

Jews and Christians in Almoravid Seville as Portrayed by the Islamic Jurist Ibn ‘Abdūn

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Abstract

This article examines the way in which Jews and Christians are portrayed in the *hisba* treatise by the Andalusian Islamic jurist from Seville, Ibn ‘Abdūn (12th century). The first part is devoted to describe his comments on these religious communities in connection with previous Islamic juridical tradition. The second one deals with the relationship between the theoretical and practical dimensions of the juridical information that he provides in regard to the influence of the Almoravid rule over the legal conditions of Jews and Christians. Finally, the article includes an appendix with the English translation of Ibn ‘Abdūn’s references to Jews and Christians.

Keywords

Dhimma, Almoravids, Islamic jurisprudence, *hisba*

Introduction

In al-Andalus, the Almoravid period (1086-1147) has traditionally been considered a decisive moment in regard to the situation of Jews and Christians—the *ahl al-dhimma*, or “protected people.” In the case of the Christian Andalusian communities, a series of events would seriously undermine their position. Perhaps one of the most significant of these events was the attack launched against the Muslim territories in 1125-1126 by Alfonso I, king of Aragon. As a result of this attack, a great number of Christians (the so-called *mozárabes* in Spanish historiography) were accused of collaboration with the forces of the Christian monarch and were subsequently deported to Morocco.¹

¹ See V. Lagardère, “Communautés mozarabes et pouvoir almoravide en 519 H/1125 en Andalus,” *Studia Islamica*, 67 (1988): 99-119; D. Serrano Ruano, “Dos fetuas sobre la expulsión de mozárabes al Magreb en 1126,” *Anaquel de Estudios Árabes*, 2 (1991): 163-82.

Traditional historiography explains this situation as a direct consequence of Almoravid fanaticism, described as a rigid doctrine of barbaric, uneducated Berbers and in opposition to the highly sophisticated culture of al-Andalus. The origin of this negative stereotype is generally attributed to the Dutch Arabist R. Dozy, who describes the Almoravids as “harsh, fanatical warriors from the Sahara.”² Dozy adds that it was in al-Andalus that the Almoravids found their main support among the men of religion, ‘*ulamā*’ and ‘*fuyahā*’, who were “their most avid and diligent assistants.” In this way, the rough, savage nature of the Almoravids would be perfectly combined with the intransigence of “fanatic clerics” whose intolerance “knew no limits.”³

Dozy’s views on the nature of Almoravid fanaticism were heartily embraced by the Spanish Arabist F. J. Simonet in his classical study of the *mozárabes*, published between 1897 and 1903. Simonet’s attitude is not surprising, given the by and large aggressively Islamophobic nature of his study. However, he employs an especially pejorative tone in regard to the Almoravids, who are described in terms not unlike those used by the Dutch Orientalist: “countless barbaric and fanatical warriors” whose rule can only be described as “oppressive domination.”⁴

As previous studies have demonstrated, this negative view of both the Almoravid and Almohad dynasties can be traced to nationalist discourse generated by Spanish Orientalism during the nineteenth century, which sought to exalt the aboriginal elements of Andalusian culture while denigrating those influences considered to be foreign.⁵ More recent historiography has moderated these traditional postulates in regard to both Almoravid rule and the situation of the “protected people.”⁶ M. Fierro, for example, admits the existence of a “growing hostility” toward Christians in al-Andalus,

² R. Dozy, *Historia de los musulmanes de España*, 4 vols. (Madrid: Turner, 1982), 4:162.

³ Dozy, *Historia de los musulmanes de España*, 4:177, 199, 201.

⁴ F. J. Simonet, *Historia de los mozárabes de España*, 4 vols. (Madrid: Ediciones Turner, 1983), 4: 733-4, 755.

⁵ E. Manzano Moreno, “La creación de un esencialismo: La historia de al-Andalus en la visión del arabismo español,” in *Orientalismo, exotismo y traducción*, ed. G. Fernández Parrilla and M. C. Feria García (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2000), 29.

⁶ However, its influence is still present in some modern studies, as it can be seen in the synthesis by D. W. Lomax, *The Reconquest of Spain* (Birmingham: Longman, 1978), where a characterisation made in identical terms to those established by Dozy and Simonet can be found.

while describing the situation of the Jews as being “not as bad.”⁷ On the other hand, Fierro questions traditional assumptions of a progressive deterioration in the situation of the “protected people,” arguing that “the Almoravids’ attitude toward the *dhimmīs* should not be considered a result of the fanaticism and intolerance attributed to them.”⁸ On the contrary, it may be seen as a consequence of the changing political situation due to the advance of the Christian conquest beginning in the Taifa period (1031-1086). More specifically, Fierro considers the fall of Barbastro (1064) to be a turning point in the evolution of Andalusian Islam, one of its main manifestations being “the persistent call for a strict application of *dhimma* norms.” Nevertheless, these events did not lead to persecutions such as those which occurred under the Almohads, according to Fierro.⁹ An even more benevolent view is proposed by Arab historiography. Some authors speak of tolerance toward the “protected people” during the Almoravid rule, with hostilities being limited to certain situations and attributable to specific causes. It is argued that “under Almoravid rule, Christians enjoyed a level of religious tolerance, in spite of moments in which that tolerance ceased to exist due to the economic problems faced by the Almoravid state.”¹⁰

To assert the existence of a general deterioration in the situation of the “protected people” during the Almoravid rule due to the increasing political and social hostility toward them would demand an exhaustive analysis of the historical testimonies concerning the Almoravid period and a comparative study of previous periods to highlight any differences and similarities which could be observed. If an increase in hostility could in fact be demonstrated, it would then be necessary to clarify which sectors of society were responsible: religious powers, the political elite, or the general masses.

⁷ M. Fierro, “La religión,” in *El retroceso territorial de al-Andalus. Almorávides y Almohades. Siglos XI al XIII*, Historia de España Menéndez Pidal, vol. 8, bk. 2 (Madrid: Espasa Calpe, 1997), 524 and 526.

⁸ M. Fierro, “La religión,” in *Los reinos de taifas: Al-Andalus en el siglo XI*, Historia de España Menéndez Pidal, vol. 8, bk. 1 (Madrid: Espasa Calpe, 1994), 496.

⁹ M. Fierro, “La religión,” in *Los reinos de taifas*, 466-96. The existence of connections between the evolution of the protected people’s situation and the increasing outside threat has been defended by B. Lewis, *Los judíos del Islam* (Madrid: Letrumero, 2002), 43, 70-1.

