

Knowledge and Social Order in Early Islamic Mesopotamia (60–193 AH/680–809 CE)

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Abstract

The present study explores the ways in which competing frameworks of knowledge sought to order society in early Islamic Mesopotamia (60–193 AH/680–809 CE). This research examines the conditions under which two frameworks of knowledge came into being; how they tried to maximize their power through forging alliance with the caliphate; how they established the legitimacy of their knowledge; and how they promoted their visions of social order. The first framework of knowledge is associated with the secretaries, as state bureaucrats, who helped transfer ancient administrative methods and practices to the emerging Islamic polity. Their immense assistance in tackling manifold problems of the Umayyad and Abbasid caliphates consisted not only in offering technical know-how, useful administrative practices, expertise, and political wisdom, but also in addressing the foundational problems of the polity. This research argues that the secretaries' solution to the caliphate's structural problems—particularly the crisis of legitimacy—might have run counter to the social order promoted by Muslim religious scholars (the *'ulamā'*). The secretaries' framework of knowledge and its concomitant social order, then, posed a threat to the authority of the *'ulamā'* who pursued an alternative framework of knowledge rooted in sacred sources of law. Delving into a number of treatises composed and/or translated by the champions of these knowledge frameworks (e.g., 'Abd al-Ḥamīd b. Yaḥyā, Ibn al-Muqaffa', and Abū Yūsuf), this dissertation concludes that the validation of knowledge and expertise involved more than solving specific problems such as maximizing the government revenues and efficiently collecting taxes from subjects; it rather relied on the ability of knowledge and expertise to offer solutions to the problem of social and political order.

Dedication

To Mehri, my companion in life; and to Kimiya, the elixir of my life;

To my parents, Fariborz Yousefi and Esmat Forouzandeh, who have unconditionally supported my intellectual interests;

And to the loving memory of my grandfather and first teacher, Yaqub Yousefi.

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It was my dear friend, Professor Djavad Salehi-Isfahani (Department of Economics), who encouraged me to apply to Virginia Tech's graduate program in Science and Technology Studies. In addition to his continuous support of my research, Professor Salehi-Isfahani and his family have made our past few years in Blacksburg all the more pleasant and interesting.

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Professor Justine McCarthy (Department of History, University of Louisville) kindly granted me permission to use one of the maps from his *Map Project* (2001).

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Transliteration, Dates, and Abbreviations

In this dissertation I use the transliteration system of the *Encyclopedia of Islam*, 2nd edition (Leiden: E.J. Brill, 1960–2005). However, I have made a few modifications to this system, including the use of the letter “j” rather than “dj” for *jīm* (ج) and the letter “q” rather than “k” for *qāf* (ق). I have also decided that it would be redundant to transliterate anglicized words such as caliph (*khalīfa*), Umayyad (*ʿUmayya*), Abbasid (*ʿAbbāsī*), as well as the name of certain cities such as Baghdad and Basra.

Dates of major events, reigns, and other important developments are provided in both the Islamic (*hijrī*) and the Gregorian calendars with a slash separating the two numbers.

The following is a list of the most frequently used abbreviations:

b.=ibn (son of)

r.=reigned

d.=died

lit.=literally

pl.=plural

sg.=singular

*EI*²=*Encyclopaedia of Islam*, 2nd edition

Chapter 1: Introduction

This dissertation aims to investigate competing frameworks of knowledge in early Islamic Mesopotamia (60–193 AH/680–809 CE) and their contributions to advancing different visions of social order. The period under consideration constitutes the formative years of the transition of foreign (i.e., non-Arabian/non-Islamic), ancient knowledge to the young Muslim society. Foreign knowledge proved instrumental in enabling the Arab government to keep the conquered areas under its control and to tackle, albeit unsuccessfully, the problem of political legitimacy. It caused reaction, however, in the circles of religious scholars (*'ulamā'*) who took issue with the social order associated with the expertise, administrative practices, and political wisdom that were transferred to Muslim society. This realization gave rise to the conscious formation of a competing framework of knowledge that not only derived from indigenous sacred sources (i.e., scriptures and Prophetic traditions), but also promoted a different vision of social order in which the producers of this rival knowledge wielded ample authority.

My examination begins with early years of the Arab conquests under the Umayyad rule (r. 41–132/661–750), which brought about increasing interaction between Arab conquerors and the native peoples throughout Mesopotamia. I explore the founding and transformation of the Muslim state, especially its administrative organization (*dīwān*), as a bureaucratic offshoot of the conquests. This line of inquiry leads us to the key role the secretaries played in laying the foundation of the *dīwān*. The secretaries constituted the corps of bureaucrats who occupied ranks of the *dīwān* and performed tasks such as assessing and collecting taxes, drafting official correspondence, maintaining census and accounting records, and the like. Most of the secretaries belonged to the elite of the conquered people in Mesopotamia and had knowledge and

experience of the administrative practices that were prevalent in the Byzantine and Persian Empires prior to the Arab conquests. In fact, many of them had previously served the Persian or Byzantine administrations in Mesopotamia. Hence, their knowledge turned out to be of immense help in installing an administrative system that could meet the increasing needs of the expanding empire.

This dissertation studies the social dynamics of the secretaries' relationship with the *dīwān* and how the secretaries transformed the *dīwān* into a site of knowledge production. The utility of this knowledge seemed apparent on multiple levels: not only did it advance the efficient operation of the *dīwān*, it also offered solutions to the deep-seated crisis of legitimacy, which since the death in 10/632 of the Prophet Muḥammad had become an integral part of the Muslim polity.

My investigation zeroes in on the transformation during the mid-Umayyad period of the *dīwān* that sought to enhance the Arab rulers' control over their administration, for their dependency on foreign-descent secretaries tended to undermine their authority. The awareness of this need marks the beginning of a process that brought the secretaries under the patronage of Arab notables and weakened their connection to their native culture, but afforded them greater freedom in their social, professional, and scholarly activities.

To illustrate the role of foreign knowledge in the emerging Arab Empire, I examine the formation of a discourse of knowledge in the secretaries' circles (see below for a definition of "discourse"). This discourse manifested itself in a number of translations and compositions that were produced by three senior secretaries. My research highlights common characteristics of these texts and the kind of knowledge they sought to promote. This is done by situating the texts in the changing conditions of the empire, especially the transition of the caliphate from the

Umayyads to the Abbasids (r. 132–656/750–1258). In particular, my analysis demonstrates how this discourse of knowledge aspired to introduce structural changes to Islamic government—changes that had far-reaching consequences for the social and political order.

The secretaries' contributions culminated in the introduction of gnomic texts, broadly known as the Mirror for Princes. These texts were initially translated from Greek and Persian into Arabic, and set the precedent for the transfer of ancient knowledge to Islam. The first specimens of the Mirror for Princes genre are a series of pseudo-Aristotelian epistles to Alexander the Great that were adapted and translated from Greek into Arabic by Abu al-‘Alā Sālim who was secretary to the Umayyad caliph Hishām b. ‘Abd al-Malik (r. 105–125/724–743). The epistles shed light on the political strife that plagued the Umayyad caliphate as well as on the key role a secretary like Sālim had to play.

Sālim's protégé and father in law, ‘Abd al-Ḥamīd b. Yahyā (d. 132/750), represents the transformation of the secretary into a royal adviser. A gifted belletrist and personal secretary to the last Umayyad caliph, Marwān II (r. 125–132/743–750), ‘Abd al-Ḥamīd composed several treatises of special import. His *Risāla ilā al-Kuttāb (Epistle to the Secretaries)* exposes the moral and social aspects of knowledge production. It ascertains that the knowledge of the Qur’an, Prophetic traditions, Arab and non-Arab legends occupy as important a place in the secretary's skills set as do the craft of writing and accounting. On the other hand, his *Fī Naṣīḥa Walī al-‘Ahd (Epistle to the Crown Prince)* speaks to the exalted status of the secretaries, which enabled them to function in the capacity of a royal adviser who offered solutions to urgent political and social problems.

Ibn al-Muqaffa‘ (d. 140/757), a disciple of Sālim's and ‘Abd al-Ḥamīd's school can be regarded as the pinnacle of this enterprise. The importance of Ibn al-Muqaffa‘ for the present

study lies in his service to both the Umayyad and Abbasid states, hence representing the period of transition and regime change. My investigation of Ibn al-Muqaffa's contribution revolves around his translation of a Sāsāniān politico-historical text from Pahlavī (middle Persian) into Arabic and two of his compositions intended for the Abbasid court. Of his three texts analyzed in this dissertation, Ibn al-Muqaffa's *Risāla fi al-Ṣaḥāba* (*Treatise concerning the Entourage*) is arguably his most important contribution to the Islamic political thought; it is the first treatise after the advent of Islam that attempts to articulate a theory of governance. The *Treatise* envisioned a Muslim state in which the caliph wielded the utmost authority, but his authority would rely on a comprehensive body of laws and a well-organized state administration. The caliph was urged to observe the principle of justice and to embark on the codification of laws—a project that would run counter to the received legal configuration of Muslim society.

The knowledge that the secretaries constructed was more than a simple borrowing of the Persian and Byzantine political and administrative practices. The secretaries' discourse of knowledge reflects an awareness of new conditions and values, and incorporates indigenous (i.e., Arabian and Islamic) elements of knowledge. Yet some of the 'ulamā' did not feel at home with the secretaries' knowledge as it was gaining wide circulation in elite circles. Though their reaction cannot be reduced to one reason, it appears that the 'ulamā' were alarmed by the social order that the secretaries' discourse of knowledge sought to promote. In particular, the proposal for the codification of law would effect such changes as to undermine the legal authority of the 'ulamā'. As such, the contest over the desired forms of knowledge came down to a contest over authority and visions of social order.

Against the foregoing background of the secretaries' discourse of knowledge, I depict the formation of a competing juristic discourse of knowledge. This part of my investigation

concentrates on two early texts on taxation, one composed by Abū Yūsuf (d. 182/798) the chief justice under the fifth Abbasid caliph Hārūn al-Rashīd (r. 170–93/786–809), and the other by Yaḥyā b. Ādam (d. 203/818), a senior scholar of Islamic tradition. Both entitled *Kitāb al-Kharāj* (*Book of the Land-Tax*), these texts seek to provide legal solutions to various tax problems—solutions that characteristically derive from the juristic processing of the sacred sources of law. We must bear in mind, however, that these texts did not draw on preexisting statutes, nor on a body of common law, but rather helped establish methods for producing legal knowledge about socioeconomic issues, administrative matters, and the polity. Just as this dissertation studies the secretaries’ discourse and the dīwan in their formative stage, so, too, is the competing juristic discourse examined in its embryonic phase.¹ Their comparison hence allows me to inquire into the ways in which the competing juristic discourse took shape in reaction to the secretaries’ knowledge and its attendant social order.

This dissertation is not a monograph on the Arab conquests and the formation of Islamic government, nor does it attempt to unravel the complexities of Islamic tax systems in the first/seventh and second/eighth century Mesopotamia. Yet it seeks to further our understanding of these phenomena through their connection to the themes of knowledge and social order. And it tries to accomplish that goal by juxtaposing competing frameworks of knowledge advocated by different groups of scholars.

Methodology and Terminology

My inquiry explores the links between the aforementioned texts, as bodies of knowledge, and their desired social and political order. In so doing, I highlight the processes through which knowledge is constructed. These processes involve adopting or generating ideas, amalgamating

¹ See Wael Hallaq, *The Origin and Evolution of Islamic Law*, ch. 5.

them in a new configuration, and validating their legitimacy. Due in part to the paucity of sources and their peculiar style of writing (see *Sources* and *Literature Review*), the social dynamics of knowledge production in the period under consideration does not make itself readily discernable to the reader. Many social interactions, negotiations, and struggles have been either eliminated from historical accounts or not recorded at all. There is, of course, a very good chance that the information is embedded in the primary sources and yet we do not detect them since we no longer share the world that rendered the sources meaningful. This situation calls for unraveling textual indications that can bring to light social dimensions of knowledge production and their implications for power and authority. Hence, my assessment of knowledge and social order in early Islamic Mesopotamia relies primarily on textual analysis of the primary sources that can help us make sense of competing frameworks of knowledge and their concomitant social orders.

As several terms and concepts keep reappearing throughout this dissertation, their early clarification is in order. “Knowledge” refers to ideas, concepts, skills, expertise, technical know-how, practices, etc., that are acknowledged as such in a specific social setting. Such knowledge, however, remains no more than a personal opinion if it is not acknowledged as “knowledge.” Knowledge and acknowledgement, then, go hand in hand. While the use of “knowledge” in this dissertation may come across as a catchall term, we must bear in mind its amorphous character as well as its diverse referents. Hence, I treat as bodies of knowledge areas such as ancient legends, political ideas, administrative skills, literary techniques, religious law and traditions, methods of economic and societal management, and the like. For the actors who dealt with these areas regarded them as knowledge and made efforts to establish their legitimacy.

A “site” is a social setting that allows for the interaction of actors who embark on making claims of knowledge, contesting or recognizing such claims, negotiating them over time, and using them in making some action. Thus, I refer to the *dīwān* as a “site of knowledge production” because it provided a space for actors to engage in producing knowledge, negotiating authority, enlisting those in positions of power, and obtaining their acknowledgement of the legitimacy of certain types of knowledge.

A “discourse” in the present research means a set of ideas, expressed or expressible in an indefinite number of statements, that brings together units of knowledge and re-appropriates them in a new setting, hence endowing them with new meanings.² The power of a discourse lies precisely in its ability to bring to bear pre-existing ideas and to give them new meanings, thereby creating new knowledge. As my discussion in chapter 3 of select treatises demonstrates, the secretaries’ translation of ancient texts as well as their writing new ones integrated a number of historical, social, political, and religious ideas that either antedated Islam or found wide circulation after the advent of Islam. The secretaries’ appropriation of those ideas provided for the construction of new knowledge. A discourse hence manifests itself in an *oeuvre* that supplies vast potentials for the genesis of new statements with far-reaching implications for social order. It is exactly this potential that allows for the expansion of the *oeuvre*, creating textual monuments that reinforce the connection between knowledge and social order.

² I am drawing on Michel Foucault’s articulation of this concept as discussed in his *Archeology of Knowledge*. Of importance is Foucault’s attention to “discursive events” and statements that comprise a discourse (27–29). Hence, I zero in on the ways in which different statements, *oeuvre*, political events, social relations, and so forth constitute a discourse that is oriented to the field of power. This is an effort, according to Foucault, to “grasp the statement in the exact specificity of its occurrence,” 28. I part company, however, where Foucault’s project seeks to show “why it could not be other than it was, in what respect it is exclusive of any other, how it assumes, in the midst of others and in relation to them, a place that no other could occupy,” *ibid*. It seems to me that this approach leaves little room for historical contingency. To my mind, the rivalry between the adherents of competing frameworks of knowledge was not bound to unfold the way it did.

Why should the knowledge, for example, of ancient legends or tax collection or land survey or legal systems have anything to do with power, authority, and social order? The answer to this question lies in the relational character of “knowledge,” that is, being knowledge *of* something, of a phenomenon that is supposedly explicated by a set of statements or is reproduced in expertise and social practices. This being so, the construction of knowledge cannot remain isolated from the context of its constitutive elements. In other words, one collects taxes from particular subjects according to a particular tax system that relies on a particular political system—e.g., collection of taxes from conquered non-Arab subjects who must recognize that a new government is in power and is entitled to receive taxes and tributes. Knowledge of any of these particulars thus involves the grand structure of the polity and reaches out to the field of power, engaging institutions and individuals who struggle to amass authority and power.

Furthermore, a discourse introduces a narrative of origin: it builds upon past traditions and creates epics that glorify past heritage, hence ascertaining continuous connection with the past. As such, the discourse, paradoxically enough, plays simultaneously along the themes of historic continuity and discontinuity. In so doing, however, the discourse refashions the past in such a way as to engage the present fields of knowledge and action through its investments in new ideas and meanings. Finally, the decisive victory of a discourse consists in enlisting those in positions of power and in convincing them of an inherent connection between “is” and “ought,” amplifying the illusion that social and political actions (“ought”) represent the natural state of affairs (“is”). It is the totality of these characteristics that turns a discourse into an actor although its genesis depends on the genius of social actors.

The geographical focus of this research is Mesopotamia. This geographical designation denotes the region between, and adjacent to, the Tigris and Euphrates Rivers.³ Geographical texts of medieval Islam divide Mesopotamia to two sub-regions: first, Lower Mesopotamia, otherwise referred to as al-Sawād or al-‘Irāq, which corresponds to ancient Babylonia; second, Upper Mesopotamia or al-Jazīra, which corresponds to the ancient Assyria.⁴ Prior to the Arab conquests, Lower Mesopotamia and most of Upper Mesopotamia were provinces of the Sāsāniān Empire. Lower Mesopotamia was extremely important because of its fertile lands and its proximity to the Sāsāniān capital of Ctesiphon, hence the Persian term for this region, that is, *Del-e Īrān-shahr* (lit., *Heart of Iran*).⁵ Most of Mesopotamia is located in modern day Iraq while small areas in southeast, north, and northwest have fallen to Iranian, Turkish, and Syrian territories, respectively (see Figure 1).



Figure 1: Regions of the Modern Middle East
 Source: Justine McCarthy, *The Map Project*, The Middle East Studies Association of North America, 2003 (printed with permission)

³ See Guy Le Strange, *The Lands of the Eastern Caliphate*, 1–4, 24–25.
⁴ See H. H. Schaeder, “Sawād,” *EF*², 9:87; M. Canard, “Al-Djazīra,” *EF*², 2:523.
⁵ Ibn Khurdābih, *Al-Masālik wa la-Mamālik*, 5–6; Qudāma b. Ja‘far, *Kitāb al-Kharāj wa al-Šinā‘a al-Kitāba*, 159; Yāqūt Ḥamawī, *Mu‘jam al-Buldān*, 1:289, 535, 4:93–94; cf. Ibn Balkhī, *Fārs-nāmeḥ*, 282.

The significance of Mesopotamia for this study stems from several factors. First, Mesopotamia is the region where three major cultural and political currents met: the Persians, the Byzantines, and the Arabs.⁶ This kind of direct contact was conducive to large-scale cultural exchanges, including the translation of ancient texts into Arabic whose early phase is the object of this dissertation. Second, Mesopotamia is where the early Arab conquests took place and set the stage for the formation of a new empire thanks to the preexisting imperial traditions in the region. Third, Mesopotamia constituted the heartland of the Arab Empire that was ruled by two dynasties, the Umayyads and the Abbasids, studied in this dissertation. The Umayyads based their government in Damascus, which is immediately across Upper Mesopotamia, while the Abbasids moved the capital first to Kufa, in Lower Mesopotamia, and went on to found in Rabī‘ I 141/July 758 their capital city of Baghdad that was located some fifty miles or so north of Kufa.⁷ Both the Umayyads and Abbasids received a large portion of their revenues from the land tax in Mesopotamia.

Sources

Primary sources of the first two centuries of Islam are notoriously scarce and fraught with issues of authenticity. Historical studies of early Islamic Mesopotamia have hence had to rely on sources that have been composed in the following centuries, sources that may arguably be considered as secondary and have their own unique problems such as tendentious backward projection, potential distortion of first hand accounts, uncritical reliance on transmitters, and the

⁶ The Arabs' northward movement from Arabia (the Ḥijāz) toward Mesopotamia was a historical phenomenon that had started prior to the advent of Islam and culminated in the conquests; see Ira Lapidus, "The Arab Conquests and the Formation of Islamic Society," 49–72.

⁷ Al-‘Irāq occupied such an important place in the minds of people in medieval Islam that the geographer Ya‘qūbī (d. 284/897) called it "the center of the world and the navel of earth," *al-Buldān*, 11, 19, 25.

like.⁸ To overcome these problems, I rely, first and foremost, on the texts that are presumably composed by the actors studied in this dissertation, actors who advocated competing discourses of knowledge (see above). Directing my primary focus to these texts, I grapple with complications and tensions that point to conflicts in both the polity and society. My inquiry, however, will make use of other sources—such as chronicles, biographical dictionaries, bio-bibliographical texts, and geographical encyclopedias—in order to supplement my textual analysis as well as to make sense of the historical background. Nevertheless, the supplemental materials will hardly suffice to depict a meaningful picture of the social relations that underlay our texts.

More specifically, historical investigation suffers from the lack of detailed information about secretarial activities under the Umayyads and early Abbasids. The primary sources, including biographical dictionaries and chronicles, exhibit a curious fragmentary character to the effect that they supply disparate, short anecdotes about the secretaries while revealing very little about the settings in which the secretaries operated. Such fragmentary information, perhaps, posed no difficulty to the medieval reader who lived in more or less the same social atmosphere, but it is of little help to the modern scholar who is alien to the conquest milieu and to its government and society.

Literature Review

The primary sources used for this dissertation fall under three broad categories: first, six treatises that were composed or translated by three master secretaries; second, two legal texts that were composed by two leading jurists; and third, a number of chronicles, biographical dictionaries,

⁸ An insightful analysis of the early primary sources is provided in Michael Morony, “Sources for the First Century of Islam,” 19–28. Hugh Kennedy has also included in his monograph on the Arab conquest a detailed discussion about problems of sources, their narratives, reliability, and interpretation; see *The Great Arab Conquests*, 12–33.

geographical accounts, monographs, and similar texts that were composed by distinguished scholars in the next few centuries following the period under study. In what follows I provide a brief review of texts in each category.

The first category of primary sources contains few treatises that were written by the three aforementioned secretaries of the late Umayyad and early Abbasid eras. These treatises, investigated in chapter 3, are of utmost importance in that they constitute the emerging discourse of secretaries that helped transfer and reconfigure ancient knowledge.

The first text analyzed in this category is an adaptation of a series of pseudo-Aristotelian epistles that was translated by Abu al-‘Alā Sālim. Though the manuscript does not reveal the translator’s identity, the content of the epistles coupled with reports from bio-bibliographical texts such as that of Ibn al-Nadīm leaves little doubt that the author/translator was anyone other than Sālim, the secretary to the caliph Hishām. Mario Grignaschi’s annotated translation of the epistles supports this assumption.⁹ These epistles expose the early phase of translation of foreign texts into Arabic as well as their adaptation to address a variety of problems the Arab rulers faced in the late first/early eighth century. The epistles occupy an important place in this research thanks to their multifarious character: they demonstrate the secretaries’ capability to help solve complex problems while making a case for the utility of foreign knowledge. Meanwhile, they help establish *adab* not only as a literary genre (see chapter 3), but, more importantly, as a discourse that integrated in a harmonious whole the elements of indigenous and foreign knowledge.

⁹ In fact we owe to Grignaschi the availability of these epistles in print: “Les ‘Rasā’il ‘Aristāṭālīsa’ ilā-l-Iskandar’ de Sālim Abū-l-‘Alā’ et l’activité culturelle à l’époque omayyade” 8–83; “Le roman épistolaire classique conservé dans la version arabe de Sālim Abū-l-‘Alā’ ” 211–63. The manuscripts are available in the libraries of Fatih (MS 5323) and Aya Sofya (MS 4260) in Istanbul, Turkey. According to Danesh Pazhuh, the Fatih manuscript was transcribed in 716/1316 and that of Aya Sufiya in 714/1314; see Shams al-Dīn Shahrāzūrī, *Nuzha al-Arwāḥ wa Rawḍa al-Afrāḥ*, editor’s introduction, 93.

It is precisely these characteristics that reappear in other secretarial works studied in this dissertation. ‘Abd al-Ḥamīd’s *Epistle to the Secretaries* allows us to make sense of the fledgling community of secretaries, especially those who had acquired a client status and, therefore, enjoyed greater latitude in their professional activities.¹⁰ The *Epistle* uncovers potentials and challenges the secretaries faced, and puts in perspective their knowledge-producing practices. Here ‘Abd al-Ḥamīd’s account of the secretarial framework of knowledge reveals its integrative character and exposes its constitutive elements. The *Epistle* speaks to its author’s awareness of potential adverse reaction to foreign knowledge. That is to say, too much emphasis on the non-Arab/non-Muslim constituents of the administrative knowledge could antagonize the rulers and Muslim scholars who expected earnest execution of Islamic law and felt threatened by the claims of knowledge encapsulated in the newly translated/composed books of ancient political philosophy.

My examination of ‘Abd al-Ḥamīd’s *Epistle to the Crown Prince* allows us to trace the formation of adab as an instrument of producing knowledge about the polity, court etiquette, and statecraft.¹¹ ‘Abd al-Ḥamīd exhibits exemplary acumen in re-appropriating diverse elements of knowledge according to the urgent state of affairs (i.e., the revolt of the Khārijī rebel, al-Ḍaḥḥāk b. Qays al-Shaybānī, in Adharbāyjān, which in turn necessitated the dispatch of the crown prince to the war front as well as the composition of this treatise).

It is against this background of secretarial/scholarly trends that we can treat the contributions of Ibn al-Muqaffa’. My examination of his works includes three treatises belonging

¹⁰ This epistle is preserved in a few sources, the earliest of which is in Aḥmad b. Abī Ṭāhir Ṭayfūr’s *Kitāb al-Manḥūr wa al-Manzūm*, reproduced in Muḥammad Kurd ‘Alī’s *Rasā’il al-Bulaghā*, 222–26. Jahshiyārī’s *Kitāb al-Wuzarā*, 74–79, provides a slightly different version of the epistle. Ibn Khaldūn’s *al-Ṭa’rīkh* (i.e., *al-Muqaddima*), 1:307–11, also includes a version of the epistle. The excerpts quoted in chapter 3 are from Rosenthal’s three-volume translation, *The Muqaddimah*, 2:29–37.

¹¹ As with the other epistle by ‘Abd al-Ḥamīd, this epistle is recorded in Aḥmad b. Abī Ṭāhir Ṭayfūr’s *Kitāb al-Manzūm wa al-Manḥūr*, reprinted in M. Kurd ‘Alī’s anthology, *Rasā’il al-Bulaghā*.

to three distinct categories. My selection of these treatises has been done with due regard to their impact on the formation of said discourse. First, his translation from Pahlavī of the *Epistle of Tansar*, which appears to have been a semi-official history of the Sāsāniān dynasty, introduced a non-Arab/non-Islamic outlook to the polity. As I demonstrate in chapter 3, there are indications that Ibn al-Muqaffaʿ customized the translation according to the needs of his audience as well as the exigencies of the emerging discourse.¹² Second, his *al-Ādāb al-Kabīr* was a major contribution to adab both as a literary genre and as a means of knowledge production; it highlights the import of ancient knowledge while including rules of conduct for secretaries and courtiers. Third, *Treatise concerning the Entourage* may be regarded as the epitome of secretarial knowledge production. In this treatise Ibn al-Muqaffaʿ addresses himself to the second Abbasid caliph, Abū Jaʿfar al-Manṣūr, and offers unsolicited advice on a variety of issues concerning governance, law, and order.¹³

The second category of primary sources used in this dissertation includes juristic legal texts. I study two treatises—both entitled *Kitāb al-Kharāj (Book of the Land-Tax)*—which represent the first concerted efforts in producing legal knowledge about a public matter.¹⁴ Composed by two leading jurists, these treatises address not only the issue of land tax and other pertinent matters, but also the polity and its legitimacy. As well, they give us a sense for the formation of legal methodology and the emergence of Muslim schools of law. Furthermore, they

¹² Neither the original Pahlavī of the *Epistle of Tansar* nor its Arabic translation by Ibn al-Muqaffaʿ is extant. However, the Iranian historian, Ibn Isfandyār (d. 615?/1219?), preserved a translation of the *Epistle* in his *History of Tabaristān*. The French Orientalist James Darmesteter edited and published, in 1894, this Persian text along with a French translation, “Lettre de Tansar au roi de Tabaristan.” Later in 1932 Mojtabā Minovī published a new edition of the *Epistle*. My examination uses Minovī’s edition. Issues of authenticity, reliability, and meaning of later adaptations, such as Ibn Isfandyār’s, are discussed in chapter 3.

¹³ Unlike the *Epistle of Tansar*, *al-Ādāb al-Kabīr* and *Risāla fi al-Ṣaḥāba* have been preserved presumably in their original format in Aḥmad b. Abī Ṭāhir Ṭayfūr’s (d. 279–80/893) *Kitāb al-Manẓūm wa al-Manthūr*. For the present research I use Muḥammad Kurd ‘Alī’s edition in his anthology, *Rasā’il al-Bulaghā*.

¹⁴ Both texts have been printed in multiple editions that essentially use the same manuscripts. For this study I use Iḥsān ‘Abbās’s edition of Abū Yūsuf’s text (Beirut: Dār al-Shurūq, 1985) and Yaḥyā b. Ādam’s text published by Dār al-Maʿrifah lil-Ṭibā’ah wa-al-Nashr (Beirut 1979).

demonstrate intriguing contrast with the ways in which the secretaries came to grips with the same issues and tried to obtain the caliphate's support for a different discourse of knowledge. The comparison of these legal texts with those of the secretaries, especially with Ibn al-Muqaffa's *Treatise concerning the Entourage*, allows me to depict the contours of a rivalry between the 'ulamā' and other producers of knowledge. It also gives us a better grasp of how juristic knowledge was brought to bear to justify changes of policy such as changing tax laws in Mesopotamia (see chapter 4). The caliphate derived its legitimacy from an alliance with the 'ulamā' as a group of scholars who could produce knowledge from the sacred sources of law—i.e., scriptures and the Prophetic tradition.

The third category of primary sources consists of a variety of texts, including chronicles, geographical accounts, and biographical dictionaries, composed from the third/ninth century onward. First of all, mention must be made of *Kitāb al-Wuzarā' wa al-Kuttāb* (*Book of the Viziers and Secretaries*) by Ibn 'Abdūs al-Jahshiyārī (d. 331/942). Jahshiyārī's celebrated monograph occupies a special place in this research since he lived a little more than a century after the end of the period under consideration. More important is his service to the court and the state, which has made him a crucial source for the history of early medieval Islamic government.¹⁵ We must bear in mind that Jahshiyārī's reports, indispensable though they are, hardly overcome structural problems involved in the primary sources, that is, they provide little information about the contexts within which his anecdotes appear.

Geographical encyclopedias, too, provide immense help to the historian. These texts encompass not only basic information such as names, locations, and distances of towns and cities, but also their demographics, culture, economy, and history. They are particularly useful for their treatment of public issues, especially land tax, land survey, distribution of wealth, and

¹⁵ D. Sourdel, "Al-Djahshiyārī," *EF*², 2:388.

the like. Aḥmad b. Yaḥyā Balādhurī's *Futūḥ al-Buldān* merits special attention in that it deals, among other things, with the geographical dimensions of the Arab conquests. We owe to Balādhurī one of the first accounts of the founding of the dīwān, maintenance of records, the distribution of booty, the conquest of Mesopotamia, survey of the conquered lands, collection of taxes, and so forth. One must remain mindful, however, of the overlap of history, Muslim tradition, and the caliphate's vested interests in such works, and of how Balādhurī, as a court historian, may have contributed to producing an account of the conquests that dovetailed with the government's priorities.¹⁶

Like Balādhurī and Jahshiyārī whose reports carry considerable weight, thanks to their connection to the court, we find an important source in *al-Masālik wa al-Mamālik* by Ibn Khurdādhbih (d. ca. 280/893) since the author headed the *dīwān al-Barīd* (i.e., post office and intelligence).¹⁷ His work includes, among other things, historical details about municipal divisions in the pre-conquest Persian Empire, tax rates, and the order of the second caliph, 'Umar (r. 13–23/634–44), to perform land survey in Lower Mesopotamia.¹⁸ Likewise, other geographical encyclopedias, especially *Masālik al-Mamālik* by Abū Ishāq al-Iṣṭakhrī (d. ca. 340/951), *Aḥsan al-Taqāsīm fī Ma'rifa al-Aqālīm* by Al-Maqqdisī (d. ca. 381/991), and *Mu'jam al-Buldān* by Yāqūt Ḥamawī (d. 626/1228) offer important details about history, culture, and society in Islamic Mesopotamia.

Bio-bibliographical texts contain important details about individuals and their complex relationships with their surroundings as well as about texts that are no longer extant. *Al-Fihrist*

¹⁶ We must bear in mind that the accounts of the conquests were generated not for historical inquiry but because they served very tangible purposes. It was only natural that the narratives would tend to record certain events in the ways they did while neglecting others; see Kennedy, *The Great Arab Conquests*, 15.

¹⁷ Ibn al-Nadīm, *al-Fihrist*, 165. Ibn Nadīm reports that Ibn Khurdādhbih used to be a Zoroastrian and later converted to Islam through the Barmakīs. His religious background and experience in statecraft which earned him a government job suggests that his ancestors were likely among the local landowners and administrators of the Sāsāniān Empire (see chapter 2).

¹⁸ Ibn Khurdādhbih, *al-Masālik wa al-Mamālik*, 14–15; see Michael Morony, *Iraq after the Muslim Conquest*, ch. 3.

by Ibn al-Nadīm (d. 375/985) is indispensable for the present project thanks especially to its preservation of a unique narrative on the importation of foreign knowledge and its translation into Arabic. To be sure, his account of the translation of the dīwān records has been borrowed from sources that preceded Ibn Nadīm. However, Ibn Nadīm's narrative is unique thanks to its making a connection between the state administration and the production of knowledge (see chapter 2).

Chronicles and general histories, despite their inherent limitations such as those pointed out before, are indispensable for historical research. Histories such as al-Ṭabarī's *Ta'riḫ al-Rusul wa al-Mulūk* and al-Mas'ūdī's *Murūj al-Dhahab* offer important details about political developments in the conquest era. They provide information, among other things, about the caliphs' secretaries and advisers although they usually remain silent about the nature of their interactions and decision-making processes. Ṭabarī's *Ta'riḫ*, for instance, includes a list of secretaries through the year 72/691 (see chapter 3). Mas'ūdī's *al-Tanbīh wa al-Ishrāf* also supplies the reader with a snapshot of administrative changes from the pre-Islamic era to the Arab Empire.

While there is a limited number of primary sources of the first and second century Islam, the secondary sources are diverse and voluminous. Most of these sources, however, deal predominantly with political developments of the conquest era, transition to the Abbasid caliphate, and sectarian movements, while rarely pursuing the link between the conquest, the polity, and the production of knowledge, which is the main focus of this dissertation. Yet they have helped bring to light some outcomes of the Arab conquests, especially the increased interaction of peoples in Mesopotamia and the transfer of certain ancient practices to Muslim society. My study builds on some findings of these secondary sources, but it also seeks to push

the limits of our understanding of the subject matter by pursuing certain themes that are scarcely engaged in those sources.

Julius Wellhausen's 1902 *Das arabische Reich und sein Sturz* counts as a classic in the history of the first Arab dynasty.¹⁹ It discusses the rise and fall of the Umayyads against the background of historical developments during the first few decades of Islam. Wellhausen's assessment of the formation of the state institution highlights tribal rivalry and political strife that plagued the Muslim community during the Umayyad rule. Brilliant as his use of the primary sources is, Wellhausen's interpretation of certain key concepts and institutions such as patronate and Islamic taxation call for correction (see chapters 2 and 4). In particular his analysis of the Arab-client relationships fails to account for the role of knowledge as an instrument of assimilating the elite of the conquered people into Muslim society.

Patricia Crone's *Slaves on Horses* (1980) adopts the historical approach that was employed in Wellhausen's study in order to provide an in-depth treatment of the Arab conquests and of the Muslim polity. This important work treats the transformation of Islamic government as it tried to enhance its central authority so as to bring under its control the tribal and sectarian fragmentation of Muslim society. Crone's work also provides a thoroughgoing treatment of the problem of legitimacy and its resolution in the Abbasid era. I make use of Crone's interpretation of the institution of patronate and how it facilitated the process of assimilating the elite of conquered nations into Muslim society. I part company, however, when her rigid structuralist assessment leaves little room for the crucial role of "knowledge" in forging alliances between said elite and the ruling class. This is where Crone attributes to Arab culture "imperviousness to

¹⁹ For this research I am using the English version, *Arab Kingdom and Its Fall*, translated by Margaret Graham Weir (London and Dublin: Curzon Press Ltd., 1927).

native values.”²⁰ Unlike Crone who finds clientage “to distance the conquerors from the pre-conquest polity and its cultural values,” my assessment suggests that the institution helped build a bridge between ancient knowledge and the emerging polity.²¹

We have a different treatment of the conquests in Michael Morony’s *Iraq after the Muslim Conquests* (1984). His account exposes the Muslims’ borrowing of administrative, political, and intellectual ideas from neighboring civilizations while at the same time demonstrating their novel contributions and innovations. Morony’s interpretation treats the assimilation of the conquered peoples and their interactions with the Arab rulers. Especially valuable is his detailed discussion of administrative systems, geography, and taxation under the Sāsāniān and Arab Empires.

Transition from the Umayyad caliphate to the Abbasid has long been viewed in terms of sectarian and partisan trends. Sir Hamilton Gibb’s 1955 article, “The Evolution of Government in Early Islam,” has made an important contribution by showing that much of the ideology that purportedly spurred the Abbasid Revolution actually came into being after their revolution. Gibb’s contribution here, as well as in his “Social Significance of the Shuubiya” (1953), is important for my discussion in that it highlights the role of the secretaries in introducing during both the Umayyad and Abbasid reigns of Persian administrative and court practices. My discussion of the creation of a new discourse, however, is not in full agreement with Gibb where he suggests that the secretaries attempted to remold Islamic institutions on the model of Sāsāniān Empire.²² Whereas the Persian influence can hardly be overstated, this dissertation argues that the secretaries’ enterprise consisted in creating a new configuration of knowledge that integrated both Arabian/Islamic and foreign elements.

²⁰ Patricia Crone, *Slaves on Horses*, 29–30, 49.

²¹ *Ibid.*, 50.

²² Hamilton Gibb, “Social Significance of the Shuubiya,” 66.

Martin Sprengling's article, "From Persian to Arabic" (1939), has been instrumental in shedding light on important details about the translation of the *dīwān* accounts from Persian into Arabic. Sprengling offers an incredibly meticulous reading of the primary sources and helps separate genuine reports from later fabrications. Particularly relevant to the present project is his elucidation of the role of the client secretaries to usher in a new phase in Islamic state administration. Sprengling makes no effort, however, to hide his resentment toward the historian who tries to come to grips with "the social process," which he relegates to "a metaphysical concept couched in terms of sociologizing philosophy or philosophizing sociology."²³ His brilliant assessment of the sources notwithstanding, such biases—due partly to the influence of positivist historiography of the 1930s—have limited the scope of his inquiry to the minutia of genealogies and dates. Yet I draw on his analysis to deal with important questions concerning social relations, motives, and interests.

While many historians have suggested that religious institutions and the caliphate tended to keep away from one another during the first two centuries of Islam, Muahmmad Q. Zaman's *Religion and Politics under the Early Abbasids* (1997) has made a case for a curious connection between the 'ulamā' and the caliphs, which in turn solidified the former's authority and the latter's legitimacy. My argument explores that connection in terms of the 'ulamā's control, not merely over articles of faith, but over elements of legal knowledge and political legitimacy, which was of immense help to the Abbasid caliphs in legitimating their rule and policies. Zaman's work also includes a brief examination of two texts studied in this dissertation—i.e., Ibn al-Muqaffa's *Treatise concerning the Entourage* and Abū Yūsuf's *Book of the Land-Tax*.

²³ M. Sprengling, "From Persian to Arabic," 175. His resentment does not dissipate even when the effort to understand the social process is made by the renowned historian Ibn Khaldūn; see 193.

While he focuses on the political dimension of these texts and pursues the question of authority, he stops short of accounting for them as bodies of knowledge.

While the present dissertation's primary focus is not taxation, it grapples with that topic inasmuch as the knowledge of tax assessment and collection arguably constituted the most important aspect of the *dīwān* activities, for taxes comprised the mainstay of the state's revenues. Daniel Dennett's 1950 book, *Conversion and the Poll Tax in Early Islam*, has retained its freshness after more than half a century thanks to its careful use of the primary sources. Its main service lies in disentangling the exceedingly complex categories of land tax in the conquest era and in correcting some misunderstandings of tax law as reflected, for example, in Wellhausen's *Das arabische Reich*.²⁴ Yet Dennett, as most other historians of medieval Islam, rarely engages the primary sources in a critical fashion and therefore does not pursue the line of inquiry that links the production of legal knowledge to power and authority. He attempts, for example, to provide an exposé of tax categories in the Sawād by using Abū Yūsuf's *Kitāb al-Kharāj*, but he never asks how it came to pass that the caliph could change the tax status of lands in the face of the established tradition.²⁵ I try to deal with this question in chapter 4.

A. Ben Shemesh's three-volume study of taxation in Islam (1965–69) includes annotated translation of three major texts on taxation two of which are examined in this dissertation (i.e., those of Abū Yūsuf and Yaḥyā b. Ādam). Each volume includes an extensive introduction which puts the translated text in the broader context of Islamic taxation in the classical period while comparing it with other works in that tradition. In light of the accessibility of these English translations, my citations to original texts are accompanied by references to Ben Shemesh's

²⁴ Dennett still retains some major findings of Wellhausen's, for example, lack of true distinction in the early period between the terms *kharāj* (land tax) and *jizya* (poll tax), but he still makes corrections for instance in Wellhausen's assertion that lump-sum taxation was rule rather than an exception; see *Arab Kingdom*, 276–77.

²⁵ Daniel Dennett, *Conversion and the Poll Tax in Early Islam*, 35–36 (see my critique in chapter 4).

translations although, when quoting directly, I have often opted to make slight modifications to bring the translation into harmony with the terminology adopted in this dissertation. Like most other studies, however, Ben Shemesh's investigation tends to isolate the legal development of taxation from the broader context of knowledge production and policy legitimation.²⁶

Norman Calder's analysis of Abū Yūsuf's *Kitāb al-Kharāj*, as a chapter of his *Studies in Early Muslim Jurisprudence* (1993), has much relevance to my research. Offering a revisionist interpretation that denies the attribution of this treatise to Abū Yūsuf, Calder highlights the connection between legal knowledge, power, and authority. His textual analysis aims to show that legal knowledge was constructed in the third/ninth and fourth/tenth century Abbasid state in order to meet their need for legal justification and political legitimacy. Absent solid evidence, however, I find it hard to subscribe to Calder's argument regarding the authenticity of the treatise and to his suggestion that *Kitāb al-Kharāj* was compiled by the alleged government redactors. Nevertheless, his inquiry about the inherent connection between knowledge, authority, and social order provides support to my analysis of the juristic discourse of knowledge.

The evolution of the political organization during the period under study has been the object of many research projects. Dominique Sourdel's two-volume study, *Le vizirat abbāside* (1959–60), is an important contribution to the history of political organization under the Abbasid reign. His study, as the title suggests, is mostly focused on the institution of the vizierate and its transformation during the Abbasid caliphate. Solomon Goitein, too, takes up the same topic in his "Origin of the Vizierate and Its True Character" (1942). His work draws attention to the gradual emergence of the institution over three centuries, hence calling into question the

²⁶ An example may be found in Ben Shemesh's decision to eliminate sections of Abū Yūsuf's preface to his *Kitāb al-Kharāj* on the grounds that they do not concern taxation as Abū Yūsuf discusses his views on Islamic principles of governance. These are, to my mind, among the most important aspects of the book since they expose the author's approach to power and authority. The present dissertation treats those sections in conjunction with minute legal issues, hence trying to fill the gap in Ben Shemesh's study of taxation in Islam.

uncritical use of the term vizier (*wazīr*) by some primary and secondary sources. Goitein's investigation elucidates the connection between the institution of vizierate and the secretarial activities. The bond between the secretaries of lowly status and the caliphs is attributed to the Arab customs that treated slaves as part of the family.²⁷ Goitein's explanation, however, begs the question as to why a freedman had to be entrusted with the empire's weighty matters. My dissertation interrogates this matter along the theme of "knowledge," which brought about drastic changes to the terrain of power relations.

Irit Irene Blay-Abramski's 1982 Ph.D. dissertation provides detailed analysis of continuity and change in the political structure of Islamic government from the Umayyad to the Abbasid rule.²⁸ While her interpretation of the primary sources provides insight into such institutions as the judiciary and provincial governorship, it treats lightly the organizational structure of the *dīwān*, especially under the Umayyad rule. Blay-Abramski also lays too much emphasis on ideology as a major factor in shaping administrative practices without considering the entanglement of ideology in a wider network of interests reflected in economic and social policies.

Relevant to this project is Franz Rosenthal's 1970 examination of "knowledge" as a concept that has shaped Islamic society. Rosenthal suggests that the conception of legitimate knowledge drew from sacred sources such as the Qur'an as they reflected "God's knowledge."²⁹ Rosenthal's insight speaks to the tension between different forms of knowledge in medieval Islam, especially during the formative period investigated in this dissertation. He further traces

²⁷ Solomon D. Goitein, "The Origin of the Vizierate," 179–80.

