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Urban Populations in Early Islam

Self-Identification and Collective Representation

Introduction

The world of medieval Islam did not have a corresponding equivalent for the notion of citizenship. There is no Arabic word that designates the legal status of an individual who may participate in the political life of a city, a province, or the Empire. However, this does not mean that such participation did not exist. Shūrā (consultation) is sometimes used as an example of such a gesture towards an elective system in Islam. However, the shūrā-council that elected ʿUthmān (r. 23–35/644–656) as the head of the Muslim community included only six members who were appointed by the previous caliph and were all candidates for the caliphate themselves. As noted by Patricia Crone, shūrā was not a democratic election but, rather, a mode of deliberation during a political crisis, which aimed for the emergence of a consensus. Consulting the Muslim constituency to choose the ruler remained, with rare exceptions, a political ideal that was mainly defended by opposition groups. Opponents to the Umayyads thus called for a shūrā without defining its ex officio members or ever extending it to a large part of the community. Others called for the adoption of an ‘approved’ caliph (ridā) without specifying through which procedure such approval could be granted.

The dynastic principle that definitively prevailed after the Abbasid revolution of 132/750 relegated the concept of shūrā as a means of legitimation to a secondary position. Although Sunnis from the fourth/tenth century onward came to

1 On the shūra, see Bosworth, ‘Shūra’.
3 Crone, ‘Shūrā as an Elective Institution’, p. 15. See also Tyan, Institutions du droit public musulman, p. 260.

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consider the caliph as the representative (wakil) of the entire community, the approval of a very small number of ‘voters’ (ahl al-ḥall wa-l-ʿaqd, litt. ‘people who loosen and bind’) who belonged to the administrative or scholarly elites was enough to legitimize his accession to power. The previous ruler’s choice was only confirmed through such a symbolic designation. The representative nature of these voters stemmed from the legal concept of fard kifāya (collective duty) that had simultaneously developed, which stipulated that the community was exempt from an obligation as long as a sufficient number of individuals fulfilled it.6

Despite such marginalization of the subjects in the appointment process of their sovereign, they may still have been able to participate in the political life on a smaller scale, particularly in their cities. However, the study of the way urban populations represented themselves and understood their role in the administration of their city is not an easy task, especially during the early centuries of Islam when documentation is scarce and literary sources offer only a sketchy vision of cities’ political life. This explains why Claude Cahen, who was one of the first historians to explore urban governance in Islam, limited his series of studies to later periods and started in the fifth/eleventh century.7 His work drew attention to the role certain groups, such as the militias called ʿabdāth (litt. ‘young men’) and their ‘leaders’ (raʾīs), played in the administration of Syrian and Mesopotamian cities.8 As she reviewed Cahen’s studies and the subsequent work of his followers, the Ottomanist Nora Lafi concludes that governance was ‘at least partially entrusted to the city notables’ and highlights the existence of a ‘civic sphere’ in Islamic cities.9 However, her conclusions cannot apply to the first centuries of Islam without further investigation.

This present contribution has a twofold objective. First, I investigate how early Islamic populations expressed their belonging in documentary sources and what place cities occupied in these self-representations. Secondly, I examine the role of urban populations in the management and defence of local affairs. This survey will only concern Muslim populations — and not non-Muslims (dhimmī-s) — and will rely almost exclusively on Near Eastern examples concentrating on Egypt and Iraq in particular. This paper argues that the sense of belonging to an urban community was not a self-evident phenomenon in early Islam and that expressions of such belonging only multiplied gradually and took different forms. Despite the absence of any permanent representative body in cities, urban elites participated in the management of collective affairs, either through their participation in local institutions or through their ability to speak on behalf of others.

5 Zaman, ‘Ahl al-ḥall wa-l-ʿaqd.’
7 Cahen, ‘Mouvements populaires et autonomisme urbain.’
8 It should be noted that these categories evolved over time. The raʾīs designated a tribal or party leader in early Islam and did not refer to any form of urban organization as in eleventh-century Syria.
9 Lafi, Esprit civique et organisation citadine, pp. 38, 50.
The social world of early Islam is often considered as an urban one. Following the conquests, Arab-Muslim conquerors indeed settled in pre-existing or new cities. Motivated by strategic considerations, this concentration in urban centres lasted for several decades. In Egypt, for instance, the conquerors settled partly in Alexandria — where they kept an important border garrison (ribāṭ) to defend the coast against the Byzantines — and mostly in Fustat, a new settlement next to the fortress of Babylon, or in its immediate surroundings like al-Jīza. Their presence in the rest of the province was limited to a few soldiers and traders, or to temporary stays in spring pastures to fatten their horses while preparing for summer military expeditions. Arabization and islamization of the Egyptian countryside did not begin before the first half of the second/eighth century, when indigenous administrators were gradually replaced and new Arab tribes settled in the Delta.

The ahl of a Territory

One of the most common means in Arabic to designate an individual’s belonging to a city or a region was to use the expression ‘min ahl’ (belonging to the people of …). According to later reports, the famous battle of Ṣiffīn (37/657) that occurred during the first civil war between Muslims (fitna) saw an opposition between the ahl al-Shām (the ‘people of Syria’, Muʿāwiya’s supporters) and the ahl al-ʿIrāq (the ‘people of Iraq’, ʿAlī’s supporters). Despite the abusive generalization implied by these designations, they nevertheless reflect the contemporaries’ perceptions of social divisions along territorial lines.

Starting in the first/seventh century, the expression min ahl appears in documentary sources to qualify membership of a group, whether on a religious basis (ahl al-kitāb, ‘people of the Book’ or ahl al-dhimma, ‘the dhimmīs’; ahl al-islām, ‘people of Islam’) or a territorial one. In Arabic papyri discovered...
in the Egyptian hinterland, individuals (Copts or Muslims) are very often identified by their belonging to ‘the people’ (min ahl) of a particular village or pagarchy (Arabic kūra, an administrative unit), or, more rarely, of a particular city. Because of their legal scope, these documents, which were mostly issued by Muslim authorities, needed to identify individuals precisely and included their places of residence in addition to their names and surnames. However, they do not reveal how individuals perceived their own belonging.

To approach self-representations, it is thus necessary to turn to another documentary corpus: funeral epigraphy. Only a small number of tombstones use the expression min ahl to mention the specific city to which the deceased belonged. I examined a corpus of 536 Arab funeral stelae that spanned from present-day Algeria to Iraq, including Egypt (82.1 per cent of the corpus), Arabia, Syria, and Cyprus and dated from the seventh century to 835 CE. In this entire corpus, I found only two instances of such stelae that mention the city to which the deceased belonged. The oldest one is the tombstone of Ābd al-Raḥmān b. Ḥaywa ibn Dhi-al-Ṭ.f al-Ḥaḍramī (d. 126/744), in Algeria. This man is mentioned as ‘min ahl Ḥimṣ’ (belonging to the people of Ḥimṣ, in Syria) and may have been a soldier who settled in the Maghreb during the conquest. The second inscription appears on the funeral stele of a Qurayshī who died in Egypt in 184/800; unfortunately, the word after min ahl, probably a toponym, is erased. Several surviving examples of graffiti engraved on pilgrimage roads in Arabia also mention the same expression: a man ‘belonging to the people of Qinnasrīn’ (in northern Syria) wrote his name on the rock in 78/697. Two other individuals from the same city wrote requests for forgiveness to God on unknown dates, probably in the early second/eighth century. Two undated inscriptions were carved by

and Rached, Catalogue général, 1, p. 95, no. 135 and p. 107, no. 155, and Wiet, Catalogue général, IX, p. 73, no. 3314 and p. 72, no. 3313. Let us finally mention the expression ‘min ahl millati-ka’ (the people of your religion) in P.HindsNubia (year 141/758).


