Ibn Sahl

Abū l-Aṣbagh ʿĪsā ibn Sahl ibn ʿAbdallāh
al-Asadī al-Jayyānī

DATE OF BIRTH 1022-23
PLACE OF BIRTH Wādī ʿAbd Allāh (Jaen)
DATE OF DEATH 4 February 1093
PLACE OF DEATH Granada

BIOGRAPHY

Ibn Sahl is one of the most remarkable authorities of the Andalusī Mālikī school. His composition of a collection of legal cases entitled *Al-aḥkām al-kubrā* ('Major legal judgements') became an essential reference for Mālikī doctrine and legal practice. He performed several judicial functions, and taught Islamic jurisprudence to numerous Mālikī jurists who were active in the Almoravid period. In the years before 1051-52 he was judge of Baeza, Shumuntān and Tíscar around Jaen, between 1058-59 and 1064-65 he was secretary to the *qāḍī* of Toledo, and in the years before 1075 to the *qāḍī* of Cordova. He also worked in Tangiers, Meknes and finally Granada, where he witnessed the change of power from the Zīrids to the Almoravids in 1090.

MAIN SOURCES OF INFORMATION

Primary

Al-Bunnāhī, *Al-marqaba al-ʿulyā*, ed. E. Lévi-Provençal, Beirut, 1983, pp. 96-97

Al-Ḍabbī, *Bughyat al-multamis*, ed. F. Codera and J. Ribera, Madrid, 1884-85, p. 390

Ibn Bashkuwāl, *Kitāb al-ṣila*, Cairo, 1966, p. 438

ʿAbdallāh ibn Buluqqīn, *Kitāb al-tibyān*, ed. A.T. al-Ṭībī, Rabat, 1995, pp. 132-34, 153-54 (trans. A.T. Tibi, *The Tibyan: Memoirs of Abd Allah b. Buluggin last Zirid amir of Granada*, Leiden, 1986, pp. 125-28, 148-49; Spanish trans. E. Lévi-Provençal and E. García Gómez, *El siglo XI en primera persona*, Alianza, 2005, pp. 217-18, 220, 256-57

Ibn Farḥūn, *Al-dībāj al-mudhhab*, 2 vols, Cairo, 1972, ii, pp. 70-72

Secondary
F.C. Aguirre Sádaba, 'Ibn Sahl al-Asadī, Abū l-Aṣbag', in *Biblioteca de al-Andalus*
C. Müller, *Gerichtspraxis im Stadtstaat Córdoba. Zum Recht der Gesellschaft in einer mālikitisch-islamischen Rechtstradition des 5./11. Jahrhunderts*, Leiden, 1999, pp. xiii-xx, 1-30, 103-74
R. Daga Portillo, *Organización jurídica y social en la España musulmana. Traduccion y estudio de 'Al-Ahkam al-kubrà' de Ibn Sahl (s. xi)*, 2 vols, Granada, 1990 (Diss. University of Granada)

WORKS ON CHRISTIAN-MUSLIM RELATIONS

Al-aḥkām al-kubrā, Kitāb al-iʿlām bi-nawāzil al-aḥkām, 'Major legal judgements'

DATE Between 1079 and 1090
ORIGINAL LANGUAGE Arabic

DESCRIPTION
Al-aḥkām al-kubrā is a collection of legal cases presented before various judicial authorities of al-Andalus. It preserves not only *fatwā*s issued in connection with actual legal cases, but also accounts of the whole legal process followed in their adjudication. In this respect, the collection is a direct witness to what Andalusī judicial records may have looked like. Ibn Sahl adds to these items extensive excerpts from an earlier lost collection of legal cases entitled *Aḥkām Ibn Ziyād*.

SIGNIFICANCE
Apart from the many questions concerning slaves who may have been Christian or of Christian origin (see *Aḥkām*, ed. al-Nuʿaymī, i, pp. 353-80), the work preserves a number of legal cases concerning Christians or the Christian kingdoms in the Iberian peninsula. They are not in any particular section or chapter, but occur throughout the four sections of the book.