¹⁰ A. Benremdane and B. El Kadiri Boutchich, “Los Mozárabes de Al Andalus y la cuestión de la tolerancia bajo los almorávides,” *III Estudios de Frontera: Convivencia, defensa y comunicación en la frontera* (Jaén: Diputación Provincial de Jaén, Area de Cultura, 2000), 141. This is a Spanish version of a previous article in Arabic published in *Dirāsāt Andalusīyya*, 11 (1994): 22-34.

Until now, and in spite of the historical evidence available, such a comparative study has not yet been undertaken, at least in what might be considered a dispassionate manner.

It is not my goal at the present time to undertake such a comprehensive study. In this paper, I wish instead to contribute to a more objective approach to the matter by analyzing one of the main historical sources of the period: the *ḥisba* treatise, written by the Sevillian Islamic jurist Ibn ‘Abdūn. As an important contemporary witness, Ibn ‘Abdūn offers commentaries and remarks which are crucial to understanding the general situation of the *dhimmi*s under Almoravid rule and the possible reasons for any increase in hostility toward them.

The “*Ḥisba*” Treatise By Ibn ‘Abdūn

The main source for this study is Ibn ‘Abdūn’s treatise entitled *Risāla fī-l-qaḍā’ wa-l-muḥtasib*. The treatise forms part of the *ḥisba* literary genre, which belongs to the broader group of Islamic legal sources. In spite of its non-*qur’ānic* origin, the word *ḥisba* was defined by the Islamic jurists as the duty of “commanding good and forbidding wrong,” based on Qur’ān 3:103. Since the Abbasid period (751), the concept of *ḥisba* was attributed to the magistrate charged with the control of the market (*ṣāḥib al-sūq*) whose task until that time had been purely technical: to guard against fraud and to ensure sufficient supplies.¹¹

Ibn ‘Abdūn’s treatise was first edited and translated into French by E. Lévi-Provençal¹² and then later translated into Spanish by E. García Gómez.¹³ Given the absence of any English version of this relevant medieval Arabic source, in what follows I will quote the Spanish translation

¹¹ *EI*², s.v. *ḥisba*; P. Chalmeta, *El señor del zoco en España* (Madrid: Instituto Hispano-Arabe de Cultura, 1973).

¹² E. Lévi-Provençal, “Un document sur la vie urbaine et les corps de métiers a Séville au début du XII^e siècle: Le traité d’Ibn ‘Abdūn,” *Journal Asiatique*, 224 (1934): 177-299 [hereafter referred to as Ibn ‘Abdūn, *Risāla*]; E. Lévi-Provençal, *Le traité d’Ibn ‘Abdūn, traduit avec une introduction et des notes* (Paris: Maisonneuve, 1947). An Italian version was previously published by F. Gabrielli, “Il trattato censorio d’Ibn ‘Abdūn sul buon governo di Siviglia,” *Rendiconti della classe di Scienze morali, storiche e filologiche*, 6th ser., 11 (1936): 11-12, 878-935.

¹³ E. García Gómez, *Sevilla a comienzos del siglo XII: El tratado de Ibn ‘Abdūn* (Seville: Servicio Municipal de Publicaciones, 1981).

after the Arabic edition. Although it is an example of *ḥisba* literature, the text presents certain elements which make it unique within that particular genre. Unfortunately, we know very little about the author of the treatise, though P. Chalmeta argues that he was merely a candidate for the qadiship (Islamic judge), having not actually held the magistracy.¹⁴ Nevertheless, there is no doubt that the work was written during the Almoravid period, since the new ruling dynasty is mentioned three times.¹⁵ As we shall see, it is also evident that the treatise was written in Seville, the Andalusian capital of the Almoravids.

The *dhimmīs* are not the main subject of Ibn ‘Abdūn’s treatise, which focuses rather on questions related to the distribution of foodstuffs, the supervision of craftsmen, the establishment prices and fraud control measures, and so on. Nevertheless, due to the moral dimensions associated with the concept of *ḥisba*, Ibn ‘Abdūn does in fact mention Jews and Christians several times, both individually and collectively. However, these references are scattered throughout the book and do not form a specific chapter, nor does Ibn ‘Abdūn provide any exhaustive description of the rules governing relationships between *dhimmīs* and Muslims.

Before analyzing Ibn ‘Abdūn’s specific references to the “protected people,” we need to review the legal status of the *dhimma*, a subject which has received ample scholarly attention. In spite of *dhimma*’s legal definition, the concept of *dhimma* was never the subject of a universal codification during the classical period. Nevertheless, *dhimma* was defined in similar terms by jurists in different areas in accordance with the principal Islamic textual references: the Qur’ān, the Sunna, and the legislation of the first Muslim caliphs. The legal concept of *dhimma* is based on two main rules: first, the obligation of the Islamic state to permit the presence of the *dhimmīs* in Muslim territories, respecting their basic individual, religious, and economic rights; and second, the submission of the *dhimmīs* to the authority of the Islamic state and payment of the *jizya* poll tax.¹⁶ Ibn

¹⁴ Cf. Chalmeta, “La ḥisba en Ifrīqiya en al-Andalus: Étude comparative,” *Les Cahiers de Tunisie*, 18, nos. 69-70 (1970): 97.

¹⁵ Ibn ‘Abdūn, *Risāla*, 200, 206, 218; García Gómez, *Sevilla*, nos. 9, 20 and 56.

¹⁶ *EI*², 2: 234-38 (French edition) s.v. *dhimma*; A. Fattal, *Le statut légal des non-musulmans en pays d’Islam* (Beirut: Impr. catholique, 1958); C. E. Bosworth, “The Concept of *Dhimma* in Early Islam,” in *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, ed. B. Braude and B. Lewis (London and New York: Holmes and Meier Publishers, 1982), 35-51.

‘Abdūn does not contradict this definition, but he does include additional rules which do not form part of the accepted legal concept of *dhimma*, at least as it had been formulated until that time in al-Andalus.

The men of religion in al-Andalus, as specialists in the study and interpretation of Islamic law, were traditionally conservative, their main concern being the preservation of Islamic legal, moral, and religious principles. The *fuqahā* had always insisted on the strict fulfillment of these principles when issuing legal opinions (*fatāwā*, sing. *fatwā*) concerning the *dhimmīs*. In this regard, Ibn ‘Abdūn is no exception. On the contrary, he clearly respects the time-honored traditions of al-Andalus and other parts of the Islamic world. However, he is exceptional in regard to certain legal precepts which he mentions—unprecedented in Andalusian legal tradition—as well as in the openly hostile and violent language he uses when speaking of Christians and Jews.

