

SOCIAL AND RELIGIOUS CONCEPTS OF AUTHORITY IN ISLAM

In memory of my brother Aharon Kister.

The commonwealth set up by the prophet Muḥammad in Medina, including various tribal groups and factions, united by the superimposed ideas of the new religion of Islam, formed the *umma*, the community of Islam. This unprecedented body politic in the north of the Arabian peninsula originated and developed in its first stages due to the undisputed authority of the Prophet, who served as the sole guide, leader, judge, and legislator of the community; he derived his authority from the continuous revelation granted to him by God. The character of the Prophet was moulded according to the Qur'ān, as formulated in a concise utterance of 'Ā'isha.¹ In Muslim tradition the Prophet is depicted as a symbol of righteousness and justice than whom nobody could be more just.² He acted equitably

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- 1 See, e.g., Abū l-Shaykh, *Akhlaq al-nabī*, pp. 19, 29: ...qālat: kāna khuluqu rasūli llāhi (š) al-qur'āna...; al-Suyūṭī, *al-Durr*, 6, 251; Ibn Kathīr, *Tafsīr*, 7, 80-81; Ibn Kathīr, *Shamā'il*, pp. 57-58; Ibn Abī l-Ḥadīd, *Sharḥ naḥj*, 6, 340; al-Mubarrad, *al-Fāḍil*, p. 16; and see al-Sulamī, *Ādāb al-ṣuḥba*, p. 23, n. 4 [the references of the editor]; al-Munāwī, *Fayḍ*, 5, 170, no. 6831.
 - 2 See, e.g., the story about the meeting of Dhū l-Khuwayṣira with the Prophet (and the story of Dhū l-Thudayya): Ibn Hishām, *al-Sīra*, 4, 139 [...fa-qāla: lam araka 'adalta; (qāla): fa-ghadība l-nabiyyu (š), thumma qāla: wayḥaka, idhā lam yakuni l-'adlu 'indī fa-'inda man yakūnu...]; al-Ḥumaydī, *al-Musnad*, 2, 55, no. 1271; 'Abd al-Razzāq, *al-Muṣannaf*, 10, 146, no. 18649 [...i' dil yā rasūla llāhi, fa-qāla: waylaka, wa-man ya' dilu idhā lam a' dil...]; Muḥammad Muṣṭafā l-A'zamī, *Dirāsāt fī l-ḥadīthi l-nabawiyyi*, Juz' Abī l-Yamān al-Ḥakam b. Nāfi', p. 157; al-Zurqānī, *Sharḥ al-mawāhib*, 7, 227-28; al-Wāqidī, *al-Maghāzī*, p. 948; al-Wāhidī, *Asbāb al-nuzūl*, p. 167; al-Suyūṭī, *Lubābu l-nuqūl*, p. 118; al-Suyūṭī, *Jam' al-jawāmi'*, 2, 530; Ibn 'Asākir, *Ta'rikh (tahdhīb)*, 6, 239; al-Damīrī, *Ḥayāt al-ḥayawān*, 1, 233; Ibn al-Athīr, *al-Muraṣṣa'*, p. 162; Ibn Ḥazm, *al-Fiṣal*, 4, 53; Ibn Ḥajar, *al-Iṣāba*, 2, 411, no. 2452; Ibn Ṭāwūs, *al-Malāḥim wa-l-fitan*, p. 88; Ibn al-Athīr, *Usd al-ghā-*

and kindly towards people, and allowed a man who was hit by him unintentionally to avenge himself.³

A similar feature of the human nature of the Prophet, his lenience and his kindness, is revealed in a story recorded on the authority of 'Ā'isha. When the auxiliary forces of the Bedouin (*amdād al-'arab*)^{3a} grew in number and the Prophet was (once) mobbed by the gathering crowd, the Muhājirūn enabled him to come out of the crowd and reach the chamber of 'Ā'isha. He threw off his garment at the door, jumped into the room and started to make invocations against the crowd: "O God, curse them." 'Ā'isha said, vexed: "They are doomed" (*halaka l-qaumu*); but the Prophet calmed her by saying that he had made a stipulation to God (*laqadi shtarattū 'alā llāhi*) that if any person was harmed by the Prophet, God should consider it atonement (*kaffāra*) for the person's sin. God, indeed, granted this request to the Prophet. "I am merely a human being," argued the Prophet in his conversation with God. "I am grieved by that which grieves a human person, acting hastily like a human being."⁴

ba, 2, 139-40; *L 'A*, s.v. *q' d'*; al-Zamakhsharī, *al-Fā'iḳ*, 2, 325; Ibn al-Jauzī, *al-Wafā*, pp. 311 inf.-312, 706; al-Suyūfī, *al-Khaṣā'is al-kubrā*, 3, 16; Nūr al-Dīn al-Haythamī, *Majma' al-zawā'id*, 6, 227-29; Ibn Taymiyya, *al-Ṣarīm al-maslūl*, pp. 178-81; al-Samarqandī, *Tafsīr*, MS Chester Beatty 3668, fol. 274 a-b; Akḥṭab Khuwārizm, *al-Manāqib*, p. 182; Mughultāy, *al-Zahr al-bāsim fī sirat abī l-qāsim*, MS Leiden, Or. 370, fol. 329b-330a; al-Muttaqī l-Hindī, *Kanz al-'ummāl*, 11, 291-300, 305-08, nos. 1212-29, 1242-47; Muḥammad b. Faraj al-Qurṭubī, *Aqḍiyat rasūli llāhi*, pp. 147-48; al-Shaukānī, *Nayl al-auṭār*, 7, 166-67, 170 penult.-178; Aḥmad b. Ḥanbal, *Musnad* (Būlāq), 3, 332; Abū Ya'lā l-Mauṣilī, *Musnad*, 1, 90-91, no. 90, 363-74, nos. 472-80, 421, no. 555.

- 3 See, e.g., al-Mu'āfā b. Zakariyā, *al-Jalīs al-ṣāliḥ al-kāfī*, MS Topkapı Saray, Ahmet III, 2321, fols. 144b-145a; al-Bayhaqī, *al-Sunan al-kubrā*, 8, 48-49; Ibn 'Abd al-Barr, *al-Istī'āb*, p. 673, nos. 1107-08, p. 676, no. 1111; Ibn Kathīr, *al-Bidāya*, 4, 362-63. And see, e.g., about the justice of the Prophet: Ibn Kathīr, *Shamā'il*, p. 132: *wa-lam yazal qā'imān bi-amri llāhi 'alā akmali ṭarīqatin wa-atammihā, mina l-ṣidqi wa-l-'adli wa-l-wafā'i, lā yuhfaẓu lahu kadhibatun wāḥidatun, wa-zulmun li-aḥādin, bal kāna asḍaqa l-nāsi wa-a-dalahum wa-aufāhum bi-l-'ahdi ma'a ikhti-lāfi l-aḥwāli...*; 'Abd al-Razzāq, *al-Muṣannaf*, 9, 465-70, nos. 18037-43; Abū Dawūd, *Ṣaḥīḥ* 2, 250.

- 3a About the *amdād* cf. Abū 'Awāna, *Musnad*, 4, 124: *anna madadiyyan rāfaqanī fī ghazwatī mu'ta*.

- 4 Muṣ'ab b. 'Abdallāh b. Muṣ'ab b. Thābit, *Juz'*, MS Chester Beatty, 3849, fol. 45b inf.-46a; and see al-Munāwī, *Fayḍ*, 2, 567, no. 2569; Ibn Ḥazm, *al-Iḥkām*

The Prophet explicitly admitted that he could err in his judgement, that he could be misled by the eloquence of one of the opponents⁵ or mistaken in his advice. This was the case with his recommendation not to graft palm trees, as he merely expressed an opinion, without having sufficient knowledge of the subject and without having received a revelation concerning this matter.⁶ That the Prophet could err in a decision is clearly reflected in the tradition in which he is said to have warned the man who tried to exploit an unbalanced verdict issued by him.⁷ In the serious case of the Prophet's suggestion that the Ghaṭafān be granted a third of the

fī uṣūli l-aḥkām, p. 1015: ...innī ttakhadhtu 'inda llāhi 'ahdan: ayyumā mri' in sababtuḥu au la'antuḥu fī ghayri kunhihi au jaladtuhu fa-j' alhā lahu ṭuhratan; and cf. al-Bukhārī, *al-Adab al-mufrad*, p. 215, no. 613; al-Bayhaqī, *al-Sunan al-kubrā*, 10, 143.

- 5 See, e.g., Muqātil, *Tafsīr*, MS Saray Ahmet III, 74/I, fol. 29a; Muḥammad Muṣṭafā al-A'zamī, *Dirāsāt*, p. 147, no. 17; Abū 'Awāna, *Musnad*, 4, 3-5, 50; Ibn 'Arabī, *Tafsīr* (= *Aḥkām al-qur'ān*), p. 278; al-Zurqānī, *Sharḥ al-muwāṭṭa'*, 4, 369-72; Ibn 'Asākir, *Ta'riḥ (tahdhīb)*, 2, 298; al-Munāwī, *Fayḍ*, 2, 564, no. 2565, 2566, 153, no. 1557; Ibn al-Athīr, *al-Nihāya*, s.v. *l ḥ n*; al-Wazīr al-Maghribī, *Adab al-khawāṣṣ*, MS Bursa, Ḥu. Ç. 19, fol. 26a; Ibn Ḥazm, *al-Iḥkām*, 1, 147; Abū Dāwūd, *Ṣaḥīḥ*, 2, 115; al-Suyūṭī, *al-Durr*, 1, 203; Abū l-Ḥasan al-Nubāhī, *Ta'riḥ quḍāt al-andalus*, p. 7; Ibn al-Athīr, *Jāmi' al-uṣūl*, 10, 553, no. 7655; Shihāb al-Dīn al-Khafājī, *Nasīm al-riyāḍ*, 4, 261-62; Ibn Ḥamza al-Ḥusaynī, *al-Bayān wa-l-ta'rīf*, 2, 105, no. 706; al-Khaṭṭābī, *Ma'ālim al-sunan*, 4, 163-64; Ibn Abī Ḥātim, *Ilal al-ḥadīth*, 2, 288-89, no. 2370; and see Manfred Ullmann, *wa-khayru l-ḥadīthi mā kāna laḥnan*, Bayerische Akademie der Wissenschaften, Philosophisch Historische Klasse, Munich 1979, Heft 1, p. 11.
- 6 Abū l-Maḥāsīn al-Ḥanafī, *al-Mu'taṣar min al-mukhtaṣar*, 2, 300; Ibn Dayba', *Taysīr al-wuṣūl*, 4, 388 inf.-389 sup.; Ibn Taymiyya, *al-Ṣārim*, p. 192; al-Ṭaḥāwī, *Mushkil al-āthār*, 1, 330, 2, 292 ult.-295; al-Ṭaḥāwī, *Sharḥ ma'āni l-āthār*, 3, 48; al-Daylamī, *Firdaus*, MS Chester Beatty 4139, fol. 89a inf.-89b; Ibn Ṭāwūs, *Ṭarā'if 'abd al-maḥmūd*, p. 111; Ibn Ḥazm, *al-Iḥkām*, p. 1014; al-Bayhaqī, *al-Sunan al-kubrā*, 10, 143; Shihāb al-Dīn al-Khafājī, *Nasīm al-riyāḍ*, 4, 255-56; 'Abd b. Ḥumayd, *al-Muntakhab min musnadihi*, Vaticana, Arab 502, fol. 17a; al-Makkī, *Qūt al-qulūb*, 4, 221; and see the analysis of this tradition and the conclusions reached by Ṣubḥī Maḥmaṣānī, "Muslims: Decadence and Renaissance," *MW* 44(1954), 200.
- 7 Al-Dhahabī, *Kitāb al-kabā'ir*, p. 86: ...man qaḍaytu lahu min māli ahlihi bi-ghayri ḥaqqin fa-lā ya'khudhhu, fa-innamā uqṭi' u lahu qit'atan min al-nāri. And see Ibn Ḥamza al-Ḥusaynī, *al-Bayān wa-l-ta'rīf*, 2, 138, no. 751: ...innī fīmā lam yūḥa ilayya ka-aḥadikum.

date crop of Medina for forsaking their allies, the Quraysh, who had besieged Medina, he was asked by one of his Companions whether he had received a revelation in this matter or whether this offer was his personal opinion. The Prophet admitted that it was his own opinion (*ra'y*), accepted the advice of his Companions and, having changed his decision, decided to fight the enemy.⁸

But traditions of this type are scarce. The utterances and sayings of the Prophet were considered as revealed according to a tradition attributed to him, which states that the Qur'ān and some similar revelations were granted to him.⁹ His orders and utterances were issued at God's inspiration and decree. The Prophet judged people and their actions not only according to their deeds but also according to their intentions, which he could know by God's grace. 'Umar stressed in one of his speeches that, as revelation ceased with the death of the Prophet, he would judge people only according to their deeds.¹⁰

8 Al-Wāqidī, *al-Maghāzī*, pp. 477-78; al-Qurṭubī, *Tafsīr*, 14, 133; Ibn Abī Shayba, *Ta'riḫh*, MS Berlin 9409, fol. 53a; Ibn Taymiyya, *al-Šārim*, p. 191; cf. 'Alī b. Burhān al-Dīn al-Ḥalabī, *Insān al-'uyūn* [= *al-Sīra al-ḥalabiyya*], 3, 39: ...*innaka nazalta manzilaka hādha, fa-in kāna 'an amrin umirta bihi fa-lā natakal-lamu, wa-in kāna l-ra'ya takallamnā; fa-qāla rasūlu llāhi (š): 'huwa l-ra'yu'...fa-qāla šallā llāhu 'alayhi wa-sallam: asharta bi-l-ra'yi, idhā amsaynā, in shā'a llāhu, taḥawwalnā...*; 'Abd al-Razzāq, *al-Muṣannaf*, 5, 368, l. 3: ...*lau kuntu umirtu bi-shay'in lam asta'mirkumā...*; cf. al-Kāzarūnī, *Sīra*, MS Br. Mus. Add. 18499, fol. 2 62b: ...*lau umirtu bihi lam asta'mirkum*; and see Shihāb al-Dīn al-Khaḥājī, *Nasīm*, 4, 258 [the advice of al-Ḥubāb]; al-Hamdānī, *al-Iklīl*, 1, 153; Ibn al-'Arabī, *Tafsīr*, 2, 865.

9 Al-Khaḥājī b. al-Baghdādī, *al-Kifāya fī 'ilmi l-riwāya*, p. 8: ...*ūtītu l-kitāba wa-mithlahu ma'ahu*; and see *ibid.*, p. 12: the angel Jibrīl used to reveal to the Prophet the *sunna*, as he used to reveal to him the Qur'ān. About the relation between the Qur'ān and the *sunna* see *ibid.*, pp. 14-16 [and cf. p. 16: ...*al-ḥadīthu tafsīru l-qur'ā-nī*]; and see Ibn Abī Ḥatīm, *Taqdimat al-ma'rifa*, pp. 1-2; al-Suyūṭī, *al-Ḥawī li l-fatāwī*, 1, 471-72; on the abrogation of some utterances see al-Dāraquṭnī, *Sunan*, 4, 144-45, nos. 8-11.

10 Al-Mu'āfa b. Zakariyā, *al-Jalīs*, fol. 144b: ...*innamā kunnā na'rifukum idh kāna rasūlu llāhi (š) bayna aḥhurinā wa-kāna yanzilu 'alayhi l-wahyu, idh yunbi'unā llāhu ta'ālā min akhbārikum; alā, fa-qad maḍā rasūlu llāhi (š) wa-nqaṭa'a l-wahyu, wa-innamā na'rifukum bi-mā aqūlu lakum: man aḥbara minkum khayran zanannā bihi khayran wa-aḥbabnāhu 'alā dhālika, wa-man aḥbara minkum sharran zanannā bihi sharran wa-abghaḍnāhu 'alayhi, asrārukum fīmā baynakum wa-bayna llāhi ta'ālā;*

The order established by the Prophet was considered the ideal one and had to be implemented by his community. Individuals, tribal groups, and delegations used to come to Medina, visit the Prophet, and return to their tribes, spreading the tidings of the new faith and its precepts and talking about the Muslim community and its order. Some of the leaders or groups remained faithful to Islam during the wars of the *ridda* and went out to fight their own people. Islam created a new form of authority and allegiance which was supposed to regulate the life of the community.

