Wine and Islam

the dichotomy between theory and practice
in early Islamic history

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to the Department of Islamic and Middle Eastern Studies
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I hereby declare that this thesis has been written by me and does not represent the work of any other person.

Daniel S. Feins
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Special thanks must go to my family. Despite being separated by a generous amount of water, my Mother and Father, sisters Sheri and Robin, and my grandparents, were great sources of comfort and encouragement. My parents in particular were of enormous practical help, selflessly running countless errands for me. And I dare say that this thesis might have taken considerably longer without those immortal words, “We can’t wait for you to get back here so finish up already.”

Finally, I unquestionably abused the patience and devotion of my wife, Ruth, who is directly responsible for the completion of the thesis. She took up full-time employment, and continued that employment through seven months of pregnancy, so that I could finish the thesis. More fundamentally, she was, and continues to be, my greatest source of strength and encouragement. There can be no doubt that this thesis would not have come to fruition were it not for her eternal love, and it is to Ruth that I owe my deepest thanks.
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Consonants

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Vowels:
- Short: a, i, u
- Long: ā, ī, ū

Diphthongs:
- aw
- ay

Special Case letters
- Transliterated as ٛ when in the middle or end of the word, but omitted when at the beginning of the word.
- Transliterated as an ـ.

The definite article, al-
- Transliterated as al-
- Transliterated as wa al-
- Transliterated as Banū al-

Notes
- Well known place-names, such as Mecca, Medina, Baghdad, and the Yemen, have not been transliterated but retain their English spellings. Less common place-names have been transliterated. Technical terms have been left in transliteration. Identification of the term in English is provided in the main text and explanatory comments, when necessary or helpful, are given in the footnotes.
- All personal names are given in transliteration.
<table>
<thead>
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<td>Bukhārī/Khan</td>
<td>M. M. Khan, Ṣāḥīḥ al-Bukhārī, translation of al-Bukhārī, Ṣāḥīḥ, in nine volumes, with parallel Arabic text, Great Britain, 1974.</td>
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<td>CEI</td>
<td><em>The Concise Encyclopaedia of Islam</em>, Cyril Glasse.</td>
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<td>EI¹ and EI²</td>
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<td>Introduction</td>
<td>Joseph Schacht, <em>An Introduction to Islamic Law</em>.</td>
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<td>KEAC</td>
<td>H. Kennedy, <em>The Early ‘Abbāsid Caliphate: A Political History</em>.</td>
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<td>H. F. Amedroz, “The Ḫisba Jurisdiction in the Aḥkām Sulṭāniyya of Māwardī”, being a translation and commentary of the text.</td>
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<td>Origins</td>
<td>Joseph Schacht, Origins of Islamic Jurisprudence.</td>
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<td>Shāfī’i/Khadduri</td>
<td>Majid Khadduri, tr., Shāfī’i Risāla.</td>
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<td>“Significance”</td>
<td>George Makdisi, “The Significance of the Sunni Schools of law in Islamic History”.</td>
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<tr>
<td>Ta’rīkh</td>
<td>The History of Prophets and Kings (Ta’rīkh al-rusul wa-l-mulūk), translated by various authors, as cited.</td>
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<td>Tartīb</td>
<td>al-Shāfī, Muḥammad b. Idrīs. Tartīb Musnad.</td>
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Abstract

The aim of this thesis is to demonstrate that the commonly held prohibition of alcohol did not prevent some members of the Muslim community from consuming intoxicating drinks. Specifically, this thesis will examine the consumption of wine in the Islamic world from the birth of the Prophet Muḥammad (c. 570 CE) through the end of the reign of al-Maʾmūn (218/833).

Chapter 1 presents an overview of the presence and consumption of wine prior to the birth of Muḥammad. It will be demonstrated that wine was a social and sometimes religious norm within the dominions that Islam was to dominate within a generation after Muḥammad’s death. Chapter 2 explores the prohibition of wine itself as revealed in the Qurʾān and portrayed in ḥadīth literature. Chapter 3 examines the reigns of the Rāshidūn Caliphs and their efforts to come to terms with some parts of the community that were unwilling to cease drinking all forms of wine. Chapter 4 details evidence of continued wine consumption in the Umayyad Era and Chapter 5 similarly for the ’Abbāsid era with an overview of the development of the law with respect to the use of wine.
Introduction

Grozny: Chechen separatist rebels, applying strict Islamic law, carried out judicial beatings yesterday as they tightened their grip on the regional capital. Some of those punished were found drunk in public and at least one was beaten for selling alcohol. ... Each of the offenders received 40 blows. Most squirmed and squealed, but clung to the bench as the blows fell. For the last man, however, it was too much; he screamed and wriggled off the bench.1

The above article summarises some of the contemporary conventional wisdoms concerning the prohibition of wine in Islam. The phrase, “strict Islamic law”, exemplifies the most common and the most inaccurate of these, for such a phrase seems to assume that there are two sets of Islamic law codes, one strict and the other lenient. Stating that the men were “applying strict Islamic law” implies that they had chosen to disregard the “lenient” Islamic law code. Ironically, the punishment the offenders received, forty blows, is the figure determined by only one of the four schools of law most directly responsible for the development of the law - the other three determined that the punishment should be eighty blows. The above article also appears to imply that anyone caught drunk in public or selling alcohol in Muslim territories was liable for punishment. But this does not convey the full scope of the historical consumption and trade of wine in Muslim territories.

This thesis will clearly demonstrate that Islamic law is not divided into a “strict” versus “lenient” system, though it will also show that there was (and continues to be) some disagreement between jurists. More fundamentally, this thesis will illustrate that not every Muslim in early Islamic history ceased their consumption of wine, including some leaders of the Islamic community itself. And finally, it will be demonstrated that the prohibition of wine applied solely to Muslims. Historically, non-Muslims were generally allowed to consume and trade wine in Islamic territories.

The evidence for these assertions is present in the work of Arabic scholars, who were often themselves Muslims, writing predominately over a period extending from the third/ninth to the fourth/tenth century. These sources are the closest that contemporary

1 "The Times", 5 September 1996, p. 11, from an article submitted by Reuters.
authors have to primary evidence of the events of the first/seventh and the second/eighth century. This presents the first of several difficulties with the sources, namely, that their information was necessarily in many instances second hand.

The source this thesis relies on, in the main, is the work of Abū Ja‘far Muḥammad b. Jarīr al-Ṭabarī (225/838 - 310/923). “Al-Ṭabarī brought to his work the scrupulousness and indefatigable longwindedness of the theologian, the accuracy and love of order of the scholarly jurist, and the insight into the political affairs of the practising lawyer-politician.”

“[It] is the materials supplied by al-Ṭabarī which have established our program of inquiry, the basic set of questions to be investigated.” His Taʿrikh al-rusul wa al-mulūk, “History of the Prophets and Kings,” intended to be a universal history, “represents the highest point reached by [Arabic] historical writing during its formative period.” This is not to suggest that Ṭabarī is without his faults. “The author’s point of view when he approaches his own time is strictly Baghdadian and that of the central government, as we would expect. ... Unfavorable details about the ‘Abbāsid s seem occasionally to have been omitted.” This latter fact is significant in that Ṭabarī appears to have included many unfavourable details about their predecessors, the Umayyads.

Another history of great value to this thesis is that of Abū al-Ḥasan ‘Alī al-Masʿūdī (d. 345-6/956), Murūj al-dhahab, “Meadows of Gold.” Al-Masʿūdī can be considered “the characteristic representative of the universal cultural interpretation of history.” Though he also wrote during the ‘Abbāsid era and may have come under their influence, his work appears to show less difficulty relating “poetical, literary, and otherwise entertaining notes and anecdotes” which may show the ‘Abbāsid caliphs in an unfavourable light. Although this work provides much evidence for the continued consumption of wine, Masʿūdī himself

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3 Humphreys, Islamic History: revised edition, 111.
7 Ibid.
notes “everything which deals with this subject or is related to this question” was covered “in my Historical Annals.” This work appears to be lost to antiquity.

One other historian who is referred to sufficiently frequently in this thesis to require a brief mention here is Aḥmad b. Yahyā b. Jābir al-Balādhurī (d. 279/892), “who wrote two important books: the Futūḥ al-buldān, ‘Conquests of the Provinces’, and the Ansāb al-ashrāf, ‘Genealogies of the Notables’.” “Despite his affiliations with the ‘Abbāsids,10 al-Balādhurī is impartial and balanced ... He thus gives free play to all the accounts and makes a serious effort to be objective in selecting narratives for presentation.”11 “Traditionally, Ṭabarī has been supplemented by al-Balādhurī’s Futūḥ al-buldān....”12 However, the present author has found that both this work and his Ansāb al-ashrāf provide unique information in addition to verification of Ṭabarī, and they will be cited in this dual capacity.

Historical works are not the sole source of information upon which this thesis rests. Additional evidence has been gleaned from some prose works. The work of fundamental significance to this thesis is that of Abū al-Faraj al-Īṣbahānī (d. 358/967), Kitāb al-Aghānī, the “Book of Songs.” This work is essentially a collection of poetry with commentary on the historical circumstances surrounding the poet or the piece specifically.13 Although primarily a literary work, it is a reliable indicator of many facets of life in early Islamic history.14 Poetry, whether contained in the Aghānī or in a collection of a single poet’s work, can also be used as an indicator of some facets of early Islamic and, when used judiciously, pre-Islamic life.15

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8 From Lunde and Stone’s translation, Meadows of Gold, 325-6.
10 He was a close companion of the ‘Abbāsid caliph al-Mutawakkil (Rosenthal, Historiography, 48).
11 Ibid., 62.
12 Humphreys, 111.
13 EJ, s.v., “Abū ‘l-Faradj al-Īṣbahānī”.
14 Ibn Khaldūn has called it “the book and archive of the Arabs. ... There is no book that gives more complete information about the conditions of the Arabs” (Khaldūn/Rosenthal, vol. 3, 366-7).
15 This introduction to the sources and their reliability is supplemented throughout the main text as and when the need arises.
Chapter 1: The Jāhiliyyah

The commonly held prohibition of alcohol in the Qur'ān was introduced to a region and a people by and large unfamiliar with limitations on wine consumption. In the Jāhiliyyah, wine was produced, shipped, and utilised from the far western regions of the Byzantine Empire to the far eastern regions of the Sasanian Empire to the southern most tip of Arabia. The use of wine throughout was at times a social norm and/or a religious mandate. Even so, there is no reason to suspect that every individual drank wine or that when they did, they became intoxicated as a result. This chapter will demonstrate the ubiquitous presence and acceptance of wine in the regions of what would become the Islamic Empire.

The Byzantine Empire

Ab urbe condita...

324 CE: Constantine (307-37) rebuilt the city of Byzantium in 330 and renamed it after himself as the new capital of the Empire. The Roman Empire was reunified, though only briefly, for by the reign of Valentinian I (364-378), the “division of the empire into east and west was now an accepted feature of the government.” However, the demise of the West and a century’s passing made it more acceptable that “Rome might still be Rome without its western half.” Historians have traditionally renamed the eastern half of the

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16 This term is often translated as “time of ignorance” (Hitti, History of the Arabs, 87; CEI, s.v., “al-Jāhiliyyah”), referring to the period of Arab paganism before Islam appeared (Hitti, 87; CEI, s.v., “al- Jāhiliyyah”; Hodgson, The Venture of Islam, vol. 1, 174). Samadi elaborates that before Islam, the Arabs “had no ancient culture of their own in the real sense of the term and were hardly civilised” (“Social and Economic Aspects of Life under the Abbasid Hegemony of Baghdad”, 237). As will be shown below, Samadi’s judgement, almost certainly grounded in his own values, is not supported by the evidence of that period.

17 In this initial chapter, which takes place prior to Islam and the subsequent development of the Islamic calendar, all dates will be of the Common Era unless otherwise specified.

18 Scarre, Chronicle of the Roman Emperors, 213.

19 Ibid., 213, 218. Scarre notes that the foundation of “Constantinople” and its initial construction was begun in 324 (218).

20 Ibid., 223.

21 Fowden, Byzantium and the Coming of Islam, 14.
Roman Empire as the Byzantine Empire, though one should bear in mind that in the early years following the division of the empire, the citizens and rulers of New Rome would have still considered themselves Romans. Moreover, the similarities between the Roman Empire and the Byzantine Empire with respect to wine in planned economies, industry, military affairs, daily life, and trade suggests a minimal departure from the Roman Empire with one important exception - Christianity.

Egypt

Large estates such as that of the Apion family of Egypt reflect the Byzantine State’s commitment to large scale wine production. The estate was run by a comprehensive staff who received as part of their daily provisions “nine measures of wine,” while the higher officials of the estate “were probably allowed to draw at will from the estate wine cellars.”

Peasants and vine-dressers worked the fields, which were protected by ditches and/or fences. The raison d’être of these peasants and vine-dressers on a large estate such as this one was, according to original documents, to maintain a stable source of wine production for the empire.

These large estates, which possessed vast amounts of labour, mills, wine presses, and so on, could easily fulfill their obligations both to the State and the private sector. The

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22 Ibid.
23 "While there are in the whole world about eighty notable kinds of liquor that can properly be understood as ... wine, two-thirds of this number belong to Italy, which stands far in front of all the countries in the world” (Pliny the Elder, Natural History, XIII, 87, tr. W. H. S. Jones, 245). Pliny’s boast in the first century of the Common Era carries much merit. Under the Roman Empire, the vine was mass-produced on a “scientific, industrialised” scale (Hyams, Dionysus, 99). Wine had proved useful when distributed free to unruly mobs (Hyams, Dionysus, 131); for military provisions; for state payments; and especially for trade, wine being so much more valuable by bulk than other commodities (A. H. M. Jones, The Later Roman Empire; 284-602, 845). Wine was so central to the Roman Empire that Diocletian fixed the maximum price for wine around the year 301, threatening to nationalise wine production if profiteering merchants did not reform their ways (Hyams, 121).
24 Documentary evidence suggests that the Apion family lived in Egypt in the early sixth to early seventh century (Hardy, Large Estates of Byzantine Egypt, 25).
26 Ibid., 83.
27 Ibid., 103.
28 Mango, Byzantium: The Empire of New Rome, 47.
29 Hardy, 119.
estate would sell the wine on the market or use it to fill specific orders of substantial magnitude - orders as large as 2000 to 3000 amphorae jars were not uncommon.30 The government also expected smaller farmers to contribute basic provisions, including wine, to the State so that the State could concentrate its resources on urban industry.31 The small farmers had a much harder time under this system. In addition to fulfilling their own needs and those of the State, they were under pressure to sell as much wine as was feasible on the open market; the proceeds from the wine they produced was used to make regular payments on their leased equipment.32 The production of wine was often so crucial to the small farm's survival that subsistence farming of other crops was often the case, leaving the sole earning commodity the production of wine.33 A bad harvest could therefore be ruinous for the small farm.

**The Military**

The Byzantine state relied on wine for more than investment in urban industry. Both the Roman and Byzantine Empires provided wine to their troops as part of their daily diets, and made payments to the officers in wine. An Egyptian papyrus from the sixth century lists one ration scale for a twenty day period: “3 lb. of bread, 2 lb. of meat, 2 pints of wine and 1/8 pint of oil per day.”34 Certainly not all the scales were this large, but their authenticity can be judged from incidents of the fourth and sixth centuries:

Julian (360-3)35 sent troops to Antioch in 363 to participate in the Persian campaign. Ammianus describes them as “undisciplined, disorderly and drunken ... [they] had to be carried through the city squares to their billets to sleep it off.”36

Justinian (527-65)37, in 536, was compelled to establish a law that banned the military from collecting taxes, shifting collection to newly appointed governors of each province. The soldiers had

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30 Ibid., 122.
31 Haussig, A History of Byzantine Civilisation, 56.
32 Ibid.
33 Ibid.
34 Ibid.
36 Scarre, 224.
37 Ammianus, tr. Mathews, The Roman Empire of Ammianus, 72.
38 Oxford Dictionary of Byzantium, s.v., “Justinian I”.
been accused of brutal behaviour brought on by drunkenness that included violence, looting and robbery.\textsuperscript{38}

It seems unlikely that the soldiers' standard rations would have intoxicated most of their forces. But the State might be seen as encouraging the drinking of wine as a function of the soldier's duty. Something of this nature appears to be indicated by the fact that in the Roman Empire, the centurion's rod of office was a vine sapling, and only soldiers who were Roman citizens had the "privilege" of being punished with vine tendrils for such offences as, say, sluggishness.\textsuperscript{39}

\textbf{Citizens}

Wine consumption was not the exclusive preserve of the military. But much like the military, wine was a state supported element of the citizens' daily diet. Valentianian I (364-375)\textsuperscript{40} ordered that wine should be provided to Roman citizens in the western half of the empire at twenty-five percent below market prices.\textsuperscript{41} By the fall of the west in 476\textsuperscript{42}, wine, as a daily beverage, had become second only to water in the east.\textsuperscript{43} In addition, "a common dish for rich and poor alike was \textit{monokythron} ... its ingredients [included] sturgeon, ulach cheese, cabbage, olive oil, pepper, garlic, and sweet wine."\textsuperscript{44} Despite wine's daily, approved use at meals, incidents of abuse may have been frequent.

Analogous to the military, not everyone controlled their consumption of wine, some to the point of chronic addiction. Writing in the fourth century, Rabbi Aha, of the fourth generation of Palestinian amora\textit{im} (320-50)\textsuperscript{45}, related the story of two sons who tried to do away with their father because he had "sold all his household goods and spent it on wine, 38 Isaac, \textit{The Limits of Empire}, 289-290.
39 Pliny, \textit{tr.}, W. H. S. Jones, 199.
40 Scarre, 226.
41 A. H. M. Jones, 704.
42 Scarre, 232. The present author acknowledges that some historians prefer to date the fall of the west from the sack of Rome in 410 and the subsequent steady decline of Roman rule in the western half of the empire.
43 \textit{Dictionary of Byzantium}, 287
44 Ibid., 621-2.
45 The Palestinian amora\textit{im} were generations of Rabbinic "debaters", or teachers, whose teachings are collected in the Palestinian Talmud (Goldberg and Rayner, \textit{The Jewish People}, 90).
the beams of his house and he spent it on wine," and would leave nothing for them after his death if he was allowed to keep drinking. 46 One night, while the father was in a drunken stupor, the sons threw him in a tomb devoid of food and water. Unknown to the sons, passing wine-merchants used this tomb for storing their wine-skins. When the sons went back to see if their father had died, they found him alive, very drunk, and singing. The sons took this as a sign from heaven that they should not abandon their father but take him in and arrange to provide him with wine for the rest of his days.

It is reasonable to assume that the Rabbi may have wished to tell this story for its moral implications, rather than its factual content. One of the implications would almost certainly be to uphold the fifth commandment to "Honour thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee," no matter the parent’s behaviour. Even though the story implies divine intervention, the story is largely described as a series of worldly events. For this reason, the present author suspects that the story is factually based. And although it is but one incident of apparent chronic addiction, it is an indication that the condition was not unknown as early as the fourth century.

Others seem to have turned drunkenness into a game with elaborate rules. Writing three centuries earlier, Pliny related that taverners would "snatch up huge vessels as if to show off their strength, and pour down the whole of the contents, so as to bring them up again at once, and then drink another draught." Such activities were often part of drinking matches, where the true test of a man’s merit was rising the next day for work on time and without showing the effects of the previous evening. 49 Towards the coming of Islam, records continued to indicate that "young men would loiter in public places, dance, [and] drink in taverns ...." The present author would speculate that the drinking games Pliny described probably continued in the Byzantine empire. However, it is important to

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46 Isaac, 293. The remainder of the story is paraphrased from the account in Isaac.
47 Exodus, 20:12.
49 Ibid., 277 - 283.
50 Mango, 65.
bear in mind that these stories serve to illustrate the extremes of wine consumption, and probably not the norm.

**Trade**

The Byzantine empire did not confine the use of wine to their internal markets. Continuing the Roman tradition, wine was shipped to and from ports throughout the vast regions of the Mediterranean and the Middle East. By the end of the first century, wine was being exported to the area of present day Somalia, India, Arabia, and the Yemen. While in the Roman Era, wine was often traded for Phoenician dates, in the Byzantine Era, wines of various areas were sought after even in regions that produced its own wine: wine was exported from Gaza into Syria and Egypt, Italy, and Spain, along vast trade routes controlled by Syrian, Egyptian, Jewish, and Greek traders.

Evidence of this extensive Byzantine trade has been gathered from the seabed in the region of present day Turkey. A small merchantman sank off the coast of the port of Yassi Ada in the early seventh century. Inscriptions on the ship positively identify it as a Byzantine vessel. The ship’s cargo comprised an estimated total of 900 Byzantine amphorae, whose contents remain something of a mystery. Archaeological techniques discovered grape pips inside some of the amphora, and it is thought that at least part of the

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51 *Periplus of the Erythraean Sea*, tr. Schoff, 25.
52 Ibid., 49
53 Ibid., 30-1.
54 Haussig, 206.
55 Mango, 42.
56 A. H. M. Jones, 850.
57 A. Lewis, *Naval Power & Trade in the Mediterranean*, 17; Haussig, 63. Katzev is, the present author suspects, overly optimistic when he writes of a find of jars on an underwater wrecked ship: “Out of a total of 404 [jars found on the seabed], 343 jars are from Rhodes. They undoubtedly contained the wine of that island which was so widely marketed throughout the Greek and Roman worlds” (“The Kyrenia Ship”, in Bass, *A History of Seafaring Based on Underwater Archaeology*, 50). There is no direct evidence that the jars contained wine. However, it does seem likely that, given the value of wine, some of the jars would have contained wine.
58 Yassi Ada is a town located on the south-eastern tip of Turkey, north of the island of Rhodes and east of the island of Kos (Throckmorton, ed., *The Sea Remembers: Shipwrecks and Archaeology*, 62-3).
cargo was wine. In light of the importance of wine as supplies to Byzantine troops and as a profitable state venture, the present author believes that it would be highly unusual if a part of a cargo of 900 amphora did not contain wine.

Religion

The use of wine during both the Roman and Byzantine eras would be almost indistinguishable were it not for their rulers’ different approaches to religion. The Roman Empire was at least ambivalent towards religion and at most a “pagan” empire. Standard policy allowed various religious peoples to worship as they saw fit, so long as, individually or as a group, they did not endanger the status quo. The present author believes that the very existence of a stable, peaceful empire, as witnessed by the *Pax Romana*, could be credited with the propagation of the two major monotheistic religions of the time: Judaism and Christianity.

The Jews appear to have used this opportunity to develop their communities, build impressive synagogues, and assert “a claim to social esteem.” Christianity, as Origen wrote in his *Contra Celsum*, appears to have benefited in that

Jesus was born during the reign of Augustus, the one who reduced to uniformity, so to speak, the many kingdoms on earth so that he had a single empire. It would have hindered Jesus’ teaching from being spread through the whole world if there had been many kingdoms.

Constantine became a Christian in the early years of the fourth century and

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60 Ibid., 86. The authors detail the probable life of the ship involving the transport of wine. “In the Greek islands today, wine making is usually done by the tavern proprietor,” who often bought the fresh pressed grape juice from such vessels. “Wine probably flowed no less freely on a Byzantine waterfront than on a modern one. The Yassi Ada ship could have filled in Thasos, and have headed from north to south toward Halicarnassus (Bodrum), in order to discharge her cargo. “She must have been sailing almost before the strong southeast wind that prevails at that time of year, when she struck on the west reef a couple of hours’ run from her destination” (Ibid.).

61 See above, n. 57.


63 Fowden, 66.

64 Ibid., 89.

65 P. Brown, *The World of Late Antiquity*, assigns the date of 312 (184) and the *Concise Dictionary of Early Christianity* places the date closer to 319 (727). The date of 312 is supported by Scarre (216), though he notes that “imagery of the sun-cult continues to appear on his [Constantine’s] coinage up to the year 320” (Ibid.).
initiated the policy that the Eastern Roman Empire and Christianity were inseparable. He personally preached in public, according to Eusebius, “first thoroughly exposing the error of polytheism …” and then moving on to asserting “the sovereignty of God, passing thence to His providence …”. Constantine took “active steps to limit polytheist cults”, leaving the monotheistic Jews to worship their one God in relative peace. He also appears to have favoured the downtrodden and raised “the civil rank of the clergy.” Having influenced early Christianity “as much as any Church Father”, Constantine was baptised on his death bed.

The early leaders of what might, by the death of Constantine, be called the Imperial Christian Church found greatest success with urbanised citizens, paganism surviving well into the seventh century in the countryside. Even so, the transition from paganism to Christianity in the cities was not everywhere instantaneous. “In Athens, for example, ... it was only in the seventh century that the Parthenon, the Erechtheion and the Hephaisteion became churches.” Nevertheless, after Justinian’s reconquests of the western half of the Roman Empire, “the Mediterranean world came to consider itself no longer as a society in which Christianity was merely the dominant religion, but as a totally Christian society.”

The Persian advance on the city of Constantinople seems to have been viewed as not merely a setback for the Byzantine Empire, but for Christianity as well.

The fundamental role wine plays in Christianity cannot be under emphasised. Beginning with the Gospels, Matthew describes the Last Supper:

Then he took the cup, gave thanks and offered it to them, saying, “Drink from it, all of you. This is my blood of the covenant ... I

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66 Fowden, 36.
67 From the Vita Constantini, in Fowden, 87.
68 Fowden, 87.
69 The Concise Dictionary of Early Christianity, 36.
70 Ibid., 23.
71 Brown, 114.
72 Mango, 61. For more on the history and function of these structures, see A. W. Lawrence, The Pelican History of Greek Architecture, Harmondsworth, Penguin, 1983, index; for detailed sketches and reconstructions of the Erechtheion and Parthenon, see Paris-Rome-Athens: Le Voyage en Grèce des Architectes Français aux XIXe et XXe siècles, Paris, École nationale supérieure des Beaux-Arts, 178-87 and 162-71, 230-7, respectively.
73 Ibid., 174.
74 Fowden, 35.
will not drink of this fruit of the vine from now until that day when I drink it anew with you in my Father's kingdom."\textsuperscript{75}

Mark\textsuperscript{76} and Luke\textsuperscript{77} record the same "fruit of the vine" passage.\textsuperscript{78} In addition, according to the Gospel of John, Jesus equated himself with the vine: "I am the true vine, and my Father is the gardener..."\textsuperscript{79} The Last Supper itself is believed to have begun as the Jewish Passover, and wine was undoubtedly in the cup which Jesus passed amongst his disciples\textsuperscript{80}.

The presence and consumption of wine was therefore to spread throughout early and later Christianity. Justin Martyr, writing c. 155, explained to a group of pagans the meaning of Christianity, specifically describing wine's usage in the Last Supper.\textsuperscript{81} The third century theologian Hippolytus described the proper practices for Christians, also specifying the use of wine.\textsuperscript{82} "The Church helped spread the prestige of wine drinking: The eating of bread and drinking of wine ... were regarded ... as basic signs of cultural advancement, and were diffused far and wide in the seventh century."\textsuperscript{83}

Despite the seeming central role of wine in Christian Liturgy, not every sect of Christianity used wine in its services. The "wine" used in the Coptic Church in present day Egypt is unfermented grape juice.\textsuperscript{84} This practice appears to date from developments in the Coptic Church in the late third and fourth centuries. "The first historically authentic figure" in the history of the Coptic Church is Antony who lived in the late third century.\textsuperscript{85} Antony is believed to have been the founder of the Church in Egypt and never touched meat or wine.\textsuperscript{86} His successor, Pachom, in the early to mid-fourth century, established eleven monasteries.\textsuperscript{87}

\textsuperscript{75} 26:27-29.
\textsuperscript{76} 14:24-25.
\textsuperscript{77} 22:17-18.
\textsuperscript{78} The details of the Last Supper varies slightly in each account, though this bears no consequence on this thesis.
\textsuperscript{79} 15:1-17.
\textsuperscript{80} See Chapter 2, the section entitled, \textit{Judaism and Wine}, for a brief discussion of the Jewish ritual of the Passover.
\textsuperscript{81} \textit{New Dictionary of Sacramental Worship}, 402.
\textsuperscript{82} Ibid., 403-4.
\textsuperscript{83} Austin, Alcohol in Western Society from Antiquity to 1800, 60.
\textsuperscript{84} Atiya, A History of Eastern Christianity, 128.
\textsuperscript{85} Watterson, Coptic Egypt, 56.
\textsuperscript{86} Ibid., 56-7.
\textsuperscript{87} Ibid., 68.
In all his monasteries, wine was forbidden unless a monk had fallen ill.\textsuperscript{88} About the year 385, Shenute continued the expansion of the Church in Egypt.\textsuperscript{89} "Shenute was regarded as a pillar of the Egyptian Church...he had a profound influence on Coptic theology and institutions."\textsuperscript{89} He followed the examples of Antony and Phacom and prohibited wine in the Church.\textsuperscript{91}

However, the Coptic Church seems to represent the exception, and not the rule, with respect to wine's usage in Christian services.\textsuperscript{92} It can therefore be stated with some confidence that the consumption of wine as part of a Christian rite, as part of the everyday diet, or as a military ration, made the appearance and availability of wine commonplace throughout the lands of the Byzantine Empire before and after the birth of the Prophet Muhammad.

**The Sasanian Empire**

Wilbur, commenting on contemporary Iran, wrote that "European types of wine are now produced in several towns, but the distinctive full-bodied, heady wine of Shīrāz is the most renowned."\textsuperscript{93} The state's official religion is presently Shi'ī Islam, but the production of wine in Iran demands that the legacy of pre-Islamic Persia not be ignored. The Sasanian Empire, dating from the early third century to the Muslim conquests in the seventh century, occupied present day Iraq, Iran, Afghanistan and Pakistan.\textsuperscript{94} A study important in its own right, the Sasanian Empire is particularly valuable to the Islamic historian. When the Muslims burst out of Arabia, they ultimately conquered the entire Empire, absorbing a vast heritage of living.\textsuperscript{95}

\textsuperscript{88} Ibid., 65.
\textsuperscript{89} Ibid., 68.
\textsuperscript{90} Ibid., 70.
\textsuperscript{91} Ibid.
\textsuperscript{92} This is not true of all contemporary Christian organisations. Both the Coptic Church and those categorised as Born-again Christians prohibit wine from their ceremonies and rituals. \textsuperscript{93} Iran: Past and Present, 116.
\textsuperscript{94} The Cambridge Encyclopaedia of The Middle East and North Africa, 57.
\textsuperscript{95} Frye, The Golden Age of Persia, 7.
Religion: Zoroastrianism

"Wine and not water was the Christian sacred drink," and water was the basic drink of the people in the Sasanian Empire. Leroy Campbell's assertion is correct in some respects, though it does not provide a complete picture of the use of wine in either religious practices or among the people within the Sasanian Empire. Wine is not at the root of Zoroastrianism in the same way as Christianity, yet it was consecrated at Zoroastrian rituals and drunk during the celebration of many Zoroastrian festivals. Moreover, although wine was not supplied to the people as part of the daily diet - as in the Byzantine Empire - there do not appear to have been state bans on the beverage.

Zoroastrian ceremonies contained explicit references to wine. In the ceremony of Glorification of Darun, or Sacred Bread, "The articles to be included for the ceremony should be wine of both kinds", viz., mild and strong. The Afrîngân ceremony contains the blessing, "just as fragrant flowers spread their fragrance in all directions, mae (wine) exhilarates its drinker with pleasant feelings of self-enjoyment." Furthermore, during the ritual of dron-i Mihrîzed, wine (among other items) is set aside for consecration. Clearly, wine had an important function in Zoroastrian ceremonies and rituals.

90 Campbell, Mithraic Iconography and Ideology, 324.
97 Certainly, a case might be made that the Zoroastrians made a conscious effort to avoid wine since it was used by the Christians. However, there is little evidence to support this. The respective empires were at war more over territory than religion. The Sasanian persecution of other religious groups, Christians and Jews alike, does not mean that the state prohibited its own religion from using wine.
98 At the beginning of the third century, Ardashîr organised a revolt against the Parthian Empire from its province of Fars. In 224 he "killed the last Parthian ruler in battle in Susiana" (Wilber, 31) and took the capital of Ctesiphon two years later (EI, s.v., "Sâsânîans"). The era of the Sasanian Empire was thus ushered in. Ardashîr is said to have immediately made Zoroastrianism the state religion. (Wilber, 31). Zoroastrianism "helped the Sasanian state acquire a strong religious identity" while its "foreign policy acquired a nationalist motivation considerably more focused..." (Powden, 31). Shâpur I inscribed at Naqsh-i Rustam that "The gods have made us their ward, and with the aid of the gods we have searched and taken many lands..." (in Powden, 32). Therefore, it seems clear that on the eve of the Muslim conquests, Zoroastrianism had roughly the same place in the Sasanian Empire that Christianity had in the Byzantine Empire. Cf. Boyce, Zoroastrians: Their Religious Beliefs and Practices.
99 From Pahlavi sources in the Avesta language, in Dhabhar, Essays on Iran, 181, 182, & 186. The texts indicate that the date-palm-tree was also a source of this wine (188).
910 Dhabhar, 187.
911 Ibid.
Festivals connected to Zoroastrianism also made extensive use of wine. Original texts relate the story of a king and his nobles celebrating the festival of Nō Rūz: “The wine-filled cup passed among them, ...To one side minstrels sang to the wine ... each [of the nobles] had the glowing ember of wine in his hand.”

The contemporary religious festival of Mīhragan is celebrated over five days, mostly at evening gatherings, where “there was much talk, followed by food and wine and drinking of toasts to the living and in memory of the departed.” During the ceremony of the festival, the tip of the tongue of the sacrificed animal is “consecrated in the name of the yazad Hōm, the ancient Haoma, to whom a part of all animal sacrifices must be thus devoted.”

The true nature of Haoma continues to elude researchers. However, a case can be made that Haoma may have been wine made from grapes. Haoma appears to have been the god of health and immortality as well as the king of plants, and was associated with a specific plant that was pressed to extract a juice that had an intoxicating effect. The Zoroastrians held that the juice could “exhilarate men and heighten their powers. Warriors drinking it would quickly be filled with battle-fury, poets be inspired, and priests become more open to divine promptings.” Although a number of substances might cause this, certainly wine, which serves to depress inhibitions, could instil warriors with a sense of indestructibility, or “battle-fury”. While Boyce makes no commitment in identifying the plant, Ernst Herzfeld states that Haoma was both the vine and wine. He argues that the process for producing Haoma in the ancient texts is too similar to that of producing wine to be coincidence. Herzfeld writes,

102 Boyce, Textual Sources for the Study of Zoroastrianism, 70.
104 Ibid., 111.
105 Moulton, Early Zoroastrianism, 71; Dhalla, History of Zoroastrianism, 205-7.
106 Ibid.
107 Boyce, Zoroastrians, 5.
108 Rosenham & Seligman, Abnormal Psychology, 525.
109 Herzfeld, Zoroaster and His World, 545-6.
To define hōma means to explain how wine could remain unknown to the Awesta, and how the cultivation of hōma could disappear in Iran long before the Arab conquest. The solution is evident: homa is vine, wine.110

However, there is reason to believe that Haoma is neither the vine or wine. According to original texts, “indulgence in intoxicating beverages causes wrath and strife, quarrel and confusion, but the drink of Haoma is accompanied by righteousness and piety.”111 This may cynically be seen as justification for drinking wine - that consecrating wine to Haoma changed it from a simple intoxicant to a drink of extraordinary power. But there is no evidence to suggest that such a transmutation occurred. In addition, Herzfeld correctly states that the plant appears to have disappeared in Iran. Yet the vine is highly adaptable to a variety of climates and geographies and, as stated earlier, continues to exist in Iran.112 Moulton suggests that the original plant113 “failed the people as they migrated westward out of the land [north-western Iran] where Zarathushtra preached and taught [c. 1000 BCE]....”114 The vine would not have had such difficulties. The loss of the original plant helps to explain why it remains unidentified today, and why it is still not possible to say with any degree of certainty that Haoma was, or was not, the vine.

The Avesta

The debate over Haoma aside, it seems clear that wine was involved in Zoroastrian festivals and rituals. The Sasanian Empire’s commitment to Zoroastrianism is best known through the Avesta. Authors writing during the period of the Sasanian Empire indicated that its rulers collected/created the holy book of the Zoroastrians.115 The Avesta was for

110 Ibid., 551.
111 Dhalia, 207.
112 Hyams, Plants in the Service of Man, 19.
113 Leroy Campbell identifies the original plant as the Oxhorn tree. As there is no known living example of such a plant, his assertion can not be wholly accepted as fact. He also argued that Haoma was made from the fat of the slaughtered animal, an ox (Mithraic Iconography and Ideology, 218). In both instances, the juice was obtained by pressing. As there is neither past nor current research on the effects of drinking juice pressed from ox-fat, it is not possible to analyse this argument. The majority of Zoroastrian Liturgy, however, does not suggest that animal fat was used in this way, and therefore the present author is disinclined to accept Campbell’s assertion that Haoma was pressed animal fat.
114 Moulton, 73.
centuries memorised and passed on from priest to priest.  

During the fifth and sixth centuries, the Sasanians canonised the texts, grouping them into twenty-one books, called the “Great Avesta”:

Copies were presumably placed in the libraries of the chief fire temples; but during the Islamic period these fire temples were all destroyed, through successive conquests by Arabs, Turks and Mongols, and not a single copy of the Great Avesta survives.

The work is now known through lesser volumes, summarising the context of the Great Avesta, dating to the thirteenth or fourteenth century, but “contains only a fraction of the original.”

The Shahnameh

In addition to the Avesta, a collection of stories and myths was assembled at the beginning of the eleventh century by the poet Firdousi (alternatively, Firdawsi or Firdowsi) in his Shahnameh, or Book of Kings. Dated to 1010, Firdousi’s work, so the author himself writes, is based on oral traditions as well as now no longer extant written sources of the seventh and tenth centuries. One of his stories relates that the Sasanian emperor Bahrām Gur (or Bahrām V, 420-38) declared to his advisors that the people should be encouraged to drink wine in order to promote strength and vigour:

Shah Bahrām was once out in the countryside enjoying, with an august assemblage, an early morning banquet and wine. Presently, the squire of a nearby village, Kabruy by name, appeared bearing fruits and flowers for the royal table. The Shah signalled his pleasure by inviting the squire to sit among the company. To show his command of courtly ways, this Kabruy took up a large cup of wine and downed it to the health of the Shah. “Men properly call me, the Tippler,” he boasted, and emptied seven more such cups in rapid order. When given leave to return to his village, he insisted he was still cold sober, but as he rod out into the plain, he felt the stifling heat, found himself a shady nook, and fell sound asleep. As he slept, a raven flew by and plucked out both his eyes. Kabruy’s mangled corpse was found after.... [Bahrām’s response:] “Through the breadth of

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116 Ibid., 8.
117 Boyce, Textual Sources for the Study of Zoroastrianism, 3.
118 Curtis, 9.
119 Ibid., 29. Firdousi incorporated the reason he composed the Shahnamah into the work: strictly for money, which he bitterly complained he did not receive nearly enough of (Nöldeke, The Iranian National Epic or the Shahnamah, 52). He seems to have been particularly upset on this occasion for the lack of funds meant that he was not able to purchase wine when in the quantity he wished (Ibid., 71).
120 EI’, s.v., “Sāsānians”.

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the land, the drinking of wine is henceforth forbidden for paladins and artisans alike!"

A year later a young man, an apprentice shoemaker, found himself for the first time with his bride and was unable to rise to the occasion. ...she complained bitterly of the groom to his mother. ... Calling her son to her side, she poured. "Drink seven cups of this!" she ordered. "You must drink," she said, until you are free and easy and feel sure of yourself, for tonight you must break the Maidenhead and keep her family's name from falling into shame." ... and all at once he felt himself stiffen. Grown cocky in his cups, he returned to the keyhole and this time struck home. With new-found joy and contentment, he went off to his shop.

Now it happened on that very day one of the lions kept by the Shah had broken loose. [The shoemaker, still drunk, rode the lion bareback and brought it to heel before the lion catcher could get there. Bahram was astounded and asked after] ... his council, men of the magi and the military alike ... [to find out how this happened. The mother was retrieved and revealed the story.] "If you must know," the old lady finished, "his proud stock goes back to those three cups of wine!"

A degree of caution should be exercised in accepting this unquestioningly. Buchner writes in his article for the Encyclopaedia Islam that Firdousi's tale is placed by another author in the reign of an ancient mythical king122. Accreditation notwithstanding, there is another reason for looking sceptically on this tale. The work itself is Iranian history as shaped in the minds of the "Iranian nation", or Persian people, of his era.123 Certain myths of ancient traditions crept into his history, including Bahram Gur slaying a dragon. Such factors lead one to question the genuineness of a shoemaker riding an escaped lion.

Despite these negative factors, there is much to be said for an underlying strain of truth in Firdousi's work. "Beginning with Ardashir, the narrative in its main features becomes historical..."124 and "the mighty drinking-bouts of Kings and heroes, described with a gusto, when those taking part never left it off until fully intoxicated did certainly hold

122 S.v., "Sāsānians".
123 Nöldeke, The Iranian National Epic or the Shahnamah, 75.
124 Ibid., 69-70.
good...” Appreciable literary evidence indicates that accounts of drinking wine were factually based, particularly those pertaining to Bahram Gur. There are stories which indicate that owing to his near obsession with wine and women, he was disinclined to attend the affairs of state. But there is verification from non-literary sources that some emperors drank wine.

A few Emperors

The accuracy of the allegations of Bahram Gur’s wine consumption may be tested against a silver plate depicting the emperor and wine. A similar plate depicts the emperor Khosrow (531-79) seated, waiting for his wine as it “is being strained into an amphora through a net bag hung from a tripod.” These plates have been dated to the eighth or ninth centuries, so there exists the possibility that they may be depicting the legend rather than the fact. Even if the stories and plates exaggerate these emperors’ consumption of wine, there is probably a basis of truth underlying this material. For not only plates depict wine consumption, but Sasanian jugs were painted with semi-nude girls who “bore flagons of wine in their outstretched hands.”

Substantial support of the importance of wine to Sasanian emperors, who are alleged to have “drank every second or third day,” can also be seen in stone inscriptions and state seals. Shapur I (241-72) inscribed his thanksgiving for his victories over the Romans (243-60) on the Ka’ba of Zardusht. It reads in part:

and from every thousand sheep which by custom belong to us from the year’s excess we order that there shall be brought daily for our soul’s sake one sheep, one “griw”, and five measures of bread and four measures of wine.

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125 Ibid., 78-9.
126 Cf. Nöldeke, op. cit.
127 Cambridge History of Iran, 136; Limbert, Iran at War with History, 47.
128 Pope, A Survey of Persian Art, 731.
129 EI, s.v., “Sasanians”.
130 Pope, 732.
131 R. Hillenbrand, “La Dolce Vita in Early Islamic Syria”, 13.
132 Ibid.
133 EI, s.v., “Sasanians”.
134 Boyce, Textual Sources for the Study of Zoroastrianism, 111.
In addition to this rock relief, Sasanian seals from early in the dynasty included “... a winged lion ... framed in an undulating grape-vine....”\textsuperscript{135} The winged lion possessed much significance for it was associated with the serving of wine in a sect of Zoroastrianism, Mithraism.\textsuperscript{136} Original texts record that “the Persian king used to get drunk on the day of the year when they [followers of Mithraism] sacrificed to Mithra.”\textsuperscript{137} However, one should be cautious of over-interpreting this seal. The undulating grape-vine was one of the standard fertility plants of the Sasanian Empire\textsuperscript{138}, and as such may not have signified a direct connection to wine.

\textit{Agriculture}

Zoroastrian beliefs held cultivation as “a meritorious act, if not a strict duty of the ruler.”\textsuperscript{139} This is believed to be due in some measure to Zarathustra’s somewhat legendary childhood in western Iran where agriculture held a high position.\textsuperscript{140} Based in the fertile Diyala plains\textsuperscript{141}, the rulers of the Empire met the high demand for wine with an extensive cultivation program. It appears that the foundation of the empire’s wealth was agriculture, the population by and large made up of peasants working the land.\textsuperscript{142} Some towns, like Shiraz, specialised its crop production, concentrating on grapes for the purpose of making wine.\textsuperscript{143} Finally, date palm trees, whose dates could be used to produce a different type of wine\textsuperscript{144}, were of such value that they were frequently counted for tax purposes.\textsuperscript{145}

\textit{Daily Life}

Strong evidence has so far been provided which demonstrates that wine was held in high regard both by emperors of the state and their state religion. Little is known at this

\textsuperscript{135} Pope, 794.
\textsuperscript{136} Hinnells, Mithraic Studies, vol. 1, 179.
\textsuperscript{137} Moulton, 72.
\textsuperscript{138} Ibid.
\textsuperscript{139} The Cambridge History of Iran, 161.
\textsuperscript{140} Moulton, 84-5.
\textsuperscript{141} Adams, Land Behind Baghdad, index.
\textsuperscript{142} Ibid., 153.
\textsuperscript{143} Ibid., 73.
\textsuperscript{144} Known as \textit{nabidh}. See Chapter 2, the section entitled, \textit{Types of Wine}.
\textsuperscript{145} The Cambridge History of Iran, 160.
time about wine in terms of daily consumption. Inferences can be made from the writings of Pliny concerning the Parthians. He writes that the Parthians introduced to the Roman emperor Tiberius (14-37) the fashion “of drinking on an empty stomach and preceding meals with a draught of wine.”

The inevitable result of this vice is that the habit of drinking increases the appetite for it, and it was a shrewd observation of the Scythian ambassador that the more the Parthians drank the thirstier they became.

Once more, a certain degree of scepticism is warranted. There is the possibility that Pliny was generalising the examples he knew to the entire population. Nevertheless, this passage suggests that some of the Parthians consumed wine. And it would most likely be the case that those Parthian citizens did not abstain from wine once they became citizens of the Sasanian Empire.

Archaeological evidence supports the widespread, general consumption of wine. “Considerable significance seems to have been attached in Sasanian times to” boat-shaped wine vessels. Drinking wine from such vessels was thought to be the equivalent of drinking liquid sunlight. One such “wine-boat” was discovered at a burial site at Tall-i Maliyan and dated to the sixth century. These wine-boats were not new to the region the Sasanian Empire oversaw, but are believed to date back earlier than the sixth century BCE. This evidence suggests that the consumption of wine in Iran for purposes other than religious significance or strictly pleasure dates back to a period

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146 Scarre, 28.
148 Ibid., 283.
149 Melikian-Chirvani, “From the Royal Boat to the Beggar’s Bowl,” 13.
150 Ibid., 12.
151 Ibid., 13. This dating was facilitated with the discovery of a nearby coin (Ibid.) See Figure 1, from Melikian-Chirvani, “From the Royal Boat to the Beggar’s Bowl,” 13.
152 Ibid., 11.
before the two most recent empires, viz., the Parthians and Sasanians. And it is a further indication of wine's importance and consumption.

**Nestorian Christianity**

Christian Arabs in future Muslim territory seemed to be the rule, rather than an exception to it. Nestorian Christianity was introduced into Persia when bishops from Syria, followers of the condemned and exiled bishop of Constantinople, Nestorius\(^\text{153}\) (c 382 - 451\(^\text{154}\)), fled persecution in the Byzantine Empire. For Sasanian rulers, the persecution the Nestorians suffered under the Byzantine Empire were sufficient credentials to allow them to settle in Persia and form their own Church based on the teachings of Nestorius. “Although occasionally suspected of being Roman sympathisers by the Persians, the Nestorians generally lived in peace.”\(^\text{155}\) Peace appears to have had certain conditions for the Nestorians.

Nestorian Christians “were expected to express their loyalty to the Sasanians by praying for the monarch, and by using the terms which he used for himself. Yazdigird I (399–420\(^\text{156}\)) was called “victorious” and “illustrious” in the synod of 410.\(^\text{157}\) This may not have been as difficult as one might suspect. These Christians had only recently removed themselves from Byzantine territory. Their “allegiance to Nestorius allowed [them] to proclaim themselves un-Roman with a clear conscience.”\(^\text{158}\) Therefore, they might have found it both morally acceptable and politically advantageous to express their loyalty to the Sasanians.

\(^{153}\) As Patriarch of Constantinople in 428, Nestorius took the position that the humanity of Jesus should be stressed, complete with human weaknesses, fears, and so on (Neusner, *Judaism, Christianity, and Zoroastrianism in Talmudic Babylonia*, 155). The First Council of Ephesus was called in 431 and Nestorius’ view was thoroughly thrashed. In 436, he was exiled to a monastery in Egypt (*The Concise Dictionary of Early Christianity*, 117). His followers took refuge in Iran. “The Iranians naturally favoured Christians persecuted by the Romans...” (Neusner, 155), and they lived side-by-side with Zoroastrians in relative peace.

\(^{154}\) *Concise Dictionary of Early Christianity*, 116.

\(^{155}\) Ibid., 116.

\(^{156}\) *EF*, s.v., “Ghassān”.

