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**TRANSCENDING LEGITIMACY:
AL-AWZĀ'Ī
AND HIS INTERACTION WITH THE 'ABBASID STATE**

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**THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY**

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STUDIES**

2004



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DECLARATION

I, the author of this thesis, declare that none of the materials in this thesis has been submitted in support of an application for another degree qualification in this or any other university.

Abstract

The relationship between the scholars and the caliphs throughout Islamic history has occupied the attention of Western scholars as well as Muslims scholars alike. Several scholarly attempts have been exerted in this vein. It is the believe of this researcher that past research on the subject often lacked the methodological approach necessary for dealing with history sources and the theoretical framework needed for assessing this relationship. The inability to deal with historical sources in the most appropriate manner stem from a deep mistrust imbedded in Western attitudes towards the oral tradition. On the other hand, failure to assess this relationship in its proper theoretical frame work resulted from an overall inclination towards adopting unfounded theories about early Islamic history. Failure to use early sources coupled with adopting theories based on speculation caused major damage to the study of Islamic history. As a result, this researcher aims to restore this study and establish a new methodology to shed new light in the relationship between the scholars and the caliphs.

The research is two fold: it aims to establish the authenticity of the sources used by adopting the method newly developed by Harald Motzki. This step will ensure that all the sources we use in our research pass the examination of authenticity. The following step in the research will show that an early scholar such as al-Awzā'ī believed that obedience to the state is part of the Islamic belief and that disobedience may result in disbelief. The final result from this is that the theological beliefs adopted by a scholar such as al-Awzā'ī impacted his political behavior greatly. This means that the need to understand the relationship between the scholars and the caliphs must be understood in light of the theological beliefs adopted by the scholar in question.

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Dedication

To My Mom Rif'a, for all her Love

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English Transliteration System

The English transliteration system used in this thesis is the International Journal of Middle East Studies transliteration system.

Chapter I

Introduction

The need to understand how early Muslim scholars interacted with leaders in Muslim society is significant. This relationship shaped various aspects of Islamic life and impacted the development of Islam as it exists today. The understanding of the nature of this complex relationship requires us to account for what necessitated scholars to interact with political authority. Still, we have to keep in mind that history books tell that some scholars developed antagonistic attitudes towards the state and refused to deal with its representatives. Perhaps the main issue worthy of examination is how scholars responded to political authority when it assumed certain responsibilities or claims to legitimacy. This requires that we examine the factors shaping the attitudes of the scholars towards political authority.

For this research, we developed the hypothesis that the theology '*aqīda*'¹ of *Sunni* scholars played a major role in shaping their attitudes towards the state. Indeed, *Sunni* scholars held the belief that an up rise against the state constituted an act of apostasy; thus, scholars felt that they must find non-belligerent ways to deal with political leadership regardless of its claims to legitimacy. Perhaps the best example fitting this description is

¹ This term is very significant for our study and it would not do justice to explain it here. It will be explained in detail in chapter 6.



al-Awzā'ī.² Our sources maintain that he interacted with the 'Abbasids though he rejected their claims to political legitimacy. Again, our sources describe al-Awzā'ī to be a scholar viewing those rebelling against the state as outlaws that must be viewed as innovators departing from the foundation the Muslim community.³ Thus, our research will show that al-Awzā'ī's theology made it imperative that he yields to the power of the state and interact with its proponents in spite of his rejection to their specific legitimacy claims. This finding is particularly significant for future research in that examining the *'aqīda* of a given scholar should provide an understanding of his attitude towards political authority.

This hypothesis will be proven by undertaking various steps starting with this first chapter where we will analyze various methods proposed by scholars aiming to study the field of Islamic history. We will describe these methods and outline their shortcomings then show how our method of analysis provides useful insights when dealing with problems that haunted the field of Islamic history for almost a century now. The second chapter will outline the nature of certain factors characterizing this period in which al-Awzā'ī lived. Our work in this step will be descriptive in that it will focus on the nature of the political, intellectual, and the sectarian milieu of this period. This will provide an understanding of how each political leader contributed to failures and successes of the community. Furthermore, this will illustrate the unique advancement achieved through the work of scholars aiming to establish Islamic sciences. Thus, this chapter will provide a general understanding of what were the major issues confronting the Muslim community.

² The third chapter will provide a complete biography for al-Awzā'ī.

³ The fourth and fifth chapters will deal with these sources extensively, this is why we will not mention them here.

The third chapter will deal with the biography of al-Awzā'ī. This chapter will adopt our specific method which we described in the first chapter to be used throughout this research as well as future research in the field. This method in essence follows previous methods in the field in that it tries to bring various sources for comparison in order to get at the truth, which is assumed to be imbedded within the lines of these sources. Our method, however, adds a new element in that we take our findings and respond to other scholars adopting other methods in the field. Our method is significant for its ability to put to use the main findings of our research so that we show the inconsistent nature of other research based on theory rather than sources. Thus, this chapter will present the biography of al-Awzā'ī through different sources then respond to various scholars for their claims about certain aspects of his life.

The fourth chapter will deal with the meeting between al-Awzā'ī and 'Abdullah b. 'Alī, the leader of the 'Abbasid army in Syria. This meeting is particularly significant for confirming our claim that al-Awzā'ī rejected the 'Abbasid argument about legitimacy. Indeed, the meeting between the two men presented a serious debate regarding this issue of the 'Abbasid revolution, the permissibility of killing Umayyad rulers and liquidating their property, and the right of the Prophet's family to inherit the caliphate.

This meeting is significant for our claims about al-Awzā'ī's attitudes towards the 'Abbasids; thus, we found it to be imperative to prove its authenticity. In this chapter, we will respond to those claiming that the narrations about this meeting are fabricated. We will employ a new method developed by Harald Motzki⁴ and give a rebuttal of the theory of

⁴ The work of Motzki is significant for this work this is why Motzki's methods will be briefly discussed in this chapter then explained in great detail in chapter four.

spreading *isnād* proposed by Cook and that of the common link proposed by Schacht. This chapter will provide an analysis of the various narrations of this meeting and their attached *isnāds*. This will show that this story is not legendary but an actual fact and its information are findings to be used in our understanding of this critical moment in al-Awzā'ī's life and relationship to the state.

The fifth chapter will deal with an actual encounter between al-Awzā'ī and the officials of the 'Abbasid regime by looking into the letters that the former sent to the latter. These letters will show that al-Awzā'ī rejected strongly the claim that legitimacy stem from the caliph's blood link to the Prophet's family and emphasized the need to serve the Muslims in a manner similar to that of the Prophet. This position creates a dilemma for our research in that it brings us to a paradox in which al-Awzā'ī rejects the essence of 'Abbasid claims to legitimacy yet he continued his dealings with the caliph to the extent of recognizing him as the successor of the Prophet and the commander of the believers.

The sixth chapter will provide a solution for the dilemma presented in the pervious chapter and will show that al-Awzā'ī became highly admired by later scholars for his obedience to the caliph while rejecting his claims of the right to inherit the caliphate. Indeed, these scholars began to see al-Awzā'ī as a skillful scholar able to submit to the power of the state without compromising his views about legitimacy. Al-Awzā'ī's ability to influence the state proved to be significant in that he rejected its original claims to legitimacy, showed its proponents alternative claims to legitimacy, never incited an uprising against it, and recognized its leader as the commander of the believers. This chapter will also show the importance of analyzing the theological beliefs of any given scholar when aiming to understand his views towards the state. Finally, we will use all the

findings presented in this research and respond to other research in the field dealing with the relationship between scholars and caliphs.

Now we will turn to the analysis of methods dealing with this field and provide a critique for what we see as an inability to deal with Muslim sources. Perhaps the recent work of Fred Donner captures this problem and shows the extent to which the sources present a significant problem for researchers of early Islamic history.⁵ The work of Donner categorizes the field of those researching Islamic history into four categories. The first category is called the “Descriptive Approach.”⁶ According to Donner, this approach has presented the first attempt of Western scholarship to shift from the polemical nature characterizing the writing of Islamic history when churches dominated the field. This approach tended to look at early Islamic sources in a favorable light, constructing the actual picture of early Islamic history from what has been presented by Islamic sources dealing with such period.⁷

For Donner, this approach is hardly critical but the scarcity of sources and the difficult nature of this early period forced early scholars to be completely dominated by these early Islamic sources.⁸ This approach was based on three different assumptions: firstly, the Qur’ān presented itself for the proponents of this approach as a significant historical source about the life of the Prophet and the nature of Arabian society. Secondly, the narrations appearing in historical sources such as that of al-Tabarī or other annals

⁵ Fred Donner, *Narratives of Islamic Origins, the Beginning of Islamic Historical Writings*, p. 5.

⁶ Ibid.

⁷ Ibid. p. 7.

⁸ Ibid.

present a reliable source of historical information useful in constructing what really happened in this early period. Thirdly, the proponents of this approach believed that the narrations attributed to the Prophet presented what could be seen as the nature of early piety for the Muslims rather than what maybe regarded as a historical account of the community.⁹ These three basic elements made up what came to be known as the Descriptive Approach. The proponents of this approach influenced the field of Islamic history and laid its foundation for years to come.

According to Donner, the advancement in technology characterizing early twentieth century impacted printing and this resulted into the creation of new books out of the massive deposits of manuscripts owned by those Westerners who made it a habit to buy or steal manuscripts from the Muslim world during colonialism.¹⁰ This made it easy to print new books and make them accessible to scholars in the Western world. The result of this process has impacted the field and gave birth to a new approach aiming to remedy the ills of the Descriptive Approach.

According to Donner, the Source Critical Approach aimed to treat the problems facing the proponents of the Descriptive Approach.¹¹ These problems manifest themselves in the existence of inconsistencies in Islamic sources dealing with its early period. For Donner, the increase in the number of sources available to Western scholars gave a broad picture to Islamic history thereby exposing inconsistencies present in almost all the

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid, p. 9.

sources.¹² The proponents of this approach aimed to remedy this problem by attempting to reconcile the major discrepancies appearing in early Islamic sources. For Donner, the proponents of this approach believed that early Islamic sources appeared in written form at an early period and the existence of inconsistencies maybe attributed to certain factors.¹³

Donner believed that these factors are three: Firstly, early sources were sound but became corrupted by the mishandling of materials from one person to another.¹⁴ Secondly, the incorrect material appearing in certain sources were not the deliberate result of the work of historians but maybe attributed to storytellers lacking the skills of reporting accurate history.¹⁵ Thirdly, the inconsistencies appearing in the sources maybe explained in light of dogmatic as well as the religious bias characterizing early Islamic history. For Donner, this view has dominated the attitudes of the proponents of this approach about the nature of inconsistencies in the sources.¹⁶

For Donner, this approach presented the field with some sound findings since it took into account the nature of the pressures that might have led for the existence of biases in early Islamic history. This approach proved to be more effective than the Descriptive Approach in getting at what really happened in early Islamic history. In his further description of this approach, Donner believed that its proponents based their research on four basic assumptions: First, they believed that early Islamic history was based on written

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid, p. 10.

¹⁵ Ibid.

¹⁶ Ibid.

sources; Secondly, non-Muslim sources in Syriac and Greek were useful in constructing early history especially when compared with early Muslim sources dealing with the same subjects.¹⁷ The third and fourth assumptions resemble that of the descriptive approach in that they assume that the Qur'ān presented a viable source of the history of the Prophet and regarded the *ḥadīth* as non-historical reports aiming to outline the nature of early Muslim dogma.¹⁸

For Donner, this approach proved to be useful in dealing with significant topics in early Islamic history such as the early Islamic conquests or the civil war and the *ridda* wars. The work of Wellhausen relied on then newly published history of al-Ṭabarī and proved to be significant in this regard in that the efforts of this scholar to explain the inconsistencies characterizing early Islamic sources showed that early Muslim historians belonged to different schools such as that of Medina, Basra, Syria, and Khurasān.¹⁹ These schools presented different stories of early Islamic history, but Wellhausen believed that the Medina school proved to be much more accurate in history reporting than other schools especially the Iraqi one. For Donner, this resulted in the belief that early Islamic history includes good reports and bad reports and this means that the job of a historian is to distinguish between the good and the bad simply by outlining which school is responsible for reporting the history in question then evaluating the political as well as religious biases impacting such reports.²⁰

¹⁷ Ibid. p. 20.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

For Donner, this approach was based on the assumption that the early Islamic sources appeared in written form and this simply was not the case. Indeed, Donner believed one may argue convincingly that the stable writing of early Islamic sources did not take place until the third century. This is why there was a need for a new approach, an approach that would be mindful of the nature of the early Islamic tradition and how it was documented. The Tradition Critical Approach presented itself as a significant scholarly approach in dealing with this problem. For Donner, the founder of this approach is Goldziher and his work on *ḥadīth* had to an extent introduced a new and useful dimension to the question of early Islamic history.²¹

Unlike the proponents of the Source Critical Approach, Goldziher regarded *ḥadīth* as reports that need to be evaluated in light of the political as well as the dogmatic pressures influencing the work of early reporters.²² For Donner, this meant that the set of pressures that were seen by the proponents of Source Critical Approach to have impacted the writing of historical reports must be applied to our study of how *ḥadīth* was written. This means that *ḥadīth* would no longer be viewed to present solely the nature of early Muslim piety; it presented the actual political, religious, and social conflict that would accurately reflect the events of the history of the early Muslim community just as historical reports reflect these events.²³

This means that the *ḥadīth* is not the mere sayings of the Prophet but reports that resulted from later fabrications of third century scholars aiming to legitimize their legal or

²¹ Ibid, p. 21.

²² Ibid.

²³ Ibid.

dogmatic position on this issue or that issue. This means that we have to view *ḥadīth* to be the product of a long evolutionary process where the conflict between the various Muslim factions explain how *ḥadīth* came into existence. This view led the proponents of this approach to reject the notion that the early Islamic reports were written at one single historical instance. Thus, they attempted to track down when early reports first appeared in stable written form so that a view of how the evolution of this process began and how it ended maybe accurately ascertained.

For Donner, this means that the proponents of this approach still believed that there was a kernel of truth embedded in the lines of the sources in spite of the massive fabrications characterizing early Islamic sources.²⁴ What is really needed is to know when this tradition was written down so that we may track its development from an oral and fluid transmission to a hard and stable written form. For Donner, the work of Harald Motzki had convincingly argued that early Islamic reports were transmitted partly through oral transmission and partly through the writing of reports.²⁵ The proponents of this approach viewed *ḥadīth* attributed to the Prophet very skeptically and gave way to what came to be known as the Skeptical Approach.

The proponents of the Skeptical Approach, similar to the proponents of the Source Critical Approach, believed that the early Islamic tradition evolved over time and was not written down in one single instance.²⁶ However, the proponents of the skeptical tradition believe that early Islamic history does not contain that kernel of truth that the proponents of

²⁴ Ibid. p. 22.

²⁵ Ibid.

²⁶ Ibid, p. 23.

the source critical approach believe to be embedded within the lines of the sources. For Donner, the proponents of this approach believed that the Islamic sources about early Islamic history contain nothing that may tell us about what happened in early Islamic history.²⁷

According to Donner, the proponents of the Skeptical Approach base their understanding of the tradition on three basic assumptions: The Qur'ān did not exist as a complete document in the first second or even early third century, it existed as a complete document in the middle period of the third century after it evolved for a significant period of time.²⁸ Secondly, Islamic history should be viewed as salvation history in which third century scholars working to tailor an Arab identity aimed to make up a significant legendary past.²⁹ This means that the kernel of truth that the proponents of the Source Critical Approach assume to exist have no basis for the proponents of the Skeptical Approach. These assumptions have led the field into radically different opinions from those depicted by Islamic sources to compose the picture of Islamic origins.

One of the most radical scholars in this vain is Patricia Crone whose work has put the whole field on a different level of scholarship or maybe lack thereof. This researcher has produced various works taking Islamic sources for granted and basing the picture of early Islamic history on fiction. The result was devastating for this field. This is why our research found it imperative to respond to some of her work in an effort to set the field back to its scholarly quality.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

The four categories outlined above depict in Donner's view how Islamic history has been approached by Western scholars in the past two centuries. This analysis proved to be convincing for students who attempt to have some understanding of how this field has been evolving over time. Indeed, a serious student of Islamic history needs to have a clear understanding of how various scholars approach this field, taking into account the major scholarly problems facing researchers. As Donner himself outlines in his book, the fast expansions conducted by the early Muslims creates a major challenge for those who try to explain how is it possible for such an insignificant army in the Arabian Peninsula to be capable of overrunning two of the major empires known to history in a relatively short period of time.

Islamic sources recorded this history and every scholar makes his own attempt to read through these sources in order to make sense of what happened. This is why Donner's categories seem to be useful for those aiming to have an understanding of the field. Again, these categories depict the extent to which scholars have struggled with Islamic sources, showing the deep mistrust towards the oral tradition that characterized the transmission of all early sources. These categories are necessary for having a first encounter of the field and how various scholars come to debate several issues.

However, on a closer look, one would be able to see the deficiency of these categories. For instance, we find it very difficult to know the category where Donner himself belongs. Furthermore, we found it impossible to fit Harald Motzki in any of these categories. Indeed, the work of Motzki makes very serious attempts to examine the authenticity of the sources by examining when they appeared in a written line and form of

transmission leading to the final copying of reports. This means that Motzki's work is not haunted by typical attitudes of Western scholarship about the oral tradition. This means that this work drastically differs from the work of the people mentioned in Donner's categories and this is why it seems like Harald Motzki does not fit in any of them.

Furthermore, two categories may fit one scholar such as Goldziher whose work maybe categorized as source critical as well as tradition critical. This is something that Donner himself acknowledges when dealing with the work of Goldziher in *ḥadīth* and the extent to which it assess the political, religious, and social pressures in understanding why the collection of *ḥadīth* came into existence. This is evident when assessing Goldziher's treatment of *ḥadīth* but his treatment of history is quite the opposite. According to Donner, Goldziher was inclined to the category of tradition critical when dealing with historical reports and was quite confident in the authenticity of some reports that later scholars viewed as fabricated. Aside from the irony that historical reports were not transmitted as carefully as reports dealing with Prophetic tradition, this notion that one scholar belongs to two different categories makes these categories limited in their ability to explain scholarship in the field.

The main problem with Donner's explanation of the field is that he gives the impression that the main troubles facing researchers in this field is embedded in the way in which the sources were transmitted. This is evident when looking closely to Donner's work; he saw that any student of history is likely to encounter major problems in dealing with documents that were not written but were fluid for a long period of time. For Donner, one can never be sure that these documents were authentic since they did not appear in a stable written form for at least few centuries from the time of their alleged existence as

reports orally transmitted from one person to another. As a result, Donner saw the problems facing the researchers of the early Islamic field to be the way in which early Islamic sources came into existence and how they were documented.

This problem is typical of Western scholarship whose inability to understand other cultures and the way in which the proponents of these cultures transmit their heritage from one generation to another often creates misunderstandings. Indeed, the Islamic culture decided to transmit its heritage through the oral tradition which it regarded as the most viable method for preserving the sayings of the Prophet, his companions, and those preceding them. This was suitable for such a society during that early history. The western world has never exercised oral tradition on a wide scale similar to that of early Muslim society. Why do we have to be haunted in this field by the standards of Western civilization and its prejudice towards the oral tradition? This is why scholars such as Motzki, who was undeniably ignored by almost all western scholars, present a major shift in the field of Islamic studies. As we mentioned above, Donner's categories do not fit someone such as Motzki and that is why we think that these categories are unable to explain the starting point of scholarship in this field beyond the level of a beginning student.

Another point to be made about these categories is that they do not really present major differences between each group of scholars aside from disagreeing on this kernel of truth embedded in the sources. Indeed, some believed that this so called kernel of truth is somewhat significant; others believe that it is really insignificant, while the rest believe that it does not exist at all. On the other hand, the similarities between the categories are so significant to the extent that one may hardly tell the difference between one category and

another. For instance, the proponents of these categories all believe in the evolutionary nature of documenting Islamic history. They believe that Islamic history was written over a long period of time and that the motive of its writing must be explained in light of political as well as sectarian pressures and maybe legal pressures.

This means that the historical reports and *ḥadīth* reports came into existence as a result of the fabrication of those trying to legitimize the adopted legal position of their *madhhabs*. Similarly, those aiming to write exegesis or the biography of the Prophet fabricated *ḥadīth* as well as other reports to legitimize their position towards certain theological opinions. This is the case in all the above categories. The proponents of all these categories view the prophetic tradition as well as historical reports about early Islam to be the result of fabricators existing in third and fourth centuries aiming to create a past that serves as a legitimizing tool for the present.

This is why we feel that the starting point of these scholars belonging to the so called different categories is essentially the same. They all believe that the oral tradition is nothing more than legends transmitted by people who wanted to fabricate sayings and attribute them to the Prophet for whatever worldly gains they may obtain. This negative attitude towards early Islamic sources gave rise to a group of scholars who base their work on theories rather than sources. One significant example of this is the so called theory of apocalypse. The proponents of this theory have been trying to explain early Islamic expansions in light of an apocalyptic theory, claiming that Muslims realized that the end of the world is near and that they must expand rapidly in order to control the whole earth so that they may tell the world that the final day is coming.

The proponents of this theory often use the sources in a way that support their claims, sometimes by taking reports out of context, other times by providing new and often strange interpretations to Qur'ānic verses. The proponents of these theories are no longer able to deal with Islamic sources in a viable way and this is why most of them were unable to respond to Motzki when he published his work dealing with the *Muṣannaf* of 'Abd al-Razzāq.³⁰ One should not be surprised at this since the heavy reliance on theories fostered the inability to use Islamic sources which often pose serious problems to researchers not to mention those who still struggle with the Arabic language.

As we see it the field of Islamic history faces a critical moment, it may continue to ignore early sources and rely on theories for imagining what happened, or begin to reconsider its view of the sources and examine them critically free of prejudice towards the oral tradition. This research will make a significant effort to set the field on the right path by showing how one should deal with early sources when making further explorations in the field. We need to show how Motzki dealt with the sources and tried to overcome certain problems by looking into the *Muṣannaf*.

Now, we will turn to Motzki's method and show how it differs greatly from the work of previous scholars to the extent that it presents what maybe viewed as a revolution in the field of Islamic history. In his work dealing with the *Muṣannaf*, Motzki examines the forgery hypothesis put forward by Schacht and those who followed his lead of skepticism. As we showed above when dealing with Donner's categories, a significant amount of scholarship that Donner considered to have adopted a Source Critical, Traditional Critical,

³⁰ Harald Motzki, "The *Muṣannaf* of 'Abd al-Razzāq al-Ṣan'ānī as a source of authentic Aḥādīth for the first century," *Journal of Near Eastern Studies*, vol. 50, p. 1-21.

and Skeptical approaches believed that early Islamic history was written over a long period of time. They believe that the majority of early Islamic sources do not reflect what actually happened during the period of early Islamic history. Hence, Motzki's starting point of research and overall attitude towards the sources have to be explained in light of this overwhelming skepticism characterizing the field.

Motzki tries to take the sting out of the forgery hypothesis by exploring the mind of the forgers and makes certain sensible assumptions about their motive for forgery. When dealing with Schacht's claims about the authenticity of the Prophetic tradition, Motzki examines the forgery hypothesis in light of actual motives of fabrications then concludes that the documented reports appearing in the *Muṣannaf* are authentic. Motzki concludes this by examining the various chains of transmissions attached to reports then the form as well as content of these reports. For instance, he examines the *isnād* of each report in the *Muṣannaf* and notices that 'Abd al-Razzāq mentions four main informants for his reports. Motzki asserts that the mind of the forger works contrary to this since a forger would typically report only one trustworthy informant for his narration rather than four at least to minimize the amount of error. For Motzki, a forger would not be concerned with making variant *isnāds*, for his soul aim of forgery, as Schacht claims, is to attribute a saying to the Prophet in order to legitimize a *fiqhi* position. Such a forger would be concerned with *matn* rather than *isnād*. These observations lead Motzki to conclude that 'Abd al-Razzāq actually received his reports from the informants mentioned in the *isnād*.

Similarly, the following authorities in the *isnāds* report their narrations from other informants, each one of 'Abd al-Razzāq's four informants reports from three or more informants. For Motzki, this is not how forgers make forgeries, why would they include so

many names in their *isnāds* and increase the probability of being exposed when they could just mention one trustworthy informant and make a strong impression of authenticity. This means that the informants of those informing ‘Abd al-Razzāq were not forgers and that they actually reported what they heard from their informants mentioned in the *isnāds*.

Lastly, Motzki checks the form of the *matns* attached to each *isnāds* and concludes that they do not appear to be the work of forgers. For Motzki, the form of many of these *matns* appears in either question or answer. This further undermines the forgery hypothesis, since it makes no sense for someone trying to forge reports to make some of these reports appear in the form of questions while others appear in the form of answers. This would further complicate the work of the forger making it impossible for him to avoid errors or even provide a clear illustration for evidence legitimizing *fiqhi* views. This led Motzki to conclude that the narrators appearing in the *isnāds* leading up to ‘Abd al-Razzāq were just transmitting what they heard from their informants in the same manner they received it from their teachers.

Similarly, when looking into the content of the *matns* of these reports appearing in the *muṣannaf*, Motzki asserts that one must conclude that these are not forgeries aiming to enhance the views of certain legal school over another as claimed by Schacht. As mentioned above, these reports appear in the form of questions and answers. The content of these answers sometimes gives an opposing legal opinion to what is adopted as a legal opinion by ‘Abd al-Razzāq himself. He attests to this in some of the reports. Furthermore, some of the answers do not answer the questions posed by the student to his teacher, making it impossible to assume that the student forged some reports to boost the credibility of his teacher. Again, some of the answers appearing in these reports cite Prophetic

traditions while others simply mention the opinion of the teacher without citing any supporting evidence. For Motzki, this is not the pattern of someone making forgeries or fabricating *ḥadīths* in an effort to legitimize a *fiqhi* position.

This in depth treatment of the early sources must be worthy of praise at least for those complaining about how the field has been infested with radical theories aiming to reconstruct Islamic history by ignoring its classical sources. The work of Motzki proves to be a break through at least for students worrying about the future of the field and aiming to set professional standards to do away with dogmatic views or radical theories in exploring early Islamic history. Motzki's treatment of the sources poses a serious challenge for those abandoning the sources and developing skeptical attitudes towards any early reports attributed to the Prophet even before examining their content or analyzing them in a professional manner. The student of this thesis finds it imperative to elaborate on Motzki's work and develop it to a new level whereby inquiries aiming to understand early Islamic history become fruitful. Thus, the following paragraph will provide how we should elaborate on Motzki's work and explain our newly developed methods of research.

Unlike the students of scholars adopting radical theories trying to reconstruct early Islamic history, we find it necessary to provide constructive criticism to the methods of our teacher so that the whole field enhances. This is true. How would a student of scholars proposing the theory of apocalypticism criticize their teachers when the dogma of such theory makes the student become either on the side of its proponents or against them? The existence of such a theory as an alternative to Islamic sources for dealing with Islamic history not only undermines the professional nature of studying history but also discourages the inquisitive minds who broaden human understanding by raising questions and

challenging dogma. This is why we found it necessary to provide some constructive criticism to Motzki's work so that we find a new path for broadening our scope of research in order to set new standards for early Islamic history.

As we mentioned above, the way in which Motzki conducted his research depended on analyzing the sources, examining their content and form in light of the forgery hypothesis proposed by the Schachtian camp. This is one of the major strengths we found in Motzki's work. However, proving the non-fabricated nature of certain reports does not necessarily prove the authenticity of these reports. Indeed, one may examine the corpus of forged *ḥadīths* that Muslims compiled over the years and apply Motzki's schemes of lack of motive for forgery then conclude the authenticity of all these weak *ḥadīths*. This is a evident since most of these forged *ḥadīths* showed missing authorities in the *isnāds* which may be viewed as a sign of non-deliberate forgery.

Weak *ḥadīths* are weak *ḥadīths* in spite of all what we may assume about motives of fabrications or lack thereof. Weak *ḥadīths* exist in the tradition and distinguishing them from authentic *ḥadīths* requires a major effort of analysis, an effort that certainly goes beyond checking *isnāds*, content, or form of certain reports then concluding that they are authentic since we are unable to establish a motive for deliberate forgery. Thus, these schemes need to be developed in a way that acknowledges the dismissal of deliberate fabrications then examines the level of accuracy of these reports in light of other reports and evidence found in history books.

The essence of our method stands at the heart of this exercise. We need to examine the authenticity of reports then try to understand what certain sources claim about a given

matter in light of reports found in other sources. This exercise requires deep analysis of the sources and persistence in striving for truth instead of fiction. This requires cautious efforts on behalf of researchers to try to evaluate the sources in light of other sources in order to assess the general picture of Islamic history. This effort maybe followed by certain generalizations particularly aiming at coming up with hypotheses to provide firmer understanding of early Islamic history. These hypotheses may lead to certain theories that may prove useful in dealing with the various events in Islamic history. This means that our method is two fold. It starts at the beginning of historical reports, examining their authenticity and understanding their meaning in light of other sources. The following step of our method is to make certain generalizations about our available resources then try to make certain theories about this early Islamic period.

The best way to outline the essence of this method is to show our example for how we were able to use this method to solve a significant problem facing historians in this field. For instance, the relationship between scholars and caliphs occupied the mind of researchers for a significant period of time. We examined the case of one scholar dealing with the 'Abbasid caliphs in order to have an understanding of this relationship. We examined the case of al-Awzā'ī and his dealing with the 'Abbasid caliph al-Manşūr. We found some reports about several encounters between al-Awzā'ī and the 'Abbasids. We also found other reports about certain sayings attributed to al-Awzā'ī in which he makes certain rules about dealing with caliphs. Our research started by examining the authenticity of all the reports, those reports that appear as sayings attributed to al-Awzā'ī and other reports about his interactions with the caliph. These reports form the backbone of our research so we found it imperative to check their authenticity in order to have a strong foundation for forming the basis of our inquiry.

The following step in our research aimed to examine what these reports mean by looking into other reports. For instance, some reports show that al-Awzā'ī rejected 'Abbasid claims to legitimacy which were based on the right of inheritance of the caliphate to the family members of the Prophet. On the other hand, some other reports show a great extent of interactions and deliberations between al-Awzā'ī and the 'Abbasid government. This contradiction was explained in light of examining other reports that show that al-Awzā'ī emphasized obedience to the caliph while advising him of the right course of conduct. Al-Awzā'ī regarded this obedience as a form of theological belief that must be exercised by those aiming to follow the tradition of the Prophet. This provided a satisfactory explanation, at least for this researcher.

The last step of our method aimed to create a hypothesis to be used by future researchers aiming to understand the nature of the relationship between scholars and caliphs. Based on our analyzed authentic reports, we concluded that the understanding of this relationship must be assessed in light of a clear understanding of the way in which the scholar in question conceives of the tradition of the Prophet. This requires that a researcher aiming to assess this relationship must examine whether the scholar in question sees the obedience to rulers as part of the belief system that reflects a close adherence to the tradition of the Prophet. This should be used to explain the specific interactions that a given scholar chooses to exercise towards the state. This hypothesis should help us overcome this major problem of trying to assess the relationship existing between scholars and caliphs.

The work is the exact opposite of the proponents of theories such as those who try to explain this relationship in light of certain assumptions that are based on imagination rather than facts. For instance, some scholars try to assess this relationship in light of an alleged conflict existing between scholars and caliphs over who should possess religious power. Starting with this assumption and trying to understand historical reports on these corrupt foundations, some scholars reached the most radical conclusions ever known to this field, ranging from assertions that *shi'ism* presented the original form of Islam while *sunnism* was a deviation to conclusions depicting Muslims to be not really Muslims but part of a community of believer aiming to conquer the world in order to share the news with the rest of the believers in this world that the final day is coming in the next few hundred years.

This corrupt scholarship confronted traditional sources and realized that these sources do not support their theories and this is why we have this prejudice towards early Islamic sources. As a result, this research will try to remedy what is left of this field and set new standards to be followed in future research to show how one makes use of early sources effectively. Thus, we will take the time to respond to those who ignore the sources and depend on theories for explaining early Islamic history.

Chapter II

The Political, Intellectual and Sectarian Milieu at the Time of al-Awzā'ī

Al-Awzā'ī was born during the time of al-Walīd b. 'Abd al-Malik 86-96/705-715, during the period when the Umayyad dynasty enjoyed its peak of success. Al-Awzā'ī lived until the time of the 'Abbasid caliph al-Manṣūr, during whose reign he died (157/774). He lived through the peak of success and fall of the Umayyad dynasty and the establishment of their replacement the 'Abbasids. In order to understand the life of al-Awzā'ī, we have to look through the political milieu within which he grew up and to which he contributed. So, assessing the Umayyads and their political progress from their rise, the time of Mu'āwiya, up to their fall, the time of Marwan II, is essential, in order to understand the political, intellectual and sectarian milieu.

This was the formative era for many different aspects of Islamic society. Both the intellectual and sectarian milieu of this period became the basis of what later became known as the Islamic civilization. The Islamic sects, with regards to a large part of their beliefs seemed to have crystallized at this particular time. Al-Awzā'ī was part of that process in many ways, as he was one of the main scholars who helped shape what became known as Sunni Islam.

In this introductory chapter, it will be useful to concentrate on describing the political milieu, in order to show how the movement of Islamic authority shifted from one ruler to another. It is also possible to establish how the main reforms occurred or, in other words, what can be identified as the finger-print of each caliph in Islamic society. In assessing the intellectual milieu, it is possible to describe the main changes that occurred throughout the intellectual life by Islamic thinkers, philosophers and legal jurists.

Initially, the intellectual milieu will be discussed, to assess how al-Awzā'ī's lifetime, was a time of great importance to Islam. By describing the evolution of Islamic knowledge of that time, we will help to identify the changes of the Islamic thought process. It will be possible to assess how that factor affected al-Awzā'ī. The sectarian milieu will be assessed in order to describe how each sect operated, concerning their differing beliefs during the lifetime of al-Awzā'ī. This section will also present al-Awzā'ī's position on each sect. For ease of this introductory section, only the main sects that existed during the life of al-Awzā'ī will be discussed and analysed here.

The Political Milieu

The Umayyad

The founder of the Umayyad dynasty, Mu'āwiya, was caliph from 661-to-680. He was the son of Abu Sufyān, the leader of the 'Abd Shams clan. Mu'āwiya and his father were considered to be among the enemies of Islam in the early stages of its development. They eventually reconciled their views and decided to convert and join Islam, after the Prophet's conquest of Mecca. Mu'āwiya then served the nascent Islamic 'state' in several capacities: He was one of the Prophet's scribes, and became a

general in one of the armies that were sent against the Byzantines in Syria during the reign of Abu Bakr. It was the caliph 'Umar who appointed Mu'āwiya as the governor of Damascus. The caliph 'Uthmān, was a close relative of Mu'āwiya, and when he became the caliph, increased Mu'āwiya's governorship by including the region that is known today as Syria and north-western Iraq.¹ Mu'āwiya consolidated his power over the region and built up a strong army which he used effectively to launch both land and sea attacks against the Byzantines.²

The murder of 'Uthmān and the accession of 'Alī to the caliphate in 656, gave Mu'āwiya the opportunity to expand his power even further. By the time 'Alī requested Mu'āwiya's *bay'ah* (oath of allegiance), the Syrian army had become convinced that 'Alī's army was responsible for 'Uthmān's murder and that Mu'āwiya had the right to seek revenge. This encouraged Mu'āwiya to refuse to give 'Alī the oath of allegiance, and this was seen as an act of confrontation. The battle of Ṣiffīn in early 657 was the first physical confrontation between 'Alī and Mu'āwiya, the outcome of which was inconclusive and the latter called for an arbitration.³

However, the arbitration resolved nothing, although it did manage to delegitimize 'Alī in the eyes of some of his supporters.⁴ The Syrians, as a result of this, acknowledged Mu'āwiya as the new caliph, and he was able to take control of Egypt

¹ Al-Dhahabī, *Duwal al-Islām* .vol. 1, p. 20.

² Mu'āwiya's character is depicted in different ways by different sources. For the dissection of the different presentations of Mu'āwiya's life see : Keshk,Khaled. "The Depiction of Mu'āwiya in the Early Islamic Sources."

³ Al-Y'aqūbī, *Tārīkh al-Ya'qūbī*. vol. 2, p. 164.

⁴ Ibid, p. 166-167.

later that year. With 'Alī's assassination in 661, Mu'āwiya was able to take Iraq and assert his claim to the caliphate.

It was after Mu'āwiya became the caliph that 'Alī's eldest son, Ḥasan, who briefly succeeded his father, but was persuaded to abdicate. With Mu'āwiya's accession, the seat of the caliphate was moved to Damascus. Mu'āwiya continued raids against the Byzantines, both in Anatolia and North Africa.⁵ The conquest of Ifriqiyah led to the founding of the garrison city Qairawān in 670 as a base for continuing raids into what is known today as Algeria.⁶ Naval expeditions against the Byzantines and raids into Anatolia led to a three-year siege of Constantinople (674-677). In the east, the borders of the Muslim empire were expanded to Khorasan and the Oxus River.

Internally, Mu'āwiya governed through a combination of Arab tribal tradition and Byzantine administrative structures. The Arab tribal tradition stemmed from the movement of Arab tribes into Iraq and Syria in the time of the 'Four Righteous Caliphs.' Having secured the loyalty of the Syrian tribes, Mu'āwiya needed to insure the Iraqi tribes' loyalty as well. This was done through the appointment of senior government officials, who were his close relatives.⁷ Similarly Mu'āwiya made use of Byzantine administrative structures by using some of the same people who had previously served for the Byzantine administration.⁸ Mu'āwiyas activities also resulted him being credited for the creation of specialized bureaus, known as *diwans*, to increase

⁵ Ibid, p. 192 :Mu'awiya had a treaty with the Byzantines during the *fitna* but after that internal war ended, he continued the war against the Byzantines and his army laid siege on Constantinople.

⁶ Al-Dhahabī, *Duwal al-Islām*, p. 20.

⁷ G.R Hawting, "Umayyads" *The Encyclopaedia of Islam II ed* CD-ROM Edition. vol.1, p. 1.

⁸ Ibid.

the centralization of the government; two such *diwans* were created to improve communications. These were the *diwan al-khatam*, the chancellery, and the *diwan al-barid*, the postal service.

Before his death, Mu'āwiya secured allegiance for his son, Yazīd, to be his heir for the caliphate. Thus, he had introduced dynastic succession to Muslim rule, which was one of the most important *bid'a* (innovations) of Mu'āwiya.⁹ This move resulted in the establishment of hereditary succession as the norm for the caliphate. Although he secured allegiance to Yazīd before his death, resistance to this innovation only manifested itself upon Yazīd, during the time of his accession.

Yazīd's reign (680-683) was marked by rebellions led by Ḥusayn b. 'Alī at Kerbala and Ibn al-Zubayr at Mecca, both of whom refused to recognize Yazīd's authority. Yazīd ended Ḥusayn's rebellion but his own death prevented him from dealing with Ibn al-Zubayr.¹⁰ Upon the death of Yazīd's son, Mu'āwiya II (683-684), civil war broke out between two Syrian Arab tribal factions, the Qaysites and the Kalbites, the latter supported the candidacy of Marwān b. al-Ḥakam to become the caliph. His ascendance to the caliphate in 684 established the Marwānid line of Umayyad caliphs.¹¹

⁹ It was always seen as an innovation of Mu'āwiya, however, Ali's son al-Ḥasan was the first to succeed his father, having been chosen for the role as caliph following the death of his father. This occurred before Yazīd, who was selected to be the heir by his father also, what is meant here, is that this was the first time that a caliph successfully insured his son's succession. Al-Dhahabī, *Duwal al-Islām*, p. 21.

¹⁰ al-Ya'qūbī, vol. 2, p. 218-225.

¹¹ Ibid, vol. 3, p. 1-3.

Marwān's death a year after his accession to the caliphate put the task of reunification of the Islamic Empire in the hands of his son, 'Abd al-Malik. He was able to defeat Ibn al-Zubayr and re-establish Umayyad control over the provinces that had successfully rebelled against them.¹² 'Abd al-Malik initiated several reforms in order to further centralize caliphate control. One of these was the imposition of Arabic as the official language of administration, replacing Greek and Persian. This helped to unify the tax-systems in the various provinces.¹³

Another reform was the replacement of the Byzantine coinage with a new financial system based on an Islamic-style. The Byzantine emperor's refusal to accept this new currency caused a breakage of the truce in 692.¹⁴ Also during 'Abd al-Malik's reign his governor of Iraq, al-Ḥajjaj, re-introduced the Uthmānic text of the Qur'an, with vowel signs.

With the Islamic world enjoying a decent measure of stability, 'Abd al-Malik's son and successor, al-Walīd I (705-715 AD/86-96 AH), revived the Islamic conquests and was able to further extend the Islamic Empire's conquered territory. He re-gained parts of Egypt from the Byzantines and moved into Carthage and across to the west of North Africa. In 711 the Muslim armies crossed the Strait of Gibraltar and began to conquer Spain using the North African Berber armies. By 716, the Visigoths of Spain

¹² Ibid, p. 4-5.

¹³Shaban , *Islamic History A.D.600-750*, p. 114: 'Abd al-Malik's reforms in using the Arabic writing and making it compulsory set the stage for a need for very capable scholars in Arabic. As a result scholars of the calibre of al-Awzā'ī emerged and were looking to be placed into various government's offices. This reform affected many levels in the Islamic world especially scholars who began responding to the governments need for educated Muslims in various positions by teaching them the required Arabic sciences.

¹⁴ Ibid, p.114.

had been defeated and Spain was under complete Muslim control. This would be the fullest extent of Islamic control throughout Europe — because in 736, they were stopped in the south of Tours, France, which prevented any further expansion into Europe. In the east, Islamic armies made it as far as the Indus. Under al-Walīd's reign the Caliphate's dominion stretched from Spain to India.¹⁵

Al-Walīd also began the first great building projects of Islam, the most famous of which is the mosque in Damascus. The long history of Islamic architecture really began with al-Walīd.¹⁶ This was also the period in which the Islamic legal court system began to become established.

Conversion to Islam was not forced on conquered people. However, since non-believers had to pay an extra tax (*jizyah*) and were not technically full citizens (they were referred to as *dhimmis*), many people did convert to Islam purely for monetary reasons. This created several problems, particularly since Islam was so closely connected with being an Arab — and being Arab, of course, was far more than just being an ethnic identity, as it involved tribal identity based on kinship and descent.¹⁷

As time went on and more and more Muslims were non-Arabs, the status of Arabs and their culture became threatened. In particular, large numbers of Coptic-speaking (Egyptians) and Persian-speaking Muslims threatened the primacy of the very language that Islam is based on. In part to alleviate that threat, al-Walīd instituted Arabic as the only official language throughout the entire Empire. He decreed that

¹⁵ Ibid, p. 117.

¹⁶ P.M. Holt, *The Cambridge History of Islam*. vol. I, p. 85.

¹⁷ Ibid, p. 90-91. al-Ya'qūbī, vol. 2, p. 164.

every part of the administration was to be conducted only in Arabic and it was this move that would cement the primacy of the Arabic language and the Arab culture in the Islamic world.

Al-Walīd was succeeded by his brother Sulaymān, in the order of succession that their father had established in advance. During the last few years of his life al-Ḥajjaj (d.95/714) became opposed to this order and advised al-Walīd to elevate his son over his brother to succeed him. Sulaymān after his ascension to the caliphate made sure to depose of all governors who were in agreement with al-Ḥajjaj. Among these governors were two very successful generals: The conqueror of Transoxania, Muḥammad b. al-Qāsim, who was imprisoned and executed soon afterwards. Secondly came the conqueror of Sind, Qutayba b. Muslim, who lead an unsuccessful uprising (where he was killed by his own men) against Sulaymān. Sulaymān carried on the war against the Byzantines and although his army laid siege to Constantinople for a year, it was not able to take control of the city.

By the end of Sulaymān's life he had had the oath of allegiance sworn to his son Ayyūb instead of his brother, whom he would have preferred as being the successor. However, Ayyūb died before Sulaymān which gave him the chance to offer the throne to his brother. Nevertheless, and with the influence of the theologian Rajā' b. Ḥaway, the caliph actually appointed his pious cousin 'Umar b. 'Abd al-'Azīz as his successor.¹⁸

'Umar II (as he was known) was a rather different character than his predecessors had been. Although a member of the Umayyad family, 'Umar had been born and raised in Medina, and had been closely associated with the piety-minded

¹⁸ Ibn 'Abd al-Ḥakam, *Sīrat 'Umar b. 'Abd al-'Azīz*, p. 29.

groups in Medina.¹⁹ The criticisms that religious men in Medina and elsewhere had voiced of Umayyad policy, particularly the pursuit of worldly goals, encouraged 'Umar II to carry out the spirit and policies of religious men in Medina. He felt that the Caliphs had to live up to the high responsibilities of their position. For himself, he behaved throughout his reign with exemplary simplicity and asceticism. Most important of all, he felt that he should govern in a Muslim fashion.

'Umar's policies were not merely religious fanaticism but pragmatic political decisions. He had the insight to realize that the Umayyad regime that he had inherited, was too narrowly based to be able to last much longer. 'Umar II was convinced that an internal transformation and not a Syrian force would keep the Empire together. With his internal reform he was able to win the support of all the necessary elements of the incipient piety-minded groups, which even included the Kharijis and some Shi'ites.

'Umar II, as previously mentioned, was determined to undertake an internal reform and in doing this, it forced him to stop the *jihad*, (wars of conquest), on most of the Empire's frontiers. 'Umar II ordered the army that was engaged in the costly siege of Constantinople to lift the siege and return home.²⁰ He also instituted a policy of disengagement on the Byzantium frontier. This policy was implemented on most parts of the frontiers, which helped to reduce the enormous drain of money from the treasury. It also gave 'Umar II a time to carry out his own priority of internal reform, as he was able to mobilise all the state's power for this task.

One of his first internal reforms was an appeasement of the 'Alids. He first granted them various properties which they had claimed to have been their own, such as

¹⁹ Ibid , p. 19.

²⁰ Ibid, p. 33.

property in the area of Fadak Oasis, near Medina.²¹ He also ended the practice of people cursing 'Alī, which Mu'āwīya had instituted in order to reinstate and reinforce unity within the caliphate. However, this policy had the opposite effect, as it gave the Shi'ite supporters of 'Alī another source of conflict with the Umayyads.²² In the internal struggle between the Qaysites and the Kalbites, 'Umar II did not favour one group over the other, as his predecessors had done. This alleviated the rivalry temporarily, and he was thus able to turn his attention to the problem of the non-Arab Muslims (*Mawali*) and non-Muslims (*dhimmis*).

'Umar II also imposed a policy of Islamization which was in stark contrast to some of his predecessors, who through their governors, like al-Ḥajjāj, had been unwilling to accept converts to Islam. Previous governors had not been willing to forego the monetary value of the *jizyah* poll tax and had even forced converts to continue paying the poll tax. 'Umar II insisted that only *dhimmis* had to pay the *jizyah*. This pleased those who had converted or had wanted to convert in order to forego the added burden of paying the *jizyah*.²³ Another step in the conversion policies was needed to make conversion more desirable.

'Umar II also gave the *Mawali* (non-Arab Muslims) the same taxes on their estates as the Arabs had. The *Mawali* also objected to the fact that some of them had previously taken part as members of the Muslim armies during the various conquests, but had never been allowed to receive a share of the booty, since they were not included in the army *diwans*. 'Umar II abolished this law and allowed the *Mawalis* to be included

²¹ Ibn al-'Athir, *Tārīkh*. Vol. 4, p. 164.

²² Wellhausen, *The Arab Kingdom and its Fall*. p. 297.

²³ Ibn 'Abd al-Ḥakam, p. 94-95.

in the *diwans* and this policy had some significant ramifications that were manifested in the 'Abbasid era.

Another significant aspect of 'Umar II's reform policies was concerned with religious issues. He treated theologians and jurists with respect, and gave more independence to judges. It became obvious that religious scholars had a very visible role during his reign. 'Umar II also appointed learned scholars like Muhammad Ibn Muslim Ibn Shihāb al-Zūhrī (d.124/742) to compile *ḥadith* literature.²⁴ He also wrote to other *ḥadith* scholars all over the Islamic Empire requesting that they should embark upon the task of compiling *ḥadith* that were available at that time. Referring to this request, Al-Zuhrī stated " 'Umar b. 'abd al-'Azīz ordered us to collect and record the *sunna* (Prophet's traditions). We wrote those, each of us completing a full copy. Each province ruled by a Muslim governor received one sent by 'Umar"²⁵

Therefore, it was through this initiative, that the *ḥadith* which had become scattered throughout the entire Muslim domain, became systematically collected and preserved. More importantly this project, which was supported by the state, managed to produce a vast network of scholars and students devoted to the study of *ḥadith*. The writing and compiling of *ḥadith* continued after 'Umar II's death both with and without the support of the state. However, the essential point to be made here, was that the taboo on writing the *ḥadith* had been lifted. The first comprehensive and systematic

²⁴ It should be pointed out here that the writing down of the *ḥadith* was not encouraged lest the Companions confuse the *ḥadith* with the Qur'anic text.

²⁵ Ibn 'Abd al-Barr, *Jami' Bayān al-'Ilm*, vol. I, p. 76.

compilation of *ḥadith* was undertaken by Imam Mālik ibn Anas (d.179/795)²⁶

‘Umar II died in 720, at the age of thirty-nine, after less than three years in office. Following his death, Yazīd II (101-105/ 720-4) succeeded to the office of *Amīr al-Mu'minīn* and with that, the pendulum swung back towards the leader's selfish ‘pleasure and self-interest’. The new caliph, Yazīd II, simply indulged in luxury. He is accused of having been more interested in music and poetry than he was in anything else.²⁷ Yazīd II reversed ‘Umar's reforms and returned to a policy of economic inequality and segregation between Arabs and non-Arabs. Further than this, Yazīd II caused a renewal of the hostilities between the Qaysites and the Kalbites by openly favoring the former.²⁸ He returned the Qaysites to powerful positions, and perhaps showed such favour to them because his mother was a Qaysite.

The Kalbites, Mawali and Shi'a who did not want a return to the old ways, became embittered by Yazīd's policies. A revolt was led by Yazīd b. al-Muhallab in Baṣra that attracted many different groups of people, all sharing the same fear of restoring the Qaysites, which seemed to resemble the policies that al-Ḥajjāj had introduced. The revolt was defeated and Ibn al-Muhallab was killed. It was the Syrian army that took control and implemented harsh policies throughout all of Iraq. In fact “the triumph of the Qaysites was completed, but it was gained at the expense of the Marwanids chance of avoiding disaster”.²⁹

²⁶ His compilation is entitled *Al-Muwatta'* (The Trodden Path), and contains *ḥadith* dealing with different legal topics. Thereafter other compilations of *ḥadith* came into existence either in the form of *Musnad* or *Musannaf* collections

²⁷ Yazīd's love of music and luxury was acknowledged in many different sources see for example : Ibn al-'Athir, V4 , p. 191-192.

²⁸ Ibid, p. 166.

²⁹ Shaban , *Islamic History A.D. 600-750*, p. 137.

Following the death of Yazīd, his brother Hishām succeeded to the throne, as he became the only Marwanid caliph since al-Walīd who had enjoyed a long reign. During his rule from 724-744 (105-132) the Muslims expanded from Spain and moved into France, until their advance was finally stopped by the French in 736.³⁰

Hishām experienced an internal threat to the stability of his Empire as he faced the revolt of Zayd b. ‘Alī. That revolt was defeated, and Zayd was killed in Kūfa. However, the victory was rather limited, because it became clear that the Shi‘i propaganda machine held the victory, in the long run.³¹ The Khārijites also had many minor revolts during the reign of Hishām, thus, the Syrians troops ensured that the internal peace was not seriously threatened.³² Nevertheless the underground work of the *da‘wa* continued successfully and was unabated.³³ This *da‘wa* was particularly successful in Africa as the Khārijite emissaries from Iraq found a very favourable ground among the Berbers who had been treated as subjects and not as legitimate Muslim fighters when they participated in the *jihād* (holy war). This mistreatment led the Berbers to start a fierce rebellion which set Africa in flames from Morocco to Qayrawan.³⁴ This revolt cost the state a great deal of military force in order to defeat the Berber rebels, but the state never established full control over these regions as it became a Kharijite domain.

Hishām attempted to impose religious unity by attacking non-Sunni *da‘wa* and treating their leaders as heretics, which meant putting them to death. It has been argued

³⁰ Ibn al-’Athir, vol. 4, p. 215.

³¹ Ibid, p. 240-246.

³² Ibid, p. 233.

³³ F. Gabrieli . “Hishām” *El,II ed* . Cd-Rom edition

³⁴ Al-Dhahabī, *Duwal al-Islām*, vol. 1, p. 58-59.

that he used al-Awzā'ī to debate and respond to Ghaylān al-Dimashqī who had presented the Qadari position on the issue of 'free-will'.³⁵ The outcome of the debate between al-Awzā'ī and Ghaylān was the killing of Ghaylān, with his death having been ordered by Hishām.³⁶ Such policies were not successful in stopping these religious *da'wa* and it continued to receive more followers in the different parts of the Empire.

Under Hishām's successors, Walīd II (125-26 / 743-4), Yazīd III (126 / 744), and Ibrāhīm (126 / 744), a series of rebellions that were mostly orchestrated by disaffected non-Arabs and by the Kharijites, eventually managed to paralyze the caliphate. The Kharijites seized Kūfa, and violent feuds between the Qaysites and Kalbites erupted. The three Caliphs ruled for approximately two years in total which showed the severe level of instability that the Umayyad state was undergoing during this period.

The last Umayyad caliph of Syria, Marwān II (127-32 / 744-750), attempted to restore order, but by this time the 'Abbasid revolutionary movement had gained momentum in the eastern provinces of the Empire. In 749 Abu al-'Abbas al-Saffāh was proclaimed the first 'Abbasid caliph; the Umayyads were massacred in 750. It is believed that only one Umayyad, 'Abd al-Rahmān, was able to escape. He fled to Spain where he established the dynasty of the Umayyads of Cordoba.

³⁵ Hishām also ordered the killing of al-Ja'd b. Dirham for the same reason : Ibn al-'Athir , vol. 4, p. 255.

³⁶ Ibn Zayd, *Mahāsin* , p. 104-106.

