

BOOK REVIEW

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

By Jocelyn Hendrickson. Cambridge, MA: Harvard University Press, 2021. Pp. 432. \$50.00 (cloth). ISBN: 9780674248205.

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Since Abraham Udovitch first drew attention in 1993 to Ahmad al-Wansharīsi's late fifteenth-century fatwa forbidding Muslims to remain under Christian rule in Muslim Spain, a multitude of new interpretations have emerged regarding the impact of the European pushback in the Mediterranean against Muslim states. While Udovitch was interested in the case of the Jews and Sicily's social and economic history, in her recent book, *Leaving Iberia: Islamic Law and Christian Conquest in North West Africa*, Jocelyn Hendrickson provides a wider dimension and a different perspective through a comprehensive reconstruction of the legal literature from North African Muslim jurists on Muslims living under Christian rule in the medieval and early modern periods. As she demonstrates, at the time, this subject solicited a great number of legal writings that have been largely understudied until now. In three appendices, Hendrickson has edited and translated Wansharīsi's various fatwas and other writings, as well as additional contemporary and later legal documents on relevant issues written by jurists in the sixteenth and seventeenth centuries. Instead of focusing on one document or a single state at one moment in time, Hendrickson covers political interventions from the fifteenth to the nineteenth centuries, from the Spanish and Portuguese conquests to the French occupation of Algeria and other developments as far south as Mauritania in West Africa. With this long-range Western Mediterranean perspective and combining literary criticism and historical reconstruction, Hendrickson provides a broader treatment than have the authors of previous studies of the way Muslim jurists in North Africa responded to the conquests and how they attempted to reconcile law and political behavior.

The political events in question are well known. Before they turned their attention and resources to building empires in the New World, both Spain and Portugal occupied coastal cities and regions in Morocco. With new textual evidence, Hendrickson argues that the debate over Muslims living under Christian rule was not and should not be confined to the Christian conquests of Iberia, but should include the reality of Muslims submitted to Christian rule in North Africa itself. The texts gathered go a long way to illustrate that point. She argues that Al-Wansharīsi's condemnation of Muslims living under Christian rule is taken out of context by portraying him simply as a North African jurist condemning fellow



Muslims across the strait. In fact, he was addressing local collaborators who supported the Christian invaders (see, for example, 14–15).

Hendrickson uses literary criticism to analyze the juridical significance of the texts. She argues that the fundamental question of whether fatwas could be considered instruments in adjusting legal doctrine to changing conditions on the ground can be approached by using linguistic and textual analysis. These tools of literary criticism reveal how Muslim jurists attempted to integrate new conditions and changing realities into the legal discourse.

Herein lies the import of Hendrickson's achievement: she highlights the contribution of the Maghrebi jurists. The contribution of North African jurists to the historical development of Islamic law has been unjustly obscured by the aura of the Andalusian jurists. Bringing the contribution of the North African jurists out from obscurity is of great importance. By placing these previously understudied legal texts in their historical context, Hendrickson makes clear how the North African jurists emphasized the law as a relevant tool for molding changing social and economic realities to the legal requirements of Muslim life, a role Islamic law played throughout the early centuries. These texts were meant to be of use to future jurists in similar circumstances.

Hendrickson also links her study to the debate over the concept of *convivencia* (coexistence, living together), the idyllic description of religious tolerance in Spain that enabled Muslims, Jews, and Christians to interact socially and intellectually for centuries—a phenomenon that also occurred in the Middle East but has received far less attention in the scholarly literature (see, for example, 10–17). The concept of *convivencia* makes the case for Spain's uniqueness, which was valid in the medieval European context, but with the rise of nationalism, tolerance quickly disappeared. In rebutting it, Hendrickson's historical coverage of the invasion of North Africa by Portugal, Spain, and France is exhaustive and goes a long way in supporting her argument that the texts of the Maghrebi jurists were relevant not only to Muslim Spain but to the penetration of Europe into North and West Africa.

One facet of historical analysis is missing from Hendrickson's discussion, however: What role did the opinions voiced by the jurists play in their own immediate context? In other words, how relevant were these jurists, and by extension the institution of the religious law, in affecting the contemporary behavior of the political state? This is an important question that is often ignored by legal historians interpreting legal texts, assuming that jurists influenced state politics. Because Muslim religious scholars, including jurists, held a monopoly over medieval literacy, they wrote a lot, and wrote largely for each other and in a particular style, thus creating the impression of relevancy. This has often led later scholars to interpret the dominance of juridical texts to mean that the law played a dominant role in the politics of the Islamic states. In fact, historically, jurists and their impact were limited to the sphere of the private life of members of society and had no influence on the political system. This discord and incongruity between the political state and the religious-juridical establishment continues into the present in Muslim-majority states, where religious scholars are frequently viewed as enemies of the state. The case of recent events in Egypt, where the government has effectively banned the political influence of religious scholars, is a good example. The misunderstanding common among legal historians that the dominance of literacy and invigorated production of religious texts helped portray a specific and limited view of the affairs of the state merits a better discussion because it remains relevant to contemporary politics.

Hendrickson could have further developed another historical observation. Although she rightly notes that North African jurists were perceived as less creative or less educated than their Iberian counterparts, she does not explore why this was so. Explaining this conundrum requires addressing the demographic and political realities in North Africa, such as the rise of Berber dynasties. No matter how significant the human capital accumulation—books, educational institutions, for example—in North African cities, there is no doubt that tribal

conquests of urban centers and reconstructing Berber-speaking administrations eroded human capital accumulations throughout the region, as did the transfer of Arabic books from North Africa to Spain.

That said, with *Leaving Iberia*, Henrickson offers new lines of investigation and interpretations that will open the way for a new analysis of long-term historical processes.

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