

THE SULTANATE OF GRANADA DURING THE REIGN OF THE BANU AL-AHMAR FROM THE YEAR (635-897 AH/1238-1492 AD)

O SULTANATO DE GRANADA DURANTE O REINADO DOS BANU AL-AHMAR, DO ANO (635-897 AH/1238-1492 d.C.)

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Abstract

This paper discusses the judicial system within the framework of Banu al-Ahmar kingdom, through the accounts provided by Judge Abu al-Hasan al-Nabahi and Minister Lisan al-Din ibn al-Khatib. The paper starts by discussing the geographic location of Granada and circumstances of the establishment of the Nasrid kingdom. The judicial system of the period is discussed in detail with respect to the Qadi al-Jama'a role and its use of the institution of Shura and the fatwa according to Maliki doctrine. This paper has focused on the continuous conflict between the judicial and political power, specifically with respect to the famous conflict between Ibn al-Khatib and al-Nabahi, and shows that the judicial system has been used as an instrument for eliminating political rivals by charging them with the crime of apostasy. This paper also discussed the impact of the warfare between the Muslim state and the Christian kingdoms on the functioning of the courts, as well as the economic and social factors affecting their performance, demonstrating that judicial independence during the Nasrid reign has been relative, shifting from neutrality to politicization depending on the personality of the judges and prevailing political balance of power.

Keywords: Banu al-Ahmar. Qadi al-Jama'a. Abu al-Hasan al-Nabahi. Lisan al-Din ibn al-Khatib. Judicial Independence.

Resumo

Este artigo discute o sistema judicial no contexto do reino dos Banu al-Ahmar, por meio dos relatos do juiz Abu al-Hasan al-Nabahi e do ministro Lisan al-Din ibn al-Khatib. O artigo começa abordando a localização geográfica de Granada e as circunstâncias da fundação do reino nasrida. O sistema judicial da época é discutido em detalhes no que diz respeito ao papel do Qadi al-Jama'a e ao uso da instituição da Shura e da fatwa de acordo com a doutrina malikita. Este artigo enfoca o conflito contínuo entre o poder judicial e o poder político, especificamente no que diz respeito ao famoso conflito entre Ibn al-Khatib e al-Nabahi, e mostra que o sistema judicial foi utilizado como instrumento para eliminar rivais políticos, acusando-os do crime de apostasia. Este artigo também discutiu o impacto da guerra entre o Estado muçulmano e os reinos cristãos no funcionamento dos tribunais, bem como os fatores econômicos e sociais que afetavam seu desempenho, demonstrando que a independência judicial durante o reinado nasrida foi relativa, oscilando entre a neutralidade e a politicização, dependendo da personalidade dos juízes e do equilíbrio de poder político vigente.

Palavras-chave: Banu al-Ahmar. Qadi al-Jama'a. Abu al-Hasan al-Nabahi. Lisan al-Din ibn al-Khatib. Independência Judicial.



1 FIRST AXIS: THE NASRID DYNASTY AND THE SULTANATE OF GRANADA

1.1 First: the geographical location and borders of the Sultanate of Granada

Studying the geographical location of the Sultanate of Granada is a fundamental entry point for understanding the nature of the political and judicial developments that took place in the Nasrid state, as Granada is located at the foot of the Sierra Nevada mountains, at the confluence of three main rivers: the Darro River (Darro), the Genil River, and the Beiro River. The city of Granada rises to about 738 meters above sea level, specifically located on the Genil River, which is one of the most important tributaries of the Guadalquivir River in the Iberian Peninsula.¹ Lisan al-Din Ibn al-Khatib elaborated on the geography and beauty of Granada, noting that the Genil River flows from the south of the city to its west, passing between the Najdi palaces with their high positions and prominent landmarks.²

Granada is surrounded by rugged mountainous terrain that formed a natural fortress for it, most notably Mount Schiller (Snow Mountain), which receives snow in winter and summer, and from which thirty-six rivers flow from water vents, and clear springs gush forth from its slopes, which run through its streets and squares.³ This strategic location, fortified by mountains in the southern corner of Andalusia, and its direct connection with Morocco via the sea, contributed to the long-term survival of the Kingdom of Granada, despite the fall of many other Andalusian cities to the Spanish.⁴

¹ Amna Mahmoud Al-Dhayabat Al-Batoush, *News of the Kingdom of Granada in Eastern Sources*, Al-Quds Open University Journal for Research and Studies, Jerusalem, 2016, p. 246.

² Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 119.

³ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 98

⁴ Amna Mahmoud Al-Dhayabat Al-Batoush, *News of the Kingdom of Granada in Eastern Sources*, Al-Quds Open University Journal for Research and Studies, Jerusalem, 2016, p. 249.

1.2 Second: the political circumstances and the emergence and establishment of the Banu al-Ahmar state

The rise of the Nasrid dynasty was linked to complex political circumstances that swept through the Iberian Peninsula following the weakening of the Almohad Caliphate and the collapse of its authority in Andalusia. Amidst the internal strife that led to the loss of many Andalusian cities, Muhammad ibn Yusuf ibn Hud al-Judhami emerged as a prominent figure. He managed to end Almohad rule in Andalusia in 620 AH / 1223 CE, and many cities, such as Murcia, Cordoba, Seville, and Granada, came under his control. However, Ibn Hud engaged in an unequal military confrontation with the Christian Spanish armies and was defeated, leading to the fall of Cordoba in 633 AH / 1236 CE.⁵

During this turbulent time, another Andalusian figure emerged on the political scene as a rival to Ibn Hud, namely Abu Abdullah Muhammad ibn Yusuf ibn Nasr, nicknamed al-Ghalib Billah and famously known as Ibn al-Ahmar.⁶ Sources differ on the origin of the Banu al-Ahmar. While Baybars al-Dawadar states that they were from the city of Jaén, al-Qalqashandi asserts that their origin was from the city of Arjona, one of the fortresses of Cordoba, and attributes them to the Ansar, specifically to Sa`d ibn Ubadah, the leader of the Khazraj.⁷ Ibn al-Khatib adds in "Al-Ihata" that the Banu al-Ahmar are descended from the Banu Nasr of the Khazraj, and that their ancestor is Sa`d ibn Ubadah al-Ansari, which gives their lineage a prestigious religious and political legitimacy.⁸

Ibn al-Ahmar exploited the state of weakness and disunity, rebelling against Ibn Hud and being proclaimed ruler in Arjona in 629 AH / 1232 AD. Jaén and Jerez submitted to his authority in 630 AH / 1232 AD.⁹ His victories continued until he entered Granada in 635 AH / 1238 AD. He arrived there and built the Alhambra fortress, thus becoming

⁵ Amna Mahmoud Al-Dhayabat Al-Batoush, News of the Kingdom of Granada in Eastern Sources, Al-Quds Open University Journal for Research and Studies, Jerusalem, 2016, p. 247.