P.StöetzerSteuerquittung, PCair.Arab. 174 (min ahl madīnat Ushmān), P.HindsNubia (min ahl Aswān), P.Steuerquittungen 1, PCair.Arab. 168 (min ahl madīnat Ushmān).

It should be noted that these funeral stelae never mention dates and places of birth. See Rāghib, ‘Les pierres de souvenir’, p. 346. For a larger overview, see Halevi, Muhammad’s Grave, pp. 14 f.

It should be noted that these funeral stelae never mention dates and places of birth. See Rāghib, ‘Les pierres de souvenir’, p. 346. For a larger overview, see Halevi, Muhammad’s Grave, pp. 14 f.

RCEA, 1, no. 65. See also a stele on which an Irfīqiyyan who died in Fustāṭ in 209/824 is called ‘min alma’ Irfīqiyya’ (belonging to the sons of Irfīqiyya). Wiet, Catalogue général, IX, p. 47, no. 3268. See also Rāghib, ‘Les pierres de souvenir’, p. 343.


Al-Kilābī, al-Nuqṣīsh al-islāmiyya, p. 212, no. 129.
men ‘belonging to the people of Damascus’, and one by an individual from Raqqa. A Berber pilgrim from Tangier, in the Maghreb, wrote his name in 142/759–760. Finally, an Egyptian from Fustat (min ahl Miṣr) engraved a pardon request in Cyprus in 164/780.

On the basis of the few examples that I have been able to glean from the impressive Thésaurus d’Épigraphie Islamique, it is possible to draw two conclusions. First, it was quite uncommon to identify an individual by the urban population to which he or she belonged through the expression min ahl. Second, this identification formula seems to occur only when the individuals who wrote (or for whom the funeral stele was engraved) were far away from the place to which they claimed to belong. Therefore, expressing a city of belonging was primarily motivated by being present in a foreign land.

**Nisba-s: Tribes as Identification Markers**

Arabic onomastics offers another way of stating an individual’s belonging to a group or territory: the relation name (nisba) following the patronymic (possibly developed as a patrilineal genealogy), in the form al- + ethnonym or toponym + iyy (masculine, abbreviated as ī) or iyya (feminine), for example, al-Baṣri for a Baṣran. In the early Islamic period, not everyone used a nisba when writing his name. In informal inscriptions (graffiti) and on tombstones, many people only mentioned their name and that of their father (sometimes their forefathers).

Within my corpus of 536 tombstones, I found only nineteen geographical nisba-s — 5 per cent of the stelae — fifteen of which refer to a city and four to a larger place, generally a province (Table 13.1). The most frequent nisba, ‘al-Makki’, appears only six times total and only once in the Arabian Peninsula, far from Mecca. Other occurrences relate mainly to members of a single family buried on the Dahlak Islands in the Red Sea. In comparison, the number of tribal nisba-s is nearly ten times higher. I counted 182 instances, and of these five are specified by a clan nisba preceded by the particle thumma (‘then’). More than a third of these funeral stelae thus carry a tribal nisba (34...
Table 13.1. List of tribal and geographic *nisba*-s on funerary stelae (650–835 CE)

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Number</th>
<th>Region</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>al-ʿAkkī</td>
<td>1</td>
<td>al-Bahrāni (Bahrayn?)</td>
<td>1</td>
</tr>
<tr>
<td>al-ʿAṣbāḥi</td>
<td>1</td>
<td>al-Khurasāni (Khurasan)</td>
<td>1</td>
</tr>
<tr>
<td>al-Balbāʾi (?)</td>
<td>1</td>
<td>al-Sijistāni (Sijsistan)</td>
<td>1</td>
</tr>
<tr>
<td>al-Dawsī</td>
<td>1</td>
<td>al-Yamāmīyya (Yamāma)</td>
<td>1</td>
</tr>
<tr>
<td>al-Janābi</td>
<td>1</td>
<td>Total</td>
<td>4</td>
</tr>
<tr>
<td>al-Jumāḥī</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Jurashi</td>
<td>1</td>
<td>al-Aswāni (Assouan)</td>
<td>1</td>
</tr>
<tr>
<td>al-Ḥaḍrami</td>
<td>9</td>
<td>al-ʿAṭrābulsi (Tripoli)</td>
<td>1</td>
</tr>
<tr>
<td>al-Ḥajāri</td>
<td>1</td>
<td>al- Başriyya (Baṣra)</td>
<td>1</td>
</tr>
<tr>
<td>al-Ḥāshimī</td>
<td>6</td>
<td>al-Ḥimṣī (Ḥims)</td>
<td>1</td>
</tr>
<tr>
<td>al-Khawlānī</td>
<td>48</td>
<td>al-Ḵūfī (Ḵūfā)</td>
<td>1</td>
</tr>
<tr>
<td>al-Khuzāʿī</td>
<td>3</td>
<td>al-Madāni (Medina)</td>
<td>1</td>
</tr>
<tr>
<td>al-Ḥijārī</td>
<td>2</td>
<td>al-Makki (Mekka)</td>
<td>6</td>
</tr>
<tr>
<td>al-Farḥāṭi (?)</td>
<td>1</td>
<td>al-Nāsī (Naṣ, Khurāsān)</td>
<td>1</td>
</tr>
<tr>
<td>al-Kindi</td>
<td>7</td>
<td>al-Ramlī (Ramla)</td>
<td>1</td>
</tr>
<tr>
<td>al-Kalāʾī</td>
<td>2</td>
<td>al-Ṣanʿāʾī (Ṣanaa)</td>
<td>1</td>
</tr>
<tr>
<td>al-Lakhmī</td>
<td>2</td>
<td>Total</td>
<td>15</td>
</tr>
<tr>
<td>al-Maʿāfīrī</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Makhrāmī</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Murādī</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Naḍrī</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Qāsri</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Quḏāʿī</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Qurāshī</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Ruʿ aynī</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Ṣadāfī</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Tamīmī</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Tujībi</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>al-Zuhri</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>182</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clan</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>al-Jāʿlī</td>
<td>1</td>
</tr>
<tr>
<td>al-Ḥarrānī</td>
<td>1</td>
</tr>
<tr>
<td>al-Maṣrāḥī</td>
<td>1</td>
</tr>
<tr>
<td>al-Nabawi (or al-Banawi?)</td>
<td>1</td>
</tr>
<tr>
<td>al-Ruʿāsī</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
</tr>
</tbody>
</table>

Notes:

a This is actually the *nisba* of the deceased’s patron.

b We consider a *nisba* to refer to a clan when it follows a tribal relation name from which it is separated by the particle *thumma.*
urban populations in early islam

per cent). The most common ones relate to tribal groups that settled in Egypt after the conquest (Khawlān, Quraysh, al-Ṣadāf, Murād, Tuḥbīḥ, Ḥadrāmawt, al-Maʿāfir, Kinda), which can be explained by the high proportion of Egyptian stelae in the corpus.

