The caliphs and sultans who once ruled the Muslim world were often assisted by powerful Jewish, Christian, Zoroastrian, and other non-Muslim state officials, whose employment occasioned energetic discussions among Muslim scholars and rulers. This book reveals those discussions for the first time in all their diversity, drawing on unexplored medieval sources in the realms of law, history, poetry, entertaining literature, administration, and polemic. It follows the discourse on non-Muslim officials from its beginnings in the Umayyad empire (661–750), through medieval Iraq, Egypt, Syria, and Spain, to its apex in the Mamluk period (1250–1517). Far from being a fixed, changeless part of Islam, views about non-Muslim state officials were devised, transmitted, and elaborated at moments of intense competition between Muslim and non-Muslim learned elites. At other times, Muslim rulers employed non-Muslims without eliciting opposition. The particular shape of the Islamic discourse on this issue is comparable to analogous discourses in medieval Europe and China.

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Friends of the Emir

Non-Muslim State Officials in Premodern Islamic Thought

Luke B. Yarbrough

University of California, Los Angeles
B.A.Y.
“Support of the State” (ʿamīd al-dawlah) Hibat Allāh ibn Yuḥannā, the Christian of Wāsit, the Secretary: He was an upright and competent secretary, whose conduct was praiseworthy and whose ways were seemly. When the time came for the land tax to be collected from the hinterlands and villages, he would come to the tax office with a bag full of dirhams, to top up the payments of the indigent and overburdened and to help those who were in arrears. Thus did he earn the people’s gratitude. What is more, he showed a knack for expression in the documents he composed.

– Ibn al-Fuwāṭī (d. 723/1323), *Majmaʿ al-ādāb fī muʿjam al-alqāb*, 2: 262 (no. 1436)

Is it not like the case of a man who served a certain sultan, who had an enemy that loathed and hated him? Should the sultan’s servant be intimate with the sultan’s enemy and honor him? So it is with those who are intimate with the enemies of God, his Prophet, and the believers, honoring or befriending them.

– Ibn al-Mawṣīlī (d. 774/1372), *Ḥusn al-sulāk al-ḥāfiz dawlat al-mulūk*, p. 167

The wedge, on the other hand, works only in radial splits; such a split yields a collective view of all the years at once, or no view at all, depending on the skill with which the plane of the split is chosen.

– Aldo Leopold, *A Sand County Almanac*, p. 39
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My family is most deserving of gratitude for their love and support, even if here, as at other times, they may not seem to come first. I thank them for their unfailing hospitality, their patience, and their examples of integrity, faithfulness, and grace. The book is dedicated to my mother, paragon of all these virtues and more.
Note on the Text

Dates, Calendars, and Names

Unless otherwise noted, the years and centuries given in this book refer to the Gregorian Calendar (“CE”). Islamic (Hijri) lunar years, when given alone, are preceded by “AH” (anno hegirae). Dates are normally given according to both calendars, separated by a slash, with the Islamic lunar year preceding (e.g., 723/1323). Other calendars are explained on a case-by-case basis. Names of historical persons who are known primarily from sources written in non-Roman scripts are given in full transliteration, as are places and terms not generally familiar to Anglophone audiences.

Footnotes, Citations, and Bibliography

In the footnotes, references to both primary sources and secondary studies appear in abbreviated form, in the following order: the author’s name as listed in the Bibliography, abbreviated title, volume:page (e.g., al-Maqrīzī, Ittiḥāḍ al-ḥunafāʾ, 2:29). Full references are found in the Bibliography. Names in brackets indicate attributed but uncertain or refuted authorship (e.g., [Ibn al-Fuwaṭī], al-Hawādith al-jāmi‘ah, pp. 63–70).
Abbreviations

For common words and phrases:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>Ar.</td>
<td>= Arabic</td>
</tr>
<tr>
<td>b.</td>
<td>= Ar. <em>ibn</em> (“son” or “son of”)</td>
</tr>
<tr>
<td>bt.</td>
<td>= Ar. <em>bint</em> (“daughter” or “daughter of”)</td>
</tr>
<tr>
<td>c.</td>
<td>= century</td>
</tr>
<tr>
<td>Per.</td>
<td>= Persian</td>
</tr>
<tr>
<td>pl.</td>
<td>= plural OR plate</td>
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<tr>
<td>pr.</td>
<td>= printing</td>
</tr>
<tr>
<td>q.</td>
<td>= quotation</td>
</tr>
<tr>
<td>Q.</td>
<td>= Qur’ān</td>
</tr>
<tr>
<td>s.a.</td>
<td>= <em>sub anno</em> (“under the year”)</td>
</tr>
<tr>
<td>s.n.</td>
<td>= <em>sub nomine</em> (“under the name”)</td>
</tr>
<tr>
<td>s.v.</td>
<td>= <em>sub verbo</em> (“under the word”)</td>
</tr>
<tr>
<td>Syr.</td>
<td>= Syriac</td>
</tr>
</tbody>
</table>

Journals, series, and major reference works.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM</td>
<td><em>Al-Masāq</em></td>
</tr>
<tr>
<td>AHR</td>
<td><em>The American Historical Review</em></td>
</tr>
<tr>
<td>AI</td>
<td><em>Annales Islamologiques</em></td>
</tr>
<tr>
<td>BEO</td>
<td><em>Bulletin d’Études Orientales</em></td>
</tr>
<tr>
<td>BJMES</td>
<td><em>British Journal of Middle Eastern Studies</em></td>
</tr>
<tr>
<td>BSOAS</td>
<td><em>Bulletin of the School of Oriental and African Studies</em></td>
</tr>
<tr>
<td>CCE</td>
<td><em>Claremont Coptic Encyclopedia</em></td>
</tr>
<tr>
<td>CMR</td>
<td>Thomas, David et al., ed., <em>Christian-Muslim Relations, A Bibliographical History</em></td>
</tr>
<tr>
<td>CSCO</td>
<td><em>Corpus Scriptorum Christianorum Orientalium</em></td>
</tr>
<tr>
<td>DI</td>
<td><em>Der Islam</em></td>
</tr>
<tr>
<td>EAL</td>
<td>Meisami, Julie Scott and Paul Starkey, ed., <em>The Encyclopedia of Arabic Literature</em></td>
</tr>
<tr>
<td>EI¹</td>
<td>Martijn Theodoor Houtsma et al., ed., <em>The Encyclopaedia of Islam</em></td>
</tr>
</tbody>
</table>
List of Abbreviations

EI³ = Fleet, Kate et al., ed., *Encyclopaedia of Islam*, Three
EIr = Yarshater, Ehsan et al., ed., *Encyclopaedia Iranica*
EIc = Daftary, Farhad and Wilferd Madelung, ed., *Encyclopedia Islamica*
EJIW = Stillman, Norman et al., ed., *Encyclopedia of Jews in the Islamic World*
EQ = McAuliffe, Jane Dammen, ed. *Encyclopaedia of the Qurʾān*
GAL = Brockelmann, Carl, *Geschichte der arabischen Litteratur*
IJMES = International Journal of Middle East Studies
ILS = Islamic Law and Society
JAL = Journal of Arabic Literature
JAOS = Journal of the American Oriental Society
JESHO = Journal of the Economic and Social History of the Orient
JIS = Journal of Islamic Studies
JNES = Journal of Near Eastern Studies
JRAS = Journal of the Royal Asiatic Society
JSAI = Jerusalem Studies in Arabic and Islam
JSS = Journal of Semitic Studies
ME = Medieval Encounters
Med. Soc. = Goitein, Shelomo Dov, *A Mediterranean Society*
MSR = Mamluk Studies Review
MUSJ = Mélanges de l’Université Saint-Joseph
MW = The Muslim World
PO = Patrologia Orientalis
RAAD = Revue de l’Académie Arabe de Damas
REJ = Revue des Études Juives
RSO = Rivista degli studi orientali
SI = Studia Islamica
SO = Studia Orientalia
TK = al-Mizzī, *Tahdhib al-Kamāl fi ʾasmāʿ al-rijāl*
TMD = Ibn ʿAsākir, *Taʾrīkh maḏīnāt Dimashq*
TMS = al-Khaṭīb al-Baghdādī, *Taʾrīkh maḏīnāt al-salām*
ZDMG = Zeitschrift der Deutschen Morgenländischen Gesellschaft
Glossary of Frequent Arabic Terms

adab: refined literature; belles lettres; proper comportment
ahkām (pl. of ḥukm): legal rulings
ahl al-dhimma: see dhimmi
ahl al-kitāb: see “People of the Book”
ʻālim: see ulama
akhbār: transmitted reports, often of a historical nature
akhbārī: transmitter of akhbār
caliph (Ar. khalīfah, pl. khulafāʾ): in principle, supreme leader of the Muslim community
dhimma: “pact” of security; see also “dhimmi”
dhimmi (Ar. dhimmī): permanent, legal non-Muslim resident of Muslim-ruled lands; guaranteed security in exchange for payment of jizyah and deference to Muslim authority; collectively described as ahl al-dhimma
emir (Ar. amīr): commander, usually military and/or political; part of the caliph’s title “Commander of the Believers” (amīr al-muʾminīn)
fatwa (Ar. fatwā, pl. fatāwā): advisory ruling regarding a legal question
fiqh: jurisprudence, field of Islamic legal inquiry
fuqahāʾ (pl. of faqīḥ): jurists
ḥadīth: saying(s) of the Prophet and, in some cases, of other revered early Muslims
ḥukm: see aḥkām
kātib (pl. kuttāb): secretary or scribe, often as a state official, sometimes in an elevated position
madhhab (pl. madhāhib): “school” or rite of Islamic legal thought and practice
mufti: legal scholar who issues a fatwa
muḥaddith: scholar who deals with the transmission and study of ḥadīth

naṣīḥah: counsel, especially the genre of formal works that offer guidance to rulers

People of the Book (Ar. ahl al-kitāb): Jews, Christians, and others who possess a scripture that Muslims recognize as being of divine origin, and who thus qualify, in principle, for recognition as dhimmis

qāḍī (pl. quḍāt): court judge who tries specific cases according to Islamic law

sharīʿah: divinely prescribed law that jurists seek to discover

Sufi: Muslim who engages in particular “mystical” practices to achieve closeness to God

sunnah: exemplary, normative practice of the Prophet and/or other revered figures

tafsīr: exegesis, esp. of the Qurʾān

ulama (Ar. ḫulamāʾ, pl. of ḫālim): learned persons, scholars, usually in religious sciences

ummah: the world community that, in principle, comprises all Muslims

vizier (Ar. waẓīr, pl. wuzarāʾ): government minister

wāʾiz (pl. wūʿāz): exhortatory preacher

wazīr: see vizier
Part I

Beginnings
1 An Introduction to the Prescriptive Discourse Surrounding Non-Muslim State Officials

Throughout the history of premodern Islamic states, Muslim rulers and their agents frequently appointed officials who were not Muslims, sometimes to powerful positions.¹ According to the great Muslim historian Ibn Khaldūn (d. 808/1406), “accounting remained the province of non-Arab clients and dhimmis” even well after the watershed reforms of the Umayyad caliph ʿAbd al-Malik (d. 86/705) that made Arabic the language of imperial administration.² Indeed, Ibn Khaldūn’s statement holds true, in varying degrees, for many of the Islamic states that preceded the early-modern Muslim empires of the Ottomans, Safavids, and Mughals. What did contemporary Muslims make of this state of affairs? This book offers an extended answer to that question, but since we can scarcely be sure what premodern people thought, or even what they said, this book will study what learned Muslims took the trouble to write down about the employment of non-Muslim state officials. What they wrote obviously stands in some relation to what they believed, but is more productively understood as an indication of what they wished their audiences to hear. Those Muslims who possessed the motives and means to produce and disseminate texts concerning non-Muslim officials overwhelmingly expressed disapproval of their employment, though not as overwhelmingly as many have supposed.³ They approached the issue from numerous angles and in a variety of genres, including history, exegesis, jurisprudence, counsel for rulers, administrative manuals, polemic, and poetry, all of which this book will consider. Yet for all this diversity, their extant writings on the matter constitute not a disjointed

¹ Here “Islamic state” denotes not a state of, by, and for Muslims – a notion that non-Muslim contributions render problematic – but instead a prevalent discursive mode of legitimation. Thus, in “Islamic” states, political legitimacy is asserted largely by the use of language and symbols that have distinctive affinities with Islam, such as those conveyed in the Qurʾān and the sayings ascribed to the Prophet. For perspectives on the use of “Islamic” in a similarly discursive vein, see Asad, “The Idea of an Anthropology of Islam”; Anjum, “Islam as a Discursive Tradition.” Cf. Ahmed, What Is Islam?, pp. 270–97.

² Ibn Khaldūn, Muqaddimat Ibn Khaldūn, 1:421; cf. Ibn Khaldūn, The Muqaddimah, 2:9. The term “dhimmi” (Ar. ḍhimmi), now in common usage, denotes, in Muslim juristic parlance, the non-Muslim subject of an Islamic state whose presence there is theoretically governed by a pact ([ʿahd] dhimmah) between the Muslim community and his or her non-Muslim one. The pact theoretically guarantees security in exchange for certain material and symbolic concessions.

miscellany, but a continuously evolving prescriptive discourse, characterized by numerous recurrent structures, themes, topoi, and schemata, as well as by pervasive and overt intertextuality. Their writings were prescriptive in that they used overtly normative language to urge change in human affairs. They qualify as a discourse in the sense that they formed a conversation across time among their producers, whose choices when writing were conditioned by earlier texts and designed to affect their audiences. In the process, the texts that they produced justified and structured unequal relationships among individuals and groups. This book tells the story of how the prescriptive discourse around non-Muslim officials was created and progressively elaborated.

To glimpse this prescriptive discourse as it was woven together across time and space, consider the case of Abū Bakr al-Jaṣṣāṣ (d. 370/981). Al-Jaṣṣāṣ was a leading Muslim scholar of Baghdad, who contributed to abstract debates in Ḥanafī jurisprudence (uṣūl al-fiqh), speculative theology (kalām), and scriptural exegesis (tafsīr). Abstract though they be, his works also reflect the banal annoyances of life in Iraq and Iran under the faltering Abbasid caliphate and the Buṭyid adventurers who seized power there in 334/945. For example, in an influential book on legal rulings derived from the Qurʾān, Aḥkām al-Qurʾān, al-Jaṣṣāṣ complains about certain Christian state officials who, he writes, were using the authority granted them by Muslim rulers to lord it over Muslims and to line their own pockets. He argues that Christian officials who act in this manner have effectively cancelled their pact of security (dhimmah) with the Muslim community. In principle, therefore, they could be killed with impunity.

We shall examine the particulars of al-Jaṣṣāṣ’ argument in Chapter 5. What concerns us here is the way in which he justified his position. His argument against the employment of non-Muslim officials foregrounds two verses of the Qurʾān: 3:118 and 5:51. Both advise believers to dissociate from Jews and Christians. But al-Jaṣṣāṣ had not independently fancied these passages as proof texts for this particular issue. Instead, they had been mediated to him by Muslim rulers to lord it over Muslims and to line their own pockets. He argues that Christian officials who act in this manner have effectively cancelled their pact of security (dhimmah) with the Muslim community. In principle, therefore, they could be killed with impunity.

For the term “prescriptive discourse,” here in a typology of revealed speech, see Ricoeur, “Toward a Hermeneutic of the Idea of Revelation,” esp. 8–11. Ahmed uses the term to describe Islamic law in toto (What Is Islam? p. 93). I use “intertextuality” in a sense akin to that proposed by Gerard Genette: “a relationship or copresence between two texts or among several texts: that is to say ... the actual presence of one text within another.” Genette gives the examples of quotation and plagiarism (Genette, Palimpsests, pp. 1–2).

city of Kufa about a century after ʿUmar’s death, as a way to protest a philo-
Christian governor who favored non-Muslim officials.

Thus, al-Jaṣṣāṣ reacted to the nuisance of confiscatory non-Muslim officials 
in his own day by drawing upon an issue-specific prescriptive discourse that 
had been transmitted and elaborated for centuries before it reached him. His 
own contribution to the discourse in Aḥkām al-Qurʾān was, in turn, seized upon 
by later authors. For instance, al-Jaṣṣāṣ’ book was thrice cited in an eighth/
fourteenth-century Egyptian diatribe against employing non-Muslims, entitled 
al-Qawl al-mukhtār fī l-manʿan takhyīr al-kuffār (The Selected Saying 
Concerning the Prohibition Against Preferring Infidels). The unidentified 
author of this work composed it to celebrate and shore up a recent edict of 
the Mamluk sultan that dismissed non-Muslims from state employment, 
thereby appropriating and elaborating upon the discourse in response to the 
exigencies of his own historical setting. Around the same time, the famous 
scholar Ibn Qayyim al-Jawziyyah (d. 751/1350) included al-Jaṣṣāṣ’ views 
in almost precisely the same words in a now-famous work: Aḥkām ahl 
dhimmah (Legal Rulings Regarding Dhimmis). But he attributed them 
to an altogether different figure, the renowned jurist Abū Yaʿlā ibn 
al-Farrāʾ (d. 458/1066), who belonged to his own Ḥanbalī school of 
legal thought. From Ibn al-Qayyim’s work, al-Jaṣṣāṣ’ deracinated view 
then re-entered the Ḥanafī literature in a lengthy Qurʾān commentary by 
the Egyptian Ḥanafī scholar and Ottoman official al-Shihāb al-Khafafī 
(d. 1069/1659), who paired it with some of his own invective poetry 
against Ottoman rulers who favored Jewish courtiers.6

Here, then, is a section of one strand within our prescriptive discourse. It runs 
from the eighth to the seventeenth century, and indeed beyond, if we cared to 
follow it into later generations. For example, The Selected Saying was litho-
graphed in Cairo as part of an anti-colonial pamphlet assembled in nineteenth-
century Mecca by a Ḥadramī Sufi political exile from British India, a certain 
Faḍl Pasha, who went on to become an advisor to the Ottoman sultan Abdul 
Hamid II and an associate of the famous modernist reformer Jamāl al-Dīn 
al-Afghānī. Clearly, this one strand acquired certain hues of meaning and shed 
others as it was woven through a variety of texts and historical contexts by 
particular authors. Yet there are also continuities. For example, the same 
hortatory phrases were repeatedly directed at audiences that wielded, con-
tested, or sought to share in state power; they decried alleged misconduct 
among present-day non-Muslim officials and their Muslim patrons; they 
appealed to textual loci of authority; and they abetted their creators’ ambitions 
to compete for scarce, valued resources.

6 Chapter 9, pp. 298–99.
This example raises two important though somewhat countervailing observations about the discourse that should be made at the outset. The first is that scholars like al-Jaṣṣāṣ wrote about thousands of other topics in addition to non-Muslim officials. Thus, Islamic textual traditions contain innumerable other prescriptive discourses that resemble this one. Discourses concerned with proper burial practices, with rebellion and violence, and with who may (and may not) set foot in mosques are only three examples among thousands that might be given. Yet this discourse has certain features that make it unusual among its analogues in the Islamic tradition. Premodern Islamic prescription, particularly in its juristic forms as fashioned by scholars like al-Jaṣṣāṣ, was often somewhat removed from contemporary historical circumstances, concerned with the actions of individuals rather than those of state elites, and lacking in overt relevance to the scholars who formulated it. For example, prescriptive discussions of almsgiving (zakāt), are voluminous but often quite disconnected from contemporary practice, while those on burial and on entering mosques were, for all their many extended resonances, concerned in the first instance with the quotidian affairs of individuals. Texts that concerned non-Muslim state officials, by contrast, were often generated by highly visible and concrete political realities – most obviously the employment of such officials by states – that are frequently attested in other sources, and that had considerable implications for the position of ulama vis-à-vis those states.

This feature of the discourse gives it uncommon potential as a case study in which to trace the historical development of prescriptive thought in Islamic societies. The discourse around non-Muslim officials is also promising as an index of how Muslim learned elites negotiated their own ever-shifting social and political positions, and of how they leveraged texts and institutions to compete for resources. This promise lies in its reflexive quality. It is distinctive, though not unique, in that it led its learned authors to reflect upon their own social and political positions in ways that modern readers can clearly discern. In urging the dismissal of non-Muslim learned elites, they implicitly urged the employment of Muslim ones, sometimes themselves. While writing learned treatises in favor of the observance of some other aspect of Islamic normativity could, of course, enhance a scholar’s prestige and that of his colleagues, this effect was fairly indirect. Only admonition to rulers about the sorts of men whom states should employ put Muslim learned elites in a position to reflect so directly on their own relationship to state power. This relationship, in turn, is one of the central problems in the study of Islamic history. If we listen closely to

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7 For the prescriptive discourse on burial practices in early Islam, see Halevi, Muhammad’s Grave. For that on rebellion and violence, see Abou El Fadl, Rebellion and Violence in Islamic Law. For that on entering mosques, see Katz, Women in the Mosque; Melchert, “Whether to Keep Women out of the Mosque”; Melchert, “Whether to Keep Unbelievers Out of Sacred Zones”; Yarbrough, “Upholding God’s Rule,” pp. 36–41.
the prescriptive discourse that premodern Muslims wove around the issue of non-Muslim state officials, we will hear impassioned, long-forgotten views that were recorded at the fraught nexus of Islamic authority, textual production, state power, and communal difference.

The Discourse Reconsidered

The task at hand, then, is to historicize the surviving textual evidence of that discourse. We will undertake this task by consistently posing a set of particular questions. Most basically, we will ask when, where, and why the discourse’s principal constitutive elements were forged and subsequently repurposed. What were the concerns of its producers and their audiences? What were the intersecting discourses and historical trends that it affected and absorbed? Where was it located in wider currents of Islamic political and legal expression? To what degree did it impinge upon the historical activities of non-Muslim state officials, their employers, and other contemporaries? We will find that the men who produced the discourse were primarily concerned to secure and advance their own positions in particular fields of competition, sometimes in relation to state power, though this concern also took the form of zeal for particular ideological, social, and legal orders. Thus, the texts they produced were as much about the constantly evolving relationships between the learned custodians of Islamic knowledge and authority and the holders of political power as they were about non-Muslims and their employment as state officials.

This last assertion runs against the grain of much previous scholarship on the discourse, which has read it as primarily about non-Muslim officials. Indeed, few of the questions posed above have been addressed systematically. This is mildly surprising. After all, it is conceded across disciplines that normativity, like all aspects of culture, is subject to steady change. Yet change has garnered relatively little attention in the considerable volume of modern scholarship that has touched upon the discourse, and to which this book is indebted in countless ways. The tendency of that scholarship, like much modern work on the history of Islamic law and prescriptive thought more broadly, has been to overlook the gradual and progressive nature of the discourse’s elaboration, its contingency, and the way that implicit authorial motivations shaped it. Instead, modern observers have typically presented opposition to non-Muslim state officials as an aboriginal, fixed, and authoritative aspect of Islam. This section details

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8 On the tendency to strip Islamic prescriptive thought of its contingent historical aspects (or to ignore them), see Shalakany, “Islamic Legal Histories”; Hallaq, *The Origins and Evolution of Islamic Law*, pp. 1–2; Salaymeh, *Beginnings*, p. 144.

9 Here I borrow language from Chase Robinson’s call to historicize features of Islamic history “that the tradition itself has conventionally viewed as both aboriginal and fixed” (“Reconstructing Early Islam,” p. 119).
the discourse: by highlighting and tracing its uncertain, contingent, and cumulative development; by showing how its scope extended beyond the cul-de-sac of “dhimmi law” in which it has usually been placed; and by considering how a historicized analysis of one discourse can inform our understanding of the relationship between prescriptive discourses and political practice in historical Islamic states, particularly through the recognition that it was produced primarily as an instrument of competition for scarce, exchangeable resources among literate elites.

A Historical Discourse

The most extensive treatment of the discourse in a European language to date is that by the legal historian and Lebanese diplomat Antoine Fattal, in a chapter of his classic 1958 survey of the legal status of non-Muslims in Islamic law, *Le statut légal des non-musulmans en pays d’Islam*. That chapter, entitled “Public Service,” is divided into two sections: “the doctrine of the jurists” and “the historical facts.” “The doctrine of the jurists that strives to establish the ineligibility of dhimmis to hold public office,” Fattal writes, “is in formal contradiction with the historical facts.” In other words, there is abundant evidence that non-Muslims were commonly employed as state officials throughout Islamic history, whatever Muslim jurists may have opined. Fattal’s approach exemplifies a trend in the scholarship on Islamic prescriptive thought, and Islamic law in particular, that remains pervasive, especially in areas of public law: to erect a partition between prescriptive views and “historical facts.” Such partitions accentuate apparent contrasts between textual prescription and historical practice, but have done little to show how prescription and practice were intertwined and mutually conditioned.

Because the “doctrines of the jurists” are “historical facts” in their own right, there remains a need to re-inscribe them within a historical narrative alongside other prescriptive registers, such as those expressed in literature.

Fattal was far from the first to study “doctrines” on non-Muslim officials at a remove from their historical circumstances. Ignaz Goldziher (1850–1921),

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11 See Shalakany, “Islamic Legal Histories”; Masud, “The Doctrine of Siyāsa in Islamic Law.” Efforts are increasingly being made to emplot the history of Islamic prescription within broader historical narratives; see, e.g., El Shamsy, *The Canonization of Islamic Law*, esp. 91–117.
a leading founder of modern Islamic Studies in Europe, prefigured Fattal’s partition in his own general characterization of the discourse: “Although the Muslim religious law may have forbidden the head of state to appoint the adherents of other religions to administrative positions, it could hardly have been observed.” Implicit in Goldziher’s statement, with which he introduced a brief study of the topic, are several suppositions: that Islamic law was the supreme form of prescription in Islamic societies; that this law was temporally prior to the practices on which it pronounced; and that it could be expected, as modern law commonly is, to regulate the conduct of the state itself. The approach taken by the Jesuit scholar Camille Hechaïmé, in a more recent, comprehensive survey of Christian officials in historical Islamic states, accords with that of Fattal and Goldziher. The introduction to his book, which builds on the work of Louis Cheikho, begins by stating that “Islamic law, in principle, does not permit the state employment of dhimmis.” A number of Qur’anic quotations are then presented, which the author takes as proof that Scripture is “clear on this matter.” This view has recently and independently been repeated by the historian Brian Catlos: “The Qur’an was explicit on this point: dhimmis were not to serve in positions of authority over the faithful.” These modern views align with those of many Muslim rigorists who contributed to the prescriptive discourse on the topic. Both elide the historical process by which certain Qur’anic verses came gradually to be understood as relevant to the administration of complex agrarian states. But the Qur’an’s relevance here may not in fact be so incontrovertible. No less severe a figure than the modern cleric Muḥammad al-Ghazālī (d. 1996) maintained that “[t]he Qur’an does not forbid the employment of The People of the Book in positions for which they are qualified.” Instead, the verses usually cited to this effect are, in his view, “unconnected to this subject.”

The historian Arthur Stanley Tritton (d. 1973) dedicated a chapter of his pathbreaking survey of non-Muslim life under Islam to the topic of state employment, which he, too, understood to have been a fundamentally transgressive phenomenon. According to Tritton, the famous edict against non-Muslim officials that was issued by the third/ninth-century Abbasid caliph al-Mutawakkil, the text of which is studied for the first time in Chapter 4 of this book, “re-enacted the law that no non-Muslim should be in government

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13 Cheikho and Hechaïmé, Wizarāʾ al-nasyrānîyyah, p. 15.
14 Catlos, Infidel Kings and Unholy Warriors, p. 42. The terms dhimmī and ahl al-dhimmah do not occur in the Qur’ān. For a more nuanced statement of the same view, see Cabrol, Les secrétaires, p. 138.
15 al-Ghazālī, al-Taṣṣub wa-l-tasāmuh, p. 51. Al-Ghazālī was not lacking in rigorist severity; he acted as an apologist for the murder of Faraj Fawda, a critic of Islamist ideology who was accused of apostasy. See Brown, The Rule of Law in the Arab World, pp. 113–14.
service.” Here the caliph’s decree, which is actually the first in Islamic history of which there is incontestable evidence, is assumed to “re-enact” a “law” of unquestioned authority and antiquity. In like fashion, the several modern book-length surveys of the discourse in Arabic treat the issue as an exclusively legal-theoretical one, in which historical factors seldom disturb juristic ratiocination. Similarly, a brilliant study by the literary historian Ross Brann accepts it as a simple fact that non-Muslim officials were unlawful. For Brann, “the political prominence of dhimmīs in contravention of Islamic law” was a transgression of the “inviolate social and political boundaries Islam imposed on its Jewish subjects.” In a sense, this is quite correct, for numerous Muslim authors did indeed declare the employment of non-Muslims a transgression of inviolate boundaries imposed by an impersonal, timeless Islam. The jurists’ language, like many discourses of power, scrubbed prescription clean of the historical forces that produced, sustained, and constrained it, framing its arguments as authoritative interpretations of the divine will. The trend of isolating juristic views from historical developments continues in a recent contribution to the literature on the discourse, a learned study of non-Muslim officials in the early Abbasid caliphate by Mun‘im Sirry, which preserves the clear partition between “juristic discourses” and “historical realities,” as though the former were not historical and the latter not mediated to modern historians chiefly through discourses of their own.

Even when modern scholarship has not dehistoricized the discourse, it has tended to simplify it by imputing unanimity to its producers. For example, Bernard Lewis’ influential survey The Jews of Islam informs its readers that “the attitude of the doctors of the law to the employment of dhimmīs was unequivocal.” Yet in fact the “doctors”’ attitudes, on the particular occasions when they had cause to express them in writing, were marked by substantial disagreement. Even where their conclusions tallied, their reasoning took highly divergent paths, as we shall see in Chapter 5. Diversity in prescriptive reasoning is significant, for it signals that the stated justifications for particular, subjective views on right and wrong actions – such as certain Qur’ānic verses, stories (ḥadīth) about the Prophet, or parables from Islamic history – are not by themselves sufficient to explain why a diverse range of thinkers held those

16 Tritton, The Caliphs and their Non-Muslim Subjects, p. 23.
18 Brann, Power in the Portrayal, pp. 16, 40.
20 Lewis, The Jews of Islam, p. 29. Grafton’s ascription of the same view to Émile Tyan is mistaken (The Christians of Lebanon, p. 44).
views. Diversity in reasoning invites us to seek deeper patterns that lie behind whatever uniformity may be apparent in shared conclusions.

To be sure, not all modern scholarship has presented a de-historicized or oversimplified account of the prescriptive discourse surrounding non-Muslim officials. Numerous historians who have touched, in passing, upon some facet of it have taken its historical contingency for granted, without, however, tracing its development through time. For those readers to whom their assumption seems warranted, this book, by splitting the mass of evidence at a new angle, will show how particular iterations of recorded Muslim thought on the issue conformed to and constituted (or diverged from and diverted) long-term patterns. The cost of taking a diachronic view of the discourse rather than dwelling on the broad source base of a single historical moment is that we risk misinterpreting its constitutive elements in their respective contexts. The payoff, however, is a panoramic view of a discourse’s evolution, and a sense of what was distinct or unremarkable about its particular instantiations.

But how is one to entwine the two existing strands of scholarship on the prescriptive discourse – ahistorical surveys and historically sensitive but fragmented snapshots – in a way that complements the achievements of both approaches? One way forward is suggested by the legal historian Sherman Jackson in an influential 2002 book chapter. Drawing insights from legal realism and critical legal studies, Jackson foregrounds the contribution made to the discourse by al-Juwaynī (d. 478/1085) – a renowned Muslim scholar of the fifth/eleventh century – to suggest that the rationales that premodern Muslim jurists gave for their rulings often diverged from their own stated principles for deriving rulings from authoritative sources of law. Jackson’s concern is principally with legal theory, not non-Muslim officials per se, as we shall see in Chapter 5. He suggests that the highly theorized body of Islamic juristic hermeneutics (usūl al-fiqh) is, for all its sophistication, a kind of “fiction” that masks the true causes of legal rulings. His approach, which has since been developed further by Behnam Sadeghi, points the way to new avenues for research. By opening space between prescriptive opinions and

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22 Jackson, “Fiction and Formalism.” For examples of the article’s influence, see Sadeghi, Logic, pp. 35–39 (with critique); Lowry, Early Islamic Legal Theory, pp. 251ff. For approachable introductions to legal realism and critical legal studies, see the studies cited in Jackson, “Fiction and Formalism,” esp. pp. 180–85, as well as Kelman, A Guide to Critical Legal Studies; Schlag, “Critical Legal Studies”; de Been, Legal Realism Regained.
their formal pretexts, Jackson’s approach invites us to identify alternative, implicit reasons for widely shared conclusions – here, Muslim jurists’ tendency to take a dim view of non-Muslim officials. For us, this task begins by identifying the specific historical settings in which some of the most durable and influential elements of the discourse were fashioned. Even if one agrees in principle that the discourse was contingent and responsive to context, the particulars of that contingency have remained largely unknown. For those who already concede the merits of this approach, the payoff will be not a new framework in which to imagine the discourse, but substance to fill out a framework of historical evolution that has thus far remained mostly empty.

A Discourse by and about Muslims

In addition to systematically historicizing the prescriptive discourse surrounding non-Muslim officials, this book situates it more precisely within the world of Islamic prescriptive textuality. Modern scholars have tended to treat writings on non-Muslim state officials as part of a particular subset of Islamic law that pertained specifically to dhimmis, analogous to Christian “Jewry law.” In this vein, Joseph Sadan has described the discourse in relation to this subset of Islamic prescriptive thought as “[t]he strict rules imposed on the Protected People (ahl al-dhimmah), including the principles forbidding the employment of non-Muslim officials.”

I will argue, by contrast, that the prescriptive discourse concerning non-Muslim officials is in fact not a part of dhimmi law, if such a thing can be said to exist. To borrow a distinction proposed by David Freidenreich, the discourse was primarily “reflexive,” not “imposed,” meaning that it was meant mainly to regulate the community of Muslims that generated it, not other, subordinate communities. Its primary goal was to affect what other Muslims habitually did: employ unbelievers. Only in exceptional cases did it attempt to regulate non-Muslims directly while ignoring their

23 Sadan, “What does Manhaj al-ṣawāb want from the Jews?” p. 315. The same assumption is reflected widely in the literature, as for instance in the inclusion of the discourse in Fattal’s seminal study, discussed above, or in Milka Levy-Rubin’s recent one, where the discourse is given as a subset of “Muslim law of non-Muslims” (Levy-Rubin, Non-Muslims in the Early Islamic Empire, pp. 121–23).

24 Christian Müller has recently observed that even in the formal fīqh literature, laws affecting non-Muslims are spread thinly across various subject headings, not quarantined in one place (Müller, “Non-Muslims as part of Islamic law,” p. 26).

25 See Chapter 3, pp. 63, 97. Similarly, in considering the place of non-Muslims in a fifth/eleventh-century Andalusian legal manual, Müller astutely distinguishes among juridical strands that apply to, inter alia, “exclusively Muslims,” “exclusively non-Muslims,” and “Muslims and dhimmīs on equal terms.” State employment has traditionally been treated as though it belonged to the second category. I argue that, if we wish to frame it as a legal issue at all, it belongs to the first or, in rare instances, the third (Müller, “Non-Muslims as part of Islamic law,” p. 26).
Muslim employers. The distinction is not trivial. Observing it can preserve scholars from errors of fact, such as D. S. Richards’s assertion that “[o]ne clause of the Covenant [of ʿUmar] stipulated that no dhimmī should be employed in the administration.” In fact, no version of the Covenant or Pact of ʿUmar – a well-known list of negotiated restrictions on dhimmis later attributed to the second caliph – contains such a clause. It would verge on incoherence to demand that non-Muslims hew to a principle routinely flouted by the Muslims who sought to employ them.

It is true that the discourse affected non-Muslim communities deeply, albeit indirectly. Its Muslim creators frequently invoked dhimmi restrictions as a rhetorical means of ousting non-Muslim officials, and those restrictions, when they were heeded, could be applied much more widely. For historians interested primarily in the subordinate communities, it is thus tempting to see the discourse as malicious persecution, and to view it as primarily “about” non-Muslims, where “about” may even imply that non-Muslims caused it in a willfully reckless way. Thus, for Bernard Lewis “the main purpose” of edicts dismissing non-Muslim officials was “to reduce the encroachment of non-Muslims on the Muslim state and their arrogation to themselves of an authority that would rightfully belong to Muslims alone.” Here Lewis, if perhaps facetiously, imputes most of the agency in the employment of non-Muslims to the employees, and treats the hierarchies advocated by private Muslim jurists and political theorists as transparently normative for rulers and other officials, the real employers. Similarly, Milka Levy-Rubin sums up the discourse as “the prohibition on holding public office.” I would contend, however, that we will gain little analytical traction in the sources until we take seriously their authors’ overwhelming tendency to identify the issue in terms not of what non-Muslims do in “holding public office,” but of what their Muslim employers do in appointing them, and not as a blanket “prohibition,” but as a position periodically advocated and asserted by particular, interested actors. The tendency to foreground non-Muslims in the study of the discourse has also caused it to be studied in exclusive relation to specific religious communities. Thus, Cheikho, Hechaïmé, and Bo Holmberg limited their inquiries to Christian secretaries and viziers; Salo Baron, Walter Fischel, Eliyahu

28 For examples of non-Muslim state officials in al-Andalus and Syria viewing iterations of the discourse as malicious slander, see Yarbrough, “A Christian Official of the Mamluk State Speaks.”
29 Lewis, Jews of Islam, p. 48; cf. Lewis, Islam, 2:217, which refers to “the undue success of Christians or Jews in penetrating to positions of power and influence which Muslims regarded as rightfully theirs” (emphasis mine).
Strauss, S. D. Goitein, Sadan, Brann, and others were concerned mainly with Jewish ones; and Zoroastrian, “Sabian,” Samaritan, and others from less well-studied non-Muslim communities have received correspondingly less treatment.  

Yet only in a few instances did the discourse’s producers make such clean distinctions among the subordinate non-Muslims. Instead they tended, rhetorically at least, to advocate the exclusion of non-Muslims generally, as well as that of Muslims whom they opposed. In writing against the employment of non-Muslim officials, they sought, it is true, to regulate the lives of the latter, but they were equally keen to affect the policies of Muslim political authorities toward themselves. In the juristic fiqh literature, the topic of non-Muslim officials arises most often not among the regulations relating to dhimmis, but in passages concerned with who may lawfully collect the alms tax (zakāt), who may serve as scribe to a judge (qāḍī), and who may serve as vizier. Its native literary habitat is less the surrender treaty or shurūṭ literature, such as the Pact of ʿUmar, than books of counsel (nasīḥah) for rulers. The discourse’s primary concern is more to promote an idealized vision of an Islamic state, in which the status of the discourse’s producers as a privileged learned elite is preserved uncontested, than it is to regulate the status and role proper to non-Muslims. For this reason, it must be juxtaposed just as closely to views on political empowerment that do not involve non-Muslims (such as the ideal qualifications for state officials), as to analogous views on issues that do (such as the poll tax, sumptuary regulations, rules concerning places of worship, and so forth).

Seeing the prescriptive discourse surrounding non-Muslim officials as the contingent, cumulative creation of particular historical actors rather than as an ahistorical, indelible feature of Islam reorients our view of how non-Muslims participated in premodern Islamic politics. For instance, such a perspective shows us that when we insist on setting non-Muslims’ political participation in Islamic states apart from that of Muslims, we unwittingly adopt the outlooks of the Muslim scholars who wrote our sources, often in preference to those of Muslim rulers and high officials, and even to those of our own non-confessional traditions of inquiry. For those who delegated state power in premodern Islamic states, practical concerns such as competence, loyalty, and cost were paramount. Although religious affiliation inflected each of these concerns,

31 In accordance, perhaps, with the view that unbelievers form a single, undifferentiated community (millah). See Friedmann, Tolerance and Coercion, pp. 55–58.
32 See Chapter 5.
33 Rustow, Heresy, p. 122. This fact is traceable from the meritocratic ideas ascribed to the Companion Abū Mūsā al-Ashʿarī (see Chapter 3, at n. 22) to the nineteenth-century Christian Arabic chronicler of Lebanon, Mīkhāʾīl Mishāqah (d. 1888), who described the fiercely loyal Shiʿi henchmen of his Greek Catholic grandfather: “[I]t is the custom among clansmen to
it was not the touchstone that the most officious jurists urged it should be. It is
less accurate to say that Muslim rulers persisted in employing non-Muslims in
spite of the jurists’ opposition than to say that Muslim rulers tended, in deed if
not in word, to deny that the jurists’ distinctions governed them at all. In this
study, therefore, the premodern discourse that sought to distinguish between
Muslim and non-Muslim state administrators, and often to induce the dismissal
of the latter, will be brought into focus and thus restricted, rather than coloring
our own views of administrative employment. When historians of state institu-
tions single out “Christian secretaries” or “non-Muslims in the military,” for
example, they risk tacitly reinforcing categories that medieval jurists struggled
to uphold as part of their interested strategies of boundary maintenance. 34

A Discursive Tool in the Pursuit of Resources

Those Muslims who wrote against non-Muslims’ exercise of political power,
from Umayyad Iraq to al-Andalus to Mamluk Egypt, were engaged in the
pursuit of resources of diverse kinds. They wrote to achieve specific personal
ends: to win appointment, obtain revenge against rivals, gain literary renown,
buttress the coherency or appeal of a casuistic legal framework to which they
publicly subscribed, or exalt a particular symbol – such as the truth and glory of
Islam – in which they vested their hopes for worldly renown and ultimate
salvation. This observation suggests a broad and robust framework for under-
standing the mechanisms of conflict and exclusion that take place at the
contested borders of human communities. I will not suggest, as some historians
have directly or indirectly done, that the men who produced the discourse used
religious pretexts as a smokescreen – that their motives were “social-
economic . . . disguised as religious” – or even that personal and economic
motives happened periodically to dovetail with a specifically Muslim, dog-
matic commitment to the maintenance of hierarchy. 35 Rather, I will proceed on
the supposition that all exclusionary behavior, including that which is
advocated symbolically in texts, participates in the ubiquitous pursuit of
resources.

A focus on the pursuit of resources appears to contrast with some of the usual
approaches to the perennially knotty problems of conflict and exclusion – the

distinguish followers not with regard to sect (madhhab), but rather with regard to allegiance and
loyalty (ṣidq wa-widād).” Mishāqah, Murder, pp. 4–5, 21.
34 See above, n. 10, and for an erudite historical study of non-Muslims in the Muslim conquest
It is admittedly more productive to study such categories as part of the history of particular non-
Muslim communities, for whom prominent state officials were important intermediaries. I owe
this observation to Oded Zinger.
35 Strauss, “Social Isolation,” p. 89 (whence quotation); Udovitch, “The Jews and Islam in the
forcible subordination and restriction of people who share some particular defining feature(s), such as ethnicity, class origin, or shared communal identity. Premodern Islamic societies, like others, practiced their share of exclusionary boundary maintenance. While some thinkers decline to analyze particularly objectionable forms of exclusion and violence, others have sought out their causes.\(^{36}\) Amid the surge of Islamist political ideologies since the 1970s, and especially since September 11, 2001, the fallout to the 2011 “Arab Spring,” and the declaration of the self-styled “Islamic State,” these concerns have gained further prominence in the study of Islamic history, particularly in its legal and other prescriptive aspects that claim to govern Muslims’ actions.

Various explanations are regularly advanced for forms of exclusionary behavior that are couched in explicitly Islamic terms. Some of the views we have encountered above, for instance, imply that historical exclusion is an inevitable corollary of particular dogmas espoused by Muslims. To return to a straightforward example: if the Qurʾān is indeed unequivocal in its disapproval of non-Muslim officials, and Islamic law is the application of the Qurʾān and other authoritative sources to the life of the Muslim community, then the juristic discourse on non-Muslim officials follows directly from the text of the Qurʾān.\(^{37}\) To other minds, however, ideological explanations for exclusion are secondary. Rather, it is argued, when Muslims appeal to some form of difference as grounds for exclusion, they use particularly Islamic rationales (such as Qurʾānic verses) as a mask for personal motives, such as avarice or personal hostility.\(^{38}\) Or, exclusionary practices that reinforce communal boundaries can be read as masks for anxieties that are not personal, but abstract – about distributions of power, say, or the ways it is exercised at a particular moment. On such a view, critiques of non-Muslim officials are not about applying principles drawn from revelation, or about settling personal scores, but instead are coded political critiques.\(^{39}\)

Such explanatory moves are persuasive in varying degrees, depending upon the particular events they are used to explain. Their shared shortcoming, however, is that they are not easily integrated with one another. Indeed, it is

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\(^{36}\) The prominent sociologist Alain Touraine has recently asked, “Faut-il ‘comprendre’ la lapidation des femmes infidèles, les mariages arrangés ou l’excision? Non, bien sûr, malgré la protestation de quelques défenseurs d’un relativisme culturel radical.” Touraine is speaking of contemporary practices, but his posture evinces little interest in the evolution of historical ones (Un nouveau paradigme, p. 261). Tamer el-Leithy, by contrast, notes “the usual (prescribed) response of indignant horror at religious violence,” adding astutely that “horror disallows analysis” (“Sufis, Copts, and the Politics of Piety,” p. 77).

\(^{37}\) See above at n. 13.

\(^{38}\) This assumption is apparent in the view of Eliyahu Strauss (Ashtor), at n. 35 above. For a concise critique of the idea that religious language function as a mask for other motives, see Crone, Pre-Industrial Societies, pp. 133–37.

tempting to treat them as mutually exclusive, by arguing, for example, that a polemical text is not really about upholding legal dogma, but instead about social prestige, a personal grudge, or a ruler’s unjust conduct. When such explanations for exclusion are combined, it is often done in portmanteau fashion, so that a pogrom, say, takes place at the murky intersection of ethnic animosity, jostling for political honors, an annual ceremonial procession, and conflict over revenues from trade. But these various components speak no common language, and by invoking them we are able only tentatively to parse their respective causal contributions. The result tends to be either this-and-not-that (e.g., “dogma, not avarice”), or all-of-the-above-together, in mysterious admixture. But by explicitly speaking about diverse kinds of valued resources, pursued by means of competition and cooperation, I seek to employ a common idiom in terms of which to understand the multiple causes of exclusion. My use of this concept is indebted to sociology and social theory, particularly the thought of Pierre Bourdieu and his expositors. Here I briefly explain my use of the language of resource pursuit, which, in this historical study, is necessarily rough-and-ready, and more useful for prosaic interactions involving individuals and specific resources than for abstract, socially determined desiderata, such as “freedom” or “purity.”

Humans incessantly seek access to the things they need, want, and otherwise invest with value, beginning with the basic necessities of survival, which they may sometimes forego in pursuit of other desiderata, as do ascetics, lovers, and martyrs. Ecologists and economists alike call such desiderata “resources.” Some aspects of the resources we seek may be less obvious, however. For example, resources include not only tangible desiderata, but also subtle and intangible ones like leisure and seclusion, as well as such “higher” goods as

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40 From within the field of Islamic history, examples of “this-and-not-that” analysis might include recent studies such as Fred Donner’s recasting of Islamic origins, which he prefaces with an excursus on the way in which scholarship has ignored religious factors in its preference for “social, economic, or ‘national’” ones (Donner, Muhammad and the Believers, p. xi–xii). Likewise, Alex Mallett has sought to distinguish “purely religious” acts of resistance to the Crusades from those motivated by economic or other non-religious considerations (Popular Reactions to the Franks in the Levant, esp. 61ff).

41 For what follows, see especially Pierre Bourdieu, “The Forms of Capital”; Bourdieu, Distinction; Bourdieu, Outline of a Theory of Practice, esp. pp. 159–97; Swartz, Culture and Power. On Bourdieusian social theory and the discipline of history, see Pierre Bourdieu and Roger Chartier, Le sociologue et l’historien; Gorski, ed. Bourdieu and Historical Analysis. Bourdieu’s thought has been used most extensively in the field of Islamic history by Michael Chamberlain in his Knowledge and Social Practice in Medieval Damascus (e.g., pp. 4–5, 113n.17); for a broader summation that takes account of Chamberlain’s work, see Clifford, “Ubi sumus? Mamluk History and Social Theory.” For a synthesis of ecologists’ conclusions on competition, extended (with mixed results) to human history, see Keddy, Competition.

42 E.g., Krebs, The Ecological World View, pp. 33, 71, 128, 221; Conrad, Resource Economics, p. 1, where economics is “the study of how society allocates scarce resources.”
symbolic systems that offer meaning, or human relationships. These, too, are things we desire, in their infinite degrees and forms, and which we may even be said to need. Certain resources may also be stored. I shall call stored resources “capital,” following Bourdieu. But others are time-bound and for this or other reasons do not store well.

Demand for some resources exceeds supply; such resources are said to be scarce. There is only so much gold in circulation, so much social access to a particular person, so many ideologies that can enjoy widespread, enthusiastic approval in any one society, notably where those ideologies make competing claims to truth and allegiance. Access to resources that are scarce and thus valuable is attended by competition, helpfully defined by Keddy as “the negative effects that one organism has upon another by consuming, or controlling access to, a resource that is limited in availability.” Some but not all scarce resources, including some intangible and even potential ones, may be exchanged for others, in particular forms and under particular historical conditions. Markets of resource exchange may be regarded as objectively ubiquitous in human societies, every bit as real as the commodity and currency markets of which we are accustomed to speak. The exchange rates that obtain in such markets vary according to supply, demand, and, creating these, the socially conditioned needs and tastes of individual market participants; an uncommonly strong desire may lead a participant to offer more (or less) in exchange for a particular resource. Incense, famously, fell out of demand when the Mediterranean world became Christian. And because the high value placed upon certain resources, notably intangible ones such as familial ties or allegiance to religious ideologies, can only be sustained by denying their exchangeability for others, e.g., by calling them unique and priceless, it will be held that these stand altogether outside any system of exchange. Indeed, it

43 See the definition in Bourdieu, “Forms,” p. 241. For a comparison of Bourdieu’s concept of capital to Marx’s, see Desan, “Bourdieu, Marx, and Capital.”
45 Bourdieusian analysis, therefore, suggests a way forward for perceptive studies in Islamic history that have noted the intertwined accumulation of capital in its material and ideational forms, but treated the correspondence as a merely metaphorical one. E.g., Stewart, “Capital, Accumulation, and the Islamic Academic Biography,” esp. pp. 354–57, 359–60.
47 The converse of Bourdieu’s view that “[a]ctivities and resources gain in symbolic power, or legitimacy, to the extent that they become separated from underlying material interests and hence go misrecognized as representing disinterested forms of activities and resources” (Swartz, Culture and Power, p. 90). It is not, however, difficult to find examples from within symbolic systems that appear to condone the exchange of material resources, including money, for irreplaceable immaterial ones, e.g., Q. 9:111: “God has bought from the believers their selves and their possessions against the gift of Paradise; they fight in the way of God; they kill, and are killed ... So rejoice in the bargain you have made with Him.” See further examples (taken as metaphorical) in EQ, s.v. “Markets” (Buckley), “Trade and Commerce” (Rippin), 3: 275–76, 5:311–15.
often happens that an individual places so high a value on such resources as family and creed that for her, practically speaking, they are non-exchangeable. Most human practices, if not all, can be conceptualized as interested, that is, as calculated to obtain or maintain access to valuable resources by competing and/or cooperating.\textsuperscript{49} Indeed, this book will adopt “Bourdieu’s general view of society as a web of interweaving fields of struggle over various kinds of valued resources.”\textsuperscript{50} It is also helpful to taxonomize resources into broad ideal categories, the precise boundaries among which are conventional and overlapping; in the real world, no resource belongs purely to one category. The present analysis will proceed with the following ideal categories:\textsuperscript{51} \textit{material resources}, including the symbolic medium of money as well as other tangible forms (agricultural land, trade goods, precious metals, gems, etc.) that lack some of money’s classic features;\textsuperscript{52} \textit{social resources}, i.e., interpersonal obligations, most often positively valorized;\textsuperscript{53} \textit{political resources}, i.e., power to affect others’ actions that can be exercised, through impersonal institutions, without direct recourse to physical coercion;\textsuperscript{54} \textit{ideational/intellectual resources}, i.e., valued knowledge and its systems and structures, as well the capacities to organize and deploy them effectively;\textsuperscript{55} and \textit{symbolic resources}, an amorphous category that overlaps with others, as with material capital in the form of money and social capital in the form of reputation, but also maintains its own territory, in which lie those resources that attach in the minds of market participants, in the form of respect and esteem, to visual or linguistic signs (such as modern

\textsuperscript{49} For indications of what ecologists mean by these and related terms, such as “mutualism” and “predation,” see Krebs, \textit{The Ecological World View}, esp. pp. 131–50, 171–87; Levin et al. \textit{The Princeton Guide to Ecology}, pp. 202–12, 233–38.

\textsuperscript{50} Swartz, \textit{Culture and Power}, p. 47.

\textsuperscript{51} These differ somewhat from those proposed by Bourdieu (“Forms”), as detailed in the following notes.

\textsuperscript{52} I avoid the term “economic” for this category, in contrast to Bourdieu, since all the forms of resources/capital described here participate in economies of exchange. Cf. Bourdieu, “Forms,” p. 243.

\textsuperscript{53} This usage is nearly congruent with Bourdieu’s, save that I have distinguished “political capital” in order to separate personally from impersonally or institutionally mobilized forms.

\textsuperscript{54} All forms of resources/capital can be conceptualized in terms of “power,” but “political capital” most closely approximates the term’s conventional usage among historians. The medieval Muslim theorist Ibn al-Tīqaqā held that “politics is the king’s capital” (\textit{siyāsah . . . ra’s māl al-malik}) (Ibn al-Tīqaqā, \textit{Elfachri}, pp. 27–28).

\textsuperscript{55} A subset of Bourdieusian “cultural capital,” ideational capital can also exist in any of Bourdieu’s three \textit{modes} (my term): “embodied” (“long-lasting dispositions of mind and body”; what Bourdieu elsewhere calls \textit{habitus}), “objectified” (e.g., in books and works of art), and “institutionalized” (formally recognized by authoritative third parties, e.g., the \textit{iżah\textsuperscript{56}} in the Islamic scholarly tradition). I avoid “cultural” because of its generality; all resources are differentially valorized within particular cultural formations, where culture is conceived as learned/adapted practices as distinct from innate ones. Many human cultures have lacked money, but none has lacked material exchange; money is “cultural.” Bourdieu himself increasingly adopted the more precise “informational capital” (Swartz, \textit{Culture and Power}, p. 75 n. 13).
consumer brands, royal iconography and titulature, names, and symbols that represent communities or belief systems).

Given the endless diversity of historical human cultures, individuals and groups will store resources in various degrees, forms, and configurations. A family may be socially rich and materially poor, or jealously guard a good name to compensate for its splendid isolation and puerility. Of course, in many historical settings, individual agency in pursuit of resources has been heavily constrained for all people to some degree, and extremely constrained for many, notably most women and unfree persons. Put differently, such resources as freedom and self-determination have frequently been too costly for many people to acquire them. It should be noted, too, that the hazy boundaries between categories affect exchangeability because they create uncertainty as to relative value, and because certain categories derive their value from the widespread belief that they stand above markets of resource exchange. The relative value of such things is highly uncertain, partly because many of them cannot be exchanged openly. Exchange within categories is more straightforward: one currency is traded for another, or for fungible commodities like wheat, at known rates; one friendship gradually supplants another; “conversion” designates the exchange of one guiding ideology (and social group) for another that fills many of the same needs.

It may be useful to clothe this theoretical skeleton in historical flesh. Since education and the concurrent reproduction of social hierarchies were central to Bourdieu’s work, let us consider a concrete case from Islamic history: the famous autobiography of the polymath ʿAbd al-Laṭīf al-Baghdādī (d. 629/1231). ʿAbd al-Laṭīf was born into a well-to-do scholarly family in Baghdad in 557/1162. As a result, he grew up with access to valuable material, social, intellectual, and symbolic resources (e.g., a good name), in addition to his innate talent. Indeed, his father must have paid well for the tutoring that his son received in the highly abstract and sophisticated Islamic religious sciences, grammar, poetry, and other subjects, most of them of little practical use outside the high-cultural circles in which he expected his son would move. There was an opportunity cost to all this education in terms of ʿAbd al-Laṭīf’s boyish desiderata: “I knew neither pleasure nor leisure, and spent most of my time learning ḥadīth.” His father obtained qualifications for him – Bourdieusian institutionalized cultural capital – from “professors in Baghdad, Khurasan, 56

56. “[T]he (apparent) incommensurability of the different types of capital introduces a high degree of uncertainty into all transactions between holders of different types” (Bourdieu, “Forms,” 254).


Syria, and Egypt” doubtless spending more money and calling in favors from his social networks.

In this and the subsequent period of his life, Abd al-Laṭīf acquired a *habitus*: a set of inculcated dispositions particular to his status group that prepared him to compete successfully in certain fields.\(^{59}\) Investing in one particular, illiquid *habitus* rather than another was risky, for times and tastes change. But Abd al-Laṭīf’s gamble paid off, as he parlayed his learning and good name into connections with powerful state officials, including al-Qāḍī al-Fāḍil and Imād al-Dīn al-Iṣfahānī. Al-Qāḍī al-Fāḍil first measured Abd al-Laṭīf’s store of intellectual capital by quizzing him on Qur’ānic exegesis, then used his own political capital to reward Abd al-Laṭīf with a stipend. Such intimacy with power committed Abd al-Laṭīf to one patron rather than another, and may have run down his reputation (symbolic capital) – after all, he himself criticized Maimonides for being “overcome with the love of leadership and of service to worldly lords,” and praised a certain Abū l-Qāsim al-Shārī‘ī for his material and political poverty – but it won him money, influence, and a teaching post by which he replicated his own intellectual and social dispositions in a new generation. His patrons burnished their own reputations by the connection to Abd al-Laṭīf that they purchased. His written remarks about himself and his coevals were, among other things, tools: symbolic media by which he consciously and unconsciously (de)valorized particular forms of capital, savaging alchemy, for example. His success was hard-won. When he visited Saladin, he found that the sultan’s “entourage emulated him, competing for acknowledgement.” But Abd al-Laṭīf was prepared for this, and emerged with a stipend.

This line of analysis could be pursued in far greater depth for Abd al-Laṭīf’s autobiography alone. For our purposes, Abd al-Laṭīf’s case is an example of how the pursuit of resources functions to (re)produce and accentuate social distinctions. The various models for explaining exclusion that are prevalent among historians, as we have mentioned, can also be framed in terms of competition for resources, in all their forms. Indeed, this is precisely what the sociological field of “closure theory” does in studying, following Weber, “processes of drawing boundaries, constructing identities, and building communities in order to monopolize scarce resources for one’s own group, thereby excluding others from using them.”\(^{60}\) This means that there are not numerous, incommensurable causes of exclusion, but one cause – the pursuit of resources – that is historically inflicted in infinite ways. The questions asked in this book

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\(^{59}\) Swartz, *Culture and Power*, pp. 100–101. For illuminating recent studies of *habitus* in pre-modern Islamic societies, see Naaman, “Nurture over Nature: Habitus from al-Fārābī through Ibn Khaldūn to ‘Abdī”; Naaman, “Maimonides and the Habitus Concept.” I am grateful to the author for sharing pre-publication copies of these articles.

will thus be not whether exclusionary rhetoric is “really” political, religious, economic, or otherwise, but instead which resources are valorized by particular actors within certain fields and across societies; how these are stored and exchanged; and what strategies are deployed by actors to access and valorize them. In short, I suggest, thinking of and through resources and capital provides historians both a common underlying substrate, a protean currency in which to evaluate the practices of historical actors, and a common language that mediates among political, ideological, economic, and other motives as these are traditionally conceived.

A resource-pursuit model, though intended to create commensurability, need not be reductive, essentialist, or belittling to any human practice, any more than it is reductive to remark the ubiquity of competition, mutualism, and predation as strategies among other organisms. The variety of forms that resources assume among humans is limitless: the particular luxuries they crave, the social bonds they form, the cosmoi they contemplate, and the intricate combinations thereof, as well as the practices in which they engage, under unique historical conditions, to access them. Nor does the model imply that any resource is unreal or artificial. It may appear cynical to cast a cherished belief or a personal relationship in resource terms, but it no more implies that those things are illusory than that an expensive wine or a “priceless” work of art are, in fact, unreal.

In writing disapprovingly of non-Muslim officials, Muslim authors pursued resources by deploying competitive practices, thus working to access and accumulate capital within particular fields. They performed, in fact, “symbolic labor,” which “produces symbolic power by transforming relations of interest into disinterested meanings.”\(^{61}\) They wrote, for instance, to uphold the reputations of their own intellectual forebears who had already declared non-Muslim officials unlawful, or to prop up the value of Islam’s symbolic capital, in which they had heavily invested by their acquisition of particular ideational resources. As one eighth/fourteenth-century author wrote, to recommend the empowerment of non-Muslims, as his opponents evidently did, was to “make their symbol victorious (iżhār shiʿārihim) in the lands of Islam.”\(^{62}\) Of course, they also wrote to obtain material, social, and political resources, among others. A seventh/thirteenth-century Egyptian author penned a book that decried non-Muslim officials, his personal rivals and competitors for office, in order to land a salaried appointment, thus attempting to parlay his intellectual capital into material form.\(^{63}\) To be sure, the same authors also cooperated with contemporaries who shared their interests and stood to benefit from their risk and effort, one of many instances where cooperation operates alongside competition.

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\(^{61}\) Swartz, *Culture and Power*, p. 44.  
\(^{62}\) *al-Qawl al-mukhtār*, p. 165.  
In sum, a resource-pursuit approach implies an integrated rather than a fragmentary understanding of the exclusionary textual practices that this book studies.

When prescriptive discourses are understood as the instruments and, thus, products of the pursuit of resources, fashioned and wielded by specific learned elites, it becomes clear that any such discourse can form only one locus of normativity in a given society. Other actors, whether competing learned elites, rulers, or unlettered common folk, may also contribute to the formation of widely held norms, textually encoded or not. As a result of this study’s theoretical and methodological approach, then, the prescriptive discourse about non-Muslim officials will be taken to encompass a wider field than Islamic law as it is now usually understood. Even this extended conception, however, will be granted no normative hegemony in conceiving of attitudes toward non-Muslim officials in premodern Islamic societies. More precisely, the effective practices of rule that regularly empowered non-Muslim officials, as well as the more subtle outlooks and assumptions reflected in contemporary discourses of less overtly prescriptive characters, must be placed in the balance alongside the statements of jurists, bellestrists, and polemicians in considering the place of non-Muslim state officials in the thought of premodern Muslims.

**Silences**

Some of these alternative sites of historical normativity, however, do not appear in our sources as discursive traditions in their own right. Instead, the surviving sources often pass over non-textual forms of normativity in silence, leaving the historian the task of detecting them and reconstructing how they were asserted at particular moments. Readers should take note of silences not only in and around the discourse itself, as it is presented in this book, but also in the story told about it here.\(^{64}\)

When we know, for example, that numerous non-Muslim officials were employed in a given setting, such as fourth/tenth-century Syria, yet find relatively little written on the subject of their employment, this silence calls for explanation.\(^{65}\) Even when the prescriptive discourse seems to flourish, as it did in eighth/fourteenth-century Mamluk Egypt, we must remain aware that an abundant written record does not tell the whole story. Then, as at other times, competitive behaviors surrounding this issue assumed other, non-textual forms, as well, such as verbal remonstration with a ruler or outright armed revolt,

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\(^{64}\) On the importance of detected and explaining silence, see Spiegel, “The Task of the Historian,” esp. 5–8, 14–15.

\(^{65}\) On this Syrian case, see Chapter 2 at n. 17.
which in their turn conditioned the production of texts. Another, particularly important silence, alluded to already, will loom in the background throughout this book because it, like the discourse under study, represents a normative tradition related to the question of non-Muslim officials. This is the influential political and administrative custom of states. From the earliest Islamic polities onward, many Muslim rulers employed non-Muslim officials alongside Muslim ones as a matter of course. Whether this pattern bespeaks a mostly unwritten preference for more vulnerable bureaucrats on the part of Muslim rulers, as is often assumed, or a certain indifference to religious affiliation, we must keep in mind that the producers of our discourse had no monopoly on Islamic normativity, despite their best efforts.

In telling this story, I have made several exclusionary authorial decisions. For example, I do not systematically study the views of non-Muslim officials and those of their communities concerning their own employment by Muslim rulers. Nor have I lifted every stone to uncover the effects that various iterations of the discourse may have had in particular historical settings. These are often lost to us amid the vagaries of preservation and destruction that bedevil the historical record. Finally, I have limited my analysis to the prescriptive discourse on the topic of non-Muslim state officials, thereby all but ignoring two other, closely related and sometimes overlapping groups that stimulated sister discourses: non-Muslim fighters and non-Muslim physicians. Muslims who wrote about these other groups invoked a rather different set of arguments. Prescriptive discourses on non-Muslim physicians express anxieties about the body, purity, and private space, while those on non-Muslim fighters are enmeshed in a set of juristic tropes relating to the distribution of spoils and the balance of power on the battlefield. Muslim writers also tended to stand in a somewhat different relationship to non-Muslim doctors and soldiers than they did to non-Muslim officials, who were, like them, purveyors of textual expertise and textually encoded forms of authority, and were, thus, their natural competitors. These two sister discourses deserve further study.

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66 For a public verbal denunciation of the Fatimid caliph al-Āmir for employing Christians, see al-Maqrīzī, Ittī ʿaż al-ḥunafāʾ, 3:125. Many incidents of this kind will have gone unrecorded.

67 See Shahab Ahmed’s salutary valorization of “ruler’s law,” part of his larger effort to expand the sources of Islamic normativity, which effort is in line with mine here (Ahmed, What Is Islam?, pp. 455–505).

68 A study of these attitudes remains a desideratum. For a start, see Yarbrough, “A Christian Official”; Mann, “Moses b. Samuel, a Jewish Katib in Damascus.”

69 For studies of non-Muslim doctors and views concerning them, see most recently Pahlitzch, “Ärzte ohne Grenzen”; Abele, Der politisch-gesellschaftliche Einfluss der nestorianischen Ärzte; Lewicka, “Medicine for Muslims?”; Mazor, “Jewish Court Physicians in the Mamluk Sultanate.” For the same regarding non-Muslim fighters, see Fattal, Le statut, pp. 232–36; al-Qāḍī, “Non-Muslims in the Conquest Army”; Lower, “Christian Mercenaries in Muslim Lands.”
Most importantly, two methodological decisions have affected the focus of this book and created silences where some readers may not expect to find them. The first is that I have eschewed the language of “tolerance,” which, though common in modern historiography, refers to a modern value that few actors in this book held, and which thus can scarcely be described in terms of the resources they pursued.70 The second decision is to cast this study in terms of “Islamic prescriptive thought” rather than “Islamic law.” The historical development of normativity in relation to political power and communal affiliation in Islamic societies involves a range of discursive registers wider than Islamic jurisprudence (fiqh) alone, which is conventionally called Islamic law and which, narrowly construed, is commonly taken as the supreme form of prescription in Islamic societies.71 Yet the prescriptive discourse on the issue of non-Muslim officials extended far beyond juristic writings, and so Islamic law is only part of the story. It is, moreover, a goal of this book to reconsider the function of prescriptive texts in Islamic societies, particularly those texts which aspired to regulate the conduct not of private individuals, but of the state. In considering how the bearers of distinctively Islamic intellectual capital used texts to compete for resources with influential non-Muslims in states that relied on Islamic symbols for their legitimacy, we may gain a fresh perspective on what is meant by the term “Islamic,” one that makes room for patterns of practice outside the circles of learned elites.

The Discourse at a Glance

This final section of this chapter sets out the book’s structure and functions as a brief overview of the prescriptive discourse that Muslims produced around the issue of non-Muslim officials. The roots of that discourse, like much else in early Islam, are shrouded in obscurity, from which glimmer only shards of evidence. Several historians have attached its origins to Byzantine restrictions on the public role of Jews. Part I of this book (“Beginnings”) brings together and studies the surviving evidence of early Islamic prescriptive texts related to the issue. To place those texts against their historical background, Chapter 2 presents two background narratives: (1) a synchronic study of non-Muslim officials and the reasons for their employment; (2) a survey of late-ancient discourses around dissenting officials in the Roman and Sasanian Empires. Chapter 3 introduces the oldest stratum of the discourse proper, which encompasses a wide range of sources and consists largely of parabolic stories about

71 For critiques of this tendency, see Ahmed, What Is Islam?, pp. 117–29; Shalakany, “Islamic Legal Histories.”
early caliphs and their putative statements about non-Muslim officials. These stories, I argue, are best understood as instruments of competition, composed in various settings well after the events they purport to describe. Their narrators used them to challenge rivals for material, social, and political resources. To the limited extent that we can recover a parallel early Islamic layer of normative thought around the issue of non-Muslim officials that is less heavily instrumentalized and less competitively inflected, that layer appears to reflect mainly indifference to those officials, or vague discomfort. This would begin to change, however, as the parables about paradigmatic early caliphs found a receptive audience in the competitive climate of mid-third/ninth-century Abbasid Iraq. Under the caliph al-Mutawakkil (r. 232–47/847–61), who struggled to stave off challenges to his legitimacy and to the solvency of the state he ruled, the detractors of non-Muslim officials were rewarded with a state edict that commanded the dismissal of such officials across the empire. This edict is contextualized and studied in Chapter 4.

Part II (“Elaboration”) traces the continued development of the discourse after its formative period, studying its two major aspects: juristic and literary. While juristic discussions seized upon the same early stories that were studied in Part I, they were also grounded in the reasoning of early Muslim jurists. They soon blossomed into a minor theme that arose in juristic works of many kinds, and that was more historically embedded and more diverse than has hitherto been recognized. Chapter 5 takes stock of this diversity while tracing the development of Muslim juristic thought on the issue. Writers who contributed to the discourse in its juristic aspect were motivated not only by contemporaneous historical factors, such as non-Muslim officials whose empowerment, they felt, devalorized the symbolic capital of Islam, but also by the desire to uphold the established positions of their own juristic traditions, and notionally to regulate non-Muslim officials within the coherent prescriptive systems that those traditions aspired to create. The other major post-formative aspect of the discourse – that contained in works of literature (adab) – is studied in Chapter 6. We first examine the role of rivalry and defamation in this literature, and in premodern Islamic political life more generally, then turn to a diverse set of literary representations of non-Muslim officials, which forms part of the premodern prescriptive discourse on the topic. Some of these texts shared material and themes with juristic strands of the discourse. We find that in the literature of counsel (naṣīḥah), especially, disapproving rhetoric against non-Muslim officials was part of a larger set of competitive practices deployed by elites in pursuit of scarce resources.

Part III (“Efflorescence”) focuses on a narrower case: a small cluster of works that were written in the central Islamic lands, from Iraq to Egypt, between the twelfth and the fourteenth centuries, and which were dedicated entirely to the issue of non-Muslim officials, whose employment their authors
Chapter 7 introduces these works, their authors, and the circumstances of their composition, and offers a historical account of the flowering of the prescriptive discourse that they constitute. These works combined numerous earlier elements of the discourse – including exegetical, juristic, literary, and historical strands – with components hitherto outside it to produce distinctive polemical amalgams. The argument of the chapter is that such books were fashioned by Muslim learned elites as tools of competition in their own pursuit of resources that were, at that historical moment, increasingly mediated by the Ayyubid and Mamluk states. The works’ composition also coincided with an extended period of conflict among Muslims, non-Muslims, and the state in Egypt; they were both products of, and contributors to, that larger climate of conflict.

Chapter 8 looks beyond Islamic history to consider comparative cases in premodern Europe and China. In medieval Europe, Christian rulers drew criticism for employing Jews, Muslims, and others, sometimes in high positions. In Yuan China, the Mongol rulers’ employment of Central Asian Muslims and other non-Chinese in prominent positions was deeply resented by their Chinese subjects. Comparison of these cases to the Islamic prescriptive discourse shows, however, that each of the three cases had distinctive features. The Islamic discourse is unrivaled in its thematic and intertextual continuity and coherence, its sophistication, and its sheer magnitude. The reasons for these distinctive features, I suggest, lie in the peculiar evolving relationship between later premodern Islamic state power and authority, in contrast to analogous developments in Europe and China. The most noteworthy contrasts are the persistent salience of exclusive communal affiliation that was shared by rulers and learned elites, in contrast to China, and the particular ways that moral authority was separated from political power, in contrast to Europe. Chapter 9 briefly considers the discourse’s afterlife in the nineteenth-century Middle East. The discourse survived in attenuated form under the Ottomans, and resurfaced in circumstances that help to shed light on its earlier patterns.
2 Preludes to the Discourse: Non-Muslim Officials and Late Ancient Antecedents

The Islamic discourse surrounding non-Muslim officials was hardly the first of its kind. Broadly speaking, the conditions for such a discourse exist wherever distinct groups are subject to a political authority that amasses sufficient power to appoint servants for itself. Such an authority will tend to favor members of some groups over others, according to its specific interests, thereby arousing the envy of those who are passed over. When the chosen servants place the technology of writing in the service of state power – as happened more and more in stratified agrarian states after the Sumerians – the resulting competitive discourse may take written form. And where the groups articulate their differences by reference to distinct ideologies – especially mutually exclusive ones – their competitive discourses are prone to invoke those ideologies. Since these conditions obtained in the states of the ancient Near East, literary echoes of professional competition and the discourses it generated can be heard in the Hebrew Bible and other ancient literatures.  

The Islamic discourse studied in this book had, then, a deep historical background. The purpose of this chapter is to lay the foundation for study of that discourse by tracing two background narratives that together frame its story. First, we will consider the diverse roles and striking persistence of non-Muslim officials in various premodern Islamic states, focusing on the reasons for their employment. Second, we will identify late-ancient antecedents for the Islamic discourse around dissenting officials, particularly surviving writings on non-Christian officials in the later East Roman empire and non-Zoroastrian ones in the Sasanian empire.

Non-Muslim Officials

The term “official,” which is used throughout this book, translates no one word in the languages of premodern Islamic administration. It serves, however, as

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1 See, e.g., Wills, The Jew in the Court of the Foreign King. The paradigmatic examples, which were cited by some Jews, Christians, and Shi’is in the Islamic period, are Joseph (Genesis 46–47) and Daniel (Daniel 6:1–9). For documentary evidence of Jewish officials in ancient gentile states, see Beaulieu, “An Aramean (or Israelite) in the Service of the Crown Prince Amēl-Marduk,” and literature cited there.
a catch-all term for the holder of any government post – from lowly rural tax collector to courtier or vizier – who was employed by a Muslim ruler or his subordinates. Admittedly, what one might now call the bureaucracy in a Weberian sense was an ill-defined entity in premodern agrarian societies, for the division between informal and formal administrative work was often blurry.\(^2\) It is unclear, for example, whether the native, non-Arab elites of early Islamic Iraq or Egypt, who collected taxes and passed on the surplus to their new masters, should be considered “officials.” On the one hand, what government function is more fundamental than tax collection? How could the state have got by without them? And did they not maintain titles in connection with their functions? On the other, they owed their positions to their inherited status among their local subordinates, and shared only limited interests with their Arab superiors. Such problems of classification never completely disappeared, leaving figures such as the famous Jewish al-Tustari family in Fatimid Egypt, some of whom were extremely influential financiers, in an ambiguous gray zone between officialdom and informal service-provision.\(^3\)

Indeed, direct service to rulers, particularly those who made grandiose claims about the extent and loftiness of their rule, frequently assumed a personal rather than official quality. This is the sense in which Weber described much of premodern officialdom as “personal” and “patrimonial” rather than “bureaucratic.”\(^4\) Were sultans’ aides, who carried out their patrons’ wishes rather than a defined set of duties, “officials”? The Christian private secretary of the future caliph al-Muktafi (d. 295/908) reportedly rose in rank along with his patron and was nearly made vizier of the Abbasid empire, though without the official title.\(^5\) Was he an “official”? What about the Coptic private secretary of a Mamluk emir, paid out of the proceeds of a state-granted appanage (\(\text{\textit{iqt\'\text{a}}}\))?

Fortunately, we may sidestep these issues by allowing the discourse under study to identify its own subjects. Thus, for our purposes, anyone who received a title or stipend due to his relationship with the state, and who the discourse singled out for discussion for that reason, counts as an official. From its inception, the discourse took account of the personalistic tendencies of premodern officialdom. Thus, its earliest and most pervasive texts depict powerful Muslims who hired Christians as their personal secretaries, or refused to do so on the basis of Qur’anic verses that forbid personal liaisons with unbelievers. Indeed, premodern Muslims themselves had distinct conceptual categories for “government work.” There was nothing unintelligible to the famous jurist Ibn Hanbal about a query as to whether Jews and Christians should be “employed

\(^3\) *EJIW*, “Tustari Family,” 4:570–72 (Rustow).  
\(^5\) See Chapter 6, pp. 176–77.
in the Muslims’ public affairs, such as taxation” (fi umūr al-muslimīn mithl al-kharāj). The phrase “the Muslims’ public affairs” (umūr al-muslimīn) served as a rough shorthand for “government work” throughout our period. Early Shiʿis, for their part, could cogently debate the lawfulness of “working with the government” (al-ʿamal maʿa l-sulṭān), and countless works on governance discuss whom to employ (al-istiʿmāl), hire as a secretary (al-istiktāb), seek assistance from (al-istiʿānah bi-), or favor (takhyīr). Living in settings that recognized no hard boundary to officialdom, the creators and consumers of the discourse seldom fretted over who counted as an official.

If the limits of officialdom were hazy, then its internal grades and ranks were far less so, at least to participants. Thus, the term “official” used here, like the discourse itself, masks complex and variable administrative hierarchies. Still, the basic functions of premodern Islamic administration were not endlessly fluid. They revolved around managing and recording revenue and expenditures, organizing public works, keeping public order, hiring and compensating other state servants, addressing complaints, composing state correspondence, orchestrating court ceremony, patronizing learned elites, and maintaining the military. The manner in which particular administrations discharged these functions varied considerably, as did the titles and roles of officials within them.

Only a few kinds of administrative posts were seldom or never held by non-Muslims. One was those that were predicated upon exclusively Muslim spheres of knowledge – what the philosopher al-ʿĀmirī (d. 381/992) called the “sectarian sciences” (al-ʿulūm al-milliyyah) – or the performance of distinctively Muslim rituals. Thus, for practical and symbolic reasons, officials charged with dispensing justice, especially according to Islamic jurisprudence and in public, including qāḍīs (judges) and muḥtasibs (market inspectors), were virtually always Muslims. So were officials who performed public Islamic rituals in their official capacities, such as mosque overseers and leaders of the Hajj, when these were state appointees. Military officers, too, were usually Muslims, though here there were more exceptions, particularly when states engaged the services of mercenaries or other foreign fighters on a large scale.

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6 See Chapter 5, p. 125.
7 For the Shiʿī discussion, see Madelung, “A Treatise of the Sharīʿī al-Murtadā on the Legality of Working for the Government.” For the later works, see Chapter 6, pp. 173–74.
8 Al-ʿĀmirī, Kitāb al-iʿlām bi-manāqib al-islām, p. 105.
9 Still, it was evidently still worth the while of the Shāfiʿī jurist Abū Bakr al-Ḥisnī (d. 829/1426) to mount a serious argument that no non-Muslim should be made qāḍī (layya ahlan li-dhālik). Conversely, al-Thaʿālibī (d. 429/1038) remarks approvingly on how well the Sabian chancery secretary Abū Iṣḥāq al-Ṣābi knew and used the Qurʾān (see Chapter 5, p. 146; Chapter 6, pp. 206–7 n. 174).
10 Examples, which could doubtless be multiplied, include a ninth-c. Christian commander (askarī) in Baghdad (see Chapter 4, p. 109), the famous Jewish vizier Ibn Naghrillah, who may have led armies in battle, and the Armenian regiments, some of which were Christian, of
Outside of posts such as these, the sources refer to non-Muslims in virtually every other corner of officialdom. The stereotypical non-Muslim official was either a government accountant or a secretary (kātib), a title that might denote a wide range of ranks and functions, from a humble market scribe to the head of an imperial bureau (dīwān). Yet at various times and places, non-Muslims are also attested in all manner of other positions, at virtually all ranks and with a wide range of titles. Often they acquired the requisite knowledge and skills from family members who were officials themselves, though sometimes they learned in institutions outside the home, most famously at Dayr Qunnā in Iraq in the ninth and tenth centuries. It is sometimes maintained, in the sources and the literature, that Muslims predominated in those wings of administration that required mastery of formal language and style, such as the chancery, while non-Muslims were more common as accountants and tax officials. Though not baseless, such generalizations admit of many exceptions. For our purposes, it matters chiefly that given the right conditions, any of these non-Muslim officials might inspire contemporaries to invoke the prescriptive discourse that pertained to their employment.

Scholars have frequently asked why nominally Islamic states recurrently employed non-Muslims, given the availability of Muslim candidates and the generally disapproving views found in the prescriptive discourse studied in this book. The question is a fair one, but it is worth pausing to note its presuppositions. Both non-Muslims and state officials were ubiquitous and more or less recognizable as such in premodern Islamic societies, and it was all but inevitable that individuals who belonged to both categories at once would sometimes attract attention. Still, the “non-Muslim official” was not a self-evident entity. Even after the theoretical legal status of non-Muslims as ahl al-dhimmah had achieved wide recognition, and autonomous non-Muslim communities had been notionally constituted, it will not always have been obvious that, say, a Jewish merchant hired by his Muslim acquaintance to collect government

the later Fatimid caliphs. For the earliest period, see al-Qāḍī, “Non-Muslims in the Muslim Conquest Army in Early Islam,” and for North Africa near the end of our period, see Fancy, The Mercenary Mediterranean, pp. 46–47, 71, 85.

11 *EI*², “Kātib. i. In the Caliphate,” 4:754–57 (Sellheim/Sourdrel).

12 A convenient inventory of the positions held by “Copts and Coptic Muslims” in the Mamluk administration may be found in Little, “Coptic Converts to Islam during the Bahri Mamluk Period,” pp. 270–71. For the same regarding Christian officials in Abbasid Iraq, see Cabrol, *Les secrétaires*, pp. 271–80. For a firsthand (though hostile) account of the “types” (aṣnāf) of Christian officials in Ayyubid Egypt, see Ibn al-Nābulusī, Sword, pp. 56–59. A sense of the range of positions that non-Muslims might hold in Islamic administration more generally may be gleaned from Cheikho and Hechaïmé, *Wuzarāʾ al-nasrāniyyah*.

13 Massignon, “La politique islamico-chrétienne des scribes nestoriens de Deir Qunna.”


15 For a recent treatment, see Catlos, “Accursed, Superior Men,” pp. 861–64.
fees in a certain harbor was noteworthy as a “Jewish official” *per se.*
As a distinct, morally charged type, whether he was deemed transgressive or unproblematic, the non-Muslim official was not self-existent, but had to be invented, and his existence discursively maintained across time and space. Thus, one legitimate, though incomplete, answer to the question of why Islamic states employed non-Muslim officials is that they often did so for no particular reason. There can be no doubt that many non-Muslims were employed as officials throughout our period with little or no regard for their communal affiliation. This is one of the more convincing explanations for the large silences in the prescriptive discourse that span entire regions and centuries in which we know that non-Muslims were employed as officials, such as tenth-century Syria, where, according to the Muslim geographer al-Muqaddasī (d. ca. 380/990), “most of the doctors and secretaries are Christians,” but we know of scarcely any objections to this state of affairs.

Non-Muslims were most ubiquitous and unproblematic in officialdom in post-conquest settings, above all the period following the initial conquest of the area from the Pyrenees to the Indus by Muḥammad’s followers. Here the dynamic of non-Muslim administration may have been unique in all of Islamic history. Not only was it obviously easiest for the conquerors to allow the existing personnel to run administrations that lacked any peculiarly “Islamic” stamp, often for generations, but they themselves had limited reservoirs of Muslim personnel and sophisticated Arabic administrative traditions upon which to draw. As a later Muslim writer put it, the early conquerors employed non-Muslims “because of their knowledge of taxation, secretarial practice, and administration.”

In many cases, where the conquerors had limited knowledge of local conditions and languages and few connections to local elites, it was virtually unthinkable for them to do other than co-opt those elites. But it is doubtful that in doing so many of them were acutely aware that they were employing non-Muslim officials, as such. They were simply

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16 For such a case, see Baron, *Social*, 3:159; Mann, *Jews in Egypt and in Palestine*, 1:219.
18 I owe to Patricia Crone the observation that this situation was distinctive. There were secretaries versed in distinctive Arabic documentary traditions, but they were in no position immediately to overhaul the administration of the new empire. The closest study of a transition from a non-Muslim to a Muslim officialdom in this period is Sijpesteijn, *Shaping a Muslim State*. Chapter 3, p. 68.
following the path of least resistance to effective resource extraction while leaving bureaucratic drudgery to others.\textsuperscript{20}

Later, however, in places where Muslims had (re)invented non-Muslim officials and effectively problematized them, why were they still employed? If employing them carried a cost to the employer’s symbolic capital in the form of public disapproval, what made up for the loss? In order to answer this question, it is helpful to consider a superior’s general desiderata in hiring an official. Inevitably one wishes officials to be as loyal, competent, and cheap as possible. Maximizing any two of these qualities, however, places inevitable downward pressure on the third. Competent, cheap officials are less likely to be loyal, for they can sell their skills to a higher bidder. Cheap, loyal officials are less likely to be competent; if they were more competent, or less loyal, they would drive a harder bargain. Competent officials, the crème de la crème, will be loyal only when paid as they deserve.\textsuperscript{21} For a variety of reasons in different historical settings, and despite the drawbacks, non-Muslim learned elites could sometimes offer powerful employers net advantages. Employing them was thus a recurrently attractive strategy. It was closely akin to the strategy of employing other marginal subalterns who offered particular skills, such as foreigners, slaves, eunuchs, and even Muslim minorities, such as the Shi‘i Furātīd administrative family who served the Abbasid caliphs.\textsuperscript{22} Even though their alterity provoked resentment, their integration (by conversion, for instance) was an imperfect solution, for the more completely an official assimilated, the less use he was; by assimilating he shed the alterity that had made him useful in the first place.

One way of characterizing this strategy has recently been summed up by Brian Catlos as “dependency.”\textsuperscript{23} This is how modern scholars most commonly explain the appointment of out-group members, and there is a considerable literature on its functioning in analogous European cases.\textsuperscript{24}

\textsuperscript{20} On bureaucratic work as drudgery, see Chapter 3, pp. 81–82.

\textsuperscript{21} This schema is implicit in the modern Arabic saying al-walā‘ qabla l-kafā‘ ah – “loyalty before competence” – which is often employed sardonically and implies that the two qualities have a zero-sum aspect.

\textsuperscript{22} On the Furātīds, see \textit{EI}, “Ibn al-Furat,” 3:767–68 (Sourdel). On the predilection of Muslim rulers for this strategy, see Crone, \textit{Slaves}, esp. pp. 82–91 (p. 87: “Dhimmīs and converts, the professional men stood out against the rest of society because they collaborated with a state from which the rest of society had withdrawn”). Examples from other historical settings are, of course, numerous, from Ming eunuchs to Byzantine \textit{hetaireia} to early-modern European Hofjuden to the Swiss Guards. For a comparative study of two modern cases, focusing on commerce rather than state service, see Chirot and Reid, ed. \textit{Essential Outsiders: Chinese and Jews in the modern transformation of Southeast Asia and Central Europe}.

\textsuperscript{23} Catlos, “Accursed, Superior Men,” pp. 863–64. Catlos suggests that the strategy “may have represented nothing more than another item in the authoritarian toolbox.”

\textsuperscript{24} In general terms, see Weber, \textit{Economy and Society}, 2:1028–38, 1088–89. In relation to primarily Jewish servi and court favorites in Europe, see Coser, “The Alien as a Servant of Power: Court Jews and Christian Renegades,” p. 574 (“The rootless alien is an ideal servant of power who can
model notes that officials from out-groups by definition dispose of little coercive force, and less capital generally, than do in-group officials. They are thus able to exert less pressure on the employer, making them more dependent on him and thus more loyal. In simpler terms, they are less likely to stage a coup d’état, or to form ties with in-group members who might plot one. Since non-Muslim subalterns offered, as a rule, less symbolic capital to the ruler, they could potentially be bought more cheaply and discarded or scapegoated more casually than an otherwise identical Muslim competitor, especially if other career paths, such as the military or prestigious scholarly careers, were closed to non-Muslims. Their lower cost was not as likely to entail disloyalty, nor did it correlate to incompetence. And when once they had become the public face of harsh resource extraction by the state, fear of reprisal as much as desire for advantage bound them to their patrons.

Given the frequency with which “dependency” is invoked in the literature, it is surprisingly elusive in the sources, though hardly absent. Consider two well-known incidents involving the Muslim official ‘Ubaydallāh b. Sulaymān, vizier to the Abbasid caliph al-Mu’tāsid (r. 279–89/892–902). In one, ‘Ubaydallāh feigns terror of a captive lion in order to convince the caliph that he is a coward and thus poses no threat. The other incident is narrated in the historical section of the encyclopedic East Syrian Christian work Kitāb al-majdal. This passage presents the caliph’s perspective on Christian loyalty, as refracted through a distinctively Christian lens.

Thanks to the good opinion of al-Mu’tāsid the Christians enjoyed blessing from God, for which they praised and thanked Him. For a group of Muslims wrote to al-Mu’tāsid slandering (katabū si āyah) ‘Abdallāh [sic, read ‘Ubaydallāh] b. Sulaymān and tried through deception to embolden [the caliph] against him, passing judgment on his preference for Christians (wa-hakamū maylahu ilā l-naṣārā). When the news reached [‘Ubaydallāh] he went to al-Mu’tāsid in a state of agitation and presented him with the petition (ruq’ah), making his excuse with great zeal and saying, “I have appointed no Christian save for ʿUmar b. Yūsuf in al-Anbār. The accountants (al-jahābīdah) are Jews and Zoroastrians, and I sought them for their trustworthiness (li-thiqatihim), not out of preference for them but because of my trust in them (thiqātī bihim).” Al-Mu’tāsid replied, “If you find a Christian who suits your purposes then employ him. He will be more faithful (āman) than the Jews because the Jews expect rule to return to them. He will be more faithful than a Muslim, who on account of his agreement with you in religion will plot to obtain your position and station. He will be more faithful than the

easily be bent to the ruler’s purposes because he is totally dependent and cannot accumulate autonomous power”); Cahnman, “Pariahs, Strangers and Court-Jews: A Conceptual Clarification”; Zenner, “Jewish Retainers as Power Brokers.” See further Chapter 8, n. 119.

Zoroastrians, because they once held power.” He advised him to treat them well, and [ʿUbaydallāḥ] departed, much relieved.26

According to this obviously partial source, trustworthiness is an important quality in officials, and Christians are by nature more trustworthy than members of any other community, because all the rest scheme to seize power. The anecdote is of questionable historical value, but it illustrates the perceived structural dynamics of out-group employment.

From the opposite end of the Islamic world more than two centuries later, we hear strains of the same themes in the memoirs of ʿAbdallāḥ b. Buluggūn, an eleventh-century Berber ruler in Granada, who excused his grandfather Bādīs b. Ḥabūs’ employment of the Jew Shmuel ha-Nagid (Abū Ibrāhīm Ismāʿīl b. Naghrillah) in this way:

The Jew possessed the kind of astuteness and diplomacy that were consonant with the times in which they lived and the people intriguing against them. Bādīs therefore employed Abū Ibrāhīm because of his utter lack of confidence in anyone else and the hostility of his [own] kinsmen. Moreover, Abū Ibrāhīm was a Jewish dhimmi who would not lust after power. Nor was he an Andalusian against whom he needed to be on his guard lest he scheme with non-Berber princes. Bādīs also needed money with which to placate his kinsmen and to maintain his royal position. He therefore simply had to have someone like Abū Ibrāhīm to secure for him the money which he needed to realize his ambitions.27

ʿAbdallāḥ goes on to explain, in a somewhat strained manner, that Ibn Naghrillah never had any authority over Muslims, and that he merely extracted money from Jews, who, the author claims, were the majority of the population as well as its officials.28 But the putative reasons for his employment are clear: his political and administrative skills, and his loyalty, which was a product of his Jewishness and consequent lack of connections to powerful Muslims. Similar notions can be detected elsewhere in the sources, negatively, for example, in the common polemical accusation that non-Muslims are untrustworthy, or affirmatively in a thirteenth-century Egyptian Muslim official’s reference to “a certain Coptic secretary – one of those self-proclaimed trustworthy and faithful ones who are in fact nothing of the sort.”29 And one senses from occasional, oblique evidence that non-Muslim officials were perceived to

26 Gismondi, ed. Maris Amri et Slibae, 1:84. This passage has been much cited (see, e.g., Fischel, Jews, p. 6 n. 4). Likewise the Shīʿī Ibn al-Furat justified his employment of Christian army secretaries by reference to their perceived loyalty and limited ambitions (Chapter 6, p. 178).
27 Ibn Buluggūn, The Tibyān, p. 56 (translation altered slightly); Ibn Buluggūn, Kitāb al-tibyān, p. 48. This reference was first brought to my attention by Michael Cook.
28 On the defensive purpose of this passage, see Tibi’s explanation at Ibn Buluggūn, The Tibyān, p. 206 n. 117.
29 For the untrustworthiness accusation, see Chapters 5 and 6. The quote is from Ibn al-Nābulusī, Sword, pp. 80–81.
be competent, reliable third parties, as in the case of the Christian secretary who was called upon to read Muslim ritual law aloud during a bitter dispute between Ḥanafīs and Shāfīʿīs at the court of Maḥmūd of Ghaznah. His reading leads to the discovery of the truth of the matter at issue – the allegedly disgraceful character of Ḥanafi prayer law – and to Maḥmūd’s conversion to Shāfīʿism. In addition, even when dependent non-Muslim officials had been thoroughly problematized in the prescriptive discourse – or especially then – a side-benefit of employing them was the opportunity for the ruler to demonstrate that he was above the rules. Thus in the first well-documented purge of non-Muslims officials, that of the caliph al-Mutawakkil, he pointedly makes an exception for his personal non-Muslim staff. Later Muslim rulers, including certain Fatimid caliphs and Ḥafṣid sultans, sometimes paraded their non-Muslim subordinates publicly.

Notwithstanding the prevalence of the dependency explanation in the literature, it is equally common for the sources to state or imply a different reason for the employment of non-Muslims as officials: superior administrative competence. One kind of competence, noteworthy especially for officials-cum-financiers, was access to networks of non-Muslim merchants, as was the case among Jewish officials in Iraq and Egypt in the tenth and eleventh centuries. It is more common, however, for accounts of omnicompetent non-Muslims to focus either on their proprietary knowledge of administrative affairs or on some advantage they enjoy by virtue of their distinct traditions of learning. Among examples of putative proprietary knowledge are the frequent, highly schematic protestations of certain Muslims that if non-Muslim officials are dismissed, the administration will cease to function. Such stories are found, somewhat surprisingly, more commonly in the later discourse, including in the well-known works of Nizām al-Mulk (d. 485/1092) and Ibn Qayyim al-Jawziyyah (d. 751/1350). Typically, the protest is trumped either by blunt repetition of God’s command, or by a happy ending in which things unexpectedly run even more smoothly after the unbeliever’s departure. The still later Egyptian author Ibn Taghrībirdī (d. 874/1470), writing of a recent Coptic convert to Islam known as al-Khaṭīr, declared, “I do not blame kings for advancing such people, for they are needed because of their knowledge of various kinds of administration.”

The principle, if not the sentiment, cannot but have applied equally to Copts.

32 E.g., Chapter 5, p. 145; Chapter 6, p. 191.
who remained Christians. There are occasional, uncertain indications that some among the Copts, the most numerous and best-documented of the non-Muslim communities whose members served as officials, may have taken steps to ensure their own employment by, for instance, keeping records in cryptic ciphers that no non-initiate could read.35 A Muslim detractor called Ibn al-Wāṣīṭī complained to one sultan of precisely this practice, which in effect heightened the relative competence of its practitioners.36 Coptic numerals were common in Egypt’s bureaucracy well into the early modern period.37

In addition to the possession of special administrative knowledge, some sources credit non-Muslims with superior competence by virtue of their inherited professional skills – such skills being chiefly passed within families in the agrarian world rather than taught in schools – and their distinct learned traditions.38 In the early period, some asserted that Arabic was incapable of functioning as the language of administration – questioning, for instance, whether it could express fractions.39 The reversal of early purges of non-Muslim officials was occasionally explained by reference to their Muslim replacements’ innumeracy.40 Much later, medieval polemicists in Egypt were at pains to debunk the apparently widespread popular stereotype, which some ruling emirs had absorbed, that Christians were better at arithmetic. For this reason, Christian arithmetic teachers, as well as Christian finance officials, were sometimes preferred.41 Explanations of superior competence sometimes imply that the education of Muslims left them ill prepared for state service. Thus the tenth-century Muslim Jerusalemite al-Muqaddasī, in the same passage noted above, remarks that in Syria, “one rarely sees . . . a Muslim with secretarial skill, save in Tiberias, which still produces secretaries. Rather the secretaries there and in Egypt are Christians, because [the Muslims] rely on their speech and do not trouble themselves with the study of the literary arts as the non-Arabs do (ka-l-aʿājim).” Al-Muqaddasī may have seen the issue as a geographically wider one, for he illustrates the point with an anecdote about embarrassing grammatical errors made by the Chief Qāḍī in Baghdad.42 In some settings, where distinctively Muslim learned traditions were perceived as the surest route to income and prestige, including that gained

36 See Chapter 7, p. 241.
37 Kawatoko, “The Use of Coptic Numerals in Egypt in the 16th Century.” For a similar case involving Hebrew script, see Fischel, Jews, p. 16 n. 4.
38 Crone, Pre-Industrial Societies, pp. 82–83; Frye, “A Note on Bureaucracy and School in Early Islamic Iran.”
39 Sprengling, “From Persian to Arabic.” 40 Chapter 3, p. 79.
42 For al-Muqaddasī’s remarks about non-Muslim officials in fourth/tenth-century Syria, see above, n. 17.
through government service, Muslims were said to study these to the neglect of other branches of learning, such as medicine or those disciplines, such as mathematics, that could be useful for other kinds of state officials.43 “How many regions’ only physician is a non-Muslim,” the famous scholar al-Ghazālī (d. 505/1111) complained,

yet we see no [Muslim] taking up [medicine] but [we see them] reviling one another over knowledge of jurisprudence, and in particular the contentious matters and polemics . . . Is there any other reason than that medicine does not facilitate access to being entrusted with . . . endowments, issues of inheritance, and executive authority over the wealth of orphans; or to assume offices in the judiciary or government, and to gain advancement over one’s peers as well as power to overcome one’s enemies?44

The passage was repeated verbatim, without acknowledgment, by Ibn al-Ukhuwwah (d. 729/1329) in a manual for the market inspector (muhtrasib) in Egypt, where the same command evidently resonated.45 That it could apply to officialdom as well as medicine is shown by the remarks of al-Makhzūmī (d. 585/1189), who wrote an important guide to Egyptian administration in which he gave vent to frustrations about the number of Jewish officials in the Bureau of the Army, as well as Christian ones in that of the land tax, both of whom he described as an affliction from God. In the same unpublished passage, in which the readings of several words remain uncertain, he also explains their prominence in other terms:

The dhimmis have reserved for themselves the usage of [arithmetic], instructing their children in it and passing it down from generation to generation. The Muslims, meanwhile, are too proud to learn it from them, [the authority] to teach it being unworthily ascribed to them . . . ? the Muslim secretaries. Thus the involvement of the pagans in the administration continues. In addition, the Muslims . . . ? at the beginning of their education with the Qurʾān and related subjects, and literature and its arts, and none of them attains mastery until he reaches an age at which he can undertake to teach its secrets and instruct [others] in its knowledge. He is then unwilling to submit himself to a dhimmi with respect to knowledge.46

43 On the utility of certain branches of philosophy for state officials, see, e.g., Saliba, Islamic Science and the Making of the European Renaissance, pp. 49–72; al-Būzajānī, Kitāb ma yaḥṭāju ilayhi al-kuttāb wa-lʿummāl min ʾilm al-ḥisāb.
44 al-Ghazālī, Kitāb al-ʾilm, p. 54 (translation altered slightly); al-Ghazālī, Iḥyāʾ ʿulām al-dīn, 1:37.
46 See Chapter 6, p. 207; wa-ḥajara l-dhimmatuʿalā l-šināʿati fa-tuʾallimuhā awlādahum wa-ṣāriʿ yawawrāthihāh khalaṣfūn ‘an salafin wa-ʿazzat nufsūs l-muslimūna ‘an taʾllumihā minhum wa-nuḥīlā hum bi-ṣfādatihā laham . . . kuttāb al-muslimīn wa-stamarra taṣarrufu l-mushrikūn wa-aydān fa-inna l-muslimūna . . . fi awwalā tuʾallumihim bi-l-qurʾānī wa-ʾulāmihi wa-l-adabi wa-finnānīhi fa-lā yuhikmu abadahum dhālika illā ba da an yablugha fi l-sīnī darajatan yataṣādḍā ma hā li-ṣfādatihī ma lūmātihi wa-taʾlimi ma ārifīhi fa-lā yādīya bi-stībāʿi nafsīhi li-dhimmiyyīn fīʾilmīh.
Lacunae notwithstanding, al-Makhzūmī’s view is clear: Jews and Christians monopolize arithmetic, which is helpful to certain kinds of officials. Contrasting educational customs among Muslims, as well as their pride, keep them from breaking the monopoly.