Religious minorities were expected to bend to the authority of the community of Medina and accept its conditions. Political and military decisions of the Prophet concerning their affairs were based either on revelation or on his instructions and orders, which were regarded as equal to revelation. Administrative and fiscal actions of the righteous caliphs in relation to other peoples, whatever the strategic, social, or economic factors and motivations might have been, were traced to the *sunna* of the Prophet and based on his utterances.

Such was, for instance, the case with the *jizya* of the Zoroastrians. The problem was whether they should be considered People of the Book, and whether they were to be allowed to pay the *jizya*.¹¹ Some scholars claimed that they were people of a Book and thus legally

al-Fazārī, *Siyyar*, MS Fās, fol. 10b; 'Abd al-Razzāq, *al-Muṣannaf*, 3, 383, no. 6036; Abū Ya'la, *Musnad*, 1, 175, no. 196; and see al-Muttaqī l-Hindī, *Kanz*, 5, 404, no. 2407; cf. al-Balādhurī, *Ansāb al-ashraf*, 553, no. 1124: ...*innamā abkī nqītā'a khabari l-samā'i 'annā...*; and see Ibn Ḥazm, *al-Iḥkām*, p. 107 seq.; Ibn al-Athīr, *Jāmi' al-uṣūl*, 10, 561, no. 7677.

11 See, e.g., Abū 'Ubayd, *al-Amwāl*, p. 32, no. 78: ...*qāla 'umarū: mā adri mā aṣna'u bi-l-majūsi wa-laysū ahla kitābin; qāla 'abdu l-raḥmāni bnu 'aufin (r): sami'tu rasūla llāhi (s) yaqūlu: "sunnū bihim sunnata ahli l-kitābi"*; al-Khaṭīb al-Baghdādī, *Ta'rīkh Baghdād*, 10, 88, no. 5207; and see a slightly different version: 'Abd al-Razzāq, *al-Muṣannaf*, 6, 68, no. 10025; and cf. al-Suyūṭī, *al-Durr*, 3, 229; Ibn Qayyim al-Jauziyya, *Aḥkām ahli l-dhimma*, 1, 2 [quoted from al-Shāfi'i; Ibn Qayyim emphasizes that the Majūs did not belong to the People of the Book].

permitted to pay the *jizya*.¹² There is an important tradition reported on the authority of Mujāhid, stating that the Prophet consented to accept their *jizya* after the verse *lā ikrāha fī l-dīni* (Sūra II, 256) was revealed.¹³ Abū 'Ubayd's opinion presents a harmonizing view: the *jizya* of the People of the Book is based on the Qur'ān, the *jizya* of the Zoroastrians is based on the *sunna* of the Prophet.¹⁴ There seem to have been some circles who were against accepting *jizya* from the Zoroastrians; this can be gauged from a report recorded in two slightly different versions. According to the account of Muqātil, the Prophet did not accept *jizya* except from the People of the Book. After the conversion of the Arabs, whether willingly or by force, the Prophet accepted the *jizya* from the Majūs of Hajar. Then the hypocrites censured this (decision of the Prophet - K.) and (therefore) the following verse was revealed: "O believer, look after your own souls. He who is astray cannot hurt you, if you are rightly guided" (Sūra V, 106).¹⁵ The account recorded by al-Wāḥidī on the authority of Ibn al-Kalbī is more detailed: the Prophet wrote to Mundhir b. Sāwā summoning him and the people of Hajar to embrace Islam. The Arabs, Jews, Christians, Ṣabians, and Majūs (the population of Hajar - K.) were reluctant to embrace Islam, but were willing to pay the *jizya*. Then the Prophet wrote to Mundhir and expressed

12 Abū 'Ubayd, *al-Amwāl*, p. 34 inf. [...*fa-qāla ba'ḍuhum: innamā qubilat minhum li-annahum kānū ahla kitābin...*]; Abū 'Ubayd, however, denies this opinion; Ibn Zanjawayh, *Kitāb al-amwāl*, MS Burdur 183, fols. 13a, 14a; Abū Ya'lā, *Musnad*, 1, 257, no. 301.

13 See, e.g., Abū 'Ubayd, *Amwāl*, p. 34 ult.-35, ll. 1-2; and cf. al-Ṭabarī, *Tafsīr*, [ed. Shākir] 5, 413, no. 5830; and see the opinion of al-Ṭabarī, *ibid.*, p. 414, no. 5833: ...*qāla abū ja'far: wa-aulā hādhihi l-aqwāli bi-l-ṣawābi qawlu man qāla: nazalat hādhihi l-āyatu fī khāṣṣin mina l-nāsi; wa-qāla: 'anā bi-qawlihi ta'ā-lā dhikruhu "lā ikrāha fī l-dīni" ahla l-kitābayni wa-l-majūsa wa-kulla man ja'a iqrāruhu 'alā dīnihi al-mukhālifi dīna l-ḥaqqi wa-akhḍha l-jizyati minhu, wa-ankarū an yakūna shay'un minhā mansūkhan.*

14 Abū 'Ubayd, *al-Amwāl*, p. 35, no. 88.

15 Muqātil, *Tafsīr*, MS 1, fol. 109b: ...*wa-dhālika anna l-nabiyya (s) kāna lā yaqbalu l-jizyata illā min ahli l-kitābi, fa-lammā aslama l-'arabu ṭaw'an wa-kurhan qabila l-jizyata min majūsi hajara, fa-ṭā'ana l-munāfiqūna fī dhālika, fa-nazalat "yā ayyuhā lladhīna āmanū."*

his consent to accepting the *jizya* from all groups in the population of Hajar except the Arabs; the latter had to embrace Islam or face war.

The Arabs indeed converted, the others were permitted to pay the *jizya*. Then the hypocrites among the Arabs expressed astonishment that the Prophet should accept *jizya* from the unbelievers (verbatim: *al-mushrikūn*, the people who associate other deities with God - K.) of Hajar while he refused to accept it from the unbelievers of the Arabs (scil. of the Arabian peninsula - K.). Then Sūra V, 106, was revealed.¹⁶ Some of the doubts raised by Muslim orthodox circles as to the permissibility of the practices, rites, beliefs, and rules of the Zoroastrians can be gauged from the letter sent by 'Umar b. 'Abd al-'Azīz to one of his governors ('Adī b. Arṭāt) asking him to question al-Ḥasan (i.e., al-Ḥasan al-Baṣrī - K.) as to why the Zoroastrians were allowed to marry their mothers and sisters. In his reply al-Ḥasan said that the *shirk* (i.e., associating God with other deities) of the Zoroastrians was worse than the sins mentioned; they were, however, allowed to retain that practice (*innamā khulliyya baynahum wa-baynahu*) because they paid the *jizya*.¹⁷ Ibn Ḥazm mentions the Prophet's decision that the *jizya* may be collected from the Zoroastrians as one of the cases in which an utterance of the Prophet was disclosed to some of his Companions, while others were unaware of it; in this case 'Umar had no knowledge of the Prophet's decision.¹⁸

The Prophet's decision to expel the Jews and the Christians was not known to Abū Bakr or 'Umar; likewise, the decision of the Prophet to accept *jizya* from the Zoroastrians was unknown to 'Umar. He might even have received his share of the *jizya* of the Zoroastrians of Baḥrayn, which was sent to the Prophet and divided among the believers, but did not know about the injunction issued by the Prophet in their case.¹⁹ Another interpretation explains the

16 Al-Wāḥidī, *Asbāb*, p. 142.

17 'Abd al-Razzāq, *al-Muṣannaf*, 6, 50, no. 9976; cf. Abū 'Ubayd, *al-Amwāl*, p. 36, nos. 91, 92.

18 Ibn Ḥazm, *al-Iḥkām*, 1, 130, 304.

19 Ibn Ḥazm, *al-Iḥkām*; 1, 180 inf.-181, line 1; and see *ibid.* other practices of the Prophet of which 'Umar was unaware.

decision of the Prophet as to the *jizya* of the Zoroastrians by placing it in a broader context: the Prophet was ordered to fight the People of the Book until they embraced Islam or agreed to pay the *jizya*. This category, however, also included Arabs who had converted to Judaism or Christianity. Thus the Prophet accepted the *jizya* from the Christian people of Najrān and Ayla, who were Arabs, and from the people of Dūmat al-Jandal, the majority of whom were also Christian Arabs. The Prophet was ordered to fight others. Then God excluded from this (injunction - K.) the Zoroastrians, according to the utterance of the Prophet in which a *sunna* was established for them without a Qur'ānic revelation in their case. The Prophet permitted the *jizya* to be taken from the Persian Zoroastrians if they agreed. He determined that the Arab unbelievers, the worshippers of idols, should be fought until they embraced Islam (without the option of paying the *jizya*; this exclusion was granted out of respect for the Arabs).²⁰

The real reasons for certain political, military, and social decisions by the Prophet may be discerned in some accounts adorned by a layer of miraculous stories. According to a concise report recorded on the authority of al-Zuhrī, the Prophet decided to fight the Banū Naḍīr when they refused to conclude a treaty with him.²¹ Another report states that the attack of the Prophet on the Banū Naḍīr was caused by their plot with Quraysh and their treacherous attempt to kill the Prophet, who was informed about the plot by a message sent to him by a righteous woman of the Banū Naḍīr through a

20 Muḥammad b. Faraj al-Qurṭubī, *Aqḍiyat rasūli llāhi*, p. 168: ...*wa-amarahu llāhu ta'ālā bi-qitāli ahli l-kitābi ḥattā yuslimū au yu'addū l-jizyata...fa-dakhala fī dhālika man ta'allāqa mina l-'arabi bi dīni ahli l-kitābi, fa-akhadha l-nabiyyu (ṣ) l-jizyata min ahli najrāna wa-aylata wa-hum naṣārā mina l-'arabi, wa-min ahli dūmati l-jandali wa-hum naṣārā, wa-aktharuhum 'arabun, wa-lam yusammi* [another reading: *yastathni*: but perhaps it may be suggested: *yastasinna llāhu ta'ālā akhdha l-jizyati illā min ahli l-kitābi, wa-amara nabiyyahu (ṣ) bi-qitāli ghayrihim, thumma nasakha min dhālika l-majūsa 'alā lisāni nabiyyihi fīmā sanna lahum min sunnatih bi-ghayri tanzīli qur'ānin, fa-aḥalla lahum akhdha l-jizyati min majūsi l-'ajami idhā raḍū bihā...*; and see *ibid.*, pp. 171-172].

21 'Abd al-Razzāq, *al-Muṣannaf*, 5, 216, no. 9422: ...*anna l-nabiyya da'ā banī l-naḍīr illā an yu'ṭū 'ahdan yu'āhidūnahu 'alayhi fa-abau, fa-qātalāhum...*

man from the Anṣār.²² A divergent account recorded by Ibn Hishām states that the Prophet asked the Banū Naḍīr to help him in the payment of bloodwit. Some of the Banū Naḍīr tried to roll a stone onto his head and kill him; the Prophet, however, got a warning from Heaven through the angel Jibrīl; he managed to slip away and decided to attack the Banū Naḍīr. Banū Qurayẓa were a similar case: it was the angel Jibrīl who ordered the Prophet to raid them.²³

The expulsion of the Jews from Khaybar was carried out by ‘Umar and was caused by economic factors, as explained in some of the sources: When the Prophet conquered Khaybar he could not find labourers to till the land, and thus left the land in the hands of the Jews on condition that they hand over half of the crops to the Muslim community in Medina. In the time of ‘Umar, when the Muslims got labourers who were able to carry out the agricultural work, he expelled the Jews to Syria and divided the land among the Muslims.²⁴ A similar story is told about the expulsion of the Christians from Najrān and from the Arabian peninsula. According to some reports ‘Umar feared them, as he noticed their increasing military strength, and decided to expel them, although they had been assured by the Prophet that they would be allowed to keep the ownership of their lands.²⁵ The religious reason for the expulsion, given in the sources, was the injunction of the Prophet that the Jews and the Christians should be expelled from the Arabian

22 ‘Abd al-Razzāq, *al-Muṣannaf*, 5, 358-61, no. 9733 [the tradition mentioned in note 21 is embedded in this report on p. 360, l.3]; al-Suyūṭī, *al-Durr*, 6, 189 [from ‘Abd al-Razzāq].

23 See, e.g., al-Balādhurī, *Futūḥ*, p. 32.

24 See, e.g., Abū ‘Ubayd, *al-Amwāl*, p. 56, no. 142; al-Balādhurī, *Futūḥ*, p. 37; and see Ibn Taymiyya, *Fī ma’nā l-qiyās*, *Majmū‘at al-rasā’il al-kubrā*, 2, 268.

25 Al-Naḥḥās, *al-Nāsikh wa-l-mansūkh*, p. 164; and see also Ibn Abī Shayba, *Ta’rīkh*, MS fol. 100b: ...kāna ahlu najrāna qad balaghū arba‘īna alfan wa-kāna ‘umaru yakhāfuhum an yamīlū ‘alā l-muslimīna, fa-taḥāsadū baynahum...; and see Abū Yūsuf, *Kitāb al-kharāj*, p. 74.

peninsula.²⁶ This injunction was uttered shortly before the death of the Prophet²⁷ and was therefore irreversible; it was not to be changed and was to be implemented accordingly.

The problem faced by the scholars was to establish the extent of the territory of the Arabian peninsula in which the Jews and Christians were forbidden to stay. Their opinions on this subject were

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- 26 See, e.g., al-Daylamī, *Firdaus*, MS Chester Beatty 3037, fol. 187b: ...*lā tatrūkū fī jazīrati l-ʿarabi dīnayni*; and see the different utterances in Nūr al-Dīn al-Haythamī's *Majmaʿ al-zawāʿid*, 5, 325 [...*akhrijū yahūda ahli l-ḥijāzi wa-ahla najrāna min jazīrati l-ʿarab...*; *lā yanzilu fī jazīrati l-ʿarabi dīnāni...*; *amara an lā nadaʿa fī l-madīnati dīnan ghayra l-islāmi illā ukhrija...*; *akhrijū l-yahūda min jazīrati l-ʿarab...*]; ʿAbd al-Razzāq, *al-Muṣannaf*, 6, 53-58, nos. 9985-87, 9992-94 [see the different utterances; and see the utterance of Ibn ʿAbbās: *lā yushārikukum l-yahūdu wa-l-naṣārā fī amṣārikum, illā an yuslimū, fa-man irtadda minhum fa-abā fa-lā yuqbal minhu dūna damihi*; and see this utterance *ibid.*, 10, 361, no. 19372; and see these traditions *ibid.*, 10, 358-61, nos. 19362-72; al-Munāwī, *Fayḍ*, 5, 251, no. 7190 [*lā yabqayanna dīnāni bi-arḍi l-ʿarabi*]; Yūsuf b. Mūsā, *al-Muʿtaṣar*, 2, 204-05 [see the different versions of the tradition, and see the discussion of the utterance: *lā taṣluḥu qiblatāni bi-arḍin...*]; Abū ʿAwāna, *Musnad*, 4, 162-65; Ibn ʿAbd al-Barr, *al-Durar fī khtisāri l-maghāzī wa-l-siyar*, p. 216; al-Ṭaḥawī, *Mushkil*, 4, 11-17 [see the different versions, and see especially the assessment of the validity of the utterance *akhrijū l-mushrikīn...* *ibid.*, pp. 16-17]; al-Bukhārī, *al-Taʾrikh al-kabīr*, 4, 57, no. 1950 [...*akhrijū l-yahūda mina l-ḥijāz*]; Ibn al-Athīr, *Jāmiʿ al-uṣūl*, 6, 314, no. 3671; al-Suyūṭī *al-Durr*, 3, 227 inf. [see the different versions]; al-Wazīr al-Maghribī, *Adab al-khawāṣṣ* [ed. Jāsir], p. 95; al-Muttaqī l-Hindī, *Kanz*, 4, 235, nos. 1922-24, 322-25, nos. 2407-12; 13, 261-63, nos. 1438-42, 1450-56 [and see the different versions]; 18, 134-35, nos. 427-32; Ibn Kathīr, *Tafsīr*, 1, 275; Abū ʿUbayd, *al-Amwāl*, pp. 497-99, nos. 269-76; Ibn Qayyim, *Aḥkām ahli l-dhimma*, 1, 176, 178-84; Ibrāhīm b. ʿAlī al-Fayrūzābādī, *al-Muhadhdhab fī fiqhī l-imāmi l-shāfiʿī*, 2, 258; Ibn Taymiyya, *Iqtidāʾ al-ṣirāṭ*, p. 277; ʿAbdallāh b. Abī Zayd al-Qayrawānī, *al-Jāmiʿ*, p. 143 [*lā yabqayanna dīnāni fī jazīrati l-ʿarab* has been misread by the editors]; al-Balādhurī, *Futūḥ*, p. 39; E. Sachau, *Das Berliner Fragment des Mūsā b. ʿUqba, Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, Sitzung der philosophisch-historischen Klasse*, 11 (1904), 466 [p. 22 of the offprint]: ...*wa-kāna (i.e., ʿUmar) yaqūlu: lā yajtamiʿu dīnāni wa-innahu ajlā l-yahūda wa-l-naṣārā min jazīrati l-ʿarab*.]
- 27 See, e.g., Nūr al-Dīn al-Haythamī, *Majmaʿ al-zawāʿid*, 5, 325; al-Dārimī, *Sunan*, 2, 233 [*kāna fī ākhiri mā takallama bihi rasūlu llāhi (ṣ): akhrijū l-yahūda mina l-ḥijāzi wa-ahla najrāna min jazīrati l-ʿarab*].

