God's Caliph

Religious authority in
the first centuries of Islam

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Introduction

What was the nature of the early caliphate? Islamicists generally believe it to have been a purely political institution. According to Nallino, no caliph ever enjoyed religious authority; according to other Islamicists, some caliphs did lay claim to such authority, but only by way of secondary development and only with limited success. In what follows we shall challenge this belief. It is of course true that religious authority was the prerogative of scholars rather than of caliphs in classical Islam, but we shall argue that this is not how things began. The early caliphate was conceived along lines very different from the classical institution, all religious and political authority being concentrated in it; it was the caliph who was charged with the definition of Islamic law, the very core of the religion, and without allegiance to a caliph no Muslim could achieve salvation. In short, we shall argue that the early caliphate was conceived along the lines familiar from Shi‘ite Islam.

The conventional Islamicist view of the caliphate is that enshrined in the bulk of our sources. Practically all the literature informs us that though the Prophet was God’s representative on earth in both political and religious matters, there ceased to be a single representative in religious matters on the Prophet’s death. Political power passed to the new head of state, the caliph; but religious authority remained with the Prophet himself or, differently put, it passed to


those men who remembered what he had said. These men, the Companions, transmitted their recollection of his words and deeds to the next generation, who passed it on to the next, and so forth, and whoever learnt what the Prophet had said and done acquired religious authority thereby. In short, while political power continued to be concentrated in one man, religious authority was now dispersed among those people who, owing their authority entirely to their learning, came to be known as simply the ‘ulama’, the scholars. As it happened, however, the first three caliphs (Abū Bakr, 'Umar, 'Uthmān) were themselves Companions, so that in practice religious and political authority continued to be united, if no longer concentrated, in the head of state, and during this period the caliphs could and did issue authoritative rulings on law. But though the fourth caliph (‘Ali) was also a Companion and moreover a kinsman of the Prophet, he failed to be generally accepted, and on his death the caliphate passed to men who had converted late and unwillingly (the Umayyads), so that the happy union of religion and politics now came to an end. Caliphs and ‘ulama’ went their separate ways, to be briefly reunited only under the pious ‘Umar II.

Most Shi‘ites disagree with this view. According to the Imāmīs and related-sects, the legitimate head of state (‘Ali) inherited not only the political, but also the religious authority of the Prophet. In practice, of course, the legitimate head of state after ‘Ali was deprived of his political power by his Sunni rivals, so that he could only function as a purely religious leader of his Shi‘ite following; but in principle he was both head of state and ultimate authority on questions of law and doctrine in Islam.

Modern Islamicists however generally regard the Shi‘ites as deviant. Some take them to have started off as adherents of a political leader who was not, at first, very different from that of their opponents, but who was gradually transformed into a religious figurehead. Others believe them to have elevated their leader into a religious figurehead from the start, but to have done so under the influence of foreign ideas, their model being the supposedly charismatic leadership of pre-Islamic south Arabia. Either way, it is the Shi‘ites, not the Sunnis, who are seen as having diverged from the common pattern.

It certainly makes sense to assume that Sunnis and Shi‘ites started

4 Thus W. M. Watt, Islam and the Integration of Society, London 1961, pp. 105f.; repeated by Watt in numerous other publications; accepted by Nagel, Rechtleitung, pp. 45f.
The title khalifat Allāh

We take as our starting point the well known fact that the Umayyads made use of the title khalifat Allāh, an expression which we along with many others understand to mean 'deputy of God'.

This translation is scarcely in need of much defence. A khalifa is somebody who stands in the place of another, that is a deputy or a successor depending on whether the other is absent or dead; since the Muslims assumed God to be alive, khalifat Allāh cannot mean 'God's successor'. However, in order to accommodate the conventional view that the caliphate is succession to Muhammad rather than deputyship on behalf of God, Goldziher construed it as meaning 'successor (of the prophet approved) by God'. and this interpretation has found favour with some. It might now be defended with reference to Paret's conclusion that Qur'ānically khalifat means successor. Two Qur'ānic verses were customarily invoked by those who called themselves khalifat Allāh, that is 2:28, in which God announces that 'I am placing a khalifat on earth' with reference to Adam, and 38:25, in which He tells David that 'we have made you a khalifat on earth'; if Paret is right that khalifat invariably means successor in the Qur'ān, and if the title khalifat Allāh was actually coined with reference to these verses, then the title ought indeed to mean 'God's successor' in the sense of 'successor appointed by Him' as Goldziher suggested. But plainly it did not. Leaving aside the fact that there were exegetes who disagreed with Paret and that the provenance of the title is unknown, the texts leave no doubt that khalifat Allāh as applied to the head of state was understood to mean 'deputy of God'. As Watt notes, there are passages in both poetry and prose which militate against Goldziher's interpretation; paraphrastic titles such as amīn Allāh, 'trustee of God', rā'i Allāh, 'shepherd of God', sulṭān Allāh, 'authority of God' or nā'ib Allāh, 'lieutenant of God' also make it unlikely that khalifat Allāh meant anything but 'deputy of God'; and so does the general tenor of the sources, as will be seen. Moreover, since 'Uthmān, the first caliph for whom the title khalifat Allāh is securely attested, was also known as amīn Allāh, there is no reason to assume that khalifat Allāh only acquired its exalted meaning in the course of its evolution; we may take it that it meant 'deputy of God' from the start.

Now 'deputy of God' is a title which implies a strong claim to religious authority. This is why we are interested in it, and we wish to begin by establishing three basic points. First, it is attested not


2 Goldziher, 'Du sens propre', p. 337.

just for some Umayyad caliphs, but for all of them, or more precisely for all of those who lived to rule for more than a year; secondly, it was an official designation of the Umayyad head of state, not just a term of flattery; and thirdly, it was well known to be what the title of khalīfa stood for when used on its own.

1 Attestations per caliph

Note: In order not to clutter the text we give only short references here; full bibliographical details are given in the list of works cited. We should like to acknowledge our debt to Tyan, whose Calīfāt provided us with many of our attestations.

(1) 'Uthmān

(a) 'I am the servant of God and His deputy' (Aghānī, vol. xvi, p. 326; 'Īqīd, vol. iv, p. 301*).
(b) 'I beseech you by God and remind you of His right and the right of His khalīfa' (Aghānī, vol. xvi, p. 325).
(c) 'Perhaps you will see the khalīfa of God among you as he was, one day in a place of joy' (Ḥassān b. Thābit, no. 20:10; cf. 'Arafa, 'Background', pp. 276ff.).
(d) 'The deputy of God, he gave them and granted them what there was of gold, vessels and silver' (Laylā-al-Akhyaliyya, no. 27:2).
(e) 'They were brought something which cancels the duty to avenge a deputy of God's (khalīfān lī'llāh, Naṣr b. Muzāḥim, Waqṭat Ṣīfīn, p. 229).

(2) Muʿawiyah

(a) 'The earth belongs to God and I am the deputy of God' (Bal., Anṣ., vol. i/v/a, p. 17 = vol. iv/1, p. 20, §63; Mas., Murāj, vol. iii, §1861 = v, pp. 104f).
(b) 'Your brother, Ibn Ḥarb, is the deputy of God and you are his vizier' (Ḥāritha b. Badr to Źiyād b. Abīhi in Tab., ser. ii, p. 78).
(c) 'You have lost the khalīfat Allāh and been given the khilāfat Allāh' (Aja' or Āṣim b. Abī Şayfī to Yazīd I on Muʿawiyah's death in Jāhiḍ, Bayān, vol. ii, p. 191; Mas., Murūj, vol. iii, §1912 = v, p. 152; 'Īqīd, vol. iii, p. 309*).
(d) 'Muʿawiyah b. Abī Sufyān was a servant whom God deputed (istakhlasahu Allāh) over the servants... and God... has now invested us with what he had' (Yazīd I in Ibn Qutayba, Imāma, p. 190).
(e) Muʿawiyah preferred his son Yazīd for khilāfat Allāh 'alā ibāḍihī (al-Muʿtaḍid in Ibn Abī l-Ḥadīd, Sharh, vol. xv, p. 178, citing Ṭabrā; but Tab., ser. iii, p. 217312, gives a different version).

(3) Yazīd I

(a) Cf. above, 2, c,d,e.
(b) Imām al-muslimīn wa-khālīfat rabb al-ālāmīn (Muslim b. 'Uqba in Ibn Qutayba, Imāma, p. 203, cf. p. 202: 'I hope that God, exalted and mighty is He, will inspire His khilāfa and 'abd with knowledge of what should be done').
(c) 'Woe to you who have separated from the sunna and jamāa and who have disobeyed the deputy of God' (Syrians to Hāshimites in Ḥamza al-Isfahānī, p. 217).

(5) The Sufyānids in general

(a) 'O people of Jordan, you know that Ibn al-Zubayr is in a state of dissension, hypocrisy and disobedience against the caliphs of God' (Ḥassān b. Mālik b. Baḥdal in 'Īqīd, vol. iv, p. 395*).
(b) The Umayyads in the presence of Muʿawiyah are addressed as barī khulafāʾ Allāh (Aghānī, vol. xx, p. 212; al-Tilbāni, 'Miskīn al-Dārīmī', p. 185).

(5) Marwān I

No direct attestation.

(6) 'Abd al-Malik

(a) For the coinage of 'Abd al-Malik's reign which refers to khilāfat Allāh, see Walker, Catalogue, vol. ii, pp. 28, 30f (bronze coins, undated (but see below, chapter 3, note 1)); vol. i, p. 24; Miles, 'Miḥrāb and Anazah', p. 171; and id., 'Some Arab-Sasanian and Related Coins', p. 192 (miḥrāb and anazah dirhams, undated); Walker, Catalogue, vol. i, p. 25 and Salmān, 'Dirham nādir', pp. 163ff. (Khusraw II plus standing caliph dirham, dated 75).
For the stories in which al-Hajjāj deems God's khalīfa superior to His rasūl with reference to 'Abd al-Malik, see below, chapter 3, pp. 28f.

'To the servant of God, the Commander of the Faithful and khalīfa rabb al-ālāmin' (letter from al-Hajjāj to 'Abd al-Malik in Iqd, vol. v, p. 2512).

'God, exalted is He, has said, “fear God as much as you can” (64:16). This is [due] to God... Then He said, “hear and obey” (also 64:16). This [obedience is due] to the servant of God, the khalīfa of God and the noble one/beloved (najīb/ḥabīb) of God, 'Abd al-Malik' (speech by al-Hajjāj in Mas., Murūj, vol. iii, §2088 = v, p. 330; Iqd, vol. iv, p. 117; cf. Abū Dāwūd, Sunan, vol. ii, p. 514, and the mangled version in Ibn 'Asākir, Tahdhib, vol. iv, p. 72, in which the caliphal epithets are reduced to āmir al-mu'minīn).


'God, mighty and exalted is He, has deputed the Commander of the Faithful 'Abd al-Malik over His lands (istakhlasahu Allāh) and been satisfied with him as imam over His servants' (speech by al-Hajjāj in Ibn Qutayba, Imāma, p. 233).

'The earth belongs to God who has appointed His khalīfa to it' (Farazdaq, vol. i, p. 25).

'Ibn Marwān is on your hump, the khalīfa of God who has mounted you' (camel-driver's song in Aghānī, vol. xvi, p. 183; a variant version refers to al-Walīd I, cf. below).

'God has garlanded you with khalīfa and ḥudā' (Jarīr, p. 474).

'The caliph of God through whom rain is sought' (al-Akhtar, Dīwān, p. 101; also cited in Aghānī, vol. xi, p. 66).


'The deputy of God on his minbar' (Ibn Qays al-Ruqayyā', no. 1:17 (p. 70)).

Khalīfa al-Raḥmān (Rā'ī, pp. 228, 229, variants; the text has walt amr Allāh).

For the stories in which Khālid al-Qasrī deems God's khalīfa superior to His rasūl with reference to al-Walīd I, see below, chapter 3, p. 29.

(b) Fa-anta li-rabb al-ālāmin khalīfa (Jarīr, p. 384*).

(c) 'You are the shepherd of God on earth' (Farazdaq, vol. i, p. 312*).

(d) 'The caliph of God through whom clouds of rain are sought' (Nābihqat B. Shaybān, p. 28*).

(e) 'The khalīfa of God through whose sunna rain is sought' (Akhṭal, p. 185*).

(f) 'The khalīfa of God who has mounted you' (Al-Walīd to his camel in Iqd, vol. iv, p. 424, a variant of 6 (h); cf. Ibn 'Asākir, Tahdhib, vol. iii, p. 398, where it is Jamīl who says it of al-Walīd I).

(8) Sulaymān

(a) 'The khalīfa of God through whom rain is sought' (Farazdaq, vol. i, p. 361*. Note also Jarīr, p. 35*, where Ayyūb, the son of Sulaymān is prematurely described as khalīfa il-l-Raḥmān).

(b) 'My heir apparent among you and my successor among all of those over whom God has deputed me (istakhlasani Allāh) is... 'Umar' (Sulaymān's testament in Ibn Qutayba, Imāma, p. 308; in this document Sulaymān styles himself khalīfa al-muslimīn, cf. p. 307).

(9) 'Umar II

(a) 'The khalīfa of God, and God will preserve him' (Jarīr, p. 274*; the title is mentioned again at p. 275*).

(b) 'The one who sent the Prophet has placed the khalīfa in the just imam' (Jarīr, p. 415*).

(10) Yazīd II

(a) 'Yazīd b. 'Abd al-Malik is the deputy of God; God had deputed him over His servants... and he was appointed to you to what you see' (Ibn Hubayra in Mas., Murūj, vol. iv, §2210 = v, p. 458; Ibn Khallikān, vol. ii, p. 71).

(b) Khalīfa Allāh (Jarīr, p. 256*).

(11) Hishām

(a) For stories in which the deputy and the messenger of God are compared with reference to Hishām, see below, chapter 3, p. 29.
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(b) ‘and Hishām, the deputy of God’ (al-’Abālī in Aghānī, vol. xi, p. 305).

(c) ‘You are using abusive words for all that you are God’s deputy on earth’ (visitor to Hishām in Ibn Kathīr, Bīdāya, vol. ix, p. 351).

(d) ‘You have lied to khalīfah al-Raḥmān concerning it’ (al-Farazdaq or al-Mufarrigh b. al-Muraqqā in Aghānī, vol. xxii, p. 21).


(f) Note also khalīfah ahl al-ard, khalīfah al-anām (Farazdaq, vol. i, p. 165」, vol. ii, p. 830」); compare Sulaymān’s khalīfah al-muslimīn (above, 8,b).

(12) al-Walīd II

(a) Cf. the letter translated below, appendix 2, pp. 116ff., in which the caliphal institution is identified as deputyship on behalf of God and the caliphs are referred to as khalīfah Allāh.

(13) Yazīd III

(a) Cf. the letter translated below, appendix 2, pp. 126ff., in which Yazīd III identifies all Umayyad caliphs up to and including Hishām as khalīfah Allāh; by implication he brackets himself with them.

(14) Marwān II

(a) Cf. the letter in which Marwān (not yet caliph) states that ‘this caliphate is from God’ (Tab., ser. ii, p. 1850).


(c) ‘And in disobedience to the deputy of God a Muslim continually strikes with the sword in his hand that of his brother’ (‘Abd al-Ḥamīd b. Yaḥyā with reference, probably, to Marwān II, in his Risāla fi’l-fitna in al-Tadhkhīra al-ḥamdunīyya, bāb 31). Cf. below, chapter 3, note 14, where ‘Abd al-Ḥamīd speaks of God’s rasūl and khalīfah.

(d) Cf. also the reflection of khalīfah Allāh in Tab., ser. iii, p. 32, where Dāwūd b. ‘Ali denounces Marwān as khalīfah al-shaytān. (Ya’qūbī, vol. ii, p. 420, has ḥalīf al-shaytān, obviously a corruption.)

(15) The Marwānids in general

(a) Thābit Qutnā refers to tā’at al-Raḥmān aw khalīfah’ihi (Aghānī, vol. xiv, p. 271). Cf. also above, 12 and 13.

(16) The Umayyads in general

(a) According to al-Madā‘īnī, the Syrians called all their children Mu’āwiyah, Yezīd and al-Walīd ‘after the caliphs of God’ (Pellat, ‘Culte de Mu’āwiyah’, p. 54).

2 The official nature of the title

That khalīfah Allāh was an official title of the Umayyad head of state is clear from the attestations given already. It was not of course the title commonly used for purposes of address and reference to individual Umayyad caliphs. For such purposes amīr al-mu’minīn, ‘commander of the faithful’, was adopted, and this title is far more densely attested in the sources than khalīfah; indeed, in the non-Muslim sources khalīfah scarcely figures at all.9 But khalīfah was nonetheless the official designation of the caliph’s function,10 and what the attestations just given show is that it stood for khalīfah Allāh, not khalīfah rasūl Allāh, ‘successor of the messenger of God’. Thus it is khalīfah Allāh which appears on ‘Abd al-Malik’s coins; and though it did not stay on the coinage for long,11 the Umayyads continued...
to spell out khalifat as khalifat Allah in their public statements until the very end of the period; for all their political differences, al-Walid II, Yazid III and Marwân II were at one on this point. The appearance of khalifat Allah and variations on this title in court poetry thus reflects official usage, not poetic inventiveness. Leaving aside a reference to 'Uthmân in a thirteenth-century Syriac source, khalifat rasul Allah is not attested for the Umayyads at all.12

3 Khalifat = khalifat Allah

It was not just the Umayyads and their poets who took khalifat to stand for khalifat Allah when applied to the head of state; apparently everybody did so. Thus Yazid b. al-Muhallab, in a letter to the caliph Sulaymân, refers to 'Umar b. al-Khaṭṭāb wa-'Uthmân b. 'Affân wa-man ba'dahumā min khalifat Allah, '‘Umar, ‘Uthmân and the deputies of God after them', in a completely matter-of-fact way implying that all caliphs were ipso facto deputies of God.13 This agrees with the fact that even an anti-caliph such as Ibn al-Zubayr was referred to in poetry as khalifat al-Rahmân.14 On the Khârijite side we have the fierce speech delivered by Abû Ḥamza in the 740s in which the iniquitous behaviour of Yazid II (and other Umayyad caliphs) is described with the sarcastic comment, 'is such supposed to be the distinguishing characteristic of khalifat Allah?'15 It is not clear whether Abû Ḥamza held even righteous rulers to be deputies of God, but one would certainly infer from this that, like others, he held the title of khalifat to stand for khalifat Allah.16 On the Shi`ite side the title is well attested too, as will be seen.17 Finally, there is a story to the effect that 'Umar II objected to being addressed as khalifat Allah 'l-ard.18 This story is unlikely to be true,19 and it may not even date from the Umayyad period. But however this may be, the point which matters here is that 'Umar II singles out his name, kunya and the title amîr al-mu'minin as alternative forms of address, not khalifat rasul Allah; to the author of this story khalifat apparently also equaled khalifat Allah so that 'Umar had to reject the caliphal title altogether.

Having established our three points for the Umayyads, we should now like to point out that they hold true for the 'Abbasids too. The title khalifat Allah is attested for Abû l-`Abbâs,20 al-`Amîn,21 al-Mahdi,22 al-`Hâdi,23 Hârûn al-Rashid,24 al-Ma'mûn,25 al-`Abbâs,26 al-`Amîn,27 al-Mahdi,28 al-`Hâdi,29 and the ‘Abbasids as such.

17 Cf. above, note 57.
19 Cf. below, p. 74. Note also that 'Umar II here protests when an anonymous person addresses him as khalifat Allah, whereas nobody claims that he did so when Jarîr addressed him as such (cf. above, p. 9). On the contrary, Pseudo-Ibn Qatayba informs us that Jarîr's poem moved him to tears, though it still failed to make him surrender money on the poet (Imâma, pp. 310f.; similarly Iqd, vol. ii, pp. 94ff., without though the tears).
20 His taqwî on a letter in which Abû Muslim requests permission to perform the hajj says that he will not prevent him from visiting bayt Allah al-`ard âw khalifatih (Iqd, vol. iv, p. 211f.).
23 Tab., ser. iii, p. 600, ult. (Allah ... khalifatuh); Aghânî, vol. xix, p. 285 (khalifat Allah).
24 Abû 1-`Atâ'îya in Tab., ser. iii, p. 687. Id. in Aghânî, vol. iv, p. 14; xix, p. 74; It Kâthîth, Bîdâyû, x, pp. 217 (warshina rasûl Allah wa-baqdyat fîna khalifat Alâh), 221; Iqd, vol. iii, p. 293n. For Hârûn as khalifat Allah see also Goldziher,
that for every caliph from 750 to 862, and thereafter for al-Mu'tazz in 865, for al-Muhtadi (d. 870), for al-Mu'tamid (d. 882), for al-Mu'taqid (d. 902), who described all the 'Abbāsids as khulafā'ī Allāh, for al-Ṭayy, and other caliphs of the Būyid period, for

Muslim Studies, vol. u, p. 61n, with reference to the Arabian Nights. Compare also to Tab. 1, p. 36. 21. See a ramrahin ilāh... akramrahin min khulafāfī wu-sulāfīn (a). 25. Aghāni, vol. xx, p. 59. According to Qalqashandi, Subh, vol. i, p. 415, al-Amin was the first caliph to be referred to as such (rather than as amīr al-mu'mīnīn) in the Friday prayer. The formula used being allahumma aṣīlī 'abdak wu-khulafāfīkā; al-Amin was thus khulafāfī Allāh even in mosques.

For example, from Qalqashandi, ed. G. C. Miles, The Numismatic History of Rayy, New York 1938, pp. 103ff, 106ff. S. Shamma, 'Dirhamān nādiran 'an alaqlatin diniyya', al-Makkiyāt 4 (1973), p. 46; al-Ma'mūn is also al-Khalīfā Allāh on dirhams (now in the British Museum) struck in the name of Taḥta b. Tāhir in Samarkand in 208, 209 and 210, in Nishapur in 208 and 209, and in Herat, Zarāj and al-Muhammadiyā in 208 (we are obliged to Nicholas Lowick for this reference). He referred to himself as khulafāfī Allāh in a letter to Tāhir (Iqd, vol. iv, p. 215f); and Tāhir confirmed that this was indeed what he was (Aghāni, vol. xx, p. 34). Al-Husayn b. al-Dājjah described him as khulafāfī Allāh in his letter to al-Rahmān (Aghāni, vol. vi, p. 301), and he himself spoke of khulafāfī Allāh and khulafā'ī Allāh in his letter announcing the designation of al-Riḍā as his successor (see appendix 4).


29. al-Khaṭīb al-Baghdādi, Ta'rīkh Baghdādi, Cairo 1931, vol. xiv, p. 17 (the one who sent the Prophet Muhammad gave the khilāfah to al-īnām al-muḥaddadi); Aghāni, vol. ix, p. 284* (Allāh... khulafāfīkī); cf. also vol. vii, p. 1951* (where he is kōzin Allāh fi khilafah).


31. Tab., iii, p. 1456 (abū Allāh wa-khulafāfīkā). 32. Tab., iii, p. 1546 (abū Allāh wa-khulafāfīkā: there is a close resemblance between the language of this bay'a and that of the bay'a to the Muṭṣarī). Note also the reference in a document of the same year, in connection with al-Mustaṣīn, in which the fact that God had made khilāfah dīnā lā ilāhī imāma wa-khulafāfīkā a matter of fact, though not of legal effect (cf. Aghāni, xxii, p. 212*).

33. Ibn Ṭabḥīrī, al-Nujum al-zāhirah, Cairo 1929-72, vol. ii, p. 268, where the caliph is told by a Ḥāshimite "anta khulafāfī rabb al-ālamīn wa-bn 'amm sayyid al-murshīdān (c.


35. Tab., iii, p. 2177. 36. For example, from Qalqashandi, Subh, vol. vii, p. 413 (Abū Ṭāhā al-dawā, who was more wont to bully than to flatter this caliph, described him as khulafāfī Allāh fi arḍīhī to a Fātimid embassy (al-Nahrawāli, al-Muqtadi in the late eleventh century, the Mustazhir in the late eleventh/early twelfth, al-Qaṣṭafī in the mid-twelfth, al-Nāṣir in the late twelfth/early thirteenth, and al-Mustanṣir in the thirteenth. The title is also attested for the 'Abbāsid in general. As in the Umayyad period it counted as the official designation of the head of state. Thus it was used in official letters and on official occasions; and al-Ma'mūn, followed by al-Muqtadi, restored it to the coinage. A Manual of court etiquette attributed to al-Jāhidī states that 'kings


37. See the model letters in al-Subhī, 'Abbād la'dūr, ed. A.-W. Azzām and Sh. Dayf, Cairo 1947, pp. 21 (khulafāfī Allāh), 23 (khulafā'ī Allāh fi arḍīhī). Cf. also al-Mu'ayyad al-Shārīa, Sirāt al-Mu'ayyad, ed. M. K. Husayn, Cairo 1949, pp. 76, 154: among the various titles which the caliph had bestowed on the Būyid Abū Kālījār wa yamin khulafāfī Allāh, which reappears as qātim khulafāfī Allāh in a letter from al-Mu'ayyad, the Fātimid dīrī, al-Mu'ayyad denied that the 'Abbāsids were khulafāfī Allāh (it was the Fātimid ruler who was deputy of God in his view, cf. below, note 62).


41. al-Bāshā, al-Alqūb al-islımīyya, Cairo 1957, p. 278: below, note 54. Qalqashandi, Subh, vol. vii, p. 273 (where al-Nāṣir is described as khulafāfī Allāh fi arḍīhī in a letter from his vizier to the muqta'a of Basra), and vol. x, p. 286 (where he is 'abd Allāh wa-khulafāfīkā fi 'l-bimārī). 42. Al-Bāshā, Alaq, p. 278. 43. Cf. ibid.

44. Cf. above, notes 25, 33. Some late attestations are epigraphic (al-Bāshā, Alaq, p. 278).
It was not only the ‘Abbasids who assumed the caliphs to have retained this function. When the Umayyads of Spain adopted the caliphal title, poets promptly spelt it out as khalīfāt Allāh.48 The Īmāms explained that their imams were khulafa’ Allāh fi ardīhī,47 though as might be expected they too stress their right to khalīfāt rasūl Allāh.48 Īsmā‘īlī authors likewise identified the imam as deputy of God and successor of the Prophet alike.49 An Īsmā‘īlī convert of the Musafīrīd house numismatically proclaimed ‘Allī to have been khalīfāt Allāh.50 The founder of the Fāṭimid dynasty was officially proclaimed khalīfāt Allāh ‘alā l-‘ālāmin in the abortive attempt to establish a Fāṭimid state in Syria,43 and later Fāṭimid caliphs were also described as deputies of God in both poetry and prose.51 Only

58 See for example Kulaynī, Kāfī, p. 200; Mufīd, Irshād, p. 401 and passim; al-Shārīf al-Murtadā, Dīwān, ed. R. al-Šaffār, Cairo 1958, vol. i, p. 50, cf. 4011–12. The caliphat is of course also envisaged as succession to Muḥammad when ‘Allī is described as his wayf, as standing in the same relation to him as Ḥusayn unto Mūsae, and so on.
59 Muḥammad b. Ya‘qūb, al-Risāla fi ’l-‘imāma, ed. and tr. S. N. Makarem under the title The Political Doctrine of the Īsmā‘īlīs, Delmar N.Y. 1977, vol. 86, where the imamate is khalīfāt Allāh; al-Risāla fi ḫulāfasu‘īn wa-l-‘ālimān wa-l-muṣṭa‘sidu‘īn fi ’l-‘imāma (Qu. 2: 28 and 38–25) on God’s appointment of Adam and David are both cited. But al-Qāḍī al-Nu‘mān avoids both the caliphal title and these verses in his discussions of the imamate (Mundūqāt ‘ilm al-‘ālim, ed. ‘A.’ A. Faydí, Cairo 1951–60, vol. i, nos. 38f.).
the Zaydis seem never to have made use of the title khalifat Allāh.63

Among the Khārijites, ‘Abd al-Salām b. Hāshim al-Yashkūrī continued Abū Ǧamza’s tradition by enumerating the misdeeds of al-Mahdi with a sarcastic comment on such behaviour ‘from somebody who lays claim to khlifaṯ Allāh’.64

Such taunts notwithstanding, the ’Abbāṣids stuck to their elevated title even after their transfer to Mamluk Egypt, where they were duly referred to as khalifat Allāh and nā’ib Allāh,65 when the Ottomans claimed to have inherited the role, they too became deities of God.66 Meanwhile the title had been adopted by the sultans in the Seljuq east67 no less than in Seljuq Rūm,68 a scholar such as al-Ṭāḥāwī still identified the king (sc. the khedive) as khalifat Allāh fi ardihi in nineteenth-century Egypt.69 The expression also made its appearance further afield. By the eighteenth century it had come to be used as

1949, no. 19: 3; cf. also no. 2: 137: ka-ṭa’at Allāh ‘alā khlifaṯihi wa’t-mustafaṭi al-aṭlām i ummahihi’. Hānī’s poetry also refers to His deities on earth (Tyan, Sultanat, p. 514n.).

63 Not even Professor W. Madeulong knows a Zaydi attestation (letter of 7/9 1984).

In 862 he was a khlifaṯ, the Zaydi imam of the Yemen was apparently khlifaṯ (be it in the sense of deputy or successor) (or the imams who had preceded him (khlifaṯ al-ʿamma, cf. Qalqashandi, Subh, vol. vi, p. 47, 123; vol. vii, p. 334).

The Zaydis were however familiar with the idea that anyone who enjoined good and prohibited evil was khlifaṯ of God, His book and His messenger alike (cf. the reference given below, chapter 6, note 12).


66 Cf. al-Ṭāḥāwī, Zubdat kashf al-mamālik, ed. P. Ravaisse, Paris 1894, p. 89 (khuwa khlifaṯ Allāh fi ardihi wa’s ʿammar rasūlihi sayyid al-mursaḥ wa-wardīt al-khlifaṯ ‘anhu, first cited by Margoliouth, ‘The Sense of the Title Khlifaṯa’, p. 327); Goldziher, Muslim Studies, vol. ii, p. 62 (nāʾib Allāh fi ardihi); Tyan, Sultanat p. 239 (with these and other references). Note also Qalqashandi, Subh, vol. vii, p. 108, where the Mamluk sultan al-Asrāf Nāṣir al-dīn is addressed, inter alia, as sayyid khlifaṯ Allāh in a letter from the Naṣrī Muhammad V written in the 1360s; and vol. x, p. 130, where the caliph al-Mustaʿin in a ‘ādh of 1411 to the Delhi sultan Muẓaffar Shāh [= Mughīd Shāh II?] cites the Qur’ānic phrase innā jirr ihn fi l-ard khlifatān67 fi l-ard khlifatān.

67 Goldziher, Muslim Studies, vol. ii, p. 62; Arnold, Caliphate, ch. 11.


69 Al-Bāḥshī, Al-qāb, p. 278.

70 Rūfaʾī Bey Rāfī [al-Ṭāḥāwī], Kītāb manāḥīj al-ʾalāb al-muṣriyyaʾī faʾl-mabḍūḥ al-ṭālīb al-ṣaṭriyyaʾ, Cairo 1912, p. 354 (we owe this reference to Y. M. Choueiri).

The title Khalifat Allāh 19

a royal title in Java,70 while African rulers had adopted titles such as khalifat Allāh tālāṯ fi ardihi and khalifat rabb al-ʿalām.71 Indian and Moroccan princes also liked to style themselves khalifat Allāh and/or nāʾib Allāh.72 The idea that khalifat stood for khalifat rāsūl Allāh was clearly not unknown: African rulers conflated it with the more exalted title to make khalifat rāsūl rabb al-ʿalām.73 But it cannot be said to have made much headway. Apparently it still has not. In May 1984 the then President Numayri was reported to be planning to turn Sudan into an Islamic republic with himself as ‘Allah’s representative on earth’ [= khalifat Allāh fi l-ard].74

In short, from ʿUṯmān to Numayri, or in other words from about 644 to about 1984, Muslims of the most diverse political, religious, geographical and ethnic backgrounds have taken the title of khalifat to stand for khalifat Allāh, ‘deputy of God’. It thus seems natural to infer that this is what the title always meant. At least, it seems a little strained to propose that its meaning changed during the twelve years from 632 to 644 and remained stable for thirteen centuries thereafter. But if khalifat meant ‘deputy of God’ from the start, then the Shiʿites can hardly be altogether wrong in their claim that the legitimate head of state (whoever this individual was to the various parties at the time) inherited both the religious and the political power of the Prophet. Certainly, the Sunni caliph was to lose his religious authority to scholars, just as he was to lose his political power to sultans. But this cannot be how things began.

This inference is so obvious that the reader may well wonder why it is hardly ever made in the secondary literature.75 It is not made because the Sunni ‘ulumāʾ claim that the caliphal title did change its meaning in the twelve years between 632 and 644: originally it stood for khalifat rāsūl Allāh, ‘successor of the messenger of God’, they say, not for khalifat Allāh. Khalifat rasiʿl Allāh is the title which Ābu Bakr, the first caliph, is said to have adopted, and the sources are sprinkled with incidental reminders that this is what he styled


73 O’Fahey and Abu Salem, Land in Dar Fūr, p. 30.


75 It is made in P. Crone and M. Cook, Hagariam, Cambridge 1977, pp. 28, 178ff; but even Tyan avoided it for all that he came close to doing the same.
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authority: it was merely the Umayyads who claimed as much. Indeed, it could be argued that ‘when the Umayyads used this pretentious title, it was merely intended to convey the unlimited power of the ruler’; and though contemporary scholars rarely go so far, the credibility of the claim implied in the title is undermined: apparent evidence for a specific concept of authority in Islam turns into evidence for little but Umayyad worldliness, or the growth of caliphal power in general.

It is however reasonable to reject the claim of the ‘ulamā’. Khalifat Allāh is a title which, if taken seriously, leaves no room for ‘ulamā’: if God manifests His will through caliphs here and now, there is no need to seek guidance from scholars who remember what a prophet had said in the past. The Umayyads took the title very seriously. They saw themselves as representatives of God in over the most literal sense of the word, as is clear above all from a long letter by al-Walīd II. God has made the earth over to them: amin Allāh, ‘trustee of God’, is another title regularly attested from the time of ‘Uthmān onwards. One is thus not surprised to find that khalifat Allāh was a title which most scholars disapproved: deputes of God and passages could also be queried; indeed, were it not for ‘Abd al-Malik’s coins, all Umayyad attestations of the title khalifat Allāh could be dismissed as back-projections of a concept current under the ‘Abbasids. But if the evidence is good enough for us to accept that Mu‘awiya made use of the title, it is also good enough for us to accept that ‘Uthmān did so.


See the literature cited above, chapter 1, note 2.

See below, appendix 2.


The locus classicus is al-Mawardi, al-Ahkām al-sulṭāniyya, ed. M. Enger, Bonn 1853, pp. 221f: E. Faggnan (tr.), Mawardi, les statuts gouvernementaux, Algiers 1915, pp. 296f (the passage is given in English translation by Lambton, State and Government, p. 87; it is misinterpreted by H. A. R. Gibb, Studies on the Civilization of Islam, London 1962, p. 158). As usual, Ibn al-Farrā‘ has worded similar to that of al-Mawardi, though he is less disapproving, cf. his al-Ahkām al-sulṭāniyya, ed. M. H. al-Fiqi, Cairo 1966, p. 27. Cf. also Ibn Khalidun, al-’unwāl min kitāb al’ubīr (= al-Muqaddama), Bulaq 1284, pp. 159f, and Lambton, op. cit., pp. 142, 186. According to al-Mawardi, most ‘ulamā‘ considered the title to be unlawful on the ground that God is neither absent nor dead, some permitted it. It is clear, however, that earlier scholars had objected to it on the ground that it was too exalted: the only khalifat Allāh are David and other prophets, as the two ‘Ummars had been made to exclaim (cf. Margoliouth, ‘The Sense of the Title Khalif‘, p. 324; Ibn ‘Abd al-‘Hākim, Sirāt ‘Umar b. ‘Abd

76 Abū Bakr is referred to or addressed as khalifat rasūl Allāh in Tab., ber. i, pp. 2748f, from Jābir ibn ‘Abī ‘Urāī, a Kufan traditionalist who died about 748.