The 'Abbasids

The 'Abbasids took their name from al-'Abbās, a paternal uncle and early supporter of the Prophet. Their close kinship to the Prophet and the position of al-'Abbās as a Companion of the Prophet served them well in gaining support. As early as 718 AD, during the reign of 'Umar II, Muḥammad b. 'Alī, a great-grandson of al-'Abbās, began to proselytize throughout Persia to rally support for returning the caliphate to the family of the Prophet, the Hāshimites.³⁷

The 'Abbasids came to power under the auspices of a Shi'ite movement which claimed that Abū Hāshim, the grandson of 'Alī and head of the Hāshimites at that time, had designated Muḥammad b. 'Alī, the great-grandson of al-'Abbās, as his heir.³⁸ Intense propaganda began around 718 in Iraq and Khurasān. Muḥammad was usurped by his son Ibrāhīm, who decided to concentrate his efforts on Khurasān. In 745 he sent his Persian *mawla*, Abū Muslim, as his personal representative to Khurasān.³⁹ This decision paid off, as Abū Muslim was able to create a solid base of support and in 747 began a rebellion that would quickly lead to the end of the Umayyad caliphate. The death of Ibrāhīm in 748, after his capture by the Umayyads, could not halt the steady westward procession of 'Abbasid forces. By 749 they had reached Iraq and declared Ibrāhīm's brother, Abū al-'Abbās, to be the new caliph with the title of al-Saffāh. The

³⁷ Ibn al-'Athir, vol. 4, p. 295.

³⁸ Kennedy, Hugh. *The early Abbasid caliphate*, p. 41.

³⁹ Ibn al-'Athir, vol. 4, p. 295.

last Umayyad caliph Marwān II (744-750/127-32), was defeated and killed, as well as many other Umayyads that fell into the hands of Abū al-‘Abbās.

The ‘Abbasid caliphate was founded by two disaffected Islamic populations: non-Arab Muslims, *mawali*, and the Shi‘ites. For the most part, the Islamic impetus to initiate the ‘Abbasid revolution lay on the injustice that had been delivered by the Umayyad caliphs, due to their lack of providing what was seen as the Islamic ideals. The Umayyads had always been seen by their opposition as outsiders i.e. as a wealthy clan in Mecca which had opposed the Prophet. Such factors as this had been used by the ‘Abbasid propaganda to persuade many devout Muslims to undermine the legitimacy of the Umayyad's rule.

What made the ‘Abbasid seizure of the caliphate unique was the heavy reliance on ‘client’ Muslims, or *mawali*.⁴⁰ As stated previously, the *mawali* were non-Arabs who had converted to Islam. However, as they were non-Arab they could not be incorporated into the kinship-based society of Arabs. They had to be included into the alliance of a clan, that is, they had to become ‘clients’ of the clan (which is what the word *mawali* means). For the most part, they were considered to be second-class citizens, even though they were genuine and devout Muslims.

The overwhelming majority of *mawali* who rallied to support the Hashimiyya cause were Iranian. Historians have argued that the ‘Abbasid caliphate represented a shift in Islam from an Arabian to an Iranian culture. However, other historians argue that there was no such shift. The truth probably lies somewhere in between. When the ‘Abbasids took power, the centre of Islamic culture shifted from Arabia and Syria to the

⁴⁰ An example of this is an interesting account showing the Imam Ibrāhīm ordering Abū Muslim to depend on the *mawali*: Ibn al-‘Athir. vol. 4, p. 295.

Iranian or Persian world in Iraq. By shifting the capital from Damascus to Baghdad, the 'Abbasids brought about a dynamic mixture of Persian and Arabian culture.

The dynasty was started when Abū al-'Abbās assumed the caliphate from 750-754 AD / 132-136 AH. Both he and his successor, Abū Ja'far al-Manṣūr (754-775 / 136-158), ruthlessly consolidated power and began a series of administrative moves that would characterise the style of Islamic government for the next several centuries. As with the Umayyads, they separated themselves from the general Islamic populace, but they surrounded themselves with foreigners rather than Arabs, particularly in the military. This bred bitter resentment, particularly among Arabs, such as the Khorosānian Arabs, who had helped them rise to power.

It was under al-Manṣūr (754-775) that the changes brought by the 'Abbasid revolution were made manifest. Despite the Arab origins of the dynasty and the use of Arabic as the official language, the Arabs quickly lost the political and social superiority they had retained under the Umayyads. Political prestige therefore was increasingly determined by one's standing with the ruler. The seat of power was transferred from Syria to Iraq with the building of the city of Baghdad. Administration was placed in the hands of the Persians including, for example, the Barmakid family.

Al-Manṣūr renounced the Shi'ite origins of the movement, and stressed upon the Abbasids' own relationship to the Prophet through his uncle al-'Abbās. The 'Abbasids in fact quickly became the champions of Sunni orthodoxy, a policy that helped them to unify an increasingly cosmopolitan Muslim Empire. Such policy was headed by al-Manṣūr as he created a network of religious Sunni scholars that recognized the 'Abbasids' right to rule. Al-Manṣūr had a great relationship with *imam* Mālik b. Anas

and with al-Awzā'ī as well as many other contemporary Sunni scholars.⁴¹ The shift in the 'Abbasid position also affected the Shi'ī position and helped establish the Sunni view of the first *fitna* (civil war).

Al-Manṣūr faced many rebellions, the most dangerous of which was the one led by his own uncle 'Abdullah b. 'Alī. This rebellion was soundly defeated by Abū Muslim.⁴² Al-Manṣūr began to fear Abū Muslim's growing popularity so he stripped away the governorship of Khurasān from him, and ordered him to return to Iraq. When Abū Muslim arrived at the caliph's court, Al-Manṣūr put him to death.⁴³ Such actions further alienated the 'Abbasid caliphate away from its original source of *da'wa* i.e. the Shi'is and the Khurasānis.

One of the greatest achievements of al-Manṣūr was the foundation of a new capital, to be his headquarters and camp for his army. He chose the position of Baghdad because it is situated on the Tigris River, in the centre of Iraq in order to control the commercial roads which linked the east and west. Al-Manṣūr started to build Baghdad in 145 A.H. and move to settle there in 149 A.H. He called it "Dar al-Salām" which means 'the city of peace and safety'.

The manifestation of the new identity of the 'Abbasid regime came into effect through the reign of Al-Manṣūr in the foundation of the new capital. This identity was that of a stable regime that was not a rebellious one, and did not impose extreme positions upon its people. An interesting point is that this state built its legitimacy upon a Shi'ite-type claim of the right to rule, but with a Sunni religious outlook. This

⁴¹ Ibn Abi Ḥātim, p. 188-149.

⁴² Ibn al-Athir, vol. 4, p.348.

⁴³ Ibid, p. 354.

combination created a regime that was not like any previous Sunni regime, nor was it what the Shi'i movement had dreamed of. So, it was a mixture of Arabian and Iranian culture as well as a mixture between Sunni and Shi'i understandings of how the Islamic state should operate.

The intellectual and sectarian milieu

During the time of al-Awzā'ī (Late Umayyad early 'Abbasid era), the formation and establishment of Islamic sciences took place. It is in this period that Arabic prose continued its evolution in obedience to the needs of a higher standard of cultural life, to which the *mawali*, conquered peoples, made a large contribution. The reforms introduced by 'Abd al-Malik, substituting Arabic for Greek and Pahlavi as the official language was proof that Arabic had become a dominant language by means of expression and general communication.

Until the last years of Umayyad rule, there was no such thing as literary prose. About that time 'Abd al-Ḥamīd al-Kātib (d. 132/750), the secretary of Marwān II, wrote an epistle on the secretary's trade, the form of which, with its abundance of synonyms, the balanced structure of its sentences and its clarity of expression, shows how the language had developed, and how it was moving towards artificiality. About the same time Ibn al-Muqaffa' (d. 142/760) translated from Pahlavi into Arabic, a collection of fables originally written in Sanskrit, entitled *Kalila wa-Dimna*, from the names of two jackals who play the leading roles in the fables. It is because of this work and other epistles of his, in which he addressed many political and religious issues, that Ibn al-Muqaffa' is often seen as the founder of Arabic prose.

Al-Awzā'ī also was one of the scholars who characterized the peak of Arabic prose in this era. This is reflected by the 'Abbasid administration's interest in using al-Awzā'ī's style of writing in their official state letters. Al-Manṣūr asked Sulaymān b. Mujālid his *katīb* (secretary) to match the prose of al-Awzā'ī. Sulaymān responded by stating that al-Awzā'ī's prose was too good to match. Still, they used his prose in their correspondents.⁴⁴

There are, however, other proofs of how Arabic prose had developed. Among the sciences, perhaps the first to avail itself of the written language for the production of books, and not of mere notes, was historiography; about this time collections of traditions regarding certain events were made, and these, which are veritable monographs, for some part have come down to us incorporated in the writings of 'Abbasid authors. Explanations of passages in the Qur'an given by old exegetes were also put into writing, and were included in the commentaries (*tafsīr*) of later date.

The scholars of this period must be given the credit for having laid the foundations of the Islamic sciences in the wider sense of the term (including theology, jurisprudence and philology), and for making spoken Arabic a suitable vehicle for narrative, commentaries and discussions of cultural and theological problems; in short, for having placed it on the first rung in its ascent to the status of a world language.

It is also in this era that the founder of most of the *fiqh madhāhib*, schools of jurisprudence, formed the beginning of unfolding growth in Islamic law to reach a

⁴⁴ Ibn Abī Hātim, p. 216.

sophisticated school of law. These schools can be divided into two main groups based on the methodology that each school followed. The first is the school of *ahl al-ḥadīth* and the second is the *ahl al-ra'y*. The founder of the *ahl al-ra'y* school is Abu Ḥanīfa (80-150/699-767) in Iraq and the founders of *ahl al-ḥadīth* school were Malīk b. Anas in Madina, Sufān al-Thawri in Iraq, and al-Awzā'ī in Syria. This latter school of *fiqh* demanded that the *ḥadīth* be given priority in the derivation of doctrine. This era also witnessed the beginning of organised book writing on *fiqh* the earliest example of this was al-Awzā'ī's work known by the title "*siyar al-Awzā'ī*". This work comes to us through Abū Yūsuf's *al-Radd 'alā Siyar al-Awzā'ī*.⁴⁵

The scholars of *ḥadīth* in this period must be given the credit for making the *ḥadīth* one of the main Islamic sciences. This era witnessed a growing interest in *ḥadīth* studies by other than the jurists. Such was the case with the caliph 'Umar II, who paid particular attention to the recording of *ḥadīth*. This led to a systematic classification and organisation of *ḥadīth* collections. Thus this era became later known as the foundation not only of the earliest *ḥadīth* works but it is also recognized as the time in which the early *ḥadīth* scholars lived. According to later *ḥadīth* scholars, the learned people of the prophetic tradition are four: Sufyān al-Thawrī in Kufah, Malīk b. Ans in Madina, al-Awzā'ī in Syria, and Ḥammād b. Zīd in Baṣra all of whom lived in this era.⁴⁶

⁴⁵ Abū Yūsuf, *ar-Radd 'alā Sīrat al-Awzā'ī*, also this work was preserved in as-Shāfi'ī, *al-Umm*, p. 302-334. (See Appendix A)

⁴⁶ This account of al-Awzā'ī's knowledge is found in Ibn 'Asākir and it is narrated on the authority of Abū Ismā'il al-Fadl, Ibn 'Asākir p. 175; we also have a similar account written by Abī Nasr 'Abdulwahāb, Ibn 'Asākir, p.167. Finally, we find an account narrated on the authority of 'Abd ur-Rahmān Ibn Mahdī that al-Awzā'ī is the most learned among the scholars of al-Shām, Ibn Abī Hātim, p.184 and p.203.

Another example of the advancement of intellectual life in this era was the establishment of schools, such as the one in Baṣra, in which religious questions were discussed. One of its most famous teachers was Ḥasan al-Baṣrī, who died in 110/728. No written records of these discussions have been preserved, but the formulation of many problems, which were later discussed in writing goes back to this school.

It was during this era that the great problem of how a Muslim who violated the law of God was to be treated arose. Should they be deemed guilty of a grave sin, and therefore be seen as being an unbeliever (*kāfir*), and if convicted, should they suffer some form of serious legal consequences, as the Kharijites demanded? Or, should the task of judging these sinners be left with God. Also, should the formal profession of faith and adherence to the prescribed rites, be considered acceptable, even if someone sins in other areas of their faith? This was what the Murji'ites maintained, since they feared that undue severity would prejudice the unity and the very existence of the Muslim community.

At the same time, as a result of the activities of two disciples of Ḥasan al-Baṣrī, there arose the Mu'tazilite movement, which advocated a compromise between these conflicting opinions concerning a Muslim guilty of grave offences. According to them, a person would be hovering between *īmān* (faith) and unbelief, and was therefore neither a *kāfir* nor a muslim, but a *fasiq* (i.e., impious). That is to say, they would be in a state from which they could redeem themselves by *istitaba* (repentance).

In general there were great debates over theology and religious belief, regarding such issues as what exactly is the status of a Muslim, and how can one define what is considered to be a sin. Other topics of discussion included

anthropomorphism, human free-will and divine pre-destination. These arguments further divided these political sects on theological grounds. The following parts of this chapter will assess the nature of sectarian division, be it either theological or political, at the time of al-Awzā'ī, and what exactly his position was, concerning each sect.

Kharijites

The Battle of Ṣiffīn led to the birth of the first sect amongst the Muslims which became known as the Kharijites. The term literally means 'separatists', 'seceders' or 'outgoers'. They also called themselves the *Shurat*, i. e. 'those who sell their lives and property in return for paradise'. The movement had its origins among the tribes of Banū Tamim, Banū Bakr, and Banū Ḥamdān. These people had participated in the revolt against 'Uthmān, and were involved in his murder. When Mu'āwiya raised the cry for vengeance for the blood of 'Uthmān, they allied themselves with 'Alī. They fought on his side at the Battle of the Camel. When 'Alī led his forces to Syria, these people formed an important component of the army of 'Alī.

As the Battle of Ṣiffīn dragged on without leading to any tangible results these people became wearied of the war. They felt that the war was in reality a struggle for power between 'Alī and Mu'āwiya. They accordingly came to maintain that it was not advisable for them to be used and abused in the political game. When the troops of Mu'āwiya displayed the pages of the Holy Qur'an on their lances and appealed for a decision by the use of the Holy Qur'an instead of arms, these people responded to the call, and forced 'Alī to suspend hostilities, although victory for his forces was well in sight.

These people, although allied with 'Alī, directly promoted the cause of Mu'āwiya although he was after their blood because of their involvement in the murder of 'Uthmān. Mu'āwiya was shrewd enough to appreciate their gesture, and in the arbitration agreement that was subsequently drawn up there was no reference to the murder of 'Uthmān. The point of dispute to be referred to, and was in need of, was arbitration which concerned 'Alī and Mu'āwiya, as to whom the sovereignty belonged to. On the return march, these people had second thoughts on the matter. They felt that they had committed a sin in accepting the truce. They became critical of the appointment of umpires. They were emphatic in their view that the decision of God alone should be sought for, and it was a sin to vest the decision based on the matter created by human beings. They blamed 'Alī for his acceptance of the proposal for the appointment of umpires.

In order to support their stand, they worked out religious dogmas of their fundamental principle which was *la ḥukma illā lillāh* "no decision except the decision of God." They maintained that they stood for the establishment of the kingdom of God and not of men on earth. As God was not to rule in person, some *amir* had to be appointed, because an *amir* was bound by obligation, to strictly follow the commands of God as revealed in the Holy Qur'an. The *amir* could hold office as long as he observed the commands of God. When there was any dereliction on his part, he would be liable to receive the death penalty as a punishment. They acknowledged that they were involved in the assassination of 'Uthmān, but they justified this act on the grounds that 'Uthmān had acted against the commands of God.

On their return from Ṣiffīn they did not go back to Kūfa. Instead, they encamped at Ḥarura, a few miles outside Kūfa. In this way these people separated from the main body of the Muslims, and came to be known as the Kharijites. Their strength in numbers reached about twelve thousand people. Their leaders were Shabath b. Ribī al-Riahi; Abdullah b. al-Kauwa; Yazid b. ‘Āṣim al-Muḥārabī; and ‘Abdullah b. Wahab al-Rāsibī.⁴⁷

They criticized ‘Alī for his acceptance of arbitration. They said that it was wrong on his part to accept the verdict of human umpires instead of the decision of God. The struggle between the two sides culminated in the bloody battle of an-Nahrawān, which ended with the demise of a great number of the Khawarij, but not their complete elimination. After this incident any enemy of the stable Islamic society was labelled as a Kharijite.

In fact the main principles of the Kharijites were politically orientated as well as being theological views. The political damnation of their movement, as previously noted, had its origins in historical factors, which led to their position of disassociating themselves from both ‘Uthmān and ‘Alī. However, what was not an issue of a historical event was their idea of the duty upon Muslims not to obey the ruler if he disobeys God. That is, the society as a whole had a duty to remove, by rebellion if needed, any ruler who sinned.

⁴⁷Al-Shahrastānī, *al-Milal*, vol.1, p. 127.

Another basic principle of the Kharjites of a political nature, was their view of who was legitimate to be the true ruler of Muslims. They asserted that every religiously irreproachable Muslim was eligible to contest for the office and could be elected by the community, irrespective of their family, their tribal roots or their race.

The theological principles of the Kharijites' view was their understanding of the concept of *īmān* (faith). To them, *īmān* necessitated absolute observation of all religious tenets, whether it required doing something or abandoning it. Their way of applying this concept of *īmān* led to the conclusion that when any person committed a sin they would become a *kāfir*, (unbeliever), and it was necessary for the guilty to offer repentance so that they may then re-join the fold of Islam. They held the view that they alone were the true believers, and that all other people who called themselves Muslims, but did not subscribe to their views, were *kāfirūn*, (unbelievers). They maintained that they had the right to kill unbelievers, as it followed that they could not live in the midst of such sinners.

By the time of al-Awzā'ī the Kharijite movement was split into several sects that differed in applying their concept of *īmān*. Nevertheless, they stayed faithful to their ideas and led many rebellious uprisings against the Umayyads. Al-Awzā'ī as with all the Sunni scholars, harshly criticized the Kharijite beliefs and saw it to be one of the unacceptable *bid'a* (innovations). Contrary to the Kharajites, al-Awzā'ī understood Islamic law as not excluding a Muslim if he had committed a sin by declaring him an unbeliever. However, it is striking to note that it is not possible to see any dissociation

or serious response from him against the Kharijite ideas. However, he referred to any scholar that would promote a rebellious uprising to be a Kharijite. He did criticize Abū Ḥanīfa, in having been influenced by the Kharijites, and his belief that he accepted the shedding of *umma* (the community of Muslims) blood, if they supported such an uprising.⁴⁸

The absence of any serious response to the Kharijites by al-Awzā'ī, clearly shows that the main Kharijite groups were no longer intellectually influential during the life of al-Awzā'ī hence, that is why he did not focus on their claims with any serious attention. Therefore, this shows that their beliefs were not as challenging for al-Awzā'ī in the same way as, for example, that of the Qadiris, to which he devotes a large amount of his intellectual time responding to their arguments. It is obvious that the Kharijites by the time of al-Awzā'ī, were no longer as important in the theological debates, as they were in the field of political arguments. They did manage to lead many rebellious uprisings that challenged the state, but they had no successes at all in continuing to be a challenge with their beliefs and their position on theological issues.

The Shi'ites

Shi'ites in the broadest sense, refers to a political movement preserving the leadership of the Muslim Community in religious, as well as political ideals, to the Family of the Prophet, *ahl al-bayt*. The name is derived from *shi'at 'Alī*, i.e. the party or partisans of 'Alī. It was first used in the *fitna*, the inter-Muslim war, during 'Alī's

⁴⁸ *Qāla al-Awzā'ī: ihtamalna 'an abī hanīfata kadha wa 'aqada bi isba'ihī wa ihtamalna 'anhu kadha wa 'aqada bi isba'ihī al-thāniya wa ihtamalna 'anhu kadha wa 'aqada bi isba'ihī al-thālitha al-'uyūb hatta jā' al-sayfu 'alā ummati muhammadin falamma jā' al-sayfu 'alā ummati Muḥammad lam naqdir an nahtamilahu.* 'Abdullah b. Aḥmad b. Ḥanbal, *al-Sunna*, p. 65.

caliphate, in order to distinguish 'Alī's supporters from his opponents at that time. As stated earlier, Shi'a is a sect that has a political foundation.

The basis of Shi'ite beliefs focuses around the issue of the Prophet's succession and that it should be restricted to the family of the Prophet. More specifically, the heir to the Prophet is seen as being solely 'Alī, as he was both the Prophet's son-in-law and his cousin and was one of the first men to believe in Islam, if not the very first convert. However, Shi'ite belief was an on-going process, which ended up with many sub-Shi'ite sects. The main concern in this part of the research is to understand the level of development of the Shi'ite movement, up to the lifetime of al-Awzā'ī and what his position was concerning the different Shi'ite beliefs.

After the death of 'Alī in 41/661, some of his followers were inclined to support the claims of al-Ḥasan, the son of 'Alī and Fāṭima the Prophet's daughter. Nevertheless, al-Ḥasan gave up his claims and accepted Mu'āwiya as being the only caliph for the Muslim community. In the troubled period following the death of the latter in 680, al-Ḥusayn who had political ambitions, was encouraged to lead a revolt in Iraq. However, the promised support from his followers was not forthcoming and al-Ḥusayn and his small group were eventually massacred by a much larger force at Karbala' in October 680.

The beginning of the Shi'ite movement was a series of tragic events and political failures. In reality, the Shi'ite imams never achieved the highest expectations of their followers, the political leadership of the community. 'Alī, the long awaited caliph who, according to the Shi'ite dogma, was seen as the right caliph and the only one suitable to lead the Islamic state, was actually never recognized by the majority of

Muslims. Furthermore, his two sons also could not maintain the political leadership of the Islamic state. Therefore, the first three imams never enjoyed any absolute power over the Islamic state. The same thing can be said about the rest of the imams, as they never in reality held political authority.

The Shi'ites, as our sources suggest, in the Umayyad period played the role of political opposition and sympathy towards them was quite widespread. However, this opposition was vague in its nature and meaning, as there was no general recognition of what is the correct definition of an imam, or what their role would be in an Islamic state. So, it was a vague movement in the sense that they lacked any semblance of a coherent theory. This was also a manifestation of the people's dissatisfaction at this time with the Umayyad regime, in a way that they saw the solution to the community's problems lay in the hands of a correct leader, (*imam*). They believed that this type of leader could only be chosen from the Prophet's family, as these descendants are the only people who are capable of satisfying Muslims' needs, both spiritually and politically.

According to Watt: "The history of early Shi'ism...is that of a pathetic quest for individuals to whom the dignity of imam may be attached. Most of those accepted as imam belied the hopes set on them; and yet the quest went on."⁴⁹ It can be argued that this quest provided a satisfaction for the followers, as they attempted to find a way to be able to explain the level of evil in society and the solution to such evil. Thus, it was useful for men with political ambitions, to use Shi'a arguments, in their uprising. For example, al-Mukhtār claimed that he was acting as the representative of Muhammad Ibn al-Ḥanafiyya, the imam of the Hashimites during that time.

⁴⁹ W.M. Watt, *Islamic philosophy and theology*, p. 24.

Another example that shows how vague the Shi'ite belief was at that time, was the rise of the 'Abbasids as they were the only Shi'ite movement that succeeded in overthrowing the Umayyad dynasty. This shows that the movement before this time did not have a definite understanding of Shi'ism and there was no agreement on who should be the imam. It also shows that this movement in its early stages could not have been anything except an opposition which continued to exist, even after the role of the caliphate came into the hands of the Prophet's family. The 'Abbasids, after they held power, were not suitable for serving the same quest but they became the Sunni rulers whom the Shi'ite movement started to define itself from, as yet another dynasty that they opposed. It took the Shi'ites more than a century after the death of al-Awzā'ī to crystallise and become a defined Islamic sect. However, it took even longer to fully shape the movement of what is now known today as Shi'ism.

Al-Awzā'ī's attitude toward Shi'ism was as unclear as most of the other Sunni scholars at his time because Shi'ism, in itself, was not established in any concrete form. Al-Awzā'ī saw 'Alī as being one of the *imams* of the *umma* and he saw both 'Alī and 'Uthmān as being rightful imams. Furthermore, he enjoyed a good relationship with many of the Shi'ite imams during his life. Indeed, Ja'far al-Ṣādiq was his teacher and influenced al-Awzā'ī's thoughts, which is an indication that al-Awzā'ī saw this imam as a source of religious knowledge. He was also a good friend of Daūd b. 'Alī, the uncle of as-Safāh, who was one of the learned men of the 'Abbasid family.⁵⁰ Al-Awzā'ī narrated some *ḥadiths* on the authority of Daūd b. 'Alī which showed that he could be

⁵⁰ Ibn Abī Hātim, p. 212.

seen as one of the Shi'ite sources of religious knowledge.⁵¹ Also, it is useful to mention that his friendship with Dāwūd dated back to the time before the 'Abbasids overthrew the Umayyads.

In fact we can see many different messages in the sources regarding al-Awzā'ī's attitude toward Shi'ism. Some can be seen in light of different timing involved in recording these statements from al-Awzā'ī. But it is clear that he was like all the known Sunni jurists in his time who saw 'Alī in the highest ranks of the Prophet's Companions, although not to the point of preferring him to his three predecessors, Abū Bakr, 'Umar and 'Uthmān.⁵² Al-Awzā'ī was strongly opposed to the idea of 'Alī preceding the first three caliphs and he also refused to believe that the Prophet had designated 'Alī by name, to become his successor.⁵³ Al-Awzā'ī argued that if the Prophet had designated 'Alī as the caliph, then 'Alī would not accept anyone else to precede him. Furthermore, al-Awzā'ī argued that if 'Alī was chosen by the Prophet as the caliph, then why would he have accepted the arbitration?⁵⁴

The story of al-Awzā'ī verbally cursing 'Alī is a very unusual story in the sources, as it presents a Sunni scholar admitting to his involvement in this hostile action against 'Alī. 'Isā b. Yūnus quoted al-Awzā'ī as saying that he had not been given his stipends allocated by the Umayyads until he testified that 'Alī was a *munāfiq* (hypocrite), and repudiated him, and made an oath to that affect. He then added that, on discussing the matter at a later stage with Yahya b. Abī

⁵¹ Ibid.

⁵² Solaiman, *Al-Awza'i Life and Thought*, p. 79.

⁵³ Ibn Abi Hātim, p. 212.

⁵⁴ Ibid, p. 212-213

Kathir, 'Aṭā b. Abī Rabāḥ, and 'Abd Allah b. 'Umayr, they told him that he did not need to worry, and that he was not to blame, because he had been forced to do that act. Nevertheless, he could not feel that he was safe until he had paid *kafārah* redemption for the oath he had taken.

The level of sorrow that this story presents in al-Awzā'ī's feelings is a sign that he was among the scholars who supported 'Umar II's reform policy to stop the practice of cursing against 'Alī. It is clear in the sources that al-Awzā'ī is a product of post 'Umar II Umayyad society. Al-Awzā'ī did not like what he had done and asked many of his teachers on how to seek repentance for what he saw as a major sin that he had committed. The post-'Umar II thought process was presented rather well in what al-Awzā'ī stated: 'that the love towards both 'Uthmān and 'Alī can only exist together in a believer's heart (*mu'min*). This statement shows that if a Muslim can love and respect both of these men, then that is a sign that the person is on the 'right path' of Islamic belief. That point corresponds with the aims of 'Umar II when he attempted to introduce a much less hostile Umayyad regime to accept 'Alī and the Shi'ites, in general. These reforms by 'Umar II are what any leader will do to unite their community by showing leniency towards any opposition groups within the community.

Another story presenting al-Awzā'ī's position concerning Shi'ite beliefs is the one that deals with 'Alī's position. Al-Awzā'ī narrated a story about a man who went to visit to al-Ḥasan al-Baṣrī, to ask him for his opinion on 'Alī and 'Uthmān, to which al-Baṣrī agreeably, replied. He declared that 'Alī had his precedence (in Islam), and so did 'Uthmān. 'Alī had his close relations (to the Prophet), and so did 'Uthmān. 'Alī was afflicted with a hard test (*ubtuliya*), but

‘Uthmān was spared from any the hardship and saved (*‘ūfiya*). Al-Awzā‘ī went on to state that the man then asked al-Baṣrī for his opinion of ‘Alī and Mu‘āwiya, to which al Baṣrī answered: “ ‘Alī has his close relation, and so did Mu‘āwiya. ‘Alī had his precedence (*sābiqa*), of which Mu‘āwiya did not have. We were all plighted with a hard test indeed.” This story shows what can be seen as a result in accepting ‘Umar II’s reform. In this story, Al-Awzā‘ī presents an understanding that ‘Uthmān and ‘Alī are somehow on the same level to be considered as equals, but Mu‘āwiya does not reach the same level and cannot match them. This story also shows an Umayyad scholar teaching the message that ‘Alī is on a higher status than Mu‘āwiya, and this can be seen as pro-‘Umar II in his reform policies.

The Mu‘tazilites and the Qadarites

While the above sects, Kharijites and Shi‘ites, were political in origin, adopting theological arguments to support their politics, there were also groups whose primary focus was on theology and the earliest of these was the Qadariyya. Qadarites is the original name that was initially used to refer to the group which later became known as the Mu‘tazilites.⁵⁵ Qadarites is a name that was commonly used to denote this group of theologians, who believed in ‘free-will’.⁵⁶

The Qadariyya can be seen as being a little bit different from the more crystallized rationalists known as the Mu‘tazila or “Isolationists.” The Mu‘tazila can be traced back to Wāṣil b. ‘Aṭa’(d.131/748) who left al-Ḥasan al-Baṣrī’s teaching circle

⁵⁵ Al-Shihristany, *al-Milal*, vol. 1, p. 57.

⁵⁶ J. Van Ess . “Qadariyya” ,*The Encyclopaedia of Islam II ed*,CD-Rom Edition.

and “isolated” himself.⁵⁷ On the other hand, the Qadariyya can be traced back to Ma‘bad al-Juhanī (d. 80/706) “The first who spoke about *qadar* in al-Basra”. Al-Dhahabī introduces Ma‘bad as “The ascetic (*al-zāhid*), the devout (*al-‘ābid*), the *Qadari*, the elder of the *Mu‘tazila* and the first of them.”⁵⁸ However, the name of *Qadariyya* highlights the doctrine of *qadar*, while the name of *Mu‘tazila* refers to the broader “Five Principles” *tawhīd*, *‘adl*, *thawāb*, *īmān*, and *amr bi al-ma‘rūf* which is what the later *Mu‘tazila* set to be the Five articles of *īmān* (faith), in their belief.

The second of these Five Principles is what is known as *‘adl* which is the basis of the Qadariyya argument of ‘free-will’. In the chapter of the Divine Justice (*al-‘adl*), both the *Mu‘tazila* and the *Qadariyya* held that God cannot possibly create the evil deeds of His servants, therefore they are in charge of their own destinies and create the latter themselves through a power which God deposited in them.⁵⁹ This school argued for the absolute freedom of each person to make their own decisions and that God would not put human beings under an obligation to act righteously if they did not possess the power to choose their individual course of action.⁶⁰ The *Mu‘tazila* and *Qadariyya* both came out unequivocally in support of the freedom of the will. They held that we are the creators of our own acts, otherwise God would be committing a grave injustice if He was to punish those who had no choice in what they did.

The early stages of the Qadariyya movement was in the form of a variety of thinkers who supported human free-will and worked independently to develop theories

⁵⁷ Al-Shihristānī, p. 64.

⁵⁸ Al-Dhahabī, *Siyar A‘lam al-Nubala’*, vol. 6, p. 330.

⁵⁹ Al-Shihristānī, p. 62.

⁶⁰ *Ibid*, p. 63.

to justify their views. They deliberately worked with little interaction with each other.⁶¹ This gave the movement the freedom to escape the attention of the state for a period of time. But during the long reign of the Caliph Hishām, the state started to take an abrasive attitude towards this movement. This can be seen as a sign that Qadarites at that time managed to distance themselves further from the predestination beliefs of the ruling regime.⁶²

Another indicator of Qadarites becoming more distinguished in society was the serious criticism of their beliefs from many different scholars during that era. During the time of al-Awzā'ī Qadarites worked to advocate their belief in free-will in a more concentrated fashion. This became very clear in the way that scholars like al-Awzā'ī strongly responded to the arguments they presented. Al-Awzā'ī stressed his dislike of the Qadarites as he saw those who deny *qadar* as unbelievers.⁶³ He was strongly opposed to the Qadarite movement and debated Qadarites on several occasions. He is reported to have written a refutation against the Qadarite Thawr b. Yazīd.⁶⁴

Al-Awzā'ī's response vis-à-vis the Qadarites reached its peak with his involvement and role in the execution of Ghaylān al-Dimishqī. The story of Ghaylān al-Dimashqī with al-Awzā'ī started after Ghaylān challenged the Umayyad caliph Hishām b. 'Abd al-Malik to produce anyone who could argue with him on an equal level, about the concept of *qadar* (free will). Hishām, according to this story, sent for al-Awzā'ī to present the Sunni argument and to respond to Ghaylān's claims. The narration shows that al-Awzā'ī was superior in his arguments and that he was the one

⁶¹ Judd, p. 247.

⁶² Ibid.

⁶³ Solaimān, p. 75.

⁶⁴ Judd, p. 154.

questioning Ghaylān. After he asked him three questions regarding the will of God and human free-will, Ghaylān failed to answer any of the questions.⁶⁵

In fact, these questions were put in such a way that Ghaylān could not respond without seeming to contradict his own doctrine, so this position forced him to not answer any of them. The first question related to Adam's sin of his consumption of the forbidden fruit and al-Awzā'ī requested whether or not that decision had been set by the will of God. The second question was about Satan's refusal to bow before Adam and al-Awzā'ī questioned whether this act of Satan had been due to the will of God? The third question concerned the consumption of prohibited meat. The questions were of a highly stylised nature and too complicated for even the Caliph Hishām to be able to understand. Some versions of the story suggest that al-Awzā'ī explained these questions and their answers to Hishām in some detail.⁶⁶

There are some versions that differ in some of the details, but all versions agree with the fact that al-Awzā'ī was very hostile toward the Qadarities. Nevertheless, some scholars doubt the whole story. Someone, such as Gamāl Solaimān, interpreted the story to be unauthentic on the basis of several factors. One of these he argues is that there is another version of the story but instead of al-Awzā'ī it is al-Awzā'ī's teacher Maymūn b. Mahrān who is the one that debates with Ghaylān.⁶⁷ Another factor expressed by Solaimān, to support his doubt, was that al-Awzā'ī was at a very young age, so it would be extremely rare for such a young scholar to be capable of participating in such an intellectual debate at this complicated level: "al-Awzā'ī must

⁶⁵ Ibn Zayd, *Mahāsīn*, p. 104-106.

⁶⁶ Ibid.

⁶⁷ Solaimān did not cite the narration he dealt with however there are in fact two narrations one claiming Maymūn to be the scholar involved and another one claiming Rabi'a to be the person involved in the debate with Ghaylān. For more analysis of these two views, see Steve Judd p. 259-260.

have been 25-27 years old, too young to be selected for such a task of questioning Ghaylān at a time when Damascus was still the magnet for a great number of scholars and jurists...who were equally anti-Qadarite”⁶⁸ Solaimān concluded that under such factors, it is very hard to accept that the Umayyad caliph would have sought help from al-Awzā’ī.⁶⁹

A more centralized doubt on the content of the story was led by Van Ess who questioned the authenticity of the various accounts. He saw this story to be a part of the later legendary material which was circulated around Ghaylān and al-Awzā’ī by the Syrian historians. Van Ess saw that the highly stylised nature of the debate would make it more probable to come from a later period. Also, the fact that Al-Awzā’ī used riddles in the style of his questions, which made them almost unanswerable, suggested to him that this was a sign of some fabrication in the narration of the story.⁷⁰

However someone like Steven Judd interpreted some of these issues which Solaimān and Van Ess used as being a sign of some fabrication, to be looked at in quite the opposite view. According to Judd “al-Awzā’ī remains the most plausible figure to have served as prosecutor. His enmity toward the Qadarites is widely attested in the sources, as is his presence in Hishām’s courtit is quite believable that in prosecuting the leader of the Qadarites in Damascus, Hishām would have relied on their chief opponent.”⁷¹

⁶⁸ Solaimān, p. 73.

⁶⁹ Ibid.

⁷⁰ Van Ess. *Afānage*, p. 207-213.

⁷¹ Judd, p. 263.

Judd also responded to Van Ess's comment about the content of the debate as he agreed that it is relatively complex and stylised. However, he attributed this to the fact that the early theological debates in Syria were very often affected by the long history of complex theological discussions between Christians, and that the methods of argumentation used by Syrian Muslims reflected this environment.⁷² This argument suggests that it is only natural that this debate would take such a complex and stylised structure.

However, what Judd does not elaborate on is that this complication was on just one side of the debate that is presented in the story; namely the side of al-Awzā'ī. As Ghaylān is the scholar who was supposed to be more influenced by the Christian methods of debate, it is very clear that this argument presented does not reflect any complexity or sophistication on the side of Ghaylān. Furthermore, claiming that this debate was a reflection of the level of complexity between Muslim theologians is also unfounded, this might suggest that this narration is a later redaction. Therefore, it is far more understandable to suggest that because the only side that survived this debate was the anti-Qadarite side presented by al-Awzā'ī, one can easily argue that this narration was shaped in order to portray the superiority of al-Awzā'ī and the lack of ability on the part of the Qadarite to reply to any of the three questions posed to him. This point can be defended by the fact that the story seems to exclude any acceptable answers by Ghaylān in reciprocation to the questions in their riddle form.

It will be useful for this research to draw two conclusions from this specific story. Despite its questionable authenticity this story presents the great level of dislike that existed against the Qadarite beliefs that al-Awzā'ī held. For him to have been

⁷² Ibid, p. 264.

chosen by the Caliph Hishām, or even by the person who may possibly have fabricated the story is an indication that al-Awzā'ī was one of the main figures in the alleged war against the Qadarite movement. The story also shows, as Van Ess asserted with his doubts on its authenticity, that al-Awzā'ī had a rather well respected and highly esteemed reputation in Syria, which made it quite natural that he should be chosen to play a central role in the Syrian versions of the intellectual debate, in opposing Ghaylān.⁷³

It is satisfying to conclude from the story of Ghaylān's execution, that al-Awzā'ī was not only a non-Qadarite, but one of the main opponents of this theological movement. Al-Awzā'ī was an advocate of the belief in God's Will. His understanding of *qadar* (free-will) was based on following the Companions and the successors in their beliefs in the Will of God and His invincible domination. Al-Awzā'ī also argued that Muslims must never use that as an excuse to commit sins or act in disobedience to God's orders.⁷⁴

⁷³ Van Ess, p. 207.

⁷⁴ Solaimān, p. 72.

Chapter III

Al-Awzā'ī's biography

Introduction

Abū 'Amr 'Abd al-Raḥmān b. 'Amr al-Awzā'ī (88/706-157/773; Syria) is reported to be one of the main scholars of Syria.¹ The biographical dictionaries disagree on his place of birth just as much as they disagree on his actual name. Ibn Sa'd (d. 230/844) reported that the name al-Awzā'ī refers to a sub tribe (*baṭn*) from the tribe of the Hamdān and al-Awzā'ī's origins go back to this tribe.² According to Abū Zur'a (d. 281/894), al-Awzā'ī used to be called 'Abd al-'Azīz but he changed his own name to 'Abd al-Raḥmān. For him, al-Awzā'ī's origins go back to the people captured in the al-Sind³ and he came to be known as al-Awzā'ī for his repeated trips to a small village located directly outside of

¹ The scholars disagree on his birth date but agree on his death date 157/773. Ibn Sa'd, *Kitāb al-ṭabaqāt al-kabīr*, vol. 9, p. 494; 'Abd al-Raḥmān b. 'Amr b. Ṣafwān al-Naṣrī, *Tārīkh Abī zur'a al-dimashqī*, vol. 2, pp. 720-27; Ibn 'Asākir, *Tārīkh Madīnat Dīmashq*, vol. 35, p.226-7; Al-Dhahabī, *Siyar a'lām al-nubalā'a*, vol. 7, p.109, al-Mizzī, *Tahdhīb al-kamāl fī asmā' al-rijāl*, vol. 4, p. 449.

² Ibid, p. 494.

³ al-Sind is a town located between India, Kirmān, and Sijistān. Yāqūt al-Ḥamawī, *Mu'jam al-Bulḍān*, vol.5, p.52; the al-Sind was opened by the Umayyad general Muḥammad al-Qāsim al-Thaqaṭī in 93/711. Yolande Crowe, *El 2*, vol. 9, p.632.

Damascus called al-Awzā'ī.⁴ According to Ibn 'Asākir (d. 571/1175), al-Awzā'ī is a sub tribe of the tribe of the Ḥimyar and that al-Awzā'ī is the cousin of Yahya b. Abī 'Amr al-Saybānī (d.148/765; Syria).⁵ According to Ibn Khallikān (d. 681/1282), al-Awzā'ī was born in Ba'labakk⁶ at 88/706, raised in the al-Biqā', and his mother took him to Beirut.⁷

Al-Awzā'ī became an adult during the reign of 'Umar b. 'Abd al-'Azīz (99/717-101/719)⁸ and was sent to the al-Yamāma in order to work in its *dīwān*. The sources are unclear about the extent to which his job at the *dīwān* helped him develop his writing skills and ability to put together elegant letters. However, the fact that al-Awzā'ī was employed at this *dīwān* proves that he had developed writing skills and that he was fully capable of composing letters at an early age.

The residence of al-Awzā'ī in al-Yamāma was significant not only for developing writing skills but also for meeting his future teacher, the man responsible for starting him on the road to scholarship. According to the sources, during al-Awzā'ī's first days of residence in al-Yamāma, he visited its local mosque to perform his prayers. This local mosque might have been the place where people of al-Yamāma gathered for prayers as well

⁴ This saying is attributed to Abū Zur'a al-Dimishqī but I was not able to find it in the copy available to me. This saying exists in Ibn 'Asākir, vol. 35, p.155; and al-Dhahabī, vol. 7, p. 109.

⁵ Abū Zur'a al-Shāmī al-Ḥimṣī Yahya b. Abī 'Amr al-Saybānī is the cousin of al-Awzā'ī and Aḥmad b. Ḥanbal said he was trustworthy. Al-Mizzī, vol. 8, p. 74.

⁶ A small town in inland Lebanon situated at about 3700 ft on the edge of the high plain of Biqā'. J Sourdell-Thornine, *El* 2, vol. 1, p. 970.

⁷ Ibn Khallikān, *Wafayāt al-a'yān wa anbā' abnā' al-zamān*, vol.3 p. 106.

⁸ Ibn 'Asākir, vol. 35, p. 151.

as teaching lessons. Major scholars such as Yahyā b Abī Kathīr (d.129/746; Baṣra)⁹ used to give lessons there to students. This Mosque was the meeting place between Yahyā b. Abī Kathīr and al-Awzā'ī. According to Ibn 'Asakir, Yahyā noticed al-Awzā'ī while performing his prayers and expressed his admiration for what he saw as pietistic prayers resembling that of 'Umar b. 'Abd al-'Azīz.¹⁰ Yahyā b. Abī Kathīr sent one of his students to invite al-Awzā'ī to join their learning session. After meeting Yahyā b. Abī Kathīr, al-Awzā'ī decided to leave his job at the *diwān* and move to his residence.¹¹

After living in the al-Yamāma for a while, al-Awzā'ī was instructed by Yahyā b. Abī Kathīr to go to Baṣra in order to learn from al-Ḥasan al-Baṣrī (110/728; Baṣra) and Muḥammad b. Sirīn (d.110/728; Baṣra).¹² When he reached Baṣra, al-Awzā'ī found that al-Ḥasan al-Baṣrī had died two months before his arrival and that Ibn Sirīn was alive but unable to teach because he suffered a stomach disease. Al-Awzā'ī continued to visit Ibn Sirīn hoping for his recovery and a share of his knowledge but this was in vain, for Ibn Sirīn died without teaching him a single word.¹³

⁹ He narrated from Anas b. Mālik and narrated to Hishām al-Dustuwā'ī. According to al-'Ijlī, he was trustworthy and was considered from people of *ḥadīth*. He died in 129/746. al-Mizzī, vol.8, p.81.

¹⁰ *mā ashbaha ṣalāta hadhā al-fata bi-ṣalāti 'Umar b. 'Abd al-'Azīz*; Ibn 'Asākir, vol. 35, p. 159.

¹¹ Ibid.

¹² Ibid.

¹³ *kharajtu 'urīdu al-Ḥasan wa Ibn Sirīn fa wajadtu al-Ḥasan qad māta, wa wajadtu Ibn Sirīn marīḍan, fa dakhalnā 'alayhi na 'ūduhu fa-makatha ayyāman wa māta*; Ibid.

Al-Awzā'ī decided to go to Damascus and he ended up staying in the suburb al-Awzā' for a while. Finally, he settled in Beirut, a place considered by the state as a frontier (*thaghr*) whose inhabitants are *murābiṭs* supported with a stipend for their efforts to defend Muslim borders.¹⁴ Perhaps this place was most suitable for al-Awzā'ī since it guaranteed a stable source of income for him and his family. Through his residence in this area, he was able to devote his time to learning and teaching rather than working directly for the state or taking an active job as a craftsman. Again, this place was particularly significant for al-Awzā'ī's religious practices, he saw himself as a soldier in the line of duty defending Islam by the sword, spreading his *fiqhi* views through his teachings, and influencing political authority by the elegant use of his pen.

Al-Awzā'ī continued to do this until he died on the first Sunday of the month of Šafar in the year 157/773.¹⁵ According to the sources, the incident that led to al-Awzā'ī's death happened in the bathroom when his wife put some charcoal in it and closed its door. When the charcoal began to create fire and smoke al-Awzā'ī tried to get out of the bathroom but was not able to open the door. He was burned completely and his wife asked for a *fiqhi* opinion thinking that she was the cause of her husband's death. Sa'īd b. 'Abd al-Azīz gave an opinion to al-Awzā'ī's wife telling her to pay what is equivalent to freeing one slave in order to ransom herself from unintentionally causing the death of her husband.¹⁶ Al-Awzā'ī's death brought sadness to many people and his funeral witnessed the presence of Muslims who carried his body and were followed by three different sections

¹⁴ al-Dhahabī, *Siyar*, vol. 7, 107.

¹⁵ Ibn 'Asākir, vol. 35, p.225.

¹⁶ Ibid, p. 223.

from the city: The section of Jewish people, the Christians, and the section of the Coptic people.¹⁷

Al-Awzā'ī's political and social life

The search for the nature of the social life of any given scholar living at this early period must begin by assessing his impact on society rather than positing him in a category. This means that trying to assess the social life of al-Awzā'ī must focus on his actual impact on society rather than categorizing him as a *faqih* then assessing the impact of *faqīhs* on society. This is much more useful for our research since the category of *mufasssir*, *faqīh*, *muḥaddith* and *wā'iz* might not have been fully established at this early period. These terms are quite late and depicting early scholars to be part of this category or that category may create major misconception. Indeed, the Islamic science might have not fully developed and one scholar may be known for participating in *ḥadīth* narration as well as the induction of *fiqhi* rulings or the making of *wa'z* sayings. The need to avoid the pitfalls of making these categories is particularly significant for our study of al-Awzā'ī's social life because he was known for his *wa'z* just as much as he was known for his *ḥadīth* and *fiqh* skills.

This requires us to study the various aspects of al-Awzā'ī's life by analyzing his sayings closely and assessing how these sayings impact society. One text is particularly significant for our purpose, it deals with a saying attributed to al-Awzā'ī where he is supposed to have given a piece of elegant *wa'z*. This piece is typical for a *wā'iz* were the

¹⁷ The account of al-Awzā'ī's funeral is narrated on the authority of al-Ḥasan b. Jarir, Ibn 'Asākir, p.228; and on the authority of al-'Abbās b. al-Walīd, Ibn Abī Ḥātim, p.202; and on the authority of al-'Abbās b. al-Walīd, al-Dhahabī, p.572.

emphasis on the hereafter usually undermines the importance of this life and its pleasures. Although this piece of *wa'z* contributes to the claim that al-Awzā'ī was mainly a *wā'iz*, we will prove that this is not the case.

"O people with the bounties the God bestowed upon you, be strong against the hell fire which burns all things. Surly, your existence in this life is short and you are just traveling through it. You have inherited this world from those who consumed that which is most precious in it; they lived longer than you have, had bigger bodies than yours, build bigger dwellings than yours, and left a legacy more significant than yours. They build cities by carving mountains and carrying stones; they possessed strong wills and forceful bodies. It was not long until time ended their rule, erased their ruins, destroyed their homes, and wiped out their memories so that no one remembers their existence or hears about their past.

These past generations were living in lust unaware of worldly consequences or the final reckoning. Now, you have known what happened to these past generation when they received God's punishment; some of them remained in their homes motionless and rest pondered about their afflictions and their state of poverty. They left empty homes for those who were to come after them and fear God and consider His might. Now life has given you lesser bounties than those gained by these past generations, your life became shorter than theirs, your provisions lesser than theirs, and your days have left you nothing but evil miseries, earth quakes, and successive seductions and bastardized offspring whose existence brought corruption on earth and in the sea. Now you should not be similar to those who were fooled by false hopes, infatuated by worldly strength, and based the future

on lust. We ask God to make us and you among those who comprehend God's warnings, understand the final end, and prepare themselves for it."¹⁸

This piece of *wa'z* signifies the extent to which piety played an important role in society and how scholars used their preaching skills to influence people. This emphasis on piety attracted the attention of some scholars in that they saw some elements of Muslim piety resembling that of the Christians. This led some people to import the category of the Christian holy man and impose it on the Islamic culture. This move not only misrepresents the nature of Muslim piety but also creates superficial categories that fail to explain the actual role of scholars in Muslim society. The next paragraph will take up this issue by presenting the arguments of these scholars then showing its shortcomings.

According to Fred Donner, late antiquity witnessed the rise of what is maybe considered as the holy man. This holy man derives his power from the ability to dispense

¹⁸ *ya ayyuha al-nās bi hādhhi al-ni'mati allatī ašbahtum fihā 'alā al-harabi min nār allahi al-mūqada allatī taṭali'u 'alā al-af'ida fa innakum fī dārīn al-thawā'u fihā qalīl wa antum fīha muraḥḥalūn khalā'ifa ba'da al-qurūn alladhīna istaqbalū min al-dunyā anfasahā wa zahratahā fahum kānū aṭwala minkum a'maran wa amadda ajsāman wa a'zama ātharan fajaddadū al-jibāla wa jābū al-ṣukhūr wa naqqabū fī al-bilād mu'ayyaduna bi baṭshin shadīd wa ajsādin kal'imād fa mā labithat al-ayyām wa al-layālī an ṭawaṭ muddatahum wa 'affat āthārahūm wa akhrabat manāzilahūm wa ansat dhikrahūm famā taḥussu minhum min aḥadin wa lā tasm' lahum rikzan kānū bilahwi al-amali āminīn limīqāti yawmin ghāfilīn aw liṣabāhi qawmin nādimīn thumma innakum qad 'alimtum mā nazala bi sāḥatihim bayātan min 'uqūbat allahi 'azza wajalla fa ašbaḥa kathīrun minhum fī diyārihim jāthimīn wa ašbaḥa al-bāqūna yanzurūna fī āthāri naqamihī wa zawāli ni'amihī wa masākina khāwiya āyatan liladhīna uakhāfūna al-'adhāba al-alīm wa 'ibratan liman yakhshā wa ašbahtum min ba'dihim fī ajalīn manqūṣ wa duniyā maqbūdah fī zamānin qad wallā 'afwhu wa dhahaba rakhā'uhu fa lam uabqāminhu illa ḥummatu sharrīn wa ṣabābatu kadar wa ahawīlu ghiyar wa 'uqūbatu 'ibar wa irsālu fītan wa tatābu'u zalāzil wa radhālatu khalaf bihim zahara al-fasādu fī al-barri wa al-baḥr fa la takūnū ašbāhan liman khada'ahu al-amal wa ghaiyyarahu ṭulū al-ajal wa taballagha al-amānī nasalu allaha an yaj'alanā wa iyyākum miman w'ā nadhrahu wa intahā wa 'aqala mathwāh fa mahhada linafsihi. Ibn 'Asākir, vol. 35, p. 208-9.*

wise sayings in a way that help piety minded people define sharply what needs to be done to stay mindful of God and reject the pleasures of this world.

Donner believed that the existence of the holy man is a phenomenon not unique to the Muslim Near East but derived its origins from the Christian Near East. For him, there is a strong case to be made for the existence of continuity from the time of the Christian holy man up to the rise of Islam and the eventual formation of what came to be known as a Muslim holy man.¹⁹

Donner saw that the early Muslim community got its idea of the holy man from the Christian community after the former conquered the latter and remained a ruling minority in a dominantly Christian Near East for nearly a decade. This led Donner to believe that men such as 'Umar II, al-Ḥasan al-Baṣrī, Maḵḥūl, and Maymūn b. Mihrān, the last two being teachers of al-Awzā'ī, belong to this category of holy men in that they were similar in their views of piety to the Christian holy men. Both believed that this life is of secondary value and that being mindful of God constitutes the most important aspect of one's life.²⁰

One characteristic distinguishing the Christian holy man from his Muslim counterpart, in Donner's view, is that the latter is less theatrical in displaying his piety than the former. Again, the Christian holy man sought exclusion from society but the Muslim sought inclusion and dominance over society. These were the major distinguishing characteristics in Donner's view between the two types of holy men; nevertheless he saw

¹⁹ Fred Donner, "The Holy Man in Late Antiquity and Early Islam," p. 4.

²⁰ Ibid, p. 7.

that the major outline of the piety minded holy man continued to exist as a culture starting from late antiquity well into the rise of Islam.²¹

The shortcoming of the Donner's hypothesis appears on two levels; firstly, the argument of continuity of piety is very weak; secondly, the category of Muslim holy man is not feasible. Donner's emphasis on the continuity of the phenomena of holy man faces a significant problem when dealing with the issue of knowledge and how it played a significant role in understanding Muslim piety. Indeed, the role of knowledge is particularly significant for any Muslim aiming to understand what needs to be done to become pious or God fearing.

For Donner, the holy man had the ability to display his piety publicly and show that he was divinely protected as God's patron on this earth. This gave him the status of being feared so that he was able to help the disenfranchised by defying authority and challenging the established institutions. However, these characteristics differ greatly not only from the characteristics of those whom Donner considered as Muslim holy men but also from the main characteristics of the establishment of Muslim scholars in general. The main difference which may break the hypothesis of continuity is the fact that the Christian holy man derived his authority from his own self, whereas the Muslim scholar derives his legitimacy and elevated status in society from his knowledge of the Prophetic tradition.

