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# The Effect of the Reconquista on Islamic Law in Al-Andalus in the Light of Selected Fatwas

## Abstract

Life in the reality of the borderlands between the Muslim and Christian worlds had a significant influence on both sides. It also had an impact on Muslim law (sharia) which is observable in a very precious source – the fatwas (Muslim legal rulings). From among those collected from the area of Al-Andalus (Muslim Spain and Portugal) and North Africa the author has chosen for his discussion the fatwas which deal with issues relating to the long-standing conflict between Christians and Muslims, known as the Reconquista. The problems include ransoming captives, defending Muslim towns or trade relations with Christians. This analysis reflects upon the impact of the Reconquista on everyday life, as it was seen in sharia law.

**Keywords:** Al-Andalus, Maliki law, Reconquista, fatwas, sharia, everyday life, Muslim captives.

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Between the landing of Ṭāriq Ibn Ziyād and his troops on what is today the Rock of Gibraltar (named after him) on April 29, 711 and the fall of Granada on November 25, 1491, the Iberian Peninsula was home to two different civilizations having two different legal systems – Islamic and Christian.<sup>1</sup> Both Christian and Muslim countries sustained rather stable cultural, economic and political relations during the years 750–1085, that is until the seizure of Toledo by Alfonso VI of Castile (Glick, 2005, p. 12).

This paper aims at discussing the influence of the Spanish Reconquista on Muslim jurisprudence and judicial practice in Al-Andalus. Although the Reconquista itself was carefully studied by Spanish and other scholars, its impact on Muslim society in the aspect of sharia remains scarcely discussed (O’Callaghan, 2003). This work discusses a crucial source of sharia in Al-Andalus – fatwas, in particular those governing everyday life. The impact of the close proximity of war with infidels can be traced in the fatwas. The study indicates that in certain legal aspects, the permanent presence of war influenced the *ḥubus* system, Islamic duties of pilgrimage and alms, and ransoming Muslim captives.

Al-Andalus, often improperly called “Muslim Spain”, was a name used by Arabic writers to describe lands in the Iberian Peninsula under Muslim control. Thus, the same name was used in the second half of the 8th century when Muslim rule spread over most of the peninsula, as well as in the 15th century when Al-Andalus was limited to the Emirate of Granada. Across the approximately 700 years of Al-Andalus, the relations between Muslim states in the south and Christian kingdoms in the north drifted back and forth between peace and war. From the conquest of Visigoth Spain (711–712) until the civil war that toppled the Umayyad Caliphate (1009–1032), it was the Muslim side that had the upper hand. The Reconquista shifted the balance and, from the 11th century onwards, had a profound impact on the everyday life of the Andalusis, including sharia – Muslim law (Kennedy, 1996; Lévi-Provençal, 1953-1954).

Muslim law, i.e. sharia (ar. *ṣarī`a*) is a complex system based on the Qur’an and the deeds of the Prophet Muhammad preserved in the hadith (*sunna*). *Ṣarī`a* deals with topics concerning all aspects of believers’ life, from religious prescriptions, marriage contracts, crime to economics. Issues not directly addressed in the Qur’an or the sunna are settled in sharia. Their settlement varies across the Muslim sects and also gave birth to various

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<sup>1</sup> Jewish law can be considered as the third one. In sharia, *ḍimmis* (i.e. Jews and Christians) under Muslim rule obey Islamic law in any dealings with Muslims. However, inside their own communities, their own rules apply.

jurisprudence schools – the *madhabs* (most notably Hanafi, Maliki, Shafi‘i, Hanbali and Shia Jafari). The schools differ in the usage of guidelines such as *iğmā‘* (consensus), *qiyās* (analogy), or *istihsān* (reference) (Bielawski, 1973; Hallaq, 2009; Schacht, 1982). Islamic law has been studied by Western orientalisks since the second half of the 19th century, with some notable works including those of Ignác Goldziher (1850–1921) (Goldziher, 1889) or Joseph Schacht (1906–1969) (Schacht, 1950). The same applies to Islamic law in Al-Andalus, studied by prominent Spanish scholars, such as José Ángel López Ortiz (1898–1992) (Lopez-Ortiz, 1932).

