“The Way of the *Qāḍī*:

The Banū Rağāʾ *Qāḍī*s of Norman Sicily and their Successors”

Jeremy Johns and Nadia Jamil

Preprint : January 2023

jeremy.johns@ames.ox.ac.uk : nadia.jamil@ames.ox.ac.uk

Abū Zayd argues before the *qāḍī* of Maʿarrat al-Nuʿmān (left)
from the *Maqāmāt* of al-Ḥarīrī (d. 1122 AD)
Vienna, Österreichische Nationalbibliothek, MS A.F. 9, folio 30 verso (1334 AD)

The Way of the *Qāḍī*
The Banū Rağāʾ *Qāḍī*s of Norman Sicily and their Successors*

Preprint : January 2023

Jeremy Johns and Nadia Jamil
jeremy.johns@ames.ox.ac.uk : nadia.jamil@ames.ox.ac.uk

Introduction

In February 1185, the Spanish pilgrim Ibn Ǧubayr was a guest of the hereditary leader of the Muslims of Norman Sicily, Abū al-Qāsim Muḥammad ibn Ḥammūd, in Trapani. There, he was told the following story:

> "Sometimes exemplary punishments were inflicted [by William II] upon one of the sheikhs [of the Muslims] as the means of inducing him to give up his faith. Amongst these cases is a story that happened in recent years concerning one of the jurists of their city (*li-baʿḍ fuqahāʾ madīnatihim*) that is the seat of their king, the tyrant. He is called Ibn Zurʿa. The [royal] officials oppressed him with [their] demand[s] until he proclaimed [his] departure from the faith of Islam and [his] submersion in the faith of Christianity. He became expert in the memorisation of the Gospels, in the study of the customs of the Europeans (*siyar al-Rūm*), and in the observance of the canons of their sacred law (*qawānīn šarīʿati-him*), so that he joined the body of priests who were asked to give legal opinions in Christian cases (*ǧumlat al-qissīsīn allaḏīna yustaftawna fī ʾl-aḥkām al-naṣrānīya*). Sometimes a Muslim case arose, and he was asked to give his legal opinion upon that too, according to the experience that he had previously acquired in Islamic cases. Thus, his formal legal opinion (*futyā-hu*) was sought in both legal systems. He owned a mosque opposite his house which he converted into a church — may God protect us from the consequences of misfortune and false ways! Despite this, we heard that he merely hid what was in fact his true faith; and it may be that he took advantage of the exception allowed by the words of God, 'except in the case of those who are forced and whose hearts are still at rest in their belief' (Qurʾān 16:106)".[1]

* The authors wish to express their gratitude to David S. Powers, Professor of Islamic Studies at Cornell, a leading scholar of Mālikī law in Ifrīqiya and the Maġrib, for generously reading a draft of this paper and for suggesting many improvements. All errors remain stubbornly our own.

[1] Ibn Ǧubayr 1907 *Riḥla*: 340–341. The Qurʾānic verse quoted at the end this passage is one of several proof texts used to support the practice of *taqīya,* literally "fear, caution", but here specifically the "dissimulation" permitted to Muslims under constraint or threat of persecution. (All translations into English from the Qurʾān are based upon the translation by our late colleague Alan Jones [2007 *Qurʾān*].) While an impression may be had from the secondary literature that *taqīya* was of significance only for the Šīʿa, *taqīya* itself, the fundamental concept that an individual will be judged by his inner intention, *nīya*, and not by his outward actions, and the legal dispensation of *ikrāh*, "coercion, duress, compulsion", were all widely discussed by Sunnī scholars, including the Mālikīs of

Ibn Zurʿa is known only from this story. Much of it is demonstrably fabulous, and is told from a Muslim perspective that imagined that, just as the Qurʾān was the root of the *šarīʿa*, so did the laws of the Christians of Norman Sicily grow from the Gospels, and that, just as a *ḥāfiẓ* ("guardian","memoriser") would commit the whole Qurʾān to memory, so were the Gospels routinely memorised by lawyer-priests, who freely interpreted Christian law as if they were Muslim *muftī*s,[2] regardless of the king, the supreme pontiff and the hierarchical authorities. The story focuses upon an individual but ignores the community to which he belonged, and leads to a Qurʾānic moral: God alone knows what a Muslim believes in his heart, even one who has apostasised under duress from the infidel.

This essay attempts to reconstruct a more rounded and less partisan history of the *qāḍī*s of Norman Sicily. It begins with the Banū Raǧāʾ, the dynasty from which Roger II and his successors appointed every *qāḍī* of Sicily from 1116 at the latest until 1180 at the earliest. Thereafter, the narrative attempts to follow the *qāḍī*s of Sicily during the Muslim revolts of 1189–1246.

This story is radically different from that of Ibn Zurʿa. Far from being simulacra of Christian priests, the Banū Raǧāʾ *qāḍī*s were thoroughly professional practitioners of Islamic law, skilled at its application not just in general but in particular in the perilous liminal zone between Christian and Islamic law that was increasingly exposed as the tide of Islam ebbed from the shores of Sicily. The *qāḍī*s of Norman Sicily stand out as communal leaders, conscientious guardians of an Islamic community that had no choice but to live under the uncertain "protection", *ḏimma*, of its Christian rulers. As the Muslims of Sicily were compelled to abandon the ordinances of Islam, so did their *qāḍī*s negotiate ways that enabled them to do so under the ostensible protection of Islamic law, making use of the Qurʾānic dispensation that permitted Muslims to conceal their true belief in order to avoid persecution by their Christian masters and neighbours. When the limited protection that the Norman rulers had once offered their Muslim subjects effectively ceased on the death of William II, and the Muslims of Sicily rebelled and withdrew to the mountainous interior of western Sicily, their *qāḍī*s continued to negotiate on their behalf with their Christian enemies. The assiduous performance of their pastoral duties, from the Norman conquest until the first suppression of the Muslim rebels by Frederick II, and their dextrous manipulation of Islamic law in order to care for their flock, is what has survived of the story of the *qāḍī*s of Norman Sicily.[3]

Ifriqīya, the Maġrib and al-Andalus from the eleventh century if not earlier: see Stewart 2013 "Dissimulation in Sunni Islam", with extensive bibliography.

[2] *Muftī*, the person who gives a *fatwà* (pl. *fatāwin, fatāwà*,), "a legal opinion issued by an expert Muslim jurist in response to a request from a layman, judge, or ruler", from the IV form of the root *fāʾ-tāʾ-wāw*, *aftà*, "to give a formal legal opinion"; from the same root, the act of giving a *fatwà* is a *futyà* or *iftāʾ*; the person who gives a *fatwà* is a *muftī*, and the person who requests one a *mustaftī*. "Whereas a *qāḍī* bases his judgement on witness testimony, acknowledgements, and oaths, the *muftī* follows signs or indications *(adilla)* mentioned in the Qurʾān, *ḥadīth*, and other sources. Thus, *fatwā*s and judgements represent different aspects of the relationship between law and fact. Whereas the central task of the judge [*qāḍī*] is to weigh and assess competing versions of the facts of the case, the central task of the *muftī* is to provide an interpretative recommendation that is appropriate to the facts of the case. One might say that a judgement is a determination of fact, assuming a set of laws, and that a *fatwā* is a determination of law, assuming a set of facts. Unlike a judgement, which is binding in a particular case, the authority of a *fatwā* is general, potentially extending beyond the question at hand to one or more similar cases": Powers 2017 "Fatwā, premodern".

[3] Here, and throughout what follows, references to the *qāḍī*s of Norman Sicily as "pastors" and "shepherds" to their Muslim "flock" draws upon Islamic tradition. The Prophet Muḥammad was himself a shepherd and is

Most who have written about the Muslims of Norman Sicily have had something to say about the Banū Raǧāʾ,[4] but what persuades us to return to the subject is a body of new evidence brought to light by our current research project, *Documenting Multiculturalism*,[5] that offers new insights from a variety of different perspectives upon what was undoubtedly one of the most important Muslim families of Norman Sicily, which yet remains little known even to specialist historians. By retelling the story of their dynasty, our primary aim is to investigate how Islamic law and Muslim jurists served the Muslim community of the island in the increasingly hostile environment left by the waning of Islam. Our secondary objective is to illustrate how what may at first sight seem to be the least promising of primary sources, Arabo-Islamic legal contracts and formal legal opinions hitherto accessible to only a very few specialists, may be used to rewrite the social history of Norman Sicily.

The story that we seek to tell is long and complex, so that a brief account of what is to come may here be helpful. After posing the conundrum of how Islamic law could survive under Christian rule in Norman Sicily (*Islamic law in Christian Sicily*, pp. 4–7), we turn to the Banū Raǧāʾ, the family that supplied all of the *qāḍī*s appointed by the Norman rulers. First, we concentrate upon their distinctive *ʿalāma*, the motto of signature with which they validated the documents that they issued, which is the key piece of new evidence that has enabled us to unlock the history of the family (*The* ʿalāma *of the Banū Raǧāʾ*, pp. 7–14). Second, we observe the Banū Raǧāʾ *qāḍī*s at work (*The Banū Raǧāʾ at work, 1116–1180*, pp. 15–25), but not as they would have spent the greater part of their working lives — adjudicating cases between Muslim parties and wholly within the Muslim community — because the only evidence to survive relates to cases between Muslims and Christians: the settlement of a case in which a Muslim family accuses the daughter of Roger I of having usurped their property, and a handful of deeds of sale in which the vendor is Muslim and the purchaser Christian. These cases, for all that they cross communal boundaries, fit comfortably within the framework of Islamic law, and demonstrate the Banū Raǧāʾ *qāḍī*s to be well-trained, well-informed and thoroughly competent lawyers. Third, we turn to an extraordinary hybrid contract that binds a household of

reported to have said "Every one of you is a shepherd and accountable for his flock, *kullu-kum rāʿin wa-kullukum masʾūlun ʿan raʿīyati-hi*" (*Saḥīḥ al-Bukhārī* 7138, *Ṣaḥīḥ Muslim* 1829). The same metaphorical figure is common to all three Abrahamic faiths but, in using it of the Muslim *qāḍī*s of Norman Sicily, we make no allusion to Jewish or Christian practice. It may be that the pastoral role of the *qāḍī* was enhanced by the particular perils to which his flock was exposed in Christian Sicily. No systematic comparison of the *qāḍī*s of Norman Sicily with those of the medieval Islamic world is here attempted because, on the one hand, the circumstances of, and the primary sources for, the *qāḍī*s of Norman Sicily are peculiar to the island and were not reproduced in the contemporary *Dār al-Islām*, while, on the other hand, it would be methodologically incorrect to extrapolate from the rest of the Islamic world to reconstruct the unique history of the *qāḍī*s of Norman Sicily. That said, we have been in large part inspired to write this essay by the studies of Mathieu Tillier, especially: Tillier 2009 *Les cadis d'Iraq* and Tillier 2017 *L'invention du cadi*. Whenever our essay begs the question "But what would a *qāḍī* have done in the Islamic world?", the answer is likely to be found in Tillier's studies.

[4] For example: Amari 1933 *Storia dei Musulmani*: 3.323-324 and note 2; Johns 2002 *Arabic Administration*: 74, 88–9 and Table 3.1, 294–295; Metcalfe 2008 *Muslims of Medieval Italy*: 151, 177–178; Nef 2011 *Conquérir et gouverner*: 322–323.

[5] *Documenting Multiculturalism: coexistence, law and multiculturalism in the administrative and legal documents of Norman and Hohenstaufen Sicily, c.1060–c.1266* (DocuMult), funded by a European Research Council (ERC) Advanced Grant under the European Union's Horizon 2020 research and innovation programme (grant agreement no. 787342), and hosted by the University of Oxford, with the collaboration of the Università degli Studi di Palermo. The paper reflects only the authors' views and the ERC is not responsible for any use that may be made of the information it contains. The DocuMult Project Website is http://krc.orient.ox.ac.uk/documult/

well-to-do Muslims to the lands of a Benedictine monastery (*The Banū Raǧāʾ and Norman rule*, pp. 25–32). It is validated by the *ʿalāma* of a Banū Raǧāʾ *qāḍī*, and uses the form of an Islamic legal contract to bind Muslims to lands that they held of a Christian lord, to whom they paid not only a share of the harvest but also the *ǧizya*, thereby contradicting and subverting Islamic legal and religious norms. This hybrid contract symbolises the paradoxical position of Islamic law and Muslim jurists in Norman Sicily, and pointedly raises the question of whether the Banū Raǧāʾ *qāḍī* was acting with the moral and religious probity expected of a *qāḍī*, what Islamic law calls *ʿadl*, or was simply a collaborator with the Norman regime. We attempt to answer that question by investigating the relationship between the Banū Raǧāʾ *qāḍī*s and the Muslim community, both in Norman Sicily and from the wider perspective of Ifrīqiya, the island's nearest neighbour in the *Dār al-Islām* (*The Banū Raǧāʾ and the Muslim community*, pp. 32–49). We show that the Banū Raǧāʾ were by no means isolated puppets operated by the Norman rulers but were active and fully integrated members of the Muslim community of Norman Palermo. In order to protect their Muslim flock, the *qāḍī*s inevitably cultivated and maintained the best possible contacts with the multicultural royal administration, court and palace. Their Ifrīqiyan contemporaries discussed their probity and found that they were fulfilling their pastoral duties to the Muslims of Sicily to the extent that their documents and judgements might be accepted as valid throughout the *Dār al-Islām*. The Banū Raǧāʾ disappear from the surviving sources in 1180, but a *qāḍī* of Sicily can occasionally be glimpsed during the next half century (*The* qāḍī*s of Norman Sicily and the end of the Muslim community of Sicily*, pp. 50–54). In 1206, a *qāḍī* of Sicily was amongst the leaders of the rebellion, in 1223 the son of a *qāḍī* of Sicily secured the surrender of the rebel emir Muḥammad ibn ʿAbbād, and in the late 1230s a *qāḍī* led the Muslim colony of Lucera. We therefore pursue the narrative from the outbreak of the Muslim revolts in November 1189 until the suppression of the Muslim rebels of Sicily by Frederick II in the mid-1220s and the early years of the Muslim colony of Lucera. The evidence from these troubled times is exceedingly thin but just sufficient for us to suggest that the *qāḍī* continued to shepherd the Muslim community, seeking to lead and protect it as best he could, even in catastrophe.

Islamic law in Christian Sicily

During the negotiations that led to the surrender of Palermo to Duke Robert Guiscard and Count Roger I in January 1072, the Muslim leaders protested to the Hauteville brothers "that they refused absolutely to violate or abandon their own law, but so long as they could be sure that they would not be forced to do this, and that they would not be oppressed with new and unjust laws, then, since their present situation left them with no choice, they would surrender the city, serve them faithfully and pay tribute. They promised to ratify this on oath in accordance with their law. The duke and count rejoiced and gladly accepted the terms which were offered".[6]

Similar terms were granted to other Muslim communities that surrendered to the Norman forces not just in Sicily, but also on Malta. In addition, Arabic sources describe the settlement

[6] *Proximo mane primores, foedere interposito, utrisque fratribus locutum accedunt, legem suam nullatenus se violari vel relinquere velle dicentes, scilicet, si certi sint, quod non cogantur, vel injustis et novis legibus non atterantur. Quandoquidem fortuna praesenti sic hortabantur, urbis deditionem facere, se in famulando fideles persistere, tributa solvere: et hoc juramento legis suae firmare 'spopondunt. Dux comesque gaudentes, quod offerebatur libenter*: Malaterra 1927 *De rebus gestis*: 53 (book 2, chapter 45).

imposed upon the cities of the Ifrīqiyan coast in the 1140s as if it were a deliberate adaptation and inversion of the Islamic laws of conquest, according to which communities of "the people of the book", *ahl al-kitāb*, might be incorporated into an Islamic state: the newly conquered Muslims would be granted the "protection", *ḏimma*, of the state, and permitted to follow their own customs and laws, in return for payment of a tribute or confessional tax, known as the *ǧizya*.[7] In the so-called assises of Ariano, Roger II famously allowed for the continuation, within his new framework of royal legislation, of "the pre-existing uses, customs, and laws for the variety of subject peoples in our kingdom, in force up until now, provided that they be not manifestly contrary to our enactments".[8]

The difficulty faced by the Muslims of Norman Sicily, both during the conquest of the island, and under the new monarchy, was that, should they accept these terms, they would indeed "violate and abandon their own law". Muslims believed that they were forbidden by the word of God and His Messenger from living under Christian rule in enemy territory, the *Dār al-Ḥarb*, "the territory of war", and those who found themselves doing so, as did the Muslims of Norman Sicily, were obliged to obey the divine command to emigrate to the *Dār al-Islām*, "the territory of Islām". Moreover, the *ǧizya* that the Muslims of Sicily were obliged to pay to their Norman masters was believed to be a penalty imposed by divine command upon non-Muslims who had surrendered to the armies of Islam, initially Christians, Jews and Sabians, and it was axiomatic that no Muslim could pay the *ǧizya* in order to receive the "protection", *ḏimma*, of a Christian state. In short, the Muslims of Norman Sicily, by living under the terms that permitted them to observe their own laws, were in fact disobeying Islamic law.[9]

This conundrum offered ample scope for discussion by Muslim jurists. Most took the pragmatic view that the Muslims of Norman Sicily were not breaking Islamic law because, to use the words that Malaterra tellingly puts into the mouths of the Muslim leaders of Palermo, "their present situation left them with no choice", but all agreed that, should they be able to do so, their obligation to God was to emigrate to Islamic territory. While the conquest itself might have left the conquered Muslims with no choice, the excuse of compulsion inevitably lost force as generation after generation chose to ignore the legal obligation to migrate to the *Dār al-Islām*. Many did indeed migrate, but those who remained constituted the demographic majority of the inhabitants of the island well into the second half of the twelfth century. A Muslim community governed by Islamic law, applied and interpreted by Muslim jurists, and to a large extent independent of the legal system imposed by the Christian state, flourished in Sicily from the Norman conquest until the 1220s.

The Muslim jurists, *fuqahāʾ*, who remained in Sicily after the conquest were responsible for ensuring the establishment and process of justice according to Islamic law for the Muslim community living under Norman rule. The vast majority of their daily business would have involved the interpretation and application of Islamic law within the Muslim community, in

[7] Johns 2002 *Arabic Administration*: 33–35.

[8] *Leges a nostra maiestate noviter promulgatas pietatis intuitu asperitatem nimiam mitigantes mollia quodam moderamine exaucuentes; obscura dilucidantes, generaliter ab omnibus precipimus observari, moribus, consuetudinibus, legibus non cassatis pro varietate populorum nostro regno subiectorum, sicut usque nunc apud eos optinuit, nisi forte nostris his sanctionibus adversari quid in eis manifestissime videatur*:
Zecchino 1984 *Assise di Ariano*: 26.

[9] See below, pp. 38–44 and notes 133–147.

cases where all parties were Muslims and accepted the rule of Islamic law. Only a small number of cases bridged the socio-legal divide between Christianity and Islam. All of the Arabic deeds of sale, for example, that survive from Norman Sicily were drawn up according to the conventions and formulary prescribed by the locally prevalent Mālikī school of Islamic law, and the vendor is always Muslim and the purchaser always Christian.[10] Despite the apparent potential for social conflict and legal controversy in such intercommunal cases, all that are recorded in the surviving documents seem to have concluded peacefully and without legal challenge — testimony not only to the legal competence of the Muslim jurists but also to their diplomatic ability. An even smaller number of cases in the surviving documentary record inhabited the no man's land between Islamic law on the one hand, and royal law on the other. The Muslim jurists of Norman Sicily were responsible for negotiating a practicable path for their Muslim charges between the conflicting demands of two juridico-religious systems which, in certain areas, were not just opposed but fundamentally incompatible.

Almost no trace has survived in the sources of the vast bulk of the daily business of the Muslim jurists of Norman Sicily. The two surviving documents — a quittance for the payment of a bride's dower that was perhaps carried to Damascus by her husband's family when they emigrated to Syria,[11] and an exchange of irrigation rights between two Muslim proprietors that found its way into an ecclesiastical archive when some of those rights were acquired by the church[12] — in no way represent the vast range of civil and religious cases that must have arisen within the Muslim community during a century and a half of Norman rule. To gain an imperfect impression of what that caseload must have looked like one must turn to the great compilations of *fatāwà* issued by Mālikī jurists from the ninth century onwards, which are packed with rich detail concerning the everyday working lives of the *qāḍī*s of contemporary Ifrīqiya.[13] But, as will emerge clearly in what follows, the environment in which the *qāḍī*s of Norman Sicily struggled to survive, and to fulfil their responsibilities to their Muslim charges, was fundamentally different from that of their contemporaries working under Islamic rule. It would be misleading, therefore, to attempt to reconstruct the detail of the working lives of the *qāḍī*s of Norman Sicily from the Ifrīqiyan collections of *fatāwà*. All the Muslims of Norman Sicily, including their *qāḍī*s, lived, in the words of Ibn Ǧubayr, "quite removed from their brother Muslims, subject to the covenant (*ḏimma*) of the Infidels, with no security for themselves, or their

[10] Muslims could and did purchase property from Christian vendors: see Toledo ADM Messina 1089 (6690 A.M. Ind. XV [1181/2 A.D.]): Rognoni 2002 "Fonds d'Archives «Messine»": 527, no. 109; Rognoni 2018 "Legal language": 63–64; edition and study forthcoming in Rognoni and Jamil 2023 "Fusione o confusione?". In this Greek deed of sale, Master John of Reggio and his wife, Tarra, daughter of Leo Kalabros, sell two vineyards in the plain of Taormina, for the sum of 700 tarì and four grains, to *al-šayḫ al-sayyid* Sulaymān. The Arabic declaration added to the *recto* is witnessed by the purchaser's son, Muḥammad *ibn al-sayyid* Sulaymān, so there can be little doubt as to his faith. One of the two vineyards had previously been bought by the Greek Christian vendors εἰς τὸν μούδδιπον, "from *al-Muʾaddib*, 'the Teacher'", presumably indicating that ownership had passed from a Muslim, to a Christian, and then back to a Muslim. The surviving Arabic deeds of sale were all preserved in the archives of the ecclesiastical institutions that eventually came to own the property, and thus to acquire the deeds relating to it. However, we know of no original Greek deeds of sale in which the vendor is Muslim and the purchaser Christian. Our current working hypothesis, therefore, is that, in property transactions between Greeks and Muslims, the religion of the vendor dictated the communal law and the language for the deed of sale.

[11] See below, note 157.

[12] See below, note 165.

[13] E.g. Wanšarīsī 1981 *Miʿyār*; Burzulī 2002 *Fatāwā*;

property, or their women or children".[14] The everyday lives of the *qāḍī*s of Sicily and their Muslim flock had been turned upside down by the Norman conquest.

The* ʿalāma *of the Banū Raǧāʾ: "It is valid. My hope is God alone".

The first appearance of a *qāḍī* under Norman rule comes a generation or so after the conquest in an Arabic deed of sale dated Ṣafar 510 A.H. / 15 June – 13 July 1116 A.D.[15] The original Arabic document is lost, and the deed survives only as a Latin transumpt made on 14 May 1266.[16] The *qāḍī* who presided over the sale is not named and may be identified only by his *ʿalāma* or "motto of signature" at the head of the document. In order to understand this, and to appreciate its full significance for the biography of the Banū Raǧāʾ, it is first necessary to mention two other Arabic deeds of sale that survive in their original form, and give the full name of the *qāḍī* responsible for the transaction.

The first bears two dates: 29 Ḏū al-Qaʿda 531 A.H. / 18 August 1137 A.D. and Ramaḍān 532 A.H. / 13 May – 10 June 1138 A.D. (Fig. 1). It records the purchase, on behalf of Henry, archbishop-elect of Messina,[17] for 412 *tarì*, of a house in Zuqāq Ibn Ḫalfūn in the Old City (*al-Qaṣr al-Qadīm*) of Palermo from heirs of the late Abū al-Qāsim ibn ʿAbdallāh al-ʿAṭṭār ibn al-Bārūqī, and his uncle, ʿAbd al-Raḥīm al-ʿAṭṭār ibn al-Bārūqī. This intricate transaction, which

[14] See below, pp. 37–38 and note 130.

[15] As part of the DocuMult Project, the authors are preparing a preliminary study of the Arabic deeds of sale of Norman Sicily, including new critical editions, and translations into English and Italian, of all of the documents, intended to supersede existing editions: Jamil and Johns 2022 "Arabic Deeds of Sale", forthcoming. We are ignoring the *qāḍī al-kabīr* (sic!) who appears in the *safīḥa* (sic!) purportedly issued by Roger I at Messina on 24 December 1081, because it is a forgery perpetrated by Giuseppe Vella. The document, once held in the Archivio di Stato of Naples, was destroyed when German troops deliberately set fire to almost the entire archive on 30 September 1943. A photograph of Vella's forgery, taken by Carlo Alberto Garufi in 1903/4, survives: see Ménager 1956 "Une ordonnance arabe". For the role possibly played by Sicilian *qāḍī*s shortly before and during the Norman conquest of Sicily, *Anonymi Historia Sicula* 1723: *Erat autem ex parte Saracenorum quidam vocatus Archaydus, idem legis Doctor, vel Princeps*: 2:831/8:748 (commander of Syracuse during Maniakes's siege, 1040, killed by William "Iron-Arm"); *Panormitanus Archadius*: 2:843/8:762 (commander at battle of Cerami, 1063); and Malaterra 1927 *De rebus gestis*: *Archadius quidam, qui urbi principabatur*: 11 (bk 1, chap. 7: commander of Syracuse, 1040); *Arcadium de Palerna* (sic) *... interfecit*: 44 (bk 2, chap. 33: killed by Roger I at battle of Cerami, 1063). Amari (1933 *Storia dei Musulmani*: 2.446 note 1) believed that these Latin sources had confused the Arabic term *al-qāʾid*, "commander" for *al-qāḍī*, "judge" and he may well be right. The gloss on the term *Archaydus* (var. *Archadius*) given by the *Anonymus* (above) suggests that he was aware the difference between the Arabic terms *qāḍī* (*legis Doctor*) and *qāʾid* (*Princeps*), but nevertheless conflated and confused the two. Malaterra elsewhere uses *gaytus* for *qāʾid* (*De rebus gestis* 4:16, p. 95). There is, of course, no reason why a *qāḍī* should not also have served as a military and political commander, and every reason to expect him to have done so; most famously, Asad ibn al-Furāt, one of the *qāḍī*s of al-Qayrawān, led the Aġlabid invasion of Sicily in 827 (Granara 1999 "Ibn Sabīl").

[16] AdSPa Magione no. 110, r. ll. 11–30; ed. Jamil and Johns 2022 "Arabic Deeds of Sale", forthcoming; partial edition of Latin transumpt in Bresc 1995 "La propriété foncière": 89–92.

[17] The apocryphal privilege of Roger II in favour of the citizens of Salerno (Salerno, 22 November 1137) purports to be written *per manum Henrici, venerabilis Messanensis electi*: see Brühl 1987 *Rogerii II*: D Ro. II. +47, p. 131, ll. 5–6. He appears to be identical with Henry, the archdeacon of Palermo and chaplain of King Roger, who witnessed a document of Duke Roger II (*ibid*., Append. II/2, p. 264, l. 18: Palermo, winter 1130) and was scribe of King Roger's privilege for the Pierleoni (*ibid*., D Ro. II. 36, p. 101, l. 2: Palermo, 28 January 1134). Only the Arabic deed of sale (see below, note 18) refers to Henry as *al-arak*, "archbishop": *al-šayḫ al-arak H.r.z bi-Massīnà*; in the subsequent Greek deed of sale — see below, note 70 = Cap. Pal. 5 (Cusa 1868 *Diplomi*: no. 56, pp. 59–60, 710) — Henry refers to himself in the superscription as *Ego Henricus Messanensis electus*, while in the Greek text he is Χερρὶς ὑποψήφιος Μεσήνης, "*Cherris* elect of Messina", without specifying his rank. On the history of the bishopric of Messina, see further Falkenhausen and Johns 2011 "Arabic-Greek charter": 157–158 and notes.

involved the division of the purchase price into fifteen shares and their allocation to the heirs, was overseen according to Mālikī law by "*al-šayḫ* ("the elder") *al-faqīh* ("the jurist") *al-qāḍī* Abū al-Qāsim ʿAbd al-Raḥmān ibn Raǧāʾ — may God honour him and grant him fortune — who was, at that time, the *qāḍī* for Sicily".[18] The second Arabic deed of sale is dated Šawwāl 556 A.H. / 23 September – 21 October 1161 A.D. (Fig. 2), and records the purchase for 350 *tarì* by Raoul, a priest of the Cappella Palatina, of a house near to the Mosque of al-Šaybānī in the Old City, from the four heirs of the late ʿUmar al-Azdī, namely Abū Bakr and Aḥmad the Tanners, and their sisters, Manǧūma and Umm al-Ḫayr al-Bikr ("the Virgin"). In this case, the supervising *qāḍī* was "*al-šayḫ* ("the elder") *al-faqīh* ("the jurist") *al-qāḍī* Abū al-Faḍl Raǧāʾ — son of the elder, the jurist and judge, Abū al-Ḥasan ʿAlī, son of the elder, the jurist and judge, Abū al-Qāsim ʿAbd al-Raḥmān ibn Raǧāʾ — may God honour him and grant him fortune — who was, at that time, the *qāḍī* for Sicily".[19]

The first thing to note about these two original Arabic documents is that they show that the office of *qāḍī* of Sicily was passed from father to son over at least three generations, from 1137 or before, until 1161 or after, as may be seen in Table 1. Following Amari,[20] we refer to this family as the Banū Raǧāʾ, "the descendants of Raǧāʾ".

Both original Arabic documents open with three distinct formulae. Each is clearly distinguished from the other two (Figs. 1 & 2). The first of the three is written by itself on line 1, in the top left corner of the document, and we shall return to it after having discussed the second and third formulae which, in both documents, appear together on line 2 but separated by a wide space. Reading from right to left, they comprise a version of the standard *incipit* prescribed for all Islamic documents: the *basmala* or invocation of the name of God, *bi-ʿsmi ʿllāhi ʿl-raḥmāni ʿl-raḥīm*, "In the name of God, the Merciful, the Compassionate", would normally be followed by the *ṣalawāt* or prayers for the Prophet Muḥammad as prescribed by the Qurʾān. In the Arabic documents of Norman Sicily, when one of the parties is Christian, the prayers for the Muḥammad are omitted and replaced by a *ḥamdala*, a formula beginning *al-ḥamdu li-ʿllāh*, "All praise be to God..." (Table 2). In both these documents, the *basmala* and the *ḥamdala* are written by the hand of the scribe who also wrote the text of the deed.

The first formula was written in both documents by a different hand from that which wrote the *basmala* and the *ḥamdala* and rest of text. The first formula in the deed of 1137–1138 is written by a different hand from that which added the same formula to the deed of 1161, although both clearly follow the same distinctive calligraphic model. This same formula also appears in two other documents: the hybrid Arabic contract datable to August 1177–1180 A.D. (Figs. 3 & 7),[21] and an Arabic deed of sale dated 11–20 Ǧumādà II 576 A.H. / 3–12

[18] Cap. Pal. 4, r. l. 4; ed. Jamil and Johns 2022 "Arabic Deeds of Sale", forthcoming (Cusa 1868 *Diplomi*: no. 54, pp. 61–7, 709).
[19] AdSPa Magione no. 2, r. l. 6; Jamil and Johns 2022 "Arabic Deeds of Sale", forthcoming (Cusa, *Diplomi*: no. 102, pp. 101–6, 722–3).
[20] Amari 1997 *BASIt2*: 3:784 note 154.
[21] AdSPa Magione 5, r. l. 2: ed. and trans. Johns 2004 "The boys from Mezzoiuso", Johns 2002 "Sulla condizione dei Musulmani", and Johns 2018 "Topsy-turvy" (all superseding the highly defective edition of Cusa 1868 *Diplomi*: no. 129, pp. 111–112, 728).

October 1180 A.D. (Figs. 4 & 8).[22] In these documents, too, the formula follows the same calligraphic model.

The content of this formula has been deciphered only very recently by the authors. Salvatore Cusa proposed *ṣaḥīḥ hiya .....* for the deed of 1137–1138: he correctly read *ṣaḥīḥ*, meaning "It is valid", but was misled — as initially were we — by the letters that follow, which are combined into a shape that resembles a large Greek *thēta*. He read them as an initial *hāʾ*, the first letter of the Arabic feminine singular subject pronoun *hiya*. In the deed of 1161, Cusa read only *ṣ.ḥ .....* for *ṣaḥīḥ*; in the contract of 1177–1180, he read *ṣ.ḥ hiya* ..; and from his transcription of the deed of 1180, he completely omitted the formula.[23] We have published the contract of 1177–1180 no less than three times, always tentatively proposing the formula, *ṣaḥīḥ hani[ʾ]a ʿllāhu bi-hi* (?), "È valido – che Dio sia contento di esso (?)" and "It is valid — may God be pleased with it (?)".[24]

The key to the decipherment of this problematic formula is provided by the Latin transumpt of the lost Arabic deed of sale, dated June–July 1116, with which we began. The Latin translators rendered the Islamic opening formulae, the *basmala* and the *ḥamdala*, as follows: *In nomine Dei misericordis et miseratoris. / et sit laus Deo prout convenit sibi*. They then added their own gloss to explain the third formula — *Signum Arcadii sic continet*, "The signature of the *qāḍī* contains the following" — before proceeding to translate it: *Ratificatum est, et spes mea est Deus solus*, "It has been ratified. And my hope is God alone". Henri Bresc, who first published the Latin transumpt of 1266, commented: "La *basmala* et la *notitia* sont exprimées en un latin précis (*misericordis* distingué de *miseratoris*) et clair *(et spes mea est Deus solus,* en 1266, rend sans doute * *ḥasbī ʾllāhu al-salīm* ou *waḥdahu),* mais on est surpris, dans la même traduction de 1266, pour signaler l'intervention et la suscription du *qāḍī*, des mots *Signum Arcadii: arcadius* est en effet une forme figée que l'on trouve dans les actes latins".[25]

Bresc had good reason to conclude that the Arabic original of the Latin translation of the *ʿalāma* was "sans doute" a *ḥasbala*: a similar Latin formula is used to translate the Arabic *ḥasbala* in a Latin transumpt from 5 August 1286 of a bilingual Greek-Arabic record of the settlement of a boundary dispute issued by the royal *dīwān* on 26 August 1175. The witnesses summoned to determine the boundaries in 1175 were sworn to have told the truth,

> in the presence of the *šayḫ* Abū al-Ṭayyib [Eugenios *tou Kalou*], *magister / doane de secretis*, that in Arabic is called the *dīwān al-taḥqīq al-maʿmūr*, that is "the office of verification" (*doana veritatis*) … and he put his signature (*signum*) to this document in confirmation and corroboration of it: *guehásbine állah guenéhem elukil* (*wa-ḥasbu-nā ʾllāhu wa-niʿma ʾl-wakīl*), *hoc est spes mea Deus et gratia Dei*, and such is the meaning of the signature of the said Secretary Eugenius Εὐγένιος.[26]

[22] ASDPa 20, r. l. 3; ed. Jamil and Johns 2022 "Arabic Deeds of Sale", forthcoming (Cusa 1868 *Diplomi*: no. 135, pp. 39–43, 730).
[23] Cusa 1868 *Diplomi*: 61, 101, 111 and 39.
[24] Johns 2002 Sulla condizione dei Musulmani": 288–289; Johns 2002 "Boys from Mezzoiuso: 248, 250; Johns 2018 "Topsy-turvy".
[25] Bresc 1995 "La propriété foncière": 74. The asterisk presumably denotes that the formula is conjectural but not in fact attested.
[26] AdSPa Cefalù 60, lines 41–43; ed. Spata *Pergamene greche* 1862: no. 11, pp. 451–456. Johns 2002 *Arabic administration*: pp. 170–171, 203 notes 49 and 51, 209, 279 note 122, and 313 *Dīwānī* 41. The translators of the

The transumpt of 1286 both transliterates and translates the *ḥasbala* leaving no room for doubt that in this case the Latin *spes mea*, "my hope", was intended to translate the Arabic *ḥasbu-nā*. Could it be that the Arabic *ʿalāma* of the Banū Raǧāʾ is another form of the *ḥasbala*, reading *wa-ḥasbiya ʾllāhu waḥda-hu*, "God is sufficient for me in His unity"?

All four Arabic *ʿalāmāt* closely follow the same graphic model, although that of 1137–1138 (Fig. 5) is evidently written by a different hand than the other three. Those of 1161 (Figs. 6 & 10), 1177–1180 (Fig. 7) and 1180 (Fig. 8) are so close that they could have been written by a single hand, and the small differences between the *ʿalāma* of 1161 and the pair of near identical *ʿalāma*s of 1177–1180 and 1180 might be attributed to the passage of almost twenty years between them. Conversely, it could be objected that all examples of the Banū Raǧāʾ *ʿalāma* were intended to look alike, but that it is precisely those small differences in the *ʿalāma* of 1161 — where the *ṣād* of *ṣaḥīḥ* is more rounded, its initial *ḥāʾ* more open, and the loop of its terminal *ḥāʾ* less expansive, where the second *thēta*-like ligature is less neatly executed, the pen lifted more often from the page, and the curl of the terminal *hāʾ* rises in line with, not higher than, the transverse line of that second *thēta*-like figure — that indicate that it was written by another hand than the one responsible for the pair dating from *circa* 1180. The two authors of this essay are not wholly agreed: one tentatively believes that all three were written by the same hand, probably that of the *qāḍī* Raǧāʾ himself, while the other hesitates whether to give more weight to the differences between the 1161 *ʿalāma* and those of 1177–1180 and 1180.[27] Be that as it may, there can be no doubt that all four Arabic mottoes represent the same text, and are employed in the same diplomatic context as *ʿalāmāt.*

The same cannot be said of the two Latin formulae of 1266 and 1286. They differ so greatly from each other as to raise the possibility that they translate two different Arabic originals: *Ratificatum est, et spes mea est Deus solus* in 1266, and *hoc est spes mea Deus et gratia Dei* in 1286. Fortunately, the formula in the transumpt of 1286 is not merely translated onto Latin but also transliterated as *guehásbine állah guenéhem elukil*, leaving no doubt that it is the standard *ḥasbala* that had been imported to Norman Sicily from the Fāṭimid chancery soon after 1130, and was thereafter employed by the royal *dīwān* in place of the *apprecatio* in Greek or Latin diplomatic.[28] This *ḥasbala* cites Qurʾān 3.173, which is interpreted as referring to the aftermath of the Battle of Uhud (3/625), when the defeated Muslims were warned to expect another attack by their Meccan opponents, and replied, "God is sufficient for us. How excellent a guardian He is". In his translation of the Qurʾān (1210 A.D.), Mark of Toledo renders this phrase into Latin as *Sufficit nobis Deus; quam bonus dispensator*, "God is sufficient for us. How good a dispenser [is He]".[29] The translation of the Arabic *ḥasbala* given in the transumpt of 1286 — *hoc est spes mea Deus et gratia Dei* — is peculiarly inaccurate: it is not

Arabic were *magister Muse medicus iudeus* and *magister Symuel medicus iudeus* (ll. 10, 48, 50): see Bresc : pp. 72–73, and Moscone "Translators": 87, 89, 90, 91, 92, 98, 103, 104, 110, 112, 114. In 1266 the Arabic of the original deed of sale of 1116 was translated by *Iohannes de Dumpno* and *Leo de Blundo*, both citizens of Palermo (AdSPa Magione no. 110, lines 7 and 34–35): see Moscone "Translators": pp. 84, 87, 88, 89, 91, 93, 94, 95, 96, 105, 106, 107, 114.

[27] See below, pp. 12-13. Both authors are uncomfortably aware that our reconstruction of the history of the family rests more heavily than we would wish upon this precarious point.

[28] Johns 2002 *Arabic administration*: 279–280.

[29] Pons 2016 *Alchoranus latinus*, p. 54: . See also Q. 39.38: "Say 'God is sufficient for me. Those who trust put their trust in Him'" (*Dic: «Sufficit mihi Deus, in quo confidunt confidentes»*: Pons 2016 *Alchoranus latinus*: 276).

clear whether *hoc est* is intended to be an integral part of the translation — "this is my hope, God …" — or is instead, as we suspect, a gloss added by the translator to indicate that what follows is the translation of the preceding transliteration — "that is, 'my hope [is] God …'". In either case, the translation of Arabic *ḥasb* as Latin *spes* is simply incorrect: *ḥasb* is the verbal noun derived from the Arabic first form triliteral root *ḥasaba*, *yaḥsubu*, and commonly means "a calculation" or "a reckoning", "an opinion" or "a view", and, as in this particular case, "a sufficiency". None of the medieval translations of the Qurʾān into Latin, and no dictionary known to us, translates *ḥasb* as "hope" or *spes*. Again, the original Arabic *ḥasbala* contains nothing that could correctly be translated into Latin as *gratia Dei*, "by the grace of God". The two translators of the Arabic text for the transumpt of 1286 were both Jewish physicians who are not known to have translated other Arabic documents. Although Arabic-speakers, they appear to have been unfamiliar with the Islamic *ḥasbala*, and to have simply mistranslated it into Latin.[30] In contrast, Iohannes de Dumpno and Leo de Blando, the translators responsible for the Latin transumpt of May 1266, were Latin notaries, citizens of Palermo, and experienced translators. In February 1259, Leo de Blando had been one of the five translators of an Arabic privilege of King William I issued in December 1154. Iohannes de Dumpno, who was amongst the translators of two Greek documents in 1264 and 1269, as well as of the Arabic deed of sale of 1116, would seem to have also translated Arabic astronomical texts into Latin.[31] Both were familiar with Arabic documents and Islamic texts and, had they encountered a *ḥasbala* in the original Arabic deed of sale of 1116, it seems to us most unlikely that they would have made the mistake of translating *ḥasb-ī* as *spes mea*. What, then, was the Arabic original of the formula that they translated into Latin as *Ratificatum est, et spes mea est Deus solus*?