Now, we turn to the second shortcoming of Donner's hypothesis, namely the creation of a category for defining early scholars. Firstly, Donner faced great difficulty in

²¹ Ibid, p. 10.

defining this category of Muslim holy men. One main function of this piety minded individual is the rejection of this worldly life for the sake of being closer to God and successful in the hereafter. This makes association with the state, an institution that signifies the high point of being infatuated with worldly power, as impossible for achieving the status of holy man. However, the Muslim model shows that 'Umar II was a very pious individual; his piety was overwhelming to the extent that Donner considered him as a holy man in spite of his position as caliph. How is it possible for a holy man to be the head of the state? This poses a serious shortcoming for Donner's category. As a result, trying to posit early scholars in categories is not a useful tool for our research; we must deal with each scholar on an individual basis, assessing his level of knowledge and status in society according to his actual activities and sayings as represented in our sources.

Now, we turn to the political life of al-Awzā'ī. According to our sources, Al-Awzā'ī became the scholar of Syria and people first began to consult him on *fiqhi* issues in the year 113/731, when he reached the age of twenty-five.²² Al-Awzā'ī's formal political life began when he was chosen as a judge for the military under Ibn Surāqa; the *wālī* of Palestine during the rule of Yazīd b. al-Walīd. Al-Awzā'ī accepted this appointment but served as a judge for one day only.²³ This aspect of al-Awzā'ī's life requires some explanation since his reluctance to hold this position would seem to support the claim that early scholars were suspicious of political authorities. Lecker has discussed this issue fully in an essay dealing with the biography of al-Zuhrī. For him, al-Zuhrī's association with the

²² *awwal mā su'ila al-Awzā'ī 'an al-fiqhi sanat thalātha 'asharata wa mā'tin*; Ibid., vol.35, pp. 161-2.

²³ *qāla Abū Zur'a: 'uriḍa 'alā al-qaḍā' fī ayyāmi Yazīd b. al-Walīd famtana 'a al-Awzā'ī raḥmahu Allahu 'alayhi, jalasa lahum majlisān wāḥidan*. Abū Zur'a, vol. 1, p. 385.

Umayyad regime gained him an unfavorable reputation among some of his contemporaries. Lecker supports his claim by relying on the saying of Abū Ḥāzim Salāma b. Dīnār who is reported to have admonished an Umayyad governor in the presence of al-Zuhrī. He said, "the best of rulers is the one who loves the scholars and the worst of scholars is the one who loves the rulers."²⁴ Lecker even asserted that Mālik b. Anas is reported to have admonished al-Zuhrī for using his knowledge in order to achieve worldly gains.²⁵

This claim does not hold strongly in the case of al-Awzā'ī since his refusal to hold the position of judge does not seem to have stemmed from hostility towards the state. This is evident because al-Awzā'ī used to receive a stipend from the state as we showed above. This stipend constituted al-Awzā'ī's main source of income. Again, al-Awzā'ī interacted with Umayyad and 'Abbasid regimes, accepted presents from al-Mahdī, and communicated with al-Manṣūr without reservations.²⁶ In fact, al-Manṣūr entrusted al-Awzā'ī to bring to the attention of the caliph's court whatever he believes to be matters of benefit for society. Again, al-Awzā'ī's seems to have been dealing with political authority for a considerable time and this is reflected in his experience in dealing with al-Manṣūr and other political figures.²⁷ Lastly, Schacht believed that al-Awzā'ī reserved no animosity towards the state. For him, "al-Awzā'ī shows as yet no traces of the anti-Umayyad feeling which became

²⁴ Michael Lecker, *Biographical Notes on Ibn Shihāb al-Zuhrī*, p.34-35.

²⁵ Ibid.

²⁶ Al-Awzā'ī is reported to have accepted presents from al-Mahdī. Ibn Abī Ḥātim, p.214.

²⁷ Al-Awzā'ī was careful in choosing words which deal with political figures according to their power ranks and this skill will be covered below when we deal with his letters.

fashionable under the 'Abbasid, and it is likely that his attitude to the 'Abbasids was cool."²⁸

Perhaps al-Awzā'ī's inclination for holding political office was much less than his disposition towards the performance of voluntary services. He played the role of an intercessor between the caliph and many people, ranging from Muslims hoping to be released from prisons, war hostages in need of ransom, or Christians asking for a break from debts incurred by the poll tax.²⁹ This help for those in need is attested to in the words of Abī Ishāq al-Fazārī, who mentioned that al-Awzā'ī is the true *imām* of this *umma* because he is a scholar of the people rather than al-Thawrī who appears to be a scholar for the elite.³⁰

Perhaps al-Awzā'ī's view towards the state and society is best ascertained by looking into his narrations found in *ḥadīth* collections about the way in which people should behave towards their leaders. Examining the *ḥadīths* dealing with leadership in the *ḥadīth* books is significant since these narrations have al-Awzā'ī as a link in their huge *isnād* bundle. This shows that al-Awzā'ī had learned these sayings from his teachers and narrated them to his students. As a result, we will rely on these sayings at this early stage of our research to get at the general attitude adopted by al-Awzā'ī towards political leadership.

²⁸ Schacht. *ET* 2, vol. 1, p.773.

²⁹ This account of al-Awzā'ī's petitioning prisoners and war hostages appears in his letters to the caliph al-Manṣūr as well as other 'Abbasids figures, Ibn Abī Hātim, p.188-198. Regarding the people of the Book, we have an account indicating that al-Awzā'ī wrote on behalf of a Christian man and saved him thirty *dīnārs* from his tax money, Ibn 'Asākir, vol. 35, p.198-199.

³⁰ Ibid., vol. 35, p. 171.

The most significant piece of evidence in this regard is a narration found in the *Ṣaḥīḥ* of Muslim in the chapter of *imāra*. The narration in this chapter indicates that the Prophet said that the best of your leaders are those whom you love and they love you; and you pray for them and they pray for you; and the most evil leaders are those whom you hate and they hate you; and you curse them and they curse you. Then it was said to the Prophet if it were permissible to fight these evil leaders with the sword, then the Prophet indicated that this would not be permissible as long as they maintain prayers in society. Furthermore, the Prophet maintained that if the Muslim community witnessed something hateful from their leader then they should hate it in their heart but they should never withdraw their obedience from the leader.³¹ This same tradition appears in *Musnad Aḥmad b. Ḥanbal*³² and *Sunan al-Dārimī*³³ without al-Awzā'ī as part of their *isnād* bundle. The wording in the *Musnad* adds five prayers when talking about the leader's obligation in maintaining prayers in society and the narration in al-Dārimī follows the same wording as that of Muslim.

The above Prophetic tradition appearing in *ḥadīth* books attests to al-Awzā'ī's participation in narrating this tradition as indicated in its *isnād* bundle. This tradition presents strong evidence reflecting al-Awzā'ī's attitudes towards the state. This narration which clearly shows al-Awzā'ī's disdain for those adopting hostile attitudes towards the state helps clarify the extent to which al-Awzā'ī propagated obedience to the ruler. Al-

³¹ *Qāl rasullallah "khiyāru 'aimmatikum alladhīna tuḥibunahum wa yuḥibbūnakum wa yuṣallūna 'alaykum wa tuṣallūna 'alayhim, wa shirāru 'aimmatikum alladhīna tubghidūnahum wa yubghidūnakum wa tal'anūnahum wa ual'anūnakum; qīla ya rasūla allah 'afa lā nunābidhuhum bi al-sayf faqāl lā mā 'aqāmū fikum al-ṣalāh wa 'idhā ra'aytum min wulātikum shay'an takrahūnahu fakrahū 'amalahu wa lā tanzi'ū yadan min ṭā'atin."* *Ṣaḥīḥ Muslim*, vol. 2, p.183.

³² Aḥmad. *Musnad* vol. 6, p. 24.

³³ al-Dārimī *Sunan*, vol. 2, p. 417.

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³² Aḥmad. *Musnad* vol. 6, p. 24.

³³ al-Dārimī *Sunan*, vol. 2, p. 417.

while the latter tailored a type of *fiqh* that closely resembled his *ḥadīth*. However, Juynboll had very little confidence in the scholarship of both men. For him, Yaḥyā b. Abī Kathīr was a convert who became one of the *‘ubbād*, he was accused of *tadlīs* and the transmission of unfounded pious sayings aiming to further the cause of Islam. Again, Juynboll believed al-Awzā‘ī to be weak not only for inheriting these suspect traditions from Yaḥyā b. Abī Kathīr but also for being accused by Aḥmad b. Ḥanbal for poor performance in narrating *ḥadīths*.³⁴

Although this research holds no objection to Juynboll’s view of al-Awzā‘ī’s inclination towards *ḥadīths* and their use in *fiqh*, we must examine Juynboll’s assessment of al-Awzā‘ī’s scholarship. Regarding the view asserted by Aḥmad b. Ḥanbal, we need to emphasize the fact that a large number of *ḥadīth* present in the *Musnad* of Aḥmad b. Ḥanbal includes al-Awzā‘ī as an authority in their chains of *isnād*. This attests to the notion that Aḥmad b. Ḥanbal recognized al-Awzā‘ī as a trustworthy authority capable of transferring authentic *ḥadīth* from one authority to another.

This shows that the statement of Aḥmad b. Ḥanbal must be understood in a specific context, for otherwise why would Aḥmad b. Ḥanbal trust to take narrations from some one whom he regards as a weak narrator? One answer to this dilemma was provided by al-Dhahabī who regarded the saying of Aḥmad b. Ḥanbal to be a type of criticism of the way in which al-Awzā‘ī used to formulate *fiqhi* rules. For al-Dhahabī, this criticism was

³⁴ It is not clear if Aḥmad b. Ḥanbal considered al-Awzā‘ī’s performance of narrating *ḥadīth* to be weak. I will discuss this below. G.H.A. Juynboll, “Some new ideas on the development of the *sunna* as a technical term in early Islam” p. 110.

nothing more than a description of the way in which al-Awzā'ī used traditions with broken chains of *isnāds* and unknown narrators as evidence for *fiqhi* rules. Al-Dhahabī asserted that this criticism was not levied at al-Awzā'ī himself for Aḥamd b. Ḥanbal continued to regard him as a great *imām*.³⁵

In spite of al-Dhahabī's saying, we still need to assess this dilemma in light of the various texts and sayings about al-Awzā'ī's scholarly abilities. This means that these apparent contradictions may not be overlooked; rather, it is necessary to undergo a detailed investigation to assess the actual level of scholarship of al-Awzā'ī. Our main efforts must evaluate al-Awzā'ī's scholarship and should not rest on one scholarly evaluation without even analyzing the context in which this evaluation was mentioned. Our assessment must be grounded in a thorough investigation of the complicated network of teachers and students that surround the scholar in question. The scholarly evaluation of his performance must be examined in light of his level of accuracy, his standing amongst other scholars, the method that he used to obtain his knowledge from different teachers, and his reputation in the community. The short biography provided above confirms al-Awzā'ī's respectable reputation in the community. The following paragraph, however, will deal with the other aspects of his scholarship and show that Juynboll overlooked significant details when assessing al-Awzā'ī's technical skills as a prominent scholar.

Al-Awzā'ī started to learn *ḥadīth* rigorously when he resided in the al-Yamāma. As mentioned above, al-Awzā'ī left his job at the *dīwān* and moved to the residence of Yahyā

³⁵ *Qultu yurīdu anna al-Awzā'ī ḥadīthuhu ḍa'īfun min kawnihi yaḥtajju bi al-maqāfi' wa bi marāsīl ahl al-shām wa fī dhālika ḍa'fun la anna al-imām fī nafsīhi ḍa'īf*. Al-Dhahabī *Siyar*, vol. 7, p.114.

b. Abī Kathīr in order to listen and write down his *ḥadīths*.³⁶ It is reported that al-Awzā'ī was able to produce his first *muṣannaf* at this time.³⁷ Unfortunately, this valuable work did not survive because it was burned in a fire that destroyed it as well as other works of al-Awzā'ī.³⁸ According to al-Dhahabī, al-Awzā'ī's books were burned at the time of the *al-rajfa*: the earthquake that hit Syria in 130/747.³⁹ Al-Awzā'ī was unable to recover this lost knowledge since his source of *ḥadīth*, Yaḥyā b. Abī Kathīr, passed away before the time of the *al-rajfa*. After this incident, al-Awzā'ī was able to narrate *only* that which he memorized from these books. The result of this accident affected al-Awzā'ī's narrations to the extent that he would mistakenly mention the name Abū al-Muhājir in place of Abū al-Muhallab.⁴⁰

Al-Awzā'ī also learned under al-Zuhrī (d.124/741; Madina) but the sources, as far as I was able to ascertain, are unclear about the place where the two men exchanged

³⁶ *aqām [al-Awzā'ī] 'inda Yahya muddatan yaktubu 'anhu wa sami'a minhu*; Ibn 'Asākir, vol. 35, p. 159

³⁷ *ṣannaḥa al-Awzā'ī ḥīna dakhala 'ala Yahyā b. Abī Kathīr min kutubihī*; Ibid, vol. 35, p. 161; al-Dhahabī, *Siyar*, vol. 7, p. 111.

³⁸ *qāla Abū Dāwūd: iḥṭaraqa li-l-awzā'ī ithnā 'ashara qundāqan 'an Yahyā b. Abī Kathīr. Abū Dawūd al-Sijistānī, Su'ālāt Abī 'Ubayd al-Ājūrī li-Abī Dāwūd Sulaymān b. al-Ash'ath al-Sijistānī fī ma'rīfat al-rijāl wa jarḥihim wa ta'dīlihīm*, vol. 2, p. 202.

³⁹ al-Dhahabī. *Siyar*, vol. 7, p. 115.

⁴⁰ *qāla Abū Dāwūd: kullamā qāla al-Awzā'ī 'an Abī al-Muhājir fahuwa Abū al-Muhallab*; Abū al-Muhallab is 'Amr b. Mu'āwiyya al-Juramī his uncle is Abū Qulāba 'Abdullah b. Zayd (d. 104/722; Baṣra), Abū al-Muhallab lived in Baṣra but I was not able to find his death date. He narrated from Samura b. Jundab and 'Uthmān b. 'Affān, he narrated to Abū Qulāba, Ibn Sirīn and others. This *isnād* by al-Awzā'ī starts with Yaḥyā b. Abī Kathīr to Abū Qulāba to Abū al-Muhallab. Abū Dawūd, vol. 2, p.202.

knowledge. Al-Awzā'ī indicated that al-Zuhrī gave him a *kitāb* of *ḥadīth* and instructed him to narrate it on his authority, that is al-Zuhrī's authority.⁴¹ However, Yahyā b. Ma'īn believed that al-Awzā'ī heard directly from al-Zuhrī and later received his *kitāb* from al-Zubaydī.⁴² Perhaps Yahyā b. Ma'īn believed that al-Awzā'ī's direct listening (*sam'*) from al-Zuhrī was limited to part of the material in this *kitāb*. This led various scholars to reject part of what al-Awzā'ī narrated from al-Zuhrī. The only part that they believed to be authentic was the narrations that the former heard directly from the latter.⁴³ Still, Ya'qūb b. Shayba (d.262/875; Baṣra) did not make this distinction and felt that al-Awzā'ī's narrations through al-Zuhrī did not meet the required level of accuracy, though he continued to consider al-Awzā'ī as a trustworthy and a reliable narrator generally.⁴⁴

Perhaps the above presentation of scholarly sayings supports Juynboll's views about the inaccuracy of al-Awzā'ī's narration but the picture may appear differently on a closer

⁴¹ 'an al-Awzā'ī qāla dafa'a ilayya al-Zuhrī ṣaḥīfatan fa-qāl irwihā 'annī. Abū Zur'a, vol. 2, p. 415.

⁴² al-Awzā'ī yuqāl innahu akhadha al-kitāba min al-Zubaydī, kitāba al-Zuhrī, wa sami'ahu min al-Zuhrī; Yahyā b. Ma'īn, *Tārīkh Yahyā b. Ma'īn*, vol. 1, p. 152.

⁴³ Ammā al-aqwālu al-muḥlaqatu allatī afādat ḍa'fahu fī al-Zuhrī faqad fassaraha ghayru wāḥidin min al-aimmati bi annahu kāna yuḥaddithu 'an al-Zuhrī min kitābin akhadhahu min al-Zubaydī ay annahū lam yasma' minhu aw min kitābin taḥammalahu min al-Zuhrī munāwalatan wa lidhālika qayyada abū Ḥātim tawthīqahu fīmā sami'a; 'Abdullah Muḥammad Ḥasan Damfū, *Marwiyyāt al-imām al-zuhrī al-mu'allala fī kitāb 'ilali al-daraqūṭni*, vol. 1, p. 155.

⁴⁴ wa al-Awzā'ī ismuhu 'abd al-Raḥmān b. 'umar wa huwa thiqaṭun thabtun illā anna riwāyatahu 'an al-Zuhrī khāṣatan fa inna fīhā shay'an; Ya'qūb b. Shayba, *Musnad amīr al-mu'minīn 'umar b. al-khaṭṭāb*, p. 64.

look. In case of al-Awzā'ī's narrations from Yahya b. Abī Kathīr we must distinguish between al-Awzā'ī's narrations before and after losing his books. Some scholars were able to realize this and did not regard al-Awzā'ī to be unreliable in narrating the traditions from Yahya b. Abī Kathīr. For instance, Yahyā b. Ma'īn asserted that no one is more trustworthy on the *ḥadīth* of Yahyā b. Abī Kathīr than Hishām al-Dustuwā'ī (d.154/770; Baṣra) and al-Awzā'ī.⁴⁵

Furthermore, the claim that al-Awzā'ī's transmission of al-Zuhrī's *ḥadīths* was poor must be examined in light of the attitudes of scholars during this early time. Indeed, early scholars felt that learning through written copies is less effective than learning through listening in teaching circles. It is also evident that al-Awzā'ī maintained similar attitudes, for he felt that the best use of al-Zuhrī's copies is the following of their teachings rather than the narration of their content.⁴⁶ The methods adopted in learning and teaching are complicated but the reluctance of scholars to rely on written copies for learning *ḥadīth* is maybe explained by looking into what al-Dhahabī described as the poor copying skills of this early period.⁴⁷

⁴⁵ *laysa aḥadun fī yahya b. abī kathīr mithla hishām al-dustuwā'ī wa al-awzā'ī*. Al-Mizzī, vol. 4, p. 449.

⁴⁶ This is narrated on the authority of al-Walīd b. Muslim. According to him al-Awzā'ī said about the books of al-Zuhrī, "*yu'malu bihā wa lā yutahaddathu bihā*," Abū Zur'a, vol. 2, p. 723.

⁴⁷ The explanation of the negative attitude towards copying *ḥadīth* is explained by al-Dhahabī, al-Dhahabī, *Siyar*, vol. 7, p. 114.

Al-Awzā'ī as well as many of his contemporary scholars believed that copying should be only secondary to listening, *sam'*, which they considered as the most effective tool for learning. Al-Awzā'ī indicated that this knowledge was transmitted most accurately when teachers orally taught their students in their learning circles.⁴⁸ Students wrote down *ḥadīth* to enforce their memorization but the problem began when some students copied the books of others without hearing these particular *ḥadīth* in learning circles. These students would learn solely from written copies and they had no way of checking copying errors or clarifying ambiguities of texts without diacritics.

This caused many problems since *ḥadīths* scholars often emphasized the need for accurate narrations. Al-Awzā'ī considered those depending on copies rather than learning circles to be intruders in the field of *ḥadīth* narration and were essentially responsible for mixing a significant amount of error in *ḥadīth*. This explains al-Awzā'ī's reluctance towards narrating al-Zuhrī's *kitāb* without actually listening to each *ḥadīth* directly from al-Zuhrī himself. Thus, al-Awzā'ī was considered to be reliable only on that which he actually heard⁴⁹ and this is a sign of reliability and strength rather than weakness.

⁴⁸ *kāna ḥādhā al-'ilmu karīman yatalaqqāhu al-rijālu baynahum falamā dakhala fī al-kutubi dakhala fihī ghayru ahlihi*; this account is narrated from al-Awzā'ī on the authority of Ibn al-Mubārak (d.181/797), al-Dārimī, *Sunān al-Dārimī*, vol. 1, p. 132.

⁴⁹ *muttaba 'un limā sami'a*; Ibn Abī Ḥātim, p. 186.

According to our sources, Yaḥya b. Abī Kathīr and al-Zuhrī were the only two scholars who gave al-Awzā'ī copies of their written narrations. Still, al-Awzā'ī heard from many other scholars, though our sources give very little information about where this learning occurred and whether it was oral teaching or the acquisition of written copies, *kitābs*. According to Abū Zur'a, al-Awzā'ī heard from 'Aṭā' b. Abī Rabāḥ (d. 114/732; Mecca),⁵⁰ Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm (d.120/737; Madina),⁵¹ al-Ḍaḥḥāk b. 'Abd al-Raḥmān b. 'Arzab (d.105/723; Syria),⁵² al-Qāsim b. Mukhaymara (d. 100/718; Syria),⁵³ and many more scholars.⁵⁴

This learning effort helped al-Awzā'ī establish a strong reputation for his scholarship; it was reported that the learned people of the Prophetic tradition are four: Sufyān al-Thawrī in Kufa, Malīk b. Ans in Madina, al-Awzā'ī in Syria, and Ḥammād b.

⁵⁰ According to Ibn Sa'd, 'Aṭā' grew up in Mecca and he was the *mawla* of Banū Fīhr or the al-Jumāḥ. 'Aṭā' was a trustworthy narrator who transmitted a large number of *ḥadīth* (*kathīr al-ḥadīth*). During his time, 'Aṭā' and Mujāhid became the main sources of *fatwas* for the people of Mecca, although 'Aṭā' contributed more than Mujāhid; al-Mizzī, vol. 5, p. 168.

⁵¹ 'Umar b. 'Abd al-'Azīz appointed Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm as the *qāḍī* of Madina and ordered him to write down *ḥadīth* from 'Amra bint 'Abd al-Raḥmān and al-Qāsim b. Muḥammad and then send them back to him; Ibn Abī Ḥātim, vol. 9, p. 337.

⁵² A trustworthy man whom 'Umar b. 'Abd al-'Azīz appointed as a governor of Damascus; al-Mizzī, vol. 3, p. 475.

⁵³ al-Qāsim was a Kūfan narrator who moved to Syria and died in Damascus. He was not known to have heard from the companions in Kufa, but he narrated various *ḥadīths* and Ismā'īl b. Abī Khālid mentions that he was a scribe for al-Qāsim. al-Mizzī, vol. 6, p.87.

⁵⁴ Abū Zur'a, vol. 2, p. 720.

Zayd in Baṣra.⁵⁵ This reputation naturally attracted many students to learn under al-Awzā'ī and we have several reports describing how he transmitted his knowledge to them. These reports will show the extent to which al-Awzā'ī was careful in transmitting knowledge to his students, his views of accurate narration, his scholarly opinions about some narrators, and his unaccountability for some weak *ḥadīths* falsely attributed to him after his death by one of his students. Thus, these reports should undermine significantly the claim that al-Awzā'ī's scholarly performance was weak.

Abū Zur'a reported that 'Umar b. 'Abd al-Wāḥid (d.200/815; Syria)⁵⁶ was one of al-Awzā'ī's students eager to collect *ḥadīths* narrated on his authority in a *kitāb*. When he completed this *kitāb*, 'Umar b. 'Abd al-Wāḥid showed it to al-Awzā'ī who examined it for errors then permitted him to narrate it on his authority.⁵⁷ 'Amr b. Abī Salama (d. 214/829; Syria)⁵⁸ is another student but he transmitted a very small number of *ḥadīths* from al-Awzā'ī. Nevertheless, the sources report an important conversation between the two men.

'Amr b. Abī Salama attempted to learn some techniques of narration so he asked al-Awzā'ī

⁵⁵ Ibn Abī Hātim, p.184 and p. 203.

⁵⁶ He is the brother of Abū Bakr Muḥammad b. 'Abd al-Wāḥid. He narrated from Mālik b. Anas and narrated to Ishāq b. Rāhawih. It is reported that his books of al-Awzā'ī's *ḥadīths* were very accurate and he was considered trustworthy. al-Mizzī, vol. 5, p. 372.

⁵⁷ *naẓara al-Awzā'ī fī kitābī faqāla irwihi 'annī*; Abū Zur'a, vol. 2, p. 723.

⁵⁸ He is Abū Ḥafṣ al-Dimashqī, he narrated from Makḥūl al-Shamī and narrated to Ishāq b. Asīd. Abū Bakr al-Bayhaqī said he was unknown but Ibn Māja narrated one *ḥadīth* for him. al-Mizzī, vol. 9, p. 291.

about the terms to be used when describing how a narrator transmits *ḥadīth* obtained through *munāwala*.⁵⁹ Al-Awzā'ī answered by saying that if the student hears *ḥadīth* directly from his teacher then the term *ḥaddathanā* is appropriate otherwise the student should use the term *'an* or *qāla*.⁶⁰ This conversation is significant for what it shows about al-Awzā'ī's regards for these terms and their role in strengthening or weakening a given *isnād* since *ḥaddathanā* entails that the narrator personally heard his source but *'an* or *qāla* are more flexible.

A significant student who studied under al-Awzā'ī was al-Walīd b. Mazyad al-Bayrūtī (d.183/799; Syria).⁶¹ According to Ibn Abī Ḥātim, al-Awzā'ī admired this particular student enormously and advised his contemporaries who sought *ḥadīth* to consult the *kitābs* of al-Walīd b. Mazyad for their accuracy and perfection.⁶² This admiration was

⁵⁹ This narration does not show whether al-Awzā'ī actually used the term because the narration is in 'Amr b. Abī Salam's words. Another point is that we cannot be sure of what the word actually meant to al-Awzā'ī or how this differs from what it became later as the science of *ḥadīth* narration developed. In any case, Ibn al-Ṣalāḥ defines *munāwala* as one of eight means of receiving *ḥadīth* narrations. For him, it means that the student receives and is permitted to narrate a copy of *ḥadīth* without actually hearing it or reading it to his teacher. Abū 'Amr al-Shahrazūrī, *Muqaddimat Ibn al-Ṣalāḥ fi 'ulūm al-ḥadīth*, p. 112-3.

⁶⁰ *'an 'Amr b. abī salama qāla: qultu li al-Awzā'ī fi al-munāwala aqūlu fihā ḥaddathanā faqāl in kuntu ḥaddathtuka faqul. faqultu aqūlu akhbaranā? qāla: lā. faqultu: fakayfa aqūlū? qāla: qul 'an Abī 'Amr wa qāla Abū 'Amr; Abū Zur'a, vol. 2, p. 723.*

⁶¹ He narrated from al-Awzā'ī, al-Ḍaḥḥāk b. Abī Ḥawshab, and many more; he narrated to his son al-'Abbās, Muḥammad al-Tanūkhī and many more. According to al-Nasā'ī, al-Walīd was trustworthy especially for al-Awzā'ī's narrations. al-Mizzī, vol. 7, p. 485.

⁶² *'alaykum bikutubi al-Walīd b. Mazyad fa-innahā ṣaḥīḥatun.* Ibn Abī Ḥātim, p. 205.

perhaps mutual since al-Walīd b. Mazyad praised al-Awzā'ī and mentioned that he was able to discipline himself better than kings and notables.⁶³ Again, al-Walīd b. Mazyad narrated that al-Awzā'ī spoke highly of the tradition of the Prophet and warned against deviations.⁶⁴ Al-Walīd b. Mazyad preserved a number of significant letters sent by al-Awzā'ī to the 'Abbasid caliph, his ministers, and his secretaries.⁶⁵

Al-Awzā'ī equally admired other students such as Muḥammad b. Yūsuf al-Firyābī (d. 212/827; Syria)⁶⁶ and Marwān b. Muḥammad (d.210/825; Syria).⁶⁷ These students were very close to al-Awzā'ī so when he died they narrated his courageous encounters, particularly his famous meeting with 'Abdullah b. 'Alī, the commander in the 'Abbasid army.⁶⁸

⁶³ According to al-'Abbās b. al-Walīd b. Mazyad (d.183/799; Syria), kings were unable to discipline themselves and their sons in the way al-Awzā'ī disciplined himself. *'ajazat al-mulūku an tu'addiba anfusahā wa awlādaha adaba al-Awzā'ī fī nafsīhi*. Al-Dhahabī, vol. 7, p. 110.

⁶⁴ *'alayka bi āthāri al-salafi, wa in rafadaka al-nasu; wa iyyāka wa ra'i al-rijāli wa in zakhrafūhu laka bil-qawli fa inna al-amra yanjali wa anta minhu 'alā tariqin mustaqīmin*. Ibn 'Asākir, vol. 35, p.200.

⁶⁵ These letters and their *isnāds* will be discussed in details below.

⁶⁶ He narrated from Sufyān al-Thawrī and Sufyān b. 'Uyayna, he narrated to Aḥmad b. Ḥanbal and al-Bukhārī. According to al-'ijlī, he was trustworthy, al-Mizzī, vol. 6, p. 571.

⁶⁷ He narrated from al-Hiqī b. Ziyād and narrated to Maḥmūd b. Khālīd al-Sulamī. According to Abū Ḥātim, he is *thiqa*. al-Mizzī, vol. 7, p. 74.

⁶⁸ The narration of this is the famous story about the meeting allegedly taking place between al-Awzā'ī and 'Abdullah b. 'Alī is present in Ibn Abī Ḥātim, p. 211-15

Al-Walīd b. Muslim al-Qurashī (d. 195/809; Syria)⁶⁹ also heard *ḥadīth* from al-Awzā'ī but the sources indicate that he was responsible for ruining a large number of al-Awzā'ī's *ḥadīths*.⁷⁰ The way in which this happened is covered by Abū Zur'a in detail. According to him, al-Awzā'ī mentioned the source of his narration by outlining the chain of authority and method of transmission. He would mention the names of his immediate informants in the *isnād* without avoiding names of insignificant men linking him to al-Zuhrī or any other reputable narrator such as Nāfi' and 'Aṭā'.⁷¹ However, when al-Walīd b. Muslim received al-Awzā'ī's *ḥadīths*, he omitted all links between al-Awzā'ī and each one of these three men. Furthermore, al-Walīd b. Muslim attributed to al-Awzā'ī reports which he never narrated; he collected narrations allegedly going back to al-Awzā'ī from untrustworthy people, then he dropped their names from the *isnāds* and attributed their narrations directly to al-Awzā'ī.⁷²

Al-Walīd b. Muslim preserved some of al-Awzā'ī's sayings, which appear to be helpful in describing his view of distinguishing between authentic and fabricated *ḥadīths*.

⁶⁹ He is Abū al-'Abbās al-Dimashqī the *mawla* of Banū Umayya. He narrated from Anas b. Mālik and many other people. He narrated to Dāwūd b. Rashīd. al-Dāraqūṭnī accused him of *tadlīs*. al-Mizzī, vol. 7, p.488-9.

⁷⁰ Ibid.

⁷¹ This issue was discussed between al-Walīd b. Muslim and al-Haytham b. Khārīja (d. 228/842; Baghdad) who accused the former of ruining al-Awzā'ī's *ḥadīths*. Ibid.

⁷² al-Haytham b. Khārīja is reported to admonish al-Walīd b. Muslim for dropping the links such as 'Abdullah b. 'Āmir al-Aslamī (d. 150/767; Madīna) between al-Awzā'ī and Nāfi'. Ibid.

For instance, he heard al-Awzā'ī indicate that he would hear a *ḥadīth* and present it to his friends like presenting a coin to a money changer so whatever they recognize becomes accepted and whatever they do not recognize becomes rejected.⁷³ Although this narration does not mention these friends by name, al-Awzā'ī seems to have considered rare *ḥadīths* narrated by one narrator (*mutafarriḍ*) as inauthentic. This shows that al-Awzā'ī considered the (*tafarrud*) as a weakness (*'illa*).

Al-Walīd b. Muslim was viewed as an inaccurate narrator yet his forgeries did not ruin al-Awzā'ī's *ḥadīths* completely due to the labors of a very diligent scribe named Hiql b. Ziyād al-Saksakī (d.179/795; Syria).⁷⁴ According to Abū Dāwūd, Hiql is trustworthy on the narrations of al-Awzā'ī's *ḥadīths*. Similarly, Aḥmad b. Ḥanbal indicated that the *ḥadīths* of al-Awzā'ī could not be received from someone more trustworthy and accurate than Hiql.

The fact that Al-Awzā'ī relied on diligent scribes helped produce various books dealing with *ḥadīth*, *fiqh*, and *maghāzī*. These books reflect the fact that Al-Awzā'ī regarded the *Sunna* with such high esteem to the extent that he asserted that the *Sunna*

⁷³ Abū Zur'a; vol. 2, p. 722.

⁷⁴ He narrated from Hishām b. Ḥassān and narrated to Abū Mushir. Scholars such as Aḥmad b. Ḥanbal, Abū Bakr b. Abī Khaythama, and Yahya b. Ma'īn indicated that Hiql is trustworthy, especially for his writings of al-Awzā'ī's narrations. al-Mizzī, vol. 7, p. 423-4.

overrules the Qur'ān more than the Qur'ān overrules the *Sunna*.⁷⁵ This takes us to a significant aspect of al-Awzā'ī's *fiqh* and its reliance on the *Sunna* as a main source for deducting *fiqhi* rules. This *madhhab* is most certainly different from Iraqi *madhhabs* that see *ra'y* as a legitimate source besides the Qur'ān and *Sunna* for deducing *fiqhi* rules.

The practices of al-Awzā'ī as narrated on the authority of his students describe his *fiqh* in a manner that presents clear evidence in which he would always rely on *Sunna* and *athār* traces of narrations from the companions and their views on legal matters rather than *ra'y*. Hiql narrated a tradition in which al-Awzā'ī would refuse to give a legal opinion when he was unable to find support for it in the *Sunna*. Hiql then adds that al-Awzā'ī gave a huge number of legal opinions all of which had basis for their validity in the *Sunna*.⁷⁶ This is evident for al-Awzā'ī himself spoke highly of Prophetic tradition as well as the narrations of the companions and their opinions. According to him, one must follow the traditions of the forefathers (*salaf*) and stay away from the opinions of men even if these opinions were highly embellished, for life will end and those who adopted the opinions of the *salaf* will be on the right path.⁷⁷

These opinions of jurisprudence are clearly reflected in al-Awā'ī's books. As mentioned above, he produced his first *muṣannaf*, which did not survive, while residing in Yamāma with Yahya b. Abī Kathīr. According to the *Fihrist*, he produced other books

⁷⁵ *Akhbarana Muḥammad b. 'Uyayna 'an Abī Ishāq al-Fazārī 'an al-Awzā'ī 'an Yahya b. Abī Kathīr qāl, al-sunnatu qāḍiyatun 'alā al-qur'ān wa laysa al-qur'ānu bi-qāḍin 'alā al-sunna.* al-Dārimī, vol. 1, p.474.

⁷⁶ Ibn 'Asākir, vol. 35, p. 162.

⁷⁷ *'alayka bi al-salaf, wa in rafadaka al-nāsu; wa iyyaka wa arā'i al-rijāli wa in zukhrifna bilqawli fa in al-amra yanjalī wa anta minhu 'alā tarīqin mustaqīmīn.* This saying appears in both Ibn 'Asākir, vol. 35, p.200; and al-Dhahabī, vol. 7, p.120.

such as *Kitāb al-sunan fī al-fiqh* and *Kitāb al-masā'il fī al-fiqh*.⁷⁸ According to Schacht, he dedicated these books to his disciples but none of these books was preserved in its original form.⁷⁹ Al-Awzā'ī's legal opinions on *maghāzī* were in a book called *Siyar al-Awzā'ī* which did not survive but parts of it appear in another book called *al-radd 'alā siyar al-Awzā'ī*. This valuable work presents an actual refutation of al-Awzā'ī's criticism of Abū Ḥanīfa by the known Ḥanafī scholar Abū Yūsuf al-Anṣārī.⁸⁰

Now, we will present an example from the above book in order to show how al-Awzā'ī relies on *Sunna* rather than *ra'y* in making *fiqhi* rules. This example is found in the work of al-Shāfi'ī where Abū Ḥanīfa brings a *fiqhi* opinion about the place in which Muslims are supposed to divide their booty after finishing the battle field. Our work is primarily descriptive in that we will present the *fiqhi* arguments proposed by Abū Ḥanīfa then a refutation by al-Awzā'ī. We will then present Abū Yūsuf's refutation of al-Awzā'ī then al-Shāfi'ī's refutation of Abū Yūsuf. This last refutation is particularly significant because it makes a determination that al-Awzā'ī's opinions run much closer than that of Abū Ḥanīfa and Abū Yūsuf to what is considered as Prophetic tradition.

⁷⁸ Muḥammad al-Nadīm, *al-fihrist*, p.376.

⁷⁹ Joseph Schacht, *E.I.* 2 vol. 1, p. 772.

⁸⁰ Abū Yūsuf b. Ya'qūb al-Anṣārī, *al-radd 'alā siyar al-Awzā'ī*.

According to Abū Ḥanīfa, when Muslim soldiers acquire booty in the battle field at the dār al-Ḥarb, they should not divide it until they bring it out to dār al-Islām.⁸¹ Al-Awzā'ī refuted this opinion completely by relying on a Prophetic tradition as well as various *athār* of the companions. For him, the Prophet never left a battle field before dividing its booty into five shares among the participants of the Muslim army.⁸² These battles are the battle of Banū al-Muṣṭalaq, Hawāzin, Ḥunayn, and Khaybar, the latter being known for the marriages of the Prophet with Safiyya and Dihya with the sister of Kināna b. al-Rabī'.⁸³ These marriages were the result of dividing the booty, which included these two women, in the battlefield. For al-Awzā'ī, these marriages present strong evidence that the Prophet divided up the booty of the battle at the battlefield itself and this refutes Abū Ḥanīfa's opinions. Again, al-Awzā'ī asserts that the Muslim armies continued to follow this practice of dividing booty at the battlefield after their enemy would surrender throughout the period of the early caliphs until the killing of al-Walīd.⁸⁴ For al-Awzā'ī, this presents more evidence supporting his opinion and refuting Abū Ḥanīfa's opinions.

Abū Yūsuf supports Abū Ḥanīfa's opinions and refutes al-Awzā'ī's opinions by analyzing his evidence, providing some logical hypothesis leading to certain doubts about

⁸¹ *Qālā abū ḥanīfa raḥimahu allah ta'ālā idhā ghanima jundun min al-muslimīna ghanīmatan fī arḍ al-'adwwi min al-mushrikīn fala yaqtasimūnahā ḥattā yukhrijūhā ilā dār al-islām.* Al-Shāfi'ī, *al-Umm*, vol. 7, p.303 (see appendix A)

⁸² *lam yuqfil rasūl allah min ghaawatin aṣāba fihā maghnaman illā khammasahu wa qassamahu qabla an yuqfil.* Ibid.

⁸³ *wa tazawwaja rasūl allah ṣafiyyata wa qatala kinānata b. al-rabī' wa 'a'ṭā ukhtahu dihya.* Ibid.

⁸⁴ *thumma lam yazal al-muslimūna 'alā dhālika ba'dahu wa juyūsh al-Muslimīn.* Ibid.

their validity, then providing other Prophetic traditions in support of Abū Ḥanīfa's legal opinions. According to Abū Yūsuf, the Prophetic traditions used by al-Awzā'ī failed to support his legal opinions about the matter. He believed that this particular Prophetic tradition must be understood in a new light. For him, the Prophet went to battle then triumphed over his enemies thereby making their territory part of dār al-Islām and this means that the Prophet divided his booty in dār al-Islām. Abū Yūsuf asserts that the battle of Banū al-Muṣṭalaq witnessed a great victory for the Prophet and that this turned this particular place into a part of the dār al-Islām.⁸⁵ For him, this is further attested by the fact that the Prophet sent al-Walīd b. 'Uqba to collect the *ṣadaqa* from those inhabiting the area of Banū al-Muṣṭalaq and this confirms that it was part of the dār al-Islām.⁸⁶ Abū Yūsuf believed that this means that the Prophet divided the booty in this battle as well as other battles in what came to be considered as the abode of Islam and this particular understanding of this tradition in this new light refutes the legal opinion of al-Awzā'ī.

Abū Yūsuf uses more evidence to refute al-Awzā'ī's opinions by dealing with the battle of Ḥunayn. For him, the Prophetic tradition reports that the Prophet did not divide the booty in Ḥunayn until he left al-Ṭā'if when people asked that he divide up the booty in the al-Ji'irāna.⁸⁷ For Abū Yūsuf, this Prophetic tradition shows irrefutable evidence of the

⁸⁵ *ammā gharabat banī al-muṣṭalaq fa inna al-rasūl iflataha bilādahum wa ṣahara 'alayhim fa ṣarat bilādahum dār al-islām. Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *wa lam yaqsim fi hunayn illā ba'da munṣarafihī 'an al-ṭā'if hīna sa'alahu al-nas wa hum bi al-ji'irāna. Ibid.*

rule that whenever a Muslim army commander overcomes an enemy and enforces Islamic law in that area then this commander has the legal authority to divide his booty there.⁸⁸ However, Abū Yūsuf believed that the inability to enforce Islamic law in the conquered area makes it undesirable (*makrūh*) for a commander to divide his booty in that area.⁸⁹

Abū Yūsuf gives three logical hypotheses to show that Abū Ḥanīfa's opinions are much superior to those of al-Awzā'ī. Firstly, the inability to establish the newly conquered area as part of dār al-Islām makes it difficult to secure the booty.⁹⁰ Secondly, this may cause problems if a back up army arrives on the scene and the booty has been already divided.⁹¹ Thirdly, this is likely to create a problem of ownership of that booty if it was first owned by the conquering Muslim army then taken up by the enemy then reacquired by another Muslim army.⁹² In this case, Abū Yūsuf felt that the question of which Muslim army is more deserving of owning this booty is likely to pose a serious problem and create a major conflict.

Abū Yūsuf employs another tactic in refuting al-Awzā'ī's arguments by attacking the accuracy of his narrations thereby undermining the claim that dividing up booty outside

⁸⁸ *fa idha zahara al-imām 'alā dāin wa athkhana ahlahā fayujrī hukmahu 'alayhā fala ba'sa an yaqsim al-ghanīma.* Ibid.

⁸⁹ *fainnā nakrahu an yuqassima fīha ghanīmatan aw fay'.* Ibid.

⁹⁰ *min qibali annahu lam yuharrizha.* Ibid.

⁹¹ *min qibali annahu law dahkala jayshun min juūsh al-muslimīn madadan lahum sharrakūhum fī tilka al-ghanīma.* Ibid.

⁹² *min qibali anna al-mushrikāna law istanqadhū ma fī aydīhim thumma ghanimahu jayshun ākhara min juyūsh al-muslimīn.* Ibid.

dār al-Islam was a general practice from the time of 'Umar and 'Uthmān. For Abū Yūsuf, al-Awzā'ī used vague statements in asserting this and failed to mention the names of those who were supposed to have followed the practice of dividing the booty outside dār al-Islām. Abū Yūsuf believed that one must use authentic Prophetic tradition or practices of the early companions clearly attributed to actual names. Thus, he uses six traditions to refute al-Awzā'ī's opinions: firstly, Abū Yūsuf mentions a tradition dealing with how 'Umar sent a backup army to Sa'd b. Abī Waqqāṣ and told him in a letter that this backup army must be included in dividing the booty if they arrive before the battle is finished. For Abū Yūsuf, this shows that Sa'd b. Abī Waqqāṣ would not have secured the booty in dār al-Ḥarb and this attests to the legal opinion that the commander must divide the booty only when the war ends and the area conquered becomes part of the dār al-Islām.⁹³

Secondly, Abū Yūsuf mentions a tradition narrated from 'Ubada b. al-Ṣāmiṭ providing as exegesis for the opening verse of the *sūra* of al-Anfāl. According to him, this verse descended on the Prophet ordering him to claim all the booty captured in the battle of Badr when the companions disagreed on how it should be divided.⁹⁴ For 'Ubāda, this verse admonished the companions for their bad behavior of disagreeing over the proper way of dividing booty.⁹⁵ Abū Yūsuf concludes that this was so because the companions attempted

⁹³ 'an 'Uamr annahu kataba ilā Sa'd b. Abī Waqqāṣ annī qad amdadtuka bi qawmin fa ammā man atāka minhum qabla tanaffuq al-qatlā fa ashrikhu fī al-ghanīma qāl Abū Yūsuf wa hadhā yu'limu annahum lam yuḥarrizu dhālika fī arḍ al-ḥarb. Ibid.

⁹⁴ su'il 'Ubāda 'an al-anfāl faqāl fīna aṣḥābu Muḥammad unzilat. Ibid.

⁹⁵ intaza'ahu allahu minnā hīna ikhtalafnā. Ibid.

to divide this booty outside of dār al-Islam and this shows the extent to which al-Awzā'ī's opinion is worthy of disapprove.⁹⁶

Thirdly, Abū Yūsuf cites a tradition narrated on the authority of Ibn 'Abbās saying that the Prophet did not divide the booty of Badr until he arrived at Medina. Abū Yūsuf claims that the validity of this tradition is attested to by the fact that the Prophet divided a share for 'Uthmān and Ṭalhā though both men never attended the battle.⁹⁷ For Abū Yūsuf, this tradition shows that the Prophet divided up booty after returning to dār al-Islām and this further supports Abū Ḥanīfa's argument over that of al-Awzā'ī. Fourthly, Abū Yūsuf narrated a tradition on the authority of his teachers without mentioning their names that they said that the Prophet never divided up booty in the battlefield.⁹⁸

Fifthly, Abū Yūsuf presents the tradition of 'Abdullah b. Jahsh in which the Prophet sent him to attack the caravan of 'Abdullah Ibn al-Ḥaḍramī. This tradition shows that 'Abdullah b. Jahsh captured two prisoners, oils, foods, and merchandise from the trade of the people of the Ṭā'if and did not divide this booty until he reached the Prophet in

⁹⁶ *qāl Abū Yūsuf wa dhālika 'indanā li'annahum lam yuḥrizūhu wa yukhrijūhu ilā dār al-islām. Ibid.*

⁹⁷ *'an Ibn 'Abbās anna al-nabī lam yuqassim ghanā'im Badr illā min ba'di maqdamihī al-Madīna wa al-dalīlul 'alā dhālika annahu ḍaraba li 'Uthmāna wa Ṭalhā bi sahm sahm faqāl wa ajruna fa qal wa ajrukuma wa lam yashhadā waqta Badr. Ibid.*

⁹⁸ *'an ashyākhina 'an al-Zuhrī wa makḥūl anna al-rasūl lam yuqassim ghanīma fī dār al-ḥarb. Ibid.*

Medina.⁹⁹ For Abū Yūsuf, ‘Abdullah b. Jahsh did not divide this booty in the battle field but brought whatever he obtained back to dār a-Islām where the Prophet divided it according to Islamic law. This proves the validity of the opinion of dividing up the booty in the dār al-Islam.

Sixthly, Abū Yūsuf brings a tradition in which Mu‘ādh gave his legal opinion about a matter where Shurahbīl sold some of the cattle he captured during the battle of Qinnisrīn. According to Mu‘ādh, this was permissible because the companions often used some of the booty captured in battles upon need.¹⁰⁰ For Abū Yūsuf, this attests to the fact that Muslims should not divide booty in the battlefield since the need for supplies required to conduct an ongoing battle necessitates that the booty remains undivided. Still, Abū Yūsuf saw that the commander of a Muslim army may divide the booty among his soldiers if it becomes a burden when its size makes it difficult to secure or carry back to the dār al-Islām.¹⁰¹

This shows the nature of Abū Yūsuf’s *fiqh* and how it depends on logical hypothesis for explaining Prophetic tradition. This is entirely different from the way in which al-Awzā‘ī explains Prophetic tradition and uses this explanation to make *fiqhi* rules. For

⁹⁹ *ba'atha [rasūl allah] ‘Abdullah b. Jahsh ilā baṭni nakhla fa iṣāba hunāka ‘Amr b. al-Ḥaḍramī wa aṣāba asīrān aw ithnayn wa asāba ma kana ma’ahum min adamin wa zaytin wa tijāratin min tijārat ahl al-Tā’if fa qadima bi dhālika ‘alā rasū allah wa lam yuqassim dhālika ‘abdullah b. jahsh hattā qadima al-Madīna. Ibid, vol.7, p. 304.*

¹⁰⁰ *qāla Mu‘ādh qad kān rasūl allah yuṭ’imu al-nās mā aṣābu min al-ghanam wa al-baqar idhā kanti muḥtājīn. Ibid.*

¹⁰¹ *wa naqūlu ayḍan idhā qassama al-imāmu fī dār al-ḥarb fa qasmahu jā’iz fa in lam yakun ma’ahu ḥamūlatan yahmilu ‘alayhā al-maghnam aw iḥtāj al-muslimūna ilayhā aw kānt ‘illa fa qasama lahā al-maghnam. Ibid, p. 303.*

instance, al-Awzā'ī determined that the booty captured in battle maybe be divided in dār al-Ḥarb. For him, this is a valid opinion since it is supported by a Prophetic tradition whose meaning is grounded in the practices of the companions and their followers. This is evident since al-Awzā'ī provided the particular tradition supporting his legal opinion then he indicated that this was the practice of all Muslims until the time of al-Walīd, a time in which the *jihād* state practically ended. Abū Yūsuf, on the other hand, finds the practice of the companions to be less significant in understanding the tradition in question and this ultimately leads him to reach different *fiqhi* opinions than those of al-Awzā'ī. For him, the logical hypotheses that may be raised about this situation or that situation better explain the way in which a given Prophetic tradition be put in its proper *fiqhi* perspective. Thus, Abū Yūsuf saw that dividing booty outside the dār al-Islam makes no sense. This is the main difference between the two scholars in making *fiqh* rules and this difference will be further crystallized when discussing how al-Shāfi'ī refuted Abū Yūsuf's legal opinions in support of al-Awzā'ī's opinions.

Now, we will turn to al-Shāfi'ī's refutation of Abū Yūsuf's opinions about the place in which Muslims should divide booty acquired in the battlefield. Al-Shāfi'ī tackles Abū Yūsuf's *fiqhi* views in a very systematic way, first by showing that he holds inconsistent *fiqhi* views as a result of trying to understand Prophetic tradition in light of logical hypotheses. Secondly, he weakened the *isnāds* of the traditions used to support Abū

Yūsuf's *fiqhi* opinions. Thirdly, he rendered the traditions used by Abū Yūsuf to lack the evidence necessary for supporting his legal opinions.

On the claim of inconsistency, al-Shāfi'ī mentions that Abū Yūsuf adopted the opinion that a commander is maybe permitted to divide up what he gained in war if it became a burden or if the commander sees this division to enhance the interest of the army. For al-Shāfi'ī, this contradicts Abū Yūsuf's previous position and puts him in a similar position to that of al-Awzā'ī.¹⁰² Al-Shāfi'ī saw the efforts to understand the Prophetic tradition in light of logical hypothesis to be the main source of this confusion. For him, the adoption of the position of dividing booty in dār al-Ḥarb out of necessity was the result of a logical hypothesis about the common good of the soldiers. Again, the adoption of the opinion of not dividing booty in dār al-Ḥarb was also the result of a logical hypothesis about the danger that Muslims are likely to face when distributing the division of booty. This made al-Shāfi'ī assert that Abū Yūsuf's logical hypotheses resulted in him adopting al-Awzā'ī's legal opinions unknowingly.¹⁰³

Secondly, Al-Shāfi'ī undermines Abū Yūsuf's *fiqhi* opinions by weakening the *isnād* attached to the tradition that deals with the story of 'Umar's letter to S'ad b. Abī Waqqāṣ. As mentioned above, this letter included a request from 'Umar to include the back up army in dividing the booty if they arrive before the battle ended. For al-Shāfi'ī,

¹⁰² *wa balaghanī 'anhu annahu qāl wa in qassama bi bilād al-ḥarb kān jā'izan wa hādha tarkun li qawlihi wa dukhūlun fī mā 'āba 'alā al-awzā'ī. Ibid.*

¹⁰³ *wa qad balaghanī 'anhu annahu qāl wa in nafaqat al-qatla wa hum fī bilād al-ḥarb lam yakhrujū minhā wa lam yaqtasimū sharakahum al-madad wa kul hādha khrūjun mimā iḥtajja bihī. Ibid.*

this tradition is narrated on the authority of Mujālid from al-Sha‘bī from ‘Umar and this *isnād* is weak for the inability to prove the authenticity of the story as well as the rejection of Abū Yūsuf himself to such traditions narrated on the authority of these same men.¹⁰⁴ Al-Shāfi‘ī would not rest after disputing the authenticity of the above tradition but continues his arguments against Abū Yūsuf’s, claiming that this particular tradition lacks necessary evidence for proving that a commander must divide booty in the dār al-Islām.

Abū Yūsuf used this tradition to show that Sa‘d b. Abī Waqqāṣ would not have been able to secure the booty in dār al-Ḥarb and would not have divided it until reaching dār al-Islām. However, al-Shāfi‘ī saw this as evidence attesting to the contrary. For him, ‘Umar’s letter indicates that the back up army be excluded from the booty when they arrive after the battle. This exclusion necessitates the occurrence of a division before leaving the dār al-Ḥarb.¹⁰⁵ It seems that al-Shāfi‘ī believed that this particular tradition cannot be used as evidence for the issue of where a commander should divide the booty. Rather, he believed that the fact that ‘Umar saw the end of the battle as a condition for the inclusion of the back up army in dividing the booty indicates nothing about its place of division but serves as a determinant of whether this army participates in the war. This means that Sa‘d b. Abī Waqqāṣ would have divided the booty outside dār al-Islām and would have included the back up army had it participated in the battle with the first army.

¹⁰⁴ *wa laqad iḥtajja ‘alā al-Awzā’ī bi ḥadīth rijāl wa huwa yarghabu ‘an al-riwāyati ‘anhum.* Ibid.

¹⁰⁵ *wa qad balaghani ‘anhu annahu qāl wa in nafaqat al-qatlā wa hum fī bilād al-ḥarb lam yakhrujū minhā wa lam yaqtasimū sharakahum al-madad wa kulu hādh al-qawl khrūjun mimmā iḥtajja bihī.* Ibid.