As for Al-Andalus, the dominant school was *Maliki*, named after its founder Mālik Ibn Anas (711–795). It prevailed over the older Awzā‘ī school in the late 8th century and became the official doctrine of the Umayyad state, though the reasons of its success are still being discussed by modern scholars (Fierro, 1989, 1991; Idris, 1967; López-Ortiz, 1930; Turki, 1971; Wilk, 2011).

Having encountered, or usually having been approached by someone with a legal problem that has not yet been solved, jurists (*muftis*, lit. the ones that issue fatwas) present their legal opinions (*fatwas*). The fatwas are gathered in compilations by each *madhab* and become an important part of the doctrine. A fatwa consists of two important parts – a question and an answer. A Mufti is asked, usually by an unknown person or group (although in the studied problem twice the name of the asking person was given). The addressed issues are very diverse, covering just as wide areas as sharia itself. Afterwards the mufti presents his legal opinion. A *ğawāb* (ar. answer) can be anything from a short yes or no to a lengthy analysis. Further consequences of a fatwa are unknown, as they do not form part of the Islamic law and have not been preserved in texts (van Staëvel, 2006).

Luckily, Maliki fatwas from Al-Andalus along with those from Al-Mağrib have been preserved in a collection by Al-Wanšarisī (1431–1508) under the title *Al-Mi‘yār al-mu‘rib wa al-ğāmi‘ al-muğrib ‘a n fatāwī ahl Ifriqīya wa Al-Andalus*. Al-Wanšarisī’s work is divided according to subject, which is a typical feature of this kind of sources. *Al-Mi‘yar* has scarcely been analyzed after its first lithographic edition was released in 1896–1898 (Al-Wanšarisī, 1312–1315 [A]H/1896–1898), with following French partial translation (Amar, 1908–1909). Even though prominent scholars such as Évariste Lévi-Provençal acknowledged the importance of further study, it was not until the 1981 edition that it caught the further attention of researchers (Al-Wanšarisī, 1981a). Since then, a thorough analysis with a partial translation was delivered by Vincent Lagardère (Lagardère, 1995). The French scholar chose 2,144 fatwas out of twelve volumes of Arabic material, but they are partially summaries, answers

being mixed with questions or occasionally questions without the imam's answers. His work also contains a list of other studies based on this source (until 1995).

Though the source itself does not give details concerning the place and time of issue for each fatwa, they can be tracked down thanks to the names of muftis. Lists of Muslim qadis are preserved in biographical dictionaries such as *Tārīḥ ʿulamāʾ Al-Andalus* by Ibn Al-Faraḍī (d. 1013) (Ibn Al-Faraḍī, 1989), *Kitāb aṣ-ṣila* by Ibn Baṣkuwāl (d. 1183) (Ibn Baṣkuwāl, 1989), *Aḥbār al-fuqahāʾ wa-l-muhaddiṯīn* by Ibn Al-Ḥārīṯ Al-Ḥuṣānī (d. 971) (Ibn Al-Ḥārīṯ Al-Ḥuṣānī, 1992) and *Ġadwat al-muqtabis fī dīkr wulāt Al-Andalus* by Al-Ḥumaydī (d. 1095) (Al-Ḥumaydī, 1966).

Fatwas originated mostly in Cordoba and Granada. There is a methodological issue regarding the choice of fatwas. Legal rulings chosen for the purpose of this study consider relations between Muslims and Christians, but only if the latter live in *dār al-harb* (lit. house of war), that is in non-Muslim states. The distinction between the “house of war” and “house of Islam” is traditional in Islamic thought and was sometimes used to justify jihad against lands beyond *dār al-islām*. The everyday life of Andalusi Christians, unless directly influenced by the Reconquista, is not considered.