\(^{157}\) Morony, 337.

\(^{158}\) Fowden, 121-2.
Unlike the Coptic schism in Egypt, the Nestorians did use wine in their ceremonies. Textual evidence believed to be written as early as the fifth or sixth century\textsuperscript{159} leaves little room for speculation as to wine's essential role in the Eucharist:

\begin{quote}
Let us approach and take from the spiritual table the Body and Blood of Christ for the forgiveness of sins, for this is a great sacrament, full of blessings and a pledge of endless life; ... Stretch out your hands and take the medicine of life, the forgiveness of sins, and a complete pardon, through the bread and wine.\textsuperscript{160}
\end{quote}

It can therefore be stated with reasonable confidence that wine would have therefore been used by Christians within the Sasanian Empire.

The Jews

According to Islamic sources, the Arabs of southern Iraq were almost entirely Nestorian Christians, or at least Monophysites, at the beginning of the Muslim conquests.\textsuperscript{161} Some Arabs were undoubtedly pagan while a very small number were Jews, such as the Arabs at 'Ayn Tamr.\textsuperscript{162} A Jewish presence in Iraq dates back at least as far as Babylon in the sixth century BCE,\textsuperscript{163} its population peaking in the fifth century CE.\textsuperscript{164} By and large, Christians and Jews lived peacefully along side one another, though Sasanian persecution of either group strained relations. For example, in the reign of Shāpūr II (310-379\textsuperscript{165}), the Christian population was subjected to severe persecutions as a result of the Eastern Roman Empire adopting Christianity as its official religion.\textsuperscript{166} The Jews were then suspected as potential conspirators with the Christians against the Zoroastrian state and “persecution of the Jews, although caught up in the wave of general persecutions, destroyed synagogues.”\textsuperscript{167}
Despite these sporadic persecutions, however, the Jews attained a good degree of settled civilisation in Iraq in Sasanian times.

There can be no question of the importance of wine to the Jews. In the fifth century, the Babylonian Talmud detailed rules regarding the use of wine:

the amount of wine permissible on the Sabbath; the manner in which it is to be drunk; the legal status of wine in any way connected with idolatry; degrees of responsibility for actions committed in a drunken condition; and the definition of strong drink (i.e., wine which retains its strength when three quarters of water is added). Abstinence plays little or no part in the rabbinical discussions. As one rabbi is quoted: "If you become holy by abstaining from wine, why not abstain from everything?"

The purity of ritual wine was of prime importance. Pagan wine, or casks of wine which had been merely touched by pagans, was prohibited. In general, wine made by Jewish hands was never prohibited, even as a sign of mourning for the tragic loss of the Second Temple. "The rabbis deliberately rejected the suggestion that abstention from wine ... be mandatorily instituted as a sign of mourning for the destruction of the temple. They maintained that such a decree would impose unbearable hardship on the public."

The great majority of the Jews of Sasanian Iraq appear to have been "engaged in the production, processing, and distribution of grain, wool, linen, and wine." In terms of production, "The chief object of the cultivation of the vine was ... the making of wine, and of this article different kinds, varying in quality and colour were produced." The wine was then distributed largely for local consumption, though some may have reached a wider market. A cheap quality wine was "chiefly sold on stalls at street corners. The wine usually sold in the shops was of a slightly better quality..." and the wine sold in taverns still better. The superiority of Jewish wine is evidenced in the Synod of George I in 676 in

\[168\] See also Chapter 2, the section entitled, Judaism and Wine.

\[169\] Austin, 50.

\[170\] Neusner, 54, 85-6, 126-9.

\[171\] Encyclopaedia Judaica, 538.

\[172\] Morony, 311.

\[173\] Newman, The Agricultural Life of the Jews in Babylonia between the years 200 CE and 500 CE, 94.

\[174\] Ibid., 94-5.

\[175\] Ibid., 95.
which he "complained about Christians who after taking the sacrament went straight from church to Jewish taverns to drink wine. This was especially deplored since there was no lack of taverns run by Christians where they could have satisfied their desire for wine according to their own customs."\textsuperscript{176}

Wine and its consumption unquestionably existed in the Sasanian Empire. The state religion, Zoroastrarianism, included the libation in its ceremonies and rituals. Other religions, such as Nestorian Christianity and Judaism, were generally left in peace to follow their own rites and customs which included wine. Some emperors are strongly suspected of indulging in the excesses of wine, and their state seals included probable references to wine. Finally, there is reason to suspect that those citizens of the Parthian Empire who drank wine continued to do so as citizens of the Sasanian Empire. Wine, then, was prevalent and accepted throughout the areas the Muslims were soon to conquer and inhabit in the seventh century.

A Sample of Arab States

The protracted war between the Byzantine Empire and the Sasanian Empire has been elaborated at some length in many works and shall not be duplicated here.\textsuperscript{177} What is of central concern to this work is that the intermittent three century war between the two powers involved more than Byzantine troops facing Sasanian troops in open combat. A significant proportion of the fighting was organised and manned through local Arab tribes, who served their overlords as useful buffer states.\textsuperscript{178} These new buffer states, the Ghassānids and Lakhmids, were artificial political formations,\textsuperscript{179} not created through internal socio-economic development but through the external political and military interests of the Byzantine and Sasanian Empires. As such, "their political-ideological alignment made it rather difficult for them to exert any noteworthy influence on the socio-

\textsuperscript{176} Morony, 370.
\textsuperscript{177} Cf. EI', s.v., "Sāsānians"; Cambridge Encyclopaedia of the Middle East, 57; Cambridge History of Iran, 231.
\textsuperscript{178} Simon, Meccan Trade and Islam: Problems of origin and structure, 32.
\textsuperscript{179} Ibid., 27.
economic development of the peninsula. Their primary military role left their tribal society intact. However, once these local powers were introduced to the Byzantine-Sasanian conflict, their fight seemed to carry on regardless of the actions or orders of their nominal overlords. “The state of hostility between Lakhmids and Ghassānids rarely ceased even during periods of truce between Byzantines and Persians, for it was part of life.”

The Ghassānids

The Byzantine Emperor Justinian fully recognised the Banū Ghassān (here on referred to as the Ghassānids) as their supreme ally in north-west Arabia, through Syria (present-day Syria and Jordan), and extending over Provincia Arabia in c. 527. Known to Byzantium as foederati, the Ghassānids formed a reliable core of infantry and cavalry for the express purposes of defending the outlying regions of the Empire, containing the Lakhmids, participating in campaigns against the Sasanian Empire, and protecting “Byzantine commercial and political interests along the spice-route.”

Byzantium believed the benefits of having the Ghassānids as a buffer state included a more secure border and a stable area for trade. The Ghassānids believed their benefits were also two-fold: they received an annual subsidy and the teaching of Christianity in the form of Monophysitism.

In 548, the head of the Banū Ghassān ... came to Byzantium on official business and took the occasion to approach the empress [Theodora] and ask that a bishop of Monophysite views might be

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180 Ibid., 28.
181 Trimingham, Christianity Among the Arabs in Pre-Islamic Times, 197.
182 The Banū Ghassān had only settled into the region c. 490 (Ef, s.v., “Ghassān”). They then began a program of expansion, dominating the other Arab tribes in the area. The Byzantine Emperor Anastasius (491-518) recognised the de facto rule the Banū Ghassān had already managed to attain by the early sixth century (Trimingham, 179).
183 Simon, 37-8; Trimingham, 180.
184 Rice, Byzantines, 113.
185 Arab allies of the Sasanian Empire. See below, the section entitled, The Lakhmids.
186 Shahid, Byzantium and the Arabs in the Fourth Century, 23; Ef, s.v., “Ghassān”.
187 Ef, s.v., “Ghassān”.
188 Ibid. Monophysitism was/is a branch of Christianity that unites the dual nature of Christ such that he is only of the divine nature (Dictionary of the Middle Ages, s.v., “Monophysitism”).
consecrated for the Arab tribes who were unwilling to conform to the [Byzantine] state church.\textsuperscript{189}

Their request was granted and the bishop Jacob Baradaeus of Edessa was sent to the Ghassânids.\textsuperscript{190}

**Monophysitism**

The Ghassânids appear to have become “passionately attached to Monophysitism.”\textsuperscript{191}

They believed that Christ brought them victory in battle\textsuperscript{192} and began missionary activities as well as the founding of many Churches and monasteries,\textsuperscript{193} some of which survive to the present day.\textsuperscript{194} The physical remains of wine presses in northern Syria, thought to be owned by monks of Ghassânid monasteries and dated to the fifth and sixth centuries, affirms that wine was produced on a large scale.\textsuperscript{195} With this profound belief in Jesus Christ, represented by their Monophysitic belief, by their acknowledgement of divine providence in their victories, and by their architecture\textsuperscript{196}, it is almost certain that the Ghassânids made use of wine in Christian ceremonies. Effectively, this suggests that there were potentially large groups of Christian Arabs partaking of wine in an area that was soon to become Muslim territory.

**Rulers**

There is evidence that the court of the last politically independent Ghassânid ruler\textsuperscript{197}, al-Nu‘mān Iyās b. Qabīṣah (602-11)\textsuperscript{198}, was sometimes the scene of singing and wine drinking. The poet Ḥassān b. Thābit\textsuperscript{199} is said to have visited this court in his youth and subsequently recorded events there in his \textit{diwān}.\textsuperscript{200} “I have seen ... Arab singers [who]...”

\textsuperscript{189} Simon, 139.
\textsuperscript{190} Hitti, History of the Arabs, 79.
\textsuperscript{191} \textit{EF}, s.v., “Ghassān”.
\textsuperscript{192} Shahid, 25.
\textsuperscript{193} \textit{EF}, s.v., “Ghassān”.
\textsuperscript{194} Trimingham, 182-3.
\textsuperscript{195} Vogue, La Syrie Centrale, 268-9.
\textsuperscript{196} \textit{EF}, s.v., “Ghassān”.
\textsuperscript{197} Hitti, 84.
\textsuperscript{198} Ibid.
\textsuperscript{199} B. c. 563 (Hitti, 81).
\textsuperscript{200} Hitti, 81; Nicholson, 52.
used to come from Mecca and elsewhere for his delight; and when he would drink wine he sat on a couch of myrtle and jasmine and all sorts of sweet-smelling flowers ...". It is possible that this lifestyle extended beyond the ruler and if not encouraged, then perhaps suggested, to the individual members of the Ghassânid tribe that consuming wine was permissible and enjoyable.202

The Lakhmids

The Banû Lakhm (referred to here on as the Lakhmids) are believed to have migrated into southern Iraq in the last quarter of the third century. The Sasanian empire recognised this new tribe, with ties to southern Arabia, as its answer to the Byzantine Empire's use of the Ghassânids.204 The Lakhmids were courted and profitably supported by the Sasanian Empire, in return for which the Lakhmids performed essentially the same role for the Sasanian Empire as the Ghassânids performed for the Byzantine Empire: they shielded the Sasanian Empire from Ghassânid and Byzantine assaults as well as nomadic incursions in Yemen and the Hijāz; launched their own offences against the enemy; and protected Sasanian trade interests in and around the peninsula.205 The association was very profitable for the Lakhmids materially206 and consequently their early rulers "would not commit themselves to a Christian allegiance owing to its association with the Romans and the anti-Christian bias of the Persian authorities."207

201 Nicholson, 53, citing the Aghanî.
202 However, the present author has not uncovered direct evidence of wine consumption in the daily life of the Ghassânids.
203 EIr, s.v., "Lakhmids"; Nicholson, 38.
204 Simon, 38.
205 EIr, s.v., "Lakhmids".
206 Ibid.
207 Trimingham, 189.
Christianity

Not until the early fifth century did Lakhmid rulers begin to rethink Nestorian Christianity.\(^{208}\) Nu'man I (405-18)\(^{209}\) believed that "Christianization was not to be equated with Romanization...."\(^{210}\) Although he did not commit to Nestorian Christianity himself, his family, including his son, adopted the faith,\(^{211}\) and Nestorian Christianity then spread among the Lakhmid Arabs rapidly.\(^{212}\) Mundhir III (503-54)\(^{213}\) also kept aloof of Christianity as did his son and successor, 'Amr (554-c. 570).\(^{214}\) 'Amr's mother, however, was a great sponsor of Church construction, and al-Ḥira was by the end of the middle of the sixth century "adorned with churches and monasteries, was the seat of a bishopric, and the refuge for many a persecuted ecclesiastic."\(^{215}\) Mundhir IV (580-2/321)\(^{216}\) "maintained the family allegiance to the goddesses Allāt and 'Uzza,"\(^{217}\) and was one of the least popular rulers for it.\(^{218}\) Nu'man IV (583-c.602)\(^{219}\) was raised in a strong noble Christian family,\(^{220}\) the Tamīmī family of Zaid b. Hammād, whose support had enabled him to secure his succession to the throne.\(^{221}\) He then converted to Christianity and was the only ruler of the Lakhmids to be a Christian.\(^{222}\)

Despite the apparent dominance of Nestorian Christianity, there were, presumably, individuals who preferred Zoroastrianism. In either case, it seems likely that wine was a part of religious life for many members of the Lakhmids.

\(^{208}\) Nestorian Christianity appears to have been the most widely disseminated branch of Christianity in Iraq in the fifth and sixth centuries (Hitti, 81; see above, the section entitled, Nestorian Christianity, 22).
\(^{209}\) *EF*, s.v., "Lakhmids".
\(^{210}\) Tringham, 189-90.
\(^{211}\) Ibid., 190.
\(^{212}\) Fowden, 120-1.
\(^{213}\) *EF*, s.v., "Lakhmids".
\(^{214}\) Ibid.
\(^{215}\) Ibid. Since the early fifth century, al-Ḥira seems to have been the diffusion point for Nestorian Christianity - one of the oldest monasteries in the region is at al-Ḥira, dated to 363-71 (Tringham, 171).
\(^{216}\) Ibid.
\(^{217}\) Tringham, 198. Cf. Hitti, 83.
\(^{218}\) Ibid.
\(^{219}\) *EF*, s.v., "Lakhmids".
\(^{220}\) Nicholson, 45; Tringham, 198.
\(^{221}\) Tringham, p 199.
\(^{222}\) Hitti, 84.
There is evidence that the last Lakhmid ruler, al-Mundhir III (503-54), may have consumed wine. A story is related that he was once drinking wine with two of his companions, Khālid b. al-Muḍallil and ‘Amr b. Mas‘ūd. Al-Mundhir III became irritated by something the men said and ordered them buried alive. “Next morning he did not recollect what had passed and inquired as usual for his friends. On learning the truth he was filled with remorse.”

This story has certain parallels with another related in the Aghānī concerning the caliph al-Walīd b. Yazīd. This suggests a certain caution in accepting the story unquestioningly, for the basic plot - a ruler becoming drunk and murdering his friends - may have become a standard method with which to attack a ruler. Even so, such a story is not applied to every ruler who is known to have consumed wine. What this story may indicate, therefore, is the extent to which al-Mundhir III consumed wine, and perhaps a tendency toward violent behaviour while intoxicated.

The Nabataeans

The discussion to this point has emphasised the connection between the use of wine by fifth/sixth century Arabs to the north and east of Arabia and Christianity. This was not meant to suggest that the two are mutually exclusive to wine consumption, nor in fact that Christianity is a necessary prerequisite for the consumption of wine by pre-Islamic Arabs. The largely Arab civilisation of Petra, the Nabataeans, occupying the area of what once was named Transjordan, flourished the century before and after the birth of Jesus Christ. These people represent a settled culture with no known record of Christian influence upon

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223 Ef., s.v., “Lakhmids”.
224 Nicholson, 43, citing the Aghānī.
225 Ibid.; Hitti, 83.
226 Ibid.
227 See Chapter 4, s.v., Al-Walīd b. Yazīd b. ‘Abd al-Malik.
228 That the Nabataeans were Arabs is a matter of some debate, though as Trimingham has recently shown: “Their characteristics were unmistakably Arab in that they were based on tribal organisation and its special customs, together with pride in genealogical origins. Their true names were Arabic…” and Arabic was their “household speech.” (18) In addition,
them. The Nabataeans were not without worship of their own, however, which involved the use of wine.

There are no texts nor oral traditions which preserve the history of the Nabataeans prior to their development at Petra.\textsuperscript{229} The very origins of the Nabataeans are still debated. They “initially appear in Diodorus XIX 94-100, which deals with 312” BCE,\textsuperscript{280} who wrote that “they were a pastoral people capable of removing their flocks into the desert. They assembled as a nation only once a year and maintained a great rock without walls as their stronghold during the occasions of this national gathering.”\textsuperscript{311} Diodorus continues: they possessed “a large country all along the sea-coast [of the Red Sea], and so far likewise up into the land: this tract is very populous, and exceedingly rich in cattle.”\textsuperscript{332}

During this nomadic existence, it is significant that the Nabataeans probably had a ban on wine. In a deliberate policy to strictly maintain their nomadic way of life, Nabataean leaders restricted agriculture to only those crops that required absolute minimal tending and were essential to the survival of the tribes.\textsuperscript{233} It was not until Aretas IV, in the early first century BCE, “pursued a deliberate and energetic policy of transforming the Nabataeans into a settled people with an agricultural economy…”\textsuperscript{234} that the Nabataeans would begin the production of wine.

The ban on wine then was less an act against the consumption of alcohol than it was an act for a particular way of life. The present author has uncovered no records to indicate why Aretas IV decided against their nomadic way of life, nor how he actually went about the task of informing and transforming the people. Once the process was completed, the Nabataeans, for roughly the next two centuries, were a powerful and influential group. At

\textsuperscript{280} Eph’al, 222.
\textsuperscript{311} In Bowersock, 15.
\textsuperscript{332} In de Gaury, 22-3.
\textsuperscript{234} From Khorsabad Annals, in Eph’al, 90.
the beginning of the Common Era, “the Nabataeans’ sphere of influence extended from Damascus in the north, southwards into north Hijāz, and eastwards over the Syrian desert to the Euphrates.”

Worship

At their capital city of Petra, the Nabataeans had a kind of Ka’bah where they worshipped the Goddesses Allāt and Dūshara. Dūshara was associated with the vine, “introduced to the land of the Nabataeans in the Hellenistic period, and as the god of wine borrowed some of the traits of Dionysus.” Vine-leaves on a bust of Dionysus, dated to the first century BCE, appears to support the appropriation of Dionysus by the Nabataeans. Considering the ban on wine that existed before the Nabataeans settled, it seems likely that the worship of Dūshara began no early than their settled life and after they came into contact with Hellenistic ideas.

In addition to worshipping Dūshara, Strabo wrote that the Nabataeans worshipped the sun. “The emphasis on sun-worship ... implies an agricultural state where the association has already been made between [the sun] and the growth of vegetation.” The Nabataeans had in fact an extraordinary agricultural development program that included an array of hydraulic engineering accomplishments still in use today. There are no physical remains of the crops that once grew in the area, but in light of their worship of

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235 Trimmingham, 17. The early Roman Empire left the Nabataean state unmolested as it served a “useful buffer-zone between settled Syria and the territories...” of the Parthian Empire. (Trimingham, 49). Trajan “supposed that he could carry the imperial frontier well across the Euphrates,” (O'Leary, Arabia before Muhammad, 82) and occupied the Nabataean capital in 105 CE. The following year, the Nabataeans ceased to exist as an independent political entity (Bowersock, 76), becoming instead a Roman province. The people themselves though would continue to make their names known for centuries to come.

236 Hitti, 72.

237 Ibid., 72-3.


240 Hitti, 97.

241 “Rock-cut and stone built dams, channels, runnels, canals, cisterns, and other hydraulic works spread over hundreds of sites around Petra are testimony enough to the Nabataeans’ ability to control water. Modern engineers restored the dam barrage at the mouth of the Siq at Petra. Once completed, the system functioned again precisely as it did in antiquity.
Dushara/Dionysus, the extensive use of grape vineyards (as can be seen in the area today), "grape-vine mounds" may have been a common sight from the late first century BCE to at least the early second century CE. Indeed, the production of wine took on such importance that Pliny listed the wine produced from Petra as third best, falling behind Italian wine and Egyptian wine.

**Bedouin in Arabia**

All the evidence presented so far suggests that wine consumption would only take place among settled communities, and then usually as part of their ritual practices. This is, however, not true in all instances. The Bedouin is an example *par excellence* of this diversity. Spanning an area from northern Sinai to Persia to middle Arabia, the Bedouin seasonally migrated, pausing to pasture their animals, grow subsistence crops, and trade with nearby settled communities.

Many pre-Islamic Bedouins did have some form of worship, most often to their own Arab gods, such as al-Uzza. Though there were some Christian Bedouin tribes, such as the Banū Taghlib, in general, Christianity appears to have exerted little influence amongst the Bedouin of Arabia:

> In the case of the Bedouin, religion sits very lightly indeed on his heart. In the judgement of the [Qur'ān] (9:98), "the desert Arabians are most confirmed in unbelief and hypocrisy." Up to our present day they never pay much more than lip homage to the Prophet.

Of no small significance is the fact that the Bedouin had no "fixed address" for those missionaries who wished to impart the teachings of Jesus Christ. "The nomadic life of the Bedouins was naturally unfavourable to the development of distinct permanent places for

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242 Hammond, 73; McKenzie, 158.
243 Hammond, 158.
244 Hammond, 73; McKenzie, 158.
245 Ibid. Hammond cautiously that the purpose of the mound is still being debated (Ibid.).
246 Ibid., 97.
247 Ibid., 26.
248 Ibid., 119.
the performance of religious worship." The failure of Christianity, or Judaism, to take root among the Bedouin was not necessarily, therefore, a matter of ideological difference but a matter of lifestyle differences.

By comparison with Christianity, the worship of Arab gods did not entail a clear and present connection to wine. The seeming conclusion here is that the Bedouin, with no permanent agricultural settlement and a form of worship that did not include wine, were abstinent. This is, however, not the case.

**General lifestyle**

The Bedouin of Arabia and its environs (i.e., the region of present-day Jordan, Syria, Iraq, and eastern Iran) were well known for their use of the camel and their use of raids as a part of their economy. Strabo described the Arabian Gulf as "a country belonging to Nomads," who live by their camels. They fight from their backs; they travel upon them, and subsist on their milk and flesh. Though the camel, as well as goats and ewes, supplied most of the Bedouin's needs and wants, they do not appear to have met them all.

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250 Vasiliev, 202.

251 The following discussion will cite patterns of living of the Bedouin of Arabia as nomadic generally and Bedouin specifically. The term “nomad” may be viewed as the “phylum” to which all Bedouin - the “genus” - belong, and therefore all Bedouin will exhibit characteristics of nomads, though not all nomads will exhibit characteristics of the Bedouin. Continuing the analogy, though not entirely crucial to this paper, the Bedouin of Arabia would then be considered a “species” of Bedouin generally. A popular misconception of the nomad is a life of aimless wandering, when in fact “nomadism is as much a scientific mode of living...as industrialism...” (Hitti, 23). They have always carefully chosen their migratory routes, shepherding their flocks of goats, sheep, and ewes from which the nomad exacted milk, food (Bailey, 36), and in the case of the goat, liquid containers produced from the goat’s skin. When they suspended their travel to allow their animals to pasture, “they raised crops at favoured sites and seasonal locations in the desert.” (Mathews, 344/Bowersock, 9) Such temporary “settlements” further dispel the myth of the wandering nomad and demonstrate that “there are stages of semi-nomadism and quasi-urbanity,” (Hitti, 23) nomads existing “in different degrees of nomadism...” (Mathews, 344) But the nomad did not stay in one place long enough to cultivate the vine, as developing and caring for vineyards is a time-consuming and labour intensive activity requiring a commitment to one location nearly year round.

252 Strabo had his own classification system that did not differentiate the Bedouin from the Nomad. The fourth century monk Malchus supports the conclusion that Strabo was referring to the Bedouin of Arabia and not necessarily Nomads generally (in Shahid, 286). The writings of ancient and classical authors could not escape the set ideology of their era, generally unfavourable to the nomad (Shaw, “Eaters of Flesh, Drinkers of Milk: The Ancient Mediterranean Ideology of the Pastoral Nomad,” 5-31).

253 In H.L. Jones, tr., 205.
"They passed the winter in desert reserves, migrating to seek spring pasturage at the first signs of rain. In the summer, they usually camped near villages or oases, where they exchanged animal products for grain, dates, utensils, weapons, and cloth."254 This trade between settled communities and the Bedouin was not always mutually agreed.

**Economy**

Among classical Greek and Roman authors, the Bedouin held the infamous reputation as “rascally men,”255 the “cleverest of all men at plundering,”256 “desirable as neither friend nor enemy,”257 continuing to exist as “robbers and shepherds, who readily move from place to place whenever pasture or booty begin to be exhausted.”258 Ibn Khaldūn denied that their lifestyle is based solely on plunder. He commented that their lifestyle was mostly one of defence.

They are alone in the country and remote from militias. They have no walls and no gates. Therefore, they provide their own defense and do not entrust it to, or rely upon others for it. They always carry weapons. ... Fortitude has become a character quality of theirs, and courage their nature. They use it whenever they are called upon or an alarm stirs them.259

This view of the Bedouin, though somewhat romanticised, is probably correct in stating that the Bedouin developed and maintained their warrior status at least as much for defence as for offensive raids.

When offensive raids were deemed necessary and undertaken, it appears that the Bedouin believed that "... no blood should be shed except in cases of extreme necessity."256 With respect to raids, called razzia, the relationship between the Bedouin and the townsfolk has recently been suggested as a forced necessity, for both Bedouin and townspeople, by Robert Simon. Describing this relationship, he writes:

> The primary cause and constant driving force of this contact was the highly unstable economy of the nomads exposed to the

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254 Lapidus, A History of Islamic Societies, 13.
255 The Periplous, 30.
256 Procopius, tr. H. B. Dewing, 421.
257 Ammianus, tr. J. C. Rolfe, 27.
258 Strabo, tr. H. L. Jones, 158.
260 Hitti, 25; Nicholson, 54.
adversity of natural conditions. ... Contact with the settlers was not by free choice of the nomads, and neither can we speak about free choice ... on the part of the settlers. This form of contact can therefore justly be called forced reciprocity....261

Forced reciprocity meant that one of the "partners" in this trade, in this case the Bedouin, was going to exact what they needed from the settlers with or without their voluntary participation. The settlers, therefore, made every effort to make this forced trade as profitable for themselves as possible. The most profitable item the settlers had to offer was wine. The Bedouin would normally supply meat and dairy products262 for items such as cloth. But wine from the vine was more costly. Wine, probably made from grapes263, often sold for "a year's wool-clip" or "a she-camel",264 and imported wine, especially from Syria, could sell for still more.265 It seems reasonable to speculate that once this trade was well established, it may have become mutually beneficial, the Bedouin and townsfolk relying on peaceful trade as a primary source of existence. Raids, and perhaps even the threat of raids, may have gradually disappeared.

However, it may have also been the case that "forced reciprocity turned into 'negative reciprocity' and into the expropriation of goods by force, but only in case of trouble,"266 as classical writers seem to indicate. In addition, there may have been other occasions for the Bedouin appropriating goods by force. Punitive raids against communities the Bedouin felt had wronged them was not out of the question.267 If a townsman had substituted the lesser quality palm-wine268, then it does not seem unlikely that one of the principal targets of such raids would be grape-wine.

Still, these raids never amounted to sustained attacks or concentrated campaigns against settled populations.269 And it is somewhat ironic to note that the particular skills the

261 Simon, 79.
262 Limbert, 11.
263 See below, the section entitled, Grape wine, 37.
264 CHAL, vol. 1, 100, citing the poet Qālī.
265 Ibid., citing the poet Abū Dhu‘ayb.
266 Simon, 79.
267 Bowersock, 149-50.
268 See below, the section entitled, Date-palm Wine, 39.
269 Bowersock, 10.
Bedouin developed as a result of their lifestyle proved useful to certain individuals in settled communities. During the period of the Roman Empire, “in spite of existing prohibitions, the highly prized swords of Damascus were smuggled into Persia with the help of the Bedouins.” Finally, it appears that the Bedouin were more interested in fighting each other than any settled community. “The least occasion sufficed for starting lasting and bloody struggles between tribes” of Bedouin.

Violence was therefore an accepted part of Bedouin life, but it did not rule their life. Pacts between tribes and individuals were frequent and maintained a degree of peace and stability. Herodotus describes the oath-binding of two Arabs:

> When two men would swear a friendship they stand on each side of a third, who with a sharp stone makes a cut high up the inside of the wrist below the middle finger and taking a piece from their dress, dips it in the blood of each and moisten therewith seven stones lying in their midst, calling the while on Bacchus and Urania.

Bacchus is associated with the god of the vine. Herodotus goes on to add that Arabs who swear an oath in this way, before the god of the vine, “...keep such pledges more religiously than almost any other people.” In addition, at festivals, wine was plentiful, and “power to stand much of it was one of the gifts of fortune of which men made their boast.” Clearly, the plant the Bedouin had neither the time nor inclination to cultivate was very valuable to them.

**Grape wine**

The value of grape-wine is left in no doubt owing partially to the history of al-Hamdānī’s al-Iklīl. He recorded the poet Al-A’sha mourning the loss of the Ma’rib dam, in

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270 Haussig, 63.
271 Vasiliev, 202.
272 In de Gaury, 23.
274 Ibid.
southern Arabia, after it burst probably in the late sixth277 century, or possibly in the early seventh century,278 "without hope of repair"279:

It watered their acres and vineyards, and hour
By hour, did a portion among them divide.
So lived they in fortune and plenty until
Therefrom turned away by a ravaging tide.
Then wandered their princes and noblemen through
Mirage-shrouded deserts that baffle the guide.280

Al-Hamdānī also described a "great-stream" in Dahr in sixth century Yemen which watered many vineyards.281 These vineyards produced a variety of grapes "such as white, black, red...."282 This continued until an earthquake disrupted the stream.283

One of the reasons the grape may have been so valuable in this area was due to the presence of a Christian population. Inscriptions indicate that the King Abraha, "a short fat man holding the Christian faith,"284 and his forces "made for the city of Ma'rib, and they prayed at the church, ... for therein (in the city) was a priest ...."285 Inscriptions dated to 542-3286 further relate how the King ordered repair work on the dam, and that such repairs caused great anxiety among the people.287 This may be an indication that the dam was already severely weakened by previous repairs, and so it is conceivable that its bursting "without hope of repair" could have occurred shortly after 542-3.

Production of wine in the Yemen was so vast that it was unnecessary to import it into southern Arabia. The unknown author of the Periplus of the Erythraean Sea wrote in the first century ce that "the market town of Muza"288 imports very little wine because "the country produces grain in moderate amount, and a great deal of wine."289 He goes on to

277 CEI, s.v., "Ma'rib Dam"; Hitti, 64.
278 Fowden, 17.
279 Ibid., 17.
281 Ibid., tr. N. A. Faris, 42-5.
282 Ibid., tr. N. A. Faris, 42.
283 Ibid., tr. N. A. Faris, 43.
284 Ibn Ishāq, 20.
286 Hitti, 64.
287 Smith, 439.
288 Present-day Mocha, Yemen (Schoff, n. 106 to tr. of Periplus).
289 Anon, tr. Schoff, 30-1.
write that in the market town of Ozene, wine was imported according to country of origin: “Italian preferred, also Laodicean [i.e., Syrian], and Arabian.” Furthermore, it was Arab helmsman who carried the wine from Muza to their foreign markets.

**Date-palm Wine**

Wine from the vine was not the only type of wine available. Dates from palm trees could be processed into an intoxicating liquor approximating wine from the grape. Strabo recorded that “the greater part of their wine is made from the palm.” Procopius remarked some five centuries later that “Arabia is held by Saracens [i.e., Arabs], who have been settled from of old in the Palm Groves. These groves are in the interior, extending over a great tract of land, and there absolutely nothing else grows accept palm trees.

The palm’s potential value was recognised early by the Jews. As early as the third century, it was suggested that date palms, though generally not equal to the vine, were an excellent long-term investment. Rabbi Joseph of Babylonia wrote a “list of permanent investments in which a man is advised to invest his wife’s money,” in which “date palms precede vines.” Among the reasons the palm should be so important was the versatility of the date. The date could be eaten straight from the palm, cooked, turned into wine, or even turned into a substance resembling honey. Perhaps the most telling reason why the palm should have had such significance is because it grows with very little tending from humans.

The palm was such a common sight that the present author suspects that little thought would have been given to recording who used the date to produce wine and where

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290 Present-day Ujjain, India (Schoff, n. 187 to tr. of Periplus).
291 Ibid., 49.
292 Altheim & Stiehl, Die Araber in der Alten Welt, 134.
293 See Chapter 2, Types of Wine.
294 “The whole of Arabia Felix”, according to H. L. Jones, tr., 213.
295 Tr. H. L. Jones, 213.
296 Tr. H. B. Dewing, 181.
298 Ibid.
299 Presently no archaeological work has uncovered evidence of palm trees growing in the wild for the time in question, c. 100 BCE - 600 CE (Hyams, Plants in the Service of Man, 131).
this was done, though it may also be the case that such information has not yet been discovered. It is known that palm wine would never equal the value of grape-wine because wine made from dates had undesired side-effects. Pliny the Elder stated that palm-wines "strongly affect the head and to this the date owes its name (pig-headed)."

Irrespective of the type of wine in use, it is clear that wine was common throughout the area of Arabia the Bedouin inhabited. The Bedouin have left poetical evidence that wine was not only a common drink, but a very popular drink. Bedouin poetry is a pivotal source for a complete understanding of their wine usage, and a word on the validity of this poetry is in order.

**A Brief Survey of Pre-Islamic Poetry**

Pre-Islamic poetry was not written down at the time it was produced. It was not until the seventh century that the Umayyads began a systematic codification of the Bedouin's poetry. The collection is said to have been begun by the caliph Mu'awiyah b. Abī Sufyān as an anthology for the education of his son. His collection contained twelve poems, but the caliph 'Abd al-Malik b. Marwān eliminated seven of those poems and substituted two of his own choosing. Later scholars decided against 'Abd al-Malik's version and returned to the original collection of Mu'awiyah, keeping only those poems they unanimously agreed could serve as an "archive" for future Arabs.

This may be simply be the result of an archaeological record still incomplete, though constantly expanding (Dimbleby, Plants and Archaeology, 78).

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300 In Goor, "History of Date Through the Ages," 333.
301 There is even some question that the poetry is pre-Islamic at all. But given the assumption of many authors that there is at least a core of authenticity, pre-Islamic poetry will be used cautiously in this discussion. See text below for some of the arguments with regard to the authenticity of pre-Islamic poetry. For a balanced view of the validity versus the non-validity of pre-Islamic Bedouin poetry, cf. A. J. Arberry, The Seven Odes: The First Chapter in Arabic Literature, 228-54. For a thorough discussion of the origins of Arabic poetry, cf. R. A. Nicholson, A Literary History of the Arabs, 72-100; The Cambridge History of Literature, 1-26.
302 B. Lewis, The Arabs in History, 146.
303 For details of his caliphate, see Chapter 4, q.v..
304 Kister, Studies in Jāhiliyyah and Early Islam, 34.
305 For details of his caliphate, see Chapter 4, q.v..
306 Kister, 35.
307 Kister, 35-6.
308 Von Grunebaum, The Nature of Arab Unity, 18. See below, s.v., The Mifallaqāt.

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"The long period between their composition and their collection, while the poems were allegedly preserved as part of an oral tradition, has naturally led to considerable doubt about their authenticity. The arguments against the genuineness of these poems ... have been effectively refuted by Arberry. And although there is evidence which suggests that some of the poems were moderately "Islamisized" to fit the current political and religious mood of the day, there does not appear to have been the kind of systematic cleansing that would alter its original inspiration. In sum, the Umayyad scribes left the references to wine.

One could argue that wine was left in the poetry to contrast the time of ignorance, before the revelations, with their lifestyle after the Prophet Muḥammad. But this argument loses its validity in light of the fact that the poems contain not only verses which reflect wine in a negative manner, such as the destructiveness of addiction, but also verses which reflect wine in a positive manner, as a relaxing pursuit or providing an added benefit when in combat. If the aim of fabricating pre-Islamic poetry were to contrast life before the prohibition with life after the prohibition of intoxicants, then the present author would suggest that only the negative aspects of consuming wine would be highlighted. Therefore, the presence of verses which highlight wine's positive aspects is testimony to its authenticity.

The reliability of these poems as indicators of Bedouin life is very good in spite of the oral transmission, and the problems normally found in such a system. Ibn Khaldūn wrote that:

> It should be known that the Arabs thought highly of poetry as a form of speech. Therefore, they made it the archive of their sciences and their history, the evidence for what they considered right and wrong, and the principle basis of reference for most of their sciences and wisdom.\(^{311}\)

\(^{309}\) Bateson, *Structural Continuity in Poetry*, 24; see above, n. 301.

\(^{310}\) This does not prove beyond all doubt the authenticity of pre-Islamic poetry, and the debate will undoubtedly continue.

Poetry could therefore be considered “the register of all they knew, and the utmost compass of their wisdom...”\textsuperscript{312} The poet “immortalised their [the Bedouin’s] deeds of glory, and published their eternal fame.”\textsuperscript{313} Additionally, the poet served as press agent, journalist, scientist, psychologist, eulogist, entertainer, and inspiration for battle.\textsuperscript{314} The poet himself (by and large the poet was a male) was therefore a celebrated individual: “Whenever a poet emerged in an Arab tribe, the other tribes would come and congratulate it.”\textsuperscript{315} The poet therefore had a vested interest in reciting stories as he knew them, to maintain his status in the society. Lastly, as Bernard Lewis has commented, pre-Islamic Bedouin poetry, “with its wealth of passion and image and its limitation of themes is the true expression of the life of the Bedouins.”\textsuperscript{316}

Difficulties of Translation

Though the authenticity of these poets appears to be fairly sound, translating their poems is not always a straightforward matter. Wine is clearly evident, but the images and references of the poem may be difficult to grasp or may be completely unknown. The language used by the poet Imru’ al-Qais in the conclusion to his ode, “The Wandering King”, which Bateson considers the pre-Islamic poem \textit{par excellence},\textsuperscript{317} illustrates this point. Imru’ al-Qais deftly painted a picture of an extraordinary storm's rage by detailing the comportment of birds the next day:

\textit{The small birds of the valley warble at day-break, as if they had taken their early draught of generous wine mixed with spice.}\textsuperscript{318}

But the complexity of the Arabic exposes the difficulty of translating some pre-Islamic poetry. G. J. Lette translated the same passage in 1748:

\textit{At earliest dawn on the morrow the birds were chirping}

\textsuperscript{312} Al-Jumahl (d. 845), tr. Arberry, 14; Nicholson, 68.
\textsuperscript{313} Ibn Rashq (d. 1064), tr. Arberry, 14.
\textsuperscript{314} Arberry, 14-5; Hitti, 94-5; B. Lewis, \textit{The Arabs in History}, 146; Nicholson, 30-1.
\textsuperscript{315} Ibn Rashq, tr. Arberry, 14.
\textsuperscript{316} B. Lewis, 142. J. S. Trimingham adopts the dissenting view that “Because of its fixed themes and illustrative poverty, poetry does not in fact convey a comprehensive insight into the Arab soul” (246).
\textsuperscript{317} Structural Continuity in Poetry, 36.
\textsuperscript{318} Tr. W. Jones, in Arberry, 53.
blithe,
as though they had drunken draughts of riot in fiery wine.\textsuperscript{319}

Wilfrid and Lady Blunt “felt that a Biblical style of English would represent more closely the
archaic Arabic...” for their readers of 1903:

Seemed it then the song-birds, wine-drunk at sun-rising,
loud though the valley shouted, maddened with spiceries.\textsuperscript{320}

Whichever translation the contemporary reader chooses, the poem maintains its poignant
analogy of the birds shaken to their foundations by a volatile storm, as if drunk from wine.

**Wine in Bedouin Poetry**

“Bedouin ideals prevail in pre-Islamic poetry...,\textsuperscript{321}” detailing the importance of wine
in their lives. The sixth century poet Sulmi listed “fiery wine” as one of “Life’s joys.”\textsuperscript{322} So
central was wine to the life of the Bedouin that:

No old poem describing their [pre-Islamic Arabs] daily life fails
to make mention of it [wine], and to boast of the singer's
drinking powers, of his generosity when drunk, and the high
price he gave for wine to make merry with his fellows.\textsuperscript{323}

The sixth century poet Imru' al-Qais, in his ode, “The Wandering King”, elaborated a
story where the king fell upon a group of women bathing. He took their clothes and refused
to give them back until they emerged from the pool. By way of compensation, he slew a
beast and ate with them and offered the wine he had brought with him.\textsuperscript{324} Another verse
records the king drinking wine and playing back-gammon when a messenger delivered the
news of his father's murder. He declared to the messenger: “Wine today, business
tomorrow” (i.e., the revenge of his father's death).\textsuperscript{325}

The poet Ta'abbata Sharra, writing perhaps in the late sixth century,\textsuperscript{326} has left
evidence that the one of the few reasons for abstaining from wine was as an incentive to

\textsuperscript{319} In Arberry, 56.
\textsuperscript{320} Ibid., 57.
\textsuperscript{321} Von Grunebaum, 18.
\textsuperscript{322} Tr. Lyall, 64.
\textsuperscript{323} Lyall, 62.
\textsuperscript{324} In Arberry, 34.
\textsuperscript{325} Ibid., 36.
\textsuperscript{326} Nicholson, Translations of Eastern Poetry and Prose, 15.
complete one's sworn vengeance. In the following poem, Ta'abbata “tells how he avenged his uncle slain by the tribesman of Hudhail,” and how he could once again drink wine:

First, of foemen's blood my spear deeply drinketh,
Then a second time, deep in, it sinketh.
Lawful not to me is wine, long forbidden:
Sore my struggle ere the ban was o'erridden.
Pour me wine, O Son of 'Amr! I would taste it,
Since with grief for mine uncle I am wasted.327

Notice that wine for Ta'abbata is a means by which he intends to console himself for the loss of his uncle, but more so is a source of enjoyment which he greatly missed.

The poet Țarafah, also writing in the early sixth century, provides the greatest insight into the need for the consumption of wine in his poem “Whom the Gods Loved?”. He compares drinking wine to living life to the fullest, living by the moment:

Suffer me, whilst I live, to drench my head with wine, lest,
having drunk too little in my life-time, I should be thirsty in another state.
A man of my generous spirits drinks his full draught today;
and tomorrow, when we are dead, it will be known,
which of us has not quenched his thirst.328

Chronic Addiction to Wine

In other verses, however, Țarafah appears to acknowledge that he recognised his own addiction to wine and the destructive consequences of that addiction:

Unceasingly I tipped the wine and took my joy,
unceasingly I sold and squandered my hoard and my patrimony
till all my family deserted me, every one of them,
and I sat alone like a lonely camel scabby with mange:329

The difficulty with an analogy to the “camel scabby with mange” to the modern reader is an insufficient familiarity with such an animal. When Țarafah wrote this, his audience undoubtedly were better suited to understand the true depths of Țarafah's despair; a despair

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327 Ibid., 15 and 17.
328 Tr. W. Jones, in Arberry, 79.
329 Tr. Arberry, 86.
brought on by the over consumption of wine.

In this he was not alone. Tarafah described the plight of his cousin, 'Abd 'Amr:

He boozes twice daily, and four times every night  
so that his belly's become quite mottled and swollen.  
He boozes till the milk of it drowns his heart;  
if I were given it, I'd let my heart have a rest.330

This passage is instructive in the physical effects of too much drinking, in this case, palm-wine. Tarafah may have meant by “drown his heart” that his cousin was prone to “blackouts”, or collapsing unconscious, after too much drinking. Clearly for Tarafah, it was far easier for him to speak of giving up wine than it was to do so, reinforcing the notion that he was chronically addicted to wine.

The poet 'Antarah is thought to be the closest to the true Bedouin poet.331 The transmission of those poems is generally believed to have incurred the least distortion.332 His poems are largely based on his own life experiences, and confirms the hypothesis that chronic addiction was not uncommon. The following poem, in which he was forced to explain to a woman of how his recent poor behaviour was influenced by wine, confirms the hypothesis that chronic addiction to wine was a reality in the pre-Islamic era:

It may also be mentioned how often I have drunk good wine,  
... and whenever I have drunk, recklessly I squander  
my substance, while my honour is abounding, unimpaired,  
and whenever I have sobered up, I diminish not my bounty,  
my qualities and my nobility being as you have known them.333

Such problems as may have been encountered when intoxicated seem to have been no deterrent to the Bedouin continuing to drink.

Taverns

The Bedouin are believed to have acquired their wine from local populations in open or forced trade.334 Bedouin poetry has preserved another source of the wine they

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330 Ibid., 72.  
331 Bateson, 51.  
332 Ibid.  
333 Tr. Arberry, 181.  
334 See text above, p. 36.
drank. Labīd, considered to be a Bedouin poet on the same plane as Antarah, writing in the late sixth century, boasted,

how many a taverner's hoisted flag
I have visited,
when the wine it proclaimed was precious dear.

The poet ‘Amr was also familiar with taverns. Speaking to a female hostess:

give us our dawn-draught
and do not spare the wine of El-Andarina,
...that swing the hotly desirous from his passion
when he has tasted them to gentle mellowness.

These poets, however, did not record the locations of these taverns, who was running them, and where the wine so "precious dear" originated. In Chapter 2, it will be demonstrated that, for the seventh century at least, the Jews and Christians are believed to have been running the taverns, and their wine came from either their own vineyards or caravan traffic from al-Yemen or Syria.

Women

As the works of Ṭarafah and Antarah show, the poet often figured prominently in his own poetry. But this was not the sole theme of his work. Antarah spoke of the unique cunning of a woman, Salmā of the Banū Kinānah, who was the wife of a fellow tribesman, Urwah b. al-Ward. Antarah relates a story that one night, while the woman's husband was drunk with wine, she tricked him

into allowing her to choose between remaining with him or joining her clan ... he did not expect her to prefer anyone to him, but, to his chagrin, she declared next morning ... [that] she could not prefer him to her clan, because she hated the women of his tribe who never ceased to call her the bond-woman of Urwah [her husband].

The tenth century Arabic historian Ṭabarī described a similar situation that developed in sixth century al-Ḥūrah. A woman named Raqāsh fell in love with ‘Adi b. Nasr,

\[\text{References: }^{335}\text{ Bateson, 51.}^{336}\text{ Tr. Arberry, 146.}^{337}\text{ Ibid., 204.}^{338}\text{ CHAL, vol. 1, 65.}\]
a servant of her brother, Jadhīmah, leader of their tribe. She knew that her brother would not marry her to ‘Adī, and so instructed ‘Adī:

When he [Jadhīmah] sits over his wine, and his drinking companions arrive, give him pure wine to drink, but offer the company diluted wine; then when he is overcome with wine, talk to him about marrying me; he will not refuse you nor decline, and if he marries you to me, make the company witnesses.  

And so it came to pass, the brother only coming to realise what had transpired on the following morning. He discovered ‘Adī “red-stained from the woman’s perfume” and asked ‘Adī what those traces meant. ‘Adī told him it was “From the wedding ... with Raqāsh,” whereupon Jadhīmah knew he had been tricked and could do nothing except welcome ‘Adī into the family.  

The Mu‘allaqāt

The poets just discussed were drawn from a collection called the Mifallaqat, or Seven Odes. “Legend has it that each of these odes was awarded the annual prize at the fair of ‘Ukāz ... a sort of literary congress” where a poet made a name for himself or heard those who already had. The annual fair was held during the sacred pagan months when fighting was taboo. For thirty days all sorts of goods and wares were available for trade, including wine, much of it brought from Syria. ‘Ukāz was probably a good place to find both wine from the grape and wine from the date, as most Bedouin poets would may not have been able to afford the more expensive grape-wine.  

The pre-Islamic poet does not help to establish that wine was part of the daily diet of all Bedouin everywhere. His primary contribution is to authenticate the use of wine over a large geographic area, including Arabia, where the Prophet Muḥammad was to reveal Islam and the prohibition against intoxicants.

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340 Ibid., 135.
341 Hitti, 93.
342 Ibid., 94.
343 CHAL, vol. 1, 100.
344 Hitti, 94.
Some Concluding Remarks

The prohibition on wine in the Qur'ān was largely unprecedented. Throughout the regions of what would become the Islamic Empire, the consumption of wine was not only a social norm, but at times a religious mandate. The Byzantine Empire supplied wine to its citizens at subsidised rates. The adoption of Christianity as the state religion entailed the further diffusion of wine. Similarly, the Sasanian Empire is not known to have had any bans against its citizens consuming wine, and the rituals of its state religion, Zoroastrianism, included the application of wine.