There is little doubt that Ibn ‘Abdūn is one of our main sources for the study of the *dhimmīs* under Almoravid rule. Even so, the picture that emerges from the text about the relationship between Muslims and members of other religious communities is a very incomplete one. His comments on Christians and Jews comprise only a small number of texts which are usually brief and at times almost telegraphic in style. These texts can be classified into two main groups. Firstly, there are those texts in which Ibn ‘Abdūn makes reference to certain relationships between *dhimmīs* and Muslims which, from his point of view, should be rejected as being contrary to Islamic legal norms. Secondly, there are texts in which he simply mentions rules which he believes that Christians and Jews should be required to observe.¹⁷ The existence of references to the *dhimmīs* in a treatise such as this is not an historical exception, and similar comments can be found in the works of other Andalusian authors such as the Cordoban Ibn ‘Abd al-Ra’ūf, dating from the third quarter of the tenth century, and the writings of the Nasrid al-Jarsīfī.¹⁸ However, the *ḥisba* treatise by al-Saqāṭī, written in the first quarter of the thirteenth century, does not make any reference at all to the *dhimmīs*.¹⁹

¹⁷ I have included at the end of the present study an appendix with the full translation of all Ibn ‘Abdūn’s references to Christians and Jews.

¹⁸ R. Arié, “Traduction française annotée et commentée des traités de *ḥisba* d’Ibn ‘Abd al-Ra’ūf et de ‘Umar al-Garsīfī,” *Hesperis-Tamuda*, 1, no. 2 (1960): 206-8; no. 3 (1960): 368-9.

¹⁹ This is, to be sure, due to the fact that, as is mentioned by Chalmeta, al-Saqāṭī’s text is not really an authentic treatise on *ḥisba*, but on the market’s control; see Chalmeta, “El

In spite of its obvious interest for the study of religious minorities under the Almoravids, the information provided by Ibn ‘Abdūn’s treatise has not yet been the subject of thorough study.²⁰ In this paper, I will review Ibn ‘Abdūn’s references to the *dhimmīs* and analyze them from a dual perspective, commenting first on the author’s general attitudes toward Christians and Jews and then establishing whether he favored the creation of new and more restrictive rules or simply argued for a stricter application of those rules which already existed.

Ibn ‘Abdūn’s References to Jews and Christians

There are only seven references dealing with the *dhimmīs* in Ibn ‘Abdūn’s treatise, each requiring separate attention. Although they are not extensive, they are especially important for the study of the legal situation of Christians and Jews during Almoravid rule, due not only to their content but also to Ibn ‘Abdūn’s openly hostile views. The rules which he calls to be imposed should be analyzed in the light of previous legal traditions to determine the existence of similar precedents in Islamic legal writings. Whatever the case may be, the task of this paper is to analyze the meaning of Ibn ‘Abdūn’s comments in his historical context—during the period of Almoravid rule in Seville. Attention will be paid first to the exact terms in which Ibn ‘Abdūn expresses his scorn toward Christians and Jews and second to a discussion of the nature of the treatise itself and its sociohistorical context.

A Derogatory Characterization of the “Protected People”

As was mentioned previously, one of the most distinguishing characteristics of Ibn ‘Abdūn’s commentaries is his open animosity toward the *dhimmīs* and his interest in preventing, or at the very least limiting, their contacts and relationships with Muslims. The first example of his hostile attitude is

Kitāb fī ādāb al-ḥisba (Libro del buen gobierno del zoco) de al-Saqaṭī,” *Al-Andalus*, 32 (1967): 125-62, 359-190; 33 (1968): 143-96, 367-434.

²⁰ The short article by G. Vajda, “A propos de la situation des juifs et des chrétiens à Séville au début du XII^e siècle,” *Revue des Etudes Juives*, 99 (1935): 127-9, consists merely in the French translation of the references to Christians and Jews. With regard to the evolution of these two religious minorities in Seville till the eleventh century, see R. Valencia, *Sevilla musulmana hasta la caída del califato: Contribución a su estudio* (Madrid: Universidad Complutense, 1988), 759-79, 787-8.

a reference to the tasks and services that Muslims should not perform for the *dhimmīs* such as giving them massages, collecting their rubbish, cleaning their latrines, being their mule drivers, taking care of their mounts, or holding their stirrups. He justifies these prohibitions by stating that these duties such as these are only suitable for “vile people” (*ṣanʿ al-ardhalīn*) and would therefore constitute humiliation for Muslims. These duties should instead be carried out by Christians and Jews. However, he does not suggest any sanctions or physical punishments for Muslims who decide to provide these services, stating that they should only be reprimanded (*unkira ʿalā fāʿili-bi*).²¹

Some of the rules traditionally applied to the *dhimma* were intended to underline their inferiority. This is particularly obvious in the case of rules concerning dress and greeting customs. As many other Muslim jurists before him, Ibn ʿAbdūn insists on these traditions, stressing the need to prevent Christians and Jews—as well as tax collectors and policemen—from dressing in clothes that are suitable only for honorable people. He even stipulates an obligation for them to wear an external symbol or distinction (*ʿalāma*) to make them more immediately recognizable, with the obvious intention of humiliating them (*ʿalā sabīl al-khizy la-hum*).²² Similarly, he forbids that they be greeted with the typical Islamic formula “Peace rest upon you,” justifying this prohibition by referring to Qurʾān 58:19, which implies their inclusion within “Satan’s party” (*ḥizb Shayṭān*).²³ However, Ibn ʿAbdūn was by no means the first to identify the *dhimmīs* with the “party of Satan,” as similar precedents can be found in Islamic legal literature.²⁴

One of the clearest examples of Ibn ʿAbdūn’s contempt toward the “protected people” can be found in his identification of Jews and Christians

²¹ Ibn ʿAbdūn, *Risāla*, 238-239; García Gómez, *Sevilla*, no. 153.

²² Ibn ʿAbdūn, *Risāla*, 241; García Gómez, *Sevilla*, no. 169.

²³ “Satan has gained the mastery over them, and caused them to forgets God’s Remembrance. Those are Satan’s party; why, Satan’s party surely, they are the losers!” trans. A. J. Arberry (Oxford: Oxford University Press, 1998).

