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Cultivating Coexistence

Christian Peasant Agency and Legal Duties and Obligations in Rural al-Andalus

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Abstract

The study of Christian Dhimmi populations in al-Andalus has traditionally focused on urban communities, while rural areas and peasant groups have received significantly less scholarly attention. This paper explores two under-researched aspects of the rights and obligations of non-Muslims in Islamic territories: the revitalization of legally abandoned lands (*mawāt*) and the payment of *zakāt* on agricultural production. Analyzing these legal frameworks sheds light on the role and agency of rural Dhimmi communities in the andalusi context. New archaeological evidence from Christian settlements in southern al-Andalus, as at the site of Tózar, further enhances our understanding of these communities. The integration of textual and material sources enables a more nuanced exploration of their productive strategies and commercial networks, ultimately contributing to a deeper understanding of the integration and coexistence of religious minorities in Muslim-ruled territories. The study of the dhimmi community of Tózar helps us understand how Christian groups integrated into a broader socioeconomic fabric while maintaining their religious identity and participating in surplus agricultural economies linked to trade taxation. These novel findings offer a fresh perspective on the traditional view of al-Andalus, revealing how non-Muslim

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dhimmīs played a significant role in shaping Islamic societies in the western Mediterranean.

Keywords

Dhimmī Christians – Al-Andalus – rural communities – lands *mawāt* – *Zakāt*

1 Introduction[1]

The relationship between Muslims and non-Muslims in Islamic territories remains a highly debated topic, as scholars are divided on whether peaceful coexistence between the two groups was possible or, conversely, whether any form of agreement was unfeasible.[2] In light of these opposing positions, ranging from the idealization of their relationship to the outright denial of any form of coexistence, we contend that adopting a middle-ground perspective offers a more realistic approach. To this end, it is essential to consider, on one hand, the uneven historical development throughout the existence of al-Andalus, as this extensive period was marked by diverse social, economic, and political circumstances. On the other hand, it is necessary to consider the existence of conflicts between more tolerant social groups and those that rejected the integration of religious minorities.[3] Furthermore, the situation in urban centers cannot be treated in the same manner as that of rural areas, where the exposure to intolerance during the more conflictive periods was significantly higher. Rural minority groups, by contrast, were more isolated and, therefore, tended to experience a more unnoticed and tranquil existence.

Non-Muslim communities in Islamic lands were referred to as *dhimmīs*, a term derived from the Arabic verb *adhamma*, meaning "to protect." From this verb, the term *dhimma* emerged, meaning "protection, pact, capitulation, promise of impunity, and guarantee." Thus, it can be stated that non-Muslims were granted protection within Islamic territories, under specific conditions

1 This work is part of the project "Dimmies cristianos en el sur de al-Andalus: análisis arqueológico sobre su identidad y agencia campesina" (DICRAN), Ref. PID2022-142554NA-I00, funded by MICIU/AEI/10.13039/501100011033 and for FEDER, UE

2 For an overview, see Alejandro García Sanjuán, "¿Fue al-Andalus un paraíso de tolerancia religiosa?", *Utopía. Los espacios imposibles*. R. García Gutiérrez et al. (eds.), *Studien zur klassischen Philologie*, 139, Peter Lang, Frankfurt (2003), 267–280.

3 García Sanjuán, "¿Fue al-Andalus?", 268 and 270.

and upon the signing of a series of pacts, which allowed them to enjoy certain rights in exchange for fulfilling a set of obligations. Muslims, for their part, were prohibited from coercing non-Muslims into conversion, and indeed, as evidenced in andalusi notarial formularies, conversion was to be "voluntary and peaceful, not carried out under coercion nor prompted by fear."[4]

Among non-Muslims, Christians and Jews were afforded special status as "People of the Book" (*Ahl al-Kitāb*), a term that refers to the fact that they had received divine revelation and committed it to writing—a characteristic they share with Muslims, and which distinguishes them from polytheists and idolaters. According to the Qur'an, Muslims are commanded to fight against Jews and Christians; however, they are also offered the possibility of not converting, in exchange for living under Muslim dominion and accepting the payment of the *jizya*, or poll tax. The Qur'anic text states:

> Fight those who, having received the Scripture, do not believe in God nor in the Last Day, nor prohibit what God and His Messenger have prohibited, nor practice the true religion, until they pay the tribute (*jizya*) directly, being humbled (*ṣāghirūn*).[5]

Some Qur'anic commentators interpreted the payment of *jizya* as a humiliating and distinguishing act for those unwilling to convert to Islam. It is likely that they based their interpretation on the term *ṣāghirūn* used to refer to *dhimmīs*, which derives from the root Ṣ-G-R, connoting "inferiority, being despised, regarded as insignificant, or humiliated." However, other commentators contended that the payment was not inherently humiliating, interpreting the Qur'anic phrase in a different light. These commentators may have argued that the term *ṣāghirūn* referred to the meaning of "defeated" or "conquered," and that one of the immediate consequences of such a status would be the direct payment of the *jizya* tax.

This study will primarily address two interrelated questions: on one hand, the position of Muslim jurists regarding the reclamation of dead lands (*iḥyā' al-*

4 According to Pedro Chalmeta, this "is nothing other than the legal formulation of the Quranic principle, II, 256, of *lā ikrāh fī l-dīn*," that is, "there is no coercion in religion." He also states that this point "is of the utmost legal importance, since a forced conversion is null and void. Consequently, abjuring Islam and returning to one's previous religion do not constitute apostasy (*irtidād*), and a revertant cannot be punished by death." For this, see, Ibn al-'Aṭṭār, *Formulario notarial y judicial andalusí* (Intr., st. and tras. Noted: Pedro Chalmeta and Marina Marugán, Madrid, 2000), 628.

5 *Corán*, IX, 29. (Trad. Julio Cortés) (Barcelona: Herder, 1999); *Al-Qur'ān al-Karīm, Dār al-muṣhaf* (El Cairo, 1975, IX) 28, 148.

mawāt) by *dhimmīs*, and on the other, the views of these jurists concerning the payment of *zakāt* on profits derived from crops grown on *dhimmī* lands. These two issues represent novel aspects that have not been explored in relation to the economic activities of the *dhimmīs* and merit the attention of Arabists and medievalists interested in the dynamics of Muslim and non-Muslim coexistence, as they draw on information gleaned from legal sources spanning the 8th to the 14th centuries.

Equally important is the need to complement these written sources with the gradual advancements made in andalusi rural archaeology, particularly in relation to the minorities that coexisted in the rural territories of al-Andalus. These communities were largely the beneficiaries of the land reclamation efforts in question. This is relevant not only for the early period when the social formation of al-Andalus began to take shape but also for subsequent historical periods marked by shifts in the balance between the two groups—those of the *dhimmī* and the Islamic identity.

As previously indicated, research on minority communities through material culture has not been sufficiently developed, at least with respect to the andalusi context of the Iberian Peninsula. Few case studies focus on the rural world, and those that do generally fail to address the religious identity of the communities involved. On the one hand, the rise of rural archaeology is relatively recent, and on the other, when such research has been carried out, it has not always paid sufficient attention to the identity affiliations of the populations living in the alquerías (villages) and settlements studied. This work is undoubtedly complicated by the fact that, in many cases, the archaeological indicators needed to distinguish these identities have not been found or analyzed. Many rural populations underwent a process of Arabization and cultural and social Islamization that took root in the 10th century, and as a result, the material evidence of everyday life does not allow for the recognition of religious identity and, therefore, the identification of minorities. Only when dietary restrictions tied to religious dogma are observed, or when faunal remains from consumption waste contexts are available, can we approach an understanding of the religious beliefs of these communities through archaeozoology.[6] For instance, the presence of pigs in a given context excludes both Muslim and Jewish communities, yet their absence does not necessarily exclude the presence of Christians, as it may be indicative of socially Islamized populations'.[7]

6 Marcos García García, "La dimensión alimentaria de la emergencia de al-Andalus (siglos VIII–X): perspectivas históricas y zooarqueológicas sobre el proceso de islamización social", *Lucentum* 42 (2023): 261–288.