⁶ Lisan al-Din Ibn al-Khatib, Al-Ihata fi Akhbar Gharnata, Al-Khanji Library, Cairo, 1973, Vol. 1, p. 449.

⁷ Ahmad ibn Ali al-Qalqashandi, Subh al-A'sha fi Sina'at al-Insha, Dar al-Kutub al-Ilmiyya, Beirut, n.d., vol. 5, p. 251.

⁸ Lisan al-Din Ibn al-Khatib, Al-Ihata fi Akhbar Gharnata, Al-Khanji Library, Cairo, 1973, Vol. 1, p. 92.

⁹ Ibn Khaldun, The History of Ibn Khaldun, Dar Al-Fikr, Beirut, 1974, Vol. 4, p. 370

the de facto founder of the Nasrid dynasty, which lasted for nearly two and a half centuries.¹⁰

To ensure the survival of his fledgling state amidst growing Christian threats, Muhammad ibn Nasr (Ibn al-Ahmar), under intense Castilian pressure, was forced to conclude a treaty with Ferdinand III, King of Castile, in 643 AH / 1246 AD, which included harsh conditions.¹¹ This treaty stipulated that Granada would become a vassal state of the King of Castile, pay him an annual tribute, and assist him in his wars against the Muslims. This indeed occurred when Granada helped him seize Seville in 646 AH/1248 CE (Ibn Khaldun, *Tarikh Ibn Khaldun*, Dar al-Fikr, Beirut, 1974, vol. 4, p. 373). Despite the harshness of this treaty, it provided Granada with a lifeline for survival. The high population density of Muslims fleeing the fallen cities, Granada's formidable fortresses, and religious fervor all contributed to the kingdom's resilience.¹²

1.3 Third: the political and administrative system in the Nasrid state

The political and administrative system in the Sultanate of Granada during the reign of the Nasrid dynasty was characterized by extreme centralization, with power concentrated in the hands of the Sultan, who represented the apex of the political, administrative, and judicial hierarchy.¹³ The governance policies of the princes, caliphs, and sultans in Andalusia were based on Islamic law and its sources: the Holy Quran, the Prophetic Sunnah, consensus, and analogy.¹⁴ The Sultan was considered to be "God's shadow extended over His servants, through whom their women are protected, their oppressed are victorious, and their fearful are safe."¹⁵

¹⁰ Lisan al-Din Ibn al-Khatib, *Al-Lamha al-Badriyya fi al-Dawla al-Nasriyya*, Dar al-Kutub al-Misriyya, Cairo, 1928, p. 35.

¹¹ Muhammad Abdullah Anan, *The Islamic State in Andalusia*, Al-Khanji Library, Cairo, 1969, Vol. 5, p. 35

¹² Muhammad Abdullah Anan, *The Islamic State in Andalusia*, Al-Khanji Library, Cairo, 1969, Vol. 5, p. 36.

¹³ Muhammad Abdul Wahab Khallaf, *History of the Judiciary in Andalusia*, Al-Muhtadin Islamic Library, Cairo, 1992, p. 17.

¹⁴ Muhammad Abd al-Wahhab Khallaf, *History of the Judiciary in Andalusia*, Al-Muhtadin Islamic Library, Cairo, 1992, p. 18

¹⁵ Muhammad Abdul Wahab Khallaf, *History of the Judiciary in Andalusia*, Al-Muhtadin Islamic Library, Cairo, 1992, p. 19.

The Sultan was assisted in managing the affairs of the state by a complex administrative apparatus, headed by the position of "the Chamberlain" who represented the Prime Minister and the first executive official, followed by the position of "the Minister" who undertook senior advisory and administrative tasks.¹⁶ Outstanding figures emerged who combined ministerial and literary roles, such as Lisan al-Din ibn al-Khatib, whom Sultan Abu al-Hajjaj Yusuf granted the rank and titles of minister, making him his secretary and spokesperson in royal correspondence, and bestowing upon him the title "Dhu al-Wizaratayn" (Possessor of Two Ministries) for combining writing and ministerial duties.¹⁷

The Nasrid administrative system also included the "Diwan al-Insha" (Office of Correspondence), which was responsible for drafting official correspondence and royal decrees, and was headed by senior writers and literary figures.¹⁸ In addition, there were several administrative and religious plans (functions), such as the police plan, the market inspector plan, and the grievances plan, which worked together to ensure the stability of the state and the implementation of the sultan's orders.¹⁹ Ibn al-Khatib noted in his writings the precision of the administrative organization in Granada, where there were departments for business, chambers for servants, shelters for guards, and palaces for the princes and the elite²⁰.

1.4 Fourth: social and economic conditions in Granada

The Nasrid Sultanate of Granada witnessed remarkable economic prosperity and social diversity under the rule of the Banu al-Ahmar, despite constant military threats. Lisan al-Din ibn al-Khatib described the flourishing economic conditions, noting that the

¹⁶ Muhammad Abdullah Anan, Introduction to *Al-Ihata fi Akhbar Gharnata* by Lisan al-Din Ibn al-Khatib, Al-Khanji Library, Cairo, 1973, p. 22

¹⁷ Muhammad Abdullah Anan, Introduction to *Al-Ihata fi Akhbar Gharnata* by Lisan al-Din Ibn al-Khatib, Al-Khanji Library, Cairo, 1973, pp. 22-23.

