

1231: The Muslims of Menorca Submit to the Crown of Aragon in the Treaty of Capdepera

Eric Böhme and Robert Friedrich



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Abstract: In June 1231, the Muslims of Menorca submitted to the authority of the Crown of Aragon without a fight. The outcome of the surrender negotiations was recorded in the so-called Treaty of Capdepera, probably composed originally in Arabic and Latin and one of only three surviving surrender treaties from the period of the Catalan-Aragonese expansion in the first half of the thirteenth century. This article situates Menorca's submission within the broader context of the military campaigns of James I of Aragon between 1229 and 1245, which were directed both against the Balearic Islands and extensive parts of the eastern Iberian mainland. Through comparison with selected cases from this period, the analysis traces how the Muslims of Menorca reached a collective decision and how both sides negotiated and reconciled their respective Islamic and Christian conceptions of allegiance. The article argues that the agreement allowed the island to retain a status distinct from that of the neighbouring islands and the mainland territories, while nevertheless serving as a model for subsequent surrender negotiations.

Source

Mut Calafell, Antoni: *El document del tractat de Capdepera, de 1231 (Estudi codicològic, transcripció i traducció)*, Capdepera: Ajuntament de Capdepera, 2008, here: pp. 20–23; trans. Eric Böhme and Robert Friedrich.

In nomine creatoris.

Ego alfaqui Aboabdille Mafomet, filius de Alfaqui Abolaça Aly Abineixem, Alcady et Alcaid insule Minoricarum, per me et per omnes senes et sapientes et per totum populum et habitatores insule supradicte, presentes et futuros, habito concilio et voluntate omnium et presentibus Alfaqui Abolaçan Aly, fratre meo, et Alfaqui Aboaçmen Abenhacam, et Alfaqui Aboabdille Abenmomanna, et Alcaid Abemodien Abnalhaçan, et Alfaqui Aboayl Abenmoanna, et Aboabdille Abenaguçiç et Abealbeç Ibnap Adulcarim, et Abulabez Ibnabenxini, et Abuasmen Abenxairon, et Haron Abenresch, et Mucatrif Aingaçen, et Mahomad Abinçaqum, et Mahomad Abenbacar, et Huçayn Ibnalfi, et

In the name of the Creator.

I, the *alfaqui* [Arab. *al-faqīh*] Aboabdille Mafomet, son of the *alfaqui* Abolaça Aly Abineixem, *alcady* [Arab. *al-qāḍī*] and *alcaid* [Arab. *al-qā'id*] of the island of Menorca, on my own behalf and on behalf of all the elders [Arab. *šuyūḥ*] and learned men [Arab. *ulamā*] and of all the people and inhabitants of the aforementioned island, both present and future, having held council and with the consent of all, and in the presence of the *alfaqui* Abolaçan Aly, my brother, the *alfaqui* Aboaçmen Abenhacam, the *alfaqui* Aboabdille Abenmomanna, the *alcaid* Abemodien Abnalhaçan, the *alfaqui* Aboayl Abenmoanna, Aboabdille Abenaguçiç, Abealbeç Ibnap Adulcarim, Abulabez Ibnabenxini, Abuasmen Abenxairon, Haron Abenresch, Mucatrif Aingaçen, Mahomad Abinçaqum, Mahomad

Mahomad Abençaida, et Aly Abenyaheh, concedimus et recipimus in dominum naturalem et proprium vos, dominum Iacobum, Regem Aragonum et Regni Mayoricarum, Comitem Barchinone et Dominum Montispesulani, et heredes vestros tenentes Regnum Mayoricarum.

Et nos facientes vobis homagia, fidelitates et iuramenta, deseximus¹ nos et renunciamus omnibus dominacionibus, convenienciis et fidelitatibus et iuramentis que usque in hunc diem fecerimus alicui persone.

Et per recognitionem dominationis vestre et fidelitatis, qua vobis tenemur et tenebimur, damus, concedimus, et liberamus vobis in presenti potestatem castri de Minoricis; ita quod signum vestrum sive vexillum ponatur per manus quinque personarum vestrarum in sumitate castri, et clametur alta voce ab ipsis personis vestris nomen et dominium vestrum;

et, hoc facto, reddatur castrum Alfaqui qui modo est ibi, vel illi qui ibi erit substitutus, per nos et per vos confirmatus.

Quam potestatem promittimus vobis dare et liberare, vel mandatario vestro sine contradicito singulis annis, semel in anno, quandocumque vos volueritis Set, ille persone reddito castro Alfaqui, ut dictum est, statim repatriare teneantur. (...)

Item, promittimus vos et homines vestros et res eorum iuvare et deffendere, bona fide, toto posse, contra omnes homines, et facere pro vobis et pro mandato vestro pacem et guerram, infra insulam nostram tantum. Nec recipiemus aliquem cursarium vel inimicum vestrum in terra vel mari. (...)

Et nos Iacobus, Rex predictus, per nos et nostros heredes et nostros homines,

Abenbacar, Huçayn Ibnalfi, and Mahomad Abençaida, and Aly Abenyaheh, do grant and accept you, Lord James, King of Aragon and the Kingdom of Majorca, Count of Barcelona and Lord of Montpellier, and your heirs holding the Kingdom of Majorca, as our natural and rightful lord.

And we, by performing homage, acts of loyalty, and oaths to you, relinquish and renounce all lordships, agreements, loyalties, and oaths that we have made to any person up to this day.

And in recognition of your lordship and of the loyalty by which we are and shall be bound to you, we hereby give, grant, and deliver into your hands the control of the castle of Menorca, so that your sign or banner shall be placed by the hands of five of your men upon the summit of the castle, and that your name and lordship be proclaimed in a loud voice by those same men.

And once this has been done, the castle shall be handed back to the *alfaqui* who is currently there, or to the one who shall be appointed in his place, confirmed by both us and by you.

We promise to deliver and surrender authority to you, or to your representative, without opposition, once every year—whenever you may wish—but once the castle has been returned to the *alfaqui*, as stated above, those persons must immediately depart for home. (...)