Another question, typical for this type of sources, is the scale of problems described in the fatwas. In this matter, academics remain in the sphere of speculations, because once a question was answered by muftis, it became a precedent and was not afterwards debated. Given this assumption, this study will debate problems as they appeared according to subject and chronologically.

## Muslim captives

The most important problems found in fatwas directly provoked by the Reconquista are prisoners of war and the defense of Muslim towns. Within any military conflict soldiers on both sides face the question of ransoming them. In Christian Kingdoms, all Moors were under the king's protection. The ones captured in battles were reduced to slaves. Their supply was reduced after the Reconquista was nearly completed by the mid-thirteenth century (O'Callaghan, 1990; Verlinden, 1955).

In Islam, raising funds for the purpose of ransoming captives is considered a pious act and therefore it became deeply discussed in Al-Andalus. Ibn Lubāba, a mufti from Cordoba (d. 926), was asked about money given for the sake of the poor. The donor enquired further if it

could be used for ransoming captives (Lagardère, 1995, p. 407). Ibn Lubāba replied that it was possible if they did not have funds of their own (Al-Wanšarīsī, 1981h, p. 256). The same mufti was asked about dividing the funds between the poor and the captives, which he approved (Lagardère, 1995, p. 407; Al-Wanšarīsī, 1981h, p. 256).

Over a century later, the same problem emerges in fatwas from Saragossa. Abū ‘Abd Allāh As-Saraqusṭī (d. 1074)<sup>2</sup> was asked about someone bequeathing in his last will a certain amount of gold to be transformed into *hubus*<sup>3</sup> (Carballeira Debasa, 2011b; Deguilhem, 2008; Peters et al, 1997, p. 55) for ransoming captives. The gold was, however, of old coinage (*min as-sikka al-qadima*), modified afterwards and was questioned by the heirs. The mufti answered that the captives might only receive the amount promised and the administrator must assure the coins’ value. (Lagardère, 1995, pp. 267–268; Al-Wanšarīsī, 1981f, p. 161).

Another mufti from Cordoba, Ibn Al-Ḥāğğ (d. 1135) confirmed the Maliki doctrine stressing the importance of ransoming captives, specifically, the priority of exchanging taken Christian captives for Muslims (Lagardère, 1995, p. 66; Al-Wanšarīsī, 1981c, pp. 179–180). Soon afterwards the chief judge of Cordoba, Abū Al-Walīd Muḥammad Ibn Rušd (d. 1126), grandfather of the famous philosopher Ibn Rušd (Averroes), was approached with a case of a slave offered to be exchanged for two captives. One of their parents and the other’s representative travelled in order to bring them back but eventually they only managed to find and ransom one, who they exchanged for the slave. Upon their return, the other captive’s family protested and demanded half of the slave’s value (Lagardère, 1995, p. 64). The Arabic text adds that this amount could only be paid if the other captive had been found (Al-Wanšarīsī, 1981c, p. 213).

The same judge was approached in a very similar matter. A slave is donated for the purpose of finding and ransoming two Muslim captives. After over two years of search, only one of them is found and brought back at the cost of the donated slave. A representative of the missing one demands to be given half of the slave’s value. The mufti answers that the ransomed one should compensate half of the value and donate it either for a further search of the other one or to the donor for another ransom (Lagardère, 1995, p. 417; Al-Wanšarīsī, 1981h, pp. 151–152).

<sup>2</sup> Lagardère suggests that this could also mean Muḥammad Ibn Muḥammad Al-Anšārī As-Saraqusṭī (d. 1459) of Granada, as the Arabic source is not clear.

<sup>3</sup> *Hubus* (in the Middle East and the rest of the Islamic world better known as *waqf*) – an inalienable religious endowment in sharia, mortmain property, typically donating a building, land or cash, in Al-Andalus commonly also animals or books. The donated assets may be held by a charitable trust.

