

THE CONSTITUTION OF MEDINA

Ibn Ishāq said: The Messenger of God (God bless and preserve him) wrote a writing (*kitāb*) between the Emigrants and the Anṣār, in which he made a treaty and covenant with the Jews, confirmed them in their religion and possessions, and gave them certain duties and rights:

In the name of God, the Merciful, the Compassionate!

This is a writing of Muḥammad the prophet between the believers and Muslims of Quraysh and Yathrib and those who follow them and are attached to them and who crusade (*jāhadā*) along with them.

1. They are a single community (*ummah*) distinct from (other) people.¹

2. The Emigrants of Quraysh, according to their former condition,² pay jointly the blood-money between them, and they (as a group) ransom their captive(s), (doing so) with uprightness and justice between the believers.

3. Banū 'Awf, according to their former condition, pay jointly the previous blood-wits, and each sub-clan (*ī'ifāh*) ransoms its captive(s), (doing so) with uprightness and justice between the believers.¹

14. A believer does not kill a believer because of an unbeliever, and does not help an unbeliever against a believer.

15. The security (*dhimmah*) of God is one; the granting of 'neighbourly protection' (*yujir*) by the least of them (the believers) is binding on them; the believers are patrons (or clients—*mawālī*) of one another to the exclusion of (other) people.

19. The believers exact vengeance for one another where a man gives his blood in the way of God. The God-fearing believers are under the best and most correct guidance.

23. Wherever there is anything about which you differ, it is to be referred to God and to Muhammad (peace be upon him).

24. The Jews bear expenses along with the believers so long as they continue at war.

25. The Jews of Banū 'Awf are a community (*ummah*) along with the believers. To the Jews their religion (*dīn*) and to the Muslims their religion. (This applies) both to their clients and to themselves, with the exception of anyone who has done wrong or acted treacherously; he brings evil only on himself and on his household.

36. No one of them (? those belonging to the *ummah*) may go out (to war) without the permission of Muḥammad (peace be upon him), but he is not restrained from taking vengeance for wounds. Whoever acts rashly (*fataka*), it (involves) only himself and his household, except where a man has been wronged. God is the truest (fulfiller) of this (document).⁴

39. The valley of Yathrib is sacred for the people of this document.

be seen as the result of state formation.⁹⁵ Fried is of course right that states have frequently triggered the formation of new political communities among stateless societies by their appointment and/or recognition of chiefs, by their threat to engulf the societies in question, and by their provision of new resources of both a material and an ideological kind; and there is a case to be made for the view that tribes in the specific sense of the word are the outcome, at least in part, of prolonged exposure to superior powers.⁹⁶ But even if this is accepted, it is obvious that the response presupposes a starting point which must be labelled tribal in the wider sense of the word,⁹⁷ and that moreover it often heralds the end of tribalism altogether.⁹⁸ If tribal organization as such were an outcome of exposure to states, tribal groups should have been a transitory phenomenon everywhere except where the environment inhibits the transition to state structures. This is plainly not the case: how would Fried account for the tribal organization of Polynesia?⁹⁹ Generally speaking, it is plain that the state has undermined tribal organizations rather than created them.

Beyond this self-evident point, however, the historical relationship between tribes and states is not amenable to easy summary, and the discussion which follows will accordingly be restricted to two particular subjects, the nomadic exception to the general rule on the one hand and the fate of tribal egalitarianism under conditions of statehood on the other.

Generally speaking, the superiority of state structures over tribal ones has caused tribes to disappear wherever the two have confronted each other. Nomads are an exception to this rule in that they have stuck to their tribal organization until recent times and in that every now and again they have proved tribes to be vastly superior.

The reasons why nomads have stuck to their tribal organization are not far to seek. In fact the reader will find them in Khazanov's *Nomads*

95 Fried, 'On the concepts', pp. 15ff. Apparently he has developed this idea in *idem, The Notion of Tribe*, Menlo Park, Cal., Cummings Publ. Co., 1975, but this book does not seem to be available in Britain.

96 Cf. below, n. 103.

97 Fried would scarcely deny this, but since his paper is out to demolish the concept of tribe, it is far from clear what he means by the term when he starts to work with it.

98 Thus obviously in the case of all the modern examples adduced by Fried; similarly in that adduced by Southall, 'Illusion of tribe', pp. 33f.