77 Tab., ber. i, p. 2748f; Bal., Ans., vol. i, p. 528. The two stories have been amalgamated in the version cited by Margoliouth from the Rasīl‘ul Bad‘ul-Zamān (The Sense of the Title Khalif‘, pp. 339f).

78 Thus even Watt and Paret. Both reject as apocryphal the story that Abū Bakr objected to the title khalifat Allāh, but neither considers the possibility that the whole point of crediting him with the designation khalifat rasūl Allāh was to downgrade the rival title (Watt, ‘God’s Caliph’, p. 569, Paret, ‘Hafiz‘al Allāh’, p. 228). Watt’s suggestion, Formative Period, p. 69, that Ibn ‘Abī Mulayka put the apocryphal story into circulation in order to counter Umayyad claims to divine sanction of their rule on behalf of the Zubayrids, of whom he was a supporter, is implausible in view of the fact that Ibn al-Zubayr was himself known as khalifat al-Rabī‘m, cf. above, note 14.

79 Indeed, they changed the title in order to introduce dynastic rule according to Rotter (Bürgerkrieg, pp. 35f, 248). Rotter rejects the authenticity of the line attributed to Hassān ibn Thābit in which ‘Uthmān is referred to as khalifat Allāh and dates it to the second civil war (with reference to ‘Arafat, ‘Background’, pp. 276f), assuming that the title was adopted by Mu‘awiya towards the end of his reign, probably to justify his choice of successor. But though we have no wish to define the authenticity of any of Hassān’s poetry, ‘Uthmān appears as khalifat Allāh in several other passages, as has been seen, while Mu‘awiya appears as such in a poem uttered in praise of Ziyād b. Abīhi on the latter’s appointment to Basra in 45/665, four years after Mu‘awiya’s accession. Naturally the date of these
scholars were rivals. By contrast, khalīfat rāsūl Allāh is a considerably more modest designation which, as Nagel notes, makes no claim to a share in the Rechtleitung of the Muslims;87 successors of the Prophet and scholars could coexist. Given that there were caliphs before there were scholars, one is thus inclined to suspect that it was the scholars rather than the caliphs who changed the original title, or in other words that the scholars claimed a different meaning for it in order to accommodate themselves.88 This suspicion is reinforced by three further points.

First, those reported to have rejected the title khalīfat Allāh add up to Abū Bakr, 'Umar, 'Umar II and the 'ulamā', or in other words the 'ulamā' themselves, and their favourite mouthpieces. Statements attributed to the first two caliphs and 'Umar II are usually statements by the 'ulamā' themselves, especially when the statements in question are of legal or doctrinal significance. Why should statements on the nature of the caliphate be an exception?

Secondly, our sources claim that Abū Bakr and 'Umar rejected the title of khalīfat Allāh for that of khalīfat rāsūl Allāh, adding an apocryphal story about 'Umar intended to drive home the message that khālifa means successor. In other words, khalīfat rāsūl Allāh makes its appearance in a polemical context.

Thirdly, if the caliphate was conceived as successorship to the Prophet, why did the title khalīfat rāsūl Allāh more or less disappear? After Abū Bakr and 'Umar it is not met with until early 'Abbāsid times, or in other words not until the 'ulamā' had acquired influence at court under a regime conscious of its kinship with the Prophet. And even then, it failed to acquire much prominence among the caliphs themselves.

We should like to stress that not all 'ulamā' were opposed to the use of khalīfat Allāh, at least not after they had won the battle for religious authority; even so eminent a Sunni as al-Ghazālī accepted his caliph as God's deputy on earth.89 The title was clearly too embedded in the tradition for total rejection to be possible. But the 'ulamā' did succeed in depriving it of its historical primacy, or in other words, they succeeded in rewriting history. In attributing their own version of the caliphal title to the first two caliphs they presented an aspect of the present which they disliked as a deviation from a sacred past. This is something which they did time and again, and in so doing they successfully cast the Umayyads as worldly rulers indifferent or even inimical to Islam: time and again it is by their departure from supposedly patriarchal norms that the Umayyads condemn themselves. Contrary to what is often said, it is this manoeuvre rather than 'Abbāsid hostility which accounts for the unfavourable light in which the Umayyads appear in the sources. For the sources are not in fact particularly enthusiastic about the 'Abbāsids, and what is more, the hostility to the Umayyads is too pervasive to reflect the change of dynasty: it is not something added after 750 by way of revision of received history. Naturally there are some stories which reflect 'Abbāsid dislike of the fallen dynasty, just as there are some in which they suddenly appear in a favourable light; but these are surface phenomena which do not greatly affect the reader's perception of the caliphs in question. The real bias is that of the scholars who transmitted the memory of the past, not that of the rulers who took over while the scholars were thus engaged. Now because the bias is so pervasive, it is hard to free oneself of it. Merely to discount a bit of the iniquity certainly does not help: the question is not whether the Umayyads were more or less iniquitous than made out (presumably they were as bad as rulers tend to be), but whether history had the shape which the scholars attribute to it. In order to answer this question, and indeed to explain why the scholars came to view history as they did, we must read the works of the 'ulamā' without automatically adopting their perspective. Given that we owe so many of our sources to them, this is by no means easy. Nonetheless, in what follows we hope to show that it can in fact be done.

(And contrast note 67, where Pseudo-Ghazālī applies this title to the sultan rather than the caliph). Ibn Khaldun also accepted that al-siyāsā wa-l-mulk hiya kafāla li-l-khāl wa-khīlāfa li-l-lāh ft 'l-tābū li-tanfīd al-akhīmī fihīm (Muqaddima, p. 120).

87 Nagel, Rechtleitung, p. 33.
88 Morony rightly suspects that the modern literature is under the spell of 'anti absolutist circles in early Islamic society whose interpretation appears to have triumphed in the area of theory' (M. G. Morony, Iraq after the Muslim Conquest, Princeton 1984, p. 580).
89 For the scholars in general, see above, note 86; for al-Ghazālī, above, note 38.
The Umayyad conception of the caliphate

So far we have established that the caliph seems originally to have been regarded as the deputy of God on earth and that he was certainly thus regarded by the Umayyads. We shall now elaborate on the Umayyad conception of the caliphal function with special reference to their views on the relationship between themselves and the Prophet.

It is a striking fact that such documentary evidence as survives from the Sufyânîd period makes no mention of the messenger of God at all. The papyri do not refer to him. The Arabic inscriptions of the Arab-Sasanian coins only invoke Allâh, not his rasûl; and the Arab-Byzantine bronze coins on which Muhammad appears as rasûl Allâh, previously dated to the Sufyânîd period, have now been placed in that of the Marwânîd. Even the two surviving pre-Marwânîd tombstones fail to mention the rasûl, though both mention Allâh.  

1 M. Bates, The "Arab-Byzantine" Bronze Coinage of Syria: an Innovation by 'Abd al-Malik' in A Colloquium in Memory of George Carpenter Miles, New York 1976, p. 23. This study, which revises Walker's dating, relates to coins whose inscriptions include khâlifat Allâh as well as rasûl Allâh. It is not mentioned by Rotter, Bürgerkrieg, but it does affect his findings at pp. 34f., where he espouses the view that these coins were struck by Mu'awiyah. It is of course true that the anonymous author of the Maronite Chronicle composed in the mid-660s knew that Mu'awiyah had struck gold and silver coins which did not find favour with the Syrian population because they lacked a cross (Th. Nöldeke, 'Zur Geschichte der Araber im 1. Jahr. d. H. aus Syrischen Quellen', Zeitschrift der Deutschen Morgenländischen Gesellschaft 29 (1875), p. 96); but he tells us nothing of the wording of inscriptions on these coins and makes no reference to bronze coins.

2 S. al-Munajjid, Dirâsât fi tarîkh al-khaṭṭ al-arabî, Beirut 1972, pp. 41, 104. As might be expected, the documentary evidence preserved in the literary sources is less reticent. Thus the seals of 'All and Mu'awiyah on the peace documents drawn up between them are reported to have borne the inscription 'Muhammad is the messenger of God' (M. Hinds, 'The Siffin Arbitration Agreement', Journal of Semitic Studies 17 (1972), p. 104); indeed, the Prophet is himself supposed to have had a ring with this inscription: it passed from him to Abû Bakr, 'Umar and

and the same is true of Mu'awiyah's inscription at Tâ'if. In the Sufyânîd period, apparently, the Prophet had no publicly acknowledged role. This is not to say that he did not matter in the Sufyânîd period, though exactly what he was taken to be at the time is far from clear; 10 but it does suggest that he played no legitimatory role in Sufyânîd political theory. The titulature of the Sufyânîds suggests the same: 'the earth belongs to God, and I am the deputy of God', as Mu'awiyah is said to have put it. 8 What the Prophet may or may not have been was not from this point of view of any importance.

All this, of course, changed dramatically on the accession of the Marwânîd. In 66/685cf. the first known coin identifying Muhammad as rasûl Allâh was struck at Bishāpûr in Fars by a pro-Zubayrid governor, 8 and in 71/690f. the message was repeated on another Arab-Sasanian dirham struck at the same place, this time by a supporter of the Umayyads. 9 Thereafter reference to Muhammad as rasûl Allâh became a standard feature of Arab numismatic inscriptions. Further, in 72/691f. Muhammad and Jesus were both identified as messengers of God in the two long inscriptions on the octagonal arcade of the Dome of the Rock in Jerusalem. 9 During the

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9 'Uthmân (Muslim b. al-Ĥajjâj, al-Şâhî, Cairo 1929–30, vol. xiv, pp. 67f. (ibûd wa-zâmu). Such information can of course be dismissed, as can the quite contradictory information about caliphal signet rings given in al-Ma'sûdî, Kitâb al-tarîkh wa-l-iṣârāf, ed. M. J. de Goeje, Leiden 1894, at the end of each reign. The Iṣâq suggests that the first caliph (or at least the first 'Abdallâh caliph) to have a signet ring referring to Muhammad as rasûl Allâh was 'Abdullâh b. Yezid ibn Sûbî, the inscription becoming common from al-Râıd onwards (vol. v, pp. 122f., 129f.); but the information in Qalqashandî, Šubh, vol. vi, pp. 354f., casts doubt on this too (the only caliphal signet ring to bear this inscription here being that of al-Qâhirî).


5 Cf. above, chapter 2, p. 6.


8 It occurs successively on (a) the Type A imitation solidi struck at Damascus in 72 and/or 73 (G. C. Miles, 'The Earliest Arab Gold Coinage', American Numismatic Society Museum Notes 13 (1967), p. 227; (b) the transitional dirhams struck at Damascus in the years 73–5 (Walker, Catalogue, vol. i, pp. 23–5; Salmân, 'Dirham nādir'); (c) the Standing Caliph dinars of 74–7 (Miles, op. cit., pp. 121–14); and (d) the epigraphic coinage, which apparently started in 77 in the case of dinars and 78 in the case of dirhams and on which these inscriptions are to be found: 'there is no God but Allâh alone', 'Muhammad in the rasûl of Allâh whom He sent with guidance and the religion of truth, that He might make it victorious over all religions' (an approximation to Qur'ân 9:33), and 'Allâh is One, Allâh is the Everlasting. He did not beget, nor was He begotten' (an apocopated version of sûrat al-ikhlaṣ) (Walker, Catalogue, vol. ii, p. 11v).
The Umayyad conception of the caliphate

The Umayyad theory of state, and its importance (first recognised by Dennett) is such that we give a full translation of it in appendix 2. Al-Walid here sketches out a salvation history divided into two eras, one of prophets and another of caliphs. The first era began in aboriginal times when God chose Islam as the religion for Himself and mankind, or, as we might put it, established a religion for Himself and mankind which He chose to call Islam. Having done so, He sent messengers to inform mankind about it, but without success, or so at least it is implied: there is a lacuna in the text at this point, but we know this part of the story from the Qur’an, according to which nation upon nation received a messenger, only to be destroyed when his message was spurned. In due course, however, the messenger Muhammad met with success. This messenger did not preach anything new; on the contrary, he confirmed the message of previous prophets, God having gathered unto him everything that He had bestowed on them. But now that God had finally got His message through, there was no need for further messengers, and God thus sealed His revelation with him. Muhammad represented the culmination of prophethood and on his death the era of the prophets came to an end. The era of the caliphs began when, on the death of Muhammad, God raised up deputes to administer the legacy of His prophets. Specifically, their task was to see to the implementation and observance of God’s sunna, hukm, huda, fariz and hujjat, ‘normative practice, decree, restrictive statutes, ordinances and rights’ (as we have chosen to translate the terms in question), and thus to maintain Islam. The bulk of the letter is devoted to the supreme importance of obedience to God’s caliphs: whoever obeys will flourish, and whoever disobeys will be punished in both this world and the next, as we are told time and again.

What is so striking about this account is that caliphs are in no way subordinated to prophets (let alone to the Prophet). Prophets and caliphs alike are seen as God’s agents, and both dutifully carry out the tasks assigned to them, the former by delivering messages and the latter by putting them into effect. The caliphs are the legatees of prophets in the sense that they administer something established by them, but they do not owe their authority to them (let alone to Muhammad on his own). Their authority comes directly from God. In other words, formerly God used prophets, now He uses caliphs.

There is no sense here that God has stopped ruling His adherents directly, or that the caliphate is a mere Ersatzinstitution, a second-rate surrogate for the direct guidance which they enjoyed in the days of

governorship of 'Abd al-'Aziz b. Marwân, or in other words between 65/685 and 85f./704f., Muhammad made his first appearance, once more as rasûl Allâh, in the papyrus protocols of Egypt. And the same 'Abd al-'Aziz is also reported to have given orders for all crosses to be broken and for there to be fixed on the doors of the churches in Egypt posters stating that 'God did not beget, nor was He begotten' and that 'Muhammad is the great messenger of God and Jesus also is the messenger of God'. However the Sufyânîs may have conceived of Muhammad, the Marwânîs thus unambiguously identified him as the founder of their faith. But it is clear from the context in which they made their public affirmation of his status that they were motivated more by a desire to establish the credentials of Islam over and above other faiths (notably Christianity) than by a wish to emphasise his continuing importance within the Islamic world; and though the escalation of Muhammad into a fully-fledged founder-prophet was indeed to undermine the position of the caliphs in the long run, as will be seen, in the short run it merely contributed to the rupture of relations between 'Abd al-Malik and Justinian II in c. 692, if it did even that. There is nothing in all this to inform us of the caliph's perception of Muhammad from an inner-Islamic point of view.

For such a perception we may turn to a long letter written by al-Walid II to the garrison cities concerning the designation of his successors. This letter, to which we have referred already, is the most detailed document that we possess in respect of what may be termed


12 The question still has not been fully resolved. The Muslim accounts preserve a memory that the wording on papyrus protocols was somehow connected with the coinage and the rupture in relations (the main texts are Ibn Qutayba, 'Uyûn al-akhbâr, Cairo 1925–30, vol. 1, pp. 198f.; al-Baladîrî, Futûh al-buldân, ed. M. J. de Goeje, Leiden 1866, p. 240; al-Bayhaqî, Kitâb al-mâhâzîn wa-l-mâzâwi, ed. F. Schwally, Giessen 1902, pp. 498–502; al-Dâmirî, Hayât al-hayawân, Bûlûg 1284, vol. i, pp. 79–81). On the Byzantine side, Theophanes specifies 'Abd al-Malik's striking of coin as one of the issues in the rupture of relations with Justinian II but makes no mention of papyri (Chronographia, ed. C. de Boor, Leipzig 1883–5, vol. 1, p. 365; cf. also J. D. Breckenridge, The Numismatic Iconography of Justinian II (685–695, 705–711 A.D.), New York 1959, p. 73); while Nicophorus and Michael the Syrian make no mention of either papyri or coinage in that connection.
Muhammad is a prophet with a small ‘p’. Obviously he was the prophet most relevant to al-Walid and his subjects, being a successful messenger who worked among Arabs and who created the community of which God had now put al-Walid in charge. But he was still one out of many, and he stood at the end of an era, not at the beginning of one. Messengers belonged to the past: the present had been made over to caliphs.

There is considerable evidence to suggest that al-Walid’s conception of the relationship between prophets and caliphs was that espoused by the Umayyads at large. As regards the Sufyānids, the absence of public reference to Muhammad on the one hand and the adoption of the title khilafat Allāh on the other would suggest a similar (or possibly more radical) conception. As regards the Marwānids, al-Walid’s views are echoed in letters by Yazid III and Marwān II in a manner suggesting that his sacred history came out of a standard file in the bureaucracy; and they are also reflected in the stories in which Umayyad governors and others credit God’s deputy with a status higher than that of His messenger.

Of such there are many. Thus al-Ḥajjāj is said to have written a letter to `Abd al-Malik expressing the opinion that God held His khilafah on earth in higher regard than His rasūl (inna khilafat Allāh fi arḍihi [var. ummatihā] akram ‘alayhi min rasūlīhi ilayhim), preferring His khilafah over both angels and prophets (al-khilafah ‘inda ‘lāh ‘afdal min al-malik ‘inda-ka al-mugarrabīn wa-l-anbiyā’ al-mursalin; note the plural here). He expressed the same view to Muṭarrif b. al-Mughira (‘Abd al-Malik khilafat Allāh wa-hawa akram ‘ala Allāh min rasūlīhi; note the plural again). He was also of the opinion that those who circumambulated the tomb of Muhammad in Medina should rather circumambulate the palace of `Abd al-Malik, since one’s deputy is better than one’s messenger. And in the course of a Friday oration he is said to have asked the rhetorical question whether any member of the audience would prefer his messenger over his deputy. Khālid al-Qasrī is reported to have asked the same question in the course of an address in Mecca at the time of al-Walid I or, according to another version, Ḥishām: ‘Who is mightier, a man’s khilafah over his ahl or his rasūl to them?’ Allegedly, he bluntly stated that God had a higher regard for the amīr al-mu’minīn than for His anbiyā’ (once more in the plural). The rhetorical question was also put to Ḥishām, who is said not to have rejected the inference that God must have a higher regard for His khilafah than for His rasūl. As told, these stories sound like frivolous, indeed blasphemous, flatteries; but what they illustrate is precisely the point that khilafah and rasūl were once seen as independent agents of God: this is why they are comparable. The caliph is here given the edge over the prophet on the ground that whereas a messenger simply delivers a message, a dynasty is authorised to act on behalf of his employer, and this sounds strained because it is clear that everyone knew better: what is being offered is simply a clever argument. The stories presuppose both that the last prophet had begun to acquire his capital ‘P’ at the cost of earlier prophets and subsequent caliphs alike, and that parity between them was the starting point. In the early days of the dynasty when somebody reminded Mu‘awiyah that he was mortal ‘like previous prophets and caliphs of God’, the speaker took this parity for granted.

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13 Nagel, Rechtleitung, passim.
14 In addition to the letter by Yazid III translated in appendix 2, see that by ‘Abd al-Ḥamīd b. Yaḥyā in Ṣafwāt, Asrī, vol. ii, pp. 553f. This letter, too, starts with an account of how God chose Islam for Himself, etc, culminating with the prophethood of Muhammad; and though the era of the caliphs is omitted, it continues by giving praise to God alladhi tammam wa’dahā ti-rasūlīhi wa-khilafārīhi fi ummat nabīyyīhi (written as a letter of congratulation on conquest, it presumably refers to Marwān II, in so far as it is not simply a model.) Note also the resonances of al-Walid’s formulae in the letter by Marwān II in Tab., ser. ii, p. 1830.
16 al-Balādūrī, Anṣāb al-ṣāhīf, ms Suleymaniye (Reislükütap) no. 598, vol. ii, fol. 28b.
Fuller evidence, however, is available in Umayyad poetry, most of it Marwânid. It cannot be said that complete parity obtains between prophets and caliphs here. The poems speak of the Prophet rather than prophets, and they automatically assume him to rank higher than caliphs;28 caliphs only rank higher than the rest of mankind.24 Even so, the Prophet’s edge is thin. Caliphs are inferior only in that they do not receive revelation; and if God had not restricted the gift of prophecy to prophets, the caliphs would have been messengers themselves, as we are told with reference to Yazid II86 and Hishân.88 (Thomson’s claim that al-Farazadqa credits ‘Abd al-Malik with the gift of prophethood is not however correct.)87

Thus Yazid II was the best of the people on earth—the living and the dead—except for him through whom the din al-bariyya shone forth (Farazdaq, vol. ii, p. 4328); apart from the Prophet, he was also the best of people in terms of parentage (ibid., vol. ii, p. 4349); he had nobody above him except God and nubuwwa (ibid. p. 682, last two lines). Hishâm was the son of the best people, Muhammad and his Companions excepted (ibid., p. 5359). There has been no shepherd on earth to compare with Sulaymân, not that since the death of the Prophet and ‘Uthmân, there has been no shepherd in Islam to compare with Yazid II, once more with the qualification ‘since Muhammad and his companions’ (ibid., p. 889). The truth is clear from the references given in the previous note. In addition, however, we are told that ‘Abd al-Malik was khayr al-bariyya (Akhkhal, p. 749), that Sulaymân was khayr al-nâs (Farazdaq, vol. ii, p. 6239), and that al-Walîd II was khayr al-bariyya kullihâ (ibid., p. 5109); al-Râfi‘ thought that there was nobody like himself in Syria, except for the imam (no. 16:47). Ibn Qays al-Rugayyâth thought Mu‘âdh al-best of the people, the amîr al-mu’mînîn excepted (no. 51:2). And after the death of the Prophet nobody’s death was so highly lamented as that of al-Hajjâj except for those of caliphs (Farazdaq, vol. ii, p. 529, ult.; cf. p. 4959, where the same is said of al-Hajjâj’s relatives). If Jesus had not foretold and described the Prophet, Yazid II would have been taken for a prophet, and though he was not a prophet, he would still be the companion of one in Paradise, along with Abû Bakr, ‘Umar and ‘Uthmân (Farazdaq, vol. i, p. 2649); if there were to be a nabi after the muta‘âfa, it would be Yazid II that God would choose (ibid. vol. ii, p. 82949). Farazdaq, vol. ii, p. 8469, where shahâdâ 1-lâm who takallâm bihi ‘an rasûl Allâh say that the holy word was sent to other prophets, Hishân would be in receipt of revelation.

27 W. Thomson, The Character of Early Islamic Sects in Ignace Goldziher Memorial Volume, ed. S. Löwinger and J. Somogyi, Budapest 1948, p. 92, repeated by E. Negri, Some Religious Aspects, p. 795, and Morony, Iraq, pp. 4909. Thomson was misled by R. Bouché (ed. and tr.), Dinan de Féraud, Paris 1870, p. 626 of the French text, where al-Farazdaq is made to say that the imam ‘qui a reçu (du Seigneur le don de) prophétie brisea leur piège’, what he actually said was that ‘the one who has bestowed prophecy (sc. God) broke their guile (with reference to ‘Abd al-Malik’s victory over Ibn al-Ashâr, cf. ibid., p. 2089 of the Arabic text = Farazdaq, vol. i, p. 2969).
inherited it from ‘Uthmân,48 a friend and helper of Muḥammad’s,49 who was chosen by a shūrâ51 and raised up by God Himself,44 and who was thus a legitimate caliph wrongfully killed.42 In raising up Umayyad caliphs, God gives His deputy something to which He has a hereditary right.44 The Umayyads have always been caliphs and always will be, we are assured.45 In short, the Umayyads are God’s chosen lineage.

It is clear from this that, as far as the Umayyads were concerned, the Umayyad period began with ‘Uthmân, not with Mu’awiyah, and this makes sense, given that they never regarded ‘Ali as anything but a pretender. There is a case for adopting the periodisation proposed by the Umayyads themselves; after all, the classical view that ‘Ali was the fourth caliph reflects doctrinal developments of the ninth century, not contemporary opinion: in contemporary perspective ‘Ali was a pretender, on a par with the other protagonists of the first civil war.46 More importantly in the present context, however, it is also clear that the growing prominence of Muḥammad was bad for Umayyad dynastic legitimacy. As long as Muḥammad belonged to another era, it was enough to have been chosen by God Himself, but not so when he had come to initiate the present: at this point some direct link with

Quaraysh, addressed to ‘Abd al-‘Azīz b. al-Walîd; cf. al-Farazdaq, vol. ii, p. 656,52 where it is addressed to Sulaymân). Both state that the Umayyads have inherited an exalted building (Jarîr, p. 256; Farazdaq, vol. i, p. 266). Ibn Qays al-Ruqayyâḥ stresses that they have ‘inherited the minbar of Khalîfah’ (no. 2: 10). Cf. also ‘Urwa b. Uthayma, p. 28153.

39 In addition to the references given in the preceding note, see Farazdaq, vol. i, pp. 275* (the turāth of ‘Uthmân to which they were the heirs), 295, ult. (similarly), 351, penult.; vol. ii, p. 418* (again stressing inheritance from ‘Uthmân).
40 Farazdaq, vol. i, pp. 169* (the one through whom God helped Muḥammad), 312* (khail al-nabî al-musaffaw wa-mubājiru), 90* (khail Muḥammad wa-inām haqq and the fourth of the best to tread the ground).

41 Farazdaq, vol. i, pp. 265* (*‘Uthmân’s power went back to a waṣiyiyā min ‘Abî l-Jâfî, he was chosen by the Muḥājirûn; compare vol. i, p. 86* on waṣiyiyy thānî ‘thaynī beîda Muḥammad’; vol. ii, p. 418* (warshîha mawṣûrahā fī-‘Uthmân alaṣṣirā kâna turāth nabiyyīn al-mashakhayyar), 646*, 768* (the masha‘a again).

42 Farazdaq, vol. ii, p. 768*.
43 Farazdaq, vol. i, p. 312*, 329*; vol. ii, pp. 419*, 768*; RB, no. 58: 54; cf. also ‘Abdallâh b. al-Zabîr’s reference to 80,000 people led by Gabriel (apparently the Syrian army at the time of al-Mukhtâr) whose dîn was the dîn of ‘Uthmân (Shirî, ed. Y. al-Jubûrî, Baghdîd 1974, p. 78).

44 This point is made with particular clarity by al-Farazdaq (vol. i, p. 768*; addressed to al-Walîd I); and al-Akhṭal puts it very succinctly: ātâkum Allâh in ma matsûram ‘alâkum ṣâhbîn bîhîn (p. 73*).


him was required. It was all very well to argue that ‘Uthmân had been his friend and helper, and that his own Companions had elected him caliph, but such arguments did not carry much weight. Once the Prophet had acquired his capital ‘P’, straight descent from him was an unbeatable claim.

But though the Prophet had begun to undermine the claim of the Umayyads to the caliphate by the time the poets start to speak of him, still he had not affected the nature of the caliphate itself. It is the nature of the caliphate which concerns us here, and on this point the poets are of riveting interest. In essence their message is that however important the Prophet may have been in the past and indeed still is, the caliphs are central to the faith here and now.

The caliphs are central to the faith in two ways. First, they are ‘the tent pegs of our religion’ (awtâd dinîn),47 not just in the sense that they keep the community of believers together, defend it and see to its administration, but more particularly in the sense that without them, it would ipso facto cease to be a religious community. ‘Were it not for the caliph and the Qur’ân he recites, people would have no judgements established for them and no communal worship’, Jarîr declared.48 ‘He who does not hold fast to God’s trustee will not benefit from the five prayers’ (man lam yakûn bi-amîn Allâh mu’taṣîm fâ-layṣa bh-l-salâwâl al-khams yantaṣfū), an ‘Abbâsid poet echoed with reference to Hârûn.49 Three centuries later al-Ghazâlî was similarly to argue that if the caliphate was deemed to have come to an end, all religious institutions would be in a state of suspension and all acts performed under Islamic law deprived of their validity.50 In other words, there is no umma without an imâm: it is the leader who constitutes the community, and without him God’s ordinances cannot be implemented.51 It is in this vein that the caliphs are described as ‘the imams of those who pray’,52 that ‘Umar II is told that he has become an adornment of the abiding minbar,53 and that numerous other caliphs are flattered with reference to the judgements established by them.54
Secondly, the caliph is ‘like the qibla through which every erring person is guided away from error’.46 The role of the imam is not only to validate the community of believers, but also to be its source of guidance (ḥudā), a prerequisite for salvation. Salvation was seen primarily as a matter of finding the right path, and what the Prophet had done was precisely to bring guidance at a time when ‘the waymarks of truth had become effaced’.48 Islam itself was synonymous with right guidance,47 and it is above all with such guidance that the poets associate the caliphate.

Thus it is with khilāfa and ḥudā that God has invested the caliphs according to Jarīr.49 The caliph is ‘the khilāfa of God among His subjects through whom He guides mankind after fitna’,49 ‘and the imam in the furthest mosque through whom the hearts of the perplexed are guided away from error’.50 The Umayyads unite people on guidance after their views have diverged.51 They and their governors make plain the subul al-ḥudā, ‘the paths of guidance’.52 ‘Through you He has guided every confused person’, al-Farazdaq says.53 The caliph is imām al-ḥudā, ‘imam of guidance’,54 and as such

56 Cf. appendix 2, p. 119.
57 Muhammad was sent with ḥudā and din al-ḥaqq, as the epigraphic coinage proclaims, echo Qur. 9:33 (cf. above, note 8); compare also the formula al-fātimah al-ʿālā man it-tābaaʾ l-ḥudā, used in letters to infidels (fk khitāb al-kāfir, Qalqashandī, 61, vol. vi, p. 366, with sundry examples in the following pages; there are numerous early examples in the Qurra papyri, cf. for example A. Grohmann, From the World of Arabic Papyri, Cairo 1952, pp. 125ff.; there are also numerous early examples of Muslims using it in letters to Muslim opponents, cf. Saʿdī, Risāla, vol. ii, pp. 105, 159, 288, 300). Muhammad was thus nabi al-ḥudā (see for example Ḥasan b. Ḥabīb, no. 22:12; al-Walid b. Yazīd, Shīr, ed. H. Ṭawwān, Ammān 1979, p. 61; Wadīḥ, Qudūsī, vol. i, p. 216). He was also imām al-ḥudā (see for example al-Nuaman b. Baṣārī, Ṭabīr, ed. Y. W. al-Jubāri, n.p. 1968, nos. 4:28; cf. 22:26), what he had brought being ḥudā (ibid., no. 4:12) or a religion in which there was ḥudā and ābdīrt (Abbās b. Mūrūs in Ibn Ḥishām, al-Šīra al-nabawiyya, ed. M. al-Saqā and others, second printing, Cairo 1955, vol. ii, p. 466); and so on.
58 Jarīr, p. 474.
62 Jarīr, p. 50 (cf. al-Ḥaḍīja); compare Nābīghat B. Shāyban, p. 29 in Umayya (subul al-ḥaqq).
63 Farazdaq, vol. i, p. 329; cf. also Jarīr, pp. 4, 5 (where the Tāmīm who have repented of their ‘Aid sympathies are said to have returned to ḥum al-ḥudā), 384, 440, 474.
64 ‘Abd al-Malik referred to the Zubayrid insurrection as one directed against dīnna al-ḥudā (Tab., ser. ii, p. 743). Ṭabīḥ b. Taghlibi remembered al-Walid I, as an imām ḥudā (Aḥfānī, vol. xi, p. 283). Yazīd II was likewise praised as an

he is associated with light. He is ‘guidance and light’,55 ‘the light of the land’,56 and the one ‘through whose light every seeker of guidance is guided to ḥudā’.57 He is ‘a light which has illuminated the land for us’,58 ‘the moon by which we are guided’.59 He sets up a ‘beacon of guidance’ (manārān li-l-ḥudā) wherever he goes.60 His kinsmen and governors are similarly ‘lights of guidance’, full moons, stars and the like.61 He disperses darkness62 and makes the blind see.63 He revives both land and souls,64 being rain (ghayrī) in both a literal and a metaphorical sense: one asks for rain no less than for guidance from him.65

68 Aḥkāl, p. 74.
69 Farazdaq, vol. ii, p. 704; cf. also pp. 423; Jarīr, p. 254. (God gave Yazīd II a mulk waḥlī l-nār); Nābīghat B. Shāyban, p. 49 (Yazīd II as light); Yazīd b. Dabba in Aḥfānī, vol. vi, p. 99 (al-Walid II is an imām yādīs bi ‘l-ḥaqq lahu l-nār alāl l-nār).
72 Farazdaq, vol. i, pp. 289, 299, 329; vol. ii, pp. 619, 620, 785, 830; Rāʾī, no. 16:53; Qutainī, p. 148;
73 Farazdaq, vol. i, pp. 329, 329, 352; Rāʾī, no. 16:53.
75 Farazdaq, vol. ii, pp. 541, 638, 767 (ghayrī al-ḥadīq al-nār al-nār l-tulūm), 831, 845, 889; Jarīr, p. 274; Rūbaʿī, no. 39:41 (p. 103); Ibn Surayī citing al-Aʾwāṣ and ‘Adī b. al-Riḍā in Aḥfānī, vol. i, pp. 298, 309; Abbās b. Muhammad in Aḥfānī, vol. xxi, p. 217; for al-Walid II’s accession as muʾtawaf, see Wālid, Shīr, p. 55. For the caliph through whom rain is sought yuṣṭaṣṣ bīhi l-maṣṭūr, see above, chapter 2, pp. 8f., and Rimgren, Some Religious Aspects.)
The caliph is a source of guidance because he is himself blessed and rightly guided. ‘Uthman was a khalifan mahdiyyan, ‘a rightly guided caliph’, as Mu‘awiya’s messengers told ‘Ali. As far as al-Hajjāj was concerned, Abū Bakr, ‘Umar, Mu‘awiya and ‘Abd al-Malik were the four (sic) khulafa’ al-rashidūn al-muhtadūn al-mahdiyyūn. Similarly, in poetry ‘Abd al-Malik is al-mubārak yahdī Allāh shī’atuhu, ‘the blessed one [though whom] God guides His adherents’. Sulaymān is the mahdi, the rightly guided one, through whom God guides whoever is in fear of going astray, and through whom He disperses darkness; he is also the mubārak and mahdi who makes plain the road, and through whom ‘God has delivered us from evil’. ‘Umar II was al-mubārak al-mahdi siratuhu, ‘the blessed one whose conduct is rightly guided’; he is also the mahdi in prose. Yazīd II is al-mubārak al-maymūn siratuhu, ‘the blessed one whose conduct is auspicious’ and to whom God has given ra‘fat mahdiyyan, ‘the mercy of a rightly guided one’. Hishām is al-mahdi wall-hakam ar-rashīd, ‘the rightly guided one and the judge who follows the right path’, as well as ‘the mahdi in whom we seek refuge when frightened’. Al-Walīd II is both the mahdi and al-qā‘id al-maymūn wall-muhtadā bihi, ‘the auspicious leader and the one by whom one is guided’. ‘Stand up, O Commander of the Faithful, rāshīdan mahdiyyan’, as Yazīd III was told, though not by a poet. In poetry the Umayyads in general are ḥudāt wa-mahdiyyūn, ‘guiding and rightly guided’. 

Being mahdiyyūn, the caliphs are strongly associated with justice. The justice of caliphal sunna loosen burdens and heals: ‘through the justice of your hands you heal the sicknesses of breasts’, through your justice you have cured everyone who thirsts’. ‘Come to Islam, justice is with us’, as we are told. Adherents of ‘Uthman held this caliph to have been an imām adīl. Mu‘awiya was an imām adīl, ‘Abd al-Malik was flattered as khalīfat al-‘adl, an epithet also attested for ‘Umar II, who elsewhere appears as al-imām al-‘adīl, and both Yazīd II and Hishām were described as imām al-‘adīl. The Commander of the Faithful is imām wa‘adīlīn ‘l-banīyya, Jarīr said with reference to ‘Abd al-Malik. According to al-Farazdaq, Sulaymān made every place of oppression (jawr) a place of justice (adīl). Hishām filled the earth with justice and light. He also filled it with mercy (ra‘ma), and with light, mercy, justice and rain, having been placed over the people as a source of security and mercy (an-nas wa-ra‘ma). 