These results corroborate my previous conclusion regarding the use of min ahl. In the first two centuries of Islam, Muslims often expressed their membership in a tribal group and, to a much lesser extent, in a city or a region when they died far away from their home. It is also noticeable that the geographical nisba-s found in our corpus all qualify people who died after 810 CE. Consequently, the early ninth century appears as a turning point in the way individuals were identified. This conclusion, however, might be a result from the dramatic increase in the surviving number of funeral stelae dating from the first thirty years of the ninth century compared to the total number of those engraved in the previous century and a half. At any rate, it should be noted that a geographical nisba was never associated with a tribal one on these tombstones. One claimed to belong to either a tribe or a city, but never both together.

In the eyes of Egyptians, at least, belonging to a city did not appear to be an important way to identify a deceased person on his tombstone, even when he died far from his hometown. Only one Egyptian toponym, Aswān, appears on an Egyptian stele. The nisba al-Fusṭāṭi does not appear in the Aswān necropolis until 265/879. Previously, when people from Fusṭāṭ died in another part of Egypt, or even abroad, our corpus suggests that their origin was not mentioned on their tombstones.

Early Muslims thus seem to have designated themselves much more frequently in relation to their tribe than to their city. However, a tribal designation does not necessarily mean identification with a lineage. Most of the names in our corpus do not mention any ancestors beyond the deceased’s father and do not go back more than four generations. Tribal nisba-s also appear on tombstones of people who were attached to a tribe as clients (mawālī). Moreover, they generally refer to large tribal groups and very rarely to more specific clans. For example, the funeral stele of the famous scholar and judge ʿAbd Allāh ibn Lahīʿa (d. 174/790) identifies him only by his

35 The only exception is a stele from Arabia, undated but estimated to date back to the second/eighth century. Al-Faqīh, MikhlāfʿAsham, p. 456, no. 4. On geographical nisba-s on tombstones, see also Diem, The Living and the Dead in Islam, pp. 22–23, in which the author argues that nisba-s of origin were only elements of names, and did not necessarily indicate the origin of the deceased.

36 'Abd al-Tawab, Stèles islamiques de la Nécropole d’Assouan, ii, p. 41, no. 190.

37 Cf. Halevi, Muhammad’s Grave, p. 17.

38 Wiet, Catalogue général, ix, p. 5, no. 3205; p. 23, no. 3230; viii, pp. 40–41, no. 2888; Hawary and Rached, Catalogue général, 1, pp. 21–22, no. 24; pp. 70–71, no. 100; p. 83, no. 119; p. 85, no. 122; pp. 93–94, no. 133. The institution of walā’ allowed an individual and his descendants to join a tribe to which they did not originally belong. Non-Arab converts were supposed to integrate into tribal society by walā’ in early Islam. See Crone, ‘Mawlā’, p. 874.
patronym and his tribal nisba (ʿAbd Allāh ibn Lahīʿa al-Ḥaḍrami),\(^{39}\) while later historiography reconstructed his genealogy over five generations and assigned him two possible clans.\(^{40}\) A material reason might explain such concision: multiplying ancestors’ names would have increased the carving space that was needed and thus the cost of tombstones. However, the length of many inscriptions — that regularly multiply pious formulas and even sometimes specify the day of the death — suggests that cost was not a primary concern. A long genealogy evidently was not considered an essential way to identify the deceased. Therefore, tribal identification reflected, first and foremost, someone’s horizontal membership in a social group and only secondarily his vertical belonging to a lineage group.

The conquerors’ division into tribes long governed social relations in Islam. Garrison cities, such as Fusṭāṭ, Baṣra, and Kūfa, were divided into tribal quarters that continued structuring the urban fabric in the early third/ninth century.\(^{41}\) In this respect, it should be noted that more than a fifth of our corpus (115 stelae out of 536) comes from Fusṭāṭ. Although all tombstones bearing a tribal nisba do not come from this city, one could tentatively postulate that, in some of these cases, the identification of the deceased with a tribal group, such as Khawlān, Kinda, Tujīb, al-Maʿāfir, Murād, or Ḥīmyar, could also indirectly refer to a tribal neighbourhood.\(^{42}\) If so, these tribal nisba-s may indicate an urban identification, not signifying the entire city but, rather, their tribal quarter.

**The Stranger**

If we assume that belonging to a city or a province affected how its inhabitants represented themselves, the mention of ‘strangers’ should provide a counterpoint to this type of local identification. As a matter of fact, both literary and documentary sources use such a categorization, using the term gharīb (pl. ghurabā’), which denotes an individual who left his original place of residence in the Islamic Empire and settled elsewhere on a temporary or permanent basis, and was cut off from his previous social networks.\(^{43}\) Al-Kindī (d. 350/961) uses this term to refer to non-Egyptian judges of Fusṭāṭ who came from another province.\(^{44}\) Similarly, Ibn Yūnus (m. 347/958) composed a *Book of Strangers who Came to Egypt* (*Tārīkh al-ghurabā’ alladhīna qadimū Miṣr*).\(^{45}\)

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42 See the schematic plan of the tribal quarters of Fusṭāṭ in Kubiak, *Al-Fustat*, p. 176.
Although papyrological sources do not seem to attest to the use of ghariib in this sense before the sixth/twelfth century, funeral stelae identify such ‘strangers’ as early as the third/ninth century. A tombstone from Fusṭāṭ, dated 241/856, mentions a certain al-Ḥasan ibn ʿAbd Allāh al-Baghdādī, originating from Baghdad, and describes him as gharib — highlighting his situation as an alien in Egypt. Ten years later, in 252/866, the stele of a woman named Umm ʿAbd Allāh, who died in Fusṭāṭ, specified that she was an ‘Arab’ and an ‘Azdite’ and described her as ghariib. The same is true for a baker originating from Aleppo who died in Egypt in 253/867, and for a Khurāsānian who died in Syria around the same time.

These relatively late attestations cannot be taken as evidence that Muslims from another province were perceived as ‘strangers’, or that they perceived themselves as such, in the first/seventh and second/eighth centuries. The predominance of tribal nisba-s on tombstones, the rarity of the expression min ahl, and the late appearance of the term ghariib altogether lead us to conclude that identification with a city, or even a province, remained a secondary phenomenon during the first two centuries of Islam. This situation changed in the first half of the third/ninth century: from the 840s CE onwards, more and more references to geographical origins appeared on Egyptian funeral stelae. This evolution seems to reflect a deeper paradigm shift, which led to the emergence of diversified expressions of regional belonging.

**From Tribal to Local Chauvinism**

The predominance of tribal categorization in the first two centuries of Islam is echoed in some of the oldest literary sources that have come down to us, that of ‘traditions’ (athar, or ḥadīth) or statements attributed to religious authorities belonging to the first generations of Muslims. These traditions reflect competitions between tribal groups who promoted their qualities and prestige inherited from ancient times, rather than rivalries between cities or provinces. In Umayyad Ḥimṣ (Emesa), apocalyptic traditions expressed the
political ambitions of tribes originating from the southern Arabian Peninsula, when northern Arab tribes (especially Quraysh) dominated the political scene. These South Arabian tribes claimed the legacy of the former kingdom of Ḥimyar, which still had a tribe named after it, and expected its restoration as a prerequisite for the apocalypse. Jean-Claude Vadet also highlighted some manifestations of South Arabian chauvinism in Fuṣṭāt, which still sought to defend the interests of Yemeni tribes in the early Abbasid era.