99 One assumes that there is an answer to this question in the inaccessible book, but it is difficult to guess what it might be. It would hardly be possible to deny that the Polynesians had tribal organization given that their organization (unlike that of the Melanesians) could even be qualified as tribal in the specific sense of the word. Nor would it be possible to claim that this organization was a response to the arrival of the very Europeans who first described it: description was instantaneous whereas a response of the order in question would require considerable time.

Tribes and States: the Nomadic Exception

Turning now to the relationship between tribes and states after their emergence, there can hardly be much dispute about the fact that the superiority of state structures over tribal ones has caused tribal societies to retreat to the point where they have practically disappeared today. It is accordingly difficult to accept Fried's proposition that tribes should

and the Outside World, a magisterial work from which it emerges that nomads are doomed to tribalism by the very environment to which they have adapted.¹⁰⁰ They exploit land which is marginal or wholly useless to agriculturalists and which is suitable for stock-breeding only on condition of seasonal migration; the carrying capacity of such land is limited, while at the same time the proceeds of stock-breeding fluctuate wildly under nomadic conditions, so that nomadic populations are necessarily small, widely dispersed, poor and incapable of accumulating the stable surpluses required for the maintenance of states.¹⁰¹ Since their poverty, mobility and forbidding territories also make them unattractive to external powers, they have generally avoided forcible absorption into foreign states and indeed retained their tribal organization even when their pastures happened to be located within state domains. However, many nomads have found themselves in areas too far away from states and/or bred animals too devoid of military potential to play a major role in history; but as ecology would have it, the nomads who exploited the pastures in the vicinity of the great empires of the pre-industrial world were also the nomads who bred (among other things) swift riding animals which gave them military striking power.¹⁰² Whether in response to their neighbourhood with states and/or to the type of animal they bred, these were also the nomads who were tribally organized in the specific sense of the word, or in other words nomads with well-developed political communities.¹⁰³ We thus have a situation in which two highly developed societies, but highly developed in diametrically opposed directions, coexist and interact; in short, we have the situation in which a contest between the two is likely to occur.

100 Khazanov, *Nomads*, pp. 69ff, 152ff. (for the full reference, see above, n. 16).

101 But Khazanov, *Nomads*, p. 152, nonetheless explains both the periodic emergence of nomad politics and their instability with reference to the contradiction between the political need for unity and the economic need for freedom of action. It is hard to believe that this contradiction (which is not explored) was of decisive importance.

102 History would have been very different if Central Asia had happened to be suitable for the herding of reindeer rather than horses, Arabia for the herding of cattle rather than camels.

103 According to Khazanov, the political integration of nomads is related above all to their relations with the outside world (*Nomads*, pp. 148ff, 169ff). But the large territories required for the herding of camels and horses and the intensity of raiding and warfare which they entail must have been factors of comparable importance, and Khazanov's analysis of the low degree of political integration among reindeer pastoralists (esp. p. 172) does not suggest that internal factors mostly played 'a secondary and attendant role' (pp. 151f). The factors behind the 'upper levels of socio-political organization', viz. the nature of the tribal organization itself, are surely not identical with those behind the periodic emergence of nomadic chiefdoms and states. (Both seem to be subsumed under the label of 'political tribalism'.) Nomad relations with the outside world no doubt played a role in both, but it is only with regard to the second that Khazanov's insistence on their overriding importance convinces.

It is by no means obvious that the nomads should at times have been able to win this contest. It is true that, being mobile, they could avail themselves of settled wealth from time to time, and that their tribal organization gave them a healthy contempt for 'slaves' (a 'slave' being anyone unable to defend himself, be he a slave, a civilian subject of a state or a weak member of tribal society). But their raids notwithstanding, they were frequently pitiful creatures dependent on their imperial neighbours for subsidies, food distributions and the like, not to mention trade.¹⁰⁴ Here as elsewhere, however, imperial governments were apt to trigger the formation of higher political units, including embryonic states, by their very interference in tribal affairs; and since the empires had wealth which the tribesmen both coveted as individuals and needed as members of a novel polity dependent on stable resources, the outcome of state formation among nomads, as among other tribesmen, was usually an attempt at conquest of imperial lands. This is not surprising. What is surprising is the sudden conversion of pitiful creatures into conquerors on a sometimes gigantic scale:¹⁰⁵ the Arabs conquered the civilized world from Spain to India, destroying one empire in the process and severely mutilating another, in some 50 years, while the Mongols destroyed states of every kind from eastern Europe to Burma, narrowly missing the conquest of Egypt in the west and Japan in the east, in less than a century. What was the key to their strength?