7 Marcos García García, "Pork consumption, gastro-politics and social Islamisation in early

The most reliable method for identifying religious beliefs remains the study of funerary contexts, as differences in burial rituals specific to each religion can be inferred from the position of skeletal remains.[8]

Returning to the study of written sources, with respect to the first issue—*iḥyāʾ al-mawāt*—it is important to note that there was no consensus among Muslim jurists. Most believed that Muslim land was exclusively for the benefit of the Muslim community. These lands were referred to as "tithe lands" (*arāḍī ʿushriyya*).[9] In contrast, a minority of jurists argued that it would be appropriate for *dhimmīs* to have access to such lands by concession for cultivation, or that they could acquire them through purchase or lease. Regarding the second issue, Muslim jurists debated whether the only tax imposed on *dhimmīs* should be the *kharāj*, or whether they should also be required to pay *zakāt* on the profits derived from crops grown on their lands. Some jurists argued that the tax should not be levied twice, while others contended that in Islamic lands, *zakāt* was to be paid on crops, regardless of the farmer's beliefs or the type of contract under which they were bound. This issue sparked significant controversy, as it involved various competing considerations, although it appears that the majority of jurists held that *dhimmīs* were not obligated to pay *zakāt*, as it was an exclusive tax for Muslims. We will now examine these two issues in greater detail.[10]

2 The Allocation of Land Ownership to *Dhimmīs* through the Revivification of Dead Lands (*iḥyāʾ al-mawāt*)

In the context of unexploited territories, referred to as *arḍ mawāt*, classical Islamic jurisprudence recognizes three legal mechanisms for the attribution of property rights: through revivification or colonization (*iḥyāʾ*), through state allocation (*iqṭāʿ*), and through state reservation (*ḥimà*). These forms of land

al-Andalus (eighth to tenth centuries)", *Journal of Medieval Iberian Studies* 15 (2023): 321–343.

8 Luca Mattei, "Resistencias a la islamización: interrogantes y geografía de los cementerios y espacios rituales cristianos en el sur de al-Andalus", ed. Bilal Sarr, *Maqbara. Espacios, rituales y ceremoniales de enterramientos islámicos*, Salobreña: Alhulia, 2024, 531–544.

9 Yvon Linant de Bellefonds, s.v. *iḥyāʾ*, *Encyclopédie de L'islam* (nouvelle édition) (10 vols, 1960–2001), vol. III, 1080.

10 Al-Wansharisī, *al-Miʿyār al-mughrib wa-l-jamīʿ al-muʿrib ʿan fatāwà ahl Ifrīqiya wa-l-Andalus wa-l-Maghrib* (ed. M. Hajjī, 13 vols., Rabat, 1981–1983), I, 386; Ibn Rushd, *Bidāya: The distinguished jurist's Primer, a translation of Bidāyat al-Mujtahid* (tr. I.A.K. Niazee, 2 vols., Centre for Muslim Contribution to civilization, 1994), I, 283.

acquisition became part of the domain of Muslim ownership for a variety of reasons, most notably the withdrawal of Christian adversaries during the territorial expansion of Islam. Lands seized through military conquest constitute an exception, as they became Islamic property under the legal category of war spoils (*fay'*),[11] and could not be distributed arbitrarily. Mālik's position reflects this principle:[12]

> I do not consider it appropriate for the Imām to grant any portion of cultivated land acquired by force from the enemy. (lā arà li-imāmi an yaqṭuʿ akhadan min arḍi l-ʿanwati l-maʿmūrati shay'an)

Beyond enemy abandonment, *arḍ mawāt* also encompasses lands that lack legal heirs, as well as communal territories that remain unused. In legal theory, such lands are entrusted to the stewardship of the caliphal authority, drawing on the Prophet's declaration: "*This property belongs to none but God* (*māl Allāh*) *and, after Him, to the caliphs*."[13] Within this framework, the caliph held sovereign authority over all lands annexed to Islamic rule, while the *imām* possessed the discretion to bestow or revoke proprietary claims over dead lands. Nonetheless, Islamic legal tradition exhibits doctrinal divergences among the four orthodox schools regarding the necessity of such authorization, as highlighted by Ibn Rushd (d. 1126) in his *al-Bayān*.[14]

Among the three recognized modes of land acquisition, only the revivification of *iḥyā' al-mawāt* was accessible to *dhimmīs* (non-Muslim subjects under Islamic rule), as it aligned with state interests in rendering unproductive lands economically viable. When an applicant—regardless of religious status—could demonstrate intent and capability to cultivate such land, the *imām* would weigh the potential benefit to the polity in granting ownership.

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11 For fay', see, Alejandro García Sanjuán, "Formas de sumisión del territorio y tratamiento de los vencidos en el derecho islámico clásico", *El cuerpo derrotado: Cómo trataban musulmanes y cristianos a los enemigos vencidos* (*Península Ibérica, ss. VIII–XV*), Estudios árabes e Islámicos. Monografías, 15, Madrid: CSIC, 2008, 68–71. See the opinión of Mālik, collected by the oriental jurist al-Dāwudī and cited in Ibn Rushd (*al-jadd*), *Kitāb al-Bayān wa-l-taḥṣīl wa-l-sharḥ wa-l-tawjīḥ wa-l-taʿlīl fī masā'il al-Mushakhraja* (ed. M. Ḥajjī and others, 20 vols., 19 T., 2ª ed., Beirut, 1988–1991), X, 303.

12 See the opinión of Mālik, collected by the oriental jurist al-Dāwudī and cited in Ibn Rushd, *Kitāb al-Bayān*, X, 303.

13 Extracanonical hadith collected by al-Dāwudī, *Kitāb al-amwāl* (ed., not. and tr. engl. Abu'l Muhsin Muhammad Sharfuddin. Islamabad, 1995), 23.

14 Ibn Rushd (*al-jadd*), *al-Bayān*, X, 302–303.

By contrast, the *iqṭāʿ* grant entailed the unconditional and irrevocable cession of land by the state to an individual.[15] This type of transfer conferred immediate ownership, with the beneficiary enjoying full rights of alienation—including sale, donation, and inheritance—without any obligation to develop the land.[16]

The third mechanism, *ḥimà*, referred to state designation of land for public use, especially in cases of strategic or military interest. According to Jalīl (d. 1366), this was permissible:[17]

> In the case of a small tract of uncultivated and undeveloped land, intended for the use of mounts or for expeditions against nonbelievers.

Consequently, *dhimmīs* were excluded from acquiring land whose utility to the state was not immediate and assured, as well as land reserved for state functions deemed vital to public or military infrastructure.

2.1 *Revivification Activities as a Means of Acquiring* arḍ mawāt (*Dead Land*)

Regarding the revivification of *arḍ mawāt*—a category of dead or unclaimed land—accessible to *dhimmīs* as well, the process fundamentally consists in ren-

15 For this study, it's possible to consult the following sources and studies: al-Dāwudī, *Kitāb al-amwāl*, chap. 8, Intr.; al-Ǧazīrī, *al-Maqṣad al-maḥmūd fī talhīs al-ʿuqūd* (st. and crit. ed. for Asunción Ferreras, CSIC- ICMA, Madrid, 1998), 165; Ibn Sallām, *Kitāb al-amwāl* (Beirut, 1986), 286–297; al-Mawārdī, *al-Aḥkām al-sulṭāniyya wa-l-wilāyāt al-dīniyya* (Beirut, Dār al-Kutub al-ʿIlmiyya, s/d.), 409–424; Qudama ibn Jaʿfar, *Kitāb al-Kharaj wa-sināʿat al-kitāba, Book on taxation and Official Correspondence* (ed. Fuat Sezgin, ed. Facsímil, 42, Frankfurt-Estambul, 1986), chap. 6; al-Wansharīsī, *al-Miʿyār*, IX, 73; Pedro Chalmeta, "Concesiones territoriales en al-Andalus", *Cuadernos de Historia*, vol. 6, (1975), Madrid: 1–90; Frede Lokkegaard, *Islamic Taxation in the Classic Period* (Copenhagen, 1950), Chap. I; David Santillana, *Istituzioni di diritto musulmano malichita con riguardo anche al sistema sciafiita* (2 vols, Roma, 1926–1938), I, 332–333.