²⁸ Irene Blay-Abramski, *From Damascus to Baghdad*, (Princeton: unpublished PhD dissertation, 1982). Chapter 5 ("civil administration—continuity and change") which interests me most offers scanty information and analysis on the *dīwān* while dealing for the most part with later Abbasid period and offering little details about the transition period.

²⁹ Rosenthal, *Knowledge Triumphant*, 31–2.

the evolution of this concept in Islamic civilization and its subsequent association with wealth and power.³⁰

Paul Heck's *Construction of Knowledge in Islamic Civilization* (2002) is a recent contribution to the theme of knowledge and its relation to Islamic medieval government. Heck's close reading of *Kitāb al-Kharāj wa-Ṣinā'at al-Kitāba* (*Book of the Land-Tax and the Craft of Writing*) by Qudama b. Ja'far (d. 337/948) has enabled him to inquire into the role of the Arabic language as a force that not only guided Islamic civilization, but shaped the production and classification of knowledge. This led, according to Heck, to an opposition between "Islamo-Arabic sciences" such as law, grammar, and poetry, and "non-Islamo-Arabic sciences" such as astronomy and philosophy.³¹ Heck's research is important as it shows the outcome of a long process whose formative period is studied in this dissertation.

Organization of the Dissertation

Chapter 2 treats the genesis of the *dīwān* in the context of the Arab conquests. My investigation of these historical phenomena highlights the rapid adoption of ancient administrative practices in the conquered lands, which in turn contributed to solving certain problems that overwhelmed the Muslim state. I illustrate how foreign-descent secretaries, as the agents of this knowledge transfer, were assimilated into Muslim society through the pre-Islamic institution of patronate. This process of assimilation allowed them to take over sensitive positions within the court and the administration. I also discuss administrative changes in the context of transition from the

³⁰ This is exemplified, for instance, in the advice of the Umayyad caliph Abd al-Malik (r. 65–86/685–705) to his sons: "Acquire knowledge, for if you are lords, you will thereby advance in power and rank. If you belong to the middle class, you will become lords. And if you are common people, it will enable you to make a living." Ibid., 327, quoted from al-Māwardī, *Adab*, 16f.

³¹ Paul L. Heck, *The Construction of Knowledge in Islamic Civilization; Qudama b. Ja'far and his Kitāb al-Kharāj wa-sinā'at al-kitāba*, 2, 6–7

Umayyad dynasty to the Abbasid caliphate. Finally I explain the ways in which the *dīwān* characterized a site of knowledge production.

Chapter 3 delves into the formation of a discourse of knowledge in secretarial circles in late Umayyad and early Abbasid reigns. I explore salient features of this discourse by situating a few texts composed by senior secretaries who rose to such prominence that it allowed them to serve as advisers to caliphs and governors. Stressing the implications of this discourse for social order, I interrogate the conflict between this discourse and some trends within Muslim legal thought, which in the long run contributed to the failure of the secretaries' discourse.

Chapter 4 inquires into the reaction to the secretaries' discourse. In doing so, I examine two legal treatises composed by two leading jurists in the late second/eighth century and try to grapple with the emergence of a competing juristic discourse. My main task in this chapter is to demonstrate how the juristic solutions to administrative and political problems sought to advance a particular vision of social order that was by and large at odds with the secretaries' discourse.

Chapter 5 spells out some conclusions about the implications of the conflict between the foregoing frameworks of knowledge and their respective visions of social order. I explain why the secretaries' discourse of knowledge failed to enlist those in positions of power. I reflect on the triumph of the juristic discourse and its far-reaching consequences for the production of knowledge in Islamic Mesopotamia. Finally, in light of the evidence and analysis presented in this dissertation, I suggest that it may be well justified to revisit the so-called marginality thesis.

Chapter 2: The Arab Conquests and the *Dīwān*

“...And the sword is in the habit of enslaving the pen”—Abū ‘Ubāda al-Baḥtarī (d. ca. 286/899)

“The Arabs still regard the sword as superior to the pen”—Ibn ‘Abdūs al-Jahshiyārī (d. ca. 330/942)¹

When in 622 CE the Prophet Muḥammad embarked on the migration (*hijra*) from Mecca to Medina, he effectively laid the groundwork for the Islamic state.² Muḥammad envisaged a broad-based Muslim community (*ummah*), in which faith took precedence over kinship. This epoch-making development introduced to the Arabian tribal society substantive changes, some of which were stipulated in a historic document, commonly referred to as the Medina Covenant.³ Despite Muḥammad’s vision, however, the initial nucleus of the Muslim body politic did not dissolve tribal boundaries, nor did it institute a state in its strict sense.⁴ We cannot be certain that Muḥammad had a vision of an Islamic empire, the kind that began to emerge gradually after his death in 10/632. Yet the pace, strength, and momentum of his military campaign within Arabia allowed the Arabs to rise as a formidable contender in late ancient Mesopotamia. Not only did they bring about the collapse of the Sāsāniān (Persian) Empire (226–651 CE), the Arabs succeeded in annexing large parts of the Byzantine provinces in Syria and Egypt. The rapid expansion of the conquests hence brought under Arab rule, in a surprisingly short period of time,

¹ Ibn ‘Abdūs al-Jahshiyārī, *Kitāb al-Wuzarā’ wa al-Kuttāb*, 28.

² I use the term “state” in its broad, rather than specific modern sense, which does not apply to the Muslim government in this period; see Wael Hallaq, *An Introduction to Islamic Law*, 7–8; cf. Patricia Crone, *God’s Rule: Government and Islam*, 3–4.

³ Ibn Hishām, *al-Sīra al-Nabawīyya*, 1:503–04; also see W. Montgomery Watt, *Islamic Political Thought*, 4–6; Hugh Kennedy, *The Prophet and the Age of the Caliphates*, 34–35; cf. Wellhausen, *Arab Kingdom and Its Fall*, 11–16; Patricia Crone, *God’s Rule*, 13.

⁴ See Wellhausen, *Arab Kingdom*, 3. Though Muḥammad’s undertaking could not have disrupted tribal ties in their entirety, it is a far cry from saying, as Wellhausen does, that “he [Muḥammad] could perhaps scarcely imagine a religious community in any other setting than that of blood-relationship,” 4; see also 10. Indeed there are certain elements in the Medina Covenant as well as in Muḥammad’s performance that strongly support the idea of a supra-tribal community.

the majority of the populace in Mesopotamia. Contrary to the common stereotype, however, about forced conversion to Islam in the early period, the majority of conquered people kept their ancestral faiths for at least two centuries under Islamic rule.⁵ The formation of an Islamic body politic, then, could not avoid being marked by the inevitable interaction of Muslims and non-Muslims during the formative centuries of the Islamic Empire. As a consequence, various forms of knowledge that emerged in the early period bear the mark of this interaction, reflecting interests, concerns, and priorities of their producers. Before we treat the features of these various forms of knowledge, we need to illuminate their conditions of origination—that is, the conquest society.

The burgeoning Islamic state hinged on Muḥammad’s vision of the Muslim community, which manifested itself in a new social order that sought to transcend tribal boundaries.⁶ The tribal structure of Arabian society hence had to succumb to new changes such as the establishment of a powerful central government. In fact, as the Arabs conquered greater areas in Mesopotamia and beyond, it became clear that the control of new lands and diverse subjects could not be attained without a central government. “The caliphal state,” as Marshal Hodgson points out, “was no longer simply an Arabian commonwealth but was a vehicle of conquest beyond Bedouin Arabia, and depended on that conquest for its financial and psychological existence.”⁷ The emergence of the *dīwān* as the state administration, then, is symptomatic of changes of governmental practices from simple tribal arrangements to such an increasingly complex organization that could support the ongoing conquests.

⁵ Marshall Hodgson, *The Venture of Islam*, 1:199; Richard Bulliet, *Conversion to Islam in the Medieval Period*; Jonathan P. Berkey, *Formation of Islam: Religion and Society in the Near East, 600–1800*.

⁶ A preliminary discussion of tribal social order vis-à-vis the Islamic one is presented in Ignaz Goldziher, *Muhammadanische Studien*, English trans. *Muslim Studies*, vol. 1, ch. 2.

⁷ Hodgson, *The Venture of Islam*, 1:199.

Nevertheless, all bedouin practices, along with their tribal structure, were not going to give in to Muḥammad’s egalitarian vision. What we know as the state in this early period was but a confederation of major tribes and clans represented by influential figureheads whose rivalry was not to fade away overnight. While the Muslim state under Muḥammad’s first four successors—referred to collectively, if retrospectively, as the *Rāshidūn* or “Rightly Guided” (10–41/332–661)—accentuated the ideal Muslim community, it was still fraught with tribal rivalry over succession and distribution of wealth, the latter being the fruit of ongoing conquests. The political tension increased with the rise to power of the Umayyad family, who founded the first dynastic rule in Islam (41–132/661–750) and, having distanced itself from the initial egalitarian vision, alienated many Arab Muslims (e.g., ‘Alīds, Khārijīs, etc.) and non-Arab converts. Hence, the acute tension associated with succession and distribution of wealth became part and parcel of the Muslim body politic.

The *dīwān* as the core of the state administration was inevitably affected by these deep-seated conflicts while being expected to offer efficient solutions to varied problems of an infant empire. In what follows, I provide a brief overview of the formation of the Muslim state embodied in the institution of the *dīwān*. This overview helps us catch a glimpse of how the constitutive elements of the Muslim state came into being and transformed over the course of the period studied in the present research. I will conclude this chapter by explaining how the *dīwān* functioned as a site of knowledge production.

The Dīwān

The genesis of the *dīwān* is marked by the exigencies of the Arab conquests. Our sources point to the need to register the spoils of war as well as individuals who were entitled to receive a share

of the booty.⁸ The Prophet Muḥammad is said to have had at his service a scribe who would tally up the booty.⁹ The Qur’an had set down rules based on which the booty (*ghanā’im*; sing. *ghanīma*) was to be distributed.¹⁰ Mention must be made of a long-standing, pre-Islamic tradition, according to which Arab chieftains, following a victory, rewarded their warriors with gifts and/or a share of the booty.¹¹ The need for a “system” to maintain the distribution of the booty was felt as the conquests expanded rapidly and the number of Arab Muslims grew apace. A register for this very purpose was instituted during the reign of the second caliph, ‘Umar b. al-Khaṭṭāb (r. 13–23/634–644). When presented with a large sum of money collected from Bahrain, ‘Umar got up to the pulpit and asked people as to how they thought the money should be disbursed. Upon hearing that the *‘ajam* (i.e., non-Arabs, specifically the Persians) had a tradition of keeping their money in a *dīwān*, ‘Umar ordered that the *dīwān* be established as part of the government.¹² This is said to have taken place in the year 20/641.¹³

It has been suggested that foreign institutions had little or no influence on the Arab *dīwān*. Gerhard-Rüdiger Puin has argued that ‘Umar’s *dīwān* was an Arab initiative and had

⁸ A brief overview of the genesis and transformation of the *dīwān* during the first/seventh and second/eighth centuries may be found in A. A. Duri, “*Dīwān*,” *EP*², 2:323–27.

⁹ Jahshiyārī, *al-Wuzarā’*, 12–14; cf. R. B. Serjeant, “Early Arabic Prose,” 149–150.

¹⁰ For example: “And know that whatever ye take as spoils of war, lo! a fifth thereof is for Allah, and for the messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer, if ye believe in Allah and that which We revealed unto Our slave on the Day of Discrimination, the day when the two armies met. And Allah is Able to do all things” (Qur’an, 8:41); see Yaḥyā b. Ādam, *Kitāb al-Kharāj*, 17–19, 27.

¹¹ See Michael Bonner, *Aristocratic Violence and Holy War*, 4.

¹² Al-Balādhurī, *Futūḥ al-Buldān*, 432; Abū Yūsuf, *Kitāb al-Kharāj*, 146, English trans. A. Ben Shemesh, *Taxation in Islam*, 3:71; Jahshiyārī, *al-Wuzarā’*, 16–17; al-Ṣūlī, *Adab al-Kuttāb*, 189–91; al-Māwardī, *al-Aḥkām al-Sultānīyya wa al-Wilāyāt al-Dīnīyya*, English trans. *The Ordinances of Government*, 217–18; Ibn al-Athīr, *Al-Nihāya fī Gharīb al-Ḥadīth*, 2:150; Beihaqqī, *Al-Sunan al-Kubrā*, 6:350, 8:108. One of the reports in Jahshiyārī traces the *dīwān* to an advice provided to ‘Umar by a certain—ostensibly Persian—Fayrūzān while Māwardī attributes the proposal to another Persian adviser called Hormuzān; see also Sprengling, “From Persian to Arabic,” 178.

¹³ Balādhurī, *Futūḥ*, 432. Some sources have suggested that the first *dīwān* was established in Basra some four years earlier in 16/637 under the governor Mughīra b. Shu‘ba and his assistant (and future governor of al-‘Irāq) Ziyād b. Abīhi; see Wellhausen, *Arab Kingdom*, 115–16; Dennett, *Conversion and the Poll Tax*, 29–30; Sprengling, “From Persian to Arabic,” 186. The question arises, then, that if the *dīwān* was founded four years before, why did ‘Umar not simply follow the same practice without having to consult others? And when he made an inquiry, how did not a single person mention that such a thing had been done before under his own rule? Though we need more information to assess the features of Mughīra’s alleged *dīwān*, it seems that his “system” was little more than a simple records of the warriors, booty, amounts of stipends, dates of payment, etc.

nothing to do with the Persian and Byzantine tradition.¹⁴ This is in fact true inasmuch as Arab warriors, in keeping with the aforementioned pre-Islamic tradition, were rewarded with a share of the booty. ‘Umar’s *dīwān*, then, streamlined the distribution of the booty within the purview of a state institution. The early *dīwān* as such was a chancery, maintaining records of Arab Muslims who were entitled to a stipend (‘*aṭā*’) from the state. Their share of the booty was determined in accord with several criteria such as the individual’s relation (*nisba*) to the Prophet Muḥammad, precedence in conversion to Islam (*sābiqa*), the degree of contribution to the conquests, and so forth.¹⁵ The system was evidently at odds with the aforementioned egalitarian ideal of Muslim community in that it took account of factors other than faith in rewarding the community members. In fact, some of Muḥammad’s companions such as the fourth caliph ‘Alī b. Abī Ṭālib (r. 35–40/655–60) were opposed to the discriminatory pay scale on the grounds that Muḥammad would not have approved of such measure, but their objection had no bearing on ‘Umar’s decision.¹⁶

We can envision that the rapid pace of the conquests must have complicated the maintenance of the register. An increasing number of Arab Muslims were now taking part in the ever expanding conquests and they were entitled to some sort of remuneration. It must be noted that the participation in the conquests was considered a duty associated with membership in the young Muslim community. The remuneration was understood to be a privilege intended exclusively for all Arab Muslims, rather than a wage for just soldiers and mercenaries. This initial setting, however, was soon to change as non-Arabs began to join the army, further

¹⁴ Gerhard-Rüdiger Puin, *Der Dīwān von ‘Umar ibn al-Ḥaṭṭāb: ein Beitrag zur Frühislamischen Verwaltungsgeschichte. Inaugural-Dissertation. Reinischen Friedrich-Wilhelms-Universität zu Bonn* (Bonn: Reinische Friedrich-Wilhelms-Universität, 1970)

¹⁵ Balādhurī, *Futūḥ*, 431–36; Māwardī, *Ordinances*, 218–20; cf. Montgomery Watt, *Islamic Political Thought*, 46–47; Hoge Kennedy, *The Prophet and the Age of the Caliphate*, 68–69; Berkey, *Formation of Islam*, 72.

¹⁶ Māwardī, *Ordinances*, 219.

complicating the maintenance of the register. The complication had in large part to do with membership in the Muslim community of non-Arab converts. Though Muslims by faith, these converts were not regarded as equal to Arabs and, aside from rare exceptions, were not entitled to regular stipends from the state treasury.¹⁷

Thanks to its inherent connection to the conquests, as we have seen so far, the search for the origins of the *dīwān* leads us to the *dīwān al-jund* (troops). This *dīwān* was part of the emerging institution of caliphate and was intended to meet the administrative needs of the Arab military expansion.¹⁸ The *dīwān al-jund* maintained information, among other things, about the Muslim troops, their tribal affiliation, the amount of their stipends, and so forth. An early use of the term *dīwān* lends support to the connection between the conquests and the register. The chronicler Muḥammad b. Jarīr al-Ṭabarī (d. 310/922) records, under the events of the year 85/704, that when al-Mufaḍḍal, the new governor of Khurāsān, set out to go after the rebel Mūsā b. ‘Abd Allāh, he instructed his commander to have their recruiters shout out to the public, “whoever joins us would be placed on the *dīwān*.”¹⁹ The term *dīwān* resonated with the Arabs inasmuch as it tied the pride of victory in brigandage to the certainty of regular pay—something that was unheard of in their history. Those who received stipends from the *dīwān* were required

¹⁷ Case of Asāwira may be cited as an exception. Balādhurī, *Futūḥ*, 362–65; see Crone, *Slaves on Horses*, 38; Moḥammad Moḥammadī Malāyerī, *Tārīkh wa Farhang-e Irān*, 2:441.

¹⁸ Cf. Hamilton Gibb, “The Evolution of Government in Early Islam,” 5; Patricia Crone, “The Early Islamic World,” 312–13.

¹⁹ Muḥammad b. Jarīr al-Ṭabarī, *Ta’rīkh al-Umam wa al-Mulūk*, 5:205. Interestingly, Martin Hinds has rendered the Arabic sentence as follows: “Whoever joins us will have a regular place in the army” (*fa-lahū dīwān*) hence choosing the word “army” for the “*dīwān*,” see *The History of al-Ṭabarī*, trans. M. Hinds, XXIII:105. I would argue that in this context “stipend” would be a better choice of word, as in the following statement “*lā tujīb al-zakāt ‘alā man lam yakun lahū dīwān*: he who is not entitled to stipends [from the *dīwān*] is not required to pay zakāt [tithe]” Abū Bakr ‘Abd al-Razzāq al-Ṣan‘ānī (d. 211/826), *Al-Muṣannaḥ*, 4:117. Similarly, Balādhurī relates that, upon conquering Cyprus, Mu‘āwiya sent 12,000 people who were on the *dīwān* (“*wa ba‘atha ilayhā ithnā ‘ashara alfa kulluhum ahl dīwān*”), *Futūḥ*, 154. Similarly, in Ibn Qutayba’s description of the military encounter between Marwān and Mazdānah, it is stated that Marwān dispatched 5000 of “those who were on the *diwan*” (*fa-sāra fī khamsa ālaf min ahl al-dīwān*), i.e., of his troops; *al-Imāma wa al-Siyāsa*, 2:58.

to participate in the ongoing conquests or assign someone who would go on expedition on their behalf.²⁰

Despite the long-standing tribal tradition of reimbursing warriors with gifts and a share of booty, this pre-Islamic practice underwent significant changes through the early phase of the conquests. The conquests, having generated enormous wealth for the Arabs, shifted warriors' loyalty from their tribes to the institution of the caliphate in general, and to their respective military units in particular.²¹ True, an Arab's membership in a military unit often coincided with his tribal affiliation inasmuch as the clan chiefs were often appointed as the army generals. Yet the military units were an offshoot of the conquests—a new phenomenon that was totally unlike tribal warrior bands; an increasing number of non-kinsmen, both Arabs and non-Arabs, were to be found in military units as well as in the newly-founded garrison towns.²² The central management of resources, embodied in the institution of the *dīwān*, and the new ways in which the wealth was distributed had galvanized such drastic changes in the tribal landscape of Arabian society. Not only did the victorious Arabs have a new source of subsistence, they were no longer the underdog in the Persian-Byzantine imperial rivalry. Thus affected by such propitious changes, the tribal structure of Arabian society, which had been shaped by harsh desert conditions and limited resources it had to offer, had to accommodate the exigencies of a central government.

The necessity of reimbursing the warriors notwithstanding, the burgeoning institution of the *dīwān* relied heavily on the preexisting practice of record-keeping in the Persian and Byzantine empires. It is no wonder that nearly all primary sources point to the adoption of the

²⁰ Ṭabarī, *Ta'riḫ*, 7:202; Crone, "The Early Islamic World," 313; Bonner, *Aristocratic Violence*, 22–23.

²¹ See Ira Lapidus, "The Arab Conquests," 68–69.

²² This is reflected, among other things, in changes that Ziyād b. Abīhi (d. 53/673), the governor of Irāq, introduced to the configuration of military units in Basra; see Wellhausen, *Arab Kingdom*, 125.

dīwān from said empires.²³ Thanks in large part to the rapid pace of the conquests, the dīwān soon grew beyond the confines of a simple register for keeping records of the troops and their remuneration. This is where Puin's argument goes awry since it fails to recognize different dimensions of the emerging institution.²⁴ He seems, then, to have erred on the side of both evidence and interpretation. As the conquests accelerated and new lands were annexed, the Muslim state had to deal with increasing issues of greater complexity. The dīwān too had to undergo rapid changes to meet new demands. In addition to its other responsibilities, the dīwān functioned as the public treasury (*bayt al-māl*) and received one fifth of moveable booty as well as various forms of tax.²⁵

It is hardly an exaggeration that land tax, as it was the mainstay of the state revenues, had become a top priority of the dīwān. Diverse categories of land tax speak to the complications involved in their assessment, collection, and record maintenance. There existed different categories of tax depending upon whether the land was conquered with a peace treaty or with use of force.²⁶ Generally speaking, submission to the Arab army and the acceptance of a peace treaty meant that the landowners remained in the possession of their property so long as they paid land tax as well as poll tax (*jizya*), which was paid in return for protection and recognition extended by the Islamic state to the *dhimmī* communities of the Jews, Christians, and Zoroastrians.²⁷

²³ Many primary and secondary sources exhibit an intriguing tendency to exaggerate on the extent to which the Arabs adopted the Persian model of government. It is rather certain that despite a fair amount of borrowing, the Arab government bore little resemblance to the Sāsāniān state. Yet it appears that specific methods and practices were amply employed at the dīwān thanks to a large number of foreign-descent experts employed at the state administration; see Michael Morony, *Iraq after the Muslim Conquest*, 27–33, 37.

²⁴ See Martin Hinds's review, *Bulletin of the School of Oriental and African Studies*, 34:144–46.

²⁵ Montgomery Watt, *Islamic Political Thought*, 42, 46.

²⁶ Abū Yūsuf, *al-Kharāj*, 188–89; Balādhurī, *Futūḥ*, 429–31; for these and other categories of land tax, see Abū 'Ubayd al-Qāsim b. Sallām, *Kitāb al-Amwāl*, English trans. *Book of Revenues*, 15, 51–52, 65–66; cf. al-Ṣūlī, *Adab al-Kuttāb*, 198–204; al-Ṣan'ānī, *Al-Muṣannaḥ*, 5:310; also Wellhausen, *Arab Kingdom*, 29, 31, on the difference between *ghanīma* and *fay*'; A. N. Poliak, "Classification of Lands in the Islamic Law and Its Technical Terms," 50–62.

²⁷ See Daniel Dennett, *Conversion and the Poll Tax*, 32–34. Imposition of poll tax had long been practiced by the Roman and Persian Empires; see V. G. Lukonin, "Political, Social, and Administrative Institutions: Taxes and

Resistance to the military aggression, on the other hand, amounted to the loss of public and private properties to the Arab conquerors. Lower Mesopotamia (al-‘Irāq), however, poses an anomaly to the above formulation inasmuch as the Persian army fought the Arabs but the caliph ‘Umar chose to keep the conquered peoples on their lands in return for the payment of land tax and poll tax.²⁸ ‘Umar’s decision upset many Arabs who were understandably motivated by the promise that they would own the conquered lands. The primary sources vividly reflect the Arabs’ bitter feeling toward ‘Umar’s refusal to distribute the lands although the narratives are constructed in such a way as to support ‘Umar’s decision.²⁹

The practice of collecting land tax as well as the assessment method and pertinent rates was adopted from the pre-conquest empires in Mesopotamia.³⁰ ‘Umar appointed two men to survey lands in al-‘Irāq before he could determine the proper tax rates.³¹ Nevertheless, as we will see in chapter 4 where we discuss two important legal texts in Islamic taxation, the case of al-‘Irāq remained far from clear-cut because ‘Umar’s precedent marked these lands as the lands of

Trade,” *The Cambridge History of Iran*, 3:745. This is yet another example of the Muslim state adopting practices from neighboring civilizations. The Umayyad caliph, ‘Umar II (99–102/717–20), changed the practice of collecting poll tax from new converts in keeping with the message of equality of all Muslims; see Hamilton Gibb, “The Fiscal Rescript of ‘Umar II,” 1–16.

²⁸ The conquest of al-‘Irāq is far from uniform. While most of it was conquered by force, there were some localities where the village heads surrendered and accepted to pay the taxes while a few of them converted to Islam. Balādhurī has recorded specific examples in his *Futūḥ*, 261. Cf. the conquest in 632 of Damascus and Ḥimṣ where people surrendered on certain terms, Ya‘qūbī, *Ta’rīkh*, 2:140; cf. Wellhausen, *Arab Kingdom*, 31–32, 273–78.

²⁹ Abū Yūsuf, *al-Kharāj*, 111–18, 129; Yaḥyā b. Ādam, *al-Kharāj*, 42, 44–48; Balādhurī, *Futūḥ*, 260–64.

³⁰ There was no such practice in Arabia before Islam, nor did Muḥammad collect taxes from non-Muslims, hence the famous saying by the pious Umayyad caliph ‘Umar II, “God has sent the Prophet Muḥammad to invite people to Islām and not as a tax collector;” Abū Yūsuf, *al-Kharāj*, 287; Ben Shemesh, *Taxation*, 3:90. Abū Yūsuf asks rhetorically, “do you not see that when the Prophet of God conquered Khaybar by force did not impose land tax on it [but] returned the land to the Jews in accord with a Musāqāt agreement to receive the half [of the crop yield]?” *Ibid.*, 214. The jurist Māwardī writes, “Because the reference to it [land tax] in the Qur’ān is not as specific as the discussion of the tribute or poll tax, its assessment has been left to the judgement of the sovereign,” *Ordinances*, 162–63. Thus, the precedent of Khaybar where Muḥammad gave the land back to the Jews after their defeat in return for a half of the crop yield does not unequivocally establish a case for the land tax. It is generally believed to have set the precedent for poll tax (*jizya*) rather than land tax; see Yaḥyā b. Ādam, *al-Kharāj*, 20–23, 27–28.

³¹ Ibn Khurdābih, *Al-Masālik wa al-Mamālik*, 14–15; Balādhurī, *Futūḥ*, 264–66; Abu ‘Ubayd Sallām, *Book of Revenues*, 65–66; al-Maḥdī, *Aḥsan al-Taḳāsīm*, 133; cf. Wellhausen, *Arab Kingdom*, 32. The lands of al-‘Irāq were surveyed again in 105/723 under the Umayyad caliph Yazīd b. ‘Abd al-Malik at which time more strict terms of taxation were imposed; see Ya‘qūbī, *Ta’rīkh*, 2:313.

kharāj—i.e., subject to land tax. His decision rendered the lands inalienable, that is, the lands belonged to the Muslim state who had allowed their previous occupants to maintain nominal ownership in return for the payment of land tax and poll tax. ‘Umar’s decision, however, caused a great deal of confusion for the next generations of both rulers and subjects as many landowners converted to Islam and expected to be exempt from the land tax and like the Arab Muslims in Arabia pay *‘ushr* (tithe) whose rates were much lower than that of the land tax. Likewise, many Arabs were interested in purchasing land in al-‘Irāq and expected to pay tithe, rather than land tax, but that would significantly lower the state’s revenue.³² This is not place to discuss complications involved in assessing and collecting different types of taxes and custom duties. But the above examples show that the accurate assessment and collection of taxes and the maintenance of their records constituted a major priority of the Muslim state, hence the necessity of maintaining a well-organized tax register (*dīwān al-kharāj*).

The end of the first civil war (37–41/657–61) signaled the end of the *Rāshidūn* period and resulted in Mu‘āwiya’s ascendancy to the throne, which in turn transferred the seat of the caliphate from Kufa in al-‘Irāq to Damascus in Syria.³³ This development called for the transfer of the main *dīwān* to Damascus and for strict control over its operations. The ever-growing wealth of the Muslim empire, coupled with the lack of necessary checks and balances, made it easy for unruly agents to take advantage of their positions. The appearance, among others, of the *dīwān al-khātām* (records—lit. “seal”), the *dīwān al-rasā’il* (correspondence), and the *dīwān al-*

³² The fiscal reforms of ‘Umar II did just that even though he reinstated the decision of his predecessor, ‘Umar I, that the lands of al-‘Irāq would be inalienable. Wellhausen, however, believes that ‘Umar I had never made such a decision anyway; see *Arab Kingdom*, 274–77. As my examination in chapter 4 of two legal texts on taxation will show, this was precisely the kind of problem that legal scholars set out to address because new converts were not exempted from land tax, nor could most Arab Muslims—excluding the notables who had received estates (i.e., *qaṭā’i’*) from the caliphs—purchase land in al-‘Irāq as this kind of acquisition would pose legal complication to their tax category. Hence, Wellhausen’s interpretation is at odds with what we learn from the primary sources; see, for instance, Balādhurī, *Futūḥ*, 264.

³³ Already in 40/660 Mu‘āwiya had made the bold move to proclaim himself caliph in Jerusalem; see Wellhausen, *Arab Kingdom*, 102.

barīd (both postal and intelligence service) speaks to the Arab government's awareness of the importance of maintaining accurate records of their orders, appointments, laws, etc.³⁴ Jahshiyārī relates that Mu'āwīya wrote to 'Amr b. al-Zubayr, presumably the head of his treasury, to pay 100,000 dirhams (silver coins) to Ziyād b. Abīhi, the governor of al-'Irāq. 'Amr changed the amount to 200,000 dirhams and pocketed the difference. When Mu'āwīya found out about this misappropriation, he imprisoned 'Amr and ordered that the dīwān of records be established.³⁵

The rapid expansion of the dīwān bureaus points to the increased centralization of the Umayyad state.³⁶ In the first part of the Umayyad reign (i.e., Sufyānī), the conquest operations were largely controlled by chieftains who had taken on the role of warlords.³⁷ The inter-tribal politics—especially between the so-called Northerners (*Qaysī*) and the Southerners (*Muḍar/Yamani*)—and the rivalry for greater access to power and wealth took a toll on centralizing political authority.³⁸ This situation explains why the early caliphs had to keep a close eye on the state operations. For example, the palace of Mu'āwīya was designed in such a way as to ensure greater control over the state activities: his palace, in addition to barracks, stables, and a prison, included a mint.³⁹ We may assume with much confidence that the mint was

³⁴ Tabarī reports that the dīwān of *khātam* was founded during the reign of Mu'āwīya; *Tar'īkh*, 4:244; Jahshiyārī, *al-Wuzarā'*, 24–25; Duri, "Dīwān," 323–324. It is important to note that although the Arabs had little prior experience of a central government, they did have a tradition of maintaining written records of their commercial activities, see Serjeant, "Early Arabic Prose," 114–115, 150. Dennett suggest, based on report from Ya'qūbī (2:218) that although 'Umar had founded the dīwān in 20/640, there was no real institution in place until the reign of Mu'āwīya more than twenty years later; see *Conversion and the Poll Tax*, 29–30; on the tradition of record-keeping in pre-Islamic Arabia, see Robert Hoyland, *Arabia and the Arabs*, 126–27.

³⁵ Jahshiyārī, *al-Wuzarā'*, 24–25. Examples abound as to how governors and their administrators took advantage of their positions to accumulate wealth. When Mu'āwīya removed 'Abd al-Raḥmān b. Ziyād from the government of Khurāsān, he asked him how much money he had amassed during his governorship. 'Abd al-Raḥmān reported 20 million dirhams whereas in his own words to Stephanus, his Christian secretary, he would still have money left "if he spent a 1000 dirhams a day and lived for 100 years." *Ibid.*, 29–30.

³⁶ Lapidus, *A History of Islamic Societies*, 49.

³⁷ G. R. Hawting, *The First Dynasty of Islam*, 25.

³⁸ Crone, *Slaves on Horses*, 31–33, 40–41.

³⁹ Robinson, *'Abd al-Malik*, 47.

a part of the *dīwān* and therefore the secretaries had to be working hard to keep a shrewd, perfectionist caliph pleased.

The efficient operation of such an increasingly complex administration depended on expert knowledge. Intent on implementing a highly centralized system, the newly-established Islamic state chose the most efficacious way to meet its demands—that is, it adopted the style of government that was in operation in the pre-conquest Persian and Byzantine empires.⁴⁰ This act of adoption rendered the continuity of political and knowledge-producing practices in Mesopotamia possible while enabling Muslim statesmen to tackle sundry problems they encountered in their rising empire. The rapid transformation of the Muslim state consisted, among other things, in appropriating expert knowledge in order to meet various needs of the ever-expanding conquests. A major pattern of appropriating expert knowledge consisted of employing people at the *dīwān* chosen from among the elite of the conquered territories who had knowledge or experience of previous provincial governments in Mesopotamia. Soon we will treat in greater detail these experts of foreign descent. Suffice it to say that these individuals turned the *dīwān* to a site where knowledge in various areas could be generated and/or reproduced. This meant that the Arab state had to rely on the expert knowledge of the very people it had conquered.⁴¹

However important this act of adoption may have been, Patricia Crone attributes to the “nature of [Arab] conquest...an imperviousness to native values.”⁴² Relying on a rigid structuralist approach, Crone holds that the Arabs had no interest in learning from neighboring civilizations. The adoption of ancient administrative practices, then, seems little more than a mechanical borrowing of certain tools, the effects of which did not trickle down to other layers

⁴⁰ Ira M. Lapidus, *A History of Islamic Societies*, 51.

⁴¹ See Goldziher, *Muslim Studies*, 1:104–05; Montgomery Watt, *Islamic Political Thought*, 52.

⁴² Crone, *Slaves on Horses*, 29–30, 49–50; cf. Wellhausen, *Arab Kingdom*, 208.

of the state and society. This was due in part to the nature of practices the Arabs inherited through their foreign subjects. Contrasting the Byzantine and Sāsāniān government practices with those of the Chinese, Crone asserts that the former “were mere instruments of government; in particular, the provincial bureaucracy of Byzantine Syria was strikingly devoid of social and cultural distinctiveness.”⁴³ The implication is that these administrative practices could be applied without exerting influence on the Islamic polity and society.

Crone’s assessment, I contend, fails to appreciate as complex a sociopolitical phenomenon as the transfer and implementation of administrative practices, which helped to lay the groundwork for a central government. The adoption of these practices did, in fact, have far-reaching social consequences. In the first place, their adoption could not have been accomplished without considerable interaction between the conquerors and the elite of the conquered. This interaction took place for the most part in a metropolitan atmosphere, which in turn introduced substantial changes to Arabian lifestyle. More importantly, the expert work required cooperation between the conquerors (e.g., state officials, courtiers, warlords, etc.) and the experts who more often than not happened to be non-Arab.⁴⁴

Furthermore, the application of preexisting methods in the new context necessitated innovative measures since the Muslim state was faced with totally different problems than the Byzantines and the Persians. These relationships were quite vital for the formation of the Islamic polity and its institutional instruments such as the *dīwān*. In that regard, the Umayyads and their administrators formed a peculiar interdependency with the elite of the conquered who had vast knowledge and administrative experience, mainly through their past service to said empires.⁴⁵

The presumption of “imperviousness” then creates serious obstacles in understanding the

⁴³ Crone, *Slaves on Horses*, 29.

⁴⁴ Sprengling, “From Persian to Arabic,” 193–94.

⁴⁵ Robert Hoyland, *Seeing Islam as Others Saw It*, 32–33.

relationship between the Arab conquerors and their non-Arab subjects. In light of its importance, we may benefit from examining some common characteristics of foreign-descent state secretaries and patterns of their relationship with the caliphs, courtiers, and governors. In doing so, we first need to take a look at the overall demographics of the *dīwān* and the ways in which different individuals operated in that institution either as an expert administrator or as personal secretary to esteemed figures such as the caliphs, courtiers, governors, military commanders, and the like.

The Dīwān Secretaries and Their Craft

Little is known of how the first *dīwān* under the caliph ‘Umar operated. We are in possession of some sketchy information about stipends paid to Arab Muslims from the spoils of war as well as how the amount for each individual was determined.⁴⁶ In addition, historians and chroniclers have recorded names of individuals who performed certain secretarial tasks for the caliphs, their governors, and army generals. We know, for instance, that some of Muḥammad’s companions who functioned as his scribes also performed secretarial tasks for the first four caliphs.⁴⁷ Yet the sources offer few specifics, for example, about circumstances under which a letter was drafted; how it was dictated to a secretary; how a decree was issued and announced; how the records were maintained; and so forth. Interestingly, however, the sources differentiate between “writing for someone” and “writing [for someone] at the *dīwān*” although in some cases the same person did both jobs. We are to infer that secretarial tasks fell under two distinct categories of (i) recording the caliphs’ and governors’ orders and communications, and (ii) issuance and

⁴⁶ See, for example, Balādhurī, *Futūḥ*, 431–34; Māwardī, *Ordinances*, 218–20; Montgomery Watt, *Islamic Political Thought*, 46–47. Slaves were not entitled to a stipend, see Ṣan‘ānī, *Al-Muṣannaḥ*, 4:71, 73; 5:227.

⁴⁷ See Khalīfa b. Khayyāt, *Al-Ta’rīkh*, 112; Muḥammad b. Ḥabīb al-Baghdādī, *Al-Muḥabbar*, 377–79; Jahshiyārī, *al-Wuzarā’*, 12–20.

maintenance at the *dīwān* of public records pertaining to taxes, stipends, wages, gifts, postal service, etc. We may safely assume that the caliphs' and governors' secretaries had a higher rank than the *dīwān* secretaries. There was furthermore a third, major group of tax collectors who were in one way or another affiliated with the *dīwān*, but operated in specific localities rather than at the *dīwān* bureaus.⁴⁸

Those who “wrote” exclusively for the caliphs and governors were almost always Muslims whereas, from the early to the middle of the Umayyad period, one might find *dhimmīs* (non-Muslim followers of monotheistic faiths) working at the *dīwān*. The secretaries belonging to the latter group performed different tasks that required different skills sets, hence their separation in different domains of public service. More importantly, however, the separation of secretarial tasks has to do with social status of the individuals who performed them. Very rarely do we find a non-Muslim providing advice to the caliph or managing his sensitive communications.⁴⁹

The dearth of information notwithstanding, we can benefit from an interlude in Ṭabarī's chronicle of the year 72/691. There Ṭabarī provides a brief list of state secretaries and scribes from the time of the Prophet Muḥammad to the reign of the fifth Abbasid caliph, Hārūn al-Rashīd (r. 170–194/786–809).⁵⁰ It is difficult to speculate why Ṭabarī's list of secretaries is inserted under that year. One may guess that the significance of the year 72/691 lies at the beginning of a military campaign, which a year later led to the defeat of Ibn Zubayr and, at long last, brought the second civil war (63–72/683–92) to a close. With the end of the second civil

⁴⁸ Cf. Blay-Abramski, *From Damascus to Baghdad*, 243.

⁴⁹ When we do find such an adviser—as in the case of Sarjūn b. Manṣūr providing advice to Yazid I (r. 60–63/680–683) during Ḥussain b. ‘Alī's rebellion—we know that the adviser had earned considerable respect thanks to his experience; see Jahshiyārī, *al-Wuzarā'*, 31. On a similar occasion, Sarjūn urged the caliph ‘Abd al-Malik not to remove pillars from holly Gethsemane when in 71/691 the caliph embarked on renovating the Ka‘ba in Mecca; see Theophanes, *The Chronicle of Theophanes*, 64.

⁵⁰ Ṭabarī, *Ta'rikh*, 5:23–29

war there is a rapid centralization of the government and a series of fiscal and administrative reforms, resulting in replacing most of non-Muslim secretaries at the *dīwān* with their Muslim counterparts (see below). These reforms gave the *dīwān* a new “organizational identity,”⁵¹ which in turn may have given Ṭabarī enough justification to record names and activities of secretaries. At any rate, Ṭabarī’s list includes information regarding the secretaries’ positions, which vary from personal scribe to the caliphs and governors to secretarial functions at the *dīwān* of correspondence (*rasā’il*), records (*khātam*), taxes (*kharāj*), estates (*mustaghallāt*), and others that were spawned rather rapidly.

Ṭabarī’s list is, for the most part, confirmed by other chronicles or biographical dictionaries. For example, Jahshiyārī’s (d. ca. 330/942) celebrated *Kitāb al-Wuzarā’ wa al-Kuttāb* (*Book of the Viziers and Secretaries*) is devoted entirely to statecraft and secretarial activities. Ibn Nadīm (d. 438/1046), too, supplies a more detailed list of state secretaries and scribes in his *al-Fihrist* (under the second technique of the third article).⁵² Both Ṭabarī and Ibn Nadīm provide meager information about the secretaries’ duties and activities; however, one finds little evidence to believe that these professionals performed more than recording and stipulating government orders pertaining to their respective areas of operation. These sources reveal very little of the settings in which the secretaries operated. Only with much difficulty and no guarantee of discovering anything significant can one piece together a picture of the social structure of the *dīwān* where secretaries engaged in certain relationships with their superiors and peers. Even so, one can hardly hope to make sense of the totality of this changing organization. We can, though, try to focus on significant traits and patterns that delineate the inner workings of

⁵¹ Lapidus, 50; Duri, “*Dīwān*,” 324.

⁵² Ibn al-Nadīm, *al-Fihrist*, 129–40; for a similar list of scribes, see Ibn ‘Abd Rabih, *al-‘Iqd al-Farīd*, 4:245–50. Ibn Nadīm’s catalogue lists secretaries with regard to their contribution to *adab*. I will deal with this topic toward the end of this chapter and more fully in chapter 3.

the dīwān. One such feature presents itself in the overwhelming number of foreign-descent secretaries who worked at the dīwān.

Assimilation of Secretaries into Muslim Society

As it has become clear from our brief overview so far, the history of the dīwān is marked by the interaction of Arab conquerors and native, conquered peoples. While the sudden inflow of the spoils of war boosted the Arabs' standard of living, it was the inflow of land tax that sustained the expansion of military expeditions, generation of wealth, and pronouncement of Arab hegemony. As discussed earlier in this chapter, stipends were paid for the first time during the caliphate of 'Umar I after the conquest of al-'Irāq and al-Shām (Syria), which had resulted in the collection of a very large amount of booty and land tax.⁵³ In no time this trend of wealth generation was reinforced by the conquest, from 14/636 onward, of the Persian heartland. The dīwān became responsible for assessing and collecting the land tax, which as pointed out earlier applied almost exclusively, not to Arab Muslims, but to native (non-Arab) conquered peoples. Civil servants of the previous administrations now had an opportunity to retain their jobs, assessing and collecting taxes for the Muslim state while keeping their register up-to-date and devoid of errors. It is unclear how much of the Sāsānian government records may have survived the Arab invasion.⁵⁴ In any case, the local landowners and village heads, the *dihqāns*, who functioned as the Sāsānian local administrators and tax collectors must have been instrumental in putting back in place a system of tax collection.⁵⁵

⁵³ Balādhurī, *Futūḥ*, 431.

⁵⁴ Sprengling suggests that the *dihqāns* were fully aware of the status of Persian lands, particularly those belonging to the crown whose records were kept at Ḥulwān in al-'Irāq; "From Persian to Arabic," 184.

⁵⁵ Dennett, *Conversion and the Poll Tax in Early Islam*, 14–15; Ann Lambton, "Dihkān," *EF*², 2:253; Michael Morony, "Conquerors and Conquered: Iran," 74–75; Moḥammad Moḥammadī Malāyerī, *Tārīkh va Farhang-e Īrān*, 2:104.

Belonging to the Persian nobility, the dihqāns were fortunate to be able to keep their jobs while acquiring means of amassing wealth and power. Thanks largely to their vast knowledge about population in every area, crop yields, average tax base, ethnic composition, estimated tax value, laws, customs, and so forth, the dihqāns appear to have gained a comparative advantage in their political bargaining with the Umayyads. The dihqāns were well known for their knowledge and were sought for advice by common people and statesmen alike. When Umar I decided to levy taxes on the lands of al-‘Irāq, he ordered that each of his two agents—‘Uthmān b. Ḥunayf and Ḥudhayfa b. al-Yamān—send him a dihqān from the two major areas in which the survey was to be performed. ‘Umar then consulted with the dihqāns about the current tax rates and other pertinent matters.⁵⁶ Some dihqāns would make the best of their position to accumulate wealth at the expense of their suffering countrymen.⁵⁷

Though it seems that most dihqāns avoided both employment at the Umayyad dīwān and conversion to Islam,⁵⁸ those who took up a government job such as the assessment and collection of taxes were in an advantageous position to escape the burden of belonging to the conquered. Nevertheless, they were constrained by their social status as conquered people, not being allowed to mingle freely with the Arabs, let alone handle sensitive tasks for them. While prominent dihqāns virtually controlled the dīwān of taxation, as we shall see later in this chapter, they faced constraints in moving up the social ladder and their superiors deemed them problematic for the

⁵⁶ Abū Yūsuf, *al-Kharāj*, 133–34, 214; Ben Shemesh, *Taxation*, 3:98–99. Jahshiyārī records that when al-Ḥajjāj b. Yūsuf (d. 95/ 714), the governor of al-‘Irāq and the eastern lands under the caliph ‘Abd al-Malik, visited Fallawjatayn in al-‘Irāq, he asked the locals if there was a dihqān in the area to be consulted on a difficult matter; *al-Wuzarā’*, 40.