The answer to this question takes us to the fundamental difference between tribes and states. As Cohen notes, the superiority of the state over other forms of organization lies in its ability to co-ordinate human activity for a common goal and to expand without constant liability to fission,¹⁰⁶ but it acquires this ability at a cost. The common goal which the state pursues is a public one which, given the differentiated nature of the society it rules, is unlikely to coincide with the private aims of every one or even the majority of its subjects: some, usually the majority, of its subjects must accordingly be coerced, and under pre-industrial conditions most are completely excluded from participation in decision-making. A state, especially a pre-modern state, is thus incapable of swift and efficient translation of policy into action. Action is impeded by the very size of its coercive apparatus, by the sheer amount of coercion it has

104 For the various ways in which nomads have been dependent on settled societies, see Khazanov, *Nomads*, pp. 212ff.

105 They have not of course always invaded societies as members of a state, and even state formation did not always, or even usually, lead to conquest on a gigantic scale. For a historical survey of nomadic state formation and its consequences, see Khazanov, *Nomads*, chapter 5.

106 R. Cohen, 'Introduction', in R. Cohen and F. R. Service, eds, *Origins of the State*, Philadelphia, Institute for the Study of Human Issues, 1978, p. 4.

to do, and by the proliferation of private interests of all kinds in and around it. By contrast a tribe has no coercive apparatus and everybody participates in decision-making; as a result disunity prevails: human activity cannot be coordinated on a large scale, and fission is a normal part of the political process. But if an entire tribal society were to acquire a sense of common purpose, it is obvious that it would be able to co-operate without coercion and without liability to fission, or in other words that its very primitivity would give it a huge advantage over the state. This sounds like a utopian thought, and usually it has been; but it is precisely what has happened on a greater or lesser scale from time to time, notably in the cases of the Arabs and the Mongols.

How and why it has happened is a historical question which cannot be answered here, if at all, but it is clear that both nomadic mobility and tribal lack of differentiation were necessary conditions: for it is only when members of a society are in easy contact with each other and structurally identical, or nearly so, that they can have a truly common purpose, or in other words one in which private and public aims coincide. It stands to reason that no society is so undifferentiated or homogeneous as to be devoid of divergent interests, and the creation of a sense of common purpose required coercion and bloodshed in the case of Arabs and Mongols alike.¹⁰⁷ But it did not require continuous coercion. Utterly disunited peoples were suddenly transformed as if by a magic wand into utterly united ones under a single leader whose embryonic state provided the overall co-ordination, but who relied on his followers to do the rest of their own accord. No coercive machinery had to be set in motion to raise troops, no politically abject populations had to be battered in order to pay for them, no interest groups of diverse kinds had to be overcome. Practically everyone participated, and practically everyone did so because his wishes were those of everyone else: the Arab tribesman who fought for himself fought for God because God represented the interests of the Arabs as individuals and as a collectivity alike.¹⁰⁸ In other words, nomadic conquerors can make optimum use of their human resources and translate policy into action without delay. It has often been noted that nomadic conquerors are physically unencumbered: they can travel through terrain in which regular armies are likely to perish, live off the land and their animals, and they have no need to defend their homeland. But they are socially unencumbered too,

¹⁰⁷ Much more so in the case of the Mongols than in that of the Arabs, who had a greater sense of cultural unity and for whom the common purpose was presented in religious form (two factors likely to be related).

¹⁰⁸ Cf. P. Crone, *Mexican Trade and the Rise of Islam* (forthcoming), Princeton, Princeton University Press, chapter 10. Since God told the Arabs to go and enrich themselves, the

and it was this social ability to move fast and in unison which turned their physical mobility into so deadly an instrument.

Clearly, however, their strength was ephemeral. If they succeeded in acquiring imperial resources the character of their state would change,¹⁰⁹ and if they did not it would disintegrate. Either way they would lose the capacity to govern their tribal homeland, so that sooner or later two societies organized along diametrically opposed lines would once more coexist and interact with all the potential for conflict that this implies. It was only when state structures were finally established in the tribal homelands that this cycle was broken. In the long run tribes always proved inferior to states, the intense and highly destructive outbursts of energy on the part of nomads notwithstanding.