To recapitulate: Non-Muslim officials were employed at various times in most parts of the administrations of premodern Islamic states, though far less in military functions than in bureaucratic ones. Although they were not always considered problematic, they were persistently employed in the face of considerable opposition because they regularly offered Muslim political authorities certain opportunities to expand their own access to resources, due to various combinations of dependence, loyalty, special competencies, and lower cost, in both material and symbolic terms. The examples of these dynamics given above are necessarily anecdotal. Indeed, it is difficult, if not impossible, to determine, even in relative terms, how many non-Muslim officials were employed in a given administration in any period, let alone why. In some settings, Muslim authorities did not pursue the strategy of employing them, while in others they pursued the strategy of righteously dismissing them to mollify influential opponents. The historian al-Maqqarī (d. 1041/1632), for example, could claim with some degree of plausibility — though he may protest too much — that the chief finance secretary (kātib al-zīmām) in al-Andalus and Morocco (barr al-ʿadwāḥi) had never been a Christian or Jew, and polemists in Iraq and Egypt in the thirteenth and fourteenth centuries evidently thought it would be persuasive to lament that Muslim rulers only ever empowered dhimmis in their own respective lands.

In Iran, one encounters very few non-Muslim officials after the early period, under such dynasties as the Ṭāhirids, Sāmānids, and Ṣaffārīds. Yet a degree of suspicion is in order, since we depend for our knowledge of non-Muslim officials largely on sources written by ulama, who had structural and dogmatic reasons to dislike them, and who as authors possessed the means to write them out of a historical record in which they are nonetheless common. We must therefore expect that the presence of non-Muslim officials in some corner of

47 Such “authorities” were not always rulers. Consider the case of ʿUbaydallāh b. Sulaymān, or that of the vizier Majd al-Dīn b. al-Muṭṭalib, whom the caliph fired and then reappointed in 501/1107–8 on the condition that he not employ any dhimmis (following on an earlier incident involving a Jewish official); Ibn al-Athīr, al-Kāmil fī l-tāʾrīkh, 9:122; Ibn al-Athīr, Ibn-el-Athiri chronicon, 10:318.

48 For discussion of divergent modern views about the prevalence of non-Muslim officials in Fatimid Egypt, a relatively well-documented and well-studied case, see Rustow, Heresy, pp. 120–25.

49 al-Maqqarī, Naṭīf al-tīb min ghuṣn al-Andalus al-raṭīb, 1:217. The example of Ibn Naghrillah alone would seem to contradict this (see Ibn Buluggīn, The Tibyān, p. 206, where al-Maqqarī’s text is referenced). Al-Andalus as well as North Africa certainly saw their share of non-Muslim empowerment in other capacities before al-Maqqarī’s time. For the examples from Iraq and Egypt, see Chapter 7, pp. 220, 252.
most premodern Islamic state administrations was the rule rather than the exception, notwithstanding the “doctrines” of Islamic law that are invoked in the secondary literature. It will suffice here, however, to remember that wherever Muslim rulers and high officials employed non-Muslims – as, indeed, where they ostentatiously dismissed them and relied on learned coreligionists instead – they sought to strengthen their own hands. This gave their rivals for power, wealth, and prestige incentive to protest the practice, at least until they assumed power themselves.

**Late-Ancient Antecedents to the Discourse**

We now have a rudimentary grasp of the factors that lay behind the recurrent cycle by which non-Muslim officials were employed and dismissed. Before we come to grips with the discourse around those officials, however, there remains to investigate its pre-Islamic antecedents. If the general conditions for such discourses are present wherever political authorities in a plural society select their servants from particular groups, especially marginal ones, we ought to find them in the late ancient world, in which powerful imperial authorities made appointments from diverse subject populations. And indeed we do, although the nature of the groups and appointments involved is naturally rather different from the Islamic cases. The two most relevant examples are late-Roman regulations relating to pagan, non-Orthodox Christian, Samaritan, and Jewish officials, and reactions to prominent non-Zoroastrians servants of the Sasanian state. Two caveats must be kept in mind as we examine these cases. First, we are here simply flagging surviving texts that might potentially have been catalysts for the Islamic discourse around non-Muslim officials. We make little effort to contextualize or explain these in historical terms, let alone to attempt comparisons to the Islamic discourse of the kind undertaken in Chapter 8. Second, the question of whether and how late-ancient antecedents paved the way for our discourse remains open. Antecedence does not entail a genetic relationship.

As Christianity spread and attained political and demographic dominance in the Roman Empire during the first five centuries C.E., Christians became the majority in the aristocracy and officialdom more generally. There are indications that the fourth-century Christian emperors preferred Christian officials to non-Christian ones, much as pre-Christian emperors had excluded, for instance, Manicheans from public office. The whim of emperors was far from the only factor behind the shift, however. It was accompanied by juristic

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and other discourses that vilified not only non-Christian officials, but also, during interludes of pagan *revanche*, Christian ones. At the same time, some Christians continued to resist the worldly temptation of office-holding, much as pious Muslims would do in the early Islamic period.\(^{51}\) Although there were imperial purges of pagan officials in the Roman East as late as 578, the aristocratic classes had become majority Christian by the end of the fourth century in a process that was neither sudden nor, in itself, heavily coercive.\(^{52}\) The extra-legal discourses the process generated were obscure in the East by the early Islamic period, and need not detain us.\(^{53}\) The process did, however, leave traces in the authoritative legal codifications promulgated by the Eastern Roman emperors Theodosius II (r. ca. 408–50) and Justinian I (r. 527–65). The latter, especially, was widely known in pre-Islamic late antiquity.\(^{54}\) Though doubtful, it is not impossible that they might have affected later Islamic juristic thought in some way.\(^{55}\)

Pagans fell within the purview of decrees like those that forbad Eunomian “heretics” to “enter the imperial service” (13 March 395, under Arcadius and Honorius), all “heretics” to “have membership in the imperial service” (24 November 395, under the same), and “those persons who are hostile to

\(^{51}\) Christians had long been ambivalent about service in the Roman military and in offices in which they might be compelled to violate Christian principles. Tertullian’s statements on the matter are the *locus classicus*; see also the remarks of Origen against Celsus, and the early fourth-century Council of Elvira (Lee, *Pagans and Christians*, pp. 47–48, 72–73). Still in 398, the ascetic Paulinus of Nola urged a younger Christian aristocrat to “avoid the slippery dangers of exacting state service” on moral and spiritual grounds. Ambrose scolded a man for hoping his conversion to Christianity would facilitate official appointment (Salzman, *Making*, pp. 119–123, 128). On early Christians in the Roman military, see, e.g., Hunter, “A Decade of Research on Early Christians and Military Service.”


\(^{53}\) These discourses include derisive poetry against the beliefs of pagan officials, mentions of the conversion of officials from Christianity in order to serve the pagan emperor Julian, who also composed letters against appointing the “Galileans,” and certain Carthaginians’ protests recorded by Augustine, in which they say, “Let the more powerful men not be pagans, so that the pagans might not rule over Christians” (Salzman, *Making*, pp. 121–22, 127–28; Julian, *The Works of the Emperor Julian*, 3:116–23). Such reports were not entirely unknown in Islamic historiography; see, e.g., Ṭayyara, “The Evolution of the Story of Julian the Apostle in Islamic Sources.”

\(^{54}\) The Theodosian Code was abrogated by Justinian on 7 April 529, and hardly survived in the East. It was, however, used in compiling the *Breviarium Alaricianum* under the Visigoths (in force 506–654) (Linder, *The Jews in Roman Imperial Legislation*, pp. 33, 44).

\(^{55}\) The most positive (and controversial) assessment of late Roman law’s influence on Islamic law is Jokisch, *Islamic Imperial Law*. 
the Catholic sect to perform imperial service within the palace . . . so that no person who disagrees with Us in faith and religion shall be associated with Us in any way” (14 November 408, under Honorius and Theodosius). Honorius had to rescind the last in 408–9 in order to appoint the pagan general Generidus. But a slightly later law expressly forbids pagans to “be admitted to the imperial service, and they shall not be honored with the rank of administrator or judge” (7 December 416, under Arcadius, Honorius, and Theodosius). After this time, legal statements against pagan officials tail off, though such officials persisted long enough to be evicted by Justinian.

Imperial laws pertaining to Jewish officials overlapped with those against pagans, and they appear in the same influential codes. They are to be distinguished from laws that relate to Jewish service in municipal curia and the performance of municipal liturgies. After the fourth century, these were onerous and expensive compulsory duties that citizens often tried to avoid. As such, they have no formal equivalent in Islamic history and may be set aside here. The first attested law barring Jews from entering imperial service was issued on 10 March 418 under Honorius and Theodosius II. It allowed Jewish civil officials to finish out their service for the current year, and Jewish legal advocates, who were “of a distinct civil service character,” to go on practicing, but Jewish military officers were dismissed with immediate effect. This law is attested only in the Theodosian Code. The permission for Jewish advocates was abolished in the West by a decree of 9 July 425, which reiterated the bar to “state service” unless the Jew or pagan in question converted, and explained the reason: Christians should not be subordinated to them, lest they be tempted to join them in their error. This decree is known, however, only from a private collection of laws promulgated in Gaul, and is unlikely to have been widely known in what would become the Islamic world.

The law of 418 lies in the background to another, more relevant for us, that was issued by Theodosius II and Valentinian III ca. 31 January 438. Too late for inclusion in Theodosius’ code, it was later received into the Justinianic Code in modified form, and reproduced in full in the Breviarium Alaricianum that was in force in Visigothic Iberia from 506 to 654. It pertains to “Jews, Samaritans, pagans, and the other kinds of monstrous heretics,” and specifies that Jews and

57 Theodosian Code, pp. 475–76 (16.10.21).
59 The following discussion relies on Linder, Jews, esp. pp. 75–77. Jews had long served in certain municipal and imperial functions with the sanction of law (Linder, Jews, pp. 75, 103–6). See also Pakter, Medieval Canon Law and the Jews, pp. 221–29; Cohen, Under Crescent, pp. 31–36.
Samaritans be barred from any office conferring dignity or authority. The fear was that these “enemies of the Supreme Majesty and of the Roman laws” might be entrusted with the enforcement of those laws, or stand in authority over Christians. These ideas were reiterated in a law of 527, issued in Constantinople under Justinian, which complains that previous bars to office-holding by non-Orthodox – including all heretics as well as Manicheans, pagans, Jews, and Samaritans – were being ignored. There is evidence that his law, by contrast, was widely enforced. It accuses such people of having “infiltrated public offices,” and intends the present law to build up the “honor and esteem” of the true Christians at the expense of the dissenters. These strictures were reinforced by other laws in the same period, and still others against those who had professed Orthodoxy merely to obtain office, while leaving their wives and children in the former creed.

Such laws were recalled and reinforced in the eastern Roman Empire well after the advent of Islam. Leo III the Isaurian (r. 717–41) summarized that of 527 in an appendix to his Ecloga of 726, which was intended to replace the Justinianic Code and, indeed, was in use for more than a century. The same law is reproduced in full in another code, the Basilika of the late ninth century. It is therefore not impossible that they should have exerted direct influence on analogous Muslim views regarding the employment of non-Muslims. Indeed, precisely such influence has been posited by modern scholars who have considered the origins of the discourse around non-Muslim officials.

There is, however, another late-ancient reservoir of potential antecedents. These were generated under the Persian Sasanian empire, the literatures of which were somewhat better known to Muslims in the Abbasid period than those of Byzantium. Under the Sasanians, Zoroastrianism was the ideology of the ruler and most of the leading aristocratic households, under whom both Jews and Christians, as well as other dissenters, lived in considerable numbers. Jews occasionally served as soldiers and minor officials, apparently without exciting resentment or exclusionary laws, though one must keep in mind that Sasanian society was rigidly hierarchical, and since, as a rule, Jews did not belong to its upper echelons, they would seldom have served in prominent positions. Christians present a somewhat different case, for in

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65 Justinian, Corpus Iuris Civilis, p. 57 (1.5.18.5). I thank Jack Tannous for this reference. See further Bell, Social Conflict in the Age of Justinian, pp. 217–25 (esp. 223).
68 Fattal, Le statut, p. 239; Levy-Rubin, Non-Muslims, pp. 117, 120, 123, 162, 219 n. 86.
70 Widengren, “The Status of the Jews in the Sassanian Empire.”
the late Sasanian period their prominence increased substantially, in part by conversions from Zoroastrianism, including of aristocrats. Thus Christians were increasingly in a position to act as military commanders and high officials of other kinds. The Sasanian state also called upon bishops and other Christian clerics to act, in effect, as tax officials with respect to their flocks, and employed them for other jobs as well.

Did the prominence attained by non-Zoroastrians, especially Christians, catalyze discourses that might have survived to be reprised by Muslims faced with analogous issues? Syriac martyrologies and other sources do report that the Sasanian state occasionally repressed non-Zoroastrian officials and nobles as such, quite apart from prosecuting the capital crime of apostasy. As Richard Payne has recently argued, however, in general, Christians were integrated openly into imperial office at various levels, so long as their presence and conduct there was not seen to challenge Zoroastrian ascendancy. This was never more the case than in the decades immediately preceding the conquests. Yet one is hard pressed to find bars to office-holding like those found in late Roman law, or those that would later be asserted by Muslim ulama and promulgated sporadically by Muslim rulers.

There are scattered near-exceptions to this generalization, to be sure. The potential of shared ideology to motivate concerted political action was not lost on the Sasanians, who occasionally showed themselves to be aware of the inverse principle: that ideological diversity among their supporters could undermine the state. Thus, in a unique first-person account preserved in a much later Arabic chronicle, the chief Zoroastrian cleric (mawbadān mawbad) informs Khusro I Anūširwān (r. 531–79) that certain nobles, at court and in the provinces, are secretly engaged in promoting an ideology (dīn) that is “at odds with what we inherited from our Prophet and learned men.” He also explained that this is detrimental to kingship, for the subjects will not share a single conviction (hawān wāḥid), all forbidding what the king forbids and permitting what he permits in his ideology (dīn). If the king is able to obtain [such unity], however, his army will be strengthened by their agreement with him, and they will be victorious in battle against the enemy.

73 Payne, State, pp. 23 (a third-century inscription), 45–56 (isolated incidents Payne explains as routine for court life and not Christian-specific); Asmussen, “Christians,” pp. 933–47.
74 Payne, State, pp. 56–57, 168, 181–82.
75 Beginning, according to Asmussen, with Bahram II (r. 276–93) (“Christians,” p. 936).
In response, Khusro forces the dissenters – whose deviant creed is not specified – to assent to “the truth” or suffer banishment. More generally, where one finds discomfort with non-Zoroastrian officials, the rub is not office-holding per se, but instead either loyalty to a shah whose standing was heavily entwined with Zoroastrian ideology, or the holding of aristocratic rank by a non-Zoroastrian. “How can you consider me to be king of kings,” Shapur II (r. 309–79) asks his chief craftsman, a Christian, in a Syriac martyrology, “when you have the effrontery to say in my presence that you are a Christian?” In another source, the eleventh-century New Persian epic the Shāhnāmah, Khusro I heaps mild scorn on a rebellious son’s Christianity, and it is certainly true that combining aristocratic standing with dissent from the reigning ideology generated tensions, though elsewhere in the Shāhnāmah, Khusro grants a Christian considerable power, albeit over other Christians. Discomfort, suspicions, and sporadic violence there may have been, but these never amounted to a stated policy, effective or aspirational, that disqualified non-Zoroastrians from official positions. The key distinction remained the one between aristocrats and others. Similarly, late-Roman discourses of displeasure with the elevation of “barbarian” military commanders and other officials had as much staying power as those against heterodox elements. Moreover, the late Sasanian state valorized Christianity and its symbols to a degree that neither the late Roman nor most Islamic ones did with respect to their principal dissenting subjects. Still, it is clear that scattered fragments of Sasanian-era boundary-drawing along ideological-communal lines did survive in Arabic, Persian, and Syriac, and, in principle, they might have provided raw material for an Islamic discourse on the subject of non-Muslim officials.

In sum, there were late-ancient antecedents to the Islamic discourse surrounding non-Muslim officials. The Roman ones are contained in legal sources that survived into the early Islamic period, though there is hardly any unequivocal evidence that Muslims knew or used them. They consist principally of imperial laws that explicitly forbade state agents to employ anyone who was not

78 Firdawši, Shāhnāmah, 7:140–41, 150–57 (latter cited in Payne, State, p. 126); Christensen, L’Iran, pp. 283–89, 313.
81 Payne, State, pp. 164–98. Only the Mughals and the late Ottomans would seem to be comparable in this respect.
an Orthodox Christian. The Sasanian antecedents, much less explicit, show undercurrents of concern to promote ideological uniformity as an element of political unity, and to preserve the Zoroastrian identity of aristocrats, but they never enunciate a general Zoroastrians-only criterion for official employment. Neither case, notably, constitutes an antecedent that is similar to the Islamic one in form as well as content: a voluminous, textually interconnected discourse against dissenters, produced by learned men at the margins of power in order to affect those who wielded it.82

Conclusion

This chapter has advanced two narratives that together frame the story of the Islamic prescriptive discourse around non-Muslim officials. In telling that story, this book invokes, at certain points, the metaphor of a tapestry, within which the discourse features as a small group of strands in the vastly larger web of textual discourses that constitute our sources for the history of the premodern Islamic world (ca. 600–1500 CE). To extend that metaphor for a moment, this chapter has offered glimpses of an adjacent bundle of strands (evidence of non-Muslim officials themselves) and of possible models for the composition and arrangement of those strands (antecedent late ancient discourses).

Non-Muslims acted as officials – understood, following the sources, as those employed to deal with “the Muslims’ public affairs” (umūr al-muslimīn) – at various times and places in most roles and ranks of premodern Islamic governance. They were especially prominent as secretaries (kuttāb) and finance officials, and in regions where non-Muslims remained demographically substantial. They were employed for a variety of overlapping reasons, including their perceived dependence on the ruler and the particular competencies they were believed to possess. In some instances, however, there was no specific logic to non-Muslims’ employment as such, and no necessary recognition by Muslim actors that they were a separate or noteworthy kind of official, let alone an unlawful one. Precedents for problematizing them existed, however, in the pre-Islamic world. In the late Roman Empire, a number of imperial laws had prohibited the employment of officials who dissented from Orthodox Christianity. The Sasanian state, encouraged by Zoroastrian clerical elites, occasionally designated non-Zoroastrian officials as problematic, whether because their loyalty was suspect or because their elevation disturbed the hierarchies that structured Sasanian society.

82 Comparable dynamics are not wholly lacking in late antiquity, of course. E.g., Yazdgerd I (r. 399–420) was vilified for undertaking the “cultivation of minorities as a counterbalance to the Iranian nobility” and the Zoroastrian clergy (Fowden, The Barbarian Plain, p. 53 n. 36; Asmussen, “Christians,” pp. 939–40).
In the next chapter, we consider the oldest layers of the Islamic prescriptive discourse around non-Muslim officials. These date principally from the late Umayyad and early Abbasid periods and took the form of views attributed to paradigmatic early caliphs. Before and even long after such views were first articulated and circulated, Muslims seem to have regarded non-Muslim officials with utter indifference or ill-defined discomfort. By examining these early layers, we will be better able to determine whether and how the late-ancient antecedents – so strikingly similar to the Islamic discourse in content, though not in form – were used by the first Muslims who singled out non-Muslim officials as problematic.
3 The Beginnings of the Discourse to 236/851

“Uphold God’s Rule”

On a morning in the fourth decade of Abbasid rule in Iraq, the Muslim qādī (judge) of Kufa, Sharīk ibn ʿAbdallāh al-Nakhaʿī (d. 177/793), administered a flogging to a powerful Christian official.1 This confrontation took place in the same city, and at almost precisely the same time, that the Islamic prescriptive discourse surrounding non-Muslim officials first arose. Dawn on that day found Sharīk sitting outside his house in Kufa, about a hundred miles south of the new imperial capital of Baghdad. Kufa had been founded in the first/seventh century as a garrison city for the conquering Arabian armies, and was divided into neighborhoods according to their tribes. Sharīk lived in the neighborhood of his tribe, Nakhaʿ, which belonged to the “southern” (Yemeni) tribal confederation. On that morning, we are told, he was wearing only a thick outer garment, for his usual set of clothes was still damp from the wash.

Despite his high position in Kufa, Sharīk was known for belligerence, impetuousity, and chauvinism. He regularly flouted the prohibition on alcoholic drink that was becoming universal among Muslims at the time.2 A strident pro-Arab partisan, he once forbad a Muslim Aramean (nabaṭī) to testify in court.3 On another occasion he incensed the Muslims of Kufa by distributing revenues unequally among Arabs, clients (mawālī), and non-client Arameans.4 When challenged, Sharīk regularly fell back on his authority as a tradent who had memorized countless stories (known as ḥadīth or akhbār, meaning “speech” or “sayings” and “reports,” respectively) about the Prophet and his Companions.5

1 On Sharīk, see Wakī, Akhbār, 3:149–75; TMS, 10:384–401; TK, 12:462–75.
2 On early Muslim debates about alcohol, see Haider, “Contesting Intoxication.” For incidents in which Sharīk drinks or condones drinking, see inter alia Wakī, Akhbār, 3:156, 162, 164, 168; al-Jaḥfīrī, al-Jalīs al-ṣāliḥ, 2: 102–3.
5 “Tradent,” now a term of art in Biblical and Islamic studies, denotes “one who is responsible for preserving and handing on the oral tradition, such as a teacher or preacher or missionary, in the form of apophthegms or similar pericopae.” It is used here as a catch-all synonym for muḥaddith, akhbārī, and similar terms (Browning, Dictionary of the Bible, p. 361). I use “story” as a generic non-technical term encompassing such narrative units as ḥadīth and akhbār. For the distinctions among these forms, see Cooperson, Classical Arabic Biography, pp. 1–6.
Their deeds and sayings had always been recalled and discussed among the believers, of course, but by Sharīk’s time such stories had evolved into textually stable touchstones of proper Muslim behavior. Their symbolic value encouraged tradents to embellish and invent them on a significant scale, though such practices were formally condemned.6 To justify his fondness for date-wine at Ḥ (Jal) how to deal with a slave who gets married without his master Jal—with a man called and On still Akhb TMS opinions of Sharibn Ab D Similarly, his discriminatory distribution of surplus revenue to Kufa’s Muslims, which upset even the Arabs, is justified by a mantic utterance that he (but evidently no one else) ascribed to ’Alī ibn Abī Ṭalib.8 On still another occasion, a fellow judge protests at one of Sharīk’s stories, saying, “But we’ve never heard this ḥadīth!” Sharīk replies that the ignorance of ignorant men need not trouble learned ones.9

On this particular morning, Sharīk was deep in discussion of a well-known legal problem—how to deal with a slave who gets married without his master’s permission— with a man called ’Umar b. al-Hayyāj, to whom we owe our account of what happened next.10 As they sat conversing, a strange crowd burst from a nearby alleyway. One of the people in the crowd, richly dressed, rode a horse and was surrounded by a knot of attendants. He, like Sharīk, was a recognized state official in the city. He had been sent from Baghdad by the powerful wife of the caliph al-Mahdī, al-Khayzurān (d. 172/788), to oversee the prestigious work of the official government embroidery (ṭīrāz) workshop that produced the iconic, richly wrought strips of textile that announced the titles of the caliph and other important persons. As with the mints, only trusted officials were given charge of the ṭīrāz. In fact, al-Khayzurān had instructed the governor in Kufa not to countermand this particular official, and one version of

6 On the developing role of the normative example (sunnah) of the Prophet and his Companions, see Crone and Hinds, God’s Caliph, pp. 58–96; Juynboll, Muslim Tradition, pp. 30–39. On the later use of dubious hadith, see Brown, “Even If It’s Not True It’s True.”


8 Wakī’, Akhbār, 3: 158. This putative saying of ’Alī’s is not elsewhere attested.

9 Ibid., 3:162. On the judge, ’Āfiyāh ibn Yazīd al-Awdī, see TMS, 14:254–58 (no. 6705); TK, 14: 5–10 (no. 3033). The critics’ opinions of Sharīk’s reliability as a tradent were mixed. Some held him to be trustworthy, but often his reliability was impugned, particularly when his version of a story differed from others’ (TK, 12:468, where Yahyā b. Ma’in declares him reliable [thiqā] but also inexact, prone to mistakes, and more willfully imaginative than his contemporaries [lā yutqinu wa-yaghla wa-yadhabhu bi-nafsīhī ‘alā Sufyān wa-Shu’ bāh]; 469, where Yahyā and Ibn Ḥanbal declare him sincere [ṣadāq] except when his version of a story differs from others’; and 470–71, where his knowledge is praised but he is described as creating confusion [mukhallit], having a poor memory, narrating contradictory [muḍjarib] stories, and frequently in error [kathīr al-khata’]).

10 The following account is found in Wakī’, Akhbār, 3:169–70; TMS, 10:394–95; al-Jarīrī, Jālīs, 2:102. ’Umar b. al-Hayyāj is obscure; for some clues to his identity and a translation of the entire account from all three sources, see Yarbrough, “Upholding,” pp. 71–75. For the problem of slaves who wed without permission, see, e.g., Abū Dāūd, Sunan Abī Dāūd, 3:421 (no. 2078).
the story informs us that “he was obeyed in Kufa.” Though his name is lost to us, we are informed that he was a Christian.11

The noise, however, issued from a second man, who was bound with cords and had been bloodied by a lash. As the little group reached Sharīk and ʿUmar, his cries for help gave way to a torrent of words as he explained what had happened. A Muslim embroiderer, he had been locked in the workshop for four months and forced to work without pay. Early that morning he had finally managed to escape, but his Christian overseer had caught him and subjected him to the lash. On hearing this, Sharīk curtly ordered that the Christian, who had seated himself beside the judge, sit instead beside his employee. Ignoring the Christian’s insistent requests to imprison the embroiderer and showing no interest in his version of events, Sharīk instead demanded confirmation that he had in fact struck the blows. On hearing that he had, Sharīk darted into his house and emerged with a scourge of his own. “You’ll not go beating Muslims after this!” he cried, setting about the Christian with the scourge, scattering his followers, and reducing him to indignant tears, through which he could only whimper: “You’ll learn!”

As the Christian struggled to remount without the help of his entourage, Sharīk dropped the whip and turned abruptly to ʿUmar. “So, anyway,” he said, “back to the slave who gets married without asking his master. What’s your view on the matter?” “What’s the use in all that?” ʿUmar asked. “There are going to be consequences for what you just did!” “Oh be quiet,” Sharīk replied. “Uphold God’s rule, and God will uphold you (aʿizz amr Allāh yuʿizzuka Allāh). Let’s get back to where we were.” The Christian, meanwhile, rode to the Abbasid governor in Kufa, Mūsā b. ʿĪsā, but Mūsā refused to take up his cause against Sharīk, and the Christian had no choice but to return to Baghdad.

**A Convenient Parable**

Did any of this actually happen? We cannot be sure, but there is reason to believe that an event like it may well have taken place. The incidental facts of the story match up well to Kufa in the 170s/780s: the names of the governor and of the caliph’s wife, the knowledge of Kufa’s tribal topography, and the reference to a powerful Christian embroidery official, when we know of others in the same period, all indicate that the source had close familiarity with the historical setting. There is also an abundance of finely grained, verisimilar detail, and a notable lack of deference to the kind of prescriptive considerations that shape many other such stories; according to later juristic views, no caliph

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11 Possibly a member of the al-Anbārī family; the historian al-Ṭabarī describes one member of this family, Ibrāhīm b. Nūḥ al-Anbārī, as “master of the embroidery” (ṣāḥib al-ṭīrāz) in the year 187/802 (see Cabrol, “Une famille de secrétaires nestoriens,” p. 302; al-Ṭabarī, Taʾrikh, 3/2: 675).
should employ a Christian in the first place. The story must have come from a knowledgeable source, and have been consonant with Sharīk’s reputation in Kufa. In addition, there is independent evidence that Sharīk was in the vanguard of opposition to non-Muslim officials in the second/eighth century. Careful investigation reveals that, true to form, he combined his hostility to them with his activities as a tradent of paradigmatic stories about the Prophet and his Companions. In fact, it is likely that he changed the wording of one such story, a parable about the caliph ʿUmar b. al-Khaṭṭāb and his Christian slave, to support his opposition to non-Muslim officials. In the surviving versions of this story, which are found in nine different published books, this slave is given a variety of similar, garbled names, the most common of which is Wasq. The story of Wasq became an important proof text for later Muslims who wrote against non-Muslim officials, and Sharīk was exceptionally active in disseminating it. We know this because each of the nine surviving versions of the story comes with its own isnād – a sequential list of the people who transmitted that version, from the author of the book in which it survives all the way back, in order, to Wasq. Two of the nine surviving versions, however, were not transmitted by Sharīk. Here is one them, which does not give the name of the Christian slave at all:

ʿAbūʿUbayd, Kitāb al-amwāl, 109 (no. 88). For biographical information on the transmitters and close textual study of this and the following two versions, see Yarbrough, “Upholding,” pp. 48–50.

Finally, here is a typical version – there are several others like it – of the story as Sharīk transmitted it:

Saʿīd – Sharīk – Abū Hilāl – Wasq: “I was a slave belonging to ʿUmar b. al-Khaṭṭāb, and I was a Christian. ʿUmar would say to me, ‘Wasq, you should convert so that I can appoint you in some official position relating to the Muslims. It would not be right, you see, for someone of another religion to have power over them.’ I refused his offer, so he
said, ‘No compulsion is there in religion!’ [Q. 2:256] Then when ʿUmar died he manumitted me.”

The intriguing thing about these differing versions of the story is that the opinion about non-Muslim state officials – that they should have no power over Muslims – is found only in versions that Sharīk transmitted. Now, Sharīk also transmitted two surviving versions that do not mention this issue. For example: Sharīk – Abū Hilāl – Wasq: “I was a slave of ʿUmar, and he would propose that I convert to Islam, and say, ‘No compulsion is there in religion’ [Q. 2:256]. When he was dying, he manumitted me.”

Thus, in some instances Sharīk is credited with transmitting versions of the story that lacked the view against employing non-Muslims, while in others he transmits versions that included it. But tradents coeval with him who also heard the story from its source – the Kufan Arab Abū Hilāl b. Ḥayyān al-Ṭāʾī – appear to have transmitted only versions that lacked that opinion.

How to interpret this evidence? The most compelling interpretation takes account of Sharīk’s run-in with the Christian embroidery official and of his reputation for impetuosity and shiftiness as a transmitter, particularly after he accepted the judgeship in Kufa. It appears that Sharīk learnt a brief story about the caliph ʿUmar from an elder tradent called Abū Hilāl. This story contained a precedent for manumitting non-Muslim slaves, and perhaps also an exegesis of Q. 2:256 that ruled out forced conversion. Indeed, on certain subsequent occasions, Sharīk transmitted this story more or less as he had heard it, just as his peers did who had also heard the same story from Abū Hilāl. But later, whether before or after his run-in with the Christian, he embellished that story with details about ʿUmar’s offer of employment to the slave, which was contingent on his conversion to Islam, for, as ʿUmar is made to explain, it would be wrong for a Muslim ruler to grant authority to a non-Muslim. Sharīk might well have bruited the exemplary story of Wasq, complete with his own embellishment, in order to bolster his position in the wake of the scourging

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16 Ibn Abī Shaybah, al-Muṣannaf, 5:82 (no. 12677).
17 It contained, in fact, a view in favor of unconditional manumission; see Mitter, “Unconditional manumission of slaves in early Islamic law.” For interpretations of the verse, see Crone, “No Compulsion in Religion,” pp. 131–78.
18 Other accounts of the evidence are possible. For example, Sharīk could have invented the entire parable himself, narrating various versions of it, while his coevals, such as Sufyān al-Thawrī, pretended that they had it from its putative source, Abū Hilāl (for the possibility of such cross-pollination of isnāds, see Cook, Early Muslim Dogma, ch. 11). Or, Abū Hilāl could really have transmitted the longer version, including the bit on not hiring unbelievers; the fact that the versions that bypass Sharīk lack that clause would then be sheer coincidence. However, the convergence presented by Sharīk’s encounter with the Christian embroidery official (a confrontation nearly unique in the early sources) and his prominent role in disseminating both this and one of the few other paradigmatic stories against non-Muslim officials (see below) seems sufficiently striking to favor the account given here.
incident, for that incident, as an affront to the authority of the Abbasid central government, might well have had the repercussions that the storyteller ʿUmar b. al-Hayyāj feared it would.

There are several reasons that we have dwelt on the tale of Sharīk and the embroidery official, and on the parable about the caliph ʿUmar’s refusal of non-Muslim officials that Sharīk redacted and disseminated. That parable was destined to become a proof text for later Muslims who wished to argue that the appointment of non-Muslims to government posts was unlawful. We shall encounter it many times in this book. But the story of Sharīk also knits together the central themes of this chapter. Like the other seminal texts we will examine here, its genesis lies at the origins of the prescriptive discourse surrounding non-Muslim officials. Stories like that of Wasq the Christian slave were formulated at particular historical moments that are not what they first appear. That the discourse had temporal origins that are later than they seem draws our attention to the silent decades preceding, when non-Muslim elites pervaded the administrative apparatuses of a conquest state that knew no prescriptive doctrine either for or against their employment. It will be worth our while, too, to consider prevalent views of such officials among Muslims in those early days.

Above all, the stories of Sharīk, the embroidery official, and Wasq are emblematic of the discourse’s early productive moments because they cluster in a setting of historical competition for resources, here political and symbolic ones. The Christian embroidery official’s authority in Kufa clashed with Sharīk’s as the city’s chief judge. The former’s ominous and hollow threats signal, as much as Sharīk’s scourge blows do, that a struggle for status was underway. This struggle was not only between Sharīk and the Christian, but also – perhaps primarily – between Sharīk and the Muslims who had appointed the Christian (here the queen-mother, al-Khayzurān) and who also claimed authority over Sharīk himself. The battered body of the Muslim embroiderer, meanwhile, functioned in the narrative as a vessel of Islam’s symbolic capital, on which Sharīk depended for much of his own social position and which the Christian had damaged by performing his own power over it. His lash strokes on the embroiderer’s body, like Sharīk’s on his, inflicted symbolic as well as physical violence. This is why Sharīk could deftly frame his own violence with the imperative to “uphold God’s rule . . .” – valorizing the symbolic capital by which he expected to be upheld – “… and God will uphold you.”19 Sharīk’s embellishment and dissemination of the Wasq story, too, was a competitive behavior. It sought subtly to reconfigure his society’s intellectual capital to his own advantage in triangular contests over political and symbolic resources that involved Muslim and non-Muslim elites as well as the state. Thanks to his

revision, in other words, there would henceforth be a firmer precedent for opposing non-Muslim officials.

In this chapter, we will first examine the other two putatively early, normative parables about non-Muslim officials that became prominent in the discourse. Curiously, they too concern the second caliph, 'Umar b. al-Khaṭṭāb, and they too were first circulated in eighth-century Kufa, for reasons that we shall discover. The early discourse also includes letters that inveigh against non-Muslim officials, several of which are ascribed to the revered Umayyad caliph 'Umar b. 'Abd al-'Azīz. We shall next study their texts and beginnings. We turn then to an important, little-known story about the Umayyad caliph 'Abd al-Malik and his vague misgivings about his chief finance officer, a Christian, as a lens through which to consider the place of non-Muslim officials in the normative imaginations of Muslims during the first two centuries of Islamic history. Finally, we review the large-scale changes of the early Islamic period that allowed the early prescriptive discourse to form and develop as it did.

'Umar I and the Christian Secretaries in Kufa

The judge Sharīk ibn 'Abdallāh also played a minor role in the spread of another brief parable concerning 'Umar b. al-Khaṭṭāb and a Christian state official, one that would become even more influential than the story of Wasq. The story, as Sharīk told it to an itinerant warrior and horse-trader known as Luwayn (d. 246/861), went like this:

Luwayn – Sharīk – Simāk – 'Iyād al-Ash'arī: “A letter came to 'Umar... announcing a military victory in Syria. He said to Abū Mūsā al-Ash'arī... ‘Have your secretary read the letter to the people in the mosque.’ Abū Mūsā said, ‘But he does not enter the mosque, because he is a Christian.’ 'Umar said, ‘Why have you employed a Christian as a secretary?’”

Like 'Umar b. al-Khaṭṭāb, Abū Mūsā al-Ash'arī was a Companion of the Prophet who was prominent in the administration of the conquered territories. He served as governor of Basra and, more briefly, Kufa. Anecdotes in which 'Umar harangues Abū Mūsā about various aspects of his leadership were something of a topos in the literature. This version of the story is the earliest and simplest of the seven independent versions that survive with their isnāds. Here 'Umar simply asks about Abū Mūsā's rationale in hiring a non-Muslim secretary. His disapproval, if any, is implicit. But the story took more elaborate forms. Here is another version, which later became well known

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20 Luwayn, Juz', p. 64 (no. 46).
21 E.g., Sergeant, “The Caliph 'Umar’s Letters”; al-Balādhurī, Ansāb, 9:86, which has textual parallels to this account (Abū Mūsā’s secretary commits a solecism and 'Umar instructs him to “take an upright secretary” [kātibān ḥanīfan]).
thanks in part to its use by the enormously important tradent and jurist Aḥmad ibn Ḥanbal (d. 241/855), as recorded by Abū Bakr al-Khallāl (d. 311/923), a leading exponent of Ibn Ḥanbal’s school (madhhاب) of legal thought:

ʿAbdallāh – Ibn Ḥanbal – Wākī – Simāk b. Ḥarb – ʿIyāḍ al-Ashʿarī – Abū Mūsā: “I said to ʿUmar . . ., ‘I have a Christian secretary.’ He replied, ‘What has come over you! God confound you! Haven’t you heard the saying of God Almighty: ‘O you who have believed, take not Jews and Christians as friends’? [Q. 5:51] Couldn’t you have hired an upright Muslim (ḥanīf)?’ Then I said, ‘But Commander of the Believers, I benefit from his secretarial skill, while his religion remains his affair.’ ʿUmar said, ‘I do not honor them when God has abased them; I do not empower them when God has subdued them; I do not bring them close when God has driven them away.’”

Now the caliph is outraged at the notion that a Muslim official could employ a non-Muslim at all. He presents a qurʾānic rationale for avoiding the practice and deflects Abū Mūsā’s contention that religion might remain a private matter, separate from professional qualifications. He also applies an implicitly supersessionist understanding of Islam to the problem at hand. In revealing Islam, he suggests, God has placed the adherents of former revelations in a symbolically and politically inferior position. Why should any Muslim mitigate God’s humiliation of them by elevating their position?

These notions were obviously perceived as germane to the issue of non-Muslim officials at the time. But at what time, exactly? There are compelling reasons not to date this early layer of the discourse, including the story of Wasq, to the lifetime of the caliph ʿUmar, in contrast to what several historians have done. Such an early dating would be predicated on the existence of a starkly discrete Muslim identity already in the decade after the Prophet’s death, one that excluded Christians who collaborated in the conquest enterprise. An early dating for this layer of the discourse also requires us to imagine that this enterprise saw little close administrative collaboration with non-Muslims. Otherwise the caliph’s shock at the presence of a Christian official makes little sense. All of this flies in the face of the widespread administrative cooperation that featured in most premodern military conquests, and particularly in this one; historians of the early conquests agree that most officials in the conquered territories retained their positions for many decades. There is also explicit textual evidence that during ʿUmar’s lifetime the conquerors routinely employed non-Muslims as secretaries (kuttāb). For instance, ʿUmar himself

22 al-Khallāl, Aḥl al-milal, 1:197.
23 E.g., Tritton, The Caliphs, 18; Fattal, Le statut, pp. 241–42; Gil, History of Palestine, p. 162; Cabrol, Les secrétaires, p. 135. Others have asserted that this and similar reports are very late inventions; e.g., Grafton, The Christians of Lebanon, p. 25. Virtually all modern scholars writing in Arabic have accepted the ascription of these sentiments to the caliph ʿUmar (e.g., al-Ṭuraqī, al-Iṣṭiʿānah, p. 386). An exception is Muḥammad al-Ghazālī, but his denial is based on bluster (al-Taʾṣṣub wa-l-tasāmuḥ, pp. 243–44).
is elsewhere reported to have employed a Christian to collect the alms tax of his tribe (ṣadaqat qawmih). 24 The historian al-Balādhūrī (d. ca. 280/892) reports that in ca. 19/640, when Mu‘awiya b. Abī Sufyān conquered Caesarea Maritima as a commander under ʿUmar, he took four thousand prisoners. ʿUmar commanded that some of these be enlisted “among the secretaries and tax officials (al-kuttāb wa-l-ʿummāl) for the Muslims.” 25 This story about ʿUmar lacks the pointed, moralizing quality of the one above. Documentary evidence also shows Christian secretaries at work for the conquest state during the reign of ʿUmar. Thus, the earliest dated Arabic papyrus is a bilingual Arabic-Greek receipt dictated by “ʿAbdallāh the emir” to “Ioannes the secretary and deacon,” obviously a Christian, who dutifully wrote the Greek portion of the document. 26

But stronger signs of a later origin are found in the internal evidence of this and the similar parables in which ʿUmar fulminates against Christian officials: that which Sharīk embellished above, that which we have just considered, and a third that we shall encounter shortly. Close study of the individuals named in their isnāds shows that these stories were first circulated in Kufa roughly a century after ʿUmar’s death. 27 The early figures in those isnāds are all extremely obscure men whose putative testimony lends the stories no verisimilitude. ʿUmar is not known to have visited Kufa, which, by the second/eighth century, had become one of the leading centers of activity among tradents. Cities such as Basra, Medina, Ḥimṣ, and many others were also centers, making it a striking coincidence that the stories about ʿUmar and the Christian officials should all come from Kufa.

Perhaps the strongest reason to detach these stories from the historical ʿUmar b. al-Khaṭṭāb is the textual embellishment that they obviously underwent. We have already seen that in the earliest version, transmitted by the horse-trader Luwayn, ʿUmar simply asks why Abū Mūsā has employed a Christian secretary. But in later versions he unleashes a salvo of arguments against the practice. The versions found in other books contain additional variations, indicating further redaction. For example, several of the other versions have ʿUmar strike Abū Mūsā, and/or depict the Christian compiling a tax register. Most revealing of all is an unassuming fragment of the story that is preserved in the work of Ibn Abī Shaybah (d. 235/849), a well-known compiler who lived

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24 al-Baghdādī, Khizānat al-adab, 4:192; cited by Fattal (Le statut, p. 243). Al-Baghdādī (d. 1093/1682) hastens to add that this was the only Christian whom ʿUmar employed.


even earlier than Luwayn: Ghundar – Shu’ bah – Simāk – “‘Iyāḍ al-Ash’ ārī told him that Abū Mūsā had a Christian secretary.”

Since Abū Mūsā was himself a revered Companion of the Prophet, the effect of this brief statement – in contrast to the story about Abū Mūsā’s Christian secretary – was to sanction the practice of employing non-Muslim officials. The equally brief report that immediately precedes this one in the work of Ibn Abī Shaybah states that ‘Abdallāh b. Mas‘ūd (d. 32/652), an equally esteemed Companion who settled in Kufa, also employed a Christian secretary. But the arresting aspect of the story just quoted is that it was passed down by the very same men – from an obscure person called ‘Iyāḍ al-Ash’ ārī to the well-known tradent Simāk b. Ḥarb – who transmitted all of the versions of the longer, disapproving story about Abū Mūsā’s Christian secretary. This is peculiar. Why would these three men have reported sometimes simply that Abū Mūsā had a Christian secretary, thus condoning the practice, then at other times that Abū Mūsā was excoriated by the caliph for doing the same thing? The most convincing way to account for this discrepancy is to posit that the brief version of the story that mentions only Abū Mūsā’s Christian secretary represents a still earlier stage in the story’s development. Just as the volatile judge Ṣharīk b. ‘Abdallāh heard a story about ‘Umar’s freed Christian slave and shaped it into a parable against non-Muslim officials, the men who related this story appear to have improved a discomfiting report of Abū Mūsā’s Christian

28 Ibn Abī Shaybah, al-Muṣannaf, 8:472. For the identities of these transmitters, see Yarbrough, “Upholding,” p. 27. The secretary may have been a certain Stephen (Iṣṭafānūs), a Christian secretary (kāṭīb) of al-Baḥrayn, after whom a particular lane in Basra, where Abū Mūsā was governor, was named (Yāqūṭ, Mu’jam al-buldān, 3:231, s.v. sīkāt ʿistafānūs).

29 All, that is, except the version preserved by Ibn Ṭabayyān, the īsnād of which is sufficiently anomalous that it can be set aside (see Yarbrough, “Upholding,” pp. 45–46). For the vexed question of ‘Iyāḍ al-Ash’ ārī’s identity, see ibid., pp. 42–45, 62 n.153.

30 For extensive discussion of the several alternative ways to account for the discrepancy, see Yarbrough, “Upholding,” pp. 61–62. An additional version of the story has now come to light in a short, well-authenticated juz’ collected by ‘Abdallāh al-Mukharrimī (d. 265/879, on whom see TMS, 11:279 [no. 5148]; for the report, see Majmū‘ fihi muṣannafāt Abī l-Ḥasan b. al-Hammāmī, p. 233 [no. 342]). This new version is significant because its īsnād passes via Shu’ bah b. al-Hajjāj, as do both the short, incompatible version given above and a full, previously known version from the late work of al-Bayhaqī (the new version’s īsnād is ‘Iyāḍ – Simāk – Shu’ bah – Yahyā b. Abī Ḫukayr – al-Mukharrimī; on Yahyā [d. ca. 209/824] see TK, 31:245–48). It shares certain distinctive features with the other long version that came via Shu’ bah, confirming once again the general integrity of the īsnāds’ later sections (e.g., only these two Shu’ bah versions have ‘Umar scold Abū Mūsā without citing Q. 5:51; only they fail to mention the Syrian provenance of the letter that the Christian is to read). This new version makes it more probable that Shu’ bah really transmitted a long version of the story. It is noteworthy that Ghundar, the tradent who related the short version from Shu’ bah, was an earlier figure than the two transmitters who related the long versions from him (d. 194/810 vs. 209/824 and 230/845). Ghundar also studied with Shu’ bah for more than twenty years and was famous for transmitting scrupulously from him. This could explain why it was he who preserved the unimproved version.
secretary by tacking on a confrontation with the caliph ʿUmar, thereby fashioning it, too, into a pointed lesson.

But whereas we had independent testimony as to Sharīk’s dour outlook on non-Muslim officials, the identity and motives of those who embellished the story about Abū Mūsā are less clear. All of the credible isnāds attached to the story converge on a Kufan tradent named Simāk b. Harb (d. ca. 123/740), whose reliability was not above reproach. He came in for particular criticism from Shuʿbah, the very tradent who transmitted the short version of the story from him.31 Another account informs us that those who transmitted from Simāk earlier in his life – and here Shuʿbah is mentioned by name – received more reliable material than those who did so later.32 So what was going on in Kufa in Simāk’s dotage that might have led him, or those in his circle of students, to upgrade the embarrassing story about Abū Mūsā’s Christian secretary?

During the last decade of Simāk’s life, non-Muslim officials were in fact prominent in Kufa. Indeed, for no other place or time in all the pre-Abbasid period is there so much evidence of resentment against them. At the center of the storm was the Umayyad governor Khālid b. ʿAbdallāh al-Qasrī, who was in office 106–120/724–738. He was known widely as Ibn al-Naṣrāniyyah – “the son of the Christian woman” – not simply because his mother al-Sawdāʾ remained a Christian, for this was unexceptional, but because Muslims saw in his conduct a strong predilection for the symbols and the services of Christians and other non-Muslims.33

The evidence for this perception is so copious and varied that it can hardly fail to reflect an underlying historical reality. Khālid’s mother, inevitably, was dragged in: “How can anyone be a leader of the people,” asked the poet al-Farazdaq (d. ca. 110/728), “whose mother believes that God is not one?”34 An equally common complaint involved Khālid’s non-Muslim officials. Al-Balāḏurī cited the earlier historian al-Madāʾinī (d. ca. 228/842–43) to the effect that “most of Khālid’s appointees were of the Persian landed gentry,” using a term for local Persian elites (al-dahāqīn), that strongly implies that they had not become Muslims. According to the same source, a contemporary accused Khālid’s brother, a mosque preacher, of suppressing the fact that his brother had “granted dhimmis authority over Muslim women . . . and built

31 al-ʿUqaylī, Kitāb al-duʿafāʾ, 2:553–54.
32 TK, 12:120. According to Shuʿbah and others, his transmissions were sometimes contradictory (muḍṭarab), as they are in our case. In his senile old age, he was also vulnerable to talqīn – sanctioning isnāds and reports that his students read back to him.
33 The near-contemporary Umayyad governor Ḥanzalah b. Ṣafwān also had a Christian mother, but got little abuse for it (for these and other prominent examples, see Ibn Rustah, Kitāb al-aʿlaq al-nafīsa, p. 213).
34 al-Balāḏurī, Ansāb, 7:382; al-Balāḏurī, Jumal, 9:36.
The contemporary couplet by the poet Ibn Nawfal that follows confirms that the issue of the church, which Khālid reportedly built to please his mother, was linked rhetorically to that of his appointees. Since the church was adjacent to Kufa’s congregational mosque, its Christians allegedly used the noise of their communal reading and their wooden clapper (nāqās) to interfere with the Muslim call to prayer and the Friday sermon. Even when Khālid commissioned a new basin in the mosque for the purpose of ritual ablutions, al-Baladhurī reports, he led a Christian bishop by the hand into the mosque to bless it, telling him, “I think your prayer more likely to be heard than that of ‘Ali b. ‘Alī Ṭālib.”

In the proto-Shi’i hotbed of eighth-century Kufa, such a remark was certain to offend public sentiment, and the report would seem to be a slanderous invention if it did not receive some support in an independent Christian chronicle: the historical portion of the Nestorian chronicle Kitāb al-majdal, in a section that concerns the Catholicos Pethion (d. 123/741). This source reports that Khālid came to the Catholicos often and honored him. When Pethion would visit him in Kufa, Khālid seated him on a throne, bestowed robes on him, sought his blessing, and implored his intercessory prayer. He accepted from him a mere fraction of the tax that was due from al-Madā’in, and wrote him a document that cleared him of it. He also commanded Tārīq, his deputy, to see to his needs.

In light of this evidence, it is not unlikely that Khālid should have invited Pethion to bless a new basin in a mosque.

Khālid’s spectacular downfall in 120/738 brought much talk of purging those non-Muslim officials. Hishām, the Umayyad caliph, is credited with an angry letter to Khālid in which he bemoaned “everything you have wasted and perpetrated in Iraq, particularly your reliance on the Zoroastrians and Christians, and the way you appointed them over the persons of the Muslims...”35


The same complaint is echoed by Abū l-Faraj al-Iṣbahānī, with additional confirmation that Khālid appointed many non-Muslim officials: al-Iṣbahānī, Kitāb al-aghānī, 22:15


On his downfall see Leder, “Features of the Novel.” On those of his officials, some of them non-Muslims, see al-Baladhurī, Ansāb, 7:456–60; and Jumal, 9:109–13.
and the collection of their alms tax and their land tax, and in general their mastery over them.” A different source gives the caliph’s instructions to Khalid’s successor, Yūsuf b. ‘Umar al-Thaqafi: “Cure me of that son of a Christian woman, and his officials!” Still another, a poem by Ibn Nawfal, confirms that many of those officials were non-Muslims: “When [Yūsuf b. ‘Umar] came to us, the pagans (ahl al-shirk) were the collectors of our alms tax, our rulers in every respect.”

One is hard pressed to find such a concentration of documented antipathy toward non-Muslim officials anywhere else in the first two centuries of Islamic history. It is, therefore, no surprise that the story about Abū Mūsā’s Christian secretary, which was circulating in Kufa, should have been upgraded energetically at or around that moment. But the expanded story, in the form it eventually took, may also have absorbed and fossilized other residues of this Kufan milieu. For instance, the decision to set the dialogue in a mosque, which the Christian is expressly forbidden to enter, recalls the struggle over sacred spaces in Kufa, particularly if the governor Khalid al-Qasri did indeed invite a Christian ecclesiastic to pray in its mosque. Late-Umayyad tribal politics may have left their mark on the story’s transmission, too. By the time that Khalid became governor in Kufa, political rivalry in the empire had seen two major Arab factions, organized into quasi-fictitious tribal coalitions of “northerners” (Qays) and “southerners” (Yemen), vie for control over lucrative government positions, which they doled out to their own supporters. Khalid al-Qasri was a member of Bajilah, a weak tribe, but he was a staunch Yemeni partisan. Of the twenty-two major appointments of tribesmen that he made, twenty-one were Yemenis. When he was appointed, his fellow Yemenis expected sinecures, and were bitterly disappointed that he hired infidels instead. The blistering verse

42 al-Mubarrad, al-Kāmil, 3:1281. The issue of non-Muslims who collect the alms tax (zakāt or sadaqah) was evidently a significant one. See Abū ’Ubayd, Kitāb al-anwāl, p. 676 (no. 1794), where a man asks ‘Abdallāh b. ‘Umar about paying alms to state officials, noting that “our officials are infidels” (the narrator notes that Ziyād b. Abī Suwayyīn employed infidel officials). ‘Abdallāh tells him not to pay alms to them, but does not comment on their employment. Cf. a version of the same report where the man avers that “our emirs are dihqāns,” ‘Abdallāh asks what dihqāns are, and the man explains that they are pagans (min al-mushrikīn); ‘Abb al-Razzāq, al-Muṣannaf, 4:47 (no. 6925), both cited in Sijpesteijn, Shaping, p. 197 n. 435. Zakāt was indeed sometimes collected by the kharaj collectors (Duri, Early Islamic Institutions, p. 138 at n. 414).

43 al-Jahshiyārī, Kitāb al-wuzarah, p. 62.


critiques of Khālid by the Yemeni poet Ibn Nawfāl al-Ḥimyarī gave voice to their displeasure. In this polarized climate it is significant that Simāk b. Ḥarb, through whom pass all the isnāds of the story about the archetypal Yemeni Muslim leader Abū Mūsā, as well as all of the identifiable men who were said to have heard the story from him, belonged to tribes in the Yemeni coalition, at a time when Yemenis were probably in the minority in Kufa.47

The later discourse on non-Muslim officials also gave prominence to a third early story that purported to give the views of ʿUmar b. al-Khaṭṭāb. It, too, turns out to be firmly rooted in the same Kufan milieu. It was evidently spread in Kufa by a tradent called Abū Ḥayyān al-Taymī (d. ca. 143/760).48 One of the six surviving versions of it was preserved in the same brief section of Ibn Abī Shaybah’s Muṣanāf as the short version of the story about Abū Mūsā, the one that stated only that he had employed a Christian:

‘Alī b. Mushir – Abū Ḥayyān al-Taymī – Abū l-Zinbā’ – Abū l-Dihqānah: “Someone said to ʿUmar b. al-Khaṭṭāb, ‘Here is a young man from al-Ḥīrah. You’ll find no one better than him, whether in memory or in secretarial skill. If you saw fit to hire him as a secretary, then, if you needed, he could attend you (shahidaka).’” He added, “Then ʿUmar said, ‘I had then taken intimates from outside the believers’” [cf. Q. 3:118].49

This story, too, stresses the unusual skill of the Christian secretary, making ʿUmar’s principled rejection of his services all the more impressive. But the Qur’ān demands it, ʿUmar insinuates; the employment any of non-Muslims, however competent, is implied to be a violation of Q. 3:118: “O believers, take not for your intimates outside yourselves! Such men spare nothing to ruin you; they yearn for you to suffer.” Thanks in large part to this story and the one about Abū Mūsā, Q. 3:118 and 5:51 would become the standard verses cited by Muslim authors against the employment of non-Muslim officials, notwithstanding the opinion of other early exegetes that 3:118 referred originally to other groups of people.50

Hints of the original Kufan milieu are present here, too, as they were in the story about Abū Mūsā; al-Ḥīrah was a neighboring city, an ancient seat of Arabophone Christianity and literary culture. Only two of the six surviving versions bother to state that the secretary is a Christian. The others expect the

47 Simāk was a Bakrī, and thus belonged to Raḥīm, which had cast its lot with Yemen. Sharīf b. Abdallāh was a Nakhaʿī, as we saw; the other tradents of the story after Simāk were an Azdī, two Hamdānīs, and one man whose tribe is obscure, probably a mawlā. For additional biographical details, see Yarbrough, “Upholding,” pp. 26–32. For the Yemeni minority, see Etʿ, s.v. “al-Kufa,” 5:345–51, esp. p. 346 (Djāīt).

48 See TK, 31:323 (no. 6832) and many further references at Yarbrough, “Upholding,” 17 n. 25.

49 Ibn Abī Shaybah, al-Muṣanāf, 8:472 (no. 26271). The meaning of the verb shahidaka, which is unique to this version, is uncertain in this context.

50 E.g., al-Ṭabarī, Jāmiʿ al-bayān, 7:140–43 (Jewish and hypocrite [munāfiq] contemporaries of the Prophet); Ibn Abī Ḥātim, Tafsīr al-Qurʿān al-ʿaẓīm, 3:742–43 (no. 4032, the Khārijites; no. 4033–35, hypocrites who only claim to believe; no. 4037, Jewish former allies).
hearer to understand this, perhaps presuming a Kufan audience. Notwithstanding this hint, however, this story repels attempts at dating. No primitive version of it survives to suggest development over time. On the other hand, it scarcely attempts to assert its own veracity. The earliest figure in the isnād, a certain Abū l-Dihqānah, does not claim to have witnessed the events. He and the lone person to whom he confided the story – Abū al-Zinbā’ – are extraordinarily obscure tradents. In the voluminous biographical dictionaries, almost nothing is recorded about them apart from their names. Abū l-Dihqānah is known to have transmitted only to Abū Zinbā’ and one other person, while Abū Zinbā’ supposedly transmitted only to Abū Ḥayyān. These facts, together with the story’s lack of context and sententious tone, make it unlikely to preserve memories of ʿUmar b. al-Khāṭṭāb. Modern scholars of a skeptical persuasion would doubtless suspect Abū l-Dihqānah and Abū Zinbā’ to be convenient fictions, invented as proprietary bridges between later tradents and the paradigmatic era of the Prophet’s Companions, the characters in the stories by which tradents garnered prestige for their own views.

But since such suspicions are unprovable, we are left with multiple claims that the story was in fact told by Abū Ḥayyān al-Taymī, another mid-second/eighth-century Kufan tradent who moved in the same local circles as Simāk and Sharīk, from which all of the surviving stories about ʿUmar and the Christian secretaries emanated. The story he told, then, could have been composed in those same circles, under influence from the other two reports, or to address the same contemporary problems. Or, if it really did predate Abū Ḥayyān, it might have given Kufan tradents the idea that a much-emulated early Muslim leader like ʿUmar had gone on the record with principled disapproval of non-Muslim officials. There is, after all, no evidence that any comparably eminent early personage had done so.

53 Cf. e.g., Juynboll, “Nāfi’, the Mawlā of Ibn ʿUmar.” For a refutation, see Motzki, “Quo vadis Ḥadīt-Forschung?”
54 There is a small handful of other reports that ʿUmar voiced disapproval of non-Muslim officials. They, too, emanate from second-/eighth-century Kufan circles. One is a letter purportedly from ʿUmar to Saʿd b. Abī Waqqās, in which he commands the latter not to take pagans (mushrikūn) as secretaries, since taking bribes is part of their religion, whereas there is no bribery in “God’s religion.” This letter evidently appears only in the work of the later jurist al-Ṣarakhshī (d. 483/1090), albeit in a commentary on the work of the early Kufan Ḥanafi al-Shaybānī (d. 189/805); see al-Ṣarakhshī, Sharḥ kitāb al-siyar al-kabīr, 3:1040. It is in text attributed by the editor to al-Shaybānī, but unfortunately it is not possible to be certain what text is to be assigned to which figure, in this or any other edition of the work (see Madelung, “Review of The Islamic Law of Nations”; confirmed in private communication with Dr. Murteza Bedir, 3 March 2012). At all events, al-Shaybānī and his informant in this instance, one Bishr b. Ghālib, were active in second-/eighth-century Kufa. A close parallel is found in the work of a later historian of al-Andalus, al-Kalāṭ (d. 634/1237), who attributes it to al-Madāʾīnī, who also had extensive contact with late-second/eighth century Kufa (al-Kalāṭ, Kitāb al-Iktifāʾ, 2:291).
In sum, then, the three surviving stories that relate ʿUmar b. al-Khaṭṭāb’s dim view of non-Muslim state officials, and which furnished the *loci classici* for the prescriptive discourse on the subject, all trace back to circles of Arab tradents in second-/eighth-century Kufa. We shall see that certain verses of the Qurʾān, too, notably 3:118 and 5:51, would become popular, but it seems to have been the stories about ʿUmar that anointed them as proof texts. In a sense, it matters little for us whether the historical ʿUmar ever expressed such sentiments, for his words were reported only among second/eighth-century Kufans. This strand of the discourse, then, begins there and then. Thanks to the stories’ utility, they were fused into the prescriptive discourse at its inception, and their particular themes were thus reprised regularly in the following centuries. The stories’ convergence on Kufa is a striking and unexpected coincidence. It is most plausibly explained by reference to moments of sharp conflict in that city that directly or indirectly involved non-Muslim officials of the Umayyad and Abbasid states during the period in question. The employment of those officials represented a threat to their Muslim competitors for the material resources that could come with handling taxation, for the symbolic resources that could come with wealth and authority, and for the social resources that could come with office-holders’ privileged access to powerful men and women. It also represented a minor but significant drain on the prestige of Islam, on which all the Kufan tradents depended for their own prestige. After all, God had shown his favor toward Islam by giving Muslims ascendancy. When a Muslim governor then gave non-Muslims a measure of ascendancy over Muslims, was he not at cross-purposes with God? It matters little whether these tradents were in direct competition with non-Muslims for specific jobs, any more than it matters whether the Yemeni poet Ibn Nawfal, who lampooned Khālid al-Qasrī for his infidel henchmen, was actually angling for his patronage. There were valuable symbolic resources at stake for both.

The larger historical trends that helped to catalyze the composition and embellishment of these stories will demand our attention later in this chapter. Here a few outstanding points about these three stories must be noted. The first is that all three represent intra-Muslim conflict. Although ʿUmar speaks to his Christian slave Wasq, it is only to invite his conversion. In the other two stories, the Christian secretaries are nonspeaking props, whose willingness to take the job, unlike the willingness of Muslim characters to hire them, seems to bother no one. This fact undermines the position of some later jurists and modern scholars that non-Muslims were held to have violated the conditions of their putative security pact (*dhimmah*) by accepting official employment.55

The second point, a simple one, has to do with proportion. These three stories, even taken together with the letters examined in the next section – are

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55 For the later jurists, see Chapter 5, p. 148. For the modern scholars, see Chapter 1, p. 13.
drops in an ocean of prose that purports to give early Muslims’ views on governance and on relations between themselves and non-Muslims. Even though non-Muslims were numerous and prominent in the administration of all the conquered territories – albeit in varied and evolving ways – the issue did not give rise to a verbal outpouring of anxieties. Instead it is increasingly clear that early Muslims were generally either oblivious to or only mildly uncomfortable with non-Muslim officials. Yet the umbrage occasioned by Khālid al-Qasrī’s hiring practices in Kufa suggests that Muslims there resented feeling inferior to unbelievers appointed by their own state. Kufa, however, was a garrison city where Arab Muslims were concentrated and Umayyad rule bitterly resented. We do not know whether the feeling was shared by Muslims in other parts of the empire, where the native, non-Muslim populations were more prominent and the Umayyad yoke less heavy. The convergence of these early, paradigmatic stories on Kufa suggests that the city may have been distinctive. It also means we have no evidence that such parables were known elsewhere in the mid-eighth century.

The final point is that the three stories were spread energetically by influential learned authorities in the Abbasid state, particularly in Baghdad. This is how they got to be so well known in the later tradition. Ālī b. Mushir (d. ca. 189/805), one of the tradents who heard the story about ‘Umar and the Christian secretary of al-Ḥirah from its source, Abū Ḥayyān al-Taymī, was appointed judge (qāḍī) in Mosul and Armenia by the Abbasid caliph al-Mahdī (r. 158–69/775–85). Another transmitter of the same story, Abū Bakr b. Ayyāsh (d. 193/809), also moved in Abbasid circles of power, coming into contact with the caliph Hārūn al-Rashīd. The other two men of his generation who related the story also had direct contact with al-Rashīd. Īsā b. Yūnus al-Hamdānī (d. ca. 187/803) buoyed his own reputation by accepting nothing from the state, but still narrated stories like this one at al-Rashīd’s palace, while Abū Muʿāwiyyah al-Ḍarīr (d. ca. 194/810) visited al-Rashīd frequently and reportedly admonished him for some of his policies.56 This is a remarkably high-flying group of tradents. The biographical dictionaries that contain information about such men teem with others who carefully avoided any contact with state power, or were never important enough to attract its attention.

Similarly, SharīkJ b. Abdallāh, who spread the stories about Wasq the slave and about Abū Mūsā and his Christian secretary, was a prominent judge and had many meetings with the caliphs al-Mahdī and al-Rashīd.57 The story about Abū Mūsā was also transmitted from its source, Simāk b. Ḥarb, by Isrāʾīl b. Yūnus (d. ca. 160/778), elder brother of the Īsā b. Yūnus who narrated such stories at al-Rashīd’s palace. Sharīk seems to have told the story of Wasq

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56 On these figures, see Yarbrough, “Upholding,” pp. 17 n. 23, 18 nn. 29 and 32, and 19 n. 34.
57 Above n. 1.
mainly to well-known scholars who were just passing through Kufa, among them ʿAbd al-Raḥmān b. Mahdī (d. 198/814) and Saʿīd b. Maṃṣūr (d. 227/842). Their work, in its turn, spread that story more widely, notably to prominent later tradents and jurists of Baghdad like Abū ʿUbayd al-Qāsim b. Sallām (d. 224/838) and Ibn Saʿīd b. Ḳāṭib (d. 230/845), much as the other two stories were picked up by Ibn Ḩanbal and Ishāq b. Rāḥawayh (d. 238/853).

In large measure, the three stories became prominent in the prescriptive discourse concerning non-Muslim officials because, after their early circulation in Kufa, they caught on in Baghdad, the Abbasid capital and epicenter of scholarship and economic life. Non-Muslim officials and recent converts were prominent in the Abbasid administration and in the city’s cultural life, and the stories about ʿUmar b. al-Khaṭṭāb found a ready audience there. By that time, however, they were not the only available, authoritative texts on the subject.

The Other ʿUmar: An Umayyad Purge of Non-Muslim Officials?

Another set of purportedly early views on the employment of non-Muslim officials is found in three letters (rasāʾīl) that are ascribed, in the two early sources in which they appear, to the Umayyad caliph ʿUmar b. ʿAbd al-ʿAzīz (r. 99–101/717–720), or ʿUmar II, who was revered for his piety and righteous rule. These letters, too, have a Kufan connection. One of them was brought into the historiography by a certain Muslim secretary (kāṭīb) of Kufa named Shuʿayb b. Ṣafwān (d. ca. 170–93/786–809). Shuʿayb was attached to a leading light of the Kufan scene in the mid-second/eighth century: the city’s judge, Ibn Shubrumah (d. 144/761), a prominent official who was appointed to the position in 120/738 on the heels of Khālid al-Qasrī’s downfall.59

At once a courtier and scholar, Shuʿayb was regarded with reserve by the scholarly side of his social network. Particularly questionable were a number of long, early letters that a pious Turkish official (kāṭīb) of Baghdad called Maṃṣūr b. Abī Muzāḥim (d. 235/850) had transmitted on Shuʿayb’s authority.60 It is one such letter that interests us here. In the lone early source in which it

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58 On debates and the city’s literary culture, see now Scheiner and Janos, The Place to Go: Contexts of Learning in Baghdad. On non-Muslim officials there, see, e.g., Cabrol, Les secrétaires, esp. pp. 144–53.
59 On Shuʿayb, see TMS, 10:329–30 (no. 4766), and sources cited there. On Ibn Shubrumah, see Wakīʾ, Akhbār, 3:36–129 (his meeting with the caliph al-Maṃṣūr: 3:125–26).
60 For doubts concerning these letters, see Ibn Junayd, Suʾūlāt, p. 141. On Maṃṣūr, see Elad, Medieval Jerusalem and Islamic Worship, p. 83 n. 32, with references to TMS, 15:91–93 (no. 7006); Ibn Abī Ḥātim, Jarḥ, 8:170 (no. 756). See also TK, 28:542–46 (no. 6200); al-Bukhrāʾi, al-Taʾrīkh al-kabīr, 7:349 (no. 1506); TMD, 60:306 (quoting Ibn Abī Ḥātim).
survives – the famous genealogical history *Ansāb al-ashrāf* by al-Balādhurī – ‘Umar II is credited as its author, but its recipient is unspecified. It is unclear how Shu‘ayb is meant to have learnt of it, since he was at most a small child during ‘Umar’s caliphate.  

Al-Balādhurī names Manṣūr, who alone claims to have received the letter from Shu‘ayb, as his immediate source. The letter comes in the extensive section in *Ansāb al-ashrāf* that is devoted to ‘Umar II’s life and rule (bold text denotes language that is shared with the later edicts of the Abbasid caliph al-Mutawakkil, and will be discussed in the following sections).

Manṣūr b. Abī Muzāḥim related to me (ḥaddathānī), from (’an) Shu‘ayb b. Ṣafwān: ‘‘‘Umar b. ‘Abd al-ʿAzīz wrote, ‘Now then, the Muslims must demote the associators and unbelievers as God has demoted them, and lower them to their proper station of humiliation and abasement to which God has lowered them. They must not take them into their confidence, or give them authority over the people of Islam, such that their judgments are applied to them (yajrī ahkāmuhum ‘alayhim), and use them in greed for what they have and fill their own needs by means of them, cheating and despoiling them. Therefore, dismiss absolutely everyone in your employ who does not follow the religion of Islam, and replace him with a Muslim of whose religion, trustworthiness, and uprightness you approve. Oblige them to wear the belts (al-manāṭiq), and ride upon pack saddles, and tonsure their heads (khudhum . . . bi-ḥalqi awsāti ru’ūsīhim). Obey God, and fear Him, for you shall have neither sanctuary nor ability to resist if you disobey Him. Farewell.’’

Some of this reasoning is familiar to us from the story of Abū Mūsā’s Christian secretary. Since God humiliated non-Muslims when Islam superseded their religions, Muslims should follow suit as best they can, and at all events not undermine what God has done. But there are fresh concerns, too. Non-Muslims may harm Muslims by furtively siphoning off their material resources. The main point is about non-Muslim power over Muslims and the threat it poses to their material and symbolic resources, but the caliph’s solution is a blanket one: to dismiss every last one of them and replace him with a Muslim (lā yabqa aḥadun mimman qibalaka ‘alā ghayri l-islāmi ‘alā shay’ in illā ‘azaltahu wa-stabdalta bihi . . .). The letter’s author seeks their humiliation

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61 Elsewhere he is credited with transmitting other stories about ‘Umar II, including the caliph’s final sermon, but in those cases there are as many as three authorities in the isnād between him and ‘Umar II. In the case of this letter, however, there are none. E.g., Ibn al-Jawzī, *Ṣūrat ‘Umar b. ‘Abd al-ʿAzīz*, pp. 9 (three names between Shu‘ayb and ‘Umar II), 118 (two names between them); Ibn Abī l-Dunya, *Kitāb al-ʿiyāl*, p. 280 (no. 465, also via Manṣūr, two names between ‘Umar II and Shu‘ayb); al-Jāḥiz, *al-Bayān wa-l-tabyīn*, 2:120 (the final sermon, with one person intervening – Shu‘ayb’s father). Shu‘ayb also claimed unmediated knowledge of the last words of ‘Abd al-Malik b. Marwān, a still earlier Umayyad (Ibn Abī l-Dunya, *Kitāb al-muḥtaḍirīn*, p. 76 [no. 79]).

and exclusion, not their conversion. Elements of the notorious sumptuary laws (ghiyār) sometimes associated with 'Umar II function as further markers of the separation and humiliation promoted here, and the letter concludes by threatening consequences to any recipient who does not “obey God,” presumably in the person of God’s deputy, the caliph.⁶³

Although this letter was all but forgotten in the later tradition, it clearly belongs to the prescriptive discourse surrounding non-Muslim officials. Before deciding whether to credit its ideas to the revered Umayyad caliph 'Umar II, the early accounts of whose life overflow with equally timeless, uncompromising epistolary admonitions to subordinates, we should examine two similar letters, also found in relatively early sources, though none much nearer than a century to the reign of ‘Umar II.⁶⁴ One of them is also found in al-Baladhurī’s Ansāb al-ashrāf. The other, however, is textually related to the one we have just read, and we shall turn to it first. It resurfaced several times in the later discourse, particularly in Egypt, for it was found in a book ascribed to a prominent Egyptian Muslim: ‘Umar II’s vita – often titled Sīrat ‘Umar b. ‘Abd al-‘Azīz – attributed to ‘Abdallāh b. ‘Abd al-Ḥakam (d. 214/829) but transmitted and perhaps shaped by his son Muḥammad b. ‘Abdallāh b. ‘Abd al-Ḥakam (d. 268/882).⁶⁵ This work is rather unusual in that it does not give isnāds for individual stories. Notwithstanding several textual problems that render the following translation tentative, the letter reads as follows:

‘Umar b. ‘Abd al-‘Azīz wrote to his officials: “‘The associators are unclean’ (Q. 9:28), inasmuch as God declared them the devil’s army (cf. Q. 4:76, 26:95), and ‘the greatest losers in their works whose striving goes astray in the present life, while they think that they are working good deeds’ (Q. 18:103–4). By my life, they deserve God’s curse

⁶³ For contrasting views on the ghiyār and their association with ‘Umar II, see Levy-Rubin, Non-Muslims, ch. 3; Yarborough, “Origins,” with literature cited in both.
⁶⁴ For the main early vitae of ‘Umar II, see Borruit, “Entre tradition et histoire,” p. 331 n.11.
⁶⁵ For Muhammad’s transmission of the work, see its isnāds (Ibn ‘Abd al-Ḥakam, Sīrat ‘Umar b. ‘Abd al-‘Azīz, pp. 19, 100, 117; and Brockopp, Early Mālikī Law, p. 62). The letter follows a curious disjuncture in the work (p. 100). After reports surrounding ‘Umar II’s death, an isnād from Muḥammad to ‘Abdallāh b. ‘Abd al-Ḥakam is given again, the first since the book’s incipit (p. 19). Thereafter the attribution of reports changes sharply. The edition’s first 81 pages contain just two attributions to named individuals (e.g., wa-qāla fulān . . ., at pp. 20 and 47); but its final 48 pages following the disjuncture contain 25 (pp. 100 [2], 105, 106 [3], 117, 118, 121 [3], 123, 124 [3], 125, 129, 131, 132, 133, 134 [3], 137, and 142). On p. 117, the individual is Muḥammad himself (Abū ‘Abdallāh). Our letter may thus be part of a secondary addition to the work. Although it lacks an isnād, it is possible that its source is one “Abū Aslam,” to whom the previous story is attributed (Ibn ‘Abd al-Ḥakam, Sīrah, 134). This may be Abū Aslam Muḥammad b. Mākhlaḍ al-Ru‘aynī (d. ca. 211–20/826–35), who purportedly heard reports from Mālik b. al-Anas and thus moved in the same circles as did ‘Abdallāh b. ‘Abd al-Ḥakam, but who was universally rejected as unreliable (matrūk, ḥaddatha bi-abāfid; see Ibn Ḥajar, Lisān al-mizān, 7:496 [no. 7390]; al-Bukhārī, Ta’rīkh al-kabīr, 1:241 [no. 766]; Ibn Ḥaḍīd, al-Kāmil, 7:503; Ibn Abī Hātim, al-Jarb, 8:92–93 [no. 397]). I find no instance in which this Abū Aslam transmitted to Ibn ‘Abd al-Ḥakam, though he did transmit to other Egyptians, such as Azhar b. Zafar, and is anomalously called Egyptian by al-Bukhārī.
for their efforts, and indeed the curse of all who curse (cf. Q. 2:159, which refers to ahl al-kitāb). In times past, when the Muslims would come to a place of pagans (ahl al-shirk), they would seek their help because of their knowledge of taxation, secretarial practice, and administration. They had their day, but now God has put an end to it by the Commander of the Believers. I know of no non-Muslim secretary or administrator in any part of your district but that I have dismissed him, and replaced him with a Muslim. Verily, to blot out their works is to blot out their religions. Indeed, it is most fitting that they be lowered to their station of humiliation and abasement to which God has lowered them. So do this, and report back to me. See that no Christian rides upon a saddle; let them instead ride upon pack saddles. None of their women is to ride in a litter; let her ride upon a pack saddle. Let them not straddle riding animals, but rather ride side-saddle. Forward this to your administrators, wherever they be, and write to them an epistle stressing it, and spare me the trouble. There is no strength except with God.”

Three things about this letter warrant mention. First, it overlaps substantially with the first letter; they share two substantial phrases and other themes, such as the listing of sumptuary regulations (which differ, however, in their details). Both letters command the removal of absolutely all non-Muslims, including every secretary (kātib), a deed that, by cutting off the flow of material and symbolic resources to the unbelievers, will “blot out their religions.” The two letters must be textually related.

Second, the letter presumes an audience that has intimate knowledge of the Qurʾān. The first two Qurʾānic allusions are straightforwardly pejorative, but the third (18:103–4) has a significant subtext. In the passage from which it is drawn, reference has just been made to the unleashing of Gog and Magog on Judgment Day. “Upon that day,” the text continues, “We shall present Gehenna to the unbelievers… What, do the unbelievers reckon that they may take My servants as friends, apart from Me?” (18:100–2). The letter’s allusion hinges on this final phrase. The non-Muslim officials are accused of befriending Muslims while snubbing the Muslims’ God. But the learned reader knows it is no use, as the passage goes on to make clear: “We have prepared Gehenna for the unbelievers’ hospitality. Say: ‘Shall We tell you who will be the greatest losers in their works? Those whose striving goes astray in the present life, while they think that they are working good deeds… their works have failed, and on the Day of Resurrection We shall not assign to them any weight… ’” (18:102–6). Here, then, is a rather nimble argument that uses the Qurʾān to devalorize the skilled labor of non-Muslim officials. Because they disbelieve, all that they do is useless, however much they “strive” and “think that they are working good deeds.” Indeed, the letter continues, people should curse them for their efforts (bi-jīthādıhım). God will not give them any credit for their

66 For this translation of ikāf (pl. mult. ukuf) see Levy-Rubin, Non-Muslims, p. 90.
works, and neither should their Muslim employers. Clearly this passage is chosen to counter the argument that non-Muslim officials do valuable work. Its exegetical subtlety is unusual in the discourse – perhaps too subtle, if its later rarity is taken as an index of its popularity.

Third, the letter frankly concedes that the early Muslims employed non-Muslims because they needed their administrative skills. This, too, is unusual, since it sets an early precedent for the practice and casts the first Muslims in a bad light. But the letter explains that the practice can now be ended, not because Muslims have mastered the necessary skills, but because the caliph has decreed it. The letter explains, in other words, a strong and authoritative caliph, who can admit that the earliest Muslims initiated practices that he is now free to discontinue. In this and certain other respects, such as the absence of appeal to stories about the Prophet or his Companions, it reflects its original milieu in the early Islamic period.

The third and final letter ascribed to ʿUmar II in a relatively early source, Ansāb al-ashrāf, has no textual parallel. It is outfitted with a respectable isnād; al-Balādhurī credits it to the important third/ninth-century Iraqi historian al-Madāʾinī (ca. 135–228/752–842), though without indicating how al-Madāʾinī transmitted it to him, unlike the preceding letter and many other reports, which begin with “he related to me” [haddathani]. Al-Madāʾinīʾs putative authority is, in turn, another well-known historian of Basra, Maslamah b. Muḥārib (d. ca. 158/775?), as well as “others” (waghayrih). It reads as follows:

al-Madāʾinī—(ʿan) Maslamah [b. al-Muḥārib] and others, said: ʿUmar b. ʿAbd al-ʿAzīz wrote to one of his administrators, “Now then, God has used Islam to honor its people, to ennable and uphold them, but has imposed humiliation and abasement upon all others. He made them ‘the best nation ever brought forth to men’ (Q. 3:110). Therefore, do not under any circumstances appoint over the affairs of any Muslim anyone from the people of their pact and their land tax (ahl dhimmatihim wa-kharājihim). Their hands and tongues would stretch out against them (cf. Q. 60:2), and they would humiliate them when God has upheld them, insult them when God has honored them, and expose them to their craftiness and arrogance against them, not to mention the inevitable fraud. Indeed, God says, ‘take not for your

68 Where it appears in late chronicles, it is almost certainly derived from al-Balādhurīʾs material. See Ibn al-Athīr, al-Kāmil, 4:331; al-Nuwayrī, Niḥyāyat al-ʿarab, 21:321. For the former’s use of al-Balādhurīʾs material, see Brockelmann, Das Verhältnis, pp. 34, 44–45, 53.

69 On al-Balādhurī, see EF, s.n., 1:971–72 (Becker/Rosenthal); Elc, s.n. (A. Bahramian, M. Asatryan, J. Esoy), 4:253–57. On Maslamah b. Muḥārib, see Madelung, “Maslama b. Muḥārib: Umayyad historian,” an optimistic reconstruction of Maslamah’s thought based on excerpts attributed to him (and things left unsaid by him) in the compilations of much later historians. The conjectural date of his death is based on Madelung’s supposition that he was alive for most of al-Ḥanāfīʾs reign. It should be recalled that al-Balādhurīʾs use of isnāds is not systematic, and that both he and transmitters preceding him actively shaped their material (see Lindstedt, “The Transmissions,” esp. 50–54, 58–59).
intimates outside yourselves. Such men spare nothing to ruin you; they yearn for you to suffer.’ (Q. 3:118) And He says, ‘Take not Jews and Christians as friends; they are friends to one another (Q. 5:51).’

This letter echoes familiar themes. The two verses with which it ends are the same two that featured in the stories about Abū Mūsā’s Christian secretary and the aspiring secretary from al-Ḥīrah, respectively. The threefold rebuke uttered by ʿUmar I in the former story also has an echo here, but in reverse; ʿUmar I feared that Muslims would honor the non-Muslims whom God had humiliated, but here non-Muslims would humiliate the Muslims whom God had honored. This letter, too, insists that every last non-Muslim official be dismissed, and, like the second one, warns of their treachery. Regardless of one’s views on the historicity of these accounts, such intertextuality shows that in the first two Islamic centuries, an interconnected prescriptive discourse was taking shape around the question of non-Muslim officials. This letter adds new, distinctive elements to it, such as the emphasis on God’s honoring of the Muslims (lacking in ʿUmar II’s first two letters) supported by a new proof text, Q. 3:110.

We are now in a position to consider which historical setting best matches the ideas these three letters convey. It makes a considerable difference to the history of this discourse whether these ideas were advanced by an early-eighth-century caliph, a mid-ninth-century historian, or someone else. Yet whereas we could confidently distance the stories about ʿUmar I from the historical figure and his milieu and situate them instead in Kufa a century later, these letters are not so easily relocated. The question of their historicity, like much of the evidence for the formative period, is beset by intractable problems that permit historians neither blithely to accept nor casually to discard it.

Some factors, in addition to their ascription in ninth-century sources, favor tracing the letters’ ideas to ʿUmar II. Bits of internal evidence, for instance, could be cited in support of this. The simple fact that two of them are textually related implies an urtext, which might have been authored by ʿUmar II. Or, the fact that none of the letters appeal to the normative example (sunnah) of the Prophet or his Companions might indicate an early date, before such appeals became de rigeur. Similarly, we have seen that the letters presume a strong, authoritative caliph, indicating a date before the later ninth century, when the caliphate began hemorrhaging authority. Certain short phrases also evoke an early period. “The people . . . of their land tax” (ahl . . . kharājihim) in the third letter implies that Muslims were generally not paying the kharāj, a situation

70 al-Balādhurī, Anṣāb, 7:104; al-Balādhurī, Jumal, 8:164.
71 For a full presentation of this argument with respect to these letters and much related evidence, see Yarbrough, “Did ʿUmar b. ʿAbd al-ʿAzīz issue an edict concerning non-Muslim officials?”
that gradually ceased to obtain in the course of the second/eighth and third/ninth centuries.\footnote{The other two occurrences of the phrase \textit{ahl kharājīhim} that I have located in premodern Arabic sources are from juristic milieus of the late second/eighth century or slightly later. See Abū Yūsuf, \textit{Kitāb al-kharājī}, p. 109; Saḥnūn, al-Mudawwanah al-kubrā, 6:396. On the transition to Muslim payment of \textit{kharāj} in Egypt, see Sijpesteijn, \textit{Shaping}, pp. 187 n. 3, 190–93.}

There are also hints in other historiography, by both Muslims and Christians, that ‘Umar II might have composed such letters. Most of this survives only in very late, poorly attested forms. The Christian chronicler Michael the Syrian (d. 1199), writing in Syriac, mentions that ‘Umar II “decreed that Christians should not act as governors.”\footnote{Michael the Syrian, \textit{The Edessa-Aleppo Syriac Codex}, pp. 458–59; Hoyland, \textit{Theophilus of Edessa’s Chronicle}, pp. 216–17; further Yarbrough, “Did ‘Umar?” pp. 180, 189–90.} An important Coptic Arabic chronicle compiled from earlier sources in the eleventh century and widely known as the \textit{History of the Patriarchs of Alexandria (Siyar al-bī‘ah al-muqaddasah)} makes vague statements about the reign of ‘Umar II that could relate to an administrative purge.\footnote{For references, see Yarbrough, “Did ‘Umar?” pp. 179, 187–89; on the current state of research on the work, see den Heijer, “The Martyrdom of Bīfām Ibn Baqūra al-Ṣawwāf.”} But the clearest reference to such a purge in Islamic historiography comes also from \textit{Ansāb al-ashrāf}, immediately after the third letter, and on the authority of the same tradents:

\begin{quote}
\textit{`Umar b. `Abd al-`Azīz wrote to `Adī [b. Arṭāt] concerning the dismissal of the dhimmi officials and not having recourse to them. So he dismissed Ibn Ra’s al-Baghhl and Ibn Zādḥān Farrūkh b. Bīrī, but retained Āzāmdmar b. al-Hirbidh. `Umar wrote to him concerning his dismissal, so he dismissed him.}\footnote{For these, see Yarbrough, “Did ‘Umar?” pp. 179, 185–86.}
\end{quote}

`Adī b. Arṭāt was governor of Basra under ‘Umar II, and individuals with these names are attested for the early Islamic period, though not under ‘Umar II. There are a few additional scraps of evidence that scholars have cited in relation to the caliph’s letters, but they are late or vague.\footnote{Ibid., pp. 188–89.}

Other factors, however, cast doubt upon the ascription to ‘Umar II. A skeptic would object that none of the evidence internal to the letters is inconsistent with the hypothesis that they are late-eighth or early-ninth-century compositions. The key phrase in the work of Michael the Syrian is absent from the other surviving works that also used the source on which he drew here: the lost Syriac chronicle of Dionysius of Tellmaḥrē (d. 845). The evidence of the \textit{History of the Patriarchs}, meanwhile, is too late and indistinct to bear much weight, and receives no support from a parallel source, the \textit{History of the Patriarchs} traditionally ascribed to the bishop Yūsāb of Fūwah.\footnote{Ibid., pp. 188–89.} Even the unique story related by al-Balādhrī about the three non-Muslim officials in Basra hardly counts as independent corroboration, since it was purportedly transmitted by
the same men as the letter it accompanies. If the letter is a pseudepigraph, this is precisely where we would expect to find such a story.

The problems do not end there. Other than this one story, not a single credible, early reference to ʿUmar II’s letters has been discovered in all Muslim historiography, including such important works as those of al-Ṭabarî and al-Yaʿqîbî, or in the opinions of early jurists who weighed in on the question. Nor does the demonstrably early (eighth century) Christian historiography evince any knowledge of the measures. In fact, it praises the caliph’s policies. Taken together, the scant documentary evidence from the reign of ʿUmar II does not support a purge of non-Muslim officials, either.78

The internal evidence of the three letters is also problematic. They are as timeless and vague as they are uncompromising, disclosing no details that would anchor them in the milieu of ʿUmar II. It is unclear which of them, if any, is to be taken as representative of what the caliph wrote, and difficult to believe that he drafted a whole sheaf of divergent missives on the topic in his twenty-nine-month reign. The letters’ vituperative tone and insistence that every last non-Muslim official be dismissed is also perplexing. In an empire where the vast majority of subjects were non-Muslims, and in which non-Muslim secretaries and tax officials had always been common, this uncompromising command from a caliph who spent his young adulthood in Egypt, where Christian pagarchs and other officials were numerous, seems out of place.79 It is difficult to see how a caliph could have imagined that such a directive could be enforced, or how his empire would function if it were.

The most credible of the three letters, namely the third, also turns out to share much of its language with the prescript against non-Muslim officials that was issued by the Abbasid caliph al-Mutawakkil, probably in 236/851, and with the edict that publicized it (discussed in Chapter 4). The other two letters, too, share distinctive phrasing that is found almost verbatim in the later descriptions of al-Mutawakkil’s measures – all of this shared language is marked in bold above. Given that both the letters ascribed to ʿUmar II and al-Mutawakkil’s measures passed through the same third/ninth-century literary milieus, it is distinctly possible that the former were drafted in court circles to urge or support the latter. Recall that al-Balādhurî, who alone preserves two of ʿUmar II’s three letters, was himself a boon companion of the caliph al-Mutawakkil.80

78 Ibid., pp. 195–97.
79 For the Christian pagarchs, see Sijpesteijn, Shaping, pp. 88, 90, 103, 202, 210–11. ʿUmar’s father, the governor of Egypt, appointed two Christians to head the dīwān (Sijpesteijn, Shaping, p. 67 at n. 124).
On the whole, there is much to recommend the hypothesis that the letters were pseudepigrapha, drafted by pious government officials – perhaps in the circles of Shu‘ayb b. Ṣafwān, Manṣūr b. Abī Muzzāḥim, or of al-Balādhrūḥ himself – and circulated to enlist ‘Umar II’s pious reputation for their causes. Such officials, unlike the historical ‘Umar II, would have had few qualms about urging a wholesale purge. They were not responsible for the effective functioning of the administration, least of all a bygone Umayyad one.

Given the intractability of the authenticity problem, however, it is safest to restrict our conclusions to what can be demonstrated. If ‘Umar II did write to his subordinates about non-Muslim officials, the practical effect was very limited, for the whole affair was largely forgotten. The letters, whether they echo a caliphal original or a later pseudepigraph, circulated only to a limited extent, among pious secretaries (kuttāb) and antiquarians, but were significant enough to be reworked, as the distant intertextuality of the first and second letter indicates. It is certain that, in the course of this circulation and reworking, they absorbed hostile ideas about non-Muslim officials that were current in the second/eighth or third/ninth century, including some that also appeared in the Kufan stories about ‘Umar I. The next section integrates those ideas in a survey of Muslim thought on the issue prior to the prescript of al-Mutawakkil in 236/851.

Non-Muslim Officials in the Early Islamic State: Ideas, Discourse, and Competition

A unique story about the Umayyad caliph ‘Abd al-Malik b. Marwān and his famous Christian finance chief, Sarjūn b. Manṣūr, is preserved in the monumental Taʾrikh madīnat Dimashq compiled by Ibn ‘Asākir (d. 571/1176). Its lengthy isnād goes back to Sulaymān b. Saʿd, a well-known Muslim official of the early Marwānid state. Despite the late source in which it is found, we shall see that it has a good claim to echo attitudes of the early period. As the story begins, Sulaymān is in charge of the administration (dīwān) in the district (jund) of al-Urdunn, centered on the Sea of Galilee, a job that he had inherited from a Christian. His Christian superior, Sarjūn, is “in charge of all the dīwāns of the Arabs and non-Arabs.” One day, the caliph ‘Abd al-Malik summons Sulaymān, presumably from Tiberias, the capital, to al-Ṣinnabrah

83 An important recent study of Sarjūn and his family is Anthony, “Fixing John Damascene’s Biography.” See also Griffith, “The Manṣūr Family and Saint John of Damascus.”
(Sennabris), a town on the southwest shore of the Sea of Galilee that was important under the Sufyānids and early Marwānids. When they are alone, the caliph divulges a secret. “The control that the Christians exercise over the Muslims’ affairs has annoyed me,” he says, “ever since I was just a mere boy visiting Muʿāwiyah (r. 41–60/661–80).” ʿAbd al-Malik adds that he wanted to raise the matter with the caliph Marwān b. al-Ḥakam (r. 64–65/684–85), but something – the report does not say what – prevented it.

The solution the caliph now proposes is that Sulaymān should replace Sarjūn. Sulaymān hesitates, pleading inexperience, but the caliph insists that he is confident in Sulaymān’s abilities. At that moment, however, the conversation is cut short by the sound of one of ʿAbd al-Malik’s advisers, Rawḥ b. Zinbāʾ (d. 84/703), clearing his throat nearby. ʿAbd al-Malik says Rawḥ can’t keep a secret,” the caliph hisses. “Step away from me!” Evidently concluding that the secret is out, however, ʿAbd al-Malik gives the same speech to Rawḥ, then leaves him alone with Sulaymān. Rawḥ urges him to take the offer: “The Commander of the Faithful is seeing to something that other caliphs neglected,” he says. “If you don’t accept, I am afraid that the Christians will keep getting all the appointments.” Events soon force Sulaymān’s hand, as the Christian Sarjūn falls gravely ill. When ʿAbd al-Malik asks Sarjūn who might take over his job, he replies, “If a Muslim, then Sulaymān b. Saʿd. If a Christian then a certain man from Baʿlabakk.” Thus when Sarjūn dies, Sulaymān quite naturally takes his place. As a narrator of the story explains, “He was the first Muslim to take charge of all the dīwāns together, and he converted them to Arabic.”

There are good reasons to believe that this account contains early information. Unlike, say, the stories about the two caliphs ʿUmar, it lacks a pervasive parabolic tone and contains several details that tether it to its setting, such as the names of Sulaymān, Rawḥ, the jund of al-Urdunn, and al-Ṣinnabrah. It also preserves several “blanks” – narrative junctures that call for detail, such as the reason that ʿAbd al-Malik did not confront Marwān or the name of the Christian from Baʿlabakk – that are left unfilled, suggesting that it was transmitted intact rather than embellished. And if we take this story seriously, it resolves some of the interpretive problems that have hampered modern understandings of the famous Arabicization of the Syrian administration that is usually associated with ʿAbd al-Malik. 85 Because it lacks obvious topoi, depicts Sarjūn as

84 On Rawḥ, see El2, s.n. 8:466 (Hawting); Hasson, “Le chef judhāmite Rawḥ b. Zinbāʾ.” Neither study could yet benefit from the edition of Ibn ʿAsākir: TMD, 18:240–51 (no. 2199).
85 Cf., e.g., Levy-Rubin, Non-Muslims, p. 100; Hoyland, Seeing Islam, p. 481; Sijpesteijn, Shaping, p. 104; Donner, Narratives, p. 262; Saliba, Islamic Science, pp. 45–46; Kennedy, “Islam,” p. 222; Flood, The Great Mosque of Damascus, p. 188 n. 26, where, following early Christian historiography, the policy is attributed to al-Walīd (see Hoyland, Theophilus, pp. 199–200). For the most complete and up-to-date conspectus of the sources and scholarship see al-Qāḍī, “The Names of Estates in State Registers,” p. 255.
deceased at the time of the reforms, and avoids implying that they occurred overnight, it is happily incompatible with most other accounts of those reforms, most of which are dubious.  

Notably, it contains no suggestion that Arabicization *per se* was calculated to exclude non-Muslims. Rather, the language change was a result of employing Muslims, which, in its turn, may have been occasioned by communal solidarity and rivalry. Future study of the reforms should pay more attention to this story.

Ibn ʿAsākir’s story about Sulaymān b. Saʿd also offers a rare glimpse of how Muslims may have viewed non-Muslim officials in an age before a discourse on the issue had been established. One common attitude, it seems, was indifference, perhaps even tinged at times with preference. It seems not to have occurred to many early Muslims that their religion should have had a doctrine on the staffing of an agrarian bureaucracy. In our story, this was evidently the mindset of the caliphs Muʿāwiya and Marwān. It can also be read in the background of the stories about the two caliphs ʿUmar. There Abū Mūsā has the temerity to tell ʿUmar I that his secretary’s religion was his own business; the Muslims who nominate the aspiring secretary from al-Ḥīrah to ʿUmar I must have held similar beliefs. One letter ascribed to ʿUmar II commands Muslims not to “take them into their confidence,” while another uses the Qurʿān to disprove the implicit contention that non-Muslims could supply valuable services. These are not purely theoretical notions. However fictive the stories may be, they must have echoed recurrent contemporary attitudes. They were not distillations of settled doctrine or state policy but attempts to disrupt the indifference or even affection that fellow Muslims harbored toward non-Muslim officials.

