

Received: October 2023 Accepted: December 2023

DOI: <https://doi.org/10.58262/ks.v12i1.265>

The Urban Security Facilities in Al-Andalus Through the Book "Al-Mi'yar Al-Ma'rabb" and "Al-Jami' Al-Maghrib" by Al-Wansharisi (914 Ah / 1508 Ce)

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Abstract

Security establishments in Andalusia distinguished themselves with distinctive architectural designs that reflect their functional nature. These facilities encompassed various roles, including judiciary and police functions, each characterized by specific architectural features. In this research, we aim to explore the urban aspect of these significant structures, whether related to the judiciary or police roles, including considerations such as courthouses, prisons, and the like. Our investigation is based on the texts found in Al-Mu'jam Al-Mu'arab by Al-Wansharisi.

Keywords: Judiciary, Police, Prisons

Introduction

All praise is due to Allah, the Lord of all worlds, and may peace and blessings be upon the leader (Imam) of the messengers, and upon his family and all his companions.

Without a doubt, the land of Andalusia held great significance on practical and humanitarian levels, attracting the attention of scholars from both the East and the West. Many scholars, including Imam Abu al-Abbas Ahmad ibn Yahya al-Wansharisi (d. 914 AH / 1508 CE), dedicated their works to the study of various aspects of Andalusia, producing books across different fields. Al-Wansharisi compiled a book of fatwas related to Andalusia and Morocco, titled "Al-Mu'arab Al-Jami' Al-Maghrib 'An Fatawa Ahl Ifriqiya Wal-Andalus Wal-Maghrib." This work covers numerous historical aspects, including urban aspects, of Andalusia.

In this research, I have chosen to examine the urban aspect related to security establishments in Andalusia, as outlined by al-Wansharisi in his work "Al-Mu'arab Al-Jami' Al-Maghrib." The focus of my study is on the architectural structures of security establishments in Andalusia, particularly in the context of the judiciary, police, and prisons. The examination is based on the relevant sections found in "Al-Mu'arab Al-Jami' Al-Maghrib" by al-Wansharisi (914 AH / 1508 CE).

1. Judiciary
2. Police
3. Prisons

Security is considered one of the most crucial elements in the construction of a state and the preservation of its continuity. Security takes shape through two principal institutions in various

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countries: the judiciary, which adjudicates disputes and issues judgments, and the police, responsible for executing these judgments, implementing state policies, and compelling people to adhere to them. The head of the police represents these institutions and may, at times, use force against some princes and rulers of Andalusia. However, this does not lead to their removal or mistreatment. Instead, they tend to issue warnings to their elites, cautioning them against falling into their hands. They endorse him in his position, recognizing that his power ensures security, guaranteeing that they do not clash with their subjects. This is achieved by giving everyone their due rights without consideration of one's status, ensuring that those entitled to rights receive them, resulting in a sense of satisfaction among all. This satisfaction, in turn, leads to the establishment of security and the continuity of the state (Al-Khalf, 2003, Vol. 2, p. 889).

These institutions include the following:

Firstly: The Judiciary

Islam has shown considerable interest in the judiciary, recognizing it as the gateway for states to achieve justice and maintain their security and stability. As the well-known saying goes, "Justice is the foundation of sovereignty" (Al-Munfaluti, 1982, Vol. 3, p. 167). Wise men from both Arabs and non-Arabs have unanimously agreed that tyranny does not support sovereignty and does not establish it, while justice supports sovereignty, even in the case of disbelief (Al-Nasiri, Vol. 7, p. 85).

In linguistic terms, the judiciary refers to judgment or the act of deciding in a legal matter, as reflected in the Quranic verse: (And if not for a word that preceded from your Lord [postponing the penalty] until a specified time, it would have been concluded between them.) Surah Al Shura "Consultation" Meaning: To separate judgment among them [Al-Azhar, 2001, Vol. 9, p. 170; Ibn Kathir, 1419 AH, p. 178].

Additionally, the term "judiciary" is also used to describe death because it is an event that occurs to humans and others in creation. Al-Harith ibn Hilzah (5) said: "And eighty from Tamim with hands, Their breasts are the spears of justice" [Al-Yashkuri, 1994, p. 71].

In legal terminology, "judiciary" is defined as "the manifestation of what is established" [Al-Jurjani, 1983, p. 177].