far from unanimous.²⁸ Some scholars considered Taymā a locality not belonging to the territory of the Arabs (*laysat min bilādi l-‘arab*). The Wādī l-qurā was also considered such a territory, and therefore the Jews were left there.²⁹ Ibrāhīm b. ‘Alī al-Fayrūzābādī records the injunction of the Prophet to remove the Jews from the Ḥijāz and the people of Najrān from the Arabian peninsula (*akhrijū l-yahūda mina l-ḥijāzi wa-ahla najrāna min jazīrati l-‘arab*) and notes that nobody reported that any of the caliphs expelled the *ahl al-dhimma* from the Yemen, although it is a part of the Arabian peninsula. As to Najrān, it does not form part of the Ḥijāz.³⁰ The expulsion of the Jews from Khaybar and the Christians from Najrān could even have been considered a *bid‘a*, a bad innovation, committed by ‘Umar, as in fact the Jews and the Christians argued that the Prophet had authorized their stay in the Arabian peninsula. The Prophet, however, during his illness enjoined (later - K.) the expulsion of the Jews and the Christians. Abū Bakr could not carry out the injunction because he was busy fighting the people of the *ridda* and because he had started the wars against the Persians and Byzantines; ‘Umar was also impeded by the war with the Persians and Byzantines. When he became able to carry out the injunction he did so, although it was done after the death of the Prophet, and can be considered an innovation (*wa-in kāna muḥdathan ba‘dahu*).³¹ The story of the expulsion and the reason for it is given differently in ‘Abd al-Razzāq’s *Muṣannaf* in a report on the authority of Ibn al-Musayyab: the Prophet gave (*dafa‘a*) Khaybar to the Jews on condition that they would till the land and hand over half of its produce. This was the situation during the time of the Prophet and of Abū Bakr’s caliphate, and during the first part of the caliphate of ‘Umar. Then ‘Umar was informed that the Prophet had said during the illness from which he died: “Two faiths will not live together in the land of the Arabs — or (according to others) he said in the land of al-Ḥijāz.” ‘Umar

28 See, e.g., al-Wazīr al-Maghribī, *Adab al-khawāṣṣ*, pp. 93-97; Yūsuf b. Mūsā, *al-Mu‘taṣar*, 2, 204; Ibn Qayyim, *Aḥkām ahli l-dhimma*, 1, 177; al-Ṭahāwī, *Mushkil*, 4, 14; al-Samhūdī, *Wafā’u l-wafā bi-akhbāri dāri l-muṣṭafā*, pp. 1176, 1182, 1184.

29 ‘Abdallāh b. Abī Zayd al-Qayrawānī, *al-Jāmi‘*, p. 144.

30 Ibrāhīm b. ‘Alī al-Fayrūzābādī, *al-Muḥaddhab*, 2, 258.

31 Ibn Taymiyya, *Iqtīdā’*, p. 277 inf.

inquired about that (i.e., the utterance of the Prophet - K.) and found it to be true. He summoned them (i.e., the Jews - K.) and said: "Let those who have a treaty of the Prophet bring it; if not I am going to expel you." He (i.e., Ibn al-Musayyab - K.) said, "and 'Umar expelled them."³² A different explanation of the event is provided by Ibn Ḥazm: Abū Bakr did not know (*khafiya 'alayhi*) about the injunction of the Prophet to expel the Jews and Christians from the Arabian peninsula. 'Umar did not know about it until the last stage of his caliphate. When he was apprised of it he ordered them to be expelled and did not leave even one of them (scil. in the Arabian peninsula - K.).³³

The few examples quoted above reflect the Islamic concept according to which any decision by the ruler, or any action by an official of his, had to follow the deeds and actions of the Prophet and be in accordance with his utterances, commands, prohibitions, and injunctions. A decree or order of a Muslim governor could be considered lawful only if it was based on the practice of the Prophet and, later on, that of the guided caliphs, who in turn acted according to the *sunna* of the Prophet. *Ḥadīth* became the touchstone for the legitimacy of the government and its institutions, establishing whether the proceedings and decrees of rulers were lawful. Sometimes the Companions of the Prophet themselves were unaware of the decisions of the Prophet, and were informed of his actions and practices by other Companions. These precedents often touched on the most important problems of the Muslim community.

A peculiar case of the role of *ḥadīth* is mirrored in the accounts about the assembly in the hall of the Banū Sā'ida, the decisive meeting between the Anṣār and some of the Muhājirūn that took place shortly after the death of the Prophet, even before his body was buried. The topic of discussion was the problem of who would receive the heritage of the Prophet, and consequently whether the Muhājirūn or the Anṣār would gain authority. The row between the two parties touched upon an even more essential problem: that of the unity of the community and the future of Islam. It was a heated debate.

32 'Abd al-Razzāq, *al-Muṣannaf*, 6, 56, no. 9990.

33 Ibn Ḥazm, *al-Iḥkām*, 1, 180.

The decisive argument that put an end to the strife is said to have been a quotation from the Prophet: "Authority belongs to Quraysh" (i.e., to the Muhājirūn - K.). The Anṣār had to give up their claim to rule the Muslim community.³⁴ They were taken by surprise when the utterance was quoted; they had forgotten it, and were being reminded of it.³⁵ Another tradition widely circulated was the prediction of the Prophet about the twelve caliphs who would succeed him; in the majority of versions of this *ḥadīth* the Prophet is said to have asserted in a low voice: all of them will be from Quraysh.³⁶ Widely

34 See the variants of this tradition: al-Suyūṭī, *Ta'riḫ al-khulafā'*, p. 70, line 3 from bottom: *qurayshun wulātu ḥadhā l-amri, fa-barru l-nāsi taba'un li barrihim...*; pp. 8-9: *...al-a'immatu min qurayshin mā ḥakamū fa-'adalū...*; *...al-mulku fī qurayshin, wa-l-qaḍā'u fī l-anṣāri...*; *...al-khilāfatu fī qurayshin wa-l-ḥukmu fī l-anṣāri...*; *...al-umarā'u min qurayshin...*; Ibn Ḥajar al-Haytamī, *al-Ṣawā'iq al-muḥriqa fī l-raddi 'alā ahli l-bida'i wa-l-zandaqa*, ed. 'Abd al-Wahhāb 'Abd al-Laṭīf, Cairo 1375, pp. 9, 12, 186-88; 'Abd al-Jabbār, *Tathbīt*, 1, 262 [*al-a'imma min quraysh*], 265 [*al-nāsu taba'un li-quraysh*], 253 [*ḥadhā l-amru fī qurayshin mā idhā sturḥimū raḥimū*]; Nūr al-Dīn al-Haythamī, *Majma'*, 5, 191: *...qurayshun wulātu ḥadhā l-amri, fa-barru...*; and see the different versions: *ibid.*, 10, 23-28; al-Bayhaqī, *al-Sunan al-kubrā*, 3, 121 and 8, 141-42, 143, 144; al-Munāwī, *Fayḍ*, 3, 189, no. 3108 [and see *ibid.*, nos. 3082, 3083]; al-Ṭabarānī *al-Mu'jam al-ṣaḡhīr*, 1, 152; Sulaym b. Qays al-Kūfī, *Kitāb al-saqifa*, p. 64, l. 1 [*al-a'imma min quraysh*]; Ibn Kathīr, *al-Bidāya*, 5, 247; Abū 'Ubayd, *al-Amwāl*, p. 575, no. 1830-31; al-Subkī, *Ṭabaqāt*, 1, 190-93, 198; al-Shāfi'ī, *al-Umm*, 1, 143-44; al-Daylamī, *Firdaus*, MS Chester Beatty, 3037 fols. 118a inf., 202b inf.-203a; and see Ṣadr al-Dīn al-Sayyid 'Alī Khān al-Madanī al-Shīrāzī, *al-Darajāt al-rafi'a fī ṭabaqāti l-shi'a*, p. 23: *wa-ankara qaumun min al-anṣāri riwāyata abī 'al-a'immatu min qurayshin*" *wa-nasabūhu ilā ifti'āli ḥadhīhi l-kalimati...*

35 See Ibn Ḥazm, *al-Iḥkām*, 1, 184-85.

36 See Abū 'Awāna, *Musnad*, 4, 394-401 [the indication of the tradition, as conceived by Abū 'Awāna, can be gauged from the title of the chapter: *bayān 'adadi l-khulafā'i ba'da rasūli llāhi (ṣ) lladhīna yunṣarūna 'alā man khālafahum wa-yu'izzu llāhu bihim al-dīna wa-annahum kulluhum min qurayshin, wa-l-dalīl 'alā ibṭālī qauli l-khawārij*]; Ibn Kathīr, *Nihāyat al-bidāya*, 1, 38; Anon., *Nubdha min kitābi l-ta'riḫi*, MS, ed. Gryaznewich, fol. 240a [and see the pro-Abbasid comment, *ibid.*]; Nūr al-Dīn al-Haythamī, *Majma'*, 5, 190-91; Ibn Kathīr, *Shamā'il*, pp. 480-85 [see the assessment of the traditions *ibid.*, pp. 482-85]; Ibn 'Asākir, *Ta'riḫ [tahdhīb]*, 6, 171: *lā yaḍurru ḥadhā l-amra man nāwahu ḥattā yaqūma ithnā 'ashara khalīfatan kulluhum min quraysh*; Ibn Kathīr, *Tafsīr*, 6, 228 *...inna ḥadhā l-amra fī qurayshin, lā yunāzi'uhum fīhi aḥadun illā kabbahu llāhu ta'ālā 'alā wajhihi mā aqāmū l-dīna*; al-Suyūṭī, *Jam' al-jawāmi'*, 1, 1012:

circulated traditions attributed to the Prophet utterances predicting that Quraysh would govern the Muslim community forever.³⁷ There seem to have been some grievances and complaints among the tribal groups and attempts at setting up a formal non-Qurashī authority. This is reflected in the story about a man from Bakr b. Wā'il who threatened that if Quraysh did not cease acting wrongly (*la-in lam yantahi qurayshun*) "we would transfer the authority (*la-naḍa'anna hādha l-amra*) to [another] people (*jumhūr*) from among the Arabs." 'Amr b. al-ʿĀṣ replied to this threat by quoting the utterance of the Prophet: "Quraysh will rule the people (*quraysh wulātu l-nāsi*) for good and bad until the Day of Resurrection."³⁸ Some Shīʿī commentators gladly stated that the utterances about the exclusive right of Quraysh to rule the community were true, but that as Quraysh were only the descendants of Quṣayy b. Kilāb, Abū Bakr and 'Umar were not members of Quraysh and did not deserve to be chosen as caliphs.³⁹ Some second-century scholars of *ḥadīth* concluded that the *ḥadīth al-a'immatu min quraysh* indicated that the *mawālī* were excluded from the people fit to be appointed as caliphs.⁴⁰

yakūnu min ba'di ithnā 'ashara amīran kulluhum min qurayshin; and see *ibid.*, p. 1014; al-Ṭabarānī, *al-Mu'jam al-kabīr*, 1, 54, no. 12, 90, no. 142; 2, 256 no. 2073; Shams al-Dīn Muḥammad b. Ṭūlūn, *al-A'imma min Quraysh*, ed. Ṣalāḥ al-Dīn al-Munajjid, Beirut 1377/1958.

- 37 See, e.g., Ibn Abī ʿĀṣim, *Kitāb al-sunna*, p. 527, no. 1109: *...al-khilāfa fī quraysh ilā qiyāmi l-sā'a*; p. 528, no. 1112: *...hādha l-amru fī qurayshin...*; p. 530, no. 1118: *...inna hādha l-amra fīkum wa-antum wulātuhu...*; p. 533, no. 1126: *...lā yazālu wā-lin min quraysh...*; p. 533, no. 1127: *...naḥnu wulātu hādha l-amri ḥattā nadfa'ahu ilā 'īsā bni maryama...*; and see p. 642, no. 1547; al-Munāwī, *Fayḍ*, 6, 450, no. 9969: *...lā yazālu hādha l-amru fī qurayshin mā baqiya mina l-nāsi ithnāni...*; cf. the significant utterance of al-Ḥārith b. Hishām al-Makhzūmī on the Day of the Saqīfa [Ibn Ḥajar, *al-Iṣāba*, 1, 608 sup.] *...wa-llāhi lau-lā qawlu rasūli llāhi 'al-a'immatu min qurayshin'* mā ab'adnā minhā l-anṣāra wa-la-kānū lahā aḥlan, wa-lakinnaḥu qawlun lā shakka fīhi; *fa-wa-llāhi lau lam yabqa min qurayshin kullihā illā rajulun wāḥidun la-ṣayyara llāhu hādha l-amra fīhi*.
- 38 Al-Khallāl, *al-Musnad min masā'il aḥmad*, MS fol. 6a; Ibn Abī ʿĀṣim, *Kitāb al-sunna*, p. 527, nos. 1109-10.
- 39 Al-Ṣāliḥī, *Subul al-hudā wa-l-rashād* = *al-Sīra al-Shāmiyya*, 1, 333: *...li-annahu yaqtaḍi an yakūna abū bakrin wa-'umarū laysā min qurayshin, wa-idhā lam yakūnā min qurayshin fa-imāratuhumā bāṭilatun*.
- 40 Al-Khallāl, *al-Musnad min masā'il aḥmad*, MS, fol. 5b.

The utterances about the exclusive authority of Quraysh were apparently current as early as the first century of the *hijra*, when Qurashī rule was established and needed firm legitimization from the orthodox religious authorities. Many utterances in praise of Quraysh ascribed to the Prophet are recorded in the early collections of *ḥadīth* from the second century of the *hijra*. “The spine of men are Quraysh,” the Prophet is said to have stated. “Can a man walk without a spine?” he added. “People are followers of Quraysh in this affair” (*fī ḥādḥā l-sha’n*), said the Prophet (“affair” is glossed as “authority”). “Muslims,” continued the Prophet, “are followers of Muslims of Quraysh, unbelievers follow unbelievers of Quraysh.” A man of Thaḳīf was killed in the battle of Uḥud. The Prophet said: “May God curse him, for he hated Quraysh.” “God will despise the man who despises Quraysh,” the Prophet said. These utterances, quoted from Ma‘mar b. Rāshid’s *Jāmi‘*,⁴¹ reflect the trend of the first-century traditions, which aimed at supporting Qurashī claims to sole authority over the community.