The Fate of Tribal Egalitarianism

Given that the tribe is an evolutionary dead end, what legacy has it left? More precisely (since this is too large a question), has the political egalitarianism, for which we today have the same esteem as did the tribesmen themselves, been able to survive under conditions of fully developed statehood? The answer to this question is basically no. The extent to which the tribal past of the Greeks contributed to the formation of the Greek city-state is highly disputed, but current scholarship does not favour Morgan's view (enthusiastically adopted by Engels) that Greek democracy should be seen as the child of tribal society.¹¹⁰ It is not easy to ascertain whether tribal values played a

¹⁰⁹ Both the Arabs and the Mongols continued to conquer after they had transferred their capitals from their tribal homelands to imperial centres; but they increasingly did so as wielders of coercive state machinery rather than as leaders of self-flicking nomads, and in due course even this residual energy was lost.

¹¹⁰ Morgan, *Ancient Society*, chapters 8-10; F. Engels, *The Origin of the Family, Private Property and the State in the Light of the Researches of Lewis H. Morgan*, ed. E. B. Cawoch, London, Lawrence and Wishart, 1972, chapters 4-5. Both make a comparable argument for Rome. That the emergence of republics characterized by greater or lesser degrees of mass participation in politics should be explained with reference to the tribal legacy of the peoples among whom they emerged is an attractive idea which makes good sense in the light of most conventional accounts of the formation of the city state; but it fails to survive exposure to D. Roussel, *Tribu et cité*, Paris, Les Belles Lettres, 1976 (cf. also F. Bourriot, *Recherches sur la nature du génie*, thesis, Lille and Paris 1976). There seems to be no way of disputing Roussel's conclusion that the tribal organization of the Greeks had disintegrated long before the emergence of the city state. He does not deny that there are residues of such organization or that the Greeks were prone to think in kinship terms, but he decisively rebuts the conventional view, crucial for Morgan's interpretation, that the descent groups known as *phylai* into which all city states were divided originated as genuine tribal groups. Snodgrass's objection that there is archaeological evidence of cultural units best identified as tribal ones in archaic Greece rests on the confusion

greater role in the emergence of the northern Indian republics in which 'everybody was a king', as hostile observers put it, and which bequeathed their decision-making procedures to the Buddhist *sangha*.¹¹¹ But the vast majority of tribal peoples have certainly lost their egalitarianism on their transition to statehood. Still, one people succeeded in retaining it, with consequences of considerable interest today.

The Arabs are the only tribal conquerors to have caused the cultural traditions of highly civilized peoples to be reshaped around their tribal heritage, with the result that their tribal values were restated in a form far transcending the narrow context in which they were born. They are alive today in Islam. This is not to say that Arab egalitarianism survived in political practice. On the contrary, as far as practice was concerned it was doomed by the very enormity of the Arab conquests. No sooner was the first wave of conquests over than the former convergence between private and public aims gave way to quarrels over the division and organization of the spoils. The upshot of these quarrels was a civil war (656-61) in which the Arab state might well have disintegrated, but from which it emerged instead in strengthened form, to assume an increasingly imperial appearance thereafter: within 100 years of the conquests the bulk of the former conquerors had been as thoroughly excluded from participation in decision-making as were their predecessors in the Middle East. But the process of exclusion was accompanied by massive protest.¹¹² The Umayyad dynasty which, after the end of the civil war, transferred the capital from the tribal homeland to Syria, was accused of having unlawfully monopolized power by making succession dynastic, by refraining from equitable distribution of the proceeds of the conquests, by failing to show respect for ancient norms and customs, by turning communal leadership into autocracy where it should have been theocracy,¹¹³ thus making it tyranny on a par with that of the Byzantines and Persians against whom the Arabs had fought in the name of God, and in general by behaving as if of the opinion that 'the land is our land, the property is our property, and the people are our slaves.'¹¹⁴ In effect,

between cultural and political groupings which which the reader is by now familiar (A. Snodgrass, *Archaeus Graecae*, London, Melbourne and Toronto, Dent, 1980, p. 26).

111 Cf. B. Law, *Some Kshatriya Tribes of Ancient India*, Calcutta and Simla, Thacker, Spink and Co., 1923.

112 What follows is based on P. Crone and M. Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam*, Cambridge, Cambridge University Press, 1986, chapter 6 and passim.