Likewise, we promise, in good faith and to the utmost of our ability, to aid and defend you, your men, and their property against all men, and to make peace and war on your behalf and by your command, but only within our island. Nor shall we receive any corsair or enemy of yours on land or at sea. (...)

And we, James, the aforesaid king, on behalf of ourselves, our heirs, and our men, promise to

¹ Mut Calafell, *Document*, p. 21, identifies this as a scribal error for “deserimus.”

promittimus vos, omnes habitatores Minoricarum et singulos defendere et salvare, et omnia bona vestra in terra et mari.

defend and protect all of you, the inhabitants of Menorca, both collectively and individually, as well as all your goods on land and at sea.

Et per gratiam specialem et honorem quam vobis volumus facere, concedimus vobis quod nullus christianus vel iudeus possit habitare continue in insula Minoricarum, nisi esset de voluntate vestra.

And as a special favour and mark of honour which we grant to you, we concede that no Christian or Jew may reside permanently on the island of Menorca, unless it be with your consent.

Et propter hoc concedimus et confirmamus pro Alfaqui super vos in nostro loco, venerabilem et legalem Alfaqui qui modo est ibi, nomine Aboabdille Abenixem, ut sit Alfaqui in tota vita sua. Et, post obitum eius liceat vobis eligere Alfaqui de vobis aliis, quem volueritis; et sint semper Alfaqui et Alcayd, et Alcadi et Almoxariff de vobis.

And therefore, we grant and confirm as *alfaqui* over you in our place the venerable and lawful *alfaqui* who is currently in office, named Aboabdille Abenixem, so that he may remain *alfaqui* for the rest of his life. And after his death, you shall have the right to elect an *alfaqui* from among yourselves, whomever you wish. And the *alfaqui*, the *alcayd*, the *alcadi*, and the *almoxariff* [Arab. *al-mušrif*] shall always be from among your own people.

Et, quando elegeritis Alfaqui, faciatis nobis scire per vestrum nuncium et literas, causa ut confirmemus ipsum. Et nos debemus miterere nuncium nostrum tunc, qui accipiat iuramentum ab illo, ut servet nobis omnia supradicta.

And when you have elected an *alfaqui*, you shall inform us through your messenger and your letters, so that we may confirm him [in office]; and we shall then send our messenger, who will receive an oath from him that he will faithfully observe all the matters stated above.

Et, si forte inter vos non concordabit de eleccione, nos possimus eligere pro Alcayd unum de vobis, et constituere cum consilio senium vestrorum. (...)

And if by chance you do not reach an agreement among yourselves regarding the election, we may choose one of you as *alcayd* and appoint him in office with the advice of your elders. (...)

Item, concedimus quod quilibet habitator Minoricarum, cum voluntate de Alfaqui qui ibi fuerit, possit se transferre ad morandum ubi voluerit in terra sarracenorum vel christianorum. (...)

Likewise, we concede that any inhabitant of Menorca, with the consent of the present *alfaqui*, may move to reside wherever he wishes in Saracen or Christian lands (...).

Authorship & Work

[§1] The excerpts cited above are part of a treaty which was concluded and ratified on 17 June 1231 in the eastern Majorcan town of Capdepera. It formalised the surrender of Menorca's Muslim population to King James I (r. 1213–1276) of Aragon, following several days of negotiations conducted on both Balearic Islands. The text is known through a Latin copy

(*transsumptum*) produced in 1282.² This version was likely drawn up following the transfer of power in Menorca from Abū ‘Uṭmān to his son Abū ‘Umar b. Sa‘īd in the same year.³ It is an exact copy of the original text endowed with legal authority through notarial authentication. Its fidelity to the original, confirmed by King James II of Mallorca (r. 1276–1311) by means of a seal, was further certified by Ponç de Jardí, Bishop of Majorca, whose seal the copy probably also bore.⁴

[§2] The lost original document from 1231 was most likely a text made up of Arabic and Latin components: the section attributed to the Menorcan *qā'id* Abū ‘Abd Allāh Muḥammad b. Aḥmad b. Hišām was probably written in Arabic, while that issued in the name of James of Aragon presumably appeared in Latin. This latter section was drafted by the royal scribe Guillem, one of the most trusted officials of the royal chancery and probably the same scribe who later contributed to drafting the surrender treaty of Valencia in 1238.⁵ Although Guillem states that he acted “on behalf of the Lord King and the aforementioned Saracens,”⁶ it is improbable that he also produced the Arabic version, in which the responsible scribe would likewise have been identified. In any case, it is unclear how the respective parts were treated during the process of copying—whether the Arabic part was translated into Latin and then added to the Latin part, and whether the Latin part was also translated into Arabic and reproduced in a separate copy that has been lost.

[§3] The Treaty of Capdepera is particularly significant as one of only three extant surrender treaties from the period of the Catalan-Aragonese conquest (1229–1245) of Eastern al-Andalus (*Šarq al-Andalus*).⁷ The other two survive in their original form and record the capitulation of the Banū ‘Īsā of Xàtiva in 1244⁸ and that of the *wazīr* al-Azraq, who ceded his territories in the mountains south of the Serpis River in 1245.⁹ Both featured an Arabic as well as a Latin respectively Romance section, alternating line by line—a format that appears to have been standard in agreements formalising the submission of Muslim polities. The *Cartes de Poblament*, charters granting conquered Muslim communities the right to remain on their lands under specified rights and obligations, were likewise originally promulgated in Arabic-Latin or Arabic-Romance bilingual versions.¹⁰

Content & Context

[§4] The Treaty of Capdepera contains stipulations on a wide range of issues related to the representation of authority as well as diplomatic, administrative, economic, demographic, and jurisdictional matters. The following analysis will focus on the clauses included in the source excerpt above, all of which concern the relationship between the Muslim leadership and the Crown. Before turning to these stipulations, it is necessary to situate the agreement of 1231 within its historical context.

[§5] The Šarq al-Andalus came under Almohad rule in 1172, a date marking the end of the so-called second *tā'ifa* period. As part of the Almohad caliphate, the Balearic Islands were

² Paris, Bibliothèque nationale de France, MS Latin 9261, no. 1. See Bernard, *Conservation*, p. 13 and Mut Calafell, *Document*, pp. 8–11.