Other traditions lacking evidence to validate Abū Yūsuf's legal opinions in Al-Shāfi'ī's view are the stories of the battle of Banū al-Muṣṭalaq and that of Khaybar. For al-Shāfi'ī, the claim that these two places became part of dār al-Islām in the aftermath of Muslim conquest is unfounded. The facts attest to the contrary: first, the Prophet conquered Banū al-Muṣṭalaq and divided all the booty obtained in the battle among the Muslims before returning to Medina at year five. The place in which Banū al-Muṣṭalaq lived remained part of dār al-Ḥarb until the Prophet sent them al-Walīd b. 'Uqba to collect their *zakā* when they became Muslims at year ten.¹⁰⁶ Second, the Prophet conquered Khaybar, captured its spoils and divided it as booty among Muslim soldiers, and signed a treaty with its inhabitants before returning to Medina. The inhabitants of Khaybar continued to practice their religion as people of the book and their area as well as all other areas around it remained part of dār al-Ḥarb.¹⁰⁷ For al-Shāfi'ī, this shows that the Prophet divided booty in dār al-Ḥarb repeatedly and the above two traditions give no evidence that booty must be divided in dār al-Islām.

Finally, al-Shāfi'ī regarded the tradition of including 'Uthmā and Ṭalḥa in the booty of Badr and the tradition of 'Abdullah b. Jahsh to have no evidence attesting to the impermissibility of dividing booty in dār al-Ḥarb. For him, these two traditions occurred before the verse concerning dividing booty was revealed and the Prophet was not known to

¹⁰⁶ *fa inna al-Rasūl aghār 'alayhim [Banū al-Muṣṭalaq] wa qassama amwālahum wa sabyahum fī dārihim sant khams wa innamā aslamū ba'dahā bizmān wa innamā ba'atha ilayhim al-Walīd b. 'Uqba muṣāḍiqan sant 'ashra wa qd raja'a Rasūl allah 'anhum wa dāruhum dār ḥarb. Ibid.*

¹⁰⁷ *wa iammā Khaybar famā 'alimtuha kān fīha muslimun wāḥid wa mā ṣālahā illā al-yahūd wa hum 'alā dīnihi wa anna mā ḥawla khaybar kulluhu dār ḥarb. Ibid.*

have given part of the booty to anyone not attending the battle after this time.¹⁰⁸ As a result, al-Shāfi'ī concludes that Abū Yūsuf's rebuttal of al-Awzā'ī's opinions is unfounded and that al-Awzā'ī's opinions on dividing booty in the dār al-Ḥarb reflects the consensus of the companions and presents an accurate understanding of the tradition of the Prophet.

The above debate reflecting the nature of al-Awzā'ī's *fiqh* and how it differs from that of Abū Ḥanīfa presents a significant point for our research. The need to understand the nature of the *fiqh* of al-Awzā'ī must depend on two aspects: first, we need to examine the way in which he described his own *uṣūl*, namely the rules followed in reaching *fiqhī* opinions. Secondly, we must examine the way in which he puts his *uṣūl* into practice so that we make an assessment of whether his *fiqhī* opinions reflect his conception of *uṣūl*. It is clear that al-Awzā'ī's legal opinion about the permissibility of dividing booty in dār al-Ḥarb is derived from what he believed to be the *Sunna* of the Prophet and this presents a perfect match between al-Awzā'ī's conception of *uṣūl* and his practice of *fiqhī*. This is evident when looking into the analysis of the *fiqhī* arguments presented above and the way in which al-Shāfi'ī concluded that al-Awzā'ī's opinions match the *Sunna* of the Prophet.

This model of examining the conception of *uṣūl* of a given scholar and how they reflect his *fiqhī* opinions must be followed when attempting to research the nature of early *madhhabs*. The researchers who ignore the role of *uṣūl* in understanding the nature of *fiqhī*

¹⁰⁸ *wa ammā ma ihtajja bihi min waq'at 'Abdullah b. Jahsh fa dhālika qabla Badr wa qabla muzūl al-āya. Ibid.*



opinions and make assumptions about the development of early *madhhabs* based on individual cases are likely to reach inaccurate conclusions. One may assert that early scholars were influenced by practices that did not originate from the *Sunna* but reflect an influence from pre-Islamic Arabia, Roman law. Indeed, those possessed with the influence of alien traditions on Islamic law are likely to find similar rulings between Islamic *fiqh*, pre-Islamic Arabia, and Roman law, or any other law. This would be the result of an incomplete research whose author would have failed to consult the impact of *uṣūl* on *fiqhi* opinions. Indeed, finding similarities between this ruling or that ruling between this law or that law may result in concluding that the American constitution derives from Yemeni tribal law since they both emphasize the right to bear arms.

The best example of this is the recent attempt by Patricia Crone to examine alien influences on the *sharī'a*. Crone attempted to analyze the development of the *sharī'a* in light of the cultural background of the Middle East. She showed that the system of *walā'* found in Islamic *sharī'a* originated in what is considered as provincial law, namely the non-Roman law practiced in the provinces of the Roman empire especially those which were formerly ruled by the Greeks. She based this view on some similarities between the practices of the two laws claiming that Mu'āwiya was responsible for instituting this provincial law in Arab society. However, Crone's argument fails on several levels: first she fails to bring the *'uṣūl* that allowed early scholars to reconcile this notion of Mu'āwiya's establishment of this particular institution. Secondly, Crone fails to explain how the new converts were included into the tribes living in the cities of Kufa and Baṣra from the time of 'Umar I until the time of Mu'āwiya. Thirdly, Crone fails to show how these same people reacted to this newly instituted law or how Mu'āwiya was able to convince the scholars not

to mention one word of protest against this alien practice during his time as well as the time of 'Abbasid rule. Lastly, Crone failed to prove the authenticity of her materials about pre-Islamic Arabia and this is shocking given her ultra skeptic views towards early sources.

Al-Awzā'ī discussed his opinions with his learning contemporary Sufyān al-Thawrī¹⁰⁹ about the reliability of narrators transmitting *ḥadīths*. According to Sufyān b. 'Uyayna, al-Awzā'ī rejected a *ḥadīth* narrated on the authority of Yazīd b. Abī Ziyād (d. 136/753; Kufa),¹¹⁰ whom Sufyān al-Thawrī used while defending his *fiqhi* opinion that one should not raise one's hands while moving to the bowing (*ruku'*) position in prayers. This debate occurred in Mina when the two men were performing the pilgrimage, and al-Awzā'ī argued against Sufyān al-Thawrī by producing one of al-Zuhrī's *ḥadīths*, which mentions that the Prophet raised his hands in *ruku'*. Al-Awzā'ī then criticized Sufyān al-Thawrī for using this narration because Yazīd b. Abī Ziyād was a man of weak *ḥadīths* (*ḍa'īfu al-ḥadīth*) and his narrations were inconsistent with the practice of the Prophet (*wa ḥadīthuhu mukhālifu li al-sunna*).¹¹¹

¹⁰⁹ According to Mālik b. Anas, al-Awzā'ī, Sufyān al-Thawrī, and Abū Ḥanīfa have met and studied together with Mālik at his residence. Ibn 'Asākir, vol.35, p. 167.

¹¹⁰ Yazīd b. Abī ziyād al-Qurashī, he narated from al-Zuhrī and narrated to wakt' b. al-Jarrāh. Abū Ḥātim, b. Numayr, al-Bukhārī, al-Tirmidhī, and al-Nasā'ī indicated that he was weak and his *ḥadīth* was neglected. al-Mizzī, vol. 8, p. 125-6.

¹¹¹ Ibid.

This story reflecting part of al-Awzai's *fiqh* has not received proper attention in our recent times. Indeed, Steven Judd considered the whole encounter to be legendary, a fabricated story created by al-Awzā'ī's students to boost the reputation of their teacher at the expense of Sufyān al-Thawrī. Judd believed that the creation of "eponyms" forced students to take sides and identify themselves in terms of this *madhhab* or that *madhhab*. This difference forced students of scholars with similar *madhhabs* to cash in on this competition and begin creating imaginary differences between their respective *madhhabs*. Judd believed that the jurisprudence of al-Awzā'ī and al-Thawrī was identical and the student of each Shaykh found it difficult to claim views that distinguish them from one another.¹¹² This led al-Awzā'ī's students to make up stories depicting their teacher to have had some conflict in *fiqhi* opinions with Sufyan al-Thawrī. This led Judd to view the above *fiqhi* argument between the two *shaykhs* as legendary. For him, "The emergence of the eponyms as standard identifiers of legal traditions clearly affected the way in which followers of Sufyan al-Thawrī and al-Awzā'ī discussed the two *shaykhs* and their legal thinking."¹¹³

Judd's argument about this encounter undermined certain established facts about the jurisprudence of the two *shaykhs* and ignored certain characteristics of the relationships between scholars and their students. In his view of this tradition, Judd chooses to see the encounter in light of an abstract idea entailing that scholarly development must take place as a result of conflict occurring between different scholars. This deterministic idea sees the unfolding of history as a development that will ultimately uncover some development from

¹¹² Steve Judd, "Comparative hagiography in biographies of al-Awzai and Sufyan al-Thawri," p.26.

¹¹³ Steve Judd, p. 36.

the rudimentary to the sophisticated. This imaginary view of history fails to consider documentation of events and treats historical research as propaganda.

The above claims that al-Awzā'ī and al-Thawrī had similar jurisprudence is unfounded. This view of jurisprudence is radically different from that of al-Thawrī without a doubt. Indeed, Schacht's understanding of the regional *fiqhi* conflict between the various schools of *fiqh* better explains why al-Awzā'ī's *fiqh* is very different from al-Thawrī's *fiqh*. The former belongs to the Syrian tradition where the *sunna* is very significant to the extent that it overrules the Qur'ān, while the latter belongs to the Iraqi tradition where the *sunna* does not overrule the Qur'ān. Thus, the notion that al-Awzā'ī and al-Thawrī have similar views of jurisprudence is false.

Secondly, Judd's claim that the *fiqh* of these two men were similar is as unfounded as his claim about their jurisprudence. Indeed, the encounter of the two *shaykhs* reflects the extent to which each scholar depended on his understanding of jurisprudence in producing *fiqhi* rules. Al-Jabburī captures this difference between scholars representing different regions. In his significant work on early *fiqh* which Judd ignored in his work, al-Jabburī asserted that each region represented a unique type of *fiqh* development and scholarly understanding of jurisprudence. Al-Awzā'ī's argument that a person must raise his hand while going to the bowing position reflects his inclination towards regarding al-Zuhrī's view which represents Medinan and Syrian *fiqh*. Whereas al-Thawrī's view of not raising the hands while making *rukū'* reflects Iraqi tradition about this issue. Perhaps al-Thawrī needed to support his *fiqh* by all means, even to the extent of using weak *ḥadīth* for

supporting this particular opinion. This meeting reflects the extent to which the *fiqh* of these two men differed and the way in which the *fiqh* of each man represented his region of formation.

Still, this information about the *madhhabs* presented in this story would not be sufficient to show the extent to which the two *madhhabs* are different. Indeed, Judd sees the whole thing as a fabrication inserted by students for personal reasons. Thus, we present one final *fiqhi* issue to show the difference between the *madhhabs* of the two men. This issue is familiar to most students of *fiqh* in the Muslim world as well as the Western world. This issue deals with the permissibility of drinking *nabīdh*, an issue that al-Thawrī openly considers as permissible, while the other considers it impermissible. The difference on this issue between the two scholars could not be a creation of their students since al-Thawrī was known to have drunk *nabīdh* publicly in order to show that he believed in the permissibility of such an act.¹¹⁴ Al-Awzā'ī was aware of this *fiqhi* position generally adopted by Iraqi scholars towards *nabīdh*, thus, he was said to have attempted to distance himself from them on this issue as well as other issues.

Thirdly, the claim that the students of scholars with similar *fiqhs* attempt to create forgeries reflecting imaginary differences of opinions in order to spark *fiqhi* debates is unfounded. Indeed, al-Layth b. Sa'd (d.175-791; Egypt) presents us with a vivid example of how scholars adopting similar *fiqhi* opinions do not necessarily give rise to the phenomenon described by Judd. Al-Awzā'ī and al-Layth b. Sa'd had closer *fiqh* than that of al-Thawrī yet we do not see the students of these two scholars engaging in this

¹¹⁴ al-Dhahabī, *siyar*, vol.7, p. 260.

competition mentioned above. Judd failed to make that comparison between the students of al-Awzā'ī and those of al-Layth b. Sa'd. Furthermore, Judd failed to provide specific names of any students engaging in this particular process of competition. The only thing that he saw was the fact that students praise their scholars and Judd took this as a result of competition between students.

From this analysis, we may assert that Judd failed to recognize that Islamic history has what came to be known as *manāqib* literature. This literature deals with students praising their teachers for their various qualities. This is a natural phenomenon since the anthropological background of the region allowed for a strong bond between students and their teachers. In fact, the praising of one's teacher is a natural outcome in a society that emphasizes the religious authority of any given teacher and his ethical behavior. Praising ones' teacher does not necessarily have to be at the expense of other scholars and this is what Judd failed to understand.

This presentation of al-Awzā'ī's process of learning and teaching should be sufficient to show that he was a considerable scholar whose sayings reflect what scholars might have viewed as basis of *fiqh* and how it relates to Prophetic tradition. Indeed, al-Awzā'ī's *fiqh* remained significant after his death. This is attested to by the fact that Abū Yūsuf responded to his book called *Siyar*, and that al-Shafi'ī responded to Abū Yūsuf in an effort to assert al-Awzā'ī's claims over those of Abū Yūsuf. Al-Awzā'ī's *fiqh* continued to be applied and taught as an independent *madhhab* in Syria up to the fifth century and in Spain until it was supplanted by Malikī *fiqh*. According to al-Dhahabī, al-Awzā'ī's *fiqh*

was applied for a considerable amount of time in Syria and Spain until it became absolute when scholars of al-Awzā'ī's *madhhab* significantly decreased. However, the *fiqhi* sayings of al-Awzā'ī remained in books dealing with the differences of opinions between *faqih*s as well as other tradition books.¹¹⁵

The above coverage of al-Awzā'ī's skills in narrating *ḥadīth* then the nature and quality of his *fiqh* provide a theoretical overview of how he felt about legal life. Now we need to know what type of sources he considered legitimate when dealing with the state. Would he use *ra'y* as a base for his interactions with leadership? One way to deal with this is to assume that he applied what he viewed as tradition as the basis for his *fiqh*, hence he is bound to do the same thing while dealing with the state. However, the paper rejects the notion that assumption may be used as evidence in historical research. As outlined above, we criticized those who selectively deal with sources, using that which enhances their argument and rejecting that opposing their findings. We refuse to follow the same method of research we criticized earlier in this work. As a result, we will have to go to all the sources at our disposal that deal with al-Awzā'ī's interactions with political authority.

Furthermore, we need to make sure that this evidence is authentic and reliable for constructing the backbone of this research. The reliance on authentic evidence is particularly significant for proving the nature of al-Awzā'ī's dealing with political authority. Again, this evidence will show the legal framework which al-Awzā'ī used as the basis for his position towards the caliph and his supporters. Indeed, this is the most effective way for building strong research that will provide clear information and

¹¹⁵ al-Dhahabī, *Tathkirah al-Ḥuffāz*, vol. 1, p. 182.

strengthen our understanding of this early period in Islam and the way in which the scholars dealt with political leadership.

Chapter IV

Al-Awzā'ī's meeting with 'Abdullah b. 'Alī

The outline of *fiqh* and *ḥadīth* analyzed in the pervious chapter shows that al-Awzā'ī treated the *Sunna* as the main source for deducting *fiqhi* rules. Now, we need to see how al-Awzā'ī dealt with political authority and the extent to which his use of the tradition played a role in shaping his politics towards the 'Abbasid regime. As mentioned above, we need to determine the way in which al-Awzā'ī interacted with political authority through actual evidence based on sources rather than ideas based on theories. However, dealing with the sources brings a problem challenging modern historians for more than one century now. This problem deals with our ability to determine the authenticity of sources and use them in the context we need for our efforts to enhance our understanding of Islamic history. Thus, we need to determine the authenticity of any material used to support our argument so that our work would have its basis on facts rather than assumptions.

The meeting between al-Awzā'ī and 'Abdullah b. 'Alī (d.148/765; Baghdad) represents us with the first official encounter of the former with the 'Abbasid regime. This meeting is particularly significant for our work since it shows the way in which al-Awzā'ī dealt with the 'Abbasid rulers. This meeting shows that al-Awzā'ī did not champion 'Abbasid claims to legitimacy yet he continued to heed to the authority of the state and cooperate with its leadership. This is reflected in the part of the meeting where 'Abdullah

b. 'Alī examined al-Awzā'ī's attitudes towards the claim that the caliph should be related to the Prophet's family. This presents the most significant point in the meeting since al-Awzā'ī rejected this sole claim to legitimacy. However, using this episode as evidence for our work is somewhat problematic. Indeed, Schacht regarded the whole story about this meeting as legendary,¹ and his views continue to find support among scholars with similar unhealthy skepticism rendering the bulk of Islamic history as collections of lies. Many scholars believe this particular encounter as a fabricated account inserted by third century Muslim scholars aiming to portray the so called virtues of the 'ulamā' (*manāqib al-'ulama*).

Perhaps the character traits of the two figures and the circumstances surrounding this meeting support the claim that it was legendary. For instance, when we look closely into the way in which 'Abdullah b. 'Alī handled his military responsibilities, history sources tell us that he carried out massive executions of Umayyad officials and their associates. 'Abdullah b. 'Alī was appointed as the commander of the 'Abbasid army in 132/749 by his nephew the first 'Abbasid caliph al-Saffāh. The first mission of this army was to go to Syria and eliminate the Umayyad regime, its army, and its supporters on all levels. Al-Ṭabarī indicates in his outline of the year 132 the narrations about how 'Abdullah b. 'Alī marched into Syria and fought with the Umayyad army. The Umayyads were annihilated, the last Umayyad Marwān b. Muḥammad fled, and 'Abdullah b. 'Alī chased him until he killed him in Egypt.²

¹ Joseph Schacht, *The Encyclopaedia of Islam*, p.773.

² al-Ṭabarī, vol. 9, p. 89

‘Abdullah b. ‘Alī would not stop his killing rampage throughout his rule over Syria which extended from 132/749 to 137/754. The question remains: if the story of their meeting is really authentic, why would ‘Abdullah b. ‘Alī spare the life of an important ally of the Umayyads such as al-Awzā‘ī? Again, why would ‘Abdullah b. ‘Alī listen to heavy criticism levied against the legitimacy claims of the ‘Abbasid without admonishing al-Awzā‘ī or make him pay for his position towards the ‘Abbasid regime? These two questions raise various concerns about the authenticity of the meeting and strengthen the claim that this story was made up by later scholars to idealize the early scholars and portray them as heroes in front of brutal rulers.

This takes us back to the significant issue raised earlier in our research about the problems of dealing with Islamic history sources. This story is likely to make a strong impression on a researcher, making him believe that later scholars were motivated to fabricate such a story in an effort to idealize earlier scholars. This is only natural. However, this research will not base its investigation on impressions or feelings for otherwise what is the difference between a historian and a propagandist? We must be able not to judge historical accounts on the basis of our impression of what may appear as facts but on how actual facts present historical reality. In a sense, the way in which historical research must be carried out needs to rest on more than just assumptions and be grounded in facts attested to by concrete evaluation of historical sources. In this research we will propose an objective methodology for dealing with the sources containing this story without being affected by impressions likely to bias historical research. Still, we have to deal with previous methodologies in order to show the merit of ours and the extent to which these

previous methodologies hinder the ability of researchers to conduct objective historical research.

For a quick view of one methodology dominating the field of Islamic history for the past few decades, one must mention the theory of common link adopted by Schacht. This theory led him to conclude that the majority of early historical reports were fabricated, including the above story. Similarly, Cook developed the theory of the spreading *isnad*. He believed that this theory proved that early reports dealing with the Prophetic tradition were false. The skeptical attitudes reflected in these two theories ignore *ḥadīth* criticism as a valuable tool for evaluating the reputation of those circulating a given story. This method has been recently championed by Harald Motzki.³ His analysis of the story of Ibn Abī al-Huqayq shows the inconsistency of the common link theory. Similarly, Iftikhar al-Zaman responded to the theory of spreading *isnād* by showing that the narration of Sa'd b. Abī Waqqās with its several versions goes back to various narrators. For him, each narrator presented a certain version of the tradition and this suggests that the narrators did not copy from one student. Thus, our research of the al-Awzā'ī story will adopt Motzki's method of analyzing the chains of transmission with their texts in order to reach certain conclusions about the authenticity of our tradition.

Our work in this chapter will be divided into four parts: The first will be the *isnād* analysis in which different *isnāds* are analyzed. The second part will be the *matn* analysis. This part will discuss the differences in various texts. The third part will deal with how the

³ Harald Motzki, "The Murder of Ibn Abī al-Huqayq" unpublished work.

first two parts show the inconsistency of the common link theory and the theory of the spreading *isnād*. The fourth part will deal with the significance of the content of the meeting illustrated in the questions about 'Abbasid legitimacy claims. This part will show that al-Awzā'ī rejected 'Abdullah b. 'Alī's claims on the illegitimacy of the Umayyads and the legitimacy of the 'Abbasids.

***Isnād* analysis**

The narrations of al-Awzā'ī's meeting with 'Abdullah b. 'Alī appear in our sources with five different *isnāds*. The first and second go back to two of al-Awzā'ī's students⁴: Al-Firyābī (d.212/827; Syria),⁵ and Abū Khulayd 'Utba Ibn Ḥammād (d.?.; Syria).⁶ The third *isnād* goes back to Marwān b. Muḥammad (d.210/825; Syria),⁷ the forth goes to Aḥamad Ibn al-Ghamr (d.?.; Syria),⁸ and the fifth goes to al-'Abbās b. al-Walīd b. Mazyad al-Bayrūtī (d.270/883; Syria)⁹, a son of al-Walīd b. Mazyad, One of the most famous students of al-Awzā'ī. I will analyze these *isnāds* in order to see how this may help explain the differences in each narration. Our analysis of the *isnāds* will deal with each authority in a detailed manner, outlining their death date and place, names of teachers and students, and any significant information related to the *isnād* whenever available.

⁴ For biographical information we will cite the number of the first page in the biography of the narrator.

⁵ al-Mizzī, *Tahdhīb al-kamāl fī assmā' al-rijāl*, vol. 6, p. 570.

⁶ al-Mizzī, vol. 5, p. 94.

⁷ al-Mizzī, vol. 7, p. 74.

⁸ Ibn 'Asākir, vol. 5, p. 145.

⁹ al-Mizzī, vol. 4, p. 77.

The tradition of al-Firyābī

Al-Firyābī (d. 212/827; Syria) was one of the most diligent students of al-Awzā'ī and he was known for his wide travels for collecting traditions. Al-Firyābī had various teachers besides al-Awzā'ī (d.157/773 ; Syria)¹⁰, he heard traditions from Mālik b. Anas (d.179/795; Madina)¹¹ as well as many other scholars. Al-Firyābī's efforts to gather traditions helped him establish a strong reputation in collecting Prophetic traditions thereby attracting many students to his teaching circles. Muḥammad b. Hārūn al-Baghdadī (d.258/871; Baghdad),¹² Aḥmad b. Abī al-Ḥawārī (d.246/860; Syria),¹³ and 'Abd al-Raḥmān b. 'Abd al-'Azīz(d. ?; Syria)¹⁴ are considered as some of the main students learning under al-Firyābī.

This tradition is the first of three other major traditions dealing with this story; it occurs in seven sources: Ibn Abī Hātim's *al-Taqdimah*¹⁵, Abu Nu'aym's *al-Hilyah*¹⁶,

¹⁰ al-Mizzī, vol. 6, p. 571.

¹¹ Mālik once told al-Firyābī that he gathered all the *ḥadīth* of Muwaṭṭ' in a very short time. Mālik was upset and told al-Firyābī. "You gathered in ten days what I gathered in sixty years." Mizzī, vol. 6, p. 571.

¹² al-Mizzī, vol. 6, p. 540.

¹³ al-Mizzī, vol. 1, p. 52.

¹⁴ Ibn 'Asākir, vol. 35, pp. 78-79-80.

¹⁵ Ibn Abi Hātim, p. 212-213.

¹⁶ Abu Nu'aym. *Hilyat al-awliyā' wa tabaqāt al-aṣfiyā'*, vol. 6, p. 212.

Ya'qub b. Shayba's *Musnad*,¹⁷ Ibn 'Asākir's *Tārīkh*,¹⁸ al-Dhahabī's *Siyar*,¹⁹ *Tārīkh al-islam*,²⁰ and *Tadhkirat al-ḥuffāz* (Diagram 1 Appendix B).²¹

Al-Firyābī narrated the story to three of his students. 1- Muḥammad b. Hārūn al-Baghdadī (d.258/871; Baghdad) transmitted this story to two narrators: First, he narrated it to his student Ibn Abī Hātim,²² the author of *al-Taqdīmah*.²³ A close analysis of this *isānd* shows a sufficient teacher student sequence. This sequence is significant in this early period of our *isnād* analysis in that it shows that this narration started in Syria, traveled to Iraq, and then ended up in the *Taqdima* of Ibn Abī Hātim. The second narrator receiving this narration from Muḥammad b. Hārūn is Muḥammad b. Khalaf (d.309/921; Baghdad).²⁴ The biography of Muḥammad b. Khalaf does not include Muḥammad b. Hārūn among his teachers,²⁵ though both narrators were contemporary Baghdadis. Still, three of al-Dhahabī's books document Muḥammad b. Khalaf to be the narrator receiving this narration from

¹⁷ Ya'qub b. Shayba. *Musnad Ya'qub b. Shayba*, p. 65-66.

¹⁸ Ibn 'Asākir. vol. 35, p. 78-79.

¹⁹ al-Dhahabī. *Siyar a'lām al-nubalā'*, vol. 7, p. 123-124.

²⁰ al-Dhahabī. *Tārīkh al-Islam*, vol. 9, p. 494-495.

²¹ al-Dhahabī. *Tadhkirat al-Ḥuffādh*, vol. 1, p. 180-1.

²² al-Mizzī, vol. 6, p. 540.

²³ Ibn Abi Hātim, p. 212-213.

²⁴ al-Dhahabī, *Siyar*, vol. 14, p. 264 ; al-Dhahabī. *Tadhkirat al-ḥuffāz*, vol. 3, p. 829; and *Tārīkh al-Islām*, vol. 9, p.493-494.

Muḥammad b. Hārūn. This *isnād* has a problem because it stops at Muḥammad b. Khalaf and mentions no transmitters between him and al-Dhahabī (d.748/1347). The time gap between al-Dhahabī and Muhammad b. Khalaf is considerable; it is more than two centuries. This weakens the student teacher sequence of this tradition thereby undermining its reliability and our ability to locate its place of travel.²⁶ As a result, the *isnād* appearing in Ibn Abī Ḥātim's book is more reliable and presents us with more information than that appearing in al-Dhahabī.

The two traditions transmitted through Muḥammad b. Harūn originated in Syria then traveled to Iraq. This is attested to by the fact that al-Firyābī who lived in Syria narrated this tradition to Muḥammad b. Hārūn who transmitted it to Ibn Abī Ḥātim and Muḥammad b. Khalaf. Thus, the first analysis of this *isnād* shows that Muḥammad b. Harūn, who traveled to Syria to study under al-Firyābī, brought this tradition to Iraq and this shows that this tradition entered Iraq in the first half of the third century.

2- Aḥmad b. Abī al-Ḥawārī (d.246/860; Syria) is the second narrator receiving this tradition from al-Firyābī. According to his biography, Aḥmad b. Abī al-Ḥawārī received traditions from teachers such as al-Firyābī and Marwān b. Muhammad (d.210/825; Syria). Aḥmad b. Abī al-Ḥawārī transmitted several traditions including our tradition to Abū Ḥātim

²⁵ al-Dhahabī, *Siyar*, vol. 14, p. 264.

²⁶ Muḥammad b. Khalaf died in 309 and al-Dhahabī died in 748.

al-Rāzī (d.275/888; al-Rayy),²⁷ and Ibrāhīm b. Yūsuf (d.301/913).²⁸ The narration received by Abū Ḥātim is preserved in the *Taqdima* and its *isnād* shows that it originated in Syria and remained there until it was documented by Ibn Abī Ḥātim. The narration received by Ibrāhīm b. Yūsuf reached Abū Nu‘aym’s *al-Ḥilya*. The *isnād* of this particular tradition shows that Aḥmad b. Abī al-Ḥawārī narrated it to his student Ibrāhīm b. Yūsuf (d.301/913)²⁹ who narrated it to his student Ishāq b. Aḥmad (d308/920; Mecca),³⁰ and Ishāq b. Aḥmad narrated it to Abū Nu‘aym (d.430; Aṣbahān) who documented it in the *al-Ḥilya*. This *isnād* shows that the time gap between Abū Nu‘aym and his informant is quite long and this suggests that the two narrators, namely Ishāq b. Aḥmad and Abū Nu‘aym, did not hear from each other. Thus, the first *isnād* appearing in the *Taqdima* containing the *isnād* of Aḥmad b. Abī al-Ḥawārī narrating to Abū Ḥātim is stronger than the one appearing in the *al-Ḥilya*.

3- ‘Abd al-Raḥmān b. ‘Abd al-‘Azīz (d.?.; Syria) is the third narrator hearing from al-Firyābī, he transmitted to Ya‘qūb b. Shayba.³¹ This *isnād* appears in four sources:

²⁷ al-Mizzī, vol. 1, p. 52.

²⁸ al-Dhahabī, *al-Siyar*, vol. 14, p. 115.

²⁹ al-Dhahabī, *al-Siyar*, vol. 14, p. 115.

³⁰ al-Dhahabī, *al-Siyar*, vol. 14, p. 289.

³¹ Ibn ‘Asākir. vol. 35, p. 78-79-80.

Ya'qūb b. Shayba's *Musnad*,³² Ibn 'Asākir's *Tārīkh*,³³ and two of al-Dhahabī's books; *Siyar* and *Tārīkh al-Islam*. 'Abd al-Rahmān transmitted this tradition to his student Ya'qūb b. Shayba (d.262/857; Baghdad)³⁴. Ya'qūb b. Shayba preserved this tradition in his *Musnad*.³⁵ This *Musnad* became the source of this tradition for Ibn 'Asākir and al-Dhahabī. This *isnād* shows that the tradition of al-Firyābī circulated in Syria and traveled to Iraq with Ya'qūb Ibn Shayba during the middle of the third century.

Observations on the tradition of al-Firyābī

The tradition of al-Firyābī consists of three different partial links: Muḥammad b. Harūn al-Baghdadī, Aḥmad b. Abī al-Ḥawārī and 'Abd al-Rahmān b. 'Abd al-'Azīz. The *isnād* of this tradition shows that Ya'qūb b. Shayba, Ibn 'Asākir, and al-Dhahabī got the tradition only through 'Abd al-Rahmān b. 'Abd al-'Azīz. Abū Nu'aym, on the other hand, got it only from Aḥmad b. Abī al-Ḥawārī. Thus, the only scholar reporting the tradition from two narrators is Ibn Abī Ḥātim, reporting his authorities to be Muḥammad b. Harūn al-Baghdadī and Aḥmad b. Abī al-Ḥawārī. The *isnāds* of the tradition of al-Firyābī indicate that the narrators of this tradition were completely independent from each other since

³² Ya'qub b. Shayba, *al-Musnad*, p. 65-66.

³³ Ibn 'Asākir. vol. 35, p. 78-79.

³⁴ al-Dhahabī, *al-Siyar*, vol. 12, p. 476.

³⁵ al-Dhahabī, *al-Siyar*, vol. 12, p. 476.

different sources report the tradition through different *isnāds*. Furthermore, this tradition contains *matns* with medium size; the only short version of the tradition is that of Aḥmad b. Abī al-Ḥawārī. He is a partial common link reporting the tradition to Abū Nu‘aym and Ibn Abī Ḥātim. This suggests that Aḥmad b. Abī al-Ḥawārī is the one responsible for the shortening of this particular version of the tradition.

The tradition of Marwān b. Muḥammad

Marwān b. Muḥammad (d. 210/825; Syria) heard from Mālik(d.179/795; Madina) and transmitted to Aḥmad b. Abī al-Ḥawārī.³⁶ However, al-Awzā‘ī is not included among his teachers in his biography. Marwān lived in Syria and heard from narrators contemporaneous with al-Awzā‘ī. However, the birth date of Marwān 147/764³⁷ indicates that he reached the age of ten when al-Awzā‘ī died 157/773. This suggests that Marwān did not hear this tradition directly from al-Awzā‘ī. Marwān transmitted this tradition to his student Aḥmad b. Abī al-Ḥawārī (d.246/860; Syria) who was also a student of al-Firyābī and he narrated to Abū Ḥātim al-Razī.³⁸ Marwān transmitted this tradition to Abū Ḥātim al-Razī (d.275/888; Rayy),³⁹ who transmitted it to his son ‘Abd al-Raḥmān Ibn Abī Ḥātim the author of the *al-Taqdima* (Diagram 2 Appendix b).⁴⁰ The only problem in this *isnād* is

³⁶ Ibn ‘Asākir, vol. 57, p. 313.

³⁷ Ibn ‘Asākir, vol. 57, p. 313.

³⁸ al-Mizzī, vol. 1, p. 52.

³⁹ al-Mizzī, vol. 6, p. 218.

⁴⁰ Ibn Abī Ḥātim. *Taqdimah*, p. 213.

the absence of the link between al-Awzā'ī and Marwān b. Muḥammad. However, the rest of the transmitters in this *isnād* have a teacher-student connection. Thus, Marwān b. Muḥammad is another common link from Syria transmitting this tradition during the end of the second century.

The tradition of Abū Khulayd

Abū Khulayd 'Utbah b. Hammād heard from al-Awzā'ī and transmitted to Sulaymān b. 'Abd al-Raḥmān (d.232/846; Syria).⁴¹ Abū Khulayd's tradition appears in three sources: Al-Dhahabī's *Siyar*⁴², his *Tārīkh al-Islam*⁴³ and in Ibn 'Asākir's *Tārīkh*.⁴⁴ Ibn 'Asākir's book is the only one reporting the tradition with a complete *isnād*. Al-Dhahabī's, on the other hand, reports this tradition with an incomplete *isnād*. In his *Tārīkh al-Islam*, al-Dhahabī reports Abū Khulayd's name in the *isnād* but in his *Siyar* he adds the name of Sulaymān b. 'Abd al-Raḥmān.

Abū Khulayd transmitted this tradition to his student Sulaymān b. Abd al-Raḥmān (d.232/846; Syria)⁴⁵ who transmitted it to his student Muḥammad b. al-Walīd al-Dimashqī (d.280/893; Syria) (Diagram 3 Appendix B).⁴⁶ This *isnād* shows that the tradition is

⁴¹ al-Mizzī, vol. 5, p. 94.

⁴² al-Dhahabī, *Siyar*. vol. 7, p. 123-124.

⁴³ al-Dhahabī, *Tārīkh al-islam*. vol. 9, p. 495-496.

⁴⁴ Ibn 'Asākir, vol. 35, p. 211-212.

⁴⁵ al-Mizzī, vol. 3, p. 289.

⁴⁶ al-Mizzī, vol. 6, p. 549.

connected from teacher to student without any interruptions and that this tradition became popular among the people of Syria since they held al-Awzā'ī in high esteem. Thus, this *isnād* shows that this tradition circulated in Syria through its common link Abū Khulayd at the end of the second century.

The tradition of Aḥmad b. al-Ghamr

The tradition of Aḥmad b. al-Ghamr exists in al-Dhahabī's *Siyar*,⁴⁷ *Tārīkh al-Islam*,⁴⁸ and in Ibn 'Asākir's *Tārīkh*.⁴⁹ The two scholars have somewhat similar *isnāds* (Diagram 4 Appendix B). al-Dhahabī, as mentioned above, often presents us with incomplete *isnāds*. Thus, al-Dhahabī reports the tradition in his book but stops at the fourth transmitter, whereas Ibn 'Asākir reports the complete chain of narrators.

Aḥmad b. al-Ghamr's (d.?.; Syria) biography appears only in Ibn 'Asākir's *Tārīkh*. He lived in Damascus and heard traditions from Abū Bakr b. 'Ayyāsh (95-193/713-808; Kufa) however, his biography does not include al-Awzā'ī as one of his teachers.⁵⁰ Aḥmad b. al-Ghamr transmitted this tradition to Hāshim b. Marthad (d.278/891) whose biography does not include Aḥmad b. al-Ghamr as his teacher nor does it include Muḥammad b.

⁴⁷ al-Dhahabī, *Siyar*, vol. 7, p. 122-123.

⁴⁸ al-Dhahabī *Tārīkh*, vol. 9, p. 495.

⁴⁹ Ibn 'Asākir, vol. 35, p. 210-211.

⁵⁰ Ibn 'Asākir, vol. 5, p. 145-147.

‘Abdullah b. al-Ghamr as his student.⁵¹ Hāshim transmitted this tradition to Muḥammad b. ‘Abdullah b. al-Ghamr who is unknown to us.⁵² Muḥammad transmitted this tradition to Ishaq al-Adhru‘i (d.344/955; Syria)⁵³ and his biography does not include Muḥammad b. ‘Abdullah b. al-Ghamr as one of his teachers.⁵⁴

The transmitters of this *isnād* lived in Syria where al-Awzā‘ī had resided for most of his life. Still, this similarity of residence between the students and al-Awzā‘ī does not strengthen the *isnād* since we cannot prove the existence of a teacher-student sequence. Furthermore, Muḥammad b. ‘Abdullah b. al-Ghamr is unknown, thus, we conclude that this particular *isnād* is the weakest in this tradition.

Al-Dhahabī does not mention the books that he used for this tradition; however, we may safely assume that al-Dhahabī copied this tradition from Ibn ‘Asākir. Al-Dhahabī relied on Ibn ‘Asākir’s book for reporting narrations about al-Awzā‘ī.⁵⁵ This is evident since al-Dhahabī’s *isnād* contains the first four names appearing in Ibn ‘Asākir’s *isnād*. As mentioned above, al-Dhahabī provides shorter *isnāds* in that he would include few authorities between himself and the first authority in the narration. Al-Dhahabī does not mention his direct informant because most of these stories were already copied during his

⁵¹ al-Dhahabī, *al-Siyar*, vol. 13, p. 270.

⁵² I checked Ibn ‘Asākir, al-Mizzī, al-Dhahabī’s *Siyar*.

⁵³ al-Dhahabī, *al-Siyar*, vol. 15, p. 478.

⁵⁴ See his biography in Ibn ‘Asākir, vol. 2, p. 369, al-Dhahabī, *Siyar*, vol. 15, p. 478.

⁵⁵ See, for example, al-Dhahabī *Siyar*. vol. 7, p. 128.

time. Thus, he would insert the *isnāds* appearing in the sources from which he copies his narrations and would not mention the book or his link to it. As a result, we will consider this tradition as a single narration with one *isnād* and Aḥmad b. al-Ghamr as a common link living in Syria and circulating the story at the end of the second century.

The tradition of al-‘Abbās b. al-Walīd b. Mazyad

Al-‘Abbās b. al-Walīd b. Mazyad (d. 270/883; Syria) heard from his father and transmitted to Ibn Abī Ḥātim. The tradition of al-‘Abbās is preserved only in Ibn Abī Ḥātim’s *Taqdimah* (Diagram 5 Appendix B).⁵⁶ Al-‘Abbās heard the tradition from his mother and heard a part of it from an unnamed student of al-Awzā‘ī. Al-‘Abbās transmitted this tradition to his student Ibn Abī Ḥātim who reported it in his book.

This tradition has two weaknesses in its *isnād*. First, the non-existence of any information about al-‘Abbās’s mother; secondly, the *isnād* refers to one of al-Awzā‘ī’s students without mentioning his name. These problems will be shown to be insignificant when we consider al-‘Abbās’s biography. Al-‘Abbās b. al-Walīd b. Mazyad had a good reputation among *muḥaddithūn*⁵⁷ and his father al-Walīd b. Mazyad was one of the most famous students of al-Awzā‘ī. The *muḥaddithūn* considered al-Walīd as the most

⁵⁶ Ibn Abī Ḥātim. *al-Taḳdimah*, p. 211-212.

⁵⁷ Ibn Ḥajar, p. 131.

knowledgeable scholar regarding al-Awza'ī's fiqh and traditions “*‘ālimun bi al-Awzā’ī*.”⁵⁸ al-‘Abbās narrated many of al-Awzā’ī's traditions on the authority of his father, al-Walīd,⁵⁹ and al-‘Abbās's family preserved and collected almost all of al-Awza'ī's traditions. Thus, the reputation of al-‘Abbās and his family helps to overcome the weakness in this *isnād*. This tradition has a single transmission line with al-‘Abbās b. al-Walīd as its common link. It seems that this tradition existed in Syria during the first quarter of the third century.

General observations about the *isnāds* of this tradition

The need to understand the significance of analyzing these *isnāds* appearing in these traditions is necessary for dealing with the claims of the skeptical scholars of our field. For the sake of brevity, we will discuss the source most worthy of scrutiny, the source that purposely tries to idealize the status of early scholars. This source is the *al-Taqdima* of Ibn Abī Ḥātim. The *isnāds* appearing in the *al-Taqdima* undermine the claim that its author fabricated the material. For instance, the *al-Taqdima* mentions the story with three different *isnāds*, each with different length and different narrators. This is hardly the behavior of a fabricator who would presumably make up one or even two very strong *isnāds* with equal numbers of narrators to show the strength of his narration. One would raise the question of why would Ibn Abī Ḥātim mention three different *isnāds* unless he heard an actual account of the story from the three different authorities mentioned in the sources.

⁵⁸ Ḥusayn ‘Aṭwan, *al-Riwāyah al-Tarīkhiyyah fī bilād al-shām*, p. 207.

⁵⁹ These traditions preserved in many traditional works see for example the Index of al-Ṭabarī's history under the name of al-‘Abbās b. al-Walīd.

Another point against those who claim that the *isnāds* of these traditions are fabricated is the quality of the *isnād* of al-‘Abbās b. al-Walīd b. Mazyad. This *isnād* mentions that al-‘Abbās got this narration from an unknown person and this would not support the claims of the skeptics about how people make up *isnāds* to link them to this authority or that authority. Another line of the narration of al-‘Abbās goes through his mother who also happens to be unknown. These two lines of narrations are significant knowing that al-‘Abbās b. al-Walīd b. Mazyad was the son of al-Walīd b. Mazyad who was one of the most famous students of al-Awzā‘ī. The two *isnāds* of this particular tradition do not mention that al-‘Abbās received it from his father at all; it mentions that he received it from his mother and an unknown person and this actually weakens the *isnād*. A fabricator would naturally try to make up an *isnād* showing that al-‘Abbās had gotten this narration from his father. This would be a natural impulse for someone trying to fabricate the material and make a strong *isnād*. These two weak *isnāds* attest to the fact that al-‘Abbās did not make up informants for this story.

The other two *isnāds* appearing in the *al-Taqdima* show that Muḥammad b. Harūn and Aḥmad b. Abī al-Ḥawārī received their narration from the common links of this tradition. Aḥmad b. Abī al-Ḥawārī received it from al-Firyābī and Marwān b. Muḥammad, both are common links in this tradition, whereas Muḥammad b. Harūn received it from al-Firyābī. The patterns of these two *isnāds* strengthen the claims propagated by the skeptical scholars. Indeed, the likelihood of the common link fabricating this material is fairly strong. We will deal with this claim after analyzing the *matns* of this tradition; only then

would we be able to respond to such claims. As a result, we find it sufficient to show that the narration is authentic at least until we reach the common link.

Matn analysis

In the *Matn* analysis we will deal with several versions of the story. The story can be divided into six parts: An introduction dealing with how the meeting between al-Awzā'ī and 'Abdullah b. 'Alī began; we will refer to this section as part A. After the introduction we see a series of questions: The first question, part B, deals with the 'Abbasid movement "*makhrajunā*." The second question, part C, deals with the 'Abbasid killing of the Banū Umayya. The third question, part D, deals with the 'Abbasid appropriation of Umayyad property. The last question, part E, deals with whether the caliphate is an inherent right for the 'Abbasid family or not. Lastly, part F deals with the end of the meeting and how al-Awzā'ī left the tent of 'Abdullah b. 'Alī. The various versions of this tradition do not include all the different parts of the story; however, the narrations of Abū Khulayd and al-'Abbās b. al-Walīd include all the parts of the story. The difference between the two is that the former narrates the whole tradition on the authority of one informant: al-Awzā'ī, and the latter narrates all the parts of the tradition on the authority of his mother but narrates only part E on the authority of an unnamed student of al-Awzā'ī. Given this situation, we will begin with the translations of parts A, B, C, D, E, and F based on the version of Abū Khulayd.⁶⁰

⁶⁰ Ibn 'Asākir, vol. 35, p.211-212.

Part A

‘Abdullah b. ‘Alī had sent for al-Awzā‘ī who felt pressured by this invitation. When al-Awzā‘ī arrived and entered the tent of ‘Abdullah b. ‘Alī, he saw people standing in two lines (*simāṭayn*) and holding sledge hammers (*kāfir kubāt*).⁶¹

Part B

‘Abdullah b. ‘Alī ordered al-Awzā‘ī to come closer and said to him: Abū ‘Abd al-Raḥmān what do you say about our journey? al-Awzā‘ī said: May God guide the Commander; there was friendship between me and Dāwūd b. ‘Alī.⁶² ‘Abdullah said: you must answer. Al-Awzā‘ī thought that he must tell him the truth and he bravely got ready for death. Al-Awzā‘ī said to him, on the authority of Yahya⁶³ from Muḥammad b. Ibrāhīm⁶⁴ from ‘Alqama b. Waqqāṣ⁶⁵ that he heard ‘Umar b. al-Khṭṭāb⁶⁶ narrating on the authority of the Prophet that deeds are with intentions, and every man gets what he intends; so whoever emigrates to Allah and his Messenger, his emigration is for Allah and his messenger, and

⁶¹ *Ba‘atha ilayya ‘Abdullah b. ‘Alī fa a‘zamanī dhālika wa ishtadda ‘alayya qāl fa qadimtu ‘alayhi fa dakhaltu ‘alayhi wa al-nāsu simāṭayn qiyāmun fī aydīhim al-kāfir kubāt.* Ibid.

⁶² Dāwūd b. ‘Alī (d. 133\750; lived in Syria and died in Madina) his biography shows that al-Awzā‘ī was one of his students. al-Mizzī, vol. 2, p. 420.

⁶³ Yahya b. S‘īd al-Anṣari (d. 144\761; lived in Madina died in Iraq) heard from Muḥammad b. Ibrāhīm and transmitted to al-Awzā‘ī. al-Mizzī, vol. 8, p. 43.

⁶⁴ Muḥammad b. Ibrāhīm (d.120\737; Madina). al-Mizzī, vol. 6, p. 196.

⁶⁵ ‘Alqama b. Waqqāṣ died in Madina during the reign of ‘Abd al-Malik. He narrated many traditions in the authority of ‘Umar b. al-khṭṭāb. al-Mizzī, vol. 5, p. 221.

⁶⁶ This *ḥadīth* is preserved in many *ḥadīth* collections with the same isnad to Yahya see al-Bukhārī, *Ṣaḥīḥ al-bukhārī*, p. 11.

whoever emigrates for a worldly affair or a woman whom he wants to marry, then his emigration accounts for that to which he emigrates.⁶⁷

Part C

‘Abdullah b. ‘Alī said, while scratching the floor with a stick in his hand: Abū ‘Abd al-Rahmān what do you say about the killing of the people of this house [the Umayyads]? al-Awzā‘ī thought that he should tell ‘Abdullah b. ‘Alī the truth and he bravely got ready for death. al-Awzā‘ī said: May God guide the Commander; there was a friendship between me and Dāwūd b. ‘Alī. So ‘Abdullah b. ‘Alī said: Tell me. Then al-Awzā‘ī narrated on the authority of Muḥammad b. Marwān⁶⁸ from Muṭarrif b. al-Shikhhīr⁶⁹ from ‘Ā’isha, that she said: The Prophet (peace be upon him) said the killing of a Muslim is not permissible except for three cases: An apostate from his religion, a man who killed a human being so he must be killed for it, or a man who committed fornication.⁷⁰

⁶⁷ *qāla fa adnānī thumma sa’alanī mā taqūlu fī makhrajīnā hādha wa mā nahnu fīhi fa qultu aṣlahā allahu al-amīra qad kāna baynī wa bayna Dāwūd b. ‘Alī mawadda qāla litukhbīrī qāl fa tafakkartu thumma qultu wallahi la aṣduqannahu fa istaslamtū lil mawti fa qultu lahu ḥaddathanī Yahya b. Sa’īd al-Anṣārī ‘an Muḥammad b. Ibrāhīm ‘an ‘Alqama b. Waqqāṣ sami’a ‘Umar b. al-Khaṭṭāb yaqūl qāla Rasūl Allah al-a’mālu bi al-niyya wa innamā limri’in mā nawa fa man kānat hijratuhu ila allahi wa rasūlihi fa hijratuhu ila allahi wa rasūlihi wa man kānat hijratuhu ila dunya yuṣībuhā aw imra’atin yuatazawwajuhā fa hijratuhu ila mā hājara ilayhi. Ibn ‘Asākir, vol. 35, p.211.*

⁶⁸ Muḥammad b. Marwān (d. ?; Baṣra). Al-Mizzī, vol. 6, p. 500.

⁶⁹ Muṭarrif b. al-Shikhhīr (d.95/ 713; Baṣra) heard from ‘Aisha. al-Mizzī, vol. 7, p. 128.

⁷⁰ *qāla wa bi yadihi qaḍīb yankutu bihi al-arḍ thumma qāla yā ‘Abd al-Rahmān mā taqūlu fī qatli ahl hādha al-bayt qāla fa warada ‘alayya amrun ‘azīm wa istabsaltū lil mawt fa qultu wallahi laṣduqannahu fa qultu aṣlahā allahu al-amīr qad kāna baynī wa bayna Dāwūd mawadda qāla fa qāl hi li tuḥaddithanī fa qultu ḥaddathanī Muḥammad b. Marwān ‘an Muṭarraḥ b. al-Shikhhīr ‘an ‘Ā’isha qālat qāla Rasūl Allah lā yaḥillu qatlu al-muslim illā fī thalāthīn al-tāriku li dīnihi aw rajulun qatala nafsan fa yuqtalu bihā aw rajulun zanā ba’da iḥṣān. Ibn ‘Asākir, vol. 35, p. 212.*

Part F

He [‘Abdullah b. ‘Alī] paused for a while then said: Tell me about the caliphate, is it not a trusteeship for us (waṣiyyah) from the Prophet? I said [to my self]: This has become a difficult matter for me, and I got ready for death, but I thought: I will tell him the truth. I said: If it was a trusteeship from the Prophet, then ‘Alī b. Abī Ṭālib would not have allowed someone to precede him.⁷¹

Part D

He [‘Abdullah] paused a while then he said: What do you say about the property of the Banū Umayya? I said [to my self]: This has become a difficult matter for me and I got ready for death, I thought: I will tell him the truth. I said: If it was rightfully theirs, then it is illegitimate for you; and if it was illegitimate for them, then it is even more illegitimate for you.⁷²

Part E

Then it was ordered that I be taken out, so I left.⁷³

⁷¹ *qāla thumma aṭraqa hawnan thumma qāl akhbirnī ‘an al-khilāfa waṣiyyatun lanā min rasūl allah? Fa warada ‘alayya amrun ‘azīm wa istabsaltu lil mawt fa qultu la aṣḍuqannahu fa qultu aṣlah allah al-amīra kān baynī wa bayna Dāwūd mawadda thumma qultu law kānat waṣiyya min al-nabi mā taraka ‘Alī b. Abī Ṭālib aḥadan yataqaddamahu. Ibid.*

⁷² *thumma sakata saktatan fa qāla mā taqūlu fī amwālī Banī Umayya aḥalālun hiya lanā? Fa istabsaltu lil mawti thumma qultu wallahi laṣḍuqannahu fa qultu aṣalḥa allahu al-amīr qad kān baynī wa bayna Dāwūd mawadda qāl litukhbirnī qultu in kānat lahum ḥalāl fa hiya ‘alayka ḥarām wa in kānat ‘alayhim ḥarām fa hiya ‘alayka aḥram. Ibid.*

⁷³ *thumma umira bī fa ukhrijtu. Ibid.*

The tradition of al-Firyābī

Three different transmitters narrated the tradition of al-Firyābī: Muḥammad b. Harūn, Aḥmad b. Abī al-Ḥawārī, and ‘Abd al-Raḥmān b. ‘Abd al-‘Azīz and each narrator gave a slightly different version of the tradition. We will explore each version and show how this may help us reveal certain conclusions about this tradition.

1-The tradition of Muḥammad b. Harūn

This tradition has two versions: The first version occurs in the *Taqdimah*⁷⁴ and its *isnād* shows that Ibn Abī Ḥātim directly received it from Muḥammad b. Harūn. The second version occurs in al-Dhahabī’s *Siyar*,⁷⁵ *Tārīkh al-Islam*,⁷⁶ and *Tadhkirat al-Ḥuffāz*.⁷⁷ The *isnād* of this version shows that al-Dhahabī received it through Muḥammad b. Khalaf.

Ibn Abī Ḥātim’s version of this tradition contains parts A, C, E and F. However, part C substantially differs in content from the rest of the versions of this tradition in that it inserts an entirely different *ḥadīth* supporting al-Awzā’ī’s view of the impermissibility of the killing of the Banū Umayya. This *ḥadīth* states that the prophet sent Muḥammad b.

⁷⁴ Ibn Abī Ḥātim, p. 212-213.

⁷⁵ al-Dhahabī, *Siyar*, vol. 7, p. 128-129.

⁷⁶ al-Dhahabī, *Tārīkh al-Islam*, vol. 9, p. 493-494.

⁷⁷ al-Dhahabī, *Tadhkirat al-Ḥuffāz*, vol. 1, p. 180-181.

Maslamah (d. 42/662; Madina)⁷⁸ and ordered him to fight people until they profess that there is no true God except Allah, and if they do so, they will protect their blood and money, unless they have transgressed, their final judgment will be up to God.⁷⁹

The second version also contains part A, C, E, and F. It occurs in three of al-Dhahabī's books with each book presenting slightly varying words in the text of the same tradition. These slight differences are clearly the result of copyists' errors. For instance, the word *jazarah* appears differently in each version: it is '*al-jarazah*' in the *Tadhkirat al-ḥuffāz*, '*al-Kharazah*' in *Tārīkh al-islām*, and '*jazarah*' in the *Siyar*.

