

JUSTICE SERVED OR JUSTICE SUBVERTED?  
TWO MUSLIM WOMEN SUE A LOCAL *MUDÉJAR* OFFICIAL  
IN THIRTEENTH-CENTURY ARAGON<sup>1</sup>

¿JUSTICIA RECTA O JUSTICIA SUBVERTIDA?  
DOS MUJERES MUSULMANAS DEMANDAN A UN OFICIAL LOCAL *MUDÉJAR*  
EN EL SIGLO XIII ARAGONÉS

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*Resumen:* En Daroca, en 1300, dos mujeres mudéjares demandaron a un oficial de su aljama, alegando que, sin ningún derecho, las había desahuciado de sus casas y maltratado. En el juicio, varios testigos corroboraron sus afirmaciones, pero el acusado, alegó que no eran fiables. Sin embargo, el magistrado rechazó esta defensa, y declaró culpable al oficial musulmán, puniéndole de manera ejemplar. Lo que, a primera vista, parece un caso obvio de abuso de poder por parte de este oficial, podría haberse tratado, bien al contrario, de una injusticia. Es factible que el acusado, Ali Dexadet —lugarteniente del alamín de Daroca— fuera una víctima inocente de las prevaricaciones de sus enemigos. Si fuera así, este caso pone de manifiesto la debilidad de la justicia islámica en el Aragón mudéjar, y la rencorosa política interna que, en ocasiones, podía caracterizar a las comunidades minoritarias.

*Palabras clave:* Daroca; Mudéjares; Aragón; Derecho; Historia de género; Administración local; Justicia islámica.

*Abstract:* In 1300 two Muslim women sued a local *aljama* official in Daroca, claiming he had unlawfully evicted them from their houses, and physically mistreated them, all without due legal process. In the trial, after witnesses corroborated the womens' claims, the defendant accused them of being unreliable. These objections were not admitted by the magistrate, who found in the women's favor, and punished the official. A close reading of the process reveals that, far from being a straightforward case of abuse of power, the defendant may well have been in the right. If so, the framing of Ali Dexadet, the lieutenant *alamín* of Daroca, exemplifies the debilities of Islamic justice in *mudéjar* Aragón, and reveals the depth of the factionalism which often characterized minority communities.

*Keywords:* Daroca; Mudéjares; Aragon; Gender History; Local Administration; Islamic minority; Islamic Law; Ethnic Relations.

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The following abbreviations are used: ACA (Arxiu de la Corona d'Aragó), and C (Cancillería). The names individuals who appear in the documentation consulted for this study seldom appear in a standard form. Christians' names may appear in Latin, Catalan or Aragonese forms, whereas the names of Muslims and Jews appear in a varying array of phonetic adaptations in Romance and Latin. In the present article, the version of each person's name used is that which appears with most frequency in the documentation cited, but always consistently for the same individual. Rulers' names are given in English. For adaptations of Arabic names, the original is indicated in parentheses on the first occasion on which a particular name appears.

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## SUMMARY

1. A Trial.- 2. Muslim Daroca under Christian Rule.- 3. A Conspiracy?- 4. Christian Agendas.- 5. Partisan Politics.- 6. Christian Justice and Islamic Law.- 7. Royal Authority, Local Power.- 8. The Subversion of Justice.- 8. The Accused as Victim.

## 1. A TRIAL

On 12 October 1300, two Muslim women, the sisters Axa (ʿĀisha) and Mariem [Maryam], daughters of Faraig (Farāj) ibn Jamar and inhabitants of Daroca, presented themselves before Ximen Pérez Gil, the local bailiff, to lodge a civil suit against Ali (ʿAlī) Dexadet, the lieutenant of the *alamín* of the local Muslim *aljama*<sup>3</sup>. According to the two sisters, Ali had evicted them from their homes without due legal process or motive at the behest of a neighbor, another Muslim named Čahen (Zayn). At the moment they were evicted Axa and Mariem had offered to post bond for their claim over the houses, and demanded their right to appeal the eviction before the king's court. Nevertheless, Ali rejected their petition, and ignoring their protests, evicted them from their homes in the lower quarter of the *morería* of Daroca, and confiscated their moveable goods, valued—according to their testimony—at between fifty and two thousand *solidos*<sup>4</sup>.

A certain Audalla (ʿAbd Allāh) Daudella (o “de Abdella”) presented himself before the magistrate as their guarantor and agent, in support of the accusations. Having taken down their complaint, the bailiff summoned Ali Dexadet to his presence to respond to the allegations. At first the lieutenant-*alamín* presented a letter, written in the local vernacular, in which he denied the jurisdiction of the royal bailiff in this case, alleging that the *aljama* enjoyed privileges which safeguarded the judicial autonomy of local Muslim magistrates and placed all civil suits between Muslims under their power<sup>5</sup>. Therefore, he argued, the bailiff had no right to intervene in or to judge the case. Ali came to court armed with several royal privileges that substantiated his claims, dating from the reign of James I the Conqueror (1213–1276) to that of the current sovereign, his grandson, James II (1291–1327)<sup>6</sup>.

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<sup>3</sup>The bailiff (*baiulus*) had responsibility for collecting royal rents, and a limited judicial authority. For the role of the *alamín*, see n. 19, below. For the administration of Muslim minority communities in thirteenth-century Aragón, see Brian A. Catlos, Chapter 3: *The Financial and Judicial Administration of 'Mudejar' Society*, in *Idem, The Victors and the Vanquished: Christians and Muslims of Catalonia and Aragón: 1050–1300*, Cambridge, 2004, pp. 125–179 (soon to be published by la Prensa de la Universitat de València as *Vencedores y vencidos. Cristianos y musulmanes de Cataluña y Aragón, 1050–1300*).

<sup>4</sup>“... L. solidos jacquenses asuso et de dos Millesimo solidos ayuso...” ACA, C., *Processos en Quart*, 1300M (12 October to 10 November 1300), f. 2r. This *processo*, comprised of 18 folios of considerably worm-eaten paper, is edited in its entirety in Brian A. Catlos, *Dos musulmanas pleitean contra un oficial de su aljama, en un proceso concluido en Daroca, el 10 de noviembre de 1300*, in «Actas. XI Simposio Internacional de Mudejarismo», Teruel, at press. For currency values, see n. 13, below.

<sup>5</sup>ACA, C, *Processos en Quart*, 1300M, f. 3r.

<sup>6</sup>ACA, C, *Processos en Quart*, 1300M, ff. 4r–5v.

Nevertheless, Ali was called on days later to make a statement before the court, and he briefly recounted the events as he recalled them: he had acted in good faith enforcing Çahen's complaint against the two women<sup>7</sup>. Any hopes that Ali might have had that the proceedings would be stopped on technical grounds were dashed three days later by a mysterious intervention, when the court received a letter from Berenguer de Tovia, royal-bailiff of the Kingdom of Aragon. The case, it seems, had been ordered to go forward<sup>8</sup>. Under the cross-examination that followed, Ali was led to admit that there had been no judicial sentence against the women at the time of the confiscation<sup>9</sup>. Thus, the bailiff, ignoring Ali's objections, set a trial and ordered the two parties to gather testimonials.

On the appointed date, Axa and Mariem brought various witnesses who confirmed their account of the events and testified that they were indeed the rightful owners of the houses in question. Ali, it was revealed, had expelled the two women from their houses without allowing them to lodge an appeal or post a bond, had shouted at them and physically man-handled them, and had threatened both them and the bystanders who attempted to speak in their defense with fines for contempt<sup>10</sup>.

Following this, the royal bailiff Berenguer de Tovia appeared in person and took over the trial. Immediately Audalla de Abdella pressed for a conclusion of the trial, but Ali requested a written transcript of the testimony and some time to organize his defense. The bailiff gave him two days<sup>11</sup>. When Ali returned, he launched into an attack on the credibility of the witnesses for the prosecution. According to the lieutenant-*alamín*, several were relatives of Axa and Mariem, or bore him long-standing personal animosity. Going through the list of witnesses he attempted to demonstrate that not one could be described as a disinterested party and that, therefore, their testimony could not be trusted<sup>12</sup>. The bailiff, however, rejected Ali's petitions, and on 10 November 1300 promulgated a sentence in the two women's favor. Ali was not only sentenced to pay an exorbitant fine, but his property was embargoed and he was permanently disqualified from holding any future administrative position in the *aljama*<sup>13</sup>.

Thus, an apparently open-and-shut case was concluded. A corrupt and imperious local Islamic official had been brought to justice and given

<sup>7</sup>ACA, C, Processos en Quart, 1300M, ff. 5v-6v.

<sup>8</sup>ACA, C, Processos en Quart, 1300M, ff. 6v-7r.

<sup>9</sup>ACA, C, Processos en Quart, 1300M, f. 8v.

<sup>10</sup>ACA, C, Processos en Quart, 1300M, ff. 9r-12r.

<sup>11</sup>ACA, C, Processos en Quart, 1300M, f. 12v.

<sup>12</sup>ACA, C, Processos en Quart, 1300M, ff. 12v-16r.

<sup>13</sup>ACA, C, Processos en Quart, 1300M, f. 17r. An unfortunate wormhole renders the precise amount of the fine illegible, but it seems to have been 1300 *solidos*. To put this in perspective, the entire amount the Muslim *aljama* of Daroca was requested to pay the king for the annual *cena* (hospitality) tax in 1295 was five hundred *solidos*, of which two hundred was remitted [ACA, C, reg. 324, f. 60r-60bisv (1295)]. For an index of prices in thirteenth-century Aragón, see Apèndix II: *Notes de caràcter econòmic*, in Ferran SOLDEVILA, *Pere el Gran*, 2 vols., Barcelona, 1995, vol. I, pp. 478-485.

exemplary punishment for his mistreatment of two vulnerable Muslim spinsters. The Christian administration had taken the side of the underdog and demonstrated its capacity as patron and protector of the Muslim minority, even against the will of *aljama* officials sanctioned by the royal government itself. Reading the document in isolation, one might easily conclude that this was the case. But Daroca was a town with a complex political life, one in which Christians, Muslims and Jews were drawn into conflicts and alliances in which bonds of mutual interest frequently ran across ethno-confessional lines, and in which religious communities were fractured and factional.

