Urban Populations in Early Islam. Self-Identification and Collective Representation

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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.[1] 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.[2] 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.[3] 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 (*riḍā*) without specifying through which
procedure such approval could be granted.[4]

　　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

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1　On the *shūra*, see Bosworth, 'Shūra'.
2　Tyan, *Institutions du droit public musulman*, pp. 153–54.
3　Crone, '*Shūrā* as an Elective Institution', p. 15. See also Tyan, *Institutions du droit public musulman*, p. 260.
4　Crone, '*Shūrā* as an Elective Institution', pp. 16–22.

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consider the caliph as the representative (*wakīl*) 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')[5] 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 *farḍ 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 *aḥdāth* (litt. 'young men') and their 'leaders' (*ra'īs*), 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.

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5 Zaman, 'Ahl al-ḥall wa-l-ʿaqd'.

6 Crone, '*Shūrā* as an Elective Institution', pp. 35–36.

7 Cahen, 'Mouvements populaires et autonomisme urbain'.

8 It should be noted that these categories evolved over time. The *ra'īs* 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.

Self-Identification of Local Populations

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 Fusṭāṭ, a new settlement next to the fortress of Babylon, or in its immediate surroundings like al-Jīza.[10] Their presence in the rest of the province was limited to a few soldiers and traders,[11] or to temporary stays in spring pastures to fatten their horses while preparing for summer military expeditions.[12] 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[13] and new Arab tribes settled in the Delta.[14]

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).[15] Despite the abusive generalization implied by these designations,[16] 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 *dhimmī*-s';[17] *ahl al-islām*, 'people of Islam'[18]) or a territorial one. In Arabic papyri discovered

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10 Al-Maqrīzī, *al-Mawāʿiẓ wa-l-iʿtibār*, I, pp. 560–61.

11 Sijpesteijn, *Shaping a Muslim State*, pp. 82–84, 92.

12 Al-Suyūṭī, *Ḥusn al-muḥāḍara*, I, pp. 153 f.

13 Sijpesteijn, *Shaping a Muslim State*, pp. 103, 108.

14 Al-Kindī, *Wulāt*, pp. 76–77; al-Maqrīzī, *al-Mawāʿiẓ wa-l-iʿtibār*, I, pp. 214–15.

15 Jabali, *The Companions of the Prophet*, p. 144.

16 Jabali, *The Companions of the Prophet*, pp. 177–78.

17 *P.DiemFrueheUrkunden* 7. Papyri are cited according to the rules of the Checklist of Arabic Documents, <https://www.naher-osten.lmu.de/isapchecklist>.

18 See the funerary stele of ʿAbbāsa bint Jurayj in Fusṭāṭ, dated 71/691, in Wiet, *Catalogue général*, IX, p. 1, no. 3201; a stele from Aswan necropolis, dated 206/821, in ʿAbd al-Tawab, *Stèles islamiques de la Nécropole d'Assouan*, I, p. 5, no. 4; an Egyptian stele (al-Shallāl, south of Awsan) dated 209/824, in Wiet, *Catalogue général*, IX, p. 47, no. 3267; an Egyptian stele dated 214/829, in Hawary and Rached, *Catalogue général*, I, p. 77, no. 110; four stelae from Aswan, Ṭafa (Upper Egypt), and an unknown place, dated 217/832 and 218/833, in Hawary

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),[19] or, more rarely, of a particular city.[20] 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.[21] The oldest one is the tombstone of ʿAbd al-Raḥmān b. Ḥaywa ibn Dhī al-ʿ.r.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.[22] 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.[23] 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.[24] Two other individuals from the same city wrote requests for forgiveness to God on unknown dates, probably in the early second/eighth century.[25] Two undated inscriptions were carved by

and Rached, *Catalogue général*, I, 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).