⁵⁷ Jahshiyārī, *al-Wuzarā’*, 39. The dihqān criticized in this report for his alleged viciousness is none other than Zādān Farrukh, the chief administrator of the dīwān of taxation under al-Ḥajjāj. This same Zādān Farrukh will reappear later in this chapter when we discuss the translation of the dīwān account into Arabic.

⁵⁸ Crone, *Slaves on Horses*, 50–51. Mention must be made of the dihqāns’ continued role in local administration even though many of them did not become clients of the Arabs or did not enter the state administration. Since the status of dihqān was hereditary, the descendents of many dihqāns of the conquest era ultimately converted to Islam and continued to exert influence on political developments well into the fifth/eleventh century; see Lambton, “Dihqān,” 2:253.

long-term success of the state administration. Fortunately for both the rulers and the dihqāns, Arab culture provided a mechanism (i.e., *walā'* or clientage) to assimilate certain groups of conquered peoples into Muslim society.⁵⁹ Membership of a tribe by assimilation predates Islam. This was a practice by which a tribe would extend its protection to a new member, who would thus become its *mawlā* (i.e., client).⁶⁰

Clientage relied on the institution of patronate, which had allowed Arab tribes, since the pre-Islamic period, to extend their protection to allied (i.e., equal) or inferior tribes for any reason they saw fit.⁶¹ Though a *hadīth* attributed to the Prophet Muḥammad pronounced a ban on new alliances while recognizing pre-Islamic alliances, Muslim Arabs continued to form alliances after the advent of Islam.⁶² However suspicious legal scholars might have been of new alliances, clientage as an integrative mechanism was widely used, which in turn allowed noble Arabs to take under their protection non-Arabs who would more often than not undergo conversion. Odd as it may sound, both sides of this social contract were called a *mawlā* (pl. *mawālī*), yet the term meant “patron” when applied to the master and “client” when given to the adopted individual.⁶³

Sources provide little help to unravel different aspects of clientage. It is unclear, for example, what process a non-Arab had to go through in order to gain the client status. Nor is it

⁵⁹ E. C. Bosworth, “The Persian Impact on Arabic Literature,” 484.

⁶⁰ Patricia Crone, “Mawlā,” *EF*², 6:847; Montgomery Watt, *Islamic Political Thought*, 7–8. Berkey posits a linear relationship between conversion and clientship; *Formation of Islam*, 77. Cf. Goldziher, *Muslim Studies*, 1:102–03, where he writes, “The extensive Islamic conquests amongst alien non-Arab races called for a special term by which to describe such non-Arabs who after their country was conquered, were converted to Islam and, freed from the state of prisoners of war and slaves, were incorporated into a purely Arab family by affiliation” 102–03. Goldziher’s in-depth analysis shows the changing role of patronate, its root in Arab culture, and its impact on the status of non-Arab peoples in the first two centuries of Islam. It appears, however, that the conditions under which a non-Arab would become a client of an Arab was more complex than Berkey’s and Goldziher’s interpretations suggest.

⁶¹ For a detailed discussion of patronate and various types of clientage before and after Islam, see Ella Landau-Tasseron, “Alliance in Islam.”

⁶² *Ibid.*

⁶³ When needed, other Arabic terms or phrases were used to specify which party acted as a patron and which one as a client.

clear whether patronage was used as a tripartite mechanism of conversion, manumission, and alliance or whether one could become a client even when he was not a slave or did not convert to Islam. To be sure, there are reports that support all these options. This confusion stems largely from none other than the term *mawlā* itself, for it has been used to designate different individuals who belonged to one or more of these categories. The confusion, however, is also indicative of the flexibility of the institution to permit membership of a relatively wide array of prospective clients. For clientage could apply equally to non-Arab slaves and free men, with or without conversion.⁶⁴

The primary sources reflect a remarkable heterogeneity in the client population of Mesopotamia. Though the majority of the *mawālī* (clients) in al-‘Irāq came from the pre-conquest Persian Empire, they still constituted, throughout the Umayyad period, a heterogeneous group with rapidly changing demographics. The range of their professions varied from former village heads (*dihqāns*) to merchants to artisans to traders to landowners to tax collectors to secretaries to traditionist (i.e., *muḥaddith*, one who records and transmits the Prophet’s traditions) to soldiers to the police.⁶⁵ Yet we notice two common denominators: they all came from the same or very close cultural background and they all had to survive the ordeal of the conquest era, which brought about a new social order. There is a strong sense, however, in which the rules of patronage worked against the *mawālī* (clients) in that these rules detached the *mawālī* from their native culture by putting them under the patronage of Arab notables. Sources support the notion that many *mawālī* in al-‘Irāq were deeply Arabized. It is, therefore, next to impossible to speak meaningfully about the *mawālī* as a distinct social group, and one would fare well

⁶⁴ See Richard Bulliet, “Conversion-based patronage and onomastic evidence in early Islam.”

⁶⁵ See Jamal Juda, “the Economic Status of the *Mawālī* in Early Islam.”

treating them on a case by case basis. One such case is the cross section of the mawālī and the dīwān.

Despite the lack of accurate statistics, sources give the impression that many mawālī were former prisoners of war, hence slaves according to Islamic law. Upon conversion to Islam “at the hand” (*‘alā yadīh*) of an Arab notable, they were manumitted and earned the status of a mawlā. Though, as mentioned before, one could become a mawlā without converting to Islam, the conversion provided a more secure path for manumission since Islamic law did not favor enslaving Muslims.⁶⁶ In any case, the clients remained forever committed to the terms of clientage and rules of alliance. They were not entirely “free”—in the sense that the Arab Muslims were—but the institution of patronage allowed them to find their ways into the inner circles of the government. Exceptions apart, the dihqāns faced obstacles to moving up to the superior ranks in the state hierarchy. By contrast, the mawālī seem to have earned the trust of their Arab masters, which is manifest in their increasing number, from the late seventh century onward, in both the state and the army.⁶⁷ On the other hand, toward the end of the Umayyads, the tides were turning in favor of the mawālī in the religious arena.⁶⁸ Perhaps the *‘ulamā’* (religious scholars) found the discrimination against the mawālī antithetical to the egalitarian teachings of Islam. Be that as it may, many prominent *‘ulamā* or their progeny belonged to the

⁶⁶ Wellhausen suggests that it was “only a custom and not a duty to set free the prisoners of war if they accepted Islam. The conclusion was never drawn that a Muslim in the sight of God and the law cannot be the slave of a Muslim; on the contrary it was understood that slaves followed the religion of their master, especially those born in their master’s house,” *Arab Kingdom*, 71 (n. 3). This assertion fails to account for the fact that the client converts were invariably set free, especially when they were recognized for their knowledge.

⁶⁷ Noteworthy is the case of the Persian brigade, the *Asāwira*, who were a special force of experienced archers as part of the cavalry, some of whom collectively joined the Muslim army. Balādhurī reports that in 42/662 Mu‘āwiya deployed a number of the *Asāwira* to Antākiya (Antioch). Later he provides some background about their term of surrender and conversion to Islam; see *Futūh*, 120, 275; Ibn Manzūr, *Lisān al-‘Arab*, 4:388, 5:423; cf. Crone, *Slaves on Horses*, 52–53.

⁶⁸ Gibb, “Evolution of Government,” 7.

mawālī and, having felt the impact of discrimination, adopted a favorable position toward ethnic minorities.⁶⁹

While the institution of patronate facilitated integration of certain groups of conquered peoples into Muslim society, the rules of patronate may have stripped the mawālī of their identity inasmuch they were conferred with a new tribal and religious identity. More importantly, patronate worked against the mawālī's group solidarity, for the client would remain attached to his former master, hence their limited social mobility, which would otherwise have let them coalesce into a distinct social group.⁷⁰ Here again, the dīwān ostensibly increased the mawālī's interactions among themselves as well as with the state, while at the same time relaxing the tribal control to which they were subject. It is in this context that the mawālī succeeded in transferring ancient administrative practices as well as in making available to the Arab rulers ancient political wisdom.⁷¹ I will treat this legacy later under the rubric of the production of knowledge and more extensively in chapter 3.

The mawālī's improved status owes much to the Umayyads' need to counter, or at least to control, tribal rivalry through the centralization of state functions, and to break the monopoly that the dihqāns had over tax collection and record maintenance. These objectives underlaid the state's priority to ensure a steady source of revenue through taxes, but it was not fully attainable with the capricious service of the dihqāns, which was as much hindrance as it was help. These challenges called for administrative and fiscal reforms that started from the reign of 'Abd al-

⁶⁹ This change of attitude is reflected in an exchange between the Umayyad caliph 'Abd al-Malik and the Syrian jurist al-Zuhrī during which it becomes clear that all men of power in major cities had a client status thanks to their knowledge; see Goldziher, *Muslim Studies*, 1:109–10.

⁷⁰ We still have to account for the mawālī's tendency to form distinct groups, which are manifest in their widespread participation in major revolts that posed serious threat to the Umayyad rule. Examples include the revolt of Mukhtār al-Thaqafī and the revolt of 'Abd al-Raḥmān b. Muḥammad b. al-Ash'ath; see Wellhausen, *Arab Kingdom*, 243–45, 286.

⁷¹ This being the case, Crone's statement that patronate "operated to distance the conquerors from the pre-conquest polity and its cultural values" may be no more than an unfounded assertion that cannot be backed up by historical evidence; see *Slaves on Horses*, 50.

Malik (r. 65–86/685–705) onward (see below). For now, let us zero in on the threat the Umayyads felt from the dihqāns and how it led to the reforms.

While the Arab rulers did their correspondence and pertinent communication in Arabic, they had to rely on native experts for the assessment and collection of taxes and for the maintenance of their accounting books. In so doing, the Muslim state ended up adopting the administrative languages used in the Byzantine and Persian empires. Jahshiyārī (d. 331/942) writes,

There were two dīwāns in Kufa and Basra: one was in Arabic for the census records and stipends, and this is what ‘Umar had founded; and the other was in Persian for the [government] revenues. So was the matter in al-Shām [the Jazīra], where one [dīwān] was maintained in Greek and the other one in Arabic. This arrangement continued through the reign of ‘Abd al-Malik. When al-Ḥajjāj took over [governorship] of al-‘Irāq, Ṣāliḥ b. ‘Abd al-Raḥmān was his secretary....In the year 78/697 al-Ḥajjāj ordered Ṣāliḥ to translate the dīwāns into Arabic.⁷²

We can envision that the employment in their administration of non-Arabs must have undermined the Umayyads’ full control over their bureaucracy while tarnishing their conviction of Arab supremacy, which had guided their social and economic policies. Working as secretaries (*kuttāb*, sing. *kātib*) at the dīwān, the non-Arabs asserted their monopoly over both expert knowledge and means of operation and communication, i.e., the language, hence undermining the full control the Umayyads strove to exercise over both their administration and their subjects. The primary sources offer varied, sometimes amusing, indications pointing to the Arab rulers’

⁷² Jahshiyārī, *al-Wuzarā’*, 38 (abridged). Māwardī repeats the same information and goes on to say, “they [dīwāns] continued to function that way up to the time of ‘Abd al-Malik ibn Marwān, who Arabicised the records of the Syrian tax office in the year eighty-one [700 CE];” *Ordinances*, 221. As we will soon note in another important narrative, Ibn Nadīm relates that the change of the accounts in the Syrian dīwān began under the caliph Hishām b. ‘Abd al-Malik; *al-Fihrist*, 303. Theophanes also records that in 88/707 the caliph Walīd b. ‘Abd al-Malik “stopped the use of Greek in the public record books of the department, ordering them to be written in Arabic instead: that is, except for numbers since it is impossible to write the number ‘one,’ the number ‘two,’ the number ‘three,’ ‘eight and a half,’ or ‘three in the feminine gender’ in their language. Because of this their scribes are Christians even to the present day;” *Chronicle*, 73. Aside from strange assertions in Theophanes’s report, we have enough information to conclude that the change of the official language for the dīwān started first in al-‘Irāq and was later replicated in Syria. Also see Balādhurī, *Futūḥ*, 193; Ibn Khaldūn, *al-Ta’rīkh*, 1:303; Blay-Abramski, *From Damascus to Baghdad*, 270.

realization that the employment in these positions of the non-Arab, non-Muslim subjects would jeopardize the security or the integrity of the positions.⁷³ For their technical knowledge turned out to function as a double-edged sword: whereas it served the purpose of managing the empire, it caused a chronic cleavage in the totality of political authority.

The Umayyad caliphs and their governors could not have been unaware of their precarious relations of power with their *dīwān* employees. One way to deal with this matter was to take away the instrument of control that the experts had long wielded, that is, their native language as the official language of certain sections of the *dīwān*. As such, the state would no longer have to rely on non-Arabs, non-Muslims for performing sensitive tasks. This urgent need called for administrative and fiscal reforms, which included translation of the *dīwān* accounts from Persian and Greek into Arabic. Focusing on these reforms and the problems they intended to tackle, we will then be in a position to take up the question as to what conditions called for the translation of the *dīwān*, what the translation entailed, and how it shaped not only the nascent Islamic state, but also knowledge-producing practices.

Administrative and Fiscal Reforms

The translation of the *dīwān* accounts was an integral part of the administrative reforms of the late 70s/690s, undertaken by the caliph ‘Abd al-Malik. The reforms dovetailed with ‘Abd al-Malik’s efforts at empire-building. Only after putting an end to tribal power struggles, which manifested themselves in the second civil war and intense rivalry among different factions of the

⁷³ One amusing indication may be found in the anecdote that the caliph ‘Abd al-Malik decided to have the *dīwān* accounts translated into Arabic after he learned that a Christian secretary at the Damascus *dīwān* had urinated in his inkpot. The gesture, regardless of whether it was true or not, indicates how emboldened these secretaries had become thanks to the power they had mustered in these positions. Of course the sources cannot always be trusted for such reports in that they might have relied on fabricated anecdotes that demonized the non-Arabs and non-Muslims; see Balādhurī, *Futūḥ*, 192–93; Māwardī, *Ordinances*, 221.

Umayyad family, did ‘Abd al-Malik position himself to take giant steps toward implementing large-scale administrative and fiscal reforms. Remarkably ‘Abd al-Malik succeeded in breaking free from the laissez-faire attitude of his predecessors toward ruling—an attitude that had its roots in tribal settings of power which ran counter to centralized governance of a vast empire.⁷⁴ Hence, “ ‘Abd al-Malik was the first caliph to draw liberally upon the imperial tradition that Muslim rulers had inherited, but had not yet appropriated and transformed.”⁷⁵

The reforms set several goals, the most important of which was probably to secure steady tax revenues.⁷⁶ This could not be achieved, however, while the Umayyads did not enjoy full control over their *dīwān* of taxation, which had become operational only through the expertise of their non-Arab employees. As we will see below in our examination of two chief representatives of non-Arab experts, Arab rulers had to curb the control of non-Arabs on the *dīwān*. The fiscal reform also introduced new coinage that was characteristically Islamic, which included Qur’anic inscription, “Allāh Aḥad, Allāh Ṣamad” (God is one, God is eternally absolute.)⁷⁷ The new coins served to shape Islamic identity in contradistinction to the non-Arab majority in Mesopotamia, especially the Christians who lived in Syria, Jordan, and Palestine. Further, the government seal, used at the *dīwān al-khātām*, now included Arabic inscriptions next to Greek ones; eventually the Greek inscriptions were dropped.⁷⁸

Drawing on apocalyptic writings of non-Muslims in this period, Robinson suggests that higher tax rates and greater coercive measures in collecting taxes reflected oppression of non-

⁷⁴ See Robinson, *‘Abd al-Malik*, 65–66.

⁷⁵ Ibid., 66. For a detailed treatment of ‘Abd al-Malik’s reforms, see Hawting, *The First Dynasty of Islam*, ch. 5.

⁷⁶ Some Syriac sources have recorded specifics about the burden of new taxes on subjects, especially in the Jazīra; see Brock, “Syriac Views of Emergent Islam,” 19.

⁷⁷ Balādhurī, *Futūḥ*, 450; Shihāb al-Dīn al-Qalqashandī, *Al-Subḥ al-A‘ashā ‘an Ṣinā‘a al-Inshā’*, 1:483; cf. Wellhausen, *Arab Kingdom*, 217–18; Morony, *Iraq after the Muslim Conquest*, 47–51. The inscriptions are borrowed from the following verses: “Say: God is one, He is eternally absolute, He does not beget, nor is He begotten, and nothing compares to him” (Qur’an, 112:1–4), and clearly repudiate the Christian Trinity.

⁷⁸ Serjeant, “Early Arabic Prose,” 150.

Muslims, hence changing the state's relations with non-Muslims.⁷⁹ The new relations that led to the resignation and/or firing of non-Arab, non-Muslim employees of the *dīwān*, stand in sharp contrast to the earlier period. These relations manifest themselves in two chief secretaries, that is, the Christian Sarjūn b. Maṣṣūr and the Zoroastrian Zādān Farrukh, who were instrumental in managing the early *dīwān*, respectively, in Syria and al-ʿIrāq. Their public service provides insight into the changing atmosphere of the *dīwān*, which gave rise, among other things, to the translation of the *dīwān* accounts from Greek and Persian into Arabic.

When in 41/661, upon Muʿāwīya's ascendancy to the throne, the seat of the caliphate was transferred to Damascus, the stage was set for the employment of former Byzantine administrators. Sarjūn b. Maṣṣūr was one such figure. His father, Maṣṣūr b. Sarjūn, was financial governor of Damascus under Maurice (r. 582–602), and allegedly remained in that post during the Emperor Heraclius's visit to Damascus in 630 and even later when the Arabs conquered the city in 14/635.⁸⁰ Sarjūn, who must have learned statecraft from his father, served as a secretary for five ʿUmayyad caliphs, beginning with Muʿāwīya, the founder of the ʿUmayyad dynasty, through ʿAbd al-Malik who initiated the aforementioned reforms of the *dīwān* some time around 81/700 or so.⁸¹ Our sources report that Sarjūn left the *dīwān*, perhaps as a gesture of protest, when the translation of the *dīwān* into Arabic was set in motion.⁸² Jahshiyārī relates that Sarjūn repeatedly ignored the caliph ʿAbd al-Malik's orders and the caliph got the impression that Sarjūn was leveraging his expertise to blackmail the administration. Having

⁷⁹ Robinson, *ʿAbd al-Malik*, 76–77.

⁸⁰ L. E. Goodman, "The Greek Impact of the Arabic Literature," 479; Robert Hoyland, *Seeing Islam as Others Saw It*, 480–481.

⁸¹ Ṭabarī, *Taʾrīkh*, 4:243, 5:25; Jahshiyārī, *al-Wuzarāʾ*, 24, 31–33, 40; Sprengling, "From Persian to Arabic," 182.

⁸² Ibn Nadīm, *al-Fihrist*, 242; Māwardī, *Ordinances*, 221.

consulted with an adviser who was in charge of the *dīwān* of correspondence, the caliph decided to translate the *dīwān* and to replace Sarjūn.⁸³

Sarjūn's son, Manṣūr, who is better known as St. John of Damascus, is also known to have worked as the state treasurer.⁸⁴ Interestingly enough, the Seventh Ecumenical Council of 787 praises John for "emulating the evangelist Matthew, ... considering the shame of Christ as a richness superior to the treasures which are in Arabia."⁸⁵ This passage leaves no doubt about John's departing the *dīwān*, which most likely took place when his father resigned from his position.⁸⁶ The passage gives clear indication not only to the uninterrupted lineage of Christian secretaries who continued Byzantine administrative practices under Muslim rule, but sheds light on the power struggle which culminated in the translation of the *dīwān*, and which took away the apparatus of control from influential minorities.

Of importance is the Council's praise for John's refusal to serve the infidels (i.e., Arab rulers) just as the evangelist Matthew, himself a tax collector under the Romans, had heroically set the example before. One may be tempted to read the Council's statement as no more than praising a saint, rather than endorsing the sheer act of disobedience in the face of losing power to the Arabs. However, similar reaction of the Persians to the translation of al-'Irāq's *dīwān* further corroborates our conjecture that these minority groups were intent on maximizing their power over the state administration via their control of expertise, but to no avail. This interpretation does not underestimate the thrust of Christian polemics that John leveled against Muḥammad and his religion, which in turn established one of the first patterns of Islam-Christianity debates in the

⁸³ Jahshiyārī, *al-Wuzarā'*, 40; cf. Balādhurī, *Futūḥ*, 193.

⁸⁴ On St. John's genealogy and life, see Daniel Sahas, *John of Damascus on Islam*, ch. 2, 3; *The Fathers of the Church*, 37:v–xxxviii.

⁸⁵ Translated by Hoyland, *Seeing Islam as Others Saw It*, 481; *The Fathers of the Church*, 37:ix–x.

⁸⁶ Sahas has cast doubt on this conclusion all while accepting its general point, *John of Damascus on Islam*, 41.

classical period. It rather highlights the interconnectedness between religious polemics, secular expertise, and political authority.⁸⁷

As in the case of Sarjūn, there is a scattering of information to be found in the sources about his Persian counterpart, Zādān Farrukh. He reportedly headed the Kufa dīwān and served two powerful governors of al-‘Irāq, Ziyād b. Abīhi and al-Ḥajjāj b. Yūsuf.⁸⁸ He figures prominently in Ibn Nadīm’s narrative about the transmission of ancient knowledge to Islam. Ibn Nadīm’s narrative provides invaluable insight into the power relations between the Umayyad rulers and their non-Arab employees. Ibn Nadīm puts forth this narrative as one of the four stories circulating in his days (fifth/eleventh century) as background for the translation of ancient knowledge into Arabic. It relates that the Umayyad prince, Khālīd b. Yazīd (d. 85/704), who was appointed by ‘Abd al-Malik as governor of Egypt, was interested in alchemy and commissioned a group of Egyptian philosophers to translate books of alchemy from Greek and Coptic into Arabic. In light of its importance for the present discussion, it is worth quoting Ibn Nadīm’s narrative in its entirety.

Khālīd b. Yazīd b. Mu’āwiya was called the “Wise Man of the Family of Marwān.” He was inherently virtuous, with an interest in and fondness for the sciences. As the Art [of alchemy] attracted his attention, he summoned a group of Greek philosophers who were living in Egypt and were well-versed in literary Arabic. He ordered them to translate the books about the Art from the Greek and Coptic languages into Arabic. This was the first translation in Islam from one language into another.

Then they translated the dīwān, which was in Persian, into Arabic during the time of al-Ḥajjāj [ibn Yūsuf]. The person who translated it was Sāliḥ b. ‘Abd al-Raḥmān, a client of the Banū Tamīm. Sāliḥ’s father was one of the prisoners from Sijistān. Sāliḥ

⁸⁷ St. John of Damascus, “The Heresy of the Ishmaelites,” 37:153–60. There were other Christian experts who worked at the Damascus dīwān although they are not as well-known as the Maṣṣūr family, and therefore not as much information about them is available. Zacharias (d. ca. 112–13/731), bishop of Sakha, is known to have come from a family of public servants. Zacharias served at the dīwān before he joined a monastery to become a monk. While little is known about his motives for leaving the dīwān, we know that non-Arabic-speaking experts were replaced by their Arabic-speaking counterparts after the translation in 81/700 of the dīwān; see Hoyland, *Seeing Islam as Others Saw It*, 167.

⁸⁸ See Jahshiyārī, *al-Wuzarā’*, 26; Sprengling, “From Persian to Arabic,” 184–85. Sprengling’s account provides immense help in piecing together Zādān Farrukh’s genealogy as well as his career at the dīwān. See also Moḥammadī Malāyerī, *Tārīkh va Farhang-e Īrān*, 2:325–26.

used to write in Persian and Arabic for Zādān Farrukh b. Pīrī, the secretary of al-Ḥajjāj. As al-Ḥajjāj grew to like him, Sāliḥ said to Zādān Farrukh, “it is because of you that I have this relationship with the governor and I notice that he likes me. I am afraid that he may promote me above you, hence demoting your position.” He [Zādān Farrukh] replied, “Do not imagine that, for he is more in need of me than I am of him, for he cannot find anyone except me who can maintain his records.” Then he [Sāliḥ] said, “By Allāh, if I wanted to render the accounts into Arabic, I would [be able to] do it.” So he [Zādān Farrukh] said, “render some lines for me to see,” so Sāliḥ did that. Then Zādān Farrukh said to him, “Feign sick,” so he did. Al-Ḥajjāj sent him his physician, Theodorus,⁸⁹ and he found no illness in him. This [news] reached Zādān Farrukh, who ordered him to appear [back at work].

It happened that, during the revolt of Ibn al-Ash‘ath, Zādān Farrukh was killed as he was leaving some place to go home. Then al-Ḥajjāj appointed Sāliḥ to be the secretary in his place. When he [Sāliḥ] told him about what had transpired between him and his master about the translation of the dīwān, al-Ḥajjāj decided to do that and Sāliḥ performed [the translation of the dīwān].

Mardān Shāh b. Zādān Farrukh then told him [Sāliḥ], “What will you do with *dahwīh* and *sheshwīh*?” He replied, “I shall write *‘ushr* (one tenth) and *nisf ‘ushr* (one twentieth).” Then he [Mardān Shāh] said, “How will you deal with *al-wīd*?” He answered, “I shall write *wa-aydān* [and more],” and then he said, “*al-wīd* is *al-nayyif*, and the increase is added’.”⁹⁰ He [Mardān Shāh] told him, “May Allāh cut off your progeny from the earth, as you have cut off the root of Persian!”

The Persians offered him [Sāliḥ] one hundred thousand dirhams to pretend inability for the translation of the dīwān, but he refused to give up the translation, so he did it. ‘Abd al-Ḥamīd b. Yaḥyā said, “What an excellent man Sāliḥ was and how great was his favor to the secretaries!” Al-Ḥajjāj set a deadline for him to translate the dīwān.

And the dīwān in al-Shām [Syria] was in Greek. The man who did the writing for Mu‘āwiya b. Abī Sufyān [at the dīwān] was Sarjūn b. Manṣūr and then Manṣūr b. Sarjūn. The dīwān was translated during the time of Hishām b. ‘Abd al-Malik. Abu Thābit Sulaymān b. Sa‘d, a client of al-Ḥusayn, translated it. He was in charge of the correspondence during the days of ‘Abd al-Malik. It has [also] been said that the dīwān was translated during the time of ‘Abd al-Malik. When he ordered Sarjūn to do something, he desisted from it. This angered ‘Abd al-Malik, so he consulted Sulaymān, who said to him, “I will translate the dīwān and be responsible for it.”⁹¹

⁸⁹ Translator’s note: “This name seems to be a mistake. *Theodocus* was the name of al-Ḥajjāj’s physician,” 582, n. 41.

⁹⁰ Almost all translators have misunderstood these old Persian terms; see Sprengling, “From Persian to Arabic,” 196. The very last phrase is from Saliba’s translation; *Islamic Science and the Making of European Renaissance*, 45.

⁹¹ Ibn Nadīm, *al-Fihrist*, 303; translation by Bayard Dodge, *The Fihrist of al-Nadīm*, 2:581–83. I have made major modifications to both translation and transliteration. The second part of the very last sentence may be rendered as follows: “and he [Abū Thābit] did it with no prior preparation” (*irtajala minh*), that is, he was so skilled in both accounting and the Arabic language that he could improvise the translation. For a slightly different translation, see George Saliba, *Islamic Science*, 45–46.

Three points stand out in this narrative. First, the translation of the *dīwān* concerned accounting services pertaining most likely to payments and tax services as we previously learned from Jahshiyārī's and Māwardī's reports. This is inferred also from the foregoing exchange between Ṣāliḥ, the translator of al-ʿIrāq's *dīwān*, and Mardānshāh, son of Zādān Farrukh, who tried to keep Ṣāliḥ from translating the *dīwān* into Arabic by bringing to his attention certain technical complications. Second, when Zādān Farrukh asserts rather complacently that the governor needs him more than he needs the governor, he is uncovering the critical importance of his expertise, without which the governor and his administration would not survive. The Umayyads could not possibly have been unaware of their vulnerable situation vis-à-vis such experts of foreign origin. The Persians' offering of a hundred thousand dirhams to Ṣāliḥ in return for his refusal to translate the *dīwān* speaks to their attempt to keep their control over the knowledge apparatus. Third, there is an emerging class of *dīwān* secretaries (e.g., Ṣāliḥ in al-ʿIrāq and Abū Thābit Sulaymān in Damascus) who like their mentors (e.g., Zādān Farrukh in al-ʿIrāq and Sarjūn in Damascus) were of foreign origin, but had converted to Islam "in the hands of" Arab notables, hence becoming their clients.⁹² These individuals are highly cognizant of the importance of their craft. They must have realized that they could earn their freedom, not by blackmailing their masters, but rather by adjusting to the new social order, in which the Arabic language became the *lingua franca* while the boundaries of Islamic identity were taking shape.⁹³

Jahshiyārī who wrote his *Book of the Viziers and Secretaries* more than a century before Ibn Nadīm provides a brief version of the same narrative, which must have been one of the

⁹² Sprengling provides a detailed genealogy of Ṣāliḥ, his humble beginnings, his rise to prominence, and his tragic death; see "From Persian to Arabic," 192–207. Highlighting the difference between this emerging group of client secretaries and the *dihqāns*, Sprengling writes, "In Zādhānfarrūkh's house Persian was spoken and Zoroastrian habits and rites were cultivated, which outside of business hours placed a social barrier between him and Moslem Arabs. This was not the case with fully converted Ṣāliḥ, born and reared in Islam. This fact and Ṣāliḥ's conscientious diligence and frugal habits made of Ṣāliḥ a man after al-Ḥajjāj's own heart," Ibid, 195. Regarding Sulaymān b. Saʿd, *ibid.*, 212–14; cf. Wellhausen, *Arab Kingdom*, 219–20, 262.

⁹³ Sprengling, "From Persian to Arabic," 194.

sources used by Ibn Nadīm. In this earlier version, upon hearing Zādān Farrukh’s pompous claim that the governor needs him more than he needs the governor, Ṣāliḥ comments that, if ordered, he would convert the dīwān into Arabic. After ensuring of Ṣāliḥ’s competency, Zādān Farrukh reportedly addresses the Persian scribes who worked under him as follows: “look for a livelihood other than this [trade].”⁹⁴

The aforementioned and other sources, more than revealing exact information about the words and deeds of certain actors, allude to the changing relations at the dīwān whereby the speakers of a foreign language could no longer maintain their monopoly over the means of operation. That is to say, the sooner one learned the new trade, the faster he could, so to speak, climb up the social ladder. Jahshiyārī relates that all secretaries in al-‘Irāq were Ṣāliḥ’s students.⁹⁵ When two decades later the celebrated secretary, ‘Abd al-Ḥamīd praised Ṣāliḥ for the “great favors” he had done the secretaries, he effectively recognized Ṣāliḥ’s instrumental role for enabling ‘Abd al-Ḥamīd and his fellow client-experts to keep their jobs at the dīwān (the career of ‘Abd al-Ḥamīd and two other representatives of the post-reform secretaries is discussed in chapter 3). The reforms led to the increased employment at the dīwān of the Arabs and their clients to the exclusion of the dhimmīs.⁹⁶ Following the reforms, especially during the reign of Hishām b. ‘Abd al-Malik, orders were issued that the dīwān should no longer hire the dhimmīs. Jahshiyārī mentions that Hassān al-Nabṭī, a Christian secretary, upon learning about the emerging obstacles for his employment at the dīwān, converted to Islam “in the hand of

⁹⁴ Jahshiyārī, *al-Wuzarā’*, 38; cf. Abū Hilāl al-‘Askarī, *Al-Awā’il*, 256. The earliest version of this narrative, which seems to have been a major source for al-‘Askarī, Ibn Nadīm, Māwardī and others, is provided by the chronicler Balādhurī (d. 279/892). The statement quoted here is ascribed to Sarjūn b. Maṣṣūr; see *Futūḥ*, 193. Balādhurī’s account of the translation of the dīwān of al-‘Irāq is provided in v. 2, 368–69. Likewise, Ibn al-Nadīm’s contemporary, the legal scholar al-Māwardī, when recounting the translation of the dīwān, attributes a similar statement to Sarjūn as he tells his Christian colleagues, “Look for a living by some other means than this trade, for God has taken it away from you,” *Ordinances*, 221.

⁹⁵ Jahshiyārī, *al-Wuzarā’*, 39.

⁹⁶ Duri, “Dīwān,” 324.

Muḥammad b. al-Muntashar,” hence becoming his client. Jahshiyārī also relates that in the 120s/730s most secretaries in Khurāsān were Zoroastrian. In 124/741, Yūsuf b. ‘Umar, governor of al-‘Irāq and the eastern lands, issued an order to Naṣr b. Sayyār, the governor of Khurāsān, to refrain from hiring non-Muslims.⁹⁷

In addition to their social impact, the reforms turned out to have long term financial benefits for the clients who had been barred from receiving stipends from the dīwān.⁹⁸ Some mawālī always enjoyed affluence and abundance thanks in large part to their economic status prior to the conquests and their attachment to the caliphs and governors afterward. But it is a far cry from such isolated cases to concluding that “the *mawālī* enjoyed some form of economic superiority.”⁹⁹ Since the Arab/Islamic law of inheritance dictated that the patron would inherit from his client, influential Arabs had ample motive to take wealthy non-Arabs under their protection. This is not to say, however, that all mawālī were in a superior economic position vis-à-vis their Arab counterparts. True, the mawālī received better treatment through the end of the *Rāshidūn* period (i.e., 40/661) or some time afterwards, but that atmosphere was soon to change during the Umayyads. Al-Ṣan‘ānī (d. ca. 211/826) relates that ‘Abd Allāh b. ‘Umar, son of the second caliph, ‘Umar b. al-Khaṭṭāb, asked Mu‘āwiya to allocate stipends for the clients as his father had done the same before.¹⁰⁰ Until some time after the reforms, however, the Umayyads excluded the clients from the regular stipends the Arabs received from the dīwān. I surmise that the dīwān’s records, which were organized along tribal lines, did not recognize the clients as

⁹⁷ Jahshiyārī, *al-Wuzarā’*, 61, 67.

⁹⁸ Cf., Gibb, “Evolution of Government,” 7.

⁹⁹ Jamal Juda, “The Economic Status of the *Mawālī* in Early Islam,” 267 (original italic).

¹⁰⁰ Al-Ṣan‘ānī, *Al-Muṣannaḥ*, 11:337. According to Balādhurī, ‘Umar extended equal treatment to the Arabs and their mawālī who had participated alongside the Prophet Muḥammad in the battle of Badr; *Futūḥ*, 437–38. We must bear in mind that the mawālī who had joined Muḥammad in the battle of Badr did not belong the same social class that emerged after the Arab conquests of Mesopotamia. Hence, this report should not mean that the mawālī who joined the Muslim society as prisoners of war, slaves, or at least as conquered subjects after the death of Muḥammad were treated equally; cf. Sprengling, “From Persian to Arabic,” 179.

genuine members of Arab tribes. It is also possible that they were not considered free subjects, a prerequisite for receiving stipends.¹⁰¹ Nevertheless, those clients who served in the Umayyad army received stipends although they were likely not put on the same pay scale as their Arab counterparts.¹⁰²

The institution of patronate, having co-opted the clients, rendered greater control over the *dīwān* possible. It would be a mistake, however, to view the client secretaries as mindless operators who simply renounced their identity in keeping with the goal of Arabicizing/Islamicizing the state administration. Recognizing that the clients “supplied a disproportionate number of scholars, scribes, tutors and poets active in the late Umayyad and early ‘Abbasid periods,” Crone writes,

[T]heir role in Arab society is comparable to that of the Oriental slaves in republican Rome. But their contribution was shaped overwhelmingly by Arab values, not by their native ones... Without doubt the freedmen of the Arabs contributed far more to the civilization of their masters than had their ancestors to that of Rome; but they were in far less of a position to change its overall character.¹⁰³

While highlighting the enormity of the *mawālī*’s contributions, this statement relegates those contributions to insignificance presumably because they had no impact on the “overall character” of Islamic civilization. The question arises, then, that whatever the “overall character” of Islamic civilization, how could one know that it would have been the same with or without certain elements that were present in the course of its development? Islamic civilization, as we know it, owes its character to diverse contributions of various nations and social groups. That is, this civilization would not have been the same without those contributions. To depreciate the contributions, then, begs the question as to what constituted the “overall character” of this grand

¹⁰¹ Māwardī, *Ordinances*, 222–24.

¹⁰² See Crone, “The Payment of Client Soldiers in the Umayyad Period,” 284–300.

¹⁰³ Crone, *Slaves on Horses*, 50–51.

edifice. Evoking a monolithic conception of Islamic civilization, Crone's argument falls short of recognizing the dynamic interactions between the civilization and its constitutive elements (in this case, the *mawālī*).

Being state employees, the clients had to perform in such a way as to meet the demands of their employer. That being the case, their contribution bore the marks of Arab culture and Islamic faith. Their contribution, however, incorporated not only substantial elements of ancient knowledge, but also their own vision of a new social order, albeit in an Islamic cloak. The creation of the corps of secretaries, on the model of the Sasānian class of the *dehbīrān*, provides the best example of the foreign influence, which gave, in Bosworth's words, "the central administration a distinct bias towards long-established Persian traditions of statecraft."¹⁰⁴ To understand better the impact of foreign elements on Islamic polity, we must now turn to the Abbasid Revolution and its overthrow of the Umayyads. This was a change of government that would not have taken place without the massive participation of the non-Arab populace in al-'Irāq and Persia.

Continuity and Change under the Abbasids

The forceful overthrow in 132/750 of the Umayyads appears at first glance as a total break from the past. The Abbasids represented various groups of disenfranchised Muslims who lent their wholehearted support to the Revolution and demanded a complete separation from the Umayyad legacy. Nevertheless, the decisive victory of the Abbasid Revolution, far from introducing a total break, galvanized so many changes that had long been in the making. These changes, as far as the administrative practices are concerned, could not quite crystallize under the Umayyads due in large part to structural obstacles in their bureaucracy. The institution of patronate, as we have

¹⁰⁴ C. E. Bosworth, "Administrative Literature," 155

seen before in this chapter, allowed the elite of the conquered to overcome social barriers and to dominate the state administration.

As my analysis in the next chapter of select gnomic texts will demonstrate, there is ample evidence that the late Umayyads favored the introduction of ancient administrative and political practices through the client secretaries. It appears, however, that the Umayyads were too caught up in their internal, tribal conflicts to attract the participation of the people who could pull off such a weighty project. On the one hand, a significant part of the Persian nobility, despite its presence in the Umayyad court, had no interest in cooperation with the Arab conquerors at all.¹⁰⁵ On the other hand, the Abbasid propagandists had enormous success in enlisting the Persian populace in both al-‘Irāq and Iran; so much so, that many Arabs viewed the Revolution as a Persian uprising from Khurāsān.¹⁰⁶ More importantly, though, with the Abbasid Caliphate the institution of patronage was on its path to virtual obsolescence. The primary sources still use the term *mawlā* (or its plural form *mawālī*), but as Crone has demonstrated, this was a tendentious use, serving polemical purposes.¹⁰⁷ Sources may also have wished to highlight the progeny of an individual, rather than making a statement about his social standing, even though the progeny could not have been devoid of implications for his status. This being the case, the secretaries no longer needed a patron to afford them protection in order to be accepted in the administration. It seems safe to conclude, then, that many administrative changes had been set in motion during the Umayyads, but they had to await the Abbasids’ arrival before they could come to fruition. It is against this backdrop that we can make sense of the administrative and structural changes undertaken under the Abbasids.

¹⁰⁵ Crone, *Slaves on Horses*, 50.

¹⁰⁶ This is reflected in the later, anti-Shu‘ūbī literature, such as that of al-Jāhīz calling the Abbasid rule “*ajamīyya Khurāsānīyya*,” see *al-Bayān wa al-Tabyīn*, 3:237.

¹⁰⁷ Patricia Crone, *From Arabian Tribes to Islamic Empire*, viii.

In no other area than the vizierate (*wizārat*) is there such a remarkable manifestation of both change and continuity.¹⁰⁸ Already under the late Umayyads the caliph's personal secretary began to assume the role of an adviser, as we can see in the character of 'Abd al-Ḥamīd b. Yaḥyā, secretary to the last Umayyad caliph Marwān II, but the advisory role implied limited authority and responsibility (see chapter 3).¹⁰⁹ While there was no single individual, besides the caliph, in charge of the entire state administration, there were indications that the position of a "prime minister"—to use the term anachronistically—was about to come into being. The governor/military commander of each region, as we can see most notably in the character of al-Ḥajjāj b. Yūsuf, had displayed the stature of a vizier during the Umayyad period. In any case, the Abbasid rule witnessed the gradual appearance of the position of the vizier along with proliferation of *dīwāns* each of which was headed by a vizier who would report directly to the caliph.¹¹⁰

Among specialized functions of the *dīwān* that emerged in the early Abbasid period was in the inclusion of a mechanism to ensure greater control over transactions, official orders, and so forth. Called the *dīwān al-zimām*, this new section was added to each *dīwān* in 162/778 during the reign of the caliph al-Mahdī (r. 158–169/775–785) in order to perform necessary checks and balances.¹¹¹ Later in 168/784 al-Mahdī ordered that a grand institution for administrative control, called *dīwān al-zimām al-azimma*, be created to oversee the function of checks and balances in

¹⁰⁸ Dominique Sourdel, *Le vizirat abbāsīde de 749 à 936*, vol. 1, ch. 2.

¹⁰⁹ Goitein, "The Origin of the Vizierate," 174.

¹¹⁰ The new *dīwāns* had more specialized functions; see Bosworth, "Administrative Literature," 155. Certain functions of *kitāba* can be located in Shaybānī's *Risāla al-'Adhrā'* (ibid., 161). For a list of major *dīwāns* in Baghdad, see Ya'qūbī, *al-Buldān*, 27–28; for a more detailed list in the following centuries, see Adam Mez, *Renaissance des Islām*, English trans. *The Renaissance of Islam*, ch. 6. Richard Frye goes so far as to assert that "only under the 'Abbasids does the system of *diwans* flourish and expand;" *Golden Age of Persia*, 106. This seems like an overstatement because, as my analysis has demonstrated so far, the expansion of secretarial activities and of the *dīwān* functions was already underway during the Umayyad reign. Goitein infers from Jahshiyārī's report that the vizier did not supervise the *dīwāns* in the early period, "The Origin," 181.

¹¹¹ Ṭabarī, *Ta'rīkh*, 10:5110; Jahshiyārī, *al-Wuzarā'*, 146; cf. Blay-Abramski, *From Damascus to Baghdad*, 274–79; Duri, "Dīwān," 324.

all the *dīwāns*.¹¹² Other major reforms under al-Mahdī include the change of tax assessment from fixed lump sum (*misāḥa*) to proportional tax (*muqāsama*). Since this topic has been treated rather extensively in Islamic tax treatises, we postpone our discussion to chapter 4 where two of such treatises are analyzed at length.

In light of the evolution of the administration under the Umayyad rule, one might speculate that the later developments would ultimately have come about even if the Abbasids had not taken over the government.¹¹³ In fact, it has been argued rather compellingly that the administrative changes under the Abbasids were the outcome of the reforms under their Umayyad adversaries.¹¹⁴ This being the case, how can we talk about any genuine change other than the change of dynasty from the Umayyads to the Abbasids? A true change may be seen, not in the new departments and their specialized functions, but in foundational restructuring of the state organization as a whole, which manifested itself in the Abbasids' express commitment to the execution of Islamic law. To be sure, the state apparatus under the Umayyads displayed a firm commitment to Islamic law, but it stopped short of allowing the spokesmen of Islam—i.e., the *'ulamā'*—to represent the law. I will further treat this topic in chapter 4 where we discuss the emergence of the juristic discourse of knowledge and its representative power.

Absent the legal canons during the first century of Islam, “the caliphs,” as Schacht has put it, “acted to a great extent as the lawgivers of the community.”¹¹⁵ While Islamic law under the Umayyads was little more than what the caliph and his administrators understood of such

¹¹² Ṭabarī relates that the Umayyads did not have such an institution or function and this institution came about for the first time under the Abbasids; see *Ta'riḫh*, 10:5140. Balādhurī, however, informs that the Sāsāniān administration had such a function and Ziyād b. Abīhi, the governor of al-‘Irāq, adopted this institution from them. This report does not explain how the function was discontinued so as to be reinstated by al-Mahdī; see *Futūḥ*, 446.

