

Al-Qānūn al-Muqaddas (El Escorial MS Ar. 1623): The Holy Canon of the Andalusi Church. A Reassessment from a Bird's Eye View

Juan Pedro Monferrer Sala

Institution: Universidad de Córdoba 

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Introduction

The study of Christian communities in medieval al-Andalus has often been framed within the paradigm of a religious minority under Islamic rule. Among the corpus of texts that illuminate the internal structures and cultural strength of these communities, the Arabic manuscript *al-Qānūn al-Muqaddas* —now preserved as MS Ar. 1623 at the Royal Monastery of El Escorial— occupies a singular position. As a translation of a version from the Latin *Collectio Hispana*, a cornerstone of Visigothic ecclesiastical law, this manuscript is not only a testament to the endurance of Christian legal traditions under Muslim rule, but also an eloquent expression of the Mozarabic Church's linguistic and cultural adaptation.

Compiled in the seventh century, the *Collectio Canonum Hispana* represented the most authoritative collection of ecclesiastical canons in Visigothic Iberia. Drawing from the conciliar traditions, as well as papal decretals, it preserved a legal and doctrinal legacy rooted in the late antique fusion of Roman jurisprudence, Gothic polity, and Christian orthodoxy. Its Arabic counterpart, *al-Qānūn al-Muqaddas*, likely produced in the mid-tenth century, reconfigures elements of the Latin tradition into a form both accessible and authoritative for Arabic-speaking ecclesiastical elites.

Structured into ten books, the manuscript addresses diverse ecclesiastical domains, including episcopal duties, monastic regulation, clerical conduct, liturgical practice, marriage law, inheritance, penance, and excommunication amongst others. This comprehensive scope reflects the community's effort to maintain canonical integrity and self-governance. The translator(s), almost certainly members of the Mozarabic clergy, were deeply conversant not only in Arabic but in the theological and juridical lexicon of Latin Christianity. Their work offers invaluable insight into translation practices, ecclesiastical identity, and the adaptation of Christian institutions to a new linguistic, religious and political environment.

The necessity for an Arabic translation of canon law arose from the gradual linguistic shift within Mozarabic communities. By the ninth century, Arabic had supplanted Latin as the spoken and intellectual language of most urban Christians in al-Andalus. The Arabic *Qānūn* thus served a vital function, rendering ecclesiastical law intelligible and applicable to clergy and laity alike. Though primarily intended for clerical audiences, the manuscript's use of Arabic ensured wider accessibility, potentially strengthening the bond between ecclesiastical leadership and Christian communal life.

From a linguistic perspective, the translation strategy exemplifies a careful balance between literal fidelity and semantic clarity, although under an intended recensionist perspective. Ecclesiastical terms such as *episcopus*, *diaconus*, *synodus*, and *canones* are rendered either through transliteration or via established Arabic equivalents, such as *usquf* for *episcopus*, a Greek term long employed within Eastern Christian Arabic through Syriac. The translators demonstrated doctrinal sensitivity, deliberately avoiding Islamic religious vocabulary even where semantic overlap existed, thereby preserving the Christian integrity of the text.

The legal content of *al-Qānūn al-Muqaddas* reveals a deliberate resistance to religious acculturation. Canons governing marriage, inheritance, and clerical discipline articulate a legal identity distinct from that of the Islamic majority. The Christian emphasis on monogamy, the indissolubility of marriage, and celibacy stands in marked contrast to Islamic family law. In this regard, the *Qānūn* functioned not only as a juridical framework but also as a cultural bastion, ensuring that personal status laws aligned with Christian doctrine even as Muslims and Christians coexisted within shared societal structures.

Particularly noteworthy is the prominence assigned to episcopal authority. Bishops appear not only as spiritual leaders but also as judicial arbiters, entrusted with resolving disputes, imposing penance, administering sacraments,

and overseeing monastic and ecclesiastical property. In the absence of political autonomy, ecclesiastical authority emerged as the principal means of internal governance. The bishop thus occupied a pivotal role: mediator with Islamic authorities, guardian of doctrinal orthodoxy, and custodian of communal discipline, although always under the power of the emir or the caliph.