## 2. MUSLIM DAROCA UNDER CHRISTIAN RULE

The town of Daroca, located in one of the iridescent green valleys etched by the Jiloca river into the rocky plateau of the Aragonese 'Extremadura,' was founded sometime after the Muslim conquest of al-Andalus, most likely by North African settlers<sup>14</sup>. The town, like most of lower Aragon, was brought under Christian rule by Alphonse I the Battler (1104–1134) around 1120<sup>15</sup>. Although the town became an important node of Christian colonization, its numerous Muslim community persevered through the length of the Middle Ages, along with a small, but prosperous Jewish community<sup>16</sup>. Thanks to the environment of *conveniencia* that characterized intercommunal relations in the Crown of Aragon, the *mudéjar* community of Daroca enjoyed considerable liberties of autodetermination and juridical autonomy<sup>17</sup>. These rights had undoubtedly been established by the treaty of surrender which Alphonse I would have negotiated with the town's Muslims

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<sup>14</sup>No substantial pre-Islamic settlement is attested here and the name is derived from the Berber clan, the Banu Dawraqa. [See CATLOS, *The Victors and the Vanquished*, p. 26].

<sup>15</sup>Perhaps in 1118, but certainly before June 1122. See Francisco Javier GARCÍA MARCO, *El urbanismo de la morería de Daroca en el siglo XV*, in «Actas del VI simposio internacional de mudéjarismo» (1993), pp. 635–662, Teruel, 1995, p. 639–640; Rafael ESTEBAN ABAD, *Estudio histórico-político sobre la ciudad y comunidad de Daroca*, Teruel, 1959, p. 39.

<sup>16</sup>For the history of Daroca and its Muslim *aljama* up to the mid-fourteenth century, see José BELTRÁN, *Historia de Daroca*, Zaragoza, 1954; José LUIS CORRAL LAFUENTE, *La comunidad de aldeas de Daroca en los siglos XIII y XIV: Orígenes y proceso de consolidación*, Zaragoza, CSIC, 1987; ESTEBAN ABAD, *op. cit.*, *passim*; Miguel Ángel MOTIS DOLADER, *Ordenamiento urbanístico de la judería de Daroca: morfología y funcionalidad*, «Aragón en la Edad Media», 9 (1991), pp. 137–177. For documents relating to the *aljama*, see Don Toribio DEL CAMPILLO, *Documentos históricos de Daroca*, Zaragoza, 1915; Luisa María JIMENO ORTUÑO, *Notas históricas sobre la aljama sarracena de Daroca durante el último tercio del siglo XIII*, «Homenatge a la Memòria del Prof. Dr. Emilio Sáez: Aplec d'estudis del seus deixebles i col·laboradors», Barcelona, 1989, pp. 213–221; María Blanca BASÁÑEZ VILLALUENGA, *Las morerías aragonesas durante el reinado de Jaime II. Catálogo de la documentación de la Cancillería Real. I (1291–1310)*, Teruel, 1999. For a detailed analysis of the situation of *mudéjares* in the Kingdom of Aragon up to 1300, see CATLOS, *The Victors and the Vanquished*; for the fourteenth century, see John BOSWELL, *The Royal Treasure. Muslim Communities under the Crown of Aragon in the Fourteenth Century*, New Haven, 1977, and Maria Teresa FERRER I MALLOL, *Els sarraïns de la Corona catalano-aragonesa en el segle XIV*, Barcelona, 1985.

<sup>17</sup>For *conveniencia*, or the Convenience Principle, see Brian A. CATLOS, *Contexto social y "conveniencia" en la Corona de Aragón. Propuesta para un modelo de interacción entre grupos etno-religiosos minoritarios y mayoritarios*, «Revista d'Història Medieval», 12 (2002), pp. 220–235.

at the moment of conquest, and were confirmed by the royal and municipal legislation of twelfth and thirteenth centuries, which further entrenched the juridical separation of ethno-religious communities<sup>18</sup>. Both the members of the *aljama* and their officials were aware of the importance of privileges such as these, and like the other Muslim communities of the Crown, were careful to obtain confirmations of their rights each time a new king came to the throne. Despite this, the *aljama* of Daroca was one of the few important Muslim communities to lose some of its key rights in the thirteenth century, notably, the custom of popularly electing its *adelantados* —popular officials, who supervised tax collection, and acted, in a certain measure, as a popular counter-weight to the royalty —or seigneurially— appointed *alamín*, who was the chief magistrate and highest authority in the community<sup>19</sup>.

The fact that in the late-thirteenth century both the *adelantados* and the *alamín* had come to function as instruments of Christian power removed an important check on the power of the local Muslim elite, and may have contributed to the political fragmentation that characterized the *aljama* of Daroca and, thereby, encouraged an atmosphere of aggressive competition. During the thirteenth and early-fourteenth centuries there were few episodes of violent confrontation among the members of the various religious communities of Daroca, but on the other hand, tensions between factions within each community ran high, particularly among Christians and among Muslims<sup>20</sup>. Within the Muslim *aljama* these tensions centered on financial matters, economic competition and struggles among rival families for the domination of the community —in other words, the typical dynamic of a Muslim *aljama* of the thirteenth century. The difference was that in Daroca these disputes were particularly deeply entrenched, and were manifested by

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<sup>18</sup>Alphonse I conquered Muslim territory by negotiating surrender treaties with the indigenous Muslim population. Although no treaty survives for Daroca, the terms and conditions which Alphonse offered, and under which Muslims were willing to submit, were fairly standard. See Brian A. CATLOS, "Secundum suam zunam". *Muslims and the Law in the Aragones 'Reconquest'*, «Mediterranean Studies», 7 (1999), pp. 13–26.

<sup>19</sup>ACA, C, reg. 80, f. 45r (5 September 1289). For *aljama* administrative offices, see CATLOS, *The Victors and the Vanquished*, pp. 155–158.

<sup>20</sup>That said, Muslim-Jewish tensions in Daroca did erupt into violence on at least two occasions, once in 1291 and again, in 1389. [See Jaume RIERA I SANS, *La Precedencia entre Judíos y Moros en el Reino de Aragón*, in *Judaísmo hispano. Estudios en memoria de José Luis Lacave Riano*, ed. Elena Romero, 549–560, Madrid, 2002, p. 552] On these occasions, the violence resulted as members of the two groups contested their place in public processions commemorating royal funerals.

Whatever ritual function such violence might have had, it was also undoubtedly tied to the broader tensions among Muslims and Jews which can be discerned across the Crown of Aragón, and which resulted from *mudejar* dependency on Jewish credit [Cf. David NIRENBERG, *Communities of Violence. Persecution of Minorities in the Middle Ages*, Princeton, 1996, pp. 180–181].

On the other hand, the credit dynamic did not always have the effect of inspiring communal solidarity. For example, in 1296 after a group of Jews and Muslims of Daroca compelled the local bailiff to repossess the goods of certain Muslim debtors, it was a Christian who lodged a complaint with the king on the latter's behalf [ACA, C, reg. 105, f. 201v (20 November 1296)].

an uncharacteristic level of violence. Assaults among members of rival factions were not uncommon, and there were occasional murders<sup>21</sup>.

Under normal circumstances the presence and position of a stable Christian community might moderate such destabilizing and destructive tendencies, but here the various factions within the *aljama* counted on the support of various factions within the Christian community, who were also in competition with each other<sup>22</sup>. By 1280 the participation of Christian townsfolk and officials in the factionalism of the *aljama* had pushed the Muslim community towards the brink of disintegration. It was at this point that the king, who depended on a stable Muslim community to efficiently generate revenue, intervened, dispatching his representatives to restore order<sup>23</sup>. But the Muslims of Daroca exhibited a level of self-confidence that bordered on reckless. Royal officials who were sent to collect taxes that the local Muslims considered unjust were met with violent opposition on more than one occasion, and even the threat of prison could not cow powerful community leaders' contempt for the kings' men<sup>24</sup>.

<sup>21</sup>The conflicts between the de Lucera and Abdella families (see below, n. 22) involved a number of assaults and homicides. Just two years before the present case Abraym del Alami, a Muslim of Daroca, was killed in 1298 at the hands of a group of Christians and Muslims. [ACA, C, reg. 111, f. 243r (27 May 1298).]

<sup>22</sup>See, for example, the struggles between the Lucera family –local *mudéjares* who were vassals of the Templars– and the *aljama* administration, and between the Abdella family and its rivals, in CATLOS, *The Victors and the Vanquished*, pp. 339–346 and 347–359.

<sup>23</sup>Both Alphonse III and James II were obliged repeatedly to chastise the Christians and Muslims of Daroca for intervening in each others' communal affairs. See Elena LOURIE, *Anatomy of Ambivalence. Muslims under the Crown of Aragon in the Late Thirteenth Century*, in *Crusade and Colonisation: Muslims, Christians and Jews in Medieval Aragon*, Aldershot, 1990, Essay VII, p. 46. See CATLOS, *The Victors and the Vanquished*, p. 226 for the local Christian aristocrats, Egidijs and Theresa de Bidaure, and their involvement in local Muslim and Jewish factionalism and violence.

The kings of Aragón had a direct interest in maintaining the viability of their *mudéjares* communities, given that their Muslim (and Jewish) subjects were, in principle, direct fiscal and judicial dependents, and comprised, in their words, a "royal treasure." [See BOSWELL, *The Royal Treasure*, p. 30]. Thus, the kings tended to intervene in circumstances when revenues from the *aljamias* were at risk of interruption. Hence, for example, at Huesca, the excesses of the abusive *caualquem*, Abraham Abengentor, were tolerated over a four-decade period, but he was deposed by royal order after the first time the community failed to meet its tax obligations to the king. [See Brian A. CATLOS, *Intereses comunes: La caualquenia musulmana de Huesca y el poder real a finales del siglo XIII*, in «XVIII Congreso de Historia de la Corona de Aragón. Actas», Barcelona, 2003, pp. 65–70].

<sup>24</sup>Resistance against taxation frequently brought together various religious communities of a specific local. For example, in 1291, James II's attempt to levy a tax to pay for the expenses of visiting papal nuncios was met by concerted resistance on the part of Daroca's Muslims, Christians and Jews. [ACA, C., reg. 94, f. 206[168]r (26 December 1292)]. Acting independently, in 1287 the Muslims of the town refused to continue contributing to the upkeep of the local Church of Santa María. [ACA, C., reg. 70, f. 132r (14 June 1287)].