¹¹³ Mas‘ūdī reports that the Abbasid caliph al-Manṣūr followed methods of policy-making and political strategies under the Umayyad caliph Hishām b. ‘Abd al-Malik (r. 105–125/724–743) and paid much attention to reports of his reign; see *Murūj*, 3:211.

¹¹⁴ See Sourdel, *Le vizirat abbāsīde*, vol. 1, ch. 2; Blay-Abramski, *From Damascus to Baghdad*, ch. 5.

¹¹⁵ Joseph Schacht, *An Introduction to Islamic Law*, 15, 19.

law, the law under the Abbasids found its independent representatives who formed their ambivalent relationships with the government, but scarcely forewent their independence. Unlike the Umayyads, the ‘Abbasids appointed a chief justice (*qāḍī*) who effectively represented Islamic law. Nevertheless, the chief justice, although selected from among the highest ranking ‘ulamā’, represented the state’s position on specific legal matters and therefore was not always recognized by the legal scholars as a spokesman of the divine law.

The ‘ulamā’ retained their legal authority even though the caliph would have little difficulty to find one from among their ranks who enjoyed bending elbows with the caliph. Their presence in the administrative arena, however, ensured a more concerted execution of Islamic law. An interesting example may be found in the way the Umayyads and the Abbasids treated local customs and norms. Whereas the Umayyads were receptive to native customs and willingly adopted whatever suited their administration, some second/eighth century ‘ulama’ urged the Abbasid caliphs to restrict such customs that would inconvenience Muslim people.¹¹⁶ This was a true legacy of the Abbasids that left its mark on the *dīwān* and set it apart from its Umayyad progenitor. I will further pursue this theme in chapter 4 when I discuss the policy recommendations of two senior legal scholars (i.e., Abū Yūsuf and Yaḥyā b. Ādam). Suffice it to say that the Abbasids, as much as the Umayyads, faced a crisis of legitimacy and their alliance with the ‘ulamā’ was expected to tackle this crisis. The alliance relied heavily on the kind of knowledge that the ‘ulamā’ produced, but it could not avoid affecting other forms of knowledge such as those produced at the *dīwān*. We will have occasion in the following chapters to discuss how competing approaches to the production of knowledge shaped the Muslim polity and society. Before we can treat that issue, however, we must clarify the sense in which the *dīwān* characterized a site of knowledge production.

¹¹⁶ Balādhurī, *Futūḥ*, 431; Schacht, *An Introduction to Islamic Law*, 19–20.

The Dīwān as a Site of Knowledge Production

As we have seen so far, the development of the dīwān was oriented to promoting the centralization of the state functions. The objective was threefold: it sought to curb factional struggle within the government; to maximize its tax revenues; and to allow for greater government control over its administrative processes. To be sure, the centralization ensured greater exploitation of the conquered, but it was made possible, in one way or another, through wielding the knowledge apparatus possessed by the secretaries. That being the case, we are faced with a question: if the secretary's job was, for the most part, limited to preparing letters, maintaining records, calculating payments, assessing and collecting taxes, performing surveys, and other activities like these, he was at best a *consumer*, rather than a *producer*, of knowledge. How, then, could the dīwān be characterized as a site of knowledge production?

To begin with, expert knowledge was brought to bear to uphold a political system with its unique power structure. Just as the rising Muslim empire was in a state of flux throughout the conquest era, so also was its power structure. The knowledge apparatus, then, could be molded so as to satisfy not only the interests of the state, but those of its producers. As pointed out earlier, both the Umayyads and the Abbasids suffered from the lack of legitimacy. Their conception of social order and political authority was called into question by many Arab Muslims and conquered people alike. The centralization of government, therefore, helped centralize power, but it hardly tended to the problem of legitimacy. As we will see in the next chapter, the rising class of client secretaries took up the vexing question of governance and legitimacy, drawing on ancient political wisdom. In so doing, they linked mundane activities such as tax assessment and land survey to more foundational issues of governance and the

knowledge on which it relied. In this very strict sense, the secretaries can be regarded as producers of knowledge.

Furthermore, the secretary was required to have a thorough knowledge of different technical matters in order to be able to perform the above activities (see my discussion of ‘Abd al-Ḥamīd’s *Epistle to the Secretaries* in chapter 3). Nevertheless, there is a thoroughgoing, holistic sense of knowledge that transcends the atomistic conception, which equates “knowledge” with specific disciplines and techniques. The dīwān secretary of the late Umayyad period strove to consolidate elements of both indigenous and foreign knowledge oriented toward creating a new social and political order. This act of consolidation and re-appropriation took place within the confines of the dīwān, which hence functioned as a site of knowledge production. For the knowledge that was introduced and employed in different areas was more than the sum of its components as it had been redefined for the new conditions.

Drawing on Ibn Nadīm’s narrative, quoted earlier in this chapter, George Saliba has argued that the actual transfer of specific branches of “science” to early Islam was set in motion with the translation of the dīwān records during the reign of the caliph ‘Abd al-Malik.¹¹⁷ His argument relies heavily on a link he posits between the putative translations ordered by the Umayyad prince Khālīd b. Yazīd, and the dīwān’s need for technical knowledge, such as the knowledge required for minting new coinage. This has led Saliba to conclude that there *must* have been technical books in various disciplines translated into Arabic in order to train the secretaries even though he admits that no such training manuals have survived.

In the first place, Saliba attributes this argument to Ibn Nadīm.¹¹⁸ Reading *al-Fihrist* very closely, Ibn Nadīm relates four accounts regarding the introduction and propagation of

¹¹⁷ Saliba, *Islamic Science*, 46–72.

¹¹⁸ *Ibid.*, 52.

“sciences” in Islam. Contrary to Saliba’s assertion, nowhere does Ibn Nadīm give the slightest indication as to whether or not he finds one account more plausible than another. Admittedly, the fourth anecdote in his narrative is rather puzzling because two distinctly separate matters (i.e., translation of books of Greek alchemy and translation of the *dīwān*) are lumped together in the same narrative, hence implying that there ought to be a relationship between them, or else Ibn Nadīm should not have included them in the same account.

There is indeed a relationship between them although, I contend, it is not the relationship that Saliba posits. Rather, Ibn Nadīm is simply providing an answer to the question as to what was the first translation from a foreign language into Arabic. His answer is, first, books of alchemy ordered by Khālīd and, second, the *dīwān* accounts in al-‘Irāq and Syria maintained in the Persian and Greek languages, respectively. There need not have been a causal relationship between them, nor has Ibn Nadīm made such an assertion: they were simply disparate instances of translation. For bibliographers such as Ibn Nadīm who lived in the golden age of Islamic civilization, it was important to understand how the inflow of books into Islam through translation began. Muslim scholars, much as scholars of other civilizations, have always been fascinated by the question of origin.

Additionally, the fact that ‘Abd al-Malik struck the first Arabic gold coins (*dīnār*) has led Saliba to believe that the caliph needed alchemy.¹¹⁹ Though these coins were characteristically Islamic, they were not the first coins minted after Islam. As the Arabs confiscated royal mints in the Persian Empire, they started striking coins that were essentially the same as the Sāsānīān coins. The Umayyad caliphs and governors made slight modifications such as adding their

¹¹⁹ Ibid., 51. Saliba asserts that these new coins bear no pictures of the emperor (57), but the extant coins do bear pictures of the caliph ‘Abd al-Malik; see Robinson, *‘Abd al-Malik*, 50.

names.¹²⁰ As mentioned earlier, the first Umayyad caliph, Mu‘āwiya had a mint attached to his palace in Damascus while a few years later, in 64/683–84, ‘Abd Allāh b. Zubayr, challenging the Umayyad caliphate, had coins minted bearing his name as “commander of the faithful” in *Persian* scripts.¹²¹ If the knowledge of alchemy was required for striking coinage, as Saliba asserts, then these coins should not have been struck before the translation of said books at the behest of Khālīd b. Yazīd.¹²²

The connection ascribed therein to the books of alchemy translated for Khālīd, the translation of the *dīwān*, and the subsequent translation of other branches of ancient knowledge cannot be corroborated by historical evidence. Not only does Ibn Nadīm remain totally silent about such connection, we find no reference in other sources in support of this presumed connection. It is perhaps because of these inconsistencies in the report that Ibn Khaldūn (d. 808/1406) took issue with the assertion that Khālīd ordered the translation of alchemy books from Greek into Arabic.¹²³ As an historian of the late medieval period, Ibn Khaldūn found the report inaccurate and untenable. Moreover, if the supposed book of alchemy is what we know as the treatise of Maryānūs to the prince Khālīd, it contains no information of the kind that could have been helpful for minting new coins.¹²⁴

On the grounds that the work of the *dīwān* required complicated technical knowledge, Saliba concludes that manuals were translated for the training of secretaries. Admitting that no such manuals have survived (i.e., no hard evidence to corroborate his hypothesis), he argues that these manuals “were thought of as simple enough to be learned and discarded, or because their

¹²⁰ Morony, *Iraq after the Muslim Conquest*, 41–50.

¹²¹ Robinson, ‘*Abd al-Malik*, 35; Morony, *Iraq after the Muslim Conquest*, 43, 47–50. A more extensive discussion may be found in John Walker, *A Catalogue of the Arab-Byzantine and Post-Reform Umayyad Coins*, liii–lxvii.

¹²² Balādhurī records an exchange between Khālīd and ‘Abd al-Malik about minting new coins, but it had no mention of the books of alchemy; see *Futūh*, 237; cf. Sprengling, “From Persian to Arabic,” 221.

¹²³ Ibn Khaldūn, *Ta’rīkh*, 1:696.

¹²⁴ See Ahmad al-Hassan, “The Arabic Original of Liber de Compositione Alchemiae,” 213–31; Goodman, “The Greek Impact on Arabic Literature,” 476.

contents were orally transmitted from father to son, and thus there was no need to publish them to the public.”¹²⁵ Interestingly, these very reasons could be used for *not* translating such manuals: if the manuals were so simple and oral transmission was sufficient, why bother translating them in the first place? It is inconceivable that dīwān employees would simply “discard” the manuals once they were done with training, especially in an age in which paper was not yet available, and parchment and papyrus were luxury items.¹²⁶ Our sources contain reports of caliphs and governors stressing that the secretaries be parsimonious in their use of writing materials precisely because of their high cost.¹²⁷ How, then, could the secretaries be so lavish as to write and discard materials that were instrumental for their training? What about the next generation of secretaries who depended on those manuals for their training? Even if that were the case, did they destroy all such manuals so that not a single one has reached us?

The questions raised above cast doubt on the relationship between the translation of ancient texts and the translation of the dīwān accounts as suggested by Saliba. The work of the dīwān, to be sure, did require the secretary to acquire certain skills, including knowledge of such disciplines as geometry, arithmetic, and astronomy. Specific applications of these disciplines, however, had already been developed in neighboring empires of Persia and Byzantium, and were later transferred into Islam through the agency of non-Arab subjects. Absent the evidence that can point to any training courses designed for the secretaries, it is far safer to presume that the training of a novice secretary was based largely on a one-on-one apprenticeship. The knowledge was passed on to the next generation either in the familial context (e.g., the families of Sarjūn b.

¹²⁵ Saliba, *Islamic Science*, 54.

¹²⁶ Paper is said to have become available to Muslims after they captured Chinese soldiers in 133/751, but even then, paper was too expensive to be discarded so irresponsibly; see Cl. Huart and A. Grohmann, “Kāghad,” 4:419. Jonathan Bloom has called into question the accuracy of this anecdote while accepting its main point; *Paper before Print*, 42–43.

¹²⁷ See, for example, Jahshiyārī, *al-Wuzarāʾ*, 132.

Manṣūr, Zādān Farrukh, al-Muqaffa‘) or from the older, more experienced secretaries to their subordinates at the dīwān. In both cases, the apprentice received some sort of on-the-job training, which very much differed from the atmosphere of an academy that Saliba tries to depict.

The excessive emphasis laid by modern scholars on specific “sciences” in the dīwān operation poses grave danger to historical inquiry. It not only creates an anachronistic picture of both “scientific” and dīwān activities in the era under investigation, it also runs counter to the holistic conception of knowledge and the efforts made in constructing a discourse that regulated both knowledge and power. But then again, if no “scientific” discipline was practiced or translated at the dīwān, can we possibly talk about the *production* of knowledge in that institution? My answer to this question is a definite yes. I must add, however, that we need to revisit our conception of “knowledge” and turn our attention to its impact on creating a social and political order.

Let us consider Ibn Qutayba’s (d. 265/879) introduction to his *Adab al-Kātib* (lit., *Training of the Secretary*).¹²⁸ There Ibn Qutayba provides a justification for composing his book, warning against people’s ignorance toward intricacies of secretarial work. In doing so, he lists qualifications that a secretary had to meet before he could engage in secretarial work (interestingly, there is no mention of the dīwān in Ibn Qutayba’s account). These qualifications vary from the knowledge of the Arabic language, to that of geometry, Muslim law, the Prophetic traditions, history, and ethics. Saliba’s quoting of this introduction, however, is limited to one paragraph where the significance of geometry is elaborated while excluding the preceding and following paragraphs where other qualifications are highlighted. In light of its importance, it is worth quoting this paragraph in its entirety:

¹²⁸ Ibn Qutayba, *Adab al-Kātib*, 13–25.

He [the secretary] must—in addition to our books—investigate matters relating to land surveying, so that he would know the right angled triangle, the acute, and the obtuse angled triangle; the vertical plumb lines (*masāqīṭ al-ahjār*), the various squares (*sic*), the arcs and the curves, and the vertical lines. His knowledge should be tested on the land and not in books, for the one who reports is not like the eye-witness. And the non-Arabs (*ajam*) used to say: ‘whoever was not an expert in matters relating to water distribution (*ijrā’ miyāh*), the digging of trenches for drinking water, the covering of ditches, and the succession of days in terms of length increase and decrease, the revolution of the sun, the rising of the stars, the conditions of the moon when it becomes a crescent as well as its other conditions, and the control of weights, and the surface measurement of the triangle, the square, and the polygons, the erection of arches and bridges as well as water lifting devices and the norias by water side, and the conditions of the artisans and the details of calculations, he would be defective in his [secretarial] craft.’¹²⁹

We must bear in mind that Ibn Qutayba wrote his *Adab al-Kātib* more than a century and half after the formative period of the dīwān. By his time there were books written specifically for operations described in the above paragraph. Such is Muḥammad b. Mūsā Khwārizmī’s (d. 233/847) *Book of Algebra (Kitāb al-Ḥisāb al-Jabr wa al-Muqābala)*, which framed algebra as a discipline, and which sought to address some of the problems faced by the state employees.¹³⁰ Thus, when Ibn Qutayba says that the secretary’s “knowledge should be tested on the land and not in books,” he is in effect referring to books such as al-Khwārizmī’s, rather than the alleged technical manuals, neither of which existed in the formative period. Hence, Ibn Qutayba’s list of qualifications reflects challenges faced by the Abbasid dīwān and is not representative of the earlier period.

Moreover, Ibn Qutayba never mentions that these mathematical skills, as Saliba argues, were ever transmitted through translated books. More to the point, the foregoing statement lends support to my thesis that such skills had a practical vis-à-vis academic character, but this should in no way lower their significance as “knowledge.” Further evidence comes from the sentence

¹²⁹ Ibid., 19; translation by Saliba, *Islamic Science*, 55.

¹³⁰ I have briefly discussed this function of Khwārizmī’s book in my “Secular Sciences and the Question of ‘Decline’,” *Iranian Studies*, 41:564–565.

that immediately follows: “one who reports is not like the eye-witness.” Here we have a clear case of mistranslation which renders the sentence meaningless; Saliba reads the Arabic word *makhbar* (lit. “report”) as a *nomen agentis*—i.e., *mukhbir* (lit. “one who reports”). The correct translation, then, runs as follows: “because a report is unlike an eye-witness.” In other words, Ibn Qutayba is stressing that since the secretary relies on a report prepared in the field without having observed the actual object of the report, he must be able to make sense of it by tapping into his mathematical skills as he has no recourse to the referent. Further support comes from the following sentence where Ibn Qutayba informs the reader that the “non-Arabs” regarded a secretary as “defective in his [secretarial] craft” were he not well-versed in those technical subtleties. Not surprisingly, this is the only instance where Ibn Qutayba resorts to the authority of the non-Arabs. For the other qualifications (ethics, Arabic grammar, the Prophetic traditions, etc.) were the products of the Islamic/Arabian context. This sentence alludes to the adoption of those methods from the non-Arabs who worked at the early *dīwān*.

Finally, the primary sources overwhelmingly support the notion that the secretaries’ job, first and foremost, was to create a written piece of record, in an eloquent manner. Their activities hardly went beyond writing a document or preparing some information such as tax register and the like. In short, the primary sources do not reveal much information about any translation of technical or “scientific” texts at the Umayyad *dīwān*. The only translations we know of are limited to gnomic texts such as the pseudo-Aristotelian epistles or ancient Persian texts translated by ‘Abd Allāh b. al-Muqaffa‘ (see chapter 3). There are also original compositions advising the caliphs or princes on statecraft, but no technical or “scientific” texts as far as we can tell. Absent credible evidence for the alleged translations, Saliba’s claim that the Umayyad *dīwān* championed the translation of technical manuals seems untenable. His argument fails to address

multiple questions regarding the alleged translation of technical manuals; questions such as who translated these texts; how they were used in training young secretaries; why not a single copy of these manuals have survived; why would the secretaries discard the manuals; and so on and so forth.

In light of the above, what does it mean to characterize the *dīwān* as a site of knowledge production? Given my definition of two key terms “knowledge” and “site” (see chapter 1), the *dīwān* was a unique space that consolidated various elements of both ancient and Arabian/Islamic knowledge. The *dīwān* allowed for different ideas, methods, expertise, traditions, and the like to coalesce so as to accommodate the necessities of power legitimation and administrative operations. This collective effort was rendered possible once the fiscal and administrative reforms led to the increased employment at the *dīwān* of the client secretaries. More importantly, while the dhimmi secretaries, such as the *dihqāns*, remained aloof from the centers of decision-making and gradually lost their jobs, the client secretaries succeeded in earning the trust of major decision makers and in functioning as their advisers.

This enormous feat was achieved through the agency of prominent client secretaries who had mastered both ancient government practices and the Arabian culture and language. Their enterprise consisted in a configuration of knowledge that addressed not only the minute technical problems of, say, text collection and land survey, but also of the political system at large. As my investigation in the next chapter will demonstrate, their scholarly activities, through original composition and translation, addressed questions of political legitimacy, authority, the nature of power, relationship between the ruler and the subject, role of religion, social hierarchy, and societal management. In so doing, they played a twofold role: on the one hand, they positioned themselves in such a way as to render their expertise indispensable; on the other hand, thanks to

their translations and compositions, they made a case for their paraphernalia of knowledge and its importance for the Islamic empire. More importantly, their scholarly work set out to create a model of government in which the secretary and his knowledge occupied a prominent place. It is precisely the totality of these activities that lends support to characterizing the *dīwān* as a site of knowledge production. In the next chapter, I will discuss efforts made by prominent client secretaries to devise such a framework of knowledge at the *dīwān*.

In conclusion, it was in this atmosphere that the knowledge of ancient kingdoms and philosophies was deemed more important than, say, geometry and astronomy, hence the priority of translating texts belonging to the former group. We can now see why, for instance, Aristotle's *Logic* and political correspondence were translated into Arabic before Ptolemy's *Almagest* and Euclid's *Elements*. As will be shown in chapter 4, the implications of this collective body of ancient knowledge for power and social order evoked so much concern that leading Muslim jurists such as Abū Yūsuf and Yaḥyā b. Ādam felt compelled to put forward their alternative frameworks of knowledge. Their efforts were soon followed by a more thoroughgoing undertaking by scholars such as al-Jāḥiẓ (d. ca. 255/868) and Ibn Qutayba who launched relentless attacks on the early secretarial activities and their knowledge components and political aspirations. They were cognizant of the inherent connection between knowledge, social order, and agency that could bring about changes in the domain of political relations. In his *Dhamm Akhlāq al-Kuttāb (Repudiating the Secretaries' Conduct)* Jāḥiẓ brought to bear all his literary genius in stultifying the secretaries for their allegedly innumerable vices, calling their names, declaring their knowledge as mere ignorance.¹³¹ Jāḥiẓ found absolutely nothing positive in the secretaries' long service to the Muslim state and society. But before we delve into this

¹³¹ See, for instance, Al-Jāḥiẓ, *Dhamm Akhlāq al-Kuttāb*, 608–09. A recent translation of this treatise into English is available in William Hutchins (trans.), *Nine Essays of Al-Jahiz*, 55–66.

reactionary attitude toward the secretaries, we must take a closer look at their scholarly activities, the knowledge they produced, and the social order they promoted. This is what we will do in the next chapter.

Chapter 3: The *Dīwān* Secretaries and the Formation of a New Discourse

“...he asked, ‘do you have any idea about the mystery behind this country’s survival?... Look for it in these gnomic texts. After every defeat in the war... these texts called the warriors to patience, to silent resolution.’”

—Parvīz Kalāntarī, *Not Nietzsche, Just Say Mashd Ismā‘īl* (2003)

The Arab conquests of the first/seventh century supplanted large portions of the Persian and Byzantine rule in Mesopotamia. Though the Arabs succeeded in asserting their military presence in a surprisingly short time, they were not as successful in filling the political void created as a result of the collapse of the two ancient empires. The void was not solely the result of the removal of the Persian and Byzantine rule. While the religion of Islam introduced political ideas, concepts, and practices, it was not clear how those ideas would translate into an efficient government. Far less clear was the relationship between the emerging government and the tribal structure of their society.

As we saw in the previous chapter, the Umayyads had to rely on the elite of the conquered to build a political and administrative system capable of controlling and exploiting areas that were hitherto ruled by the Persians and the Byzantines. In the meanwhile, the Arabs had to work out their internal conflicts as to what constituted a legitimate Islamic government—conflicts that gave rise to three civil wars, the third of which led to the overthrow of the Umayyads. Just as the non-Arabs’ outstanding contribution to the building of a political and administrative system helped the new rulers in their exploitation of the conquered people, so also it fractured their full control over the government since they had to rely on their new subjects for performing critical tasks. The new subjects who belonged to the lower strata of Muslim society served, so to speak, as a conduit for transferring ancient administrative practices and for

customizing them for the emerging empire. In so doing, they expanded, as best as they could, their control over the means of operation.

In the preceding chapter I demonstrated that the change of language from Greek and Persian to Arabic for certain departments of the Umayyad *dīwān* struck a blow at the authority of non-Arab-speaking experts. This change stimulated the rise of a new class of bureaucrats who were well-versed in the Arabic language and ancient knowledge alike. In their capacity as royal advisers, the client secretaries set out to create an amalgam that incorporated various elements of ancient and Arabian/Islamic traditions and knowledge. This new form of knowledge was not limited to practical aspects of government such as the assessment and collection of taxes, but, more importantly, addressed questions of political legitimacy and social order. This contribution is symptomatic of ongoing changes in the method of governance; for instance, the old Arabian traditions of tribal decision-making had to succumb to the exigencies of a rising empire.¹

While the client secretaries played an instrumental role in facilitating the transfer to the Muslim state of ancient administrative and political practices, their approach to producing such a peculiar framework of knowledge and viable models of government was to be contested by what we may call an indigenous (i.e., Arabian/Islamic) form of knowledge. The tension between these rival forms of knowledge proved decisive for both Islamic polity and knowledge production. Before we delve into the characteristics and outcome of this rivalry, however, we need to take a closer look at a framework of knowledge that emerged in the Umayyad and early Abbasid periods. This examination focuses on three exemplary client secretaries who ventured to reintroduce ancient political ideas, customizing them according to the needs and conditions of

¹ For brief review of these pre-Islamic practices, see Montgomery Watt, *Islamic Political Thought*, 20–21; Crone, *God's Rule*, 51; Hoyland, *Arabia and the Arabs*, ch. 5, esp. 121–28.

Muslim polity. Their contribution turned out to have significant ramifications for the polity and knowledge-producing practices alike.

Adab and the Craft of Writing

Notwithstanding inherent shortcomings of the primary sources (see chapter 1), we can confidently assume that the secretaries performed different activities depending on the department in which they worked, but a trustworthy, knowledgeable secretary oftentimes would work across different departments. It appears that a major part of their activities involved writing, that is, recording and stipulating government decrees in their respective area of operation. This they did, however, in such an eloquent manner that their writings have become the best exemplars of Arabic prose. If we base our judgment on bio-bibliographical dictionaries and chronicles, a few samples of which were discussed in chapter 2, we can conclude that probably all of these *dīwān* experts were accomplished belletrists with exemplary talent in prose and poetry. At the same time, the secretaries must have been well-versed in the technical aspects of their profession, so that they could create a precise record in Arabic. Whereas these secretaries have been praised for their legendary achievements in *tarassul* (letter-writing), very few of them engaged in translating ancient texts from other languages into Arabic or in composing non-literary treatises, and still fewer, if any, practiced such fields of knowledge as medicine, mathematics and astronomy.

In light of this trajectory of secretarial activities, I suggest that the work of the *dīwān*, in the first place, involved creating precise, yet eloquent, pieces of writing to reflect the state's decision in matters of political, legal, economic, and social import. Because the institution of the vizierate had not yet come into being during the Umayyads reign—even though some officials

such as the military governor of al-‘Irāq and eastern lands, al-Ḥajjāj b. Yūsuf, were as close to the caliph as a vizier would have been—the dīwān operated under the caliph’s direct supervision.² In addition, each province had its own dīwān that operated under the governor. The chief secretary, appointed to a dīwān, or a division thereof, was responsible for its efficient operation in order that there be no interruption in the inflow of tax revenues and that caliphal orders be communicated with the utmost clarity and speed. These tasks, first and foremost, involved writing.

Communication through writing was more than conveying some information intended for a particular addressee: it reflected the will of the state pertaining to matters of social, legal, political, or economic import. The craft of writing as such asserted the state’s decision while at the same time attesting to its legitimacy in a written document. In so doing, various elements of knowledge were brought together in order to establish a new social and political order. Called *kitāba* (lit. “writing”) in Arabic, the craft of secretarial writing induced the genesis of *adab* not only as a literary genre and a profession, but, strictly speaking, as a discourse proper (see chapter 1).

Admittedly, it is next to impossible to pin down a specific definition for *adab*. This is due in part to the diverse contributions of a relatively large number of belletrists who contributed to the formation of *adab* in the classical period. The problem defies a simple solution even when we limit our inquiry to the formative years both of *adab* and the dīwān. To a great extent, this situation stems from the fact that *adab*, especially in its formative period, was a contested domain of knowledge and power. This confusion gave rise to the rivalry reflected not only in the very notion of knowledge, but in what constituted a legitimate knowledge (see chapter 5). Yet our

² See Solomon Goitein, “The Origin of the Vizierate and Its True Character;” Dominique Sourdel, *Le Vizirat ‘Abbaside*, 2 vols.

concentration on adab as a social and political practice, besides its literary dimension, can provide insight into the ways in which it functioned as an apparatus that served a twofold purpose—that is, producing knowledge and bringing forth a new social order.

It is the holistic, yet amorphous, concept of adab that makes it a *discourse* proper. As I explained in chapter 1, a discourse has the ability to integrate various elements of knowledge, expertise, and social practice, and aims to promote a particular vision of social order. This is what we observe in the formative period of adab, championed chiefly by the client secretaries. To begin with, the practice of adab in this early period was associated with professional activities of the dīwān secretaries. In other words, adab as a genre and as a mode of expression may not be separated from its connection with secretarial profession. Carlo Nallino's investigation links adab to "knowledge indispensable to a particular profession" and "rules of conduct pertaining to a particular social group."³ The characteristics of "knowledge" and "rules of conduct" derived from manifold textual sources, both original compositions and translations, that introduced corpus of ancient knowledge intended for teaching princes the art of governance and courtly etiquette. Moreover, adab invoked the concept of *sunnaḥ* (tradition), reflected in refined customs of foreign nations, especially the Persians, as well as those of the Arabs before and after the advent of Islam.⁴ This was a contingent association due to the Arab conquests that assimilated conquered peoples into Muslim society and therefore helped introduce customs and beliefs of other civilizations which, thanks to non-Arab-speaking secretaries, found their way into adab.⁵ Since the secretary was expected to have a thorough knowledge of these ancient and Islamic

³ S. A. Bonebakker, "Adab and the Concept of Belles-Lettres," 24; cf. Hamilton Gibb, *Arabic Literature*, 52. Bosworth, too, characterizes adab as a "body of knowledge," see "Administrative Literature," 155.

⁴ See F. Gabrieli, "Adab," *EF*, 1:175; cf. Schacht, *An Introduction to Islamic Law*, 17–18; on the role of *sunna* in pre-Islamic Arabian society, see Hoyland, *Arabia and the Arabs*, 121–22. The importance of *sunna* is highlighted in one of the early works of adab, that is, Ibn al-Muqaffa's translation of the *Epistle of Tansar* discussed in this chapter; see for example 55, 62–64, 69.

⁵ Gibb, *Arabic Literature*, 38.

customs, his writings effectively reproduced such knowledge. As we will see shortly, the secretaries' contributions to *adab*, in the forms of translation and composition, targeted none other than "knowledge" itself; they sought to delineate the domain of knowledge by highlighting in their writings its constitutive elements and their use in various public matters such as the court, state administration, intellectual circles, and so forth.

Though Bonebakker has cast doubt on the identification of *adab* with tradition, he agrees that in certain contexts, for instance, where there is a connection with the profession, "*adab* should be interpreted according to its immediate social or intellectual terms of reference."⁶ Bonebakker holds that the beginnings of this development came about in early third/ninth century. My investigation, however, suggests that the exemplars of *adab* writing of early second/eighth century pursued a strong link between *adab*, professional activities, and the overarching theme of knowledge. We are to note that the crystallization of *adab* as a knowledge framework took place over a long process. Nonetheless, the examination of these first *adab* writers, who also worked as *dīwān* secretaries, provides clues to the links between the practice of *adab* and its function as an apparatus of knowledge production within the confines of the *dīwān*.

Viewed in this light, it was precisely the *adab* as a framework for professional and knowledge-producing activities that could not be left to non-Arab/non-Muslim experts because they would not hesitate to wield it to their own interest. However, since the state administration depended to a great extent on the non-Arab secretaries' expertise, it could not rid itself of this class of bureaucrats without adversely affecting its efficient operation. The early Muslim state needed to make use of certain types of expertise that the Arabian culture and Islamic religion could not offer at the time. If the Arab rulers dreamed of building a vast empire like that of the Persians and Byzantines, they had to muster certain abilities. At the same time, however, the

⁶ Bonebakker, "Adab and the Concept of Belles-Lettres," 25.

state could not leave the apparatus of knowledge and authority to the hands of not-so-reliable non-Arab secretaries.

To tackle the threat that the state felt from its non-Arab secretaries, the Umayyads adopted a twofold policy of employing more Arabs and clients at the *dīwān* and changing the administrative language from Greek and Persian to Arabic. As illustrated in chapter 2, these secretaries took one of two routes: they either resigned from their positions at the *dīwān* or gave up the use of their mother tongue as a means of professional/intellectual activity while converting to Islam and proving their mastery of the Arabic language. The latter group played a key role in the genesis of *adab* as a framework of knowledge and administrative practices. This achievement came about, it seems, at the expense of thoroughly Arabicizing client secretaries. The tradeoff, however, was that these secretaries redeemed part of their lost socioeconomic status, which in turn allowed them to integrate ancient knowledge into the corpus of administrative, legal and political knowledge.

The cooptation of these secretaries seems to have initially curbed the control that they had enjoyed over the *dīwān*, for “language” was an indispensable element of their control. Yet their ability to introduce a gamut of social, political, cultural and religious ideas and to stimulate the interest of the caliphs and princes in this new craft of *adab* helped them regain their lost control, but not for too long, as this discourse of knowledge came under relentless attack from their arch rivals who had a different notion of what constituted legitimate knowledge (see chapter 4).

The emergence of *adab* reinforces my point that the knowledge needed for successful operation of the *dīwān* was far more than, for instance, recording certain orders and instructions, calculating taxes or surveying lands. It was the knowledge that relied heavily on various

elements of Muslim religion, Arabian tradition, and ancient wisdom; the knowledge that legitimated practices of empire-building and equipped the empire with an apparatus of aggressive expansion and exploitation of the conquered; the knowledge that introduced a vision for a new social order, which depended not only on the religion of Islam as a solid instrument of building identity and political dominion, but also on ancient political ideas that would lend support to the conception of imperial continuity.

Three Exemplars of Adab

The change of administrative language for certain divisions of the *dīwān*, as we have seen so far, proved opportune for a new generation of secretaries to pursue closer relationship with the court. The post-reform *dīwān* became a major employer for the clients who had exhibited mastery in both the Arabic language and administrative work.⁷ This crucial development entered a new phase under the caliph Hishām b. ‘Abd al-Malik (r. 105–125/724–743), during whose reign nearly all the secretaries appointed to the *dīwāns* of correspondence, records, taxation, and troops as well as the caliph’s bodyguard and chamberlain had a client status.⁸ This trend intensified and reached its climax in the Abbasid caliphate, at which point the clients were well assimilated into Muslim society, thereby rendering the whole institution of patronage obsolete (see chapter 2).

The client secretaries under the late Umayyads, having acquired advanced language skills, endeavored to introduce a corpus of ancient knowledge into both political thought and administrative practices. The extant secretarial writings from this period suggest a curious preoccupation with issues involved in governance as a whole, rather than the nitty-gritty of, for example, tax assessment or the auditing of crop yield. The extant administrative literature clearly

⁷ See R. Sellheim and D. Sourdel “Kātib, i. In the Caliphate,” *EI²*, 4:754.

⁸ Khalīfa b. Khayyāt al-‘Uṣfurī, *Ta’rīkh*, 287; the only exception is the treasury which was led by an Arab.

reveals a paucity of technical writings in this early period.⁹ This observation suggests that the secretaries, especially the more senior and knowledgeable ones who were trusted by the caliph and governors, devoted themselves to more weighty questions of political import, thereby positioning themselves as royal advisers. This was a process that ultimately created the new position of the vizier under the early Abbasids, but at the same time it speaks to the importance of the secretarial class during the late Umayyads.¹⁰ This process highlights the secretaries' rise to such prominence that allowed them to function as royal advisers rather than mere recorders of official documents. They also set in motion the adoption of extraneous imperial traditions especially the Persian ones. Finally, the presence in secretarial writings of political ideas uncovers pressing problems that threatened the Umayyads, which in turn called for gifted secretaries to address questions of structural import.

I. ABŪ AL-‘ALĀ SĀLIM

A distinguished representative of this generation was Abū al-‘Alā Sālim who led the *dīwān al-Rasā‘il* (correspondence) under the caliph Hishām b. ‘Abd al-Malik.¹¹ Little is known of his personal life. He was most likely of Persian origin, since the sources have identified him as a mawlā, and many Persian mawālī worked at the al-‘Irāq dīwān.¹² His two sons, ‘Abd Allāh and

⁹ See Bosworth, “Administrative Literature,” 155–56, 165–66.

¹⁰ This assessment runs counter to Bosworth’s analysis which belittles secretarial activities in this period; see “Administrative Literature,” 155.

¹¹ Ibn ‘Abd Rabbih, *al-Iqd al-Farīd*, 5:191. Included in Ibn ‘Abd Rabbih’s list are Rabī‘ b. Shābūr (in charge of the dīwān of khātām) and Abu al-Zubayr (in charge of the smaller dīwān of khatām), both of whom, like Salim, were among the mawālī. Ibn ‘Abd Rabbih further relates that Usāma b. Zayd was in charge of *dīwān al-kharāj* and *al-jund*.

¹² Khalīfa b. Khayyāt al-‘Uṣfurī, *Ta’rīkh*, 287; Ibn Khallikān, *Wafayāt al-A’yān*, 3:199; Latham, “The Beginnings of Arabic Prose Literature,” 161. No information is available on the date of Sālim’s death. We do know, however, that he was still alive when the caliph Hishām died (125/743) since we find in Ṭabarī a report, attributed to Sālim, detailing the death of the caliph; *Ta’rīkh*, 7:200–01.

Jabla, too, worked as *dīwān* secretaries.¹³ It is puzzling that Jahshiyārī supplies very little information about Sālim.¹⁴ Ibn Nadīm has included Sālim in his list of master *kuttāb*, crediting him with the translation of a series of correspondence between Aristotle and Alexander the Great.¹⁵ This collection of epistles figures prominently in the translation of ancient texts in that it was among the very first texts translated into Arabic purportedly for the education of the ruling class, thereby establishing the literary genre of *mir'āt al-mulūk*, known to medieval Europe with its exact literal translation, that is, the Mirror for Princes (*Fürstenspiegel*).¹⁶ Early specimens of the Mirror for Princes writings in the Islamic era incorporated political ideas and ideals, most of which were borrowed from the Persian and Greek Mirror literature. They might have intended to portray the Umayyad caliphate as the continuation of ancient monarchies while providing them with a model of sound governance. This was done by importing and blending, according to the author's discretion and the audience's needs, the preexisting Persian and Greek political wisdom. The Persian element, of course, exhibits a strong influence as the anecdotes of the Persian ancient kings and sages increasingly gained currency in this period.¹⁷ While Greek ideas continued to circulate for centuries to come, the Persian influence may be attributed to the agency of secretaries who, despite their acquisition of Arab culture and language, continued to serve as a conduit to transmit the Persian tradition of statecraft. This enterprise made extensive use of literary techniques which in turn laid the groundwork for *adab* as a literary genre and the

¹³ Khalīfa b. Khayyāt al-‘Uṣfurī, *Ta'rikh*, 292; Ibn Nadīm, *al-Fihrist*, 305; Ibn Nadīm does not mention ‘Abd Allāh’s name but only Jabla’s who is identified as the caliph Hishām’s secretary and a translator of Persian texts into Arabic though no title is cited.

¹⁴ Jahshiyārī has a passing reference to Sālim as the *kātib* of the *dīwān al-Rasā’il* who was succeeded by Bushayr b. Abī Dalaja; see *al-Wuzarā’*, 62.

¹⁵ Ibn Nadīm, *al-Fihrist*, 131.

¹⁶ For a brief history of this genre in medieval Europe and Islam, see Patricia Eberle, “Mirror for Princes,” *Dictionary of the Middle Ages*, 8:434–36; a detailed discussion of this genre in the Islamic world may be found in C. E. Bosworth, “Naṣīḥat al-Mulūk,” *EF*², 7:984.

¹⁷ Bosworth, “Administrative Literature,” 165.

reservoir of political knowledge.¹⁸ Viewed in this light, Sālīm characterizes the emergence of adab as a framework for political knowledge and action.

Unlike the treatise on alchemy that was reportedly translated for Khālīd b. Yazīd (see chapter 2), copies of Sālīm’s translation, albeit a later transcription, have survived to our time. It is far from certain whether Sālīm himself translated the Aristotle-Alexander correspondence into Arabic. Ibn Nadīm’s brief entry on Sālīm credits him with the translation of the foregoing correspondence, adding “and he had them [the epistles] translated for him and he corrected them.”¹⁹ While Sālīm is not expected to have known the Greek language, we can envision that Sālīm, having been in contact with Greek-speaking community of Syria, learned the Greek and Syriac languages. It is also possible that he translated the text from a Persian or Syriac intermediary or, as Ibn Nadīm has surmised, commissioned the translation.

A more plausible assumption is that these epistles were adopted from different versions of pseudo-Aristotelian epistles that circulated widely in the Hellenistic Near East.²⁰ In their present form, the epistles show a very strong connection to their Greek originals as well as a conspicuous trace of Iranian political ideas.²¹ The epistles comprise what we know as *Sirr al-Asrār* (*Secret of Secrets*), known to medieval Europe as *Secretum Secretorum*.²² In any case, the epistles retain their importance since they elucidate the circumstance that called for their translation/adaptation and allow us to make sense of the emerging discourse promoted by the client secretaries.

¹⁸ Gibb has demonstrated how the rise of adab served the secretaries’ political aspirations; see “The Social Significance of the Shuubiya,” 64.

¹⁹ Ibn Nadīm, *al-Fihrist*, 131; The Arabic manuscripts do not reveal the identity of the author, but Mario Grignaschi’s research, coupled with supplementary information from other sources, such as Ibn Nadīm and Mas’ūdī, lends credence to the speculation that the author/translator was most likely Sālīm; see Grignaschi, “Les ‘Rasā’il ‘Aristāṭālīsa ‘ilā-l-Iskandar’ de Sālīm Abū-l-‘Alā’ et l’activité culturelle à l’époque omayyade” and “Le roman épistolaire classique conservé dans la version arabe de Sālīm Abū-l-‘Alā’.”

²⁰ Latham, “The Beginnings,” 155.

²¹ Bosworth, “Administrative Literature,” 160.

²² *Secretum Secretorum: Nine English Versions*, ed., M. A. Manzaloui, 1:x.

The epistles, most likely the first of their kind in the Islamic era, shed light on the political tumult that plagued the Umayyad caliphate as well as on the key role a secretary like Sālim had to play. They further attest to the expanding latitude in secretarial activities that allowed them not only to draft official letters, but to take on the role of an educator, informing their masters of how political icons and philosophers of the ancient world dealt with similar problems. In that regard, some of the references in the epistles, such as the advice concerning the political problems in Khurāsān, confirm the conjecture that the epistles are an expedient adaptation of a pseudo-Aristotelian text.²³ It was in such a milieu that the reproduction of ancient political wisdom in the form of translation and original composition was deemed necessary.

The chronicler and geographer, ‘Alī b. Ḥussayn al-Mas‘ūdī (d. 345/956), testifies that in 303/915 he had seen a unique book, owned by an Iranian nobleman, which contained vast information about branches of knowledge, illustrated anecdotes of ancient Persian kings, monuments, and policies. Mas‘ūdī relates that the book was compiled in Jumāda 113/August 713 from certain documents at the Sāsāniāns’ state treasury and was translated for the caliph Hishām from Persian into Arabic.²⁴ This report lends ample support to the hypothesis that the translations of such books were gaining increased popularity at this time and that Sālim was more than a secretary even if he personally did not translate this particular book. The report furthermore indicates the conscious adoption of the Sāsāniān model of governance during the reign of Hishām, perhaps as an effort to tackle the sundry problems that threatened the empire.²⁵

Interestingly, we see striking similarities between the pseudo-Aristotelian treatise and the

²³ Latham, “The Beginnings,” 158–59; for similar evidence pointing to Persian influence, see 160–61.

²⁴ Al-Mas‘ūdī, *al-Tanbīh wa al-Ishrāf*, 92–93.

²⁵ Balādhurī relates that Khālīd b. ‘Abd Allāh al-Qasrī, adviser to the caliph Hishām, sought his approval for building a bridge over the Tigris River. Hishām replied, “had it been possible, the Persians would have done it before.” Khālīd kept insisting and managed to obtain the caliph’s consent, but the following year a flood destroyed the bridge and the caliph held Khālīd responsible for causing loss of public funds, making him to replenish the fund from his personal money; *Futūh*, 285. The report betrays the importance of the Persian experience for Hishām. Cf. Gibb, “The Evolution,” 7, 17; also see his “The Social Significance of the Shuubiya,” 63.

Sāsāniān political wisdom such as the *Epistle of Tansar* translated by Ibn al-Muqaffa‘ (see below).²⁶

Though Sālim’s undertaking seems to support my point about the emerging discourse of knowledge, one of the epistles adapted/translated by him ostensibly runs counter to my argument. This is the epistle in which Aristotle warns Alexander against trusting slaves, clients, and men of lowly social status. The epistle, then, constitutes a virulent self-contradiction inasmuch as it emanated from the pen of client secretary. If Sālim was indeed a client, the very translation of this epistle would undermine his undertaking.

Aside from the possibility that the translation might have been rendered by someone other than Sālim, it appears that this epistle was part of the original series and the translator was simply faithful to whatever text he had access to. The question remains as to why Sālim did not modify the translation, as he had done elsewhere, so as to alleviate the self-denigrating remarks. I believe the very translation of the epistle into Arabic, if it was in fact done by Sālim, speaks to the clients’ improved status in this period. There is evidence that by this time the clients had become increasingly integrated into Muslim society; so much so that, thanks to their expertise and services, their hitherto lowly status no longer got in the way of their performance. In that sense, the translation of this epistle would be indicative of Sālim’s self-confidence, rather than self- denigration.

II. ‘ABD AL-ḤAMĪD B. YAHYA

We can see against this background that Sālim’s literary work was instrumental in making a case for the utility of foreign knowledge in attaining sound governance. While his efforts were crucial

²⁶ For example, one section of the treatise advises Alexander on how to treat the Persian nobility, which occupies the opening pages of the *Epistle of Tansar*; see also Latham, “The Beginnings,” 163. Another similarity is their treatment of the Persian political wisdom which has also found its way to Ma‘ūdī’s narrative; *al-Tanbīh*, 76.

in setting the precedents for the conscious utilization of foreign political traditions, it was his protégé and father in law, ‘Abd al-Ḥamīd b. Yaḥyā (d. 132/750), who called attention to the role of secretaries in maintaining an efficient administration. In contrast to our limited knowledge of Sālim and the authenticity of his translations, we are fortunate to have access to a number of epistles penned by ‘Abd al-Ḥamīd.