19   See for instance *P.LiebrenzQuittung*, *Chrest.Khoury* I 48, *P.BeckerPAF* 16 = *P.Cair.Arab.* 286, *P.RagibSauf-conduits* 1, *P.PiletteSauf-Conduit*, *P.MuslimState* 16, *P.BeckerPAF* 17 = *P.GrohmannApercu* p. 55 = *P.Cair.Arab.* 175, *P.Cair.Arab.* 180 = *P.Alqab* 13, *P.RagibSauf-conduits* 3, 5, 6, 7, *P.Clackson* 45, *P.Steuerquittungen* 1, *P.David-WeillLouvre* 16, *P.Cair.Arab.* 168.

20   *P.StoetzerSteuerquittung*, *P.Cair.Arab.* 174 (*min ahl madīnat Ushmūn*), *P.HindsNubia* (*min ahl Aswān*), *P.Steuerquittungen* 1, *P.Cair.Arab.* 168 (*min ahl madīnat Ushmūn*).

21   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.

22   Tütüncü, *Cezayir'de Osmanlı izleri*, p. 399.

23   *RCEA*, I, no. 65. See also a stele on which an Ifrīqiyyan who died in Fusṭāṭ in 209/824 is called '*min abnāʾ Ifrīqiyya*' (belonging to the sons of Ifrīqiyya). Wiet, *Catalogue général*, IX, p. 47, no. 3268. See also Rāghib, 'Les pierres de souvenir', p. 343.

24   Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 64, no. 2; Ibrahim Hamed, 'Introduction à l'étude archéologique', II, p. 496, no. 7.

25   Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 212, no. 129.

men 'belonging to the people of Damascus',[26] and one by an individual from Raqqa.[27] A Berber pilgrim from Tangier, in the Maghreb, wrote his name in 142/759–760.[28] Finally, an Egyptian from Fusṭāṭ (*min ahl Miṣr*) engraved a pardon request in Cyprus in 164/780.[29]

On the basis of the few examples that I have been able to glean from the impressive *Thésaurus d'Épigraphie Islamique*,[30] 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-Baṣrī for a Baṣran.[31] 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-Makkī', appears only six times total and only once in the Arabian Peninsula, far from Mecca.[32] Other occurrences relate mainly to members of a single family buried on the Dahlak Islands in the Red Sea.[33] In comparison, the number of tribal *nisba*-s is nearly ten times higher.[34] 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

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26 Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 323, no. 228, and p. 176, no. 98. A similar inscription mentions a man *min ahl d…* (perhaps Damascus too) in al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 333, no. 237.

27 Al-Kilābī, *al-Nuqūsh al-islāmiyya*, p. 288, no. 194.

28 Ghabbān, *Shamāl gharb al-mamlaka al-ʿarabiyya al-saʿūdiyya*, II, p. 228.

29 Megaw, 'A Muslim Tombstone from Paphos', p. 108.

30 <http://www.epigraphie-islamique.org>, [consulted 24 January 2019].

31 Concerning relation names, see Sublet, *Le voile du nom*, p. 95.

32 Al-Faqīh, *Mikhlāf ʿAsham*, p. 456, no. 4.

33 Schneider, *Stèles funéraires*, I, p. 117, no. 4; p. 141, no. 23; pp. 171–72, no. 48-A; pp. 142–43, no. 24.

34 The Arab tribe — and its sub-divisions (clans) — is regarded as a genealogical group whose members are supposed to descend from a common ancestor.

Table 13.1. List of tribal and geographic *nisba*-s on funerary stelae (650–835 CE)

Tribe	Number
al-ʿAkkī	1
al-Aṣbaḥī	1
al-Bāhilī	1
al-Balbāʾī (?)	1
al-Dawsī	1
al-Janabī	1
al-Jumaḥī	2
al-Jurashī	1
al-Ḥaḍramī	9
al-Ḥajrī	1
al-Hāshimī	6
al-Khawlānī	48
al-Khuzāʿī	3
al-Ḥimyarī	2
al-Farhāṭī (?)	1
al-Kindī	7
al-Kalāʿī	2
al-Lakhmī	2
al-Maʿāfirī	8
al-Makhramī	1
al-Murādī	14
al-Naḍrī	1
al-Qasrī	1
al-Quḍāʿī	1
al-Qurashī	29
al-Ruʿaynī	1
al-Ṣadafī	15
al-Tamīmī	6
al-Tujībī	12
al-Zuhrī	3
Total	*182*