There are hints, all but submerged in the tradition, that, in the early period, these polemical texts were countered by discursive efforts to justify employing non-Muslims, mainly on the basis of precedent. Thus, as we have seen, brief reports in *al-Muṣannaf* of Ibn Abī Shaybah simply state that the prominent and

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86 Because it depicts Sarjūn as dead at the time of the policy, this account is incompatible with the second account of Ibn al-Nadīm (*Fihrist*, 1:242) and those of al-Jahshiyārī (*Kitāb al-wuzara*, p. 40) and al-Šūlī (*Ādab al-kuttāb*, pp. 192–93), in which Sarjūn is dismissed for being dilatory, and that of al-Baladhūrī (*Futūḥ al-buldān*, p. 193), in which a Greek secretary precipitates the policy by urinating in an inkwell; Sarjūn is alive to lament it. Noth and Conrad take the implausibility of al-Baladhūrī’s account to mean that there never was a caliphal policy, an interpretation that is consistent with the present account (The Early Arabic Historical Tradition, p. 189). This account is also compatible with the first one presented by Ibn al-Nadīm, in which Sulaymān translates the dīwān much later, under Hishām, and with Ibn ʿAbd al-Ḥakam’s claim that ʿAbdallāh b. Abd al-Malik Arabized the Egyptian administration after his father’s death in 86/705–6 (al-Kindī, The Governors and Judges of Egypt, pp. 58–59). It conflicts, however, with the unique and dubious testimony of Ibn ʿAsākir elsewhere (*TMD*, 20:161 [no. 2402]) that Sarjūn converted to Islam under Muʿāwiya (for its uniqueness, see Anthony, “Fixing,” p. 616 n. 25).

87 Many non-Muslims would have known Arabic. Indeed, immediately after al-Jahshiyārī’s account of the reform, the Christian secretary Shamʿal, still employed, composes Arabic poetry. But cf. Salība, *Islamic Science*, p. 58.
revered early Companions Ibn Masʿūd and Abū Mūsā al-Asḥārī employed Christian secretaries. Similar paradigmatic stories in *al-Muʿjam al-kabīr* of al-Ṭabarānī (d. 360/971) reiterate the report about Ibn Masʿūd. For most early Muslim tradents, however, there was scant incentive to cast and circulate this position in a durable discursive form. Men in the governing class who stood to benefit most from the work of non-Muslim officials tended either not to be scholars who produced authoritative Islamic discourses, or, in the case of the caliphs and their officials, were powerful enough to disregard those discourses. If there were going to be laws against their employment in the caliphs’ state, it was the caliphs who would have to authorize them. But because the caliphs ruled, in addition to making laws, they stood to benefit from the competencies of non-Muslim officials and the administrative continuity that they represented. In the absence of external pressure, there was little incentive for the caliphs to cease employing them.

Among rulers and administrators, therefore, signs of indifference to the employment of non-Muslims were commonplace. Thus, in Egypt, the Umayyad governor Qurrah b. Sharīk (d. 96/715) appealed to the full range of encouraging and threatening relational language when hectoring the Christian pagarch Basileos, his subordinate, through letters that survive on papyrus. Indeed, the chief of the financial bureau in Alexandria in Qurrah’s day may have been a Christian. Eighth-century Arabic papyri insist on the appointment of trustworthy (*amīn*) Christian village officials, precisely the quality that later, polemical literary texts by Muslims insist that Christians can never have. In al-Andalus, the Christian com[es] Rabīʿ is reported to have headed virtually the entire financial administration for the Umayyad emir al-Ḥakam I (d. 206/822), who kept his official despite violent protests from Muslim subjects in Cordoba. The talents of the wealthy Edessene Christian Athanasios bar Gūmāyē allegedly so impressed the Umayyad caliph ʿAbd al-Malik that he posted him to Egypt to manage the affairs of that province for the caliph’s son. And near the end of our period, the Abbasid caliph al-Muʿtaṣim empowered his Nestorian doctor-official Salmawayh b. Bunān to the degree that “the prescripts (*tawāqīt*) would go to the bureaus and other recipients in the handwriting of Salmawayh, likewise those of the emirs and commanders around al-Muʿtaṣim, and the caliph appointed his brother Ibrāhīm b. Bunān over the financial affairs (*khazāʾ in al-amwāl*).” Salmawayh had “sound belief in his religion and lived a good life” and the caliph reputedly esteemed him more than he did the chief *qāḍī*, and presided over his thoroughly Christian funeral. For all their

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88 For the accounts of Ibn Abī Shaybah, see n. 28; cf. his *Musannaf*, 8:470–71 (nos. 26264–65); al-Ṭabarānī, *al-Muʿjam al-kabīr*, 9:218–219 (no. 8954–55). See also n. 42 above, where an early Muslim tells Ibn ʿUmar that “our officials are infidels,” but the latter does not make an issue of it.

differences, these examples indicate that early Muslim political authorities sometimes maintained an effective attitude of indifference – at a minimum – to the communal affiliation of their officials. Indifference could shade into preference, as seen in Chapter 2.

The other prevalent early attitude to employing non-Muslims that surfaces in the story about ʿAbd al-Malik and Sulaymān b. Saʿd, however, is ill-defined discomfort. The power ceded to Christian officials gnawed at the caliph, and apparently at Rawḥ b. Zinbāʿ, too. But they do not express their annoyance in terms of any formal imperative or doctrine, however incipient. Their concern seems to arise from a more basic clannishness, or in-group solidarity. Even “our” Christians, the ones who help us run our state, are not quite us, and they ought not to prosper at our collective expense. In-group solidarity in the early Islamic tradition was, needless to say, a key factor in the formation and maintenance of a distinct Muslim communal identity, and is a central theme in the Qurʾān and early narratives of the Prophetic and post-Prophetic community. 90 It was doubtless inflected by the increasingly widespread discourse that held non-Muslims to be not only separate, but thoroughly inferior. 91

But people whose social resources were valorized by reference to a particular, shared ideology and symbology scarcely need an additional, formal communal doctrine in order to share resources among themselves to the exclusion of others. We may thus reasonably assume that, even in the formative period, some among the conquerors must have been reluctant to appoint non-Muslims to positions that offered access to material or symbolic resources.


90 The Qurʾān makes believers a community (ummah) that excludes or absorbs other forms of association, whether tribal or ideological. The presence of in-group bonds is expressed most clearly by the term wallī (pl. awliyāʾ), or “friend,” with the connotation of protection, usually mutual. The believers are awliyāʾ of God (2:107, 3:68, 10:62–64, etc.) and of one another (9:71, etc.). Whoever professes belief in the Qurʾānic revelation belongs to the community (3:102–4, 110); unbelievers do not, and so are awliyāʾ neither of God nor of the believers (3:28; 4:144, 7:30, etc.). Jews and Christians appear to fall into the latter category (5:51), though early on some may have been included. Thus Jews are in the ummah along with “believers and Muslims” in the “Constitution of Medina,” as it has usually been read. But that did not last. By the time of ʿAbd al-Malik (d. 86/705) at the latest, full communal membership presumed shedding other religion-communal affiliations. Prior to that time, there is no evidence of (even vague) resistance to non-Muslim officials. See EQ, “Community and Society in the Qurʾān,” 1:367–86 (Denny); Donner, Narratives of Islamic Origins, ch. 6, pp. 160–73; al-Sayyid, al-Ummah wa-l-jamāʿah wa-l-sultān, esp. pp. 25–95. For an alternative take on the Jews’ position with respect to the early ummah, see Lecker, The “Constitution of Medina.” Further on the mechanisms of community formation and dispute: Crone, God’s Rule, pp. 25–27.

91 For examples, see Friedmann, Tolerance, pp. 34–53.
Clannish inclinations were never uniquely tied to shared religious ideology, in this or any time. In the formative period, for instance, they were also tied to shared tribal and ethnic identity. Ill-defined Muslim dissatisfaction at the appointment of non-Muslim officials—and at losing out in contests over resources, whether to competitors or tax collectors—may, in fact, have induced some Muslims to take part in the Hāshimite revolution that toppled the Umayyads. Under and probably before Khālid al-Qasrī, according to al-Jahshiyārī, “most of the officials in Khurasan were Zoroastrians.” To rectify this situation, Khālid’s successor, Yūsuf b. ‘Umar, reportedly sent a letter to Naṣr b. Sayyār, the governor in Khurasan, “ordering him not to seek the assistance of any pagans (ahl al-shirk) among his administrators and officials.”

Al-Ṭabarī narrates a sermon of 121/739 in which Naṣr denounces the partisan conduct of non-Muslim officials (but not their employment):

According to the story, this Mansūr b. ‘Umar received an overwhelming response from oppressed Muslims. It may have been similar vague discomfort that led certain Umayyad governors of Egypt period to occasionally force Christian administrators to convert.

Following the success of the Hāshimite revolution, there are indications, few but significant, of measures to dismiss non-Muslim officials of the Abbasid

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92 There was early, principled opposition among the conquerors to employing uncouth desert Arabs (aʿrāb); see Athamina, “Aʿrāb and Muhājirūn,” pp. 14–17.
96 History of the Patriarchs of the Coptic Church of Alexandria, p. 52. The historical accuracy of this evidence is far from certain.
government under the caliph al-Manṣūr. Al-Jahshiyārī’s evidence is again significant, though ambiguous:

Al-Manṣūr appointed Ḥammād al-Turkī to set in order the administration of the Sawād (taʾdīl al-sawād), sending him to al-Anbār and ordering that any dhimmi secretary to an official with authority over Muslims should have his hand cut off. Then Ḥammād took Māhawayh al-Wāṣiṭī, the grandfather of Sulaymān b. Wahb, and cut his hand off.97

The other early piece of evidence for al-Manṣūr’s measures comes, oddly enough, from an early-ninth-century Greek chronicle, ascribed to Theophanes Confessor, where they are placed in A.M. 6251/759–60: “In this year the Arabs expelled the Christians from government chanceries for a short time out of envy, but were once again obliged to entrust the same duties to them because they were unable to write numbers.”98

Recall that Shuʿayb b. Ṣafwān, one of the prominent transmitters of a letter against non-Muslim officials attributed to ʿUmar II, became a member of al-Manṣūr’s entourage after working as a judge’s secretary in Kufa. Yet al-Manṣūr’s measure against non-Muslim officials, if it ever took place, must have been short-lived indeed. The only discernable motives are vague discomfort with non-Muslim authority over Muslims and, according to the Greek chronicle, “envy” (phthonos), plausibly construed as the disposition to compete with them for resources. So while professional rivalry or a concern to maintain symbolic and political capital may have played roles, there is no sign of a formal prescriptive discourse at work here. The same goes for the case in which the high official Yahyā b. Khālid al-Barmakī (d. 190/805) urges the talented Zoroastrian al-Fadl b. Sahl to convert, “so that I can find a way to involve you in our affairs and to do well by you.”99 It is clearly preferred – but

97 wa-lā yadaʾa aḥadān min ahli l-dhimmātī yaktuba li-aḥadīn mina l-ʾummālī ʿalā l-muslimīnā ilāl qaṭiʿa a yadhū fa-akhkadhā Ḥammādūn Māhawayha l-Wāṣiṭī . . . fa-qatāʾa a yadah (al-Jahshiyārī, Kitāb al-wuẓarāʾ, p. 134). This is a rare instance in which non-Muslims may have been punished for accepting employment, though the Arabic could also mean that the Muslim employers’ hands were to be cut off, as the accounts cited below read it. It is unclear why severing hands should have been the stipulated punishment. For later mutations of the same account, see Ibn Qayyim al-Jawziyyah, Aḥkām, 1:216; Ibn al-Nābulusī, Sword, pp. 31–32. The evidence for al-Manṣūr’s reign in these last works is of a legendary character. On Sulaymān b. Wahb, see EI, art. “Wahb, Banū,” 11:33–34 (Bosworth). For an independent reference to this Hammād, see al-Tabarī, Taʾrīkh, 3/1:392.

98 Theophanes Confessor, Chronicle, p. 596, altered slightly (phthonos here is better “envy” than “malice”). On the problem posed by writing numbers (here, fractions) in Arabic for administrative purposes, see Sprengling, “From Persian to Arabic,” p. 196.

99 al-Jahshiyārī, Kitāb al-wuẓarāʾ, pp. 230–31. The latter phrase (wa-l-iḥsān ilayyka) intimates patronage. This sentiment bears comparison to a slightly later account from al-Andalus, in which the emir Muhammad tells the Christian comes Ibn Antūyān, “If only [the] count were a Muslim I would appoint him secretary.” His Christian status had not been a bar to lower (though still quite elevated) offices (see Ibn al-Qūṭiyah, Early Islamic Spain, p. 115; Safran, Defining Boundaries, pp. 111–12).
not strictly mandated – that the empire’s highest office-holders be Muslim. In lower offices, the preference was weaker.

In-group solidarity on its own, then, could discourage the employment of non-Muslims, even absent a prescriptive discourse. Muslims, during and after the formative period, doubtless felt vague discomfort with powerful non-Muslims, who could not fully belong to a community (ummah) that had come to be generally understood in exclusive terms. In the course of the eighth century, powerful Christian officials in Egypt, most notably the pagarchs, gradually disappear from the sources, their places taken by Muslims, though we have scant evidence of a formal policy against the employment of non-Muslims as such.100 And when the Abbasid family grew fed up with certain policies of their caliph al-Ma’mūn (r. ca. 204–18/819–33), they took him to task for, among other things, empowering Zoroastrians over them. They doubtless meant al-Ma’mūn’s right-hand man, the same al-Faḍl b. Sahl.101 The caliph, unimpressed, responded that they should not dare to “scorn this even though monkeys and pigs were to govern you.”102 This caliph, then, was of the view that his own exalted authority licensed him to appoint anyone, though he was careful to mention that the accused “Zoroastrians” were in fact good converts, while their critics were the real apostates. It is plain that no formal prohibition on non-Muslim officials had affected al-Ma’mūn’s thinking on the matter, and the summary character of his response makes it unlikely that the letter of complaint from his family members, which we know only from his rejoinder, had made a reasoned case for any such prohibition.103

Yet indifference and vague discomfort, for all their prevalence, did not inspire the kind of vivid language that made for a useful prescriptive discourse of the kind that was being formulated in the early period for many other moral and practical issues that Muslims faced. The story of Sulaymān b. Sa’d and Sarjūn is too elaborate, tentative, and historically specific to serve as an


101 On al-Faḍl and his conversion, see EI3, s.n., 99–102 (Yücesoy). In another report, Harthamah b. A yan levels the same accusation and is executed for his pains (al-Jahshiyārī, Kitāb al-wazarā’, p. 317; on Harthama see EF, s.n. 3:231 [Pellat]).


103 The letter’s authenticity is open to question, but matters little here. Madelung shows that it was written by a contemporary of al-Ma’mūn.
effective parable. Those about ʿUmar I and II, by contrast, are stripped of historical detail, highly didactic, and widely applicable. Moments of intense competition discouraged indifference, sharpened discomfort, and motivated the producers of early Islamic discursive traditions to propagate material that would aid their own causes. In the final section of this chapter, we consider the broader changes that provided the setting for their actions.

Competition, Affiliation, and State Employ in the Formative Period

Al-Ḥajjāj b. Yūsuf (d. 95/714), the famously ruthless and efficient governor of Umayyad Iraq, reportedly instructed his sons’ tutor to teach them swimming before writing. They would always find somebody to write for them, al-Ḥajjāj explained, but would have to do their own swimming. In the first generations after the conquests, a literally cavalier attitude to the acquisition of writing, arithmetic, and other administrative skills was not uncommon among the conquerors. Someone else could do it, and there would be no trouble about paying them. In fact, some were persuaded that bureaucratic pen work (al-kitābah) was beneath their dignity. “We are an illiterate people,” the Prophet says in a famous hadīth. “We neither write nor do arithmetic.”

Like landholding and agriculture, scribing for the state – particularly when the state was seen as unholy – could seem to be a kind of sedentary subservience, at odds with the martial prowess, unfettered independence, and limitless generosity that had been cardinal virtues of Arabian tribal culture. Among the signs of the last days, the Prophet informed his Companions, will be the rise of merchants and “the pen,” clearly referring to its professional use. Al-Ḥasan al-Baṣrī wistfully recalls a bygone day when his whole tribal quarter of Basra contained not a single merchant or secretary. The convert-official Ibn al-Muqaffa’ wrote that being a tax official made one lowly and petty. An anonymous ninth-century treatise against the conduct of

104 Ibn ʿAbd al-Barr, Bahjat al-majālis, 1/2:769. Fathers in the pre- and early-Islamic periods were expected to teach their sons literacy, swimming, and archery, according to contemporary lore. But men who mastered all three were rare enough to be called “perfect” (kāmil) (ibid. and Lecker, “Zayd b. Thābit,” p. 265 n. 51, 267 n. 59).

105 Wensinck, Concordance, 1:462. Likewise Ibn Khaldūn: “The people were illiterate Arabs, no good at writing and bookkeeping, so they would employ non-Muslims (ahl al-kitāb) and certain Persian mawāli to keep records” (Ibn Khaldūn, Muqaddimat Ibn Khaldūn, 1:420).

106 For early debates about landholding and agriculture, see Kister, “Land Property and Jihād.”

107 al-Bukhārī, ad-Adab al-mufrad, pp. 377–78 (no. 1049); Ibn Hanbal, Musnad, 6:415–6 (no. 3870), with further references. Another report adds the spread of learning and monetary exchange (Ibn ʿAbd al-Barr, Bahjat al-majālis, 1:356).

108 Ibn ʿAbd al-Barr, Bahjat al-majālis, 1:356.

secretaries, spuriously attributed to al-Jāḥiz, collects and makes a rhetorical case for such ideas. Here, the friends of ʿUthmān b. ʿAffān, the third caliph, scolded him for serving as secretary to Abū Bakr, the first. The Prophet himself was illiterate, the account continues, therefore, since his time, great men have avoided writing, entrusting the task to lowly and servile subordinates instead. The notion that secretaries are servile and thus contemptible also appears in a genuine treatise of al-Jāḥiz. Secretaries are irreligious, pompous, foolish, and backbiting. The author cites a widespread early saying – “Secretaries are the worst of God’s creatures” – to which later authors, who had the saying from other sources, felt compelled to respond. To whatever extent the conquerors espoused such notions at a time when they still constituted the great bulk of the Muslim population, it is no surprise that early Muslims had little cause to resent or envy the non-Muslim officials who did their clerical work.

Such sentiments were, however, far from universal. Both literary and documentary sources testify to an independent pre-Islamic Arabic documentary tradition, despite the relative resource-poverty of Arabia. Its bearers had been professional or semi-professional secretaries, some of them in state employ. Many of the officials in the conquest state, too, were drawn from the ranks of the Arabian conquerors. Later sources, notably Kitāb al-wuzarāʾ of al-Jahshiyārī, are at pains to document a rich and continuous tradition of Muslim Arabophone secretaries, many born tribesmen, that stretched back to pre-Islamic days. To a degree, al-Jahshiyārī’s agenda was a revisionist one that downplayed the roles that pre-Islamic traditions and non-Muslim secretaries had played in the formation of Abbasid administrative culture. But even al-Jahshiyārī could see that non-Muslims and māwālī had done much of the bureaucratic heavy lifting for at least the first Islamic century. It was not just that the conquerors remained aloof from the lower levels of administration and from tax collection for decades, if not centuries, making do with a relatively small bureaucratic apparatus of their own. Non-Muslims and (especially)

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113 Sijpesteijn, Shaping, pp. 64–71; Demiri and Römer, Texts from the Early Islamic Period of Egypt, esp. p. xii, following the work of Geoffrey Khan.
114 Morony, Iraq, pp. 64–66; for accounts of secretarial activity in stateless pre-Islamic Yathrib, see Lecker, “Zayd.”
115 al-Jahshiyārī, Kitāb al-wuzarāʾ, pp. 1–14 (one of many conflicting reports makes Ismāʿīl b. Ibrāhīm, accounted a Muslim, the first to write Arabic [p. 1]; see Q. 2:127, 3:67); for another example of the same agenda, see al-Ṭabarānī, Tāʾrikh, 2/2:835–43; see also Heck, The Construction of Knowledge in Islamic Civilization, p. 12.
116 Khalek, “Some Notes on the Representation of Non-Muslim Officials.” Khalek argues that this author “polemically mythologized a foundations narrative for early Islamic administrative history.”
mawālī were prominent even in this latter apparatus. We have already encountered the paradigmatic cases of Sarjūn b. Mansūr, for many years the Christian finance chief of the Umayyad empire, and of Athanasios bar Gümāyē, to say nothing of the many leading officials who were Muslim, non-Arab clients (mawālī).117

Converted or not, the conquered peoples were prominent in the administration of the conquest state, as we have seen, because the conquerors at first had little desire to do their jobs and benefited from their technical and local expertise, and because their elites served as levers by which to control a conquered population.118 But the pattern persisted over several generations for another reason, as well: the stipend (‘atā) paid to members of the ruling warrior class disincentivized administrative employment, particularly when it was seen as menial, unholy, or both.119 Put differently, the prestige occupation for many in the early Islamic ruling class was warfare, not the bureaucracy, and influential voices from within that class cast aspersions on other occupations. “The worst people,” the Prophet is made to say, “are merchants and sowers.”120 We must envision the conquest state at least until the early Abbasid period as a compartmented one, in which the ruling, mostly Arab class, which paid few taxes and had its own distinct language, cult, laws, and limited administrative institutions, was not closely integrated with the conquered populations.121 The latter operated within their own institutional ecosystems and undertook much of their own administration, including tax collection. The early central state apparatuses related to the conquerors and the conquered on separate terms.122 True, the degree of compartmentalization varied from region to region – being weaker, for instance, in Syria, the Jazārah, and Khurasan than in lower Iraq – and broke down over time, while paths across the barrier (notably clientage) saw much traffic.123 Yet, in general, members of the

117 See also al-Jahshiyārī, Kitāb al-wuzarā’, pp. 24, 31–33, 40. 
118 See Chapter 2 at n. 19. 
123 According to a pro-Khurāsānī speech attributed to the mid-second/eighth century Abbasid Muḥammad b. ʿAlī in the anonymous Akhbār al-dawlah al-ʿAbbāsiyyah (p. 206), the
Muslim ruling class, concentrated in the garrison cities for much of the first Islamic century, seldom found themselves subject to non-Muslim officials, and seldom had reason to resent them or covet their jobs.\textsuperscript{124}

All this changed in the course of the second/eighth century. Several interrelated developments contributed to the demise of post-conquest compartmentalization and the conquerors’ loss of separate, elite status. Most significant was a material-resource pinch. As the military conquests faltered during the reign of Hishām (105–25/724–43), if not before, plunder and tax revenues levelled off, constricting the funds available for stipends and heightening factional conflicts over resources that were increasingly accessed through administrative appointments.\textsuperscript{125} The ruling class, moreover, was swelling by the steady operation of clientage, intermarriage, and conversion. Descendants of the first conquerors might now find themselves living far from a garrison city in ethnically and religiously mixed families, and might make their living by agriculture or trade. Conversely, men with no Arabian blood who nonetheless bore Arab names and spoke Arabic were rising to positions of authority in those cities, dulling the edge of chauvinistic chatter against their kind.\textsuperscript{126} In short, groups that had formerly kept to themselves were now rubbing shoulders, intermixing, and, because they now occupied the same niches, competing for resources of all kinds, often within a steadily expanding state administration.

The confrontation between Sharīk b. ʿAbdallāh and the Christian ṭirāz official in Kufa illustrates such competition for authority and influence. A better-known case is that of the Arab Muslim Ziyād b. ʿUbaydallāh al-Ḥārithī, who joined the entourage of Khālid al-Qasrī around the time the latter became governor in Iraq. As a Yemeni, Ziyād hoped for Khālid’s largesse in the form of a sinecure. But there was a catch: he did not know how to write. “There goes nine-tenths of what I wanted from you!” cries Khālid when he finds out. Ziyād persuades Khālid to give him a chance to learn, from a slave, and is eventually posted to the city of Rayy. But he is in for a surprise. The local tax official in Rayy – we do not know his religion – scoffs, “Look at this crazy Arab! The emir has never put an Arab in charge of taxation.” And indeed, Ziyād

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\item inhabitants of the Jazīrah were Kharijites and “desert Arabs like rough peasants, Muslims who behave like Christians” (aḥba’ ba-ā ʿlāj wa-muslimūn fī akhlāqi l-naṣārā), while those of Syria “know nothing but the Sufyānids and obeying the Marwānids, and deep-seated animosity to us.” But many Arabs in Khurasan went native, too; see EIr, “Arab Settlements in Iran,” 2/2: 210–14 (Daniel); Pourshariati, “Local Histories of Khurasan and the Pattern of Arab Settlement”; Luce, “Frontier as Process,” esp. pp. 108–11, 165–67, 224–25, 319.
\item For the oft-flouted imperative to keep to the garrison cities, see Athamina, “Aʿrāb and Muhājirūn,” pp. 10–11.
\item Bonner, Jihad, pp. 121–22; Hoyland, In God’s Path, pp. 198–201; Blankinship, The End of the Jihād State.
\item Crone, Nativist Prophets, pp. 8–11 and sources cited there.
\end{itemize}
discovers that his appointment letter grants him a less lucrative post.\footnote{127} By the mid-second/eighth century, then, card-carrying members of the ruling class competed for appointments with their ostensible inferiors, and sometimes got the worst of it. Administrative appointments were increasingly prestigious for elites of all stripes. When they were held by non-Muslims, who reaped their benefits and prestige to the exclusion of Muslims, the stage was set for the latter to deploy intellectual resources to achieve distinction for themselves. One result was the stories about ʿUmar I that stem from Kufa, some from the period of Khālid’s governorship.

Similarly, the Egyptian papyri show that by the early second/eighth century, the pagarchs, important mid-level administrators who had risen from among local Christian elites for decades after the conquests, increasingly appear as Muslims in the sources. At the same time, Muslim landowners with Arab names show up with greater frequency in the countryside, eventually as taxpayers. The replacement of Christian pagarchs with Muslims may have been intended initially to aid revenue extraction; if local Egyptian Christians colluded with their neighbors to frustrate taxation, unattached Muslims rotated through from the provincial capital could be expected to obey the central state.\footnote{128} Yet the policy of hiring loyalty could cut both ways as conversion and integration accelerated during the second/eighth and third/ninth centuries. The loyal outsider who was more closely tied to the state than to the local population could turn out to be not a Muslim but a Christian or Jew, dispatched to pursue state interests among a more integrated population.\footnote{129}

With the completion of the new Abbasid capital at Baghdad in 149/766, the trends toward social integration and the valorization of bureaucratic power among the empire’s ruling elites continued apace. The novel position of vizier (wazīr), or chief minister, was only the most prominent among a newly influential professional class of state secretaries (kuttāb), many of Persian background. Many were Muslims, to be sure, though often still outsiders of various sorts, such as the Barmakids, recently descended from Buddhist priest-officials of Bactria.\footnote{130} Many, however, were not Muslims, or maintained suspicious-


\footnote{128} Sijpesteijn, Shaping, pp. 205–6, 210–11 (but cf. p. 95 n. 330).

\footnote{129} The Nestorian embroidery official with whom this chapter began is one example. For documentary evidence that non-Muslims collected taxes from Muslims in Egypt, see, e.g., Frantz-Murphy, Arabic Agricultural Leases and Tax Receipts from Egypt, pp. 301–5 (no. 57), 313–14 (no. 65), 319–20 (no. 68), 322–23 (no. 70), 326–27 (no. 72), 351 (no. 87); Sijpesteijn, Shaping, p. 215 n. 507.

\footnote{130} On the Barmakids see EI², “Barāmika,” 1:1033 (Barthold/Sourdel); Van Bladel, “The Bactrian Background of the Barmakids.” On the kuttāb more generally, see EI², s.v. “Kātib,” 4:754–60 (Sellheim/Sourdel); Cabrol, Les secrétaires, pp. 45–127 (a synchronic account); Carter, “The kātib in fact and fiction”; van Berkel, “The Vizier” and “The Bureaucracy.”
looking ties to their former communities. The satires attributed to the litterateur al-Jāḥīz (d. 255/868), and leveled at secretaries and Christians, impugned the former for their lack of piety and fondness for pre-Islamic Persian culture and the latter for, among other things, their inordinate prestige and influence. What had begun as a split-level society of conquerors and conquered had increasingly become a mixed one, communally segmented to some degree but composed of people who all related to the state in broadly comparable ways, notably as taxpayers and appointees. It was in the melting pots of the late-second/eighth and early-third/ninth centuries that dictates aspiring to regulate the public conduct of non-Muslim neighbors, who now posed a sharper threat to Muslim symbolic capital, were devised and widely promulgated in a durable idiom in the name of revered early Muslims. This was especially true of Kufa, close neighbor to al-Ḥīrah, a long-established Christian city. It is also in this early Abbasid period, in localities where integration and competition were furthest along, that the letters against non-Muslim officials attributed to ʿUmar II appear most at home. Even if ʿUmar II really took some such measures, it is unclear what precisely they were, and, in any case, the letters underwent substantial redaction in the early Abbasid milieu.

If these were the critical socio-political conditions for the genesis of a discourse surrounding the issue of non-Muslim officials, it is obvious that such a discourse required an additional ingredient: media in which to be voiced and preserved. The roots of the discourse, in the locales where we have glimpsed them, took rhetorical forms that were typical of the formative period in those places. The attribution of maxims on proper governance and on the treatment of non-Muslims to the caliphs ʿUmar I and II was epidemic, in the form of both gnomic pronouncements and stern letters to subordinates. Such reports gained currency in the early second/eighth century, as the isnād came into the mainstream and the authority of the Qurʾān become widely established in moral and legal matters. The stories about the two caliphs ʿUmar and their...
moral views on the employment of non-Muslims partook of all these trends, and were preserved in the earliest strata of surviving authored Arabic books.

Conclusion

The earliest elements of the Islamic prescriptive discourse surrounding non-Muslim officials originated in second/eighth- or early third/ninth-century Iraq, as literate Muslim elites produced and propagated disapproving parables that they ascribed to revered early authorities, notably the caliphs ʿUmar I and ʿUmar II. They did so in an age when such parables were a standard form in which Muslim learned elites did symbolic labor, and when appointments to official positions at many levels of state administration were gaining newfound prestige among Muslims. There is no evidence that these earliest discursive layers rested upon pre-Islamic foundations, such as the scattered Byzantine regulations against Jews in state office. Instead, they appear as the natural product of vague discomfort with the transfer of resources to members of a competing out-group among the rhetorically fecund circles in which durable prescriptive views were enunciated in that period. But the isolated early fragments of the discourse stand out against a background in which the employment of non-Muslim officials remained widespread and was generally viewed, when it was noticed at all, with indifference or vague discomfort. That discomfort would soon find a voice in other channels of the prescriptive tradition, however, notably in formal Islamic juristic thought (fiqh), and in a singular caliphal edict, to which we turn next.
An Enigmatic Edict

Several years into his reign, the Abbasid caliph al-Mutawakkil (r. 232–47/847–61) issued directives to his subordinates to purge the empire’s administration of non-Muslim officials. His are the first measures of their kind in Islamic history for which the evidence is plentiful and solid. Nevertheless, no one – premodern or modern – seems quite sure why this caliph pursued such a policy at this particular moment. This chapter sheds light on the circumstances of al-Mutawakkil’s directives, notably by undertaking the first study of his principal prescript (tawqīʿ) on the matter, which is extant. It argues that the measures against non-Muslims were opportunistic, temporary gambit, a primary purpose of which was to win support from influential Muslim scholars and their followers. This argument will address a question recently proposed by John Nawas: “What connections, if any, did

1 In al-Andalus in the midst of the Cordoban martyrs movement at around the same time (September 852), the Umayyad emir Muḥammad I reportedly purged his administration of Christian (but not Jewish) high officials (Eulogius of Cordoba, Memoriale sanctorum, 2: 436–41). His measures seem to have been directed against the city’s Christians, whose voluntary martyrs were denting the state’s symbolic capital. Although they have typically been interpreted, through a legal lens, as enforcement of “the hitherto neglected proscriptions against dhimmīs” (Wolf, Christian Martyrs in Muslim Spain, p. 17), the evidence for this assumption is scanty. Dhimmah regulations include no ban on official employment. In addition, Jewish officials were unaffected, as Eulogius complains, and there is no sign here of dhimma regulations proper, such as distinctive clothing or belts. See further Wolf, Christian Martyrs, pp. 16–19; Safran, Defining Boundaries, p. 98.

2 The Arabic terms tawqīʿ and (below) kitāb were used for a wide range of official and private documents in premodern Islamic history (see EI, s.vv., 5:207–8, 10:292–93). The first most properly denotes a state document that is signed by the issuer, the latter any written text, including private letters and books. Here tawqīʿ is translated as “prescript,” and kitāb as “edict,” as it publicized the caliph’s prescript beyond the administrative staff of the heirs apparent, to whom the prescript was addressed.

3 Previous explanations of the caliph’s directives have emphasized mercurial temperament (Fiey), doctrinal leanings (Kraemer, Cohen, Cabrol, Lichtenstädter), greed (Lassner and Bonner), desire to “put an end to efforts at conciliation attempted by certain ‘Nestorian’ secretaries” (Sourdel), and desire to “please Muslim sentiment” (Miah, whence quotation; Kallfelz, Pellat, Cabrol, who notes astutely, without adducing specific evidence, that al-Mutawakkil’s measures were designed “to satisfy the traditionalist milieux”). Levy-Rubin’s recent study, by far the most detailed and
the high rank which Aḥmad ibn Ḥanbal attained under al-Mutawakkil have with this caliph’s repressive policies against the Jews and Christians? In the course of this story, we will see crucial elements both of change and of continuity in the prescriptive discourse around non-Muslim officials. For the first time in Islamic history, there is strong evidence that the discourse was effectively mobilized by the state itself to articulate a change in policy. Conversely, we will also see that Muslims continued to formulate and assert the discourse, and to ignore it, as a means of maximizing their own access to valued resources.

Al-Mutawakkil is frequently said to have favored the prominent ideological current commonly called traditionism, the main proponents of which were known as the ahl al-ḥadīth. These men (and, sometimes, women) were textualists for whom the primary criteria of Islamic law and dogma alongside the Qur’ān were parabole stories (ḥadīth) that conveyed the normative practice (sunnah) of the Prophet and, to a lesser extent, his Companions, collected and scrutinized in an effort to remove those stories that had suspect transmission histories or teachings. The central piece of evidence for al-Mutawakkil’s traditionism is that he discontinued the miḥnah (conventionally, “inquisition”) to which his predecessors al-Ma’mūn, al-Mu’tasim, and al-Wāthiq had subjected prominent Muslims who refused to publicly affirm that God had created the Qur’ān. Most of the miḥnah’s victims were traditionists, whose stubborn insistence that the Qur’ān is God’s uncreated speech also happened to challenge the caliph’s authority to pronounce on questions of law and dogma, and therefore the legitimacy of his claim to lead the Muslim community. This may in fact have been the real rub. The Qur’ān’s createdness, for its part, was dogma for other ideological movements of


4 Nawas, al-Ma’mūn, the Inquisition, and the Quest for Caliphal Authority (a revised version of the author’s 1993 doctoral dissertation), p. 80.
5 The most detailed study of al-Mutawakkil’s reign is still Miah, Reign. On this particular topic see Turner, “The End of the Miḥna.”
the day, primarily proto-Mu'tazilism and some adherents of Ḥanafism, that have been broadly characterized as rationalist. ⁸

But al-Mutawakkil did not exactly pull out all the stops in supporting traditionism. He appointed many prominent men who were not in the mainstream traditionist current, while others whom he allowed to remain in office were not traditionists at all. ⁹ He did not end the mihnah immediately upon his accession, and when he eventually did so the motive appears to have had less to do with profound conviction than with shrewd self-protection. ¹⁰ Indeed, the sources do not credit him with any particularly deep personal devotion from which such a policy might have sprung. ¹¹ Yet it is not immediately evident why any preference for traditionism on the caliph’s part should have entailed exclusionary policies toward non-Muslims. Unlike the traditionists’ Shi’i and rationalist opponents, non-Muslims did not offer a competing vision of what true Islam should look like, of what its sources should be, or of who had the authority to define it. ¹² We ought not to conflate the traditionism of the ahl al-hadith with a vague, reflexive harshness, let alone with “orthodoxy.” ¹³ Such a conflation mistakenly presumes on the one hand that textualism must demand more severe, exclusionary stances toward out-groups than rationalism does, and on the other that the traditionists were more invested in the symbolic cachet of Islam than were their equally Muslim opponents. In fact, third/ninth century traditionists could select from a wealth of authoritative texts and interpretations to support a range of policies toward non-Muslims, while neither “rationalist” Mu’tazilīs and Ḥanafīs nor Shi’is lacked the will to

⁸ E.g., Melchert, “Religious Policies,” e.g., 316–18. Cf. Hurvitz, “Miḥna,” where the proponents of the mihnah are called mutakallimīn. Behind the question of the Qurʾān’s createdness lay, too, those of tashbih (anthropomorphism), which traditionists could stomach but rationalists opposed, and the prerogative of Muslims to debate about God’s nature, which rationalists defended and traditionists repudiated. ⁹ Melchert, “Religious Policies,” 320–30. ¹⁰ Turner, “End”; Melchert, “Religious Policies,” pp. 322–23, 328–30. ¹¹ Miah, Reign, pp. 84–85; Melchert, “Religious Policies,” pp. 328–30. Al-Ṭabarī portrays al-Mutawakkil as cruel and frivolous, torturing subordinates to death and baiting snakes, scorpions, and lions for amusement. Occasionally he is made to speak approvingly of traditionist doctrine, but only in the context of intra-Abbasid posturing (e.g., debating the legacy of al-Ḥasan ibn Sahl), and to appear ascetic, but only as the narrative pathos builds toward his murder (al-Ṭabarī, Taʿrīkh, 3/3:1370–78, 1454–55, 1461, 1469–70). For al-Mutawakkil’s love of frivolous diversions, which were anathema to the traditionists, see al-Masʿūdī, Murūj, 7:191; al-Shābushi, Kitāb al-diyārāt, pp. 39–40. They were of course competing ideologies, but there is little sign that they were perceived as serious threats in third/ninth-century Iraq. Thus Ibn Ḥanbal is said to have downplayed the risk of employing non-Muslim officials precisely because they led no one astray (see Chapter 5, p. 124). ¹² “Orthodoxy” does much analytical work in Miah’s monograph and Cabrol’s analysis. See also Fiey, Chrétiens syriaques, pp. 84, 94. Yet its use in this context is ahistorical and begs the question.

Whatever his convictions, there is no doubt that al-Mutawakkil did instate policies that were unfavorable to non-Muslims. In addition to directing the dismissal of their officials, he ordered that they observe certain sumptuary laws that restricted their public appearance and behavior.\footnote{For a detailed study of these, see Levy-Rubin, Non-Muslims, pp. 103–08.} The texts of the documents that promulgated those policies echo traditionist pieties, as we shall see. So what were the policies really about? It is difficult to say, for the sources offer anecdotal, fragmentary, and contradictory accounts that, as explanations, are scarcely better than broad appeals to kneejerk orthodox rigorism.

### How the Sources Explain the Caliph’s Policies

The principal extant explanation from a Muslim perspective was given in an unidentified sixth/twelfth-century Egyptian work that is now lost. The passage in question survives, however, in two extant sources that used material from that work, without acknowledgment: Tajrīd sayf al-himmah li-stikhrāj mā fi dhimmat al-dhimmah by the Egyptian ʿUthmān b. Ibrāhīm al-Nābulusī (d. 660/1261) and Abkām ahl al-dhimmah by Ibn Qayyim al-Jawziyyah (d. 751/1350). The unidentified source certainly preserved earlier ones, but if it named its own source for this passage, the two extant witnesses do not reveal it.\footnote{For the unidentified work, see Yarbrough, “A rather small genre”; for an edition/translation of the passage, see Ibn al-Nābulusī, Sword, pp. 39–43; cf. Ibn Qayyim al-Jawziyyah, Abkām ahl al-dhimmah, 1:219–21. Fiey, too, recognized that these offer the only etiology from within the Muslim tradition; he relied on Ibn al-Naqqāš’s version, which is derived from Ibn al-Qayyim’s (Chrétiens syriaques, p. 85). Al-Ṭabarī and, following him, Ibn al-Jawzī, offer no explanation (Ibn al-Jawzī, al-Muntazam, 11:222–23).}

This explanation, according to the two sources just named, runs as follows. Christian officials wielded immense influence early in al-Mutawakkil’s reign. They had infiltrated every corner of the caliph’s household and administration, principally by scheming against their artless Muslim rivals.\footnote{There are separate indications that Christian officials were numerous early in al-Mutawakkil’s administration. For Salamah b. Saʿīd, see [al-Rashīd b. al-Zubayr], Kitāb al-dhakhāʾ īr, p. 30, where he presents Christian fasting-food to the caliph; al-Ṭabarī, Taʾrikh, 3/3:1463; Cheikho} The story of how

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the caliph turned against them picks up in the midst of one of these Christian plots. The Christians have forged documents that implicate a group of highly placed Muslims, whose names are duly listed, in peculation. During a nocturnal drinking session with the caliph, one of these Christians, Salamah b. Saʿīd, reveals the secret of these Muslims’ fabulous wealth in the following manner: the caliph asks why Salamah has been spurning his company, Salamah replies that the caliph is always off hunting in the desert while he himself scoops up easy money, the caliph asks where this easy money is found, and Salamah, feigning reluctance, fingers his Muslim colleagues. Enraged, al-Mutawakkil has the Muslims detained. But one of them, ʿUbaydallāh b. Yaḥyā, obtains a note in which Salamah, in his own handwriting, admits to having invented the story about the Muslims’ wealth while drunk. The note is shown to al-Mutawakkil and the Muslims are exonerated.

This, however, is only part of the buildup to al-Mutawakkil’s edict. Two more stories follow. The briefer one relates how the caliph restores the estate of an aged Muslim of Damascus, who had been deprived of it by a Christian. In the second, longer story, al-Mutawakkil is on pilgrimage when his guards intercept a man whom they find circumambulating the Kaaba and imprecating aloud against the caliph. It turns out that the man has contrived to get caught so that he can harangue al-Mutawakkil before being executed. He wishes to warn the caliph of the evil that the non-Muslim secretaries are doing, and that by employing them he is giving them a good life on earth while squandering his own prospects of a good life in heaven. The man promptly vanishes, and the chastened caliph issues a flurry of directives designed to humiliate and exclude non-Muslims, which includes terminating their employment as officials. Both surviving sources then include the text of an edict on the subject, which we shall consider presently.

These accounts from a late, unidentified source cannot be accepted at face value, of course. It is most doubtful that al-Mutawakkil went on pilgrimage while he was caliph, and the story of his Meccan awakening is a pastiche of literary topoi and schemata, notably that of the pious Warner. Indeed, another...
account from the same unidentified source tells a suspiciously similar story about the caliph al-Manṣūr. And while the story of the conspiracy involving Salamah b. Saʾīd at least preserves apparently early information, it turns out to be simply a late reworking of another, verifiably early story about al-Mutawakkil’s reign: that of the downfall of his Muslim secretary al-Najāh b. Salamah (no relation). In al-Ṭabarî’s version of this latter story, it is al-Najāh, not the Christian cabal, who is at first powerful and feared; he, not they, who accuses Muslim colleagues of peculation; and he, not Salamah b. Saʾīd, who is al-Mutawakkil’s boon companion. One day al-Najāh sends the caliph a note impeaching two Muslim secretaries, al-Ḥasan b. Makhlad and Mūsā b. ʿAbd al-Malik (both of whom were also listed in the other story, among the Muslim secretaries whom the Christian cabal had accused). That evening while al-Najāh is drinking with al-Mutawakkil, the caliph promises to deliver the accused into his hands for mulcting. But (here, too) ʿUbaydallāh b. Yahyā saves the day, (here, too) obtaining a note in the drunken conspirator’s own handwriting in which (here, too) he admits to telling an inebriated fable. Together with other moves made by ʿUbaydallāh, this note (here, too) exonerates al-Ḥasan and Mūsā and brings down their accuser.

These parallels are suggestive, but not quite conclusive. To clinch the case for wholesale narrative borrowing in this story about the Christian officials, we need the parallel version of al-Najāh’s downfall that was preserved in Taʾrīkh madīnat dimashq by Ibn ʿAsākir, who relied on an otherwise lost portion of al-Jahshiyārī’s Kitāb al-wuzarāʾ wa-l-kuttāb. In this version, al-Najāh and the caliph have the same verbatim conversation about the latter’s hunting in the desert and the former’s easy money from corrupt Muslim secretaries, whence the story continues in identical fashion, using many of the same phrases. This is undoubtedly the source from which the account of Salamah b. Saʾīd and the conniving Christian secretaries was adapted. This borrowing could only have become caliph (al-Ṭabarî, Taʾrīkh, 3/3:1330; al-Masʿūdī, Murūj, 9:71–72; Khālīfah, Taʾrīkh, p. 478; the last occurs at AH 232). Al-Yaʿqūbī states that al-Mutawakkil went nowhere other than Damascus while caliph (Taʾrīkh, 2:601). Miah reached the same conclusion (Reign, p. 87). Moreover, the edict below is dated to Shawwāl, two months before that of the pilgrimage, Dhū l-Hijjah, which is the last month of the year. These discrepancies cast further doubt on the reliability of the account.

For al-Manṣūr’s pilgrimage story see Ibn al-Nābulusī, Sword, pp. 28–31; Ibn Qayyim al-Jawziyyah, Ahkām, 1:214–15. The unidentified source preserved other transpositions from one Abbasid’s reign into another; see Chapter 3 at n. 97.


been the work of a later writer who sought to paper over a gap. For if he had possessed a persuasive account of al-Mutawakkil’s directive, one congenial to his purposes, why bother patching together a vulnerable one?

It is a curious irony that this very Muslim secretary, al-Najāḥ b. Salamah, who before his downfall had charge of the Bureau of Prescripts and of Supervising Government Officials (dīwān al-tawqīʿ wa-l-tatabbuʿ ‘alā l-ʿummāl) was in fact the author of al-Mutawakkil’s prescript (tawqīʿ) dismissing non-Muslim officials, which is translated below. We lack the evidence to determine how the story of his downfall was transmuted to explain that of his Christian rivals, but we can be certain that the melding of the two stories disqualifies the latter one as a viable historical explanation for al-Mutawakkil’s watershed policy toward non-Muslim officials.

Let us turn, then, to sources by Christian writers. How did they explain al-Mutawakkil’s measures? It turns out that they offer conflicting accounts, too. One source, the historical section of the Nestorian Kitāb al-majdal, probably compiled by one ʿAmr b. Mattā in the early fifth/eleventh century, offers a completely different explanation for the policies, which, significantly, it places well after 235/850.22 Here the measures are brought on by elite Christians who squabble over the appointment of their church’s head, the Catholicos, who was traditionally invested by the caliph. After a long vacancy in the office spanning the reigns of al-Muṭāṣim and al-Mutawakkil, the influential Nestorian official Ibrāhīm b. Nūḥ al-Anbārī gets behind the candidacy of one 造船者.23 But al-Mutawakkil’s Nestorian physician, Bukhtīshūʿ b. Jibrīl, intervenes with his patron in favor of a different candidate, Tādhiṣīs (Theodosius), who is duly invested early in 238/852.24 Ibrāhīm b. Nūḥ then fights back against Bukhtīshūʿ’ s maneuver. Though he gets little support from fellow Nestorians, Ibrāhīm does succeed in arousing the caliph’s anger against his doctor. Bukhtīshūʿ is promptly humiliated, the Catholicos Theodosius is imprisoned just a month after his appointment, and al-Mutawakkil sets about “destroying the churches and monasteries in Samarra, treating the Christians in the worst way, and forbidding their employment in government jobs.”25

The text then gives a long list of specific disabilities that were imposed. This list accords remarkably well with those listed in Muslim historiography.26 But here, too, the chronicler struggled to make sense of the policy. The detailed investiture story is connected to the persecutory policies only by the phrase

22 Gismondi, ed., Maris Amri et Slibae, 1:77–80. For the separate identity, authorship, and approximate date of this work and the one by Ṣalībā b. Yuḥammā published with it, I follow Holmberg, “A Reconsideration of the Kitāb al-Maḏdal.”
23 Cabrol, Les secrétaires, pp. 61, 193.
“and it is said that the reason for all this was . . . ”

This is a tentative retrospective, not an inside scoop. The chronicle’s overall characterization of what happened is certainly suggestive for how Christians might have understood the policies: “the enviers bested them due to the change in the caliph’s stance toward Bukḥīšū’ . . . every evil person got from the Christians what he desired.”

But as a robust etiology of the caliph’s policy it is hesitant and anecdotal. It is also chronologically impossible if we believe the Muslim sources, which date the caliph’s measures to ca. AH 235, two or three years before the doctor’s downfall in this account. Besides, it is manifestly improbable that the caliph should have taken empire-wide measures against all non-Muslims in a fit of pique with one doctor.

What is more, al-Ṭabarī reports that Bukḥīšū’ was deposed only in 244, for reasons unrelated to the succession and long after the caliph’s measures against non-Muslims. The entire Bukḥīšū’ affair thus appears to be a red herring.

Other Christian historiography – notably the works by Saʿīd b. al-Bīṭrīq, Michael the Syrian, and Bar Hebraeus – offers little more by way of explanation. None of these sources mentions dismissal from office, nor does it mention the measures. The History of the Patriarchs of Alexandria does mention dismissal, along with a great many other details, but explains the policy only as Satan’s pseudo-cause.

The Samaritan history known as the Continuatio confirms that al-Mutawakkil’s measures were applied even among the Samaritans in Palestine, but is silent on the reasons for them.

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29 For the “pseudo-cause” topos that this represents, see Noth and Conrad, The Early Arabic Historical Tradition, pp. 177–89.
30 al-Ṭabarī, Taʿrikh, 3/3:1437 and further Miah, Reign, p. 99. On the chronological problems see Abele, Der politisch-gesellschaftliche Entfuß, p. 126. Fiey attempts to mitigate the first problem by relating Bukḥīšū’’s fall to the measures of 239 rather than those of 235. But the source (Kitāb al-majdal) explains the earlier ones only by citing the doctor’s downfall, dated to 238, and Fiey’s solution also does nothing to resolve the discrepancy with al-Ṭabarī’s date for Bukḥīšū’’s fall. Ibn Abī Uṣaybi’ah likewise dates his fall to 244 and alludes to another one shortly before the caliph’s murder in 247 (Uyūn al-anbā’, 1:138–44).
31 The relatively early Arabic history by Saʿīd b. al-Bīṭrīq (Eutychius of Alexandria, d. 328/940) juxtaposes al-Mutawakkil’s discriminatory policies to his anger with Bukḥīšū’, though without explicitly connecting them. Bar Hebraeus (d. 685/1286) calls al-Mutawakkil a “hater of the Christians” and lists the measures he imposed, noting that they were also applied to the Jews. He places these measures alongside the anti-Shī’i ones. Bukḥīšū’’s downfall is discussed separately from the discriminatory measures (the caliph is said to have envied him [ḥsam behi]). (Saʿīd b. al-Bīṭrīq, Eutychii Patriarchae Alexandrini Annales, 63. This is the later “Antiochene recension”); the earlier and often more reliable “Alexandrian recension” has a lacuna here; see Breydy, Das Annalenwerk des Eutychios von Alexandrien, p. 148); Bar Hebraeus, Gregorii Barhebraei Chronicon Syriacum, pp. 157.
32 History of the Patriarchs of the Egyptian Church, 2/1: 4–10 (Ar.); 5–16 (Eng.).
33 The Continuatio of the Samaritan Chronicle, pp. 91–93.
Al-Mutawakkil’s Prescript against Non-Muslim Officials

The decks are clear, then, of viable explanations for the caliph’s policies. The authors of the surviving sources either lacked evidence that explained them, or thought it impolitic to record what they knew, and so they resorted to speculative anecdote or silence. Any explanation that we propose must now take into account the surviving text of al-Mutawakkil’s prescript to dismiss non-Muslim officials from office. Unlike the document by which he implemented the ghīyār, it has never been translated or studied. The best text of it is found in Kitāb shūrūṭ al-naṣārā by the Damascene judge Abū Muḥammad ʿAbdallāh Ibn Zabr (d. 329/940), a manuscript of which was discovered by Mark Cohen, who published it in 1999. Cohen described the text as one of “the two well-known decrees” of al-Mutawakkil. It had indeed been known from al-Ṭabarī’s allusion and from other sources that Mutawakkil had dismissed non-Muslim officials, and a text purporting to be an edict (kitāb) on the matter survived in witnesses to the unidentified sixth/twelfth-century source referred to above. But the text of this document was in fact new when Cohen published it. Two additional witnesses that have come to light since Cohen’s article give less complete but nonetheless substantial portions of the prescript: these are Manhaj al-ṣawābī qubh istiktab ahli al-kitāb of Ibn al-Durayhim (d. 762/1361) and the anonymous eighth/fourteenth century work entitled al-Qawl al-mukhtār fi l-man ‘an takhyīr al-kuffār, which cites Ibn Zabr by name. These witnesses help in establishing the text of the prescript. After presenting a translation and brief study of this text, I will use its contents to argue that al-Mutawakkil’s measures were part of a broader effort to acquire political and symbolic capital for the caliphate. Significant variants are indicated in the notes.

This is a copy of the prescript to the heirs apparent concerning desisting from seeking the assistance of Christians:

In the Name of God, the Compassionate and Merciful:

For a translation of the ghīyār edict, see al-Ṭabarī (Kraemer, trans.), Incipient Decline, pp. 91–94.

Cohen, “What was the Pact of ʿUmar?” I have consulted both this edition and images of the manuscript, pp. 16–18 (see Bibliography; ms. is numbered by page, not folio). See also Ibn Zabr, Juz’ fihi shurūṭ al-nasārā, pp. 39–41.

Cohen, “What was the Pact of ʿUmar?” p. 111 n. 34.


ID does not specify Christians.
God has chosen Islam, made it victorious, and made it an upright, mighty, and formidable religion. “Falsehood comes not to it from before it nor from behind it.”\(^{40}\) He has favored his caliphs on his earth (khulafāʾahu fī arḍīhī) — those whom he entrusts over his servants — to uphold its laws and to enliven its signs and its customs. Therefore he chose them from among “the best nation ever brought forth to men.”\(^{41}\) And He elevated their mission and gave them dominion over the earth and uplifted their religion “above every religion, though the unbelievers be averse.”\(^{42}\) He did not give to them, or to any of those whom he appointed to lead\(^{43}\) his people, need or necessity for any member of the non-Muslim communities in any of their religious or worldly affairs. Rather, he made\(^{44}\) right and firm judgement to entail banishing them from appointments and casting them far away from any appeal for their aid.\(^{45}\) For the ruler seeks for his appointments people of good will and trustworthiness, but in the dhimmis these two qualities are altogether lacking. As for trustworthiness, not one of them is to be trusted over the monies collected and the affairs of the Muslims because they are enemies of the religion and rebels against it. As for good will, it cannot exist among people whose place among the Muslims is one of compulsion, subjugation, humiliation, and abasement. God (mighty and glorious) has plainly forbidden befriending them in his Book, saying, “O believers, take not for your intimates outside yourselves; such men spare nothing to ruin you,” and so forth.\(^{46}\) And He said, “O believers, take not Jews and Christians as friends; they are friends of each other. Whoso of you makes them his friends is one of them.”\(^{47}\) And He whose speech is Truth has said, “O believers, take not the unbelievers as friends instead of the believers; or do you desire to give God over you a clear authority?”\(^{48}\) along with many verses and reports transmitted from the Prophet (God bless and keep him) and from the righteous forebears (sāliḥī l-salaf) concerning how it is forbidden to seek their assistance in any of the Muslims’ affairs. The Commander of the Faithful has the most responsibility to follow these examples.\(^{49}\) By God is he made successful and upon Him does he rely. He is sufficient for him, the Best Trustee.\(^{50}\)

\(^{40}\) Q. 41:42. The verse refers properly to the Book, not Islam.

\(^{41}\) Q. 3:110. For the use of this verse in an edict against non-Muslim officials attributed to ʿUmar II, see Chapter 3, p. 69.

\(^{42}\) Cf. Q. 9:33, 61:9.\(^{43}\) siyāsah (ID, QM; cf. IZ: silsilah).

\(^{44}\) jāʿala (ID, QM; cf. IZ: ḥasala).\(^{45}\) istīzhār (QM; cf. IZ, ID: istiţān).\(^{46}\) Q. 3:118.

\(^{47}\) Q. 5:51.\(^{48}\) Q. 4:144.

\(^{49}\) For a parallel to this locution (awlā man . . . ) in a caliph’s decree, see Ibn al-Jawzī, al-Muntazam, 16:273, s.a. 480.

\(^{50}\) wa-billāhī tawfīquhu wa-ʿalayhi tawwakkuluhu wa-huwa ḥasabuhu wa-niʿma l-wakīl, the last phrase a variant of a standard one, based on Q. 3:173 and known as the ḥasabalah, that became a conventional concluding flourish for government rescripts and other Arabic documents (e.g., Stern, Fāṭimid Decrees, esp. pp. 121–22). Its appearance in the middle of this tawqīʿ thus appears somewhat peculiar (I thank Marina Rustow for pointing this out to me). Indeed, some Abbasid state documents later than this one do conclude with versions of the ḥasabalah (e.g., the later oath of allegiance given to al-Muʿtamid in 251 [wa-ḥasabunā l-lāḥu wa-nīʿma l-wakīl] or a document drafted on behalf of al-Muʿtaṣid in 284 [wa-l-lāḥu ḥasabu amīrī l-muʾminīna fikum wa-ʿalayhī tawwakkuluhu . . . ]; al-Ṭabarī, Taʾrikh, 3/3:1549, 2177). However, versions of the ḥasabalah do appear in the middle of earlier state documents (e.g., a letter by al-Maʿmūn in 218 [wa-mā tawfīqīmīrī l-muʾminīna illā bi-l-lāḥī wahlahu wa-ḥasabuhu l-lāḥu wa-kafā bihī . . . ] or one from the rebel Māźyār in 224 [wa-l-lāḥu ḥasabunā wa-huwa waliyūnā wa-ʿalayhi natawakkalu . . . ]; al-Ṭabarī, Taʾrikh, 3/2:1117, 1271). Thus, the medial ḥasabalah here might be regarded as evidence of third/ninth-century provenance.
The Commander of the Faithful has decided—since in seeking the assistance of dhimmis in the tasks and affairs of the Muslims there lies harm to those of the tax revenues that they dissipate and to the rightful purposes of that toward which they stretch out their hands, considering it lawful to act deceitfully toward it and reserve it for themselves, and [since there also lies harm] in appointing them to collect what ought more properly to be collected from them, because of the jizyah that is incumbent upon them and whose collection from them “out of hand while being humbled” God has commanded, and the degradation, humiliation, and declaring treacherous that is incumbent upon the Muslims because of that toward which they stretch out their hands and tongues, and because of the exaltation, care, and maintenance of religion, the revival of the Book of God and the sunnah of his Messenger (God bless and keep him) and the upholding of Islam and the community that God has made incumbent upon the Commander of the Faithful—that the help of the dhimmis is not to be sought in any of the Muslims’ affairs and revenues, or in the direction of their tax collection and collection of their monies in the bureaus of the elites and the masses in the capital or the provinces, and in all of the tax districts and estates, including the treasuries, the accounting offices, the mines, the post, and all the assignments in any place, except for those who are appointed to work in the private assignments and expenditures of the Commander of the Faithful, and who have no power or authority over a Muslim. They shall be retained in this work pending the study of the work they do and the selection of Muslims to take their place. Then they shall be dismissed from it. Also excepted are those whose assistance is sought as his private stewards and in his domestic expenditures and retinues.

[And the Commander of the Faithful has decided] that this [prescript] be directed to the heads of the bureaus. Let edicts expressing it be sent to all of the assignments, public and private, in the empire, that they may obey it and heed it. Let those in charge of the post and intelligence inspect the scribes, the officials, and the dhimmis in their purviews in this matter, and let them write to the Commander of the Faithful concerning it and be honest with him about it. He shall bring down such [punishment] upon whoever disobeys his command as to instruct others by it. Let them all be warned against hiding one of the dhimmis by appointing him and ascribing [his position] to someone else. Whoever does this shall obtain from what he has deemed lawful for himself such disapproval from the Commander of the Faithful and others that no good shall come to him thereafter, nor shall he have any power to resist it, God willing.

Najāḥ b. Salamah wrote [this] on Sunday the thirteenth of Shawwāl in the year 235.

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51 The text of the long parenthetical explanation that follows here may be corrupt; my emendations and translation are provisional. I thank Andras Hamori and Hossein Modarressi for discussing this passage with me.
52 idh (IZ; cf. ID, QM: idhā).
53 ya ṭūnāna (IZ; cf. ID: ya τανίνα, QM: τυνινα).
54 ihtijāzahu (ID; cf. IZ: ihtijābahu, QM: ihtihāmahu). What follows, to “being humbled,” is lacking in ID.
55 jibāyatihā (emendation; cf. IZ: jināyatihā, QM: khyānatihā).
56 ihtihā uhu (emendation; cf. IZ: ikhtānāhu; QM: ikhtānina).
57 Q. 9:29.
58 QM adds wa-ālīhi.
59 What follows, to “heads of the bureaus,” is lacking in ID.
60 What follows, to “Let those in charge,” is lacking in QM.
61 fihi (emendation; cf. IZ: anhu; lacking in ID, QM).
Three matters must be addressed in connection with this document: its authenticity and date; its relationship to the other evidence for al-Mutawakkil’s measures regarding non-Muslims; and how its argumentation relates to the broader purpose of the measures.

The authenticity and date of the prescript

There are internal indications that this text should be accepted as a witness to a historical prescript of al-Mutawakkil’s reign. These include the generally plausible date, allusion to the “heirs apparent” whom al-Mutawakkil is independently known to have appointed, and ascription to a known secretary of al-Mutawakkil, the very al-Najāḥ b. Salamah whom we encountered above. Another indication of historicity is the clearly caliphal perspective. The caliphs are called khulafāʾ [Allāh] fi ardiḥī – the “deputies of God on earth” – a controversial formulation that would have been frowned on by later scholars, for whom the caliphs were merely successors to the Prophet. Along with the prescript’s general lionization of the caliphal role, this phrase bespeaks a caliph’s perspective. But the strongest reason to accept the prescript as a witness to one composed in al-Mutawakkil’s reign is that it awkwardly makes exception for the non-Muslim of officials who administer the caliph’s own personal affairs. Someone wishing to put words in a caliph’s mouth to advocate or justify a later policy would be unlikely to concoct such exceptions. The exceptions also bespeak the recognition that the prescript would have real effects, and is therefore an additional mark of historicity.62 This contrasts to the unremitting invective attributed to ʿUmar II. It is not surprising that the embarrassing exception clauses were omitted in the versions of al-Qawl al-mukhtar and Ibn al-Durayhim’s Manhaj al-ṣawāb. Although these indications are not conclusive, there is also no sign that this text is a pseudepigraph, and much independent, near-contemporary evidence to corroborate its general outlines.

The date of the prescript and its address to the heirs apparent, however, present problems. According to the usual references, 13 Shawwāl 235, the date given in the document, was a Wednesday. Why then does the document claim it was a Sunday?63 And although the better-known ghiyār document copied by

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62 The caliph al-Muqtadir is likewise reported to have made exceptions for accountants and physicians when he dismissed Jewish and Christian officials in 296/908–9 (Ibn Taghrībirdī, al-Nujūm, 3:165).

al-Ṭabarî in his chronicle is also dated to Shawwāl 235, the year in which al-Ṭabarî also mentions the removal of non-Muslim officials, a further difficulty is that our prescript was addressed to the “heirs apparent.” The ceremony designating al-Mutawakkil’s three sons and granting them authority over various provinces occurred about two months after the date of this document, around 26 or 27 Dhū l-Hijjah 235. The eldest, Muḥammad al-Muntasir, had been appointed as a governor in Arabia two years before, but this hardly made him an heir apparent, and in any case the word “heirs” (wulāt) is plural in our prescript. Thus either the date given here for the prescript is wrong, or the prescript was not in fact addressed to the heirs apparent.

To solve this problem, I propose that the date is indeed wrong, and that our prescript was issued in 236, not 235. Emending the year to 236 solves both the problem of the day of the week – 13 Shawwāl 236 was indeed a Sunday – and that of the heirs apparent, for by that date in 236 al-Mutawakkil’s sons had been granted that title. The early account of al-Yaʿqūbī (d. 284/897 or 98) lends support to this emendation. It distinguishes al-Mutawakkil’s ghīyār measures from those that he took later against non-Muslim officials and sanctuaries. The former come before the caliph’s designation of the heirs apparent, while the latter are placed immediately after it; al-Yaʿqūbī specifies that “in this time” edicts on the matter were sent all over the empire. Since this information is given by al-Yaʿqūbī, whose work is the earliest of the sources used here and appears to be independent of al-Ṭabarî’s and al-Ṣūlī’s, its testimony deserves special consideration. Further evidence to support this hypothesis is found in the Muntazam of Ibn al-Jawzī (d. 597/1200), who under the year 236 reports, without mention of any other measures against non-Muslims, that “[al-Mutawakkil] expelled the Christians from the bureaus and forbad anyone to seek their assistance; he dismissed them from appointments and forbad that they should be employed in any of the Muslims’ affairs.” It will be noted that the wording of this terse report closely matches that of the prescript. It is probable, then, that the date of the employment edict became confused with that of the sumptuary edict in the latter two sources, which are textually related to one another. But the two edicts were originally separate.

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64 I.e., 11 or 12 July 850 (al-Ṭabarî, Taʾrīkh, 3/3:1396–96; cf. Saʿīd b. Bīṭūq, Annales, 62, where the author, like al-Ṣūfī [previous note], places the ceremony a few days later, in early Muḥarram 236). The sources are unlikely to have unanimously got the date of this important ceremony far wrong.
66 al-Yaʿqūbī, Taʾrīkh, 2:594–95. In addition, al-Najāḥ, who is credited with this tawqī document, was evidently not appointed over the tawqī until 236–37.
Connecting the evidence

The prescript translated above stands in some relation to two other pieces of evidence: the edict (kitāb) against non-Muslim officials found in the witnesses to the unidentified sixth/twelfth-century source, and the well-known sumptuary restrictions (ghiyār) affecting non-Muslims, evidence of which is found in earlier sources. We shall take these relationships in turn.

Prescript and Edict  We have seen that the anecdotes surrounding al-Mutawakkil’s measures in the witnesses to the unidentified sixth/twelfth-century source are questionable as historical explanations for the events they describe, however interesting they may be in other respects. But the edict (kitāb) that is found in the same witnesses may, by contrast, preserve salient evidence. Its themes closely parallel those of the prescript translated above. Both begin by describing how God has elevated Islam and humbled non-Muslims, using many of the same Qur’anic verses. Both accuse non-Muslim officials of unspecified wrongdoing, evince a caliphal perspective, and conclude by commanding the caliph’s agents to dismiss the non-Muslim officials in their spheres of authority. After the edict, names of several relatively obscure Christian officials who converted are given; these match the names given in earlier sources in connection with the same events.68 On the whole, then, despite the fact that the edict in the later sources has no date, no scribe, no “God’s caliph,” and no exception made for non-Muslims in the caliph’s personal staff, it deserves serious consideration as a source for al-Mutawakkil’s reign.

But how does it relate to the prescript? The most compelling explanation is that the prescript was indeed a tawqī’ – a signed caliphal order – that prompted his subordinates to compose the edict (kitāb). Indeed, the prescript commands that “edicts . . . be sent” (wa-tukhraju bihi al-kutub). Therefore it is not itself an edict. Indeed, a public edict might well prefer not to announce that the caliph had exempted himself from his own righteous decree. The edict, meanwhile, informs us that the caliph “has seen fit to write to his officials” (raʾā an yaktuba ilāʾ ummālih . . .) and instructs that “the edict of the Commander of the Believers (kitābu amīrī l-muʿminīna hādhā) be read out in every district.”69

It seems, then, that we have two documents: a caliphal prescript and an edict that publicized it.\footnote{For Qudāmah b. Ja‘far’s description of how this bureaucratic process worked in a somewhat later period, see van Berkel, “The Bureaucracy.” pp. 92–93. Here, too, a separate directive \textit{(kitāb)} is drawn up in response to the caliph’s signed approval \textit{(tawqī’)} on a proposed response to a petition.}

In sum, AH 235 is the \textit{terminus post quem} for al-Mutawakkil’s measures affecting non-Muslim officials. However, they probably came in 236 and were implemented unevenly across the empire in succeeding months and years. It is probable, too, that we possess witnesses to the texts of both the caliph’s prescript \textit{(tawqī’)} by which he initiated measures against non-Muslim officials, and an edict \textit{(kitāb)} by which those measures were proclaimed.

\textit{Sumptuary regulations and non-Muslim officials} How did the caliph’s measures against non-Muslim officials relate to those that called for a somewhat idiosyncratic version of the sumptuary restrictions \textit{(ghiyār)}, including, reportedly, wearing clothing of unusual hues, fastening distinguishing symbols to their garments, wearing special belts, altering their riding tack in particular ways, relinquishing many of their houses and places of worship, having their children expelled from Muslims’ schools, and hanging ghoulish effigies on their doors?\footnote{al-Ṭabarī, \textit{Taʾrikh}, 3/3:1389–95; al-Ya qūbī, \textit{Taʾrikh}, 2:594; Gismondi, ed. \textit{Maris Amri et Slibae}, 1:79 (ʿAmr), \textit{Asfār}, 2:71 (Ṣaltībā); \textit{History of the Patriarchs}, 2/1: 7–8 (Eng.), 4–6 (Ar.); Saʿīd b. Biṭrīq, \textit{Annales}, p. 63; Bar Hebraeus, \textit{Chronicon}, p. 155.} Although the two sets of measures were issued in the same period of the caliph’s reign, and probably for related reasons, they must not be conflated. As argued above, the prescript against non-Muslim officials was probably drawn up in 236, a year later than that which imposed the \textit{ghiyār}. Indeed, the former does not refer to the \textit{ghiyār}, nor the latter to any dismissal of non-Muslim officials. In fact, the \textit{ghiyār} edict does not balk at non-Muslims holding high station and evidently presumes that they will remain employed.\footnote{All non-Muslims in the empire were to comply, “the most elite and the most lowly \textit{(akḥassahum wa-akhassahum)} . . . their merchants and officials \textit{(kuttābihim)}, great \textit{(kabīrīhim)} and small . . .” (al-Ṭabarī, \textit{Taʾrikh}, 3/3:1392).} The two documents also make very different arguments, setting aside that of God’s special exaltation of Islam, which, though important in both, is also a boilerplate way to open a caliphal missive.\footnote{E.g., the letters of two late-Umayyad caliphs in Crone and Hinds, \textit{God’s Caliph}, pp. 118, 126.}

The caliph instituted the \textit{ghiyār}, the edict itself claims, to maintain separation. Muslims should be set apart as God has set them apart. Accordingly, the edict details various purity laws concerning food, drink, and sex that help to accomplish this. It explains that Muslims are really very different, since God has made everything about them vastly better than everything about other people. This fact ought to be manifested outwardly in order that Muslims might live out their God-given
superiority, and others their God-given disgrace. In other words, the document seeks to help Muslims to concentrate a reservoir of symbolic capital in their persons by erecting a visible barrier (different dress) between them and others. The barrier retains capital on one side of a divide across which it might otherwise travel. Communal affiliation is thus made to supersede wealth or professional status as the salient marker of prestige. The resources sought through this differentiation and the confiscations that followed it may have been heavily material. Crucially, the agency in all this is ascribed to the caliph. The argumentation of the prescript against non-Muslim officials, by contrast, lacks much of what is distinctive about this reasoning, save for the lionization of the caliph.

The argumentation of al-Mutawakkil’s prescript

In the employment prescript translated above, as in the ghiyār edict, the argument rests on the superiority of Islam, as might be expected. But here the similarity ends. There is nothing in the employment prescript about purity or separation. Rather, the chief arguments are as follows: 1) Muslims have no need of non-Muslims’ help; (2) non-Muslims are untrustworthy because they are enemies of the true religion; (3) they inevitably wish Muslims ill because Muslims have humiliated them militarily and politically; (4) the Qur’ān forbids befriending them, in 3:118, 4:144, and 5:51; (5) “stories handed down from” (akhbār maʾthūrahʾan) the Prophet and the righteous forebears (ṣāliḥī l-salaf) show that the latter forbad non-Muslims’ help in any affair of the Muslims; (6) non-Muslims peculate incorrigibly; (7) they ought to be humbled, because (a) God commanded it and (b) they are venal; (8) the caliph bears primary responsibility for upholding religion and restoring the rule of the Qur’ān and the example (sunnah) of the Prophet.

Most of these arguments are familiar from the stories attributed to ʿUmar I and II in Chapter 3 (notably Nos. 1, 2, 4 [3:118 and 5:51], 5 [implicitly], 6, 7 [a], 8 [implicitly]). This observation is important when taken along with the prescript’s nod to stories about the Prophet and the righteous forebears, for it recalls the concerns of a politically and socially influential group in Abbasid Iraq of the middle third/ninth century: the traditionists.

74 For a clothing trend that began at the caliphal court and spread rapidly in society, becoming known as “Mutawakkilian dress,” see al-Masʿūdī, Murūj, 7:190. This fact signals the importance of clothing as a bearer and sign of symbolic capital in the period, from access to which the document attempted to exclude non-Muslims (the type of fabric that al-Mutawakkil popularized, al-Masʿūdī reports [al-mulham], is precisely the same that al-Jāḥiẓ also complained that Christians were wearing; al-Radd, 3:317).

75 Lassner and Bonner, Islam in the Middle Ages, pp. 187–88.
Since there is little sign that the prescript was occasioned by the caliph’s personal convictions, by those of his courtiers, by any prospect of greater administrative efficacy, or by the trivial incidents given as anecdotal etiologies in the sources, the question remains: Why did al-Mutawakkil dismiss non-Muslim officials? What was the edict meant to accomplish?

The evidence compiled above indicates that caliph’s policy measures against non-Muslims are best understood as sops to leading traditionists of the day. These measures appealed to their commitment to the paradigmatic example (sunnah) of the Prophet and his Companions, and, in thinly veiled language, to specific stories about how those early figures had dealt with non-Muslim officials. Indeed, the familiar paradigmatic stories about ‘Umar’s rejection of Christian secretaries and the Prophet’s rejection of pagan fighters were nowhere more prominent in the Arabic literature of the third/ninth century than in the recorded speech and writings of the traditionists of Baghdad. Ibn Ḥanbal, their leading light, reportedly quoted two of the stories about ‘Umar I and the best-known one about the Prophet’s rejection of pagans to answer a question that was put to him: “Are Jews and Christians to be employed in the official posts of the Muslims, like the land tax?” He quoted the stories to support his verdict on the matter, namely, “Their help is not to be sought in anything (lā yusta’ānu bihim fi shay’).” Al-Mutawakkil’s prescript echoes this phrase almost verbatim (lā yusta’ānu bi-ḥadin min ahli l-dhimmati fi shay’).

It should also be noted that two of the three Qur’ānic verses quoted in the prescript are precisely the two that are given in the stories about ‘Umar I. Indeed, there is credible early evidence that al-Mutawakkil consulted with the jurists of Baghdad, above all Ibn Ḥanbal, about the treatment of non-Muslim sanctuaries, and that Ibn Ḥanbal advised him on the basis of the ḥadīth he knew. Given the similarity between the wording of the caliph’s tawqī and that of Ibn Ḥanbal’s responsum, as well as al-Ya’qūbī’s testimony that the measures against officials were taken concurrently with those against sanctuaries, a similar process of consultation may well have taken place in this instance.

For Ibn Ḥanbal and likeminded traditionists, such as Ishāq b. Rāhawayh or al-Mutawakkil’s appointee Ibn Qutaybah, who also transmitted the reports about ‘Umar I in their writings, such stories were the touchstone of good governance. Those same traditionists controlled access to reservoirs of capital

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76 Yarbrough, “Upholding,” §§1–2. For the stories about the Prophet’s rejection of pagan fighters, the most prominent of which was disseminated almost exclusively by Mālik b. Anas, see Yarbrough, “I’ll not accept aid from a mushrik”; al-Qāḍī, “Non-Muslims in the Muslim Conquest Army.”
both political (the broad-based support of pious masses in Baghdad) and ideational/symbolic (the authority, earned in part by their own piety and learning, to buttress or undermine the caliph’s legitimacy, which had been battered by the *miḥnah*).79 The measure was thus an opportunistic part of the caliph’s effort to secure access to those reservoirs, or at least to deny them to his opponents. In addition, it may have been an attempt by al-Mutawakkil to redraw socio-political boundaries to his own advantage. He elected not to stress *intra*-Muslim distinctions and the superiority of his own minoritarian Muslim faction, as al-Maʾmūn had done by lionizing the caliph’s office, making the Qurʾān’s createdness a shibboleth for its backers (whom he made out to be the true Muslims), and explicitly refusing to employ Muslim dissenters. Instead, al-Mutawakkil here attempted to draw traditionists and their opponents within a single sociopolitical circle by stressing their distinction from and superiority to non-Muslims and Shiʿis.80 His success, if it came, would make him the focal point of this broader Muslim community, at the cost of a major concession of authority to the traditionists.

This account of al-Mutawakkil’s measures fits with much else we know about his reign. There is a good deal of evidence that the caliph was an energetic and opportunistic advocate for his own interests, but little that he was driven by principled convictions, traditionist or otherwise.81 He discontinued the *miḥnah*, a liability, simply by forbidding debate on the matter: “no one would be secure who advocated for the Qurʾān’s createdness or its uncreatedness.”82 When he assembled traditionists to narrate ḥadīth under his

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79 The widespread and potent public support for the third-/ninth-century traditionists is well known. For their opponents’ admission that they had won the hearts and minds of most people, see Hurvitz, “Miḥna,” 98, 100–101, 102, 105. The abortive 231/846 revolt of Ḥmād b. Ṣaʿd al-Khuṭāḏī in support of the traditionist cause shows that its popular support was dangerous. When rumor spread in 237 that al-Mutawakkil might take down his corpse from where it had been gibbeted ever since, al-Ṭabarī has 20,000 of al-Khuṭāḏī’s riff-raff supporters assemble (*Ṭuʾrkh*, 3/3:1412–13). For al-Khuṭāḏī’s revolt see Turner, *Inquisition*, 104–14; idem, “End,” 96–97; idem, “The Enigmatic Reign of al-Wāthīq,” pp. 224–28; Cooperson, *Classical Arabic Biography*, p. 39. But for a salutary reminder that Ibn Ḥanbal was in practice a quietist, see Cook, *Commanding Right*, pp. 103–5.

80 In his letters, al-Maʾmūn insists in hostile terms that his Muslim ideological opponents have departed the fold of Islam (e.g., al-Ṭabarī, *Ṭuʾrkh*, 3/2:1112–33) and forbad their employment as state officials (e.g., al-Ṭabarī, *Ṭuʾrkh*, 3/2:1116). I thank John Nawas for stressing this point to me.

81 Turner, who argues persuasively that the discontinuation of the *miḥnah* was not due any principled convictions of the caliph’s, also notes: “That al-Mutawakkil had a religious policy is clear given his restrictions on the *dhimmi* and Shiʿa” (“End,” p. 89 n. 2). However, policies affecting the sanctuaries and social and political lives of religiously defined political sub-groups need not be “religious” in their motivations.

82 al-Maqdisī, *Kitāb al-badʾ*, 6:121; see also al-Ṭabarī, *Ṭuʾrkh*, 3/3:1412; al-Masʿūdī, *Murūj*, 7:191; Turner, “End,” p. 98. To regain traditionist approval, al-Mutawakkil only needed to stop supporting the created-Qurʾān faction; since no explicit text (*nāṣa*) existed to decide the matter, the traditionists did not advocate that the uncreated-Qurʾān doctrine be imposed. I owe this point to John Nawas.
aegis, it seems to have been an occasion for reciting pro-Abbasid propaganda. All the same, he did make steady overtures to Ibn Ḥanbal beginning in AH 235, coinciding precisely with the measures against non-Muslims. His overtures took the form of clothing, food, money, and the presumed prestige of associating with his own person. Most of these were reportedly refused by the old scholar.

The caliph needed Ibn Ḥanbal’s support. In the preceding years his forebears had squandered a great deal of symbolic capital on the miḥnah and were also casting about for material and political resources. The measures against non-Muslim officials were in several ways a concession to the traditionists, calculated to win their support by ceding a degree of caliphal authority and foregoing – at least temporarily – the services of able and easily controlled non-Muslim administrators. A few decades before, when al-Maʾmūn’s family grumbled that he had appointed Zoroastrians over them, his recorded reply is that they had no right to complain even if he, God’s caliph, were to subject them to monkeys and pigs. The caliph had come a long way down from this kind of claim. In our prescript, al-Mutawakkil conceded that the “Example (sunnah) of the Messenger of God” and the conduct of the pious forebears, which was known only from stories selected and curated by the traditionists, set the standard of good governance, and that he was in some sense under its authority. Yet even as he made this concession, he reasserted his own standing in a new way. Although he had the “most responsibility to follow these examples,” it was also he who, on his own authority, interpreted the Qurʾān and other authoritative precedents as applicable to the present situation, took the initiative to issue the prescript and set things straight, threatened any who flouted it with dire consequences, and exempted himself from it. He parroted Ibn Ḥanbal’s juristic language, but the prescript made clear that the caliph maintained an important role: “The Commander of the Believers has decided (wa-qad raʾā amīru l-muʾminīn) . . . that the help of the dhimmis is not to be

83 Melchert, “Religious Policies,” pp. 322–23; this was in AH 234.
84 On al-Mutawakkil’s appeals to Ibn Ḥanbal, see Patton, Ahmed ibn Hanbal and the Mihna, pp. 130–73.
86 El-Hibri, Reinterpreting, 10, 179; Turner, “End,” 104. On dwindling material and political resources, due in part to his own massive spending, see al-Masʿūdī, Murūj, 7:276; Sourdol, Le vizirat, 1:285. The caliph’s readiness to shake down his officials also signals that he was in hot pursuit of resources, though the practice was hardly unique to him (e.g., al-Ṭabarī, Taʾrīkh, 3/3: 1376–77, 1378–79, 1410–21, 1445–46). See also van Berkel, “Embezzlement and Reimbursement,” pp. 712–19.
87 See Chapter 3 at n. 102.
88 This concession was very much in the spirit of the times, and had been made in various ways by other Abbasid caliphs in the preceding half-century. It had become commonplace in al-Rashīd’s reign, then been retracted under al-Maʾmūn (Crone and Hinds, God’s Caliph, Ch. 5, esp. 80–96; Tor, “God’s Cleric”).
sought . . . ” His prescript pandered to the traditionists but also made limited claims for the caliph’s authority on their home turf.

This means, too, that the measures against non-Muslim officials were produced not by abstract principles or doctrines regarding non-Muslims alone, but chiefly by intra-Muslim negotiations over access to resources, namely between the caliph and the traditionists. True, non-Muslim officials, like non-Muslims who passed for Muslims in public and like large and thriving non-Muslim sanctuaries and houses, threatened Muslim religious elites because their prestige could be seen to erode Islam’s. Infidel henchmen to God’s caliph called the whole enterprise of Islam into question, and made its promoters look impotent. This was doubly the case when once “Islam” as the traditionists construed it had begun to absorb elements—especially the stories about ‘Umar I and the applications of Qur’ānic verses they contained—that explicitly condemned the employment of non-Muslims. Muslim administrators who filled the lucrative positions that non-Muslims vacated must also have benefitted. However, the concerns of traditionist elites—who had no direct access to the levers of state power—did not affect the state’s longstanding practice of employing non-Muslims merely by taking durable and authoritative textual form, or by lodging themselves in the ruler’s conscience. Rather it took a struggling, opportunistic caliph who thought he had more to gain by the potential support of certain Muslim leaders than to lose by foregoing the services of his empire’s non-Muslim officials and the good will of their communities.

The caliph may have miscalculated. The traditionists maintained their cool detachment from the caliphate, and al-Mutawakkil’s measures against non-Muslim officials seem to have been dropped in his own lifetime, though probably not in that of Ibn Ḥanbal, who died in 241/855. Indeed, although texts relating to al-Mutawakkil’s exemplary measures were held up frequently by producers of the discourse in succeeding centuries, such edicts retained scant force in Islamic jurisprudence (fiqh). They fell into abeyance upon the caliph’s death, at the latest, and all the more since he had already broken them. In 245/860 when he decided to build a spectacular new capital city, named al-Ja’farīyyah after himself, he entrusted the task to a Christian, Dulayl b. Ya’qūb. And when al-Ṭabarī needed information about private conversations that took place in al-Mutawakkil’s last days, his source was none other than the Christian official Salamah b. Saʿīd. The Nestorian Kitāb al-majdal relates that the caliph eventually “inclined favorably to the Christians and came back round to their side” (taʿttafa ’alā l-nāṣārā wa-rajaʿa lahum), particularly after

90 For aspects of the life-cycle of Abbasid documents, see Sourdel, Le vizirat, 2:605–668 (esp. 616–21 on caliphal decrees); van Berkel, “The Vizier” and “The Bureaucracy.”
91 al-Ṭabarī, Taʾrīkh, 3/3:1438–39, 1463. For further references to Dulayl, see Fiey, Chrétiens syriaques, p. 101 n. 72.
the death of the Nestorian physician Yuḥannā b. Māsawayh, whom he reportedly esteemed, in 243/857. The catholicos Theodosios was freed and entered Baghdad with great pomp, as the secretaries (now evidently back on the job) and doctors had requested. Ibn Ḥanbal would not have been pleased.

Similarly, in Egypt after the arrival of a new governor in 242/856, the tale of woe told in the History of the Patriarchs comes to an abrupt end. Thenceforth al-Mutawakkil earns only praise: “The [Christian] people were glorifying God for the graces they had experienced and praying for the king, Jaʿfar al-Mutawakkil.” Christian high officials reappear in office at around the same time. Al-Mutawakkil’s earlier policies were, then, a short-lived gambit.

There is still a nagging problem, however. Why should the ahl al-hadīth in particular have been mollified by exclusionary measures against non-Muslims? The so-called rationalists were no less invested in Islam and thus affected if it was made to look bad, and the traditionists themselves had a broad and malleable textual heritage that could in principle have been interpreted to sanction a range of policies toward non-Muslims. Ibn Ḥanbal himself is reported to have said that there was no harm in hiring Jews and Christians as minor officials. Admittedly, the surviving evidence of opposition to non-Muslim officials among traditionists is richer than that of indifference to, or support for, their employment, and the traditionists may have felt that the available probative texts obliged them to oppose the practice. To the extent that this was the case, it is an early illustration of the way discursive products of contests over resources in an earlier era could constrain the latitude available to later interpreters. By the middle third/ninth century, opposition to non-Muslim officials was no longer a matter only of clannishness or vague discomfort. Rather, for the first time in Islamic history, we can discern the force that the textually encoded prescriptive discourse around this issue could exert when it was brought to bear by influential advocates whose support the ruler courted. Yet such events were also contingent and creative. They were products of particular historical moments and not mere revivals or reapplications of existing “laws.” In their turn, however, they shaped and structured the discourse as it was elaborated across the following centuries.

But there remains the problem of why al-Mutawakkil selected this issue to please the traditionists. The traditionists’ opposition to non-Muslim officials, and al-Mutawakkil’s attempt to appease it, had more to do with their view of the Abbasid state and its head, the caliph, than with their views on non-Muslims, or with those of their ideological opponents. For nearly two decades the traditionists had suffered the ordeal of the miḥnah. Even under al-Mutawakkil, they

92 Gismondi, ed., Maris Amri et Slibae, 1:80. Asfār al-asrār, written later and more vaguely, has the persecution continue until the caliph’s death (ibid., 2:71).
93 History of the Patriarchs, pp. 11–12 (Ar.), 16–17 (Eng.).
94 See, e.g., Chapter 3, p. 76.
95 See Chapter 5 at n. 36.
96 I owe this point to Lev Weitz.
remained wary of the caliph’s continued pretensions to an authority that challenged their own. The “rationalist” party whose doctrines had aligned with the *mihnah* had not been so conditioned. Indeed, the doctrine of the created Qurʾān may have been chosen as a litmus test in order to augment the caliph’s authority at the expense of the traditionists’. 97 Thus at that moment, to put it crudely, checks on the caliph’s authority and power were viewed more favorably by the traditionists than by their opponents. Dismissing non-Muslim officials was just such a check. Under al-Mutawakkil, as frequently in later Islamic history, non-Muslim officials, like eunuchs and foreign or servile warriors, were the prerogative of political elites who were powerful enough to afford loyal, effective servants who attracted resentment and easily became targets for its expression. 98 This prescript, however, acknowledged an external limit on the caliph’s rule. Indeed, in its exception clause al-Mutawakkil shielded his personal staff from its effects. The document’s significance in its own day lay as much in its cession of the caliph’s power and authority as in its particular dogmatic and legal content concerning non-Muslims. Since it represented a token surrender by the caliph that, like other caliphal documents of the third/ninth century, admitted that he was subject to “the Example of the Messenger of God,” it pandered to the mood of the traditionists in that day, and indeed to their broader dogmatic rejection of the caliph’s authority. 99 Small wonder that it concurrently attempted to salvage some authority for the caliph in the ulama’s brave new world.

97 Watt, *The Formative Period of Islamic Thought.*

98 Thus in AH 251 when the Turkish general Bāghur was killed, on the orders of fellow Turks Bughā and Waṣīf and of the caliph al-Mustaʿīn, his Turkish followers lashed out not against them but against their Christian henchmen: Dulayl (in whose hands, Bughā said, were “my affairs [amr] and those of the caliphate”), Salamah, and the Christian military commander (‘askarī) Ibrāhīm b. Mihrān (al-Ṭabarī, *Ṭārīkh*, 3/3:1540).

99 On the traditionists’ dim view of caliphal authority, see Tor, “God’s Cleric.”
Part II

Elaboration
Another Judge, Another Christian Official, and the Qur’ān

Some forty years after al-Mutawakkil’s short-lived edict, a Christian high official of the Abbasid caliph reportedly visited the revered qāḍī of Baghdad, Iṣmā’īl b. Išhāq al-Azdī (d. 282/895), in a mosque. Iṣmā’īl’s conduct on this occasion should have been easy to predict. He had been appointed by al-Mutawakkil to succeed the judge Sawwār b. ʿAbdallāh b. Sawwār, whose grandfather and namesake had reportedly commanded the beating and humiliation of a Christian official who had come to him in a mosque. Iṣmā’īl belonged to the Mālikī madhhab, the only Sunni one that forbade non-Muslims to enter all mosques. As the first Mālikī to compose a book of Qur’ānic juristic rulings (ahkām al-Qur’ān), he was doubtless concerned to abide by Scriptural commands, including the pertinent verses that we have encountered thus far (e.g., 3:118 and 5:51). He also had transmitted and recorded one of the signal proof texts that Ibn Ḥanbal had used to condemn employing non-Muslim officials: Mālik b. Anas’ Prophetic ḥadīth about the pagan at Badr. Iṣmā’īl had every reason to bristle at the intrusion of this overweening unbeliever.

Yet he did not. Instead, he rose and welcomed him warmly. After the visitor had departed, he addressed the icy stares of the crowd: “I mark your

1 For this episode, which was put in play by Tritton (Caliphs, p. 24) see TMS, 7:280; Yāqūt, Mu’jam al-udabā’, 2:649; cf. al-Qāḍī Iyāḍ, Tarīḥ al-madārik, 4:285. The Christian’s name was ʿAbdūn and these accounts call him “ʿAbdūn b. Sāʾ id the vizier.” However, his name was, in fact, ʿAbdūn b. Makhład (d. 310/922), and he is not known to have been vizier (Sourdel, Le vizirat, 1:321 n. 5, etc.; E2, “Ibn Makhład,” 3:859 [idem]; Cabrol, Les secrétaires, pp. 178–80). Sāʾ id, a convert, was his brother, and all-but-vizier of al-Muwaffaq until his fall in 272/885 (Sourdel, Le vizirat, 1:297, 316–22, 2:704; Cabrol, Les secrétaires, pp. 176–78). ʿAbdūn is not usually associated with a high office under al-Mu ta dīd, but a derisive line of poetry confirms that he was powerful in the period: “ʿAbdūn rules among Muslims, though the poll tax is taken from his like” (al-Masʿūdī, Mūrūj, 8:259).

2 On Iṣmā’īl, see the sources for this episode (which is cited exclusively in biographical entries on him), esp. TMS, 7:272–81 (no.3271); Melchert, “Religious Policies,” pp. 329–30, 339–41.


disapproval. But God Most High has said, ‘God forbids you not, as regards those who have not fought you in religion’s cause,’ etc. (Q. 60:8). This man fills the needs of the Muslims and is a liaison between us and our caliph. Therefore this is only fitting (mina l-bIRR).’ At these words, the story concludes, everyone fell silent.

Whatever its historicity, this anecdote reminds us that even once a prescriptive discourse had taken shape around the issue of non-Muslim state officials and an influential caliph had publicly endorsed it, Muslims still had room to maneuver. Ismā’il al-Azdī, qādī of all Baghdad, was powerful, respected, and deeply learned in hadīth studies, Qur’ānic exegesis, jurisprudence, and related subjects. There is no sign that this anecdote was confected to defame him. Nor is it clear why he adopted the stance he did. As a prominent state-appointed Mālikī in Baghdad, where popular support for Mālikism was somewhat thin, he may have valued his ties to the state marginally more than public opinion. Regardless, his response reminds us that the Islamic textual tradition provides ample and diverse potential resources to inform prescriptive views of non-Muslim state officials.\(^5\)

As we explore the juristic register of the historical discourse surrounding non-Muslim state officials in this chapter, we will see that it reflects this potential, though to a limited degree. The polyvalence of such foundational sources as the Qur’ān and the corpus of hadīth was but one factor among the many that conditioned jurists’ approaches to the question. In order better to understand these factors, this chapter pursues three objectives:

1. To provide a comprehensive and historically sensitive account of the written juristic discourse concerning the employment of non-Muslim state officials, showing that this discourse is more diverse than has been acknowledged.
2. To study the justifications cited by writers who contributed to that discourse, showing the many ways in which they justified a limited range of conclusions.
3. To explain the diversity in their reasoning, arguing that writers were motivated and constrained by the following factors: the need to maintain coherency within their madhāhib and genres; contemporary political and social circumstances, especially the presence and conduct of non-Muslim officials and authors’ own relationships with the state; and the imperative to conserve and augment the symbolic resources available to them as individuals and as a loosely constituted professional group, often by excluding competitors, both Muslim and non-Muslim.

The juristic views studied here come from works written by Muslim jurists (fuqahā’, sg. faqīh) between the third/ninth and ninth/fifteenth centuries, primarily in the discipline of jurisprudence (fiqh), and particularly on its

\(^5\) Cf. Chapter 1, p. 10.
substantive side (furūʿ) as distinct from its theoretical one (usūl). The topic is treated in various places in the fiqh works, most frequently in discussions of who may receive zakāt money – where collectors of the tax are mentioned – and of the office of the judge (al-qadāʾ), among his qualifications and those of his secretary. But in addition to the standard manuals of the principal madhāhib, prescriptive views on the (im)permissibility of employing non-Muslims are also expressed in juristic works of narrower scope, such as juristic political theory (al-siyāsah al-sharʿiyyah), responsa (fatwā, sg. fatwā), and exegesis (tafsīr) of a juristic bent. Views of this kind that are embedded in non-juristic registers of the discourse, notably in entertaining anecdotes and counsel literature (nasīḥah) or in independent polemical works, will be examined separately in Chapters 6 and 7.

I avoid describing these views using the terms “Islamic law” or “legal,” though they derive from the kinds of texts that customarily receive those labels. To a modern audience, these terms are subtly misleading because modern readers tend to assume that “law” is made and enforced by the state. But as any student of Islamic jurisprudence knows, the diverse views of premodern Muslim jurists, whose degree of alignment with states varied considerably, were enforced unevenly at best. This was largely because the Muslim legal schools, as one leading scholar has recently put it, “were . . . never complete legal systems, given that they relied on the state for enforcement.” While Muslim jurists rhetorically framed their views as comprehensive and effective law, states only intermittently treated them as such, especially when jurists aspired to limit what the state itself might lawfully do (e.g., whom it might hire). Muslim jurists were cautious in treating the practical problem of how to regulate and constrain the political elites who ruled premodern Islamic states, and they never solved it. The term “Islamic law” is also unduly narrow because its commonplace identification with formal jurisprudence (fiqh) implicitly excludes other legal visions pursued by Muslims in premodern Islamic societies, such as customary law or the laws promulgated and/or enforced by Muslim rulers themselves. This is not to say that fiqh had no traction with Muslim rulers, who ignored jurists at the peril of their own symbolic and political capital. However, if we conceive of juristic views simply as “law,” we implicitly grant the professional jurists’ claim to speak normatively for all

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6 For recent introductions to fiqh and Islamic law more generally, see Kamali, *Principles of Islamic Jurisprudence*; Weiss, *Spirit of Islamic Law*; Vikør, *Between God and the Sultan*; Hallaq, *Introduction to Islamic Law*.

7 El Shamsy, *Canonization*, p. 225 n. 9. To be sure, they were eminently complete legal traditions (Salaymeh, *Beginnings of Islamic Law*, p. 2).

8 Lambton, “Quis custodiet custodes, I”; Lambton, “Quis custodiet custodes (Conclusion)”; Petry, “‘Quis Custodiet Custodes?’ Revisited.”

Muslims and thus fail to grasp other Muslims’ complex historical decisions when deliberating, as Muslims, about lawful conduct.

Recent scholarship on Islamic juristic reasoning has implicitly accorded socio-historical factors external to formal juristic reasoning a significant causal role in the views of premodern jurists. Behnam Sadeghi’s work, in particular, has shown that the formal reasons jurists offered to justify their prescriptive views should not be taken as the principal determinants of those views. In fact, “[a] jurist’s justification for a law often has little to do with the reason why he or she advocates it.” Instead, jurists more often worked to uphold precedent within their traditions even when it became cumbersome and the original reasons for it were forgotten. Sadeghi calls this “legal inertia.” Conversely, jurists could discard precedents when the effects of advocating for them became intolerably adverse. When abandoning precedents, jurists typically invoked authoritative textual sources and established ethical and hermeneutical principles, not changing historical conditions (e.g., Ismā’īl al-Azdī above). A complex interplay of inertia and change is in fact discernable in the juristic discourse around non-Muslim state officials. Indeed, Sadeghi’s theory is generally borne out by this evidence.

In earlier work that foreshadowed some of Sadeghi’s conclusions, Sherman Jackson likewise argued that, appearances aside, the authoritative texts and principles with which jurists justify their rulings function mainly “to validate rather than determine” those rulings. Strikingly, Jackson’s sole example of a jurist who offers suspect justifications for his view is al-Juwaynī’s excoriation of al-Māwardī, who had suggested that non-Muslims might lawfully be appointed as viziers. Jackson argues that al-Juwaynī’s view was not the product of a legal hermeneutic that mechanically derived conclusions from authoritative sources. The appearance of such a process is, Jackson says, a “fiction.” Rather, “what al-Juwaynī is really trying to do is translate practical concerns into a legal argument that can gain the assent of the legal community as an objective interpretation of specific texts.”