²⁴ Al-Ṭurṭūshī, *Sināj al-mulūk*, ed. M. Faṭḥī Abū Bakr, 2 vols. (Cairo: al-Dār al-Miṣriyyah al-Lubnāniyyah, 1994), 2:544-5; translated by M. Alarcón in Spanish as *Lámpara de los príncipes*, 2 vols. (Madrid: Instituto de Valencia de don Juan, 1930-31), 2:146. A contemporary author to Ibn ʿAbdūn, al-Ṭurṭūshī says in reference to al-Mutawakkil (847-61), the tenth ʿAbbāsīd caliph: “They said that the Prince of believers al-Mutawakkil used to move the Jews and Christians away from him and did not give them any public charge. He used to humiliate them and put them away; he forced them to wear different clothes from the Muslim’s and put in their doors Satan’s images, because they are Satan’s people.”

with two undesirable and marginal groups: the “sick” (*marīd*), perhaps in reference to lepers, and the “libertines” (*khālī*). Ibn ‘Abdūn held that their used clothing should not be sold without a warning to the purchaser.²⁵ In keeping with this derogatory attitude, Ibn ‘Abdūn displays a keen distrust of the *dhimmīs*, forbidding the sale of Arabic scientific texts to Christians and Jews, with the exception of their religious authorities (*illā man kāna min sharī‘ati-him*), stating that “they translate them and claim the credit for themselves and their bishops for having written them.” Ibn ‘Abdūn also argues for the need to prevent Jewish or Christian physicians from treating Muslims, “as they do not harbour good feelings toward them.”²⁶

Perhaps the most striking comments about the “protected people” are those relating to the Christian clergy and their relationships with Muslim and Christian women. It is here where Ibn ‘Abdūn most explicitly manifests his outrage. He prohibits Muslim women from going to “horrible churches” (*al-kanā‘is al-mashnū‘a*), reasoning that the Christian clergy are licentious fornicators and sodomites. He then lists three observances governing the relationship between Christian women and the clergy in order to make a series of recommendations. Firstly, he states that these women should only go to church to worship or on religious holidays “because they eat, drink, and fornicate with clerics who, by the same token, have at least two or more women with whom they maintain sexual relations.” Secondly, he considers that the clergy should be forced to marry, as is the case in the Eastern Church. He then adds that they should not be allowed to live under the same roof with women unless they are married to them. Finally, he asserts that the clergy should be forced to undergo circumcision, invoking an unconfirmed precedent established by al-Mu‘taḍid b. ‘Abbād,²⁷ the second ruler of the Sevillian Taifa kingdom who ruled from 433-61 h/ 1042-69 CE.

If the legal rules that Ibn ‘Abdūn wanted to impose on the “protected people” were not new, the same may be said of his choice of words and tone, as he was not the first Muslim jurist to use scornful and offensive language when speaking of the *dhimmīs*. Perhaps the most similar other

²⁵ Ibn ‘Abdūn, *Risāla*, 240-1; García Gómez, *Sevilla*, no. 164.

²⁶ Ibn ‘Abdūn, *Risāla*, 248; García Gómez, *Sevilla*, 172-3, no. 206. This rule is identical to that established by the *Código de las Siete Partidas* (VII, 24, 8), ed. F. López Estrada (Madrid: Castalia, 1992), where it is said that Jews should not treat directly ill Christians but they could give their advice to Christian doctors.

²⁷ Ibn ‘Abdūn, *Risāla*, 239; García Gómez, *Sevilla*, no. 154.

case would be the famous Cordoban jurist Ibn Ḥazm (d. 1064), who, in his writings on the Jewish religion, presumably addressed the Jewish *wazīr* Samuel b. Nagrela from Granada in an unusually offensive manner.²⁸ Nevertheless, we must take into consideration the fact that the text by Ibn Ḥazm is a treatise on religious controversies. In this respect, Ibn ‘Abdūn’s open insults against the *dhimmīs* are more unusual, in that such derogatory language is not very common in Islamic legal texts.

Ibn ‘Abdūn’s aggressive attitude toward the “protected people” may perhaps be attributed to two factors. On an individual level, he seems to have been a rigid, dogmatic jurist whose scorn may have been fueled by a lack of control over the *dhimma* during his time. The second factor would have been the influence of Almoravid ideology which proposed a stricter application of existing *dhimma* rules, as well as the application of even harsher legal restrictions. When considering the possible influence of this historical context, it is necessary to recall that Seville was the Almoravid capital of al-Andalus, where Almoravid social influence would have been felt most deeply and their ideology more openly manifested. In any case, the formulation and interpretation of the rules mentioned by Ibn ‘Abdūn have to do more with a call for stricter application of existing legal traditions than with the creation of any new legal framework, even if some of his proposals were unprecedented.

A Theoretical Treaty with Practical Contents

Having outlined the references to Christians and Jews in Ibn ‘Abdūn’s treatise, we will now move on to an analysis of the text in its historical and social context. This will allow us to determine more accurately the extent to which Ibn ‘Abdūn reflects the situation of the *dhimmīs* in Almoravid Seville. This discussion will also concern a potentially complex methodological question: the relationship between intellectual discourse and the specific social context in which it is produced. It would be simplistic to say that Islamic jurisprudence is merely a reflection of its religious requirements. This is simply incorrect in that Islamic jurisprudence does in fact establish close connections with its social environment, as a careful reading of Ibn ‘Abdūn’s text will reveal.

²⁸ See such insults in E. García Gómez, “Polémica religiosa entre Ibn Ḥazm e Ibn al-Nagrila,” *Al-Andalus*, 4 (1936): 3 nn. 7-8.

This problem has been debated with regard to Islamic legal sources, especially the collections of legal opinions, or *fatāwā*, and notary treatises.²⁹ For our purposes, it will be enough to state that, in principle, any written product will have connections with its context, be they direct or indirect. No intellectual activity can be considered a mere abstraction, unrelated to its historical milieu. The objective is to understand this relationship and examine the ways in which an author chooses to represent the reality of his time.

Analyzing this problem requires knowledge of the work in question, as well as its purpose. In this specific case, there are elements which reveal the theoretical dimensions of Ibn ‘Abdūn’s *Risāla*, which, as was mentioned previously, belongs to the well-known Islamic literary genre of *ḥisba* treatises. Its general objective would be to “command right and forbid wrong” with a strong emphasis on moral instruction. This is confirmed by the author himself in his brief introduction to the work, in which he clearly states his aim to help and advise Muslims:³⁰

Due to his kind feelings toward Muslims—may God protect them—to the true affection he has for them, to the rectitude of his belief and his good intention toward them, as well as his desire to advise them, the author started writing this work to censure certain customs, to improve their condition and deeds, and to look after them. By the same token, his objective was to incite them to seek out and do that which is correct. He also wanted them to experience justice and strive for it.

Within the *ḥisba* literary genre and given its moral intention, Ibn ‘Abdūn’s treatise has been said to possess a hybrid character, due to its division into two different parts. The first part consists of a short exposition of government rules in which the author describes the powers and obligations of both rulers and judges. The second part is more broadly devoted to the rules and regulations to be observed in the marketplace. However, there are very few references to technical concerns, such as fraud control.³¹ Ibn ‘Abdūn’s primary concern for moral matters is also evident when we compare his treatise with other examples from the same literary genre.