16 Cfr. Expiración García Sánchez, "Agricultura y legislación islámica: El prólogo del *Kitāb zuhrat al-bustān de al-Ṭignarī", Ciencias de la Naturaleza en al-Andalus. Textos y Estudios* I, ed. E. García Sánchez (CSIC, Escuela de Estudios Árabes, 1990), 189–193; Carlos Quirós, "La adquisición originaria de la tierra en el derecho musulmán malekí", *Archivos del Instituto de Estudios Africanos*, 10 (1949), 65.

17 Khalīl, *al-Mukhtaṣar al-ʿulamāʾ* (Beirut, 1995). French version: *Abrégé de la loi musulmane selon le rite de l'imam Malek*, trad. Georges-Henri Bousquet, 4 vols., Argel, 1956–1962 and Italian version: Halīl Ibn Isḥāq, *Il "Muhtaṣar". Summario del Diritto Malechita*. Version of David Santillana. 2 vols., Milán, 1919. See, 251 ár. / III, 143 tr. fr. / II, 546–547 tr. ital. For more information avout *ḥimà*, see, Lokkegaard, *Islamic Taxation*, Chap. I. and Santillana, Istituzioni, 280 y 321–322.

dering the land cultivable.[18] Its legal foundation lies in the Prophetic *ḥadīth*: "*Whoever revives dead land, it becomes his*." To this end, a series of obligatory tasks must be carried out, including: water conveyance, drainage of marshy or flooded areas, clearing undergrowth, cutting and burning of woodland, plowing, sowing, tree planting, construction of buildings, stone removal, and land levelling. These transformative actions render the land suitable for agricultural exploitation and habitation, hence its alternate designation as "colonization."

In contrast, certain actions do not constitute valid forms of revivification, such as fencing or staking out plots, making use of spontaneous vegetation, or digging a well for livestock. These do not reflect a genuine intention to cultivate and thus do not assure any material benefit to the state.[19]

In this regard, Ibn ʿArafa (d. 1401) emphasized that a claimant must express and demonstrate a sustained intent to cultivate the land in order to retain ownership.[20] Should the individual fail to begin revivification within a three-year period,[21] abandon the land for an extended time, or neglect productive maintenance to the extent that successive harvests are lost, the land would revert to the public domain and become available for another potential revivi-

18 Hadith that has been attributed at the same time to the prophet Muḥammad (m. 11/632) and the caliphs' ʿUmar (634/644). Is cited for al-Bukhārī, *Saḥīḥ* (Matbaʿ al-sabʿ, 3 vols. 1978), III, in the chap. dedicated to this topic: *"Bāb man aḥyà arḍan mawātan"*, 139–140; Mālik, *Muwaṭṭa' al-imām Mālik*, riwāyāt Yaḥyà b. Yaḥyà al-Laythī (ed. S.Y. al-ʿAṭṭār, Beirut, 1999), 453, chap. 24, n.º 1456–1457; ídem, recension by Shaybānī (ed. ʿA. al-Laṭīf, El Cairo, 1979), 295–296, n.º 833; trad. fr. de *al-Muwaṭṭa': Le Consentement. Al-Muwaṭṭa' par l'Imām Malek ben Anas* (trad. M. Samir Al-Jabi, Casablanca, 2000), 442, chap. XXXIV, n.º 26; al-Dāwudī, *Kitāb al-amwāl*, 23; Ibn Sallām, *Kitāb al-amwāl*, 298–299; *Qudāma ibn Jaʿfar, Kitāb al-Kharāj wa-sināʿcat al-kitāba, Book on taxation and Official Correspondence* (ed. Fuat Sezgin, ed. Facsímil, nº 42, Frankfurt-Estambul, 1986), 168–169; Ibn al-Jallāb: Abboud-Harar, S., *El Tratado jurídico de "al-Tafrīʿ" de Ibn al-Ǧallāb. Manuscrito aljamiado de Almonacid de la Sierra* (*Zaragoza*) (ed., st. and glossary, 2 vols., C.S.I.C., Zaragoza, 1999), II, 522; al-Mawārdī, *Aḥkām*, 223 ár. / 379 tr. fr. / 195 tr. ingl.; Ibn Rushd (*al-jadd*), *al-Bayān*, X, 301; Ibn Juzayy, *Qawānīn al-aḥkām al-sharʿiyya wa-masā'il al-furūʿ al-fiqhiyya* (ed. ʿA. ʿA. Sayyid al-Ahl, Beirut, 1979), 367.

19 For further information on these mandatory works and the disagreements among jurists on this matter, please consult, Inmaculada Camarero Castellano, "Las labores vivificadoras como medio de adquisición de la tierra muerta", *Ciencias de la Naturaleza en al-Andalus*. Textos y Estudios, VII, ed. E. García Sánchez y C. Álvarez de Morales, CSIC 2004, 179–193.

20 Santillana, *Il Muhtaṣar*, 547, n. 19. See the similarity with respect to Roman Law in: José Arias Ramos, *Derecho romano* (Madrid: Editorial Revista de Derecho Privado), 232.

21 Abū ʿAbīd is one of the few jurists who speaks about this period. He believes that, after these three years, the imam's mission is to legalize the transfer of the land to another person who can revive it. See his opinion in Ibn Sallām, *Kitāb al-amwāl*, 302 and n. 3 and in Qudāma ibn Jaʿfar, *Kitāb al-Kharāj*, 170.

fier.[22] According to this Tunisian jurist, such was the prevailing view among the majority of Muslim legal scholars.

2.2 *The Role of the* Imām *in the Revivification of Dead Land*

Initially, the access to *arḍ mawāt* was considered a prerogative reserved for Muslims, as the territory of Islam was deemed their exclusive domain. Nevertheless, many jurists ultimately judged it permissible for *dhimmīs* to engage in revivification,[23] particularly in the case of lands that were uncontested, remote from urbanized areas (*ʿumrān*), outside the boundaries of the protected zone (*ḥarīm*), and provided that prior authorization had been obtained from the *imām*.[24]

Interestingly, according to a legal opinion issued by the Mālikī scholar Jalīl (d. 1365–1366), even communal lands falling within the *ḥarīm*—specifically those near urban centers from which Muslims customarily drew water, firewood, and fuel—might be granted to *dhimmīs*, as they were deemed communal property.[25] Jalīl's rationale is based on the assertion:[26]

> Lands pertaining to the urbanized zone (*ʿumrān*) require the *imām*'s permission for appropriation, even if the petitioner is a Muslim.

This formulation suggests that, in Jalīl's view, even areas surrounding urban centers, belonging to the broader Muslim community, could be lawfully granted to non-Muslims by the *imām*. His stance reflects the position articulated two centuries earlier by the Andalusī jurist al-Bājī (d. 1081),[27] who advocated equal treatment of Muslims and non-Muslims with respect to revivifying *ḥarīm* lands. This is particularly striking given that the 11th century was marked

22 Ibn al-Jallāb: Abboud-Harar. *El Tratado jurídico de "al-Tafrīʿ"*, II, 523.

23 However, this right, which is offered to Christians and Jews in certain cases, is not available in all Islamic domains. Indeed, as Khalīl clarifies, dhimmis can enjoy it in all Muslim lands, "except in the Arabian Peninsula (*Jazīrat al-ʿArab*)," where there are restrictions for all of them. See, Santillana, *al-Mujtaṣar*, 547, n. 25.