Clan[b]	Number
al-Jaʿlī	1
al-Ḥarrānī	1
al-Maṣraḥī	1
al-Nabawī (or al-Banawī?)	1
al-Ruʾāsī	1
Total	*5*

Region	Number
al-Baḥrānī (Baḥrayn?)	1
al-Khurasānī (Khurasan)	1
al-Sijistānī (Sijistan)	1
al-Yamāmiyya (Yamāma)	1
Total	*4*

City	Number
al-Aswānī (Assouan)	1
al-Aṭrābulsī (Tripoli)	1
al-Baṣriyya (Baṣra)	1
al-Ḥimṣī[a] (Ḥimṣ)	1
al-Kūfī (Kūfa)	1
al-Madanī (Medina)	1
al-Makkī (Mekka)	6
al-Nasāʾī (Nasā, Khurāsān)	1
al-Ramlī (Ramla)	1
al-Ṣanʿānī (Sanaa)	1
Total	*15*

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*.

per cent). The most common ones relate to tribal groups that settled in Egypt after the conquest (Khawlān, Quraysh, al-Ṣadaf, Murād, Tujīb, Ḥaḍramawt, 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.[35] 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-Fusṭāṭī does not appear in the Aswān necropolis until 265/879.[36] 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.[37] Tribal *nisba*-s also appear on tombstones of people who were attached to a tribe as clients (*mawālī*).[38] 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

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35 The only exception is a stele from Arabia, undated but estimated to date back to the second/eighth century. Al-Faqīh, *Mikhlāf ʿAsham*, 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 ʿAbd 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*, I, 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 *walāʾ* 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 *walāʾ* in early Islam. See Crone, 'Mawlā', p. 874.

patronym and his tribal *nisba* (ʿAbd Allāh ibn Lahīʿa al-Ḥaḍramī),[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 Ḥimyar, 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. *ghurabāʾ*), 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* (*Taʾrīkh al-ghurabāʾ alladhīna qadimū Miṣr*).[45]

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39   Hawary and Rached, *Catalogue général*, I, p. 1, no. 1.
40   See al-Kindī, *Akhbār quḍāt Miṣr*, p. 130.
41   On Fusṭāṭ, see Kubiak, *Al-Fustat*; on Kūfa, see Djaït, *Al-Kûfa*. See also Tillier and Vanthieghem, 'Un registre carcéral de la Fusṭāṭ abbasside', pp. 344–46.
42   See the schematic plan of the tribal quarters of Fusṭāṭ in Kubiak, *Al-Fustat*, p. 176.
43   See Rosenthal, 'The Stranger in Medieval Islam', pp. 41, 42, 65, 73.
44   Al-Kindī, *Akhbār quḍāt Miṣr*, p. 433.
45   See Ibn Ḥajar al-ʿAsqalānī, *Rafʿ al-iṣr*, p. 421. This lost book has been partially reconstructed in Ibn Yūnus, *Taʾrīkh*, II.

Although papyrological sources do not seem to attest to the use of *gharīb* in this sense before the sixth/twelfth century,[46] funeral stelae identify such 'strangers' as early as the third/ninth century.[47] A tombstone from Fusṭāṭ, dated 241/856, mentions a certain al-Ḥasan ibn ʿAbd Allāh al-Baghdādī, originating from Baghdad, and describes him as *gharīb* — highlighting his situation as an alien in Egypt.[48] 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 *gharība*.[49] The same is true for a baker originating from Aleppo who died in Egypt in 253/867,[50] and for a Khurāsānian who died in Syria around the same time.[51]

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 *gharīb* 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.[52] 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