This chapter will build upon and apply Jackson’s and Sadeghi’s approaches, modulating them as the evidence dictates. For example, Sadeghi’s case studies revolve around questions relating to women and ritual prayer, questions that became integral to the Ḥanafī juristic discourse. No Ḥanafī attempt to articulate

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10 E.g., Sadeghi, *Logic*, pp. 143, 160. See also Salaymeh, *Beginnings*, e.g., p. 67.
12 Sadeghi, *Logic*, pp. 30, 175–76. This situation is not necessarily one in which the effects of enforcing the laws became excessively adverse. Even a juristic view that is never enforced can become a liability for a jurist or school, as when a rival convincingly derides it as flimsy. For other important recent studies of change in Islamic juristic thought, see Johansen, *Contingency in a Sacred Law*; Hallaq, *Authority, Continuity, and Change in Islamic Law*.
13 Jackson, “Fiction and Formalism,” p. 199 (emphasis orig.).
14 Ibid., pp. 196–200 (emphasis orig.).
prescriptive views on prayer could avoid them. But Sadeghi does not address issues that arise only intermittently in the juristic literature. Since there was no formal need for any section of a *fiqh* manual to broach the issue of non-Muslim state officials, we must attend to the reasons that a particular jurist raises it at all. Likewise, Sadeghi’s case studies of women and prayer can be related only occasionally to external historical conditions as these are represented in other, non-juristic sources, such as historical chronicles, where both quotidian rituals and women are often underrepresented.  

Non-Muslim state officials, by contrast, appear in other sources with relative frequency, and the views of particular jurists can sometimes be related to their activities in a certain historical setting.

Jackson’s case study would appear to offer a much closer model, as he illustrates conclusions similar to Sadeghi’s using al-Juwaynī’s statement on precisely our issue. Yet the passing historical explanation that Jackson proposes shows limited sensitivity to al-Juwaynī’s historical setting and to the patterns of the discourse around non-Muslim officials. Suggesting that al-Juwaynī’s views may in fact have been “well-founded and even consistent with the broader aims of the law,” Jackson remarks that “even today, Jewish and Christian anti-Muslim bias is a reality, and it would not be unreasonable to assume that it was alive in al-Juwaynī’s 5th/11th century Nishapur.” Here Jackson may project a legitimate twenty-first-century concern—“anti-Muslim bias”—onto a setting where bias in favor of one’s own communal ideology was normative, and one in which Jews and Christians, not Muslims, were socially and politically marginal. Thus there remains a need to situate views like al-Juwaynī’s historically, as far as possible, and to place them alongside analogous views from other settings.

Unfortunately, few of the surviving juristic discussions come with their own historical baggage in hand. Instead they tend to appear as passing, derivative asides in longer, rather technical works. Accordingly, my approach is to link views to their historical settings in the minority of instances where the surviving evidence makes this possible. In both these cases and those where no historical factors are evident, I also note the relationship between the views expressed and any relevant precedents. As a supplement to the approaches of Sadeghi and Jackson, I explore those views’ significance for jurists’ ubiquitous efforts to achieve distinction and access valued resources within their own competitive fields, both inter- and intra-communally. Of particular importance in this regard are the reasons jurists give for their views (*rationes legis*), which are, as noted, strikingly diverse. Diversity is symptomatic of the discourse’s contingency and historically constructed character. It indicates that no proof

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15 But see Katz, *Women in the Mosque*.  
16 Jackson, “Fiction and Formalism,” p. 199.  
17 In Islamic studies, *ratio legis* is sometimes translates Ar. *ʿillah* (e.g., Hallaq, *History of Islamic Legal Theories*, pp. 20–21). Here I use the term more generally to denote the reason given for a normative assertion.
texts or non-textual rationales were universally productive of particular conclusions. Those conclusions might thus have been justified otherwise, or not at all, under different historical circumstances.

The chapter first reviews the juristic reasoning evident in the pre-madhhab prescriptive views encountered in earlier chapters, from the stories about ʿUmar b. al-Khaṭṭāb to the prescript of al-Mutawakkil. It then surveys the recorded statements of pre-madhhab jurists, particularly the eponyms of the madhhab preserves, and proceeds to perhaps the most significant premodern juristic exchange on the issue, namely that between al-Māwardī in al-Aḥkām al-sulṭāniyyah and his detractors, which warrants separate study. The remarkably disparate discussions of the issue within the respective madhhab are then presented chronologically. Finally, non-Muslim prescriptive views on accepting employment are considered.

Two aspects of the discourse’s juristic aspect will become clear. First, views on the permissibility of employing non-Muslims are only loosely correlated with madhhab adherence. This suggests that factors other than the force of madhhab precedent (let alone the stated rationes legis) were significant determinants of those views. Second, views on the issue tended to grow more elaborate and restrictive in later periods. Although some limited explanations for this fact are tendered in this chapter, a fuller treatment is deferred to Chapter 7.

**Employing Non-Muslims**

*Views Ascribed to Early Caliphs*

The views ascribed to caliphs that form the earliest stratum of the discourse cast their prescriptive assertions in terms that prefigured later juristic language, and may thus have influenced it. One argument implicit in these early stories was that the Qurʾān transparently forbids Muslim political authorities to employ non-Muslims. In rejecting the talented Christian secretary from al-Ḥīrah, ʿUmar b. al-Khaṭṭāb expressly applies to non-Muslim state officials the Scriptural directive not to “take intimates from outside the believers” (Q. 3:118). This juristic exegesis implies a personalistic conception of official appointment, whereby a secretary is not a mere bureaucratic functionary, but an “intimate” (biṭānah). Similarly, when ʿUmar chides Abū Mūsā for his Christian secretary, the use of Q. 5:51 (“Take not the Jews and Christians as friends”), suggests that the reason to dismiss him is the blameworthy personal relationship with the Muslim patron.

The letters attributed to ʿUmar b. ʿAbd al-ʿAzīz also sought to establish the direct relevance of the Qurʾān to the staffing of an agrarian bureaucracy. The letter in the caliph’s sīrah by Ibn ʿAbd al-Ḥakam (Chapter 3, p. 67) uses
none of the same verses that ‘Umar b. al-Khaṭṭāb invoked. Instead, it leverages the negative valences of the Qur’ānic term “pagans” (mushrikūn), which it applies to all non-Muslims. The pagans are ritually unclean (najas, Q. 9:28) and God has declared them “the host of the devil” (jund al-shayṭān, cf. Q. 4:76, 26:95) and “the greatest losers in their works . . . whose striving goes astray in the present life, while they think that they are working good deeds” (Q. 18:103). As was shown in Chapter 3, this Qur’ānic passage, too, gestures to the objectionable notion that non-Muslims might be made friends and allies (awliyāʾ). To become proper awliyāʾ, the passage says, the unbelievers must affiliate with both the believers and their God, not the former alone. The same Qur’ānic passage also asserts that the unbelievers’ good works, a reference the letter extends implicitly to their official duties, will count for nought on Judgment Day. In fact, the letter goes on to assert, they deserve curses precisely because of their labor (ijtihād; cf. Q. 2:159, which clearly puts the ahl al-kitāb in line for curses). The letter’s author rather neatly uses Qur’ānic statements about non-Muslims to locate the reason for dismissing them in the very services for which they are employed. Employers are not to balance the service they render against their regrettable unbelief, but instead to trust God that the more (worthless) work they do, the more curses they deserve. In sum, the letter frames the Qurʾān as testimony that all non-Muslims are pagans and therefore lowly, impure, and worthless enemies, beyond the pale of the salvific political community. One of the letters attributed to ‘Umar b. ‘Abd al-ʿAzīz in Ansāb al-ashrāf of al-Balādhrī employs the Qurʾān in comparable ways (see Chapter 3, p. 69). Q. 3:118 and 5:51, familiar from the stories about ‘Umar b. al-Khaṭṭāb, appear here, too. The other letter in the Ansāb, by contrast, despite its textual links to the letter cited by Ibn ‘Abd al-Ḥakam, invokes Scripture only allusively, for the concepts of humiliation and abasement.

Similar exegetical reasoning recurs in the prescript and edict of al-Mutawakkil (Chapter 4). Q. 3:118 and 5:51 are found in the former, as is 4:144, a newcomer that likewise disqualifies unbelievers as awliyāʾ. The prescript also begins with verses that, while not unusual formulae in caliphal missives, pointedly assert the separate and superior status of Muslims (3:110, 9:33, 61:9) and valorize the testimony of the Qurʾān itself, on which the document leans (41:42). It points out the regrettable irony that non-Muslims should be tax collectors, when the Qurʾān (9:29) makes them taxpayers. The caliph’s edict (kitāb) also uses some of the same verses to establish, in general terms, the superiority of Islam to unbelief and of Muslims to unbelievers (3:110, 9:29, 41:42), as well as others of the same drift (3:85, 36:70, 3:112). It, too, cites 3:118.

18 On the application of this term to Jews and Christians, see Friedmann, Tolerance, pp. 70–72.
The effect of all this qurʾānic material is to imply a direct link between the dictates of Scripture and the question of employing non-Muslim state officials. This is done in a forensic manner, not by presenting and reconciling all relevant verses, nor even by declaring some potentially relevant ones to be abrogated (mansūkh), but by citing only certain verses that, it is implied, support prohibition. Ismāʿīl al-Azdī, the judge of Baghdad, uses the Qurʾān in the same manner to justify his friendly conduct toward a Christian official (as we have seen). That early writers could get away with such brisk and selective use of Scripture suggests that little sophisticated debate on the issue took place in the early period. Such debate might otherwise have led early writers to develop more robust arguments.

Yet early contributors to the discourse were not content with qurʾānic justifications. They added others, such as the simple implication that employing non-Muslims in state affairs is immoral. When ʿUmar b. al-Khaṭṭāb refuses to appoint his Christian slave, “Wasq,” the surviving versions of the story credit him not with another qurʾānic declamation, but with various other, vague excuses: “I should not,” “I will not seek assistance,” “I am not allowed,” “it is not right,” and “it is not licit for me.” 19 Similarly, the prescript of al-Mutawakkil states broadly that the proper aim of rule (maqṣad al-sulṭān) lies in appointing those who are trustworthy and show goodwill. Non-Muslims lack both qualities, the latter because they resent their coerced subordination, the former because they are enemies of the true religion. The same document asserts that God has “made right and firm judgment to reside in banishing them from appointments and casting them far away.” Vague disapproval is also evident in the views and decrees ascribed to ʿAbd al-Malik and al-Manṣūr (Chapter 3, pp. 74, 79).

More definite and pervasive non-qurʾānic reasoning is also encountered in the discourse’s early strata. One is based on the notion, found in the Qurʾān but also widely evident in early literature, that God’s revelation of Islam entailed the demotion – both symbolic and political – of earlier revelations and their adherents, notably Jews and Christians. Since God demoted them, to promote them is to be at cross-purposes with Him. This notion is expressed in ʿUmar’s threefold rebuke to Abū Mūsā: “I do not honor them, when God has abased them,” etc. 20 This is reductio ad absurdum, in the sense schematized by Wael Hallaq: “X is a goal that the law ought to promote; but Y impedes, or would impede, the realization of X; therefore, Y ought to be prevented by law,” where X=abasement and Y=appointment of a non-Muslim. 21 This type of argument was to have staying power in the discourse. Thus ʿUmar b. ʿAbd al-ʿAzīz’s account of the humiliation that God has decreed for non-Muslims is made to

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explain why none should be appointed: appointment elevates their station, when God clearly wants the opposite.

Authoritative caliphal fiat, which is implied to express God’s will, is explicitly made an independent justification for prohibition alongside other arguments. 'Umar b. 'Abd al-'Azīz is made to write, of the early Muslims’ habit of employing non-Muslims, “God has now put an end to it through the Commander of the Believers.” Al-Mutawakkil’s prescript, too, makes much of the caliph’s status as God’s deputy on earth; it accords him primary responsibility to follow God’s commands, which included dismissing non-Muslim officials. A fortiori, Prophetic practice (sunnah) functioned as a justification in the ḥadīth about the Prophet’s refusal of non-Muslim military assistance, which were invoked later to rule out administrative employment.

The final set of early justifications for prohibiting the employment of non-Muslim state officials is pragmatic. Pragmatic justifications appear calculated either to prevent ill effects or to attain desired ends. 'Umar b. 'Abd al-'Azīz’s letters are rich in such reasoning, as are the documents of al-Mutawakkil. Both fret that non-Muslim officials will harm Muslims in various ways. One of the former, for example, predicts that unbelievers will use Muslims “in greed for what they have and fill their own needs by means of them, cheating and despoiling them.” Al-Mutawakkil’s prescript observes that venal non-Muslim officials are already doing damage. But since, as the prescript asserts, there is actually no need for their services, Muslims can attain worthy desiderata by dismissing them. For both 'Umars and al-Mutawakkil, such desiderata include employing Muslims, though none of them makes much of this point. 'Umar b. 'Abd al-'Azīz is made to assert in one place that “to blot out their works [aʾmāl] is to blot out their religions,” evincing a healthy awareness of the exchangeability of resource forms and a desire for Islam to supersede its rivals.

In conclusion, the principle rationes legis of the pre-madhhab prohibitive views were of five kinds: (1) select Qurʾānic verses that dissuade taking non-Muslims as allies, or declare them, appearances aside, to be vile enemies whose deeds are worthless; (2) the vague claim that appointing non-Muslims is simply wrong; (3) the reductio ad absurdum premised upon God’s grand design to humiliate non-Muslims; (4) the will of the caliph, God’s deputy; (5) the prospect of averting harm caused by non-Muslim officials and obtaining desiderata by dismissing them.

As we have seen, there existed, around the margins of the formative discourse, dissenting views that implied more permissive stances. The two reports in the Muṣannaf of Ibn Abī Shaybah state simply that revered Companions had employed Christian secretaries. Another early story has Ibn al-'Abbās pass over a complaint about non-Muslim zakāt collectors without commenting on their employment, though he does advise against paying zakāt to them. And Abū Mūsā is made to imply, by allusion to Q. 109:6 (“to you your religion, and
to me my religion’), that communal affiliation was irrelevant to administrative work. In the story, this argument holds no water with the caliph ʿUmar, but neither does he attempt to refute it directly.

These *rationes legis* for and against employing non-Muslim officials are remarkably good guides to the shape that the later juristic discourse would take. As might be expected, appeal to caliphal fiat faded along with the caliph’s authority. Conversely, appeals to stories about exemplary early Muslims are, for obvious reasons, virtually absent here, appearing only in al-Mutawakkil’s admission of his duty to imitate their conduct. Such appeals would become a hallmark of the later juristic discourse, which also absorbed much of the reasoning those stories contained. They are largely missing, however, from the earliest statements on the matter by prominent early Muslim jurists, to which we turn now.

*Formative Jurists’ Views*

The earliest statements attributed to major jurists leave the reader with two significant impressions. The first is that these jurists were not especially concerned with the religious affiliation of state officials. The second is that they did not consider the authoritative sources of early Islamic law to have much to say on the matter. Only with the latest major eponym, Ibn Ḥanbal, do the exemplary stories about the caliphs enter the formal juristic discourse. Nevertheless, what views early jurists did express indicate passing interest, and set precedents for which following generations of scholars would construct progressively more elaborate justifications.

The tradition preserves no views on the matter from the very early, pre-madhhab jurists whose influence was significant in their own day but later faded, such as al-Zuhri (d. 124/742), al-Awzā’ī (d. 157/774), and Sufyān al-Thawrī (d. 161/778). Their reportedly permissive views on non-Muslims’ participation in jihad, and their shared view that non-Muslim allies should receive a full share of the spoils, indicate that they had no strong allergy to collaboration with non-Muslims. All of the major eponyms, by contrast, denied non-Muslim fighters a full share.\(^{22}\) The earliest of the eponyms – Abū Ḥanīfah (d. 150/767) – likewise appears to have expressed no opinion about non-Muslim state officials that anyone bothered to write down. This is somewhat surprising in light of the numerous links between early Ḥanafīs and the Abbasid state.\(^{23}\) Two of the most noteworthy early works on Islamic administration and


\(^{23}\) El Shamsy writes of “Ḥanafism as the imperial doctrine of the Abbasids” (*Canonization*, p. 142), though the early Abbasid caliphs did, of course, flirt with Mālikism.
taxation, those by the proto-Ḥanafī Abū Yūsuf (d. 192/808)\(^{24}\) and the legally unaffiliated Kufan Yaḥyā b. Ṣādiq (d. 203/818),\(^ {25}\) are also silent on the matter. These works share the title Kitāb al-kharaj (‘Book of taxation’) and both contain a great deal of information pertaining to non-Muslim subject populations, but not to whether non-Muslims should be employed as officials. A third such work, the Kitāb al-amwāl of Abū ʿUbayd (d. 224/838), who was also unaffiliated to any madhhab, includes only the story about ʿUmar b. al-Khaṭṭāb and his Christian slave. ʿUmar’s refusal to employ the slave, however, is incidental in the passage in its context.\(^ {26}\) On the whole, nothing seems to have led these figures to express definite views about employing non-Muslim officials: neither the numerous non-Muslim officials employed in their day, nor the authoritative sources of early Islamic legal rulings, nor a sense that the issue fell within their proper spheres of authority. Despite these silences, the earliest surviving Hanafi opinions on the practice would take a dim view of non-Muslim officials, citing reasoning that is striking for its reliance on the stories about ʿUmar b. al-Khaṭṭāb.

The eponym of Medina, Mālik b. Anas (d. 179/795), by contrast, is credited with definite views on the matter. These are, however, expressed rather tentatively, and in contexts that indicate that he may have seen the jurist’s mandate to pronounce on the hiring of state officials as a limited one. The most direct and credible statement attributed to him, in a foundational text of the school, the Mudawwanah of Mālik’s pupil Saḥnūn (d. 240/855), comes in the discussion of the qāḍī’s practice: “Dhimmis are not to be taken as scribes in any of the Muslims’ affairs” (fī shayʾ in min umūrī l-muslimīn).\(^ {27}\) This may be the source of Aḥmad b. Ḥanbal’s phrasing, which we also encountered in al-Mutawakkil’s prescript. The placement of this issue in discussion of the qāḍī indicates that it – or the jurist’s authority – is seen as particularly germane to that office. In later Mālikī sources, Mālik is also credited with the following reply to the question of whether Christians are to be hired as secretaries: “No, I do not think so (lā arā dhālik). That is because scribes are consulted. Is a Christian to be consulted in the affairs of Muslims? It does not please me that he should be hired as a scribe.”\(^ {28}\) His ratio legis – vague discomfort with consultation (istishārah) – was not common among later writers.

\(^{24}\) EI II, s.n., 1:164–65 (Schacht).

\(^{25}\) EI II, s.n., 11:243–45 (Schmucker). Adding to the curious quality of this silence, many of Yaḥyā’s teachers and students transmitted the stories about ʿUmar b. al-Khaṭṭāb’s disapproval.


\(^{28}\) Ibn ʿAbd al-Barr, Bahjat al-majālis, 1: 358; abbreviated in al-Qarāfī, al-Dhakhīrah, 12:352. For slightly earlier examples of the kind of consultation he may have envisioned, see the Qurrah papyri to Christian officials discussed by Fred Donner (“Formation of the Islamic State,”
Although Mālik was the earliest active disseminator of the ḥadīth – later used by Ibn Ḥanbal to oppose non-Muslim tax officials – in which the Prophet refuses the assistance of a formidable pagan warrior at Badr, he never applied it to administrative employment.⁹ The later Mālikī discourse on official employment did, however, use Mālik’s views in the Mudawwanah about non-Muslims’ commercial activities. According to the Mudawwanah, Mālik had learnt that ʿUmar b. al-Khaṭṭāb forbade Christians and Jews to act as butchers or moneychangers in the Muslims’ markets, “because God has made them superfluous to us by [raising up qualified] Muslims.” Here the argument for banishing non-Muslims from markets is historically contingent: they are not to provide services that Muslims can perform. Mālik adds that non-Muslims are in fact not to sell in the markets at all. An additional comment reveals, however, his assumption that this opinion on its own would have no effect: “I think that someone should talk to their governors about that, to get them out [of the markets].”³⁰ By the time we have the next clear Mālikī statement on the topic, with Ibn Abī Zayd al-Qayrawānī (d. 386/996), opinions are expressed with a greater degree of assurance, hinting at the effect of opinions from across the madhhab spectrum.

The view of al-Shāfiʿī (d. 204/820), like that of his teacher Mālik, is found in a section, in his Kitāb al-Umm, on the qāḍī. It provides little by way of justification:

No qāḍī or governor of the Muslims, in my view, ought (mā yānbaghī ḍīdī) to take a dhimmi scribe or to place a dhimmi in a position whereby he is made superior to a Muslim. We ought to strengthen Muslims so that that they have no need of those not of their own religion. Of all people, the qāḍī has the least excuse in this matter.³¹

The implicit justification is hierarchy maintenance; non-Muslims should not be hired because they should not occupy positions of authority over Muslims. This statement does not build explicitly upon the views attributed to caliphs, upon the Qurʾān, or upon the Prophetic ḥadīth that al-Shāfiʿī famously championed as authoritative sources for law.³² It also leaves room for exceptions: the prohibition is not categorical, it acknowledges an ongoing need for non-Muslim secretaries, and it implies that Muslim leaders may have excuses not to comply. Al-Shāfiʿī’s view was only infrequently cited by later figures, even Shāfiʿīs.

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p. 292). These, like many in the Qurrah corpus, appeal across communal borders to shared legal-ethical principles in discussing the delivery of taxes.

⁹ Yarbrough, “I’ll not accept aid from a mushrik.”


³¹ al-Shāfiʿī, al-Umm, 7:522.

³² El Shamsy, Canonization, e.g., pp. 7–9, 48–53.
The last major eponym, Aḥmad b. Ḥanbal (d. 241/855), appears refreshingly categorical in answering a question about whether Jews and Christians might be employed as officials of the land tax (al-kharāj). As we have seen, there were many powerful non-Muslim officials in Ibn Ḥanbal’s Baghdad. His ruling, mentioned in Chapter 4, is reported by al-Khallāl, an important figure in the establishment of the Ḥanbalī madhhab. Ibn Ḥanbal replies, “Their assistance is not to be sought in anything.”33 No explicit reason is given, but three parabolic stories follow: two about ‘Umar b. al-Khaṭṭāb, and the hadīth in which the Prophet rebuffs a pagan warrior. Ibn Ḥanbal presumably – though this is not certain – concurred with the rationes legis contained in these reports, namely Scripture (Q. 3:118 and 5:51) and sunnah, however tangential this Prophetic sunnah may have been to the issue. Yet additional reasons are implicit. Assistance from non-Muslims in financial administration is made directly comparable to their assistance in warfare. This could have been a risky move, for other hadīth depict the Prophet accepting or even requesting non-Muslim military aid, and other madhhabs condoned the practice. Here, too, as in the letter of ‘Umar b. ‘Abd al-ʿAzīz, any distinction between People of the Book and pagans is effaced. In invoking this tradition, Ibn Ḥanbal or his early followers may have been reaching rather far across a void in the authoritative precedent of the Islamic tradition. However tenuous the move, it fused the hadīth about the pagan warrior into the discourse for good.

Yet works by later Ḥanbalīs, such as the Baghdaḍī Ibn al-Jawzī (d. 597/1201) and the Damascene Ibn Muḥīṭ (d. 763/1362), ascribe quite different views to their eponym.34 These reports come not in a sustained discussion of the issue, but as tangents to another one: employing Muslim “sectarians” (ahl al-ahwāʾ). They cannot be rejected out of hand as spurious attributions, particularly given the dissimilarity of their permissive stance to much of the later Islamic discourse around the issue.35 In one such report, Ibn Ḥanbal permits the employment of Jews and Christians (but not sectarians) in certain roles, for “the Christians and Jews do not proselytize for their religions, whereas the sectarians are proselytizers.”36 Active proselytism thus appears as a potential

33 al-Khallāl, Aḥl al-milal, 1:195 (cf. the view ascribed to Mālik above). There is a textual wrinkle in the account, which reads: “Abū Ṭālib related to us that Abū ‘Abdallāh [Ibn Ḥanbal] asked him . . .” (ḥaddathanā Abū Ṭālibīn annahu saʿalahu Abū ‘Abdallāh). I emend saʿalahu, conjecturally, to su ʿilah thus, “. . . that Abū ‘Abdallāh was asked.”

34 For the following, Ibn Muḥīṭ, Ādāb, 1:275; cf. idem, Furūʿ, 10:248; Ibn al-Jawzī, Manāqib al-Imām Ahmad b. Ḥanbal, p. 214; and, The Virtues of the Imam Ahmad Ibn Ḥanbal, 1:294–95.

35 Cf. the cautionary skepticism of Christopher Melchert in “The Relationship of Ibn Taymiyya and Ibn Qayyīm al-Jawziyya to the Ḥanbalī School of Law,” pp. 157–58.

rationale for prohibition; Ibn Ḥanbal states that his goal is to avoid “damage to the community” (li-mā fihi min dararīn ‘alā l-ummah). But the upshot is to permit employing Christian and Jewish officials. In another report in Ibn Mufliḥ’s work, Ibn Ḥanbal reaffirms that there is no harm (lā ba’s) in hiring Jews and Christians in certain state affairs: those in which they have no authority over Muslims. After all, he concedes, “the forebears (al-salaf) had recourse to them.” The low risk of Muslims being led astray is again cited as justification. Ibn Ḥanbal’s stance here is noteworthy given the prominence of powerful Christian officials in the reigns of al-Mu’tasim and, at first, al-Mutawakkil (Chapter 3, pp. 76, 91). It could also indicate that his thought on the issue evolved. On the whole, it seems that Ibn Ḥanbal may well have been the first major figure to make juristic use of the stories about paradigmatic early caliphal pronouncements. If he really did cite the stories about ʿUmar b. al-Khaṭṭāb and the pagan at Badr, however, he may not have viewed them as decisive and categorical evidence for prohibition.

Nothing is known of early Ṣāḥīḥ views, if any, on the employment of non-Muslim officials. The only Ṣāḥīḥ views of which I am aware are those of the famous Andalusī polymath Ibn Ḥazm (d. 456/1064), whom we will meet in Chapter 6 as a formidable detractor of Jewish courtiers. His juristic formulations do not appear to borrow directly from earlier works. In his main compendium, al-Muhallā, he sets out his own view: “It is part of abasement (al-ṣaghār) that they not harm or employ a Muslim, nor should any of them be in charge of (lā yatawallāḥ aḥad) any state affairs (umūr al-sulṭān) in which command over a Muslim devolves to him.” The reason for prohibiting their employment – hierarchy maintenance – is embedded in the concept of ṣaghār itself (Q. 9:29), a point later echoed by Ibn Taymiyyah and others but by no means a ubiquitous one.

The formative opinions of major early Muslim jurists in the respective schools are thus quite uneven. From the apparent indifference of Abū Ḥanīfah, al-Awzāʿī, and al-Zuhārī to the lightly supported, tentative views of Mālik and al-Shāfiʿī and the equivocation of Ibn Ḥanbal, we begin to discern the changing, ad hoc nature of juristic thought on the issue. The earliest Muslim jurists neither made it their business to regulate it, nor viewed the available authoritative texts as necessarily relevant to it. But as the stories about the early caliphs spread, later jurists would graft them onto the eponyms’ vague

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37 The use of “in some” here (fī baʿḍ) is difficult to reconcile with “in any” (fī shayʿ in min) (Ibn Ḥanbal’s prohibitive opinion as reported by Khallāl). It may be that the specific reference to collecting the kharāj in the latter text, a tax which Muslims might pay, renders such positions off limits to non-Muslims. For Egyptian documentary evidence of non-Muslims collecting taxes from Muslims, see Chapter 3, n. 129.

38 On the development of Ṣāḥīḥism, see now Osman, The Ṣāḥīḥ Madhhab.

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discomfort. In the next section, we shall see that it was these very stories that al-Juwaynī would use to block the spread of a more permissive, original view that was voiced in the fifth/eleventh century.

**al-Māwardī’s Dead-End Solution**

The middle fifth/eleventh century was an inflection point in the juristic discourse surrounding the employment of non-Muslim state officials. At the heart of the debate – for such it soon became – was the jurist Abū l-Hasan ʿAlī b. Muḥammad al-Māwardī (d. 450/1058), author of a well-known work on Islamic ordinances for governance: *al-Aḥkām al-sultāniyyah wa-l-wilāyat al-dīniyyah.*

In this heavily juristic work of political thought, al-Māwardī took the rather drastic step of permitting the state to employ non-Muslim officials – even viziers – with certain conditions. It is worth examining his discussion separately, along with the reaction it provoked, because it stands apart from the rest of the juristic discourse. It is contained in a work that is part juristic disquisition and part counsel for rulers (*naṣīḥah*), a genre treated in the next chapter. Its solution to the problem of non-Muslim officials is original and unusual. Finally, it provoked reactions from within and without the Shāfīʿī madhhab that ranged from neutral acceptance to considered disagreement to violent rejection. Ultimately, it was abandoned by the custodians of the tradition.

*Al-Aḥkām al-sultāniyyah* was evidently written at the behest of the political authorities in Būyid Iraq, with whom al-Māwardī cultivated close ties, and probably for a caliph – al-Qādir (r. 381–422/991–1031) or (more likely) al-Qāʾim (r. 422–67/1031–75) – who is described by the author as “one who must be obeyed.” For our purposes, al-Māwardī’s crucial move was to permit a dhimmi to be an executive vizier (*wazīr al-tanfīḏ*), a minister who merely executes tasks assigned to him, but not a delegate vizier (*wazīr al-tafwīḍ*) who wields authority to both plan and carry out state business. In the section of his work that deals with “appointment to the vizierate,” he names four powers granted the delegate vizier but denied the executive one. These help to explain his opinion that non-Muslims may occupy the latter position. The delegate vizier alone is permitted to (1) wield unmediated power and adjudicate complaints (*mubāsharatu l-ḥukmi wa-l-nazari fi l-maẓālimi*); (2)
appoint governors at his own discretion; (3) command armies and conduct wars; and (4) dispose of treasury funds according to his own judgment. “Apart from these four,” al-Māwardī writes, “there is nothing to prevent dhimmis from it, unless they act arrogantly (īllā an yastaṭīlū), for that is forbidden.” Al-Māwardī thus highlights precisely those aspects of state employment that he believes to be unlawful for non-Muslims. In each instance, it is the independent exercise of these powers that is forbidden to non-Muslims, leaving room for non-Muslims to wield them in limited capacities.

By drawing his distinction between the two viziers, al-Māwardī implies an unusually systematic and detailed list of rations legis for prohibiting non-Muslim state officials. The executive vizierate occupies the gerrymandered district that remains at the edges of these prohibitions. In fact, the distinction between the two ministers is a rather artificial one, based less in the practice of historical states than in al-Māwardī’s desire to salvage that practice by bringing it into some manner of practical conversation with the Islamic legal tradition. The shortcomings of governance in al-Māwardī’s late-Būyid Iraq and Iran included the hiring not only of non-Muslim officials, but also of Muslim slaves and of free Muslims ignorant of the sharī‘ah. Thus al-Māwardī does not demand that the executive vizier be free or learned, either. He gives not a single positive reason that non-Muslims may be employed by the state, instead using familiar rations legis to rule out a set of offices (those of delegation) rather than a set of people (non-Muslims). This novel strategy gives ground to imperfect realities in an attempt to salvage the relevance of Islamic law to political practice.

Modern scholars have frequently noted al-Māwardī’s exceptional strategy, but usually in isolation from the debate it provoked and even from other relevant passages in the same work. Although al-Māwardī holds that even a subordinate military commander (emir) must be a Muslim, he also permits the alms (zakāt) collector (an office of a decidedly religious character,

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44 The verb translated “act arrogantly” can also mean “seek to rise in rank.”

45 For al-Māwardī’s work as an effort to connect political realities to juristic ideals, see Gibb, “Al-Mawardi’s Theory of the Caliphate,” p. 162; Laoust, La pensée et l’action politique de al-Mawardi, pp. 23, 31 (respecting the caliphate); Little, “A New Look at al-Ahkam al-Sultaniyya,” p. 3; Mikhail, Politics and Revelation, p. 41.

46 The passages that follow are not treated, for example, in Haddad, “Ahl al-dhimma in an Islamic State.” A typical passing reference to al-Māwardī’s view is that of Henri Laoust, who asserts that “les représentants les plus autorisés du Sunnisme avaient souvent admis la participation des Chrétiens à la gestion de l’État; un Chrétien peut devenir, dans la doctrine d’al-Mawardi, ministre de delegation (wazīr tafwīd), la plus important des fonctions après le califat” (Essai sur les doctrines sociales et politiques de Taqī-d-dīn Ahmad b. Taimīya, p. 274). This statement badly misrepresents both the singular quality and the substance of al-Māwardī’s position.

47 al-Māwardī, al-Aḥkām, p. 33. This is the lesser version (khāṣṣah rather than āmmah) of the “emir over the lands,” a position al-Māwardī distinguishes from the “emir over the jihad,” which, in its turn, is distinct from the job of fighting Muslim rebels. The qualifications for the executive vizier apply also to this lesser emir, al-Māwardī writes, save that he must be a free
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mentioned in Q. 9:60) to be a dhimmi, if he simply executes the orders of the imam. 48 Al-Māwardī goes on to explain that if the zakāt is of a general nature (ʿāmmah), no dhimmi or slave may collect it, “because it involves authority (wilāyah) which is improper in cases of unbelief or slave status.” If, however, the zakāt is of a specific nature (khāṣṣah), it depends whether the sum of the taxable wealth, and of the tax itself, is already known. 49 If so, then a dhimmi or slave may collect it, because no authority is involved, but only emissaryship (al-risālah). 50 But if the wealth and the tax are not yet known, then a slave may be sent to collect (“because the report [khabar] of the slave is acceptable”), but a dhimmi may not (“because that would be to trust him with a sum concerning which his report is not to be acted upon” [li-annahu uʾtumina `alā mālin lā yuʾmalu fīhi `alā khabarihi]). 51 The unreliability of non-Muslim reports thus appears as a reason to bar them from the position of zakāt collector, under certain conditions. At first blush, this would seem to be a consequence of the inadmissibility of non-Muslim testimony (shahādah). However, the testimony of a slave is also inadmissible in Shāfiʿī thought. 52 Thus the issue is not testimony per se, but rather al-Māwardī’s general distrust of non-Muslims’ word.

The question of non-Muslim officials also arises with regard to oversight of the fāyʾ (spoils of war, including taxes on conquered lands). 53 No non-Muslim may occupy a position in which he determines the amount of such taxes, nor may he have general authority over their collection, even if the amount is predetermined. But if the tax concerned is a specific one, over which the agent has only limited authority, then the agent may be a dhimmi if several conditions


49 The distinction between zakāt ʿāmmah and zakāt khāṣṣah is not a standard one. The former may refer to the alms tax on all possessions liable to it, so that considerable competence is required of the collector in determining the correct amount, and the latter to only a certain, specified portion of that tax.

50 Fattal’s statement is thus inaccurate: “Cependant on ne saurait le préposer à la sadaqa (dîme au monastère) étant donné le caractère religieux de celle-ci” (Le statut, p. 239).


52 As al-Māwardī makes clear elsewhere (al-Hawā, 17:58–67), khabar is distinct from shahādah. He paraphrases one of the (minority) arguments for accepting a slave’s testimony: “the testimony of someone whose report (khabar) is accepted should also be accepted.” He responds: “Report has a wider meaning (ḥukm) than testimony, because the report of just one person [rather than two] is acceptable, and can be passed on from person to person by transmission (ʿan anah); this is forbidden for testimony.” Further in the same passage al-Māwardī explains that since the Qurʾān commands Muslims that “if an ungodly man comes to you with a tiding, make clear” (49:6), and since an infidel is an “ungodly man” (fāsiq), “one must seek substantiation for his report, and testimony is far weightier than a report” (fu-wajaha an yutathabbata fi khabarihi wa-l-shahādatu aghlaṣu mina l-khabar). As shown, al-Māwardī invokes ungodliness elsewhere to forbid the qādī to hire a non-Muslim scribe.

53 al-Māwardī, al-Akhām, p. 130.
are met: (1) that he have no need to name representatives (wa-ini stagnā 'ani l-īstinābah), for this would involve authority; (2) that the taxes he collect be paid by dhimmis, such as the jizyah or 'ushr on dhimmi-owned land. If the taxes the agent collects are paid by Muslims, on the other hand, there are two views on whether he may be a dhimmi (presumably “yes” and “no”). Al-Māwardī thus leaves open the possibility that dhimmi tax collectors may collect certain taxes from Muslims. He gives the example of kharāj lands that Muslims have acquired. On the other hand, he requires that any higher-level tax official (ʿāmil) be a free Muslim, but does not explain this decision.

Al-Aḥkām al-sulṭāniyyah contains a few additional, subtle indications of al-Māwardī’s distinctively permissive view on employing non-Muslims. For example, only two conditions are mentioned as requirements for a secretary in an administrative bureau (kātib al-dīwān): justice (ʿadl) and competence. Islam, a condition frequently named for other positions, is conspicuously absent. The financial administration was historically a common venue for non-Muslim employment.

In his other, probably earlier works concerning governance, al-Māwardī makes no mention of state officials’ communal affiliations. Nowhere in such works, in fact, does he list systematically the qualifications for various state positions. He appears to avoid the issue of appointees’ religion altogether, even where context begs that it be broached, as in the section of Tashīl al-naẓar that lists the twelve sorts of people with whom the king should avoid intimate terms (an yastabīna; cf. biṭānah in Q. 3:118), or in the long description of ideal qualities of various state agents. In his major work of Shāfiʿī fiqh, the Kitāb al-ḥāwī, however, he does discuss the qualifications of the qādī, among which is that he be a Muslim. This requirement is taken seriously and justified from Scripture by pointing out the lowliness of non-Muslims (Q. 9:29). Al-Māwardī adds that the Prophetic ḥadīth “Islam is above, not beneath” forbs authority (al-wilāyah) to non-Muslims. In the course of the discussion, he clarifies that governors’ “current custom (al-urf al-jāri) of appointing non-Muslims is an appointment of leadership and headship (za ʿāmah wa-riʿāsah), not one of judgeship and rendering rulings.” This certainly refers to the appointment of non-Muslim communal leaders rather than state officials.

There are, however, indications that al-Māwardī tended to separate political power and communal affiliation to a greater degree than many other premodern ulama did. He, like other authors, cites without ascription the proverb

54 Ibid., p. 209. 55 Ibid., p. 215.
57 al-Māwardī, Tashīl, pp. 210, 194–208; cf. also idem, Durar al-sulāk, pp. 95–99.
“Kingship endures [even] with unbelief [kufr], but does not endure with oppression,” explaining why this principle does not void another that he has previously invoked: that religion (din) is a basis (qa’idah) of kingship. Unbelief, he explains, is religion based on a falsehood (tadayyun bi-baṭīl). Its opposite, faith (imān), is religion based on a truth (tadayyun bi-haqq). “Each is a believed religion (dinun mu’taqadun), though one be correct and the other false.” In other words, unbelief, though false, is as valid a basis for kingship as faith. What matters is that it be a religion (din/tadayyun). While it would be a mistake to treat this principle as a key with which to decipher al-Mawardi’s numerous references to religion (din) in the Tashīl and other works, it does appear that he could be less insistent than some other Muslim political thinkers of his era that political authority be strictly coterminous with Muslim identity.

Despite these hints in other works by al-Mawardi, it is impossible to say precisely why he broke with the discourse’s tendency to oppose non-Muslim officials. He was certainly not ignorant of the tradition. In the Kitāb al-ḥāwī, he trots out many of the usual proofs in forbidding the qāḍī to employ “even a competent” non-Muslim secretary. The reason, he explains – before citing Q. 60:1, 5:51, 3:118, a ḥadīth that discourages seeking light from the fires of pagans, the story about Abū Mūsā al-ʿāsh’arī’s Christian secretary, and the view of al-Shāfi’ī in al-Umm – is that “they are, because their sinfulness (fīṣq) in religion, beyond being believed regarding it.” For al-Mawardi here, the inadmissibility of non-Muslim testimony is compounded by the religious nature of the qāḍī’s work. Elsewhere in the same work, the story about ʿUmar b. al-Khaṭṭāb and the Christian secretary from al-Ḥirah is cited in prohibiting non-Muslims to act as executors or legal guardians (awṣiyā’, sing. waṣī). Yet if we follow the suggestion of much modern scholarship that al-Aḥkām al-sulṭāniyyah sought to uphold the prestige of juristic Islam by keeping it relevant to contemporary political practice, his departure makes sense. Prominent non-Muslim officials are well attested in Būyid Baghdad in his day. If they posed a threat to the symbolic capital of an Islam whose

59 Cf. Thāʿālibī, al-Tamthīl wa-l-muhādarah, p. 130 (unascribed); and al-ʾlājū wa-l-ṭājū, p. 63 (ascribed, disarmingly, to the king of Abyssinia); [al-Ghazālī], al-Tibr al-masbūk, p. 44 (ascribed, improbably, to the Prophet); Ibn al-Jawzī, al-Miṣḥāb al-muḍī, 1:231 (unascribed). For further citations see Sadan, “Community and ‘Extra-Community’ as a Legal and Literary Problem,” pp. 102–15.


61 For further citations see Sadan, “Community and ‘Extra-Community’ as a Legal and Literary Problem,” pp. 102–15.

62 E.g., Abū l-Ḥasan Saʿīd, Nestorian secretary to the powerful Turkish general Abū l-Ḥarrār Arslān al-Basāṣūrī ca. 441/1049; the influential Christian astrologer of Baghdad Abū Bishr al-Sadīd Yahyā b. Saḥ; the Jewish secretary of Ṭughrīl’s wife; the Christian and Jewish high officials in 450/1058 of the caliph’s vizier, the raʾis al-ruʾaṣāʾ Ibn al-Maslamah; Ibn al-Mawsilāyā and Ibn Faḍlān (Gismondi, ed., Maris Amri et Sibiae, 1:119; Fiey, Chrétiens, pp. 198, 200–203; Kāẓīm, Ahl al-dhimma, pp. 94–95, 168–71; Ibn al-Jawzī, al-Muntazam, 15:349).
guardsians had by then come generally to insist on their unlawfulness, the guardians’ very insistence was also a threat, since it contrasted painfully to the practice of political leaders. This, too, could make the jurists’ Islam look weak and irrelevant, devalorizing its symbolic capital. In the Aḥkām, al-Māwardī retreated to a more defensible position: non-Muslims could be employed in weak and limited official positions. Thus their employment would not be a standing affront to Islam, since it could be justified within the flexible category of “execution” (tanfidh).

Al-Māwardī’s solution proved to be a dead end. At around the same time he composed al-Aḥkām al-sultāniyyah, a slightly younger Ḥanbalī contemporary, Abū Yaʿlā b. al-Farrāʾ (d. 458/1056), wrote a curiously similar work, bearing the same title and covering the same topics, in the same order and using many of the same phrases, but citing Ḥanbalī rulings and justifications rather than the mainly Shāfiʿī, Ḥanafi, and Mālikī ones that al-Māwardī had privileged.64 Several lines after citing what is plainly a summary of al-Māwardī’s distinction between the executive and delegate viziers, including the opinion that the former might be a non-Muslim, Abū Yaʿlā brings the Ḥanbalī tradition to bear on the question, in the person of al-Khiraqī (d. 334/946), a pioneering Ḥanbalī jurist whose compendium, the Mukhtāsar, was influential in the madhhab. This view, Abū Yaʿlā explains, “indicates that it is permitted for the executive vizier to be a dhimmi.” Al-Khiraqī’s important opinion, which will also be salient below in our discussion of the Ḥanbalī madhhab, runs as follows: “No alms shall be given to an infidel or slave, unless they be among the workers, in which case they are to be given what they are owed for their work.” “The workers” (al-ʿāmilīn) refers to Q. 9:60 – “The freewill offerings are for the poor and needy and those who work to collect them.” Abū Yaʿlā follows this quotation, however, with Ibn Ḥanbal’s prohibition. He concludes by declaring that the probable view in the matter (al-wajh fihi) is the prohibitive one expressed in Q. 3:118 and 60:1, and the report, here framed as a Prophetic hadith, that we know from the story about Abū Mūsā’s Christian secretary: “Do not consider them trustworthy, when God has declared them treacherous.” Thus al-Māwardī’s contemporary Abū Yaʿlā, a product of roughly the same

64 Al-Māwardī gives surprisingly little attention to Ḥanbalī views in al-Aḥkām, as Melchert has recently shown (“Māwardī, Abū Yaʿlā, and the Sunni revival,” pp. 55–58). Melchert argues that Abū Yaʿlā’s work is the earlier of the two. The matter cannot be resolved here, but the evidence I have considered does not support this view. Melchert does not adequately address Abū Yaʿlā’s repeated passive-voice citation (qīla) of an unnamed source that expresses the distinctive positions al-Māwardī takes in al-Aḥkām. In this instance, Abū Yaʿlā refers in this manner to the unusual view, with which he disagrees, that the executive vizier could be a dhimmi, an opinion that al-Juwaynī blamed squarely on “the author of the book titled al-Aḥkām al-sultāniyyah.” It is possible that both Aḥkāms drew on a third, earlier work of that title, though no evidence of such a work has emerged. I thus follow the soft consensus view that al-Māwardī’s work was the earlier one. For another recent perspective, see Hurvitz, Competing Texts.
historical milieu, ultimately dissented from al-Māwardī’s proposed solution to the problem of non-Muslim officials, despite precedents within the Ḥanbalī tradition that could have permitted him to adopt it. His dissent was not total, however. Later in his Aḥkām, he concedes—as al-Māwardī had done—that the zakāt collector could be a dhimmi under certain conditions, despite having explicitly cited Ibn Ḥanbal’s view that no dhimmi was to be appointed in any capacity, including over the zakāt.

A generation later, al-Juwaynī (d. 478/1085), a renowned Shāfiʿī jurist of Nishapur, Baghdad, and the Hejaz, penned a scalding critique of al-Māwardī’s view in his own political treatise, Ghiyāth al-umam fī litiyāth al-ẓulam. This work, which was written in the period 465–78/1072–85, attacks al-Māwardī on many other fronts, as well. Indeed, one of its goals seems to be to set its author above and apart from al-Māwardī. In a section on whom the imam (who, he proposes, should be none other than his own patron, the vizier Niẓām al-Mulk) should appoint, al-Juwaynī agrees with al-Māwardī that the executive vizier might be a slave, since slaves may be entrusted with information (min ahli wilāyati l-akhbār). But he calls al-Māwardī’s view that this official may be a dhimmi “an unpardonable lapse, which indicates that the author of the book lacks adequate learning.” Since the non-Muslim is untrustworthy in all he says and does, al-Juwaynī continues, not least in his testimony against Muslims, how can he be trusted to relay the dictates of the imam of the Muslims? “How could someone whose word about a bundle of herbs is unacceptable . . . be appointed vizier?” In the matter of religion, al-Juwaynī continues, Muslims are not safe from their evil, and expect harm from them with every breath they take. Scripture and sunnah are unanimous in forbidding Muslims to rely on them, trust them, or share confidential matters with them. The proofs then adduced are Q. 3:118, 5:51, a hadīth in which the Prophet washes his hands of Muslims who associate with pagans, the story about Abū Mūsā al-Ashʿarī’s Christian secretary, and the opinion of al-Shāfiʿī. Al-Juwaynī claims to know of no (other) dissent among the ulama in this matter, and concludes with more personal polemic against al-Māwardī. However polemical and formulaic these judgments on perhaps the greatest Shāfiʿī scholar of the preceding

66 Abū Yaʿlā, al-Aḥkām, pp. 115, 119. According to a later work that quoted Abū Yaʿlā’s lost Aḥkām ahl al-dhimmah, he there wrote, “the overseer in the matter of religion [al-nāẓir fī amr al-dīn] is to be forbidden to appoint them to offices . . . [the story of ‘Umar’s slave is then told]. [‘Umar] forbad his employment so that they might not go from their contemptible state to one of exaltation and superiority to the Muslims’ (al-Qawl al-mukhtaṣār, p. 113).
generation might be, they signal the magnitude of al-Māwardī’s deviation from widely shared views.\(^6\)

Al-Juwaynī’s confident attack may be taken as a sign that few had followed al-Māwardī’s retreat to a more secure position on the employment issue. It is also a sign of a new configuration of power among Sunni jurists and military emirs. Al-Māwardī had written to prop up an Abbasid caliph in the hope that a practicable Islamic law would fortify caliph and scholar alike against the encroachment of military emirs. But the caliph’s own administration employed prominent non-Muslims, as did the Būyids. Al-Juwaynī, on the other hand, wrote for Niẓām al-Mulk, a Sunni scholar-cum-vizier who functioned as effective ruler, depended increasingly for his support on fellow ulama, and, as a consequence, took their side against their rivals. This would emerge forcefully in Niẓām al-Mulk’s own political treatise, the Persian Siyāsat nāmah, which we consider in Chapter 6.

Al-Māwardī’s dead-end solution and the debate it stirred left only faint traces in the subsequent discourse. A later Syrian Šāfiʿī scholar and briefly, vizier, Ibn Ṭalḥah al-Naṣībī (d. 652/1254), mentions al-Māwardī’s view in a work of political counsel along with al-Juwaynī’s response, expressing no preference.\(^6\)

This is as close as the premodern prescriptive tradition came to adopting al-Māwardī’s solution.

*The Ḥanbalīs*

Following upon the equivocal legacy of their eponym, the Ḥanbalī jurists conducted a more voluminous and nuanced prescriptive discussion of non-Muslim state officials than any other madhhab would do. The Ḥanbalīs vacillated between upholding two competing imperatives: the permissive precedents reportedly set by Ibn Ḥanbal and the early Ḥanbalī jurist al-Khiraqī, on the one hand, and the prohibitive precedent also ascribed to Ibn Ḥanbal, on the other. The former imperative predominated in the more sober, formal fiqh tradition, especially surrounding the question of the zakāt collector’s communal affiliation, while the latter was more prominent in broader-ranging, less formally juristic discussions of governance, particularly in later centuries.

We have seen how Abū Yaʿlā noted in his *al-Aḥkām al-sulṭāniyyah* that al-Khiraqī, in his foundational work of Ḥanbalī rulings, the *Mukhtaṣar*, implicitly permits that the zakāt collector may be a non-Muslim. In the passage that Abū Yaʿlā quotes, al-Khiraqī indeed seems to take for granted that non-Muslims and slaves are employed to collect zakāt, though he does not use the language of

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“execution” (tankīdhi). Abū Ya’lā, however, states that al-Khiraqī’s view supported the one he ultimately disagreed with: that non-Muslims could be executive viziers. In another, more technical fiqh work, however, Abū Ya’lā follows al-Khiraqī, stating, “it is permitted for the alms-worker to be an unbeliever.”

Indeed, on this particular question, for all its extended implications about the permissibility of non-Muslim state officials, the Ḥanbalī juristic tradition inclined to the view of al-Khiraqī, which was made so casually in his original work that it comes across as an offhand remark. The much later Syrian jurist al-Mardāwī (d. 885/1480) conveniently sums up the madhhab debate in his exhaustive study on disagreements among the Ḥanbalīs, al-Inṣāf, formally a super-commentary on Muwaffaq al-Dīn Ibn Qudāmah’s (d. 620/1223) massive al-Mūghnī, which is itself formally a commentary on al-Khiraqī’s work. Ibn Qudāmah, for reasons we shall discover, had disagreed with al-Khiraqī, and al-Mardāwī calls this prohibitive view “the correct [view] of the madhhab.” Al-Mardāwī credits it to thirteen prominent Ḥanbalīs who wrote between the sixth and eighth centuries AH, including Abū Ya’lā and Ibn Qudāmah. But he also concedes that “the majority of Ibn Ḥanbal’s followers” choose al-Khiraqī’s permissive view, naming fourteen authorities and their works, Abū Ya’lā again among them. Eleven additional works, several of them by the same authors, also allow, according to al-Mardāwī, an indeterminate position (al-īṭlāq) between permission and prohibition.

Why the disagreement? Al-Mardāwī makes two observations (fāʿ idatān) about it. First, he notes that “certain Ḥanbalīs” (baʿd al-aṣḥāb) base the disagreement on the status of what the zakāt collector is paid for his work. Those who think that he is paid a fee (ūrajah) hold that he may be a non-Muslim, while those who think his pay is taken from the zakāt hold that he must be a Muslim. But Ibn Qudāmah (al-muṣannīf) alone is quoted for the view that this is the heart of the matter, and for the one that makes the collector’s pay a fee rather than zakāt. The attentive reader will note, however, that according to this combination of views, the collector may be a non-Muslim, which was the opposite of Ibn Qudāmah’s view. Al-Mardāwī’s second “observation” concerns a difference in opinion on precisely this point. Some Ḥanbalīs believe (qāla l-aṣḥāb) that the Muslim ruler or his representative who work to collect the zakāt may not take from it, because they take their pay from the treasury. But

70 al-Khiraqī, Mukhtasār, pp. 50–51, 133. 71 Abū Ya’lā, al-Īmām al-saghīr, p. 82.
73 For the identity of these figures, whom al-Mardāwī calls by short epithets, see al-Mardāwī, al-Inṣāf, 1:13–16; Melchert, “The Relation of Ibn Taymiyya and Ibn Qayyim al-Jawziyya,” pp. 148–52.
74 See, e.g., Ibn Qudāmah, al-Kāfī, 1:423.
Ibn Tamīm al-Ḥarrānī (d. ca. 675/1276–77) is quoted for a report, from Ibn Ḥanbal via his son Ṣāliḥ, that gives the opposite view: “The collector is the political authority (al-ʿāmil huwa l-sulṭān), to whom God granted an eighth-share [of the zakāt] in his Book (Q. 9:60).” Finally, the later Ḥanbalī Ibn Ṭufail is invoked for a wan attempt to resolve this problem: “Aḥmad means that if he takes nothing from the treasury, there is no disagreement [that what he takes is zakāt]; or he simply means what he says (aw annahu ʿalā zāhirih).” To conclude this second observation, al-Mardāwī ventures a terse and persuasive assessment: “So the matter is obscure” (fa-yuʿāyā bihā). Why was it obscure, and why did al-Mardāwī leave it unresolved? The problem was not just the doubly conflicting reports from Ibn Ḥanbal concerning both the lawfulness of employing non-Muslim officials and whether the zakāt collector’s pay was considered a wage or a share of the zakāt. More serious was that the two issues had got tangled up. This was in fact the doing of Ibn Qudāmah. In his Muḥnī, he attributes the permissive view to a prominent Ḥanbalī student of Abū Yaʿlā, the mujtahid Abū l-Khaṭṭāb Maḥfūz b. Aḥmad al-Kalwadhānī (d. 510/1116), “and others.” Indeed, Abū l-Khaṭṭāb had made a conscious break with his teacher on the question of whether the zakāt collector might be a non-Muslim. In a section of his Hīdāyah on who may receive zakāt money, he makes the collector’s appointment conditional on his maturity, soundness of mind, and trustworthiness, pointedly omitting mention of whether he must be a Muslim. He then explains why a collector (ʿāmil) who is rich, a relative of the Prophet, an unbeliever, or a slave, may still lawfully take from the proceeds of the zakāt, which would otherwise be forbidden him. The reason is that what he takes is at root a predetermined wage: “If the zakāt happens to be destroyed while it is in his possession through no fault of his own, the imam pays him from the treasury (bayt al-mān).” But if the zakāt is not destroyed, Abū l-Khaṭṭāb implies, the collector takes his payment from what he collects. Here, Abū l-Khaṭṭāb implies that a non-Muslim may be trustworthy (amīn). He adds, however, that a certain opinion ascribed to Ibn Ḥanbal indicates that it is impermissible for the collector to be a non-Muslim, and that Abū Yaʿlā (shaykhunā) chose this view.

When Ibn Qudāmah summarizes Abū l-Khaṭṭāb’s view in al-Muḥnī, his presentation of it is misleading: “Abū l-Khaṭṭāb and others say that he need not

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76 Ibn Ṭufail, Kitāb al-furūʿ, 4:322.
77 Al-Mardāwī adds that a similar case (naẓīruhā) is that of the reward for the runaway slave (al-ʿābiq), treated at the end of the section on predetermined payment for service (al-juʿ ālih: al-Mardāwī, al-Insāf, 6:389–98). This specificity indicates that the present case is an unusual one. In that section, the issue is a sharp debate over what Ibn Ḥanbal’s view actually was (esp. 6:394–96). This may be the rub for al-Mardāwī in the present case, too.
be a Muslim, because what he takes is a wage for work, so it is lawful for the unbeliever to perform the task, like the collection of the land tax” (li-annahu ʾijāratu ʾalāʾ’amalin fa-jāza an yatawwalāhu kāfirun ka-jibāyati l-kharāj). But this was not Abū l-Khaṭṭāb’s reason that the unbeliever may perform the task. Instead, it was his reason that the unbeliever may, as collector, lawfully take from the zakāt money, which would otherwise be forbidden him. In fact, Abū l-Khaṭṭāb does not explain why he thinks that the non-Muslim may perform the task – he appears to take it for granted, as al-Khiraqī had done – except to explain why the source of his pay does not disqualify him.

It is not fortuitous that this view comes in discussions of who may take from the zakāt, rather than in discussions of state employment as such; only when stated obliquely could such a view manage not to jar the sensibilities of its Muslim authors or audience. Yet because of Ibn Qudāmah’s misleading presentation, later Ḥanbalīs like al-Mardāwī were at a loss to explain the permissive view within their madhhab. After all, no Ḥanbalī had argued that the status of the collector’s payment fully explains why non-Muslims may be given the job, or that its status bars them from it. This is simply not the real reason for the disagreement. There are actually three probable, non-exclusive reasons. One is the permissive declaration ascribed to Ibn Ḥanbal, which survives only in late sources. A second, related reason is the tendency to uphold the precedent within the madhhab, even when, as here, it was equivocal. A third is that a strong allergy to non-Muslim officials, common in later medieval Islamic administration, had not saturated the outlooks of earlier Muslim jurists; al-Khiraqī and Abū l-Khaṭṭāb seem to take non-Muslim zakāt collectors for granted, and even Ibn Qudāmah alludes to the ostensibly justifiable view that a non-Muslim may be kharāj collector.

For later Ḥanbalīs who had developed an allergy to non-Muslim officials, however, the nonchalant permissiveness of early, esteemed members of their madhhab was unsettling. There had to be a reason for it. Thus Ibn Qudāmah, intentionally or not, gives a misleading etiology that superficially resolves the issue without attacking the permissive camp directly. But his etiology muddied the waters. To better explain the debate, al-Mardāwī would have had to take account of the polemically charged, less formally juristic stories about the early caliphs that had entered the Ḥanbalī tradition, along with broader historical developments in attitudes toward non-Muslims, for it was these factors that had, in fact, accompanied the madhhab’s drift away from al-Khiraqī’s nonchalant permissiveness.

We have seen that Abū Yaʿlā knew both Ibn Ḥanbal’s prohibition and elements of the stories about the early caliphs. A later source reports that Abū Yaʿlā gave an additional reason: if the support of non-Muslims is not to

be sought in warfare, neither should it be sought in such positions as zakāt-collector.  

A still later author, Ibn Qayyim al-Jawziyyah, ascribes to Abū Yaʿlā a forceful view that must have been taken, directly or indirectly, from the earlier work of al-Jaṣṣāṣ, which is considered below: that non-Muslims void their pact by accepting state employment, and that they therefore may be killed. 

Abū Yaʿlā could also have referred to another Šamanī, which is considered below: that non-Muslims void their pact by accepting state employment, and that they therefore may be killed.81 Abū Yaʿlā could also have referred to another Šamanī, which is considered below: that non-Muslims void their pact by accepting state employment, and that they therefore may be killed. A pertinent section of this work, which has not survived, is reproduced by Ibn Qayyim al-Jawziyyah in Badāʾiʿ al-fawāʾid.83 It contains the two stories about Ṭātīs and the Christian secretaries, with partial isnāds (along the same routes that led to Ibn Ḥanbal), as well as the ruling of Ibn Ḥanbal and a reference to the pagan whose aid the Prophet rejected at Badr. In other words, this section of al-Barmakī’s work goes no farther than al-Khallāl had done in Aḥkām ahl al-milal, its probable source.

Ibn Qudāmah’s rebuttal of Abū l-Khaṭṭāb’s view reflects both thorough knowledge of the polemical stories about early caliphs and a deeply ingrained sense of proper communal hierarchy. It hinges on the idea that no authority (wilāyah) should be granted non-Muslims or other marginal groups; maturity, sound mind, and trustworthiness are required for the zakāt collector “because this is a variety of wilāyah,” as is Islam, for four (not entirely separate) reasons. First, trustworthiness is a requirement, ergo Islam is as well, as in the case of judicial testimony (al-shahādah); trustworthiness exists only among Muslims. Second, the position of zakāt collector involves authority over Muslims, which no non-Muslim may lawfully possess. Third, those who may not receive zakāt – the example given is a ḥarbī, a foreign non-Muslim – may not collect it. This also rules out the rich and relatives of the Prophet, as Ibn Qudāmah goes on to state, unless, he explains, they take their salary from another source. This is of course precisely what Abū l-Khaṭṭāb believed they did; for him the other source was the treasury. Fourth, once again, non-Muslims are by definition untrustworthy. Ibn Qudāmah then cites the story about ‘Umar and Abū Mūsā’s Christian secretary. A fortiori the collector of the zakāt (“a pillar of Islam”) should be a Muslim. In Ibn Qudāmah’s historical setting, the

80 Noted in Ibn Mufliḥ, Kitāb al-furūʿ, 10:248. I have not located the source of this saying, which Ibn Mufliḥ ascribes to al-qādī (the standard Ḥanbali epithet for Abū Yaʿlā).
81 Ibn Qayyim al-Jawziyyah, Aḥkām, 2:24. I owe this reference to Antonia Bosanquet. See below at n. 148 for al-Jaṣṣāṣ’ earlier view, which shares distinctive phrasing with this quotation. It is noteworthy that Abū Yaʿlā’s grandfather was al-Jaṣṣāṣ’ student.
82 On this author, see al-Ṭurayyī, Mu jam muṣannoṭūt al-ḥanābilah, 1:398–401; TMS, 13:138 (no. 5983).
84 This is close to the position articulated later by the Ḥanbali scholar Shams al-Dīn al-Zarkashī (d. 772/1370 or 71): the qādī’s scribe must be equitable (ādi) because the position is a “locus of trust” (mawdūʿ amānāh). To be reliable, in turn, he must be Muslim. The story about Abū Mūsā’s Christian secretary follows (al-Zarkashī, Sharḥ al-Zarkashī, 7:269).
Hanbali tradition had clearly developed an allergy to non-Muslim state officials that was sufficiently strong to overcome the permissive precedent of the tradition, just as Sadeghi’s model of legal change describes. Ibn Qudamah wrote amid the widespread late-medieval hardening of Muslim attitudes and state policies toward non-Muslims, explored further in Chapter 7. Here, it suffices to mention that this hardening was conditioned by the Crusades and Muslim efforts to counter them militarily and symbolically, by the Mongol invasions and alleged Christian cooperation in them, and by heightened competition between Muslim and non-Muslim learned elites. Although later discussions preserved traces of the ambivalence we have noted, it would no longer be possible to maintain a stance of unelaborated permissiveness, as al-Khiraqi and Abū l-Khaṭṭāb had done.

The influential and innovative Hanbali Ibn Taymiyyah (d. 728/1328) voiced prohibitive views in still stronger terms, in the form of vocal political critique that was unprecedented among the madhhab’s pious and learned juristic expositors. He wrote amid the same historical trends just noted in relation to Ibn Qudamah, and in the same region; indeed, his public career was launched with his vocal opposition to a prominent Christian who was accused of insulting the Prophet. His activist critique is completely in keeping with his lifelong efforts as an engaged political thinker and actor on behalf of the Muslim community (ummah) and, often, in efforts to reform and redeem its rule by military men. In comparison to earlier views on non-Muslim officials, Ibn Taymiyyah’s approach makes liberal use of the language of benefit (maṣlaḥah) and detriment (mafsadah). By using this language, he stressed the undesirable practical consequences of employing non-Muslims rather than their ineligibility in principle. This usage comes despite Ibn Taymiyyah’s general

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85 Sadeghi, Logic, pp. 20–21.
86 The Hanbali position was permanently equivocal on the religion of the zakāt collector. For example, the Damascene Hanbali al-Ḥajjāwī (d. 968/1561) lists fourteen types of zakāt-worker, makes Islam a condition of their appointment, then mentions that the per diem zakāt drover may be a non-Muslim, because he is paid “for his labor, not his occupation” (li-ʿamalīhī lā ’imālatīhī). He stated his frank opposition to non-Muslim officials elsewhere in the work, but called their employment “disliked” (makrūh) rather than “forbidden” (ḥarām), citing “necessity” (darūrah) as an extenuating circumstance (al-Ḥajjāwī, al-Iqnāʿī lib al-intifāʿ, 1:469, 2:145–46). Memories of the debate lingered in the didactic literature of the school, too. A metrical summary of Hanbali furūʿ by a ninth/fifteenth c. Syrian notes the mutual recrimination that accompanied it (al-Maqsīsī, al-Nazm al-mufid, p. 49 no.256). But modern discussions have forgotten it; e.g., the vast modern Kuwaiti compendium al-Mawsīʿī ah al-fiqhiyyah passes over it in silence, despite detailing distinctive Hanbali views on whether the collector may be a slave (29:228–29).
87 The literature on Ibn Taymiyyah is vast. Important recent studies include Al-Matroudi, The Hanbali School of Law and Ibn Taymiyyah; Anjum, Politics, Law, and Reason. See also EI², s.n., 3:951–55 (Laoust) and works cited there, particularly Laoust’s own.
89 See Anjum, Politics, esp. pp. 235–52.
ambivalence toward the use of *maṣlaḥah* as a source of law, indicating that he viewed the prohibition on hiring non-Muslim officials as consonant with the principles of Revelation, but perhaps also that he did not deem the authoritative sources of law sufficient to make the point to his audience.  

One such view, expressed in a fatwa concerning assorted aspects of jihad, was that “the help of dhimmis is not to be sought in labor or administration, because it is bound to cause evils, or lead to them.”  

The opinion of Ibn Ḥanbal is cited, followed by a radical view for which Ibn Taymiyyah was known in later scholarship (similar to the views of Ibn Ḥazm above and al-Jaṣṣāṣ below, who seem to have reached it independently): any non-Muslim who accepts administrative authority voids his pact of protection with the Muslim community, because he has violated the condition that he be abased (*al-ṣaghār*). He cites other principles, too. For instance, an individual who has demonstrated willingness to harm Muslims, or sought to corrupt them, may not be employed. This description appears to apply to all non-Muslims. A precedent of the caliph Abū Bakr is cited; he ruled that none of those who had apostatized after the death of the Prophet might be employed, even after his return to Islam, because his religion may be fatally compromised.  

Ibn Taymiyyah’s final statement is cryptic: “The imam is to seek the [public] good (*maṣlaḥah*) with regard to finances and prisoners, on account of what the Prophet did with the Meccans.” This example may award the Muslim ruler a certain flexibility in dealing with recent converts; the Prophet dealt favorably with the converted Meccans when he finally conquered their city. Thus while Ibn Taymiyyah urges the dismissal of non-Muslim officials, he apparently recommends leniency toward those who convert.

Another work by Ibn Taymiyyah, the long fatwa known by the title *Masʾalah fi l-kanāʿis*, adds texture to his views on the issue. These come near the end of the wide-ranging responsum, in which the author has already discussed rulings regarding the preservation or destruction of churches, the religious status of the Fatimids, and the issue of non-Muslims writing to foreign powers for support. Next, Ibn Taymiyyah offers “advice (*mashūrah*) to the ruler on elevating them.” He explains the striking military success of Nūr al-Dīn, Saladin, and al-ʿĀdil as divine reward for their refusal to employ Christians. This functions as

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91 Ibn Taymiyyah, *al-Fatāwā*, 5:537–40 (quotation at 5:539–40). The audience and date of this *fatwā* are unknown. It is in a part of *al-Fatāwā al-kubrā* assembled by the Ḥanbalī Ibn al-Lahḥām al-Baʿlī (d. 803/1400) and the passage is rather unconnected to the topics around it. The reasoning, however, fits with views credited to Ibn Taymiyyah elsewhere.


93 On this work, likely penned between 1303 and 1305, see *CMR* 4, pp. 856–60 (Hoover).

94 Ibn Taymiyyah, *Masʾalah fi l-kanāʿis*, p. 120; O’Keefe, “*Question of the Churches,*” p. 69. On Saladin’s brief dismissal and subsequent reliance on non-Muslim officials, see Eddé, *Saladin*, 468–69, 480–81. For sharp complaints about al-ʿĀdil’s reliance on Christian officials, see Chapter 6, p. 183.
a parable; those who associate with the Christians are humiliated, but God aids those who reject their assistance. 95 In addition to some standard hadīth, poetry, and Qur’ānic proof texts, he also cites Christian collusion with the Mongols, which would have taken place in his own lifetime, as demonstration of the Christians’ indelible treachery. 96 Ibn Taymiyyah ends the section, before continuing to the Pact of ʿUmar, with a frank admission of the trade-off that Muslim rulers face if they heed his admonition to dismiss non-Muslims, whom they have appointed “for their experience and trustworthiness.” “The employment of someone of lesser qualification than [non-Muslims] is more beneficial to the Muslims in their religion and in the affairs of this world. The small amount of what is permitted is blessed, while the great quantity of what is forbidden perishes, blotted out by God.” 97 In other words, God intervenes to negate the very real advantages of employing non-Muslims; the allusion is to the demise of the Ismāʿīlī Fatimids. This reasoning was unusual in the discourse.

In a third work, Iṣṭiḍāʿ al-ṣirāt al-mustaqqīm mukhālafat aṣhāb al-jahīm, which was directed against the practice of mixing with non-Muslims at their festivals, Ibn Taymiyyah embeds his views on non-Muslim state officials in a discussion of differentiating oneself from unbelievers. 98 This is a rare combination, but it reflects the thrust of the work. Ibn Taymiyyah explains that the prohibition on intimacy (muwālāt) with non-Muslims is primarily a matter of the heart, but to achieve the same purpose, the pious forebears used the passage under discussion (Q. 5:55–56) to dissuade Muslims from appointing non-Muslims to positions of authority. The story of Abū Mūsā’s secretary follows. Non-Muslims are not to be employed because this leads naturally to the formation of personal connections with Muslims, and fails to achieve the benefits of maintaining separation. 99 This line of argument is unusual but not unprecedented; the earliest stories, too, were preoccupied with personal connections with non-Muslims, as “friends” (awliyāʾ). On the whole, the issue of non-Muslim officials was clearly one on which Ibn Taymiyyah held strong views. He articulated these in more urgent and practically oriented language than any Ḥanbalī before him had done. It may be no coincidence that he is silent about the permissive view attributed to Ibn Ḥanbal, and about the debate in his own madhhab over the non-Muslim zakāt collector. 100

98 On this work, see CMR 4, pp. 865–73 (Hoover). It was written before ca. 715/1315–16. Hoover also notes Ibn Taymiyyah’s penchant for benefit/detriment calculation (p. 867).
100 Remarkably, Ibn Taymiyyah does not bring up the matter of non-Muslim state officials in his work of juristic political thought, al-Siyāsah al-sharʿīyyah. Neither, in fact, does his student Ibn al-Qayyim in al-ṭuruq al-ḥukmiyyah fi l-siyāsah al-sharʿīyyah (expected at 2:625–26).
The decades that followed Ibn Taymiyyah’s death witnessed history’s most concentrated flurry of Muslim discussions of our issue, including some of the most important independent works dedicated to the topic, discussed in Chapter 7. The Syrian Ḥanbalī Shams al-Dīn Ibn Mufliḥ al-Maqdisī (d. 763/1362), a student of Ibn Taymiyyah, seems to have been particularly invested in these discussions.101 His book al-Ādāb al-sharʿīyyah wa-l-mināḥ al-maʿrīyyah, on proper individual and social comportment according to Islamic juridical principles, preserves otherwise unknown quotations from a variety of earlier sources, including additional comments from Ibn Taymiyyah. Due to the length of his discussion, I note only Ibn Mufliḥ’s unique contributions.102

Ibn Mufliḥ is the first to deal directly and systematically with the question of whether state employment of non-Muslims is prohibited (ḥarām) or merely disapproved of (makrūh). Those unnamed Ḥanbaliṣ who hold the latter position cite necessity (darūrah) as an extenuating circumstance (cf. the later view of al-Ḥajjāwī above, n. 86). The author argues that such employment is, unlike seeking the assistance of non-Muslims in warfare, prohibited. He cites al-Riʿāyah al-kubrā of Ibn Ḥamdān (d. 695/1295), in which non-Muslims are not to be gatekeepers, executioners (jallād), “or the like.”103 The influence of Ibn Taymiyyah’s concern for practical consequences, too, is apparent in Ibn Mufliḥ’s reasoning. In seeking non-Muslims’ assistance, there are inevitable evil effects. One will have to rise in their presence, greet them improperly, and turn a blind eye to their peculation, which is “due to their treachery and their belief that it is licit.” Ibn Mufliḥ makes use of qiyās (legal analogy). If, according to one opinion, it is forbidden to seek their assistance in warfare, how much more should employing them in administration be forbidden, because of the same ineluctable evils?

The opinions of Abū Yaʿlā, Ibn Ḥanbal, and Ibn Qudāmah are next presented, not without distortion (Ibn Qudāmah is said to have stated that the prohibition is a point of agreement [maḥallu wifāq], when in fact he recognized disagreement). The prohibition is then given additional theoretical elaboration within the Ḥanbalī framework. It is part of Ḥanbalism. Ibn Mufliḥ argues, to consider the means (al-wasāʾīl wa-l-dhārāʾiʾ) by which to attain the divinely ordained humiliation of non-Muslims. Thus, if the Prophet ordered that they be forced to the margins of streets (a well-known ḥadīth), then plainly they should not be appointed to positions of authority.104 Here, analogy is again employed. Another instance of it follows: if non-Muslims are forbidden to be the executors of Muslims’ wills, despite the limited character of this trust and the relative

101 On Ibn Mufliḥ, see EI, s.n., 3:883–83 (Makdisi); Al-Matroudi, The Ḥanbalī School, pp. 136–41.
103 For references to this partially extant but unpublished work, see al-Ṭurayqī, Muʿjam, 3:268.
104 al-Bukhārī, al-Adab al-mufrad, p. 369 (no. 1114); Abū Dāʾūd, Sunan, 7: 497–98 (no. 5205).
difficulty of doing evil through it, then the present prohibition is manifestly more worthy. A Qurʾānic verse is cited (Q. 4:141: “God will not grant the unbelievers any way over the believers”) that is new to our survey, but is not Ibn Mufliḥ’s original selection: he notes that Shaykh Wajīh al-Dīn used it in arguing that zakāt collectors must be Muslim.\footnote{Perhaps the Damascene Ḥanbalī As’ad b. al-Munajjā (d. 606/1209), on whose life and works (all lost) see al-Ṭurayqī, Muṣjam, 3:11–13.}

Ibn Mufliḥ quotes liberally from Ibn Taymiyyah, both the sources named above and others now lost to us. Most of the reasoning is familiar. It should be noted, however, that Ibn Taymiyyah is reported to have described the presence of “a Jew, Samaritan, or Christian” in the administration as “among the greatest calamities to afflict Islam.” From the context of another quotation from Ibn Taymiyyah, it is clear that his targets are non-Muslims in the financial administration:

If they are forbidden to raise their buildings above [those of] Muslims, how [much worse] if they are made authorities (wulāṭ) over Muslims respecting what is collected from and distributed to them, and financial affairs about which they are commanded, and if their report is accepted therein, such that they are the commanders and witnesses against [the Muslims].

In another passage he appears to have in mind military advisers rather than tax officials:

It may be that [Muslim rulers] solicit their opinions, thinking them beneficial (maslahah), when in reality they contain such corruption of their earthly and religious conditions as only God can know. For it is part of his religion to obstruct and deceive the army (khidhlānu l-jundi wa-ghashshuhā), and that the land belongs rightfully to the Christians, who aspire to take possession of it.\footnote{Emphasis mine. For another case of imputed Christian irredentism, see Ibn al-Nābulusī, Sword, pp. 66–69.}

Ibn Taymiyyah here models the rhetorical strategy of imputing objectionable beliefs to non-Muslim officials, in addition to whatever theological delusions afflict them. This strategy was to become very popular in longer works on the topic. It is noteworthy, finally, that Ibn Mufliḥ pointedly omits the frank admission (of the drop-off in administrative efficiency which the compliant ruler can expect) that Ibn Taymiyyah had made in the fatwa Mas’alah fī l-kanā‘is, from which Ibn Mufliḥ quotes extensively until just before this final paragraph, where he states: “here ends his discourse.” This omission confirms that Ibn Taymiyyah was unusually willing to admit the negative consequences of the reforms he advocated. In other words, he was an uncommonly realistic political thinker.

Ibn Mufliḥ’s account goes beyond Ibn Taymiyyah and other Ḥanbalī thinkers, citing, for instance, literary anecdotes from the work of the
Andalusī Mālikī Ibn ʿAbd al-Barr (see Chapter 6, p. 183). The section ends with an abbreviated account of the purge of Christian officials ordered by the caliph al-Nāṣir (r. 575–622/1180–1225) in Iraq. Even in this account of the event, which is abbreviated from a credible contemporary source, some effects of views studied in this chapter are apparent – al-Nāṣir successfully adapts the jurists’ reasoning and phraseology to his own administration in order to deflect opposition mounted by Muslim officials, in defense of their Christian colleagues. This episode reminds us – not for the last time – that juristic views might be invoked by rulers, under particular circumstances, just as accounts of such invocation were, in their turn, recycled by jurists.

The Ḥanbalī juristic discussion of non-Muslim officials thus vacillated between two registers, with little overlap. One was the earlier, abstruse, technical, and permissive set of views on the zakāt collector, which had a basis in the permissive statements ascribed to Ibn Ḥanbal. The other was the later, polemical, politically engaged set of views on non-Muslim officials more broadly. It seems that the former lacked the exclusionary force that later Ḥanbalīs felt they needed, while the latter lacked robust grounding in the madhhab tradition itself, hence its diversity and tendency to pull in outside evidence. When another of Ibn Ḥanbal’s students, the famous Damascene Ibn Qayyim al-Jawziyyah (d. 750/1351), composed a juristic work focused on dhimmis – Ḥikam ahl al-dhimmah – he, like his teacher, inclined strongly to the latter, polemical register, on this issue in particular. As Antonia Bosanquet has shown, Ibn al-Qayyim elected not to draw on the sober views of the Ḥanbalī madhhab, as he did nearly everywhere else in the work. Instead, he simply reproduced a set of Qur’ānic admonitions and a series of extended anecdotes about Abbasid and Fatimid caliphs that stem from an unidentified earlier source. We will consider these anecdotes in Chapter 7. It is striking that in this, now the best-known Islamic juristic work relating to non-Muslim subjects, Ibn al-Qayyim chose to reach outside the juristic tradition altogether. His choice hints at the perceived inadequacy of that tradition to his rhetorical needs, and at how this matter differed from other “dhimmi issues.” Here it was not mainly non-Muslims but their elite Muslim patrons whom the jurists aspired to regulate.

The Shāfiʿīs

In Shāfiʿī circles, al-Juwaynī’s inclination to prohibit non-Muslim officials won out over al-Māwardī’s creative pragmatism. On the whole, however,

107 For the full account, see al-Malik al-Manṣūr, Miṣmār al-ḥaqāʾiq wa-sirr al-khalāʾiq, pp. 99–100 (see Chapter 7, p. 259).
108 On the author and work, see CMR 4, pp. 989–96 (Hoover).
109 Bosanquet, “Keeping Their Place.”
al-Shāfiʿī’s own opinion, which both men had quoted, figured little in the madhhab discussion, which did not approach the volume or sophistication of the Hanbali one. That discussion was also, like the tentative view of its eponym, practically devoid of the madhhab’s trademark rigorous reasoning on the basis of authenticated Prophetic hadīth.

The Baghdad Shāfiʿī al-Kiyā al-Harrāsī (d. 504/1110–11), a student of al-Juwaynī, uses the stories about ʿUmar b. al-Khaṭṭāb and the Christian secretaries as interpretive lenses for Q. 3:118. For al-Harrāsī, the verse demonstrates that “it is not permitted to seek the assistance of dhimmis in any of the Muslims’ affairs, including official agencies and scribal posts.” Fellow Shāfiʿī Fakhr al-Dīn al-Rāzī (d. 606/1209) cites one of those stories approvingly in his exegesis of Q. 5:51, using a version close to that transmitted by the Ḥanbalīs – he takes up the counterfactual mentioned above (“the Jew/Christian is dead”), explaining it in language nearly identical to that of al-Zamakhsharī, from whom he was probably borrowing (see further in this section). Mention should also be made of a statement attributed to Taqī l-Dīn Ibn al-Ṣāḥib (d. 643/1245): “They should be prevented from serving kings and emirs, just as they are prevented from riding horses.” Here analogy (qiyyās) operates on a stipulation of the “Pact of ʿUmar,” as it did in the thought of Ibn Taymiyyah, to produce the ratio legis. But none of these insubstantial views gives signs of strong links to specific historical occasions.

The fatwa of the important Syrian Shāfiʿī Muhīy l-Dīn al-Nawawī (d. 676/1277) on the question of a Jewish mint official is, unlike most other statements considered in this chapter, quite well-known. As Goldziher first noted, the petition for a fatwa seems to refer to a specific Jewish mint official. In addition to the standard objection that a non-Muslim’s statements cannot be trusted, and an annotated citation of Q. 3:118, the fatwa includes an answer to a unique question that the petitioner poses: Will the person who induces the ruler to dismiss the Jew get a reward from God? What about ruler himself, if he replaces the Jew with a trustworthy Muslim? Al-Nawawī writes that both will receive a reward. While this opinion is not explained, it furnishes a motivation for applying the law – the desire for divine reward – that incentivizes the prohibition for both rulers and pious Muslims.

111 al-Anṣārī, Ghurar al-bahiyyah, 5: 146 (the quotation is part of the text attributed to al-Anṣārī, not to Ibn al-Wardī [d. 749/1349], whose work is a versification of that of al-Qazwīnī [d. 665/1266]).
113 al-Nawawī, al-Manṭhūrāt fi ʿuyūn al-masāʾīl al-muhimmāt, p. 250. Al-Nawawī elsewhere allows that the official liaison between the state and a semi-autonomous dhimmi community (the ʿarīf) may himself be a dhimmi (al-Nawawī, Rawḍat al-ṭālibīn, 10:333; al-Ṭurayqī, al-Iṣṭiʿānah, p. 387).
Badr al-Dīn Ibn Jamā‘ah (d. 733/1333), a Shāfi‘ī of the Mamluk Syrian-Egyptian milieu, gives a slightly more nuanced ruling, one that must have been more commonly held than the sources reveal: non-Muslims may not be employed in any official capacity save that of poll-tax collector, or customs collector dealing only with non-Muslims. Any other tax collection or other appointment is forbidden, both for Scriptural reasons (Q. 4:141, 5:51, 60:1) and because such appointment involves uplifting and strengthening non-Muslim appointees, a “violation of the sharī‘ah and its rules” (qawā‘iduhā).  

The famous Syrian Shāfi‘ī scholar Ibn Kathīr (d. 774/1373) reported in his exegesis of Q. 3:118 a view that some modern Muslim scholars – even those sympathetic to a prohibitive view – have taken to indicate that he was prepared to concede that the state might sometimes lawfully employ non-Muslim officials. “In this report [concerning ʿUmar I and the Christian secretary from al-Ḥiṣr] we find evidence that dhimmis may not (lā yajūz) be employed in secretarial positions in which they are elevated over Muslims and are privy to their private affairs, which it is feared that they might divulge to their enemies.” In the Arabic, as in the English, much depends on whether “secretarial positions” (al-kitābah) is all-inclusive, or refers instead only to the positions that the following clause describes. On the latter reading, Ibn Kathīr would, as modern scholars have suggested, implicitly condone official employment that does not elevate non-Muslims over Muslims or give them access to sensitive information. However, this reading is far from certain. 

In a work summarizing Shāfi‘ī juristic rulings, the Syrian Abū Bakr al-Ḥiṣnī (829/1426) – a sometime opponent of Ibn Taymiyyah’s teachings – frames a rather academic prohibition of non-Muslim qāḍīs with the idea that the judgeship is wilāyah (authority) and a sabīl (a means – cf. Q. 4:141). The non-Muslim is simply not qualified for such roles (laysa ahlan li-dhālik). As evidence, al-Ḥiṣnī offers the story about Abū Mūsā’s Christian secretary, as well as another well-known early report that claims non-Muslims permit bribes. 

Shāfi‘īs, as we shall see in Chapter 7, were prominent among the authors of Mamluk-era independent works that urged the authorities not to hire non-Muslims. Ibn al-Nābulusi, Ibn al-Durayhim, al-Asnawī, and Ibn al-Naqāsh were all Shāfi‘īs. Distinctively Shāfi‘ī sources and methods, however, are not especially prominent in these works. Indeed, Shāfi‘īs’ argumentation on the issue was less firmly connected to the opinion of their eponym than was that of the Ḥanbalīs to theirs, and it showed little of the rigorous, textually grounded legal reasoning for which the madhhab was known. Taken together with the

117 al-Ḥiṣnī, Kifāyat al-akhyār, p. 653.
debate between al-Māwardī and al-Juwaynī, this evidence shows that neither madhhāb had a fixed answer to the question of whether non-Muslims could be appointed as state officials.

The Ḥanafīs

We have already noted the curious absence of early Ḥanafī discussions of non-Muslim officials, despite intensive contacts between Ḥanafīs and the Abbasid state at a time when that state employed non-Muslims in significant numbers. This silence may indicate that early Ḥanafīs did not see it as their duty to regulate the religious uniformity of state officials. Although the early Ḥanafī al-Shaybānī (d. 199/805) may have objected in passing, according to his commentator al-Sarakhsi (d. ca. 483/1090), this is not certain, as we shall see.118

We do not find a clear Ḥanafī statement on the matter until a work of the fourth/tenth-century jurist of Baghdad and Nishapur, al-Jaṣṣāṣ (d. 370/981), Aḥkām al-Qurʾān. Al-Jaṣṣāṣ has been described as the “chief representative of the aṣḥāb al-raʾy in his day,” but his view on this issue is thoroughly dependent on proof texts, minimally explicated.119

In exegeting Q. 3:118, al-Jaṣṣāṣ cites all three stories about ʿUmar b. al-Khaṭṭāb and the ḥadīth about the rejected pagan at Badr to support his view that “in this verse there is proof (dalālah) that it is not permitted to seek the assistance of ahl al-dhimmah in the Muslims’ affairs, as [administrative] appointees and secretaries” (mina l-ʿimālātī wa-l-katabāh).120 Al-Jaṣṣāṣ brings similar reasoning to bear, in a section on “appointing apostates” (al-istināb bī-l-murtadd), upon Q. 5:51 – which is described as a “counterpart” (naẓīr) to Q. 3:118 – concluding that the non-Muslim “does not deserve” (lā yastaḥīqu) authority over Muslims. He relates this view to what he describes as a particularly Ḥanafī position that discourages the deputizing of dhimmis in commercial ventures, and the commenda (al-muḍārabah) between Muslims and dhimmis.121 The rationes legis, then, are the sunnah of the Prophet and

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118 Al-Shaybānī describes the qualifications of the kharāj collector without mentioning religion in his Kitāb al-ʿĀṣl (7:557–58). I thank Mairaj Syed for drawing my attention to this edition.
119 EI², art. “al-Djaṣṣāṣ,” 2:486 (Spies). See further references in Chapter 1, n. 5. The aṣḥāb al-raʾy, of which early Ḥanafīs were leading members, reached juristic rulings by “dialogic” argumentation and individual reasoning rather than heavy recourse to ḥadīth or the living custom of the community. See El Shamsy, Canonization, pp. 22–34 (whence “dialogic”); Melchert, The Formation of the Sunni Schools of Law, passim, esp. pp. 1–7.
120 al-Jaṣṣāṣ, Aḥkām al-Qurʾān, 2:44. Cf. similar, abbreviated views on the religion of the qāḍī’s scribe in Sharḥ Mukhtasar al-Ṭahāwī, 8:40–41.
Companions and Scripture, as Scripture was applied in the reports that comprised the relevant *sunnah*.

Al-Jaṣṣāṣ uses the same verse, in tandem with the passage classically interpreted as instituting the poll tax (*jizyah*), Q. 9:29, to argue that since God has instructed that dhimmis be humbled, any act that results in their elevation is forbidden. State appointment is taken to be a prime example of this elevation. Al-Jaṣṣāṣ presents such appointment as incompatible with the possession of a *dhimmah* – a pact of security:

It is not permissible (*fa-ghayra jāʾiz*) . . . for them to have a pact if they lord it over Muslims through appointments and have control over commanding and forbidding (*nafāḏhu l-amri wa-l-nahy*). Rather, God established the pact for them and the inviolability of their blood by payment of the *jizyah* and being humbled. It is therefore obligatory (*wājib*) to kill whosoever exercises authority over the Muslims with injustice, unlawful tax-taking (*akhdhu l-ḍarāʾ ib*), and wrongdoing, whether the government (*al-sulṭān*) appoints him or whether he acts without government orders. This demonstrates that those Christians who hold government employment, and openly oppress and act arrogantly toward Muslims, taking unlawful taxes, have no pact. Their blood is licit.

The same principle would be enunciated independently by Ibn Ḥazm and Ibn Taymiyyah, and ascribed by Ibn al-Qayyim, in virtually the same words, to Abū Yaʿlā, as we have seen. It amounts to an endorsement of limited rebellion against a government that ignores demands to dismiss non-Muslim officials. Yet al-Jaṣṣāṣ’ denunciation extended to Muslim officials as well:

If the tax collectors who presume to occupy the toll-booth in order to take people’s property are among those who profess Islam, their blood must be considered licit, for they are tantamount to highwaymen. There is no disagreement among the jurists that if anyone approaches a person with intent to deprive him of property, that person may kill him . . . [Here Prophetic *ḥadīth* prove this point.] If this is the ruling regarding anyone who professes Islam and seeks to take another’s property unjustly, then the dhimmi who does so deserves death on two counts: first, the necessity of death required by the plain meaning of the verse [9:29], and second, approaching a Muslim with the intent to take his property wrongly. 122

Al-Jaṣṣāṣ stops just short of calling for violent resistance to non-Muslim government officials, who seem to have been an irritant in his historical milieu. However reprehensible their appointment might be on Scriptural grounds, it is those who exercise power *unjustly* whose blood he declares licit. Yet his argument could be construed as condoning violence, on the grounds that a non-Muslim official has already violated the humility requirement of Q. 9:29. Notably, the ruler’s appointment of the official makes no difference to his formal inviolability or lack thereof. This is a significant denial of moral authority to Muslim rulers.

In his main work of Ḥanafī fiqh, Muḥammad b. Aḥmad al-Sarakhsi, who lived about a century later in Transoxania, affirms repeatedly, usually in conjunction with the stories about ʿUmar b. al-Khaṭṭāb, that non-Muslims “are not to be trusted (lā yū tamānūn) in any of the Muslims’ affairs, for they do not give trustworthy [service] therein.” The qādī’s interpreter must be a Muslim, because “infidels are antagonistic (mūʿādīn) to Muslims, and plainly intend mischief in such matters.” Q. 3:118 is also invoked. The ratio legis here is not hierarchy maintenance, but pragmatic concern for the effective operation of justice in light of the categorical preconception that relations between Muslims and non-Muslims are inherently unfriendly. Likewise, in a separate passage, the qādī’s scribe ought not to be a dhimmi, not only because of the ʿUmar stories and Q. 3:118, but also because “what the qādī does is by nature religious, and they betray Muslims in matters of religion, to corrupt it against them . . . and because the qādī’s scribe is esteemed among the people, and we have been forbidden to esteem them; the Prophet (ṣ) said, ‘Humiliate them, but do not oppress them.’”

Another of al-Sarakhsi’s works makes clear that this stance applies not only to qādīs, whose work was, he noted, overtly religious, but also to the emir. Here the emir’s non-Muslim emissary in time of war is, like the Muslim one, inviolate (al-Sarakhsi acknowledges this awkward statement by al-Shaybānī, on whose work he is commenting) because inviolability is conferred on account of the emir, not the emissary. This contrasts to al-Jaṣṣāṣ’ view that state appointment conferred no inviolability on the non-Muslim official. Yet, al-Sarakhsi notes that that this limitation (taqṣīr) must be expressed at all reflects badly on the hypothetical emir, who “chose for his emissary a treacherous infidel, though forbidden to do so.” The forbidding is reenacted, as usual, by ʿUmar b. al-Khaṭṭāb. While al-Shaybānī’s statement (if it is in fact his) indicates indeterminacy in proto-Ḥanafī views on the issue, we must also take into account his equally uncertain citation of a letter allegedly from ʿUmar b. al-Khaṭṭāb to Saʿd b. Abī Waqqāṣ in which ʿUmar is made to say, “Do not take any of the pagans as a secretary over the Muslims, for in their religion they accept bribery (risḥwah). There is no bribery in God’s religion. We hold to this [view]” (wa-bihi naʾkhudhī). The final statement – whether it is al-Shaybānī’s or al-Sarakhsi’s – represents a self-consciously Ḥanafī endorsement of ʿUmar’s stated view.

124 al-Sarakhsi, Sharḥ, 2:472 (no. 704).
125 al-Sarakhsi, Sharḥ, 3:1040. For the source of this letter, see Chapter 3, n. 54. For noteworthy marginalia to this passage, see below in this section.
In general, however, Ḥanafīs after al-Jaṣṣāṣ had little to say about non-Muslim officials. Al-Zamakhsharī (d. 538/1144), the famous Muʿtazilī Ḥanafī grammarian and commentator, was the first scholar to incorporate into his exegesis (of Q. 5:51) the counterfactual twist to the story about Abū Mūsā’s Christian secretary, in which ʿUmar says, “[Imagine that] the Christian has died [and hire a Muslim instead].” As we shall see in the next chapter, al-Zamakhsharī’s contemporary Nizām al-Mulk was among the early writers in whose work we find this twist. Al-Zamakhsharī interprets the verse broadly: it excludes all fraternization with non-Muslims, who, as the verse suggests, are united and undifferentiated in their unbelief (kufr). It is worth noting that al-Zamakhsharī aspired to state employment, and made concerted but largely unsuccessful efforts to obtain a position under Nizām al-Mulk, his successors in the vizierate, and various Seljuq potentates. This personal circumstance appears to be more relevant to the drift of al-Zamakhsharī’s view than does his Ḥanafī affiliation.

From a marginalium noted by the editor of the Kitāb al-Siyar al-kabīr of al-Shaybānī (with commentary by al-Sarakhsī), it appears that al-Jaṣṣāṣ’ exclusionary position did not become a fixed feature of the later Ḥanafī tradition. In this note, Muḥammad b. Ibrāhīm al-Ḥaṣīrī (d. ca. 500/1107), a student and transmitter of al-Sarakhsī, remarks that “the shaykh” (presumably al-Sarakhsī himself) said, “ʿUmar did not single out (lam yuzayyif) the unbelieving scribe for his unbelief, but rather for accepting bribes. Thus the unbelieving scribe who does not accept bribes (lā yartashī) is better than the scribe who accepts bribes, Muslim though he be. This is what ʿUmar means.” Here the justification for forbidding the employment of a certain class of persons is eminently pragmatic, and blind to communal affiliation. It is clear that the foregoing rationes legis against non-Muslim officials did not saturate the Ḥanafī tradition.

The Ḥanafī discussion of the topic did, however, show influence from other lines of thought. The Egyptian commentator Ibn al-Humām (d. 861/1457) took an interesting view of the concern for hierarchy maintenance in a section on laws of warfare (kitāb al-siyar): “There is no doubt that it is forbidden to hire them as secretaries, and to allow them such direct access [to power] (idkhāluhum fī l-mubāsharah) that they come to be esteemed among Muslims. Indeed, some Muslim might render service to [the dhimmī] out of fear that he might turn on him and calumniate him in front of his patron, thus doing [the Muslim] eventual damage.” Some modern Muslim scholars have

127 al-Sarakhsī, Sharḥ, 2:1040.
128 Ibn al-Humām, Sharḥ Fath al-qadīr, 6:57–58. For the prohibitive views of still later Ḥanafīs, see Chapter 9, pp. 298–99.
construed this passage to imply that it is not forbidden to employ non-Muslim officials in lower positions that present no such risk.\textsuperscript{129}

In short, there was no unified Ḥanafī view on the matter. Opinions ranged from studied silence (Abū Ḥanīfah himself, Abū Yūsuf) to qualified permission (al-Ḥaṣīrī) to opposition, both fierce (al-Jaṣṣāṣ) and ambivalent (Ibn al-Humām). It is noteworthy that the early reports about ʿUmar b. al-Khaṭṭāb were particularly visible in a madhhab that might in principle have paid them less heed than others. This, too, suggests that we have overlooked no madhhab-specific discussion that occupied an equivalent place.

The Mālikīs

Members of the Mālikī madhhab who expressed formally juristic views about non-Muslim officials shared their eponym’s negative view, though they seldom quoted it. Instead, like the Ḥanafīs, they imported proof texts from outside the madhhab. The earliest known Mālikī treatment, other than the sources that report Mālik’s own view, is that of the North African Ibn Abī Zayd al-Qayrawānī (d. 386/996). In his main surviving work of fiqh, \textit{al-Nawādir wa-l-ziyādāt ʿalā mā fī l-Mudawwana}, Ibn Abī Zayd treats the topic, somewhat unusually, in the section on jihad, where general restrictions applying to dhimmis are listed unsystematically.\textsuperscript{130} Ibn Abī Zayd reports that the early caliphs ʿUmar and ʿUthmān both forbade non-Muslim secretaries, the former because of Q. 3:118. He gives a truncated version of the letter from ʿUmar b. ʿAbd al-ʿAzīz that his fellow Mālikī Ibn ʿAbd al-Ḥakam had recorded a century earlier. This version acknowledges that the Muslim conquerors at first employed non-Muslims due to their own ignorance of administration. Now that the Muslims are numerous and knowledgeable, however, it is undesirable (lā yanbaghī) to employ non-Muslims in any branch of administration. Necessity is thus an implicit excuse for employing them. ʿUmar’s command to evict them from markets, as related by Mālik, is then quoted, and Ibn Abī Zayd leaves the matter there.