As time passed, however, other dynamics prevailed. The progressive islamization of indigenous populations through conversions contributed to a certain dissolution of tribal chauvinism. After the Abbasid takeover in 132/750, the ethnic origin of caliphal elites diversified, as many of them now had Persian origins. Simultaneously, the development of religious scholarship and intellectual exchanges throughout the Empire led to the emergence of regional centres of knowledge. By the end of the eighth and early ninth centuries CE, tribal distinctions were no longer relevant in the field of legal scholarship. As already expressed in the writings of the chancellery secretary Ibn al-Muqaffāʿ (d. c. 140/757), jurists including al-Shaybānī (d. 189/803?) and al-Shāfīʿī (d. 204/820) perceived the genesis of Islamic law as rooted in regional and even local traditions. They opposed the legal thinking of the ‘ahl al-Ḥijāz’ (the Hijazis) to that of the ‘ahl al-ʿIrāq’ (the Iraqis) or, more precisely, that of the ‘ahl al-Madīna’ (the Medinans) to that of the ‘ahl al-Kūfā’ (the Kūfans). Jurists were categorized according to their legal trend, which derived from their main master, the circle to which they belonged, and, ultimately, their city or region. In the field of law at least, they no longer identified themselves to tribal units, but rather to groups who defined themselves along geographical lines.

The emergence and development of the biographic literary genre reinforced this tendency to identify individuals based on their geographical origin. Among early biographical dictionaries, the oldest that survived is the Kitāb al-ṭabaqāt al-kabīr of Ibn Saʿd (d. 230/845), which follows a double organization principle, along both temporal and geographical lines. The book opens with a chronological account of the Prophet’s life and his Companions’ activities, before adopting a regional structure that starts with the second generation of Muslims (the Successors). Ibn Saʿd devotes successive chapters to the ‘people’ (ahl) of Medina, Mecca and its surroundings, Baṣra, Baghdad, Syria, Egypt, etc. Yet, while geographical criteria already appeared as essential for classifying Muslim scholars, tribal affiliation still remained important at that time. In his biographical collection, Khalīfa ibn Khayyāṭ (d. 240/854) uses three classification criteria: each chapter is devoted to a major urban centre.

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56 Ibn Saʿd, Kitāb al-ṭabaqāt al-kabīr.
and is divided into generations (ṭabaqāṭ), who are themselves subdivided into sections classified along tribal lines.\(^{57}\) In the fourth/tenth century, tribal classification gradually disappeared from biographical dictionaries, whereas regional categorization increased.\(^{58}\) This led from the fifth/eleventh century onwards to the composition of huge biographical sums devoted to permanent or temporary residents of a city, such as the History of Baghdad of al-Khaṭīb al-Baghdādī (d. 463/1071) or the History of Damascus of Ibn 'Asākir (d. 571/1176).\(^{59}\) Another literary genre called faḍāʾil ('merits'), which originally endeavoured to promote social units, underwent a comparable evolution during the third/ninth century. In the first half of this century, authors praised the merits of ethnic groups, as in the Merits of the Persians of Abū 'Ubayda (d. c. 10/825), which is not preserved, or in the Merits of the Turks of al-Jāḥiz (d. 255/868–869). The end of the century, however, saw the emergence of apologetic works about cities or regions.\(^{60}\)

Claude Cahen sees in this multiplication of “city histories” the manifestation of a ‘conscious specificity […] in the face of princes or military regimes whom regional populations increasingly regarded, rightly, as “strangers”.’\(^{61}\) It should be noted that the emergence of local historiographies, biographical dictionaries, and apologetic literature also coincided with the expansion of regional autonomies in the Abbasid Empire, from the second half of the third/ninth century onwards. Although already present at an early stage in the first half of the third/ninth century, the identification of individuals with the city where they spent most of their lives developed hand in hand with the regionalization of the Empire. Conversions increasingly diluted Arabs among the rest of the Muslim population and made tribal identification less and less relevant. A geographical classification, on the other hand, helped identify individuals in large transregional biographical dictionaries, to the extent that late authors such as al-Dhahabī (d. 748/1348) systematically attributed regional or urban nisba-s to early scholars who probably had not used them to name themselves.\(^{62}\)

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58 See for instance Ibn Hībbān (d. 354/965), Mashāhīr ʿulamāʾ al-amāṣir, who only used geographical origins and generations as classification criteria. The same author also wrote a Kitāb al-ṭabaqāt al-īṣbahāniyya on Esfahani scholars, which is no longer extant. 'Abd Allāh ibn Muḥammad al-Anṣārī al-Īṣfahānī (d. 369/979) followed his example. See Hafsi, ‘Recherches sur le genre “Ṭabaqāṭ”,’ pp. 250–51. Other fourth/tenth-century biographical works centred on a city survived, including those of Baḥshal (d. c. 296/905), Taʾrikh Wāsīt; al-Qushayrī (d. af. 334/945–46), Taʾrikh al-Raqqa.

59 Al-Khaṭīb al-Baghdādī, Taʾrikh Madīnat al-Salām; Ibn ‘Asākir, Taʾrikh madinat Dimashq.

60 See Sellheim, ‘Fadila.’


62 See for example al-Dhahabī, Siyar aʿlām al-nubalā’. It should be noted that this author assigns nisba-s to people without knowing their birthplace, referring only to the place where they spent most of their life.
Elites in the Management of Local Affairs

Local Institutions

For the majority of the first two centuries of Islam, the Islamic Empire relied on a decentralized organization that left an important place for local institutions. The caliph sent a military-religious governor to every province, or sometimes under the Marwānids (64–132/684–750), a super-governor ruling over several provinces. The caliph dismissed these military-religious governors and replaced them regularly to prevent them from acquiring too much power, and he sometimes doubled them by appointing a tax governor. Under the Umayyads and the early Abbasids, all other provincial institutions fell under these governors’ authority. The military-religious governor appointed the chief of police, who was responsible for maintaining order in the provincial capital, as well as a Muslim judge (Arabic qāḍī). Local institutions that survived from the former Empires were also subordinate to the provincial governor. In Egypt, the governor of Fusṭāṭ had authority over the Christian dukes who, until the beginning of the eighth century CE, still oversaw the former Byzantine provinces of Arcadia and Thebaid. Dukes controlled pagarchs, that is, the chiefs of Egyptian pagarchies, before the latter passed under the governor’s direct authority in the first half of the eighth century.

Military-religious governors were, in most cases, outsiders who came from another province and thus needed to rely on local populations to rule efficiently. Up until the beginning of the Abbasid period, governors selected their police chief, as well as their judge, from among local urban elites. Arabic sources generally do not explain on what ground this selection was based during the Umayyad period. Officially, a governor himself decided who would be his auxiliaries. However, since he had little knowledge of the local society, he most likely consulted the notables before any appointment. Governor Ibn Hubayra proceeded this way to choose a judge when he arrived in Kūfa in 129/746–747. Under the Abbasids, more examples suggest that

66 See Sijpesteijn, *Shaping a Muslim State*, p. 87.
67 See for instance al-Maqrīzī, *al-Mawāʾīz wa-l-iʿtibār*, 1, p. 569, in which Caliph Marwān I advises his son ʿAbd al-ʿAzīz, whom he has just appointed governor of Egypt, to get close to local tribal leaders.
such consultations were common.\textsuperscript{70} This procedure was not a democratic one. Like \textit{shūra} in early Islam, consultations before appointing an official involved only a small number of people who expressed their opinion on possible candidates but did not vote. The delegating authority (the governor, or later the caliph) weighed their arguments and decided. The choice of \textit{qāḍī}-s, in particular, thus did not rely on the \textit{vox populi}, but came rather from a small number of elites. We do not know to what extent they represented the rest of the population. At most, it can be assumed that their opinions reflected some local expectations.