Al-Saqāṭī’s work, for example, is much more practical in nature. Even when he invokes the moral principle of *ḥisba*, he focuses exclusively on

²⁹ Cf. C. Cahen, “Considerations sur l’utilisation des ouvrages de droit musulman par l’histoire,” in *Les peuples musulmans dans l’Histoire médiévale* (Damascus: Institut Français, 1977), 81-9.

³⁰ Ibn ‘Abdūn, *Risāla*, 193; García Gómez, *Sevilla*, no. 1.

³¹ P. Chalmeta, “La *ḥisba* en Ifrīqiya et al-Andalus,” 96.

technical issues related to the control of the marketplace, in a series of professional and personal commentaries. However, his work provides a number of suggestions related to the typical types of fraud committed by merchants. Therefore, due to its primarily technical character, al-Saqaṭī's treatise does not make any reference to the particular situation of the *dhimmīs*.

In spite of its clearly moral and theoretical nature, Ibn 'Abdūn's treatise reveals clear connections to its historical context, with references to specific situations and social issues. Therefore it is not only a theoretical work but also an historical testimony produced by the circumstances in which the author lives, including specific references to events which he himself witnesses. An example would be the urban development problems he deals with in his chapter devoted to the cemetery. In this chapter, Ibn 'Abdūn begins by saying that the cemetery is inadequate, given the size and population of the city. He then mentions the demolition of houses, huts, and hovels ordered by Abū Ja'far b. al-Farrā' in al-Mu'tamid's time.³² He reports that another *muḥtasib*, Ibn Shihāb, "ordered the removal of pitchers placed beside the potters' mosque to make in its place a cemetery which was used during the year of the great famine and where, at the present moment, bodies are buried one over another due to the lack of space."³³ The reference to the potters' mosque is a clear example of the extent to which the treatise deals directly with issues affecting the urban context of Seville.³⁴ Similarly, Ibn 'Abdūn makes numerous references to specific places in the city, such as mosques and the Guadalquivir River.³⁵ As for references to the congregational mosque, he says that the number of employees should be adequate for its size, with at least three workers: two for sweeping and another for bringing water.³⁶

Along with these references to issues of urban development, there are three comments concerning the *dhimmīs* which reveal the close connection between the author and his historical context. This is extremely

³² Third ruler of the Sevillian Taifa, 461-84 h/1069-91 CE.

³³ Ibn 'Abdūn, *Risāla*, 216-17; García Gómez, *Sevilla*, no. 52.

³⁴ This was the name of a neighborhood, a mosque, and a cemetery; see R. Valencia, *Sevilla musulmana*, 575-7, 596, 600.

³⁵ Ibn 'Abdūn, *Risāla*, 218-19; García Gómez, *Sevilla*, nos. 57-60.

³⁶ Ibn 'Abdūn, *Risāla*, 212; García Gómez, *Sevilla*, no. 35. It is the old congregational mosque of Ibn 'Adabbas (at the present time Parroquia de San Salvador), which he does not mention by name.

relevant as it shows that his writings are based on personal experience and lends greater documentary interest to his testimony. One example would be his comments regarding the barge used to carry people across the Guadalquivir River. He advises that anyone suspected of buying wine from Christians should not be allowed to cross the river and that if they are caught in the attempt, their wares should be destroyed and the bargeman punished as well.³⁷ This reference has been interpreted as proof of the existence of a Christian neighborhood in Triana, on the opposite bank of the river, where people would go to buy wine.³⁸ According to Islamic rules, the selling of wine was only allowed among non-Muslims, as Ibn 'Abdūn himself points out.³⁹

Another regulation which clearly demonstrates the close relationship between Ibn 'Abdūn's historical context and his remarks about the *dhimmīs* is one concerning the presence of women in churches and their relationship with the clergy. These are remarks which could hardly be described as unrealistic or exaggerated. In spite of the admonitions of the Gregorian reform, it is well known that the Catholic clergy tended to have concubines.⁴⁰ Therefore, this is another example of the practical nature of Ibn 'Abdūn's treatise and its reflection of the social reality of his time. We could also add to this group of testimonies Ibn 'Abdūn's recommendation that the clergy be circumcised. In that case, Ibn 'Abdūn once again mentions a specific historical precedent, citing al-Mu'taḍid b. 'Abbād.

Finally, there is a third reference which demonstrates the coherence of Ibn 'Abdūn's remarks with the reality of his time. When speaking of the need to prevent the sale of Arabic science texts to Christians and Jews, he

³⁷ Ibn 'Abdūn, *Risāla*, 247; García Gómez, *Sevilla*, no. 204.

³⁸ See L. Torres Balbás, "Mozarabías y juderías de las ciudades hispanomusulmanas," *Al-Andalus*, 19 (1954): 188. More recently, C. Mazzoli-Guintard, *Vivre à Cordoue au Moyen Âge: Solidarités citadines en terre d'Islam aux X^e-X^e siècles* (Rennes Presses universitaires de Rennes, 2003), 85-94, questioned the traditional idea of the existence of "confessional neighborhoods" exclusively inhabited by "protected people."

³⁹ Where Ibn 'Abdūn even forbids the glass-manufacturers (*zajjajūn*) and the potter (*fakhhār*) to make containers for wine (*āniya mushākila li-l-khamr*), see Ibn 'Abdūn, *Risāla*, 234, 244; and García Gómez, *Sevilla*, 136-7, no. 116; 163, no. 186. On the other hand, through the testimony of Ibn Ḥazm, we know that, during the Taifa period, the selling of wine was allowed to Muslims in exchange for a tax; see M. Asín Palacios, "Un código inexplorado de Ibn Ḥazm," *Al-Andalus*, 2 (1934): 42.

⁴⁰ See L. Otis-Cour, *Historia de la pareja en la Edad Media: Placer y amor* (Madrid: Siglo XXI, 2000), 43-4.

is obviously making reference to the process of intellectual exchange, one of the aspects of which was the translation of Arabic and classical Greek texts into Latin.⁴¹ It is well known that the Iberian Peninsula was one of the main places where this translation process took place. His observation that Christians used to translate Arabic books and attribute them to their bishops can be contrasted with comments made by Adelard of Bath, who confessed that he sometimes attributed his opinions to Arabic authors in order to make them more acceptable.