The Umayyads were eager to emphasize the outstanding position of the caliph, his prestige and infallibility. One of the Umayyad caliphs claimed that the sins of the caliphs would not be counted and their faults would not be recorded.⁴² God creates the person destined for the caliphate in a special way: He strokes the forelock of that person with His hand, says a tradition.⁴³

Obedience and respect for the rulers is incumbent on believers. The Qur’ānic verse IV, 59, “O ye who believe! Obey Allah and obey the messenger and those of you who are in authority...” was interpreted as referring to obedience to God and subsequently to His Book (i.e., the Qur’ān). Obedience to the Prophet was interpreted

41 ‘Abd al-Razzāq, *al-Muṣannaf*, 11, 54-58, nos. 19893-905.

42 Al-Naysābūrī, *Gharā’ib al-qur’ān wa-ragḥā’ib al-furqān*, 23, 88.

43 Al-Munāwī, *Fayḍ*, 1, 266, no. 403; 2, 207, no. 1677 [with an additional phrase: *fa-lā taqa’u ‘alayhi ‘aynun illā aḥabbathu*]. One of the transmitters of this tradition is the Caliph al-Manṣūr, who traces it back to Ibn ‘Abbās. Al-Ḥākim, who recorded this tradition, points out that the transmitters are noble Hāshimites, famous for their noble origin. [And see the assessment of the two traditions by al-Munāwī]; Ibn ‘Arāq, *Tanzīh al-sharī‘a al-marfū‘a*, 1, 208, no. 74.; al-Khaṭīb al-Bagh-dādī, *Ta’rīkh*, 10, 147, no. 5295.; Ibn ‘Adiyy, *al-Kāmil fī l-ḍu‘afā’i*, 6, 2362 sup.

as being due to him as long as he was alive; after his death his *sunna* was to be followed. The crucial issue was obedience to those in authority; Sunnī scholars assumed that this verse was referring to obedience to the rulers and the governors appointed by them or to the commanders of the Muslim forces.⁴⁴ For Shī'ī scholars the evident meaning was that one should follow Shī'ī *imāms*.⁴⁵

It is not surprising that traditions enjoining obedience to the ruler were attributed to the Prophet himself at a very early date, perhaps in the first period of the Umayyads. "The ruler is God's shadow on earth and His spear," says an utterance of the Prophet reported on the authority of Anas b. Mālik.⁴⁶ The *ḥadīths* forbidding the cursing or reviling of rulers or governors belong to the same type. "God will despise the man who despises God's authority on earth."⁴⁷ "He who honours God's authority — God will honour him on the Day of Resurrection."⁴⁸ The believer is enjoined to give the ruler good advice and to invoke God to grant him righteousness.⁴⁹

44 See, e.g., al-Suyūṭī, *al-Durr*, 2, 176-178; al-Qurṭubī, *Tafsīr*, 5, 259-261 [see the interpretation that it refers to the heads of the military expeditions; and see p. 261: the refutation of the Shī'ī explication that it refers to the infallible Shī'ī *imāms*]; al-Baghawī, *Ma'ālim al-tanzīl* [in margin of al-Khāzin's *Lubāb al-ta'wīl*], 1, 459-60; Ibn Kathīr, *Tafsīr*, 2, 324-26; al-Tha'labī, *Tafsīr* [= *al-Kashf wa-l-Bayān*], MS Br. Mus. Add. 19, 926, pp. 259-62; al-Ṭabarī, *Tafsīr*, ed. Shākir, 8, 495-503, nos. 9851-78; al-'Aynī, *Umdat al-qārī*, 26, 220 inf.-221.

45 Al-'Ayyāshī *Tafsīr* 1, 246-53, nos. 153-76; Furāt, *Tafsīr*, p. 28; al-Ṭabarsī, *Majma' al-bayān*, 5, 138.

46 See, e.g., al-Daylamī, *Firdaus*, MS Chester Beatty 3037, fol. 92b; al-Sakhāwī, *al-Maqāsid al-ḥasana*, p. 105, no. 207; al-Shaukānī, *al-Fawā'id al-majmū'a*, p. 210; al-Jarrāḥī, *Kashf al-khafa'i wa-muzilu l-ilbās*, 1, 213, no. 645, 456, no. 1487 [see the sources quoted by al-Jarrāḥī; and see this tradition: Ibn Zanjawayh, *al-Amwāl*, fol. 3b; al-Zamakhsharī, *Rabī' al-abrār*, 4, 213; Ibn Abī Ḥātim, *Ilal al-ḥadīth*, 2, 409, no. 2735; al-Munāwī, *Fayḍ*, 4, 144, no. 4820; and cf. *ibid.*, 142, no. 4116; cf. al-Shaybānī, *al-Siyar al-kabīr*, 1, 18].

47 Al-Dhahabī, *Siyar al-lām al-nubalā'*, 3, 14.

48 Al-Munāwī, *Fayḍ*, 6, 29, no. 8306; and see *ibid.*, 4, 143, no. 4817.

49 Al-Sakhāwī, *al-Maqāsid al-ḥasana*, p. 105 inf.-106, no. 207: *...al-sultān ḡillu llāhi wa-rumḡuhu fī l-arḡi, fa-man naṣaḡahu wa-da'a lahu ḡtadā, wa-man da'a 'alayhi wa-lam yaṣaḡhu ḡalla.*

The concept of authority is expounded in an utterance attributed to Mu'ādh b. Jabal: *al-amīr*, said Mu'ādh, is derived from *amru llāh* (the order of God); therefore he who abuses the amīr (*ṭa'ana fī l-amīr*) abuses God's order.⁵⁰ A tradition on the authority of Abū Hurayra forbids the cursing of rulers, as God put people who cursed their rulers in Hell.⁵¹ "People never stepped forward debasing God's authority on earth without being themselves debased by God before their death," says an early tradition recorded in Ma'mar b. Rāshid's *Jāmi'*.⁵² The duty to obey the rulers was coupled with the obligation to obey the Prophet and to obey God. According to Abū Hurayra the Prophet said: "He who obeys me obeys God, he who disobeys me disobeys God; he who obeys my amīr obeys me, he who disobeys my amīr disobeys me."⁵³ An explanation for this utterance phrased in social and political terms is recorded by al-'Aynī: Quraysh and the neighbouring tribes did not understand the idea of authority (*...la-ya'rifuna l-imāra*) and vigorously resisted the governors; therefore the Prophet enjoined believers to obey the rulers.⁵⁴ We find in fact in the early collection of the traditions of Ma'mar b. Rāshid a report stating that Abū Bakr and 'Umar used to exact from converts to Islam a binding commitment to obey the man "to whom

50 Ibn Zanjawayh, *al-Amwāl*, fol. 3b. Shī'ī tradition reported on the authority of 'Abd al-Raḥmān b. Ghanm the story of the distress of Mu'ādh b. Jabal, the supporter of the Umayyads, on his deathbed, when he regretted his deeds and repeated the phrase "Woe to me, woe to me." He told those present in the room how he had plotted together with Abū Bakr, 'Umar, Abū 'Ubayda, and Sālim in the year of the *ḥajjat al-wadā'* to prevent 'Alī b. Abī Tālib's becoming successor to the Prophet. In the last minutes of his life he saw the Prophet and 'Alī; they foretold that he would be put in Hell [see al-Majlisī, *Biḥār al-anwār*, (lit. ed.) 8, 204].

51 Al-Shaukānī, *al-Fawā'id al-majmū'a*, p. 211.

52 'Abd al-Razzāq, *al-Muṣannaf*, 11, 344, no. 20715; Nūr al-Dīn al-Haythamī, *Majma'*, 5, 216.

53 'Abd al-Razzāq, *al-Muṣannaf*, 11, 329, no. 20679; Ṭabarī, *Tafsīr*, 8, 495, no. 9851; cf. Muḥammad b. Muṣṭafā l-A'zamī, *Dirāsāt*, p. 155, no. 52; and see Ibn Ḥajar al-Haythamī, *Fī faḍli l-'adl*, MS Leiden, Or. 951 (10), fol. 79b, no. 16; and see the version in Ibn 'Adiyy's *al-Kāmil*, 6, 2067; and see *ibid.*, 7, 2688, a Shī'ī version: *man aṭā'anī aṭā'a llāha, wa-man 'aṣānī 'aṣā llāha, wa-man aṭā'a 'aliyyan aṭā'anī, wa-man 'aṣā 'aliyyan 'aṣānī*; al-'Aynī, *Musnad*, 4, 442-46; Ibn Abī 'Āṣim, *Kitāb al-sunna*, pp. 506-08, nos. 1065-68 [and see the reference of the editor].

54 Al-'Aynī, *Umdat al-qārī*, 24, 221.

God granted authority" (*wa-tasma'ū wa-tuṭī'ū li-man wallā llāhu l-amra*).⁵⁵ The fulfillment of the commitment can be assumed if it is noticed that it was included among the fundamental duties of Islam: to believe in Allah without attributing an equal to Him, to say the prayer at the prescribed times, to pay willingly the *zakāt*, to fast during Ramaḍān, and to perform the pilgrimage to Mecca. It may thus be considered in this formulation the sixth pillar of Islam. The concept of obedience to the ruler as God's shadow, the necessity to keep the unity of the community and to fight the rebellious insurgents, is prominently reflected in the speech of 'Abd al-Malik against 'Abdallah b. al-Zubayr.⁵⁶

A great many utterances of the Prophet enjoined the believers to carry out their obligations towards the rulers faithfully and persevere even if harmed by unjust and oppressive rulers. A comparison was made between the fate of the Children of Israel and that of the Muslim community. The Children of Israel were ruled by prophets who followed each other in succession, but after Muḥammad's death there would be no other prophet; he would be followed by caliphs. Believers were enjoined to be faithful to their oath of allegiance; God would judge the rulers for their iniquities.⁵⁷ The Prophet predicted a succession of wicked rulers and unjust governors and enjoined believers to bear their suffering patiently.⁵⁸ A widely current tradition forbade revolt against the rulers.⁵⁹ This injunction to persevere in the face of a ruler's iniquity is reflected in two stories of pious believers at the very beginnings of Islam: al-Ḥasan al-Baṣrī was told about the cruel deeds of al-Ḥajjāj and his iniquity, and was asked whether people might go out to fight him. He advised them not to fight al-Ḥajjāj, arguing that if it was a punishment from God, they would

55 'Abd al-Razzāq, *al-Muṣannaf*, 11, 330, no. 20683.

56 Al-Balādhurī, *Ansāb al-ashraf*, 5, 354 [ed. S.D.F. Goitein].

57 Al-Khallāl, *al-Musnad min masā'il aḥmad*, MS fol. 3b; Abū 'Awāna, *Musnad*, 4, 457-60.

58 See, e.g., Ibn Abī Jamra, *Bahjat al-nufūs*, 1, 30; al-Suyūṭī, *al-Durr*, 2, 178.

59 See, e.g., Ibn Zanjawayh, *al-Amwāl*, fol. 4a; 'Abd al-Razzāq, *al-Muṣannaf*, 11, 344, no. 20715; al-Fasawī, *al-Ma'rifa wa-l-ta'rikh*, 2, 762 sup. [ed. al-'Umarī]; al-Muttaqī l-Hindī, *Kanz*, 5, 467, no. 2588-89 [and see no. 2590: ...*wa-lā tunāzi' al-amra ahlahu, wa-in ra'ayta annahu laka*].

not be able to resist God's punishment with their swords; if they were being put to trial (by God) — they would have to suffer patiently until God judged between them and al-Ḥajjāj. The men who came to consult al-Ḥasan were Bedouins, and they left refusing to accept advice from a non-Arab, an *'ilj*. They joined Ibn al-Ash'ath and were killed in his revolt.⁶⁰ Similar was the opinion of Ibn 'Umar about the rule of Yazīd b. Mu'āwīya: if his rule is good we shall be content (*raḍīnā*); if it is a trial (by God) we shall suffer patiently (*ṣabarnā*).⁶¹

The most laudable feature of the ruler is his equity, *'adl*, and his help for every person suffering and oppressed. Even the wicked ruler may carry out some beneficial activities in the Muslim community. An utterance attributed to the Prophet says that even an unjust leader (*al-imām al-jā'ir*) is better than unlawful civil strife (*fitna*); neither of them is good (*wa-kullun lā khayra fīhi*), but one is better than the other.⁶² "It is necessary to have either a righteous or a libertine ruler" (*lā budda li-l-nāsi min amīrin barrin au fājirin*) is an utterance transmitted by several prominent personalities. When 'Alī was asked about the benefits of a libertine *amīr*, he listed the following: he takes care of the security of the roads, fights the enemy, makes it possible to perform the pilgrimage to Mecca, levies taxes, and metes out justice, and the believer is thus able to worship God in safety.⁶³ That the function of the authorities is conceived of as deterring people from committing wrong deeds is seen in an utterance of the Prophet where it is said that God deters (*yaza'u*) through (wordly - K.) authority (*sulṭān*) more than by the Qur'ān.⁶⁴ The high position of the ruler and his officials is indicated in an utterance of the Prophet: God has guards in heaven and on earth; God's guards

60 Ibn Sa'd, *Ṭabaqāt*, 7, 163 inf.-164 sup.

61 Ibn Ḥajar, *Lisān al-mīzān*, 6294, no. 105.

62 Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 137.

63 Al-Suyūfī, *al-Durr*, 2, 178; al-Muttaqī l-Hindī, *Kanz*, 5, 466, no. 2584; Ibn al-'Arabī, *Tafsīr*, p. 1710.

64 Al-Jāhīz, *Risāla ilā 'Abdallāh Aḥmad b. Duwād*, in *Rasā'il al-jāhīz*, ed. Hārūn, 1, 313; Ibn al-'Arabī, *Tafsīr*, p. 1438; al-Qurṭubī, *Tafsīr*, 13, 168-69; al-Māwardī, *Adab al-dunyā*, p. 137; and see Ibn Abī Jamra, *Bahjat al-nufūs*, 1, 30 [*yantazī'u llāhu bi-l-sulṭāni mā lam yantazī' bi-l-qur'āni*].

in heaven are the angels; His guards on earth are those who get their salaries (*arzāq*) and guard the people.⁶⁵ The virtue of Muslim rulers in guarding the population and in developing the territories over which they ruled was sometimes extended to unbelievers. The Prophet is said to have forbidden cursing the Persians (*al-‘ajam*) because they cultivated their country and enabled “God’s servants” to live in it.⁶⁶

Believers were enjoined to take part in the military expeditions initiated by the rulers, even if these were wicked and unjust (*a’immat al-jaur*).⁶⁷ The Prophet stated that *jihād* is unaffected by the “oppression of the oppressor or the justice of the just” (literally: *lā yaḍurruhu jauru jā’ir wa-lā ‘adlu ‘ādil*); it has to be continued until the end of the world.⁶⁸ More detailed is the definition of the relations between the ruler and his subjects given by al-Qayrawānī: It is forbidden to rise up in revolt against any ruler who gains authority by consent or by force and attains a firm hold (on his subjects - K.), whether he is righteous or libertine, just or iniquitous (*jāra au ‘adala*). One may join him by fighting the enemy, paying the prescribed taxes to him (if required), or performing the pilgrimage or the Friday prayers and the prayers of the two feasts (*al-‘idān*) behind him.⁶⁹

In several traditions where obedience is enjoined, some stipulations that limit its scope are added. The rulers and governors tried apparently to omit or to cancel such stipulations. This is reflected in the following report about a conversation between al-Ḥasan al-Baṣrī and al-Ḥajjāj. Al-Ḥasan quoted the utterance of the Prophet as transmitted by Ibn ‘Abbās: “Honour the rulers (*salāṭin*) and respect them as they are God’s might (‘izz) and His shadow on earth, if they are just.” Al-Ḥajjāj remarked: “If they are just” was

65 Al-Māwardī, *Adab al-dunyā*, p. 137.

66 Al-Māwardī, *Adab al-dunyā*, p. 137.

67 ‘Abd al-Razzāq, *al-Muṣannaf*, 5, 279, no. 9610 [when one of the warriors complains that the commanders of the expeditions fight for worldly goods (*yuqātilūna ‘alā ṭalabi l-dunyā*), Ibn al-‘Abbās advises him to join the troop of the commander and fight for his own lot in the next world].

68 ‘Abd al-Razzāq, *al-Muṣannaf*, 5, 279, no. 9611.