¹⁸ Muhammad Abdullah Anan, Introduction to *Al-Ihata fi Akhbar Gharnata* by Lisan al-Din Ibn al-Khatib, Al-Khanji Library, Cairo, 1973, p. 22

¹⁹ Ahmed Mohammed Hamad Al-Mashhadani, *The Judiciary in Andalusia during the Umayyad Era*, Al-Ustad Journal for Humanities and Social Sciences, Baghdad, 2023, p. 80

²⁰ Muhammad Abdullah Anan, Introduction to *Al-Ihata fi Akhbar Gharnata* by Lisan al-Din Ibn al-Khatib, Al-Khanji Library, Cairo, 1973, p. 91

plains of Granada were "a sea of wheat, a mine of the finest grains"²¹Gardens and orchards abounded, groves intertwined, and trees grew on grassy areas in places where medicine and antidotes were found.²²

Agriculture formed the backbone of the Granadan economy, with a diverse range of crops including wheat, barley, and flax, along with numerous other products such as silk, vineyards, olives, and various fruits.²³Granada was distinguished by its silk industry, which excelled in spinning, value, and yield, yielding a noble price and great benefit. The country benefited from it, and its companions brought it back. It is a virtue that only the Iraqi countries share with it.²⁴

From a social perspective, Granadan society consisted of diverse classes, including the elite (the ruling family, senior statesmen, and ministers), a class of scholars, jurists, and judges who enjoyed high status, a class of merchants and craftsmen, and then the general public.²⁵Merchants contributed effectively to administrative and religious life, as they were entrusted with many positions and tasks due to their scientific abilities and moral and religious qualities, and they took on roles in the judiciary, consultation, and issuing fatwas.²⁶

Ibn al-Khatib described the people of Granada as being of excellent character in terms of religion and sound beliefs, and their various schools of thought were known, all following the school of Malik ibn Anas, the Imam of Medina. Their obedience was undeniable due to their wisdom, and their character in accepting assistance was positive and admirable.²⁷He also pointed out their predominant attire, consisting of winter-dyed garments, and the different types of cloth, which varied in quality and quantity, such as linen, silk, and cotton.²⁸ Their currency was pure silver, fine gold, and a square-shaped dirham.²⁹

²¹ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 98.

²² Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 98.

²³ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 101.

²⁴ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 101.

²⁵ Essam Katea Dawood and Atheer Abdulkarim Sadiq, *Contributions of Merchants to Religious Plans in Andalusia*, Journal of the College of Education for Girls, University of Basra, Basra, 2019, p. 35.

²⁶ Essam Katea Dawood and Atheer Abdulkarim Sadiq, *Contributions of Merchants to Religious Plans in Andalusia*, Journal of the College of Education for Girls, University of Basra, Basra, 2019, p. 35.

²⁷ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 136

²⁸ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, pp. 136-137.

²⁹ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 139.

1.5 Fifth: the relationship between political power and the judicial institution

The relationship between political authority (represented by the Sultan and his ministers) and the judicial institution (represented by the chief judge and the consulting jurists) formed a delicate and sensitive axis in the history of the Banu al-Ahmar state. Theoretically and legally, the judiciary was a general office derived from the authority of the Imam, a position responsible for adjudicating disputes and resolving conflicts through legal rulings derived from the Quran and Sunnah.³⁰ The Nasrid sultans recognized the importance of the judiciary in legitimizing their rule and stabilizing their state, so they were keen to appoint senior jurists known for their knowledge and integrity to this position.³¹

The position of judge was not directly inherited from father to son or brother during the reign of the Banu al-Ahmar. Rather, judges were chosen based on precise scholarly and jurisprudential criteria, with a tendency to nominate the sons of judges or their relatives who possessed judicial knowledge and shared the qualities of their ancestors.³² Notable examples of this include the Bani Asim al-Ra'iniya family, the Bani Manzur family, and the Bani al-Hasan al-Nabahi family, who inherited judicial positions due to their competence.³³

Despite the theoretical respect for judicial independence, practical reality witnessed constant interference and tensions between politicians and judges. Judges were expected to be extremely meticulous in upholding the trust placed in them, neither fearing the power of those in authority nor yielding to anything that might compromise their integrity or the apparent soundness of their rulings.³⁴ This independence was evident in numerous instances where judges confronted the excesses of the executive authority, as was the case in previous Andalusian eras inherited by the Banu al-Ahmar, where the judge

³⁰ Muhammad Abd al-Wahhab Khallaf, *History of the Judiciary in Andalusia*, Al-Muhtadin Islamic Library, Cairo, 1992, p. 21

³¹ Nibras Fawzi and Azhar Sabbar Dawood, *The Functional Inheritance of the Position of Judge in the Era of the Banu al-Ahmar State*, *Journal of Studies in History and Archaeology*, Baghdad, 2021, p. 103.

³² Nibras Fawzi and Azhar Sabbar Dawood, *The Functional Succession of the Judgeship in the Era of the Banu al-Ahmar State*, *Journal of Studies in History and Archaeology*, Baghdad, 2021, p. 103

³³ Nibras Fawzi and Azhar Sabbar Dawood, *The Functional Inheritance of the Position of Judge in the Era of the Banu al-Ahmar State*, *Journal of Studies in History and Archaeology*, Baghdad, 2021, pp. 104-105.

³⁴ Muhammad Abdul Wahab Khallaf, *History of the Judiciary in Andalusia*, Al-Muhtadin Islamic Library, Cairo, 1992, p. 25.

had the power to overturn the actions of ministers and even princes if they violated Islamic law.³⁵

The ordeal suffered by the minister and writer Lisan al-Din Ibn al-Khatib at the hands of the chief judge Abu al-Hasan Ali Ibn Abdullah al-Nabahi is one of the clearest examples of the violent clash between political authority and the judicial institution in the Nasrid era.³⁶ Initially, al-Nabahi was a supporter and confidant of Ibn al-Khatib, and it was Ibn al-Khatib who appointed him as the community's judge and obtained a decree appointing him during his time as minister to al-Ghani Billah.³⁷ But when Ibn al-Khatib's political influence waned, Judge al-Nabahi emerged as a leading opponent, taking charge of formulating the charges against him and issuing a fatwa mandating the burning of his books, which were the subject of suspicion and accusations of heresy and atheism.³⁸

Judge al-Nabahi addressed a strongly worded letter to Ibn al-Khatib, which amounted to a personal and legal indictment, in which he denounced his interference in judicial affairs during his tenure, his contempt for legal matters, and his disregard for religious issues.³⁹ Among the examples Al-Nabahi cited of Ibn Al-Khatib's political interference in the judiciary were: his release from prison of a man who had issued misleading fatwas, and his intervention to free a boy wanted in a blood feud case.⁴⁰ This conflict clearly illustrates how the judicial institution was sometimes used as a tool in political conflicts, and how politicians tried to bend the judiciary to serve their interests, reflecting the complexity of the relationship between the two authorities in the Sultanate of Granada..

Alongside the judiciary, the "Hisbah" system emerged as an important religious and economic oversight tool, where the Muhtasib was responsible for enjoining good and forbidding evil, monitoring markets, weights and measures, and preventing fraud and

³⁵ Ahmed Mohammed Hamad Al-Mashhadani, *The Judiciary in Andalusia during the Umayyad Era*, *Al-Ustad Journal for Human and Social Sciences*, Baghdad, 2023, p. 76.