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46 See the petition *P.Heid.Arab*. II 48.
47 See Rāghib, 'Les pierres de souvenir', p. 343; Diem, *The Living and the Dead in Islam*, pp. 88–111.
48 Wiet, *Catalogue général*, II, p. 10, no. 419.
49 Oman, 'Steli funerarie', p. 314, no. 5.
50 Hawary and Rached, *Catalogue général*, III, p. 29, no. 859.
51 Ory, 'Monuments et inscriptions', II, p. 323, no. 81.
52 For deceased people from Baṣra, see Hawary and Rached, *Catalogue général*, I, p. 192, no. 314; III, p. 6, no. 810; p. 78, no. 964; Wiet, *Catalogue général*, II, p. 1, no. 401; p. 32, no. 463; p. 86, no. 566; VIII, p. 58, no. 2923; X, p. 73, no. 3686; p. 75, no. 3692; p. 86, no. 3714; p. 101, no. 3747. For deceased people originating from Kūfa, see ʿAbd al-Tawab, *Stèles islamiques de la Nécropole d'Assouan*, I, p. 14, no. 13; Oman, 'Steli funerarie', p. 310, no. 2; Wiet, *Catalogue général*, II, p. 62, no. 520; IV, p. 52, no. 1320; VII, p. 24, no. 2457; p. 95, no. 2615; p. 96, no. 2619; Hawary and Rached, *Catalogue général*, III, pp. 32–33, no. 865.

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.[53] Jean-Claude Vadet also highlighted some manifestations of South Arabian chauvinism in Fusṭāṭ, which still sought to defend the interests of Yemeni tribes in the early Abbasid era.[54]

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-Muqaffaʿ (d. c. 140/757), jurists including al-Shaybānī (d. 189/805?) and al-Shāfiʿī (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-Kūfa' (the Kūfans).[55] 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.[56] 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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53 Madelung, 'Apocalyptic Prophecies'. See also Cook, *Studies in Muslim Apocalyptic*, pp. 179–81.
54 Vadet, 'L'"acculturation" des sud-arabiques'. On tribal chauvinism, see Donner, *Narratives of Islamic Origins*, pp. 106–07.
55 Ibn al-Muqaffaʿ, *Risālat al-ṣaḥāba*, pp. 42–43. See Schacht, *The Origins of Muhammadan Jurisprudence*, pp. 7–9; Tillier, *L'invention du cadi*, pp. 575–78.
56 Ibn Saʿd, *Kitāb al-ṭabaqāt al-kabīr*.

and is divided into generations (*ṭabaqāt*), 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 ʿAsākir (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 ʿUbayda (d. *c.* 10/825), which is not preserved, or in the *Merits of the Turks* of al-Jāḥiẓ (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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57   Khalīfa ibn Khayyāṭ, *Kitāb al-ṭabaqāt*. On this book, see Hafsi, 'Recherches sur le genre "*Ṭabaqāt*"', pp. 246–48.

58   See for instance Ibn Ḥibbān (d. 354/965), *Mashāhīr ʿulamāʾ al-amṣār*, who only used geographical origins and generations as classification criteria. The same author also wrote a *Kitāb al-ṭabaqāt al-iṣbahāniyya* on Esfahani scholars, which is no longer extant. ʿAbd Allāh ibn Muḥammad al-Anṣārī al-Iṣfahānī (d. 369/979) followed his example. See Hafsi, 'Recherches sur le genre "*Ṭabaqāt*"', pp. 250–51. Other fourth/tenth-century biographical works centred on a city survived, including those of Baḥshal (d. *c.* 296/905), *Taʾrīkh Wāsiṭ*; al-Qushayrī (d. af. 334/945–46), *Taʾrīkh al-Raqqa*.

59   Al-Khaṭīb al-Baghdādī, *Taʾrīkh Madīnat al-Salām*; Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*.

60   See Sellheim, 'Faḍīla'.

61   Cahen, 'Mouvements populaires et autonomisme urbain, III', p. 250.

62   See for example al-Dhahabī, *Siyar aʿlām al-nubalāʾ*. 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.[63] 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*).[64] 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.[65] 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.[66]

Military-religious governors were, in most cases, outsiders who came from another province and thus needed to rely on local populations to rule efficiently.[67] Up until the beginning of the Abbasid period, governors selected their police chief, as well as their judge, from among local urban elites.[68] 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.[69] Under the Abbasids, more examples suggest that

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63 See Blankinship, *The End of the Jihād State*, pp. 39–41.