Though mahdi is evidently not an eschatological epithet in these passages, it is hard to avoid the impression that the term refers to a redeemer. The mahdi of court poetry is not simply a person who walks in the right path, but rather a deliverer from evil – someone who fills the earth with justice, mercy and light, who heals and who vivifies. ‘He answered our prayer and saved us from evil through the caliphate of the mahdi’, as al-Farazdaq said with reference to Sulaymān. But this is not a point we wish to pursue in this.
chapter. What we do wish to stress is that salvation was perceived as coming through the caliph; and we should like to illustrate this further with reference to two notions commonly attested in both poetry and prose.

First, the caliphs (or the caliphal institution) are described as 'refuge' or 'stronghold' (ismā), a word with Qur'ānic resonance (cf. 3:96, 'he who seeks refuge in/holds fast to God (ya'ātāsam bī'llāh) is guided to a straight path'). The metaphor conveys that it was the caliphs who saved the believers from error in both a political and a religious sense, or, as others put it, that the caliphs were the pillars of the religion. 'God...created from among His creatures servants whom He placed as tent-peg for the pillars of His religion; they are His guardians (ruqābā) over the land and His deputies (khulāfa) over the servants, and through them He has turned darkness into light, united the religion, strengthened that which is certain, granted victory, and put down the overmighty', the future Marwān I told Muʿawiyah.111 'God has made you a refuge (ismā) for His friends and a source of injury for His enemies. . .through you God, exalted is He, makes the blind see and guides the enemies [to the truth]', 'Abdallāh b. Mas'ūda al-Fazārīi told the same caliph, conveying much the same message.112 'Through him God protected (aqṣama) mankind from perdition', as a poet said of Muʿawiyah in a poem to Yazīd I.113 The caliph was a fortress (hiṣn),114 or 'a cave in which you seek refuge' (taʾwūna), as Ziyād b. Abīhi put it,116 just as he was the mahdī in whom we seek refuge (naṣfaʿa) when we are afraid', as Jarīr said of Hishām.118 He was a 'ismā against tyranny.117 and thus a 'ismā for orphans,118 but above all he was a refuge against that disunity which inevitably meant dispersal from the paths of guidance, the caliphate.

108 We shall return to it below, appendix 1.
111 Ibn Qutayba, Ḥimāma, p. 164.
113 Aḥkāmī, vol. xxii, p. 74; note that Muʿawiyah is amin Allāh in the preceding line.
115 Tab., ser. ii, p. 75.
116 Above, note 88.
118 Jarīr, p. 218, penult. (of Yazīd II).
of the caliph as God's rope conveys much the same message as that of the caliph as a refuge: whoever holds fast to this rope is saved, whoever 'scatters' loses the paths of guidance. And both concepts underscore the fact that allegiance to a caliph was a precondition for salvation. Like the pope, the caliph presided over a religious community outside which no ritual act had any effect. 'Were it not for the caliph and the book he recites, people would have no judgements established for them and no communal worship', as Jarir said. \[129\] 'Whoever dies without an imam dies a Jāḥilī death', as even classical tradition states. \[129\] The Prophet had brought guidance in the past: like the caliphs he was both mahādi and imām al-hudā. \[132\] But it was the caliphs who dispensed this guidance here and now. It is in this vein that Jarir enumerates

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\text{mubawwqa, khilāfa and hudā as more or less synonymous terms,} \[133\][134] while al-Farazdaq speaks of the awād al-khilāfa wa-l-salām, 'the staffs of the caliphate and salvation'. \[133\]

Muhammad might have become sayyid al-mursalin at the expense of previous prophets and subsequent caliphs alike; but without these caliphs, the believers still had no access to his legacy. \[124\]

It is for this reason that what looks to us like a choice between political rivals was in fact a religious one in early Islam. To give allegiance to an imam was to affiliate oneself to a guide who might or might not be the true representative of God; it was to choose one's umma. The fact that 'Ali and Mu'āwiyah may well have had identical beliefs in no way means that contemporaries were faced with a purely political dilemma. There was only one true imam and one true umma, so that whoever made the wrong choice would find himself outside the community where no amount of religious observance would save him from a Jāḥilī death. Choosing the right imam (or more precisely proving that the imam chosen was the right one) was a matter of vital importance for salvation; disputes over his identity thus precipitated the formation of sects, and declaration of belief in the legitimacy of one's own came to form part of the creed. 'Do you confess that Mu'āwiyah is the caliph?', an Umayyad governor asked of a Khārijite, executing him on his refusal to answer in the affirmative. \[125\]

What do you say about Muṣ'ab? Khārijites asked of al-Muhallab's troops, who declared him to be an imam of guidance; 'is he your leader (wāli) in this world and the next... are you his followers (awliyā') in life and death... what do you say about 'Abd al-Malik... are you quit of him in this world and the next... are you his enemies in life and death?' \[134\] al-Ḥajjāj professed that 'there is no god but God, who has no partner, that Muhammad is His servant and messenger, and that he [al-Ḥajjāj] knew of no obedience except to al-Walid b. 'Abd al-Malik; on this he would live, on this he would die, and on this he would be resurrected'. \[137\] In the reign of al-Mahdī an 'Abbāsīd naqīb died confessing that there is no god but God, that Islam is God's religion, that Muhammad is the messenger of God, and that 'Ali b. Abi Ṭālib is the legatee of the messenger of God, šīr, and the heir to the imamate after him'. \[138\] An apostate who converted back to Islam in the time of al-Ma'mūn gave proof of his Muslim beliefs with the creed, 'I confess that there is no god but God, who has no partner, that the messiah is a servant of God, that Muhammad spoke the truth, and that you are the Commander of the Faithful'. \[139\] 'There is no religion except through you and no world except with you', as al-Ma'mūn was also told. \[140\] The creed which Bughā, the Turkish slave soldier, had learnt consisted in declaration of belief in the unity of God, in the messengership of Muhammad and in the kinship tie between the Prophet and the caliph on which
the latter's legitimacy had come to rest. The classical creeds which separate Sunnis, Shi'iites and Khārijites of course also contain declarations of belief in the legitimacy of the caliph or caliphs acknowledged by the sects in question.

The fact that it was around the caliphate that Muslim sects crystallised is inexplicable on the assumption that the caliph was never more than a political leader; and given that the process of crystallisation began in the first civil war, there is no question of seeing Umayyad innovations here. If Abū Bakr conceived the caliphate as a purely political institution, it had changed character by the time of ʿUthmān, presumably in tandem with the adoption of the title khāliṣat Allāh. But in fact this is a most implausible proposition. Just as khāliṣat Allāh seems to have been the caliphal title from the start, so the caliphate must have been min al-īmān, 'part of the faith', from the moment of its inception.

142 Though for practical purposes this is what Tyan suggested (*Califat*, pp. 199 ff.).

4

Caliphal law

If the deputy of God on earth was seen above all as a guide, what was the nature of his guidance? Obviously, in part it was political. The caliph was responsible for the maintenance of the community, the suppression of rebels, the conduct of jihād, and so forth; and the poets make no bones about the fact that guidance frequently took a militant form: where would people be, one of them asks, without the Marwānī ‘imam of guidance and beaters of skulls’? The Umayyads and their governors were God’s swords, and as such they were invincible: obviously, whoever had God on his side could not be defeated. But what we are concerned with here is their spiritual role, and what we wish to demonstrate is that it was seen as consisting above all in the definition and elaboration of God’s ordinances, or in other words in the definition and elaboration of Islamic law.

In his letter concerning the succession, al-Walīd II expressed the opinion that God had raised up caliphs for the implementation of His ḥukm, sunna, ḥudūd, ḥarāʻid and ḥuṣūq, a view which al-Ḥajjāj had apparently espoused before him. In the same vein Yazīd III stated that until the death of Hishām ‘the caliphs of God followed one another as guardians of His religion and judging in it according to His decree (qādima fihi bi-ḥukmihī); while Marwān II described

2 Tab., ser. ii, p. 78 (of Ziyād b. Abīhi); al-ʿAjāʾīb, no. 29: 140, p. 48 (Yazīd I);
4 Below, appendix 2, p. 120.
6 Below, appendix 2, p. 126.
the caliphate as having been instituted for the implementation of God’s statutes (sharā‘ i‘dīnīhī). We may begin by examining the ways in which they sought to fulfill this task.

Most obviously, they acted as judges. The caliphal office is explicitly associated with adjudication in the Qur’ān: in 38:25 God tells David that ‘we have appointed you khalīfa on earth, so judge among the people with truth’ (fa-‘hkum bayna ‘l-nās bi-‘l-ḥaqq), and in 21:78ff. we see David in action as a judge together with Solomon. There are numerous references to these verses in poetry. ‘Judge (fa-‘hkum) and be just’, al-Ahwāṣ told Sulaymān with reference to the fact that he had been appointed by God.8 ‘He is the caliph, so accept what he judges for you in truth’ (mā qaḍā lakum bi-‘l-ḥaqq), Jarir says,9 references to al-qaḍā’ bi-‘l-ḥaqq or ‘adl being commonplace.10 Without the caliphal people would have no judgements (ahkām) established for them, as Jarir says in the famous line quoted twice already.11 Elsewhere he adds that ‘the land rejoices in a hakam who maintains the ordinances (farā‘id) for us’.12 And the caliphs are explicitly compared with David and Solomon: just as God ‘made Solomon to understand’ in the Qur’ān, so he gave understanding to (fahhama) His caliph.13 The caliphs, or at least some of them, responded by dispensing justice in person, apparently with some solemnity: when ‘Abd al-Malik acted as qādi he would have a page recite poetry on legal justice before turning to the disputants.14 That the caliphs acted as qādīs was first pointed out by Tyan,15 and Tyan’s conclusion is confirmed by early Ḥadith, in which they are frequently displayed in this role. Sometimes we see them give verdicts in concrete cases,16 and sometimes we are merely told that such and such

7 Tab., ser. ii, p. 1850.
9 Jarir, p. 390a.
10 Jarir, pp. 390b, 505a; Faradaq, vol. ii, p. 638b13; Qurān, p. 146a13; cf. also ‘Ajjāj, no. 33:19 (p. 56).
11 Jarir, p. 355a.
12 Jarir, p. 506a.

a caliph qaḍā bi-dhālikā, adjudicated on the basis of such and such a rule.17 Either way the Umayyads cast in this role are usually Mu‘āwiya, Marwān I, ‘Abd al-Malik and ‘Umar II, though Ya‘qūb I and Hishām also appear.18 Marwān is however presented as governor of Medina rather than as caliph (as is ‘Umar II on occasion too), and other caliphs fail to appear altogether.19 Even so, the traditionists clearly agreed with the poets that adjudication was part of the caliphal role. In Umayyad times it was part of the role of the governor too.20

The fact that the caliphs and their agents acted as judges is not in itself of great significance from the point of view of their role in the definition of the law. Hindu kings, for example, also acted as judges for all that they had no role in the formulation of dharmā, the religious law elaborated by the brahmans; kings might or might not give verdict in accordance with dharmā: either way royal orders had to be obeyed, and neither way did royal orders count as sacred law.21 But caliphal verdicts did count as sacred law, as is clear from the very fact that they are to be found in Ḥadith. Ḥadith is a record of authoritative rulings, not of historical ones. Most of the rulings which Ḥadith ascribes to the Umayyads may very well be unhistorical in the sense that the Umayyads were not in fact its authors.22 What matters is that legal scholars wished to present them as such: at some point in history Umayyad adjudication was regarded as a source of authoritative decisions, with the result that Umayyad verdicts were collected and/or invented. If the Umayyads had not been regarded as a source of holy law, no verdicts attributed to them would have been found in Ḥadith at all.

According to Ḥadith, however, it was not only in connection with adjudication that the Umayyads formulated law. They are also said

18 In addition to the examples given in the preceding notes, see J. Schacht, The Origins of Muhammadan Jurisprudence, Oxford 1930, pp. 193ff.
19 Ibn Hazm implies that he has seen traditions involving all the Umayyad caliphs down to al-Walid II; but the passage is too polemical to be taken at face value (see the reference given below, note 36).
God’s Caliph

...to have issued what in Roman terminology would be known as edicts or mandates to their governors and judges, laying down the legal rules which the latter were to apply. The best known example is the famous letter on fiscal and other legal matters addressed by ‘Umar II to his governors which Gibb misclassified as a rescript, but other examples survive. Thus Mu’awiya sent instructions regarding stolen property to his governor in Medina. ‘Abd al-Malik wrote instructions, presumably to his governors, concerning slave-girls in whom defects are found after the sale. ‘Umar II is depicted as constantly dispatching instructions on this or that aspect of the law to governors and judges in various places; Yazid II wrote to the judge of Medina (and presumably judges elsewhere too), laying down that the testimony of stupid people should not be accepted; and Hishām sent instructions to an Egyptian qādī on points concerning dowries.

Conversely, governors and judges would write to the caliph for instruction on difficult legal points. Thus Muhammad b. Yūsuf, governor of the Yemen, wrote to ‘Abd al-Malik asking for the correct procedure to be followed in a case of illicit intercourse. Al-Hajjāj wrote to him for a ruling on a question of inheritance. When a difficult question relating to manumission by kitāba arose in Mecca, the governor of Medina (and Mecca) similarly wrote to ‘Abd al-Malik

23 Ibn ‘Abd al-Hakam, Sīra, pp. 93ff.; cf. H. A. R. Gibb, ‘The Fiscal Rescript of ‘Umar II’, Arabica 2 (1955). In Roman law a rescript was the emperor’s answer to a question addressed to him which took the form of either epistula, a separate letter, or subscriptio, a reply written at the foot of the petition itself (F. Schulz, History of Roman Legal Science, Oxford 1963, p. 152). ‘Umar II’s letter was not an answer to anything. In Roman terminology it was an edict or mandate (cf. ibid., pp. 148ff., 154).

26 He instructs them on the treatment of non-Arab converts (al-Balūdūrī, Fasīḥ al-balūdūrī, p. 426). Ibn ‘Abd al-Hakam, Fasīḥ Miṣrī, ed. C. C. Torrey, New Haven 1922, p. 155; Ibn Sa’d, Tabaqātī, vol. v, p. 384), a theme actually attested in the letter to which we may now refer as ‘Umar’s edict; on other fiscal questions (Ibn Sa’d, Tabaqatī, vol. v, pp. 376, 380), on punishments (ibid., p. 385), on qasāma (see the references given in Crone, ‘Bāili and Jewish Law’, note 167, though the sources refer to his kitāba in this context, the extant edict does not cover it), and on marriage law in relation to orphans (Kindī, Governors, p. 339, where the judge is named; ‘Abd al-Razzāq, Musannaf, vol. vi, no. 10370, where he is anonymous; Ibn Abī Shayba, Musannaf, ed. A.-K. Khān al-‘Alghānī, Hyderabad 1386–vol. iv, pp. 140, 160, where he has completely disappeared, a good example of the way in which context tends to get lost in Ḥadīth).

28 Kindī, Governors, p. 348.

...for advice. A governor of Ayla wrote to ‘Umar II for rules concerning runaway slaves who steal, and an Egyptian judge wrote to the same caliph for elucidation on points relating to clientele, pre-emption and blood-money payable for broken fingers. A Syrian judge wrote to Hishām for advice on questions regarding inheritance and manumission. Judges and sub-governors might also seek advice from the top-governor of the area, who might solve the problem or write to the caliph for advice in his turn. Ibn Hazm even claims that ‘whether the matter arose in Medina or elsewhere, neither governor nor judge would [ever] give judgement without referring it to the caliph in Syria, and neither would [ever] do more than carry out the latter’s instructions’. This is a polemical exaggeration, but clearly just an exaggeration, not an invention.

Even private persons would submit petitions concerning legal questions. According to early Ḥadīth, ‘a man went to ‘Abd al-Malik to ask him about various things which he told me about. ‘Abd al-Malik showed the petition (kitāb) to Qabīṣa [b. Dhu’ayb al-Khuzā‘ī, his secretary]. It said, “[what does one do to] a slave who slanders a free man?” Qabīṣa said, “he is given eighteen lashes.” Similarly, a certain ‘Abbās b. ‘Alqama is said to have written to ‘Abd al-Malik asking him about the permissibility of revoking wills in which manumissions have been made, and there are also examples involving ‘Umar II. (It is the caliphal reply to such requests from governors and laymen which are rescripts in Roman terminology.)

According to Ibn Hazm, the Mālikīs were wrong to take pride in their much-valued ‘Medinese practice’: given that all disputes were referred to the caliph in the Umayyad period, it consisted of nothing...
but the decisions of 'Abd al-Malik, al-Walid I, Sulaymân, Yazid II, Hishâm and even al-Walid II, plus a little from 'Umar II whose reign was brief, as everyone could ascertain for himself from the Ḥadîth collections. 40 Nine hundred years later Schacht unwittingly followed Ibn Ḥazm's advice and arrived at the same conclusion: Umayyad legal practice was the starting point of Islamic law as it exists today. 41 Unlike Ibn Ḥazm, Schacht had his doubts about the authenticity of the decisions ascribed to the Umayyads, but this is of no importance here: what matters here is that early scholars automatically assumed law in the Umayyad period to have been caliphal law.

Caliphal law is not a notion familiar to the classical lawyers. In their opinion the first four caliphs were qualified to issue rulings on law because they were Companions, while 'Umar II was qualified to do so because he was an exceptionally pious caliph who cultivated Prophetic Ḥadîth, but no legal competence was vested in the caliphal office itself: in so far as caliphal rulings had any authority, they owed it to the same tradition from the Prophet which validated the rulings of the lawyers themselves. One is thus not surprised to find that there are traditions in the Umayyad caliphs as drawn as far as the traditions that are derived from the 'ulamâ'. Far from being consulted by governors and judges, we are told, it was the caliphs who would write off for legal advice from judges and other legal scholars. Marwân, for example, wrote to Zayd b. Thâbir for his opinion on a certain problem and, having obtained it, duly put it into effect. 42 'Abd al-Malik wrote to the qaḍâ' of Ḥims asking him what the punishment for a homosexual should be. 43 Al-Walid I wrote to al-Ḥajjâj asking him to consult the local 'ulamâ', and so forth. 44 Traditions in which caliphal rulings are validated with reference to precedents set by the 'ulamâ' or by the Prophet himself are fairly common. 45 Therefore, there are even some in which Marwân I and 'Abd al-Malik are cast as faqîhs, legal scholars, and/or as traditionists in their own right. 46 But ultimately the fate of Umayyad rulings (other than those of 'Umar II) was to be rejected rather than retained on a Prophetic ticket. The Ḥijâzh retained them longer than anyone else, and it is largely to them and their Egyptian pupils that we owe the traditions in which the Umayyads appear as formulators of law, 47 though there is also some Syrian, Basran and even Kufan material. 48 In classical law no caliphs other than the first four and 'Umar II play any role at all.

It is clear, however, that the classical point of view is the outcome of a reinterpretation. Originally all caliphs formulated law in their capacity as caliphs, as the Umayyads themselves explained, and it is also as caliphs that they are usually invoked in early Ḥadîth. Caliphs of God or otherwise, the Umayyads are here seen as authorised to make religious law on a par with the Râshîdîn. Naturally, this point was beyond Ibn Ḥazm, who adduced his discovery that Medine practice was based on caliphal decisions as a crushing argument against its validity: what are the decisions of mere caliphs against those of the scholars who are the true legatees of the Prophet? More surprisingly, it was also beyond Tyan and Schacht, both of whom concluded from their findings that law in Islam must once have been conceived as secular; how else could it have been made and dispensed by caliphs? 49 Presumably Tyan would have changed his mind if

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40 Above, note 28.
41 Schacht, Origins, pp. 190ff.
44 'Abd al-Razzâq, Muṣânad, vol. vii, no. 12325. Note also the tradition in which a case is brought to Marwân, the governor of Medina, but in which it is Ibn 'Abbas who enunciates the rule for which the tradition is cited; in the second version Marwân has dropped out altogether (ibid., vol. vi, nos. 10568f.).
46 Thus Marwân I and 'Abd al-Malik both appear as traditionists in Ibn Sa'd, Tahâfûq, vol. v, pp. 43, 224, 226, where we are told that Marwân would consult the Companions and act in accordance with their agreement, while 'Abd al-Malik would sit with the faqîh and 'ulamâ' of Medina and remember what they had said. Both similarly appear in Ibn Hajar, Ta'dîb al-ta'dîbîn, Hyderabad 1325/7, the former in vol. x, p. 121; the latter in vol. vi, pp. 422f; according to Ibn Hajar and al-Fasa'î, Khâtâb al-murîda wâlî-târîkh, ed. A. D. al-'Umari, Baghdad 1974, p. 658, 'Abd al-Malik was reckoned among the four faqîhâ' of Medina; and when somebody asked Ibn 'Umar who should be asked for legal opinions when the old men of Quraysh had died, he said that Marwân had a son who was a faqîh: 'as him'. Both Mu'âwiya and Marwân transmit traditions from the Prophet in 'Abd al-Razzâq, Muṣânad, vol. i, no. 411; vol. ix, no. 17087; vol. x, no. 18928.
47 It is because so much of this material is of Medine origin that Ibn Hazm could use it to undermine the concept of Medine practice. But 'Abd al-Razzâq owed over a quarter of his traditions on Umayyad rulings to the Meccan Ibn Jurayj, who had them not only from Medine, but also from Meccan and occasionally other authorities (e.g. vols. vi, nos. 10568, 10633; vol. vii, no. 15849). The Egyptian material (preserved in al-Kindi and Ibn 'Abd al-Hakam) relates almost exclusively to 'Umar II.
48 Cf. 'Abd al-Razzâq, Muṣânad, vol. i, no. 1707 (Kufan); vol. vi, no. 11908 (Syrian); vol. vii, no. 15604 (Basran).
49 Tyan, Organisation judiciaire, vol. i, pp. 164ff. (early qâdî had no religious
he had reconsidered this conclusion in the light of his later work, for he proceeded to write a book in which he stressed the religious character of caliphal authority more strongly than any scholar to date. As for Schacht, he evidently had a strong sense that there was such a thing as caliphal law; yet in deference to the 'ulamā' he almost invariably downgraded it to mere "administrative practice", "administrative regulations" and the like, thus casting the Umayyads as Sa'ūdī kings who can only make niṣāmūn. But law in Islam was always regarded as God-given, and it is precisely in discussions of God-given law that the Umayyads are invoked in early Hadith. What early Hadith reflects, in other words, is a stage at which God-given law was formulated by God-given caliphs. This is clear in a number of ways.

First, there is no distinction in early Hadith between caliphs who could formulate legal rules for the extrinsic reason that they were also Companions or exceptionally pious and later ones who had no right to interfere with the contents of the law at all. 'I have lived under 'Umar, 'Uthmān and the later caliphs', a Medinese successor says, character and only acquired it under Persian influence, especially under the 'Abbāsids); Schacht, *Introduction*, p. 17: 'sunnā in its Islamic context originally had a political rather than legal connotation; it referred to the policy and administration of the caliph'.

50 Viz. the Califat to which we are so greatly indebted. But he did not reconsider (cf. E. Tyan, *Histoire de l'organisation judiciaire en pays d'Islam*, Leiden 1960, pp. 117f.).

51 He actually speaks of Umayyad legislation in J. Schacht, 'Classicisme, traditionalisme et ankylose dans la loi religieuse de l'Islam' in R. Brunschvig and G. E. von Grunebaum (eds.), *Classicisme et déclin culturel dans l'histoire de l'Islam*, Paris 1957, p. 142. Elsewhere, too, we are told that 'the caliphs acted to a great extent as the lawgivers of the community' (Schacht, *Introduction*, p. 15). But we are immediately assured that the Umayyads of course lacked the religious authority of the Prophet and that their legal activities were mere 'administrative legislation' (ibid.).

52 If the legislation of the Qurān is not law, what is? Schacht describes it as an "essentially ethical and only incidentally legal body of maxims" (*Origins*, pp. 224f.), and Wansbrough agrees (J. Wansbrough, *Quranic Studies*, Oxford 1977, p. 174). But quite apart from the fact that it does not consist of maxims at all, classical Islamic law could similarly be described as essentially ethical and only incidentally legal: it all depends on what one understands by 'law'. Clearly, law as defined by the Muslims was always regarded as God-given. One can of course question the attribution of the Qurān to Muhammad; but the fact that Muhammad made law was known already to Sebeos (Sebeos [attrib.], *Histoire d'Héraclius*, tr. F. Macler, Paris 1904, p. 95: he brought the Ishmaelites together under one law and prohibited carrion, wine and fermentation). Equally, every tradition attributed to him could be dismissed as spurious; but the Constitution of Medina still vouchsafes the fact that he acted as adjudicator with divine authority (Ibn Hishām, *Sirā*, vol. 1, p. 504).

'and they only beat a slave forty times for qadhf'. This Medinese is using the same idiom as Yazīd b. al-Muhallab, who spoke of 'Umar, 'Uthmān and later caliphs of God', and what he is saying is that since no caliph had ever beaten a slave more than forty times for this particular crime, doing so would be contrary to Islamic law. The first caliphs have already acquired special sanctity in both his and Yazīd b. al-Muhallab's statements, but they are not contrasted with the Umayyads. What the Umayyads do is here seen as a continuation of patriarchal practice rather than as a deviation therefrom, precisely as it is in the work of a scholar as late as al-Awāzī (d. 774). In Marwānid poetry, too, the first caliphs have acquired special sanctity without thereby undermining the validity of the acts of the Umayyads: Sulaymān acted in accordance with the *sunnā* of the Fārūq, *cf*. 'Umar I, and modelled himself on 'Uthmān'; 'Umar II's *sīra* resembled that of his namesake; Hishām 'brought the *sunnā* of the two 'Umars'; and the Umayyads in general followed the *sunnā* of the rāṣīl.* In poetry all the caliphs are *a'immat al-hudā, mahdiyyān and rāshīdūn*, and this is also the impression conveyed by early Hadith. Unlike the court poets, the scholars soon ceased to accept this as true of contemporary caliphs: accepting the rulings of 'Abd al-Malik did not necessarily imply acceptance of Hishām as a source of law; it certainly did not imply acceptance of al-Ḥansūr as one. And in due course the scholars ceased to invoke caliphs altogether, except for the first four and 'Umar II. But there is no simple way of explaining how the Umayyad caliphs came ever to be invoked unless we accept that legal authority once resided in the caliphal office itself.

Secondly, it is as specialists in caliphal law, not as bearers of a Prophetic tradition of their own, that the scholars appear in a number of these traditions. Thus when Muwāyiyah writes to Zayd b. Thābit for advice, Zayd replies by adding the decisions of 'the two caliphs before you', i.e. 'Umar and 'Uthmān. Is there a binding precedent


57 Jafīr, p. 511f.


60 Cf. below, chapter 5, p. 91.

61 Or more precisely the first three after 'Abd al-Bakr, cf. below, appendix 1, p. 112.

62 'Abd al-Razzāq, *Muṣannaf*, vol. x, no. 19062; but note how the version cited by Malīk, *Muṣatta*, vol. i, p. 333, downgrades caliphal authority: Zayd wrote back saying 'God knows best! This is a problem on which only umār, that is *khulafa*, have given verdicts; I have lived under the two caliphs before you, and they gave him [i.e. the grandfather] half in the presence of a brother, a third in the presence
Finally, it should be noted that the anti-caliph Ibn al-Zubayr also appears as a legal authority in early Hadith, though on a far smaller scale than the Umayyads. His aqīqa are referred to elsewhere too. Whoever was accepted as caliph was thus taken by his followers to be a source of law regardless of whether he was an Umayyad or other Qurashi, a companion or a kinsman of the Prophet.

We should like to stress that the Umayyads concerned themselves with all aspects of the Sharīʿa, not merely with the law of war, fidelity and other public matters as Schacht believed to be the case. There is no sense in early Hadith that the Umayyads should be invoked as authorities on public rather than private law; on the contrary, they regularly lay down rules regarding marriage, succession, manumission and the like. It is only when it comes to ritual law that they practically vanish from the material (with the exception of ‘Umar II). But it seems unlikely that ‘the imam of those who pray’ should have left ritual law alone. There are in fact some traditions in which Muʿāwiyah is invoked as an authority on prayer and fasting and there are several on ‘Abd al-Malik’s manner of performing the pilgrimage and prayer; conversely, there are also traditions in which caliphs are instructed or corrected in matters of ritual by ‘ulamāʾ. Besides, the non-legal literature condemns the Umayyads for having changed the prayer (not to mention the qibla), or in other words for having laid down a form of prayer which their subjects disliked.

69 See for example ‘Abd al-Razzāq, Musannaf, vol. ix, nos. 16245–6.  70 When ‘Abd al-Malik’s governor of Medina asked whether Ibn al-Zubayr’s verdicts should be annulled, ‘Abd al-Malik replied that they should not on the ground that he did not resent Ibn al-Zubayr’s aqīqa, but rather his bid for power and that the annulment of aqīqa is hard to bear (Wakā‘, Schacht, vol. i, p. 130; cf. also vol. i, p. 404, where Ibn al-Zubayr writes to ‘Abdallah b. ‘Utba, telling him how to adjudicate, and p. 321, where he objects to a verdict by Shurayh who nonetheless refuses to change it).

71 Schacht, Origins, p. 198 (‘Abd al-Razzāq’s Musannaf was not available when he wrote).

72 ‘Abd al-Razzāq, Musannaf, vol. i, no. 3687.

73 ‘Abd al-Razzāq, Musannaf, vol. iv, no. 7850; contrast no. 7834, where he owes his dictum to the Prophet.

74 Ibn Saʿd, Tabaqāt, vol. v, pp. 229f., 232f. Note also the Kafan tradition in which Marwān is invoked as an authority concerning the sanctity of mosques (‘Abd al-Razzāq, Musannaf, vol. i, no. 1707); he also appears as an authority on ritual law ibid., vol. iv, no. 8358, but as the editorial note explains, al-Bayhaqi’s version presents Ibn ‘Abbās as the authority rather than, as here, simply the transmitter of Marwān’s view.

75 ‘Abd al-Razzāq, Musannaf, vol. i, nos. 2618, 2691. Note also the tradition, ibid., vol. iv, no. 8664, in which Marwān’s role is limited to that of asking a scholar’s opinion on a question of dietary law.

total absence of Umayyad caliphs from early Ḥadith on ritual law is thus likely to mean that it was in this field that their legal competence was first rejected.

What then were the sources of caliphal law? According to poetry, they were kitāb, sunna and raʾy. The book was the Qurʾān, be it in its present form or otherwise; but sunna was not the sunna of the Prophet, let alone something documented in Ḥadith, and raʾy was not the acumen of ordinary legal scholars.

As for sunna, it was good practice in general and that of prophets and caliphs in particular. Among the prophets David and Solomon have pride of place. ‘David is justice, so judge by his sunna’ (faʿ-ḥkum bi-sunnathihī), Nābighat B. Shaybān told ‘Abd al-Malik; ‘you two have become among us like David and Solomon, following a sunna (alā sunnatihī) by which everyone who follows it is guided’, al-Farazdaq told Ayyūb and his father, the caliph Sulaymān. But the Umayyads followed the sunna of the Prophet too, according to the same poet. Among the caliphs, ‘Umar and ‘Uthmān are prominent, as seen already, but so are later rulers: ‘The family of Marwān acted sincerely towards God; they are the best, so act in accordance with their sunna’, Nābighat B. Shaybān told ‘Abd al-Malik; Aʾshā of B. Rabīʿa told him much the same. ‘Abd al-Malik was a caliph whose sunna should be imitated, according to Ibn Qays al-Ruqayyāt and the Umayyads in general had left behind ‘ordinances (farāʾīd) and a sunna worthy of recollection’ according to al-Farazdaq, who also hoped that Sulaymān would ‘restore to us the sunan of the caliphs.’

It is clear from these passages that sunna was not envisaged as a set of concrete rules, but rather as a general example, an uswa hasana such as that set by the Prophet according to the Qurʾān. When the Umayyads are said to follow the sunna of David, the Prophet, the Fāṭimids or later caliphs, the message is that they acted in the spirit of these people, not that they knew of actual rulings from them, let alone rulings transmitted from them in Ḥadith. This is not to deny that in practice the Umayyads paid close attention to the verdicts of their predecessors. Precedent tends to play a major role in the dispensation of law regardless of whether it is formally binding or not, even under modern conditions; and like most members of pre-industrial societies the Muslims took a conservative view of law. Thus a poet complimented ‘Abd al-Malik on not having reversed any of his predecessors’ verdicts, having chosen rather to imitate their action, and in the line by al-Farazdaq just quoted, legal reform is characteristically envisaged as legal restoration. But the concept of sunna was not in itself an obstacle to legal innovation. Thus we are told that ‘Umar II’s sīra resembled that of ‘Umar I, ‘who instituted ordinances and whom the nations took as their example’, the implication being that ‘Umar II also instituted laws. As has been seen, caliphal sunna appears as something capable of change in early Ḥadith too.

77 We are concerned with the formal rather than the substantive sources here. The question of the extent to which they borrowed from their non-Muslim subjects is discussed by P. Crone, Roman, Provincial and Islamic Law, forthcoming.

78 The Commander of the Faithful is defined as someone who ‘applies the hadd and follows the book’ in a poem addressed to al-Hajjāj (Jarir, p. 17, penult.), and al-Hajjāj himself is said to be qādī bi kitāb (Aḥānī, xvi, p. 332). Jarir identifies the book as the Qurʾān in the line ‘were it not for the caliph and the Qurʾān he recites...’ (Jarir, p. 359), and he also refers to the fact that God has revealed a farāʾīd to the traveller and the poor in it (p. 415f). For other references to the book in his dīwān, see pp. 256f, 474f. For views on the shape of the Qurʾān about this time, see Wansbrough, Quranic Studies; Crone and Cook, Hagarism, pp. 17f.

79 Nābighat B. Shaybān, p. 108. As noted in the introduction, p. z, the version given in Aḥānī, vol. vi, has strātāsī for sunnatīsī.

80 Farazdaq, vol. i, p. 308f.


82 Cf. above, p. 51.

83 Nābighat B. Shaybān, p. 108f.


85 Khālīfī yuqtdā bi-sunnathihī (Ibn Qays al-Ruqayyāt, no. 2:17).


88 This is obvious when they are said to have followed the sunna of remote figures such as David and Solomon, but sunna is also translatable as general example even when concrete precedent is referred to. Thus Aʾshā of B. Rabīʿa encouraged ‘Abd al-Malik to designate his son al-Walīd as successor at the expense of his brother ‘Abd al-ʿAzīz, saying that a son has the best claim to the mulk of his father and that ‘Abd al-Malik had himself inherited his power from ‘Uthmān, Ibn Hār b and Marwān: faʿ-āsh hamdī uswa-bi-sunnathīn (above, note 84); yet, though succession had been dynastic since ‘Uthmān, it had not always been from father to son. Similarly Marwān thought that Muʾāwiya’s designation of Yazīd as his heir was in accordance with the sunna nāḥiyya maddīyya of Abū Bakr (who had designated ‘Umar as his successor), though the Medine did not share that view on the ground that Abū Bakr had not designated a member of his own family (Iqd, vol. iv, p. 371).