Unlike the "great powers" of the pre-Islamic world, settled Arab communities, such as the Ghassānids, Lakhmids, or Nabataeans, have left substantially less direct evidence that wine was part of the individual's daily diet. At the same time, there is no evidence to suggest wine was banned in these communities. The Ghassānid kingdom was predominantly Christian, and, like its ally the Byzantine Empire, the use of wine was probably prevalent throughout the kingdom. Similarly, the Lakhmids did not prohibit its citizens from adopting Nestorian Christianity or their ally's state religion, Zoroastrianism. Both groups included wine in their ceremonies and rituals. And though the Nabataeans do not seem to have been influenced by either Christianity or Zoroastrianism, the combination as worshippers of the sun and Dionysus leave little doubt that wine from the vine was in high demand.

The pre-Islamic Bedouin poet has left evidence that, in the main, the nomadic population of Arabia was not opposed to the consumption of wine. The poet al-ʿAshā of Bakr, a contemporary of Muḥammad, not only wrote of the availability and value of wine, but had a wine-press of his own in al-Yaman.\(^3\)\(^4\)\(^5\) Chapter 2: The End of Ignorance - The Prophet Muḥammad will examine the prohibition of wine in an area where wine was abundant and desired.

\(^{345}\) Lyall, 63.
Chapter 2: The End of Ignorance—The Prophet Muḥammad

Many a time I hastened early to the tavern... Pass among them wine that gushes from the jar’s mouth bittersweet, Emptying goblet after goblet - but the source may no man drain - Never cease they from carousing save to cry, 'Fill up again!' ... Here and there among the party damsels fair superbly glide: Each her long white skirt lets trail and swings a wine-skin at her side.

The poet al-A‘šā of Bakr was a contemporary of the Prophet Muḥammad. His quotation, which begins this chapter, summarises the conclusion reached in the previous chapter: namely, that wine was widely available in the land in which Muḥammad was born. In the verses above, al-A‘šā was specifically referring to the wines of the Yemen, demonstrating that southern Arabia was clearly a place where wine could be consumed openly.

It seems doubtful that Mecca, Muḥammad’s birthplace and residence for roughly for the first fifty years of his life, was an exception to the trend of the availability of wine. Evidence of this is suggested by the allegation that members of Muḥammad’s own tribe drank wine, such as Abū Sufyān, as well as one of those who would become one of...

346 The introduction of the Islamic Calendar is traditionally credited to ‘Umar b. al-Khaṭṭāb (Tabari, tr. G. H. A. Juynboll, vol. 13, 59), who decided that the Year “1” would be based on the year of the Hijrah, believed to have taken place on 16 July 622 CE (see below, n. 350). The dates cited for the Islamic year will be based on either the individual authors, where they have included the year, or on Freeman-Grenville’s calculations where the equivalent year - either Islamic or Common Era - is not given. The system of noting dates for the remainder of this thesis will cite the Islamic year followed by the Common Era year, e.g., 1/622.

347 In Nicholson, 125, citing Lyall, tr., Ten Ancient Arabic Poems.

348 Nicholson, 123-4.

349 Ibid., 124.

350 The roughly fifty years in question is based on the formula that he was born in the early 570’s and emigrated from Mecca to Medina in 1/622. The dating of Muḥammad’s birth is uncertain. Some recent researchers have suggested that the traditional date of 570, as reported by Ibn Isbāq (69-70) is incorrect, preferring to leave the matter at a date of the early 570’s (Peters, Muḥammad and the Origins of Islam, 101-4; Cf. Watt, Muḥammad: Prophet and Statesman, 7; Rodinson, Mohammed, 38). The date of the Hijrah, or “emigration” (Watt, 91; Rodinson, 146) to Medina, is traditionally accepted as the summer of 622 (Watt, 83, 91; Rodinson, 145-6), though as Peters has recently argued, that date should also be treated with scepticism (188-9).

351 See below, p 56.
Muḥammad's closest companions, ʿUmar b. al-Khaṭṭāb, both of whom lived in Mecca. In the Prophet's adopted city of Yathrib, later to be known as Madinat al-Nabī, or the city of the Prophet (henceforth referred to as Medina), wine was readily available for consumption. It was within this atmosphere of acceptance of wine consumption in Arabia, and specifically in the city of Medina, that Muḥammad announced the revelations condemning and prohibiting the consumption of wine.

Mecca

Mecca was, and to a large degree remains, an inhospitable land. “The grudging volcanic dust which passed for soil in Mecca would have discouraged even the most dedicated peasant cultivators.” “The landscape surrounding the city is of a striking aridity, ... it is nature reduced to its bare foundations....” Clearly, the soil of Mecca was inappropriate to the cultivation of the vine, as well as most other plants, and this would have impeded the Meccans' ability to produce their own wine. Yet wine was obtainable in the city. ʿUmar b. al-Khaṭṭāb, living in Mecca, is said to have reported that before he accepted Islam, he purchased and consumed wine often.

In describing how he came to Islam, ʿUmar relates that one night he went to the home of his boon-companion, but discovered that he was not at home. He then went in search of someone he knew was selling wine in Mecca, but could not find him either. He then decided to circumambulate the Kaʿbah while awaiting the return of either his friend or the wine-seller. While there, he came across the Prophet praying, and listened to his words. “When I heard the Qurʾān my heart was softened and I wept, and Islam entered into me; ...” Ibn Ishaq adds at the end of ʿUmar's story that “God knows best what the truth

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352 See below.
353 Peters, 180.
354 See below, s.v., Medina.
355 Donner, “Mecca’s Food Supplies,” 251.
356 CEI, 264.
357 Ibn Ishaq, 157.
358 Ibid. The remainder of the story is paraphrased from Guillaume’s translation on 157 unless otherwise noted.
359 Ibid., 158.
Ibn Ishāq inserts this phrase because reports from other sources indicate that Umar came to Islam in a different manner.

Umar is described as being an arch opponent of Islam at first, so much so that it is said he was going to kill Muḥammad himself. On his way to where he knew Muḥammad was staying, he was intercepted by a man of his tribe, Nuʿaym b. ʿAbdallāh al-Nahḥām. Nuʿaym informed Umar that before he went off on such a foolhardy errand - for Muḥammad was surrounded by at least forty of his Companions - he would want to get his own house in order, i.e., that members of his own family had accepted Islam. Umar returned to his home and found his sister, Fāṭima, and brother-in-law, Khabbāb, reading a leaf of the Qurʾān. Umar seized Khabbāb violently. Fāṭima attempted to defend her husband. Umar struck her and she began to bleed. At this Umar is said to have reconsidered his position and asked to read the leaf of the Qurʾān. Upon reading it, Umar decided that he would also join Islam.

Umar may have exaggerated the events of his coming to Islam perhaps because he was ashamed of hurting his sister, a fact which stands out in the anecdote above. Yet Ibn Ishāq does not dismiss Umar's rendition of events leading to his acceptance of Islam because, as his concluding remark suggests, he could not determine the absolute truth. The present author is inclined to believe that Umar's version of events warrants consideration, particularly with respect to wine consumption. Note that Umar has not merely stated that he drank wine, but has added the detail of the wine seller. Such a detail is most likely factually based, for if there were no wine sellers in Mecca, then Ibn Ishāq could have concluded himself that the story was false. The present author is therefore of the opinion that Umar was correct in stating that wine was available for purchase in Mecca.

There were two types of trade which brought wine into Mecca: food trade imported

\[360\] Ibid.
\[361\] Ibid., 156. The remainder of the story is paraphrased from Guillaume's translation on 156 unless otherwise noted.
\[362\] Ibid., 157.
from al-Ṭā'īf and the caravan trade to and from Syria.

**Al-Ṭā'īf**

Food from al-Ṭā'īf, seventy-five miles south-east of Mecca\(^{363}\), would have been essential to the survival and growth of the population at Mecca. Al-Ṭā'īf provided Mecca with “various fruits (dates, olives, bananas, figs, peaches, grapes, and raisins)” as well as honey and tar.\(^{364}\) Wine of al-Ṭā'īf\(^{365}\) found its way “mainly to buyers such as Abū Sufyān for import into Mecca and elsewhere.”\(^{366}\) Ta'ifi wine was especially profitable, for very little sold for quite a lot. “Ibn Bujrah, a wine merchant of al-Ṭā'īf, measured out so precious a commodity in” such a small container that the poet Abū Dhu'ayb remarked:

> Were (all) the wine of Ibn Bujrah's store with her,  
> she would not wet my palate with a nāṣil [small container].\(^{367}\)

Many of the inhabitants of Mecca were probably in a position to afford such wine due to Mecca's central role in the major trade routes in and around Arabia.

**Trade**

Meccan trade was focused on caravan traffic between the Yemen, Iraq, and Syria.\(^{368}\) Mecca's geographic location enabled it to stand out “as both entrepot and terminal point for the overland trade.”\(^{369}\) Trade with Syria in particular, which was “a 'land of wine' in Arab eyes,”\(^{370}\) was usually lucrative. “The Meccans carried spices, leather, drugs, cloth, and slaves which had come from Africa or the Far East to Syria, and returned money, weapons, cereals,

\(^{363}\) EI', s.v., “Ṭā'īf”.


\(^{365}\) Called zabīb (EI', s.v., “Ṭā'īf”), this was a type of wine produced from dried grapes, i.e., raisins (Wehr, 372). Hitti writes that the wine produced at al-Ṭā'īf was nabīth al-zabīb (19). However, as the present author will show, nabīth was not usually produced from grapes, but from dates (see below, the section entitled, Types of Wine). P. Heine concurs that nabīth was not produced from grapes, but was produced from dates or a mixture of other substances (EI', s.v., “Nabīth”).

\(^{366}\) Donner, 253.

\(^{367}\) CHAL, 100.

\(^{368}\) Hitti, History of the Arabs, map on p. 63.


\(^{370}\) Crone, Meccan Trade and the Rise of Islam, 105.
and wine to Arabia."³⁷¹ But the Meccans "do not seem to have played much of a role in the distribution of wine in the peninsula itself."³⁷² It is plausible that much of the wine brought into Mecca, either from al-Ṭā'if or Syria, was therefore meant for the home market.

The wealth generated by this trade is well evidenced in part in Qur'ānic passages "describing and criticising wealthy people for their attitude and their acts.³⁷³ "Opponents of Muḥammad at Mecca ... seem to have assumed that, even if there is a Judgement, they will receive preferential treatment at it in the way in which the wealthy could count on being given special consideration in human judgements".³⁷⁴ Sūrahs 17:26-28, 25:67, and 104:2-3 could therefore be viewed as a general warning to all against accumulating wealth and a specific warning to the wealthy for believing themselves safe from final judgement. However, it may equally be that verses in the Qur'ān pertaining to wealth were revealed both in an attempt to cure existing greed and simultaneously prevent his new followers from being seduced by wealth. Specifically, early followers of Muḥammad's message may have been lured by the wealth of the still pagan tribe of Quraysh.

The Quraysh
The tribe of Quraysh appears to have firmly controlled Mecca and its trade. Such tight control was made possible in part by their domination of the Ka'bah, a pagan sanctuary in Arabia:

When Meccan history opens³⁷⁵ it was a pagan temple and sanctuary without permanent habitation, where indeed man feared to build and even refrained from cutting down trees lest he might be guilty of desecrating its holiness.³⁷⁶

³⁷¹ Lapidus, A History of Islamic Societies, 17.
³⁷² Crone, 105.
³⁷³ Watt, Muhammad's Mecca: History in the Qur'ān, 41.
³⁷⁴ Ibid., 43.
³⁷⁵ The vagueness of de Gaury's statement is clarified by Trimingham: "Mecca has no recorded history until it gave birth to the Prophet. ... It was of no importance, a mere staging-point and local cult-centre ... until its occupation by clans of Quraysh about the year AD 500." (Christianity Among the Arabs in Pre-Islamic Times, 258)
³⁷⁶ De Gaury, Rulers of Mecca, 27.
Qussay, leader of the Quraysh in the mid to late fifth century, is believed to have taken the remarkable step of building his clan's houses in the sacred area. According to legend, Qussay personally cut down the first tree and laid the first stone of the new settlement c. 480. Once the presence of the Quraysh had been established, "he gathered into his own hands the various offices about the sanctuary," including providing amenities for the pilgrims to the Ka'bah.

How much of the legend is fact based is a moot point. The Quraysh's control of the Ka'bah rapidly provided them a stable and prosperous powerbase enabling them to turn their attention to Meccan trade and bring it under their control.

Prior to the sixth century, warfare between rival tribes was the ultimate, decisive means which determined which tribe controlled which trade route. This method had predictable detrimental effects on trade and its profits. The Quraysh developed a system of incorporating rival tribes into their trade through *ilaf* agreements. "The *ilaf* agreements were set up on a base of share in profit for the heads of the tribes and apparently employment of the men of the tribes as escort of the caravans." One such agreement was struck with the Christian tribe of Tamîm (probably Nestorian), giving them control of the market at 'Ukâz. The wealth was thereby partially disseminated throughout Mecca and its environs. Although "[money] in this society had not yet reached the stage of the universal commodity...," coins being used "...by weighing rather than by counting them..., commodities like food, milk, and wine were sold..."

This in itself is not proof that the Quraysh, or anyone else, necessarily spent their profits on wine. There is evidence to suggest that in fact there were members of the tribe of Quraysh who abstained from wine prior to the coming of Muḥammad. "Abstention from

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377 De Gaury, 38.
378 Ibid.
379 Kister, "Meccan and Tamîm", 120.
380 Ibid.
381 Ibid., 146. For more on 'Ukâz, see Chapter 1, the section entitled, *A Brief Survey of Pre-Islamic Poetry, the Mutâallaqât*.
wine - as a form of religious asceticism - is said to have been practised by several of the pagan Kuraish.383 However, this may be legend turned to fact by Arab authors following the revelation of the prohibition on wine. The Quraysh's abstention from wine could be viewed as having anticipated the revelation. This might then suggest that Muḥammad's birth among the Quraysh was deliberate; individuals from the tribe of Quraysh would therefore have had a superior claim to lead the community following Muḥammad's death. Even so, there is probably a degree of truth in the claim. It may very well be that as an inclusive group, the Quraysh did not consume the wine their own trade brought in. However, individual members of the tribe are said to have consumed wine. Ibn Ishaq reports that the tribe's leading merchant and banker,384 Abū Sufyān, drank wine.

Medina

Muḥammad emigrated from Mecca to Medina in the year 622.385 Almost two years later, Muḥammad organised a raid against a large Meccan caravan, headed back from Gaza to Mecca, laden with goods.386 According to traditional accounts, all members of the Quraysh had a vested interest in this caravan, and it is said to have been physically protected by a member of every clan of the tribe of Quraysh.387 Abū Sufyān b. Ḥarb, a leading Qurayshite and "one of the most astute men in Mecca", led the caravan.388 However, the Meccans heard of Muḥammad's plan and assembled a force to intercept Muḥammad.

Abū Sufyān, by means of "forced marches and devious routes"389, and avoiding the usual watering stop at the wells of Badr390, managed to lead the caravan to Mecca safely. For reasons that are not entirely understood, the two forces did not return home when the

383 Margoliouth, Mohammed and The Rise of Islam, 43.
384 De Gaury, 45.
385 See above, n. 350.
386 Watt, Muḥammad: Prophet and Statesman, 119.
387 Rodinson, 164.
388 Watt, Muḥammad: Prophet and Statesman, 119.
389 Ibid., 121
390 Rodinson, 121.
caravan was safely in Mecca, but instead they met in battle at the wells of Badr.391 Although the fighting went badly for the Muslims at first, Muḥammad rallied his men and inflicted heavy casualties on the Quraysh.392 “The Muslims were in the end victorious, with a great effect on their own and the Quraysh’s morale for the rest of the struggle between them.”393

When the “fugitives returned from Badr” to Mecca, Abū Sufyān was infuriated.394 He is said to have taken a vow not to perform ablution until he had raided Muḥammad.395 The Aghanī recorded that he had taken a similar vow (not to commit ritually impure acts), though it also recorded that Abū Sufyān had taken a vow not to drink wine [khamr] until he had raided Muḥammad.396 This latter vow seems suspect, for en route to raid Muḥammad with a small force of about two hundred men, he is said to have stopped at the home of Sallām b. Mishkam, the chief of the Jewish clan of al-Naḍīr.397 Sallām b. Mishkam and Abū Sufyān dined together on good food and “good wine”.398 After their meeting, Abū Sufyān was said to have recited that the wine Sallām b. Mishkam provided “refreshed me in full measure despite my haste.” Based on secret information given to him by Sallām b. Mishkam, Abū Sufyān raided an outlying district of Medina, destroying the estate of a Medinan loyal to Muḥammad (one of the Ansār, or Helpers399).400 Muḥammad set off in pursuit. Abū Sufyān was able to elude him and returned safely to Mecca.401

391 Watt, Muḥammad: Prophet and Statesman, 120-2. Watt suggests some plausible explanations, but relies, the present author believes, too greatly on inter-personal conflict, which, as Watt himself points out, “… is difficult to know …”. (Ibid., 121). The reason for their meeting at the site of the wells of Badr is fairly clear. This is where Muḥammad and his force were awaiting the caravan (Rodinson, 166).
392 Watt, Muḥammad: Prophet and Statesman, 122; Rodinson, 166-7.
395 Guillaume notes that this was a “euphemism for abstaining from sexual intercourse” (n. 1, p. 361).
396 Aghanī, vol. 6, 357.
397 Ibn Isḥāq, 361. The remainder of the story is cited from Guillaume’s translation on 361 unless otherwise noted.
398 Ṭabarī does not record this information (tr. M. V. McDonald, vol. VII, 90).
399 Watt, Muḥammad: Prophet and Statesman, 88.
400 Ibid.
401 Ibid.
It may be argued that the events of this story are designed to demonstrate that the Banū al-Naḍīr were early on enemies of Muḥammad. It was a year later that Muḥammad forced the Banū al-Naḍīr from Medina on the basis that “he had received a warning from God” that the Banū al-Naḍīr were planning to assassinate him.⁴₀² However, a planned assassination of Muḥammad itself would have been sufficient cause to expel the Banū al-Naḍīr, and there would have been no need to demonstrate, retroactively, that the Banū al-Naḍīr were enemies of Muḥammad. Proving the enmity of the Banū al-Naḍīr does not, therefore, seem the likely intent of the story.

The focus of the story is on Abū Sufyān and his reaction to Badr. Although the Banū al-Naḍīr did supply Abū Sufyān with information, the present author believes it could not have been very much information, otherwise Abū Sufyān may have done more damage than raid one small estate on the outskirts of Mecca.⁴₀³ The events of the story, therefore, seem reliable. This presents some difficulty with the report in the Aghānī of Abū Sufyān’s vow not to drink wine until he had raided Muḥammad. Such a vow would be in keeping with the pre-Islamic tradition of abstaining from wine until vengeance had been taken on one’s enemy.⁴₀⁴ If, as has been argued, the story is reliable, then it would appear that Abū Sufyān broke his vow.

However, it should be remembered that Abū Sufyān may have been Muḥammad’s single greatest enemy. The Aghānī may have mentioned that he took such a vow to emphasise the point that Abū Sufyān, before joining Islam, was the worst of the pre-Islamic Quraysh. After he had joined Islam, the Aghānī then records a conversation between Abū

⁴₀² Ibid., 149-51. See also below, The Prophet and the Qurʿān, The Jews and Sūrah 4:43.
⁴₀³ Watt writes that Abū Sufyān’s force was too small to inflict major losses on Muḥammad and was strictly a punitive raiding force (Muḥammad: Prophet and Statesman, 133). Abū Sufyān, however, had already demonstrated that he was an able and clever leader (see text above). If Abū Sufyān had had significant inside information from the Banū al-Naḍīr about Muḥammad and the environs of Medina, it seems reasonable to speculate that he may have been able to engineer a raid which could have inflicted appreciable loss to Muḥammad.
⁴₀⁴ See Chapter 1, the section entitled, Bedouin in Arabia: Wine in Bedouin Poetry.
Sufyān and one who wished to convert to Islam, Ibn Baṣīr. Abū Sufyān informed him that adultery, gambling, usury, and wine (*khamr*) were forbidden. Ibn Baṣīr responded that he was returning to Șubābah and planned to continue drinking wine.

The controversy regarding whether or not Abū Sufyān broke his vow does not affect the main events of the story as recorded in Ibn Isḥāq. And in either case, it is highly likely that this leading member of the Quraysh probably consumed wine, and that he received that wine from the Jews in Medina. That the Jews possessed wine is not at all unusual as wine was, for many Jews, an essential element in their rituals and festivities.

### Judaism and Wine

The Jewish connection with wine goes back at least as early as the Israelites' oppressive stay in Egypt, in the middle of the second millennium BCE. Later, in the Biblical Epoch (1200-455 BCE):

The wine and the grape are cited hundreds of times in practically every Book of the Bible. For the wine was exceedingly widespread and valuable in ancient Israel and occupied a place of distinction in its economy. Wine was a popular beverage, drunk on week days as freely as during feasts...it was drunk when water was lacking...Place-names linked with the vine and with wine abound...

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405 Aghānī, vol. 9, 125-6.
406 Ibid., 126. The remainder of the story is cited from vol. 9, 126.
407 Watt writes that though “… the Jews of Medina probably had no extensive knowledge of the Jewish religion and scriptures, they were sufficient to realise that the claims of Muḥammad were incompatible with Judaism.” (Muḥammad: Prophet and Statesman, 98). He then goes on to state that Muḥammad, after his move to Medina, “tried to model Islam more on Judaism” by the “adoption of Jewish practices ...” in an attempt to “make the Jews ... friendlier to Muḥammad...,” but that the Jews “became increasingly hostile, and used their knowledge of the Old Testament to criticise Muḥammad’s claim that the Qurʿān was the speech of God” (Ibid., 99). Such an inherent contradiction - that at once the Jews had no extensive knowledge of the Jewish scriptures and yet were able to argue with Muḥammad the complex point of God’s speech based on their knowledge of the Old Testament - is unexplained in his text. The present author will demonstrate below that the Jews of Medina certainly did have knowledge of Jewish customs and rituals, and that this would have included the use of wine.
408 Goor, “The History of the Grape-Vine in the Holy Land,” 47. In Eretz-Israel, archaeology uncovered cultivated grapes dated to the third millennium BCE (Borowski, Agriculture in Iron Age Israel, 102). Unfortunately, there is no direct evidence that these grapes were pressed into wine.
409 Ibid., 48.
In the earlier centuries of the Common Era, the Mishna, the Jerusalem Talmud, and Babylonian Talmud all cite the importance of the vine and wine to the Israelites and the Jewish community.\(^{410}\)

In addition to occupying a distinct place in the Jewish economy and daily life, wine has been, and continues to be to this day, an important facet of Jewish rituals and religious festivals. Each Friday night, Jews perform a ritual to usher in the Sabbath\(^{411}\) which includes drinking wine and thanking God for creating “the fruit of the vine.” During Passover, the annual celebration of the Jews’ exodus from Egypt, God is again thanked for creating “the fruit of the vine,” and all participants at the festival drink four cups of wine.\(^{412}\) Wine is prescribed in the Talmud for other occasions: two cups of wine are consumed at weddings, while just one cup of wine is drunk at circumcisions.\(^{413}\)

There is direct evidence that the Jews of the Hijaz consumed wine. Newby writes that “We get hints of Jewish religious practices most clearly in those texts that mention them as background for the subject at hand. One clear example is the Arabian Jewish observance of Passover.”\(^{414}\) Citing al-Wāqidī, Newby describes a raid on Khaybar\(^{415}\) to assassinate a prominent Jewish leader, Abū Rāfi'.\(^{416}\) The leader of the raid, ‘Abdallāh b. ‘Atīk, was informed that he could enter the city on a certain night because the people of Khaybar would be drunk from wine \([fā khama\]\(^{417}\)]\(^{418}\) and the “Jews do not lock their doors fearing

\(^{410}\) Ibid., 53-4.
\(^{411}\) According to the Hebrew Testament, the day God rested and requires all men and their servants and animals to rest (Exodus 20:8-11) (Pentateuch & Haftorahs, ed. Hertz).
\(^{413}\) Encyclopaedia Judaica, vol. 16, 539.
\(^{414}\) A History of the Jews of Arabia, 70.
\(^{415}\) A city roughly ninety miles north of Medina (EI', s.v., “Khaybar”).
\(^{416}\) Newby, 70; Wāqidī, 391. Ṭabarī wrote that the “reason for his being killed was, it is said, that he used to take the part of Ka‘b b. al-Ashraf against the Messenger of God” (tr. M. V. McDonald, vol. VII, 99-100). Ka‘b b. al-Ashraf was a Jewish poet who, following the Meccan’s defeat at Badr (see below, p. 78), went to Mecca and “in his poems encouraged the expression of grief in order subsequently to stir up the desire for revenge” (Watt, Muḥammad: Prophet and Statesman, 133; also in the Translator’s Foreword to Ṭabarī, vol. VII, p. xxix). Cf. Ibn Isḥāq, 482-3.
\(^{417}\) Wāqidī, 392.
\(^{418}\) Newby, 70.
lest a guest will knock at it and one of them will wake up in the morning in the guest chamber and not have offered hospitality. So he (the guest) will find the door open, and he can enter and sup.419 The assassins gained entry to Abū Raff’s house and succeeded in their task.420

Newby explains that this last detail, of the Jews leaving their doors open, is probably a reference to the Jewish custom of inviting any passer-by to join the Jews at their Seder, a large meal and religious ceremony which begins the festival of Passover.421 This incident then appears to demonstrate that wine was being consumed by the Jews in Khaybar and that they most likely observed customary Jewish religious practices. Even so, not all the Jews in the Hijāz, and elsewhere, necessarily consumed wine. Some Jews took the vow of a Nazarite.

**Nazarites**

Those Jews who took the vow of a Nazarite dedicated themselves to God, foregoing all worldly pleasures, “either as thanks - for example, for recovery from illness or the birth of a child - or simply as an act of spiritual purification.”422 The Hebrew Testament dictates that “he shall abstain from wine and strong drink: he shall drink no vinegar of wine, ...neither shall he drink any liquor of grapes...”.423 The undertaking of such abstention was usually for a finite period, not less than 30 days, rarely for more than seven years, and only occasionally for life.424

Even so, self-professed Nazarites were often discouraged from the practice as leading Rabbis believed asceticism was against the spirit of Judaism.425 After the destruction of the Second Temple in 70 CE426, large numbers of Jews pledged themselves as Nazarites.427

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419 Ibid.
421 Ibid. See also n. 412.
422 *The Encyclopedia of Judaism*, 520.
423 Numbers 5:2-3.
424 *The Encyclopedia of Judaism*, 520.
425 *Encyclopaedia Judaica*, vol. 12, 909.
426 Goldberg and Rayner, *The Jewish People*, 79.
427 *Encyclopaedia Judaica*, vol. 12, 909.
This seems to have evolved into a movement which associated itself with a Messianic expectation that was generally considered subversive by the main body of Jews.\textsuperscript{428} This new development served to harden attitudes of leading Rabbis against the Nazarite movement.\textsuperscript{429} This may be why the Nazarite vow, with few exceptions, disappeared within a few centuries of the Second Temple period.\textsuperscript{430}

\textit{Jews in Medina}

Where the "... Jews of Arabia stemmed from still remains an open question."\textsuperscript{431} Some sources place the arrival of the Jews at the time of Noah,\textsuperscript{432} while others date their arrival "from Moses' war against the Amalekites, the Babylonian exile (c. 586 BCE), Antiochus IV's persecutions, and the defeat by Rome (70 CE)."\textsuperscript{433} According to Horovitz, the Jewish clans of the Banū Qurayzhah, al-Naḍīr, and Bahdal "claimed to have lived there since the time of the Jewish wars against the Romans in the first and second centuries" CE.\textsuperscript{434} Newby supports this claim, arguing that the Jews who arrived in Arabia were fleeing Roman persecutions after the destruction of the temple and during the Second Roman War beginning in 132 CE.\textsuperscript{435} Baron relates that inscriptions place the Jews in the broad area of Medina as early as the first century CE, though inscriptions fix the Jews \textit{in Medina} c. 307 CE.\textsuperscript{436}

By the fifth century, it appears that the Jews had established themselves into a well organised and self-sufficient community that controlled the oasis.\textsuperscript{437} "Among some twenty Jewish [clans] mentioned in later Arabic literature ... the Banū Naḍīr, Banū Qurayzhah and Banū Qaynuqā‘..., between them, occupied at one time fifty-nine strongholds and practically

\textsuperscript{428} Morony, Iraq after the Muslim Conquest, 326.
\textsuperscript{429} The New Standard Jewish Encyclopedia, 697.
\textsuperscript{430} Ibid.; Encyclopaedia Judaica, vol. 12, 909.
\textsuperscript{431} Gil, "The Origin of the Jews of Yathrib", 206.
\textsuperscript{432} Ibid.
\textsuperscript{433} Encyclopaedia Judaica, vol 11, 1211.
\textsuperscript{434} "Judaeo-Arabic Relations in Pre-Islamic Times," 177.
\textsuperscript{435} A History: The Jews of Arabia, 28-30.
\textsuperscript{436} A Social and Religious History of the Jews, 64.
\textsuperscript{437} Trimingham, 249.
the entire fertile countryside."^{438} The Jews of fourth and fifth century Medina were well educated in the use of the land, as their "ancestors had brought the agricultural experience acquired in Palestine to the oasis of the Ḥijāz."^{439} So entrenched were the Jews in Medina, that when the Arab tribes of Aws and Khazraj arrived in Medina in the fifth century, the Jews collected taxes from these tribes.^{440} This continued until the Jews lost power to these tribes, backed by the Lakhmids, in a series of battles in the sixth century.^{441} Despite losing power, the Jews continued to live in peace and great prosperity until their expulsion from the city in the seventh century.^{442}

One of the Jewish clans Muḥammad was to confront in Medina, the Banū al-Naḍīr, "owned lands in Khaybar and had castles, fortresses, and their own weapons there."^{443} It is conceivable that individual members of the Banū al-Naḍīr brought wine from Khaybar to Medina. The likelihood of this supposition is increased in light of the fact that the Medinan Jews in particular drew the attention of the writers of the Babylonian Talmud for their unrestrained drinking.^{444}

Arab Converts (to Judaism)

In stating that the Jews of Arabia and Medina drank wine, one must consider that some of these Jews were Arab converts, which raises the question, did they similarly follow Jewish law to the extent that they drank wine at Jewish festivals and ceremonies. Newby states that converts to Judaism were every bit as "Jewish" as the Jews who converted them. "From the evidence that the tribes and individuals retained their Judaism after conversion ... and by the fact that the converts were regarded as Jews by other Jews and non-Jews in the Ḥijāz, we have to assume that they were indeed 'real' Jews as Judaism was understood in that context."^{445} Newby acknowledges, however, that "we do not have an Arabian St.

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^{438} Baron, 64.
^{439} Horovitz, 184.
^{440} Kister, "Al-Ḥīra", 146
^{441} Ibid.
^{442} Lings, Muhammad: his life based on the earliest sources, 7.
^{443} Encyclopaedia Judaica, vol. 10, 942.
^{444} Brown, 182 & 189.
^{445} The Jews of Arabia, 53.
Augustine to detail the conversion process, so we shall never know the individual psychological dynamics...". Consequently, on an individual basis, it may remain unknown indefinitely to what extent an individual's conversion was "sincere" in the sense that they followed Jewish laws and practices. In broad terms, a conversion of some Arabs did take place and this would have entailed many individuals of the tribe or group adhering to the new customs of the new religion.

Though it can not be determined definitively the level of understanding and identification Arab converts had of Judaism, the present author would speculate that the use of wine would not have presented any difficulties for new Arab converts. Chapter 1 demonstrated that many Arabs in the peninsula were already accustomed to consuming wine, or at least, accustomed to its presence. So although it is difficult to ascertain to what extent Arabs of Arabia adopted Judaism, and how carefully they followed the rituals of Judaism, it is likely that they, like those born of the faith, consumed wine as part of their new religious life.

Christianity in Medina

The origins of the Christians in Medina are traceable to Nestorian missionary activity of the late fifth and early sixth centuries, and in Mecca to the influence of the Banū Ghassān in the sixth century. By the beginning of the seventh century, there were Christian tribes throughout Arabia. The most powerful of these Christian tribes in the north was the Banū Taghlib. Their territory was defined as lying roughly in the region of northeastern Arabia, falling at times within both the Byzantine and Sasanian sphere of influence. Perhaps for this reason they adopted Monophysitism, for in doing so they could kept a distance between each of the larger powers. In the south, the ruling tribe of

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446 Ibid., 54.
447 Ibid.
448 Atiya, 258-9.
449 Trimingham, 260.
450 Arberry, The Seven Odes: The first chapter in Arabic Literature, 192-3.
451 Trimingham, 174.
452 Ibid., 174-5.
Kinda professed Christianity according to original inscriptions dated to the early seventh century.453 Their territory extended over the Yemen.454 Little is known of what type of Christianity they professed, though it seems likely that they would have utilised wine in their services.

It appears to be implied in the Qurʾān that the Christian population in Medina was not as argumentative as the Jewish population in Medina. The Jews, as well as some pagan Arabs, refused to accept that Muḥammad was a divine messenger.455 The Christians, as it is mentioned in the Qurʾān, were “the nearest ... in love to the Believers”.456 The Jews and Muḥammad appear to have had far more interaction than the Christians and Muḥammad, and it is possibly for this reason that there is less recorded information about the Christians in Mecca and Medina than the Jews.

Types of Wine

According to ḥadīth literature, wine was available in a wide variety of forms. By far the cheapest and most widespread was wine produced from dates,457 for Medina was “famed for the dates from its palm groves.”458 Date wine broadly fits into two categories: ʿadīkh and Nabīdh. ʿAdīkh was made from a mixture of crushed ripe and unripe dates.459 “It was prepared by putting the dried dates into a vessel, and then pouring upon them hot water, which extracts their sweetness, after which the preparation is boiled, and becomes strong....”460 After three days of fermenting, the ʿadīkh was ready for market. Nabīdh, under which ʿadīkh could be grouped, was made from ripe and unripe dates, but also from a

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453 Ibid., 276-7. Cf. EI', s.v., “Kinda”.
454 Ibid.
456 Sūrah 5:85 and 5:86-8.
457 Bukhārī/Khan, vol. 6, 111-2.
458 CEI, 266.
460 Lane, 2441.
mixture of grapes and fresh dates. \(^{461}\) Once more, after fermenting for three days, the liquor was ready for market. \(^{462}\)

Some other intoxicating beverages, though not as common, included bit, made of honey, \(^{463}\) and mizr, made from barley. \(^{464}\) Perhaps the least common liquor at the time, though there is no definitive reason why this should have been so, was a drink called ghubayrā'. \(^{465}\) Little is known about the liquor other than that the drink itself and the plant from which it was derived share the same name. \(^{466}\) Rosenthal writes that “nobody seems to have known anything concrete about” ghubayrā' as an alcoholic beverage. \(^{467}\) However, he adds that ghubayrā’ was known as a “slang term for hashish” according to 'Alā-ad-dīn ibn al-‘Aṭṭār. \(^{468}\)

Adding to the uncertainty of this substance, J. Robson, in his translation of the Mishkāt al-Maṣābīḥ, notes that ghubayrā’ was “an intoxicant made by the Abyssinians from millet.” \(^{469}\) This statement is plausible in light of the fact that some of Muḥammad’s early followers were forced to migrate to Abyssinia about the year 615 to escape persecution in Mecca. \(^{470}\) However, there is no record of the Muslims consuming any intoxicating beverage while in Abyssinia, nor is there an accurate record of the belongings they brought back with them from Abyssinia. \(^{471}\) Moreover, “the chief figure” of the men who emigrated to Abyssinia, 'Uthmān b. Maṣ‘ūn, appears to have been a self-proclaimed ascetic who did not drink wine. \(^{472}\) While this does not preclude the possibility that some of those who emigrated drank wine while in Abyssinia, the available evidence is inconclusive at best.

\(^{461}\) Muslim/Šiddiqi, vol. 3, 1101-3; Muslim, vol. 13, 154-8.
\(^{462}\) Ibid., vol. 3, 1109-11; Muslim, vol. 13, 173-6.
\(^{463}\) Ibid., vol. 4, 1109.
\(^{464}\) Bukhārī/Khan, vol. 6, 112.
\(^{465}\) Abū Dāwūd, in Selections from Muḥammadan Traditions, 190.
\(^{466}\) Lane, 2224.
\(^{468}\) D. 724/1324 (Ibid.).
\(^{469}\) Vol. 2, p. 778, n. 2. Robson does not identify the source of this information.
\(^{470}\) Ibn Isḥāq, 146-150; Watt, Muḥammad: Prophet and Statesman, 65-6.
\(^{471}\) Ibn Isḥāq, 167-9.
\(^{472}\) Rodinson, 114; Watt, 69.
Finally, wine made from the grape was also available, but it was more expensive than date-wine. One reason for this might be that some of it was imported into Medina in the same manner it was imported into Mecca. Another reason might be that the Jews and the Christians used it for their festivals and ceremonies, and so its importance and price were artificially inflated. "The sale of wine in Medina was dominated by Jews and Christians ... the Jews of Medina are supposed to have engaged in caravan trade with Syria on a large scale." Or it may be that grape-wine tasted better and left fewer after effects. Whatever the case, grape-wine, called in Arabic khamr, was available in the city, as evidenced by the Qur’anic ban on that very substance.

There are a variety of reasons which can be identified for instituting a prohibition of wine. One of those is the potential for an individual becoming chronically addicted to wine. The resulting psychological and sociological affects of this addiction will come into full light in Chapter 4, though this chapter will show below that alcohol induced violence could also pose significant threats to society. Such concerns are clearly reflected in each of the revelations which refers to wine or intoxication.

The present author would also argue that there was an identifiable reason for Islam specifically to have found it advantageous to prohibit wine. In the context of Medina and the opposition of the Jews, banning the consumption of wine would most likely have disturbed the economic livelihood of the Jews. More importantly, however, wine is used across the entire spectrum of Jewish rituals and customs; labelling wine as "the work of Satan" would clearly discredit the Jews for continuing to use wine on such a seemingly grand scale. As will be demonstrated below, each of the revelations appear to have coincided with steps taken against the three leading clans of Jews in Medina, leading to their expulsion in the first two instances and their execution in the last.

473 Crone, 140.
474 See Chapter 1, the section entitled, Bedouin in Arabia, Date-palm wine.
475 See below, p. 89.
476 See Chapter 4, s.v., Al-Walid b. Yazid b. 'Abd al-Malik.
477 See below, p. 68.
478 See below, p. 68.
The Prophet and the Qur’ān

William Montgomery Watt, writing in 1988, stated:

Personally I am convinced that Muḥammad was sincere in believing that what came to him as revelation was not the product of conscious thought on his part. I consider that Muḥammad was truly a prophet, and think that we Christians should admit this on the basis of the Christian principle that ‘by their fruits you will know them’. In saying this, however, I do not exclude the possibility that God makes his revelations through a person’s unconscious mind; and indeed something of this sort seems to be required if we are to explain adequately all the phenomena.\(^{479}\)

Whether believer or unbeliever, the fact which can not be denied is that Muḥammad was accepted by many as a Prophet of God in the early seventh century and continues to be so by billions around the globe. The prohibition of intoxicants was not, therefore, a matter of state policy created and enforced by a secular ruler. It was, to those who accepted Islam, a divine sanction which could not be dismissed. The following discussion will attempt to analyse why abstention from wine might have been advantageous to the new religion.

**Arrangement of the Sūrahs**

Central to any such determination is dating not only of the Sūrahs in general, but also certain verses within these Sūrahs. The standard Qur’ān today is arranged according to the length of Sūrahs, not strictly their chronological order. Theodore Nöldeke, generally still considered one of the foremost authorities on this type of research, radically re-arranged the Sūrahs in his Geschichte des Qur’āns. Richard Bell took the next logical step forward and attempted to sequence the individual verses within each Sūrah. In this effort, he was not entirely successful, as the material is not available, if it exists, to arrange each verse within a definitive chronological framework. Bell is often reduced to expressions such as “probably Meccan, perhaps Meccan, ... gives the impression of being Medinan, ... looks like a later explanation, ... seems to me earlier,”\(^{480}\) and so on. This is not so much a failing

\(^{479}\) Muḥammad’s Mecca: History in the Qur’ān, 1. Cf. Rodinson, 218-9, for his own summation of his beliefs concerning the revelations of Muḥammad.

as an honest, and the present author would argue, reliable, if incomplete record of the chronology of the revelations in the Qur'ān.

The work of these authors, along with others such as Burton and Jeffery, helps to cement the overall chronological form of the Qur'ān. At the present stage of research, it seems that the three revelations that directly deal with prohibiting the consumption of wine were revealed in the following order:

First: They question thee about strong drink and games of chance. Say: In both is great sin, and (some) utility for men; but the sin of them is greater than their usefulness. (Surah 2:219)

Second: O ye who believe! Draw not near unto prayer when ye are drunken, till ye know that which ye utter, nor when ye are polluted...till ye have bathed. (Surah 4:43)

Third: O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed. (Surah 5:90)

There have been suggestions that the order was reversed, the first and third revelations interchanged. This seems highly unlikely. Poetry over the course of the Prophet's lifetime supplies good evidence that the Sūrah was revealed in the order listed above.

In his life of Muḥammad, Ibn Ishāq cites the poems of Ḥassān b. Thābit al-Anṣārī and Ka'b b. Malik throughout the lifetime of the Prophet. The Aghānī relates that Ḥassān b. Thābit, in the days of the Jāhiliyyah, often visited taverns in Damascus with his boon

481 See the Bibliography.
482 All quotations from the Qur'ān are cited from the translations of Mohammaed Marmaduke Pickthall, The Meaning of the Glorious Qur'ān, unless otherwise stated. In his translator's foreword, Pickthall states that his work is not meant as a literal translation of the words in the Qur'ān, but “to present English readers [with] what Muslims the world over hold to be the meaning of the words of the" Qur'ān (vii). He acknowledges that his translation “can never take the place of the Qur'ān in Arabic, nor is it meant to do so” (Ibid.). A. Yūsuf 'Alī's translation, The Holy Qur'ān, is a literal translation with copious footnotes to explain passages which, when rendered literally in English, are unclear or obscure. He includes a parallel Arabic text. See the Bibliography for other translations of the Qur'ān which have been consulted.
companions and drank much wine [khamr].

He describes the effect of wine in the following verses:

When we drink it, it leaves us kings
And lions.
Battle action does not repel us.

These verses define an effect of drinking wine which could empower an individual with feelings of indestructibility and subsequently no fear of battle.

His piece on the battle of Badr, roughly two years after the Hijrah, incorporates wine, though with yet another meaning:

A maiden obsesses the mind in sleep
Giving the sleeper a drink with cool lips
Like musk mingled with pure water
Or old wine red as the blood of sacrifices.

Wine in this context is represented in a positive light, as having a noble quality. Wine is compared to the “blood of sacrifices.” This is probably meant as a reference to the few Muslims who had died at Badr.

Similarly, Ka'b b. Mālik applied imagery of some of the effects of intoxication to describe the actions of Muslim warriors at the battle of Uhud (about a year later), before events of the day had turned against the Muslims:

You would think the heroes engaged in it
Were happily drunk and inebriated,
Their right hands exchanging the cups of death
With their sharp-edged swords.

In this passage, Ka'b suggests that the Muslims fought with such courage and ferocity, it was as if their inhibitions had been completely depressed by intoxication. A tradition related by

485 See text below, p. 78.
487 See above, n. 350.
488 Ibn Ishāq, 345.
489 See above, n 486.
490 For the events of the battle of Uhud, see Ibn Ishāq, 370-91. Cf. Watt, Muḥammad: Prophet and Statesman, 135-48; Rodinson, 177-183; Peters, 218.
491 Ibn Ishāq, 421.
Bukhari supplies evidence that some members of the Muslim forces were drinking wine before the battle.

Some people drank wine [khamr] in the morning (of the day) of the Uhud battle, and on the same day they were killed as martyrs, and that was before wine was prohibited.\(^{492}\)

This tradition demonstrates that some, though probably not all, of the participants in the battle of Uhud drank wine. The tradition does not indicate how much wine was consumed, nor does it state if the participants at Uhud were drunk, as Ka'b's poetry implies. The present author would argue that the language and imagery of Ka'b's poetry strongly recommends that he was speaking metaphorically, rather than providing an accurate description of events of the day. Significantly, the tradition supports the claim that the final prohibition, which informs the believers that they must leave wine aside if they wished to succeed, was not revealed earlier than the battle of Uhud, i.e., 4/625.

By the time of the Conquest of Mecca in the year 9/630\(^{493}\), the poets' attitude toward wine had changed dramatically. Wine was no longer to be held nobly and associated with the glories of Muslim victories, but instead equated with the unbeliever:

Tell about 'Ad and its peoples\(^{494}\):
Of Thamūd and the survivors of Iram\(^{495}\),
Of Yathrib where they had built forts among the palms
And cattle were housed there,
Watering camels which the Jews trained ... They had what they wanted of wine and pleasure,
An easy life free of care.\(^{496}\)

This change of perception of wine in poetry is echoed in narrative accounts. The Aghanī records an incident which equates wine with the enemy of the Muslims. Shortly after

\(^{492}\) Bukhari/Khan, vol. 6, 112.

\(^{493}\) Watt, Muhammad: Prophet and Statesman, 176-88; Rodinson, 249-261; Peters, 235-7.

\(^{494}\) The people of 'Ad is a reference to mythical ancient inhabitants of the peninsula who were said to have been destroyed by Allāh for rejecting the prophets who were sent to them (Rodinson, 63-4).

\(^{495}\) The Thamūd were a living ancient people "who had built castles in the plain and dug out dwellings in the mountain sides" (Rodinson, 121). They, like the people of 'Ad (see n. 494 above), were said to have been destroyed by Allāh for rejecting a prophet sent to them (Rodinson, 122).

\(^{496}\) Ibn Ishāq, 626.
the Prophet had left Medina to capture Mecca, “The confederate tribe of Hawâzîn ... began mobilizing its forces ... The confederates apparently hoped to attack the Muslim force” before they had an opportunity to consolidate their position in Mecca.\textsuperscript{497} One of the confederate tribes was the Bânû Malik, commanded by Dhu al-Khîmâr Subay\textsuperscript{b.} al-Ḫârîth b. Malik and his brother Aḥmâr.\textsuperscript{498} The Aghânî reported Subay\textsuperscript{b.} al-Ḫârîth’s occupation as that of a wine merchant.\textsuperscript{499} The Aghânî does not indicate the occupation of the other leaders of the confederation, but appears to have singled out Subay\textsuperscript{b.} al-Ḫârîth. The note of his wine drinking may be a method of indicating that Subay\textsuperscript{b.} al-Ḫârîth was among those considered the greatest in opposition to Muḥammad. This hypothesis appears to be supported by the poetry of al-Sulâmî which condemns Subay\textsuperscript{b.} al-Ḫârîth.\textsuperscript{500}

About two weeks after Muḥammad had captured Mecca, he ordered his forces to march against the Hawâzîn.\textsuperscript{501} They met at a valley called Ḥunayn.\textsuperscript{502} The accounts of the battle are confused and conflicting.\textsuperscript{503} What is known is that although the battle originally began in favour of the Hawâzîn, the Muslim army was victorious.\textsuperscript{504} The poet ʿAbbâs b. Mîrâd al-Sulâmî composed a poem concerning the day. He singled out only two individuals of the opposition for condemnation. One was Qârîb al-ʿAswâd b. Masʿûd b. Muʿāttîb, who fled the battle field.\textsuperscript{505} The other was Subay\textsuperscript{b.} al-Ḫârîth:

\begin{quote}
[Subay\textsuperscript{b.} al-Ḫârîth] was not the chief of a people
Who possessed intelligence to blame or disapprove.
He led them on the road to death
As everyone could see. ...
\end{quote}

\textsuperscript{497} \textit{EI²}, s.v., “Ḥunayn”.
\textsuperscript{498} Ibn Išâq, 566.
\textsuperscript{499} Aghânî, vol. 10, 30.
\textsuperscript{500} See text below.
\textsuperscript{501} \textit{EI²}, s.v., “Ḥunayn”.
\textsuperscript{502} Ibid.
\textsuperscript{503} Ibid.; Watt, Prophet and Statesman, 196-7. For some various accounts of the battle, cf. Ibn Išâq, 567-70; Rodinson, 263-4; Peters, 238-9.
\textsuperscript{504} Ibid.
\textsuperscript{505} Ibn Išâq, 572.
\textsuperscript{506} Ibid., 573.
The preceding verses would appear to indicate that Subay' b. al-Ḥārith was among the worst of those opposed to Muḥammad, not just because he was opposed himself, but because he led an impressionable people against the Prophet and, therefore, led them to their destruction.507

Finally, toward the end of the Prophet's life, wine was associated with Musaylima b. Ḥabīb al-Hanafi, "the enemy of God..., [who] gave himself out as a prophet, and played the liar. ... He permitted them [his followers] to drink wine and fornicate, and let them dispense with prayer..."508 This story attests the point that wine was clearly no longer permitted late in the Prophet's life; instead, it was seen as an apostasy to permit the drinking of wine. This, coupled with the change of tone by Muslim poets over time, leaves little doubt that the verses regarding wine were revealed in the order they have been presented by this author.