The *Aḥkām* portrays Christians first as enemies, as where territory in Christian hands is called *dār al-ḥarb* ('abode of war') (ed. al-Nuʿaymī, i, pp. 230, 302). The case of Bobastro, near Malaga, is particularly interesting since it was a Christian enclave surrounded by Muslim territory. The fact that its ruler, Ibn Ḥafṣūn (d. 917), rebelled against Umayyad authority and converted to Christianity made his land not only *dār al-ḥarb* but also *mawḍiʿ al-fasād* ('a place of

corruption'), with the consequence that possessions acquired there were not legitimate under Islamic law (i, pp. 360-62, on the enslavement and sale of men and women in this territory; and ii, pp. 811-13, on a certain Ibn Anatuluh who claimed that Ibn Ḥafṣūn took and married a Christian slave of his).

It also portrays Christians as subjects of Muslim rule. The recorded cases illustrate the legal status of Christians under Muslim rule, their internal organization, and their social and legal interactions with the Muslim population. See *Aḥkām*, ii, pp. 1119-20, on the question of endowing a piece of land on a mosque if it is land on which the *dhimmī* poll tax is levied; ii, p. 1171, on the prohibition against Christians walking over the graves of Muslims at burials, which incidentally shows that in 11th-century al-Andalus Christians and Muslims shared the same cemeteries; ii, pp. 1173-74, on the prohibition against new churches; ii, pp. 1261-62 and 1262-63, referring to conversions to Islam and reversions back to Christianity; ii, p. 683, on the hypothetical case of a Christian slave who converts to Islam during the absence of his Christian master, and of a Christian woman who converts to Islam in the absence of her husband.

Although these and other examples in the *Aḥkām* (see particularly ii, p. 467; ii, pp. 672-74; ii, pp. 974-76; ii, p. 1274, ii, pp. 1302-4) are evocative of Muslim attitudes towards Christians, care must be taken not to generalize from them too readily.

MANUSCRIPTS

For a list of the 13 known MSS of the work, see Daga, *Organización,* i, pp. 55-70

EDITIONS & TRANSLATIONS

Abū l-Aṣbagh ʿĪsā ibn Sahl, *Dīwān al-aḥkām al-kubrā 'Al-nawāzil wa-l-iʿlām'*, ed. R.H. al-Nuʿaymī, 2 vols, Riyadh, 1997

Abū l-Aṣbagh ʿĪsā ibn Sahl, *Al-iʿlām bi-nawāzil al-aḥkām, al-maʿrūf bi-l-Aḥkām al-kubrā*, ed. N.M. ʿAbd al-ʿAzīz al-Tawījarī, Riyadh, 1991 (Diss. Islamic University Imām Muḥammad ibn Saʿūd)

F. Vidal Castro, 'Sobre la compraventa de hombres libres en el territorio de Ibn Ḥafṣūn', in *Homenaje al Prof. Jacinto Bosch Vilá*, Granada, 1991, 417-28, pp. 427-28

Daga Portillo, *Organización jurídica y social en la España musulmana*

Al-Wansharīsī, *Al-miʿyār al-muʿrib*, Rabat, 1981

M.ʿA.W. Khallāf, *Wathāʾiq fī aḥkām qaḍāʾ ahl al-dhimma fī l-Andalus, mustakhraja min makhṭūṭ al-aḥkām al-kubrā li-l-qāḍī… Ibn Sahl*, Cairo, 1980, pp. 43-47, 56-60, 82-86

STUDIES

V. Martínez Enamorado, 'Ibn Anatuluh, Ibn Ḥafṣūn y el asunto de la propiedad sobre una esclava' (forthcoming)

Vidal Castro, 'Sobre la compraventa de hombres libres en el territorio de Ibn Ḥafṣūn'

Khallāf, *Wathāʾiq fī aḥkām qaḍāʾ ahl al-dhimma fī l-Andalus*, pp. 3-39

E. García Gómez, 'Dulce, mártir mozárabe de comienzos del siglo X', *Al-Andalus* 19 (1954) 451-54

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