³ Parpal y Marqués, *Conquista*, pp. 12–14.

⁴ Friedrich, *Zweifache christliche Unterwerfung*, pp. 216–217; Mut Calafell, *Document*, pp. 7–11, 62.

⁵ Mut Calafell, *Document*, pp. 59–61.

⁶ Mut Calafell, *Document*, p. 23: “Sig-(+)-num Guillermi, Scribe, qui mandato domini Regis et predictorum sarracenorum hanc cartam scribi fecit loco, die et anno prefixis.”

⁷ Guichard, *Šarq al-Andalus*.

⁸ Burns and Chevedden, *Negotiating Cultures*, pp. 148–153, 158–167.

⁹ Burns and Chevedden, *Negotiating Cultures*, pp. 35–50.

¹⁰ See e.g. the charters for Cervera (1233, Garcia Edo, *Actitud*, App. no. 1; Böhme, 1233: *Der Johanniterorden*), Xivert (1234, Romaguera [ed.], *Cartas pueblas*, no. 1), and Eslida (1242, Garcia Edo, *Actitud*, App. no. 5).

incorporated into a polity extending from sub-Saharan west Africa to the north-eastern Iberian Peninsula. The regional balance of power shifted decisively when a coalition of Christian Iberian kingdoms defeated the Almohad forces led by Muḥammad al-Nāṣir (r. 595–610/1199–1213) at the Battle of Las Navas de Tolosa in 1212. In the aftermath, Almohad authority progressively weakened. Almohad decline gave way to the so-called third *tāʾifa* period¹¹ and facilitated the major Christian conquests undertaken by the kingdoms of Portugal and Castile as well as the Crown of Aragon in the thirteenth century.¹² Peter II of Aragon (r. 1196–1213) died shortly after the battle, leaving the throne to his five-year-old son James I. Sixteen years later, the conquest of the Balearic Islands proved to be the young king’s first major military success. Preparations began at an assembly convened in Tarragona in 1228, where the prospective political and economic benefits of the campaign were debated. Later that year, at the meeting of the Corts in Barcelona, the nobility endorsed undertaking the expedition while negotiating how to divide land and spoils. The campaign against Majorca commenced in autumn 1229, and on 31 December, the principal city, Madīnat Mayūrqa (modern Palma de Mallorca), fell to the Catalan-Aragonese forces. Although the consolidation of control over the remainder of the island required further operations, the fall of the capital proved decisive.¹³

[§6] Unsurprisingly, the conquest of Majorca soon had repercussions for the other Balearic islands, which had been under its direct rule or at least its hegemony for the past centuries.¹⁴ Even after the gradual collapse of Almohad authority, the governor (*wālī*) Abū Yaḥyā Muḥammad al-Tinmallī had succeeded in maintaining his dominance over the neighbouring islands as well. Although the sources provide little information, there is some evidence that these islands possessed their own local elites, whose key functionaries had hitherto been appointed or at least formally confirmed by the *wālī* and were responsible for organising regular tribute payments to Madīnat Mayūrqa. A well-known example is the career of Abū ʿUṭmān Saʿīd b. al-Ḥakam, the [financial] inspector (*mušrif*) and later ruler of the island.¹⁵

[§7] With the archipelago’s hegemonic centre conquered in 1229, the question arose of how to deal with the remaining islands. The king was aware of their close ties with Majorca,¹⁶ but still faced ongoing resistance from Muslim insurgents on Majorca, while only few Christians chose to settle there. Moreover, the Catalan-Aragonese nobility proved unwilling to support similar military campaigns against the smaller and—both strategically and economically—less relevant islands of the archipelago. Therefore, the king and his advisors were compelled to seek more pragmatic solutions.¹⁷

[§8] Despite minor chronological inconsistencies that are insignificant in the present context,¹⁸ James I’s autobiographical “Book of Deeds” (*Llibre dels fets*) offers a detailed account of the events and provides essential information on the negotiations leading to the agreement with the Menorcans. During his third stay on Majorca in early summer 1231, the king appointed three envoys to initiate contact.¹⁹ The diplomats were to travel the approximately thirty nautical miles

¹¹ García Fitz, *Las Navas*; Alvira Cabrer, *Las Navas*; Guichard, *Al-Andalus*, 158–177; Krasner Balbale, *Affiliation and Ideology*.

¹² Rodríguez and Alejandro, *Conquista*; Henriques, *Conquista*; Ayala Martínez, *Órdenes*; Ayala Martínez and Ríos Saloma, *Fernando III*; González Jiménez, *Sevilla 1248*.

¹³ Mas i Forners, *Conquestes*, pp. 408–423; Roser Nebot, *Declive*; Vinas and Vinas, *Conquête*.

¹⁴ Soucek, *Minūrqa*; Epalza, *Precisiones*.

¹⁵ Ibn al-Abbār, *Hullat al-siyarāʿ*, ed. Muʿnis, vol. 2, cap. 170, p. 318; al-Marrākuṣī, *al-Dayl*, ed. ʿAbbās, b. Šarīfa, and Maʿrūf, vol. 2, no. 67, p. 32; Friedrich, *Zweifache christliche Unterwerfung*, pp. 222–224.

¹⁶ *Llibre dels fets*, ed. Soldevila, cap. 47, p. 128; *Book of Deeds*, trans. Smith and Buffery, cap. 47, p. 70.

¹⁷ Friedrich, *Zweifache christliche Unterwerfung*, pp. 213–214.

¹⁸ Ensenyat Pujol, *Tractat*, p. 109; Mas i Forners, *Conquestes*, 405–408.