64 On the question of a judge's authority over an entire province, see Tillier, 'Introduction', in al-Kindī, *Akhbār quḍāt Miṣr*, p. 23.

65 On this institution and its evolution, see Legendre, 'Hiérarchie administrative', pp. 104–09; Sijpesteijn, *Shaping a Muslim State*, pp. 86–87.

66 See Sijpesteijn, *Shaping a Muslim State*, p. 87.

67 See for instance al-Maqrīzī, *al-Mawāʿiẓ wa-l-iʿtibār*, I, 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.

68 Kennedy, 'Central Government and Provincial Elites'; Tillier, 'Introduction', in al-Kindī, *Akhbār quḍāt Miṣr*, p. 34; Tillier, 'Legal Knowledge and Local Practices', p. 192.

69 Wakīʿ, *Akhbār al-quḍāt*, III, pp. 23–24.

such consultations were common.[70] This procedure was not a democratic one. Like *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 *qāḍī*-s, in particular, thus did not rely on the *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 *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.[71] For the sake of justice and efficiency, they needed to know the local society whose problems they were required to solve.[72] Moreover, during the Umayyad and early Abbasid periods, Islamic law was not unified across the Empire. According to Ibn al-Muqaffaʿ (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.[73] In his correspondence with Mālik ibn Anas a few years later, the Egyptian jurist al-Layth ibn Saʿd (d. 175/791) still defended the validity of local Egyptian rules that differed from those implemented in Medina.[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.[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 *qāḍī*-s of provincial capitals himself, he still recruited them preferentially among local scholars and notables.[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' *qāḍī*-s to certain

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70 For Egypt, see Ibn ʿAbd al-Ḥakam, *Futūḥ Miṣr*, p. 241; al-Kindī, *Akhbār quḍāt Miṣr*, pp. 368, 433–35, 468. For Iraqi examples, see Tillier, *Les cadis d'Iraq*, pp. 146, 159, 161–65.

71 Tillier, 'Legal Knowledge and Local Practices', p. 190.

72 Tillier, 'Qadis and their Social Networks', pp. 125–26; Tillier, *Les cadis d'Iraq*, pp. 187–94.

73 Ibn al-Muqaffaʿ, *Risālat al-ṣaḥāba*, pp. 40–42.

74 On this correspondence, see Brunschvig, 'Polémiques médiévales'; Tillier, 'Les "premiers" cadis de Fusṭāṭ', pp. 216–18.

75 Tillier, *L'invention du cadi*, ch. 3.

76 Tillier, 'Legal Knowledge and Local Practices', p. 198.

cities.[77] However, the discrepancy between their own judicial practice and local expectations caused their rejection by the population. In Egypt, the most revealing example is Ismāʿīl ibn Alīsaʿ, a Ḥanafī jurist from Kūfa, whom Caliph al-Mahdī (r. 158–169/775–785) sent to Fusṭāṭ in 164/781. The manner in which he handled cases of slander and managed pious foundations (*aḥbās*) provoked the protest of the Egyptian jurist al-Layth ibn Saʿd, who wrote to the caliph requesting his dismissal.[78] 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-Raḥmān ibn Muḥammad al-Makhzūmī was a Ḥanafī judge, who was appointed in Baṣra in 172/788–789. As Baṣra 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 Baṣran jurists who would issue an opinion that he would follow.[79] 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-Maʾmūn 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.[80] 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 Baṣra. 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.

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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.

78 Al-Kindī, *Akhbār quḍāt Miṣr*, pp. 371–72, trans. pp. 134–35. See also Tillier, 'Legal Knowledge and Local Practices', pp. 199–200.

79 Wakīʿ, *Akhbār al-quḍāt*, II, p. 142. Cf. Tillier, *Les cadis d'Iraq*, pp. 178–79.

80 Kennedy, 'Central Government and Provincial Elites', p. 38; Tillier, 'Legal Knowledge and Local Practices', pp. 202–03.