113 Viz. *mulk* (literally 'kingship') rather than *khilafa* (deputyship on behalf of God or, classically, succession to the Prophet). I owe the felicitous rendering of this dichotomy as autocracy versus theocracy to Dr F. W. Zimmermann.

114 Thus Abu Hamza al-Kharraji (Crone and Hinds, *God's Caliph*, appendix 3).

the Muslims were clamouring for a government which was both consultative and constitutional; and since another tribal legacy was activism, they fought hard enough for their ideal. Indeed, under different conditions they might well have succeeded.¹¹⁵ But on the one hand nobody, not even the tribal aristocracy, had much leverage against a caliph endowed with resources so massive that his subjects were dependent on him for their income rather than the other way round.¹¹⁶ and on the other hand it is unlikely that the caliphs could have preserved the political unity of their huge domains if they had agreed to the demands of their subjects.¹¹⁷ (And had the political unity been lost at this early stage, the chances are that the Arabs would have been culturally absorbed and/or expelled.) In practical terms, then, the Muslims soon had to concede that autocracy had come to stay.

One might then have expected them to forget their egalitarian tradition. But the Muslims were not just heirs to a tribal past, they were also monotheists, namely adherents of an intrinsically egalitarian faith; and since their monotheist prophet had worked among tribes, their tribal and religious values reinforced and validated each other: there was no question of quietly forgetting either. Having lost the battle against what they perceived to be repressive government, they proceeded to reject their caliphs as illegitimate and to elaborate a charter of communal organization reflecting their own view of things; and eventually even the caliphs, in an effort to regain their moral standing, had to acknowledge this charter as the corner-stone of Islam. The charter in question is Islamic law, and it endorses and perpetuates the egalitarian tradition of the early Muslims in three major ways. First, the elaboration, transmission and interpretation of the charter all vest in the community, not in the head of state (the latter having no say in these matters except in his capacity of ordinary believer). Second, all free male (and to a large extent even female) adult members of the community are given practically the

115 The sense that the caliphate and, according to some, even governorships should be elective was so strong that under conditions of civil war one caliph (Yazid III) and one governor (Nasr b. Sayyar) endorsed it, the former undertaking to step down if he failed to execute the policies sketched out in his accession speech and the latter agreeing to participate in the nomination of electors charged both with the election of governors for a particular locality and with the formulation of the rules they were to follow (Crone and Hinds, *God's Caliph*, chapter 6).

116 Practically all taxes were paid by non-Muslims, not by Muslims, the ex-conquerors receiving a share of them in the form of stipends. The Umayyad caliphs are constantly being accused of iniquitous distribution of the revenues, not of iniquitous distribution of tax burdens.

117 It is hard to see how a political community of that size could have agreed on procedures for the election of caliphs, and governors, organized such procedures, and survived the constant disruption which elective offices would have entailed.

same rights and duties.¹¹⁸ And third, the head of state is given a minimal sphere of competence while at the same time his subjects are empowered to elect and, under specified conditions, to depose him.¹¹⁹ In short, communal leadership ('right guidance') vests in an egalitarian community, and government is constitutional in the sense that the head of state is bound by rules (as Khomeini rightly observes¹²⁰). Since, however, no machinery exists for the enforcement of these rules, it is constitutional in a purely nominal sense; but this is not to say that the charter was devoid of effect. On the one hand it rendered Islam incapable of validating the caliphal attempt to shape an Islamic empire, with the result that political unity was lost; and on the other hand it consolidated the moral link between Islam and the many tribes inside its domains, so that tribes were drawn into non-tribal politics on a scale unknown to the pre-Islamic Middle East.¹²¹ In short, the preservation of the tribal tradition stood in the way of full moral acceptance of the state in its pre-modern form.¹²² But in modern times the charter has paid off. Contrary to the claims of modern apologues, Islam is not a democratic religion but it certainly is a populist religion,¹²³ and it is this, coupled with the fact

118 A few privileges in favour of Arabs survive, but they are of minor importance.

119 This is only true of Sunni, not Shi'ite Islam. (The Shi'ites chose to beautify dynastic succession and absolutism by vesting the caliphate in descendants of the Prophet endowed with superhuman knowledge, an idea which proved as difficult to translate into practice as constitutionalism.) For one view of the rules of the game, see Y. Ibbah, *The Political Doctrine of Al-Baqillani*, Beirut, American University of Beirut, Publication of the Faculty of Arts and Sciences, Oriental Series 44, 1966, chapter 4.

