's political situation is not the result of the declaration of *jihad*, as happened during the medieval period [22].

It is wrong to consider that women, in countries of the Arab world, do not fit in with the notion of *jihad*. On the contrary, women's presence in internal military conflicts is an established fact [23]. At present, the demands for democracy and human rights are popular aspirations; people offer arguments for their adoption in their States in the name of Islam and justify them on the basis of textual authorities derived from the *Qur'an* and the *Sunnah* seeking to defend democratic forms of government and pluralistic societies. But the participation of women in popular revolts is not the consequence of the *šura*, as a doctrine which demands the involvement of women as a part of society to run the political affairs of its government, nor as a result of the institutionalisation of *igma*' (consensus) and neither is it a result of the process of regeneration of Islamic thinking [24].

Turning to the Spanish Modern era, the Muslim community was not organised around a single authority. However, the most important political period, the caliphate, is characterised by authoritarian governments. After this period, the al-Andalus people also suffered the disintegration of Muslim unity and the appearance of independent States. Then, the war between Christians and Muslims in the Iberian Peninsula was seen as a *jihad* in its strictest sense and was considered a 'striving in the way of Allah' (*al-jihad fi sabil Allah*), as a religious duty for Muslims. Due to this disintegration of the political and social powers, *The Reconquest* acquired a special meaning within the concept of Castilian sovereignty and the Spanish Muslim community was faced with a religious or military conflict, as a *kital* or *mukatala* according to the general *sunni* doctrine. On the other hand and just at the end of this period, the history of Islamic governments in Spain testifies to maltreatment, oppression and the desire to eliminate the Muslim community. Muslims accused Christians of intolerance and ill-treatment. Muslims took into consideration the nature of the members of the *Community* (Umma) in order to protect their lives defending Islam.

In any case, the notion of *jihad* evolved with regard to *Mudejares*[29] and *Moriscos* [26]. Muslim people, men and women, were a menace, according to the archbishop of Toledo, Francisco Jiménez de Cisneros. Since the year 1499, when Jiménez headed for Granada with the aim of proceeding with the conversion of *Mudejares* using much more radical means than those proposed by the archbishop of Granada, the situation worsened considerably. The sources refer to the adoption of extremely violent measures which eventually aggravated the situation. Already at that moment, one can confirm the harshness of the struggle between Moors and Christians and the reduction of the Moors to the status of defendants accused of the crime of lese-majesty (or treason); even women were suspected of collaborating in the maintenance of the faith of their children, causing a serious threat to the *Holy Catholic Faith*. The victory immediately brought a dilemma for the *Mudéjares*, Muslim people living under Christian sovereignty who had to choose between conversion and baptism or death. The solution to the dilemma was the baptism of more than fifty thousand people –according to the sources [27]. Nevertheless, the measure adopted in Granada contradicted what was provided by Canon Law, more precisely what was established in canon 57 of the 4th Council of Toledo, by virtue of which nobody could be forced or ordered to believe in the Christian faith, since nobody could save himself or herself through the use of violence, but only voluntarily. The Muslims considered that the resort to violence was not based on theoretical considerations but was a response to the violence they suffered, including the lack of freedom and justice. The resort to violence during this period, whether among *Mudéjares* or within the Spanish Muslim community –as well as in secular groups– was simply a reaction to the political measures directed against them by the clerical authorities.

The measures adopted during the following years, from the *Pragmática* [order] of February 12th 1502 by which the Catholic Monarchs expelled the *Mudéjares* from León and Castile to the Edict of 1521 against Valencian Moors, the Royal Charter of April 4th 1525 issued by Emperor Carlos V on his return from Germany and the *Pragmática* of 1526 which ordered all the Moors who refused to receive baptism to leave the territory, constituted the legal framework with respect to which Andalusí Muslims had to position themselves during this final stage of their stay in the Peninsula. They had –at least in the case of Valencian *Mudéjares*– some legal resources which they could use to defend their rights. After all, certain rights and privileges of Valencian Muslims had been ceded under oath from the times of the

Catholic Monarchs to the reign of Carlos V, among them the right to stay in that territory without fear of expulsion. This oath was now being violated and the king had to find a way around the dilemma by asking Pope Clement VIII to provide a legal solution, which materialised in the apostolic Charter which exempted him from the responsibility associated with the aforesaid oath [28].

