







Rate of Conversion in al-Andalus

From Richard W. Bulliet, *Conversion to Islam in the Medieval Period* (1979)

A Conversion Certificate for a Married Christian (or Jewish) Woman

(Kitab al-watha'iq li-Ibn al-cAttar, 415-16)

The Muslim woman [so and so], the daughter of [so and so], or ^cAbd Allah's daughter, if her father's name is unknown, has testified before the witnesses of this deed that she, in a healthy state of mind and firmness of intellect, being a lawful master of her person, is willingly rejecting the Christian faith to which she belongs and entering the Islamic faith of her free will. She testifies that there is no God except Allah who has no associate, and that Muhammad is his servant and messenger, the last of his messengers and Prophets, and the best of his creatures. He was sent down to show the right path and the true faith, to make it triumph over other religions, even though the polytheists attacked him. She testifies that ^cIsā b. Maryam, God bless all his Prophets, is the servant of God and creature of his creatures and messenger of his messengers, and his word was sent to Maryam, as well as his spirit as God said.

Maya Shatzmiller,"Marriage, Family, and the Faith." 258-259

She should wash and pray and stand to perform Islam's laws and pillars of belief, ritual ablution before prayer, complete and pure intention, prayer, alms giving, and the fast of the month of Ramadan, in every year and the pilgrimage to the house when she is able to perform it. She fulfills all these obligations because she chose to do so and she desires to do so and she thanks God for inspiring her, and she thanks him for bestowing it upon her, because she desired Islam, obeying without being forced or coerced to do anything or being afraid of anything.

Her conversion took place before [so and so] and she agrees that all is in accordance with what is in the deed, then you, the notary, say, "witnessed"

Law (fiqh)

If she was not married, the person who accepted her conversion becomes her marriage agent, wali, and arranges a marriage for her with her consent. If she is married, her marriage with this husband becomes invalid, and she is told to observe the waiting period, cidda. If he consummated the marriage, he has to defray the cost of her lodging and maintenance; if she is pregnant, he has to support her until she gives birth. If she is not pregnant he does not have to pay maintenance, but he has to pay the rent during the cidda period, especially if she is in a rented premise. If she lives in his house, she should be allowed to remain there until her waiting period comes to an end.

If he (the husband) converts during her waiting period and before three menses passed since she converted, if she menstruates, or 3 months, if she does not menstruate, he maintains his rights over her and remains in a state of marriage with her. If her waiting period came to an end before he converted, he has no recourse to her. If he converted afterwards, he is an available suitor. If she converted before he consummated the marriage, the marriage bond is severed and he has no recourse to her if he converted after her. If he converted closer to her conversion he would marry her with her consent in a new marriage with a wali and a dower. If he converted with her, she is his wife as she was before, and her marriage remains valid.

In the case of conversion of a Jewish woman, the same deed should be used as in the case of a Christian woman, if God wills.

A Mas'ala (Legal Question) from the 9th-Century, (preserved in a 12th century Maliki, Andalusi, Commentary)

Isa ibn Dinar (of Cordoba) asked Ibn al-Qasim (one of Malik's students, in Egypt): If a Muslim man divorces his Christian wife, does he have custody over the children?

What if a Muslim father married to a Christian dies, does his family have custody over the children?

Ibn al-Qasim said: the mother of the children has greater claim to custody of the children after the divorce, if she does not marry again. If the Muslim father dies, his Christian wife has custody over the children

The Follow-Up

Isa ibn Dinar asked: What if the divorced mother does remarry? What if she remarries, and she has a sister, Muslim or Christian, who wants to take the children? Does the sister have greater claim to custody than the father?

Ibn al-Qasim said: The father has priority over the maternal aunt if the mother remarries or dies.

Isa reports that while this was Ibn al-Qasim's opinion, Sahnun (a contemporary scholar in Qayrawan) replied to the question differently: he would give custody to the maternal aunt or grandmother if the mother remarried, rather than to the father.

Muhammad ibn Khalid ibn Martinil (of Cordoba) asked Ibn al-Qasim: what of the children born to a Muslim man and a Christian woman who were raised as Christian by their mother and refused Islam when they reached maturity?

Ibn al-Qasim said: they should be pressured into Islam but not killed [for apostasy]

A Tenth-Century Fatwa (Legal Opinion Issued by a Jurist in Response to a Legal Question)

Abu Ibrahim Ishaq ibn Ibrahim (d. 965) was asked by the judge of Cordoba for his opinion on the case of a Christian woman who was brought before him with the claim that her father was a Muslim. The man in question had died 20 years previously. At the time of his death, the woman had been living with her Christian mother; subsequently she married a Christian man and had a child. When the judge interrogated her, she said that her father had been a Christian who converted to Islam while away on military service in the ruler's guard. She said that when her father converted, she had already reached the age of cognition (she "knew her religion") and remained a Christian. The neighbors, however, who pressed the case, said they heard the father had converted to Islam and the daughter had not yet reached maturity when he died.

The jurist expressed discomfort with the hearsay evidence. He observed that by the woman's own admission, her father had been a Christian but became a Muslim. He advised she should secure legal evidence supporting her claims of the circumstances.



Reliquary for Eulogius and Lucretia, translated from Cordoba to the Santa Camara of the Cathedral of Oviedo in 884 Isa ibn Dinar asked Ibn al-Qasim about a woman who converted to Islam on her deathbed but was buried among Christians.

Her Muslim son-in-law had advised her to adopt Islam so that he and his wife could perform burial rites for her. She agreed and was told to say: "I testify there is no god but God and that Muhammad is his servant and messenger and that Jesus son of Mary is the spirit of God and his word" (Quran 4:171)

Ibn al-Qasim advised that the body be exhumed, washed, and prayed over – unless the corpse had already begun to decay, in which case it should be left buried where it was.

