The Ransoming of Prisoners in Medieval North Africa and Andalusia: An Analysis of the Legal Framework

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Abstract
This article examines the practice of fīḍāʾ, the seizing and ransoming of non-Muslims in medieval North Africa and Andalusia. A particular focus of the study is to discern how Muslim jurists in the western Islamic lands used formal legal opinions to define the scope of fīḍāʾ. The opinions of a number of jurists come in for examination, and it emerges that they spoke not with a unified voice, but offered instead a range of often conflicting views. It is argued that such diversity of opinion regarding the practice of fīḍāʾ stems not only from the jurists’ personal temperament, but is strongly tied to the changing fortunes of Islam in the western Mediterranean during the medieval period, most notably as the tide of Christian reconquest in Iberia gained momentum.

Keywords
Almoravids, ransoming, Ibn Rushd, Andalusia, Maghreb, fīḍāʾ

One of the main points of contact between Muslim and Christian cultures in the medieval Maghreb involved the ransoming of prisoners captured during hostilities between the two frequently warring sides. The practice of holding non-Muslim prisoners for ransom, or fīḍāʾ in Arabic, comes in for detailed discussion in Islamic legal literature, and there exists a wide range of opinions that the doctors of law have put forth from the time of the early Islamic conquests regarding the licitness of holding non-Muslims for ransom.¹ Establishing a legal framework for the ransoming of Christians held by Muslims was a task to which the ʿulamāʾ of the Islamic West gave particular attention. On the one hand, this can be attributed to the

¹ The most extensive discussions of fīḍāʾ by Maghrebi jurists is found in Aḥmed al-Wansharīsī’s al-Mīyār al-mūrib and Abū ʿl-Qāsim al-Burzulī’s Fatāwā.
frequency with which Christians were taken prisoner by Muslim armies both in Iberia and along the coast of North Africa, but it also stems from a recognition on the part of the ‘ulamāʾ that the practice of holding non-Muslims for ransom as developed in seventh-century Arabia required considerable re-working to meet the unique circumstances of the Islamic West some five centuries later. In the process of discussing the practice of fidāʾ in this new context, Muslim jurists left behind a considerable body of literature containing an extensive and nuanced treatment of the topic, one that has thus far largely escaped the notice of contemporary scholarship.2

This essay will focus primarily on the Cordoban jurist Abū ʾl-Walīd b. Rushd (d. 1126), grandfather of the eminent Muslim philosopher Averroes, and one of the most prominent jurists of the Almoravid period to write on the status and licit treatment of Christians held for ransom by Muslims in the lands of the Islamic West. Ibn Rushd was appointed high judge of Córdoba, or qādī al-quḍāt, during the period of Almoravid rule in the Maghreb (1070-1147).3 During his tenure in this influential post, he bore witness to a significant change in the military posture the Almoravids adopted toward the Christian kingdoms of the western Mediterranean, most notably toward the expansive kingdom of Castile in northern Iberia, from the period of offensive jihād carried out by the Almoravid emir Yūsuf b. Tāshufīn (d. 1106) to the rearguard defensive actions undertaken by his son ʿAlī b. Yūsuf (d. 1143). During the latter’s rule, many Christians, both captive combatants and non-Muslim dhimmī populations living under Islamic rule, increasingly the object of suspicion, found themselves deported from Andalusia to North Africa, primarily to the regions of Meknes and Marrakesh, to await either enslavement or ransoming. During this crucial period in the history of Islam in the western Mediterranean, Ibn Rushd issued a series of advisory legal opinions, or fatāwā, to the Almoravid leadership regarding the status of Christians, both combatants and non-combatants, taken prisoner by Muslims, and the doctrinal basis for holding non-Muslims for ransom. His voice carried considerable weight on the 

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2 Brief mention is made of the practice of ransoming non-Muslims in EI², s.v. Ḥarb. The article contributes little in the way of substantive analysis, noting only that wealthy non-Muslim captives were prized for the considerable ransom they could command.

3 A full biography of this important Andalusian jurist can be found in Lagardère (“Abū ʾl-Walīd b. Rushd”). The Banū Rushd, a Cordoban house whose roots are thought to be in Saragossa, produced several important jurists, among them Averroes, grandson of Ibn Rushd. Their status as “outsiders” in Córdoba may explain to some degree the hostility they encountered at the hands of their rivals in Córdoba, most notably the Banū Ḥamdīn.