120 Ruh Allah Khomeini, *Islam and Revolution, Writings and Declarations of Imam Khomeini*, trans. H. Algar, Berkeley, Mizan Press, 1981, p. 55.

121 Gellner explains the importance of tribesmen in Muslim politics with reference to the relative weight of pastoralism and agriculture in the arid region (E. Gellner, *Muslim Society*, Cambridge, Cambridge University Press, 1981, p. 20); but where in the Middle East did tribesmen play a major role in non-tribal politics before the arrival of Islam? Certainly not in the Achaemenid and Sassanid empires, or in the eastern Mediterranean under Greek and Roman rule; they did not even do so in North Africa (on which Gellner's observations are based), though the North African adoption of Christianity led to some suggestive stirrings (the Donatist *circumcelliones*). Islam made a crucial difference, not only in that it gave townsmen and tribesmen a common idiom (cf. Gellner, *ibid.*, p. 24; Christianity had done the same), but also in that this idiom originated in a tribal context and remained highly suitable for tribal use.

122 This argument is developed in Cronc, *State and Society*.

123 *Var Populi* is *var det* to the extent that God's will is incarnate in a law elaborated and preserved by representatives of the community, but this does not give the *populus* a share in government, only in the definition of what it ought to be. If the Muslims had developed a machinery for the enforcement of the law vis-à-vis the sovereign, they would indeed have developed a form of government which could loosely be described as representative democracy, but this they did not. In legal theory the caliphate remained an elective office, but in legal theory too the election can be performed by one man: having made their statement of principle, the lawyers chose to draw its political teeth in order to prevent further dissension and bloodshed (the concern for the welfare and unity of the

that it is a *political* religion with a strong activist tradition, which explains why Islam, unlike other world religions, can be used to mobilize the masses for the creation of a modern state today.¹²⁴

Islam thus highlights an affinity between the tribe and the modern state: both are avowedly egalitarian, both espouse mass participation. But it should be obvious that the one cannot be a short-cut to the other. The egalitarianism of tribes rests on the absence of social differentiation whereas that under conditions of statehood must be directly based thereupon; differently put, tribal egalitarianism rests on an even distribution of power throughout the community, not on its concentration in a single agency, or in other words it rests on the very absence of a state. Their affinity notwithstanding, the tribe and the modern state represent two opposite ends of an organizational spectrum, and the transition from the one to the other requires a development so complex that one end of the spectrum is likely to have been forgotten long before the other is even in sight. The pious hope of some political scientists that the presence of tribes in the Middle East may assist the cause of democracy in that region is not likely to be fulfilled. Generally speaking, the political values of tribesmen do not long outlive their tribal organization: those of the Arab conquerors would similarly have vanished if they had not fused with monotheism to become tenets of supreme and universal validity. But the fact that they did survive in a world religion is certainly of major historical and contemporary importance.

community being very strong indeed). They did not seek to place institutional checks on the exercise of power, but rather to withdraw as much of communal life as they could from its domains.

124 Cf. Gellner, *Muslim Society*, pp. 41, 65, 67f. There is of course also a strong quietist tradition in Islam: from the ninth century onwards scholars increasingly exhorted the believers to live by the law and to endure such rulers as they had, and Imami Shi'ism has more of a quietist baggage than any other version of Islam. But political activism represents the original pattern and is thus there for anyone to rediscover. What Khomeini rails against in his speeches on Islamic government is precisely the pattern whereby rulers rule as they see fit while religious scholars discuss ordinances of menstruation and partition' and recite Qur'anic verses which are never applied. Were religion and politics separate in the days of the Prophet? Did not the Prophet apply the law? Did not 'Ali make use of the sword? Islam came to establish order in society, it is the religion of militant individuals committed to truth and justice, no-one should passively await the imam of the age (Khomeini, *Islam and Revolution*, section I). In terms of both style, temperament and ideas he has extraordinary affinities with the Kharajite preachers of the Umayyad period

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 Khārijī Abū Ḥamza al-Mukhlār b. 'Awf in the course of his rebel activities in the Hijāz at the very end of the Umayyad period.

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.