It is noteworthy that in various regions of Andalusia, the main designated place for the judiciary was the central mosque, as is well-known [Al-Khalf, 2003, Vol. 2, p. 658]. Perhaps this can be justified by the fact that the central mosque is the most prominent location in any town, and its site is well known to everyone [Al-Nuaimi, 2016, p. 538]. However, this does not necessarily mean that holding judiciary proceedings elsewhere is impermissible. A judge has the option to conduct legal proceedings in nearby mosques, or even in his own house. It is preferable to choose a public place easily accessible to the public [Al-Kasani, 1986, Vol. 7, p. 13; Al-Bajrimi, 1950, Vol. 4, p. 352].

In Andalusia, the position of the judge of the congregation (Qadi al-Jama'a) held the highest judicial authority, comparable to the position of the chief judge in some other countries.

It appears that al-Wansharisi did not extensively address the judiciary in Andalusia concerning its meeting places or administrative aspects. Instead, he focused on scattered events that served the purpose for which he wrote his book. He highlighted the primary function of the judge, which involves issuing judgments and resolving conflicts and disputes. For instance, he narrates

an incident about a man who fled from Cordoba out of fear of the rulers: "They heard about his arrival, so they went to the place where he landed, captured him, slapped and paraded him barefoot and with a covered head to the judge, who ordered his imprisonment..." [Al-Wansharisi, 1981, Vol. 2, p. 331].

In doing so, he describes the judiciary and the system of hisbah (accountability) in Andalusia. Although the muhtasibin (those responsible for market regulation) held significant authority in Andalusian society, ultimately they had to resort to the judiciary. The judiciary was responsible for deciding cases that were brought to it by the police, hisbah, or individuals directly when filing specific claims.

Al-Wansharisi mentioned, "The judge of the congregation in Cordoba, Muhammad ibn Bashir, verified that there was forgery of documents and ordered to cut off the hand" [Al-Wansharisi, 1981, Vol. 2, p. 414]. This illustrates the importance of the judiciary in Andalusia during that period. The immediate referral of the accused to the judiciary instead of keeping them in police custody indicates the respect for the judiciary and the high standing of the judges.

Al-Wansharisi also conveyed that there was independence in the administration of justice in different cities. For instance, he reported a case where a man, missing in the city of Almeria, needed to sell some of his property. He filed a lawsuit in Cordoba, but the judge in Cordoba replied, "The sale and judgment regarding it should be in the city of Almeria because he is a resident there, and the judge of Cordoba has no jurisdiction over anyone from the people of Almeria" [Al-Wansharisi, 1981, Vol. 6, p. 169].

Regarding the importance of the judiciary, it has been said, "Some people consider the judiciary system as one of the greatest plans in terms of importance and most significant in terms of impact, especially when prayers are dedicated to it. The judge is the axis of judgments, and all aspects of justice are under his consideration" [Al-Khalf, 2003, Vol. 2, p. 843].

In connection with the judicial institution in Andalusia, there is the institution of hisbah, known in Andalusia as "Khitat al-Suq" or the market plan [Al-Khalf, 2003, Vol. 2, p. 843]. Hisbah represents a comprehensive administrative apparatus responsible for overseeing and monitoring the market, ensuring that transactions adhere to established and legitimate rules [Al-Aqabi, 2022, p. 138].

This indicates the strength of the institutions established by Muslims in Al-Andalus, as the prominence of the judiciary serves as evidence of the state's strength, the effectiveness of its institutions, and the assurance of peace and justice for the subjects in the country. The judge is responsible for establishing justice among people and implementing the judgments of Islamic Sharia in society.

These institutions, which are both administrative and religious, are closely linked to the judiciary and the police. They emerged as a result of the flourishing economic life, the establishment, and development of cities, and the increasing number of artisans, industrialists, and businessmen. Consequently, various issues arose among them. To mitigate these problems and organize economic life, the institution of hisbah came into existence.

In the language, "hisbah" is derived from the verb "ihtisab," meaning to calculate or reckon the reward. It is also used to denote good management. As Ibn Faris stated, "Hisbah is the calculation of your reward, and someone is described as having good hisbah in a matter if their management is good" [Ibn Faris, 1979, Vol. 1, p. 60].

In the terminology, "hisbah" refers to a religious duty related to enjoining what is right and

forbidding what is wrong. It is an obligation imposed on the person responsible for the affairs of Muslims, who appoints someone capable of carrying out this duty. The role involves identifying and preventing wrongdoings, admonishing, and disciplining according to the severity of the violations. The individual is also tasked with promoting the common interests in the community. As Ibn Khaldun explained, hisbah is "a religious duty that involves enjoining what is right and forbidding what is wrong. Its practitioner is designated to pursue wrongdoings, administer punishment and discipline as necessary, and work towards upholding Sharia rulings, suppressing fraud and embezzlement in transactions, livelihood matters, and measurements" [Ibn Khaldun, 1981, Vol. 2, p. 281]. Another definition states that hisbah is "a religious duty based on enjoining good and forbidding evil. Its holder is specifically assigned to pursue wrongdoings, impose punishments, and discipline according to the severity of violations. The role also involves ensuring respect for Sharia rulings and suppressing fraud and embezzlement in transactions, livelihood matters, weights, and measures" [Anan, 1997, Vol. 5, p. 445].

