NOTES ET DOCUMENTS

THREE FATAWĀ ON "LENDING LIBRARIES" IN NORTH AFRICA AND SPAIN*

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I. Mosques throughout the medieval Muslim world often contained collections of books—mainly but not exclusively scriptures. Such collections offered “loan services” for the benefit of outside readers—scholars as well as students¹. Some interesting details on the way these “services” worked can be gleaned from a source which has not been used yet in this respect: among the thousands of legal opinions (fatāwā) and cases (nawāzīl) included in al-Mīyār al-mu‘rib by al-Wanṣārīšī (834-914/1430-1508)², a small number are found to deal with regulating the lending of books.

That the study of libraries in the medieval Muslim world can contribute to an understanding of Islamic cultural history has already pointed out by several scholars³. Here we would like to draw attention to the importance of fatāwā in this context thereby strengthening the impression, shared by many Islamicists, that legal responsa and the wide range of issues they cover (al-Wanṣārīšī’s collection being a remarkable example) are valuable source for the study of economic, social and cultural history of Muslim peoples⁴. As Richard Bulliet puts it in a newly published book: “Islam, to a greater extent than any other major religion, has been shaped by the questions Muslims have asked and by the willingness of Muslims to seek out their own religious authorities”⁵.

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⁴ David S. Powers, “Fatwas as Sources for Legal and Social History: A Dispute over Endowment from Fourteenth-Century Fcez”, Al-Qantara XI (1990), esp. 295-98.

II. Mosque collections of books were the first to serve as “public libraries” (in the fullest sense) in the Muslim world. While the old academies, like bayt al-hikma, were the property of individuals—as were their book collections—mosque libraries were established as pious foundations (waqf) and thus enjoyed an independent legal status. The way they developed was closely connected with the educational functions of the mosque, where teaching in many cases involved the dictating (imlā’) of whole volumes. Scholars, furthermore, were in the habit of depositing their writings in the library of their town’s (or quarter’s) mosque.

The role of mosques as lending libraries in North Africa and Spain in the late Middle Ages is reflected in three fatāwā which I recently came across, all included in volume seven of al-Mūyār, which incidently contains many endowment deeds.

The first of these discusses the question whether it is permissible to lend out endowed books. A distinction is made, on the one hand, between two sorts of books which an endowment might include and, on the other, between two categories of institutions to which donors usually endowed books:

Wa-su‘ila (al-Wānsārisī) ‘an kutub wa-maṣāḥif tuḥbasu bi-ism qaṣr bi-‘aṁński aw bi-maṣqīd: hal yağazu li-man yā‘ašu minhā šay‘an an yamdīya bihi ilā dārhi yaqūr‘u fišī aw yansa‘iha wa yaruddhuha.10

{al-Wānsārisī was asked whether books or copies of the Qur’ān donated (as a pious bequest) to a specific store or mosque can be borrowed for reading or copying at home and then be returned}.

That books used to be endowed (tuḥbasu) to mosques seems natural. What is less clear is the term qaṣr, indicating here some sort of closet. Referring generally to “a palace or . . . a kind of building wholly or for the most part isolated, sometimes on the top of a larger building . . . and generally consisting of one room if forming a part of a larger building or connected with another building”, “salle”, “chambre supérieure”11 qaṣr in this context may stand for any building or room, annexed to a mosque and set apart to serve as a book closet or library.12

Even more interesting from our point of view is the differentiation between two sorts of endowed books:

8 E.I. 2, ibid.
10 Al-Wānsārisī, VII, 37.
11 Edward Lane, Arabic-English Lexicon, London and Edinburgh, 1863-93, s.v. “qaṣr”;

1. On constitue une bibliothèque dans un édifice dépourvu de livres:
2. On crée une nouvelle bibliothèque à côté d’une autre:
3. On habouse un nombre déterminé de livres pour augmenter le fonds d’une ancienne bibliothèque.