This was not the only front open for the Spanish monarchy as has already been seen. Granada was a permanent source of conflict with regard to the application of the measures enacted in 1526, making it even necessary to resort to the Tribunal of the Inquisition [29, 30]. During the Parliament Meeting of Toledo held in 1560, Felipe II forbade the Moors to have black slaves. They were also forbidden to have white slaves as they belonged to the same nation. And six years later, an even tougher stance was adopted towards this community through the ratification of the measures against the former Muslims, published on January 1st 1567. This triggered the Revolt of the Alpujarras [31].

Without a doubt, one of the most interesting moments in Moorish history is the period running from the *Junta* (meeting) held in Madrid in 1566 to the one held in Lisbon in 1582. In the first meeting, it was proposed that the Moors had to be and look like Christians. For this purpose, baptism was compulsory and the Moors were required to adopt names typical of the new faith rather than names associated with Islam; furthermore, they had to dress, speak and behave like Christians, thus going through an acculturation process. These proposals had already been adopted by Carlos I in 1526 [17].

Certainly, Spanish Muslims defended Islam as forming part of their identity, from childhood onwards. They associated the term with ritual-family moments, with the respect for parental beliefs and practices, encouraged by women according to contemporary sources. Islam has been conceived of as their heritage for a long time now; a heritage inscribed within family traditions and behaviours from immemorial times in Spain. As far as the relations between Islam and Christianity in the 15th century are concerned, the trend was towards a serious reaction to government hostility; Muslim people in Spain suffered the lack of religious authorities and the prohibition of learning the Qur'an and of observing their special festivities. And in this point, it is important to emphasise the increasing *deterritorialisation*; following Cesari this term explains the situation of Muslims in Europe nowadays, but applicable to the Moorish revolt in Spain [32] of religious references in Spain that resulted from the decision to confiscate their properties and lands. For this reason, men and women assumed the responsibility to defend their religious identity, by the way of *jihad*.

Women in Jihad as a Religious Duty in Al-Andalus:

Islamic thinking has been under continuous development since the period of the Prophet's governments and the rightly guided Caliphate. During that shaping stage, the situation of al-Andalus must be seen as peculiar with respect to what happened in the rest of the Arab world. Indeed, during an initial period, al-Andalus was an Islamic territory as a result of territorial expansion and the only sovereignty recognised in this territory was the Muslim one. During a later period, that of the disintegration of Muslim power, the relationships with non-Muslims, according to the šari'a-minded scholars focused on the *da'wa*, a concept of Islamic proselytism which justified residence in non-Muslim lands. Certainly, from this period and until 1526, the basic attitudes towards non-Muslims revolved around a solidarity-based, peaceful and rich moral obligation. For decades, Muslims lived in a non-Muslim state under non-Muslim authority and Muslim scholars from the Maghrib asked them to perform a hijra to *dar al-Islam*, according to the Qur'an, 4:96-100 [13]. From 1526 on, baptism was imposed on Spanish Muslims and I will first highlight what I consider a clear example of *jihad*, against Christians, in which the intervention of women was documented by al-Andalus scholars.

Women's participation in *jihad*, in line with Islamic law (*šari'a*), according to the numerous examples provided by the Andalusí sources, is an example of what the Muslim identifies as Qur'anic duties, one of the most important of which is the complete individuality of women [33]. As in our times, however, different circumstances forbade women to participate in the *jihad*, most of them due to an imaginary perception of her sexual condition as a wife or mother [26]. In fact, sources show the active role of women in various different circumstances including their role as wives, fighters taking decisions by themselves and in captivity.