This indicates that "hisbah" is a religious duty associated with the judiciary. Al-Wansharisi mentioned a phenomenon of favoring the ignorant over the scholars in positions, including those related to the judiciary, issuing fatwas, testimony, documentation, oration, hisbah, and trustworthiness in markets [Al-Wansharisi, 1981, Vol. 2, p. 492].

Ibn Khaldun also noted that "hisbah" serves as a servant to the judiciary. In many Islamic states, such as the Ubayyids in Egypt and the Maghreb and the Umayyads in Al-Andalus, it was integrated into the general jurisdiction of the judge, who appointed someone of his choosing to fulfill this duty [Ibn Khaldun, 1981, Vol. 1, p. 281].

Although Al-Wansharisi did not specify the locations of the judiciary or hisbah, Ibn Hayyan al-Qurtubi mentioned that the headquarters of the hisbah in Cordoba was in the center of the market, without providing details about the construction [Ibn Hayyan, 1994, p. 5].

Al-Wansharisi mentioned that the owner of the hisbah is the same person as the owner of the market. He clarified the primary function in their appointment, stating, "The owner of the market was known as the owner of the hisbah because most of his attention was directed towards what was happening in the markets, such as fraud, deception, debt, and the inspection of measures and scales" [Al-Wansharisi, 1981, Vol. 10, p. 77]. This justifies the integration of the market oversight and hisbah apparatus because most of the cases overseen by the owner of the hisbah relate to issues affecting consumers in the markets. This implies that the separation of the two entities would lead to a conflict of powers, and it was wise to have one person at the head of both [Al-Nabahi, 1983, p. 5].

Al-Wansharisi also mentioned, "I asked some people I met about the owner of the market, is it permissible for him to judge in the defects of goods and similar issues and to address the rulers of the country in judgments? He said he has no authority except what is granted to him in his appointment" [Al-Wansharisi, 1981, Vol. 10, p. 78]. Here, Al-Wansharisi refers to the responsibilities of the owner of the market, which are originally determined by the ruler. The ruler defines the powers for him and other officials. Although the owner of the market has extensive powers in the economy, trade, and social issues, the separation of powers in Al-Andalus played a crucial role in building a state of institutions during that era.

Secondly: The Role of the Police

The police force is considered the striking arm of the state, and the position of the chief of

police is one of the most significant administrative and judicial positions. Typically, individuals for this role are elected from among the senior leaders. They enjoy broad judicial and administrative powers, and the origin of establishing the police force dates back to the Abbasid state [Ibn Khaldun, 1981, Vol. 1, p. 311; Anan, 1997, Vol. 5, p. 445].

In linguistic terms, "Shurt" is derived from "Sharat," which refers to fine threads made from flax or hemp fibers. Someone associated with the police is called a "Shurti," and "Al-Ishrat" refers to the first things. The police are named as such because they are the chosen elite of the Sultan's troops [Al-Farahidi, Vol. 6, p. 235; Al-Azhari, 2001, Vol. 11, p. 212; Al-Jawhari, 1987, Vol. 3, p. 1136].

In technical terms, the police are defined as "those responsible for maintaining security in a particular country, with a chief known as a Shurti" [Arabic Language Academy, 1972, Vol. 1, p. 479]. It's worth noting that the head of the police force in Al-Andalus is called "Sahib al-Madina," and in Africa, he is called the ruler. In Turkish countries, the equivalent title is "Wali" [Ibn Khaldun, 1981, Vol. 1, p. 311].

The function of the police involves ensuring internal security and executing judicial decisions. Al-Wansharisi explained that the police force was divided into three categories:

The Major Police Force

The Middle Police Force

And The Minor Police Force

Each had its specific responsibilities [Al-Wansharisi, 1981].

The security plans in Al-Andalus were outlined in six divisions, the first of which is the judiciary. Subsequent divisions included the communal judiciary, the major police force, the minor police force, the aggrieved, and the respondent [Al-Wansharisi, 1981, Vol. 10, p. 76].

It's worth noting that initially, the police force in Al-Andalus did not have the three known divisions. The police force was initially associated with the market authorities until the beginning of the third century of the Hijri calendar. Abd al-Rahman bin Al-Hakam separated the two entities and allocated a monthly stipend of one hundred dinars to the chief of police. Afterward, the police force was divided into these sections [Ibn Sa'id Al-Maghribi, 1955, Vol. 1, p. 46].