A most dramatic episode of tax resistance occurred in 1308, after the royal official, Guillelmus de Marsillia, imprisoned in the upper storey of a building a group of *mudéjares* who had previously chased him out of town, waving their swords and threatening him with death after he tried to collect an extraordinary tax levied to offset the cost of a visit by the King of Castile to Aragón. When Guillelmus saw that the imprisoned *mudéjares* were receiving food from their wives by lowering a basket from the window of their cell to the street below, he confronted them aggressively. A shoving match erupted between the official and a certain Mahomet de Ovecar [Muhammad ibn Abū Bakr]. When Guillelmus threatened to beat Mahomet with a rod he had in his hand, the *mudéjar* responded contemptuously that the official had no right to do so, and that *he*, the Muslim, meant more to the king, than, Guillelmus, given that he paid more taxes. [María Luisa LEDESMA RUBIO, *El motín de la cárcel*, in *Vidas mudéjares*, Zaragoza, Mira, 1994, pp. 33–56]. This group of tax rebels included several of the individuals involved in the dispute with Ali Dexadet, including a number of members of the Abdella family.

At first glance this document appears to be interesting primarily because it presents a long and detailed account of a civil case dating from an era when few such transcripts have survived, and because it involves the first-person testimony of “ordinary” individuals — unremarkable inhabitants of the *aljama* who had no stake in the larger tensions and divisions that characterized the community. Leaving aside contracts for the sale or rental of property — which tend to be brief and dry documents— almost all of the surviving archival material relating to Aragonese *mudéjares* dating from before the second half of the fourteenth century relates to exceptional individuals: royally-appointed officials, Muslim vassals of Military Orders, and other members of the compact *mudéjar* elite. By contrast, the principal actors in the suit, including the two sisters and their would-be nemesis, the lieutenant-*alamín* Ali Dexadet, have no historical profile independent of this document. However, a survey of the witnesses and the secondary personalities suggest that the case of Axa and Mariem versus Ali Dexadet was not as innocent as an initial reading of the document might suggest. The case of Axa and Mariem should be interpreted in the context of a Muslim community which was fragmented, but which, in spite of this, was confident and secure, and of an *aljama* which was very much in the grips of a corrupt and violent elite.

Most notable among the names which surface in the document are Audalla and Mahomet (Muḥammad) de Abdella (“Daudella,” in the transcript), and Ali de Mutarra (“Ali de Motarra”). Both Ali and the “Abdella” family were leading protagonists in the violent factional struggles that plagued the *aljama* over the last decades of the thirteenth century<sup>25</sup>. Up to the 1290s the community had been dominated by the powerful *mudéjar* family, the Dalanhis, who the Abdellas had originally set out to supplant, but finally came to an arrangement with in the early 1290s. This reconciliation prompted a reconfiguration of the community’s political landscape, and would place the Abdellas in power within the decade. Up to this point, Ali de Mutarra, one of the clients of the Dalanhis had been a bitter opponent, but as consequence of the reconciliation, Ali went to being a trusted ally —trusted enough to apparently conspire with a certain Abdella (ʿAbd Allāh) filio Abraham (Ibrāhīm) Abdella and others to murder Çelim (Salīm) de Leuchana, a fellow Muslim<sup>26</sup>.

In 1294 Ali Dalanhi was sworn in as *alamín*, and served until at least 1296; after this no document attests to his holding the position. By 1305, Mahomat de Abdella was serving in this capacity, as noted in a complaint lodged with the king by his own community that alleged that he had been charging innocent young Muslim women with the crime of adultery, and

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<sup>25</sup>For the internal conflicts of the *aljama* of Daroca and a chronology of its officials, see CATLOS, *The Victors and the Vanquished*, pp. 347–359.

<sup>26</sup>ACA, C. reg. 87, f. 91r (28 June 1292). For the reconciliation of Ali de Mutarra and the Abdellas, see CATLOS, *The Victors and the Vanquished*, pp. 353–354.

selling them as slaves<sup>27</sup>. Shortly thereafter, he was expelled from his post and arrested for abuse of power<sup>28</sup>. And yet, in 1300 Ali Dexadet is referred to as lieutenant of “he who was then and is now *alamín* of the Muslims of Daroca”—an individual who remains anonymous in the document, despite the fact (or, perhaps, *because* of the fact) that everyone involved would have known who he was<sup>29</sup>. This points to two possibilities. This first is that in 1300 the Dalanhi-Abdella party had temporarily lost control of the *aljama* administration, and Ali Dexadet represented an *alamín* who was either non-aligned or a member of an opposing faction. The other alternative is that, at this point, Ali Dalanhi, or another member of his faction was serving as *alamín*, and that Ali Dexadet had incurred the party’s wrath by acting against the interests of his superior, and that this suit represented, in effect, a punishment for him, and a lesson—an *exemplum*—to anyone who would dare cross the true authorities in the community.

### 3. A CONSPIRACY?

The suggestion that this document reflects a conspiracy against Ali Dexadet is supported by the presence of Mahomat de Abdella as guarantor and Audalla de Abdella as counsel for the two sisters. The fact that the document does not refer to Mahomat as *alamín*, or as occupying any other official post at this time, lends credence to the suggestion that in 1300 the Dalanhi-Abdella party had lost power in the *aljama*<sup>30</sup>. Axa and Mariem’s relationship to the Abdellas was more than casual. In his futile attempt to discredit the sisters’ witnesses, Ali Dexadet pointed out that several had a vested interest in the outcome of the case. Mahomat de Çelem, for example, had corroborated the womens’ claim that they had been denied the opportunity to appeal their eviction, and that Ali had physically laid hands on Axa<sup>31</sup>. According to Ali, however, Mahomat de Çelem (or “Çehem”) had a direct interest in seeing the

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<sup>27</sup>ACA, C, reg. 134, f. 206r (26 January 1305), cit.: BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 916, p. 332. Muslim women accused of adultery—a capital crime under Islamic law—could not be executed, because as the king’s special subjects (or “possessions”), all Muslims enjoyed legal protection against execution, torture and dismemberment. They could, however, be condemned to a “social death”—condemned for sex crimes, they became slaves of the Crown, a fate which all but inevitably led them to be sold as concubines or sent to staff royal brothels. [See LOURIE, *The Double Vulnerability of Muslim Women*, in *Idem*, *The Anatomy of Ambivalence*, pp. 69–72, and Mark D. MEYERSON, *Prostitution of Muslim Women in the Kingdom of Valencia: Religious and Sexual Discrimination in a Medieval Plural Society*, in *The Medieval Mediterranean: Cross-Cultural Contacts*, ed. Marilyn Joyce SEGAL CHAT, and Kathryn REYERSON, St. Cloud, 1988, pp. 87–95].

<sup>28</sup>ACA, C, reg. 141, f. 23v (11 September 1307), cit.: BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 1096, p. 393.

<sup>29</sup>ACA, C, Processos en Quart, 1300M, f. 8v.

<sup>30</sup>ACA, C, Processos en Quart, 1300M, f. 1r.

<sup>31</sup>ACA, C, Processos en Quart, 1300M, ff. 9r–10r. “et al sallir dela puerta delas dichas casas que el dicho ali echo la mano en las cuestas dela dicha axa... et la ora que dixieron las auandichas axa et mariem que appellauan al senyor Rey o atient su lugar et el dicho ali dexadet que dixo que non gelas darie mas” [ff. 9v–10r].



women maintain the rights over the houses, because, as a kinsman, there was a chance that he and his wife, Xemçi [Shamsī], would eventually be heirs to the sisters' estate<sup>32</sup>. Further, it emerged that Mahomat de Abdella himself was related to the women on two counts. On one side, he was Mahomat de Çelem's brother-in-law, and on the other he was the sisters' brother-in-law, thanks to the fact that he was married to their sister, Çoffra (Zahra', or *Zāfira*?), (or "Çoura")<sup>33</sup>. Hence, Mahomat de Abdella also had a direct interest in the future of the property, given that he too figured as a potential heir, through his wife. According to Islamic law, the property of a deceased individual is to be divided among members of the family who are of direct patrilineal ascent or of the same or subsequent generations of the larger family unit, each receiving a share fixed by law, the proportion of which is a function of the degree of consanguinity with the deceased, each heir's gender, and the number and types of surviving heirs<sup>34</sup>. Given that Axa and Mariem were orphaned spinsters with no children, and given the apparent absence of brothers, the principal heirs to their estate would have been their two surviving sisters<sup>35</sup>. In other words, both Mahomet de Abdella's and Mahomat de Çelem's substantial stake in the houses depended on Axa and Mariem winning the case, which made the two natural collaborators<sup>36</sup>. Audalla de Abdella, the women's representative, was the son of Mahomet Abdella, and therefore also had a major stake in the outcome of the case<sup>37</sup>.

Hence, it comes as little surprise that Mahomet de Abdella's new ally, Ali de Mutarra, should also come forward as a witness to the events and corroborate his friend's testimony. This is innocuous enough —after all there is no reason why Ali de Mutarra should not have been on hand to observe what succeeded that day in the lower quarter of the *morería*. But two details raise suspicions regarding his deposition. The first is that his testimony was not actually recorded; rather the trial record merely notes his complete agreement with de Çelem<sup>38</sup>. Were this a transcript being taken down in real time, the scribe would not be aware that Ali's version of the events was identical until after the witness had concluded, and therefore, the testimony, repetitive as it may have been would be recorded *verbatim* in the document<sup>39</sup>.

<sup>32</sup>ACA, C, Processos en Quart, 1300M, ff. 9r y 13r.

<sup>33</sup>ACA, C, Processos en Quart, 1300M, ff. 13r and 13v.

<sup>34</sup>For an overview, see David PEARL, *A Textbook on Muslim Personal Law*, 2<sup>nd</sup> ed., London, 1997, pp. 138–189.

<sup>35</sup>Mahomat de Ali, one of the witnesses, testified to the fact that Axa and Mariem's parents had died. [ACA, C, Processos en Quart, f. 10v.]

<sup>36</sup>ACA, C, Processos en Quart, 1300M, ff. 9r y 13r.

<sup>37</sup>This is revealed later in the trial, when he is referred to as "Audalla de Mahomat et Audella," a mistranscription of "Audalla de Mahomat de Audella," which is to say, "Audella, son of Mahomet Abdella". ACA, C, Processos en Quart, 1300M, f. 6v.

<sup>38</sup>ACA, C, Processos en Quart, 1300M, f. 10v.