Neither Bresc, nor until very recently we ourselves, realised that the phrase *Signum Arcadii sic continet*, "the signature of the *qāḍī* contains the following", is a gloss added by Iohannes de Dumpno and Leo de Blando in order to identify the formula that follows as the *ʿalāma* or "motto of signature" used by the *qāḍī* to validate the deed of sale. Table 2 compares the opening formulae of the Latin transumpt of 1266, the three original Arabic deeds of sale of 1137–1138, 1161 and 1180, and the hybrid contract of 1177–1180. In all five documents, the first formula is the *ʿalāma* of the *qāḍī*. Here we propose that the same text was used in all five *ʿalāmāt*: *ṣaḥīḥun raǧāʾ-ī ʾllāhu waḥda-hu*, "It is valid. My hope is God alone". This motto incorporates the theophoric name of the founder of Banū Raǧāʾ, *Raǧāʾ Allāh*, literally "the Hope of God". It was this *ʿalāma*, in the Arabic deed of sale of 1116, that was accurately and literally translated into Latin by Iohannes de Dumpno and Leo de Blundo as *ratificatum est et spes mea est Deus solus*. To demonstrate that as fully and as persuasively as we are able requires further explanation.

The deeds of sale of 1137–1138 and 1161 indicate that ʿAbd al-Raḥmān's father and his grandson both used Raǧāʾ as their given name or *ism*. There is good reason to believe that Raǧāʾ is in fact an abbreviation of their full name, the theophoric *ism* Raǧāʾ Allāh, literally "the Hope of God". Even though al-Raǧāʾ is not one of the canonical names of God, ʿAbd al-Raǧāʾ, "Servant of Hope" was current in Norman Sicily, as if its bearers were proclaiming a particular

[30] AdSPa Cefalù 60, lines 10, 48, 50: see Bresc 1995 "La propriété foncière": pp. 72–73, and Moscone 2018 "Translators": 87, 89, 90, 91, 92, 98, 103, 104, 110, 112, 114.
[31] AdSPa Magione no. 110, lines 7 and 34–35: see Moscone 2018 "Translators": pp. 84, 87, 88 and note 61, 89, 91, 93, 94, 95, 96, 105, 106, 107, 114.

hope of divine salvation, in this world and the next.[32] One of the witnesses to the deed of sale of 1161 signs with his own hand as *Muḥammad ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Raǧāʾ Allāh(?) ḥ(?)* (Figs. 2 & 9). He was evidently the brother of *al-šayḫ al-faqīh al-qāḍī* Abū al-Faḍl Raǧāʾ ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Raǧāʾ (see Table 1) who presided over the transaction, and validated it by signing the dynastic *ʿalāma* at the head of the deed.[33] For whatever reason, Muḥammad preferred to refer to their great-grandfather, the founder of the dynasty, by his full name of Raǧāʾ Allāh, rather than by the abbreviation used by the scribe who wrote the text of the deed.

It is particularly significant that Muḥammad's signature uncanonically combines the *rāʾ* and *ǧīm* of his great-grandfather's given-name Raǧāʾ to form the exact same idiosyncratic grapheme resembling a large Greek *thēta* that catches the eye in the dynastic *ʿalāma* (compare Figs. 5–8 with Fig. 9). This palaeographic reflection of the most visually distinctive feature of the *ʿalāma* of the Banū Raǧāʾ confirms our reading of this *ʿalāma* — in line with its Latin translation — as *ṣaḥīḥun raǧāʾī ʾllāhu waḥda-hu*.

Muḥammad's signature to the deed of 1161 is immediately followed by what appears to be the lone letter *ḥāʾ* — *Muḥammad ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Raǧāʾ Allāh(?) ḥ(?)*. This peculiar feature does not appear in any of the other documents from Norman Sicily, but is well-attested in the *ḥadīṯ*-literature, where a lone letter *ḥāʾ* may be appended to the last name within a discrete *isnād* or "chain of transmission". The usage seems to have begun during the second/ninth century and its original significance is lost, but later medieval scholars enthusiastically discussed the relative merits of the various alternative explanations proposed for the meaning of the symbol. This is not the place to rehearse those further, and suffice it to say that Muḥammad ibn ʿAlī, by employing the lone letter *ḥāʾ* after his own signature, reveals himself to have been a scholar thoroughly familiar with the arcana of *ḥadīṯ*-literature.[34] That hypothesis would seem to be substantiated by a verse in the elegy composed by the Alexandrian poet Ibn Qalāqis upon the death of Abū ʿAbd Allāh Muḥammad ibn Raǧāʾ, who appears to be identical to Muḥammad ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Raǧāʾ Allāh, which implies that the deceased had been a *ḥadīth*-scholar whose authority could always be trusted.[35] The rubric that introduces this elegy in al-Furayḫ's edition of the *Dīwān* of Ibn Qalāqis reads as follows: "[Ibn Qalāqis] also said, lamenting [the death of] Abū ʿAbd Allāh Muḥammad ibn Raǧāʾ, the *qāḍī* of Sicily, in the year 562 [28 October 1166 – 16 October 1167]".[36] At first glance, this might suggest that Muḥammad succeeded his brother, Raǧāʾ, as *qāḍī* for a few years between Šawwāl 556 / September–October 1161 and his own death in 562/1166–7. However, it appears that this rubric is

[32] For example: BCRS Monreale 22, names 94.4, 103.4 (Cusa 1868 *Diplomi*: 165b, 169a); BCRS Monreale 45, names 24.3, 102.1, 112.1 (Cusa 1868 *Diplomi*: 249a, 268a, 271a).

[33] For an alternative interpretation see De Simone 1995 "*al-Zahr al-bāsim*": 151–52 and note 151, and De Simone 1996 *Splendori e misteri*: 11 note 4 and 31 notes 63–4.

[34] For these various interpretations of the lone letter *ḥāʾ*, see, for example, Saḫāwī 2005 *Fatḥ al-muġīṯ*: 3.89–92.

[35] Ibn Qalāqis 1988 *Dīwān*: no. 275, pp. 411–412 (metre *al-kāmil*; rhyme *al-dāl al-mawṣūla*). Verse 25 reads: *ḏahaba ʾllaḏī kunnā naqūlu li-man rawà / ḫabara ʾl-afāḍili nuṣṣa ʿan isnādi-hī*, literally "Gone is the one of whom we would say, to those transmitting the narration of most excellent learned [men], "Ascribe according to his *isnād*!" — the poet laments the death of so great a scholar of the *ḥadīṯ* transmitted by the Companions of the Prophet, who had been championed as an authority due to the outstanding reputation of his scholarship.

[36] *wa-qāla ayḍan yarṯī abā ʿabdi ʾllāh Muḥammad ibn Raǧāʾ qāḍī Ṣiqillīya fī sanat 562*. 562/1166-7 was the year before that in which Ibn Qalāqis arrived in Palermo as the guest of the *qāʾid* Abū al-Qāsim ibn Ḥammūd: De Simone 1996 *Splendori e Misteri*: 13, 19.

transcribed from the fullest manuscript of the *Dīwān* (Dublin, Chester Beatty 4626), dated to the 9th/15th century, and so may have been added by a copyist as much as four hundred years after the composition of the elegy.[37] The unsupported report by an unknown copyist does not outweigh the testimony of contemporary Sicilian documents and, above all, of the three *ʿalāmāt* of 1161, 1177–1180 and 1180, which may have been written by the same hand, possibly that of the *qāḍī* Abū al-Faḍl Raǧāʾ himself.[38]

Be that as it may, Muḥammad's signature as witness to the deed of sale of 1161 suggests strongly that the full given name of the founder of the dynasty of the Banū Raǧāʾ was Raǧāʾ Allāh. *Raǧāʾ* is the verbal noun derived from the Arabic first form triliteral root *raǧā, yarǧū* (indicated below in bold), and means "hope" or "expectation". Thus, the given name **Raǧāʾ** Allāh expresses hope or expectation of the future good graces of God. Every Muslim "hopes to meet his Lord", ***yarǧū*** *liqāʾa rabbi-hi*, a phrase much repeated, in a variety of forms, in the Qurʾān.[39] But for every Muslim living in Norman Sicily that hope of divine salvation would have encompassed liberation from Christian rule and the downfall of the infidel king. The very name **Raǧāʾ** Allāh thus reminded the bearer, and all those who heard his name, of the many passages in the Qurʾān where the same triliteral root ***r-ǧ-w*** that gives the name ***Raǧāʾ*** is used to bring hope to true believers suffering at the hands of the infidel: *wa-**tarǧūna** mina ʾllāhi mā lā **yarǧūna***, "you [believers] can **hope** for what they [unbelievers] cannot **hope** for from God" (Q. 4:104).[40] Those passages that carry an explicitly anti-trinitarian, unitarian, charge, would have had particular significance for Muslims living under Christian rule.[41] Other passages refer to the Prophet Muḥammad for whom, as we have seen, the public invocation of the *ṣalawāt* was curtailed for the Muslims of Norman Sicily.[42] Still other passages, as so often in Arabic public texts from Norman Sicily that cite the Qurʾān, evoke the ancient prophets and warners, such as Jonah, Noah and Šuʿayb, who were sent by God to support the true believers and admonish their infidel rulers.[43] Such ubiquitous use of the root ***r-ǧ-w*** in the Qurʾān ensured that

[37] Regrettably, al-Furayḥ's edition does not state the source of the rubric. Ḫalīl Muṭrān's much thinner edition, Ibn Qalāqis 1905 *Dīwān*: 35–36, cites twelve verses of this *riṯāʾ* (with the rubric *wa-qāla yarṯī Muḥammad ibn Raǧāʾ*, "And he wrote lamenting Muḥammad ibn Raǧāʾ"), which were translated into Italian in De Simone 1995 "*al-Zahr al-bāsim*": 151–152: see especially note 150 where De Simone explains that she had the information in the rubric from an article that we have not been able to consult ourselves (Furayḥ 1980 "Ḥayāt al-šāʿir Ibn Qalāqis": 13 note 2) and suggests that the author gave that information "probably on the basis of the fullest manuscript of the *Dīwān*". For the latter see Arberry 1963 *Handlist*: 38: "Good scholar's naskh. Undated, 9/15th century".

[38] For Abū al-Faḍl Raǧāʾ, see below, pp. 20–23.

[39] All of the instances in the Qurʾān of the use of a word from the first form of this triliteral root refer to the "expectation" or "hope" of meeting God and of the Last Day. Translations are adapted from Jones 2007 *Qurʾān* in order to render that concept transparent. In addition to those cited in the text, see also *Qurʾān* 2.218, 10.7, 10.15, 17.57, 25.21, 25.40, 28.86, 39.9, 45.14, 60.6, 78.21–27.

[40] *inna ʾllaḏīna yatlūna kitāba ʾllāhi wa-aqāmū ʾl-ṣalāta wa-anfaqū mimmā razaqnā-hum sirran wa-ʿalanīyatan **yarǧūna** tiǧāratan lan tabūra*, "Those who recite God's Scripture, and perform prayer and spend, secretly or openly, from that which We have given them as sustenance, can **hope** for a trade that does not come to nothing" (Q. 35.29).

[41] *yūḥa ilayya annamā ilāhu-kum ilāhun wāḥidun fa-man kāna **yarǧū** liqāʾa rabbi-hi fa-ʾl-yaʿmal ʿamalan ṣāliḥan wa-lā yušrik bi-ʿibādati rabbi-hi aḥadan*, "It is revealed to me that your God is One God. Let those who **hope** to meet their Lord do righteous work and not associate anyone with the service of his Lord" (Q. 18.110)

[42] *la-qad kāna la-kum fī rasūli ʾllāhi uswatun ḥasanatun li-man kāna **yarǧū** ʾllāha wa-ʾl-yawma ʾl āḫira*, "In the Messenger of God you have a good example for those who **hope** for God and the Last Day" (Q. 33.21). For curtailment of the *ṣalawāt*: see above, p. 8.

[43] See Johns 2002 *Arabic Administration*: 251–252; Johns and Jamil 2004 "Signs of the Times": 187–191; Johns 2011 "Bible, Qurʾān and Royal Eunuchs": 212–213, 420, 567. *Yursili ʾl-samāʾa ʿalay-kum midrāran wa-yumdid-*

the name of the Banū Raǧāʾ and their *ʿalāma*, which even the illiterate could instantly recognise, evoked in pious Muslims the hope and expectation that God would destroy the infidel rulers of Sicily and deliver their Muslim subjects from Christian rule.

The reason why the *ʿalāma* of the Banū Raǧāʾ *qāḍī*s of Sicily was not deciphered long ago is that, like many other *ʿalāmāt*, it is written in the form of a monocondylic cipher which, unless one already knows what it says, deliberately conceals its literal content. The crypto-Muslim eunuchs in the Norman palace and the royal *dīwān*, for example, employed *ʿalāmāt* that concealed explicit statements of their Islamic faith.[44] Unlike the eunuchs, the Banū Raǧāʾ *qāḍīs* openly professed their faith, so that, if they sought to conceal anything, it was perhaps only their hope that God might destroy their Christian masters and release them from infidel rule. While Ibn Ǧubayr, a Muslim visitor to Norman Sicily, was able to pepper his account of the island with such interjections as *aʿāda-hā ʾllāhu taʿālà*, "May God the Most High restore it [to Islām]!", the *qāḍī* of Sicily was compelled to hide his aspirations by encrypting references to the Qurʾān that no Christian would recognise within the cipher of his *ʿalāma*.[45]

No less important, perhaps, was the distinctive visual impact of the Banū Raǧāʾ *ʿalāma* (see Figs. 5–8 and 10): the initial *ṣaḥīḥ* with the three consonants stacked one upon the other, immediately followed by the hyper-stylised ligature of *rāʾ-ǧīm*, looking like a giant Greek *thēta*, isolated by the *kašīda* ("elongation" of the line) before the minimal upturn for *alif*; the unbroken continuity of *kursī-hamza* to *yāʾ* rising straight into the four upright spikes of *allāh*; the *wāw-ḥāʾ* of *waḥda-hu* which, at least in the most neatly executed examples, reproduce the giant '*thēta*' of the *rāʾ-ǧīm* ligature; and the long tail of the final abusive curl from *dāl* into *hāʾ* — this striking and unique composition would have been immediately recognisable to any viewer, even to one who read no Arabic at all. Its complex and unusual ductus would also have been difficult to imitate, thus facilitating the detection of forgery and encouraging confidence in its authenticity. Fig. 10 reconstructs how the *ʿalāma* of 1161 was written, letter by letter.

For all these reasons, it seems, after the Banū Raǧāʾ themselves disappeared, their *ʿalāma* proved to be illegible to all except its mid-thirteenth-century translators, who would presumably have encountered it often in their work as notaries. Only when, for the DocuMult Project, our team began the comparative analysis of the formulary of all of the Arabic deeds of sale, including those that survive only as Latin transumpts, were we finally in a position to comprehend that the translators of 14 May 1266 had, in effect, already read the illegible *ʿalāma* on our behalf.

kum bi-amwālin wa-banīna wa-yaǧʿal la-kum ǧannātin wa-yaǧʿal la-kum anhāran mā la-kum lā ***tarǧūna*** *li-ʾllāhi waqāran*, "And He will loose the sky on you with abundant rain, And support you with wealth and sons, and will assign gardens to you, and will assign rivers to you. What is the matter with you that you do not **hope** for dignity of God?" (Q. Sūrat Nūḥ 71.11–13); *wa-ilà madyana aḫā-hum šuʿayban fa-qāla yā qawmi ʾʿbudū ʾllāha wa-****ʾrǧū*** *ʾl-yawma ʾl-āḫira wa-lā taʿṯaw fī ʾl-arḍi mufsidīna fa-kaḏḏabū-hu fa-aḫaḏat-humu ʾl- raǧfatu fa-aṣbaḥū fī dārihim ǧāṯimīna*, "To Madyan [We sent] their brother Šuʿayb. He said, 'My people, serve God and **hope** for the Last Day and do not make mischief in the land, causing corruption'. But they declared him a liar, and so the earthquake took them and in the morning they were prostrate in their dwelling" (Q. 29.36–37); *fa-naḏaru llaḏīna lā* ***yarǧūna*** *liqāʾa-nā fī ṭuġyāni-him yaʿmahūna*, "We leave those who do not **hope** to meet Us wandering blindly in their insolence" (Q. Sūrat Yūnus 10.11).

[44] Jamil and Johns 2004 "Signs of the Times": 187–191; Johns 2002 *Arabic Administration*: 251–252.

[45] Ibn Ǧubayr 1907 *Riḥla*: 345, l. 1, is just one example of many. See also the story of Ibn Zurʿa: Ibn Ǧubayr 1907 *Riḥla*: 340–341, and above, pp. 1–2.

The Banū Raǧāʾ at work, 1116–1180

The decipherment of the *ʿalāma* of the Banū Raǧāʾ is crucial to the reconstruction of the activities of members of the dynasty from 1116 at the latest until 1180 at the earliest. The first appearance of the *ʿalāma* that has been identified so far was in the Arabic deed of sale of Ṣafar 510 A.H. / 15 June – 13 July 1116 A.D., which is known only from a Latin transumpt made in 1266.[46] Phillip the Christian, the son of the *qāʾid* Fityān, purchased for 350 *tarì*, from Ḥarz Allāh ibn ʿAbd al-Ġanī al-Laḫmī, an agricultural estate called *Ǧafalīya*, modern Cefalà, which lay in the upper reaches of the Fiume Eleuterio, not far from the southern tip of the modern Lago di Scanzano, on the north-western edge of the Bosco di Ficuzza.[47] The original deed adhered to the formulary of the Mālikī *maḏhab* ("school of jurisprudential thought"), as do the other Arabic deeds of sale from Sicily, including one from the Kalbid period.[48] Unlike the other three deeds of sale validated by a Banū Raǧāʾ *qāḍī*, this appears to have been a perfectly straightforward sale, and no party required his special protection. Most of the Arabic deeds of sale from Norman Sicily did not require validation by the *qāḍī*, and the signed testimony of the *šuhūd* or "accredited witnesses", who typically included the notary who had drawn up and written the deed, was sufficient to validate the transaction.[49] No less than ten witnesses signed this deed, and it is far from clear why the *qādī* himself should have supervised the transaction. It may or may not be significant that the vendor belonged to the same tribe, the Banū Laḫm, as did the Banū Raǧāʾ themselves.

The *qāḍī* responsible for this deed is not named, and is identified as a member of the Banū Raǧāʾ by his *ʿalāma* alone. We cannot be sure, but we strongly suspect that he was ʿAbd al-Raḥmān ibn Raǧāʾ, who is named in the deed of sale of 1137–1138. The only alternative, that the *qāḍī* in 1116 was none other than the founder of the dynasty, Raǧāʾ himself, seems unlikely because, in the two deeds of 1137–1138 and 1161 which rehearse the genealogy of the family, the son, grandson and great-grandson of the founder are all given the same three titles, *al-šayḫ al-faqīh al-qāḍī*, while their ancestor Raǧāʾ is not. From this we tentatively conclude that Raǧāʾ, although he may or may not have been a *qāḍī*, was never appointed by the Norman ruler as the *qāḍī* for Sicily, *al-qādī bi-Ṣiqillīya*, as were his descendants.

The next appearance of a *qāḍī* is seven years later, in January 1123, as a member of Count Roger II's court in Palermo.[50] He is described simply as ὁ ἀλκάδϊος Πανόρμου, "the *al-qāḍī* (sic) of Palermo", and is not named, but in the list of the members of the court he appears immediately before ὁ καΐτης Βοδδάου, who may readily be identified as the *qāʾid* Abū al-Ḍawʾ Sirāǧ ibn Aḥmad ibn Raǧāʾ, another member of the Banū Raǧāʾ (see Table 1). Abū al-Ḍawʾ

[46] AdSPa Magione 110, r. ll .11–30: see above, note 16.
[47] Johns and Jamil 2022 "Arabic Deeds of Sale", forthcoming.
[48] On this Kalbid deed, see Mouton, Sourdel and Sourdel-Thomine 2018 *Propriétés rurales et urbaines*: no. 7, pp. 125–130, 480 pl. VIII; and Nadia Jamil and Jeremy Johns 2022 "Four Sicilian documents".
[49] See below note 104.
[50] AdSPa Cefalù 1 (Cusa 1869 *Diplomi*, no. 1, pp. 471–2, 703–4, soon to be superseded by Rognoni, Vuturo and Johns 2023 "Muriel's Mill", forthcoming. See also Caspar 1904 *Roger II*: 498 [ed. 1999: 459–60], reg. no. 52; Spata 1862 *Pergamene greche*: 409–12; Ménager 1960 *Amiratus*: 190–191, Appendix II, no. 15; Johns 2002 *Arabic Administration*: 64 note 6, 73–744, 88, 89, 295; Nef 2011 *Conquérir et gouverner*: 323 note 90, 467 no. 7, 509 note 137, 540 no. 4, 638. Note that Muriel was Roger I's daughter (not his cousin), and Gosbert's wife, not his daughter, *pace* Johns 2002 *Arabic Administration*: 73, an error that originates with Garufi 1913 "Contea di Paternò", which also misled Cottone 1995 "I de Lucy"; Masi 2017 *Ciminna*: 38–48 corrects this error but generates several new errors in the ten pages that he devotes to this document.

was serving as *kātib al-inšāʾ* or "chancery secretary" to Count Roger II in 1126, when the emir Christodoulos was toppled from power. Roger offered to appoint him in Christodoulos' place, but Abū al-Ḍawʾ wisely refused the promotion, leaving the way clear for George of Antioch. Abū al-Ḍawʾ is better known as the poet of Arabic verses in praise of Roger II and his family. His presence next to the *qāḍī* of Palermo in the Greek document of January 1123, leaves little doubt that the latter was his paternal uncle, *al-šayḫ al-faqīh al-qāḍī* ʿAbd al-Raḥmān ibn Raǧāʾ.[51]

The case heard before Count Roger in 1123 offers a rare glimpse into the operation of justice between Norman rulers and Muslim subjects in the second generation after the conquest. Abū Muḍar ibn al-Bitṯirānī and his cousins, a family of Muslims from Petterana,[52] accused Muriel, the daughter of Roger I and, probably, Eremburge de Mortain, and thus the half-sister of Roger II,[53] of having usurped their mill on the Fiume Sulla between Librici and Ciminna, which had once belonged to their ancestors. Roger summoned Muriel, who sent in her place three of her ἄνθρωποι, *anthrōpoi*, "men", who presumably owed her some kind of service because they were registered on her lands, one Greek Christian (Ioannis the priest), and two Muslims (*al-qāʾid* ʿAlī, whose title suggests that he may have been a community headman, and ʿAbd al-Karīm). They testified that the mill had been built by Muriel's late husband, Gosbert de Lucy,[54] who had been its owner before Roger had granted him the fief of Ciminna. They also submitted to the court an Arabic deed of sale, χάρτην ἀγορᾶς ἐπέδειξαν ἡμῖν σαρακϊνηστὶ γεγραμμένον, which recorded the purchase of the mill and its appurtenances by Abū al-Ḏikr ibn Sawdān and his cousin, also ἄνθρωποι of Muriel, from a certain Ἔπεν Νάσαχ Πανόρμ(ου), Arabic Ibn Nāṣiḥ(?) of Palermo,[55] "and, as required, the *al-qāḍī* of Palermo, read the document in my [viz. Roger's] court", ὅθεν δεῖ καὶ ὁ ἀλκάδϊος Πανόρμου ἐν τῇ ἡμετέρα κόρτη ἀναγνοὺς τὸν χάρτην. The court had also sought the testimony of the elders of Ciminna, who testified that Abū Muḍar and his family had no right to the mill, and had usurped it unjustly. Nicholas of Reggio was nominally the judge, κρϊτής, of the case,[56] but it was heard in the presence of Roger himself, and *Kyr* Christodulos, *protonobilissimos* and *amiras*, Roger's first minister,[57] appears before Nicholas in the list of members. Also present were: Ἰωάννης Ζήκρης, Ioannēs Zēkrēs, who is not otherwise attested and whose Arabic family-name suggests that he may have

[51] Maqrīzī 1991 *Muqaffà*: 3.18–20. See also: De Simone 1999 "Mezzogiorno normanno-svevo": 276–285; Johns 2002 *Arabic Administration*: 80–88 (Adalgisa De Simone has kindly pointed out to us, and we fully agree with her, that on p. 82, the age at which George died should almost certainly be corrected from "ninety" to "seventy") and 326–328.

[52] The remains of the Castello di Petterana are to be found on Pizzo Pipitone, approximately 1km southwest of the *frazione* di Sambuchi (*comune di* Caccamo): Lauro 2009 *Sambuchi*: 171–175, 207–215.

[53] Ménager 1975 "Inventaire": 323–325.

[54] Ménager1975 "Inventaire": 322–326

[55] This name is not common in the Sicilian documents, suggesting that he may be connected with the Χάσενη υἱοῦ Νάσαχ Ḥasan ibn Nāṣiḥ(?), from whom George of Antioch acquired a *funduq* in the *kastron* of Palermo: Cap. Pal. 8, r. l. 11 (Cusa 1868 *Diplomi*: no. 70, pp. 68–70, 713–714).

[56] Nicholas of Reggio may be identified with the κῦρ Νϊκολάος Ῥήγϊ, Lord Nicholas of Reggio, whose daughter, Flandina, was the goddaughter of Roger II's sister, Maximilla, but this is not confirmed by any independent source: see Falkenhausen 2001 "Maximilla": 371, 375–376.

[57] For Christodoulos, who was responsible for Roger's official signature at the foot of this document (Falkenhausen 2018 "Testo e contesto": 1282–1286, and plates I-III), see: Ménager 1960: 28–44; Falkenhausen 1985 "Cristodulo"; Johns 2002 *Arabic Administration*: 66–67, 69–74, 81, 83–86. Regrettably, the most recent study of Christodoulos (Carbonaro 2021 *The Norman Admiralty*: 28–41) is unreliable.

been an Arabic-speaking Greek Christian;[58] Χαμμέττα, *Chammetta*, an Arabic name derived from the triliteral root *ḥ-m-d*, such as Ḥammād, or possibly Ḥamad, Ḥamīd or Ḥamāda;[59] the *qāḍī* of Palermo, presumably ʿAbd al-Raḥmān ibn Raǧāʾ, and his nephew *al- qāʾid* Abū al-Ḍawʾ; "and many others".

It was rare, we dare say, for a dispute over the ownership of private property to be tried in front of Roger II, and for the official record of its resolution to bear his signature and lead seal. Surely, this came about because the defendant was Roger's half-sister, either as a special favour to her or, perhaps, in order to demonstrate publicly that Muslim subjects would obtain justice even against Roger's sibling, or both. It is striking that no Latin, except Roger himself, appears in the official list of the members of the court; all were Greek or Muslim. The presiding judge was Nicholas of Reggio, a Greek judge active in Palermo, but the presence of Count Roger and Christodoulos would not have encouraged his judicial independence. What is more, another of Roger's sisters, Maximilla, in 1131 seems to have become godmother to Nicholas's daughter, Flandina.[60] Chammettas, another member of the court, appears to have been an Arabic-speaking Greek Christian who belonged to the circle of Peter *Markēsēs*, possibly a member of Countess Adelaide's family, and Theodore of Antioch, who founded the suburban Greek monastery of San Nicola di Chùrchuro.[61] The *qāḍī* ʿAbd al-Raḥmān ibn Raǧāʾ had himself been appointed by Roger, and was accompanied by his own nephew, Abū al-Ḍawʾ, Count Roger's *kātib al-inšāʾ* and one of his most senior and most trusted Arab administrators.[62] The *qāḍī*'s presence may have been required to read and authenticate the Arabic deed of sale presented as evidence by Muriel's men, but it is difficult to believe that he could have been an impartial member of the court.

The interpretation of this case, and thus of the *qāḍī*'s role in it, will vary according to the extent of the reader's cynicism. On one hand, the case might be interpreted as a remarkable demonstration of Roger's determination to do justice by his Muslim subjects, even against his own sister. On the other, it might show how Roger was complicit in marshalling the support of his chief minister, a Greek judge and the Muslim *qāḍī*, in order to assist his half-sister to steal a mill from her Muslim neighbours. Two considerations incline us towards the latter: first, we find it difficult to believe that a rural family of Muslims, having first dared to usurp a mill from Count Roger's sister, would then have accused her in her brother's court of having seized it

[58] The Christian Arabic name *Z.k.rī* (*Zikrī*?) is attested, for example in October 1198 in a Greek settlement of a dispute over inheritance amongst the heirs of the late notary Symeon son of lord ʿAbd al-ʿAzīz son of Zēkrēs (τοῦ ἀποιχομένου νοταρίου Συμεῶν υἱοῦ κῦρ Ἀβδελαζηζ τοῦ Ζηκρη), including his nephew George, who signs his Arabic superscription *hāḏā ṣalībī anā Ǧurǧ ibn Quṣanṭīn ibn ʿAbd al-ʿAzīz ibn Z.krī*, "This is my cross, I, George son of Constantine son ʿAbd al-ʿAzīz, "Servant of the Mighty [God]", son of Z.krī): Liciniana Grotta A22, r. ll. 2 and 8; see Falkenhausen 2014 "Termini Imerese": 238, no. 6. The document is unpublished and we are extremely grateful to our colleague and friend Vera von Falkenhausen who, with Horst Enzensberger and Giuseppe Mandalà, is preparing the definitive edition of the acts of Santa Maria della Grotta, for making her transcription of this document available to the DocuMult Project, and for discussing it at length with us.

[59] Vera von Falkenhausen suggests that he may be identical with the Christian Arab Χαμμέττας, *Chammettas*, who appears as one of the witnesses to ASDPa 11, a deed of sale dated October, Indiction V [1126 or 1141 A.D.] in which Peter *Markēsēs* — perhaps "il Marchese" and thus a member of the Countess Adelaide's family — sells four households of Muslim villeins to Theodore of Antioch, for his foundation of San Nicola di Chùrchuro: Falkenhausen 2008 "Storico Diocesano di Palermo": 433–434, no. IV and fig. 5.

[60] See note 56 above.

[61] See note 59 above.

[62] See note 51 above.

from them; and, second, it is scarcely surprising that the court should have found in favour of Muriel.

The *qāḍī* ʿAbd al-Raḥmān ibn Raǧāʾ next appears in the Arabic deed of sale of 29 Ḏū al-Qaʿda 531 A.H. / 18 August 1137 A.D. and Ramaḍān 532 A.H. / 13 May – 10 June 1138 A.D. Ġartīl al-Naṣrānī ibn Ġartīl, "Walter the Christian, son of Walter", acting on behalf of Henry, archbishop-elect of Messina, buys a house in Zuqāq Ibn Ḫalfūn in *al-qaṣr al-qadīm*, "the Old City", of Palermo for 412 *tarì*. The vendors are ʿAlī ibn Abī al-Qāsim ibn ʿAbd Allāh al-ʿAṭṭār ('the Druggist/ Perfumer'), known as Ibn al-Bārūqī, and his mother, Sayyida bint Yūsuf al-Qaysī, who represents her children ʿAbd Allāh al-Murāhiq ('the Adolescent') and Bulbula al-Bikr ('the Virgin'). All three children inherited the house from their late father, Abū al-Qāsim ibn ʿAbd Allāh, who had it from his uncle, ʿAbd al-Raḥīm al-ʿAṭṭār ibn al-Bārūqī. According to the Islamic law of inheritance, based on *Sūrat al-Nisāʾ*, "the Chapter of the Women" (Q. 4.11), each of the two sons, ʿAlī and ʿAbd Allāh, should receive twice the share of the daughter, Bulbula. Thus, the initial division was into five shares, each of $82^{2}/_{5}$ *tarì*, two for each son and one for the daughter. However, the elder brother ʿAlī offered to contribute from his own quota one-third of the price of the whole house ($137^{1}/_{3}$ *tarì*) to be used by his sister as her dowry when she married. Thus, for ease of calculation, the sale-price was divided into fifteen equal shares of "twenty-seven and two-fifths and one third of a fifth quarter[-dinar]s" (or $27\ ^{7}/_{15}$ *tarì*), as follows: to ʿAlī, two-fifths of the sale price (164.8) minus one-third (137.33) = 27.47 *tarì* (or $^{1}/_{15}$ of the price); to ʿAbd Allāh, two-fifths = 164.8 *tarì* (or $^{6}/_{15}$); and to Bulbula, one-third (137.33) plus one-fifth (82.4) = 219.68 *tarì* (or $^{8}/_{15}$).[63] In fact, this is a relatively simple case of the division of inheritance, and even the most mundane cases might require far more complex calculations. Small wonder that almost half of the *Kitāb al-Muḫtaṣar fī ḥisāb al-ǧabr wa-ʾl-muqābala*, "the Compendious Book on Calculation by Completion and Balancing", the work better known simply as *al-Ǧabr* or *Algebra* by the great ninth-century Persian mathematician al-Ḫawārizmī, often called the "father of algebra", is devoted to the computation of problems of inheritance.[64] What is important here is that the *qāḍī*, and his staff, needed to know both the law, and how to compute, in order to solve the practical problem posed by the division of shares.

Mālikī law generally stipulated that the *qāḍī* should appoint the executor in cases of inheritance where the heirs were minors who had lost their father. Thus, ʿAbd al-Raḥmān authorised the widow Sayyida to act on behalf of her minor children, ʿAbd Allāh and Bulbula.[65] However, the representative protecting the interests of minors was only permitted to alienate their property if certain conditions had been met. Therefore, the *qāḍī* went to some pains to ensure that compliance with these conditions was made explicit in the deed of sale. The sale was made *li-ʾl-nafaqati ʿalay-himā fīmā lā budda la-humā min-hu wa-lā ġanā[ʾa] la-humā ʿan-hu*, "in order to pay for what they [viz. the minors] need and cannot do without".[66] Again,

[63] 412 ÷ 3 = 137.33. 412 ÷ 5 = 82.4. 412 ÷ 15 = 27.46.

[64] Ḫawārizmī 1968 *Kitāb al-ǧabr*; Ḫawārizmī 2013 *Algebra*: the chapter "On Legacies" is to be found at pp. 86–133. Gandz 1938 "Algebra of Inheritance".

[65] Ṭulayṭulī 1994 *Muqniʿ*: 300-301, s.v. *waṯīqat taqdīm qāḍin ʿalà yatīm*, "instrument for a *qāḍī*'s appointment of a legal executor on behalf of an orphan".

[66] For similar formulations on the imperative to provide for the orphans' needs in such cases, see the models in Ṭulayṭulī 1994 *Muqniʿ*: 141–143, s.v. *waṯīqatun fīmā bāʿa ʾl-raǧulu ʿalà ʾbni-hi ʾl-ṣaġīr*, "instrument for what a

because the law disapproved of the sale on behalf of a minor of a house or other structure without very good reason, the deed specifies that the sale of the house inherited from their father was necessary "because ... its walls had fallen into disrepair, and there was fear that part of it would collapse", *wa-iḏ kāna ... qad tawāhat ǧudrānu-hā wa-ẖušiya ʿalà baʿḍi-hā ʾl-suqūṭ*. This closely echoes a model formula advocated by the Andalusian Mālikī *faqīh* al-Ṭulayṭulī (d. 459 A.H. / 1067 A.D.) as an acceptable reason in such cases: *iḏ kāna wāhiyan wa-ẖušiya suqūṭu-hu awi ʾl-tanazzulu ʿalay-hi*, "since it was in a state of disrepair, and there was fear it would collapse or fall in on him".[67] Yet again, it was expected that a sale of property on behalf of minors would be publicly advertised — in effect, that the property would be auctioned — in order to obtain the best offer. Thus, the deed covers this expectation by making it clear that "after the sale was advertised — as set forth below — and everything necessary in that regard made known, the best tender for that — the price specified — was an offer that was not met by anyone except the said agent, Walter",[68] a claim that, in this particular case, was demonstrably false: in February 1138, just five months after he had acquired the property, and three months *before* the deed of sale was completed and validated by the *qāḍī*, archbishop-elect Henry resold the house for the significantly higher price of 500 *tarì*.[69] What we seem to see here is the *qāḍī* ʿAbd al-Raḥmān drawing upon his knowledge of Mālikī contract law, *šurūṭ*, in order to concoct what were in effect a series of legal fictions in order that the property might be sold and, no less important, be seen to have been sold, according to impeccable *šarīʿa* law. While it is far from clear that, in doing so, he acted against the interests of the Muslim vendors, who may well have had urgent reason to sell their property at the best price then offered, this transaction was very much in the interests of the property-speculating archbishop-elect of Messina.

This is the last known appearance of the *qāḍī* ʿAbd al-Raḥmān ibn Raǧāʾ. Were he to have been the *qāḍī* responsible for the deed of sale of June–July 1116, as seems to be almost certain, he would had held the office for more than twenty years when he last appears in the late spring of 1138. Mālikī scholars of the Ifriqīyan school expected a *qāḍī* to have first been a *faqīḥ*, that is, to have undergone a lengthy education in the law before his appointment.[70]

man sells on behalf of his young child", and 144–145, s.v. *waṯīqatun fīmā bāʿa ʾl-waṣīyu (ʿalà yatīmi-hi)*, "instrument regarding what the guardian sells (on behalf of his orphan ward)".

[67] Ṭulayṭulī 1994 *Muqniʿ*: 142, lines 1-2.

[68] *baʿda an yu[ʾ]ḏana ʿalà mā sa-yuḏkaru bayʿu-hu wa-ušhira min-hu mā yağibu fa-kāna awfara ʾl-ʿaṭā[ʾi] fī-hi ʾl-ṯamanu ʾl-maḏkūru taʿdīlun lam yabluġ-hu siwà ġartīla*. See Ṭulayṭulī 1994 *Muqniʿ*: 142; 144-45: *fa-kāna aqṣà mā balaġaʿalà fulāni ʾbni fulānin bi-ʾl-ṯamani ʾl-maḏkūri wa-lam yulfì ʿalay-hi fī-hi zāʾidan*, "the maximum offer fell to so-and-so to pay in the price stated, [the vendor] having found none offering higher than that for it". This formula is close to the language of the deed itself, notably in the use of an elative structure (although *aqṣà* rather than *awfar*) to introduce the confirmation that the price accepted was the highest competitive offer. See also the similar formula in Ibn al-ʿAṭṭār 1983 *al-Waṯāʾiq*: 26, ll. 1-4, upon whose work al-Ṭulayṭulī drew.

[69] Cap. Pal. 5 (Cusa 1868 *Diplomi*: no. 56, pp. 59–60, 710).

[70] Ṣaḥnūn 1994 *Mudawwana*: 4.17 (from the *Kitāb al-qaḍāʾ*): *qultu: hal kāna mālikun yakrahu an yaliya ʾl-qaḍāʾa man laysa bi-faqīhin qāla: ḏālika kāna raʾya-hu li-anna-hu ḏakara la-nā mālikun mā qāla ʿumaru ʾbnu ʿabdi ʾl-ʿazīzi fa-kāna yuʿğibu-hu fī-mā raʾaytu min-hu qāla: qāla ʿumaru ʾbnu ʿabdi ʾl-ʿazīzi: lā yanbaġī li-ʾl-raǧuli an yaliya ʾl-qaḍāʾa ḥattà yakūna ʿārifan bi-āṯāri man maḍà mustašīran li-ḏawī ʾl-raʾyi* (mis-printed *al-raʾsi*); "I asked: Was Mālik loathe for anyone who was not a *faqīh* to have the authority of a Judge? He replied: That was his view, for Mālik told us what ʿUmar ibn ʿAbd al-ʿAzīz had said — which impressed him as far as I gathered — saying, ʿUmar ibn ʿAbd al-ʿAzīz said: No man should act as Judge till he is knowledgeable of the Traditions of those who have gone before, taking counsel from authorities of sound opinion." See also Ibn Yūnus al-Ṣiqillī 2013 *Ǧāmiʿ* 15.709 (from the *Kitāb Ādāb al-quḍāt; faṣl fī ṣifāt al-qāḍī*): *wa-kataba ʿumaru ʾbnu ʿabdi ʾl-ʿazīzi: lā yaṣluḥu fī ʾl-ḥukmi illā ʾl-raǧulu l-ǧāmiʿu ʾl-fahmi ʾl-ʿālimu bi-amri ʾllāhi ʾl-qawīyu ʿalà amri ʾl-nāsi ʾl-mustaḥiffu bi-suḥṭi-him wa-malāmati-him wa-man rāqaba ʾllāha taʿālà wa-kānat ʿuqūbatu ʾllāhi aḫwafa fī nafsi-hi*

Indeed, if we are to take seriously ʿAbd al-Raḥmān's titles, he was precisely *šayḫ*, *faqīh* and *qāḍī*, "elder, jurist and judge". It follows that he was probably born within a decade or so of the Norman conquest of Palermo and, in May–June 1138, was approaching the end of his natural life.