The manuscript further illuminates the self-perception of Mozarabic communities. While it affirms continuity with Latin ecclesiastical tradition, its Arabic expression reflects cultural transformation. This dual identity —Latin in theological heritage, Arabic in linguistic form—is emblematic of the Mozarabic condition. The translation project was not merely utilitarian; it was a conscious assertion that Christian law remained valid and authoritative in a new linguistic medium. The decision to preserve canonical order through Arabic prose was both a theological declaration and a cultural strategy, affirming that ecclesiastical truth transcended the boundaries of empire and language.

The legal pluralism of al-Andalus provided the juridical latitude for such an endeavour. As *dimmīs*, Christians were granted the right to maintain part of their legal systems in exchange for paying the *gizya* tax. Mozarabic communities operated their own ecclesiastical courts, presided over by bishops or senior clergy. *Al-Qānūn al-Muqaddas* was almost certainly used as part of the legal corpus for such courts. Yet the reality was more complex: in certain cases, Christians sought favourable rulings from Islamic courts, a phenomenon known as *forum shopping*. Nevertheless, when jurisdiction remained internal, the *Qānūn* provided a coherent framework for adjudicating ecclesiastical matters.

Codicologically, the copy preserved in MS Ar. 1623 attests to a high standard of scribal execution. Written in clear Maghrebi script, with rubricated chapter headings and *marginalia*, it was intended for practical consultation rather than ceremonial display. Its format —portable, legible, and unadorned— suggests regular use in ecclesiastical contexts. Marginal notes point to later readership and pedagogical engagement, possibly within clerical schools or episcopal centres.

Comparative perspectives further contextualise the manuscript. Later Arabic Christian legal texts, such as the *Canons* of Ibn al-‘Assāl in thirteenth-century Egypt, similarly aimed to consolidate Christian identity under Islamic rule. Yet the Mozarabic *Qānūn* predates such efforts and exhibits a more conservative posture, preserving Latin canonical structure without incorporating Islamic jurisprudential forms. This suggests a deliberate strategy of differentiation and doctrinal preservation.

Translation in this context was more than linguistic transposition; it was an act of ecclesiastical affirmation. The Mozarabic Church, by rendering its legal corpus into Arabic, declared the enduring validity of its traditions. Although not always, the translator(s) avoided terms with Islamic legal resonance, such as *shari‘a* or *hukm*, opting instead for Christian-Arabic-specific lexicon. This deliberate linguistic boundary-making underscores the theological stakes of the enterprise.

Beyond the legal domain, *al-Qānūn al-Muqaddas* had pedagogical and pastoral utility. In the absence of formal seminaries, clerical instruction occurred within monastic or episcopal schools, where the *Qānūn* likely served as a foundational text. Its chapters on sacraments, moral conduct, and ecclesiastical office would have shaped priestly formation. The use of Arabic ensured that doctrinal instruction remained intelligible, even as Latin fluency waned.

Historically, the likely date of translation situates the manuscript within the cultural zenith of the Umayyad Caliphate of Córdoba. Under ‘Abd al-Rahmān III (r. 912–961) and al-Hakam II (r. 961–976), Andalusi society witnessed extraordinary intellectual dynamism. Mozarabic scholars contributed to the Arabic literary and intellectual milieu. The *Qānūn* may thus be read as part of this broader phenomenon, asserting Christian participation in a shared cultural space while maintaining ecclesiastical independence.

At the core of this historical mystery lies a brief but crucial versified note found at the end of Book VII of the manuscript (fol. 333‘). This poetic note praises a figure named ‘Abd al-Mālik, who is lauded as a generous, wise, and noble bishop. Scholars have examined this passage to identify its subject and contextualise the translation of the canon law collection. The note refers to the manuscript as the “Book of ‘Abd al-Mālik”, suggesting it was either commissioned by, copied for, or preserved thanks to the efforts of this ecclesiastical figure.

An important breakthrough in this investigation comes from a passage in Ibn Hayyān’s *al-Muqtabis V*, where three Andalusi bishops are mentioned in the context of a diplomatic mission to the Christian north in the year 941 CE. Among them is a certain ‘Abd al-Malik b. Hassān, bishop of Elvira. This bishop, alongside his colleagues from Pechina and Seville, was sent to negotiate the release of a Muslim governor held by the Christian king Ramiro II of León. The parallels between this bishop and the ‘Abd al-Mālik named in the Escorial manuscript are compelling: the name, the rank, the timeframe, and the prominence in both ecclesiastical and political spheres suggest they may indeed be the same person.