89 Al-Shāhīd min ʿUmar al-Fāṭīmīs strātāsī sunna fī-farāʾīd wa-lammat bīhi l-umum (Jarir, p. 511). Note also the fluidity of the concept of sunna in the claims made by al-Farazdaq on behalf of Sulaymān: he acted in accordance with the sunna of the Fāṭimids, but he also modelled himself on ‘Uthmān, and he was expected to restore the sunna of the caliphs of Fāh, the Umayyads in general having left behind them a sunna worthy of recollection.
As regards the ra'y of which the caliphs were possessed, it was a superhuman insight (ra'y yafūqu ra'y al-rijāl), as we are told with reference to Yazīd II, who is also described as an imām huda'y qad saidada ilāh ra'yahu. Elsewhere it is a super-human understanding: as mentioned already, the caliphs were musfahhamūn, made to understand by God on a par with Solomon, 'the rightly-guided king' (al-malik al-mahdī). It is with reference to this notion that a ruling of Mu'āwiyah's is deemed better than 'Umar's in an early tradition. Indeed, al-Ḥābjāb held 'Abd al-Malik to be divinely protected against idle talk and behaviour slips (maṣṭūm min khaṭā am-gaww wa-zalāl al-fīl); and all the caliphs were rightly guided (mahdīyyūn), as has been seen. In short, the ultimate source of caliphal law was divine inspiration: being the deputy of God on earth, the caliph was deemed to dispense the guidance of God Himself.

The convergence of the evidence of court poetry and early Ḥadīth is of crucial importance in that it puts paid to the idea that the Umayyads conception of the caliphal office was peculiar to the Umayyads themselves. Naturally the caliphs had a special interest in promoting it, and the poets who broadcast their views were certainly sycophantic. But the sycophantic element of court poetry lies in its denial of a discrepancy between ideal and reality, not in the presentation of the ideal itself. In practice the behaviour of the Umayyads may at times have been comparable with that of the Borgia popes; but if a poet flattered the Borgia popes on their power to bind and loose in heaven and on earth, he would still be making a correct statement about the attributes of the papal office, whereas a historian who tried to reconstruct the nature of this office with reference to the behaviour of its incumbents would go badly astray. Similarly in the case of the Umayyads. What the poets described was the generally accepted concept of the caliphal office, not one invented by the Umayyads in the face of staunch opposition thereto on the part of their subjects, as one tends automatically to assume under the influence of classical notions; on the contrary, even the 'ulāma', the future rivals of the caliphs, took this concept as their starting point.

Whether the Umayyads themselves were generally accepted is an altogether different question. Obviously, a great many of their subjects found them hard to bear, and as an antidote to the flattery of the poets we offer a translation of part of the famous speech by Abū Ḥamza al-Khārijī in which the so-called deputies of God come across as anything but rightly guided. The Khārijites were however unique in that they rejected not only the Umayyads themselves, but also the caliphal office which they represented. Lā hukmā illā lā ilāhī, as their slogan said: God might have given judgement to David and Solomon, but he had not given any to his kalīfa. For those who were to become the Sunnī majority, however, the illegitimacy of the Umayyads did not necessarily invalidate the caliphal ideal. Clearly it contributed thereto, and the erosion of the caliphal ideal at the hands of the scholars must have begun in the Umayyad period (one suspects that al-Walīd II's letter had an outmoded ring to it already at the time of its publication); but it was only under the 'Abbāsids that the process was completed, leaving the Imāmīs as the sole adherents of the original conception. It is to this process of erosion that we shall devote ourselves in the following chapters.

92 Nābighāt B. Shaybān, p. 6819.
93 Kuthayyir, p. 342. The line is also said to have been addressed to 'Abd al-Malik.
94 Above, note 13. It is al-Farazdaq who describes Solomon as a rightly guided king.
95 'Abd al-Razzāq, Musammāf, vol. viii, no. 15664. When asked why he prefers Mu'āwiyah's rule to 'Umar's, Ma'bad replies 'I'mma Da'ud kāna khāyir min Sulaymān fo-ilmā fahimāh (var. fo-fahimāh) Sulaymān. This is clearly corrupt. The allusion is to Qurān, 21:78–9, 'and David and Solomon, when they gave judgement concerning the tillage...we made Solomon to understand it (fa-fahimāh Sulaymān) and unto each we gave judgement and knowledge'. The gist of Ma'bad's reply must thus have been that although David was better than Solomon, it was Solomon that God made to understand. (For variants on this tradition, see J. van Es, 'Ma'bad al-Ǧuthāni', in Islamwissenschaftliche Abhandlungen Fritz Meier, ed. R. Gramlich, Wiesbaden 1974, pp. 55f.)
From caliphal to Prophetic sunna

Originally, sunna was that established way of doing things which the Romans called mos majorum, ancestral custom. Classically, it is Muhammad’s way of doing things as attested in traditions going back to him, supplemented by traditions going back to his Companions (including such early caliphs as the sect in question recognises), who are assumed to have perpetuated Muhammad’s practice. In its classical form, the concept of sunna undermines caliphal authority in three ways. First, the exponents of Prophetic sunna are scholars, not caliphs: the caliph has no say in its transmission or interpretation except in so far as he is a scholar himself. Secondly, Prophetic sunna takes the form of a host of concrete rules: having lost his capacity to make his own sunna, the caliph cannot simply treat that of the Prophet as a general example in the spirit of which he should act. And thirdly, the sunna of the Prophet is resistant to reinterpretation: the outlook of the scholars is averse to allegory; and since they owe their authority to knowledge of the Prophet’s rules, they are not qualified to reinterpret or explain away these rules, be it on behalf of the caliph or others. To this may be added that the rules themselves are not particularly conducive to caliphal designs, having been made by scholars in, on the whole, competition with caliphs; but whatever their contents, their formulation deprives the caliph of any say, qua caliph, in the definition of Islamic norms.

According to the scholars, the classical concept of sunna was born in the lifetime of the Prophet himself: sincere Muslims wished to model their conduct on that of the Prophet from the start. If this claim is accepted, the Umayyad concept of the caliphate must have been an un-Islamic deviation which was never accepted by the community at large, and this is indeed how it is often presented; but it should be clear by now that this cannot be correct. Certainly, there is every reason to believe that Muhammad’s followers regarded their leader as a source of right practice and spoke of his sunna as something worthy of imitation; but this is by no means to say that the classical concept of sunna was born in those days. In pre-Islamic Arabia every person endowed with a modicum of authority was a potential source of normative practice within his own family, tribe or wider circle of contacts; why should Muhammad have been an exception?1 But in classical theory Muhammad is the only source of such practice. On the one hand, his precedent overrides all rival ways of doing things, binds every member of the community and covers every aspect of life; on the other hand, it is properly documented, so that everyone can study and refer to it, as opposed to loosely equating it with whatever is perceived to be right at any given time: extra-prophetic authority is thus effectively ruled out. It is this feature which gives the classical concept its unique strength, and it is in this sense that it must be the product of an evolution, as most Islamicists would now agree.2 What we wish to do here is to examine the major phases of this evolution from the point of view of its effect on the authority vested in the caliphate.

The Umayyads

In the Umayyad period the expression ‘sunna of the Prophet’ is most frequently encountered in the collocation kitāb Allāh wa-sunnat nabiyyihī, a collocation which in its turn is most frequently encountered in the context of revolt. The sources present every major revolt

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1 Cf. Bravmann, Spiritual Background, pp. 139ff., where it is persuasively argued that sunna were invariably regarded as going back to specific persons in pre-Islamic times though the persons in question were not always remembered. For one who instituted a sunna within his family, see p. 152, where an Umayyad nobleman says that his father sunna twenty thousand dinars for his menfolk, or in other words established this as the dowry to which they were entitled by his sunna; for another who hoped to establish a good example generally, see p. 160, where the pre-Islamic poet al-Mutalammis would like to leave behind ‘a sunna which will be imitated’.

2 By way of contrast, note the famous story in which the members of the shūrā ask ‘Ali and ‘Uthmān whether they will undertake to follow the Qur’ān, the sunna of the Prophet and the sira of the first two caliphs. Whatever the truth of this, it is clearly in their capacity as potential rulers that ‘Ali and ‘Uthmān are being asked this question; the electors wish to make sure that things will continue more or less as before. There is no sense here that the sunna of the Prophet (or for that matter that of the shaykhayn) is something which every believer undertakes to observe in every aspect of his life (cf. Bravmann, Spiritual Background, pp. 123ff., where the episode is discussed and full references given).

3 Cf. the recent discussion by G. H. A. Juynboll, Muslim Tradition, Cambridge 1983.
from the time of 'Uthman until the fall of the Umayyads as having invoked a call to, or an oath of allegiance on, 'the book of God and the sunna of His Prophet'. On the Shi'ite side the examples include 'Ali at Šīffīn in 37/657,4 al-Husayn in his attempt to gain the support of Basran ashrāf in 60/680, al-tawwābūn in Iraq and the Jazīra in 64/684,4 al-Mukhtār in Iraq in the mid-60s/680s,5 Zayd b. 'Ali at Kufa in 121/738,6 and the missionaries of the 'Abābīs in Khurāsān.7 On the Khārijī side they include al-Mustawrid b. 'Ullafa in Iraq in 43/663,8 Suwayd b. Sulaym in the Jazīra in 77/696,9 and 'Abdallāh b. Yahyā and Abū Ḥamza in the Yemen and the Hijāz in 129–30/746–71.10 Among rebels of other colours we find the provincial opponents of 'Uthman,11 the followers of

4 Tab., ser. i, p. 3279.

From caliphal to Prophetic sunna: the Umayyads

Ibn al-Zubayr in 64/683,14 Muṣarrif b. al-Mughira in Iraq and the Jibāl in 77/696,15 Ibn al-Aṣḥā'ī in Sīstān and Iraq in the early eighties/about 700,16 Yazīd b. al-Muhallab in Iraq in 101–2/719–20,17 al-Ḥārith b. Surayj at Balkh in 116/734, and later,18 as well as his followers at Āmus in 117/735,18 and other separatists in Khurāsān in 128/745.19 We do not wish to defend the authenticity of every single attestation, the very early ones being particularly suspect, but that it was customary for rebels of the Umayyad period to make a call to the book of God and the sunna of the Prophet would be hard to deny; clearly, it was customary for them to do so whatever their sectarian stance.

What did such a call signify? Given that it was used by rebels of the most diverse persuasions, it can hardly have signified very much in concrete terms. This is confirmed by the so-called letter of Ibn Ibars to the caliph 'Abd al-Malik, which is more probably a letter by Jābīr b. Zayd to another 'Abd al-Malik, perhaps a Muhallab,20 and

14 Bal., Ans., vol. iv/b, p. 59; vol. v, p. 188: bāyīyyah al-ʿaḍā' kitāb Allāh wa-sunnat nabīyyiyi wa-sīrat al-khalīfah al-ṣāliḥīn. Earlier, we are told, Ibn al-Zubayr had called to al-ṣīrāt wa-l-šāhīdīn (vol. v, p. 188).
16 Tab., ser. ii, p. 1058: nabīyyiyina al-ʿaḍā' kitāb Allāh wa-sunnat nabīyyiyi wa-lāl jīhād wa-lāl jīhād al-muḥālim wa-l-mārijīn. See also p. 1092.
19 Tab., ser. ii, p. 1583.
20 Tab., ser. ii, p. 1931.
21 Cf. M. Hinds, Early Muslim Dogma, Cambridge 1981, pp. 57f. Cook's proposition that the letter was addressed to 'Abd al-Malik b. al-Muhallab receives some support from the fact that the letter, in enumerating the misdeeds of 'Uthman, mentions that he prevented the people of al-Bahrān and 'Umān from selling their mira until that of the imāra had been sold (Hindu Xerox (on which, see Cook, Dogma, p. 4)), p. 388; al-Izkawī, Kashf al-hamma l-jama' li-akhkhāri al-sunnah, Ẓāhiriyat MS, tarīkh, no. 346, p. 301; al-Barrādī, Kitāb al-Jawāhir, Cairo 1932, p. 160 = R. Rubinacci (tr.), Il califfo 'Abd al-Malik e gli Ibaditi, Annali dell'Istituto Universitario Orientale di Napoli NS 5 (1953), p. 112. This might reasonably have been expected to make some impression on a Muhallabid conscious of his 'Umān origins and connections. It was not however, from Kirmān that 'Abd al-Malik was dismissed in 86 (as conjectured by Cook, Dogma, p. 63, with reference to Tab., ser. ii, p. 1182). According to Khalfān, Tarīkh, p. 410, he had been in charge of the Baṣra shurta under al-Hāfṣ, a point confirmed by al-Farāzdaq (cf. H. Lammens, Le chantre des Omeyyades, Journal Asiatique ser. IX, 4 (1894), p. 172); differently put, he had served as the deputy of al-Ḥākam b. Ayyūb, al-Hāfṣ's governor of Busra for most of the time between 75 and 86.

according to which the call signified that the person who made it was angry on God's behalf, God having been disobeyed. Kitāb Allāh wa-sunnat nabiyyihi was thus an oppositional slogan on a par with al-amr bi'l-ma'ruf wa'l-nahi 'an al-munkar, and what it said was no more and no less than that the rebel disagreed with governmental practice, believing himself to have a better idea of what right practice was.

This explains why it is that the Umayyads and their governors only made use of the collocation in efforts to make rebels return to the fold, or in other words in attempts to persuade them that right practice was to be found with the caliphs after all. Thus, we are told, al-Mughira b. Shu'ba used to preach to the philo-'Alid ʿUjjr and his followers that 'Uthmān had followed the book of God and the sunna of His Prophet. Abd al-Malik called Ibn al-Ashtar to God (sic) and the sunna of His Prophet before defeating the Zubayrids. al-Ḥajjāj reputedly wrote to the Khārijite Qatār b. al-Fujā'a that 'you have opposed the book of God and deviated from the sunna of His Prophet.' Umar II instructed his governor of Iraq to call the Ḥarūriyya to al-amal bi-kitāb Allāh wa-sunnat nabiyyihi. And adherents of the anti-caliphi Ibn al-Zubayr similarly called al-Mukhtar and his followers to kitāb Allāh wa-sunnat rasūl Allāh before defeating them. With the possible exception of Umar II (to whom we shall return), the Umayyads did not normally make use of the collocation, not even in statements designed to present their policies in the most appealing of lights. Things duly changed, however when

(Bal., Anz., vol. iv/a, p. 59). It was undoubtedly from this office that he was dismissed, according to al-Tabarī, in 86. The fact that Abd al-Malik held office in the headquarters of the Ibadīs in the period 75–86 might be taken to suggest that the epistle was composed during these years (rather than in the next period of Muhallabid ascendency from 96 to 99).

The rebels who called to kitāb Allāh wa-sunnat nabiyyihi did not equate sunna with the example of the Prophet as attested in Ḥadīth. Leaving aside the fact that some of them may have been Qu'ānic fundamentalists, they never adduced examples set by the Prophet which the Umayyads were supposed to have ignored and which they themselves now promised to observe. Instead, they

an Umayyad rebel acceded to the throne. Like other dissidents, Yazīd III began by calling his followers to the book of God and the sunna of the Prophet, spelling out by way of concrete information that succession (al-amr) should be decided by consultation (shūrā). Having done so, he also made use of the collocation in his accession speech: 'I have rebelled in anger on behalf of God, His Messenger and His religion, calling to God, to His book and to the sunna of His Prophet (ṣī') at a time when the waymarks of guidance have been pulled down and the light of the people of godliness has been extinguished.' He wrote to the people of Iraq promising them that he would act in accordance with the command of God and the sunna of His Prophet, following the way of the best of their people in past times. And in his letter of amān to al-Ḥarīrī b. Surayj he similarly stated that 'we became angry on God's behalf when His hudād were suspended and His servants suffered all sorts of things, when blood was shed where it was not lawful and property was taken without right; so we wished to act in this community in accordance with the book of God, exalted and mighty is He, and the sunna of His Prophet.' In short, Yazīd III assured his subjects that he had not rebelled for personal reasons, but rather because God's law had been violated, something which he now promised to put right.

Plainly, the rebels who called to kitāb Allāh wa-sunnat nabiyyihi did not equate sunna with the example of the Prophet as attested in Ḥadīth. Leaving aside the fact that some of them may have been Qu'ānic fundamentalists, they never adduced examples set by the Prophet which the Umayyads were supposed to have ignored and which they themselves now promised to observe. Instead, they

(34) Below, appendix 2, p. 128.
(35) Tab., ser. ii, pp. 1867f.
(36) Note that Ibn al-Zubayr also claimed to have rebelled ghadhab** il-līthā, with special reference to the Umayyad handling of ḥajj (ʿAghānī, vol. 1, p. 22); and Umar II sought to pre-empt the ghadb of the Khārijite Shawdhab when he wrote, 'it has come to my attention that you have rebelled ghadhab il-līthā wa-l-nabiyyihi, but you have no better right to do that than I do' (Tab., ser. ii, p. 1348).
specified grievances such as the Umayyad manner of distributing revenues, the stationing of Syrian troops in Iraq, the keeping of troops too long in the field, maltreatment of the Prophet’s family, tyranny and the like. It was by these acts that the Umayyads had violated God’s book and the sunna of his Prophet, or, as the rebels paraphrased it, suspended the hudud and rendered the sunna dead, and no attempt whatever was made to prove that the Prophet had acted otherwise. To the rebels sunna thus meant much the same as it did to the Umayyads, that is venerable and acceptable practice – practice acceptable to them. The Umayyads saw caliphal practice as identical with that of the Prophet for the simple reason that they approved of their own acts, while their opponents conversely saw it as opposed to that of the Prophet for the simple reason that they disliked Umayyad policies. To say that someone had followed the sunna of the Prophet was to say that he was a good man, not to specify what he had done in concrete terms. Contrariwise, when people complained that a governor had acted bi-ghayr al-sunna, they simply meant that he had behaved in a fashion unacceptable to them. In concrete terms, the ‘sunna of the Prophet’ meant nothing.

There are incidents in the revolts of Yazid b. al-Muhallab and al-Hārith b. Surayj in which this comes across with particular clarity. Thus a participant in the revolt of Yazid stated that ‘we have called them [sc. the Umayyads] to the book of God and the sunna of His Prophet Muḥammad, may God bless him, and they claim that they

have accepted it from us’, meaning that it would be unwise to initiate further hostilities; but Yazid replied, ‘do you really believe that the Umayyads will act in accordance with the book of God and the sunna of the Prophet? They have destroyed that (qad dayya’u dahlīka) ever since they came into existence’. It is plain that this interchange was not about the Umayyad attitude to Qurān and sunna but rather about the rebels’ chances of having their concrete demands accepted, Yazid b. al-Muhallab’s point being that the alleged Umayyad willingness to negotiate should not be trusted. Similarly, when ‘Abbās b. ‘Umayr, the governor of Khurāsān, agreed with al-Hārith b. Surayj to ask Hishām for the book of God and the sunna of the Prophet and to rebel if the response was negative, the issue was not Qurān and Ḥadith, but rather Hishām’s choice of personnel: ‘I am only asking for the book of God, exalted and mighty is He, and conduct in accordance with the sunna, and the employment of people of merit and excellence’, al-Hārith later explained to Naṣr b. Sayyār. In the governorship of the latter, al-Hārith had some sort of manifesto read aloud in the streets and he made it clear that the governor of Khurāsān ought in his view to be chosen by local men, i.e. by a shūrā. Naṣr refused to step down, but a shūrā for the election of sub-governors did in fact take place. Naṣr and al-Hārith nominated two men each, instructing them to nominate candidates of their own ‘who would act in accordance with the book of God’, and to draw up such sunan and siyār as the candidates in question should follow. To al-Hārith and his followers, the book of God and the sunna of the Prophet thus stood for local control of local government.

To other rebels in other areas, it stood for something else again.

35 Cf. above, notes 5, 8–10, 29.
36 Thus Yazid b. al-Muhallab, above, note 12.
37 Thus Yazid b. ‘Abbās, above, note 5.
38 Cf. above, notes 3–5.
39 Cf. notes 5 (maqālim), 8 (jabariyya), 12 (the behaviour of al-Ḥājaj).
40 Cf. notes 2, 5, 8, 28.
41 Thus ‘Abbās Bakr had followed the sunna of the Prophet, while ‘Umar had acted in accordance with the book of God and revived the sunna of the Prophet in the opinion of the Khārijites (Tab., ser. ii, p. 883); by contrast, ‘Uthmān and ‘Abbās had innovated and abandoned Qurānī ḥukum (above, note 7). Past rulers had followed the book of God and the sunna of the Prophet according to Yazid b. ‘Abbās, but they had stopped doing so, and it was for this reason that he wished to revolt (ibid., p. 1700). Similarly, a good practice such as that of electing the best Muslim ruler without reference to his tribal status was ra’y rasūlī fa-qad marad bihī al-sunna bētu al-rasul according to the Khārijites (ibid., p. 985). To their opponents, of course, it was neither ra’y rasūlī nor sunna. Whatever one liked could be sunna even if nobody practised it: innahā sunna wakalin innahā darsat (Waki‘, Qudūd, vol. iii, p. 71; cf. also Abū Dāiu‘ayn in Aghāhā, vol. vi, p. 277).
42 Cf. Jd, vol. ii, p. 80, with reference to al-Ḥājaj’s governorship of the Ḥaramayn; of Marwān in Medina it was similarly said that he bi-yaqṭī bi-sunna (ibid., p. 110; Qalqashandi, Ṣubah, vol. i, p. 259).
In short, the collocation of book and sunna stood for justice, whatever justice was perceived to be in each particular case. Al-Hārith b. Surayj paraphrased his demand for the book of God and conduct in accordance with the sunna as one for al-qiyyām bi-l-‘adl wa-l-sunna, telling Naṣr that it was now thirteen years since he had left Marw inkaרん("l-‘adl, 'in protest against tyranny'. 51 'We only fought for you in search of justice (talabِl-‘adl), erstwhile followers of his explained when they seceded from him, making their own call to the book and the sunna, 'we are the righteous party (al-fi‘a al-‘adila) calling to the truth'. 52 Sunna in the sense of right and just practice might well be documented with reference to the past. Yazīd b. al-Muhallab called not only to the book of God and the sunna of the Prophet, but also to the sunna of the two 'Umars. 53 A Khārijīte prisoner taken by al-Ḥajjāj objected to al-Ḥajjāj's execution of prisoners and defined the sunna on this point by reference to the book of God and pre-Islamic poetry. 44 The sunna by which Marwān tried to justify Mu‘āwiya's designation of Yazīd I as his successor was the precedent set by Abū Bakr. 45 And a clever poet invoked the precedent of the prophet himself to 'Umar II, informing this notoriously stingy caliph that the Prophet used to reward the poets who praised him. 54 But in all these examples the reference is to the past as generally remembered and approved, not to a special record of Prophetic (or for that matter other) precedent transmitted with particular care on account of its particular authority. Whether pre-Islamic poetry, the Prophet or later figures are invoked, sunna refers to all those norms which a person comes to regard as binding through interaction with his social peers and for which he will only seek support in the past if the norms in question are violated, not to a code absorbed through a study of past models to which reference will constantly be made as a matter of course. It was people's notions which had participated in the revolt; both requests were granted them, whereasupon a relative of Maṣqāla b. Hubayra was appointed governor. An appointment of this kind was presumably among the things they had fought for: one of the leaders of the revolt was a ma‘wiš of Iyāyiyyūn al-Naba‘fī, a ma‘wiš of Maṣqāla b. Hubayra (ibid., p. 1582).

51 Tab., ser. ii, p. 1890. Note also the association of kitāb and sunna with radd al-maqālim, above, note 8.
52 Tab., ser. ii, p. 1931.
53 Tab., ser. ii, p. 1392.
54 'Iqd., vol. ii, p. 174. A knowledge of poetry and ayām al-arab was apparently appreciated in qādir, cf. below, note 87.
55 Above, chapter 4, note 89.
56 'Iqd., vol. iv, p. 92'; compare Aghānī, vol. iv, p. 276, where the Prophet is invoked to al-Walid I.

57 ‘Abd al-Malik called Ibn al-Ashtar to God and the sunna of His Prophet, which may be a scribal mistake (above, note 24), but the Azd of Khūsayn gave him to ‘Abd al-Malik b. Harmala tal‘a kitāb Allāh 'azza wa-jalla (ibid., p. 1586); al-Kirmānī protested that he only wanted 'the book of God' when he took Marw (ibid., p. 1930); and Qaṭṭāba, advancing against the Syrian troops at Isfahān, fixed a muṣaf on a spear and called the enemy to ma‘ṣaḥa l-muṣafah (ibid., ser. iii, p. 5). Note also how kitāb Allāh wa-nasūtah nabiyyihī in al-Barmakī's version of Jāhīr's letter to a certain 'Abd al-Malik twice figures as kitāb Allāh kitāb rabbihānīn only in al-Izkāwi's rendition (Barrādī, Jāmī‘, pp. 165f.; al-Izkāwī, Ḳāfsh, p. 305).
58 ‘By what book or by what sunna do you consider my love of them [sic. the Ḥashmites] dishonourable for me?’, as Kumayt, Die Hāshemiten, ed. and tr. J. Horovitz, Leiden 1904, p. 32 = 27; no. 2:13), meaning that there was no reason why it should be dishonourable at all. 'I do not know in what book of God they find this risāq and ‘a‘dī', Mu‘āwiya is reported to have said, meaning that the rights which his subjects claimed in respect of them could be ignored (Ibn 'Abd al-Hakam, Pāṭah Mīr wa-akhbāruhā, p. 101).

of propriety and justice which determined what was sunna, not the other way round; and appeals to the sunna, or to the book and sunna, or to the book on its own, or simply to God, 57 were so many appeals to these notions, whatever they were at any given time. 58 It is because the book of God and the sunna of the Prophet stood for whatever was perceived to be right and proper in any given case that an oath of allegiance involving this collocation was a conditional one: allegiance was pledged as long as propriety and justice were observed. When Muslim b. ‘Uqba reconquered Medina for Yazīd I, he executed two Medinees for their determination to swear allegiance on the book of God and the sunna of the Prophet, as opposed to on the understanding that they were slaves whose lives and property were at the discretion of the caliph. 59 Ibn ‘Umar is said to have paid written allegiance to ‘Abd al-Malik on the sunna of God (sic) and the sunna of his Prophet. 60 But al-Mukhtār, who had called for the book of God and the sunna of the Prophet in confrontation with the
Umayyads, contemptuously refused a compact with Ibn al-Zubayr on the basis of book and sunna: ‘you can go and make a compact with my worst slave-boy on that’, he said, spelling out an alternative bay'a designed to give him a far greater say in Ibn al-Zubayr’s affairs:61 the ‘run-of-the-mill compact’ (al-mubāyiya al-ḥāmma) did not suffice in this case.62 Conversely, an undertaking to rule in accordance with the book and the sunna amounted to a renunciation of absolutism. Having explained, in his accession speech, that he had rebelled in anger on God’s behalf, calling to the book of God and the sunna of the Prophet, Yazīd III proceeded to state that he would engage in no building works, squander no money on wives and children, transfer no money from one province to another except in a limited way and with good reason, keep no troops in the field too long, destroy nobody’s income by overtaxing dhimmīs and thus forcing them to flee, and allow no mighty to oppress the weak; on the contrary, he would pay everybody’s stipends and maintenance when they were due and treat remote provincials on a par with subjects close at hand; and he would step down if he acted otherwise (provided that he had been given the opportunity to repent) or if a more suitable candidate for the job could be found.63 Observing the command of God and the sunna of the Prophet amounted to following ‘the way of your best people in the past’ (sabīl man salafu min khīyārīkum), as he said in his letter to the people of Iraq,64 or in other words to pay attention to what his subjects took to be right practice.65 Like al-Ḥārith b. Surayj, he held that al-amr shārū, or in other words that the caliphate should be elective.66 To everyone except the followers of the ahl al-bayt, the book of God and the sunna of the Prophet stood for a rejection of absolutism, justice being a matter of consultation. To the followers of the ahl al-bayt, of course, it stood for a rejection of the Umayyads only, what they hankered for being the unlimited power of a different house. But either way, al-qiyyām bi-l-sunna wa'-adh had little or nothing to do with prophetic rules attested in Ḥadīth.

When then do we first come across the concept of a Prophetic sunna endowed with a content of its own? Allegedly, it is attested as early as the first civil war in the arbitration document drawn up after the battle of Siffin. (Incidentally, the non-Muslim contention that it was the Syrians who won this battle is corroborated by Umayyad court poetry.)68 But the more plausible version of this document states that the arbiters should seek guidance in the book of God and, failing that, in al-sunna al-‘adila al-jāmī‘a ghayr al-mufarriq, ‘the just sunna which unites people and does not set them apart’, not the sunna of the Prophet.69 To later Muslims this was unintelligible. ‘Where is that sunna, where should one seek it, what is its form, what is its formulation, what is the basis of its meaning?’, as al-Jāhiz asked in outrage, concluding that the original reference must have been to the sunna of the Prophet,70 and another version of the document (B) duly replaces the offensive expression with a hybrid sunnat rasīl Allāh al-jāmī‘a. But what the document referred to was clearly a sunna conceived in purely pre-Islamic terms.71

The arbitration document illustrates a problem familiar to all students of early Islamic history, viz. that the historical tradition was updated in the course of its transmission.72 As it happens, document A survives. Had it been lost, we should still have argued against the
authenticity of document B’s rendition on the ground that so early an occurrence of Prophetic *sunnah* as a source in its own right is implausible in the light of other evidence. This is a less conclusive argument, but documents like A do not always survive, and there are passages in the tradition to which it must be applied. We take it that poetry and documents were more resistant to updating than the rest of the tradition (though evidently not impervious to it, given that they were preserved within it, and evidently not always authentic in the first place either); and we treat with special respect un-classical sounding statements in the sources on the ground that they are likely to be survivals. Where such evidence adds up to a consistent picture, we dismiss classical-sounding statements contradicting it, as for example ‘Umar’s long suspect instructions to the *qādī* and similar material.78 But inevitably much of our evidence is of a somewhat indeterminate status: it might be authentic (or at least early) or it might not be. Where this is the case, we have chosen to err (for the sake of the argument) on the side of credulity.

Turning now to the theological epistles extant from the Umayyad and/or early ‘Abbāsid periods, we find that prophetic *sunnah* is here usually mentioned in collocation with the book of God, usually with the same inessential meaning of ‘right practice’ as in the parlance of the Umayyads, their poets and their opponents. Thus the letter ascribed to al-Ḥasan al-ʿĀṣīfī states that ‘every doctrine which has no proof from God is an error’, while referring with approval to the fact that its author has learned from ‘the ancestors who acted in accordance with God’s command, transmitted His wisdom and followed the *sunnah* of the Prophet’ (*istiknā bi-sunnat rasūl Allāh*),79 suggesting that the author was a Qur’ānic fundamentalist for whom the sole source of *sunnah* was the Qur’ān as interpreted by people of whom he approved. The Qur’ān is also the sole concrete source of *sunnah* in the letter of Jābir to a certain ‘Abd al-Malik;80 while the traditions cited in the epistle attributed to ‘Umar II can be dismissed as intrusive.81 All the epistles are heavily Qur’ānic, and in general *sunnah* does not in their parlance have anything to do with Ḥadīth.82 Even so, they are not all completely innocent of it. Thus it is in response to the question whether his views were based on ‘transmission from one of the Companions of the Prophet’ that the author of al-Ḥasan’s letter declares himself a Qur’ānic fundamentalist;83 in other words, Companion Ḥadīth existed though he did not feel bound by it. One epistle, the *Sirat Sālih*, cites concrete examples of Prophetic action as well as a Prophetic dictum,84 while another (the Ibadī letter to a certain Shi’ite formerly known as Ibn Ibādī’s second letter to ‘Abd al-Malik) argues against Shi’ite Ḥadīth in a manner ruling out the possibility of interpolation.85 None of the letters can be precisely dated, however; in fact, such provisional dates as they have turn partly on the presence or otherwise of Ḥadīth in them. They suggest that Ḥadīth was in the making in the late Umayyad period, but that is all one can say.

Legal Ḥadīth, however, similarly suggests that it was in the late Umayyad period that Ḥadīth acquired currency, if again without providing any firm dates. In early Ḥadīth legal questions later to be resolved by the Prophet are often resolved by jurists (fugāḥā) acting as authorities in their own right. Most of them belong to the mid and late Umayyad period, though many of their views are likely to have been ascribed to them after their death. Now their views coexist with numerous traditions from early caliphs and other Companions, occasionally even the Prophet, which seem to reflect the same stage of legal development; and if this is correct, the traditions in question must have been current in the late Umayyad/early ‘Abbāsid periods too.86 Elsewhere we are told that ‘Abd al-Malik warned the Medine against the flood of unknown *ḥadīth* coming from Iraq (or more precisely *al-mashriq*), telling them to stick to the *mushaf* collected by ‘Uthmān, *al-imām al-maṣfūm*, and to the *farāʾid* similarly collected by him in collaboration with Zayd b. Thābit.87 Eastern Ḥadīth is here something contrasted with caliphal scripture and law, not with Prophetic practice preserved by the Medine; and though ‘Abd al-Malik may never have said anything of the kind, the statement must

72 Cf. D. Margoliouth, ‘Omar’s Instructions to the Kadi’, *Journal of the Royal Asiatic Society* 1910; compare ‘Umar on *kitāb wa sunna in Waki’, Qudāḥ, vol. ii. p. 189 and passim; Tab., ser. i. p. 1754, where the Prophet himself exhorts people to stick to *kitāb Allāh wa-sunnat nabiyyihā*; and numerous passages of the same kind scattered throughout the sources.
76 Cf. the discussion in Cook, *Dogma*, ch. 3.
78 Cook, *Dogma*, pp. 99f.
surely antedate the fall of the Umayyads. In fact, by the late Umayyad period even al-Faraḍḍaq knew of people who related from the Prophet,⁸² while another poet who died in the 740s spoke of the Prophet's sunna as something which it was useful to study.⁸³ Distressingly vague though the evidence is, it thus seems reasonable to conclude that by the end of the Umayyad period the sunna of the Prophet had acquired a content of its own. This is not to say that every rule in it was ascribed to the Prophet himself; on the contrary, cherished practices and clever opinions ascribed to local sages were Prophetic sunna only in the sense that they were ra'y rashid.⁸⁴ But under the aegis of the Prophet there was now a concrete alternative to caliphal practice, and this is the point of importance here: by the late Umayyad period the Prophet had not only acquired his capital 'P', but also sponsored a law conceived in opposition to that of the Deputy.

Even so, it must be stressed that what the scholars took to be Prophetic sunna scarcely surfaced in the Umayyad period outside the circles of the scholars themselves. Practically no traditions, be they Prophetic or other, are cited in letters or speeches by Umayyad caliphs, governors or secretaries.⁸⁵ None seem to be added by rebels. Scarcely any appear in theological epistles. Hardly any are cited in accounts about Umayyad judges,⁸⁶ judges being required to know the Qur'ān, not tradition.⁸⁷ If our records of Islamic civilisation had stopped in 750, Ḥadīth would have appeared to us as a marginal phenomenon. We would have been familiar with the concept of sunna, both Prophetic and other, and we would have known that fujūhā was engaged in the study of the law had begun to acquire some local standing;⁸⁸ but we would not have ascribed much importance to tradition. To all this there is only one alleged exception: the sources insist that a Prophetic sunna with a content of its own came to the surface for a brief while under 'Umar II.

'Umar II is said to have made use of the collocation kitāb Allāh wa-sunnat nabīyyihi, not only in connection with the Ḥarūrīyya, but also in statements of policy. Thus he professed himself bent on ʻīyā' kitāb Allāh wa-sunnat nabīyyihi,⁸⁹ held that no obedience was due to any governor of his who did not act in accordance with the kitāb and sunna,⁹⁰ informed his governor of Basra that adjudication should be based primarily on kitāb Allāh and secondarily on sunnat rasūl Allāh,⁹¹ and stressed the overriding importance of adhering to both.⁹² judges who died in the early 'Abbāsid period such as Ibn Shubrūma and al-Hajjāj b. Arūj. Companion Ḥadīth is rarer, though the khulafā' al-rashidūn al-mahdīyyūn are invoked on a legal point in vol. i, p. 295. In Kindi, Governors, agūd who died in 83/702, cites a legal dictum of 'Umar's at p. 319, but no Prophetic precedent is invoked here until the reign of al-Mahdī, in which a judge was dismissed for 'perverting sunnat rasūl Allāh', having refused to recognise the legal validity of abhāz even though it was recognised by the Prophet, Abū Bakr, 'Umar, 'Uthmān, 'Alī, al-Zubayr and others (p. 372; similar ibn 'Abd al-Hākam, Farīd al-Misr, p. 244, cf. the glossary at p. 56 for the verb yakūdū).