If so, where is ʿAbd al-Raḥmān likely to have received his legal training? There is no hard evidence, but, as we shall see below, Mālikī scholars tended to insist upon the principle that no Muslim should live under Christian rule unless forced to do so, and should rather comply with the duty to migrate to an Islamic land. We therefore believe it to be most unlikely that a *faqīh* who had been born and educated in Ifrīqiya or elsewhere in the Maġrib would have migrated to Norman Sicily, and there have been appointed *qāḍī*. It is more likely, perhaps, that a Muslim born to an élite Arab family in Norman Palermo, whose assets were permanently established in Sicily, might have left the island temporarily to be educated in al-Mahdīya or elsewhere in the Maġrib before returning to his family home. This certainly could have been the early career of ʿAbd al-Raḥmān. Alternatively, Islamic Palermo had a long and distinguished reputation as a centre for the study of *fiqh* and, although some of the *ʿulamāʾ* of Islamic Palermo left the island because of the Norman conquest, others clearly remained, or perhaps even returned.[71] There is no reason, in other words, why ʿAbd al-Raḥmān should not have received an adequate training in *fiqh* even in Norman Palermo.

About ʿAbd al-Raḥmān's son, *al-šayḫ al-faqīh al-qāḍī* Abū al-Ḥasan ʿAlī, we know almost nothing except his name, and that he must have been appointed *qāḍī* sometime after May–June 1138, and must have retired or died before September–October 1161, the year in which he makes his sole appearance as the father of his son and successor, *al-šayḫ al-faqīh al-qāḍī* Abū al-Faḍl Raǧāʾ.[72] It follows that ʿAlī was very probably the "*qāḍī* of Palermo" from whom George of Antioch, purchased the garden that he gave to his new foundation of St Mary's of the Admiral in May 1143.[73]

The *qāḍī* responsible for the Arabic deed of sale dated Šawwāl 556 / September–October 1161 was ʿAlī's son, *al-šayḫ al-faqīh al-qāḍī* Abū al-Faḍl Raǧāʾ. The purchaser was a certain Rāw, presumably from the French given-name Raoul, described as *al-qissīs bi-kanīsīyati ʾl-qaṣri ʾl-maʿmūri*, "the priest for the church of the royal palace", which we take to be the Cappella Palatina. He bought a house in the Old City of Palermo on the street leading from the Masǧid al-Šaybānī to the Bāb al-Sūdān,[74] for the price of 350 *tarì*, from the four heirs of the late ʿUmar al-Azdī: Abū Bakr and Aḥmad the Tanners, and their sisters, Manǧūma and

min amri ʾl-nāsi wahaba-hu ʾllāhu ʾl-salāmata wa-qāl: lā yustaqḍà man laysa bi-faqīhin ḥattà yakūna faqīhan ʿāliman bi-āṯāri man maḍà mustašīran li-ḏawī ʾl-raʾy. "Umar ibn ʿAbd al-ʿAzīz wrote: No man is fit to pass judgement unless he be of comprehensive understanding, knowing of God's command, strong in dealing with the people, disdainful of their indignation and censure; one mindful of the wrath of the sublime God whose punishment is more fearful to his soul than what people might bid, God grant him safety. And he said: No-one should be appointed Judge who is not *faqīh* until he becomes so — knowledgeable of the Traditions of those who have gone before, taking counsel from authorities of sound opinion."

[71] See, for example, the biographies of the *qāḍī*s and f*aqīh*s of Islamic Sicily in ʿIyād ibn Mūsà 1965 *Tartīb al-madārik*, conveniently collected and translated in De Luca 1989 "Giudici e giuristi".

[72] See above note 19.

[73] τὸν κῆπον ὃν ἠγόρασα παρὰ τοῦ κάδη Πανόρμου: Cap. Pal. 8, r. l. 12 (Cusa 1868 *Diplomi*: 69). See also below, p. 35 at note 118.

[74] The Bāb al-Sūdān lay on the south side of modern via dei Biscottari, at or near Palazzo Conte Federico. The property being sold (and the mosque of al-Šaybānī) lay in the Old City within the gate: De Simone 2009 "Palermo araba": 92–4 and note 60.

Umm al-Ḫayr al-Bikr ("the Virgin"), who are represented by Manǧūma's husband, ʿUmar ibn ʿAtīq al-Qaysī, known as Ibn al-Muhrīqa. On the authority of the *qāḍī*, the latter was appointed as representative for the minor Umm al-Ḫayr. The price was divided into six shares each of $58^{1}/_{3}$, two shares went to each of the brothers, and two to ʿUmar ibn ʿAtīq, one for each of the two sisters, so that Abū Bakr and Aḥmad each received $116\ ^{2}/_{3}$ *tarì*, as did ʿUmar ibn ʿAtīq, representing $58\ ^{1}/_{3}$ *tarì* for each of the two sisters. This transaction was not as complex as the deed of 1137–1138 discussed above, but the formulary of the deed demonstrates the same scrupulous attention to Malikī law.[75]

Uniquely in the Sicilian deeds of sale, immediately before the signatures of the witnesses, the *qāḍī* summarises his part in the proceedings in his own voice. We quote this in full, not only because it brings us as close as possible to hearing the *qāḍī*'s own words, but also because it contains circumstantial details that furnish clues towards a partial reconstruction of the process.

/25 ... "The judge, Abū al-Faḍl Raǧāʾ, son of the elder, the jurist, the judge Abū al-Ḥasan ʿAlī, son of the elder, the jurist, the judge Abū al-Qāsim ʿAbd al-Raḥmān

/26 ibn Raǧāʾ, who was, at that time, the *qāḍī* for Sicily, declared: 'My ruling has been carried out and my judgement executed in everything that was referred to me in this document regarding authorisation and appointment, as discussed and recorded; and, in my opinion, everything is proven that was mentioned concerning reliable representation and assent,

/27 proof of ownership, and provision of price, as discussed and recorded.

There came before me the elder, the jurist Abū al-Qāsim ʿAbd al-Raḥmān ibn Maymūn ibn Ǧabr al-Tanūḫī, and the elder, the jurist Abū al-Ḥasan ʿAlī ibn Muʾnis al-Tanūḫī; and they both attested, in my presence,

/28 to being acquainted fully, in person and by name, with the parties mentioned: Abū Bakr and Aḥmad, the sons of ʿUmar; ʿUmar ibn ʿAtīq, the authorised representative; and Rāw the Priest,

/25 ... qāla ʾl-qāḍī abū ʾl-faḍli raǧāʾu ʾbnu ʾl-šayḫi ʾl-faqīhi ʾl-qāḍī abī ʾl-ḥasani ʿalīyi ʾbni ʾl-šayḫi ʾl-faqīhi ʾl-qāḍī abī ʾl-qāsimi ʿabdiʾl-raḥmāni

/26 ʾbni raǧāʾin wa-huwa ḥīnaʾiḏini ʾl-qāḍī bi-ṣiqillīyata nuffiḍa ḥukm-ī wa-quḍiya qaḍāʾ-ī bi-ǧamīʿi mā nusiba ilayya fī hāḏā ʾl-kitābi min iḏnin wa-iqāmatin ḥasbamā ḏukira wa-marra wa-ṯabata ʿind-ī mā ḏukira min ṯabāti tawkīlin wa-qubūlin

/27 wa-ṣiḥḥati mulkin wa-tawfīri ṯamanin ḥasbamā ḏukira wa-marra

wa-ḥaḍara-nī ʾl-šayḫu ʾl-faqīhu abū ʾl-qāsimi ʿabdu ʾl-raḥmāni ʾbnu maymūni ʾbni ǧabrini ʾl-tanūḫīyu wa-ʾl-šayḫu ʾl-faqīhu abū ʾl-ḥasani ʿalīyu ʾbnu muʾnisini ʾl-tanūḫīyu fa-šahidā ʿind-ī

/28 bi-maʿrifati abī bakrin wa-aḥmada wal-aday ʿumara wa-bi-maʿrifati ʿumara ʾbni ʿatīqini ʾl-wakīli ʾl-muqāmi wa-bi-maʿrifati rāwa ʾl-qissīsi hāʾulāʾi ʾl-mutabāyiʿīna ʾl-maḏkūrīna maʿrifatan tāmmatan bi-aʿyāni-him wa-asmāʾi-him

[75] See the full discussion of this document in Jamil and Johns, "Arabic Deeds of Sale", forthcoming.

/[29] and that they had acknowledged before everyone, voluntarily, in a state of good health and legal competence, all that had been ascribed to them and all others named with them in this document, regarding sale and purchase, receipt [of money], authorisation, surrender of [property] sold, and acknowledgement, all as stated [herein];

/[29] *wa-anna-hum aqarrū ʿinda-hum ṭāʾiʿīna fī ṣiḥḥatin min-hum wa-ǧawāzi amrin bi-ǧamīʿi mā nusiba ilay-him wa-li-man ǧarà ḏikru-hu maʿa-hum fī hāḏā ʹl-kitābi min bayʿin wa-širan wa-qabḍin wa-iḏnin wa-taslīmi mabīʿin wa-iqrārin ḥasbamā ḏukira*

/[30] and the testimonies of the two of them to that effect were in my opinion proven, and valid in my estimation, given the rectitude of both in my view, and the legal admissibility of their witness. Therefore, I ruled that [their testimony] was valid and proven.

/[30] *wa-ṯabatat šahādatu-humā ʿind-ī bi-ḏālika wa-ṣaḥḥat ladayya li-ʿadālati-himā ʿind-ī wa-ǧawāzi qubūli šahādati-himā wa-ḥakamtu bi-ṣiḥḥati-hā wa-ṯabāti-hā*

The aforementioned parties attended before me, my own knowledge of them [thereby] being assured,

wa-ḥaḍara-nī ʹl-mutabāyiʿūna ʹl-maḏkūrūna wa-maʿrifat-ī bi-him ṯābitatun

/[31] and they acknowledged, in my presence, voluntarily, in a state of good health and legal competence, all that has been ascribed to them in this document, as stated, and they accepted the testimony of the two aforesaid witnesses, and acknowledged its validity and reliability.

/[31] *fa-aqarrū ʿind-ī ṭāʾiʿīna fī ṣiḥḥatin min-hum wa-ǧawāzi amrin bi-ǧamīʿi mā nusiba ilay-him fī hāḏā ʹl-kitābi ḥasbamā ḏukira wa-ṣaddaqū šahādata ʹl-šahīdayni ʹl-maḏkūrayni wa-ʹʿtarafū bi-ṣiḥḥati-hā wa-ṯabāti-hā*

/[32] They desired me to make their acknowledgements binding upon them, and to rule on their case on that basis. I therefore enjoined each one to make their acknowledgements in my presence, and ruled accordingly.

/[32] *wa-raġibū ilayya fī ilzāmi-him iqrāra-hum waʹl-ḥukmi bi-hi ʿalay-him fa-alzamtu kulla wāḥidin min-humuʹ ʿtirāfa-hu ḏālika ʿind-ī wa-ḥakamtu bi-hi ʿalay-hi*

I advised Manǧūma, the aforementioned mandator, concerning those whom I trust

wa-aʿḏartu ilà manǧūmata ʹl-muwakkilati ʹl-maḏkūrati bi-man aṯiqu bi-hi

/[33] and rely upon; and her acknowledgement of all that is ascribed to her in this document, her acceptance of the testimony of the two said witnesses, and her wish that her case be ruled on that basis were all legally valid in my eyes

/[33] *wa-uʿawwilu ʿalay-hi fa-ṯabata ʿind-ī iqrāru-hā bi-ǧamīʿi mā nusiba ilay-hā fī hāḏā ʹl-kitābi wa-taṣdīqu-hā li-šahādati ʹl-šahīdayni ʹl-maḏkūrayni wa-raǧbatu-hā fī ʹl-ḥukmi bi-ḏālika ʿalay-hā*

/[34] Therefore, I made her acknowledgement of that binding in my presence, and ruled on her case accordingly, as I ruled on

the validity of the testimony of the two aforesaid witnesses and its reliability.

I judged the aforementioned sale to be valid and complete, and that

/[35] the aforesaid house, the object of sale, had passed into the ownership of Rāw, aforementioned priest and purchaser, as detailed. I executed my ruling to that effect, and brought [the transaction] to completion, there being no constraint on me to reject it; and I called for witness in regard of all that has been referred to me in this document

/[36] on my witnessed statement in my chamber of judgement and place of ruling, after reading it out and marking it with my *ʿalāma*, in confirmation of it, and as evidence of its validity, that being on the date of Šawwāl of the year five-hundred and fifty-six.'"

/[34] *fa-alzamtu-hā ʼʿtirāfa-hā ḏālika ʿind-ī wa-ḥakamtu bi-hi ʿalay-hā wa-ḥakamtu bi-ṣiḥḥati šahādati ʼl-šahīdayni ʼl-maḏkūrayni wa-ṯabāti-hā*

wa-qaḍaytu bi-ṣiḥḥati ʼl-bayʿi ʼl-maḏkūri wa-tamāmi-hi wa-bi-maṣīri

/[35] *ʼl-dāri ʼl-mabīʿati ʼl-maḏkūrati ilà mulki rāwa ʼl-qissīsi ʼl-muštarī ʼl-maḏkūri ḥasbamā ḏukira wa-naffaḏtu ḥukm-ī bi-ḏālika wa-atmamtu-hu wa-lam yaḥṣir-nī mā yadfaʿu-hu wa-ašhadtu bi-ǧamīʿi mā nusiba ilayya fī hāḏā ʼl-kitābi*

/[36] *ʿalà išhād-ī fī maǧlisi qaḍāʾ-ī wa-mawḍiʿi aḥkām-ī baʿda an qaraʾtu-hu wa-ʿallamtu-hu bi-ʿalāmat-ī taʾkīdan la-hu wa-dalīlan ʿal[à] ṣiḥḥati-hi wa-ḏālika bi-taʾrīḫi šawwālin min sanati sittin wa-ḫamsīna wa-ḫamsimi[ʾa]tin.*

The process described above may be partially reconstructed as follows. The parties to the sale, the purchaser, and the vendors with their representative, had apparently approached the two jurists, Abū al-Qāsim ʿAbd al-Raḥmān ibn Maymūn ibn Ǧabr al-Tanūḫī and Abū al-Ḥasan ʿAlī ibn Muʾnis al-Tanūḫī. Whether or not they did so on the recommendation of the *qāḍī* is unclear but, in any case, the two jurists acted as law-agents for the parties in the *qāḍī*'s court. At some point early in the process, the two jurists must have informed, or confirmed to, the parties that the transaction would require approval by the *qāḍī*, presumably because the younger sister, Umm al-Ḫayr "the Virgin", being a minor, would legally require a representative authorised by the *qāḍī*. It seems that the preliminary stages in the process, right up to the formal validation of the transaction, were carried out by the two jurists, who only then brought the case before the *qāḍī*. Once he had heard their testimony, and judged it to be legally valid, he summoned the parties themselves to appear before him, heard their testimony, and judged that it too was legally valid. As part of this scrutiny, the *qāḍī* interviewed Manǧūma, who was also an adult and so legally competent in her own right, in order to ascertain that she accepted the testimony of the two jurists as to the manner in which she had been represented by her husband, ʿUmar ibn ʿAtīq. The younger sister, Umm al-Ḫayr, being a minor, was legally incompetent and therefore could not herself provide valid testimony as to her representation by her brother-in-law, who had been appointed on the *qāḍī*'s own authority; for that, the *qāḍī* had to rely upon the testimony of the two jurists, and upon his own prior assessment of ʿUmar ibn

ʿAtīq's legal rectitude. Finally, when the transaction had been completed and both parties had given quittance, all this was recorded in the proper manner in the deed of sale, which may well have been drawn up by, or on behalf of, the two jurists. Whereupon, the two law-agents representing the parties, and the eight accredited witnesses, were summoned before the *qāḍī*, in what he calls *mağlis qaḍāʾ-ī wa-mawḍiʿ aḥkām-ī*, "my chamber of judgement and place of ruling" (l. 36). The deed was read out to the gathering, signed by the jurists and the witnesses, and validated by the *qāḍī* with his *ʿalāma*. The document does not specify whether those stages of the transaction in which the *qāḍī* was involved, from the moment that the two jurists first appeared before him to the signing of the deed of sale, took place upon a single occasion or over several days, but the text does seem to imply a series of appearances before the *qāḍī*, and the vague manner in which the document is dated to the month, rather than to a day or decade, suggests that the process was drawn out over days or even weeks.

The last deed of sale validated by a Banū Rağāʾ *qāḍī* to survive is dated 11–20 Ǧumadà al-ṯānī, 576 A.H. / 3–12 October 1180 A.D.[76] The *qāḍī* is not named in the document: one of the authors is unsure of his identity, while the other believes that he is most likely to be the Rağāʿ ibn ʿAlī who is first attested almost twenty years earlier in the Arabic deed of sale from September–October 1161. The latter also believes that he was almost certainly the same individual who was responsible for the unique hybrid Arabic contract of August 1177–1180 that is discussed in the section that next follows. As in that document, the *qāḍī* who ratified the October 1180 deed of sale is not mentioned by name in the text, but his personal testimony that the relevant parties attended in person, his statement of validity and his *ʿalāma* all appear at the head of the document. Both authors believe that, so far as it is possible to judge, the same hand wrote the *ʿalāma*s and accompanying notes at the top of the two documents dated August 1177–1180 and October 1180.

In the deed of sale of October 1180, the purchaser is "the elder, master Basil", *al-šayḫ al-muʿallim Bāsīlī*, acting as agent for the cathedral church of St Mary's, *al-ǧāmiʿ al-muqaddas Ṣant Māriya*, and "the glorious lord high minister, the holy archbishop Walter [II], pastor of the protected city [of Palermo]".[77] Basil purchases on behalf of St Mary's and archbishop Walter a *faddān* of Persian cane, *al-qaṣab al-fārisī* (*Arundo donax*), and the spring of ʿAyn al-Ibrārī that runs through it, for the price of 300 *tarì*. The property, which lay to the south of Palermo near to *al-Fawwāra al-Kabīra*, "the Great Spring" or "Lake", near the royal palace of La Favara or Maredolce, belonged to two vendors: "the elder", *al-šayḫ* Abū al-ʿAbbās Aḥmad ibn ʿAbd al-Nūr al-Tamīmī, and *al-šayḫ al-muqriʾ al-ḥāǧǧ*, "the elder, the Qurʾān-reciter, the pilgrim" Abū al-Faḍl ibn Aḥmad al-Ǧuḏāmī(?). Abū al-ʿAbbās owned one third of the property, and Abū al-Faḍl two thirds, so that the *qāḍī* was required to oversee the transaction in order to ensure the legally valid distribution of the proceeds between the two vendors.

This deed is regular and wholly unexceptional, except only for the statement — uniquely full and emphatic in the extant Arabic deeds of Norman Sicily — that the sale was guaranteed "in accordance with canonical law and the legal provision for Islamic transactions and those cases administered by religious law", *ʿalà mā yafriḍu-hu ʾl-ʿilmu wa-yaqḍī bi-hi ʾl-*

[76] See note 22 above.

[77] l. 5: *al-mawlà ʾl-aǧāll al-wazīr al-afḍal al-arš.f.sk* (from Greek αρχιεπίσκοπος, Latin *archiepiscopus*, or, conceivably, Middle French *arcevesque*) *al-qiddīs Ġaltīr n.mīyū* (from ancient Greek νομεύς, "pastor, shepherd") *al-madīna al-maṣūna.*

ḥukmu fī ʼl-biyāʿāti ʼl-islāmīyati wa-ʼl-qaḍāyā ʼl-šarʿīyati. This clause is addressed directly to the two vendors and seems to be designed to offer special reassurance that the sale was validated with the full protection of Islamic law.

The Banū Raǧāʾ and Norman rule

An extraordinary hybrid document, combining elements derived from both Islamic and Latin legal traditions, and validated by a Banū Raǧāʾ *qāḍī*, was issued shortly before the deed of sale of October 1180, in the month of August in an unknown year between 1177 and 1180 (Fig. 3).[78] Again, the *qāḍī* is not mentioned by name and his presence is attested only by the dynastic *ʿalāma* that appears at the head of the document (Fig. 7). That *ʿalāma* and the accompanying note were almost certainly written by the same hand that validated the deed of sale of October 1180 (Figs. 4 & 8) and arguably, but somewhat less certainly, the deed of sale of September–October 1161 (Figs. 2 and 6) — namely that of *al-šayḫ al-faqīh al-qāḍī* Abū ʼl-Faḍl Raǧāʾ. This document is of a very different type from the deeds of sale in which the Banū Raǧāʾ *qāḍī*s otherwise appear. It is a contract between a household of three Muslim brothers, the sons of Mūsà Šubʿāt (?) and their Latin lord, Donatus, abbot of the Benedictine abbey of St John of the Hermits in Palermo. The brothers acknowledged that they and their ancestors were *ahl al-ǧarāʾid*, literally "people of the registers", on the lands held by St John's at Manzil Yūsuf, modern Mezzoiuso, which lies some 45 kilometres southeast of Palermo. This document is not the original but rather a copy of it: the scribe copied the signatures of the original witnesses in his own hand and left the name of one witness unfinished. This must be the copy made for Abbot Donatus of St John's because it ended up in a church archive.[79] There can be no doubt that this copy is official, and contemporary with the original, because it bears the autograph *ʿalāma* of the Banū Raǧāʾ *qāḍī*, which is here prefaced by a note in the same hand recording his personal testimony that "Ibrāhīm and Ǧabrūn were present, and they both acknowledged what was imputed to them".[80]

The background to the case seems to be that all three brothers had breached the terms of their tenure, apparently by dwelling elsewhere than upon the lands that they held of the abbey at Manzil Yūsuf. The abbot therefore seized their possessions and summoned the three brothers to appear before him at St John's. Two of them obeyed, but the third, ʿAbd al-Raḥmān,

[78] See note 21 above.

[79] How the copy came to be in the Tabulario della Commenda della Magione in the Archivio di Stato di Palermo remains a mystery. St John's still held the fief of Mezzojuso in the mid-15th century when the immigrant Albanian colony was first established there (Buccola 1912), and I can find no evidence that the Magione ever held land at Mezzojuso.

[80] *ḥaḍara Ibrāhīm wa-Ǧabrūn wa-aqarrā bi-mā nusiba / ilay-himā* (ll. 1-2). The question of the number of copies that were made of documents of various types issued by the *qāḍī*, and their respective destinations, requires systematic investigation. The evidence of the surviving original Arabic private documents from Norman Sicily is inconclusive, but suggests that the original was kept for the *qāḍī*'s archive and that the copy, sometimes bearing the autograph signatures of the witnesses themselves and sometimes not, went to the purchaser in the case of deeds of sale (Jamil and Johns, "Arabic deeds of sale", forthcoming). There is some reason to think that practice varied from case to case: the *qāḍī* of Qafṣa (Ifrīqiya), having decided the case of a husband who had gone missing overseas, had two copies of his ruling made: "I ordered two copies to be made of this document, one of the two for the archive of my judgements in readiness for when needed, and the other to hand to the representative of the widow as security for her", *amartu bi-katbi ḥāḏā ʼl-kitābi naẓīrayni aḥadu-humā bi-dīwāni aḥkām-ī ʿuddatan li-ʼl-ḥāǧati ilay-hi wa-ʼl-āḫaru bi-yadi ʼl-qāʾimi li-ʼl-zawǧati ṯiqatan la-hā*: a *fatwà* of al-Māzarī in Wanšarīsī 1981 *Miʿyār*: 3.328.

apparently failed to attend. The *qāḍī*, at least five witnesses (including four who appear to have been chosen from the *qāḍī*'s roll of "accredited witnesses"),[81] and a copy of the Qurʾān were all present. Ibrāhīm and Ğabrūn swore that "they would neither flout nor be disloyal to their lord, and that they would never part from obedience to the church", *lā yuhawwinū wa-lā yaḫūnū mawlā-hum wa-lā yaḫruğū ʿan ṭāʿat al-kanīsīya abadan* — a shocking oath for a family of Muslims to swear in the presence of the Qurʾān and have validated by a Muslim *qāḍī.* The abbot forgave and pardoned them, returned what he had taken from them (presumably the lands that they held of St John's at Manzil Yūsuf, and possibly other property as well), and imposed upon them "each year a *ğizya* of thirty quarter-dinars and a harvest-tax of twenty *salme* of wheat and ten of barley", *ğizya fī ʾl-ḥawl ṯalāṯīn rubāʿīy wa-qānūn ʿišrīn mudd qamḥ wa-ʿašara šaʿīr*.[82] The brothers then asked the abbot "if they might dwell wherever they wished, and if they might put this request to the [whole] church", *an yaskunū ḥayṯ yurīdū wa-yūṣilū hāḏā ʾl-ṭalab li-ʾl-kanīsīya* (ll. 11–12). The brothers called witnesses to attest that they were sound in mind and body at the time of their oath, and at least five witnesses signed the document, including their maternal uncle. At least two copies of the document were made, and validated by the *qāḍī*, including the original, which presumably was retained by the brothers, and this copy, which was clearly destined for the archives of St. John's.

It is difficult to exaggerate how remarkable this contract is. No other surviving Arabic document, neither from Norman Sicily nor from any other place and time, preserves a similar contract between Muslim peasants and a Latin lord. Nor has any similar contract survived between a Muslim lord and his Christian *ḏimmī*s, whether from Kalbid Sicily or any other Islamic land. However, the confident and polished formulary and style of this contract demonstrates that it cannot be a unique document produced *ad hoc* but, on the contrary, must be a fully evolved and tried-and-tested product of a long series of similar contracts, perhaps stretching back to the late eleventh or early twelfth century, that were made in Sicily between Latin lords and their Muslim *ahl* or *riğāl al-ğarāʾid*. If so, this exemplar is unique only because it has survived.[83] Here, we must focus upon the part played in it by the Banū Rağāʾ *qāḍī* but, in order to do so, we must first examine in a little greater detail the two principal obligations to which the contract bound the Muslim brothers.

First, the contract makes it clear that these Muslim *ahl al-ğarāʾid* were bound to the lands that they held from St. John's, which they were forbidden to leave without the express permission of the church, on pain of confiscation of their possessions. This stipulation should be understood in the light of the conditional clause that appears in most Norman *ğarāʾid* ("registers", sing. *ğarīda*) from 1095 onwards, to the effect that should any head of household listed in a *ğarīda* subsequently be found to have been already registered in another *ğarīda*, then he

[81] See note 103 below.

[82] *ğizya fī ʾl-ḥawl ṯalāṯīn rubāʿīy wa-qānūn ʿišrīn mudd qamḥ wa-ʿašara šaʿīr*. This appears to be a nicely calculated inversion of the Islamic tenurial regime that had previously been imposed upon at least some of the Christian subjects of Kalbid Sicily, which was based upon a *ğizya* paid annually in gold, plus a *ḫarāğ* payable in kind as a share of the harvest. See below, note 86.

[83] For a similar case, albeit with significantly different specifics, see the Greek contract obliging the heirs of a Greek Christian βελλάνος, "villein", to return into the service of St Mary's of Messina: Guillou 1963 *S. Maria di Messina*. no. 18, pp. 142–6. We are grateful to our friend and colleague Cristina Rognoni for drawing our attention to the relevance of this document in this particular context. For comparable, but again very different, feudal contracts see, for example: Cusa 1868 *Diplomi*: no. 35, pp. 512–513, Starrabba 1888 *Cattedrale di Messina*: no. XVIII, p. 28, and Garufi 1908 "Contratto agrario".

and his descendants must be returned to his original lord.[84] Muslim *ahl al-ǧarāʾid* in Norman Sicily could, and evidently did, abandon the lands on which they were registered; if they did so, they lost their lands and were forbidden to commend themselves into service to another lord upon more favourable terms. There is no evidence, however, that the brothers in this contract were in any sense "serfs of the glebe", bound to provide labour service on their lord's demesne. On the contrary, the twenty *salme* of wheat and ten of barley that they owed annually for their tenure are likely to have represented a tenth of the harvest from their lands and, if so, the brothers might have held as much as 170 hectares of arable land, far too large an estate for them to have farmed themselves.[85] It follows that a stratum of agricultural labourers, hidden from our view, must have worked the land for the brothers, freeing them to live elsewhere, if only their lord would permit them to do so. The brothers had apparently not considered themselves to be bound to their lands at Manzil Yūsuf until Abbot Donatus seized their possessions. On the other hand, Abbot Donatus had no doubt that the brothers were tied to the lands of St John's, for which they owed not just a share of the harvest, but also the *ǧizya* payable because they were Muslims. As to the Banū Raǧāʾ *qāḍī*, and the Muslim witnesses to this document, their ready participation suggests that they accepted, on the one hand, that St John's had a legal right to compel the brothers to return to their lands and, on the other, that it was in the brothers' best interests for them to do so and to contract themselves to pay their lord not just a share of the harvest but also the *ǧizya.*

Second, the contract binds a household of Muslims to pay the *ǧizya*. By the mid-twelfth century, Muslim jurists universally agreed that the *ǧizya* was a tribute paid exclusively by the "people of the book", principally Christians and Jews, living under Islamic rule in return for the protection or *ḏimma* of the Muslim state. The *ǧizya* was not merely a hearth- or poll-tax but a divinely-sanctioned tribute imposed upon the defeated enemies of Islam as a symbol of their humiliation, and on the explicit authority of the word of God: *qātilū ʾllaḏīna lā yuʾminūna bi-ʾllāhi wa-lā bi-ʾl-yawmi ʾl-āḫiri wa-lā yuḥarrimūna mā ḥarrama ʾllahu wa-rasūlu-hu wa-lā yadīnūna dīna ʾl-ḥaqqi mina ʾllaḏīna ūtū ʾl-kitāba ḥattà yuʿṭū ʾl-ǧizyata ʿan yadin wa-hum ṣāġirūna*, "Among the people who have been given the scripture, fight those who do not believe in God and the Last Day, and who do not forbid that which God and His messenger have forbidden and who do not follow the religion of truth, until they may pay the *ǧizya* readily, having been humbled" (Q. 9.29). Under Islamic law, no Muslim paid the *ǧizya* and, should a Christian *ǧizya*-payer convert to Islam, he would immediately cease to pay the *ǧizya*. How this principle was supposed to be applied in Islamic Sicily is reported, for example, in the famous but highly problematic legal opinion that the Ifrīqiyan Mālikī jurist al-Dāwudī (d. 1011–1012) put into the mouth of his great predecessor Saḥnūn (d. 854–855). Were the Christians of Sicily to convert to Islam then they would no longer pay the *ǧizya*, neither upon their persons, nor upon their lands.[86] Islamic law could not conceive of the imposition of the *ǧizya* upon Muslims,

[84] Johns 2002 *Arabic Administration*: 54, 60–61, 120, 121, 126, 128, 139–140, 166.
[85] See the hypothetical extrapolation presented in Johns 2004 "The boys from Mezzoiuso": 246–267.
[86] Dāwudī 2008 *Kitāb al-amwāl*: 81: "Regarding those who remained [on their lands] of the people who made a treaty [with the Muslim conquerors]. If they came to terms on the premise that the land belonged to them and that they would pay *ǧizya* on their heads (*ʿalà ǧamāǧimi-him*), then the land is theirs and they may dispose of it as they will; and those amongst them who convert to Islam will lose the *ǧizya* on their heads, and will own their lands. If they came to terms on the premise that they paid *ǧizya* on their lands *and* on their heads (*ʿalà ʿarḍi-him wa-ǧamāǧimi-him*), no individual amongst them may sell his land because each is responsible for the others (*fa-*

and there is ample reason to conclude that the Muslims of Norman Sicily resented not just the fiscal burden but also the humiliation of being compelled to pay themselves a penalty that God had commanded Muslims to impose upon defeated Christians and Jews.[87]

The Banū Rağāʾ *qāḍī* who ratified this contract with his statement of its validity, *ṣaḥīḥ*, and his dynastic *ʿalāma*, ostensibly acknowledged it to be legally valid, even though both the subjection of Muslims to a Christian lord, and the imposition of the *ğizya* upon Muslims, were fundamentally contrary to the principles of Islamic law. He seems to have interpreted the duty of care that he had for the Muslims of Christian Sicily as including the application in their best interests of the law imposed by the Christian rulers of Sicily, even though it was based upon a complete inversion of the divinely sanctioned law of Islam. He, or more probably one of his ancestors, had presumably collaborated with the Norman administration in devising this hybrid documentary form that evoked, and indeed drew upon, the formulary of a contract written according to Islamic law, and even assumed the physical appearance of an Islamic contract, at the same time that it incorporated concepts from the law of Norman Sicily that inverted the fundamental principles of Islamic law. Exactly how this was done will become apparent from a closer analysis of the parts of this hybrid document.

Lines 1–2: The personal testimony by the *qāḍī*, apparently written in his own hand, to the effect that only two of the brothers, Ibrāhīm and Ğabrūn, were present. This contradicts the text itself, which asserts the presence (ll. 4–5) and agreement (l. 12) of all three brothers to the terms of the contract. Note the use of the dual in the *qāḍī*'s note (and in l. 16), contrasting with the plural elsewhere. In Islamic law, the oral testimony of a witness is of paramount importance, while documentary evidence is by itself non-probative, although Mālikīs tended to give written testimony greater weight than the other schools.[88]

laysa li-aḥadin min-hum bayʿu arḍi-hi li-anna baʿḍa-hum qūwatu baʿḍin [i.e. they are collectively responsible for the *ğizya*, and assessed communally?]); while those of them who convert to Islam will be relieved of the *ğizya* on their heads, and lose from their land as much as represents the *ḫarāğ* (*wa-saqaṭaʿan arḍi-hi bi-qadri mā yanūbu-hā mina ʾl-ḫarāğ* [possibly meaning that, after conversion, they will cease to pay the *ğizya* on their lands, which apparently could also be termed the *ḫarāğ*, and thereafter pay only the *zakāt* imposed upon Muslims in the form of the *ʿušr* or tithe of the harvest: see the three introductory points made by Cahen 1962 "Djizya": 1030]), and the land will be theirs, to be disposed of as they will". Note that Šaḥāda's critical edition of the text (cited here) is now to be preferred, and that both the Arabic and the translation of this passage differ crucially from that given in Abdul-Wahhāb and Dachraoui 1962 "*Kitāb al-Amwāl*": 411–412 / 431–432.

[87] Ibn Ğubayr 1907 *Riḥla*: 324: *wa-ḍarabū ʿalay-him itāwatan fī faṣlayni mina l-ʿāmi yuʾaddūna-hā wa-ḥālū bayna-hum wa-bayna saʿatin fī-ʾl-arḍi kānū yağidūna-hā wa-ʾllāhu ʿazza wa-ğalla yuṣliḥ aḥwāla-hum wa-yağʿal al-ʿuqbà ʾl-ğamīlata maʾāba-hum* (the point for *bāʾ* is misplaced) *bi-manni-hi*, "They [the Christians] have imposed upon them [the Muslims] a tax which they pay in two instalments each year, and they have come between them and the wealth of the land which they used to enjoy. May mighty and glorious God put their circumstances to rights and, through His grace, bring them to a happy outcome". Ibn Qalāqis 1984 *Zahr al-bāsim*: 33 (De Simone 1996 *Splendori e misteri*: 88): the Muslims of Syracuse ask Abū al-Qāsim ibn Ḥammūd, through Ibn Qalāqis, "to lift the *ğizya* that diminishes their possessions and weighs down upon their hopes" (*fī rafʿi ʾl-ğizyati ʿani ʾnkhifāḍi amwāli-him wa-ʾntiṣābi āmāli-him*).

[88] "As has been remarked, in principle the proof of Arabic written contracts lay in the testimonies attached to them. It follows from this that if the document were to be contested the witnesses would have to be recalled and the testimonies renewed. If the witnesses were dead or were not available for some other reason, the contract would be annulled. Clearly this was highly impractical and eventually legal doctrine conceded to necessity and accepted written documents as legal proof under restricted circumstances. The Mālikī school made more concessions than other schools in this respect": Khan 2006 *Arabic Legal and Administrative Documents*: 8, citing Gronke 1984 "Rédaction des actes privés"; Tyan 1945 *Notariat* [for Mālikī doctrine, see esp. Chapter IV, pp. 72–92, and the review by Schacht 1948 "Review: Tyan 1945 *Notariat*"]; Wakin 1972 *Function of Documents*: 1–10. See also below, note 95.

The text of the contract may have named all three brothers as parties to the contract, but no witness explicitly testified that all three were present. Thus, the *qāḍī*'s testimony that only two of the brothers were present overrode the text of the contract and, arguably, excluded the absent brother, ʿAbd al-Raḥmān, from the contract (see also under *Lines 5–7* below).

Line 2: The validation and standard *ʿalāma* of the Banū Raǧāʾ *qāḍī.*

Line 3: The *basmala* and the *ḥamdala*: the standard opening in the private Arabic documents of Norman Sicily.[89]

Line 4: The dating formula beginning with "When it was the date of ...", *lammā kāna bi-tāʾrīḫ*, and expressing the date in terms that combine the Islamic and the Julian calendars. This formula opens most of the Arabic documents issued by the Norman *dīwān* from 1141 onwards, but does not occur in the Arabic private documents of Norman Sicily.[90] Its presence strongly suggests that the royal *dīwān* was in some way involved in the composition and selection of formulae for this document.

Line 5–7: The identification formula, naming the brothers and their father and establishing that they are from the *ahl al-ǧarāʾid* of Manzil Yūsuf. The *ahl* or *riǧāl al-ǧarāʾid* otherwise appear only in documents issued by the Norman *dīwān* — further evidence of the involvement of the royal administration in the composition of this formulary. It may be significant that Ǧabrūn and Ibrāḥīm were the sons of a daughter of Salām al-Laḫmī, who claimed descent from the same ancient Arabian tribe as did the Banū Raǧāʾ themselves, while the absent ʿAbd al-Raḥmān appears to have had a different mother.[91]

Lines 7-8: The oath formula, beginning "And they swore in the presence of the Book "*wa-ḥalafū bi-ḥaḍrat al-muṣḥaf...*". The verb *ḥalafū* implies that the brothers had made a sacred covenant, sworn in the presence of the Qurʾān and the *qāḍī*, binding themselves permanently in obedience to the Christian church of St. John's.[92] While similar ceremonies might have become familiar since the Norman conquest, they would have caused profound humiliation to the members of the Muslim élite of Palermo, to which the three brothers apparently belonged, and would have seemed shocking and outlandish to Muslims from outside Sicily. The swearing of oaths upon scripture is predominantly a Judaeo-Christian phenomenon, which emerged in the third to fourth century.[93] In pre-modern Islam, while "Jews were called on to swear 'by God, who sent down the Torah to Moses', [and] Christians 'by God, who sent down the Gospel to Jesus'",

[89] See pp. 8–9 above.

[90] Johns 2002 *Arabic administration*: *Dīwānī* no. 18, pp. 107 and n. 51, 305 (= Falkenhausen, Jamil and Johns 2016 "St. George's of Tròccoli", doc. 4); *D.* 20, pp. 110 and n. 63, 306; *D.* 21, pp. 119–20 and n. 22, 306; *D*. 23, pp. 122 Table 5.1, 307; *D.* 24, pp. 123, 126 n. 28, 307; *D*. 25, pp. 128 n. 37, 307; *D.* 29, p. 308; *D.* 31, p. 309 and *D.* 32, p. 309 (= Falkenhausen, Jamil and Johns 2016 "St. George's of Tròccoli", doc. 5 and doc. 6); *D.* 33, pp. 309–10; *D.* 34, p. 310; *D.* 36, p. 311; *D.* 37, p. 311 (= Falkenhausen and Johns 2011 "Arabic-Greek charter"); *D.* 38, pp. 311–312; *D.* 39, p. 312; *D.* 41, p. 313; *D.* 43, pp. 153, 156 n.32, 313; *D*. 44, pp. 187 and n. 58, 313; *D*. 45, pp. 166 and n. 44, 313–314; *D*. 46, p. 314 (= Jamil and Johns 2020 "Swansong").

[91] This is implied by the fact that one of the witnesses, Abū al-Farağ ibn Salām al-Laḫmī, states that he is the *ḫāl*, "maternal uncle", of the two brothers Ǧabrūn and Ibrāhīm (l. 16).

[92] For another use of *ḥalafa* in an Arabic document from Norman Sicily, see the formula *ḥalafa an lā yahruba wa-lā yaḫūna*, "he swore that he would not flee or betray" in AdSPa Cefalù 37, ed. Johns 1999 "Arabic contracts of sea-exchange".

[93] Blidstein 2017 "Swearing by the Book".

Muslims did not normally swear by, still less upon, the Qurʾān.[94] On the contrary, Islamic law considered any statement or undertaking sacramentalised by the words "by God", *bi-ʾllāh*, to constitute a sacred oath.[95] Most authorities sought to discourage such inflationary popular practices as swearing oaths in the mosque, facing the *miḥrāb* or *qibla*, by the *minbar*, or before the Qurʾān.[96] That said, several cases from Zīrid Ifrīqiya suggest that swearing by the Qurʾān was a popular practice. Some Mālikī jurists disapproved, so that when a litigant swore to travel on foot to Mecca if his opponent did not swear an oath by the Qurʾān in the Friday mosque in Sousse, al-Qābisī (d. 1012) held that it would be sufficient to have him swear "By God, outside of Whom there is no other god but Him".[97] In a special case, however, al-Māzarī (d. 1141) had a man swear his innocence by God, in a congregational mosque, standing, facing the *qibla*, "in the presence of the Book", *bi-ḥaḍrat al-muṣḥaf*.[98] In other words, by using this particular formula, the Banū Raǧāʾ *qāḍī* was following well-established local custom, rather grudgingly accepted by the leading Mālikī jurist of Ifrīqiya. From the perspective of the lord abbot of St. John's, the oath taken by the brothers would presumably have seemed equivalent to an oath of fealty sworn by the Gospels. But the *qāḍī* would have known, and might have reassured the brothers that, for all its apparent inviolability, their oath was arguably invalid under Islamic law, because no Muslim could pledge allegiance to a Christian church and, above all, because it was made under duress and therefore qualified for the Qurʾānic dispensation that permitted dissimulation.[99] In addition, in light of what follows, one can equally see the inclusion of the Qurʾān in this legal performance as another element that has been selected to fit with a broader act of formulaic creativity, now drawing also on legal praxis for the repentant Muslim apostate.