These expectations were all the more important as \textit{qāḍī}-s gradually asserted themselves as central figures in urban administration, both for their judicial activities and for their increasing role in the management of properties and pious foundations.\textsuperscript{71} For the sake of justice and efficiency, they needed to know the local society whose problems they were required to solve.\textsuperscript{72} Moreover, during the Umayyad and early Abbasid periods, Islamic law was not unified across the Empire. According to Ibn al-Muqaffa' (d. c. 140/757), in the early 750s CE, legal norms and practices varied from one city to another, even from one quarter to another.\textsuperscript{73} In his correspondence with Mālik ibn Anas a few years later, the Egyptian jurist al-Layth ibn Sā’d (d. 175/791) still defended the validity of local Egyptian rules that differed from those implemented in Medina.\textsuperscript{74} Consequently, a city’s inhabitants expected their disputes to be resolved in accordance with their legal practices. To be fair and effective, any judicial system must be predictable with all parties understanding and abiding by the agreed upon rules of procedure. Yet, not all the cities of the Umayyad Empire accepted the same legal evidence.\textsuperscript{75} What would happen if a foreign judge, who adhered to unusual standards, began to apply these standards to a constituency that did not know them? Those persons who stood before the judge would produce evidence of their claim, but in such a way that they still might lose their case.

Muslim authorities were well aware of the issues at stake, and, even when Caliph al-Manṣūr (r. 136–158/754–775) undertook to centralize the judiciary by appointing the \textit{qāḍī}-s of provincial capitals himself, he still recruited them preferentially among local scholars and notables.\textsuperscript{76} Early Abbasid caliphs tried to harmonize legal practices within the Empire by promoting certain legal trends and on several occasions attempted to send ‘foreign’ \textit{qāḍī}-s to certain

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\item \textsuperscript{71} Tillier, ‘Legal Knowledge and Local Practices’, p. 190.
\item \textsuperscript{73} Ibn al-Muqaffa’, \textit{Risālat al-ṣalāḥā}, pp. 40–42.
\item \textsuperscript{74} On this correspondence, see Brunschvig, ‘Polémiques médiévales’; Tillier, ‘Les “premiers” cadis de Fustāṭ’, pp. 216–18.
\item \textsuperscript{75} Tillier, \textit{L’invention du cadi}, ch. 3.
\item \textsuperscript{76} Tillier, ‘Legal Knowledge and Local Practices’, p. 198.
\end{itemize}
Mathieu Tillier

However, the discrepancy between their own judicial practice and local expectations caused their rejection by the population. In Egypt, the most revealing example is Ismā‘īl ibn Alīsa‘, a Ḥanafī jurist from Kūfa, whom Caliph al-Mahdi (r. 158–169/775–785) sent to Fusṭāṭ in 164/781. The manner in which he handled cases of slander and managed pious foundations (abhās) provoked the protest of the Egyptian jurist al-Layth ibn Saʿd, who wrote to the caliph requesting his dismissal. To remain in office, a qāḍī had to align his justice with locally accepted practices. Even when a qāḍī was not a ‘stranger’ and followed a minority legal trend in his city, he risked his rapid rejection by the local population. ʿAbd al-Rāḥmān ibn Muḥammad al-Makhzūmī was a Ḥanafī judge, who was appointed in Bāṣra in 172/788–789. As Bāṣra predominantly adhered to a separate legal tradition, the new judge became confused as to which law he should apply. Faced with a tricky litigation, he suggested that the governor convene a meeting of Bāṣran jurists who would issue an opinion that he would follow. The voices of local elites could, therefore, be mobilized to compensate for a qāḍī’s inability to act as their spokesman.

The first half of the third/ninth century marked a turning point in the way Islamic rulers took local desiderata into consideration. After the fourth civil war, which pitted Caliph al-Amīn against his brother al-Maʿmūn between 195/810 and 198/813, the latter took more than a decade to restore his authority over the eastern part of the Empire. Consequently, the central government now distrusted traditional provincial elites, who eventually lost much of their prerogatives to newcomers. In the large cities of Iraq and Egypt, notables no longer played any role in the selection of their police chief or their qāḍī, who were now appointed without any local consultation. However, the stakes were no longer the same. The emergence of legal schools absorbed the last vestiges of local traditions. In Iraq, the Ḥanafī and Mālikī schools were replacing the earlier circles of Kūfa and Bāṣra. Meanwhile, in Egypt, the elites abandoned the legacy of their favourite jurists like al-Layth ibn Saʿd to follow Mālikism and, increasingly, the teaching of al-Shāfiʿī (m. 204/820). Thanks to the traditionalization of law — that is, its reference to the prophetic word and no longer to that of Companions and Successors — these new schools had a universal scope and attracted followers from different regions. Even if a qāḍī was a ‘stranger’, his judicial practice would satisfy his constituency as long as he followed a locally accepted school. Therefore, it was less important that a qāḍī was a member of the local elites.

77 See for example the list of Fusṭāṭ’s qāḍī-s in Tillier, ’Introduction’ to al-Kindī, Akhbār quḍāt Miṣr, p. 28; Tillier, ’Legal Knowledge and Local Practices’, pp. 201–02.
These changes do not mean that urban elites became totally voiceless. In all likelihood, some sort of representation continued at the lower level of witnesses. Since the Umayyad period, the testimony of witnesses in favour of a claimant had been the main type of evidence in the Islamic judicial system. For his testimony to be accepted in court, a witness had to be considered just (ʿadl). In the second half of the second/eighth century, qāḍī-s approved witnesses after conducting investigations about their morality in their neighbourhood. In Egypt, the institution of testimony evolved at the end of the second/eighth century when qāḍī al-Mufaḍḍal ibn Faḍlā appointed ten witnesses to attend his hearing and testify to his judgements. His successors solidified this reform by selecting a group of ‘professional’ witnesses who were registered with the court. The inhabitants of Fustat were expected to have these professionals witness their legal transactions. The qāḍī’s selection of a limited number of witnesses regulated access to public speech: accredited witnesses were recognized as good, respectable Muslims, who were thus worthy of being heard. Thereby, the judicial system created a new kind of urban elite that strongly influenced the rest of society. Caliph al-Ma’mūn (r. 198–218/813–833) understood this development very well. When he decided to muzzle traditionalist scholars who pretended to free themselves from caliphal authority in order to submit to the sole Sunna of the Prophet, he tried to reach them through the witness system. In his letter that established an inquisition (miḥna) in 218/833, he ordered qāḍī-s to cease approving any witness who did not adhere to the theological dogma of the creation of the Qur’an. Depriving traditionalist scholars of their rank as acceptable witnesses also meant, in theory, discrediting them in front of the masses.

Always recruited from the pool of local notables, registered witnesses enjoyed the social recognition that enabled them to speak in public. They primarily spoke in court, but they also could speak during occasions in which the subjects’ opinions were sought. This new elite, which developed from the third/ninth century onwards, no longer distinguished themselves on the basis of genealogical criteria, namely their tribes and the virtues they inherited from their glorious ancestors, what Arab authors called al-ḥasab wa-l-nasab. Rather, they claimed their authority on the basis of their moral and religious qualities, which were officially recognized after investigations among urban populations. Although they did not ‘represent’ the masses as such, their institutional position therefore rested on the principle of social approval.