69 ‘Abdallah b. Zayd al-Qayrawānī, *al-Jāmi‘*, p. 116.

not included in the text of the tradition. But al-Ḥasan responded: "Surely, yes."⁷⁰

Some anecdotes point to a critical approach as to the authority decreed by God. Abū Musā l-Ash'arī entered the court of Mu'āwiya when people came to give him the oath of allegiance; he greeted him "O amīr of God." Mu'āwiya asked him about this (rather curious) form of greeting. Abū Musā answered: "God has appointed you amīr though we disapproved of this, and therefore you are God's amīr." "It is indeed true," said Mu'āwiya.⁷¹

The payment of the *zakāt* to the rulers was a contested problem. The question was whether it would not be preferable to give the *zakāt* to the poor and needy in one's own family or tribal group and not pay it to the authorities. In one inquiry a man noted that he had reservations about paying it to al-Ḥajjāj because he was spending the money on building palaces (*quṣūr*) and other improper expenditures (*wa-yaḍa'uhā fī ghayri mawāḍi'ihā*). In almost every case people were told that they should hand it over to the authorities.⁷² A very harsh answer was given by Ibn 'Umar: "Hand it over to them (i.e. the authorities - K.) even if they eat dog meat with this money."⁷³

According to a report recorded by 'Abd al-Razzāq, Ibn 'Umar nevertheless advised a man to hand the *zakāt* money over to the poor, as he had confidence in the man (that he would not denounce him - K.).⁷⁴ A similar answer was given by Sa'īd b. Jubayr^{74a} to a man who inquired on this subject: he advised him to hand it over to the authorities. When, however, the man explained how the governors misused the revenues, he advised him to put it where it was enjoined

70 Al-Zamakhsharī, *Rabī' u l-abrār*, 4, 213.

71 Ibn Ra's Ghanama, *Manāqil al-durar*, MS, fol. 44b penult.-45a; cf. al-Ya'qūbī, *Ta'rīkh*, 2, 206: ...*wa-dakhala ilayhi sa'd b. mālīk fa-qāla 'al-salāmu 'alayka ayyuhā l-malik'*; *fa-ghaḍiba mu'āwiya fa-qāla 'alā qulta al-salāmu alayka yā amīra l-mu'minīna'*? *qāla: dhāka in kunnā ammarnāka*. [This report is followed by an enigmatic phrase, *innamā anta muntazz*, perhaps to be read: *muntazi'*.]

72 Ibn Abī Shayba, *al-Muṣannaf*, 3, 156-57; Nūr al-Dīn al-Haythamī, *Majma'*, 3, 80; 'Abd al-Razzāq, *al-Muṣannaf*, 4, 44, no. 6917, 45, nos. 6919-20.

73 Ibn Abī Shayba, *al-Muṣannaf*, 3, 156; cf. 'Abd al-Razzāq, *al-Muṣannaf*, 4, 46, no. 6924.

74 'Abd al-Razzāq, *al-Muṣannaf*, 4, 46, 6928.

74a See on him Ibn Ḥajar, *Tahdhīb al-tahdhīb*, 4, 11, no. 14.

to be placed by God (referring, of course, to the poor - K.). "You asked me in front of the people," said Sa'īd, "and I was not in a position to give you the (proper - K.) information" (*fa-lam akun li-ukhhbiraka*).⁷⁵ A peculiar story reflects the socio-political conditions in some districts of the conquered territories of Persia. When Ibn 'Umar was asked about the *zakāt*, he advised paying it to the authorities. The man then explained that the governors (*al-umarā'*) were the *dahāqīn*. Ibn 'Umar asked who these *dahāqīn* were, and the man said that they were from the unbelievers. Then Ibn 'Umar told him not to pay the *zakāt* to them.⁷⁶ Few religious scholars gave open advice to pay the *zakāt* directly to the poor.⁷⁷

The problem of loyalty became acute when the question of paying *zakāt* in a time of revolt arose. Ibn 'Umar had to decide in such a situation; he was asked to whom one should pay the *zakāt* if the tax collectors of 'Abdallah b. al-Zubayr and those of the Khārījī Najda came to levy the tax. Ibn 'Umar's reply was that no matter to whom he paid it, he would carry out his duty.⁷⁸ A similar question was asked regarding to whom to pay the *zakāt* in the period of the wars between the Syrians and their enemies; each of the two parties suffered defeat and enjoyed victory in turn. Ibn 'Umar's concise answer was: Pay it to the commanders of the victorious party.⁷⁹

The main aim of the Muslim religious leaders was to keep firmly the unity of the Muslim community (*al-jamā'a*). To listen, to obey, to adhere closely to the Muslim community, to perform the *hijra*, and to participate in holy war were five commandments added by the Prophet to the five commandments uttered by Jesus.⁸⁰ Al-Ḥasan al-Baṣrī, when asked about authority, answered: "What can I say about people who took upon themselves five commandments: to take

75 Al-Kharā'iṭī, *Makārim al-akhlāq*, MS Leiden, Or. 122, fol. 88a sup.

76 'Abd al-Razzāq, *al-Muṣannaf*, 4, 47, no. 6925.

77 Ibn Abī Shayba, *al-Muṣannaf*, 3, 157; 'Abd al-Razzāq, *al-Muṣannaf*, 4, 46, no. 6923, 48, no. 6931; and cf. *ibid.*, 47, no. 6927.

78 Ibn al-Zanjawayh, *al-Amwāl*, fol. 231b.

79 *Ibid.*

80 Abū 'Ubayd, *al-Mawā'iz*, MS Hebrew Univ., fol. 145; 'Abd al-Razzāq, *al-Muṣannaf*, 11, 339-41, nos. 20707-10.

care of the Friday prayer, to guard the frontiers against the enemy, to carry out the legal punishments, and to pay the Muslims their revenues" (*ḡay'*)?⁸¹ The story is rightly attributed to al-Ḥasan al-Baṣrī; he used indeed to visit the rulers and aid them.⁸² It is not surprising that Mu'āwiya is credited with the transmission of the utterance attributed to the Prophet: "There will be no dispute (on the Day of Judgement) against a man who hearkens and obeys; there will be no claim in favour of a man who hearkens but disobeys."⁸³ A concise bidding of the Prophet commands believers to keep away from polytheism, to hold fast to obedience in unison until God's will comes (i.e., until death - K.), and to give good advice to men of authority.⁸⁴ Causing a split in the community means renouncing Islam.⁸⁵ "The community is mercy, division is pain," the Prophet said.⁸⁶ The community is always on the right path and never goes astray.⁸⁷ Allegiance to the community is always manifested through allegiance to the ruler and his deputies. "He who dies without being bound at his neck by an oath of allegiance to the representative of authority, dies a Jāhilī death," is reported to have been uttered by the Prophet. In another version it is reported: he who dies having no *imām* will die a Jāhilī death.⁸⁸ It is quite in character that this tradition was transmitted by Mu'āwiya.⁸⁹ Another utterance attributed to the Prophet is quite outspoken about the legitimacy of the ruling caliph and the prohibition of revolt against him. He who goes out against my people (*ummaḡī*) while they are united, with the intention of splitting them (into factions - K.), kill him whoever

81 Al-Tha'ālibī, *al-Laṭā'if wa-l-zarā'if*, p. 11.

82 Al-Fasawī, *al-Ma'rifa wa-l-ta'rīkh*, MS, fol. 16b.

83 Nūr al-Dīn al-Haythamī, *Majma'*, 5, 217.

84 Ibid., 5, 277 [in the following phrase the Prophet forbade the believers to engage in small-talk, or ask (idle) questions, and warned them of squandering their possessions].

85 See I. Goldziher, *Muslim Studies*, 2, 94.

86 Nūr al-Dīn al-Haythamī, *Majma'*, 5, 217; al-Jarrāḡī, *Kashf al-khaṡā'*, 1, 333, no. 1074.

87 Nūr al-Dīn al-Haythamī, *Majma'*, 5, 218-19.

88 Ibid., 5, 218.

89 Ibn Ṭāwūs, *al-Malāḡim wa-l-ḡitan*, Najaf 1383/1963, p. 138.

he be.”⁹⁰ The danger of the *amīrs* who might get the recognition is emphasized in the famous speech on the Day of the Hall attributed to Abū Bakr: the Muslims are not permitted to have two *amīrs*. If this happens dissension will arise among them as to authority and law, their community will split and they will dispute among themselves. In this situation the *sunna* will be abandoned, bad innovations will appear (*taẓharu l-bid‘a*), civil war (riots) will erupt (*ta‘ẓumu l-fitna*), nobody will then follow the right path.⁹¹ Ibn ‘Umar transmitted the utterance of the Prophet saying that violation of the oath of allegiance given to the ruler is treason.⁹² Revolt against the oppressing rulers is forbidden by the Prophet even in a case where the ruler appropriates to himself the share of the revenues (*fay’*) decreed by the law for the believer.⁹³ Abū Mas‘ūd al-Anṣārī prefers being humiliated to revolting and being punished in Hell in the next world.⁹⁴ On the basis of this injunction, Sa‘īd b. al-Musayyab refused to give the oath of allegiance to two rulers, and quoted the tradition stating that the second claimant must be killed.¹⁰⁰

90 ‘Abd al-Razzāq, *al-Muṣannaf*, 11, 344, no. 30714; see al-Shaukānī, *Nayl*, 8, 183, no. 5; al-Dhahabī, *Mizān al-ʿitidāl*, 2, 128, no. 3142 [*idhā būyi‘a li-khalīfatayni fa-qtulū l-aḥdathā*]; Ibn Kathīr, *Tafsīr* 1, 126 [some scholars were, however, of the opinion that the rule of two or more caliphs is permitted if they rule in distant territories; and see the discussion about the status of ‘Alī and Mu‘ā-wiya as legal rulers]; Ibn Ḥajar, *al-Iṣāba*, 4, 199 inf.; al-Bayhaqī, *al-Sunan al-kubrā*, 8, 144; Aḥmad b. Ḥanbal, *Musnad* [ed. Shākir], 10, 3-4, no. 6501, 6, no. 6502 [and see the comments and references of the editor].

91 Al-Bayhaqī, *al-Sunan al-kubrā*, 8, 145.

92 Ibn al-‘Arabī, *Tafsīr*, p. 976; Ibn al-Athīr, *Jāmi‘ al-uṣūl*, 4, 461-62, no. 2064; and see Ibn Ra’s Ghanama, *Manāqil al-durar*, MS, fol. 72a.

93 Al-Shaukānī, *Nayl*, 7, 183, no. 7 [transmitted by Abū Dharr; and see the comments of Shaukānī, pp. 185 inf.-186].

94 Nu‘aym b. Ḥammād, *Kitāb al-fitan*, fol. 36a.

100 Abū l-‘Arab, *Kitāb al-miḥan*, ed. Yaḥyā l-Jubūrī, n.p. 1403/1983, pp. 292-301 [see esp. p. 296 inf.]; and see the arguments of the Companion Muḥammad b. Maslama for his refusal to swear allegiance to two *amīrs*, *ibid.*, pp. 342-43.

Yaḥyā b. Yaḥyā, a student of Mālik b. Anas and an influential and distinguished scholar,¹⁰¹ quotes Mālik as approving of the oath of allegiance given by 'Abdallah b. 'Umar to 'Abd al-Mālik b. Marwān, who got his kingdom (*mulk*) by force. Giving such an oath of allegiance is better than causing a split in the community. The conclusion of this report, as formulated by al-Shāṭibī, is that if there is fear that disorder and riots (*fitna*) will occur if the improper person is deposed and the proper person is appointed, the common interest is to leave the situation as it is.¹⁰² 'Abdallah's oath of allegiance to 'Abd al-Malik's son, Yazīd, is explained in similar terms. 'Abdallah had to swear allegiance because of his religious conviction and conscience and to abide by God's decree (*al-taslīm li-amri llāh*) in order to avoid civil war (*fitna*), which would lead to loss of life and property.¹⁰³ The idea of total obedience to a ruler, even one not chosen or recommended by the previous ruler, but one who got his authority by force, is formulated in the utterance of the pious Sahl al-Tustarī: the believer has to carry out his obligations as demanded by the ruler; the believer is ordered to refrain from censuring his actions (*lā yunkir fi'ālahu*), from running away (*yafirr*) from the ruler, and from revealing secrets (concerning belief) entrusted to him.¹⁰⁴

There is an injunction to obey the rulers while disregarding their beliefs and behaviour. But the best *imāms* (i.e., leaders, men of authority - K.) are those who are loved by the community and

101 See on him, e.g., al-Qāḍī 'Iyāḍ, *Tartīb al-madārik wa-taqrīb al-masālik li-ma'rifati a'lām madhhab mālik*, ed. Aḥmad Bakīr Muḥammad, Beirut 1387/1967, 1, 407-09, 534-47.

102 Al-Shāṭibī, *al-I'tisām*, Cairo, n.d. 2, 128.

103 Ibid., 2, 128 inf.-129; Ibn al-'Arabī, *Tafsīr*, p. 976 [the distorted passage *al-I'tisām* 2, 129 (n. 2) is to be corrected according to the text in Ibn 'Arabī's *Tafsīr*, p. 976].

104 Al-Qurṭubī, *Tafsīr*, 1, 269: *...fa-in taghallaba man lahu ahliyyatu l-imāmati wa-akhadhahā bi-l-qahri wa-l-ghalabati fa-qad qīla inna dhālika yakūnu ṭariqan rā-bi'an; wa-qad su'ila Sahl b. 'Abdallah al-Tustarī: mā yajibu 'alaynā li-man ghalaba 'alā bilādīnā wa-huwa imām? qāla: tujībuhu wa-tu'addī ilayhi mā yuṭālibuka min ḥaqqihi, wa-lā tunkir fi'ālahu wa-lā tafirra minhu, wa-idhā i'tamanaka 'alā sirrin min amri l-dīni lam tufshihi; qāla Ibn Khuwayzimandād: wa-lau wathaba 'alā l-amri man yaşluhu lahu min ghayri mashūratin wa-lā khtiyārin wa-bāya'a lahu l-nāsu tammat lahu l-bay'atu; wa-llāhu a'lam.*

who love the community; the *imāms* pray for the righteousness of the community, and the community reciprocates by praying for the righteousness of the *imāms*. The wicked *imāms* are hated and cursed by the community, and they in turn hate and curse the community.¹⁰⁵ It was this concept of community consensus as to the person of the leader or ruler that brought about the refusal of Muḥammad b. al-Ḥanafiyya to give the oath of allegiance to ‘Abdallāh b. al-Zubayr or to ‘Abd al-Malik; he argued that he was ready to swear allegiance.¹⁰⁶ And it was Ibn al-Ḥanafiyya who said that he would not agree to accept authority if even one person questioned the legitimacy of his rule.¹⁰⁷ The concept of the consensus and the agreement of the community explains the utterance of ‘Umar according to which a person striving for authority (*ilā imratin*) who has not won (community - K.) agreement after consultation (*mashwara*) should be killed.¹⁰⁸ It is the interest and welfare of the community that has to be taken into consideration when giving the oath of allegiance: ‘Abdallāh b. ‘Umar is said to have delayed his oath of allegiance to Ibn al-Zubayr, who had received recognition from almost all the provinces of the Muslim empire, arguing that Ibn al-Zubayr’s troops were still carrying weapons and might shed the blood of Muslims.¹⁰⁹

The possibility of a change in the attitude of the community towards a ruler and a rebel pretender is indicated by an utterance reported on the authority of ‘Umar b. ‘Abd al-‘Azīz: If you are ruled by a ruler (*imām*) acting in accordance with God’s Book and the *sunna* of the Prophet, then fight on the side of your *imām*; but

105 Al-Shaukānī, *Nayl*, 7, 182, no. 3; and see the version of the *ḥadīth*: Ibn Zanjawayh, *al-Amwāl*, fol. 4a inf.; and see the tradition saying that God will not accept the prayer of the *imām* disliked by the community: al-Munāwī, *Fayḍ*, 3, 328, no. 3536, 232, no. 3517; and see the different versions: Abu ‘Awāna, *Musnad*, 4, 482-86; and cf. Nu‘aym b. Ḥammād, *al-Fitan*, fol. 36a.