Three Revelations

The three revelations are traditionally viewed as having been necessary to help the believers gradually adjust to the idea and practice of abstention. Muḥammad Hashim Kamali writes:

Graduality in the revelation of Qur'ān afforded the believers the opportunity to reflect over it and to retain it in their memories. ... The Qur'ānic legislation concerning matters which touched the lives of the people was...not imposed all at once. It was revealed piecemeal so as to avoid hardship to the believers. The ban on the consumption of alcohol affords an interesting example of the Qur'ānic method of graduality in legislation....509

Mawdūdī states that:

Before this last Commandment [Sūrah 5:90] was given, the Holy Prophet addressed the people in order to prepare them for its

507 The wording of the third line of the above excerpt, "He led them on the road to death," seems to this author to imply that by opposing Muḥammad, Subay' b. al-Ḥārith and his people faced destruction both in this world and the next. The final line, "As everyone could see," implies that it was self-evident that opposing the Prophet is not only wrong, but futile as well. Taken together, the present author would suggest that these lines were designed as an attack on Subay' b. al-Ḥārith through which al-Sulalmī communicated the message that to those "Who possessed intelligence" Islam was self-evidently the road to life and salvation.

508 Ibid., 636-7.

509 Principles of Islamic Jurisprudence, 16.
absolute prohibition. He warned and said, “Allah does not like at all that people should drink wine. Probably absolute prohibition will soon be prescribed.”

The Qur'an contains information that though the Qur'an was sent down as one book, it was to be revealed in stages so “that We may strengthen thy heart.” It is therefore conceivable that the prohibition of wine was revealed gradually to reduce the hardship of those who drank wine on a regular basis. Something of this nature would certainly have been needed for those who were chronically addicted to wine.

However, the “graduality” argument does not, in this author's opinion, reflect the only nature of the revelations with respect to the prohibition of wine. The first revelation, announcing that intoxicants cause more harm than good, was probably illuminating the problems that drunkenness and chronic addiction to alcohol can cause both to the individual and the society. This was not, of course, a direct command not to drink, nor does it seem to suggest a nominal amount of alcohol that would be permissible. However, the present author would argue that the first revelation was meant to be a comprehensive ban on wine, but some of Muhammad’s early followers were disinclined to heed the message.

Evidence that this may have been the case is provided in Ibn Ishâq’s account of Muhammad’s “Night Journey” and ascension to heaven.

Then the apostle was carried by night from the mosque at Mecca to the Masjid al-Aqṣā, when Islam had spread in Mecca among the Quraysh and all the tribes. ... It was certainly an act of God by which He took him by night in what way He pleased to show him His signs which He willed him to see so that he witnessed His mighty sovereignty and power by which He does what He will to do.

What Ibn Ishâq probably means by “when Islam had spread in Mecca among the Quraysh and all the tribes” is that the Quraysh had become aware of Muhammad's claim to be the Messenger of Allāh, a claim they resolutely rejected. The sentence should not be

misconstrued as referring to Mecca after the conquest of that city and the subsequent conversion of the Quraysh to Islam. Ibn Ḥaṭṭāq himself places the story before the deaths of Abū Ṭalīb514 and Khadijah515, which are believed to have taken place around the year 619.516 In addition, Ibn Ḥaṭṭāq does not refer to the journey in that part of his text that recounts the Conquest.517 Finally, Sūrah 17, which concerns itself with the journey and ascension to heaven, is believed to have been largely revealed at Mecca shortly before Muḥammad’s emigration to Medina.518 The journey therefore probably took place before the revelations concerning the prohibition of wine.

The relevance of this fact becomes clear when the events of Muḥammad’s journey are analysed. Ibn Ḥaṭṭāq records that:

[Muḥammad’s] companion (Gabriel) went with him to see the wonders between heaven and earth, until he came to Jerusalem’s temple. There he found Abraham the friend of God, Moses, and Jesus assembled with a company of the prophets, and he prayed with them. Then he was brought three vessels containing milk, wine, and water respectively. The apostle said: “I heard a voice saying when these were offered to me: If he takes the water he will be drowned and his people also; if he takes the wine he will go astray and his people also; and if he takes the milk he will be rightly guided and his people also. So I took the vessel containing milk and drank it. Gabriel said to me, You have been rightly guided and so will your people be, Muḥammad.”519

There is a similar report of Muḥammad’s journey which states that he received only two vessels:

Abū Hurayrah reported that Allah’s Messenger was presented two cups ... on the night of Heavenly Journey, one containing wine [khamr] and the other containing milk. He looked at both of them, and he took the one containing milk, whereupon Gabriel said: Praise is due to Allah who guided you to the true nature; had you taken the one containing wine [khamr], your [community] would have gone astray.520

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514 Muḥammad’s uncle and his protector during the early years of Muḥammad’s call to prophesy in Mecca (Watt, Muḥammad: Prophet and Statesman, 79).
515 Muḥammad’s wife and the first person to accept Islam (Watt, Muḥammad: Prophet and Statesman, 34; Cf. Rodinson, 71, 73; 98).
516 Watt, Muḥammad: Prophet and Statesman, 79; Rodinson, 134.
519 Ibn Ḥaṭṭāq, 182.
520 Muslim/Šiddīqī, vol. 3, 1112; Muslim, vol. 13, 180-1. Cf. Ibn Ḥaṭṭāq who also records this rendition of events, where Gabriel adds, after informing Muḥammad that if had taken the
In both versions of Muhammad's journey, he is given the choice between wine and milk. In both versions, he rejects wine, and is told that he is “rightly guided” and his people, the believers, shall also be rightly guided. Clearly, wine was seen as leading Muhammad's followers astray. It seems unusual to have deliberately allowed the early community to continue to be led astray while the revelations were revealed gradually. It is more likely that Sūrah 2:219 was meant to be a comprehensive ban on intoxicants; a ban which was not immediately heeded by all of those who accepted Islam generally.

Further evidence that the ban on intoxicants was not done gradually, or by degrees, may be deduced in the following revelation, Sūrah 4:43. Although people were now directly prohibited from attending prayer while intoxicated, this did not, strictly speaking, prohibit the worshipper from drinking wine before coming to prayer. An individual who had drank wine over many years could have developed a behavioural tolerance to intoxicants and therefore would have been able to attend prayer with blood alcohol levels that would incapacitate others.521 This verse then may have indeed reduced the amount of alcohol some individuals drank at certain times of the day. However, it may be that the overall effect of limiting the circumstances when intoxication was acceptable was to increase the individual's amount of drinking at permissible times to compensate for the loss.

Sūrah 2:219

Wine was, as has been shown, a part of the everyday life of the inhabitants of Arabia. Even those who chose not to consume wine seem not to have been troubled that others had immediate access to taverns, stalls, and shops where it was sold. Muhammad was raised in this environment, and the early revelations - i.e., the Meccan series of revelations - reflect wine in a positive light. For example, it was revealed that wine would

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521 Rosenham & Seligman, 527. See also Chapter 4, s.v., Al-Walīd b. Yazīd b. 'Abd al-Malik.
be plentiful in Paradise for the believers.\textsuperscript{522} Moreover, Sūrah 16:67 indicates that intoxicating drinks are healthy in this life as well:

\begin{quote}
And of the fruits of the date-palm, and grapes, whence ye derive strong drink and (also) good nourishment. Lo! therein, is indeed a portent for people who have sense.\textsuperscript{523}
\end{quote}

This Sūrah is thought to have been revealed immediately before the \textit{hijrah} or immediately after arriving in Medina.\textsuperscript{524}

Shortly after arriving in Medina, Sūrah 2:219 is thought to have been revealed.\textsuperscript{525}

This revelation acknowledges the point made in Sūrah 16:67, that there is some “good nourishment” from intoxicants, but states that, on balance, intoxicating drink is more harmful than beneficial:

\begin{quote}
They question thee about strong drink and games of chance. Say: In both is great sin, and (some) utility for men; but the sin of them is greater than their usefulness.\textsuperscript{526}
\end{quote}

The question which then arises is, why the change? The answer to this question appears to lie in part in the timing of Sūrah 2:219’s revelation and in part in the circumstances surrounding its revelation.

The parallel in the broad form and wording of Sūrah 2:217 - which relates to the raid at Nakhlah\textsuperscript{527} - with Sūrah 2:219 helps narrow down the range of years for the revelation of 2:219.

The raid at Nakhlah took place during the pagan sacred month of Rajab, when no killing was allowed to take place, nearly a year and a half after the \textit{hijrah} (January, 624).\textsuperscript{528}

\textsuperscript{522} Sūrah 47:15 and 83:25.
\textsuperscript{523} Sūrah 16:67. A. Yusuf ‘Ali, in his translation of this verse, substitutes the phrase “wholesome drink” for “strong drink.” He acknowledges in his notes that the word \textit{sakar} can be taken to mean an intoxicating, or strong, drink.
\textsuperscript{524} Pickthall, 195.
\textsuperscript{525} The dating of this verse is discussed in the text below.
\textsuperscript{526} Sūrah 2:219.
\textsuperscript{527} See text below and Chapter 3, ‘Umar b. al-Khaṭṭāb.
\textsuperscript{528} Ibn Ishāq, 286. Cf. Watt, \textit{Muhammad: Prophet and Statesman}, 109; Rodinson, 163.
A man was killed.529 Muḥammad’s initial followers, believed to be mostly pagan530, were deeply troubled that the raid, and especially loss of life, occurred in what they continued to consider a holy month.531 These new converts, as well as those still contemplating the new message, were reassured with the revelation:

They question thee (O Muḥammad) with regard to warfare in the sacred month. Say: Warfare therein is a great [transgression], but to turn (men) from the way of Allah, and to disbelieve in Him and in the Inviolable Place of Worship, and to expel his people thence, is a greater [transgression] with Allah; for persecution is worse than killing.532

Note that the sacredness of the month is not denied. “All that is asserted is that violation of the month is less heinous than certain forms of opposition to the Islamic religion.”533

Applying Bell’s theory of linking verses according to their diction, their structure, and often their rhyme scheme, the parallel between Sūrah 2:217 and Sūrah 2:219 suggests they were revealed, in time, very close to each other. As was discussed previously, Sūrah 2:219 no where denies that drinking wine is not without some merit, nor that it should be suspended entirely; all that is asserted is that the good of wine is less than its harm. This, therefore, could quite possibly connote that the two Sūrahs were revealed in very close succession, though leaving open the question of which came first.

The editors of The Holy Qur’ān with English translation and commentary shed some light on this difficulty with their commentary on Sūrah 2:219:

It was a custom among the Arabs that in time of war that they used to cast lots in the name of a few wealthy persons, and those in whose names the lots were drawn were bound to feed the army and supply it with wine. ...So when Muslims were called upon to take up arms, they naturally enquired of the Holy Prophet about the legality of this peculiar way of meeting the expenses of war and peace.

529 Ibid., 287. Cf. Muḥammad: Prophet and Statesman, 110; Rodinson, 163.
530 Morony states that “Every first-generation Muslim was a former pagan, Magian, Jew, or Christian” (431). While it is undoubtedly true that the overwhelming majority of first-generation Muslims did convert from other belief systems, it seems to this author to overstep the mark to suggest that every first-generation Muslim necessarily had a defined belief system from which to convert. It may have been that some individuals were originally actively opposed to any form of organised beliefs, and it may have also been that some individuals had no belief system at all.
532 Sūrah 2:217.
533 Watt, Muḥammad: Prophet and Statesman, 111.
about the use of wine also, which was considered essential to produce a state of reckless courage in the fighters so as to make them blind to all consequences. ...The conviction of faith had infused into the heart of believers far greater and nobler courage than the blind daring engendered by drinking. Similarly, the expenses of war were to be in a fairer and more respectable manner than the casting of lots.\textsuperscript{534}

The explanation of the wine prohibition is doubtful. It does not seem reasonable that warriors would question a device which they felt gave them a decisive advantage in battle. The explanation of the gambling prohibition, however, is justifiable.

The new Muslims may have been concerned with the funding of any united military expeditions as the majority of Muḥammad’s followers were not themselves especially wealthy.\textsuperscript{535} “It has been pointed out repeatedly that the bulk of Mohammed’s first converts came from this group of clients [wage-paid lower classes] and from the slaves of the city.”\textsuperscript{536}

Nakhlah was but a raid by a small band of Muslims, sent initially for reconnaissance. The first uniform call to arms the Muslims would have faced was the Battle of Badr. This seems to suggest that Sūrah 2:219, which also speaks of “games of chance”, came after Nahklah but before the battle of Badr. Bell’s analysis, however, indicates that the revelation was revealed after the Battle of Badr.\textsuperscript{537}

\textit{The Battle of Badr}

According to Ibn Ḩishām, Badr was noted for its markets and the wine it sold. A story has been related that the reason Abū Sufyān’s men continued on to Badr after having secured their wares was not only due to their pride, but perhaps also due to their desire for wine:

Abū Jahl said, “By God, we will not go back until we have been to Badr” - Badr was the site of one of the Arab fairs where they used to hold a market every year. “We will spend three days there, slaughter camels and feast and drink wine, and the girls shall play for us. The Arabs will hear that we have come and gathered together, and will respect us in future...”\textsuperscript{538}

\textsuperscript{534} 43-4.
\textsuperscript{535} Wolf, 336.
\textsuperscript{536} Ibid.
\textsuperscript{537} Vol. 1, 284.
\textsuperscript{538} Ibn Ḩishāq, 296; Ṭabarī, tr. I. K. Poonawala, vol. IX, 45.
Abū Jahl's prediction did not come true. The Muslim forces defeated the Meccans at the Battle of Badr in March of 624.\(^{539}\) It is conceivable that after the Muslims' victory at Badr, they celebrated with the wine of the local markets, and perhaps their celebrations got dangerously out of hand. Some of Muḥammad’s followers may have asked the Prophet to comment on these drunken celebrations. It would be around this time that Sūrah 2:219 was revealed, explaining that while wine had some good, the bad outweighed the good.

Hadith and Sūrah 2:219

A story related by Ṣaḥīḥ Muslim lends credence to both the notion that drunkenness could have led to the revelation and that the revelation came after Badr. The story begins with ‘Alī b. Abī Ṭālib\(^{540}\) investing his share of the booty of Badr with the Jewish clan of the Banū Qaynuqā‘.\(^ {541}\) As ‘Alī was trading his wares, Ḥamza b. ‘Abd al-Muṭṭalib, who had been “busy in drinking in that house in the company of a singing girl...”\(^ {542}\) was incited by the singing girl to slaughter ‘Alī’s camels. Ḥamza dutifully did mutilate ‘Alī’s camels. When ‘Alī returned to find his camels brutally slaughtered, he was “shocked” and “could not help weeping” at the sight of them. ‘Alī went to Muḥammad for redress. Muḥammad went to Ḥamza who was “dead drunk” [fi-šarb]\(^{543}\), sitting in the “company of some drunkards.” When Muḥammad questioned Ḥamza about his actions, Ḥamza could only respond, “Are you anything but the slave of my father?” Muḥammad “turned back on his heels until he went away from them.”

Although there is no mention in Muslim that Sūrah 2:219 was revealed after this

\(^{539}\) See above, n. 486.

\(^{540}\) Ibn Ishaq states that he was “the first male to believe in the apostle of God, to pray with him and to believe in his divine message, when he was a boy of ten. God favoured him in that he was brought up in the care of the apostle before Islam began” (114). He would later become the fourth successor to the Prophet Muḥammad in leading the community (see Chapter 3, s.v., ‘Alī b. Abī Ṭālib).

\(^{541}\) Muslim/Šiddiqī, vol. 3, 1095. The remainder of the story is cited from Šiddiqī’s translation on 1095-6 unless otherwise noted.

\(^{542}\) Muslim does not identify the substance Ḥamza was drinking (Muslim, vol. 13, 143, and from another source, the same, 147).

\(^{543}\) Muslim, vol. 13, 147.
incident, the story illustrates that even those closest to Muhammad might not be able to control themselves when intoxicated, and that a noteworthy case of intoxication occurred immediately after Badr.

The reaction of the Banū Qaynuqā' is also missing from Muslim. Margoliouth, in his Mohammed and the Rise of Islam, speculates that when the Jews arrived on the scene, "they found the beasts that should have been laden, killed and eaten, the Lion of God [Ḥamzah] dangerously intoxicated, ‘ʿAlī whining, and the Prophet himself seriously ruffled. ...They expressed, or at any rate looked, contempt and abhorrence at the Holy Family." Margoliouth believes this was the moment when Muḥammad decided the Banū Qaynuqā' had to leave Medina. In so doing, he could exact revenge for their insolence, and concurrently acquire their wealth, some of which could be used to compensate ‘ʿAlī for his losses without insulting Muḥammad's uncle. The Banū Qaynuqā' were expelled in or around April of 624.

*The Jews and Sūrah 2:219*

This single incident does not appear to fully account for the expulsion of the Banū Qaynuqā'. The Jewish opposition to Islam came early and often to Muḥammad despite initial attempts to demonstrate to the Jews that he was as much their Prophet as he was the Arabs'. This endeavour included prayer in the direction of Jerusalem; some Muslim food

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544 281.
545 Ibid., 281-2.
546 Margoliouth, 282. Cf. Watt, *Muḥammad: Prophet and Statesman*, who states that the attack on the Banū Qaynuqā' was motivated because they refused to acknowledge him as a Prophet (130); Rodinson, who writes that the attack on the Banū Qaynuqā' was politically motivated (172); Peters, who states that the full reasons for their expulsion are not entirely clear (218), though he notes Donner's belief that the attack on the Banū Qaynuqā' was economically motivated (p. 305, n. 16). The immediate reason for the expulsion is still something of a mystery. Watt has suggested that a joke played on an Arab woman by a Jew of the tribe of Qaynuqā', which resulted in a Muslim killing that Jew and the Jews subsequently killing that Muslim, was the "casus belli" behind the expulsion, (Muhammad at Medina, 209). He cautions that this story also appears in legends of pre-Islamic Arabia (Muhammad: Prophet and Statesman, 130).
547 Watt, Muḥammad: Prophet and Statesman, 130.
restrictions matched Jewish dietary laws\textsuperscript{549}; and the legitimisation of the Jewish one day fast, Yom Kippur\textsuperscript{550}. Even so, it became increasingly clear that the Jews, by and large, were not going to accept Muḥammad as their Prophet.\textsuperscript{551}

Whatever the precise reasons for their rejection of Muḥammad, the fortunes of the Jews in the view of Islam began to change around the time of Nakhlah, the Battle of Badr, and the revelation of Sūrah 2:219. Revealed in February of 624, Muḥammad changed the direction of prayer from Jerusalem to Mecca.\textsuperscript{552} In the following month, following the Battle of Badr, the Day of Atonement was changed to a month long fast, the Fast of Ramaḍān.\textsuperscript{553} As demonstrated above, Sūrah 2:219 was probably revealed sometime soon after the Battle of Badr. The present author would argue that this verse was revealed in part as an additional blow to the Jews of Medina. Wine, as has been shown, is an essential ingredient of the Jewish faith. By stating that it is more harmful than beneficial, perhaps the revelation was also stating that the Jews were, now, similarly more an enemy than a friend. This may have helped prepare the Muslims to attack and expel the Banū Quaynuqā’.

Was Sūrah 2:219 condemning drunkenness? Without doubt, if there were a problem of alcohol abuse, or of people becoming violent when intoxicated, it would have been advantageous for Islam to control the consumption of wine. Was this revelation revealed to deal with the problem of how to pay for the battles the Muslims would be called on to fight? This may have played some small part, though the evidence is sketchy at best. Was this revelation an attack on the Jews? It would seem an important step in the break with the Jews to condemn that one fundamental substance used at almost all Jewish ceremonies and festivals.

Taken in context, the revelation appears to have been part of the attack on the Jews

\textsuperscript{549} Ibid.
\textsuperscript{550} Ibid. Cf. Watt, Muḥammad: Prophet and Statesman, 114; Peters, 203-4.
\textsuperscript{551} Ibid., 160; Watt, Muḥammad: Prophet and Statesman. 114-5.
\textsuperscript{552} Ibn Iṣḥāq, 258-9; Watt, Muḥammad: Prophet and Statesman, 113; Rodinson, 170.
\textsuperscript{553} Watt, Muḥammad: Prophet and Statesman, 114; Rodinson, 170, citing Bell's analysis of the Qur'ān.
who were expelled from Medina within a few months of this revelation. Were this the only instance of a revelation on the consumption of wine coming on the heels of words and actions concerning the Jews, this discussion would be highly suspect. As will be shown, the other two verses which condemn and prohibit wine also come at a time when the remaining large Jewish tribes in Medina come under attack and were eliminated from the city. Such a pattern cannot easily be dismissed.

Sūrah 4:43

Sūrah 4:43 makes clear that one must not become drunk before attending prayer:

O ye who believe! Draw not near unto prayer when ye are drunken, till ye know that which ye utter, nor when ye are polluted...till ye have bathed.

If it is agreed that Sūrah 2:219 came before Sūrah 4:43, then this would tend to indicate that many of the new followers did not feel that the sin of wine outweighed the benefit. It was most likely the case that some worshippers were attending prayer while intoxicated. The fact that this would affect their understanding of the prayer not withstanding, an intoxicated person may have also been vociferously or physically disruptive to the prayer service. Sūrah 4:43 seems directly targeted at this problem, and does not ban the consumption of intoxicants to the point of inebriation at other times.

The Jews and Sūrah 4:43

In Bell's pioneering work, he mentions that this verse is thought to have been “promulgated during the war against the Banī an-Nadir,” which took place in late August/early September of 625. Pickthall similarly dates this passage to roughly after the battle of Uhud in March of 625. The significance of Sūrah 4:43 with regards to the Jews is that the ban on drunkenness at prayers is similar to a rabbinical ban on coming to prayers drunk. Based upon Eli's reprimand of Hannah, the Talmud dictates that “if a person prays in

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554 The Qur'ān. 118
556 Pickthall, 78-79. See above, n. 490.
a state of drunkenness, his prayer is an abomination.\textsuperscript{557} If Bell is correct, then perhaps the Qur'\textaelic{n}ic ban on drunkenness while praying was a fresh attempt to demonstrate to the remaining Jewish population that Muhammad was their prophet.

Evidence that this might be the case can be implied from the next few verses. Sura\textsuperscript{h} 4:44-47 speaks to the Muslims concerning the Jews. The verses continue the general condemnation of the Jews for abandoning God, yet end with an appeal to the Jews couched in threatening language:

\begin{quote}
Ye unto whom the Scripture has been given! Believe in what We have revealed confirming that which ye possess, before We destroy countenances so as to confound them or curse them as We curse the Sabbath breakers (of old time).\textsuperscript{558}
\end{quote}

The tone of this revelation seems to be the subsequent extension of an earlier revelation, thought to have been revealed sometime between the Battle of Badr and the Battle of Uhud.\textsuperscript{559}

Those of the children of Israel who went astray were cursed by the tongue of David, and of Jesus, son of Mary. That was because they rebelled and used to transgress. They restrained not one another from the wickedness they did. Verily evil was what they used to do!\textsuperscript{560}

Neither appeasement nor the implied threats changed the attitude of the Jews toward Mu\textaelimammad and Islam. The opposition of the Jews continued apace. Then, in late August or early September of 625, Mu\textaelimammad informed his followers that he had received a divine warning that the Jewish clan of Na\textaelir had planned to assassinate him.\textsuperscript{561} Muhammad's followers had been prepared, through the revelations, to reject the Jews and it

\textsuperscript{557} Encyclopaedia Judaica, vol. 16, 239. Eli is said to have belonged to the house of Ithamar, Aaron's fourth son, and had at this time succeeded to the position of High Priest (The Pentateuch and Haftorahs, ed., J. H. Hertz, 952). The incident between Eli and Hannah occurred in 1 Samuel 1:12-17, and many rules were deduced from Hannah's prayer (The Pentateuch and Haftorahs, 952-3).

\textsuperscript{558} Sura\textsuperscript{h} 4:47

\textsuperscript{559} Bell, 105.

\textsuperscript{560} Sura\textsuperscript{h} 5:78-9.

\textsuperscript{561} Watt, Mu\textaelimammad: Prophet and Statesman, 149-50.
seems unlikely that there would have been many reservations concerning taking action against them. The tribe was forced out probably no later than September of 625.562

In the following year, Mūḥammad led or sent expeditions to the North against tribes planning to take up arms against him.563 In August/September, Muhammad led an expedition to Dūmat al-Jandal, an oasis which was the site of an annual fair, 750 miles North of Medina.564 The expedition may have netted booty for Mūḥammad and his troops,565 though the town, whose inhabitants fled, would require further expeditions to subdue.566 Although not specifically recorded,567 it is possible that amongst this booty were intoxicating beverages. Certainly on a journey of some thirteen marches from Medina568, fluids would have been essential. It is possible that some of Mūḥammad’s troops consumed wine, whether in celebration of having struck such fear into the inhabitants of Dūmat al-Jandal that they fled their town, or possibly for the water content of the wine.

If Mūḥammad’s troops were consuming wine, then it is also possible that they were not that far removed from the actions of Julian’s soldiers some century and a half earlier when they had become intoxicated with wine.569 A drunken fighting force would almost certainly be more difficult to organise and command. However, poets seem to indicate that warriors fought with unmatched courage when intoxicated, probably due to the disinhibition

562 Watt, Muhammad at Medina, 211-2.
563 Watt, Muhammad: Prophet and Statesman, 161.
564 Peters, 220.
565 Watt, Mūḥammad: Prophet and Statesman, 162. See n. 567 below.
567 Rodinson writes that the expedition netted only “a few animals and one prisoner” (196); Peters states that the expedition “produced neither booty nor even a sense of success” (220). The present author does not concur with Peters’ statement that Muḥammad’s forces would not have even “a sense of success.” It seems to the present author that Peters (who cites the brief statement of Ibn Ḫisāq and an analogous story of the final capture of the town from Musil) could not know what was in the minds of those who went on the expedition to Dūmat al-Jandal.
568 Peters, 220.
569 See Chapter 1, the section entitled, The Byzantine Empire, The Military. Hyams, in Dionysus: A Social History of the Wine Vine, concludes that there was nothing “mystical” about the ban on wine, but that it was strictly for practical reasons: “It is very likely that his simple Bedouin soldiers, raised under very harsh conditions, might when they overwhelmed the cities of the sown, and entered upon lands flowing with wine, have got dangerously out of hand” (215).
created by the effect of intoxication. But alcohol is known to have a depressant effect on the central nervous system, drastically affecting sensory and motor functions. This has the effect of decreasing reaction times, in some cases quite drastically, a fact which would greatly diminish any advantage offered by blind courage.

The abuse of alcohol by the new warriors for Islam is one factor which might be identified as precipitating the final ban on wine. According to Bell, “the date assigned for the prohibition of wine, Rabi‘ 1, Year IV,” places the last in the series of revelations dealing with wine, Sūrah 5:90, in August/September of 626. Probably around the time of this revelation, word would have reached Muḥammad of other tribes banding together in preparation for taking the field against Muḥammad. Clearly, it was in the interests of Islam to have a fighting force that was sober. By December of 626, Muḥammad was leading his forces against the Banū al-Muṣṭaliq. His raid was successful, scattering the tribe and obtaining a great deal of booty.

If the dating of this verse is accepted, then it comes some six months before Muḥammad removed the last powerful Jewish clan, the Qurayzah, from Medina. Can there be any relation, then, between this revelation and the removal of the last remaining powerful Jewish tribe?

Bell writes that Sūrah 5:80-1 was probably revealed sometime after Uḥud, though does not commit himself to a particular time frame:

Thou seest many of them making friends with those who disbelieve. Surely ill for them is that which they themselves send on before them: that Allah will be wroth with them in the doom they will abide. If they believed in Allah and the Prophet and that which is revealed unto him, they would not choose them for their friends. But many of them are of evil conduct.

The “many of them making friends” could refer to nearly anyone in the city, but it

570 Rosenham and Seligman, 525; for the poetry, see above, p. 69.
571 Ibid., 526.
572 A Commentary on the Qur'an, eds., Bosworth and Richardson, 167.
573 Pickthall dates the majority of Sūrah 5 to the latter half of the Prophet's life in Medina, i.e., 626-629, with some verses coming between 629 and his death.
574 Rodinson, 196.
575 Tr., The Qur'an, 105.
almost certainly includes the Meccans, who were in communication with the Jews.\textsuperscript{576} The "evil conduct" of which the Meccans (and possibly unknown others) are accused most likely refers to their persistent, active opposition to Muḥammad, and their attempts to conspire with the Jews to defeat Muḥammad and Islam.

The sequence of events might be ordered in the following manner. Before the Battle of Uḥud, the Jews were being denounced in the revelations for the "evil ... they used to do". After Uḥud, the revelation concerning drunkenness at prayers was revealed, and the Jews were simultaneously invited to join Islam, although it has been argued, they were asked to join under duress. The Jews continued their opposition, and the expulsion of the Banū al-Naḍīr followed after Muḥammad revealed that the tribe was planning to assassinate him. The last remaining influential Jewish tribe, the Qurayzah, still continued to deny Muhammad's prophecy. The Jews were further condemned in the Qur'ān. Then the final revelation which banned wine directly was revealed.

Completely banning wine, which is a significant part of Jewish ceremonies and beliefs, would have been a suitable way to further distance the followers of Islam from the Jews. If, as it has been argued, Sūrah 2:219 can be viewed as a metaphor for stating that Judaism had some good in it, but following Judaism was mostly bad, then Sūrah 5:90 may be a metaphor of the Jews as following Satan's plan, and the only way to success was to completely distance oneself from them. Muḥammad could not take swift action against the Qurayzah at the time of the revelation, that is, late summer of 5/626, because he appears to have been too involved with quelling distant tribes planning to take up arms against him.

Even so, the present author would speculate that the greatest external threat facing Muḥammad had always been the Meccans. At the end of March, 627, the Meccans assembled a large force and moved on Medina.\textsuperscript{577} The "Siege of Medina" or "Battle of the Trench"\textsuperscript{578} lasted for some two weeks, and the Jews continued in communication with the

\textsuperscript{576} Watt, Companion to the Qur'ān, 77-8.
\textsuperscript{577} Watt, Muḥammad: Prophet and Statesman, 166.
\textsuperscript{578} Ibid.
This created a much unwanted distraction for Muḥammad who now had to consider the possibility of a “second front”. However, the threatened second front never truly materialised. The Meccans were ultimately forced to retreat.

Muḥammad immediately turned toward the Jews and condemned them as traitors, having broken the treaty they had with Muhammad not to aid or assist the enemy in any way. The tribe was besieged for nearly a month. At the end of April, the Qurayzah then asked to be allowed to surrender and to leave Medina. Muḥammad demanded unconditional surrender, to which the Qurayzah had little choice but agree. A large trench was dug, the men of the Qurayzah, numbering perhaps six hundred to seven hundred, though possibly as much as eight or nine hundred, were gathered together in groups, beheaded, and thrown into the ditch. The women and children were taken as captives, and probably sold (or kept) as slaves.

With the elimination of the Qurayzah, there was no single, influential clan of the Jews left in Medina to oppose Muḥammad. The present author would argue that even if there were a large Jewish presence determined to oppose Muḥammad, it seems unlikely that they would have done so after witnessing the treatment of the Qurayzah.

No amount of research will uncover all the factors, or perhaps even a sole factor, accounting for the benefits Islam sought from a ban on wine. The factors that can be identified must include chronic addiction to alcohol and the violence associated with it. Similarly, it would be beneficial to have sober troops ready to fight, rather than a force that

579 Ibid.
580 Ibid., 170-1.
581 For the events of this battle and the intrigues of the Jews, see Ibn Ishaq, 450-60; Watt, Muḥammad: Prophet and Statesman, op. cit.; Rodinson, 208-211.
582 Peters, 222.
583 Ibn Ishāq, 461; Watt, Muḥammad: Prophet and Statesman, 171; Rodinson, 212.
584 Watt, Muḥammad: Prophet and Statesman, 172.
585 Ibid.; Rodinson, 212.
587 Ibid.
588 Rodinson, 213.
was suffering sensory and motor deprivation due to the effects of intoxication. One factor that is often overlooked is the relationship between the revelations and the Jews. Although the precise timing of the Sūrahs, not to mention the verses, is a difficult and controversial matter, there is reason to believe that each of the revelations came just prior to severe actions taken against the Jews. This leads to the postulate that the revelations were part of the overall attack on the Jews in preparation for their removal from the city.

Terms for wine in the Qur’ān

The choice of Pickthall’s translation of the Qur’ān for this thesis was not arbitrary. It was a choice anticipating the following discussion. Pickthall states in his “Translator’s Foreword” that his translation attempts to demonstrate how Muslims came to understand the verses in the Qur’ān, and is not an attempt to demonstrate the literal meaning of the verses. The principal differences among translators of the verses relevant to this thesis revolve about two words: khamr and sakar.

Sakar

Lane, in his unparalleled eight-volumed Arabic-English Lexicon, defines sakar as “a simple substance, signifying intoxication, inebriation, or drunkenness; i.e., the state thereof; a state that intervenes as an obstruction between a man and his intellect....” Sakar is the term used in Sūrah 16:67, revealed in Mecca, and Sūrah 4:43, revealed in Medina. In the former instance, sakar, was construed as something beneficial and useful:

And of the fruits of the date-palm, and grapes, whence ye derive strong drink [sakar] and (also) good nourishment. Lo! herein, is indeed a portent for people who have sense.

The phrase “strong drink” denotes an intoxicating beverage. A. Yusuf ‘Alī is correct to point out that the juice of the date-palm and the grape is not inherently intoxicating, but requires time to ferment. In his translation of the Qur’ān, he considers that it was date or grape juice

590 The Meaning of the Glorious Qur’an, vii. Newby comments that his translation is “usually reliable, if somewhat conservative” (p. 141, n. 49).
591 Vol. 4:1390-1.
in its unfermented state that the revelation referred to sakar “For those who are wise.” However, Maulana Muḥammad ʿAllī, in his translation to the Qurʾān entitled, The Holy Qurʾān, translated the word sakar as “intoxicants.” A. J. Arberry’s translation in his The Koran Interpreted, concurs that the word sakar should be translated as “intoxicants.” Finally, in light of the word’s use in verse 4:43, it seems doubtful that the revelation refers to the unfermented variant of the drinks.

These two verses exemplify some of the difficulties of translation. Clearly, there is disagreement as to what English wording should be used to represent the one Arabic word. Adding to the difficulties of translation, in verse 16:67, sakar was taken for the drink itself, without identifying that substance. In verse 4:43, there is the apparent change to the effects of the substance, again without specifically identifying the substance. But it is the intermixed nature of this word which would have significant implications for interpreting the ban on alcoholic drinks. It is a pivotal element of the broad interpretation of the word khamr, which itself has a relatively narrow definition, and the banning of all intoxicating substances in Islam.

**Khamr in the Meccan Sūrahs**

Lane defines khamr as “Wine: or grape wine: what intoxicates, of the expressed juice of grapes: or the juice of grapes when it has effervesced, and thrown up froth, and become freed therefrom, and still.” Lane’s definition of khamr as grape-wine, as opposed to date-wine, which could also ferment, is entirely reasonable when taken in the context of the Meccan verse describing what the Believers would drink in Paradise. Sūrah 47:15 describes “rivers of wine [khamr] delicious to the drinkers”. There is another Meccan verse which describes those who reach paradise as receiving “pure wine [raḥīq]”. Date-wine,
which could be a mixture of dates and grapes, was clearly not “pure”.\textsuperscript{596} It is almost certainly the case that the Believers would find grape-wine in Paradise.

\textit{Khamr in the Medinan Sūrahs}

Translators of the Qur'ān deviate not only from one another's translation, but rather curiously also from their own translations of the Medinan verses which mention the prohibition of wine with respect to \textit{khamr}. In Sūrah 2:219, Pickthall translated \textit{khamr} as “strong drink,” a phrase he has also used to define the word \textit{sakar} in Sūrah 4:43. Maulana Muḥammad ‘Āli chooses the word “intoxicants” to similarly represent both \textit{khamr} and \textit{sakar}. A. Yūsuf ‘Āli, Bell, and A. J. Arberry believe that \textit{khamr} should be translated simply as “wine” in Sūrah 2:219. However, when the final prohibition was to be translated, that is Sūrah 5:90, A. Yūsuf ‘Āli alters his wording and translated \textit{khamr} as “intoxicants.” Pickthall maintains his “strong drink” definition. Maulana Muḥammad ‘Āli maintains his translation for \textit{khamr} as “intoxicants”. Arberry and Bell also remain consistent with their translations of “wine.”

The distinct change by some of the authors in their translations should not be taken as devaluing their work in terms of its usefulness or accuracy. Each author did not have the same aim in mind when translating the Qur'ān. For some, such as A. Yūsuf ‘Āli, it was a matter of translating as nearly as possible the literal meaning of the words. For others, such as Pickthall, it was a matter of resonating the broader meaning of the words.

\textit{Al-Ḥadīth}\textsuperscript{597}

This broader meaning of the words \textit{sakar} and \textit{khamr} is based on a wealth of \textit{ḥadīth} literature, which helps to define the full scope of the ban on alcohol. Some of the \textit{ḥadīth} are direct quotations of something the Prophet said, while others take the form of answers to specific questions. The range of topics covered by the \textit{ḥadīth} indicates that there was

\textsuperscript{596} See n. 594 above.
\textsuperscript{597} \textit{Ḥadīth} passages will be quoted from four of the generally accepted “six books” of \textit{ḥadīth}, namely, Bukhārī, Muslim, Abū Dāwūd, and al-Tirmidhī. The present author will neither
probably some confusion, and perhaps some dismay, when the ban on intoxicants was revealed.

In the latter half of 5/626, Muḥammad revealed in Medina that *khamr* was Satan’s handiwork and success could only be achieved by leaving *khamr* aside. Bukhārī relates from Anas:

I used to offer alcoholic drinks to the people at the residence of Abū Ṭalḥah. The order of prohibiting Alcoholic drinks (*khamr*) was revealed, and the Prophet ordered somebody to announce that. ... Abū Ṭalḥah said to me, “Go and spill it (i.e. the wine) [*khamr*].” Then it was seen flowing through the streets of Medina. At that time the wine [*khamr*] was *al-fadikh*.

The last sentence is instructive. Anas seems to be stating that the most common type of wine in Medina was date-wine. That *fadikh* was the most common type of wine in Medina at the time of the revelation is supported by the same tradition as related by Muslim. The transmitters he relied on added that “There was no liquor [*khamr*] with us except this *fadikh* prepared from unripe and ripe dates....” More importantly, these traditions suggest that some understood the revelation to designate all intoxicants, not just *khamr* itself, from very early on.

Yet there appear to have been some individuals who required further clarification of the revelations. This is evidenced in the range of issues *ḥadīth* records the Prophet had to deal with concerning what was forbidden.

‘Ā’isha said, The Messenger of Allāh was asked about Bit - it is a drink made of honey and the people of Yaman used to drink it. So the Messenger of Allāh said, “Every drink that intoxicates [*sharāb* *askara*] is prohibited [*ḥaram*].”

Jābir [b. ‘Abdallāh al-Ansāri] reported that a person came from Jaishan, a town of Yemen, and he asked Allah’s Apostle about the wine [*sharāb*] which was drunk in their land and which was prepared from millet and was called *Mizr*. Allah’s Messenger asked

provide full *isnāds* nor analyse them, having accepted the judgement of others that these works are reliable. Cf. Burton, Introduction to the Ḥadīth; Humphreys, Islamic History.

598 Bukhārī/Khan, vol. 6, 113, and vol. 3, 384.
599 See text above, the section entitled, *Types of Wine*, p. 64.
600 Muslim/Ṣiddīqī, vol. 3, 1098; Muslim, vol. 13, 150.
whether that was intoxicating [muskīr]. He said: Yes. Thereupon Allah’s Messenger said: Every intoxicant [muskīr] is forbidden [ḥarām].

But by far the greatest number of traditions deals with the substance known as nabīdḥ.

Allah’s Messenger prohibited the preparation of nabīdḥ by mixing together fresh dates and grapes, and he prohibited the preparation of nabīdḥ by mixing the fresh dates and unripe dates together.

Ibn ‘Umar reported that he was forbidden to prepare nabīdḥ by mixing unripe dates and fresh dates, and dates with grapes.

Abū Sa‘īd al-Khudrī reported Allah’s Messenger as saying: “He who amongst you drinks nabīdḥ should drink that prepared either from grapes alone, or from dates alone, or from unripe dates alone.”

Abū Qatāda reported Allah’s Messenger as saying: “Do not prepare nabīdḥ by mixing nearly ripe and fresh dates and do not prepare nabīdḥ by mixing together fresh dates and grapes, but prepare nabīdḥ out of each one of them separately.”

Such questioning may have prompted ‘Umar b. al-Khaṭṭāb to assist the Prophet in settling the issue. Related by ‘Umar’s son, ‘Abdallāh b. ‘Umar:

I heard ‘Umar while he was on the pulpit of the Prophet, saying, “Now then O people! The revelation about the prohibition of alcoholic drinks [khamr] was revealed; and alcoholic drinks [khamr] are extracted from five things: Grapes, dates, honey, wheat and barley. And the alcoholic drink is that which confuses and stupefies [khāmara] the mind.”

Muslim has a similar tradition, though Siddīqī has substituted the phrase “clouds the intellect” for “confuses and stupefies the mind.” This may not have settled the issue, however. The Prophet is reported as saying that anything which intoxicates is forbidden:

Narrated ‘A‘īsha: The Prophet said, “All drinks that produce intoxication [askara] are forbidden [ḥarām] to drink.”

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602 Muslim/Siddīqī, vol. 3, 1108; Muslim, vol. 13, 171.
603 Ibid., vol. 3, 1101; Muslim, vol. 13, 154.
605 Ibid., vol. 3, 1102; Muslim, vol. 13, 155-6.
606 Ibid; Muslim, vol. 13, 156.
607 Bukhārī/Khan, vol. 6, 112.
608 Muslim/Siddīqī, vol. 4, 1556-7.
609 Bukhārī/Khan, vol. 1, 153; Muslim/Siddīqī, vol. 3, 1107; Muslim, vol. 13, 169.
Ibn 'Umar reported God's messenger as saying, “Every intoxicant [muskir] is khamr and every intoxicant [muskir] is forbidden [haram].”  

A hadith recorded by Abū Dāwūd details that there were no circumstances where intoxicants would be tolerated.

Daylam al-Ṭīmiyarī told that he [Umm Salama] said, “Messenger of God, we live in a cold land in which we do heavy work and we make a liquor from wheat to get strength from it for our work and to stand the cold or our country.” He asked whether it was intoxicating, and when he replied that it was, he said they must avoid it. When he replied that the people would not abandon it, he said, “If they do not abandon it fight with them.”

Even the wine of orphans was to be dumped in the streets, rather than put to productive use:

Abū Sa’īd al-Khudrī said he had wine belonging to an orphan, and when [Sūrah 5:90] came down he asked God’s messenger about it, telling him it belonged to an orphan, but he said, “Pour it out.”

Anas quoted Abū Ṭalḥa as saying ... he asked the Prophet about orphans who had inherited wine and he said, “Pour it out.” He asked if he might not make vinegar of it and he told him he must not.

Although it is not possible to determine the precise chronology of the cited hadith, the sequence presented above seems a reasonable estimation of how a community may have explored the prohibition.

Another tradition, which appears to be the logical corollary of the last tradition just mentioned, states that vinegar which had already been prepared from khamr must not be used:

Anas reported that Allah’s Messenger was asked about the use of wine [khamr] from which vinegar is prepared. He said: “No.”

By extension, trade in wine was also banned.

Jabīr reported, He heard the Messenger of Allāh say, while he was at [Mecca] in the year of the conquest [of Mecca]: “Allāh and His

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610 Muslim/Šiddiqi, vol. 3, 1108; Muslim, vol. 13, 172.
614 Muslim/Šiddiqi, vol. 3, 1099; Muslim, vol. 13, 152.
Messenger have forbidden \textit{[harrām]} trade in wine \textit{[al-khamr]} and the dead (animals) and swine and idols\textsuperscript{615}.

However, Bukhārī reports from ʿAʾisha that the Prophet announced that trade was prohibited after revealing Sūrah 2:219:

When the last verses of Sūrat-al-Baqara were revealed, the Prophet went out (of his house to the Mosque) and said, “The trade of alcohol \textit{[khamr]} has become illegal.”\textsuperscript{616}

This would, if correct, support the theory that this verse may in part have been an attack on the Jewish community. Banning the trade in wine would have placed a severe strain on their economy. However, Jabir’s tradition seems equally likely, given the argument presented above that the prohibition on wine was not directly instituted until Sūrah 5:90 had been revealed. Whichever tradition is correct, it gradually became clear that wine’s trade was prohibited:

Yahyā Abū ʿUmar al-Nakahāl reported that some people asked Ibn ʿAbbas about the sale and purchase of wine \textit{[khamr]} and its commerce. He asked (them): Are you Muslims? They said, Yes. Thereupon he said: Its sale and purchase and its trade are not permissible.\textsuperscript{617}

Having defined what was forbidden, the Prophet also clarified what was permitted. Muslim recorded that the Prophet himself drank nabīdḥ prepared from raisins alone which had not been allowed to ferment:

Ibn ʿAbbas reported that nabīdḥ was prepared from raisins for Allah’s Messenger in the skin and he would drink it on that day and on the next day and the day following and when it was the evening of the third day, and he would drink it and give it to his Companions, and if something was left over, he threw that away.\textsuperscript{618}

\textit{Nabīdḥ} was therefore permissible so long as it was made in a certain way and was consumed before it had time to ferment. But the controversy over \textit{nabīdḥ} continued. Muslim records thirty-seven accounts relating to what vessels could be used in the preparation of \textit{nabīdḥ}.

\textsuperscript{615}Bukhārī, cited in A Manual of Hadīth, 300.
\textsuperscript{616}Bukhārī/Khan, vol. 3, 236. The text only mentions that the Prophet “went out” \textit{[kharaj]}, it does not mention that the Prophet went out from his house to the Mosque.
\textsuperscript{617}Muslim/Ṣiddīqī, vol. 3, 1110; Muslim, vol. 13, 175.
\textsuperscript{618}Ibid., vol. 3, 1110; Muslim, vol. 13, 175.
‘A'isha reported Allah's Messenger forbidding the preparation of nabūdḥ in varnished jar, green pitcher, gourd, and hollow stump.619

Sa‘īd b. Jubair reported: I bear testimony to the fact that Ibn ‘Umar and Ibn ‘Abbās testified to the fact that Allah's Messenger forbade the preparation of nabūdḥ in gourd, in vessel besmeared with pitch and hollow stump.620

Bukhārī has a series of similar traditions, including:

‘Abdallāh b. Abū Awfā said: God's messenger forbade nabūdḥ in green jars, and when I asked whether we might drink it from white ones he replied that we might not.621

Muslim records how the Prophet's nabūdḥ was prepared:

Jābir [b. ‘Abdallāh] reported that nabūdḥ was prepared for Allah's Messenger in a waterskin, but if they did not find [a] waterskin it was prepared in a big bowl of stone. One of the persons and I had heard from Abū Zubayr that it was birām (a vessel made of stone).622

The reasons for these prohibitions one can at best speculate about, particularly as the ban was eventually lifted. Related by Muslim:

Ibn Burayda, on the authority of his father, reported Allah's Messenger as saying: “I had forbidden you from the preparation of nabūdḥ and drinking it in certain vessels, but now you may do so if you like for it is not vessels or a vessel that makes a thing lawful or unlawful. It is every intoxicant that is unlawful."623

Despite the extensive corpus of information and rulings, it may have been that questions persisted about drinking liquids that could cause intoxication.

Jābir said, The Messenger of Allah said: “Of whatever thing a large quantity intoxicates [askar], even a small quantity is forbidden."624

This tradition may indicate that some individuals found the notion of giving up intoxicating beverages too difficult and asked if they may have small amounts. That the answer was given that even small amounts of intoxicants were forbidden establishes the point that the

619 Ibid., vol. 3, 1104; Muslim, vol. 13, 160-1.
623 Ibid; Muslim, vol. 13, 167.
ban on intoxicants was not gradually revealed in the sense of gradually weaning some of the people from intoxicants.

Among the believers, there must have been some distress that their previous lifestyle, which included drinking wine, would have precluded them from reaching Paradise. Muḥammad revealed Sūrah 5:93, probably soon after Sūrah 5:90:

There shall be no sin unto those who believe and do good works for what they may have eaten in the past.