Since Ibn Abī Zayd habitually cites earlier Mālikī sources by title and author throughout the work, but names none here, he probably knew no robust madhhab discourse on the issue. Indeed, the following centuries saw only sporadic and disconnected efforts to construct one. The counsel work titled \textit{Sirāj al-mulūk} by al-Ṭurṭūshī (d. 520/1136), the famous Andalusī Mālikī migrant to Syria and Egypt, discusses the matter at length, but in a vein more hortatory than juristic. It will be considered in the next chapter. Similarly, the


\textsuperscript{130} Ibn Abī Zayd, \textit{al-Nawādir wa-l-ziyādāt}, 3:374–75. I owe my knowledge of this passage to Alejandro García Sanjuan.
Andalusī jurist Ibn 'Abd al-Barr (d. 463/1070) scatters the stories about 'Umar b. al-Khaṭṭāb throughout the section on secretaries in his literary anthology, *Bahjat al-majālis*, adding Mālik’s view, as attributed to Ibn al-Qāsim, as well the rhetorical question of another early Mālikī: “How can someone who rejects the Qur‘ān and gives the lie to the Prophet be trusted?”¹³¹ A story about the Abbasid caliph al-Maʾmūn’s rejection of a Jewish official follows.¹³² But this is a work of *adab*, not of *fiqh*, and Ibn 'Abd al-Barr’s juristic manual, *al-Kāfī fit fiqh ahl al-Madīnah*, does not raise the issue.¹³³

The Andalusī exegete Ibn 'Aṭīyayah (d. 546/1160), citing al-Qādī ‘Iyāḍ (d. 544/1149), forbids employing and deputizing (*taṣrīf*) non-Muslims in commercial ventures and generally relying on them (*al-istiṣnāmah ilayhim*) on the basis of Q. 3:118 and 5:51, as viewed through the lenses of the stories about 'Umar b. al-Khaṭṭāb.¹³⁴ Likewise, Ibn al-‘Arabī, who studied with both al-Qādī ‘Iyāḍ and al-Turtūshī and worked in al-Andalus and the western Maghreb, makes clear in his exegesis of Q. 5:51 that “no Muslim appointee should appoint a dhimmi,” citing the story of Abū Mūsā’s Christian secretary (set in Yemen!). This is not only because God, whose views 'Umar expressed, forbad it, but also because “they do not give sincere counsel, or trustworthy [service].”¹³⁵ Pragmatic concerns, Scripture, and exegetical *sunnah* are the stated justifications. His exegesis of Q. 3:28 – “Let not the believers take the unbelievers for friends, rather than the believers, for whoso does that belongs not to God in anything, unless you have a fear of them” – cites the same version of the Abū Mūsā story. It declares this verse to be “a general [directive indicating] that the believer is not to take the unbeliever as a friend in supporting him against his enemy, nor in trust or intimacy.” Ibn al-‘Arabī is, however, forced to recognize the diversity of scholarly views on *istiṣnānah* in warfare, declaring that the correct (Mālikī) position, on the basis of the *ḥadīth* about the pagan at Badr, is to forbid it. There follows his own, mildly incompatible opinion: “If there is an advantage to be realized thereby, there is no harm in it.”¹³⁶ Ibn al-‘Arabī accepts the remainder of the verse, in which fear functions as a valid excuse for friendship with unbelievers, as grounds for provisional, dissimulative friendship and mutual support. Thus, even as textual sources provided pretexts for proscribing political collaboration with non-Muslims, other texts and scholarly opinions supplied ready loopholes as needed. Ibn al-‘Arabī’s view may have been conditioned by contemporary Maghrebi Muslim rulers’ fondness for European Christian mercenaries.¹³⁷

133 Müller, “Non-Muslims as part of Islamic law.”
137 Lower, “Christian Mercenaries in Muslim Lands.”
Another Mālikī jurist from North Africa, Ibn Shās (d. 616/1219), copies Ibn Abī Zayd’s discussion almost verbatim in his own manual of Mālikī fiqh. Also derivative is the relatively extended discussion that the somewhat later Andalusī immigrant to Egypt al-Qurṭūbī (d. 671/1272) includes in his juristic exegesis of Q. 3:118, which makes minor, unacknowledged use of the work of al-Qāḍī ʿIyāḍ or that of Ibn ʿAtiyyah. Al-Qurṭūbī frames the prohibition on state employment in a broader argument against illicit friendships with non-Muslims: “taking intimates and confidants from among the infidels, Jews, and sectarians.” Poetry and hadīth demonstrate the next link in his chain of reasoning, a general principle that recalls Ibn Taymiyyah’s concern in Iqd al-jawhar al-thamānī: people come to resemble those they fraternize with. The problem with this is stated plainly in the Qur’ānic passage: non-Muslims seek to corrupt Muslims, even if they do not fight them openly. Al-Qurṭūbī cites the stories about ʿUmar and the secretary of al-Ḥīrah and Abū Mūsā, as well as the report first mentioned by al-Shaybānī, in which ʿUmar b. al-Khaṭṭāb instructs, “Do not employ ahl al-kitāb, for they consider bribes lawful (yastaḥillūna l-rishā); seek assistance in your affairs and over your subjects from those who fear God.”

Al-Qurṭūbī follows this with a statement that makes the contemporary resonance of his exegesis unusually plain: “Matters have gone badly awry in these current times, in that People of the Book are taken as scribes and confidants (umanā’); thus have they prevailed (tasawwadū) in the company of the ignorant fools among the rulers and emirs.” Al-Qurṭūbī concludes by citing the well-known hadīth which states that every prophet and ruler has two kinds of intimate (biṭānah) – one gives good counsel, the other bad – and the hadīth about not seeking light from the fires of pagans, with the interpretation of al-Ḥasan al- Баṣrī that discourages soliciting non-Muslims’ opinions. It is evident that contemporary Muslim rulers’ habit of employing non-Muslims gave added impetus to his exegetical activity on this issue. But scarcely any of what he wrote is distinctively Mālikī.

In a work on the differences between superficially similar juristic considerations, the Cairene Mālikī Shihāb al-Dīn al-Qarāfī (d. 684/1285) includes a nuanced and similarly original discussion of the prohibition in the course of explaining the difference between decent treatment (birr) of dhimmis, which is enjoined, and affection (tawaddud) for them, which is forbidden. Allowing dhimmis to obtain official appointments, particularly those which give their holders coercive authority (qahr), elevated status (ʿuluww), and the power to make demands (sulṭān al-muṭālabah) is forbidden, for these things involve

139 Al-Qurṭūbī has this from al-Bukhārī (al-Jāmiʿ al-Sahiḥ, 4:342 [no. 7198]).
140 al-Qurṭūbī, al-Jāmiʿ li-akhkām al-Qurʿān, 3:174–78 (see also, e.g., 5:396).
141 al-Qarāfī, Kitāb al-furūq, 2:702–703.
“magnifying the emblems of unbelief, degrading those of God and his religion, and degrading its adherents.” The prohibition stands even if [the non-Muslim official] is extremely gentle and forbearing. For gentleness and forbearance in this sphere are a kind of headship, sovereignty, and elevated station among the noble character traits [makārim]. It is a lofty degree to which we have brought them, and on account of which we have magnified them, and elevated their estate by preferring them. All this is forbidden. The well-known story of al-Ṭūṭūshī’s confrontation with a Christian official is then related, followed by that of Abū Mūsā’s Christian secretary. Two things stand out about al-Qarāfī’s treatment. The first is his sensitivity to economies of symbolic capital and its preservation; the “emblems” of belief and unbelief are the real sites of conflict. No other author treated here so clearly refines the symbolic capital at stake in the elevation of non-Muslims over Muslims, and locates the reasons of the prohibition in the need to monopolize that capital, which is presented as finite, so that magnifying one emblem entails degrading the other. The second point to note is the return of the clever rhetorical strategy that we last encountered in a letter attributed to ʿUmar b. ʿAbd al-ʿAzīz. Here the strategy operates on an ethical rather than an exegetical plane. Al-Qarāfī recasts the virtues that would seem to recommend the non-Muslim’s employment as vices that militate against it. A noble character is an obstacle to state employment in this case, since it confers moral superiority that is, because its bearer is an unbeliever, reprehensible. The perversity of the argument is softened by al-Qarāfī’s assertion that Muslims are, in fact, the source of whatever ethical distinction non-Muslims might display. This allows the reader to imagine any such distinction as Muslim virtue, temporarily misplaced.

The moralizing Mamluk-era Maghribī-Egyptian Ibn al-Ḥājj (d. 737/1336), unlike many of his contemporaries in the same milieu, does not address the issue of non-Muslim officials directly. He does, however, refer to the matter obliquely in the course of scolding Muslims who hire non-Muslim doctors, eye-doctors, and arithmetic teachers for their children. Ibn al-Ḥājj argues that non-Muslims specialize in these fields in order to consolidate for themselves a position within – or, as he has it, at the expense of – Muslim society. He refers to the standard reports about ʿUmar b. al-Khaṭṭāb, turning them against arithmetic teachers rather than officials. Here there is evidence of a particularly Mālikī background, in the form of Mālik’s testimony that ʿUmar drove non-Muslims from Muslim markets. More advanced legal reasoning is at work, too, against this background. One is reminded of Ibn Taymiyyah’s views when Ibn al-Ḥājj describes all the anti-dhimmi measures ascribed to ʿUmar as “closing of means [to evil]” (sadd dhariʿah). “Closing of means” refers to an

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143 Cf. similar notions in Ibn al-Nābulusī, Sword, pp. 16–17.
144 Cf. Ibid., pp. 56–57.
originally (but not exclusively) Mālikī source of law, based on the negative objective of preventing evil. Ibn al-Ḥājj rounds off his opprobrium with a well-known snatch of poetry:

Cursed be the Christians and Jews, for they
Attain their aspirations by their cunning toward us.
They train physicians and arithmeticians in order
To divide souls and monies among themselves.¹⁴⁵

There is, finally, a substantial Mālikī fatwā on the matter, authored by a certain Shihāb al-Dīn Abū l-ʿAbbās Aḥmad b. al-Ḥusayn and published by Richard Gottheil in 1912. Unfortunately, we do not know where or when it was written. Based on the vocabulary and probable sources, one might suspect the region from Egypt to Iraq in the Mamluk period. The anonymous request (al-istiftāʾ) for this fatwa bespeaks antipathy toward a specific, oppressive official, and is worth translating in full in order to shed light on the interplay between historical circumstances and juristic responses:

What do the noble imams – heirs of the prophets and bearers of the pure banners (may God maintain this age by them and make the Muslims secure by their perdurance) – say concerning what the tax collectors of the treasury and the emirs of the camps of Islam have done: hire Christians and Jews as secretaries, tax collectors, and administrators in the villages despite the availability of Muslims who have greater talent and goodwill? They claim that they are more sincere¹⁴⁶ to them than Muslims. Is this belief a religious fault and a blot against the Muslims that requires repentance to the Master of the Day of Judgment? Or is it recommended, with no antipathy or disagreement as to what is better? In any case, consider the situation where a certain Muslim appoints a dhimmi to collect the land tax and backs him with Turks, assistants, and servants. The dhimmi goes into a mosque with his assistants, in the village in which he is appointed. He calls someone who owes land tax and [tells him] to bring¹⁴⁷ what he owes immediately. Otherwise he orders the assistants with whom he is supported to beat up the Muslim and confine him in the prison (ẓinzīr). He even makes up his own names for Muslims and calls them by them. But say that someone scolds him for addressing them with ṣabṭṭūsh [O wild watermelon!¹⁴⁸]. If he is spoken to about this, he switches to zarābūṭ [boots]. Or again, if he goes looking for someone and fails to find him, he seizes whomever he finds in his

¹⁴⁵ Ibn al-Ḥājj, al-Madkhal, 2:339; 4:122. For the poetry, cf. Ibn al-Nābulusī, Sword, pp. 56–57. For relevant Mālikī views from a still later period, see Ibn Farḥūn (d. 799/1397), Ṭabsirat al-ḥukkām, 1:21, who writes, of the qāḍī’s appointment: “it is not valid for an infidel, by agreement” (ittifāq); Mayyārah (Sharḥ, 1:20), who writes of the same issue, “Probity is a further condition, which in turn necessitates the condition of Islam, for God did not grant the unbelievers any way over the believers (Q. 4:141); appointment is the greatest of such ways.”

¹⁴⁶ Reading ansāḥ for afsāḥ.¹⁴⁷ Reading ḥdr for ḥṣr.

¹⁴⁸ According to a lexicon of modern Iraqi colloquial Arabic (al-Baghdādī, Muḥjam al-lughah al-ʿammiyyah al-baghdādīyyah, 2:96) this is a kind of wild watermelon (biṭṭīkh). It is applied metaphorically to “handsome, healthy, full-bodied” youths. The term is absent from the standard classical and botanical lexicons.
neighborhood, whether related to him or not. It may be said to him, “It is impermissible for you to oppress someone in place of another when he is not his guarantor.” In that case he replies, “No matter, I still do it.” Or again, he assumes an elevated place in the mosque, like a king in the seat of honor (dast mamlakatih), with Muslims all round him. Is his ruining of Muslims and his addressing of Muslims in the aforesaid way grounds for the nullification of his pact? And can the ruler (may God support him) forbid him [from employment], and forbid him who had appointed him and supported him from re-appointing another person like this dhimmi? Is he rewarded for this or not? One of the things this dhimmi did was to take [another] dhimmi, dress him like a Muslim, and order him to bind Muslims and ruin them. And he drinks alcohol openly. By means of this [other] dhimmi he has taken to collecting from them more land tax than they owe, by beatings and ill treatment, going on as though this were all permissible. Give us detailed, clear ruling about this.

Here is a rich expression of the sorts of perceptions that catalyzed the discourse around non-Muslim officials among premodern Muslim jurists and their audiences. The response is clear and forceful over its five printed pages. Yet unlike the request, it does not mention contemporary circumstances. Whoever employs non-Muslims is either a sham Muslim (munāfiq) or an ignorant one, as there is consensus (ijmāʾ al-muʾminin) that it is wrong to do so. The muftī briskly presents some of the most important Qurʾānic passages and historical reports on the matter. He also cites, without attribution, Mālik’s view about expulsion from markets, the ḥadīth about the rejected pagan at Badr that Mālik brought into circulation, and, with attribution, a paraphrase of al-Ṭurṭūshī’s view. In addition, he rapidly surveys much of Ibn al-Nābulusī’s argument in The Sword of Ambition (without naming this work or its author), which may have been his source. Yet there is nothing else here that marks the author as Mālikī. If not for the epithet, we would be hard-pressed to guess his madhhab.

On the whole, then, the output of the Mālikīs on the issue was on a par with that of the Shāfiʿīs: more extensive than the Ḥanafīs but less so than the Ḥanbalīs. They made more consistent reference to the views of their eponym than the Shāfiʿīs did, but their writings – which are scattered through juristic treatments of jihad, markets, the qāḍī’s practice, and other topics – still rely heavily on the anecdotes about ʿUmar b. al-Khaṭṭāb and other early caliphs, which are not formal sources of law in any madhhab; on a range of Qurʾānic verses, variously interpreted; and on pragmatic arguments that are rhetorically concerned with social trust and the maintenance of boundaries and hierarchies.

149 Reading bayyinan for baynanā.
150 Gottheil, “A Fetwa on the Appointment of Dhimmis to Office.”
Employing Non-Muslims

The Shi’a

Premodern Shi’i juristic views – Imāmī, Ismāʿīlī, and Zaydī – on the state employment of non-Muslims are seldom encountered. Only in discussions of alliance in warfare does one find an analogue to the Sunni discussions of administrative employment. This silence fits well with the fact that the premodern Shi’a were seldom in a position to offer state employment on a large scale before or after the Fatimid and Būyid periods, and with the commonplace though overstated observation that non-Muslims were relatively prominent in the administration of both those states.151 Because Sunni discussions of alliance in warfare have been set aside in this chapter, we shall also omit those of the Shi’a, which were, on the whole, relatively permissive and showed awareness of the Sunni discourse.152

The Ibāḍīs

Recorded Ibāḍī views on relations with non-Muslims are neither numerous nor well studied.153 The early Ibāḍī of Oman, Abū l-Mundhir Bashīr b. Muhammad b. Maḥbūb (d. ca. 290/908) does not mention non-Muslim officials in his surviving works, but does show a remarkably permissive attitude toward non-Muslim assistance in warfare, even against Muslim aggressors (ahl al-baghy). He invokes two well-known incidents in which non-Muslims fought alongside the Prophet: the Jews of the Banū Qaynuqāʿ and the pagan Ṣafwān b. Umayyah.154 While the author elsewhere notes in passing that all of the Prophet’s appointees had been Muslims, the opinions on military aid hint that Ibāḍī jurists did not develop a strong allergy to collaboration with non-Muslims. This is corroborated by the view of the late Algerian scholar al-Thamīnī (d. 1223/1808), whose work Kitāb al-Nīl wa-shifāʿ al-ʿalīl has been described as “a complete exposition of Ibāḍī legislation.”155 Al-Thamīnī writes that the jizyah is to be lifted from non-Muslims who assist the Muslims against their enemies. Warfare rather than routine state employment is envisaged.156 A brief discussion of the imam’s appointments by the eastern Ibāḍī jurist al-Shaqsī (eleventh/seventeenth c.) does not leave the impression that non-Muslim officials were a source of concern, or that his ruling would have been permissive if they had been. Al-Shaqsī is mostly opposed to the appointment even of non-Ibāḍī Muslims (ahl al-khilāf li-l-muslimīn). He does not discuss

151 See Rustow, Heresy, pp. 120–25.
152 For one example, see al-Ḥillī, Muntahā l-maṭlaḥ, 14: 72–74. Where the author raises the topic later in the same work (15: 188), his treatment lifted without acknowledgment from that of his teacher, al-Ṭūsī (see al-Ṭūsī, al-Khilāf, 5: 312–13).
153 For an introduction to the literature, see Hoffmann, Essentials of Ibāḍī Islam.
154 Abū l-Mundhir, Early Ibāḍī Literature, pp. 25, 34, 47, 51.
155 EI³, s.n. (De Motylinski/Lewicki).
156 al-Thamīnī, Kitāb al-Nīl, 17:572.
the possibility of non-Muslim appointees, though he is concerned elsewhere with juristic issues related to non-Muslims.157

Accepting Employment

I know of no non-Muslim juristic discussion of the permissibility of serving a Muslim-ruled state that would be directly comparable to the juristic debate among Muslim scholars about the permissibility of serving a state controlled by fellow Muslims of a different sect.158 Among Christians, various conciliar decrees and canons discourage clergy from accepting state employment and handling taxes at all, but the state’s religious coloring is not typically mentioned.159 An exception is the Abbot Samson of Cordoba (d. 890), who wrote his Apologeticus attacking two Christian colleagues who held high positions at the Umayyad court. He objects – though not in a strongly juristic tone – to their close relationships with Muslims, adoption of Muslim practices, and the part they played in extracting taxes from the Christian population.160 Among both Christians and Jews, state officials from within the community were commonly valued as powerful intercessors on its behalf.161 They were not above critique in such roles, however, when their conduct was seen to conflict with communal expectations.162 Avrāḥām b. Dāwūd ha-Levi’s Sefer ha-qabbalāh (ca. 1160–61) narrates the rise of the famous Jewish official Ibn al-Naghrīläh, and though it is a rare and fascinating non-Muslim perspective on coreligionists’ service to an Islamic state, it lacks a strong prescriptive dimension.163 In those few instances when Jewish and Christian officials of Islamic states reflect in passing on their own or their non-Muslim peers’ employment, it is represented as unremarkable.164

157 al-Shaqṣī, Manhaj al-ṭālibīn, 8:160–61, where he leaves room for the limited appointment of non-Ībāḍīs. For dhimmi regulations, see 8:18. I owe this reference to Abdulrahman al-Salimi. For dhimmi issues in an early Ibāḍī text, see Abū l-Mundhir, Early Ibāḍī Literature, pp. 34, 37, 43–45.

158 This debate was carried on most vigorously among Shi’is; see Chapter 3, n. 119. Another extended Imāmī treatment is al-Hillī, Mintahā, 15:454–77. A Zaydī example is al-Hādī ilā l-Haqq, Kitāb al-ahkām fī l-halāl wa-l-harām, pp. 538–40.

159 See, e.g., Wipszycka, Les ressources et les activités économiques des églises, pp. 166–73. I owe this reference to Petra Sijpesteijn.

158 Juristic Aspects of the Discourse

159 See, e.g., Wipszycka, Les ressources et les activités économiques des églises, pp. 166–73. I owe this reference to Petra Sijpesteijn.


160 E.g., Safran, “Behya ibn Paquda’s Attitude Toward the Courtier Class”; History of the Patriarchs of the Egyptian Church, 2/3:173 (Ar.), 262–3 (Eng.), where the chronicler comments “all the foremost men of the kingdom, the overseers of the bureaus, and the management of their affairs were Christians,” lamenting that their power corrupted them to worldly ostentation and gluttony (translation mine).

161 Abraham b. David, Book of Tradition, esp. p. 71. I thank Mark Cohen for bringing the relevance of this source to my attention.

Conclusion

The arguments for prohibiting the employment of non-Muslims as state officials that are detailed above may be represented according to the following taxonomy, where “formal” justifications are those an author grounds in an authoritative text or other recognized source of law, and “substantive” justifications are ad hoc arguments (thought they may fall under such formally recognized categories as maslaḥah or sadd al-dharāʾī).

Formal rationes legis

I. Scripture

A. Q. 2:61 (e.g., ʿUmar II, apud al-Balādhurī)
B. Q. 2:159 (e.g., ʿUmar II, apud Ibn ʿAbd al-Ḥakam)
C. Q. 3:112 (e.g., ʿUmar II, apud al-Balādhurī)
D. Q. 3:118 (e.g., ʿUmar I and the Christian of al-Ḥīrah)
E. Q. 4:141 (e.g., Ibn Jamāʿah, Tahrīr; Ibn Muftiḥ, al-Ādāb)
F. Q. 5:51 (e.g., ʿUmar I and Abū Mūsā)
G. Q. 5:55–6 (e.g., Ibn Taymiyyah, Iḥtiḍāʾ)
H. Q. 9:28 (e.g., al-Jaṣṣāṣ, Aḥkām)
I. Q. 18:103 (e.g., ʿUmar II, apud Ibn ʿAbd al-Ḥakam)
J. Q. 26:95 (e.g., ʿUmar II, apud Ibn ʿAbd al-Ḥakam)
K. Q. 60:1 (e.g., al-Māwardī, al-Ḥāwī)

II. Exemplary practice (sunnah)

A. Prophetic

1. The pagan of Badr: “I’ll not accept aid from a mushrik” (e.g., Ibn Ḥanbal apud al-Khallāl, Aḥkām ahl al-milāl)
2. “Humiliate them, but do not oppress them” (e.g., al-Sarakhsi, al-Mabsūṭ)
3. “Seek not light from the fire of the mushrikūn” (e.g., al-Māwardī, al-Ḥāwī)
4. “I wash my hands of any Muslim found among mushrikūn” (e.g., al-Juwaynī, Ghiyāth al-umām)

B. Companion

1. ʿUmar I and the Christian of al-Ḥīrah (cited frequently)
2. ʿUmar I and Abū Mūsā (cited frequently)
3. ʿUmar I and his Christian slave, Wasq (cited frequently)
4. The letter of ʿUmar to Saʿd b. Abī Waqqāṣ (e.g., al-Sarakhsi, Sharḥ Kītāb al-siyār)
5. ʿUthmān (e.g., Ibn Abī Zayd, al-Nawādīr)
6. Abū Bakr (e.g., Ibn Taymiyyah, al-Fatāwā l-kubrā)

C. Other Muslim rulers

1. ʿUmar II (e.g., Ibn Abī Zayd, al-Nawādīr)
III. Legislative prerogative
A. Caliphal authority (e.g., 'Umar II, *apud* Ibn 'Abd al-Ḥakam; al-Mutawakkil)

B. Juristic authority
   1. *raʾy* (e.g., Mālik *apud* Saḥnūn, *al-Mudawwanaḥ*)
   2. General agreement (not described as *ijmāʿ*) (e.g., Ibn Farḥūn, *al-Ṭabṣirah*)
   3. Consensus (*ijmāʿ*) (e.g., Aḥmad b. al-Ḥusayn al-Mālikī, *fatwā*)
      a. Mālik (e.g., Ibn al-Ḥājj, *al-Madkhal*)
      b. al-Shāfiʿī (e.g., al-Māwardī, *al-Hāwī*)
      c. Ibn Ḥanbal (e.g., Abū Yaʿlā, *al-Ḥākām al-sulṭāniyyah*)

IV. Analogy (*qiyās*)
A. To prohibition on non-Muslim executors (e.g., Ibn Muflīḥ, *al-Ādāb*)
B. To prohibition of tall non-Muslim buildings (e.g., Ibn Taymiyyah, *apud* Ibn Muflīḥ, *Ādāb*)
C. To prohibition of wartime alliance (e.g., Abū Yaʿlā, *apud* Ibn Muflīḥ, *al-Furūʿ*)
D. To prohibition of riding horses (e.g., Ibn al-Ṣaḥāḥ, *apud* al-Anṣārī, *al-Ghurar*)

Substantive *rationes legis*
I. Considerations arising from the nature of non-Muslims
A. Sinful (e.g., al-Māwardī, *al-Ḥāwī*)
B. Untrustworthy (e.g., Ibn Qudāmah, *al-Mughnī*)
C. Naturally antagonistic to Muslims (e.g., al-Sarakhsī, *al-Mabsūṭ*)
D. Accept bribes (e.g., al-Sarakhsī/al-Shaybānī, *Sharḥ Kitāb al-siyar*)
E. Think the land belongs to them (e.g., Ibn Taymiyyah, *apud* Ibn Muflīḥ, *al-Ādāb*)

II. Ills to be prevented (≈*sadd al-dharāʾī*)
A. Damage to oneself
   1. Incurring God’s wrath (e.g., Ibn Taymiyyah, *Masʾalah*)
   2. Receiving dishonest advice (e.g., Ibn al-ʿArabī, *al-Ḥākām*)
B. Damage to other Muslims / society
   1. Islam corrupted (e.g., al-Sarakhsī, *al-Mabsūṭ*)
   2. Damaging actions/words against Muslims (e.g., al-Juwaynī, *al-Ghiyāth*)
   3. Non-Islamic laws applied to Muslims (e.g., 'Umar II, *apud* al-Balāḍhrī)
   4. Non-Muslim proselytizing (e.g., Ibn Ḥanbal, *apud* Ibn Muflīḥ, *al-Ādāb*)
   5. Personal connections forged with non-Muslims (e.g., Ibn Taymiyyah, *al-Iqtīdāʾ*)
6. Adding to non-Muslims’ symbolic capital, thereby detracting from Muslims’ (e.g., al-Qarāfī, al-Furūq)

C. Absolute wrongs

1. Hierarchy (=Muslim supremacy) inverted
   a. Socioreligious hierarchy (e.g., al-Shāfiʿī, al-Umm; Ibn Qudāmah, al-Mughnī)
      i. Rising in the presence of non-Muslims (e.g., Ibn Muflīḥ, al-Ādāb)
      ii. Greeting non-Muslims improperly (e.g., Ibn Muflīḥ, al-Ādāb)
   b. Moral hierarchy (e.g., al-Qarāfī, al-Furūq)
2. Arrogant behavior by non-Muslims (e.g., al-Māwardī, al-Aḥkām)
3. Non-Muslims liaising between state and citizens (e.g., al-Māwardī, al-Ādāb; cf. al-Azdī apud TMS, who thinks this a good thing)
4. Non-Muslims appointing other officials (e.g., al-Māwardī, al-Ḥāwī)
5. Non-Muslims invested with authority (e.g., Ibn Qudāmah, al-Mughnī)
6. Muslims trusting non-Muslim reports (e.g., al-Juwaynī, al-Ghiyāth)
7. Condoning non-Muslims’ corruption (e.g., Ibn Muflīḥ, al-Ādāb)
8. General, unspecified evils (e.g., Ibn Taymiyyah, Mas’alah)

III. Goods to be attained (~jalb al-maṣāḥīḥ)

A. Blotting out other religions (e.g., ʿUmar II, apud Ibn Ṭabd al-Ḥakam)
B. Abasing non-Muslims (e.g., ʿUmar I and Abū Mūsā)
C. Attracting God’s support (e.g., Ibntaymiyyah, Mas’alah)
D. Receiving divine reward (e.g., al-Nawawī, fatwā)
E. Hiring Muslims instead (e.g., ʿUmar I and Abū Mūsā)

IV. Response to necessary corollary

A. Pact of protection voided by employment (e.g., al-Jaṣṣāṣ, al-Aḥkām; Ibn Ḥazm, al-Muḥallā; Abu Yaʿlā apud Ibn al-Qayyim)

This taxonomy hardly exhausts the juristic rationales that premodern Muslims gave against the state employment of non-Muslims. For instance, it includes just eleven verses of the Qurʾān, while Ibn al-Durayhim, the author of an eighth/fourteenth-c. work that we will encounter in Chapter 7, cites 184. Had we included the views of historians, peddlers of political counsel, and belletrists, which are also studied in the next chapter, the list would expand. Clearly, no particular conclusions or justifications were universal or inevitable, though some are more commonly encountered than others. Under different conditions, jurists might have turned elsewhere in the tradition to justify different conclusions, as Ismāʿīl b. Isḥāq al-Azdī did at the beginning of this chapter. They might, for instance, have made a proof text of Q. 3:75, which indicates that some Jews and Christians can be trusted with possessions, as Ibn Taymiyyah
did in a fatwa that condones trusting them in worldly matters.\textsuperscript{165} Or they might have seized upon the canonical \textit{ḥadīth} in which the Prophet and Abū Bakr hire a pagan guide for the Hijrah, as the Andalusī Maliki al-Muhallab b. Abī Ṣufrah (d. ca. 435/1044) did in commenting on al-Bukhārī’s \textit{Ṣaḥīḥ}, reportedly saying, “in this \textit{ḥadīth} is [evidence for] trusting pagans with life [\textit{al-sirr}] and possessions, if they are loyal and ethical, as the Prophet . . . did with this pagan because of the remnants of Abraham’s religion . . . that he possessed, though he was an enemy.”\textsuperscript{166} Or they might have adopted a damage-control solution like al-Mawardī’s. That jurists gravitated to other evidence instead says more about their own interests than about the probative evidence available in the tradition. Still, their cumulative tendency to declare such employment unlawful undoubtedly constrained what their heritors could plausibly write about the subject. Ismā’īl b. Iṣḥāq al-Azḍī enjoyed a latitude that later figures did not.

In its variegation, the juristic register of the discourse is not vastly different from the literary one, though it does differ in tone. Therefore the juristic register is not a firm prescriptive bedrock underlying the literary one. The two drew on many of the same themes and responded in parallel to the same historical circumstances. \textit{Madhhab} precedent did play a role, particularly in the Ḥanbalī debate around the \textit{zakāt} collector, where an inconvenient precedent was partly upheld by the \textit{madhhab}, and in the Shāfi‘ī and Mālikī \textit{madhāhib}, where the views of the eponym were sporadically recalled. But contemporary historical stimuli seem to have been equally important for, say, the bitter invectives of al-Jaṣṣāṣ and al-Qurṭubī in their respective Qur‘ān commentaries, or for al-Māwardī’s permissive view, devised at a moment when his patron the caliph employed non-Muslims in his household. Jurists also leveraged the issue to access and valorize capital indirectly, as when al-Juwaynī skewered al-Māwardī’s ignorance by reference to this issue (thereby proclaiming his own superior learning), or when Ibn Qudāmah provided a misleading explanation of Abū l-Khaṭṭāb’s unexplained permissiveness, thereby upholding the reputation of a \textit{madhhab} stalwart, and thus that of the \textit{madhhab}, at the cost of muddling the issue for later Ḥanbalīs.

Nonetheless, viewed from a distance, the juristic discussion of this issue is fairly meager and fragmented in comparison to thousands of other issues in the vast \textit{fiqh} literature. It comes up only intermittently and in unpredictable locations within juristic corpora. The Ḥanbalī debate surrounding the \textit{zakāt}


collector is the only sustained vein of it within the tradition, and even that is a minor one. This, too, signals that many jurists may not have felt that the issue concerned them directly – the early Ḥanafi silence and the reported ambivalence of Ibn Ḥanbal come to mind – and that those who did take an interest in it were often motivated by concerns of a practical nature, not ones dictated to them by the tradition’s content or structure. A further indication to this effect is that the juristic register caught the discursive debris of earlier sociopolitical competition and rivalry, such as the stories about the early caliphs, the cautionary example of the Fatimids, or vague negative stereotypes about infidels, none of which was of much formal relevance to fiqh. Such ethico-political debris was recycled even more energetically, however, in the multifarious literary register of the prescriptive discourse, which we shall encounter next.
As mentioned in the previous chapter, many of the Muslim writers who polemicized against non-Muslim officials in medieval Egypt and Syria were jurists of the Shāfi‘ī madhhab. A Shāfi‘ī called Ibn al-Durayhim (d. 762/1361 or 62), who was also a belletrist, state official, and cryptographer, authored perhaps the single most original work of this sort, in which he developed a sophisticated matrix of rationales for excluding non-Muslims from state employment. His own Shāfi‘ī commitments, however, opened him to similar attacks. This much can be gathered from a work of political counsel offered to the Turkic Mamluk rulers by a Syrian Ḥanafī, Najm al-Dīn al-Ṭarasūsī, who died four years before Ibn al-Durayhim. In that work, al-Ṭarasūsī argues that the rulers cannot lawfully employ Shāfi‘īs:

We have already explained in the first section that the [rule of the] Turks is legitimate in our [Ḥanafī] view, but not in that of al-Shāfi‘ī. An indubitable entailment of our view – but not that of al-Shāfi‘ī – is that [the Turks’] appointments are religiously sanctioned. If [the Shāfi‘īs] will not admit that the Turks rule rightfully, how can it be lawful (tajūz) to appoint them? Thus the sultan is obliged not to employ any Shāfi‘ī in any administrative post or judgeship whatsoever . . . it is unlawful to employ them for any public task of the Muslims.¹

Here al-Ṭarasūsī uses much the same juristic language against Shāfi‘ī state officials that Shāfi‘īs and others had used against non-Muslim ones. He presses similar attacks against Shāfi‘īs with respect to other issues, too, arguing that Ḥanafī substantive law (furūʿ) offered the ruler advantages over its Shāfi‘ī equivalent. Shāfi‘īs, he writes, should not be appointed to distribute alms or oversee pious endowments because their madhhāb – in contrast to the Ḥanafī one – places no limit on the wealth of those who may receive income from these sources. This, he argues, leads to cronyism. “Therefore I have said,” he writes, “that it is illicit (lā yaḥillu) for [the sultan] to grant control over the alms to a Shāfi‘ī qāḍī.” In the last chapter we saw that this type of pragmatic objection

¹ fa-lā tajūzu tawliyatuhum li-shay in min a’māl l-muslimīn (al-Ṭarasūsī, Kitāb tuḥfat al-turk, p. 14). On this work see Tezcan, “Hanafism and the Turks” and the learned introduction to the edition by Riḍwān al-Sayyid (Kitāb tuḥfat al-turk fīmā yajib an yu mal fī l-mulk, pp. 9–59). I thank Maurice Pomerantz for pointing me to this edition.
was frequently made to the employment of non-Muslims in the same period. In reemphasizing the point, al-Ṭarasūsī uses almost the same language and tack that al-Mawardi had applied to dhimmis three centuries earlier, counseling that such appointments could not legally be “delegated” to Shafi’is (lā yajāzu an yufawwada ilayhim shay‘un min dhālik).

Al-Ṭarasūsī seems to have sensed that his argument contained a generous measure of rhetorical bluster. In the same work, he declares that qādis should be appointed from among the Ḥanafis, Shafi’is, Mālikis, and Ḥanbalis. Elsewhere he muses that the best personal secretary to the ruler (kātib al-sīr) whom he knew personally was the current holder of that office, a Shafi’ī. The argument that the ruler could not lawfully employ Shafi’is was an obviously tenuous one, and could hardly have been widely sustained in al-Ṭarasūsī’s Syrian milieu. It thus risked doing more symbolic damage to its advocate than to its targets. Yet while al-Ṭarasūsī may have gambled, he did not jest. If his book reached and persuaded its stated audience—the Mamluk ruler—it might have succeeded in altering the balance of patronage and prestige granted to partisans of the respective madhhabs. This very thing indeed occurred under the Mamluks in the decades following al-Ṭarasūsī’s treatise. The Mamluk rulers mounted a sustained push to promote Ḥanafism at the expense of Shafi’ism.

It would surely be a mistake to derive from al-Ṭarasūsī’s treatise a settled Ḥanafi doctrine on the employability of Shafi’is, let alone a coherent doctrine of the religious qualifications for state employment in Islam. Nor is the central purpose of al-Ṭarasūsī’s text the principled persecution of Shafi’is. While he was plainly no friend to that madhhab, his larger intent was to deploy polemical themes in order to ingratiate Ḥanafis with those who wielded power to appoint and dismiss officials. His was instrumentalized, protreptic rhetoric that, however sincere, and however entangled with real social and ideological differences, was also deeply embedded in its author’s personal political, social, and economic concerns.

Although much of the vocabulary in al-Ṭarasūsī’s work is typically juristic, including the bits against employing Shafi’is, its form is not. Instead it belonged to the genre of political counsel (naṣīḥah), by his day a long-established if multifarious one within the vast field of Arabic prose literature (adab). Yet the work’s marginal juristic status does not mean that it was without prescriptive significance. Indeed, works of premodern literature,

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2 al-Ṭarasūsī, Tuḥfah, pp. 18, 22.
4 In this chapter, “counsel” renders Arabic naṣīḥah unless otherwise noted. For discussions of adab and its contested boundaries, see EI2, s.v., 1:175–76 (Gabrieli); Leder and Kilpatrick, “Classical Arabic Prose Literature,” pp. 2–26. On counsel literature, see EI3, “Advice and advice literature” (Marlow); Yavari, Advice for the Sultan. On the historical valences of naṣīḥah and adjacent, overlapping terms, see Gilliot, “In consilium tuum deduces me.”
history writing included, were routinely protreptic, in that they offered morally
freighted accounts of human affairs in order to effect change. In this way, and
given the right conditions, a work of adab – whether a chronicle, biography,
compendium of entertaining stories, or mirror for princes – could deliver
prescription as forcefully as a handbook of substantive law.

This chapter examines literary aspects of the premodern prescriptive dis-
course surrounding non-Muslim officials. Those aspects overlapped at times
with the juristic ones that were studied in the previous chapter, just as pre-
dominantly juristic discussions of the matter occasionally took on literary
overtones. I argue that literary instantiations of the discourse have a great
deal in common with al-Ṭarastūsī’s counsel to the “Turks” about Shāfiʿīs, and
with much other such counsel to powerful persons about whom (not) to employ.
Both used ideological-social differences as a fulcrum with which to do a certain
kind of symbolic work: that of denying competitors access to valued resources.
Several of the authors who wrote in a literary vein against non-Muslim officials
also wrote against Muslim officials of certain kinds, whether members of other
sects, men of rural backgrounds, or candidates with some particular, allegedly
undesirable kind of formation. Thus the discourse’s literary aspects, like its
juristic ones, are not periodic restatements of settled Muslim dogmas, but
creative adaptations of existing material to the competitive exigencies of
their authors’ circumstances.

We will first briefly consider the neglected role of defamatory speech in
premodern Islamic literary and political cultures. Defamatory language was
no less common among learned elites in officialdom than warfare was in
politics, and had much the same function. Yet both men of the sword and
men of the pen wielded their weapons cautiously, doing most of their work
obliquely by symbol, threat, and allusion. Much of the prescriptive discourse
around non-Muslim officials can be productively understood as defamation, in
the sense specified in the next section. Contemporary writers developed fine
gradations of defamation (al-siʿāyah, al-wishāyah, al-namīmah, al-thalb,
al-hamz, etc.) and the feelings of envy (al-ḥasad, al-taḥāsud) that were thought
to lie behind it. These themes are important to an understanding of the discourse
in its native literary environment.

We then examine selected representations of non-Muslim officials in early
works of Islamic literature, attempting to situate particularly telling cases in
their historical moments. Such representations were quite diverse, yet recur-
rently invoked particular themes when representing non-Muslim officials,

5 By “defamation,” I intend the term’s etymological as well as its common sense. From Latin
diffamo, it denotes the removal (Lat. dis-/dif-) of socially constructed (“spoken,” cf. Lat. fatus/
fari) reputation (Lat. fama), or, in Bourdieusian terms, the removal of symbolic capital from its
locus in the minds and speech of audiences. See further Fenster and Smail, “Introduction.” I owe
this reference to Claire Gilbert.
including themes of competition, defamation, disloyalty, unlawfulness, and damage to the symbolic capital of Islam. Lastly, we will survey cases drawn from two literary genres that, after the early Islamic period, became venues for recurrent, prescriptively charged discussions of non-Muslim state officials: works of political counsel, and administrative literature.

Professional Competition, Defamation, and Text

Abū ʿAbbād Thābit b. Yahyā, secretary to the Abbasid caliph al-Maʿmūn, reportedly chastised the secretaries of the court for their fissiparous tendencies, in which they surpassed all other professions. “In your enmity and hatred for one another,” he said, “you are like ... wives with children by the same husband.” Likewise the slightly later belletrist al-Jāḥiẓ, whom we have encountered as an occasional detractor of secretaries and of powerful Christians, reportedly said, of a stereotypical official, “He adopts whatever views do the most damage to others of his kind . . . [Secretaries] are like old dogs in their lairs. All sorts of people pass by them and they do not stir, yet if another dog comes along they all rush out and kill it.”

Professional enmity and textually encoded competitive practices were hardly unique to state officials in premodern Islamic societies. As Franz Rosenthal has remarked, however, competition and envy were signal features of the learned strata in those societies. Rosenthal warned against concluding that “Islam was an unusually competitive society always and everywhere and that its history could and should be explained largely from this angle,” though, he added, “[t]he possibility seems to be there.” S. D. Goitein, too, argued that “Muslim high society: the court, government, judiciary, and academe, so vividly depicted by Muslim historians and biographers, was an ambiance of constant strife and intrigue.” He suggested that the Jewish high society that produced the Cairo Geniza documents was much the same. Maimonides (d. 601/1204), who moved in “Muslim high society” of the Islamic West and Egypt, wrote,

Most people – nay, all of them – utterly abandon soul and body to suffering and toil in order to obtain high standing or the esteem of others . . . Likewise many prefer revenge on their enemies to bodily pleasures, and many more shun the greatest of those pleasures, fearing degradation and shame in others’ eyes, or seeking high praise.

6 [al-Jāḥiẓ], Rasā’il, 2:200–1 (for nikāyāhi, read nikāyati). Although the attribution of the treatise is uncertain (see Ch. 3 n.110), these words are here attributed expressly to al-Jāḥiẓ. On Abū ʿAbbād Thābit b. Yahyā, see TMD, 11:145–49 (no. 1035).
Envy (al-ḥasad) and competition took place, naturally, within discrete fields: in those of scholarship, piety, power, and martial prowess, for example, according to al-Muḥāsibī (d. 243/857). Arabic literary compendia from across the Islamic world devoted sections to the problematic but pervasive vice of envy and the practice of defamation (al-sīʿāyah) that it occasioned. The court was the quintessential setting for envious sentiments and practices. It furnished Aristotle’s ideal conditions for factional conflict, in which people “consider that they have less in spite of being equal to those who are aggrandizing themselves.”

Wherever scarce resources were pursued by literate elites, texts were pressed into the service of personal and group interests. Much literary production in any society is motivated by the pursuit of distinction with respect to other textual producers and consumers, especially patrons. Here we are concerned with a set of narrower, overtly competitive practice that we shall call by the catch-all name “defamation”: the communication of damaging information about a rival to a powerful audience. Such information could be true or false, sincere or insincere, and targeted at individuals or groups. Like competition more generally, defamation in premodern Islamic societies deserves further study, and the nuances of its historical development remain murky.

Certain kinds of Arabic literature, particularly poetry, were vehicles for defamation or satire. But much other textual production, some of it literary, had important competitive functions that are only beginning to be explored as

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12 Aristotle, Aristotle’s Politics, p. 132 (bk. 5, ch. 2).
14 We lack anything comparable to, e.g., Darnton, The Devil in the Holy Water. For a recent, comparative contribution, see England, Medieval Empires and the Culture of Competition; for indications relating to law, see Rosen, The Justice of Islam, pp. 189–94; Rabb, “Society and Propriety.”
15 For similar arguments regarding a different context and issue, see Stewart, “Polemics and Patronage in Safavid Iran.” I thank the author for drawing this piece to my attention.
16 On competitive boasting and rivalry in the early Arabic poetic tradition, see, e.g., EAL, “Debate Literature,” 1:186, “Poetic Contests,” 2:605–6 (both by van Gelder); Eİ2, “Mufākhara,” 7:308–10 (Wagner/Farès), “Nakāʿid,” 7:920 (van Gelder). On poetic satire (hijā) and its reception, see Eİ2, s.v., 3:352–59 (Pellat et al.); van Gelder, The Bad and the Ugly. Prose censure (dhamm) is perhaps insufficiently developed to qualify as a genre, but al-Jāhiz famously employed it, and al-Qalqashandī includes letters of dhamm among “the kinds of writing that secretaries exchange amongst themselves and compete (yatanāfūṣūna) in making” (Ṣubḥ, 1:31).
such. This literature cannot, of course, be reduced to these functions, which it could discharge only because audiences appreciated it quite apart from them, above all as entertainment. Neither, however, can certain works be fully appreciated without grasping how they were meant to work to their authors’ competitive advantage.

A very early layer of surviving Arabic prose literature contains works of counsel to rulers that reflect and even participate in the competitive environments in which they were composed. The pre-Islamic collection of animal fables known as *Kalīlah wa-Dimnah*, translated into Arabic at the early Abbasid court by Ibn al-Muqaffaʿ (d. ca. 139/757), is liberally salted with representations of competitive practice, including defamation, and indirect counsel on how to guard against it. Dimnah the jackal anticipates Maimonides’ statement concerning human nature, quoted above, when he notes that “those who come near to kings do so not to fill their bellies, for that can be done anywhere, but to obtain such high standing and station as rejoices friends and vexes enemies.” Dimnah is duly vexed when a certain bull gains favor with the king, a lion. Dimnah “envied [the bull] to no end, and did everything he could to damage him.” Eventually Dimnah offers the lion the mendacious tip, framed as counsel (*naṣīḥah*), that the bull is conspiring to undermine and replace him. Suspicious, the lion questions the truth of this report. In reply Dimnah warns him that bad things befall “the one who does not accept heavy news from his counselors in their counsel.” In the end, the bull dies as a result of Dimnah’s scheming. This is but one of many episodes in the fables in which defamation plays a central role in competition at court.

Ibn al-Muqaffaʿ’s original compositions, which are aimed at an elite audience, also show interest in the affairs of the ruler’s companions, who are also the author’s colleagues. In *al-Adab al-kabīr*, ostensibly dedicated to the caliph’s

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17 Recent examples in Islamic literary-historical studies include Naaman, *Literature and the Islamic Court*; Osti, “Abbāsīd Intrigues”; Gordon, “The Place of Competition.”


19 Ibn al-Muqaffa’, *Kalīlah wa-Dimnah*, p. 64. Another jackal later opines, in the course of telling the king whom he should elevate to office, that no sincere and earnest man can serve kings in safety, for “the ruler’s enemies and friends alike join against him in animosity and envy (bi-l-‘adāwati wa-l-ḥasad); the friend competes with him in his station (yunāfisuhu fī manzilatīhi) and desires to wrest it from him (wa-yabghī ‘alayhi fīhā) and attacks him for it, while the enemy hates him for his counsel (naṣīḥah) to the ruler and for removing the ruler’s need of himself” (p. 258).

20 Ibid., p. 75. 21 Ibid., p. 90.

22 Certain Brahmins interpret a dream to the ruler in such a way as to eliminate their rivals. Another lion–jackal fable includes a veritable orgy of slander and anti-slander (Ibid., pp. 216–17, 258–67).
son, he advises that the ruler’s intimates be chosen from among “men of religion and manly virtue,” and warns against “untrustworthy companions.” Such counsel, however sincere, inevitably supplied a rationale for excluding rivals. Indeed, the hazards of a competitive environment lie in the background to the third and fourth sections of the work, in which Ibn al-Muqaffa’ advises fellow courtiers on how to avoid disgrace, and strongly recommends strategic solidarity with colleagues – advice that makes sense only against a background of incentivized conflict. The same author’s Risālah fī l-ṣāḥābah (“Letter Concerning Companions”), directed to the caliph al-Manṣūr, seems to have sought to raise members of certain groups in the caliph’s estimation, at the expense of others. The caliph is flattered for his divinely granted ability to dismiss bad officials, while the Khurāsānī element, backbone of the Abbasid revolution, is depicted as suspect. By contrast, Ibn al-Muqaffa’ urges that learned men and the people of Iraq should be granted wider latitude in state service, while those of Syria, former seat of Umayyad power, should be included as well so as not to alienate them further. As for the caliph’s entourage, the ostensible subject of the work, it has recently fallen on sad days because unworthy men have been admitted to it. In their place, men of talent, piety, and lineage should be preferred. It would be naïve to ignore the implications of these recommendations in a competitive court culture in which the author himself was a player.

Other surviving prose works from the mid-second/eighth century confirm the interpenetration of professional competition and textual production. In the major epistles attributed to the late-Umayyad secretary ʿAbd al-Ḥamīd b. Yahyā (d. 132/750), state secretaries are pointedly told to “compete” with one another only in virtuous pursuits, beginning with “the book of God, and legal matters (al-farāʾiḍ).” Such terms of competition narrow the socio-communal pool from which it is envisaged that secretaries will be drawn. Secretaries are explicitly counseled to “raise yourselves above slander and backbiting.” Rulers, for their part, are advised concerning the “intimates” they should trust, among whom are to be “people of knowledge and piety from your family’s supporters.” Even the police and soldiery are to be “most firmly rooted in the religion of God.”

This early theme – of counsel to rulers that hints at mildly self-interested exclusion – was carried forward with gusto in later literary works. Al-Ṭarasūsī’s proposals represent a late offshoot of that theme. Even in earlier

24 Ibid., pp. 54–106.
25 Ibn al-Muqaffa’, Risālah fī l-ṣāḥābah, pp. 119–23. Members of the army are not, for instance, to be made tax officials.
days, however, the theme paralleled experience, for officious language was a tool of real-life competition in the elite circles where many of our sources were composed. The Qurʾān warned of deceitful counsel (e.g., 7:21, 12:11) – using derivatives of the root ʿn-ṣ-h – as earlier Scripture had also done (e.g., Sirach 37:7–15). The traditionist belletterist Ibn Qutaybah, too, recognized that much earnest counsel could have this covert function, expressing as much in an anecdote about an insincere counsellor of the Umayyad al-Walīd b. ʿAbd al-Malik.29

Examples of defamation at court from relatively early Islamic sources are legion, and here we can only gesture at the outlines of a vast subject.30 Consider a now-familiar case: the downfall of al-Mutawakkil’s Muslim secretary al-Najāḥ b. Salamah, the story of which was later recycled as a parable that described the downfall of the same caliph’s Christian secretaries, as detailed in Chapter 4. The story features three instances of defamation, two of them enacted by reference to texts.31 Najāḥ first falsifies the documents filed by his rivals, making it look as though they have embezzled tax money. He then tells the caliph the “secret” of their immense, illicit wealth. After they are arrested as a result of his scheme, however, one of his rivals, ʿUbaydallāh b. Yahyā, commits a third defamatory act by submitting a document in Najāḥ’s hand in which the latter admits to having lied to the caliph. The story itself later became a vehicle for defamation when, with the Christian Salamah b. Saʿīd in the place of al-Najāḥ b. Salamah, it was adapted, copied, and recopied in works of counsel written against non-Muslim officials.

Better-known examples also testify to court cultures of rivalry and defamation from one end of premodern Isladom to the other. These cultures were entwined with literary production, particularly counsel to rulers. Take, for instance, one of the earliest surviving autobiographical texts in Arabic, that ascribed to the Christian physician, scholar, and courtier Ḫūnayn b. Ishāq al-ʿĪbādī (d. 260/873).32 The focus of this text is the conspiracy against Ḫūnayn at court by fellow Christians, including his own family.

They attacked me and wronged me because they envied my learning and resented the preeminence that God Almighty had granted me over my contemporaries . . . They slandered me in the ugliest possible ways, spreading the most sordid kind of rumors about me . . . How could it have been otherwise? How could I not have provoked such animosity, stirred up so much envy, and set the councils of the great abuzz with slander and abuse? . . . And yet all this happened, not because I had offended or ill-treated

29 See n. 11, above in this section
30 For further indications see Gordon, “The Place of Competition”; Osti, “Abbāsid Intrigues”; Van Berkel, “The Bureaucracy,” and “The Vizier.”
31 Chapter 4, pp. 92–93.
32 On Ḫūnayn, see EF, s.n., 3:578–81 (Strohmaier); CMR 1, 768–79 (Monferrer Sala; Roggema). On the work, see Cooperson, “The Purported Autobiography of Ḫūnayn b. Ishāq.”
a single one of them, but because I had risen above them and surpassed them in learning and labor.\textsuperscript{33}

The defamation he describes took the form not of a frontal attack, but, as was often the case, of a calculated stratagem. Ḥunayn is induced to spit on a Christian icon in al-Mutawakkil’s presence, just after the caliph has been slyly persuaded to mistrust Christian iconoclasts. Ḥunayn is duly imprisoned, until Jesus Christ appears to the caliph in a dream and commands his release.

From the far Maghreb in a later period, an account of the downfall of the great Ibn Rushd (i.e., Averroes, d. 595/1198) presents parallels to those of al-Najāḥ and Ḥunayn.\textsuperscript{34} The historian ‘Abd al-Wāḥid al-Marrākūshī reports that its major cause was that “a group of his enemies from Cordoba, who claimed equality with him . . . defamed him (ṣaʿaw bihi) before Abū Yūsuf [Yaʿqūb b. Manṣūr, the Almohad caliph].” Here, again, the defamation is performed by pointing to a text, and again, too, to a specific belief that the defamed allegedly held. The text was a passage from a philosophical work in Ibn Rushd’s handwriting, wrenched from context, which read: “It appears that Venus is one of the gods.” This evidence helped, the report relates, to turn the caliph against the philosopher and philosophy itself.\textsuperscript{35}

The purpose of these examples is not to suggest that defamation alone brought low these three prominent figures, that court life in premodern Islamic history was unrelenting slander and intrigue, or that Islamic courts were uniquely prone to such practices.\textsuperscript{36} One could point to numerous examples of loyalty and cooperation among officials in the same settings. Even where defamation was employed, it was but one factor among many that affected elite lives and textual production. The important contentions here are that defamation was a prevalent practice among officials in the premodern Islamic world, and that it was intricately, subtly, and doubtless often unconsciously entwined with the texts they produced. Competitive practices were frequently represented in those texts, and were also sometimes their purpose, explicit or implicit. To tell powerful persons whom to favor was inevitably to supply rationales for their disfavor of others.

Prominent later works of political counsel produced by men connected to political power recognized that counsel and defamation could intermix. Thus al-Māwardī, in the counsel work \textit{Durar al-sulūk fī siyāsat al-mulūk}, cautions the ruler against “accepting defamation (al-sīʿāyah) from his companions,”

\textsuperscript{33} Reynolds et al., \textit{Interpreting the Self}, p. 109 (trans. Cooperson).

\textsuperscript{34} On Ibn Rushd, see \textit{EF}, s.n., 3:909–20 (Arnaldes).


\textsuperscript{36} Intrigue and calculated slander at court were ancient and pervasive. See, e.g, Spathford, \textit{The Court and Court Society in Ancient Monarchies}, pp. 55, 162, 262–63, 276, 295–302; Elias, \textit{The Court Society}, esp. pp. 270–83; Rosenmüller, \textit{Patrons, Partisans, and Palace Intriguers}; Sievert, “Favouritism at the Ottoman Court in the Eighteenth Century.”
drily explaining that the defamer does not in fact act out of a burning desire to give the ruler counsel.  

Abū Bakr al-Ṭurtūshī uses a section in his renowned book of counsel, Sirāj al-mul̄ūk – which we shall encounter again for its expounding upon “the prohibition of defamation and slander, their ugliness, and the vile deeds and blameworthy consequences to which they lead.” Indeed, the later literature of political counsel was a regular venue for discussing whom the ruler should prefer for favors and appointments. For instance, the anonymous Kitāb fī l-siyāsah al-ʿāmniyyah, perhaps adapted from a Greek original by a late-Umayyad secretary, devotes chapters to “selecting viziers,” “governors and functionaries,” and “employing viziers.” Similar sections are found in comparable works by such authors as Ibn Abī l-Rabīʿ (d. ?) al-Murādī (d. 489/1096), al-Murādī (d. 489/1096), the author of Bahr-i Favaʿīd (d. 553/1158?), al-Shayzārī (d. 589/1193), Ibn al-Ṭīqtaqā (d. 709/1309), Abū Ḥammū (d. 791/1388), al-Ṭarāṣūsī, Ibn al-Khaṭīb (d. 776/1375), al-Muṣṭafā b. Iskandar, pp. 109, 113, 127. Ibn Abī l-Rabīʿ, Sulūk al-mālik fī tadbīr al-mamālik. The dating of this work is to my knowledge still not firmly established. Qualities of viziers and scribes are listed at p. 108.}{@37}  


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al-Wazīr al-Maghribī, Kitāb fī l-siyāsah, p. 70.  

al-Thaʿalibī, Adhāb al-mul̄ūk, pp. 125–54: “Concerning kings, viziers, administrators, and servants.” Here (p. 127), the Sabian Abū l-Ṣābih al-Ṣābih receives high praise (he is the best of writers and rhetoricians but not, on account of his religion, of reasoners). Fellow Sabian İbrāhīm b. Thabit b. Qurrah receives similar praise for his medical skill; his religion is not mentioned (p. 145). Excessively pious candidates are viewed skeptically. Al-Manṣūr tells a man with a prayer-mark on his face, “If [this mark means that] you seek God, we ought not to distract you from Him [by employing you]; but if you seek by it [the approbation of men], we ought to be most wary of you” (p. 137).  


Bahr-i Favaʿīd. For a possible identification of the author with Abū Bakr b. Āḥmad al-Balkhī, see Cook, Commanding Right, p. 457 n. 213. The bad king is depicted with an astrologer at one hand and a Christian physician at the other (p. 212). But dhimmis are permitted to fight for the Muslims and receive their pay from the bayt al-māl, and Ibn Ḥanbal is quoted to the effect that it is better to employ Jews and Christians than Shīʿīs, Qadarīs, or anthropomorphists (p. 230).  

al-Shayzārī, al-Manhaj al-maslūk, pp. 200–14, where, following al-Māwāridī, sectarians and women are excluded from employment. The editor appends an unusually learned summary of the discourse on employing dhimmis (p. 217).  

Ibn al-Ṭīqtaqā, al-Fakhrī, pp. 14, 51. These passages in the Arabic may be found in Ibn al-Ṭīqtaqā, Elfachri, pp. 19, 68.  

Wāṣiṭat al-sulūk fī siyāsah al-mul̄ūk, pp. 2, 60, 84, 96, 126. See above in this chapter.  


Hamadānī, Dakhkhīrat al-mul̄ūk, ch. 5.  

Ghazālī’s Book of Counsel for Kings, pp. 106–18.
al-mulūk wa-ʿumdat al-mamlūk (dedicated to the Mamluk sultan Qānṣūh al-Ghawrī, d. 922/1516). 53 All of these works were written by men who had close contact with state power, and all distinguish between qualified and unqualified candidates for official appointment. While none explicitly makes being Muslim a requirement, we shall soon encounter other such works that do.

But before addressing prescriptive views on non-Muslim officials that appear in works of political counsel and administrative manuals, we turn to another important element within the discourse: literary representations of such officials, which could function simultaneously as entertainment and prescription. Non-Muslim officials were, at many times and places, an unremarkable feature of premodern Islamic states. Accordingly, some Muslim authors represented them as ordinary: literary characters who were as polyvalent and inscrutably human as the historical individuals to whom they gesture.

Prescription and Its Absence in Literary Representations of Non-Muslim Officials

In a remarkable book of humor, the author Ibn Zūlāq (d. 386–87/996–97) reports what the Egyptian humorist Sībawayh (d. 358/968–69) once shouted, upon seeing a certain Christian:

There are four sects (fīraq) of Christians among us! One strikes our faces with spears and swords – to it belong Mīnā, Sābūr, Armānūs, and Yaʿfur. Another strikes our hearts and our wealth with pens – to it belong Safah, Ibn Marwān, Yaʿqūb, and Jarīr b. al-Ḥišān. A third group goes back and forth bringing us poisons, namely Hāshim, Ibn Tarfīl, Arsānah, Qūrīl, Murjīb, Ibn ʿUthmān, . . . and Ibn Ukhṭ al-Dīdān. [Only] someone who is one of them takes them as friends and prefers them. They secretly harbor treachery. 54

Much of this outburst, including most of the names and the identity of the fourth “sect,” is obscure. 55 This is fitting, for the speaker himself belonged to a peculiar “sect” of early Muslim humorists and social commentators: the “wise madmen” (al-ʿuqalāʾ al-majānīn). 56 These literary figures conventionally express trenchant observations about society that would be unacceptable from others. Here Sībawayh presumes to speak for Muslims collectively, expressing general mistrust of Christians. One of the three Christian sects that he singles out for resentment clearly comprises Christian administrative

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53 Tuḥfat al-mamlūk wa-ʿumdat al-mulūk, fol. 53v. I owe this reference to Hayrettin Yücesoy.


55 The ellipses represent a name left unpointed in the edition. The vocalization of several of the other names is uncertain. Ibn Marwān, however, must be Ibrāhīm ibn Marwān, the same high Christian official whose dismissal Sībawayh demanded before he would meet with the Ikhshīdīd ruler of Egypt, Ünūğūr (Ibn Zūlāq, Kitāb akhbār Sībawayh, p. 36).

56 el Ezabi, “‘Al-Naysaburi’s Wise Madmen.” See further, Tillier, “Un ‘Alceste musulman.’”
officials, whose names are evidently prominent enough to be recognized by his audience. There is a nod, too, to a common Qur’anic argument made against hiring them; the phrase “[Only] someone who is one of them (man huwa minhum) takes them as friends (yuwālīhim) and prefers them” echoes Q. 5:51, “Take not Jews and Christians as friends ... Whoso of you makes them his friends is one of them (wa-man yatawallahum minkum fa-innahu minhum).” As we have seen, this verse had entered the discourse around non-Muslim officials by Sibawayh’s time. The topos of treacherous non-Muslim officials who undermine Muslim society from within would become a standard one in later polemics, though it had already surfaced in, for example, al-Mutawakkil’s prescript. The views implied here have, then, an unmistakable prescriptive dimension that casts aspersions upon so-called Muslims who associate with Christians, particularly by conferring political and economic resources on them. Yet this prescription is not set forth in a sober juristic disquisition, but declaimed from the fringes of society. Prescriptive speech around the issue was thus not the monopoly of jurists or Muslim officials. It could also be voiced by others, and in other registers.

We have already met several non-Muslim officials in literary guise. There were Sarjūn b. Mansūr and Zadhān Farrūkh, prototypical éminences grises of pre-Islamic administration, who variously obstruct orders, lament the Arabization of the bureaucracy, or fade into obsolescence. There were also the quietly competent Christian secretaries rejected by ʿUmar b. al-Khaṭṭāb; the presumptuous Christian officials with whom early Muslim qādis clashed and compromised; and the esteemed Christian elites of Abbasid Baghdad satirized, semi-ironically, by al-Jāḥiẓ. In this section, we examine several other relatively early, little-known literary representations of non-Muslim officials and their employers by Muslim writers. The representations in this section, like that of the wise madman above, sometimes overlap with juristic aspects of the discourse in their prescriptive dimensions. Sometimes, too, they play on polemical themes, such as ingrained non-Muslim disloyalty or meanness. Yet they also present more nuanced and ambiguous faces, in which prescription is absent, deflected, or subverted. The pursuit of resources, however, is all but inescapable.

An anecdote supplied by the fourth/tenth-century bureaucrat al-Jahshiyārī is typical. He depicts the Abbasid caliph al-Mansūr at leisure in a riparian garden, whence he watches a man net a giant fish. The caliph orders his

57 See above, pp. 50, 61, 73, 92, 113.
58 These will not include representations that appear in independent polemical works against non-Muslims, or in the works of political counsel and administrative manuals we shall look at later. Also set aside here are the rich representations of Jewish officials in al-Andalus, the recent, detailed study of which by Ross Brann furnishes valuable points of comparison.
59 Kitāb al-wuzarā’, p. 114.
attendants to arrest whoever should buy the fish in the market. In the event, the buyer is a Christian. Al-Manṣūr questions him about his wealth. Though he denies possessing any, an investigation uncovers a cache of thirty thousand dirhams. It emerges that he is a neighbor of the caliph’s high official Abū Ayyūb Sulaymān al-Mūyānī, a Muslim, who has appointed him as an accountant (jahbadh) in al-Ahwāz, where he acquired his fortune. The money is confiscated, but the Christian, having been promised safe-conduct in exchange for the truth, is set free.

Nancy Khalek has argued on the basis of other anecdotes in the same work that al-Jahshiyārī sought to “emphasize and repeat tropes of non-Muslim duplicity, incompetence, or arrogance.” While these tropes might be read into the anecdote at hand, they do not emerge from it spontaneously. This story belongs rather to the widespread genre of official-malfeasance accounts. The minor official only happens to be a Christian. His neighbor and patron, al-Mūryānī, was a notorious peculator, and the story reflects as badly on him as on the fish-buying Christian. Given al-Jahshiyārī’s generally dim view of non-Muslim officials, foregrounded by Khalek, it cannot have been to al-Mūryānī’s credit that he hired the Christian. Yet the account makes no direct comment on this practice. Its prescriptive gaze is instead trained upon malfeasance.

In other literary representations of events in al-Jahshiyārī’s own day, however, one finds ample prescription pertaining to non-Muslim officials. This can be seen in the following set of interrelated accounts from the period. The first involves the Abbasid caliph al-Muktafī (r. 289–95/902–8), and is related by the belletrist and qāḍī al-Tanūkhī (d. 384/994) in his Nishwār al-muḥāḍarah. In al-Tanūkhī’s account, al-Ḥusayn’s standing with the caliph annoys a Muslim official of similar rank, the future vizier al-Qāsim b. ʿUbaydallāh. In an effort to undermine him, al-Qāsim commissions an agent to gather information about al-Ḥusayn’s private life, and discovers a plot that al-Ḥusayn is hatching with al-Muktafī. Al-Ḥusayn is to hand over al-Qāsim and his wealth to the caliph, and then to act as vizier. But since al-Ḥusayn “had no desire to convert to Islam,” and since “a dhimmi could not be appointed vizier, having charge of all the administrative offices and matters,”
the title and trappings of the vizierate would go a Muslim confederate, one Ibrāhīm al-Shīrāzī. The phony Muslim vizier would be rolled out for show on public occasions, but real power would remain with the Christian, al-Ḥusayn.

Alarmed, al-Qāsim goes to Abū ʿAbbās Ibn al-Furāt, of the famous Shiʿi secretarial family, who reveals that he possesses a letter in al-Ḥusayn’s handwriting, addressed to al-Qāsim’s father. In this letter, al-Ḥusayn, then secretary to the future al-Muktafī, makes defamatory reports about his young charge, and suggests that the caliph al-Muʿtaḍid should relieve him of his appointment. Ibn al-Furāt tells al-Qāsim to take the letter privately to al-Muktafī, saying that he has learnt of al-Ḥusayn’s plan and fears for his own safety and that of the caliph and government in light of al-Ḥusayn’s animosity, which the letter proves. Al-Qāsim is to explain that the letter was in his father’s files, and to promise that he can deliver al-Ḥusayn’s wealth if empowered to do so. If the caliph hesitates, he is to tell him that the city is abuzz with rumors about al-Ḥusayn’s plan, and that the government will cease functioning if he is not stopped.

The scheme succeeds; al-Ḥusayn and his Muslim confederate are banished to al-Ahwāz and killed. Flushed with victory, al-Qāsim gives Ibn al-Furāt his undying gratitude and allegiance. This, however, excites the envy of yet another official, one Ibn FIRās, who tells al-Qāsim to ask Ibn al-Furāt where he found the incriminating letter. The answer, it turns out, is that the letter was being used as scrap by a sweetseller. Ibn al-Furāt passed by his shop one day, recognized the hand and the significance of the contents, bought it, and saved it for an hour of need. “Now you see,” says Ibn FIRās to al-Qāsim, “how evil is this Ibn al-Furāt!” Ibn FIRās convinces al-Qāsim that the conniving Ibn al-Furāt poses a threat to him, and, in the end, al-Qāsim poisons his erstwhile patron. “That,” the story concludes, “was the most ill-omened letter there ever was.”

Here the significance of this tale is twofold. First, it illustrates the vicious infighting that was thought to surround the ruler, as it was represented by a writer (al-Tanūkhī) with extensive experience of bureaucracy. Much of the infighting was carried out by defamation that made reference to probative texts presented to the ruler. Second, the story contains important incidental reference to prescriptive views on appointing non-Muslim officials: they should not (lā yajūz) be made viziers who run the affairs of the empire. Here a juristic strand of discursive prescription is woven around a literary one, and perhaps also woven into historical practice, for it was allegedly thought necessary to set up a Muslim shadow vizier. However, the prescription is incidental to this story, in which Muslim officials are not presented as superior to Christian ones.

The prescription here is also limited in scope; only the highest administrative position—that of vizier—is off limits to non-Muslims.

Other sources, however, depict Muslims criticizing al-Ḥusayn’s elevated position in stronger prescriptive terms, sometimes in verse. Thus, when the future caliph al-Muktafi, accompanied by al-Ḥusayn, was appointed governor by his father, a poet called al-Khalī (‘The Debauched’) composed these lines:

Ḥusayn b. ʿAmr is an enemy of the Qurʾān / And does to the Arabs what he desires
Muslims rise in awe of him / in rows, when he appears—for a man!
When it is said, “The Catholicos is come!” / He is honored as he limps in.67

The satire here requires that its audience perceive the incongruity of Muslims honoring a non-Muslim “enemy of the Qurʾān.” It drips disapproval, but there is nothing juristic about it, and the unidentified poet’s sobriquet—“the Debauched”—does not suggest that he was known for learning or piety. Muslim disapproval of non-Muslim officials need not have taken a juristic cast in this or any other period, just as Muslim juristic views, as we have seen, need not always have been disapproving.

A particularly complex and revealing literary presentation of the issue in the same historical milieu is found in a work by a sometime non-Muslim high official, the Sabian convert Hilāl al-Ṣābiʾ (d. 448/1056), though the characters are well-known Muslim officials.68 In Hilāl’s book al-Wuzarāʾ, which he wrote after his conversion, we read an account set when the Shiʿi Abū l-Ḥasan ʿAlī ibn al-Furāt (brother of the Abū l-ʾAbbās Ibn al-Furāt whom we have just met) has recently become vizier to the caliph al-Muqtadir, for the third time, in 311/923.69 The story, which is told in Ibn al-Furāt’s voice, as relayed by his secretary Abū l-Ḥusayn b. Hishām (d. 369/980–81), refers to Ibn al-Furāt’s rival, the famous Sunni “good vizier” ʿAlī b. Ḥisāb.70

ʿAlī b. Ḥisāb said to [Ibn al-Furāt]: “Do you not fear God when you appoint a Christian to supervise the Office of the Muslim Army, thus making the supporters of the [true] religion and the protectors of [Muslim] territory kiss his hand and obey his order?” So I said to him, “This is not something we started or made up. Al-Nāṣir li-Dīn Allāh gave command of the army to Isrāʾīl the Christian, his secretary, and al-Mu ṭaqīd Billāh appointed Mālik b. al-Walīd, the Christian secretary of Badr, to the same position.”71

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67 Ibn al-Athīr, al-Kāmil, 6:397 (s.a. 286 AH). The reading of the final line is uncertain.
68 On Hilāl see EF2, s.n., 3:387–88 (Sourdel).
69 On this, the most prominent of the Furātīds, see EF2, “Ibn al-Furāt,” no. 2, pp. 767–68 (Sourdel). There is other evidence that he relied heavily on non-Muslim officials, such as the account in which a largely Christian group of secretaries attend his lavish daily meals (Hilāl al-Ṣābiʾ, The Historical Remains of Hilāl al-Ṣābiʾ, p. 240; and, al-Wuzarāʾ, p. 261).
70 Abū l-Ḥusayn b. Hishām was known more widely as Ibn Abī Qīrāt (see Yāqūt, Mu ṭjam al-udabāʾ, 1:191; al-Ṣafadī, al-Wāfi, 22:177–78 [no. 216]). On ʿAlī b. Ḥisāb, see EF2, s.n., 1: 386–89 (Bowen).
71 On these little-known officials, see Cheikho/Hechaïmé, Wuzarāʾ, pp. 129–30 (no. 181); 215–16 (no. 359). “al-Nāṣir li-Dīn Allāh” refers to the regent and commander al-Muwaffaq, perhaps the
ʿAlī b. ʿĪsā said, “They did not act rightly.” So I said, “It is enough for me to imitate them, even if they erred, as you claim. For by my life, it is because you think them to be untrustworthy and disobedient that you will not follow their opinions or look with favor on their deeds. Nevertheless, I do not have two souls, such that if I lose one, I still have one to spare.” [ʿAlī b. ʿĪsā asked, “What do you mean by this?”] I said, “I saw that al-ʿAbbās b. al-Ḥasan [al-Jarjarāʾī] had appointed Muḥammad b. Dāʾūd b. al-Jarrāḥ over the Office of the Army, and the latter then craved the vizierate. He slandered al-ʿAbbās until he had killed him. Then he deposed the Commander of the Believers – God uphold him – and placed ʿAbdallāḥ b. al-Muʿtazz in his stead. 72 So I feared that a similar thing would befall me, and the state, too. Then I cried out (when I knew that the Commander of the Believers could hear me), ‘O Commander of the Believers, those people have got together to plan my murder, fearing my knowledge of their vices and of the money they owe! In just the same way the secretaries got together in the days of al-Mutawakkil, your forefather, against Najāḥ b. Salamah, and killed him. We have an inviolable bond, and I am your servant, so protect my life, and God bless you in whatever you do with my money.’ I had hardly finished saying this when the servants came out and returned me to my place.” 74

In this account, too, prescriptive concerns about employing prominent non-Muslims are entangled with broader considerations generated by the competitive environment of the court. The narrator can evidently rely on a broadly intelligible notion that there is something wrong about granting non-Muslims political authority, even if this sense is not expressed in formally juristic terms. Yet here again, this consideration is but one of several that contribute to Muslim characters’ stated views on the matter. It is easily parried by the Shiʿi Ibn al-Furāt, who appeals to two other considerations: the precedent of other Abbasid officials and caliphs, who had placed non-Muslims in the same powerful office, and the practical necessity of having utterly loyal officials with limited ambitions. The account implies that the non-Muslim army secretary possesses these qualifications, while certain Muslim officials – pointedly, members of ʿAlī b. ʿĪsā’s own Jarrāḥid family – do not. Thus we see that competitive pressures could both catalyze discursive opposition to non-Muslim officials and work in favor of their employment. On the whole, then, al-Jahshiyāʾī’s representations of non-Muslim officials should be seen in the light of the court climate in his own day. He was employed by ʿAlī b. ʿĪsā, who is represented here as a critic of employing non-Muslims. Non-Muslim

most powerful figure in the Abbasid government from 261–278/875–891 (EF, s.n., 7:801 [Kennedy]).

72 This Muḥammad b. Dāʾūd was a kinsman of ʿAlī b. ʿĪsā. Thus Ibn al-Furāt is implying that the latter’s bureaucratic faction is less trustworthy than non-Muslims.

73 For these well-known events of 296/908, see, e.g., van Berkel, “The Young Caliph and his Wicked Advisors.” Muḥammad b. Dāʾūd was part of a plot against al-Jarjarāʾī and the caliph al-Muqtadir, which installed Ibn al-Muʿtazz as caliph for a day, but fizzled thereafter.

74 Hilāl al-Ṣābiʿ, al-Wuzarāʾ, pp. 109–110; cf., The Historical Remains, pp. 95–96. For the larger rivalry in which this exchange was embedded, see Bowen, The Life and Times of ʿAlī ibn ʿĪsā, pp. 165–70.
officials were plainly present in significant numbers in that milieu. Indeed, we know that it was a heyday of influential Jewish financiers.\(^{75}\) Representations of such officials, it turns out, could have a variety of prescriptive overtones, or none at all.\(^{76}\)

These fourth/tenth-century examples from Iraq bear out larger patterns that are also visible in two other, little-known cases from the same century, written and set in al-Andalus and Egypt, respectively. These, too, show that prescription took diverse and unpredictable forms in literary representations of non-Muslim officials, and that competition is a prevalent aspect of those representations and, one may infer, of the cultures that produced them. The case from al-Andalus involves the well-known Christian convert secretary al-Qūmis (“the count”) Ibn Antunyān, who served the Umayyad emir Muḥammad I (r. 238–273/852–886). The chronicler Ibn al-Qūṭiyyah (d. 367/977) presents an account of his rise and conversion.\(^{77}\) Muḥammad, early in his reign, employs the Christian Ibn Antunyān to stand in for an ailing Muslim secretary, ʿAbdallāh b. Umayyah b. Yazīd. We learn that Ibn Antunyān is eloquent, capable, and possessed of “a keen brain.” When ʿAbdallāh dies, the emir declares, “If only the count were a Muslim, we would keep him on [as secretary]!” On hearing this, Ibn Antunyān converts and receives the appointment. The question of his religion does not end there, however, thanks to his rival, the Muslim grandee Hāshim b. ʿAbd al-ʿAzīz, an unsavory figure in Ibn al-Qūṭiyyah’s history. One day, a learned Muslim called Muhammad b. al-Kawther calls on Hāshim and points out to him how unjust it is that Hāshim, despite his lineage and virtues, has no official position, while the “supreme holder of the pen of the Umayyads and their great secretary” is “the Christian count, Ibn Antunyān,” whose conversion is, however, mentioned in the next breath. Hāshim seizes on this idea and writes the emir a letter in which he frets lest the Abbasids in the East discover that the Umayyads of al-Andalus have given a Christian such high station, while spurning the services of certain worthy Muslims, himself among them. Eventually, a Muslim is appointed as secretary. In a quite separate account in the biographical dictionary of judges by al-Khushanī (d. 361/971), Ibn Antunyān and Hāshim maintain an intense rivalry, such that the former lives in fear for his life. When he dies, Hāshim mounts an

\(^{75}\) Baron, *Social*, 3:152–54; Fischel, *Jews*, pp. 1–44.

\(^{76}\) E.g., the high Christian chancery official in Egypt, Abū Ya qūb Iṣḥāq b. Nuṣayr al-ʿIbādī, is noted approvingly in Islamic biographical sources and praised effusively by the poet al-Buḥturī (*Yāqūt, Muṣam al-udabāʾ*, 2:629–29 no. 227; al-Buḥturī, *Dīwān*, e.g., 2:815–17). I am preparing a study of his life.

unsuccessful campaign to have the state assume control of his possessions, on the dubious charge that he had died a Christian.  

Elements of these Andalusī accounts parallel the tenth-century Iraqi ones. They, too, reflect a general sense that non-Muslims should not have too much authority. But, as in the case of al-Ḥusayn b. Ḍōm, this sense is not depicted as preventing the officials in question from occupying high administrative offices, but only the highest one. As with the archrivals Ibn al-Furāt and ‘Alī b. ‘Īsā, prescriptive views against employing non-Muslims come out most strongly where they happen to superimpose upon personal rivalries. Even then, they are contested alongside other considerations. And here, yet again, competition for scarce honors and income is done by means of texts submitted for the ruler’s inspection that bring some damning allegation against a rival. The accounts of Ibn Antunyān add the element of suspicion surrounding the sincerity of conversion, a theme that would become increasingly common in literary portrayals of non-Muslim officials in later centuries.

The other comparative case is found in the account of the life of Aḥmad ibn Ṭūlūn (r. 254–270/868–884), the Turkish governor-turned-ruler of Egypt, by al-Balawī (fl. fourth/tenth c.). This account is set in a period of administrative flourishing under the watchful eye of one Aḥmad b. Ibrāhīm al-Uṭrūsh, who oversees the land-tax administration (al-kharāj) with the help of his star secretary, a certain Abū l-Jaysh Ṭūlūn. One day, al-Uṭrūsh is watching the officials at their work when he notices a certain Ishāq, a Christian “secretary of Jurjān,” from near the Caspian Sea. Ishāq was at that moment dealing with an aged Muslim, a minor tax official, who had been detained for some offense. Al-Uṭrūsh is “angry at the Christian’s power over the old man” and orders that he be returned to his cell. At this the Christian cries, “Counsel (nasīḥah) to the emir Aḥmad b. Ṭūlūn!” thereby appealing, as it were, to Caesar.

Al-Uṭrūsh and Ishāq are whisked away to appear before Ibn Ṭūlūn, who asks Ishāq for his “counsel.” Ishāq promptly accuses al-Uṭrūsh of embezzlement, to which the latter replies – after remarking that “this is a stupid Christian who doesn’t know what he is saying” – that the charge is only meant to deflect his own attempt to call the Christian to account for missing funds. The issue of the old man has been swiftly forgotten, replaced by prepared accusations. These, however, fail to please Ibn Ṭūlūn, who wants al-Uṭrūsh to respond to Ishāq.

78 al-Khushanī, Historia de los Jueces de Córdoba, pp. 130–33; and Quḍāt Qurṭubah, pp. 158–62. Ibn Antunyān is presented as a despicable apostate in the Latin account by the Christian Eulogius (Eulogius of Cordoba, Memoriale sanctorum, 2.440). I owe this reference to Christian Sahner.

79 This notion is documented in the tenth century not only for Iraq and al-Andalus, but also for Egypt, where the ruler Kāfūr expresses it with regard to the famous Jewish high official and would-be vizier Ya ḱib b. Killis (Fischel, Jews, pp. 48–49).

80 E.g., Ibn al-Nābulushi, Sword, pp. 90–97.

81 al-Balawī, Sīrat Aḥmad b. Ṭūlūn, pp. 161–64. On the author, see EI2, s.n., 1:990 (Shayyal).
At this moment, the secretary ʿAlī b. ʿAbd al-Uṭrūsh. ʿAlī plucks from his sleeve a document detailing all revenues and expenditures and, by reciting it from memory on the spot, clears al-Uṭrūsh of suspicion and silences the Christian, who can produce no evidence. The text at this point is lacunose, but it is clear that Ibn Ṭūlūn harangues and threatens the Christian in language that makes unflattering reference to his communal affiliation. ʿAlī b. ʿAbd al-Uṭrūsh gets lavish rewards.

The story has many parabolic layers: of memory and textuality, loyalty and rivalry, bureaucratic power and intercommunal hierarchy. Yet it, too, echoes many of the themes of the Iraqi and Andalusi parallels. Rivalry and defamation are here in spades, performed, as usual, by reference to probative texts. Here again, putative “counsel” (the Christian’s) turns out to be defamation. Present as well is the haze of discomfort with powerful non-Muslim officials, which, as in the other accounts, takes various forms and is presented neither in strongly juristic language nor as a general bar to official positions. Insofar as these accounts contain prescriptive messages beyond this, they are murky and inconsistent ones. In the next section, we turn from narrative representations of non-Muslim officials to the literature of counsel, later examples of which have much to say on the matter. That literature, like the “counsel” offered by the rivals in our narratives, was shaped by the personal concerns of its authors, by the conventions of their genre, and by the ever-expanding resources available within their discursive traditions.

Non-Muslim Officials in Islamic Counsel Works

The poem that appeared in the last section, in which a certain “debauched” Muslim poet rues the high rank of the Christian al-Husayn b. ʿAmr, calling him an “enemy of the Qurʾān,” is an early example of a sub-genre of defamation against non-Muslim officials that was regularly presented to influential audiences. Several well-known examples can be adduced from the following century. In one, related by the celebrated historian Ibn al-Athīr of Mosul (d. 630/1233), among others, the “people of Fustāṭ” are depicted placing a doll in the path of the Fatimid caliph al-ʿAzīz (r. 365–86/975–96) to protest the empowerment of the Christian ʿĪsā b. Naṣṭūrus in Egypt and the Qaraite Jew Menashshe b. al-Qazzāz in Syria, in the year 386/996. The doll holds a note to the caliph that reads, “By Him who has strengthened the Jews through Menashshe and the Christians through ʿĪsā b. Naṣṭūrus, and who has humbled the Muslims through you, will you not expose the wrong that has been done to me?” The caliph heeds the doll, arresting and cashiering the two officials.82

82 Rustow, Heresy, p. 124, with references to earlier translations. For the text, see Ibn al-Athīr, al-Kāmil, 7:477, s.a. 386 (Ibn-el-Athirī chronicon, 9:81–82). For a much more detailed and
Another case involves a widely cited poem that probably originated in al-Andalus before making its way east, taking various forms. In the earliest source that contains it—the literary compendium of the Iberian polymath Ibn ʿAbd al-Barr (d. 463/1070) — a Muslim jurist appears before the Abbasid caliph al-Maʿmūn, who at that moment is with a Jewish advisor. The jurist recites a line of poetry: “This man claims that the one for whose sake you are honored is a liar.” The Jew is promptly removed. In some versions, the Muslim is the famous scholar al-Ṭūrṭūshī and the ruler the Fatimid vizier al-Afdal.  

In another, less common story, an Egyptian or Syrian poet lampoons a Jewish official in the following verse, here taken from the Egyptian version, in which the official is Abū Saʿd al-Tustarī, active during the reign of the Fatimid al-Mustanṣir (r. 427–487/1036–1094):

The Jews of this age have reached / their highest hopes, and rule outright.  
Power and wealth are theirs / theirs too are counsellor and king.  
O Egyptians, I counsel you, / become Jews, as the stars themselves have done.

A final, later example comes from Aleppo in 579/1182–83. Ṣalāḥ al-Dīn’s brother al-ʿĀdil has just been given control of the city. He hands its administration to the recent convert Ibn al-Naḥḥāl, who in turn appoints a number of Christian officials. A poet declares:

The religion of Christ is on top in / al-ʿĀdil’s rule, above all others.  
This one is emir, this one vizier, this one / governor, this one heads a bureau.

We are not told whether the poem had any effect.

These disconnected vignettes belong to a poetic subset of a much broader phenomenon: discourse directed to influential audiences, often in writing, that attempts to devalorize contemporary non-Muslim officials in some way. While we possess only secondary representations of that discourse in literary works, it is not unlikely that such poems were indeed composed and brought to rulers’ attention from time to time. Where their audience is not a ruler, as in the cases

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84 The verse is widely cited (e.g., Lewis, Islam, 2:227; Cohen, Under Crescent and Cross, p. 67; Berkey, Formation, p. 197; Rustow, Heresy, p. 123), usually from al-Suyūṭī, Ḥusn al-muḥāḍarah, 2:201. See also Ibn Muyassar, Annales, p. 2. It elsewhere attributed to a (probably later) Syrian poet, Abū l-Riḍā Ibn al-Nūṭ al-Maʿ arrī, with slightly different wording: TMD, 71:92, and, on the poet, al-Ṣafadī, al-Wāfi, 19:180–81, no. 7373. The Persian historian Waṣṣāf turned the same verse against the Mongols’ Jewish official Saʿd al-Dawla (Fischel, Jews, pp. 89, 111).

85 Abū Shāmah, Kitāb al-rāwdatayn, 3:126; cf. Cairo edn., 2:52. For further examples from Iraq during the caliphate of al-Qāʾ im, when the Jew Ibn Faḍlān was appointed to an influential position, see Ibn al-Mustawfī, Taʾrīkh Irbil, 1:138–40.
of the unnamed poets in the time of al-Mustanṣır and al-ʿĀdil, the poems detract from the symbolic capital of his government in subversive ways, and are thus still calculated to draw the government’s attention. In other words, in their attempts to undermine non-Muslim officials, some critics opted for suasion, others for sedition.

In this section, we consider works that are explicitly framed as counsel and that make prescriptive assertions about non-Muslim officials, without taking those officials as their main subject. Most of these passages are best understood as instances of defamation, broadly construed, that instrumentalize and modify existing ideational resources to accomplish their authors’ purposes within competitive environments. Their function is thus comparable to that of the defamatory poems we have just encountered, notably in opting for either suasion or sedition. In them, however, we have not merely representations of defamation, but defamation itself, embedded within literary works that were addressed to influential audiences.

In the earliest Arabic counsel literature, most of which is expressly based on late-ancient Greek or Persian models and material, the communal affiliation of the ruler’s servants is not a matter of serious concern, let alone polemic. As noted, the early Kitāb fi l-siyāsah al-ʿāmmiyah, possibly a translation of the late Umayyad period, does not mention the matter when discussing whom the ruler should employ. Also silent are the equally Hellenistic Shiwān al-hikmah, probably also of the fourth/tenth century, and al-Fārābī’s philosophical treatise on politics, Mabādīʿ ārāʾ ahl al-madinah al-fāḍilah, which is not a work of counsel per se. Indeed, their contents tend to cut the other way, as they refer casually to non-Muslim sages, both ancient and more recent ones, such as the Sabian Banū Qurrah or the Christian Yahyā b. ʿAdī. 86 Overtly Persianate early Islamic counsel literature, such as ʿAhd Ardashīr and Kitāb al-tāj spuriously attributed to al-Jāḥiz, is likewise unconcerned with the communal affiliation of appointees. 87 The earliest ostensibly original Arabic-Islamic contributions to the broad genre of counsel, such as the celebrated testaments attributed to ʿAlī b. Abī Ṭalib, al-Manṣūr, Ṭāhir b. al-Ḥusayn, and al-Maʾmūn, are equally uninterested in the issue, despite attending closely to the characteristics of ideal officials. 88

86 Yavari, Advice, pp. 16–18; al-Qādī, “Kitāb Shiwān al-Hikma”; Gutas, Greek Wisdom Literature, pp. 52–53; al-Fārābī, Al-Farabi on the perfect state.
87 Grignaschi, “Quelques specimens,” pp. 46–90; [al-Jāḥiz], Le Livre de la Couronne. See also Chapter 2, pp. 43–45.
An early exception to this permissive trend would seem to be the well-attested Arabic work commonly known as *Sirr al-asrār*, the ostensible origins of which are Hellenistic (it is addressed by Aristotle to Alexander the Great). In Latin translation, it would furnish an important site of political discourse in premodern Europe. The Arabic *Sirr al-asrār* was probably in circulation, with an Islamic veneer, by the eleventh century. According to its own testimony, it was discovered and translated into Arabic by the Christian Yuḥannā b. al-Bīṭrīq, whom the caliph al-Maʿmūn had dispatched for the purpose. It includes sections on the appointment of ministers, secretaries, ambassadors, and governors. The first of these contains an extended parable, the stated upshot of which is as follows: “In your rule, O Alexander, do not consult or appoint as vizier anyone who is not a theist who believes in Lordship (*man laysa mina l-ilāhiyyīnīna l-muʿtaqīdīnā l-rubūbiyyah*), and trust only those theists who share your rite and believe in your law (*man yadīnu bi-nāmūsika wa-yaʿtaqīdu sharīʿatī*). Beware lest there befall you what befell the two travelling companions in the story.

As counsel in Arabic for the consumption of a Muslim ruler, this would appear to be a command not to appoint non-Muslim officials and courtiers, and some readers may indeed have perceived it as such. The parable’s contents, however, undermine this reading. It tells of an encounter between two travelers, a Zoroastrian and a Jew. The Zoroastrian is wise and merciful while the Jew is a crudely clannish, dogmatic monotheist. It is thus a poor basis for anti-dhimmi polemic, and historians have suggested that it may reflect pagan or Zoroastrian backgrounds. But its plot, too, subverts the stated moral. The Zoroastrian, who rides a mule, explains his creed to the Jew, who goes on foot, and who in turn explains his own. Here Zoroastrianism is universally benevolent, with a just God who rights all wrongs. Judaism is violently expansionist, caring only for its jealous God and his devotees. The Jew, exploiting Zoroastrian benevolence, hijacks the mule and rides off, whereupon the Zoroastrian prays to his own just God. The Jew promptly falls off the mule and, after the Zoroastrian finds and aids him (again), dies of his injuries. Hearing of the Zoroastrian’s good conduct, the local king makes him his vizier. The hearer of this ambiguous account might perceive a range of messages. After all, the Zoroastrian gets the job in the


90 *Kitāb sirr al-asrār*, p. 69.

end, despite or because of having trusted the Jew. First appearances aside, this is clearly not a simple parable against non-Muslim officials.

Before reaching the first formal work of counsel to include such a parable, we must pause in the middle fifth/eleventh century upon Ibn Ḥazm of Cordoba, whom we met in the previous chapter as a leading light of the Zāhirī madhhab. As a jurist, Ibn Ḥazm embraced the view that non-Muslims could not lawfully be employed as officials. He wrote in many other genres, too, among them refined literature, genealogy, logic, and polemic. And although he is now remembered as a scholar rather than a courtier, he had close ties to officialdom in al-Andalus, particularly in his youth.  

He was raised at court, where his father was vizier to the chamberlain and de facto ruler of Cordoba, al-Manṣūr b. Abī ᑕĀmir (d. 392/1002), and to the latter’s son, al-Muẓaffar. He, too, served as vizier to more than one Umayyad aspirant before 420/1029, when he went into a scholarly retirement in which his pugnacity earned him enmity from both the leading Andalusi Mālikī scholars and the many local rulers of the period, to whom his rivals successfully defamed him.

Among Ibn Ḥazm’s better-known polemics is a refutation (Radd) directed against a certain Jew who had, according to the text itself, written critically of the Qurʾān. It is not a standard work of counsel, but it contains elements of that genre, as we shall see. The identity of the Jewish opponent and the question of whether he actually wrote against the Qurʾān are still debated. It is usually maintained that he was either Shmuel ha-Nagid (Ismāʿīl ibn Naghrillah, d. 447/1056) – the famous scholar, poet, and vizier of the Berber ruler of Granada, Bāḍīs b. Ḥabūs – or, less probably, Ibn Naghrillah’s son, Yūsuf. Maribel Fierro has raised the possibility that another Jew was intended, while Brann suggests that the work is “a sociopolitically motivated literary exercise” and the opponent “a composite Andalusi Jew.” David Wasserstein, noting scholarly disagreement about the work’s purpose, characterizes it as “a political pamphlet attacking Samuel ha-Nagid for overstepping the bounds of dhull, lowliness, set by Islam for Jewish participation in public life, politics.” All agree, however, that much of the work dwells on scriptural polemics, and that it is in the introduction and conclusion that the author denounces Jewish officials and, more pointedly, the Muslim rulers who empower them.

The political climate in which the Radd was composed, as well as its hostile rhetoric, are well studied. Brann has noted that personal motives likely catalyzed Ibn Ḥazm’s work. The growing political and symbolic capital of Jewish

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92 On Ibn Ḥazm’s life and political roles, see EJT, s.n., 3:790–99 (Arnaldez); Puerta Vilchez, “Abū Muhammad ᑕĀli ibn Ḥazm” and Soravia, “A Portrait of the ᑕĀlim as a Young Man.”

93 On the figure’s identity and the work more generally, see Brann, Power, pp. 75–90. See also Adang, Muslim Writers, pp. 67–69; Soravia, “A Portrait,” pp. 46–47; Wasserstein, “Ibn Ḥazm and al-Andalus,” pp. 75–76; Fierro, “Ibn Ḥazm and the Jewish Zindiq.”

elites like Ibn Naghrillah contrasted sharply with his own fading fortunes after 420/1029. It was also a period, Brann shows, in which political disunity in the peninsula heightened Muslim anxieties about the fate of their own social and political orders. Those anxieties came sometimes to rest upon the non-Muslim officials whom the many local rulers (mulâk al-tawâ’if) in al-Andalus, often foreigners in their own domains, employed as loyal and effective administrators. To inveigh against those rulers in the work’s conclusion, Ibn Ḥazm draws on polemical material that we have noted in earlier chapters, especially the Qurʾān. “I strongly expect and firmly hope,” he writes, “that God will take those who draw the Jews close . . . and subject them to the same punishment to which he subjected the Jews.” When a Muslim ruler hears the Qurʾānic verses that urge dissociation from unbelievers, Ibn Ḥazm continues, reproducing Q. 5:51, 3:118, 60:1, 5:57, 2:61, and 5:62, but

then proceeds to bring them near and mix with them, he is, God willing, worthy that God should surround him with the humiliation, abasement, degradation, and lowliness with which He surrounded the Jews in this world, along with painful chastisement in the next. He who does that deserves to share with them in what God . . . warned in his Torah in the fifth book, for He says to them . . .

What follows is most unexpected: a very long quotation from an Arabic version of Deuteronomy 28:15–57, in which God promises Israel all manner of lurid sufferings if they do not obey his commandments. Ibn Ḥazm’s attack on the Hebrew Bible elsewhere in the same work and in others is not in evidence here. Rather, he exults in every hideous detail, hailing the text as “a prophecy from God most high.” He concludes the passage and the work by counseling the unnamed Muslim ruler to fear and obey God by humiliating and avoiding the utterly wretched Jews.

In this respect, then, the work contains a strong element of counsel to a Muslim ruler. Indeed, despite the scriptural polemic at its core, the Radd’s conclusion and its introduction, which begins with a complaint against Muslim rulers who empower non-Muslims, show that its principal purpose was to oppose the practice. Yet it is not a work of counsel like the others considered in this section, for it aims to threaten and denounce, and thus inclines toward sedition rather than suasion. This was a dangerous game for a scholar to play.

95 Brann, Power, pp. 80–83. On the loyalty of figures like Ibn Naghrillah from a Muslim employer’s perspective, see Chapter 2, p. 35.
97 bishāratun min allāhi taʿālā lahum (Ibn Ḥazm, al-Radd, p. 81). This passage is directed principally at Muslim rulers rather than at the Jews themselves (pace Alfonso, Islamic Culture Through Jewish Eyes, p. 62). For brief remarks on the use of the biblical text in this passage, which has escaped most scholars’ attention, see Brann, Power, p. 79 n.95.
98 Ibn Ḥazm, al-Radd, p. 45.
How did Ibn Ḥazm pull it off? While the precise date of the *Radd*’s composition remains unknown, Bruna Soravia argues that it fits best in the period when Ibn Ḥazm resided in Almería, whose local ruler, the Slav Zuhayr, in concert with his vizier Abū Jaʿfar ibn ʿAbbās, mounted a propaganda campaign against his Zirid opponent in Granada, Bādīs b. Ḥabūs, that involved circulating propaganda against Bādīs’ Jewish officials. Ibn Ḥazm would have been writing the *Radd* against the ruler of another territory, not his own. This would explain why he was able and inclined stridently to defame a powerful Jewish official and his employer. The work may thus be intended as an attack less on Ibn Naghrīllah, as Wasserstein and others have suggested, than on his Berber master, and less as a principled statement against the employment of non-Muslim officials than as a means of detracting from the symbolic capital of a neighboring Muslim ruler by leveraging that issue, and by referring, as usual, to a probative text: the Jew’s alleged criticism of the Qurʾān. Indeed, notwithstanding Ibn Ḥazm’s juristic disapproval of non-Muslim officials in *al-Muḥallā*, there is hardly any properly juristic material in the *Radd*. The author instead reaches for the keenest rhetorical weapons available, whatever their formal prescriptive authority, even to the otherwise-maligned Hebrew Bible.