Two more ransom cases were recorded in Granada. An earlier one is attributed to Ibn Lubd (d. 1381), who was asked about a man donating property for ransoming penniless captives from his area. The mufti advised that any remainder should be spent on captives from his region, as part of his alms (*zakāt*) (Lagardère, 1995, p. 421; Al-Wanšarisī, 1981h, pp. 478–479). This form of *zakāt* was supported also in an earlier opinion of Abū Šāliḥ Ayyūb Ibn Sulaymān (d. 914) (Lagardère, 1995, fatwa 198, p. 54; Al-Wanšarisī, 1981b, p. 397).

The second issue was settled by Abū ʿAbd Allāh Muḥammad Ibn ʿAllāf (d. 1404), who was asked about someone donating 600 golden dinars for ransom. However, the mufti set some conditions for founding a *ḥubus*, including guaranties, especially due to problems related to the value of the coins (Lagardère, 1995, pp. 283–284; Al-Wanšarisī, 1981f, pp. 207–209).

The fatwas discussed so far were not the only ones dealing with captives. In Cordoba, Abū Šāliḥ Ayyūb Ibn Sulaymān was asked about a rare *ḥubus*. A man decided to donate his cow's milk to the poor, but after his death the animal was to be sold for ransoming captives. Mufti answered that such a donation would only be possible if he distributed the milk by himself (Lagardère, 1995, p. 254; Al-Wanšarisī, 1981f, p. 104).

Some captives tried to ransom themselves, which was allowed under certain conditions. There are two fatwas discussing the issue. Abū Šāliḥ Ayyūb Ibn Sulaymān commented on a man who left his son in prison and travelled home in order to collect ransom (100 dinars) from his goods (Lagardère, 1995, p. 54; Al-Wanšarisī, 1981c, p. 117). Ibn Ḥāmīr of Cordoba (d. approx. 10th c.) decided that goods belonging to imprisoned Muslims could be sold if permission from the captives was presented (Lagardère, 1995, p. 169; Al-Wanšarisī, 1981e, p. 247). Ibn Sirāğ of Cordoba (d. 1061)<sup>4</sup> was asked about Muslim captives that managed to escape from a Christian vessel moored in a Muslim port. He replied that they should not be returned (Lagardère, 1995, p. 58; Al-Wanšarisī, 1981c, p. 118).

The problem of Muslim captivity, as seen in fatwas, was a frequent one as the wars raged on. Muftis were asked on many occasions about several aspects of ransoming captives, which hints at the relevance of the problem. Reported cases were very often related to *ḥubuses* donated to ransom captives, some of them concerning a situation when only one of the captives looked for was found or changes in the value of the *ḥubus* (as well as doubts about the value). Controversies arose as the purpose of Islamic alms in the forms of *waqf/ḥubus* cannot change without the consent of the qadi in charge of them. For this reason, muftis protected the original purpose and

<sup>4</sup> Identification uncertain, possibly also Abū Al-Qāsim Ibn Sirāğ of Granada (d.1444).

value of the donations, in accordance with Maliki law (Carballeira Debasa, 2011a, pp. 99–114). Notably, the *hubus* system became an essential way for raising funds for ransoming Muslim captives, especially ones of lower-class backgrounds that could not afford it otherwise.

## Defending the borders

Another area of sharia law affected by the Reconquista is the defense of the borders, which can be found in *Al-Mi'yār*. There are fatwas concerning building or maintaining border strongholds and defending Muslim towns. Abū Šāliḥ Ayyūb Ibn Sulaymān reports on the citizens of a fortress in danger of being captured by the enemy. They decided to surrender their children and ransom them later (Lagardère, 1995, p. 54; Al-Wanšarisī, 1981c, p. 117). The same mufti was asked about a border town fighting against infidels. The inhabitants sent fifty scouts. Abū Šāliḥ agreed that each married man should be obliged to donate money for this purpose (Lagardère, 1995, p. 54; Al-Wanšarisī, 1981c, p. 118).