Though speculative to some extent, the identification of ‘Abd al-Malik b. Hassān as the ‘Abd al-Mālik in the Escorial manuscript is the most compelling theory to date. His known ecclesiastical activity in 941 CE situates him perfectly within the probable temporal window of the manuscript’s translation. Furthermore, his position as bishop of Elvira —a region with a significant Mozarabic presence— provides a plausible context for the commissioning of a translated legal corpus intended to guide and unify the Christian community under his pastoral care.

The translation of such a monumental work would likely have required not only ecclesiastical authority but also linguistic expertise. While the versified note credits ‘Abd al-Mālik with possession or commissioning of the manuscript, it does not identify the translator. Some scholars have proposed possible figures. The best-known Christian Arab translator of the era, Ḥafṣ b. Albar al-Qūṭī, must be excluded on chronological grounds, as his translation of the Psalms is dated to 889 CE, significantly earlier than the mid-10th century date most likely for *al-Qānūn al-Muqaddas*.

An alternative hypothesis —although likewise difficult to confirm— posits that the translator may have been Recemundus (Rabi‘ b. Zayd), the celebrated Mozarabic diplomat and scholar at the court of ‘Abd al-Rahmān III. Recemundus had extensive linguistic abilities and worked closely with the Umayyad administration, particularly on diplomatic missions to the north.

Thus, the most convincing conclusion for the present writer is that the translation was carried out in the mid-10th century, likely under the episcopate of 'Abd al-Malik b. Ḥassān. The translator remains anonymous, though it is almost certain he was a bilingual cleric associated with the bishop's circle. The language of the translation itself—formal, juridical Arabic, with carefully selected vocabulary—supports this view.

This dating to the mid-10th century situates the translation during the apex of the Umayyad Caliphate of Córdoba. Under 'Abd al-Rahmān III (r. 912-961) and his successor al-Hakam II (r. 961-976), the caliphate was both politically dominant and culturally vibrant. Christians, though subordinate under Islamic rule, enjoyed a degree of legal and administrative autonomy as *dimmīs*. Within this context, the Mozarabic Church sought ways to reinforce its identity, leadership, and discipline. *Al-Qānūn al-Muqaddas*, by codifying canon law in the dominant language, was a powerful gesture of continuity and institutional adaptability.

For a bishop such as 'Abd al-Malik, commissioning or owning a canonical collection in Arabic would have been a strategic move to consolidate internal authority, educate clergy, and maintain legal tradition coherence within the community. The Arabic *Qānūn* ensured that ecclesiastical rulings were accessible to Arabic-speaking clergy and laity, whose knowledge of Latin had by then become minimal. It also served as a buffer against the slow erosion of Christian identity in a dominantly Islamic environment. In this regard, *al-Qānūn al-Muqaddas* was both a pastoral and political act of preservation, a powerful tool.

The *Qānūn*'s impact likely extended beyond the lifetime of 'Abd al-Malik b. Ḥassān. It would have remained in use by successive bishops, priests, and monastic schools as a vital resource for training and governance. While Arabic became the common language of communication, the Mozarabic Church continued to rely on Latin theological categories. The Arabic *Qānūn* thus stood at a critical intersection between tradition and transformation, maintaining Latin orthodoxy while expressing it in a form intelligible to a new generation of Christians living under Islamic sovereignty and beyond.

A plausible scenario—supported by internal manuscript evidence, external Arabic chronicles, and scholarly analysis—is that *al-Qānūn al-Muqaddas* was translated in the mid-10th century, under the episcopacy of 'Abd al-Malik b. Ḥassān, bishop of Elvira. As we have previously mentioned, while the exact identity of the translator remains unknown, he was almost certainly a bilingual ecclesiastic operating within a culturally Arabised but religiously Latin Christian tradition. This translation was a deliberate, strategic act, meant to preserve canon law, safeguard ecclesiastical integrity, and assert the spiritual sovereignty of the Mozarabic Church amidst the complexities of Umayyad al-Andalus. Ultimately, *al-Qānūn al-Muqaddas* is not merely a translated legal text. It is a declaration of continuity, identity, and purpose, a mirror of a community refusing to vanish, even as its world was being irrevocably transformed.