<sup>39</sup>This is certainly the case in other contemporary trial transcripts. See, for example, the first two cases in LEDESMA RUBIO's, *Vidas mudéjares. El ollero loco*, pp. 17–31, and *El motín de la cárcel*, pp. 42–56, or the inquest edited in Brian A. CATLOS, *Privilegio y poder en el Aragón mudéjar: el auge y declive del çaua laquem Çalema*, in Ana Echevarría, ed., *Biografías mudéjares*

The second detail which undermines Ali de Mutarra's credibility is linked to a case he was involved in several years later—a similar conspiracy which also involved Mahomat de Abdella, and ended the career of a lieutenant-*alamín*. This took place in 1307, two years after Mahomat de Abdella had been removed from the post of *alamín* as a consequence of corruption. In this instance, a Christian from Valencia sought an audience with the king to complain that Mahomat, his wife (here “Çoffra”) and his kinsman, Faraig, had purchased a quantity of hides from him for the price of twenty-two Valencian *libras*—a considerable amount—that they had promised to pay by the next Feast of St. Michael (September 29). When loan came due, Mahomat refused to repay it, leading his creditor to sue him in the local courts. The case was adjudicated by a certain Zahan (Zayn), described as the *tenens locum* (lieutenant) of the *alamín* of Daroca<sup>40</sup>. Having heard the evidence, Zahan found in favor of the Christian party and condemned the couple, along with their guarantor, Ali de Mutarra, to repay the debt. However, not only did they refuse to pay what they owed, they swore out a formal affidavit alleging that the lieutenant-*alamín* was persecuting them, having passed sentence on them without holding a trial. As a result, the repayment order was quashed, and the Zahan was punished for his efforts. With the case overturned, the injured creditor appealed to James II, who ordered Egidius Garloni, the lieutenant of the bailiff of Daroca to investigate the case<sup>41</sup>.

Typically, it was the municipal bailiff, but the local bailiff of the Muslims of Daroca (*baiulus sarracenorum*) who ultimately held jurisdiction over the officials of the *aljama*, and acted as the king's representative to the community. This post, like the majority of royal administrative offices was occupied by Christians who paid the king an annual rent in exchange for the right to collect taxes and commissions on fines from the subjects which fell under their jurisdiction. As in the case of *aljama* administration in general, the kings did not necessarily take a direct role in make such appointments, nor did they intervene the bailiffs' affairs unless the stability or viability of the community seemed at risk<sup>42</sup>. Not surprisingly, the comportment of these officials often generated complaints from their constituents, and the bailiffs

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(*Estudios onomástico-biográficos de al-Andalus*), Madrid, 2009, doc. 2, pp. 170–176.

<sup>40</sup>Zahan was either serving as lieutenant for an unnamed *alamín*, or was serving as “acting” *alamín*, in the absence of a formally or permanently appointed official.

<sup>41</sup>ACA, C, reg. 141, f. 96v (7 November 1307), ed. BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 1125, p. 402.

Members of local *mudéjar* elites typically owed their basic prosperity to some sort of craft profession. The Abdellas had been involved in tanning, since at least the early 1290s [ACA, C, reg. 81, f. 156r (20 August 1290); T. del CAMPILLO, *Documentos históricos de Daroca* (Zaragoza, Imprenta del Hospicio Provincial, 1915), pp. 67–68 {107}].

<sup>42</sup>In reference to a typical arm's length appointment made in 1285, Peter III (1276–1285) wrote to Garcíus Garcessi de Naçur, his bailiff in Daroca, noting his confirmation of the sale of the post of *baiulus sarracenorum* of Daroca, to a certain J[ohannes?] Daux, by the bailiff of the Kingdom of Aragon, the Jew, Abraham de Portella. [ACA, C, reg. 43, f. 112v (27 January 1285)].

had a tendency to side with the *aljama* authorities when the latter were involved in controversies with their subjects.

Through the 1290s the bailiff of the Muslims was an individual named Petrus Exemini de Moneba, who had purchased the office while he was serving as the king's local magistrate (*justicia*). Petrus continued in his role as magistrate, in which he generated a stream of complaints from the Muslim community, relating to unfair taxation, extortion and jurisdictional abuse (for interfering with Muslims' rights to be judged according to Islamic law)<sup>43</sup>. After facing a series of complaints in the royal court on the part of the Muslim community that he had been usurping its right to elect their *alamín* and *adelantados*, he reacted by purchasing a royal license to nominate these officials from the chronically impecunious Alphonse III in 1291<sup>44</sup>. It seems that his first appointee was Ali Dalanhi.

It is uncertain who was serving as bailiff of the Muslims of Daroca in 1300. The most recent document that refers to the office dates from 1295, and here Petrus Exemini is referred to by name<sup>45</sup>. But who held the post in 1300? This is difficult to say. But given the fact that this particular controversy was entrusted not to the *baiulus sarracenorum* of Daroca, but to the town's bailiff, suggests that it may have been vacant. Most likely, Petrus Exemini had died—a fact that would have allowed the *aljama* to regain by default the right to elect their officials, and which would, in turn, have allowed the election of popular officials who were not part of the Dalanhi-Abdella faction. Hence, the anonymous *alamín*, of whom Ali Dexadet was lieutenant. Having an independent-minded *alamín* and lieutenant-*alamín* would have posed a threat to both the Christian authorities and the local Muslim elite, who would have seen their ability to manipulate local laws challenged. In other words, Ali Dexadet would have had few allies and many enemies in both the *aljama* and the local royal administration. While it may seem surprising to modern readers that Christian officials or townsmen might be in league with Muslim leaders or their charges, it did not to contemporaries. In the late-thirteenth and early-fourteenth century Daroca was fractured by factions that either crossed—or collaborated across—confessional lines, a fact acknowledged specifically by the king<sup>46</sup>.

#### 4. CHRISTIAN AGENDAS

The officials who were involved in the inquest against Ali Dexadet were, without exception, Christians, a fact which illustrates how tightly integrated *mudéjar* justice was with Christian authority, and how dependent

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<sup>43</sup>See, for example, ACA, C, reg. 98, f. 228r (8 July 1293).

<sup>44</sup>ACA, C, reg. 83, f. 103r (12 January 1291).

<sup>45</sup>ACA, C, reg. 88, f. 146v (29 January 1294).

<sup>46</sup>See, above, n. 23; also ACA, C, reg., 111, f. 243r (20 May 1298) and C, reg. 111, f. 243r (16 May 1298).

it was on royal power. The formal judicial autonomy that *mudéjar* communities enjoyed was always tenuous and qualified. The nature of Christian officials' interactions with Muslims communities, and dynamics of self-interest did not encourage detachment and honesty on the part of royal and municipal officials, and tended to lead them into relationships of mutual benefit with powerful *mudéjares*. In 1300, Ximen Pérez Gil, the lieutenant-bailiff, who oversaw the proceedings, was no veteran official. This is the first time in which he appears in the official registry, and it was probably his first commission. From where he was sitting, Ximen Pérez likely viewed the local Muslims with indifference, and as potential objects of exploitation. Thus, to Ali Dexadet's formal declaration that the lieutenant-bailiff had no jurisdiction over the case—a declaration backed up by no less than three royal charters. Ximen Pérez made no reply, and the inquisition continued<sup>47</sup>.

This reflects two problems relating to *mudéjar* justice and contemporary royal administration. First, Christian officials could not be expected to have any commitment to upholding the integrity of Islamic justice (indeed, the same could be said regarding Muslim officials), which they would have viewed, at best, with equanimity or, at worst, contempt. Second, Christian officials could not be expected to respect royal orders, given that the king's own authority was distant, tenuous and inconstant. This debility helped establish a pattern in which aristocrats or officials who flouted royal orders and abused the king's peace could do so with near impunity, or purchase their way back into royal favor should they actually be caught<sup>48</sup>. In economic terms, there was a strong impetus to disobey the court and abuse their own subjects, because in the end, the cost of their redemption would be less than what they would have been able to illegally appropriate. In other words, it paid to be corrupt. Thus, royal charters notwithstanding, Ximen Pérez would retain control of the process, doubtless with the anticipation of keeping a share of whatever fine was levied on the guilty party. The fact that judicial officials received a commission for convictions mitigated against the exercise of clemency. Whoever was guilty the fine would be considerable, and there would be an impetus to find guilty the party who could be fined the most.

The lieutenant-bailiff's *modus operandi* was revealed explicitly in 1301. At that time James II reprimanded Ximen Pérez, described here as *gerens vices baiuli generalis Daroce*, for unlawfully detaining a Muslim named Juceff del Alamin, after a certain Çalema (Salāma) de Sauinyan had come to his court to complain that he had been assaulted and wounded by Juceff. Ximen Pérez immediately arrested Çalema, and imprisoned him without the opportunity to set bail. The king ordered his immediate release and for a hearing to be held, but otherwise did not reprimand or censure the

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<sup>47</sup>ACA, C, Processos en Quart, 1300M, ff. 2r–5v.

<sup>48</sup>See Donald J. KAGAY, *The Treason of Center and Periphery: The Uncertain Contest of Government and Individual in the Medieval Crown of Aragón*, «Mediterranean Studies», 12 (2003), pp. 17–36.

lieutenant-bailiff<sup>49</sup>. Two overlapping motives could have been behind the Ximen Pérez's abuse of Juceff's rights. The illegal arrest may have been part of a strategy to either extort money from Juceff or to help ensure a conviction, from which Ximen Pérez would profit. Alternatively, or additionally, the detention might have been intended to reign in the increasingly violent Dalanhi-Abdella coalition, of which Juceff was an associate.

Proof of Juceff's connection with the Abdella clan can be seen as early as 1291, when "Juceffus filius de Faraig del Alamin" (which is to say, Juceff del Alamin) was charged by the king with having tried to cheat the "sons of Faraig de Luçera" out of a quantity of money by means of "malicious" litigation. This represented one episode in the visceral struggle which pitted the de Luçera family against the *aljama* through the last four decades of the thirteenth century and into the fourteenth. In this case, Juceffus's co-accused included two other Muslims: Fassan (Hasan) de Petro Gracia, and Audella, the son of Mahomat de Abdella<sup>50</sup>. The king entrusted the investigation to none other than Petrus Exemini, the corrupt *baiulus sarracenorum*, who was himself a supporter of the Dalanhi-Abdella faction. Whatever the outcome of that case might have been, the *baiulus sarracenorum* evidently did nothing to impose peace, and the situation deteriorated. Thus, in 1294 Juceff was accused of violently assaulting the persons and property of the de Luçeras, along with Ali Dalanhi, then *alamín*, and Ali de Mutarra, another Abdella ally<sup>51</sup>.

## 5. PARTISAN POLITICS

But the involvement of Juceff del Alamin in this affair, however indirectly, addresses —and perhaps resolves— a puzzling aspect of the case between Axa and Mariem and Ali Dexadet. On Friday, 21 October, Ali Dexadet first testified decrying that it was he rather than the Axa and Mariem who were aggrieved. He had received the complaint of Çahen regarding the sisters' occupation of his house in good faith, and that had simply acted according to the competencies of his office<sup>52</sup>. Following his deposition, the court adjourned, to reconvene the following Monday. At this point Audella de Abdella, who was representing the sisters as advocate (*procurador*), produced a charter written by the Berenguer de Tovia, the bailiff-general of the Kingdom of Aragon, and handed it to Paschalius Pérez de Abadia, a local

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<sup>49</sup> ACA, C, reg. 119, f. 112v–113r (25 October 1301); ACA, C, reg. 120, f. 146v–147r (18 November 1301).