Ibn Zarb (d. 991) of Cordoba was asked about who wanted to create *hubus* out of goods that were earlier sustaining a border fortress, which was captured by the enemy. Mufti decided, that the revenue should be assigned to another fortress under the same conditions (Lagardère, 1995, p. 256; Al-Wanšarisī, 1981f, p. 64). Ibn Daḥḥūn (d. 1039) of Cordoba was approached with a similar problem and he also advised redirecting the *hubus* to another stronghold (Lagardère, 1995, p. 258; Al-Wanšarisī, 1981f, p. 218).

The situation of the ṭā'ifa kingdoms<sup>5</sup> in the second half of the 11th century was difficult as the Reconquista gained momentum (Wasserstein, 1985). A fatwa by Abū 'Abd Allāh As-Saraqusṭī addresses a special trade tax (*mağram*) collected to defend borders, which some trader was trying to avoid. The mufti reminds us that this payment was obligatory due to its purpose (Lagardère, 1995, p. 174; Al-Wanšarisī, 1981c, p. 32). Ibn Al-Qaṭṭān of Cordoba (d. 11th c.) decided that an old *hubus*, whose purpose was unknown, had to be reassigned to be spent on building city walls. Ibn Al-Ḥāğğ disagreed and added that such donations should be allocated to the poor (Lagardère, 1995, p. 262; Al-Wanšarisī, 1981f, p. 442). Abū 'Abd Allāh As-Saraqusṭī informs us that someone donated an oil mill (*taḥn az-zaytūn*) to the cause of defending Muslims (Lagardère, 1995, p. 265; Al-Wanšarisī, 1981f, p. 140).

<sup>5</sup> The term given to small Muslim states established after the fall of the Caliphate of Cordoba in 1032 and afterwards swallowed by the Almoravid state.



In the last years of the Emirate of Granada, Al-Mawwāq (d. 1492) was asked about buying naphtha in order to destroy the walls of Al-Ḥamma (Alhama) captured by Allah. The citizens of Granada wanted to use their zakat money and transform naphtha into a *hubus*. The mufti reminded them of a similar situation that took place in Almeria, besieged in 1309 by James II of Aragon (1291–1327), where Muslims bought naphtha to destroy a siege tower. However, Al-Mawwāq decided that naphtha should be bought with money collected from all Muslims and that zakat should be allocated directly for arming those fighting in the jihad (Lagardère, 1995, p. 288; Al-Wanšarīsī, 1981f, pp. 147–148).

The same mufti was asked about a village plundered and abandoned by Christians. A mosque remained intact and had attached *hubuses*. The local inhabitants wanted to transform the minaret into a lookout tower (*qāmira*), like it was done in Ballāš. With a dose of pragmatism, the mufti allowed that transformation to proceed, explaining that if the village repopulated, the minaret could serve both to call for prayer and look out for the enemy (Lagardère, 1995, pp. 288–289; Al-Wanšarīsī, 1981f, pp. 148–149).

The need to defend Muslims against infidels is considered a duty of the believers, and forms an important part of jihad. The influence of the Reconquista on the shape of Muslim towns and villages is also traceable in fatwas issued as the threat of losing ground became real. It is reasonable to assume that the date of the first fatwa issued by Abū Šāliḥ Ayyūb Ibn Sulaymān comes from a time of turmoil before the reign of ‘Abd Ar-Raḥmān An-Nāšir (912–961) and is due to the rise of the Kingdom of Leon. Subsequent ones originated in an age of regular wars between Christians and Muslims. City walls, border fortresses and special taxes were necessary in order to defend against the enemy’s rising strength. The case of the minaret in the unnamed village in the times of Našrides (second fatwa by Al-Mawwāq) is emblematic, as pragmatism was even more needed to protect the settlement and its citizens.