¹⁹ *Llibre dels fets*, ed. Soldevila, cap. 117, pp. 210–211; *Book of Deeds*, trans. Smith and Buffery, cap. 117, pp. 129–130.

to Menorca each in their own galley, thereby showcasing the Crown's military strength.²⁰ Equipped with Arabic letters of accreditation written by Salamó Alconstanini, one of the king's chief advisors for negotiations with Muslims,²¹ the envoys arrived at Madīnat Minūrqa (modern Ciutadella) on 12 June. There, they were received by the leading chief judge (*qādī*) and community leader (*qā'id*) Abū 'Abd Allāh Muḥammad, his brother, the *mušrif* Abū 'Utmān, and an unspecified number of local elders (*šuyūḥ*). Presenting themselves as representatives of the new Christian king of Majorca, the envoys had James I's demand to surrender peacefully read aloud by a Jewish interpreter accompanying them.²² After brief internal deliberation, the Muslim leaders requested a day's grace to summon community leaders from across the island to a general council. The envoys agreed and shared a meal with them, yet continued to apply pressure: when asked about a line of fires seen on the nearby Majorcan coast—a premeditated ruse—they replied that the royal army stood ready to intervene should no agreement be reached.²³ This stratagem was effective. After the dawn prayer the following morning, Abū 'Abd Allāh, his brother, the *mušrif*, and the *šuyūḥ*, along with nearly 300 reputable Muslim men, went to the Christian camp to declare their willingness to recognise the king as their overlord, to pay tribute, and to surrender the island's fortresses. Then both parties drafted a preliminary agreement and performed the ceremony symbolising its conclusion. Within three days, "all the principal and best men of the island" (*tots los majors e els mellors hòmens de l'illa*) swore on the Qur'ān to uphold the accord.²⁴ As the agreement required final ratification by the Crown, 'Alī b. Hišām, the *mušrif*, and five *šuyūḥ* travelled to Capdepera on 17 June, where the king had the meeting room arranged in Andalusī style. James I promptly ratified the draft treaty and ordered the official documents to be drawn up and handed to the Muslim representatives.²⁵

[§9] The surrender terms recorded in the treaty itself stipulated that Menorca would remain a Muslim polity while acknowledging the sovereignty of James I of Aragon and his successors as kings of Majorca. The island was required to pay tribute in grain and livestock, and its inhabitants were to recognise the king's jurisdiction in matters concerning piracy, fugitive slaves, and goods recovered from shipwrecks. In return, James guaranteed protection to the Menorcan population, pledged non-interference in their internal affairs, and undertook to defend the island against external enemies. Non-Muslims were not allowed to reside on Menorca without the consent of its inhabitants, who were themselves granted freedom of movement throughout the king's dominions for purposes of trade. Abū 'Abd Allāh Muḥammad was confirmed in his position as representative of Muslim Menorca, while the population retained the right to appoint their own *qādī*, *qā'id*, *mušrif*, and *faqīh* without intervention from the Christian sovereign.²⁶ It should be noted that, in premodern Muslim communities, the title *faqīh* (pl. *fuqahā'*) denoted a specialist in Islamic jurisprudence (*fiqh*) rather than a specific office. Its treatment as an official post in the treaty reflects the imprecise administrative terminology often employed by Christian authorities.²⁷

²⁰ *Llibre dels feits*, ed. Soldevila, cap. 118, p. 211; *Book of Deeds*, trans. Smith and Buffery, cap. 118, p. 130.

²¹ Romano, *Judíos*, p. 81; Assis, *Diplomàtics*, p. 15.

²² *Llibre dels feits*, ed. Soldevila, cap. 119, pp. 211–212; *Book of Deeds*, trans. Smith and Buffery, cap. 119, pp. 130–131.

²³ *Llibre dels feits*, ed. Soldevila, cap. 120, pp. 212–213; *Book of Deeds*, trans. Smith and Buffery, cap. 120, p. 131.

²⁴ *Llibre dels feits*, ed. Soldevila, cap. 121, pp. 213–214; *Book of Deeds*, trans. Smith and Buffery, cap. 121, pp. 131–132.

²⁵ *Llibre dels feits*, ed. Soldevila, cap. 122–123, pp. 215–216; *Book of Deeds*, trans. Smith and Buffery, cap. 122–123, p. 133. On the surrender negotiations, see also Ensenyat Pujol, *Tractat*; Friedrich, *Zweifache christliche Eroberung*, pp. 212–214.

²⁶ Mut Calafell, *Document*, pp. 25–27; Friedrich, *Zweifache Unterwerfung*, pp. 216–218.

²⁷ Epalza, *Precisiones*, p. 81; Burns, *L'Islam*, vol. 2, p. 129.

[§10] After Majorca and Menorca, Ibiza and Formentera were the last Balearic Islands to fall under Christian rule. Both were conquered in 1235 by three Christian nobles who had secured the right of conquest from the Crown.²⁸ Having secured control over the archipelago, the king and his advisors could now turn their full attention to the mainland. In a series of rapid campaigns over the next decade, Catalan-Aragonese forces pushed the Christian-Muslim frontier beyond Valencia (1238), Xàtiva (1244), and into the remote mountains south of the Serpis River (1245). With the conquest of Biar in February 1245, they reached the Castilian zone of influence, and James I declared his fifteen-year enterprise complete.²⁹ Reorganised into the Balearic kingdom of Majorca³⁰ and the mainland Kingdom of Valencia,³¹ the former Šarq al-Andalus increased the territory of the Crown of Aragon by roughly a third.

Contextualization, Analysis & Interpretation

[§11] Having situated the submission of Muslim Menorca within the broader context of Catalan-Aragonese expansion led by James I between 1229 and 1245, the following analysis will address two main themes. First, it will examine the process of submission in greater detail, giving particular attention to how the Muslim elite reached a collective decision (§12–14) and how their new relationship with the Crown would have been defined in Christian and Islamic law (§15–20). Second, it will compare the conditions imposed on Menorca to those formulated in the two treaties surviving from mainland Šarq al-Andalus (§21–22). A concluding paragraph will situate the island’s incorporation into the Crown of Aragon within a wider transmediterranean context (§23).