⁸² Ibn Habayra wanted to know whether ʿīyā' b. Mu'āwiyah, quddi of Basra, could recite the Qur'ān and knew any poetry and aṣām al-ʿarab, the answer to all three questions being positive (Wakī', Quṭūb, vol. i, p. 351f). Marwān I wanted to know whether the quddi of Egypt had memorised the Qur'ān, knew the farā'id and could write, the answer to all three questions being negative (Kindi, Governors, p. 312). When 'Umar's governor of Mecca appointed a mawlid as subgovernor, he justified it with reference to the fact that he could recite the book and knew the farā'id al-Fākkhī, Abūbad Makka, ed. F. Wüstenfeld, Leipzig 1859 p. 36). Knowledge of sunna, let alone sunna exemplified in Ḥadīth, does not seem to have been a desideratum.

⁸³ Cf. Tab., ser. ii, p. 1571, where we are told that the governor of Khurāsān had sent farā'id and farā'īn Qur'ān to negotiate with al-Ḥārīth b. Surayj in the expectation that al-Ḥārīth would similarly send men to him.


⁸⁹ From caliphal to Prophetic sunna: the Umayyads 73
What is more, he made it clear that for him the Prophet’s sunna had a content of its own. Thus, we are told, he gave orders for the ahl al-ilm to disseminate their knowledge in the mosques, complaining that ‘the sunna has been rendered dead’. 84 and for the ahl al-salāh to be supported by the treasury so that they could devote themselves to recitation of the Qur’ān and transmission of ahādith. 84 He wrote to Abū Bakr b. Muhammad b. ‘Amr b. Hazm in Medina, telling him to write down such hadith rasūl Allāh as he could find there on the ground that both ‘ilm and ‘ulamā’ might disappear. 88 He emphasized that one should stick to the sunna of the Messenger and leave off what had been innovated after him, 88 instructing Abū Bakr b. Hazm to accept nothing but Prophetic Ḥadīth 88 and elsewhere quoting the ahl al-sunna as saying that sticking to the sunna brings salvation. 88

In general, he pronounced himself to be a mere imitator (mustaνad) rather than an adjudicator (qādī), 88 and it was in this spirit that he allegedly refused to be known as khaliṣfati Allāh. 109 How much of this is true? Possibly none of it.

We do not wish to deny that ‘Umar II was an unusual caliph. As little as twenty years after his death even so rabidly anti-Umayyad a rebel as Abū Ḥamza al-Khārijī refrained from condemning him, merely saying that though he had good intentions, he failed to carry them out, 191 and a few years after Abū Ḥamza had exempted him from hell-fire, the ‘Abbasid avengers similarly exempted him from the exhumation and posthumous execution which other Umayyad caliphs had to undergo, 191 sparing the life of his son and grandson too. 193

95 Bukhārī, Recueil, vol. 1, p. 37.
97 Bukhārī, Recueil, vol. i, p. 37. But we are told that this bit was missing in Ibn Dīnār’s version.
98 Šafwat, Rasīlī, vol. ii, p. 360 (citing Ibn al-Jawzī, Sīra, p. 68); cf. p. 350 (p. 67), where there is ṣimma in following the sunna.
100 Cf. above, chapter 2, note 18.
101 Cf. appendix 3, p. 130.
103 ‘Abd al-ʿAzīz b. Umar was spared when Dāwūd b. ‘Alī interceded for him (Aḥnāfī, vol. iv, p. 346) and was later to be found among the ʿaṣāba of Abū Jaʿfar (Abū Zura’, Tarīkh, ed. Sh. al-Qūši, Damascus 1980, p. 569, no. 15679). Ādam

From caliphal to Prophetic isnaq: the Umayyads

Shi‘ite sources extol his virtues; 104 Christian sources deplore his zeal for Islam; 105 and Sunni sources describe him as the mahdi, an epithet which numerous Umayyad caliphs have in court poetry, but which only he has retained outside it. 106 We take it that his unusual role was at least in part forced upon him by his name and date. 107 However this may be, the fact that posterity accepted him as a rightly guided caliph also means that it fathered a great many later views on him. It is by no means implausible that he undertook to rule in accordance with the book of God and the sunna of the prophet in the same sense as Yazid III was to do so, 108 that is by renouncing the most unpopular aspects of Umayyad policy. Thus we are told of the scrupulous attention he paid to proper use of public funds, 109 of his rejection of conventional fripperies associated with caliphal ceremonial, 110 of his obsession with justice and equality. 111 of his

b. ‘Abd al-ʿAzīz b. Umar was spared by ʿAbdallāh b. ʿAli (Ibn ʿAsīkīr, Tahdīḥ, vol. x, p. 364) and went on to find favour with Abū l-ʿAbbās and al-Mahdī (Aḥnāfī, vol. xv, pp. 286ff.).


106 Cf. below, appendix i, p. 114. Sulaymān is also mahdī in both poetry and prose to the extent that al-Maʿṣūdī credits him with the iqṣāb al-Mahdī (Mas., Tāmīh, p. 335); but al-Maṣʿūdī’s Umayyad aliqāb are all spurious whereas ʿUmar II was remembered in the Mahdī in a very real sense.

107 Below, appendix i.

108 Cf. Tab., ser. ii, p. 1835, where one of Yazid III’s supporters describes the latter as even better than ʿUmar II.

109 This comes over strongly in his refusal to accord largesse to poets from māl Allāh/bayt al-māl (Aḥnāfī, vol. viii, p. 48, vol. xi, p. 283) and what he did give them came in small amounts, from his own purse in one case (ibid. vol. vii, p. 48) and from a whip-round among his unnakāh al-awwāl in another (Ibn ʿAsīkīr, Tahdīḥ, vol. v, p. 251). We also find him quibbling about the governor of Medina’s consumption of candle-wax and wicks, and telling him that smaller writing will obviate the need for any increase in the quantity of sawāmini/qarātīs required (Ibn Sa’d, Tabaqāt, vol. v, p. 400; Ibn ʿAbd al-Ḥakam, Sīra, pp. 64ff.). And he is said to have taken nothing for himself from the treasury (Tiqd, vol. iv, p. 434).


111 He sought (and received) from al-Ḥasan al-Ḥarṣī a treatise on al-īmmār al-ʿādīl (Šafwat, Rasīlī, vol. ii, pp. 378–80, citing the Tiqd and Ibn al-Jawzī), and the poet Zabīr saw fit to describe him as such (cf. above, chapter 3, note 101); in addition to the recurrent concern for ʿadād and the elimination of zulm exhibited in the extensive moralising correspondence with governors which is attributed to him, note can be made of the references to ʿadād in what purport to be his tawqīfī (Šafwat,
concern for the poor, the needy, widows and orphans, of his open condemnation of governors such as al-Hajjāj, of his conciliation of the ‘Alids and their supporters, and of his redressing of wrongs perpetrated above all by Marwānids. Indeed the threat posed by ‘Umar to the material interests of the Marwānids, together with his undisguised criticism of his Marwānī predecessors and his indication that he might well displace Yazīd b. ‘Abd al-Malik from the Marwānī succession and instead opt for a shūrā, would appear to render the claim that he was poisoned more cogent than Rāsidī, vol. ii, pp. 580f., citing the ṭaqd and other sources). He is reported to have declared that his ahī baiy had no more right to arzū khāṣṣa than anybody else. On his own-hand treated of converts, see El’ī s.v. ‘mawla’ section (c) and 100f., where he is quoted extensively.

112 Wāḥid, Qudūb, vol. iii, p. 33 (elegy by Muḥājir b. Dihā'). Note too the correspondence cited by Ibn ‘Abd al-Hākam (Sirā, pp. 66f.) relating to a poor woman in Egypt whose chickens were being stolen.


115 Aḥāmi, vol. ix, pp. 255f. (he took over what his luhum and and ahī baiy possessed wa-samā‘ī al-mu‘ālaq), similarly Ya‘qūbī, Tārīkh, vol. ii, p. 366; Ibn Abī l-Hādīd, Sharh, vol. xvii, p. 98 (he earned the hatred of the Marwānīs on account of the mu‘ālaqīs perpetrated by them), 100 (he restored everything wrongfully in the hands of his ahī baiy, and he returned to a dhammin from Elīsm an estate which had been taken over by al-‘Abbās b. ‘Alī b. al-Malik), 104 (he took a qat‘a away from one of the sons of Sulaymān b. Abī l-Malik).

116 They are reported to have owned half of the amur al-samā‘î (Bal. Ans. (MS), vol. ii, fol. 66a), or between one half and two thirds (Ibn Abī l-Hādīd, Sharh, vol. xvii, p. 103), which ‘Umar wanted to go (at least in part) to the bayt al-māl. He set a formidable example with himself and his immediate family (ibid. pp. 99, 100f.); clamped down on it (Ibn Sa‘d, Tabaqāt, vol. v, p. 372f.) and denied the Marwānīs what earlier caliphs had customarily given them (Ibn Abī l-Hādīd, Sharh, vol. xvii, pp. 104f.).

117 Ibn Abī l-Hādīd, Sharh, vol. xvii, p. 103 (the Marwānīs took a particular dislike to ‘Umar’s ipb of earlier caliphs/Marwānī aslāf).

118 In one account, the Marwānīs complained to ‘Umar that he was doing less for them than his predecessors had done, to which he replied that, if there was any more of that sort of talk, he would move to Medina and make ‘it (scil. the caliphate, or succession to the caliphate) shūrā, the man for the job (scil. of organising this) being al-Qāsim b. Muḥammad b. Abī Bakr (Ibn Sa‘d, Tabaqāt, vol. v, p. 344); in another, he is reported to have said that, if he could have his own way, he would make ‘it shūrā between al-Qāsim b. Muḥammad, Sālim b. ‘AbdAllāh b. ‘Umar b. Al-Khaṭṭāb and [the Umayyad] Ismā‘īl b. Umayya (Ibn Abī l-Hādīd, Sharh, vol. xv, p. 264).


Wellhausen allowed. But did his policies include attention to a concept of Prophetic sunna which, by all accounts, had only just seen the light of day in Iraq? This is what matters in the present context, and this is also what is questionable.

For one thing, al-Ṭabarī knows him to have spoken of kitāb Allāh wa-sunnat nabīyyihī only in the traditional context of negotiation with rebels. Most of the passages in which he departs from the traditional pattern are suspect on the ground that they come from the earlier, but far less stringent biography of ‘Umar II by Ibn ‘Abd al-Hākam, and more particularly from the late biography by Ibn al-Jawzī (d. 597/1200). For another thing, the sources (and above all Ibn ‘Abd al-Hākam and Ibn al-Jawzī) preserve a correspondence which is far too extensive for a caliph of so short a reign, even granted that ‘Umar II may have interfered with everybody’s business on an unusual scale. At least part of it must be apocryphal, and some, including some with a bearing on sunna, demonstrably is; indeed, the letter reproduced by Ibn al-Jawzī in which the ahī al-sunna are quoted on the rewards of sticking to the sunna is what one might call super-apocryphal without sounding any different from the rest.

120 J. Wellhausen, The Arab Kingdom and its Fall, Calcutta 1927, p. 311.

121 And note that though others have him invoke the collocation in his last speech, what they report him as having said here is mulkī min Allāh āzza wa-jalla kitāb nādīq wa-sunnatīlāca (Aḥāmi, vol. ix, p. 267; Ṭaqd, vol. iv, p. 96), i.e. both are God’s.

122 ‘Umar II ruled for two early a half years, whereas ‘Abd al-Malik and Hishām each ruled for twenty. Nonetheless, the reign of ‘Umar II fills 81 pages in Sa‘wāt’s collection of official letters, to which the numerous letters in Ibn ‘Abd al-Hakam (not used by Sa‘wāt) should be added, whereas ‘Abd al-Malik’s reign fills 139 pages, from which the numerous letters not written by or to ‘Abd al-Malik should be subtracted, while that of Hishām fills no more than 48.

123 It is well known that ‘Umar II has been credited with an epistle against Qadarites which is extant in Abī Nu‘aym’s Ḥiyāt al-awliyā’ (edited, translated and studied by J. van Ess, Anfänge musulnischer Theologie, Beirut and Wiesbaden 1977). This epistle consists of an early text (B) and later additions (C) by a man who probably worked in ninth-century Khurāsān and who attributed the revised version to ‘Umar II (cf. Zimmermann, ‘Koran and Tradition’). The reviser quotes the ahī al-sunnat as saying that al-Ṭīmān b’tl-sunnatīlāca (R3 in Zimmermann’s numeration). Ibn al-Jawzī’s biography of ‘Umar II includes a short version of this epistle (Sa‘wāt, Ṭaqd, vol. ii, pp. 360f.; referred to above, note 57). This version preserves R3–5, 10–11, but only one line of B (line m in Zimmermann’s numeration), the rest being without parallel in Abī Nu‘aym. In other words, an early text generated accretions and these accretions in due course swamped the text. The text having been falsely ascribed to ‘Umar II, ‘Umar II ended up as the author of these accretions after the text had been lost.
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One is thus not inclined to be trusting of the rest. That 'Umar II refused to be known as khalifat Allah is unlikely, as has been seen,\(^{124}\) his epistolographic statements on sunna would seem to be no better.

Nonetheless, if for the sake of argument we choose to accept as authentic all such statements as are not demonstrably spurious, we merely reinforce the conclusion that the content of the Prophetic sunna was largely notional in his day. 'Umar II cites (or is made to cite) very few Prophetic traditions in his various biographies: one on jiwār drawn from the Constitution of Medina,\(^{125}\) another (or another two) on intoxicating drinks,\(^{126}\) another (or once more another two) on hifl,\(^{127}\) and the famous Ghādir Khum tradition,\(^{128}\) all of which could well have been in circulation by his time, plus a couple of others of a more suspect kind.\(^{129}\) But he seems to have been quite unaware of the huge mass of legal traditions ascribed to 'Umar I in classical works. He is explicitly said to have modelled his policies on those of his namesake,\(^{130}\) and on questions such as the fiscal status of the two 'Umars did indeed lay down very similar rules if we go by Hadith.\(^{131}\) Yet 'Umar II never invokes the precedent of 'Umar I in his writings on this question. When his governors point out that his rules are bad for the treasury, that people are converting in order to escape their taxes, that they ought to be tested for circumcision, and so on, he replies that god sent Muhammad to preach (dā'ī\(^{132}\)\)), not to collect taxes (jābiy\(^{133}\)\)) or to circumcise (khātim\(^{134}\)). In other words, he responds by invoking the general example of the Prophet, not the specific rules which 'Umar I is supposed to have fixed once and for all. It would thus seem that the famous traditions enunciating these rules did not exist at the time.

The same must be true of the many other traditions attributed to 'Umar I, or to the Prophet himself, on questions which 'Umar II is said to have resolved as an authority in his own right; and one story could be taken to concede as much: we are told that when 'Umar II resolved to follow the sirā of 'Umar I, he wrote to a grandson of that caliph for 'Umar's letters and decisions concerning Muslims and dhimmīs (kutub 'Umar wa-qaddā'uhu fī al-qiqla wa-ahl al-aḥad), which obviously implies that information about his administration was not generally available.\(^{133}\) Whether he succeeded in holding on to them is not clear.\(^{134}\) We are also told that he disliked the caliphal role of answering questions about the law and told his governor of Basra to stop sending him people asking about the sunna and to ask al-Hasan al-Baṣrī instead (but don't let al-Hasan read this letter), yet another story to the effect that however much he may have talked about the sunna of the Prophet, he did not know what it was in

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124 Cf. above, chapter 2, note 19.
126 Sаfwas, Rādī'ī, vol. ii, p. 364 (= Ṭāqī, vol. vi, p. 359), 365 (= Ibn al-Jawzī, Sīra, p. 102); Ibn 'Abd al-Ḥakam, Sīra, pp. 101ff. All three sources reproduce a letter addressed to 'Umar by his governors (Ibn 'Abd Rabbīh, to his governor of Basra (Ibn al-Jawzī), to his governor of Egypt (Ibn 'Abd al-Ḥakam), and all three state that 'Umar II had heard (baḥlūhīn!) that the Prophet prohibited drinks put in al-ḥajj wa'd-dabba 'wa'larīf al-muzaffata, saying that kull masīr bārām. 'Abd al- Ṭaṣrāqā, who died a century after 'Umar II, knew several traditions to the same effect, all Prophetic, though not the actual maxim (Musannaf, iv, nos. 1692ff, esp. nos. 16934, 16952, 16957). The maxim was known to Ibn Shuhrūma, qāfī of Ka'fā in the late Umayyad period, thought the one which he ascribed to the Prophet took a different form (Wākī', Qudūb, vol. iii, pp. 43ff.). It appears as a Prophetic saying in al-Ṭabarānī, al-Mujāfīm al-saghir, ed. 'Ā. R. M. Uthmān, Medina 1968, vol. ii, p. 30, 145, cf. also vol. i, p. 54; and (expanded) in classical collections, cf. Wensinck, Concordance, s.v. 'akāra'.
127 Ibn 'Abd al-Ḥakam, Sīra, p. 105: wa'da'na ẓuhā rasūl Allāh ẓīm 'an al-ḥifl wa-qāla 'l-ḥifl la yākān min al-ḥifl fī-l-Īslām, qāla wa-mā kāna min al-ḥifl fī-l-Īslām. Both are classical Prophetic traditions, cf. Wensinck, Concordance, s.v. 'ḥifl'.
128 Aghānī, vol. ix, p. 264: man kusūtus mawālian fa'-All mawālian. There is no reason to doubt that this tradition existed by the second half of the Umayyad period (compare Kumayt, p. 152 = 104, no. 6: 9: wa-yawm al-dawāwī dawāw Ghaḍir Khumānu ala'hu l-walāya; Ibn Shahrāshub would have it that a poet as early as Hassān b. Thabit was familiar with this tradition, cf. Mandaqūf, vol. ii, p. 230; but there is no mention of this poem in the most recent edition of Hassān's diwan). This is not of course any guarantee that 'Umar II actually cited it. However this may be, the story assumes that, like the future Sunnīs, he took the tradition to mean that one should love 'All (and acknowledge his caliphate), not that the Prophet had designated him as his successor.
129 Cf. Ibn 'Asakīr, Tahdīhī, vol. iv, p. 146, where we are told that he cited hadīth Māzī; Aghānī, vol. ix, p. 273, where we are told that hadīth kahthīr wā-fiqh is related to the sunna of the Prophet and to which two Prophetic traditions are cited from him; Juybīn, Muslim Tradition, pp. 37ff, for a discussion of the muraqad of traditions which he is supposed to have transmitted, and Sаfwas, Rādī'ī, vol. ii, p. 313, where al-Ḥasan

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130 Cf. the references given below, note 133.
134 In Ibn al-Jawzī and al-Ājurī the grandson's response is a long hell-fire sermon, a reminder that 'Umar I lived in a different time and worked with different men, and advice to rely on God alone: it sounds like a refusal to comply (especially if the final rajawī is read rajawīa). But Ibn 'Abd al-Ḥakam cuts out the hell-fire sermon, and Ibn Sa'd cuts out most of the reply, including the reference to the books.
concrete terms. Even if his emphasis on prophetic sunna is accepted as historically established, 'Umar II cannot in any way be identified with the knowledge and/or the transmission of a sizeable number of prophetic traditions', as Juynboll concludes. If 'Umar II tried to apply Prophetic sunna, the attempt was a failure. Either the sources misrepresent his views on the matter or else he was looking for an Abū Yūsuf long before an Abū Yūsuf could exist. Whichever may be the case, we are entitled to conclude that sunna in the sense of concrete rules authenticated by Ḥadīth scarcely surfaced before the Umayyads fell.

The 'Abbasids

The 'Abbasids began with the same concept of the caliphate as the Umayyads. They styled themselves deputies of God, took themselves to be trustees of God, imams of guidance and imams of justice, and saw themselves as rightly guided. Indeed, epithe

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such as al-hādi, al-mahdī, al-rashīd and al-amin, which court poets had bestowed on the Umayyads, now reappeared as regnal titles of the 'Abbasids, now as then with a strong redemptive overtone. Like the Umayyads, the 'Abbasids were the best of creation after the Prophet, almost prophets themselves, and chosen by God to be heirs of the prophets, but of the Prophet above all. Unlike the Umayyads, they were also kinsmen of the Prophet, whose legacy they had a hereditary right, and thus able to pride themselves in 'A.'A. al-Dūrī, ‘Al-Fikra al-maḥdiyya bayna l-da'wa al-maḥdiyya wa-l-'asr al-abbāsī l-awwal' in Studia Arabica et Islamica: Festschrift für Ḥasan Abbas, ed. W. al-Qādi, Beirut 1981, pp. 124, 127f.) Al-Mansūr was likewise Mahdī and Qīmī (ibid., p. 130). So was his son, al-Mahdī (ibid., pp. 129f., Aḥnā, vol. iii, pp. 2531f., 286, penult.). Hārūn was the 'one who was called rashīd* wa-maḥdiyya* (Abū l-‘Atāhīya in Aḥnā, vol. xviii, p. 240f., Mas., Murūj, vol. iii, p. 758 = vol. ii, p. 338; cf. also Aḥnā, vol. xviii, p. 240f., where he is al-imām al-rashīd). Al-Ma‘mūn was al-imām al-maṣṭūr al-maḥdī al-rashīd (Aḥnā, vol. iii, p. 420, ult.), and to him his predecessors were a'mma rashīdān (ibid., pp. 389, 412).

Cf. B. Lewis, 'The Regnal Titles of the First Abbasid Caliphs', Dr. Zakhr Husain Presentation Volume, New Delhi 1968; and the more recent and fuller discussion in Dūrī, ‘Al-Fikra’. Nagel's views on the regnal titles of Abū l-‘Abbās should be revised in the light of these two works (cf. Rechtel, p. 91). To the attestations mentioned by Lewis of the appellation of al-suffāḥ having been applied to Abdalabāb b. 'All can now be added Aḥbār Maḥmūd, ed. E. LaFuentey Alcántara, Madrid 1867, p. 46 (dismissed by Moscati, ‘Massacre’, p. 95) and Ibn Aṣākir, Tahdhib, vol. iv, p. 391.

Cf. Goldziher, Muslim Studies, vol. ii, pp. 55f. 'You have nothing between you and your lord, exalted is His name, except the nabi al-hādi—with al-Mutawakkil was told (Aḥnā, vol. x, p. 228f.).

Fa-kā'annahu ba'da l-rashīd rāsīl, as Hārūn was told; but note that Hārūn was offended by this verse, though he generally did not mind being praised in the same terms as prophets (Aḥnā, vol. xii, p. 144f.).

Wākī', Qudūh, vol. ii, p. 153, where Hārūn is al-imām al-muṣṭafā, as Jarīr had once characterised al-Walī f (p. 492); Ibn Khāṭīr, Bīdiya, vol. x, p. 268, where Al-Ma‘mūn is told that amīn al-bayt isūfūkum Allāh min baytīna. Ibn Aṣākir, Tahdhib, vol. iv, p. 160f., where Al-Ma‘mūn is Solomonic Bob and Joseph; Aḥnā, vol. iii, p. 130, where a qādī protests to Al-Ma‘mūn by the One who okramaka bi-l-khīlāfa wa-warāshaka mīrāt al-nubwaw; and Tab., ser. iii, p. 1112, where Al-Ma‘mūn states that God has made the calipha inherit mawārīth al-nubwaw.

B. Al-‘Abbāsli has inherited the irsh of Muhammad (Aḥnā, vol. xx, p. 238f.); the Companions of the Faithful and his family are wāthūth l-nabī (ibid., vol. iii, p. 293f.); they have inherited khīlāfāt Allāh from khīlāfāt al-anbiyyā (ibid., vol. xx, p. 541f.); God placed the irsh of the Prophet with His khīlāfā (‘abd ul-qurv., p. 242f.); al-Mahdi was the son of the one who warisha l-nabī (ibid., vol. iii, p. 360).


Notwithstanding the fact that some Syrians had been under the impression that the Umayyads were the sole relatives and legatees of the Prophet (Bal., Ans., vol. iii, pp. 159f., Mas., Murūj, vol. iii, p. 1845 = v, p. 83).
on the fact that they 'did not make the rasūl secondary in importance to (dāna) the khālīfa'.

But the caliphal institution and/or the caliph himself continued to be seen as guidance and light, a source of healing and a refuge against error, God's rope and the pillar of Islam. In short, the caliph remained indispensable for the attainment of salvation: he was 'the imam through obedience to whom one escapes the centre of the fire on the day of judgement', as al-Sayyid al-Ḥimyārī said of al-Maṇṣūr. He who does not take refuge with God's trustee will not benefit from the five prayers, as Hārūn and al-Muṭaṣṣīm were told. In a passage echoing al-Wālid II's sacred history Ibn al-Muqaffa' refers to the fact that God's religion is maintained by 'His prophets, deputies and friends on earth' (anbiyya' uhu wa-khalifa' uhu wa-awliya' uhu fi arḍīhi), and even a scholar such as Abū Yūṣuf held that 'God . . . has instituted the holders of authority as deputies on earth and given them a light to illuminate for the subjects those of his affairs which are obscure to them and to clarify those duties about which they are in doubt.'

151 The caliphs are dhawā' 'l-nār wa-l-ḥaḍā (Aghānī, vol. iii, p. 294); they are diyyā' and nār (Ibid., vol. v, p. 303, cf. pp. 304, 329); stīrā diyyā' and butō al-ṣā'im (ibid., vol. vii, p. 195); they set up the beacon of guidance (Ibid., vol. xiv, p. 199); they have nār al-khalīfa' (Iqāda, vol. i, p. 363; vol. v, p. 91); compare nār amr al-mukāmah (Ṣafwat, Rasā'īl, vol. iii, p. 424).
153 Cf. Aghānī, vol. v, p. 303, where B. al-ʿAbbās is not just diyyā' il-lāqūb and nār, but also shafā'ī.
154 The grave of Ibrāhīm al-Imām in Ḥarrān was 'ismat al-dīn (Bal., Ans., vol. iii, p. 126, ult., with further references). God had made the 'Abbasids the kaḥf and biʿām of His religion according to Abū ʿl-ʿAbbās (Tab., ser. iii, p. 29). Al-Maʿāmīn was a 'isma to people which distinguished between al-ṣafīla wa-l-rushā (Iqāda, vol. vi, p. 374, where the line is attributed to Zulqār; Aghānī, vol. xxiii, p. 39, and vol. vii, p. 163, where it is attributed to Ibn al-Bawwāb and Ḥusayn b. al-Dāhābī respectively, and where muḥājadah has been replaced by muṣaffāt), which was also a 'isma l-l-khalq (Aghānī, vol. vi, p. 159). And al-Muṭaṣṣīm held that God had made khāļīfahātuhu il-dīnihi 'ismat' (above, chapter 2, note 31).
155 For al-Muwaṭṭakī, see the reference given above, chapter 3, note 128. For al-Maṇṣūr's description of the caliphate as hābīl al-maṣīn wa-ṣāīwatawa il-wuṭḥah, see Tab., ser. iii, p. 447.
158 Cf. above, chapter 3, note 49.
159 Ṣafwat, Rasā'īl, vol. iii, p. 34, citing Ibn Ṣayfūr's unpublished Ikhāṣīdīr al-maṣīn al-maṭamūrūh.
160 Abū Yūsuf, Kitāb al-khālīfah, ed. l-ʿAbbās, Beirut, Cairo and London 1985, p. 71. There is a full translation of this passage in Goldzher, Muslim Studies, vol. ii, p. 68; Lambton, State and Government, p. 56; B. Lewis, Islam from the Prophet

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Like the Umayyads, Abū Yūsuf perceived the guiding light in legal terms, its main function being to maintain the ḥudūd, uphold rights and re-establish good practices instituted by righteous men (ḥiyā' al-sunan allātī samahā al-qawm al-ṣāliḥīn), a statement apt to suggest to the unwary that the relationship between caliphal and law had scarcely changed.

There are indeed passages in which the 'Abbāsids speak of Prophetic sunna in its traditional sense of acceptable practice. Like Yazīd III, they owed their power to a revolt which had involved a call to the book of God and the sunna of the Prophet; and like him, they referred to this fact on their accession: they would rule their subjects in accordance with the book of God and the sirāt/sunna of the messenger of God, Dāwūd b. 'Alī, speaking on behalf of Abū l-ʿAbbās. This clearly meant that they pledged themselves to adherence to what their subjects perceived to be justice, not to observance of a Prophetic sunna embodied in Ḥadīth: the followers of the 'Abbāsids had made an oath of allegiance on justice (ʿadl), as Sharīk b. Shaykh paraphrased it, or on the observance of justice and the re-establishment of good practices (iqāmat al-ʿadl wa-ḥiyā' al-sunan), as Ziyād b. Ṣāliḥ put it. When, on the death of Abū l-ʿAbbās, Isā b. 'Alī said that 'God honoured him with His caliphate and re-established the sunna of the Prophet through him', we are hardly to take it that the sunna of the Prophet stood for anything concrete. The expression is also used in its pre-classical sense elsewhere.

Nonetheless, it is clear that sunna as exemplified in Ḥadīth was


161 Abb.
162 Cf. above, note 9.
163 Tab., ser. iii, p. 31 (ṣira), Yaʿqūbī, Tarīkh, vol. ii, p. 420 and Ibn Abī 'l-Ḥadīd, Sharḥ, vol. vii, p. 154 (sunna). The two terms were practically synonymous at the time (Bravmann, Spiritual Background, pp. 134ff.; Bravmann's opinion that sirāt Rasūl Allāh, 'the procedure/practice of the Prophet', had not yet acquired the meaning of 'biography of the Prophet' is corroborated by the fact that Ibn Ṣahīq's biography of the Prophet was not originally known as sirāt Rasūl Allāh, cf. the article by Hinds referred to below, note 207).
164 Bal., Ans., vol. iii, p. 171.
165 Bal., Ans., vol. iii, p. 168.
166 Bal., Ans., vol. iii, pp. 186f.
167 Note in particular Iqāda, vol. iv, p. 240ff., where Muhammad b. Abū al-Malik al-Zayyāt states that caliphs have a right to (daʿa) and naṣīḥa from their subjects, while the subjects have a right to ʿadl, raḍa and ḥiyā' al-ṣunan al-ṣāliḥa from the caliphs.
something with which the ‘Abbâsids had to coexist from the start. Abû Muslim had been confronted with Pharisaiic asâhîb al-hadîth who wished to test his knowledge of fiqh on his appearance in Khurâsân; \(^{168}\) and when government came to be conducted from Iraq, it soon became a matter of public knowledge that people there professed to have discovered what sunna was in concrete terms. Seen through the eyes of al-Manṣûr, this comes across as an exciting development in scholarship with a minor political pay-off. Already before his accession, we are told, he ‘had roamed the earth... written [down] Ḥadîth and acted as a transmitter in mosques’; \(^{169}\) and after his accession he too ‘remained well known for seeking ilm, fiqh and āthâr’. \(^{170}\) He displayed particular interest in such sunan as the scholars could trace back to his own ancestors: thus the Meccan scholar Ibn Jurayj, who was short of cash, was lucky to have in his possession an unrivalled collection of hadîth Ibn ‘Abbâs; \(^{171}\) and the mashâdyikh of Banû Ḥâshim self-consciously donned rose-coloured (muwârrad) robes of iyyâm when performing the pilgrimage in accordance with a tradition in which ‘Allî, acting as spokesman of the Ḥâshîmites, puts ‘Umar in his place on questions of sunna.’ \(^{172}\)

Fugahâ’ had accompanied Abû Ja’far and other Ḥâshîmites on a journey to Abû Muslim in Khurâsân on the accession of Abû 1-‘Abbâs \(^{173}\) and when Abû Ja’far had become al-Manṣûr, he admitted Ibn Ṭahâmân, the author of a book on sunan fi ‘l-fiqh, to his majlis and paid him an allowance. \(^{174}\) But pace Nagel, none of this seems to have influenced his concept of the caliphal office or his style of government. \(^{175}\) In public al-Manṣûr apparently never referred to the sunna of the Prophet, the Companions or others, nor does he seem to have quoted Ḥadîth to his subjects. Innamâ anâ sulûn Allâh fi ārâdhî: ‘I am simply the authority of God on His earth’, he said, echoing Umayyad statements to the same effect. \(^{176}\) To him, as to his Umayyad predecessors, obedience to God’s deputy on earth was the beginning and end of the matter. \(^{177}\)

It must be said that al-Manṣûr’s stance was surprisingly nonchalant, especially in view of the fact that he had been warned by Ibn al-Muqaffa’. \(^{178}\) In his Rîsâla fi ‘l-sâhâba Ibn al-Muqaffa’ refers to the kitâb and sunna on several occasions, usually in tandem, but without leaving any doubt that both were now regarded as autonomous sources of law. \(^{179}\) Sunna is here something exemplified in āthâr, ‘traces’ or ‘past decisions’; \(^{180}\) more precisely, it is precedents attested for the Prophet or the a’immat al-hâdîth after him (whoever they may be), as opposed to rulings by the Umayyads, whom Ibn al-Muqaffa’ dismisses as mere amîrs. \(^{181}\) Now contrary to what one might have expected, Ibn al-Muqaffa’ was not worried by the fact that private

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\(^{169}\) al-Maqdisi, Kitâb al-bad‘ wa l-ta‘rikh, ed. C. Huart, Paris 1899–1919, vol. VI, p. 90. To al-Maqdisi, a Mu’taziliite, this was one of al-Manṣûr’s bad qualities.


\(^{171}\) Khaﬁb, Baghîdî, vol. VI, p. 400. Note that al-Manṣûr was not ordinarily interested in āthâr, which he dismissed as otiuse kutub (vol. X, p. 404).


\(^{175}\) Cf. Nagel, Rechtslehre, esp. pp. 91ff. Nagel also wrongly conveys the impression that the sunna in which al-Manṣûr was interested was Prophetic in the technical sense of the word. One muhaddith did quote a Prophetic tradition to him (Bal., Ant., vol. M, p. 262), while another invoked the Prophet’s example (ibid., p. 200): but neither Ibn Ṭahâmân’s sunan fi ‘l-fiqh nor Ibn Jurayj’s collection of hadîth b. ‘Abbâs necessarily went back to the Prophet (though Ibn Ṭahâmân’s Kitâb al-mashâyikha does contain a good deal of Prophetic Hadîth); and the muwârrad clothes were based on the authority of ‘Allî. Nagel also sees proof of al-Manṣûr’s esteem for the sunna in a line supposedly uttered by him on the death of the proto-Mu’tazilite ‘Amîr b. ‘Ubayd: ‘When men disputed about a sunna, he made the hadîth plain with wisdom and elegance’ (Rechtslehre, p. 100). But leaving aside the fact that this line is missing from the version of the poem given in the Fihrist (p. 203; contrast Ibn Qutayba, Ushû, vol. I, p. 209), ‘Amîr b. ‘Ubayd is more likely to have been a Qur’anic fundamentalist than a believer in the validity of Ḥadîth (and the dâna bi-l’-Qur’â’n of the poem has been mistranslated by Nagel); and fasâila ‘l-hadîth presumably means no more than that he spoke clearly.

\(^{176}\) Tab., ser. III, p. 426; Bal., Ant., vol. III, p. 268; ibid., vol. IV, p. 99, with special reference to the fact that in that capacity he was treasurer of God’s māl and fay’.

\(^{177}\) Cf. Tab., ser. III, p. 404. It is thus hard to accept the claim that ‘the main feature of [al-Manṣûr’s] policy was to establish “Orthodoxy” based on the Qur’ân and the Sunna’ (F. Omar, ‘Abbasyya, Baghâd 1976, p. 123).