The Application of Traditional Dhimma Norms

Having demonstrated the practical dimensions of the treatise and its relationship to the historical and social context, we can deal more specifically with the legal content of the regulations postulated by Ibn ‘Abdūn. These may be divided thematically into three groups. In most cases, he mentions issues related to economic and professional concerns. However, on two occasions, he deals with questions related to normal, everyday life, and in another instance he makes reference to a religious issue: the need to prohibit the ringing of church bells.

As we shall see, most of the norms which Ibn ‘Abdūn proposes do not constitute any novelties from a legal standpoint and remain in keeping with classical *dhimma* regulations intended to establish the inferiority of Christians and Jews. The practical application of these regulations has traditionally been lenient in Islamic societies.⁴² Nevertheless, there are two areas in which Ibn ‘Abdūn expresses opinions that do not coincide with typical attitudes toward the “protected people.”

The first question to be addressed is Ibn ‘Abdūn’s mention of the “vile occupations” which Muslims should not occupy. In this respect, he simply rejects any situation in which Jews or Christians demonstrate superiority or exert authority over Muslims. This consists of a legal proscription which, can be considered classical in a general sense, even if its exact formulation has no precedent in Andalusian jurisprudence.⁴³

⁴¹ C. H. Haskins, *The Renaissance of the Twelfth Century* (Cambridge, MA: Harvard University Press, 1928).

⁴² See Lewis, *Los judíos del Islam*, 43.

⁴³ There is no reference to this question in R. Brunschvig, “Métiers vils en Islam”, *Studia Islamica*, 15 (1962): 41-60. See Lewis, *Los judíos del Islam*, 40.

Secondly, Ibn ‘Abdūn states that Jews must have their own butchers and should not sacrifice animals for Muslims.⁴⁴ The consumption of meat from animals that have been sacrificed by Jews or any other *dhimmīs* is another classical rule within Islamic jurisprudence of which there are historical testimonies dating from the ninth century.⁴⁵ One example in particular would be the *ḥisba* treatise of the Cordoban Ibn ‘Abd al-Ra’ūf, who displayed open opposition to the purchase or consumption of meat prepared by *dhimmīs*. He justifies his reasoning by referring to similar opinions expressed by the founder of the Maliki school and his disciples, collected by the well-known Cordoban jurist Ibn Ḥabīb (d. 238 h/853 CE) in *Al-Wāḍiḥa*.⁴⁶

Thirdly, Ibn ‘Abdūn deals with regulations concerning the use of clothing worn previously by Christians or Jews. This issue is raised in both the Maghrebi and Andalusian Maliki legal schools and most especially in reference to clothing to be worn during ritual prayer. One of the oldest testimonies of this type is the *fatwā* issued by the Cordoban jurist Ibn Muzayn (d. 259 h/872-73 CE).⁴⁷ Another example comes from Ibn Rushd (d. 520 h/1126 CE), the supreme judge of Cordoba and one of the greatest Andalusian jurists from the Almoravid period, who mentions the need to wash any clothing purchased from Christians before using it in prayer.⁴⁸ In this respect, Ibn ‘Abdūn differs from the others only in his derogatory

⁴⁴ Ibn ‘Abdūn, *Risāla*, 239; García Gómez, *Sevilla*, no. 157.

⁴⁵ A. García-Sanjuán, “El consumo de alimentos de los *dhimmīs* en el islam medieval: Prescripciones jurídicas y práctica social,” *Historia. Instituciones. Documentos*, 29 (2002), 109-46.

⁴⁶ On Ibn Ḥabīb, see *EI*² (French version 3: 798), s.v. *Ibn Ḥabīb*; and the more recent study by M. Arcas Campoy and D. Serrano Niza, *Biblioteca de al-Andalus*, 3 (*De Ibn al-Dabbāg a Ibn Kurz*) (Almería: Fundación Ibn Tufayl, 2004), 219-27.

⁴⁷ Cited by a jurist of the Almoravid period, Al-Sha’bī, *Al-Aḥkām*, ed. S. Ḥaloui (Beirut: Dār al-Gharb al-Islāmī, 1992), 200, no. 302; 298, no. 578; also cited in the juridical collection by al-Wansharīsī, *Al-Mi’yār*, 13 vols. (Beirut and Rabat: Dār al-Gharb al-Islāmī and Wizārat al-Awqāf, 1981), 6:53; translated by E. Amar in French as “Consultations juridiques des faqihs du Maghreb,” *Archives Marocaines*, 12 (1908), 466; and V. Lagardère, *Histoire et société en Occident musulman au Moyen Âge: Analyse du Mi’yār d’al-Wansharīsī* (Madrid: Casa de Velázquez, 1995), 168, no. 245. See Ibn Muzayn’s biographical references in M. Marín, “Nómima de sabios de al-Andalus (93-350/711-961),” in *Estudios Onomástico-Biográficos de al-Andalus* (Madrid: Consejo Superior de Investigaciones Científicas, Instituto de Filología, Departamento de Estudios Arabes, 1988), 1: no. 1523.

⁴⁸ Ibn Rushd, *Fatāwā Ibn Rushd*, ed. al-M. b. al-Ṭāhir al-Talīlī, 3 vols. (Beirut: Dār al-Gharb al-Islāmī, 1987), 3:1618, no. 634; al-Wansharīsī, *Al-Mi’yār*, 8:433-4; Lagardère, *Histoire et société en Occident musulman au Moyen Âge*, 311, no. 82.

attitude toward the *dhimmīs* by comparing them with the two marginal groups of lepers and libertines.⁴⁹

Next to be discussed are the traditional legal proscriptions against the use of the Islamic formula for greetings and the obligation of the *dhimmīs* to wear an external symbol or distinction.⁵⁰ The first rule relates to Islamic legal tradition and a specific *ḥadīth* which states that that peace shall not be wished upon them.⁵¹ There is, however, another *ḥadīth* which states that that if a *dhimmī* should salute a Muslim by saying "Peace rest upon you," the Muslim should answer "And to you."⁵² As for the use of external symbols, a mention appears in the Covenant of 'Umar, reportedly issued by the second orthodox caliph and considered the oldest precedent in the formation of the *dhimma* body of legal regulations. In this case, the *dhimmīs* are obliged to wear a sign (*zayn*) and a sash or wide belt (*zunnār*, pl. *zanānīr*).⁵³ In al-Andalus, there are similar precedents to be found in literary testimonies from the Taifa period.⁵⁴

The final reference to Christians is related to a strictly religious question regarding the need to prohibit the ringing of church bells in Islamic territory.⁵⁵ This may be considered the most neutral of Ibn 'Abdūn's proscriptions in that he does not express any scorn toward the "protected people." Church bells were broadly accepted in al-Andalus during the Taifa period,

⁴⁹ The testimonies analyzed by C. Mazzoli-Guintard lead her to nuance the lepers' exclusion; see Mazzoli-Guintard, "Notes sur une minorité urbaine d'al-Andalus: Les lépreux," *Homenaje al Profesor Carlos Posac Mon*, 3 vols. (Ceuta: Instituto de Estudios Ceutíes, 2000), 1:319-25.