106 See, e.g., Ibn Sa’d, *Ṭabaqāt*, 5, 100 inf., 101, 108.

107 ‘Abdallāh b. al-Mubārak, *Musnad, al-juz’ al-thānī*, al-Zāhiriyya, Majmū‘a 18, fol. 122a [...*lau anna l-nāsa bāya’ūnī illā rajulun (!) lam yusaddad sulṭānī illā bihi mā qabiltuhū*]; and see Ibn Sa’d, *Ṭabaqāt*, 5, 108.

108 Aḥmad b. Ḥanbal, *Kitāb al-‘ilal wa-ma’rifati l-rijāl*, ed. Talat Kocyigit and Ismail Cerrahoğlu, Ankara 1963, 1, 246, no. 1576.

109 Nu‘aym b. Ḥammād, *al-Fitan*, fol. 39a inf.

if you are ruled by a ruler acting otherwise than in accordance with God's Book and the *sunna* of God's Messenger, and a rebel pretender comes forth against him (*kharaja 'alayhi khārijiyyun*), summoning people to God's Book and the *sunna* of God's Messenger — then (retreat - K.) and sit in your dwelling.¹¹⁰ Another case of a choice of ruler by the community is recorded in some early sources: People attending the council at the court of Umm Salama (the wife of the Prophet - K.) were asked what they would do if two pretenders (*dā'iyānī*) appeared among them, one summoning them to accept the authority of God and the other of God's Book: To which of the two would they respond? They answered that they would respond to the one summoning them to accept God's Book. Umm Salama rejected their view and advised them to respond to the one who calls them to God's authority, as God's Book is closely tied with God's authority.¹¹¹ It is noteworthy that the rebels usually called for the implementation of the commandments of God's Book and the Messenger's *sunna*.

Another hypothetical case of a revolt is recorded in Qurṭubī's *Tafsīr*: If the rebellion is against a ruler known for his justice, people should go out to fight the rebel. If the ruler is a libertine (*fāsiq*) and the rebel manifests righteousness, people should not hasten to aid the rebel until it is ascertained that he is just or that there is a consensus to depose the ruling *imām*. This is the correct course of action, because a rebel who tries to attain his goal usually makes a show of righteousness, but when he establishes himself as a ruler he acts against what he professed before.¹¹²

The believer should give the oath of allegiance with a sincere intention. God will not look at a man or speak to him if he has given the oath of allegiance in order to gain worldly benefits; if the *imām* grants him some benefits he remains faithful, if not he does not keep to his oath (*lam yafī*), says a tradition of the Prophet.¹¹³

110 Nu'aym b. Ḥammād, *al-Fitan*, fol. 43a inf.

111 Ibn Ḥajar al-Haytamī, *Fī faḍl al-'aql*, fol. 85a; Ibn Zanjawayh, *al-Amwāl*, fol. 3b [the report is traced back to 'Abd al-Raḥmān b. Jubayr]; Ibn Abī Ḥātim, *ʿIlal al-ḥadīth*, 2, 424, no. 2781.

112 Al-Qurṭubī, *Tafsīr*, 1, 273.

113 Al-Kattānī, *Juz'*, MS Chester Beatty 4483, fol. 6a inf.; al-Munāwī, *Fayḍ*, 3, 330, no. 3540; Ibn Abī Jamra, *Bahjat al-nufūs*, 1, 32.

The believer should also carefully assess the religious and moral aims of the contesting claimants. When al-Aḥnaf swore allegiance to 'Alī he was criticized by Abū Bakra, who stated that "the people" (*al-qaum*) were fighting for a this-worldly cause (*al-dunyā*) and that they took hold of worldly goods without the consent of the community. When asked about the "Mother of the believers," 'Ā'isha, and her role in the conflict (i.e., between Ṭalḥa and al-Zubayr and later on 'Alī - K.) Abū Bakra characterized her as a "weak woman" and quoted the utterance of the Prophet that a people ruled by a woman will not be successful in its undertakings.¹¹⁴ An utterance attributed to the Prophet says that the worst man killed in this world is the one killed (in the battlefield - K.) between two kings striving for (the goods of - K.) this world.¹¹⁵ Abū Barza al-Aslamī¹¹⁶ applied the same terms in his assessment of the wars between the pretenders to the caliphate. Both of them (Marwān in Syria and Ibn al-Zubayr in Mecca) fought merely for [the goods of] this world (*al-dunyā*). Those called *al-qurrā'* also fought for the gains of this world. Asked by his son what his injunction was in this situation, he said that one should join those who cleave "empty bellied [and devoid] of every possession" to the ground, not having on their backs (the sin of shedding - K.) any blood.¹¹⁷

As both parties involved in fighting were characterized as fighting for the cause of this world, the only solution was to stay away from both. The Companion Ḥudhayfa b. al-Yamān warned the people of the two parties struggling to achieve the benefits of this world: They both would be driven to Hell.¹¹⁸ Ibn 'Umar was asked by a man whether to join al-Ḥajjāj or Ibn Zubayr. He replied that no

114 Nu'aym b. Ḥammād, *al-Fitan*, fol. 43b sup.

115 'Abd al-Malik b. Ḥabīb, *Kitāb al-wara'*, MS Madrid 5146b, fol. 18b: ...*sharru qatīlin qūtila fī l-dunyā man qūtila bayna malikayni yurīdāni l-dunyā*; and see a similar tradition: al-Munāwī, *Fayḍ*, 4, 160, no. 4880: *sharru qatīlin bayna l-ṣaffayni aḥaduhumā yaṭlubu l-mulka*.

116 See on him, e.g., Ibn Ḥajar, *Tahdhīb al-tahdhīb*, 10, 446, no. 815.

117 See Nu'aym b. Ḥammād, *al-Fitan*, fol. 35b [and cf. fol. 43a, 43b]; Ibn Ra's Ghanama, *Manāqil*, fol. 72a; al-Ḥākim al-Naysābūrī, *al-Mustadrak* [repr. Riyāḍ n.d.], 4, 470-71.

118 Nu'aym b. Ḥammād, *al-Fitan*, fol. 33b.

matter whom he joined in fighting, he would be sent to Hell.¹¹⁹ In a harsh utterance Ibn 'Umar gave his assurance that al-Ḥajjāj, Ibn al-Zubayr, and the Khārijī Najda would fall into Hell like flies falling into soup. He nevertheless hastened to prayer when he heard the *mu'adhdhin* (scil. of one of the fighting parties - K.) call for prayer.¹²⁰ Many traditions enjoin staying away from both rulers and insurgents.¹²¹

The usual call of the insurgents was the appeal for the revival of the *sunna* of the Prophet. A well-known case is the message of Ibn al-Zubayr and the impressive reply of his mother: When Ibn al-Zubayr informed his mother that his adherents had defeated and deserted him while the Syrians offered him safety (*amān*), she told him: If you went out fighting for the revival of God's Book and the Prophet's *sunna* then die for your true faith, but if you went out for the cause of this world, then there is nothing good in you, no matter whether you are alive or dead.¹²² The Umayyad officials and commanders believed in their mission. Muslim b. 'Uqba considered his deed in Medina the most virtuous one: he kept allegiance to the legal caliph, defeated his enemies, and killed many of them. In his prayer before his death Muslim emphasizes that he "did not draw his hand away" from allegiance to the caliph, and there is no deed more righteous that could help him draw nearer to God than his action in Medina. "Therefore grant me Thy mercy," concluded Muslim his prayer.¹²³ The case of the battle of the Ḥarra became

119 Al-Ḥākim, *al-Mustadrak*, 4, 471; Nu'aym b. Ḥammād, *al-Fitan*, fol. 40b.

120 Nu'aym b. Ḥammād, *al-Fitan*, fol. 44a; cf. 'Abd al-Jabbār al-Khawlānī, *Ta'rikh dārayyā*, ed. Sa'īd al-Afghānī, Damascus 1369/1950, pp. 78 inf.-79.

121 See, e.g., Nu'aym b. Ḥammād, *al-Fitan*, fols. 35a-48b.

122 See, e.g., Nu'aym b. Ḥammād, *al-Fitan*, fol. 43b.

123 Ibn Ra's Ghanama, *Manāqil*, MS, fol. 81a; Ibn al-Jauzī, *Risāla fī jawāz*, MS, fol. 22b. Cf. the story of al-Manṣūr and his comment on the will of al-Ḥajjāj. Al-Ḥajjāj records the *shahāda* and expresses his full loyalty to al-Walīd b. 'Abd al-Malik (...*wa-annahu lā ya'rifu illā ṭā'ata l-walīdi bni 'abdi l-malik, 'alayhā yaḥyā wa-'alayhā yamūtu wa-'alayhā yub'athu*...). Al-Manṣūr, in whose presence the will was read says: *hādhihi wa-llāhi l-shr'a, lā shr'atukum*. (Ibn 'Asākir, *Ta'rikh [tahdhīb]*, 4, 71).

the shibboleth of the religious-political legitimacy of the Umayyad rulers during the interregnum after the death of Yazīd. The Kalbite leader Ḥassān b. Mālīk addressed the people of the district of Jordan, asking them: "What do you attest about the Medinan warriors killed in the battle of the Ḥarra and about Ibn al-Zubayr?" "We attest," they answered, "that Ibn al-Zubayr was a hypocrite and that the Medinan warriors killed in the battle of the Ḥarra are in Hell." Then he asked: "What do you attest about Yazīd b. Mu'āwiya and your warriors killed in the battle of the Ḥarra?" "We attest," they said, "that Yazīd was a believer and that our warriors killed in the battle of the Ḥarra are in Paradise."¹²⁴ It was only on this ideological basis that the troops of the Jordan district were willing to accept the leadership of Ḥassān. This testimony is, of course, a religious-political ideological credo given in a standard pattern in the case of pacts concluded after battles. It is exactly the formula of the terms accepted by 'Alqama b. 'Ulātha included in the pact known as the "shameful peace," *silm mukhziyya*, "you will attest that the fallen from our troops are in Paradise, and that yours are in Hell."¹²⁵ Yazīd himself fostered some well-based hopes to attain Paradise through his appointment as successor by his father, Mu'āwiya. Yazīd explained to his father that this appointment freed him (Yazīd) from Hell, quoting the utterance of the Prophet that he who takes it upon himself to rule the Muslim community (*al-umma*) for three days, God will free him from Hell.¹²⁶ Further, Yazīd had been promised Paradise on the basis of the utterance of the Prophet that God would forgive the sins of the first army to go forth to raid the city of the Byzantine ruler (*qayṣar*). Yazīd, in fact, led the expedition against Constantinople in 49 H, and it is obvious that the utterance of the Prophet referred to him.¹²⁷ Yazīd's fight against 'Abdallāh b. al-Zubayr was justified in pro-Umayyad religious circles by the utterance attributed to the Prophet in which he foretold that a leader of Quraysh named 'Abdallāh would go astray

124 Ibn Abī l-Ḥadīd, *Sharḥ nahj al-balāgha*, 6, 157.

125 Al-Bayhaqī, *al-Sunan al-kubrā*, 8, 178, 183 ult.-184, 1.1; and see about *silm mukhziyya* al-Muttaqī l-Hindī, *Kanz al-'ummāl*, 5, 386, no. 2380.

126 Ibn Kathīr, *al-Bidāya*, 8, 227.

127 Ibid., 127, 229.

in Mecca; he would assume half of the sins of the people.¹²⁸ The arguments that justified the killing of 'Abdallah b. al-Zubayr were clearly defined by al-Ḥajjāj: he tried to grasp the caliphate from its legal authority (*nāza'a l-khilāfata ahlāhā*),¹²⁹ and he threw off the yoke of obedience to God and went astray in the Ḥaram of God. Al-Ḥusayn was killed on the order of 'Ubaydullah b. Ziyād b. Abīhi, and Yazīd disapproved of the killing and severely reproached Ziyād for his wicked deed. Those who killed him, rough people, *jahala*, misinterpreted the utterance of the Prophet that he who goes forth to split the unity of the believers may be killed.¹³⁰ They considered him a *khārijī* rebel who went forth against the legal ruler.¹³¹ Later sources clearly echo the Umayyad arguments that justify the military expedition of Yazīd against Medina, blaming him however for the permission given Muslim b. 'Uqba to loot Medina, kill the people of the city, and rape the women.¹³² Yazīd's fate in the hereafter is described in the dream of a judge in al-Baḥrayn: Yazīd denied that he killed al-Ḥusayn and told the judge that God forgave him his sins and introduced him into Paradise.¹³³

The anti-Umayyad opposition used the same weapon of *ḥadīth* to discredit Yazīd. "The affairs of my community will be managed justly until subverted by a man of the Banū Umayya named Yazīd," the Prophet is said to have predicted. "The first to change my *sunna* will be a man from the Banu Umayya named Yazīd," the Prophet said.¹³⁴ Some of the orthodox scholars held a grudge against the Umayyads and used to curse them in every prayer.¹³⁵ Shī'ī partisans,

128 Ibn Ḥanbal, *Musnad*, (Shākir) 1, 360, no. 461; al-Fākihī, *Ta'rikh*, MS, fol. 384b; Ibn Ḥajar al-Haytamī, *al-Ṣawā'iq*, p. 109 inf.; Ibn Kathīr, *al-Bidāya*, 8, 339 inf.-340.

129 Ibn Kathīr, *al-Bidāya*, 8, 331 inf.-332 sup.

130 Ibn Kathīr, *al-Bidāya*, 8, 202-03, 222, 236.

131 Ibn al-Jauzī, *Risāla fī jawāz al-la'n 'alā yazīd*, MS Leiden, Or. 959 (1), fol. 28a-b.

132 Ibn Kathīr, *al-Bidāya*, 8, 222-24.

133 Ibid., 8, 236.

134 Ibn Ḥajar al-Haytamī, *al-Ṣawā'iq*, p. 114; Ibn Kathīr, *al-Bidāya*, 8, 231; al-Muttaqī l-Hindī, *Kanz*, 17, 159, no. 545.

135 Ibn al-Jauzī, *Risāla fī jawāz*, fol. 28a: ...*'an sa'īdi bni musayyabin annahu qāla: mā uṣallī ṣalātan illā da'autu llāha 'alā banī marwāna.*

of course, did not lag behind. Ibn al-Jauzī compiled a special treatise about the permissibility of cursing Yazīd b. Mu‘āwiya.¹³⁶ These pious circles disseminated traditions attributed to the Prophet, or to his Companions, in which Yazīd was blamed for the massacre; furthermore, the warriors killed at the battle of the Ḥarra were described as martyrs. The Prophet is said to have predicted that the best people of the generation following his Companions would be killed in this battle.¹³⁷ A corroborative tradition states in fact that eighty Companions were killed in this battle of the Ḥarra, and that no Companion who fought with the Prophet in the battle of Badr remained alive.¹³⁸ ‘Abdallah b. Salām, the Jewish convert to Islam, known for his ability to predict events, stated that he read in a book of the Jews which was not altered that in the Ḥarra a massacre would take place of people who stood up on the Day of Resurrection, putting their swords on their shoulders in the presence of God, and saying: “We were killed for Thy sake.”¹³⁹ The leader of the revolt in Medina, the son of a devoted Companion, was seen in a dream and said that God granted him Paradise. His followers are still under the unfurled flag under which they fought.¹⁴⁰ A lesser position was granted those killed in this battle in a dream of Muḥammad b. Sīrīn. In the dream he saw one of the fallen and asked him whether he and his Companions were martyrs. “No,” answered the man. “People of prayer are not martyrs (*shuhadā*); they are merely volunteers” (*nudabā*).¹⁴¹

The real dilemma that faced the believer during the turbulent period of revolts and rebellions in the middle of the first century was to assess properly the claims of the rebels and to evaluate the religious-political base of the rulers. Rebels in general used

136 See al-Safārīnī, *Ghidhā’u l-albāb*, 1, 100-102; Sibṭ Ibn al-Jauzī, *Tadhkirat al-khawāṣṣ*, pp. 287-92 (the title of the treatise compiled by his grandson is given as follows: *al-Radd ‘alā l-muta’aṣṣib al-‘anīd al-mānī’ min dhammi yazīd*).