<sup>50</sup> ACA, C, reg. 90, f. 199v (13 December 1291).

<sup>51</sup> ACA, C, reg. 100, f. 114v (22 September 1294), ed. JIMENO ORTUÑO, *Notas históricas sobre la aljama sarracena de Daroca durante el último tercio del siglo XIII*, doc. 4, p. 218; cf.: ACA, C, reg. 100, f. 189r (4 November 1294).

<sup>52</sup> ACA, C, Processos en Quart, 1300M, f. 5v.

jurisprudent, who was evidently sitting for the crown<sup>53</sup>. Paschalius was no stranger to the de Abdella's, having been charged with investigating their alleged acts of violence on previous occasions<sup>54</sup>. Having received the letter "with reverence", the legist declared that the instructions contained in the letter should be followed. But what did the letter say? This, we do not know, because Paschalius evidently did not read it out loud. Moreover, it was not entered into the trial transcript. A space of nearly one folio was left so the text could be transcribed. But it was not<sup>55</sup>.

This raises a number of possibilities. It is not inconceivable that Berenguer de Tovia, the king's supreme representative in the kingdom, might intervene in a case like this. Nor is it inconceivable that he did so on the direct orders of the king. In fact, this would happen the following year in Daroca. In this instance it was Berenguer de Tovia himself who would illegally seize land and property belonging to two Muslims, Abdeylla (ʿAbd Allāh) de Tiergo, and Çelim de Thirasona. In response, James II had instructed his bailiff-general to restore it to them without delay<sup>56</sup>. Indeed, when Ali Dexadet's trial began on 4 Ides of October (12 October), the king was at Calatayud, only a day's ride (40km) to the northwest<sup>57</sup>. Berenguer de Tovia's whereabouts at this time are unknown, but it was not unlikely he was in attendance of the royal court, or in Zaragoza. So, it is quite possible that once the trial got underway a representative of the plaintiffs could have ridden to Calatayud and petitioned the king personally to intervene, and that James had done so through the medium of his bailiff-general, or that Berenguer simply acted on his own initiative without involving the king.

Perhaps, then, the letter was not copied later on because the trial was considered to have been concluded, or simply out of negligence. This is unlikely, however, given Muslims' proclivity to appeal court cases that found against them and to hold on to official paperwork<sup>58</sup>. Moreover, it seems that

<sup>53</sup>ACA, C, Processos en Quart, 1300M, f. 6v.

<sup>54</sup>ACA, C, reg. 87, f. 91r (21 June 1292); ACA, C, reg. 87, f. 91r (21 June 1292); ACA, C, reg. 87, f. 101r (6 August 1292).

<sup>55</sup>"Depues desto dia lunes IX kalendas de Nouiembris audalla de mahomat et (*sic*) audella procudador sobredicho presento a Paschalio Pérez de abadia una carta del honrado belanguer {sic} de Touia bayle general en el regno daragon por el sennor Rey dela qual el tenor es tal... [a space equal to one full page is left for the text of the letter before the transcript resumes] ... qual presentada et leyda el dicho Paschalio Pérez con reuerencia recibio. diziendo que era aparejado de complir lo que en la dicha carta se continet..." [ACA, C, Processos en Quart, 1300M, ff. 6v-7r].

<sup>56</sup>ACA, CRD, Jaume II, caj. 13, no. 1678 (17 September 1301), cit.: BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 655, p. 241. Celim de Thirasona was later involved in the tax revolt against Guillelmus de Marsillia (see n. 24, above).

<sup>57</sup>James remained in Calatayud until mid-October, before heading south for Valencia. Normally, this route would have taken him through Daroca, but he apparently skirted the city, travelling via Miedes (18 October) and Ferreruelá (19 October), and then making eastwards to Montblanc (25 October), before arriving in Valencia (5 November). See BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, pp. 228-229.

<sup>58</sup>For example, the de Rey family of Huesca jealously guarded the royal privileges based on which they claimed tax immunity for almost three centuries. See Brian A. CATLOS, *The de Reys (1220-1501): The Evolution of a "Middle-Class" Muslim Family in Christian Aragón*, «Viator», 40 (2009), at press.

this was a pivotal piece of evidence. Perhaps the letter was simply blank, as it were (or had something entirely different written on it), and represented a gambit intended to undermine Ali Dexadet's case. This could only be possible if Paschalius Pérez de Abadia were conspiring with the Abdellas to pervert the course of justice and to force a judgment in Axa and Mariem's favor. This is certainly possible, given that Paschalius was an inhabitant of Daroca, and may well have been embroiled in the factionalism of the *aljama*, as other Christians had been shown to be. He certainly knew the Abdellas, having been ordered on several occasions in the 1290s to oversee trials of various family members for their involvement in violent confrontations with their enemies<sup>59</sup>.

What he probably did not know, and would not know until 1308, was that a member of the Alamin family, Mahomet —a kinsman of the Abdellas' associate, Juceff de Alamin— would be accused of forging not only money, but the royal seal<sup>60</sup>. In fact, later documents reveal that Daroca was the center of a small industry based on the falsification of coins and royal seals, in which Christians, Muslim and Jews were involved<sup>61</sup>. Mahomet de Abdella certainly moved in these circles; in January 1307, perhaps in response to Juceff's arrest, he fingered a Muslim family of nearby Saviñán for the same crime, and petitioned the king directly for their arrest<sup>62</sup>. This raises a third possibility, which is that the document which was produced by the sisters' *procurador*, and which was read silently by Paschalius Pérez de Abadia, was counterfeit, and that jurist was either a willing party to a conspiracy, or a dupe of the Abdellas.

The knowledge or suspicion that the document might have been forged would be motive enough for the Christian authorities not to enter it into the record. In the event of an appeal on the part of Ali Dexadet, the court transcript would be reviewed closely by the jurists of the royal court, who would be able to tell whether the letter was genuine or not. And it was not uncommon for run-of-the-mill *mudéjar* subjects to appeal judicial decisions

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<sup>59</sup>ACA, C, reg. 87, f. 91r (21 June 1292); ACA, C, reg. 87, f. 91r (21 June 1292); ACA, C, reg. 87, f. 91r (21 June 1292); ACA, C, reg. 87, f. 101r (6 August 1292).

<sup>60</sup>ACA, C, reg. 236, f. 186v (1 June 1306), cit.: BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 1027, pp. 368–9; ACA, C, reg. 236, f. 186v–187r (1 June 1306), cit.: *ibid.*, doc. 1029, p. 369; ACA, C, reg. 140, f. 30r (28 May 1307), cit.: *ibid.*, doc. 1071, p. 385; ACA, C, reg. 142, f. 33v (19 May 1308), cit.: *ibid.*, doc. 1150, p. 411. In the course of his trial, Mahomet del Alamin suffered the embargo of his property by the crown, although he was eventually absolved. Absolution for a criminal act, even a crime against the crown, is no proof of innocence. The local judiciary was often corrupt, and the crown itself systematically granted absolutions to those who could bribe their way out of court.

<sup>61</sup>See ACA, C, reg. 236, f. 177v (28 May 1306), cit.: BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 1023, p. 367; ACA, C, reg. 236, f. 186v (1 June 1306), cit.: *ibid.*, doc. 1028, p. 369; ACA, C, reg. 236, ff. 199r–v (27 July 1306), cit.: *ibid.*, doc. 1047, pp. 376–377; ACA, C, reg. 141, ff. 70v–71r (15 October 1307), cit.: *ibid.*, doc. 1112, p. 398; ACA, C, reg. 141, f. 71r (17 October 1307), cit.: *ibid.*, doc. 1113, p. 398.

<sup>62</sup>ACA, C, reg. 254, f. 135v (26 January 1307), cit.: *ibid.*, doc. 1060, p. 381. The accused included five members (three men and two women) of the Mofres family. A sixth family member, Ali, had been arrested seven months earlier, but he had fled after posting bond. The bail, set at the astronomical amount of 500 gold *morabetines*, had been pledged by a group of Christians and Muslims, including an Alamin family member. ACA, C, reg. 138, f. 251r–v (8 June 1306), cit.: *ibid.*, doc. 1030, p. 369–370.

that they did not agree with—even obtaining a royal audience to do so<sup>63</sup>. There is no indication that either of the other Christian officials present, Ximen Pérez or Berenguer de Tovia, was complicit, although the bailiff-general was evidently familiar with the Muslims of Daroca<sup>64</sup>. The fact that Berenguer de Tovia himself arrived on 8 November to conclude the trial lessens the likelihood that the missing letter was a forgery, but nevertheless raises questions. Did the bailiff-general inspect the transcript before making his judgment? One would assume that he had, unless obfuscating local officials made an oral report instead. A final possibility would be that Berenguer himself had not wanted the contents of his letter to enter into the record, where it could be reviewed by king and chancery at some later date.

## 6. CHRISTIAN JUSTICE AND ISLAMIC LAW

The trial represents one of the many scenarios in which a civil dispute among Muslims, which as such would fall clearly under the jurisdiction of Muslim officials, ended up being drawn into a Christian jurisdiction. This was the basis of Ali Dexadet's initial objections to the trial. As he clearly stated:

... you, Ximen Pérez Gil, cannot hear the case which Axa and Mariem daughters of Farach aben Gamar are attempting to lodge against him, nor sit as judge, nor can Ali be forced to respond or testify before you regarding that case, for the reasons which follow: first, because the Muslims of the *aljama* of Daroca have a privilege given by Lord Alfonso, of great memory, King of Aragon, confirmed by the great and powerful lord, Lord James, presently King of Aragon, which establishes the annual election of an *alamin*, who is to hear the cases which arise between Muslims, and *adelantados*, who are to hear the cases which the bailiff lodges against any Muslim or Muslims<sup>65</sup>.

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<sup>63</sup>James II was petitioned personally on numerous occasions by individual Muslims who felt they had been aggrieved. See, for example, ACA, C, reg. 101, f. 147v (16 June 1295); ACA, C, reg. 114, f. 138v (25 December 1299); ACA, C, reg. 89, f. 153v (20 January 1295).