Hadith literature also elucidates the situation those who believed in the Prophet would find themselves in if they chose not to heed the message of leaving wine aside:

Narrated Abū Hurayra: Allāh's Apostle said, ... “when somebody drinks an alcoholic drink [khamr] then he is not a believer at the time of drinking it;...”\textsuperscript{625}

Abdallāh b. Ḥumar reported God's messenger saying, “If anyone drinks wine God will not accept prayer from him for forty days [lit. mornings], but if he repents God will forgive him. If he repeats the offence God will not accept prayer from him for forty days, but if he repents God will forgive him. If he again repeats the offence God will not accept prayer from him for forty days, but if he repents God will forgive him. If he repeats it a fourth time God will not accept prayer from him for forty days, and if he repents God will not forgive him, but will give him to drink of the river of the fluid flowing from the inhabitants of hell.”\textsuperscript{626}

Ibn 'Abbās reported God's messenger as saying, “If one who is addicted to wine dies he will meet God most high in the same condition as an idolater.”\textsuperscript{627}

Ibn 'Umar reported Allāh's Messenger as saying: “He who drank wine [khamr] in this world would be deprived of it in the Hereafter.”\textsuperscript{628}

Although punishment after death is clear, in this world, the Qur'ān does not assign a fixed punishment for drinking wine. It seems reasonable to speculate that some members of the community asked of Muḥammad what punishment should be assigned in this world to those who disobeyed the message. The Qur'ān, however, specifically mentions that it is not

\textsuperscript{625} Bukhārī/Khan, vol. 8, 503.
\textsuperscript{626} Al-Tirmidhī, Mishkār al-Maṣābīḥ, vol. 2, 777.
\textsuperscript{628} Muslim/Šiddīqī, vol. 3, 1109; Muslim, vol. 13, 172.
Muḥammad’s responsibility to fix punishment:

Obey Allāh and obey the messenger, and beware! But if ye turn away, then know that the duty of Our messenger is only plain conveyance of the message.\(^{629}\)

Nevertheless, the Prophet himself is said to have punished or ordered punished drunkards bought before him:

Narrated Anas b. Malik: The Prophet beat a drunk with palm-leaf stalks and shoes. And Abū Bark gave forty lashes.\(^{630}\)

Schafī’ī relates a tradition that once when a man was brought before the Prophet drunk, those around the Prophet were ordered to beat the man with their sandals and the end of their garmets, twisted up for maximum affect.\(^{631}\)

And though punishment in this world was acceptable to the Prophet, but cursing the guilty party was out of the question:

Narrated Abū Salama: Abū Hurayrah said, A man who drank wine was brought to the Prophet. The Prophet said, “Beat him!” Abū Hurayrah added, So some of us beat him with our hands, and some with their garments by twisting it like a lash, and then when we finished, someone said to him, “May Allāh disgrace you!” On that the Prophet said, “Do not say so, for you are helping Satan to overpower him.”\(^{632}\)

Some Concluding Remarks

Evidently, the prohibition of intoxicating liquors was not received well. The sheer number and variety of queries and explications touching the meaning of the words used in the Qur’ān conspicuously points to an umma reluctant to surrender khamr and other intoxicating beverages. Despite the number of definitions and explanations during the Prophet’s lifetime, the questions were to persist long after his death. As the following chapters will demonstrate, implementing the prohibition of wine and fixing a punishment for those who disregarded the ban were by no means undemanding tasks, for as the Prophet

\(^{629}\) Sūrah 5:92.

\(^{630}\) Bukhārī/Khan, vol. 8, 504.

\(^{631}\) Tartīb, 90.

\(^{632}\) Bukhārī/Khan, vol. 8, 506.
himself is said to have remarked: “Some of my people will assuredly drink wine calling it by another name.”

Chapter 3: The Rāshidūn Caliphs

The Prophet is dead. He is related to have died in the arms of his favourite wife Ā‘isha. The loss of Muḥammad is of unprecedented significance in the Muslims' world - gone is not just their spiritual leader, but their secular leader as well. Where once one could go to the Prophet, sometimes through one of his Companions, and discover the answers to both matters of the soul and matters of the state, now there was none.

There can be no doubt that during the Prophet's lifetime many of the faithful heeded the message concerning the consumption of wine. Some prominent examples are alleged by the eighth/fifteenth century author Fīrūzābādī to include Abū Bakr, 'Uthmān (the first and third caliphs in Islam respectively), and a Companion of the Prophet, 'Abd al-Rahmān b. Ā‘wāf, who was among those eligible for, and quite possibly swayed, the choice of Islam's third caliph. Still, not every person who accepted Islam necessarily followed each of its tenets with equal tenacity. The prohibition of wine consumption was one such example.

Chapters 1 and 2 revealed some possible reasons why wine was not surrendered: it was a test of a man's strength to consume large amounts of wine without becoming ill; and the enjoyment of the beverage was too difficult for some to do without. Perhaps in this latter category one may add those individuals current medical science would describe as chronically addicted to wine. Additionally, the sixth century poet Ā‘dāb b. al-Ṭabīb, in his Lāmiyyah, described the practical value of wine to the traveller:

Water which looks in the buckets, when the travellers draw it,
like the scum floating in the pot over the rendered-down fat ...640

It is, therefore, understandable why the Muslim traveller may have wished to include a supply of wine for his travels. Finally, the unimaginable trauma of the death of the Prophet itself may have made it difficult for those accustomed to relying on wine in times of crisis to abandon their source of comfort.641

Abū Bakr (11/632 - 13/634)

The vacuum left by the death of the Prophet on the twelfth of Rabī‘ I/June 7, 632642 was filled with great alacrity by a few of the Prophet’s closest companions, excluding, it seems, ‘Alī b. Abī Ṭālib.643 Abū Bakr was nominated by a handful of his peers to succeed the Prophet, not replace him. His title, Khalīfat Rasūl Allāh, denoted as much.644 But what did that title mean in real terms - in terms of those people over whom the Prophet expected and generally received near complete obedience. Why should the people listen to Abū Bakr, a man elected by a small, elite group from the among the Quraysh? Much of the population of the peninsula asked themselves that very question. According to the traditional accounts, almost all the tribes outside of the Hijāz declared treaties and alliances made with the Prophet to have been buried with him.645

This posture seems to have been adopted in light of the taxes the new faith demanded of all Muslims. Many tribes were still content to follow Islam generally, but they distinguished between sending taxes to Muḥammad and sending taxes to his successor - a

640 CHAL, 102, quoting from the collection known as al-Mufaddallyat, “containing... odes composed by lesser lights”, as compared with those contained in the Mu‘allaqat (Hitti, 94-5). Cf. Chapter 1, s.v., The Mu‘allaqat. Although not precisely dated in CHAL, the poem belonged to the genre of Arabic poetry known as the qaṣīdah, which flourished in the sixth century, and perhaps ended in the early seventh century around the time Muḥammad began his mission (Nicholson, A Literary History of the Arabs, 76-140; Cf. Chapter 1 and Lyall, Translations of Ancient Arabian Poetry, chiefly pre-Islamic, with an introduction and notes). It therefore seems acceptable to date his piece to the sixth century.

641 Rosenham & Seligman, 524.


643 Ibid., 189-198.


successor who was not divinely inspired, and a successor whom they had no part in choosing. However, some tribes reverted to “prophets” who, perhaps inspired by Muhammad’s example, appeared afresh or with renewed vigour after his death. Abū Bakr declared all of these tribes apostates, regardless of the reason for their dissension, and so entered what later Arab authors termed the Riddah wars, or Wars of Apostasy.646

Through a vigorous military campaign of loyal supporters, led by the “sword of Islam,”647 Khālid b. al-Walîd, Abū Bakr brought the peninsula under one man’s control.648 But he was not content that his authority should rest solely on the strength of his army. The two years of his reign saw him establish the legitimacy of the office of the Caliphate, and his own right to rule, by embarking on a policy of following both the Qur’ān and the additional teachings, advice, and upright behaviour of the Prophet Muḥammad (the Sunnah). Many authors examining the reign of Abū Bakr have looked to his economic, political, and military decisions as proof.649 One possible proof that is consistently overlooked is Abū Bakr’s fixing a punishment for wine.

As was explored in the previous chapter, the Qur’ān nowhere prescribes a punishment in this world for the consumption of intoxicating drink. The Prophet had mostly handled cases of clear intoxication, i.e., drunkenness, by having the offender beaten, largely with whatever came to hand. Even so, al-Bukhārī related a tradition that Muhammad had set no fixed number of lashes, though Abū Bakr had stopped at forty lashes in the presence of the Prophet.650 As Muḥammad did not order Abū Bakr to continue past forty lashes, this could have been interpreted as meaning that forty lashes was, if not absolutely correct, at least sufficient to punish a drinker of wine. When the moment came

646 Balādhuri/Hitti, 143 - 64. Cf. Ṭabarî, tr. F. M. Donner, vol. X.
647 Wāqidî, 876 - literally “the sword of Allâh.”
648 See n. 646 above.
649 See p. 99, n. 634, for a limited selection of authors.
for Abū Bakr to pronounce sentence on an individual who was drunk, he set his punishment at forty lashes.651

Abū Bakr's choice of forty is not an entirely surprising figure. There is reason to believe that some of Muḥammad's closest Companions had some knowledge of Jewish practices and customs. Indeed, it is difficult to conceive that they had ignored the actions of the Jews around them before the coming of the Prophet. The Jewish courts assigned a maximum of forty lashes as a punishment for a man guilty of a crime against his neighbour:

If there be a controversy between men, and they come unto judgement, and the judges judge between them, by justifying the righteous, and condemning the wicked, then it shall be, if the wicked man deserve to be beaten, that the judge shall cause him to lie down, and to be beaten before his [the judge’s] face, according to the measure of his wickedness, by number. Forty stripes he may give him, he shall not exceed; lest, if he should exceed, and beat him above these with many stripes, then thy brother should be dishonoured before thine eyes. (Deuteronomy XXV: 1-3)652

Perhaps the Arabs of Medina, before the arrival of Muḥammad, similarly used forty lashes with a leather belt653 as punishment for certain crimes within their community. Having so speculated, there are no hadith to testify that the Jewish judicial system was the inspiration for Abū Bakr's choice of forty lashes.654

Another explanation of Abū Bakr's choice of forty might be that forty lashes, while undoubtedly painful, was not known to be fatal. The greater the number of lashes, the

651 Tārtīb, 90.
652 The Pentateuch and Haftorahs, ed. J. H. Hertz. The commentators of this edition explain that “stripes” were to be applied “by means of a leather belt, and not by rods or any instrument that might prove fatal ... in accordance with the physical strength of the offender.” (854) It was part of the custom of court appointed punishment that before the punishment was applied, Psalm LXXVIII:38 was offered as a prayer that the offender might endure the punishment well. (Trepp, Leo, The Complete Book of Jewish Observance, New York: Simon & Schuster, 1980: pp. 109-110) In addition, an old ascetic custom instituted flogging thirty-nine lashes on Yom Kippur, the Jewish Day of Atonement - a practice which may still be practised among the “Ultra-orthodox.” (Trepp, Op. Cit.; and Strassfeld, Michael, The Jewish Holidays: A Guide and Commentary, New York: Harper & Row, 1985: p. 113)
653 See above, n. 652.
654 Cf. Hallaq, who comments that with some western authors, the “discourse on Islam took the form of assertions, judgements, and postulates concerning not only originality and, more accurately, the lack of it, but also the intellectual inadequacy of Muslims to aspire to any form of genuine originality. ... In theology and dialectical method Muslims are thought to be no more than appropriators of what once belonged to their non-Muslim predecessors; ...
greater chance there was that an individual might succumb to his injuries. There is some evidence to suggest that doubling the number to eighty lashes did cause death\textsuperscript{655}. As before, there are no reports which indicate that Abū Bakr knew this for a fact, though it does seem reasonable to assume that he would have known the effects of lashes on the guilty since he is said to have applied the lashes personally.

Much of Abū Bakr's ephemeral caliphate was dedicated to crushing rebellious tribes in the Riddah wars or else expanding the territory and sovereignty of Islam out of the Arabian peninsula, leaving limited time to create or comment on internal policy. Tabarî indicates that Abū Bakr had at his disposal men who volunteered to deal with certain matters of the state. "When Abū Bakr took power, Abū 'Ubaydah said to him, 'I will take care of finance ... for you.' 'Umar said, 'I will take care of judicial matters [al-qādā\textsuperscript{656}] for you.'\textsuperscript{657}

A brief word about 'Umar's "judgeship" needs be interjected. The Prophet - arguably the first judge in Islam in the sense that he judged (Ar. qaḍā: to settle)\textsuperscript{658} disputes between Muslims - is said to have personally authorised some of his Companions to go in his place to settle disputes between Muslims based on the revelations, the Sunnah, and (if an answer could not be found there) the Companions personal judgement (ijtihād al-ra'y), in that order.\textsuperscript{659} Such disputes may have included, of course, what was and what was not permissible to drink, in what quantities, and what punishment should be applied to the offender if he were intoxicated.

So it would not have been unusual for Abū Bakr to similarly have someone he could

Nearly all branches of knowledge in Islam were subject to the same judgement\textsuperscript{"} (Law and Legal Theory in Classical and Medieval Islam, XII:173-4).
\textsuperscript{655} See p. 109 and p. 128.
\textsuperscript{656} Ta'rikh, 2135-6.
\textsuperscript{657} Tr., K. Y. Blankinship, vol. XI, 142.
\textsuperscript{658} Wehr, 771.
\textsuperscript{659} Kamali, Principles of Islamic Jurisprudence, 45, citing a tradition related by Abū Dāwud (in Arabic with English commentary). See Chapter 5, Law in the Early 'Abbāsid Era I for the complete story and analysis.
trust adjudicating between Muslims. This should not be interpreted as indicating that the office of judgeship, the qādi, as it evolved over some century and a half⁶⁶⁰ was established either by the Prophet or by Abū Bakr. The present author has the sense that these individuals were not part of a structured institution, and that in the first years of Islam, with the community still relatively compact, it was sufficient to have a trusted individual, with knowledge of the Qurān and the Sunnah, act as arbitrator and decision maker when Muslims came to them of their own volition. In the event, Ṭabarī remarks that no Muslim did avail themselves of ‘Umar’s voluntary service,⁶⁶¹ possibly due to his acerbic reputation⁶⁶².

About half way through the year 13/mid-August of 634, Abū Bakr took ill. He was asked to appoint a successor to himself. From his deathbed he chose ‘Umar b. al-Khaṭṭāb,⁶⁶³ the man who had first nominated Abū Bakr to succeed the Prophet and the man whom the people seemed to have been disinclined to go to for judgement. The second caliph of Islam had different ideas about drinking wine and the punishment that should be assessed.

‘Umar b. al-Khaṭṭāb (13/634 - 23/644)

Abū Bakr was not universally accepted by all those who subscribed to Islam, though this disapproval seems to have been limited to tribes with minimal allegiance to the Prophet. ‘Umar, however, was universally accepted across the peninsula, yet some of those who had been closest to Muḥammad had their reservations concerning Abū Bakr’s choice of successor. ‘Abd al-Rahmān b. ‘Awf advised Abū Bakr that while ‘Umar was a good choice, “There is a roughness in him.”⁶⁶⁴ Ṭālḥah b. ‘Ubaydallāh, another leading Companion of the Prophet, was similarly concerned about Abū Bakr’s choice of ‘Umar: “Have you made ‘Umar your successor over the people, even though you have seen the way the people are treated by him [even] when you are with him? How then will he be if he is alone with them ...?”⁶⁶⁵

⁶⁶⁰ See below, ‘Umar b. al-Khaṭṭāb, and Chapters 4 & 5.
⁶⁶¹ Tr., K. Y. Blankinship, vol. XI, 142.
⁶⁶² See below, ‘Umar b. al-Khaṭṭāb.
⁶⁶⁴ Ibid., 146.
⁶⁶⁵ Ibid., 153; brackets Blankinship’s.
Abū Bakr acknowledged that 'Umar could be a bit harsh, but he believed that once 'Umar felt the full weight of the Caliphate, his disposition would change.666

It appears this did not happen. Ṭabarī relays a narrative in which 'Umar agrees to hear advice from a man - of whom little is otherwise known667 - named ʿImrān b. Sawādāh.

1 [ibn Sawādah] said, “Your community finds fault with you ....” ('Umar) put the top of his whip in his beard and the lower part on his thigh. Then he said, “Tell me more.” ... I continued, “There have been complaints of your raising your voice against your subjects and your addressing them harshly.” He raised his whip, then ran his hand down it right to the end. Then he said “... Indeed I pasture (my flock) well until they are satisfied. I water them and quench their thirst. I push back the she-camel that grumbles when milked. I chide the she-camel that does not stick to the road. ... I gather together camels pasturing alone. I bring up camels lagging behind. I chide often and beat seldom. I raise my stick. I push away with my hand. Were it not for all this, I would be much at fault!”668

'Umar’s words speak for themselves. One gets the feeling that if Ibn Sawādah had said the wrong thing, he would have had a personal experience with 'Umar’s whip. And that is perhaps the single greatest indicator of 'Umar’s “harsh” tendencies: the liberal application of his whip, and the fear it inspired. Abū Hurayrah has left ample description of such fear.

Abū Hurayrah was a transmitter of Ḥadīth whose reputation suffered.669 Abū Hanīfa is said to have commented that Abū Hurayrah “used to transmit everything he heard without reflecting on the sense and without knowing the nāsikh [transcribe/transfer unchanged670, i.e., the repealing verse671] from the mansūkh [abrogated672, i.e., the repealed

666 Ibid., 146.
668 Ibid., 139-41.
669 D. 57/676-7 or 58[/677-8] (Rosenthal, Muslim Historiography, 263). Goldziher, in his Introduction to Islamic Theology and Law, writes that Abū Hurayrah was “one of the most important authorities in the transmission of ḥadīth” (126), citing Ibn Sa’d. Historians such as Ṭabarī did in fact make use of his traditions, though as Juynboll has recently shown, Abū Hurayrah may not have been entirely reliable [see text above and Juynboll, Authenticity, pp. 77-8, citing Ibn Qutaiba’s displeasure with Abū Hurayrah]. Cf. J. Robson’s article in EF, “Abū Hurayra”, in which he argues that “The traditions attributed to him contain much material which can not be genuine.”
670 Kamali, 149. Cf. Wehr, 961.
672 Kamali, 149. Cf. Wehr, 961.
verse. In fairness to Abū Hurayrah, Abū Hanifa was primarily interested in legal traditions, and had little use for someone who could not "distil legal precepts from prophetic sayings."

Of primary concern to Abū Hurayrah, 'Umar was thoroughly displeased with him, and hit him with his whip, saying: "You have transmitted so many traditions, how capable have you been to tell lies about the Prophet!" Rashīd Riḍā came to the conclusion that "If 'Umar had lived long enough to see the death of Abū Hurayrah, then the latter would not have transmitted these masses of traditions." The specific enmity of 'Umar against Abū Hurayrah seems to have stretched beyond his disapproval of Abū Hurayrah's traditions. 'Umar accused Abū Hurayrah of withholding money from Medina while he was governor of Bahrain, withdrew him from the governorship, and made him pay back the money. Conflicting reports leave no clear indication as to whether or not Abū Hurayrah was whipped "until his back bled."

Although Abū Hurayrah appears to have been singled out among the Hadith transmitters for such abuse, 'Umar was "prudent" when it came to hadith, so much so that Abū Hurayrah was wont to say that so long as 'Umar lived, people feared to say "the Apostle of Allāh said" for fear of 'Umar's whip. 'Umar seems to have been weary that the Sunnah might have become confused with the Qur'ānic revelations. He is said therefore to have

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673 Schacht, Introduction, 115.
674 Juynboll, Authenticity, 92.
675 Ibid., 90.
676 Ibid., 72, cited in Aqwā' alā s-sunna al-Muḥammadīyya (Cairo, 1958), by Maḥmūd Abū Rayya. His work was a critical and often controversial analysis of tradition literature. (Juynboll, Authenticity, 38-9)
677 Ibid., 76; Rashīd Riḍā (d. 1935), an Islamic modernist and reformer in nineteenth/twentieth century Syria and Egypt, "held that the Quran and the teachings of Muhammad were the sole bases of Islam ..." (Lapidus, 666; Juynboll, Authenticity, 30). Cf. Hitti, 775. Juynboll comments that Riḍā "has often come to conclusions which hardly fit into the creed of an orthodox believer." (Authenticity, 32)
678 Juynboll, Authenticity, 94-5. Baladhuri/Hitti records the incident as ending in Abū Hurayrah merely stating that he feared 'Umar's whip (126).
679 Ibid., 75.
680 CHAL, 289; and Juynboll, 73.
disallowed the creation of a written collection of *hadith* so it would not be confused with the primacy of the Qurʾān.681 ʿAbd ar-Razzāq Ḥamza argued that so single-minded was ʿUmar on the importance of the Qurʾān, that his adherence to the *Sunnah* suffered. Hamza asserted that “many Companions disagreed with ʿUmar’s personal decisions: ʿUmar did not seem to pay heed properly to the established *sunna* even ... when *ijtiḥād*682 was obviously not called for.”683

Ṭabarī provides some evidence to support Hamza’s view. Returning to the visit of ʿImrān b. Sawādah to ʿUmar, Ṭabarī relays:

I [Ibn Sawādah] continued, “It has been mentioned that you declared the lesser pilgrimage684 forbidden during the months of the (full) pilgrimage. The Messenger of God did not do this, nor Abū Bakr ...” He answered, “It is permitted. ... You are right.” I continued, “It is also said that you have forbidden temporary marriage685, although it was a license given by God ...” He replied, “The Messenger of God permitted it at a time of necessity. Then people regained their life of comfort. ... Now anyone who wishes to can marry for a handful (of dates) and separate after three nights. You are right.”686

These two points demonstrate that ʿUmar was not always rigid in following the *Sunnah* of the Prophet, or at least, what Ibn Sawādah understood the *Sunnah* to consist of687.

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681 Ibid.; and Juynboll, Authenticity, 76. Cf. Juynboll, Muslim Tradition, in which he states that this idea “tallies with the reputation which ʿUmar acquired in a number of reports strewn over practically all historical sources that he was not in favour of *apādīth* concerning the prophet being spread, let alone being fixed in writing. Also Ibn Saʿd lists such a report.” (26)
682 See p. 103, n. 659.
683 Cited in Žulmârī Abī Rayya ʿimām ʿaqīqa as-sunna al-Muḥammadīya (Cairo: 1959), in Juynboll, 73.
684 ʿAl-ʿUmrah: “an abbreviated version of the *ḥajj* [greater pilgrimage] can be performed at any time.” CEI, s.v., “Pilgrimage.”
685 ʾMuʿāḥ: Temporary marriage was, according to the traditional Sunnī view, at first permitted “but was subsequently prohibited when the Prophet migrated to Madinah” (Kamali, 150), perhaps for the very reason ʿUmar is said to have suggested in his reply in the text above. See below, n. 686, for the opposing, Shiʿī view.
686 The ban on temporary marriage was not repealed at large, at least in terms of those who would be known as Sunnis, despite Ṭabarī’s rendition of events. Tabataba’i & S. H. Nasr argue that temporary marriage was not abrogated by the Prophet in Medina in the first place, but acknowledge that only the Shiʿis continued in temporary marriage up to their own day (“Muʿāḥ or Temporary Marriage”, in Shiʿism: Doctrines, Thought, and Spirituality, ed. S. H. Nasr, H. Dabashi, and S. V. R. Nasr, 1988, pp. 213-6).
687 See n. 685 and 686 for a review of temporary marriage.
Yet when 'Umar was confronted with the argument that he was not following the Sunnah, he quickly acquiesced to the will of the Prophet. It is this notion that 'Umar oscillated on his commitment to following the Sunnah, which probably inspired a degree of disapproval among the Companions of the Prophet, that has direct implications for the punishment of those accused of consuming wine.

'Umar changed the existing punishment of forty lashes to eighty lashes. The circumstances surrounding this change are not especially clear. There are three traditional accounts of why this change might have taken the place. Tayalisi states that

The population swelled in 'Umar's day, and drinking became a common habit among the people. 'Umar consulted the Prophet's Companions and 'Abdul Rahmân b. 'Awf suggested use of the 'lightest penalty', so 'Umar adopted eighty lashes.690

This solution to the question seems untenable on the grounds that the "lightest penalty" was twice that which Abu Bakr assigned and was also potentially fatal. However, it is related by Ibn Hanbal that "Abd al-Rahmân said, “make it similar to the lightest of the ḥudūd," eighty lashes; so 'Umar lashed eighty stripes, and wrote about it to Khālid [b. al-Walid] and Abū 'Ubayda in Syria." No reason is given in the text as to why or how the matter arose. This latter version, however, contains elements found in another traditional argument, which itself has minor variations.

It is argued that the punishment of forty lashes, as given by the governor of Syria, Abū 'Ubaydah b. Jarrāḥ, to a group of Muslims in Syria, was ineffective. Abū 'Ubaydah

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688 'Umar did not at any time simply dispense with the corpus of the Sunnah as he knew it. For example, Ṭabarî writes that 'Umar “never used to allow anyone to go on a raid by ship ... in so doing following the example of the Prophet and Abū Bakr, both of whom never put out to sea for a raid.” (tr. G. H. A. Juynboll, 127)

689 Sulaymân b. Dāwūd, d. 203/818-9; scholar and Hadith transmitter approved by the leading authorities of Hadith, al-Qaṭṭān and Ibn Mahdī, in the second/eighth century (Rosenthal, Muslim Historiography, 438-9). It is said that he knew 30 000 traditions by heart, and the 2 767 traditions contained in his Musnad contain mostly the same information as that found in Bukhārî. (EF, s.v., “al-Ṭayālīsî”, by Wensinck)

690 Translated in Burton, An Introduction to the Hadith, 149, from Ṭayālīsî's Maḥat al-Maʻbūd, Cairo, 1952.

691 Plural of ḥadd, see p. 110, n. 700.

692 Translated in Baroody, Crime and Punishment under Hanbali Law, 80.
wrote to 'Umar for advice. 'Umar in turn asked the leading Companions about the matter. They advised him that he should increase the punishment to eighty - forty as per usual and forty more for offending the sensibilities of righteous Muslims.693 This tradition is supported by Bukhārī, who recorded:

... during the last period of 'Umar's caliphate, he used to give the drunk forty lashes; and when drunks became mischievous and disobedient, he used to scourge them eighty lashes.694

But this solution is not satisfactory either. Ṭabārī provides two minor variations of the account of Abū 'Ubaydah in Syria, and neither are congruent with the above conclusion695. The present author would suggest that given 'Umar's stern piety and harshness, he felt compelled to increase the punishment when his own family disobeyed the prohibition. Ṭabārī relates that

When 'Umar went up in to the minbar and forbade the people from doing something, he would [first] bring together his own family and say, "I have forbidden the people from doing so and so. They all look at you as birds look - that is, at their prey - and I swear in God's name that if I find anyone of you doing [whatever is forbidden] I shall double his punishment!"696

It is reported that two of his sons, Abū Shaḥmah and 'Ubaydallāh, as well as his brother-in-law, Qudāmā b. Madhūn al-Jumāḥī, also a Companion of the Prophet697 and at the time (probably the year 15/636-7 or 16/637-8698) the governor of Bahrain, were discovered drinking wine (each on separate occasions - no date is provided for Abū Shaḥmah; 'Ubaydallāh in the year 14/635-6699). All three men were punished with eighty lashes in public, obviously double that of Abu Bakr's example. Abū Shaḥmah subsequently

694 Bukhārī/Khan, vol. 8, 507.
695 See pp. 117 - 120.
696 Tr. G. R. Smith, vol. XIV, 111; brackets Smith’s.
697 Rosenthal, Muslim Historiography, 350.
698 Baladhuri, 112.
died from his injuries.700 No mention is made of how 'Ubaydallah or al-Jumahi fared as a result of the punishment.

The increase to eighty lashes would, of course, require breaking with the precedent set by Abū Bakr which, recall, was based on his direct experiences with the Prophet. Perhaps mindful of upsetting the Companions of the Prophet, he asked them for justification of his decision to increase the punishment to eighty. Aḥ b. Abī Ṭālib, speaking for the group, noted that:

We think that you flog him for it [drinking wine] with eighty lashes. Because when he drinks, he becomes intoxicated, and when he becomes intoxicated, he talks confusedly, and when he talks confusedly, he lies.701

The Companions seem to have been drawing an analogy to Sūrah 24:4,702 which provides for eighty lashes to the individual who slanders the reputation of a chaste woman.703 For 'Umar, this ḥadd punishment - i.e., a fixed punishment as provided in the Qurān or the Sunnah704 - of eighty lashes, having been fixed in the Qurān, must have seemed more appropriate than Abū Bakr’s estimate which the Prophet had indirectly sanctioned.

There is sparse evidence as to how the punishment for wine consumption was carried out. The wording of Sūrah 24:4 (jalada - to whip, flog, lash; and jalda - lash, stroke with a whip) implies that a whip, or something similar made of leather,705 should be used to

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700 Nu’mani, vol. 2, 214-5, quoting Ibn Qutaiba, Ma‘ārif; Khan, The Pious Caliphs, 108; Muir, The Caliphate, 184; Baladhurī/Hitti, 125. Baladhurī uses the single word, ḥadd (112), to indicate that al-Jumahi was punished with eighty lashes. When Baladhurī was recording events in the third/ninth century, the term ḥadd had come to mean both the prohibition of intoxicating drink and the punishment of eighty lashes (see Chapter 4, the section entitled, Law in the Umayyad Era, Sharī‘ah and Fiqh).
702 Burton, 150-1.
703 Sherwani, writing in Impact of Islamic Penal Laws on the Traditional Arab Society, states that slander is without punishment in the Qurān (29). This statement is valid for the case of slander only in that this verse specifically mentions the slander of a good woman's reputation.
704 El-Awa, 49; EI², s.v., “Hadd”; Cf. Chapter 4, the section entitled, Law in the Umayyad Era, Sharī‘ah and Fiqh.
705 Wehr, 130.
punish a slanderer. Indeed, it would be surprising if ʿUmar did not use that instrument for which he showed such favour. The reports of Abū Hurayrah not withstanding, there are two paradigmatic accounts in Ṭabarî of ʿUmar's use of his whip: one exemplifies ʿUmar dispensing summary justice with his whip, while the other exemplifies ʿUmar's recognition that the use of the whip was not always legitimate:

ʿUmar b. al-Khaṭṭāb was brought some wealth and he began to distribute it among the people who all thronged around him. Saʿd b. Abī Waqqās706 pushed his way roughly through the people and reached ʿUmar. (The latter) assailed him with his whip, saying, "You come here showing no respect for God's authority on earth! I want to teach you that God's authority will show you no respect!"707

According to ... ʿiyās b. Salamah [from] his father: ʿUmar b. al-Khaṭṭāb passed through the market carrying his whip. He dealt me a blow with it and caught the edge of my garment, saying, "Get out of my way." The following year he met me and said, "Are you intending to go on the pilgrimage, Salamah?" When I told him that I was, he took me by the hand to his house and gave me 600 dirhams, saying, "Use them to make your pilgrimage, and you should know that they are by way of compensation for the lash that I gave you."708

The latter incident, save the chance meeting and compensation, may have occurred more often than the sources relate. "ʿUmar used to wander around the markets, reciting the Qurʾān and making judgements among the people whenever litigants caught up with him."709

Yaʿqūbī adds that whenever ʿUmar patrolled the markets during the day or the streets of Medina at night, he always carried his whip.710

ʿUmar may have personally patrolled the streets of Medina, but he obviously would have to rely on others to police matters in the now expanding domains of the Islamic realm. Initially, ʿUmar is said to have declared that the governor of a province or town should

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706 See p. 13.
707 Tr. G. R. Smith, vol. XIV, 120.
708 Ibid., 139.
709 Ibid., 121.
minister justice whenever possible. However, where the governor was not available, the matter was to be turned over to a man appointed by ‘Umar, the ḥādi.

Al-Kindī reports that ‘Umar wrote to ‘Amr b. al-‘Āṣ - the general in charge of conquering Egypt (20/641) and also the man subsequently in charge of establishing Islamic sovereignty as governor of Egypt at the new garrison town of al-Fustāt712 - in the year 23/644 that Qays b. Abī al-‘Āṣ was to decide matters between Muslims in the office of judgeship (qādī)713. Al-Kindī writes that Qays b. Abī al-‘Āṣ was the first in Islam to hold the position of qādī.715 Ṭabarī provides evidence of the existence of other qādīs: “It was reported that Shurayh was judge of al-Kūfah in the year in which ‘Umar b. al-Khaṭṭāb died [23/644]; judge of al-BAṣrah was Ka'b b. Sūr [d. 36/656716].”717 Balādhurī also supplies evidence of where qādīs could be found during ‘Umar’s reign: “Umar “appointed two men of the Prophet’s Companions for conducting prayer and performing the duties of [qādī]: Abū-ad-Darda3718 to act as [qādī] and to conduct prayer at Damascus and the Jordan, and ‘Ubādah to act as [qādī] and conduct prayer at Ḥimṣ and Qinnasrīn.”719

The full role and functions of the qādī during the period of the Rāshīdūn Caliphs is not well known, and perhaps may “partly elude our knowledge forever.”720 Ibn Qutaybah wrote that ‘Umar sent a letter to one of his qādīs, instructing him on the “dispensation and process of law.”721 In this letter, ‘Umar orders the qādī to apply first the Qur‘ān and then the

711 Fariq, in “A Remarkable Early Muslim Governor: Ziyad ibn Abīh”, 21.
713 Wehr, 772.
714 The Governors and Judges of Egypt, ed., R Guest, 300-1.
715 Ibid., 301.
716 Rosenthal, Muslim Historiography, 213.
718 Abū ad-Darda3 “Uwaymir b. Zayd, died about 34/654-5. (Rosenthal, 255)
719 Balādhurī/Hitti, 217.
720 Goltstein, Studies in Islamic History and Institutions, 126.
721 Grunebaum, Medieval Islam: A Study in Cultural Orientation, 161; Cf. Ibn Khaldūn/Rosenthal, vol. 1, 453-4. This same letter is alleged by Ḥāmidullāh to have been sent to Abū Mūsā al-BAṣrī, the governor of BAṣrah (Majmū‘at, in CHAL, 147). Khadduri states that the letter was sent to the qādī of BAṣrah, the same Abū Mūsā al-BAṣrī (in Edge, 95). This discrepancy of titles may stem from the fact that, as stated earlier, the governor
Sunnah to whatever case came before him. If the answer could not be found directly in those sources, then the qāḍī was authorised to enjoin qiyās ["analogy"] to a case in the Qurʾān or Sunnah] to the case before him.\(^{722}\)

It is this last point, that of qiyās, which throws the most doubt for some western authors on the authenticity of the letter. Pearl argued that qiyās did not fully develop as a means of judging cases until the early ‘Abbāsid era [beginning 132/750],\(^{724}\) Grunebaum consequently dates the letter to “perhaps ... the middle of the eighth century” but probably “no later than the middle of the ninth century.”\(^{725}\) Schacht is not convinced the letter dates any earlier than the third \[ninth century\] of Islam."\(^{726}\) Khadduri’s statement that the letter is “authentic” is unsupported in his text,\(^{727}\) but the argument does have some merit. If it is the case that the Prophet’s Companions advised ‘Umar to change the punishment in the fashion suggested above, then clearly the principle of qiyās was established in the reign of ‘Umar. There should therefore have been no difficulties instructing an appointed Companion, acting as qāḍī, to follow this course of action.

Whatever the origin of the letter, it seems entirely plausible that ‘Umar did in fact send the qāḍīs out with instructions from him. Furthermore, one could speculate that those instructions would most likely have included how to judge cases which ‘Umar himself had already dealt with, such as wine consumption and how to punish the guilty offender, making

\(^{722}\) *CEI*, s.v., “Qiyās”; Kamali, 197; Schacht, *Introduction*, Glossary, s.v., “kiyās”.

\(^{723}\) Grunebaum, 162. Margoliouth has published the text of this letter, together with various readings (in *The Journal of the Royal Asiatic Society*, 307-26). None of these texts contain the word qiyās, though, as Margoliouth argues, this seems to be the most logical conclusion based on the use of the word qās, which has the same radicals, q-y-s, as qiyās, in the context of the text. (309; 312; 320)

\(^{724}\) *A Textbook on Muslim Law*, 10; See Chapter 5.

\(^{725}\) Grunebaum, 161-2.

\(^{726}\) *Introduction*, 16. Schacht also states that “The first caliphs did not appoint [qāḍīs] ... this is shown by the contradictions and improbabilities inherent in the stories which assert the contrary; the instructions which the caliph ‘Umar is alleged to have given to [qāḍīs] too, are a product of the third century of Islam.” Schacht does not provide a note of any of the “stories” which are contradictory, nor does he supply an adequate reason for his assessment that the letter is not authentic.

\(^{727}\) In Edge, 95.
the use of qiyās redundant in this matter. As there is a scarcity of direct evidence for this period, one might further speculate that the officials of 'Umar would have followed his instructions when the moment came to punish an individual for drinking wine, punishing him with eighty lashes. Given 'Umar's harsh tendencies, it seems unlikely that the qādīs would have decided for themselves what the punishment should be lest such a decision get back to 'Umar. There is evidence that 'Umar, at least, was not averse to flogging Companions of the Prophet.728

The qādīs were not exclusively responsible for maintaining law and order throughout the ever widening horizons of the Islamic state. Leading generals in the field had the right to try cases and punish offenders. On his march to meet the Persians, Sa'd b. Abi Waqqās "halted at Qādis, a village near al-'Udhayb, and the Muslim troops encamped there."729 A poet named Abū Mīḥjan al-Thaqfī730 joined the army en route. This poet was notorious for poems in opposition to the prohibition of wine. 'Umar more than once exiled him to outlying areas in an attempt to silence him.731 He was equally devoted to drink,732 and drank wine [sharīb al-khamr733] while in Sa'd's army. Sa'd beat [ḍarāba] him734 and imprisoned him in the tower of the castle at al-'Udhayb.735

On the day of the battle of al-Qādisiyah736, Abū Mīḥjan is reported to have been looking down on the battlefield, envious of his fellow Muslims fighting the Persians. Abū

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728 See p. 119.
729 D. 55/674, Ṭabarī, tr., Y. Friedmann, 136.
730 Abū Mīḥjan `Abd Allāh (or Mālik or 'Amr) b. Ḥabīb, of the Thaqīf tribe, d. ca. 16/637 (EF, s.v., "Abū Mīḥjan").
731 Ṭabarī, tr., G. H. A. Juynboll, vol. 13, 58; Balādhuṟī/Hitti, 257. He is alleged to have died while in exile shortly after the year 16/637-8. (EF, s.v., "Abū Mīḥjan")
732 Ṭabarī, tr., Y. Friedmann, vol. 12, 106; EF, s.v., "Abū Mīḥjan". It is interesting to note that Abū Mīḥjan vigorously defended his home town of ar-Ṭā'īf, a known centre of wine-production in the Arabian peninsula [see Chapter 1], against Muḥammad, shooting Abū Bakr's son with an arrow. (Waqqidī, 930-1)
733 Ta'rifkh, 2351-2.
734 Balādhuṟī, 258; Wehr, 538. Balādhuṟī does not indicate what kind of beating, nor how many times Abū Mīḥjan was beaten.
736 While it is known that this battle took place in the spring, the sources have given years for the battle from 14 to 16 (635-7) (EF, s.v., "al-Kādisiya"; Cf. Friedmann's foreword to his
Mihjan convinced Sa’d’s concubine, Zabri, to set him free on his oath that he would return once the battle was won. Once the battle was over, he kept to his word and returned himself to the prison, refastening his shackles. When Sa’d was informed of what had happened, he immediately went to Abū Mihjan and released him from prison, promising never to beat him again for drinking wine after witnessing Abū Mihjan that day. For his part, Abū Mihjan swore that he would never drink again.

Although Abū Mihjan was freed from the punishment of beatings, Baladhuri makes no mention of Sa’d abrogating imprisonment. Hitti’s translation renders the above passage as “Sa’d said to Abū Mihjan, ‘By Allah, I shall never punish thee for wine after seeing what I saw of thee.’” It is conceivable that both the beating and the imprisonment were repealed, as Hitti seems to have interpreted events. However, given Abū Mihjan’s reputation with respect to wine consumption, the present author contends that imprisonment was not abrogated as a means of punishment. The beatings may have been rescinded for this could have “dishonoured” a valiant warrior for Islam in the eyes of other Muslims, or worse still, lead to the death of such a courageous warrior.

The ending of this anecdote, at least as portrayed in Baladhuri, seems to contain an inner message about how one can be a “sound” Muslim even if one has transgressed. Consider the similarity between this event and the raid at Nakhla in December of 623. Ibn Ishāq recounts that nine Emigrants were sent from the Prophet’s new home at Medina to

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translation of Tabari, p. xii; and EI, s.v., “Sa’d b. Abī Wakkās”, in which K. V. Zettersteen decides on the year 16, the summer of 637, as the year of the battle).

737 Baladhuri/Hitti, 414; Tabari, tr., Y. Friedmann, vol. 12, 139. Tabari relates another version of events, where Salmā bint Khāṣafah [possibly Sa’d’s wife (EI, s.v., “Abū Mihdjan”) freed him from his prison shackles (tr., Y. Friedmann, vol. 12, 104).

738 Tabari, tr. Y. Friedmann, 104-6.

739 Baladhuri/Hitti, 414; Tabari, tr. Y. Friedmann, vol. 12, 139.


741 Baladhuri/Hitti, 414.

742 See n. 740.

743 Loc. Cit.; italics mine.
Nakhla to spy on the Quraysh’s caravan traffic between Ṭā’īf and Mecca. The spies discovered a wealthy cargo under light guard heading towards Mecca. They talked amongst themselves about attacking the caravan. The decision was not straightforward because it was the last day of the holy month of Rajab, in which no fighting was allowed to take place; but the caravan was certain to reach the safe environs of Mecca before the day was out.\footnote{Ibn Ishāq, 286-7.}

The spies decided to attack. They captured the caravan, in the process killing some of the Quraysh. When they returned to Medina, there was much consternation among the followers of Muḥammad that fighting should have taken place in the holy month. Muḥammad similarly gave the spies a cold reception, stating that he had not given them permission to fight in the sacred month. "When the apostle said that, the men were in despair and thought that they were doomed."\footnote{Ibid., 287.} Then Muḥammad revealed the following:

They will ask you about the sacred month, and war in it. Say, war therein is a serious matter, but keeping people from the way of God and disbelieving in Him and in the sacred mosque and driving out His people therefrom is more serious with God.\footnote{Ibid., 287-8. Cf. Sūrah 2:217 and Chapter 2, the section entitled, \textit{Sūrah 2:219}.}

In other words, while fighting in the sacred month was a serious offence, the Quraysh’s actions of driving Muḥammad and his followers out of Mecca and disbelieving in Him who sent the revelations was a far graver matter.

In light of this incident, the account of Saʿd and Abū Miḥjan could be viewed as serving to reinforce the principle of weighing one “evil” against the greater good of Islam. This message would be available to all Muslims who may have transgressed in some way, but whose lives, in the main, were oriented towards the greater goals of Islam. Note also that the account of Saʿd and Abū Miḥjan ends with a second, more subtle lesson. Abū Miḥjan returned himself to his prison. It was after Saʿd informed Abū Miḥjan that he would never again be beaten for intoxication that Abū Miḥjan pledged he would never drink again. The message: the honourable Muslim, even after having been forgiven his transgression and
guaranteed freedom of persecution, will cease that transgression of his own will.

This is not the only case of ’Abbāsid era historians thinly disguising a moral lesson inside their historical narratives. Tabarī relates that five years into ‘Umar’s rule, a Companion of the Prophet and the leading general in Syria, Abū ‘Ubaydah b. al-Jarrāḥ, was confronted with a challenge to the Qur’ānic ban on intoxicants. A drought occurred in the latter part of the year 17/638 and lasted through the beginning of 18/639,ª47 centred in the town of ‘Amawās, in Syria.ª48 With water supplies dried up, a group of Muslims took to drinking wine (sharib al-khamr).ª49 Among them were some Companions of the Prophet, including Dirār b. al-Azwar al-Asadī and Abū Jandal b. Suhayl b. ˚Amr. When the group was reminded (by an unidentified Muslim) that the Prophet had asked men to refrain, the group confirmed that very fact: that the verse ends by asking one to refrain, not commanding.ª50 The group seems to have been referring to Sūrah V:91,ª51 which re-emphasises the connection between Satan and intoxicants, and ends by asking the question, “Will ye not then abstain?”ª52

Goldziher, citing Ibn al-Athīr’s version of events,ª53 wrote that the group chose a different verse, Sūrah V:93, as their defence: “Those who believe and do good works are not regarded as sinful on account of what they eat as long as they place their trust in God, believe, and do good works.”ª54 Goldziher’s translation appears to be incorrect in a literal sense. Present day translations of this verse have the verb, “to eat”, in the past tense: “On those who believe and do deeds of righteousness there is no blame for what they ate ...”.ª55

ª47 Tr., G. H. A. Juynboll, 155.
ª48 Ibid., 151.
ª49 Ibn al-Athīr, Ṣid al-Ghābah, vol. 6, 55.
ª51 Ibid., n. 517.
ª52 Tr. A. Yusuf ˚Ali.
ª53 Introduction to Islamic Theology and Law, 59, citing Ibn al-Athīr, Usd al-ghāba, V, 161.
ª54 Italics this author’s.
ª55 Cited in A. Yusuf ˚Ali, Sūrah V:96; Cf. Pickthall, Sūrah V:93: “There shall be no sin unto those who believe and do good works for what they may have eaten ...”
The verb, *ta'ima,* "to eat (something)," is clearly in the past tense. The wording in Ibn al-Athîr's quotation of the verse is identical to that in the Qur'ân.757

Goldziher may have been attempting to convey that the men were possibly interpreting the verse to mean "the eating or drinking of something forbidden is not a serious sin ...." However, such an interpretation would appear to effectively abrogate not only the ban on wine, but also the restrictions on other foods, including carrion, blood, flesh of swine, and any item which had been invoked in a name other than Allâh.759

There is, unfortunately, insufficient evidence from the period to categorically determine if Tabarî or Ibn al-Athîr was correct. However, it seems to this author that Sûrah 5:93 was revealed, as was discussed in Chapter 2, in order to relieve the anxiety of the newly faithful who had eaten pork or had been wine drinkers before accepting Islam. In addition, Goldziher's translation of Ibn al-Athîr's version of events invites too much speculation as to what the men may have been arguing. For the purposes of the remainder of this discussion, it will be assumed that the group was actually citing Sûrah 5:91.

In either instance, note that the group, in defending their actions, did not cite the drought as their defence for drinking wine, but instead argued directly against the prohibition itself. The group would have had a stronger argument if they had chosen Sûrah 2:173 or Sûrah 5:4 as their defence. In these verses, it is specifically mentioned that:

But if any is forced,  
By hunger, with no inclination  
To transgression, God is  
Indeed Oft-forgiving  
Most Merciful.760

756 Wehr, 560.
757 "Usd al-Ghabah, vol. 6, 55. The seven volume Cairo edition of 1970-73 referred to by this author is an oversize version of the five volume Cairo edition of 1869-71 which Goldziher referred to.
758 Watt, Companion to the Qur'ân, 78.
759 Sûrah II:173; Sûrah V:4-5; and VI:138-146.
760 Sûrah 5:4, tr., A. Yusuf 'Ali. Sûrah 2:173 is similar, stating that if one is forced by necessity, without wilful disobedience, to eat of the restricted foods, "Then he is guiltless." (Tr. A. Yusuf 'Ali)
It is likely that this group of Muslims, like Abū Mihjān and others, neither approved of nor followed the ban on wine.\textsuperscript{761} They may have used the drought to legitimately raise the issue, but the group was not interested in a temporary lifting of the ban: they argued that the ban on wine should be overturned on the basis of their interpretation of Sūrah 5:91. The participation of some of the Companions of the Prophet made this no ordinary challenge; with their added prestige, it could not be a matter of simply having them flogged, to say nothing of exile, as Abū ʿUbaydah recognised.

Abū ʿUbaydah wrote of this group's activities to ʿUmar, asking for advice on how to proceed: “Several Muslims have taken to drinking wine. ... They justified their act with a dictum saying, ‘We have been given the choice, and so we have chosen.’”\textsuperscript{762} In ʿUmar’s judgement, the question at the end of the verse was nothing less than an emphatic statement. Tabarī writes:

ʿUmar wrote to Abū ʿUbaydah, “This matter is purely between them and me. The Qur’ānic expression ‘Will you refrain?’ means nothing but ‘Stop that practice.’” He ordered [Abū ʿUbaydah] to summon them to appear in front of the people [of the town] and to ask them [the accused] whether wine is permissible. “And if they say forbidden, have them be given eighty lashes, and ask them to repent. But if they say permissible, have their heads chopped off!”\textsuperscript{763}

Abū ʿUbaydah ordered the people of ʿAmawās to assemble before the accused. The people agreed that “those who had drunk wine should be given eighty lashes for it ... those who [also] adduced the [argument] to justify their wine drinking should be dealt with in the same manner. If anyone [among the accused] objected, he was to be killed.”\textsuperscript{764} The accused, having been so enlightened by ʿUmar and the community, recanted their statements and repented. But before being flogged, they pointed out that Byzantine forces had been massing, and asked that they be allowed to defend Islam, arguing that if they survived the battle, then they would accept the flogging.