According to the role of wife andalusí doctrine positioned itself following the Maliki orthodoxy with respect to women's presence at the battlefield. The issue of women's involvement in *jihad*, has been treated through Andalusí jurisprudence and, more specifically, on the *Mi'yar* of al-Wanšarisi[11], deals with this issue taking as a reference two questions (consultations) made to different scholars (*fuqaha*); the first one regarding whether men were permitted to bring their wives to *jihad* and the second one asking for the reasons why this was forbidden. Two reasons were put forward by the person posing these questions:

- First argument to justify allowing women to participate in *jihad* is to satisfy the desires of their menfolk and thus avoid them being forced by their physiological needs to have sexual relations outside marriage which would be unlawful. This is a strong argument which ratifies the ban on sexual relations outside marriage or on the resort to prostitution (Qur'an, 4, 24 y 5, 5; and 17, 32) [13].
- Second argument was to ensure that it was the woman who carried a copy of the Qur'an. Men in battle need to read the sacred Book and only pure hands could touch the Qur'an; for this reason women were entrusted with the custody of the Qur'an, the valuable treasure which contained the essential principles that underpinned the faith of their family and the values inherent to the religion that they professed. But this argument caused some scholars to ask what would happen if women were taken captive by the Christians since, in that case, the sacred text could fall into infidel hands and have an uncertain fate. But no answer was given.

As has already been explained, the tradition highlights that, since the times of the Prophet, Muslims were accompanied by their wives in their sea and land expeditions [42]. It seems that women would have a role in battle however this was determined by the expedition's security regarding women. If the expedition of people ready for war was well-armed and the number of participants foretold a sure success for the enterprise –an uncertain case– then women were allowed to travel with their husbands. But there is no mention of women leading the *jihad* or fighting in the battle, at least in *hadiths*. However, the Spanish sources give us some arguments about the women's presence or not in battle. If there were few armed men and victory was not guaranteed, the most advisable option was not to take women, as their lives could be in danger and they could be captured by the enemy. In any case, the al-Andalus doctrine referred back to the Qur'anic text, which established that men should never take their wives to avoid losing them or having them humiliated by infidels touching them with their impure hands although they were allowed to take their wives with them when they were travelling through infidel countries (Qur'an, 9, 124) [8, 13].

Nonetheless, it was apparently common for women and children to take part in combats accompanying the adults during the Spanish Modern period [17, 31, 34, 35]. This circumstance gave rise to a consultation about

the lawfulness of killing women and children who were present at the battlefield, the doctrine being against the death and slavery of women and children in accordance with what was stated in the Qur'an 4, 92 and 4, 172 [13]. Malik and Sahnun believe that in the cases of elderly women or ill women or children who could neither attack nor flee or carry weapons or stones or give advice, it was better to kill them. But there was no unanimity regarding the doctrine, since Ibn al- Majišun, Ibn Wahib and Ibn Habib's thought otherwise [11].

All the above is in keeping with the tradition of women's presence in the context of *jihad*, justified by the need for women to carry the Qur'an in pure hands during the battle and, additionally, to provide company to their husbands [5]. This has a corollary in the prohibition regarding Muslim men having sexual relations outside marriage, relations which were considered unlawful and could be regarded as adultery. This tradition is shown in Al-Andalus at the moment of Aben Humeya's capture. The sources relate that Diego Alguacil's followers cautiously headed towards Andarax, where Aben Humeya was and on their arrival at the Laujar quarter, where he resided, they found him *naked, half asleep and vilely between fear and sleep and with two women who 'trapped' him, especially by Diego Alguacil's widow-friend who clung to him;* in that moment the presence of both women was unavoidable and they acted as witnesses of the arrest. They even tied his hands and proceeded to make the formal accusation and judgement in front of the widow [31].

The second issue that was the object of legal consultation referred to whether or not women could be put on a level with men at the battlefield. Women considered as fighters is a topic that appears occasionally in the Spanish sources. Focusing on the Spanish Muslim community, the experts' answer was equally clear: men had to defend women and children from enemy attacks and similarly fight them when they attacked these same men, to such an extent that if their lives were in danger, they could eliminate these women and children with no remorse whatsoever, as it would be done in an exercise of legitimate self-defence (Qur'an, 4, 24-28) [13]. It is very difficult to explain the way women were perceived at the time in the light of with this behaviour, as we have no source which tells us about that, although it could be a measure to protect the religious integrity and the sacred lives of Muslim people to the prejudice of infidels. The experts were also asked about the lawfulness of women's and children's defence at the battlefield and the answer was that, should their lives be at risk, it was licit for them to defend themselves

with stones, weapons or sticks. In this regard, the role of women was certainly active and participative in the current *jihad* as a result of the awareness of the need of reintegration of the Muslim Spanish community in their own cultural and territorial identity. Hence, *jihad*, from the times of the Moors, ideologically and strategically, has a revolutionary component (*thawra*) that involves all community members, men and women, in extreme situations, such as the *Reconquest* and forced baptism [3].

