

The extract below is taken from ‘The Book of Finances’ by al-Dāwūdī (d.1011). Dāwūdī was a Mālikī jurist from Ifrīqiya who was asked to give legal opinions (*fatwas*) on cases that were brought to him. He was repeatedly asked about the status of lands in Sicily after the conquest and during the Fatimid period. At one point in the hearings, he quoted the anti-Aghlabid jurist and highest legal authority in North Africa, Saḥnūn (d. 854), saying that, “not a thing in Sicily was conquered legally by the Muslims.”

Extract below is taken from the *Kitāb al-Amwāl*, adapted (with corrections) from the translation by A-M. M. Sherfuddin (New Delhi, 2002), 93–5.

1. “It was enquired of him about a fortress [Agrigento] which was at a distance of three miles from the sea and lying waste at the time of the conquest. The Muslims then inhabited it and it became prosperous. A group of people then proceeded to it and used it as pastures for their cattle without obtaining a legal allotment (*iqṭāʿ*) from the ruler and settled there for a long time. Another group of people from the town then came to them and started using the land as pastures. Now the inhabitants of the place defended against them and treated the area as their landed properties and made boundaries all around for them and lived there. This caused a fight among them for the land.
2. Consequently, those who had settled therein in the beginning killed a number of the people who had driven them out of it. The latter then complained to the ruler who sent to them an army. As a result, most of the inhabitants of the fortress who had defended it were killed and the rest ran away. The fortress, thus, remained in the possession of those who had driven people out of it and in these they got neither permission nor allotment from the ruler.
3. They stayed there for a long time while the rulers continued in succession without challenging them till some of the rulers forced them to cut wood for boats to be used in the *jihād*. But they refused to cut the wood and said: “Our duty is only to wage *jihād*. We are not woodcutters.” The ruler thereupon sent armies in succession and besieged them till they suffered destitution, and the siege prolonged. The besieged then sought refuge with the Christians and a number of them ran away to them but were not helped by them and met their end.
4. The fortress was vacated by all of them. The ruler then gave orders for inhabiting the fort to which people were brought from all sides and were forced to settle therein. The fortress was allotted to them. Thus, the ruler made them dwell in its houses and many successors of the original inhabitants also dwelt there along with some other people who had come from Ifrīqiya. Some of them were rich and some of them were not. There then rose the descendents of Agrigento who had been ousted from the fortress along with some early settlers who had survived and said to the ruler that the lands was theirs and that he should remove the usurpers from there.
5. The ruler enquired as to how the city belonged to them. Some elderly people said that they had purchased the land from a man called al-Ṭiflī. The ruler of the period asked to sell to anyone willing to buy. Others said that the land belonged to them as they had bought it from Ibrāhīm II ibn Aḥmad. And that they had fought alongside him at Taormina and had received 6,000 as *ḥayʿ* with which they had purchased it from him.<sup>1</sup> The ruler then said:

---

<sup>1</sup> *ḥayʿ* Land or wealth which is the communal property of the Muslims.

“By Allāh! Is there any deed or document in your possession?” They replied: “A long time has passed and we have nothing of that kind in our hands.” He then said, “This land belongs to the whole community of the Muslims. I am not giving you this because of your claim.”

6. The ruler asked some of the elders (*shaykhs*) of Sicily, who were present at the court, about Agrigento. One of them replied, “All the tax-registers (*dīwāns*) were under the control of my father and he was Lord of the Fifth (*ṣāhib al-khums*) of that town, and of its *kharāj*, and he was the *amīn* over it. I was able to read [in the registers]: ‘this fortress is confirmed in the register. Every year its population contributed a collective tax and every estate in it is taxable. It is the property of the treasury of the Muslims.’ However, the register was burned in the days of Khalīl [ibn Ishāq] ibn al-Ward.”
7. People from the clan of ‘Abd al-Ṣamad said: “We were present with Ibrāhīm II ibn Aḥmad and had said to him, ‘sell us this fortress for 6,000 dinars’. He favoured us but neither completed the deal, nor we gave him the price, and it remained so up to this day.” The ruler then said to them: “Live along with the people as they lived and nobody from among you should say that this belonged to his father or else I shall cut his tongue. It appears to me that nothing belongs to you!”
8. They, thereafter, settled there on condition that the land belonged to the Muslims in common until an army of the Muslims was sent to the Italian mainland and a group of the army from among the people of that fortress and other places fled [from the battle-field]. By way of punishment, the ruler forced those who had run away to settle in Taormina, Rometta and Aci, and the deserted fortresses in the vicinity of the enemy. They then settled therein as long as Allāh wished.
9. Then some of the elderly people of Agrigento approached the ruler and said: “We are the people of one and the same race so put us in one and the same place. If a calamity overtakes us we shall face it together.” He, therefore, put them all in Syracuse and forced all their old companions to settle at [...].
10. They again rose after some time and said to the ruler: “We have landed properties in that fortress.” The ruler said to them that the decision had been taken concerning them that they could only live with the Muslims. Now, whoever had his house pulled down or trees uprooted, he could take the price upon proclamation. They thus sold their houses and all that brought value for them. Nevertheless, they always used to say: “Our landed properties are not for anyone else!””

- Questions:

What are the main sources of dispute?

What parts of this account are datable or can be linked to people, places and events from other sources?

What does this account tell us of the basis, evolution and structures of Muslim Sicily’s administration?