While we do not have unequivocal evidence about his place of birth, he is said to have been from al-Anbār (al-‘Irāq) or al-Shām (Syria). ‘Abd al-Ḥamīd was a client of Quraishī clan of ‘Āmir b. Lu’ayy and was later attached to the last Umayyad caliph, Marwān II (r. 127–32/744–50), whom he served as personal secretary.²⁷ Like Sālim, ‘Abd al-Ḥamīd’s client status makes clear that he was most likely of Persian descent, but almost certainly not an Arab, and his upbringing and training took place in the post-conquest milieu. He was a travelling tutor whose mastery in literary techniques brought him fame and ultimately earned him the position of personal secretary to the caliph.²⁸ His service to Marwān II began when the latter served as the caliph Hishām’s military commander in the province of Ādharbāyjān in northeast Iran (114–27/732–44).²⁹ We can envision that ‘Abd al-Ḥamīd found his way to the dīwān thanks to his mastery of the Arabic language though the sources are silent about how he earned his knowledge of statecraft. We cannot be sure of the details of ‘Abd al-Ḥamīd’s death except that it took place when the Abbasid Revolution overthrew the Umayyads.³⁰

‘Abd al-Ḥamīd exemplifies a trend that we have previously observed in Sālim’s contributions—a trend that turned the caliph’s secretary into a royal adviser.³¹ We do not have

²⁷ Scattered biographical details may be found in Ibn Nadīm, *al-Fihrist*, 131; Ibn Khallikan, *Wafayāt al-A’yān*, 3:197–201; see also Hamilton Gibb, “‘Abd al-Ḥamīd b. Yaḥyā b. Sa’d,” *EF*, 1:65; Latham, “The Beginnings,” 165.

²⁸ Ibn Khallikān, *Wafayāt al-A’yān*, 3:197; cf. Mas‘ūdī, *Murūj*, 3:248

²⁹ Ṭabarī, *Ta’rīkh*, 7:90, 99; cf. Latham, “The Beginnings,” 165.

³⁰ Ibn Khallikān recounts two versions of his death at the hands of ‘Abbasid revolutionaries; *Wafayāt*, 3:199–200.

³¹ Sprengling calls him a “vizier” and “certainly more than a secretary.” “From Persian to Arabic,” 208.

enough evidence to suggest that this transformation was complete with Sālim, but we may regard Sālim's scholarly activities as a giant step taken in that direction. In any case, this development allowed the secretary not only to transcribe what the caliph dictated, but, more importantly, to put in writing on behalf of the caliph what was deemed necessary for the matter in hand.³² According to Ibn al-Muqaffa', this arrangement, referred to as *tawqī'* (lit. "signatory endorsement"), was a common administrative practice in the Persian Empire.³³ If there was in fact such a transfer of administrative practices from ancient Persia to the emerging Arab empire, it must be credited to this new generation of dīwān secretaries who succeeded in persuading the caliphs to trust them with this much authority.

The sources do not supply enough information about how much authority a chief secretary like 'Abd al-Ḥamīd exercised in this period. They indicate, however, structural changes that completed under the Abbasids, such that a department in the dīwān became responsible for the whole process of *tawqī'*.³⁴ This new development, then, speaks to a change in power relations whereby the secretary finds a special place in the hierarchy of the state organization. It further highlights the secretaries' literary and intellectual prowess that enabled them to use the craft of writing for the construction of a discourse of knowledge. In that regard, two of 'Abd al-Ḥamīd's epistles merit special attention.

'Abd al-Ḥamīd's *Risāla ilā al-Kuttāb* (*Epistle to the Secretaries*) sheds light on the ethos of the dīwān and a variety of issues surrounding its sound operation. To begin with, he emphasizes the special place the secretaries occupy in society. "Through your advice," he writes, "God improves the government for the benefit of human beings and makes their countries

³² Latham suggests that the rise of the secretaries such prominence had already started with Sālim; see "The Beginnings," 164.

³³ Balādhurī, *Futūḥ*, 446–47; cf. Ibn Manẓūr, *Lisān al-'Arab*, 8:406.

³⁴ See Qudāma b. Ja'far, *al-Kharāj*, 53–58, 447; cf., Ibn Khaldūn, *Ta'rīkh*, 1:306–07; Mez, *The Renaissance of Islam*, 79; Morony, *Iraq after the Muslim Conquest*, 34 (n.22).

civilized. The ruler cannot dispense with you. You alone make him a competent ruler.”³⁵ His remarks about the secretaries’ exalted position are uttered with much confidence. The metaphor he uses is quite apt:

Your position with regard to rulers is that (you are) the ears through which they hear, the eyes through which they see, the tongues through which they speak, and the hands through which they touch. May God give you, therefore, enjoyment of the excellent craft with which He has distinguished you, and may He not deprive you of the great favors that He has shown unto you.³⁶

The emphasis he lays on the secretarial profession is not just paying lip service to the civil servants, nor is it a pompous assertion to appeal to their sense of self-aggrandizement. In light of the infancy of the institution of the *dīwān*, his statement must be regarded as a reminder to both the rulers and the secretaries of the gravitas of the secretarial profession, which rested on its practitioners’ knowledge and ability to render sound administration possible. To make a case for this, ‘Abd al-Ḥamīd goes on to underscore the importance of knowledge and its priority in the administrative operation:

He [the secretary] must have studied every branch of learning and know it well, and if he does not know it well, he must at least have acquired an adequate amount of it. By virtue of his natural intelligence, good education, and outstanding experience, he must know what is going to happen to him before it happens, and he must know the result of his actions before action starts...

Therefore, assembled secretaries, vie with each other to acquire the different kinds of education and to gain an understanding of religious matters. Start with knowledge of the Book of God [the Qur’an] and religious duties. Then, study the Arabic language, as that will give you a cultivated form of speech. Then, learn to write well, as that will be an ornament to your letters. Transmit poetry and acquaint yourselves with the rare expressions and ideas that poems contain. Acquaint yourselves also with both Arab and non-Arab political events, and with the tales of (both groups) and the biographies describing them, as that will be helpful to you in your endeavors. Do not neglect to study accounting, for it is the mainstay of the land tax register.³⁷

³⁵ Ibn al-Khaldūn, *The Muqaddimah*, 2:29; Jahshiyārī, *al-Wuzarā’*, 74; Kurd ‘Alī, *Rasā’il*, 222.

³⁶ Ibn al-Khaldūn, *The Muqaddimah*, 2:29–30; Jahshiyārī, *al-Wuzarā’*, 74.

³⁷ Ibn al-Khaldūn, *The Muqaddimah*, 2:30–31; Jahshiyārī, *al-Wuzarā’*, 75.

This quotation provides insight not only into the branches of knowledge that a secretary was expected to master, but also into how they constituted a harmonious whole in the secretarial craft. It calls attention to the holistic conception of knowledge in that it seeks to encompass religious, moral, historic, philosophical, and technical elements, and ascertains that the knowledge of the Qur'an, Prophetic traditions, Arab and non-Arab legends occupied as important a place in the secretary's "tool box" as did accounting. But why should that be the case?

Remarkably 'Abd al-Ḥamīd uses the word *ādāb*—plural form of the word *adab*—to refer to these constitutive elements of knowledge.³⁸ This lends support to the idea I suggested earlier and will pursue throughout this chapter; that is, *adab* in this period shaped social and political relations while consolidating knowledge elements whose legitimacy was subject to intense dispute. This is precisely the sense in which *adab* functioned as a framework for professional knowledge and code of conduct within the purview of an institution—i.e., the *dīwān*—whose impact went well beyond the institution's boundaries. One way to establish *adab* as an all-encompassing discourse was to assist the fledgling, amorphous corps of secretaries in recognizing their collective identity as a class. This was a challenging task, however, because as I have argued in the previous chapter, the secretaries' client status, coupled with the arabicizing project, worked against forming a class identity.

The emphasis 'Abd al-Ḥamīd lays on professional ethics (e.g., supporting one another in hard times; abhorring backbiting, badmouthing, and gossiping; keeping one another's secrets; learning from each other; being loyal, faithful, just, and modest) is intended to solidify the secretarial nascent discourse. We can envision that ambitious secretaries, many of whom were of minority background, vied for status and recognition, and therefore did not shy away from

³⁸ Jahshiyārī's version uses the term "*sunūf al-ilm wa al-adab*," *al-Wuzarā'*, 75.

backstabbing whoever they might have found on their way, which would in turn undermine the solidarity of their community. It was such efforts in building a discourse that evoked adverse reaction in scholars, such as al-Jāhiz, who repudiated the secretaries' knowledge claims and ethics alike.³⁹ The popularity of 'Abd al-Ḥamīd's epistles among the elite underscores their importance in raising class consciousness while at the same time suggesting their important role in the secretaries' training.⁴⁰

To my mind, 'Abd al-Ḥamīd's *Epistle to the Secretaries* demonstrates marked awareness of the government's changing needs and expectations. The section quoted above concurs with reports that the secretaries, as well as their Arab superiors, were increasingly interested in acquainting themselves with the history and culture of the ancient world as well as with the branches of knowledge that transferred gradually throughout the conquest period and beyond. But, more importantly, the *Epistle* underlies the public demand that their government should promote the Arab culture and the Islamic law. That is to say, too much emphasis on the non-Arab/non-Muslim constituents of the administrative knowledge could antagonize the rulers and Muslim scholars who expected earnest execution of Islamic law and felt threatened by the claims of knowledge encapsulated in the newly translated/composed books that capitalized on ancient political philosophy. We can appreciate their feelings of threat when we note that Muslim society in this period was surrounded by the non-Muslim/non-Arab majority throughout the Near East. Thus, the priority placed on the knowledge of the Qur'an and religious duty in 'Abd al-Ḥamīd's *Epistle* is intended to dispel the feelings of threat due to the increasing currency of ancient ideas.

³⁹ Jāhiz, *Dhamm Akhlāq al-Kuttāb*, 608. Interestingly enough, Jāhiz pulls no punches in mocking the secretaries' habits, including their interest in studying 'Abd al-Ḥamīd's epistles and ancient tales.

⁴⁰ Mas'ūdī records that in his days people were fond of reading a collection of 'Abd al-Ḥamīd's epistles as the best specimens of Arabic prose; see *al-Tanbīh*, 284.

One might be tempted, however, to relegate ‘Abd al-Ḥamīd’s statement to an expedient strategy. But this would amount to a hasty, short-sighted assessment. Thanks to the arabicizing project of the conquest era (see chapter 2), ‘Abd al-Ḥamīd felt at home with the Arab culture and religion, which indeed allowed him to find his place at the dīwān and to claim a well-deserved position of a master littérateur. It is next to impossible to know how he felt about his Persian heritage—if, in fact, he was of Persian descent—when the extant sources say virtually nothing about his attitude toward that heritage. Nonetheless, since indigenous communities continued to live throughout Mesopotamia and made efforts to preserve their cultural practices, we can assume that ‘Abd al-Ḥamīd had some sense of identity toward the non-Arab/non-Muslim part of his background, at least when it came to his professional activities. At any rate, he seems to have felt compelled to make a case for harmonizing various elements that constituted secretarial knowledge. Moreover, he made the very first effort to standardize the secretary’s training, hence assuming, so to speak, the role of a gate-keeper.

In addition to his efforts in standardizing the secretarial training, ‘Abd al-Ḥamīd was instrumental in establishing the Mirror for Princes style as a knowledge apparatus that was, at the same time, a literary genre and a courtly entertainment medium.⁴¹ Unlike most gnomic texts in this period, which were by and large adopted or translated from Greek and Persian sources, such as the aforementioned correspondence between Aristotle and Alexander the Great, ‘Abd al-Ḥamīd’s *Fī Naṣīḥa Walī al-‘Ahd* (*Epistle to the Crown Prince*) was a product of his creative mind. There is little doubt, however, that ‘Abd al-Ḥamīd borrowed certain concepts and themes

⁴¹ ‘Abd al-Ḥamīd’s description of a royal haunt seems no more than an eloquent, literary entertainment, but it surely baffled its audience with its rich imagery and unprecedented use of the Arabic language. Both Gibb and Latham consider this work as mere entertainment; see Gibb, “‘Abd al-Ḥamīd b. Yaḥyā b. Sa’d,” *ET*, 1:65; Latham, “the Beginnings,” 172–73. In my opinion, the innovative style opened a new space for the presentation of the new content, in this case a discourse of knowledge. One may be tempted to suggest that the innovative style masked the content that might otherwise have raised a proverbial red flag to the guardians of the status quo. Mikhael Bakhtin’s “Discourse in the Novel,” although focused almost exclusively on novelistic prose, is quite instructive.

from the Greek or Persian Mirror literature, for he most likely had studied those sources and was directly or indirectly influenced by them.⁴² After all, his mentor and son-in-law, Sālim, had already created the very first Mirror texts in the Islamic tradition and ‘Abd al-Ḥamīd, as a dīwān employee and Sālim’s close associate, must have studied the latter’s literary works. Moreover, his friend and protégé, ‘Abd Allāh b. al-Muqaffa’, had also translated a number of gnomic texts from Persian into Arabic (see below). Gibb goes so far as to conjecture that ‘Abd al-Ḥamīd’s unique style of writing, unprecedented in both earlier and later Arabic literature, was shaped by predominant influence of Greek and Persian culture among the secretaries.⁴³ It is probably because of these not-so-coincidental aspects of his career that some primary sources attribute to ‘Abd al-Ḥamīd the translation of ancient texts.⁴⁴ If he did translate anything, it seems to have been lost. Yet ‘Abd al-Ḥamīd’s genius lay in his ability to synthesize diverse elements of foreign and indigenous knowledge, producing a bona fide blend to meet the changing needs of the state administration while opening space for the rise of a new class.

In 127/745, that is, only five years before the overthrow of the Umayyads, ‘Abd al-Ḥamīd composed an eloquent, insightful epistle addressed to the heir apparent, ‘Abd Allāh b. Marwān, and took up critically important issues of various sorts. This was done in the name of the sitting caliph, Marwān II, who dispatched his crown prince on a military expedition against the khārijī rebel, al-Ḍaḥḥāk b. al-Qays al-Shaybānī.⁴⁵ The sheer writing of such a weighty text on behalf of the caliph underscores the trust the caliph placed in ‘Abd al-Ḥamīd while it also provides a precedent for the practice of *tawqī‘* as discussed earlier in this chapter. Like his *Epistle to the Secretaries*, ‘Abd al-Ḥamīd’s *Epistle to the Crown Prince* allocates considerable

⁴² Latham, “The Beginnings,” 177–78.

⁴³ Gibb, “‘Abd al-Ḥamīd b. Yaḥyā b. Sa‘d,” *EF*², 1:65.

⁴⁴ See A. Eqbāl Ashtiyānī, *The Biography of Ibn Muqaffa’*, 54 (n. 1).

⁴⁵ ‘Abd al-Ḥamīd, *Fī Naṣīḥa Walī al-‘Ahd*, 173; Ṭabarī, *Ta’rīkh*, 7:316–23; Mas‘ūdī, *al-Tanbīh*, 282; Latham, “The Beginnings,” 167–68; M. A. Shaban, *Islamic History*, 160–62.

space to emphasizing moral righteousness and proper rules of conduct. Here again, ‘Abd al-Ḥamīd uses the term “adab” to highlight the rule of conduct imposed by the caliph on his crown prince as well as the knowledge that was deemed necessary for an efficacious rule.⁴⁶

Not only is the prince urged to familiarize himself with the Qur’an, he is also reminded that moral vices are his gravest foe.⁴⁷ He is further reminded of his privileged place vis-à-vis his subjects. So, for example, he has to avoid the vulgarism of unrefined subjects in the presence of others, including “hawking, spitting, expectorating, yawning, belching, stretching himself, wagging his foot, cracking his fingers, fiddling with his face, beard, moustache, scepter, or sword tassel, winking, motioning to a courtier, whispering in council and gobbling food and drink.”⁴⁸ This example sheds further light on how the transmitters of courtly culture of ancient world were intent on educating their not-so-cultured masters. It is hard to imagine, however, that a client, in all likelihood a freedman, had the audacity to lecture his master about mannerism even though it was done in the name of the caliph. Writing such an epistle, then, could not have been possible without the master asking for it and without his recognizing the secretary’s knowledge to do so.

More importantly, the epistle shows that adab, as a new discourse, targeted not only all actors in their varying positions of power, but all aspects of political life, however mundane they might have been. As explained in chapter 1, the key to the success of a discourse is that all pertinent actors would recognize its validity and power to regulate its domain of operation. To that end, adab was molded by this generation of secretaries, most notably by ‘Abd al-Ḥamīd and

⁴⁶ ‘Abd al-Ḥamīd, *Fī Naṣīḥa*, 174–75. We take note of the fact that the rule of conduct in the context of the epistle goes well beyond mannerism to include moral principles as the foundation of sound governance. Examples include righteousness, justice, benevolence and moderation; see Latham, “The Beginnings,” 168–69. This is reminiscent of Aristotelian idea that equates politics with moral virtues.

⁴⁷ ‘Abd al-Ḥamīd, *Fī Naṣīḥa*, 183.

⁴⁸ ‘Abd al-Ḥamīd, *Fī Naṣīḥa*, 186, translation by Latham, “The Beginnings,” 170.

his colleagues, to substantiate the utility of ancient political and ethical knowledge and its application for Muslim polity.⁴⁹

The Mirror literature served to solidify the social hierarchy and class distinctions based in part on rules of conduct and mannerism. ‘Abd al-Ḥamīd ventures to carve out a special place for the secretary to function as a buffer between the monarch and the subject, including other courtiers.⁵⁰ The secretary as such is not only educating the prince, he is surely keeping the gate, controlling access to him. The link between education (i.e., apparatus of knowledge) and social order thus becomes sharper and stronger. We can now make sense of the statement in his other epistle where ‘Abd al-Ḥamīd asserts that the secretaries are “the ears through which they [rulers] hear, the eyes through which they see, the tongues through which they speak, and the hands through which they touch.” This is yet another indication that this new generation of secretaries, most of them being from the client class, tried to build an organization, in which they could earn a preeminent status against all odds. This they would do by constructing a discourse that made a case for the utility of secretarial knowledge and its necessity for the upkeep of the political organization. This new configuration of power provides insight into the secretaries’ rapid rise to prominence, which in turn made scholars, like al-Jāhīz, leary of too much influence the secretaries exerted on the court.

Of significance is that this epistle lays down rules of governance from political decision-making to the city police to judiciary to espionage to military organization. ‘Abd al-Ḥamīd hence appears to have been the first writer after the advent of Islam to compose a treatise that addressed sundry problems involved in imposing order and maintaining control in an expanding empire. This was the first important step taken toward standardizing the government’s legal and

⁴⁹ See Bosworth, “The Persian Impact,” 485.

⁵⁰ ‘Abd al-Ḥamīd, *Fī Naṣīḥa*, 182; see Latham, “The Beginnings,” 169–70.

administrative procedures, which did not fully materialize until the Abbasids came to power. This is the juncture, at which we can turn to the most important representative of adab in this period, that is, ‘Abd Allāh b. al-Muqaffa‘ (hereinafter referred to as Ibn al-Muqaffa‘).

III. ‘ABD ALLĀH B. AL-MUQAFFA‘

While Sālim and ‘Abd al-Ḥamīd laid the groundwork for the development of adab as an integrative framework of knowledge, Ibn al-Muqaffa‘ can be regarded as its pinnacle. We know very little of his early life and service at the dīwān. It is certain, however, that he began his public service after the Umayyads translated the dīwān accounts into Arabic and non-Muslims began to lose their jobs in government institutions.⁵¹ Son of a Persian dihqān (see chapter 1), Ibn al-Muqaffa‘ was not a native speaker of Arabic and his conversion from Manichaeism to Islam took place in his adult life, perhaps out of political expediency, when he decided to pursue a state career. It is at this time that he changed his name from Rūzbeh to ‘Abd Allāh.

Ibn al-Muqaffa‘ seems to have received his early training from his father, who was a tax collector during the rule of al-Ḥajjāj b. Yūsuf, governor of al-‘Irāq under the caliph ‘Abd al-Malik.⁵² Though it is not clear how and when he acquired his mastery of the Arabic language, it must have been before 127/745 (?) when he served as secretary to the Umayyad governor of Kirmān in central Iran. Later he moved to Basra in southern al-‘Irāq where he worked at the Umayyad dīwān while keeping contact with men of letters in Kufa (e.g., Muṭī‘ b. Iyās, Bashshār b. Burd, Wāliba b. Ḥubāb, and Ḥammād ‘Ajrad).⁵³ This is of significance because these two

⁵¹ Balādhurī provides a brief report of an exchange between Ibn al-Muqaffa‘ and Ṣālih b. ‘Abd al-Raḥmān, the tax agent for al-‘Irāq in the 90s/710s, who also translated the dīwān accounts from Persian into Arabic (see chapter 1). Ibn al-Muqaffa‘ was most likely in his late teens at this time, that is, he must have been born some time in the late 70s/690s or early 80s/700s; see *Futūḥ*, 446–47; Sprengling, “From Persian to Arabic,” 204.

⁵² Ibn al-Nadīm, *al-Fihrist*, 132.

⁵³ F. Gabrieli, “Ibn al-Muqaffa‘,” 3:883; see Ibn Nadīm, *al-Fihrist*, 45, 118.

towns were home to famous grammarians and *littérateurs*, and to two rival schools of Arabic grammar and philology in the classical period. A close friend and a junior colleague of ‘Abd al-Ḥamīd’s, Jahshiyārī relates that Ibn al-Muqaffa‘ was in hiding with ‘Abd al-Ḥamīd when the Abbasid revolutionaries were looking for the latter; Ibn al-Muqaffa‘ went so far as to misidentify himself as ‘Abd al-Ḥamīd so as to save his friend, but to no avail.⁵⁴

Ibn al-Muqaffa‘’s public service was divided, though unequally, between the Umayyad and Abbasid states. His writing hence represent the period of transition and regime change. The sheer ability of secretaries such as Ibn al-Muqaffa‘ to keep their job, despite the change of government, speaks to the crucial role they played in the state administration. Ibn al-Muqaffa‘’s mastery in performing certain duties earned him the secretarial service of ‘Īsā b. ‘Alī and his brothers who happened to be the paternal uncles of the first two Abbasid caliphs—i.e., Abū al-‘Abbās al-Saffāḥ (r. 132–36/749–54) and Abū Ja‘far al-Manṣūr (r. 136–58/754–75). However propitious this appointment might have seemed at the time, it proved perilous for Ibn al-Muqaffa‘ when al-Manṣūr and his uncles engaged in a controversy over succession. After Muḥammad b. ‘Alī, one of the uncles, rose in rebellion and was subsequently defeated, his brother, Sulaymān, reached out to the caliph al-Manṣūr seeking a pardon. Agreeing to a pardon, Ibn al-Muqaffa‘ was tasked with drafting its terms. In doing so, Ibn al-Muqaffa‘ made no bones about protecting his master at all costs. This he did at the expense of upsetting the caliph who signaled his consent, or simply turned a blind eye, to Sufyān b. Mu‘āwiya al-Muhallabī, the new governor of Basra, to work out the grudges he had long held against Ibn al-Muqaffa‘. Sufyān is said to have had Ibn al-Muqaffa‘ taken to his palace, where he was tortured to death.

Despite his turbulent, short life, Ibn al-Muqaffa‘ produced several texts of special import. He introduced a new phase in *adab*, translating Sāsāniān gnomic texts of political wisdom and

⁵⁴ Jahshiyārī, *al-Wuzarā’*, 80.

courtly etiquette with an exceptionally innovative use of the Arabic language. Ibn al-Muqaffa‘’s translations of Indian and Persian literature such as *Kalīlag wa Dimnag* were purportedly intended for the courtly circles, including princes and secretaries. Given their content, these translations appear to have introduced new concepts to political discourse—concepts that raised, albeit indirectly, questions about political authority and legitimacy.

Ibn al-Muqaffa‘ is widely believed to have been concerned with promoting the political and cultural ideals of the Sāsāniān Empire.⁵⁵ There are indications that support this general belief. Generally speaking, translations of cultural works are regarded as the translator’s interest in the ideas expressed, or embedded in the works. Ibn al-Muqaffa‘’s loyalty to the “old order,” however, should not be presumed uncritically. Affected by the conquests and the emerging new order though he was, we cannot be entirely certain about Ibn al-Muqaffa‘’s intention to restore the domineering rule of late Sāsāniān Persia. If we accept that Ibn al-Muqaffa‘ was a Manichaean and retained his faith even after his expedient conversion to Islam—as it has been suggested by a multitude of primary and secondary sources—then he could hardly have wanted to revive the Sāsāniān political system that consistently persecuted Manicheans.⁵⁶

There is no question that Ibn al-Muqaffa‘’s oeuvre illustrate a thoroughgoing sense of ancient tradition, which included important elements of Persian political and religious thought. His integrative approach, however, was very much devoid of chauvinistic exclusivity. His extant works demonstrate a remarkable diversity of cultural domain, content, and literary style.

Whereas his translations have preserved ancient Persian and Indian tales, his compositions

⁵⁵ See Latham, “Ibn al-Muqaffa‘ and Early ‘Abbasid Prose,” 53.

⁵⁶ To Ibn al-Muqaffa‘ is attributed a literary work, *Mu‘ārada al-Qur‘ān*, that challenges the Qur’an’s literary superiority as well as a Manichaean tract. Though there is no solid evidence that Ibn al-Muqaffa‘ composed these treatises, the belief that connects him to such works that are utterly against Islamic ideas, or against organized religion in general, shows that his conversion to Islam was not regarded genuine; see Latham, “Ibn al-Muqaffa‘ and Early ‘Abbasid Prose,” 73–75; Eqbāl, *Biography*, 97–98.

introduced a new phase in adab; so much so that he went on to compose a treatise on the art of governance and how various political and legal problems should be overcome. In so doing he went beyond the domain of old political ideas and ventured to bring about harmony with Muslim scriptures and traditions (see below).⁵⁷ His works must be regarded as novel contributions oriented to bringing forth a new social order, rather than fanatically promoting the old order. Thus, we must refrain from ascribing tendentious, nationalistic sentiments of the modern era to the actors of late antiquity.

To further demonstrate this alternative interpretation, we can benefit from taking a closer look at some of Ibn al-Muqaffa‘’s writings. My investigation, however, will focus on three of his major writings, that is, the *Epistle of Tansar to Gushnāsp*, *al-Ādāb al-Kabīr* (*The Book of Great Refinements*), and *Risāla fī al-Ṣaḥāba* (*A Treatise concerning the Entourage*). I will not include in this inquiry Ibn al-Muqaffa‘’s celebrated *Kalīlag wa Dimnag*, which was an adaptation of the Indian *Fables of Bīdpāy* or *Pāñchātāntrā*, and which falls under the category of the Mirror for Princes literature.⁵⁸ This examination of Ibn al-Muqaffa‘’s select writings will allow me to treat, in the final section of this chapter, the ramifications of his undertaking for knowledge production and social order.

⁵⁷ There is a general belief that Ibn al-Muqaffa‘ translated Aristotelian logical treatises into Arabic; see Ibn Nadīm, *al-Fihrist*, 248–49; Ibn al-Qifṭī, *Ta’rīkh al-Hukamā*, 35–36. Gabrieli states that Aristotelian logical treatises were translated by Ibn al-Muqaffa‘’s son, Muḥammad; “Ibn al-Muqaffa‘,” *EP*², 3:833.

⁵⁸ See Gabrieli, “Ibn al-Muqaffa‘,” 3:883. Ibn al-Muqaffa‘ is widely believed to have penned the important introduction to *Kalīlag wa Dimnag*, an introduction that, among other things, offers a criticism of organized religion. Paul Kraus has questioned the ascription of the introduction to Ibn al-Muqaffa‘ on the grounds that the text’s explicit skepticism is characteristic of some other texts of the sixth century Persia. Even so, the introduction retains its importance because it harps on criticism of organized religion and therefore its translation by Ibn al-Muqaffa‘ is indicative of his contribution to building a discourse alternative to that of Islam, which was intended to serve as the foundation of the empire.

The *Epistle of Tansar* figures prominently among Ibn al-Muqaffa‘’s translations. Our sources introduce Tansar as a [Zoroastrian] monk who subscribed to Platonic philosophy.⁵⁹ Tansar is said to have been heir to a Parthian kingdom, heralding the collapse of the Parthian rule and the rise of the Sāsāniān Empire in the third century CE. He opted, however, to defer his right of succession to Ardashīr (ca. 226–240), the founder of the Sāsāniān rule, which remained in power until it was toppled in the early period of the Arab conquests in the first/seventh century. The *Epistle* consists of Tansar’s answers to politically sensitive questions posed by Gushnāsp, the king of Ṭabaristān (northern Iran), who for a while did not recognize the emerging Sāsāniān Empire. Formulating his answers, Tansar embarks on unraveling theoretical and practical issues involved in imposing a legitimate political order. The validity of his answers revolves around Tansar’s knowledge of religion, history, and statecraft. Tansar seems, however, to have been no more than a mythical figure, created in the mind of an unidentified mid-sixth century CE court historian who decided—or most likely was commissioned—to create an official history of the Sāsāniān dynasty and their empire.⁶⁰

The *Epistle* takes an apologetic approach to providing justification for the crumbling Sāsāniān Empire, whose foundation was soon to give way, upon the onset of the Arab conquests some eighty years later, because of deep-seated internal conflicts and external threats. Yet its translation by Ibn al-Muqaffa‘ appears to have advanced several goals. To begin with, it sought to provide an answer to the question as to what constituted a legitimate government. Secondly, it was testimony to the ability of the translator, as a secretary, to contribute to solving complex political problems. Thirdly, it contained justification for a class society, in which the secretary

⁵⁹ See Mas‘ūdī, *al-Tanbīh*, 87. Mas‘ūdī records that Tansar wrote several treatises, among which was the *Epistle to Mājushnas* (*Gushnāsp*), discussed here as the *Epistle of Tansar*.

⁶⁰ Additional details may be found in Mīnovī’s extensive introduction to the *Epistle of Tansar*, 18–20, also see 166; see Parvaneh Pourshariati, *Decline and Fall of the Sasanian Empire*, 86.

and other producers of knowledge occupied a special place. And, finally, it set out to grapple with the question of identity for the displaced Iranians who as a result of the conquests were detached from their homeland and culture.

The indirect thematic connection with Ṭabaristān provided good enough reason for the Iranian historian, Ibn Isfandyār (d. ca. 615/1219), to reproduce a translation of the *Epistle* in his *History of Ṭabaristān*. Though neither the original Pahlavī (middle-Persian) text nor its Arabic translation by Ibn al-Muqaffa‘ is extant, we have occasion to benefit from Ibn Isfandyār’s translation. We must remain mindful of the extent to which the text may have been corrupted in translations rendered over centuries. Yet, we need not concern ourselves with how much Ibn al-Muqaffa‘ was faithful to the original text of the *Epistle*. Even if he opted to change the content to suit the discourse that he sought to establish, his adaptation can reveal, to a large degree, his concerns as well as the goal he strove to accomplish.⁶¹ Absent the original text, however, when we are dealing with later translations rendered from Ibn al-Muqaffa‘’s adaptation, we are faced with a problem of greater complexity. This second set of translations, such as those of Ibn Isfandyār’s, may very well reflect the concerns of their translators, rather than those of Ibn al-Muqaffa‘’s.

The foregoing source problem notwithstanding, we find Ibn Isfandyār’s translation of the *Epistle of Tansar*, by and large, in harmony with other works of Ibn al-Muqaffa‘’s, despite its additions to the original Arabic as well as its inability to convey the same vigor and liveliness.⁶² There are sporadic, yet significant, references to Tansar in the primary sources that preceded Ibn Isfandyār’s translation.⁶³ The earliest reference to Tansar appears in the third/ninth century

⁶¹ Cf. Eqbāl, *Biography*, 85–86.

⁶² Latham, “Ibn al-Muqaffa‘ and Early ‘Abbasid Prose,” 56.

⁶³ Examples include al-Mas‘ūdī, *al-Tanbīh*, 87; Ibn Muskūya Rāzī, *Tajārib al-Umam*, 1:122. Ibn Balkhī, *Fārs-nāmeḥ*, 170.

Zoroastrian book of *Dīnkard*.⁶⁴ While these references, generally speaking, do not suggest much divergence from Ibn Isfandyār's text, they have in all likelihood been borrowed from Ibn al-Muqaffa' 's translation and therefore provide further support for the overall reliability of the translation in hand.

The *Epistle* displays striking similarities with the Mirror for Princes literature of the early second/eighth century. Ibn al-Muqaffa' 's preface to the *Epistle* opens with a correspondence between Alexander the Great and Aristotle, in which the latter stresses the protection of Persian nobility in that they were the guardians of certain virtues.⁶⁵ The correspondence concurs with the aforementioned pseudo-Aristotelian epistle purportedly translated by Sālim, of whose school Ibn al-Muqaffa' was a disciple. In this preface Ibn al-Muqaffa' seems to be making a case not only for the preservation of ancient knowledge, including religion, but also for its vulnerable agents. These agents, as my overview of the history of Arab conquests in chapter 2 has demonstrated, represented Persian nobility and made consistent efforts to redeem their status as *dihqāns*. Some of these local landowners continued their service as tax collectors for the new Islamic government while some others availed themselves of the institution of patronate to strengthen their social status. Interestingly enough, Ibn al-Muqaffa' belonged to Persian nobility that was assimilated into the Muslim bureaucracy but struggled to retain some sort of status in virtue both of their lineage and knowledge. Regardless, then, of how authentic the *Epistle* and its translation may have been, the preface sounds self-serving in that it seeks to further the interests of the class, to which the author/translator/transmitter belonged. Be that as it may, the preface sets the stage to make a connection between the credentials of said class and their ability to render the continuity of imperial order possible.

⁶⁴ See Mīnovī's extensive introduction to his edition of the *Epistle of Tansar*, 6–7.

⁶⁵ Ibn al-Muqaffa', *Epistle of Tansar*, 45–47.

Of interest is the reason Aristotle cites in his response to Alexander as to why the latter should not consider executing the Persian noblemen: were he to do that, he would throw the social hierarchy in total disarray, necessitating that the individuals in society's lower strata move up to higher levels.⁶⁶ To that end, the *Epistle* characterizes a vehement apologia to caste society. A legitimate government, then, is that which can successfully impose such a social order that places every individual in their pertinent caste and can limit class mobility as best as it can.⁶⁷ Any attempt to change one's socioeconomic class, the *Epistle* suggests, will result in confusion and war unless one demonstrates extraordinary talent to pursue a profession to which he was not born and such a change of class is approved by the monarch.⁶⁸ Tansar laments the fact that unlike his ancestors, who were content with their profession and means of living, the people of his age fell short of "obeying religion, reason, and the monarch," hence necessitating bloodshed to rectify the matter.⁶⁹

Of importance is the *Epistle's* narrative of social hierarchy, which consists of four broad castes. Invoking a metaphor that is reminiscent of Plato's ideal hierarchy outlined in his *Republic*, the monarch's relation to society is like the head to the body, standing above the four castes, which consists of the following:⁷⁰ first, the clergy, including the justices, worshipers, monks, temple guards, and teachers; second, the army warriors, including the infantry and the cavalry; third, the secretaries, including those working in the departments of correspondence, market supervision (*muḥāsibāt*), verdicts, records, the police (*shurūt*), biographers, physicians,

⁶⁶ Ibid., 46.

⁶⁷ Ibid., 57–60.

⁶⁸ Ibid., 57.

⁶⁹ Ibid., 58–59. Parvaneh Pourshariati suggests that these references, inducing those repudiating class mobility, point to Mazdakī uprising during the reign of Khusrow I Anūshīrvān (r. 531–79); see *Decline and Fall of the Sasanian Empire*, 86–88. Though this is a plausible interpretation that corresponds to specific historical events during the time when the original text was composed, the references have evidently found new meanings in the aftermath of the Arab conquests, at which time the Persian nobility lost its glory to the Arab dominion.

⁷⁰ Ibn al-Muqaffā', *Epistle of Tansar*, 57; see Morony, *Iraq after the Muslim Conquest*, 29.

poets, and astronomers (implying astrologers, as well); and fourth, the servants, including cultivators, herdsman, merchants, and members of other professions.

Thus presented, the social castes in the *Epistle* display significant divergence from that of the *Avestā*, the Zoroastrian sacred book. Though the secretaries constituted an important rank in ancient Persian administration, the *Avestā* does not allocate an exclusive rank to the secretaries, let alone specifying their departments.⁷¹ This divergence is too significant to be a translation error. Ibn al-Muqaffa‘ was an accomplished scholar with thorough knowledge of ancient Persia, its government, and its sacred book, the *Avestā*. His changing the taxonomy is indicative not only of his lack of commitment to the *Avestā*, but, more importantly, of his attempt to make a case for the secretary’s prominent place in society. This change is furthermore in agreement with a passage in *‘Ahd-e Ardashīr (Testament of Ardashīr)*, another Persian text translated in the same period in all likelihood by Ibn al-Muqaffa‘. There Ardashīr makes a reference to the same four classes, allocating a class to secretaries and savants.⁷²

Both the *Epistle* and *‘Ahd-e Ardashīr* place the secretaries and other producers of knowledge—e.g., physicians and astronomers—in the same rank. The putative change of taxonomy speaks to the translator’s intent (even if Ibn al-Muqaffa‘ did not translate both texts), suggesting that the state administration must attend to other areas of knowledge production, such as those of human and heavenly bodies. Though we cannot be certain whether the early Abbasid caliphs had an interest in reading the *Epistle*, we have ample evidence about the position of court astrologer and immense importance attached by the Abbasids to astronomical/astrological projects. One such project was the establishment in 144/762 of the capital City of Baghdad, in

⁷¹ The *Avestā*’s taxonomy has four castes of the clergy, the army, the cultivators, and the artisans. See Rizvānī’s and Mīnovī’s appendix, *Ibid.*, 142–43. Mas‘ūdī’s report suggests divergence from that of both Ibn al-Muqaffa‘ and the *Avestā*, but it includes a rank for secretaries; see *Al-Tanbīh*, 90–91.

⁷² *‘Ahd-e Ardashīr*, 78; “Muntahkab min ‘Ahd Azdashīr b. Bābak al-Malik, fi al-Siyāsa,” *Rasā’il al-Bulaghā*, 383.

which a team of astronomers/ astrologers drew up a horoscope to determine the auspicious time to initiate the project.⁷³

Taken all together, the translation of the *Epistle* characterizes a concerted effort to outline the contours of a legitimate political system. A profound response to the crisis of political legitimacy, the *Epistle* reveal a thoroughgoing project to identify constitutive components of an emerging state as well as to reconcile them in an Islamic setting. This is done through constructing a discourse that aims to consolidate various elements that resonated with the Arabs and their subjects. To begin with, the *Epistle* posits the religion as the foundation of the state: “don’t be so puzzled by my enthusiasm to reform the world in order to uphold the rules of religious decree, for *the religion and kingship are conjoined twins*, never to be separated.”⁷⁴ This and similar assertions throughout the *Epistle* about the import of religion seemingly catered to the religion of Islam, for which human political action was as important as divine providence.

Emphasis is further placed on tradition and the revival of past glories. The prescription is generic enough to allow for the inclusion of Arabian/Islamic tradition. Ibn al-Muqaffa‘’s narrative regarding Ardashīr’s authority to set a legal tradition (i.e., precedent) reconciles the Muslim conception of tradition whereby the Prophet Muḥammad’s words and deeds had set down legal principles.⁷⁵ Nevertheless, the close connection between religion and the polity, asserted in Ibn al-Muqaffa‘’s works, corresponds to a long-standing political tradition in the Near East.⁷⁶ That being so, Ibn al-Muqaffa‘, far from paying lip service to the partisans of Islamic government, promoted a notion that had been adhered to by ancient empires in the region.

⁷³ Al-Maḡdīsī has no mention of the astrologers, but only the religious scholars, trusted individuals, and geometers *Aḥsan al-Taḡāsīm*, 121. Other sources, however, do mention the presence of astrologers; see Ya‘qūbī, *al-Buldān*, 24–26; also Yousefi, “Secular Sciences and the Question of ‘Decline’,” 562–63.

⁷⁴ Ibn al-Muqaffa‘, *The Epistle of Tansar*, 53 (italics added); Ibn al-Muqaffa‘ further reinforces this point in his *Risāla fi al-Ṣaḡāba*, 123. Also see *Dīnkard*, Book III, 99; *Ahd-e Ardashūr*, 67.

⁷⁵ *Ibid.*, 62, 64.

⁷⁶ See Berkey, *Formation of Islam*, ch. 2.

A salient feature of the *Epistle* is its inclusion into the author's/translator's narrative of Qur'anic verses, Islamic traditions, and biblical references.⁷⁷ This feature speaks to Ibn al-Muqaffa' 's intent in creating a new conception of knowledge that sought to integrate different elements of religious knowledge available at the time. The French Orientalist James Darmesteter, who, in 1894, published a critically annotated edition of the Persian text along with a French translation, suggests that the Arabic phrases from the Quran, etc., were added by Ibn al-Muqaffa' .⁷⁸ This is quite remarkable, for Ibn al-Muqaffa' could not have expected his readers to believe that Tansar who presumably wrote his epistle in the third century CE was aware of the Qur'an that was to be revealed three century or so later! Given the non-Islamic themes and content of the *Epistle*, the inclusion of Islamic elements was seemingly intended to minimize the likelihood of conflict or adverse reaction from religious quarters.⁷⁹

Ibn al-Muqaffa' 's inclusion of Qur'anic phrases is particularly significant in light of the contemporaneous canonization of the Prophetic tradition and Muslim legal sources. His approach indicates a novel conception of the tradition, regarding it as the accumulation of past knowledge. In that sense, then, there is no priority in the components of the tradition so long as they are collected and preserved carefully. *Past* wisdom, in and of itself, is worthy of glorification. Thus, Ibn al-Muqaffa' 's displacing the boundaries, and redefining the concept, of knowledge points to a grand project in laying the foundation upon which Muslim polity can rise. His efforts, however, could cause conflicts with the agents who had a different conception of knowledge and its application to statecraft. There are, in fact, potential conflicts with Islamic principles which in hindsight worked against acceptance by Muslim jurists of Ibn al-Muqaffa' 's conception of

⁷⁷ An instance of the Qur'anic verse (6:112) is where the *Epistle* argues against caste mobility and its adverse effects; see *The Epistle*, 58, also 65–66, 68, 83.

⁷⁸ Ibid., Mīnovī's introduction, 12-13; James Darmesteter, "Lettre de Tansar au roi de Tabaristan," *Journal Asiatique*, vol. 9, no. 3 (Paris: 1894) 185–250, 502–55.

⁷⁹ See Eqbāl, *Biography*, 85–86.

tradition/knowledge. Ibn al-Muqaffa‘’s proposal for a government in accord with the ancient Persian institutions and religious practices was seemingly the most contentious aspect of his undertaking.

Furthermore, as Islam provided the Arabs with a new sense of identity and superiority, reinforced by the ongoing conquests, there is doubt if they were willing to share their glory with other nations. I will deal with these instances in the next chapter when I treat the reaction to the secretaries’ discourse. Suffice it to say that the glorification of the caste society, dynastic rule, and non-Islamic, allegedly dualistic teachings of Zoroastrianism and other religious sects of ancient Persia were not expected to be received favorably by legal scholars and theologians despite the fact that these teachings left lasting marks on Islamic scholarship. Perhaps the Muslim jurists and scholars felt the threat when they realized that this kind of work targeted the courtly circle, including the caliphs, trying to enlist them for a model of government that brought to bear ancient knowledge and sought to create a new social order.