Line 9: The absolution formula, beginning *ġafara la-hum al-abāṭ wa-ʿafā ʿan-hum*, "And he [the abbot] pardoned them and forgave them...", records the fact that the Abbot now pardons the brothers and gives back to them the property that had been confiscated. This formal act of forgiveness, in a context marked by such religious gravity, coupled with the fact that the abbot now returns what he had taken from the brothers, suggests to us that the Arabic model used to construct the meat of this contract was an instrument for the "return of the apostate to Islam", *waṯīqat ruǧūʿ al-murtadd ilà al-islām*, or for "the apostate who subsequently repents", *waṯīqa fī-man irtadda ṯumma tāba*. Although we have so far failed to locate any surviving original documents of this type, the extant model formulary is apparently based on established practice. The elements involved in

[94] Melchert 2008 "Judicial oath", esp. pp. 311–312 and note 14 for the rare Muslim authorities who discuss swearing an oath in the presence of the Qurʾān. See also Meri 2004 "Ritual and the Qurʾān: Oaths". This is the only instance known to me from medieval Sicily of Muslims swearing before the Qurʾān, whereas there are many cases of Christians and Jews swearing upon their scriptures: e.g. AdSPa Cefalù 60, r. l. 11 (Palermo, 5 August 1286): *iurantes corporaliter Christiani scilicet ad sancta Dei evangelia et Iudei ad toram Moysis.*

[95] Schacht 1964 *Introduction*: 159. See also Wakin 1972 *Function of* Documents: 6, "Oral testimony provided the only form of proof in the Sharīʿa. ... The personal word of an upright Muslim was deemed worthier than an abstract piece of paper ... This reliance on religious standards is also apparent in the judicial oath (*yamīn*), for the assumption was that no Muslim would lie under oath."

[96] See, for example, the Andalusian Mālikī scholar, Bağī 1999 *Muntaqà*: 5. 235.

[97] Wanšarīsī 1981 *Miʿyār*: 2.83 and, for a similar case, 3.159, last paragraph.

[98] Wanšarīsī 1981 *Miʿyār*: 9. 211–212. See also Idris 1962 *Zīrīdes*: 2.565.

[99] Qurʾān 16:106.

the legal performance of repentance after apostasy include: (i) The formal repentance (*tawba*, lit: 'return') of the apostate; (ii) the formal forgiveness (*ġufrān*) of the former apostate; (iii) the performance of these acts before a judge (*qāḍī*), or at least a jurist (*faqīh*); (iv) the calling of witnesses to confirm that repentance is undertaken voluntarily, in a sound state of body and mind; (v) the reading of the instrument aloud with verses from the Qurʾān that reaffirm the person's faith and remind him of the divine punishment that awaits those who lapse again into apostasy; (vi) the return of property that has been confiscated. [100] These criteria find a strong set of matching or near-matching elements in our contract of 1177-1180: (i) The brothers literally return and acknowledge their 'wrong'; (ii) the Lord Donatus forgives and pardons them (*ġafara, ʿafā*); (iii) the performance is before the *qāḍī* of Sicily; (iv) witnesses are called (ll. 13–19 below) to testify that the brothers are willing, healthy and legally competent; (v) while the recital of Qurʾānic verses is not written into the contract, the same purposes of reaffirmation and admonition are served by having the brothers take their oath of fealty in the presence of the Qurʾān (see above, l. 8); (vi) property that was confiscated for a perceived lack of faith is formally returned.[101]

Lines 9–10: The formula specifying the taxes owed collectively by the brothers, beginning "And he [the abbot] imposed upon them...", *wa-ǧaʿala ʿalay-him*.

Lines 11-12: The brothers' petition to the abbot and St. John's: "And they asked the Lord Abbot — may God strengthen him — if they might dwell wherever they wished, and if they might put this request to the church", *wa-saʾalū ʾl-mawlà ʾl-abāṭ aʿazza-hu ʾllāh an yaskunū ḥayṯ yurīdū wa-yūṣilū / hāḏā ʾl-ṭalab li-ʾl-kanīsīya.*

Lines 12–13: The recapitulation: the three (sic) named brothers agreed to everything above.

Lines 13–14: The witness formula, beginning "And they called witnesses for themselves...", *wa-ašhadū ʿalà anfusi-him*. As required by Islamic law, the brothers summon witnesses to attest to their being willing, and sound in mind and body, *i.e.* legally competent, when they took their oath.

Lines 15–19: The names of the witnesses, copied by the scribe who penned the text of the contract: Abū al-Faraǧ ibn Salām al-Laḫmī, the maternal uncle (*ḫāl*) of Ǧabrūn and Ibrāhīm; Aḥmad ibn Abī al-Qāsim al-Qaysī; Abū Ǧumʿa ibn Muḥammad al-Qurašī; ʿAlī ibn Yaʿlà al- Qurašī; and a fifth name that was only partially copied by the scribe. All are members of the Arab élite of Palermo, and are likely to have been chosen from the "accredited witnesses" approved and registered by the *qāḍī*'s court.

Thus, although this document outwardly resembles an Islamic contract, it combines formulae drawn from the Islamic repertoire with practices and principles that contradict and subvert Islamic norms. Our working hypothesis, which remains to be fully tested during *Documenting Multiculturalism*, is that by the late eleventh century the Islamic jurists of Norman Sicily must have already collaborated with their Christian rulers in the development of two fundamental kinds of contract designed to incorporate the Muslims as *ahl al-ǧarāʾid* into the

[100] See Ṭulayṭulī 1994 *Muqniʿ*: 346–347, 349–350.

[101] See, further, Heffening 1993 "Murtadd". For a more up-to-date historical review of the subject, see Cook 2006 "Apostasy from Islam".

fiscal and tenurial regime imposed by the Norman conquerors. One was presumably based upon the terms of the *amān* or *ṣulḥ*, "settlement-treaty", on which a given community of Muslims surrendered to the Normans. After the post-conquest distribution of the spoils, such a contract would have bound the *ahl al-ǧarāʾid* to obey the lord to whom they had been granted, and dictated the amount of *ǧizya* that they owed in money, the share of the harvest that they owed in kind, and any other dues and services. The second type of contract was related to the first, and allowed for the return of fugitives to the lands on which they had originally been granted, but which they had lost by the act of flight. We assume that examples of both types of contract must have existed by 1093–1095, when the earliest surviving registers show that the administrative apparatus for the men of the registers was already well established, including a conditional clause addressing the problem of fugitives. This was well established before the first Banū Raǧāʾ *qāḍī* was appointed by Count Roger II, possibly as early as 1112,[102] and in any case before 1116, when the first Arabic deed of sale validated by the Banū Raǧāʾ *ʿalāma* was issued. The contract of 1177–1180 was thus the product both of three generations, nearly a hundred years, of collaboration between the Norman administration and the Islamic judiciary, and also of internal debate amongst the Muslim jurists as to how they could best accommodate their duty under Islamic law to care for the Muslim subjects of Sicily with the demands of the Christian rulers of the island that had no place in Islamic law. The hybrid contract of 1177–1180, therefore, was not composed *ad hoc* for a single event but was rather the product of a prolonged process of negotiation between the Muslim judiciary and jurists and the Norman rulers of the island that stretched back at least to the 1090s, and thus encompassed the entire history of the Banū Raǧāʾ *qāḍī*s.

The Banū Raǧāʾ and the Muslim community

Although the *qāḍī*s of Norman Sicily were drawn from a single family, the Banū Raǧāʾ, they were in no way isolated but, rather, were fully integrated into the Muslim society of Norman Palermo, and also had close ties to the royal administration and even to the court. In the first place, the few Arabic deeds of sale and other Islamic contracts from Norman Palermo preserve the names of more than forty witnesses, *šuhūd*, drawn from the Muslim élite of Palermo, who supported the Banū Raǧāʾ *qāḍī*s in their work (Table 3). The contracts that preserve their names were conserved in ecclesiastical archives because one of the parties is Christian but, in the vast majority of documents issued by the Muslim jurists of Norman Palermo, both parties must have been Muslim, and thus these documents almost never found safe haven in a church archive. It follows that the number of witnesses supporting the Banū Raǧāʾ must have been far greater than the forty named in the surviving documents. Most of them would have been "accredited witnesses". It is a fundamental principle of Islamic law that testimony, the paramount medium of legal evidence, can only be given by a sane, free, adult male of good morals (*ʿadl*, pl. *ʿudūl*). To avoid the danger that the testimony of a given witness (*šāhid*, pl. *šuhūd*) might be rejected because he was not *ʿadl*, from as early as the eighth century A.D., *qāḍī*s began to appoint, and compile registers of, "accredited witnesses", *šuhūd ʿudūl*, whose state of moral and religious probity (*ʿadāla*) had previously been established by the court. Such witnesses typically had

[102] See below, pp. 47–48.

legal training and acted not merely as notaries public, but also as judicial auxiliaries.[103] This explains why half of the surviving Arabic contracts from Norman Sicily appear to have been concluded without the intervention of the *qāḍī*. There is good reason, therefore, to imagine the Banū Rağāʾ at the centre of a large circle of trained jurists which, to judge by their *nisba*s and family names, and bearing in mind that most Arabic contracts have been lost, is likely to have numbered well over twenty family networks.

Such jurists were the intellectual élite of the Muslim community of Palermo to the extent that their circle overlapped extensively with the literary community of the city. Thus, for example, Abū al-Ḍawʾ Sirāğ, the brother of the *qāḍī* Abū al-Ḥasan ʿAlī, exchanged verses with the *faqīh* ʿĪsà ibn ʿAbd al-Munʿim al-Ṣiqillī.[104] The Banū Rağāʾ were also members of the circle that surrounded the *qāʾid* Abū al-Qāsim Muḥammad ibn Ḥammūd, known as Ibn al-Ḥağar, the hereditary leader of the Muslims of Norman Sicily. Ibn al-Ḥağar's *mağlis* continues to be ably studied by our colleague and friend, Adalgisa De Simone, largely from the perspective of the Alexandrian poet Ibn Qalāqis, a protégé of the Sicilian *qāʾid*.[105] It is thanks to her that we know that another Sicilian "jurist", *al-šayḫ al-faqīh* Abū al-Ḥasan ʿAlī ibn Abī al-Fatḥ ibn Ḫalaf al-Umāwī, suggested to Ibn Qalāqis that he compose a *qaṣīda* celebrating the birth of a son to Ibn al-Ḥağar's brother, Abū ʿAlī Ḥasan ibn Ḥammūd, who was himself a renowned *faqīh*.[106] Ibn Qalāqis also wrote an elegy on the death of the brother of the *qāḍī* Abū al-Faḍl Rağāʾ, the *faqīh* and traditionalist Muḥammad ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Rağāʾ, who witnessed the deed of sale of 1161, and who also seems to have belonged to Ibn al-Ḥağar's circle.[107] Indeed, literature aside, the *qāʾid* Ibn al-Ḥağar and the Banū Rağāʾ *qāḍī* would have frequently needed to discuss the affairs of the Muslims of Sicily for whom they were both, from their own rather different perspectives, responsible: a case in point is the petition for relief from the *ğizya* that the Muslim community of Syracuse addressed, via Ibn Qalāqis, to the *qāʾid* Abū al-Qāsim.[108] The *qāʾid* himself and other members of his circle, including the crypto-Muslim royal eunuch Richard, were also members of the royal administration and the court.

The sort of close cooperation between the Banū Rağāʾ *qāḍī* and the Norman administration that we have posited in our discussion of the hybrid contract of 1177–1180 would have been greatly facilitated by the leading role played by Muslims and converts within the administration and the court. As already seen, a member of the Banū Rağāʾ, Abū al-Ḍawʾ Sirāğ ibn Aḥmad ibn Rağāʾ, served Roger II as *kātib al-inšāʾ*, probably the secretary responsible for his diplomatic correspondence with Muslim rulers, and is said to have been offered the vizierate, no less, on the fall of Christodoulos in 1126. Thereafter, he went on to become one of the leading Arabic poets at the royal court. Later in the reign of Roger II, and under his two successors, the crypto-Muslim eunuchs who directed the *dīwān*, and their Arabic-speaking staff,

[103] Peters 1997 "Shāhid". See also Powers 2002 *Law, Society, and Culture*: 31, 33-4, and the literature there cited. It may be noted that although the extant Sicilian documents reflect this critical principle of *ʿadāla*, they do not actually deploy the term *ʿadl*, pl. *ʿudūl*, of witnesses.

[104] ʿImād al-Dīn al-Iṣfahānī 1966 *Ḫarīdat al-qaṣr*: 1.276–277; trans. De Simone 1999 *Nella Sicilia 'araba'*: 11.

[105] We are extremely grateful to our friend and colleague Adalgisa De Simone for sharing with us her latest thoughts on other members of this circle, and eagerly look forward to seeing them published.

[106] Ibn Qalāqis 1984 *Zahr al-bāsim*: 41–43; al-Umawī is given the honorific *al-šayḫ al-faqīh* also on pp. 24, 44, 46; trans. De Simone 1996 *Splendori e misteri*: 101–104; see also 72–73, 106, 109.

[107] For this deed, see above, pp. 8 and note 19, 11–13, 20–24 and 48.

[108] Ibn Qalāqis 1984 *Zahr al-bāsim*: 33–38; De Simone 1996 *Splendori e misteri*: 88–97. Johns 2002 *Arabic Administration*: 35.

may have helped to devise hybrid documents like the contract of 1177–1180. This is suggested by a unique bilingual deed of sale issued by the "lords of the royal *dīwān*" on 30 January 1161 to an Arabic-speaker identified, in the Greek text only, as a Jew.[109] This too is a hybrid document, derived from two very different documentary and legal traditions: the formulary of the Greek deed of sale was left essentially unchanged, while that of the Islamic deed was carefully adapted and modified by a Muslim jurist so that it would fit as comfortably as possible with the Greek. Amongst those responsible were the crypto-Muslim eunuch Martin, Ḥamza ibn Ḥamza, *wakīl al-faḥṣ al-dīwānī al-maʿmūr*, "controller of the audit of the royal *dīwān*", and as many as four other officials who added Arabic notes and signatures to the foot of the document. According to "Hugo Falcandus", the royal eunuchs Martin and Peter even had their own courts through which, in the aftermath of the baronial rebellion of 1160–1161, they oppressed the innocent Christian citizens of Palermo.[110] There is no reason whatsoever to suspect that the Banū Raǧāʾ were involved in such alleged judicial abuses, but the fact that the crypto-Muslim eunuchs may have acted as judges in their own courts adds a further and unexpected link between them and the *qāḍī*s of Sicily and the circle of Muslim jurists that surrounded them.

As we have seen, a Banū Raǧāʾ *qāḍī* is attested only once in the Norman court, in the 1123 case of Muriel's mill heard before the young Count Roger II in his court in Palermo,[111] but that precedent suggests that the *qāḍī* of Norman Sicily would have been summoned whenever the opinion or other services of a Muslim jurist were required by the Norman ruler. In the medieval Islamic world, as Mathieu Tillier reminds us, "Le cadi fut dès l'origine un homme de cour". The great thirteenth-century chronicler Ibn al-Aṯīr repeats the claim, which he probably had from the Zīrid prince and historian Ibn Šaddād,[112] that King Roger "founded a Court of Complaints, *dīwān al-maẓālim*, to which those [Muslims] who had been unjustly treated could bring their grievances, so that [the king] would give them justice, even against his own son". If indeed this report is more than Norman propaganda collected by Ibn Šaddād and repeated to Ibn al-Aṯīr — and the resonances with the case of Muriel's mill are striking, though presumably coincidental — it is difficult to imagine that the *qāḍī* of Sicily would not have been required to

[109] AdSPa Grotta 2 (Cusa 1868 *Diplomi,* no. 101, pp. 622–626, 722). See discussion in Jamil and Johns 2022 "Arabic deeds of sale", forthcoming.

[110] Falcandus 1897 *Liber*: 79, 80: *tantaque iam urbem rabies et furor incesserat, ut quisquis adversus quempiam vetus odium exercebat, vel cum alio forte litigans in verborum proruperat contumelium, statim ad gayti Martini pretorium convolabat, qui semper ad huiusmodi suscipiendas actiones paratissimus, omnibus sui copiam faciebat, his de rebus maxime cogniturus* , and *sed et Bartholomeus Parisinus aliique iusticiarii, stratigoti, camerarii, catapani, gayti Petri patrociniis innitentes, innumeris plebem rapinis et iniuriis atterebant. Hoc in omnibus iudiciis precipuum attendentes, ut ab utralibet partium vel ab utraque, si fieri posset, pecuniam extorquerent*. Falcandus 1998 *History*: 129–131: "There was now so much madness and fury in the city that anyone who had an ancient feud against anyone else, or who had verbally insulted someone in the course of litigation, immediately went to the court (*praetorium*) of Caid Martin; he was always very ready to accept lawsuits (*actiones*) of this sort, made himself available to everyone, and was especially keen to act as judge in these cases (*his de rebus maxime cogniturus*); and 135–136: "Relying on the patronage of Caid Peter, Bartholomew de Parisio and other justiciars, *stratigoti*, chamberlains, and catapans also ground down the people with incalculable plundering and wrongdoing. Their main concern in any court case (*iudiciis*) was to extort money from one party or the other, or even both if it could be done".

[111] See above, pp. 16–17.

[112] Johns 2002 *Arabic Administration*: 87–88.

attend such a court in order to present a façade of Islamic justice to what would appear to have been another hybrid confection.[113]

Where was the *qāḍī*'s own court located? In a Muslim city, the *qāḍī*'s court would normally have sat in or adjacent to the mosque of the community that it served, but cases involving non-Muslims, *ḏimmī*s, would have been heard elsewhere;[114] however, *qāḍī*s also held court in their own residences. There was considerable variation from city to city, and from *qāḍī* to *qāḍī* in a single city, but well before the eleventh century the mosque had become the norm.[115] It is perhaps unlikely that the Banū Raǧāʾ *qāḍī*s always held their court in a mosque, given that Christians were parties to a significant number of the cases that they heard. Which of the mosques of Norman Palermo was the Friday mosque for the Muslim community is unknown, and nor is it known whether each of the distinct districts of the city had its own principal mosque. In September–October 1161, the *qaḍī* Abū al-Faḍl Raǧāʾ summoned witnesses to what he describes as "my sitting-chamber of judgement and my place of ruling" *mağlis qaḍāʾ-ī wa-mawḍiʿ aḥkām-ī*,[116] which might indicate that he is here referring to his own residence.

Where did the Banū Raǧāʾ reside? There is some reason to believe that they once held property in the Cassaro. At the end of the thirteenth century, an alley adjoining the church of St. Demetrius in modern piazza della Vittoria still bore the name *Darbus Elcadi*, Arabic *Darb al-Qāḍī*, "the Alley of the *Qāḍī*".[117] While that particular *qāḍī* may or may not have been one of the Banū Raǧāʾ *qāḍī*s appointed by the Norman rulers, there can be little doubt that the latter once owned a garden at the other end of the Cassaro. In May 1143, George of Antioch gave to his new foundation of St Mary's of the Admiral a garden purchased from "the *qāḍī* of Palermo".[118] This was almost certainly "the garden of the *qāḍī* Abū al-Ḥasan, once(?) known as [the garden of] Ibn al-Šayḫ", *iardinum Arcadi Bulhaseni cognati antiquae* [sic!] *de Ibin Senis*, that lay to the south of the vegetable garden which Constance, the widow of the emir Eugenius τοῦ Καλοῦ Abū al-Ṭayyib, gave to Santa Maria della Grotta in 1207. The western boundary of Constance's garden was a small road which ran *ad domum Bul[...]*, "to the house of (A)bū l-[...]" — the name of the proprietor is truncated by a lacuna in both manuscripts, leaving open the tantalising but unverifiable possibility that he may have been the same Abū al-Ḥasan, the proprietor of the adjacent garden, in all probability to be identified with *al-qāḍī* Abū al-Ḥasan

[113] Ibn al-Aṯīr 1862 *Kāmil*: 10.133: *wa-ǧuʿila la-hu dīwānu ʾl-maẓālimi turfaʿu ilay-hi šakwà ʾl-maẓlūmina fa-yunṣifa-hum wa-law min waladi-hi*. See also: Johns 2002 *Arabic Administration*: 255, 292–295; Metcalfe 2008 *Muslims of medieval Italy*: 129–130.

[114] Masud, Peters and Powers 2006 *Dispensing justice in Islam*: 21: "Some jurists opposed the holding of a court session in a mosque because, *inter alia*, a mosque is not accessible to *dhimmī*s or 'protected people'", citing the *Kitāb adab al-qāḍī* of Abū Bakr Aḥmad ibn ʿAmr al-Ḫaṣṣāf (d. 874).

[115] Tillier 2017 *L'invention du cadi*:179–204.

[116] See above, p. 23, line 36.

[117] Gulotta 1982 *Adamo de Citella*: 371, no. 477, 21 July 1299: *... ecclesie ... site in Casssaro Panormi in contrata arabice nominatur Shera Buali* [Arabic *šāriʿ (A)bū ʿAlī*: Caracausi 1983 *Arabismi*: 343]*, vocate Sanctus Demetrius. Et duorum cotiliorum sibi coniunctorum, iuxta darbum quod dicitur Elcadi*. Only the Cappella della Soledad now remains of the obscure church of St. Demetrius, date of foundation unknown, which stood on the east side of piazza della Vittoria until it was destroyed in the bombardment of 1943. The *Shera Buali* ran along western half of modern via dei Biscottari: D'Angelo 2008 "Contrade e chiese": 29 and map on p. 9.

[118] See above, note 73.

[ʿAlī] *ibn al-šayḫ* [Abū al-Qāsim ʿAbd al-Raḥmān] of the Banū Raǧāʾ. The garden in question must have lain on or near the site of Santa Caterina d'Alessandria, built in 1312–1313.[119]

While these two thirteenth-century sources suggest that the Banū Raǧāʾ had property in the Cassaro at the two extremes of the *Šāriʿ (A)bū ʿAlī*, a series of twelfth-century references seem to place them in the northern suburb, on the left bank of the Papireto. In February 1144, King Roger granted six Venetian citizens permission to rebuild and dedicate to St. Mark "the church built by the Greeks long ago in the quarter of the *Seralkadi* and then destroyed by the perfidious Saracens".[120] This is the first known occurrence of the name of the quarter which thereafter appears in various forms in Greek and Latin sources but is never actually attested in Arabic, even though it must derive from Arabic, and may be reconstructed as *Šāriʿ al-Qāḍī*, literally "the Street of the *Qāḍī*".[121] *Šāriʿ*, in the sense of "road" or "street", was not as commonly used in medieval Arabic as other terms such as *darb* or *zuqāq*;[122] and this seems to be as true for Norman Sicily as for the rest of the Islamic world.[123] And for all that *Šāriʿ al-Qāḍī* is a true toponym, denoting a real city street,[124] it is constructed on the same triliteral root as *šarīʿa*, meaning literally "a path" or "way", and now universally connoting the revealed law of Islam.[125] In context, the placename thus evokes the religious path along which it was the *qāḍī*'s duty lead his flock, for which reason we render it "the Way of the *Qāḍī*", which better conveys this nuance than "the Street of the *Qāḍī*".

By February 1144, what had begun as a street-name *Šāriʿ al-Qāḍī* had already become the name of the whole quarter, suggesting that it must have been in use for sufficient time for that transfer to occur. There is no reason to suppose that the toponym predates the Norman conquest of Palermo, for in the late tenth and early eleventh century this quarter, then the most populous in the city, was known as the *Ḥārat al-Ṣaqāliba*, "the Quarter of the Europeans", literally "of the Slavs", a name that lingered on in Latin documents of the fourteenth century

[119] The original transumpt is lost but copies are preserved in three MSS in the Biblioteca Comunale di Palermo. We are extremely grateful to our friends and colleagues Horst Enzensberger and Vera von Falkenhausen for making their draft edition available to the DocuMult Project. Until that is published, an inadequate edition of the Latin translation of the document may be found in Di Giovanni 1890 *Topografia Antica di Palermo*: 2. 105–107. For the location, see Sardina 2016 *Monastero di Santa Caterina*: 17–19.

[120] *Ecclesiam antiquitus a grecis edificatam in quarterio Seralkadi inde a perfidis Saracenis destructam*: ed. Garufi 1899 *Documenti Inediti*: no. 18, pp. 44–45 from an eighteenth-century copy of a Latin transumpt made in 1309 of a Greek original, now lost (BCP Qq H 3, f. 8).

[121] Caracausi 1983 *Arabismi*: 341–343: to the occurrences listed should now be added the Greek donation by Christodoulos, son of Roger of Termini, to S. Maria della Grotta, of a house, the western boundary of which was "the public road that ran down from the Sera Elkadi", τοῦ δυτικοῦ δημοσία ὁδὸς κατερχομένη ἀπὸ Σέρα Ἐλκαδ(ί?): Liciniana Grotta A2, l. 11; Falkenhausen 2014 "Termini Imerese": 236–237, no. 4; forthcoming in the edition of the documents of S. Maria della Grotta by Enzensberger, Falkenhausen and Mandalà.

[122] Depaule 1997 "Shāriʿ".

[123] For example, in Caracausi 1983 *Arabismi*, compare L. 102a (*darb*), pp. 205–208 and p. 159 note 191 (*zuqāq*) with L. 236 (*šāriʾ*), pp. 341–343.

[124] In the thirteenth century known as the *Platea Publica Seralcadi*, that ran from the *Caput Seralcadi*, now il Capo, to S. Giacomo la Marina and the Cala, roughly corresponding to the modern via Sant'Agostino and via Bandiera: D'Angelo 2008 "Contrade e chiese": 27.

[125] See Qurʾān 45:18: *ṯumma ǧaʿalnā-ka ʿalà šarīʿatin mina ʾl-amri fa-ʾttabiʿ-hā wa-lā tattabiʿ ahwāʾa ʾllaḏīna lā yaʿlamūna*, "Then [after the revelation to the Jews], We set you on a clear way (*šarīʿa*) [that comes] from [Our] affair [Arabic obscure]. So follow it, and do not follow the whims of those who do not know".

and later.[126] The coining of the street-name *Šāriʿ al-Qāḍī* and the transfer of the name to the whole quarter, therefore, seems to have taken place after the Norman conquest: if so, there can be little doubt that it was related in some way to the Banū Raǧāʾ, who held the office of *qāḍī* of Sicily from 1116 if not earlier. If, as is probable, the Banū Raǧāʾ were originally based in the Cassaro, the Old City, then they must have moved to the *Šāriʿ al-Qāḍī* well before the foundation of St. Mark's *in quarterio Seralkadi* in February 1144.

On 9–10 March 1161, during the rebellion of Matthew Bonellus, the Latin rebels attacked and massacred not just the eunuchs and other *Saraceni palatii* but also many of the ordinary Muslim citizens of the Old City. The Muslims "left the houses which most of them occupied in the centre of the city and withdrew to the quarter which is beyond the Papireto ... because they could more safely resist us [Latins] in the passages and the narrow streets".[127] This event has occasionally been interpreted as the expulsion of the Muslims from the Old City and the inception of a new Muslim quarter north of the Papireto, in the quarter already known as the *Šāriʿ al-Qāḍī*, but this cannot have been so. What had been the most populous quarter of the Islamic city, must have been densely inhabited by Muslims from the time of the Norman conquest onwards, so that the refugees from the Old City in March 1161 sought shelter amongst their co-religionaries in what was already one of the quarters of the city most densely inhabited by Muslims. Moreover, there is no reason to believe that once the rebellion was suppressed, most of the survivors of the massacre did not return to their dwellings in the Cassaro, just as the crypto-Muslim eunuchs and the *Saraceni palatii* returned to the royal palace and even the *Castellum Maris*. Indeed, the documentary sources attest to the continuing presence of Muslim proprietors in the Cassaro well after the events of 1161.[128]

The account of Palermo given by Ibn Ǧubayr, who visited the city in December 1184, confirms the presence of Muslims throughout the city:

> "There is abiding evidence of the faith among Muslims of this city. They maintain the majority of their mosques and hold prayers announced by an audible call to prayer. They have districts in which they dwell apart from Christians. They fill the markets, being the merchants there. There is no Friday service as the public sermon (*ḫuṭba*) is prohibited to them; but they perform prayers on feast days (*aʿyād*) with a sermon (*ḫuṭba*) calling for blessings upon the ʿAbbāsid [caliph]. They have a *qāḍī*

[126] Ibn Ḥawqal 1938 *Ṣūrat al-arḍ*: 2.119. *In contrata Portae Sclavorum*: 29 October 1354, Ind. VIII, ed. Mortillaro 1842 *Catalogo ragionato:* no. 108*,* pp. 172–179, at p. 175, l. 3. To the best of our knowledge, the toponymic element *Sclavorum* is never found for Palermo in sources of the Norman period.

[127] Falcandus 1897 *Liber*: 79–80: *Eunuchorum vero quotquot inveniri potuerunt nullus evasit, plures autem eorum in initio rei ad amicorum domos confugerant, quorum plerosque repertos in via, milites occiderunt qui de Castello Maris exierant, aliique iam ceperant per civitatem discurrere. Multi quoque Sarracenorum, qui vel in aothecis suis mercibus vendendis preerant, vel in duanis fiscales redditus colligebant, vel extra domos suas improvidi vagabantur, ab eisdem sunt militibus interfecti. Postea vero Sarraceni, perturbatione cognita, viribus se quidem ad resistendum impares arbitrati, cum eos precedenti anno admiratus omnia arma sua curie reddere coegisset, relictis domibus quas plerique eorum in civitate media possidebant, in eam partem que trans Papiretum est secesserunt, ubi Christianis in eos impetum facientibus, aliquam diu frustra conflictum est. Nam illi ad introitus et angustias viarum nostris tutius resistebant* (Eng. trans. Falcandus 1998 *History*: 109–110). Romuald 1914 *Chronicon*: 246–247: *Interea inter Sarracenos et christianos eiusdem ciuitatis bellum maximum est exortum, et multi de Sarracenis mortui sunt et expoliati* (Eng. trans. Falcandus 1998 *History*: 230).

[128] See, for example, the Arabic deeds of sale of property owned by Muslims in the Old City dated September-October 1161 (see above, note 19) and September-October 1190 (ASDPa 27; Jamil and Johns 2022 "Arabic Deeds of Sale" forthcoming; Cusa *Diplomi* 1868: no.160, pp. 44–46, 737).

> to whom they repair for their legal judgements, and a congregational mosque (*ǧāmiʿ*) in which they gather to perform the *ṣalāt*-prayers, thronging to its blaze during this blessed month [of Ramaḍān].[129] There are countless lesser mosques here, mostly assembly places for teachers of the Qurʾān. They are, in sum, quite removed from their brother Muslims, subject to the covenant (*ḏimma*) of the Infidels, with no security for themselves, or their property, or their women or children — may God in His grace redress their loss with some benevolent favour".[130]

Ibn Ǧubayr places the *qāḍī* firmly in a Muslim quarter, *rabaḍ*, of Palermo, at that date surely the *Šāriʿ al-Qāḍī*, and associates him specifically with the *ǧāmiʿ* or congregational mosque of the city. The identity and location of the *ǧāmiʿ* mosque of Norman Palermo has not yet been established, but in 1184 it too is likely to have stood in the *Šāriʿ al-Qāḍī*. There, the *qāḍī* might normally have held his court, at least when all parties were Muslims. He would also have performed other religious functions in the *ǧāmiʿ*, including that of the *ḫaṭīb*,[131] the preacher who normally delivers the obligatory *ḫuṭba* that precedes congregational prayers every Friday. In Norman Palermo, because the weekly *ḫuṭba* was forbidden, Friday congregational prayers were not held but, on religious festivals, *aʿyād* — the use of the plural rather than the dual may suggest that Ibn Ǧubayr intended more than the two canonical festivals of *ʿīd al-aḍḥà* and *ʿīd al-fiṭr* — the *ḫuṭba* was permitted. On these occasions, there would have been a special service of congregational prayers for the whole community, the *ṣalāt al-ʿīd*, followed by the *ḫuṭba* in two parts, normally delivered by the *qāḍī*. In this way, at least twice a year, the Banū Raǧāʾ *qāḍī* is likely to have stood before the Muslim citizens of Palermo as their religious leader.

Ibn Ǧubayr ends his account of the Muslim citizens of Palermo by stressing how, living under Norman rule and constant threat to their families and homes, they were isolated from their co-religionaries in the rest of the Islamic world. What would the latter have thought of the Banū Raǧāʾ *qāḍī*s? The appointment of a *qāḍī* of Sicily by a Christian ruler posed a problem for the courts and jurists of neighbouring Ifrīqiya. In the classical Islamic system, a *qāḍī*'s authority was delegated to him by the caliph, or by his representative, such as the governor of a province. The caliph was *ḫalīfat Allāh*, God's representative on earth, and so delegated part of his divine authority to the *qāḍī*, who was thus a religious officer of the Islamic state. How could the authority delegated to the *qāḍī* by the Christian ruler of Norman Sicily be legitimate? If the source from which the *qāḍī* of Sicily received his authority was illegitimate, was not the *qāḍī* himself, together with all his documents and judgements, also illegitimate? This was not just a nice jurisprudential question but a matter of immediate and pressing importance to the

[129] The month of Ramaḍān 580, 6 December 1184 – 4 January 1185, when the *ǧāmiʿ* would have been illuminated all night.

[130] Ibn Ǧubayr 1907 *Riḥla*: 332: *wa-li-ʾl-muslimīna bi-hāḏihi ʾl-madīnati rasmun bāqin mina ʾl-īmāni yaʿmurūna akṯara masāǧidi-him wa-yuqīmūna ʾl-ṣalāta bi-aḏānin masmūʿin wa-la-hum arbāḍun qadi ʾnfaradū fī-hā bi-suknā-hum ʿani ʾl-naṣārà wa-ʾl-aswāqu maʿmūratun bi-him wa-humu ʾl-tuǧǧāru fī-hā wa-lā ǧumʿata la-hum bi-sababi ʾl-ḫuṭbāti ʾl-maḫẓūrati ʿalay-him wa-yuṣallūna ʾl-aʿyāda bi-ḫuṭbatin duʿāʾu-hum fī-hā li-ʾl-ʿabbāsīyi wa-la-hum bi-hā qāḍin yartafiʿūna ilay-hi fī aḥkāmi-him wa-ǧāmiʿun yaǧtamiʿūna li-ʾl-ṣalāti fī-hi wa-yaḥtafilūna fī waqīdi-hi fī hāḏā ʾl-šahri ʾl-mubāraki wa-ammā ʾl-masāǧidu fa-kaṯīratun lā tuḥṣà wa-akṯaru-hā maḥāḍiru limuʿallimī ʾl-qurʾāni wa-bi-ʾl-ǧumlati fa-humʿuzabāʾuʿan iḫwāni-himi ʾl-muslimīna taḥta ḏimmati ʾl-kuffāri wa-lā amna la-hum fī amwāli-him wa-lā fī ḥarīmi-him wa-lā abnāʾi-him talāfāhumu ʾllāhu bi-ṣunʿin ǧamīlin bi-manni-hi*.

[131] Tillier 2009 *Les cadis d'Iraq*: 329–340. Idris 1962 *Zīrīdes*: 2.572–573.

Muslims of Ifrīqiya, whose relations with their close neighbours, the Muslims of Sicily had been only briefly interrupted by the Norman conquest. The following *fatwà* makes the point.[132]

A resident of al-Mahdīya asked an Ifrīqiyan jurisconsult (*muftī*) about a case of inheritance made urgent by the dire financial needs of the late testator's heirs and the pressing demands of his creditors. The testator's property was in Ifrīqiya but he himself had died in Christian Sicily. A certificate of his death had been issued by a Sicilian *qāḍī*, who was of reported integrity (*ʿadāla*), on the basis of the testimony of two of his accredited witnessess. But, given that the *qāḍī* himself had been appointed by a Christian ruler (*wa-ʹl-qāḍī wallā-hu ʹl-rūmī*), could the death certificate be accepted, and the inheritance thus be released, by an Ifrīqiyan court? The *muftī* ruled that if the *ʿadāla* of the Sicilian *qāḍī* could be established on the oral testimony of two witnesses from al-Mahdīya, then his certificate could be accepted as valid by an Ifrīqiyan court. Two witnesses known to the court (*ʿudūl*) were duly found who personally knew of the Sicilian *qāḍī* (*fa-mā yaḫfà ʿalay-him ḥālu-hu*) and testified that he was indeed *ʿadl*.[133] In short, the Ifrīqiyan *muftī* found that the certificate issued by the Sicilian *qāḍī*, and the testimony of his accredited witnesses, would be *ʿadl* so long as the *ʿadāla* of the *qāḍī* himself could be established by witnesses of proven *ʿadāla* who were known to the Ifrīqiyan court.

A longer and more closely reasoned *fatwà* answers a similar question, but without the convenient Ifrīqiyan witnesses to testify as to the *ʿadāla* of the Sicilian *qāḍī*. Al-Imām al-Māzarī (*circa* 1058–1141) was the foremost jurist of Ifrīqiya during the first half of the twelfth century, and head of the judicial school of al-Mahdīya, which inherited the great Mālikī tradition of Ifrīqiya after the fall of al-Qayrawān to the Banū Hilāl in 1057. Al-Māzarī's father is thought to have emigrated from Mazara to al-Mahdīya shortly before the Norman conquest of Sicily. Al-Māzarī spent his entire career in Ifrīqiya, but may be presumed to have had many contacts with Norman Sicily. He was an almost exact contemporary with the first Banū Rağāʾ *qāḍī,* Abū al-Qāsim ʿAbd al-Raḥmān. Al-Māzarī was asked whether the judgements given by the *qāḍī* of Norman Sicily were legally valid, given that it was not known whether he was compelled to dwell under Christian rule or did so by choice. Again, the question concerned the integrity (*ʿadāla*) of the *qāḍī* of Sicily.[134]

[132] For *fatwà,* see above, note 2.

[133] Burzulī 2002 *Fatāwā*: 4.51; Wanšarīsī 1981 *Miʿyār*. 10.113. The date of this *fatwà* is problematic. It is ascribed to Uṯmān ibn Abī Bakr Ibn al-Ḍābiṭ, born 385/995–6, who is thought to have died at an unknown date after 440/1048 or 444/1053 (see Idris 1956 "Contribution": 357–359), twenty years before the Norman conquest of Palermo and so far too early for a *Rūmī* ruler to have appointed the *qāḍī* of Sicily — more than two generations before the appearance of the first Banū Rağāʾ *qāḍī*. Verskin 2015 *Islamic Law*: 65 assumes that this refers to a Byzantine ruler in eastern Sicily, but there is no evidence that the Byzantine authorities in Sicily ever appointed a Muslim *qāḍī*, nor that their hold upon the Muslim communities was sufficiently strong for them to have done so. While it is conceivable that the Norman leaders appointed one or more *qāḍī*s during their conquest of the island (1061–1092), by then Ibn al-Ḍābiṭ was already dead. We suspect that either the dates given for Ibn al-Ḍābiṭ are wrong (which is unlikely), or this *fatwà* was attributed to him in error and was in fact delivered by another jurist in the early twelfth century.

[134] A definitive and critical edition of the Arabic text of this *fatwà* remains a desideratum. The text used here is the longer version cited by Wanšarīsī 1981 *Miʿyār*: 10.107–109; see 2.133–134 for shorter text of the same *fatwà*. The abridged version in Wanšarīsī 1996 *Asnà*: 133–134, first published as Wanšarīsī 1957 *Asnà*, is translated into English in Asmal 1998 "Muslims under non-Muslim rule": 170–172, and also translated and discussed at length in Hendrickson 2009 "*Obligation to Emigrate*": 373–377, see also 200–216 *et pass.* A somewhat different version of the same *fatwà* was found in a manuscript of *al-Dukkāna* by ʿAẓẓūm al-Murādī al-Qayrawānī (i.e. Abū ʿAbd Allāh Muḥammad ibn Aḥmad ibn Īsà ibn Fandār; fl. 889/1484; see Maḫlūf 2003 *Šağarat al-nūr*: 374, no. 977) and published in ʿAbd al-Wahhāb 1955 *Al-Imām al-Māzarī*: 87–89. The latter was used as the basis of the edition,

The questioner accepted that it was a legal necessity for such a large Muslim community as that of Norman Sicily to be regulated by Islamic law and to have its own *qāḍī* and jurists,[135] but he was troubled that it was not known whether they were forced to abide in Sicily under Christian rule, or did so of their own free will. Here, he was referring to what some jurists perceived to be the obligation upon all Muslims who were reduced to living in enemy territory, the *Dār al-Ḥarb*, literally "the Abode of War", as were Muslims of Sicily after the Norman conquest, to emigrate to the *Dār al-Islām*.[136] The basis for this obligation is Qurʾānic (4:97–100), supported by several traditions ascribed to the Prophet Muḥammad, such as "Do not live among the polytheists or associate with them. Whoever lives among them or associates with them, is one of them".[137]

This duty of emigration, *hiğra*, originated during the eight years following the Prophet's migration to Medina in 1AH/621AD, when his Muslim followers were required to join him. After he conquered Mecca in 8AH/629-30AD, Muḥammad is reported to have said "There is no migration after the conquest [of Mecca]".[138] While the other *maḏhab*s considered this to be an abrogation of the general command to emigrate, the Mālikī school insisted that "The obligation to emigrate has not lapsed; rather, emigration remains obligatory until the Day of Judgement":

> "Mālik – may God most high have mercy upon him – deemed it reprehensible for anyone to live in a land where the pious ancestors were derided, so how [could it be permissible for anyone to live] in a land where [infidels] disbelieve in [God] the Merciful, and where idols are worshipped besides Him. Only the soul of a base Muslim whose faith is diseased could settle upon this."[139]

Nonetheless, al-Māzarī's questioner seems not to have been persuaded by that uncompromising stand for, when he observed that "no one knows" whether the *qāḍī* and jurists of Norman Sicily are acting under duress or of their own free will, he clearly had in mind one or more of the Qurʾānic passages that were interpreted as meaning that only God can know the true intention of a Muslim who, for fear of the infidel, has abandoned the ordinances of Islam.[140] The

French translation and discussion in Turki 1984 "Consultation juridique". In the passages that we have translated into English from the longer version in the *Miʿyār*, any significant additions found in Turki's text are enclosed in angle-brackets. See also: ʿAbd al-Wahhāb 1990 *Kitāb al-ʿUmr*: 1.696–704; Turki 1992 "Pour ou contre"; Brett 1999 "Muslim justice"; Johns 2002 *Arabic Administration*: 74, 88, 110 and 294–295; Metcalfe 2008 *Muslims of Medieval Italy*: 176-177; Davis-Secord 2007 "Muslims in Norman Sicily"; and Verskin 2013 "Mālikī ... attitudes": 49–50.