\textsuperscript{761} Goldziher, 59.
\textsuperscript{762} Tabarī, Tr. G. H. A. Juynboll, vol. 13, 151-2.
\textsuperscript{763} Loc. Cit.
\textsuperscript{764} Loc. Cit.
Tabarî concludes this narrative by recording that “Dirâr b. al-Azwar died a martyr’s death together with a number of men, but the others (found guilty of wine drinking) survived the campaign and were duly flogged."765 So ashamed of their misdeeds and being flogged in public that they “kept to their quarters,” and only a forgiving letter from ’Umar, specifying the breadth of God’s forgiveness, brought them out of their despair.766

There are many interesting facets to this account. First and foremost, the Qur’ânic ban on intoxicants was not to be challenged: the Qur’ân was the absolute and final word according to ’Umar. Muslims should, therefore, either accept the Qur’ânic injunction against drinking or be prepared to die arguing against it. The lesson of this account is reminiscent of the Sa’îd and Abû Mi‘jjan affair in that the greater good of fighting for Islam far outweighed the transgression of drinking wine. Finally, the fact that the Muslims were allowed to fight before they were flogged adds weight to the argument that the lashings were certainly debilitating if not potentially fatal.

It has to be said that this group of Muslims could not have chosen a more conservative man than ’Umar against whom to test the Qur’ânic injunction. For ’Umar, it was not sufficient that consuming wine should be banned, but even touching wine should be strictly forbidden. Khâlid b. al-Wâlîd was reported to have entered a bathhouse where he proceeded to cleanse himself with a mixture of safflower oil and wine.767 ’Umar got word of this and immediately wrote to Khâlid: “It has reached me that you rubbed your body with wine; God has forbidden the drinking of wine or its use in any other way. ... He has even forbidden the touching of wine unless you cleanse yourself of it immediately, just as He has

765 Ibid., 154.
766 Ibid., 153. Abû ’Ubaydah succumbed to the ensuing plague in the year 18/639 (Ibid., 96).
767 Tabarî, tr. G. H. A. Juynboll, vol. 13, 105; Baladhurî/Hitti, 277-8. Balâdhurî (182) states that this anecdote, in which Khâlid used khamr to bathe, was related by al-Wâqidi, but cannot be established with certainty. The present author has been unable to locate this incident in Marsden’s edition of Wâqidi, and may no longer be extant.
forbidden you to drink it." There is no mention of Khālid receiving eighty lashes, perhaps because the offence was not as serious as actually consuming wine.

As stated earlier, 'Umar personally patrolled the streets of Medina, and his qādīs tried cases in some parts of the expanding Islamic domains. There is, however, little evidence as to how individuals guilty of drinking wine were brought before the qādīs for judgement. Recall that the qādīs decided matters between Muslims who often came to them for a judgement of their own accord. It seems incredibly unlikely that a Muslim who was drinking wine was going to give himself up for judgement, either because he may have disagreed with the ban or else feared the punishment itself.

During the caliphates of 'Uthmān b. 'Affān and 'Ali b. Abī Ṭālīb, an organisation known as the shurṭa was largely responsible for keeping the peace in the cities. In addition to this force, there were probably individuals known as the market inspectors, or the muḥtasīb, who specialised in making certain the aswāq, markets (sing. ʾuqū), were free of impropriety, both on the part of the seller and of the buyer. Unlike the shurṭa, the muḥtasīb do not make many significant appearances in the sources until the end of the Umayyad period, and even then, additional information supplied from the 'Abbāsid era must be extrapolated to determine their probable functions.

With the measures instituted by 'Umar against his "war on wine", was the consumption of wine terminated? The poet Abū al-Zahrār al-Qushayrī composed a verse which suggests that 'Umar had indeed succeeded to a large degree:

Then 'Umar, our leader, poured all the wine away, while bibbers were weeping around (empty) presses.

Even so, wine drinking appears to have continued. Two centuries later, legal scholars would ponder the punishment for that offence, setting it at either forty or eighty

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768 Loc. Cit.
769 See p. 127.
lashes. One need not look so long into the future for evidence of continued wine consumption. 'Umar's successor appears to have been faced with punishing individuals accused of drinking wine.

'Uthmān b. 'Affān (23/644 - 35/656)

'Uthmān's election to the caliphate by 'Umar's appointed shūrā, or consultative counsel, was not immediately accepted by one member in particular, 'Alī b. Abī Ṭālib. Even so, this had little impact at the time on the course of events, and 'Uthmān was given the oath of allegiance. After the oath of allegiance had been rendered to him, 'Uthmān is said to have given a speech in which he agreed to rule according to the Qur'ān, the Sunnah, and "those who preceded me in matters that you have agreed upon and established." As if to emphasise the point, in that same speech he tells his audience that "I will be a follower, not an innovator." The implications for the punishment of wine drinking are clear, yet complicated, by this position. Abū Bakr had only punished with forty lashes while 'Umar changed the punishment to eighty lashes. Obviously, 'Uthmān could not follow the conflicting precedents set by each caliph.

Evidence suggests, however, that he may have. Ṭayalisi transmitted a tradition in which 'Uthmān preferred forty lashes to eighty:

'Uthmān invited 'Alī to punish a breach of the ban on drinking wine. 'Alī delegated the actual application of the penalty to another and counted out the strokes as they fell. He ['Uthmān] stopped him ['Alī] at forty. The Prophet had applied forty lashes; Abū Bakr had applied forty lashes.775

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773 Wehr, 492.
774 The election of 'Uthmān and the controversy it created do not on the whole concern this thesis, though its importance in the history of Islam can not be underestimated. Tabari devotes fully half of his history covering 'Uthmān's reign to this event, while the other nine-ten years of his reign are compacted into the preceding half. For Tabari's rendition of the events, see G. R. Smith's translation, vol. XIV, 148-162; Ta'rikh, I, 2776-2797. Cf. p. 99, n. 634 for a short list of western authors who have also dealt with this matter.
775 Tabari, R. S. Humphreys, vol. XV, 256-7.
776 Loc. Cit.
777 In Burton, 149.
Tayalisi seems to have understood that the Prophet had in fact set the punishment at forty lashes,778 and that Uthman was fulfilling his obligation to follow the Sunnah and the precedent of at least one of those who preceded him.

There are two other possibilities as to why Uthman might have chosen forty lashes over eighty lashes. The first is that Uthman himself may have been of the opinion that the Prophet had assigned forty lashes, much in the same manner that Abu Bakr had come to that conclusion, and therefore preferred forty lashes to eighty. The second possibility relates to a report in which Uthman is said to have related a tradition from the Prophet which stated: “no Muslim may be put to death except for one of three causes - apostasy, adultery and unjustifiable homicide.” As to the ‘soundness’ of this report, the Hadith specialists entertain no doubt.779 There is, as has been shown, some reason to believe that complications arising from eighty lashes were potentially fatal. Perhaps Uthman, like Abu Bakr, had this in mind when he set about assigning the punishment for drinking wine.

But then there is a complex and interesting story in Tabari780 which indicates that Uthman in fact punished with eighty lashes. Uthman appointed al-Walid b. Uqbah, his half-brother,781 as governor of Kufah in the year 25/645-6. Al-Walid is said to have been “the most beloved among the people and the most courteous with them.” About five years into his reign, Uthman ordered al-Walid to execute several youths782 who had maliciously and without provocation attacked Ibn al-Haysuman al-Khuza’i. Al-Walid followed his instructions, and executed the youths at the gate of the palace in the public square.

Shortly after this incident, an unnamed “informer” approached at least three of the fathers of the youths who had been executed, who were “full of bitterness” against al-

778 Perhaps this is the source of Rashid’s assertion that the “in the time of the Prophet, the punishment for drinking wine was between 30 and 40 lashes…” (Op. Cit., 96, n. 3).
779 Ikhtilaf, translated in Burton, 150.
780 The following events are cited from R. Stephen Humphrey’s translation, vol. XV, 45-56.
Walid, and told them that al-Walid was drinking wine. Exactly why the informer came to these three men is something of a mystery. Tabari writes that the men "were keeping a close eye on him", and so perhaps were employing someone who had access to the governor to act as their spy. There is an equally likely chance that the informer was aware of events and hoped that by performing some service to these men, he might receive a reward. Finally, it simply may be that al-Walid's alleged wine drinking, if true, deeply offended the sensibilities of the informer, and so he turned al-Walid over to his enemy. The matter is further complicated by al-Walid's protestation of innocence, in which case the informer had lied, and turned al-Walid over to his enemy, for what reasons may never be known.

Returning to the story, these three men then approached a few of the notables of Kufah, accusing al-Walid of drinking wine, and inciting them to join them in finding the evidence themselves. These unidentified Kufan notables joined the three fathers and stormed into al-Walid's palace, finding a platter of grape seeds and stems. They then went to the people of Kufah with this "evidence." There was a mixed reaction. Some groups cursed the men for entering the governor's domicile without permission in the first place, while others argued that the men had no choice but to seek proof of innocence or guilt when the accusation of wine drinking came to light. In either case, it does not seem that the people at any time supported al-Walid's accusers, and al-Walid was satisfied to allow the incident to pass.

Al-Walid's reaction to this event leads to yet another complication. Tabari states that "al-Walid forgave them this, concealing it from 'Uthman and taking no steps among the people in regard to it. He disliked arousing dissension among them, so he kept silent about it and bore it patiently." Events could have transpired just as Tabari describes, though certain questions arise. For instance, why did he hide the uprising from 'Uthman when he

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783 Abū Zayna, Abū Muwarrī, and Jundub are named. (Ibid., 49) There is no indication in this instance that they were similarly bitter towards 'Uthman, though Tabari later states that they were among those who conspired against, and murdered, 'Uthman. (232)

784 Tabari, tr. R. Stephen Humphreys, vol. XV, 49.
had earlier turned over the matter of a group attack on Ibn al-Ḥayṣūmān al-Khusāʾī? Certainly this would have been the ideal excuse to execute men who had a deep seated grudge against al-Walīd; men who most likely wished to depose him, or perhaps worse.

It is possible that if al-Walīd was as courteous as he is said to have been, then perhaps the thought of executing the fathers of the dead sons was too much for his conscience. And since the people were clearly not taken with their accusations, he was, coincidentally, in a position to increase his reputation by making this magnanimous gesture of forgiveness. However, there is another explanation. Ibn Ḥajar al-ʿAsqalānī, writing in the early ninth century, wrote that al-Walīd was famous for drinking khāmūr and becoming intoxicated.785 If it were true that al-Walīd were drinking khāmūr, then if al-Walīd had vociferously pursued the matter, there was the real possibility that ʿUthmān would further investigate the events and uncover the fact that al-Walīd had been drinking. This was to prove to be the case eight years into al-Walīd’s governorship.786

Al-Walīd was soon to regret his generosity. The three men and the unnamed Kūfān notables continued their intrigues, plotting, and planning, none of which amounted to the dismissal of al-Walīd. Then, Abū Zaynab, Abū Muwarri, and a group of men “whom ʿUthmān knew to be among those dismissed from offices by al-Walīd,”787 approached ʿUthmān and testified that they knew al-Walīd drank wine. When asked how they knew this, Abū Zaynab or Abū Muwarri, speaking for the group, answered: “We entered his presence and he was vomiting up wine.”788 ʿUthmān summoned al-Walīd. Al-Walīd swore his innocence. ʿUthmān ordered al-Walīd flogged with eighty lashes,789 “and the false witness

786 See text below.
787 Taḥbīr, tr. R. Stephen Humphreys, vol. XV, 53.
788 Loc. Cit. A similar, though briefer, account of the events is given on p. 54.
789 Ibid., 54. The translation reads “We shall carry out the divinely ordained penalty [for wine drinking], and the false witness will bring hellfire upon himself.” (brackets Humphreys) Taḥbīr uses one word to describe the “divinely ordained penalty”, hadd, which Humphreys identifies as “The [punishment] ordained in the Qur’ān for a limited number of
will bring hellfire upon himself. Suffer patiently, dear brother!"  

This narrative poses an exceedingly large challenge to determine the truth from potential animosity towards ‘Uthmān’s reign. Taken at face value, ‘Uthmān would rather punish an innocent man than allow a guilty man to go free. Still, he appears to have a desire to excuse such harshness by stating that if the accusations are false, the accusers will be condemned by God. ‘Uthmān then asks al-Walīd to “suffer patiently,” for, by implication, if he is innocent, he will be rewarded by God. Looked upon sceptically, this narrative is an assault on ‘Uthmān’s reputation.

At once his judgement is thrown into doubt for taking the word of accusers who ‘Uthmān knew well had a grudge against the accused, and his justice is denounced as purely arbitrary, for punishing the one and cursing the other. In ‘Uthmān’s defence, the Qurʾān stipulates a number of cases where a minimum of two or four men act as witnesses where judgement is required by a third party. ‘Uthmān, confronted with more than the requisite number of witnesses, could not easily dismiss the charge, even as he seems to have had reservations concerning their honesty.

The present author believes that is what happened. ‘Uthmān could not dismiss the charge against al-Walīd given the number of witnesses brought against him. Tabarī does not say that he received eighty lashes, only that he was given the hadd. This is another indication that ‘Uthmān was not being attacked in this story, for he is portrayed as acting in accordance with the Qurʾān which bans intoxicating drinks. He had no choice but to flog al-

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**Notes:**

790 Loc. Cit.

791 See p. 122, n. 774.

792 Possibly an allusion to Sūrah 9:79, in which those who ridicule, or slander, the Believers for their charitable deeds shall receive “a grievous penalty” from God. (tr., A. Yusuf Ali; a similar rendition is given in Pickthall).


794 See p. 125, n. 789.
Walid for his alleged crime, though the presumed number of eighty lashes is problematical since 'Uthmān may have been inclined to forty lashes. Perhaps the best that can be said at this time is that 'Uthmān "punished an offender with forty lashes, but it is also related that ['Uthmān] applied a punishment of eighty lashes as well."795

In the year 33/653-4, what must have been a great number of witnesses796 reported to 'Uthmān that al-Walid was drinking wine [khamr].797 The reason that so many came to know of al-Walid's drinking wine is that he is said to have vomited on the pulpit during the Friday morning prayer service.798 'Uthmān dispatched Sa'id b. al-As to take over as governor of Kūfah and gave orders that al-Walid should be given the hadd.799 Tabari records that Sa'id b. al-As refused to mount the pulpit before it had been cleansed.800 This act aroused a degree of hostility from some of the men who had come with him to Kūfah, but he insisted and the pulpit was thoroughly cleansed.801

This complex story aside, the sources appear to have been pre-occupied with the events of the last year of 'Uthmān's reign and life. Little notice seems to have been taken of what might be termed common events as, for example, the appointment of qādīs, if in fact he did appoint any. Some evidence has been left of the gradual development of the shurta,802 who may have become more institutionalised during the reign of 'Uthmān.803 Ibn Sa'd (d. 230/844) related that

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795 El-Awa, 46, citing al-Muhalla and Shawkani, Nayl al-Awtar.
798 Ibid., 126.
799 Ibid.
800 Ibid.
801 Tr. R. Stephen Humphreys, vol. XV, 120.
802 Presently translated as "police, policemen, police officer." (Wehr, 465) However, in the first century of Islam, it does not appear that the shurta acted strictly as a police officer in the manner the position is understood to be performed today. Rashid's thesis portrays the shurta in these early years as the personal guard of the caliph or governor. (Cf. Schacht, Introduction, p. 50, n. 1) The shurta was personally responsible to that ruler, and they could be sent out to repress rebellion, silence dissidents, encourage people to attend mosque, and finally, keep the peace in the city, as the example in the text above illustrates. (Op. Cit., 30-6)
803 Rashid, op. cit., 19-20.
... when `Abbas, the Prophet's uncle, died in 32/652, all the people of Medina wanted to pray at his tomb. People crowded around and pushed each other, so `Uthmân sent the shurta to beat people in order that the Banû Hâshim might be allowed at lest to dig the grave and bury `Abbas.804

However, their full duties are somewhat elusive, and it is unknown if they were arresting and/or punishing people for drinking wine.

And if the sources seemed to favour one event in `Uthmân's reign, the sources are at even greater pains when it comes to `Alî b. Abî Ṭâlib, for his entire reign was one of controversy and difficulty, leading to the first civil war in Islam.

`Alî b. Abî Ṭâlib (35/656 - 40/661)

When `Alî b. Abî Ṭâlib acceded to the Caliphate, the question of following one precedent or the other was moot. It was, after all, `Alî who is credited with suggesting the number of eighty lashes when `Umar requested the opinions of the leading Companions on the issue. `Alî was no less mindful of the danger of inflicting eighty lashes on an individual. Ṭayalîsî relates a tradition in which `Alî states

I will compensate the heirs of anyone who dies as a result of undergoing a legal penalty, except in the case of drinking, for it was not the Prophet who instituted it; we did.805

Here-in is a clear statement, attributed to one of the men closest to the Prophet, that there was no punishment for drinking wine directly set by the Prophet. `Alî's attitude toward death being caused by flogging is enlightening. He is concerned for the welfare of those who undergo punishment, and is willing to compensate those who die as a result of a punishment which the Prophet has revealed. Yet he does not seem so concerned that he would consider re-opening the case for the punishment of wine drinking. His attitude toward transgressors of the ban on intoxicants seems almost belligerent, as if to warn that even though "we" set the punishment, it shall not be changed, even if people do die from the punishment.

804 Ibid., op. cit., 20.
805 In Burton, 140.
However, the opposite tradition is recorded by Bukhārī:

Narrated by ʿAli b. Abū Ṭālib: I would not feel sorry for one who dies because of receiving a legal punishment except the drunk, for if he should die when being punished, I would give blood money to his family because no fixed punishment has been ordered by Allah's Apostle for the drunk.806

In this tradition, ʿAli is said to have taken the very opposite position. He does not feel any pity for those who die because of injuries suffered during the execution of a punishment that is set by the Qurʾān, yet he does feel remorse for those who die as a consequence of the punishment for drinking wine.

Even with this discrepancy, there are two points on which both traditions agree. First, that there was no fixed punishment in this world for consuming wine. Second, that ʿAli, despite being aware that death might result from eighty lashes, was unwilling to reconsider the punishment of eighty lashes and re-assign a punishment of forty lashes. It is conceivable that both traditions are correct. It may be that at some point ʿAli altered his opinion with regards to the people who received eighty lashes for the different types of offences. However, neither Bukhārī nor Ṭayālḥī provide a time frame for their traditions, and it is not possible to determine which tradition came first. Moreover, since there are points on which both traditions agree, it may be that both men are reporting the same tradition, but that only one of them has reported ʿAli's words accurately.

Complicating the matter further is the fact that there appears to be little direct evidence that wine drinking continued during the reign of ʿAli. There are two possibilities for this. First, during ʿAli's turbulent five year reign, he did not have sufficient time to consolidate his rule and then apply himself fully to, by comparison, minor domestic affairs.807 The sources do indicate that ʿAli had appointed at least one qāḍī in Baṣrah, Abū al-Aswad al-Duʿālī, in the year 38/658-9.808 There is no indication of what cases he judged. The other

806 Bukhārī/Khan, vol. 8, 506.
807 For more on ʿAli's reign, see Petersen, ʿAli and Muʾāwiya in Early Arabic Tradition; see also p. 99, n. 634, for a brief list of authors.
808 Tr. G. R. Hawting, vol. XVII, 203. Al-Aswad was of unwavering support for ʿAli and composed poetry to vindicate his claim to the caliphate (Farīq, "Umayyad Poetry: Its
possibility for the lack of direct evidence concerning wine consumption is that Arabic authors "reflect only the interests of the later chroniclers ...," who may have been so consumed with the events leading up to and of the first civil war in Islam, they neglected matters such as wine drinking. All that can truly be said is that wine was still available in the region, if a Muslim wished to acquire it, through the Jews. "R. Sheriria relates that when Rab Isaac Gaon ... headed a procession into the presence of the fourth Caliph, 'Alî, he was followed by 90 000 Babylonian Jews."810

Though evidence may be lacking for the latter part of the period of the Râshidûn caliphs, the present author is convinced that wine drinking continued. Judging by the behaviour of both the layman and especially some of the leaders of the Islamic world who followed, one would imagine that wine consumption continued, and continued to get worse, not better, during the Umayyad caliphate.

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Political and Social Background", 261). He died in the plague of 69/688 (EF, s.v., Abû al-Aswad al-Du‘âlî").

810 Quoted in Sasson, A History of the Jews in Baghdad, 7; Cf. Encyclopaedia Judaica, vol. 8, 1444, in which the number of Jews in attendance is placed at either 70 000 or 90 000.
Chapter 4: The Umayyad Era (41/661 - 132/750)

Umayyad sovereigns, as far as they had any religion, were Unitarians and so might be called Muslims; but in the matter of drinking wine and of most other things, they set Islam at nought.

Sir William Muir, whose conclusion begins this chapter, extracted this description of the Umayyads from Arabic sources. Many of the sources available to Muir, as well as the present author, were penned by late third/late ninth-early tenth century authors such as al-Mas'ūdī (d. 345-6/956) and al-Ṭabarî (d. 310/923). These men produced their works in an era dominated by the descendants of al-ʿAbbās; descendants who had massacred all but one of the Umayyad ruling house in 132/750. They did not, therefore, have a vested interest in praising the nearly nine decades of Umayyad rule.

Such concealed hostility, "... reflected in both what the tradition reports and the way in which it reports," makes substantiating wine consumption as fact during this period a labyrinthine task, for the nature and circumstances within which wine are mentioned is truly striking. As was illustrated in the previous chapter, during the period of the Rāshidūn Caliphs, wine consumption was sometimes portrayed as the measure of one relatively minor transgression against the repentant value of fighting for Islam. Wine consumption continued to act as a benchmark by which other actions were judged during the Umayyad era. However, actions of the Umayyads in this sphere of wine drinking were rarely portrayed as

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811 Although some western authors agree on the overall events of this period, the manner in which they are assessed and presented differs greatly, the difference between them becoming more evident in recent years. Cf. A. Hourani, A History of The Arab Peoples (see below, n. 816); Kennedy, The Prophet and the Age of the Caliphate; Saunders, A History of Medieval Islam.

812 The Caliphate: Its Rise, Decline, and Fall, 431.

813 Duri, The Rise of Historical Writing Among the Arabs, 61-71.

814 See p. 131, n. 811. Cf. al-Maqrizī, Book of Contention and Strife, tr. C. E. Bosworth, in which he relates that such was the animosity between the new regime and the old that al-Saffāh, the first caliph of the ʿAbbāsid Era, ordered the graves of prominent Umayyads, with the exception of ʿUmar b. ʿAbd al-ʿAzīz (see below, s.v., ʿUmar b. ʿAbd al-ʿAzīz b. Marwān), dug up, their bones beaten and then burnt together. (91-2) It should be noted that al-Maqrizī was an entirely biased source, who stated that his work was an effort to demonstrate the superiority of the ʿAbbāsid caliphate over that of the Umayyad caliphate. (42) As such, it seems unusual to include details such as these unless they were authentic.

having positive value for themselves and, even rarer, for the Islamic community. Examined uncritically, the reader can only draw from the sources the same conclusion reached by Muir.\textsuperscript{816}

Though exercising certain caution when reading the sources, at no point should they be dismissed out of hand. It seems highly unlikely that Arabic authors created events to attack the Umayyad caliphate. Lassner has commented that, as a rule, these authors “did not invent traditions of whole cloth; they preferred instead to weave strands of historical fact into a larger fabric of their own making. In this fashion, they authenticated their creations by drawing on vivid historical memories.”\textsuperscript{817} What they wrote was almost certainly based on actual fact, though one must be mindful of how that fact is presented. Episodes of wine drinking will be considered in this light, with an eye toward not only determining the fact of alcoholic consumption, but also the attitudes that persisted to such consumption.

\textbf{Mu'āwiya b. Abī Sufyān (41/661 - 60/680)}

With the death of ʿAlī b. Abī Ṭalib in the month of Ramadān in the year 40/661,\textsuperscript{818} Mu'āwiya b. Abī Sufyān established his caliphate after having suppressed “rebels” and having encouraged ʿAlī b. Abī Ṭalib’s oldest son and grandson of the Prophet, al-Ḥasan, to relinquish his claim to the caliphate.\textsuperscript{820} The sources devote much of their material to Mu'āwiya’s military expeditions,\textsuperscript{821} including the fact that his forces took

\textsuperscript{816} Some western authors continue to uphold (at least partially) Muir’s model of the Umayyads: Lewis entitles his chapter on the Umayyad period, “The Arab Kingdom”, whereas the “Abbāsid period is labelled “The Islamic Empire” (The Arabs in History: New Edition, Contents; and 65, 84); and Albert Hourani writes as if in the role of an Umayyad apologist: “It would be fairer to say that the Umayyads found themselves faced with the problems of governing a great empire and therefore became involved in the compromises of power.” (26)

\textsuperscript{817} Islamic Revolution and Historical Memory, 13-4.

\textsuperscript{818} Ṭabarī, tr. G. R. Hawting, vol. XVII, 222.

\textsuperscript{819} Hitti, 189-90; Cf. Ṭabarī, tr. G. R. Hawting, vol. XVII, 222 and tr. M. G. Morony, vol. XVIII, 2-8. The “rebels” were opponents of Mu'āwiya's caliphate and, it seems to this author, are often labelled rebels by both Arabic and western authors solely because they lost to what would become the established authority.

\textsuperscript{820} Hodgson, vol. 1, 219. See also p. 131, n. 811.
to the sea in substantial numbers, raiding Sicily in 48/668 and Crete in 56/674.822 The sources also detail Mu'awiyah's domestic policies, which, in the main, tended to follow those of 'Umar.823 However, there is one disparity of policy between the two men that is relevant to this thesis: their policy toward the consumption of wine in Medina.824

Mu'awiyah established the seat of his caliphate in Damascus, Syria having both the greatest base of his support and the base of his loyal and well trained Syria army.825 Medina gradually appears to have transformed itself from the centre of political life into a refuge from political life. The city became a locus for both the piety minded who "were anxious to keep aloof from the turmoil of political activity" and those who were "desirous of enjoying undisturbed the great fortunes which the wars of conquest had gained for them."826 "Inside the city arose palaces and outside it villas, all swarming with servants and slaves and providing their occupants with every variety of luxury. ... As life in the [city] became more luxurious its excesses became more notorious."827 One of the excesses in Medina appears to have been wine consumption.

Baladhurî records that al-Wâlid b. 'Utba b. Sufyân and Ibn Sayhân828, a "minor poet"829 of the Umayyad era, were boon companions (nâdîm).830 One day, when the two had drunk wine (al-sharâb) and become drunk (sakhân), al-Wâlid began to plot against the governor of Medina, Marwân b. al-Ḥakâm831. Marwân had him arrested and beaten with the

822 Rahman, 67, 70. Taking to the sea was said to have been expressly forbidden by 'Umar b. al-Khaṭţâb and only grudgingly allowed by 'Uthmân b. 'Affân (G. Hourani, Arab Seafaring in the Indian Ocean in Ancient and Medieval Times, Expanded Edition, 54-6).
823 Hodgson, vol. 1, 217.
824 For the caliphate of 'Umar, see Chapter 3, s.v., 'Umar b. al-Khaṭṭâb.
825 See p. 131, n. 811.
826 Hitti, 236; Wellhausen, 161.
827 Hitti, 236-7, citing Mas'ūdî and the Aghānî; Cf. Wellhausen, 161, citing the Aghānî; W. M. Watt's contribution within the EF article, "al-Madîna", cites Ṭabarî as its evidence that a luxurious life had developed in Medina (see later in this chapter, p. 179).
829 EF, s.v., "Ibn Sayhân".
830 Ansâb al-Ashraf, IV/I, 135. For more on the term nâdîm, see Chapter 5, the section entitled, Hârûn al-Rashîd: the Boon-Companion.
831 Ibid. Marwân served two separate terms as governor of Medina, from 41/661-48/668 and 54/674-57/677, alternating with Saṭî b. al-ʿĀṣ and al-Wâlid b. 'Utba himself (EF, s.v., "Marwân I b. al-Ḥakâm").
hadd, which probably meant he was flogged with eighty lashes. Ibn Sayhân is said to have been stupefied that his boon companion should be treated in this manner. Marwân wrote to Mu‘awiyah informing him that his decision to have al-Walîd beaten was based on advice he had taken from the leading legal scholars in Medina (ahl al-Medina).833

Baladhuri’s use of the phrase ahl al-Medina appears to indicate that the jurisconsults of Medina were formed into a cohesive legal body, or “school of law”. This would suggest that the development of the law, at least in Medina, was underway as early as the caliphate of Mu‘awiyah. However, Baladhuri may have used this phrase retrospectively, in a manner similar to his use of the word hadd, merely to indicate that there was a group of individuals working to develop the law in Medina. These individuals would come to be known collectively as the “seven lawyers of Medina”834, and, in the early ‘Abbâsid era, Medina would be home to one of the four surviving schools of law.835 Whatever the case, this story appears to indicate that rulings on consuming wine and the punishment for such behaviour had begun as early as the third quarter of the seventh century.

The Aghâni has recorded that, in addition to al-Walîd b. ’Utbah, al-Walîd b. ’Uthmân b. ’Affân was a companion of Ibn Sayhân, and that they drank wine [khamr] together, sometimes becoming intoxicated [bi-sharâb].836 In the Aghâni, it is Ibn Sayhân who is the primary focus of the stories. The Aghâni records that on one occasion, Ibn Sayhân is said to have carried with him a significant supply of wine on the way to his relatives’ home of Medina and proceeded to drink a part of it while still in the streets.837 And on various occasions, Ibn Sayhân produced poetry which extolled intoxicating drink [al-sharâb].838

832 Ibid. The Aghâni records that Ibn Sayhân was beaten with the hadd which was equal to eighty lashes (see text below). For more on the term hadd, see p. 187.
833 Ibid.
834 See below, p. 189.
835 See Chapter 5, the section entitled, Law in the early ‘Abbâsid Era I.
836 Aghâni, vol. 2, 244-5.
838 Ibid., vol. 2, 236.
This behaviour enraged the governor of Medina, who ordered his deputy, Sa‘īd b. al-‘Āṣ, to keep a watch for Ibn Sayḥān. Sa‘īd caught Ibn Sayḥān emerging from the house of al-Walīd b. ‘Uthmān. He was stopped and beaten with the ḥadd - eighty lashes with a whip. News of this incident reached Mu‘āwiya. Mu‘āwiya became furious, for he believed that Ibn Sayḥān had been drinking nabiddh, which the Prophet’s family had been allowed to consume. Mu‘āwiya wrote to Marwān that he was in error applying the ḥadd to Ibn Sayḥān for drinking nabiddh and ordered him to pay one thousand dirhams restitution and make a public retraction of the punishment.

As instructive as this story appears to be, the increasingly strained relationship between Mu‘āwiya and Marwān raises suspicions concerning the accuracy of this account. It may have been during the period when Marwān was governor of Medina that Mu‘āwiya “grew suspicious of Marwān’s ambitions for his family,” for two reasons: Marwān had begun accumulating large tracts of property in Medina; and Marwān’s family was more numerous than Mu‘āwiya’s. The order to make a financial restitution and public retraction of the punishment may have been seen as a means with which to publicly humiliate Marwān. The

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839 See above, n. 831.
840 Aghanī, vol. 2, 236.
841 A variant of this story reported from a different source states that the head of the police [ṣāḥib shurta] stopped Ibn Sayḥān after he had been drinking intoxicants [min al-sharāb] and applied the ḥadd punishment (Aghanī, vol. 2, 247-9). For more on the shurta, see later in this chapter, the section entitled, Law in the Umayyad Era, the Shurta.
842 Ibid., vol. 2, 236-7. It is interesting that al-Isfahānī should have chosen to include the number of lashes which the application of the ḥadd called for. This may be further evidence that the punishment of eighty lashes was not identified with the term ḥadd at least during Mu‘āwiya’s caliphate. For more on the term ḥadd, see p. 187.
843 Ibid., vol. 2, 247. The Aghanī later mentions that consuming nabiddh is “ḥalāl”, permitted, so long as it does not intoxicate, at which time it becomes “ḥaram”, forbidden. Cf. Chapter 2, the section entitled, al-Ḥadīth and Chapter 5, Law in the Early ‘Abbāsid Era I. Mu‘a‘wīy’s caliphate.
844 Ibid.; Er, s.v., “Ibn Sayḥān”.
845 Er, s.v., “Marwān I b. al-Ḫakam”. This may have been one of the factors which prompted Mu‘āwiya to take the unprecedented step of nominating his son to the caliphate (Ibid.). Another factor may have been that his son “was probably the only man whom the Syrians were ready to accept” (Hodgson, vol. 1, 219).
argument that drinking *nabidh* was permitted and that Marwān effectively owed Ibn Sayhān an apology may have been merely an advantageous pretext for Muʿāwiya's actions.846

It is interesting to note that Marwān’s son, ‘Abd al-Malik847, was not in favour of accepting the terms laid down by Muʿāwiya, and urged Marwān to argue his case.848 Marwān replied that once Muʿāwiya had decided the matter, there would be no changing his mind and therefore proceeded to comply with Muʿāwiya’s orders.849 It may be, however, that Marwān was disinclined to anger Muʿāwiya further, perhaps for fear that Muʿāwiya would depose him from the governorship of Medina and pre-empt whatever plans Marwān may have been formulating for himself and his family’s future.

Although there is some question as to the authenticity of the account, it seems clear that Ibn Sayhān was noted for his excessive drinking, and that wine was readily available in Medina850. In addition, the story seems to suggest that the caliph Muʿāwiya preferred to leave matters of controlling wine consumption to his governors. This action appears to reflect Muʿāwiya’s general policy of decentralisation of government,851 and therefore the story is credible.

**Yazīd b. Muʿāwiya b. Abī Sufyān (60/680 - 64/683)**

Shortly before his death, Muʿāwiya nominated his son Yazīd as his successor, requiring deputations from various regions to take the oath of allegiance to him.852 This act of nominating his son seems to have been the catalyst of hostility for so many Arabic authors.853 Muʿāwiya would bear the full brunt of the charge of having “perverted the

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846 The present author believes that had there been demonstrable proof that Ibn Sayhān had been consuming *khamr*, Muʿāwiya may not have ordered Marwān to apologise.
847 See below for his caliphate, s.v., ‘*Abd al-Malik b. Marwān*.
849 Loc. Cit.
850 For more on wine in Medina, see p 179.
852 Hitti, 196; Tabari, tr. M. G. Morony, vol. XVIII, 208-10; see above, p. 135.
853 Hawting, 13-4.
caliphate into a kingship”. But such a charge could only be made in hindsight, for there was no endemic support amongst the community for the unprecedented nomination of one’s own son to the caliphate. That the caliphate remained a hereditary office is a fact of history, but was not a fact at the time of Yazīd’s succession in Rajab 60/April 680.

Various members of the community immediately moved against Yazīd. The first to do so was al-Ḥusayn, the younger son of ʿAlī b. Abī Ṭālib and grandson of the Prophet. A large segment of the population of the city of Kūfah came out in support of al-Ḥusayn. They sent al-Ḥusayn, then in Mecca, an invitation to come to Kūfah and lead them against Yazīd. Al-Ḥusayn sent his cousin, Muslim b. ʿAqīl b. Abī Ṭālib, to Kūfah to investigate the strength of support there. Yazīd was informed of this and ordered ʿUbaydallāh b. Ziyād, the then governor of Baṣrah, to assume authority over the city of Kūfah and intercept Ibn ʿAqīl. ʿUbaydallāh failed the latter. Ibn ʿAqīl was able to send word to al-Ḥusayn that he had the support of twelve thousand Kūfans. ʿUbaydallāh’s difficulties were augmented as al-Ḥusayn’s supporters kept Ibn ʿAqīl hidden in the city so that he could help prepare the Kūfans for al-Ḥusayn’s arrival.

ʿUbaydallāh discovered the identity of one of those who had housed Ibn ʿAqīl, a man named Hānî b. ʿUrwa al-Murāḍī. Hānî was persuaded to join others who had been

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854 Loc. Cit.; Cf. below, p 139, for more on the charge of kingship being levelled against Umayyad rulers. Lapidus seems to agree with the ʿAbbasid era authors, labelling the Umayyads, “The Syrian Monarchy” (A History of Islamic Societies, 54, 58-67). It should be noted that the ʿAbbasids continued the practice of appointing family members to the caliphate; an act which does not appear to have raised any large degree of protest among those sources which condemned the Umayyads for the same practice.

856 See p. 131, n. 811.
858 Cf. EI’, s.v., “Muslim b. ʿAqīl b. Abī Ṭālib”; H. Lammens bases his article almost solely on the account related by Tabarī.
861 Ibid., 17. Tabarī reports from another source that the number of supporters was eighteen thousand (Ibid., 57).
862 Ibid., 17-9.
863 Ibid., 18-9; the remainder of this story is paraphrased from the translation on pp 18-9 unless otherwise specified.
invited by 'Ubaydallah for an audience. At that meeting, Hāni' denied any knowledge of Ibn 'Aqīl. However, the spy who had initially exposed Hāni' to 'Ubaydallah testified against him. Hāni' was beaten, imprisoned, and threatened with death. Ibn 'Aqīl was informed of 'Ubaydallah's actions. He assembled as many supporters as he was able and then marched on and surrounded the governor's palace.864 Hoping to deflate the situation, 'Ubaydallah had word spread that the Syrian army was en route to relieve their siege of the palace.865 The Kūfans deserted Ibn 'Aqīl, returning to their homes.866 Ibn 'Aqīl, bereft of support and unable to leave the city for lack of a volunteer to guide him back to Medina, allowed himself to be taken to 'Ubaydallah.867

Ṭabarî records the following conversation between the two men:868

'Ubaydallah: Ibn 'Aqīl, you came to the people while they were all united and spoke with one voice; you scattered them and divided their opinions so that they attacked each other.

Ibn 'Aqīl: I did not come for that, but the people of the town claimed that your father had killed their best men, shed their blood and appointed governors among them like the governors of Chosroe and Caesar. We came to enjoin justice and to urge rule by the Book.

'Ubaydallah: What have you to do with that, you great sinner? Have we not done that among them when you were drinking wine [sharib al-kham869] in Medina?

Ibn 'Aqīl: I, drink wine [sharibu-l khamf70]. By God! God knows you are not speaking the truth and have spoken without any knowledge, for I am not like you have said. It is more appropriate to be described as a wine drinker [bi-sharibu-l kham871] than a man who laps the blood of Muslims, who takes the life that God has forbidden ... 

'Ubaydallah: May God kill me, if I do not kill you in such a way as no one in Islam has been killed before.

Ibn 'Aqīl: You are the person with the most right to commit crimes of innovation [ahdat872] in Islam ... 

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865 Ibid., 50-1.
866 Ibid. Cf. Hodgson, vol. 1, 219. For more on the Syrian army and why the threat of its use should have instilled such uniform fear, see Hodgson, vol. 1, 217-8, and Kennedy, 83.
867 Ibid., 55-8. Or he may have been captured while in hiding on his own in the city (EF, s.v., “Hāni' b. 'Urwa al-Murādī”).
870 Loc. Cit.
871 Loc. Cit.
872 Loc. Cit. The word has the general meaning of “to bring forth, ... originate, ... something, especially something evil.” (Wehr, 161) Howard has, the present author believes, translated the nature of the word as most likely intended by Ṭabarî. See text above for discussion.
There is reason to be sceptical of the exact contents of this conversation. That they traded insults seems entirely plausible, though the nature of those insults is suspicious. Ibn ‘Aqīl associates the ruling house with kingship akin to the former Sasanian Empire, viz., “Chosroe”, and the former Roman Empire, viz., “Caesar”. This seems to have been a stock method of ‘Abbāsid authors who wished to castigate the Umayyads as ruling without authority, i.e., without regard to/for the Qurʾān.873

The Umayyads had, however, in addition to claiming the caliphate based on inheritance, also held “that the caliphate [had] been bestowed on [them] by God”874. This is evidenced in coin inscriptions which read “khalifat Allāh”, meaning perhaps not successor to God, or God’s Caliph, but more likely “the deputy appointed by God” to rule the Islamic community.875 But the third ‘Abbāsid caliph, al-Mahdī (158-69/775-85), is believed to have introduced the argument that the “‘Abbāsid family was divinely selected for power because of their innate quality of ... kinship to the Prophet, through the special status of the paternal uncle, i.e. the status of al-‘Abbās vis-à-vis Mūḥammad his nephew.”876 And “it was for just this reason that the ‘Abbāsids had to hew [their] line so aggressively.”877 The reader is hence encouraged to be wary of accepting this account unquestioningly. But as was stated earlier, ‘Abbāsid authors did not invent these incidents wholly fresh, and therefore the account merits further consideration.

‘Ubaydallāh responded to the accusation of kingship by labelling Ibn ‘Aqīl a “great sinner” for drinking wine. Ibn ‘Aqīl denies the charge, but seizes on the theme of wine consumption to compare such a transgression with the transgression of taking another

873 Hawting, 12-3. Cf. Ṭabarî, tr. I. K. A. Howard, 193, in which Yazīd himself is described as a king. As late as the early ninth/early fifteenth century, al-Maqrīzī maintained this line of attack: “the caliphate was transformed into a despotism like that of the Persian [Kings] and the Byzantine Caesars.” (tr. Bosworth, 88)
875 Ibid.
876 Bosworth, in his introduction to Al-Maqrīzī’s Book of Contention and Strife, 12.
Muslim’s life, expressly prohibited in the Qur’an878. Whether Ibn ‘Aqil drank wine or not, his statement clearly uses wine consumption as a threshold for degrees of transgression: the killing of Muslims falls below that threshold and so ‘Ubaydallāh is a greater transgressor than one who drinks wine. The inference of this anecdote is that the Umayyads appointed rulers whose interests and actions acted to the detriment of the community.

‘Ubaydallāh appears to have been incensed by the accusation of taking the life of fellow Muslims. He informs Ibn ‘Aqil that he shall be put to death for leading the revolt, and for his insult, in a way “such that no one in Islam has been killed before.”879 Ibn ‘Aqil again attempts to undermine the authority of ‘Ubaydallāh by questioning his commitment to Islam: he accuses him of crimes of innovation - ḥudāth. Such an accusation had been made, according to Ṭabarī, by those who murdered ‘Uthmān and supported ‘A li for the caliphate. The supporters of ‘A li are alleged to have justified ‘Uthmān’s death by accusing him of introducing innovations (ḥudāth), and he was, therefore, not ruling according to the Qur’an880.

There is also the possibility that the accusation of “innovation” may have been a device which ‘Abbāsid authors used to chastise Umayyad rule. By the third/ninth century, influential segments of the Islamic community had begun to condemn individual reasoning and analogy, or ījtiḥād881, in favour of taqlīd882, particularly in legal circles883. By the late third/early tenth century, i.e., the period in which Ṭabarī was writing, the “gate of ījtiḥād” had been effectively closed884, although to continue the analogy, Hallaq has recently

878 Sūrah IV:92-3; Cf. Sūrah IX:71 (verses identically numbered in Pickthall and Yūsuf Ali). Ibn ‘Aqil makes the comparison in the passage, “It is more appropriate to be described as a wine drinker [than] a man who laps the blood of Muslims ...” (Ṭabarī, Op. Cit. Brackets mine: translation reads “then”).
880 Tr. R. S. Humphreys, vol. XV, 135-6.
881 See Chapter 3, s.v., ‘Umar b. al-Khaṭṭāb.
882 “Imitation; unquestioning adoption of concepts or ideas”, Wehr, 786; Kamali, Principles of Islamic Jurisprudence, Glossary, 406.
884 Ibid.
demonstrated that the gate was not locked.\textsuperscript{885} Nevertheless, innovation in law, and perhaps in other areas of life, seems to have been viewed with disdain during the \textquoteleft Abbāsid period\textsuperscript{886} and may have been used as a method by which \textquoteleft Abbāsid authors could attack an opponent.\textsuperscript{887} Once more, the reader has cause for suspicion of the exact contents of the two leaders' conversation.

Could wine consumption, therefore, have been artificially introduced into the conversation solely to act as a gauge for this Umayyad governor's crimes? This seems unlikely. The murder of \textquoteleft Uthmān at the hands of Muslims, an event of living memory during the caliphate of Yazīd, was Mu\textsuperscript{ā}wiya's standard which brought him into direct conflict with \textquoteleft All.\textsuperscript{888} In the first half of the first/mid seventh century, there was general agreement that a Muslim should not take another Muslim's life - it seemed more a matter of assessing whether or not someone was acting according to Islam, and could therefore be classified as a Muslim.\textsuperscript{889} Therefore, the charge against \textquoteleft Ubaydallāh - of taking Muslims' lives - had already been established as a heinous crime. There was no need to compare it with wine consumption.

Why bring wine into the conversation at all? As there were worse deeds than drinking wine, why had not \textquoteleft Ubaydallāh accused Ibn \textquoteleft Aqīl of one of those? The present author believes that the fact that Ibn \textquoteleft Aqīl was "only" accused of wine drinking lends authenticity to the account, though whether or not Ibn \textquoteleft Aqīl actually drank wine is not now, and may not have been then, possible to determine. Perhaps the most that can be said at this stage of research is that for the charge to have been levelled, wine must have been available

\textsuperscript{885} Hallaq, \textquoteleft Was the gate of ijtihād closed?\textquoteright, 292.
\textsuperscript{886} Cf. Chapter 5, the section entitled, \textit{Law in the early Abbāsid Era I.}
\textsuperscript{887} There is more to be said about \textit{ahdath} in Islam; however, further discussion of this important topic falls beyond the parameters of this thesis.
\textsuperscript{888} The murder of \textquoteleft Uthmān, the Caliphate of \textquoteleft All, and the manner in which Mu\textsuperscript{ā}wiyah challenged \textquoteleft All have been greatly oversimplified in this example in order to illustrate the universal agreement concerning one Muslim murdering another. Cf. Chapter 3, s.v., \textquoteleft All b. Abī Ṭālib.
\textsuperscript{889} See above, n. 888.
in the region. In any event, the damage of introducing the suspicion that Ibn 'Aqil drank wine was irreparable. Damaging the reputation of Ibn 'Aqil would have served the interests of 'Ubaydallāh and also served the interests of 'Abbāsid authors, for the reputation of not only an important 'Alid is marred, but the reputation of his cousin, al-Ḥusayn, the leader of the 'Alid movement, might also be drawn into question by association.

This is not the only incidence of an important 'Alid being accused of wine drinking. On the eve of Karbalā', al-Ḥusayn was gathered with his followers in a very tightly laid out camp, in preparation for battle the next day. Al-Ḥusayn spent the night in prayer, encouraging his followers, and attempting to convince those who were sent to watch over the group to join him: “Let not those who disbelieve think that our giving them a delay is better for their souls. ... God does not leave the believers in the situation you are in until he has made the evil distinct from the good.”

One of the horsemen watching over the group, a man named Abū Ḥarb al-Sabīṭ ‘Abdallāh b. Shahr, responded, “… We are the good, we

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890 For one potential source of wine in the regions of Syria and Iraq, see later in this chapter, the section entitled, Possible Sources of Wine in Islamic Lands.

891 'Abbāsid authors may have wished to attack the reputation of the Shi'ites (as the 'Alids, once their movement crystallised, would become known as - see p. 131, n. 811) because after the 'Abbāsids came to power with the widespread support of the Shi'ites, they dispensed with their opinions and judgements, and instead hunted down Shi'ite groups which either refused to accept the new status quo or openly moved against the new regime (al-Maqrīzī, tr. C. E. Bosworth, 95-97; Omar, The 'Abbāsid Caliphate: 132/750 - 170/786, 138-9). So in this one brief exchange, both the Umayyads and the Shi'ites have been discredited: the former because one of its leaders shed the blood of Muslims, and the latter because one of its leaders may have drunk wine.

892 The site where al-Ḥusayn and a small group of his followers, perhaps numbering about two hundred, were slaughtered by 'Umar, the son of Sa'd b. Abī Waqqāṣ, on 10 Muḥarram 61/10 October 680 (Rahman, A Chronology of Islamic History, 73-4; Hitti, 190). Cf. EF², s.v., “(al-)Ḥusayn b. ‘Alī b. Abī Ṭālib”.