The Jewish grandee Ibn Naghrīllah perceived rhetorical assaults of this kind, and perhaps the *Radd* itself, as defamation. We know this thanks to a Hebrew poem that he authored shortly after the Battle of Alfuente in 1038, and in which an envious Zuhayr and Ibn ʿAbbās circulate “awful things . . . reckless slanders, brazen, wicked gossip” in written form, but to no effect. Thus, where modern scholars see a violation of legal boundaries imposed by an impersonal Islam, a contemporary actor describes “reckless slanders,” rooted in “resentment” and spread by specific enemies, though couched, of course, in the language of timeless injunction. The original Hebrew nowhere makes reference to specific actors as “Muslims,” or to the conflict as one that involves fixed principles of Islam. Instead the conflict is personal and partisan: between Ibn Naghrīllah’s detractors, the slanderers, and his own allies, Muslim as well as Jewish.

Ibn Ḥazm experienced comparable defamation, the like of which he also directed against Muslim opponents. He was far from the only contributor, however, to this particular defamatory project against Granadan Jewish officials. An infamous poem from the same general milieu by Abū Ishaq al-Ibīrī (d. 459/1067) is addressed as “counsel” (*naṣīḥah*) to the Ṣanhājah Berbers who ruled Granada. It begins by criticizing their leader for empowering Jews.

Despite noting that the agency in the Jews’ employment is the Muslim leader’s, not theirs, the poet goes on to flatter Bādis for his intelligence and to recommend extortion and then violence against the Jews, on the pretext, sporadically attested elsewhere, that they had broken their pact with the Muslims by accepting high station.\footnote{102} Although it is conciliatory in its praise for the ruler, it flirted with a call to open rebellion by calling for the death of his trusted supporters. The symbolic competition among Muslim factions and Granada’s Jewish community in which al-Ilbīrī’s poem participates is depicted in some sources as catalyzing brutal physical competition: the notorious massacre of Jews in Granada, including Yūsuf b. Ismā’īl b. Naghrillah, in 459/1066.\footnote{103}

The invectives of Ibn Ḥazm and al-Ilbīrī, both of which bring the issue of non-Muslim officials to the attention of influential fellow-Muslims, lie near the latter end of a spectrum of counsel that runs from officious suasion to open sedition. More common among later Muslim writers of counsel for powerful audiences were subtler approaches that appealed to the ruler’s conscience or self-interest – and to authoritative texts and principles – in the course of defaming non-Muslim officials, individually or collectively. One such appeal is found in another fifth/eleventh-century work from the opposite side of the Islamic world: the landmark Persian book of counsel by the Seljuq vizier and, at times, de facto ruler, Niẓām al-Mulk (d. 485/1092), the Siyāsat nāmah or Siyar al-mulūk.\footnote{104} This is the earliest Islamic book in the counsel genre proper that explicitly condemns the employment of non-Muslim officials. Niẓām al-Mulk was a brilliant and powerful Sunni administrator who favored the Shāfiʿī madhhab. To ensure loyalty and efficacy among his subordinates, he relied largely on trusted members of his own family, or on others who shared his own ethnic, geographical, and ideological background, namely Shāfiʿī and Ashʿarī ulama from Khurasan, often trained in his household or in madrasahs that he established.\footnote{105}

Niẓām al-Mulk wrote thirty-nine chapters of the Siyāsat nāmah late in his career, beginning in 479/1086, ostensibly at the behest of the sultan, Malikshāh. He added eleven more just before his fall from office and subsequent murder in 485/1092. At this point, he had for several years been enmeshed in stiff


personal and factional conflict in the Seljuq administration, in the course of which he had weathered concerted efforts to defame him. His principal rivals, who eventually succeeded in turning Malikshāh against him, were Malikshāh’s wife, Tarkān Khātūn, and another high administrator, Tāj al-Mulk Abū l-Ghanā’im. The sources disagree on the exact circumstances of his demise, but several implicate Ismā’īlī agitators, with whom Tarkān Khātūn and Tāj al-Mulk colluded and who carried out the assassination, probably after the vizier’s dismissal.

As a shrewd and practical administrator, Niẓām al-Mulk might have seized upon fellow Shāfī’ī al-Māwardī’s pragmatic solution to the issue of non-Muslim officials by distinguishing between “delegate” and “executive” officials. After all, he had already forged sympathetic attachments to several non-Muslim administrators. For example, one of the first challenges to his authority came in 472/1079–80, when his rivals mulcted and ultimately murdered one Ibn ‘Allān, the Jewish tax-farmer of Basra whom he had appointed. Ibn al-Athīr reports that, as late as 484/1084–85, another Jew, Abū Sa’d b. Ṣīmḥā, was an agent (wakīl) for Malikshāh and Niẓām al-Mulk. Niẓām al-Mulk might have been expected, if he did not follow al-Māwardī, to remain silent on the issue of non-Muslim officials, as earlier Muslim writers in the genre of counsel had done. Instead, he expresses clear disapproval of their employment.

Niẓām al-Mulk’s discussion of the matter comes in one of the eleven chapters that were added to the work shortly before his fall. The chapter, the forty-first, is “on not giving two appointments to one man” – probably a swipe at Tāj al-Mulk – but most of it is concerned with what the author presents as deviant ideologies and their harmful effects on governance. In the good old days, he writes, no Turk thought of employing a non-Muslim or heterodox Muslim. He means especially the Ismā’īlīs, to whom he refers in general or pejorative terms, often as “Iraqīs” or “Daylamites.” Thus the administration always ran smoothly, for its personnel were “all professional civil servants and secretaries from Khurasan, who followed the orthodox Ḥanafī or Shāfī’ī
schools.” Now, however, the administration is full of Shi‘is and non-Muslims, and corruption is rife. Niẓām al-Mulk illustrates this with an extended anecdote concerning the former Seljuq sultan Alp Arslân, who rebukes an underling for hiring a Shi‘i and explains the eternal enmity between Turks and Shi‘is. “You are a Turk,” he says. “You need Khurasanis in your retinue.” Numerous anti-Shi‘i hadith follow. This paves the way for a brief excursus on non-Muslim officials, who are also the ruler’s enemies: a rehearsal of the story about ʿUmar b. al-Khaṭṭāb, Abū Mūsā, and the Christian secretary. The author moves on quickly to incompetent and obscure officials, before denouncing a certain rival, probably Tāj al-Mulk himself, who has allegedly recommended policies that would leave a large number of qualified Muslim candidates unemployed, a situation the author considers dangerous.

At this point, Niẓām al-Mulk returns to non-Muslim officials, whom he now opposes on pragmatic grounds. However competent an official might be, if he espouses the wrong doctrine (bad-madhhab yā bad-kīsh, identified as Jews, Christians, or Zoroastrians), he is sure to mistreat Muslims on the pretext of carrying out his duties. The official’s Muslim allies (pāy-mardānish), Niẓām al-Mulk warns, will point to the deleterious effects of removing him. These lies are to be ignored, and the example of ʿUmar adopted instead. In then giving a highly embellished version of the same story about ʿUmar, Niẓām al-Mulk draws heavily on the prescriptive discourse as it had developed to his day. The Christian official in the original story has become a hyper-competent Jew in Iraq, and the offending governor is now the well-known Companion of the Prophet, Saʿd b. Abī Waqqāṣ (d. betw. 50/670–1 and 58/677–8). The Muslim citizens complain to ʿUmar about the Jewish official, asking him to appoint a Muslim replacement who, if he is not less oppressive, may at least be less symbolically vexatious. ʿUmar orders Saʿd to replace the Jew, but no qualified Muslim can be found, despite an extensive search. Informed of this, ʿUmar responds with a laconic counterfactual that would become common in the later discourse: “The Jew is dead.” This means, Niẓām al-Mulk explains, that the governor should proceed as if the Jew had unexpectedly died. ʿUmar is vindicated, for the (presumably unqualified) Muslim appointee soon runs the administration better than the Jew had ever done.

For Niẓām al-Mulk, the issue of non-Muslim officials was a tertiary element in a larger diatribe against officials whom he presented as unqualified, whether due to heterodoxy, corruption, incompetence, youth, low birth, disloyalty, or avarice. It is not surprising that this chapter is among those that the vizier added to the work, “because of the constant anxiety that was in his mind on account of the enemies of this dynasty,” as his rivals closed in on him. The chapter

encloses a thinly veiled attack on Tāj al-Mulk and immediately precedes a bitter attack on women in politics, widely understood as a polemic against Tarkān Khāṭūn. Much of it is, in other words, an exercise in defensive defamation, offered as sincere counsel by a writer fighting for his survival. One cannot know for certain why Niżām al-Mulk included non-Muslims, whom he had previously employed, among the enemies whom the sultan must avoid. Tāj al-Mulk and Tarkān Khāṭūn may perhaps have relied on non-Muslim supporters to the exclusion of Niżām al-Mulk’s madrasah men. Or, it may have been an appeal to his own, juristically minded faction. What is clear, however, is that this was not, as Neguin Yavari has rightly noted, the product of “hidebound religious conservatism.”

Contemporaries knew that principled denunciation of this kind flirted with opportunistic defamation. Thus the later historian al-Bundārī describes how a Khurāsānī official called al-Khāṭībī, allegedly a closet Ismāʿīlī, initiated a reign of terror under Malikshāh’s son, the sultan Muḥammad I (r. 498–511/1105–18), by publicly accusing his own rivals of espousing Ismāʿīlism. The rhetoric here is eerily similar to Niżām al-Mulk’s. Al-Khāṭībī’s slander and secret heterodoxy is discovered, leading to his own fall. This anecdote suggests that, in Niżām al-Mulk’s historical setting, counsel about whom (not) to employ was not easily separated from self-interested defamation. Niżām al-Mulk had formerly been an ideological outsider – his former master Alp Arslān, a Ḥanafī, had lamented his vizier’s Shāfiʿīism, much as the Umayyad emir Muḥammad I in al-Andalus had lamented his secretary’s Christianity – and he had felt the barb of rivals’ defamation. His predecessor al-Kundurī had violently persecuted Shāfīʿīs and Ashʿarīs, barring them from holding any office. While Niżām al-Mulk himself effected a Ḥanafī-Shāfiʿī rapprochement, it is difficult to read the final chapters of the Siyāsat nāmah without concluding that his words about non-Muslim officials were heavily conditioned by their conflictual setting.

113 Yavari, “Siyar al-Molūk” (Elr). Yavari (“Neẓām-al-Molk” [Elr]) stresses Niżām al-Mulk’s “distaste for sectarianism,” arguing that in the Siyāsat nāmah “heresy and bad religion serve as synonyms for political turbulence” (“Siyar al-Molūk”). “When presented as contraries . . . good and bad religion . . . are not distanced. Rather, the reader’s attention is diverted to the manifold ways in which they are similar, related, and dependent” (Advice, p. 142). While these assertions may conceivably be true of Niżām al-Mulk at the height of his power, Yavari’s optimistic reading leaves room to explore the more instrumental and conflictual aspects of his thought on ideological difference, especially late in his career.
114 In the story’s narrative past, there were no heterodox officials, because all officials came from Khurāsān. But now the “Irāqi” heretics hold sway, so the sultan purges Iraqis in preference for Khurāsānīs, not realizing that “Khurāsān had become a nest of Bāṭinīs,” al-Bundārī, Kitāb tārkīkh dawlat Āl Saljūq, pp. 87–88; Bosworth, “Political and Dynastic History,” p. 188; paraphrastic translation in Yavari, Advice, p. 138.
115 Niżām al-Mulk, The Book of Government, p. 96 (Ch. 21 §3); cf. above, p. 180.
Nizām al-Mulk’s treatment of the topic in the Siyāsat nāmah is not, however, the result of personal, local, and temporary conflicts alone. Those factors, pervasive in centralized premodern bureaucracies, led different actors to draw upon different rhetorical resources, and here Nizām al-Mulk, for the first time in the historically Persianate and Hellenistic tradition of Islamic counsel literature, drew on the Sunni jurists’ preferred parable: the story of ‘Umar and Abū Mūsā. This choice is consonant with Nizām al-Mulk’s pivotal role in patronizing Sunni jurists and their traditions of learning on an unprecedented scale, increasingly employing them, too, as state officials. \(^{116}\)

What Nizām al-Mulk had done for the madrasah as vizier in Seljuq Iran and Iraq was imitated further west, in Fatimid territory, by subtler and more decentralized means, as the Fatimid state was far less inclined to institutionalize patronage for Sunni ulama. In Egypt, the agents of the madrasah’s gradual spread before the Zangid and Ayyubid period were the ulama themselves. \(^{117}\)

One of the earliest and most important promoters of madrasahs in Egypt was the Iberian Abū Bakr Muḥammad b. al-Walīd al-Ṭurtūshī (d. 520/1126). \(^{118}\)

A native of Tortosa, he got a good Mālikī education at Saragossa and Seville – and perhaps even studied with Ibn Hazm – before travelling east on pilgrimage in 476/1083–84. He spent time in Nizām al-Mulk’s Baghdad before coming to Egypt in 490/1096–97 and settling at Alexandria. The city was a hotbed of Sunni scholarship, and al-Ṭurtūshī would help to make it the home of the first madrasahs in Egypt. \(^{119}\)

After establishing a madrasah in his house, he developed contacts with the Fatimid viziers of the early sixth/twelfth century, notably al-Aḍal (d. 515/1121) and al-Ma’mūn al-Baṭā’iḥī (d. 519/1125). \(^{120}\)

These two viziers, both recalled as sympathetic to Sunni ulama and their concerns, were the formal audience for al-Ṭurtūshī’s greatest literary achievement, a book of counsel entitled Sirāj al-mulūk (“The Lamp of Kings”). If early Muslim writers in the genre had generally worked from Persian and Hellenistic models, into which Nizām al-Mulk – who favored ulama and had acquired something of their learning – injected a juristic sensibility, al-Ṭurtūshī was perhaps the first through-and-through Muslim jurist to produce such a work.

\(^{116}\) This profound innovation has been widely remarked. See Yarbrough, “The Madrasa”: Bulliet, Patricians, pp. 73–75; Safi, Politics, pp. 90–97.


\(^{118}\) For al-Ṭurtūshī’s life and related bibliography, see EF, s.n. 10:739–40 (Ben Abdesselem); CMR 3, s.n., pp. 387–96 (Fierro); al-Ṭurtūshī, Sirāj al-mulūk, 1:12–28; Ibn Khalikān, Wafayāt al-a’yān, 4:262–65 (no. 605).

\(^{119}\) Walker, “Fāṭimid Alexandria as an Entrepôt.”

\(^{120}\) For basic information on them see respectively EF, s.n. 1:215–16 (Wiet); EF, “al-Baṭā’iḥī,” 1:1091–92 (Dunlop). Certain biographical sources make the conventional claim that he avoided rulers, but also describe his many encounters with them (e.g., Ibn Farhūn, al-Dīhāj al-mudhahhab, 2:244–48).
The configuration of power and authority in the central Islamic lands at the time favored this development. The men who ruled most of the region no longer claimed a great deal of authority in Islamic terms. Increasingly they abandoned the Shi‘i models of rule that had been prevalent in the fourth/tenth and fifth/eleventh centuries. The Fatimid caliph himself had surrendered much of his power to military viziers by the time al-Ṭurḫūshī gained prominence in Egypt. This left the Sunni ulama as the principal potential source of legitimacy there. Viziers like al-Afḍal and al-Baṭā‘īḫī, who lacked any special distinction apart from their offices and would soon come to be addressed as “kings,” were thus receptive to what prominent Sunnis like al-Ṭurḫūshī wished to tell them. It would not take long for a member of that group to enumerate the policies that would have to be affirmed if he and his colleagues were to consort with the dubious figures who ran the state. Al-Ṭurḫūshī frames Sirāj al-mulūk as counsel, stressing the ruler’s dire need for the learning and correction that scholars could provide.\(^{121}\)

He took this opportunity to advise the vizier – whom most of the biographical sources identify as al-Baṭā‘īḫī – that it was unlawful to employ non-Muslims. Much of the chapter “on rulings concerning the dhimmis” (fī aḥkām ahl al-dhimmah) is devoted to the issue. The chapter’s placement within the work signals that non-Muslims in the government may indeed have been the author’s primary concern, for it follows chapters on proper taxation, the treasury, and the administration more broadly, and precedes others on the qualifications and conduct of state officials. That he took a dim view of the practice might be independently inferred from an anecdote that appears in most treatments of al-Ṭurḫūshī’s life, in which he confronts al-Afḍal in the presence of a Christian grandee, quoting lines of polemical poetry that are attested earlier in his native al-Andalus.\(^{122}\)

The chapter on dhimmis begins with a version of the “Pact of ʿUmar” (shurūṭ ʿUmar), which had, until that time, been a relatively obscure textual artifact that circulated among jurists and antiquarians.\(^{123}\) There then follow reports about the ghiyār, sumptuary regulations for dhimmis putatively formulated by ʿUmar b. al-Khaṭṭāb.\(^{124}\) Al-Mutawakkil, his reader is reminded, applied a version of these regulations. He refused to employ dhimmis, too, earning the praise of Muslims ever since. Al-Ṭurḫūshī takes up this topic with gusto, citing, in addition to the familiar reports from ʿUmar b. al-Khaṭṭāb about non-Muslims accepting bribes and the scolding of Abū Mūsā, previously unattested letters


\(^{122}\) Sources noted by Fierro (CMR 3, p. 393); for the poetry, see above, p. 183. The Christian could well have been Yuhannā b. Abī I-Layth, head of the dīwān al-taḥqīq; see below, n. 176.


\(^{124}\) Yarbrough, “Origins of the ghiyār.”
that ʿUmar I and II wrote to their lieutenants. The crowning piece of evidence is the canonical ḥadīth in which the Prophet rejects a pagan warrior before the Battle of Badr. Al-Ṭurtūshī calls this a “major basis” (aṣl ʿażīm) for the view that no assistance is to be sought from non-Muslims. If the Prophet refused their military aid against pagans, how much less would he have placed non-Muslims in authority over Muslims? Al-Ṭurtūshī rounds out the section by discussing what happens when dhimmis break their pact, reviewing more sumptuary regulations, and offering instructions on the assessment and collection of the poll tax (jizyah).

Al-Ṭurtūshī’s discussion of dhimmi affairs, including their employment, is a minor facet of the work as a whole, but a watershed in the way that the issue was treated in premodern Islamic literature. Just as Sunni ulama became involved in the bureaucracy on an unprecedented scale during and after Niẓām al-Mulk’s time, so did their juristically inflected political thought gain ground in fields from which they had previously held themselves aloof. In the late second/eighth century, Abū Yūsuf had written a juristic administrative manual for the Abbasid caliph – the famous Kitāb al-kharāj – without mentioning the employment of non-Muslims. Al-Māwardī wrote a comparable work for another Abbasid that also omitted to connect dhimmi regulations to the employment of non-Muslim officials, and he wrote his naṣīḥah works quite separately and in a different register. A Fatimid official called ʿAlī b. Khalaf (fl. 437/1035) had offered his bureaucratic readership a template for imposing the ghiyār on non-Muslims, in which the Fatimid caliph is made to forbid dhimmis to dress like Muslims “even though state officials employ them . . . in important jobs (min ʿamāʿiри l-aʾmāl) and tax collection.”

Niẓām al-Mulk condemned the employment of non-Muslims and Shiʿis in a Persian counsel work for a Seljuq sultan, but made no mention of such dhimmi regulations as the ghiyār. But in al-Ṭurtūshī’s Sirāj, a bona fide jurist writing for a military vizier merges a juristic manual with a literary work of counsel, and juristic condemnation of non-Muslim officials with a broader assemblage of putative dhimmi restrictions that reinforced that condemnation. Even as the jurists’ views went mainstream in Islamic political thought regarding non-Muslims, those views increasingly embraced parables about post-formative Muslim rulers as normative examples to offer contemporary ones. Al-Mutawakkil had grudgingly conceded that he should follow the example of the Prophet and his Companions, but al-Ṭurtūshī was content for al-Batāʾiḥī to imitate al-Mutawakkil.

But al-Ṭurtūshī was not a state official, and was not competing for an appointment against the non-Muslims whom he collectively defamed in the Sirāj. The sources do suggest, however, that he competed for symbolic capital

125 ʿAlī b. Khalaf, Mawāḍd al-bayān, p. 375. I owe this reference to Paul Walker.
with other ulama and with prominent non-Muslims. He ostentatiously shunned wealth and material comforts, and in some cases the rulers as well, profiting his reputation handsomely. He was remembered as a fierce detractor of his erstwhile teacher al-Ghazālī, whose ideas he linked to the Ismāʿīlīs and whose books he recommended burning. More tangibly, his Muslim scholarly rivals – the Banū Ḥadīd, whose head was qādī in Alexandria – reportedly defamed him to the Fatimid authorities for condemning certain taxes and the import of Christian-made cheese, and for gathering a large circle of followers. As the esteemed representative of a juristic tradition that opposed non-Muslim officials on principle, a public intellectual who sometimes courted rulers, and an active player in the symbolic economy of Egypt in his day, al-Ṭūrūshī used preexisting discursive resources to urge the exclusion of non-Muslim officials who threatened his symbolic capital on all three fronts. The marriage that he effected between juristic and literary themes relating to non-Muslims in Sirāj al-mulūk was to prove a popular one among ulama who were increasingly straddling scholarly and bureaucratic fields in their professional lives.

After al-Ṭūrūshī, however, one finds only a few counsel works that urge the dismissal of non-Muslim officials, while several such later works omit to raise the issue. Both of these observations may be partly explained by the contemporaneous rise of independent counsel works dedicated exclusively to the matter, which are studied in the next chapter. There are important exceptions, however. In the early days of Mamluk rule in Egypt, a work of counsel for the sultan al al-Muʿizz Aybak al-Turkumānī (d. 655/1257) by a Kurdish scholar-courtier named Kamāl al-Dīn al-Khaḍir b. Abī Bakr (d. 660/1262) contained a long section denouncing non-Muslim officials. Although we only have excerpts from this work, Kitāb al-wazāʿif al-maʾrūfah li-l-manāqib al-mawsūfah, it is clear that the author followed al-Ṭūrūshī in offering the ruler exemplary parables that described how post-formative Muslim rulers had dismissed their non-Muslim officials. In addition to the familiar qurʾānic proof texts, the ḥadīth about the pagan at Badr, the stories about the two caliphs ʿUmar, and account of al-Mutawakkil’s measures, al-Khaḍir also regaled his audience with the tale of the grammarian al-Kisāʾī (d. 189/805), who challenges an unnamed Abbāsid to dismiss (and execute) his non-Muslim finance official.

Surviving reports about al-Khaḍir, a former qādī in the Cairo district of al-Maqs, depict him dispensing such defamation habitually. Al-Yūnūnī describes how the sultan al-Muʿizz treated him, “bringing him close and making him his

128 For the latter, see above at nn. 39–53.
intimate. Thus the love of power and influence with kings attached itself to him. He was bold, rash, and short-sighted, and made for himself a ring, under the jewel of which he placed a scrap of paper containing the names of people whom he hoped to injure.

In due course the ring was discovered and he was beaten and imprisoned. In prison he became involved with an Abbasid restorationist plot, for which he wrote letters and documents upon his release. His enemies, however, discovered this plot and “incited [the sultan] against him.” He was strangled with the seditious documents around his neck. Clearly al-Khaḍir was both well-versed in Islamic law—which by the middle seventh/thirteenth century in Egypt helped him to gain influence with the sultan—and a fierce bureaucratic infighter. The defamation he directed at non-Muslim officials in Kitāb al-wazā'if—which was probably aimed at the converted vizier al-Fā'izī—should be seen in the light of his educational background and professional conduct.

Despite his own contentious and ill-starred career, his writings against non-Muslim officials had a noteworthy afterlife. They were recycled for the consumption of rulers at least twice more, first in an abridgment of Kitāb al-wazā'īf by a Syrian-Egyptian scholar, one Shams al-Dīn Muḥammad b. Abī Bakr al-Shaṭṭī (d. 749/1348), who addressed it as counsel (naṣḥ) to an unnamed powerful patron, probably the Mamluk sultan. The work also contains the “Pact of ʿUmar” and assorted other dhimmi regulations, in a different section. Kitāb al-wazā'īf was also reportedly read out loud to the Mamlūk sultan al-Nāṣir Muḥammad b. Qalāwūn, and played a role in convincing him to dismiss his non-Muslim officials and enforce dhimmi regulations in Cairo in the year 700/1301. However truculent its author and particular the circumstances of its composition, al-Khaḍir’s work of counsel thus had a traceable effect on the discourse surrounding non-Muslim officials in early Mamluk Egypt.

One other work of political counsel from the Mamluk milieu is relevant here: a highly juristic composition by the Syrian Shāfiʿī scholar Ibn al-Mawsīlī (d. 774/1372) entitled Ḥusn al-sulūk al-hāfiz dawlat al-mulūk, which is directed to an unknown but obviously powerful patron. The thirteenth of the work’s

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131 al-Yūnīnī, Dhayl, 2:170.
132 On al-Fāʿīzī, see Cheikho and Hechaïmé, Wuzarāʾ, pp. 224–26 (no. 381).
133 This abridgment was entitled Kitāb al-iʿānah fī l-haqq li-man waliya shayʿan min umūr al-khalq. It has survived in a unicum at the Escorial (see Derenbourg, Les manuscrits arabes de l’Escurial, 2/1:64–65 no.775 and further Yarbrough, “A rather small genre,” p. 141 n. 7). On the author, see Ibn al-Jazarī, Ghāyat al-nihāyah, 2:105 no. 2877.
134 Fols. 34v–35r. for materials against non-Muslim officials, continuing on with early anti-corruption material that parallels that found in Ibn al-Nābuluṣī, Sword, pp. 176–87; fols. 54r.–58r. for dhimmi regulations.
135 Yarbrough, “A rather small genre,” pp. 139–40, with reference to the account of Ibn al-Dawḍārī from which this information comes.
136 Ibn al-Mawsīlī, Ḥusn al-sulūk, pp. 52–53. The author lived in Baʿalabakk, Tripoli, and Damascus. An additional Mamlūk naṣīḥah work that contains a section against non-Muslim
seventeen sections is a polemic against the appointment of non-Muslim officials. The work as a whole, which borrows heavily from al-Ṭurfūshi’s *Sirāj al-mulūk* and Ibn Taymiyyah’s *al-Siyāsah al-shar’iyyah*, advances the thesis that political wisdom is to be sought in the example of early, paradigmatic Muslims, above all that of ʿUmar b. al-Khaṭṭāb. Absent here is Persianate or otherwise pre-Islamic political counsel of the kind that al-Mawardi, for instance, had used liberally in his works of counsel. The section against non-Muslim officials borrows heavily from *Sirāj al-mulūk* and shares other polemical material with the independent works devoted to the topic in the same period.

Ibn al-Mawṣilī combines this derivative material with original rhetorical strategies against non-Muslim officials. The overall tone of the section is juristic, for it begins with the statement: “It is unlawful (*lā yajūzu*) to appoint Jews and Christians over Muslims, or to employ them as secretaries in the Muslims’ treasury.” After reviewing some of the familiar parables, Ibn al-Mawṣilī offers his own views. Non-Muslims, he writes, should not be hired in the state bureaus of finance on the pretext of their skills, for Muslims are more fully endowed with all imaginable skills than any other group of people. The author next demonstrates the fundamentally antagonistic nature of the relationship between Muslims and all others, proving this point from the Qurʾān (3:118; 60:1–4, in which the prophet Ibrāhīm dissociates from unbelievers) and poetry (the well-known line: “In any hostility, one may hope for love, save for hostility in religion”). Muslims should therefore follow Ibrāhīm in their “animosity and hatred” (*fī . . . muʿādāthihim wa-baghḍihim*) for unbelievers.

Nor should they fear that they will thereby harm themselves, for they can pray to be spared from this, as Ibrāhīm himself did by reciting Q. 60:4–5. When God forbade the pagans to enter the Holy Mosque, some people worried it would hurt business, but God assured them that He would make it up to them (Q. 9:28). Those who fear the consequences of dismissing non-Muslims from government posts should recall this. Social solidarity, Ibn al-Mawṣilī urges, citing a famous Prophetic *ḥadīth*, should be kept among Muslims, to the exclusion of others. The unbelievers have spurned God’s Book, God’s Messenger, and God’s religion. Therefore God dislikes them.

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138 On the sources of this material, including the bellettristic compendium *Durar al-ādāb wa-mahāsin dhawī l-albāb* of the Ayyubid prince al-Malik al-Manṣūr, see Yarbrough, “A rather small genre.”
139 This is a late adaptation of a line more commonly used to describe envy and the “evil eye”; the word “religion” (*dīn*) in the poem is more usually “envy” (*ḥasad*) (e.g., Ibn Qutaybah, *ʿUyūn al-akhbār*, 2:10).
He has grown angry with them, cursed them, and described all this in the Qurʾān. Are Muslims then to be friendly with them? This is like the case of a man who served a certain sultan, who had an enemy. Should the man be on familiar terms with that enemy and honor him? This is confirmed by Q. 58:22 and 5:55, which urge intra-Muslim solidarity. The author also considers the issue of allying with non-Muslims in warfare, which some madhhabas permit. Administrative employment is totally different, Ibn al-Mawsilī argues, because non-Muslims are inveterate traitors. Empowering them is like handing one’s murderer a sword. On the whole, “appointing them and making them secretaries is a disaster on account of which one weeps for the Muslims,” as a certain hadīth advises: “Weep not for the religion when its own people lead it, but rather when others do.”

“Religion” (dīn) is thus implicitly conflated with the state, probably under the influence of Ibn Taymiyyah’s thought.

In some ways, Ibn al-Mawsilī’s contribution represents the culmination of trends in later premodern treatments of the topic in Arabic-Islamic counsel literature. Overtly Hellenistic and Persianate themes are all but completely replaced by a thoroughly juristic sensibility that attends closely to assorted hadīth and Qurʾānic passages, largely liberated from their interpretive traditions. While the early jurists and exegetes often had little or nothing to say about the pervasive employment of non-Muslim officials, for Ibn al-Mawsilī, writing about much-reduced non-Muslim populations, they are a major source of worry, and one to which a wide variety of earlier authoritative texts are now found to be relevant. Ibn al-Mawsilī was probably not in direct competition with non-Muslims for employment – he was a madrasah professor, hadīth teacher, preacher, and merchant – but it is clear that he felt their appointment as an acute symbolic threat to the Muslim community, and to his own position within it. By his time, historical forces had helped to generate ample textual material that amplified and expressed the animus he felt toward non-Muslims, especially the powerful ones whom he defamed.

Yet the well-preserved and geographically central Mamluk literary tradition should not be taken as uniquely representative of later premodern Islamic thought. Literary survivals from elsewhere in the counsel tradition show that censorious and heavily juristic approaches to the issue of non-Muslim officials was not inevitable, even in later centuries. A particularly telling example is the counsel work Sulwān al-muṭāʿ fī ṭudvān al-atbāʾ (“The solace of the obeyed one amid the followers’ animosity”) by the peripatetic scholar Ḥujjat al-Dīn

140 Ibn Ḥanbal, Musnad, 38:558 no.23585; TMD, 57:249–50 (the original hadīth is an anti-Umayyad parable that also supports prayer at graves).

141 On the author’s life, see Ibn al-Mawsilī, Ḥusn al-sulāk, pp. 15–25 (editor’s introduction); esp. al-Ṣafadī, al-Wāfi, 1:203–8 (no. 169).
Muḥammad ibn Ṭafar (d. 565/1170 or after). Born in Norman Sicily and transplanted early to Mecca, he spent time in Egypt, North Africa, the Hejaz, and Ḥamāt, and composed learned books in several disciplines. He first penned the Sulwān for an unidentified patron in Syria under Nūr al-Dīn Maḥmūd b. Zangī (r. 541–565/1146–1174). In 1159, he made the version we now possess, for a Sicilian Muslim patron, a leader of the Muslims in Norman-ruled Sicily called Abū ʿAbdallāh Muḥammad ibn Abī l-Qāsim al-Qurashī. The work is squarely in the counsel genre. It offers the patron direction for right conduct under five headings, each corresponding to a disposition that he is to cultivate, such as patience or self-denial. Each disposition is illustrated by a series of vivid parables involving animals and characters from Islamic or pre-Islamic Persian history.

This is not the kind of book in which one expects to read about the lawfulness of appointing non-Muslims, and indeed it contains nothing of that kind. The stories that comprise the bulk of its contents do, however, return repeatedly to the theme of officials whose communal affiliations differ from those of the rulers they serve. These outsider-officials are consistently cast in a favorable light. In this regard, the work is almost unique in the Islamic counsel genre. For example, in its opening section a believing (muʾmin) Egyptian grandee is persecuted and imprisoned by Pharaoh because of his faith in Mūsā’s (Moses’) message. Pharaoh’s retinue try to convince him to recant lest he be executed, but he merely tries to convert them. He is eventually saved from Pharaoh’s courtiers, who are depicted as envious backbiters, by a plan devised by Pharaoh’s daughter and her believing mother, Āsiyah. The believer, his faith and reputation intact, returns to favor at court.

In another story, the pre-Islamic ascetic Arab Christian poet and courtier ʿAdī b. Zayd al-ʿIbāḍī induces the pagan Lakhmid king al-Nuʿmān to adopt Christianity. Still elsewhere in the book, a crypto-Christian vizier works secretly and successfully to convert the king of the Alans, an imperious infidel, to his faith. The king wishes to proclaim the Gospel to the rest of his subjects. But that act, vizier warns him, will cause them to rebel and kill him. The vizier offers to prove the point by doing the proclaiming himself, and is promptly killed by a mob. The king outwardly approves the murder, but soon retires to a monastery; God takes revenge on the murderers. But perhaps the best illustration of how the Sulwān valorizes outsider-officials involves the

142 On the author, see EI², s.n. 3:970 (Rizzitano); CMR 3, pp. 625–31 (Demiiri); Dekmejian and Thabit, “Machiavelli’s Arab Precursor,” pp. 125–37; Arié, Miniatures. References below are to Ibn Ṭafar, Sulwān al-muṭāʿ. Two English translations are Solwan; or, Waters of Comfort (from the Italian of M. Amari) and The Just Prince (from the Arabic).
144 Ibn Ṭafar, Sulwān, pp. 297–301. On ʿAdī b. Zayd al-ʿIbāḍī, see EI², s.n. (Seidensticker).
Abbasid soon-to-be caliph al-Maʿmūn and an aged Zoroastrian petitioner, who voices his spontaneous affection for al-Maʿmūn and his desire to serve him. Al-Maʿmūn proposes that he convert, but the old man gently declines, urging the caliph not to despise him or his counsel because of his religion, and claiming high moral standing and distinguished genealogy. The Zoroastrian then gives al-Maʿmūn strategic advice shrewder than that of his other counsellors and, after eventually professing Islam, is granted high station.

Why does the Sulwān take such a singularly favorable interest in courtiers and officials whose creed differs from the ruler’s? It is surely relevant that the work’s patron, Ibn Abī l-Qāsim, was a Muslim of distinguished ʿAlid genealogy who had high station at the court of Sicily’s Norman Christian ruler. These and other such parables in the work of counsel that Ibn Ẓafar presented to Ibn Abī l-Qāsim make the case that an elite believer can and should rightfully serve an infidel ruler. This, in other words, is what the Islamic prescriptive discourse surrounding unbeliever-officials looks like when the unbelievers are Muslims. To turn his Muslim patron’s favor to himself rather than to competitors – perhaps the antagonistic “followers” (ʿatbāʾ) of the work’s title – Ibn Ẓafar adapted the literary tradition to the particular needs of the situation.

Ibn Ẓafar was a learned and respected scholar, and while there is nothing overtly objectionable about his presentation of (un)believing officials in the Sulwān, Muslim scholars elsewhere did not rush to apply its principles to non-Muslim officials in Islamic states. True, the stories about Pharaoh, the Zoroastrian, and ʿAbī b. Zayd are abridged in an advice work ascribed to Sibṭ Ibn al-Jawzī (d. 654/1256) that relied on the Sulwān: Kanz al-mulūk fī kayfiyyat al-sulūk. And the Sulwān itself was copied and illuminated by sixteenth-century Moriscos, to whom its flexible presentation of life under infidel rule may well have appealed. But only one work of political counsel in the Islamic tradition seems to have used Ibn Ẓafar’s approach to defend the employment of non-Muslim officials, and that very subtly. This is Wāsiṭat al-sulūk fī siyāsat al-mulūk, by an ʿAbd al-Wādīd sultan of Tīlimsān, Abū Ḥammū II Müsā b. Yūsuf (d. 791/1389). Wāsiṭat al-sulūk contains a great deal of careful advice on whom to appoint as vizier, scribe, overseer, and so forth. Nowhere, however, does it stipulate that these appointees must be Muslims. The nearest thing to such a requirement is counsel that a certain official of the ruler be “religious” (dhū diyānah, which rhymes with preceding šiyānah).

146 Ibid., pp. 148–60. This scene is depicted on the cover of this book.
147 On the identity and rank of the patron, see Johns, Arabic Administration in Norman Sicily, pp. 234–42, esp. 235 n. 96; Metcalfe, Muslims of Medieval Sicily, pp. 216–16; Ibn Ẓafar, Sulwan, 1:29–34. See further Chapter 8, p. 275.
149 Arié, Les miniatures. 150 Abū Ḥammū, Wāsiṭat al-sulūk.
151 Ibid., p. 85.
It may be significant, by comparison, that Muslim affiliation is prominent in descriptions of the ideal faqīh and qādī. Many parables in the work depict Sasanian kings who seem to have Christian officials. It is also suggestive that the ruler who squanders the afterlife but keeps the state in order is portrayed far more sympathetically than the one who does the reverse. The Persian kings who flourished “despite their infidelity” attest to this. Ibn Ṣafar’s richly ambiguous story of the wise old Zoroastrian surfaces here, too. There are indications apart from silence that the sultan-author had no allergy to the employment of non-Muslims, though the silence is significant because the issue was hardly unknown in his setting. Indeed, a trusted mercenary division of the ʿAbd al-Wādīd army is described as “the Christians.” Here, then, is the viewpoint of a Muslim ruler who employed non-Muslims, whose own counsel work skirts the matter, and for whom Ibn Ṣafar’s earlier parables provide congenial and flexible material. This represents a different vein of Islamic prescription on the issue of unbelieving officials. It is no less conditioned by the interests of the writers involved, but its drift is very different from that of the counsel genre as it flourished to the east, in Egypt and Syria.

It was the more exclusionary tendencies of this latter tradition, however, that appealed to most later Muslim writers of political counsel. A fitting final example is a treatise by the admirer of Ibn Khaldūn and last chief qādī of Granada, the Mālikī Ibn al-Azraq (d. 896/1491): Badāʾiʿ al-silk fī ṭabāʾiʿ al-mulk, which notwithstanding its intricate structure is unquestionably a work of moral and practical counsel for a Muslim ruler. Ibn al-Azraq traveled eastward in the later 1480s to seek aid against the military onslaught that would soon swallow the kingdom of Granada, the last Muslim-ruled state on the Iberian peninsula. Unsuccessful in his mission, he remained in the East and died at Jerusalem, where he had been appointed qādī.

The issue of non-Muslim officials receives its own section in the introduction to the third of four “books” that comprise the work. This section is concerned with the ruler’s obligations to his subjects. The introduction lists five proscribed (mahzūr) acts – the fourth is “taking the unbeliever as an ally” (the third, curiously, is accepting slander). For Ibn al-Azraq, this proscription

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operates at two levels (tabaqah). The first applies to all people (ʿumūm al-khalq), who should keep unbelievers at arm’s length though they may still deal with them, the second to rulers in particular.159 At the second level, the proscription is found at two loci (mawḍiʿān), namely jihād (allying with non-Muslims in warfare) and official appointment (al-wilāya wa-l-iṣṭīnaʿ). At the former locus, Ibn al-Azraq cites the standard Mālikī disapproval, but leaves some room for exceptions. He also tells the story of an early eighth/fourteenth-century Mālikī jurist who confronts the sultan of Tunis, Ibn al-Lihyānī, about his Christian bodyguards. Ibn al-Lihyānī acknowledges the jurist’s protestations and saunters on, unperturbed.160

At the latter locus, that of official appointment, Ibn al-Azraq locates the proscription in the view of the Mālikī Ibn al-ʿArabī that God forbad it, that non-Muslims do not give sincere counsel, and that they are untrustworthy.161 Ibn al-Azraq adds: “This custom [ʿamal, i.e., of not employing non-Muslims] has been passed down from the forebears, in word and deed; two narrations will suffice.” Both narrations are taken from al-Ṭurṭūshī’s Sirāj al-mulūk and concern the two caliphs ʿUmar. Ibn al-Azraq introduces the next account, al-Ṭurṭūshī’s alleged confrontation with the Fāṭimid “caliph” as narrated by al-Qarāfī, as “one of the nicest urgings to stir one’s ambition against the disgrace of such employment” (ittikhād).162 In this account, the caliph fêtes al-Ṭurṭūshī for calling out the Christian. Thus the Muslim scholar acquires symbolic capital at the direct expense of the non-Muslim courtier.

Nicer still, however, is Ibn al-Azraq’s next piece of evidence, a bizarre ecumenical appropriation of polemic. A poet called ʿĪsā b. ʿAbāhil al-Bayānī163 is asked what he would say if brought before the Christian king Alfonso (Adfūnush) and his Jewish vizier. He adapts the meter and content of the familiar, pro-Muslim Arabic verses to the need of the hour:

O champion of the Christian creed by his own sword,  
Which, to defend the same, his ancestors did use:  
The One whose faith your forefathers had championed,  
Was, for so they proudly claim, crucified by the Jews.

It seems that Muslim consternation at the employment of unbelievers could be directed to Christian as well as Muslim rulers. The general attitude

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159 At the first level, Ibn al-Azraq cites the Mālikī jurist and exegete Ibn ʿAtiyyah (see Chapter 5, p. 152).
160 For studies of this anecdote, see Chapter 2, p. 36.
161 For Ibn al-ʿArabī’s view, see Chapter 5, p. 152.
162 For al-Qarāfī’s view, see Chapter 5, p. 153–54. Ibn al-Azraq then gives another version of the poem that the jurist Yahyā b. Aktham (d. 242/857) directs to Ḥārūn al-Rashīd.
163 I am unable to identify the poet. The same lines are given in an earlier source (Ibn Lūyyūn, Lāmḥ al-sīhr, pp. 336–37), with the more probable variants “b. Ghiyāmīl” and “al-Bayāsī.”
undergirding this broad principle is clear in the stanzas which conclude Ibn al-
Azraq’s discussion, by Ibn al-Jazzār al-Saraqūstī:

164

Opposites are to opposites averse,
And like misled by unlike perishes.
Anyone outside whose Law you lie,
Feigns toward you what he does not wish.
The mind can well imagine the way,
He will take with you; his route, wherever he goes.
Look and see if you wish him well.
So does he wish for you.

Ibn al-Azraq thus promotes the notion that communities of social trust should
be, or naturally are, coterminous with communities of shared thought and
practice. His purpose is to persuade a powerful audience that non-Muslims
are not to be trusted or empowered.

Ibn al-Azraq stands at our chronological terminus, and in many ways draws
together the strands of counsel literature pertaining to non-Muslim state officials that have been identified in this section. He exemplifies the post-fifth/eleventh-century turn toward juristically oriented counsel literature authored by Muslim jurist-officials, who were often in competition with non-Muslim elites for valued resources. Earlier Islamic counsel literature, less juristic in tone, had not dealt with the issue, despite intense concern with the question of whom rulers should appoint. Like other authors of this type, Ibn al-Azraq mobilized diverse ideational resources from within and beyond the Islamic tradition – including historical reports, poetry, the Qur’ān, and juristic rulings – to defame competitors and advance a congenial vision of a properly ordered society in which he, as jurist and de facto advisor to the ruler, would retain access to resources. For the Sicilian Ibn Ṭafar, this operation had involved subtly vindicating elite Muslim service to a non-Muslim state against the opposition of other Muslims, while for the sultan Abū Ḥammū it had involved discreetly normalizing his own employment of Christian mercenaries. But for Ibn al-Azraq, as for the majority of Muslim authors in the later premodern counsel genre, it involved using exclusionary ideational elements in the tradition to devalorize non-Muslim officials as such, while implicitly valorizing their own services. In short, they composed and invoked texts in an effort to shift resources – symbolic, political, material, and otherwise – from non-Muslim officials to themselves.

164 For this fifth/eleventh-century poet, see the introduction to al-Jazzār al-Saraqūstī, Dīwān. This poem does not appear there.
Non-Muslim Officials in Islamic Administrative Manuals

Alongside Islamic works of counsel, there exists a smaller tradition of literary works meant for state officials, for the most part secretaries (kuttāb), to whom they offer professional advice, both theoretical and practical. These, generally known as ādāb al-kuttāb books ("customs of the secretaries"), differ from works of counsel in that they are not written for rulers, and do not typically treat the ethics of governing. They differ, too, from juristic works on government – such as those by Abū Yūsuf, Abū 'Ubayd, al-Māwardī, Abū Ya’lā, or Ibn Taymiyyah – in that they primarily advise conformity not to revealed dicta, curated by tradents and jurists, but rather to the transmitted practical customs and lore of state officials. The foci of these works, which are attested beginning in the third/ninth century, range from proper grammar, prose style, penmanship, and conduct, to the arrangement of knowledge, useful and arcane, to the management of the chancery, to the collection of taxes, to encyclopedic compendia of all these subjects. Some such works make prescriptive statements about employing non-Muslim officials. Since rulers could not make all administrative appointments personally, it is not surprising that this question should have arisen in works by and for their subordinates. For an author who opposed the practice, even an audience that had no direct control over hiring might be influential enough to bother addressing. On the whole, however, the topic is relatively uncommon in the administrative literature. We will thus present only three examples, all from Egypt.

The earliest of these – the short chancery manual of Ibn al-Ṣayrafn (d. 542/1147), titled al-Qānūn fī dīwān al-rasāʾil, dates to the Fatimid era. Ibn al-Ṣayrafn, a (probably Shi‘i) Muslim from a family of officials, had risen through the ranks in the Office of the Army (dīwān al-jaysh). But in 495/1102 the vizier al-Afḍal – with whom al-Ṭurtush later sparred – transferred him to the chancery (dīwān al-rasāʾil/al-inshāʾ), where he spent most of his career. The Qānūn is dedicated to a later Fatimid vizier known as al-Afḍal Kutayfāt (d. 526/1131), who was in office briefly from late 524/1130 until his death, and the work can thus be dated to that narrow window of time. In the Qānūn, Ibn al-Ṣayrafn claims that the subject of the chancery has been sorely neglected by earlier authors, in contrast to related subjects such as taxation, military administration, language, and poetry. He promises a work that is eminently practical and will thus directly benefit the “king” (al-malik), i.e., the vizier himself. It was ostensibly intended for the consumption of the secretaries as well as for Kutayfāt, who, as a new ruler, needed to conciliate influential subordinates. Ibn al-Ṣayrafn is duly concerned with the internal organization and management of the chancery, and particularly with the question of whom it should employ.

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166 EI², s.n., 3:932 (el-Shayyal).
167 Ibn al-Ṣayrafn, al-Qānūn, p. 5 n. 1.
168 Ibid., pp. 4–5.
Among the many qualifications listed for certain posts is that their holders should be Muslims.

Emphasizing the importance of sincere religious conviction as a qualification for the head (raʾīs) of the chancery, in order to keep him honest and competent, Ibn al-Ṣayrafi specifies that he must be a Muslim. His reasoning is ostensibly based upon the etymology of the word wazīr, for, he claims, the head of the chancery is vizier to the “king.” He derives the word wazīr from the verbal noun muʿāzarah, which, he explains, means aid and assistance. No non-Muslim candidate should be taken for such a role, he continues, because of Q. 5:51, which, however, does not feature a word derived from this root.

In the same vein, he explains that God has forbidden taking non-Muslims as friends in all circumstances, but particularly at present, when the domain of the enemy draws near; the Crusaders are meant. The king should prevent those who deny Islamic revelation from becoming privy to his secrets. This prescription is based in turn upon the author’s understanding of human nature, a straightforward one that anticipates Ibn al-Azraq’s: people naturally sympathize with those who are like them in such important matters as belief and ritual. He also invokes a relatively unusual argument: that chancery scribes must quote from the Qurʿān in their daily work. The non-Muslim is unlikely to be versed in Scripture, and so cannot match the eloquence of a Muslim, and he would violate its sanctity if he were to memorize or copy from it; the author alludes to Q. 5:57 and cites Q. 56:78–79. The chancery head should moreover be of the same madhhab, Ibn al-Ṣayrafi asserts, as the king.

Throughout the work, Ibn al-Ṣayrafi periodically repeats the view that the appointee to various offices should be a Muslim. There was, however, a problem. He was an admirer of the non-Muslim official Abū Ishāq al-Ṣābi’, a Sabian of renowned literary talent. Ibn al-Ṣayrafi describes Abū Ishāq’s collected writings as “molten magic” (dhawbu l-sihr), in a class of their own. Abū Ishāq did his patrons double service, for his epistolary artistry first aided them in their own days, then immortalized their memory. Shortly after paying these compliments, the author explains why kings need to employ their coreligionists to compose their correspondence with other kings: the

169 Ibid., pp. 8–9.
170 This suggests that Ibn al-Ṣayrafi, like Kutayfāt, was an Imami (Twelver) Shiʿi. Indeed, there is nothing in his pious introductory blessings on ʿAlī b. Abī Ṭalib and the ‘Alid imams that connects him definitively to Ismāʿīlism. He seems to believe that the “Islamic kings” (al-mulāk al-islāmiyyīn) have succeeded the imams in ruling the Muslims (Ibn al-Ṣayrafi, al-Qānūn, pp. 3–4).
172 On these letters, see Hachmeier, “Private Letters”; and “The Letters of Abū Ishāq Ibrāhīm al-Ṣābi’.” The bulk of them have recently been edited for the first time: al-Ṣābi’, Diwān Rasāʾ il al-Sābi'.
king will inevitably have to praise his own community (millah) and demonstrate its correctness, a task that can hardly be entrusted to an unbeliever. If it is objected, Ibn al-Ṣayrafī writes, that the great Abū Ishāq was not a Muslim, the response is twofold. First, he was from a weak and insignificant religion, from which Muslims had nothing to fear. Second, he had memorized better than many Muslims of his day such Islamic materials as were necessary to his work – the Qurʾān is tactfully unmentioned – and was unmatched in skill. Thus necessity (darūrah) led his patrons to hire him, for there was no Muslim who could match him.

A passing comment near the end of the work, in the section on petitions for the redress of grievances, reveals that Ibn al-Ṣayrafī’s ambivalent concern with the communal affiliation of state officials were not purely theoretical. He opines that the official responses to such petitions tend to be unhelpful at best, and often obstructionist. “This cannot be done” is the most common such response, he claims, even to a Christian who comes wishing to declare his conversion, or to a Muslim who requests to build a mosque from his own funds in a vacant area. The only petitions that are answered, he claims, are those for the revocation of the poll tax or the building of churches, because “certain of those who respond to them are Christians.” These officials should be replaced with Muslims. One detects here specific Christian rivals whom Ibn al-Ṣayrafī seeks, in passing, to defame. On the whole, the author is so fretful about the communal affiliation of fellow officials, in what must have been a small government office, that factional rivalry seems a likely occasion for the work’s composition. This is all the more so inasmuch as the work was offered to a new ruler, Kutayfāt, who needed to consolidate support and might plausibly have been expected to make staffing changes in the dīwān. It is, then, an administrative manual that structurally resembles a work of counsel, the product of a rare moment in Islamic history when the effective ruler was himself an official, not a caliph or sultan. This goes some way toward explaining why this work, unusually for an administrative manual, deals with the ideal qualifications of officials.

A second administrative work of the same century that also deals with the question of officials’ communal affiliation, the Kitāb al-minhāj fī ‘ilm kharāj Miṣr by Abū l-Ḥasan ʿAlī b. ʿUthmān al-Makhzūmī (d. 585/1189), is, by

174 For Abū Ishāq’s thoroughly Muslim comportment, including quoting the Qurʾān, see Yāqūt, Muḥammad al-udabāʾ, 1:132. I owe this reference to Maurice Pomerantz.


176 For example, the supreme administrative office, the dīwān al-tahāqīq, had been headed by the Christian “Friend of the State” (wāli al-dawla) Yūḥammā b. Abī l-Layth until 1124; petitions with which Ibn Abī l-Layth dealt survive (Johns, Arabic Administration, p. 196).

177 Kutayfāt announced the deposition of the Fatimid caliphate and struck coins in the name of the “Expected Imam.” See Walker, Exploring an Islamic Empire, p. 96; Daftary, The Ismāʿīlīs, p. 247.
contrast, decidedly not a work of counsel. Rather it is a detailed guide to medieval Egyptian administration, written by an official for his colleagues. Al-Makhzūmī wrote in the early days of Ayyubid rule in Egypt. Like Ibn al-Ṣayrafi, he came from a bureaucratic family, and the world of state administration that he presents is largely that of the late Fatimids, under whom he spent his early career, in the important diwan al-majlis (Office of the Council). Al-Makhzūmī had also been trained in Alexandria by the ardently Sunni jurist al-Silafī, a younger colleague of al-Ṭūrṭūshī and a major player in the same rigorist Alexandrian milieu. He was, then, an early prototype of the jurist-official in Egypt. This dual formation would figure prominently in his singular treatment of non-Muslim officials, which, virtually alone among its Islamic analogues, juxtaposes polemical, juristic, and irenic material from within the tradition.

The relevant passage in the Minhāj appears unexpectedly at the beginning of the twelfth section (faṣl), which deals with the tasks of the secretary in the Office of the Army (diwan al-jaysh). The section begins with a gripe about the current staffing of that office: “The art of the army secretary is among the loftiest crafts and the most noble skills. But in the land of Egypt, it has been taken over by Jewish secretaries, just as the Coptic secretaries have taken over taxation.” This, al-Makhzūmī continues, is a strategy that the non-Muslims devised when they found themselves excluded from rule. He also sees it, however, as a trial sent by God upon the Muslims, in the same way He sent Satan (Iblīs), instructing him in Q. 17:64: “And share with them in their wealth and their children, and promise them!” But Satan promises them naught, except delusion.”

Al-Makzūmī then explains exactly how non-Muslims manage to monopolize the secretarial art, generation after generation. Muslims, he writes, are too proud to learn from non-Muslims, and assume that non-Muslims are simply better at such things. Educational patterns are also partly to blame. Muslims, al-Makhzūmī explains, begin by studying the Qur’ān and associated subjects, as well as refined literature (adab). By the time they

178 It survives in a single, lacunose manuscript in the British Library (Add. 23,483). The definitive collection of studies on it is Cahen, Makhzuuniyyāt. Large parts of the manuscript, though not the section considered here, have been published (al-Makhzūmī, Kitāb al-minhāǧ). A useful study that draws heavily on the Minhāj is Frantz-Murphy, The Agrarian Administration of Egypt.
181 BL Add. 23,483, fol. 180r–182r (per the foliation used by Cahen; per the later pencil foliation: fol. 103r–105r); al-Makhzūmī, Kitāb al-minhāǧ, p. 64.
182 Cf. Ibn al-Nābulusī, Sword, pp. 34–35, 54–57. Al-Makhzūmī also mentions their work as quack doctors (al-mutaṣabbibī),
have mastered these subjects, they are old enough to begin teaching them, and have no desire to subordinate themselves to non-Muslims. But it is nevertheless morally dubious, he continues, to overlook a pious Muslim and hire a non-Muslim instead, for this goes against the revealed law (al-hukm al-mashrūʿ), making licit a forbidden deed. To demonstrate that it is forbidden, al-Makhzūmī cites Q. 5:51, predictably and, surprisingly, Q. 58:22, which reveals that none of the true Believers who are admitted to Paradise “are loving to anyone who opposes God and His Messenger.” This verse is unusual in the discourse but, like 5:51, implies that social and political boundaries ought to fall along communal ones, at least where sincere Muslim believers are concerned.

There follows an extended passage, taken from Sirāj al-mulk of al-Ṭurtūshī, that consists of standard parables, from Prophetic hadīth to al-Mutawakkil’s glorious purge. It includes a report found in a chronicle by the Egyptian al-Kindī – but not al-Ṭurtūshī’s work – that Coptic inheritances or headmen, depending on one’s reading, were removed in the time of ʿUmar b. ʿAbd al-ʿAzīz, and Muslims employed.183 What comes after this lively but fairly standard excursus is, however, unparalleled in the entire Islamic prescriptive discourse surrounding non-Muslim officials. “The Copts,” al-Makhzūmī writes, “are superior to the Jews, because of the Prophet’s . . . testament about them.” It turns out that this testament consists of several putative hadīth, known from other sources, that denigrate Jews and, more vividly, reflect positively upon Copts. In one, the Prophet, on his deathbed, instructs his followers to expel the Jews from Arabia, but has different, vatic words about the Copts: “You shall have victory over them, and they shall be a support to you.”184 In another report that al-Makhzūmī next records, the Prophet calls the Copts family to the Muslims, and “your aids in your religion.” When asked how this can be, he replies, “They will take care of your worldly affairs so that you can devote yourselves to worship.” He then tells the Muslims to do well by them.185 This evidence, al-Makhzūmī writes, makes it possible for Muslims to employ them for certain tasks, but not to appoint them as officials with authority over Muslims. Three prophets, he continues, have in fact had Coptic in-laws.186

Another report identifies the Egyptian home town of Hājar, mother of Ismāʿīl


186 Ibrāhīm, through Hājar; Yūṣuf, through the daughter of the lord of ʿAyn Shams; and Muḥammad, through his concubine Māriyah. Cf. Ibn al-Kindī, Faḍāʾ il Mīṣr, p. 12.
the progenitor of the Arabs, while still another does the same for Māriyah, the Prophet’s Egyptian concubine.  

How to resolve all of these conflicting signals? Al-Makhzūmī hardly tries, choosing to juxtapose them instead:

We have presented the purpose of prohibiting their employment over Muslims, and mentioned keeping the Prophetic testament (*al-wasīyyah al-nabawiyyah*). The Office of the Army is a lofty office, over which none may be employed but a Muslim who has goodwill toward other Muslims (*al-nāṣih li-l-muslimīn*). For that official has charge of the stipends of the jihad-fighters, and is privy to all their affairs. Thus it is not lawful for pagans (*al-mushrikūn*) rather than Muslims to have charge of it.

Al-Makhzūmī’s final piece of evidence, surprisingly, is ʿAlī b. Ḥārūth’s exaggerated scolding (*al-ifrāṭ fī tawbīkhih*) of Ibn al-Furat for employing Christian army secretaries, considered above. Less surprisingly, Ibn al-Furat’s lengthy rejoinder in defense of the practice is omitted.

With this apocopated flourish, al-Makhzūmī turns to other aspects of the Office of the Army, that bastion of Jewish officialdom. Overall, his contribution to the discourse around non-Muslim officials is nearly as original and eclectic as Ibn al-Ṣayrafī’s. It combines the perceptive contemporary analysis of a belletrist, the creative erudition of an exegete, the defamatory jealousy of a bureaucratic infighter, the moralizing of a pious counselor, and the dry logic of a jurist – the last two borrowed largely from al-Ṭurṭūshī. But it is also unusually flexible and reflective. The plague of infidel officials has a cause; God sent it as a trial, or the Muslims brought it about by their own pride and distraction. Muslims must treat the Copts decently because the Prophet told them to, even if this sits uneasily with the juristic tradition. If Ibn al-Ṣayrafī’s administrative manual veers into the discourse because it was very nearly a work of counsel, the Alexandria-trained al-Makhzūmī’s does so because it is very nearly juristic in its prescriptive sensibility. And where Ibn al-Ṣayrafī’s book skips juristic testimonia because it is counsel between Shi‘is, whose law had little to say about non-Muslim officials, al-Makhzūmī’s goes beyond juristic rulings and tendentious defamation, veering into *adab* and the *fadā‘ il* literature, because it is meant principally for fellow bureaucrats, not ulama or a ruler. The *Minhāj* is the work of a secretary versed in many disciplines, as he was expected to be, writing at a time when Islamic legal training was becoming more prominent in the formation of state officials and non-Muslims were experiencing a flash of ideology-tinged violence.

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188 See above, p. 178.

189 For an idealized later Ayyubid summary of the eclectic formation expected of a Muslim secretary, see Ibn al-Nābulusī, *Sword*, pp. 98–101. For the anti-non-Muslim outburst in early-Ayyubid Egypt, see Lev, *Saladin in Egypt*, pp. 185–93.
By the time of our final author, the Egyptian official al-Qalqashandī (d. 821/1418), the ulama were more thoroughly integrated into Egyptian officialdom than they had been in al-Makhzūmī’s day. What is more, Egypt in the late eighth/fourteenth and early ninth/fifteenth centuries was a land of vastly altered communal landscapes. That interval had seen extensive inter-communal violence, mass conversions to Islam, the expropriation and destruction of Christian- and Jewish-owned properties and sanctuaries, and numerous decrees imposing sumptuary laws and requiring non-Muslim officials to convert or leave office. At least a half-dozen works, the subject of the next chapter, had been composed in Egypt against the employment of non-Muslim officials. Al-Qalqashandī drew on one of these in his massive compendium on the secretarial craft and state administration: Ṣubḥ al-aṣr fī ṣināʿat al-inshā, the most extensive such work in the premodern Islamic scholarly tradition.

The topic of non-Muslim officials is treated at two points in the Ṣubḥ: first in the work’s introduction, in the section on the characteristics of secretaries (ṣifāt al-kuttāb), and again near its end, in the ninth major topic (maqālah) of the work, on pacts and treaties. In the latter section, the theoretical pact (dhimmah) with non-Muslim communities is discussed in general terms. Al-Qalqashandī instructs his readers what to write when dhimmis break it, and interjects material against the employment of dhimmis, though he had not listed accepting employment in his immediately preceding inventory of actions that violate the pact. Here these two passages are dealt with in turn.

In the first passage, al-Qalqashandī places Islam first among the characteristics of secretaries. Other qualifications follow, including that secretaries be male and free. They must be Muslims primarily as a matter of trust. The ruler and his subjects rely upon secretaries, therefore no one should be appointed who might betray them to some infidel enemy. Q. 3:118 is invoked here, suitably interpreted for an administrative audience; the believers’ biṭānah (“intimates”), it turns out, are those who know the contents of their treasuries and the strength of their armies. To buttress this argument, al-Qalqashandī quotes a passage from what he calls the Tadhkirah of Abū l-Faḍl al-Ṣūrī. This title recurs several times in the section, and in each instance the quotation closely follows the text of Ibn al-Ṣayrafī’s Qānūn, discussed already in this section. The identification of the Tadhkirah, its author, and its relation to Ibn al-

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192 On the work, see van Berkel, “The Attitude towards Knowledge in Mamluk Egypt”; Björkman, Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten; Veselý, “Zu den Quellen al-Qalqašandī Ṣubḥ al-aṣr.”
Sayrafi’s book has proved elusive.\footnote{Ayman Fu‘ād Sayyid was perplexed by it (Ibn al-Ṣayrafi, \textit{al-Qānūn}, pp. 4–6). For a possible identification of this al-Ṣūrī, see \textit{TMD} 54:160 (a figure who lived before Ibn al-Ṣayrafi). He could also be the more famous Rashīd al-Dīn Ibn Abī l-Ḍafī al-Ṣūrī (d. 639/1241), physician, botanist, and intimate of Ayyubid sultans (see Ibn Abī Uṣaybi‘ah, \textit{Uyūn}, 2:216–19). The \textit{Tadhkirah} cited here was plainly either dependent on Ibn al-Ṣayrafi’s work, dependent on the same source that Ibn al-Ṣayrafi used, or was itself Ibn al-Ṣayrafi’s source. It is not impossible that the Sunni al-Qalqashandi intentionally disguised a direct dependency on Ibn al-Ṣayrafi, a Shi‘i writing for a Shi‘i patron.} Here al-Qalqashandi quotes it for the notion that people naturally form social bonds with those who hold similar views, and that the secretary should therefore be of the same \textit{madhhab} as the ruler. Several familiar parables involving ‘Umar b. al-Khaṭṭāb follow.

Al-Qalqashandi then, however, surveys the views of Shāfi‘ī jurists. He begins with al-Shāfi‘ī’s own view, set forth in the \textit{Umm}, concerning non-Muslim secretaries of \textit{qāḍī}s and governors, continues with al-Māwardī’s similarly prohibitive position, presumably in the \textit{Ḥawī}, and finishes with three lesser Shāfi‘īs: al-Qāḍī Abū l-Ṭayyib (d. 450/1058), al-Bandanījī (d. 495/1102), and Ibn al-Ṣabbāgh (d. 477/1084), all of whom, he reports, required that the \textit{qāḍī}’s secretary be a Muslim.\footnote{For the views of al-Shāfi‘ī and al-Māwardī, see above, pp. 124 and 131. On al-Qāḍī Abū l-Ṭayyib (Ṭahir b. ‘Abdallāh al-Ṭabarī), see \textit{Elc}, 2:662–64 (al-Islami, Khodaverdian, Negahban); al-Subkī, \textit{Ṭabaqāt al-Shāfi‘īyyah}, 5:12–50 (no. 422); on al-Bandanījī (Muḥammad b. Hibat Allāh b. Thābit), al-Subkī, \textit{Ṭabaqāt al-Shāfi‘īyyah}, 4:207 (no. 350); on Ibn al-Ṣabbāghh (Abū Naṣr Abī al-Ṣayyid), al-Subkī, \textit{Ṭabaqāt al-Shāfi‘īyyah}, 5:122–34 (no.464).} This is “the more correct view, according to which legal opinions in the \textit{madhhab} are issued.” Al-Qalqashandi himself employs the juristic technique of \textit{a fortiori} analogy (\textit{qiyās}), writing, “If the \textit{qāḍī}’s secretary and that of the governor must be Muslims, how much more that of the sultan, who is able to do more, for good and for ill?” He closes the section with an extensive quotation, putatively from the same \textit{Tadhkirah}, that points out that the non-Muslim secretary may not deal with the Qur’ānic text (which a secretary must do), and that al-Ṣābi‘ī does not qualify as a counterexample, since he had no powerful foreign allies. The thrust of the passage thus returns to issues of loyalty and trust, and the author’s argumentation is therefore pragmatic in tone.

The second relevant passage, from the section on dhimmis’ pact-breaking, is an occasion for al-Qalqashandi to integrate inter-communal polemic into the \textit{Ṣubh}. Formally the section deals with cases in which dhimmis violate the pact by acquiring too much symbolic capital; “they flaunt distinction (\textit{wa-azharū l-tamīyīz}), haughtiness, and high buildings.” Thereupon various “caliphs and kings . . . lowered their stations,” causing documents to be written that removed symbolic capital from non-Muslims and “raised the religion of Islam and honored its station.” The rest of the section reproduces such documents. Most seem to be drawn, without acknowledgment, from an independent work against
non-Muslim officials composed by an eighth/fourteenth-century jurist called Ibn al-Naqqāsh, whom we shall meet in the next chapter.\footnote{For al-Qalqashandī’s dependence on Ibn al-Naqqāsh’s work in this section, see Yarbrough, “A Rather Small Genre,” pp. 155–56.} They include edicts, several of them lengthy, putatively issued by the Abbasid caliphs al-Mutawakkil and al-Muqtadīr, the Fatimid caliph al-Āmir, and the Mamluk sultans al-Nāṣir Muḥammad b. Qalāwūn and his son al-Ṣāliḥ.\footnote{On the last, for which al-Qalqashandī supplies his own archival evidence in the form of a rescript, see Vermeulen, “The Rescript of al-Malik al-Ṣāliḥ Sāliḥ.”} All of these purport to restrict, demote, and/or humiliate non-Muslims, particularly state officials.

Polemic on such a scale was as new to the Arabic genre of administrative literature as al-Qalqashandī’s Šubh was grander than any such work that had come before it. Indeed, the two centuries that preceded its composition had seen an expansion of polemical writing within and around the Egyptian bureaucracy. Such materials were thus more readily available to al-Qalqashandī than they would formerly have been, and more prominent in the administrative circles that authored, read, and enforced state edicts. Beyond this, however, al-Qalqashandī embodied Muslim jurists’ new and thorough integration into the field of Egyptian state ofﬁcialdom. He had trained seriously as a Shāfiʿī jurist or qāḍī in Alexandria before finding his way into state service as a secretary (kātib). This was a more usual career path in his day than it had been in al-Makhzūmī’s. This gradual shift is reﬂected in the thoroughly juristic sensibility of al-Qalqashandī’s ﬁrst section against non-Muslim state ofﬁcials, which draws heavily on Shāfiʿī discussions of the qāḍī’s scribe and on the para-juristic polemical parables they contained.

Taken together, the passages against non-Muslim ofﬁcials in the administrative literature – speciﬁcally the works of Ibn al-Šayrafī, al-Makhzūmī, and al-Qalqashandī – fall short of forming a discrete strand within the discourse. Original as they are, their substance is borrowed from other such strands, notably those developed in juristic writings, counsel literature, rulers’ edicts, and independent polemics. Ibn al-Šayrafī’s work, the most creative and independent of the three and structurally most nearly a work of counsel, bears the marks of professional competition and the defamation it occasioned. Al-Makhzūmī’s and al-Qalqashandī’s were also both written by state ofﬁcials but, in contrast to Ibn al-Šayrafī’s, are colored by their authors’ juristic backgrounds. The imperatives to which all three authors responded may thus be assimilated to those that typically occasioned counsel and juristic works, notably professional rivalry and the need to maintain intellectual coherency. Administrative literature may have failed to become a major locus for the prescriptive discourse around non-Muslim ofﬁcials because the earlier authors in that genre did not tend to compete by reference to prescriptive discourses,
while their audiences, even in the later premodern period, tended not to be quite powerful enough to warrant convincing. And in those settings in which such literature faithfully inscribed the living customs of Islamic administration, it could only have acknowledged non-Muslim officials as a pervasive reality.

**Conclusion**

The literary figure of the non-Muslim official was a multifaceted one. He could be a fossil of pre-Islamic regimes, like the Zoroastrian Zādhān Farrūkh; a venal pen-pusher like the nameless Christian fish-buyer depicted by al-Jahshīyārī; an influential player like the caliph al-Muktafī’s would-be Christian vizier, al-Ḥusayn b. ‘Amr; a slanderous incompetent like Ishāq, Ibn Ṭūlūn’s Christian secretary of Jurjān; a slandered convert like the Umayyad secretary Ibn Antūnān; an omniscient but unlawful technocrat like Sa’d b. Abī Waqqās’ parabolic Jewish tax man, depicted by Nizām al-Mulk; a loyal bodyguard like the Christian mercenaries of the sultan Abū Ḥammū II; a paragon of secretarial excellence like Abū Ishāq al-Ṣābi’ in Ibn al-Ṣayrafi’s account; or an affliction sent by God, as were all non-Muslim officials – except, perhaps, for Copts – according to al-Makhzūmī. In short, he was not a stock figure. He emerges instead from that literature in guises that are scarcely less varied than the flesh-and-blood literate elites and servants of Muslim rulers who continually inspired the depictions.

Yet those depictions exhibit commonalities as well, especially as they are frequently tinged with disapproving prescription, notably in later periods in the genres of counsel and, though less frequently, administrative literature. In both intent and content, they reflect the intensely competitive environments that surrounded premodern Muslim rulers. Competition among literate elites at court was often conducted by recourse to defamation and to probative texts by which writer-officials sought to devalorize their rivals. Muslim literate elites were, by their sheer number, the main producers and targets of defamation, which they often denounced and disavowed in principle. Their non-Muslim colleagues and rivals, too, both used defamation and suffered its effects in their own struggles to access valued resources. It must be insistently recalled that our sources for premodern Islamic politics were often produced for an influential courtly readership, and thus were vehicles for defamation as well as records of it. Prescriptive representations of non-Muslim officials were thus virtually always embedded in the particular competitive exigencies that constrained and motivated their creators. Equally, however, such representations became the ideational patrimony of later writers whose own circumstances brought them into contact with the discourse. In the next chapter, we will trace the trends that have emerged here to the apex of that discourse. For nearly half a millennium, Islamic counsel and administrative
literature had declined to treat non-Muslim officials as a problem worthy of serious attention. But the period following the counsel works of Niẓām al-Mulk and al-Ṭurṭūshī saw a flowering of independent polemics written against such officials in regions where they remained common, and where the fields of state officialdom and Islamic scholarship, once fairly distinct, were becoming increasingly blurred.
Part III

Efflorescence and Comparisons
A Genre Obscure to Its Own Authors

When we met the eighth/fourteenth-century Shāfiʿī Ibn al-Durayhim at the outset of Chapter 6, he was the potential target of an anti-Shāfiʿī polemic penned by his Ḥanafī contemporary al-Ṭarasūsī. It was not entirely fair of us, however, to juxtapose these two men. There is no evidence that Ibn al-Durayhim knew al-Ṭarasūsī or his writings. Indeed, one is surprised at some of the things that the learned Ibn al-Durayhim did not know. For instance, in his hefty polemic against non-Muslim officials, *Manhaj al-ṣawāb fi qubh istiktab ahl al-kitāb*, he claims that no such work had ever been written. “None of the ulama has ever composed an independent book on this topic (*kitāban mustaqillan fi hādhā l-ma`nā*),” he writes. “Instead they mention various branches of it, which are difficult for the reader to collect and for the student to comprehend.”\(^1\) It is convenient for us that Ibn al-Durayhim here reifies the discourse that is the subject of this book. His claim to originality, however, is wrong. By his day, at least four “independent books” on the topic had been composed, and more would follow.\(^2\) Yet Ibn al-Durayhim does not appear to have used any of the earlier works as sources for his own, and there is no reason to doubt the sincerity of his claim. His ignorance of the earlier works despite his obvious interest in the topic suggests, then, that those works were not widely known in his milieu. As we examine these independent works and their authors in this chapter, the reasons for his ignorance will emerge. These works were addressed primarily to a narrow audience of ruling elites, who were in the habit of appointing non-Muslims or had the power to rein in that habit. The books were thus a specialized subgenre of counsel for rulers (*naṣīḥah*), an outgrowth of the larger counsel genre whose authors, as we discovered in Chapter 6, had begun to turn their attention to non-Muslim officials.

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All of the surviving premodern independent works on the topic seem to have been composed in Egypt or Syria. A comparative case from Iraq that is roughly coeval with them illustrates, however, the motives of their authors, and will thus serve as an entrée into what R. Stephen Humphreys has called this “rather small genre.” After considering this Iraqi case, we will review the reasons that this era saw the composition of independent works on the subject, and consider contemporaneous literary representations of non-Muslim officials that contrast to the earlier ones presented in the previous chapter. We will finally proceed to a general study of these independent works and their authors.

Ibn Faḍlān’s Proto-Polemic

In the early seventh/thirteenth century, a scholar-bureaucrat of Baghdad, Muḥammad b. Yaḥyā ibn Faḍlān (d. 631/1233–34), addressed a petition (ruqʿah) to the Abbasid caliph al-Nāṣir (r. 575–622/1180–1225), or possibly to one of his successors, al-Zāhir (r. 622–23/1225–26) or al-Mustanṣir (r. 623–640/1226–1242). Al-Nāṣir led a post-Seljuq resurgence of caliphal power in Iraq that was later nullified by the Mongol invasion. Ibn Faḍlān was a local Shāfiʿī luminary whose career straddled scholarship and state service. He worked as, among other things, professor (mudarris) in several madrasahs and secretary (kātib) and overseer (nāẓir) of various government offices. The petition lacks dedicatory and concluding sections, but its text, as reproduced in a chronicle of the period sometimes ascribed, wrongly, to the historian Ibn al-Fuwatī (d. 723/1323), is a wide-ranging diatribe against dhimmi acquisition of resources of any kind, with the issue of official employment at its core. It ranges from the poll tax – the caliph is advised that he may lawfully raise it to the staggering sum of 100 dinars per person – to the ghiyār, which, to Ibn Faḍlān’s consternation, is apparently not being enforced in Baghdad. Everywhere else in the lands of Islam, he claims, dhimmis are properly subordinate, as they had been in the time of al-Mutawakkil. Only in Baghdad do they enjoy such elevated social, material, and professional standing. The same claim would be made about Egypt in the following century. This regrettable state of affairs, he argues, should end, especially the prestige and

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3 The letter is found in [Ibn al-Fuwatī], al-Hawādith al-jāmiʿah, pp. 63–70. On Ibn Faḍlān, see al-Safāḍī, Wāfiʿ, 5:132 no. 2262. Moshe Gil (citing Ben Yaʿqov, “Meqorot hadashim le-toledot yehude bavel,” p. 62) dates the letter to 626/1228 or 29 and emends the caliph’s name to al-Mustanṣir (Jews in Islamic Countries, pp. 430–31). The reason for the emendation is that the petition was reportedly sent when Ibn Faḍlān had charge of the dīwān al-jawālī (Office of the Poll Tax), which according to al-Hawādith was after al-Nāṣir’s death. Yet both al-Hawādith and al-Safāḍī name al-Nāṣir as the recipient. One might question the emendation on the grounds that the allusion to this dīwān in the description of the letter is as likely to be a mistake as the caliph’s name, or that Ibn Faḍlān might have had an earlier stint there that Ibn al-Fuwatī does not mention.

4 E.g., in the work of al-Asnawī below, p. 252.
undeserved income they derive from their jobs as physicians, for which they have hardly any education worthy of the name, and merchants. A long section of the petition focuses on non-Muslim officials. They have handsome stipends in addition to what they embezzle, as well as “excessive freedom” (hurriyyah zā’idah). They replace Muslim jurists in government posts with fellow non-Muslims. The Shi’i-leaning vizier Ibn Mahdī (d. 617/1220; r. 597–604/1201–8) had asked Ibn Faḍlān and other jurists for fatwas on the question of employing them. Ibn Faḍlān, according to his own report, had responded that it was unlawful, citing the story of ‘Umar b. al-Khaṭṭāb and Abū Mūsā.5

This untitled composition may not have been the first offered to an Abbasid caliph in Iraq concerning the unlawful employment of non-Muslim officials. This much can be gathered from a fatwa written in Tangiers by a fiery minor scholar called ‘Abbād b. Sarḥān (d. ca. 543/1148) and preserved in the late-medieval fatwa collection of al-Wansharīsī.6 The fatwa tells how a scholar of Iraq called Ibn Badrān al-Ḫulwānī (d. 507/1113), a contemporary of Nizām al-Mulk and teacher of Ibn Sarḥān during the latter’s sojourn in Baghdad, composed a legal work on dhimmi issues at some point before 480/1087 out of zeal for Islam, when he observed that dhimmis were being aggrandized and entering the service of the rulers. He submitted the composition to the Commander of the Believers . . ., who ordered that he be given a generous reward. But he refused to accept the reward, saying, “Make my reward and that of the Muslims that the dhimmis be regulated as this book requires.”7

The source does not record whether the caliph complied, or much of what the book contained, though Ibn Sarḥān invoked it in this fatwa, which pertained to the Jewish physician-official Abū l-Ḥasan Me’ir ibn Qamnīl, who served the Almoravid Yūsuf b. Tāshfīn in Marrakesh.8 Ibn Sarḥān also transmitted the work to the Iberian scholar Ibn Khayr al-Ishbīlī (d. 575/1179), but it was eventually all but forgotten in the tradition.9 Based on these scant references,

5 On Ibn Mahdī, see Hartmann, _an-Nāṣir li-Dīn Allāh_, pp. 145–51.
6 The author of the fatwa was identified as Ibn Sarḥān in Dandach, “Adwā’ ʿalā muʾāmalat al-murābiṭīn li-l-yahūd,” pp. 160–65. I owe this reference to Maribel Fierro. On Ibn Sarḥān, see Ibn Bashkuwāl, _Kitāb al-silah_, 2:73 (no. 973), with further references. Ibn Bashkuwāl notes that he “inclined to contested juristic topics” (maṣaʾ il-al-khilāf). For allusion to a still earlier petition on the matter presented to the caliph al-Muʿtaḍīd, see _Chapter 2_, p. 34.
8 On Ibn Qamnīl, see _EJIW_, “Ibn Qamni’el, Me’ir” (Ossorio); Roth, “Jewish and Muslim Physicians of ‘Ali ibn Tashuʿīn,” pp. 85–86. I owe these references to Liran Yadgar.
9 al-Ishbīlī, _Fahrasat Ibn Khayr al-Ishbīlī_, 1:509. The title of the work given here – al-Fuṣūl āl-jāmī ah fīmā yajibu ‘alā ahī al-dhimmah min ʿahkām al-millah – matches that given by Ibn Sarḥān apud al-Wansharīsī. Ibn Sarḥān claims rather jealously that he was the first and only westerner to transmit this text, though three residents of Baghdad were transmitting it before 494 AH. This remark suggests that there was demand for its contents (al-Wansharīsī, _al-Mīʾyār_, 2:258).
we can say only that it was an early example of its kind, and, unlike several such works of later centuries, was a tool of competition for resources of a mainly symbolic rather than a material or political character.

If Ibn Faḍlān was not the first to write such a work in Iraq, he did represent a new breed of Muslim scholar-bureaucrat in the post-Seljuq era. Unlike the learned ascetic Ibn Badrān, or al-Ṭūṭūshī, whom we considered in Chapter 6, he and his Muslim colleagues competed directly with prominent non-Muslims for salaried posts, as well as for prestige. But in his petition he chose, as al-Ṭūṭūshī had done, to roll together a wide range of more or less authoritative texts – though not the “Pact of ʿUmar” – that urged the subordination of non-Muslims, and to direct the resulting package to the ruler, as counsel. His petition thus stands at an intermediate point on a hypothetical evolutionary scale, typological rather than purely temporal, that ranges from momentary opposition to non-Muslim officials in counsel works such as those of Niẓām al-Mulk and al-Ṭūṭūshī, at one end, to full-blown independent counsel works on the topic like Ibn al-Durayhim’s, at the other. It illustrates the potentially widespread impulse to write such works, yet does not quite qualify as one. Like the independent works, his petition was directed to the ruler and devoted largely to the issue of non-Muslim officials. Unlike them, however, it was not conceived as a literary work. Brief and prosaic, it did not circulate independently, and it lacked, in the form we have it, a title, incipit, explicit, defined sections, and most other signal features of a medieval Arabic book. Like all of the known independent works, however, it is eclectic, incorporating juristic, historiographical, and literary elements of the discourse. And like them, too, it is suffused with the representation and practice of competition between Muslim and non-Muslim literate elites, in which all of their authors were engaged.

The Discourse at Its Apogee

Why the Discourse Flourished Here and Now

Why were the known independent works composed, as we shall see, chiefly in the two centuries between 1170 and 1370? Why mainly in Egypt? And why particularly in the period following the death of the Mamluk sultan al-Naṣir Muḥammad b. Qalāwūn (d. 741/1341)? Previous accounts have noted that these texts were written in a wider climate of animosity against non-Muslims, particularly Christians, that was tied to anti-Crusade and anti-Mongol ideologies, and have hinged especially on the “Sunni revival,” with its supposed stress on the putatively exclusionary tendencies of Islamic law. Yet, as Linda Northrup has noted, major expressions of distrust and restriction against non-Muslims coincided only imperfectly with pressures exerted by the

10 E.g., Leiser, “The Madrasa.”
Frankish or Mongol invaders, and their ultimate causes are still incompletely understood. Here we will propose a complementary account that focuses on changes in the relationship of Muslim ulama to rulers and state administration, and the intensified and altered competition that these changes catalyzed.

We have already seen that the period of Nizām al-Mulk represented a watershed in the relations between Muslim ulama and the administrative apparatuses of nominally Islamic states. That new relationship was institutionalized through the vastly expanded support of madrasahs by Sunni ruling elites, who used the ancient Islamic institution of charitable endowment (waqf) to fund them. While madrasahs were not academies for state officials, as has sometimes been supposed, they did express and facilitate unprecedented ties between powerful patrons and Muslim scholarly clients. In a system of administrative recruitment that worked through informal, personal, and often fortuitous connections, these enhanced ties conduced to the integration of Muslim ulama into states, as officials. Ulama had always had some presence among the secretaries (kuttāb), and were of course widely employed as qādis and in certain other posts related directly to Islamic law and ritual. But this service had formerly been accompanied by considerable pious reluctance, real as well as rhetorical. With the advent of Islamic states ruled by nominally Sunni military men who turned to the ulama for legitimacy and administrative services, the reluctance faded. As Rudolf Sellheim and Dominique Sourdel remarked, “[I]n the period of the Saldjūḳs the function of the kuttāb tended to merge with that of the ‘ulamā’ insofar as all [sic] officials of the state were formed in the same establishments, the madrasas.”

But of course not all officials of the Seljuq state, or the later ones patterned after it, such as the Ayyubids in Egypt and Syria, were formed in madrasahs. Some learned Muslims did not seek the juristic training that madrasahs offered, while other literate elites were not Muslims at all. As the increased patronage of Sunni ulama by military men led to the increased appointment of ulama as state officials (e.g., secretaries, viziers), there occurred what we might informally term a “revolution of rising expectations” among ulama in the central Islamic lands. The increased promise and new

11 Northrup, “Muslim-Christian Relations”; Lewicka, “Did Ibn al-Hājj Copy from Cato?”
12 Yarbrough, “The Madrasa.” For bibliography on the madrasah, see Stewart, “The Students’ Representative,” n. 3.
13 See Gilbert, “Institutionalization of Muslim Scholarship and Professionalization of the ‘Ulamā’ in Medieval Damascus,” p. 126. Gilbert finds that “[o]nly toward the end of the Ayyūbid period during the mid-thirteenth century and continuing into the Mamlūk era did increasing numbers of religious scholars enter state service.” Her dating corresponds to the floruit of the independent works.
14 Richards, “Coptic Bureaucracy,” p. 374: “Selection was, it appears, mainly a matter of recommendation or being fortunate enough to catch the Sultan’s eye.”
15 See Chapter 3, p. 83 n. 119.
17 For the phrase and the body of political-scientific theory to which it refers, see Johnston, s.v.
respectability of state patronage did not keep pace with aspirants’ hopes of receiving it, whether as scholars or officials. The result, as Michael Chamberlain has documented, was a culture of pervasive conflict among learned elites – conducted chiefly on the symbolic plane, in debates, diatribes, prosopographical literature, and competing texts of all sorts – for distinction and recognition in the eyes of peers and patrons. In Bourdiesuan terms, the bureaucratic and scholarly-hieratic fields of post-Seljuq Islamic societies were increasingly integrated. The habitus that a man acquired in order to compete successfully in one increasingly prepared him for the other, as well. One feature of the habitus was the capacity and inclination to compete for resources by attacking one’s adversaries, using any means available, as state officials had long done. The case of al-Ṭarasūshi illustrates how this tendency had spread to the ulama. Among learned Muslims, Chamberlain notes, a prevalent tactic was “to accuse a mansib [office] holder of vice, immorality, impiety, or unbelief.”

The same tactic was turned, too, against non-Muslim rivals.

Although non-Muslims were not integral to the creation of this competitive culture, they were soon enmeshed in it, for they controlled some of the posts and accompanying prestige that ulama increasingly expected ruling elites to bestow on themselves. They were, in fact, regularly accused of taking part in that culture, by appealing to their Muslim patrons against their Muslim critics. The bureaucratic field had formerly been somewhat insulated from the prescriptive discourse around non-Muslim officials, as we saw in the diverse literary representations of such officials presented in Chapter 6. The ulama who generated the juristic strands of the discourse had worked at a degree of remove from the agonistic world of state officialdom, which, for its part, paid them limited attention. But where the two fields now converged, the prescriptive dogmas that the ulama had developed animated the traditional defamatory practices of secretaries and courtiers. Conversely, the culture of intrigue and stiff rivalry long common in state officialdom now suffused ulama circles. For non-Muslim officials, one result was the composition of counsel works – directed to ostensibly Sunni military rulers who needed to appear sympathetic to ulama concerns – that singled them out for systematic censure, in bluntly juristic as well as personal, ad hoc terms.

These factors contribute to a general explanation of increased textual opposition to non-Muslim officials in the post-Seljuq period. Increased animosity

18 Chamberlain, Knowledge and Social Practice.
19 See, e.g., Bourdieu, “From the King’s House to the Reason of State.”
20 Chamberlain, Knowledge and Social Practice, p. 97. See also pp. 79, 93, 100, 168, 175 and van Steenbergen, Order, pp. 142–45.
was already visible in the juristic and literary strands of the discourse from this period examined in Chapters 5 and 6, respectively, and in Ibn Faḍlān’s petition. To speculate about why the independent works may have been composed mostly in Egypt, and largely in the 750s/1350s and 760s/1360s, we first need details about the texts themselves, and so these questions are addressed in the chapter’s conclusion. Yet the broader changes are visible, too, in literary representations of non-Muslim officials that were composed later than those in Chapter 6, but outside the independent works. Indeed, those later representations were increasingly crafted by men schooled in the Islamic juristic tradition, who were now increasingly linked to government circles. More and more, later literary depictions of non-Muslim officials were refracted through the lens of the largely adversarial stances in which the makers of that tradition had become entrenched. The effect is clearly visible in the work of the renowned jurist, historian, belletrist, and state official Taqī l-Dīn Aḥmad al-Maqrīzī (d. 845/1442). Al-Maqrīzī wrote at a time when the changes that had catalyzed that hostility were firmly emplaced in Egypt. Near the end of his encyclopedic topographic history of Cairo, al-Mawāʿiẓ wa-l-āthār, in describing local monasteries and churches, al-Maqrīzī surveys the history of the Copts since the advent of Islam. His survey, culled from a range of earlier sources, culminates in the string of discriminatory edicts, forced conversions, mob assaults, retaliatory arson, and confrontations among ulama, the urban poor, Copts, and Mamluk elites that convulsed Egypt between 692/1293 and 755/1354. The tone of suspicion and bellicosity toward non-Muslim officials that permeates al-Maqrīzī’s account—notwithstanding his use of Christian sources—echoes the attitudes on display in the independent works, but differs markedly from the earlier literary representations in Chapter 6. Al-Maqrīzī thus embodied profound attitudinal changes toward non-Muslim officials that had taken place among Muslim literate elites, even as the events he describes illustrate the sometimes intolerable pressures that non-Muslim communities now endured.

On the eve of the Arab conquests, al-Maqrīzī writes, there were two warring groups of Christians in Egypt: the “government people” (ahl al-dawlāh), i.e.,

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22 On al-Maqrīzī, see EI², s.n., 6:193–94 (Rosenthal); Rabbat, “Who was al-Maqrīzī?” He penned the Khīṭāt shortly after his withdrawal from public life and office. Many other examples could be given, such as the rather dour section on “rulings concerning dhimmis” in the famous anthology of the Egyptian belletrist al-Ibshīḥī (d. after 850/1446), al-Mustatraf fi kull fann mustazraf. There, despite the ostensibly non-polemical literary cast of the work, al-Tūrtūshī’s passage on dhimmi affairs is reproduced, without acknowledgment, along with Shāfī’ī juristic material, as the second and final section of the chapter on “the conditions required of officials, the conduct of the sultan in collecting taxes, and rulings regarding dhimmis” (al-Ibshīḥī, al-Mustatraf, 1:171–83). On the author, see EI², s.n., 3:1005–6 (Vadet).

23 For the sources al-Maqrīzī used in what follows, see Little, “Coptic Conversion,” p. 553 n. 5 (incl. references to translations of the passage), 555 n. 12. See also Parker, “Coptic Christianity in Early Fourteenth-Century Mamlūk Egypt,” and literature cited there.
Chalcedonians allied with Constantinople, and the “masses of Egypt” (ʿāmmat ahl Miṣr), i.e., the Miaphysite Copts. The latter included Egypt’s peasants and merchants and, the author stresses, “the secretaries of the kingdom” (kuttāb al-mamlakah). For the first two centuries of Muslim rule, al-Maqrīzī makes scarcely any mention of non-Muslim state officials, or of boilerplate dhimmi regulations such as the sumptuary rules or bans on church repair, though certain early Muslim governors do take ad hoc steps to quell the Copts’ periodic unrest and to harass them and burden them with taxes. The turning point comes in 216/831–32, when the Abbasid general al-Afshān suppresses a major revolt. “Beginning then,” al-Maqrīzī writes, “the Copts became lowly in all the land of Egypt.” Now powerless to revolt, “they fell back on deception,” namely by shrewdly insinuating themselves as tax officials (kuttāb al-khāraj).

For al-Maqrīzī, the Coptic officials’ age-old strategy of “cunning, tricks, and deception” is a principal axis of Coptic history. It is also the fundamental cause of Muslim animosity toward them, as in the case of the unprecedented measures taken by the Fatimid caliph al-Ḥākim (al-Maqrīzī, one should note, was a proud descendent of the Fatimids):

There came down upon the Copts such afflictions as they had never experienced. For many of them gained access to official jobs, so that they became like viziers and grew arrogant due to their plenteous positions and abundant wealth. They grew powerful and did increasing harm and treachery to the Muslims.

Incensed at their haughtiness, al-Ḥākim executes two Christian high officials and unleashes a wave of other persecutions. While modern historians have seen these measures as inscrutable whims, eschatological gestures, or calculated power plays, for al-Maqrīzī they were the result of Coptic arrogance.

The half-century of turmoil that the Copts experienced beginning in 692/1293, too, has analogous causes and follows a parallel arc in al-Maqrīzī’s account, where it is called “the Christian affair” (wāqiʿat al-naṣārāʾ). Under the Mamluk sultan al-Manṣūr Qalāwūn (r. 678–89/1279–90), al-Maqrīzī reports, the Copts were kept suitably humble. But when his son al-Ashraf Khalīl succeeded him, “the Christian secretaries served the Khāṣṣākiyyah emirs, making themselves more powerful than the Muslims and exalting themselves in clothing and appearance.” When a Coptic official called ʿAyn al-Ghazāl publicly mistreats a Muslim subject, a major disturbance ensues. The sultan punishes ʿAyn al-Ghazāl and eventually commands his emirs to

27 See Northrup, “Muslim-Christian Relations.”
28 The Khāṣṣākiyyah were the sultan’s personal corps of Mamluk bodyguards (EI2, s.v., 4:1100 [Ayalon]).
make their Coptic secretaries choose between conversion and death. The Cairene populace loots a number of Christian houses and churches, and group conversions of secretaries follow, many widely suspected to be insincere.  

The same cycle is repeated too frequently in al-Maqrīzī’s account to be reviewed in detail here. Two passages will suffice to illustrate the salient themes. The first relates to the infamous visit of the Maghribī vizier in 700/1301, the same that was mentioned in Chapter 6 as the occasion for a reading, in the sultan’s presence, from a counsel work that included sections against non-Muslim officials. Having reportedly witnessed a Christian high official mistreating Muslim supplicants, the vizier “began addressing [the sultan] concerning what he had seen, weeping in sympathy for the Muslims, who had suffered the Christians’ cruelty. Then he admonished the emirs, warning them of God’s vengeance and against empowering their enemy over them.”

His entreaties, which parallel in oral form the strategies employed in the independent works, are successful. There follows another round of discriminatory measures in line with the Pact of ʿUmar, expulsions from official posts, church demolitions, looting, and riots, some of them opposed by certain ulama or, more commonly, by the Mamluk sultan. This account demonstrates the repeated pattern, pervasive in the counsel works presented in Chapter 6 and in the independent works reviewed below, of petitioning the ruler to act against rivals. In relating this account for an elite audience, al-Maqrīzī was performing an analogous competitive, textually encoded act.

The second illustrative passage is that which concludes al-Maqrīzī’s account of “the Christian affair” and of Coptic history. It shows how thoroughly a juristically inflected animus toward Copts pervaded his rhetoric. After describing another wave of mob violence against churches and Copts throughout Egypt, resulting in mass conversions, al-Maqrīzī writes that the conversions arose from “cunning and treachery, so that [Copts] could be employed in state service and marry Muslim women.” In this scheme, he continues, they succeeded, contaminating the hitherto pure lineages of Egypt’s Muslims and, presumably, returning yet again to state employ. “The truth about the Copts,” al-Maqrīzī concludes,

is hidden to no one whose heart God has enlightened. That truth which the astute man acknowledges becomes clear from their repulsive influence when they gain power over

30 See, e.g., the same etiology (Coptic power and arrogance) given for the 755/1354 events, or for God’s intervention to coordinate church destructions throughout Egypt on Friday, 9 Rabīʿ II 721/8 May 1321 (al-Maqrīzī, al-Mawāʿīẓ, 4/2:1019, 1069).
31 For the event and further references, see Chapter 6, p. 197.
Islam and Muslims, namely their bad origin and the ancient animosity of their ancestors to the true religion and its bearers.33

Yet this allegedly primordial Coptic animosity toward Muslims is not reflected in the early Muslim sources that would have been coeval with it. It arises in fact, then, from a late but subsequently prevalent pattern of animus against non-Muslims, doubtless sincere as well as rhetorical, among the Muslim scholarly elite. That a similar sentiment was found among non-elite Muslims is evident from the numerous urban riots during the same period. It is attested above all in Egypt, against Coptic bureaucrats, natural competitors of that newly prominent hybrid: Muslim ulama-officials. It is clearly expressed in al-Maqrīzī’s late literary account of Coptic history, and it likewise suffuses the independent works against non-Muslim rivals that several other ulama-official authors had offered to ruling elites by al-Maqrīzī’s time.

The Independent Counsel Works and Their Authors

The authors of the independent works may have been only faintly aware of one another, yet they and their works shared a number of salient qualities. Perhaps the most consequential of these is their relationship to state power. All the authors both had training in the Islamic sciences and either accepted state employment or consorted with rulers. They were, in short, scholar-officials. None, however, achieved more than middling success in officialdom, and most weathered professional crises, as did many bureaucrats in the period. For several of them, such crises furnished the inspiration for books against non-Muslim officials, whom they viewed as rivals. Most of the authors also belonged to families recently arrived in Egypt, or that hailed from the Egyptian hinterlands far from Cairo. This was common in an era when Cairo, then perhaps the leading city of the Islamic world, attracted talent from far and wide. In some cases, learned immigrants may have been dismayed at the relative prominence of non-Muslims in Egypt, as the Maghrībī vizier purported to be upon his arrival in 1301. Newcomers were also naturally parvenu figures in Egypt. They had to carve out niches for themselves, even if they arrived with ample material and symbolic resources. Thus they were doubly prone to oppose ostensibly disqualified non-Muslim rivals.

Biographical commonalities may have contributed to shared features in the independent works themselves. There is, first, the apparent uniformity of their stated audience, which may, of course, have differed from the audience that actually read them. Every one of the independent works is formally addressed to an audience of putatively sympathetic ruling elites, and often to the reigning

33 Ibid., 4/2:1021.
sultan himself. They thus all inclined to suasion rather than sedition in seeking to rectify a perceived violation of properly Islamic order that also threatened their own interests. This need not have been so. Recall that Ibn Ḥaṣm’s invective against Muslim rulers who hired Jews – like that of the slightly later Andalusī poet al-Ibīrī and the much later North African polemicist al-Maghīlī – do not presume a ruler’s sympathetic ear. Instead they appeal to others, who might forcibly right the wrong the ruler commits. None of the independent counsel works against non-Muslim officials opted formally for this approach, though their authors may have been well aware that their efforts at suasion were likely to reach their intended audience only indirectly, for many political elites of the era had imperfect command of Arabic and limited appetite for scholarly prose.