Having reviewed a translation rendered by Ibn al-Muqaffa‘, we can now turn to his masterpiece, *Kitāb al-Ādāb al-Kabīr (Book of the Great Adabs)*, a major contribution to the Mirror for Princes literature.⁸⁰ This treatise occupies an important place in his oeuvre since Ibn al-Muqaffa‘ adds a whole new dimension to the genre of mirror for princes. We will later put Ibn al-Muqaffa‘’s undertaking in perspective as he turned adab into a discourse. Unlike Sālim’s translation of pseudo-Aristotelian epistles and ‘Abd al-Ḥamīd’s epistle to the Umayyad prince on the very specific occasion of an impending war, Ibn al-Muqaffa‘’s treatise grapples with adab and its various forms as they suit the monarch, princes, courtiers and secretaries. Though the chapters are concerned with court etiquette and relationships, Ibn al-Muqaffa‘ informs us that he

⁸⁰ The book is commonly referred to with an incorrect title, which uses the term “adab” in its singular, rather than plural (“ādāb”) form; see Latham, “Ibn al-Muqaffa‘,” 57.

is intent on discussing refined manners as well as “complex matters” that one can learn from experience.⁸¹

This treatise adopts a universal approach to the concept of adab, ostensibly assuming its role as an educational text which, as I have suggested, brings together different elements of knowledge. The overarching concept of adab as such functions as *modus vivendi* for all individuals concerned with the political system, teaching them right and wrong courses of action in different matters of political life. It appears as if adab is regulating the operation of the court, orchestrating concerned individuals in terms of their most virtuous actions in any given circumstance. If adopted by all those individuals, then, one could envision ideal settings in which all actions will take place smoothly and with no tension or conflict. The treatise does not address itself to one single individual or group of officials, but has a piece of advice or two for everyone. Just as it includes a great deal of advice regarding inter-personal court politics, clash of personalities, conflict of interests, jealousy, hypocrisy, backbiting, and ways to overcome them, so also moral and political principles are highlighted. The goal is, therefore, to attain a morally, functionally, and politically sound government.

As in the *Epistle of Tansar*, a narrative of origin is discernable in the *Ādāb al-Kabīr*. Adab is presented as the accumulation of past wisdom, a requisite for successful governance. The treatise calls on the reader to conceive of himself in a continuous line that connects him to the reservoir of past knowledge. The ancestors are declared superior not only in their physical abilities, but also in their intellects, religions, and actions. This alone provides a viable justification for embarking on discovering and learning the past history, and to adopt its kernel of wisdom accordingly.⁸² Thus established, the legitimacy of past knowledge provides a

⁸¹ Ibn al-Muqaffa', *al-Ādāb al-Kabīr*, 43–44.

⁸² *Ibid.*, 40–42.

steppingstone from which Ibn al-Muqaffa‘ can offer a range of short, eloquent advices for different ranks of government. It appears, in other words, as if Ibn al-Muqaffa‘ serves as a conduit to make past knowledge available to the present age. The range of his advice varies from merely practical to theoretical to ethical. Nevertheless, there is good reason to believe that he functioned as more than a conduit to transfer past knowledge to the present time. Just as Ibn al-Muqaffa‘ took liberty by incorporating Qur’anic verses into the *Epistle of Tansar*, so did he take it upon himself to include kinds of advice that was not necessarily from Persian or Greek sources, but was relevant to the typical reader in early Abbasid period.

In addition to his innovative style of writing, Ibn al-Muqaffa‘’s choice of terms is suggestive. Never does he use the term *khalīfa* (caliph), but rather *sultān* (king). This is rather puzzling since the caliph—not the king—was the highest authority in this period. In fact, the position of the sultān was non-existent until the fifth/eleventh century. Why, then, did Ibn al-Muqaffa‘ offer his advice to the king who did not exist? Generally speaking, the term sultān refers, first and foremost, to power that can effect change; by implication, the term applies to an individual who possess *ḥujja* (authority) to wield such power.⁸³ The choice of word as such exposes the depth of Ibn al-Muqaffa‘’s undertaking in that he comes to grips not simply with a political position, but rather with the entire field of power and authority. Using the term sultān, however, Ibn al-Muqaffa‘ has conceivably regarded the caliph as the continuation of ancient kings, who were subject to rules of adab and whose subscription to the discourse of knowledge was sought.⁸⁴ The choice of word further seems to keep Ibn al-Muqaffa‘ from coming across as

⁸³ interestingly *ḥujja* is one of the meanings cited for *sultān*; see Ibn Manzūr, *Lisān al-‘Arab*, 7:321.

⁸⁴ The term sultān was widely used during the Umayyads. Wellhausen’s translation of the term in the Umayyad context is in agreement with my interpretation: “the State, the supremacy of the government,” *Arab Kingdom*, 129; cf. Morony, *Iraq after the Muslim Conquest*, 34. We can safely assume that Ibn al-Muqaffa‘ composed the *Ādāb* before the change of government since in his *Risāla fi al-Ṣaḥāba* he uses characteristically Muslim honorifics such as *amīr al-Mu‘minīn* and *khalīfa*, and the term sultān is rarely used in that treatise; see *Risāla*, 131.

presumptuous, providing unsolicited advice to the highest authority in the empire—something he ventured to do in his *Treatise concerning the Entourage*, to be examined shortly, where he provided unsolicited advice to the caliph al-Manṣūr regarding the most efficacious model of government (see below).

A striking characteristic of the treatise is its use of the Aristotelian notion of moderation. One is urged to balance two sides of every action, taking care to give it due time and attention, but not get carried away. This general rule of thumb, of course, had immense practical value especially for those who had immediate exposure to the caliph’s wrath or kindness. It also derived as much from past experience as from abstract rules of governance, yet it sought to set down criteria of rational action.⁸⁵ In so doing, the concept of rational action reinforced an important principle of legitimate rule, that is, justice, which requires the monarch to observe the subjects’ fundamental rights in accord with certain principles of righteous action.⁸⁶ Hence, Ibn al-Muqaffa’ may have intended to contain the ruler’s unlimited authority within the purview of some abstract principle. Indeed, as will become apparent soon, my reading of his *Treatise concerning the Entourage* lends credence to this interpretation.

In a very short discussion of the types of government, which is reminiscent of the aforementioned aphorism of government and religion as “conjoined twins,” Ibn al-Muqaffa’ argues that the just rule via religious commitment must render unto the subjects what belongs to them and execute the law properly. In contrast, a whimsical rule will lead to what Ibn al-Muqaffa’ characterizes as “a fad for a passing hour, [but] destruction for a long time.”⁸⁷ A king who achieves success through relying on untrustworthy associates is likened to someone who is

⁸⁵ Ibn al-Muqaffa’, *al-Ādāb al-Kabīr*, 47–48.

⁸⁶ Cf. Ibn al-Muqaffa’, *The Epistle of Tansar*, 55–56. Mas‘ūdī relates that the word “Justice” was engraved on Khosrow I Anūshīrvān’s seal (*khātām*) of land tax; *Murūj*, 1:294. See also Morony on the concept of justice in ancient Persia, *Iraq after the Muslim Conquest*, 29, 34.

⁸⁷ Ibn al-Muqaffa’, *al-Ādāb al-Kabīr*, 49; *Ahd-e Ardāshīr*, 65.

riding a lion: everyone is scared of him, but he too is scared of his vehicle.⁸⁸ The monarch and his governors are repeatedly urged to rely on experts and learned men while administrators are reminded that they ought to take their job very seriously.

We need not cite every metaphor that Ibn al-Muqaffa‘ eloquently invokes. The reader cannot help noticing a shifting pattern from the *Epistle of Tansar* to the *Ādāb al-Kabīr* in that the latter moves away from the absolute power Tansar had recognized in the very person of the monarch. This being the case, it shows that Ibn al-Muqaffa‘ was far from trying to make a case for the ancient style of Persian tyranny. His approach is the meeting point of Persian political ideas with Greek political philosophy and Islamic principles of governance. Granted that the monarch still sits on top of the pyramid of power, but he imposes order through law and criteria of justice. Adab is what regulates his actions and bestows legitimacy upon them, or else he is an unwise tyrant. In that sense, adab provides guidance to monarchy.

As we have observed so far, Ibn al-Muqaffa‘’s writings, regardless of their style, exhibit a marked political character. His *Epistle of Tansar* and *Ādāb al-Kabīr* fall under the category of the Mirror for Princes. On the other hand, his *Risāla fī al-Şaĥāba* (*Treatise concerning the Entourage*), addressed to the second Abbasid caliph, Abū Ja‘far al-Manşūr, belongs to a different category.⁸⁹ This last work we are going to examine in this chapter is a ground-breaking contribution to the Islamic political thought; it is the first attempt after the advent of Islam to offer a theory of governance. It also displays his efforts in enlisting the court for the discourse he tried to establish. The treatise must have been composed some time during the last years of Ibn

⁸⁸ Ibid., 51.

⁸⁹ See Goitein, “A Turning Point in the History of Muslim State,” 152–53.

al-Muqaffa'’s life, that is, between al-Manṣūr’s accession (136/754) and the author’s untimely, tragic death (139/757).⁹⁰

The most profound aspect of the treatise, perhaps, is its peculiar articulation of the Muslim philosophy of law. Not a legal scholar by training, though, Ibn al-Muqaffa‘ demonstrates great acumen in his understanding of Islamic law and how it determines social order. Yet, as we will see shortly, he ventured to present a formulation that diverged radically from the predominant paradigm championed by Muslim jurists, which in hindsight may have contributed to the failure of Ibn al-Muqaffa‘’s project. In his formulation, the caliph occupies the center stage of political authority. There is seemingly nothing new in this view since the caliphs and kings had hitherto wielded utmost authority, respectively, in Muslim and Persian empires. What is novel is that the caliph, rather than the jurists, is regarded as the ultimate source of legal authority. A closer look at his proposal, however, suggests that the caliph’s authority indeed derives from his reliance on the sources of law.⁹¹ In keeping with his advice, presented in his other works reviewed in this chapter, Ibn al-Muqaffa‘ calls upon the caliph to strengthen his reliance on law; the blind obedience of overzealous troops would be of no help, but anathema to his authority.⁹² The law, of course, derives from solid religious sources, that is, the Qur’an and the tradition (*sunna*). Absent clear instructions in said sources, the caliph is advised to use his best judgment (*ra’y*), which must rely only on *reason*.⁹³

Ibn al-Muqaffa‘’s approach leads him on a course that diverges from that of nearly all Muslim jurists. Whereas his approach allows him to make a proposal for the codification

⁹⁰ Sellheim and Sourdel state that Ibn al-Muqaffa‘ “at the caliph’s wish drew up a memorandum in which he showed his perfect knowledge of the problems of the government,” but there is no evidence to corroborate this assertion; “Kātib, I. In the Caliphate,” *EF*², 4:755–56. Latham, however, finds it a moot point whether the treatise was written at the behest of the caliph. Latham, “Ibn al-Muqaffa‘ and Early ‘Abbasid Prose,” 64.

⁹¹ This is why I think Crone’s assessment of the *Risāla* is rather short-sighted; see *Slaves on Horses*, 69–70.

⁹² Latham, “Ibn al-Muqaffa‘ and Early ‘Abbasid Prose,” 67.

⁹³ *Ibid.*

of law,⁹⁴ Muslim legal scholars have almost invariably adopted an individualistic, laissez faire approach that places them in an advantageous position vis-à-vis the caliph or the government to serve as interpreters of the law. The corollary of these diametrically opposed views is that legal codification with governmental oversight would be unsustainable, for virtually every qualified jurist is a source of law. Put differently, “no one, not even a prominent ‘ālim [jurisconsult], has the authority to draw up a code which might be given the sanction of the law.”⁹⁵ Ibn al-Muqaffa‘’s proposal, on the other hand, is intended to overcome the diversification of legal opinions that has since been the hallmark of Islamic law.⁹⁶

The implication is rather clear: Ibn al-Muqaffa‘’s proposal advocates the authority of the central government by enforcing a uniform application of the universal laws, thereby limiting arbitrary rule. As a consequence, his model seeks to empower the dīwān as an agency of state authority in which bureaucrats, and most notably the secretaries, play an important role. Yet the authority of the state is represented by the caliph. In time, the Abbasid revolution built upon a tension that lay in the foundation of the Umayyad caliphate, that is, Muslim society was not receptive to the concentration of the power in the person of the caliph.⁹⁷ The fact that the Abbasids succeeded in capitalizing on this tension indicates that Ibn al-Muqaffa‘’s proposal was doomed to fail.

In addition to his radical proposal for the codification of law, Ibn al-Muqaffa‘ emphasizes the role of the caliph’s *ṣaḥāba* (entourage, companions), hence the apt title of the treatise. He

⁹⁴ Ibn al-Muqaffa‘, *Risāla*, 126–27.

⁹⁵ Muhammad Q. Zaman, *Religion and Politics under the Abbasids*, 85 (original italic). Cf. the view attributed to al-‘Anbarī that “every mujtahid is correct [in his judgment],” *ibid.*, 89–91.

⁹⁶ Schacht suggests that the idea of legal codification was borrowed from ancient Persia along with institutions such as the office of the clerk of the court or secretary (*kātib*) and the judge (*qāḍī*); *Introduction to Islamic Law*, 21–22. Aḥmad Amīn has made a similar suggestion in his *Duḥa al-Islām* (1:215–16, cited in Goitein, “A Turning Point,” 163). I agree with Goitein, however, that the concept could not have come from the Sāsāniān Empire simply because they had not codified their law, nor is there evidence to show any influence from the Roman style of codification; see “A Turning Point,” 163–64.

⁹⁷ See Gibb, “the Evolution,” 6.

characterizes the entourage, especially the secretaries and viziers, as “the ornament of his [caliph’s] council, the tongues [i.e., spokesmen] of his subjects, his assistants in making his judgments, the recipients of his generosity, and the elite of his people.”⁹⁸ In light of their crucial role, Ibn al-Muqaffa‘ emphasizes that their recruitment be carried out with regard to their qualifications, rather than connection and influence. He informs the caliph that moral decadence before his reign (i.e., during the Umayyad times) had led to the attraction to the court of such lowly individuals that a man of true honor and dignity would be compelled to avoid such positions at all costs. Ibn al-Muqaffa‘ goes on to recount his observation of some notables of Basra who refused to meet the caliph’s brother and predecessor, Abu al-‘Abbās al-Saffāh, lest they be associated with the notorious court circles.⁹⁹ His recommendation for the caliph’s entourage includes the ‘ulamā’, but in effect he puts them under the caliph’s control. Here we may see a clear case of Persian influence since the Zoroastrian clergy occupied an official rank during the Sāsāniān Empire.

Ibn al-Muqaffa‘’s systematic approach to the operation of state organization reappears in his recommendations for tax collection. As discussed in the previous chapter, tax collection was arguably the most important function of the dīwān since it expanded the wealth and made it possible to sustain military aggression while reinforcing the state’s hegemony over the conquered. Ibn al-Muqaffa‘’s proposal stresses improvement of the tax system in accord with clear rules and regulations, rather than leaving the subjects at the mercy of unruly tax collectors. The proposal hence promotes what Latham calls “fiscal justice.”¹⁰⁰

⁹⁸ Ibn al-Muqaffa‘, *Risāla*, 129. Interestingly, there is a similar advice in *Ahd-e Ardashīr* that urges the monarch to keep the religious authorities, monks, worshipers and the like under his control; 70–71.

⁹⁹ *Ibid.*

¹⁰⁰ Latham, “Ibn al-Muqaffa‘ and Early ‘Abbasid Prose,” 70.

Ibn al-Muqaffa‘’s proposal provides a mechanism for empire-building and strengthening the authority of the central government. His proposed system for a uniform system of taxation fits nicely with the codification of law as both measures tend to impose strict oversight on arbitrary enforcement of law. It would require that, in addition to tax laws and regulations, methods of tax assessment be stipulated, deficiencies be addressed, and a system for training secretaries and tax collectors be put in place. In particular, he advocates a system of fixed, lump-sum taxation based on the total area under cultivation. Referred to in Islamic tax literature as *misāḥa*, this measure was first introduced during the reign of the Sāsāniān emperor, Khusrow I Anūshīrvān (r. 531–79), and allowed the cultivators to know beforehand what they would owe the state.¹⁰¹ It was further intended to limit arbitrary assessment and collection of taxes while ensuring steady revenues for the government. Addressing the caliph al-Manṣūr, Ibn al-Muqaffa‘ writes,

Of things that the Commander of the Faithful may be reminded is the affair of the land and the land-tax. The areas that lie between highlands and lowlands comprise the weightiest matter and pose the greatest danger, their burden [on the state] is the most severe, and they are closest to be a loss, for there exists no legal interpretation as to the proper way of taxing such villages and provinces; the tax collectors have no [legal] guidance for these cases and for making [proper] calculations; what keeps them from arriving at the right judgment is their ignorance of the difficulty incurred by the peasants to revive the land, and the peasants hope that they be given a break for their efforts. Hence there are two types of collectors: there is a collector who out of his ignorance collects by coercion what he finds, going overboard in his search of what he has found in the people and the provinces; and there is a collector who is knowledgeable to the area under cultivation and assesses taxes based on the area that has been cultivated and leaves out the land that has not been cultivated, but this method taxes the one who revived the land while leaving alone the one who did not. This has happened despite the fact that there is no record or any knowledge of the origins of taxes levied on districts, and there has not been a district whose taxes did not change frequently, some of which disappeared while others remained. If the Commander of the Faithful so wishes to determine set amount of taxes to be levied on the districts, villages, and [other] lands, and to compile records for them, and to establish their origins such that a subject would not be responsible for any amount other than what he knows [beforehand] and he guarantees,

¹⁰¹ Ṭabarī, *Ta‘rīkh*, 2:150–51; Mas‘ūdī, *Murūj*, 1:294; *al-Tanbīh*, 89; Ibn Balkhī, *Fārs-nāmeḥ*, 232–33; Pourshariati, *Decline and Fall*, 85, 90.

and he would not make an effort in reviving [lands] except that there is an advantage and a profit for him, we would then hope that this method would bring about the well-being of subjects and the prosperity of the lands while closing the door to the administrators' misappropriation and cruelty.¹⁰²

Ibn al-Muqaffa' 's proposal makes no reference at all to the source of its knowledge. It is far from clear how he has acquired this knowledge and why the caliph should consider his solution at all. His scholarly and professional activities make it clear, however, that the validity of this knowledge derives from past experience and the principle of justice. Ibn al-Muqaffa' takes it for granted that the universal religion of Islam would be in favor of his proposal inasmuch as it advocated the security of economic activities, transparency of laws, prosperity for the land, and authority for the government. In the whole, the proposed system envisaged a different social order, bringing about different relationship between the ruler and the ruled. This proposal, however attractive it might have sounded to the caliph, was not adopted at the time. In time, though, the Abbasids had to expand their *dīwān* administration, including its department of taxation, and manuals were composed for that purpose, but the administrative development during the next two centuries took a different course from what Ibn al-Muqaffa' envisioned.

The concept of justice, as in his other works, stands out in this treatise. While justice occupies a prominent place in Islamic law, Ibn al-Muqaffa' 's conception seems to have derived from a different source even though he was at pains to reconcile these sources lest the conflict cause him failure. Ibn al-Muqaffa' 's style of writing did not require him to provide a definition of justice, but he makes occasional reference, for instance, to "the caliph's devotion to his subject's welfare," the import of "analogy" as a legal method to attain justice, preferential treatment with regard to status and service, and fiscal justice.¹⁰³

¹⁰² Ibn al-Muqaffa', *Risāla*, 132 (my translation).

¹⁰³ Latham, "Ibn al-Muqaffa' and Early 'Abbasid Prose," 66–70.

The Secretaries' Discourse of Knowledge

What are the characteristics of the secretaries' discourse and its concomitant social order? In light of my definition of a "discourse" (see chapter 1) as well as my examination of the three exemplars of early *adab*, the secretarial oeuvre contains definitive claims of knowledge regarding what constitutes a legitimate government, a just ruler, and an orderly society. These writings do not specifically elaborate on the means through which they have acquired their knowledge, nor on what constitutes legitimate knowledge. Yet they take for granted that their sheer reliance on ancient knowledge (e.g., texts, anecdotes, expertise, historic figures, practices, etc.) lends ample justification to their claims. This they do through introducing a narrative of origin, be it the pseudo-Aristotelian epistles to Alexander the Great or the epistle of a legendary Tansar to the king of Ṭabaristān or the universal claim, made by Ibn al-Muqaffa' at the outset of his *Ādāb al-Kabīr*, that our ancestors were in every respect superior to us.

Their presumed connection to past knowledge notwithstanding, the oeuvre offers something novel, something that provides impetus to the production of new forms of knowledge intended for the new context—i.e., the Arabia/Islamic context. The oeuvre hence plays simultaneously along the themes of continuity and discontinuity. The underlying assumption, it appears, is that valid knowledge is beyond spatiotemporal specificity. In other words, one can adapt knowledge from past millennia and use it as a solid foundation, upon which a legitimate Islamic state can be built. This universalist attitude allowed the secretaries to compose rules of courtly etiquette or to propose an outline for a prosperous government.

The secretarial enterprise as such made it possible to re-appropriate ancient knowledge. Equally important, however, was the re-appropriation of its means of expression—i.e., the Arabic language. For more than a millennium, scholars have praised the literary genius of 'Abd

al-Ḥamīd and Ibn al-Muqaffaʿ, crediting them with the genesis of Arabic prose. We cannot help wondering how someone whose mother tongue or cultural background was not Arabic could possibly create such landmarks of historical significance. The answer, of course, is far from straightforward. We have lost both historic details and the settings that could help us answer the question. Nevertheless, part of the answer, I venture to say, lies in their dire need for a medium to establish a discourse in order to render a new social order possible. The existing literary techniques of the Arabic language, which for the most part were limited to different styles of poetry, simply lacked the necessary means to achieve that goal, but the language certainly had considerable potential to allow them to build one. The secretaries had little interest in the hocus-focus of intense grammatical debates between different schools; they were far more interested in making available to their masters new ideas about statecraft, political knowledge, and imperial traditions.¹⁰⁴ And this they did with the utmost mastery.

These secretaries succeeded in creating textual monuments that changed the landscape of administrative practices, knowledge production, literary imagination, and political thought. To that end, we can focus on a network of texts that shared similar modes of expression, methods of interpretation, and criteria of knowledge. The network hence enabled its representatives to redistribute units of knowledge borrowed from different contexts and to reconfigure them in a new setting that would endow them with new meanings. Interestingly, there are works such as *al-Adab al-Ṣaghīr* that have long been attributed to, but not written by Ibn al-Muqaffaʿ. Yet such writings provide evidence to my conception of the secretaries' discourse and their network of texts. A major development thus can be found in the secretaries' endeavor to take their operation beyond the mundane clerical tasks of, say, recording documents or assessing/collecting taxes. We regard the contributions of the client secretaries as landmark because they targeted not a

¹⁰⁴ See Gibb, "The Social Significance of the Shuubiya," 63–64.

single task, and not even a series of tasks, but rather the very foundation of the dīwān and the polity. This is exactly how the likes of literary compositions and translations discussed in this chapter were pertinent to the work of the dīwān in general, and to knowledge production in particular.

The ancient wisdom had *prima facie* little to do with the daily work of the dīwān. Yet it had a far-reaching impact on the dīwān through creating a common framework of knowledge and practice, which encompassed different actors, especially those from positions of power. It allowed them to share terms and concepts in their understanding of the state administration and the domain of its operation. The literature proved instrumental in raising questions pertaining to power and authority while highlighting their inherent connection with knowledge. Since both the rulers and dīwān secretaries became increasingly interested in the Mirror for Princes literature, their absorption of the same material served to fortify the secretaries' discourse of political and social order. This is what we learn from the later (i.e., third/ninth century) criticism of the dīwān kātibs who in their alleged ignorance of the Qur'an and the Prophetic tradition turned their attention to ancient wisdom.¹⁰⁵

On the practical side, the Mirror for Princes literature alluded to the government's need to move away from arbitrary decision-making and set down general rules of governance to regulate social and economic activities. We saw, for instance, that Ibn al-Muqaffa's *Treatise concerning the Entourage* stressed the creation of clear rules and regulations for tax collection in order to attain justice. We must bear in mind that the Arab ruling class at this time had little prior knowledge of central government, empire-building, and dealing with large-scale political, social and economic problems. The Mirror for Princes literature turned out to be of prime importance in

¹⁰⁵ See, for example, al-Jāhīz, *Dhamm Akhlāq al-Kuttāb*, 608, 613–615; cf. Bosworth, "Administrative Literature," 164; Sellheim and Sourdel, "Kātib; I. In the Caliphate," *EI*², 4:754.

educating the caliphs and their administrators. In that respect, the educational material of the Mirror literature, thanks to its “grounding in practical affairs,” would impact the caliphs’ and governors’ management of the dīwān.¹⁰⁶

What were the implications of this discourse for social order? As this discourse took roots in an urban environment, it appeared to have advocated exploiting the rural populace for the purpose of tax extortion. Glorifying cosmopolitanism, it seemingly resented the tribal and the local. While the majority of the populace lived in rural areas, they were illiterate and disconnected from the burgeoning urbane culture. Adab as a code word for ancient wisdom, polite manners, universalist religion, and cosmopolitan rule did not resonate with rural people. Adab, however, had enormous potential to create an integrative discourse to legitimate systematic exploitation of the rural populace. Reproducing ancient court tales, adab showed the way for empire-building, as the Persians, Byzantines, and Romans had done it for centuries. It also called for the systematic production of knowledge to support an efficient organization of tax assessment and collection. At the same time, the empire relied on a rigid hierarchy with the caliph as the symbol of political and legal authority.

Despite the popularity of this discourse among the foreign-descent elite who had some success in enlisting the caliphs and courtiers, it posed grave threats to bedouin practices and Islamic principles of Arab society. This is not to say that such principles were spelled out unequivocally, but that the secretaries’ discourse did not seem to be in tune with a narrative of egalitarian rule that many religious scholars and partisans had been promoting. To be sure, the empire had already given the Arabs tremendous fruits of wealth and political dominion. Many Arabs, however, did not seem to be willing to enjoy these fruits at the expense of giving up principles and practices that, thanks partly to the conquests and their outcome, had for the first

¹⁰⁶ Bosworth, “Administrative Literature,” 165.

time given the Arabs dominion over the region. Adab would have a chance to survive as a framework of expertise, know-how, tradition, and practice if it underwent a transformation to get rid of too much glorification of ancient wisdom and organized production of secular knowledge. The champions of Muslim law and theology in the second half of the second/eighth century undertook the important mission of devising an alternative framework of knowledge that reclaimed juristic legal authority as well as their responsibility to serve as guardians of the divine law. This alternative framework of knowledge and its conflict with the secretaries' discourse are the focus of the next chapter.

Chapter 4: The Islamic Polity and the Competing Frameworks of Knowledge

“Abū Yūsuf said, ‘if in conquered territories there is an ancient, non-Arabian tradition, which Islam left unchanged and did not nullify, but some Muslims complain to the Imam [caliph] about it while it does not affect them, the Imam has no responsibility to change it.’ Mālik and al-Shāfi‘ī said, ‘it is incumbent upon the Imam to change such tradition no matter how ancient it might be; he ought to abrogate all such traditions set by Muslims, let alone those set by the infidels.’”

—Balādhurī (d. 276/889), *Futūḥ al-Buldān*, 431.

The first two centuries of the Islamic polity may arguably be characterized as an age of confusion. As the expansion of the Muslim Empire gradually slowed down, specific problems of the polity and administration were addressed *ad hoc*. The Umayyad dynasty that ruled the Empire after the retrospectively golden age of the Prophet and the first four caliphs (i.e., the *Rāshidūn*) had a pragmatic attitude toward the administration of the Empire. Though they adopted administrative and imperial practices that were prevalent in the conquered lands, they could not remain ignorant of potential conflicts those practices posed to Islamic precepts.

Many Muslims questioned the Umayyads’ right to caliphate as well as their policies. The rival faction of the Abbasids who in 749 succeeded in overthrowing the Umayyads vowed to adhere to principles of governance set by the Qur’an and the Prophet Muhammad. But such principles were not as clear as we may think with the benefit of hindsight.¹ While Muslim scriptures and Muhammad’s tradition in Medina offered political ideas, there was little consensus as to how those ideas would translate into an efficient government. Three legal opinions, cited at the beginning of this chapter, reflect confusion during the second/eighth century as to how Muslim government was expected to react to the impact of pre-Islamic

¹ See Gibb, “The Evolution of Government in Early Islam;” cf. Crone, “The Early Islamic World,” 321–22.

traditions on Muslim society. This confusion resulted in a lack of legal clarity in matters of administrative import, and through its contribution to the crisis of legitimacy eroded the foundation of the Umayyad caliphate.²

The Umayyads' pragmatic attitude toward ancient administrative practices, as we saw in chapter 3, dovetailed with efforts made by the elite of the conquered who undertook the introduction of such practices into the Islamic polity.³ The secretaries whose social status was raised, thanks to the institution of patronage, facilitated the operation of the Muslim state in conquered territories. While they helped the state to collect taxes that people used to pay to the Persians and the Byzantines, they introduced categories of revenue that were not foreseen in Islamic scriptures, nor in the Prophetic tradition.⁴ The new categories of revenue had a dual effect: they generated enormous wealth and raised the Arabs' standard of living almost overnight; but they posed legal conflicts due largely to the lack in Muslim scriptures of clear guidelines about these categories of revenue, hence exacerbating the crisis of legitimacy.

As demonstrated in chapter 3, the career of Ibn al-Muqaffa', as well as that of his mentors at the Umayyad dīwān, presents a case whereby efforts were made to address the crisis of legitimacy. Interestingly, Ibn al-Muqaffa' completed and presented his *Treatise concerning the Entourage*, not to the Umayyads who suffered gravely from intense domestic conflicts and the resultant crisis of legitimacy, but to the Abbasids who capitalized on those conflicts and succeeded in overthrowing the Umayyads. Ibn al-Muqaffa''s project, then, suggests that the change of caliphate to Abbasid, despite addressing some of the grievances of disenfranchised Muslims, fell short of assuaging the crisis of legitimacy. In other words, the crisis of legitimacy

² My formulation of the crisis of legitimacy stresses the tension in the Umayyad period between certain Islamic tenets—however amorphous they were—and imperial practices. For a different formulation of the crisis, see Crone, *God's Rule*, 33–35; cf. Zaman, *Religion and Politics*, 73–75.

³ See Michael Morony, *Iraq after the Muslim Conquest*, ch. 1.

⁴ Ben Shemesh, *Taxation*, 3:20.

was embedded in the very foundation of the Muslim state and therefore had nothing to do with which dynasty happened to rule the Empire.

Ibn al-Muqaffa's proposal was of utmost importance in setting the precedent in framing political issues of the time and the need to address them in a systematic way. His proposal offered solutions to the problems of political legitimacy, abusive taxation, and the lack of legal clarity in administrative matters. It further sought to promote legal consistency in conjunction with the principle of justice as well as ridding the caliph's entourage of corrupt courtiers and opportunist statesmen. His proposal nevertheless failed to enlist the caliphate and the 'ulamā' alike.

It is hardly a coincidence that the 'ulamā' in the latter part of the second/eighth century composed legal treatises that addressed both structural issues of the polity and minute problems of administration, especially taxation. Two such treatises, called plainly *Kitāb al-Kharāj* (*Book of the Land-Tax*), were authored by two distinguished jurists, that is, Abū Yūsuf (d. 182/798) and Yaḥyā b. Ādam (d. 203/818). These books interest us for three reasons. First, since they were composed in the period under discussion, they can provide insight into the issues with which the legal scholars of the period dealt. Second, they tried to address very specific problems that concerned the government at the time; in fact, the first one by Abū Yūsuf was commissioned by the fifth Abbasid caliph, Hārūn al-Rashīd (r. 170–93/786–809).⁵ Third, despite their titles, they tried to grapple not only with taxation problems, but also with problems of polity and political legitimacy. In doing so, they reveal a great deal about the ways in which they produced knowledge about legitimate governance and sound policies.

The 'ulamā's project *prima facie* speaks to their efforts in providing a religiously acceptable legal framework for different categories of taxation. In so doing, they constructed a

⁵ Abū Yūsuf, *al-Kharāj*, 67; Ben Shemesh, *Taxation*, 3:35.

knowledge-producing enterprise that was capable of offering solutions by tapping into the sacred sources of law. Though some of their hair-splitting discussions, on the face of it, had little connection to the actual operation of the state organization,⁶ they succeeded in devising an alternative discourse that had a claim to true, useful knowledge. What “useful” meant in this context was that the knowledge thus produced was capable of resolving legal controversies pertaining to taxation while at the same time bestowing legitimacy on the polity.⁷ The knowledge had a claim to truth insofar as it relied on the sacred sources, that is, scriptures and tradition, and therefore had the ability to sanction public policies. The secretaries such as Ibn al-Muqaffa‘ had previously made an effort, albeit with little success, to address the caliphate’s manifold problems in those same areas. It was now the ‘ulama’s turn to put forward their alternative framework of knowledge. Before we can examine the abovementioned treatises on taxation in fuller detail, we must first inquire into the conditions that called for composing these treatises.

The Land-Tax, Public Policy, and the Emergence of a Competing Discourse

In no other areas than law, taxation, and public policy can we see as clearly the emergence of a competing discourse that directly challenged the secretaries’ framework of knowledge, examined in the preceding chapter. My goal in this chapter is to take a close look at the abovementioned books of taxation that were composed at the end of the second/eighth century and represented the competing discourse. It is important, however, to ask why this specific area (i.e., taxation) was chosen by legal scholars to launch their project.

⁶ Ben Shemesh, *Taxation*, 3:7, 18, 24.

⁷ An insightful discussion of the epistemological aspects of legal authority is provided in Wael Hallaq, “Juristic Authority vs. State Power: The Legal Crisis of Modern Islam,” *Journal of Law and Religion* 2 (XIX) 2003–2004.

To answer the above question, we must recall that the *dīwān* during the first century of Islam was the secretaries' "turf." That is where they positioned themselves as experts in governmental matters the most important of which turned out to be the issues pertaining to taxation. The majority of these secretaries came from the conquered areas and had knowledge and experience about tax practices that were prevalent in those areas prior to the conquests. Of further importance is the status of taxation in Islamic law. As discussed in chapter 1 and mentioned briefly earlier in this chapter, neither the Qur'an nor Muḥammad's tradition contained any reference to *kharāj* (land tax) as a major tax category. Granted that 'Umar I had chosen to keep the conquered people in al-'Irāq on their lands and to collect land tax from them, but his policy was far from consistent (see chapter 1). This lack of a clear legal guideline made the land-tax religiously suspect. The new rulers, however, were not going to forego such a lucrative source of revenue which, compared to spoils of war, provided a more certain and steady stream of revenue, but the potential legal conflict had yet to be resolved. The conflict did not seem to bother the Umayyads or perhaps the conflict was not yet made explicit. This conjecture is supported by the fact that the Umayyad caliph 'Umar II, who is often placed in the same rank as the *Rāshidūn* caliphs, never contemplated abolishing the land tax since the conflict was not as transparent as it later became.

The sources are silent on the existence of any books or treatises on taxation during the Umayyad reign. We can confidently presume that no one made an attempt to write such a text. It also appears that the practical knowledge of assessing and collecting land tax was part of the secretarial craft. 'Abd al-Ḥamīd's *Epistle to the Secretaries*, as my review in the chapter 3 showed, highlighted the secretaries' need to acquire knowledge of taxation. Ibn al-Muqaffa's *Treatise concerning the Entourage*, addressed to the caliph al-Manṣūr, also stressed the need for

a transparent system of taxation. Nevertheless, no one seems to have tried to compose a book on this particular subject.

The first book on taxation was written by Abū ‘Ubayd Allāh Mu‘āwiya b. ‘Abd Allāh (d. 170/786), the secretary and adviser to the third Abbasid caliph al-Mahdī (r. 158–169/775–785). The book is no longer extant and, oddly enough, there is little reference to it in the primary sources. According to Ibn al-Ṭiqṭaqā’ (d. 709/1416), Abū ‘Ubayd Allāh set the precedent for books on taxation and subsequent scholars followed suit.⁸ Like other secretaries, discussed in the preceding chapter, Abū ‘Ubayd Allāh came from the pre-Abbasid conquest milieu: he was reportedly a converted Jew whose father also served the Umayyad administration in Palestine.⁹ He was attached by the caliph al-Manṣūr to the crown prince Mahdī when the latter was sent to rule the province of Ray in northern Persia.¹⁰ As such, Abū ‘Ubayd Allāh became Mahdī’s personal secretary and adviser, and when in Dhu al-Ḥijja 158/October 775 Mahdī succeeded his father as the third Abbasid caliph, Abū ‘Ubayd Allāh was automatically promoted to the position of the vizier.¹¹

During his vizierate, Abū ‘Ubayd Allāh embarked on changing the entire system of land tax from a fixed, lump-sum tax to a proportion of the crop yield (*muqāsama*).¹² Some time during the same period he composed his book on taxation which is believed to have been the first book devoted in its entirety to discussing efficient methods of assessing and collecting land tax. We lack information concerning the conditions that led to the composition of this book. We

⁸ Ibn al-Ṭiqṭaqā’, *al-Fakhrī fi al-Ādāb al-Sulṭāniyya wa al-Duwal al-Islāmiyya*, 179–80; see Ben Shemesh, *Taxation*, 3:9–12.

⁹ Goitein, “The Origin,” 180–81; Ben Shemesh, *Taxation*, 3:9.

¹⁰ Ibn al-Ṭiqṭaqā’, 179–80.

¹¹ As I explained in chapter 2, the position of the vizier was not institutionalized at this time. Nevertheless, the sources speak of the figures such as Abū ‘Ubayd Allāh who were very close to the caliph as the vizier.

¹² Qudāma b. Ja‘far, *al-Kharāj*, 222–23, Ben Shemesh, *Taxation*, 2:40–41; Ibn al-Ṭiqṭaqā’, *al-Fakhrī*, 179–80; Paul Heck, *The Construction of Knowledge in Islamic Civilization*, 152 (n. 18); cf. Goitein, “The Origin,” 181; Ben Shemesh, *Taxation*, 3:9–11.

cannot be certain whether Abū ‘Ubayd Allāh took the initiative to address tax issues or whether he was commissioned by Maḥdī to write such a book. In any case, it is remarkable that with this book the entire system of taxation, which since the time of the caliph ‘Umar I was based on fixed taxation, began to change to proportional taxation. Unfortunately, Abū ‘Ubayd Allāh’s public service was fraught with controversy, which must have affected his legacy. When in 161/777–78 Maḥdī learned that Abū ‘Ubayd Allāh’s son belonged to a heretic (*zindīq*) sect, he removed Abū ‘Ubayd Allāh from the vizierate and had his son executed.¹³ Abū ‘Ubayd Allāh’s deposition was part of a larger plot by other courtiers, especially Rabī‘, the caliph Maḥdī’s chamberlain, to remove Abū ‘Ubayd Allāh from the position that had allowed him to exert much influence on the caliph. At any rate, Abū ‘Ubayd Allāh was sent to the *dīwān* of correspondence where he continued his public service until 167/783 at which time Maḥdī ordered that he be removed from that position.¹⁴

Abū ‘Ubayd Allāh’s book had reportedly treated both legal/religious aspects of taxation although the author, as far as the sources reveal, was not a legal or religious scholar.¹⁵ It is noteworthy that, as we saw in previous chapters, some high-ranking advisers during the ‘Umayyad reign addressed themselves to structural and foundational issues of the administration. It appears that the same trend continued through the early Abbasid reign. Ibn al-Muqaffa‘ who composed his *Treatise concerning the Entourage* for the caliph al-Manṣūr was also not a religious or legal scholar. Abū Ayyūb Mūryānī who advised the same caliph for a good part of his caliphate openly claimed to be well-versed in every field of knowledge save jurisprudence (*fiqh*).¹⁶ Other courtiers such as the famous Barmakīs had no claim to religious knowledge and

¹³ Ṭabarī, *Ta’rīkh*, 8:136–39; Mas‘ūdī, *Murūj*, 3:312; see also Ibn Khallikān, *Wafayāt al-A’yān*, 5:387, 392.

¹⁴ Ṭabarī, *Ta’rīkh*, 8:165.

¹⁵ Ibn al-Ṭīqṭaqā’, *al-Fakhrī*, 180.

¹⁶ Jahshiyārī, *al-Wuzarā’*, 97.

are not expected to have been particularly observant of religious law in their activities as public officials. This is not to say that they displayed any disregard toward Islamic law, but that they did not seem to make any extra effort to exhibit religious zeal or commitment to executing Muslim law over and above what was already part of the public policy.¹⁷

It is true that, apart from sporadic exceptions, the court and administrative officials were almost always from civil administrative and military ranks as well as from noble families. However, we should note a change from the Umayyad and early Abbasid period when the examination of foundational issues was gradually taken over by religious and legal scholars regardless of whether or not they officially worked for the government. Abū Yūsuf exemplifies this change. A prominent legal scholar and chief justice under Maḥdī's son, the caliph Hārūn al-Rashīd, Abū Yūsuf was a contemporary of Abū 'Ubayd Allāh and wrote a treatise that not only stands out as an early specimen of legal compositions in Islam, but also fortified the legal aspects of taxation, including the new system of proportional taxation (*muqāsama*).

The lack of a comprehensive legal system did not go unnoticed by religious scholars. Abū Yūsuf, one of the main founders of the Ḥanafī School of law, attended to this shortcoming. He was the first chief justice (*qāḍī al-quḍāt*), appointed to this position after Islam.¹⁸ Unlike Ibn al-Muqaffa' who took the liberty to address himself to the caliph in his *Treatise concerning the Entourage*, Abū Yūsuf was commissioned by the caliph Hārūn al-Rashīd to compose “a

¹⁷ When Hārūn al-Rashīd ascended to the throne, he appointed Yaḥyā b. Khālid Barmakī as his vizier and told him to attend to the affairs of the state with full authority, but did not mention any need to observe Muslim law; see Tabarī, *Ta'rikh*, 8:233.

¹⁸ Wakī' talks about Abū Yūsuf's appointment as chief justice without mentioning anything about him being the first one, see *Akhbār al-Quḍāt*, 3:256. Mas'ūdī relates that Abū Yūsuf was appointed chief justice in 166/782 when Hārūn's brother and predecessor, the then Crown Prince al-Hādī, set out for Gurgān in northern Iran; Abū Yūsuf remained in that position for 15 years; see *Murūj*, 3:340; cf. Ibn Nadīm, *al-Fihrist*, 203; al-Maḥdī, *Aḥsan al-Taqāsīm*, 131. Schacht, “Abū Yūsuf Ya'qūb b. Ibrāhīm al-Anṣārī al-Kūfī,” *EF*², 1:164a; Ann Lambton, *State and Government in Medieval Islam*, 55. Schacht also believes that the position of the judge (*qāḍī*), just as the office of the “clerk of the court” or secretary (*kātib*) was adopted from ancient Persia, see *Introduction to Islamic Law*, 21–22.

comprehensive book, to be used for the purposes of the collection of the kharāj taxes, the custom duties, the Sadaqāt [charitable] levies and the Jawālī (Poll-tax).”¹⁹

We have no information concerning the circumstance under which Abū Yūsuf was told by the caliph to compose such a book. We may envision that Abū Yūsuf, having been the highest legal authority in the empire, might have remarked to the caliph about legal deficiencies of the tax system and the caliph may in return have tasked him with attending to the issues and their remedies in a book. Be that as it may, it is striking that the book is more than a legal text on taxation, for it includes general recommendations for public policy, an examination of political ideals, rules of arbitration, the caliph’s relation to the judiciary system, details about the history of early Islam, moral virtues, and, in short, Islamic teachings on a wide array of issues. As a matter of fact, Abū Yūsuf seizes the opportunity to present his thoughts not only on an ideal Islamic state, but also on methods of generating knowledge about such a state and its foundation. It is precisely this aspect of his *Book of the Land-Tax* that makes it worthy of investigation and of comparison with other works analyzed in the preceding chapter.

Abū Yūsuf’s *Book of the Land-Tax* bears considerable resemblance to Ibn al-Muqaffa’’s *Treatise concerning the Entourage* in that they both lay emphasis on principles of justice as a guidepost for public policy. Just as Ibn al-Muqaffa’ stresses the supreme position of the ruler and his key role in imposing justice and order, so also Abū Yūsuf reminds the caliph of the privileged position God has afforded him.²⁰ Both Ibn al-Muqaffa’ and Abū Yūsuf use taxation as an example of public policy in which justice, or lack thereof, manifests itself. Their texts expose foundational problems endemic to tax extortion such that the prevalent methods left the subject at the mercy of tax collectors and robbed them of the fruits of their labor as well as of their

¹⁹ Abū Yūsuf, *al-Kharāj*, 67; Ben Shemesh, *Taxation*, 3:35.

²⁰ Abū Yūsuf, *al-Kharāj*, 68–69; Ben Shemesh, *Taxation*, 3:36–38.

human dignity. While Abū Yūsuf and Ibn al-Muqaffa‘ advocate different systems of taxation, they make recommendations for building a transparent system to allow farmers to know beforehand what they will owe the state. Whereas Ibn al-Muqaffa‘’s recommendations concerning taxation addressed the system in its entirety, Abū Yūsuf takes care to point out violations of justice that must be avoided at all costs. Having the state’s interests in mind, Abū Yūsuf vehemently warns against the maltreatment of taxpayers reported directly to him.²¹

There is a sense, however, in which Abū Yūsuf’s work belongs to an entirely different category of knowledge production, hence adhering to a different vision of social order. From the outset, Abū Yūsuf makes explicit that government should be based on the criteria defined in scriptures and the Prophetic traditions. Although the caliph has a prerogative to choose from among various legal options in certain matters, the point remains that those options derive from sources whose authority lie beyond the caliph’s choosing. With this in mind, it behooves us to review the content and composition of Abū Yūsuf’s treatise, and put in perspective the social order it seeks to advance.