24 See for it, Inmaculada Camarero Castellano and Pedro Cano Ávila, "El *ḥarīm* (servidumbre) en el mundo rural islámico", *El Saber en al-Andalus*, V, ed. J.M.ª Carabaza Bravo y L.C. Makki Hornedo (Sevilla: Universidad de Sevilla, 2011), 93–111.

25 This activity is reserved for Muslims, based on the hadith: '*Three things are common to Muslims: water, fire, and firewood* (*al-muslimūna shurakāʾu fī talātin: fī l-māʾi wa-l-nāri wa-l-kalaʾi*)'. This hadith is cited by most jurists who deal with the *arḍ mawāt*. See, like example, al-Mawārdī, *Aḥkām*, 235 ár. / 401 tr. fr. / 204 tr. ingl.

26 Khalīl, *Mukhtaṣar*, 251 ár. / III, 143 tr. fr. / II, 547 tr. it.

27 According to the commentator of his work, the Egyptian al-Zurqānī (m. 1688). Please consult for this, Santillana, Il *Muhtaṣar*, II, 547, n. 21; Santillana, *Istituzioni*, I, 331.

by considerable hardship for the *dhimmī* communities, as the Almoravid ascendancy coincided with heightened restrictions on non-Muslims amidst shifting demographics and intensified Christian military pressure—factors which often aligned with heightened interest in reclaiming Christian-held properties.[28]

Hence, there was no universally applicable framework for the participation of *dhimmīs* in the revivification of dead lands in al-Andalus. Regulatory practices were shaped by multiple variables: the specific jurist consulted, the *imām*'s assessment of prospective benefit or harm, the nature and location of the land in question, and the fiscal needs of the state.

Legal formularies composed by Ibn Mughīth (d. 1067) and al-Jazīrī (d. 1189) confirm that involvement of the *imām* was strongly recommended in such procedures. It was incumbent upon the *imām* to verify that the land being claimed met the criteria of *arḍ mawāt*[29] that is, it was legally dead. Both authors underscore a critical condition: the land had to be devoid of heirs, possessors, or prior owners, thereby qualifying it as rightfully open to all Muslims (*ḥuqūq al-muslimīn*).

This was the dominant position held by Mālikī jurists in al-Andalus, though—as in many domains of Islamic jurisprudence marked by interpretive divergence—the practical application of rulings was often governed by local custom (*ʿāda*[30]), Prophetic tradition (*sunna*),[31] and prevailing usage (*ʿurf*).[32]

28 Jean Pierre Molénat, "Sur le rôle des Almohades dans la fin du Christianisme local au Maghreb et en al-Andalus", *Al-Qanṭara* XVIII (1997): 389–413.

29 Ibn Mugīṯ, *al-Muqniʿ fī ʿilm al-šurūṭ*, intr. and critic ed. by Francisco Javier Aguirre, Fuentes Arábigo-Hispanas, 5 (CSIC- ICMA, Madrid, 1994), 151–152; al-Ǧazīrī, *al-Maqṣad*, 164–165.

30 In Islamic countries, custom has been a source of positive law, even though it has not been accepted as one of the four bases of law. Where religious law did not respond to the needs of Muslim society, customary institutions acted in its place. Consult Felipe Maíllo Salgado, *Diccionario de derecho islámico* (Gijón: Trea, 2005), 22.

31 This term refers to the tradition that must be followed, and essentially to the tradition lived and taught by the Prophet Muhammad, since it is assumed that he always acted in accordance with divine norms. Consult, Maíllo, *Diccionario*, 370–371.

32 Islamic legal practice admitted other secondary sources, such as the *ʿurf*, which encompasses both pre-Islamic Arab customary law and the many traces of extra-Islamic written law that have survived in the lives of Muslim peoples. See, Maíllo, *Diccionario*, 431–432.

3 The Obligation or Exemption of *Dhimmīs* Regarding the Payment of *Zakāt*

Among the canonical acts prescribed to Muslims—known as the "pillars" (*arkān*, pl. of *rukn /daʿāim*, pl. of *diʿām*) of Islam—is *zakāt*,[33] alongside ritual prayer (*ṣalāt*), pilgrimage to Mecca (*ḥajj*), fasting during Ramadan (*ṣawm*), and the declaration of faith (*shahāda*).[34] The jurist ʿAbd al-Wahhāb (d. 1031) affirmed that "Zakāt is among the religious obligations and one of its pillars" (*al-zakātu min furūḍi l-dīni wa-arkāni-hi*).[35] According to al-Ṭulayṭūlī (10th century),[36] ʿAlī stated that God mandated this levy for a specific purpose: "*Take from their wealth a charity* (*ṣadaqa*) *to cleanse and purify them through it* [...]."[37]

As a Qurʾānic obligation, *zakāt* is framed as both a religious and social duty, incumbent solely upon Muslims.[38] From a theological standpoint, all wealth belongs to God, who, through *zakāt*, mandates its redistribution among the less fortunate. Its social dimension is underscored by the Muslim's moral accountability toward the community, as wealth is viewed as a resource entrusted to the ummah.[39]

Initially, the Qurʾān merely encouraged *ṣadaqa* (almsgiving), but over time, *zakāt* became mandatory and quantitatively determined, emerging as the only regular tax levied on Muslims and collected by the *Bayt al-Māl* (Public Treasury).[40] Al-Mawārdī (d. 1058) maintained that *zakāt* is the sole legally sanctioned tax upon Muslims, as "there is no rightful claim upon wealth except

33 Ibn Rushd (*al-jadd*), *al-Muqaddimāt wa-l-mumaddihāt* (ed. M. Ḥajjī, 3 vols, Beirut, 1988), I, 272. There is another type of obligatory zakat called *zakāt al-fitr*, which is paid at the end of Ramadan and applies to men and women, slaves and free men, nomads and sedentary people, and the elderly and minors. The following are exempt from this obligation: orphans, slaves, and wage earners. This obligation, which does not expire, consists of one *sāʿ* (approximately 3 kg) of easily preserved food.

34 ʿAbd al-Wahhāb, *al-Talqīn fī l-fiqh al-mālikī* (Beirut, 1999), 43; Al-Ṭulayṭulī, *Muhtaṣar* (ed., trad. y est. por M.ª José Cervera, CSIC-AECI, Madrid, 2000), 108 tr. / 41 ár.

35 ʿAbd al-Wahhāb, *al-Talqīn fī l-fiqh al-mālik* (Beirut, 1999), 43.

36 Al-Ṭulayṭulī, *Muhtaṣar*, 108 tr. / 41 ár.

37 The idea of purification is found in the following verses: *Corán*, IX, 103; XCII, 18; LXXXVII, 14; LXXIX, 18 and LXXX, 3. Ibn Rushd deals with purification by means of zakat in his work *al-Muqaddimāt*, I, 275–277.

38 *On the obligation of Zakat*, see Ibn Rushd, *al-Muqaddimāt*, I, 272–275.

39 Some verses that contain the idea of Community and the obligations to which its members are subject are: *Corán*, 70, 24; 32, 16; 9, 104; 76, 8 y 4, 114.

40 Emilio Galindo Aguilar, "La limosna legal o azaque (zakât)", Documentación Afro-Asiática, Serie Encuentro, N.º 26 (1974), Cem-Cecade-Centro de Información, Documentación y Sociología, Madrid, 1974: 1 and 2.

zakāt" (*laysa fī l-māl ḥaqqun siwà l-zakāt*).[41] This was complemented by taxes imposed on non-Muslims, namely the *jizya* (poll tax) and *kharāj* (land tax),[42] as well as revenues from war booty.