## The hajj

The fact that Al-Andalus was at war almost constantly in the 11th and 12th centuries led to the issue of two fatwas in Cordoba by Ibn Rušd and Ibn Ḥamdīn (d. 1127) that had an effect on one of the five pillars of Islam – the hajj. The first one explained that Andalusis are relieved of the duty of pilgrimage because they might lose their estates during their absence. He added that jihad was a better solution for them (Lagardère, 1995, p. 63; Al-Wanšarīsī, 1981b, p. 432). Ibn Ḥamdīn also stated that it was preferable



in Al-Andalus to join the fight against the infidels than to fulfill the duty of hajj (Lagardère, 1995, p. 65; Al-Wanšarisī, 1981b, p. 433). Both discussed cases are a clear evidence of how profound an effect the Reconquista had on sharia law. There are cases when a believer can be relieved of the duty of pilgrimage to Mecca (sickness, insufficient funds and others). The fatwas issued by Ibn Rušd and Ibn Ḥamdīn can be linked to one of them, as the road to the Holy Shrines must be safe and the pilgrim must ensure maintenance for those he leaves at home (Mawlawi, 2003, p. 146).

## Relations with Andalusī Christians

There are also fatwas referring directly to Christians. Ibn Sirāğ was asked about a man who converted to Christianity in *dār al-ḥarb*, married a woman there and lived together for a few years. Then they decided to move to Al-Andalus and become Muslims. The mufti declared their marriage canceled but allowed them after a period of *‘idda*<sup>6</sup> (Linant de Bellefonds, 1971, p. 1010) to marry again according to sharia (Jakubowski, 2016; Lagardère, 1995, p. 1020; Al-Wanšarisī, 1981d, p. 250).

Ibn ‘Iyyād (d.1148/1149) of Granada addresses the issue of a church taken over by Muslims and converted into a mosque. The temple held substantial assets in mortmain and after 18 years the Muslim administrator wanted repurpose them. The mufti agreed by saying that Christian *hubuses* need not to be respected (Lagardère, 1995, pp. 274–275; Al-Wanšarisī, 1981f, pp. 73–75).

Two fatwas were issued after questions posed by Almoravid rulers themselves and another one concerning them directly that are connected to wars with Christians. Ibn Rušd ruled on a veil or cloak (*at-tiltīm*)<sup>7</sup> (Corriente, 1997, p. 476), worn by the Almoravids. He strongly supported using this traditional garment as a symbol of the defenders of the faith that additionally frightened the infidels (Lagardère, 1995, pp. 62–63; Al-Wanšarisī, 1981e, p. 225). Ibn Rušd was asked by Abū Aṭ-Ṭāhir Tamīma Ibn Yūsuf Ibn Tāšufīn (d. 1126/1127)<sup>8</sup> about goods taken by Christians after the fall of Toledo (1085) and traders arriving to Al-Andalus from this city. The questions was whether trading with them was allowed. The mufti stated that if their stocks were not loots and they had not participated

<sup>6</sup> *‘idda* – Islamic term for the period of abstention from sexual relations imposed on a widow or a divorced woman before she may remarry.

<sup>7</sup> Corriente in his dictionary translates the verb *lattama* as “to veil”, and hence the meaning of the masdar *talṭīm*.

<sup>8</sup> Brother of Almoravid ruler ‘Alī Ibn Yusūf (1106-1143), viceroy of Al-Andalus.

in seizing Muslim possessions, then it was not forbidden to bargain with them. Other Muslim traders wanted to seize Christian goods in Cordoba, pledges belonging to foreign traders, as compensation for their losses in Toledo. Ibn Rušd answered that unless the conditions had been broken, pledges should remain intact (Lagardère, 1995, pp. 418–419; Al-Wanšarīsī, 1981h, p. 598).