137 Abū l-‘Arab, *al-Miḥan*, fol. 57b; al-Ṭabarsī, *I’lām al-warā*, p. 45; Ps. Ibn Qutayba, *al-Imāma wa-l-siyāsa*, 1, 180.

138 Abū l-‘Arab, *al-Miḥan*, fol. 57b; Ps. Ibn Qutayba, *al-Imāma*, 1, 181; cf. al-Ṭabarsī, *I’lām*, p. 45 (only three Companions were killed in the battle).

139 Abū l-‘Arab, *al-Miḥan*, fol. 57b; Ps. Ibn Qutayba, *al-Imāma*, 1, 180.

140 Abū l-‘Arab, *al-Miḥan*, fol. 57b; Ps. Ibn Qutayba, *al-Imāma*, 1, 180.

141 Ibn Ra’s Ghanama, *Manāqil*, fol. 80b.

the accepted arguments: rebelling in order to remove the yoke of oppressive rulers, acting according to the precepts of the Qur'ān, and reviving the violated *sunna* of the Prophet. The scholar, the learned man who attained his knowledge from the pious *tābi'ūn*, the generation following the Companions of the Prophet, became the competent person who could give the just decision as to who was the person fit for authority. The verse of the Qur'ān enjoining obedience to "those of you who are in authority" was interpreted by some scholars as applying to the pious men, the scholars of jurisprudence, the transmitters of the prophetic tradition, and to the people of faith and virtue who teach the believers the principles of their faith.¹⁴²

The prevailing trend among pious orthodox circles not dependent on rulers and governors was to stay away from the rulers and to observe strictly non-cooperation with them.¹⁴³ Their conviction was that the authorities were deteriorating and were not acting according to the precepts of the Qur'ān and the *sunna*. This attitude was reflected in an utterance attributed to the Prophet: "Qur'ān and authority will in future part;¹⁴⁴ if this happens stick to the Qur'ān and do not abandon the Qur'ān." Any relationship with the unjust ruler has to be cut off. Sufyān al-Thaurī advised his followers not to agree to any of the rulers' requests whatsoever, even if the subject related to matters of the next world (*al-ākhirā*). "If they summon you to recite a chapter of the Qur'ān do not recite it." A slightly different version recorded by Aḥmad b. Ḥanbal is noteworthy: "Do not be one of the Qur'ān readers of the kings, do not be the man of jurisprudence in the market. How disgusting is reading of the Qur'ān not linked with abstinence (*zuhd*). If the kings summon you to read *qul huwa aḥad* do not do it."¹⁴⁵ He who provides cotton for the inkstand of the rulers or cuts a pen for them becomes their accomplice (responsible - K.) for all blood (shed) in the East or in

142 Ibn Sa'd, *Ṭabaqāt*, 5, 298; al-Tha'labī, *Tafsīr*, MS p. 260.

143 'Abd al-Malik b. Ḥabīb, *Kitāb al-wara'*, MS fol. 17a.

144 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 18b; Ibn Abī Ḥātim, *Taqdimat al-ma'rifa*, pp. 86, 89; cf. Abū Nu'aym, *Ḥilya*, 6, 387; al-Khaṭṭābī, *al-'Uzla*, p. 111.

145 Aḥmad b. Ḥanbal, *Kitāb al-wara'*, p. 59; Abū Nu'aym, *Ḥilya*, 6, 251.

the West," said Sufyān.¹⁴⁶ He refused to hold contacts with the rulers¹⁴⁷ and declined to shake the hand of a man who attended the council (*majlis*) of the ruler.¹⁴⁸ In a letter to one of the ascetics Sufyān warns him of any contact with the rulers. He has to be alert not to be deceived by the argument that he could intercede for the oppressed; it is really a deceit of Satan. The wicked Qur'ān readers used it as a ladder (to gain their ends - K.).¹⁴⁹ It was the hypocritical Qur'ān readers, serving the rulers, against whom Sufyān directed his sharp words of criticism. "If you see a Qur'ān reader sheltering himself inside the gates of the ruler, know that he is a brigand (*liṣṣ*); if he shelters himself under the doors of the rich, then know that he is a hypocrite."¹⁵⁰ A vivid picture of such a group of Qur'ān readers looking for favours from the governor is recorded by al-Zajjājī. Al-Ḥasan al-Baṣrī passed by a group of Qur'ā' at the gate of 'Umar b. Hubayra, the governor appointed by 'Abd al-Malik, and said: "Why do you sit here with trimmed moustaches, shaved heads, sleeves cut short, and broadened shoes (*mufaṭṭaḥa*)? By God," said al-Ḥasan, "had you considered kings' possessions to be of little value they would have longed for what you possess; but you longed for what they have, and therefore they belittled what you have. You brought shame upon the (true - K.) Qur'ā', may God bring shame upon you."¹⁵¹

Sufyān was outspoken about any contacts with the rulers. "Dealing with Jews and Christians is more attractive to me (*aḥabbu ilayya*) than dealing with these leaders (*umarā'*)."¹⁵² To look into the

146 Aḥmad b. Ḥanbal, *al-Wara'*, p. 57.

147 Ibn Abī Ḥātim, *Taqdima*, pp. 105, 114; 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 17a.

148 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 17b.

149 Abū Nu'aym, *Ḥilya*, 6, 376.

150 Ibid., 6, 387; Aḥmad b. Ḥanbal, *al-Wara'*, p. 114; and see al-Zandawaysīṭī, *Rauḍat al-'ulamā'*, MS Heb. Univ., fol. 100a: *idhā ra'ayta l-'ālīma yuḥibbu l-aghniyā'a fa'lam annahu ṣāhibu dunyā...*; 'Alī l-Qārī, *al-Maṣnū'*, p. 26, no. 19; al-Samarqandī, *Tanbīh al-ghāfilin*, pp. 178-79; al-Munāwī, *Fayḍ al-qadīr*, 2, 407, no. 2161: *inna abghaḍa l-khalqī ilā llāhi ta'ālā 'ālimun yazūru l-'ummāl*; Shaqīb Arslān, *Maḥāsin al-masā'ir*... p. 98: *...al-awzā'f: mā min shay'in abghaḍu ilā llāhi min 'ālimin yazūru 'āmilan*.

151 Al-Zajjājī, *al-Amālī*, p. 13.

152 Aḥmad b. Ḥanbal, *al-Wara'*, p. 59; al-Khaṭīb al-Baghdādī, *Muḍīḥ auḥām*, 2, 362.

face of an oppressor is a sin. One has to look disapprovingly at the leaders (*a'imma*) who lead people astray, for in this case the good deeds of the man may be forfeited.¹⁵³ To accept gifts from these rulers means to approve of the forbidden actions (*maḥārim*), to smile at them is a sign of acceptance of their deeds, to continue to look on them will cause mortification of the heart.¹⁵⁴ Had he been given two possibilities, to look on them or to choose blindness, he would have chosen blindness."¹⁵⁵ In Hell there is a canyon singled out for the Qur'ān readers who visited the kings and leaders, said Sufyān.¹⁵⁶ When asked about giving water to an oppressive ruler suffering from thirst in the desert, Sufyān forbade giving him a drink of water. "Then will he not die?" asked the listeners. "Then let him die," said Sufyān. "It is better for him and for the Muslims as well."¹⁵⁷

Similar views were expressed by other pious scholars. Ideas of this kind were attributed to some Companions or were alleged to have been uttered by the Prophet. The Prophet is said to have stated: "He who aids an oppressive ruler even by a stroke of the pen, he will stand up in the presence of God and God will order that he be led to Hell."¹⁵⁸ "He who prays for the oppressor, asking God to let him live, disobeys God on His earth."¹⁵⁹ In an exhortation given by the Prophet to Ka'b b. 'Ujra he predicted the rule of the wicked *amīrs* and stressed that there would be no connection whatsoever between him and people who attended their councils, affirmed their lies, and helped them in their bad deeds; they would not reach the cistern (*ḥauḍ*) of the Prophet.¹⁶⁰ Reminiscent of the

153 Aḥmad b. Ḥanbal, *al-Wara'*, p. 59.

154 Ibid., p. 60.

155 Ibid., p. 58.

156 Ibn 'Abd al-Barr, *Jāmi' bayān al-'ilm*, 1, 165; Ibn Ḥibbān, *al-Majrūhīn*, 1, 185-86.

157 *Al-risāla fī l-raddi 'alā l-'ulamā' l-dunyawiyya*. Birmingham, fol. 107b.

158 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 16b, inf.; cf. other versions: al-Munāwī, *Fayḍ*, 6, 72, nos. 8472-74.

159 *Al-risāla fī l-radd*, fol. 107b.

160 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 16b. (and see fol. 17a: ... *man i'tazalahum salima, wa-man waqa'a ma'ahum fī dunyāhum fa-huwa minhum*); al-Ṭabarānī, *al-Mu'jam al-ṣaghīr*, 1, 154, 224-25; al-Mundhirī, *al-Taghrīb wa-l-tarhīb*, 4, 242-44, nos. 3256-59.

saying of Sufyān al-Thaurī is an utterance of the Prophet predicting that on the Day of Judgement the oppressors and their helpers would be summoned, among them even those who provide cotton for their inkstand or cut their pen; they would be put in a wooden case and thrown into Hell.¹⁶¹ It is not surprising to find in the utterances attributed to the Prophet warnings directed to the readers of the Qur'ān and Muslim scholars not to visit the rulers and governors in order to gain profits from them.¹⁶²

One finds very similar sayings attributed to early scholars of *ḥadīth*.¹⁶³ Sayings transmitted by Companions did not differ much in content. Ibn 'Abbās foretold the deterioration of the religious scholars. Readers of the Qur'ān and scholars of Muslim jurisprudence would be misled by Satan, who would induce them to visit the rulers and gain favours and profits, promising them that they would remain firm in their belief. "Alas, this will not happen," said Ibn 'Abbās. The thorny tree will merely give growth to thorns; the scholars who come to the rulers will only gain sins.¹⁶⁴ Mu'adh b. Jabal foretold the appearance of *amīrs* who would lie, wicked *wazīrs*, oppressive chiefs (*'urafā'*), and sinful Qur'ān readers; nothing would deter them. They would wear the garments of the monks, while their hearts would stink more (*antan*) than corpses.¹⁶⁵ Ibn Mas'ūd enjoins not accepting the offices of tax collector, chief (*'arīf*), police guard, or postal official (*barīd*).¹⁶⁶ It was Ibn Mas'ūd who stated that the scholar who entered into the presence of the rulers, praising them for virtues that they lacked, would forfeit his faith.¹⁶⁷ And it was Ibn Mas'ūd

161 Aḥmad b. Ḥanbal, *al-Wara'*, p. 57.

162 Abū Nu'aym, *Akhbār Isfahān*, 1, 179: *man qara'a l-qur'āna wa-tafaqqaha fi l-dīni, thumma atā ṣāḥiba sultānin ṭama'an li-mā fi yadayhi ṭaba'a llāhu 'alā qalbihi*.

163 Al-Zandawaysiṭī, *Rauḍat al-'ulamā'*, MS Heb. Univ., fol. 100a: ... *makhḥūl al-shā-mī: al-qur'ānu wa-l-fiqhu riṣ'atun fi l-dīni, fa-man ta'allama l-qur'āna wa-l-fiqha wa-faqiha fi l-dīni thumma atā bāba l-sultāni tamalluqan ilayhi wa-ṭama'an fihi wa-ragħbatan ilā mā fi yadayhi khāda fi nāri jahannam bi-'adadi khutāhu*.

164 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 17b; al-Mundhirī, *al-Tarḡīb*, 4, 244, no. 3260.

165 Aḥmad b. Ḥanbal, *al-Wara'*, pp. 57 ult.-58.

166 'Abd al-Razzāq, *al-Muṣannaf*, 2, 383, no. 3789; cf. al-Ṭabarānī, *al-Mu'jam al-ṣa-ghīr*, 1, 204.

167 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 17b, l.1; cf. Ibn Sa'd, *Ṭabaqāt*, 6, 30, 89, 97.

who advised people to stay in their abode, eat their bread, drink water from their water skins, and detach themselves from the Umayyads in order to keep their faith intact if they were niggardly and refrained from granting them their gold and silver.¹⁶⁸ The pious Yūsuf b. Asbāṭ stated that he who drank the water of the rulers would lose his heart. He would prefer, he said, to have his hands and legs cut off and be crucified rather than accept the money of the rulers.¹⁶⁹ "Blessed are you if you are not an *amīr*, or a chief '*arīf*, or a secretary (*kātib*) or a police guard or a tax-collector," said an unknown person during a funeral attended by 'Umar. 'Umar thought that the unknown man was al-Khiḍr.¹⁷⁰ 'Abdallah b. 'Umar stated that the police guards (*shuraṭ*) are the dogs of Hell.¹⁷¹ Every year a door of Hell will be opened for the chief ('*arīf*),¹⁷² said a tradition on the authority of Abū Hurayra. And the Prophet indeed stated, in another utterance, that the chiefs would be in Hell.¹⁷³ "Woe to the trustees (*umanā*'), woe to the chiefs ('*urafā*')," said Abū Hurayra, depicting their fate on the Day of Judgement; he quoted the utterance of the Prophet saying that people of authority would be fettered on that day and would be freed by God's decree only if they acted justly.¹⁷⁴

Non-cooperation found expression especially in refusal to accept government pay, the '*aṭā*'. An utterance ascribed to the Prophet mirrors the changes in the Muslim community and the change in the perception of the payment of '*aṭā*': it was in the beginning a payment for conquering troops and later became a payment for the Arab population. "Take the pay ('*aṭā*') as long as the '*aṭā*' is '*aṭā*'; do not take it when it becomes bribery afflicting your religious conviction" (*rishwa 'alā dīnikum*).¹⁷⁵ This utterance about '*aṭā*' is

168 Al-Mu'āfā b. 'Imrān, *Kitāb al-Zuhd*, MS Zāhiriyya, fol. 241a.

169 Aḥmad b. Ḥanbal, *al-Wara'*, p. 60; Abū Nu'aym, *Ḥilya*, 8, 242; Ibn 'Asākir, *Ta'rikk*, 6, 15 4; Ibn Sa'd, *Ṭabaqāt*, 7, 115.

170 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 17b inf.

171 Aḥmad b. Ḥanbal, *al-Wara'*, p. 57.

172 Al-Mu'āfā b. 'Imrān, *al-Zuhd*, fol. 245a.

173 Ibid., fol. 245b.

174 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 18b.

175 Ibid., and see another version: al-Munāwī, *Fayḍ*, 3, 435, no. 3893.

followed by other utterances of the Prophet: people will not cease to take their pay because of need, poverty, and fear; there will be *amīrs* who will not show mercy when asked for mercy; they will not uphold the rights of the people when required, and will not act justly when this is demanded, until the community is split and they are not (able to - K.) bear the (burden of the) people in any matter (*ḥattā lā yaḥmilūnakum fī shay'in*).¹⁷⁶ Another version links the utterance about the '*aṭā*', the wicked *amīrs*, and the authority in contradistinction to the Qur'ān. "The millstone of Islam (*raḥā l-islām*)," says the Prophet, "will revolve; therefore move with the Book (i.e., Qur'ān) as the Book turns. Alas, the Book and the Authority, *sulṭān*, will part; therefore do not leave the Book. Alas, you will be ruled by *amīrs* who will decree for themselves what they will not decree for you; if you obey them they will lead you astray, if you disobey them they will kill you." People asked: "How have we to act?" The Prophet answered: "Do as the companions of Jesus did: they were sawn by saws, they were borne on wood (i.e., tree trunks; they were crucified - K.). Death in obedience to God is better than life in disobedience to Him."¹⁷⁷ The gloomy predictions about unjust and oppressive rulers, and forebodings about wicked Qur'ān readers looking for favours at the doors of the governors, strengthened the tendency of the pious scholars to detach themselves from the rulers and their officials.

There were, however, a few scholars who cherished some hopes of influence through edification and persuasion through visits to the courts of the rulers. They frequented the palaces of the governors and exhorted them, summoning them to repent and to act justly and equitably.¹⁷⁸ Sufyān al-Thaurī never reviled people of authority and even invoked the righteousness of the rulers; he nevertheless used to mention their defects and vices.¹⁷⁹ Ḥudhayfa assumed that the call for

176 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 18b.