Ibn Rushd the Younger (d. 1198), in his *al-Bidāya*, systematized five key questions pertaining to *zakāt*: who is obliged to pay, which assets are subject to it, the amount and timing of payment, and the legitimate beneficiaries. Concerning the first question, consensus was lacking. Most jurists held that the obligation fell upon free Muslims—whether sane or insane, male or female, adult or minor—whose annual profits exceeded the *niṣāb* (taxable threshold), who were debt-free, and who retained ownership of the assessable assets for one lunar year.[43]

Nevertheless, a minority of jurists extended this obligation to groups including slaves, *dhimmīs*, minors, debtors and creditors, custodians of *ḥabūs* (endowed properties), and sharecroppers.[44]

Those who exempted Jews and Christians did so based on their exclusion from the *ahl al-zakāt* (people of *zakāt*), arguing that unless they embraced Islam, *dhimmīs* were subject only to *jizya* and *kharāj*, thereby exempt from *zakāt*.[45] Ibn Rushd the Elder maintained in *al-Bayān*[46] that there was no divergence of opinion on this matter. However, his grandson later acknowledged in *al-Bidāya* that disagreement did, in fact, exist concerning whether non-Muslims were liable to pay *zakāt* on revenues generated from property situated in Islamic territory.[47]

Historically, while non-Muslims were not held liable for *zakāt*, they were at times subject to analogous levies. Al-Rāzī, writing in 10th-century al-Andalus, affirmed that *dhimmīs* were exempt from *zakāt*, being obliged only to pay *kharāj* and *jizya*. Yet he noted that if they engaged in trade between Islamic and

41 Al-Mawārdī, *Aḥkām*, 195 and 208 ár. / 239 and 255 tr. fr. / 127 and 134 tr. ingl.

42 These constituted the most substantial income of the public treasury. Consult this information in Soha Abboud-Haggar, "La fiscalidad en al-Andalus entre los siglos VIII y XII a través de las recopilaciones de sentencias de Ibn Sahl y de Ibn Qāsim al-Šaʿbī", *Espacio, Tiempo y Forma* 28 (2015), 23–40, sp. 28, n. 23.

43 Ibn Rushd (*al-ḥafīd*), *al-Bidāya*, I, 283.

44 Abū Yūsuf, *Kitāb al-kharāj* [*at margin of: Al-jāmiʿ al-ṣaghīr fī l-fiqh li-Muḥammad b. al-Ḥasan*], Bulaq: Maṭbaʿat al-Miriyya, 1302 H /1885, 20; Ibn Rushd (*al-jadd*), *al-Muqaddimāt*, I, 279–280.

45 Some jurists have gone so far as to compare the *jizya* with the *ʿushr* (tenth part), a term that usually refers to *zakāt*. It was the Tunisian al-Qābisī (11th century) who transmitted in a fatwa that Abū Muḥammad b. Abī Zayd, following his teacher Ibn al-Labbād, initially considered it this way, although he eventually abandoned this interpretation.

46 Ibn Rushd (*al-jadd*), *al-Bayān*, II, 513.

47 Ibn Rushd (*al-ḥafīd*), *Bidāya*, 105 ár. / I, 283 tr.

non-Islamic regions, they were required to pay one-tenth of the goods sold.[48] This obligation differed from *zakāt* in nature and scope: it was due immediately upon transaction, was based on the sale price rather than net profit, and therefore imposed a heavier financial burden on *dhimmīs*.[49]

A more expansive view is found in the writings of the 11th-century Baghdadi Mālikī jurist ʿAbd al-Wahhāb, influential among andalusi legal scholars. He imposed a tithe on all commercial activities undertaken by *dhimmīs* within Muslim territory—akin to *zakāt*—except in cases where they transported goods like oil or wheat to Mecca or Medina, in which case the rate was halved to account for travel hardship.[50] Unlike in al-Andalus, where taxation was contingent on cross-border trade, ʿAbd al-Wahhāb's ruling applied to domestic transactions. His perspective supports the view that *dhimmīs* contributed to zakāt-like levies in certain Islamic domains at particular historical junctures, when jurists deemed it appropriate for them to share the fiscal responsibilities of those benefiting from Islamic lands. Those jurists who aligned the obligations of believers and non-believers, however, overlooked the doctrinal fact that *dhimmīs* were not part of the *ahl al-zakāt* and hence not direct participants in the religious community for whom the Qurʾān instituted this obligation.

Consistent with this exclusion, jurists who absolved *dhimmīs* from *zakāt* on agricultural yield also exempted them from the tax on livestock. Ibn Sallām (d. 839) is among those who denied non-Muslims' liability for *zakāt* on animal wealth.[51]

Notably, Mālik b. Anas—the founder of the Mālikī school dominant in al-Andalus from the 9th century—supported taxing non-Muslims under certain conditions. He maintained that when a *dhimmī* leased farmland, the obligation to pay *zakāt* fell on the tenant, not the landowner. His Egyptian disciple, Ibn Wahb (d. 812), relayed a ḥadīth stating: "*The zakāt on crops* (*zarʿ*) *is due from the one who cultivates* (*zaraʿa*) *them, whether he be Arab or dhimmī.*"[52]

Upon conversion to Islam, a *dhimmī's* fiscal status changes markedly. From that moment, the individual becomes solely liable for *zakāt*, a view unanimously upheld by jurists.[53] Ibn Rushd records in *al-Bayān* a hypothetical

48 *Anales palatinos del Califa de Córdoba al-Ḥakam II, por ʿIsà Ibn Aḥmad al-Rāzī* (*360–364 H=971–975 J.C*) (translation of a Ms. Árabe de la Real Academia de la Historia by Emilio García Gómez, Madrid: Sociedad de Estudios y Publicaciones, 1967), 144.

49 Abboud-Haggar, "La fiscalidad en al-Andalus", 28, n. 23.

50 ʿAbd al-Wahhāb, *al-Talqīn*, 50.

51 Ibn Sallām, *Kitāb al-amwāl*, 100.

52 Extracanonical hadith collected in Saḥnūn-Ibn al-Qāsim, *al-Mudawwana al-Kubrà*, 6 vols. (16 T.) (Beirut, s/d (Reimp. offset), El Cairo, 1323/1905), vol. I, T II, 106.

53 Ibn Rushd (*al-jadd*), *al-Bayān*, II, 513.

inquiry posed to Ibn al-Qāsim (d. 806) regarding a convert and a freed slave who owned fruit beginning to ripen (*azhà*) and harvest-ready crops (*istahshada*). The possessors of these fruits and crops were a Christian who had converted to Islam, a slave who had been freed, and a freedman who had paid his *kitāba*.[54] Ibn al-Qāsim ruled that if their conversion or manumission occurred before the lapse of one year following sale, they were exempt from *zakāt* until the requisite year had passed, similar to inheritors receiving taxable estate.[55]

Thus, once converted or freed, individuals assume the rights and obligations of full Muslims, including the stipulation that *zakāt* becomes due only after a full year of property ownership. Ibn Sallām affirms this transition: when a *dhimmī* becomes Muslim, his land is reclassified as *arāḍī ʿushriyya* (tithe land), his produce becomes liable to *zakāt*, and he is incorporated into the *ahl al-zakāt*.[56]

As for *zakāt* beneficiaries, the majority of jurists excluded *dhimmīs*,[57] except for the Ḥanafīs, who permitted non-Muslims to be both contributors and recipients of *zakāt*, placing them on equal footing with Muslims in this context.[58]

Finally, in al-Andalus, Mālikī scholars were divided on the issue of *dhimmīs* unjustly benefiting from *zakāt*. According to al-Ṭulayṭulī (d. 1070), any person who allocated their *zakāt* to a Jew or Christian would be obligated to donate an equivalent amount to indigent Muslims.[59] Conversely, al-Khallāb (d. 988) asserted that in such cases, it was the non-Muslims who were obliged to return what they had improperly received.[60]

4 *Dhimmīs* in Andalusi Society and the Archaeological Record

Throughout the history of al-Andalus, a variety of opinions and historical developments shaped the quality of intercommunal relations between Muslims and

54 '*Kitāba*' is the contractual manumission contract. The owner (*mukātib*) grants his slave freedom once he has paid him the sum agreed upon by both parties in the contract. Consult, Maíllo, *Diccionario*, 188.