Abū Al-Qāsim Aḥmad Ibn Muḥammad Ibn Ward of Granada (d. 1146) along with other Andalusī jurists was asked by emir ʿAlī Ibn Yūsuf Ibn Tāšufin (1106–1143) about two matters. The first one concerned Christian mortmain assets intended for convents and churches. Those estates belonged to Christians expelled from Seville. The mufti ordered their sale in the presence of a Christian representative. Relocated Christians were free to practice their religion. They could not, however, build new churches and they were obliged to pay the *ḡizya* tax. The other problem also concerned Christians from Seville. A group of them converted to Islam, but then escaped and headed for *dār al-ḥarb* and after a chase some of them died in battle, the rest were captured and brought back to Seville. The mufti decided that their conversion was still valid and that they would be punished normally as apostates (Lagardère, 1995, pp. 363–364; Al-Wanšarīsī, 1981g, pp. 56–64).

The last group of fatwas classified in this paper under the collective theme of Christians can be considered consistent with what is known about their situation in Al-Andalus. The *ḍimmis* or *ahl al-kitāb*, which means Jews and Christians (also Zoroastrians in the Middle East) living under Muslim rule were obliged to obey sharia whenever a problem involved Muslims. Otherwise they could implement their own regulations. Christians were not generally persecuted but were not equal to Muslims: in case of any doubts muftis favored the latter, as Islam may not suffer setbacks (Friedmann, 2006; Zorgati, 2012). Those are the reasons why muftis wanted to sustain contacts with Christians and even allowed former apostates to remarry, but on the other hand they needed a declaration that traders would not enrich themselves at the expense of Toledo Muslims.

## Conclusions

The chosen fatwas highlighted key issues that can be directly linked to the Reconquista and therefore can be described as influenced by it. Many areas of life were affected by the Reconquista, sharia affected directly, and problems solved by qadis addressed them. The priority seems to have been releasing Muslims held captive (or enslaved) by Christians in the north

and defending towns in *dār a-islām*. In Al-Andalus, the threat of losing the struggle with Christians was real and border-related issues were more real than in the Middle East, let alone the Arabian Peninsula. The question of pious donations in the form of *ḥubuses* is a clear evidence of how flexible sharia can be within its set boundaries. *Ḥubuses* served as a countermeasure against the Reconquista, but they remained consistent with the law. Even the matter of not making the hajj can be regarded as compliant.

The qadis of Al-Andalus had to confront issues with the Maliki school, as the situation in the Iberian Peninsula was slightly different. Even though Islam lost and Al-Andalus ceased to exist, their effort became part of the doctrine and – preserved in the book of Al-Wanšarīsī – serve today as an interesting source of information on how the Reconquista shaped sharia in the Muslim West.

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## Wpływ rekonkwisty na prawo islamskie w Al-Andalus w świetle wybranych fatw

Życie na styku świata muzułmańskiego i chrześcijańskiego wpływało na obie strony. Odcisnęło także swe piętno na prawie muzułmańskim (szariacie), co można zaobserwować w bardzo cennym źródle – fatwach (muzułmańskich orzeczeniach prawnych). Niniejsza praca omawia problemy związane z rekonkwistą w oparciu o fatwy zebrane z obszaru Al-Andalus (muzułmańskiej Hiszpanii i Portugalii) oraz Afryki Północnej w kompilacji Al-Wanšarišiego. Rozważane zagadnienia obejmują wykup jeńców, obronę muzułmańskich miast oraz relacje handlowe z chrześcijanami. Tym samym wyłania się obraz wpływu rekonkwisty na życie codzienne muzułmanów, tak jak został on zachowany w fatwach omawianego okresu.

**Słowa kluczowe:** Al-Andalus, prawo malickie, rekonkwista, fatwy, szariat, życie codzienne w średniowieczu, jeńcy muzułmańscy.

### Note

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