\(^{180}\) Ibn al-Muqaffa’, Risâla, §§ 17, 37. In his glossary Pellat says that Ibn al-Muqaffa’ used the word āthar to include both scriptural and non-scriptural precedent, and §17 could be taken to suggest this; but in §37 he speaks of shayy ‘muthir min al-salaf, which can scarcely be used to translate āthar by ‘disposition scripturae’ as if it had nothing to do with tradition does seem a bit extreme.

\(^{181}\) Ibn al-Muqaffa’, Risâla, §35.
things would be regarded as kufr.\textsuperscript{184} Now if al-Mansûr did commission or select the Miwatta\textsuperscript{a} as a first step in following the advice of Ibn al-Muqaffa\textsuperscript{a}, then the choice was a poor one: Mâlik was no substitute for a panel of jurists such as that brought together by Justinian for the codification of Roman law (a point which Mâlik himself in effect makes in the reports just referred to).\textsuperscript{185} And in practice, and for whatever reason, neither al-Mansûr nor his successors implemented the advice by promulgating a sole authoritative code of the realm. The possibility that al-Mansûr felt too insecure in his power for so momentous an undertaking\textsuperscript{186} is not inconsistent with Mâlik's reported view that it would be seen as kufr. It may also be that he simply did not realise that his power was being undermined, though it should be noted that Ibn al-Muqaffa\textsuperscript{a} was not the only person to give warnings of danger: thus Mûsâ b. `Isa al-Kisrawî, a contemporary of Ibn al-Muqaffa\textsuperscript{a}, wrote a book on the inconsistencies of those who maintain that qaḍâ\textsuperscript{b} do not have to abide by the instructions of the imams and caliphs in their performance of their official duties.\textsuperscript{187} Whatever the truth of the matter, the newly developed concept of sunna scarcely impinged on his conduct of public affairs.

Given its importance to al-Mansûr as a cultural phenomenon and to Ibn al-Muqaffa\textsuperscript{a} as a political one, it is not however surprising that the new concept of sunna went public under al-Mansûr's son and successor, al-Mahdi. According to the vizier Abû `Ubaydallâh, God had made al-Mahdi\textsuperscript{e} 'the one who conducts the affairs of His servants and His lands, and the bringer to life of His sunan'.\textsuperscript{188} In a verse by Marwân b. Abî Haʃâfa, it is the Prophet's sunna rather than God's sunan that al-Mahdi\textsuperscript{e} revives;\textsuperscript{189} and in the estimation of Mu'arrij al-Sadûsî, it was al-Mahdi\textsuperscript{e} own sunan which were worthy of fame.\textsuperscript{190}

\textsuperscript{182} Wâlî, Qudîd, vol. iii, p. 46. The three legal experts were Abu Ḥanîfâ, Ibn Shubrûmû and Ibn Ābi Laylî.

\textsuperscript{183} Ibn al-Muqaffa\textsuperscript{a}, Risâla, §36.

\textsuperscript{184} 'Abd al-Mâlik b. Ḥabîb (d. 853 or 854), Ta'rîkh, MS Bodley, Marsh. 288. p. 167 (amaratu bi-wad muwatta\textsuperscript{a}'), cited by M. J. Kister, 'On “Concessions” and Conduct: a Study in Early Iṣâfî', in G. H. A. Juynboll (ed.), Studies on the First Century of Islamic Society, Carbondale and Edwardsville 1982, pp. 93, 226.

\textsuperscript{185} al-Ṭabarî, al-Muntakhab min kitâb dhayl al-musâha min tarîkh al-tahâba wa'l-tâbi'în in his Ta'rîkh, ser. iii, p. 2519 (Ibn Sa'd from al-Wâqidi). In Ibn Hâmid's report cited ibid, the caliph is al-Mahdi and the Mwatta\textsuperscript{a} is not referred to by name. In al-Ghazâlî, Ihyâ' adâm al-din, Cairo 1282, vol. i, p. 24, the caliph is Hârûn and Mâlik invokes the Prophetic tradition ihlîlîfîl umma raḥma (cited by Goisnin, Studies, p. 164n). Further examples are cited in A. Amin, Dhûl-ʾilām, vol. i, Cairo 1933, pp. 210ff. Schacht dismissed these reports as anecdotes (EJ, s.v. ‘Mâlik b. Ānas’, col. 206b) expressing Muslim rejection of the same Persian idea of codification which he claimed to discern behind Ibn al-Muqaffa\textsuperscript{a}'s advice (‘Foreign Elements in Ancient Islamic Law’, Journal of Comparative Legislation, third series, 32 (1950), parts iii and iv, p. 17; Mémoires de l'Académie Internationale de Droit Comparé 3 (1955), part iv, p. 140).


\textsuperscript{187} Note particularly al-Ṭabarî, Muntakhab, p. 2519, where Mâlik says that he has done his best in the Maghrib, while al-Shâm has had al-Awâzî, and as for the people of Iraq, fa-hum ahl al-Trâq.

\textsuperscript{188} As suggested by Cronne, Slaves on Horse, p. 70.

\textsuperscript{189} Kitâb munqaddâsî man za'tama an lâ yanbâghiya an yaqadidya 'l-qudâhîma'tamîhim bîl-a'imma wa'l-khalifâ, Fihrist, p. 142; first added by Schacht, ‘Classicisme’, p. 159n; compare ʾIqd, vol. i, p. 98*+ where ‘Umar II says that iqâtighta bîl-a'imma is one of the qualities necessary in a perfect qaḍât.

\textsuperscript{190} Sağват, Râdîl, vol. iii, p. 167, citing Ibn ʿAbî Hayr, Kitâb al-mansûr wa'l-mansûh. Aḥšaf, vol. x, p. 89. Goldziher was of the opinion that this poem could not have been dedicated to any Umayyad, except ‘Umar II (Muslim Studies, vol. ii, p. 56); we must beg to differ.

\textsuperscript{191} Above, chapter 4, note 68; the examples given specify his râdî al-mâzâilîm and his allocation of various kinds of stipend.
All this is very much in keeping with the Umayyad way of speaking: God's *sunnā* is that represented by His Prophet and perpetuated by His caliph, *sunnā* meaning little more than what is right. But the Umayyads had not been in the habit of speaking quite so much about *sunnā* as were the 'Abbāsids, and al-Mahdi himself made it clear that he envisaged Prophetic *sunnā*, at least in part, as something exemplified in Ḥadīth: in a letter dated 159, composed by the vizier Abū Ubaydallāh and concerned with the descendants of Ziyād b. Abīhi, he secured for himself the distinction of being the first 'Abbāsīd caliph on record as having cited Prophetic tradition in a public statement.193 In adopting Ziyād b. Abīhi as his brother, he said, Mu‘āwiya had contravened the book of God and the *sunnā* of the Prophet and failed to observe a *sunnā* hādīya and *qudwa mādīya* coming from the imams of truth (a highly charged term which here seems to designate those who had transmitted the precedents in question), namely the Prophetic rule that the child belongs to the marriage bed and the Prophetic prohibition of fictitious kinship ties; both traditions are cited in full, without though *isnāds*.194 In the following year al-Mahdi once more cited Prophetic Ḥadīth in a public letter, this time addressed to the Khārijite 'Abd al-Salām al-Yashkūrī: in withdrawing his obedience from the caliph and in slandering 'Ali, he said, 'Abd al-Salām had disobeyed God and His Prophet, there being a *yaqīn rád*195 *wa-ḥadīth gādiq* from the Prophet stating that 'everyone whose master I am has 'Ali as his master too'.196 We leave aside what particular motives al-Mahdi may have had for giving so emphatic a public recognition to the *sunnā* which his father had cultivated on the side.197 We take it that if al-Mahdi had not done so, one or the other of his successors would soon have done something similar.

Al-Mahdi having taken the lead, however, Hārūn certainly followed suit. This caliph appointed as his chief *qādī* (apparently the first of the kind) the Ḥanafi Abū Yūsuf, a scholar who composed for him the famous work in which the *sunnā* on taxation is illustrated with reference to some 300 traditions going back to various early figures, including the Prophet, that is the Kitāb al-kharāj.198 And *fuqahā* now seem to have formed a regular cadre of the state apparatus, in which capacity their duties included accompanying the caliph on pilgrimage and witnessing the signing of important documents,199 as well as answering such queries from *qādis* as the caliph continued to receive;200 apparently, they even had their own uniform.200 In his letter of appointment to Harthama b. A‘yan, governor of Khurāsān, Hārūn stated that Harthama should make the book of God his guide in everything he did;201 if in doubt, he should consult the local experts in God’s book and the *fiqī* of God’s religion, or alternatively refer the matter to his imam, that is Hārūn himself, so that God might show the latter His opinion.202 In other words, legal experts who had made their appearance outside the state apparatus now took precedence over the God-inspired state itself. In the last year of his reign Hārūn corresponded with Ḥamza al-Khārīji, a colourful rebel in Sīstān whom he called to the book of God and the *sunnā* of the Prophet in the traditional fashion.203 Ḥamza responded by pointing to the book of God and His (sc. God’s) *sunnā*: Ḥamza was a Qur‘ānic fundamentalist,204 to whom guidance was incarnate partly in the frozen form of a book and partly in the ongoing form of the *way* of those guided by God in their hearts.205 Ḥamza thus subscribed to the old doctrine that guidance was available here and now (except that it was not available from caliphs in his view). Hārūn, by contrast, made it plain that *sunnā* hādīya which the Prophet had

197 Abū Yūsuf’s attitude to Ḥadīth as a source of law in this work is discussed by A. Ben Shemesh, *Taxation in Islam*, vol. iii, Leiden and London 1969, pp. 1 ff., who does however exaggerate the number of traditions in question (see the index in the edition by I. ‘Abbās).
198 They witnessed the document of *amān* for the Ḥasanid Yabāy b. ‘Abdallāh in 176 together with judges and Ḥāshmites (Tab., ser. iii, p. 614; cf. also Kitāb al-‘uyūn, p. 293). They took part in the drawing up and witnessing of the solemn documents of succession during the pilgrimage of 186, again together with judges and others (Tab., ser. iii, pp. 634; Kitāb al-‘uyūn, p. 304). Every time al-Rashīd went on pilgrimage he was accompanied by a hundred *fuqahā* and their sons (Tab., ser. iii, p. 741).
201 Tab., ser. iii, p. 717.
202 Lī-yuriyāhul Allāh laza wa-ṣalla ra’ayahu.
203 Scarcia, ‘Scambio’, p. 634.
204 Scarcia, ‘Scambio’, p. 636; cf. above, note 34.
205 Sabīl man ḫaddal ‘lāth qalibahum (Scarcia, ‘Scambio’, p. 636; we are indebted to Zimmermann, ‘Koran and Tradition’, note 140, for our understanding of Ḥamza’s position).

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195 This question was discussed by M. Hinds in ‘The Early ‘Abbāsīd Caliphs and Sunnā’, a paper presented at the colloquium on the study of Ḥadīth, Oxford 1982; Hinds hopes to publish the relevant part in modified form elsewhere.
made clear were to be found in Hadith from him and other figures of the past. In this interchange ‘Abbāsid history has come full circle: an ‘Abbāsid is here calling to the book of God and the sunna of the Prophet in the sense of something authenticated by Hadith, whereas the rebel speaks the language which the ‘Abbāsids themselves had spoken in the past.

From Hārūn onwards, references to the sunna of the Prophet in its classical sense become commonplace in ‘Abbāsid statements, and this is scarcely surprising. By 767 the classical account of the Prophet’s life, Ibn Ishaq’s Maghāzī, had been written, while at the same time the classical schools of law were under formation: Abū Ūmar ibn Ishaq died in 150/767, Mālik in 179/795, and by the reign of al-Ma’mūn, al-Shāfi‘i had formulated his jurisprudential doctrine. Given that the ‘Abbāsids had failed to control all this, they had to toe the line.

It might be argued that they could toe the line with impunity until al-Shāfi‘i’s doctrines had won acceptance. It is plain that pre-Shāfi‘ite sunna was what Schacht called ‘living sunna’ rather than a dead one, that is to say it was the putative practice of the Prophet as continued by later generations rather than one sealed in the lifetime of the Prophet himself. Sunna was defined by the Prophet and later a’immah al-hudā/qawm sāliḥūn, as Ibn al-Muqaffa‘ and Abū Yūsuf said, and a great deal of it was still sunna in the sense of being ra‘y rashid. In principle the imams of guidance/righteous people could well have continued to include ‘Abbāsid caliphs on a par with scholars, and the ‘Abbāsids could thus have continued to be seen as following the sunna of their pious forebears all while establishing their own very much as the Umayyads had done: it was only with al-Shāfi‘i that sunna ceased to be something which could be made here and now.

In practice, however, this argument is not correct. On the one hand, living sunna was not very alive, or rather it was only alive to scholars. Whoever Ibn al-Muqaffa’s a’immah al-hudā may have been, Abū Yūsuf’s qawm sāliḥūn included no caliph later than ‘Umar II, while the last caliph to be cited as an authority on law in the Muṣannaf of ‘Abd al-Razzāq (d. 211/826) is Hishām. No ‘Abbāsid caliph is invoked as an authority in legal Hadith, the incomparable nature of al-Mādhī’s sunan notwithstanding. The fact that the Umayyads had to be expunged from the record (with the exception of ‘Uthmān and ‘Umar II) was bad for such sense of caliphal law as survived: in principle the ‘Abbāsids could have made living sunna, but in practice the canon of caliphal law had been closed. It was only scholars such as Abū Ḥanifa or the aptly named Rabī‘ at al-Ra‘y who were still in a position to institute sunan, and for such scholars al-Shāfi‘i’s theories were indeed a threat. But for the caliphs, they did not make much difference.

On the other hand, even living sunna was very easy. It was easy enough for the Umayyads to follow the sunna of David, Solomon, the Prophet or past caliphs, given that the sunan in question rarely had much concrete existence; it was an altogether different matter to follow or restore the sunna of the Prophet and the early caliphs once Hadith had got underway. Having been deprived of the authority to institute new sunan, the ‘Abbāsids caliphs also found that the past which they were supposed to imitate consisted of narrowly defined rules, not of vague ancestral practice compatible with any interpretation which they might wish to put on it. In practice, their hands had thus been tied.

To this must be added the point mentioned already, viz. that since Prophetic sunna was defined in the main by private scholars rather than by public servants, its rules were frequently and indeed intentionally unhelpful to the state. This is not to say that the scholars

206 Cf. Zimmermann, ‘Koran and Tradition’, note 140. In his comments on the paper by Hinds at the colloquium for the study of Hadith, Oxford 1982, Zimmermann pointed out that since Hamza’s letter is a line-by-line riposte to Hārūn’s his rejection of Sunna as authenticated by Hadith suggests that Hārūn subscribed to it, and that Hārūn in fact refers to a Hadith in this letter, however implicitly. Hārūn invokes the Qur’ānic statement that obedience to the Prophet equals obedience to God (Qur. 4:81), continues by referring to God’s book and the sunna of Al-Hārūn which Muhammad had made clear, and concludes by inviting Hamza to obey the book of God and the sunna of His messenger by obeying the caliph. This presupposes that obedience to the caliph equalled obedience to the Prophet, and thus also to God, suggesting that Hārūn had in mind the tradition cited by Abū Yūsuf to the effect that he who obeys the imam obeys the Prophet (Khurūj, p. 80).

207 Cf. M. Hinds, ‘“Maghāzī” and “Sira” in Early Islamic Scholarship’ in La vie du prophète Mahomet, Colloque de Strasbourg (octobre 1980), Paris 1983, on the original title of Ibn Ishaq’s work.

208 Cf. above, notes 161, 181.
advocated disobedience to the caliph; on the contrary, Ḥadīth is quietist. But though the subjects had to obey the caliph, the caliph in his turn had to abide by rules which in matters such as taxation, penal law, the fixing of prices and the like committed him to a policy very different from what he might otherwise have had in mind: humane though it is, Abū Yūsuf’s Kitāb al-kharāj could scarcely be recommended as a rational approach to the problem of taxation. Naturally the caliph could ignore the sunna and he frequently did; but what is a deputy of God who is forced to contravene God’s law? The scholarly conception of Prophetic sunna was thus a threat to caliphal authority from the moment of its appearance. The only way in which the caliphs could have survived with such a law would have been by reserving the right to act as its ultimate arbiters, or in other words by selecting from the works of the scholars such rules as they wished to recognise, depriving the rest of validity, very much as Ibn al-Muqaffa’ had suggested. Though al-Manṣūr did not apparently respond to his proposal, there are suggestions that both he and other caliphs saw themselves as arbiters of this kind not so much as caliphs, but rather as kinsmen of the Prophet (a quality which the Umayyad caliphs had conveniently lacked). As has been seen, al-Manṣūr displayed a special interest in Ḥadīth transmitted to and from Hāshimites. Al-Mahdī explained that in his capacity as kinsman of the Prophet he had restored the sunna ignored by Mu‘āwiya; on another occasion he settled a question concerning the sunna of moustaches with reference to a tradition going back, via his father and grandfather, to Ibn ‘Abbās. Similarly al-Ma’mūn explained that of all people who followed the sunna of the Prophet he was the best equipped to act in accordance with it, partly because of his position in God’s religion [sc. his being khalīfat Allāh], partly because of his succession to Muḥammad [sc. his being khalīfat rasūl Allāh] and partly because of his kinship with the Prophet. But though the ‘Abbāsids would assert their special position vis-à-vis the sunna in connection with this or that policy of theirs, they never claimed to have ultimate control of the law as such, nor could they have done so without reclaiming the entirety of spiritual authority once vested in the caliphal. The law was the sum total of God’s guidance, not merely matters of relevance to courts, for all that Ibn al-Muqaffa’ only considered it as such in his Risāla: it dealt with every aspect of life from taxation to the proper way of wearing moustaches. What the ‘Abbāsids might or might not choose to make valid law in the sense of law enforceable at court was a minor issue, given that the hallmark of the law was truth irrespective of whether it had power on its side or not; the issue was whether the caliph was the ultimate arbiter of what was valid law in the eyes of God. Until al-Ma’mūn every ‘Abbāsīd caliph shied away from declaring that he was; and without control of the law the ‘Abbāsīd claim to be guides of the community was worthless.

At the same time, the scholars studiously avoided paying attention to the ‘Abbāsīd suggestion that kinsmen of the Prophet might enjoy a favoured position vis-à-vis the sunna. The ultimate arbiter in their view was ijmā’, consensus, be it that of the scholars themselves or the local community. Thus ‘Ubaydallāh al-Anbarī told al-Mahdī that aḥkām should be decided with reference to the book of God, followed by the sunna of the messenger of God; failing that, with reference to what the a‘immat al-fuqahā’ had agreed; and failing that, by ḥaḍāḍ of the governor in consultation with the ahl al-ilm. There is no room for caliphal decisions here. To al-Shāfī‘i the ultimate arbiter was the consensus of the entire community: the caliph counted only in so far as every member of the sunna did. If al-Ma’mūn had not sensed where things were going, al-Shāfī‘i spelt this out for him in no uncertain terms: the caliph was a mere executor of the law chosen by the community. But al-Shāfī‘i’s views were simply nails in the caliphal coffin.

In terms of the danger posed by the scholarly concept of Prophetic sunna to caliphal authority, an outright confrontation between caliph and ‘ulama’ had thus been on the cards long before al-Ma’mūn; at the same time the ‘Abbāsīd propensity for toeing the line meant that it might have been avoided altogether. The fact that a confrontation did occur, and that it did so under al-Ma’mūn, had more to do with the corrosive effect of the fourth civil war on ‘Abbāsīd claims to legitimacy than it did with al-Shāfī‘i’s thoughts; the very fact that al-Ma’mūn chose to force the issue over a question of creed rather than of law militates against the assumption that recent developments in legal theory provoked the conflict. But the fact that the ‘ulama’ had managed to produce even al-Shāfī‘i before the collision came evidently meant that al-Ma’mūn’s chances of winning were slim.

212 Cf. above, note 193.
216 Cf. EI², s.v. ‘idmā’.
217 Cf. Crone, Slaves on Horses, pp. 76f.
On the face of it al-Mā'mūn sought his resources for a restoration of caliphal authority in Shi‘ism, first by designating the eighth Imam of the Imāmī Shi‘īs as his successor, and next by assuming for himself the prerogatives of this Imam, displaying the religious authority which he had won thereby in the institution of the mīhna. 218 But though the erosion of the original concept of the caliphate within mainstream Islam on the one hand and the Hashimite descent of the ‘Abbāsids on the other both predisposed al-Mā'mūn to seek a Shi‘ī aegis for his ventures, it was in fact an Umayyad caliphate which he tried to restore (just as it was an Umayyad Dome of the Rock which he tried to claim for himself in Jerusalem).

It may admittedly be argued that his designation of ‘Ali al-Riḍâ had little or nothing to do with his concept of caliphal authority: a recently uncovered document claims that he nominated the ‘Ali in the belief that the end of the world was at hand. 219 If this is accepted, there is no question of regarding his choice of al-Riḍâ and his institution of the mīhna as two different strategies towards the same objective of regaining religious authority for the caliphate. In return his choice of al-Riḍâ would highlight the threadbare nature of ‘Abbāsid legitimacy after the fourth civil war: for if the caliph thought that he could only avert wholesale massacre of his kinsmen on the day of judgement by handing over to an ‘Ali, then the caliph himself had evidently stopped believing that the ‘Abbāsids had a right to rule. Loss of legitimacy and loss of religious authority went hand in hand under the Umayyads and the ‘Abbāsids alike: the designation of al-Riḍâ might be a reaction primarily to the former, the institution of the mīhna primarily to the latter. But there is reason to be sceptical about this claim, for it was precisely in connection with the designation of al-Riḍâ that Umayyad concepts of the caliphate resurfaced. Thus the title of khilafat Allâh returned to the coinage, its first reappearance there being on coins issued in al-Riḍâ’s name; and the message behind this comeback can hardly have been other than that the title was now meant to be taken as seriously as it had been in the days of ‘Abd al-Malik: Muhammad rasûl Allâh, al-Ma’mûn khilafat Allâh, as the inscriptions proclaim, neatly restoring the old parity between messenger and deputy. 220 And at the same time al-Ma’mûn made heavy use of Umayyad epistolary style in the letter he sent out from Khurâsân announcing his choice of al-Riḍâ as his successor.

This letter, of which we offer a translation in appendix 4, is so close to that of al-Walîd II in terms of both structure and terminology that one suspects that it was directly modelled thereon (and al-Walîd II is in fact known to have sent a copy of his to Khurâsân). 221 Like al-Walîd II, al-Ma’mûn begins with a review of sacred history divided into an era of prophets and another of caliphs. The era of prophets began when God chose Islam as His own religion and sent messengers with it until in due course the prophethood reached Muhammad, who here as in al-Walîd’s letter preaches the same as all the previous prophets and completes God’s message to mankind. The era of the caliphs began when, on Muhammad’s death, God set up the caliphate for the maintenance of His farâ’id and ḥudud and the sharâ‘i and sunan of Islam, as well as for the conduct of jihâd. As in al-Walîd’s letter this is followed by a section stressing the importance of obedience to God’s khilafâ, though al-Ma’mûn has less to say about this than does al-Walîd and, unlike him, also refers to the caliph’s responsibilities in respect of his subjects. Here as there the caliphate is something which brings together the disunited, while the covenant of succession is a refuge and part of the completion of Islam. Both caliphs stress that they have had no greater preoccupation than the succession since their accession, and both conclude with a paragraph on the benefits which will arise from giving allegiance. Leaving aside Qur’anic citations not used by al-Walîd and the circumstantial detail regarding al-Riḍâ and the ‘Abbâsids retinue, al-Ma’mûn’s letter differs significantly from that of al-Walîd only in that it refers to the kitâb/kitâb Allâh and sunna/sunnat nabîyyiyyi, as well as to the sunan of Islam, while al-Walîd speaks only of the sunna of God, and further in that it cites a tradition, more precisely a Companion tradition (from ‘Umar I) on the responsibility of caliphs for their subjects. The message is otherwise precisely the same as that of al-Walîd; it is through the caliphs that God’s ordinances are maintained. The letter


220 Cf. above, chapter 2, note 26. According to Shaban, Islamic History, vol. II, p. 47, al-Ma’mûn gave the caliphal title ‘a twist to signify that the ruler was God’s deputy on earth, instead of the simple earlier meaning of successor’ in order to give his authority ‘greater semblance of religious function’. But al-Ma’mûn did not twist the title, and his use of it was clearly far more programmatic than Shaban suggests: whatever interpretation one adopts of his religious policy, he certainly did not intend simply to beautify the caliphate with some religious countenance.

221 Cf. appendix 2, p. 117.
thus amounts to a restoration of the Umayyad concept of the caliphate rather than to preparation for the end of the world.

The failure of the experiment with al-Riḍā notwithstanding, al-Ma`mūn remained faithful to this concept. The caliph observes God's book and protects the legacy of the prophets (once more in the plural), as well as the ḥarīm al-dīn, as we are told by al-Ma`mūn's secretary, once more in terms reminiscent of al-Walīd's; he is al-qā'im bi-ḥaqqīhī, the one who undertakes God's right". And al-Ma`mūn reaffirmed this point on his institution of the miḥna. "God has made it incumbent upon the imams of the Muslims, their caliphs, to strive for the maintenance of the religion of God with which He has entrusted them, the heritage of prophethood of which He has made them legatees, and the transmission of knowledge which He has committed to their care...' he said, this time spelling out the implications thereof in no uncertain terms: 'the Commander of the Faithful knows that the great multitudes, the mass of insignificant folk and vulgar public who in all regions and countries are without insight and deep reflection...are people ignorant of God and too blind to see Him...because of the weakness of their views, the deficiency of their understanding and their turning aside from reflection and recollection". Through the miḥna al-Ma`mūn thus intended to resume the old caliphal role of curing spiritual blindness. But the miḥna was a failure too. Ibn Abī Du`ād was no substitute for al-Farazdaq, and the vulgar masses did not want the cure: under the leadership of Ibn Ḥanbal they rejected caliphal guidance in religious matters once and for all.


6

Epilogue

When al-Mutawakkil abolished the miḥna in 234/848f he formally acknowledged what had been pretty obvious for some time, viz. that al-ma`mūn's attempt to enforce the role of the caliph as guide in spiritual matters had been a failure. Henceforth the caliph had to satisfy himself with political power, and the textbook view of the nature of the caliphate is substantially correct from this point onwards. It should be stressed, however, that the desacralisation of the institution was never complete. A caliph such as al-Mu`tawakkil may well have looked like a purely political ruler to Ibn Ḥanbal, but one stripped of his political power such as al-Mustakfi nonetheless looked like a purely religious one to al-Birūnī. And it came easily to al-Ghazzālī to re-charge the caliphate with religious significance in the face of the Bāṭinī challenge. There is no point in Islamic history at which the caliphate can be said to have been entirely devoid of religious meaning. It is for this reason that it was retained for centuries after it had lost political relevance and was restored by Mamluks and Ottomans after the Mongols had destroyed it. When `Alī `Abd al-Rāzīq published a work in 1925 arguing that the caliphate had been of a secular nature from the start, the shaykh of al-Azhār duly responded with an emphatic condemnation of his views.²


² Cf. above, chapter 3, note 50.

³ `Alī `Abd al-Rāzīq, al-Islām wa-l-hukm; Cairo 1925; Ḥukm wa-l-hukm wa-l-hukm; Cairo 1934; cf. A. Hourani, Arabic Thought in the Liberal Age 1798-1939, London 1962,
who transmit his traditions and his sunna, teaching them to the people, in a Hadith familiar to Sunnis and Shi'ites alike. But the caliphal title was apparently too closely associated with political power for this evolution to be completed.

In the case of the heretics, however, there was nothing in al-Ma'mūn's failure to force them to change their views on the caliphate; or rather there was nothing therein to force them to change their theoretical stance regarding this institution. In practice the caliphate ceased to matter much to the majority of Sunnis and Shi'ites alike. The Sunnis having stripped the head of state of his religious authority, the Shi'ites lost such real interest in replacing him with an imam of their own as they had managed to retain so far, devoting themselves to the elaboration of their own law and doctrine instead; only utopianists such as the Ismā'īlīs refused to concede that political power and religious authority had parted company for good. But in principle the imam of the Imāmīs and their Ismā'īlī offshoot alike remained both head of state and spiritual fountehhead. That the Imāmī conception of the caliphate should be seen as an archaism rather than an innovation has been suggested already, and the case for this view may now be summarised as follows.

First, the Imāmīs and Ismā'īlīs identify the legitimate head of state as deputy of God on earth. They also identify him as the Prophet's successor: like the 'Abbāsid caliph, the Imam is khalifa lillāh ta'ālā fi khalīqihi wa-l-rasūlihi fi umumihi, and given the descent of the imams from the Prophet, this is as one might expect. Both sects generally prefer the title of imam to that of khalīfa, possibly because the deputy of God is Qur'ānically associated with bloodshed, and thus fallibility, but undoubtedly also because he is historically


4 Inna l-umām warasat al-umām, cf. the references given in Wensinck, Concordance, iv. p. 321, s.v. 'umām.


6 Wāqī', Qudāḥ, vol. ii, p. 101. By contrast the a'immah mentioned at the beginning of the letter, p. 97, could well be or include caliphs.

7 Wāqī', Qudāḥ, vol. ii, p. 121; compare ibid., vol. iii, p. 140, where Ibn Abī Laylā appears as amin Allāh.

8 Cf. above, chapter 5, p. 88.

9 After all, the word imam refers to somebody whose example should be imitated (cf. E. W. Lane, An Arabic-English Lexicon, London 1863-93, s.v.).


11 Nu'aym b. Hammād, Fīmūn, fol. 22b (we owe this reference to Michael Cook).


14 Cf. the references given above, chapter 2, note 57, 59-62.

15 Ahmad b. Ya'qūb, Rūdla, fol. 86v. Compare above chapter 2, p. 16 (Hārūn), notes 53 (al-Mutawakkil), and 58, 59 (other Imāmī and Ismā'īlī examples of the imam as the Prophet's successor).

16 This was certainly an embarrassment to Shi'ite no less than Sunni exegetes (cf. above, chapter 2, note 5). Thus al-Tūsī finds it necessary to stress that the angelic comment regarding bloodshed does not refer to the behaviour of prophets and infallible imams, but rather to that of the rest of mankind, mankind being the khalīfa (successor) announced by God in this verse (al-Tūsī, al-Tūsīyāt fi tafsīr al-Qur'ān, ed. A. H. Qasīr al-Qāmil and A. Sh. al-Amin, Najaf 1957-63, vol. ii, pp. 131, 134, ad 2:28); alternatively, the angels were referring to the behaviour of the imams who had previously occupied the earth (ibid., p. 132; similarly iL-Qummī, Tafsīr, ed. T. al-Mūsawī al-Jazā'īrī, Najaf 1386-7, vol. 1, pp. 36f., where the khalīfa is however resolutely identified as God's khaṭṭī on earth).
associated with real control of the entire Muslim world. Just as no separatist ruler could be a caliph, so a purely theoretical ruler could only aspire to be one; when the Fāṭimids officially proclaimed themselves caliphs, it was precisely with a view to bringing the entire Muslim world under their sway. But however this may be, the point of significance here is that both sects apply to their own rulers a title first securely attested for ‘Uthmān. Clearly, they took over this title as Muslim Gemeingut.19

Secondly, the imams of the Imāmī and Ismā‘īlīs are intrinsic to the attainment of salvation. Like the Umayyads and early ‘ABBĀSID caliphs they are a‘immāt al-hudūd20 and imams of justice21 who guide people away from perdition,22 God guiding people through them;23 and like them, they are and/or maintain the waymarks and beacons of truth and guidance,24 being light,25 shining suns, guiding stars,

17 Just as ‘Ali is the only amīr al-mu‘minīn in Imāmī literature, so he tends to be the only khālīfā. In principle all twelve imams were caliphs: the Prophet himself predicted that there would be twelve caliphs after him (Ibn Shahrashub, Manaqīb, vol. 1, pp. 251ff.). But in practice this is forgotten, for we are also told that there have only been four caliphs on earth, Adam, David, Aaron and ‘Ali; those who deny that ‘Ali is the fourth in are for a nasty surprise on the day of judgement when it is announced that ‘Ali is khālīfat Allāh fi ardihi (ibid., vol. ii, pp. 261ff.).

18 Khārījite or Zamī breakaways never adopted the caliphal title, be it because they rejected it altogether or because they felt it would have been nonsensical; it was clearly because it would have been nonsensical that the Spanish Umayyads initially failed to do so: the Fāṭimids had to devalue the title before they adopted it, and it was felt to be an empty one even after they had done so (cf. F. Gabrieli, ‘Umayyades d’Espagne et Abbassides’, Studia Islamica 31 (1970), pp. 98ff.; and note the absence of caliphal himnology here). Admittedly, it was felt to be an empty one primarily because the Spanish Umayyads did not control the holy places rather than because they did not control the entire Muslim world; conversely, it was control of these places rather than world dominion which gave the Ottoman caliphat a certain plausibility, just as it is control of the particular places which gives the Sā‘id monarchs a quasi-caliphal role today (as noted by M. Rüthen, Islam in the World, Harmondsworth 1984, p. 30). But leaving aside the fact that this is likely to be a secondary development, the imams of the Imāmīs were not rulers anywhere at all: they merely resided in Medina.

19 On a par with the title amīr al-mu‘minīn, said first to have been adopted by ‘Umar. See for example Kuiayn, Kāfī, vol. i, pp. 196, 203, 208, 376; Mu‘ayyad, Divwān, no. 2: 125 and passim; Tyan, Sultanat, p. 515n.


lamps and the like, which dispel darkness26 and make the blind see,27 salvation being essentially a matter of finding the right path.28 They are pillars of the religion,29 rain (gayth)30 and life to mankind;31 they heal;32 they are the rope of God to which one should cling33 and a refuge for His servants.34 The imam is God’s trustee (amīn Allāh)35 and somebody who stands between God and His creation.36 Whoever dies without allegiance to such an imam dies a Jāhili death according to Shi‘ite no less than Sunni ʿHadith;37 without faith in the imams one does not count as a believer.38 ‘He who does not hold fast to God’s trustee will not benefit from the five prayers’ is a line which, though originally addressed to Hārūn al-Rashīd, appears in Imāmī literature on ‘Ali too.39

Thirdly, the imam of the Imāmīs and Ismā‘īlīs occupies the same role as the law as did the Umayyad caliph. The imam ‘makes
known what is forbidden and what is allowed';46 he 'allows what God has allowed, forbids what God had forbidden, maintains God’s hudūd and defends God’s religion';47 and in him is ‘the completion of the prayer, zakāt, fasting, pilgrimage and jihād, the augmentation of the booty and the alms taxes, the execution of the hudūd and akhām, and the defence of the borders and outlying areas’.48 In Imāmī and Ismā‘īlī Ḥadith it is the imams who appear as authorities just as it is Umayyad caliphs who appear as such elsewhere.49 Jarīr’s ‘were it not for the caliph and the book he recites, people who would have no judgments established for them, and no communal worship’ it so utterly Shi‘ite in sentiment that the Shi‘ites could have claimed him as one of their own if all his most Shi‘ite sounding poetry had not been uttered in praise of Umayyads.