⁵⁰ See Fattal, *Le statut légal des non-musulmans en pays d'Islam*, 96-110; Lewis, *Los judíos del Islam*, 45, 46-8.

⁵¹ See Muslim, *Ṣaḥīḥ*, no. 4030; al-Tirmīdhī, *Sunan*, nos. 1528, 2624; Abū Dāwūd, *Sunan*, no. 4529; Ibn Ḥanbal, *Musnad*, nos. 7251, 7299, 8205, 9349, 9539, 10378, in *Mausū'at al-ḥadīṡ al-sharīf*, CD-ROM; al-Nawawī, *Riyāḍ al-ṣāliḥīn* (Beirut: Dār al-Ma'rifa, 1998), no. 864.

⁵² Al-Bukhārī, *Ṣaḥīḥ*, no. 5787, 5788, 6414, 6416, trans. A. Houdas and G. Marçais, *Les traditions islamiques*, 4 vols., rev. ed. (1977; Paris: Maisonneuve, 1903-14), 4:225, 426-7; Muslim, *Ṣaḥīḥ*, 4024, 4026.

⁵³ A version of this pact can be found in al-Ṭurṭūshī, *Sināj al-mulūk*, 2:542-3; Alarcón, *Lámpara de los príncipes*, 2:143-6. But this text is far from being unanimously admitted as authentic: the most recent study on this subject is M. Levy-Rubin, "Shurūṡ 'Umar and its alternatives: the Legal Debate on the Status of the *Dhimmīs*" *Jerusalem Studies on Arabic and Islam*, 30 (2005): 170-206.

⁵⁴ H. Pérès, *Esplendor de al-Andalus* (Madrid: Hiperión, 1983), 286.

⁵⁵ Ibn 'Abdūn, *Risāla*, 245; García Gómez, *Sevilla*, no. 196.

which makes the reference to this issue in Ibn ‘Abdūn’s treaty perfectly logical. In comparison, however, the Covenant of ‘Umar stresses that the ringing of church bells should be moderated, without establishing any prohibition.

What is perhaps most important to mention here is that not all of Ibn ‘Abdūn’s proscriptions are based on traditional Islamic rules. In fact, there are two which may be considered innovations, at least in al-Andalus. He calls for the application of norms that, in principle, go beyond the traditional legal framework regulating the lives of the “protected people.” The first of these norms is his proposal that the clergy be circumcised. Although Ibn ‘Abdūn invokes a previous decision by al-Mu‘taḍid, it is impossible to verify this precedent or to determine to what extent it may have ever been applied. Ibn ‘Abdūn’s desire to avoid the sale of Arabic books to Christians is also unprecedented and would seem to be merely another example of his animosity toward Christians and his rejection of their participation in any intellectual activities.

Ibn ‘Abdūn’s remarks about the relationship between the Christian clergy and Muslim women, though a slightly different case, are also relatively unprecedented. His proposals that the clergy be obliged to marry and that they be prohibited from having concubines may be considered interference in the internal regulations of a theoretically self-ruling religious community. However, his attitude may be explained by the traditional Islamic rejection of any sexual relationships outside marriage. This stands in contrast to the prevailing customs of the time in Christian Europe, where laymen were allowed to have concubines and where the clergy often followed suit, albeit illicitly.⁵⁶ Throughout his treatise, Ibn ‘Abdūn expresses concern over the need to avoid contact between Muslim men and women in public places. This concern could be considered as yet another example of his rigid, legalistic mentality and his interest in the strict application of moral rules.⁵⁷ In this respect, his zeal may have resulted in a desire to act as a general censor, imposing the more restrictive Islamic norms on the Christian community as well and on the members of their clergy.

⁵⁶ In medieval Castile concubinage (*barraganía*) was legal for single men; see *Código de las Siete Partidas*, 4:14, nos. 1-3.

⁵⁷ Ibn ‘Abdūn, *Risāla*, 217, 235, 236-7, 239, 247-8; García Gómez, *Sevilla*, nos. 53-54; no. 55; no. 128; nos. 135-6; nos. 142-4; no. 155; nos. 204-5.

The Natural Coexistence of Muslims and "Protected People"

Having examined the connections between Ibn 'Abdūn's treatise and prevailing legal traditions, we may turn our attention to other pertinent questions. For example, are his proposals simply the product of one rigid, traditional jurist's point of view, or do they exemplify a growing social hostility toward the *dhimmī* among the general population? If this hostility is in fact widespread, to what extent can it be attributed to the Almoravid influence? Can Ibn 'Abdūn's proposals be considered proof of a stricter application of legal control over public behavior, or are they merely the ranting of one man against the coexistence of religious communities? Any one of these questions would be worthy of future study and much more detailed analysis.

The preceding discussion has demonstrated the importance of Ibn 'Abdūn's rules concerning "protected people," though it would be inaccurate to base any description of the *dhimmī*'s situation in Almoravid Seville exclusively on his treatise. Society and religion are difficult to separate, in that each influences more or less the other. Nevertheless, it would be unwise to deny the great divergence which frequently exists between theory and practice. Unfortunately, this is an area of study which has been much neglected by Arabists and historians.

It has been demonstrated that, in spite of the *ḥisba*'s theoretical nature, the body of regulations and norms upon which the treatise is based are not merely the moral ponderings of one conservative Muslim jurist. To a certain degree, we can assume that Ibn 'Abdūn was a typical representative of traditional schools of thought among the religious men of his time. With regard to the "protected people," it seems clear that Ibn 'Abdūn often reiterates traditional *dhimma* norms found in older historical testimonies. Nevertheless, there are grounds for exercising caution. The fact that most of his rules have precedents could be taken as an indication that they bear no close relationship with the current historical reality. However, in my opinion, this is not the case.

As we have seen above, at least three of the situations mentioned by Ibn 'Abdūn (the purchasing of wine, the relationship of the clergy with Christian and Muslim women, and the sale of science texts to Christians) could only be explained within the local context of when the treatise was written. The same can be said about the two unprecedented rules he postulates (forcing the clergy to be circumcised and also to marry instead of taking concubines). Due to their nature, both of these examples should be considered as the consequence of the social context in which they arose. It is,

therefore, reasonable to conclude that the rules which Ibn ‘Abdūn wished to impose were a product of his reality and a response to typical situations in Almoravid Seville.