³⁶ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Afaq al-Jadida, Beirut, 1983, p. 7.

³⁷ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, Vol. 1, p. 37.

³⁸ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Afaq al-Jadida, Beirut, 1983, p. 114.

³⁹ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, Vol. 4, p. 450.

⁴⁰ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Afaq al-Jadida, Beirut, 1983, p. 116.

deception.⁴¹The market inspector was like a brother to the judge, supporting and protecting him, and enforcing his rulings, thus confirming the integration of religious and judicial institutions in serving society and the state.⁴²

2 THE SECOND THEME: THE IMAGE OF THE JUDICIARY IN THE ERA OF THE BANU AL-AHMAR, AS SEEN THROUGH THE WORKS OF AL-NABHANI AND IBN AL-KHATIB

2.1 First: the organization of the judiciary in the Nasrid state

The judiciary in Granada was not merely an individual function, but a fully integrated hierarchical institution reflecting the development of administrative systems in Andalusia. The Nasrid state inherited the preceding Andalusian judicial traditions (Umayyad and Almohad) and worked to develop them to suit the nature of the era. At the head of this institution was the "Judge of the Community," equivalent to the Chief Justice in the East, based in the capital, Granada, and all courts in the cities and regions of the kingdom were subject to his authority. Judge Abu al-Hasan al-Nabahi pointed to the precise organizational structure of the judicial system and its counterparts in Andalusia, explaining its diversity and precise specializations, saying: "The rulers through whom judgments are carried out have six ranks; the first is the judiciary; the highest of which is the Judge of the Community; the middle police; the minor police; the ombudsman; the appeals officer, named after the judgments he appeals against; the city administrator; and the market administrator."⁴³

This division reflects an early awareness of the principle of judicial and executive specialization. Alongside the primary judge, there existed indispensable supporting institutions to ensure the administration of justice, such as the "Shura Council," which included senior jurists whom the judge consulted on complex cases, and the "Hisbah

⁴¹ Ahmed Mohammed Hamad Al-Mashhadani, *The Judiciary in Andalusia during the Umayyad Era*, Al-Ustad Journal for Human and Social Sciences, Baghdad, 2023, p. 84.

⁴² Ahmed Mohammed Hamad Al-Mashhadani, *The Judiciary in Andalusia during the Umayyad Era*, Al-Ustad Journal for Human and Social Sciences, Baghdad, 2023, p. 85.

⁴³ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 19.

Council" (market supervisor), concerned with regulating markets and public morals. The judiciary in Andalusia relied heavily on the Shura Council, as "consultation is a successful method of governance in achieving security, peace, prosperity, and progress, because participation through consultation is a means of achieving justice."⁴⁴ During the Nasrid era, the chief judge of Granada sometimes combined the roles of judge and preacher at the Great Mosque, thus bestowing upon his position a great religious and political aura, as happened with Judge al-Nabahi himself when Sultan al-Ghani Billah appointed him chief judge and preacher at the Sultan's Mosque.⁴⁵

2.2 Second: the judge's powers and functions

The judge's jurisdiction expanded during the Nasrid era to encompass all aspects of life: civil, criminal, and social. The judge's role was not limited to adjudicating disputes, but extended to being the faithful guardian of the nation's interests and the rights of the vulnerable. Judge al-Nabahi summarized the judge's jurisdiction and functions in ten main provisions, representing the practical constitution of the Andalusian judiciary: "First, resolving disputes and conflicts between litigants... Second, ensuring the fulfillment of rights for those who seek them and delivering them to their hands... Third, placing guardianship over the incompetent and the mentally ill, and placing the bankrupt under guardianship to protect assets. Fourth, overseeing endowments (waqfs), monitoring their status, and inspecting their conditions. Fifth, executing wills... Sixth, arranging marriages for widows with suitable partners if guardians are unavailable. Seventh, enforcing prescribed punishments... Eighth, safeguarding public interests, such as preventing encroachment on roads and public spaces. Ninth, examining witnesses and verifying the integrity of trustees. Tenth, ensuring equitable treatment in judgments between the powerful and the weak, and striving for justice between the noble and the commoner."⁴⁶

⁴⁴ Essam Katea Dawood Al-Shuwaili and Atheer Abdul Karim Sadiq Al-Alwan, *Contributions of Merchants to Religious Plans in Andalusia*, *Al-Ustad Journal for Humanities and Social Sciences*, University of Basra, 2019, p. 35.

⁴⁵ *Lisan al-Din Ibn al-Khatib, Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 37.

⁴⁶ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 20.

This detailed account reveals that the judge represented the overarching authority that intervened to protect the social and economic structure. Overseeing endowments (waqf) granted the judge significant financial power, while arranging marriages for widows and protecting the mentally incompetent reflected the judiciary's pastoral role. Lisan al-Din Ibn al-Khatib emphasized these weighty responsibilities in the decree appointing al-Nabahi as judge, eloquently framing the decree in a way that underscored the burden of the trust: "And he, may God Almighty support him, ordered that he oversee all types of endowments and waqfs... and preside over the community's judiciary, issuing sound and balanced rulings."⁴⁷ One of the judge's main functions was to monitor and verify witnesses, as a judgment could only be made with the testimony of upright witnesses. The judge had a special office to document the names of the verified witnesses.

2.3 Third: conditions for appointing and dismissing judges

Given the gravity of the judicial position, Andalusian jurists established stringent and rigorous conditions that must be met by anyone assuming this role. Al-Nabahi divided these conditions into two categories: conditions of validity (without which a judge cannot be appointed) and conditions of perfection (which elevate the judge's status and increase his prestige). Al-Nabahi states: "The conditions for a judge, without which his appointment is invalid, are ten: Islam; sanity; being male; freedom; puberty; justice; knowledge; soundness of hearing and sight... and soundness of speech... and being a single individual, not multiple individuals."⁴⁸ As for the conditions of perfection, there are also ten, including: "That he be unlimited; that his lineage be unquestioned... and that he not be poor; nor illiterate; nor weak; and that he be intelligent, honest, dignified, forbearing, and consult with people of knowledge and opinion."⁴⁹

Sultans and princes exerted great effort in searching for individuals who met these criteria, as "princes would inquire about people's circumstances and news, and seek out those among them who possessed knowledge and virtue... When they identified someone

⁴⁷ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 38.

⁴⁸ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, pp. 18-19.