Beyond a shared formal audience and a partly shared repertoire of rhetorical strategies, the independent works are joined only in that they are uniformly eclectic. As we shall soon see, they draw variously on exegesis, history, poetry, law, humor, rumor, and direct entreaty, among other discursive registers. Yet there is another, curious unifying feature to which we must attend. This is their frequent, subtle use of reflexivity: the internal reproduction of their own larger rhetorical structures, in miniature, within their texts. Most often this takes the form of admonishing contemporary elites by depicting pious Muslims of yore admonishing their own contemporary elites. But reflexivity assumes other, subtler forms as well, which we must mark if we are to grasp what these works reveal about the relation of ulama to state power in their own day.

This section provides a synthetic overview of the independent works, which collectively contain the richest known concentration of the prescriptive discourse surrounding non-Muslim officials. Our focus will be on salient features of their authors’ lives and motives, and on the works’ audiences, structures, and themes. Two considerations dictate studying the independent works as an ensemble. First, they have received relatively limited attention. Several have scarcely been mentioned in the literature, and even the best known, such as those by Ibn al-Wāṣīṭī and Ibn al-Naqqāsh, have been treated chiefly in passing and are sometimes mischaracterized. Second, because they share

34 The term has technical senses in some fields, particularly narrative theory and semiotics, which I make occasional use of but would like not to be constrained by. For some of these uses, see for instance Babcock, “Reflexivity: Definitions and discriminations.” Babcock’s general description of reflexivity applies to its use in this chapter: “the capacity of language and of thought – of any system of signification – to turn or bend back upon itself, to become an object to itself, and to refer to itself” (p. 2). See also Orr, “Vraisemblance and Alienation Techniques.”

numerous features, they shed light on one another in both their similarity and their difference. The commonalities extend beyond hazy resemblance to include a great deal of almost verbatim shared material that in some cases comprises the better part of their texts. The following survey, then, offers general observations and select micro-studies that, taken together, will offer a basis for more detailed future investigation of individual works, while revealing how they adapted or departed from the earlier discourse.

It is obvious that the independent works have roots in the aspects of the discourse that we have already encountered: in juristic reasoning, in literary and professional defamation, and in counsel for rulers. We have seen that the petition of Ibn Faḍlān to the Abbasid caliph, though not a full-fledged literary work, likewise featured these aspects. The moment at which they were first combined in an independent literary work, however, remains unknown. The earliest such work of which there are definite indications was written for Ṣalāḥ al-Dīn (Saladin), some time after he became effective ruler in Egypt in 567/1171. All of our direct evidence concerning it derives from a single passage in the opus of the Mamluk-era scholar and bureaucrat al-Nuwayrī (d. 733/1333), the encyclopedic history Nihāyat al-arab fi funūn al-adab. In this passage, al-Nuwayrī compiles assorted earlier texts related to the official treatment of resident non-Muslim (dhimmi) populations, especially Christians. Among these is a work entitled al-Durr al-thamīnfī manāqib al-muslimīn wa-mathālib al-mushrikīn (“The Precious Pearl: On the merits of Muslims and the demerits of pagans”), by one Muḥammad b. ʿAbd al-Raḥmān b. Muḥammad al-Kātib. This author, who cannot be conclusively identified at present, may well have been a state official (kātib). Fortunately, al-Nuwayrī reproduces much of the opening section of the work, in which Muḥammad al-Kātib wrote, “[Saladin] commanded that dhimmis be dismissed [from official employment], and that they not have authority so long as this ummah endures, and the two scribes set this down in the record of his good deeds” (wa-saṭṭarahā l-kātibān fi sahā ʿifi ḥasanātihi). This deed was to Saladin’s credit, the author explains; after he was granted dominion, his “Islamic ardor” had led him down the “ʿUmarian path.” Tragically, however, his very absorption with the interests

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36 On the author and work, see Muhanna, The World in a Book.
37 al-Nuwayrī, Nihāyat al-arab, ed. Fawwāz, 31:259–64. The occasion for this extended quotation is al-Nuwayrī’s narration of Mamluk-era violence against non-Muslims, which events remind him of this earlier work.
38 The strongest candidate by the name is Tāj al-Dīn al-Masʿūdī al-Banjādī (d. 584/1188, a Shāfiʿī protegée of Saladin and tutor to his grandchildren), followed by al-Ḥadrāmī (d. 579/1183, a Mālikī jurist resident in Alexandria) (al-Maqrīzī, Kitāb al-muqaffā, 6:47–50, nos. 2440–41). The first candidate is further strengthened if the juristic authority quoted in extenso in al-Nuwayrī’s excerpt from the Durr, “ʿAbd al-Raḥmān b. ʿUthmān,” is in fact Ṣalāḥ al-Dīn Abū l-Qāṣim al-Shahrāzūrī (d. 618/1221), a Shāfiʿī (Ibn Qāḍī Shuhbah, Ṭabaqāt, 2:66 no. 354).
39 The “two scribes” are the angels Raqīb and ʿAtfīd, who are thought to record the believer’s good and bad deeds.
of Islam distracted him from carrying out his intention. “We hope to God,” the author continues, “that he will promptly bring it to full completion.”

The stated purpose of *al-Durr al-manthūr*, therefore, was to convince Saladin to dismiss non-Muslim officials, marking it as the earliest known counsel work on the topic. Al-Nuwayrī reproduces several passages that reveal how the author set about his task. The first combines poetry and historical anecdote: a lengthy poem that a certain al-Bayāḍī allegedly addressed to the Abbasid caliph al-Rāḍī, scolding him for sullying the caliphal heritage by empowering Jews in his administration. The next one excuses earnest political counsel by paraphrasing the well-known hadith that “religion is counsel” (*al-dīn al-naṣīḥah*), and invoking the Qur’ān both to further justify the present counsel work (51:55) and to cast aspersions on non-Muslims (2:105, 120). The remainder of his counsel, as preserved by al-Nuwayrī, is juristic in tone: a version of the “Pact of ʿUmar” and an unidentified juristic passage dealing with sumptuary regulations, church destruction, and the like. These juristic materials, like those included in later independent works, were evidently meant to stress non-Muslims’ subordinate status as a way to recommend their dismissal from office.

In summary, the first known counsel work against non-Muslim officials was composed for Ṣalāḥ al-Dīn between 567/1171 and 589/1193, by one Muḥammad b. ʿAbd al-Raḥmān b. Muḥammad al-Kātib, a state official or courtier of some scholarly acumen. The author set out to convince the sultan to dismiss such officials, a move that had evidently been initiated but not carried through. To do this, he employed a variety of hortatory registers that included direct appeal, invocation of the Qur’ān, poetry set in historical context, the “Pact of ʿUmar,” and juristic materials. In its eclecticism, it prefigured the later independent works. It is also linked to them, however, in more direct ways, for it may in fact have served as their unacknowledged source. This much can be gleaned from the passage in which the poet al-Bayāḍī (al-Sharīf Abū Jaʿfar Masʿūd b. ʿAbd al-ʿAẓīz b. al-Muḥsin, d. 468/1076) is made to apostrophize the Abbasid caliph al-Rāḍī, a version of which is also found in the juristic work *Aḥkām ahl al-dhimmah* by Ibn Qayyim al-Jawziyyah, whence it is reproduced in an independent work by Ibn al-Naqqāṣh, *al-Madhammah fi istiʿmāl ahl al-dhimmah*, which we will consider. All these versions of the story perpetuate a peculiar anachronism by placing al-Bayāḍī in conversation with the twentieth Abbasid caliph, who reigned (322–29/934–40) more than a century before the poet’s

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40 Its title indicates that it also drew on the long tradition of “merits and faults” literature (*EAL*, “*Mahāsin wa-masāwī*,” 2:489 [Sadan]).

41 On the *ḥadīth*, see Gilliot, “*In consilium tuum deduces me*,” pp. 473–75.

42 This passage, attributed to a certain ʿAbd al-Raḥmān b. ʿUthmān, has evidently not been published in a prominent source and awaits source-critical study (for the author’s possible identity, see above, n. 38).
death. Two other settings of the same poetry that are, by contrast, historically plausible occur in Ta’rīkh Irbil, a prosopographical work by Ibn al-Mustawfī (d. 637/1239). In one instance, the verse is addressed to the caliph al-Mustanjīd (r. 555–66/1160–70) by the scholar and preacher Kamāl al-Dīn Ṣadaqah b. al-Ḥusayn b. Wazīr al-Ṭā’ī al-Khusrawsābūrī, with reference to a petition of complaint that the latter had reportedly received concerning a Jewish official of the Banū Kammūnah family, supervisor of the mint. This Ibn Kammūnah is promptly arrested and cashiered. In another instance, more germane for our purposes, the poetry is addressed to the caliph al-Qāʾīm (r. 422–467/1031–75) by “al-Sharīf Abū Jaʿfar Ibn al-Bayāḍī al-Hāshimī” – the same poet named in the independent works – in allusion to the Jew Ibn Faḍlān in Iraq. The anachronism in al-Durr al-thāmin is thus peculiar and distinctive, and signals that it was linked to the later independent works not merely as the first of them of which record survives, or in its eclecticism, but also genetically, either as their Vorlage or, perhaps, as a common heritor of still-earlier examples of analogous literature.

If the first known independent work against non-Muslim officials, al-Durr al-thāmin, was offered to the first Ayushīd sultan of Egypt, the second such work was offered to the last one: al-Malik al-Ṣāḥīḥ Najm al-Dīn Ayyūb (r. 637–47/1240–49). This work is Tajrīd sayf al-himmah li-stikhrāj mā fi dhimmat al-dhimmah (“Drawing Ambition’s Sword to Extract What the Dhimmis Hoard”), by the first-generation Egyptian official Abū ‘Amr ʿUthmān b. Ibrāhīm al-Nābulūsī (d. 660/1262). Ibn al-Nābulūsī came from a scholarly family of Syro-Palestinian extraction. His father had established a madrasah in Cairo, and his maternal grandfather, a noted Ḥanbalī, immigrated in the late Fatimid period and thereafter became an intimate of Ṣālah al-Dīn. After receiving a madrasah training, probably in the Shāfiʿī madhhab, Ibn al-Nābulūsī was recommended by powerful patrons to the sultan al-Malik al-Kāmil (r. 615–35/1218–38), who elevated him to a series of successively higher

43 On the poem, see Ibn Khallikān, Wafayāt, 5:197–99; it was reportedly al-Rāḍī who bestowed the epithet “al-Bayāḍī” on his grandfather, perhaps thereby paving the way for the error. On the caliph, see EI2, s.n., 8:368 (Zetterstéen).
44 Ibn al-Mustawfī, Ta’rīkh Irbil, 1:138–40. Ibn al-Mustawfī cites the poetry because he heard it directly from the man whom he is discussing, one Abū l-Faraj Muḥammad b. ʿAbd al-Raḥmān al-Wāṣīfī.
45 On al-Mustanjīd, see EI2, “al-Mustandjīd,” 7:726–27 (Hillenbrand). On the preacher Ṣadaqah b. Wazīr al-Khusrawsābūrī, see sources in Ibn al-Mustawfī, Ta’rīkh Irbil, 2:220 n. 2. On the Banū Kammūnah family, see ibid, n. 4. This member of the family lived at least two generations before the famous philosopher Saʿd b. Kammūnah, who was himself an official of the Ilkhanid state.
47 Further on genetic relationships among the independent works, see Yarbrough, “A rather small genre.”
administrative positions. Around the time of al-Kāmil’s death, however, he fell victim to the machinations of rivals, among whom were converts from Coptic Christianity, and was dismissed and dispossessed. Under al-Kāmil’s successor, al-ʿĀdil, Coptic officials occupied a number of high roles, including Ibn al-Nābulusī’s former job of overseer (nāẓir).49

The ensuing nadir in Ibn al-Nābulusī’s career stimulated his literary output. Two of his three surviving works – the Tajrīd and a short book on Egyptian administration – date from this period of his life, after which he was restored to favor and served as a tax official in the Fayyūm oasis. Both works are rather bitter polemics against competitors who are allegedly undeserving of office, due to their communal affiliation, ignorance, rural origins, or corruption, and both works seek to ingratiate the author with the ruler, al-Kāmil’s son al-Ṣālih. The Tajrīd, which was evidently written ca. 640/1242 in the wake of an edict that mandated non-Muslims’ observance of sumptuary laws, is among the most eclectic as well as the earliest of the independent works that have survived in full. Its four major divisions (abwāḥ) collect proof texts from the Qurʾān, hadīth, and wisdom literature; copious historical anecdote, from the first Caliph Abū Bakr to the Fatimid era to the days of al-Kāmil; personal testimony and entreaty; exemplary poetry and prose composed by proper Muslim secretaries (who are not to be compared with rustic and Coptic pretenders to that sublime occupation); and ribald mockery of such men. The Tajrīd ends with a vivid personal appeal from the author, who badly needed a stipend to support the fifty-two members of his family who languished without a source of regular income. Because he had been scrupulous with state funds, he writes, his family now suffers, while the pettiest Coptic officials wallow in the luxury of corruption. The latter should therefore be released, and the author retained.

The Tajrīd is above all a no-holds-barred effort to defame its author’s competitors, and more broadly to gain the personal sympathy of an influential audience. The author’s desperation and enthusiasm for his own cause help to explain the work’s pronounced eclecticism. Such a lively and multifarious work merits further study from a number of disciplinary perspectives. Here two aspects of it require attention: how it compares with the other independent counsel works, and the kind of social and political change that its author sought to effect in writing it.

Like the other authors, Ibn al-Nābulusī was a mid-level official with a background in Islamic jurisprudence who had jostled for professional position, with mixed success. Like them, too, he wrote the work as counsel for political elites, ostensibly the sultan himself. In explaining why he composed it, he confessed, “I believe it to be incumbent upon me and upon every Muslim to

offer sincere counsels (\textit{al-naṣā'īh}) to his highness.’\textsuperscript{50} This, too, was typical, as was the pronounced reflexivity the \textit{Tajrīd} exhibits. The self-conscious preview of its contents and occasions, the patient explanation of the reasons for its composition, and the interspersed personal anecdotes are only the most obviously reflexive bits. Alongside these are the many quasi-historical narratives, more numerous here than in any other independent work, in which pious scholars or bureaucrats bearing a striking resemblance to Ibn al-Nābulusī himself successfully admonish well-meaning but wayward Muslim rulers, who then repent and purge unbelievers from their governments. The author’s own life narrative is woven into the fabric of some such anecdotes, as we shall discover shortly.

Yet the \textit{Tajrīd} does not typify its sub-genre in every respect. Its lengthy encomium of the literary virtuosity of historical Muslim secretaries is, for example, unique, hearkening back to the refined sensibilities of Islamic officialdom in an earlier age, from which most of its material is drawn. The author also makes only a perfunctory appeal to juristic reasoning, despite his madrasah background.\textsuperscript{51} Its prescription, though strident, is grounded in historical example and pragmatic rather than formally juristic argumentation. Absent is any appeal to such putatively foundational documents as the “Pact of ʿUmar,” or to excerpts from \textit{fiqh} manuals like those invoked by al-Qalqashandi or in the earliest independent work, \textit{al-Durr al-thamīn}. While the \textit{Tajrīd} may be the least juristic of the independent works, all of the others also deploy prescriptive arguments in a variety of non-juristic registers. We have already seen, for example, that \textit{al-Durr al-thamīn} makes use of didactic poetry.

One anecdote in the \textit{Tajrīd} handily illustrates several of these themes.\textsuperscript{52} It concerns Ibn al-Nābulusī’s maternal grandfather, the Ḥanbalī scholar and exhortatory preacher (\textit{wāʾiẓ}) Zayn al-Dīn ʿAlī b. Ibrāhīm b. Najā al-Anṣārī (d. 599/1203), known to posterity as Ibn Nujayyah.\textsuperscript{53} Ibn Nujayyah emigrated from Syria, then convulsed by war with the Franks, during the 550s/1150s. In Egypt he faced, according to his grandson, typical immigrant challenges. “At first,” Ibn al-Nābulusī writes, “my grandfather was allocated a rather measly stipend – much less than he deserved – as the Fatimid rulers were unaware of his great piety and learning.” The support offered him was mediated by a Coptic high official called Khāṣṣ al-Dawlah Abū Faḍl Ibn Dukhān, who proceeded to obstruct its disbursement. Ibn Dukhān was apparently wont to do this, as the bitter invective of another frustrated stipendary, the contemporary

\textsuperscript{50} Ibn al-Nābulusī, \textit{Sword}, pp. 188–89.

\textsuperscript{51} Ibid., pp. 10–13.


poet ʿUmārah al-Yamanī, explicitly attests. It was with this complaint in mind that Ibn Nujayyāh decided to move against Ibn Dukhān. He asked leave to speak at a general council convened by the effective ruler of Egypt, al-Malik al-Ṣāliḥ Ṭalāʾiʿ b. Ruzzik (r. 549–56/1154–61). It happened, we are told, that a Qurʾān reciter had just delivered the verse “when the heavens shall bring a manifest smoke (dukhān)” (44:10). Combining the noxious effects of smoke with a reference to Ibn Dukhān’s name (which means “son of smoke”), Ibn Nujayyāh launched an impassioned entreaty against his nemesis that made reference to the Christians’ alleged malfeasance, the juristic prohibition on employing them, evidence to this effect from Qurʾān and hadīth, and a direct appeal to the sultan that ridiculed stereotypes of Christian arithmetical expertise. After all, he noted, they make the One God into three. This exhortation reportedly did irreparable damage to Ibn Dukhān’s reputation and led to the fatal revelation that he was spying for the Franks.

The story of Ibn Nujayyāh and Ibn Dukhān illuminates key aspects of the Tajrīd and the independent works more broadly. It hints at the difficulties that learned foreign Muslims – as most of the authors of the independent works were – might at first face in achieving professional success in Egypt. Local non-Muslim elites were a particularly galling group of rivals for such men. It was only under circumstances of direct conflict, however, that Ibn Nujayyāh took the risk of denouncing a powerful Christian administrator in a public forum. He, like the authors of the independent works, did so not by curtly invoking the supposed legal prohibition on employing non-Muslims, but by cobbling together a mixture of authoritative and entertaining hortatory scraps. In the end, even these did not immediately bring down the rival, a result that ensued only when his treason was discovered. The entire account, finally, was recorded in later literary works whose authors stood in much the same relation to contemporary rulers that Ibn Nujayyāh did to Ṭalāʾiʿ b. Ruzzik. In a way that Ibn Nujayyāh himself had not done, they thus used reflexive narration to drive home their argument. This observation sheds light on how they imagined their own positions with respect to the rulers.

The other narrative unit that requires attention purports to relate the events of a much earlier period: that of the Abbasid caliph al-Manṣūr (r. 136–58/754–75). Unlike the story of Ibn Dukhān, this one has no parallel in the other independent works. In the story, al-Manṣūr awakes one night in a terror. He orders his right-hand man, al-Rabīʿ b. Yūnus, to run to the Damascus Gate of Baghdad, where he will find a certain man. Duly located, summoned, and questioned, the man – presumably a Muslim – complains of an injustice done to him by a Christian official in al-Anbār, a district in Iraq. The official had deprived him of an estate by first demanding that he sell it, and then, when he refused, defaming him to the caliph by claiming that the estate had formerly belonged to the Umayyads, and was thus now the rightful property of the Abbasids who
supplanted them. When the man had protested, the Christian made threats against his life. It was at that point that he, standing at the city gate, had asked God for aid. His entreaty, which is quoted in the text, found its way mysteriously into al-Manṣūr’s dreams and awakened him. On hearing all this, caliph returns the man’s estate to him.

While it is absent from the other independent works, the story is plainly modeled on an account found in al-Faraj ba’d al-shiddah by the Abbasid-era belletrist al-Tanūkhī (d. 384/994), which relates tales of escape from tight spots.54 Al-Tanūkhī writes only that he “found it in a certain book.” In al-Tanūkhī’s version, too, al-Manṣūr is roused from sleep when a supplicant at the Damascus Gate prays the very same prayer after having been deprived of his estate by an official in al-Anbār. There, too, al-Manṣūr promptly returns it to him after hearing his tale. But there are important differences between Ibn al-Nābulusī’s version and al-Tanūkhī’s earlier one. In al-Tanūkhī’s, the man who petitions God (and the caliph) is a Zoroastrian, not a Muslim. The official’s affiliation is not stated, but the reader might presume him to be a Muslim, not a Christian. And al-Tanūkhī’s oppressive official simply seizes the estate, without any defamation, mention of the Umayyads or their property, or threats against the estate’s owner.

How to explain the differences? The events of Ibn al-Nābulusī’s own life offer clues. In the other work that he composed for the same Ayyubid sultan shortly after the Tajrīd – entitled Lumaʾ al-qawānin al-muḍīyyah fi dawāwīn al-diyyar al-miṣriyyah – he tells the story of his own dismissal and straitened circumstances at that time.55 The crisis begins in a tense standoff with a prominent emir and his Coptic-convert attendant, al-As’ad al-Fāʾizī, later to become vizier to the first Mamluk sultan.56 The year is 634/1237, and Ibn al-Nābulusī is supervising flood control in Giza in the company of several emirs. One of them, Nūr al-Dīn b. Fakhr al-Dīn ʿUthmān, sees a waterfront estate in Giza that belongs to Ibn al-Nābulusī, covets it, and enters into tense negotiations to buy it. In the course of the conversation, someone mentions that houses are cheaper when sold as part of the mulcting (al-muṣādarah) that accompanies the dismissal of an official. This notion strikes Nūr al-Dīn’s fancy, and he begins conveying damaging rumors to the sultan concerning Ibn al-Nābulusī. When the latter falls ill and is unable to work, Nūr al-Dīn tells the sultan that he is disgruntled and has gone off to teach in a madrasah; in a competitive environment, even Muslim learned piety could be used against an adversary.

54 On al-Tanūkhī, see EJ, s.n., 10:192–93 (Fändrich); EAL, s.n., 2:757–58 (Seidensticker). For the story, see al-Tanūkhī, al-Faraj ba’d al-shiddah, 1:185–86.
56 On al-Fāʾizī, see the fascinating analysis in el-Leithy, “Coptic Culture,” pp. 158–63, and, Chapter 6 n. 132.
Eventually, and with many evil murmurings from the Copt al-Fāʾizī, Ibn al-Nābulusī is forced to sell the house for much less than its value. He prays God to avenge him on Nūr al-Dīn by showing the latter the ruin of his ill-gotten house. The prayer is miraculously answered; Nūr al-Dīn’s downfall is swift under the new sultan al-Malik al-Ṣāliḥ, but the convert al-Fāʾizī snatches up the house and registers it to the estate of the former sultan, al-Kāmil. At the moment of writing, the author tells us, it was controlled by a sub-department of the Ayyubid state, so that Ibn al-Nābulusī was still deprived of it, a circumstance he begged the sultan to rectify.

These events, as told by their put-upon protagonist, help to explain the unique variants in his version of the story of al-Manṣūr and the oppressed supplicant. Ibn al-Nābulusī’s Muslim (not Zoroastrian) supplicant-protagonist stands in a relationship to the corrupt Christian official that is similar to Ibn al-Nābulusī’s own position vis-à-vis al-Fāʾizī. His version, unlike al-Tanūkhī’s, has the downtrodden man weather defamation and threats because of his refusal to give up the estate, as Ibn al-Nābulusī reports he himself had done. Ibn al-Nābulusī’s estate, like that of the supplicant in his version, was deviously registered to the assets of a previous ruler, and remained in the control of the present one. The only thing lacking in the author’s own tale was for the sultan to hear his aggrieved prayers and return the estate to its rightful owner, as the caliph in the story had done. Thus the story of al-Manṣūr was a hortatory recasting, for the sultan’s benefit, of recent untoward events in Ibn al-Nābulusī’s own life. Ibn al-Nābulusī was clearly aware that reflexivity could be a powerful rhetorical tool. The numerous other instances of reflexivity in his book are not, then, haphazard borrowings from earlier sources, but calculated rhetorical moves.

The Tajrīd does, however, consist largely of materials creatively adapted from the earlier sources with little acknowledgement. Sparing citation, too, was partly a function of audience. Where a scholarly reader might prefer that an author name his sources, a sultan could have been expected to care more about entertainment value. Careful examination reveals that most of the historical narrative in the Tajrīd, like nearly all of the poetry, is borrowed from elsewhere, notably from an as-yet unidentified composition of the late Fatimid or early Ayyubid period in Egypt, possibly al-Durr al-thamīn. The Tajrīd served in its turn as a source for the next attested independent work: Radd ʿalā ahl al-dhimmah wa-man tabīʿahum, which was composed by the career bureaucrat Shīhāb al-Dīn Aḥmad b. Ghāzī ibn al-Wāṣiṭī (d. 712/1312) for the Mamluk sultan al-Malik al-Ashraf Khālīl (r. 689–93/1290–93).

57 For intertextual connections, see Yarbrough, “A rather small genre.”
58 For basic notes and studies on Ibn al-Wāṣiṭī, see CMR 4, “Ghāzī ibn al-Wāṣiṭī,” pp. 627–29 (Mallett); also Grafton, Christians, pp. 53–55; Northrup, “Qalāwūn’s Patronage,” p. 137; Demiri, Muslim Exegesis of the Bible in Medieval Cairo, pp. 32–33, 37–38. See also footnotes
Unlike the Tajrīd, which exists in four manuscripts that attest to its transmission in and beyond Egypt, the Radd survives in but a single manuscript. It was evidently neither mentioned nor used by other authors before it was edited and translated in the early twentieth century. Indeed, the undated manuscript is of a fine and distinctive kind: a khazā’iyyah copy, made for the library of a wealthy patron, possibly the sultan himself. As its editor points out, in the work “the author addresses the sultan, and no other.” Ibn al-Wāsiṭī himself avers, “I desire in what I have written only to counsel the ruler [nāsīḥ sulṭānī] and draw near to God.”

This would have been a familiar tactic to a career official of Ibn al-Wāsiṭī’s cut. Although some sources refer to him as “the qāḍī,” this is merely an honorary epithet. There is no evidence that he ever formally assumed that of office, or any other of a non-administrative character. We may thus safely call Ibn al-Wāsiṭī the least scholarly of the men who authored known independent works against non-Muslim officials.

The content of the Radd does prove, however, that he was not unable or unwilling to adopt the idiom of Islamic jurisprudence. Yet he seems to have begun his career as an administrator quite early in life. He was reportedly born in the 630s/1230s and already served the Ayyubid prince al-Malik al-Ashraf Mūsā (d. 662/1263), vassal of the Mongols, in Ḥimṣ. Thereafter he moved between various official offices in Syria and Egypt, some of them quite influential, while weathering frequent rivalries and dismissals. His biographers remark on certain virtues, such as his fine handwriting and intelligence. However, they give the overall profile of a hardened infighter, and an adversary to Christians in particular. Ibn Ḥajar al-ʿAsqalānī, among others, reports an incident that bears this out: “When al-Tāj b. Saʿīd al-Dawlah became finance director (mushīr al-dawlāh), he plotted against [Ibn al-Wāsiṭī], because the latter had been the reason that [the Mamluk emir] Sunqur al-Aʿsar beat him until he converted to Islam.”

More generally, he was “oppressive” and “insolent” (ṭawīl al-lisān). The Christian scholar and state official Ibn al-Ṣuqāʿī, his younger contemporary, whose prosopographical work generally maintains an impartial tone, declares of Ibn al-Wāsiṭī that

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60 For the primary sources on his life, see ibid., p. 11 n. 2.
61 For reference to the superficiality of the title al-qāḍī, see Ibn al-Nābulusī, Sword, pp. 164–65, 168–69.
there was extremely little about him that was good, but he abounded in harm, defamation, and slander (al-adhā wa-l-hajw wa-l-thalb) to everyone. He was unaccustomed to speak well to anyone, harmed other people with no fear of God, and did publicly and privately that of which God disapproves, particularly in slandering everyone’s honor (min thalbi a’rādī l-ʿālam).  

It was entirely in keeping with Ibn al-Wāṣīṭī’s combative disposition to write a book against non-Muslim rivals, apparently for the consumption of the sultan al-Ashraf Khalīf. Although al-Maqrīzī would later characterize this sultan’s reign as a time of laxity toward non-Muslims, other sources, notably Ibn al-Šuqā’ī, report a mood of restriction, promoted especially by the vizier Ibn Salūs.  

This person “made it seem good to [the sultan] to compel the Christian secretaries in Egypt and Syria to convert to Islam; any dhimmi who wished to continue working had to convert, or else a Muslim would be appointed in his place.” Ibn al-Wāṣīṭī, then, capitalized on the mood of the hour—which had seen, among other events, the final expulsion of the Franks from the Levantine coast—in warning al-Ashraf against non-Muslims.  

What of the Radd itself? Like the Tajrīd, it drew heavily on earlier sources. Indeed, the Tajrīd was almost certainly its principal source. Most of the work’s first section (faṣl; consisting of instructive historical accounts) and some of its second and final one (more recent cases), seem to have been borrowed from Tajrīd, a fact that is not mentioned in the text. The Radd differs, however, in that it includes more juristic material, such as the “Pact of ʿUmar,” as well as narratives of recent events. It is more persistently vitriolic than the Tajrīd, though also briefer, less literary, and less personal. Like the Tajrīd, however, its governing principle seems to be the inclusion of any materials that might turn the sultan against non-Muslim officials. Particularly prominent are accusations of treason and malfeasance, and parabolic, reflexive stories of exhortation and dismissal.  

The work’s flavor can be sensed in a few brief examples, pointed up by comparisons to the Tajrīd. There is, first, its juristic bent. Where Ibn al-Nābulusī is content merely to reproduce the well-known hadīth about the Prophet’s rejection of a pagan fighter before the Battle of Badr, Ibn al-Wāṣīṭī cites Ibn Ḥanbal’s view that this text disqualified non-Muslims from official appointment. He adds that this was also the view of Abū Ḥanīfah (dubiously) and al-Shāfiʿī and explains in heavily juristic terms the universal applicability  

64 Ibn al-Šuqā’ī, Tālī, p. 123. 65 For al-Maqrīzī’s statement see above, at n. 226. 66 Ibn al-Šuqā’ī, Tālī, p. 71; see further Yarbrough, “A Christian Official.” 67 For Ibn al-Wāṣīṭī’s work in this connection, see Hillenbrand, Crusades, pp. 312–13. 68 This argument was first made in Yarbrough, “A rather small genre,” which dealt only with material shared also with the other independent works. The case for direct dependence is all but clinched by the Radd’s unacknowledged recycling of Ibn al-Nābulusī’s own autobiographical plea (Ibn al-Wāṣīṭī, Radd, pp. 68–69; cf. Ibn al-Nābulusī, Sword, pp. 188–91). 69 Ibn al-Wāṣīṭī, Radd, pp. 70–76.
of the principle contained in the phrase “I’ll not have recourse to a pagan.”

There follow two accounts, not found in the Tajrid, of pacts between 'Umar b. al-Khaṭṭāb and Christian communities that, naturally, subordinate the latter. Although the madrasah-trained Ibn al-Nābulusī would seem to have the better claim to a proper formation in Islamic jurisprudence, Ibn al-Wāsiṭī’s appeal to the sultan is the more juristic in tone.

While many of the shared quasi-historical anecdotes in the two works are quite similar, such as that of the alleged spy Ibn Dukhān, Ibn al-Wāsiṭī rearranges and expands some of these and inserts additional ones. Some of his additions risked striking readers as crudely disparaging or simply fatuous. For example, “a trusted man” told him how a certain Jew kept two cudgels in his house, one labeled “Happiness” and the other “Grace.” Thus he could say to any Muslim whom he met, “God give you a good morning, and in the evening happiness and grace.” Another Jew ladles urine on the food of a Muslim houseguest, being unable to shed the Sabbath-breaker’s blood. Where the Tajrid’s invective was leavened with admirable verse and clever turns of phrase uttered by famous secretaries, the Radd’s is rather unrelenting.

Ibn al-Wāsiṭī is also keen to relate more recent events. The Tajrid mentions very few events of the Ayyubid period that do not involve its author. The Radd features its author less prominently as a character, but brims with provocative tales of the early Mamluk period, beginning with the gloomy observation that the craze for Christian secretaries began in the days of the first Mamluk sultan, al-Mu’izz. This is followed by rambling and vague but pointedly allusive descriptions of Christian guile, malfeasance, and treachery, incorporating here and there short passages from the Tajrid. Much is made, too, of Christian disloyalty and insolence during the Mongol invasion of Syria, when Islam briefly lost its preeminent status, and of a scandal and inquisition surrounding a certain anti-Muslim polemical tract, composed, according to Ibn al-Wāsiṭī, by the Copt al-Mu’taman ibn al-ʿAssāl (d. ca. 668–86/1270–86). Most interesting in this mélange of insinuation is the cryptic reference that concludes a murky account of illegal church rebuilding and collusion with the Franks: “Had I a strong refuge,” Ibn al-Wāsiṭī writes, “I would certainly name the person who aided that man to realize and effect those deeds.” It seems, then, that Ibn al-Wāsiṭī’s defamatory appeal in the Radd was not unopposed, or without personal risk for its author. It represented instead one hortatory voice

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70 Ibid., pp. 27–28. The passage continues with more juristic material of a kind absent in the Tajrid.
71 Ibid., pp. 50–51.
72 Ibid., pp. 73–74. On this author, see CMR 4, pp. 530–37 (Awad); on the work, the authorship of which is in question, see, CMR 4, pp. 662–65 (Demiri).
74 Muslim ulama could indeed suffer serious consequences for attacking non-Muslim or convert officials, including, in at least one case, crucifixion (Little, “Coptic Conversion,” pp. 562, 564).
among many, including those of powerful non-Muslim or convert officials, Ibn al-Wāsiṭī’s enemies, that sought access to the sultan’s ear. One final request peculiar to Ibn al-Wāsiṭī is worth noting: that the sultan put an end to the Copts’ use of obscure administrative terms and conventions, by means of which they allegedly prevented others from mastering the management of the bureaucracy.\footnote{Ibn al-Wāsiṭī, \textit{Radd}, p. 82. Cf. Samir, “Role,” p. 190.} Here one recognizes the complaint of a seasoned official concerned with access to ideational capital, not merely that of a Muslim dignitary jealous for its symbolic equivalent.

The \textit{Radd}, however, is neither the most juristic of the extant independent works nor the most obscure, despite surviving in only a single manuscript. Those distinctions belong to a work that has scarcely been mentioned by scholarship of any era, let alone edited or studied: \textit{al-Qawl al-mukhtār fi l-man ‘an takhyīr al-kuffār}.\footnote{For a preliminary sketch, see CMR 4, pp. 924–27 (Yarbrough). To the bibliography there, add al-Baghdādī, \textit{Kitāb ɪdāḥ al-maknūn}, 2:253; Steinschneider, \textit{Polemische und apologetische Literatur}, p. 400.} This work survives as part of a lithographed collection of Arabic anti-infidel polemics done in nineteenth-century Cairo. These were compiled by a Ḥaḍramī Sufi Muslim exiled from colonial Kerala, al-Shaykh Faḍl b. al-Ḥabīb al-Imām al-Ghawth ‘Alawī b. Muḥammad b. Sahl Mawlā l-Dawālah (d. 1901), better known as Faḍl Pasha.\footnote{See Bang, \textit{Sufis and Scholars of the Sea}, pp. 78–89.} There is also a manuscript, apparently modern, held at the King ‘Abd al-ʿAzīz Public Library in Riyadh.\footnote{Quotations below are from the lithograph.} The identity of the work’s author and its exact dating have not been determined. It seems that the author was a Ḥanbalī, evidently quite a learned one. The pieces of evidence most germane to its date of composition are two: that it names no individual who lived long past the middle of the eighth/fourteenth century, and that it is offered to a certain “Muḥammad, sultan of the Muslims, may God grant him great victory” (\textit{naṣarahu Allāh naṣran ʿazīzān}). In combination with its familiarity with events in Egypt and Syria, these data indicate that the work was probably offered to the towering Mamluk sultan of the century, al-Nāṣir Muḥammad b. Qalāwūn (d. 741/1341). Al-Nāṣir’s three reigns coincided with some of history’s heaviest waves of violence against the Copts, as described in al-Maqrīzī’s account, described earlier in this chapter, and elsewhere, including the major spate of church destructions in 721/1321.

The author of \textit{al-Qawl al-mukhtār} states in its opening lines that he composed the work in the wake of one such episode, in which Christian officials were evidently purged from the bureaucracy and replaced with Muslims. Such an event reportedly occurred in 721/1321, and this year is perhaps the likeliest
for the work’s composition. The author states his purpose clearly, though
artfully: “I have sought God’s guidance to mention here some of what the Book
and the sunnah contain, as well as the sayings of the imams of Islam and the
deeds of their caliphs, concerning the prohibition on appointing and employing
Jews and Christians, so that this contract might have its seal, and the pearls of
this necklace their arrangement.” Nothing in this statement or in the work’s
contents signals that the author, who evidently wrote as a scholar rather than
a bureaucrat, competed directly with non-Muslim officials for appointment.
Unlike the Radd or the Tajrid, then, al-Qawl al-mukhtar is not an example of
the discourse as self-interested defamation. Instead, at a time when the effects
of such edicts were short-lived, Muslim public sentiment in their favor sub-
stantial, and their legal basis rather scattered, the work’s author sought to shore
up the edict with heavy-duty textual support, thus preserving the gains that such
edicts represented for some Muslims at the expense of non-Muslim rivals for
property, prestige, and office.

Accordingly, al-Qawl al-mukhtar is by some distance the most formally
learned of the independent works. It collects an impressive range of the usual
materials, such as proof texts from the Qur’an and hadith and didactic historical
anecdotes from the same corpus used by many of the other authors. At its core,
however, is an extraordinarily wide-ranging collection of juristic views from
across the madhhab spectrum regarding the official employment of non-
Muslims. While not exhaustive, this sampling includes many important earlier
sources that are now unavailable, such as early works of “dhimmi law”
authored by Abū l-Shaykh al-Iṣbahānī (d. 369/979) and Abū Ya’lā ibn al-
Farrā’ (d. 458/1056), and many others. The unique opinions found here
deserve further study, but their general outlines conform to the range of views
surveyed in Chapter 5, and they need not detain us here. The important point is
that they seem to offer the kind of broad and firm evidentiary basis for opposition
to employing non-Muslims that the juristic tradition had hitherto lacked.

This close treatment of the work’s stated topic takes up 33 of 77 pages in the
lithographed version. The remainder is fairly motley and eclectic; even this
learned Ḥanbalī was keen to reach for any evidence that might, as he put it, seal
the sultan’s recent edict in place. It includes several versions of the “Pact of
‘Umar,” as well as detailed analysis thereof, and discusses such issues as
sumptuary dress restrictions; non-Muslim taking of unlawful interest; the status
of non-Muslim sanctuaries and public festivals; non-Muslims’ ownership of
tall buildings; riding horses; and naming practices. The consequences of break-
ing these conditions are debated at length. A group of fatwas is reproduced that
had been solicited regarding monks and churches in the wake of the final

81 al-Qawl al-mukhtar, p. 92.
Mamluk conquest of the Levantine coast. *Al-Qawl al-mukhtar* concludes with a stirring passage, found also in the *Masʾalah fi l-kanāʾis* by Ibn Taymiyyah, that explains why negative consequences are not to be expected from any of the measures advocated in the book. It is, then, a variegated treatise that takes the issue of non-Muslim state employment as a pretext for a thoroughgoing and rather bellicose survey of “*dhimmi law,*” while simultaneously using the latter to shore up the edict. It is a curious and perhaps consequential accident of history that such an erudite work was not disseminated more widely. Like *Aḥkām ahl al-dhimmah* by the renowned Ḥanbalī Ibn Qayyim al-Jawziyyah, with which it shares material, it survived into the modern period only in rare and little-known copies, and attracted scarcely any attention before its rediscovery. These two works are, then, better evidence of how contemporary exigencies motivated eighth/fourteenth-century Ḥanbalī jurists to write than they are of widespread cultural attitudes in that era.

*Aḥkām ahl al-dhimmah* bears, in fact, a rather close relationship to another of the independent works: *al-Madhammah fī stīmāl ahl al-dhimmah,* written in 759/1358 by a pugnacious young immigrant known as Ibn al-Naqqāsh (d. 763/1362). Most of this work, which survives in three manuscripts and consists almost entirely of didactic quasi-historical anecdotes, was evidently transcribed from that of Ibn al-Qayyim. The *Madhammah* stems from that final, most vibrant generative moment for the independent works, namely the two-decade period after the death of the sultan al-Nāṣir Muḥammad in 741/1341, during which Ibn al-Durayhim and al-Asnawī also made their contributions. Born in what is today Morocco around the year 720/1320, Ibn al-Naqqāsh travelled at a young age to Egypt, where he studied the Qurʾān and jurisprudence with Śāfiʿī authorities. As a mature scholar he served in prominent public roles, such as mudarris (professor of law) and khaṭīb (Friday preacher) at major Cairo mosques. He also polemicized against the famous mystic Ibn ʿArabi, calling him an unbeliever. His biographers, notably his acquaintance Khalīl b. Aybak al-Ṣafadī, also remark how “he devoted himself eagerly to attaining worldly position, his efforts in this regard never slackening or taking their leave.” Those efforts won him the ear of the Mamluk sultan al-Nāṣir Ḥasan (r. 748–52, 755–62/1347–51, 1354–61), during whose second reign he composed the *Madhammah.* “God,” al-Ṣafadī writes, “led [the sultan] to him without need of

82 On author (including primary-source prosopographical references) and work, see *CMR* 5, *s.n.*, pp. 123–29 (Yarbrough). It is not known with certainty whether Ibn al-Naqqāsh wrote before or after al-Asnawī and Ibn al-Durayhim, who unlike him do not specify the dates of their works’ composition (Ibn al-Naqqāsh, *al-Madhammah,* p. 44; cf. Bodl. Pococke 361, fol. 62 v.).


85 al-Ṣafadī, ʿarūn, 4:680. For van Steenbergen, Ibn al-Naqqāsh is an exceptional example of “the odd influential scholar . . . whose scholarship made him gain substantial standing and influence” (*Order,* p. 18).
a halter.” As a result, however, “the jurists of his age envied him” and conspired to bring about his downfall.86 Around the time that the Madhammah was composed, two of the author’s rivals, the scholar Ḥubb al-Dīn al-Hirmās and the chief qāḍī ʿIzz al-Dīn Ibn Jamāʾah, contrived to have him accused of giving fatwas in contravention of his own Shāfīʿī madhhab. Ibn al-Naqqāsh was sanctioned and briefly imprisoned as a result.87 But when al-Hirmās’ emir-patron left for Syria and al-Hirmās himself went on pilgrimage in Rajab 660/June 1359, Ibn al-Naqqāsh had his revenge, informing al-Nāṣir Ḥasan of his opponent’s misdeeds, to devastating effect. Two years later when the sultan died, Ibn al-Naqqāsh fell into a deep depression and followed his master to the grave in 763/1362.

Ibn al-Naqqāsh wrote the Madhammah, then, in an intensely competitive period of his life, during which he employed defamation as a weapon against Muslim rivals, and his authorship of the work should be understood in this light. Indeed, in the conclusion he reveals something of its circumstances. Al-Nāṣir Ḥasan, he writes, has lately renewed the restrictive measures that were imposed on non-Muslims by his brother al-Ṣāliḥ Šāliḥ in 755/1354, most notably the rule against employing them. The sultan has further commanded the arrest of anyone who violates his command, and has entrusted its enforcement to the high official Ḍiyāʾ al-Dīn Yūṣuf b. Ḥaṭib al-Ābār al-Dimashqī (d. 761/1360).88 This official’s name, unusually, is preceded by an encomiastic listing of his honorific titles, suggesting that the work may have been intended for his reception. Thus the Madhammah, like al-Qawl al-Mukhtār, was written in order to prop up a recent decree forbidding the employment of non-Muslim officials. Such decrees, of course, customarily fell into desuetude, and it is no surprise that scholar-officials like Ibn al-Naqqāsh should have striven to reinforce them.

To accomplish this, Ibn al-Naqqāsh opted for a ready-made solution: the particular assemblage of qurʾānic proof texts and quasi-historical parables that had circulated together within the discourse since at least the early Ayyubid period. Close study reveals that he derived his version of this material in the Madhammah from the work of Ibn al-Qayyim, making only minimal additions. The work is cast as a fatwa, and thus begins with an anonymous petitioner’s inquiry as to whether the employment of non-Muslim officials is permitted (ḥal yajūz), and whether Muslim leaders have forbidden and Muslim rulers prevented it. Ibn al-Naqqāsh responds in the affirmative to both questions, adding

86 Ibn Taghrībirdī, al-Manhal al-sāfī, 10:221. 87 Ibid., 11:121.
88 On this official, see al-Ṣafadī, al-Wāfī, 29:69–72 and A yūn, 5:612–20. He does not appear to have been muhāfiz or nāẓir at this time (al-Maqrīzī, al-Sulūk, 4:232). The Madhammah must thus have been written before 20 Ramaḍān 759 (26 August 1358), when Ḍiyāʾ al-Dīn fell from office along with his later-life patron, the emir Ṣarghīmish (al-Maqrīzī, al-Sulūk, p. 237; al-Ṣafadī, al-Wāfī, 29:69–70; van Steenbergen, Order, pp. 156–57). The perfect verbs referring to Ḍiyāʾ al-Dīn’s execution of the command may actually express the author’s hopes for future events.
that this verdict is a matter of consensus (ijmāʾ) and that all authorities have declared such employment either prohibited (al-tahrīm) or disapproved (al-karāḥah). This question and answer may well be a formulaic artifice with which Ibn al-Naqqāsh sought to justify composing the work for the benefit of the contemporary official, Diyyāʾ al-Dīn Yūsuf. Following the qurʾānic proof texts, Ibn al-Naqqāsh adds a brief diatribe against the Copts, drawn from the stock stories in the work itself, and follows this with a rather casuistic rebuttal of the argument that the Qurʾān only forbids non-Muslims to have al-walāyah (“affection”), not al-wilāyah (“authority”), among Muslims. In other words, Ibn al-Naqqāsh here opposes the argument that non-Muslims could lawfully be employed, so long as they were not loved. Al-wilāyah, he argues, entails al-walāyah, and in any case true faith is impossible if one does not dissociate from them. In Ibn al-Naqqāsh’s milieu the prohibition on employing non-Muslims was evidently not incontrovertible.

The only other original parts of the Madhammah are found in its final sections. These are chiefly abbreviated accounts from the Mamluk period, the form of which resembles that of the foregoing stock parables: the story of the visiting Maghribī vizier and subsequent anti-Copt violence in 700/1301, and allusion to the measures of al-Ṣāliḥ Ẓāliḥ in 755/1354 and their renewal by the current ruler, al-Nāṣir Ḥasan, culminating with reference to their executor, Diyyāʾ al-Dīn Yūsuf. “Now,” the author concludes, “the ruling authority is on the brightest path and the whitest way with regard to the matter. May God complete it, perfect it, and assist in this endeavor whom He will.”

The contents of two final extant works from the same milieu, those of al-Asnawī and Ibn al-Durayhim, are, by contrast, quite distinctive. Neither can be dated with certainty, but it is likely that Ibn al-Durayhim’s work, at least, preceded that of Ibn al-Naqqāsh. This can be inferred in that the former, Manhaj al-ṣawābī fi quḥb istiktāb ahl al-kitāb, was written at the outset of a young sultan’s reign. This description applies neither to the latter reign of al-Nāṣir Ḥasan, in whose service Ibn al-Durayhim died, nor to al-Nāṣir Muḥammad b. Qalāwūn, who was in his twenties and his third and final reign when Ibn al-Durayhim was born, in 712/1312. It could however have been composed under al-Ashraf Kujuk (r. 742/1342–45), al-Muẓaffar Ḥājiī (r. 747–48/1346–47), al-Ṣāliḥ Ḥasan during his first reign (748–52/1347–51), or al-Ṣāliḥ Ẓāliḥ (r. 752–55/1351–54), all of whom were children or teenagers.

Another immigrant scholar-courtier, the Mosul-born Ibn al-Durayhim was a favorite of leading Cairo emirs in the middle 740s/1340s. His education in Mosul had prepared him in the usual madrasah disciplines, but later he

exercised his reportedly exceptional intelligence in other fields, such as onomancy, numerology, magic squares (ʿilm al-awfāq), chronometry, animal husbandry, and cryptography. Having come to Egypt as a merchant in 732–33/1331–33, he eventually grew close to the sultan al-Kāmil Shaʿbān (r. 746–47/1345–46), under whose successor, al-Muẓaffar Ḥājjī, he was exiled to Syria for reasons unknown to us. Thereafter he spent little time in Egypt and never regained his former influence, and one could speculate that he wrote the Manhaj under the young al-Muẓaffar, while he retained some standing and might have expected a hearing. After his exile, he held official posts in both scholarly and administrative spheres, such as the management of the Umayyad mosque in Damascus – from which he was driven by hostile colleagues – and of the state office for the redemption of prisoners. No stranger to the sharp elbows of bureaucrats, he reportedly suffered the confiscation of his inheritance as a young man in Mosul and of his house and library in 749/1348, and the impoundment of his personal fortune by the state in Egypt.92

Absent a hard date for the Manhaj, there is no firm external evidence of Ibn al-Durayhim’s precise motive in composing it. Yet the author, who adopts a heated, indignant tone throughout the work, states his purpose quite clearly. “What life could be good with such great humiliation,” he asks in the introduction, “and what pleasure enjoyed with such massive hardship? Death in such a time is better than a reprehensible life.”93 The Manhaj describes an intolerable plague of non-Muslim officials who have infiltrated every corner of the government. “What caused me to set down what I have written,” he writes, “is that I see the enemies of God, Jewish and Christian dhimmis, empowered in all the land.” They oppress Muslims and commit all manner of wrongs. Meanwhile powerful men (ahl al-ḥall wa-l-ʿaqd) ignore the problem. Ibn al-Durayhim fears general divine retribution, and so resolves “to remind [powerful Muslims] of the Divine Law (al-sharīʿah) that they have forgotten, and teach them its lofty statutes, fearing God’s punishment for keeping silent, and seeking his reward for speaking out.”94

As noted, he held that this was the first such work ever to have been composed. Indeed, its contents overlap little with the others.

The intended audience of the Manhaj is thus clear. Like the other independent works, it was directed primarily to the Mamluk emirs and the sultan, or failing that to any Muslim reader who might, as the author recommends, read it all the way through and use it for its intended purpose: “to ward away [Muslims] from the enemies of God.”95 Indeed, the first of the work’s eight sections (abwāb) – which correspond to the eight gates of heaven for which it urges the reader to strive – is “On counsel (al-naṣīḥah), its veracity, and the

92 Tamer el-Leithy has perceptively noted the personal hardship that attended many of the independent works’ composition, including Ibn al-Durayhim’s (“Sufis,” p. 114 n. 237).
94 Ibid.  
95 Ibid., p. 9/38.
duty to give it,” plainly because the *Manhaj* itself is intended as counsel “to the Muslims’ king and the grandees of their state.”

It is the most voluminous and wide-ranging of the independent works, incorporating a fresh and unexpected assortment of material and much original commentary. If the *Tajrid* of a century before is more literary in its proclivities, and *al-Qawl al-mukhtār* more deeply steeped in the juristic tradition, the *Manhaj* makes unrivaled use of ideational resources derived from other branches of Islamic learning. It is digressive—the author admits that “its benefits are diffused, and its gems scattered”—but also the most historically revealing of the independent works. Because it has become widely available only recently, it has been unduly neglected. Here we shall deal with its distinctive structure and with those themes that it alone develops in its hortatory polemic against employing non-Muslims.

The work’s nine sections, the contents of which conform only loosely to their headings, are as follows:

1) [introduction]
2) ch. 1: On counsel (*al-naṣīḥah*), its veracity, and the duty to give it
3) ch. 2: What has come down in the Illustrious Book prohibiting consorting with them and taking them as secretaries
4) ch. 3: What has come down from the Messenger of God—God bless and keep him—the Companions, and the Followers
5) ch. 4: Concerning the Pact concluded with them, and the like
6) ch. 5: Concerning those who deserve to be workers and secretaries for the Muslims
7) ch. 6: On commanding right and forbidding wrong
8) ch. 7: On oppression and its evil consequences
9) ch. 8: Admonitions and tales that dissuade from such misdeeds, and arouse desire for the hereafter

These sections may be divided into two broad groups. The first six are directly concerned with the faults and transgressions of non-Muslims, and their remedies. The remaining three, while not devoid of such material, exhort rulers in less direct ways to do good and avoid evil. Much as only Ibn al-Nābulusī calculated that love poetry and ancient stories about venal Muslims might induce the sultan to dismiss Copts, only Ibn al-Durayhim built entire sections of his counsel around the obligation of every Muslim to “command right and forbid wrong” (*al-amr bi-l-maʿrūf wa-l-nahyʾ an al-munkar*) and the imminence of death.

The structure of the *Manhaj* thus constitutes further evidence

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that the independent counsel works were motivated more by the needs of their authors and expectations of their audiences than by any fixed imperatives of the Islamic tradition. The juristic strand of the established discourse, for instance, summarized so thoroughly in *al-Qawl al-mukhtār*, is of secondary importance in the *Manhaj*.

Conversely, the *Manhaj* develops several minor themes to an unparalleled degree. Two of these are strikingly reminiscent of Ibn Taymiyyah’s approach to the issue, covered in Chapter 5, which Ibn al-Durayhim never mentions explicitly. The first is the pragmatic argument against employing non-Muslim officials, based on “benefit” (*maṣlaḥah*) and its converse, “detriment” (*mafsadah* or *darar*). Humans, the author explains, act only in order to gain some benefit, worldly or otherworldly. But God informs Muslims in the Qur’ān (6:120), “if you are visited by good fortune, it vexes them, but if you are smitten by evil, they rejoice at it.” Therefore, benefit to Muslims is loss to unbelievers, and it can hardly be expected that non-Muslim officials will work for their own loss.98 Throughout the book Ibn al-Durayhim seeks to persuade his audience that hiring non-Muslims will do them no good. The second quasi-Taymiyyan move is the thoroughgoing imperative to despise all non-Muslims and dissociate from them in every conceivable regard. Interpreting some rather bellicose ḥadīth, Ibn al-Durayhim remarks, “Every believer is obligated to love the believers and loathe (yamqut) the infidels . . . and treat them as enemies.”99 This argument is unqualified and pervasive in the *Manhaj*.100 The author evidently felt that he stood to gain more from a frontal assault than from finesse.

The *Manhaj* is uniquely explicit in urging powerful men to consort with ulama, and at the same time to prefer the evidence of revelation to that of reason.

If the king wishes to rule rightly, and to put his worldly and otherworldly affairs in order, he must take the ulama as his standard, and the righteous as his garment. Thus shall the kingdom run betwixt the counsels of the Muslim ulama and the prayers of the righteous, and thus shall the king’s authority be upright, and his hopes realized. Policy based on revelation (*siyāsat al-shar*) is better than that based on reason (*siyāsat al-‘aql*), for reason has no access to ultimate consequences, and may view something as good that is in fact bad, and vice versa.101

The Muslim ruler may think it beneficial to employ non-Muslims, but, when otherworldly rewards and punishments are considered, it is not. Naturally, the ulama are in the best position to say what these otherworldly considerations might be. The other independent-work authors did not enunciate this principle

100 E.g., ibid., pp. 118/141, 120/145, 132/157, 190/215.
101 Ibid., p. 20/49; cf. p. 148/177, where readers are likewise advised to ignore rational cost/benefit calculations when these are in tension with God’s commands.
so baldly. Similarly blunt are Ibn al-Durayhim’s warnings of the consequences for empowering non-Muslim officials. Cumulatively, these weight the Manhaj toward the latter end of the suasion-sedition continuum, territory that most other authors avoided. He suggests, for instance, that non-Muslim officials have become the real kings in Egypt.\textsuperscript{102} Emirs who employ them may be infidels themselves; “some ulama” have ruled that they do not die as Muslims.\textsuperscript{103} Although Ibn al-Durayhim was not remembered as an exhortatory preacher (\textit{wāʾiʿ} \textit{per se}), he employs their methods here.

There is finally his pronounced tendency to analyze and lament the misdeeds of contemporary political elites. In tandem with his penchant for dire warnings, this helps to explain why most of the surviving manuscripts of the Manhaj are prudently anonymous.\textsuperscript{104} The tendency is quite revealing of the way in which ulama of his day perceived the time-honored Islamic custom of employing non-Muslim officials. Ibn al-Durayhim tells, for instance, how he was commiserating one day with a fellow Muslim about Christian enormities. If the sultan only knew what they did, he says to his companion, he would surely put a stop to it. But the man disagrees. “The sultan can do nothing about them,” he says, a statement that Ibn al-Durayhim denies vehemently. But he continues: “All the emirs think that they simply must have a Christian to put their financial and other affairs in order. Since they all think this, and so advise the sultan to keep the Christians on, he cannot argue with them even if he knows they are wrong. He can hardly afford to enrage the great men of his army on their account.” Ibn al-Durayhim is forced to agree.\textsuperscript{105} Whether this anecdote is veridical or merely a bit of audience-baiting, it is an unusually subtle representation of the dynamics that conduced to the employment of non-Muslims despite the opposition. The work brims with such observations. One learns that many foolish Muslims think that Christians make better officials than Muslims do, not knowing that the Qurʾān proves otherwise.\textsuperscript{106} Some Muslims pay bribes to Christians, who themselves omit to pay the poll tax. Others grovel before them, fearing their influence.\textsuperscript{107} The chief reason for their employment and all its attendant evils – for which Muslims of the Maghreb mock Egyptians – is that they are thought to bring the rulers more income. Even if they do so, though, it is only because they have no qualms about acting oppressively, which all Muslims righteously refrain from doing.\textsuperscript{108} Yet in truth, reports trickle in that they are wrecking the country.\textsuperscript{109} When well-meaning Muslims voice complaints to the emirs, the Christians convince their masters that their interests are

\textsuperscript{102} Ibid., p. 12/39.
\textsuperscript{104} More than a dozen manuscripts survive. See al-Sharnoubi, “Critical Study,” pp. 4–9, 23–27; \textit{CMR} 5, “Ibn al-Durayhim.”
\textsuperscript{105} Ibid., pp. 23–24/52–53.
\textsuperscript{106} Ibid., p. 30/58.
\textsuperscript{107} Ibid., pp. 81–82/105.
\textsuperscript{109} Ibid., pp. 156–57/185–86.
bound up together, and the Muslim petitioners are punished.\textsuperscript{110} Even the sympathetic emirs claim, misguidedly, that necessity compels them to retain their unbelieving henchmen.\textsuperscript{111} None of the other independent works is so revealing of the debate that surrounded the issue in late-medieval Egypt.

No less a jeremiad is the briefer counsel work against Coptic officials by another prominent Shāfīʿī, Jamāl al-Dīn ʿAbd al-Raḥīm b. al-Ḥasan al-Asnāwī (d. 772/1370), the manuscripts of which bear several titles, most prominently al-Kalimāt al-muḥimmah fī muḥāsharat ahl al-dhimmah.\textsuperscript{112} The author, a native of Asnā (or Isnā) in Upper Egypt with a distinguished Qurashi lineage, was born in 704/1305 and came to Cairo in 721/1321 to study the normal slate of madrasah subjects. A scholar-official, though reportedly a reluctant one, he was, for a time, a bureaucrat in the treasury and, in 759–62/1358–61, muḥtasib (market inspector) of Cairo, as well as an influential madrasah professor and eventually the head of the Shāfīʿīs in Egypt. His biographers describe him as a precocious youth and a kindhearted senior scholar. He did, however, engage in the inevitable elite jousting, losing his muḥtasib job, according to one report, after clashing with the vizier Ibn Qarawīn, who was of a prominent and powerful Coptic-convert family.\textsuperscript{113} Ibn Qāḍī Shuhbah reports that this vizier was “very oppressive and tyrannical, showing hatred to scholars and looking down on them.”\textsuperscript{114} Although the Kalimāt cannot be dated precisely, its author’s rivalry with this official and the subsequent ascent of the latter’s family members in the bureaucracy may well have helped to inspire it.

Al-Asnāwī does not, however, spell out his motive in writing as Ibn al-Durayhim does. The author’s frequently repeated purpose in the work is to offer counsel to powerful Muslims, by which he was doing his duty to “command right and forbid wrong.” The two other titles given in the manuscripts of the work are Kitāb al-naṣīḥah al-jāmiʿ ah aw al-nāfī ah wa-l-ḥujjah al-qāṭiʿ ah

\textsuperscript{110} Ibn al-Durayhim, Manhaj, pp. 161–62/192.


\textsuperscript{112} His student Zayn al-Dīn al-ʿIrāqī insists, however, that he disliked the job and gave it up willingly (al-ʿIrāqī, Tarjamat al-imām, pp. 42–43).

\textsuperscript{113} On Ibn Qarawīn (d. 768/1367) see Ibn Ḥajār, Durar, 3:274 no. 722; Ibn Qāḍī Shuhbah, Ta rikh, 3:301–302; el-Leithy, “Coptic Culture,” p. 163 n. 50. His name is incorrectly given as “Ibn Qazwīn” in Perlmann, “Notes,” p. 844. See also: CMR 5, p. 131. Other members of the family also served as vizier and in other high offices (e.g., Ibrāḥīm, d. 771/1370: Ibn Ḥajār, Durar, 1:53 [no. 139]).
aw al-dāmighah (“The Book of Collected or Useful Counsel and Decisive or Irrefutable Proof”), and Risālah fi stikhdām ahl al-dhimmah wa-tahrīm al-malik istikhdāmahum (“A Letter on Employing Dhimmis and Forbidding the Ruler to Employ Them”). The work’s preamble cites Qur’ānic verses (3:104; 22:41) and hadīth that enjoin “commanding right,” warn those who ignore counsel (16:108), and make clear that when God wants good for people, He sends them counsellors. Al-Asnawī then states that he has the rulers in mind, using an extended anecdote in which the “wise fool” Buhlūl al-Majnūn advises Hārūn al-Rashīd to listen to his counsellors. The ruler’s job, Buhlūl reminds Hārūn, quoting God’s speech in a hadīth, is not to amass wealth but to execute God’s commands and prohibitions on earth and to uphold God’s friends while abasing his enemies, assignments for which he will be called to account. Hārūn weeps. From here al-Asnawī proceeds immediately to his own “admonition to him who reads these words: counsel to you and evidence with God against you,” namely that dhimmis are being employed in contravention of Islamic law. The author places blame squarely on their employers. For instance, the sin (ithm) of a Muslim who kisses the hand of a Christian official is charged to the person who employed the Christian (fī dhimmati man istakhdamahu). He concludes by urging his reader to contemplate the ultimate fate of “those who have enabled (makkana) the enemies of the Prophet of God,” and repeating that his words are “counsel that has reached you and evidence with God against you.”

Despite the author’s learning, the Kalimāt is freely structured at best and contains virtually no sustained literary or scholarly excurses. Instead it reads as pointed exhortation, and makes unusually extensive reference to recent plots allegedly carried out by Christians. Among the independent works, it makes the best companion reading to the rather chilling account of recent Coptic history in al-Maqrīzī’s Khiṭāt. An adequate sense of it was given long ago by Moshe Perlmann, who, however, did not note its structure or how it compares with the other independent works. The Kalimāt falls roughly into four brief prolegomena, a hefty central section that identifies six evils (mafāsid) that come of employing infidels, and a flurry of stern warnings by way of conclusion.

116 See Dols, Majnūn, pp. 355–60 and further references p. 520; Marzolph, Der Weise Narr Buhlūl.
117 The hadīth is otherwise found, to my knowledge, only in a later work that made extensive, explicit use of the Kalimāt in a section on how to interact with dhimmis ([al-Khaffāf], Salwat al-ahzān, p. 136). Al-Khaffāf (d. 543/1148), whom the editor identifies as the author, is plainly innocent of its contents, which quote later writers; the unicum manuscript, completed in 1167/1754, is the work of one Muḥammad b. Ḥumayd al-Mashtūlī al-Shāfīʿī ([al-Khaffāf], Salwat al-ahzān, p. 186).
1. Prolegomena:120
   a) address to reader; textual justifications of “commanding right” (pp. 175–77/1–3)
   b) Buhūl’s admonitory sermon to Hārūn (pp. 177–78/3–4)
   c) the author’s own counsel: dhimmis’ recent violation of their traditional boundaries; the unlawfulness of employing them, with qur’ānic proofs; the damage they do; direct warning not to employ them (pp. 178–82/4–8)
   d) anecdote of ʿUmar b. al-Khaṭṭāb, ʿAmr b. al-ʿĀṣ, and a Christian official, ending with the “Christian is dead” trope; claim that non-Muslims are employed only in Egypt (pp. 182–83/8–9)

2. Evils (majāsid) of employing Christians:
   a) theft of government funds in the belief that Egypt is rightfully theirs (p. 183/89)
   b) diversion of endowment income to their concerns; warnings to Muslims who permit this (p. 184–85/10–11)
   c) Christian influence-seeking in order to permit unlawful churches and monasteries to be built and repaired (pp. 185–86/11–12)
   d) arson of mosques and other Muslim buildings, including extended tales about a Christian plot against the Prophet’s mosque in Medina in the time of Nūr al-Dīn Maḥmūd b. Zangī (d. 569/1174), and Ṣalāḥ al-Dīn’s measures against non-Muslims121 (pp. 187–94/13–20)
   e) commission of unlawful acts, such as drinking wine and fornicating with Muslim women, and encouragement of emirs and their retinues in the same, so encouraging those wayward Muslims to retain them (pp. 194–95/20–21)
   f) mistreatment and denigration of Muslims, e.g., buying Muslim slaves (pp. 195–96/21–22)

3. Dire warnings of the consequences God will impose for employing non-Muslims, an act which in fact constitutes unbelief (pp. 196–98/22–24)

This pamphlet is similar in drift to the much longer and more robust Manhaj of Ibn al-Durayhim. Both flirt with sedition and all but directly call the wayward emirs infidels. Al-Asnawī, as a native Egyptian firmly emplaced in Cairene scholarly networks, may have been able to voice these charges more openly than the harried wanderer Ibn al-Durayhim. Neither author draws much on his erudition, opting instead for gritty and affecting exhortation. There is occasional reflexivity in the Kalimāt, as in the story of Buhūl the wise fool, who harangues Hārūn al-Rashīd much as al-Asnawī does his own audience, or in the episode involving Ṣalāḥ al-Dīn, who is set straight by the qāḍī Muḥyī al-Dīn

120 Page numbers refer to the volume pagination (not printed) / edition pagination (printed) in Perlmann, “Asnawī’s Tract.”
121 The Medina episode is quoted from al-Asnawī in the topographical history of Medina by al-Samhūdī (Hafāʾ, 2:431–33, 436), who remarks that it is scantily attested in other sources.
b. al-Zakī. And many of the usual refrains are detectable: Qur’anic injunctions against befriending infidels, alleged violations of dhimmi law (e.g., riding horses), justifications of the author’s own pious counsel, appeal to juristic consensus against employing non-Muslims, and identification of the latter as God’s enemies. Yet these are so freely intermixed with anecdotal, idiosyncratic admonitory material that the Kalimāt, too, must be regarded principally as an opportunistic diatribe calculated to effect political and social change by any means possible. Like the other independent counsel works, of which it is perhaps the latest and the loosest in structure, it creatively deploys material from within and without the existing discourse around non-Muslim officials in order to do symbolic work, namely to devalue the symbolic capital of those officials and thereby to detract from their political standing, to its author’s ultimate advantage.

All of the independent Arabic literary works on the subject of non-Muslim officials are, then, counsel directed to ruling elites. Most state this explicitly. They thus stand firmly in the counsel tradition studied in Chapter 6, and, with the exception of al-Qawl al-mukhtar, make only selective use of the juristic one surveyed in Chapter 5. Their authors reacted to ruling elites’ alleged preference for non-Muslim officials using suasion rather than sedition, though Ibn al-Durayhim and al-Asnawi flirted with the latter. This tendency is neither trivial nor surprising. It is non-trivial because it might have been otherwise. Recall that Ibn Ḥazm offered a literary work to a Muslim ruler who hired Jews, but chose to address the offending ruler with unvarnished invective, perhaps because the latter was his own patron’s enemy. In Egypt under the Fatimid caliph al-Ḥāfiẓ, a pious Sunni administrator named Riḍwān b. Walakhshī (d. 542/1147) successfully revolted against the Armenian Christian vizier Bahrām (d. 535/1140) and his policy of favoring fellow Armenians for appointments, thereby challenging, too, the caliph’s own control. Riḍwān might, in principle, have composed a literary work against these Armenian rivals but — perhaps because he had little hope of swaying an Ismāʿīlī imam using Sunni arguments — opted for rebellion instead.

One last example: a fiery sermon against Christian administrators composed in Upper Egypt ca. 700/1301 flirts with sedition, though its author, a certain Ṣafī l-Dīn Aḥmad al-Kharazi, excuses himself as “a counsellor,” and expresses faith that the rulers would change things if they only knew. Still, he asks how the Mamluk military rulers “claim to be waging jihad against the enemies of the religion, when they have in fact empowered them over the Muslims’ wealth and souls?” He urges his audience — we do not know whether the sermon was ever delivered — to exhort the rulers as

123 On Bahrām and Riḍwān’s rebellion, see Canard, “Un vizier chrétien à l’époque fāṭimite,” and “Notes sur les Arméniens en Égypte à l’époque fāṭimite.” For a brief overview, see Daftary, The Isma’īlīs, p. 269.
best they can, but would probably not have been surprised to be arrested for his pains.124

The turn to suasion is not, however, unexpected. Quietist compromise with unholy warlords was a common feature of Sunni scholarly politics.125 The seditious undercurrents in the independent works complicate but do not fundamentally challenge this general picture. Still, it is not unthinkable that writers of this era might have composed subversive pamphlets urging open resistance to the Ayyubid and Mamluk rulers because of the unbelieving-official issue, or conspired with their foreign enemies to unseat them. So far as we know, nothing of this kind occurred, despite the profound anguish some authors professed to suffer; recall Ibn al-Durayhim’s death wish. In truth, the change they sought was superficial rather than radical. They wanted access to the resources – political, material, and symbolic – of which the so-called Muslim rulers deprived them by unlawfully employing unbelievers in influential, lucrative, and prestigious posts. Their works display reflexivity because while their ostensible subject is unbelieving officials, their authors were equally interested in themselves. They pressed into service an eclectic miscellany of material that might, they hoped, persuade elites to change their hiring habits, while simultaneously disseminating ideas that would detract from their legitimacy if they refused.

Conclusion

The independent works written against non-Muslim officials in late-medieval Egypt were read by Moshe Perlmann in 1942 as manifestations of “anti-Christian propaganda,” written “with the express purpose of whipping up popular antagonism.” Donald Little likewise called them “propaganda designed to incite Muslims against the Dhimmīs.”126 In a far more sophisticated manner, Tamer el-Leithy has placed them within a broader “trend of moral regulation” and violence among Egyptians, particularly in the eighth/fourteenth century. El-Leithy argues that the works were symptomatic of crises in social relations between loosely constituted groups, including urban masses, Coptic bureaucrats, Sufi and non-Sufi ulama, and the Mamluk military elites. They represent a variation on the “dividing practices” that were a prevalent

124 Beiträge zur Geschichte der Mamlūkensultane, pp. 88–92. It appears to be one sermon with a preamble, not two (cf. el-Leithy, “Sufis,” p. 76 n. 6). For an admonitory address delivered directly to the sultan al-№ṣir against Coptic convert officials in 714/1314, see Little, “Coptic Conversion,” pp. 559–60.
125 Anjum, Politics, p. xii; Crone, God’s Rule, pp. 228–33.
response to such crises as famine and plague, and which drove social wedges between Muslims and non-Muslims to the detriment of the latter.\footnote{el-Leithy, “Sufis,” pp. 77, 99.}

By situating the independent counsel works in the longue-durée discourse around non-Muslim officials; systematically examining their author’s personal backgrounds, motives, audiences, and eclectic approaches; and considering the works as tools of competition for scarce resources, we have cast light on them from a somewhat different angle. It is evident that they stood in a long tradition of defamatory “counsel” offered, in literary form, to political elites. Since Niẓām al-Mulk and al-Ṭūrṭūshī, formal counsel works had been made vehicles for polemic against non-Muslim rivals. The works considered here took that impulse a step further by isolating, expanding, and modifying polemical tropes. There is scant evidence, pace Perlmann, that they were meant to stir popular sentiment, though they were of course products of an era in which such sentiment was stirred, leading to violence against bodies, property, and symbols. The converse of the “dividing practices” and “moral regulation” in which the independent works unquestionably participated is the intended purpose of the divisions they fortified, namely to divert and secure capital — material, political, symbolic, and otherwise. The competitive utility of discursive practices that define and devalorize rivals helps to explain the particular motivations of the works’ authors. As el-Leithy remarked and this chapter has detailed, all of the authors were officials or courtiers as well as ulama, all took part in the stiff, symbolically encoded competition that surrounded post-Seljuq courts in the central Islamic lands, and all experienced reversals, some at the hands of non-Muslim or convert rivals. They responded by mobilizing their scholarly training to selectively arrange and modify the existing discourse around non-Muslim officials — which itself had been generated largely in competitive circumstances — to suit the expectations of their powerful audiences. The pronounced intertextuality of their works shows that their writings were in many cases soon reiterated, as Ibn al-Nābulusī became a source for Ibn al-Wāsiṭī, for instance, and Ibn al-Naqqāsh for al-Qalqashandī. Sections found in Ibn al-Durayhim’s work were even appended later to manuscripts of Ibn al-Naqqāsh’s, and erroneously published as part of it in the first modern editions.\footnote{CMR 5, “Ibn al-Naqqāsh,” p. 128 (Yarbrough).} Thus were artifacts of past competition refashioned into weapons to combat fresh challenges posed by communally differentiated elites.

To explain why virtually all the known independent counsel works were composed in Egypt between ca. 1170 and 1370, and most energetically between 1341 and 1370, requires that we explain why certain hypothetical events did not occur — why, in other words, almost no such works were written elsewhere at other times. A conclusive explanation is thus beyond reach, for all cultural phenomena are in some degree arbitrary. Why did the seventeenth-
century Dutch, among others, develop a mania for tulips, of all things? Here, then, we can only gesture to the rudiments of an explanation. In addition to those factors presented early in the chapter – the newly competitive culture among post-Seljuq ulama promoted by increased patronage, and heightened anxieties about non-Muslims in the wake of Frankish and Mongol invasions – three others must be noted. The first is, of course, the continued vitality and prominence of non-Muslim communities in Egypt, particularly the Coptic Christians. Their vitality was virtually unique at such a late date in those lands firmly incorporated into the Islamic world. Non-Muslim prominence alone is patently insufficient as an explanation, for the non-Muslim communities of the early Islamic world were far more so, as were, for example, those of early Ottoman Anatolia, or the non-Muslims of South Asia under the Delhi sultanate. But early Islam lacked the discursive resources and practices to generate a comparable literature, and in the freshly conquered late-medieval borderlands the ulama could hardly demand that rulers enact the full legal and institutional conventions of their juristic Islam, though some tried. In late-medieval Egypt, however, ambitious immigrant scholar-officials from old Islamic lands, such as Mosul (Ibn al-Durayhim) or Morocco (Ibn al-Naqqāsh) had pretexts to perform their indignant surprise when they discovered the influence and prestige that non-Muslim elites maintained. After the violence and mass conversions of the eighth/fourteenth century, there was somewhat less Coptic vitality to outrage such men.

A second factor has to do with audience. The discourse presumes an audience that is both wayward and sympathetic. In the good counsel tradition, its authors address sultans whom they can hector and cajole, if warily. In Fatimid Egypt, where Sunnis and their orthodoxies were not hegemonic, the Sunni ulama, in whose tradition alone a robust discourse around non-Muslim officials existed, could make no such presumption. For embittered men like Riḍwān b. Walakhshī, this barrier made rebellion a viable option, while it drove others to advocate withdrawal from the iniquitous state. Similar factors were at work in the case of the Mongols and Ilkhanids in the eastern Islamic lands, who employed Muslims and non-Muslims alike and, even after their conversion, were much less invested in the patronage of Sunni ulama than were the

\[129\] Goldgar, Tulipmania.  
\[130\] Under the Delhi sultanate, for example, the scholar Barānī complained that the rulers treated Hindus too favorably, notably by employing them; he made the same complaint about lowborn Muslims, much as Ibn al-Nābulusī had done (Barānī, Fatawa-i-Jahandari, p. 167). The Mughal sultans provoked similar reactions, such as the objections of Badāʿūnī and Sīrhindī to the empowerment of Hindus (de Bary, et al., ed. Sources of Indian Tradition, 1:429, 444–45). I owe the latter reference to Simon Fuchs.  
\[131\] Al-Ghazālī, for example, strenuously advocated that the ulama disengage from state service (Chapter 2, p. 38). But normally such withdrawal will have left only silence as its evidence.
Ayyubids and Mamluks. Thus, in 689/1290, when Muslim elites of Baghdad submitted a learned diatribe against Jewish officials to the (non-Muslim) Mongol ruler Arghun, he delegated the matter to the Jewish vizier Sa'd al-Dawlah. The Muslims were reportedly punished, one by crucifixion. Other Muslim rulers made claims to sacral kingship that rendered them less dependent on ulama. Still others were not wayward at all, but complied with the expectation that they employ only Muslims. Certain of these were aware of and abided by juristic prohibitions of the practice, as in the case of the Abbasid caliph al-Nāṣir, which we shall encounter shortly, or that of the Ayyubid prince al-Malik al-Manṣūr of Ḥamāt (r. 587–617/1191–1220), who incorporated polemics against non-Muslim officials in his own literary work. Others, aware or not, avoided the problem by procuring their loyal, competent, affordable bureaucrats elsewhere. The Ottomans, for example, turned only indirectly to their subject non-Muslim populations for administrators, impressing Balkan Christian youths and training them up as skilled Muslim officials through the devshirme system. Conversely, Ottoman ulama, now organized directly by the state, had bureaucratic ladders of their own to climb that did not intersect those of the civil bureaucracy. As we shall see in Chapter 9, one still stumbles across indignation at Ottoman-period non-Muslim officials, but these differences must have dampened it.

The third and final factor, too, relates to audience, but applies specifically to the question of why the most vivid and indignant of the independent works, those of Ibn al-Durayhim and al-Asnawi, as well as that of Ibn al-Naqāsh, were written during the final decades of Bahri Mamluk rule, after the death of al-Nāṣir Muḥammad b. Qalāwūn, and why none were evidently written during the long Burji (Circassian) period (ca. 787–922/1382–1517), though Coptic and convert officials continued to raise hackles. Definitive answers are, again, elusive, but there are indications. The post-Nāṣir period generally saw a diffusion of power from the sultan to the high emirs, multiplying the loci of

132 On the Mamluks, see Berkey, “The Mamluks as Muslims,” pp. 163–73. On the Ilkhans, see EI², s.v., 2:1120–23 (Spuler); Pfeiffer, Politics, Patronage, and the Transmission of Knowledge in 13th–15th Century Tabriz. Thus resentment at the Jewish vizier Sa’d al-Dawlah – who may have been implicated in formulating the state decree that barred the appointment of Muslim state officials – was channeled into insurrection more than suasion (EEJW, s.n. [Amitai] and studies there; Uyar, “Jewish Vizier Sa’da’s Centralization Reform”; Tsai, “Ethnic Riots and Violence in the Mongol Empire”).

133 [Ibn al-Fuwatḥi], al-Hawādith, pp. 461–62.

134 Al-Azemeh, Muslim Kingship.


136 For the Circassian-era hackles, see Perlmann, “Anti-Christian Propaganda”; el-Leithy, “Sufs”; Elbendary, Crowds and Sultans, pp. 164–76; Youssef, “John Bishop of Assiut,” pp. 184–87. In a particularly striking passage related by Ibn Taghrbirdī (al-Nujum, 14:81–83, sub anno 822 AH=1419), which also contains a long explanation of the Coptic-employment problem, a Christian is punished horribly for accepting employment after “the ulama had lengthy words with the sultan [al-Mu’ayyad] until it was established that none of them should work in a government office.”
political power in Egypt.\footnote{van Steenbergen, *Order Out of Chaos*, pp. 53–122.} Both Ibn al-Durayhim and al-Asnawī complain specifically of the emirs’ predilection for Coptic secretaries. The period’s frequent changes of power and rivalries among leading emirs, meanwhile, meant that political elites rapidly alternated strategies to consolidate their positions, turning variously to ulama-officials and Coptic or convert bureaucrats for administrative expertise, sound advice, and legitimacy. Examples of the latter group include the Ibn Qarawīnah family, with whom al-Asnawī reportedly clashed.\footnote{For additional examples from the late Baḥrī period, see el-Leithy, “Coptic Culture,” pp. 54–55.} It was thus a time in which ulama-officials could be both frequently patronized and frequently outmaneuvered by rivals. While some of these descriptions apply to the Burjī period as well, the Circassian period also saw changes that weighed against the composition of independent counsel works against the non-Muslim and convert officials. The Mamluk authorities began increasingly to prefer Ḥanafīs – especially non-Egyptians who would be dependent on them – for patronage and appointments.\footnote{Fernandes, “Mamluk Politics and Education,” pp. 87–98.} Previously, Shāfiʿīs had held most-favored status. All the known authors of the independent works, save for the Ḥanbalī who wrote *al-Qawl al-mukhtār*, were Shāfiʿīs. Thus, the madhhab most inclined to compose such works now had lower expectations of the rulers, who increasingly kept them at a distance, while the new favorites had the weakest tradition of contributing to the discourse. There are also signs that in the early Burjī period the ulama in general were losing their access to administrative positions and to ruling elites as a sympathetic audience. According to al-Maqrīzī, the Burjī Mamluk rulers, beginning in 783/1381 with the first, Barqūq, disdained ulama, whose prestige suffered dramatically as a result.\footnote{Al-Maqrīzī, *Sulāk*, 5:123–24 (4 Rajab 783); Levanoni, “A Supplementary Source,” pp. 160–61.} Al-Maqrīzī was a Shāfiʿī, but his view was not driven by partisan envy alone: the hero of the anecdote that occasions his remark is a learned Ḥanafi muhtasib. From this time, too, the Mamluk rulers began relying on military administrators (ḥujjāb) as justice officials to the exclusion of the traditional ulama, further distancing the latter – who had the ability and inclination to write counsel works against non-Muslim competitors – from their councils.\footnote{Irwin, “The Privatization of ‘Justice’ under the Circassian Mamluks.”}

In sum, the two centuries from 1170 to 1370 in Egypt were distinctive in later Islamic history in that a large contingent of fractious ulama – Shāfiʿīs in particular – were heavily patronized and employed – but not formally institutionalized – by sympathetic, legitimacy-poor military elites, who sought to outmaneuver each other while also regularly favoring a relatively large and vital group of non-Muslim learned elites. This account can, again, scarcely be
exhaustive, or perfectly explanatory of silences elsewhere. For instance, the contemporary Marīnids in Morocco prominently employed Jews without eliciting a comparable discursive response. \(^{142}\) Who can say why this did not raise up a righteous Mālikī, a Ṭurṭūshī redivivus? This set of factors does, however, raise questions, which cannot be addressed here, about the extent to which the elite competition that occasioned the independent works was also a major cause of the pronounced animosity and violence against non-Muslims in the same period. \(^{143}\)

We lack much evidence of the independent works’ reception among their intended elite audience. The edicts of the era that forbad any in the state to employ non-Muslims do use much of the same language, which the discourse in turn recycled, in what el-Leithy has called a “circle of regulation.” \(^{144}\) For one direct reaction to a written complaint against non-Muslim officials, however, we may return to the case of the Shāfiʿī Ibn Faḍlān in Baghdad. The historian who recorded his petition tells us that the caliph ignored it. In roughly the same era, however, we read of the caliph al-Nāṣir exercising his authority in Baghdad to precisely the opposite effect. A unique report found in the chronicle of the Ayyubid scholar-prince of Ḥamāt, al-Malik al-Manṣūr, whom we have encountered in this chapter, describes how al-Nāṣir, in his third year of rule (ca. 578/1182), resolves to dismiss the numerous non-Muslims in his employ. He writes to the palace official (ustādh al-dār) that their employment humiliates Muslims, and that the Qurʾān (4:141) forbids it. \(^{145}\) The ustādh al-dār advises that this decision be implemented gradually and secretly, lest administrative efficiency suffer and institutional memory be lost. The caliph insists, however, and several non-Muslim administrative families are expelled from the government. One Muslim official, the vizier’s agent (nāʾib al-wizārah) Ibn al-Bukhārī, attempts to intercede for a Christian colleague called Ibn al-Ashqar, explaining that he is trustworthy and honest (thiqah wa-ʿaṭīf). \(^{146}\) Al-Nāṣir responds with the counterfactual trope that many others, including Niẓām al-Mulk, Ibn al-Nābulusī, and al-Asnawī, also invoked: “Imagine that Ibn al-Ashqar had died.” Ibn al-Ashqar refuses to convert and so loses his post. His son is more easily persuaded, however, and takes his father’s job, receiving a robe of honor. Indeed, the caliph announces that any who convert may return to their work. “These deeds,” the chronicler concludes, “were counted among

\(^{142}\) Shatzmiller, “An Ethnic Factor.”

\(^{143}\) For further suggestions along these lines, see Yarbrough, “The Madrasa.”

\(^{144}\) el-Leithy, “Suṣī,” pp. 115–16.


the moral achievements of the Commander of the Believers . . . for no one had ever done such a thing before, or formed such an intention.\textsuperscript{147}

In point of fact, the chronicler was mistaken, but he plainly saw the employment of non-Muslim officials ca. 1200 as the rule, not the exception.\textsuperscript{148} Al-Nāṣir, however, appears to have calculated that there was more symbolic capital to be gained than ideational and political capital lost by their dismissal, even when other Muslims, far from defaming their non-Muslim rivals, resisted, in solidarity with their non-Muslim colleagues. Their conversion, of course, could recover both kinds of capital to the ruler’s benefit. Though we lack accounts of the independent works’ reception, this anecdote reminds us that the discourse around non-Muslim officials could be appropriated as well as ignored by rulers. Righteous purges, eminently interested and historically particular, could then be represented by later authors, worried about their own positions, as authoritative records of what timeless, lawful Islamic governance should look like. If Ibn al-Bukhārī wished to use sophisticated Islamic arguments to defend his Christian colleague Ibn al-Ashqar, by contrast, he will have found few resources for the purpose. Historically, those who wished to keep non-Muslims in official roles were prevented from arguing for the practice too openly by their lack of training and their need for Islamic legitimacy. Even if they had done so, they had no technologies for documenting, preserving, or validating their arguments that rivaled those of the Islamic scholarly tradition. \textit{Vox audita perit, litera scripta manet.}

\textsuperscript{147} In a subsequent, unpublished section of the same work, al-Nāṣir again successfully demands that the same Christian secretarial families convert in order to regain employment (Bibliothèque Nationale de Tunisie 13597, fols. 60v.–61r.).

\textsuperscript{148} Questionable claims that a particular measure is unprecedented are not uncommon in the sources on non-Muslim officials. An Egyptian Christian source claims that the twelfth-century vizier Riḍwān b. Walakhshī was the first to forbid Christians to serve in the administration (\textit{History of the Patriarchs of the Egyptian Church}, 3/1: 31 [Ar.]).
If some antiquarian bibliophile took a fancy to the independent works we examined in Chapter 7, she could, with some effort, fill a few inches of shelf space with slim volumes of Arabic prose denouncing non-Muslim officials to Muslim rulers. The measurement could be stretched to a few feet by adding the other Arabic works that have something substantial to say on the subject. Our antiquarian would have more difficulty, however, in seeking to add similar works from other traditions. She would search long and perhaps fruitlessly for books dedicated to denouncing non-Jewish, non-Christian, non-Hindu, non-Buddhist, or non-Confucian officials, to match those of Ibn al-Nābulusī, Ibn al-Naqqāsh, or Ibn al-Durayhim, among others. The nearest things would be passing aspersions on Christian and pagan officials in later Rome, late antique and medieval Christian law codes with articles against Jewish officials, a scattering of short protreptic letters from popes to medieval kings, occasional tracts against officials belonging to ethnic minorities from late medieval Europe, and the odd anti-Buddhist memorial from Tang China. By abandoning her antiquarianism, the bibliophile could add the early modern British Test Acts and writings against early-modern Hofjuden, as well as recent measures in Bavaria to disqualify Scientologists from public office and in the United States to stoke voter suspicion of religious candidates. None of these, however, matches the Islamic discourse in its interwoven juristic and literary character, in its longue durée continuity and its sophistication, or in its sheer volume. In this chapter we seek, among other things, to discover why this is so.

1 For the first case, see Chapter 2, pp. 40–43. For the others, see below in this chapter.
2 E.g., “Charles II, 1672: An Act for preventing Dangers which may happen from Popish Recusants.”
3 E.g., the much-manipulated story of Josef Süss-Oppenheimer (see Chase, “The Wandering Court Jew and the Hand of God”). See further Chapter 2, n. 24, and n. 119 below.
5 E.g., Linker, Religious Test. This is not of course a new topic of discussion in the U.S. See for instance Pike, “Should a Catholic Be President?”
To accomplish this, we will juxtapose the Islamic discourse to comparative cases in medieval Christian Europe, particularly Árpád Hungary, in which a similar discourse arose but took somewhat different forms, and to the major contrastive case of Yuan China, in which no truly comparable discourse arose despite conditions that might seem likely to have generated one. We will also have occasion to refer in passing to relevant discursive productions in a few other historical societies. This comparative excursus will add a dimension to our understanding of the Islamic discourse by highlighting the features that it shared with analogues in other historical settings, as well as the features that make it, like those analogues in their respective settings, distinct.6

This chapter will ask more than the usual amount of goodwill from readers, especially those accustomed to the kinds of empirical arguments about texts that predominate in this book. While the validity of the individual comparisons below can and should be challenged, I take it for granted that historical comparison is in principle a beneficial pursuit, that generalizing from specific examples is an evil necessary in order to obtain the benefit, and that when considering apparently similar phenomena across gaps of space and time the most pressing question is not whether they can or cannot be compared – apples are eminently comparable to oranges – but to what degree, in which ways, and to what ends.

A Brief Review of the Discourse

To highlight the significance of the comparisons that follow, it will be useful briefly to recapitulate the story that has been told in this book. That story began with a cluster of parables that depicted paradigmatic early caliphs censuring the employment of non-Muslim officials. These parables were first circulated by Muslim tradents and officials of the late Umayyad and early Abbasid periods, in settings, such as Kufa and Baghdad, where influential non-Muslims posed a symbolic or professional challenge. Up to that point in post-conquest Islamic history, the state apparatus teemed with non-Muslims, whose Muslim contemporaries, some of whom disdained bureaucratic employment, had regarded them with indifference or discomfort. At first the prescriptive parables had little effect, but increasingly they were adapted and deployed to articulate growing opposition to non-Muslim officials at a time when administrative work was gaining prestige among Muslims. By the mid-third/ninth century,

6 For approaches to comparison relevant to the topic at hand that have influenced mine, see Cook, Commanding Right, pp. 569–96; and Ancient Religions, Modern Politics; Cohen, Under Crescent; Crone, Slaves on Horses; Stearns, Infectious Ideas. For more general methodological remarks that inform my approach here, see Burke, History and Social Theory, pp. 20–26; Berger, “Comparative History”; Kedar, Explorations in Comparative History; Grew, “The Case for Comparing Histories.”
they had spread widely in the Abbasid empire, reaching the circles of the influential tradent and jurist Ibn Ḥanbal. In an effort to win support from such groups, the Abbasid caliph al-Mutawakkil alluded to them, and to the Qur’anic verses that had likewise become associated with the issue, in an empire-wide prescript of 236/851 that dismissed all non-Muslim officials except for the caliph’s own. Thereafter, as Islamic states continued to use the alternate resource-maximizing strategies of employing loyal, effective non-Muslims and piously dismissing them, learned Muslims expanded the prescriptive discourse around those practices in two major directions: juristic and literary. Muslim jurists took only sporadic interest in the matter, yet they did develop diverse rationales for prohibiting or discouraging the employment of non-Muslims. These rationales were frequently repeated and developed at moments of friction with states or non-Muslim elites, but also occasionally disputed or circumvented. Jurists sought, above all, to mediate between their madhhhab traditions, especially the need for internal consistency, and contemporary exigencies.

Muslim writers of adab, meanwhile, took prescription in different directions. Sometimes state secretaries themselves, they represented their non-Muslim colleagues in diverse ways that were sometimes tinted with disapproval and professional rivalry, yet invoked Islamic juristic statutes only infrequently. Literature had come to be used at court as a vehicle for competitive defamation, framed as sincere counsel, and, as more ulama came to act as bureaucrats and courtiers beginning in the fifth/eleventh century, counsel literature infused with juristic rationales was increasingly turned against non-Muslim rivals. The trend culminated in a cluster of independent counsel works against non-Muslim officials in late-medieval Egypt and Syria. Their authors, scholar-officials who had suffered career reversals, deployed a wide range of evidence and rhetorical strategies, many of them creatively adapted from earlier iterations of the discourse, to convince ruling elites to demote their rivals. As historical conditions changed in the late eighth/fourteenth century, such works became less popular as competitive tools, even as Muslim rulers continued to arouse resentment by empowering non-Muslims.

From this brief summary we may distill four factors that help to explain why the Islamic discourse flourished in some historical settings but faltered in others: (1) ideological-communal diversity in which inter-communal rivalry for prestige has a zero-sum dimension; (2) direct competition for scarce resources among literate elites who belong to distinct ideological communities; (3) existing exclusionary discourses within those communities; and (4) access to ruling elites who could be expected to sympathize with expressions of discontent. These factors supply us with portable criteria to look for in the cases that follow.
A Comparative Case: Medieval Hungary and Southern Europe

In several regions of medieval European Christendom, especially at its southern and eastern fringes, Christian political leaders employed non-Christians as soldiers and administrators. Certain Christians responded to that practice with forms of resistance that left traces in our sources, thus creating a discourse of distinction and exclusion. Such examples can be adduced from Aragon and Castile from the thirteenth to fifteenth centuries, Norman Sicily, Merovingian Francia, and Visigothic Iberia, among others. The most instructive comparative case, however, is that of Hungary in the twelfth and thirteenth centuries.

The Árpád kings of Hungary ruled on what their Latin Christian contemporaries imagined as the eastern frontier of Christendom. Here, as in other frontier areas, the population exhibited a wider variety of communal affiliations than in many other regions of medieval Latin Christendom, and this diversity was accompanied, predictably, by the ruler’s employment of agents from Hungary’s several communities. Such employment engendered a discourse of resistance that is both familiar in substance to the Islamic one studied in this book, and substantially different in form.

There is a fundamental difference between the history of non-Christian presence in Hungary and that of non-Muslims in most premodern Muslim-ruled territories. Non-Christians in Hungary were not a conquered population that was subject to the steady erosive forces of conversion and acculturation. Instead, Hungarian Jews, Muslims, and Cuman ancestor- and nature-worshippers were, for the most part, immigrants to a majority-Christian society. This much is brought out very clearly by Nora Berend in *At the Gate of Christendom: Jews, Muslims, and “Pagans” in Medieval Hungary, c. 1000–1300*, on which this comparison relies. In practice, this meant that it was less frequent for out-group members in Hungary to act as intermediaries between the ruler and their own communities, or as custodians of literate traditions from which rulers could benefit. Instead, the interest of Hungary’s rulers in non-Christian officials was aroused by the political opportunity

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8 Berend, *At the Gate of Christendom*, pp. 120–29, 152–63. See also Štulrajterová, “Convivenza, Convenienza and Conversion,” pp. 183–185, 189–91, and “Islam in Medieval Hungary” (but cf. Berend, “A Note on the End of Islam in Medieval Hungary”); *EI²*, 5:1010–22 (Lewicki), which identifies several Muslim state officials and relates the controversy surrounding the Muslims officials of András II. Further literature is cited below.
created by their vulnerable subordination, and perhaps, in the case of Jews, by their liquid wealth, which may have been less tied up in land than that of the Christian nobility. In this sense, it was more like the later periods of premodern Islamic history.

Broadly speaking, non-Christians in Hungary, like Jews elsewhere in medieval Europe, were frequently subject directly to the jurisdiction and protection of the crown, though this relationship varied in its forms. Several Árpád kings found it expedient to employ members of “protected” religious groups in roles that contemporary Christians perceived as official royal service, though the distinction between personal service to a sovereign and institutionalized administrative appointment was, here as in many Islamic cases, frequently unclear. One major occasion for the appointment of non-Christian officials arose in connection with an important change in the mode of central revenue collection that reacted to shifts in the balance of power between the crown and the Hungarian nobility. The early thirteenth century saw the nobility assert a degree of independence from royal power, culminating in the Golden Bull of 1222, a document that codified that independence. At the same time, the crown was losing revenues from agricultural land as a result of grants to nobles, made in perpetuity. Partly to compensate for these losses, Denis son of Apod, chief treasurer to András II (r. 1205–35), introduced a system of revenue farming as part of an effort to monetize a hitherto mainly natural economy. Revenue farming, not only of agricultural land but also of the mints, customs, and such royal monopolies as salt production, was a means of guaranteeing monetized income, and quickly, without the expense and risk of direct administration or the need to find a way of utilizing revenues collected in kind. It was advantageous for the treasury to deal with revenue farmers whom it could control (e.g., in the form of favorable rates) more tightly than the Hungarian nobility, who were the principal alternative, would tolerate. Jews and Muslims, some of whom had flourished as merchants and moneylenders but whose access to economic resources lagged behind that of the Christian nobility and clergy, were willing to fill these roles. Indeed, they were employed on a substantial scale as revenue farmers: “ispáns of the treasury” or comites camere.

10 Berend, At the Gate, pp. 74–84; Cohen, Under Crescent, pp. 43–49; Abulaía, “The King and the Jews” (further studies p. 54). Berend identifies distinctive features in the Hungarian case, especially the multifarious “cellular” arrangement of legal status. For a summation, see p. 269. “Although in modern terms they were not officials, at the time the comes camere were seen as occupying public office and exercising power over Christians” (Berend, At the Gate, p. 121). Much the same might be said of many kuttâb. In general terms, see Crone, Pre-Industrial Societies, pp. 58–61.
11 Berend, At the Gate, pp. 120–21; Štulrajterová, “Convivenza,” pp. 189–90. For the role of monetization in creating the conditions for bureaucratical factionalism (and, it might be added, for out-group employment) in an Islamic case, see Chamberlain, Knowledge and Social Practice, pp. 31, 40, 46, 47 n. 58, 62, 92, 110, 114, 122.
The reaction was immediate and forceful; the Church excommunicated Denis son of Apod, and András conceded in the Golden Bull (Article 24) that no “Jew or Ishmaelite” would be employed, but only Hungarian noblemen. The Oath of Bereg in 1233, as we will discuss, had to repeat the same concession. Such agreements, Berend shows, were often disregarded. Non-Christian and convert officials in Hungary continued to generate opposition throughout the thirteenth century, as they had done since at least the early twelfth, when Muslim mintmasters are attested.\(^{13}\) There thus continued to be circumstances in which the rulers of Hungary were more prepared to run the risk of Christian opposition than they were to lose non-Christian services.