The legacy of *al-Qānūn al-Muqaddas* endures not only in its pages, but in what it represents: a community's determination to sustain its doctrinal coherence and institutional continuity amid profound transformation. It is both a juridical document and a cultural manifesto, asserting that ecclesiastical law could be preserved, taught, and lived in a world where Latin had ceased to be the language of power or even prayer. It stands as a monument to the Mozarabic Church's creative adaptability, bearing witness to the porous yet persistent boundaries of medieval religious and cultural life.

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Further avenues of scholarly inquiry remain open. A full critical edition of MS Ar. 1623, which is currently forthcoming, would significantly advance our understanding of this manuscript's textual history and transmission. Likewise, a palaeographic and codicological study could help establish with greater precision the manuscript's production context, scribal provenance, and later use. Comparative research between the Mozarabic *Qānūn* and Christian Arabic legal texts from the Eastern Mediterranean would illuminate the wider phenomenon of canon law translation across confessional and geographical boundaries.

Finally, this manuscript should be re-evaluated not solely as a relic of Mozarabic ecclesiastical life, but as a dynamic participant in the intellectual enterprise of al-Andalus. It reminds us that non-Muslim communities did not merely survive in the Islamic world; they adapted, negotiated, and in many cases contributed actively to its legal, linguistic, and cultural evolution. In this regard, *al-Qānūn al-Muqaddas* is not only a mirror of the Mozarabic past, but a prism through which we may better understand the complexities of religious pluralism, textual transmission, and identity construction in medieval Iberia.

The present monograph is composed of four contributions that address several aspects related to the text. In her study, Ana Echevarría examines the modes of governance exercised over extensive ecclesiastical landholdings, with particular attention to the structural transformations in property management during the transitional period from Visigothic to Andalusi rule. Drawing upon evidence from the *Canonical Collection of the Andalusi Christians*, Echevarría demonstrates that, once Islamic rule had come to an end, both the Visigothic servile system and the legal categorisation of free and unfree persons—originally grounded in Christian jurisprudence and mirrored in Islamic legal practice—were preserved. Moreover, she highlights the enduring features of manumission practices, thereby underscoring the continuity of the Christian slave system within the newly established Islamic socio-legal framework.

In an effort to further previous research on the degree of originality of the Arabic collection and its potential dependence on earlier models—whether through systematic comparison of legal repertoires across different versions or by juxtaposing the original Latin legal texts with their corresponding Arabic renderings—Matthias

Maser explores the interrelations between *al-Qānūn al-Muqaddas* and the Latin tradition of the *Hispana* collection. His analysis focuses particularly on the two prologues from the *Canonical Collection of the Andalusi Christians* (CCAEA). Maser undertakes a detailed examination of those components of the collection that, while not forming part of the normative corpus itself, were designed to orient the reader and shape the users' interpretative framework in approaching the canonical material.

Juan Pedro Monferrer-Sala examines three documents employed by Francisco Javier Simonet in his study of the ecclesiastical divisions of Hispania and their suffragan sees: an *excerptum* from the *Codex miscellaneus ovetensis*, an extract from the so-called 'Mozarabic Codex' of Isidore of Seville's *Etymologiae*, and a passage drawn from *al-Qānūn al-Muqaddas* (*the Holy Canon*). The primary aim of this research is to assess Simonet's readings of these sources and, through meticulous collation with the extant manuscripts, to recover —wherever feasible— interpretations that appear to have been misread or erroneously construed by the learned scholar that Simonet was.

Lastly, Irene Pereira has carried out a palaeographical analysis of the Visigothic script contained in the manuscript that shows the continuity and adaptation of this script within al-Andalus. In her analysis, Pereira has tried to demonstrate the manuscript's connection with the Andalusi Visigothic school of Córdoba. This is of course of great relevance, since it offers new perspectives on how Visigothic script was not only preserved, but also adapted and transformed among the Christian communities living under Islamic rule in al-Andalus.

These four contributions, together with the research work previously done, along with the articles contained in *Canon Law and Christian Societies between Christianity and Islam: An Arabic Canon Collection from al-Andalus and its Transcultural Contexts*, ed. by Matthias Maser, Jesús Lorenzo Jiménez, Geoffrey K. Martin (Turnhout: Brepols, 2024), aim to be a catalyst to revive interest in and study of the Arabic text of *al-Qānūn al-Muqaddas*.