At this stage, in the *Revolt of the Alpujarras* women could not only aid the wounded, take water to the thirsty and cook food for the soldiers- roles that coalesce around the presumed nature of woman as nurturing and maternal; it was a classical line of reasoning for Muslim thinkers used to justify why in war women take up arms only for self-defence [36]. It is worth highlighting that during the Alpujarras confrontation, women defended their positions using stones at the top of the walled areas where they lived and used to kill the enemies even with stones, such took place in Andarax [16]. This action was legitimised by virtue of their condition and by the right to defend their lives and those of their loved ones. Indeed, the sources narrate that this sort of combat also entailed women's pledge to stand guard around their husbands or help them by crying out or warning them of the danger that the Christians' arrival meant for them; they resisted in their positions until their lives were in real danges, at which point they could decide to commit suicide [31].

It is useful to determine the extent to which the war which broke out in the Alpujarras fitted the prototype of 'offensive *jihad*' or that of 'defensive *jihad*'. Taking into account that the legitimate exercise of *jihad* had to fulfil a series of requirements such as the institutional legitimacy, the *niyya* or the correct intention for the achievement of spiritual goals along with solid grounds for its declaration, the fact is that the type of *jihad* triggered off in al-Andalus was defensive. Even so, this rebellion had the support of the legitimate power, represented in the figure of Ibn Humeya, who had been elected to hold the highest religious and political authority among the Moors. However, this *jihad* was declared both against the threatening Christians and against the former brothers in faith, Moors who clung to their new beliefs and who represented a serious threat to the Islamic faith. This is why the Alpujarras war is a clear example of a defensive war and, at the same time, of an offensive tactic meant to defend the interests of the community as a whole, women being the ones who played an essential role in the defensive strategy [17].

Once again, the role of women in Spanish Modern History, because of the forced Baptism was, without doubt very active in the fight against Christians. Neither should we forget that women were the object of negotiations between victors and losers. Thus, for instance, given the impossibility of forcing Aben Aboo to surrender by force of arms, treason was used: they resorted to a Moorish silversmith from Granada, Francisco Barredo, who volunteered to go to Cádiz and get in touch with the rebels. If he surrendered, Barredo offered the Xeniz the king's pardon for him and his followers as well as freedom for his wife and daughter [37]. The protection of his wife in an area of combats even led Aben Humeya to offer his own life in return for the lives of his loved ones. He also showed signs of leniency towards the Christian women who were made captive by his correligionaries. By way of example, he ordered the announcement to be made that no child below the age of ten or man or woman should be killed without a reason; he treated both genders on an equal footing in the context of war, according with the *punitive war* (Qur'an, 46, 11) [13]. This attitude is not totally alien to Muslim thinking [24], in fact, according to the classical and medieval approaches, the protection of the individual and communal rights focused the attention of philosophers, religious scholars and Muslim thinkers [33].

Another example given by sources is related by Hurtado de Mendoza. Although the presence of women in the Andalusi war had become a habitual circumstance, the truth is that women were generally found in protected places. Hurtado de Mendoza narrates how Zaguer, an opponent of Aben Humeya, on his way to Jubiles, arrived at the castle where an old Christian came out with three Moors to hand over the castle to them and the wives and children of the Moors who, as is narrated in the sources, were *at the battlefield* with Aben Humeya, were found there, as it was related in the attack of Fregiliana [31]. And then, as sources related, women did not hesitate to fight like men, defending their territories and families, even to death before being taken slaves by the Christians [17]. Although, the Christian front represented a serious threat for the former Andalusi community and, despite the doctrine about the convenience of remaining faithful to Islam, the fact is that the sources relate how in the Vega of Granada there were *many people who defected, people and entire places that went over to the enemy, with the excuse that they could not stand the robberies of people and estates, the rapes of daughters and wives, the imprisonments and the deaths* [31].

The third issue around which there was not unanimity of opinions specially, in relation with women, was the one related to the execution of prisoners taken and the controversy surrounding slavery. For one sector, their death would only be justified by the need of the fight and so, once they had been made prisoners and the victor's superiority was proved, this need would disappear. The most widespread opinion was that prepubescent children and women taken prisoners could not be executed under any circumstances. Ibn al-Qasim expressed a different opinion; the argument put forward was that women, despite the rules of war prevailing at the time, took part in the fight wielding arms and could consequently be submitted to captivity or even killed in self-defence.