[§12] Unlike most surrender negotiations of the period between 1229 and 1245, the submission of Menorca is relatively well documented, both in the surviving transcript of the treaty and in James I’s own “Book of Deeds.” Although the king did not attend the negotiations on Menorca, and although it is widely acknowledged that his report contains biases and inaccuracies, the detailed report of his envoys, reproduced in his account, offer insights into the island’s internal Muslim hierarchies and mechanisms of decision-making.³² On the Muslim side, the negotiations were not conducted by appointed envoys but directly by the island’s politico-religious elite based in Madīnat Minūrqa. The leading figure was the chief judge (*qāḍī*)³³ Abū ‘Abd Allāh Muḥammad³⁴, who also assumed the role of community leader (*qā’id*)³⁵—a combination of offices that also existed on the mainland and had come into being as a result of the disintegration of Almohad central authority.³⁶ He was accompanied by his brother ‘Alī b. Hišām, likewise a jurist (*faqīh*)³⁷ and, in all likelihood, a close advisor, whose role reflects the tendency of Andalusī rulers to rely on trusted family members.³⁸ A third individual mentioned by name is the *mušrif* Abū ‘Uṭmān Sa‘īd b. al-Ḥakam. While the *mušrif* typically oversaw

²⁸ Mas i Forners, *Conquestes*, pp. 435–439; Urgell Hernández, *Proceso*.

²⁹ Ubieto Arteta, *Orígenes*, vol. 1, pp. 27–50, 62–116, 137–166, 240–248, vol. 2, pp. 245–258, Guichard, *Al-Andalus*, pp. 158–190, 537–574; Torró, *Naixement*, pp. 46–60; Böhme, *Agency*, pp. 220–267.

³⁰ Abulafia, *Emporium*; Garí i Mir, *Documents*; Cateura Benasser, *Regne*; Vones, *Weg*; Vones, Krone und Königreich; Sabaté and Soler, *Antonio Riera Melis, ‘Un regne’*.

³¹ López Elum, *Conquista y repoblación*; Guinot Rodríguez, *Límits*; Guinot Rodríguez, *Fundadors*; Ferrer Navarro, *Conquista y repoblación*; Torró, *Naixement*; Burns, *L’Islam*; Böhme, *Agency*, pp. 253–362.

³² Hauf i Valls, *Llibre dels feits*; esp. Franco Sánchez, *Musulmans*.

³³ Tyan and Káldy Nagy, *Qāḍī*.

³⁴ Moll Mercadal, *Qadi*.

³⁵ Colin, *Qā’id*.

³⁶ Torró, *Aljamas*, pp. 262–269; Böhme, *Agency*, 210–211. This had also been the case in earlier political crises, see Fierro, *Qāḍī*.

³⁷ Macdonald, *Faqīh*.

³⁸ Among many examples, it may suffice to mention Valencia’s emir Zayyān b. Mardaniš, Xàtiva’s Banū ‘Īsā, and the *wazīr* al-Azraq; Böhme, *Agency*, pp. 233–234, 241–242, 250, 272–273, 275.

customs and other fiscal matters rather than exercising political authority,³⁹ Abū ‘Uṭmān had previously served as an agent of the former Almohad *wālī* Abū Yahyā and wielded considerable influence on Menorca as well.⁴⁰ The three were accompanied by an unspecified number of “elders” (*vells*), that is, *ṣuyūḥ*—the leading men of local communities, either by virtue of office or lineage from prominent families.⁴¹ Given that the negotiations required legal expertise, it is highly probable that some of the *fuqahā*’ and other “learned men” (*‘ulamā*)⁴² mentioned in the treaty document were already present during the deliberations on Menorca.

[§13] While deliberating and making decisions, the Muslims followed long-established practices comparable to those observed throughout the wider Islamicate sphere. Even before the first round of talks, they laid out “mattresses, mats, and cushions, so that they could sit down and assemble.”⁴³ While this might appear to be a minor detail, it signals the convening of a communal assembly such as the *ḡamā‘a* or *maḡlis*—an ancient institution rooted in pre-Islamic traditions and refined over centuries in both sedentary and nomadic communities across the Islamicate sphere.⁴⁴ However, those present soon agreed that the gravity of the decision required the participation of the leading figures from the other Menorcan communities. The men summoned for this extended council are referred to generically as “elders” in the king’s account, but likely included not only *ṣuyūḥ* but a broader range of political and religious elites from each locality.⁴⁵ Although the *qāḍī-qā’id* Abū ‘Abd Allāh Muḡammad held the highest authority on the island, he and his inner circle clearly depended on the consensus of the wider Menorcan elite. In Christian contexts, this dynamic between ruler and subordinate elites has been described through concepts such as “rule by consensus” (Bernd Schneidmüller) or “legitimacy through procedure” (Niklas Luhmann).⁴⁶ Even before the full council was convened, Abū ‘Abd Allāh and his advisors invited the king’s envoys to a lavish meal. In contemporary Muslim diplomatic culture, this was more than a gesture of hospitality: it represented a symbolic step toward establishing an amicable relationship and, ultimately, reaching an accord.⁴⁷

[§14] The final negotiations following the council’s internal decision took place “when morning came, and the Saracens had said their prayer.”⁴⁸ As 13 June 1231 fell on a Friday, it is possible that the Friday sermon (*ḡuṭba*)—the most important communal event of the week—was, on this occasion, held in conjunction with the dawn prayer (*ṣalāt al-faḡr*) rather than at the customary midday prayer (*ṣalāt al-zuhr*).⁴⁹ The combination of politically significant deliberations or decisions with congregational prayers was not unique to Menorca; it was also practised

³⁹ Bosworth and Burton-Page, *Muṣhrif*.

⁴⁰ Ibn al-Abbār, *Ḥullat al-siyarā*, ed. Mu’nis, vol. 2, cap. 170, p. 318; al-Marrākuṣī, *al-Ḍayl*, ed. ‘Abbās, b. Ṣarīfa, and Ma’rūf, vol. 2, no. 67, p. 32; see also below.

⁴¹ Geoffroy, *Shaykh*. In our context, see Burns, *L’Islam*, vol. 2, pp. 152–161; Kirchner i Granell, *Paper polític i social*; Torró, *Aljamas*, pp. 258–262; Febrer Romaguera, *Antecedentes y configuración*.

⁴² Gilliot et al., ‘*Ulamā*’.

⁴³ *Llibre dels feits*, ed. Soldevila, cap. 119, p. 212; *Book of Deeds*, trans. Smith and Buffery, cap. 119, p. 130: “e ells hagren enviats per almatrac̄s e per estores e per coixins, e que siguessen e s’aplegassen. (...)”

