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Alan Verskin, *Islamic Law and the Crisis of the Reconquista: The Debate on the Status of Muslim Communities in Christendom* [Studies in Islamic Law and Society, 39]. Leiden, Boston: Brill, 2015, 202 p., ISBN: 9789004283190, e-book ISBN: 9789004284531, € 99.

Islamic Law and the Crisis of the Reconquista: The Debate on the Status of Muslim Communities in Christendom focuses on Mālikī approaches to the historical case of Muslim minorities under Christian rule (Mudejars) in places such as Sicily and, more prominently, the Iberian Peninsula during the Middle Ages and the Early Modern periods. The thesis of this monograph is that Islamic jurisprudence (or *fiqh*) is subject to change and it has the means to tailor answers to the specific needs of Muslims. Verskin's basic claims place this publication in line with most recent findings by scholars in the field.

One of the strengths of this volume is Verskin's use of the variety of sources produced by jurists of the Mālikī school of law dominant in the Iberian Peninsula and the Maghrib at the time (legal treatises, commentaries on legal treatises and juridical answers, *fatwas*), a great number of which are in Arabic. It is unfortunate that the legal opinions of the Mudejar jurists—with one exception—are not extant (2 n. 6). Drawing on the Mālikī sources, the author places theoretical legal discussions about Muslims in non-Muslim territories next to the rulings from individual cases to make a convincing argument for change and innovation (*bid'a*) in *fiqh*. Verskin explains change in the rulings of the jurists on account of the exceptional conjunction of crisis produced by the progressive loss of Muslim territories of the Iberian Peninsula at the hands of Christians between the eleventh and fifteenth centuries and, with particular intensity, between the thirteenth and fifteenth centuries. However, the historical evidence does not fully support the Reconquista as the driving force behind Mālikī rulings, such as the increasing strictness of the law from the fourteenth century onwards, and the jurists' subsequent return to the original positions by Mālik as observed by a number of scholars. The authorial claim that jurisprudence is contextually demarcated does not push Verskin to consider the events in the jurists' most direct contexts (often the Maghrib): these events take the backseat. In the view of the present writer, this leads Verskin to provide an explanation for change that only accounts in part for the scholars' considerations. To actually assess the presence of innovation in the Mālikī viewpoints would have required the author to integrate the Mālikī jurists' more general discussions on *bid'a*, which have sometimes been highly influential on modern and contemporary thought regarding Muslim minorities, such as the ones by Granadan Mālikī al-Shāṭibī (720–790/1320–1388).

Verskin shows that questions regarding Muslims under non-Muslim rule were more present in Mālikī legal thought from the fourteenth century onwards. His overview of Mālikī views on *hijra* in the Maghrib and Egypt shows how jurists reshaped the body of law. Whereas the well-known Moroccan jurist Aḥmad ibn Yaḥyā al-Wansharīsī (d. 914/1508), whose name is not included in the Index, relied on the tradition up to his time, his views and those of other Andalusī and Maghribī legal scholars shifted away from previous rulings and from the rulings issued by Egyptian jurists. Verskin's claim that the *hijra* declined in importance in the Mālikī discourses at the end of the Almohad period is far less evident as it is only supported by the testimony of the Almohad Caliph 'Abd al-Waḥīd al-Rashīd (r. 630–40/1232–42) (pp. 37–8). He also does not take into consideration an enlightening testimony from a manuscript copied in the Christian territories (ff. 265r–v, MS J 52, Biblioteca Tomás Navarro Tomás, dated at the turn of the seventeenth century). In this narration, an erudite scholar ("sabio") admonishes Muslims living among Christians to emigrate to Muslim lands, but exempts his co-religionists from such an obligation and finds support for his views in a *ḥadīth* attributed to Muḥammad after listening to their objections (which include the perils of crossing the sea and the punishments of the Inquisition). On the other hand, Verskin's methodological approach to evaluating sources is refreshing because it places the jurists' new discourses on *hijra* next to the well-established provisions for travel to non-Muslim territory in previous legal manuals.

It is fair to argue, as Verskin does, that the Christians' military campaigns influenced the rulings of the Mālikī jurists, but the question remains whether or not the Reconquista really played a key role in unleashing new discourses as Verskin claims it did. He writes that Muslim scholars would have reacted to the rise of the Christian powers, yet this reaction would have been "not a fundamentalist retreat to the world of Islamic texts" (135), that is to say, it would have not been a shift towards the application of an ideal Islamic law disconnected from socio-political realities. Rather, the jurists' response would have been "a pragmatic one" (135) that would have come together with the rethinking of key concepts within Islam such as emigration (*hijra*), or the protections on life and property of Muslims in the Christian territories. Verskin's discussion of the rulings by Mālikī jurists in exclusive conversation with the situation of the Mudejars in the Iberian Peninsula and Sicily suggests, indeed, that the Reconquista had a key role in affecting the jurists' rulings. This seems even more to be the case because he puts an end to the Morisco period with the last expulsions in 1614 CE, and dates the outlawing of Islam in the whole Iberian Peninsula to 1502 CE (6). This does not consider the arrival of large numbers

of Iberian Muslims and forced converts to Christianity at Moroccan ports such as al-‘Arāish (Larache), and it glosses over the question of the impact that the presence of their communities with customs and mores different from those of Moroccan Muslims could have had on Mālikī legal thought. Verskin’s conclusions about the Reconquista would have to be modified if he had included the events in a Maghribī context in which a great many of these jurists produced their writings.