Abū Yūsuf’s Kitāb al-Kharāj (Book of the Land-Tax)

Kitāb al-Kharāj is a grand edifice that projects a mosaic of religious beliefs and legal opinions in the context of idealized Islamic history. Every section of the book, including the opening address, dedicated presumably to the caliph Hārūn al-Rashīd, begins with a general remark about the importance of the subject matter from an Islamic point of view. Following the general remark, a series of traditions is attributed to the Prophet Muḥammad and the first four caliphs (the *Rāshidūn*) plus Umar II. The order in which the traditions appear reflects their chronological

²¹ Abū Yūsuf, *al-Kharāj*, 70, 248–55; Ben Shemesh, *Taxation*, 3:105–06.

priority as well as their thrust in establishing legal precedence.²² Hence, the number of traditions attributed to the Prophet and the first two caliphs far exceeds those attributed to the other three unless the matter at hand had no precedent at the time of Muḥammad or his immediate successors. The final product reflects a grandiose undertaking in creating a textual harmony that establishes an idealized view of Islamic polity, history, and law.²³ The hierarchical character of the text exhibits such interdependency that the production of legal knowledge relies on the configuration of sacred traditions as presented in the text.

The book's opening address highlights the gravity of government and the enormous burden on the caliph's shoulders. The caliph is characterized as God's vicegerent on earth who must remain mindful of his crucial role. This section reminds the caliph of the core Muslim dogmas and moral principles, and that the government must strive to promote these beliefs and principles. Abū Yūsuf further stresses the ephemeral nature of this world and its orientation to the afterlife. When it comes to the polity and public policy, justice and equality take the center stage: "May all persons, the near and the far, be equal in your eyes when you enforce the Commandments of Allāh, and do not be deterred on this, your path, by condemnation and

²² The presumed superiority of the early caliphs was established in a long contentious process throughout the Umayyad and Abbasid periods; see Zaman, *Religion and Politics*, 50–52.

²³ The exception to the order of priority, as to be expected, is when the precedent was set after the Prophet or after the first caliphs. Such is the case of stipends paid to the Arabs from the *dīwān*—a practice that was established during Umar I (see chapter 2). Therefore, these traditions deal predominantly with 'Umar I. Interestingly enough, 'Umar I would evoke the Prophet's tradition or pertinent Qur'anic verses when he engaged in disputes with the community's elders or with those who would not agree with his policies (e.g., his method of distributing the spoils of war, his decision to not let the Muslim Arabs take over the ownership of the conquered lands in al-'Irāq, etc.). In addition to the traditions attributed to the Prophet and his companions, other types of tradition include legal opinions expressed by legal scholars and observations of certain matters by presumably trustworthy witnesses. Tradition is important even if it seemingly is inapplicable, for instance, the Prophet's private income. As the Prophet is no longer alive, it is a moot point how his income was determined. Yet it is important on several grounds: first, it reinforces the method of generating legal knowledge; second, tradition, especially for a Ḥanafī jurisconsult such as Abū Yūsuf, can provide enormous material for analogical or inferential reasoning; third, it may be argued that certain aspects of the Prophet's life could be applicable to the Muslims, especially his successors—i.e., the caliph. At any rate, the textual construction as such establishes a mode of justification and authority conducive to a forceful self-referentiality whereby tradition begets tradition and creates immunity to outside criticism. Only a new tradition of the same type can potentially challenge the validity of the knowledge thus produced, but even in that case, the new tradition still ascertains the method of generating legal knowledge.

reproof.”²⁴ Abū Yūsuf makes little effort to conceal his critical overtone and pulls no punches in claiming the role of spokesman for Islamic scriptures and traditions, hence establishing his authority, a la chief justice, in relation to the caliph. Relying confidently on his knowledge of legal sources, Abū Yūsuf makes explicit that the caliph’s status has no bearing on how his actions will be judged by God:

Do not meet Allāh tomorrow while you are on the path of transgressors, for He judges people, on the Day of Judgment, according to their actions and not according to their status. Allāh has warned you, so take warning: you were not created to no purpose, and you will not be abandoned for no reason. Allāh will make you responsible for your behaviour and your actions, so prepare your replies.²⁵

The emphasis Abū Yūsuf lays on moral and legal principles serves two purposes. On the one hand, it allows him to dispense advice from a position of authority. On the other hand, he reminds the caliph of the egalitarian message of Islam long neglected by his Umayyad predecessors.

In concluding paragraphs of this introductory chapter Abū Yūsuf stresses “the revival of the study of Precedents and Traditions, laid down by the pious and devout,”²⁶ and goes on to hope that acting in accordance with those principles “will grant you your taxes in abundance, without oppression of Muslim or Dhimmī, and will cause your subjects to be loyal to you.”²⁷ What, then, are those “Precedents and Traditions” that, per Abū Yūsuf’s recommendation, must inform the public policy? These are reports of the Prophet and his companions, together with Qur’anic verses, that sanction certain types of the polity and public policy. The fact that the Prophet’s traditions, as well as those of his companions, constitute the core of Abū Yūsuf’s recommendation speaks to the import of such traditions as a source of generating knowledge

²⁴ Abū Yūsuf, *al-Kharāj*, 68; Ben Shemesh, *Taxation*, 3:36.

²⁵ Abū Yūsuf, *al-Kharāj*, 69; Ben Shemesh, *Taxation*, 3:37 (with modifications)

²⁶ Abū Yūsuf, *al-Kharāj*, 71; Ben Shemesh, *Taxation*, 3:38.

²⁷ Abū Yūsuf, *al-Kharāj*, 72; Ben Shemesh, *Taxation*, 3:39.

about the polity. Hence, it does not matter that the content of some traditions seem to contradict others. What is important, then, is that the tradition as a whole lends support to both types of advice, thereby leaving enough room for interpretation according to interests and priorities as well as to the actual state of affairs. This setting works to the best interest of both Abū Yūsuf and the caliph. Arranging traditions in such a way as to lead to the purpose he intends them to serve, Abū Yūsuf enjoys wide latitude in configuring the setting in which the traditions appear. His unique position as a jurist, chief justice, and adviser to the caliph indicates his success in speaking for legal sources—i.e., scriptures and traditions—and in claiming power associated with his legal authority.

Besides the introduction, every other chapter is devoted to a particular legal issue as pertains to spoils of war, *'ushr* (tithe), land tax, poll tax, custom duties, and so forth. These chapters and subsections therein follow the same order as the introduction, that is, Abū Yūsuf provides a brief overview of the issue under discussion along with his own legal opinion and a list of viable solutions, often with an air of skepticism, while leaving to the caliph to choose from among different legal options. He then goes on to supply a dozen or so traditions from the Prophet and other caliphs in the same chronological order as specified before. The traditions essentially lend support to Abū Yūsuf's position or that of other solutions advocated by other legal scholars. There are often historical reports, incorporated into the body of legal interpretations and traditions, that shed light on the subject-matter. Remarkably Abū Yūsuf demonstrates a liberal attitude toward legal issues to the effect that he is usually not bent on proving his own position and frequently cites traditions that may run counter to his opinion.

Abū Yūsuf takes advantage of the opportunity to expand his discussion beyond the tax law and its complications to address other legal, political, economic, and social matters.

Examples include prohibition of the release of prisoners of war for ransom, rules of arbitration, beasts of Muslim army that cannot be returned from the enemy's territory, the caliph's juridical role and the importance of his presiding over public tribunals, and so forth. There is good reason to believe that his advice on such topics was not solicited. The tax-related sections usually begin with a phrase such as "You inquired about [the issue]," followed by an exposition, which details Abū Yūsuf's legal opinion and other pertinent matters. When the matter falls under a broader (or different) category than taxation, this phrase is not included. This difference, to my mind, cannot be coincidental and, in fact, speaks to Abū Yūsuf's intent to treat any and all issues that pertain to the polity while he has the caliph's attention. The inclusion of such topics lends support to the hypothesis that Abū Yūsuf adopted a holistic approach to the question of taxation, regarding it as part of a much greater question of sound governance that may not be left unattended.

In view of his holistic approach, Abū Yūsuf's enterprise uncovers a curious reaction to the secretarial discourse expounded in chapter 3. The secretarial discourse, as we have seen before, started with the translation of ancient gnostic texts, but soon its implications for knowledge production, political legitimacy, and social order became clear. The secretarial discourse felt no need, however, to attend to minute technical issues of taxation because the Arab administration was already operating in accordance with the ancient practices imported from Persia and Byzantium. Thus established, the emerging discourse of secretaries devoted its efforts to matters of grander import that implicated the government as a whole. Their undertaking culminated in Ibn al-Muqaffa's *Treatise concerning the Entourage*, which provided unsolicited advice to the caliph al-Manṣūr and urged him to adopt policies that had no apparent opposition to the teachings of Islam, but ran counter to the 'ulamā's preferred method of decentralized, localized legal authority. Viewed in this light, Abū Yūsuf's *Book of the Land-Tax* appears like a

concerted effort to establish a rival discourse. Having earned the highest legal authority in the caliphate, Abū Yūsuf was already in a position to exert immense influence on the caliph. Though the caliph Hārūn al-Rashīd purportedly commissioned the book, the question remains as to how the need for a legal compendium was felt in the first place. This is an important because Abū Yūsuf's book seems to have contributed not much to the technical, but rather to the legal aspects of taxation. The method of proportional taxation had already been adopted under al-Rashīd's father, the caliph al-Mahdī. What, then, is Abū Yūsuf's contribution to the Islamic administration?

I suggest that Abū Yūsuf's main contribution lies in his thoroughgoing approach to the question of knowledge, which simultaneously engages questions of political legitimacy, legal authority, and public policy. He composed his book in such a way as to make a case for the use of Islamic legal sources, rather than the so-called ancient political wisdom and legal advice provided by the contemporary secretaries such as 'Abd al-Ḥamīd and Ibn al-Muqaffa'. Given one and a half century of administrative experience under the Muslim empire, inclusive of both the Umayyads and the Abbasids, how is it that Abū Yūsuf's text includes not a single piece of information about that experience and its implications for his grand construction of a legal framework? Could it be that Abū Yūsuf, like his contemporary Aḥmad b. Ḥanbal (d. 241/855), thought that one should not even repeat a false idea lest he assist its dissemination, hence inadvertently promoting the idea?²⁸ If not, why is it that he does not engage the existing body of administrative (secular) practices and expertise in the same or similar way as he deals with Muslim legal precedents? The chief justice of the empire could not have been unaware of the fact that the administration depended on the knowledge of such practices and expertise for the collection of taxes. True, Abū Yūsuf makes sporadic references to the dīwān, but it hardly

²⁸ Quoted in Abū Ḥāmid al-Ghazzālī, *Al-Munqidh min al-Dalāl*, 28.

escapes one's attention that his account of the *dīwān* invokes a legal precedent inasmuch as it was founded by Umar I, the second caliph in the *Rāshidūn* lineage. Otherwise the *dīwān*, its secular legacy, and its connection to pre-Islamic practices receives no treatment in Abū Yūsuf's discourse.

A viable answer to the above questions may be found in what I have already suggested; that is, it was far more important for Abū Yūsuf to inculcate a new foundation for law and authority, rather than engage the existing one and give the impression that he might be in agreement at least with parts of the existing discourse. It appears, then, that Abū Yūsuf was troubled by too much emphasis placed by the secretaries and their Persophile allies on the ancient legacy of political philosophy as well as their continued efforts to influence the caliphate. It was only natural that Abū Yūsuf would take issue with certain expertise and administrative practices as well as the authority that rested with the *dīwān* secretaries. Hence, Abū Yūsuf championed a novel enterprise that reinforced knowledge about sources of divine law. Historians of Islamic jurisprudence often overstate opposition between the Ḥanafī School of law, to which Abū Yūsuf belonged, and *ahl al-ḥadīth* who supported tradition vis-à-vis analogical reasoning. As such Abū Yūsuf is not expected to have much interest in traditions. Yet, as we have seen, the bulk of his book is filled with traditions although he does not seem to care much about the nitty-gritty of traditionalist analysis such as preoccupation with the chain of transmission (*isnād*) and the like.

Taken together, the traditions in Abū Yūsuf's legal masterpiece serve a dual purpose: on the one hand, they help validate legal knowledge on multiple levels (e.g., they supply the content of legal knowledge; they solidify the methodology required for generating such knowledge; they

provide a foundation for an idealized history, etc.).²⁹ They further reinforce the notion that “knowledge” must derive from such traditions that are rooted in time-tested practices of the past, sanctioned by scriptures and traditions set by the Prophet or by his trusted companions. On the other hand, just as the ‘ulamā speak for the traditions as source of knowledge, so they enjoy increased authority associated with that knowledge and acquire a privileged position in negotiating with other social actors.³⁰ Thus produced, this knowledge exemplifies the ‘ulamā’s projection of social order. Their vision of this social order, however, was far from clear and uniform. Indeed, the text betrays a marked tension between different approaches to governance. A variety of traditions cited in support of different visions reveal deep-seated conflicts not only in the Islamic state, but also in legal opinions of various scholars.

I argue that Abū Yūsuf’s view of social order, unlike Ibn al-Muqaffa’s as discussed in the preceding chapter, did not favor a powerful central government for imposing law and order. This may be inferred from legal issues that, as a matter of principle, should fall under the state’s jurisdiction. Consider the rules of arbitration:³¹ If the state allowed unstructured arbitration to be conducted by individuals who may be deemed qualified in the eyes of the local people but do not meet the state’s criteria for adjudication, it could simply lead to consequences beyond the state’s control. True, Abū Yūsuf has attempted to set rules for such arbitration in order to bring it within the government’s general legal framework, but this would allow people to take the liberty in settling their disputes in accord with their local concerns and legal precedents accumulated over

²⁹ Not all of these components of knowledge production were in full bloom at the time of Abū Yūsuf. In particular, legal theory (*‘uṣūl fiqh*) had to wait another century or so before it became an important sub-discipline of Islamic law. Nevertheless, all these components were at least “in embryo”—*pace* Hallaq—and were utilized by jurists in some preliminary ways; see Wael Hallaq, *The Origins and Evolution of Islamic Law*, 5, also ch. 5.

³⁰ See Hallaq, *The Origins*, 102–03, 183–84.

³¹ Abū Yūsuf, *al-Kharāj*, 397–403; Ben Shemesh, *Taxation*, 3:63–65 (abridged).

time without deferring to the state's authority. In that respect, Abū Yūsuf's approach seeks to restore social order of tribal society where decisions were made locally.

Furthermore, the text informs the caliph of the wide latitude he has in choosing from among various legal choices some of which strengthen the caliph's position at the expense of the local community or of established tradition. We find an example in the question concerning *qaṭā'i* (land grants) previously established in al-ʿIrāq. On this matter Abū Yūsuf urges the caliph to adhere to the *sunna* (tradition), established by previous just rulers, specifically ʿUmar II, in honoring private ownership and in continuing to levy *kharāj* (land tax) or *ushr* (tithe) or any other pertinent category, hence refraining from changing the ownership or the tax category.³² Subscribing to the tradition thus established, Abū Yūsuf goes on to allow the caliph to introduce changes to the tax category as he sees fit.³³

Sunna (tradition) plays a complex role in Abū Yūsuf's legal scholarship. The tradition, on the face of it, appears like a bundle of information from the Prophet as well as his companions and immediate successors. It provides for a legal foundation that supplements scriptures. Yet Abū Yūsuf has a sophisticated notion of tradition, which encompasses the accepted practices of the past over and above the precedents set by the Prophet, his successors, and his companions. We find, for example, in Abū Yūsuf's discussion of taxation in Syria and the Jazīra a certain *shaykh* (i.e., a "a learned man" in this context) who informs him of past practices.³⁴ It is quite

³² Abū Yūsuf, *al-Kharāj*, 169–71; Ben Shemesh, *Taxation*, 3:73–74.

³³ Abū Yūsuf, *al-Kharāj*, 172–75; Ben Shemesh, *Taxation*, 3:74–75.

³⁴ This thoroughgoing notion of tradition dovetails with a literary project in late second/eighth century to collect and compile tribal traditions. Hamilton Gibb speaks of the "political struggles" that shaped this endeavor. He further mentions that the work of Arabic/Islamic tradition was devoid of Persian and Byzantine influences; see Gibb, *Arabic Literature*, 58-59. This being the case, the emphasis on tradition and its source materials for the production of knowledge was conceivably in reaction to the immense cultural borrowings of the early period from ancient cultures. This is of importance for my discussion as it shows how new materials for building an alternative notion of "tradition" and "knowledge" was mustered. It is also important in light of increasingly urbanized life which perhaps created a sense of nostalgia for the Arabs who were now cut short of their tribal past. As my analysis demonstrates

likely that the Abbasid state felt a dire need to readjust the tax rates that had been fixed more than a hundred and fifty years before in the aftermath of the initial conquest of Syria and the Jazīra. The subjects might have found this initiative unacceptable and therefore resisted proportional taxation. At this point the shaykh enters the scene as *dues ex machina*, allowing for a change in the administrative practice that was rooted in the dīwān records and past precedents.³⁵

Such tensions in the text have led Norman Calder to conclude that the text was not composed by one author, and definitely not by Abū Yūsuf, but perhaps “by redactors working for the government” who picked and chose from traditions and legal opinions in order to produce a legal treatise that supports the government’s tax policy.³⁶ Standard phraseology such as *qāla Abū Yūsuf* (“Abū Yūsuf said”) suggests to Calder that the text was not composed by Abū Yūsuf,³⁷ nor was it ever dedicated to, or commissioned by, the caliph Hārūn al-Rashīd, as it is normally presumed.³⁸ Calder suspects that the redactors assembled pre-existing written segments and imposed homogeneity, best as they could, through inserting formulaic expressions and a focal concern, but “unnecessary repetition” and the curious way of separating chapters reveals their attempt at creating such a legal document.³⁹ Aside from these stylistic issues, Calder traces the alleged government redactors in legal content and methodology. Proportional taxation (*muqāsama*) is one such case in which legal material is molded in the hands of the putative redactors in order to create “a coherent, logical argument, sustained at considerable length and

in this chapter, Abū Yūsuf seemed to advocate local methods of decision-making and reconciliation that favored tribal relations vis-à-vis centralized governance.

³⁵ Calder, *Studies*, 137.

³⁶ *Ibid.*, 130.

³⁷ *Ibid.*, 109. Calder differentiates between the formula, “Regarding your question, O Commander of the Faithful, Abū Yūsuf said,” and the formula, “Abū Yūsuf said, O Commander of the Faithful, regarding your question” whereby the former suggests an appeal to Abū Yūsuf’s authority and the latter suggests authorship.

³⁸ *Ibid.*, 110.

³⁹ *Ibid.*, 114–15.

unified throughout by clear principles of logical control and setting.”⁴⁰ This endeavor reflects the government’s effort in producing a legal framework that legitimates its policies in taxation and in domination of the subject.⁴¹ Thus constructed, the legal discourse relied on both a historical narrative of the conquests and a rival discourse of knowledge that bestowed legitimacy on government policies while in return acquiring social authority.

Calder’s argument merits special attention in that it highlights, without explicitly stating, the connection between legal knowledge and political authority. As far as historical details are concerned, however, it seems that his argument is not well supported by adequate evidence.⁴² To begin with, Calder casts doubt on the received idea that the book was composed at the behest of the caliph al-Rashīd, for the author calls on the caliph with his generic agnomen “the Commander of the Faithful (*‘Amīr al-Mu’minīn*)” without pronouncing his given name. Plus, the identity of the addressee is not readily discernable from the book. Calder suggests, rather, that the book was redacted, drawing on diverse materials, not for the caliph al-Rashīd, but for one of his successors, the caliph al-Muhtadī (r. 255–56/869–70). Relying on the authority of Ibn Nadīm who reports that the jurist al-Khaṣṣāf was commissioned by Muhtadī to write a treatise on taxation, Calder suggests that it makes more sense to conceive of the text as a composition by Khaṣṣāf.

First of all, no such a book that was commissioned by a caliph would address him by his given name, but rather by his honorifics; it would simply be inconceivable to do otherwise. If the lack of clear identification, as Calder argues, signals false attribution, how then can we suppose that the book was composed for Muhtadī? After all, his name is not mentioned either. Nor is there an independent, solid evidence to support that Khaṣṣāf wrote, or redacted, the book. Just as

⁴⁰ Ibid., 121.

⁴¹ Ibid., 121, 123

⁴² See Zaman, *Religion and Politics*, 91–93.

Ibn Nadīm informs us of a certain *Kitāb al-Kharāj* by Khaṣṣāf, so does he list among Abū Yūsuf's writings a *Kitāb al-Kharāj addressed to al-Rashīd*.⁴³ As a rule, the titles mentioned in Ibn Nadīm's *Fihrist* are those inspected by him unless otherwise stated. We are led to conclude that Ibn Nadīm personally saw a copy of what was then believed to be Abū Yūsuf's *Kitāb al-Kharāj*. I envision that both Abū Yūsuf and Khaṣṣāf, having been legal advisers to the respective caliphs of their times, wrote books on taxation, as did many others. In fact, there existed over twenty books with the common title of *Kitāb al-Kharāj* of which no more than three seem to have survived.⁴⁴ Ibn Nadīm attributes, for instance, a *Kitāb al-Kharāj* to Hassan b. Ziyād al-Lu'lu'ī (d. 204/819) who like Abū Yūsuf was a disciple of Abū Ḥanīfa.⁴⁵ It makes perfect sense that the execution of new tax policies required legal justification and Ḥanafī scholars, including Abū Yūsuf, Lu'lu'ī, and Khaṣṣāf, stepped up to the plate to do just that. In fact, Ibn Nadīm lists about ten other titles on taxation.

In addition to the empirical aspects of his revisionist assessment, Calder's literary analysis deserves special mention. To be sure, the field of Islamic studies needs more of this kind of textual analysis that deconstructs both form and content, and exposes uncritical homogeneity and uniformity that many scholars tend to ascribe to texts. The meticulous dissecting of the text has allowed Calder to expose multiple layers that might have been accumulated in the long process of transcription or the alleged redaction and interpolation. Some of the premises, however, upon which Calder builds his argument may not stand up to critical scrutiny or may simply be unfounded. He makes so much, for example, of "unnecessary repetitions" throughout the text, which appear to him as indications of redaction. We must bear in mind that repetition is

⁴³ Ibn Nadīm, *al-Fihrist*, 203, 206; cf. Zaman, *Religion and Politics*, 93.

⁴⁴ Ben Shemesh, *Taxation*, 1:3–6.

⁴⁵ Ibn Nadīm, *al-Fihrist*, 204.

a common feature of many medieval Islamic texts. The Qur'an, by far the most important text of Islamic law, is full of repetitions.

We can envision that various topics are treated in different chapters of Abū Yūsuf's text depending upon how relevant they might have been to the flow of his discussion. This is not to rule out the possibility of redaction, which must always be considered when dealing with texts that are drawn from copied manuscripts. It is always possible that the scribes or students who copied the text and added commentary might have inflated the text with repetitions. My contention is, rather, that the sheer existence of repetitions cannot be construed as an indication of corruption. Nor can the contradictory traditions or views lend themselves to the presumption that they were interpolated by someone other than the original author. Why would the alleged "government redactors" not simply get rid of such contradictory cases so as to ward off the future charge of corruption? Why would Khaṣṣāf, being an accomplished legal scholar, not create a more coherent text and attach his own name to it, as Ibn Nadīm's report suggests, rather than giving the false impression that Abū Yūsuf had composed the text?

Aside from the literary form, there are issues pertaining to the content of legal knowledge. Perhaps *muqāsama* or proportional taxation is the most important of policies advocated in the text. Calder is right that "a decisive moment (if not the decisive moment) in the transition from *misāḥa* [flat lump-sum tax] to *muqāsama* was at the time of the production of this text."⁴⁶ He is most likely incorrect, however, in locating "the decisive moment" at the time of the caliph al-Muhtadī, that is, about seventy years or so after the book was written by Abū Yūsuf.⁴⁷ As we saw, about a hundred years earlier the caliph al-Mahdī had mandated the change of the

⁴⁶ Calder, *Studies*, 122–23.

⁴⁷ *Ibid.*, 147–48.

system from fixed to proportional taxation.⁴⁸ We further saw that the first book of taxation was composed by Maḥdī's adviser, Abū 'Ubayd Allāh, in which he made a case for adopting a new policy of proportional taxation.

Recounting this crucial development in tax policy, Qudāma b. Ja'far (d. ca. 320/932) who authored the third surviving book on taxation asserts that Maḥdī "accepted this recommendation [for proportional taxation] and it was put into practice."⁴⁹ It may be envisaged that Maḥdī, for practical or legal reasons, did not succeed in executing the new system, or if he did, it was not implemented everywhere at the same time, or perhaps it evoked adverse reaction on the part of both the subject and legal scholars as may be inferred from certain passages in the text. Under these circumstances, then, his son, the caliph Hārūn al-Rashīd would seek measures to increase the efficient implementation of proportional taxation, for which he probably commissioned the book from Abū Yūsuf. This interpretation seems more reasonable while it does not rely on too much speculation or on information for which little or no evidence in the primary sources may be found.⁵⁰

Notwithstanding my disagreements with Calder on specific details and interpretations, I take a great deal of interest in his findings. To begin with, his characterization of the opening address as "more *adab* than *fiqh* [jurisprudence]" is in line with my assessment in chapter 2 of *adab* as an integrative framework that the secretaries had since the mid-Umayyad period promoted.⁵¹ Calder further identifies in the text an "immediate aim of elucidating administrative practice," which again concurs with my view that Abū Yūsuf had as much interest in the polity

⁴⁸ Balādhurī relates that the people of al-'Irāq had previously asked al-Maḥdī's father and predecessor, the caliph al-Manṣūr, to change the system to proportional taxation, but he died before he could embark on this change, so his son undertook this grand project; see *Futūḥ*, 267.

⁴⁹ Qudāma b. Ja'far, *al-Kharāj*, 223; Ben Shemesh, *Taxation*, 1:41.

⁵⁰ For additional reasons for the authenticity of Abū Yūsuf's book, see Ben Shemesh, *Taxation*, 1:11–13.

⁵¹ Calder, *Studies*, 107.

and administration as in the nitty-gritty of taxation and its legal complexities.⁵² In that respect, Calder is correct in detecting a connection between implementation of specific policies such as proportional taxation and “reliable *fuqahā* [jurisconsults]” who could provide the much needed “theoretical justification for the reform.”⁵³ Here again we have a case of alliance between the producers of (divine?) knowledge and the administration as the scholars could strengthen the government’s position in its attempt to adopt a new public policy that ran counter to the well-established precedent. Important, then, was the ability to speak for tradition despite the fact that, ironically, tradition was presented in such a way as to sanction a new, rather than an old practice.⁵⁴ Thus, tradition as represented by the jurists turned into an apparatus of producing knowledge that could justify certain policies or practices. The authority that the jurists acquired at this historic moment endowed them with ample power to challenge the secretaries’ discourse, for they proved capable of producing knowledge that the state desperately needed. In that sense, tradition was a rival discourse that undermined the secretaries’ claim to knowledge.

In light of this interpretation, the ostensible contradictions in the text point, not necessarily to repeated interpolations, but rather to a deep-seated tension within the text regardless of exterior tinkering. Tension runs through the layers of the text: it stems, on the other hand, from the ‘ulamā’s duty to meet local expectations and to protect the subjects from exploitation, and, on the other, from the ‘ulamā’s vested interest in capitalizing on their relationships with the state and in maximizing their authority as producers of legal knowledge.

Proportional taxation (*muqāsama*) exemplifies this tension. The state clearly had a lot of stake in changing the old system of lump-sum tax to a new one that would most likely boost its tax revenues. The monetary value of lump-sum taxes on agricultural produce, when they were

⁵² Ibid., 107.

⁵³ Ibid., 123, 132; also see 163.

⁵⁴ Ibid., 155.

first established in al-‘Irāq and the Jazīra, was worth a considerable amount the crop yield (the farmers had to pay a fixed amount of money plus a small portion of their produce, which during the conquests was used to feed the troops).⁵⁵ Though we do not have enough information about the price of goods, it is almost certain that the inflow of gold and silver, the rapid increase of money supply, and the resultant inflation over more than a century rendered the government’s tax revenues in al-‘Irāq and the Jazīra virtually worthless. It can be envisaged that all farmers opted to pay their taxes in cash, rather than in kind, and they would pay the same amount that was established more than a century before. The Umayyads had increased rates of land tax, but their policies had resulted in the flight of the peasants from the land and in turn had worsened the crisis of legitimacy.

Under these circumstances only a change of policy could keep the government from going bankrupt. Legal knowledge, then, was produced in such a way as to facilitate the desired change while taking into account local concerns. When Abū Yūsuf invoked traditions that proscribed charging the peasants (or the land) more taxes than they could bear, he essentially voiced local concerns on behalf of both the ‘ulamā’ and the populace. He worked up a principle that reminded the caliph of the unlawfulness of imposing taxes that impoverished the subjects.⁵⁶ Nevertheless, he could not have been ignorant of his position as chief justice who was expected to keep the government’s interests in mind when dispensing legal opinions, which at the same time would serve his own personal and class interests. Calder’s interpretation presumes a well-concerted, government-sponsored legal project. But he provides no hard evidence beyond asserting that

⁵⁵ Most traditions mention a small amount in dirham per jarīb (unit of area) and a qafīz (unit of weight) of the produce; see Balādhurī, *Futūḥ*, 264–67; Abū Yūsuf, *al-Kharāj*, 130–31, 135; Ben Shemesh, *Taxation*, 3:87, 96; Abū ‘Ubayd Sallām, *Book of Revenues*, 65–70; al-Maqdisī, *Aḥsan al-Taqāsīm*, 133.

⁵⁶ Abū Yūsuf, *al-Kharāj*, 152–53, 211–12, 247–48; Ben Shemesh, *Taxation*, 3:100–03.

[l]ocal and juristic materials advocating traditional payments and fixed sums were gathered, controlled, and redacted by government agents who submitted them to interpretative arguments designed to advocate taxation at capacity, according to government discretion, and usually in the form of a proportional tax.⁵⁷

In my opinion, interpretive argument and legal control need not have taken place in such a conspiratorial manner as Calder suggests, but rather in a discursive fashion, internalized by legal scholars such as Abū Yūsuf.

The traditions cited in support of equitable tax rates also include historical information about surveys performed on the order of ‘Umar I.⁵⁸ Abū Yūsuf offers this historical background regarding the land survey before he goes on to propose a new system to supplant that of ‘Umar. His aim is to avoid insinuating deficiencies in ‘Umar’s system. In other words, Abū Yūsuf’s recommendation may not be construed as lack of foresight in ‘Umar’s leadership, which provides an important precedent for legal knowledge. He presents ‘Umar’s policy of lump-sum tax on agricultural produce as the best policy for its own time, given the information collected from the land survey, but he finds it inadequate for the current situation, hence the dire need for its replacement with a more efficient and more accurate system.

Only because he wielded so much authority over the sources of legal knowledge (i.e., scripture, tradition, and historical data) could Abū Yūsuf venture to put forward policy recommendations that met the government’s expectations while fortifying the juristic knowledge framework. Though he made sure, best as he could, to address local concerns, he could not quite gloss over the tension that lay in the foundation of his peculiar way of producing knowledge. Abū Yūsuf resolves the tension by recognizing the rights of concerned parties in the tax agreement, but relying on traditions and historical evidence, he grants the ruler the right to collect taxes at his discretion:

⁵⁷ Calder, *Studies*, 104.

⁵⁸ Abū Yūsuf, *al-Kharāj*, 132–34, 150; Ben Shemesh, *Taxation*, 3:96–99.

These examples from al-Sawād and Najrān prove that the authorities have the right to impose on each land the tax it can pay. The Prophet when conquering Khaybar did not impose a fixed monetary tax on its lands, but gave it to the Jews on a Musāqā-agreement for half of its yield. ‘Umar ordered a general survey of all al-Sawād lands because he thought that an exact survey would benefit the tax payers, and increase the income of the Treasury without charging the taxpayers more than they could bear. Therefore the right to reduce or increase the taxes, subject to the ability of the land and the taxpayers to pay, as exercised by ‘Umar, is a prerogative of the authorities.

No kharāj administrator is entitled to release someone from paying part of his kharāj without having general authority to do so if it is for the benefit of the whole community, and no one is allowed to accept such release without the approval of the authorities to whom the kharāj belongs as representing the Muslim creed.⁵⁹

As such Abū Yūsuf’s concluding remarks resolve the tension by establishing the ruler’s inalienable rights. The last statement recognizes “the authorities to whom the kharāj belongs as representing the Muslim creed.” This statement, to my mind, provides ample insight into the relationship between the producers and consumers of the legal knowledge, that is, the ‘ulamā’ and the caliphate, respectively. Thus produced, the knowledge would inevitably bear the mark of this tension.

To further elaborate on this tension and the characteristics of knowledge production in this period, we can benefit from investigating another surviving treatise on taxation with the exact same title as Abū Yūsuf’s book, *Kitāb al-Kharāj* by his contemporary Yaḥyā b. Ādam (d. 203/818). This examination can help catch a glimpse of a different side of said tension since Yaḥyā, unlike Abū Yūsuf, held no government position. He presumably had no commitment to providing justification for government policies. Yet he was committed to the execution of divine law represented by the ‘ulamā’. His book hence sheds light on a crucial moment in the crystallization of juristic knowledge derive from tradition.

⁵⁹ Abū Yūsuf, *al-Kharāj*, 213–15; Ben Shemesh, *Taxation*, 3:104.

Yaḥyā b. Ādam's Kitāb al-Kharāj (Book of the Land-Tax)

Unlike Abū Yūsuf, Yaḥyā's name is not tied to a particular school of law. He is rather known for his astute studies and transmission of traditions. In fact, it is exactly this aspect of his *Book of the Land-Tax* that sets it apart from that of Abū Yūsuf's, that is, Yaḥyā's book is merely a compilation of traditions about taxation and other pertinent matters along with some additional exposition whereas Abū Yūsuf's is a legal treatise par excellence. Despite this significant difference, they share a firm commitment to tradition and to its ability to provide for legal opinion. Thanks to their shared commitment to solving administrative and public issues in accordance with Muslim tradition, both books exhibit the formation of a rival discourse that relies on the same or similar metaphysical premises and methodological priorities. The fact that both books were written almost at the same time and were rooted in prevalent juristic practices further supports our conjecture about the emergence of a rival discourse.

Some basic facts about Yaḥyā's background can provide insight into our examination of his contribution to the rival discourse. Ibn Nadīm informs us that Yaḥyā was a *mawlā* (client) of the family of 'Uqba b. Abū Mu'ayy and died in 203/818, that is, only ten years after the death of the caliph Hārūn al-Rashīd.⁶⁰ Like Abū Yūsuf, Yaḥyā was a contemporary of the jurist al-Lu'lu'ī who also wrote a *Book of the Land-Tax* which is no longer extant (according to Ibn Nadīm, Yaḥyā admired Lu'lu'ī for his vast knowledge).⁶¹ Aside from his interest in the topic of taxation, Yaḥyā is known for writing books on philological variations (*qirā'āt*) as well as on the legal aspects of the Qur'an.⁶²

⁶⁰ Ibn Nadīm, *al-Fihrist*, 227.

⁶¹ *Ibid.*, 204.

⁶² *Ibid.*, 30, 35, 38.

These basic facts suggest that Yaḥyā belonged to a larger network that promoted the production of knowledge from Islamic vis-à-vis non-Islamic, ancient sources.⁶³ If this is true, we can hardly agree with Ben Shemesh that “Yaḥyā’s *Kitāb al-Kharāj* is thus not a book actually written by Yaḥyā; it is merely a collection of traditions on the subject of land taxation, with some explanations added by Yaḥyā.”⁶⁴ Yaḥyā’s authorship, in my opinion, consists in his creating a unique configuration of certain legal materials for the purpose of deriving public law from traditions, not to mention his contribution to establishing a rival method of knowledge production based on compilations of Muslim traditions. Ben Shemesh goes so far as to “conclude that Yaḥyā was the first to collect, from several sources, all the traditions dealing with taxation problems, and to arrange them in one or several *Ṣaḥīfas* [notebooks].”⁶⁵ This explains why Ben Shemesh finds “Yaḥyā’s... collection of traditions ... [to] complement rather than contradict Abū Yūsuf’s book.”⁶⁶

In light of this background, let us take a closer look at Yaḥyā’s *Book of the Land-Tax*. It is remarkable that the book is divided up into the major categories of tax as well as the government revenues and expenses. This is the same pattern on which Abū Yūsuf’s book and nearly all other such books are arranged. As in Abū Yūsuf’s text, Yaḥyā’s *Kitāb al-Kharāj* relies heavily on an historical narrative that serves as a background not only for the establishment of different categories of government revenues and expenditures, but for their reliance on tradition. For example, the distribution of the spoils of war is discussed in the context of the *dīwān* after the second caliph, as we saw in chapter 2, decided to have a system in place to keep track of

⁶³ This being the case, Yaḥyā’s *Book of Taxation*, as Franz Pfaff suggests, could not have had a polemical attitude toward that of Abū Yūsuf’s, even though he may not have been fully on board with the latter’s analogical reasoning (*qiyās*); see Ben Shemesh, *Taxation*, 1:2, 17.

⁶⁴ Ben Shemesh, *Taxation*, 1:7.

⁶⁵ *Ibid.*, 10.

⁶⁶ *Ibid.*, 17.

distribution, hence the need for certain rules and methods to regulate this activity. As such, the first chapter in Yaḥyā's *Book of the Land-Tax*, like that of Abū Yūsuf's, deals with the distribution of booty and spoils of war, followed by a discussion of kinds of tax and their precedents.

Other chapters in Yaḥyā's text and their content are very much similar to that of Abū Yūsuf. Many traditions are virtually or literally the same. It is clear that both books derive from the same reservoir of oral traditions that had currency at the time. Their arrangement and presentation, too, follow more or less the same pattern. Furthermore, they both attend to fundamental rights and moral virtues all the while relying heavily on an historical narrative that lends itself to the legitimation of certain public policies. One may not escape the fact that Abū Yūsuf's text had undergone a complex textual processing to spell out specific policy recommendations backed up by a corpus of traditions. Yaḥyā's text, by contrast, does not provide specific recommendations, but rather supplies raw materials from which legal knowledge may be constructed.

The traditions in Yaḥyā's book are not limited to legal precedents set by the Prophet and the caliphs, but also include legal opinions expressed by various jurists and traditionists (i.e., scholars who recorded and transmitted traditions). Inasmuch as the legal opinions systematically and consistently integrate traditions, they undergo an epistemological transformation that allows them to assume the status of tradition. To better understand this transformation, we may benefit from differentiating between two groups of traditions to which I refer as the first-degree traditions and the second-degree traditions. The first-degree traditions reflect words and deeds of the Prophet, the first four caliphs plus 'Umar II, and sometimes those of the Prophet's other companions. The second-degree traditions build upon the first-degree traditions in order to

produce legal opinions. A transformation takes place when a text such as that of Yaḥyā amalgamates traditions belonging to both groups and endows them with enormous legal authority. This transformation enables the second-degree traditions to acquire more or less the same kind of authority as the first-degree traditions enjoy. For the first-degree traditions do not speak for themselves; they need spokesmen to represent them. This act of representation, to my mind, empowers those who acquire the authority associated with the first-degree traditions, which in turn allows them to produce the second-degree traditions accordingly.

In light of the foregoing, I suggest that Yaḥyā's contribution is arguably more important than that of Abū Yūsuf. Abū Yūsuf looks like a government consultant who has delivered what was expected of him although, in all fairness, he has made efforts to retain his professional integrity. Yaḥyā, on the other hand, does not seem to be bound by any extraneous requirements. He has seemingly no commitment to the priorities of the government, but only to those of his knowledge-producing activities. Hence, Yaḥyā presents legal opinions in such an undifferentiated whole that they begin to constitute the domain of the legal discipline with its own epistemology. To be sure, the diversity of opinions is staggering: they lend themselves to virtually any kind of policy. Important, however, is that Yaḥyā creates a framework in which diverse opinions coalesce and present a unified front that claims power and authority vis-à-vis the caliphate and producers of other types of knowledge. Nevertheless, it is remarkable that Yaḥyā, in much the same way as Abū Yūsuf, reserves the Imām's or the caliph's right to pick from among different opinions and make a decision as he sees fit.

Notwithstanding the policy choices available to the caliph, it is the jurisconsult, rather than the state or the caliph, who sanctions or otherwise forbids a policy. For no other person than the jurisconsult has the authority to speak for tradition. His authority stems from his control of

the sources, knowledge of the methodology, and the ability to produce a legal opinion. All these capabilities are attested to by the community which forms a unified front against the state or against those such as the secretaries who claim to produce a different form of knowledge.⁶⁷ That being so, we may notice a tension that lies dormant in the jurist front and unfolds in the different ways in which Yaḥyā and Abū Yūsuf approach legal authority.

It may not be entirely coincidental that Yaḥyā's text has no mention of the caliph's duty to preside over a public court and listen to people's legal complaints and make rulings accordingly.⁶⁸ Abū Yūsuf's recommendation is provided in the chapter where he discusses the importance of strict adherence to justice when assessing and exhorting taxes. Informing about certain malpractices of tax collectors, Abū Yūsuf highlights the import of transparency in criminal justice and how the caliph's presiding over public tribunals can help that cause. Interestingly enough, Yaḥyā's text is totally silent on this topic. We may surmise that Yaḥyā offered no advice on this matter since his opinion was not solicited. As we have seen, however, Abū Yūsuf's text includes a variety of issues that hardly fall under the category of taxation, public tribunals being one of them.

It seems to me that the caliph's control over the legal system was a sticking point in the jurist community. First of all, how could the caliph play the role of a judge if he never had pertinent training in legal craft? What if he makes a ruling that falls short of meeting legal principles established by scriptures and tradition? More importantly, how could the caliph be kept from encroaching on the hard-earned juristic legal authority? As I demonstrated in chapter 3, Ibn al-Muqaffa's proposal for the codification of law failed to muster any support as it

⁶⁷ In a conversation at the Medina mosque between the caliph Hārūn al-Rashīd and the Imām Mālik b. Anas, the founder of the Mālikī school of law, the latter questioned Abū Yūsuf's credentials; see Wakī', *Akḥbār al-Quḍāt*, 3:260–61. This was not merely because Abū Yūsuf belonged to a rival school of law, but because, in all likelihood, he was perceived as undermining the community's unity vis-à-vis the state.

⁶⁸ See Abū Yūsuf, *al-Kharāj*, 254–55; Ben Shemesh, *Taxation*, 3:107.

seemed to undermine the juristic legal authority. Of course, Abū Yūsuf's minimalist advice, unlike Ibn al-Muqaffa's comprehensive proposal, was a far cry from foregoing juristic authority. It was intended to assure the public of the caliph's commitment to justice. Nevertheless, I am inclined to think that Abū Yūsuf's advice signaled a willingness to share a small part of his authority, as chief justice, with the caliph. This is what Yaḥyā and many other jurists were unwilling to do. Of course, they could not openly denounce the caliph's presiding over public tribunals, but they could at least withhold their approval.

While both Abū Yūsuf and Yaḥyā wholeheartedly promoted the execution of Islamic law, they seem to have advocated different approaches to the role of government in that process. Many legal scholars preferred to keep their distance from the government.⁶⁹ They certainly preferred to have nothing to do with government officials' corruption and the violation of justice as attested by Abū Yūsuf in the foregoing advice. Yet it was their legal opinions that allowed the government to claim legitimacy for both the polity and specific policies. And some jurists undoubtedly had reservations about their association with the government.

This could probably explain another subtle difference in the two texts under investigation in this chapter. As we saw earlier, Abū Yūsuf's book provides ample insight into the change of the land tax system from a fixed, lump-sum tax to a proportion of crop yield (*muqāsama*). Why does Yaḥyā's text offer virtually nothing on this important issue? It is highly unlikely that he did not know about the change of system. It appears that Yaḥyā was not prepared to lend his support to the change of the system. Abū Yūsuf's justification for proportional taxation is provided in the

⁶⁹ There are several reports indicating the 'ulama's struggle in maintaining their legal autonomy. Mas'ūdī relates that the prominent jurist Sufyān al-Thawrī (d. 161/778) threw in the Tigris River the caliph al-Mahdī's letter appointing him qāḍī while Shurayk b. 'Abd Allāh (d. 175/791) had to be tricked into accepting the position of judge; *Murūj*, 3:310, 322–23. Mālik b. Anas (d. 175/791), a contemporary of Abū Yūsuf and the founder of the Mālikī school of law, displayed the jurists' typical attitude by letting people take their legal disputes to him at the mosque; *ibid.*, 344; cf. Zaman, *Religion and Politics*, 79–80. Ibn Nadīm reports that Bushr b. Walīd denigrated corrupt qāḍīs; *al-Fihrist*, 203; also see the story of Muḥammad b. Shujā' al-Thalajī; *ibid.*, 206–07.

chapter where he treats the lands of al-Sawād. Yaḥyā's text too includes a chapter that discusses taxation of those lands but curiously his chapter is silent about proportional taxation. In fact, some traditions may be read in such a way as to forbid a change of system.⁷⁰ Given the conflicts caused by the change of policy, Yaḥyā who had no connection to the government was not prepared to offer his support for the change of policy.