Although the police force in Al-Andalus initially had only two divisions, the major police force (Al-Ilya) and the minor police force, by the time of Al-Nasir li-Din Allah, it was divided into three ranks: the major police force, the middle police force, and the minor police force [Anan, 1997, Vol. 1, p. 685].

The major police force (Al-Ilya) was responsible for private affairs, and its chief had the right to consider charges involving prominent figures in the state. The minor police force handled public affairs, while the middle police force dealt with the concerns of common people, including traders and lower-ranking employees involved in various plans [Al-Khalaf, 2003, Vol. 2, p. 865; Al-Jamali, 2008, p. 22].

When the police applied the law, and since the law at that time was based on the teachings of Islamic Sharia, there was a close connection between the police force and the judiciary. Al-Wansharisi indicated that some judges in Al-Andalus received a message from the head of the police force. The message was about a man who married a woman, and she swore to divorce her previous husband if the new man married her. The judge was asked whether the marriage should be annulled, and the response from the head of the police force was, "Do not annul it"

[Al-Wansharisi, 1981, Vol. 4, p. 88].

It appears that Al-Wansharisi did not delve into the architectural aspect of the police headquarters (Dar al-Shurṭa), and I could not find detailed information about the architectural aspect of the police headquarters in the historical sources I reviewed.

Thirdly: Prisons

Regarding prisons, the term (Al-Sijn) in Arabic refers to confinement or imprisonment. Linguistically, it can be defined as the act of imprisoning or confining someone in a limited space. The word with a fatha signifies imprisonment, and refers to the prison or the place where a prisoner is held [Al-Farahidi, Vol. 6, p. 56; Al-Jawhari, 1987, Vol. 5, p. 2122].

In the context of legal and security terminology, is defined as the restriction of a person and preventing them from acting on their own, whether confined to a house, mosque, or through the appointment of a representative appointed by the opponent or their agent [Al-Tata'i, 2014, Vol. 8, p. 59].

It is mentioned that prisons in Al-Andalus were mostly situated within royal palaces [Al-Abid, 2018, pp. 44–47]. For example, the prison in Cordoba, known as the "Matabiq" prison, derived its name from its application or confinement of those within it. The term "Matabiq" indicates that it is an underground prison [Al-Mushahidani, 2020, p. 122]. This prison was constructed within the palace of the Emirate, famously known as Al-Zahira [Ibn Athari, 1983, Vol. 6, p. 250; Al-Khalf, 2003, Vol. 2, p. 900; Al-Samarai, 2000, p. 195].

The poet Hashim ibn Abdul Aziz mentioned the "Matabiq" prison in a set of verses he sent to his wife when he was imprisoned, saying:

"I have been confined, unable to visit you, in a prison secured with iron doors,
 If you wonder, O observer, about what has befallen me,
 I left the path of rectitude when I was capable of it,
 And I encountered what I used to fear.
 How many a saying: 'Be safe and sound, and take care,'
 For on this earth, the pursued and the pursuer are common.
 So I said to him: 'Indeed, fleeing is humiliation,
 And my soul finds sweetness in facing the worst.
 I am content with Allah's judgment concerning what befalls me,
 And there is no escape from Allah's decree for a person.'"
 [Ibn Athari, 1983, Vol. 2, p. 116].

The prison system was not confined solely to the Qasr (palace) of Cordoba; there was also another prison known as Dar al-Buniqah, where Prince Abdullah bin Muhammad, the son of Muhammad, and his brother, Qasim bin Muhammad, were imprisoned. Ibn Adhārī reported, "Prince Abdullah was accused of conspiring against his brother in matters of governance and diverting resources to his own interests. As discussions and accusations intensified, he deemed it fitting, based on leadership and strategic judgment, to confine him to Dar al-Buniqah within the palace." [Ibn Adhārī, 1983 CE, Vol. 2, p. 150].

Al-Wansharīsī mentioned that the construction of these prisons was funded by the city's treasury, and sometimes, funds from endowments were allocated for their maintenance. He recounted an instance in Andalusia where an official's integrity was questioned. After investigating the matter, they discovered "documents with testimonies that he had spent in the construction and maintenance of the city's prison. The construction of the mentioned prison

took place in a time when there was no judge in the city." [Al-Wansharīsī, 1981 CE, Vol. 10, p. 330].

Al-Wansharīsī also noted that the overseer was "compelled to repair the prison using funds from the mentioned prison. In the storage of the mosque, evidence was found, witnessed by a group, that when the prison needed repairs, it would be financed from the storage." [Al-Wansharīsī, 1981 CE, Vol. 10, p. 331].