[135] "*Qaḍāʾ* is a right of God the fulfillment of which is a collective duty upon the community as a group": Masud, Peters and Powers 2006 *Dispensing justice in Islam*:19.

[136] Hendrickson 2009 "*Obligation to Emigrate*": 177–237. See also: Peters 1971 "Hidjra"; Masud 1990 "The Obligation to Migrate"; Turki 1992 "Pour ou contre"; Abou El Fadl 1994 "Islamic Law and Muslim Minorities"; Verskin 2013 "Mālikī ... attitudes": 47–51.

[137] Tirmiḏī n.d. *Ğāmiʿ*: book 21 *Kitāb al-Siyar*, *ḥadīṯ* 68: consulted online 16 August 2021: https://sunnah.com/tirmidhi:1605; Abū Dāʾūd n.d. *Sunan*: book 15 *Kitāb al-ğihād*, *ḥadīṯ* 311: consulted online 16 August 2021: https://sunnah.com/abudawud:2787.

[138] He continued: "except for holy war and sincere intention, *wa-lākin ğihād wa-nīya*. When you are asked to go to war, *istanfartum*, you should hurry to do so": Buḫārī n.d. *Ṣaḥīḥ*: no. 2783, book 56 *Kitāb al-ğihād wa-ʾl-siyar*, *ḥadīṯ* 2: consulted online 16 August 2021: https://sunnah.com/bukhari:2783; Muslim n.d. *Ṣaḥīḥ*: no. 1864, Book 33 *Kitāb al-Imāra*, *ḥadīṯ* 127: consulted online 16 August 2021: https://sunnah.com/muslim:1864.

[139] Ibn Rušd 1988 *Muqaddimāt*: 2.153.

[140] For example, Q.3:28–29: "Let not the believers take the unbelievers as friends ... Those who do that have no connection with God though that is not the case if you are protecting yourselves against them ... Say, 'Whether

questioner, in other words, was ready to allow the Banū Raǧāʾ *qāḍī* much greater latitude than the strictest opinions of the Mālikī school would seem to have advocated.

Al-Māzarī divided his reply into two parts. First, he considered whether or not the *qāḍī*'s ʿ*adāla*, his moral and religious integrity, was impugned by his residence in Norman Sicily. He began with a fundamental principle of Islamic law, that, in the absence of evidence to the contrary, every Muslim must be presumed to possess the quality of ʿ*adāla*:

> "There is a principle to be followed ... and that is to give Muslims the benefit of the doubt and to presume them to be far from impiety. This principle should never be abandoned because of false suspicions and groundless assumptions, so as for example to put someone with every appearance of probity to the test on the grounds that anyone without tangible proof of freedom from error could, in secret, have committed a major sin. Such a charge is to be rejected, and judgement is to be based on what is apparent, since this carries the greater weight — unless there are indications that point to misconduct."

Next, al-Māzarī included a discussion of the relative weight of absolute evidence (*min amr muṭlaq*), which would normally be used in order to assess the ʿ*adāla* of an individual, as against qualified evidence (*min qarāʾin maḥṣūra*) such as would be used by a *qāḍī* to inform a judgement: in this case, he seems to be saying, the latter should be weighed against the former in assessing the ʿ*adāla* of the *qāḍī* of Norman Sicily. He clinched this argument by referring the reader to one of his own published works.[141] Having established the general principle that competing considerations must be weighed against each other, al-Māzarī outlined the range of factors that would incontrovertibly either shift the weight of evidence towards, or against, establishing the ʿ*adāla* of the *qāḍī*, or alternatively cause it to teeter between the two in the zone called *šubha*, "uncertainty or doubt resulting from a resemblance between an unlawful action and a lawful one"[142]:

> "The integrity (ʿ*adāla*) of a person residing in enemy territory because he is forced to do so is undoubtedly not to be impugned. <It is likewise if his [residence] is voluntary as a result of ignorance of the rule [that one must emigrate], or out of a conviction that residence is permissible. This is because it is not obligatory upon him to know this piece of knowledge to the extent that not knowing it would compromise his integrity.>[143] The same is true if abiding there, in enemy territory, can be interpreted as valid (*ṣaḥīḥ*), such as being out of desire <to liberate it from them

you conceal what is in your breasts or reveal it, God knows it' (*qul in tuḫfū mā fī ṣudūri-kum aw tubdū-hu yaʿlam-hu ʾllāhu*)".

[141] Māzarī 2001 *Īḍāḥ al-maḥṣūl*: a commentary on the *Burhān* of the Šāfiʿī jurist ʿAbd Allāh ibn Yūsuf Abū Muḥammad al-Ǧuwaynī (d. 1085). The precise passage to which he here refers cannot easily be identified, but may be p. 327 or pp. 400ff. See also Hendrickson 2009 "*Obligation to Emigrate*": 374 note 132: "Al-Māzarī appears to be saying that a decision (*ḥukm*, judgment) regarding the judge's probity (and thus the admissibility of his written statements as evidence elsewhere), must be based on the same considerations as for any judge's *ḥukm*, which is based on the apparent meaning of any applicable evidence. A direct determination of one's overall probity, however, would be a more general affair subject to less specific standards and therefore is trumped by the more defined, practicable standards for the validity of a *ḥukm*. Here al-Māzarī is invoking a general principle of *uṣūl al-fiqh* regarding the interpretation of absolute (*muṭlaq*) and restricted (*muqayyad*) language in the sources of the law; on this distinction, see Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd. ed. (Cambridge: Islamic Texts Society, 2003), 155-58. This passage has confounded its editors".

[142] Powers 2002 *Law, Society, and Culture*: 62, and note 39.

[143] Turki 1984 "Consultation juridique": 702.

> and restore it to Islām>,[144] to guide the enemy aright, or to transport them away from error. Al-Bāqillānī has drawn attention to this,[145] while followers of Mālik have pointed out that it is permissible to enter [enemy lands] in order to ransom captives (*li-fakāk al-asīr*).[146] Likewise if the reason is construed as a simple mistake,[147] of which there are any number; just as there exist innumerable cases of 'uncertainty' (*al-šubha*) amongst the jurisprudents (*al-uṣūlīyīn*). Such things are liable to be considered wrong by one scholar and right by another, with the understanding that one scholar can be held to be perfectly correct (*muṣīb*) while the other is [legally] justified (*maʿḏūr*).[148] However, if a person resides there, by choice, for reasons consonant with 'the judgement of the age of ignorance' (*bi-ḥukm al-ǧāhilīya*: Q. 5:50), and disclaims any [valid religious] explanation (*al-iʿrāḍ ʿan al-taʾwīl*), then this does impugn his probity. The [Mālikī] School is divided on [whether or not to admit] the testimony of one who chooses to enter [enemy land] to trade;[149] all the more so on how to interpret the *Mudawwana* in this regard."[150]

Al-Māzarī therefore began by reminding the reader that, although the Qurʾānic obligation to emigrate from a place of unbelief is absolute, and those who disobey are damned to Hell, it nevertheless includes a qualified exception allowed for "the oppressed, be they men, women, or children, who cannot devise something, and are not guided to a way. These — it may be that God will pardon them" (Q. 4:98–9). In other words, if the *qāḍī* had been forced to reside in Norman Sicily, then his *ʿadāla* could not be impugned. Next, al-Māzarī argues that, had the *qāḍī* been ignorant of the obligation to emigrate, or been convinced that it was permissible for him to remain in Norman Sicily, such ignorance or such a conviction would not impugn his *ʿadāla*.[151] His reasoning would seem to be that so long as the *qāḍī*'s ignorance was not willful, or that his conviction was motivated by good intentions, then his integrity was not impaired. Al-Māzarī next proceeded to list some of the reasons for a Muslim to live in Norman Sicily that might be wholly legitimate: out of desire (*li-raǧāʾ* — presumably mere serendipity!) to reconquer the island and restore it to Islam; to convert the Christians to Islam, and to ransom Muslim captives, something allowed even by the Mālikīs. Then comes the difficult passage in

[144] Turki 1984 "Consultation juridique": 702.

[145] The *qāḍī* Abū Bakr Muḥammad ibn al-Ṭayyib ibn Muḥammad ibn Jaʿfar b. al-Qāsim, generally known as al-Bāqillānī (or Ibn al-Bāqillānī), a prominent Ašʿārī theologian, Mālikī jurist and legal methodologist, based in Baghdad (d. 1013). We have not identified the precise reference, but note that, in al-Māzarī's day, his works were widely read and discussed in the Maġrib: Ansari and Thiele 2018 "Discussing al-Bāqillānī": 129 note 6, 131 note 12.

[146] Ibn Rušd 1988 *Muqaddimāt*: 2.153: "It is not permissible for any Muslim to enter the land of polytheism for trade or any other reason, except to ransom a Muslim":

[147] The text here is unstable: Wanšarīsī 1981 *Miʿyār*: 10.108 ostensibly offers *wa-ka-ḏā in kāna taʾwīlu-hu maḥḍ [ka-ḏā] wa-wuǧūh lā tanḥaṣir*; while the *Dukkān* (Turki 1984 "Consultation juridique": 703) has *wa-ka-ḏā in kāna taʾwīlu-hu ḫaṭaʾ wa-wuǧūh-hu lā tanḥaṣir*.

[148] This section is to be found only in Wanšarīsī 1981 *Miʿyār*:10.108, and not in 2.133–144.

[149] Al-Māzarī issued two *fatwà*s clearly ruling that it was illegal to travel to Norman Sicily for trade: Burzulī 2002 *Fatāwā*: 3.462–464 and 5.272; Wanšarīsī 1981 *Miʿyār*: 6.317–318 and 8.207–208.

[150] *Al-Mudawwana al-kubrà* (Saḥnūn 1994 *Mudawwana*) is the compendium of the legal opinions of the scholars of Medina according to Mālik ibn Anas (d. 795) compiled by Saḥnūn ibn Saʿīd ibn Ḥabīb al-Tanūḫī (d. 854). Thiessen 2014 "Formation of the *Mudawwana*" is the first comprehensive study of the work. For Saḥnūn himself, see Brockopp 2011 "Saḥnun".

[151] This passage does not appear in all versions of the text.

which he argued at length that, even should the weight of the evidence not come down heavily on one side or the other, but rather teeter unsteadily between the two, and even when there is no clear consensus amongst the Mālikī scholars, so that one says one thing and another the opposite, the *qāḍī* should still be given the benefit of the doubt, and his *ʿadāla* not be impugned. Al-Māzarī ended by stating that only were there to be clear testimony to the effect that the *qāḍī* was abiding in Norman Sicily in wilful opposition to the divine command to emigrate, and had no valid reason for doing so, could his integrity indisputably be called into question. Before summing up, al-Māzarī observed that scholars of the Mālikī school were divided on the legality of trade in enemy territory. This statement is unexpected because, elsewhere, al-Māzarī was crystal clear that the Muslims of Ifrīqiya were not permitted to travel to Sicily in order to trade, even to purchase food in time of famine.[152] He seems here to be adding to his reply one final example of the lack of consensus amongst the jurists, in order to introduce the following summation which gave the benefit of the doubt to the *qāḍī* of Sicily:

> "Therefore, for such a person of ostensible probity whose residence [in enemy land] is in some respect suspect, the ruling principle will be to absolve him, as the weight of probability antecedent to that is in favour of his absolution, and is not to be rejected on the basis of one [contradictory] possibility alone, unless there is evidence to the effect that his stay is voluntary without [valid] reason."

In other words, in the absence of evidence to the contrary, it was to be allowed that the *qāḍī* of Norman Sicily resided under Christian rule with his *ʿadāla* unimpaired. In this first respect, therefore, his judgements and opinions, and documents validated by him, were judged to be acceptable in the courts of Ifrīqiya.

In the second part of his answer, al-Māzarī addressed the question of whether the fact that "the *qāḍī*s, <witnesses (*ʿudūl*)>, trustees (*umanāʾ*) and other [legal officials]" were appointed by the Christian ruler of Sicily compromised their *ʿadāla*. He found that the duty of providing the Muslim community of Norman Sicily with a *qāḍī* and other legal officers "in order to prevent the people from wronging each other", *li-ḥaǧzi ʾl-nās baʿḍu-hum ʿan baʿḍ*, was a religious obligation commanded by God. This was so compelling "that there is a view within the [Mālikī] school that it is, in all reason, a religious obligation (*wāǧib*), despite the fact that the appointment of this *qāḍī* by an infidel is baseless (*wa-in kāna bāṭilan tawliyat al-kāfir li-hāḏā ʾl-qāḍī*). Given that the people in his care (*al-raʿīya*, lit. "flock", "herd") need him, and, as such, that his presence there is required for them, his judicial authority (*ḥukm*) is not to be impugned, and the force of his judgements is as [valid as] if a Muslim ruler had appointed him".

Although al-Māzarī did not cite any Mālikī authority that says precisely that, he did refer to two cases which he found to be analogous. The first, which he said comes from the "Book of Oaths", *Kitāb al-aymān*,[153] in the *Mudawwana*, is a case in which local jurists (*šuyūḫ*) were invested with the authority of an absent Muslim ruler in order to expedite the repayment of a debt. Here, al-Māzarī seems to suggest that the case of the *qāḍī* of Norman Sicily is analogous to that of a judge who assumes authority in the absence of the legitimate Muslim ruler. The

[152] See above, note 146.
[153] Reading *aymān* (Wanšarīsī 1981 *Miʿyār*: 10.109), rather than *amān* (ibid., 2.134).

second case, cited on the authority of two of Mālik's pupils,[154] involved a rebel who seizes power from the legitimate Muslim ruler (*imām*), "conquers the land, and appoints a *qāḍī* of integrity, *qāḍiyan ʿadlan*, so that his rulings are legally valid, *aḥkāmu-hu nāfiḍa*". This case appears to be more apposite. But rulings to the contrary also existed. Indeed, al-Wanšarīsī's own comment on al-Māzarī's *fatwà* was to cite the example of ʿUmar ibn Ḥafṣūn:[155] when he rebelled against Umayyad Cordoba and converted to Christianity, the jurists of al-Andalus ruled that all testimony given by his followers was unacceptable, and that the rulings of his judges were invalid. In addition, said al-Wanšarīsī, there was the ruling of Mālik himself:

> "Saḥnūn said: "[Abū Muḥammad ʿAbd Allāh] Ibn Farrūḫ the Persian and Ibn Ġānim the Arab, the *qāḍī* of Ifrīqiya, who are both among those who narrate from Mālik – may God be pleased with him – disagreed. Ibn Farrūḫ said: '[The judge must not assume the judgeship] if an unjust commander (*amīr ġayr ʿadl*) appoints him,' while Ibn Ġānim said: 'It is permissible for him to take office even if the commander is unjust.' So they wrote with this [issue] to Mālik, [and Mālik said]: 'The Persian is correct,' meaning Ibn al-Farrūḫ, 'and the one who claims to be Arab was mistaken,' meaning Ibn Ġānim."[156]

Nonetheless, following the lead of al-Māzarī himself, al-Wanšarīsī concluded his own discussion of the *fatwà* by pointing out that some Mālikī scholars had taken a different view.

The two *fatwà*s just discussed, that attributed to Ibn al-Ḍābiṭ and that of al-Māzarī, are extremely revealing as to how the Banū Rağğāʾ *qāḍī*s were viewed by their closest Muslim neighbours in Ifrīqiya, at least until the conquest of al-Mahdīya by the Almohads in 1160. In the early twelfth century, the first arrival in the Ifrīqiyan courts of documents and written judgements written by the Banū Rāğğāʾ *qāḍī*s and their officers posed an immediate and pressing problem. Once the conquest of the island was complete, relations between the Muslim populations of Ifrīqiya and Sicily had continued much as they had done before the arrival of the Normans. Members of each community travelled to the other, where they gave birth, married, separated, and died, bought property and traded, made and broke contracts, fell out, and went to law. A myriad of petty cases, each important only to the parties involved, but in total absolutely essential for the continuity of normal everyday life for the two Muslim communities separated by the Sicilian Canal, demanded that a pragmatic solution be found to the problem posed by the arrival in the courts of Ifrīqiya of documents written by the Muslim legal officers of Norman Sicily. This same problem, moreover, was by no means confined to Ifrīqiya, as more and more Sicilian Muslims emigrated from the island to various centres in the *Dār al-Islām*, carrying with them marriage certificates, deeds of purchase, and other essential documents issued by the *qāḍī* of Norman Sicily and his officers.[157]

[154] Ibn al-Māğišūn (d. 829) and Muṭarrif ibn ʿAbd Allāh (d. 835).
[155] For Ibn Ḥafṣūn, see, for example: Wasserstein 2002 "Inventing Tradition"; Martínez Enamorado 2012 *ʿUmar ibn Ḥafṣūn*.
[156] Abū Bakr al-Mālikī 1983 *Riyāḍ al-nufūs*: 1.178–179.
[157] See, for example, the quittance for payment of a bridal dower from Norman Palermo, dated 1-10 Ṣafar 526 / 23 December 1131 – 1st January 1132 that was perhaps carried by emigrants from Sicily to Damascus: original TIEM, Ṣ.E. 13002 (photo nos. Ṣ_E_13002_092 and Ṣ_E_13002_093): imperfect edition in Mouton, Sourdel and

The solution — that all such documents be deemed acceptable in the courts of the *Dār al-Islām*, so long as the *ʿadāla* of the *qāḍī* and his officers could not be proven to be impaired, despite the fact that they had been appointed by a Christian king — is by no means peculiar to the specific case of Norman Sicily, but involves a a most fundamental premise of Islamic law, summarised, for example, in Joseph Schacht's *Introduction*:

> "The opposite of *ʿadl* is the sinner (*fāsiḳ*) ... the quality of being *ʿadl* is a religious and not a legal requirement; the *ḳāḍī* must not accept the evidence of a *fāsiḳ*, but if he does, his judgement based upon it is nevertheless valid. The *ḳādī*, too, must be *ʿadl* and possess, in addition, the necessary qualities of character and the necessary knowledge; similarly, if a *fāsiḳ* is appointed *ḳāḍī*, his appointment is valid, and if a *ḳāḍī* who has been *ʿadl* becomes *fāsiḳ*, his appointment does not become invalid. ... ... Islamic law did not remain immune from malpractices within its own sphere of application, such as bribing of *ḳāḍī*s and witnesses, and high-handed acts of governments ... But Islamic law takes a matter-of-fact view of [such] abuses when it considers valid the appointment of a *ḳāḍī* who is not *ʿadl* ... or the judgement of the *ḳāḍī* if he accepts the evidence of a witness who is not *ʿadl*, or even the appointment of a *ḳāḍī* by a political authority which is not legitimate."[158]

Such pragmatism facilitated personal contacts between the jurists of Norman Sicily and Zīrid Ifrīqiya. Al-Māzarī's father had emigrated to al-Mahdīya from Sicily, and he himself would undoubtedly have been personally acquainted with Muslims from Sicily, and would have known of many more. Some of the jurists of Norman Sicily, perhaps even the Banū Raǧāʾ themselves, are likely to have trained in his judicial school in al-Mahdīya. Even had they not attended in person, their documents and written judgements, and in all likelihood also their correspondence with Ifrīqiyan colleagues, masters, and pupils, would have come to al-Māzarī's attention. He was a leading jurisconsult in al-Mahdīya even before the death of his teacher ʿAbd al-Ḥamid ibn al-Ṣāʾiġ in 1093,[159] the year in which Count Roger I began the division of the spoils of conquest in Sicily, and al-Māzarī lived on until October 1141. He was therefore the exact contemporary of the first Banū Raǧāʾ *qāḍī*, Abū al-Qāsim ʿAbd al-Raḥmān, so that, when he defended the *ʿadāla* of the *qāḍī* of Sicily, he acted as advocate for a colleague whom he may, or may not, have known in person, with whose documents and judgements he was certainly familiar, and whose personal reputation he knew and judged to be *ʿādil*, for all that his abiding in Christian Sicily was "in some respect suspect", *šukka fī iqāmati-hi ʿalà ayyi waǧh*. Al-Māzarī was perfectly capable of making judgements that seem cruel and harsh, such as his prohibition against travel to Sicily to buy food even in time of famine, but, in his special pleading in this *fatwà*, we can discern real sympathy for the plight of a colleague struggling despite almost overwhelming odds to protect his Muslim flock against the predations of the Christian ruler of Sicily.[160] Much the same sort of solidarity and sympathy with fellow Muslims, for all the differences in genre and register, is to be read

Sourdel-Thomine 2013 *Mariage et séparation*: no. 24, p. 292, pl. XXVI; discussed in Jamil and Johns 2022 "Four Sicilian documents".

[158] Schacht 1979 *Introduction*: 125, 200.

[159] Wanšarīsī 1981 *Miʿyār* 6.317–318. Maḫlūf 2003 *Šaǧarat al-nūr*: 174, no. 363.

[160] Also noted by ʿAbd al-Wahhāb 1955 *Al-Imām al-Māzarī*: 191; Turki 1984 "Consultation juridique": 695–696.

in Ibn Ǧubayr's account of Norman Sicily, especially after his arrival in Trapani. Indeed, we dare say that most Muslims in the *Dār al-Islām* are likely to have felt similar pity for and sympathy with their Sicilian co-religionaries to the extent that they were willing to accept the *ʿadāla* of their *qāḍī*, for all that he had been appointed by a Christian king.

The collections of *fatāwà* issued by Mālikī jurists from the ninth century onwards, compiled by al-Burzulī (d. *circa* 1348), al-Maġīlī (d. *circa* 1505), al-Wanšarīsī (d. 1509) and others, are full of detail concerning the everyday working lives of the *qāḍī*s of Zīrid Ifrīqiya. Although almost all of the original documents that had occasioned these *fatāwà* are lost, a very few escaped excision by the compilators and are partially preserved in the *fatāwà* themselves; sufficient to demonstrate that they are *responsa* to real cases, and not abstract judicial exercises.[161] On the basis of these collections, we may be absolutely certain that the vast majority of the mundane business of the *qāḍī* and the other legal officers of a Muslim community,[162] including that of Norman Sicily, consisted in the solution of a wide variety of questions that arose within the Muslim community. Only a tiny proportion of their business had to do with inter-communal relations between Muslims and Christians or Jews. The *qāḍī*s of Norman Sicily and their officers would inevitably have had to deal with more cases involving relations between Muslims and Christians than their Ifrīqiyan counterparts, but the vast proportion of their business would nonetheless have been conducted exclusively within the Muslim community of the island. Of this, we have virtually no record: one exchange of irrigation rights, one quittance for payment of a bridal dower, are the only original documents that have survived, and not a single *fatwà* in the Ifrīqiyan collections illustrates the operation of justice within the Muslim community of Norman Sicily.

In contrast to Zīrid Ifrīqiya, Norman Sicily is relatively rich in Arabic private documents, but we know of only the two *fatwà*s already discussed that deal with decisions made by the *qāḍī* of Christian Sicily. In addition, a case put to al-Qābisī, the blind head of the Mālikī school of al-Qayrawān, who died in 1012, illustrates that documents issued by the *qāḍī* of even Kalbid Sicily could create problems for the courts of Ifrīqiya.[163] Thirty or so of the *fatāwà* in these collections relate in some way to Sicily, but most from the perspective of Ifrīqiyans who had commercial or other dealings with the island,[164] so that they cannot be used as a source for the working lives of the Banū Raǧāʾ *qāḍī*s. All but two of the Arabic private documents from Norman Sicily relate to relations between Muslims and Christians, and that is precisely what determined their survival: the vast majority must have regarded relations between Muslims and have therefore all been lost, except one that was preserved in an ecclesiastical archive because the

[161] Powers 2013 "Aḥmad al-Wansharīsī (d. 914/1509)": 381–382, note 21: "Many of the *fatwā*s included in the *Miʿyār* underwent a process of editing and abridgement: First, the names of people and places, words and phrases that were not of direct legal relevance, and documents attached to or embedded in the original *fatwā* were stripped away (*tajrīd*). Second, the original *fatwā* was summarized (*talkhīṣ*), thereby reducing its length. As a result of this two-step process, a narrative dealing with a specific and historically contextualized situation was transformed into an abstract case that refers to one or more nameless individuals living in an unspecified place at an undetermined time". See also the important study Hallaq 1994 "From *fatwā*s to *furūʿ*".

[162] For these officers in Zīrid Ifrīqiya, see Idris 1962 *Zīrīdes*. 2.548–573.

[163] Wanšarīsī 1981 *Miʿyār*: 10.136–137.

[164] A preliminary working list may be garnered from the index of Lagardère 1995 *Analyse du Miʿyār*.

church subsequently acquired the rights to which it referred.[165] In short, we can observe the operation of Islamic law in Ifrīqiya almost exclusively through *fatāwà* and from the introspective standpoint of the Muslim community, while what little we can see of Islamic law in Norman Sicily comes almost exclusively from documents concerned with relations between Muslims and Christians, and which have survived solely because it was in the interests of Christian churches to preserve them.

By way of conclusion in this section, we hazard a series of working hypotheses about the Banū Raǧāʾ in the hope that they may stimulate future research. We have already seen that it was generally accepted that, in the absence of an Islamic ruler and his delegated *qāḍī*, the *šuhūd*, whom we take to be not just the accredited witnesses but more broadly the leading members of a Muslim community of proven integrity, might legitimately act in their stead. We suggest that such a pragmatic, *ad hoc* arrangement is likely to have prevailed in Sicily during and immediately after the Norman conquest of the island, and that the appointment of the first Banū Raǧāʾ *qāḍī*, some time before 1116, marks an important innovation for both the Hauteville rulers and their Muslim subjects. We suggest that, instead of leaving each Muslim community to administer its own justice unsupervised, a single officer, *al-qāḍī bi-Ṣiqillīya*, "the *qāḍī* for Sicily", was appointed by the Norman ruler to oversee the application of Islamic law to the Muslims of all Sicily, and especially to the Muslim citizens of Palermo, the largest and most vibrant Islamic community of the island.[166]

There is no direct evidence as to precisely when this occurred, but the documents provide a chronological framework for the history of Banū Raǧāʾ *qāḍī*s (see Table 1). The honorifics awarded to *al-šayḫ al-faqīh al-qāḍī* Abū al-Qāsim ʿAbd al-Raḥmān make it highly likely that he was the first *qāḍī* appointed by Roger II; his father, who is known

[165] An exchange of irrigation rights between two Muslim landholders in the outskirts of Palermo, dated 1-10 Ǧumādà al-Awwal 526 / [21–30] March 1132: ASDPa 9 (Cusa 1868 *Diplomi*: no. 43, pp. 6–12, 706–7.) An unpublished note on the *verso*, dated 20 Ṣafar 540 / 12 August [1145], records the purchase, on behalf of archbishop Roger Fesca, of the irrigation rights from one of the two parties to the exchange of 1132. Grand'Henry 2012 "Un contrat d'échange" is regrettably based not on the document itself but on Cusa's defective transcription, with serious consequences for the accuracy of both the translation and linguistic commentary. For the other private Arabic document from Norman Sicily in which both parties are Muslim, see above, note 157.

[166] Idris 1962 *Zīrīdes*: 1.183–184, 2.549, 556–559. See also Brunschvig 1947 *Ḥafṣides*: 2.113–153; Powers 2002 *Law, Society, and Culture*: 18–19. See also below, pp. 58–59. The Norman rulers appointed judges for the Christian communities of the island from at least 1123 (see above, p. 16 and note 56) but the appointment of judges for the different Christian communities has yet to be investigated systematically. The Norman kings later appointed separate judges for the Greek and Latin communities of Messina, but it is not yet clear whether or not this practice occurred elsewhere on the island and began only after the creation of the kingdom: Messina, May 1147, "Arcadios, the judge of the Greeks in office", Ἀρκάδιο(ς) ὁ κατὰ τὴν ἡμ(έ)ρ(αν) κριτ(ὴς) τῶ(ν) Γρεκῶν (inedited, ADM Messina 1322, l. 15); Messina, May 1152, "John of Aversa, judge of the Latins", Ἰωάννης Ἀβέρσας κριτὴς Λατίνων, and "Peter of Limoges, judge of the Latins", Πέτρος Λημωτζήας κριτὴς Λατίνων, (Guillou 1963 *S. Maria di Messina*: no. 8, pp. 84–90); Messina, January 1157, "Andreas Kornillias, judge of the Latins", Ἀνδρέας Κορνίλλιας καὶ κριτὴς τῶν Λατίνων (inedited, ADM Messina 1392, l. 14); Messina, November 1162, "Leo, judge of the Greeks", Λέων ὁ τῶν Γραϊκῶν κριτὴς (Cusa 1868 *Diplomi*: no. 103, 629–630, 723); Messina, May 1174, "Leo Chel[ōnēs?], the judge of the Greeks", Λεων Χελ[ώνης?] ὁ (καὶ) κριτ(ὴς) των Γραικων (inedited, ADM Messina 0534, l. 12); Messina, 1187–1188, "The judge of the Greeks, Basil son of Koulombos,", Ὁ κριτὴς τῶν Γραικῶν Βασίλειος ὁ τοῦ Κουλούμβου (Guillou 1963 *S. Maria di Messina*: no. 13; pp. 113-117; Messina, May 1188, "The judge of the Greeks, Basil son of Koulombos,", Ὁ κριτὴς τῶν Γραικῶν Βασίλειος ὁ τοῦ Κουλούμβου (inedited, ADM Messina no. 1374, l. 23); Messina, September 1137, "Michael, judge of the Greeks", Μιχαὴλ κριτὴς τῶν Γραικῶν (Cusa 1868 *Diplomi*: no. 55, pp. 521–522, 710).

only by his given name, Raǧāʾ, and bore no honorific, may have been a jurist but is most unlikely to have been made *qāḍī* by a Norman ruler. The *qāḍī* ʿAbd al-Raḥmān appears anonymously in 1116, and is named in the deed of sale of 1137–1138. The deed of 1161 was issued by his grandson, the *qāḍī* Raǧāʾ and, in the interim, ʿAbd al-Raḥman's son, *al-šayḫ al-faqīh al-qāḍī* Abū al-Ḥasan ʿAlī , held office and died or retired. Abū al-Faḍl Raǧāʾ was almost certainly the *qāḍī* who signed his *ʿalāma* to the deed of sale of 1161, and perhaps the contract of 1177–1180, and the deed of sale of 1180; he may also be the *qāḍī* mentioned by Ibn Ǧubayr in the winter of 1184–1185. Let us for the moment assume that all this is correct, and that each of these three *qāḍī*s held office for approximately twenty years: ʿAbd al-Raḥmān from pre-1116 until shortly after 1137–1138; ʿAlī from approximately 1140 to 1160; Raǧāʾ from pre-1161 until post-1184.

If the creation of the office of *qāḍī* of Sicily was indeed an important development in the embryonic multicultural state, in what year might it have taken place? In the absence of any conclusive evidence, we suggest that it is most likely to have been part and parcel of the transfer of the capital from Messina to Palermo in 1112. A series of circumstances might be accumulated to tip the balance of probability in favour of this hypothesis. The move from Messina to Palermo involved a shift in the centre of power from the Greek Valdemone to the Muslim Val di Mazara. The new capital was closer to Ifrīqiya than to the Italian mainland. Calabria and Mileto, where Count Roger I had concentrated his power, were increasingly neglected, as his son focused his attention and resources on Palermo and the Val di Mazara, and on neighbouring Ifrīqiya. Roger II's first minister, Christodoulos, had roots in the region around Mazara. He spoke Arabic, and maintained active contacts with Ifrīqiya, to the extent that, in 1108, he was able to arrange the defection from al-Mahdīya to Sicily of the chief financial minister of the Zīrid state, George of Antioch. Both Christodoulos and George would have understood from within the role of the *qāḍī* in an Islamic state, and would have appreciated how, by appointing his own *qāḍī* to care for all his Muslim subjects, Roger might centralise control and supervision of what he was later to call "the pre-existing uses, customs, and laws" of the Muslims of the island, enabling him to govern them on their own terms but through his *qāḍī*.[167] The personal link between Roger II and the Banū Raǧāʾ was tightened by the appointment of Abū al-Ḍawʾ as *kātib al-inšāʾ*, the chief secretary of Roger's Arabic chancery in the years before the reformation of the Arabic *dīwān* after 1130. When the Norman ruler wrote to the Fāṭimid caliph, the Zīrid emir, and the rebellious Arab lords of the coastal cities of Ifrīqiya, his letters were written by the nephew of the *qāḍī* Abū al-Qāsim ʿAbd al-Raḥmān. As the export of Sicilian wheat to famine-struck Ifrīqiya increased by policy of the new government in Palermo, until it earned for Roger the nickname of Abū Tillīs, "Old Wheat-sack", so must have the *qāḍī* of Sicily been as busy as his Ifrīqiyan counterparts in settling the disputes that arose between Muslim merchants engaged in commerce across the Sicilian Canal. By the death of the first Banū Raǧāʾ *qāḍī*, Abū al-Qāsim ʿAbd al-Raḥmān, his office had become so essential to the operation of the Norman state that, during the conquest of the Ifrīqiyan coast in the 1140s, the victorious commanders systematically appointed their own *qāḍī* as part of the terms of surrender and post-conquest

[167] See above, note 8.

settlement for each city. In this way, we see the creation of the Banū Raǧāʾ *qaḍāʾ*, "*qāḍī*-ship", as essential to, and inseparable from, the integration of Arabo-Islamic culture into Roger's multicultural Sicilian monarchy, and its expansion into Ifrīqiya, for which the *sine qua non* was the transfer of his capital to Palermo.

From Palermo, how far did the authority of the Banū Raǧāʾ extend through the island? The precise designation of their office in Arabic is *al-qādī bi-Ṣiqillīya*, "the *qāḍī* for Sicily",[168] and this use of the preposition *bi-*, "for" or "in", instead of the construct case to indicate possession, *qādī Ṣiqillīya*, "the *qāḍī* of Sicily", catches the reader's attention. Precisely what was intended by this particular collocation is far from certain, but one possibility is that the *qāḍī*'s secretary sought to indicate that his master was not just *qāḍī [madīnat] Ṣiqillīya*, "*qāḍī* of the capital of Sicily", that is the *qāḍī* of Palermo, but rather the *qāḍī* for all Sicily. This may be reading too much into what is, in any case, a nice grammatical point. It may also be unnecessary because, in the Zīrid emirate too, another wealthy dynasty of Arab Mālikīs, the Banū Hāšim, held the *qaḍāʾ*, "*qāḍī*-ship" of al-Qayrawān, from *circa* 975 until 1043, and acted, in effect, as the *qāḍī ʾl-quḍāt*, (later, *qāḍī ʾl-ǧamāʿa*), the chief *qāḍī* of of the capital city; after the transfer of the Zīrid capital to al-Mahdīya, its *qāḍī* again served in effect as the chief *qāḍī* of all Ifrīqiya.[169]

One of the deeds of sale validated by a Banū Raǧāʾ *qāḍī* seems to indicate that he may have been head of a hierarchy of subaltern *qāḍī*s, magistrates (*ḥukkām*) and officers with legal oversight (*wulāt al-naẓar*). However, the surviving Arabic deeds of sale of property outside Palermo mention no presiding *qāḍī* and were perhaps supervised by local Muslim jurists, scribes and witnesses, without the intervention of a *qāḍī*. The purchaser's copy of a deed probably issued in Cefalù or even Collesano — a hard day's march from Palermo — bears at its head a motto that might be the *ʿalāma* of a subaltern *qāḍī*, *ḥākim* or *wālī*.[170] Again, the handful of occurrences of the *laqab* "*al-qāḍī*" as an anthroponomic element in the *ǧarāʾid al-rijāl* may conceivably have belonged to rural *qāḍī*s who operated independently of the Banū Raǧāʾ, or perhaps under their distant supervision.[171] Yet again in the absence of evidence, we are inclined to assume that the authority delegated by the Norman ruler to the Banū Raǧāʾ *qāḍī* was intended to cover the whole island. This was certainly the case for their civil counterpart, the Ḥammūdid "leader and lord", *zaʿīm ... wa-sayyid*, of the Muslims of Sicily, who was based in Palermo, but to whom the Muslims of distant Syracuse addressed their plea for alleviation from the *ǧizya*.[172]

[168] See above, notes 18 and 19.
[169] See above, note 162.
[170] Cap. Pal. 4, r. l. 27: the witnesses to the deed give their permission "for its contents to be conveyed from them to the relevant authorities among the judges (*quḍāt*), auxiliary magistrates(?) (*ḥukkām*), and officers with oversight (*wulāt al-naẓar*) among the people", *fī naqli ḏālika ʿan-hum ilà man yaǧibu naqlu ḏālika ilay-hi mina ʾl-quḍāti wa-ʾl-ḥukkāmi wa-wulāti ʾl-naẓari bayna ʾl-anām*: AdSPa Cefalù 38; Jamil and Johns 2022 "Arabic Deeds of Sale", forthcoming (Cusa 1868 Diplomi: no. 14, pp. 505–506, 698).
[171] See, for example, Metcalfe 2008 *Muslims of Medieval Italy*: 177, referring to Cusa 1868 *Diplomi*: 475b (Aḥmad, Abū al-Ḥusayn, and Niʿma ibn al-Qāḍī), 476a (Ḥasan al-Qāḍī), from the Cefalù *ǧarīda* of 1145 (AdSPa Cefalù 2, r., names 18.4–6 and 20.5); and 252b (Ḥamza ibn al-Qāḍī), 273a (ʿAbd al-Karīm ibn al-Qāḍī), from the Monreale *ǧarīda* of 1183 (BCRS Monreale 45, r., names 40.5, 119.3).
[172] Ibn Qalāqis 1984 *Zahr al-bāsim*: 33–38; De Simone 1996 *Splendori e misteri*: 88–97. See also Johns 2002 *Arabic Administration*: 35, 38, 133, 240, 252, 292.

The* qāḍīs *of Norman Sicily and the end of the Muslim community of Sicily

One final set of hypothetical speculations concerns the ultimate fate of the Banū Rağāʾ. Their *ʿalāma* is last encountered in the deed of sale of 1180, and the *qāḍī* mentioned in Palermo by Ibn Ǧubayr in the winter of 1184–1185 is likely to have belonged to the dynasty. If so, that is their last known appearance, and we therefore find it all but irresistible to attribute their disappearance from the historical record to the death of William II in November 1189 and the subsequent massacre of the Muslims of Palermo, the war of succession, the invasion of Henry VI, and the outbreak of the "Saracen Wars", the rebellions of the Muslims of Sicily that smouldered on until 1246.