⁴⁴ Gardet and Berque, “*Ḍjamā‘a*; [Madelung et al.], “*Maḡlis*.”

⁴⁵ *Llibre dels feits*, ed. Soldevila, cap. 120, p. 212: “E l’acord fo aital, que els pregaren que s’esperassen tro en l’altre dia, e enviaren per més vells qui eren de l’illa, mas en aquell lloc no eren, per ço que poguessen haver llur consell pus complidament.” *Book of Deeds*, trans. Smith and Buffery, cap. 120, p. 131. On the king’s careless use of the term, see also Burns, *L’Islam*, vol. 2, p. 159; Kirchner i Granell, *Paper polític i social*, pp. 104, 106–108.

⁴⁶ Schneidmüller, *Rule by Consensus*; Ertl, *Konsensuale Herrschaft*; Stollberg-Rilinger and Krischer (eds), *Herstellung und Darstellung*.

⁴⁷ Burns, *L’Islam*, vol. 1, pp. 272–273; Smith, *Dinner and Diplomacy*, esp. pp. 136–143; Heine, *Gastlichkeit und Politik*, pp. 183–86, 194.

⁴⁸ *Llibre dels feits*, ed. Soldevila, cap. 121, p. 213: “E, quan venc al matí, que hagren feita llur oració los sarraïns, (...)” *Book of Deeds*, trans. Smith and Buffery, cap. 121, p. 131.

⁴⁹ Wensinck, *Kḡuṭba*.

elsewhere in the Šarq al-Andalus when circumstances permitted, as exemplified by the surrender of Xàtiva in 1244.⁵⁰ According to the royal envoys' account, "some three hundred Moors, of the best men of the island," accompanied the *qāḍī-qā'id*, his brother, the *mušrif*, and the *šuyūḥ*. This suggests that virtually all Muslim notables present in Maḍīnat Minūrqa attended the final negotiations, thereby ensuring that the decisions reached in the council were duly implemented.⁵¹

[§15] Once an agreement had been concluded, all of the Muslim notables participated in the oath-taking ceremony. This three-day ritual was likely understood by the Muslim side as an adapted form of the traditional Islamic pledge of allegiance and loyalty to a ruler (*bay'ā* or *mubāya'a*).⁵² This represented less a display of public submission than a legal necessity, since contemporary Islamic law attributed legal responsibility solely to natural persons, not to corporate entities. In theory, ordinary members of the community were therefore not personally bound by the provisions of a surrender treaty. However, requiring each individual to swear a separate oath would have been impracticable. Legal practice accordingly developed a more workable mechanism: by swearing personal oaths, the leading notables assumed the role of agents (*awliyā'*) mediating between the treaty partner and their respective communities. Community members, bound to these figures by established ties of loyalty, were thus expected to comply with their directives.⁵³

[§16] While the negotiations on Menorca had involved the communal elites from across the island, only a small group of notables travelled to Majorcan Capdepera to have the agreement ratified by the king. According to James I's written recollection of the brief and rather uneventful meeting, these were the *qāḍī-qā'id*'s brother 'Alī b. Hišām, the *mušrif* Abū 'Uṭmān, and five of the "most honoured" (*pus honrats*) *šuyūḥ*. They acted as representatives of both the Menorcans and Abū 'Abd Allāh, who had remained on the island, perhaps fearing a coup d'état in the wake of the certainly controversial decision to surrender.⁵⁴ The treaty itself, however, names a considerably larger group of notables as representatives—clear evidence that at least this section of the text had already been part of the concept drafted on the island. At the very beginning, the *qāḍī-qā'id* appears prominently, acting on behalf of the *šuyūḥ*, the '*ulamā'*, and the general Menorcan populace. Sixteen additional notables are recorded as having been present (*presentibus*) at the formal act of surrender. 'Alī b. Hišām was accompanied by three other *fuqahā'*, two of whom, "Aboabdille" and "Aboyal Abenmo[m]anna," were brothers. An otherwise unknown *qā'id* probably represented another important community on the island, while eleven other men, listed without official titles, were most likely *šuyūḥ* by virtue of their descent from prominent families. Although he had played a key role during the negotiations, the *mušrif* Abū 'Uṭmān is not among those mentioned by name—probably because his influence derived informally from his association with the former Almohad *wālī* rather than from his office.⁵⁵

⁵⁰ Böhme, 1244: König Jakob I., §15; Böhme, Banū 'Isā, p. 339; Böhme, *Agency*, p. 247.

⁵¹ *Llibre dels feits*, ed. Soldevila, cap. 121, p. 213: "eixiren l'alcait e son frare e l'amoixerif e els vells e bé trescents dels moros, dels mellors hòmens de l'illa, (...)." *Book of Deeds*, trans. Smith and Buffery, cap. 121, pp. 131–132.

⁵² Compare Ibn Ḥaldūn (732–808/1332–1406), *al-Muqaddima*, ed. al-Šaddādī, vol. 1, cap. 3,27, pp. 356–357, with Hanne, *Ritual and Reality*; Peláez Martín, *Ritual*; Peláez Martín, *Reconocimiento*; Peláez Martín, *Hands, Promises and Submission*.

⁵³ Mottahedeh, *Loyalty and Leadership*, pp. 52, 62, 123; Burns and Chevedden, *Negotiating Cultures*, p. 185.

⁵⁴ *Llibre dels feits*, ed. Soldevila, cap. 122, p. 215: "ens saludaven per l'alcait (...)." *Book of Deeds*, trans. Smith and Buffery, cap. 122, p. 133.

⁵⁵ For a tentative reconstruction of the Arabic names, see Mut Calafell, *Document*, pp. 39–42, summarising the earlier literature.