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81 See Tillier, L’invention du cadi, pp. 309–12.
Representing Provincial Elites before the Central Government: The Delegations

As the above developments illustrate, the imperial government bestowed the important role of managing their affairs upon the local elites during the first two centuries of Islam. We still need to examine how local populations brought their expectations to the central government and whether any kind of representation could transmit the *vox populi*. At the beginning of the twentieth century, Henri Lammens interpreted the regime of Muʿāwiya, the first Umayyad caliph (r. 41–60/661–680), as a form of ‘parliamentarism.’ This caliph did not rule alone and, instead, surrounded himself with high-ranking advisers from different backgrounds — although they were mostly Syrians.\(^{85}\) One should note, however, that Muʿāwiya selected his *biṭāna* (litt. ‘group of intimate friends’), and it is therefore difficult to consider its members, like Lammens does, as the subjects’ ‘representatives.’\(^{86}\) Despite the Jesuit father’s recurrent comparisons with modern parliamentary regimes, no system of permanent representation existed before the caliph, such as an assembly or a senate.

Some sort of temporary representation existed, however, in the form of delegations (*wafd*, pl. *wufūd*) sent by provinces to the central government. Lammens, who mentions them mainly in connection with Muʿāwiya, argues that delegations originated in assemblies of notables who met periodically in the Empire’s great mosques and mandated representatives to bring their demands to the caliph.\(^{87}\) This anachronistic model of an idealized ‘Arab self-government’\(^ {88}\) does not completely match the realities of early Islam and requires further investigation.

First, it should be noted that the phenomenon of provincial delegations was not limited to the reign of the Sufyānids, as it is usually assumed in modern

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\(^{85}\) Lammens, *Études sur le règne du calife*, pp. 42, 58.

\(^{86}\) Lammens, *Études sur le règne du calife*, pp. 49, 59. Regarding later centuries, Claude Cahen more cautiously points out that ‘determining to what extent the *ābdāth* represented the urban population as a whole or only some elements set against others is a delicate issue’ (Cahen, ‘Mouvements populaires et autonomisme urbain, I’, p. 246). He finally concludes that the *raʾīs* represented ‘the milieu of the *fuqaha*’ and Sunni notables belonging to the dominant school rather than the common people’, noting that these notables generally belonged to the ‘majoritarian community’ (Cahen, ‘Mouvements populaires et autonomisme urbain, II’, p. 54). This conclusion, while certainly justified, does not solve the thorny question of whether and how the *raʾīs* spoke on behalf of these groups.

\(^{87}\) Lammens, *Études sur le règne du calife*, pp. 60–62. See also Lammens, *Le califat de Yazid Ier*, p. 103.

\(^{88}\) Lammens, *Études sur le règne du calife*, p. 62. It should be noted that Lafi reaches similar conclusions in a historiographical review that mainly relies on the works of Cahen, Hoffmann, and Havemann regarding later periods: ‘There certainly existed a local expression of self-government, entrusted in a dynamic mediation to notables, *ashrāf* nobles, and merchants’. Lafi, *Esprit civique et organisation citadine*, p. 49.
Rather, these delegations continued throughout the second/eighth century until the fourth civil war. Moreover, the word ‘delegation’, as it was used in Arabic texts, actually refers to different situations, including the caliph’s convocation of individuals and the sending of groups mandated to speak in the name of a specific population. The examination of Egyptian delegations during the first two centuries of Islam shows that provincial governors played an important part in these delegations, either by leading them or by selecting their members. Moreover, ‘delegates’ usually belonged to the elites, whether they were tribal leaders, high-ranking military officers, or, from the end of the Umayyad period onwards, major civilian administrators and scholars. Seeing these delegations as a direct expression of the popular voice thus appears prima facie as a mistake. Arabic sources mainly reflect an occasional dialogue between local elites — including governors — and the central government.

Nevertheless, delegations appeared at an early stage — at least since the beginning of the Abbasid period — as a form of representation. The pioneer of Arabic lexicography, al-Khalīl ibn Aḥmad al-Farāhīdī (d. c. 175/791), defines a wāfid as ‘someone who comes (yafidu) to the king on behalf of a group (‘an qawm) regarding a conquest (fāḥ), some business (qadiyya), or a situation (amr). The group has sent him (awfadū-hu).’ He understands the ‘group’ as a genealogical one, that is, a tribe. This indicates that provincial delegations were considered an emanation of local tribes. Indeed, Egyptian delegates belonged to the tribes that were best established in Fustāṭ, or at least to those that produced the largest number of elites. As no source documents the number of members belonging to each tribe, one can only wonder whether the delegations’ composition followed a demographic rule with the most populous tribes offering the largest number of delegates. However, the delegates’ selection certainly reflected the political weight of the different groups and the evolution of tribal power relations in Fustāṭ.

Yet, one must also consider to what extent this agreement between the tribal map of Fustāṭ and the composition of delegations made delegates representatives of their tribes. One crucial aspect, namely the selection process, is not documented. However, a few textual clues indicate that they may have been recognized as such. The historian Ibn Yūnus specifies that ‘Ulayy ibn Rābāḥ al-Lakhmī (d. 114/732 or 117/735) ‘was part of delegations sent to ‘Abd al-Malik [r. 65–86/685–705] for the Yemenis of Fustāṭ’ (kāna yafidu
If my interpretation is correct, the large group of Yemeni tribes thus mandated him to speak to the caliph on their behalf. The main purpose of many delegations — especially in times of crisis — was to convey the pledge (bay’a) of the provincial subjects to a caliph who recently ascended to the throne. Such circumstances clearly show how delegates were supposed to represent an entire population, who could collectively swear allegiance to the sovereign through them. The social balances of Fustat probably guided a governor’s choice in hiring the members of a delegation. Egyptian Muslim elites owed their position to several factors, such as the prestige they inherited from the time of the conquest, their career in the army or in the administration, their reputation as important scholars, etc. Except when governors selected members of their immediate entourage, their choice was thus limited to the pool of local elites, designated in the sources as ashrāf (nobles) and wujūh (elites). In other words, selection actually began from the bottom up through the social recognition these elites enjoyed locally. Such recognition makes it possible to consider the delegates as representatives of the Egyptians or, more restrictively, of the inhabitants of Fustat.

Similar to embassies to the central government, delegations played a major role in maintaining regular contacts between the caliph and his provincial subjects. Thanks to them, the caliph could inquire directly about a province, whose news was otherwise mediated by official reports sent by the governor or the chief of the postal system. Delegations were also used to transmit grievances to the caliph. According to al-Ṭabarî, a member of a Khurāsānian delegation complained to ʿUmar II about their governor’s unfair treatment of the converts (mawālī), which prompted the caliph to order a tax reform that exempted converts from the poll-tax. Several examples from both Egypt and Iraq show that under the early Abbasids, urban populations used delegations to get rid of a qāḍī. For example, the imam of the great mosque of Fustat and another notable sent Egyptians to Caliph al-Amīn to complain about qāḍī al-ʿUmarī’s behaviour, which led to his dismissal. In Iraq, delegations of Başrans repeatedly travelled to Baghdad to expose their grievances against the local qāḍī. The caliph listened to them and asked with whom they wanted to replace him. These delegations were not spontaneous manifestations of popular discontent. Local elites organized them carefully, in association with the governor, and cared to select representatives among

96 Ibn Yūnus, Taʾrīkh, i, p. 361. See also al-Mizzī, Tāhdīb al-Kamāl, xx, p. 430.
97 See Tillier, ‘Représenter la province auprès du pouvoir impérial’.
98 Al-Ṭabarî, Taʾrīkh, ed. by Abū l-Fadl Ibrāhīm, vi, p. 559.
different theological and legal schools. In order to be heard, the delegates needed to speak in unison and make the caliph believe that their consensus represented that of their city.  