Al-Wanšarisi recognises that *War to infidels* was a duty for Muslims, an essential aspect of the Islamic religion; holy war against Christians constituted one of the praiseworthy pious deeds for Muslims [11]. Now then, according to al-Lakhmi, who followed ad-Dawudi, this obligation only applied to those who had their enemies near and not to those who were far away from them. In turn, Sahnun thought that this obligation fell on everyone, if the enemy was so powerful that it required the collaboration of them all. And, furthermore, if the infidels took women and children as prisoners and illegally appropriated their assets, the obligation to release them also fell upon those who were in a position to do it, on seeing a squad in the distance or being informed that the said squad was approaching, unless they feared for themselves or for their loved ones. And, in any case, peace is forbidden since this prevents the observance of a strict religious duty (Qur'an, 46, 3) [8, 13]. According to the Utbiya, Malik declared himself in favour of fighting until the captive Muslims could be released and even of using one's own assets to rescue them, especially women.

Even so, one of the reasons which were given against women's intervention in the fight was undoubtedly the submission to captivity. Tradition gives examples of leniency regarding captive women on the part of Muslims [6]. Although the tradition gives examples of benevolence towards women captured by the Muslims - waiting to be converted to the Islamic faith-, the fact is that Muslims were not so sure they could receive reciprocal treatment by the Christians [11]. Following the doctrine of al-Awzai in al-Andalus, women as well as children who still had not reached puberty could be exchanged for money while Muslim troops were in Christian territory, or in the border

areas. Once the Muslim contingent had left enemy territory, rescuing prisoners was not allowed and they could only be exchanged for Muslim prisoners. This practice diverged from the Maliki orthodoxy defended by Ibn al Majišun and Asbag. The truth is that from the Middle Ages until 1609, despite the silent submission of women converted to Christianity, they were suspected of being subversives maintaining the Arabic language, their rites and customs in the domestic setting [38]. In this period Moorish women's role in Spain was limited to the maternal and domestic areas. As a result of their captivity they not only suffered segregation and were discriminated against by the Christian majority due to the ethnic perception of social differences, they were also brought in front of the *Inquisition* and charged with witchcraft and blasphemy [22, 39, 40].

As a general rule, in order to avoid slavery for women, emigration from infidel land to Islamic countries is a religious duty prescribed until the day of resurrection [8]. And the justification lay in the fact that Malik said that one should not stay in a country where something other than equality (fairness) is practiced. Therefore, a justification existed to flee from countries of infidels, even more so in areas where the *Inquisition* focused its attention on Moorish women. A doubt grew among Andalusí Muslims in the late 15th and early 16th centuries: about when it was lawful to stay in infidel territory and when it was convenient to put up a fight to defend the territorial interests threatened by the Christians. According to the doctrine, only those who suffered diseases which prevented them from travelling were allowed to remain in infidel land. However, the Qur'an prescribes the obligation to emigrate from the lands of infidels and forbids Muslims to have Jews or Christians as friends or protectors (Qur'an, 10: 25; 9: 122 & 123) [13].

The *Moorish' revolts* process consisted in the radicalisation of a group that underwent behavioural transformations leading to the rejection of Christian government. In this case, it was seen as a common duty for Muslim men and women; the use of violence was legitimised in order to achieve certain goals. The rules concerning this right were meticulously established by the Prophet from the very beginning. Few changes have been identified since then. We are dealing with humanitarian and moral rules which lead to a very precise concept of the right to wage war; rules which were questioned by Muslim Andalusí legal experts. Nevertheless, the doctrine points out the prohibition to kill enemies using poisons, or poisoned arrows, to betray

or deceive infidels when they were prisoners; it did not allow prisoners to escape if they had promised not to do it, to fire on women and children, even if the enemy placed them as human shields, to kill unless their lives were in danger, or to take monks and friars captive.