At some time before the end of 1198, the *archadius Sarracenorum*, "the *qāḍī* of the Muslims", was already not from the Banū Rağāʾ, indeed, was not even a Muslim. In June 1202, Jacob of Palermo, son of the late Raonus of Naples, with his wife Husun (Arabic *Ḥusn*, "Beauty") and their children Roger, Matthew and Gunnora, renewed the donation made by his sister, Corbina, to St. Bartholomew's of Lipari-Patti of six Muslim villeins at the *casale* of Zarchate near Carini. Corbina owned these villeins "by the former authority of our most serene empress of divine memory, late Empress Constance, likewise by the judgement and decree of Lord William of Partinico, master royal justiciar of the great royal court and *al-qāḍī* of the Muslims, and also by title of purchase, according to what is contained in the two documents issued by the same justiciar and *al-qāḍī*, of which one is in Greek and the other in Chaldean (*sic*!)" This royal official, in whom the offices of royal justiciar and *qāḍī* were combined, and who issued documents in Arabic and Greek, was clearly active in the fourteen months between the death of Henry VI on 28 September 1197 and that of Constance on 27 November 1198, when she ruled in her own right as queen regent of Sicily, and attempted to restore the multicultural administration of her father, Roger II.[173] This *qāḍī* William was no convert from Islam, no Ibn Zurʿa, but rather the younger son of the baron Matthew *de Partinico* and Maria, *domina Partenici*, who was heir to lands at Partenico held by the ancient Norman family of Avenel.[174] William of Partinico, in other words, seems to have followed the same path as another second son of a Norman baron, William Malconvenant,[175] by entering the service of the multicultural royal administration as justiciar but, in this case, a generation later and after the outbreak of the Muslim revolts, he served not merely as royal justiciar but also as *archadius Sarracenorum*, "the *qāḍī* of the Muslims". The administration of Islamic law, what Roger II had referred to as "the pre-existing uses, customs, and laws" of the Muslims of Norman Sicily, had been removed from the Muslim Banū Rağaʾ and entrusted to a royal justiciar, a Latin Christian of Norman baronial descent. For all that the *qāḍī* William is said to have issued Arabic documents in his name, he is most unlikely to have read, and still less to have written, Arabic. Nor is William likely to have received any training in Islamic law, nor to have won the confidence of the few remaining Muslim inhabitants of Palermo, still less of their former neighbours, the Muslim rebels who now controlled the surrounding mountains. The Muslim community of the capital had been all but destroyed by the anti-Muslim riots and massacres of November 1189, by the

[173] Jamil and Johns 2016 "A New Latin-Arabic Document": 134–139.
[174] Mazzarese-Fardella 1978 "Partinico".
[175] Jamil and Johns 2004 "Signs of the Times": 184–186.

flight of the Muslims of Palermo into the mountains of the interior, and by the outbreak of the Muslim rebellion that was to peak in the early1220s and to smoulder on until 1246.[176]

This annexation of an Islamic office to a Norman baron may have been merely temporary. A Greek document issued on 6 August 1213 by abbot Sabas and the monks of Santa Maria della Grotta in Palermo, records that they had received "a piece of land that had once been the cemetery of the Ishmaelites known as *Pbep Elmounkous*".[177] Our tentative reading of the Arabic note on the *verso* suggests that the Arabic original of this Greek toponym was *Bāb al-Manqūš*, which indicates a gate that was "painted", "sculpted" or "inscribed".[178] The property lay between lands belonging to the monks and "the *Arēda*", ἡ Ἀρήδα, which is so far unidentified and appears to be otherwise unattested.[179] A much later Latin note on the *verso* identifies the gate as the Porta Termini, which lay near the southern end of modern via Giuseppe Garibaldi, opposite the ex-convento di Santa Caterina di Siena.[180] St Mary's received this land "from the elder, the *qāḍī* (Arabic *al-šayḫ al-qāḍī*) *[.....]*" but his precise identity is unknown because, immediately after the word ἀλκάδη, *al-qāḍī*, the scribe deliberately left a blank space sufficient to hold approximately seven letters, as if he had meant to ascertain, and then insert, the name of the *qāḍī* but in the event failed to do so: ἀπο σοῦ τὸν γέροντα ἀλκάδη [...± 7...]. The monastery planned to convert the old Muslim cemetery into a vineyard and orchard. The *qāḍī* was to be responsible for one third of the running costs, including planting and irrigation, and, after three years, would receive one-third of the harvest, the remainder going to the monks. Our provisional reading of the faint and lacunose Arabic note crudely scrawled on the *verso* of the Greek document is as follows: "the document concerning the land which is of the monastery of the little cave dedicated to St Mary (*i.e.* Santa Maria della Grotta) / belonging to the *qāḍī.* He settled the land of *Bāb al-Manqūš* [on the church] on the [said date (?) ...]".[181] If correct, this reading would confirm that a *qāḍī* had indeed held the land, but does not further identify

[176] For the Muslim rebellions of 1189–1246, see Metcalfe 2008 *Muslims*: 275–298 and the bibliography cited.

[177] τὸ χωράφηον τὸ ἦν ποτὲ νεκροταφήον τῶν Ἠσμαϊλοιτῶν τὸ γνοριζόμενον Πβεπ ἑλμουνκοὺς: Liciniana Grotta A25, ll. 5–7. Falkenhausen 2014 "Termini Imerese": 239, no. 8. The document is forthcoming in the edition of the documents of S. Maria della Grotta by Enzensberger, Falkenhausen and Mandalà. We are extremely grateful to our colleague and friend Vera von Falkenhausen for making her transcription of this document available to the DocuMult Project, and for discussing it at length with us.

[178] De Simone (2009 "Palermo araba": 103) on the basis of Di Giovanni's (1890 *Topografia Antica*: 2: 68) reading *qui erat quondam cimyterium Ismaelitarum, cognitum decenter (o indecenter) esse el mungos el mungos* from a Latin translation of the Greek that he excerpted from a manuscript of Giovanni Amato (1660–1732: BCP 4 Qq D 54), most reasonably suggested that the Arabic name of the gate might derive from *munğas* or *manğas*, "luogo sporco, impuro", "mondezzaio". The reappearance of the original document disproves that hypothesis. Our proposed reading *bāb al-manqūš* is supported by the Greek transliteration, Πβεπ ἑλμουνκοὺς (r., l. 7): for parallel cases of /a/ > [u] reflected in Greek transliterations of Arabic *mafʿūl* forms, see, e.g., De Simone 1992 "Antroponimi arabo-greci": 74.

[179] In this context, ἡ Ἀρήδα might well be derived from Arabic *al-rawḍa* (also *al-rīḍa*), literally "the garden", but here with the specialised meaning of "cemetery" that is widespread throughout (but by no means exclusive to) the Maġrib, and especially Morocco. Rescue excavations in the adjacent Corso dei Mille, which lay outside the Porta Termini, have revealed a number of Islamic burials belonging to an extensive cemetery in use during the tenth to thirteenth centuries: Battaglia, La Mantia, Miccichè and Riolo 2018 "Norman age necropolis". For other Islamic cemeteries in Palermo, see Bagnara 2004 "Cimiteri di rito musulmano", especially pp. 239–246.

[180] Pezzini 1998 "Tratto di cinta muraria": fig. 2, α and pp. 732–733.

[181] *kitābu ʾl-rabʿi ʾllaḏī bi-dayri ʾl-ġuwayri matāʿi ṣant mārīya / li-ʾl-qāḍī wa-aqarra rabʿa bābi ʾl-manqūši bi-ʾl-[taʾrīḫ(?) ...]*.The second line of the Arabic note is extremely difficult to read. As to the reading *al-qāḍī*, there is sufficient space, and the surviving traces of the pen following the *alif* permit us to propose a *ḍād* (unpointed) without denticle, as seen in the *ṣād* in *ṣant* in line 1, followed by a *yāʾ* written as a straight descending diagonal line, as the *yāʾ* in *allaḏī* in line 1. A similar formation of the word *al-qāḍī* is found in AdSPa Magione 2, r., l. 5.

him. Vera von Falkenhausen observes that no other Greek document from the archive of Santa Maria della Grotta has an Arabic note on the *verso*, and therefore suggests that it might have been added by the *qāḍī* when the Greek document was still in his own archive,[182] which might imply that his professional language was Arabic and, therefore, that he was not of Norman, nor even Latin, descent. In short, there is strong reason to believe that the *qāḍī* in 1213 was once again an Arabic-speaking Muslim, but whether or not he was a *qāḍī* of the Banū Rağāʾ cannot be said.

At the same time that the Christian *qāḍī* William of Partinico exercised the authority delegated to him by Queen Constance over those Muslims who remained in Palermo and the suburban coastal plain, a Muslim *qāḍī* was almost certainly amongst the leaders of the Muslim rebels who were occupying mountain-top refuges throughout western Sicily. In late August to mid September 1206, Pope Innocent III wrote "to the *qāḍī* and all the *qāʾid*s of Entella, Platani, Iato and Celso, and to all the *qaʾid*s and the Muslims throughout Sicily", *Archadio et universis gaietis Antelle, Platane, Iaci, Celsi et omnibus gaietis et Sarracenis per Siciliam*, urging them to continue to support the young Frederick II against his guardian and the commander of German troops in Sicily, William Capparone, *regis custos et magister capitaneus Sicilie*.[183] The identity of this *qāḍī* is unknown, as is his ultimate fate, but it is certainly possible that he was of the Banū Rağāʾ and, continuing to perform his pastoral duties to his Muslim flock, had accompanied or even led them to safety in the mountains and into opposition against the German forces. In December 1207, Frederick's chancellor, Walter of Palearia granted to the church of Palermo, amongst other donations, in perpetuity and free of all customs and taxes "the mill which was once called the Mill of the Qāḍī", *qui quondam molendinum Cadii vocabatur,* on the River Oreto (*flumen Luedabes* from Arabic *Wādī al-ʿAbbās*) to the south of the city.[184] The *qāḍī* who gave the mill its name is perhaps more likely to have been appointed by a Kalbid emir, but it is just conceivable that the mill had belonged to the Banū Rağāʾ and, after they joined the Muslim rebels in the *macchia*, had been seized by the crown and granted to the church.

Be that as it may, the family of a *qāḍī* of Sicily continued to play a role in the Muslim revolts even at the height of Frederick II's campaign against Muḥammad ibn ʿAbbād, who took the title "emir of the Muslims for Sicily", *amīr al-muslimīn bi-Ṣiqillīya*. The contemporary Syrian historian Ibn Naẓīf al-Ḥamawī relates that, early in 1223, after imperial forces had besieged Ibn ʿAbbād's stronghold on Monte Iato for eight months, a strong faction amongst the rebels urged their leader to submit, and, when he would not, went over to the emperor. At this point, "the son of the *qāḍī*" — "the *qāḍī* of Sicily" stresses the author, *walad al-qāḍī, qāḍī Ṣiqillīya* — persuaded Ibn ʿAbbād to surrender, and accompanied him to the emperor's tent. Frederick immediately set upon him, kicking him with his armoured and spurred feet, and wounding his side. The rebel leader was imprisoned and, after seven days, killed and eviscerated.[185] It is difficult to know what to make of this account of Ibn ʿAbbād, which is a frustrating

[182] Falkenhausen 2014 "Termini Imerese": 239 note 117.
[183] Innocent III 2004 *Register 1206/1207*: no. 158, pp. 283–285. In addition to the *qāḍī*, he refers to the Muslim rebel *qāʾid*s of the mountain strongholds of Rocca d'Entella, Monte della Giudecca, Monte Iato, and (perhaps) Pizzo Cangialoso, for which see Maurici 1997 *Castelli dell'Imperatore*: 96–106.
[184] Koch 2002 *Die Urkunden Friedrichs II*: no. 75, pp. 148–149.
[185] Ḥamawī 1960 *al-Tāʾrīḫ al-manṣūrī*: 297 (= f. 145a); Ḥamawī 1982 *al-Tāʾrīḫ al-manṣūrī*: 100; Eng. trans. Ḥamawī 2020 *al-Tāʾrīkh al-manṣūrī*: 146–147.

mix of fable and verifiable circumstantial detail, but the role played by the son of the *qāḍī*, who sides with the Christian ruler in order to protect his Muslim flock from greater harm, rings true and is wholly consistent with the policy adopted by the Banū Raǧāʾ *qāḍī*s during the twelfth century.

Whether or not a *qāḍī* of Sicily was amongst the defeated rebels who were deported from Sicily to the Apulian Tavoliere after the suppression of the revolt of Ibn ʿAbbād is unknown. Too long an interval separates the establishment of the colony in the mid-1220s from the first known appearance of the *qāḍī* of Lucera in the 1230s. What is more, the Latin translation of the Arabic leaves some room for doubt as to whether it refers to the *qāḍī* or to the *qāʾid* (or *qāʾid*s) of Lucera.[186] The earliest such reference comes in a letter of Frederick II to Pope Gregory III dated 16 April 1236, in which he refers to "the leaders [of the Muslims of Lucera] who are called *Alchadi*", *primates ipsorum (viz. Sarracenorum) qui Alchadi dicuntur*.[187] Here, the plural *primates* does not accord with the singular *al-qāḍī*, nor could any of the various plurals of Arabic *al-qāʾid* be readily transliterated as *alchadi*, so a case could be made that this is a variant of the Latin plural *gayti*, meaning "*qāʾid*s". Elsewhere, Frederick's letters use the singular term *archadius Lucerie* and clearly refer to a *qāḍī*. On 10 November 1239, Frederick's chamberlain, John the Moor, wrote to Alexander son of Henry, who seems to have then been the Christian administrator of Lucera, instructing him "to obtain from the *qāḍī* of Lucera, *archadii Lucerie*, and *Benbuscheuky* of Lucera, our servants," various items of clothing for the serving-girls in the imperial castle at Lucera.[188] On Christmas Day of the same year, the emperor instructed Richard of Montefuscolo, justiciar of the Capitanata, the northern part of Apulia including the Tavoliere, to "recover from both the *qāḍī* and also any Muslim of Lucera on behalf of our curia the land-tax and the *ǧizya (canonem et gesiam)*", terms that precisely repeat those used in the hybrid Arabic contract of 1177–1180 that was validated by the *ʿalāma* of the Banū Raǧāʾ.[189] These sparse references suggest that, at least during the second half of the 1230s, a *qāḍī* was responsible for the Muslim colonists of Lucera and represented them to the Christian officers who administered the colony on behalf of the emperor. Nothing is known of the identity of the *qāḍī*s of Lucera under Frederick II, nor has the range of their activities and duties yet been systematically investigated.

In Sicily, well before 1239, the Seralcadi seems to have been extensively abandoned. Refugee Muslims *de casalibus*, who had fled their rural farms and villages and were bound for the *Dār al-Islām*, temporarily squatted in the empty Seralcadi, and Frederick II instructed his officer in Palermo to persuade them to remain, and to "induce and convince them with kind words, and by promising them support and friendship", *per bona verba inducas et moneas , ipsis favorem et gratiam promisurus*, but apparently had little success.[190] It was too late, and

[186] See Egidi 1915 *La Colonia Saracena*: 16–23, but noting the crucial reinterpretation of the term *archadius* by Martin 1989 "Saraceni di Lucera": 13. For Lucera in general, see: Taylor 2003 *Lucera*; Abulafia 2007 "Last Muslims; Staccioli and Cassar 2012 *Lucera*.

[187] Huillard-Bréholles 1852 *Historia diplomatica Friderici secundi*: 4.828–832, at p. 831, ll. 27–28.

[188] Huillard-Bréholles 1852 *Historia diplomatica Friderici secundi*: 5/1.486–487. The name *Benbuscheuky* — Arabic *Ben Bū al-Šawqī* or *al-Šawkī* or *al-Šayḫī*, or even *al-Šuyūḫī* — is discussed by Huillard-Bréholles, op. cit., vol. 1, p. CXC; Egidi 1915 *La Colonia Saracena*: 21; and Cassar and Staccioli 2006 "Lucera Sarracenorum": 6.

[189] Huillard-Bréholles 1852 *Historia diplomatica Friderici secundi*: 5/1.627–628.

[190] Mandates of Frederick II dated 6–7 October and 16 December 1239: Huillard-Bréholles 1852 *Historia diplomatica Friderici secundi*: 5/1.427 and 595–597. Note that some secondary sources mistakenly place the defeated (Christian?) rebels transported from Capizzi and Centuripe in the Seralcadi, whereas they were in fact settled in

what had once been the thriving Muslim quarter of Norman Palermo, the *Šāriʿ al-Qāḍī*, which had taken its name from the office occupied by the Banū Raǧāʾ, and which they had served as *qāḍī*s for most of the twelfth century, had ceased to be the heart of the Muslim community of Norman Sicily.

Conclusions

Medieval Arabic biographers often chose to cast a *qāḍī* in the role of the victim of the political authority that had appointed him. This was how the Ifrīqīyan historian Abū al-ʿArab al-Tamīmī (d. 945) represented the early Mālikī scholar Saḥnūn in his conflict with successive Aġlabid emirs: "with references from the whole of Islamic history (up to his own century) Abū al-ʿArab seems to argue that suffering at the hands of political power is an expected part of being a scholar. More than a badge of honor, it is a mark that the scholar is correctly responding to the inevitably corrupting influences of earthly power".[191] Were any contemporary of a Banū Raǧāʾ *qāḍī* to have written his biography, it is hard to imagine that he could have portrayed him as suffering under Norman rule. The Banū Raǧāʾ *qāḍī*s clearly collaborated with their Christian masters. They presided over the sale of the houses of Muslim widows and orphans to Christian property speculators.[192] They endorsed the usurpation of a mill by the king's half-sister from a family of Muslims.[193] They furnished a legal veneer for the reduction of a household of Muslim Arab nobles to the status of *ǧizya*-payers bound to the lands of a Benedictine monastery.[194] They belonged to the educated, privileged, wealthy élite of Palermo. Not even during the Muslim revolts do our sources portray the *qāḍī* of Sicily in open opposition to the Christian rulers of the island. In his letter of 1206, Pope Innocent III addressed the *qāḍī* as if he were the supporter of the infant Frederick II.[195] In 1223, the son of the *qāḍī* arranged the surrender of the rebel leader to the emperor who promptly had him killed.[196] In 1239, the *qāḍī* of Lucera helped to clothe the emperor's serving-girls.[197] The *qāḍī*s of Norman Sicily did not openly resist the corrupting influence of Christian power but rather complied with it.

The *qāḍī*s served as leaders of the Muslim community from before 1116 until *circa* 1240, from early in the reign of Roger II as count, throughout the Norman monarchy, during the Muslim revolts, and even after the final catastrophe and the establishment of the colony of Lucera. After Henry VI had appointed a Norman baron to the office of *qāḍī*, the young Frederick II soon replaced him with a Muslim.[198] Only at some as yet unknown time in the history of Lucera did a *qāḍī* cease to be the leader of its Muslim community.[199] The *qāḍī*s of Sicily are

the southern suburb of the Albergaria: Pezzini 2004 "Articolazioni territoriali a Palermo": 749–751, 756, 757, 792–793.

[191] Brockopp 2011 "Sahnun": 124. See also Mandalà 2014 "Political martyrdom".

[192] See above, p. 19.

[193] See above, pp. 16–17.

[194] See above, pp. 25–32.

[195] See above, p. 52.

[196] See above, p. 52.

[197] See above, p. 53.

[198] See above, pp. 50–51.

[199] The famous Arabic signature of Richard of Lucera, *pace* Levi della Vida 1923 "Sottoscrizione Araba", reads: *al-fāris abū ʿabd allāh ibn sayyid ahlu-hu al-qurašī*, "the knight Abū ʿAbd Allāh, son of Sayyid Ahlu-hu (literally "the lord of his people") of the tribe of Qurayš", which may suggest that by the time of Richard's father, leadership of the Muslim community of Lucera may have passed from the *qāḍī* to a *sayyid*, perhaps a military or political commander. *Sayyid Ahlu-hu*, however, is frequently used as an *ism* or given-name in the *ǧarāʾid* of Norman Sicily

thus securely attested as communal leaders both earlier and later than the far better known Banū Ḥammūd, the hereditary leaders of the Muslims of Norman Sicily, who can be confidently traced in that role only from *circa* 1160 to 1185.[200] And yet there is no report of criticism of the *qāḍī* of Sicily, neither on the island, nor in Ifrīqiya and the wider *Dār al-Islām*.[201] In contrast, the Ḥammūdid *qāʾid* Abū ʿAbd Allāh ibn Muḥammad had critics so vociferous that his protégé, Ibn Ẓafar, not only dedicated to him a Mirror for Princes, the *Sulwān al-Muṭāʿ*, but also praised him for not heeding his critics,[202] while his son, the *qāʾid* Abū al-Qāsim Muḥammad ibn Ḥammūd, was famously opposed by "the *qāʾid* Sedictus, the richest of the Muslims", and at least twice fell out with the rulers.[203] Why were the collaborator *qāḍī*s apparently so immune to criticism, and how were they able to flourish as leaders of the Muslim community over at least three generations for most of the twelfth century?

The Norman conquest had removed the Muslims of Sicily from the *Dār al-Islām* to the *Dār al-Ḥarb*, and imposed upon them the legal and religious obligation to emigrate to the Islamic world. The *fatwà* of al-Māzarī discussed above confirms that what enabled the Muslims of the island to continue to dwell under Christian rule was the opportunity afforded them by the Norman *ḏimma* to govern their own community according to Islamic law administered by their own *qāḍī*.[204] The Norman kings famously claimed not to have interfered with the laws that enabled their Muslim subjects to remain. The new laws introduced by King Roger from 1140 were said to have been promulgated "without prejudice to the pre-existing uses, customs and laws for the variety of subject peoples in our kingdom, in force up until now, provided that they be not manifestly contrary to our enactments".[205] By appointing the Banū Raǧāʾ *qāḍī*s, Roger and his successors facilitated the administration of Islamic law to the Muslim community. Not only did this give them a measure of control over the operation of Islamic law, but also it created a mechanism whereby intercommunal cases could be validated by the *qāḍī*, ostensibly under Islamic law. In order to preserve the *modus vivendi* with their Muslim subjects the rulers of Sicily persuaded even the pope grudgingly to condone such an accommodation, however perverse were some of the customs reported to Rome.[206] Only after 1189, when Latin violence drove the Muslims into armed rebellion, and their Christian rulers resorted to genocidal tactics in order to suppress their revolt, did they abandon the policy of administering the

suggesting that it may refer to the family or household, rather than to a larger community (e.g. BCRS Monreale 22: names 8.10, 32.4, 94.8, 100.1, 101.5 and 125.3; BCRS Monreale 45: names 20.7, 33.6, 50.1, 65.9, 97.2 and 98.7).

[200] Johns 2002 *Arabic Administration*: 234–242; Metcalfe 2008 *Muslims of Medieval Italy*: 215–218, 221.

[201] The one possible exception is the question addressed to al-Māzarī: see above pp. 39–40.

[202] *Wa-lā tuṣġī ilà ʾl-wušāti samʿan*: Ibn Ẓafar 1995 *Sulwān al-muṭāʿ*: 114.

[203] Falcandus 1897 *Liber*: 119; Falcandus 1998 *History*: 170. Ibn Ǧubayr 1907 *Riḥla*: 341.

[204] See above, p. 43.

[205] See above, note 8.

[206] Innocent III *Nobilibus viris comitibus, baronibus, civibus et universis per Siciliam constitutis*, 24 November 1199: Innocent III 1979 *Register 1199–1200*: no. 212, pp. 411–414 at p. 414, ll. 5–9: *Licet enim Sarracenos, si in fidelitate predicti regis permanserint diligere ac manutenere velimus et bonas eis consuetudines adaugere, sustinere tamen nec voulmus nec debemus*. See discussion by Pasciuta 2016 "From Ethnic Law". Compare the papal reaction to crimes allegedly committed by Muslims: Alexander III to Stephen du Perche, archbishop of Palermo, November–December 1167: register in Girgensohn 1975 *Italia Pontificia 10*: 232, no. 31; full text in Mansi 1778 *Sacrorum Conciliorum 22*: cols. 445–446.

subject community through Muslim leaders and Islamic law, at least until the establishment of the colony of Lucera.[207]

The delegation of the god-given power of justice by the Norman ruler to a Muslim *qāḍī* was one of the attributes of Islamic kingship appropriated by Roger II and his successors to enhance the Islamic facet of their multicultural royal image. This is apparent above all in the testimony of Muslim visitors, such as the Zīrid prince Ibn Šaddād from whom Ibn al-Aṯīr learnt that the Norman ruler dispensed Islamic justice to his Muslim subjects in "the way of Muslim rulers". Ibn al-Aṯīr even transmitted the report that Roger "founded a *dīwān al-maẓālim* to which those [Muslims] who had been unjustly treated brought their grievances, and [he] would give them justice, even against his own son".[208] Ibn Ǧubayr, another Muslim visitor to Sicily, includes "the provision of laws" amongst the ways in which William II imitated Muslim rulers.[209] In the absence of contemporary accounts, we can only imagine the impression that the sight of the Muslim *qāḍī* appearing in the royal court next to the king himself would have made upon an audience of Sicilian Muslims.

No source reveals what the Muslims of Sicily made of the *qāḍī*s appointed by the Norman kings. On the one hand no criticism of the *qāḍī*s is reported; on the other, no violent episode of Muslim resistance to Norman rule is attested during the century that separates the completion of the conquest from the death of William II. That silence, of course, may be caused by a lacuna in the sources, but it is nonetheless tempting to attribute what seems to be the remarkable acquiescence of the Muslims of the island to Christian rule in large part to the fact that many, perhaps even most, Muslim communities were left to regulate their own internal affairs according to Islamic law and under the guidance of a Muslim *qāḍī*. This arrangement applied only to those Muslim communities that were fully under royal protection, in Palermo and other royal cities and towns, and on the lands of royal demesne, and before the collapse of the Hauteville dynasty in 1189. Elsewhere, the extent to which Muslim communities were free to govern their owns affairs according to Islamic law varied considerably from place to place and from time to time.[210] Wherever and whenever royal protection was weak, absent or withdrawn, for example on lands and towns held by the Latin church and lay barons, or in times of civil disorder such as the rebellion of 1160–1161, the succession crisis that followed the death of William II, and the period of rebellion, Muslim communities were exposed to a spectrum of violence culminating in genocide, intended to reduce them to servility or to remove them from the land. The alternatives of violent persecution or emigration left those Muslims who had invested all their economic and social capital in Sicily with little choice but to collaborate with the Norman regime.

[207] For Lucera, see above, note 186.

[208] *Fa-salaka ṭarīqa mulūki ʾl-muslimīna … wa-ǧuʿila la-hu dīwānu ʾl-maẓālimi yurfaʿu ilay-hi šakwà ʾl-maẓlūmīna fa-yunṣifa-hum wa-law min waladi-hi*: Ibn al-Aṯīr 1862 *Kāmil*: 10.133. For Ibn Šaddād see Johns 2002 *Arabic Administration*: 85, 86, 87–88, 217, 284.

[209] Ibn Ǧubayr 1907 *Riḥla*: 325, *Wa-huwa yatašabbahu fī ʾl-inġimāsi fī naʿīmi ʾl-mulki wa-tartībi qawānīni-hi wa-waḍʿi asālībi-hi wa-taqsīmi marātibi riǧāli-hi wa-tafḫīmi ubbahati ʾl-mulki wa-iẓhāri zīnati-hi bi-mulūki ʾl-muslimīna*, "and he imitates the rulers of the Muslims in immersing himself in the business of rulership, the provision of laws, the invention of procedures, the allocation of rank amongst his men, the elaboration of ceremonies of rulership, and the display of finery". See also the discussion of Christian rule through Muslim leaders and Islamic justice in Johns 2002 *Arabic Administration*: 289–297 (now largely superseded by this article).

[210] *Documenting Multiculturalism* (see above, note 5) seeks to investigate and document this variation in detail.

The Muslims were by no means exceptional in retaining their own uses, customs and laws after the Norman conquest of Sicily. Not only were indigenous Greek Christian and Jewish communities treated in much the same manner, but also, it would seem, communities of Latin Christian immigrants brought with them their own customary law and applied it to their own communities.[211] Like the Jews, but unlike other ethnic communities, including the Greek Christians and immigrant Latin communities such as the Lombards, the laws to which Muslims were subject were derived from the interpretation of religious texts, and constituted an essential and integral part of their religious and thus communal identity. As a Muslim community, it was their religious obligation to be governed by a *qāḍī*,[212] who was not just a judge, but a scholar in the interpretation of the law, a pastor who guided and cared for his flock in the application of that law, and an *imām* who, at the canonical festivals, led the Muslim community in prayer and preached the *ḫuṭba*.[213] As the *fatwà* of al-Māzarī makes clear,[214] the fact that the Muslim community of Norman Sicily had its own *qāḍī* was what enabled and permitted them to dwell in the *Dār al-Ḥarb*, and excused them from what was widely believed to be the religious obligation to emigrate to the *Dār al-Islām*.

The Banū Raǧāʾ *qāḍī*s belonged to the Arab élite of the Muslim community of Norman Palermo. They were privileged, wealthy, and well-connected. They were judges, scholars and religious leaders of their community. They were highly educated, and patronised poets visiting from the wider Islamic world. They were occasional members of the Norman court and of the *maǧlis* of the Ḥammūdid "leader and lord" of the Muslims of Sicily. It may safely be assumed that Roger II had appointed the first Banū Raǧāʾ *qāḍī* in part because he belonged to that élite. Thereafter, the family's hold upon the office of *qāḍī* secured and enhanced its elevated status and wealth for the next three generations. There is some reason to suspect that the family may have been obliged to give up its ancestral home in the south of the Old City when the neighbourhood was taken over first by Roger's Christian minister, George of Antioch, and then by Maio of Bari,[215] but there is no evidence as to how this may have affected the fortunes of the Banū Raǧāʾ. While collaboration with the Norman regime benefitted the family until 1180, the sources do not permit us to follow them during the troubled years after 1189. Whether or not the Banū Raǧāʾ sold up and migrated to the *Dār al-Islām*, whether or not its sons continued to serve as *qāḍī*s until the 1220s or even later, cannot at present be determined. It is not known whether or not the son of the *qāḍī* who facilitated the surrender and murder of the rebel leader Muḥammad ibn ʿAbbād in 1223 was of the Banū Raǧāʾ, but that is the last known appearance of a *qāḍī* of Sicily.

We have stressed repeatedly that the *qāḍī*s of Norman Sicily appear at first sight to be very different to *qāḍī*s in the medieval *Dār al-Islām*, and that this is very largely because the surviving primary sources permit us to encounter the *qāḍī*s only in the liminal zone where Muslims interacted with their Christian rulers, lords and neighbours. The sources never allow us to observe them entirely within the Muslim community where the *qāḍī*s passed most of their

[211] See Pasciuta "Ethnic Law"; Pasciuta 2018 "*Ius Regni*". For the general perspective, see Carocci 2014 *Signorie di Mezzogiorno.*
[212] See above, note 135.
[213] See above, p. 38.
[214] See above, pp. 39–44.
[215] See above, pp. 35–36.

working lives as judges, mediators and pastors. This is a great loss to their biographers for we are left with no evidence to support our clear impression that what best explains the success of the Banū Raǧāʾ *qāḍī*s was that they excelled in all aspects of the care of their Muslim flock, especially in collaborating on their behalf with the Norman rulers of the island. Until the fall of the dynasty and the outbreak of the Muslim revolts, when both the rulers and their Muslim subjects abandoned the *modus vivendi* that had endured for almost a century, the Banū Raǧāʾ *qāḍī*s of Sicily steered the Muslim community away from open resistance to Christian rule and, as the representatives of the Muslims to the Norman regime, chose to collaborate rather than to resist. At the end, we fall back upon the judgement of al-Māzarī and the words of Ibn Ǧubayr: "it may be that [they] took advantage of the exception allowed by the words of God, 'except in the case of those who are forced and whose hearts are still at rest in their belief' (Qurʾān 16:106)".[216] The *ʿalāma* of the Banū Raǧāʾ *qāḍī*s —*raǧāʾī ʾllāhu waḥda-hu*, "My hope is God alone" — succinctly summarises their plight, but may also afford a glimpse of what lay hidden in their hearts.

[216] See above, note 1.

FIGURES

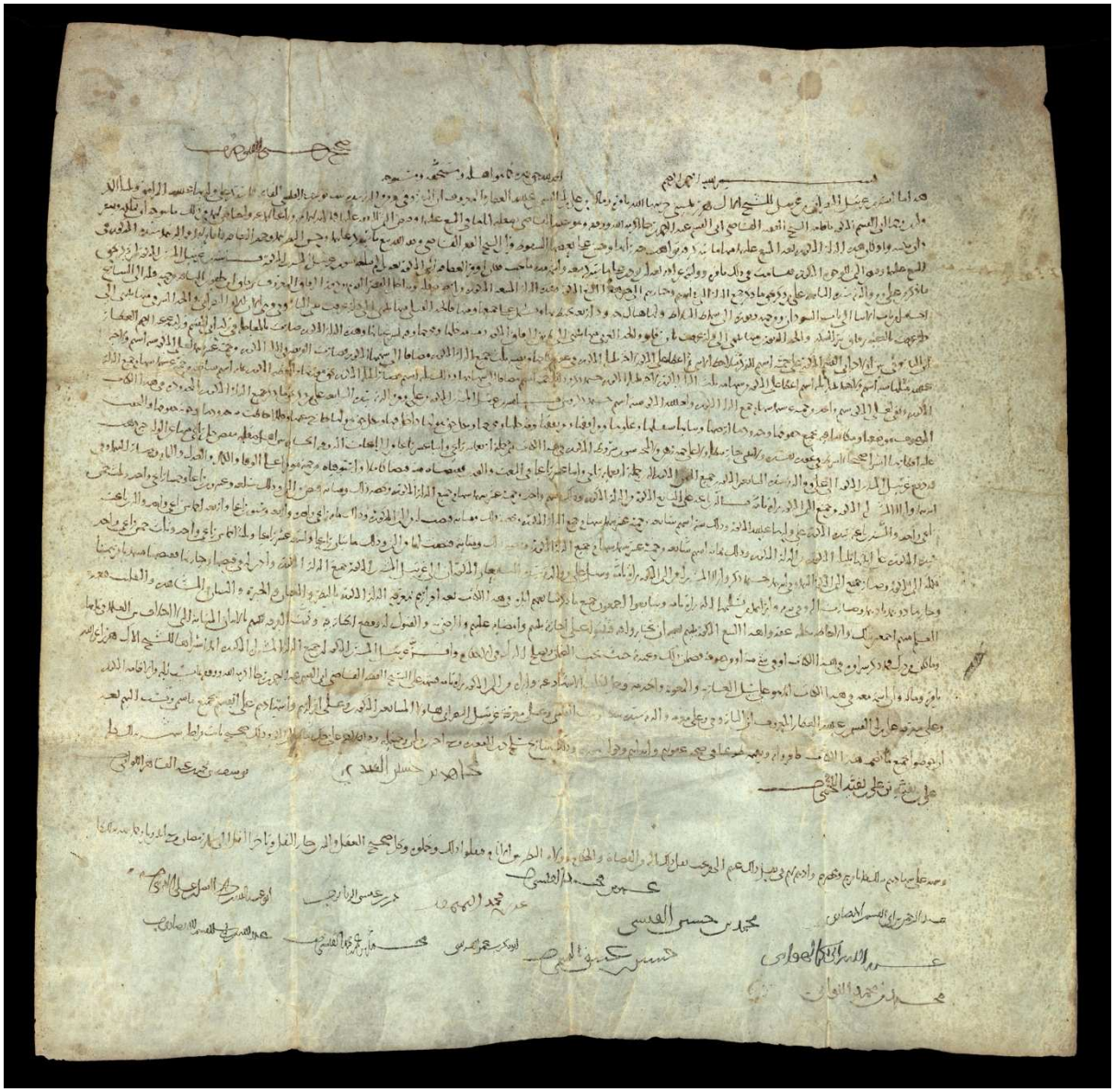

Fig. 1. Tabulario della Cappella Palatina di Palermo, Pergamena 4, recto (1137–1138 A.D.).

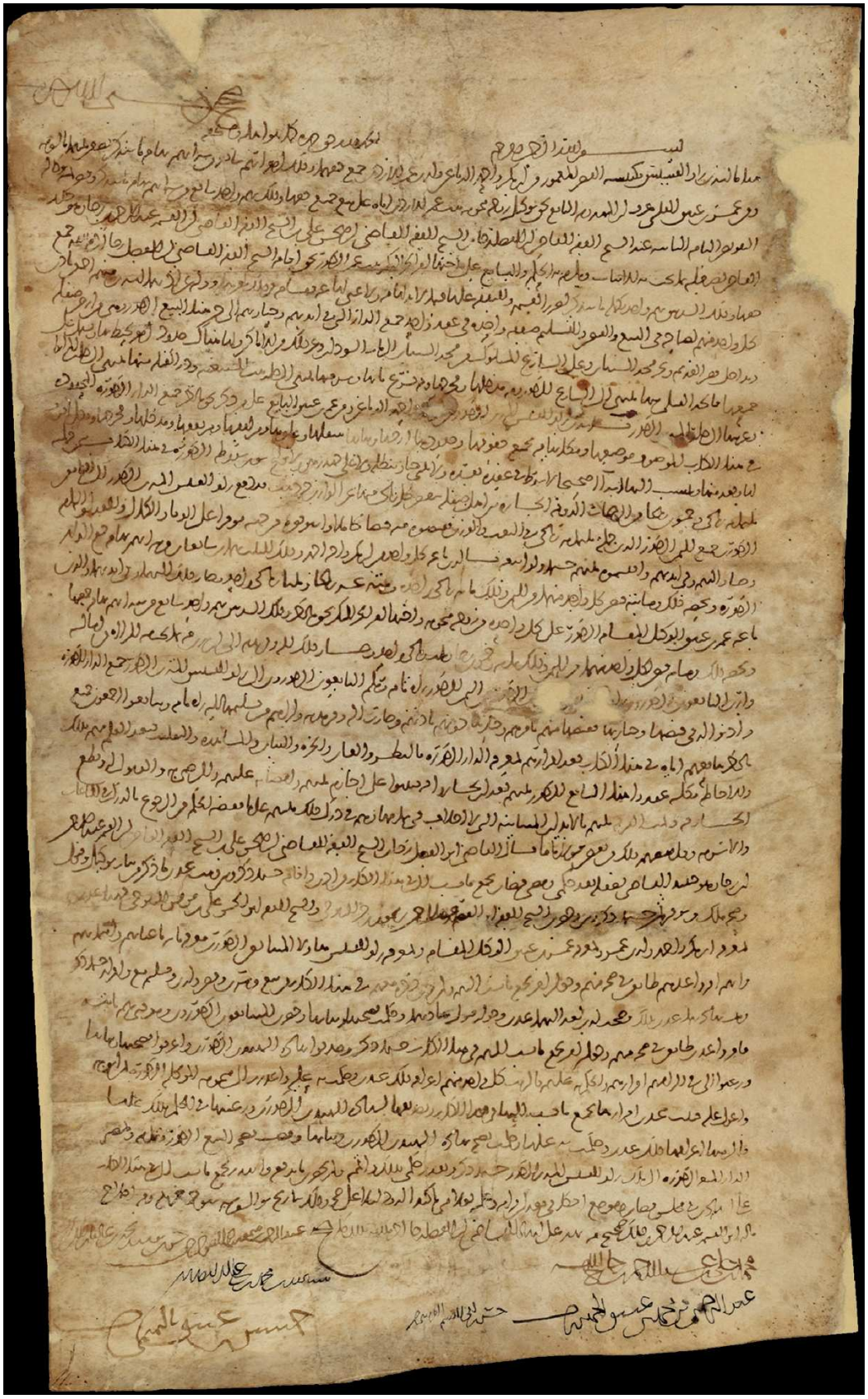

Fig. 2. Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 002, recto.

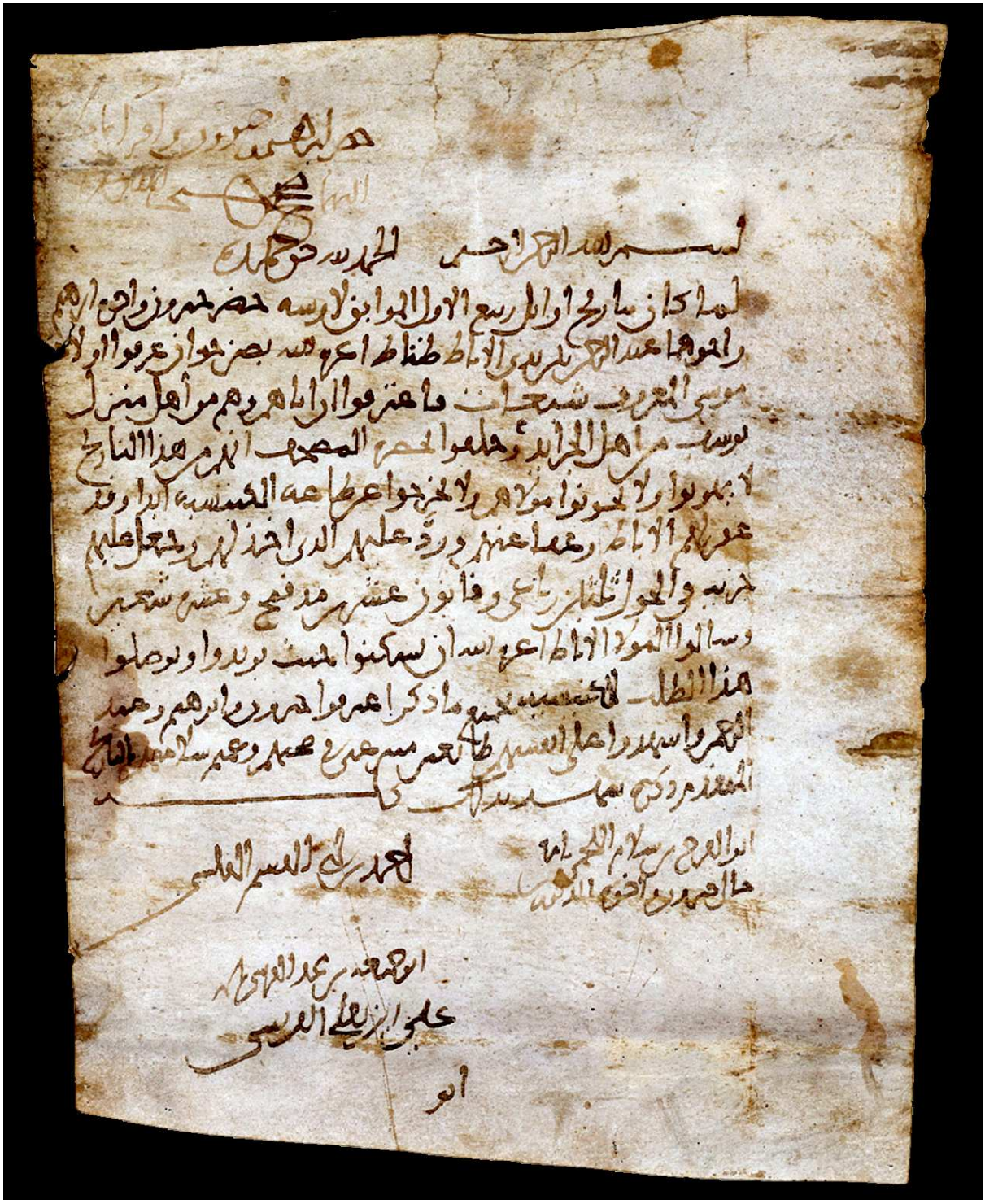

Fig. 3. Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 005, recto.