The same goes for the Reconquista being the main reason for change in the attitudes of Mālikī jurists regarding the legitimacy of the Mudejars’ learned scholars, or *‘ulamā*. Verskin is right in noting the growing concern among Mālikī jurists about the assimilation of the Mudejars to the Christians’ society (77), yet he also points out the fact that “they do not make clear” their reasons for being “generally unwilling to accommodate the Mudéjar *‘ulamā*” from the end of the Almohad period onwards (68). The author aims to qualify some scholarly writing that has attempted to classify the Mudejars as *victims* (75), which leads him to pair leadership within their religious minority communities to the independence of their legal and judicial apparatus and to the implementation of the *sharī‘a*. Whilst there is no denying some evidence about the existence of a pre-modern colonial Mudejar elite and of some institutions emptied of their Islamic content, Verskin makes scant reference to a body of the most recent relevant scholarly contributions dealing with the internal governance of the Mudejar communities (or *aljamas*). In doing so, his interpretation at least reduces the hardening of the Christians’ policies and of the attitudes towards their Muslim subjects to economic considerations (5; 38 n. 30; 76) based on the assumption that relations remained unchanged over the centuries. More importantly, it fails to acknowledge Islamic law as a guiding principle in every aspect of the Muslims’ lives that moves beyond the framework established through its positive application.

The sources and the various subjects addressed by Jocelyn Hendrickson in her unpublished dissertation (“The Islamic Obligation to Emigrate: Al-Wansharīsī’s *Asnā al-matājir* Reconsidered,” Emory University, 2009) render Verskin’s thesis superfluous in several respects. Hendrickson points out the drawbacks of evaluating al-Wansharīsī’s legal decisions on the basis of his psychological stance towards Muslims in non-Muslim territories (“The Islamic Obligation,” 28–31), and her reading of the *fatwas* proclaimed by al-Wansharīsī against the region including the Iberian Peninsula and Sicily, and next to the region of Morocco, puts a compelling case for the possibility of change in

Muslim legal thought ("The Islamic Obligation," pp. 168–70; 335–9).¹ Verskin could have enlarged his own discussions in a number of places with additional arguments (e.g. cf. pp. 44–6 with "The Islamic Obligation," pp. 185–91) and with literature such as Maribel Fierro's 1991 article on emigration ("The Islamic Obligation," pp. 92–4; 32–5). One also could have expected him to have relied on Aḥmad Najīb's 2006 critical edition of al-Wansharīsī's *Asnā al-matājir* for the English translation he provides in one of the Appendixes, or to have justified his choice for Muḥammad Ḥajjī's edition from 1981. This would have shed light on the differences with Hendrickson's translation of the same texts based on Najīb. As Pierre Guichard noted in his review of the present volume, it would have been worthwhile for scholars if Verskin had provided the original Arabic (*Arabica*, 63, no. 3–4 [2016]: 414–418; p. 414).

More data about the background, education and connections of the jurists would have enriched Verskin's arguments for change and it would have enhanced cohesion between chapters. Now, the reader may only wonder how Muḥammad ibn Saḥnūn (d. 256/870), who apparently endorsed the views of his father Saḥnūn b. Saʿīd (d. 240/854) for granting Muslim ownership in non-Muslim lands (86), positioned himself—if he did—in regard to the latter's prohibition of trade outside Muslim territory (53). Moreover, Verskin gives inconsistent grounds for dismissing the possibility that *Asnā al-matājir* relied on the previous rulings by the Malagan jurist Ibn Rabīʿ (d. 719/1320). Whereas he claims that al-Wansharīsī did not acknowledge Ibn Rabīʿ as a source and he also claims to have had no access to the materials used by Van Koningsveld and Wiegers (14 n. 56, the quote has to be amended to p. 19), he has no qualms in accepting the views of Ibn Rabīʿ from the same source that support the thesis of change in the Mālikī discourses (41; 68–9 and n. 24).

A comprehensive historical approach to Islamic law for Muslims living under non-Muslim rule is necessary, and Verskin's *Islamic Law and the Crisis of the Reconquista* is a starting point in this direction. I would also refer interested parties to Hendrickson's dissertation, which is available on the internet. She discusses various points raised by Verskin in broad and substantial terms and also usefully provides the reader with a number of *fatwas* in the original Arabic. In the concluding chapter, Verskin connects his considerations on innovation in

1 It has to be noted that, when shortly dealing with this author, Verskin forgets on p. 21 n. 80 to include the reference to Hendrickson, p. 52 of her dissertation; n. 81 should read p. 309 instead of p. 321. The author, moreover, does not include the reference to the quotation provided between these two notes, which it should be to Hendrickson's dissertation, p. 336.

the Mālikī *fiqh* to current debates outlining the newly founded “jurisprudence for minorities,” or *fiqh al-aqallīyyāt*. The author, however, does not overtly state his own position on a question of prime importance for Islamic jurisprudence in the wake of the growing presence of Muslim communities in the West.

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