The decision to stay or leave in al-Andalus, as a result of the *jihad*, was not simple. Effectively, the territories conquered after holy war became *waqf* or *habus*, with the exception of uncultivated lands, which the sovereign could concede to anyone he wished. One fifth of the whole booty belonged to the *Bait al-mal* (Public Treasury) and the remaining four parts had to be distributed among those who had participated in the fight. One of the habitual practices was for the sovereign to deliver the infidel's remains to the fighter who had killed him, thus seeking to boost his soldiers' bravery. Only those who assumed the new sovereignty and paid the *jizya* or personal tax would benefit from the protection of Muslim law. Controversy arose about male prisoners and especially about female prisoners, the exchange and ransom being subjected to fixed rules. The payment of the ransom was made using the funds of the *Bait al-Mal*, especially in the case of indigents.

The measures adopted by Castilian sovereigns against the Muslim population and more precisely against Muslim people surrounded by areas under Christian sovereignty, did not hinder those who had been forced to leave the Peninsula in the late 15th century from longing to return. The return was ultimately achieved by means of stratagems and it meant living in a land of infidels, even though it was the land where they had been born in their condition as Muslims. And they decided to return to infidel land accompanied by their wives, considering it was better to maintain the family unit than to leave their women alone in Magreb [11].

One of the most relevant examples is given by Daud b. Daud, a prominent figure in the rebellion of the Alpujarras, who took into account the scholars' opinion on this matter. He was the author of seven letters written in Arabic and translated into Romance following orders from the Holy Office after the uprising of the Alpujarras between 1569 and 1570, who planned to reach Berber territory seeking support to help the Moorish' rebellion and travelled with the translator and the women to the Berber area from Adra –along with a group of captive Christians. The letters fell into the hands of the Marquis of Mondéjar after the boat's sinking, thus causing the traveller's return to the coasts of Almería, where he fell into slavery along with his women [40].

For this reason the decision to remain in infidel land or flee towards the North of Africa –and more specifically to Morocco– was an extremely difficult one to take. On the one hand, Maliki had doubts about the immunity of their correligionaries in Islamic countries and the capture of women and children in infidel territories. According to Ibn al-Arabi, Muslims were immune because of their condition as Muslims; however, converts could not be immune because they had opted for Christianity. On the other hand, the doctrine considered that those who escaped from al-Andalus, where they had their assets and belongings, showed signs of weakness and moral baseness, since al-Andalus was one of the lands chosen by Allah for the settlement of his Community. In fact, these arguments were used to persuade people to stay in the Peninsula and to fight for their faith, living their lives as martyrs if necessary [6]. This was an argument which justified bravery, especially that of the women forced to convert to Christianity, who did not hesitate to jump and fall over the Alpujarras before being captured by the impure hands of infidels [11].

CONCLUSION

A concluding observation can be made on the active role of women in the modern Spanish revolt against Christians. There is no doubt that the role of the woman as the main pillar of the family and as the transmitter of the Islamic cultural values has certainly been defended from modern Spanish sources referring to the *Rebellion of the Moors*. As a consequence of the assumption of this responsibility by women, from the earliest time of the *Reconquest* they embodied by definition the model of wife and mother, bearing and transmitting the identity values of a family and, therefore, of the Spanish Muslim community. But it is also evident that according to the description of the resistance, both man and woman are considered necessary members of the community who are equally entitled, from the spiritual point of view, to defend the principles and customs of Islam.

This role of women within the family was not exercised in vain in the most difficult moments; '*jihad time*' is undoubtedly crucial for the survival not only of the members who form part of the family but also of the values which strengthen and underpin it. The woman's function at these decisive moments is clearly emphasised by the Qur'an and the tradition. In *jihad* the Islamic community must demonstrate the values that characterize it: consistency, perseverance, obedience and ultimately, cohesion among its members. Even more: pride in being

Muslims even when they were under the threat of being conducted to the Inquisition and honour until death. All of these values are justly attributed to the woman (Qur'an, 9: 35) [13]. In this regard the participation of women in the *Rebellion of the Alpujarras* was considered as a Community duty (*fard' kifaya*). Her duty to provide all that guarantees survival and stability in moments of crisis and tension refers back to her spiritual –and consequently religious– obligations and duties, on the same equality level that corresponds to man with respect to the unity of the community to which he belongs. In other words, sources show that in the Revolt this Islamic activism of women in *jihad* is viewed as a deep-rooted aspect of their beliefs.

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