

Leaving Iberia: Islamic Law and Christian Conquest in North West Africa

by

Jocelyn Hendrickson

Reviewed by Abdelhamid Raki*

In 2020, Harvard university published a prominent book of Jocelyn Hendrickson, the teacher of religious studies and history in university of Alberta- Canada. The book treated an historical and crucial event that had happened in Iberia before many centuries that its impacts had endured until now, it has been the leaving Iberia by Muslims after the fall of Granada, the last Islamic kingdom in Spain, or they had been intentionally expelled from the peninsula of Iberia.

The book contained eight chapters, all of them coupled with each other inextricably, that indicates the importance of the methodological side of the writer in her treatment of one topic that combines between two specialty, history, and jurisprudence, that entails double analytic. It is obligatory to state that the writer has showed an exceptional and tremendous ingenuity as she treated one of the complicated issues in the history of Iberia, and the common between Muslims and Christians.

The first chapter is dedicated to discovering the historical context of this event, prescribing the methodological planning which the author had pursued in her book, and putting the pivotal questions that she started from. She talked in the second chapter about the Portugal conquest in the North West Africa and its political and social influences on Muslim people. the author strived to depicting the Muslim confrontation against the Christian conquest, especially by the jurists who had keenly obligated leaving all the places which are under the Christian rule. As long as Hendrickson had been wondered about the impact of the jurist's fatwas on the Iberia's Muslims, and she had emphasized especially on the opinion of Wansharisi (d. 914 AH) in his fatwa known: (*Asna lmatajirfi man ghalabannassara 'la watanihiwa lam youhajir*). This fatwa and another fatwa titled (fatwa of Morbia) that had been edited by the same jurist were the basis that Hendrickson strikingly dismantled closely in order to justify the real position of the jurist.

The author was strikingly surprised about the desire of wansharisi on leaving Iberia, and he had -at the same time- neglected the ugly reality of Morocco which had been under the non-Muslim rule, that meant that the Muslim people in this country had been dominated by Christian rule. Hendrickson in the fifth chapter carefully treated the old opinion of wansharisi towards who had preferred staying in Iberia, or who wanted to return to it because of the bad economic and political conditions of Morocco. Leaving Iberia for its Muslim population means resorting to poverty, disease, epidemics, and general chaos that spread in all cities of Morocco. Wansharisi should - from Hendrickson's point of view- be wiser and more aware of the future situation and the bad impact of his fatwa that could catch up those who were more damaged.

Hendrickson raised in the sixth chapter the fatwa of wahrani (d. 920 AH), the jurist who had received a question from the Muslim Iberian people that they had been obligated to convert to Christianity, and the jurist had replied to them that they were not guilty as long as their hearts believe in God.

Hendrickson's ambition in this topic did not stop at the level of historical description of the event of leaving Iberia only, but she had gone to show the fatwas' impacts on the contemporary context; for this reason, she provided – in the seventh and eighth chapters- two examples of two countries that their jurists based on the old fatwas against the French colonialization, Algeria, and Mauritania. The writer has described the hesitation of

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the jurists about what fatwa is compatible with this new situation, wansharisi's fatwa that obligated leaving the land ruled by non-Muslim, or wahrani's fatwa that permitted the residence in non-Muslim territory.

According to what the writer stated in the conclusion, she did not aim to narrate what had happened in the history as much as she intended to achieve two purposes, the first is to challenge the old and approved approaches in explaining the common history between two nearest regions, and the second is to provide a new approach to understand the structure of reliable events in Islamic jurisprudence, unlike the known methodology and followed by those jurists in responding to the contingencies.

It is worth to be mentioned that Hendrickson did not limit her analyze into the legal opinions of two jurists mentioned above, but she has expanded her monograph by presenting other jurists as: al-Mazari (d. 536 AH), Ibn al-Arabi (d. 543 AH), Ibn Zakri (d. 1144 AH), and others that their legal opinions were agree or against with wansharisi's attitude. The pivotal aim of the writer is to present neuter and scientific conclusions as much as possible about this topic that had attracted the attention of many scholars and researchers throughout the history of Islamic jurisprudence, but even if her tremendous and striking efforts provided in this research, the reader can remark easily that she paid a scant attention to the historical side of this event at all, and she did not consider some other consideration that may influence on the legal opinion, especially the expected situations for the subsequent generations' beliefs.

Additionally, the writer displayed the verses and prophetic reports pertaining to the topic of immigration(*hijra*), but she did not discuss the tools of legal theory that had been approved and used in comprehension and interpretation of these verses. All what she had done on the analytical level was to compare different opinions belonging to various jurists in different times. However, the book reflects a remarkable effort that enables it to be one of the distinctive studies in the contemporary West.