55 Ibn Rushd, *al-Bayān*, 11, 513.

56 Ibn Sallām, *Kitāb al-amwāl*, 170–171.

57 As neither could the servant be (*ʿabd*), el *mukātab*, la esclava (*ama*), the *umm walad* and the zoroastrianos (*majūs*). See, Saḥnūn-Ibn al-Qāsim, *al-Mudawwana*, vol. 1, T. 11, 57–60; al-Ṭulayṭulī, *al-Muhtaṣar*, 113 tr. / 46 ár. y ʿAbd al-Wahhāb, *al-Talqīn*, 49.

58 Al-Ṭulayṭulī, *al-Muhtaṣar*, 113 tr. / 46 ár. and al-Mawārdī, *Aḥkām*, 214 ár. / 262 tr. fr. / 137 tr. ingl.

59 Al-Ṭulayṭulī, *al-Muhtaṣar*, 113 tr. / 46 ár.

60 Ibn al-Khallāb, *al-Tafrīʿ*, 149.

non-Muslims, with probable repercussions on judicial decisions regarding the granting of dead lands and the imposition of *zakāt* on the latter.

Among the socially, politically, and economically influential figures was Ibn ʿAbdūn, who, in his treatise on the governance of the marketplace in early 12th-century Seville, adopted a markedly hostile stance toward *dhimmīs*. In this *ḥisba* manual, he referred to them as "base people," compared them to lepers, and demanded they wear plain clothing as a sign of humiliation and distinction. He forbade Muslims from greeting them with the formula *al-salāmu ʿalaykum*, contending that God was not with them but rather Satan. Furthermore, he prohibited Jews from slaughtering animals for Muslim consumption, discouraged the purchase of wine from Christians, opposed the sale of scientific books to non-Muslims due to claims of intellectual appropriation, and barred Muslims from entrusting their health to Jewish and Christian physicians or engaging in commercial or service-based interactions with them.[61]

As noted by García Sanjuán, Ibn ʿAbdūn's extensive list of prohibitions implicitly suggests that such interactions had previously been commonplace in everyday life.[62] Even if one accepts that elements of andalusi society expressed hostility toward non-Muslims, such attitudes were neither universal nor uniformly implemented across the region. Thus, it would be inaccurate to generalize that Muslim–non-Muslim relations during the 11th and 12th centuries were consistently tense or violent, or that such conditions affected all *dhimmīs* equally. Indeed, Ibn Rushd adopted a more permissive outlook, noting that in Muslim–Christian commercial exchanges, "there are acts that are reprehensible (*makrūh*), but not unlawful (*taḥrīm*)",[63] thereby allowing for certain transactions deemed more beneficial than harmful, as also noted by the jurist Abū l-Ḥasan al-Maghribī, who asserted that "the *imām* may grant concessions to Christians when benefit outweighs harm."[64]

Several historical episodes further complicated peaceful coexistence. Notable among these was the 9th-century case of the so-called "Martyrs of Córdoba," who publicly defamed Islam and the Prophet—an act considered a breach of the *dhimma* pact.[65] However, it is striking that no surviving legal

61 Ibn ʿAbdūn, *Sevilla a comienzos del s. XII* (Sevilla: Servicio de Publicaciones del Ayuntamiento de Sevilla, 1981), 149, 151, 152, 154, 155, 157, 172 y 173.

62 Alejandro García Sanjuán, "Judíos y cristianos en la Sevilla almorávide: el testimonio de Ibn ʿAbdūn", *Evolución histórica y poblamiento del territorio onubense durante la época andalusí* (*siglos VIII–XIII*), ed. Alejandro García Sanjuán (Huelva: Universidad de Huelva, 2003), 57–84.

63 Al-Wansharīsī, *al-Miʿyār*, VI, 69.

64 Al-Wansharīsī, *al-Miʿyār*, II, 324.

65 Maribel Fierro, "Cosmovisión (religión y cultura) en el islam andalusí (siglos VIII–XIII)",

or political documents treated their actions as an explicit revocation of the *dhimma*, suggesting limited social or political impact.[66]

A more consequential event occurred in 1125, when several thousand andalusi Christians aided King Alfonso I of Aragon (el Batallador) in a failed attempt to capture Granada. Their support was perceived as a clear violation of the *dhimma* covenant. As retribution, those who did not or could not flee with the king were expelled to Morocco the following year.[67] From the 13th century onward, al-Andalus saw a significant decline in its non-Muslim population, as many were either exiled, migrated, or converted to Islam to safeguard their property rights.

Under the Almohads—particularly during the caliphate of ʿAbd al-Muʾmin (r. 1130–1163)—a policy of forced conversion was pursued, contravening Qurʾānic injunctions. This led many Christians to seek refuge in the Christian kingdoms of the Iberian Peninsula, while Jews either did likewise or relocated to other Islamic territories. Others accepted conversion in order to remain in andalusi lands. This doctrinal shift marked a decisive rupture in Muslim *dhimmī* relations, already strained under the Almoravids.[68]

Despite limited evidence, archaeology offers critical insight into the lived experiences of *dhimmī* communities. Although identifying such groups through material culture remains challenging—particularly in what is termed Mozarabic archaeology[69]—Christian ritual remains datable by carbon-14 analyses provide valuable context. One such case is the Christian rural community at Tózar, located in the western hills of Granada along a key communication route linking *Madinat Ilbira* and later Granada with Islamic Córdoba. Tózar's necropolis, in use from the early 10th to the first third of the 13th century,[70]

Cristiandad e islam en la Edad Media Hispana, XVIII Semana de Estudios Medievales (del 30 de julio al 3 de agosto de 2007), ed. José Ignacio de la Iglesia Duarte (Logroño: Gobierno de La Rioja, Instituto de Estudios Riojanos, 2008), 31–80, sp. 46, as well as the bibliography proposed in the n. 36.

66 García Sanjuán, "Formas de sumisión del territorio", 81.

67 Delfina Serrano, "Dos fetuas sobre la expulsión de mozárabes al Magreb en 1126", *Anaquel de Estudios Árabes*, 2 (1991): 163–182; Vicent Lagardère, "Communautés mozarabes et pouvoir almoravide en 519h/1125 en al-Andalus", *Studia Islamica* 67 (1988): 99–119.

68 See the possible factors that could have determined this Almohad break with the *dhimmīs* in Fierro, "Cosmovisión", 49–50.

69 Rafael Azuar Ruiz, "De Arqueología mozárabe", *Arqueología y territorio medieval* 22 (2015): 121–145.

70 This chronological framework has been established thanks to the dating of 14 individuals. Luca Mattei, "Los mozárabes del mundo rural y sus asentamientos: el caso de Tózar y los Montes Occidentales de Granada", in Bilal Sarr y María Ángeles Navarro García (coords.),

reflects enduring Christian presence and cultural resilience even as intercommunal tensions grew under North African dynasties.

Excavations at Tózar confirm the presence of *dhimmī* Christian communities in late al-Andalus and shed light on their subsistence strategies and social organization. The discovery of large storage silos—reaching up to 2000 liters in capacity—within residential zones reveals surplus agricultural production, some of which was likely sold through networks connecting rural and urban markets amid increasing demographic pressure. These findings suggest that, alongside livestock activities, agriculture formed the backbone of the local economy, paralleling textual references to land revivification and the payment of tributes such as *zakāt*. Notably, the Christian community of Tózar does not appear to be a residual Hispano-Roman group, but rather a newly established population from the early 10th century. Given its isolated mountainous setting, it is plausible that this group settled on underutilized or abandoned lands, reviving them under grants from Islamic authorities.