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.[81] In Egypt, the institution of testimony evolved at the end of the second/eighth century when qāḍī al-Mufaḍḍal ibn Faḍāla 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 Fusṭāṭ were expected to have these professionals witness their legal transactions.[82] 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-Maʾmūn (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,[83] 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 Qurʾan.[84] 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.

82 See Tillier, 'Les "premiers" cadis de Fusṭāṭ', pp. 234–35, and the references mentioned in this article.

83 See Jadʿān, al-Miḥna, pp. 278–80; Nawas, 'The Miḥna of 218 A.H./833 A.D. Revisited'.

84 Al-Ṭabarī, Taʾrīkh, ed. by Abū l-Faḍl Ibrāhīm, VIII, p. 633. See also al-Muʿtaṣim's letter to the governor of Egypt in al-Kindī, Akhbār quḍāt Miṣr, pp. 445–47, trans. pp. 221–22.

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 *aḥdāth* 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 *fuqahāʾ* 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.

historiography.[89] 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[90] 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.[91] 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.[92] 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-Farāhidī (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 (*fatḥ*), some business (*qaḍiyya*), or a situation (*amr*). The group has sent him (*awfadū-hu*)'.[93] He understands the 'group' as a genealogical one, that is, a tribe.[94] This indicates that provincial delegations were considered an emanation of local tribes. Indeed, Egyptian delegates belonged to the tribes that were best established in Fusṭāṭ, 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 Fusṭāṭ.[95]

Yet, one must also consider to what extent this agreement between the tribal map of Fusṭāṭ 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 ʿUlayy ibn Rabāḥ al-Lakhmī (d. 114/732 or 117/735) 'was part of delegations sent to ʿAbd al-Malik [r. 65–86/685–705] *for* the Yemenis of Fusṭāṭ' (*kāna yafidu*

89 Hawting, *The First Dynasty of Islam*, p. 62.
90 See for instance Ibn ʿAbd Rabbih, *al-ʿIqd al-farīd*, II, p. 106.
91 Tillier, 'Représenter la province auprès du pouvoir impérial'.
92 Tillier, 'Représenter la province auprès du pouvoir impérial'. See also Ibn ʿAbd Rabbih, *al-ʿIqd al-farīd*, II, pp. 68, 69.
93 Al-Khalīl ibn Aḥmad, *Kitāb al-ʿayn*, VIII, p. 80.
94 Al-Khalīl ibn Aḥmad, *Kitāb al-ʿayn*, V, p. 231.
95 Tillier, 'Représenter la province auprès du pouvoir impérial'.

li-l-Yamāniyya min ahl Miṣr).[96] 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 (*bayʿa*) of the provincial subjects to a caliph who recently ascended to the throne.[97] 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 Fusṭāṭ 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 Fusṭāṭ.

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-Ṭabarī, 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.[98] 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 Fusṭāṭ and another notable sent Egyptians to Caliph al-Amīn to complain about *qāḍī* al-ʿUmarī's behaviour, which led to his dismissal.[99] In Iraq, delegations of Baṣrans 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.[100] 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

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96   Ibn Yūnus, *Taʾrīkh*, I, p. 361. See also al-Mizzī, *Tahdhīb al-Kamāl*, xx, p. 430.

97   See Tillier, 'Représenter la province auprès du pouvoir impérial'.

98   Al-Ṭabarī, *Taʾrīkh*, ed. by Abū l-Faḍl Ibrāhīm, VI, p. 559.

99   Al-Kindī, *Akhbār quḍāt Miṣr*, p. 413. The imam, al-ʿAlāʾ ibn ʿĀṣim al-Khawlānī al-Judādī, also acted as deputy governor for al-Ḥasan ibn al-Takhtākh in 193/808. His maternal grandfather was considered a *sharīf*. Al-Kindī, *Wulāt*, p. 146; Ibn Mākūlā, *al-Ikmāl*, II, p. 268; Ibn Nāṣir al-Dīn, *Tawḍīḥ al-mushtabih*, II, p. 235. About the second notable, Hāshim ibn Ḥudayj al-Sakūnī, see al-Kindī, *Akhbār quḍāt Miṣr*, p. 389.