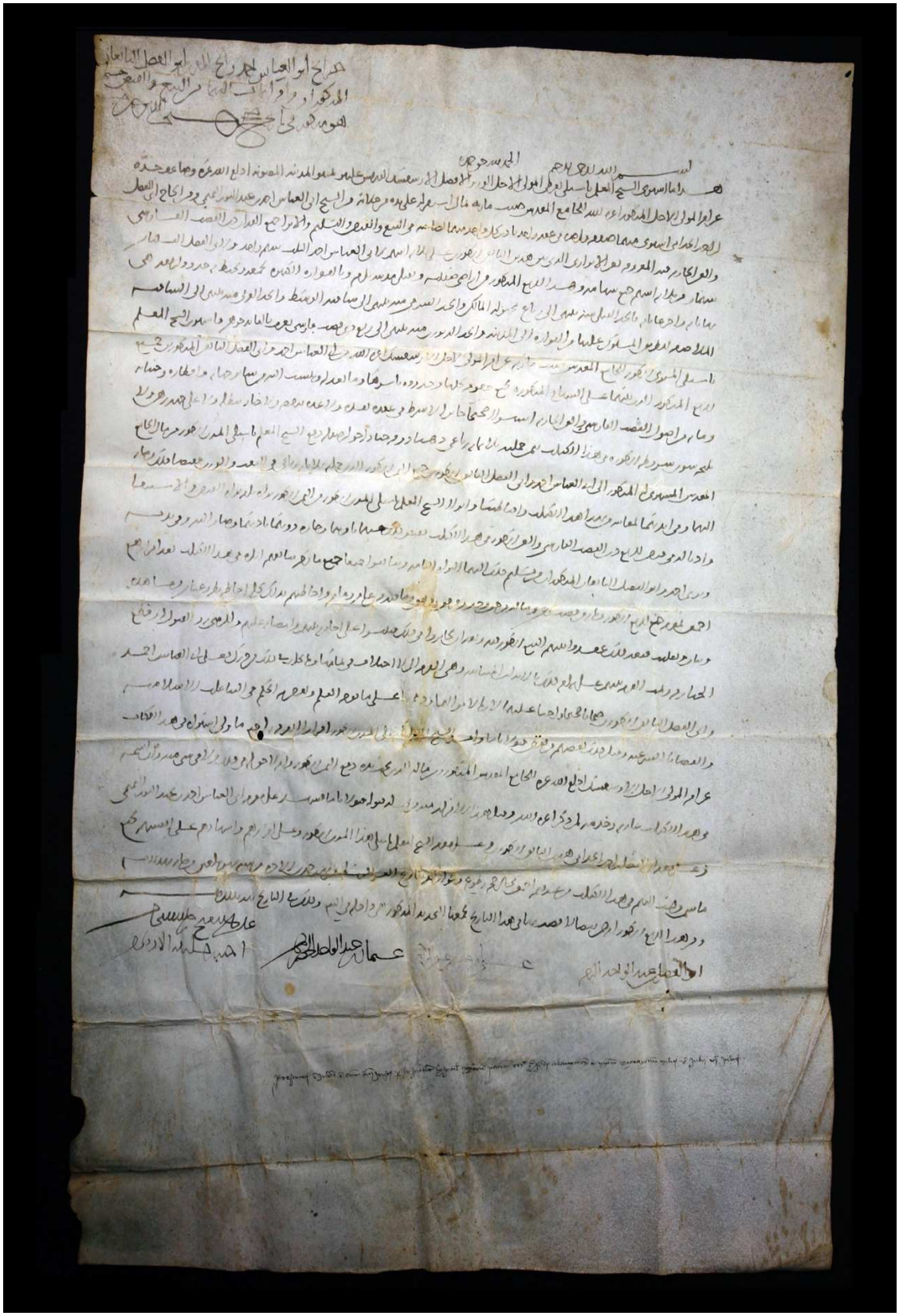

Fig. 4. Archivio Storico Diocesano di Palermo,
Tabulario, I Fondo Storico, Pergamena 20, recto.

Fig. 5. Tabulario della Cappella Palatina di Palermo, Pergamena 4, recto, detail of *ʿalāma*.

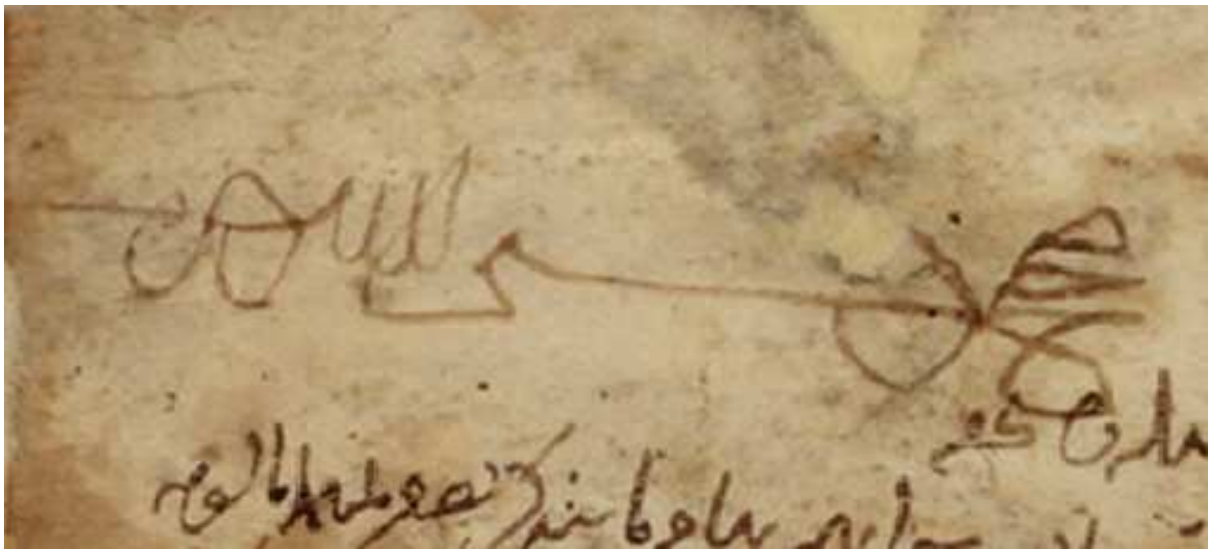

Fig. 6. Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 002, recto, detail of *ʿalāma*.

Fig. 7. Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 005, recto, detail of *ʿalāma*.

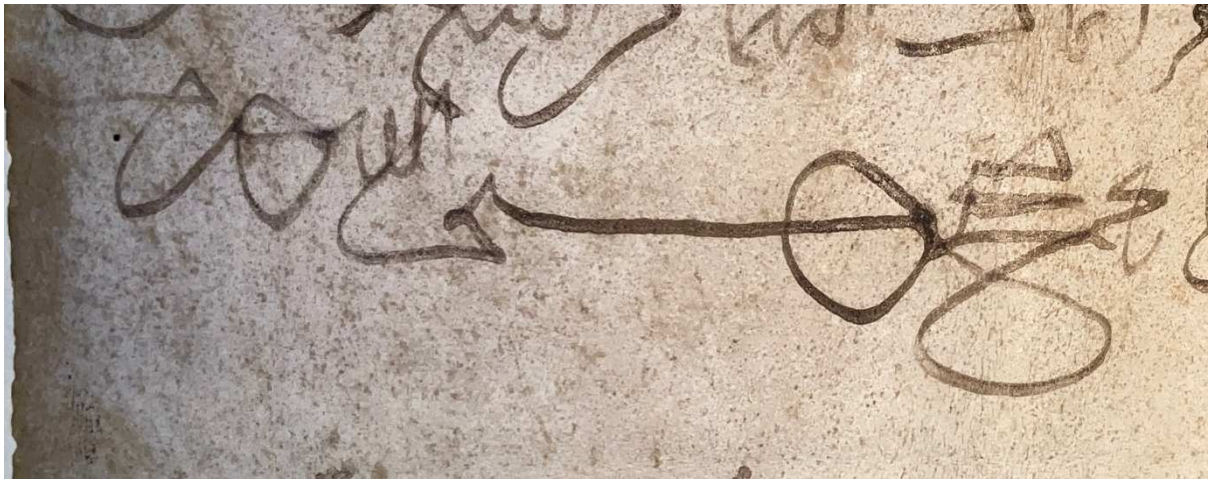

Fig. 8. Archivio Storico Diocesano di Palermo, Tabulario,
I Fondo Storico, Pergamena 20, recto, detail of *ʿalāma*.

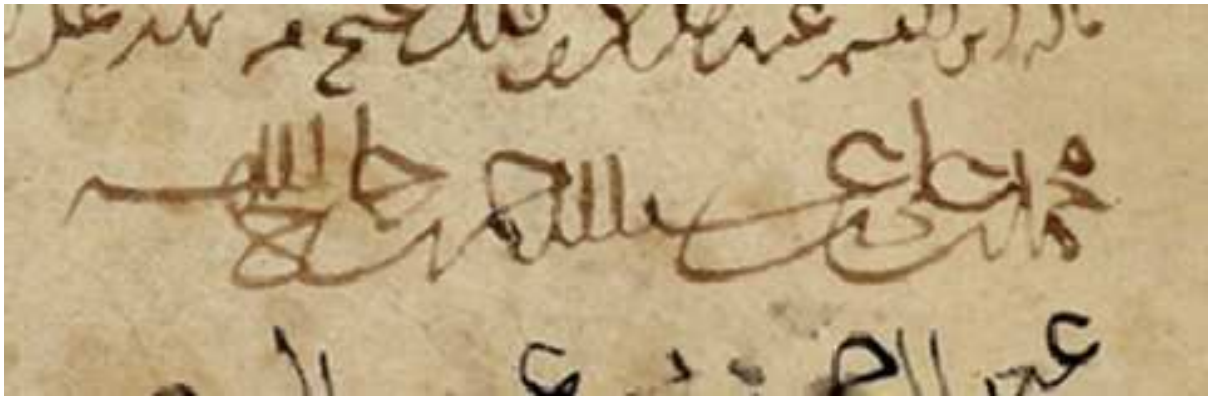

Fig. 9. Archivio di Stato di Palermo, Diplomatico, Tabulario della
Commenda della Magione, Pergamena TCM 002, recto line 38.
Detail of signature of *Muḥammad ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Rağāʾ Allāh Ḥ*

Fig. 10. Reconstruction of how the *ʿalāma* of Tabulario della
Cappella Palatina di Palermo, Pergamena 4 (Fig. 5) was written.

TABLES

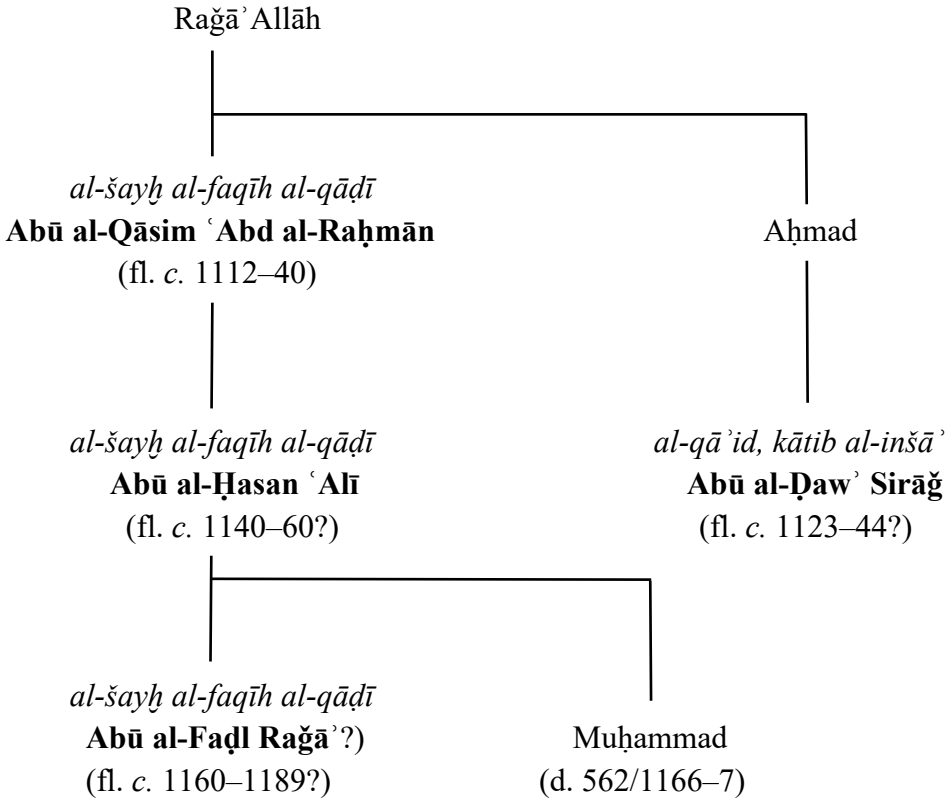

Table 1 : Family Tree of the Banū Raǧāʾ

Formula	**Magione 110 1116 A.D.**	**Cap. Pal. 4 1137–1138 A.D. (Figs. 1 & 5).**	**Magione 2 1161 A.D. (Figs. 2 & 6)**	**Magione 5 1177–1180 A.D. (Figs. 3 & 7)**	**ASDPa 20 1180 A.D. (Figs. 4 & 8)**
1. *ʿalāma*	*Ratificatus est, et spes mea est Deus solus* "It has been ratified. My hope is God alone" < Arabic *ṣaḥīḥ raǧāʾī ʼllāhu waḥda-hu*	*ṣaḥīḥ raǧāʾī ʼllāhu waḥda-hu* "It is valid. My hope is God alone"	*ṣaḥīḥ raǧāʾī ʼllāhu waḥda-hu* "It is valid. My hope is God alone"	*ṣaḥīḥ raǧāʾī ʼllāhu waḥda-hu* "It is valid. My hope is God alone"	*ṣaḥīḥ raǧāʾī ʼllāhu waḥda-hu* "It is valid. My hope is God alone"
2. *basmala*	*In nomine Dei misericordis et miseratoris* "In the name of God, the Merciful, the Compassionate" < Arabic *bi-ʼsmi ʼllāhi ʼl-raḥmāni ʼl-raḥīm*	*bi-ʼsmi ʼllāhi ʼl-raḥmāni ʼl-raḥīm* "In the name of God, the Beneficent, the Merciful"	*bi-ʼsmi ʼllāhi ʼl-raḥmāni ʼl-raḥīm* "In the name of God, the Beneficent, the Merciful"	*bi-ʼsmi ʼllāhi ʼl-raḥmāni ʼl-raḥīm* "In the name of God, the Beneficent, the Merciful"	*bi-ʼsmi ʼllāhi ʼl-raḥmāni ʼl-raḥīm* "In the name of God, the Beneficent, the Merciful"
3. *ḥamdala*	*Et sit laus Deo prout convenit sibi* "Praise be to God as is fitting for Him" < Arabic *al-ḥamdu li-ʼllāhi ḥaqqa ḥamdi-hi*.	*al-ḥamdu li-ʼllāhi ḥaqqa ḥamdi-hi ka-mā huwa ahlu-hu wa-mustaḥaqqu-hu wa-mustawǧabu-hu* "All due praise be to God, as is His privilege, and His title, and His right".	*al-ḥamdu li-ʼllāhi ḥaqqa ḥamdi-hi ka-mā huwa ahlu-hu wa-mustaḥaqqu-hu* "All due praise be to God, as is His privilege, and His title".	*al-ḥamdu li-ʼllāhi ḥaqqa ḥamdi-hi* "All due praise be to God".	*al-ḥamdu li-ʼllāhi ḥaqqa ḥamdi-hi* "All due praise be to God".

Table 2 : The opening formulae and *ʿalāmāt* of the five documents validated by the Banū Raǧāʾ

NAME (ALPHABETICALLY BY *NISBA*)	DOCUMENT	YEAR AD
al-Anṣārī, Abd al-Karīm ibn Abū Bakr	AdSPa Magione 110	1116
al-Anṣārī, Hibaẗ Allāh ibn Muḥammad ibn ʿAlī	AdSPa Magione 2	1161
al-Anṣārī, ʿAbd al-Ḥayy ibn Ǧubayr	AdSPa Magione 110	1116
al-Anṣārī, ʿAbd al-Raḥmān ibn Abī al-Qāsim	Cap. Pal. 4	1137/8
al-Anṣārī, ʿAbd Allāh ibn Abī al-Qāsim	Cap. Pal. 4	1137/8
al-Azdī, Aḥmad ibn Ḫalīfat	ASDPa 20	1180
al-Barr(ī?), Abū al-Faḍl ibn ʿAbd al-Wāḥid	ASDPa 20	1180
al-Ḥaḍramī, ʿUṯmān ibn ʿAbd al-Wāḥid	ASDPa 20	1180
al-Hawwārī, Ḥamzat ibn ʿAlī	AdSPa Magione 110	1116
al-Hawwārī, ʿAbd al-Ġānī ibn Yūsuf	AdSPa Magione 110	1116
al-Hawwārī, ʿAbd Allāh ibn Abī Bakr	Cap. Pal. 4	1137/8
al-Ḥimyarī, ʿAbd al-Raḥmān ibn Muḥammad ibn ʿAtīq	AdSPa Magione 2	1161
al-Kindī, Muǧāhid ibn Ḥusayn	Cap. Pal. 4	1137/8
al-Laḫmī, Abū al-Faraǧ ibn Salām	AdSPa Magione 5	1177–80
al-Laḫmī, ʿAlī ibn Baqīya ibn ʿAlī ibn Baqīya	Cap. Pal. 4	1137/8
[al-Laḫmī], Muḥammad ibn ʿAlī ibn ʿAbd al-Raḥmān ibn Raǧāʾ Allāh	AdSPa Magione 2	1161
al-Lawātī, Ḥasan ibn Yūsuf ibn Muḥammad ibn Ġālfān	AdSPa Magione 2	1161
al-Lawātī, Muḥammad ibn Muḥammad	Cap. Pal. 4	1137/8
al-Lawātī, Yūsuf ibn Muḥammad ibn ʿAbd al-Qāhir	Cap. Pal. 4	1137/8
al-Qaysī, Abū al-Qāsim ibn ʿAbd al-Ṣamad	AdSPa Magione no. 110	1116
al-Qaysī, Aḥmad ibn Abī al-Qāsim	AdSPa Magione 5	1177–80

NAME (ALPHABETICALLY BY *NISBA*)	DOCUMENT	YEAR AD
al-Qaysī, Muḥammad ibn Ḥusayn	Cap. Pal. 4	1137/8
al-Qaysī, Muḥammad ibn ʿUmar ibn Muḥammad	Cap. Pal. 4	1137/8
al-Qaysī, ʿAlī ibn Abī al-Fatḥ	ASDPa 20	1180
al-Qaysī, ʿUmar ibn Muḥammad	Cap. Pal. 4	1137/8
al-Qaysī, ʿUṯmān ibn ʿAbd Allāh	AdSPa Magione 110	1116
al-Qurašī, Abū Bakr ibn ʿUmar	Cap. Pal. 4	1137/8
al-Qurašī, Abū Ǧumʿa ibn Muḥammad	AdSPa Magione 5	1177–80
al-Qurašī, Abū ʿAbd Allāh ibn Abī l-Faḍl ibn ʿAlī	Cap. Pal. 4	1137/8
al-Qurašī, Ḥasan ibn Abī al-Qāsim	AdSPa Magione 2	1161
al-Qurašī, ʿAlī ibn Yaʿlā	AdSPa Magione 5	1177–80
al-Rabʿī, Alī ibn ʿUmar ibn ʿAtīq	ASDPa 20	1180
al-Tamīmī, Aḥmad ibn Ibrāhīm	AdSPa Magione 110	1116
al-Tamīmī, *al-šayḫ* ʿUthmān ibn ʿAlīy	AdSPa Magione 110	1116
al-Tamīmī, Ḥusayn ibn ʿAtīq	Cap. Pal. 4	1137/8
al-Tamīmī, Ḥusayn ibn ʿAtīq	AdSPa Magione 2	1161
al-Tamīmī, Ibrāhīm ibn Sūdān	AdSPa Magione 110	1116
al-Tamīmī, ʿAdl ibn Muḥammad	Cap. Pal. 4	1137/8
al-Tanūḫī, Yūsuf ibn ʿAbd al-Nūr	AdSPa Magione 110	1116
al-Tanūḫī, Abd al-Raḥmān ibn Maymūn ibn Ǧabr	AdSPa Magione 2	1161
al-Tanūḫī, ʿAlī ibn Muʾnis ibn Abī al-Qāsim	AdSPa Magione 2	1161
al-Zanātī, ʿUmar ibn ʿĪsà	Cap. Pal. 4	1137/8

Table 3 : Witnesses to the documents validated by the Banū Rağāʾ

List of original documents cited in the footnotes

Arranged in three columns from left to right, showing the abbreviation used in the footnotes, the full archival reference, and the provisional *siglum* used in the DocuMult database.

Abbreviation	Full Reference	DM DB Provisional Siglum
ADM Messina 0534	Toledo, Archivo General della Fundación Casa Ducal de Medinaceli, Fondo Messina, no. 0534	Toledo-Messina-0534-1144
ADM Messina no. 1089	Toledo, Archivo General della Fundación Casa Ducal de Medinaceli, Fondo Messina, no. 1089	Toledo-Messina-1089-1181/1182
ADM Messina 1322	Toledo, Archivo General della Fundación Casa Ducal de Medinaceli, Fondo Messina, no. 1322	Toledo-Messina-1322-1147
ADM Messina no. 1374	Toledo, Archivo General della Fundación Casa Ducal de Medinaceli, Fondo Messina, no. 1374	Toledo-Messina-1374-1188
ADM Messina 1392	Toledo, Archivo General della Fundación Casa Ducal de Medinaceli, Fondo Messina, no. 1392	Toledo-Messina-1157
AdSPa Cefalù 1	Archivio di Stato di Palermo, Diplomatico,Tabulario della Mensa Vescovile di Cefalù, Pergamena TMC 001	Cefalù-PA-AdS-001-1123
AdSPa Cefalù 2	Archivio di Stato di Palermo, Diplomatico, Tabulario della Mensa Vescovile di Cefalù, Pergamena TMC 002	Cefalù-PA-AdS-002-1145
AdSPa Cefalù 37	Archivio di Stato di Palermo, Diplomatico, Tabulario della Mensa Vescovile di Cefalù, Pergamena TMC 037	Cefalù-PA-AdS-037-n.d.-XII-century?
AdSPa Cefalù 38	Archivio di Stato di Palermo, Diplomatico, Tabulario della Mensa Vescovile di Cefalù, Pergamena TMC 038	Cefalù-PA-AdS-038-n.d.-XII-century?
AdSPa Cefalù 60	Archivio di Stato di Palermo, Diplomatico, Tabulario della Mensa Vescovile di Cefalù, Pergamena TMC 060	Cefalù-PA-AdS-060-1175/1286
AdSPa Grotta 2	Archivio di Stato di Palermo, Diplomatico, Tabulario di Santa Maria della Grotta, Pergamena TMG 001	Grotta-PA-AdS-002-1161
AdSPa Magione 2	Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 002	Magione-002-1161
AdSPa Magione 5	Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 005	Magione-005-1177–1180
AdSPa Magione 110	Archivio di Stato di Palermo, Diplomatico, Tabulario della Commenda della Magione, Pergamena TCM 110	Magione-110-1116/1226
ASDPatti Pret. var. 284	Archivio Storico Diocesano di Patti, Pretensioni varie, f. 284	Patti-Pretensioni-Varie-2-284-1202
ADSPa 9	Archivio Storico Diocesano di Palermo, Tabulario, I Fondo Storico, Pergamena 9	PA-Cattedrale-009-1132
ASDPa 11	Archivio Storico Diocesano di Palermo, Tabulario, I Fondo Storico, Pergamena 11	PA-Cattedrale-011-1126(?)/1141(?)
ASDPa 20	Archivio Storico Diocesano di Palermo, Tabulario, I Fondo Storico, Pergamena 20	PA-Cattedrale-020-1180
ASDPa 27	Archivio Storico Diocesano di Palermo, Tabulario, I Fondo Storico, Pergamena 27	PA-Cattedrale-027-1190
BCP Qq H 3, f. 8	Biblioteca Comunale di Palermo Leonardo Sciascia, manoscritto Qq H 3, Domenico Scavo, *Diplomata, litterae, privilegia ad archiepiscopalem Ecclesiam Panori pertinentia*, f. 8	BCP-Qq.H.3–f.8-1144

BCRS Monreale 45	Biblioteca centrale Regione Siciliana “A.Bombace”, Palermo, Tabulario del monastero di Santa Maria Nuova di Monreale, Pergamena 45	Monreale-BCRS-045-1183
Cap. Pal. 4	Tabulario della Cappella Palatina di Palermo, Pergamena 4	Palatina-004-1137/8
Cap. Pal. 5	Tabulario della Cappella Palatina di Palermo, Pergamena 5	Palatina-005-1138
Cap. Pal. 8	Tabulario della Cappella Palatina di Palermo, Pergamena 8	Palatina-008-1143
Liciniana Grotta A2	Biblioteca Comunale Linciniana, Termin Imerese, Tabulario di Santa Maria della Grotta di Palermo, Pergamena A2	Grotta-Termini-A02-ante1194
Liciniana Grotta, A22	Biblioteca Comunale Linciniana, Termin Imerese, Tabulario di Santa Maria della Grotta di Palermo, Pergamena A22	Grotta-Termini-A22-1198
Liciniana Grotta A25	Biblioteca Comunale Linciniana, Termin Imerese, Tabulario di Santa Maria della Grotta di Palermo, Pergamena A25	Grotta-Termini-A25-1213
TIEM, Ş.E. 13002 (photo nos. Ş.E. 13002.092-093)	İstanbul, Türk ve İslam Eserleri Müzesi, Şam Evrakı, 13002 (photo nos. Ş_E_13002_092 and Ş_E_13002_093)	Istanbul-TIEM-Ş.E.-13002.092-093-1131/2

Bibliography

ʿAbd al-Wahhāb 1955 *Al-Imām al-Māzarī*. Ḥasan Ḥusnī ʿAbd al-Wahhāb, *Al-Imām al-Māzarī*, Tunis: Dār al-Kutub al-Šarqīya, 1955.

ʿAbd al-Wahhāb 1990 *Kitāb al-ʿUmr*. Ḥasan Ḥusnī ʿAbd al-Wahhāb, *Kitāb al-ʿUmr fī ʾl-muṣannafāt wa-ʾl-muʾallifīn al-Tūnisīyīn*, ed. Muḥammad al-ʿArūsī al-Maṭwī and Bašīr al-Bakkūš, 2 vols., Beirut: Dār al-Ġarb al-Islāmī, 1990

Abdul-Wahhāb and Dachraoui 1962 "*Kitāb al-Amwāl*": Hasan H. Abdul-Wahhāb and Farhat Dachraoui, "*Kitāb al-Amwāl*: le régime foncier en Sicile au moyen age (IXe et Xe siècles)", in *Études d'orientalisme dédiées à la mémoire de Evariste Levi-Provençal*, 2 vols, Paris, 1962: 2.401–444.

Abou El Fadl 1994 "Islamic Law and Muslim Minorities". Khaled Abou El Fadl, "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries", *Islamic Law and Society* 1/2 (1994), pp. 141–187.

Abū Bakr al-Mālikī 1983 *Riyāḍ al-nufūs*. Abū Bakr ʿAbd Allāh b. Muḥammad al-Mālikī, *Riyāḍ al-nufūs fī ṭabaqāt ʿulamāʾ al-Qayrawān wa-Ifrīqīya*, ed. Bašīr al-Bakkūš and Muḥammad al-ʿArūsī al-Maṭwī, 2 vols., Beirut: Dār al-Ġarb al-Islāmī, 1983 (reprinted 1994).

Abū Dāʾūd n.d. *Sunan*. Abū Dāʾūd Sulaymān ibn al-Aš'aṯ al-Siǧistānī, *Sunan Abī Dāʾūd*, consulted online 16 August 2021 https://sunnah.com/abudawud

Abulafia 2007 "Last Muslims". David Abulafia, "The Last Muslims in Italy", in Jan M. Ziolkowski (ed.), *Dante and Islam = Dante Studies*, 125 (2007) 261-287.

Amari 1933 *Storia dei Musulmani*. Michele Amari, *Storia dei Musulmani di Sicilia*,, 2nd rev. ed. Carlo Alfonso Nallino, 3 vols, Catania: R. Prampolini, 1933–1939.

Amari 1997 *BASIt²*. Michele Amari (ed. and trans.), *Biblioteca arabo-sicula. Versione italiana*, 2nd rev. ed. Umberto Rizzitano, Edizione Nazionale delle Opere di Michele Amari, 3 vols., Palermo: Accademia Nazionale di Scienze Lettere e Arti, 1997-1998.

Anonymi Historia Sicula 1723. *Anonymi Historia Sicula a Normannis ad Petrum Aragonensum*, ed. Giovanni Battista Caruso, in *Bibliotheca Historia Regni Siciliae, sive Historicorum qui de rebus Siculis*, 2 vols., Palermo: typis F. Ciché, 1723, pp. 827–859 (reprinted in Lodovico Antonio Muratori [ed.], *Rerum Italicarum Scriptores*, Rome: ex Typographia Societatis Palatinae, 1726, vol. 8, cc. 741–780).

Ansari and Thiele 2018 "Discussing al-Bāqillānī". Hassan Ansari and Jan Thiele, "Discussing al-Bāqillānī's Theology in the Maghrib: ʿAbd al-Jalīl b. Abī Bakr al-Dībājī al-Rabaʿī's *al-Tasdīd fī sharḥ al-Tamhīd* / Discusiones sobre la teología de al-Bāqillānī en el Magreb: el Tasdīd fī šarḥ al-Tamhīd de 'Abd al-Ŷalīl b. Abī Bakr al-Dībāŷī al-raba'ī", *Al-Qanṭara* 39/1 (2018) 127–168.

Arberry 1963 *Handlist*. Arthur J. Arberry, *The Chester Beatty Library: A Handlist of the Arabic Manuscripts. Volume VI. MSS. 3751 to 4000*, Dublin: Hodges Figgis & Co. Ltd., 1963.

Asmal 1998 "Muslims under non-Muslim rule". Aboobaker M. Asmal, "Muslims under non-Muslim rule: the fiqhi (legal) views of ibn Nujaym and al-Wansharisi", PhD thesis, Faculty of Arts, University of Manchester, 1998 (Order No. 10729272). Available from ProQuest Dissertations & Theses Global. (1964771292). Retrieved from https://ezproxy-prd.bodleian.ox.ac.uk:2090/dissertations-theses/muslims-under-non-muslim-rule-fiqhi-legal-views/docview/1964771292/se-2?accountid=13042

Bağī 1999 *Muntaqà*. Abū ʹl-Walīd Sulaymān ibn Ḫalaf al-Bağī, *al-Muntaqà: šarḥ Muwaṭṭaʾ Mālik*, ed. Muḥammad ʿAbd al-Qādir ʿAṭā, 9 vols., Beirut: Dār al-Kutub al-ʿIlmīya. 1999.

Bagnara 2004 "Cimiteri di rito musulmano". Alessandra Bagnara, "I cimiteri di rito musulmano nella Sicilia medievale. Dati e problemi", *Mélanges de l'École française de Rome. Moyen-Age*, 116/1, pp. 231–302,

Battaglia, La Mantia, Miccichè and Riolo 2018 "Norman age necropolis". Giuseppina Battaglia, Marco La Mantia, Roberto Miccichè and Laura Riolo, "A Norman age necropolis with a mixed ritual in Palermo", Notiziario Archeologico Soprintendenza Palermo, Poster no. 22, 2018. Consulted online on 16 September 2021 https://www.academia.edu/37441945/A_Norman_age_necropolis_with_a_mixed_ritual_in_Palermo.

Blidstein 2017 "Swearing by the Book". Moshe Blidstein, "Swearing by the Book: Oaths and the rise of Scripture in the Roman Empire", *ASDIWAL. Revue genevoise d'anthropologie et d'histore des religions*, 12 (2017), pp. 53–72

Bresc 1995 "La propriété foncière". Henri Bresc, "La propriété foncière des Musulmans dans la Sicile du XIIe siècle: trois documents inédits", in Biancamaria Scarcia Amoretti (ed.), *Del nuovo sulla Sicilia musulmana (Roma, 3 maggio 1993),* Fondazione Leone Caetani, Giornata di Studo, no. 26, Rome: Accademia Nazionale dei Lincei, 1995, pp. 69–97.

Brett 1999 "Muslim justice". Michael Brett, "Muslim justice under infidel rule: the Normans in Ifrīqiya, 517–555H/1123–1160AD", *Cahiers de Tunisie* 43 (1995), pp. 325–68; revised and reprinted in *Ibn Khaldun and the Medieval Maghrib*, Aldershot, Variorum Collected Studies, 1999, no. XIII.

Brockopp 2011 "Sahnun". Jonathan Brockopp, "Contradictory evidence and the exemplary scholar: the lives of Sahnun b. Saʿid (d. 854)", *International Journal of Middle Eastern Studies* 43 (2011) 115–132.

Brunschvig 1947 *Ḥafṣides*. Robert Brunschvig, La Berbérie orientale sous les Ḥafṣides des origines à la fin de XV^{e} siècle, 2 vols, Paris: Adrien-Maisonneuve, 1947.

Brühl 1987 *Rogerii II*. Carlrichard Brühl (ed.), *Rogerii II. regis diplomata latina*, Codex diplomaticus regni Siciliae, ser. 1: Diplomata regum et principum e gente normannorum, vol. 2/1, Cologne and Vienna: Böhlau Verlag, 1987.

Buccola 1912 *Mezzojuso*. Onofrio Buccola, *Nuove ricerche sulla fondazione della colonia greco-albanese di Mezzojuso*, Palermo: F. Andò, 1912.

Buḫārī n.d. *Ṣaḥīḥ*: Muḥammad ibn Ismaʿīl al-Buḫārī, *Ṣaḥīḥ al-Bukhari,* consulted online 16 August 2021 https://sunnah.com/bukhari

Burzulī 2002 *Fatāwā*. Abū ʾl-Qāsim ibn Aḥmad al-Burzulī, *Fatāwā al-Burzulī*, ed. Muḥammad al-Ḥabīb al-Hayla, 7 vols, Beirut: Dār al-Ġarb al-Islāmī, 2002, vol.

Cahen 1962 "Djizya". Claude Cahen, "Djizya", *Encyclopaedia of Islam, Second Edition*, 4 (1962) 1030.

Caracausi 1983 *Arabismi*. Girolamo Caracausi, *Arabismi medievali di Sicilia*, Supplementi al Bollettino del Centro di studi filologici e linguistici siciliani 5, Palermo: Centro di studi filologici e linguistici Siciliani, 1983.

Carbonaro 2021 *The Norman Admiralty*. Francesco Carbonaro, *The Norman Admiralty. History of an Office between Two Worlds*, Berlin: Logos Verlag, 2021.

Carocci 2014 *Signorie di Mezzogiorno.* Sandro Carocci, *Signorie di Mezzogiorno, Società rurali, poteri aristocratici e monarchia (XII-XIII secolo)*, Roma: Viella, 2014.

Caspar 1904 *Roger II*. Erich Caspar, 1904, *Roger II (1101–1154) und die Gründung der normannisch-sicilischen Monarchie*, Innsbruck: Wagner'schen Universitäts-Buchhandlung, 1904 (now translated as *Ruggero II e la fondazione della monarchia normanna di Sicilia*, Rome and Bari: Laterza, 1999, with introduction by Ortensio Zecchino, with references to recent bibliography added to the register).

Cassar and Staccioli 2006 "Lucera Sarracenorum". Mario Cassar and Giuseppe Staccioli, "The Muslim Colony of Lucera Sarracenorum (Lucera) — Life and Dispersion as Outlined by Onomastic Evidence", *Symposia Melitensia*, 3 (2006) 1–20.

Cook 2006 "Apostasy from Islam". David Cook, "Apostasy from Islam: a historical perspective", *Jerusalem Studies in Arabic and Islam* 31 (2006) 248–288.

Cottone 1995 "I de Lucy". Claudia Cottone, "I de Lucy e la signoria di Petterana (XII sec.) nel territorio di Termini, *Schede Medievali*, 28/29 (1995) 7–19.

Cusa 1868 *Diplomi*. Salvatore Cusa (ed.), *I Diplomi greci ed arabi di Sicilia, pubblicati nel testo originale, tradotti ed illustrati*, vol. I in 2 parts (vol. II never published), Stabilimento tipografico Lao: Palermo, 1868(sic! corr. 1874)–1882 (reprinted Böhlau Verlag: Cologne-Vienna, 1982).

D'Angelo 2008 "Contrade e chiese". Franco D'Angelo, "Palermo alla fine del Duecento e inizi del Trecento. Contrade e chiese dei quartieri della città desunte dai documenti d'archivio", in Alessandro Musco (ed.), *Contrade e chiese nella Palermo medievale*, Palermo: Officina di Studi Medievali, 1999, pp. 7–29.

Davis-Secord 2007 "Muslims in Norman Sicily". Sarah Davis-Secord "Muslims in Norman Sicily: The Evidence of Imām al-Māzarī's Fatwās", *Mediterranean Studies* 16 (2007), pp. 46–66

Dāwudī 2008 *Kitāb al-amwāl.* Abū Ǧaʿfar Aḥmad ibn Naṣr al-Dāwudī al-Mālikī, *Kitāb al-amwāl*, ed. Riḍā Muḥammad Sālim Shaḥāda, Beirut: Dār al-Kutub al-ʿIlmiya, 2008.

Depaule 1997 "Shāriʿ". Jean-Charles Depaule, "Shāriʿ", *Encyclopaedia of Islam, Second Edition,* 9 (1997) 320–321. Consulted online on 06 July 2021 http://ezproxy-prd.bodleian.ox.ac.uk:2197/10.1163/1573-3912_islam_SIM_6836

De Luca 1989 "Giudici e giuristi". Maria Amalia De Luca, *Giudici e Giuristi nella Sicilia Musulmana*. *Notizie e biografie estratte dal* Tartīb al-Madārik, Palermo: Istituto per la Diffusione della Cultura Araba Siciliana e Mediterranea, 1989.

De Simone 1992 Antroponimi arabo-greci". Adalgisa De Simone, "Antroponimi arabo-greci ed il vocalismo dell'Arabo di Sicilia", in Biancamaria Scarcia Amoretti (ed.), *Onomastica e trasmissione del sapere nell'Islam medievale,* Rome: Bardi, 1992, pp. 74.

De Simone 1995 "*al-Zahr al-bāsim*". Adalgisa De Simone, "*al-Zahr al-bāsim* di Ibn Qalāqis e le vicende dei Musulmani nella Sicilia Normanna", in Biancamaria Scarcia Amoretti (ed.), *Del nuovo sulla Sicilia Musulmana: giornata di studio, Roma, 3 maggio 1993*, Fondazione Leone Caetani, no. 26, Rome: Accademia nazionale dei Lincei, 1995, pp. 99–152.

De Simone 1996 *Splendori e misteri*. Adalgisa De Simone, *Splendori e misteri di Sicilia in un'opera di Ibn Qalāqis*, Soveria Mannelli: Rubbettino, 1996.

De Simone 1999 "Mezzogiorno normanno-svevo". Adalgisa De Simone, "Il mezzogiorno normanno-svevo visto dall'Islam africano", in Giosuè Musca (ed.), *Atti delle tredicesime giornate normanno-sveve. Il mezzogiorno normanno-svevo visto dall'Europa e dal mondo mediterraneo (Bari, 21–24 ottobre 1997)*. Bari: Centro di studi normanno-svevi, Università degli Studi di Bari, 1999, pp. 261–293.

De Simone 1999 *Nella Sicilia 'araba'*. Adalgisa De Simone, *Nella Sicilia 'araba' tra storia e filologia*, Palermo: Tipolitografia Luxograph, 1999,

De Simone 2009 "Palermo araba". Adalgisa De Simone, "Palermo araba" in Rosario La Duca (ed.), *La Storia di Palermo, 2. Dal tardo-antico all'Islam*, Palermo: L'EPOS, 2009, pp. 77–113.

Di Giovanni 1890 *Topografia Antica*. Vincenzo Di Giovanni, *Topografia Antica di Palermo dal secolo X al XV*, 2 vols., Palermo: Boccone del Povero, 1890.

Egidi 1915 *La Colonia Saracena*. Pietro Egidi, *La colonia saracena di Lucera e la sua distruzione*, Naples: Luigi Pierro e figlio, 1915 (extracted from *Archivio storico per le provincie napoletane* 36 [1911], pp. 597–694; 37 [1912], pp. 71–89; 38 [1913], pp. 681–707; 39 [1914], pp. 697–766).

Falcandus 1897 *Liber*. "Hugo Falcandus", *Liber de regno Siciliae*, ed. Giovanni Battista Siragusa, Fonti per la Storia d'Italia, no.22, Rome: Istituto Storico Italiano per il Medio Evo, 1897.

Falcandus 1998 *History*. "Hugo Falcandus", *The History of the Tyrants of Sicily by "Hugo Falcandus" 1154–69*, trans. Graham A. Loud and Thomas Wiedemann, Manchester: Manchester University Press, 1998.

Falkenhausen 1985 "Cristodulo". Vera von Falkenhausen, "Cristodulo", in *Dizionario biografico degli italiani* 31 (1985), 49–51.