Overall, the two versions of the tradition of Muḥammad b. Hārūn contain two significant differences: The *ḥadīth* used in part C is entirely different in wording, though it has the same meaning. Secondly, part A in the second version adds how al-Awzā'ī and Sufyān al-Thawrī (d. 161/777; Baṣra)⁸⁰ and 'Abbād b. Kathīr (?; Macca)⁸¹ met in Mecca and how Sufyān asked al-Awzā'ī to tell them his story with 'Abdullah b. 'Alī. Furthermore, it

⁷⁸ al-Mizzī, vol. 6, p. 516.

⁷⁹ *Inna Rasūl Allah ba'atha Muḥammad b. Maslama wa amarahu an yuqātila al-nāsa ḥatta yaqūlū lā illāha illā allah fa idhā qālūhā 'aṣamū dimā'ahum wa amwālahum illā bi ḥaqqihā wa ḥisābuhum 'ala allah. Ibn Abī Ḥātim, Taqdimah, p. 212.*

⁸⁰ al-Awzā'ī herd from Sufyān al-Thawrī. al-Mizzī, vol. 3, p. 217.

⁸¹ He herd from Sufyān al-Thawrī and transmitted to al-Firyābī. al-Mizzī, vol. 4, p. 53.

describes the two lines of soldiers and the different weapons that they carried.⁸²

The analysis of the two different versions of Muḥammad b. Harūn shows that al-Dhahabī did not copy his version from Ibn Abī Ḥātim. This is evident when looking at the content of the two versions of this tradition: Although they present similar structures and adopt at times identical wordings, the two versions differ in part C. This proves that these versions are not identical copies but two narrations originating from one common source, namely Muḥammad b. Hārūn.

2-Aḥmad b. Abī al-Ḥawārī

The tradition of Aḥmad b. Abī al-Ḥawārī occurs in *al-Taqdimah* and Abū Nu‘aym’s *Hilyah*. This tradition contains part A and E only. The only difference between the two texts is the place in which the description of the two lines of the soldiers is inserted. Ibn Abī Ḥatim puts this description at the end of the story, whereas Abū Nu‘aym puts it at the beginning. Overall, this tradition contains only the question on the caliphate and whether the Prophet left it as a trusteeship (*waṣīyya*) to his family. This shortening of the story appears to be the responsibility of Aḥmad b. Abī al-Ḥawārī and the *isnād* of the tradition attests to this fact.

⁸² *Ijtama‘a Sufyān wa al-Awzā‘ī wa ‘Abbād b. Kathīr bi makka fa qāla Sufyān ya Abā ‘Amr ḥaddithnā ḥadīthaka ma‘a ‘Abdullah b. ‘Alī ‘am al-Saffāḥ fa qāla lammā qadima al-shāma wa qatala banī Umayyata jalasa yawman ‘alā sarīrihi wa ‘abba’ aṣḥābahu arba‘a aṣnāf ṣinfīn b. al-suyūf al-musallala wa ṣinfun ma‘ahum al-jazara wa ṣinfun ma‘ahum al-a‘midatu wa ṣinfun ma‘ahum al-kāfirkūbāt. Dhahabī, Siyar, vol. 7, p.128.*

3-‘Abd al-Raḥmān b. ‘Abd al-‘Azīz

The tradition of ‘Abd al-Raḥmān b. ‘Abd al-‘Azīz is preserved in Ya‘qūb b. Shayba’s *Musnad*,⁸³ Ibn ‘Asākir’s *Tārīkha*,⁸⁴ al-Dhahabī’s *Siyar*, and *Tārīkh al-islam*. It contains all of parts A, C, E, and F.

Ibn ‘Asākir’s version is identical with Ya‘qūb except for the following: First, Ya‘qūb shows that al-Awzā‘ī entered on ‘Abdullah after he killed around seventy people except for one man “*qatal nawayyifan wa sab ‘īn bi al-kāfurkūbāt illā rajulan wāḥidan*”. Ibn ‘Asākir’s text does not include the statement “except one man.” Secondly, Ya‘qūb’s version has the word *faqāla* when ‘Abdullah b. ‘Alī begins to speak and Ibn ‘Asākir has *qāla*. These differences are the result of copyists’ errors especially when considering that the *Musnad* of Ya‘qūb’s edition was based on one manuscript containing several mistakes and this might have hindered the ability of the editor to correct such mistakes.⁸⁵

Al-Dhahabī’s two versions of this tradition are identical except that they differ in some words. The *matn* of both versions show that he clearly intended to summarize the story for some unstated purpose. He did not include the prophetic *ḥadīth* occurring in C and D but refers to its title. Overall, al-Dhahabī’s two versions of this tradition differ from Ya‘qūb and Ibn ‘Asākir’s versions because of his attempt to summarize the story.

⁸³ Ya‘qūb b. Shayba, p. 65-66.

⁸⁴ Ibn ‘Asākir, vol. 35, p. 78-79.

⁸⁵ Ya‘qūb *Musnad* is edited by Sāmī Ḥadād from one manuscript that had many mistakes see the introduction. Ya‘qūb b. Shayba, p. 7-8.

He dropped a few sentences in order to summarize the story: He took out the description of the two lines of soldiers. He also took out the part where al-Awzā'ī said that he greeted 'Abdullah b 'Alī who pointed him to a seat “ *wa sallamtu fashāra bi-yadihi fa-qa 'adtu*”. These sentences were deleted from al-Dhahabī's text as he intended to summarize the story perhaps for editorial reasons.

The tradition of al-Firyābī presents us with many versions and each version contains similar structures and word usage, although they include several differences in style and use of some *ḥadīths*. This suggests that these versions were not mere copies of each other but different narrations originating from one common source. As a result, our analysis of al-Firyābī's tradition and its *matns* shows that this story circulated among al-Firyābī's (d.212/827) students.

The tradition of al-Firyābī is composed of several versions, each version excluding part B and D. This shows that al-Firyābī originally narrated the story without including these two parts. Perhaps al-Firyābī received this version of the story in this particular way directly from al-Awzā'ī.

The texts of al-Firyābī's tradition greatly resemble each other. Its various versions consisted of parts A, C, E, and F, except for the version of Aḥmad b. al-Ḥawarī which contains only parts A and E. These versions suggest that Aḥmad b. al-Ḥawarī summarized this tradition in order to answer a *fiqh* question about the caliphate. Indeed, this version of the tradition presents a strong legal argument for the necessity to evaluate the caliph on the

basis of performance rather than blood tie or honorable descent. This shows how a legal issue could affect a historical narration. The legal need for historical precedence drove the *fuqahā'* to shorten many narrations in order to cut out irrelevant details and clarify the main point of a given narration.

The tradition of Marwān b. Muḥammad

The tradition of Marwān b. Muḥammad is preserved in Ibn Abī Ḥātim's *Taqdimah*.⁸⁶ It is short, containing only parts A and B. The shortening of this version may be attributed to the fact that Ibn Abī al-Ḥawārī narrated it with part A and B only. Perhaps Ibn Abī al-Ḥawārī concerned himself with narrating a tradition dealing with the question of the journey of the 'Abbasids (*makhraj*). Indeed, the *isnād* attached to the version of al-Firaybī's tradition showed that Ibn Abī al-Ḥawārī narrated a short story with part A and E only.

This shows that narrating short versions of a given tradition was typical of Ibn Abī al-Ḥawārī. Still, this observation is easily doubted since we have no other version to corroborate the tradition of Marwān b. Muḥammad. But we can't be certain that Ibn Abī al-Ḥawārī had deliberately shortened the story. Perhaps Ibn Abī Ḥātim shortened it in order to add it to his book after presenting al-Firaybī's tradition. As mentioned above, part B was

⁸⁶Ibn Abi Ḥātim. *al-Taḳḍimah*, p. 213.

missing from al-Firāybī's tradition. Thus, Ibn Abī Ḥātim might have shortened Marwān b. Muḥammad's tradition in order to complement the missing part of al-Firāybī's tradition and avoid repeating the same text twice.

The tradition of Abū Khulayd

Abū Khulayd 'Utbah b. Ḥammād's tradition appears with the same *isnād* in three sources: al-Dhahabī's *Siyar*,⁸⁷ *Tārīkh al-islam*⁸⁸ and in Ibn 'Asākir's *Tārīkh*.⁸⁹ Ibn 'Asākir's version is longer than that of al-Dhahabī. As indicated above, al-Dhahabī has a tendency for eliminating unnecessary material. For instance, al-Dhahabī would use the word (*al-ḥadīth*) or the title of a given *ḥadīth* instead of narrating the entire *ḥadīth*. Abū Khulayd's tradition contains A, B, C, D, E, and F. The different texts of the Abū Khulayd tradition are identical in structure as well as vocabulary. The minor differences appearing in the different versions may be attributed to Al-Dhahabī's attempt to summarize the tradition cutting what he believed to be irrelevant.

In addition, the differences between al-Dhahabī's two texts are insignificant and may be attributed to copyists' errors. For example, the words (*istaslamtu lil-mawt*) appear in a different text as (*istabsaltu lil-mawt*). Although the original narration might have had the same word, the texts used two different words carrying almost the same meaning. This

⁸⁷ Al-Dhahabī, *Siyar*. vol. 7, p. 123-124.

⁸⁸ Al-Dhahabī, *Tārīkh al-islam*., vol. 9, p. 495-496.

⁸⁹ Ibn 'Asākir, vol. 35, p. 211-212.

suggests that the two narrations are mere copies of the same original text. This observation is further substantiated by considering the *isnād* appearing in both al-Dhahabī and Ibn ‘Asākir’s books. The fact that the *isnād* of Ibn ‘Asākir is the same as that of al-Dhahabī and that al-Dhahabī copied several traditions about al-Awzā‘ī from Ibn ‘Asākir suggests that al-Dhahabī might have copied this tradition from Ibn ‘Asākir.

This tradition presents part E differently from all other versions of the tradition. The answer that al-Awzā‘ī presents to the question of the caliphate in this version goes as follows: “If the caliphate was a *waṣiyyah* from the prophet, then why did ‘Alī b. Abī Ṭālib agree to the appointment of the two arbitrators?”⁹⁰ All other versions have “if the caliphate was a trusteeship from the Prophet, why did ‘Alī b. Abī Ṭālib allow someone to precede him?”⁹¹ This shows that the tradition of Abū Khulayd is an independent version of the story.

The tradition of Aḥmad b. al-Ghamr

The tradition of Aḥmad b. al-Ghamr appears in al-Dhahabī’s *Siyar*⁹² and in Ibn ‘Asākir’s *Tārīkh*.⁹³ As mentioned in the tradition of Abū Khulayd, al-Dhahabī copied from Ibn ‘Asākir, and the tradition of Aḥmad b. al-Ghamr is no different. This is evident when

⁹⁰ *law kānat waṣiyya mā raḍiya ‘Alī bi al-ḥakamayn*. Ibn Abī Ḥātim, p. 213.

⁹¹ *law kānat waṣiyya mā taraka ‘Alī aḥadun yataqaddamuhu*. al-Dhahabī. *Siyar*, vol. 7, p.122.

⁹² al-Dhahabī. *Siyar*, vol. 7, p.122.

⁹³ Ibn ‘Asākir, vol. 35, p. 210-211.

considering the *isnād* and the *matn* of the two texts. Although the *isnād* in both versions is the same, the *matn* in al-Dhahabī books differs insignificantly from that of Ibn 'Asākir. This maybe attributed to the fact that al-Dhahabī usually summarizes his traditions and restricts the content of his book to what he regards as relevant material. For example, al-Dhahabī begins this story with the section (*thumma sāqa al-qiṣṣah*). This show that al-Dhahabī intentionally deletes parts of the story in order to avoid repeating information commonly known to the reader of his books.

This tradition contains A, C, D, and F, but adds some unique parts to the story. For instance, part A shows that al-Awzā'ī encountered a man named Thawr on his way to the meeting. This man talked to al-Awzā'ī about the concept of predestination (*qadar*), but the story shows that al-Awzā'ī neither responded to the man nor presented any theological arguments.⁹⁴ Perhaps the narrator of this tradition aimed to show how al-Awzā'ī ignored *al-qadariyyah*. Finally, this tradition included a description of how al-Awzā'ī left the tent when the meeting ended. The tradition indicated that 'Abdullah b. 'Alī offered al-Awzā'ī the position as a judge, but al-Awzā'ī refused the offer.⁹⁵

⁹⁴ *fa nazala 'alā Thawr b. Yazīd al-Ḥimṣī qāl al-Awzā'ī falam yazal Thawr yatakallamu fī al-qadar min ba'di ṣalāti al-'ishā' al-ākhirati ilā an ṭala'a al-fajr wa al-Awzā'ī sākit mā ajāba bi ḥarf.* Ibn 'Asākir, vol. 35, p. 210.

⁹⁵ *fa qāla yā Awzā'ī hamamtu an uwallīka al-qadā' fa qultu aṣlahā allahu al-amīr wa qad kāna inqīṭā'ī ilā salafika wa man madā min ahl baytika wa kāmu bi ḥaqqī 'ārīfīn fa in ra'ā al-amīr an yastatimma ma ibtada'ū fa liya'f'al.* Ibid.

The tradition of al-‘Abbās b. Al-Walīd b. Mazyad

The tradition of al-‘Abbās b. al-Walīd b. Mazyad is preserved in the *Taqdimah*.⁹⁶

This tradition contains A, B, D, E, and F. Al-‘Abbās narrated A, B, C, and D on the authority of his mother, but narrated E on the authority of “one of al-Awzā‘ī’s students”.

This version differs greatly from the other versions of the tradition. All the traditions say that the meeting took place in Ḥamāh a city in Syria⁹⁷ whereas this version indicates that it took place in al-Nā‘ūrah which seems to be one of four Nā‘ūras in Ḥamāh that Yāqūt al-Ḥamawī mentions.⁹⁸

This shows that this tradition provides accurate details of the location of the meeting inside Ḥamāh and this fits with what we know about al-‘Abbās b. al-Walīd. Indeed, he lived in Beirut and might have been very familiar with the geography of the region. Again, this tradition gives more details about al-Awzā‘ī’s trip back from the meeting. The narration speaks of a hospitable man whom al-Awzā‘ī met on his way back to his home in Beirut.⁹⁹ Another difference in this tradition appears in the *isnād* that al-Awzā‘ī cites while narrating the *ḥadīth* forbidding the killing of Muslims without just cause. In this particular

⁹⁶ Ibn Abī Ḥatim, p. 211-212.

⁹⁷ City in Syria in the river of al-‘Āṣī. Yāqūt, *Mū‘jam al-buldān*, vol. 4, p. 180.

⁹⁸ Yāqūt, vol. 4, p. 180.

⁹⁹ *fa nazaltu bi rajulin min bnī Salmān fa mā surirtu bi dīyāfatī aḥadīn kamā surirtu bi dīyāfatī hādhā al-rajul.* Ibn Abī Ḥatim, p. 212.

isnād, al-Awzā'ī said: "on the authority of your brother Dāwūd b. 'Alī the Prophet said."

Whereas other traditions indicate that al-Awzā'ī narrated this *ḥadīth* on the authority of Muḥammad b. Marwān and Muṭṭarīf b. al-Shikhkhīr who narrated on the authority of 'Ā'isha. The differences in this tradition are in A and F.

General observations about the *matns* of this tradition

The most important observation about this tradition is that the *matns* do not present us with what may be seen as a typical work of forgers reflecting the spirit of typical forgeries during the 'Abbasid period. Indeed, the 'Abbasid revolution brought with it strong anti-Umayyad sentiments and it was normal to find traditions strongly criticizing the Umayyad caliphs. This was expected of a regime that saw the Umayyads as its main rival. The tradition discussed above presents a view that favors the Umayyad caliphs at the expense of the 'Abbasid caliphs. This is evident when looking into al-Awzā'ī's answers about the legitimacy of killing the Umayyads or taking their money. Al-Awzā'ī responded firmly in favor of the Umayyads, asserting that it is prohibited to kill any Muslim unless in cases of apostasy, murder, or fornication.

Secondly, al-Awzā'ī maintained that taking the money of the Umayyads is illegitimate even if they gained it illegitimately. Finally, the tradition shows that al-Awzā'ī rejected 'Abbasid legitimacy claims when 'Abdullah b. 'Alī asserted that the Prophet chose 'Alī to be his successor to the leadership of the Muslim community. Al-Awzā'ī rejected this claim firmly and asserted that if this was the case then 'Alī would not have allowed

anyone to precede him to the caliphate. These above views hardly represent the work of forgers during the 'Abbasid rule since they undermine 'Abbasid legitimacy claims and the way in which they dealt with the Umayyads. This report does not reflect the spirit of this time where the 'Abbasid caliphate and its propaganda became dominant.

Another significant observation about this tradition is that the text shows a noticeable level of hesitation and fear on behalf of al-Awzā'ī. This is evident when looking into the beginning of the meeting and how al-Awzā'ī was hesitant in answering the questions of 'Abdullah b. 'Alī. Furthermore, al-Awzā'ī talked about the good relationship between him and Dāwūd b. 'Alī, the brother of 'Abdullah b. 'Alī, as a way of seeking a warm relationship with the 'Abbasid. The *matns* of this tradition shows the extent to which al-Awzā'ī was fearful for his life and how he hesitated in responding to the questions posed before him. This is hardly the work of a fabricator aiming to boost what he would portray as the courageous nature of the '*ulamā*' when facing political leadership. Indeed, the work of a fabricator trying to bestow this courageous character on the '*ulamā*' would not show the extent to which al-Awzā'ī was hesitant nor would show the way in which he tried to link himself to Dāwūd b. 'Alī.

The third significant point against the claim that this tradition is the work of a fabricator is the form of the *matns*. Indeed, a fabricator would be more occupied with inserting texts aiming to support a given propaganda. Why would a fabricator choose this inserted text to appear in different forms? This means that the fabricators would be motivated to choose one form to fabricate a tradition, a form that reflects a sort of strength

and authenticity. This tradition, on the contrary, has three different forms: the beginning two answers provide Prophetic traditions, the first deals with the intention of those involved in migration and the second deals with the cases in which capital punishment applies. The third answer appears in the form of a legal opinion (*fatwa*). This answer differs from the first in that al-Awzā'ī did not use Prophetic tradition but gave his own opinion rendering the liquidation of the Umayyad money as an illegal act. The fourth answer appears in a form again different from the above two in that al-Awzā'ī neither used Prophetic tradition nor a personal legal opinion but he employed a kind of personal logic. In this answer, the form is very different from the above two since al-Awzā'ī raised what may be seen as a logical doubt rendering 'Abbasid claims to legitimacy illogical. This fourth answer shows that al-Awzā'ī did not need *ḥadīth* or *fatwa* to undermine this legitimacy claim. Thus, he used this form of logical rebuttal asserting that if the Prophet entrusted 'Alī with the succession of the caliphate, then 'Alī would have neither allowed anyone to precede him nor let the two judges decide the matter.

The above observations about the authenticity of the *matns* of this tradition help strengthen our authenticity claims. Indeed, this tradition is not a typical forgery reflecting the spirit of 'Abbasid propaganda. The tradition shows a level of hesitation and a level of patronage in that al-Awzā'ī hesitated in answering 'Abdullah b. 'Alī and claimed to have a good relationship to his brother. This is not a typical forgery trying to boost the image of the '*ulamā*' as courageous men who would stand up to political authority without reservation. Finally, answers in this tradition appear in different forms and this does not suggest the work of a fabricator whose main aim would be textual additions rather than form variety. Still, the authenticity claims are not completely established because we need

to know for sure that this meeting is authentic in order to continue the building of our argument. As a result, we will go to our last step in proving the authenticity of this story by comparing the *isnāds* and *matns*.

The analysis of *isnāds* and *matns* result

The *isnāds* and *matns* analysis presented above establishes certain significant facts. The *isnāds* analysis presented above proves that the narration has to go back at least to the common link appearing in the *isnād* bundle. This is evident since the branching off of narrators into various ways and several bundles establishes the impossibility that all these variations were the work of one person. As a result we have to check whether the common link fabricated the story and made up an *isnād* going back to al-Awzā'ī. The way in which this is done must begin by first examining whether al-Awzā'ī himself narrated the story, then we must assess how he narrated it, and finally we have to see if it is possible for the common link to have fabricated the tradition and put it into circulation.

On the claim that al-Awzā'ī created this tradition and put it into circulation, the evidence is clear to the contrary. Indeed, the notion that al-Awzā'ī made up this story does not stand for two basic reasons: Firstly, the narration shows that 'Abdullah b. 'Alī sent his deputies to call al-Awzā'ī to this meeting and this happened in front of all those aware of al-Awzā'ī's position as *faqīh*. This means that al-Awzā'ī could not have lied about being escorted from his village to go and meet with 'Abdullah b. 'Alī. Secondly, the conversation of the meeting could not have been invented by al-Awzā'ī since he narrated it to several people at different times in different places thereby running the risk of having this story

reach 'Abdullah b. 'Alī himself. This shows that al-Awzā'ī would not have made up such a lie for the sole reason that this tradition became public knowledge and the 'Abbasid authorities would have punished al-Awzā'ī severely for spreading such lies.

This takes us to the level of those narrating the tradition directly from al-Awzā'ī. The above analysis of the *isnāds* shows that this tradition circulated on the authority of five different narrators, all claiming to hear directly from al-Awzā'ī. When looking into these various narrations, we see that each one differs from the other in length, context, and wording. These differences may be explained in light of three possibilities: Firstly, al-Awzā'ī might have narrated this tradition in different ways, including some parts or excluding other parts at different times. Secondly, the students hearing the narrations might have shortened their version of the tradition. Thirdly, the changes may be attributed to the way in which al-Awzā'ī narrated the tradition as well as the way in which his students narrated the story afterwards.

These differences in the various versions of this tradition are clear especially when looking into the tradition of Abū Khulayd. This tradition is the longest tradition in that it includes all six parts of the story: A, B, C, D, E, and F. The tradition of al-Firyābī, on the other hand, is shorter and more diverse. This tradition excludes parts B and D and the specific narration of Ibn Abī al-Ḥawārī excludes B, D, C and F. This presents us with two possible explanations: al-Awzā'ī might have narrated this tradition in that short form to al-Firyābī or al-Firyābī might have shortened the story after receiving its complete content from al-Awzā'ī. Again, the narration of Ibn Abī al-Ḥawārī presents us with the same two possibilities: either al-Firyābī or Ibn Abī al-Ḥawārī was responsible for the shortening of

this particular version of the narration. The narration of Marwān b. Muḥammad is even shorter than that of al-Firyābī in that it includes A and B only. This shortening might be the outcome of al-Awzā'ī's narration or that of Marwān b. Muḥammad's or both. The same thing may be said about the narration of Aḥmad b. al-Ghamr which also includes unique details about the meeting as well as information different from the narration of al-'Abbās.

The analysis of the various *matns* with their *isnāds* of this tradition produces significant observations. Indeed, when looking to all of these traditions, we see that they differ in length, parts, and organization. These differences strongly suggest that the various versions of this tradition were not a result of mere copying on part of those preserving the story in their books. On the other hand, we notice that our sources narrate the same story including the same questions and the same answers. This shows that the various versions of this tradition derive from one common source. As a result, the similarities and the differences present in each version of the story prove that this narration derives from the authority that our *isnād* suggests, namely al-Awzā'ī.

Examination of the common link and spreading *isnād* Theory

We have proved the impossibility of fabricating the above tradition into all these variant versions with different *isnāds*. This is evident since it is not humanly possible for one fabricator to have created all these versions and their attached *isnāds*. This is simply not the way people fabricate reports. Still, the proponents of the common link theory and that of spreading *isnād* prefer to think that narrations with different versions and variant

isnād bundles are fabricated. Thus, we decided to examine these two theories by applying them to our tradition. In other words, we would like to pose the question of whether it is possible for the common link and the spreading *isnād* theories to explain how our tradition spread from its original narrator.

The common link theory suggests that the common link of the *isnād* is the narrator responsible for creating and circulating the tradition. In al-Awzā'ī's story, al-Firyābī was a common link of the tradition. The fact that there were students narrating the same story directly from al-Awzā'ī like Abū Kulayd or indirectly like al-'Abbās proves that this story is older than the common link himself. Furthermore, the story happened when some of al-Awzā'ī's students were present in Syria.

The theory of spreading *isnād*, on the other hand, poses a significant problem since its proponent provided no concrete example of how this theory applies to traditions. Cook chose to apply his theory by creating hypothetical situations where three characters A, B, C, transmit a given tradition from a teacher D. Cook claimed that when B fabricates a tradition then attributes it to his teacher D, A and C will take this tradition and attribute it to D without mentioning B. Thus, the spreading *isnād* theory suggests that a student of *ḥadīth* would hear a given tradition narrated on the authority of his teacher from another student. The first student would narrate this tradition without showing his immediate informant in the *isnād*, namely the second student.

This process would continue and a third student would receive this tradition from the first student and attribute it directly to his teacher. For the proponents of the spreading *isnād* scenario, this process explains why the *isnād* of a given tradition branches out after the common link. This claim, however, does not recognize that the notion of *tafarrud* is considered as a negative trait among the *muḥaddithūn*. *tafarrud* is a term that describes a given narrator when he independently transmits a tradition on the authority of his teacher. Indeed, the *muḥaddithūn* would avoid the tradition of a narrator unless his tradition is corroborated with the traditions of other students from the same teacher¹⁰⁰. Thus, students of a given teacher would reject a tradition transmitted on the authority of their teacher through a single student (*mutafarriḍ*) and would regard this student as a weak narrator.

On the level of *matn*, the theory of spreading *isnād* claims that a student of *ḥadīth* would forge a tradition then put it into circulation and other students would copy this forged tradition. Thus, this theory may render this tradition of al-Awzā'ī as a forgery put into circulation by one of al-Awzā'ī's students, presumably al-Firyābī. The theory will further claim that other students such as Abū Khulayd copied the text of this tradition from al-Firyābī and fabricated an *isnād* showing that he directly heard the tradition from al-Awzā'ī. This claim is unfounded, when considering that the various versions of our tradition are not mere copies of one version. For example, al-Firyābī's tradition has no B or D and these sections occurred in the rest of the versions. If other students copied from al-Firyābī, then B and D should have not appeared at least in one version. This indicates that the rest of the

¹⁰⁰ Muslim, *al-Jāmi' al-Sahīh*, p. 5.

students did not copy al-Firyābī's tradition. This tradition shows that the different versions in which the tradition occurs contain significant variations and this proves that these versions are not mere copies of one tradition but independent traditions deriving from one common source.

Analysis of al-Awzā'ī's views towards 'Abbasid legitimacy

Now, we move to the fourth part of this chapter to show why this meeting is significant for our understanding of how scholars deal with leadership. As we showed in part three of this chapter, 'Abdullah b. 'Alī raised four significant questions in this encounter. The first question was general; it focused on how al-Awzā'ī felt about the journey of the 'Abbasids *makhrajuna*. This question presented the starting point of the encounter in that it focused on dealing with al-Awzā'ī's general attitude towards the 'Abbasids. When al-Awzā'ī answered the question with another question, namely that one's deeds are judged according to one's intentions and every man gets what he intends, 'Abdullah b. 'Alī realized that there was a need to raise more questions.

The second question is particularly significant in that it shows how al-Awzā'ī felt about the Umayyad regime. This question raised the point of whether killing the Umayyad rulers is legitimate. Again, al-Awzā'ī provided an answer unfavorable to 'Abdullah b. 'Alī by raising yet another question. Al-Awzā'ī narrated the Prophetic tradition indicating that the blood of a Muslim is protected except in three cases. This shows that al-Awzā'ī regarded the Umayyads as Muslims whose blood must be protected unless they commit criminal acts.

This answer forced ‘Abdullah b. ‘Alī to raise another question dealing with the issue of legitimate inheritance of the Prophet’s position of leadership. This question is the most significant one in this meeting in that it provides a direct focus on how al-Awzā‘ī evaluated the ‘Abbasid claim for legitimacy. For him, the ‘Abbasid claim that the family of the Prophet deserves to hold the caliphate over all others is unfounded. Al-Awzā‘ī illustrated this point clearly by raising the question of why did ‘Alī b. Abī Tālib, a member of the Prophet’s family, allow other people to dispute his claim to the caliphate. This direct response to the question of ‘Abdullah b. ‘Alī brought the subject to an end. ‘Abdullah b. ‘Alī realized that al-Awzā‘ī did not think highly of ‘Abbasid claims to legitimacy.

Finally, ‘Abdullah b. ‘Alī raised his last question in this meeting by asking al-Awzā‘ī about the money of the Umayyads. This question is also significant in that it pushes the issue of Umayyad legitimacy once more. However, al-Awzā‘ī’s answer was consistent with previous answers in asserting that the blood of the Umayyad must be protected as well as their property. Al-Awzā‘ī clearly answered this question in his own daring style by saying that Umayyad property obtained legitimately becomes illegitimate for the ‘Abbasids and Umayyad property obtained illegitimately becomes even more illegitimate for the ‘Abbasids.

This meeting illustrates two significant issues: first, al-Awzā‘ī believed that the Umayyad leaders were legitimate Muslim rulers and shedding their blood or liquidating their property was not permissible. Secondly, this meeting showed that al-Awzā‘ī rejected ‘Abbasid claims to legitimacy completely. However, this picture presented here needs

further clarifications in that how did al-Awzā'ī deal with 'Abbasids after what we saw of his views about their legitimacy claims. As we proved in the previous chapter, al-Awzā'ī interacted with the 'Abbasid regime without any reservations, he accepted their presents, sent letters to the caliph advising him about certain matters, and had no trouble what so ever with any of their leaders. This significant point will be clearly represented in the following chapter when dealing with some of al-Awzā'ī's letters which shed light on this unique relationship with the caliphate.

Chapter V

Al-Awzā'ī's Letters to the 'Abbasid Caliph, prince, and government officials

In the previous chapter, we proved that the meeting taking place between 'Abdullah b. 'Alī and al-Awzā'ī is authentic. As mentioned above, the striking observation about this meeting is that al-Awzā'ī rejected 'Abdullah b. 'Alī's argument about 'Abbasid *waṣiyya*. Nevertheless, clips from al-Awzā'ī's life as documented in history sources¹ show that he continued to deal with the 'Abbasids and recognized their presence as leaders of the community. It is impossible to read al-Awzā'ī's mind or know the actual motives behind his behavior with the 'Abbasids. The alternative for getting at al-Awzā'ī's attitudes towards the 'Abbasids is to examine the way in which he interacted with their state. This requires us to rely on evidence showing actual dealings between al-Awzā'ī and the state. Thus we need to examine any possible correspondence existing in our sources dealing with this aspect of al-Awzā'ī's life and his interactions with the state.

The most significant evidence for assessing the way in which al-Awzā'ī felt about the state and its proponents appears in the letters that he sent to the caliph, the prince, and a few government officials. These letters present us with some useful findings about al-Awzā'ī's attitudes towards the state. For instance, they show that al-Awzā'ī had recognized the 'Abbasid authority to be legitimate Muslim leadership. Again, the letters

¹ The letters quoted by Ibn Abī Hātim will illustrate this.

confirm what we saw in the above meeting in that they show the same rejection of 'Abbasid claims to *waṣiyya*. Finally, the letters show that al-Awzā'ī believed in a hierarchical system of power in which God watches over the caliph who in turn watches over his state secretaries and scholars and those secretaries and scholars watch over society and bring to the attention of the caliph matters of importance to the welfare of the Muslim community. This system, as will be shown in the analysis of the letters, regards the caliph to have this significant status and this element makes it imperative upon him to use his authority for establishing justice in accordance with the example set by the *Sunna* and the practice of rightly guided caliphs.

This chapter will begin by examining the authenticity of these letters through the analysis of their contents in light of what may be considered as the motives of possible fabricators. Secondly, we will approach the letters and divide their content into four categories: the category of title, the category of *du'ā'*, the category of purpose, and the category of persuasion. These categories will present some aspects of al-Awzā'ī's views towards authority, its responsibilities, and its legitimacy.

Examining the authenticity of al-Awzā'ī's letters

The letters available in Ibn Abī Ḥātim's collections present valuable information about what al-Awzā'ī thought of the state. These letters are ten in number and address

six different people. The first two letters address Abū 'Ubaydullah.² The third, the fourth, and the fifth letters address al-Mahdī.³ The sixth and seventh letters address al-Manṣūr.⁴ The eighth letter addresses Sulaymān b. Mujālid⁵, the ninth letter addresses 'Isā b. 'Alī,⁶ and the tenth letter addresses Abū Balj.⁷

The obvious question that comes to mind is how do we know that these letters go back to al-Awzā'ī? First, we mentioned that al-Awzā'ī was known for helping people in writing letters that address specific needs and this became one of his professions. As mentioned above, al-Manṣūr's *kātib*, Sulaymān b. Mujālid, used to collect al-Awzā'ī's letters for their elegant style and beautiful language.⁸ Again, Abū Zur'a narrated that al-

² Mu'āwiya b. 'Ubaydullah b. Yasār he was the *kātib* of al-Mahdī before and after holding the caliphate according to the instructions of al-Manṣūr. He was from the people of Ṭabariyya, he learned *ḥadīth* from Abū Ishāq al-Sabī'ī and narrated to Manṣūr b. Abī Muzāhim. He was born at 100/718 and died in Baghdad at 170/786. Aḥmad b. 'Alī al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol. 13, p.196.

³ The 'Abbasid caliph, he was born at 127/744 and died in Sabadhān in Kūfa at 169/776, his rein lasted for ten years 159/775-169/785. al-Dhahabī, *Siyar*, vol. 7, p. 402.

⁴ The 'Abbasid caliph, his rein was for 22 years (136/753-158/774). A shorter version of the seventh letter appears in Abū Nu'aym, *Hilyat al-awliyā' wa ṭa baqāt al-aṣfiyā'*, vol. 6, p. 146.

⁵ He was Sulaymān b. Mujālid b. Abī Mujālid, he ruled al-Rayy during the time of al-Manṣūr and was his *kātib* and close secretary. He died before al-Manṣūr. Ibn 'Asākir, vol. 22, p. 365.

⁶ al-Manṣūr's uncle died at 163/779. al-Dhahabī, vol. 7, p. 409.

⁷ I was not able to find him anywhere, but I speculate that he was the tax collector of Ṣāliḥ b. 'Alī and this will be shown below.

⁸ *kānat tarid 'ala al-Manṣūr min al-Awzā'ī kutub yata'ajabu minhā wa ya'jazu kutābuhu 'an al-ijāba fa kānat tunsakhu fī dafātir wa tūda'u bayna yaday al-Manṣūr fa yukthiru al-naẓara fihā istiḥsānan li alfāẓihā.* Ibn 'Asākir, vol. 35, p. 190.

Awzā'ī used to write elegant letters and this was his profession.⁹ Secondly, the end of the fifth letter has a date indicating that it was sent in the month of Rabī' al-Ākhar (152/769) and this indicates that this particular letter was sent during al-Awzā'ī's life.

Thirdly, all the letters use the same *isnāds* and this takes us back into the issue of *isnād* analysis. As we showed in chapter four, many scholars ignored *isnāds* and focused on *matns* only for understanding traditions. In fact, many scholars went as far as rendering any given *matn* to be inauthentic especially if it is attached to an *isnād*. This unhealthy skepticism had created a major problem in the study of Islamic history and undermined the foundation of Islamic tradition. However, the work of Motzki has overcome this problem in that it showed that *isnāds* were not mere tools at the hands of fabricators to circulate their lies. For him, *isnāds* appear in patterns that undermine the fabrication hypothesis in that they present a variety of names and lengths, some carry long chains of connected names and others have nothing but few disconnected names. This makes it impossible to assert the claim that all these *isnāds* were the work of one fabricator aiming to legitimize the existence of a given narration. As a result, we will analyze our *isnād* to see if it overcomes our suspicions of fabrication so that we may regard it as authentic.

Our *isnād* begins with al-Awzā'ī who narrated to al-Walīd b. Mazyad al-Bayrūtī (d.183/799; Syria),¹⁰ who narrated to his son al-'Abbās (d. 270/883; Syria)¹¹ who read the

⁹ *wa kānat ṣan'atuhu al-kitāba wa al-trassul wa rsā'iluhu tu'thar*. Al-Dhahabī *Siyar*, vol. 7, p. 109.

¹⁰ I already mentioned that this student was highly favored by al-Awzā'ī for his accurate collections of books. Furthermore, Abū Dawūd considered him an expert on al-Awzā'ī, al-Mizzī, vol. 4, p. 77.

letters to Ibn Abī Ḥātim, the author. This *isnād* is particularly strong for several reasons: first, the gap between the death dates of each narrator and his informant is short with the exception of al-‘Abbās and his father who are separated by 87 years. However, we have reports confirming that al-‘Abbās died at the age of 100 and he began learning under his father and copying his books at an early age.¹² Secondly, our reports show that each one of these Syrian narrators had met his informant and the author of the book, Ibn Abī Ḥātim, actually traveled to Syria and heard directly from al-‘Abbās.¹³ Finally, our reports show that each narrator had a teacher-student relationship with his informant.

Another aspect strengthening the authenticity claim appears in the style of the letters. Indeed, some letters are responses to other letters. The sixth letter reminds the caliph of a previous letter which he sent to al-Awzā‘ī informing him to bring to the attention of the caliph’s court matters of great benefits to the *Umma*. The ninth letter reminds ‘Īsa b. ‘Alī of a letter exchange between him and al-Awzā‘ī about the Qālīqalā prisoners. One significant point about these letters is that they deal with the issue of Qālīqalā and mention that previous letters about this matter received no attention. This shows that a fabricator would not have fabricated these letters and attributed them to al-Awzā‘ī for the purpose of establishing good reputation for the scholars. Indeed, a fabricator trying to establish this scholarly status would not have referred to letters being ignored repeatedly as our case here shows. The fact that these letters present rejection

¹¹ One of Abū Dawūd and al-Nasā‘ī’s teachers, According to Abū Dawūd, he was *thiqa*, al-‘Abbās was born 170/786, he mentioned that he heard narration from his father and showed him what he wrote and this method is the best. *sami‘tu Abī wa ‘araḍtu ‘alayhi wa al-‘arḍu aṣaḥḥu*, Ibid.

¹² Ibid.

¹³ Ibn Abī Ḥātim, *al-Taqdima*, p. d.h.w.

undermines the claim that a fabricator put them into circulation. This would contradict what we may consider as motive for elevating the status of the scholars.

Again, the content of these letters refers to actual places, people, political authorities, and historical events confirmed by historical sources. For instance, the letters mention places such as Qālīqalā and Jabala. These two places have been mentioned in various historical sources, the former as a city in greater Armenia¹⁴ and the latter as a known castle on the coast of Syria in the outskirts of Ḥalab near al-Lādhiqiyya.¹⁵ Again, the letters mention al-Mahdī, al-Manṣūr, ʾIsa b. ʿAlī, Abū ʿUbaydullah, and Sulaymān b. Mujālid and their biographies not only show that they were contemporaries of al-Awzāʿī but confirm the description of their political status as described in these letters. The claim that a fabricator created this situation and inserted these actual places so that the forgery would look real is unfounded. Indeed, a fabricator trying to boost the status of the scholars would not have used remote places as appear in the letters. A fabricator would show that al-Awzāʿī petitioned the state to resolve an important problem and those do not happen usually in remote areas. This means that the motive of fabrication is unfounded in this case.

Another aspect strengthening our claim of authenticity deals with the nature of the issues discussed in the letters. These issues present a variety of concerns dealing with releasing prisoners, increasing stipend money for soldiers, raising aid money to inhabitants

¹⁴ al-Ḥamawī, vol. 7, p. 13.

¹⁵ al-Ḥamawī, vol. 3, p.31-2.

of remote areas, and ransoming prisoners of Qālīqalā. This variety undermines the fabrication hypothesis since a fabricator would not have purposely used such random topics to assert his views of the scholars. Again, the letters mention insignificant people whose impact on the political arena is next to nothing. This means that a fabricator did not circulate these letters since these insignificant names and places undermine the claim that scholars enjoy significant political connections with notables and statesmen. Indeed, a fabricator trying to show the level of influence scholars possess would not have attached al-Awzā'ī to such insignificant characters as those appearing in these letters.

Furthermore, the capture of Muslims in Qālīqalā by the Byzantines is a historical event that is mentioned in the early sources. This occurred in 133/750 when Byzantine forces attacked Qālīqalā and captured many people as prisoners of war. The city was destroyed and its people remained in captivity until 139/756, when al-Manṣūr decided to ransom their survivors and resettle them in Qālīqalā after rebuilding what was left of it and fortifying its borders against Byzantine attacks.¹⁶

Finally, the tenth letter sent to Abū Balj admonishes him for his unfair punishment of Muslims and people of the book. Al-Awzā'ī had dealt with this problem in a separate

¹⁶ al-Balādhurī, *Futūḥ al-Buldān*, p. 280.

letter¹⁷ going to Šālih b. ‘Alī.¹⁸ A small part of this letter survived in *Futūḥ al-buldān* and its content shows that it addresses the same problem and provides the same advice.¹⁹ Perhaps al-Awzā‘ī attempted to deal with this problem by sending one letter to Šālih b. ‘Alī’ and another to Abū Balj. I believe that to be the case since al-Awzā‘ī admonished both people for the same behavior then informed Abū Balj that he already sent another letter to the caliph about this issue. This supports the authenticity claim of this particular letter since it follows the same pattern of another letter.

The above claims supporting the authenticity of these letters are stylistic in that the reference to previous correspondence, ignored petitions, existing places, and real people undermine doubts about intentions of fabrication. Indeed, these particular letters with this content proved to be the product of al-Awzā‘ī’s labor rather than the work of forgers. This observation did not escape Schacht himself in that he also believed that these letters were authentic. According to him, “The application which al-Awzā‘ī addressed to this prince, to the caliph al-Manṣūr, and to influential persons at the court...are doubtless genuine.”²⁰

¹⁷ Ibid, p.222.

¹⁸ Šālih b. ‘Alī b. ‘Abdullah b. al-‘Abbās was the brother of ‘Abdullah b. ‘Alī, another one of al-Manṣūr’s uncles; he helped capture Syria when the ‘Abbasids came to power, then became the first to govern Egypt under the ‘Abbasids. Al-Manṣūr delegated him to be in charge of Damascus in 138/755 to protect it and confront the Byzantine army, which he ultimately defeated in 139/756. He took the people to ḥajj on 140/757 and died in 150/767. Ibn ‘Asākir, vol. 23, p. 358.

¹⁹ Both letters show that the addressee must resemble the Prophet in his fairness especially towards the people of the book. This issue will be analyzed below in detail.

²⁰ Schacht, *E.I* 2, vol.1, p. 772.

Analyzing al-Awzā'ī's letters

The need to get at al-Awzā'ī's views as reflected in his letters requires us to approach this material in an analytical manner. The content of these letters contain similarities and differences dealing with various issues; thus, we found the most effective method of dealing with such material to be categorizing its content. These categories will help us bring out the actual understanding of al-Awzā'ī regarding the state and its operation. As a result, we divided the content of these letters into four different categories: The first category deals with the title used to address political authority. The second category deals with the type of supplication *du'ā'* used to ask God for certain favors to the addressee of each letter. The third category deals with the purpose of each letter in terms of the actual request that prompted al-Awzā'ī to write to these authorities. The fourth category deals with the means in which al-Awzā'ī pursues his pressure on his addressees so that they would comply with the requested tasks.

The Category of Title

The titles used in these letters provide us with important information about how al-Awzā'ī addressed the head of the Muslim community and the proponents of the state. The early Muslim community used specific titles such as successor of the Prophet or commander of the believers. In the Umayyad period, the title of God's Caliph was used and this led some scholars to view the adoption of such a title as an attempt to give political leadership divine status.²¹ These letters show the opposite, they show that al-Awzā'ī held

²¹ This claim rests on the assertion that God manifests his will through Caliphs: Patricia Crone & Martin Hinds, *God's Caliph*, p. 22.

authority in high esteem, recognizing that they maintained a high level of legitimacy, but never considered the ruler to have divine status or infallibility.

The first letter uses the second person pronoun (*anta*), the pronoun suffix (*ka*), and the word (*mar'*) when addressing Abū 'Ubaydullah.²² The second letter also addresses Abū 'Ubaydullah and uses the same language of the first letter. The same letter mentions al-Manşūr and gives him the title *amīr al-mu'minīn* then mentions al-Mahdī but uses no particular title.²³ The third letter is sent to al-Mahdī and it addresses him as *amīr* in nine different places.²⁴ The same letter addresses al-Manşūr as caliph of the Muslims *khalīfat al-muslimīn* in one place²⁵ and *amīr al-mu'minīn* in three different places.²⁶ The fourth letter is sent to al-Mahdī and it addresses him in five different places as *amīr*. The same letter addresses al-Manşūr as *amīr al-mu'minīn* in two different places.²⁷

The fifth letter was sent to al-Mahdī and it addresses him as *amīr* in four different places, addresses al-Manşūr as *amīr al-mu'minīn* in three different places, *khalīfat al-muslimīn* in one place, and *al-khalīfa* in one place. The end of this letter mentions that both

²² Ibn Abī Ḥatīm, vol. 1, p. 188.

²³ Ibid.

²⁴ Ibid., p. 188-90.

²⁵ Ibid, p. 189.

²⁶ Ibid, p. 189-90

²⁷ Ibid, p. 190-91.

al-Manṣūr and al-Mahdī should succeed the Prophet in governing their *Umma* with mercy and forgiveness.²⁸ The sixth letter is sent to al-Manṣūr, it addresses him as *amīr al-mu'minīn* in twelve different places and uses the singular third person pronoun suffix (*hu*) throughout the letter.²⁹

The seventh letter is sent also to al-Manṣūr and it addresses him as *amīr al-mu'minīn* in four different places and uses the singular third person pronoun suffix (*hu*) also throughout the letter. In the same letter, al-Awzā'ī appeals to God to let the commander of the believers do well in his succession of the Prophet.³⁰ The eighth, ninth, and tenth letters are sent to Sulaymān b. Mujālid, ʿIsa b. Alī, and Abū Balj respectively. These letters address the above people in the second person pronoun (*anta*).³¹

The titles used in these letters suggest that al-Awzā'ī addresses the head of the Muslim community as the commander of the believers or the successor of the Prophet. Naturally, this suggests that al-Awzā'ī recognized the Abbasids as legitimate leaders. Furthermore, the titles used suggest that al-Awzā'ī viewed the head of the Muslim community to be the successor of the Prophet just as the rightly guided caliphs were successors of the Prophet. This is apparent since Abū Bakr, the first person using this title

²⁸ *wa hiya ummatukum wa aḥaqqu man khalaftum fīhā bi al-'afw wa al-ra'fa rasula allah*. Ibid, p. 193.

²⁹ Ibid, p. 193-95.

³⁰ *uḥsin bihi al-khilāfata lirasūlihi*. Ibid, p. 197.

³¹ Ibid, p. 198-202.

khalīfat rasūl allah, had been recognized by almost all the members of the Muslim community as a successor of the Prophet. Again, 'Umar was the first to use the title Amīr al-Mu'minīn and addressing al-Manṣūr with a similar title shows that al-Awzā'ī believed that the two men enjoyed the same level of legitimacy. This shows that al-Awzā'ī recognized al-Manṣūr to be no less legitimate than Abū Bakr and 'Umar in their position as respective successors of the Prophet.

Furthermore, the use of the title Amīr to address al-Mahdī suggests recognition of the position of succession or heir to the caliph. This shows that al-Awzā'ī believed al-Mahdī to be the legitimate heir of al-Manṣūr as the successor of the Prophet. The question now arises: what are the duties that the commander of the believers is expected to succeed the Prophet in performing? Apparently, the task of receiving revelation ended with the death of the Prophet. Thus, al-Awzā'ī must have some other task in mind when informing the commander of the believers to succeed the Prophet. This is the subject of the following category: the category of *du'ā'*.

The Category of *Du'ā'*

Du'a is the action of asking God to fulfill a need or a request dear to the *da'ī*; the person making *du'a*. According to Gardet, "*du'ā'* is an appeal, invocation addressed to God either on behalf of another or for oneself or else against someone."³² The *du'ā'* used in these letters adds a new meaning to the above definition in that the appeal which it has

³² L. Gardet, *El* 2, vol. 2, p. 617.

for God contains subtle arguments as well as blunt warnings for its addressees. This *du'ā'* is certainly not a mere set of supplications produced as a standard introduction of a formal letter, but a group of carefully chosen words that adopt a soft tone with the caliph and a harsh tone with his secretaries. In fact, al-Awzā'ī equates himself with these secretaries by making *du'ā'* for them and himself at the same time. This strategy of distancing oneself from the high ranks of political authority and equating oneself to its low ranks shows al-Awzā'ī's unique skills. As we will see below, these letters will prove that al-Awzā'ī uses *du'ā'* not only to appeal to God but to emphasize the legitimacy of his demands and prompt his addressees to act accordingly.

I will proceed by translating the content of *du'ā'* then providing an analysis for it. The first letter to Abū 'Ubaydullah includes two *du'ā'*'s. The first begins by asking God not to take away Abū 'Ubaydullah's religion or sanity and make the avoidance of matters of hateful consequences the guiding force over his affairs before he gets inflicted and neither temptation of greed nor numerous pursuits make occupy him from holding on to his religion.³³ The second *du'ā'* starts by asking God to favor him by letting him ask for few possessions and the nearing of its time of loss, and to make him happy with his gains in religious knowledge and wary of its loss.³⁴

³³ *As'alu allaha an-lā yaslubā minka 'aqlan wa lā dīnan wa yaj'ala al-ghāliba 'alayka fī-mā anta fīhi al-tuqa limā kunta ta'rīf wa takrahu qabla an tubtala wa lā yujhiluka 'anhu fitnatu tama'in wa lā kathratu shughlin.* Ibn Abī Hātim, p. 187-8.

³⁴ *As'alu allaha an yamunna 'alayka bi-dhikri qillati al-matā'i wa taqrībi huḍūri furāqihi thumma yaj'aluka li-ḥadhdhika fīhi mu'thiran wa 'ala salbihi minka mushfiqan.* Ibid, p.188.

The second letter to the same person has two *du'ā's*. The first begins by asking God to protect him from divine anger and give him the intention of fulfilling the rights of those whom he is capable of alleviating their suffering when they ask for his help and take him as their hope.³⁵ The second *du'ā'* begins by asking God to help him in performing good deeds and to make the most difficult affairs the dearest to his heart.³⁶

The third letter was sent to al-Mahdī and it has three *du'ā's*. The first starts by asking God to make the prince one of those inspired to virtue and lead life with it; and that God may support him and reward him in his final destiny.³⁷ The second *du'ā'* begins by asking God to make the prince one of those who support the weak, worry about the affairs of common people; passionately provide the afflicted with what God may will to lift their affliction, and give them what they deserve when in need of his help.³⁸ The third *du'ā'* begins by asking God to reward the prince for the best of his deeds and make him reach with his deeds and sayings perpetuity in God's mercy and acceptance.³⁹

³⁵ *qasama allahu laka wa limā anta fīhi 'āsiman min sakhatīhi wa niyyatan ta'malu 'alayhā wa tu'addī bihā haqqa man yalzamuka fīmā wajadta al-sabīla ilayhi ṭalaba al-farajī 'anhu idhā istaghātha bika wa kunta rajā'ahu fī nafsīhi. Ibid, p. 188.*

³⁶ *a'ānaka allahu 'ala al-khayr wa ja'ala aghalba al-umūri 'alayka ātharahā 'indaka. Ibid, p. 189.*

³⁷ *ja'ala allahu al-amīra miman alhamahu al-khayra wa ist'nafa bhī 'umrahu wa ja'ala fīhi quwwatahu wa ila thawābihi munqalibahu. Ibid, p. 189-90.*

³⁸ *ja'ala allahu al-amīra miman yu'ḍiḍ ḍa'īfa ummatīhi wa yahtammu bi-amri 'awāmmihim wa yariqqu 'alā ṣāhibi al-baliyyati minhum bimā 'asa allahu an yukhallīshahu bihi minhā wa yuwaffīhi 'inda al-ḥājati ilayhi ajrahu. Ibid, p. 189.*

³⁹ *as'alu allaha an yajziya al-amīra bi-aḥsani sa'yīhi wa yublighahu fī qawlihi wa af'ālihi riḍwānahu wa al-khulūda fī raḥmatīhi. Ibid, p. 189-190.*

The fourth letter is sent to al-Mahdī also and it includes two different *du'ā's*. The first starts by asking God to guide the prince through his trial toward that which is most straight, protect the prince from the consequences of his affairs, and provide him with His proof (*hujja*).⁴⁰ The second *du'ā'* starts by asking God to bring calm between the prince and his subjects, provide the subjects with the prince's compassion and kindness, and reward the prince with forgiveness and perpetuity in God's mercy.⁴¹

The fifth letter is sent to al-Mahdī and it includes two *du'ā's*. The first *du'ā'* is directed to the prince and the commander of the believers. It begins by asking God to firmly dispose the prince and the commander of the believers towards patience in resembling the Prophet, adherence to his *sunna*, and competing with the righteous for charitable deeds.⁴² The same *du'ā'* continues by adding a request to God to make their reward on the Day of resurrection that of safety and return to His mercy.⁴³ The second *du'ā'* starts by asking God to make the prince in a position of trust and acquaintance for his people, make them content with him, and dispose their minds towards him.

The sixth letter is sent to al-Manṣūr and it includes four *du'ā's*. The first starts by asking God to delegate the affairs of the commander of the believers with that which he

⁴⁰ *hadaq allahu al-amīra fīmā ibtalāhu li-allatī hiya aqwamu wa waqāhu tabi'atahu wa laqqāhu hujjatahu.* Ibid, p. 190.

⁴¹ *jama'a allahu lil-amīri ilfa ra'iiyyatihi wa razaqahum raḥmatahu wa al-ra'fata bihim wa ja'ala thawābahu minhum maghfiratahu wa al-khulūda fī raḥmatihī.* Ibid, p. 192.

⁴² *asalu allaha an ya'zima li-amīr al-mu'minīna 'ala al-ṣabri bit-tashabbuhi bi-nabiyyihī ṣalla allahu 'alayhi wa sallama wa al-i'tiṣāmi bi-sunnatihi wa munāfasati al-akhyāri i'māla al-birri.* Ibid, p. 191-2.

⁴³ *wa yaj'ala thawābahumā fī yawmi al-ba'thi al-amni wa al-ifḍā'i ila riḍwāni allah.* Ibid.

delegated the affairs of whom He guided and favored and to make the commander of the believers follow their steps.⁴⁴ The second *du'ā'* begins by asking God to inspire the commander of the believers with the charitable deeds which make him reach God's forgiveness and favor in the final abode.⁴⁵ The third *du'ā'* starts with a request directed to God asking Him to complete His bounty on the commander of the believers and perfect his doings for his subjects.⁴⁶ The fourth *du'ā'* begins by asking God to make the commander of the believers resemble the Prophet in his forgiveness and mercy on the believers and complete upon him His bounty.⁴⁷

The seventh letter is also addressed to al-Mansūr and it contains two *du'ā'*s. The first begins by asking God to calm the majority of the *umma* towards the commander of the believers, make him straighten up its affairs, and provide him with the ability to forgive and be merciful towards its members.⁴⁸ The second *du'ā'* starts with asking God to make the commander of the believers attain the decisive argument (*hujja*), improve with him the succession of the Prophet in his *umma*, and reward him with the best of rewards.