The Juristic Discourse of Knowledge and Social Order

As my review of two early books on taxation demonstrates, Abū Yūsuf and Yaḥyā b. Ādam occupy a prominent place in the Islamic legal and political thought. Their books are among the few compositions that have survived from the second/eighth century and therefore they can help us delve into different aspects of this formative period. More importantly, they betray a reactionary attitude toward some trends in administrative practices that advocated the revival of ancient practices and subscribed to a hierarchical vision of social order.

Abū Yūsuf and Yaḥyā b. Ādam display unwavering adherence to the sacred sources of Muslim law—i.e., the Qur'an and the Prophetic tradition. The legitimacy of law and of the government that executes the law derives from relying on these sources. On the other hand, there is no compelling reason to think that the secretarial discourse, to which Abū Yūsuf and Yaḥyā were purportedly reacting, had no commitment to those sacred sources of law. As we saw in the preceding chapter, Ibn al-Muqaffa' strongly recommended the codification of law based on those same sources. That being so, why would the jurists—in this case Abū Yūsuf and Yaḥyā—go to such length to put forward an alternative discourse? The answer, to my mind, must be sought in the representational authority associated with those sources and how legal knowledge, produced from the sacred sources, translated into a social order.

⁷⁰ See Yaḥyā b. Ādam, *al-Kharāj*, 53–54; Ben Shemesh, *Taxation*, 1:47 (tradition no. 149).

Regarding the representational authority, we must bear in mind that the sacred sources needed an agent who could bring them out of silence. This is precisely the process through which the second-degree traditions were produced. The act of extracting law from the sources depended on the jurist's ability to develop proper methodology and to fine-tune its application. The jurist's success in creating such a methodology earned him a great deal of authority as the methodology was deemed capable of producing much needed knowledge for both the state administration and the legitimation of policies. This methodology was unlike the method of reproducing ancient knowledge, championed by the secretaries. For instance, as mentioned earlier in this chapter, Ibn al-Ṭīqṭaqā' reports that Abū 'Ubayd Allāh's treatise—the first book of taxation composed after Islam—addressed both legal and technical issues of taxation.⁷¹ We know very little of Abū 'Ubayd Allāh's book and therefore cannot analyze its content with much confidence. The primary sources, however, do not present Abū 'Ubayd Allāh as a legal scholar, nor as someone who had been exposed to the kind of training that a jurist such as Abū Yūsuf or Yaḥyā had received. He did not, then, possess credentials recognized by the community of jurists. Unlike the technical parts of Abū 'Ubayd Allāh's book, which included a recommendation for the change of system to proportional taxation (*muqāsama*), I envision that the legal parts of his book were not received with much enthusiasm. This makes sense because it explains why the caliphs needed a jurisconsults like Abū Yūsuf and Khaṣṣaf to provide a new treatment of the legal aspects of taxation.

The two books, examined in this chapter, have a special place in Islamic jurisprudence because they are among the first books in Islamic law—books that either antedated or roughly coincided with the canonization of the Prophet's tradition as well as with the first compilations

⁷¹ Ibn al-Ṭīqṭaqā', *al-Fakhrī*, 179–80.

of Muslim law.⁷² They also preceded the crystallization of four Sunnī schools of law. These books not only helped the formation of legal theory and the attendant methodology, but set the precedent for the systematic application of Muslim law to public policy. In doing so, public policy came to reflect the social order that these compilations and their champions heralded.

The need for legal knowledge, as mentioned above, called for developing proper methodology to produce knowledge from raw materials of sacred sources. The legal knowledge as such came to advocate a particular vision of social order that the jurists and their allies espoused. Legal treatises on taxation are important because they serve to regulate social relations; they not only specify what each social group is required to pay to the state or is entitled to receive from the state, they also delineate social boundaries through policy recommendations and the production of legal knowledge. What is more, they legitimate public policy by invoking the Prophetic tradition and glorifying the practices that lay the foundation for the newly produced legal knowledge. Though they claim to reproduce the glorious past, in reality they impose a new order based on new priorities and interests.

To clarify this point, let us consider the complex case of taxing the lands of al-Sawād (al-‘Irāq). As discussed in some detail in chapter 1, al-‘Irāq was a major province of the Persian Empire, having been conquered by force. Since the people did not surrender and did not have a peace treaty, Islamic law, as framed by the likes of Abū Yūsuf and Yaḥyā, advises that the property of the conquered be seized and distributed among the Muslims. But the caliph ‘Umar I made a different decision. He allowed the subjects to keep their property on the condition that they pay land and poll taxes. The justification provided in the legal books under review here is

⁷² The tentative dates of the following textual milestones can help us put Abū Yūsuf’s and Yaḥyā’s books in perspective: *Al-Muwatta’* by Mālik b. Anas (d. 178/795); *Kitāb al-Umm* by al-Shāfi‘ī (d. 204/820); *Maghāzī* by al-Wāqidī (d. 207/823); *Sīra Rasūl Allāh* by Ibn Hishām (d. 217/833) based on Ibn Ishāq’s (d. 150/768) *Sīra* which is no longer extant.

that ‘Umar intended to maintain a steady source of revenue for the government from which pensions would be paid to the soldiers and their families.⁷³ By adopting this policy the lands of al-‘Irāq were categorized as *kharāj* lands, hence subject to land tax.

Thus established, the tax category was not to change even though the owners converted to Islam or Muslims purchased their lands. And this is exactly what happened. As more people converted to Islam and more Muslims, unlike the early period, settled on al-‘Irāq lands, they expected that they only pay *zakāt* or *‘ushr* (tithe), which the Arabs paid in Arabia, rather than the land tax which bore the mark of submission intended for non-Muslims outside Arabia.⁷⁴ If, however, the state favored such a change to the status of lands, it would adversely affect its tax revenues since the *zakāt* rates (10 percent of crop yield if the land was irrigated artificially and 5 percent if irrigated naturally) was significantly lower than the land tax rates (20 percent of crop yield if the land was irrigated artificially and 30 percent if irrigated naturally). Added to this was the loss of revenue associated with conversion to Islam since those subjects were exempt from poll tax.

There is nothing in ‘Umar’s decision that prohibits the ruler from changing the tax status of these lands. If anything, his policy suggests that the tax status would have to change once the subject converts to Islam or once the ownership transfers to a Muslim. But that would run counter to the state’s interests. A legal justification was needed, then, to allow the caliph to make a decision based on concrete needs or priorities of the state. The composition of the two books of taxation lent themselves to granting the caliph ample authority to make decisions about tax status as he saw fit although Yaḥyā chose to remain silent on contentious issues such as proportional

⁷³ See Abū Yūsuf, *al-Kharāj*, 129–32; Ben Shemesh, *Taxation*, 3:95–97; Yaḥyā b. Ādam, *al-Kharāj*, 41–50; Ben Shemesh, *Taxation*, 1:40–46.

⁷⁴ See Calder, *Studies*, 155. This was by no means an Arab invention as poll tax had long been intended to demarcate the lower strata of the society from the nobles, see Dennett, *Conversion and the Poll Tax*, 15.

taxation. To be sure, these texts contain traditions that forbid the change tax brackets as well as those that allow it. The new policies, however, thrived on reasserting the social order that the legal knowledge aspired to advance. In the abovementioned example of proper tax categories for the lands of al-‘Irāq, the legal treatises make explicit that non-Muslim lands had to incur the burden of tax even after their ownership transfers to Muslims.⁷⁵ They also legitimate the state decision to resort to whatever measures to ensure steady tax revenues. The necessity of tax collection and of sharpening social boundaries permit the state to impose measures that set non-Muslim communities apart from the rest of populace.⁷⁶

Abū Yūsuf’s and Yaḥyā’s books epitomize a rampant tension in the notion of “knowledge” in the Islamic polity and society alike. Nearly every aspect of knowledge that the secretaries had dealt with before became subject to redefinition. The notion of “tradition” is a case in point. Already during the Umayyad and early Abbasid periods the secretaries called attention to the utility of past knowledge and the importance of translating or reproducing ancient wisdom. Their conception of past knowledge was so broad as to allow the Prophetic tradition to be incorporated into the corpus of adab.⁷⁷ The rival, juristic discourse, on the other had, found it problematic to allow non-Islamic elements to be included in the wide domain of tradition. It would have meant that those elements were as legitimate as Islamic scriptures and Prophetic

⁷⁵ Ben Shemesh, *Taxation*, 3:91.

⁷⁶ *Ibid.*, 93. Daniel Dennett’s reconstruction of the tax categories fails to see the tension pointed out here; see *Conversion and the Poll Tax*, 35–36. I argue that there is a serious tension between his points 2 and 3 under the “three important points that emerge” (36). The question is if, according to 3, the caliph could change the tax status of a land from *kharāj* (land tax) to *ushr* (tithe) which was one half or one third of *kharāj*, why would he not do it for the poor peasant who had converted to Islam and expected to be placed in a lower tax bracket so that he should not desert his land or simply leave it uncultivated? It is not too difficult to guess that the peasants’ flight from their lands would change the lands’ status, after a while, to *mawāt* (barren land) which would in turn justify the state’s (i.e., the caliph’s) claiming ownership. Interestingly, Dennett has all the basic information (see 37–40) but he fails to make the kind of connection I suggest in this study.

⁷⁷ The chronicler and geographer Mas‘ūdī complained about so much infatuation with past knowledge that did not allow new ideas to come to light; see *al-Tanbīh*, 66–67.

tradition. It would also have meant that the transmitters of ancient knowledge were entitled to the same or similar kind of authority that the ‘ulamā’ enjoyed.

The inclusion of ancient elements of knowledge had implications for social order. My comparison of two selected juristic texts with Ibn al-Muqaffa‘’s treatise suggests that the corresponding discourses promoted different visions of social order, which advocated different models of government and judicial system. The consequent conflict was not sustainable. The secretaries’ discourse had to give way to its rival, which had proved more capable in helping the caliphate in the crisis of legitimacy and the much needed legal justification for introducing novel changes to well-established practices and long-standing traditions. The secretaries could do neither.

The competition between these discourses resulted in buttressing a political system whose law and legitimacy relied largely on sources that lay outside its dominion. But the outcome of this competition went beyond the domain of the political structure. It effectively stuck a blow at the authority of the secretaries as rival producers of knowledge about the polity and public policy. This meant that other means and methods of producing knowledge about the polity and public policy had to defer to the juristic discourse and its sacred sources. Though the jurists continued to have reservations about their direct association with the state organization and many of its policies, they knew well that the caliphate was forever at their mercy for its legitimacy. The secretaries no longer had a shot at this competition.

The ‘ulamā’s triumph had ramifications for the dīwān and for knowledge-producing practices in Muslim society. In time, the Abbasids expanded their dīwān administration, but unlike during the late Umayyad and early Abbasid periods, the dīwān played little role in addressing the foundational issues of the polity. Thus a new division of labor emerged: the dīwān

would handle the nitty-gritty of administrative operations; the questions of legitimacy and legal knowledge were left to the 'ulamā'. Though many senior 'ulamā' had reservations about working for the government, the Abbasid caliphs still appointed chief justices from among their highest ranks and made sure that their policies were by and large sanctioned by the 'ulamā'. It was now abundantly clear that the social and political order associated with the secretaries' approach to the polity had no place in the new alliance between the 'ulamā' and the caliphate.

Chapter 5: Conclusion: Knowledge and Social Order

“... no secretary has ever been seen to make the *Qur’an* his evening companion, its study his banner, gaining knowledge of religion his emblem, or memorizing reports of the Prophet’s words and deeds his prop.”

—Al-Jāhīz (d. ca. 255/868), *Fī Dhamm Akhlāq al-Kuttāb*, 609.

Writing in the late third/early tenth century, Qudāma b. Ja‘far (d. 337/948), a senior *dīwān* official during the reign of the caliphs al-Muktafī (r. 289–95/902–08) and al-Muqtadir (r. 295–320/908–32), highlighted the relationship between the civil administration and Islamic law. In view of its importance for this conclusion, the opening segment of Qudāma’s insightful preface to Part VII of his *Kitāb al-Kharāj wa al-Šinā‘a al-Kitāba* (*Book of the Land-Tax and the Craft of Writing*) deserves to be quoted here:

It must be firmly asserted that the religious law (*sharī‘a*) is the main law and that the craft of secretarial writing (*kitāba*) is one of its branches. And the craft of secretarial writing, as its purposes indicate, is a craft that pertains to the collection of revenues and the administration of the government. Since the government has no foundation except through religion, it becomes clear, then, that the craft of secretarial writing is a branch of religion. I have met some people who think that the craft of secretarial writing is in opposition to the decrees of religious law, but this is contrary to reason because a part of a thing cannot contradict the thing. Hence the craft of secretarial writing poses no contradiction to the religious law, but upon examination it will be found to be jurisprudence (*fiqh*) proper, for there is no conflict between the rulings of a secretary and those a jurist (*faqīh*).¹

Elucidating his point, Qudāma goes on to cite specific examples. His examples include categories of state revenues such as various types of tax and their intricate rules of collection, some of which we briefly discussed throughout this dissertation. Qudāma furthermore provides examples of secretarial rules that are unknown to Islamic law, but do not contradict them

¹ Qudāma b. Ja‘far, *al-Kharāj*, 202; Ben Shemesh, 2: 21 (with modifications).

anyhow.² His assertion is intended to dispel suspicion about potential conflicts between Islamic law and civil administration.

Qudāma's denial of any tension between civil administration and religious law raises suspicion about actual conflicts that came to the fore and called for clarification or reconciliation.³ His testimony—"I have met persons who think that the rules of al-Kitāba conflict with those of the Shari'a"—speaks to such conflicts, which may have arisen when zealot defenders of Sunni Islam purportedly suggested that the Abbasid civil administration at the time was not in complete harmony with the divine law. Be that as it may, Qudāma's descriptive remark exposes its normative character by asserting that "the right to govern has no foundation if not based on divine religious authorization," hence providing solid justification for the incorporation of statecraft into Islamic law. Yet his remark glosses over the historical process that rendered the act of incorporation possible: it posits a *necessary* affinity between the state institution and Islamic law, and concludes that the relationship ought to be affirmed through the appropriation of political power.

As I have argued in this dissertation, however, the relationship that Qudāma posits between the state institution and its administrative practices, on the one hand, and Islamic law, on the other, was the outcome of a complex, *contingent* historical process. The subsumption of the civil administration under Islamic law, encapsulated in Qudāma's statement, was the outcome of a long competition between different solutions offered by rival actors to the problem of political legitimacy. The Muslim state after the death of the Prophet Muḥammad grew as an offshoot of the conquest regime. The early dīwān employed civil servants from among the elite

² Qudāma b. Ja'far, *al-Kharāj*, 203; Ben Shemesh, *Taxation*, 2: 22

³ This makes all the more sense when we note that Qudāma's book was intended not as training manual, but rather as an analytical work addressed to the elite at the court and state administration; see Heck, *Construction of Knowledge in Islamic Civilization*, 1.

of the conquered and, in so doing, adopted various administrative practices and procedures that were prevalent in the pre-conquest Persian and Byzantine provinces. Already during the *Rāshidūn* period (11–41/332–661) the potential conflict between the civil rule and some interpretations of religious law gave rise to political strife of various sorts.⁴ The situation was exacerbated under the Umayyad rule, giving rise to what I have referred to as the crisis of political legitimacy. The crisis consisted in a lack of consensus not only about who was the legitimate heir to Muḥammad’s caliphate, but also how the government was supposed to rule in accordance with principles laid down by the Qur’an and Muḥammad’s tradition.

Thanks to their pragmatic attitude toward the administration of the empire, the Umayyads had no interest in stopping the use of foreign administrative practices in deference to the ‘ulamā’ or to the partisans of religious sects such as the ‘Alīds and the Khārijīs. Though they could not remain ignorant of potential conflicts their political and administrative practices might have posed to Islamic principles of governance, it was far from clear how such principles should translate into an efficient Islamic government. Many Muslims questioned the Umayyads’ right to caliphate as well as their policies. The rival faction of the Abbasids who in 132/749 succeeded in overthrowing the Umayyads vowed to adhere to the principles of governance set by the Qur’an and the Prophet Muḥammad’s tradition. But such principles were not as clear as we may think with the benefit of hindsight.⁵ The crisis of legitimacy had in effect become part and parcel of the institution of the caliphate.

I have discussed in this dissertation two different solutions to the crisis of legitimacy—solutions that were based on two different approaches to knowledge and its production. The first

⁴ Examples include some elders’ disagreement with ‘Umar I about his method of distributing wealth; ‘Uthmān’s appointment of his clansmen to important posts and his own luxurious lifestyle which ultimately led to his murder; and the first civil war during the caliphate of ‘Alī and his subsequent assassination.

⁵ See Gibb’s argument in his “The Evolution of Government in Early Islam.”

solution was put forward by the client secretaries who formed a discourse of knowledge in which the religion and the state were portrayed, as in Ibn al-Muqaffa‘’s metaphor, as “conjoined twins” (see chapter 3). Some senior secretaries who served the Umayyad caliphs as their advisers used the *Mirror for Princes* literature in the forms of both translation and composition to introduce ancient wisdom and court culture as a means of legitimating the Umayyad rule. The secretaries’ project, however, culminated in Ibn al-Muqaffa‘’s proposal, which urged the caliph al-Manṣūr to base his policies on a solid foundation of codified laws. Ibn al-Muqaffa‘ stressed a systematic extraction of law from sacred sources, which would endow the caliph with a legitimate authority, and which would in turn allow him to dissolve ambiguity and diversification of legal opinions through his reliance on the sacred sources, justice, and reason.

While Ibn al-Muqaffa‘’s proposal showed genuine commitment and sensitivity to the sacred law, it received no favorable approval from the caliph, or from any high-ranking official or jurisconsult for that matter. In fact there is no evidence that the caliph even bothered to look at the proposal if it ever reached him. The oblique reaction it received from the community of legal scholars was no more promising, either. There is indeed a total absence of reference to Ibn al-Muqaffa‘’s proposal in the surviving contemporary literature.⁶ The extant texts that dealt with statecraft and the topic of taxation do not engage Ibn al-Muqaffa‘ in any direct way. However, the intellectual and political trends after the death of Ibn al-Muqaffa‘ lend themselves to an outright rejection of his proposal and of the secretarial discourse.

My investigation in this dissertation offers two interrelated reasons for the lack of interest in Ibn al-Muqaffa‘’s proposal and for the triumph of a competing discourse of knowledge (i.e., the second solution to the crisis of legitimacy offered by the ‘ulamā’—see below). First, I have

⁶ In his *Kitāb al-Manzūm wa al-Manthūr*, Ibn Abī Ṭayfūr al-Baghdādī (d. 279–80/893) preserved Ibn al-Muqaffa‘’s *Treatise concerning the Entourage* as an exemplar of early Arabic prose rather than for its content.

argued that the social order envisioned in Ibn al-Muqaffa‘’s proposal promoted a quasi-caste society and hence could not accommodate the egalitarian ideal to which many Muslims subscribed. The emphasis Ibn al-Muqaffa‘ laid on the principle of justice, as well as his rejection of arbitrary rule, was intended to address problems endemic to a caste society such as the pre-Islamic Sāsāniān society. Yet his project would not pan out if he failed to enlist government officials and religious scholars who could lend their wholehearted support to such a full-fledged legal and administrative reform. It is a moot point why Ibn al-Muqaffa‘ failed to pull off this project. Whether because he was unable to enlist others or because others had no interest in such project that would constrain their power, the fact remains that the project received meager attention.⁷

Second, Ibn al-Muqaffa‘’s proposal posed a serious threat to the ‘ulamā’s legal authority, thereby putting their class interests in jeopardy. It goes without saying that the ‘ulamā’ did not constitute a well-defined, homogeneous group with a clear hierarchy. The institutionalization of religious higher learning had to await the solidification of legal methodology in the fourth/tenth century as well as the emergence of the *madrasa* in the mid fifth/eleventh century.⁸ Nevertheless, even before these crucial developments came about, the ‘ulamā’ had almost always enjoyed an astonishing decentralized legal authority. The rapid proliferation of *personal* schools of law through the late fourth/tenth century speaks to the enormous authority individual jurists

⁷ One reason for the lukewarm reaction of jurists and theologians to the secretaries’ discourse may very well have been the latter’s connection to the Persian nobility. In particular, the newly translated texts such as the *Epistle of Tansar* could have been construed as a covert effort to restore a Sāsāniān style of caste society with its rigid hierarchy, something that was deemed anathema to Islamic ideals. Though we cannot be certain how much Ibn al-Muqaffa‘ subscribed to the idea of a caste society, the jurists would still feel threatened by the message such treatises conveyed.

⁸ For methodology, see Hallaq’s revisionist interpretation in his *The Origin and Evolution of Islamic Law*, ch. 6 and 7. For *madrasa*, George Makdisi’s *The Rise of Colleges* still offers the most comprehensive analysis of the institutionalization of religious higher learning in medieval Islam.

enjoyed.⁹ This authority allowed the ‘ulamā’ to monopolize the production of legal knowledge, which at the same time proved indispensable for tackling the crisis of legitimacy.

The combination of the above factors ensured the failure of Ibn al-Muqaffa’s proposal. His murder marks the demise of the secretarial discourse that since the mid-Umayyad period had made a case for the importation and reproduction of ancient administrative practices and political wisdom. The fact that the secretaries no longer engaged the foundational issues of the polity turned out to have far-reaching implications for knowledge production. The caliph’s favorable reception of Ibn al-Muqaffa’s proposal would conceivably have paved the way for well-organized production of knowledge under the state’s auspices. Though the government would have derived its authority from reliance on the sacred sources of law, it would effectively have “secularized” the law by disrupting the connection between the sources and its hermeneutical representation by the ‘ulamā’. That is to say, the government would have had to embark on systematic production of legal knowledge, or perhaps other forms of knowledge as well, without being at the mercy of those who claimed to represent the law, that is, the ‘ulamā’.

The future developments in the polity took a different direction. Abū Yūsuf’s *Kitāb al-Kharāj* exemplifies the second solution offered to the crisis of legitimacy. Abū Yūsuf’s text, as well as that of his contemporaries, such as Yaḥyā, signaled the arrival of a new epoch. Foundational issues of the polity, questions concerning political legitimacy, and the legal framework for government policies were now left to the ‘ulamā’. There is an interesting parallel between this emerging approach and Ibn al-Muqaffa’s proposal in that both advocated extraction of the law from scriptures and tradition. However, the ‘ulamā’s solution entailed that the government depend on the ‘ulamā’ to clarify legal ambiguities and to sanction its policies.

⁹ Makdisi states that by the third/ninth century up to 500 personal schools of law disappeared; *The Rise of Colleges*, 2.

Goitein states that Ibn al-Muqaffa‘’s *Risāla fi al-Ṣaḥāba* cannot be compared to Abū Yūsuf’s *Kitāb al-Kharāj* in that the latter “is a compendium of religious law...Ibn al-Muqaffa‘, however, had no religious authority and obviously was not invited at all to give his opinion on the matters he dealt with.”¹⁰ The two books, to my mind, are indeed comparable since they reflect two different conceptions of law and two distinctly different approaches to the production of legal knowledge. Thus, one must stop and ask how Ibn al-Muqaffa‘, who in Goitein’s words “had no religious authority,” ventured to provide legal opinions that concerned both minute and structural aspects of law. To begin with, the domain of religious or legal authority was not as sharply delineated as our retrospective inquiry may lead us to believe.¹¹ The confusion that characterized the Umayyad reign and the transition to the Abbasids allowed different actors to negotiate the domain of authority and provide solutions to the problem of legitimacy.

As we saw in chapter 4, Abū Yūsuf provided policy choices on different matters and left it to the caliph to choose what made more sense for the state priorities. Nonetheless, Abū Yūsuf retained the authority to use *ra’y* (personal opinion), hence not deferring to the caliph on this important matter. In other words, it is the jurist who extracts legal choices from the sources and makes them available to the authorities to be executed accordingly. By contrast, Ibn al-Muqaffa‘’s advice declared the caliph as the sole legal authority capable of using *ra’y*.¹² Thus, Abū Yūsuf retains his legalistic prerogative by maintaining control over legal interpretation

¹⁰ “A Turning Point in the History of Muslim State,” 153. Goitein goes on to say, “It is extremely difficult to understand how the Persian nobleman dared to submit to the Arab caliph a complete political program, especially at a time when such eminent Iranians as Abū Muslim and Sunbādh were put to death because of their prominent interference in the affairs of the Muslim state. We may not be far from the truth if we assume that our memorandum, although composed out of serious concern for the well-being of the caliphate, contributed to the arousal of al-Manṣūr’s suspicions and ultimately lead to the author’s death,” 154.

¹¹ The military commanders appointed to a region under the Umayyads were also responsible for performing legal arbitration whereas in our eyes they had no religious authority; see Wellhausen, *Arab Kingdom*, 26; Blay-Abramski, *From Damascus to Baghdad*, 148–50. It is against this background, perhaps, that the Basran qādī al-‘Anbarī in his letter to the caliph al-Mahdī made an effort to regulate the governors’ role in administering the law by requiring them to obtain permission from the caliph and to consult with the ‘ulamā’; see Zaman, *Religion and Politics*, 88.

¹² This is very different from Goitein’s interpretation that Abū Yūsuf lay before the caliph different options in order for the latter to exercise his *ra’y*; see, “A Turning Point,” 157.

whereas Ibn al-Muqaffa‘ argues in favor of codification with the ultimate legal authority resting with the caliph.

Abū Yūsuf’s text emphasizes the caliph’s right to make a decision about beneficent rate of taxation in the face of varying, often conflicting, traditions. He could not, however, ignore the local demands for fair taxation.¹³ The tension between the state interests and local demands made itself felt in the post of the chief justice. The chief justice was expected to sanction the government policies while being required by his peers and the laypeople alike to uphold principles of justice and Islamic law. It is no wonder that the ‘ulamā’ by and large frowned upon accepting such position although they could not ignore the fact that the position strengthened their alliance with the government and allowed them to promote their desired social order.¹⁴

As we can see in Abū Yūsuf’s text and in the foregoing quote from Qudāma, the caliphate was still expected to display a firm commitment to the execution of Islamic law, of course, as defined by the ‘ulama. Needless to say, there was no mechanism to enforce this requirement, but the caliphate would not want to come across as ignorant of the divine law. At any rate, Ibn al-Muqaffa‘’s proposal would have led to a highly centralized government that would incorporate religious law into its operation. Abū Yūsuf’s proposal, on the other hand, succeeded in countering the secretarial approach to knowledge production while claiming to speak for legal sources as well as representing the ‘ulamā’s class interests.

Another source of conflict lies in the concept of the saḥāba (i.e., the caliph’s entourage or companions). Ibn al-Muqaffa‘ introduces the caliph’s companions as “tongues of his subjects,”

¹³ Ya‘qūbī records that in 184/800, that is, two years after Abū Yūsuf’s death, the caliph al-Rashīd resorted to ruthless measures to exhort taxes. Fuḍayl b. ‘Ayāḍ, one of the ‘ulamā’, urged him to stop torturing the taxpayers as the Prophet had said, “He who tortures the people in this world, God will torture him in the afterlife,” so al-Rashīd ordered that the violent measures of exhorting taxes be abolished; see *Ta’rīkh*, 2:415.

¹⁴ See n. 69, ch. 4.

that is, their spokesmen.¹⁵ The idea is remarkable since it stresses the need for someone to speak for the people and to inform the caliph of their concerns and expectations. As much as Ibn al-Muqaffa‘ laments the deterioration of the caliph’s entourage under the Umayyads, he makes recommendations for including in the entourage the men of knowledge and honor, especially the ‘ulamā’, savants, noblemen, and learned bureaucrats. The fact remains, however, that Ibn al-Muqaffa‘ takes away from the ‘ulamā’ their self-proclaimed role as the spokesmen of the masses.¹⁶

As we saw in chapter 4, certain passages in Abū Yūsuf’s text reflect the people’s concerns about the new tax policies. It is not clear how effectively Abū Yūsuf represented their concerns and whether he provided a bona fide contribution to solving their problem. What is clear, though, is that his legalistic tour de force ascertained the ‘ulamā’s role to represent both the masses and the divine law. My comparison of the two texts suggests that the ‘ulamā’s authority derived from their ability to represent the legal sources and to speak for subjects. This is what the secretaries did not, and could not, do. On the one hand, not only did they lack the qualifications to produce legal knowledge, they were also committed to a different framework of knowledge exemplified in Ibn al-Muqaffa‘’s contributions. On the other hand, their social and economic dependency on the state weakened their connection to the people and stripped them of the power to represent subjects. Ibn al-Muqaffa‘’s proposal was an attempt to overcome these shortcomings, but to no avail.

¹⁵ Ibn al-Muqaffa‘, *Risāla*, 129; cf. Latham, 69. ‘Abd al-Ḥamīd’s *Epistle to the Secretaries* asserts that the rulers speak to people through secretaries (see chapter 3). Cf. al-‘Anbarī’s advice to al-Mahdī regarding the caliph’s entourage, Zaman, *Religion and Politics*, 91.

¹⁶ Gibb’s discussion in his “The Social Significance of the Shuubiya” is relevant to my argument here, for he highlights the rivalry and tension between various camps especially the Persophile secretaries and their Arab adversaries. Gibb views the rivalry in terms of two possibilities: whether the Perso-Aramean culture could absorb the Arabian culture, or the former become subordinate to the latter, 66. Also see Bosworth, “the Persian Impact,” 484–85.

In light of the foregoing, we can see how Ibn al-Muqaffa‘’s and Abū Yūsuf’s approaches promoted different visions of a social order. Ibn al-Muqaffa‘’s proposal reinforces the authority of the central government, imposing laws that are uniformly applicable across the board, hence leaving no room for anyone to claim exemption from the universal law. By contrast, his adversaries from among jurists were unwilling to give up their advantageous position as interpreters of the law.¹⁷ The two approaches envisioned two different types of social order as they relied on two different notions of legal knowledge: Ibn al-Muqaffa‘’s model advocated an abstract notion of law embodied in the institution of the *dīwān* whereas the competing model reinforced the diversification of legal opinions in deference to the ‘*ulamā*’ ability to produce legal knowledge. Ibn al-Muqaffa‘ promoted a powerful central government that is capable of imposing legal control over arbitrary rule whereas the ‘*ulamā*’ advocated a decentralized, localized implementation of law that enhanced their jurisdiction.

The foregoing opposition ultimately came down to the opposition between two camps: on the one hand, the bureaucrats (e.g., secretaries, viziers, etc.) represented the interests of the state as a secular institution; on the other hand, the ‘*ulamā*’ assumed responsibility to protect the sanctity of the divine law, not allowing its corruption in the hands of secular officials regardless of how much commitment they claimed to the spirit of the law. To be sure, Ibn al-Muqaffa‘ recognized the ‘*ulamā*’s crucial role in the moral order of Muslim society, but he was evidently concerned about their preferred way of operation which promoted legal diversification, hence the increased likelihood of social conflict. Ibn al-Muqaffa‘’s solution, then, implies that the ‘*ulamā*’ be incorporated into the government ranks so as to control their activities and to minimize their legal differences. Thus conceived, the solution makes the ‘*ulamā*’ subservient to the state.

¹⁷ Abū Yūsuf’s method is reminiscent of the old style tribal arbitration whereby the concerned parties would agree upon an arbiter (*ḥakam*) and defer to his ruling which would not necessarily reflect a predetermined body of common law.

While the ‘ulamā’s preferred method, represented by Abū Yūsuf, undermined the government’s dire need for strengthening its central authority, it may very well have fallen short of addressing the crisis of legitimacy. We must bear in mind that the ‘ulamā’ did not constitute a homogeneous group. The caliph’s appointing one of senior ‘ulamā’ as chief justice sought to undergird the legal basis of its policies which had been eroding since the times of the Umayyads. Such an appointment, however, did not, and could not, take away other ‘ulamā’s representative power, which could readily cast doubt on the legitimacy of the government’s institutions and policies.¹⁸ As a matter of fact, the Abbasid caliphate after the first quarter of the third/ninth century became exceedingly weak, not being able to defend its domain without remaining at the mercy of the military regimes. This situation culminated in a great confusion during the Samarrā period (221–76/836–89) and continued during the reign of the Būya (r. 334–447/945–1055) and Saljūq (r. 428–552/1037–1157) dynasties. Those dynasties, too, depended on the ‘ulamā’ for their own legitimation as much as the caliphate did.¹⁹

Given the tension between the different discourses of knowledge as discussed in this dissertation, the development of the dīwān followed an interesting trajectory. As I demonstrated in chapter 2, the institution of the dīwān evolved rapidly in response to the Muslim state’s concrete needs during the ongoing conquests. The dihqāns’ contributions greatly facilitated the collection of the land tax that sustained the expansion of military expeditions, generation of wealth, and the pronouncement of Arab hegemony. In addition, scholarly activities of the client

¹⁸ The insinuation in the primary sources that Abū Yūsuf tended to dispense legal opinions favorable to the caliph and courtiers highlights the contrast between two groups of the ‘ulamā’, which we may label, for the lack of better terms, as the “court’s jurist” and the “people’s jurist.” That is, the people’s jurist was determined to defend the sanctity of the law in spite of the court jurist.

¹⁹ See Berkey, *Formation of Islam*, 209, 225–26. The most eloquent synopsis of the Abbasids’ waning authority is provided in Maqdisī’s account of the style of government in Baghdad. “This land [Baghdad],” writes Maqdisī, “is the base of the Abbasid caliphs and they were always in power until the Daylam [Būya] gained control over them; *the Abbasids no longer have a say and no one listens to them*,” *Aḥsan al-Taḳāsīm*, 131 (my translation; emphasis added).

secretaries, through original composition and translation, addressed questions of political authority, the nature of power, the relationship between the ruler and the subject, role of religion, social hierarchy, and socioeconomic management of the empire. Senior secretaries grappled with these issues from the late Umayyad period onward and, in so doing, they transformed the *dīwān* into a site of knowledge production.

It cannot be a mere coincidence that the secretaries after the early Abbasid period rarely, if ever, produced a text like that of Ibn al-Muqaffa'. How did an intellectual tradition with such a profound literary and political potential suddenly come to an end? To be sure, intellectual productions in both literary and political realms flourished after Ibn al-Muqaffa', but the *dīwān* secretaries displayed a meager predilection for integrating indigenous and foreign elements of knowledge, as they had done before, to address specific questions of power and authority. This change of direction did not mean that the Abbasids had no interest in expanding their *dīwān*. In fact, the Abbasids expanded their *dīwān* administration as we can see, for example, in the administrative reforms under the caliph al-Mahdī during whose reign the *dīwān al-zimām* was instituted to impose additional checks and balances and to curb misappropriation of public funds. As well, the number of *dīwān* bureaus and their functions rapidly increased.

These developments notwithstanding, the *dīwān* no longer played a role in addressing the foundational issues of the polity. The questions of the polity and political legitimacy were now left to the 'ulamā'. One would wonder, how is it that there are no more than sporadic and insignificant references to the *dīwān* in Abū Yūsuf's and Yaḥyā's texts? How could they simply

ignore in their treatment of government issues the practices that for over a century and a half had become part of the state administration?²⁰

The only references made to the *dīwān* in Abū Yūsuf's text include, first, 'Umar's order to found the institution to disburse stipends and, second, the Battle of Jamājim, which reportedly resulted in the destruction of the *dīwān* records following a mutiny in Kufa.²¹ The first reference, to my mind, highlights the importance of a tradition that helps construct legal knowledge. As such, our legal scholars' interest in the *dīwān* pertains not to its institutional aspects, nor to its practices and procedures, but rather to its original connection to Muslim tradition. If so, the second reference might plausibly have intended to expose the vulnerability of the *dīwān*. That is to say, the government may spend time and money to maintain such tax records that can be destroyed instantaneously. When that happens, as it did in the Jamājim unrest, only the legal knowledge based on scriptures and tradition could help restore the desired social order. Viewed from this vantage point, the two legal texts examined in this dissertation are testimony to the triumph of the juristic discourse, which struck a blow at a crucial aspect of knowledge production at the *dīwān*.

The question remains as to what the alliance of the jurisconsults and the caliphate entailed for the production of non-legalistic secular knowledge, especially for what we refer to broadly as "scientific" disciplines. As is well known, the post-Revolution era saw the emergence

²⁰ Ben Shemesh writes, "Taxes were collected and justice and order administered before the book of Abū Yūsuf or Abū 'Ubayd, or that attributed to Yaḥyā, were written or read. It is not certain whether their teachings reflected the facts and usages of their period," Ben Shemesh, *Taxation*, 1:16.

²¹ Abū Yūsuf, *al-Kharāj*, 146, 170; Ben Shemesh, *Taxation*, 3:71, 75. There is disagreement as to the exact date of the battle of Dayr al-Jamājim between the rebel 'Abd al-Raḥmān b. Muḥammad b. Ash'ath and the governor of al-'Irāq al-Ḥajjāj b. Yūsuf; see Wellhausen, *Arab Kingdom*, 241–42. Some have reported that the battle took place in Sha'bān 82/August 701 while it is more likely that it was in Rabī' 83/April 702. The battle went on for about three months or so; see Ṭabarī, 6:346, 363. Ṭabarī's account has no mention of the destruction of the *dīwān*; nor does Mas'ūdi's, see *al-Tanbīh*, 272–73. Balādhurī reports the outbreak in the Kufa *dīwān* of fire as well as the destruction due to the Jamājim unrest. Interestingly, the chain of transmission (*isnād*) ends with "a man whose father was the most knowledgeable about al-Sawād;" *Futūḥ*, 268.

of the epoch-making Translation Movement that resulted in making available to Arabic-speaking people a large corpus of secular ancient knowledge from different disciplines, including mathematics, astronomy, medicine, and philosophy. This movement continued its growth under the patronage of high-level officials and wealthy philanthropists for over two centuries.²² The Translation Movement also paved the way for the generation of new knowledge in various fields.

This enormous feat became possible, however, after the political implications of the enterprise were minimized or concealed. While the Translation Movement received considerable support from statesmen and wealthy patrons, it had to continue on the fringes of society. That is to say, the translation of foreign texts had to give the impression, if not actual assurance, that it was merely technical knowledge intended for mundane purposes without any implications for the polity. The movement could, therefore, not accomplish much if it bore significant resemblance to the activities of the secretaries like Ibn al-Muqaffa' and if it implied that the knowledge thus produced could shape the structure of the polity. This assessment invokes the so-called marginality thesis, which holds that the genesis and growth of secular knowledge in medieval Islam took place in the margins of the society. Articulated by A. I. Sabra, the marginality thesis runs as follows:

That scientific and philosophical activity in medieval Islam had no significant impact on the social, economic, educational and religious institutions; that this activity remained itself unaffected by these institutions, except when it was finally crushed by their antagonism or indifference; and that those who kept the Greek legacy alive in Islamic lands constituted a small group of scholars who had little to do with the spiritual life of the majority of Muslims, who made no important contributions to the main currents of Islamic intellectual life, and whose work and interests were marginal to the central concerns of Islamic society.²³

²² For a thoroughgoing investigation of the movement, see Dimitri Gutas, *Greek Thought, Arabic Culture: the Graeco-Arabic Translation Movement in Baghdad and Early 'Abbasid Society (2nd–4th/8th–10th centuries)* (London, 1998); a broad survey of the major contributions to the movement may be found in Franz Rosenthal, *The Classical Heritage in Islam*, (Berkeley & Los Angeles, 1975).

²³ A. I. Sabra, "The appropriation and subsequent naturalization of Greek science in medieval Islam," 229.

Sabra goes on to discredit the thesis on the grounds that the Translation Movement and other related activities ran through layers of the Abbasid state and society. “If the marginality thesis were true,” Sabra argues, “then it might indeed seem possible or legitimate to study the history of Islamic science and philosophy in isolation from other aspects of Islamic civilization.”²⁴

The thesis as articulated by Sabra does sound preposterous. It goes without saying that the secular sciences, strictly speaking, did not flourish in isolation from society. Nevertheless, my examination in this dissertation implies that the marginality thesis, or some version thereof, must be revisited in light of the implications of knowledge for power, authority, and social order. Interestingly, Sabra admits that “the effectiveness of the opposition mounted by the *faqīhs* was invariably a function of their capacity to manipulate political power or to stir up popular sentiment.”²⁵ Their ability, then, to muster power and to marginalize other forms of knowledge is solid evidence that may be cited in support of the “marginality thesis.” Sabra puts the matter in strong terms such as “religious opposition.”²⁶ To my mind, the relationship is more subtle than opposition: it, rather, concerns how a domain of knowledge—in this case, legal knowledge based on sacred sources—projects its vision of social order to the field of power and authority. In so doing, it makes an attempt to demarcate the boundaries of legitimate knowledge. It is precisely in this sense that the ‘ulamā’s enterprise regulated the production of knowledge in such a way that it left little room for competing frameworks that could have undermined the ‘ulamā’s authority.

We could benefit from considering “knowledge”—referred to broadly as *‘ilm* in Muslim culture—as a “social capital.”²⁷ Knowledge serves as an instrument to attain an advantageous position in social and political relations. This is the case when statements of knowledge that

²⁴ Ibid.

²⁵ Ibid., 231.

²⁶ Ibid., 232.

²⁷ Cf. Berkey, *Formation of Islam*, 223, where he refers to *‘ilm* as “cultural capital.”

explicate state of affairs are acknowledged by society or at least by an influential segment of the society. This seems to have been the case with the statements of knowledge made by the jurists thanks to their roots in the sacred sources.²⁸ As Franz Rosenthal has demonstrated in his seminal work, *Knowledge Triumphant*, legitimate knowledge, as established by the Qur'an,

depended on the existence of a relationship between such knowledge and what is thought of as God's knowledge or as being in harmony with it. It is obviously questionable whether anything else that human beings may wish to call knowledge is to be regarded as such. Whenever one speaks of human knowledge, he has to keep in mind the connection between such knowledge and the form of knowledge that is suitable only for the deity.²⁹

Rosenthal's account provides insight into the triumph of a specific kind of knowledge produced and promoted by the jurists—a kind of knowledge that had a strong claim to uncovering the divine knowledge embedded in scriptures and tradition. It was precisely this kind of knowledge, which was capable of granting legitimacy, that the polity disparately needed. This being so, foreign knowledge could enjoy growth insofar as it dissociated itself from any influence on the foundation of the polity. Foreign knowledge could help, for example, perform better astronomical observations for making more accurate calendars; devise new ways of land survey; produce up-to-date and precise geographical maps; move heavy armor to the battlefield; build a more durable fleet; and so on and so forth. And foreign knowledge, having undergone naturalization, did just that. This constitutes what is generally referred to as the golden age of sciences in medieval Islam.

Foreign knowledge was able to flourish under the exemplary patronage of state officials and courtiers. They provided the necessary financial resources and protection to allow the

²⁸ George Makdisi writes, "Islam is, first and foremost, a nomocracy. The highest expression of its genius is to be found in its law; and its law is the source of legitimacy for other expressions of its genius...in Islam, law, perennially a conservative force, is both the legitimizing agency and the agency of moderation, for it must rest on both authority and reason," *The Rise of Colleges*, 8.

²⁹ Rosenthal, *Knowledge Triumphant*, 31–32.

translators and commentators to procure authentic manuscripts and to conduct research for addressing unsolved problems. In addition to palpable technical problems that foreign knowledge helped to solve, the scholars also engaged in more thoroughgoing philosophical issues, which had to be discussed within small circles of the master and his pupils, or under the protection of a powerful patron, however, not without causing bitter complaints from some jurists who were concerned about the implications of the so-called philosophical sciences. If these activities managed to continue within the small circles of the elite and sought to solve specific problems, then it may not be too great an exaggeration to characterize them as “marginal.” By contrast, the knowledge of scriptures and the Prophetic tradition had increasingly become part of the every day life, as it was taught at the mosque (*masjid*) and later found its own institution of learning (*madrasa*). This knowledge was by far the most important element in shaping social and political order during Islamic medieval period. Just as ordinary people sought qualified jurists who could answer their questions, so also the caliphate needed well respected legal authorities who could pave the way to implementing its policies, which might otherwise cause adverse reactions in society.

This dissertation has tried to make a case for strong links between the modes of knowledge production, visions of social order, and methods of deploying them to the fields of power and authority. I have demonstrated these links by focusing on few texts that perused different frameworks of knowledge and whose authors formed different kinds of alliance with the state and society. If these links do in fact exist, then we may benefit from a similar inquiry into modes of knowledge production in the following periods. Such an inquiry might help us make sense of the state of knowledge and its different branches in medieval Mesopotamia, and the way they have shaped social and political relations in what we know as Islamic civilization.

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