⁴⁹ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 19.

with the qualities that qualified him for these positions and posts, they would summon him and appoint him to that post."⁵⁰

As for dismissal, a judge could be removed if he lost one of the qualifications for office, or if his injustice and deviation from the right path were proven. Nevertheless, many scholars and jurists avoided assuming judicial positions for fear of bearing its burdens and committing injustice, recalling the Prophetic saying: "Whoever is appointed as a judge has been slaughtered without a knife."⁵¹ Al-Nabahi cited many examples of jurists who preferred imprisonment and torture to assuming judicial positions, reflecting the extreme piety that characterized the scholarly elite in Andalusia.

2.4 Fourth: the judge's position in society

In Granadan society, the judge held a lofty position, often surpassing that of ministers and military commanders. He represented the moral and religious conscience of the nation, and a refuge for the weak and oppressed. The judiciary was described as "one of the most important and consequential institutions," and the judge was the axis around which judgments were made... the pillar of the sultan and the foundation of religion."⁵²

This status was evident in the prestige the judge commanded in his court and in the way he was treated by both the general public and the elite. Lisan al-Din Ibn al-Khatib describes Judge al-Nabahi (before their relationship soured) in terms that reflect this esteemed position, saying: "This virtuous man is the scion of a house of nobility and grandeur, a remnant of noble lineage and authenticity, of chaste upbringing, pure of dress, extolling dignity and decorum... outwardly modest, moving with stillness, profound in insight, refined in character... frugal in his clothing and possessions."⁵³ These qualities (dignity, chastity, and asceticism in dress) gave the judge a spiritual authority that made

⁵⁰ Essam Katea Dawood Al-Shuwaili and Atheer Abdul Karim Sadiq Al-Alwan, Contributions of Merchants to Religious Plans in Andalusia, *Al-Ustad Journal for Humanities and Social Sciences*, University of Basra, 2019, pp. 35-36.

⁵¹ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 24.

⁵² Ahmed Mohammed Hamad Al-Mashhadani, *The Judiciary in Andalusia during the Umayyad Era*, *Al-Ustad Journal for Human and Social Sciences*, Baghdad, 2023, p. 74.

⁵³ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 37.

his rulings effective and acceptable to the people, and made him a symbol of divine justice on earth..

2.5 Fifth: the relationship between the judiciary and political authority

The relationship between the judiciary and the political authority (the Sultan and his ministers) is one of the most complex issues in the history of the Nasrid state. Theoretically, the judge was independent, ruling according to Islamic law and not subject to the Sultan's dictates. Al-Nabahi cited texts emphasizing the necessity of judicial independence and impartiality, stating that "it is incumbent upon everyone entrusted with the role of judge to humbly submit to God, to be mindful of His commands and prohibitions... and to believe that he is outwardly a ruler, but inwardly subject to His judgment."⁵⁴

In practice, however, the relationship fluctuated between cooperation and conflict. Perhaps the most prominent and dangerous clash recorded in the history of Granada was that which occurred between the head of political authority (the vizier Lisan al-Din Ibn al-Khatib) and the head of judicial authority (the chief judge Abu al-Hasan al-Nabahi). Initially, their relationship was amicable; indeed, it was Ibn al-Khatib who obtained the decree appointing al-Nabahi as judge and preacher.⁵⁵ But with the changing political balance of power, and the growing influence of Ibn al-Khatib and his monopolization of power without Sultan al-Ghani Billah, al-Nabahi allied himself with Ibn al-Khatib's opponents (most notably his student Ibn Zamrak).

Al-Nabahi used his judicial and religious authority to deliver a decisive blow to Ibn al-Khatib, accusing him of heresy, atheism, and blasphemy, based on passages found in Ibn al-Khatib's philosophical and Sufi works (such as "Rawdat al-Ta'rif bi al-Hubb al-Sharif"). Al-Nabahi issued a fatwa ordering the burning of Ibn al-Khatib's books, and this was carried out in the Granada square in 773 AH.⁵⁶ Al-Nabahi addressed a harsh letter to Ibn al-Khatib (who had fled to Morocco), rebuking him and saying: "I endured the

⁵⁴ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 25.

⁵⁵ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 36

⁵⁶ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 36.

hardships of that troubled period of governorship due to your disregard for legal matters and your negligence of religious affairs... I also warn you against committing any inappropriate acts against the exalted person, the Master of Messengers... for reprehensible things have been reported about you in this regard."⁵⁷

Ibn al-Khatib responded to this judicial attack with a fierce political and literary attack. He wrote a letter satirizing al-Nabahi called "Removing the reins in describing Judge Ibn al-Hasan," and he described him with the most obscene descriptions in his later books such as "The Hidden Battalion" and "The Works of the Notables," calling him "Ju'sus" (the ugly dwarf).⁵⁸ This incident clearly reveals how the judicial institution could be used as a tool in political conflicts, and how the charge of "heresy" turned into a deadly judicial weapon to get rid of political opponents.

2.6 Sixth: examples of legal cases in Granada

Historical sources abound with examples of cases brought before the judges of Granada, reflecting the nature of social and political life. Among the most important of these cases are those mentioned by al-Nabahi in his letter to Ibn al-Khatib, in which he criticizes the latter for his blatant interference in judicial rulings during his time as vizier. Al-Nabahi cites two serious cases.:

The first case: the case of Ibn Abi al-Aish, who was imprisoned for his misguided views, including his claim that it was permissible to have intercourse with his wife after divorcing her three times, alleging that the Prophet (peace be upon him) had commanded him to do so verbally. Al-Nabahi says, accusing Ibn al-Khatib of interference: "So you took one of your young men, and he took him out of the prison, without any regard for anyone."⁵⁹

The second case: a criminal case concerning murder. Al-Nabahi states that one of Ibn al-Khatib's young followers was accused of murdering a man, and the victim's family demanded retribution. Al-Nabahi says: "I had no choice, according to religious law, but

⁵⁷ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 12.

⁵⁸ *Lisan al-Din Ibn al-Khatib, Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, pp. 39-40

⁵⁹ *Lisan al-Din Ibn al-Khatib, Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 38.

to imprison him as prescribed by the Sunnah. Therefore, you imprisoned the victim's family and immediately released the wanted young man."⁶⁰ These examples illustrate the ongoing tension between the independence of the judge in applying the law, and the influence of state officials who try to protect their followers and override judicial rulings.

2.7 Seventh: the role of Islamic jurisprudence in guiding judicial rulings

The Maliki school of thought was the official and sole legal school in force in the courts of Granada and Andalusia in general. Judges adhered strictly to the principles and branches of this school, relying on foundational Maliki texts such as Sahnun's "Al-Mudawwana," Imam Malik's "Al-Muwatta," and Ibn Rushd's "Al-Bayan wa al-Tahsil." A judge was only permitted to deviate from the established Maliki school in rare cases and based on collective scholarly interpretation.