Such arrangements served both strategic and fiscal interests of the state, enabling it to exploit previously unproductive land for tax purposes—whether through *ʿushr* (tithe) or *zakāt*—depending on prevailing legal frameworks. This context also hints at a degree of integration of *dhimmī* communities into the andalusi socio-economic fabric, potentially allowing for localized autonomy in decision-making and agricultural agency. Their contributions positioned them as functional actors within the tributary-commercial system that undergirded the andalusi state.

5 Conclusion

From its earliest formulations, Islamic law addressed the terms under which non-Muslims could coexist and be integrated into Muslim societies. However, the scope of the rights and obligations afforded to *dhimmīs*—non-Muslims under Islamic protection—was neither temporally consistent nor geographically uniform across al-Andalus. Rather, it was shaped by multiple factors, notably the interpretive discretion of Muslim jurists, who evaluated, on a case-by-case basis, whether a transaction involving a non-Muslim would yield communal benefit or harm. These decisions were also conditioned by local custom (*ʿāda*), as well as by shifting political and social dynamics, all of which had the

Islamización y resistencias en Al-Andalus y el Magreb, Granada: Editorial Universidad de Granada, 2019, 211–240, sp. 225.

potential to reshape intercommunal relations and the prevailing legal equilibrium among religious groups.

Focusing specifically on the two central domains of inquiry in this study—the revivification of *arḍ mawāt* (dead land) and the imposition of *zakāt*—it becomes apparent that *dhimmīs* could receive grants of unused land for cultivation under certain conditions. Such land had to be remote, outside the protected zone (*ḥarīm*) of a populated area, free from rival claims, and, most importantly, sanctioned by the *imām*, irrespective of its location. In fiscal terms, the state consistently benefited from its *dhimmī* population: whether through subjecting them to *zakāt*-like levies, collecting a tenth (*ʿushr*) of their commercial transactions—whether internal or external—or, alternatively, limiting their liability to the land tax (*kharāj*), based on the legal consensus that *zakāt* was a religious duty specific to Muslims.

It should not be overlooked that, whether through one or multiple forms of taxation, these obligations were compounded by the poll tax (*jizya*) mandated in the Qurʾān. Taken together, these fiscal mechanisms highlight the state's strategic integration of *dhimmīs* into its legal and economic systems, not through categorical exclusion but through carefully modulated inclusion aligned with legal reasoning and state interest. This points to an adaptive fiscal policy that, although rooted in religious orthodoxy, was often shaped by the realities of economic contribution and political loyalty.

The archaeological record, albeit fragmentary, offers tangible confirmation of the enduring presence and productive agency of *dhimmī* communities in rural al-Andalus. The site of Tózar, for instance, illustrates how Christian groups integrated within the broader socio-economic fabric, simultaneously maintaining ritual identity and participating in agrarian surplus economies tied to commercial taxation. Such evidence challenges monolithic narratives of exclusion and reveals instead a stratified system of coexistence, negotiation, and shared interests.

Ultimately, the andalusi experience suggests that the position of *dhimmīs* was neither static nor uniformly restrictive. It was the product of continual negotiation between legal theory, political expediency, and lived reality—one in which non-Muslim actors played a meaningful, though often circumscribed, role in the formation of Islamic societies in the western Mediterranean.

References

Sources

ʿAbd al-Wahhāb. *Al-Talqīn fī l-fiqh al-mālikī*. Beirut: Dār al-Kutub al-ʿIlmiya, 1999.

Abū Yūsuf. *Kitāb al-kharāj* [at margin of: *Al-jāmiʿ al-ṣaghīr fī l-fiqh li-Muḥammad b. Al-Ḥasan*], Bulaq: Maṭbaʿat al-Miriyya, 1302 H /1885.

Al-Bukhārī. *Saḥīḥ*, Matbaʿ al-sabʿ, 3 vols. 1978.

Corán. trad. J. Cortés. Barcelona: Herder, 1999.

Al-Dāwudī. *Kitāb al-amwāl*, ed., anot. and tr. ingl. Abu'l Muhsin Muhammad Sharfuddin. Islamabad, 1995.

Al-Ǧazīrī. *Al-Maqṣad al-maḥmūd fī talhīs al-ʿuqūd*, est. and ed. crítica por A. Ferreras, CSIC- ICMA. Madrid, 1998.

Ibn ʿAbdūn. *Sevilla a comienzos del s. XII*. Sevilla: Servicio de Publicaciones del Ayuntamiento de Sevilla, 1981.

Ibn al-ʿAṭṭār. *Formulario notarial y judicial andalusí*. Intr., est. and trad. anotada P. Chalmeta y M. Marugán, Madrid, 2000.

Ibn al-Jallāb: Abboud-Harar, Soha. *El Tratado jurídico de "al-Tafrīʿ" de Ibn al-Ǧallāb. Manuscrito aljamiado de Almonacid de la Sierra* (*Zaragoza*), ed., est. and glosario, 2 vols., C.S.I.C. Zaragoza, 1999.

Ibn Juzayy. *Qawānīn al-aḥkām al-sharʿiyya wa-masāʾil al-furūʿ al-fiqhiyya*, ed. ʿA.ʿA. Sayyid al-Ahl. Beirut, 1979.

Ibn Mugīṯ. *Al-Muqniʿ fī ʿilm al-šurūṭ*, intr. ant ed. crítica por F.J. Aguirre, Fuentes Arábigo-Hispanas, 5, CSIC- ICMA. Madrid, 1994.

Ibn Rushd (*al-jadd*). *Al-Muqaddimāt wa-l-mumaddihāt*, ed. M. Ḥajjī, 3 vols. Beirut, 1988.

Ibn Rushd (*al-jadd*). *Kitāb al-Bayān wa-l-taḥsīl wa-l-sharḥ wa-l-tawjīḥ wa-l-taʿlīl fī masāʾil al-Mushakhraja*, ed. M. Ḥajjī y otros, 20 vols., 19 T., 2ª ed. Beirut, 1988–1991.

Ibn Rushd (*al-ḥafīd*). *Al-Bidāya: The distinguished jurist's Primer, a translation of Bidāyat al-Mujtahid*, tr. I.A.K. Niazee, 2 vols. Centre for Muslim Contribution to civilization, 1994.

Ibn Sallām. *Kitāb al-amwāl*. Beirut: Dār al-Kutub al-ʿIlmiyya, 1986.

Khalīl. *Al-Mujtaṣar al-ʿulamāʾ*. Beirut, 1995.

Khalīl. *Abrégé de la loi musulmane selon le rite de l'imam Malek*, trad. G.H. Bousquet, 4 vols. Argel, 1956–1962

Halīl Ibn Isḥāq. *The "Muhtaṣar". Summario del Diritto Malechita*. Versione de D. Santillana. 2 vols. Milán: Hoepli, 1919.

Mālik b. Anas. *Muwaṭṭaʾ al-imām Mālik, riwayat* Yaḥyà b. Yaḥyà al-Laythī, ed. S.Y. al-ʿAṭṭār. Beirut, 1999.

Mālik b. Anas. *Muwaṭṭaʾ al-imām Mālik*, *riwayat* al-Shaybānī, ed. ʿA. al-Laṭīf. El Cairo, 1979.

Mālik b. Anas. *Le Consentement. Al-Muwaṭṭa' par l'Imam Malek ben Anas*, trad. M. Samir al-Jabi. Casablanca, 2000.

Al-Mawārdī. *Al-Aḥkām al-sulṭāniyya wa-l-wilāyāt al-dīniyya*. Beirut, Dār al-Kutub al-ʿIlmiyya, s/d.

Al-Mawārdī. *Les status gouvernamentaux ou régles de droit public et administratif*. Trad. F. Fagnan. Beirut, 1982 (reimp. Argel, 1915).