There are grounds for believing that Ibn ‘Abdūn was a typical representative of the prevailing conservative views among men of religion, but should we also consider his views to be representative of those held by local society in general? In my view, this is not the case. Perhaps more important than Ibn ‘Abdūn’s text is the motivation behind the prohibitions that he proposes. His reiteration of traditional norms and the verbal violence he employs would lead us to believe that the rules he proposes were not in fact being firmly applied at that time. When he openly argues for the segregation of Muslims and non-Muslims, it becomes clear that such a separation did not exist in Seville at that time. In fact, when Ibn ‘Abdūn calls for the prohibition of any contact between members of different religious communities, we may assume that the real situation was exactly the opposite: a situation of normal and natural social coexistence between Muslims and non-Muslims in the daily lives of the members of the different religious communities in Almoravid Seville. Thus, Ibn ‘Abdūn may be an excellent example of the classical legal principle that nonexistent situations cannot be prohibited.

Normal relations between Muslims and non-Muslims would include economic transactions regarding meat and wine as well as contractual relationships in which Muslims carried out any number of tasks for Jews and Christians, including those tasks which Ibn ‘Abdūn considers inappropriate. We can also infer the existence of intellectual contact between Muslims and “protected people” through the purchase of science texts. The mention of relationships between Christian clergy and Muslim women also reveals a closer and more personal kind of coexistence. In any case, these relations and contact allow us to postulate the coexistence between popular social classes, in contrast to the dogmatic and segregational ideology espoused by Ibn ‘Abdūn. His views would have been limited to conservative religious and legal contexts, that is to say, traditional jurists concerned primarily with the scrupulous application of legal norms.

Conclusion

The conclusions that can be drawn from this study are varied, but Ibn ‘Abdūn’s treatise is undoubtedly a relevant historical source for analyzing the influence of Almoravid rule on the situation of the “protected people”

in Seville. The information he provides allows us to answer certain questions, while leaving others open to debate.

Two main conclusions should most likely be drawn. On the one hand, it is evident that Ibn ‘Abdūn is an example of the typical, dogmatic, conservative jurist arguing for a more rigorous application of the *dhimma* rules and a stricter segregation of Muslims and non-Muslims. The majority of the norms he wished to apply belong to the traditional Islamic rules for the *dhimma*. Nevertheless, he goes beyond this legal framework on two occasions and openly demonstrates his contempt for the *dhimmīs* as people who are clearly inferior to Muslims. This open animosity is not typical among other historical sources of the time.

Both of these circumstances could be taken as signs of increasing hostility toward “protected people,” but stemming from men of religion rather than from the general population. We may also deduce that this hostility was fostered by Almoravid dogmatism, given that Seville was their capital. It is also important to point out that both Ibn ‘Abdūn’s rules and his aggressive language actually serve to reveal the natural coexistence of Muslims and non-Muslims in Almoravid Seville, as well as a general lack of compliance with basic, traditional *dhimma* rules.

Appendix

Translation of Ibn ‘Abdūn’s References to “Protected People”

A Muslim should not give a massage to a Jew or a Christian. Nor should he collect his rubbish or clean his latrine because they (the Jews and Christians) are better for these jobs as they are jobs for vile people. A Muslim should not take care of the mount of a Jew or Christian, nor should he be their muleteer. He should not hold their stirrup either and if a Muslim is caught doing these things, he should be reprimanded.⁵⁸

It must be forbidden for Muslim women to go into those horrible churches as the clerics are libertines, fornicators, and sodomites. There is also a need to forbid Christian women from going into the church except for worship or on religious holidays since they eat, drink, and fornicate there with the clergy. And all of them have two or more women who they maintain sexual relations with. They get into the habit of doing these things

⁵⁸ Ibn ‘Abdūn, *Risāla*, 238-9; García Gómez, *Sevilla*, no. 153.

because they forbid what is licit and allow what is illicit. Therefore, it is necessary to order them to get married just like they do in the Near East territory or to allow them to if that is what they want. It must not be tolerated to allow any women, be she elderly or not, to inhabit the house of a cleric as long as he refuses to get married. They must also be forced to be circumcised just like al-Mu‘taḍid b. ‘Abbād did. They pretend to follow Jesus’s tradition—may God bless and save him!—but he was circumcised and although they observe a day for celebrating this they have left this practice.⁵⁹

A Jew should not sacrifice a beast for a Muslim. They must be ordered to have their own butchers.⁶⁰

Clothes (*ṭhawb*) previously belonging to lepers (*marīd*), Jews, and Christians should not be sold without previous warning and the same with regard to libertines’ (*khalfī*).⁶¹

The ringing of church bells should be abolished in the Islamic territory because it is typical of the lands of infidels.⁶²

Ferryman must be prohibited from bringing to the other bank any black men or Berber servants if they are known to be looking for appropriating the others’ goods because, during the hours when it is hottest, they prowl with that purpose. . . . They must also be ordered not to bring to the other bank anybody having containers for purchasing wine from Christians. If somebody is caught with it, the container must be broken and the river’s official (*amīn al-wādī*) must report it so the sailor may be punished.⁶³ Books of science should not be sold to Jews and Christians, except to their religious authorities,⁶⁴ as they translate them and attribute them to themselves as well as to their bishops when they are from Muslim authors. It is better to forbid any Jew or Christian doctor from treating Muslim patients because they do not harbor good feelings toward Muslims. They should only be allowed to care for those having their own beliefs. The reason for this is if they do not have sympathy for Muslims, how then could their lives be entrusted to them?⁶⁵

⁵⁹ Ibn ‘Abdūn, *Risāla*, 239; García Gómez, *Sevilla*, no. 154.

⁶⁰ Ibn ‘Abdūn, *Risāla*, 239; García Gómez, *Sevilla*, no. 157.

⁶¹ Ibn ‘Abdūn, *Risāla*, 240; García Gómez, *Sevilla*, no. 164.

⁶² Ibn ‘Abdūn, *Risāla*, 245; García Gómez, *Sevilla*, no. 196.

⁶³ Ibn ‘Abdūn, *Risāla*, 247-8; García Gómez, *Sevilla*, no. 204.

⁶⁴ “*Illā man kāna min shari‘ati-him*,” which is translated in the Spanish version as “salvo los que tratan de su ley.” But it seems clear that the Arabic text is dealing here with a kind of people, and for this reason my translation is different from the Spanish one.

⁶⁵ Ibn ‘Abdūn, *Risāla*, 248; García Gómez, *Sevilla*, no. 206.