Appendix 3

3. 'Umar took charge after him. He proceeded according to the mode of conduct (*sīra*) of him who had gone before him. He collected the *ṣay'*, assigned stipends, established *amṣār* and *diwāns*, gathered the people in night prayer in the month of Ramaḍān,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 'Alī 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 Yazīd, 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 disavowing 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-Hijāj an *imām* of his, leading to hellfire. As for al-Walīd, 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.

1 *Qiyām shahr ramadān*, i.e. holding the night prayers which came to be called *tarāwīt* (see *EP*, s.v.).
 2 *Diwān*, cf. Qur. 59: 7. Note that al-Ḥasan al-Baṣrī is credited with having said of the Umayyads *litrak-kadhā 'ibād Allāh khawāḥ wa-kitāb Allāh daghaḥ wa-mā Allāh dawāḥ* (Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 79).
 3 Reading *ṣafid* in place of *ṣafī* (see Lane, *Lexicon*, s.v. *ṣafad*).
 4 Cf. the words attributed to 'Umayr b. Qābi': *hamamū wa-lam af'al wa-kidū wa-laytanī*. . . (Tab., ser. ii, p. 869; Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 57 (where the words are wrongly ascribed to his father)).

Abū Ḥamza's comments on the caliphs

9. Then there took charge after him Yazīd 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' and the affair of Muḥammad's nation is of greater moment than the property of the orphan. [Yazīd] 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 *riḍā'* and the other as an *izār*.⁶ Then he sat Ḥilāba on his right and Sallāma on his left and said, 'Sing to me, Ḥabāba: 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. [Then the squint-eyed Ḥishām took charge. He scattered stipends about and appropriated the *ṣay'*: he made all of the *ṣay'* of the Muslims that was pleasant and salubrious into [something promoting] his [own] glory - may he enjoy no pleasure! I was present at [the reading out of] a letter which Ḥishām wrote to you concerning a drought⁷ 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 tax⁸ to you. This made the rich among you richer and the poor poorer,

5 Qur., 4:5.

6 *izār* signifies 'waist-wrapper', while *riḍā'* signifies 'garment covering the upper half of the body' (Lane, *Lexicon*, s.v.; cf. EP, s.v. 'libās').

7 For the background of these two slavegirls, see Aghāni, vols. viii, 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. ii, p. 308).

8 *A-fo-ḥikmah* *ṣif al-khawḍ* *al-lah*; al-Azdi omits the initial *ṣ*, while the *ṣif* (vol. iv, pp. 146f., whose compiler, having said that he will spare us what Abū Ḥamza had to say about the caliphs, nonetheless cannot resist the temptation to relay this piece of scandal about *ṣalḥ* b. *ṣalḥ* min *al-ḥawḍ* *al-lah* (*indakum*) reads *ṣalḥ* *al-lah* *ṣif al-khawḍ* *al-lah* *ṣif al-lah*. The versions appearing in al-Jābir, Aghāni, Ibn Abi 'l-Ḥadīd and al-Iḥkām fail to preserve any reference to *ḥawḍ* *al-lah* at this point; but Ibn Abi 'l-Ḥadīd does record that elsewhere in his sermon Abū Ḥamza said: *al-lah* *ṣif al-khawḍ* *al-lah* *ṣif al-lah* *ṣif al-lah* *ṣif al-lah* *ṣif al-lah* (Sharḥ, vol. v, p. 117).

9 This bracketed passage occurs only in al-Iḥkām.

10 Correctly *ḥama* in al-Iḥkām; the copyist of Bal. reads *ḥa* *ḥama*, while the editor of al-Azdi reads *ḥi* *ḥama*. The whole section from the beginning of this sentence to the end of the paragraph is missing from the versions given by al-Jābir and Ibn Abi 'l-Ḥadīd; it is given in a different context by the Aghāni (vol. xxii, p. 237), where *ḥama* *ḥi* *ḥama* *ḥama* stands in place of *ḥama* (cf. Tab., ser. ii, p. 2009).

11 *ṣadqa* (Bal. and al-Azdi) *ṣadqa* (al-Iḥkām); but the Aghāni (see the preceding note) reads *ḥawḍ* (cf. Tab., ser. ii, p. 2009).