<sup>64</sup>At the outset of the trial Ximen de Pérez is described as the lieutenant of the royal bailiff of the Kingdom of Aragon, Bernat Çaplugas. But the trial began precisely as Bernat was appointed *merino* (royal judicial representative) of Zaragoza, and Berenguer de Tovia was appointed as his replacement. See ACA, C, reg. 198, f. 205v (11 October 1300), BASANEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 615, p. 227; ACA, C, reg. 116, f. 184r (12 October 1300). Bernat was appointed to replace the *merino*, Gil Tarín, who was being investigated for corruption. [See Brian A. CATLOS, *Egidius Tarini: Merinus of Zaragoza (1292–1312)*, in IDEM, *The Victors and the Vanquished*, pp. 377–380].

<sup>65</sup>“...uos ximen Pérez Gil no entiende consentir en uos como en su jüge. dize excipiendo que uos ximen Pérez Gil non podedes conocer del pleyto que axa et mariem fijas de Farach aben gamar entienden demandar contra el et ni sedes jüge ni detenido a responder ni proponer ante uos sobre aquel por las razones que se seguen. primera ment por quelas moros dela alíama de Daroca an priuilegio de don alfonso de alta recordacion Rey daragon confirmado por el muyt alto et poderoso sennor don Jayme agora Rey de aragon que pu{ }s{ }anment alamin et adelantados cada anno que conosca delos pleytos que se mueuen entre moro et moro los adelantados que conoscan delos pleytos que el bayle mueue contra moro o moros” [ACA, C, *Processos en Quart*, 1300M, ff. 3r–v].



Thereafter follow the three charters Ali Dexadet entered into evidence, which included the two he referred to, plus an earlier privilege from James I. Ali's objection seems to be iron-clad, and yet it was pointedly ignored by the lieutenant-bailiff.

Could it be that these charters were forgeries? It seems not. The privilege said to be promulgated by James I was dated at Zaragoza on 6 Kalends of March 1262, which corresponds to 24 February 1263, at which time the king was in the midst of a nearly-three month sojourn in the Aragonese capital<sup>66</sup>. No copy of this charter can be found in the corresponding chancery registers of the Crown of Aragon; nevertheless, the surviving collection is not complete<sup>67</sup>. Nor does the text provide definitive clues. The Latin, which would have been read out loud and copied by the notary (and so may not represent an accurate transcription), seems genuine, reflecting the standard vocabulary and phraseology of such charters, and the comital and royal titles attributed to the king are correct. The third charter which Ali produced is dated 19 Kalends January 1292 in Zaragoza, or 15 December 1292, according to our reckoning<sup>68</sup>. A copy of this can be found in the corresponding chancery register, and is a nearly direct match with the trial transcript<sup>69</sup>. The only problematic charter is the second, which purports to have been promulgated in Calatayud by Alphonse III on 4 Ides of May 1289 (12 May)<sup>70</sup>. The problem is the king is attested as being in Zaragoza, nearly 100km to the east, on the previous day<sup>71</sup>. However, considering that the privilege granted by James II confirms an earlier charter dictated by Alphonse, there can be little doubt of its legitimacy. Clearly, the date was miscopied, mistranscribed or misheard.

But even accepting their authenticity, as we must do, these charters raise questions. For example, while it was indeed the general custom across the Crown of Aragon for *adelantados* to be elected by Muslim communities on an annual basis, *alamines* were never elected, at least not after the twelfth

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<sup>66</sup>ACA, C, Processos en Quart, 1300M, f. 4r. At this time the Catalano-Aragonese chancery marked the beginning of the year on March 25, the date of the Annunciation, the first three months of 1263 are recorded as 1262. For James's stay in Zaragoza, see Jaume MIRET Y SANS, *Itinerari De Jaume I El Conqueridor*, Barcelona, 1918, p. 333.

<sup>67</sup>Inspired by papal administrative practice and endowed with a dependable supply of paper thanks to his conquest of the Muslim Kingdom of Valencia, James I began to keep records of his court's outgoing correspondence. Eventually, in 1318 the chancery records were organized under James II - the genesis of the Archive of the Crown of Aragon. Nevertheless, the record of correspondence is not exhaustive, particularly for the period prior to James II's reign. Therefore the fact that his charter cannot be found in the registers does not prove that it is not genuine.

<sup>68</sup>ACA, C, Processos en Quart, 1300M, f. 5r.

<sup>69</sup>ACA, C, reg. 260, f. 164v (15 December 1292). The differences between the version in the register and version in the trial transcript are negligible and reflect errors that would have resulted from oral dictation. For example, the latter records "fratris" for "fratro", "debent," for "debunt," and a "nostro" for "nostris," an "approbamus" is left out and "Daroche" becomes "Daroce," and whereas the preamble in Ali's document lists the king's various titles, the version in the register is abbreviated to "Alphonse, etc."

<sup>70</sup>ACA, C, Processos en Quart, 1300M, ff. 4r-v.

<sup>71</sup>ACA, C, reg. 81, f. 54r (11 May 1292).

century<sup>72</sup>. They were appointed by the king, his agents and intermediaries, or by someone to whom he had sold or otherwise alienated the right to collect the taxes from and oversee the *aljama* in question<sup>73</sup>. The *alamines* paid a fee (normally) for their right to exercise office, and they were appointed most commonly “for life”, or occasionally “at the pleasure of the king”. Leading Muslim families who acquired such offices invariably tried to convert the post in to a hereditary office, but they had no right to do so<sup>74</sup>. Yet, the charter of Alphonse III proclaims:

You [Muslims of Daroca] may elect to place each year the *alamin* in this[, your] *aljama*, who may hear and judge your lawsuits, and the *alamin* may occupy this office and do all which is customarily done by the *alamin*. And you may change him annually, and replace him with another just as you are accustomed to do...<sup>75</sup>.

But the Muslims of Daroca were not accustomed to do this. Through the thirteenth century —the period from which relevant records survive— the *alamines* had been imposed on the *aljama*, and there is no indication that they were necessarily subject to an annual reappointment. Indeed, in 1285, just four years before the date borne by this charter, Alphonse’s predecessor Peter III (1276–1285) had conceded Garcia Garcessus de Naçur, the *alcaydus* of the Christian municipality of Daroca the right to name “for one year or two, a suitable person to the office of *alamin* of the Muslims.”<sup>76</sup> The one or two year period stipulated here reflects the period for which Garcia Garcessus was licenced to control the *aljama*.

The charter continues:

... you may, moreover, chose and appoint *adelantados* each year in the aforesaid *aljama*, who will do there that which *adelantados* are accustomed to do, and change them each year, just as is customary among you in bygone times...<sup>77</sup>

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<sup>72</sup>I use *alamin* here as the generic title for the magistrate/administrator of an *aljama*; in Aragon and Catalonia variant titles, such as *alcaydus* and *çauqualquem*, were also used. [See CATLOS, *The Victors and the Vanquished*, pp. 154–162].

<sup>73</sup>Alienations of royal *aljamass* were fiscal in nature; they did not break the bond of direct jurisdictional authority that linked the king to the Muslims, and they reverted to the crown either after a set period of time, at the pleasure of the king, or on the death of the recipient.

<sup>74</sup>See CATLOS, *The Victors and the Vanquished*, pp. 214–221.

<sup>75</sup>“...possitis eligere mittere quolibet anno alaminum in ipsa aliam qui audiat et judicet causas uestras et utatur officio alaminatus et faciat omnia alia que per alaminum sunt fieri consueta Et quod possitis ipsum mutare annuatim et mittere alium prout est fieri consuetum” [ACA, C, Processos en Quart, 1300M, f. 4v].

<sup>76</sup>“... concessimus licentiam Garcie Garcesij de Naçur, alcaido Daroce, atribuenti per unam annum uel per duos, alaminatum sarracenorum Daroce persone idonee...” ACA, C., règ. 56, f. 87r (30 April 1285).

<sup>77</sup>“... possitis, etiam, eligere seu mittere adenantatos quolibet anno in predicta aliam qui faciant ea que pro adelantatos fieri debent et ipsos mutare quolibet anno prout inter uos est consuetum fieri temporibus retroactis” [ACA, C, Processos en Quart, 1300M, f. 4v].

Yet, this was no longer the case in late 1292. In 1291 the magistrate Petrus Exemini de Moneba had purchased this right from the king, along with that of appointing the *alamín*<sup>78</sup>. And while he delayed some three years in installing his own candidate, he undoubtedly exercised his right to appoint *adelantados* before this charter was written, given that they served only one year.

## 7. ROYAL AUTHORITY, LOCAL POWER

Of the three charters which Ali Dexadet brought to court, only the last two referred to the *aljama*'s right to elect its officials. The privilege of James I merely said:

We order you firmly to observe and make to be observed for all of the Muslims of Daroca, all of the customs, liberties and privileges which they hold from Us and Our predecessors, just as is fully contained in those privileges, and not to aggrieve them or allow them to be interfered with in any way counter to the tenor of those privileges. And this order shall not be changed in any way<sup>79</sup>.

The privileges and customs which James was referring to went back to the time of Alphonse I and his conquest of the Jalón and Jiloca valleys in the first decades of the twelfth century, or perhaps from the 1160s when Ramon Berenguer IV (1137–1162) and Alphonse II (1162–1196) were retaking territory which had been lost to the Almohads after Alphonse I's death. At each of these points, the Aragonese rulers were anxious to maintain their territorial gains in the face of Castilian competition, so they were forced to grant liberal terms of submission to Muslim communities. These agreements were, in principle, personal agreements entered into between the ruler and the ruled and, hence, with the death of each monarch, the communities would produce the former king's charter in the court of his successor and request the renewal of their privileges. This tended to be granted as a matter of course. Newly-crowned kings typically faced resistance and potential revolt from powerful elements within the various estates, making the period of transition a time of vulnerability. Thus, in some instances, *aljamas* were able to capitalize on royal insecurity in order to augment their autonomy<sup>80</sup>. Kings needed to ensure that they had the support of local Muslims, who otherwise could contribute to destabilization. Also, rulers could afford to be generous

<sup>78</sup>See n. 43, above.

<sup>79</sup>"Mandamus uobis firmiter quatinus obseruetis et faciatis obseruari sarracenis Daroce omnis consuetudines franquitudines et priuilegia que a nobis et antecessoribus nostris habent prout in ipsis priuilegiis plenius continetur et contra ipsa non grauatis nec permitatis eos in aliquo molestari, et hoc aliquatenus non mutetis" [ACA, C, Processos en Quart, 1300M, f. 4r].