893 Ṭabarī, tr. I. K. A. Howard, vol. XIX, 119. The “delay” al-Ḥusayn referred to was the agreement reached between himself and the commander of the army sent to stop him from reaching Kūfah, ‘Umar b. Sa’d b. Abī Waqqāṣ (see above, n. 892). They had agreed that al-Ḥusayn should be given the night to consider whether to give the oath of allegiance to Yazīd, through his governor ‘Ubaydallāh, or battle the superior force before them. (Ṭabarī, tr. I. K. A. Howard, 103-114). ‘Umar b. Sa’d sent a few men to keep watch over al-Ḥusayn during the night of deliberations. Based on the dialogue in Ṭabarī, it seems clear that this was less of a spy mission than of a mission to insure that al-Ḥusayn did not leave the area under cover of darkness.
have been distinguished from you." Al-Dahḥāk b. ʿAbdallāh al-Mishraqī, a member of al-Ḥusayn’s group, mentioned to his comrades that ʿAbdallāh b. Shahr was generally an honest man, though he had occasionally been imprisoned for criminal acts (iḥnāya895). Al-Dahḥāk then retorted, “Woe upon you! Doesn’t knowledge help you?” To which ʿAbdallāh b. Shahr replied, “May I offer my soul for you who used to be the drinking companion [nādam896] of Yazīd b. ʿUdhrah al-ʿAnzī ....” Al-Dahḥāk acknowledged that ʿUdhrah al-ʿAnzī was with him, to which ʿAbdallāh b. Shahr answered, “May God show his disapproval of your views in every circumstance!” He then left the area.

There are two interesting features of this story. First, members of the party of ʿAlī are accused of drinking intoxicants. Al-Dahḥāk does not deny the charge, and so perhaps he was unashamed of his close companionship with ʿUdhrah al-ʿAnzī, and even perhaps unashamed of the fact that they drank (presumably) wine. Second, a representative of the Umayyad forces has his reputation called into question with the accusation that he had been imprisoned for unspecified criminal acts. As was portrayed in the conversation between ʿUbaydallāh and Ibn ʿAqīl, both the ʿAlids and the Umayyads have had their reputations tarnished in one exchange.

While reflecting badly on both the ʿAlids and Umayyad rule, neither of the preceding incidents directly links their leaders, al-Ḥusayn or Yazīd, respectively, with wine consumption. The present author has not located in the sources any record of al-Ḥusayn having a direct connection with wine. There is evidence, however, that Yazīd consumed wine to the point of intoxication. The evidence begins with an allusion to Yazīd’s consumption of forbidden drinks by ʿAbdallāh b. al-Zubayr b. al-ʿAwwām (henceforth to be

894 Loc. Cit. The remainder of the conversation is quoted from the translation on pages 119-120 unless otherwise noted.
895 Taʿrīkh, vol. 5, 421. “Perpetration of a crime; a felony.” (Wehr, 142; Schacht, Introduction, 176.)
896 Loc. Cit. “to drink, carouse with someone.” (Wehr, 952) The title of nādim, or drinking companion, often also implied a very close friend and confident. (El2, s.v., “Nādim”) See also Chapter 5, The ʿAbbāṣids: al-Ṣaffāḥ through al-Maʾmūn.
referred to as Ibn al-Zubayr), who, following al-Ḥusayn’s death in 61/680, took up arms against Yazīd and declared himself the rightful Caliph.897

Ibn al-Zubayr was enraged by the behaviour of the Kūfans, who Ibn al-Zubayr felt had all but risen up against al-Ḥusayn themselves when they abandoned him at Karbalāʾ.898 In his initial call to himself as the new leader of the movement against Yazīd, Ibn al-Zubayr asked those gathered before him, “Now, after al-Ḥusayn, should we rely on these people? . . . No! . . . Indeed, they killed a man [who] would never exchange the Qurʾān for singing, . . . nor would he exchange fasting for drinking forbidden drinks [ṣharīb al-ḥaranf] . . .”900 Ṭabarī, in an aside, informs the reader that Ibn al-Zubayr was here specifically comparing al-Ḥusayn with Yazīd.901

Such an accusation is not entirely unexpected from Ibn al-Zubayr in light of the perception that wine consumption could be used to discredit an individual. The story can not, therefore, be accepted on its own as establishing a connection between Yazīd and wine consumption. However, there appears to be substantive, direct evidence which verifies that Yazīd did consume wine.

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897 Ṭabarī, tr. I. K. A. Howard, vol. XIX, 189. Ibn al-Zubayr was also a powerful challenger for the caliphate. He was the son of a leading Companion of the Prophet who had been eligible for the caliphate at the Shūrā held after ʿUmar’s death (See p. 131, n. 811). In addition, there are reports that Ibn al-Zubayr was “The first child to be born in Islamic times,” i.e., in Medina just after the Prophet arrived from Mecca. (Rosenthal, A History of Muslim Historiography, 214 and 311) It should be noted that Ibn al-Zubayr was not the sole opposition to Yazīd. A man named Najdah b. ʿAmir al-Ḥanafi moved against Yazīd in the Yemen at the same time Ibn al-Zubayr moved against him. He came to control nearly all of Arabia at one time, but “was killed in an internal dispute in 72/691.” (Ṭabarī, tr. I. K. A. Howard, vol. XIX, 197, and n. 652) The focus of Ṭabarī (and Baladhurī) is, however, overwhelmingly on Ibn al-Zubayr’s actions.


901 Loc. Cit. Baladhurī also informs the reader that Ibn al-Zubayr was referring to Yazīd. (Ansāb al-ʿAshraf, IV/1, 305) Neither Ṭabarī nor Baladhurī identify the forbidden drinks as such.
Yazid determined that it was in his best interest to capture Ibn al-Zubayr. Yazid felt that his governor in the Hijaz, 'Amr b. Sa'id b. al-As, was too lenient with Ibn al-Zubayr's followers in Mecca and, more importantly, had failed to capture Ibn al-Zubayr. He therefore replaced him with al-Walid b. 'Utbah, a more capable and sometimes ruthless governor, but he too was unable to find Ibn al-Zubayr. Ibn al-Zubayr then wrote to Yazid, informing him that if he sent a more pliable governor, that is, "a man with an easy disposition and a gentle attitude," then "what was at variance would become united." The implication is clear: if Yazid were to send a governor who did not attempt to hunt down Ibn al-Zubayr and persecute his followers, then Ibn al-Zubayr would consider surrendering his claim to the caliphate.

Tabari comments that this was a trick, and perhaps Yazid suspected as much. However, as two of his governors had thus far failed to capture Ibn al-Zubayr, and Ibn al-Zubayr's support was increasing steadily in Mecca and Medina, Yazid replaced al-Walid b. 'Utbah with 'Uthman b. Mu'hammad b. Abi Sufyān, "an inexperienced young man ... who had no knowledge of affairs, who had not learnt the lessons of age, and who had not been trained by experience; he could hardly understand anything about his authority and his task." He sent a delegation of nobles from the people of Medina to Yazid, including 'Abdallāh b. Ḥanzalah al-Ghashil al-Ansārī and al-Mundhir b. al-Zubayr, as a first step towards reconciliation between the people of Medina and Yazid.

902 The governor of this area was responsible for the key cities of Mecca and Medina (see p. 131, n. 811).
904 Ibid., 195.
905 Ibid., 197.
906 Ibid.
907 Loc. Cit.
908 Ibid.
909 Ibid., 197-8; Wellhausen, The Arab Kingdom and Its Fall, 151-2.
910 Ibid., 198.
911 EI2, s.v., "Abd Allāh b. Ḥanzala".
Yazid treated them “generously and well”, giving them some departing gifts. When 'Abdallāh b. Ḥanẓalāh and his delegation returned to Medina, they vilified Yazid, stating that “We have come from a man who has no religion, who drinks wine [sharib al-kham]. …” The people of Medina accepted their testimony and gave their oath of allegiance to 'Abdallāh b. Ḥanẓalāh. When al-Mundhir returned to Medina, he vilified Yazid even more harshly - in spite of a gift from Yazid of one hundred thousand dirhams - testifying that Yazid “drinks wine [sharib al-kham] and gets so drunk [sakar] that he missed the prayer.” Yazid denied the charges against him.

These events appear to demonstrate that Yazid’s consumption of wine was so great and so offensive that not even substantial monetary gifts could prevent someone with knowledge of Yazid’s behaviour from speaking out. However, one overriding question arises from these events which casts some doubt on the veracity of the men’s accusations: if it was Yazid's intention to impress his visitors and, thereby, perhaps impress Ibn al-Zubayr, why would he have acted in a fashion that he must have known had the potential to offend his visitors? Would it not have been more likely that Yazid instead would have been on his “best behaviour” and refrained from drinking wine (if in fact it can be proved that he did so). This story may yet be another indication of the attitude toward wine consumption, i.e., that the accusation was an insult, rather than the fact of wine consumption, and was used by these men to denigrate Yazid to their own ends.

There is an anecdote which appears to portray Yazid as having been conscious of the
fact that the notion that he drank wine had become widely accepted. In the year 63/683, 'Abdallāh b. Ḥanzalah, together with 'Abdallāh b. Muṭṭi', rejected the sovereignty of Damascus\(^{921}\) by forcibly expelling Yazīd’s governor and his entourage from Medina.\(^{922}\) Yazīd placed Muslim b. 'Uqbah al-Murri in charge of an army to take the city back.\(^{923}\) A man named Ḥabīb b. Kurrah was present when Yazīd had gone to inspect his troops. He reported Yazīd as saying on that day, “Tell [Ibn al-Zubayr]: ... If you see twenty thousand of the people, both mature and young, do you think that they have been gathered by a drunkard [\textit{sakrān}\(^{924}\)]?\(^{925}\)

Although still denying the charge of habitually drinking intoxicants, this type of denial informs the reader that it may have been a common perception of Yazīd that he did drink wine. It is conceivable that the reports of his drinking were a rumour created by his adversaries which grew to wide proportions. But given that the rumour seems to have taken hold on such a wide scale - that he should have to defend his reputation to his troops - one could conjecture that there was some truth to the reports of Yazīd drinking wine.

Whether true or not, and despite his many denials,\(^{926}\) Yazīd would not outlive his reputation as a drinker. After his death in the month of Rabī‘ al-Awwal 64/November 683,\(^{927}\) the poet Ibn ‘Arādah recited:

His fate came upon him while by his pillow
was a cup and a wineskin [\textit{ziqqūn}\(^{928}\)] filled to the brim and overflowing.
Many a plaintive singing girl weeps by his drunken companions [\textit{nashwānīh}\(^{929}\)], with a cymbal, now sitting and now standing.\(^{930}\)

\(^{921}\) The seat of the caliphate under the Umayyads; see above, p. 133.
\(^{923}\) Ṭabarī, tr. I. K. A. Howard, vol. XIX, 203, 205. See also \textit{EF}, s.v., “Muslim b. ‘Ukba”.
\(^{924}\) Ta’rīkh, vol. 5, 484.
\(^{925}\) Ṭabarī, tr. I. K. A. Howard, vol. XIX, 204.
\(^{926}\) Muir, 316.
\(^{928}\) Ta’rīkh, vol. 5, 545.
\(^{929}\) Loc. Cit.
\(^{930}\) Ṭabarī, tr. G. R. Hawting, vol. XX, 70-1.
And in the decades and centuries to come, Yazid came to be known simply as “Yazid of the wines”\textsuperscript{931} or “Yazid the drunkard”\textsuperscript{932}.

\textit{'Abd al-Malik b. Marwān (65/685 - 86/705)}

Following the death of Yazid b. Mu‘āwiyyah, the oath of allegiance as caliph was given to Mu‘āwiyyah b. Yazid b. Mu‘āwiyyah b. Abī Sufyān (henceforth referred to as Mu‘āwiyyah II\textsuperscript{933}) in Syria and to Ibn al-Zubayr in Mecca.\textsuperscript{934} Mu‘āwiyyah II died after only forty days as Caliph.\textsuperscript{925} Ibn al-Zubayr extended his authority by appointing governors to the provinces from his capital at Mecca.\textsuperscript{936} However, his authority was severely limited by both internal conflict\textsuperscript{937} and external elements who put forth counter claims to the caliphate. Among these external elements were tribes in Syria who advocated for the caliphate Marwān b. al-Ḥakam, a cousin of Mu‘āwiyyah,\textsuperscript{938} and former governor of Medina.\textsuperscript{939} Marwān was given the oath of allegiance as caliph in Muḥarram 65/August-September 684.\textsuperscript{940}

Marwān died in the month of Ramaḍān in the year 65/April-May 685,\textsuperscript{941} having already arranged the oath of allegiance to his son, \textit{'Abd al-Malik}.\textsuperscript{942} Ibn al-Zubayr’s supporters continued to fight amongst themselves, perpetually weakening his position.\textsuperscript{943}

\textsuperscript{931} This is how Yahyā b. Mukhtār, a Kharijī imām, described Yazid as he recited the history of the caliphate - up to his own time, 130/747 - to his followers in Medina. (Williams, The World of Islam, 176-8)
\textsuperscript{932} Al-Maqārlzl, tr. C. E. Bosworth, 55.
\textsuperscript{933} This eponym is here used only to distinguish between the earlier Mu‘āwiya and this one.
\textsuperscript{934} Ṭabarī, tr. G. R. Hawting, vol. XX, 1.
\textsuperscript{935} Ibid., 5. Balādhūrī records that Mu‘āwiya II had resigned the caliphate a full two months before his death. (Balādhūrī/Hitti, 359)
\textsuperscript{936} Ibid., 175; Hodgson, vol. 1, 221.
\textsuperscript{937} Ibid., index.
\textsuperscript{938} Ibid., 47-8, 57-9.
\textsuperscript{939} See above, p. 133.
\textsuperscript{934} Ṭabarī, tr. G. R. Hawting, vol. XX, 54. Hodgson criticises the traditional view of many western authors that Marwān was the true Caliph and that Ibn al-Zubayr was the rebel (Vol. 1, 221, n. 7). C. E. Bosworth, for example, in his The Islamic Dynasties, makes no mention of Ibn al-Zubayr, but does list both Mu‘āwiya II and Marwān (5). H. A. R. Gibb’s EI\textsuperscript{2} article, “Abd Allāh b. al-Zubayr”, labels Ibn al-Zubayr an “anti-Caliph.”
\textsuperscript{941} Ibid., 161.
\textsuperscript{942} Ibid., 160.
\textsuperscript{943} Hodgson, vol. 1, 221. Cf. Ṭabarī, vols. XX and XXI, tr. G. R. Hawting and M. Fishbein, respectively, index.
Then, in Jumādā I 73/October 692, Ibn al-Zubayr, after having been besieged by ʿAbd al-Malik’s forces for six-eight months in Mecca, was captured and killed and his head sent to ʿAbd al-Malik.944 These intervening years between the death of Yazīd b. Muʿāwiyah and the caliphate of ʿAbd al-Malik had been turbulent and unsettled, with two individuals attempting to rule the Islamic community simultaneously. It is little wonder that the sources devoted their energies toward the conflicts in this period, with little attention paid to domestic matters, such as wine consumption.

The twenty year caliphate of ʿAbd al-Malik is traditionally portrayed as a reunification of a crumbled Muslim Empire and the expansion of Islamic rule through administrative reform, reform of the coinage, and a harsh, repressive military policy.945 In addition to reporting domestic affairs such as the appointment of governors and ʿqāḍī,946 the sources have also reported several incidents of wine consumption during ʿAbd al-Malik’s caliphate. Each of the accounts separately are instructive of the continued presence and consumption of wine; taken together, the pattern of using wine as a means by which to judge others emerges more fully.

Reporting on the events of the year 68/687-8,947 involving al-Mukhtar b. ʿAbī ʿUbayd b. Masʿūd al-Thaqafi948 and ʿUbaydallāh b. al-Ḥurr al-Juʿfī, the historians ʿ Abdallāh b. Abī ʿAbayd al-Thakafi949

944 Ṭabarī, tr. M. Fishbein, 224-32.
945 Hitti, History of the Arabs, 206.
946 See later in this chapter, the section entitled, Law in the Umayyad Era, the ʿQāḍī.
947 See p. 131, n. 811, and n. 948 below.
948 In Rabī I 66/October 685, al-Mukhtar ceased supporting Ibn al-Zubayr against the Umayyad caliphate and made his own claim to lead the community from Kūfah having ejected Ibn al-Zubayr’s appointed governor. Ibn al-Zubayr sent his brother, Muṣʿab b. al-Zubayr, to put down the insurrection. He was successful. Al-Mukhtar died in battle at Kūfah just six months after having mounted his own challenge to the caliphate. (M. Fishbein, Translator’s Foreword to Ṭabarī, vol. XXI, xiv-xv) For a more detailed account of the life of al-Mukhtar, see G. R. Hawting’s exceptional article in Ef, s.v., “Al-Mukhtar b. Abī ʿUbayd al-Thakafi”.
Sayf al-Madā'in⁹⁴⁹ and ‘Ali b. Mujāhid⁹⁵⁰ discussed the personal qualities of ‘Ubaydallāh b. al-Ḥurr al-Jufī. Ibn al-Ḥurr had been amongst those who had pledged their loyalty to al-Ḥusayn and invited him to come to Kūfah to lead some of its citizens against Yazīd. He was also one of those who had subsequently abandoned al-Ḥusayn.⁹⁵¹ He then became an active supporter of Ibn al-Zubayr in Mecca.⁹⁵² The two historians assessment of Ibn al-Ḥurr was that “... there was no Arab tribesman in the land more respectful toward free women, or more abstemious from unseemly behaviour and wine drinking [sharat?]⁹⁵³ than he.”⁹⁵⁴ Clearly, wine consumption is here used as a measure of a good man separately and uniquely from other “unseemly behaviour”.

Evidence that using wine as a measure of a “good” man could be used actively (as opposed to passively, as in the example above) may be garnered from an incident in the year 81/700-1. A man named Bahīr b. Warqā al-Ṣuraymi, of the Banū Tamīm, executed Bukayr b. Wishāḥ, of the Banū Abnā’, at the command of the governor of Khurāsān, Umayya b. ‘Abdallāh b. Khālid, in the year 77/696-7.⁹⁵⁵ Four years passed and ‘Uthmān b. Rajā’ b. Jābir b. Shaddād, a member of the Banū Abnā’, expressed his astonishment, and perhaps

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⁹⁴⁹ B. 135/752, d. ca. 228/843. (Ṭabarī, tr. M. Fishbein, vol. XXI, 45, n. 179) Note that Rosenthal cites his death as early as 215/830-1 (Muslim Historiography, 62). Juynboll confirms this uncertainty, writing that his death took place at one of those two dates. (Muslim Tradition, 13) Al-Madā’in was an advocate and industrious producer of “short monographs on historical events” (Rosenthal, 62), “most of which survive only as quoted in the works of later authors.” (Fishbein, op. cit.)

⁹⁵⁰ D. 182/798-9 (Rosenthal, 337). He is said to have focused his historical writings on the Umayyad regime (Ibid.).


⁹⁵² Many who had pledged their loyalty to al-Ḥusayn felt remorse and guilt for having abandoned the grandson of the Prophet at Karbala’, and subsequently supported Ibn al-Zubayr as a means of, they believed, redeeming themselves and defeating the regime which had killed al-Ḥusayn (see p. 131, n. 811).

⁹⁵³ Ta’rīkh, vol. 6, 128.


⁹⁵⁵ Ṭabarī, tr. E. K. Rowson, vol. XXII, 174 -5. Bahīr b. Warqā and Bukayr b. Wishāḥ had been enemies for close to a dozen years (see Ṭabarī, vols. XX - XXII, tr. Hawting, Fishbein, Rowson, respectively, index), and had been actively in conflict for five years preceding this event (see Ṭabarī, vols. XXI - XXII, tr. Fishbein, Rowson, respectively, index). See also El¹, s.v., “Bukayr b. Wishāḥ”.

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embarrassment, that his clan had done nothing to avenge Bukayr's death. He composed the following verse in an effort to "incite ... to vengeance" members of the Banū Abnā'.

By my life! How patiently you bear this mote in your eye!
You sleep well at night with a bellyful of the best wine \[raḥīq\].
You have left a killing unavenged, preferring gentle sleep;
but he who drinks the ruby liquor \[ṣaḥbā\] is in debt for a slaying.

This piece is instructive in two ways: it is further evidence that the allegation of wine consumption could be used as an insult; and it seems likely in this case that the men Ibn Shaddād were speaking of were actually consuming wine - the imagery in these verses is specific, mentioning not the only the effects of intoxication but even the colour of the wine they had been drinking. This may be, therefore, the first, direct evidence that continued allegations of wine consumption was not limited to only a handful of individuals who were members of the government or in opposition to the government.

However, Arabic historians seemed to be concerned primarily with historical figures who were discernibly influential in Islam. Arguably one of the most influential men in Islamic history was al-Ḥajjāj b. Yūsuf b. al-Ḥakam, governor of the eastern half of the Islamic empire during the latter half of the reign of 'Abd al-Malik and the entire reign of his son and successor, al-Walīd. In the year 83/702, al-Ḥajjāj had put down a revolt by the Arabs of Iraq, headed by 'Abd al-Rahmān b. Muḥammad b. al-Ash'ath. Among those captured was 'Umar b. Mūsā, the head of 'Abd al-Rahmān's police force \[shurṭa\]. Al-Ḥajjāj had 'Umar

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957 Taʾīkh, vol. 6, 331.
958 Loc. Cit.
959 See p. 131, n. 811. It would be incorrect to draw a comparison between the relationship between al-Walīd and al-Ḥajjāj and Diocletian and Maximian, who jointly ruled the Roman Empire, each with the title of Caesar, from 285-90 (Scarre, Chronicle of the Roman Emperors, 196-9). Al-Ḥajjāj knew himself to be subordinate to the Caliph, al-Walīd, and was the most "loyal servant that a dynasty could wish for" \(\text{EF},\) s.v., "al-Ḥadjdjādī b. Yūsuf".
961 Taʾīkh, vol. 6, 374. For more on the shurṭa, see later in this chapter, the section entitled, Law in the Umayyad Era, the Shurṭa.
b. Mūsā brought before him. He directed a string of insults against him, one of which was that he consumed intoxicating drink [sharāb].

‘Umar b. Mūsā was subsequently beheaded undoubtedly for revolting against the Umayyad caliphate, though it is interesting that al-Ḥajjāj should first accuse him of wine drinking. In this respect, the incident is similar to the resolution of the conflict between Yazīd b. Mu‘āwiyyah and Muslim b. ʿAqīl. The present author would conjecture that the use of insults against the rebellious individuals may have been timed such that the figure of authority could exercise his anger against the rebellious person shortly before his death. In addition, this case may be expressive of al-Ḥajjāj’s personal feelings toward Muslims who drank wine. Whatever the case, this is an example of an incident involving wine consumption which illuminates the attitude toward wine consumption though not necessarily the fact of wine consumption.

Not every story related by Ṭabarī had a secondary message. In the year 85/704, Thābit b. Qutbah had besieged Mūsā b. ‘Abdallāh al-Sulamī in the city of Ṭarkhūn. A man from Mūsā’s camp, Raqabah, one day called out to Thābit b. Qutbah, his friend, to complain of the harsh conditions that were developing because of his siege. Thābit agreed to send some much needed supplies to Raqabah. When the messenger reached Raqabah, he found him in the company of al-Muḥill al-Ṭufāwī, whom Ṭabarī describes as a drinker [sharāb],

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963 Ta‘rikh, vol. 6, 480.
965 Ibid., 66.
966 See pp. 137 - 140.
967 Ṭabarī, tr. M. Hinds, vol. XXIII, 100. Thābit b. Qutbah and Mūsā b. ‘Abdallāh had jointly deposed ‘Abd al-Malik’s governor in Transoxania in the year 85/704. (Ibid., 96-7) Shortly after the start of their joint reign, Mūsā’s companions expressed their disgruntlement at the division of power and recommended overthrowing Thābit. (Ibid., 97) Though Mūsā is said to have personally refused to do this on several occasions (Ibid., 97 and 99), his brother is alleged to have acted in Mūsā’s name and started the rebellion against his former ally. (Ibid., 99-100)
968 Ibid., 101.
969 Ta‘rikh, vol. 6, 406.
seated at a table drinking intoxicating drinks [sharāṭī]971.

The present author does not get the sense that there is any hidden message or insult in this anecdote. Tabari seems to have mentioned the fact that the men were drinking as a point of information. Even so, most of the incidents Tabari describes involving wine consumption seem to operate on more than one level, often implying more than is stated, as illustrated in the following.

Al-Ḥajjāj received a letter from the Caliph ʿAbd al-Malik asking for thirty women of three different types.972 Neither he nor any member of his court understood the terms ʿAbd al-Malik used to describe these women. One member of his court declared that “[t]he meaning of these terms can only be found out from some man who has lived as a wandering Arab and knows the desert people, ... who has been a wine-drinker, and is familiar with tippler's foul language.”973 Such a man was found, the terms defined, and the women were sent to the Caliph.974

If true, this is a very informative anecdote, for it implies much that the sources do not overtly mention. On one level, it is implied that al-Ḥajjāj is unrepentant about using information gathered from someone who drinks wine, though previously he seems to have demonstrated his belief that wine consumption was offensive. On another level, the anecdote implies that ʿAbd al-Malik knew the language of individuals who drank wine.

The Aghanī provides an example of how ʿAbd al-Malik may have come by this knowledge. It is reported that ʿAbd al-Malik listened to the poetry of al-ʿUjayr b. Abdallāh al-Salūlī.975 His poetry “preserves some characteristics of traditional Bedouin [wine poetry]

970 Loc. Cit.
972 R. Hillenbrand, “La Dolce Vita in Early Islamic Syria,” 17, citing E. Schroeder, Muhammad's People.
973 Ibid.
974 Ibid. R. Hillenbrand notes that Schroeder “does not identify the source” of the anecdote (p. 32, n. 202).
975 Aghanī, vol. 13, 75. The poem which is recorded in the Aghanī describes a man who opened a wine shop (ibid.).
as it continued in the first century ...."976 In addition, he enjoyed the poetry of al-Akḥṭal,977 a Christian poet who also composed wine poems,978 so much that he “became official poet to the Caliph.”979 Nevertheless, neither of these associations necessarily means that ʿAbd al-Malik consumed wine. Two stories in the Aghānī with respect to al-Akḥṭal’s own wine consumption appear to illustrate the opposite.

One day the poet al-Akḥṭal went to see ʿAbd al-Malik.980 While staying in the capital, he found lodgings with ʿAbd al-Malik’s scribe, Ibn Sarḥūn. When al-Akḥṭal met with ʿAbd al-Malik, he was asked where he was staying. Al-Akḥṭal informed the caliph that he was staying with Ibn Sarḥūn. ʿAbd al-Malik asked why he chose to stay with him. Al-Akḥṭal answered that it was because wine (khamr) from Raʾs981 was available at his house. ʿAbd al-Malik responded, “Woe upon you. This is worthy of having you killed.” Al-Akḥṭal subsequently convinced the caliph not to have him executed.

It is not entirely clear from the text why ʿAbd al-Malik should have reacted in this manner, more so in light of subsequent events.982 It may be that ʿAbd al-Malik was dismayed that al-Akḥṭal so openly admitted to drinking wine with a Muslim, or it may equally be that the caliph was displeased that al-Akḥṭal, clearly his favourite poet, should continue to drink wine. If this latter explanation is correct, then this would be evidence that ʿAbd al-Malik himself was opposed to wine consumption. The following account of a meeting between al-Akḥṭal and ʿAbd al-Malik appears to confirm this view.

Probably a short time after this incident, al-Akḥṭal was in the presence of ʿAbd al-Malik and informed him that he could not recite any poetry because his throat had become

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976 EF, s.v., “Khamriyya”.
977 Aghānī, vol. 8, 290.
978 EF, s.v., “Khamriyya”.
979 EF, s.v., “Al-Akḥṭal”.
980 Aghānī, vol. 8, 290. The remainder of the story is cited from vol. 8, 290.
981 The editor of the Aghānī explains in the footnotes that Raʾs had gained the reputation for having an exceedingly large number of grapevines; the grapes from these vines were then processed into wine (Aghānī, vol. 8, 290, n. 4). The location of Raʾs is not identified in the text. The present author has been unable to positively identify its location.
982 See text below.
dry from a bitter drink. The caliph offered al-Akhtal water, but al-Akhtal responded that he wanted red wine (*sharāb al-ḥimār*). Abd al-Malik then offered him milk, but al-Akhtal responded that he had been weaned on milk. The caliph then offered water sweetened with honey, but al-Akhtal responded that only wine (*sharāb*) would do. Abd al-Malik insisted that wine (*khamr*) was not for him, and that coffee was not forbidden. The argument continued in this manner until al-Akhtal ashamedly admitted that he had a weakness for wine and that he required three drinks. Abd al-Malik reprimanded him for his weakness but did not give him the wine.

This story seems to illustrate that Abd al-Malik was opposed to wine consumption in his presence. The story also appears to be evidence that chronic addiction to wine was a phenomena known to the Islamic world. The present author has not found any direct evidence linking Abd al-Malik with wine consumption. The evidence suggests instead that Abd al-Malik knew and retained the language of those who reflected wine themes in their poetry, such as Ibn Sarhūn and al-Akhtal, but that Abd al-Malik himself probably did not drink wine.

Al-Walid b. Abd al-Malik b. Marwān (86/705 - 96/715)

Abd al-Malik died in 86/705. His son, al-Walid, inherited the caliphate without the bitter challenges and strife that had become seemingly common place from the death of Uthmān to the succession of his father. Al-Walid inherited a stable and prosperous empire, and continued its expansion to what would become its fullest extent. He does not seem to have instituted any policies to curb the wine consumption which appears to have continued throughout the reigns of the previous caliphs. In this sense, as well as other

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983 Aghānī, vol. 8, 294. The Aghānī does not indicate how much time may have elapsed between al-Akhtal’s arrival at the capital and this incident. The remainder of the story is cited from vol. 8, 294.


985 See p. 131, n. 811.
matters of state, al-Walid continued his father's policies, though giving al-Ḥajjāj a freer hand in affairs in the east.  

Al-Ḥajjāj was already by the accession of al-Walid appointing his own governors to provinces in the east. One of the governors he appointed was a man named Qutaybah b. Muslim al-Bahill, who was placed in charge of Khurāsān from 86/705 - (d.) 96/715. Qutaybah undertook a policy of expansion into what is now Afghānistān and Central Asia, and "achieved more in Central Asia than any other Arab conqueror of the Umayyad period." During Qutaybah's campaign in Transoxania in 91/710, he dispatched his brother,  

"Abd al-Rahmān b. Muslim to Ṭarkhūn in Soghd. "Abd al-Rahmān went along until he stopped at a meadow near Ṭarkhūn and his followers, that being at the time of the afternoon prayer. His army broke up into groups and drank until they became silly and made mischief. "Abd al-Rahmān ordered Abū Mardiyyah, a mawla of theirs, to prevent the people from drinking the fermented juice [al-ṭaṣīr]; he beat them, broke their vessels, and poured out their wine [nabīḍh], which flowed into the valley. It was called 'Wine [nabīḍh] Meadow.' One of their poets said: As for wine [nabīḍh], I do not drink it; / I fear the dog Abū Mardiyyah, / Going vigorously and violently with his axe handle, / jumping over walls, looking for drink [al-shurb]."  

This appears to be another episode of wine consumption with no hidden message. The story indicates that the men certainly did not bring a supply of wine with them, but instead acquired it from local inhabitants. It is difficult to say who the local people were with certainty. Whoever they may have been, the story suggests that "Abd al-Rahmān had not only the soldiers' wine destroyed, but also the wine of the people who had supplied it. This may indicate that "Abd al-Rahmān would not tolerate wine consumption in what were

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986.EF, s.v., "al-Ḥajjdjādj b. Yūsuf".  
987 See p. 151, n. 959.  
989 EF, s.v., "Kutayba b. Muslim".  
992 Wine was a standard ration of Byzantine troops into the mid-seventh century CE (see Chapter 1, the section entitled, The Byzantine Empire).
now Islamic lands. However, since there is no mention of a punishment being applied to his men, this story may indicate the extent of 'Abd al-Rāhmān's anger that his troops should have consumed wine and become a weaker fighting force. Pouring all wine in the vicinity would have ensured that his troops did not drink again.

Sulaymān b. 'Abd al-Malik b. Marwān (96/715 - 99/717)  S

As mentioned above, Qutaybah ruled Khurāsān until his death in 96/715. He was in fact killed by Wakī b. Ḥassān b. Abī Sūd al-Tamīmī. Qutaybah had replaced Wakī as the head of the Banū Tamīm with his own candidate, Dirār b. Ḥusayn al-Dabblī. Wakī swore revenge on Qutaybah and began to ask men to privately swear allegiance to him. Dirār b. Ḥusayn heard of this and reported it to Qutaybah. When Qutaybah questioned Wakī, Qutaybah accepted a curious defence put forward by Wakī's friend, ʿAbdallāh b. Muslim al-Faqīr. He told Qutaybah that Wakī could not have been taking the oath of allegiance privately as he and Wakī had been at al-Faqīr's home drinking [sharaba] and becoming intoxicated [sakrān]. Wakī only added that Dirār b. Ḥusayn could not be trusted. The result of this conversation was that Qutaybah merely dismissed the affair, believing it to be little more than mutual envy.

The accuracy of this story is difficult to accept. Even if it were the case that drinking and becoming intoxicated had become an accepted practice by some people in certain parts of the Islamic empire, it does not seem reasonable that one would generally admit to it so

993 It should be noted that it is not entirely conceivable how 'Abd al-Rāhmān would have applied a punishment if all, or nearly all, of his men were intoxicated.

994 Sulaymān acceded to the caliphate with little external opposition (see p. 131, n. 811). Tabarī uses nearly sixty folios (translated in as many pages by D. S. Powers, vol. XXIV, 3-65) to detail Sulaymān’s two year and seven/eight month caliphate (Tabarī, tr. D. S. Powers, vol. XXIV, 61-2). His description mostly focused on the increasing tensions between tribal factions and reform of the taxation system imposed by al-Ḥajjāj on the citizens of Iraq (Ibid., Translator's Foreword, xiii-xv).

995 See p 156.

996 Tabarī, tr. D. S. Powers, XXIV, 16-21.

997 Ibid., 13-4. Unless otherwise noted, the remainder of the story above is paraphrased from Powers' translation on pp 13-5.

998 Ta'rikh, vol. 6, 519.

999 Loc. Cit.
openly. Nor does it seem likely that the attitude toward wine drinking had become so relaxed that one could use it in defence of the accusation of being in the planning stages of founding a rebellion. This incident, it seems to this author, exists to work in conjunction with the following story concerning Wakī', in order to fully illustrate his personal character.

"Wakī' mounted his horse one day, and they brought him a man who was drunk [sakrān]1001. On his order, the man was killed."1001 Someone remarked to Wakī' that the man "should not have been killed, but given the ḥadd."1002 Wakī' responded, "I punish with the sword not the whip."1003 The poet Nahār b. Tawsī'ah is said to have recited of the incident:

We used to cry because of al-Bāhili,  
but this Ghudānī is much more evil.1004

Ibn Tawsī'ah's statement informs the reader that Wakī' is an evil individual, "much more evil" than his predecessor. But that alone might not have been sufficient to readers of Tabarī's History to convince them of the truth of that statement. Both Wakī' s past and previous actions would here work separately and together to reinforce this perception. First, Wakī' does not deny that he drinks and becomes intoxicated. Second, Wakī' is related to have given a capital punishment to a drunkard where it was generally acknowledged that the punishment should have been lashes.1005 Finally, the two incidents taken together - the incident in which Wakī' himself is a drunkard, and the incident in which he punishes a drunkard beyond the apparently accepted norm - would have demonstrated unequivocally that Wakī' was "much more evil" than his predecessor.

1000 Ibid.
1001 Tabarī, tr. D. S. Powers, XXIV, 24.
1002 Translation mine (Ta'rīkh, vol. 6, 519). See n. 1005 below.
1003 Tabarī, tr. D. S. Powers, XXIV, 24.
1004 Ibid., 25. Powers informs the reader that "al-Bāhili" refers to Qutaybah and "Ghudānī" refers to Wakī'. (Ibid., n. 109)
1005 The use of the word ḥadd suggests that lashes were to be given, and probably the number of eighty would have been used. In addition, Wakī' s statement that he punishes "with the sword not the whip" suggests that it may have been generally understood that the punishment for drinking wine was flogging. For more on the term ḥadd, see p 187.
These two anecdotes, however, raise many points which cast doubt on their contents. It is interesting to note, for instance, that the Caliph Sulaymān neither reprimanded nor punished Wakī for his alleged drinking and intoxication. Nor does he seem to have corrected Wakī with respect to the alleged punishment Wakī directed against the drunkard. Instead, Wakī was promoted to take charge of military affairs in Khurāsān.1006 Another factor which brings into question the veracity of the previous anecdotes is that Ṭabarī has not identified the “someone” who spoke to Wakī. Ṭabarī is typically good at identifying, or at least naming, the participants of his stories. Yet here, with what would appear to be a significant matter, i.e., that Wakī had killed a drunkard and not flogged him, Ṭabarī does not identify the individual who contradicts Wakī’s chosen form of punishment. Finally, on a stylistic note, the second anecdote seems somewhat disconnected from the main flow of the text, and suggests that it was deliberately inserted for the very purpose of discrediting Wakī and, indirectly, the Umayyad caliph, Sulaymān. This does not, however, indicate that the story is inherently false. Events may have occurred as Ṭabarī has related them. Even so, the second anecdote’s placement in the chronological framework Ṭabarī presents leads to some suspicion as to whether this event actually took place at precisely the time Ṭabarī seems to imply.

These anecdotes seem to this author to demonstrate still further that the theme of wine consumption could be used to discredit an individual’s reputation. In this case, the theme has been used in a new way, by discrediting Wakī first for becoming intoxicated and then killing a man for that offence. Such extreme duplicity would not have gone unnoticed among Ṭabarī’s ‘Abbāsid audience.1007

1006 Ṭabarī, tr. D. S. Powers, XXIV, 29.
1007 It is especially difficult in this case to sort the “strands of historical fact” from the “larger fabric” (See p. 132, n. 817, and main text, p. 132) of this short “biography” of Wakī. The present author is inclined to believe that the second anecdote (in which Wakī strikes a man dead for drinking wine) is marginally more historical than the first anecdote (in which Wakī is said to have accepted the alibi of wine drinking to excuse him from secretly taking the oath of allegiance) for the reasons stated against each case in the text above.

Sulaymān b. `Abd al-Malik died in 99/late September-early October 717.1008 Sulaymān had arranged for `Umar b. `Abd al-Azīz to succeed him, which he did with little resistance.1009 Traditional accounts portray `Umar as a return to piety akin to that of the Rāshīdūn caliphs, earning him the eponym, `Umar II.1010 To a very large extent, such a description is justifiable. His policies are said to have generally found favour with most elements in the community, often taking the form of those policies which `Umar b. al-Khaṭṭāb had adopted.1011

One of `Umar II's policies where he and `Umar b. al-Khaṭṭāb appear to have shared a similar objective was in the control of wine consumption. `Umar II is said to have instructed his governors to tend to “the purity of morals in the spirit of Islam.”1012 In practice this meant that in Egypt, for example, the governor, Ayyūb b. Shurjabil, was ordered by `Umar II to close down and then destroy all places where strong drink was being sold.1013 This measure would have made the procurement of wine more difficult. In addition, anyone who was discovered drinking alcohol in public was punished.1014 There does not appear to be

1008 Taʿbarī, tr. D. S. Powers, XXIV, 61.
1009 Ibid., 70-1.
1011 Taʿbarī devotes just over thirty folios - roughly thirty pages in Power's translation (69-102) - to `Umar II's caliphate, less than that given to Sulaymān, and proportionately insignificant compared with the amount of space devoted to the three year reign of Yazīd b. Muʿāwiya or the one year reign of al-Walīd b. Yazīd (see below, s.v., Al-Walīd b. Yazīd b. `Abd al-Malik). In light of the information presented so far, such a small amount of space is not entirely surprising given the traditional view that `Umar II was a piously minded individual, and the sources seem, to this author, to prefer to report conflict rather than harmony.
1012 Barthold, “Caliph `Umar II and the conflicting reports on his personality”, 92.
1013 Loc. Cit.; Rashīd, The Role of the Shurta in early Islam, 52. Both authors quote the same passage from Al-Kindi, Kitāb Wulāt Misq - their translations vary slightly. Shābushtī, writing in the fourth/tenth century, records at least three monasteries which were producing wine in his lifetime, though they may not have been selling it. For more on potential sources of wine in Islamic lands, see later in this chapter, the section entitled, Possible Sources of Wine in Islamic Lands.
1014 Rashīd, 52, citing al-Kindi.
any information on what that punishment would have consisted of. It seems likely that flogging, probably of eighty lashes, would have been implemented, given 'Umar II’s association with the policies of ‘Umar b. al-Khaṭṭāb.\(^{1015}\) Additional evidence that flogging would have been the likely punishment comes from details of 'Umar II’s experiences while he was governor of Medina.

The caliph al-Walid b. ‘Abd al-Malik ordered 'Umar II to construct a new, larger mosque on the site of the Prophet’s mosque in the winter months of 88/707.\(^{1016}\) In doing so, he was to “incorporate the rooms of the wives of the Prophet into the mosque.”\(^{1017}\) This entailed razing the structures. Khubayb b. ‘Abdallāh b. al-Zubayr “beseeched” 'Umar II not to destroy the apartments “mentioned in the Qur‘ān.”\(^{1018}\) ‘Umar II punished Khubayb for speaking out by flogging him, immediately pouring cold water on him, and then ordering him to stand outside the mosque in the cold. He subsequently died from his injuries.\(^{1019}\)

There is no clear explanation as to why Khubayb should have been flogged for speaking out against the destruction of the apartments, and no justification given in the sources for the added punishment of death. What can be said is that 'Umar II does not appear to have been averse to someone dying from a punishment he ordered. Consequently, if it came to punishing those who had consumed wine, it seems certain that 'Umar II would not have hesitated to assign eighty lashes.

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\(^{1015}\) For more on 'Umar b. al-Khaṭṭāb, see Chapter 3, q.v..

\(^{1016}\) Ṭabarī, tr. M. Hinds, vol. XXIII, 141. Ṭabarī relates that the letter instructing 'Umar II to begin construction arrived in either Rabī‘ I/January - February or Safar/February - March (Ibid., 141-2).

\(^{1017}\) Loc. Cit. The Prophet’s mosque in Medina served a dual function: it was also his house in Medina (R. Hillenbrand, Islamic Architecture, 33; Cf. Ettinghausen and Grabar, The Art and Architecture of Islam: 650-1250, 40). His wives lived with him at his house, each wife having a separate apartment built onto the house-mosque (Ibn Ishaq, 681).

\(^{1018}\) Barthold, 71, citing Ya‘qūbī, TaRīkh. Sūrah 49:4 does not specifically mention the apartments of the wives of the prophet, only the apartments where the Prophet lived (tr. Yusuf Ali & Pickthall).

\(^{1019}\) Ibid.; Ṭabarī, tr. M. Hinds, vol. XXIII, 202. Ya‘qūbī records that 'Umar II applied one hundred lashes, while Ṭabarī writes that 'Umar II applied fifty lashes. In either case, the cause of Khubayb’s death appears to have been complications arising from the deliberate infection (i.e., the cold water and the cold air) to his wounds.
Yazid b. 'Abd al-Malik b. Marwan (101/720 - 105/724)

After less than four years as Caliph, 'Umar II died at the age of thirty-nine in Rajab 101/February, 720. Another son of 'Abd al-Malik b. Marwan, Yazid (henceforth to be referred to as Yazid II), assumed the caliphate. Yazid seems to have maintained some of 'Umar II's policies "... in principle, but they were not well enforced." Hodgson writes that the reason the measures instituted by 'Umar II were not enforced was due to Yazid's preoccupation with "women and song." One other reason that 'Umar II's measures might have been neglected was due to Yazid II's preoccupation with drinking wine. It is therefore possible to speculate that 'Umar II's policies with respect to reducing wine's availability in Islamic lands were among those measures that went non-enforced, and perhaps even disregarded in principle as well.

Yazid II's overall behaviour earned him an admonishment from his half-brother Maslama b. 'Abd al-Malik. He "reproved him for his neglect of duty and dedication to drink and frivolous amusements." Maslama said:

You have succeeded to 'Umar, who died only yesterday, and was just and upright, as we all know; you ought to be following his example. But instead you let yourself be distracted from the people and their affairs. ... Now give up these frivolities, which your governors have copied, as they have the rest of your acts and behaviour.

Yazid II answered that he was right, "and thereupon resolved to give up drink and follow 'Umar II's example."

Following this reprimand, Yazid II was confronted by his slave girl, mistress, and

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1020 Hodgson, vol. 1, 271.
1022 This eponym is here used only to distinguish between the earlier Yazid and this one.
1025 Loc. Cit.
1026 See text below.
1027 Hamilton, Al-Walid and his Friends: an Umayyad Tragedy, 68.
1028 Ibid., citing the Aghani.
1029 Ibid., citing the Aghani.
singer, Ḥabāba.  

She sang to him, "Life is what you love and gives delight - that's all!" Consequently, he instructed Maslama to lead the prayers and returned to Ḥabāba and drank wine while she sang to him, thus reverting "to his old habits."

These two anecdotes taken together make it highly plausible that Yazīd consumed wine. However, the second anecdote seems suspect as it derides Yazīd still further, having declared that he excused himself from conducting the prayers only so that he could drink wine and listen to Ḥabāba. There is the possibility that events transpired just as al-Īṣfahānī recorded them. And it may be the case that this last incident was included to illustrate that, on occasion, Yazīd neglected the prayers in favour of consuming wine.

These passages have another significance. Maslama indicates that the caliph set the tone for the governors of his empire. Although it is known that not every governor imitated the Caliphal court's example, it seems reasonable to speculate that if a governor was already inclined toward "frivolities," then the example at court could only serve to encourage that governor. If it hence became generally known that Yazīd consumed wine, then perhaps his governors would have felt secure in doing so as well. Speculating yet further, if the governor of a province were consuming wine, it may have been the case that some of the people of his province, perhaps already inclined to drink, would have felt a degree of safety from the authorities if they chose to consume wine.

Evidence that the caliph's governors did not necessarily follow the example of the Caliph comes from events in Khurāsān. The governor of Khurāsān, Saʿīd Khudhaynah, was informed that eight men who had been appointed governors of local districts under the

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1030 Ibid., 71; EF, s.v., “Ḥabāba”.
1031 Ibid., citing the Aghanī.
1032 Ibid., citing the Aghanī.
1033 However, given the animosity of the transmitters al-Īṣfahānī would have had recourse to, one must again be cautious at accepting the account at face value.
1034 See text below.
1035 See later in this chapter, the section entitled Law in the Umayyad Era, the Shurṭa.
1036 Having so speculated, there is no evidence in the sources that this is in fact what occurred.
previous governor of Khurāsān, Yazīd b. al-Muhallab, “had in their possession moneys that they had stolen from the levies belonging to the Muslims.”\textsuperscript{1037} The men were arrested and imprisoned.\textsuperscript{1038}

Someone said to [Ṣaʿīd], “These men will not pay up unless you raise your hand against them,” so he sent for Jahm b. Zaḥr, ... and put him on display in front of al-Fayḍ b. Ṭimarān. Al-Fayḍ stood before him and struck him on the nose, whereupon Jahm said to him, “O, sinner, why didn’t you do that when they brought you to me, drunk on wine, and I administered the ḥadd punishment to you?” Angered by Jahm, Ṣaʿīd administered two hundred lashes to him. The merchants praised God when Jahm b. Zaḥr received his beating.\textsuperscript{1039}

Jahm was subsequently returned to prison where he was slain.\textsuperscript{1040}

Once more, this anecdote clearly establishes the attitude toward wine consumption, though perhaps not so clearly the fact of wine consumption. The governor, Ṣaʿīd, was deeply offended that someone close to him should have been accused of wine drinking, so much so, that he is said to have issued two hundred lashes to Jahm. This figure is highly dubious. It is possible that complications to injuries caused by eighty lashes could cause death, and yet in this story, Jahm is returned to prison after receiving lashes two and a half times that figure. Perhaps two hundred lashes should be understood as signifying the degree to which Ṣaʿīd was offended at the accusation of wine consumption having been levelled against al-Fayḍ.

The present author has not uncovered any further information on the participants of this story. It is therefore difficult to determine if in fact al-Fayḍ had become drunk on wine and if Jahm had administered a punishment to him for that offence. It may be the case that

\textsuperscript{1037} Ṭabarī, tr. D. S. Powers, vol. XXIV, 150. Yazīd b. al-Muhallab had himself been arrested by ‘Umar II in 100/718-9 “because of his failure to convey to the treasury the fifth of the booty that he had collected during the conquest of Jurjān and Ṭabaristān...” (Ibid., Translator’s Foreword, xv; pp 79-80 of his translation; Cf. \textit{EP}, s.v., “Yazīd b. al-Muhallab b. Abī Ṣufra al-Azdī”). It may be for this reason that his appointees for local districts of Khurāsān came under suspicion.

\textsuperscript{1038} Ibid., 150-1.

\textsuperscript{1039} Ibid.