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-Walīd b. Yazīd took charge. He drank wine openly and he deliberately made manifest what is abominable. Then Yazīd b. al-Walīd¹² rose against him and killed him: God has said¹³, 'So We make the evildoers friends of each other for what they have earned.' Then Marwān 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 Umayyā, the sons of the *ṣif*! the sons of the accursed one! Curse him (i.e. Marwān), may God curse him!¹⁴

12. These Banū Umayyā 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.¹⁵ 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 *ṣadqa*].¹⁶ 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.'¹⁷ 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'.¹⁸ These people have acted as unbelievers, by God, in the most barefaced manner.¹⁹ So curse them, may God curse them!²⁰

12 Reading 'al-Walīd' in place of 'Khālid'.

13 Qur., 6:129 (the *ḥadīth* preceding *ḥadīth* 'lāh has been disregarded as dittography).

14 I.e. one brought within the pale of Islam against his will (Lane, *Lexicon*, s.v.). In this case presumably the Marwānī forbear al-Ḥakam b. Abi 'l-ʿĀq.

15 The whole of this bracketed paragraph occurs only in al-Iḥkām.

16 Bal., al-Jābir, and al-Iḥkām give the singular form *ṣadqa* (the editor of al-Azdi reads *ṣadq*), while the Aghāni and Ibn Abi 'l-Ḥadīd give the plural *ṣadqāt*. For some examples of Umayyad *ṣadqāt*, see al-Jābir, *Rasāʾid*, vol. ii, pp. 11, 14; Waki', *Qudāt*, vol. ii, p. 36; Aghāni, vol. xii, p. 312.

17 Qur., 9:60.

18 This bracketed passage occurs only in al-Iḥkām.

19 See Qur., 5:48-51.

20 Reading *ḥama* *ḥama* *ḥama* *ḥama* (we are indebted to Professor Ḥusayn 'Abbās for this suggestion).

21 This bracketed passage occurs only in al-Iḥkām.

Story of a Tax Collector

Tanukhi wrote:

A man from Kutha told me the following story. A man was made governor of our town at the behest of Abu al-Husayn ibn al-Furat during one of his tenures as vizier. The new governor began to collect the land tax (*kharaj*) and was very demanding about it.

Some bedouins had settled on the margins of the area and began farming some land that our farmers had never ventured to plant. Previous governors had treated these new farmers liberally with respect to this tax, exempting them from part of it. But the new man demanded that the tax be paid in full by these new farmers. He had one of these new farmers brought in and he demanded he pay the tax. The man refused. The governor had him beaten until he agreed to pay the tax.

The man then hurried back to his family and complained to his kin about how he had been treated. They decided to make a raid one night and kill this governor. They then sent the message around and agreed on a certain night to carry out their plan.

By coincidence, on the very afternoon preceding the night when the raid was to take place, a new governor arrived to replace the governor. The new governor dismissed the old one. He had him beaten with cudgels, and he forced him to record in his own handwriting how much money he had embezzled from the central government. Then he put him in chains and ordered ten men to escort him to a distant village where he was to be put in a jail. They took the disgraced official away, sometimes walking, sometimes riding on a donkey, and the man began to think he might die. But they got to the village before that happened.

The new fired governor had a young man servant whom he had raised. This servant was very devoted to him and knew all of his

affairs. Now when the new governor had arrived to dismiss his master, this servant had run away and hid.

The next morning the dismissed official woke up aware of only one thing: that his servant had somehow gotten into the place where he was being held. Such was his feeling for the young man that he felt worse about the situation he had put him in than he did about all that had happened to him.

The young man said to him, "Give me your foot, so I can break the fetters. Then we can go to Baghdad."

The ex-governor asked him, "What about the men who are supposed to be guarding me?"

"Master," the young man said, "God the Most High has given you deliverance! They have fled!"

"For what reason?"

"The bedouin farmers attacked the governor's house yesterday, thinking you were still governor and intending to kill you. News of your dismissal had not reached them, nor news of the new governor, it seems. So they killed him, thinking he was you. Then all of his men and the townspeople fled. So hurry! We must get to Baghdad before they learn you are still alive here and come here to kill you once again."

So the two set off, traveling by the backroads until they reached a village where they rented a boat to take them down the river to Baghdad.

In Baghdad the ex-governor denounced the dead governor to the vizier, saying his methods had ruined the district and stirred a rebellion among the bedouins.

So the vizier ordered him to go back to the district of Kutha, this time accompanied by an army. He conducted a campaign against the bedouins until they were pacified and returned to their farms. Then he took up his old post.

(Al-Tanukhi, *Al-Faraj ba'd al-shidda*,
Cairo 1955, pp. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)