Finally, the imam of the Imāmīs and Ismā‘īlīs is distinguished from the rest of mankind in various ways also attested for the Umayyads. Thus he is superior to all other people, ranking below prophets only.44 The Umayyads wrongly claim such superiority, al-Kumayt says, just as they wrongly claim to have inherited the power which they have in fact usurped.44 Like the Umayyad caliph, he is rightly guided. Thus ‘Ali was al-imām al-hādi al-rashīd44 and imāmūn al-mahdī.45 He was hādiyyan mahdiyyan, an expression also used in a satirical vein of al-Husayn,46 who was al-mahdī ibn al-mahdī to his

43 And note that the imams too are presented as having settled legal points in response to petitions submitted to them by private persons: ‘one of our companions wrote a petition (kitāb) to Abū Ja‘far the Second, asking him about a man who has unlawful intercourse with a woman ... He wrote in his own hand and with his own seal ...’ (Kulaynī, Kāfī, vol. vii, p. 163; compare above, chapter 4, p. 47).
44 Ibn al-Hanāfiyya was ibn khayr al-nas abāda ‘l-nahī (Kuthayyir ‘Azza in Ibn Sa‘d, Ṭabaqāt, vol. v, p. 107); the Ḥāsimites were superior to al-nas kūltum (Kumayt, p. 58 = no. 42, vol. ii, p. 87).
49 Aṣqīm haddīl hādiyya ‘l-mahdiyya ‘l-fa‘l ‘a‘mūrīt ‘aṣlāq jā‘yīd ‘l-mubīyya, as a member of the government troops at Karbalā‘ is supposed to have said (Tab., ser. ii, p. 350).

followers.50 Zayd b. ‘Ali was mahdī too.51 So of course was Ibn al-Hanāfiyya in the opinion of Mukhtar, and he was perhaps the first Mahdi in the sense of a specific and long-awaited redeemer figure, though Sulaymān and ‘Umar II were soon to follow suit,52 as were other ‘Alids in due course. But all the imams were mahdiyyan according to the Ismā‘īlīs.53 Still, most Shi‘ite literature being late, the epithet mahdī is here less commonly used of the imams than of the redeemer at the end of time, as it is in classical Sunnī literature too. Further, the imam shares with the Umayyad caliphs the quality of mu‘tahfaham, made to understand on a par with Solomon in the Qur‘ān.54 He also had superhuman knowledge,55 and in this respect he is better endowed than his Umayyad counterpart, who only had superhuman ra‘ya.56 He is also divinely protected against error (ma‘ṣūm), and in this respect too he is better endowed than the Umayyads, who nonetheless came close to acquiring the same quality. Thus, as has been seen, the Umayyad caliphate was a ‘ismah against error to which one should hold fast as one holds fast to God’s rope.57 ‘Abd al-Malik was ma‘ṣūm min khatal al-qawwala wa al-fitr;58 and ‘Ubaydallāh al-Anbari spoke to al-Mahdi of al-khulasī al-
Imāmīs did not raise the imamate to the level of prophecy. This was the level at which it had been born and at which the Umayyads had unsuccessfully tried to maintain it. It was only as the Muslim world at large rejected this concept that the Imāmīs began to look deviant.

We should like to conclude by considering briefly why and with what effect the Muslims first created and next rejected the office of khilāfah Allāh. Given that Islam originated among a people accustomed to statelessness, it is odd, at first sight, that its adherents should have consented to the formation of so powerful an office; indeed, the conventional view that the caliphate originated as mere succession to the political power of the Prophet might seem to make better historical sense. But this would be to underestimate the effect on the Arabs of God’s intervention in their affairs. No sooner had He sent a prophet to the Arabs than He made the super-powers of the day collapse, enabling His adherents to leave their immemorial life of ‘sand and lice’ for incredible wealth and power in the Fertile Crescent and beyond: to the exhilarated participants in this venture, God was synonymous with success. Everything which happened was God’s own handiwork on their behalf; and it was this which made it seem natural to them that He should have a representative on earth here and now, however the idea may have suggested itself to them in the first place. Besides, as long as the Deputy resided in Medina (fairly lame compared with those addressed to Umayyads, does not seem to be in al-Sawā’i’s edition).

Al-Kumayt told Hishām that through him God had illuminated darkness (Iqd., vol. ii, p. 185), while al-Sayyid al-Himyarī praised al-Mansūr as intrinsic to salvation (above, chapter 5, note 157). Even al-Sharīf al-Murtadā saw fit to describe the ‘Abbasid caliph as the imam through whose guidance we know the turq al-hudū (Dīwān, vol. i, p. 51–52).

We only wish to consider the political effects here. For the cultural significance of the development analysed in this book, see Crone and Cook, Hagarism, index, s.n. ‘imamate’ (where it was first proposed that Umayyad and Shi‘ite imams alike exemplify the same ‘high-priestly’ pattern).


To document this properly would require another book; but see the emotive account in D. Soutoul (ed. and tr.). ’Un pamphlet musulman anonyme d’époque ’abbāsida contre les chrétiens’, Revue des Etudes Islamiques 34 (1966), p. 33 – 26, where this still comes across strongly. Note that even Ibn Khaldūn, the first sociologist, could only explain the conquests as a miracle (Mudqadimah, pp. 251f.) On 26 November 1984, a participant in the recent revolution in Iran similarly argued on British television that the revolution was the direct result of God’s intervention on the ground that only God was sufficiently powerful to have brought it about.

71 Cf. appendix i. The reader will note that we assume the caliphal title to have been
he was no more of an absolutist ruler than the Messenger had been, and contemporaries could hardly have anticipated that the nature of the state was soon to change.

Change it did, however. As the conquests slowed down on the one hand and the number of Muslims increased on the other, the former conquerors increasingly found themselves reduced to subjects deprived of a say in the running of public affairs. In principle, of course, nobody could possibly object to delegating public affairs to a representative of God Himself on earth: Imami literature eloquently describes how wonderful it would be to do precisely that. But in practice it amounted to a total surrender of power to a ruler who was by definition always in the right; and the sheer might of the caliphate both forced and tempted the Umayyads to make increasing use of this power over and above the frequently impossible and certainly always contradictory wishes of their subjects. In short, when the Debut began to wield the power ascribed to him, this power was felt to be oppressive: once the initial sense of exhilaration was over, constitutional crises were bound to set in.72

Now from one point of view one might have expected the ultimate outcome of these crises to have been a rejection of absolutist rule for some sort of consultative government, or in other words the creation of institutional checks on the exercise of caliphal power. The widespread insistence that the caliphate be elective (al-amr shirā), the endless demands for observance of kitāb and sunna, good practice and past models, the constant objections to Umayyad fiscal policy, and the general readiness to take up arms against what was perceived to be oppressive rule, all these are features indicative of so stubborn a determination to keep government under control that one might have credited it with a good chance of success. But from another point of view it is not of course surprising that no representative bodies ever did emerge. The caliph’s resources were far too massive for anyone to have much leverage against him. Mu‘awiya paid careful attention to consultation with the tribal nobility, and all caliphs had to engage in a certain amount of horse-trading in order to have their successors accepted; but no caliphs had to negotiate in order to get revenue, taxes being paid overwhelmingly by non-Muslims. Practically everyone of importance in the Umayyad state owed the bulk of his income to dhimmīs too, but through the intermediary of the state; disputes over fiscal policy were accordingly disputes over the distribution of public revenues among those entitled to a share, not over the allocation of the tax burden among those obliged to pay.73 The tribal nobility did have political power independently of the state in the form of tribal followings, but these were ephemeral assets under conditions of settlement in the urbanised and socially stratified Middle East, and by the second half of the Umayyad period this nobility had duly begun to disappear from the public scene.74 Owing both their power and their income to the state, the generals and governors who replaced it were even less likely to win concessions from the caliph, as Yazid b. al-Muhallab discovered at the cost of his life. In short, for all the activism bequeathed by the Arab tribal past, the leverage which medieval dukes and barons had against the impoverished kings of western Europe simply was not available.

Even if activism had sufficed to put shackles on the caliph, it is hard to believe that the outcome would have been other than political collapse. On the one hand, an area so huge as that controlled by the Umayyads could scarcely be held together for any period of time by any form of government other than the imperial one towards which the Umayyads were moving; and on the other hand, the tribesmen and ex-tribesmen who made up their subjects were so unruly that throughout most of the period repressive government in the style of al-Hajjāj was required for the maintenance of a semblance of order. To this should perhaps be added that the opponents of absolutism rarely proposed any concrete form of machinery for the limitation of power. Yazid III declared himself willing to step down if he failed to implement his programme and/or a more suitable candidate could be found, but he did not say who was going to review his progress or how they were to proceed if they deemed it to be poor. Khārijite

72 For the nature of such disputes in the first civil war, see M. Hinds, ‘Kufan Political Alignments and their Background in the Mid-Seventh Century A.D.’, International Journal of Middle East Studies 2 (1971); id., ‘The Murder of the Caliph ‘Uthmān’. For their nature in the third civil war, at the end of this period, see the accession speech by Yazid III summarized above, chapter 5, p. 63. Taxation was not an issue except in so far as it related to dhimmīs (especially dhimmīs trying to gain recognition as Muslims, cf. Wellhausen, Arab Kingdom, ch. 5); and as far as Yazid III was concerned, over-taxation of dhimmīs was of political importance only in so far as it led to de-population of the lands on which his Muslim adherents were dependent for their income.

73 Cf. Crone, Slaves, chs. 5, 7.
works also disregard all practical problems posed by Kharijite political ideals; there is a total lack of institutional machinery behind the Muslim concept of consensus; and pre-Mongol Muslim society is in general characterized by a predominance of informal over formal organization. Still, we are not entirely sure about the relevance of this point. By the late Umayyad period al-Harith b. Surayj and Nasr b. Sayyār had a good idea of how to set up a shūrah, and so apparently did Yazid III himself: all parties involved designated men of integrity to act as electors.75 Representative bodies could presumably have developed from these modest beginnings if the opportunity had been there. The fact that the opponents of caliphal absolutism ended up by satisfying themselves with purely theoretical propositions may thus be a straightforward result of the caliphal ability to ignore their demands.

Given that the caliph’s exercise of power could not be controlled, the opponents of Umayyad absolutism had two courses of action open to them. On the one hand, they could oppose the ruling dynasty in the belief that government would cease to be oppressive if there was a change of personnel. This was the course adopted by various followers of the ahl al-bayt such as the shi’ah of the ‘Abbāsids and ‘Ali; and the remarkable fidelity of the Imāmīs to the original conception of the caliphate turns on the fact that they never put their belief to the test. As Ja’far al-Sādiq himself did not wish it to happen, he would have after the ‘Abbāsid revolution, even if his adherents soon had repented of their views.76 Alternatively, the opponents of caliphal absolutism might attempt to limit the area affected by it by withdrawing from caliphal control all matters of religious significance, above all the definition of God’s law. This was the solution adopted by the future Sunnis, and its feasibility turns on the fact that rulers cannot in fact shape the beliefs and private lives of their subjects unless the latter believe they have a right to do so. Caliphal power thus remained absolutist, but it affected politics alone. Of course, given that the Sunni solution deprived the caliph of a say in the definition of the law all while insisting that he abide by this law, it could be said that the scholars succeeded in turning an absolutist

monarch into a constitutional one.77 But in the absence of machinery for the protection of the constitution, they only did so in a purely theoretical sense: in constitutional theory the caliphate was an elective office too, for all that it was plainly hereditary in practice. But though caliphal absolutism remained, the victory of the scholars had profound political effects.

The historically significant point is that a ruler who has no say at all in the definition of the law by which his subjects have chosen to live cannot rule those subjects in any but a purely military sense. When the Jews elaborated their all-embracing religious law, it was precisely with a view to surviving as a community of their own under alien rulers, their own state having been lost. When the Muslims took refuge in a similar law, the state from which they had distanced themselves likewise had to be manned with outsiders in order to go on. In Hindu India, where brahmanic dominance similarly led to the formation of an all-embracing holy law withdrawn from royal control, the state became practically redundant.78 In all three cases the prevailing attitude to power was one of quietism: rulers must be obeyed whether they are right or wrong, observant of the law or not. From this point of view no ruler could complain of the laws in question. But rulers were obeyed as outsiders to the community, not as representatives of it, except (in Islam) in their performance of ritual duties such as leadership of the prayer or conduct of jihād, the latter being an activity particularly apt to restore moral continuity between the ruler and his subjects. The state was thus something which sat on top of society, not something which was rooted in it; and given that there was minimal interaction between the two, there was also minimal political development: dynasties came and went, but it was only the dynasties that changed.

From the point of view of the political development of the Islamic world, the victory of the ‘ulamā’ was thus a costly one. A less stultifying solution to the problem posed by God’s deputy on earth would have been a division of labour whereby all law of public relevance remained with the Deputy, while private and ritual law passed to scholars willing to collaborate with him, a situation familiar from elsewhere.79 But where all aspects of life are covered

75 cf. above, chapter 5, note 49.
76 He was invited by Abū Salama to participate in a shūrah, but wisely declined (C. Cahen, ‘Points de vue sur la “Révolution ‘abbāside”’, Revue Historique 230 (1963), p. 330). Ismā‘īlim did not survive the creation of an Ismā‘īlī state, but not on the whole among the subjects of this state: the Berbers of North Africa were soon disillusioned, and the Egyptians chose never to convert.
77 Cf. J. Hall, Powers and Liberties, Oxford 1985, ch. 3.
78 Such a division of labour was characteristic of Rome before the Dominate and of pre-modern continental Europe. In classical Greece and China the state also took over a limited area of the law, though no private scholars emerged to take over the rest.
by a single sacred law, such a solution is impossible. God's law was indivisible, and collaboration between His rival representatives was ruled out until one or the other side had won. (There were of course collaborative scholars such as Abū Yūsuf; but such scholars tended to lose their standing among their peers.)

Appendix 1

On the date and origin of the caliphate

We have argued that the caliphal title was born as khalīfat Allāh without going into the question of when it was born because we have not wished to tangle the argument proposed in this book with highly controversial issues, but we may appropriately offer here such thoughts as we have on this question.

If it is accepted that Islam began as a messianic movement, there can have been no caliph in the sense of institutionalised head of state until the messianic venture was over. Indeed Crone and Cook conjecture that Abū Bakr was not head of state at all on the grounds that doctrinally there is no room for one between herald (Muhammad) and redeemer ('Umar), and that chronologically there seems to be no room for him either. There does not however appear to be any evidence to substantiate this hypothesis: no passage in Muslim or non-Muslim literature unambiguously omits Abū Bakr from the list of Muslim rulers, and early poetry fails to support the conjecture for all that it goes against the historical tradition on other questions such as the identity of the victors at Siffin. Thus a verse by the apostate al-Ḥuṭay'a satirically contrasts obedience to the Prophet and to a mere Abū Bakr, al-Farazdaq speaks of the sīdīq and the two martyrs, sc. 'Umar and 'Uthmān, and of 'Umar and his companion Abū Bakr, al-'Aṭījāţ refers to the covenant of the Prophet, the sīdīq, 'Uthmān and 'Umar, while Ibn Qays al-Ruqayyāt speaks of the Prophet, the sīdīq, and the khulāfa. al-Kumayt says that he disapproves of slander of Abū Bakr and 'Umar, for all that

1 Crone and Cook, Hagarism, part 1.  
2 Ibid., p. 28 and note 72 there.  
3 Cf. above, chapter 5, note 67.  
4 Aghānī, vol. ii, p. 157; also attributed to Ḥarīthah b. Ṣurāqā al-Kindī in Ibn 'Asīlīrī, Tahdāhī, vol. iii, p. 70, while vol. viii, p. 99, is not sure whether to attribute it to al-Ḥuṭay'a's brother or to al-Ḥuṭay'a himself.  
5 Farazdaq, vol. i, p. 264.  
6 Ibid., p. 329.  
7 'Aṭījāţ, no. 11 (p. 15).  
8 Ibn Qays al-Ruqayyāt, no. 39: 19.
it was 'Alî who was imām al-ḥaqqa;
and so on. The fact that al-Ḥutay'a's verse is unflattering to Abū Bakr is not of course a guarantee of its authenticity; Abū Bakr is not always clearly identified elsewhere as a head of state; and at any rate an influential politician could well have been turned into a head of state by Marwānīd times as long as nobody had an interest in remembering otherwise (as did the Umayyads in the case of ʾṢifīn). But in the absence of positive evidence for the conjecture, there is too much to explain away.

There are nonetheless some suggestive passages in which Abū Bakr seems to have been forgotten. Thus, as mentioned already, Yazīd b. al-Muhallab spoke of 'Umar, 'Uthmān and the caliphs of God after them', as if the line of caliphs had started with 'Umar. Similarly, a Medine successor said that 'I have lived under 'Umar, 'Uthmān and the later caliphs, and they only beat a slave forty times for qadh', meaning that this was the right punishment given that no caliph had acted otherwise. And Zayd b. Thābit cited caliphal precedent to Muʿawiyah with the comment that 'I have lived under the two caliphs before you', for all that Zayd, a Companion of the Prophet, could scarcely have missed the caliphate of Abū Bakr. Apparently Abū Bakr did not count as a khalīfa to any of these individuals. He certainly did not count as an authority to anyone engaged in the elaboration of the law: traditions ascribing legal doctrines to Abū Bakr are practically non-existent. If he was head of state, he would thus appear to have been one of a different type from his successors.

Now it is well known from the many richly documented messianic movements of recent times that reality often forces the participants in such movements to take considerable liberty with their doctrinal script: the herald assumes the role of messiah, or is taken by some to be him; the messiah decides to be only a herald, or to abandon the script altogether for a while; several leaders are active, the allocation of roles between them being anything but clear, and so on. Abū Bakr may well have been an example of this: as head of state

he would seem to be someone who kept things together until the time was ripe for the script again. What title he held is uncertain. The sources assure us that he was khalīfat rasūl Allāh, and so he may well have been on a par with many others, that is he was the Prophet's deputy (in Medina). The point that matters, however, is that whatever title he may have held (and however the chronological problem is to be solved), his role was unique to him: he did not initiate a line of khulafā'.

The messianic venture was over when 'Umar al-Fārūq entered Jerusalem. Was it then 'Umar who adopted the title khalīfat Allāh in order to legitimate his new role? Yazīd b. al-Muhallab, who unselfconsciously identified 'Umar as the first deputy of God, apparently believed this to be the case. One might add that the title amīn Allāh is also attested for 'Umar, that he is said to have characterised himself as sultān Allāh fi 'l-ard, and that a poetess described him as 'ismat al-nās and ghayth. But this is not clinching evidence. Yazīd b. al-Muhallab may simply have assumed that 'Umar had carried the same title as his successors, and retrojection could effortlessly account for the other attestations too. After all, under the influence of metrical demands no less a person than al-Shāfi'ī was capable of identifying even Abū Bakr as khalīfat rabbīhi. According to the tradition, the novel title adopted by 'Umar was amīr al-muʾminīn. This would suggest that the caliphal title was first adopted by 'Uthmān, the first ruler for whom the title is securely attested.

Whether 'Umar or 'Uthmān was the first khalīfa, however, the point is that the caliphate would seem to have originated as institutionalised redemption. This would explain why it appears as a redemptive institution in Umayyad court poetry, a point to which we have drawn attention already. It does not of course explain why the redemptive term al-fārūq was replaced by the less distinctive term al-r. abdī. But given that this shift took place, it ceases to be odd that the caliphs should be flattered as al-mahdī who makes the blind see, cures diseases of the breast and fills the earth with justices, more or less as a matter of course; and it also makes it obvious that any attempt to restore the original vision of the caliphate, such as was made by the 'Abbāsīds and by the Ismāʿīlīs, was liable to take a
messianic form: the caliphate was supposed to dispense the redemption brought by the Fārūq. This point also comes to the fore in the case of 'Umar II.

'Umar II's caliphate coincided with the turn of the century, an event associated with the appearance of a renewer (mujaddid) in classical Islam; al-Suyūṭī, for example, thought that 'Umar may have been one such.20 If, as is commonly assumed, the belief in the mujaddid is early, then the date of this caliph's accession may well have predisposed him to see himself as a reformer. Poetry, however, suggests that he was influenced above all by the fact that he was related to 'Umar I and bore his name. His descent from al-Fārūq is stressed by Jarīr,21 al-Farazdaq22 and 'Utbā b. Shammās;23 according to Jarīr, he also resembled 'Umar al-Fārūq in respect of his sīra;24 elsewhere we are told that he deliberately tried to imitate 'Umar;25 indeed, according to 'Uwayf, he was himself known as al-Fārūq.26 In short, he was expected to be 'Umar I reditus. He was also accepted as such. More precisely, he was accepted as mahdī al-khayr, al-mahdī ḥaqiq27, the Mahdi in so far as one existed,28 or mahdī, or simply the Mahdī,29 whose physical peculiarities foretold that he was the one destined to fill the earth with justice.30 In short, 'Umar al-Fārūq came back as 'Umar the Mahdi to prove that a rightly-guided caliph was indeed a redeemer.

There remains the question of where, if anywhere, the Arabs picked up the idea of having a deputy of God on earth. Most authors assume the institution to be of foreign origin. Thus Tyan believes the caliphate to have assumed a religious, or as he puts it, theocratic, character as a result of Byzantine and Persian influence,31 a view endorsed by other scholars,32 while Crone and Cook propose a Samaritan prototype, assuming the institution to have been theocratic from the start.33 We do not need to much add to this discussion. It is a fact that the Byzantine emperor had come to be seen as God's representative on earth by the late sixth century,34 and that here as in Islam there was a predilection for David and Solomon as prototypes of the ideal ruler.35 (Indeed, even the western view that Peter was vicar of God on earth seems to have reached the Islamic Middle East at an early stage.)36 That Sasanid kingship was what one might call caesaropapist is well known.37 But all that this amounts to is no more than that the Muslim concept of power was in line with that current in the non-Muslim world. It is an odd idea that a state founded by a prophet should have needed the example of secular empires in order to develop theocracy; and pace Tyan and others, the caliphate clearly did fuse religion and politics from the start, whereas they were only twins on the other side. Neither the Persian nor the Byzantine emperor was on a par with the khilāfa, who was intrinsic to the acquisition of worldly prosperity and heavenly bliss alike. What is more, we do not have the right relationship between religion, politics and law in either empire. The Byzantine basileus was indeed the ultimate source of law, but he was so in his capacity as Roman, i.e. essentially pre-Christian, emperor, and the law in question was a secular one irrelevant to the attainment of Christian salvation. Conversely, Zoroastrian law, though religious, was not formulated by the Shāhānshāh. The imperial models may well have influenced the development of the caliphate in various ways: but when Muʿāwiya is accused of being kisrā 'ı-arab38 and of having turned the caliphate into something hiraqliyya and kišraviyya,39 what is meant is that he accumulated power at the expense of his subjects by introducing dynastic succession and the like, not that he introduced theocracy. There is no imperial model behind the office of khilāfat Allāh. It is only the Samaritans who offer the right fusion of political power and religious authority in conjunction with a holy law, and they do have the merit of speaking of ghfsī yhwh.40 But this could conceivably be an instance of Islamic contamination, and the Arabs may have invented their khilāfat Allāh on their own.

21 Jarīr, p. 135f.
22 Farazdaq, vol. i, p. 222.
24 Jarīr, p. 311f; cf. also Farazdaq, vol. ii, p. 630f, where the Fārūq is once more invoked.
25 Cf. above, chapter 5, note 130.
27 Nuʿaym b. Ḥammād, Fitan, fols. 99a, 102a, cf. 102b; Fasawi, Marıfān, vol. i, p. 613.
30 Calīf, p. 439.
32 Hagarism, pp. 295f.
34 Ibid., p. 221.
35 Cf. the poem wrongly ascribed to al-Walīd II, Shīr, p. 160f.
37 Bal., Ars., vol. iv/a, p. 125.
39 Crone and Cook, Hagarism, p. 178, note 71.
Appendix 2

The letters of al-Walīd II and Yazīd III

The Letter of al-Walīd II

Al-Walīd II’s letter concerning the designation of his successors is preserved in the chronicle of al-Ṭabarî (ser. ii, pp. 1756ff., sub anno 125; also reproduced in Ṣafwat, Rasā‘îl, vol. ii, pp. 448ff.), and apparently there alone. It was first singled out as a document of some importance by Dennett, who also offered a summary translation (or more precisely a loose paraphrase) which is very deficient in places (D. C. Dennett, ‘Marwan ibn Muhammad: the Passing of the Umayyad Caliphate’, Harvard Ph.D. diss. 1939, pp. 169ff.; partially reproduced in M. Khadduri, The Islamic Conception of Justice, Baltimore and London 1984, p. 26). More recently the letter has been discussed by Nagel (Rechtleitung, pp. 82ff) and Khadduri (Justice, pp. 25ff.). All three scholars assume it to be authentic, and so do we. For one thing, it is hard to see why anyone should have felt tempted to forge the text of a succession document equally devoid of religious significance and historical effect. For another, a forger active in the ‘Abbāsīd period (and he could scarcely have been active before it) would have required extraordinary historical insight to produce a document in which the importance of the caliphal institution is stressed, but its Umayyad incumbents are taken for granted. Further, the fact that al-Ma‘mūn produced a succession document along very similar lines (see appendix 4) shows that the inshā‘ did indeed come out of a bureaucratic file; and since the ‘Abbāsīds before al-Ma‘mūn do not appear to have made use of this type of inshā‘, we must assume either that it antedated the ‘Abbāsīds or that it originated in the time of al-Ma‘mūn. It does not seem likely that al-Ma‘mūn’s secretary would have amused himself by penning elaborate succession documents in the name of Umayyad caliphs (nor would one have assumed him to have had sufficient historical sense to omit Ḥadīth, be it Prophetic or other; but of Ḥadīth there is none). We are thus entitled to assume that the inshā‘ antedated the ‘Abbāsīds and that the letter was written by Samāl on behalf of al-Walīd II precisely as the letter states. (The name Samāl is peculiar and should perhaps be read Simāk though there do not appear to be any variant readings of it; it could scarcely be a corruption of Sālim [b. ‘Abd al-Rahmān, sāhib diwān al-rasā‘îl, cf. Tab., ser. ii, p. 1750].) Given that we only have al-Ṭabarî’s version, it is hard to say whether it is based on a written copy of the letter or on an oral version thereof, but one would have thought it to be based on a document. The letter is long and so close to al-Ma‘mūn’s in formulation that if it was copied from somebody who had simply heard it read aloud, the person in question must have had an extraordinary memory. Al-Ṭabarî says that he has it from ‘Alī, sc. al-Madā‘ini, ‘from his aforementioned shuyūkh’, according to whom two men came to Naṣr [b. Sayyār] with the letter wa-huwa amma baida[... etc., a formulation apt to suggest that he is reproducing the text of the copy sent to Khurāsān.

The text is corrupt in places and not always easily amended. In our attempt to restore meaning to it we have greatly benefited from the fact that Professor Iḥsān ‘Abbās was willing to place his expertise at our disposal. Even in its amended version, however, the letter does not lend itself to translation. The style is involved and overloaded: as the scribe piles warning upon warning, both syntax and logic are stretched to breaking point. Exactly what he has in mind at any particular point is often less than clear, and those who heard the letter read aloud must frequently have lost the thread; on the other hand they must have felt that the overall message was being positively hammered into them: the caliphs are God’s own instrument and everyone must obey them; obedience will be amply rewarded, whereas disobedience and dissension have dire consequences in both this world and the next. We hope that our cumbrous English version retains some of the same effect.

Both Dennett and Nagel saw evidence in this letter that the Umayyads denied the doctrine of free will (‘Marwan b. Muhammad’, p. 172; Rechtleitung, p. 71 and note 1 thereto), and Khadduri even claims that the letter was intended as a reply to Qadariite critics of the Umayyad regime (Justice, p. 25). But we must beg to differ. There is indeed a strong sense in it that God is responsible for everything, not least for the success of His caliphs and the downfall of their enemies, but there is not anything remotely resembling a thought on the relationship between the divine and the
human will as a theological problem. What the letter broadcasts is a strong conviction that the caliphs have God on their side, or in other words a strong conviction that the caliphs are in the right. Feeling in the right has nothing to do with determinism. ‘Needless to say’, Khadduri assures us, ‘the aim of Walîd’s letter was to identify Umayyad political justice with the doctrine of predestination’ (Justice, p. 27). But to argue that a ruler owes his power to God is not to adopt a predestinarian position, and to assert that his acts are in accordance with God’s will is not to deny his capacity to act against it; practically all rulers would have to be classified as Jabrites if it were. In fact, the strong emphasis of the letter on the rewards and punishments in store for the obedient and disobedient is anything but predestinarian. And Umayyad court poetry similarly presents the caliphs as God’s own instruments on the assumption that the caliphs wished to be assured of their own rectitude, not that they hankered for statements on the human inability to determine events. In general, the theory that the Umayyads were Jabrites must be said to rest on slender foundations (and the commonly accepted view that Qadarism originated as a reaction to Umayyad Jabrism is unacceptable even if they were, cf. F. W. Zimmermann, review of J. van Ess in International Journal of Middle East Studies 16 (1984), p. 441).

The numbers in the margin refer to the text. The paragraph divisions are by us.

1756 [The era of the prophets]

1. ‘To continue, God (blessed are His names, mighty is His praise, and exalted is His glorification), chose // Islam as His own religion and made it the religion1 of the chosen ones of His creation. Then he selected messengers from among angels and men,2 and He sent them with it and enjoined it upon them. So there was between them and the nations which passed away and the generations which vanished, generation upon generation [events of the type described in the Qurʾān, but they continued to?] call to it that which is better and guide to a straight path.3 Ultimately the grace of God [as manifested] in His prophethood reached Muhammad, at a time when knowledge had become obliterated and people had become blind, having acquired different desires4 and gone their separate ways, the waymarks of truth having become effaced. Through him God made guidance clear and dispelled blindness, and through him He saved [people] from going astray and perishing. He elucidated5 the religion through him, and He made him a mercy to mankind.6 Through him He sealed His revelation. He gathered unto him everything with which He had honoured the prophets before him, and He made him follow their tracks,7 confirming the truth of that which He had revealed together with them, preserving it,8 calling to it and enjoying it.9

2. In due course there were those from among his nation who responded to him and became adherents of the religion with which God had honoured them. They confirmed the truth of that which previous prophets of God [had preached], where their people used to call them liars, accepted their sincere advice where they used to reject it, protected their sacred things from the desecration which they used to commit, and venerated those things which they used to hold in contempt. No member of Muhammad’s nation would hear someone give the lie to one of God’s prophets concerning that with which God had sent him,10 or impugn him in what he said or hurt him by calling him stupid, arguing against him or11 denying that which God had sent down with him,12 through the annihilation of blood to be lawful for it and cutting off such ties as he might have with him13 “even if they were their fathers, their sons or their clansmen”14.


4 Aflatun hibya aham, cf. Qur., 2:17; 29:45; 41:34.
6 Tashhit min al-hawā. The temptation to read huda for hawā is strong, but compare Kumayt, p. 54 (no. 2:73): wa-kayfa dālithhum huda? wa-l-hawā shattahu bihim mutasha’ābu.
7 Reading anhaja for abhaja, following Saftaw, Rasūl, vol. ii, p. 448.
9 Wāqifa bih aṭā ahrārīhim, ‘he caused their tracks to be retraced through him’, cf. Qur., 2:81; 5:50; 57:27.
10 Cf. Qur., 5:52.
11 Compare the similar account in al-Rashīd’s letter to Constantine, Saftaw, Rasūl, vol. iii, pp. 259ff.
12 Reading mukaddithhum as the object of yasmatu (or ysmaṭu).
13 Reading aw for idh, following O. Similarly Ibrāhim.
14 Li-man ansala ‘ilāh ‘alayhi maṭānu. We omit ‘alayhi, following O. On the ground that the text has previously used maṭānu alone (compare Qur., 2:209).
15 We omit the fa-lam yaghra kifr preceding illa, following BM and O. The alternative translation would be: ‘so no unbeliever remained without thereby rendering his blood lawful and cutting off such relationships as he might have with him’. Wajin kāmin abdahu aw abn adham aw tashraishum. The sudden shift from singular to plural arises from the fact that this is a Qurʾānic quotation, if a slightly deviant one (cf. Qur., 58:22).
[The era of the caliphs]
3. Then God deputed His caliphs over the path of His prophethood (alā minḥāj nubuwawāthi) – [that is] when He took back His Prophet and sealed His revelation with him – for the implementation of His decree (hukm), the establishment of His normative practice (sunna) and restrictive statutes (hudūd), and for the observance of His ordinances (fard‘īd) and His rights (huquq), supporting Islam, consolidating that by which it is rendered firm,[17] strengthening the strands of His rope,[18] keeping [people] away from His forbidden things,[19] providing for equity (adl) among His servants and putting His lands to right, [doing all of these things] through them.[20]

[The importance of obedience to the caliphs]
4. God (blessed and exalted is He) says, “and if God had not kept back the people, some by means of others, surely the earth would have been corrupted; but God is bounteous to mankind”[21].

So the caliphs of God followed one another, in charge of that which God had caused them to inherit from His prophets[22] and over which He had deputed them. Nobody can dispute their right without God casting him down, and nobody can separate from their p Nähe (jami‘a) without God destroying him, nor can anyone hold their government in contempt or query the decree of God (qadd‘ Alā‘ā) concerning them [sc. the caliphs] without God placing him in their power and giving them mastery over him, thus making an example and a warning to others.[23] This is how God has acted towards anyone who has departed from the obedience to which He has ordered [people] to cling, adhere and devote themselves, and through which it is that heaven and earth came to be supported. God (blessed and exalted is He) has said, “then He lifted Himself to heaven when it was smoke, and said to it and to earth, ‘come willingly or unwillingly’. They said, ‘we come // willingly’.[24]

And God (exalted is His invocation) has said, “when your Lord said to the angels, ‘I am placing a deputy (khālfā) on earth’, they said, ‘are you placing in it someone who will act corruptly and shed blood while we are celebrating Your praise and sanctifying You?’ He said, ‘I know what you know not’.”[25]

5. So through the caliphate God has preserved such servants of His as He has preserved on earth: to it He has assigned them, and it is through obedience to those whom He has appointed to it that those who have been given to understand and realise its importance[26] attain happiness. God (blessed and exalted is He) knows that nothing has any mainstay or soundness save by the obedience through which He preserves His truth, puts His commands into effect, turns [people] away from acts of disobedience to Him, makes [them] stop short of His forbidden things and protects His sacred things. So he who holds to the obedience which has been apportioned to him is a friend of God and obeys His commands, attaining rectitude and being singled out for good fortune in [both] this world and the next. But he who leaves off it, forsakes it and is refractory towards God in respect of it loses his share, disobeys his Lord and forfeits [both] this world and the world to come.[27] He becomes one of those overwhelmed by misery[28] and overcome by aberrant things which lead their victims to the foulest places of water and the vilest places of slaughter in respect of the humiliation and retribution which God will inflict on them in this world. And He will cause them to undergo all the chastisement and grief which He has prepared for them [in the next].[29]

6. Obedience is the head of this matter, its summit, its apex, its halter, its foundation, its refuge and its mainstay, after the declaration of belief in the unity of God with which God has distinguished between His believers. Through obedience the successful[30] attain their stations from God and gain a right to reward from Him; and through disobedience others obtain those of His punishments which He metes out to them, that chastisement of His which He inflicts upon them, 1760 and that anger of His which he causes to befall them.[31] // In abandonment[32] and neglect of obedience, in departure from it, lack of attention to it and carelessness of it,[33] God destroys [all] those who stray and disobey, who are blind and go to excess, and who leave the

26 Reading ufhimāh (or ulimahā) wa-buṣṭirahā.
30 Al-maflihiyyān, a term used twelve times in the Qur‘ān, always in the phrase ulā lika ham al-maflihiyyān.
31 We have resorted to fairly drastic emendations here, reading wa-bi-lam ‘iṣayya nāla ghürhum ma yuhilla bihim naqumīthi wa-yusūbhum min ‘adāhidhi wa-yuṣiqiqu ‘ailayhim min sukhtīhi. The text makes no sense as it stands, and though less drastic emendations are possible, we cannot think of any other which will preserve the parallelism.
32 Reading wa-bi-tark al-dā’ā for wa-yumzalu bi-l-dā’ā, cf. BM and O; similarly Ibrāhīm.
33 Reading tabaddhul for tabaddul.
paths of piety and religiosity. So adhere to obedience to God whatever may befall, come upon or happen to you. Be sincere in it, hold to it, hasten to it, devote yourselves to it and seek to come close to God through it. For you have seen instances of how God judges those who practise it in the way in which He elevates them, causing their argument to prevail, and rebuts the falsehood of those who oppose them, act with enmity against them, contend with them and seek to extinguish the light of God which is with them. Moreover, you have been informed of what disobedient people have incurred in the way of reproach and restriction, to the point that their affairs have come to ruin, ignominy, humiliation and perdition. In that there is a warning and a lesson for the perceptive person. [Such a person] will benefit from their clear message and hold fast to the favour bestowed by them, acknowledging the blessing of God's decree in respect of those who pay heed to it.