Al-Wansharīsī, may he rest in peace, while addressing jurisprudential issues, this text contains a wealth of historical information, including the interconnection between judicial councils and the construction of prisons during that period. The entry of the accused into prison fell within the jurisdiction of the judge. Furthermore, construction and urban development activities at that time were recorded in registers preserved in dedicated storage facilities. Some of these records remained preserved until later ages [Al-Nasiri, Vol. 3, p. 17].

This reflects the administrative system in Al-Andalus during that era. Cities were managed by city officials on behalf of the prince or caliph, responsible for all city affairs, including the construction and maintenance of prisons. Funding for prisons and their maintenance came from endowment funds or treasury funds, as inferred from the mentioned text.

It is also mentioned that in Seville, some enemies who had fled to Byzantine territories were imprisoned. Some of them were brought back by Muslim forces to the prison in Seville [Al-Wansharīsī, 1981 CE, Vol. 8, p. 62].

From this, it becomes apparent that the construction of prisons was carried out by city and village officials in Al-Andalus, unless it was in major cities like Cordoba, where construction might align with the building of the emirate's palaces.

Al-Wansharīsī also elucidated that the duration of imprisonment varied between short, long, and medium terms depending on the nature of the charges. For instance, a long-term imprisonment might be imposed for offenses like enticing Muslim women towards corruption. He mentioned, "The jurists of Cordoba were asked about a Christian from the people of evil, corruption, mixing, and seduction of Muslim women and their daughters, unrepentant and not returning these ill-gotten gains until their testimony. I excused him for that and prayed for his repentance. He claimed he had a cannon, then postponed the matter. However, he left and did not produce the cannon... What I see, after proper discipline, is the long imprisonment that resembles perpetual confinement, as in that lies a deterrent for its like and for those inclined towards evil" [Al-Wansharīsī, 1981 CE, Vol. 2, p. 346].

He also addressed the concept of life imprisonment, stating, "If someone becomes notorious for theft, he is sentenced to life imprisonment until he dies in prison" [Al-Wansharīsī, 1981 CE, Vol. 2, p. 286].

Regarding a Jew who insulted the Islamic religion, he mentioned, "The judge seized him and imprisoned him for a moderate duration" [Al-Wansharīsī, 1981 CE, Vol. 2, p. 264].

Indeed, what Al-Wansharīsī mentioned are specific examples of a jurisprudential issue related to life imprisonment in Al-Andalus. This type of imprisonment is recognized in Islamic jurisprudence for crimes that significantly impact society, such as those committed by promoters of acts similar to the people of Lot, counterfeiters, and those who inflict harm on people [Ibn Abi Umar, 1995, Vol. 25, p. 63].

He also touched upon the matter of providing food for prison inmates. Some jurists in Al-Andalus were asked about someone who kneaded a large amount of flour for bread, and it turned out that a mouse fell into the water used for kneading. Since it was a time of scarcity, the questioner inquired about what to do. The response was that he should buy it at a low price and allocate it for the prisoners. Each man is tasked with paying a portion from his zakat, and it was suggested to make it into a type of gruel. Some advised against bringing it into a house with fire to avoid impurity from the mouse, and others did not prohibit buying it with the money paid to him [Al-Wansharīsi, 1981 CE, Vol. 1, p. 18].

He indicated that the provision of food and drink in prisons was covered by state funds, and there was flexibility in this regard. The Islamic system in Al-Andalus was keen on providing food and drink for prisoners, including the accused and criminals, while also ensuring that their health was not compromised.

Conclusion

Praise be to Allah, and peace and blessings be upon the Messenger of Allah, his family, and his companions.

After Allah blessed me with completing this research, I can summarize the most important results as follows:

1. The correlation between the ages in Al-Andalus and elsewhere with security and political stability, explaining the variation in architecture in different periods in Al-Andalus.
2. Emphasizing that Muslims built a genuine state on the borders of Al-Andalus that believed in diversity and respected the judiciary.
3. Highlighting the authority of the judiciary in Al-Andalus through the representation of the community judge, considered one of the highest judicial positions, and outlining their role as one of the state's important plans.
4. Inheriting Islamic civilization in architectural arts from their predecessors, such as the Sumerian, Babylonian, Assyrian, and Pharaonic civilizations, regarding architectural engineering and related fields such as painting, sculpture, engraving, and ornamentation.

In conclusion, we ask Allah, the Exalted, to make this work beneficial. He is the Guardian and the Capable. Our final prayer is that all praise is due to Allah, the Lord of all worlds.

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