Some delegations also complained more directly about a caliph’s policy. When Caliph al-Manṣūr planned to build a dam on an important canal of Baṣra, a delegation left Baṣra for the capital to try and dissuade him. It included at least two renowned jurists: Sawwār ibn ʿAbd Allāh, who later became qāḍi of this city, and Dāʾūd ibn Abī Hind (d. c. 139/756), a convert (mawlā) who was the most respected local mufti. The first convinced the caliph that his plan would harm the 100,000 inhabitants of Baṣra, especially the most vulnerable including widows and orphans, who would no longer have enough drinkable water.

As the governance of provincial cities changed in the third/ninth century in ways discussed previously, delegations almost disappear from the sources. The notables, who were now less involved in the management of urban affairs, probably no longer sent deputations to the caliph with the same regularity. Under al-Muʿtaḍid (r. 279–289/892–902), a delegation of Baṣran notables and scholars still travelled up the Tigris to complain about the heavy taxes that collectors claimed. Amazed by their leader’s oratory skills, al-Muʿtaḍid finally gave in to their request before adding: ‘Who is this demon rejected by the river?! Let such devils be part of delegations to kings!’ Delegations had not totally disappeared, but they were now quite unusual.

**Defending Local Interests against the Government**

The phenomenon of provincial delegations is thus mainly typical of the Umayyad and early Abbasid periods. Two additional ways of defending local interests before the central government can be highlighted: the petition process and lawsuits against authorities.

**Petitions**

Already a well-established practice in Byzantium, sending petitions (qiṣṣa) to the ruler did not stop after the Islamic conquests. Petitioners wrote to an authority (usually the provincial governor) asking for solutions to personal issues. A few early specimens of Arabic petitions have survived on papyrus,

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102 This canal is Nahr Ibn ʿUmar, on which see Ibn Qutayba, *al-Maʿārif*, p. 363.
103 Al-Dhahabi, *Tāʾrīkh al-islām*, iii, p. 645. This delegation also included Saʿīd ibn Abī ʿAmrawayh, a scholar unknown to biographical sources.
especially from the Abbasid period onwards. Earlier records of petitioning can only be discerned through either narrative sources or, indirectly, through rulers’ answers. In Egypt, about ten letters, in which Governor Qurra ibn Sharik (r. 90–96/709–714) ordered the Aphroditô/Ishqûh pagarch to judge disputes, were probably written in response to petitions.

In most cases, petitions regarded individual matters. Prisoners sent petitions to plead their case and to ask for their release, as evidenced by a Fuṣṭāṭi register dating back to the end of the second/beginning of the ninth century. Sometimes, a request could even reach the caliph, as when qāḍī Ghawth ibn Sulaymān (d. 168/784–785), while imprisoned in Fusṭāṭ, sent a petition to the governor Śalih ibn ’Ali, who in turn wrote to Caliph al-Manṣūr to ask for his pardon.

Processing individual petitions developed throughout the Middle Ages under the generic name maẓālim (litt. ‘injustices’, which will be discussed below) and gave rise to the development of a complex administration.

In some cases, petitions did not relate to individual cases but, rather, to a problem that potentially afflicted an entire urban population, such as the inequity of an administrator. In Egypt, Caliph Hishām ibn ʿAbd al-Malik (r. 105–125/724–743) dismissed a qāḍī after an injustice was ‘brought to his attention’. Under the Abbasids, the Egyptian jurist al-Layth ibn Saʿd wrote to Caliph al-Mahdī asking him to dismiss qāḍī Ismāʿīl ibn Alīs, whose judicial practice violated local expectations. A few decades later, complaints against a very unpopular qāḍī, Ibn Abī l-Layth, were brought before Caliph al-Mutawakkil (r. 232–247/847–861). Conversely, some qāḍī-s wrote to the caliph to defend the interests of their constituents. At the request of Egypt’s pious people, qāḍī ʿĪsā ibn al-Munkadir sent a letter to Caliph al-Ma’mūn to protest against the appointment of Abū Isḥāq al-Muṭtāṣim as governor of Egypt.


107 See for instance Ibn ʿAbd al-Ḥakam, Sirat ʿUmār ibn ʿAbd al-ʿAzīz, p. 56; al-Balādhurī, Ansāb al-ashrāf, ed. by Orient-Institut Beirut, 1va, p. 36; al-Balādhurī, Ansāb al-ashrāf, ed. by Zakkār and Ziriklī, viii, p. 191; al-Ṭabarī, Taʾrīkh, ed. by de Goeje, ii.1, p. 213.


109 Tillier and Vanthieghem, ‘Un registre carcéral de la Fustat abbasside’.


111 On this question, see the historiographical review presented in Tillier, ‘The Maẓālim in Historiography’.


115 Al-Kindī, Akhkhār qudāt Mīr, p. 440, trans. p. 214. This initiative angered al-Muṭṭāṣim who threw the unfortunate qāḍī in jail upon his arrival in Egypt.
Some petitions were copied in literary works, which allows a fuller understanding of their content. Ibn Abī Ḥātim al-Rāzī (d. 327/938) reproduced ten letters that the Syrian scholar and jurist al-Awzāʿī (d. 157/774) allegedly sent to early Abbasid rulers in his Taqdima, a long introduction to his book al-Jarḥ wa-l-taʿdīl. The form and content of six of these letters are typically those of petitions. Upon solicitation by individuals or groups, al-Awzāʿī acted as their intermediary with the central government, writing either directly to the caliph or, more often, to a high-ranking official. The first letters cited by Ibn Abī Ḥātim relate to individual interests and aim to help people recover debts or be released from prison. In other petitions, however, he became a spokesman for collective interests. He required assistance to the population of Mecca who faced an economic crisis caused by drought and difficulties in accessing the Red Sea. He also called for the caliph’s financial support for the soldiers of the Levantine coast, whose stipends (ʿatā’) proved insufficient as a living wage. By the time he wrote these letters, al-Awzāʿī was no longer the courtier he had been under the Umayyads. Retired in Beirut, he continued to function in the eyes of Muslims throughout the Empire as a potential intermediary with the authorities. Through his activity as a petitioner, al-Awzāʿī advocated to the government not only for Muslims but also for dhimmī-s. This Beirut scholar exemplifies the way in which the populations of the Empire, who did not have a permanent system of representation, could raise their grievances through prestigious intermediaries to whom rulers would listen.

Defending the Constituency through the Judicial System

As we have seen, no permanent system of representation existed in the cities of the Islamic world. Nevertheless, in the first two centuries of the Hegira, some key administrative positions were entrusted to local elites, especially the position of qāḍī. Occasionally, judges used their prerogatives to defend the interests of their constituents. Several land disputes that broke out in Başra in the second half of the second/eighth century shed light on this phenomenon.