The eighth letter goes to Sulaymān b. Mujālid and it includes three different *du'ā'*s. The first starts by asking God to make both al-Awzā'ī and Sulaymān b. Mujālid successful

⁴⁴ *walla allahu li-amīr al-mu'minīna umūrahu bimā walla bihi umūra man hada wa ijtaba wa ja'alah bihim muqtaḍīyan. Ibid, p. 193.*

⁴⁵ *asalu allaha 'ajja wa jalla an yulhima amīra al-mu'minīna min a'māli al-birri ma yubliḡuhu bihi 'afwahu wa riḍwānahu. Ibid.*

⁴⁶ *atamma allahu ala amīri al-mu'minīna ni'matahu wa aḥsana balā'hu fī ra'īyyatihi. Ibid.*

⁴⁷ *ja'ala allahu amīra al-mu'minīna bi-rasūlihi ṣalla allahu 'alayhi wa sallama mutashabbihan fī ra'fatih wa raḥmatih bil-mu'minīna wa atamma 'alayhi ni'matahu. Ibid, p. 195.*

⁴⁸ *naalu allaha an yusakkina dahmā' hādhihi al-umma 'ala amīr al-mu'minīna wa yuṣliḥa bihi umūrahā wa yarzuqahu raḥimahā wa al-ra'fata bihā. Ibid, p. 196.*

in becoming righteous servants by God's mercy.⁴⁹ The second starts by saying that God may save him when inflicting a punishment on people and distinguish him with virtue when bestowing virtue on people.⁵⁰ The third *du'ā'* starts by asking God to make Sulaymān b. Mujālid a helper in establishing that which He loves and reward him with the best of rewards.⁵¹

The ninth letter was sent to 'Īsa b. Alī in the aftermath of one of his expeditions and it includes two *du'ā'*s. The first begins by asking God to make this expedition one that ends the difficulty which faced this *Umma* and would not make this difficulty return. The *du'ā'* continues by asking God to accept the repentance of this *Umma*, forgive it after what it suffered, and improve the succession of the Prophet in his *Umma*. Then al-Awzā'ī asks God to complete the reward of 'Īsa b. 'Alī for what he does for this *Umma* and enable him to devote himself to its help.⁵² The second *du'ā'* starts by asking God to make 'Īsa b. 'Alī a witness on earth and a helper for what He loves to establish. The *du'ā'* continues by asking God to make him among those chosen for His mercy so that He rushes his forgiveness and return to His mercy.⁵³

⁴⁹ *nasalu allah an yaj'alaka wa iyyanā min ni'matin fī dhātin baynanā 'ala tawfīqin yudkhulunā bihi bi-rahmatihī fī 'ibādihī al-ṣāliḥīna.* Ibid, p. 198.

⁵⁰ *'asa allahu in massa 'ibādahu bi-'iqābin najjāka minhu wa bi-rahmatin yakhuṣṣuka bihā.* Ibid.

⁵¹ *asalu allaha an yaj'alaka fīmā yuḥibbu an yuqīma bihi fī 'ibādihī mu'āwinan wa bil-ḥaqqi fīhi qā'iman wa an yu'tiyaka 'alayhi ajran 'azīman.* Ibid, p. 199.

⁵² *na'alu allaha an yaj'alahā ghazwatan yaqṭa'u bihā mā kānat fīhi hādhihi al-ummatu min jahdin ḥadathahā lā yu'īduhā fīhi wa an yastaqbila bihi al-tawbata 'alayhim wa al-'afwa 'anhum wa ḥusna al-khilāfata li-nabīyyhi ṣalla allahu 'alayhi wa sallama fīhim innahu ra'ūfun raḥīmun; wa nas'aluhu an yutimma laka ajrahā wa tafḍīla al-naḥaqata fīhā.* Ibid.

The tenth letter is sent to Abū Balj and it includes two *du'ā's* for him and al-Awzā'ī. The first begins by asking God to avert Abū Balj and al-Awzā'ī from being led astray from the path of that which is right after knowing it, avert them from ignorance of what is useful, and avert them from following whims without clear guidance.⁵⁴ The second *du'ā'* begins by asking God to turn both of them to His affair and forgive their past deeds.⁵⁵

The notion that the commander of the believers succeeds the Prophet in his *Umma* appears clearly throughout these *du'ā's*. However, the capacity in which the commander of the believers is expected to succeed the Prophet needs to be examined. The five letters sent to al-Mahdī and al-Manṣūr suggest that al-Awzā'ī expected the commander of the believers to support the weak, worry about the *Umma's* affairs, help the needy, adhere to the *sunna*, and resemble the Prophet in his forgiveness and mercy towards the *Umma*. This shows that al-Awzā'ī asked God to make the commander of the believers succeed the Prophet in his capacity as a compassionate leader rather than an infallible Prophet receiving revelation.

The rejection of inheriting the infallibility of the Prophet is clear especially when looking into al-Awzā'ī's emphasis on the term *hujja*. This term appears in the fourth and

⁵³ *asa allahu an yaj'alaka lahu fī al-arḍi shāhidan wa lahu fīmā yuḥibbu an yu'mala bihi muwālian ja'alaka allahu miman ikhtaṣṣa bi-rahmatihī fa sāri' ila maghfiratihī wa ābi ila riḍwānihilī. Ibid, p. 200.*

⁵⁴ *ṣarafa allahu 'annā wa 'anka al-mayla 'an al-ḥaqqi min ba'di al-ma'rifati wa al-jahli 'ammā nafa'a wa ittibā' al-hawa bi-ghayri hudan minhu. Ibid, p. 201.*

⁵⁵ *asalu allaha an yuthnī binā wa bimuk ila amrihi wa yataghammada ma salafa minnā wa minkum bi-afwihi. Ibid.*

seventh letters.⁵⁶ The meaning of this term and how it relates to the issue of infallibility is best understood in the context of these two letters. In the Fourth letter, al-Awzā'ī asks God to help the prince in his trial and provide him with the decisive argument *hujja*. The seventh letter emphasizes the need for calming the majority of the *Umma* towards the commander of the believers. The same letter emphasizes the need for the commander of the believers to straighten up the *Umma's* affairs, succeed the Prophet in his forgiveness and mercifulness towards its members, and attain the decisive argument *hujja*.

It seems from the context of the above *du'ā'* that the word *hujja* refers to the decisive argument, which the commander of the believers must attain before God on the Day of Judgment when asked about his responsibility for succeeding the Prophet in his capacity to dispense mercy and forgiveness for his *Umma*. This shows that the term *hujja* does not mean that the caliph is able to inherit the decisive argument but must attain it through his own earned deeds. As a result, the term *hujja* does not refer to a sort of infallibility that the caliph obtains by virtue of his kinship or position but a proof that al-Manṣūr must gain through his deeds so that he presents it to God on the Day of Judgment as means of escaping divine punishment.

Other members in the caliph's court received different types of *du'ā's*. The letters sent to the caliph and his son emphasize the necessity to succeed the Prophet in his mercy and compassion so that God would be pleased and the *Umma* would be calm. These letters are less subtle than the previous letters in that they deliver a warning to its addressees,

⁵⁶ The phrase *laqqāhu hujjatahu* struck me first as a *du'ā'* for strengthening the belief of the caliph but I will try to explain it here within its actual context.

asking them to help the needy or face God's scorn and the caliph's punishment. This tone is apparent in the first two letters where al-Awzā'ī emphasizes the need not to be ignorant in times of trial and avoid God's anger by fulfilling the requirements of the *Umma*. The letter sent to Sulaymān b. Mujālid adopts a lighter tone and asks God to spare him punishment. The letter sent to Abū Balj admonishes him and adopts a harsh tone by asking God to save him from being led astray by following whims without clear guidance. The letter sent to 'Īsa b. 'Alī adopts a much softer tone than the above letters and asks God to make him a helper of good deeds and a humble servant among those chosen for His mercy.

The letters sent to people other than al-Manṣūr, his uncle, and al-Mahdī show that al-Awzā'ī was very careful in choosing his language. As we maintained above, al-Awzā'ī's way of addressing the commander of the believers was more subtle than addressing other people. This shows that al-Awzā'ī's *du'ā'* was an actual device employed to convince the addressees to take certain actions.

The notion that the commander of the believers succeeds the Prophet is mentioned in the opening paragraph of the seventh letter. Al-Awzā'ī informs al-Manṣūr that God entrusted him with the affairs of this *Umma* so that he be just and eager to resemble the Prophet in performing deeds of mercifulness.⁵⁷ This repeated emphasis on mercifulness requires us to give a concrete meaning to what it entails. Thus, we need to look into actual

⁵⁷ Ibid, p. 195.

tasks which al-Awzā'ī requires the caliph to perform. These tasks will be shown in the following category.

The Category of Purpose

This category deals with the purpose of sending these letters to their addressees and provides an understanding for what is meant by this Prophetic mercy which appears in the category of *du'ā'* repeatedly. Al-Awzā'ī follows a certain pattern for presenting his demands, especially in the letters sent to al-Manṣūr, al-Mahdī, and 'Īsa b. 'Alī. The presentation of these demands usually follows an emphasis on the responsibilities placed on the shoulders of each addressee by virtue of his unique position at the caliph's court. This is usually followed by a vivid description of the harsh conditions of those badly in need of help. The demands then appear as one particular task dealing with either a request to release a prisoner from the caliph's prison, or a plea to send food supplies to starving people, or an appeal to ransom prisoners of war.

Now, we will analyze the content of this category. The first three letters do not follow the pattern specified above but use appeals based on personal knowledge of the case in question. The first letter directly asks Abū 'Ubaydullah to help a man named Idrīs⁵⁸ reach a place called Jabala. Al-Awzā'ī maintained that Idrīs asked him to write a letter specifically to Abū 'Ubaydullah in order to arrange for his travel to the people of Jabala.⁵⁹

⁵⁸ I was unable to find him.

The second asks the same person to bring to al-Mahdī's attention the case of Yazīd b. Yaḥyā al-Khushanī⁶⁰ so that he would write a letter to the caliph asking for his release from prison. Al-Awzā'ī defended the man by saying that he was among the supporters of Ibn al-Azraq.⁶¹ He also states that his stay in prison has been harsh, though he maintained a sound reputation before his imprisonment.⁶²

The third letter starts by emphasizing al-Mahdī's unique position in the caliph's court. Al-Awzā'ī indicates that the amīr gained the reputation of being able to defend those in the caliph's prison without fear of being rejected or accused of treason. This paves the way for asking al-Mahdī to discuss the release of Ismā'īl b. al-Azraq with al-Manṣūr. In this letter, al-Awzā'ī emphasizes the need to approach the case compassionately and to realize the weakness of this prisoner due to his old age, severe punishment, and harsh imprisonment.⁶³

⁵⁹ *wa qad sa'alanī idrīsu al-kitāba ilayka fa'in qaddarta lahu raḥimaka allahu 'ala laḥqin fī sukkān jabalata ṭalabta lahu wa a'antahu.* Ibid, p. 188.

⁶⁰ I was unable to find him.

⁶¹ I was not able to find him but the letter suggests that he was the governor of Ba'labakka. Ibid.

⁶² *inna yazīda b. Yaḥya al-khathanī fī ḥabsi amir al-mu'minīna aṣlahahu allahu wa kān min a'wāni ibn al-azraqi wa lam yablughnī 'anhu sū'un wa qad ṭālat iqāmatuhu fīhi fain ra'ayta an yakūna min al-mahdī kitābun ila amīr al-mu'minīna aṣlahahu allahu fīhi bi-dhikrin min amrihi mā narjū takhlīṣahu bihi mimā huwa fīhi min ḍarari al-ḥabsi fa'alta.* Ibid, p. 189.

⁶³ *fa'in ra'a amīr al-mu'minīna an yahtamma bi amrihi wa ya'rifa ḥālahu fī al-'udhri wa mablaghahu min al-sinni fa-yukallimu amīra al-mu'minīna fī sarāḥihi wa takhlīyati sabīlihi fa'alahu.* Ibid, p.190.

The fourth also emphasizes al-Mahdī's unique position in the caliph's court and his reputation of being merciful towards the *umma*. Then, Al-Awzā'ī asks al-Mahdī to ease up the suffering of his subjects and lighten their punishments by advising al-Manṣūr to release an imprisoned group failing to join an expedition.⁶⁴ The letter does not mention the name of these people or the expedition, which they neglected to join, but it describes vividly the type of torture these men endured after their capture.

The fifth letter describes the harsh economic conditions facing the people of Mecca as well as those living around its area. This letter also emphasizes al-Mahdī's unique position and his ability to soften the caliph's heart towards the *Umma*. This is followed by a demand to inform al-Manṣūr about what happened to those living in Mecca and to advise him to send necessary food supplies in order to avoid starvation.⁶⁵

The sixth letter presents al-Manṣūr with a vivid description of the poverty that struck *ahl al-Sāhil* and affected their living conditions tremendously. Then, al-Awzā'ī emphasizes their brave role in protecting the gaps (*thughūr*) of the western frontiers against

⁶⁴ *fa'in ra'a al-amīr adhāqahu allahu 'afwahu fī al-ākhirati bi-ḥubbihi al-tabrīda 'an ra'iyatihi wa qaṣda al-'uqūbati fihim rajā' an yaḥluba lahum min amīr al-mu'minīna aṣlahahu allahu 'afwahu wa al-tajāwuza 'anhum fa'ala. Ibid, p. 191.*

⁶⁵ *fa'in ra'a al-amīr aṣlahahu allahu an yaliḥḥa 'ala amīr al-mu'minīna fī ighāthati ahli macca wa man ḥawlahum min al muslimīna fī barrihi wa bahrihi bi-ḥamli al-ṭā'āmi wa al-zayti ilayhim qabla an yubtala bi-halāki aḥadin minhum fa'al. Ibid, p. 193.*

the Byzantines. This is followed by a demand to increase *ahl al-sāhil*'s annual financial shares so that it meets their bare means of subsistence.⁶⁶

The seventh letter emphasizes the significant responsibility of the caliph to be strong in following the example of the Prophet in being kind to the *Umma*. This letter also provides a vivid description of the bad conditions facing women and children captured by the Byzantine army in Qālīqalā. Al-Awzā'ī emphasizes the state of shame which Muslim women face when they are forced to uncover their bodies in front of strange men. This image is coupled with another one emphasizing the agony of these women when they witness the baptism of their children at the hands of priests converting these Muslim children to Christianity. Then, al-Awzā'ī inserts his request by saying that the caliph must seek God's support, be passionate towards the weak of his *Umma*, and make the ransoming of these war prisoners a top priority.⁶⁷

The eighth letter emphasizes the necessity of advising the caliph to do what is useful and avoid what is harmful. Al-Awzā'ī also emphasizes the important position that Sulaymān b. Mujālid occupies in the caliph's court. This is followed by a warning against putting off responsibilities towards those badly in need of assistance but who have no court connections or kinship. Finally, al-Awzā'ī describes the bad conditions that the war prisoners of Qālīqalā are facing and then outlines his demand of getting Sulaymān b.

⁶⁶ *ya'muru alhum fī u'ṭayātihim qadra al-kafāf wa yujrīhi 'alayhim fa'al*. Ibid, p. 194

⁶⁷ *fa-lyasta 'in bi-allah amīru al-mu'minīna wa lyataḥannan 'ala ḍu'afā'i ummatihi wa lyattakhidh ila allahi fihinna sabīlan wa lyakhruj min hujjati allahi 'alayhi fihinna bi'an yakūna a'zamu hammihi wa aktharu umūri ummatihi 'indahū mufādātihinna*. Ibid, p. 196.

Mujālid to do his share of reminding the caliph of this matter which would have grave consequences if ignored by the state.⁶⁸

The ninth letter describes the bad conditions of those living in Qālīqalā then emphasizes the need to support those without supporters and ransom the women and children held as prisoners of war in Qālīqalā.⁶⁹ In the tenth letter, al-Awzā'ī mentioned that he received various letters complaining about Abū Balj's harsh punishment of the Muslims and his cruelty towards the people of the book. Al-Awzā'ī then advises Abū Balj to avoid excessive punishment and be fair to the people of the book.⁷⁰

The demand for presenting these services to the *Umma* explains the mercy and forgiveness that al-Awzā'ī mentions in our category of *du'ā'*. Al-Awzā'ī believed that succeeding the Prophet in the *Umma* necessitates the fulfillment of these demands. For legitimating his requests, al-Awzā'ī reminds the authorities of their unique position as authority capable of reaching the caliph and advising him to help people. The use of the category of purpose explains the notion of mercy appearing in the previous categories and confirms that succeeding the Prophet means succeeding him in his acts of helping the needy.

⁶⁸ *fa'ddi rahimaka allahu hiṣṣataka fihinna*. Ibid, p. 199.

⁶⁹ *fakun rahimaka allahu lil-ḍu'afā'i bi-ḥuqūqihim qā'iman wa biamri sabāyā al-mu'mināti muhtamman*. Ibid, p. 200.

⁷⁰ The historical background of this event was discussed above in the category dealing with the letter's authenticity, p. 22.

The category of purpose brings out the essence of al-Awzā'ī's views of government legitimacy. These letters contain valuable information emphasizing al-Awzā'ī's assertions that the caliph is a successor of the Prophet in his acts of mercy and forgiveness towards the *Umma*. The category of purpose actualizes the notion of mercy in the performance of services such as freeing prisoners, sending food supplies to the hungry, increasing aid for the poor, ransoming prisoners of war, and treating both Muslims and people of the book justly. Al-Awzā'ī believed that the caliph's main source of legitimacy is very specific in that it is derived from looking out for the welfare of the Muslims rather than being the kin of the Prophet.

Category of persuasion

This category is significant for our understanding of the tactics that al-Awzā'ī used to persuade his addressees of the necessity to deliver the requests mentioned in his letters. This category is a completion of the previous one in that it illustrates the way in which al-Awzā'ī persuades his addressees. For him, Qur'ānic verses, Prophetic tradition, practices of the rightly guided caliphs such as 'Umar b. al-Khaṭṭāb and 'Umar b. 'Abd al-'Azīz, and invocation of accountability to God as well as punishment on the hereafter present the most effective means of persuasion for getting the government to fulfill this task or that task.

Our analysis of this category will show that these tactics reflect some aspects of al-Awzā'ī's views of the structural hierarchy in society. For him, God watches over everyone. The caliph acting as the successor of the Prophet in society watches over members of the *Umma*, especially his secretaries, military commanders, and the scholars, who in turn,

watch over society and provide advice to the caliph on what needs to be done. This hierarchy makes everybody in society accountable to the caliph who in turn is accountable to God only. This means that al-Awzā'ī held authority to be responsible to God, the only authority capable of punishing or rewarding the caliph for his refusal or acceptance to succeed the Prophet in his acts of mercy towards the *Umma*.

Now we will turn to the content of the letters dealing with the tactics that al-Awzā'ī uses to influence government. The first letter does not use Qur'ān, ḥadīth, or acts of the rightly guided caliphs, but uses a subtle technique by emphasizing the existence of a unique relationship prompting al-Awzā'ī to advise Abū 'Ubaydallah to perform a task that would please God and create a great good for everyone.⁷¹ This is followed by another sentence indicating that the long distance between the two men is not an obstacle but an encouragement for al-Awzā'ī to offer advice to Abū 'Ubaydallah, wishing God to protect his religion and turn him away from evil.⁷²

The second letter also uses subtle means of pressure to convince Abū 'Ubaydallah to do the requested task. First, al-Awzā'ī emphasizes the need to help those who look up to authority and build their hopes on its good intentions of alleviating their suffering in times of misfortunes.⁷³ Secondly, al-Awzā'ī emphasizes the importance of fulfilling his

⁷¹ *fa innaka al-mar'u uḥibbu an ata'āhadahu bi dhikri mā 'asā allahu an yuḥditha bihī khayran*. Ibn Abī Ḥātim, p. 188.

⁷² *fa innī arjū an yakūna al-ghaybu* (unclear) *'ala al-nuṣṣi laka wa ḥub al-'iṣma fī dīnik wa ṣarf al-sū' 'anka fīhi*. Ibid.

⁷³ *wa innahu lā yazālu min ulāika* (subjects in need of help) *mutawassilun bī ilayka fa lā ālūka fīhi nuṣṣan*. Ibid.

requested task by invoking the issue of divine judgment in the hereafter and how Abū 'Ubaydallah would find a minor good deed to be extremely helpful and a minor sin to be extremely damaging. This means that al-Awzā'ī regarded this task as minor in the scale of worldly affairs and that he raised the issue of the hereafter to bring a new scale into the picture, making a minor deed in this world carry major consequences in the hereafter.

The third letter uses no Qur'ānic verses, Prophetic traditions, or acts of rightly guided caliphs, but other means of persuasion such as the emphasis on the hereafter. For instance, al-Awzā'ī mentions al-Mahdī's need to fulfill the task requested in order to defend his position when standing divine questioning on the Day of Judgment.⁷⁴ Again, al-Awzā'ī outlines the double rewards which al-Mahdī will receive in the hereafter when fulfilling this task of bringing to the attention of the caliph the case of Ibn al-Azraq.

In the fourth letter al-Awzā'ī legitimates his request by outlining a Prophetic tradition and an important precedent set by 'Umar b. al-Khaṭṭāb. Firstly, al-Awzā'ī mentions a tradition where the Prophet forgave three people failing to join the battle of Tabūk.⁷⁵ Secondly, he mentions an event where 'Umar b. al-Khaṭṭāb vowed to punish some people for departing the battlefield without his permission. This tradition indicates that 'Umar ordered these people to gather in a place and wait for his arrival, he admonished

⁷⁴ *ḥatta yufrij allah 'anhu baliyyatahu aw yatakhidh minhu 'inda al-su'ālī 'udhran.* Ibn Abī Ḥātim, p. 189

⁷⁵ This event took place when three companions, Ka'b b. Mālik (d. 51/671; Madina), Murāra b. al-Rabī'a (d. ?), Hilāl b. Umayya (d. ?) failed to participate in the Battle of Tabūk 9/630, the Prophet and the companions boycotted them for fifty days until the Qur'ān announced their forgiveness 9:118. Ibn Kathīr, vol. 2, p. 343-345.

them and informed them of their fault then he ordered their release.⁷⁶

The fifth letter uses three traditions; one from the Prophet and the other two from the practice of 'Umar b. al-Khaṭṭāb. The Prophetic tradition starts by raising a rhetorical question of how is one able to stretch his joints feeling ease in his sleep while his neighbor is scrunched-up from the agony of hunger.⁷⁷ The second tradition deals with the famous event of the year of famine (*ramāda*) where 'Umar b. al-Khaṭṭāb made a great effort in securing food for everyone until large amounts of food supplies arrived. Al-Awzā'ī emphasizes these efforts and maintains that 'Umar b. al-Khaṭṭāb would have ordered wealthy families to divide their subsistence with poor families, since two would not die by feeding on that which is sufficient for one.⁷⁸ The third tradition mentions the famous saying of 'Umar that he would feel responsible before God if a sheep died on the river banks of *furāt* as a result of negligence.⁷⁹

Finally, this letter similar to previous letters invokes the issue of the hereafter as a means of convincing the caliph to fulfill the requested task promptly. Al-Awzā'ī mentions the need to save the people of Mecca before they die so that the caliph would not receive

⁷⁶ I was not able to find this story in 'Umar's biography in Ibn Sa'd.

⁷⁷ This narration appears with different wording but provides the same meaning at the end of *Musnad* 'Umar b. al-Khaṭṭāb. Aḥmad Ibn Ḥanbal narrates this *ḥadīth* on the authority of 'Abd al-Raḥmān b. Maḥdī – Sufyān al-Thawrī, his father Sa'īd b. Masrūq – 'abāya b. rifā'a — 'Umar b. al-Khaṭṭāb. Aḥmad b. Ḥanbal, *al-Musnad*, vol. 1, p. 326.

⁷⁸ This narration appears Ibn Sa'd, vol. 3, p. 294.

⁷⁹ *law halakat shātun 'alā shāt' al-furāt dayā'an zanantu anna allaha sayas'alunī 'anhā*. Ibn Abī Ḥātim, p. 193.

divine punishment for not saving them.⁸⁰ Again, al-Awzā'ī mentions that fulfilling this task will help the caliph do well in the hereafter when people will seek God's mercy before his justice.⁸¹

The sixth letter cites a tradition from the Prophet where he mentioned that it would be dear to him to leave this life after undoing any injustices affecting Muslims and their money.⁸² This letter uses another means of persuasion closely related to a well known Prophetic tradition where the Prophet indicates that each Muslim is a shepherd and every shepherd is responsible for his flock. Al-Awzā'ī uses this similar analogy⁸³ to describe the relationship between the *Umma* and their caliph in that he is the shepherd whose responsibility for the welfare of the *Umma* is subject to divine scrutiny and this will yield either punishment or reward.

The seventh letter mentions two Qur'ānic verses: the first commands the Muslims for *jihād* to support the poor and the weak,⁸⁴ the second deals with God's order to the Israelites to ransom their prisoners of war and warned against ignoring the matter.⁸⁵ This letter cites five different Prophetic traditions, two Qur'ānic verses, and other means of

⁸⁰ *qabla an yubtalā bi halāki aḥadin minhum jū'an*. Ibid.

⁸¹ *wa inna al-amra wāḥid wa kullun min al-'adli fī al-ḥukmi 'alayhi mushfiq illa an ya'afua allah*. Ibid.

⁸² *innahu laḥabībun ilayya an ufāriqa al-dunyā wa laysa minkum aḥadun yaṭlubunī bi-maẓlamatin fī nafsīhi wa lā mālihi*, Ibn Abī Ḥātim, p. 194. This ḥadīth is narrated with slightly different wording from the way of Abū Hurayra – 'Abd al-Raḥmān b. Ya'qūb – his son al-'Alā' b. 'Abd al-Rḥmān b. Ya'qūb, Aḥmad b. Ḥanbal, vol. 10, p. 269.

⁸³ *Kullukum rā'in wa kullu rā'in mas'ūlun 'an ra'īyyatihi*. Ibn Abī Ḥātim, p. 194.

⁸⁴ 4:75.

⁸⁵ al-Awzā'ī is referring to 2:85 but he does not use the exact words of the verse.

persuasion dealing with God's punishment. The first Prophetic tradition indicates that al-Zuhrī narrated to al-Awzā'ī that the book which the Prophet drafted between al-Muhājirūn and al-Anṣār stipulated that "they shall not leave anyone who is burdened, or burdened heavily, or overburdened by debt, until they aid him to acquit himself of what became incumbent upon him, of blood wit or a ransom."⁸⁶ In the second Prophetic tradition, al-Awzā'ī indicates that the Prophet commanded the Muslims to help the two weak ones, namely women and children.⁸⁷

The third tradition describes the Prophet's mercy by indicating that he would shorten the prayers when he hears the cries of a baby in need of his mother's attendance.⁸⁸ Al-Awzā'ī maintained that the mother's cry for her son when he is captured in war and gone forever is greater than his crying for her when she is away for a few minutes.⁸⁹ The fourth tradition mentions that the Prophet informed his kin that they must avoid God's punishment by deeds not kinship. According to al-Awzā'ī, the Prophet informed his daughter Fāṭima and his aunt Ṣafīyya on the day he died to work for God's rewards since he

⁸⁶ *wa qad ḥaddathanī al-zuhrī annahu kāna fī kitāb rasūl allah alladhī kataba bihi bayna al-muhājirīna wa al-anṣārī an lā yatrūkū mufraḥan an yu'īnuhu fī fidā'in aw 'aqlin.* Ibid, p. 197. This translation of this part of the text is found in Edward William Lane, *An Arabic English Lexicon*, Beirut, Librarie du Liban, 1968, (fa,ra,ḥa). Al-Awzā'ī narrates this on the authority of al-Zuhrī and I was not able to find this particular narration or its *isnād*, but a somewhat similar narration appears with a different *isnād* in Aḥmad b. Ḥanbal, vol. 3, p.114; Ibn Kathīr, *al-Bidāya wa al-nihāya*, vol. 3, p.224.

⁸⁷ *innamā 'uṣīkum bil-da'īfayni al-mar'ata wa al-ṣabī.* Ibn Abī Ḥātim, p. 197; This is part of the famous farewell speech in the Prophet's last pilgrimage. The *isnāds* of this narration, as far as I was able to find in the six books, does not include al-Awzā'ī.

⁸⁸ This *ḥadīth* is narrated on the authority of 'Abdullah b. al-Mubārak – al-Awzā'ī – Yahya b. Abī Kathīr – 'Abdullah b. Abī Qatāda – his father Abū Qatāda al-Ḥārith b. Raba'ī. Aḥmad b. Ḥanbal, vol. 16, p. 365.

⁸⁹ Ibn Abī Ḥātim, p. 197.

cannot save them from God's punishment.⁹⁰ The fifth tradition deals with the mentioning of another occasion where the Prophet called Quraysh for a meeting then informed them that his supporters (*awliyā'*) must be Godfearing; so whoever fears God is more worthy of the Prophet than Quraysh in spite of its close kinship.⁹¹

Besides the use of traditions, Al-Awzā'ī relies on the same strategy deployed in the pervious letter as means of persuasion, namely the claim that the caliph is a shepherd responsible for his flock and observed by God whose judgment results in punishment or reward. Unlike other letters, this letter emphasizes worldly punishments reflected in undesirable consequences to show the importance of his requested tasks. For instance, al-Awzā'ī depicts the problem of the hostages held in Qālīqala to be the result of worldly punishment from God to those who ignore the needs of the weak and spread corruption. This is followed by a statement of encouragement asserting that God will forgive the sins of this *Umma* once they start looking after the hostages of Qālīqala. Al-Awzā'ī emphasizes al-Manṣūr's need to help these hostages so that he would have the decisive argument *ḥujja* when asked about his deeds in the hereafter. This term *ḥujja* has appeared in the category of *du'ā'* and we proved that that al-Awzā'ī regarded the caliph to be a normal person in need of God's rewards so that he escapes His punishments.

⁹⁰ *yā fāṭimta binta rasūl allah wa yā ṣafīyyata 'ammata rasūl allah i'malā limā 'ind allah fa innī lā amliku lakumā min allah shay'an.* Ibid, p. 195-6. This version of the *ḥadīth* is narrated on the authority of Abū Hurayra (d. 57/676; Madina), it exists in the five books except Ibn Māja. The problem with al-Awzā'ī's mention of this *ḥadīth* is that it was mentioned when 26: 214 was revealed rather than the day the Prophet died. The *sūra* orders the Prophet to deliver the message to his next of kin and close ones and this hints to a Meccan period.

⁹¹ *Alā inna awliyā'ī hum al-mutaqūn faman ittaqā fahuwa awlā bī minkum wa in kuntum aqraba minhu raḥiman.* Ibid, p. 196. The version of this *ḥadīth* is narrated on the authority of Mālik b. Anas who narrates to Nūḥ b. Abī Maryam (weak). The version I was able to find of the *ḥadīth* appears as reason of revelation for 8:34, but there is no mention of the section dealing with kinship. Ibn Kathīr, *Tafsīr al-qur'ān al-'aẓīm*, vol.2, p. 266.

The eighth letter mentions no traditions or Qur'ānic verses but reminds Sulaymān b. Mujālid of the serious responsibility placed on his shoulders to inform the caliph of the misery of those suffering in Qālīqalā. Al-Awzā'ī invokes the issue of divine punishment and informs Sulaymān b. Mujālid that he would avoid this punishment and gain reward if he brings the matter to the attention of the state.

The ninth letter reminds 'Īsa b. 'Alī of a previous correspondence between him and al-Awzā'ī. The letter states that 'Īsa b. 'Alī had sent a letter to al-Awzā'ī where he expressed his disappointment with the way in which the problem of Qālīqalā has been handled and how the Muslims were neither able to bring the issue to the caliph's attention nor capable of sending a powerful army to overcome the Byzantine siege. 'Īsa b. 'Alī mentioned that he would like al-Awzā'ī to remind him of Qālīqalā upon returning from his raid so that a solution be reached for the hostages. Al-Awzā'ī sent his letter and chose not to invoke the issue of divine punishment as we saw in previous letters. Perhaps the expressed agreement of 'Īsa b. 'Alī made al-Awzā'ī use a quick reminder rather than mentioning divine punishment as consequences of ignoring the issue.

Besides this quick reminder al-Awzā'ī uses a unique means of persuasion simply by depicting the problem to be larger than the hostage issue itself. After this, Al-Awzā'ī describes 'Īsa b. 'Alī to be part of the solution of this problem. For al-Awzā'ī, Muslim society had suffered a huge problem resulting from those who have access to the caliph and urge him to resolve the problems of those with strong ties and social clout. This system of favoritism undermines the welfare of those in need, making the caliph concentrate on helping those who are fortunate at the expense of those who are less fortunate. Al-Awzā'ī

reminds 'Īsa b. 'Alī of his access to the caliph and ability to influence him on behalf of those cut off from his reach as a result of long distance or captivity. This shows that al-Awzā'ī tried to magnify the importance of the Qālīqalā prisoners in the eyes of 'Īsa b. 'Alī, depicting them as victims of a system of favoritism that divides Muslims and undermines their welfare rather than simply being hostages at the hands of the Byzantines. This method of persuasion is particularly significant for it convinces 'Īsa b. 'Alī that his participation in ransoming the hostages would not only solve this minor problem but would provide a remedy for the biggest problem facing the Muslims.

The tenth letter cites three different traditions: one showing the extent to which the Prophet was fair to the People of the book⁹² and the other shows the openness of 'Umar b. 'Abd al-'Azīz towards accepting people's advice even when it is accompanied by criticism.⁹³ The third goes to Abū al-Dardā's comments about how the *Umma's* welfare would be intact as long as it is able to distinguish right from wrong when the righteous utter their advice.⁹⁴

These traditions form the first step of persuasion in which al-Awzā'ī tries to show Abū Balj that accepting advice and being merciful is something that every Muslim must perform. This is accompanied with a strong criticism and warning to the extent that al-

⁹² The *ḥadīth* is narrated on the authority of Ṣafwān b. Sulaym –thiqa– (d. 132/749; Madina), but the link between him and the Prophet is mentioned as a group of the companions sons. Ibn al-Qayyim al-Jawziyya, *'Awn al-ma'abūd bi-sharḥ sunan abī dāwūd*, vol. 8, p. 211.

⁹³ Ibn Abī Ḥātim, p. 201-2.

⁹⁴ *la tazālū bi khayr mā aḥbabtum khiyārakum wa mā qīla fikum bi al-ḥaqqi fa 'arifumūh fa inna 'ārifa al-ḥaqqi ka 'āmilihi*. Ibid, p. 200.

Awzā'ī levies a personal attack on Abū Balj. Al-Awzā'ī describes the unjust person as one who is led by his ignorance to believe that he is able to exercise his own conception of justice. This person is likely to believe that his criminal acts are considered to be wise doings and his anger would make him take personal revenge thereby dismissing God's laws.

This attack never describes Abū Balj to be that unjust person; however, al-Awzā'ī levies another attack more direct than this previous one. According to him, Abū Balj's insistence on following his own whims made him violate what God entrusted to the Muslims as laws that must be applied in order to protect the rights of Muslims as well as the people of the book. This resulted in committing mass torture coupled with unjust killings and waste of property and money. Al-Awzā'ī adds the issue of God's punishment and threatens Abū Balj by saying that God punishes those who commit light crimes such as hitting the face. This is followed by a rhetorical question of what would the divine punishment be for someone whose crime of torture cause more pain than death itself? Finally, al-Awzā'ī mentions that some soldiers with awakened conscience who operate under the command of Abū Balj sent letters questioning the legitimacy of conducting raids with such an army. This is followed by a direct warning about informing the caliph of what has happened and the grave consequences resulting from Abū Balj's criminal behavior.

The means of persuasion utilized in this letter vary, starting with a description of unjust commander to a harsh divine punishment of that commander and the consequences resulting from following one's own whims rather than applying God's law. These elements

appear to be more than means of persuasion in that they deliver a direct threat to Abū Balj so that he changes his course of actions. Unlike previous letters that include a form of praise or divine rewards for pursuing a given course of action, this letter includes threats only. Perhaps this was the case because of the severity of the situation and the significant criminal acts committed by Abū Balj.

This letter does not stop at invoking divine punishment but adds a unique element not appearing in previous letters. This element appears in the mention of the caliph as an authority that watches over state opponents and punishes those hurting state interests. Al-Awzā'ī talks about the good relationship existing between him and al-Manṣūr, emphasizing how the caliph listens to his advice. This is followed by the mention of how some soldiers with an active sense of right and wrong began asking about the legitimacy of fighting in the army. This situation of fear and discomfort undermines one of the major sources of income for the state and jeopardizes the state interest. Al-Awzā'ī presents himself as the authority judging Abū Balj and rendering his actions to be hurtful to Muslim interest and that the caliph will be informed about the situation so that he would personally get involved to remedy the situation and levy an appropriate punishment. This shows that al-Awzā'ī invokes worldly punishment as well as divine punishment to persuade Abū Balj to change his course of actions.

Our analysis of this category shows some significant findings. First, the seventh letter confirms what we saw in chapter four were al-Awzā'ī's rejection of the issue of *waṣiyya* appeared as a central theme. This rejection appears again in the seventh letter

where al-Awzā'ī asserts that the caliph must establish legitimacy based on his ability to follow the example of the Prophet rather than relying on his kinship. This is evident since al-Awzā'ī presented two traditions narrated from the Prophet encouraging his family to have good standing with God by performing good deeds rather than relying on Prophetic kinship.

The second significant finding in our analysis of this category showed that the tactics utilized by al-Awzā'ī appear in two different forms, textual and logical. The textual include Qur'ānic verses, Prophetic tradition, or well known practices by previous caliphs and companions. These texts mention similar cases to the matters in question and help provide legitimacy for al-Awzā'ī's requests. The second form in which al-Awzā'ī's tactics appear are logical in that they use either worldly or divine punishment to motivate the addressees to perform the requested tasks.

These tactics reflect some aspects of al-Awzā'ī's views of the structural hierarchy of society. For him, God watches over everyone and this is apparent when looking into all the letters and how they invoke the notion of divine punishment. For instance, the first letter emphasizes the need of Abū 'Ubaydallah to fulfill the requested tasks so that he pleases God. The second letter invokes the issue of divine judgment as motivation for doing good deeds and avoiding bad deeds. The third letter invokes the issue of divine judgment and advises al-Mahdī to perform the requested task so that he would have little difficulty answering God's questions.

The fifth letter invokes the issue of divine punishment of the caliph if he fails to fulfill the requested task. This letter warns al-Manṣūr that ignoring his responsibility towards the people of Qālīqalā would gain him severe punishment in the hereafter. The seventh letter emphasizes al-Manṣūr's need to fulfill the requested task so that he would have the decisive argument in the hereafter when he stands questioning before God. The eighth letter invokes the issue of divine punishment and informs Sulaymān b. Mujālid of the importance of fulfilling the requested task. The tenth letter invokes the issue of divine punishment and shows Abū Balj that his behavior needs to change in order to avoid God's divine punishment.

The second aspect of al-Awzā'ī's hierarchy is the notion that the caliph acting as the successor of the Prophet in society watches over the *Umma* including his secretaries, military commanders, and scholars. For instance, the sixth and seventh letters invoke the notion that the caliph is a shepherd and every shepherd is responsible for his flock. This shows the extent to which al-Awzā'ī believed that the caliph should watch over his cabinet in order to carry out his responsibility towards the *Umma*. Lastly, the tenth letter crystallizes this notion that the caliph should watch over his secretaries in order to carry out his responsibilities effectively. The language of scorn directed to Abū Balj invoked the issue of the caliph's ability to punish his assistants when they undermine the effectiveness of the state operation by committing criminal acts. This shows the extent to which al-Awzā'ī recognized the necessity of the caliph to be vigilant when dealing with his cabinet.

The third aspect of al-Awzā'ī's system of hierarchy appears in his treatment of how those under the caliph must watch over society and inform him of the problems facing those in need. For instance, the ninth letter informs 'Īsa b. 'Alī that he should bring to the attention of the caliph the problem of Qālīqalā's hostages. This letter captures al-Awzā'ī's view of how a system of favoritism is likely to undermine Muslim strength and the effectiveness of their state. Al-Awzā'ī regards the actions of those concerning themselves with their own interests while ignoring the welfare of the weak as corrupt worthy of worldly as well as divine punishment. This confirms that al-Awzā'ī believed himself to be part of this huge system where his knowledge necessitates him to bring to the attention of the caliph that which would benefit the Muslims and please God.

These three aspects of al-Awzā'ī's hierarchy makes everybody in society accountable to the caliph who in turn is accountable to God only. This means that al-Awzā'ī held authority to be responsible to God, the only authority capable of punishing or rewarding the caliph for his refusal or acceptance to succeed the Prophet in his acts of mercy towards the *Umma*. This succession is achieved through deeds rather than *waṣiyya*.

Conclusion

This chapter has provided a detailed analysis of al-Awzā'ī's letters to al-Manṣūr, al-Mahdī, 'Īsa b. 'Alī, and other significant state secretaries. The authenticity of these letters was examined and we proved that their validity as correspondences between al-Awzā'ī and the Abbasid state is undisputable. This is true since the content of the letters themselves undermine all possible motives of fabrications. Our analysis after establishing the

authenticity of these letter categorized their content into four different sections dealing with title, *du'ā'*, purpose, and persuasion. These categories brought significant findings about the nature of al-Awzā'ī's views of the Abbasid government and established a close understanding of his position on other several matters. For instance, the category of title proved that al-Awzā'ī regarded the Abbasids to be no less legitimate than the rightly guided caliphs in governing the *Umma*. This category is particularly significant for showing that al-Awzā'ī regarded the Abbasids to be the successors of the Prophet in his *Umma*. The following category showed that al-Awzā'ī asked God to make the caliph resemble the Prophet in his acts of mercy towards the *Umma*. This showed that al-Awzā'ī wanted the caliph to be a successor of the Prophet in his acts of mercy rather than his infallibility in receiving revelation. The following category showed the type of tasks that the caliph must perform in order to establish legitimacy as the true successor of the Prophet in his *Umma*. The following category showed the means of persuasion utilized to convince the addressees of the necessity of fulfilling the requested tasks. These tasks vary in form, textual and logical; the former brings revelation and precedent of the rightly guided caliphs, while the latter invokes the danger of undesired worldly consequences as well as divine punishment.

This work provides us with four significant findings: First, it established that al-Awzā'ī regarded the Abbasid as legitimate. Secondly, this work shows that al-Awzā'ī regarded the claim of the *waṣiyya* of the Prophet to his relatives to be unfounded and has no grounds whatsoever in dealing with government legitimacy. Indeed, al-Awzā'ī maintained a position of strong rejection of this claim. This was clear in the meeting that we dealt with in the previous chapter. The letters confirmed this position and showed that al-Awzā'ī attacked the 'Abbasid caliphs, maintaining that legitimacy does not come from being the kin of the Prophet but from the ability to follow his *sunna* in dealing with the Muslims. In

fact, al-Awzā'ī regarded the kinship between al-Manṣūr and the Prophet to increase the duty of the former and make him much more responsible than anyone else in resembling the *sunna* of the latter.

The third finding of this chapter is that al-Awzā'ī provided an actual dynamic in which government would exercise power and interact with Muslim society to establish a model of governance resembling that of the early Muslim generations. The letters show a unique system of hierarchy promoted by al-Awzā'ī in handling government responsibilities. Although al-Awzā'ī never speaks about this system clearly in his letter, the content dealing with the means of persuasion suggest few findings. First, al-Awzā'ī believed that the caliph is the highest authority in the land and that everyone must obey him without reservations. This is manifested in certain sayings regarding al-Manṣūr as the shepherd responsible for the safety and welfare of his flock. Again, al-Awzā'ī delivers warnings mentioning that God will punish al-Manṣūr if he ignores the requested tasks. This warning is not unique to al-Manṣūr's letter but the view that the divine is the only authority capable of punishing the caliph confirms our analysis of the issue of caliphal accountability.

The second aspect of this hierarchy deals with the position of the state proponents. This system regards state secretaries and military commanders to be accountable to the caliph's scrutiny; they are subject to caliphal punishment as well as divine punishment. This is evident in the tenth letter where al-Awzā'ī threatens Abū Balj with the intervention of the caliph in the matter of mass torture.

The third aspect of this hierarchy deals with how the state proponents watch over society, looking out for its needs and fulfilling the requests of those seeking the support of the state. This system regards the sole function of these state proponents to be the ability to work as channels, bringing to the attention of the caliph matters of importance to the *Umma*. Al-Awzā'ī believed that the functionality of the system depends on the ability to fulfill the needs of those with meager access to the system such as those living in remote areas or held in captivity. As we saw in the ninth letter, al-Awzā'ī showed 'Īsa b. 'Alī that helping the hostages of Qālīqalā would not only provide a great benefit for those in need but would also cut through the favoritism that threatens the ability of the system to function effectively. Again, the tenth letter delivered some serious warnings to Abū Balj in that al-Awzā'ī regarded the issue mass torture as a problem that would undermine the system and is worthy of caliphal punishment. This shows the extent to which al-Awzā'ī regarded the success of this system to depend on caliphal vigilance over his secretaries as well as their responsibility to channel people's needs to the caliph.

The fourth finding in this chapter deals with al-Awzā'ī's views of the role of the *sunna* in dealing with state opponents. This is evident since al-Awzā'ī relies heavily on the use of Prophetic traditions in dealing with al-Mansūr, al-Mahdī, and other state proponents. These above findings, namely al-Awzā'ī's views of Abbasid legitimacy, rejection of *waṣiyya*, system of hierarchy, and his view of the role of the *sunna* in dealing with authority lead to a major question. If al-Awzā'ī believed the obedience of the caliph to be necessary, why would he reject the *waṣiyya* which presented the essence of Abbasid claims to legitimacy? If al-Awzā'ī believed the authority of the caliph to be absolute in that it is only accountable to God, why challenge the caliph by presenting traditions rejecting his

claims to legitimacy? Finally, how would we reconcile the fact that al-Awzā'ī saw himself as part of this system yet he challenged its claims to legitimacy? These questions will be dealt with in the following chapter.

Chapter VI

Al-Awzā'ī's views regarding the state

Observations about al-Awzā'ī's views towards the state

In the three previous chapters we emphasized some major elements in al-Awzā'ī's life, dealing with his skills of narrating *ḥadīth* and how this impacted his *fiqh*. We dealt with the issue of how this description created various disputes between scholars, causing them to have doubts about the extent to which al-Awzā'ī relied on *ḥadīth* for making *fiqhī* rules. Although many scholars considered al-Awzā'ī to have belonged to an ancient school of *fiqh*, based on treating the *sunna* as a living tradition, no serious attempts have been exerted in getting at the dynamics of such a *fiqh*. This unsubstantial treatment left us no alternative but to avoid building on the work of past scholars so that we rid ourselves of their biases and unfounded opinions. Thus, we start afresh, hoping to outline some aspects of al-Awzā'ī's *fiqh* so that we put this early legal school into a new perspective.

After discussing al-Awzā'ī's skills in narrating Prophetic traditions, we brought a *fiqhī* case showing how he regarded the tradition of the Prophet, as reflected in his practices and as narrated on the authority of the members of the *umma*, to be the main source of legislating *fiqhī* rules. This example showed how al-Awzā'ī regarded the permission of dividing booty in the battlefield to be consistent with the *sunna* of the Prophet. Abū Yūsuf

who depended on *ra'y* more than tradition in making *fiqhi* rules rejected this opinion, claiming that booty must be divided in *dār al-Islam* since a critical reading of this tradition would make it imperative for the Muslim armies not to divide booty in *dar al-Harb*. Al-Shāfi'ī, on the other hand, confirmed al-Awzā'ī's opinions claiming that they reflect the *sunna* more closely than that of Abū Yūsuf.

The second main element in al-Awzā'ī's life was his rejection of the claim of *waṣiyya*, which constituted the essence of 'Abbasid claims to legitimacy. This rejection manifested itself in two encounters between al-Awzā'ī and state authority. The first encounter dealt with the meeting between al-Awzā'ī and 'Abdullah b. 'Alī. After proving the authenticity of such meeting, we showed how al-Awzā'ī rejected the claim of *waṣiyya* as alleged by 'Abdullah b. 'Alī. In this encounter al-Awzā'ī maintained that the notion that the Prophet gave *waṣiyya* to 'Alī b. Abī Ṭālib to be his heir as the leader of the community is unfounded. Al-Awzā'ī believed this to be evident since 'Alī allowed someone else to precede him to this position. According to this meeting, 'Abdullah b. 'Alī started to ask about the caliphate claiming that it was a *waṣiyya* from the Prophet to his family, specifically 'Alī. Al-Awzā'ī felt this to be a difficult matter; he got ready for death but thought to tell the truth anyway. He asserted his views by saying that if it was a *waṣiyya* from the Prophet then 'Alī b. Abī Ṭālib would not have allowed someone to precede him.¹

The second encounter in which al-Awzā'ī dealt with the *waṣiyya* appears in his letter to al-Manṣūr. This particular letter rejects the notion of *waṣiyya* by subtly showing

¹ *qāla thumma aṭraqa hawnan thumma qāl akhbirnī 'an al-khilāfa waṣiyyatun lanā min rasūl allah? Fa warada 'alayya amrun 'aẓīm wa istabsaltu lil mawt fa qultu la aṣḍuqannahu fa qultu aṣlah allah al-amīra kān baynī wa bayna Dāwūd mawadda thumma qultu law kānat waṣiyya min al-nabi mā taraka 'Alī b. Abī ṭālib aḥadan yataqaddamahu. . Ibn 'Asākir, vol. 35, p. 212.*

that one must work for his deeds. In his letter to al-Manṣūr, Al-Awzā'ī brings evidence for his view indicating that the Prophet gathered his family members and tribe on his death date to inform them that they have to earn their good status with God by performing good deeds rather than depending on their kinship. This showed that al-Awzā'ī viewed one's deeds to constitute the basis of his success or failure and this is consistent with his view of the caliphate which he saw as a position that must not be earned through kinship but administered by a person capable of inheriting the Prophet in his acts of kindness towards the *Umma*.

The third element in al-Awzā'ī's life is his understanding of a system of hierarchy, which is reflected in his letters dealing with the caliph and his secretaries. This system of hierarchy is particularly significant since it helps us understand how al-Awzā'ī viewed the actual operation of state and society. This system regards the head of the Islamic state to be responsible to God whom al-Awzā'ī regarded as the only authority capable of punishing the caliph for his wrong doings in this life and the hereafter. It seems that al-Awzā'ī believed that it was not necessary to have another authority to watch over the caliph or hold him responsible for whatever injustices would be perceived to have resulted from his actions. For al-Awzā'ī, God alone would be able to punish the caliph and that is why it becomes imperative on whoever holds this position to be vigilant in observing the behavior of his secretaries since their mistakes would be regarded as part of caliphal responsibilities in the eyes of God. This system treats the scholars, army commanders, and state secretaries as a private group *khāṣṣa* by virtue of their ability to access the caliph and inform him of this demand or that demand.

In such a system, every entity has a function and the ability to ensure efficient operation depends on the extent to which each person is committed to doing his share. Al-Awzā'ī describes the danger of neglecting the duty of informing the caliph of the needs of those who have no access to state apparatus. He speaks of the pitfalls of a system of favoritism that is likely to undermine the unity of Muslims and spread corruption. This theme appears to be consistent throughout al-Awzā'ī's letters in that he regards decline to manifest itself in the caliph's failure to substitute the Prophet and inability to choose vigilant state secretaries to help open channels between himself and the needy. This shows that al-Awzā'ī saw himself as part of this system and his success would depend on his ability to inform the caliph of the needs of those with no access to the state.

These aspects lead to a contradiction in al-Awzā'ī's adopted positions towards the nature of state functions and his actual role in this system of hierarchy. In the previous chapter, we raised the question of how would al-Awzā'ī reject the claim of *waṣiyya* and undermine the essence of legitimacy adopted by a system that he himself considered to be legitimate? The answer to this question requires some further analysis of the sources that al-Awzā'ī used for reaching what seem to us inconsistent positions. For instance, we need to get at the reason why al-Awzā'ī believed that the 'Abbasids were legitimate rulers worthy of obedience just as the rightly guided caliphs were worthy of obedience. As we showed above, al-Awzā'ī believed in this hierarchy of power where the caliph answers for his deeds to God only. This is manifested in the claim that God is the only authority capable of punishing or rewarding the caliph in this life and in the hereafter.

This means that al-Awzā'ī believed that the *sharī'a* does not allow for the power of the caliph to be checked by another power, namely that of an elite capable of impeaching

the caliph or an executive counsel with the power to try him for what may be perceived as wrong doings. This unique position of being above human retribution naturally accompanies a high level of obedience on part of those governed by such a caliph. Indeed, the caliph is not subject to scrutiny by those whom he governs and this means that rejection of caliphal orders would be regarded as a sin punishable by the state in this world and by God in the hereafter. This means that al-Awzā'ī being part of this Muslim system must be obedient to the caliph just as the rest of society must be obedient to the caliph.

This claim is further substantiated when looking into the *ḥadīth* dealing with some legal aspects of the position of caliphate that al-Awzā'ī participated in narrating. As mentioned in chapter three, this *ḥadīth* appeared in various books of tradition under the chapter of *imāra* and al-Awzā'ī appeared in its *isnād* as one link in a huge bundle. This *ḥadīth* indicates that the Prophet said that the best of your leaders are those whom you love and they love you; and you pray for them and they pray for you; and the most evil leaders are those whom you hate and they hate you; and you curse them and they curse you. Then it was said to the Prophet if it were permissible to fight these evil leaders with the sword, the Prophet indicated that this would not be permissible as long as they maintain prayers in society. Furthermore, the Prophet said that if the Muslim community witnessed something hateful from their leader then they should hate it in their hearts and never withdraw their obedience from the leader. As we mentioned above, this same tradition appears in *Musnad Ahmad b. Hanbal* and *Sunan al-Dārimi* without al-Awzā'ī as part of their *isnād* bundle. The wording in the *Musnad* adds five prayers when talking about the leader's obligation in maintaining prayers in society and the narration in al-Dārimi follows the same wording as that of Muslim.