177 Abū Nu'aym, *Ḥilya*, 5, 165-66; 'Abd al-Malik b. Ḥabīb, *al-Wara'*, fol. 16a; cf. al-Ṭabarānī, *al-Mu'jam al-ṣaghīr*, 1, 264; see another version: al-Suyūfī, *al-Durr* 2, 300 *penult.* 301 *sup.*: ...yūshiku l-sulṭānu wa-l-qur'ānu an yaqtatilā wa-yatafarraqā...

178 See, e.g., Aḥmad b. Ḥanbal, *Musnad*, 1, 17 no. 16.

179 Ibn Abī Ḥātim, *Taqdimat al-ma'rifa*, p. 97.

justice and the disapproval of wicked actions were laudable deeds. He further added that it is not permissible according to the *sunna* to draw weapons against the ruler.¹⁸⁰ The Prophet enjoined obeying the rulers as long as they carried out their obligations in connection with prayer and its prescribed times.¹⁸¹ The current tradition enjoined the believers to pray behind the caliph or behind his deputy, which served in fact as recognition of his religious authority.¹⁸² Ibn 'Umar assumed that Ibn al-Zubayr, Najda, and al-Ḥajjāj would fall into Hell like flies, but he hurried to pray behind them when he heard the call of the *mu'adhdhin*.¹⁸³ Al-Ḥasan and al-Ḥusayn prayed behind Marwān, although they used to revile him.¹⁸⁴ If the ruler delayed the prayers, or if he was heedless in his performance of prayer, the believer was advised to pray at home, then to join the prayer of the congregation led by the ruler or his deputy in the mosque.¹⁸⁵ The absence of the believer from common prayer led by the caliph or his deputy was a sign of denial of the ruler's authority. Such was the case with the Kūfans, who refrained from praying behind the appointed governor, al-Nu'mān b. Bashīr, did not join him during the prayers of the feasts, and wrote to al-Ḥusayn to come to them as their *imām*.¹⁸⁶

Another obligation incumbent on believers was the *jihād* under the banner of their *amīrs*, regardless of whether they were just or wicked. This view was defined by Ibn 'Abbās when he was asked whether it is permitted to fight under the the flag of commanders who go out to war aiming to attain worldly goods. His answer was:

180 Nūr al-Dīn al-Haythamī, *Majma' al-zawā'id*, 5, 224; Ibn Abī Ḥātim, *Taqdima*, p. 270.

181 Nūr al-Dīn al-Haythamī, *Majma'*, 5, 218, 1.4 (and see *ibid.*, pp. 221, 224).

182 'Abd al-Razzāq, *al-Muṣannaf*, 2, 379-87; Ibn Abī Shayba, *al-Muṣannaf*, 2, 378-79.

183 Nu'aym b. Ḥammād, *al-Fitan*, fol. 44a, inf.; 'Abd al-Razzāq, *al-Muṣannaf*, 2, 387, no. 3803; cf. Ibn Abī Shayba, *al-Muṣannaf*, 2, 378 (during the siege of Mecca by al-Ḥajjāj he sometimes prayed behind Ibn al-Zubayr, sometimes behind al-Ḥajjāj).

184 'Abd al-Razzāq, *Muṣannaf*, 2, 386, no. 3801; Ibn Abī Shayba, *Muṣannaf*, 2, 387-88.

185 Al-Bayhaqī, *al-Sunan al-kubrā*, 2, 299-303; 'Abd al-Razzāq, *Muṣannaf*, 2, 380-81, nos. 3780-82; Ibn Abī Shayba, *Muṣannaf*, 2, 381.

186 Ps. Ibn Qutayba, *al-Imāma*, 1, 185: ...*wa-lasnā najtami'u ma'ahu fī jum'atin wa-lā nakhruju ma'ahu ilā 'idin...*

Then fight with them for your lot in the next world.¹⁸⁷ Another case in which *jihād* is enjoined is the case of civil wars, *fitan*. The best men in such circumstances are either people who join the forces marching out to *jihād*, or men who stay in the desert, living on the milk of sheep.¹⁸⁸ The tendency of the tradition is to stress the merits of people who, disregarding their attitude towards the authorities, join, in the troubled times of riots and disarray, the ranks of the forces of the community marching out to fight the enemy. Others living in the desert regions are advised to stay in their abodes and continue their ordinary daily lives. Jihād was in fact a solution chosen by many ascetics. A true representative of this trend was ‘Abdallah b. al-Mubārak, who took part in many *jihād* expeditions. He stresses in his verses the need of the community for a firmly established authority:

God repels misfortune through the men of authority / from our faith out of His will and mercy. Were it not for the *imāms* — roads would not be secure for us / and the weak among us would have been prey for the strong.¹⁸⁹

Hārūn al-Rashīd remarked rightly that these verses affirm the obligations of the believers towards the caliph.

Ibn al-Mubārak further points out his loyalty to all the rightly guided caliphs and some other Companions of the Prophet (Abū Bakr, ‘Umar, ‘Uthmān, ‘Alī, al-Zubayr, Ṭalḥa),¹⁹⁰ stresses the superiority of *jihād* to devotional practices of the ascetics,¹⁹¹ and states that the most virtuous deed is to guard believers in the far places of their abode.¹⁹² Confirmation of the ideals and beliefs of Ibn Mubārak is as usual given in a dream: Fuḍayl b. ‘Iyāḍ saw him in his dream. He informed him that the best deeds in his life were *jihād* and *ribāṭ*. God forgave his sins and he was addressed by a *ḥūrī* woman.¹⁹³ The

187 ‘Abd al-Razzāq, *Muṣannaf*, 5, 279, no. 9610 (and see p. 280, no. 9613, and p. 282, no. 9621).

188 Al-Subkī, *Ṭabaqāt al-shāfi‘iyya*, 1, 287; al-Safārīnī, *Ghidhā’u l-albāb*, 1, 198.

189 Abū Nu‘aym, *Hilya*, 8, 164.

190 Al-Subkī, *Ṭabaqāt*, 1, 287.

191 Al-Qāḍī ‘Iyāḍ, *Tartīb al-madārik*, 1, 307.

192 Ibid., 1, 306.

193 Al-Khaṭīb al-Baghdādī, *Ta’rīkh*, 10, 168.

opinions of the various groups of the pious as to authority were not unanimous: some of them considered it lawful (*ḥalāl*) to accept gifts from the rulers; others considered it unlawful; a third group considered it doubtful and put it in the category of *shubḥa*. Ibn 'Umar, Salama b. al-Akwa', Anas b. Mālik, al-Ḥasan al-Baṣrī, al-Sha'bī, Ibrāhīm al-Nakha'ī, and 'Aṭā' are counted by al-Muḥāsibī as people who used to visit the rulers and accept their gifts.¹⁹⁴ Ibrāhīm al-Nakha'ī in fact had close relations with the rulers: he used to fatten geese and give them as a gift to the rulers.¹⁹⁵ Visiting them, he even asked for gifts.¹⁹⁶ He used to sit in the mosque, and police guards and appointed tribal chiefs (*'urafā'*) used to join him and talk with him. When reproached about it he said: "Would you like me to separate myself from people? They talk about what they like and we talk about what we like."¹⁹⁷ Al-A'mash was reproached for entering the abodes of the rulers; he responded that he considered them to be like a lavatory: he entered for his needs and then left.¹⁹⁸ 'Ikrima, the *maulā* of Ibn 'Abbās, used to receive gifts only from *amīrs*.¹⁹⁹

The very pious who refused to accept gifts from the rulers argued that the revenues of the rulers are partly gained through iniquity and oppression. To this group belonged Sa'īd b. al-Musayyab, Ṭawūs, Muḥammad b. Sīrīn, Ayyūb (al-Sakhtiyānī), Ibn 'Aun, Yūnus b. 'Ubayd, and Masrūq.²⁰⁰ Al-Muḥāsibī tries to refute these arguments and maintains that one cannot consider all the revenues *ḥarām* merely because some of them may be unlawful. This attitude can be compared with the opinion of some Qur'ān readers who assume that a garment unlawfully gained and worn during the prayer makes the prayer null and void. Of this kind was the argument of the Khawārij that a dowry attained unlawfully annuls the marriage. Al-Muḥāsibī argues that the dowry, if unlawful, has to be replaced

194 Al-Muḥāsibī, *A'māl al-qulūb*, p. 220.

195 Al-Fasawī, *al-Ma'rifa wa-l-ta'rīkh*, MS, fol. 189a.

196 Ibn Sa'd, *Ṭabaqāt*, 6, 279.

197 Al-Fasawī, *al-Ma'rifa*, fol. 188b; Ibn Sa'd, *Ṭabaqāt*, 6, 273.

198 Abū Nu'aym, *Ḥilya*, 5, 49.

199 Ibn Sa'd, *Ṭabaqāt*, 1, 29.

200 Al-Muḥāsibī, *A'māl al-qulūb*, p. 221.

by a lawful one, but that the marriage itself remains sound and becomes valid by the declaration of marriage.²⁰¹ Some groups regarded any cooperation with the rulers as assistance for them in their acts of oppression. Others prohibited aiding the authorities only in deeds directly connected with iniquity and oppression, and allowed cooperations in other fields. Some eminent and pious scholars had quite extreme opinions as to selling weapons and horses; they considered it serious disobedience (*ma'ṣiya*). Even in other fields they considered it preferable not to cooperate with the rulers. To these groups of the pious belonged many famous ascetics; it is enough to mention 'Abdallāh b. al-Mubārak, Sufyān al-Thaurī, Aḥmad b. Muḥammad b. Ḥanbal, Ibrāhīm b. Adham, and Bishr b. al-Ḥārith. The majority of the pious were of the opinion that authority is necessary in view of the commitments imposed on the rulers: to head the prayers, to exert judgement, to build roads, bridges, and mosques, to send out troops into the territory of the unbelievers, to facilitate the performance of the *ḥajj*, to distribute the *fay'*, and to carry out other duties of authority. The pious, orthodox believers, acting in the spirit of the injunctions of the traditions of the Prophet, considered any revolt against the rulers a forbidden deed; they gladly practiced perseverance under the rule of unjust rulers and stuck to the community of the believers, attempting to avoid any contact with the authorities.²⁰² A marginal group of ascetics who kept away from trade and industry and were reluctant to take part in military actions (scil. under the command of the *amīrs*) is severely criticized by Muḥāsibī: commerce, industry, and other occupations were always practiced in Islam.²⁰³

In contradistinction to the dark picture of the evil ruler, Abū Yūsuf draws an impressive picture of the righteous ruler in his *Kitāb al-kharāj*, which he dedicated to Hārūn al-Rashīd. God by His grace and mercy established the rulers (*wulāt al-amr*) as His deputies on earth and granted them light; this enabled them to elucidate some obscure matters and explicate the duties incumbent upon them. The luminous light of the rulers is reflected in the revival of the *sunan* of the

201 Ibid., pp. 222-23.

202 Ibid., pp. 205-08.

203 Ibid., pp. 209-12.

righteous, the carrying out of the prescriptions of the Law of God, and the granting to the people of their rights. The evil of the shepherd spells doom for the subjects; if he is not aided by the virtuous and right, people are in danger of perdition.²⁰⁴ Traditions quoted by Abū Yūsuf emphasize the high position of the just ruler and his distinguished place on the Day of Resurrection; the most hated and chastised on the Day of Resurrection would be the wicked ruler.²⁰⁵ The kind ruler, caring for the needs of his subjects, would be gently treated by God on the day when he spoke to God about his needs; the ruler who hindered the people from approaching him to ask that their needs be met would be prevented from gaining God's help for his needs.²⁰⁶

A great many traditions enjoin being faithful to the ruler, carrying out his orders, cleaving to the community, and honouring the authorities.²⁰⁷ The famous tradition granting Quraysh the sole position of rulers of the Muslim community is in some versions coupled with a proviso concerning the implementation of the rules of justice, the precepts of the Qur'ān, and the *sunna* of the Prophet. In certain traditions the good tidings about the duration of Qurashī rule are coupled with a threat that Quraysh would lose their authority if the rulers acted unjustly or violated the precepts of Islam; sometimes the solemn promise of Qurashī rule is followed by a curse for a ruler who acts iniquitously.²⁰⁸ All the traditions enjoin obedience and subordination to the rulers, even if the believer is treated with iniquity or is punished or harmed unjustly. Only in the event that he is faced with the choice between Islam and death must he prefer death.²⁰⁹

204 Ibid., p. 5.

205 Abū Yūsuf, *Kitāb al-kharāj*, p. 9.

206 Ibid., pp. 9-10.

207 See, e.g., *ibid.*

208 Al-Bayhaqī, *al-Sunan al-kubrā*, 8, 143-44; al-Haythamī, *Majma' al-zawā'id*, 5, 192 inf.-193; al-Mundhirī, *al-Targhib*, 4, 222-23; Ibn Ḥajar al-Haytami, *al-Šawā'iq*, p. 187; 'Abd al-Jabbār, *Tathbīt dalā'il al-nubuwwa*, 1, 253; al-Munāwī, *Fayḍ*, 3, 189, no. 3108.

209 See, e.g., Ibn Ḥajar al-Haytami, *al-Šawā'iq*, p. 187 ult.-188 sup.; al-Ṭabarānī, *al-Mu'jam al-ṣaghīr*, 1, 152; al-Munāwī, *Fayḍ*, 1, 498, no. 996; al-Haythamī, *Majma' al-zawā'id*, 5, 192 sup.

Only one tradition enjoins rebellion in the case of an iniquitous ruler; the Prophet is said to have instructed the people as follows: Be loyal to Quraysh as long as they act justly towards you. If they do not act righteously put your swords on your shoulders and cut off their roots. If you do not do it, then be miserable like peasants living by their toil.²¹⁰ This tradition is included in Khallāl's *al-Musnad min masā'il aḥmad*. It is of interest that Ibn Ḥanbal, when asked about this tradition, denied its soundness, stating that the Prophet's utterances in this matter are contradictory; he quoted the well-known traditions enjoining full and unconditioned obedience to the Qurashī rulers.²¹¹ When asked about it another time, Ibn Ḥanbal stated that the true version as transmitted to him by Wakī' was confined to the first phrase: "Be loyal to Quraysh as long as they act justly towards you" (*istaqīmū li-qurayshin mā staqāmū lakum*).²¹² On another occasion Aḥmad b. Ḥanbal marked the extended tradition of Thaubān, quoted above, as *munkar*.²¹³ It is in fact not surprising that Ibn Qutayba recorded this utterance as one of the ideological arguments of the Khawārij.²¹⁴

210 Shahridār b. Shīrawayh, *Firdaus al-akhbār*, MS Chester Beatty 4139, fol. 35b; al-Haythamī, *Majma' al-zawā'id*, 5, 195, 22 8; Bahshal, *Ta'riḫ wāsiṭ*, pp. 70-71. [The tradition was misunderstood by the editor. The correct reading is: *alā wa-lī 'alaykum ḥaqqun...* (p. 70, line 5 from bottom); and p. 71, line 1 read: *fa-in lam ya'alū*; p. 71, line 2 read *wa-illā* (instead of *wa-lā*); *fa-kūnū* (instead of *takūnū*); *ḥarrāthīn* (instead of *kharrābīn*); al-Suyūṭī, *Jam' al-jawāmi'*, 1, 107 sup.; al-Hākim, *Ma'rifat al-sunan*, 1, 67; al-Muttaqī l-Hindī, *Kanz*, 6, 35, no. 303; Ibn al-Athīr, *al-Nihāya*, 4, 125 (s.v. *qum*); al-Dhahabī *Mizān al-i'tidāl*, 2, 272, no. 3697.

211 Al-Khallāl, *al-Musnad min masā'il*, MS, fol. 9b.

212 Al-Khallāl, *al-Musnad min masā'il*, MS, fol. 9b.

213 Ibid., fol. 9b, inf.-10a.

214 Ibn Qutayba, *Ta'wīl mukhtalif al-ḥadīth*, p. 3.