To ensure the accuracy and conformity of rulings with Islamic law, the Andalusian judiciary relied heavily on the institutions of "fatwa" (legal opinions) and "shura" (consultation). A judge, regardless of his knowledge, was obligated to consult a council of jurists (consultants) before issuing rulings in major cases or new legal issues. A fatwa was defined as "an explanation of Islamic law and its application," and its fundamental principle was its independence, free from interference by rulings issued by authorities."⁶¹

Al-Nabahi pointed to the importance of the judge adhering to the most authoritative scholarly opinions, and discussed the issue of "the judge ruling based on his own knowledge" (i.e., is it permissible for the judge to rule based on his personal knowledge of the incident without evidence?), explaining that the school of thought of Malik and most of his followers is that "the judge does not rule on anything based on his own knowledge, except in matters he admits to in his court, especially in financial matters... because this exposes him to accusations and leads him into suspicion."⁶² This strict adherence to procedural legal rules (the burden of proof lies with the claimant, and

⁶⁰ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Al-Khanji Library, Cairo, 1973, p. 38.

⁶¹ Essam Katea Dawood Al-Shuwaili and Atheer Abdul Karim Sadiq Al-Alwan, *Contributions of Merchants to Religious Plans in Andalusia*, *Al-Ustad Journal for Human and Social Sciences*, University of Basra, 2019, p. 36.

⁶² Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 22.

the oath with the defendant) was intended to protect the judicial institution from suspicion and ensure the integrity of judgments in a Granadan society suffering from constant political and military turmoil..

3 THIRD AXIS: POLITICAL AND INTELLECTUAL INFLUENCES ON THE JUDICIARY IN THE ERA OF THE BANU AL-AHMAR

The judiciary in the Nasrid state (the Kingdom of Granada) was a mirror reflecting the nature of the political, social, and intellectual interactions that prevailed in Andalusia during its final centuries. The judicial institution was not isolated from the turbulent upheavals that the kingdom witnessed; rather, it was both influenced by and influenced the course of events. This influence is clearly evident in the writings of two of the most prominent figures of that era: Judge Abu al-Hasan al-Nabahi and Minister Lisan al-Din ibn al-Khatib. Their works reflect the extent of the interplay between political power, the intellectual climate, and the judicial institution. Studying this aspect requires deconstructing the complex structure that surrounded the judge in Granada, beginning with the struggles for the throne, moving through Christian military pressure, and culminating in the pivotal role of the jurists and the socio-economic conditions.⁶³

3.1 First: the impact of political conflicts on the judiciary

The Nasrid dynasty of Granada witnessed bitter internal political conflicts, manifested in constant power struggles among members of the ruling family, which cast a long shadow over the stability of the judicial system. Judges frequently found themselves at the heart of these political storms, required to legitimize a usurping ruler or to renounce the allegiance of a deposed one. This politicization rendered the position of "Judge of the Community" precarious, subject to the whims of the sultan and the partisan alliances within the Nasrid court.⁶⁴

⁶³ Fahd Jabrin Muhail Al-Otaibi, *Historical Writing in Granada during the Nasrid Era*, Annals of the Faculty of Arts, Ain Shams University, Cairo, 2022, p. 16.

⁶⁴ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 18.

One of the most prominent historical examples illustrating this influence is the violent conflict that erupted between Sultan Abu Abdullah Muhammad al-Saghir and his uncle, Abu Abdullah Muhammad al-Zaghil, in the late ninth century AH. This division led to a fracturing of loyalties within the kingdom, which was reflected in the judges and jurists who split between supporters of one side or the other. Each side exploited legal opinions and rulings to justify its position. Al-Zaghil's supporters argued that Abu Abdullah al-Saghir had submitted to the Christians and abandoned the principle of jihad, thus justifying fighting him according to Islamic law. This illustrates how legal and religious discourse was manipulated to serve competing political agendas.⁶⁵

Perhaps the famous clash between the minister Lisan al-Din ibn al-Khatib and the judge Abu al-Hasan al-Nabahi represents the pinnacle of political influence on the judiciary. The two men were initially close friends; Ibn al-Khatib praised al-Nabahi in his book "Al-Ihata" and drafted the decree appointing him chief judge. However, with the changing political climate and Ibn al-Khatib's exile to Morocco following his dispute with Sultan al-Ghani Billah, al-Nabahi became a pliant tool in the hands of the political authorities to exact revenge on Ibn al-Khatib.⁶⁶

Judge al-Nabahi abused his judicial authority to accuse Ibn al-Khatib of heresy and atheism, and issued a fatwa ordering the burning of his books on doctrine and ethics. This was carried out in Granada in 773 AH. This incident clearly demonstrates that the judiciary was not entirely independent of political score-settling, but rather was used as a legal and religious cover to eliminate political opponents. This prompted Ibn al-Khatib to respond with a scathing satire of al-Nabahi in his book "The Hidden Battalion."⁶⁷

3.2 Second: the impact of relations with Christian kingdoms on the work of the judiciary

Relations between the Kingdom of Granada and the Christian kingdoms of Castile and Aragon were not limited to the military sphere; they extended to complex legal and

⁶⁵ Hussam Mahmoud Al-Mahalawi, *The Political Role of the Andalusian City of Alpujarras*, *The Arab Historian Magazine*, Cairo, 2019, p. 296.

⁶⁶ Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Vol. 4, Al-Khanji Library, Cairo, 1977, p. 89.