This narration confirms what we saw of al-Awzā'ī's attitudes towards the state. Similar to his *fiqh*, al-Awzā'ī seems to depend on *ḥadīth* in dealing with the state in that the Prophetic tradition orders the Muslims to obey their leaders even if they do something hateful. This *ḥadīth* orders Muslims never to rebel against their leaders but to stay quiet in times of great injustices committed by the state. This means that al-Awzā'ī would not have rebelled against the state under any conditions as long as the caliph does not fail to establish prayers. This failure to establish prayers alone is perhaps the only hateful act that would earn the caliph the disobedience of the people.

The above analysis shows that al-Awzā'ī reached what appears to us as contradictory positions as a result of his adoption of the tradition of the Prophet. As we have seen in his *fiqh*, al-Awzā'ī seems to have treated what he regarded as the *sunna* of the Prophet as the main source of direction while dealing with state authority. This shows that the *sunna* played a significant role in al-Awzā'ī's efforts to adopt positions regarding his *fiqh* as well as his interactions with the state. Still, how do we explain the contradictory positions of demanding obedience to the state while rejecting one of its main claims to legitimacy? In order to answer this question we need to raise another question particularly directed at the nature of al-Awzā'ī's view of state behavior and how the *umma* should deal with its proponents in general. We need to know how al-Awzā'ī evaluated the acts resulting from state operation and the acts resulting from the *umma* in responding to that operation.

The need to get at the answer to these questions would help us shed light on the above contradiction manifested in al-Awzā'ī's support for obedience to the state and his rejection of 'Abbasid legitimacy claims. From the content of the analysis presented in the

past three chapters, it seems that al-Awzā'ī evaluated the acts resulting from state operation on three different levels: legitimate acts, illegitimate acts, and acts encouraged by the *sunna* but ignored by the state. The first appears in the letter sent to 'Īsa b. 'Alī in that it shows how al-Awzā'ī was pleased with this man for performing two specific acts: the first was an expedition, and the second was the need to be reminded of the issue of the Qālīqala hostages. For al-Awzā'ī, these acts are legitimate in that the state adhered to the *sunna* in its efforts of conducting *jihād* and dealing with its responsibilities towards the *Umma* by resembling the Prophet in his acts of kindness towards the needy. The letter shows that al-Awzā'ī regarded these acts as legitimate and praised 'Īsa b. 'Alī for performing these efforts on different occasions.

The second evaluation of state actions appears in the notion that the state may perform acts that are illegitimate in that these acts would be in breach of the tradition of the Prophet and inflict major harm on the *Umma*. The meeting with 'Abdullah b. 'Alī illustrates three basic actions performed by the state that al-Awzā'ī found to be in breach of the *sunna*. First, he regarded the killing of the Umayyad as an illegitimate act punishable by God. Secondly, he saw the confiscation of the legitimate or illegitimate property of the Umayyads as an illegal act punishable by God. Thirdly, al-Awzā'ī regarded the notion of claiming the *waṣiyya* as part of 'Abbasid legitimacy to be in breach of the *sunna* given that the Prophet emphasized deeds rather than kinship as reflected in 'Alī b. Abī Ṭālib's acceptance of allowing someone else to precede him to the caliphate.

The letters also present us with state acts that appear to be in a complete breach of the *sunna*. The most vivid example of this is the letter sent to Abū Balj in admonition of his harsh treatment and mass torture of Muslims as well as people of the book. Another

example of finding state actions to be in breach of the *sunna* appears in the letter sent to Abū 'Ubaydallah where al-Awzā'ī regarded the imprisonment of al-Azraq to be harsh and unjust. The third evaluation of state actions appear in letters where al-Awzā'ī regards the state to be in breach of the *sunna* for ignoring the needs of the *Umma*. These acts appear in various letters in correspondence with state proponents as well as the caliph. The letter sent to al-Mahdī depicts the state to be lax in dealing with the issue of releasing few prisoners failing to join one of the expeditions. This letter showed that al-Awzā'ī encouraged its recipient to take an active role in bringing the issue to the attention of the caliph so that these people be released.

Another letter going to al-Mahdī is the one that emphasized the need to raise the stipend of the people of the Sāhil so that they would be able to protect the borders of the Muslims against the attacks of the Byzantines. Lastly, al-Awzā'ī sent a letter to al-Mahdī to encourage him to bring to the attention of the caliph the issue of the people of Mecca who were facing starvation at that time and the state offered them no help. This letter showed the extent to which al-Awzā'ī regarded the neglect of this issue to be in complete breach of the *sunna* in that he raised the issue of how the caliph would be tried before God on the day of judgment if he continued to ignore the needs of the people of Mecca.

This issue also appears in the letters sent to al-Manṣūr where al-Awzā'ī dealt with the problem of Qālīqala and encouraged the caliph to take an active role in ransoming the hostages from the Byzantines. As shown above, al-Awzā'ī presented a long argument to al-Manṣūr in order to convince him of the need to ransom these hostages so that the state would not ignore this important act which is highly encouraged by the *sunna*. This is another issue where al-Awzā'ī regards the state to be in breach of the *sunna* for neglecting to

act according to the example of the Prophet. These evaluations describe to us what would be legitimate or illegitimate behavior when state proponents deal with the members of the *Umma*. Still, we need to view how al-Awzā'ī evaluated the *Umma*'s behavior towards the state. This is necessary for our assessment since al-Awzā'ī believed himself to be part of the *Umma* and his responses to the state would shed light on what he considered as legitimate or illegitimate actions of the *Umma* towards the state.

On the issue of how people should respond to the operation of the state, it seems that al-Awzā'ī believed the behavior of the *Umma* towards the state to appear in three different responses: illegitimate response, legitimate response, and neglect of some actions encouraged by the *sunna* when dealing with the state. The actions that appear to be illegitimate responses to state operation in al-Awzā'ī's view would involve acts of disobedience. The most significant example of this is the Prophetic tradition narrated above where al-Awzā'ī regarded disobeying the leaders to be impermissible even if the leaders do hateful acts. Again, al-Awzā'ī admonished Abū Hanīfa for giving a fatwa permitting Ibrāhīm al-Qā'im to rebel against al-Manṣūr. For al-Awzā'ī this fatwa is illegitimate and the support of rebellions against the state has no basis in *fiqh* and this is why al-Awzā'ī refused to follow the opinion of Abū Hanīfa on this issue.²

On the issue of performing legitimate acts towards the state, al-Awzā'ī believed the *umma* to be able to perform various acts that would be considered as legitimate and pleasing to God. The first obvious act is to be obedient to the ruler and support him for

² *ihtamalna 'an abī hanīfata kadha wa 'aqada bi isba'ihī wa ihtamalna 'anhu kadha wa 'aqada bi isba'ihī al-thāniya wa ihtamalna 'anhu kadha wa 'aqada bi isba'ihī al-thālitha al-'uyūb hatta jā' al-sayfu 'alā ummati muhammadin falamma jā' al-sayfu 'alā ummati Muḥammad lam naqdir an nahtamilahu.* 'Abdullah b. Aḥmad b. Ḥanbal, *al-Sunna*, p. 65.

carrying out state commands. The second act deals with the efforts of *jihād* in connection with the state against non-Muslims. This act is particularly significant since al-Awzā'ī regarded the act of abandoning the military while in battle as an illegitimate act worthy of punishment. This is evident in al-Awzā'ī's letter to al-Mahdī where we see an interception on behalf of those abandoning the battlefield claiming that they already received the appropriate punishment for performing such illegitimate acts. This shows that al-Awzā'ī viewed the act of abandoning the battlefield to be an illegitimate act that is worthy of punishment.

The third response of the *Umma* towards state operation that al-Awzā'ī considered as illegitimate deals with the level of interaction with the caliph. This response is particularly significant for what it describes as acts that must be performed by those who are able to access the state and influence its operation. Al-Awzā'ī believed that the act of ignoring such responsibilities as informing the state of the right course of action to constitute a major breach of the *sunna*. This description is presented clearly in the letter sent to 'Īsa b. 'Alī. For al-Awzā'ī, Muslim society had suffered a huge problem resulting from those who have access to the caliph but ignore urging him to resolve the problems of those without political ties or social clout. This apathy undermines the welfare of those in need, making the caliph unable to help those who are less fortunate. Al-Awzā'ī reminds 'Īsa b. 'Alī of his access to the caliph and ability to influence him on behalf of those cut off from his reach as a result of long distance or captivity. This shows that al-Awzā'ī believed that the main illegitimate act committed by the *Umma* towards the state to be the neglect of providing the caliph with proper guidance as well as advice to carry out proper policy so that Muslims on all levels receive state help.

Now we may turn to the point dealing with our first question of trying to make sense of the contradictory positions adopted by al-Awzā'ī towards the state as appears in his rejection of the *waṣiyya* and acceptance of 'Abbasid legitimacy. After showing that al-Awzā'ī depended on the *sunna* for adopting these positions, we raised another issue dealing with the way in which al-Awzā'ī evaluated state actions as well as the *Umma's* responses towards the caliph. We concluded that the evaluation of state actions appears in three different categories. This first dealing with actions that were considered legitimate, the second emphasized illegitimate actions, and the third evaluated the actions of being lax in fully following the *sunna* while dealing with the needs of the *Umma*. Similarly, the responses of the *Umma* towards state operation appear in three different categories: responses in conformity with the *sunna*, responses in breach of the *sunna*, and responses enshrined in the *sunna* but neglected by the *Umma*. These categories summarize how al-Awzā'ī viewed the way in which a Muslim must deal with his authority and how authority must deal with the Muslims.

It seems from the above analysis that al-Awzā'ī regarded the *sunna*, which he believed to be the set of Prophetic traditions that were explained in the light of the practices of the companions of the Prophet, as the only criteria for defining the permissible course of action. This means that the actions performed by the Prophet and his companions defined what came to be legitimate, whereas other acts forbidden by them became illegitimate. Furthermore, these acts performed by the Prophet and the rightly guided caliphs established a model to be adopted by preceding Muslims starting from the level of those who govern to those who are being governed. For al-Awzā'ī, ignoring such acts would not only jeopardize government operation but undermine the welfare of the Muslims.

This means that al-Awzā'ī did not hold contradictory positions towards the state but evaluated state actions and the *Umma's* actions in light of what he saw as a Prophetic tradition that sets the course of legitimate conduct. This is evident in that the content of the opinions held by al-Awzā'ī present apparent contradiction yet they seem to be congruent with the *sunna*. This appears in the way in which al-Awzā'ī presented his arguments dealing with his adopted positions. He found the *waṣiyya* to be inconsistent with the tradition of the Prophet as outlined in his meeting with 'Abdullah b. 'Alī and letters to al-Manṣūr. This consistent position had foundation in the *sunna* of the Prophet and the practices of the rightly guided caliphs. Again, he saw himself as part of the *Umma* whose main responsibility is to obey the caliph and inform him of the right course of actions to be taken towards the *Umma's* needs. This position is stipulated in the *sunna* consistently.

This means that al-Awzā'ī was merely performing an act of obedience by advising the state that the issue of *waṣiyya* provides no basis for legitimacy. This is evident when looking into the nature of the meeting with 'Abdullah b. 'Alī whose question raised the issue of whether the Prophet chose 'Alī to inherit the caliphate. Al-Awzā'ī saw that it was imperative to obey the orders and inform the state with that which appears in the *sunna*. Again, the letter to al-Manṣūr presented a similar view in that it informed the caliph of Muslim needs while telling him that depending on the claim of *waṣiyya* would not suffice for establishing the model of the Prophet. As a result, we need to assess al-Awzā'ī's views in light of his understanding of the role of the *sunna* in society rather than evaluating his sayings on the basis of their content.

The significance of al-Awzā'ī's position towards the state is reflected in the admiration of those who came after him and praised his understanding of the *sunna*. This

appears in various works of tradition such as that of Ibn Abī Hātim whose work about the scholars and their positions towards the state resulted in creating a special heading in al-Awzā'ī's biography dealing with his meeting with 'Īsa b. 'Alī. This work shows the extent to which al-Awzā'ī's position became popular in the eyes of later scholars. Again, other scholars living after al-Awzā'ī admired his encounters with the state and praised them for what they considered as the closest understanding of the precepts of the *sunna* in its outline of how Muslims should deal with authority. In the following part we will discuss the sayings of some scholars adopting similar views to those of al-Awzā'ī and how these sayings came to form the basis of new disciplines specifically dealing with theology. We will discuss some of the views of Aḥmad b. Ḥanbal, al-Barbahari, and al-Lālakā'ī.

Observations dealing with scholar's assessments of al-Awzā'ī views

In the previous section of this chapter we outlined how al-Awzā'ī's understanding of the *sunna* constituted the basic aspects of his dealings with authority. This understanding of the *sunna* that considered the necessity of obeying the caliph while advising him of the right course of action received considerable attention from various scholars preceding al-Awzā'ī. This is reflected in their work. For instance, the third century witnessed the rise of what may be considered as '*aqīdat ahl al-sunna wa al-jamā'a*' genre. The underpinning of this theology appeared in the writing of many books emphasizing the actions as well as the beliefs that constituted the '*aqīda* of the *sunna*, namely the acts that defined those who were considered to be true followers of the Prophet as opposed to those who follow innovation. These books are significant since their authors believed the way in which al-Awzā'ī dealt with authority to form the appropriate

understanding of the *sunna* and constitute the basis of what came to be known as the '*aqīda* of *ahl al-sunna wa al-jamā'a*.

The sayings of al-Awzā'ī about authority and how these sayings were reflected in actions towards the 'Abbasid government were highly admired by many scholars to the extent that they adopted them and produced similar sayings about how Muslims should deal with authority. For instance, Aḥmad b. Ḥanbal mentions in his book that deals with theological precepts similar views to those of al-Awzā'ī and claims that these views go back to what is considered to be the *sunna* of the Prophet. According to him, Muslims must obey their leaders and listen to them in spite of the leaders' level of piety. This obedience must be granted to upright leaders just as much as it should be granted to the corrupt ones.

According to Aḥmad b. Ḥanbal, when a leader assumes power and people get acquainted with his new leadership practices so that they began to call him the commander of the believers, no one should rebel against this leader or disobey him.³ This view is the exact same view as that of al-Awzā'ī reflected in his narration of the Prophetic tradition indicating that Muslims must obey their leaders even if they witness hateful acts resulting from government operation. Finally, Aḥmad b. Ḥanbal's statement emphasizes the legitimacy of those who acquire the name Amīr al-Mu'minīn and this is similar to al-Awzā'ī who believed that those carrying such title to be worthy of obedience just as the rightly guided caliphs were worthy of obedience.

³ wa al-sam' wa al-ṭā'a lil umma wa amīr al-mu'minīn al-bar wa al-fājir wa man waliya al-khilāfa wa ijtama'a al-nāsu 'alayhi wa raḍwū bih wa man 'alayhim bi al-sayf ḥattā šāra khalīfa wa summiya amīr al-mu'minīn. Ibid.

In another saying attributed to Aḥmad b. Ḥanbal, we see significant emphasis on the need to participate in expeditions carried out by the state in spite of the caliph's level of piety. For Aḥmad b. Ḥanbal, Muslims should take part in state expeditions, grant their trust to the caliph especially when dividing the booty, support him in establishing *sharī'a* laws, and they must remain without rebellions or disobedience until the day of judgment.⁴ This view is similar to that of al-Awzā'ī in that both scholars see the imperativeness of participating in state expedition and trusting the rulers in taking charge of dividing the booty. Undoubtedly, al-Awzā'ī believed that those abandoning the battle field were criminals who must be judged by the caliph in accordance with their crime.

Finally, Aḥmad b. Ḥanbal requires this obedience to be granted to the caliph to the extent that he considers those rebelling against the caliph to be disobedient to the Prophet, in breach of the *sunna*, and their death is similar to that of the *jāhiliyya*.⁵ This means that Aḥmad b. Ḥanbal believed those not obeying the caliph to stand outside the theological beliefs stipulated in the *sunna*.

This last point in Aḥmad b. Ḥanbal's position requires further explanation due to its importance in clarifying the theological beliefs of what came to be known as the '*aqīdat ahl al-sunna wa al-jamā'a*'. This topic is fairly long and requires deep analysis and this will take us away from our main focus, thus, we have found it sufficient to mention one of the main beliefs that constitute the theology of the *ahl al-sunna wa al-jmā'a*. For instance, a major element for this group is this notion of complete obedience to the caliph in spite of

⁴ *wa al-ghazu māḍin ma'a al-imām māḍin ila yaum al-qiyāma al-barri wa al-fājir lā yutraku wa qismat al-fay' wa iqāmat al-hudūd ilā al-aimma māḍin laysa li aḥadin an yaṭ'ana 'alayhim wa lā yunāzi 'uhum. Ibid.*

⁵ *wa man kharaja 'alā imāmin min a'imati al-muslimīn wa qad kānū ijtama'ū 'alayhi wa aqarrū bi al-khilāfa bi ay wajhin kān bi al-riḍā aw al-ghalaba faqad thawaba hadha al-khārij 'aṣa al-muslimīna wa khālafa al-āthara 'an rasūl allah fa in māta al-khārij 'alayhi māta mītat al-jāhiliyya. Ibid.*

his level of piety. This theology regards those rebelling against the caliphate to be outside this theology in that they are still considered Muslims but they are viewed as innovators who do not follow the *sunna* of the Prophet strictly and that they should not be considered as those of *ahl al-sunna wa al-jamā'a*. This theme is very significant for our assessment of the way in which al-Awzā'ī's sayings formed the basis of these theological beliefs of this group.

Now, we turn to the saying of another scholar equally sharing the opinions of the above two and is considered to be one of the main scholars for those belonging to *ahl al-sunna wa al-jamā'a*. This scholar is called al-Barbahārī and his sayings were collected in a book that came to be a standard text for those belonging to *ahl al-sunna wa al-jamā'a*. According to him, obedience must be granted to the leaders when they command the *Umma* towards that which they decide to be useful to Muslim society. Whoever takes charge of the position of caliph and Muslims regard him as the commander of the believers becomes the legitimate ruler of Muslims so that no one is permitted to sleep one night without regarding this caliph as the legitimate Muslim leader. This legitimacy is worthy of obedience in spite of the caliph's level of piety or his ability to establish justice in society.⁶

Al-Barbahārī considers any Muslim rejecting this principle of obedience to stand outside those beliefs that make up *ahl al-sunna wa al-jamā'a*.⁷ This means that this particular scholar regarded the act of disobedience to authority as a determinant categorizing those rebelling against authority as people of innovation whose activities are in complete breach of the *sunna*. Al-Barbahārī regarded such people to be far from the right

⁶ al-Barbahārī, *Sharḥ al-Sunnah*, p. 7.

⁷ Ibid.

path to the extent that their death would be similar to those who die in the state of *jāhiliyya*.⁸ This position is clearly similar to that of Aḥmad b. Ḥanbal in that it regards those rebelling against Muslim authority to be out of the theology of *ahl al-sunna wa al-jamā'a*.

Another significant point in al-Barbahārī's views on the relationship between the caliph and the *Umma* is the necessity of giving advice to the caliph on that which is required to protect the welfare of the Muslims. For him, it is not permissible to withhold advice about matters that yield any type of benefit to Muslims. Al-Barbahārī did not see one's level of piety as a necessary condition for giving or receiving advice. On the contrary, he saw that those with good moral conduct as well as those with bad moral conduct to be equally responsible for looking out for the interest of the *Umma* and directing whatever they see fit to the caliph regardless of his moral conduct. This means that every Muslim must give his advice to the caliph in spite of their respective levels of piety or desire to follow the *sunna* of the Prophet. This point is particularly significant for how it resembles al-Awzā'ī's view of how every Muslim must give advice to the caliph and that the inability to do so is regarded as an illegitimate act on behalf of those who neglect the following of this particular *sunna*. Al-Barbahārī seems to have followed the same view adopted by al-Awzā'ī towards the *Umma* and its role in getting Muslims to advise the caliph to do what is right. Al-Barbahārī has admired al-Awzā'ī to the extent that he mentioned in his book that those who dislike al-Awzā'ī must also dislike the *sunna* of the Prophet or follow some type of innovation.⁹

⁸ Ibid.

⁹ Ibid.

Lastly, we will mention the sayings of al-Lālakā'ī and show the extent to which they resemble al-Awzā'ī's adopted position towards state operation as it relates to the *Umma*. For al-Lālakā'ī, Muslims must follow the *sunna* and should not conflict with their leaders but obey them and follow their orders. According to him, Muslims should stay under the command of their leaders, never raise their swords against other Muslims in society and must not abandon their community.¹⁰ Al-Lālakā'ī adopts the same views as those of al-Awzā'ī to the extent that he regards those who dislike al-Awzā'ī as people of innovation. For him, one should ask Muslims about their attitudes towards some scholars and if one shows a level of acceptance towards al-Awzā'ī's views then this is a sign of close following of the *sunna*.¹¹ This shows the extent to which al-Awzā'ī's position towards the state became popular. Indeed, the above three scholars collected al-Awzā'ī's sayings and regarded them as basis for establishing the theology of *ahl al-sunna wa al-jama'a*. This shows that al-Awzā'ī's views were held in high esteem for their effectiveness while dealing with political authority and closeness to the *sunna* of the Prophet.

One of the most significant findings in this chapter is how al-Awzā'ī's views became part of the early Muslim creed and the extent to which his dealings with the caliphate provided a model to be followed by later generations aiming to deal with the state effectively and successfully. Al-Awzā'ī's position was highly admired by al-Dhahabī who mentioned that al-Awzā'ī was able to put his understanding of the *sunna* in the appropriate framework while dealing with the state. For him, al-Awzā'ī did not shy away from telling the truth of what he believed even in difficult times and this is more honorable than other

¹⁰ *la tunāzi' al-amra ahlahu wa al-ṭā'ah li wulāt al-amr wa luzūm al-jamā'atahum wa lā nara al-sayfa fī ummati muḥammad*. Abī al-Qasim Hibat Allah al-Lālakā'ī, *Sharḥ 'uṣūl i'tiqad ahl al-Sunna*, vol. 2, p. 112.

¹¹ *idhā ra'ayta al-rajul yuḥibbu al-awzā'ī fa i'lam annahu ṣāhib sunna*. Ibid.

scholars who know the truth but chose not to mention it to the state for the sake of praising state proponent and achieve worldly gains at the expense of the *Umma's* welfare.¹² Al-Dhahabī recorded al-Awzā'ī's meeting with 'Abdullah b. 'Alī and regarded it as a model for successful dealings with state authority.¹³

These positions adopted by al-Awzā'ī gained the admiration of many other scholars whose names and views are far numerous than to be mentioned in this part of our research. However, the most important point to be made is how al-Awzā'ī's views became part of the creed of the people of *ahl al-sunna wa al-jamā'a*. This shows the extent to which al-Awzā'ī's letters and encounters formed the underlying framework for those who aimed to follow the *sunna* of the Prophet. Similarly, rejecting al-Awzā'ī's views constituted what came to be considered as an innovation or an alien action practiced by those who chose not to adhere to the *sunna* of the Prophet.

This takes us to the most significant point in our study, namely the search for variables regulating the relationship of the caliphs and the scholars. As mentioned above, contemporary scholarship has showed little interest in dealing with the extent to which a scholar's own theological beliefs affected his dealings with the state. This is why we found difficulty in trying to understand what appeared to us as a contradiction in al-Awzā'ī's position towards the state. However, the close analysis that we provided of al-Awzā'ī's high regard to the *sunna* of the Prophet left us with little doubt about the role of creed in dealing with state authority. This is evident since al-Awzā'ī's position towards the state seemed inconsistent but showed a perfect level of coherence when assessed in light of what

¹² Dhahabī. *Siyar*. Vol. 7, p. 123-126.

¹³ Ibid.

he regarded as the tradition of the Prophet. For us, this point makes the most important finding in our research in that it shows that the ability of a given researcher to study the relationship between the state and the scholars will prove to be fruitful when assessed in light of how the scholar in question views the tradition of the Prophet.

This means that our research in the topic constituting this relationship must be done in light of how the scholar in question regards the *sunna* of the Prophet. Treating the scholars as a class of people with similar positions towards the caliph is erroneous and leads to making the wrong conclusion about the nature of state interactions with individual scholars. This shows that a research must be directed particularly at the type of scholarship a given scholar possesses and how this scholarship assesses the tradition of the Prophet. This means that we must view the skills of the scholar in question then examine the way in which he deals with the tradition of the Prophet in order to know how he deals with the state. This is necessary for any research aiming to know the nature of the relationship existing between the scholars and caliphs.

This issue takes us to the next and perhaps last step in this chapter, namely the analysis of contemporary research and how it viewed this relationship existing between the state and scholars. We have pointed out that this relationship is not likely to be explained unless outlined in light of the way in which scholars deal with the tradition of the Prophet. Indeed, one should not look into the sayings of this scholar or that scholar then make an assessment of their respective positions towards the state. We believe that the complexity of this topic requires a detailed assessment of the position of the scholars as manifested in their sayings as well as actual interactions with the state. This assessment will show how scholars came to formulate their views and how they put these views into actions dealing

with state operation. If we fail to do this we are likely to reach erroneous conclusions about this complex relationship between scholars and state in general.

Recent research dealing with the interaction of state and scholars

The most significant research in recent times aiming to resolve the mystery of the relationship between the scholars and the caliphs is Patricia Crone and Martin Hinds's *God's Caliph*. This highly controversial work created a major shift in scholarship in that the focus was turned from source driven scholarship to theory driven scholarship. This means that this work relied heavily on theories for explaining the nature of this relationship rather than sources. Unlike our work, the authors of this book had little trust in the sources dealing with the early period describing how scholars dealt with political authority.

The authors of *God's caliph* start their work by asking the question of who possessed religious authority at the birth of the Muslim community.¹⁴ The Prophet was the obvious figure holding this power and the four caliphs preceding him exercised a considerable amount of religious power by virtue of their knowledge as well as their political status. For the authors, this meant that the four early caliphs exercised this religious power while exercising political power. The authors believed the exercise of religious power was so significant to the extent that it gave rise to what came to be known as the *suuna* of the early caliphs.¹⁵ This means that the early caliphs felt free to legislate in religious matters and these legislations became precedents or part of a type of a *sunna* to be followed by later generations.

¹⁴ Patricia Crone & Martin Hinds. *God's Caliph*. p. 1-4.

¹⁵ Ibid.

After establishing the fact that early caliphs exercised political authority as well as religious authority to the extent that they established their own *sunna*, the authors account for two significant developments taking place when the Umayyad came to power. The first development deals with the nature of the spread of knowledge among the new comers to this new religion. For the authors, this meant that the number of people versed in the Prophetic tradition had dramatically increased. Those who presented this new development came from the class of the *mawālī*, namely people who were not Arabs but were incorporated in Arabian society through this system of loyalty. The authors viewed this class to have had the potential to form the future class of scholars who created what came to be known as the *sunna* of the Prophet and used it to present an actual challenge for the struggle over exercising religious power.¹⁶

The second development manifested itself in the non-religious character of most of the Umayyad caliphs. For the authors, this development constituted one of the major shifts in the quality of those governing the Muslims in that the caliph came to be viewed as a secular leader practicing political power only. This means that the Umayyad leaders were not able to gain the religious authority once enjoyed by their predecessors. As a result, the authors believed that the Umayyad caliphs were no longer able to exercise this religious authority in society.¹⁷

The coming of Umar II brought this religious authority back to the caliph so political power and religious power were once again harmonized but for a brief period of time. This short lived harmony between the two authorities came to an end when Umar II

¹⁶ Ibid.

¹⁷ Ibid.

died and Umayyad caliphs returned to their secular inclinations when assuming the seat of power. This made religious authority up for grabs between various contending groups and the caliphs had no choice but to seek new means for gaining this religious power. This loss of religious power coupled with the need to reclaim it faced the other development manifested in the rise of the new class of scholars. These two developments have led the authors to important conclusions.

The first conclusion deals with the nature of exercising political power and religious power at this early period of Islam. For the authors, the fact that political and religious authority were vested in the character of the early caliph makes this model resemble that of *Shī'ī Imāms* whose exercise of the two powers is undisputed. This means that the nature of the early caliphate was similar to that of the *Shī'ī Imams* rather than the Umayyad *Sunnī* caliphs. This led the authors to believe that the concept of *Shī'ī Imams* as the head of state assuming the religious as well as political power resembles the early Islamic model more than that of the Umayyads whose exercise of power was restricted to the political one. The authors then concluded that the *Shī'ī* model represents a closer picture to that of the original Muslim model of governance, whereas the *Sunnī* conception represented a departure from the origin and this is different from mainstream views on the early development of power in Islam whose proponents usually regard the *Sunna* model to represent the origin and the *Shī'ī* to be an innovation.¹⁸

The second conclusion that the authors derive from this depicted scenario of struggle over religious power is that the Umayyad caliphs were not able to compete effectively so they had to obtain a new means for legitimately exercising religious power.

¹⁸ Ibid.

This new means manifested itself in what came to be known as "God's caliph". For the authors, "God's caliph" is simply a title that the caliphs have invented for themselves and struck over their coins so that they gain back their religious power. This title showed that the caliph is appointed by God to take care of the affairs of Muslims on this earth. This means that the Umayyad caliphs used this title in order to claim legitimacy over practicing religious authority without being necessarily religious. This is why the use of this title was so important for the Umayyad caliphs for it would help them achieve victory over the scholars whom the authors saw as the caliph's main rivals for holding religious authority.¹⁹

The authors of *God's Caliph* dichotomized early Muslim society into two different conflicting powers: religious and political. For the authors, this dichotomy was not visible during the time of the early caliphs whose exercise of power combined the religious with the political. However, the tension between these two powers became visible as a result of the non-religious character of the Umayyad caliphs and the rise of a *mawālī* class whose members developed the Prophetic *sunna* and became well versed in religious issues. The caliphs tried to reclaim their religious power but the scholars aspired to keep it for themselves, claiming that the current caliphs should not hold this power since they proved to be no match for the rightly guided caliphs. As a result, the caliphs produced the title "God's caliph" in an effort to regain the legitimacy necessary for exercising religion power particularly focused at the question of whom should the people turn to when seeking knowledge of the permissible and the forbidden.²⁰

¹⁹ Ibid.

²⁰ Ibid.

This argument presents a serious problem for the student of Islamic history due to the radical nature of the authors' claims and how it presents a complete departure from the historical view depicted by the Muslim sources. In our following paragraphs we will try to show the contradiction of these views and how they present an inconsistent view not only with Muslim sources but also with some basic aspects of academic research. Firstly, the authors fail to define what they meant by religious power and political power. This failure to provide concrete definitions for the terms used clouds the authors' argument and leads to wrong assumptions about the nature of the relationship between scholars and caliphs. For instance, the mention of religious power is likely to lead the reader to believe that there is a religious institution with a type of structured hierarchy and an institution head just as political power has institutions and state head. This is not the case in Islamic history which documents that the early Muslim scholars never belonged to an institution nor exerted influence in society by holding certain religious ranks.

This point is particularly significant since our research showed among several points that al-Awzā'ī did not belong to an institution nor did he exert his influence over the state by virtue of holding any given rank. Another misleading issue arising from failure to define what the authors meant by religious authority is that some Islamic activities have difficulty being defined as either entirely religious or entirely political. For instance, the acts of waging *jihād* against non-Muslims is carried out by the state and commanded almost entirely by state proponents yet no one in their right mind would deny the religious nature of such activity. This means that we would have tremendous difficulty trying to categorize *jihād* as either religious activity or political activity. The same thing is said for leading prayers in the mosque, distributing *sadaqa*, applying the *ḥadd* punishment for criminals, or leading pilgrims on a trip to Mecca. These activities are neither entirely

religious nor entirely political; they seem to be religious activities carried out by state proponents and this thins the delineation drawn by the authors about these powers.

The inability to provide a clear mark for those actions that constitute religious power and must be exercised by those with religious authority undermines the rest of the argument presented by the authors. Indeed, how would one present a sound argument without clearly defining the terms used to construct such an argument? One would only assume that failure to define religious authority and how it clearly differs from political authority in this early society brings us to a point where we have to deny the authors' alleged distinction. Indeed, it is much more sensible to adopt the typical understanding of power which regards it as the ability to get others to do what one wants through means of influence or coercion. We need not categorize power as religious or political since many Islamic activities would not fit these rigid categories.

Another problem dealing with the way in which the authors define their terms is the use of the title "God's caliph". The authors assume that the caliphs were aiming to reclaim their ability to exercise religious power which they lost to the scholars in the struggle over who should dominate this exercise of telling people about the permissible and the forbidden. The authors presented ample evidence showing how the court poets praised the caliphs by calling them "God's caliph" and His shadow on earth. The authors never really define the term or show how this particular term bestows exceptional religious powers on the caliph allowing his exercise of religious power. The authors have translated the term to English then assumed that it means in Arabic what it meant in English when it was used by European Kings to show that they have divine power. This assumption is misleading since

this term does not necessarily grant the caliph any religious authority as will be shown in the following paragraphs.

The term caliph has been the object of research for a considerable amount of time in western scholarship. In the work published by Wadad al-Qadi, the term *khalīfa* was discussed thoroughly.²¹ Qadī examined the various meanings of the term as appears in the work of what she categorized as early Muslim exegetes aiming to make sense of the word *khalīfa* in the Qur'ān. This work showed that the term *khalīfa* meant five basic things for exegetes: firstly it meant to succeed and this understanding was adopted by Ibn 'Abbās in his interpretation of the verse 43:60. Secondly, the term means to replace and this meaning was adopted by several exegetes particularly Muqātil b. Sulaymān who understood the verse mentioned above to mean that God warns humans to worship him sincerely otherwise He will replace them by angels who would perform this sincere worship on earth. Thirdly, the term may mean to substitute or take the place of another. For Qadi, this third meaning is closely related to the first two meanings in that succeeding someone in a sense means replacing him but does not necessitate that the one being replaced is completely gone. Thus, the third meaning of the term *khalīfa* would mean that someone would substitute another and the one being substituted is completely non-existent.²²

The fourth meaning of the term according to Qadi is to inhabit or cultivate. According to her, the interpretation of the verse 14:13 that reads "God will destroy the evil doers, and will surely make you inhabit the earth after them" shows that the term means to inhabit. Other verses dealing with the term is the verse 30:9 that reads "Have they not

²¹ Wadad al-Qadi, "the Term 'khalifa' in Early Exegetical Literature" *Die Welt des Islam*,

²² Wadad al-Qadi, p. 405-8.

journeyed in the earth and beheld how the end of those before them was? They were stronger than themselves in might, and they ploughed up the earth and cultivated it more than themselves. And yet their end was evil, for they did not believe what God's messengers taught them." Another verse dealing with this issue of cultivation is 57:7 where Qadi asserts that the term *mustakhlif* means to cultivate as attested to in the words of the exegete Mujāhid. For al-Qadī, Mujāhid believed that the meaning of this term in the context of verse 57:7 is cultivating the earth by means of the fortunes God has granted you. This is the fourth meaning of the term as appears in the work of the early exegetes.²³

The fifth meaning of the term deals with political authority in that some early exegetes believed *khālif* to mean governing society. For Qadi, this meaning is attested to in the verse 38:26 which reads "O David we have made you a caliph on earth, so judge justly between people." This is a political meaning in that it emphasized the notion of governing over society as a function of this term *khalīfa*. Qadi then makes the argument that the first four meanings represent the early understanding of the term which was devoid of any political content. However, the term gained political connotation as reflected in the words of the exegete Sufyān al-Thawrī when the 'Abbasid caliphate established itself as a political entity thereby laying the foundation of a solid Muslim civilization with a full understanding of statehood.²⁴

The definition presented by Qadi appears to be overwhelming in that she provides us with all existing possibilities for the meaning of the term *khalīfa*. For this explanation we may naturally observe that the term God's caliph would not apply to the first three

²³ Ibid.

²⁴ Ibid.

definitions shown above. Indeed, it is impossible to claim that the caliph succeeds God, replaces him, or acts as His substitute on earth. This leaves us with the last two definitions, namely that of cultivating the earth and inhabiting it or the ability to establish just rule. The first definition provides the caliph with no religious authority since it applies to all humans, those who are Muslims as well as those who are not Muslims. Furthermore, inhabiting the earth and cultivating it does not derive from religious authority since this activity requires no governing or legislating whatsoever.

The last meaning of the term "God's caliph" may imply acts of governing in accordance with certain just rules. The meaning of the term in this context would still not confirm the religious authority that the authors of *God's caliph* aim to grant to the Umayyad rulers. Indeed, the verse that mentions the status of David as God's deputy does so in a manner that admonishes him for following whims rather than just practices. This means that the verse does not grant David the status of God's deputy on earth but treats him as one of God's subjects whose behavior carried out in accordance with God's law so that he would avoid God's reprimand. This means that the term God's caliph neither gives the Umayyad caliphs religious authority nor would it give them the status of being God's deputy on earth. This is evident since the use of the term in the Arabic language fails to show this religious authority that the authors claim.

The term *khalīfa* attached to the word God fails to give the person holding the title any exclusive religious authority. This means that the term God's caliph when carrying the element of governing or cultivating would apply to any person. As we have seen in the example of David, God reprimands him for not judging between people justly and this applies to David just as much as it would apply to anyone judging between any two people.

This is evident since the Islamic tradition itself recognizes the head of the household, usually the father, to be the ruler over his family and that he is required to rule according to the principles of justice. Similarly, the master must rule justly over his slaves and so on and this means that any ordinary person potentially capable of practicing a type of rule over another person would be God's caliph on this earth.

This shows that this term God's caliph is not exclusive; rather it is inclusive in that it would include any person with the capacity to cultivate the earth or rule over another person. As a result, the term God's caliph would refer to the caliph in his capacity to govern and cultivate the land just as it refers to other people exercising a type of rule over their families and cultivating the earth. This is why we believe that this term gives the caliph no special authority or exclusive power in his exercise of religious authority as claimed by the authors of *God's caliph*. Rather this title only shows that its holder is able to exercise some type of leadership just as the rest of the people in this world are able to exercise leadership with each person applying a form of justice over his own domain.

This nonexclusive nature of the term was overlooked by the authors of *God's caliph* and Qadi who believed that the term began to carry a level of political authority when Muslims began to experience full fledged urbanization in the early 'Abbasid period. This anthropological analysis is not valid in light of what we mentioned of the inclusive nature of the term and how it would refer to anyone with potential to exercise leadership. In fact, the work of Qadi strengthens the work of the authors of *God's caliph* in that they both believe that the title God's caliph has the potential of giving its holder a type of exclusive religious and political authority.

Qadi differs in one element dealing with the aspect of when this term gained its full meaning and this is why she argued unconvincingly that early scholars failed to see the political aspect embodied in this term. She never considered the idea that this title carried no significant political or religious power worthy of mention and this is why the early exegetes were silent about it. This title of caliph proves to carry no exclusive religious power but when we regard it to be the caliph of the Prophet, we have an entirely different view. Thus, we need to examine the significance of the term when we treat it as a title for someone considered to be the successor of the Prophet.

The title of the caliph of the Prophet certainly carries authority that has to be viewed as an exclusive authority with capacity to be exercised by one person only. Indeed, the title does not apply to every one just as we have seen in the case of the title of "God's caliph". This means that the title of the Prophet's caliph carries much more weight than that of the other title used by the authors of *God's caliph*. This is evident since the title of the Prophet's caliph carries all the five meanings outlined above in that it outlines succession, replacement, substitution, and the ability to govern as well as the ability to cultivate. The ability of a person to succeed the Prophet grants the person receiving this succession exclusive power to do what the Prophet did regarding his practice of authority, be it religious, political, or even social. Undoubtedly, Muslim society would only allow one person to hold and practice this power. This is why we believe the title of the "caliph of the Prophet" to have much more power than the title "God's caliph". This means that the argument of the authors of *God's caliph* believes that the title of God's caliph gives the authority granted by the title "Prophet's caliph". The question now arises, why did the authors make this error, claiming that this particular title of "God's caliph" gives more

power to the caliph than that of the "Prophet's caliph"? This takes us to the second flaw in the structure of the authors' argument.

According to the authors of *God's caliph*, the reason why the caliphs created this title is the desire to win the struggle over holding religious authority. This means that the authors saw this alleged struggle between caliphs and scholars to be the most significant factor pushing the former to reclaim their religious authority and overcome challenges presented by the latter. The authors thus build their whole argument on the assumption that there was an actual conflict regulating the relationship between the scholars and the caliphs. This assumption is unfounded for the reason that the authors never provided us with a concrete proof showing that there existed an actual struggle between these two groups. On the contrary, the authors started dealing with the rise of the term "God's caliph" based on the assumption that it was a result of struggle over holding religious power.

Secondly, our research about al-Awzā'ī's relationship with the state shows that he was not involved in a struggle with the 'Abbasid caliphs over the exercise of religious power. This is evident since our research showed that al-Awzā'ī believed the 'Abbasid caliphs to be legitimate rulers worthy of obedience just as the rightly guided caliphs were worthy of obedience. This point shows that al-Awzā'ī did not distinguish between the legitimacy of the early caliphs and the 'Abbasid caliphs. This means that the authors' claim about this conflict would not apply here. The authors believed that the early caliphs exercised religious power legitimately but later caliphs were unable to do so as a result of the interference of scholars. However, we showed that a scholar such as al-Awzā'ī believed that later caliphs are not distinguishable from early ones in their capacity to govern and exercise power over their subjects. This means that the acceptance of the authors of

God's caliph claim about the nature of authority in early Islam requires them to drop their struggle thesis, if we show that the scholars continue to regard later caliphs to have the luxury of being obeyed just as the early caliphs were obeyed. We presented this view clearly in our analysis of al-Awzā'ī's life and his interaction with the state.

Another point worthy of mention showing the inconsistency of the struggle hypotheses adopted by the authors of *God's caliph* deals with the *sunna* of the Prophet itself. The authors believed that the scholars wanted to dominate religious power and hinder the caliphs from exercising it. This means that this struggle hypothesis may explain the rise of the *sunna* in that the scholars created a series of sayings reflecting few ideals and attributed them to the Prophet in order to make the caliphs appear to be short of the moral conduct required for gaining religious authority. The authors insist on their view to the extent that they neglected the content of the *sunna* as well as the general sayings of the scholars.

On the level of the *sunna*, we presented traditions narrated by the scholars showing that Muslims must obey their leaders even if they get involved in malicious behavior. This is evident, we showed that al-Awzā'ī narrated a *ḥadīth* where the Prophet ordered the Muslims to obey their leaders even if they witness their hateful acts. This tradition presented a clear view that the *sunna* of the Prophet required Muslims to obey their leaders under all conditions. This fact undermines the struggle hypotheses since it make no sense for one party in this struggle to produce a tradition ordering the obedience and surrender of power to the other contending party. If the scholars created the *sunna* to win the struggle with the caliphs over religious dominance, why would the scholars include a tradition forcing them to completely submit to the caliph whose scope of power is recognized to

encompass all aspects of religious life? This makes no sense and thus the struggle hypothesis makes no sense.

On the level of the sayings of the scholars that are not *sunna*, we see similar aspects of required obedience. As explained above, many scholars have admired the position adopted by al-Awzā'ī towards the state, claiming that it presents a truly accurate understanding of how the *sunna* must be applied in dealing with the caliphs. This view adopted by scholars admiring al-Awzā'ī emphasize obedience to the caliph to the extent that those disobeying him or conflicting with the state are viewed to be not only in breach of the *sunna* but to have become under suspicions in that their death resembles the death of those in the state of *jāhiliyya*. This means that the scholars believed those disobeying the caliph to have practiced an unsound behavior worthy of punishment in this life and the hereafter. This shows the extent to which the struggle hypothesis fails to explain the nature of relationship between the scholars and the caliphs; it fails to answer such questions as how would scholars conflict with caliphs while spreading sayings condemning such behavior? This question throws the last arrow at the struggle hypothesis making its foundation fall with whatever claims it carries.

These structural problems in the authors' argument manifested in their failure to define certain terms and inability to distinguish between assumptions and evidence led to disastrous findings. For instance, the authors hold this eccentric belief that the early caliphate resembles the model of a *shī'ī Imāms* more than that of the Umayyad caliphs and this leads to the view that *Shī'ism* represents the original form of Islam while *sunnism* presents a deviation from it. This view about the early caliphs is not even held by the most radical clerics in the *shī'ī* world. Again, how would this be so knowing that the *shī'ī Imāms*

are known to enjoy this status of infallibility, a status never claimed to be attained by any of the rightly guided caliphs. This claim held by the authors is nothing more than a mistake resulting from their inability to construct the correct methods necessary for explaining the nature of authority in early Islamic history.

One would wonder why the authors of God's caliph embarked on the wrong path while dealing with the early Islamic history. One possibility for this major misunderstanding deals with the inability to provide accurate definitions for the terms used. Perhaps the authors' European influence drove them to understand certain Islamic terms in light of European historical parameters. For instance, the term "God's caliph" has no divine status in the Islamic context since every human living on earth maybe called God's caliph. We should stress this point clearly. However, the authors of God's caliph believed this term to have some type of divine status that grants its holder the legitimacy to exercise religious power. The European influence is particularly significant in this case, since European history is full of examples of kings struggling with Churches over religious power and who holds more divine power. The notion that the king is God's shadow on earth and the embodiment of His will presents itself as a mark of a fierce struggle between religious power and political power throughout European history. The title used to show that kings have divine connections with God presented itself as a tool at the hands of kings to overcome this challenge posed by the Church. This whole understanding is imposed on Islamic history from European history. The authors do this spontaneously without regarding the unique nature of Islamic history and the development of its institutions.

The authors show another significant bias in their treatment of this alleged religious authority and political authority. For instance, the authors treat religious authority as a

form of authority that needs to be practiced in a type of institution with hierarchy and structure. The authors' treatment of political power manifested in the presence of political institutions followed by their mention of religious power with out any definitions forces the readers to assume that religious power was exercised within an institutional framework. This structure is certainly borrowed from European religious institutions such as the church. The authors' European bias clouds their argument and shows that they were just talking about the institutional struggles in European history but give these institutions Islamic names.

Another problem contributing to this eccentric work is the notion that the authors often make assumptions and treat these assumptions as evidence or facts to be used for reaching other facts. For instance, the authors assume the existence of a distinction between religious power and political power but never completely define what they mean by this. We showed that several Islamic activities fit no rigid political or religious categories. After creating this artificial division, the authors assume that there has to be a struggle between these two powers. This is nothing more than an assumption yet the authors treat it as a fact impacting the relationship between those with religious power and those with political power. This leads the authors to conclude the most far fetched findings and present a completely distorted picture of early Islamic history.

One last point explaining why the authors reached their far fetched conclusion deals with the type of attitude they adopted towards this field. For instance, the reader of *God's caliph* would naturally observe that the authors try to find something new and exotic. This shows that the driving force behind their research is the finding of conclusions that dazzle the readers and present a completely different view from what is presented in Islamic

sources. This seems to be the goal of their research since it disregards early Islamic sources and searches for exotic findings aiming to allegedly revolutionize the field. Perhaps the authors did this as a result of their previous book²⁵ which made it fashionable to make Islamic culture completely different from what Islamic sources present and that Muslims themselves fail to know the reality of their own history unless they read the authors work which uses no Islamic sources. This is why the authors found it fancy to reach their conclusions; they were just trying to find something new and exciting to maintain their reputations as founders of an extraordinary truth.

²⁵ This book is called *Hagarism* and we found it to be unworthy of academic discussion since it represents the author's dogmatic views based on attitudes rather than academic research. Patricia Crone & Michael Cook. *Hagarism: the making of Islamic world*.

Conclusion

Our work in this research consisted of six chapters; each chapter tries to establish a unique finding to further our overall argument. The first chapter deals with the methodologies used in this field and provides a critique for how modern research has been handling Islamic history. In this chapter, we provide an alternative sound methodology aiming to guide the researcher of Islamic history deal with the early sources and avoid the pitfalls of understanding traditions out of their context. We showed that it is necessary to evaluate the authenticity of each tradition then try to understand it in light of other authentic tradition dealing with this issue or that issue.

The second chapter provided an overall description of the nature of political, social, and religious life characterizing this period. We showed that this period witnessed the rise of sectarian activities manifested in the existence of groups adopting certain positions on this issue or that issue. This treatment provided a general understanding of how al-Awzā'ī faced these groups and what type of understanding he adopted towards the issues that were relevant to these various sects.

The third chapter presented an overall discussion of the life of al-Awzā'ī and how he began his academic life. This treatment showed that al-Awzā'ī mastered the skills of narrating *ḥadīth* as well as the skill of criticizing those who narrate *ḥadīth*. This was manifested in his interactions with various teachers and students whose skills of dealing with *ḥadīth* were derived from the instructions provided by al-Awzā'ī. Again, we discussed an element of al-Awzā'ī's *fiqh* and showed the extent to which it depended on

ḥadīth as basis for its adopted rules. We presented one case dealing with the place in which Muslim soldiers were required to divide booty captured in the battle field. After examining various *fiqhi* views, we showed that the view adopted by al-Awzā'ī presents the closest view to that presented by the tradition of the Prophet. This was attested to by the view of al-Shāfi'ī who dealt extensively with the issue of the permissibility of dividing booty in the battle field and concluded that al-Awzā'ī's adopted opinion is similar to that presented by the Prophetic tradition. This chapter proved that al-Awzā'ī possessed *ḥadīth* skills and based his *fiqh* on Prophetic tradition.

The fourth chapter dealt with the meeting that took place between al-Awzā'ī and 'Abdullah b. 'Alī. This meeting presented itself as one of the most significant points in al-Awzā'ī's life since it showed how he dealt with political authority. This meeting was viewed as legendary by contemporary scholars so we had to devote an extensive amount of our research to prove its authenticity. We adopted the method championed by Harald Motzki and proved that the *isnāds* attached to each *matn* of our narrations are authentic. We showed that the traditions dealing with this meeting present no motive for fabrication and this proved the authenticity of the tradition with all its variants. After proving the authenticity of the meeting, we examined the content of the conversation taking place between the two men. One significant finding arising from meticulous examination of this conversation is the notion that al-Awzā'ī rejected the 'Abbasid claim of *waṣiyya* which constituted the basis of 'Abbasid alleged claims to legitimacy.

The fifth chapter dealt with the letters which al-Awzā'ī sent to the state requesting assistance on some issues that would take care of the welfare of the *Umma*. After proving the authenticity of these letters, we analyzed their content and divided it into four different

categories: title, *du'ā'*, purpose, and persuasion. The category of title showed that al-Awzā'ī regarded the caliph as legitimate since he used a similar title to that of the rightly guided caliphs to address the 'Abbasid rulers. The category of *du'ā'* showed the extent to which al-Awzā'ī used his appeal to the divine to influence government. The category of purpose showed the actual purpose prompting al-Awzā'ī to send each letter to its addressee. The category of persuasion showed the evidence that al-Awzā'ī used in order to persuade state proponents to fulfill the requested tasks.

The most significant point in chapter five is that the analysis of the letters showed the type of hierarchy that al-Awzā'ī believed to be the way in which power in society works. The letters show a unique system of hierarchy promoted by al-Awzā'ī in handling government responsibilities. Although al-Awzā'ī never speaks about this system clearly in his letters, the content dealing with the means of persuasion suggest strongly few findings. First, al-Awzā'ī believed that the caliph is the highest authority in the land and that everyone must obey him without reservations. The second aspect of this hierarchy deals with the position of the state proponents. This system regards state secretaries and military commanders to be accountable to the caliph's scrutiny; they are subject to caliphal punishment as well as divine punishment. The third aspect of this hierarchy deals with how the state proponents watch over society, looking out for its needs and fulfilling the requests of those seeking the support of the state. This system regards the sole function of these state proponents to be the ability to work as channels, bringing to the attention of the caliph matters of importance to the *Umma*. Al-Awzā'ī believed that the functionality of the system depends on the ability to fulfill the needs of those with meager access to the system such as those living in remote areas or held in captivity.

The sixth chapter presented an overall summary of our work, trying to reconcile the contradiction apparent in al-Awzā'ī's views towards the state. We concluded that these views were not contradictory but in perfect coherence in light of its assessment with the *sunna* of the Prophet which served as the basis for al-Awzā'ī's interactions with the state. This was manifested in a tradition narrated by al-Awzā'ī where the Prophet mentions that Muslims should obey their leaders even if they perform hateful acts. This particular tradition became part of the theological beliefs adopted by sunnī scholars. This assessment led us to the most significant point in our study, namely that the search for variables regulating the relationship of the caliphs and the scholars must begin by examining the theological beliefs of the scholar in question. For us, this point makes the most important finding in our research in that it shows that the ability of a given researcher to study the relationship between the state and the scholars will prove to be fruitful when assessed in light of how the scholar in question regards this tradition of obedience to the state.

This means that our research on the topic constituting this relationship must be done in light of how the scholar in question regards how the *sunna* of the Prophet looks at those who obey or rebel against their leaders. Treating the scholars as a class of people with similar positions towards the caliph is erroneous and leads to making the wrong conclusions about the nature of state interactions with individual scholars. This shows that a researcher must direct his efforts particularly at the nature and type of scholarship the scholar in question possess. The researcher must also assess how this scholarship views the tradition of the Prophet. This means that we must view the skills of the scholar in question then examine the way in which he deals with the tradition of the Prophet in order to know how he deals with the state. This is necessary for any research aiming to know the nature of the relationship existing between the scholars and caliphs.

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Appendix A

كتاب سير الازاعي

اخبرنا الربيع بن سليمان قال اخبرنا الشافعي محمد بن ادريس قال قال ابو حنيفة رحمه الله تعالى اذا غنم جند من المسلمين غنمة في ارض العدو من المشركين فلا يقتسمونها حتى يخرجوها الي دار الاسلام وحوزوها وقال الازاعي لم يقل رسول الله صلى الله عليه وسلم من غزوة اصاب فيها مغنما الاخمسه وقسمه قبل ان يقل من ذلك غزوة بنى المصطلق وهوازن ويوم حنين وخيبر وتزوج رسول الله صلى الله عليه وسلم بخيبر حين افتحها صفيه وقتل كنانة بن الربيع واعطي اخته دحية ثم لم يزل المسلمون علي ذلك بعده وعليه جيوشهم في ارض الروم في خلافة عمر بن الخطاب وخلافة عثمان رضى الله عنهما في البر والبحر ثم هلم جرا وفي ارض الشرك حين هاجت الفتنه وقتل الوليد.