<sup>80</sup>See, for example, Elena LOURIE, *An Unknown Charter Given By King Peter II, "the Catholic" in 1210 to Mudejars in the Jalón and Jiloca Valleys*, in «VIII Simposio Internacional de Mudejarismo. Actas», Teruel, 1999, pp. 113–22.

at these moments. Muslim communities were not treated arbitrarily by the Christian authorities; they were considered to be legitimate (if secondary) subjects of the realm, and the basic principles of law and procedure protected them. The provision allowing the community to elect their own officials was undoubtedly an innovation of Alphonse III in 1289, which was then confirmed by James II in 1292.

Nevertheless, a king was a king, and if it were necessary at some point to unilaterally cancel or limit his Muslim subjects' privileges, they would not be in a strong position to resist. This state of affairs, coupled with the fact that in the royal chancery the left hand frequently did not know what the right hand was doing, meant that the mere fact that a royal privilege did not in fact reflect actual practice was not necessarily an unusual state of affairs. The king received a steady stream of official correspondence and individual petitioners, whose requests might be addressed without any sort of investigation having been made into their claims. If representatives of the *aljama* of Daroca arrived in James II's court armed with charters bearing the seals of his brother and grandfather, he would most likely simply confirm them, unaware or having forgotten that some of their rights might have been granted away only the previous year. The Crown of Aragon was a huge and complex political entity, and the *aljama* of Daroca was one small Muslim community in a modest-sized town far from the great cities of the realm. Of course, the Muslims understood this as well, and at times both individuals and communities petitioned the king to confirm privileges which they were well aware they no longer had a right to enjoy. In fact, the *aljama* of Daroca had resorted to just this tactic in its long battle to annul the tax-exempt status enjoyed by the de Lucera family in the late 1200s.

In the present case, Ali Dexadet's recourse to the charters tells us a number of interesting things about contemporary *mudéjar* society, not the least, that Ali, who was by no means a member of a professional administrative elite, understood Latin, could read, and could probably read Latin. It shows that Aragonese Muslim understood the importance and the use of Christian official documents, were conscientious in obtaining them, and careful to preserve them. This represents an important adaptation. The Islamic judicial tradition developed a distrust of documents; for the legists and magistrates of the contemporary Islamic world, oral testimony was the standard —paper could not be trusted. Despite this, *mudéjares* believed in the authority and integrity of royal charters. When called to the dock, this humble Muslim stood up with boldly before the Christian magistrate on the bench, and holding aloft three scraps of parchment, a waxen red royal seal dangling from each one, declared the his own immunity with a confidence bounding on temerity. He did not beg the indulgence of the court —he declared it illegitimate.

## 8. THE SUBVERSION OF JUSTICE

Finally, however, the outcome of Ali's recourse to the king's word showed that, when push came to shove, in the face of intransigent local officials and conspirational agendas, royal documents could mean nothing. Ali's objections went unanswered. In fact, they were absolutely ignored by the both the Muslims who the *aljama's* privileges were also intended to protect, but who were opposed to Ali, and the Christians who were supposed to represent impartial and sovereign royal authority. In this case, the royal charters were of no account whatsoever.

On the other hand, the role that Christian charters —both those of the kings and that of Berenguer de Tovia— played in this case, demonstrates the degree to which *mudéjar* justice had been drawn into a Christian orbit. The operating principle of communal diversity in the Crown of Aragon was that Muslims should be subject to Islamic law under the direction of Islamic magistrates<sup>81</sup>. After the principles enunciated in the *shahada*: "There is no god but God, and Muhammad is the Messenger of God", Islam was defined essentially by its legal tradition. It had been that way since the time of the Prophet. To be a Muslim was to live as a Muslim in a community founded upon the *sunna* —this defined the *dār al-Islām*, "the abode of Islam," wherein all Muslims should live. Christian authorities understood this; and in any event, their own judicial tradition was so specifically expressed in religious terms, that it would have been as unthinkable offensive for them, as would have been for Muslims, to oblige the latter to participate in a Christian legal system. Hence, the surrender treaties and population charters granted to Muslims invariably emphasized this right, and often extended it to include cases where they other party involved was a Christian or Jew. Even the bigoted Vidal de Canellas, the Bolognese-trained Bishop of Huesca, who in 1247 redacted James I of Aragon's formal legal code, "In excelsis Dei Thesaurus" (known eponymously as the "Vidal mayor"), grudgingly conceded this right to Muslims, out of necessity, if not of merit<sup>82</sup>.

Thus, Islamic law (like Islam as a religion) was regarded as legitimate, at least in so far as its adherents' intentions were concerned. The multi-religious character of society forced Christians into a compromise; they were put in the position where they had to conceive of Muslims as being genuinely well-intentioned as regards their religious beliefs, even if they were, in the Christian view, absolutely wrong and the followers of a false prophet. The best example of this can be seen in the swearing of oaths, an integral part of any judicial inquiry, and of many everyday business transactions. Obviously, from the Christian perspective, the only true oath was that which

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<sup>81</sup>The same principle operated for Jews.

<sup>82</sup>See Gunnar TILANDER, ed., *Vidal mayor*, 3 vols., Lund, 1956, II: 183 {II: 24}.

was sworn on the Gospels. However, to have a Muslim (or Jew) swear on the Christian Testament would offend non-Christian and Christian alike, and, furthermore, any such oath would exert no coercive moral force on the Muslim who swore it. Thus, prior to giving their testimony, Axa and Mariem's witnesses were made to "swear bylle alladi le ylleha lehua" —one of the various corrupted Romance renderings of an Islamic oath in Arabic—undoubtedly while holding a copy of the *Qur'ān*<sup>83</sup>.

It was in the context of these depositions that we see the only Islamic authority appear —the town's *alfaqui*, Mahomet. The role of the *alfaqui* in *mudéjar* society is somewhat obscure. *Alfaqui* is, of course, a corruption of the Arabic *al-faqīh*, meaning an expert in *fiqh*, or law. In principle one would expect this figure to exercise the traditional competences of a community's Islamic magistrate, the *al-qāḍī*. Yet, this was not the case; it was the royally-appointed functionary, the *alcaydus*, *alamin*, or *çauaquem*, who held this authority<sup>84</sup>. On the few occasions that the designation *alfaqui* appears in the documentation of thirteenth and fourteenth-century Aragon, it either does not correspond to an official position in *aljama* administration, or was merely a variant title for *alamin*.<sup>85</sup> Whatever the case, the *mudéjar alfaqui* cannot be construed of as corresponding to a pre-conquest *faqīh* or *qāḍī*. The latter were independent judiciary authorities, whose authority was derived from their popular recognition as persons of upright character, manifest piety and domination of Islamic jurisprudence, and their authority as the ultimate legal authority was supported by the "state".

In *mudéjar* Aragon, Islamic law functioned only in suppressed and limited form, stunted and isolated, undermined by the presence of the superior Christian jurisdiction, by the fact that royal authority rather than popular acclaim was the source of its authority, and severely limited in its jurisdictions. The checks and balances that functioned organically in Islamic society

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<sup>83</sup>ACA, C, Processos en Quart, 1300M, f. 9r. This appears to be a transliteration of a variante of the Islamic oath, "bi-Llāh wa-lā ilāha illā huwa" ("By God, there is no greater than He"). Similar formulas appear in many contemporary Catalano-aragonese legal codes. In Aragonese practice, Christians swore on the Gospels, Muslims on the *Qur'ān*, and Jews on the Torah.

<sup>84</sup>The *Vidal mayor* (see n. 82, above) describes in detail the role and powers of the *alcaydus* and *çauaquem*, but does not do so for the *alfaqui*. See, for example, TILANDER, *Vidal mayor*, II, p. 133 {I: 70.91}. It seems likely that in most places the *alfaqui* referred to the functionary in charge of the local mosque —an official sometimes designated *şabasala*. This derives from the Arabic *ṣāhib al-ṣalāt* or "master of prayer", reflecting a primarily religious function, and corresponding, perhaps, to the Islamic *imām*. Nevertheless, in some instances, the term *şabasala* is used as a synonym for *alcaydus* and *alamin*. This may be because these posts were often held by the same individual simultaneously. In any case, all of this reflects the fact that in the thirteenth and early-fourteenth century there was no standardized structure for *aljama* administration.

<sup>85</sup>The designation *alfaqui* turns up now and again attached to individuals noted as parties or witnesses in land-exchange agreements. Saviñán, 50km to the north of Daroca, was one of the few, if not the only town in Aragon in which the local judicial/administrative official was referred to as the *alfaqui*. His jurisdiction lay along the Jalón valley and included the sizeable town of Calatayud. See ACA, C, reg. 43, f. 95r (3 January 1284); ACA, C, reg. 49, f. 85v (1 May 1281). Alfamen, just south of the Jalón and 60km NEN of Daroca also had an *alfaqui*, although it is not clear what his official competencies were. ACA, C, reg. 90, f. 86v (15 October 1291).

to ensure the integrity of the judiciary were no longer present<sup>86</sup>. Most importantly, magistrates appointed by Christian kings but lacking in public support would have been considered illegitimate by Muslims themselves. Seen in this light, we can understand Alphonse III's extraordinary concession which allowed the Muslims of Daroca to elect their own *alamin*, as being a response to the community's demands. Otherwise, faced with a judiciary imposed by their infidel overlord, *mudéjares* might prefer to take their disputes to unofficial, but popular authorities. Archival documentation provides occasional glimpses of a popular Islamic religious elite survived the Christian conquest and persevered in *mudéjar* Aragon, and which occasionally challenged the authority of the colonial Muslim elite of the *aljamas*<sup>87</sup>. However, such a group would have faced serious challenges. They would have been construed as a threat by the collaborationist *mudéjar* elite, they would not have enjoyed the princely patronage which sustained the '*culamā*' in Islamic lands, and they would have been largely, although not completely, isolated from the cultural and religious currents of the greater Islamic world. Because this elite was by nature subversive and subterranean, it simply does not emerge clearly in the Christian documentation<sup>88</sup>.

Thus, in the trial of Ali Dexadet, Mahomet the *alfaqui* appears only as an observer, apparently providing a *bona fide* for, or perhaps administering the oath which the witnesses for the prosecution gave prior to testifying. In the transcript he is described as the *oydor* of their testimony —a term that normally referred in Aragonese jurisprudence to someone empowered not only to hear testimony, but to pass sentence as well<sup>89</sup>. But Mahomet did not pass sentence in this case, and there is no indication that he had any role at all in the deliberation. It was the bailiff Ximen Pérez who directed the trial and bailiff Berenguer de Tovia who made the decision (*auer deliberacione*)<sup>90</sup>. In fact, Mahomet the *alfaqui* was not even present for Ali Dexadet's depositions or, as far as we know, for the verdict and the sentencing.