[The covenant of succession]

7. Then God (to Him is praise and [from Him come] favour and bounty) guided the community to the best of outcomes for it from the point of view of prevention of bloodshed within it, preservation of its unity, consensus of its doctrine, strictness of its pillar, setting aright of its masses, and storing up of grace for it in this world - [the best, that is] after the caliphate with which He has made a system of order for them and a mainstay for their affairs - namely the covenant [of succession]. God has inspired His caliphs to make firm this covenant and to pay due regard in it to the Muslims at times of crisis, so that when something befalls their caliphs [sc. when they die], it will be for them something which they can trust when fear arises, // which they can seek refuge when problem[s] occur, which brings together that which is disunited and which leads to a state of concord, stabilising the lands of Islam and cutting short the insinuations of Satan regarding the destruction of this religion, the splitting up of the unity of its adherents and their coming to disagree on that over which God has brought them together, for which his friends yearn and to which He incites them. God will show them nought in this matter but that which harms them and gives the lie to their ambitions; and they shall find that through that which He has decreed for His friends, God has made firm the settlement of their affairs and banished from them those who wish to introduce corruption and unfaithful conduct among them, or to enfeeb the which God has strengthened or to rely on that from which God has turned away.

8. So through these things God has perfected for His caliphs and His pious party, to whom He has entrusted obedience to Him, the good things to which He has accustomed them, and He has appointed for them [part of] His power to strengthen, ennable, elevate and consolidate so that they may accomplish their end. The matter of this covenant is part of the completion of Islam and the perfection of those mighty favours by which God makes His people obliged to Him, and [also] part of that which God has made in it [sc. in Islam?] - for the person at whose hands He brings it about and at whose tongue He decrees it, making it successful for him whom He has appointed to this position - a most valuable treasure from His point of view and, from the point of view of the Muslims, the most excellent manifestation of the favour which He manifests among them and of the safeguard which He extends to them, of His power on which they rely, and of His refuge in which they enter. Through His refuge God has given them power to resist and through it He preserves them from all destruction, gathers them in from all disunion, subdues the people of hypocrisy and renders them immune // to all dissension and schism.

9. So give praise to God, your Lord, who takes pity upon you and does you good in your affairs for that which He has guided you to in this covenant. God has made it [sc. the covenant] something in which you can trust, on which you can rely, from which you can attain tranquillity and in the shade of which you can seek shelter. Through it He shows you the right path wherever you turn your necks, wherever you direct your faces, and wherever your forelocks meet in matters of your religion and this world. In this there is a momentous grace

46 Reading 'apd for the 'aqd adopted by the Leiden editors.
47 Reading fimā sawallā līthā anhu minhā, though the anhu is missing.
48 Bihā, a general reference to what has just been mentioned.
49 Ahsan 'l-adāth 'an wadālamum. We have opted for 'good things' on the ground that 'the best' cannot be perfected.
50 This clause is implicit in sabbisma lahum, cf. Lane, Lexicon, s.v.
51 Literally 'the most excellent impress in that which He impresses upon them'.
52 Reading afna'ithi for afnānih, 'branches', on the ground that the preposition is ft rather than bi.
53 Viz. wherever you are together.
and a great favour from God⁴⁴ bestowing⁴⁵ amleness of health and safety, as is recognised by those of intelligence⁴⁶ and good intentions who pay close attention to the consequences of their acts and who are cognisant of the beacon of the paths of rectitude. So you have reason to thank God in respect of all those ways⁴⁷ in which He has preserved your religion and the state of your polity (amr jam‘ā‘arikum), and you are competent to know the essence of His binding right[s] in this matter and to praise Him for that which He has resolved for you. So let the importance and worth of this in your estimation be in proportion to the favour which God has bestowed upon you in it, God willing. There is no strength save in God.⁴⁸

10. Moreover, ever since God deputed him, the Commander of the Faithful has not had a greater preoccupation or concern than this covenant, on account of his knowledge of its pre-eminent role in the affair[s] of the Muslims and those things in it which God has shown them for which they are thankful. He [sc. the Commander of the Faithful] ennobles them by that⁴⁹ which he decrees for them, and he chooses to exert himself in this matter [both] for himself and for them. On his own and their behalf he asks for a decision regarding it from his God and Master, the all-powerful in whose hand is the decision and with whom are all invisible things,⁵⁰ and he asks Him to help him to achieve that which // is most righteous for him in particular and for the Muslims in general.

11. The Commander of the Faithful has deemed it best to appoint two heirs,⁵¹ so that you may be in the same position as those who were before you, enjoying⁵² a respite of ample hope and inner tranquillity, a flourishing state of concord,⁵³ and a knowledge of the state of affairs which God has established as a protection, rescue, goodness and life for his people and as a humiliation, loss and restraint for every hypocrite and godless person who desires the destruction of this religion and the corruption of its adherents.

[The designation of al-Ḥakam and 'Uthmān]

12. So the Commander of the Faithful has appointed to it al-Ḥakam, son of the Commander of the Faithful, and after him 'Uthmān, son of Balā‘ hasan, cf. Qur., 8:17; cf. also 7:137; 14:6.

55 Literally just ‘in’.
56 Dhawā‘ l-albāb, where the Qurān has sû‘û l-albāb (in fifteen places).
57 Fīma . . . min dhālik, a general reference to what had just been said.
58 Qur., 18:37.
59 Literally ‘in that’.
60 Cf. Qur., passim.
61 Literally ‘to make a covenant after a covenant’.
62 Literally just ‘in’.
63 Cf. Qur., 8:1.
64 According to the Aghānī, vol. vii, p. 704, al-Walīd gave precedence to 'Uthmān. This is an inference from a widely cited poem attributed to al-Walīd himself, which is cited there too and according to which 'we hope for 'Uthmān after al-Walīd'. But one version adds 'or Ťakam', and the poem is not by al-Walīd in any case (cf. his Shī‘a, pp. 147f., where full references are given).
66 Reading rakā‘ihī for raqī‘ihī.
67 Al-Haddhūm fīsh shukr‘, an expression conveying suddenness and impulsivity. Ajdayum is possible, if less likely.
68 Literally ‘there has come to you in the past of God’s grace . . . what’.
69 It is notable that al-Walīd considers the possibility of selecting a successor from among his umma, viz. somebody who need not apparently be an Umayyad or even a Qurāshī.
at his tongue and determined to this effect, and to make its outcome well-being, happiness, and joy. For that is in His hand; nobody but He controls it, and from Him alone can it be petitioned.

15. Peace and the mercy of God be upon you. Written by Samālī, Tuesday, 21 Rajab, in the year 125 [≈ 20 May, 743].

The letter of Yazīd III

Yazīd III’s letter to the people of Iraq is to be found in al-Ṭabarī (ser. ii, pp. 1843ff., sub anno 126; also reproduced in Șafwat, Rassā’līl, vol. ii, pp. 465ff.), and al-Balādhurī (Ans. (MS), vol. ii, fols. 170a–b, where the date is given as 28 Rajab, 126 = 15 May 744, and the scribe is named as Thābit b. Sulaymān b. Sa’īd (read Sa’d), i.e. the chief of Yazīd’s dirān al-rassā’l (see Tab., ser ii, p. 847)). The two versions differ considerably in a number of places, and at least one of them, possibly both, must be based on oral sources. Our translation renders al-Ṭabarī’s text (for which al-Maddā’mī is once more named as the authority); we indicate only significant variants in al-Balādhurī’s version.

1843 ‘God chose Islam as a religion, approved of it and purified it, and He stipulated in it certain dues which He enjoined, and He prohibited [other] things which He made forbidden, in order to test His servants in respect of their obedience and disobedience. He perfected in it every good virtue and great bounty. Then He took charge of it, preserving it and acting as guardian of those who observed His ḥudūd, protecting them and making them cognisant of the merit of Islam. God does not honour with the caliphate anyone who observes the command of God and draws near to Him, whereupon someone opposes him with a covenant or attempts to take away what God has given him, or a violator violates, but that [such a person’s] guile is [rendered] very weak and his cunning most defective, so that God may complete what He has given to [the caliph] and store up a recompense and reward for him, making his enemy most prone to lose his way and most apt to forfeit his acts. So the caliphs of God followed one another as guardians of His religion, judging in it according to His decrees, // following the book in it. In all this they received from Him by way of His support and help that which completed the favours bestowed upon them, and God was pleased with them for it (i.e. the caliphate) until Hishām died.34

Then the office35 passed to the enemy of God al-Walīd, the violator of sacred things on a scale not perpetrated by either a Muslim or an unbeliever [since both would desire] to preserve themselves from committing such things. And when [news of that] spread abroad and it became publicly known and misfortune was intensified and blood spilt on his account, and assets were taken wrongfully, along with [other] abominations which God will not let people commit for long. I went to him with36 the expectation that he would mend his ways37 and apologise to God and to the Muslims, disavowing his behaviour and the acts of disobedience to God which he had dared to commit, seeking from God the completion of that which I had in mind by way of setting straight the pillar of the religion and holding to that which is pleasing among its people. Ultimately, I came to38 an army [of men] whose breasts were enraged against the enemy of God, on account of what they had seen of his behaviour, for this enemy of God could not see any of God’s statutes without wanting to change them and act contrary to what God has revealed.39 He did this publicly, generally and quite openly. God placed no screen around it and [did] not [cause] anyone to doubt it. I mentioned to them what I loathed and what I feared by way of corruption of both the religion and this world, and I spurred them on to put their religion to rights and protect it, they [at first] being doubtful about that, having feared that they were merely saving themselves in what they were undertaking until I called upon them to change it.

Then they hastened to respond and God sent a deputation made up of the best40 of those of them possessed of religion and what is pleasing, and I sent ‘Abd al-‘Azīz b. al-Hajjāj b. ‘Abd al-Malik in charge of them. [He went forth with them] until he met the enemy of God near a village called al-Bakhrā. They called upon him41 to set up a shāhār in which the Muslims42 might consider for themselves whom

74 This sentence is missing in B.
75 Al-amr, cf. chapter 5, note 47.
76 ‘Aďwâw Allāh, to be contrasted with khalīfät Allāh.
77 B. reads bāda in place of maˈa.
78 Iniṣṭar murḏafātīhī.
79 B. reads wāfuel in place of asaytayt.
80 From this point to the end of the paragraph, B.’s account is much briefer and different in much of its wording.
81 I.e. a scriptural definition of sharāˈl, but B. reads baddala … amr Allāh wa-tasun nabīyīhī.
82 Reading bi-khayrīhim in place of yakhbiruhum (the text of B. differs at this point).
83 B. adds min qūlīhīm.
84 B. reads fo-duḍāhu in place of fa-duḍawū.
85 B. reads fuqāḥāʾ al-muslimin wa-ṣuḥāhāˈʾi fum.
Appendix 3

Abū Ḥamza’s comments on the caliphs

The following remarks are reported to have formed part of a sermon (or perhaps more than one) delivered by the Khārīji Abū Ḥamza al-Mukhtār b. ‘Awf in the course of his rebel activities in the Hijāz at the very end of the Umayyad period. There is confusion in the sources on certain points of detail, e.g. whether he delivered a sermon (or sermons) only in Mecca, or only in Medina, or in both places, and whether he did so in 129/746f., or in 130/747f., or in both years. The text translated here is essentially that given by Bal., Ans. (MS), vol. ii, fols. 188a–189a, but §11 and the portions of §§10 and 12 enclosed within bold square brackets are taken from the version given by al-Izkawi, Kashf, pp. 391–4; other versions can be found in al-Jāhiz, al-Bayān wa’t-tabyīn, ed. ‘A.-S. M. Hārūn Cairo 1960–1, vol. ii, pp. 122–4; al-Azdī, Ta‘rīkh Mawsil, pp. 104f.; Aghānī, vol. xxiii, pp. 241–3; Ibn Abī l-Hadīd, Sharḥ, vol. v, pp. 117–19. More detailed work on the Abū Ḥamza material is desirable: in the meantime, see T. Lewicki, ‘Les Ibādites dans l’Arabie du sud au moyen âge’. Folia Orientalia 1 (1959); J. van Ess, ‘Das “Kitāb-irĪgā” des Ḥasan b. Muḥammad b. al-Ḥanafiyya’, Arabica 21 (1974), pp. 41f.; Cook, Dogma, p. 166, n. 29.

1. O people! The Messenger of God used neither to advance nor to draw back save with the command of God and His revelation. [God] revealed a book to him and made clear to him what he should undertake and what he should guard against, and he was in no way confused about His religion. Then God took him to Himself, after he had taught the Muslims the waymarks of His religion and had placed Abū Bakr in charge of their ritual prayer and [after] the pillar of their religion had become lofty.

2. When the Muslims put him (Abū Bakr) in charge of their temporal concerns. He fought the apostates and acted by the kitāb and the sunna, striving, until God took him to Himself, may God’s mercy be upon him.
3. 'Umar took charge after him. He proceeded according to the mode of conduct (ṣira) of him who had gone before him. He collected the fay', assigned stipends, established amūsār and diwāns, gathered the people in night prayer in the month of Ramadān,1 gave out eighty stripes for wine-drinking, and campaigned in enemy territory. Then he passed on his way, on the path of his companion, having left it (i.e. the matter of the caliphate) to be determined by consultation, may God’s mercy be upon him.

4. Then 'Uthmān took charge. For six years he proceeded in a way which fell short of the mode of conduct of his two companions. Then he [acted in a manner which] annulled what he had done earlier, and passed on his way.

5. Then 'Ali b. Abī Tālib took charge. He acted in a proper manner until he established arbitration concerning the book of God and had doubts about His religion. [Thereafter] he did not achieve any goal in respect of what was right, nor did he erect any beacon for that.

6. Then there took charge Mu‘āwiya b. Abī Sufyān, who had been cursed by the Messenger of God and was the son of one so cursed. He made the servants of God slaves, the property of God something to be taken by turns,2 and his religion a cause of corruption. Then he passed on his way, deviating from what was right, deceiving in religion.

7. Then there took charge his son Yazid, part of [the object of] the curse of the Messenger of God, a sinner in respect of his belly and his private parts. He kept to the path of his father, neither acknowledging what ought to be acknowledged nor dissuading what ought to be disavowed.

8. Then Marwān and the Banū Marwān took charge. They shed forbidden blood and devoured forbidden property. As for 'Abd al-Malik, he made al-Ḥajjāj an imām of his, leading to hellfire. As for al-Walid, he was a stupid fool, at a loss in [his] waywardness, abusing it (i.e. the caliphate) with benighted senselessness. And Sulaymān, what was Sulaymān?! His concern was with his belly and his private parts. So curse them, may God curse them! Except that 'Umar b. 'Abd al-'Azīz was from among them: he had [good] intentions and did not act [upon them]; he fell short of what he intended.

9. Then there took charge after him Yazid b. 'Abd al-Malik, a sinner in whom right judgement was not perceived. God has said concerning orphans, ‘Then, if you perceive in them right judgement, deliver their property to them’.3 and the affair of Muḥammad’s nation is of greater moment than the property of the orphan. [Yazid] was suspected of wickedness in respect of his belly and his private parts. Two items of apparel were woven for him and he wore one as a qamāra and the other as an izār.4 Then he sat Ḥabiba on his right and Sallāma on his left and said, ‘Sing to me, Ḥabiba; give me to drink, Sallāma.’ Then, when he had become drunk and the wine had taken a hold on him, he rent his two garments, which had been acquired for one thousand dinars – [dinars] on account of which skins had been flayed, hair shaved off, and veils torn away; he took what he spent on [those two garments] unlawfully and wrongfully. Then he turned to one of [the girls] and said, ‘Surely I shall fly! Most certainly! Fly to hellfire! Is such supposed to be the distinguishing characteristic of the caliphs of God?10

10. [Then the squint-eyed Hishām took charge. He scattered stipends about and appropriated the fay': he made all of the fay' of the Muslims that was pleasant and salubrious into [something promoting] his [own] glory — may he enjoy no pleasure!].11 I was present at [the reading out of] a letter which Hishām wrote to you concerning a drought12 which had occurred. With it (i.e. the letter) he pleased you and angered his Lord, [for] in it he mentioned that he left [the matter of] the alms tax13 to you. This made the rich among you richer and the poor poorer.

1 Qur. 2:187, i.e. holding the night prayers which came to be called ṣawār (see EP, s.v.)
3 Reading ṣafād in place of ṣafī (see Lane, Lexicon, s.v. ‘ṣafād’).
4 Cf. the words attributed to ‘Umayr b. Dilbī: ‘hamantu wa-lam qā al-ṣawā bi-ladu wa-laytani (Tab., ser. ii, p. 869; Ibn ‘Asākir, Taḥdhib, vol. iv, p. 57 (where the words are wrongly ascribed to his father)).

5 Qur., 4:5.
6 ʿIṣr signifies ‘waist-wrapper’, while rāḍq signifies ‘garment covering the upper half of the body’ (Lane, Lexicon, s.v., cf. EP, s.v. ‘lībās’).
7 For the background of these two slavegirls, see Aḥāfi, vol. vii, pp. 334–351 and xv, pp. 122–146, where, however, no reference is made to this particular incident. It seems that it was al-Walīd II who was above all given to tearing off his garments and plunging naked into a pool of wine (ibid., vol. iii, p. 308).
8 A-ḥaḥāthiṣa ṣifat khulāṣa Allāh; Al-Azdī omits the initial a'-. while the ṭalq (vol. iv, pp. 146f., whose compiler, having said that he will spare us what Abū Hamza had to say about the calipha, nonetheless cannot resist the temptation to relay this piece of scandal about fūlān b. fūlān min ‘add al-khuḍāṣa ‘indakum) reads fa-ḥāthīṣa ṣifat khulāṣa Allāh ṭalq. The versions appearing in al-Jābīz, Aḥāfi, Ibn Abī l-Ḥadīd and al-Iṣkawī fail to preserve any reference to khulāṣa Allāh at this point; but Ibn Abī l-Ḥadīd does record that elsewhere in his sermon Abū Hamza said: ala tawarrana ikhwardāt Allāh wa-imāmat al-musulmān takfā wafat? (Sharḥ, vol. v, p. 117).
9 This bracketed passage occurs only in al-Iṣkawī.
10 Correctly ḥaṭama in al-Iṣkawī: the copyist of Bal. reads khālma, while the editor of al-Azdī reads ḥaṭama. The whole section from the beginning of this sentence to the end of the paragraph is missing from the versions given by al-Jābīz and Ibn Abī l-Ḥadīd; it is given in a different context by the Aḥāfi (vol. xxiii, p. 237), where ʿaṣa fi ṭemārum stands in place of ḥaṭama (cf. Tab., ser. ii, p. 2009).
11 Sadaqāt (Bal. and al-Azdī)/sadaqa (al-Iṣkawī); but the Aḥāfi (see the preceding note) reads ḥaṭari (cf. Tab., ser. ii, p. 2009).
Appendix 3

and you said, 'May God reward him with good.' Nay! May God reward him with evil! He was miserly with his wealth and niggardly in his religion.

11. Then the sinner al-Walîd b. Yazid took charge. He drank wine openly and he deliberately made manifest what is abominable. Then Yazid b. al-Walîd12 rose against him and killed him: God has said13, 'So We make the evildoers friends of each other for what they have earned.' Then Marwân b. Muḥammad took charge and claimed the caliphate. He abraded faces, put out eyes, and cut off hands and feet. How amazing is your satisfaction with the sons of Umayya, the sons of the ālîq,14 the sons of the accursed one! Curse him (i.e. Marwân), may God curse him!].15

12. These Banû Umayya are parties of waywardness. Their might is self-magnification. They arrest on suspicion, make decrees capriciously, kill in anger, and judge by passing over crimes without punishment. They take the alms tax from the incorrect source and make it over to the wrong people. God has made clear the eight categories [of recipients of sadaqâ].17 Then there came a ninth category which had no right to them. [It set itself in the midst of [those who did have a right] and said, 'The land is our land, the property is our property, and the people are our slaves'].18 It took all. That is the party which decrees other than what God has sent down, [and God has said, 'Who so decrees not according to what God has sent down, they are the unbelievers, the evildoers and the sinners'].19 The[se] people have acted as unbelievers, by God, in the most barefaced manner.20 So curse them, may God curse them!].21

12 Reading 'al-Walîd' in place of 'Khâlid'.
13 Qur., 6:129 (the kadhdâba preceding qāla 'llâh has been disregarded as ditography).
14 I.e. one brought within the pale of Islam against his will (Lance, Lexicon, s.v.), in this case presumably the Marwânîs) forbear al-Ḥakam b. Abî `l-Âs.
15 The whole of this bracketed paragraph occurs only in al-Izkâwi.
16 Bul., al-Jâhiz, and al-Izkâwi give the singular form shuṣfû'a (the editor of al-Azdi reads shuṣû'), while the Aghâni and Ibn Abî `l-Hadîd give the plural shuṣfû'ûr. For some examples of Umayyâd shuṣfû'û, see al-Jâhiz, Rasûlîl, vol. ii, pp. 11, 14; Wâdi', Qudûlî, vol. ii, p. 36; Aghâni, vol. xxii, p. 312.
17 Qur., 9:60.
18 This bracketed passage occurs only in al-Izkâwi.
19 See Qur., 5:48-51.
20 Reading k.l.h.m. s.l.â as kâfratâ șâlîd (we are indebted to Professor Ihsân 'Abbâs for this suggestion).
21 This bracketed passage occurs only in al-Izkâwi.

Appendix 4

al-Ma'mûn's letter of designation of ʿAlî al-Riḍâ as his successor

This document was translated into Italian over fifty years ago by F. Gabrieli (Al-Ma'mûn e gli 'Alîd, pp. 38-43), who relied on the versions transmitted by Sîbî b. al-Jawzî (Mir'ât al-zamân, MS. Par. ar. 5903, fols. 149a-151a) and al-Qalqashandi (Šuhb, vol. ix, pp. 362-6). Al-Qalqashandi's version, which has also been published by Šafwat (Rasûlîl, vol. iii, pp. 405-9), is stated to have been taken from sâhib al-'īqâ'; but, as Gabrieli noted, it is not to be found in the various printed editions of al-'īqâ al-farîd by Ibn 'Abd Rabbih. In making this English translation, we relied on the printed texts of al-Qalqashandi and on Gabrieli's notes of variant readings in Sîbî b. al-Jawzî's version. The document was written while al-Ma'mûn was at the town of Marw, in Khurâsân, and Sîbî b. al-Jawzî's version of it terminates with the information that it was written on 7 Ramaḍân 201 = 29 March 817, i.e. five days after a similar document had been despatched to al-Ḥasan b. Sahîl in Iraq (Tab., ser. iii, p. 1013). It is clear that the document we have here was intended to be proclaimed in Medina (see paragraph 9): since official news of the designation did not reach Baghdad until 24 Dhî 'Hijja 201 = 13 July 817 (Tab., ser. iii, p. 1014) and only reached Egypt in the following month (al-Kindî, Governors, p. 168), it is hardly likely to have reached Medina any earlier than that same period.

The numbers in the margin refer to the text as it appears in the Šuhb. We are grateful to Dr G. H. A. Juynboll for comments on a draft of this translation.

362 1. This is a document written by 'Abdallâh b. Hârûn al-Rashîd, the Commander of the Faithful, in his [own] hand, for 'Alî b. Mûsâ b. Ja'far, his successor by covenant.

1 Kitâb.
He made the mainstay of the religion and the ordering of the government (amr) of the Muslims [reside] in the caliphate, [in all] its fullness and might, and [in] the implementation of that to which God is entitled in [respect of] it (i.e. the caliphate) through that obedience with which God’s ordinances (farā’id) and restrictive statutes (hudūd), as well as the laws (sharā’i’) of Islam and its norms (Sunan), are established and his enemy is fought. It is incumbent upon the caliphs of God to obey Him regarding such of His religion and of His servants as are placed by Him in their keeping and care; and it is incumbent upon the Muslims to obey their caliphs and to help them to establish God’s justice and His equity, to make the highways safe and prevent bloodshed, and to create a state of concord and unity of fellowship. Remissness in that [occasions] disturbance of the rope of the Muslims, disorder among them, variance within their confessional entity, oppression of their religion, superiority of their enemy, diversity in what they profess, and the forfeit of this world and the world to come.

4. It is incumbent upon him whom God has deputed on His earth and has entrusted with authority over His creation that he [exert himself for God and] prefer that in which God’s pleasure and obedience to Him [are occasioned], act justly in that with which God may acquaint him and about which He may question him, judge with what is right, and act with justice in that with which God has charged and invested him. God, great and mighty is He, says to His prophet David, may peace be upon him. //

O David, we have made you a khalīfa on earth: so judge between people justly, and follow not caprice, lest it lead you astray from the way of God. Surely those who go astray from the way of God — there awaits them terrible chastisement, for that they have forgotten the day of reckoning.

While al-Walīd’s letter refers to the sunna/sunan of God, here the sunan are those of Islam.

3 Al-Maamīn’s letter of designation of ‘Alī al-Ridā 135

2. To continue: God, great and mighty is He, selected Islam as a religion and selected for it from [among] His servants messengers to direct and lead [others] to it, the first of [these messengers] conveying the good news to the last of them, and those of them who came later confirming the veracity of those who had gone before. Ultimately the prophethood of God reached Muhammad, at a time of interval between messengers, obliteration of knowledge, cessation of revelation, and proximity of the Hour. Through him God sealed the prophets, making him their witness, [and so] preserving them; and to him He revealed His mighty book — ‘falsehood comes not to it from before it nor from behind it, a revelation from One all-wise, all-laudable’, in which there is what He permitted and prohibited, promised and threatened, warned of and cautioned about, and enjoined and forbade, so that He might have the conclusive argument over His creation, and ‘so that whosoever perishes may do so by a clear sign, and by a clear sign may he live who lives; surely God is all-hearing, all-knowing’. Muhammad transmitted God’s message on His behalf, and called to His path, [first of all] with the wisdom, good admonition and disputation ‘in the better way’ which He had enjoined upon him, and then with holy war and severity, until God took him back unto Himself, and chose for him what is with Him (i.e. in Paradise), may God bless him.

[The Caliphate]

3. When the prophethood came to an end, and with Muhammad — may God bless and preserve him — God sealed revelation and the message,

2 Cf. §§ 1–2 of al-Walīd’s letter, and note in particular the close similarity of wording there: Allāh . . . jalla . . . ikhāra (rather than iqṭaf) ’l-Islām din‘... thumma iqṭaf . . . rasul... hā’id ‘nba‘ah kūrū‘āt Allāh fi nabawwatihi illā Muḥammad... allā hīn durūs min al-lim... wa-khaitama bhi wālahahu... 3 Cf. Qur., 5: 22.
4 Cf. the end of the first paragraph of al-Walīd’s letter, where God preserves what He has revealed with them.
5 Qur., 41: 42
6 Following Sibī’ b. al-Jawzī’s bi-mā‘a aballa in preference to al-Qalqashandī’s fa-aballa and so accommodating the ‘id pronouns in the following phrase wa-umara bihi wa-nāhā ‘anhu.
8 Qur., 8: 44.
9 Sibī’ b. al-Jawzī reads risālahīti in place of risālahahu.
10 Bilāzhihihiya ahsan, the whole sentence from ‘called’ up to this point being calqued on Qur., 16: 126; note that the opening passage of al-Walīd’s letter also contains the phrase allāhīhiya ahsan (see note 4 thereto).
11 Cf. §§ 3–6 of al-Walīd’s letter, where the necessity of obeying the caliph is stressed and his duties vis-à-vis his subjects are not.

12 al-Maamīn’s letter of designation of ‘Alī al-Ridā 135

14 Sibī’ b. al-Jawzī reads wa-fi khitlāf dhālikha where al-Qalqashandī reads wa-fi ikhīlāf dhālikha.
16 Ikhtīlāf milātihim.
17 There is fairly close correspondence between this sentence and the fourth sentence of § 5 of al-Walīd’s letter.
18 Reading wa-tamānahu (deleting the hamzat al-qat’ on the alif and reading a shadda on the i‘), in place of the typographical errors in the text as it appears in the Šubh.
19 This addition is given by Sibī’ b. al-Jawzī.
20 Qur., 38: 25.
and He said, great and mighty is He, 'Now by your Lord, We shall surely question them all together concerning what they were doing.'

It has reached us that 'Umar b. al-Khaṭṭāb said, 'If a lamb were to stray beside the Euphrates, I should be fearful lest God might ask me about it' and, by God, anyone who is asked about his individual self and is interrogated about his deeds in [respect of] his relationship with God is exposed to [a scrutiny of] the greatest significance; how much [more] is he who is interrogated about the care of the umma [exposed to divine scrutiny]? [But] trust is in God, in Him is the refuge (māfzā'), and [He it is who fulfills] the wish that success may be granted, along with refuge (īnma), and [the wish for] right guidance to that in which the [definitive] proof resides; victory [comes] from God through favour and compassion.

[The Importance of Coveting the Succession]²²

5. He of the imams who is most watchful of himself and is most sincere regarding His religion, His servants, and His caliphate on His earth, is he who acts in obedience to God and [in accordance with] His book and the sunna of His prophet—may peace be upon him—throughout the days [of his reign] and exerts himself using his intelligence (ra'y) and perspicacity concerning the one to whom he covets the succession, the one he chooses for the leadership (imāma) and care of the Muslims. After him, the one he sets up as a waqf (ālīm) for them and a refuge (māfzā') for uniting their fellowship and bringing them together after their dispersal, sparing their blood, securing them—with God's permission—from disunity, disturbance of concord, and variance, and removing from them the insinuation and artfulness of Satan.²³ God, great and mighty is He, has made the coveting of the caliphate²⁴ part of the completion, perfection and might of the government (amr) of Islam²⁵ and the well-being of its people. In His making sovereign²⁶ of him whom His caliphs choose for Him [to succeed them], God has inspired them with something in which there is great blessing and all-encompassing security, and He has thereby untwisted the rope (marr) of the people of schism and enmity, [those given to] striving for disunity and looking out for²⁷ sedition.

[The exertions of al-Ma'mūn himself]²⁸

6. The Commander of the Faithful has not ceased [to exert himself in this regard]²⁹ since the caliphate passed to him and he experienced its dry and bitter taste, the weight of its load and the severity of its burden, and what is incumbent upon him who takes it upon himself by way of cleaving to obedience to God and fearing His punishment in respect of that with which He has charged him. He has wearied his body, has caused his eye to be sleepless, and has given prolonged thought to that [matter] in which [there are at stake] the might of the religion, the subduing of polytheists, the well-being of the umma, the spreading of justice, and the maintaining of the book and the sunna; and [all of] that has denied him tranquillity and repose in a life of ease.³⁰ He has done so cognizant of that which God will question him and desiring to meet God in a state of sincerity to Him in respect of His religion and His servants, choosing for the succession by his covenant and for the care of the umma after him the most excellent person possible in terms of religion, piety and knowledge and the one from whom the most can be hoped for in implementing God's commandment and right. [He has done so] commingling with God in a desire for His blessing in that [regard] and asking Him day and night to inspire him with that in which His pleasure and obedience to Him [are to be found], employing his mind and insight in his quest and his search among³¹ his ahl bayt from the descendants of 'Abdallāh b. al-'Abbās and 'Ali b. Abī Ṭālib, satisfying himself with what he knew of those whose situation and persuasion (madhhab) he knew [already]³² and exerting effort and energy in enquiring about those whose circumstances were not known to him, until he penetrated deeply into their affairs with his perception, put information about them to the test before his own eyes, and discovered by interrogation what they were about.

²⁷ Preferring Sībī b. al-Jawāzī's al-tarabbiḥ to al-Qalqashandi's al-rāfīq.
²⁸ Cf. §10 of al-Walīd's letter, where 'ever since God deputed him, the Commander of the Faithful has not had a greater preoccupation or concern than this covenant...'.
²⁹ Added by us; as Sāfawi points out, the sense is obvious from the context.
³⁰ Sībī b. al-Jawāzī reads al-hujj wa l-dā'a wa-muḥādā'a al-'aṣyāh where al-Qalqashandi reads al-khōfī wa l-dā'a bi-kaniṣṭu qal-ayyāh. The sense as a whole to some extent reflects §11 of al-Walīd's letter.
³¹ Sībī b. al-Jawāzī reads mumāsūh where al-Qalqashandi reads munāṣīh, but see note 128.
³² Preferring Sībī b. al-Jawāzī's reading munāṣīh to al-Qalqashandi's mināh.
³³ Sībī b. al-Jawāzī's reading muṣtapfīrīn fi-mān al-'ālima khlūku wa-muḥādāhu minhum alātī l-ṣaḥādī limhih.
[The Designation of 'Alī al-Ridā’]

7. His choice – after having sought God’s blessing and having exerted himself in the decree of His right among His servants from the two families as a whole – has been ‘Alī b. Mūsā b. Ja’far b. Muhammad b. ‘Alī b. al-Hasayn b. ‘Alī b. Abī Tālib, on account of what he has seen of his perfect excellence, his clear knowledge, his manifest godliness, his genuine abstemiousness, his leaving off of this world, and his assertion of freedom from the people. What has become clear to [the Commander of the Faithful] is that upon reports continue to agree, tongues concur, and opinion is unanimous; and, on account of his knowledge of his (i.e. ‘Alī’s) consistent excellence, as a boy, an adolescent, a young man, and a mature man, he has covenanted to him the covenant and the caliphate, in preference of God and the religion, out of regard for the Muslims, and in search of safety, firmness of proof, and salvation on the day when people will stand for the Lord of the worlds.

8. The Commander of the Faithful has summoned his sons, his family (ahl baytihī), his intimates, his generals and his servants, and they have given allegiance to him (i.e. ‘Alī), hastening and joyous, knowing the Commander of the Faithful’s preference for obedience to God rather than caprice among his [own] sons and others to whom he (al-Ma’mūn) is more closely related; and he has called him al-Ridā, since he is, in the view of the Commander of the Faithful, ‘one who has found favour’ (ridā).}

366 9. So give allegiance, O members of the family of the Commander of the Faithful, and those of his generals and troops who are in Medina the [well-] protected, and the generality of the Muslims, to al-Ridā.

34 Here §7 reflects §12 of al-Walīd’s letter (the good qualities of the persons designated) and §9 reflects §13 of al-Walīd’s letter (the bounty etc. which will arise from the giving of allegiance). 35 Following Sibṭ b. al-Jawzi’s fi ‘ibādihā in preference to al-Qalqashandi’s wa-bidādīh. 36 Sibṭ b. al-Jawzi reads fa-qiya’ada lahā’ l-ahd wa-l-wālīya min bādī ṣwāhiqīna bi-khayrat Allāh fī dhālikhā idhi ‘alimā ṭāhā ‘alim min fīthi where al-Qalqashandi simply reads fa-qiya’ada lahā’ bi-l-ṣadda wa-l-khafāja. 37 Sibṭ b. al-Jawzi reads mu’dafa in where al-Qalqashandi reads mu’dārī in. 38 Preferring Sibṭ b. al-Jawzi’s wa-sammahā ‘l-ridā’ idha kānā ridā to al-Qalqashandi’s wa-sammahā ‘l-radfyya idha kānā radfyya. The term ridā was of course highly evocative, the slogan of the movement which brought the ‘Abhāsids to power having been a call to the book of God, the zuma of His prophet, and al-ridā min ahu al-bayyī (see above, chapter 5, note 9). 39 Sibṭ b. al-Jawzi reads fa-bi’yāhu where al-Qalqashandi reads fa-bi’yīn. 40 As Gabrieli notes, it is thus clear that this particular copy of the designation document was intended to be proclaimed in Medina. 41 Sibṭ b. al-Jawzi reads li-umīr al-ma’mūn wa-l-ridā where al-Qalqashandi reads simply al-radfyya.
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