100 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 128–29, 144–45, 149–50.

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.[101]

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,[102] 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 *qāḍī* of this city, and Dāʾūd ibn Abī Hind (d. *c.* 139/756), a convert (*mawlā*) who was the most respected local mufti.[103] 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.[104]

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!'[105] 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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101 See Tillier, *Les cadis d'Iraq*, pp. 167–70.
102 This canal is Nahr Ibn ʿUmar, on which see Ibn Qutayba, *al-Maʿārif*, p. 363.
103 Al-Dhahabī, *Taʾrīkh al-islām*, III, p. 645. This delegation also included Saʿīd ibn Abī ʿAmrawayh, a scholar unknown to biographical sources.
104 Wakīʿ, *Akhbār al-quḍāt*, II, p. 58.
105 Al-Masʿūdī, *Murūj al-dhahab*, V, pp. 143–44.

especially from the Abbasid period onwards.[106] Earlier records of petitioning can only be discerned through either narrative sources[107] or, indirectly, through rulers' answers. In Egypt, about ten letters, in which Governor Qurra ibn Sharīk (r. 90–96/709–714) ordered the Aphroditô/Ishqūh pagarch to judge disputes, were probably written in response to petitions.[108]

In most cases, petitions regarded individual matters. Prisoners sent petitions to plead their case and to ask for their release, as evidenced by a Fusṭāṭī register dating back to the end of the second/beginning of the ninth century.[109] 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 Ṣāliḥ ibn ʿAlī, who in turn wrote to Caliph al-Manṣūr to ask for his pardon.[110] 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.[111]

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'.[112] Under the Abbasids, the Egyptian jurist al-Layth ibn Saʿd wrote to Caliph al-Mahdī asking him to dismiss *qāḍī* Ismāʿīl ibn Alīsaʿ, whose judicial practice violated local expectations.[113] 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).[114] 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-Maʾmūn to protest against the appointment of Abū Isḥāq al-Muʿtaṣim as governor of Egypt.[115]

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106 Umayyad petitions: *P.Berl.Arab.* II 23, *P.Jahn* 1 = *P.Heid.Arab.* II 1 recto = *Chrest.Khoury* I 96 = *P.Alqab* 67, *P.Kratchkovski*. Abbasid petitions: *P.Berl.Arab.* II 73, *P.Berl.Arab.* II 74, *Chrest. Khoury* I 80, *P.KhanPetitions* 3, *P.Berl.Arab.* II 82, *P.Vind.Arab.* III 25, *P.World* p. 186, *P.Jahn* 7 = *P.World* p. 185, *P.Hamb.Arab.* II 37, *P.Cair.Arab.* 172 = *P.World* p. 121 b. On the structure of petitions, see Khan, 'The Historical Development', pp. 9, 18, 22. A much higher number of petitions survived from the Fatimid period. See Rustow, *The Lost Archive*, pp. 207–44.

107 See for instance Ibn ʿAbd al-Ḥakam, *Sīrat ʿUmar ibn ʿAbd al-ʿAzīz*, p. 56; al-Balādhurī, *Ansāb al-ashrāf*, ed. by Orient-Institut Beirut, IVa, 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.

108 See Tillier, *L'invention du cadi*, pp. 50–91.

109 Tillier and Vanthieghem, 'Un registre carcéral de la Fusṭāṭ abbasside'.

110 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 362, trans. p. 123.

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

112 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 341, trans. p. 97.

113 Al-Kindī, *Akhbār quḍāt Miṣr*, pp. 371–72, trans. pp. 134–35.

114 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 463, trans. p. 238.

115 Al-Kindī, *Akhbār quḍāt Miṣr*, p. 440, trans. p. 214. This initiative angered al-Muʿtaṣim 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.[116] 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 (*ʿaṭāʾ*) 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.[117] This Beiruti 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 Baṣra in the second half of the second/eighth century shed light on this phenomenon.