⁶⁷ Fahd Jabrin Muhail Al-Otaibi, *Historical Writing in Granada during the Nasrid Era*, *Annals of the Faculty of Arts*, Ain Shams University, Cairo, 2022, p. 20.

judicial aspects. The state of mutual war and peace, and the frequent treaties, presented unprecedented legal and judicial challenges to the judges of Granada. The judiciary had to deal with border issues, truces, the payment of tribute, and matters concerning prisoners of war—issues that required meticulous legal reasoning to balance adherence to established legal principles with the political and military necessities imposed by the imbalance of power favoring the Christians.⁶⁸

As the Christian siege intensified and Andalusian cities like Balaçús, Málaga, and Baza fell one after another, the judiciary played a crucial role in regulating the affairs of refugees and displaced persons (*Mudéjars*) who fled to Granada and the Alpujarras. Judges had to adjudicate property disputes, establish lineage, and distribute endowments amidst the chaos of displacement. Furthermore, legal issues arose concerning the permissibility of remaining under Christian rule, with judges and jurists guiding public opinion toward the necessity of migrating (displacement) to the land of Islam. This placed an additional burden on the courts in Granada to manage the lives of these newcomers.⁶⁹

During times of suffocating sieges, such as that of Granada in 896 AH/1491 CE, many aspects of normal life were disrupted, and the judiciary intervened to manage the economic crises resulting from the closure of roads, such as the Alpujarras road, which supplied the capital with provisions. In these critical moments, judges and jurists were part of the consultative council that made the fateful decision to surrender the city to King Ferdinand and Queen Isabella. Soldiers, jurists, and notables met and agreed to surrender in order to prevent further bloodshed after famine intensified and supplies ran out.⁷⁰

3.3 Third: the role of scholars and jurists in guiding the judiciary

The judicial system in Andalusia relied fundamentally on the institutions of "Shura" (consultation) and "Fatwa" (legal opinion), which served as a safeguard for the judge's work. During the Nasrid era, the judge did not act unilaterally in complex cases;

⁶⁸ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Imiyya, Beirut, 1995, p. 21.

⁶⁹ Hussam Mahmoud Al-Mahalawi, *The Political Role of the Andalusian City of Alpujarras*, *The Arab Historian Magazine*, Cairo, 2019, p. 303.

⁷⁰ Hussam Mahmoud Al-Mahalawi, *The Political Role of the Andalusian City of Alpujarras*, *The Arab Historian Magazine*, Cairo, 2019, p. 306.

rather, he was obligated to consult a select group of senior scholars and jurists known as "Fuqaha al-Mushawir (consulted jurists). These scholars represented the highest legal authority, and their guidance served as a binding framework for the judge, ensuring that rulings did not deviate from the Maliki school of thought, which was the dominant school in the country, and protecting the judge from error or the influence of political pressures.⁷¹

In his book "Al-Murqabah al-'Ulya," al-Nabahi stipulated strict conditions for those assuming the role of judge, emphasizing the necessity for the judge to consult with scholars and experts. Consultation was not merely a formality, but a significant and official institution. The chief advisor was known as the "head of fatwas" or "Sheikh of the Muslims." This close collaboration between the judge and the jurist ensured that judicial rulings were the product of collective effort, reflecting the consensus of the scholarly elite. This, in turn, bestowed upon the judiciary an aura of prestige and respect in the eyes of both the general public and the elite.⁷²

Alongside consultation (shura), the fatwa (legal opinion) played a crucial role in guiding the judiciary. Judges relied on fatwas issued by accredited muftis to resolve new legal issues for which there was no explicit text. A mufti was required to be a learned and independent scholar, free from interference by the authorities. The scholars of Granada, some of whom combined commerce with scholarship, played a prominent role in this area, issuing fatwas to people in markets and mosques. This ensured that jurisprudence and the judiciary were directly connected to people's daily lives and guided societal development according to the principles of Islamic law.⁷³

⁷¹ Essam Katea Dawood Al-Shuwaili and Atheer Abdulkarim Sadiq Al-Alwan, Contributions of Merchants to Religious Plans in Andalusia, Journal of the College of Education for Girls, University of Basra, Basra, 2019, p. 35.

⁷² Abu al-Hasan al-Nabahi, Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 19.

⁷³ Essam Katea Dawood Al-Shuwaili and Atheer Abdulkarim Sadiq Al-Alwan, Contributions of Merchants to Religious Plans in Andalusia, Journal of the College of Education for Girls, University of Basra, Basra, 2019, p. 36.

3.4 Fourth: the impact of intellectual and cultural life in Granada on judicial rulings

Granada during the Nasrid era was distinguished by a rich intellectual and cultural life, manifested in the establishment of schools (such as the Yusufiyya School) and the flourishing of scholarship in various traditional and intellectual sciences. This diverse cultural climate was necessarily reflected in the mindset and intellectual formation of the judge. The judge was not merely a memorizer of legal texts, but was also a man of letters, a poet, a historian, and sometimes even a physician. This encyclopedic background, clearly evident in figures like Ibn al-Khatib and al-Nabahi, resulted in judicial rulings characterized by flexibility and depth, capable of encompassing the complexities of Andalusian life.⁷⁴

However, this intellectual diversity also led to ideological clashes that impacted the judicial arena. Granada witnessed tension between the conservative Maliki school of jurisprudence and the currents of Sufism and philosophy. This clash manifested itself in the intellectual trial of Lisan al-Din ibn al-Khatib for his book "Rawdat al-Ta'rif bi al-Hubb al-Sharif" (The Garden of Definition of Noble Love). Conservative jurists and judges, led by al-Nabahi, considered the book's Sufi excesses and philosophical ideas to be a departure from true doctrine, resulting in a court ruling to burn the book and accuse its author of heresy.⁷⁵

Natural crises and disasters, such as the devastating plague that struck Andalusia in the mid-eighth century AH, also had a profound impact on legal and religious thought. Physicians and scholars, including Ibn al-Khatib in his treatise "The Questioner's Guide to the Terrible Disease," sought to prove the reality of contagion through experimentation and observation. This sparked a jurisprudential debate on reconciling medical facts with religious texts. These unprecedented situations required the judiciary and legal authorities to provide answers that balanced reliance on God with taking medical precautions,

⁷⁴ Fahd Jabrin Muhail Al-Otaibi, *Historical Writing in Granada during the Nasrid Era*, Annals of the Faculty of Arts, Ain Shams University, Cairo, 2022, p. 16.

