CHAPTER 1

The Concept of Hijra (Migration) in Medieval Iberia and the Maghrib

During the late Almoravid period, a number of Mālikī jurists in Iberia and the Maghrib began to invoke the Qur’ānic concept of hijra (migration) in order to encourage Muslims to migrate from Christian to Islamic territory. This practice became widespread among Mālikī jurists during the Almohad period. In invoking hijra, these jurists were latecomers. Hijra had been practiced in the Maghrib before they sanctioned its use and there is evidence that familiarity with the concept was very widespread. It is easy to see why hijra had such broad appeal. The concept of hijra is central to Islamic collective memory. The Prophet Muḥammad’s hijra from Mecca to Yathrib (Medina) where he founded an Islamic polity is the event which ushers in the Islamic calendar and the idea of hijra continued to have a profound religious and political impact on the course of Islamic history. This chapter explores why, despite this, hijra had long been absent from the Mālikī legal tradition and what eventually led some jurists to introduce the term into their writings. I further suggest that the jurists’ emphasis or de-emphasis of hijra is closely tied to cycles of political power.

Hijra in the Early Islamic Period

In order to understand the complex attitude of the Mālikī jurists towards the concept of hijra, I will briefly consider its pre-Mālikī history. The Qur’ān frequently and forcefully emphasizes that hijra is a religious obligation of the utmost importance. It envisions a broad application of the doctrine, limiting it neither by time nor by place; rather, it says, “those who migrate in the way of God will find many a road to refuge and space in the land.”1 There are two separate but sometimes overlapping circumstances under which hijra should be made. First, hijra is obligatory from lands in which people are forced to commit wrongdoing (ẓulm). Those who do not make hijra under such circumstances are condemned to hell (jahannam). There, they will be held accountable even for the wrongdoing they committed under duress because they

1 Qur’ān 4:100.
could have avoided that duress through migration. Second, there are verses which do not mention the issue of duress and which simply describe *hijra* as an act of commitment to the community of believers. It mentions those who have performed *hijra* and have then “striven (*jāhadū*) with their possessions and persons in God’s way.”² Some such verses also connect *hijra* with a duty of fighting (*qitāl*) together with the believers.³ Believers who do not perform this kind of *hijra* are not condemned to hell; however, the believing community has “no duty of guardianship” towards them.⁴ Since they have not offered their political assistance to the Muslim community, that community is not under an obligation to help them. Thus both believers compelled by their communities to commit wrongdoing and believers who live outside the Muslim community are obligated to make *hijra*. The Qurʾān exempts from *hijra* only those “oppressed, be they men, women, or children, who cannot devise something (*ḥīla*) and are not guided to a way.”⁵ That is, those who are truly incapable of migrating.

The political impact of *hijra* in the early Islamic period was considerable. The Islamic garrison towns (*amsār*), which were the central organs of Islamic settlement and expansion, were heavily dependent on migration to augment the early Muslim population and to weaken the migrants’ places of origin. The importance of *hijra* for these towns was reflected in the fact that their residents were commonly referred to as *muhājirūn* and their military centers were known as *dūr al-hijra* (*abodes of hijra*).⁶ This extensive use of *hijra* was, however, of limited duration. *Hijra* was a useful concept for a minority community with limited political power that was in the process of establishing itself. Once the balance of power shifted in favor of Muslims, the usefulness of *hijra* diminished for two main reasons. First, the power of an established community is not enhanced by destabilizing population transfers. Second, the principle of *hijra* involves a compromise of the ruler’s authority by obligating his subjects to abandon him if they perceive him to be coercing them into wrongdoing. Indeed, the idea of religiously obligatory secession from

² See, for example, Qurʾān 8: 72: *wa-jāhadū bi-amwālihim wa-anfusihim fi sabīl allāhi*. Cf. Qurʾān 8: 75, 9: 19–20 and 16: 110.
⁴ Qurʾān 8: 72: *mā lakum min walāyatihim min shayʾin hattā yuhājirū*.⁵ Qurʾān 4: 97–99.