قال ابو يوسف رحمه الله تعالى اما غزوة بني المصطلق فان رسول الله صلى الله عليه وسلم افتح بلادهم وظهر عليهم فصارت بلادهم دار الاسلام وبعث الوليد بن عقبة فاخذ صدقاتهم وعلي هذا الحال كانت خيبر حين افتحها وصارت دار الاسلام وعاملهم علي

النخل وعلي هذا كانت حنين وهو ازن ولم يقسم فيئ حنين الا بعد منصرفه عن الطائف
حين سآله الناس وهم بالجعرانه ان يقسمه بينهم فاذا ظهر الامام علي دار واثخن اهلها
فيجري حكمه عليها فلا بأس ان يقسم الغنيمة فيها قبل أن يخرج وهذا قول ابي حنيفة
ايضا وان كان مغيرا فيها لم يظهر عليها ولم يجر حكمه فانا نكره أن يقسم فيها غنيمة
أوفياً من قبل انه لم يحرزه ومن قبل انه لو دخل جيش من جيوش المسلمين مددا لهم
شركوهم في تلك الغنيمة ومن قبل أن المشركين لو استتقدوا ما في ايديهم ثم غنمه جيش
اخر من جيوش المسلمين بعد ذلك لم يرد علي الاولين منه شئ وأما ما ذكر عن
المسلمين انهم لم يزالوا يقسمون مغانمهم في خلافة عمر وعثمان رضي الله تعالى في
ارض الحرب فان هذا ليس يقبل الا عن الرجال الثقات فعمن هذا الحديث وعمن ذكره
وشهده وعمن روي ونقول ايضا اذا قسم الامام في دار الحرب فقسمه جائز فان لم يكن
معه حمولة يحمل عليها المغنم او احتاج المسلمون اليها شياً من ذلك لم يكن به اليه
حاجة حتي يخرج به الي دار الاسلام

قال ابو يوسف عن مجالد بن سعيد عن الشعبي عن عمر انه كتب الي سعد بن ابي
وقاص اني قد امددتك بقوم فمن اتاك منهم قبل تنفق القتلي فأشركه في الغنيمة قال ابو
يوسف وهذا يعلم انهم لم يحرزوا ذلك في ارض الحرب قال محمد بن اسحق سئل عبادة
بن الصامت عن الأنفال فقال فينا أصحاب محمد صلى الله عليه وسلم أنزلت يسئلونك
عن الأنفال الآية انتزع الله منا حين اختلفنا وساءت اخلاقنا فجعله الله عز وجل الي

رسوله صلى الله عليه وسلم يجعله حيث شاء. قال عن مقسم عن ابن عباس أن النبي صلى الله عليه وسلم لم يقسم عنائم بدر إلا من بعد مقدمه المدينة والدليل علي ذلك انه ضرب لعثمان وطلحة في ذلك بسهم سهم فقالا وأجرنا فقال وأجركما ولم يشهدا وقعة بدر.

أشياخنا عن الزهري ومكحول عن رسول الله صلى الله عليه وسلم انه لم يقسم غنيمة في دار الحرب. قال ابو يوسف رحمه الله تعالى واهل الحجاز بقضون بالقضاء فيقال لهم عن فيقولون بهذا جرت السنة وعسي أن يكون قضى به عامل السوق او عامل ما من الجهات وقول الاوزاعي علي هذا كانت المقاسم في زمان عمر وعثمان رضى الله عالى عنهما وهلم جرا غير مقبول عندنا. الكلبي من حديث رفعه الي رسول الله صلى الله عليه وسلم انه بعث عبدالله بن جحش الي بطن نخلة فأصاب هنالك عمرو بن الحضرمي واصاب اسيرا أو اثنين وأصاب ما كان معهم من أدم وزيت وتجاره من تجارة أهل الطائف فقدم بذلك علي رسول الله صلى الله عليه وسلم ولم يقسم ذلك عبدالله بن جحش حتي قدم المدينة ,انزل الله عز وجل في ذلك يستلونك عن الشهر الحرام قتال فيه قل قتال فيه كبير حتي فرغ من الآية فقبض رسول الله صلى الله عليه وسلم المغنم وخمسه.

محمد بن اسحق عن مكحول عن الحرث بن معاوية قال قيل لمعاذ بن جبل ان شرحبيل بن حسنة باع غنما وبقرا اصابها بقنسرين نحلها الناس وقد كان الناس يأكلون ما اصابوا من المغنم علي عهد رسول الله صلى الله عليه وسلم ولا يبييعونه فقال معاذ لم.... شرحبيل اذا لم يكن المسلمون محتاجين الي لحومها فلتقسم عليهم فيأكلونها فان رسول الله صلى الله عليه وسلم يطعم الناس ما اصابوا من الغنم والبقر اذا كانوا محتاجين

قال الشافعي رحمه الله تعالى القول ما قال الاوزاعي وما احتج به عن رسول الله صلى الله عليه وسلم معروف عند أهل المغازي لا يختلفون في أن رسول الله صلى الله عليه وسلم قسم غير مغنم في بلاد الحرب فاما ما احتج به ابو يوسف من ان النبي صلى الله عليه وسلم ظهر علي بني المصطلق وصارت دارهم دار اسلام فان رسول الله صلى الله عليه وسلم أغار عليهم وهم غارون في نعمهم فقتلهم وسباهم وقسم اموالهم وسبيهم في دارهم سنة خمس وانما اسلوا بعدها بزمان وانما بعث اليهم الوليد بن عقبة مصدقا سنة عشر وقد رجع رسول الله صلى الله عليه وسلم عنهم ودارهم دار حرب وما علمت لرسول الله صلى الله عليه وسلم سرية قفلت من موضعها حتي تقسم ما ظهرت عليه ولو كان الامر كما قال لكان قد اجاز أن يقسم الوالي ببلاد الحرب فدخل فيما عاب واما حديث مجالد عن الشعبي عن عمر انه قال من جاءك منهم قبل تتفق القتلى فأسهم له فهو ان لم يكن ثابتا داخل فيما عاب علي الاوزاعي فانه عاب عليه غير الثقات المعروفين ما

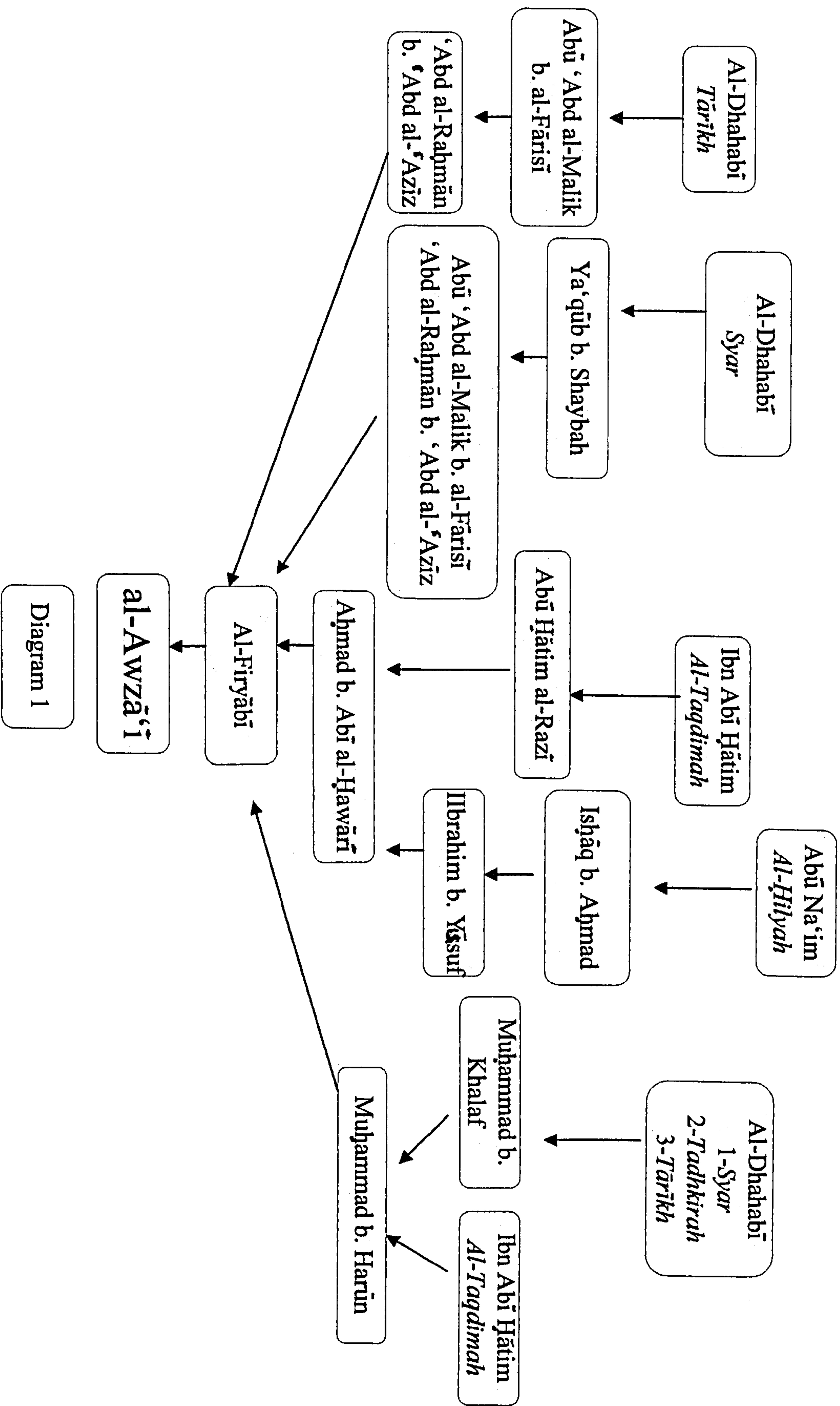
علمت الاوزاعي قال عن النبي صلى الله عليه وسلم من هذا الا ما هو معروف ولقد احتج علي الاوزاعي بحديث رجال وهو يرغب عن الرواية عنهم فان كان حديث مجالد ثابت فهو يخالفه هو يزعم ان المدد اذا جاء ولما يخرج المسلمون من بلاد الحرب والقتلي نظراً هم لم ينفقوا ولا ينفقون بعد ذلك بأيام لم يكن لهم سهم مع أهل الغنيمه فلو كانت الغنيمه عنده انما تكون للاولين دون المدد اذا نفقت القتلى انبغى أن يعطي المدد ما بينهم وبين أن تتفق القتلى قال وبلغني عنه انه قال وان قسم ببلاد الحرب ثم جاء المدد قبل تتفق القتلى لم يكن للمدد شي وهذا يناقض قوله وحجته عليه بحديث عن عمر لا يأخذ به ويدعه من كل وجه وقد بلغني عنه انه قال وان نفقت القتلى وهم في بلاد الحرب لم يخرجوا منها ولم يقتسموا شركهم المدد وكل هذا القول خروج مما احتج به.

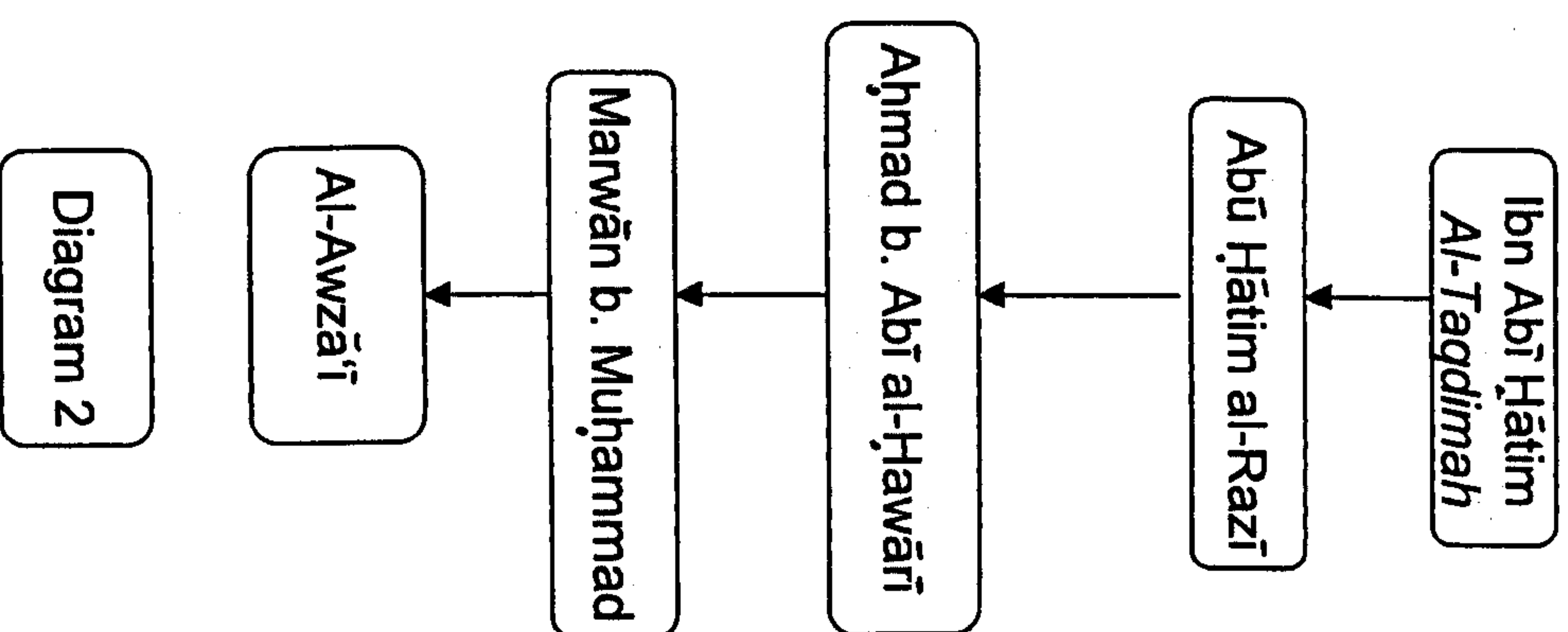
قال الشافعي رحمه الله تعالى ونما الغنيمه لمن شهد الوقعة لا للمدد وكذلك روى عن أبي بكر وعمر رضي الله تعالى عنهما وأما ما احتج به من أن النبي صلى الله عليه وسلم لم يقسم غنائم بدر حتى ورد المدينة وما ثبت من الحديث بأن قال والدليل علي ذلك أن النبي صلى الله عليه وسلم أسهم لعثمان وطلحة رضي الله تعالى عنهما ولم يشهدا بدر فان كان كما قاله فهو يخالف سنة رسول الله صلى الله عليه وسلم فيه لانه يزعم أن ليس للامام أن يعطي أحدا لم يشهد الوقعة وليس كما قال رسول الله صلى الله عليه وسلم غنائم بدر بسير شعب من شعاب الفراء قريب من بدر كما روي عبادة بن الصامت غنمها المسلمون قبل تنزل الآية في سورة الانفال فلما تشاحوا عليها انتزعها

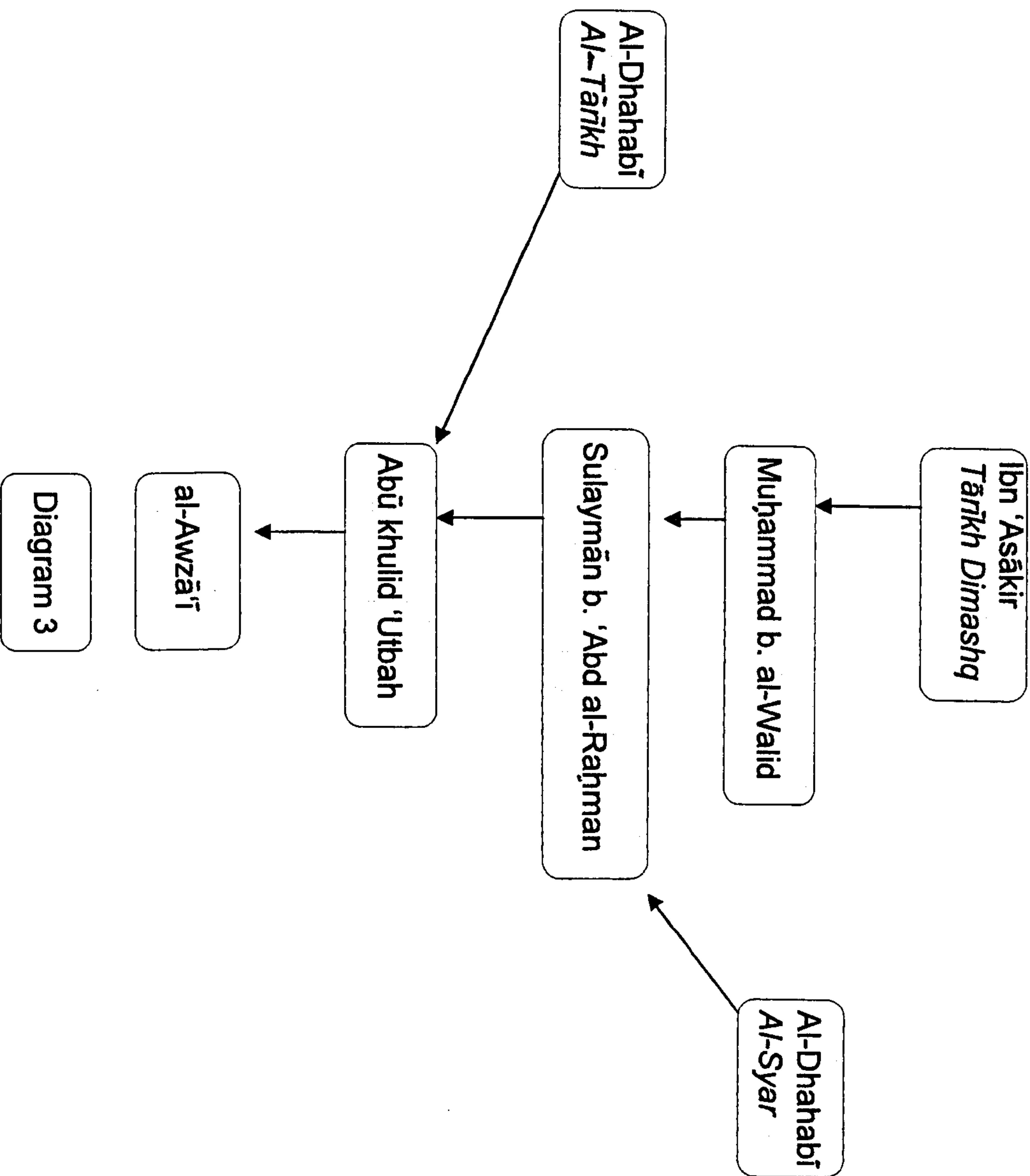
الله من أيديهم بقوله عز وجل يستلونك عن الانفال قل الانفال لله والرسول فاتقوا الله وأصلحوا ذات بينكم فكانت لرسول الله صلى الله عليه وسلم كلها خالصه وقسمها بينهم وأدخل معهم ثمانية نفر لم يشهدوا الوقعة من المهاجرين والانصار وهم بالمدينة وانما أعطاهم من ماله وانما نزلت واعلموا انما غنمتم من شئ فأن لله خمسه بعد غنيمة بدر ولم يعلم رسول الله صلى الله عليه وسلم أسهم لخلق لم يشهدوا الوقعة بعد نزول الآية ومن أعطي رسول الله صلى الله عليه وسلم من الولفة وغيرهم فانما أعطاهم لامن شئ من أربعة الأخماس وأما ما احتج به من وقعة عبدالله بن جحش وابن الحضرمي فذلك قبل بدر وقبل نزول الآية وكانت وقعتهم في آخر يوم من الشهر الحرام فوقفوا فيما صنعوا حتي نزلت يستلونك عن الشهر الحرام قتال فيه وليس مما خالفه فيه الاوزاعي بسبيل.

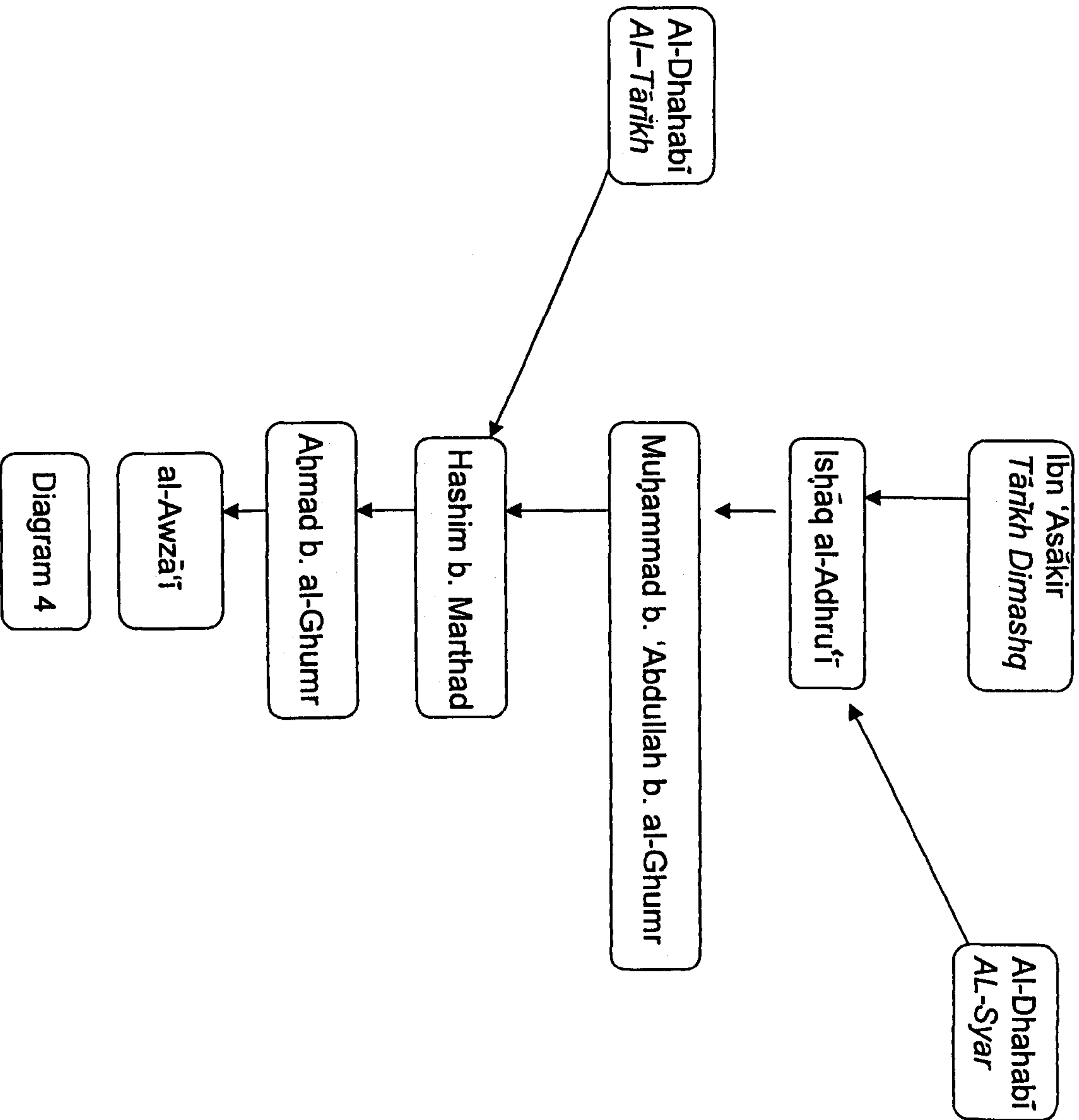
Appemdix B

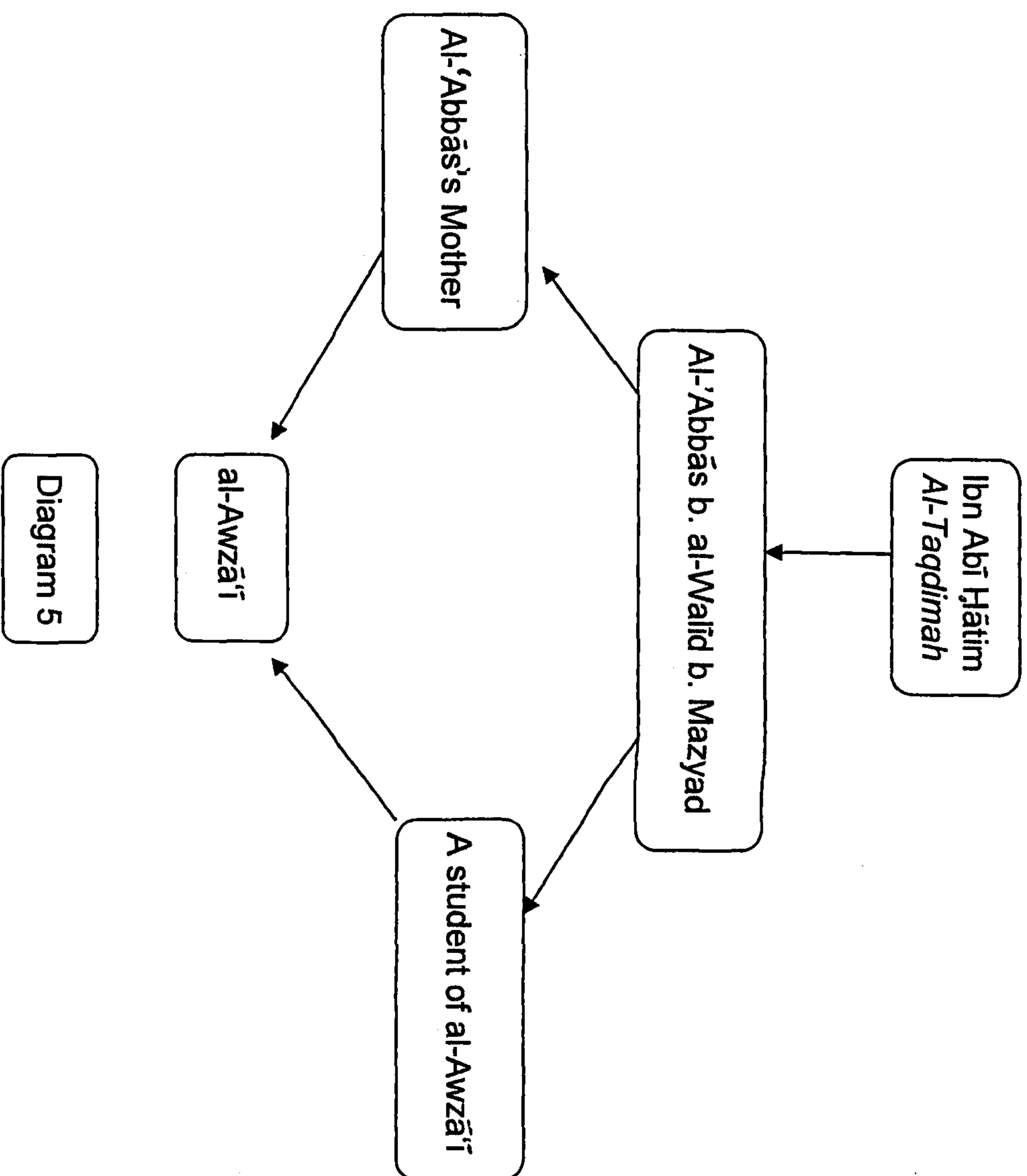
***Isnāds* Diagrams**











Appendix C

Letter number 1

رسالة الأوزاعي إلى أبي عبيد الله وزير

ال خليفة في موعظة وسؤال حاجة

حدثنا عبد الرحمن نا العباس بن الوليد بن مزيد قراءة قال أخبرني أبي عن الأوزاعي أنه كتب إلى أبي عبيد الله : أما بعد فأني أسأل الله عز وجل أن لا يسلب منك عقلاً ولا ديناً وان يجعل الغالب عليك فيما أنت فيه التوقي لما كنت تعرف وتكره قبل أن تبلى ولا يجهلك عنه فتنة طمع ولا كثرة شغل وأن يمن عليك بذكر قلة المتاع وتقريب حضور فراقه ثم يجعلك لحظك فيه مؤثراً وعلى سلبه منك مشفقاً فأذك المراء أحب أن أتعاذه بذكر ما عسى الله أن يحدث به خيراً فأني أرجو أن يكون الغيب منى على النصيح لك وحب العصمة في دينك وصرف السوء عنك فيه أن شاء الله . وقد سألتني إدريس الكتاب إليك فأن قدرت له رحمك الله على لحق في سكان جبلة طلبت له واعنته بما عسى الله أن يجعل قضاء حاجته بما يتسبب منه وأعنت عليه ثم يجزيك به خيراً ويجعله من النوافل المنخورة في الآخرة أن شاء الله فعلت والسلام عليك .

باب رسالة الأوزاعي إلى وزير الخليفة

أبي عبيد الله في تنجز كتاب من

الخليفة بتخليفة محبوس

حدثنا عبد الرحمن أنا العباس بن الوليد قراءة قال أخبرني أبي عن الأوزاعي أنه كتب إلى أبي عبيد الله : أما يعده قسم الله لك ولما أنت فيه عاصماً من سخطه ونية تعمل بها وتؤدي بها حق من يلزمك فيما وجدت السبيل إليه طلب الفرج عنه إذا استغاث بك وكنت رجاءه في نفسه بأذن الله وأنه لا يزال من أولئك متوسل بي إليك فلا ألوك فيه نصحاً وعند العقاب ومعينة الحساب لا تستكثر عملاً ولا تستقل ذنباً فألهمك الله ذكره وطلب الوسيلة عنده ثم أن يزيد ابن يحيى الخشي في حبس أمير المؤمنين أصلحه الله وكان من أعوان ابن الأزرق ولم يبلغني عنه سوء قرف به وقد طالت أقامته فيه فأن رأيت رحمك الله أن يكون من المهدى كتاب إلى أمير المؤمنين أصلحه الله فيه يذكر من أمره ما ترجو تخلصه به مما هو فيه من ضرر الحبس فعلت أعانك الله على الخير وجعله أغلب الأمور عليك وآثرها عندك والسلام عليك ورحمه الله .

رسالة الاوزاعي للمهدي

حدثنا عبد الرحمن أنا العباس بن الوليد بن مزيد أخبرني أبي عن الأوزاعي أنه كتب : أما بعد جعل الله الأمير ممن ألهمه الخبير وأستأنف به عمره وجعل فيه قوته وإلى ثوابه منقلبه فإن الأمير أصلحه الله من المسلمين ومن خليفتهم بالمكان الذي ليس به أحد غيره وأنه غاية عامة من أبتلى فوجد على الشخصوص إليه قوة ، للنظر في أموره والبلاغ منه حتى بفرج الله عنه بليته أو يتخذ منه عند السؤال عذراً .

جعل الله الأمير ممن يعضد ضعيف أمته ويهتم بأمر عوامهم ويرق على صاحب البلية منهم بما عسى الله أن يخلصه به منها ويوفيه عند الحاجة إليه أجره وقد كان أصلح الله الأمير إسماعيل بن الأرزق في ولايته على بعلبك فلم يبلغنا عنه الأعفأ وقصداً وقد كان من عقوبة أمير المؤمنين أصلحه الله أيأه في بشره وشعره ووضعته في الحبس قبله ما قد علم الأمير فلم يبلغنا أن ذلك كان عن خيانة ظهرت منه ولا وصف بها إلا أن يكون تعلق عليه لضعف وقد كان الرجل إذا ولى ثم عزل فبلى منه أمانة حمد وخلي سبيله أوحبس فاستعين به فإن رأى الأمير أن يهتم بأمره ويعرف حاله في العذر ومبلغه من السن فيكلم أمير المؤمنين في سراحه وتخلية سبيله فعل فإن الأمير من يعرف أمير المؤمنين نصحه وفضله إذا تدبر رأيه وهو من لا يخاف جبيته ولا غلظته وما أدى الأمير إليه من حق رعيته فسيجده عند الثواب موفراً

وجزاءه به مضعفاً أن شاء الله . أسأل الله أن يجزى الأمير بأحسن سعيه ويبلغه في
قوله وأفعاله رضوانه والخلود في رحمته والسلام عليكم ورحمه الله .

رسالته إلى المهدي في شفاعة لقوم

أخبرنا العباس بن الوليد (بن مزيد) (قراءة) قال أخبرني ابن عن الأوزاعي أنه كتب إلى المهدي : أما بعد هدى الله الأمير فيما ابتلاه للتي هي أقوم ووقاه تبعته ولقاه حجتة فإن من نعمة الله عليه وحسن بلائه عنده أن جعله يعرف بالعفو وخفض الجناح وطلب التجاوز عن أصحاب الجرائم عند خليفتهم وحضور أمور رعيته بما تطلع الله عليه أنفسها وتتبسط في رجائها فيه قلوبها فبلغ الله الأمير فوائد الزيادة في الخير وحسن المعونة على الشكر ثم أنه كان من رأى أمير المؤمنين في تلك العصاة الذين تسألوا من بعثهم ما قد بلغه من البعثة بهم إليه مشاة على أقدامهم من الشام مقرنين في السلاسل حتى قدموا منذ أعوام ثم وضعوا في ضيق من الحبس وجهد من الضرر وقد كان من رسول الله صلى الله عليه وسلم في النفر الثلاثة الذين تخلفوا عنه غزوة تبوك أن أوقف أمرهم ونهى الناس عن كلامهم حتى نزل فيهم حكم الله بالتوبة عليهم والمعاتبة لهم وأن عمر بن الخطاب أغفل أعقاب بعثه الأبان الذي كان يعقبهم فيه ففقلوا بغير إذن فأرسل إليهم أن يجتمعوا له في دار فعرفهم ما صنعوا فأشرف عليهم وتواعدهم وعيدا شديدا ثم عفا عنهم . والمؤمنون أصلح الله الأمير بعضهم من بعض وولاتهم يقتدى موفق آخرهم بصالح ما مضى عليه أولهم . فأن رأى الأمير أذاقه الله

عفو في الآخرة بحبه التبريد عن رعيته وقصد العقوبة فيهم رجاء أن يطلب لهم من
أمير المؤمنين أصلحه الله عفو والتجاوز عنهم فعل فإنه منه بحيث يعرف قوله وعند
تدبر الأمور فضله جمع الله للأمير ألف رعيته ورزقهم رحمته والرافة بهم وجعل
ثوابه منهم مغفرته والخلود في رحمته والسلام عليك ورحمه الله .

رسالة الأوزاعي إلى المهدي

أبن أمير المؤمنين في شفاعته

لأهل مكة في تقويتهم

حدثنا عبد الرحمن أنا العباس بن الوليد بن مزيد قراءة (عليه) قال أخبرني
أبي عن الأوزاعي أنه كتب إلى المهدي : أما بعد فإن الله عز وجل جعل رسوله
صلى الله عليه وسلم لمن بعده من ولادة المؤمنين أمام وقدوة وأسوة حسنة في رحمته
بأمتة والرافة عليهم وخفض جناحه لهم في عفو عنهم قال الله عز وجل في صفة
رسوله (بالمؤمنين رؤوف رحيم) فأسأل الله أن يعزم لأمير المؤمنين والأمير على
الصبر بالنسبة بنبيه صلى الله عليه وسلم والاعتصام بسنته ومناقسة الأخيار أعمال
البر ويجعل ثوابهما في يوم البعث الأمن والإفضاء إلى رضوان الله عز وجل .

وقد أصبح الأمير حفظه الله من خليفة المسلمين بحال الأمين المصدق أن شكا
لمن مسه الضر من أمتة لم يتهم نصحه ولم يجبه قوله وأن دافع عنهم رهقاً أو طلب
لهم عفواً أخذ بقلب الخليفة توفيقه وأحدث له بما القى إليه من الفضل سروراً أن شاء
الله فجعل الله الأمير لأمتة أمانة ومألفاً ورضاهم به وأخذ بأفئدتهم إليه .

ثم أنه أتانى من رجل من مقانع أهل مكة كتاب يذكر الذى هم فيه من غلاء
أسعارهم وقلة ما بأيديهم منذ حبس عتھم بحرهم وأجذب برهم وهلك مواشيهم هزلاً
فالحنطة فيهم مدان بدرهم والذرة مدان ونصف بدرهم والزيت مد بدرهم ثم هو يزداد
كل يوم غلاء وأنه أن لم يأتهم الله بفرج عاجلاً لم يصل كتابى حتى يهلك عامتهم أو
بعضهم جوعاً وهم رعية أمير المؤمنين أصلحه الله والمستول عنهم .

وقد حدثنى من سمع الزهرى يقول أن عمر بن الخطاب فى عام الرمادة
وكانت سنة شديدة ملحة من بعد ما اجتهد فى إمداد الأعراب بالأبل والقمح والزيت
من الأرياف كلها حتى بلحت مما أجهدھا قام يدعو الله عز وجل فقال اللهم أجعل
أرزاقهم على رءوس الظراب فاستجاب الله عز وجل له وللمسلمين فأغاث عباده فقال
عمر والله لو أن الله عز وجل لم يفرجها ما تركت أهل بيت لهم سعة إلا أدخلت
عليهم أعدادهم من الفقراء فإنه لم يكن أثنان يهلكان من الطعام على ما يقيم الواحد .
فبلغنا أنه حمل إلى عمر من مصر وحدها ألف ألف أردب . وبلغنا أن رسول الله
صلى الله عليه وسلم قال : هل عسى أحلكم أن تبيت فصاله رواء وجاره طاو إلى
جنبه ؟ فإن رأى الأمير أصلحه الله أن يلح على أمير المؤمنين فى إغاثة أهل مكة
ومن حولهم من المسلمين فى بره وبحره يحمل الطعام والزيت إليهم قيل أن يبتلى
بهلك أحد منهم جوعاً فعل .

وقد حدثني داود بن علي أن عمر بن الخطاب قال : لو هلكت شاة علي شواطئ الفرات ضياعاً ظننت أن الله عز وجل سيسألني عنها وأنها الأمر واحد وكل من العدل في الحكم عليه يوم القيامة مشفق إلا أن يعفو الله عز وجل ويرحم ، وهي أمتكم وأحق من خلفتهم فيها بالعفو والرافة رسول الله صلى الله عليه وسلم ، ألحقكم الله به مصلحين وأوردكم عليه بإحسان والسلام ، كتب في خمس من شهر ربيع الآخر سنة وثلثتين وخمسين ومائة .

رسالة الأوزاعي إلى أمير المؤمنين شفاعة

في زيادة أرزاق أهل الساحل

حدثنا عبد الرحمن نا العباس بن الوليد بن مزيد قال أخبرني أبي عن الأوزاعي أنه كتب : أما بعد ولي الله لأمر المؤمنين أموره بما ولي به أمور من هدى واجبي وجعله بهم مقتدياً فإن أمير المؤمنين أصلحه الله كتب إلى ألا أدع أعلامه كلما فيه صلاح عامة وخاصة فإن الله عز وجل يأجر على من عمل به ويحسن عليه الثواب وأنا أسأل الله عز وجل أن يلهم أمير المؤمنين من أعمال البر ما يبلغه به عفوه ورضوانه في دار الخلود .

وقد كان أمير المؤمنين حفظه الله قصر بأهل الساحل على عشرة دنانير في كل عام سلفاً من أعطياتهم وأمير المؤمنين أصلحه الله أن نظر في ذلك عرف أنه ليس في عشرة دنانير لامرئ ذي عيال عشرة أو أدنى من ذلك أو أكثر كفاف وأن قوت عشرة وقتر على عياله فربما جمع الرجل عشرته في غلاء السعر في شراء طعام لعياله ما يجد منه بدا ثم يدان بعد ذلك في إدامهم وكسوتهم وما سوى ذلك من النفقة عليهم في عشرة لقابل ، ولوا جرى عليهم أمير المؤمنين أصلحه الله في

أعطياتهم سلفاً في كل عام خمسة عشر ديناراً ما كان فيها عن مصلح ذي عيال فضل ولا قدر كفاف ، وأهل الساحل بمنزل عظيم غناؤه عن المسلمين فإنه لا يستمر لبعوث أمير المؤمنين فصول إلى ثغوره ولا سياحة في بلاد عدوهم حتى يكون من وراء بيضتهم وأهل ذمتهم بسواحل الشام من يدفع عنهم عدوا أن هجم عليهم وأنهم إذا كان القيظ تناوبوا الحرس على ساحل البحر رجالاً وركباناً وإذا كان الشتاء قاسوا طول الليل وقره ووحشته حرساً في البروج والناس خلفهم في أجنادهم في البيوت والأدفاء فإن رأى أمير المؤمنين حفظه الله أن يأمر لهم في أعطياتهم قدر الكفاف ويجربه عليهم في كل عام فعل وقد تصرمت السنة التي كانت تأتيهم فيها عشراتهم ودخلوا في غيرها حتى أشتدت حاجتهم وظهر عليهم ضررها وهم رعية أمير المؤمنين والمسئول عنهم فإنه راع وكل راع مسئول عن رعيته .

وقد بلغنا أن رسول الله صلى الله عليه وسلم قال أنه لحبيب إلى أن فارق الدنيا وليس منكم أحد يطلبني بمظلمة في نفسه ولا ماله أتم الله على الأمير نعمته وأحسن بلاءه في رعيته . وقد قدم علينا رسول أمير المؤمنين أصلحه الله بالعطية من النفقة والكسوة التي أمر أمير المؤمنين عافاه الله بقسمها في أهل الساحل فقسمناها فيهم من دينار لكل رجل ودينارين وقال المال عن اليتامى والأرامل فلم يقسم فيهم منه شيء واليتامى والأرامل و (هم من) المساكين في الوجوه الثلاثة في كتاب الله عز وجل من الصدقات ومن خمس المناغم وما أفاء الله على رسوله والمؤمنين من أهل القرى فإن رأى أمير المؤمنين أصلحه الله أن يبعث بما يقسم فيهم فعل ، جعل الله أمير

المؤمنين برسوله صلى الله عليه وسلم متشبهاً في رأفته ورحمته بالمؤمنين وأتم عليه
نعمته ومعافاته والسلام عليك ورحمه الله .

رسالة الأوزاعي إلى عبد الله بن محمد

أمير المؤمنين يعظه ويحثه على

ما حل بأهل قاليقلا وطلب الفداء

حدثنا عبد الرحمن أنا العباس بن الوليد بن مزيد قراءة قال أخبرني أبي عن الأوزاعي أنه كتب إلى عبد الله بن محمد أمير المؤمنين : أما بعد فإن الله عز وجل أنما استدعاه أمر هذه الأمة ليكون فيها بالقسط قائماً وبنبيه صلى الله عليه وسلم في خفض الجناح لهم متشبهاً وبأعماله التي مع قرابته فإنه من الفدوة في أعمال رسول الله صلى الله عليه وسلم أسوة حسنة وبلغنا أن رسول الله صلى الله عليه وسلم قال في اليوم الذي قبضه الله عز وجل فيه : يا فاطمة بنت رسول الله ويا صفية عمة رسول الله أعمالاً لما عند الله عز وجل فإنني لا أملك لكما من الله شيئاً .

وبلغنا أنه أمر قريشاً أن تجتمع فلما اجتمعت قال لهم : إلا أن أوليائي المتقون فمن اتقى فهو أولى بى منكم وأن كنتم أقرب منه رحماً . نسأل الله أن يسكن دهماً هذه الأمة على أمير المؤمنين ويصلح به أمورهما ويرزقهما رحمهما والراقة بها فإن سياحة المشركين كانت عام أول في دار الإسلام وموطأ حريمهم واستنزاهم نساء المسلمين وذواريهم من معاقلهم بقاليقلا لا يلقاهم من المسلمين لهم ناصر ولا عنهم مدافع كان

بما قدمت أيدي الناس وما يعفو الله عنه أكثر بخطاياهم سبين وبذنوبهم استخرجت العوائق من خدورهن يكشف المشركون عوراتهن لاند تحت أيدي الكوافر يمتهنونهن حواسر عن سوقهن وإقدامهن ويردون ولدانهن إلى صبغة الكفر بعد الإيمان مقيمات في خشوع الحزن وضرر البكاء فهن بمرأى من الله عز وجل ومسمع وبحيث ينظر الله من الناس إلى أعراضهن عنهن ورفضهم أياهن في أيدي عدوهم والله عز وجل يقول من بعد أخذه الميثاق من بنى إسرائيل أن أخرجهم فريقاً منهم من ديارهم كفر ومفاداتهم أساراهم إيمان ثم أتبع اختلافهم وعيد منه شديد - لا يهتم بأمرهن جماعة ولا يقوم فيهن خاصة فيذكروا بهن جماعتهم فليستعن بالله أمير المؤمنين وليتحنن على ضعفاء أمته وليتخذ إلى الله فيهن سبيلاً وليخرج من حجة الله عليه فيهن بأن يكون أعظم همه وأثر أمور أمته عنده مفاداتهن فإن الله عز وجل حض رسول الله صلى الله عليه وسلم والمؤمنين على من أسلم من الضعفاء في دار الشرك فقال (مالكم لا تقاتلون في سبيل الله والمستضعفين من الرجال والنساء والولدان) إلى قوله (نصيراً) هذا ولم يكن على المسلمين لوم فيهن فكيف بالتخلية بين المشركين وبين المؤمنات يظهر منهن لهم ما كان يحرم علينا الابتنكاح .

وحدثني الزهري أنه كان في كتاب رسول الله صلى الله عليه وسلم الذي كتب به بين المهاجرين والأنصار أن لا يتركوا مفرجاً أن يعينوه في فداء أو عقل . ولا نعلم أنه كان لهم يومئذ في موقوف ولا أهل ذمة يؤدون إليهم خراجاً إلا خاصة أموالهم ، ووصية رسول الله صلى الله عليه وسلم (المسلمين بالنساء في حجة الوداع

وقوله إنما أوصيكم بالضعفين المرأة والصبي ومن رأفة رسول الله صلى الله عليه وسلم كانت بهن قوله أنى لأقوم فى الصلاة أريد أن أطول فيها فأسمع بكاء الصبي فأتجوز فى صلاتى كراهة أن أشق على أمه فبكاؤها عليه من صبغة الكفر أعظم من بكائه بعض ساعة وهى فى الصلاة وليعلم أمير المؤمنين أنه راع وأن الله مستوف منه وموفيه حين يوقف به على موازين القسط يوم القيامة . أسأل الله أن يلقى أمير المؤمنين حجتة ويحسن به الخلافة لرسوله فى أمتة ويؤتية من لدنه أجراً عظيماً والسلام عليك .

Letter number 8

رسالة الأوزاعي إلى سليمان بن

مجالد في التعطف بالمكتوب (عند الخليفة)

في التماس الفداء لأهل قاليقلا

حدثنا عبد الرحمن أنا العباس بن الوليد بن مزيد قراءة قال أخبرني أبي عن الأوزاعي أنه كتب إلى سليمان بن مجالد : أما بعد فإننا وأن لم يكن جمعنا وأياك تلاقى ولا بد . كتاب كنا على تواصل منه لم يبطئ منا عنك ما يجد المسلم من البشر لأخوانه ، وأن كانت الأفاق بهم مفترقة فإن الألفة بحمد الله جامعة وروح الله يجرى بين عبادة فنسأل الله أن يجعلك وأيانا من نعمته في ذات بيننا على توفيق يدخلنا به برحمته في عباده الصالحين (ثم) أنه ينبغي لمن نعشه الله من الجهل وأفضل عليه بمعرفة ما نفع من الأمور وما ضر منها أن يتوقى أهمال نفسه ورفض السعي بالنصيحة لله عز وجل في عباده .

وأنت من الحق بسبب معرفة به وبنعمة من حجة الله عندك وبمكان ممن إليه جماع أمر أمة محمد صلى الله عليه وسلم فلا تدافع ما أنت مسئول عنه أن رأيت أن دونه قرابة أو لطف بطانة إذا كان بموقع من الحجاب عنه موضوع وممن أن قال لم يتهم وأن خولف لم يستغش فإن عذر عليه أمر في موطن أدرك غيره في سواه .

وقد رأيت أن أكتب إليك في أمر رأيك له موضعاً وأرجو أن تكون بما عليك فيه من الحق عالماً أن شاء الله ، أن ترك لن يؤمن سوء تبعته وتعجيل الغير إلا أن يعفو الله ويلهم المخرج والتوبة إليه وذلك فيما أصاب المشركون من عذارى المسلمين ونسائهم بقاليقلا وترك مفاداتهم فإن بكائهم إلى الله عز وجل بمرأى وأصواتهم (منه) بمسمع حين يكشف المشركون عوراتهن وحين ينظرون من أولادهن إلى صبغة الكفر بعد الإيمان ، فالله الله فيهن فإنك من أمرهن بسقب وبحيث أن قلت فيهن بخير سمع منك أو كان معذرة إلى الله عز وجل فأد رحمتك الله حصتك فيهن إلى الله وحصص من لا يستطيع أن يقع في موقعك من ولى أمورهم وأشتر نفسك بذلك من الله وبمالك فإنك تقرض كريماً شاكراً عسى الله أن مس عباده بعقاب نجاك منه أو برحمة يخصك بها وقد كتبت إلى أمير المؤمنين فيهن بكتاب بعثت به إليك لتدفعه إليه ولكن بما أحببت من تقديم القول فيهن سبباً أسأل الله أن يجعلك فيما يحب أن يقيم به عباده معاوناً وبالحق فيه قائماً وأن يؤتيك عليه من لدنه أجراً عظيماً والسلام عليك ورحمه الله .

رسالة الأوزاعي إلى عيسى بن علي

في جواب من دفع عن نفسه تنبيه الخليفة في أمر قاليقلا

واستدعاء تذكير الأوزاعي للخليفة

حدثنا عبد الرحمن نا العباس بن الوليد قال أخبرني أبي قال كتب الأوزاعي إلى عيسى بن علي : أما بعد فإن سياحتكم في سبيل الله كان أمر هدى وقربة فنسأل الله أن يجعلها غزوة ويقطع بها ما كانت فيه هذه الأمة من جهد حدثها ثم لا يعيدها فيه وأن يستقبل به التوبة عليهم والعفو عنهم وحسن الخلافة لنبيه صلى الله عليه وسلم فيهم أنه رعوف رحيم ونسأله أن يتم لك أجرها وتفضيل النفقة فيها . وقد بلغني كتابك وجواب ما كنت كتبت به إليك في أهل قاليقلا تذكر أنه أضرب بهم أنك لم تراحدا به طرق يقوم بذلك ولا يذكر به ، وتأمرنى بمحادثتك فيهم أن قضا الله لك من غزاتك أيابا ، وصدقت رحمك الله فيما ذكرت فكم من موسم يرى أن عنده خيراً من أهل الأفاق يقدم على خليفة وآخر مقيم عنده وفي صحابته ليس عنده فضل في مسأله لنفسه فيذكر بحق ضعيف بعيد الشقة أو مستحوذ عليه في دار الشرك .

فإنه قد كان حين تغيرات حال الناس وفيهم بقية يذكرون فيبلغ عنهم ويقولون فيسمع منهم ثم صرت في دولة زمان أمر العامة فيه على جفاء لا يعرفون معروفاً

ولا ينكرون منكراً وحال الخاصة على أمور متفرقة وعصمة رأى كل فرقة في ألفتها
معرفة محبتها إلا قليلاً فكن رحمك الله للضعفاء بحقوقهم قائماً وبأمر سبايا المؤمنات
(وولدانهن) مهتما ومن الوجد عليهن من ذل الكفر وتكشف عوراتهن ورد لذنهن
إلى صبغة الكفر بعد الإيمان معنياً وبالسعى بالنصيحة لمن لا ولى له ولا مذكر به إلا
الله (عاملاً) عسى الله أن يجعلك له فى الأرض شاهداً وله فيما يحب أن يعمل به
موالياً جعلك الله ممن اختصه برحمته فسارع إلى مغفرته وآب إلى رضوانه والسلام
عليك .

رسالة الأوزاعي إلى أبي بلج

فى موعظة الوالى فى حسن السيرة فى الرعية والمعدلة بأهل الذمة . حدثنا عبد الرحمن أنا العباس بن الوليد بن مزيد قال أخبرنى أبى قال كتب الأوزاعى إلى أبى بلج : أما بعد صرف الله عنا وعنك الميل عن الحق (من بعد المعرفة) والجهل عما نفع ، واتباع الهوى بغير هدى منه فإن أبا الدرداء كان يقول لن تزالوا بخير ما أحببتم خياركم وما قيل فيكم بالحق فعرفتموه فإن عارف الحق كعامله وقد تقدمك أمران أما أحدهما فالكتاب له مصدق والسنة عليه شاهدة والنصر به مؤيد وأمر الناس عليه جامع وأما الآخر فالتجوز على الألفة إلى غل لا مودة فيه وإلى طمع لا أمانة فيه وإلى بيع حكم لا عمل فيه حتى وهنت القوة وظهر فى الإسلام فساد .

وقد رأيت كتباً ظهرت فيما عندكم ومقالة سوء بعقوبة فرط وصحبة غليظة للمسلمين وقد أوصى رسول الله صلى الله عليه وسلم بخفض الجناح لهم وبالرافة بهم والمعدلة بينهم يعفى عن مسيئتهم فيما يجعل العفو فيه ويعاقب المذنب على قدر ذنبه لا يقتحم بالعقوبة وجهه فإنه بلغنا أن صكة الوجه القيامة لا تغفر فكيف من الموت أجمل من عقوبته لا يثنى إلى حدود الله عظمه ولا يقف فى سيرته على أمره يريه جهله أنه فى الأمور مخير وأن غيه رشد فهو لحرم الله عند غضبه ملغى وبالعداة فى دين الله



وعلى عباده يسفه فأنكم جعلتم أما نتكم من أهل ذمتكم مأكلاً وبين أهوائكم حتى هلكت الأموال وعلقت الرجال مع المثلة في اللحى وتقطيع الأبخار ورسول الله صلى الله عليه وسلم يقول فيما بلغنا : من ظلم معاهداً أو كلفه فوق طاقته فانا حجيجه . فأعظم بندامة من رسول الله صلى الله عليه وسلم وعن قليل حجيجه .

لقد أحدثت تلك الأعمال فيما بلغني من المسلمين ضغائن ولبعض ذوى النهى في جهاده معكم رياء بما تأتينا بذلك كتبهم يسألون عنه أسأل الله أن يثني بنا وبكم إلى أمره ويتغمد ما سلف منا ومنكم بعفوه وذكرى أن أكتب إلى صاحبك فإنه يتحمل بالكتاب إليه بما لم آله نصحاً . وقد بلغني أن عمر بن عبد العزيز اتاه أخ له من الأنصار قال له أن شئت كلمتك وأنت عمر بن عبد العزيز فيما تكره اليوم وتحب غداً وأن شئت كلمتك اليوم وأنت أمير المؤمنين فيما تحب اليوم وتكره غداً ، فقال عمر بل كلمنى اليوم وأنا عمر بن عبد العزيز فيما أكره اليوم وأحب غداً جعل الله في طاعته الفتنة وفيما يحب تقلبنا ومثوانا آمين والسلام .