We may draw broad-stroke parallels to the central Islamic lands in the same period. There, military personnel were increasingly compensated by a temporary grant of income-bearing land (\textit{iqtâ}') beginning in the later Abbasid period. As a result, revenues that went to the grantee were lost to the central treasury. In order to maintain monetized income, Muslim rulers turned to other means: tax farming of various sorts (\textit{muğâta'a̱h}, \textit{iltizâm}), often of customs and other irregular taxes (\textit{mukūs}) rather than land tax ('\textit{ushr}; \textit{kharāj}), and mulcting of officials (\textit{muşādarah}) who were powerful enough to amass personal fortunes, but not to keep them. Here, non-Muslim officials presented advantages. They could be sent to collect unpopular taxes and absorb the worst of the popular backlash, whether or not they were state officials \textit{sensu stricto}. When their amassed fortunes became more attractive than their immediate utility, they could be mulcted and tossed aside without risking reprisal.\(^{14}\)

On the military side, the Muslims and Cumans on whom the Árpád kings relied for a power base independent from that of the relatively recalcitrant nobility call to mind the Armenian detachments who propped up later Fatimid caliphs.\(^{15}\)

Non-Muslims in Islamic societies, like non-Christians in Hungary, presented the ruler with only one option among several. Indeed, members of the dominant religious community were employed in the same roles, and often in much greater numbers.\(^{16}\) But the out-group option was a persistently attractive one. To the extent that Islamic parallels can serve as a touchstone, Berend is correct

\(^{13}\) Berend, \textit{At the Gate}, pp. 160–74. The issue resurfaced in 1263, 1272, 1279, 1291, and 1319.

\(^{14}\) Take the example of the Jew Ibn Allān, tax farmer of Basra under the Seljuq Malikshāh; he was killed in AH 472 and 400,000 dinars seized from his estate (Klausner, \textit{Seljuk Vizierate}, pp. 11–12). To supplement the numerous examples in earlier chapters and sources cited there, see for a later period Gerber, “Jewish Tax Farmers in the Ottoman Empire.” In this Ottoman case, too, “the sipahis, or fief-holders, received most of the land tax due from the peasants,” forcing the state to seek revenue from other sources. Here the equivalent of the earlier \textit{muşādarah} was \textit{teftiš} (p. 151), and here too the employment of Jews elicited protest from Muslims (p. 152).

\(^{15}\) Dadoyan, \textit{Fatimid Armenians}.

\(^{16}\) In both cases these were often outsiders of different kinds, e.g., in Hungary, “Venetian and German burgers,” or, under the Burjī Mamlūks, Persians and Turks (Berend, \textit{At the Gate}, p. 147; Levanoni, “A Supplementary Source,” pp. 170–75).
to argue, against earlier scholarship, that non-Christians in Hungary were not strictly speaking indispensable or economically necessary, just as non-Muslims, *pace* many Islamicists, were seldom truly essential personnel after the early Islamic period.\(^{17}\) They must, however, have sometimes been less costly to employ than the Hungarian nobility or clergy, even counting the costs to symbolic capital that Christian protest inflicted. The salient issue is not whether out-group members are dispensable or not, but rather whether they offer comparative advantages. As Berend points out, Hungarian kings employed non-Christians not “for lack of alternative economic possibilities” but “because these rulers used all available resources.”\(^{18}\) “Kings, in order to build their military and financial power, were facilitating the settlement and survival of groups they believed would be dependent and thus loyal.”\(^{19}\) It follows that non-Christians must at times have offered superior access to resources, and were therefore indispensable if resources were to be extracted at a given cost. Christian opposition, of course, could raise the cost; discourses of opposition were both a means and a record of such revaluation.

Opposition to non-Christian officials in the Hungarian case thus presents marked similarities to the Islamic discourse. In the first place, it is clear that direct competition for scarce resources often lay in the background. “Accusations came from the lay and ecclesiastical elites, with the aim of securing the positions and income for themselves. This is clear from the Golden Bull (1222, 1231) and the Oath of Bereg (1233), which aimed to restrict access to these positions, and to ensure ecclesiastical rights to the sale of salt.”\(^{20}\) The factors to which Berend ascribes this opposition also resonate. It drew “partly on resistance to the new economic forms, partly on Christian theology about the role of non-Christians, and partly on noble and ecclesiastical aims to secure the high offices and revenues.”\(^{21}\) In both cases, that is, a discourse of opposition was catalyzed by modes of resource extraction that were conducted by out-group officials and adversely affected religious professionals or the populations whose spokesmen they were; by exclusionary intellectual resources; and by competitive envy.

If the archetypal forms of protest for Muslims were the paradigmatic anecdote (*khabar*), the apposite Qur’ānic quotation, or the book of advice that combined them, for Latin Christians it was the papal letter of complaint, often composed at the behest of clergy in Hungary. Biblical quotations and the example of earlier Christian rulers are notably absent from these letters, a difference which may arise in part from literary conventions. Papal letters, could, however refer to at least one sort of precedent: the conciliar decision.

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\(^{17}\) Berend uses a meticulous reading of the available prosopographical sources to downplay the prominence of non-Christians in administrative roles, which other scholars, trusting papal accusations, had tended to accept (*At the Gate*, pp. 128–29, 268).

\(^{18}\) Ibid., p. 147.  \(^{19}\) Ibid., p. 268.  \(^{20}\) Ibid., p. 128.  \(^{21}\) Ibid., p. 124.
Clauses against the employment of non-Christians from the Third Council of Toledo (589) and the Fourth Lateran Council (1215) do appear.22 There is also extensive evidence that the arguments that were repeatedly made to the thirteenth-century Árpád kings, especially András II and Béla IV, should be read as rhetorical strategies that were designed both to persuade and to mask power struggles between the crown, nobility, papacy, and Hungarian ecclesiastical elite. Like some protest against Coptic officials in Egypt, the papal letters exaggerated the extent and risks of out-group power, leaving readers with “the impression that Hungary was on the verge of becoming a Muslim country.”23 As in the Islamic discourse, too, the maintenance of unequal reservoirs of symbolic capital was expressed as a paramount concern. A 1225 papal letter to András II that concerned non-Christian officials was also exercised by non-Christians’ holding of Christian slaves. This combination was a common one in the Islamic discourse.24 Fears of widespread apostasy, however rhetorical, are perhaps even more pronounced in Hungary than in that discourse. In 1232, the Archbishop Robert of Esztergom, a proponent of ecclesial power in Hungary and a recurrent agitator against non-Christian officials, alleged that “the poor flocked by thousands (‘infinita milia’) to espouse Islam.”25 Muslim and Jewish officials were also charged with various “abuses” against Christian taxpayers and the state itself.26

Robert and other church leaders in Hungary played a decisive role in drawing papal attention to the Árpád kings’ non-Christian officials. Their concerns are thus proximate causes of the Hungarian Christian discourse of opposition as a whole. According to Berend, local churchmen appealed to the pope in the context of “efforts to build clerical power” that “led to clashes with rulers.” Opposed to the reforms of the early thirteenth century that threatened their economic and political interests, they identified the non-Christian officials whom these reforms had drawn into royal service as points of royal vulnerability. They also had more tangible economic concerns. For instance, the clause of the Golden Bull that forbad non-Christian minters should be understood in light of the fact that the mint was in Esztergom, whose archbishop supervised and profited from its activities.27 The archbishop’s complaints found a sympathetic audience in popes Honorius III and Gregory IX, who

22 Ibid., p. 153. The resolution of the Fourth Lateran Council in this matter followed closely on the successful efforts of churchmen in Languedoc, where “lords were forced to renounce the employment of Jewish officials” (Pakter, Medieval Canon Law, p. 236).
26 For further negative characterizations of Jews and Muslims that track closely with Muslim polemic against Jews and Christians: Berend, At the Gate, p. 187.
27 Berend, At the Gate, p. 155. Michael Lower argues that complaints about non-Christians “comprised just one part of a larger struggle the episcopacy was waging with the Hungarian crown” (“Negotiating Interfaith Relations in Eastern Christendom,” p. 52).
were at that moment encouraging campaigns against Muslims across southern Europe. Berend identified their broadly “antagonistic approach to Muslims” as a factor in their response to the Hungarian petitions. Michael Lower has suggested that her interpretation does not account for Gregory’s easing of pressure after 1235, during which time he attempted to persuade the Hungarian king to launch a crusade.\(^\text{28}\)

But before 1235, and especially during the reign of András II, Robert and Gregory applied heavy pressure to change the king’s policy toward non-Christians. In 1231, András had been forced to reissue the Golden Bull, with its solemn renunciation of non-Christian officials. This time, however, it was accompanied by an enforcement clause that gave the archbishop of Esztergom the power to excommunicate any who transgressed it. Robert wasted no time in exercising this power, excommunicating a number of the king’s closest advisers and placing the kingdom under an interdict. In addition to the concern about mass apostasy, he alleged that Muslim officials had convinced András to withdraw donations from churches (cf. accusations by al-Asnawī and others that Copts diverted Muslim money to churches). András did not respond by changing his policy toward non-Christians. Instead, he granted lands and privileges to the archbishop. Undoubtedly conciliatory, this response also highlights the issues that the king perceived to lie at the heart of the dispute. The interdict was suspended, and a papal legate was sent to Hungary to mediate between the crown and the church. The legate sided with the church, and the result was the Oath of Bereg (20 August 1233). Its stipulations improved the Hungarian church’s economic position, notably by guaranteeing it revenues from salt, as well as its symbolic position through various promises to demote non-Christians. Prominent among these was a promise not to employ them.

The Oath of Bereg, like the Golden Bull of 1222, was soon disregarded. As a consequence, the interdict on Hungary was reinstated the following year by the German bishop of Bosnia, John of Wildeshausen, who had been commissioned to oversee the oath’s implementation. For unclear reasons, Robert of Esztergom now sided with the king, András.\(^\text{29}\) Indeed, after 1235, the pressure on the Árpád monarch to desist from employing non-Christians eased somewhat. This effect may have resulted from the pope’s desire for Hungarian crusading support, as Lower has proposed. In 1239, Béla IV even succeeded in extracting from Pope Gregory IX grudging permission to employ non-Christians, provided they worked under direct Christian authority. Béla’s appeal, written by a skilled canonist, was based on a similar permission that

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\(^\text{28}\) Lower suggests that Gregory’s need for military support for a crusade against Byzantium actually gave Bela more leeway to treat non-Christians as he wished (“Negotiating,” p. 50).

\(^\text{29}\) Lower has speculative suggestions (“Negotiating,” pp. 53–54).
Gregory had granted to the Portuguese king Sancho II in 1231. It parallels arguments used by Béla elsewhere in his correspondence with Gregory, as when he defended his recourse to non-Christian Cuman fighters as necessary for the defense of Christendom. László IV, a later Árpád king who based his power on the Cuman fighters, was excommunicated in the course of the resulting struggle with the Church.

The various papal missives to the Árpád kings, though elicited by the complaints of Hungarian churchmen, sought to enforce modes of separation between Christians and non-Christians that arose not from local concerns but from broader ecclesiastical norms. As in the case of the independent works against non-Muslim officials, a discursive campaign against out-group officials, launched in order to achieve pressing economic and political goals, activated loosely related issues (such as dhimmah restrictions) that extended beyond those goals. This extension was carried forward in the Hungarian case by the pope, whose zeal was even at times resisted by local clerics. Crucially, the pope’s ability to intervene in local struggles between royal power and ecclesiastical authority is not paralleled in the Islamic case.

In fact, this structural difference can help to explain why the respective discourses of opposition to out-group officials took different forms. The pre-Ottoman ulama had no such authoritative champion abroad. They had no coercive tools comparable to the interdict, let alone the excommunication visited upon the advisors of Béla IV in 1234 and upon László IV in 1286. In Hungary, the discourse occurred as a series of pointed epistles between pope and king because the pope was assured of a hearing. Since he was relatively secure in his own authority, he had less need to invoke precedent than the ulama did. No given Muslim scholar-official, in his temporal subjection to sultanic power, could be so sure of an audience, and no medieval one was so uniquely empowered to address kings on behalf of the faith. It is for this reason that the Islamic independent works show such multivalence in their address; they are ostensibly directed to the ruler, but calculated to appeal also to a wider readership. Thus they multiply examples and rhetorical strategies to achieve their persuasive aims. They decry, but seldom condemn. It is possible to conceive of one such rhetorical strategy – the dictum or epistle attributed to a revered early

30 Grayzel, *The Church and the Jews*, 1:190–93 (no. 64). As Berend (*At the Gate*, p. 161) notes, several other papal missives on this topic exist, though even grudging permission to employ non-Christians is rare. For other examples: Grayzel, *The Church and the Jews*, 2: nos. 23, 47, 48, 57.

31 Berend, *At the Gate*, pp. 167, 183. There is some evidence from Muslim sources that fighting for Hungary was construed as a de facto defense of Islam (Šturajterová, “Convivenza,” p. 188).

32 Berend, *At the Gate*, p. 174.

33 These were very similar to the ghiyār; see Berend, “Medieval Patterns of Social Exclusion and Integration.”
caliph like ʿUmar II – as an attempt to generate and project the kind of moral authority that a pope like Gregory IX possessed *ex officio*.

After the dissolution of caliphal power, the caliphs had limited influence with rulers. Before that dissolution they were, as rulers, subject to the very pressures that occasioned the employment of non-Muslims in the first place. Virtually all Abbasid caliphs who struggled to maintain temporal sovereignty had recourse to non-Muslim officials. In doing so they became the objects of protest rather than appeal. They provoked complaints from the ulama, as we see from the prescript of Mutawakkil, which made exception for the caliph’s personal retainers, and from Ibn Faḍlān’s appeal to a late Abbasid, which was ignored. The caliphs al-Qāʾim and al-Muqtadī employed the Christian Ibn al-Mawṣilāyā for many years before his conversion in 484/1091. Examples could be multiplied, particularly from the early Abbasid period when the caliphs were strongest. If medieval popes had proceeded in this manner then we might possess treatises on the topic intended to persuade them to change their ways. It is noteworthy that circumstances could occasionally induce popes to condone non-Christian officials, as in the case of the 1239 concession of Gregory IX, which was based on his earlier agreement with the king of Portugal. Because a comparable combination of moral and political authority rarely characterized the pre-Ottoman ulama, comparable concessions are rare.

Deprived of institutional mechanisms with which to enforce their wishes, the ulama employed counsel or stirred up popular unrest, a last resort when suasion was impossible or fruitless. Here it is possible to point to European analogues to the independent works. One is the short, virulent Latin tractate *De theutunicis bonum dictamen* (“A good saying concerning the Germans”). The *Bonum dictamen* is a fourteenth-century work composed for a Bohemian sovereign, probably “by an educated Czech-speaking townsman, possibly a notary or other official.” Despite their origins as an inferior slave race, the author contends, Germans occupy the best social and economic positions in Bohemian society, “even into the prince’s council.” Lamenting that “the

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34 Fiey, *Chrétiens syriaques*.
35 Chapter 4, p. 98; Chapter 7, p. 259.
37 A near example might be the bishop of Béziers in Languedoc who employed Jews (Saise, *Les Juifs du Languedoc*, p. 16; see p. 13 for Jews’ admission to public functions in Languedoc more generally; noted by Pakter, *Medieval Canon Law*, p. 236).
38 Pakter called this “the most remarkable improvement in canonical Jewry-law during the middle ages” (Medieval Canon Law, p. 241). Such improvement was possible because this issue, once again, is not of a piece with other “Jewry law” or “dhimmi law,” since it regulates primarily coreligionists. Thus “improvement” stood to benefit powerful Christians directly. On official roles of non-Christians in medieval Portugal more generally, see, e.g., Santos Silva and Tavares, “David Negro: un judío cortesano”; Tavares, *Os judeus em Portugal no século XIV*, and *Os judeus em Portugal no século XV*; Faingold, “Los judíos en las cortes reales Portuguesas.”
foreigner is preferred, the native crushed underfoot,” he advocates for the Germans’ destruction and forcible expulsion from Bohemia. This work has been called a Fürstenspiegel.\textsuperscript{40} Crucially, the out-group here is ethnic, not religious. Since there was no authoritative, distant Bohemian ethnarch with a role comparable to that of the pope, the conditions under which this exclusionary tract was composed and directed to the local ruler were in some ways closer to medieval Islamic cases than to those in Hungary. Had the critical distinction in the Bohemian case been religious, the author of the Bonum dictamen might have appealed through the ecclesiastical hierarchy as the Hungarians had done a century before. The Church’s response, from on high, might again have been more direct and less colorful than the Bonum dictamen or the Arabic independent works. More importantly, because Church officials had the authority to dispense summary commands with a minimum of elaboration, the Hungarian exclusionary discourse appears as the historically situated, particular creation that it is. Because its Muslim analogues had less leverage, and their authors were more vulnerable, their language tends to be more universalizing, vague, and timeless, and is more easily read today as Islam’s authoritative and eternal pronouncement on the matter. By contrast, royal concessions to jealous co-religionists in the Hungarian case (e.g., the Golden Bull of 1222) are easily read as such, since they respond to the current concerns that the nobles and churchmen articulated. The sultans’ concessions to Muslim objections, by contrast, borrow from the timeless juristic language in which those objections were couched. Thus, decrees dismissing non-Muslim officials are more easily read as principled expressions of Islamic law.\textsuperscript{41}

The case of Hungary was not unique. Jews and Muslims played similar roles – and elicited similar responses – elsewhere in later medieval Europe.\textsuperscript{42} One of the clearest examples may be that of Aragon. Jerome Lee Shneidman has argued that Aragonese kings with tenuous authority to control any of the various provinces to which they laid claim nonetheless managed “to thwart the efforts of the nobility and create an efficient ... bureaucratic governmental machine. To achieve this, the monarch employed Jews as bailiffs.”\textsuperscript{43} This practice arose from the ruler’s need for highly competent and utterly loyal

\textsuperscript{40} See references in Nechutová, \textit{Die lateinische Literatur des Mittelalters in Böhmen}, p. 209, n. 389.
\textsuperscript{42} See additional examples in Catlos, “Accursed, Superior Men.”
\textsuperscript{43} Shneidman, “Jews as Royal Bailiffs in Thirteenth Century Aragon,” p. 58. On these events, see now Fancy, \textit{The Mercenary Mediterranean}, pp. 71–73. Fancy observes (p. 72) that royal empowerment of Jewish and Muslim servants in Aragon was “a pointed challenge to the counterclaims of the Church and the nobility.” By contrast, Mamluk sultans’ empowerment of Jews and Christians, in the absence of a native Egyptian military nobility, challenged mainly the ulama. See also Jaspert, “Mendicants, Jews and Muslims at Court in the Crown of Aragon.” I owe this reference to Clara Almagro Vidal.
administrators. Between 1265 and 1283, “the Jews became one of the chief pillars of the monarchy.” At more than one point they were left to run the affairs of the state while Jaume I or Pere III were busy elsewhere. Jewish bailiffs were so effective in allowing the monarch to bypass the nobility that Pere was able to attempt an invasion of Sicily without noble backing. Meanwhile, however, the French, encouraged by papal support, launched an attack in Catalonia that royal forces were insufficient to repel. For their aid in opposing the French, the nobility demanded the dismissal of the Jewish bailiffs. As in Hungary, resistance to Jewish officials seems to have been enmeshed with resistance to forms of central control, and to have intersected anti-Jewish sentiment only incidentally. Shneidman argues that Jews continued to serve the king as physicians, librarians, and ambassadors, while an attempt soon after by the Aragonese king to use Catholic clergy as officials led the Cortes to prohibit their employment by the state. In Aragon, the pope was not directly involved, and the nobility, unlike the ulama of Egypt, possessed sufficient leverage that they had no need to apostrophize the king in a way that would leave posterity a florid discourse of opposition to Jewish officials. Attempts to undercut Jewish power seem instead to have taken the form of lawsuits that alleged usurious practices. While Mark Meyerson may be correct in suggesting that Shneidman exaggerated the extent of Jewish power and understated the ways in which Jewish bailiffs represented an inversion of ideal Christian hierarchies, both could at least agree that Jewish bailiffs were prominent and vulnerable instantiations of royal power, and that they were opposed as such, though not in literary forms, by nobles and townsfolk alike. As with familiar Islamic cases, in Aragon a preexisting supremacist discourse was activated under particular competitive circumstances. The resulting inflections of those discourses, however, diverged.

The Iberian peninsula appears, in fact, frequently to have been a setting in which the social divisions created by communal boundaries were exploited by rulers, to the consternation of their Christian subjects. The kings of Aragon, like other medieval Iberian Christian sovereigns, employed Muslim and (more rarely) Jewish mercenaries, too, though apparently without provoking much

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44 Involved, that is, in the struggle between crown and nobility over Jewish officials; Honorius III had asked Jaume I to stop employing Jews as ambassadors (Shneidman, “Jews in the Royal Administration,” p. 40).
46 See Meyerson, Jews in an Iberian Frontier Kingdom, pp. 63–78. Meyerson is contending with a consensus in support of Shneidman’s views. See especially on the same topic, the work of David Romano: “Los hermanos Abenmenassé al servicio de Pedro el Grande de Aragón”; “Los funcionarios judíos de Pedro el Grande de Aragón”; Judios al servicio de Pedro al Grande de Aragón; and “Cortesanos judíos en la Corona de Aragón.” See also Klein, Jews, Christian Society, and Royal Power in Medieval Barcelona.
formal opposition. In fifteenth-century Castile, the king’s personal guard was composed largely of Muslims, recruited abroad rather than *mudejar*. The guard of his Granadan adversary, conversely, had long had a substantial Christian contingent (the *elches*, Ar. ‘īl). For this case, we have handsome examples of formal, written opposition. These noted that Castilian law allowed only Christians to hold public office. A “manifesto” presented by the nobles to Enrique IV in 1464, like Ibn al-Nābulusī’s *Tajrīd*, commanded that the king dismiss – banish, in fact – Muslim (or convert) royal appointees and confiscate their possessions. Many of the themes of this document are familiar from Islamic analogues: the abuses (*sinrazones*, which refers to specific events that involve Christian women; cf. accusations of oppression; allegations of dalliance with Muslim women); the need “to fulfill the service of God” and “to extol his holy faith”; “to correct the damage and inconveniences” (cf. *darar*). There is also a legal argument: “the familiarity and company of the said Moors is firmly forbidden in rights and royal laws” (*la familiaridad e compañía* [cf. *muwālār*] con los dichos moros es muy defendida en derecho e por leyes reales). Here, as in the Islamic discourse, this argument is one among many. But there is scant parallel in the Islamic tradition to the peremptory tone with which the argument is made, here or in the Hungarian case: “We order and declare that the said lord our king within the next fifty days must expel and remove from himself and his household and court all the said Moors whom he has in his guard.” If this command is ignored, it is added, the Moors may be killed or enslaved by anyone without consequence. This threat is familiar from the writings of al-Jaṣṣāṣ and al-Maghīlī, among others, but neither of the latter authors bothered directing it to the ruler himself. The Christian king is further commanded to make amends for all the abuses committed by his guards. Pointing out that most of the Moorish guard had in fact converted to Christianity by 1464, Ana Echevarría argues that this document was “a fully fledged attack on the powers of the monarch, which was becoming increasingly authoritarian and less needful of support from the nobility and the clergy in order to govern the kingdom.” It was “part of a web of political propaganda” crafted in favor of certain players in power struggles surrounding the throne. This pattern resembles those in Aragon and Hungary, as well as several of the

47 See above all Fancy, *The Mercenary Mediterranean*.
49 Echevarría, *Knights*, pp. 115–16, referring to both the *Espéculo* and the *Partidas*.
Islamic cases with which we are familiar. But once again, the identity of the aggrieved parties (nobles rather than clergy) and their power over the ruler (like that of the popes over the Árpád kings) affected the discourse of opposition that resulted. It was brusque rather than expository, peremptory rather than suasive, and targeted rather than general in its purview. Moreover, since the plague of infidel officials was intermittent in Christendom rather than chronic, these episodic statements appear much less interconnected than the Islamic comparanda.\(^{52}\)

It would not do to leave Christendom without a stop in Norman Sicily, particularly under Roger II, its count (1112–30) and king (r. 1130–54), and William I (r. 1154–66) and II (r. 1166–89). During much of the twelfth century, as Roger and his successors sought to augment royal power, in part by modeling their government after that of the Fatimids in Egypt, many of the leading administrators in their state were Muslims or converts.\(^{53}\) The Fatimids of that day, conversely, employed Christian and Jewish administrators; their Armenian vizier Bahrām was well known in Sicily.\(^{54}\) Muslim officials in Sicily were not simply holdovers from a previous age in which Muslims ruled the island, though some were, including many mint officials. There had, in fact, been a break in administrative continuity.\(^{55}\) Like the Greek-speaking Christians who had been influential in the preceding period of Norman rule (roughly, until Roger’s coronation), Muslim officials and courtiers were often recruited from a kind of trans-Mediterranean jet set of administrative experts. They were, as in the Hungarian case, outsiders, not local intermediaries. George of Antioch, a Christian, furnishes an example that also applied mutatis mutandis to many of his Muslim colleagues. Trained in his native city, he served the Muslim Zirids of Ifrīqiyyah for more than a decade before entering Norman service.\(^{56}\) Other royal servants were, however, native Sicilian Muslims. Eunuchs, both here and under the Abbasid caliphs, Mamluk sultans, and Tang and Ming emperors, played similar roles; there was a great deal of overlap between the Muslim and eunuch administrators, most famously Philip of Mahdiyyah, a nominal convert. It will by now be unsurprising that the Norman kings’ intent in employing vulnerable outsiders was evidently to seclude themselves from and exercise increased control over the populations they ruled: “the monarchy . . . was dependent upon Muslim personnel to

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52 For such opposition in medieval Europe and the rebellion sometimes engendered, see Rosenthal, “The King’s Wicked Advisers”; Peverly, “Political Consciousness and the Literary Mind”; Chamberlin, “A Castilian in King Edward’s Court.”
54 Johns, Arabic Administration, pp. 134, 259, 261–64, 267, 282.
55 Ibid., pp. 4, 281; Birk, “From Borderlands,” p. 16.
56 Johns, Arabic Administration, pp. 74, 80–90, 282. Some may have come from Egypt (p. 277).
maintain and exercise its authority.”

Here, as in Aragon, Muslims served “as a counterbalance to the powerful Latin nobility.”

At the same time, their presence was part of an Islamic veneer that mediated a favorable message on behalf of the Norman kings to their Muslim subjects and potential foreign allies. In order to accomplish these ends, and especially to check the nobility, the Sicilian administration adopted such Fatimid institutions as the diwān al-taḥqīq, which had been conceived in Egypt by the Armenian Muslim vizier Badr al-Jamālī as an instrument with which to control iqṭā’ holders, and over which he had placed a Christian: Yuḥannā b. Abī l-Layth.

The favor accorded to Muslims in Sicily impressed those Muslim authors who took note of it, such as Ibn al-Aṯīr and Ibn Jubayr, much as the authors of the Christian Kitāb al-majdal and Siyar al-bīʿah al-muqaddasah seem sometimes to delight in the prominence of Christian officials in nominally Muslim states.

Naturally, this arrangement provoked resistance among Christians. Philip was accused of secret apostasy and treason, put on trial and convicted, apparently by the king, though the chief account is embellished to extol the latter’s Christian virtue. He was burnt to death on the decision of Christian court officials. Here again, however, the chief forms of resistance to non-Christian officials were not literary: insurrection, angry verbal remonstration on the part of nobles, and personal accusations of specific offenses (e.g., the case of Philip, among others). All in all, the situation in Sicily might in principle have produced an analogue to the independent works. That it did not must owe partly to the absence of a comparably rich discourse in Christian thought, but far more to the reality that those who stood to gain from the removal of Muslim officials in Sicily were nobles—men of the sword—not the clergy who might have written such a work.

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58 Ibid., p. 14, with reference to Takayama, The Administration of the Norman Kingdom of Sicily.
59 Johns, Arabic Administration, p. 196.
60 The lively account of Ibn Jubayr is translated at Johns, Arabic Administration, pp. 212–15.
61 Johns, Arabic Administration, pp. 215–18; Birk, “From Borderlands to Borderlines”; Catlos, “Accursed, Superior Men,” pp. 855–56; and “Who Was Philip of Mahdiya and Why Did He Have to Die?”
62 E.g., riots that accompanied an attempted coup in 1160 and resulted in the deaths of many Muslims in and beyond the palace (Johns, Arabic Administration, pp. 219–22). These, too, have their analogues in Islamic history, notably in eighth/fourteenth century Egypt; see Chapter 7, pp. 225–28.
63 E.g., Gilbert of Gravina before the regent Margaret against the crypto-Muslim qāʿid Peter, less on account of his well-established irreligion than because he was a contemptible eunuch. Peter then defected in fear and, as “Aḥmad,” commanded the Almohad fleets (Johns, Arabic Administration, pp. 226–27). In the absence of a native Muslim military nobility, only the ulama undertook to do this to later medieval sultans, and then only rarely. Cf. Rosenthal, “The King’s Wicked Advisers,” pp. 598–99, where the language of the Islamic discourse finds strong parallels in the critiques of the English barons. But the critiques are oral and the wicked advisers are Christians.
To conclude, let us review the central case of Árpád Hungary, in which the employment of out-group state officials also provoked a discourse of opposition. Because the Hungarian majority was Christian and its non-Christians had not been incorporated by recent conquest, we compared this case to the later portions of the Islamic discourse discussed in this book, which were generated under structurally similar conditions. The Christian discourse, too, drew on a substantial social, literary, and theological tradition of differentiation and exclusion, and it displays some of the same motives and rhetorical strategies as its Islamic analogue. It is also substantially different, however, in ways that arise partly from conventions not directly related to the issue at hand (e.g., the scarcity of scriptural quotations and paradigmatic anecdotes; references to Church councils), and partly from different configurations of political power and authority. Muslim scholar-officials in Egypt made elaborate discursive efforts to persuade their powerful, relatively inaccessible audience to give them, and not their unbelieving rivals, access to scarce resources. Christian scholar-officials in Hungary wrote to the pope, whose peremptory letters to the Árpád kings, like very few comparable writings among their Islamic analogues, were read and heeded. Apart from this distinction, the two cases are not terribly dissimilar. All four of our portable criteria – ideological diversity, direct competition for scarce resources, traditions of exclusionary rhetoric, and the receptivity of ruling elites – are present. Yet considering the Hungarian case together with those of Aragon, Castile, and Norman Sicily reveals a set of deeper questions. Why, for instance, does the discourse around non-Muslim officials appear to have been continuously renewed and augmented when juxtaposed to the discourse around non-Christian officials, which looks disjointed and episodic by comparison? The answer must be linked to the natures of political and legal cultures in Western Christendom and Islam. Before addressing this point, however, and in order to highlight the particularity and relative similarity of both these cases on the spectrum of human political life, we move to a contrastive case: China under the Mongols. We will seek to understand why no oppositional discourse arose there, even though several of the critical components – including the preferential employment of out-groups, direct competition for scarce resources, and an incipient exclusionary tradition – were present.

**A Contrastive Case: China under the Mongols**

Properly speaking, Mongol rule in China began with Khubilai Khan in 1260. Before that time the conquerors had, from their bases in the steppe, established structures by which to extract resources from northern China, but did not attempt to base a permanent administration there. After Khubilai was named khagan in that year, however, and particularly after he had finally overcome the
Southern Sung by 1279 and moved his capital to Dadu (present-day Beijing), he laid the foundations for a state that shared salient features with those we have considered thus far. This was the Yuan Dynasty, officially inaugurated in 1271. It had a privileged legitimating ideology in Tibetan Buddhism. Its numerous Chinese officials and courtiers shared a robust ideological orientation that possessed traditions of exclusionary rhetoric, against Buddhism, and, in Confucianism, of apostrophizing errant rulers. Under the Mongols, those officials were systematically subordinated to non-Chinese overseers who frequently had little sympathy with Confucian ideals. Indeed, the Yuan state always, though in varying degrees, practiced discrimination in favor of Mongols and their Central and West Asian allies (se-mu jen). Until 1315, it did not hold the civil service examinations, by which scholar-officials had traditionally entered state employ in China. When the examinations were reinstated, they were limited in scope and maintained discriminatory quotas for Mongols and se-mu. Instead, the Yuan administration maintained the status quo by an institutionalized preference for inherited office (the yin system) over individual merit. While the critical distinction among administrators was ethnic, this often corresponded to ideological difference. For instance, the se-mu jen were frequently Muslim, Christian, or Manichean.

The Tibetan monks were not officials, but it matters that they aroused the ire of Confucian officials by their high-handed conduct because it was the official Bureau of Buddhist and Tibetan Affairs that shielded them from government censure. Had contemporary Coptic monks enjoyed such protection from the Mamluk emirs, al-Asnawi or Ibn al-Durayhim might well have denounced it with gusto. Because the Yuan case unfolds in a post-conquest setting, it seems most comparable to the early Islamic discourse, but because the excluded

64 Franke, “Tibetans in Yüan China,” p. 304: “It was Tibetan Buddhism or rather Lamaism, with its long tradition of theocratic religious speculation, that achieved the final sacralization of Mongol rule over China”; (p. 307): “Buddhist sacralization . . . provided [the Mongols] with a sacral kingship that legitimized their domination over China and the world”; (p. 310): the lamas acted “as something like court chaplains to the Yüan emperors.” See also Ratchevsky, “Die Mongolischen Grosskhane und die Buddhismische Kirche”; Jing, “Financial and Material Aspects of Tibetan Art under the Yuan Dynasty.” The Mongols’ legitimacy crisis was less acute than one might expect, for they met the basic requirements, which did not actually include being Chinese; see Mote, “Chinese Society under Mongol Rule,” pp. 623–24.

65 This tradition gained a renewed capacity to apostrophize the ruler with the reinstatement of the “classics mat” – a formal occasion for Confucian scholars to lecture the ruler – in the later Yuan period (Dardess, Conquerors and Confucians, p. 76).

66 Endicott-West, Mongolian Rule in China, pp. 66, 72, 79, 80, 83, 85, 94–95. Mongol reliance on se-mu in China contrasts with the use of local officials in Persia; there were many Persians in China but few Chinese in Persia, though there were non-local officials there, especially Turks. See Lambton, “Mongol Fiscal Administration in Persia,” pp. 80, 96, 98; Lane, “Arghun Aqa,” pp. 462, 465.

Confucian literati disposed of an elaborated learned tradition, it also bears comparison to the Islamic discourse in the later periods.

In principle, such circumstances might have occasioned the assertion of religious criteria for state employment. Just as an Umayyad predilection for non-Muslim officials may have given impetus to the Abbasid revolution (see Chapter 3, p. 98), the Mongol preference for non-Chinese officials may have contributed to the fall of the Yuan, which also occurred amidst a welter of messianic revolts. Thus in 1412, the Ming emperor responded to “an objection against the use of ‘barbarians’ in his government” by saying: “Discrimination was used by the Mongols during the Yüan dynasty, who employed only ‘Mongols and Tartars’ and discarded northern and southern Chinese, and this was precisely the cause that brought disaster upon them.” In short, the exclusion of the Chinese from state employ mattered, and it inverted patterns in the preceding (Sung) and following (Ming) dynasties. It would thus not be surprising to find in this period some close Chinese analogue to the Islamic discourse. Yet we do not. No Buddhist, Confucian, or Muslim scholar or official seems to have proposed to the ruler that only his coreligionists be employed. The reasons for this, as also for the European cases discussed, cannot be conclusive inasmuch as they attempt to explain silence and are thus subject to sudden revision should such an analogue be discovered.

It will be instructive, however, to consider episodes from the Yuan case that, had they occurred (mutatis mutandis) in Ayyubid or Mamluk Egypt, might well have inspired invocations of the discourse around non-Muslims’ state employment, and to consider also the reasons that they produced somewhat different results. These reasons will retain value even if the odd analogue does come to light, as explanations for why the discourse was less prevalent, rather than wholly absent, in Yuan China. These episodes include the ascendancy of the se-mu officials, particularly in the early Yuan period; the ascendancy of the clerks, particularly in the later Yuan period; the Tibetan monks; and the state-supported Muslim merchant groups (ortogh).

Examples of Muslim, Christian, and Manichean se-mu officials in China under the Mongols from a very early date are legion. The reasons that have

68 Serruys, *Sino-Mongol Relations during the Ming*, 1: 25. Cited in Morgan, “Who Ran the Mongol Empire?” p. 132, where see Marco Polo’s testimony to the same effect: “[A]ll the Cathayans detested the great Kaan’s dominion, because he placed Tartars and, still oftener, Saracen governors over them . . . he did not place any faith in the people, but entrusted the government of the land to Tartars, Saracens, and Christians who belonged to his train, and were faithful to him.” For Sung meritocracy, see Mote, “Chinese Society under Mongol Rule,” pp. 627, 631.

been proposed for their employment appear familiar enough to have been cut and pasted from Islamic analogues. Central Asian Muslims were noted among the Mongols for their administrative acumen. Because they were foreigners in China, they were less prone to form horizontal ties with the population that might supersede their vertical ties to their superiors. An imperial governing structure could thus be maintained even after Khubilai had elected to forsake the yeke mongol ulus (“great Mongol nation”) model of truly imperial rule from a capital in the steppe, and to base his court in China instead. This decision would be repeatedly challenged and progressively reaffirmed until its decisive triumph with the accession of Tugh Temür in 1329. Morris Rossabi has stressed, with particular reference to the reign of Khubilai, that insofar as “Muslims directed the financial administration of the empire . . ., many Chinese perceived the Muslims as oppressors. Muslims often served, after all, as tax collectors, usurers, and merchants, occupations which made them adversaries of the Chinese and which designated them, in Chinese eyes, as avaricious, aggressive, and miserly.” The early Mongol rulers employed se-mu as scapegoats for the abuses inevitably committed in the course of extracting resources in China. Several such officials, all Muslims, became famous and for a time very powerful. “The court used each of them until they proved to be liabilities. Then it discarded them.” While Khubilai was at first favorably disposed toward Chinese officials, instances of rebellion and disloyalty led him increasingly to prefer non-Chinese third parties. Like Copts in Mamluk Egypt, Jews in Árpád Hungary, or Muslims in Norman Sicily in the same day, Muslims in China “appeared more loyal . . . because they were utterly dependent on the . . . court for their position and power.”

The clearest example of a powerful, despised Muslim official is that of Aḥmad (d. 1282), who was in Khubilai’s service as early as 1247. He came to hold immense power in the financial administration. Like his successors, the

70 Endicott-West, Mongolian Rule, p. 17. 71 This is the argument of Dardess, Conquerors. After that date, Mongol rule was “completely integrated in the Confucian moral and political culture” (p. 8), which however did not mean marginalizing the se-mu. 72 Rossabi, “Muslims,” p. 258. 73 Ibid., p. 264. 74 Ibid., pp. 272–74. For Khubilai’s use of se-mu jen to stave off Chinese influence see Dardess, “From Mongol Empire to Yüan Dynasty,” pp. 127, 152. The Mongols overstaffed the administration in order to prevent the concentration of power in too few hands (Endicott-West, Mongolian Rule, pp. 14, 44–45). 75 The account that follows relies on Rossabi’s and on de Rachewiltz, In the Service, pp. 539–57 (Franke); Franke, “Aḥmed. Ein Beitrag zur Wirtschaftsgeschichte Chinas”; Juan, “The Conflicts Between Islam and Confucianism,” which discusses most of the figures listed in this note. Other candidates for the distinction might be ‘Abd al-Raḥmān (de Rachewiltz, In the Service, pp. xxi, 106, 125–26, 160–61, 170–71, 202, 470) and Maḥmūd Yalavach (de Rachewiltz, In the Service, pp. 122–32 [Allsen]); or in the later Yuan, the several high Muslim officials of Yesün Temür (r. 1323–28), such as Dawlat Shāh, ’Ubaydallāh (“Wu-po-tu-la,” d. 1328), or Ḥasan Khoja (see Hsiao-Ch’i-ch’ing, “Mid-Yüan Politics,” p. 537; the prominence
Uighurized Tibetan Buddhist Sangha (d. 1291) and the Chinese Lu Shih-jung, he is portrayed in Chinese historiography as exceedingly exploitative and avaricious. From the ruler’s perspective, that is, he was good at raising revenue. Marco Polo’s report tends to confirm this characterization, while that of Rashīd al-Dīn is complimentary. With this lone exception, the sources for Āḥmad’s life are replete with hostile descriptions of his abuses and his nepotism toward his sons, coreligionists, and other non-Chinese. There is no doubt that Chinese officials, who were in the numerical majority and had stronger ties to the downtrodden Chinese population, actively opposed these Muslims and their policies. A powerfully worded memorial from the Chinese official Ts’ui Pin in 1278, “complained that Āḥmad had established many unnecessary agencies ... and that a great number of Āḥmad’s relatives had been given important posts throughout the empire.” Ts’ui’s effort initially induced the dismissal of Āḥmad’s relatives, but eventually it caused the downfall of its author. In 1281, another Chinese courtier called Ch’ın Ch’ang-ch’ing “wrote a letter to the emperor in which he denounced Āḥmad in the strongest possible terms for corruption, bribery, and generally for being a rogue.” Āḥmad made certain that he, too, paid dearly. Āḥmad and his supporters, in turn, accused their opponents of embezzlement and other abuses.

No one, however, seems to have urged that the state should not employ Muslims, or that it should employ only Confucians, or Buddhists. Contemporary Mongol rulers of Iraq and Iran, by contrast, were persuaded to exclude Muslim officials from office. Nor does it seem that Āḥmad’s faction drew on its own tradition to propose that Khubilai employ only Muslims. It is true that the controversy surrounding Āḥmad may have had something to do with the anti-Muslim legislation enacted by Khubilai between about 1279 and 1287. According to Rashīd al-Dīn, a Christian courtier called Ai-hsüeh urged these measures, which proscribed the ritual slaughter of animals – the yasa had established that anyone killing animals after the Muslim fashion should be of Muslims under Yēṣūn Temūr seems to have caused a reaction that led to their final marginalization under Tugh Temūr [p. 550], but the details of this reaction are unknown to me). Dawlat Shāh himself successfully proposed an exclusionary anti-Confucian criterion, however, namely that “the court should not recruit or consult with Mongols or Muslims who emulated the Confucian ways in honoring their dead parents” (Juan, “Conflicts,” pp. 66–67).

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78 Ibid., p. 547 (Franke).
80 Fischel, Jews, pp. 93–94.
killed in the same way – and circumcision. Khubilai’s intention in this is not entirely clear, but it seems to have involved troublesome Muslim populations on his borders and concerns over undue Muslim influence at court as well as dissatisfaction with the conduct of Muslim officials. It did not, however, include restrictions on his own latitude to employ Muslims.

Several basic aspects of the Yuan case may explain why there was scarcely any talk of religious criteria for state employment, despite circumstances paralleling those that caused Muslims and Christians in western Eurasia to propose such criteria in the same period. In the first place, to object to the preferential employment of Mongols and se-mu as such was problematic inasmuch as Mongol and se-mu supremacy was one of the state’s raisons d’être. Only in the later Yuan period could these policies be touched even lightly, and the discriminatory order was always preserved. Beyond this, it is also obvious that the people whom the state did favor – notably Mongols, who might have resented Muslims and Chinese colleagues – did not cultivate a sophisticated indigenous learned tradition that the rulers valorized, or that was likely to produce and preserve an exclusionary discourse like the Islamic one.

But the aspect of Yuan rule that militated most against religious criteria for state employment was that the state, unlike its Muslim and Christian analogues, was not committed to the outright superiority of any particular religious outlook. If Tibetan Buddhism did the most to furnish a legitimating ideology, it certainly had no monopoly. The Mongols’ own persistent shamanist practices have continued...

82 On such rules in the Islamic and Chinese spheres, see Aigle, “Loi mongole vs loi islamique.”
83 One finds occasional near-exceptions to this absence. Thus the legal code Chih-Yuan hsin-ko promulgated in 1291, stipulated with respect to the kung clerk, whose job was to recommend lower officials for advancement, that “persons who are pure and attentive in nature as well as conduct and are familiar with both Confucian studies and bureaucratic affairs shall be considered superior.” But this is quite specific, not a general principle, a preference rather than a requirement. Given the traditional role of Confucian studies as a proving ground for aspiring officials, it is also quite a pragmatic concern. See Ch’en, Chinese Legal Tradition Under the Mongols, p. 119. Elsewhere in the text, where an Islamic nasiḥah work might have a religious criterion, the “code” has none (e.g., p. 117). Another incident approaching a religious criterion comes later in the Yuan, when in the course of a succession dispute we see the Censorate impugning the “genuineness of [a Mongol high official’s] Confucianism” (Dardess, Conquerors, p. 91). But this incident is obscure and isolated. Conversely, policies of the Mongol rulers themselves against Chinese candidates are sometimes redolent of the Islamic discourse. After 1335 the high official Bayan once again cancelled the civil service exams and, in conjunction with an explicit reinforcement of the preference for Mongol and se-mu officials, forbad Chinese to learn their languages (Endicott-West, Mongolian Rule, p. 85; Dardess, Conquerors, p. 61). Al-Mutawakkil reportedly commanded the same in respect of non-Muslims and Arabic.
84 For concise statements of this ethos: Langlois, “Political Thought,” p. 164; Mote, “Chinese Society,” p. 616.
85 Dardess, Conquerors, p. 35.
86 This is truest for the early Yuan. Dardess has argued repeatedly that after 1329 the state was very heavily “Confucianized” (e.g., Conquerors, p. 10). This view and the concept of
could hardly have allowed it. TheNeo-Confucian Wu Ch’eng (d. 1333) was one of many who noted the Mongols’ famed religious neutrality: “Since Chin and T’ang times, Buddhism, Confucianism, and Taoism have been called the Three Teachings. However, to venerate them on equal terms without any discrimination is the virtue of the Great Yuan.” This is a firmly Chinese perspective. A se-mu author might have added Islam or Christianity. Whatever the exact logic and limits of Yuan neutrality, the reason it matters to us is not because an ideologically committed ruler prefers to hire from his own faction, whereas a neutral ruler has no preference. Rather, neutrality on the part of the state means that political counsel is no more likely to be successful when clothed in any particular idiom. So while allegations of malfeasance in the Islamic discourse are made to serve exclusionary counsel that stresses communal difference, Chinese objections to Muslim officials hinge on their malfeasance alone, leaving communal difference in the background. Learned, ambitious officials of all outlooks could expect no particular sympathy from Mongol rulers who had the authority to dismiss their rivals. They could not aggressively assert an exclusive criterion for employment because they themselves were unable to withhold legitimation that could not be got elsewhere. They would moreover risk reprisal by appearing to incite the discord that the Mongols worked to avoid.

Still, the neutrality of the Mongol state was imperfect, and its rulers did work to endear themselves to various subject communities. It is not impossible, in principle, that some of those subjects should have attempted to demand preferential treatment as the price of acquiescence. For example, Buddhist monks of the Hua-yen school—a Chinese strain of Buddhism that had flourished in the Tang period—“requested Khubilai to evict the [rival] Ch’an priests from famous Buddhist monasteries in the South and replace them with members of the Hua-yen Sect.” Thus the Mongol rulers were petitioned to intervene on behalf of particular ideological factions. Yet the fact that they were not

“Confucianization” have been questioned (e.g., review by Langlois). See Jackson, “The Mongols and the Faith of the Conquered” and studies cited there.

But it may have been their shamanist background that attracted the Mongols to Buddhism; see Ts’un-yan and Berling, “The ‘Three Teachings’ in the Mongol-Yüan Period,” p. 482 and generally Jackson, “The Mongols,” pp. 254–58.

Ts’un-yan and Berling, “Three Teachings,” p. 479. For a recent study that discerns a “distinctive political theology” behind early Mongol religious neutrality, see Atwood, “Validation by Holiness or Sovereignty.”

Ts’un-yan and Berling, “Three Teachings,” p. 487: “Chinese religious leaders seeking the patronage and approval of the court learned early that any divisions within the ranks of Buddhism, Taoism, or Confucianism only annoyed the Mongols, who were not inclined to listen to bickering Chinese.”


Ts’un-yan and Berling, “Three Teachings,” p. 488. Cf. Rossabi, “Reign,” p. 420: “Both the Taoists and the Buddhists sought supremacy and were willing to appeal to the secular authorities for assistance.”
petitioned to accept religious criteria for employment has also to do with the
nature of community formation in Yuan China. Doctrinally, Buddhism,
Confucianism, and Daoism were vastly more inclined to syncretism and mutual
integration than any mainstream trend in premodern Islam or Christianity. They
lent themselves poorly to the sharp distinctions on which forcible exclusion is
predicated, and granted their adherents more latitude for mixed and multiple
adherence. This made polemic an imprecise weapon. Confucianism,
Buddhism, and Daoism were too intertwined for a stark religious criterion to
catch on. Neither would it have been much use stridently to oppose Muslim
and Christian officials – in an effort, perhaps, to edge out the se-mu – for many
of them were quickly gaining sincere sympathy for Confucian learning.
Many Uighurs, a prominent contingent among the se-mu, were Buddhists.
The only constituencies that could be reliably isolated for the purpose of
exclusion were religious professionals, such as Tibetan monks. It requires
effort counterfactually to re-imagine the premodern Islamic world in these
terms. Similar conditions might have obtained if the dominant ethic of seventh-
and eighth-century Near Eastern officialdom had been a Neo-Platonism that
lent support to imperial cults; if the various Christian sects had somehow
adopted a benevolent ecumenism in their dealings with one another and with
Jews and Zoroastrians; and if the Arabs had then acquired their empire under
the banners of Allāt, al-ʿUzzā, and Manāt.

92 Consider a well-known article by Igor de Rachewiltz: “Yeh-lū Ch’u-ts’ai (1189–1243):
Buddhist Idealist and Confucian Statesman.” Similarly, Kao Chih-yao (d. after 1268) was “a
devoted Buddhist and a friend of monks, who strongly supported the use of Confucian
techniques as being helpful to the governing of the country” (Yüan, Western and Central
Asians, p. 67). The same work is divided into sections with such titles as “Confucianists
among important Moslem families who became Buddhists” or “Members of important
Christian families who left Confucianism to become Taoists” (pp. 98, 110). A leader of
opposition to Ahmad named Liu-Ping-chung was a “Buddho-Taoist” (Chan, “Wang O,”
p. 52). Such overt hybridity was decidedly rarer among the major Muslim sects.

93 This phenomenon among the se-mu is demonstrated clearly in Yüan, Western and Central
Asians, e.g., pp. 21, 37, 56, 60, 64, 210, 254. See also de Rachewiltz, “Turks,” p. 286. When the
later-Yuan official Bayan attempted to curb Confucian influence it was in large part Mongols
and se-mu who opposed him (Dardess, Conquerors, p. 160). The Tibetans were an exception to
the pattern of non-Chinese assimilation of Confucianism (Franke, “Tibetans,” p. 326). For
a countervailing statement, playing down the extent of se-mu assimilation especially in the early
Yuan, see Hsiao-Ch’i-ch’ing, “Mid-Yüan Politics,” pp. 491–92 (but see exceptions: pp. 497,
513, 517, 529–30). A sensitive general characterization is that of Dardess, who describes “the
intricate cleavages and blendings that characterized the Yüan ascendency: institutionalized
ethnic preference alongside widespread intermarriage; a conquest society well on the way to
assimilating some of the moral values and literary and administrative traditions of its colonial
inferiors; and a Chinese elite that had come actively and fully to participate in the foreign
dynasty that ruled them” (“Shun-Ti and the End of Yüan Rule in China,” p. 565). The Arab
melding with late antique cultures was less overt.


95 On Confucian support for the Chinese imperial cult, see Wilson, “Sacrifice and the Imperial Cult
of Confucius.”
Antagonistic ideological-communal distinctions could be and had been drawn in China, of course. It had happened, for example, in the Tang period. In 624, in the dynasty’s early days, the high official Fu Yi “presented a memorial to the emperor, in which he proposed to do away with Buddhism altogether.” Though mainly concerned with the spread of Buddhist metaphysical teachings among the Chinese population, this memorial is of interest to us when it alleges that those teachings “deceived the class of government officers,” and that in consequence “the men in [the sovereign’s] service further other interests than his, and become corrupt.” When there was no Buddhism in China, “the sovereigns of those times were wise, and their ministers faithful,” but thereafter “the ministers employed by the sovereigns became cruel and oppressive, the reigns short; all of which evils were brought about by Buddhism.” Fu Yi also “presented to the emperor a memorial in eleven chapters” on the same themes. It was poorly received. Only one of the ministers “declared that the memorial of Fu Yih was rational.” Another, Siao-Yu, declared that “Buddha . . . was a sage, and Fu Yih’s argumentation was not that of a sage, but breathed a lawless spirit.” Fu Yi responded by accusing the Buddha himself of abandoning filial piety and of having “renounced his emperor,” a fault that he then imputed to his accuser, Siao-Yu. Siao-Yu was effectively silenced by this, and we are told that only the emperor’s abdication prevented him from following Fu Yi’s advice. Here we have something approaching an isolated Confucian-Daoist analogue to the Islamic discourse.

A century later, in 714, the high official Yao Ch’ung presented a similar memorial, “a philippic against Buddhism.” It did not, however, touch directly on state officials. In 819, too, Han Yu upbraided the sovereign for giving official sanction to a ceremony venerating the Buddha’s knuckle, an “evil-causing, dirty relic.” Han Yu argued generally “that the Buddha is not worth believing in,” being among other things “a western barbarian” who “did not understand the language of our Central Empire, and wore clothes of different cut and make.” Referring to the Fu Yi incident, he lamented that Buddhism had not been abolished at the beginning of the Tang. But he did not explicitly propose a religious criterion for officials. His apostrophe led to his banishment. These Tang anecdotes show that Confucianism was not constitutionally incapable of generating a religious criterion for state officials. But the Tang

96 It is not difficult to find examples of tensions even in the Yuan. Wang O, “being an ardent Confucianist, . . . forbade his friends to offer him a funeral sacrifice with Buddhist ‘ghost’ paper money” (Chan, “Wang O,” p. 59). But it is telling that a Confucian’s friends could be suspected of planning to treat him in such a manner; “friends” intending to give an “ardent” medieval Muslim a Christian funeral might place the friendship in a certain peril.
100 For more on anti-Buddhism in the T’ang with special reference to these incidents, see (on an earlier period) Ch’en, “Anti-Buddhist Propaganda During the Nan-ch’ao”; Wright, “Fu I and the Rejection of Buddhism,” pp. 112–23; Weinstein, Buddhism under the T’ang; Xing,
rulers, unlike the Yuan, were fellow Chinese, from whom officials could expect sympathy. 101

But even if the Mongols had shown more willingness to take sides and the ideological climate had been as nourishing to antagonism as that of the Tang, two final aspects of Yuan China made it relatively inhospitable to an exclusionary discourse around state employment. The first is religious diversity. What we have been describing in broad strokes as “Buddhism” and “Confucianism” were each thoroughly fractured among the adherents of many smaller, rival schools of thought. 102 But apart from this, even if the advocate of one religion succeeded in turning his patron against the adherents of another, there was no reason for him to expect that the result would be the advancement of his own faction. Even if Confucians had successfully ousted Ahmad by urging the principled exclusion of Muslims as such, it would not have prevented the equally odious Buddhist Sangha from succeeding him. The game, having several players, was less zero-sum than that between Muslims and Christians in medieval Egypt and Syria, or Muslims and Jews in North Africa and Spain. 103

The second deterrent to a religious criterion

“A Buddhist-Confucian Controversy on Filial Piety”; Jidong, “Replacing hu with fan”; Assandri, “Inter-Religious Debate at the Court of the Early Tang.”

101 As John Langlois has written, of a different rhetorical mode that partly mirrors the historical portions of the Islamic small genre, “the persuasive relevance of rhetorical models of sage emperors was extremely curtailed owing to the fact of rule by persons other than Han Chinese” (“Political Thought,” p. 137). This contrasts to the situation not only in the Tang, but also in the Ming. Though they were Han Chinese, the Ming emperors continued to employ outsiders, including foreigners, some of whom were Muslims, and eunuchs (see, e.g., Serruys, “Foreigners in the Metropolitan Police”; Robinson, “The Ming Court and the Legacy of the Yuan Mongols,” whence quotations below). They also favored Tibetan Buddhists in ways that irritated Confucians. Being proper emperors, they “distinguished themselves from their subjects through the consistent support of religious practices and personages that remained exotic and strange in the eyes of most Chinese.” Now, however, the Confucians denounced the “alien creed,” “the fact that Tibetan monks enjoyed unfettered access to the politically and ritually exclusive space of the Forbidden City,” and “the Tibetan’s violation of correct sumptuary practice in his use of modes of transportation and public display reserved for the imperial family, or at least imperial officials.” Upon the accession of the Zhengde emperor (r. 1491–1521), the minister of rites submitted a memorial complaining that the Daoist and Tibetan religious leaders had gained undue respect and profaned the Hall of Imperial Tranquility. He “requested that these men’s titles be revoked, the gifts, seals, and title patents granted by the throne be seized, and that they be driven from the court” (Robinson, “Ming Court,” p. 404). It was the Mongols’ foreignness, and not just the hazy quality of religious affiliation in China, that discouraged literati from approaching them with such complaints.

102 When dealing with Chinese “religion,” it is well to remember that the word itself had no equivalent in premodern China, and that “the complex ways that the activities Western scholars tend to group together under the rubric of religion are themselves distributed and dispersed throughout some societies in uneven and unpredictable ways” (Wilson, “Sacrifice,” p. 254).

103 Jews (and Samaritans) were of course active as officials in medieval Egypt and Syria, as were Christians in North Africa and Spain. Neither, however, mattered as much as Christians and Jews (respectively) when it came to administrative employment in the respective contexts. For
applies specifically to Confucians, namely their persistent reluctance to serve the foreign rulers at all.\textsuperscript{104} Just as mistrust of the state among early ulama dampened the discourse until the madrasah and surrounding Seljuq political culture raised expectations of state patronage by integrating ulama among the state secretaries, so the withdrawal of many Confucians from public life, especially under the early Mongol rulers of China, reduced incentive to seek the exclusion of others. Moreover, Confucianism may have been too thoroughly elaborated easily to generate a novel religious criterion for state officials; famously, Confucius himself was unable to secure state employment. In the ideology he articulated, merit and virtue for officials were clearly defined, and with little reference to any particular metaphysical convictions. Self-vindication and protest took other forms. Thus when the painter Cheng Ssu-hsiao (d. 1318) was “asked why he depicted [the Chinese orchid] without earth around its roots, he replied that the earth had been stolen by the barbarians.”\textsuperscript{105}

All of these considerations should be borne in mind when considering other Yuan cases in which discussions parallel to the Islamic discourse might have arisen. The formerly privileged class of Chinese scholar-officials decried, for instance, the clerks – low-ranking legal experts with little sympathy for Confucianism – whom the Mongols increasingly preferred to appoint.\textsuperscript{106} But the clerks had no particular ideological affiliation that could be used to tag them for exclusion. Instead, in order “to avert the complete takeover of administration by un-Confucian bureaucrats,”\textsuperscript{107} the literati innovated “a rationale supporting government service in an age when government did not give the scholar a concise description of religiously plural factionalism at the Mongol court under Ögödei, see de Rachwiltz, “Turks,” p. 294.\textsuperscript{104} This might be juxtaposed to the permanent reluctance among Buddhist monks to engage in worldly pursuits. Uselessness to the state was among the main charges leveled against Buddhism during the Tang. For more on Confucian reluctance to serve the Mongols, which was often coupled with Sung loyalism: Ts’un-yan and Berling, “Three Teachings,” p. 484: “The Confucians were slow to accept or serve an alien dynasty”; Langlois, “Political Thought,” p. 155; Mote, “Confucian Eremiticism,” where a Confucian kills himself rather than serve: Yüan, \textit{Western and Central Asians}, p. 131. On the opposite impulse: Langlois, “Political Thought,” pp. 155, 163; Ts’un-yan and Berling, “Three Teachings,” p. 497.\textsuperscript{105} Cahill, \textit{Hills beyond a River}, p. 17.\textsuperscript{106} On the oddness of the clerkly route to advancement in historical perspective: Ch’en, \textit{Chinese Legal Tradition}, pp. 88–89; on the prevalence of this route and the clerks’ difference from the Confucian literati: Langlois, “Political Thought,” pp. 140 and 184, 137 (respectively); on reaction against them see Dardess, \textit{Conquerors}, p. 32; Endicott-West, “The Yüan government,” p. 597; (esp.) Endicott-West, \textit{Mongolian Rule}, pp. 106–110, 113 (on preference for “technicians over learned scholars”). The legal professionalization of Yuan administration to which the literati objected bears comparison to that of Seljuq administration to which al-Ghazālī objected.\textsuperscript{107} Langlois, “Political Thought,” p. 185.
top priority.”

Like al-Māwardī, in whose thought we also find little enthusiasm for religious criteria, they attempted to redeem an alien rule that bruised their ideals by bending the ideals rather than the aliens, though mutterings against the latter are occasionally heard.

Nor did the Tibetan monks, whom the Chinese frequently encountered as oppressors whose relationship to the state placed them above the law, inspire a religious criterion. Complaints there were; one historian reports darkly that, “in 1321, [Tibetan Buddhist] memorial halls . . . were built in all circuits ‘modeled on the temples for Confucius, only bigger.’” But the monks were not state officials by any measure. No one else aspired to their offices. Further, they were reviled nearly as much by the Chinese Buddhists as by others, and Chinese Buddhists, at least, would scarcely have singled out the Tibetans’ Buddhism as grounds for exclusion. The state-supported merchant syndicates (ortoghs) that were composed largely of Muslims were also despised by some Chinese, and even inspired subversive literary production. But their Chinese critics proposed no alternative to the commercial networks that made

108 Langlois, “Political Thought,” pp. 138, 142. Note the similar passivity of the late-Yuan literatus Chieh Hsi-ssu in a letter to a Turkic disciple: “Whether Confucians are employed or not is a matter out of our hands . . . the obstruction of our Way has to do with the movement of the cosmos and the dynastic cycle. Grieve as we will, there is nothing we can do about this, yet perhaps someone will soon come forth who, unable to bear any longer this cruelty and oppression . . . will rectify matters for the dynasty.” Confucianism of a non-Legalist bent was not infrequently “confined by its philosophy to the uttering of soft Confucian noises” (Dardess, Conquerors, pp. 65, 89). Sunni Islam suffered from no such handicap.

109 Yeh Tzu-ch’i, a late-Yuan/early-Ming figure, connected corruption, especially among clerks, to ethnically conditioned moral deficiency: “[T]he Mongols and Western and Central Asians ignorantly did not know what incorruptibility and a sense of shame were.” Had religion been an issue, it would have arisen in such dyspeptic works of administrative advice as Chang Yang-Hao’s (d. 1329) Frank Advice for the Magistrate, which is concerned with controlling local officials (Endicott-West, Mongolian Rule, pp. 106, 107–9). Endicott-West’s analysis of the anti-clerk discourse takes up familiar themes: “While not denying the very real problem of clerical abuses, one must point out that the complaints of the traditional elite regarding clerks should not always be taken at face value. Undoubtedly there was a ‘sour-grapes’ syndrome at work . . . we might expect those who were excluded . . . to cast aspersions upon the workings of a system in which, for one reason or another, they took no part.” Wang-Yun’s “Statement on the need for careful appointment to the posts of shou-ling-kuan” is concerned with incompetence and also does not single out ideology, unless “good moral character and reputation” is a veiled reference to it (Endicott-West, Mongolian Rule, pp. 117–18).


112 On these merchant groups see Allsen, “Mongolian Princes and their Merchant Partners”; Endicott-West, “Merchant Associations in Yuan China”; Yingsheng, “Muslim Merchants in Mongol Yuan China.”

113 See, for instance, the mockery of a lavish Muslim wedding that ended in disaster: Franke, “Eine Mittelalterliche chinesische Satire auf die Mohammadaner.” One might expect that the famous Yuan dramas, often written for elite audiences by “Chinese scholars, who were denied access to
the ortogs successful in the first place, in part because many literati despised commerce as an occupation. In the absence of direct competition, the literati would only urge that the ortogs be restrained or eliminated, not made religiously or ethnically pure.\footnote{Möngke ordered that “those high and low in the ranks of the ortog ... should be restrained in their dealings with the subject population” (Allsen, “Mongolian Princes,” p. 105). There is some uncertainty about the content of the complaints against the ortog and associated government bureau (the Ch‘üan-fu-ssu): “It is unfortunate that the memorials pertaining to the abolition and reestablishment of the Ch‘üan-fu-ssu are no longer extant ... Qubilai’s court, like the courts of his predecessors, spent an inordinate amount of energy feuding over ortog matters” (Endicott-West, “Merchant Associations,” p. 138). Powerful Muslims were certainly the objects of complaint, e.g., for not paying taxes (Endicott-West, “Merchant Associations,” pp. 142–43). There is scope for further study of this rhetoric alongside the Islamic discourse, e.g.: “A minister within the Central Secretariat complained early in 1309 about the inappropriateness of permitting Muslim merchants ... to carry imperial letters, wear the so-called tiger tablets of authority ... and ride government post horses; most offensive, in his view, was the merchants’ presentation of a panther to the court and their request for special return favors” (Endicott-West, “Merchant Associations,” p. 148). It is not clear to me whether this memorial singled out Muslim status or the unethical behavior that happened to go with it. On Confucian opposition to trade as such, see Rossabi, “Reign,” p. 449.}

In sum, the case of Yuan China presents a contrast to any in early and medieval Islam that we have considered. No exclusionary discourse surrounding outsider-officials as such was generated, despite such superficial similarities as the conquest of fertile lands and learned elites by warlike pastoralists from resource-poor hinterlands, or the exclusion from office of a qualified faction of native, highly skilled officials. The necessary pieces were present, but they lay all wrong. The “shamanist” and Tibetan Buddhist leanings that the Mongols brought with them to China were diluted rather than distilled in their encounter with the “three teachings,” which themselves were of little use in drawing self-interested inter-communal distinctions. Thus, Mongol scholars and officials, unlike early Muslim ones, developed no discrete, robust learned tradition that might have produced a discourse of exclusion like the Islamic one. If the Arabians had gained their empire as pagans (mushrikūn) in the Qur‘ānic mold, they might not have developed a discourse around dissenting officials, either, or left any more of mark on their territories than the Mongols did on China. And even if the conquered Chinese literati had somehow fashioned their own learned traditions into weapons against their literate Mongol, Muslim, Christian, and Buddhist rivals, as some did during the Tang and Ming periods, they could not expect the Mongol rulers to have much patience for arguments that hinged on the parochial gripes of a mere faction among their subjects. So the literati had two options: withdrawal, which many chose, or official posts because of the abolition of the civil service examinations,” would bear comparison to the Islamic discourse; this cannot presently be discounted (Rossabi, “Reign,” p. 467; Juan, “Conflicts,” pp. 67–68; an overview of Yuan drama: Mote, “Chinese society,” pp. 640–43). More on resistance to the ortogs: Endicott-West, “Yüan government,” pp. 611–12.
rebellion, which had brought the Yuan Dynasty to an end by the late fourteenth century.

Conclusions

Why would the bibliophile with whom we began this chapter find it difficult to acquire texts in other languages that closely resemble the Arabic ones against non-Muslim officials? Part of the reason must have to do, of course, with the inscrutable vagaries of literary predilections in learned traditions. It must also matter that, for reasons that lie beyond the scope of this book, Islamic societies exhibited more pronounced and sustained communal plurality than Christian ones, where there was simply less occasion for the issue to arise. Other aspects of the problem, however, can now be illuminated by our comparative exercise. A good place to start is with the four portable criteria that we derived from the Islamic discourse: ideological-communal plurality with zero-sum rivalry for prestige, direct competition for scarce resources among literate elites, an existing exclusionary discourse, and the sympathy of ruling elites to expressions of discontent.

In the Hungarian and other medieval European cases, all the criteria were present, yet the resulting discourse, though broadly similar, differed in form and substance. One crucial difference was the role of the papacy, which functioned as an external source of authority and appeal that medieval ulama lacked. Because Hungary’s churchmen had recourse to the pope, who in turn disposed of relatively potent (though certainly limited and contested) means of enforcement, their concerns could be articulated in peremptory and direct fashion. Just as importantly, many of the adversaries of non-Christian officials in Hungary and elsewhere in Christian Europe were not learned clergy who might be inclined to cast their protest in literary form, but members of the landed nobility: men of the sword, not the pen. Finally, Jews and Muslims were a small immigrant element in Hungarian society. They could be excluded and forgotten, unlike the Jews and Christians of the Islamic world, who were neither few nor immigrants.

The case of Yuan China reminded us of the importance of the final criterion: a receptive audience. While that case certainly had direct (though not zero-sum) competition for scarce resources in an ideologically plural setting and a (limited) literary tradition of exclusionary rhetoric, the Mongol khagans in China could not be made to pay exclusive attention to the concerns of any one faction. In this they differed from the Tang and Ming emperors, for whom Confucian literati produced discussions somewhat more similar to the Islamic case. It seems that not just any religious plurality will do to precipitate a discourse around dissenting officials. Rather, it must be plurality that persists in the shadow of an officially sanctioned ideology. It mattered a great deal, then, that the Mongols did not ride
off the steppe in the grip of an exclusionary monotheism, not because it would have induced them to employ coreligionists – it might well have induced the opposite – but because their learned compatriots would have had more leverage with their rulers to advocate for the exclusion of others. The Yuan case also highlighted the relevance of learned traditions’ existing discourses. Because multiple adherence among the “three teachings” was common, it was far less likely that factions would form along communal lines and that grievances would be articulated in ideological-communal terms. Anyone pursuing this strategy risked excluding ostensible allies.

A few remarks of a more direct nature should be made here concerning the conditions that shaped the Islamic discourse around non-Muslim officials. These pertain generally to prescriptive discourses that were meant to regulate the conduct of the state, as this one was, and they bring us to a crucial question: Why did the discourse we have studied take the distinctive shape it did? Three distinctive features of such discourses are particularly salient. First, what was widely regarded as the preeminent form of law in Islamic societies was divine law, where “divine” is predicated of the law in a more literal sense than it was than in either European Christendom or China. Among Muslims of the post-formative period, law formulated and promulgated by the state was not typically regarded as preeminent. Caliphs and rulers did of course issue and enforce decrees, which some jurists attempted to domesticate within the theoretical confines of *siyāṣah*. Such decrees were, however, temporary, *ad hoc* interventions rather than systematic codes that set authoritative precedents, at least before the *qānūn-nāmehs* of the Ottomans or the fatwa collections promulgated by certain Mughals. Leaving aside the pre- and early-Umayyad caliphs, whose legislative activities are poorly understood, Muslim rulers generally gave private individuals latitude to hammer out the divine law amongst themselves. The end result was that the kind of law that had the strongest claim to regulate the exercise of power was discovered and articulated by men who had scant experience of power and limited ability to implement their discoveries.

Herein lie the second and third salient features of Islamic prescriptive discourses that purported to regulate what the state could and could not lawfully do. Because many of those who elaborated the divine law were individuals outside the state apparatus, that law was sometimes silent on important aspects of administration – notably, for our purposes, the appointment of personnel – and it was always difficult to force any given ruler to observe it.  

115 Famously, still in early Abbasid times it might have been otherwise (see Goitein, “A Turning Point in the History of the Muslim State”; Zaman, “Caliphs”). See, too, Shahab Ahmed’s salutary words of caution (*What Is Islam?*, pp. 453–82). It is a pity that in Ahmed’s examples, the interests of the ulama are not directly opposed to those of rulers, as they are in the present case or, say, that of *ḍarāʾ ib* and *mukāṭs* (taxes not sanctioned in the juristic literature).
Contrast the scattered and vague advice concerning official appointment of kuttāb found in the Islamic juristic tradition to the exceedingly detailed programmes for qualifying examinations and precise administrative offices and ranks found in Confucian statecraft, which was produced by literati who were also high officials. And because the law was elaborated diffusely by private individuals, it governed the conduct of rulers only in theory, if at all. Rulers who had limited control over its production were naturally reluctant to be bound by it. This meant that fiqh could exert only weak control over state policy, as everybody knows, but it also meant that jurists could elaborate idealized notions of Islamic governance without having to worry about implementing them. Thus pragmatic concessions to the historical plurality of Islamic societies – like al-Mutawakkil’s retention of his own non-Muslim servants, al-Muqtadir’s exemption of non-Muslim physicians and accountants, or al-Māwardi’s conditional sanction for non-Muslim officials – were comparatively rare and ephemeral. Instead, denunciations predominate, and were limited more by fear of punishment than by the practical consequences of implementing them.

In both the European and the Chinese comparative cases, laws that purported to govern the exercise of power tended to be made, if grudgingly, by people who had more of it. Thus, when the thirteenth-century Hungarian kings flouted their own binding stipulations that non-Christians not be employed, the reaction was swift and indignant. The Church reacted as though it expected statutes forbidding such employment to be obeyed: by interdict, excommunication, or (by contrast) papal permission. Who among the ulama could place Egypt under an interdict, excommunicate its sultan, or grant him authority to employ Copts? In much of medieval Europe, meanwhile, non-Christians were too few and states too weak for significant numbers of non-Christians to be empowered as effective, loyal agents who would support state interests vis-à-vis Christian subjects. This would gradually change as the power of European states grew.

116 See Wang, *The Chinese Imperial Examination System: An Annotated Bibliography*. An equivalent bibliography for historical Islamic societies – on systematic measures for populating bureaucratic offices other than that of qāḍī, khaṭīb, etc. – would be far shorter, and would include little fiqh. Islamic counsel works and books of sīyāṣah sharʿyyah do, of course, discuss the ideal attributes of scribes and viziers, but these moralizing lists were far from uniform and mostly ineffective.

117 E.g., in the Golden Bull of 1222 or the Oath of Bereg of 1233.


119 The classic study, since reprinted, is Stern, *The Court Jew*, which sounded notes concerning the “court Jews” that were reprised by Hannah Arendt in her classic *Origins of Totalitarianism*. See also the excellent overview in Stillman, “The emergence, development and historical continuity of the Sephardi courtier class,” as well as Mann and Cohen, *From Court Jews to the Rothschilds*; Horowitz, “The Court Jews and the Jewish Question.” Somewhat more generally on the “court Jew” phenomenon, see Gutwirth, “Jews and Courts”; Abulaafia, “The King and the Jews.”
As for Yuan China, while it is generally acknowledged that the Mongols had no universal divine law like the Islamic one, it is equally true that premodern Islamic states considered in this study had no formal yasa: no binding, durable law made by the state, for the state.\textsuperscript{120} Since the Islamic tradition skirted the question of “who watches the watchers,” attempts to tell rulers whom they could and could not employ were bound to settle in an uncertain gray zone.\textsuperscript{121} The makers of the discourse studied in this book braided one stern prescription into another in progressively more elaborate and extensive forms, for their words, when they pertained to practice at all, were hortatory. In the comparative cases, in which there was far less effort to elaborate unenforceable divine laws governing the conduct of states, there was no comparable exhortative discourse. Thus the Christian comparanda seem disjointed and peremptory.

The Islamic prescriptive discourse around non-Muslim officials was but one small part of a wide tapestry of Islamic political prescription. It arose and developed because certain Muslim literate elites retained a notional authority to judge political conduct in specific, highly juristic terms, but were habitually prevented from effecting their authoritative political visions, in which they would have access to the resources they sincerely felt they deserved. So they produced an intricate and voluminous discourse around the dissenting literate competitors who inhabited the same economic niches. The authority, austerity, alternating specificity and ambiguity, and questionable feasibility of the ulama’s political visions may in fact have encouraged some Muslim rulers to keep them at arm’s length, and to empower marginal, less demanding dissenters instead.\textsuperscript{122} The discourse was both motivated and freed from practical constraints by the fact that it was so often disregarded by its powerful audiences. Whether the cumulative practice of those audiences — Muslim rulers who habitually made non-Muslims their “friends” (awliyā) — constitutes a normative precedent in its own right is another question, to which we shall return briefly in the Afterword.

\textsuperscript{120} “Il ne fait pas de doute, d’après les sources mongoles, chinoises et latines, que les préceptes au jasaq concernaient les affaires de l’état. Il s’agissait, comme on pourra le constater, de règles d’ordre général, qui exprimaient une idéologie politique, et de diverses réglementations, notamment militaires, dont le non respect était la plupart du temps sanctionné par la peine capitale” (Aigle, “Loi mongole vs loi islamique,” p. 977). Mutatis mutandis, substituting sharīʿah or fiqh for jasaq here does not produce an accurate characterization.

\textsuperscript{121} Lambton, “Quis custodiet . . . I” and “Quis custodiet . . . Conclusion”; Petry, “Quis Custodiet.” While Yuan and medieval European monarchs could not be held to strict account for their actions, neither do our Islamic cases have close equivalents to the Censorate, or to the pressure that landed nobility could exert on a ruler.

\textsuperscript{122} On the feasibility issue, see Baranī, Political Theory, 33–34, 39–40/Fatāwa-yi Jahāndārī, 128–29, 139–40; de Bary et al., ed. Sources of Indian Tradition, pp. 413–14.
9 Afterword: The Discourse to the Nineteenth Century

In 1873, the Lebanese Christian doctor and erstwhile state official Mīkhāʾīl Mishāqah (1800–88) set out to write his memoirs, evidently at the urging of a family member. He produced a wide-ranging account, entitled *al-Jawāb ʿalā iqṭirāḥ al-ḥabhāb* (“A reply to the suggestion of loved ones”), that discussed the larger historical events in which his life was embedded. This work reflects a distinct moment in the history of the Levant and indeed of its region, in which a chronicler could be both steeped in a traditional agrarian society that was loosely incorporated into an Islamic empire, and drawn to what were for him “modern” values of historical writing, conditioned by the European scholarship that was then becoming more widely known in the region. Those values included a concern to write about all the communities of the Levant, not just the Greek Catholic one into which Mishāqah had been born.¹

Before he became a Protestant and took employment with the US diplomatic mission in Damascus, Mishāqah had served as a finance official for the Shihāb emirs of Lebanon, much as his father Jirjis before him had done. His grandfather Ibrāhīm, in whose days the chronicle begins, had been a tax farmer for the notoriously tyrannical Ottoman governor of Acre, ʿAḥmad Pāshā al-Jazzār (d. 1219/1804).² It is to Mishāqah’s connections in Levantine politics that we owe a remarkable account of the discourse surrounding non-Muslim officials as it cropped up in local political contests in the nineteenth century.

In 1790, after dismissing and killing some of his Greek Catholic treasury officials, al-Jazzār had appointed in their stead a Damascene Jew called Ḥāyīm, of the prominent Fārḥī family.³ Mishāqah, notwithstanding his anti-Semitic

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¹ Mishāqah, *Murder*, pp. 2–3 (with interlinear collation to the partial edition, *Muntakhabāt min al-Jawāb ʿalā iqṭirāḥ al-ḥabhāb*). For Mishāqah’s exposure to European scholarship, including astronomy and travelogue, and resulting methodological leanings, see pp. 94–104.
² Mishāqah, *Murder*, pp. 20–21. Al-Jazzār employed high officials from diverse regional, ethnic, and communal backgrounds. One, Shaykh Ṭāhā, was a Kurd widely believed to be a Yazdī. The Greek Catholic Sakrūj family managed his finances (pp. 24, 31–33). Still, because most of the people in Ibrāhīm’s tax-farming region were Shiʿīs, Muslims were appointed alongside him “for the sake of appearances.” Cf., Chapter 6, p. 177 (al-Ḥusayn b. Ṭāmīr).
rhetoric elsewhere in the work, describes Ḥāyīm as a formidable Talmudist and a man who “had few equals in good-naturedness, moral character, and perceptiveness.” Until his downfall and death in 1820, Ḥāyīm maintained his influential but precarious position as principal financial overseer (ṣarrāj) to successive Ottoman governors, and became a real force in Levantine politics. In 1820, through an influential Jewish cousin in Istanbul, the Ottoman official Ḥiziqyāl, he was even able to secure the appointment of his preferred candidate as Ottoman governor in Acre, one ʿAbdallāh Bey. This was a fatal mistake. ʿAbdallāh began consort ing with people whom Mishāqah calls “rabble” (awbāsh), and who seem to have been Sufis. Wise, refined Ḥāyīm undertook to give ʿAbdallāh counsel (naṣīḥah) that, like much of the counsel studied in Chapter 6, had a defamatory edge. He informed the governor that these men were “low-lifes” (al-adniyāʾ) and that “if he must attend dhikrs, then it should be done with suitable people, like the qāḍī, the muftī, the dean of the sharīfs, and the ulama.”

Far from taking Ḥāyīm’s advice, ʿAbdallāh leaked it to the “rabble,” who “feared that the Pasha might eventually heed the counsel” and cease patronizing them. This fear, in Mishāqah’s telling, inspires them to reprise the long-established discourse around non-Muslim officials as a way of targeting Ḥāyīm. “This Jew is so arrogant against Islam,” Mishāqah makes them say, “that many have begun to kiss his hand as though he were a vizier or qāḍī. The Qurʾān tells us that they are ‘the most hostile of men to the believers’ (5:82). How can a Muslim rely on them and trust them?” ʿAbdallāh’s uncle, the former governor Sulaymān Pāshā, had been naïve, they explain, and the corrupt Jews took advantage of him. Their concluding rhetorical flourish demonstrates Mishāqah’s familiarity with the common refrains of the discourse studied in this book:

The vizier’s treasury is the commonwealth of the Muslims: is it permissible to deposit it with a Jew and entrust it to one who is “the most hostile of men to the believers,” as the Lord of the Universe bears witness to? Is there any evidence greater than this? Anyone who denies it is an infidel. Is it licit to employ a Jew in a governmental department in the interests of Muslims? It was not permitted by any of the Four Imams of the Muslim legal madhhab. Your late uncle can be excused because he did not know the law, but Your Excellency knows the legal precepts and cannot be excused for neglecting any of them.

4 Mishāqā, Murder, pp. 49–50.
5 For this and the following passage, Mishāqā, Murder, pp. 105–7 (translations slightly emended here).
6 The direct quotation from the Qurʾān, not noted by Thackston, refers disparagingly to Jews and pagans but praises Christians. For similar sensitivities about hand-kissing, see above, pp. 178, 251, 298, and below at n. 21.
In this way the Sufis persuade the governor to remove Ḥāyīm. Not satisfied with this, they conspire to have him killed. If it bothered them that his replacement, Yūsuf Qardāḥī, was a Maronite Christian, Mishāqah does not mention it.  

In other passages, Mishāqah shows how religious affiliation could be invoked in bureaucratic competition without such direct reference to the discourse. In one, the Shihāb emir of the Lebanon, Bashīr II, is accused to the governor by certain “corruptors” (mufsidūn) of being a crypto-Christian, “who should not rule, especially among Muslims . . . God will hold you responsible on the Day of Resurrection for putting an infidel ruler over them.” This defamation fails when Bashīr successfully argues that his position is political rather than religious in nature. “If [the governor] wants the mountain to be ruled by a mosque official,” he remarks, “he can find plenty of them.”  

In another instance, a member of the Jewish Fārḥī family hears the Ottoman governor of Damascus, the Kurd Kanj Yūsuf Pāshā (r. 1807–10), remark of his talented Christian epistolary secretary (kātib taḥrīrāt al-wilāyah), ʿAbbūd al-Bahṛī, “If he would only become Muslim, I would promote him to high rank.” The Jew, fearing for his own position, cleverly induces the governor to request that ʿAbbūd convert. Ultimately this leads the pious and skilled ʿAbbūd to vacate his office, to the governor’s chagrin. This story inspires Mishāqah to insert a defamatory excursus of his own, on various conspiracies hatched by Jews. Such anecdotes would be right at home in, say, the work of Ibn al-Nābulusī, except that some of the Jewish slyness he describes benefits Muslim patrons.  

Mishāqah’s firsthand account of these events shows that some of the discursive patterns of competition that we have traced in this book persisted into the early nineteenth century. Vague, principled discomfort with non-Muslim officials is clearly visible, as are the adaptation of Qurʾānic and juristic pretexts for the exclusion of competitors; concern with the maintenance of unequal stores of symbolic capital inscribed within particular visions of a properly Islamic social order; thinly veiled defamation offered as “counsel”; and warnings to rulers concerning their earthly security and the fate of their eternal souls. It is arresting that these themes should be relayed – and even, as with the anti-Jewish diatribe or the defamation of the “rabble,” modeled – by a Christian official. Mishāqah saw Levantine politics from the inside just as its meeting with European modernity was deeply changing its dynamics, and he depicted it

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7 For the comparable fall of a Jewish ṣarrāf in Cairo more than a century earlier, see Winter, *Egyptian Society under Ottoman Rule*, p. 198.  
9 Ibid., pp. 63–70. Yūsuf Pāshā evidently had a penchant for regulating non-Muslims, at one point imposing an outré version of the ghiyār on Muslims, Christians, and Jews alike (p. 63).
with a pretense of wide-lens analytical detachment that owed something to the European scholarly habitus he had acquired as a young man.\textsuperscript{10} Some non-Muslim officials in earlier centuries were doubtless equally aware of the discourse, though prevailing conventions within their own discursive forms likely dissuaded them from depicting it in such vivid color.\textsuperscript{11} Had they done so, they might have represented it in terms as drily jaundiced as Mishāqah’s. Although observers like Mishāqah were political insiders in Islamic governance, they represented the discourse around non-Muslim officials such as themselves neither as the definitive law that regulated participation in that governance, nor as perennial persecution devised by a malevolently personified Islam.\textsuperscript{12} For them, it was instead a particular set of intermittent discursive practices in a much broader environment of ever-shifting conflict and alliance among elites in pursuit of scarce resources. This book has argued that we should see the discourse in similar terms, but with a twist: since the disputed resources were symbolic as well as material and political, and since the discourse itself was woven of symbolic stuff, its creators took it too seriously to use it as a cynical pretext for obtaining their political, economic, or social desiderata.

Mishāqah’s nineteenth-century account raises the distinct possibility that the premodern discourse that we have traced could be followed further, into the early modern “gunpowder empires” of the Ottomans, Safavids, and Mughals, or even to the present.\textsuperscript{13} It does seem likely that the early Ottoman empire’s solution to the perennial problem of recruiting effective, loyal, and affordable officials – namely the devshirme levy of Balkan Christian boys, who were subsequently converted to Islam and trained as soldiers and officials – reduced the stimulus for the prescriptive discourse around non-Muslim officials.\textsuperscript{14} Why would an Ottoman vizier risk running afoul of the ulama when he could hire the çıkma, graduates of the state-run Palace School, suitably deracinated, Islamized, and trained? In the Mughal case, by contrast, it is clear that the political involvement of non-Muslims was

\begin{enumerate}
\item On the change in inter-communal dynamics in this period, see Philipp, “The Farhi Family,” p. 48. Cf. Makdisi, \textit{Artillery of Heaven}.
\item For sporadic indications of their awareness, see, e.g., Fischel, \textit{Jews}, p. 110; and Chapter 2, p. 34.
\item Yarbrough, “A Christian official.”
\item In the present day, the discourse often takes the form of popular protest against elected political authorities who are non-Muslims, as occurred in Egypt in 2011 or Indonesia in 2016 (see “Mideast and African Roundup: Egypt”; “Christian Governor Fired in Egypt”; Binawan, “The Case of a Christian Governor in Jakarta”).
\item Imber, \textit{The Ottoman Empire}, pp. 124–42. An early example, minus the formal training, is Ibrahim Pasha (Turan, “The Sultan’s Favorite,” esp. pp. 117–41). In the pre-Ottoman era, a comparable figure might not have converted. After the devshirme broke down, offices were usually passed within Muslim families. But note the case of the Phanariot Greek officials of the later Ottomans (Findley, \textit{Ottoman Civil Officialdom}, p. 45).
\end{enumerate}
quite routine, though the dynamics of contestation that accompanied this practice remain to be explored.\textsuperscript{15}

Still, the discourse hardly disappeared in the Ottoman period. At least one independent work on the topic from that era survives, though of its author only a name is known. Directed against Jews, it is a learned and energetic synthesis of the discourse, particularly its juristic strands.\textsuperscript{16} At the end of the first Islamic millennium, an Anatolian Ḥanafī resident in Mecca, Sirāj al-Dīn al-Amāsī (d. 1000/1591), listed “befriending infidels” as one of ninety-seven underrated taboos in his Tabyīn al-maḥārim. “Behold this enormity in Islam in our age,” he writes. “The Muslim rulers empower Jews and the Christians – enemies of God – over Muslims’ possessions in the ports and elsewhere.”\textsuperscript{17} We saw in Chapter 8 that the employment of Jewish port officials was a sporadic irritant for some Ottoman Muslims.\textsuperscript{18} Although he did have a special dislike for Jews, al-Amāsī also declared the Qızılbaḵš Shīʿa “a species of infidel, nay, more virulent opponents of the Muslims than the infidels themselves; the prohibition on befriending them is stronger than on befriending infidels.”\textsuperscript{19} Thus in the Ottoman context, too, the discourse around non-Muslim officials was punctuated with swipes at Muslim rivals.

Egypt in the Ottoman period continued to incubate the seeds of the discourse that had periodically blossomed there. A certain eleventh/seventeenth-century Egyptian called ‘Alī al-Munayyar al-Shāfiʿī wrote a “refutation of Judaism and Christianity when he learned that those faiths were considered divine by certain Muslims, who consequently felt it was wrong to call Jews and Christians infidels.”\textsuperscript{20} He sought support in this task in extended quotations from the work of Ibn al-Naqqāsh. And an Egyptian Ḥanafī named Shīb al-Dīn al-Khafāǧī (d. 1069/1659), whom we met early in Chapter 1, was moved by the Ottoman sultan’s empowerment of certain Jews to invoke the discourse in his own voluminous supercommentary on the Qurʿān, along with some poetry he had composed on the subject:

Our jurists have decreed that it is forbidden to employ them as state officials, as established in the text of Revelation, for example in al-Bahr al-rāʾ iq. Sultans have been afflicted by this to the point that the people have been forced to present themselves before these [unbelievers] and kiss their hands. It was like this in the time of Sultan

\textsuperscript{15} For some indications, see Chapter 7, p. 256 n. 130, and now Busch, “Portrait of a Raja in a Badshah’s World”; Kinra, Writing Self, Writing Empire, esp. p. 5. The Safavid empire, by contrast, seems to have had relatively few non-Muslim officials. See, e.g., Savory, “Relations Between the Safavid State and its Non-Muslim Minorities”; Moreen, “The Status of Religious Minorities in Safavid Iran 1617–61.”

\textsuperscript{16} al-Wāridānī, al-Nahy ’an al-istiʿānah wa-l-istinṣār fī umūr al-muslimīn bi-ahl al-dhimmah wa-l-kuffār.

\textsuperscript{17} al-Amāsī, Tabyīn al-maḥārim, fol. 54 v.

\textsuperscript{18} Chapter 8, p. 266 n. 14.

\textsuperscript{19} al-Amāsī, Tabyīn al-maḥārim, fol. 54 v.

\textsuperscript{20} Perlmann, “Alī al-Munayyar,” p. 182.
Murād, so that there occurred a great disturbance that cannot be detailed here.
I composed these lines on that occasion:
Woe to people who appoint the Jews,
Turning away from the Word of the Lord of the Universe!
They reckon them to have faithfulness and medical acumen,
And thus give them power over souls and wealth.
Oppressive rulers may be killed without war;
The believers are sufficient for God in that fight.\textsuperscript{21}

In addition to his labors as an exegete, al-Khafājī was a multi-disciplinary scholar
and Ottoman official in Skopje, Salonika, and Egypt. He was also something of a
disputatious firebrand. This led to his exile from Istanbul, in which, he bitterly
alleged in a later memoir, “no one is left who can really recite Sūrat al-Fātihah.”\textsuperscript{22}
He thus fits the profile of many contributors to the discourse whom we have
encountered. He was learned, with a foot in Islamic scholarship and another in
state officialdom, and preferred conflict to cooperation as a strategy to access
resources. His brief excursus on overweening Jewish officials, too, runs parallel
to earlier contributions to the discourse, even as it draws on them. Like fellow-
Ḥanafī al-Jaṣṣāṣ, whose views he unknowingly quotes in the passage via their
mis-ascription to the Ḥanbalī Abū Yaʿlā by Ibn Qayyim al-Jawziyyah, he
responded to a contemporary irritant: the empowerment of non-Muslims as
state officials by Muslim rulers, and the drain on Muslim symbolic capital that
he felt this to represent. Like al-Jaṣṣāṣ, too, as well as such other writers as Ibn Ḥazm
or al-Maghīlī, his rhetorical response to this irritant tended toward sedition
rather than suasion. Like still others, such as al-Asnawī or even Mishāqah’s Sufī
“rabble,” he invoked putative juristic consensus against the practice, in this case
within his own madhhab. Finally, he, too, evidently found the recitation of
juristic rulings alone to be inadequate, and so composed popular poetry that
criticized the ruler’s actions and threatened his overthrow. Muslim poets had
been issuing similar messages in verse for nearly a thousand years.\textsuperscript{23}

Still, these Ottoman examples look rather wan beside the later strata of the
discourse excavated in the previous chapters. The Ottoman system of admin-
istrative recruitment may really have succeeded, though inadvertently, in
suppressing the irritant that prodded al-Khafājī and so many others to write

\textsuperscript{21} al-Khafājī, Ḥāshiyyat al-Shihāb, 4:309. For the passage in al-Bahr al-rāʾiq, by Ibn Nujaym (d. 970/1563), see his al-Bahr al-rāʾiq, 5:193. On al-Khafājī, see Riyālāt, “al-Shihāb al-Khafājī,” pp. 30–52. The “great disturbance” remains to be securely identified. It could be related to
several sixteenth- or seventeenth-century Jews who wielded controversial influence at the
Ottoman court, or in Egypt, e.g., Jewish tax farmers, the court favorite Kyra, Jewish spies, or
Jewish physicians. See more generally Ben-Naeh, Jews in the Realm of the Sultans; Winter,
\textit{Egyptian Society Under Ottoman Rule}, pp. 193–218; Kovaleva, “‘Jewish courtiers’ and
‘Privileged dhimmis.’” I thank Yaron Ben-Naeh for his assistance in this matter.


\textsuperscript{23} For more such poetry, see \textit{Chapter 6}, pp. 182–84, and Ibn al-Nābulusī, \textit{Sword}, pp. 20–21, 34–37.
on the topic. It is unsurprising that Mishāqah’s examples should surface during the long twilight of the Ottoman empire, when effective power had devolved from the Porte to the provinces or foreign powers. The governor of Acre, after all, had no Palace School or devshirme. And so, amid the peculiarly long-lasting communal plurality of the Levant, a reminder of what much of the “Islamic world” once had been, governors availed themselves of that old reservoir of effective, loyal, and affordable bureaucratic expertise: local non-Muslim learned elites. Mishāqah’s “rabble” and “corrupters” responded on cue.

These recurrent patterns on the surface of this Islamic discourse hint at deeper features of the historical societies that produced it. We have seen that in Europe the political strategy of empowering effective, loyal, marginal out-group elites as state agents was adopted mainly at the borders nearer the Islamic world, in Iberia, Sicily, and Hungary, suggesting that the practice may have been connected in some way to Islamic antecedents. It was in those regions, too, that elements of an analogous though ultimately rather different Christian discourse are best attested. It is possible, then, that the political strategies that occasioned the Islamic discourse are themselves distinctly Islamic, though not uniquely so. Yet this book has argued that the discourse is not fully constitutive of Islamic prescription on the question of non-Muslim state officials. It is instead a historically layered composite of specific, intricately interconnected texts that generations of literate Muslim elites devised, developed, and deployed to compete with their contemporaries for resources they desired. They wielded these textual instruments sincerely and bombastically, in parables, juristic treatises, poetry, and literary prose, for and against contemporaries both Muslim and non-Muslim, ruler and subject. If the discourse’s Muslim producers returned time and again to the same competitive strategies, it was because rulers returned with equal persistence to the political strategy of appointing non-Muslims. In so doing, Muslim rulers enacted their own contrasting, practical visions of Islamic governance.

24 Chapter 8, esp. pp. 276–77, 290.
25 Brian Catlos makes the empowerment of minority outsiders a strategy distinctive to Mediterranean states rather than Islamic ones (“Accursed, Superior Men,” pp. 854–55, 863–64). Yet it is well attested in the Islamic hinterlands beyond the Mediterranean basin (e.g., in Baghdad and Delhi), but far less so in their Christian counterparts (e.g., Northern Europe) or in those Mediterranean states, such as Byzantium, that did not supplant Islamic ones. In Byzantium eunuchs discharged a similar function (see Ringrose, The Perfect Servant). The present study cannot determine whether this difference owes to the relative communal plurality of Mediterranean Christendom or, as seems likelier, to certain prevalent aspects of Islamic societies and politics, notably persistent plurality, strong central rule, and a prominent learned class possessed of authoritative, specific political-administrative prescriptions.
Bibliography

Sources


Bibliography


Bibliography


Solwan; or, Waters of Comfort. 2 vols. London: Richard Bentley, 1852.


Bibliography


Qīṣāṣ al-anbiyāʾ al-musammā bi-ʿarāʾis al-majālis. Cairo: Maktabat al-Jumhūrīyyah, 19–.


*TMD*. See Ibn ʿAsākir, Taʾrīkh madinat Dimashq.

Bibliography


Studies


Assandri, Friederike. “Inter-religious Debate at the Court of the Early Tang: An Introduction to Daoxuan’s *Ji gujin Fo Dao lunheng,*” in *From Early Tang


Bibliography


**CCE**, see Torjesen, Karen J. and Gawdat Gabra, ed. *Claremont Coptic Encyclopedia*.


Bibliography


CMR, see Thomas, David et al., ed. Christian-Muslim Relations: A Bibliographical History.


EI’, see Houtsma, Martijn Theodoor et al., *The Encyclopedia of Islam*.


EI³, see Fleet, Kate et al., *The Encyclopedia of Islam, Three*.

Elr, see Yarshater, Ehsan et al., *Encyclopaedia Iranica*.

EIW, see Stillman, Norman et al., *Encyclopedia of Jews in the Islamic World*.


EQ, see McAuliffe, Jane Dammen, *The Encyclopedia of the Qur’ān*.


*The Agrarian Administration of Egypt from the Arabs to the Ottomans.* Cairo: Institut français d’archéologie orientale, 1986.


GAL, see Brockelmann, Carl. *Geschichte der arabischen Litteratur.*


Bibliography


“Aperçu de papyrologie arabe,” Études de papyrologie 1 (1932), pp. 23–95.


Amsterdam: Johannes Müller, 1903.


Theophilus of Edessa’s Chronicle and the Circulation of Historical Knowledge in Late Antiquity and Early Islam. Liverpool: Liverpool University Press, 2011.


Bibliography


Kovaleva, Daria. “‘Jewish courtiers’ or ‘Privileged dhimmis’: Who Were the Members of the Jewish Elite in the Ottoman Empire?” (Russian), Tirol 12 (2012), pp. 105–16.


“Medicine for Muslims? Islamic Theologians, Non-Muslim Physicians, and the Medical Culture of the Mamluk Near East,” Annemarie Schimmel Kolleg


Med. Soc., see Goitein, Shelomo Dov, A Mediterranean Society.


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