⁷⁵ Fahd Jabrin Muhail Al-Otaibi, *Historical Writing in Granada during the Nasrid Era*, Annals of the Faculty of Arts, Ain Shams University, Cairo, 2022, p. 20.

reflecting the dynamism of legal thought and its ability to engage with scientific advancements.⁷⁶

3.5 Fifth: the impact of social and economic conditions on the judiciary

Granadan society was composed of a mosaic of ethnicities and social groups, including Arabs, Berbers, mixed-race peoples (mulads), and non-Muslims living under Islamic rule (dhimmi). This diversity was reflected in the nature of the cases brought before the courts. Arabs were often concentrated in political and administrative positions, while Berbers formed a significant military force. Each group had its own customs and traditions, which the judge was obliged to consider or correct according to Islamic law. Ibn al-Khatib alluded to this ethnic diversity in his description of the inhabitants of Granada, detailing their various tribal origins, which explains the complex social structure with which the judiciary dealt daily.⁷⁷

Economically, merchants played a vital role not only in stimulating the economy but also in managing religious and judicial institutions. Many merchants held positions as judges, advisors, and muftis, benefiting from their financial independence, which granted them integrity and strength to resist the temptations of power. A judge's involvement in trade was considered a guarantee of his abstinence from public funds and the treasury. Sources record that some judges refused payment for their services, content with the income from their businesses, which lent their rulings credibility and widespread social acceptance.⁷⁸

Furthermore, the judiciary directly intervened in daily economic life through the "Hisbah" (market inspector), which was considered a branch of the judiciary. The Muhtasib (market inspector) oversaw the markets, prevented fraud, set weights and measures, and adjudicated disputes between merchants and craftsmen. The judiciary also played a role in regulating urban and residential spaces, resolving disputes between

⁷⁶ Yahya Rashid, *The Positions of the Physicians of the Kingdom of Granada on the Epidemic of the Mid-Eighth Century AH*, *Kan Historical Journal*, Cairo, 2019, p. 115.

⁷⁷ Salim Haj Saad, *Arabs and Berbers in the Kingdom of Granada during the Nasrid Era*, *Qabas Journal for Human and Social Studies*, Al-Wadi, 2018, p. 201.

⁷⁸ Essam Katea Dawood Al-Shuwaili and Atheer Abdulkarim Sadiq Al-Alwan, *Contributions of Merchants to Religious Plans in Andalusia*, *Journal of the College of Education for Girls, University of Basra*, Basra, 2019, p. 36.

neighbors, and settling easement and building code issues. These issues were numerous in Granada due to the population density resulting from the migration of Muslims from fallen cities, necessitating a precise judicial system to maintain civil peace.⁷⁹

3.6 Sixth: the extent of judicial independence in the Nasrid state

The issue of judicial independence is one of the major challenges in studying the political and institutional history of the Kingdom of Granada. Theoretically and legally, the judiciary was considered an independent authority deriving its legitimacy from the Quran and Sunnah. A judge was expected to fear no one but God and to rule justly, even against the sultan himself. In his work "Al-Murqabah al-'Ulya," al-Nabahi cites texts and stories that affirm this ideal of independence, emphasizing that a judge must be firm in his dealings with the people, disregarding their discontent and blame in matters pertaining to God.⁸⁰

However, historical reality reveals a more complex picture. The appointment and dismissal of judges were in the hands of the sultan (prince), making the judge, administratively, an employee of the executive authority. Although there were judges with strong personalities who stood up to the excesses of princes and ministers, the political authority often intervened to influence rulings or dismiss judges who opposed its policies. Incidents of judges being dismissed or forced to assume office under duress, as recounted in Andalusian sources, indicate that judicial independence was relative and dependent on the strength of the judge's personality and the piety of the sultan.⁸¹

The overlap between judicial and political powers reached its peak when judges were assigned diplomatic and political missions, such as ambassadorships to Christian kingdoms or the Maghreb states. This combination of judicial and political duties made the judge part of the ruling elite (oligarchy), sometimes compromising his complete impartiality. A prime example is the relationship between al-Nabahi (the judge) and Ibn al-Khatib (the vizier), where a political dispute escalated into a religious trial. This

⁷⁹ María Elena Díez Jorge, *Domestic Spaces during the Nasrid Period: Houses*, Brill, Leiden, 2020, p. 265.

⁸⁰ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 18.

⁸¹ Abu al-Hasan al-Nabahi, *Al-Murqaba al-Ulya fi man Yastahiqq al-Qada' wa al-Fatwa*, Dar al-Kutub al-Ilmiyya, Beirut, 1995, p. 25.

demonstrates that judicial independence during the Nasrid era was subject to ebbs and flows, influenced by the strength of the state, the nature of alliances, and the exceptional circumstances the kingdom faced in its final days.⁸²

Based on the foregoing, it becomes clear that the image of the judiciary in the Nasrid era, as depicted in the writings of al-Nabahi and Ibn al-Khatib, was not that of a rigid or isolated institution. Rather, it was a living entity, breathing the air of Granada, saturated with the scent of political intrigues, the threats of the Christian kingdoms, the depth of intellectual debates, and the complexities of the social and economic structure. Judges and jurists strove to preserve the independence and prestige of Islamic law, sometimes succeeding thanks to the institutions of consultation and legal opinions, and their own economic independence. However, at other times they fell into the trap of politicization and settling scores. Understanding these combined influences is the true key to interpreting judicial rulings and legal opinions of that era, and it grants us a deeper understanding of the nature of the Nasrid state during its struggle for survival.⁸³

4 CONCLUSION

In conclusion, this research paper, which has investigated the image of the judiciary during the time of the Nasrid state through the writings of al-Nabahi and Ibn al-Khatib, shows that the judicial institution in the Nasrid Kingdom was more than just an administrative apparatus that helped settle disputes. It was a pivotal component of civilization, representing the richness of Andalusian legal heritage, justice, and Islamic Shariah law at one of the most challenging periods of the history of the Nasrid state.

This research paper has highlighted many distinguishing aspects of the Nasrid judiciary, such as the adherence to the Maliki school as the only basis for legal decisions, the use of the consultative and fatwa councils to ensure impartiality and accuracy, as well as the election of the judge based on strict scientific and moral criteria, thereby giving the image of the judge an image of integrity and piety.

⁸². Lisan al-Din Ibn al-Khatib, *Al-Ihata fi Akhbar Gharnata*, Vol. 4, Al-Khanji Library, Cairo, 1977, p. 99.

⁸³. Fahd Jabrin Muhail Al-Otaibi, *Historical Writing in Granada during the Nasrid Era*, Annals of the Faculty of Arts, Ain Shams University, Cairo, 2022, p. 23.

At the same time, historical facts indicate another aspect of this judicial institution, since it was not completely safe from the impact of political conflicts in the Nasrid court as well as increasing pressure from the Christian threat in border territories. A well-known historical confrontation between the vizier Lisan al-Din Ibn al-Khatib and the judge Abu al-Hasan al-Nabahi shows the culmination of this confrontation, where a purely political conflict turned into religious trials and heresy allegations were used against the judge. This shows that the autonomy of the judicial institution was not total and was influenced by the political balance, personality of the judge, and piety of the ruler.

Overall, the judiciary during the period of the Nasrid state remains an interesting example, which is worth studying and contemplating. Researchers and judges managed to preserve the prestige and continuity of Islamic law for nearly two and a half centuries amid political and military changes, creating a valuable legacy of jurisprudence worth researching.

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