The fertile territory of Başra in southern Iraq was envied by many people. In the aftermath of the Abbasid revolution (132/750), the new dynasty confiscated large estates that were owned by the Umayyads and their clients, and appropriated or redistributed them. A few years later, the former owners tried to recover their properties through the court system and raised complaints before qāḍī ʿUbayd Allāh ibn al-Ḥasan al-ʿAnbarī (d. 168/784–785). The new


117 For more details on al-Awzāʿī and his activity as a petitioner, see Tillier, ‘La Syrie d’al-Awzāʿī’.

owners enjoyed the support of Caliph al-Mahdi, who put pressure on the judge to decide in their favour. However, the qāḍī, who knew the history of these lands, bypassed the caliph’s instructions and rendered his judgement in favour of the former owners, although the caliph eventually forced him to annul his decision.119 Caliph al-Mahdi also intended to increase the land tax levied on the territory of Basra. He ordered the collection of the kharāj, a much heavier tax than the tithe (sadaqa) paid so far by local inhabitants, on lands irrigated by canals that had been dug after the conquest. ‘Ubayd Allāh ibn al-Ḥasan refused to comply with this injunction. He brought together the notables and scholars of Basra, and he issued a judgement stating that the inhabitants of all the canal areas of the Arabian Peninsula — to which Basra belonged at that time — only had to pay the sadaqa. This time, it seems that the caliph eventually retreated.120

Sometime later, another Basran qāḍī defended local interests against the greed of the central government. Under Hārūn al-Rashīd (r. 170–193/786–809), his vizier Yahyā ibn Khālid al-Barmakī attempted to appropriate lands in the Basra area through a legal procedure. However, qāḍī ‘Umar ibn Ḥabib, who had initially accepted the testimony of the vizier’s agent, eventually favoured the testimony of Basra’s inhabitants with regard to the extent of the disputed properties.121 The defence of local economic interests was well worth the vizier’s wrath.

Other narratives praise the merits of judges who supported individuals or groups against greedy rulers, particularly during mażālim trials in high courts where subjects could sue officials. The Baghdadi qāḍī ‘Āfiya ibn Yazīd thus managed to get Caliph al-Mahdi to return some land that he had seized.122 While he was qāḍī on the western side of Baghdad, Abū Yūsuf (d. 182/798) adjudicated a land dispute between individuals and Caliph al-Hādī (r. 169–170/785–786). According to the procedural rules, the caliph should have won, as he had probably produced witnesses. However, the cunning qāḍī benefited from the caliph’s ignorance of these rules and made him relinquish his claim.123 After he became chief qāḍī (supreme judge of the Empire), Abū Yūsuf also defended the population of Mosul, whom Hārūn al-Rashid wanted to persecute after the revolt of a local officer named ‘Aṭṭāf ibn Sufyān.124 Many later stories illustrate how qāḍī-s defended (or were expected to defend) the

120 Wakī’, Akhbār al-quḍāt, ii, pp. 96–97. For a detailed analysis of these cases, see Tillier, ‘Un traité politique du iiie/viiiie siècle’, pp. 142–43.
121 Wakī’, Akhbār al-quḍāt, ii, pp. 143–44.
interests of urban populations against powerful state officials, and protected their properties against usurpations.\footnote{See for example Waki', \textit{Akhbār al-quḍāt}, II, p. 174; III, p. 197; Ibn al-Jawzi, \textit{al-Mutaẓam}, VII, pp. 61, 271, 366–67; VIII, p. 105.}

A qāḍī’s constituents expected him to act as an intermediary between the government and themselves. His daily contact with litigants, in addition to his social network, acquainted him with their problems and enabled him to speak on their behalf, even in the absence of a trial. In the first half of the third/ninth century, one of the most hated chief qāḍī-s, Ibn Abī Du’ād (d. 240/854), repeatedly pleaded the cause of the people to indemnify shopkeepers stricken by fire, to dig new canals, or to increase financial support for the inhabitants of the holy cities of Arabia.\footnote{Waki’, \textit{Akhbār al-quḍāt}, III, pp. 297–98; al-Khaṭīb al-Baghdādī, \textit{Ta’rikh Madīnat al-Salām}, v, p. 244; Ibn al-Jawzi, \textit{al-Mutaẓam}, VI, p. 338; Ibn Khallikān, \textit{Wafayāt al-āyān}, I, p. 83; Ibn Ḥajar al-ʿAsqalānī, \textit{Rafʿ al-ʿirāq}, p. 45.} A qāḍī was hierarchically subordinate to the ruler, who had appointed and who could dismiss him. Nevertheless, jurists could not accept that the judiciary should submit to the arbitrariness of politicians, and they gradually developed a theory according to which any judge acted as a representative of the community. In the fourth/tenth century, the Iraqi Ḥanafi jurist al-Jaṣṣāṣ (d. 370/980) claimed that, although the caliph appointed qāḍī-s, the latter acted on behalf of the Muslims and were accountable only to God.\footnote{Tillier, \textit{Les cadis d’Iraq}, pp. 637–39.}

Conclusion

Speaking of an ‘urban identity’ during the first centuries of Islam may oversimplify more complex processes of identification, and one must take into account different levels (imperial, provincial, and local). Epigraphical data suggest that an individual did not present himself in the same way when he was in the city or province where he lived, and when he was away. Most often, a deceased person’s sense of belonging to a city — or rather to the inhabitants of a city — was only reported on funeral stelae when he died far from home. At the provincial level, during the first two centuries of the Hegira, Muslims identified themselves primarily through their tribal groups — whether they were Arabs or clients (mawālī) — and much less so through their urban community.

The scarcity of documentary examples in which individuals identified themselves in relation to a city in no way precludes a population’s involvement in the management of local affairs. The ‘civic sphere’ that Nora Lafi refers to for later periods already existed in early Islam. Urban elites participated in the governance of their city and exercised the highest official positions: governor, chief of police, or qāḍī. Some travelled periodically to defend local
interests before the caliph, or succeeded through petitions or trials in acting as spokesmen for the voiceless or the community. One can only conclude with Lafi that there existed a form of ‘collective representation of the city before the sovereign or the governor’. However, it is difficult to agree with her when she argues that urban assemblies of notables ‘were not at all informal’. Although meetings of notables contributed to the decision process, no textual evidence shows that such meetings were permanent institutions or that they were granted any official status. Rather, the sources suggest that their role was largely informal. This informality diminishes neither their importance nor their weight. Yet, temporary formalizations occurred occasionally at the imperial level in the form of provincial delegations whose members were responsible for representing local populations before the caliph. This institution lost its importance, however, in the first half of the third/ninth century.

At first glance, it might seem that we are confronted with a paradox: during the first two centuries of Islam, elites rarely expressed their belonging to a city, yet they actually played a major part in its governance, whereas in the third/ninth century such expressions increased as local elites moved to the background of public life. This paradox may actually be an illusion. As Cahen already pointed out, the loss of control over local affairs to the benefit of strangers was probably responsible for such an ‘identity’-based reaction. Just as one previously felt the need to specify his belonging to an urban community only when confronted with people among whom he felt like a stranger, the imposition of external domination increased the sense of local belonging. However, it took some time before local ‘representative’ institutions reappeared in some regions, such as the ra‘īs in fifth/eleventh-century Syria.

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128 Lafi, Esprit civique et organisation citadine, p. 73.
129 Lafi, Esprit civique et organisation citadine, p. 75.
130 Cahen, ‘Mouvements populaires et autonomisme urbain, II’, p. 53.

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