Falkenhausen 2001 "Maximilla". Vera von Falkenhausen, "*Maximilla regina, soror Rogerius rex*", in Hagen Keller, Werner Paravicini and Wolfgang Schieder (eds.), *Italia et Germania. Liber Amicorum Arnold Esch*, Tübingen: Max Niemeyer Verlag, 2001, pp. 361–377.

Falkenhausen 2002 "Presenza dei Greci". Vera von Falkenhausen, "La presenza dei Greci nella Sicilia normanna. L'apporto della documentazione archivistica in lingua greca", in R.M. Carra Bonacasa (ed.), *Byzantino-Sicula*, *IV: Atti del I Congresso internazionale di archeologia della Sicilia bizantina*, Istituto Siciliano di Studi Bizantini e Neoellenici. Quaderni, 15, Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici 2002, pp. 31-72.

Falkenhausen 2008 "Archivio Storico Diocesano di Palermo". Vera von Fakenhausen, "Documenti greci nell'Archivio Storico Diocesano di Palermo", in Giovanni Travagliato (ed.), *Storia & Arte nella scrittura. L'Archivio Storico Diocesano di Palermo a dieci anni dalla riapertura al pubblico (1997–2007). Atti del Convegno Internazionale di Studi. Palermo, Palazzo Arcivescovile – Palazzo Alliata di Villafranca, 9–10 novembre* 2007, Santa Flavia (PA): Edizioni Centro Sud Aurora Onlus, 2008, pp. 427–452.

Falkenhausen 2014 "Termini Imerese". Vera von Falkenhausen, "I documenti greci di S. Maria della Grotta rinvenuti a Termini Imerese", in Renata Lavagnini and Cristina Rognoni (eds.), *Byzantino-Sicula VI. La Sicilia e Bisanzio nei secoli XI e XII. Atti delle X Giornate di Studi della Associazione Italiana di Studi Bizantini (Palermo, 27–28 Maggio 2011),* Palermo: Istituto Siciliano di Studi bizantini e Neoellenici "Bruno Lavagnini", 2014, pp. 215–242.

Falkenhausen 2018 "Testo e contesto". Vera von Falkenhausen, "Testo e contesto. Un κατόνομα inedito della contessa Adelasia per il monastero di Bagnara (settembre 1111)", in Bruno Figliuolo, Rosalba Di Meglio and Antonella Ambrosio (eds.), *Ingentia curiositas. Studi sull'Italia medievale per Giovanni Vitolo,* 3 vols., Battipaglia: Lavaglia et Carlone, 2018, [3.]1273–1290.

Falkenhausen and Johns 2011 "Arabic-Greek charter". Vera von Falkenhausen and Jeremy Johns, "An Arabic-Greek charter for Archbishop Nicholas of Messina, November 1166", *Χρόνος συνήγορος. Mélanges André Guillou*, ed. Francesco D'Aiuto, Rome: Università degli Studi di Roma "Tor Vergata", 2013 = *Νέα Ῥώμη: Rivista di ricerche bizantinistiche* 8 (2011) 153–170.

Falkenhausen, Jamil and Johns 2016 "St. George's of Tròccoli". Vera von Falkenhausen, Nadia Jamil and Jeremy Johns, "The Twelfth-century Documents of St. George's of Tròccoli, Sicily", *Journal of Arabic and Islamic Studies* 16 [2016], pp. 1–84b

Furayḥ 1980 "Ḥayāt al-šāʾir Ibn Qalāqis". Sihām al-Furayḥ, "Ḥayāt al-šāʾir Ibn Qalāqis wa-šiʿruhu", *Ḥawlīyāt al-ādāb wa-al-ʿulūm al-iğtimāʿīyah* [Annals of the College of Arts, Kuwayt University], 1 (1980) 1–44.

Gandz 1938 "Algebra of Inheritance". Solomon Gandz, "The Algebra of Inheritance: a rehabilitation of al-Khwārizmī", *Osiris* 5 (1938) 319–391.

Garufi 1899 *Documenti Inediti*. Carlo Alberto Garufi, *I documenti inediti dell'epoca normanna* in Sicilia, Documenti per servire alla storia di Sicilia, 1st ser., vol. 19, Palermo: Società di Storia Patria, 1899.

Garufi 1908 "Contratto agrario". Carlo Alberto Garufi, "Un contratto agrario in Sicilia nel secolo XII per la fondazione del casale di Mesepe presso Paternò", *Archivio storico per la Sicilia orientale*, 5 (1908) 11–22.

Garufi 1913 "Contea di Paternò": Carlo Alberto Garufi, "Per la storia dei secoli XI e XII. Miscellanea diplomatica. III: La contea di Paternò e i de Luci", *Archivio Storico per la Sicilia Orientale*, 10 (1913) 160–180.

Girgensohn 1975 *Italia Pontificia 10*: Dieter Girgensohn (ed.), *Regesta Pontificum Romanorum. Italia Pontificia, vol. 10 Calabria-Insulae*, Tubingen: Weidmann, 1975

Girgensohn and Kamp 1965 "Urkunden und Inquisitionen". Dieter Girgensohn and Nobert Kamp, "Urkunden und Inquisitionen des 12. Und 13. Jahrhunderts aus Patti", *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 45 (1965) 1–240.

Granara 1999 "Ibn Sabīl". William Granara, "Ibn Sabīl: crossing boundaries in the biography of Asad ibn al-Furāt", *Scripta* Mediterranea, 19–20 (1998–1999) 259–267.

Grand'Henry 2012 "Un contrat d'échange". Jacques Grand'Henry, "Un contrat d'échange de la propriété de tours d'irrigation dans la région de Palerme (Sicile) en 526H/1131 (édition arabe révisée, première traduction et commentaires linguistiques)", *Folia Orientalia* 49 (2012) 203–217.

Gronke 1984 "Rédaction des actes privés". Monika Gronke, "La rédaction des actes privés dans le monde musulman médiéval: théorie et pratique", *Studia Islamica* 59 (1984) 159–174.

Guillou 1963 *S. Maria di Messina*. André Guillou (ed.), *Les Actes grecs de S. Maria di Messina: Enquête sur les populations grecques d'Italie du sud et de Sicile (XIe–XIVe S.)*, Istituto siciliano di studi bizantini e neoellenici, Testi e monumenti, Testi 8, Palermo: Istituto siciliano di studi bizantini e neoellenici, 1963.

Gulotta 1982 *Adamo de Citella*. Pietro Gulotta (ed.), *Le Imbreviature del notaio Adamo de Citella a Palermo (2º Registro: 1298–1299)*, Fonti e Studi del *Corpus membranarum* italicarum, 3rd ser., vol. 2. Rome: Il Centro di Ricerca, 1982.

Hallaq 1994 "From *fatwā*s to *furūʿ*". Wael B. Hallaq, "From *fatwā*s to *furūʿ*: growth and change in Islamic substantive law", *Islamic Law and Society*, 1/1 (1994) 29–65.

Ḥamawī 1960 *al-Tāʾrīḫ al-manṣūrī*. Muḥammad ibn ʿAlī al-Ḥamawī, *al-Tāʾrīḫ al-manṣūrī: talḫīṣ al-kašf wa-al-bayān fī ḥawādiṯ al-zamān*, [photograhic reproduction of unique

manuscript], ed. Piotr A Griaznevich, Moscow: Ākādīmīyat al-ʿUlūm li-ʹl-Ittiḥād al-Sūfiyītī, Maʿhad al-Dirāsāt al-Šarqīya, Dār al-Našr li-ʹl-Ādāb al-Šarqīya, 1960.

Ḥamawī 1982 *al-Tāʾrīḫ al-manṣūrī*. Muḥammad ibn ʿAlī al-Ḥamawī, *al-Tāʾrīḫ al-manṣūrī: talḫīṣ al-kašf wa-al-bayān fī ḥawādiṯ al-zamān*, ed. Abū ʹl-ʿĪd Dūdū, Damascus: ʿAdnān Darwīš, 1402/1982.

Ḥamawī 2020 *Al-Tāʾrīkh al-manṣūrī*. [Muḥammad ibn ʿAlī al-Ḥamawī, *al-Tāʾrīḫ al-manṣūrī: talḫīṣ al-kašf wa-al-bayān fī ḥawādiṯ al-zamān*], Eng. trans. David Cook, *Ibn Naẓīf's world-history: Al-Tāʾrīkh al-Manṣūrī*, London: Routledge, 2020.

Ḫawārizmī 1968 *Kitāb al-ǧabr*. Muḥammad ibn Mūsà al-Ḫawārizmī, *Kitāb al-ǧabr wa-al-muqābalah*, ed. Muḥammad Mursī Aḥmad and ʿAlī Muṣṭafà Mušarrafa, Cairo: Dār al-Kātib al-ʿArabī, 1968.

Ḫawārizmī 2013 *Algebra*. Muḥammad ibn Mūsà al-Ḫawārizmī, *The Algebra of Mohammed ben Musa*, trans. Friedrich August Rosen, Cambridge: Cambridge University Press, 2013 (reprint of London: Oriental Translation Fund, 1831).

Heffening 1993 "Murtadd". Willi Heffening, "Murtadd", *Encyclopaedia of Islam, Second Edition*, 7 (1993) 635–636 (reprint of *Encyclopaedia of Islam, First Edition*, 3 (1934) 736–738). Consulted online on 25 June 2021 http://ezproxy-prd.bodleian.ox.ac.uk:2197/10.1163/1573-3912_islam_SIM_5554.

Hendrickson 2009 "*Obligation to Emigrate*". Jocelyn N. Hendrickson, "The Islamic *Obligation to Emigrate*: Al-Wansharīsī's *Asnā al-matājir* Reconsidered", PhD thesis, Faculty of the Graduate School, Emory University, 2009.

Huillard-Bréholles 1852 *Historia diplomatica Friderici secundi*. Jean-Louis-Alphonse Huillard-Bréholles, *Historia diplomatica Friderici secundi; sive constitutiones, privilegia [&c.] istius imperatoris et filiorum ejus. Accedunt epistolae paparum et documenta varia*, 6 vols in 12 parts, Paris: Plon Frères, 1852–1861.

Ibn al-Aṯīr 1862 *Kāmil*. ʿAlī ʿIzz al-Dīn Ibn al-Aṯir al-Ǧazarī, *al-Kāmil fī ʹl-taʾrīḫ*, ed. Carl J. Tornberg, 13 vols., Leiden: E.J. Brill, 1862–1876.

Ibn al-ʿAṭṭār 1983 *Kitāb al-waṯāʾiq*. Muḥammad ibn Aḥmad al-Umawī, known as Ibn al-ʿAṭṭār, *Kitāb al-waṯāʾiq wa-ʾl-siǧillāt,* ed. Pedro Chalmeta & Federico Corriente, Madrid: Academia Matritense del Notariado, Instituto Hispano-Árabe de Cultura, 1983

Ibn Ǧubayr 1907 *Riḥla*. Abū ʹl-Ḥusayn Muḥammad ibn Aḥmad Ibn Ǧubayr, *The Travels of Ibn Jubayr [Riḥlat Abī ʹl-Ḥusayn Muḥammad ibn Aḥmad Ibn Ǧubayr]*, ed. William Wright, 2nd. rev. ed. Michael Jan de Goeje, E.J.W. Gibb Memorial Series, vol. V, Leiden: E.J. Brill and London: Luzac & Co., 1907.

Ibn Ḥawqal 1938 *Ṣūrat al-arḍ*. Abū ʹl-Qāsim Muḥammad Ibn Ḥawqal, *Opus geographicum (Ṣūrat al-arḍ*), 2nd edn, rev. Johannes Henrik Kramers, 2 vols., Bibliotheca geographorum Arabicorum, no. 2, Leiden: Brill, 1938–1939.

Ibn Qalāqis 1905 *Dīwān*. Abū ʹl-Fatḥ Naṣr Allāh ibn ʿAbd Allāh Ibn Qalāqis, *Dīwān*, ed. Ḫalīl Muṭrān, Cairo: Maṭbaʿat al-Ǧawāʾib, 1323/1905.

Ibn Qalāqis 1984 *Zahr al-bāsim*. Abū ʹl-Futūḥ Naṣr ibn ʿAbd Allāh Ibn Qalāqis, *al-Zahr al-bāsim wa-ʹl-ʿarf al-nāsim fī madīḥ al-aǧall Abī ʹl-Qāsim*, ed. ʿAbd al-ʿAzız ibn Nāṣir al-Māniʿ, Riyāḍ: Ǧāmiʿat al-Malik Saʿūd, ʿImādat Šuʾūn al-Maktabāt, 1984

Ibn Qalāqis 1988 *Dīwān*. Abū ʹl-Fatḥ Naṣr Allāh ibn ʿAbd Allāh Ibn Qalāqis, *Dīwān*, ed. Sihām al-Furayḥ, al-Kuwayt: Maktabat al-Muʿallà, 1988.

Ibn Rušd 1988 *Muqaddimāt*. Abū ʹl-Walīd ibn Rušd, *Al-Muqaddimāt al-mumahhidāt li-bayān mā iqtaḍat-hu rusūm al-Mudawwana min al- aḥkām al-šarʿīyāt wa-ʹl-taḥṣīlāt al-muḥkamāt li-ummahāt masāʾili-hā al-muškilāt*, eds. Muḥammad Ḥaǧǧī and Saʿīd Aḥmad Aʿrāb, 3 vols., Beirut: Dār al-Ġarb al-Islāmī, 1988

Ibn Yūnus al-Ṣiqillī 2013 *Ǧāmiʿ*. Abū Bakr ibn ʿAbd Allāh ibn Yūnus al-Ṣiqillī, (d. 451 A.H. / 1058-60 A.D.) *Al-Ǧāmiʿ li-masāʾil al-mudawwana,* eds. Ibrāhīm Šāmī Maṭāʿin Šayba *et al.,* 24 vols., Beirut: Umm al-Qurà University, Dār al-Fikr, 2013.

Ibn Ẓafar 1995 *Sulwān al-muṭāʿ*. Muḥammad Ibn Ẓafar al-Ṣiqillī, *Sulwān al-muṭāʿ fī ʿudwān al-atbāʿ*, ed. Muḥammad Aḥmad Damaǧ, Beirut: ʿIzz al-Dīn, 1995

Idris 1956 "Contribution". Hady Roger Idris, "Contribution à l'Histoire de la Vie Religieuse en Ifrīqiya Zīrīde [Xème–Xième Siècles]", in *Mélanges Louis Massignon*, 3 vols, Damascus: Institut français de Damas, 1956–1957, vol. 2, pp. 327–359.

Idris 1962 *Zīrīdes*. Hady Roger Idris, *La Berbérie orientale sous les Zīrīdes, X^e^–XII^e^ siècles*, 2 vols, Faculté des lettres et sciences humaines d'Alger: Publications de l'Institut d'études orientales, no.21, Paris: Librairie d'Amérique et d'Orient, Adrien-Maisonneuve, 1962.

ʿImād al-Dīn al-Iṣfahānī 1966 *Ḫarīdat al-qaṣr*. Abū ʿAbd Allāh Muḥammad ibn Muḥammad ʿImād al-Dīn al-Kātib al-Iṣfahānī, *Ḫarīdat al-qaṣr wa-ǧarīdat al-ʿaṣr*, ed. Muḥammad al-Marzūqī *et al*., 3 vols, Tunis: al-Dār al-Tūnisīya li-ʹl-Našr 1966–1972.

Innocent III 1979 *Register 1199–1200. Die Register Innocenz' III, Band. 2, Pontifikatsjahr, 1199–1200,* ed. Othmar Hageneder, Werner Maleczek, and Alfred A. Strnad, Rome and Vienna: Österreichisches Kulturinstituts in Rom, 1979

Innocent III 2004 *Register 1206/1207*. Innocent III, *Die Register Innocenz' III*, *Band. 9. Pontifikatsjahr, 1206/1207*, ed. Andrea Sommerlechner, Othmar Hageneder, Christoph Egger and Rainer Murauer, Graz: Hermann Böhlaus Nachfolger, 2004.

ʿIyād ibn Mūsà 1965 *Tartīb al-madārik*. Abū ʹl-Faḍl ʿIyāḍ ibn Mūsà, known as al-Qāḍī ʿIyāḍ, *Tartīb al-madārik wa-taqrīb al-masālik li-maʿrifat aʿlām maḏhab Mālik*, ed. Aḥmad Bakīr Maḥmūd, 3 vols., Beirūt, Dār Maktabat al-Ḥayāt, 1965–1968.

Jamil and Johns 2004 "Signs of the Times". Nadia Jamil and Jeremy Johns, "Signs of the Times: Arabic Signatures as a Measure of Acculturation in Norman Sicily", in Gülru Necipoğlu, Doris Behrens-Abouseif and Anna Contadini (eds.), *Essays in Honor of Michael Rogers = Muqarnas* 21 (2004), 181–192.

Jamil and Johns 2016 "A New Latin-Arabic Document". Nadia Jamil and Jeremy Johns, "A New Latin-Arabic Document from Norman Sicily (November 595H/1198CE)", in

Maurice A. Pomerantz and Aram A. Shahin (eds.), *The Heritage of Arabo-Islamic Learning. Studies Presented to Wadad Kadi*, Leiden and Boston: Brill, 2016, pp. 111–166.

Jamil and Johns 2020 "Swansong". Nadia Jamil and Jeremy Johns, "Chapter 16. The Swansong of the Multilingual Chancery: Obbertus Fallamonacha's Latin-Arabic Charter of 1242" in Dirk Booms and Peter John Higgs (eds.), *Sicily: Heritage of the World*, British Museum Research Pubications, no. 222, London: The British Museum Press, 2020, pp. 142–63

Jamil and Johns 2022 "Arabic Deeds of Sale". Nadia Jamil and Jeremy Johns, "Arabic Deeds of Sale from Sicily. Preprint", Oxford: DocuMult, 2022, forthcoming.

Jamil and Johns 2022 "Four Sicilian documents". Nadia Jamil and Jeremy Johns, "Four Sicilian documents — three Kalbid and one Norman — from the Qubbat al-Khazna in Damascus", *Proceedings of the 4th Conference on the Layout and Structure of Arabic Documents, Ludwig-Maximilians Universität München, 26–27 November 2020*, forthcoming.

Johns 1999 "Arabic contracts of sea-exchange". Jeremy Johns, "Arabic contracts of sea-exchange from. Norman Sicily", in Paul Xuereb (ed.), *Karissime Gottifride. Historical essays presented to Godfrey Wettinger on his seventieth birthday*, Malta University Press, 1999, pp. 56–78.

Johns 2002 *Arabic Administration*. Jeremy Johns, *Arabic Administration in Norman Sicily: The Royal Dīwān*, Cambridge: Cambridge University Press, 2002.

Johns 2002 "Sulla condizione dei Musulmani". Jeremy Johns, "Sulla condizione dei Musulmani di Corleone sotto il dominio normanno nel XII secolo", in *Byzantino-Sicula IV: Atti del I Congresso Internazionale di Archeologia della Sicilia Bizantina*, Palermo, 2002, pp. 275–294.

Johns 2004 "The boys from Mezzoiuso". Jeremy Johns, "The boys from Mezzoiuso": Muslim *jizya*-payers in Christian Sicily", in Robert G. Hoyland and Philip F. Kennedy (eds.), *Islamic Reflections Arabic Musings: Studies in Honour of Professor Alan Jones*, Cambridge: Gibb Memorial Trust, 2004, pp. 243–256.

Johns 2018 "Topsy-turvy". Jeremy Johns, "The topsy-turvy world of Norman Sicily", published on the DocuMult website, 2018: http://krc.orient.ox.ac.uk/documult/

Johns 2011 "Bible, Qur'ān and Royal Eunuchs", Jeremy Johns, "The Bible, the Qur'ān and the Royal Eunuchs in the Cappella Palatina", in Thomas Dittelbach (ed.), *Die Cappella Palatina in Palermo - Geschichte, Kunst, Funktionen. Forschungsergebnisse der Restaurierung Hg. im Auftrag der Stiftung Würth*, Künzelsau: Swiridoff Verlag 2011: 198–216 (German), 413–23 (Italian), and 560–70 (English).

Jones 2007 *Qurʾān*. Alan Jones, *The Qurʾān*, Cambridge: E.J.W. Gibb Memorial Trust, 2007.

Khan 2006 *Arabic Legal and Administrative Documents*. Geoffrey Khan, *Arabic Legal and Administrative Documents in the Cambridge Genizah Collections*, Cambridge

University Library Genizah Series 10, Oxford: Archaeopress, 2006 (reprint of Cambridge: Cambridge University Press, 1993).

Koch 2002 *Die Urkunden Friedrichs II*. Walter Koch (ed.), *Die Urkunden der deutschen Könige und Kaiser: Vierzehnter Band Erster Teil: Die Urkunden Friedrichs II. 1198–1212 (= Monumenta Germaniae historica, Diplomata regum et imperatorum Germaniae: Tomus XIV, Pars I: Friderici II. Diplomata inde ab Anno MCXCVIII. usque ad Annum MCCXII)*, Hannover: Hahnsche Buchhandlung, 2002.

Lagardère 1995 *Analyse du Miʿyār*. Vincent Lagardère, *Histoire et société en Occident musulman au Moyen Age. Analyse du Miʿyār d'al-Wanšarīsī*, Madrid: Casa de Velázquez, 1995.

Lauro 2009 *Sambuchi*. Daniela Lauro, *Sambuchi (IGM 259 IV SE)*, Forma Italiae 45, Florence: Leo S. Olschki, 2009.

Levi della Vida 1923 "Sottscrizione Araba". Giorgio Levi della Vida, "La Sottoscrizione Araba di Riccardo di Lucera", *Rivista degli studi orientali* 10 (1923-25) 284–292

Maḫlūf 2003 *Šağarat al-nūr*. Muḥammad Maḫlūf, *Šağarat al-nūr al-zakīya fī tabaqāt al-mālikīya*, Beirut: Dār al-kutub al-ʿilmīya, 1424/2003,

Malaterra 1927 *De rebus gestis*. Gaufredus Malaterra, *De rebus gestis Rogerii Calabriae et Siciliae comitis et Roberti Guiscardi ducis fratris eius*, ed. Ernesto Pontieri, Rerum italicarum scriptores (nuova edizione), vol. 5, part 1, Bologna: N. Zanichelli, 1927–1928.

Mandalà 2014 "Political martyrdom". Giuseppe Mandalà, " Political Martyrdom and Religious Censorship in Islamic Sicily: a Case Study During the Age of Ibrahim II (261-289/875-902)", Al-Qanṭara 35/1 (2014) 151–186.

Mansi 1778 *Sacrorum Conciliorum 22*. Giovan Domenico Mansi, *Sacrorum Conciliorum nova et amplissima collectio*, vol. 22, Venice: Antonio Zatta, 1778.

Maqrīzī 1991 *Muqaffà*: Aḥmad ibn ʿAlī al-Maqrīzī, *Kitāb al-muqaffà al-kabīr*, ed. Muḥammad al-Yaʿlāwī, 8 vols., Beirut: Dār al-Ġarb al-Islāmīya, 1991.

Martin 1989 "Saraceni di Lucera". Jean Marie Martin, "I Saraceni di Lucera. Nuove indagini", in *Miscellanea di Storia Lucerina II. Atti del III Convegno di Studi Storici,* Lucera: Centro Regionale Servizi Culturali Educativi, 1989, pp. 9–34.

Martínez Enamorado 2012 *ʿUmar ibn Ḥafṣūn*. Virgilio Martínez Enamorado, *ʿUmar ibn Ḥafṣūn, de la rebeldia a la construcción de la Dawla: estudios en torno al rebelde de al-Andalus (880- 928)*, San José (Costa Rica): Editorial Universidad de Costa Rica, 2012.

Masi 2017 *Ciminna*. Andrea Masi, *Ciminna. Notizie storiche e archeologiche*, Itinerari d'Arte, Palermo: Edizione d'Arte Kalòs, 2017.

Masud 1990 "The Obligation to Migrate". Muhammad Khalid Masud, "The Obligation to Migrate: the Doctrine of *Hijra* in Islamic Law" in Dale F. Eickelman and James Piscatori (eds.), *Muslim Travellers: Pilgrimage, Migration and the Religious Imagination*, Berkeley: University of California Press, 1990, pp. 29–49

Masud, Peters and Powers 2006 *Dispensing justice in Islam*. Muhammad Khalid Masud, Rudolph Peters and David S. Powers (eds.),*: Qadis and their judgements*, Leiden and Boston: Brill, 2006.

Maurici 1997 *Castelli dell'Imperatore*. Ferdinando Maurici, *Federico II e la Sicilia. I castelli dell'Imperatore*, Catania: Giuseppe Maimone, 1997.

Māzarī 2001 *Īḍāḥ al-maḥṣūl*. Muḥammad ibn ʿAlī ibn ʿUmar ibn Muḥammad al-Tamīmī al-Māzarī, *Kitāb Īḍāḥ al-maḥṣūl min burhān al-uṣūl*, ed. ʿAmmār al-Ṭālibī, Beirut: Dār al-Ġarb al-Islāmī, 2001.

Mazzarese-Fardella 1978 "Partinico". Enrico Mazzarese-Fardella, "Partinico, il suo territorio, i suoi *domini* in una pergamena del Tabulario Belmonte (1165)", *Archivio Storico Siciliano*, 4th ser., 4 (1978) 41–54.

Melchert 2008 "Judicial oath". Christopher Melchert, "The history of the judicial oath in Islamic law", in Marie-France Auzépy and Guillaume Saint-Guillain (eds.), *Oralité et lien social au Moyen Âge (Occident, Byzance, Islam): parole donnée, foi jurée, serment*, Collège de France – CNRS Centre de Recherche d'Histoire et Civilisation de Byzance, Monographies 29, Paris: ACHCByz, 2008, pp. 309–326

Ménager 1956 "Une ordonnance arabe". Léon-Robert Ménager, "Une ordonnance arabe apocryphe de Roger I Conte de Sicile et de Calabre (20 ragab 474 – 24 decembre 1084)", *Archivio storico siciliano*, 3rd ser., 8 (1956) 336–342.

Ménager 1960 *Amiratus*. Léon-Robert Ménager, *Amiratus –Ἀμιρᾶς. L'émirat et les origines de l'amirauté (XIe – XIIIe siècles)*, Bibliothèque générale de l'École pratique des hautes études, Paris: S.E.V.P.E.N., 1960.

Ménager 1975 "Inventaire". Léon-Robert Ménager, "Inventaire des familles normandes et franques émigrées en Italie méridionale et en Sicile (XIe–XIIe siècles)", in *Roberto il Guiscardo e il suo tempo. Relazioni e comunicazioni nelle prime giornate normanno-sveve (Bari, maggio 1973*), Fonti e studi del *Corpus membranarum italicarum*, no.11, Rome: Università degli Studi di Bari, Centro di studi normanno-svevi, 1975 (reprinted Bari, 1991): 259–390. (Reprinted in Léon-Robert Ménager *Hommes et institutions dans l'Italie normande*, Collected Studies, no.136, London: Variorum, 1981.)

Meri 2004 "Ritual and the Qurʾān: Oaths". Josef W. Meri, "Ritual and the Qurʾān: Oaths", in Jane Dammen McAuliffe (ed.), *Encyclopaedia of the Qurʾān*, 6 vols, Leiden: Brill, 2001–2006, 4 (2004) 492–493. Consulted online on 23 June 2021 http://ezproxy-prd.bodleian.ox.ac.uk:2197/10.1163/1875-3922_q3_EQCOM_00177.

Metcalfe 2008 *Muslims of Medieval Italy*. Alex Metcalfe, *The Muslims of Medieval Italy*, Edinburgh: Edinburgh University Press, 2008.

Moscone "Translators". Marcello Moscone, "Translators of Arabic, Greek and bilingual (Arabic-Greek or Greek-Arabic) documents in Palermo between the thirteenth and fourteenth century", in Giuseppe Mandalà and Immaculada Pérez-Martín (eds.), *Multilingual and Multigraphic Documents and Manuscripts of East and West*, Piscataway, NJ: Gorgias Press, 2018, pp. 79–119.

Mouton, Sourdel and Sourdel-Thomine 2013 *Mariage et séparation*. Jean Michel Mouton, Dominique Sourdel and Janine Sourdel-Thomine, *Mariage et séparation à Damas au Moyen Âge*: *Un corpus de 62 documents juridiques inédits entre 337/948 et 698/1299*, Paris 2013**,** doc. no. 24, p. 292, pl. XXVI;

Mouton, Sourdel and Sourdel-Thomine 2018 *Propriétés rurales et urbaines*. Jean-Michel Mouton, Dominique Sourdel and Janine Sourdel-Thomine (eds.), *Propriétés rurales et urbaines à Damas au Moyen Âge. Un corpus de 73 documents juridiques entre 310/922 et 669/1271. Documents relatifs à l'histoire des croisades*, vol. 23. Paris: L'Académie des Inscriptions et Belles-Lettres, 2018.

Muslim n.d. *Ṣaḥīḥ*. Muslim ibn al-Ḥaǧǧāǧ, *Ṣaḥīḥ Muslim*, consulted online 16 August 2021 https://sunnah.com/muslim

Nef 2011 *Conquérir et gouverner*. Annliese Nef, *Conquérir et gouverner la Sicile islamique aux XI^e^ et XII^e^ siècles*, Bibliothèque des Écoles françaises d'Athènes et de Rome, Rome: École française de Rome, 2011.

Pasciuta 2016 "From Ethnic Law". Beatrice Pasciuta, "From Ethnic Law to Town Law: The Customs of the Kingdom of Sicily from the Twelfth to the Fisteenth Century", *Rechtsgeschichte: Zeitschrift des Max-Planck-Instituts für europäische Rechtsgeschichte* 24 (2016) 276–287.

Pasciuta 2018 "*Ius Regni*". Beatrice Pasciuta, "*Ius Regni*: multiculturalismo giuridico e modelli di interazione normativa nella Sicilia normanna e sveva", *Historia et ius* 14 (2018) 1–20

Peters 1971 "Hidjra". Rudolph F. Peters, "Hidjra", *Encyclopaedia of Islam, Second Edition: Supplement*, 12 (2004) 368. Consulted online on 09 July 2021 http://ezproxy-prd.bodleian.ox.ac.uk:2197/10.1163/1573-3912_islam_SIM_8618

Peters 1997 "Shāhid". Rudolph F. Peters, *Encyclopaedia of Islam, Second Edition,* 9 (1997) 207–208. Consulted online on 23 June 2021 http://ezproxy-prd.bodleian.ox.ac.uk:2197/10.1163/1573-3912_islam_SIM_6761

Pezzini 1998 "Tratto di cinta muraria". Elena Pezzini, "Un tratto della cinta muraria della città di Palermo", *Mélanges de l'École française de Rome. Moyen-Age*, 110/2 (1998) 719–771.

Pezzini 2004 "Articolazioni territoriali a Palermo". Elena Pezzini, "Articolazioni territoriali a Palermo tra XII e XIV secolo", *Mélanges de l'École française de Rome. Moyen-Age* 116/2 (2004) 729–801.

Pons 2016 *Alchoranus latinus*. Nàdia Petrus Pons, *Alchoranus latinus quem transtulit Marcus canonicus Toletanus: estudio y edición crítica*, Madrid : Consejo Superior de Investigaciones Científicas, 2016.

Powers 2002 *Law, Society, and Culture*. David S. Powers, *Law, Society, and Culture in the Maghrib, 1300–1500*, Cambridge Studies in Islamic Civilization, Cambridge: Cambridge University Press, 2002.

Powers 2013 "Aḥmad al-Wansharīsī (d. 914/1509)". David S. Powers, "Aḥmad al-Wansharīsī (d. 914/1509)", in Oussama Arabi, David S. Powers and Susan A. Spectorsky (eds.), *Islamic Legal Thought: A Compendium of Muslim Jurists*, Leiden and Boston: Brill, 2013, pp. 375–399.

Powers 2017 "Fatwā, premodern". David S. Powers, "Fatwā, premodern" in Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, Everett Rowson (eds.), *Encyclopaedia of Islam, THREE*, Leiden: Brill, 2017, fascicle 2017-4, 63–69. Consulted online 20 July 2021 http://dx.doi.org/10.1163/1573-3912_ei3_COM_27048

Rognoni 2002 "Fonds d'Archives «Messine»". Cristina Rognoni, "Le fonds d'archives «Messine» de l'Archivio de Medinaceli (Toledo). Regestes des actes privés grecs" *Byzantion* 72 (2002) 497–554.

Rognoni 2018 "Legal language". Cristina Rognoni, "Legal Language and Practice in Twelfth- and Thirteenth-Century Messina: The Evidence from Greek Private Documents", in Giuseppe Mandalà and Inmaculada Pérez Martin (eds.), *Multilingual and Multigraphic Documents and Manuscripts of East and Wes*t Piscataway: Gorgias Press, 2018, pp. 55–75.

Rognoni and Jamil 2023 "Fusione o confusione?". Cristina Rognoni and Nadia Jamil, "Fusione o confusione? Due atti di compra-vendita greci con note arabo-islamiche della Sicilia orientale", in *Νέα Ῥώμη. Nea Rhōmē: Rivista di ricerche bizantinistiche*, forthcoming.

Rognoni, Vuturo and Johns 2023 "Muriel's Mill". Cristina Rognoni, Francesca Vuturo and Jeremy Johns, "Muriel's Mill: the Greek record of a property dispute settled in the court of Count Roger II of Sicily (1123 A.D.)", forthcoming.

Romuald 1914 *Chronicon*. Romuald of Salerno, *Romualdi Salernitani Chronicon*, ed. Carlo Alberto Garufi, Rerum italicarum scriptores, 2nd ser., vol. 8, part 1, Città del Castello: S. Lapi and Bologna: Zanichelli, 1914–1935

Saḫāwī 2005 *Fatḥ al-muġīṯ*. Šams al-Dīn Abū al-Ḫayr Muḥammad ibn ʿAbd al-Raḥmān al-Saḫāwī al-Šāfiʿī, *Fatḥ al-muġīṯ bi-šarḥ alfīyat al-ḥadīṯ*, eds. ʿAbd al-Karīm ibn ʿAbd Allāh ibn ʿAbd al-Raḥmān al-Ḫuḍayr and Muḥammad ibn ʿAbd Allāh ibn Fuhayd Āl Fuhayd, 5 vols., Riāḍ: Dār al-Minhāğ, 1426/ 2005–2006.

Ṣaḥnūn 1994 *Mudawwana*. Ṣaḥnūn ibn Saʿīd ibn Ḥabīb al-Tanūḫī, *Al-Mudawwana al-kubrà li-ʾl-imām Mālik ibn Anas al-Aṣbaḥī*, 5 vols., Beirut: Dār al-Kutub al-ʿIlmīya, 1994.

Sardina 2016 *Monastero di Santa Caterina.* Patrizia Sardina, *Il Monastero di Santa Caterina e la città di Palermo (secoli XIV e XV)*, Quaderni-Mediterranea. Ricerche storiche, 29, Palermo: Associazione Mediterranea, 201

Schacht 1948 "Review: Tyan 1945 Notariat", Joseph Schacht, "[Review of] Émile Tyan, *Le Notariat et le régime de la preuve par écrit dans la pratique du droit musulman. (Université de Lyon, Annales de l'École Française de Droit de Beyrouth*, Année 1945, No. 2). Imprimerie de Saint Paul, Harissa", *Orientalia*, new series 17/4 (1948) 519–522.

Schacht 1964 *Introduction*. Joseph Schacht, *An Introduction to Islamic Law*, Oxford: Clarendon Press, 1964.

Schacht 1979 *Introduction*. Joseph Schacht, *An Introduction to Islamic Law*, 2nd. rev. edn., Oxford: Clarendon Press, 1979.

Spata 1862 *Pergamene greche*. Giuseppe Spata (ed.), *Le Pergamene greche esistenti nel Grande Archivio di Palermo*, Palermo: Clamis e Roberti, 1862.

Staccioli and Cassar 2012 *Lucera*. Giuseppe Staccioli and Mario Cassar, *L'ultima città musulmana: Lucera*, Bari: Carattere Mobili, 2012.

Starrabba 1888 *Cattedrale di Messina*. Raffaele Starrabba, *I diplomi della Cattedrale di Messina raccolti da Antonino Amico pubblicati da un codice della Biblioteca Comunale di Palermo*, Società Siciliana per la Storia Patria, Documenti per servire alla storia di Sicilia, ser. 1, vol. 1, Palermo: Tipografia M. Amenta, 1888.

Stewart 2013 "Dissimulation in Sunni Islam". Devin Stewart, "Dissimulation in Sunni Islam and Morisco *Taqiyya*", *al-Qantara* 34/2 (2013) 439–490.

Taylor 2003 *Lucera*. Julie Anne Taylor, *Muslims in Medieval Italy: The Colony at Lucera*, Oxford: Lexington Books, 2003.

Thiessen 2014 "Formation of the *Mudawwana*". Wesley Arnold Thiessen, "The Formation of the *Mudawwana*", PhD thesis, Department of History, University of Victoria, 2014. Consulted online 16 August 2021: http://hdl.handle.net/1828/5275.

Tillier 2009 *Les cadis d'Iraq*. Mathieu Tillier, *Les cadis d'Iraq et l'état abbasside, 132/750–334/945*, Publications de l'Institut Français d'études Arabes de Damas, no. 235, Damascus: Institut français du Proche-Orient, 2009.

Tillier 2017 *L'invention du cadi*. Mathieu Tillier, *L'invention du cadi: la justice des musulmans, des juifs et des chrétiens aux premiers siècles de l'Islam*, Paris: Publications de la Sorbonne, 2017.

Tirmiḏī n.d. *Ǧāmiʿ*. Muḥammad ibn ʿĪsà al-Tirmiḏī, *Ǧāmiʿ al-Tirmiḏī*, consulted online 16 August 2021 https://sunnah.com/tirmidhi

Ṭulayṭulī 1994 *Muqniʿ*. Aḥmad ibn Muġīṯ al-Ṭulayṭulī, *Al-Muqniʿ fī ʿilm al-šurūṭ,* ed. Francisco Javier Aguirre Sádaba, Fuentes Arábico-Hispanas 5, Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Cooperación con el Mundo Árabe, 1994, pp. 300-301.

Turki 1984 "Consultation juridique". Abdel-Magid Turki, "Consultation juridique d'al-Imām al-Māzarī sur le cas des musulmans vivant en Sicile sous l'autorité des Normands", *Mélanges de l'Université Saint-Joseph* 50 (1984) 691–704

Turki 1992 "Pour ou contre". Abdel-Magid Turki, "Pour ou contre la légalité du séjour des musulmans en territoire reconquis par les chrétiens: Justification doctrinale et réalité historique" in Bernard Lewis and Friedrich Niewöhner (eds.), *Religionsgespräche im Mittelalter*, Wiesbaden: Harrassowitz, 1992, pp. 305–323.

Tyan 1945 *Notariat*. Émile Tyan, *Le Notariat et le régime de la preuve par écrit dans la pratique du droit musulman*, Harissa: *Annales de l'École Française de Droit de Beyrouth*, 1945 (= Université de Lyon, *Annales de l'École Française de Droit de Beyrouth*, 1945/2).

Verskin 2013 "Mālikī ... attitudes". Alan Verskin, "The evolution of the Mālikī jurists' attitudes to the Mudéjar leadership", *Der Islam* 90/1 (2013) 44–64.

Verskin 2015 *Islamic Law*. Alan Verskin, *Islamic Law and the Crisis of the Reconquista. The Debate on the Status of Muslim Communities in Christendom*, Leiden & Boston: Brill, 2015.

Wakin 1972 *Function of Documents*. Jeanette A. Wakin, *The Function of Documents in Islamic Law*, Albany, State University of New York Press, 1972.

Wanšarīsī 1957 *Asnà*. Abū ʼl-ʿAbbās Aḥmad al-Wanšarīsī, *Asnà ʼl-matāğir fī bayān aḥkām man ġalaba ʿalà waṭani-hi ʼl-naṣārà wa-lam yuhāğir wa-mā yatarattabu ʿalay-hi mina ʼl-ʿuqūbāt wa-ʼl-zawāğir*, ed. Ḥusayn Muʾnis, in *Revista del Instituto Egipcio de Estudios Islamicos en Madrid,* 5 (1957) 129–191 (also numbered 1–63).

Wanšarīsī 1981 *Miʿyār*. Abū ʼl-ʿAbbās Aḥmad al-Wanšarīsī, *Al-Miʿyār al-muʿrib wa-ʼl-ğāmiʿ al-muġrib ʿan fatāwà ahl Ifrīqiyā wa-ʼl-Andalus wa-ʼl-Maġrib*, ed. Muḥammad Ḥağğī et al., 13 vols., Rabāṭ: Wizārat al-Awqāf wa-ʼl-Šuʾūn al-Islāmīya, 1981–1983.

Wanšarīsī 1996 *Asnà*. Abū ʼl-ʿAbbās Aḥmad al-Wanšarīsī, *Asnà ʼl-matāğir fī bayān aḥkām man ġalaba ʿalà waṭani-hi ʼl-naṣārà wa-lam yuhāğir wa-mā yatarattabu ʿalay-hi mina ʼl-ʿuqūbāt wa-ʼl-zawāğir*, ed. Ḥusayn Muʾnis, Cairo: Maktabat al-Ṯaqāfa al- Dīnīya, 1996.

Wasserstein 2002 "Inventing Tradition". David J. Wasserstein, "Inventing Tradition and Constructing Identity: the Genealogy of 'Umar ibn Ḥafṣūn between Christianity and Islam", *Al-Qantara* 22 (2002) 269–297

Zecchino 1984 *Assise di Ariano*. Ortensio Zecchino (ed.), *Le Assise di Ariano*, Cava dei Tirreni: Di Mauro, 1984.