The fertile territory of Baṣra 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.[118] 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

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116   Ibn Abī Ḥātim al-Rāzī, *al-Jarḥ wa-l-taʿdīl*, I, pp. 187–95. On the author and his work, see Ibn ʿAsākir, *Taʾrīkh madīnat Dimashq*, XXXV, pp. 357–66; Dickinson, *The Development of Early Sunnite Hadith Criticism*, p. 26. The latter lists only nine letters (Dickinson, *The Development of Early Sunnite Hadith Criticism*, p. 72). The second letter is actually composed of two letters sent to different addressees.

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

118   See Morony, 'Landholding and Social Change', p. 216.

owners enjoyed the support of Caliph al-Mahdī, 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-Mahdī also intended to increase the land tax levied on the territory of Baṣra. He ordered the collection of the *kharāj*, a much heavier tax than the tithe (*ṣadaqa*) paid so far by local inhabitants, on lands irrigated by canals that had been dug after the conquest. ʿUbayd Allāh ibn al-Ḥasan refused to comply with this injunction. He brought together the notables and scholars of Baṣra, and he issued a judgement stating that the inhabitants of all the canal areas of the Arabian Peninsula — to which Baṣra belonged at that time — only had to pay the *ṣadaqa*. This time, it seems that the caliph eventually retreated.[120]

Sometime later, another Baṣran *qāḍī* defended local interests against the greed of the central government. Under Hārūn al-Rashīd (r. 170–193/786–809), his vizier Yaḥyā ibn Khālid al-Barmakī attempted to appropriate lands in the Baṣra area through a legal procedure. However, *qāḍī* ʿUmar ibn Ḥabīb, who had initially accepted the testimony of the vizier's agent, eventually favoured the testimony of Baṣra'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 *maẓālim* trials in high courts where subjects could sue officials. The Baghdadi *qāḍī* ʿĀfiya ibn Yazīd thus managed to get Caliph al-Mahdī 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-Rashīd wanted to persecute after the revolt of a local officer named ʿAṭṭāf ibn Sufyān.[124] Many later stories illustrate how *qāḍī*-s defended (or were expected to defend) the

119 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 92–95.

120 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 96–97. For a detailed analysis of these cases, see Tillier, 'Un traité politique du IIe/VIIIe siècle', pp. 142–43.

121 Wakīʿ, *Akhbār al-quḍāt*, II, pp. 143–44.

122 Al-Ṭabarī, *Taʾrīkh*, ed. by Abū l-Faḍl Ibrāhīm, VIII, pp. 173–74.

123 Wakīʿ, *Akhbār al-quḍāt*, III, pp. 254–55; Ibn Khallikān, *Wafayāt al-aʿyān*, VI, p. 354; Ibn al-Jawzī, *al-Mutaẓam*, V, p. 454.

124 Ibn al-Athīr, *al-Kāmil fī l-taʾrīkh*, VI, p. 152. On this revolt, see Robinson, *Empire and Elites*, pp. 151, 161.

interests of urban populations against powerful state officials, and protected their properties against usurpations.[125]

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.[126] 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 Ḥanafī 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.[127]

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

125   See for example Wakīʿ, *Akhbār al-quḍāt*, II, p. 174; III, p. 197; Ibn al-Jawzī, *al-Mutaẓam*, VII, pp. 61, 271, 366–67; VIII, p. 105.

126   Wakīʿ, *Akhbār al-quḍāt*, III, pp. 297–98; al-Khaṭīb al-Baghdādī, *Taʾrīkh Madīnat al-Salām*, V, p. 244; Ibn al-Jawzī, *al-Mutaẓam*, VI, p. 338; Ibn Khallikān, *Wafayāt al-aʿyān*, I, p. 83; Ibn Ḥajar al-ʿAsqalānī, *Rafʿ al-iṣr*, p. 45.

127   Tillier, *Les cadis d'Iraq*, pp. 637–39.

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'.[128] However, it is difficult to agree with her when she argues that urban assemblies of notables 'were not at all informal'.[129] 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 *raʾīs* in fifth/eleventh-century Syria.[130]

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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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