[§17] The treaty itself provides insight into the procedures required to conclude a Christian-Muslim surrender agreement. One or more instruments had to be produced that were considered legally valid within both traditions. The composite character of the Capdepera document illustrates this requirement which is particularly evident at the formal level. The treaty opens with the formula *In nomine creatoris*, an invocation atypical in Christian diplomatic practice that may be interpreted as a religiously neutral expression within a shared monotheistic framework.⁵⁶ The bilateral nature of the agreement is further underscored by the notary's statement that he drafted the document "at the order of the king and the aforementioned Muslims" (*mandato domini regis et predictorum sarracenorum*). The methods used to authenticate the treaty, however, differ markedly between its two sections, possibly reflecting distinct legal traditions, but maybe also the hierarchical asymmetry characteristic of a surrender treaty. Whereas the "Christian" section concludes with a conventional witness list, the Muslim representatives named in the corresponding "Muslim" section are directly incorporated into the agreement through sworn declarations. They pledge to recognise the Christian king of Majorca as their new lord in place of the *wālī* of Majorca and swear on the Qur'ān to uphold the treaty's provisions.⁵⁷ Abū 'Abd Allāh Muḥammad further declares all previous treaties and oaths of allegiance null and void.

[§18] The king, in turn, pledges not to interfere in the island's internal affairs and promises not to station Christian representatives there. However, the treaty incorporated an act of symbolic acknowledgement of the king's authority: the royal banner was to be raised over the island's principal fortress—possibly located in Madīnat Minūrqa or Sent Agayz.⁵⁸ This gesture was accompanied by the temporary transfer of authority over the fortress to one of James's officials, who was required to withdraw immediately thereafter. The procedure was to be repeated annually as a performative demonstration, and thus reinforcement, of royal authority.

[§19] Menorca's status within the Crown of Aragon remained relatively stable in the following decades. According to the *Llibre dels fets*, the Menorcans paid their tribute consistently and without requiring royal enforcement.⁵⁹ Internally, however, an uprising in 1234 brought Abū 'Uṭmān, who had already participated in the negotiations of 1231, to power. James I appears to have accepted this change without difficulty, later describing him as the man "whom we afterwards made *ra'īs* of Menorca."⁶⁰ Before arriving in the Balearic Islands, Abū 'Uṭmān had studied in Seville and acquired administrative experience in the Almohad Caliphate. Having seized supreme authority in Menorca, he ruled the island for nearly half a century until his death in 1282. Taking advantage of the political framework established by the Treaty of Capdepera, he turned Menorca into an important cultural and economic centre, a status widely acknowledged in later Arabic historiography. Some attributed this prosperity to his cooperative relations with the Christians while emphasising that it depended upon the regular payment of tribute.⁶¹ The Menorcan court emerged as a notable centre of learning. Its extensive library attracted numerous Arabic-Islamic authors who provided copies of their works, while scholars from other Muslim territories found patronage there. For some, Menorca became a refuge after fleeing regions conquered by Christian rulers.⁶² This political arrangement endured until 1287, when Alfonso III of Aragon (r. 1285–1291) conquered the island, then part of the independent

⁵⁶ Potthast, *Diplomatischer Austausch*, pp. 449, 457.

⁵⁷ Burns, *L'islam*, vol. 1, pp. 282–283.

⁵⁸ Barceló, *Tractat*, p. 35; Sastre Portella, *Conquista*, pp. 139–140.

⁵⁹ *Llibre dels fets*, ed. Soldevila, cap. 124, p. 216; *Book of Deeds*, trans. Smith and Buffery, cap. 124, p. 133.

⁶⁰ *Llibre dels fets*, ed. Soldevila, cap. 119, p. 212: "lo qual nós puis faem raiz de Menorca (...)." *Book of Deeds*, trans. Smith and Buffery, cap. 119, p. 130.

⁶¹ Rubiera de Epalza, *Corte*, p. 106. On Abū 'Uṭmān, see Moll, Abū 'Uṭmān; Marin Niño, Sa'id b. Hakam.

⁶² Rubiera de Epalza, *Corte*; Moll, Abū 'Uṭmān, pp. 17–20; Molina López, Sa'id Ibn Hakam, p. 223; Urvoy, *Vie*.

Kingdom of Majorca, expelled the Muslim population, and fully incorporated Menorca into the Crown.⁶³

[§20] Scholarly opinion remains divided as to whether the Treaty of Capdepera established a condition of vassalage or merely one of royal protection over the Menorcans. Florenci Sastre Portella has advanced a rather idiosyncratic interpretation, arguing that the agreement displays “defining characteristics” of vassalage, understood in his account as including the payment of tribute in exchange for protection against external enemies.⁶⁴ This question cannot be addressed exhaustively here and may, in any case, be of limited analytical utility, as the treaty itself contains no explicit terminology that clearly points to vassalage in the Latin-Christian understanding or to the Islamic concept of *bay‘a* or *mubāya‘a*. It is nevertheless plausible that, both on Menorca and on the mainland, each party interpreted the agreement through the conceptual vocabulary most familiar to its own legal and political tradition.

[§21] Indeed, several striking parallels emerge if we compare the Treaty of Capdepera with these two other surviving examples from the mainland Šarq al-Andalus. In the surrender treaty of Xàtiva (1244), the Arabic and Latin sections likewise complement one another. The leaders (*quwwād*) of the Banū ‘Īsā were required to hand over the town’s fortifications to Christian castellans within a two-year moratorium and were already preparing to relocate to nearby Montesa and Vallada.⁶⁵ At the same time, the Latin text confirms their leading position over their Muslim subjects. Unlike the offices held by Menorca’s leadership, their authority was hereditary; yet, as they held their newly assigned castles as royal fiefs, they remained dependent on the king’s favour and likely required formal royal confirmation upon each dynastic succession.⁶⁶ Here too, many stipulations emphasise the extensive autonomy granted to Xàtiva’s Muslim community. As in Menorca, they were exempt from military service except in the case of local uprisings, were not obliged to accept Christian and Jewish neighbours within their designated settlement area, and enjoyed freedom of movement to leave and return at will.⁶⁷ The Arabic text reiterates most of these provisions in a different phrasing and further emphasises the right to practice Islam publicly.⁶⁸ Unlike the Treaty of Capdepera, however, both linguistic versions of the Xàtiva treaty explicitly address jurisdictional principles concerning lawsuits between Muslims and non-Muslims—an important provision, as Xàtiva was intended to become a future centre of Christian and Jewish settlement.⁶⁹ As the agreement of 1231, the treaty of 1244 included an extended oath-taking ceremony, recorded in the text itself. In the Arabic version, the Banū ‘Īsā, together with the “the people of distinction and the leading men” of the community, bind themselves to the stipulations of the treaty and swear to make them binding upon the “men of lower rank”.⁷⁰ As on Menorca, their relationship to the Crown thus closely resembled the Islamic *bay‘a* or *mubāya‘a*.⁷¹

⁶³ Ferrer Florez, *Conquista*; Lourie, *Colonización*; Sastre Moll, *Salida*; Sastre Moll, *Notas*; Sastre Portella, *Conquista*; Parpal y Marqués, *Conquista*.