Therefore, despite the fact that the town's Muslims had legal guarantees and royal privileges which protected their judicial autonomy and explicitly placed disputes between Muslim within the jurisdiction of *aljama* officials, the case of the daughters of Farach aben Gamar versus Ali Dexadet

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<sup>86</sup>For a discussion of this dynamic, see CATLOS, «Internal Transformations», in IDEM, *The Victors and the Vanquished*, pp. 402-404.

<sup>87</sup>See CATLOS, *The Victors and the Vanquished*, pp. 156-158.

<sup>88</sup>We may get a clearer picture of this group as more work is done on late-fourteenth and fifteenth-century *mudéjar* religious literature written in Arabic and *alfamado*, but up to this point, no effective or systemic study of this work has been done. Miller sets out to study this elite in late medieval Iberia, but her effort fails. Not only does she not engage with this literature in any but the most superficial and anecdotal manner, but she ends up confusing the colonial administrative elite for a functioning religious elite, thereby completing undermining the point of her work [See Kathryn A. MILLER, *Guardians of Islam: Religious Authority and Muslim Communities of Late Medieval Spain*, New York, 2008].

<sup>89</sup>ACA, C, Processos en Quart, 1300M, ff. 10v, 11r, 11v, 12r, and 12v. For the role of the *oydor*, see Antoni M<sup>a</sup> ALCOVER, Francesc de B. MOLL, *Diccionari Català-Valencià-Balear*, 10 vols., Palma, 1930, s.v. "oydor."

<sup>90</sup>ACA, C, Processos en Quart, 1300M, f. 16r.

was played out in a Christian court under the authority of Christian officials. And, in the end, it was these local Christian officials, not the king, or his laws, which ultimately determined the outcome of the suit. This is a reminder, therefore, of not only how Islamic law could be easily overridden in Christian territories, but how it is impossible to analyze the experiences of the religious minorities, whether Muslim or Jewish, without taking into account their place in Christian society and their relationships with Christian actors.

## 9. THE ACCUSED AS VICTIM

This was not the first time that Christians intruded on the jurisdiction of *aljama* officials in Daroca. In 1293 representatives of the *aljama* complained that the bailiff was infringing on the Muslim community's legal rights<sup>91</sup>. Nor was it particular to Daroca —complaints of this type were common through the later thirteenth century<sup>92</sup>. Nor was it particular to *mudéjar* communities. Jurisdictional struggles between Christian officials were no less common across the Crown of the Aragon<sup>93</sup>. This dynamic of competition, together with the mercenary spirit that characterized local and royal officialdom, and the fact that royal power was distant and often ineffectual, made for an environment that invited corruption, collusion and the subversion of justice. It also encouraged the formation of temporary or permanent alliances between local Christian, Muslim and Jewish officials, who —however faithfully they may have advocated for their particular— shared in a determination to entrench their own power and enrich themselves and their own families.

And this is likely what happened in the case of Ali Dexadet. While we cannot be sure that Ali Dexadet was not guilty and that Axa and Mariem were not merely the innocent victims of an abusive official, there is much circumstantial evidence to suggest that this was not the case. Leaving aside Ximen Pérez's blatant disregard for royal privilege and Berenguer de Tovia's mysterious intervention, one is still faced with the obvious conflicts of interest that characterized the witnesses for the prosecution, and the long history of factionalism in the *aljama* of Daroca, in particular the corruption of the Abdella faction. The witnesses called here were their habitual allies, clients and dependents, and, as demonstrated by the later controversy over the hides (see above, p. 19), perjury and fraud were completely consistent with their

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<sup>91</sup>ACA, C, reg. 98, f. 228r (15 July 1293). The bailiff in question is named as "Jacobus filius quondam dompni Johannes de Martino Daux, vicinus Darocē," in all probability the son of the abuse bailiff of the Muslims, Johannes Daux (see above, n. 42).

<sup>92</sup>For example, in 1294 the *aljama* of Borja lodged a complaint that the Christian officials of that town were usurping the Muslims' privilege to appear before an Islamic judge [ACA, C, reg. 89, f. 35v (16 November 1294)].

<sup>93</sup>See the various cases in Brian A. CATLOS, *Case Study 6: The Good, the Bad and the Indifferent: Christian Officials in the Ebro Region*, in IDEM, *The Victors and the Vanquished*, pp. 373-388.



normal *modus operandi*. Moreover, in 1314 they would be involved in a similar case, when a certain “Doña Xemçi”, widow of “Don Taffer”, appeared before Stephan de Roda, bailiff-general of Aragon, to defend the privilege she had received from James II in 1311 confirming her monopoly over the sale of metal goods in the *aljama* of Daroca on the basis of that her deceased husband had enjoyed the same right. Three years later, however, a suit was launched in which four witnesses, including a Mahoma de Abdella and Juçe (ʿĪsa) del Alamin, alleged that Xemçi was a liar—that her husband had been a carpenter, not a smith, and that neither of them had ever held this monopoly<sup>94</sup>. The widow lost her licence, which was awarded to Brahem de Çelem—who the witnesses signalled as the true holder of the monopoly—but the case seemed to involve a collusion between powerful local Muslims and the king’s bailiff, who was prepared to hear a challenge to Xemçi’s privilege in exchange for a doubling of the annual licence fee which went with the privilege<sup>95</sup>.

If any further proof were required of the Abdellas’ corruption, one would only need to look to two documents dating from the years between Ali Dexadet’s fall and the revocation of Doña Xemçi’s rights. In 1308 the bailiff of Daroca was charged by James II with investigating the accounts of certain former *alamines* who were said to have overcharged the members of their own community on taxes, fees and fines, and claimed to have rendered these to the crown, when they had, in fact, kept them themselves<sup>96</sup>. A charter from dated in the previous year indicates that one of these unscrupulous *alamines* had been none other than Mahomet Dabdella<sup>97</sup>. At this point, Mahomet had been taken into custody for the various crimes he was said to have committed while in office. Most interestingly, we find that when Mahomet had been arrested, his bond had been pledged by Ximen Pérez de Gil, the same local bailiff who had presided over the case against Ali Dexadet.

A last piece of evidence which points towards the trial as a conspiracy against Ali Dexadet is the sentence that was imposed on him. As a consequence of what was at worst an unfortunate but well-intentioned failure of judgement in a minor civil case involving a rather insignificant amount of property, Ali Dexadet was ruined. His goods were seized, his livelihood destroyed, and he was hit with a fine so large (see above, n. 13) that it would have spelled the impoverishment of his entire family or his own enslave-

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<sup>94</sup>ACA, C, Processos en Quart, 1314E, ed.: María del Carmen GARCÍA HERRERO, *Doña Xemçi de Taher y la venta de hierro en Daroca (1311–1314)*, «Aragón en la Edad Media», 20 (2008), pp. 368–371. García Herrero reads “de Andella” instead of “de Audella” (p. 370).

<sup>95</sup>Xemçi had been paying the fee of one *morabetin* per year, whereas Brahem would now pay two. Such an offer would have been enough to obtain the collusion of the local Christian judiciary.

<sup>96</sup>ACA, C, reg. 142, f. 23v (10 May 1308).

<sup>97</sup>ACA, C, reg. 141, f. 23v (11 September 1307), cit.: BASÁÑEZ, *Las morerías aragonesas durante el reinado de Jaime II*, doc. 1096, p. 393.

ment<sup>98</sup>. Clearly, a message was being sent not only to Ali but to the whole community.

Thus, in the final analysis, whether the sisters were lying or not, whether Ali Dexadet was right or wrong, the trial of the lieutenant-*alamin* demonstrates the fragility and vulnerability of *mudéjar* judicial administration in Christian Aragon. *Mudéjar* justice was often not carried out by Muslims, and it was seldom Islamic—in other words, this case was symptomatic of some of the fundamental problems which faced the Muslim minority in Aragon, and in Christian lands in general. This state of affairs presented—from an Islamic point of view—the most serious conundrum for *mudéjar* populations: could one legitimately live as a Muslim under Christian rule? Many Muslims, both jurists and layfolk, clearly thought this was impossible, and yet, for over four hundred years the *mudéjares* of Aragon remained the free and willing subjects of Christian sovereigns in an infidel land<sup>99</sup>.

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<sup>98</sup>Indebtedness was one of the chief causes by which free *mudéjares* became slaves.

<sup>99</sup>Two issues relevant to *mudéjares* concerned Muslim judicial authorities. The first was whether or not Islamic judicial authorities appointed by Christian sovereigns could be considered legitimate, and the second (not unrelated) problem was whether or not Muslims could legitimately live under Christian rule regardless of how benign it might be. In the first case scholarly opinion was all but unanimously of the opinion that *mudéjar* officials could not be legitimate Islamic magistrates; in the second case, opinions tended towards recommending emigration, although responses were nuanced and legists were often prepared consider mitigating circumstances. See CATLOS, *The Victors and the Vanquished*, pp. 403-404; Maribel FIERRO, *La emigración en el Islam: conceptos antiguos, nuevos problemas*, «Awraq», 12 (1991), pp. 20-21; P.S. VAN KONIGSVELD and Gerard A. WIEGERS, *The Islamic Statute of the Mudéjars in the Light of a New Source*, «Al-Qantara», 17 (1996), pp. 19-58; Sarah DAVIS-SECORD, *Muslims in Norman Sicily: The Evidence of Imam Al-Mazari's Fatwas*, «Mediaeval Studies», 16 (2007), pp. 46-66; Kathryn MILLER, *Muslim Minorities and the Obligation to Emigrate to Muslim Territory: Two Fatwas From Fifteenth-Century Granada*, «Islamic Law and Society», 7 (2000), pp. 256-77.

Muhammad ibn Jubayr, an Andalusí who travelled across the Mediterranean on Christian ships in 1185, declared that it was morally unsupportable for Muslims to willingly live under Christian rule. But his emphatic moralizing is somewhat suspect, given that it comes at a point in his travel narrative where he is about to relate the great prosperity and security which the Muslims of Sicily enjoy under their wise (and very Arabophile) King William. See Ronald J. C. BROADHURST, trans., *The Travels of Ibn Jubayr. Being the Chronicles of a Mediaeval Spanish Moor Concerning His Journey to the Egypt of Saladin, the Holy Cities of Arabia, Baghdad the City of the Caliphs, the Latin Kingdom of Jerusalem, and the Norman Kingdom of Sicily*, London, 1952, pp. 321-322.