Al-Mawārdī. *The ordinances of government, trad. of "Al-Aḥkām al-sulṭāniyya w'al-wilāyāt al-Dīniyya"*, by Wafaa H. Wahba, Center for muslim contribution to civilization. Reading, 1996.

Qudāma ibn Jaʿfar. *Kitāb al-Kharaj wa-sināʿat al-kitāba, Book on taxation and Official Correspondence*, ed. Fuat Sezgin, ed. Facsímil, 42. Frankfurt-Estambul, 1986.

Al-Qur'ān al-Karīm, *Dār al-muṣḥaf*. El Cairo, 1975.

Al-Rāzī: *Anales palatinos del Califa de Córdoba al-Ḥakam II, por ʿIsà Ibn Aḥmad al-Rāzī (360–364 H=971–975 J.C)*, traducción de un Ms. Árabe de la Real Academia de la Historia por Emilio García Gómez. Madrid: Sociedad de Estudios y Publicaciones, 1967.

Saḥnūn-Ibn al-Qāsim. *Al-Mudawwana al-Kubrà*, 6 vols. (16 T.). Beirut, s/d (Reimp. offset), El Cairo, 1323/1905.

Al-Ṭulayṭulī, *Muhtaṣar*, ed., trad. y est. por M.ª J. Cervera, C.S.I.C.- A.E.C.I., Madrid, 2000.

Al-Wansharīsī. *Al-Miʿyār al-mughrib wa-l-jamīʿ al-muʿrib ʿan fatāwà ahl Ifrīqiya wa-l-Andalus wa-l-Maghrib*, ed. M. Hajjī, 13 vols. Rabat, 1981–1983.

Studies

Abboud-Haggar, Soha. "La fiscalidad en al-Andalus entre los siglos VIII y XII a través de las recopilaciones de sentencias de Ibn Sahl y de Ibn Qāsim al-SHaʿbī". *Espacio, Tiempo y Forma* 28 (2015): 23–40. https://doi.org/10.5944/etfiii.28.2015.14863

Arias Ramos, José. *Derecho romano*. Madrid: Editorial Revista de Derecho Privado, 1979.

Azuar Ruiz, Rafael. "De Arqueología mozárabe". *Arqueología y territorio medieval* 22 (2015): 121–145. https://doi.org/10.17561/aytm.v22i0.2678

Camarero Castellano, Inmaculada. "Las labores vivificadoras como medio de adquisición de la tierra muerta". *Ciencias de la Naturaleza en al-Andalus. Textos y Estudios* VII, ed. E. García Sánchez y C. Álvarez de Morales, 179–193. CSIC, 2004.

Camarero Castellano, Inmaculada y Pedro Cano Ávila. "El *ḥarīm* (servidumbre) en el mundo rural islámico". *El Saber en al-Andalus* V, ed. J.M.ª Carabaza Bravo y L.C. Makki Hornedo, 93–111, Sevilla: Universidad de Sevilla, 2011.

Chalmeta, Pedro. "Concesiones territoriales en al-Andalus". *Cuadernos de Historia* 6 (1975): 1–90.

Fierro, Maribel. "Cosmovisión (religión y cultura) en el islam andalusí (siglos VIII–XIII)". *Cristiandad e islam en la Edad Media Hispana*, XVIII Semana de Estudios Medievales (del 30 de julio al 3 de agosto de 2007), ed. José Ignacio de la Iglesia

Duarte Nájera, 31–80. Logroño: Gobierno de La Rioja, Instituto de Estudios Riojanos, 2008.

Galindo Aguilar, Emilio. "La limosna legal o azaque (zakât)", *Documentación Afro-Asiática. Serie Encuentro* 26 (mayo 1974). Cem-Cecade-Centro de Información, Documentación y Sociología. Madrid, 1974.

García García, Marcos. "La dimensión alimentaria de la emergencia de al-Andalus (siglos VIII–X): perspectivas históricas y zooarqueológicas sobre el proceso de islamización social". *Lucentum* 42 (2023): 261–288. https://doi.org/10.14198/LVCENTVM.23015

García García, Marcos. "Pork consumption, gastro-politics and social Islamisation in early al-Andalus (eighth to tenth centuries)". *Journal of Medieval Iberian Studies* 15 (2023): 321–343. https://doi.org/10.1080/17546559.2023.2204862

García Sánchez, Expiración. "Agricultura y legislación islámica: El prólogo del *Kitāb zuhrat al-bustān* de al-Ṭignarī". *Ciencias de la Naturaleza en al-Andalus. Textos y Estudios* I, ed. E. García Sánchez, 189–193. CSIC: Escuela de Estudios Árabes, 1990.

García Sanjuán, Alejandro. "Judíos y cristianos en la Sevilla almorávide: el testimonio de Ibn ʿAbdūn". *Evolución histórica y poblamiento del territorio onubense durante la época andalusí* (*siglos VIII–XIII*), ed. Alejandro García Sanjuán, 57–84. Huelva: Universidad de Huelva, 2003.

García Sanjuán, Alejandro. "¿Fue al-Andalus un paraíso de tolerancia religiosa?". *Utopía. Los espacios imposibles. Studien zur klassischen Philologie*, 139. Rosa García Gutiérrez et al. (eds.), 267–280. Peter Lang, Frankfurt, 2003.

García Sanjuán, Alejandro. "Violencia contra los judíos: el pogromo de Granada de 459 H/1066". *EOBA XIV. De muerte violenta. Política, religión y violencia en al-Andalus*, ed. Maribel Fierro, 167–206. Madrid, 2004.

García Sanjuán, Alejandro. "Formas de sumisión del territorio y tratamiento de los vencidos en el derecho islámico clásico". *El cuerpo derrotado: Cómo trataban musulmanes y cristianos a los enemigos vencidos* (*Península Ibérica, ss. VIII–XV*). Estudios árabes e Islámicos. Monografías 15. Madrid: CSIC (2008): 68–71.

Lagardère, Vicent. "Communautés mozarabes et pouvoir almoravide en 519h/1125 en al-Andalus". *Studia Islamica* 67 (1988): 99–119.

Linant de Bellefonds, Yvon. s.v. *iḥyā'*. *Encyclopédie de L'islam* (nouvelle édition), 10 vols, 1960–2001, vol. III.

Lokkegaard, Frede. *Islamic Taxation in the Classic Period*. Copenhagen, 1950.

Maíllo Salgado, Felipe. *Diccionario de derecho islámico*. Gijón: Trea, 2005.

Mattei, Luca. "Los mozárabes del mundo rural y sus asentamientos: el caso de Tózar y los Montes Occidentales de Granada". *Islamización y resistencias en Al-Andalus y el Magreb*. Bilal Sarr y María Ángeles Navarro García (coord.), 211–240. Granada: Editorial Universidad de Granada, 2019.

Mattei, Luca. "Resistencias a la islamización: interrogantes y geografía de los cementerios y espacios rituales cristianos en el sur de al-Andalus". *Maqbara. Espacios, ri-*

tuales y ceremoniales de enterramientos islámicos, ed. Bilal Sarr, 531–544. Salobreña: Alhulia, 2024.

Molénat, Jean Pierre. "Sur le rôle des Almohades dans la fin du Christianisme local au Maghreb et en al-Andalus". *Al-Qanṭara* 18 (1997): 389–413. https://doi.org/10.3989/alqantara.1997.v18.i2.530

Quirós, Carlos. "La adquisición originaria de la tierra en el derecho musulmán malekí". *Archivos del Instituto de Estudios Africanos* 10 (1949): 57–68.

Santillana, David. *Istituzioni di diritto musulmano malichita con riguardo anche al sistema sciafiita*, 2 vols., Roma: Anonima romana Istituto per l'Oriente, 1926–1938.

Serrano, Delfina. "Dos fetuas sobre la expulsión de mozárabes al Magreb en 1126". *Anaquel de Estudios Árabes* 2 (1991): 163–182. https://digital.csic.es/handle/10261/9036