⁶⁴ Sastre Portella, *Conquista*, pp. 138–139; as an introduction to current scholarly debates, see Auge, *Statik*.

⁶⁵ Burns and Chevedden, *Negotiating Cultures*, pp. 149, 151, line ii; *Llibre dels feits*, ed. Soldevila, cap. 353, p. 215; p. 383; *Book of Deeds*, trans. Smith and Buffery, cap. 353, p. 267.

⁶⁶ Burns and Chevedden, *Negotiating Cultures*, pp. 149–150, 152, line iv.

⁶⁷ Burns and Chevedden, *Negotiating Cultures*, pp. 150, 152, lines v–vii.

⁶⁸ Burns and Chevedden, *Negotiating Cultures*, pp. 159–166, esp. lines 1–2.

⁶⁹ Burns and Chevedden, *Negotiating Cultures*, pp. 150, 152, lines v, x; 160, 163, 165, lines 4–5. O’Connor, *Forgotten Community*, pp. 32–54 and passim.

⁷⁰ Burns and Chevedden, *Negotiating Cultures*, pp. 150, 152 with line 15, 161, 163, here: 166 with line 10: “[wa-lazima al-qā’idayn a’azzahumā Allāh hādīhi al-mu’āhada ‘alā šurūṭihā wa-lazima dālika ayḍan man kāna min ḥawāṣṣ al-nās wa-wuḡūh’ Š]āṭiba wa-mā [‘ilay’]hā wa-alzamūhā man warā’ahum min ṭabaqāt al-nās wa-ḥalafū ‘alā al-wafā’ bihā (...).”

⁷¹ Burns and Chevedden, *Negotiating Cultures*, 123–192; Böhme; 1244: König Jakob I., §16–17; Böhme, Banū ‘Īsā, pp. 340–342; Böhme, *Agency*, pp. 249–250.

[§22] The treaty concluded between the Crown and the *wazīr* al-Azraq in 1245 differs markedly in content from the two others, as its comparatively few stipulations are not concerned with the future status of the local Muslim population. Its principal purpose was to regulate present and future claims over eight fortresses. Two of these were to be surrendered to the Crown immediately; four others were to be handed over after a three-year moratorium during which the revenues would be shared between both parties; the remaining two fortresses were to remain in al-Azraq's possession.⁷² More than in the previous examples, the two versions of the treaty address distinct audiences. In the Romance version, al-Azraq declares himself a vassal (*vassallo*) of the Crown, whereas the Arabic version presents the agreement merely as a temporary arrangement between partners of equal standing.⁷³ Although nothing is known about the oath-taking ceremony that certainly must have taken place, the variations between the two versions are likely the result of a mutually acceptable compromise that allowed both sides to preserve their dignity. As the king was under considerable pressure to secure a settlement in light of pressing affairs in Occitania, he was probably disinclined to re-engage in the lengthy discussions about the legal nature of Christian and Islamic pledges of allegiance that had characterised his earlier negotiations with the Banū 'Īsā.⁷⁴

[§23] Not dissimilar to al-Azraq in 1245, the Menorcans had managed to negotiate relatively lenient surrender terms in 1231 by exploiting the invaders' predicament. As Christian authority over the main island of Majorca had yet to be firmly established, and the Catalan-Aragonese nobility was disinclined to support further costly campaigns against less important yet potentially equally unmanageable islands, King James and his advisors sought rapid successes. By combining military pressure with diplomatic flexibility, they compelled the Muslim communities to surrender without combat—a valuable alternative to costly military campaigns and protracted sieges. Although Menorca can be considered a somewhat exceptional case, as its isolated position secured its semi-independence for more than half a century, the submission of its Muslim elites served as a model for subsequent surrender negotiations during the Catalan-Aragonese campaigns into the mainland Šarq al-Andalus. There, too, many Muslim communities were willing to enter diplomatic negotiations to avoid a hopeless fight. In these exchanges, both sides sought to assert their key demands regarding the future relationship between conquerors and conquered. The resulting *Cartes de Poblament* and the surrender treaties—of which the Treaty of Capdepera is one of only three to survive from the conquest period—remain invaluable evidence of these negotiations.⁷⁵ In the longer term, the conquest of the Balearic Islands, with their economically and strategically significant port cities, enabled the Crown of Aragon to emerge as a maritime power whose economic, diplomatic, and military ambitions would, in the decades to come, extend to Sicily and the eastern Mediterranean.⁷⁶

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⁷² Burns and Chevedden, *Negotiating Cultures*, pp. 35–37, 41–42, 48–50.

⁷³ Burns and Chevedden, *Negotiating Cultures*, pp. 35–36: “yo Habuabdele (...) me fago vuestro vassallo de vos senor don Alfonsso (...) Et yo don Alfonsso (...), recibo a vos Abuabdele (...) por mio amado et mucho alto et muy onrrado et mio fiel vassallo.”

⁷⁴ Burns and Chevedden, *Negotiating Cultures*, pp. 3–59; Burns and Chevedden, Unique Bilingual Surrender Treaty; Garrido i Valls, *Al-Azraq*, pp. 77–94, 123–127; Friedrich, Zweifache Unterwerfung, pp. 220–222; Böhme, 1250: Letter, §6; Böhme, *Agency*, pp. 251–252.

⁷⁵ Böhme, *Agency*, pp. 220–267.

⁷⁶ Sabaté, *Crown of Aragon*; Sabaté, *Crown of Aragon*; Sabaté, *Identities*; Coulon, *Commercial influence*; Cioppi and Nocco, *Islands*; Abulafia, *Catalans*.

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