\textsuperscript{1040} Loc. Cit. It seems to this author that the extent of the animosity directed against Jahm can not be wholly explained in terms of the money he allegedly kept from the central
Jahm was attempting to distract Sa'id, using wine consumption and its punishment as a comparison to his own alleged crime, as had been done in the confrontation between 'Ubaydallāh and Ibn 'Aqīl. In any event, this story appears to confirm that the accusation of wine consumption could be used to slander one's reputation, and that the governors of the caliph need not follow the example of their caliph in all matters.

**Hishām b. 'Abd al-Malik b. Marwān (105/724 - 125/743)**

Yazīd II died in Sha'ba'n 105/January 724. Hishām b. 'Abd al-Malik b. Marwān was made caliph upon his death. "Later historians, when not concerned to lampoon him or castigate the Umayyads collectively, gave Hishām credit for a strict and incorruptible administration." This observation is borne out by authors such as al-Maqrīzī, who agrees with the view accredited to al-Manṣūr that Hishām was "the real man amongst the Banū Umayya ..." Al-Maqrīzī provides as support of his argument the following example: Hishām appointed his son, Sa'id, as governor of Ḥims, only to dismiss him when Hishām was informed that Sa'id "played havoc amongst the women there."

This is not the only example of Hishām's "incorruptible administration." In the year 120/738, Hishām consulted his companions for a man suitable to assume the governorship of Khurāsān. A man named 'Uthmān b. 'Abdallāh b. al-Shikhkhū was considered, but rejected because, Hishām was informed, the man was a "drinker" [sharāb]. Clearly
for Hishām, the consumption of alcohol was not to be tolerated in his government. There is evidence in events which occurred a year earlier that appears to demonstrate that Hishām was already projecting this ideal and that, in so doing, he had set this tone for his governors.

Ṭabarī informs the reader that a man named Bahlūl b. Bishr “became famous for being bold with Hishām b. ʿAbd al-Malik.” Bahlūl intended to make the pilgrimage in the year 119/737. He instructed his servant to buy vinegar. His servant returned, but with wine [khamī] instead. Bahlūl ordered his servant to return to the shopkeeper and ask for his money back, but the shopkeeper did not fulfil the request. Bahlūl took the matter to the governor of the city. The governor dismissed his case, stating that "Wine [al-khamī] is better than you and your people." Bahlūl completed the pilgrimage and upon his return “resolved to rebel against the authorities.”

This anecdote establishes that wine was continuing to be used as an insult through the latter part of the reign of the Umayyads. But why would the governor have wished to insult Bahlūl who was planning on making the pilgrimage? Bahlūl, Ṭabarī informs the reader, was associated with the Kharījite movement, which had, since the time of its formation during the civil war between ʿAlī b. Abī Ṭalib and Muʿāwiyyah, been opposed to the Umayyad regime and frequently erupted in open revolt. It is possible that the governor knew of Bahlūl’s association with the Kharījites, viz., “you and your people”. In order to demonstrate his dislike of the Kharījites, he informs Bahlūl that they are worse than the (the sin of) one who consumes wine.

It may also be that this governor was in part reflecting the attitude of the caliph

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1051 Ibid., 155. The remainder of the story is paraphrased from Blankinship’s translation on 155-6 unless otherwise noted.
1052 Taʾrikh, vol. 7, 130.
1053 Ibid.
1054 Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 156.
1055 Ibid.
1056 See Chapter 3, s.v., ʿAlī b. Abī Ṭalib. See also EI, s.v., “Kharījite”.
1057 See p. 131, n. 811.
Hishām toward wine consumption. Or perhaps the governor had held views about wine consumption similar to Hishām’s before being appointed governor, and perhaps that was one of the reasons for his appointment. What seems clear is that this governor, and this caliphate, strongly condemned wine consumption, and Bahlūl may have been aware of this. This would have made the insult worse, as it came from a “pious” source.

Something of this nature seems to have been the case, for Bahlūl clearly took the insult very personally. He organised his Kharrijite companions and set off to overthrow the governor of Iraq and the eastern provinces, Khālid b. ‘Abdallāh al-Qasrī. En route, Bahlūl ordered his followers to attack and kill the governor of the city who had directed the insult against him. His companions urged him not to kill this local governor, for Khālid would then be alerted to their presence and their plans. However, Bahlūl was committed to exacting his revenge on this man who had said that wine was better than himself and his comrades. His companions obeyed and killed the local governor. This did alert Khālid to their presence. The two sides fought, resulting in the death of many Kharrijites and the slaying of Bahlūl. This illustrates that the insult of being associated with wine was so great that it could sometimes result in self-destructive, obsessive vengeance.

There is no mention in the sources that Hishām initiated a concerted policy against the consumption of wine, such as ‘Umar II had initiated. Indeed, the man who Hishām knew might succeed him, al-Walīd b. Yazīd b. ‘Abd al-Malik, was known to him to indulge in wine. There is no evidence that Hishām directly punished him for his transgressions.

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1058 Ṭabarī does not name the governor in question.
1059 Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 156. Khālid b. ‘Abdallāh al-Qasrī was appointed governor of Iraq and the eastern provinces in the year 105/724 (Ibid., 4), and remained in that post until 120/738 (Encyclopedia of Islam, s.v., “Khālid b. ‘Abd Allāh al-Kasrī”). From the text above, it seems clear that Bahlūl used the overthrow of Khālid as a pretext to motivate his followers whom he may have suspected would not have supported a call to fulfil Bahlūl’s vengeance against the local governor who had insulted him.
1059 Ibid. The remainder of the story is paraphrased from Blankinship’s translation on 156 unless otherwise noted.
1060 Ibid., 159-60.
1061 See below, s.v., Al-Walīd b. Yazīd b. ‘Abd al-Malik.
However, it is recorded in the following anecdote that he hoped that “popular pressure” might have the desired effect\(^{1063}\) of convincing al-Walīd that the people would neither condone his behaviour nor his eventual caliphate.

In the year 116/734, Hishām placed al-Walīd in charge of the pilgrimage. Among the items al-Walīd prepared to take with him was a supply of wine [\(khām\)\(^{1064}\)].\(^{1065}\) In Mecca, al-Walīd behaved “in a contemptuous and flippant way toward religion, and Hishām came to hear about it.”\(^{1066}\) When al-Walīd returned from the pilgrimage, Hishām exclaimed to al-Walīd: “By God, I do not know whether you are for Islam or not.”\(^{1067}\) Hishām was, therefore, often preoccupied with attempting to have the oath of allegiance given to his son, Maslama b. Hishām.\(^{1068}\) “Hishām tried to persuade al-Walīd to annul the oath of allegiance sworn to him and give it instead to Maslama, but al-Walīd refused.”\(^{1069}\)

**Al-Walīd b. Yazīd b. ʿAbd al-Malik (125/743 - 126/744)**

Upon hearing of his uncle Hishām’s death, al-Walīd b. Yazīd (henceforth referred to as al-Walīd II\(^{1070}\)) is said to have “celebrated both the passing of the man ... and the change in his own affairs” by drinking wine and singing for two nights.\(^{1071}\) Ṭabarī records that:

> When his accession came and the caliphate passed to him, he only persisted all the more in his pursuit of idle sport and pleasures, hunting, drinking wine [\(shārīb al-nabīḍh\)\(^{1072}\)], and keeping

\(^{1063}\) Hamilton, 95.

\(^{1064}\) Taʾrīkh, vol. 7, 209.

\(^{1065}\) Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 88; R. Hillenbrand, “La Dolce Vita in Early Islamic Syria,” 11, citing the Aghānī, in which it is stated that al-Walīd took him with a supply of al-sharāb (6:102).

\(^{1066}\) Ibid., 89; R. Hillenbrand, “La Dolce Vita in Early Islamic Syria,” 11, citing the Aghānī.

\(^{1067}\) Ibid. The Aghānī records the same incident, as translated by Hamilton, “Are you or are you not a Muslim?!” (92) A more literal translation of this passage in the Aghānī might be: “Are you Islamic or not” (6:102), which is similar to Hillenbrand’s rendering of Ṭabarī (Taʾrīkh, vol. 7, 209) - the two accounts are worded almost identically. Immediately following this incident the Aghānī labels al-Walīd a zindīq, a “free-thinker” (Wehr, 383). See below, p. 169, n. 1076, for further discussion of the term zindīq.

\(^{1068}\) It is also possible that Hishām wanted his own son, and not his nephew, to become caliph after himself.

\(^{1069}\) Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 89.

\(^{1070}\) This eponym is here used only to distinguish between the earlier al-Walīd and this one.

\(^{1071}\) Hamilton, 134-5, citing the Aghānī.

\(^{1072}\) Taʾrīkh, vol. 7, 231.
company with libertines [munādama fussāq]. I have left to one side the accounts which deal with all this as I would hate to make my book any longer by mentioning them.

Although Tabari elected not to include episodes of al-Walid II’s wine consumption, the Aghānī has preserved many stories of al-Walid II and his drinking, only a sample of which will be presented here. In addition to the stories, the Aghānī has also persevered its author’s judgement of al-Walid II, labelling him a zindiq, “free thinker”. This interpretation of the phrase used in the Aghānī seems appropriate, for there is evidence provided in the Aghānī itself which leads to the impression that al-Walid believed in the Qur’an and the existence of Allāh.

Following a conversation between Shurā’ah b. Zindabūd and al-Walid II, in which the two men agreed that khamr was the best type of wine, al-Walid II, while allegedly 

1073. Loc. Cit. A more literal translation may be rendered as, “sinful drinking companions,” from fussāq (singular, fāṣiq), “sinful, dissolute, wanton” (Wehr, 713), and munādama, “drinking companionship” (Wehr, 952). On this latter word, see also Chapter 5, Hārūn al-Rashīd, the boon-companion. The present author agrees with C. Hillenbrand’s translation, in that keeping “company with libertines” seems to best convey the judgement implicit in Tabari’s phrase, “munādama fussāq”, as a group of morally dissolute individuals.


1075. The present author ceased counting separate incidents recorded by the Aghānī pertaining to al-Walid II and wine consumption at twenty-four, all of those out-with the examples given in the text and poetry attributed to al-Walid II. For examples of al-Walid II’s wine poetry, see later in this chapter, the section entitled, A Brief Word on Poetry.

1076. Aghanī, 6:102. The text reads “bi-l-zandqa”. “Zindiq is a vague designation” (Goldziher, Introduction to Islamic Theology and Law, 142), having originally been the designation of Zoroastrians for those who introduced radical teachings of the Avesta, especially those who followed the teachings of Mānī, known as the Manichaeans (El, s.v., “Zindik”). The term was adopted by the Muslims and “lost its precision”, and under the Caliph al-Mahdi (158/755-169/785), the term zindiq appears to have been applied to those who professed to be Muslims but who were accused of secretly following Manichaeanism (Ibid.; Aghanī, vol. 3, 70-3). But by the ninth or tenth centuries, “Manichaeanism lost ground in Islamdom,...” and “anyone suspected of cloaking an esoteric faith beneath his profession of Islam” was considered a zindiq (Hodgson, vol. 1, 291). This seems ultimately to have given to rise the definition of a zindiq as one who had a “free, radical way of thinking” (El, s.v., “Zindik”). The present author would suggest one other possibility. The use of the label zindiq as a negative method of describing a “free-thinker” may have come about as the logical conclusion of the displacement of ijtihād in favour of taqlid in Islamic law. This suggestion will have to remain unexplored, for the scope of this thesis does not warrant further development of this theme.

1077. Aghanī, 6:125; Cf. Hamilton, 124, citing both the Aghanī and Mas‘ūdī. R. Hillenbrand, following Zaydān, Umayyads and ‘Abbāsids, tr. D. S. Margoliouth, does not apparently connect this conversation with the events which follow in the Aghanī.
drunk,\textsuperscript{1078} looked to the Qur'ān for an augury.\textsuperscript{1079} He opened the Qur'ān to Sūrah 14:15-6:

“But they sought victory and decision, and frustration was the lot of every powerful obstinate transgressor. In front of such a one is Hell, and he is given for drink, boiling fetid water.”\textsuperscript{1080}

Al-Walīd II then ordered the Qur'ān hung up and proceeded to shoot arrows at it until “it was cut to pieces”.\textsuperscript{1081} He then recited the following:

\begin{quote}
Thou tauntest the rebel and tyrant? Ah well!
A tyrant an I and prepared to rebel.
When thou meetest thy Lord on the last judgement morn,
Then cry unto God “By Walid I was torn.”\textsuperscript{1082}
\end{quote}

This somewhat “scurrilous”\textsuperscript{1083} anecdote seems to demonstrate that al-Walīd II was not irreligious. He recognised the Qur'ān as his Holy Book and that Allāh is a living God who waits in judgement at the end of days. In addition, al-Walīd II is said to have been able to conduct the prayers “impeccably,” shedding his “pleasure robes” for a plain white robe.\textsuperscript{1084}

And yet, “to use the Qur'ān as an oracle, as al-Walīd seems to have done in this case, was in itself a highly unorthodox act.”\textsuperscript{1085} In addition, the act of shooting arrows at the Qur'ān and cutting it to shreds may be an allusion to Sūrah 15:90-1. These verses speak of the Meccans,

\textsuperscript{1078} Zaydān, citing Mas'ūdī and the Aghānī. Cf. R. Hillenbrand, 16, as noted above in n. 1077.

\textsuperscript{1079} Ibid.; Cf. R. Hillenbrand, 16; Hamilton, 125. This event appears to have taken place the evening of al-Walīd II’s conversation with Shurā’ah.

\textsuperscript{1080} Tr. A. Yusuf Ali. Hillenbrand adopts Margoliouth’s translation (in Zaydān) for the latter verse, that “… every rebellious tyrant, behind whom is Hell, where he shall be given to drink of pus” (p. 32, n. 192). It is worth noting that Hamilton words his translation differently (125) and that Pickthall, in his translation of the Qur’ān, words the verse differently as well.

\textsuperscript{1081} R. Hillenbrand, 16; Aghānī, 6:125.

\textsuperscript{1082} Ibid., quoting Margoliouth’s translation of Zaydān (104) from the Aghānī (6:125).

Hamilton translates this verse from the Aghānī, but in so doing has not retained the Aghānī’s rhyme scheme (125).

\textsuperscript{1083} Ibid. The present author believes that if this were a wholly contrived story to demonstrate that al-Walīd II was unfit to rule because he drank wine, then the story might have been more effective if al-Walīd II had opened the Qur'ān to Sūrah 5:90-1.

\textsuperscript{1084} Ibid., citing the Aghānī; Zaydān, tr. Margoliouth, 105, citing the same source and passage. It may be the case that if al-Walīd II were chronically dependent on alcohol, then it is possible that al-Walīd II could have developed a behavioural tolerance to the drug and was able to perform the prayers flawlessly while still at blood alcohol levels that would seriously impair most individuals (Rosenham & Seligman, 527). For further remarks on al-Walīd II’s possible chronic addiction to wine, see p. 174 and p. 176.

\textsuperscript{1085} Ibid., p. 31-2, n. 191.
who, before accepting Islam, are said to have torn up the Qur'ān into arbitrary sections and distributed them haphazardly.\footnote{A. Yūsuf 'Alī, n. 2014 to his translation of the Qur'ān.} This association would seem to further demonstrate that al-Walīd was irreligious.

Both of these acts are said to have occurred when al-Walīd II was drunk. The term \textit{zindīq}, the present author would speculate, should be understood in the context of al-Walīd II's behaviour while intoxicated. Recall that the label was applied after al-Walīd II returned from his pilgrimage in which he took a supply of wine and then proceeded to act disgracefully in the city of Medina. These two events seem to indicate that it was al-Walīd II's behaviour while intoxicated, and not exclusively the act of becoming intoxicated, which earned him the label of \textit{zindīq}.

This story also seems to demonstrate that al-Walīd II's behaviour could become violent when he was drunk. This is not the only record from which to draw such a conclusion. There are two other unrelated stories which appear to confirm that al-Walīd II could become violent while drunk. One of those stories begins with al-Walīd II and his entourage\footnote{This would most likely have included his boon-companions, slave girls, and singers (Hamilton, 86 - 91).} staying at a monastery named Dayr Ṣalība.\footnote{Hamilton, 90. Shabushā, in his Book of the Monasteries, writes that this monastery in fourth/tenth century Syria was noted for its \textit{khamr} of the earliest fruits of the season (217). For more on Christian monasteries and their making available the wine they produced, see later in this chapter, \textit{Possible Sources of Wine in Islamic Lands}.} He was to hold an audience for a number of Arab leaders while at the monastery.\footnote{Ibid. The remainder of the story above is paraphrased from Hamilton, 90-1, citing 'Umāri.} Before his meeting with the Arab leaders, Al-Walīd II's chamberlain admonished al-Walīd II for drinking when he knew he was about to hold audience. Al-Walīd II's response to this was to order the chamberlain to drink with him until they were both drunk. The chamberlain refused. Al-Walīd II is then said to have forced the man to drink "with a pipe down his throat until he fell as one dead and was carried out."\footnote{Ibid., 91.}
This anecdote is difficult to accept. It is questionable that al-Walid II would have held an audience for Arab leaders at a Christian monastery for two reasons: the monasteries appear to have been places where al-Walid went to drink wine, listen to songs, and relax; and there may be some doubt that Arab leaders would have wished to meet al-Walid II at a monastery. Nevertheless, it is possible that al-Walid II saw no contradiction in meeting Arab leaders at a monastery, which would certainly be in keeping with the Aghânî's judgement that al-Walid II was a free-thinker. And if al-Walid II wished men to meet with him at a monastery, a refusal may have been viewed by al-Walid II as a rebellion against his authority. So although the story is not without some difficulties, on balance the present author would argue that it still warrants merit. The story may therefore be viewed as a good indicator that al-Walid II's behaviour could become violent when he was drunk.

The second story which supports this conclusion is related in the Aghânî. The story begins with al-Walid II having succumbed to intoxication and fallen asleep. One of his companions, Ibn Țawîl, thereupon departed. When al-Walid II awoke, still intoxicated, he asked for Ibn Țawîl and was furious to hear that he had left. In a fit of rage, he ordered his servant, Šabrâh, to bring him Ibn Țawîl's head. Šabrâh did as he was ordered and brought the severed head of Ibn Țawîl to al-Walid II. Al-Walid II, now sober, saw the head of his friend and asked what had happened. He was told what had happened and fell into a deep state of misery and remorse.

The elements of this story - a ruler becoming intoxicated and executing a companion - are similar to another story concerning the pre-Islamic Lakhmid King, Mundhir III. As argued in Chapter 1, this suggests that such a story was a means of attacking a ruler, and the actual events may be exaggerated, or may not have taken place at all. Even if it is the case that this story is exaggerated, or even false, it is a further indication of what must have been a popular belief that al-Walid II consumed large quantities of wine. And as has been

1091 Aghânî, vol. 6:132-3; the story above is paraphrased from Hamilton's translation, 133.
1092 Cf. Chapter 1, the section entitled The Lakhmids, Rulers.
demonstrated in this chapter, not every ruler who consumed wine was also noted for their violence. It therefore seems reasonable to assess al-Walid II as capable of a certain violence while intoxicated.

By and large, however, al-Walid II was a danger to himself, in terms of drinking to the point of blacking out. The singer 'Umar b. Dā'ūd b. Zādān, who is himself said to be the source of this story, went before al-Walid II with a song which al-Walid II had challenged him to perfect. When Ibn Zādān was brought before al-Walid II, Ibn Zādān "found him with a maidservant standing by his head holding a cup. He was not drinking at the moment, having taken too much already." Ibn Zādān recited the song he had perfected, and al-Walid II drank to his success. He then ordered Ibn Zādān to sing the song again and again, each time toasting his success, until al-Walid II "toppled over on his side and fell fast asleep."

Complementing this story is a report from the singer, Abū Ḥārūn 'Aṭarrad. 'Aṭarrad was brought before al-Walid II in his palace, where he found him sitting

... I had barely finished [singing] when, by God, he tore apart an embroidered robe that was on him, ... flung it down in two pieces, and plunged naked as his mother bore him into that pool; whence he drank, I swear, until the level was distinctly lowered. The he was pulled out, laid down dead to the world, and covered up. So I got up and took the robe; and no-one, by God, said to me "take it" or "leave it."

This story seems authentic, though it is difficult to accept that al-Walid II could have consumed sufficient fluid such that 'Aṭarrad would have visually ascertained a drop in the level of the pool al-Walid II had plunged into. However, this may have been meant as a metaphor to indicate the extraordinary amounts of wine al-Walid II was capable of

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1093 Hamilton, 47, citing the Aghānī.
1094 Ibid., 47-8.
1095 Ibid., 48.
1096 Ibid.
1097 R. Hillenbrand, 12-3, citing Hamilton's translation of the Aghānī (36-7). R. Hillenbrand notes that the tearing of the robe "may well have been an accepted symbol of extreme delight in a fine performance" (p. 28, n. 119).
consuming before becoming intoxicating. This may indicate that he had developed a metabolic tolerance to high doses of alcohol,\(^{1098}\) and suggests that al-Walid II was chronically addicted to wine.\(^{1099}\)

Whether or not 'Atarrad did actually discern the amount of liquid in the pool decrease, the story gains credibility in light of excavations at the site of al-Walid II’s palace, Khirbat al-Mafjar, which may indicate pipes specifically designed to carry wine into a small pool, as described and illustrated below.

“Atarrad's experience seems to indicate that this second pipe may have been used to conduct wine into the pool. However, one must be cautious in assessing this evidence. R. Hillenbrand has rightfully warned that “archaeological evidence provided by later Umayyad palaces ... offers positive proof neither of al-Walid’s piety nor of his allegedly irreligious stance ...”\(^{1101}\)

Hishâm’s prediction that the people would not condone al-Walid II’s behaviour came to pass approximately a year\(^{1102}\) after al-Walid II came to the caliphate. His cousin, Bishr b.

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\(^{1098}\) Rosenham & Seligman, 527.

\(^{1099}\) For some concluding remarks on al-Walid II’s potential chronic addiction to wine, see p 176.

\(^{1100}\) R. Hillenbrand, 12.

\(^{1101}\) Ibid., 17. For more on this palace, see Grabar, The Formation of Islamic Art, 143-55 and index; Ettinghausen and Grabar, The Art and Architecture of Islam: 650 - 1250, 50-68; R. Hillenbrand, Islamic Architecture, index.

\(^{1102}\) Tabari, tr. C. Hillenbrand, vol. XXVI, 243. Al-Walid II is recorded to have taken the oath of office in Rabī‘ II 125/February-March 743 (Ibid., 83) and died in 126/probably April-

Figure 1: Reconstruction of wine bath, according to Hamilton.
Walid b. 'Abd al-Malik is said to have commented that al-Walid II's "unapproachability and neglect of government, his addiction to music and hunting, his persistent pursuit of pleasure and continued drinking all disgusted the people." Eventually, or perhaps inevitably, there was a violent backlash against his rule. A large group of disaffected citizenry marched on Damascus and captured it without any great difficulty while al-Walid II was outside the city. Al-Walid II subsequently chose to hold up in the citadel of al-Bakhra'.

From the temporary safety of the citadel, al-Walid II shouted down to the growing number of rebels in hope of alleviating his worsening situation, "Did I not increase your stipends? Did I not remove onerous taxes from you? Did I not make gifts to your poor and give servants to your cripples?" 

Ṭabari informs the reader that in fact al-Walid II had performed these acts of charity, in addition to a host of reforms aimed at helping those in need. This appears to have had little effect. The leader of the rebels, Yazid b. 'Anbasah al-Saksaki, replied, "We don't have any personal grudge against you. We are against you because you have violated the sacred ordinances of God, because you have drunk wine [shurb al-khamir], because you have debauched the mothers of your father's sons, and because you have held God's command in contempt." Here, Yazid b. 'Anbasah seems to

May 744 (the months have been figured based on the next Caliph's six month reign; see below, n. 1121.

103 Hamilton, 149, citing the Aghanī. The text here only implies that al-Walid II was drinking intoxicants, though in the previous passage, al-Walid II is recorded to have extolled the virtues of a type of wine named rāḥ (Aghanī, 6:136).

104 It is important to note that al-Walid II had acquired many enemies during his ephemeral caliphate. For example, the Kalb tribesman became incensed when al-Walid II's governor for Iraq and Khurāsān, Yūsuf b. 'Umar, captured, tortured, and killed the former governor of that territory, Khālid b. 'Abdallāh al-Qasrī (Ṭabarî, tr. C. Hillenbrand, vol. XXVI, 166-178; Hodgson, vol. I, 272; Hamilton, 150). For more on the dislike of himself al-Walid II fostered, see Kennedy, 112-3; Ṭabarî, tr. C. Hillenbrand, vol. XXVI, 127 - 141.


106 Ibid., 148-50.

107 Ibid., 153; Hamilton, 156, citing the Aghanī.

108 Ibid., 103.


110 Ṭabarî, tr. C. Hillenbrand, vol. XXVI, 153; Hamilton, 156, citing the Aghanī. The latter part of this phrase should be understood in its context. To be accused of debauching "the mothers of your father's sons" was a standard method of condemnation among the Arabs themselves, not just Arabic authors. It is very possible that an insult of this variety took
condemn al-Walid II twice for drinking wine: once by stating that he had "violated the sacred ordinances of God" and "held God's command in contempt", i.e., Sūrah 5:90-1, and then again by separately citing the fact that al-Walid II drank wine. This condemnation should be taken in the wider context as part of the string of insults directed against al-Walid II, and is not in itself sufficient proof that al-Walid II consumed wine.\textsuperscript{1111}

There appears to be overwhelming evidence, however, which supports the conclusion that al-Walid II consumed wine, including eyewitness accounts and a palace bath perhaps designed to pipe wine into the bath pool.\textsuperscript{1112} What's more, that he drank appears to have become public knowledge, and while there were those who were appalled by this behaviour, one could speculate that there were those who also enjoyed drinking and perhaps realised this as their opportunity to purchase, store, and consume wine.

In view of the previous suggestions that al-Walid II may have had developed a behavioural and/or metabolic tolerance to wine,\textsuperscript{1113} the present author would like to introduce a new hypothesis. The reason al-Walid II consumed so much wine was not necessarily due to choice, but he may be been chronically addicted to wine. Support of this hypothesis comes in light of his father's consumption of wine, as this may indicate that al-Walid II was genetically predisposed to alcoholism,\textsuperscript{1114} and therefore found himself compelled to continue drinking once he had been introduced to it.\textsuperscript{1115}

Furthermore, al-Walid II seems to have recognised that his behaviour was offensive to the general population. The Aghānī records that al-Walid II had declared that he would place, though the exact wording may have varied. Shortly after this exchange, al-Walid II is said to have retired to a room inside the citadel to read the Qur'ān while men scaled the citadel outside (Loc. Cit.; Hamilton, 156; R. Hillenbrand, 17, citing the Aghānī). The men reached the room and al-Walid II was beheaded (Ibid., 154).

\textsuperscript{1111} See above, n. 1110.
\textsuperscript{1112} For evidence of wine consumption through his own poetry, see later in this chapter, the section entitled \textit{A Brief Word on Poetry}.
\textsuperscript{1113} See above, p. 170, n. 1084 and p. 174.
\textsuperscript{1114} Cohen & Duffy, "Alcohol-drinking and mortality from diseases of circulation", 53, in \textit{Alcohol and Illness}, ed. J. Duffy.
\textsuperscript{1115} Al-Walid II is said to have been introduced to wine consumption by his tutors (Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 88; R. Hillenbrand, 16, citing the Aghānī), though it may have been the case that some other member of his household introduced him to wine.
have to refrain from making the pilgrimage “because of the reaction of the people of Medina to his voice.”

Poetry attributed to al-Walid II confirms this view. In the following verse, al-Walid II appears cognisant that his consumption of wine was sinful, yet unavoidable:

Pour, and let me hear the chuckle of the flask;  
Lutes have stolen from us the souls we thought our own,  
So pour! My sins mount up like wine climbing the cup.  
Nothing can now atone.

Viewed in this light, the harsh judgements levelled against al-Walid II as a zindiq, as one who consumed wine with complete disregard for himself, his religion, and the Islamic Empire, might be reassessed. This passage seems to suggest that al-Walid II was mindful that his actions were detrimental to himself. Yet al-Walid II appears to have continued to consume dangerous quantities of wine. If al-Walid II were addicted to wine, and had been predisposed to that condition, then al-Walid II could be viewed instead as a particularly tragic figure in Islamic history.

Whatever the reasons for his persistent drinking, his consequent neglect of the state seems to have allowed for a clandestine movement to develop and rapidly establish a wide support base. This movement was to culminate in the ‘Abbāsid revolution and overthrow the Umayyad ruling house.

Marwān b. Muḥammad b. Marwān (127/744 - 132/750)

Al-Walid II’s neglect of state was not solely responsible for the decline and fall of the Umayyad family. Bitter internecine conflicts and struggle for the caliphate similarly distracted the Umayyads from effectively preventing the ‘Abbāsid movement from establishing itself. Ṭabarī records that immediately upon the death of al-Walid II, his cousin, Yazīd b. al-Walid (henceforth referred to as Yazīd III), who himself was one of

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1116 In R. Hillenbrand, 32, n. 194.  
1117 R. Hillenbrand, 14, citing al-Mas‘ūdī.  
1118 See below, p. 180.  
1119 This eponym is here adopted solely to distinguish between earlier caliphs of the same first name and this caliph.
the leaders of the rebellion against al-Walid II, was proclaimed caliph.\textsuperscript{1120} Yazid III died between five and six months later.\textsuperscript{1121} His caliphate seems to have been largely one of dealing with rebellions, the most threatening of which was headed by Marwan b. Muhammed b. Marwan.\textsuperscript{1122} There then followed Ibrahim b. al-Walid b. ‘Abd al-Malik b. Marwan, though "his rule was not universally recognised."\textsuperscript{1123} There is little information about his caliphate, which lasted four months. He was deposed in Rabii’ II 126/January-February 744.\textsuperscript{1124} Marwan b. Muhammed b. Marwan (henceforth referred to as Marwan II\textsuperscript{1125}) then journeyed to Damascus, suppressed rival claims to the caliphate, and had himself proclaimed caliph.\textsuperscript{1126}

Three months into his caliphate\textsuperscript{1127}, Marwan II was confronted with the first of many revolts from the provinces, the last of which deposed Marwan II and supplanted the family of al-‘Abbás.\textsuperscript{1128} So fragmented had the Islamic empire become that the threats to Marwan II were not limited to the distant provinces. One of Marwan II’s military leaders, Sulayman b. Hisham b. ‘Abd al-Malik, was informed by the leaders of a group of ten thousand men that he was "considered more acceptable than [Marwan II] is by the army of Syria, and more worthy of the Caliphate."\textsuperscript{1129} Sulayman b. Hisham agreed and assembled a large army, which included these ten thousand men.\textsuperscript{1130} Marwan II heard of this and broke from his

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\textsuperscript{1120} Tr. C. Hillenbrand, vol. XXVI, 154; for Yazid III’s involvement, see Tabari, tr. C. Hillenbrand, vol. XXVI, index.
\textsuperscript{1121} In Dhul Hijah 126/October 744 (Tabari, tr. C. Hillenbrand, vol. XXVI, 243).
\textsuperscript{1123} Tabari, tr. C. Hillenbrand, vol. XXVI, 247.
\textsuperscript{1124} Ibid.
\textsuperscript{1125} This eponym is here adopted solely to distinguish between earlier caliphs of the same first name and this caliph.
\textsuperscript{1127} Tabari, tr. J. A. Williams, vol. XXVII, 4.
\textsuperscript{1128} Hodgson, vol. 1, 272-4.
\textsuperscript{1129} Tabari, tr. J. A. Williams, vol. XXVII, 19.
\textsuperscript{1130} Loc. Cit.
present march to meet the new threat.\textsuperscript{1131} Sulaymān b. Hishām and his forces were swiftly defeated at the battle of Khusāf in the year 127/744-5.\textsuperscript{1132}

One of those captured at the battle was “a maternal uncle of Hishām b. ‘Abd al-Malik called Khālid b. Hishām al-Makhzūmi.”\textsuperscript{1133} He was brought before Marwān II who chastised him, “Weren’t the wines [\textit{khami}]\textsuperscript{1134} and slave girls of [Medina] enough to keep you from running out with this excrement to fight against me?” Khālid b. Hishām answered that Sulaymān b. Hishām had forced him to join his forces. Marwān II replied, “So you tell lies, too! How would he have forced you, when you came out with your singing-girls and wineskins [\textit{al-ziqāq}]\textsuperscript{1135} and guitars with you in his camp!” Marwān II then killed him.

This story appears to reveal much about the caliph’s attitude toward wine consumption and the possible prevalence of wine consumption in the Prophet Muḥammad’s adopted city of Medina. Wine consumption seems to be used as a subtle insult, but discrediting Khālid b. Hishām does not appear to be the main objective of Marwān II’s statement. Marwān II seems to be making the point that Khālid b. Hishām should have been satisfied with the luxurious lifestyle he enjoyed in Medina and should have had no reason to rebel against the central authority. Khālid b. Hishām was apparently so satisfied with his lifestyle that he is said here to have transplanted it to the camp of Sulaymān b. Hishām.

This story, then, not only reflects badly on Sulaymān b. Hishām for not disciplining Khālid b. Hishām, but also reflects poorly on Marwān II for acknowledging the existence of wine in the city of Medina, yet apparently allowing the situation to continue. Marwān II may have allowed the situation to continue deliberately, perhaps in the hopes that it would keep its citizens pacified. If this was Marwān II’s intention, it clearly did not have the

\textsuperscript{1131} Ibid., 19-20.
\textsuperscript{1132} Ibid., 20-4.
\textsuperscript{1133} Ibid., 21. The remainder of the story is partly quoted, partly paraphrased from the translation on 21 unless otherwise noted.
\textsuperscript{1134} Ta’rikh, vol. 7, 325.
\textsuperscript{1135} Ibid. Literally translated, \textit{al-ziqāq} means only “skins”, used as receptacles for carrying some liquid. In context, however, the present author is inclined to agree with J. A. Williams in his assessment that the word should be translated as “wineskins”.

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desired effect. Moreover, it may have been the case that Marwân II planned to deal with the question of wine consumption in Medina after he had suppressed the multiplicity of rebellions against his reign and consolidated his government.

Marwân II was not, however, to have the opportunity to consolidate his reign. A freed slave, Abû Muslim, began an active revolt from Khurãsãn in Ramâdân 129/May - June 747.136 “By the time Marwân II could turn his full attention to [the rebellion], it was overwhelming and swept all before it.”137 Marwân II’s remaining forces were defeated at the river Zâb in Jumâdâ II 132/January 750,138 ending the reign of the Umayyad family.

Possible Sources of Wine in Islamic Lands

There is considerable evidence in the sources that some individuals consumed wine in spite of the prohibition to the contrary. The sources neglect to record the source(s) of that wine. One exception is the record for the caliphate of al-Walid II. Al-Walid II is said to have frequented a Christian monastery in Syria.139 Shãbushtî records that this monastery, the Dayr Šâlibã, not only produced khamr, but it is also said to have had its own wineshop.140 Shãbushtî also records monasteries in Iraq which produced their own wine, usually khamr141, though in some limited cases, nabîdh142. Some of these monasteries also seem to have provided facilities, i.e., a wineshop, where their products could be sold.143

It should be noted that Shãbushtî was primarily interested in recording monasteries that were in existence during his lifetime144, and so most of the information he provides is relevant to the fourth/tenth century. However, the monastic movement is believed to have

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137 Hodgson, vol. 1, 274.
139 See above, p. 171.
140 Book of the Monasteries, 217.
141 Ibid.; a few example of where khamr appears to have been available include Dayr Ashmûnî, 30-3; Dayr al-Khawât, 61-2; and Dayr Marînã, 109-110.
142 Ibid. A few examples where nabîdh appears to have been available include Dayr al-Sûmî, 96-9; and Dayr Zarârah, 159-63.
143 Ibid., such as Dayr Ashmûnî, 30-3; and Dayr al-Khawât, 61-2.
144 D. 377/998.
begun as early as the fourth century CE, and it is reasonable to assume that some of the monasteries that Shābushtī refers to were in existence in these regions prior to the coming of Islam. The example from al-Walīd II’s caliphate appears to demonstrate that wine from monasteries was available in the late Umayyad period. The poet Jaḥza, who also visited Christian monasteries in the late Umayyad period, confirms this view. In his poetry composed during a stay at Dayr Ḥanna, a monastery on the outskirts of al-Ḥira, Jaḥza praises its excellent wine (raḥ). Shābushtī relates that he was aware that monasteries in al-Ḥira produced both raḥ and khamr, some of which seem to have had their own wineshops.

One other possible source of wine may have been Jewish merchants. The Jews similarly required wine for their rituals, and it may be the case that they sold wine which was not fit for ritualistic consumption. It may equally be the case that the Jews produced wine specifically for the market, as they had done in pre-Islamic times. However, little is know of the Jewish community in the Umayyad era inside Islamic territory “due to the lack of sources from the period”, “… since at that time very little was written by the Jews on any subject, and still less has come down to us.” From scant Arabic sources, the Jews appear to have found an economically and politically satisfactory position under the Umayyad caliphate. For example, one Jewish family is said to have obtained exclusive right to clean the Al-Aqṣā mosque and maintain the lighting on the Temple Mount, for which there were compensated by the lifting of the poll tax.

One exception to the favourable status the Jews found under Umayyad caliphs was during the caliphate of ʿUmar II. While the Jews (and Christians) were allowed to retain

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1145 Dictionary of the Middle Ages, s.v., “Monasticism, Origins”.
1146 Hamilton, 88, citing ʿUmarī.
1147 Book of the Monasteries, 149-56.
1148 See Chapter 1, s.v., The Jews.
1150 Ibid., citing Baron, Ancient and Medieval Jewish History.
1152 Encyclopaedia Judaica, vol. 15, 1529.
their religious rites and their places of worship, they were forbidden to build new ones.1153

In addition, Jews (and Christians?) were compelled to “wear special hats and mantles which would distinguish them from the Muslims,” and they were prohibited “from using a saddle,” and from employing a Muslim in their service.1154 Recalling 'Umar II's instructions to his Egyptian governor to destroy all shops where wine was sold,1155 it may be that both the Christians and Jews would have become more cautious concerning producing and distributing wine. But for this one exception, it is reasonable to assume that the right of the Jews and Christians to produce and use wine for their own consumption was not infringed, and that they may in some instances have engaged in marketing their wine as well.

A Brief Word on Umayyad Poetry1156

Poets in the Umayyad era seem to have departed, to some extent, from the apparently independent nature of the poets of the Jāhiliyah. “The politics of state directed much of the poetry of the Umayyad period, and the caliphs and their governors encouraged the writing of eulogies that would help to strengthen the state and instil awe and reverence for them.”1157 This, however, neither prevented poets from writing on subjects of their own choosing for wider audiences1158 nor seems to have compromised the quantity and quality of their work1159.

“Among the major poets of the Umayyad age,” the Christian Arab poet al-Akhtal1160, “maintained a constant loyalty to the dynasty.”1161 As a Christian, he was not, of course, bound by the prohibition against intoxicants, and wine appearing in his poetry should not be viewed as unusual. That he enjoyed the patronage of Umayyad caliphs, such as Yazīd b.

1153 Zaydan, tr. Margoliouth, 130; EI, s.v., “Omar b. ‘Abd al-‘Azīz”.
1154 Encyclopaedia Judaica, vol. 12, 1378.
1155 See above, p. 160.
1156 An analysis and critical assessment of wine poetry lies beyond the limits of this thesis. The following discussion will focus solely on wine’s presence in poetry as a possible compass to wine’s availability and/or consumption.
1157 CHAL, 396; Fariq, “Umayyad Poetry: Its Political and Social Background”, 256-7; 263.
1158 Ibid.
1159 Fariq, 258-9.
1160 B. c. 640, d. c. 710 (Hitti, 252; Hodgson, vol. 1, 229).
1161 CHAL, 396.
Mu'āwiyyah and 'Abd al-Malik b. Marwān\textsuperscript{1162}, is another factor which may demonstrate that neither caliph had instituted a policy toward controlling the proliferation of wine. It should be noted that al-Akhtal may have been popular for the fact that he seems to have leaned greatly on his pre-Islamic predecessors, such as Imru' al-Qays and Ḥassān b. Thābit, though "his poetry on wine is genuine and impassioned."\textsuperscript{1163}

Some of his poems expose a love of wine,\textsuperscript{1164} and in the following passage, al-Akhtal has recorded the effect of wine on the drinker:

He got up swaggering, dragging his cloak; if his soul were in his hands, it would have fallen.
And he went away; had someone shouted, "Beware of the sword!", he would not have winced.\textsuperscript{1165}

The objective of including this passage by a Christian poet is that it reveals an important aspect of the potential effects on anyone who consumes wine. Al-Akhtal's observation, that the drunkard would not have winced at the threat of the sword, is reflected in the poetry of a Muslim poet, Thābit Quṭnah, of the Banū Azd.\textsuperscript{1166}

A group of Turks had raided an area east of Nīshāpūr in the year 64/683-4,\textsuperscript{1167} defeating the Banū Azd and capturing their garrison.\textsuperscript{1168} 'Abdallāh b. Khāzīm\textsuperscript{1169} sent a contingent of the Banū Tamīm to fight the Turks. The Banū Tamīm were successful, putting the Turks to flight.\textsuperscript{1170} Thābit Quṭnah composed the following verse in honour of their victory:

May my soul be a ransom for horsemen of Tamīm ...

\textsuperscript{1162} Ibid., 396-7.
\textsuperscript{1163} CHAL, 399.
\textsuperscript{1164} Ibid. The editors of CHAL have not provided examples. Hitti labels al-Akhtal a "wine-bibber", though does not cite the source of this information.
\textsuperscript{1165} Ibid., 400, translated from the passage found in Ibn Qutaybah, Shīr.
\textsuperscript{1166} Ṭabarī, tr. G. R. Hawting, vol. XX, p. 77, n. 355.
\textsuperscript{1167} Ṭabarī, tr. G. R. Hawting, vol. XX, p. 76, and n. 352.
\textsuperscript{1168} Loc. Cit.
\textsuperscript{1169} The self appointed governor of Khurāsān following the death of Yazīd b. al-Walīd and the disintegration of the central authority. (Ṭabarī, tr. G. R. Hawting, vol. XX, 72)
\textsuperscript{1170} Ṭabarī, tr. G. R. Hawting, vol. XX, 76.
Assaulting [the Turks] in the thick black smoke with an assault like that of those drinking from bowls of wine [al-mudāmīṭ]. ...\(^{1172}\)

It seems highly unlikely that the warriors from the Banū Tamīm had actually consumed wine before the battle, for this may have had the opposite effect of weakening them as a fighting force.\(^{1173}\) However, the reference to intoxication is meant to reflect the extraordinary fearlessness with which the Banū Tamīm fought, as those who, had someone shouted, "Beware of the sword!", would not have winced.\(^{1174}\)

The Turks returned to Islamic territory repeatedly, each time with renewed ferocity.\(^{1175}\) The decisive war against the invading Turks was a protracted and exhaustive affair for the Islamic state, spanning roughly seventeen years, from 102/720 - 119/737.\(^{1176}\)

One of the greatest losses suffered by the Muslims, which decimated the Khurāsānī army, was the Day of the Defile in 113/731.\(^{1177}\) The poet Khālid b. al-Mu'ārik, known as Ibn 'Irs al-'Abdī,\(^{1178}\) seems to have singled out the governor of Khurāsān and commander on that day, al-Junayd b. 'Abd al-Raḥmān al-Murrī, for the failure of the Muslim armies.\(^{1179}\) In a lengthy poetic attack, Ibn 'Irs recited,

\begin{quote}
You [al-Junayd] should not ever have thought the battle on the day of the forenoon
(To be) like your drinking tangy wine with ice \[muzzā'ā\].

Junayd, your stock is not attributable
To an (authentic) origin, nor was your ancestor ascendent
(in stature). ...
\end{quote}

As in Thābit Qūnāh's poetry, it seems unlikely that Ibn 'Irs is suggesting that the

\(^{1171}\) Ta'rikh, vol. 5, 549.
\(^{1172}\) Tabarî, tr. G. R. Hawting, vol. XX, 77.
\(^{1173}\) See above, p. 156.
\(^{1174}\) See above, n. 1165.
\(^{1175}\) K. Y. Blankinship, in the Translator's Foreword, xiv, to his tr. of Tabarî, vol. XXV.
\(^{1176}\) Loc. Cit.
\(^{1177}\) Ibid., xiv-xv.
\(^{1178}\) Tabarî, tr. K. Y. Blankinship, vol. XXV, 92.
warriors on the Day of the Defile were drinking wine. In contrast to Thābit Qutnah's use of wine consumption, Ibn ʿIrs is using the consumption of wine as an insult. His anger toward al-Junayd is evident in every line of his poem extending over three folios (three pages in the translation\(^{1182}\)) and it is not possible to state with confidence that Ibn ʿIrs knew that al-Junayd consumed wine, despite the rather specific type of wine he mentions.

An individual who has come to be well known to have consumed wine also extolled its virtues in poetry. The caliph al-Walīd b. Yazīd (al-Walīd II)\(^ {1183}\) was celebrated for his poems devoted to wine.\(^ {1184}\) He “is recognised as the master of modern Bacchism [wine poetry]. The author of the Aghānī asserts this already: this poet composed numerous poems which were plundered, notably by al-Ḥusayn b. al-Ḍahhāk and Abū Nuwās.”\(^ {1185}\) Two of his poems will serve as examples. The first appears to detail certain regions whose wine were favourites:

Another cup! Another drop! Of the wine of Isfahān!
Of the wine of the Old Man Kisra, or the wine of Qayrawan.
There's a fragrance in the cup, or on the hands of him who pours;
Or is it just a lingering trace of musk from filling of the jars?\(^ {1186}\)

The second poem extols both wine and music, which for al-Walīd were often inextricably linked\(^ {1187}\):

There's no true joy but lending ear to music.
Or wine that leaves one sunk in stupor dense.
Houris is in Paradise I do not look for;
Does any man of sense?\(^ {1188}\)

In light of the poetry attributed to al-Walīd II, there can be little doubt that the stories attributed to al-Walīd II of his excessive consumption of wine could be that far removed from the truth.

There were many poets who also displayed a tendency in their poetry toward verses

\(^{1182}\) Ibid., 92 - 4.
\(^{1183}\) See above, s.v., *al-Walīd b. Yazīd b. ʿAbd al-Malik*.
\(^{1184}\) R. Hillenbrand, 15.
\(^{1185}\) *EF*, s.v., “Khamriyya”.
\(^{1186}\) Hamilton, 112, citing the Aghānī.
\(^{1187}\) R. Hillenbrand, 18; see above, p. 173, for al-Walīd II’s enjoyment of singing and wine.
\(^{1188}\) Ibid., citing the translation by Nicholson of the text related by Abū al-ʿAlāʾ al-Maʿarī.
concerning wine. A group of poets assembled and lived in Kūfah in the second/eighth century. Among them were Ḥammād al-Rāwiyah and Muḥammad b. Iyās who died between the years 155/772 and 169/787. Ibn ībrāhīm b. Harmah, "a Ḥijāzī poet, continually gave himself over to drink throughout his life." All of these men were recorded as having consumed nabīdī and not khamr, as seemed to be the case through the reign of al-Walīd II. This change is significant and relates to the development of the law with respect to the consumption of intoxicating drinks.

Law in the Umayyad Era

*Sharifah and Fiqh: Revealed Law* and *Jurisprudence*

The *Sharifah*, or divinely revealed law, is contained in the twin revelations of the Qur’ān and the Sunnah of the Prophet Muḥammad. Chapter 2 illustrated that the *Sharifah*, as here defined, institutes a comprehensive ban on the consumption of wine though without a corresponding specific punishment in this life for violating the ban. Traditional explanations of this seeming discrepancy note that the Qur’ān and the Sunnah are said to be the sources of Islamic law, not the law themselves. "The distinction assumes that the Holy Law ... is not entirely self-evident from the sacred texts."

1189 *EI*, s.v., "Khamriyya".
1190 Ibid.
1191 Ibid.
1192 Cf. for example Aghanī, vol. 4, 373, vol. 6, 84 and vol. 11, 364.
1193 Wehr, 466; Cf. Faruki, *Islamic Jurisprudence*, 12.
1194 Ibid., 723; Paruki, 13.
1195 Burton, *The Sources of Islamic Law*, 11, citing al-Ghazālī, *Mustaṣfa*. Cf. Kamali, *Principles of Islamic Jurisprudence*, who concurs with Burton’s observation, adding that the Qur’ān is the primary source of *Sharifah*; Faruki maintains that "The *sharī‘ah* is enshrined in the Qur’ān" alone (18). For the purposes of this thesis, it will be assumed that the *Sharifah* rests in both the Qur’ān and the *Sunnah* of the Prophet.
1196 The punishment for wine consumption was not the only divine injunction without a corresponding punishment. “The list of prohibitions far more outweighs the list of punishments” (Sherwani, *Impact of Islamic Penal Laws on the Traditional Arab Society*, 28). Sherwani lists as examples prohibitions with respect to foods and gambling. Therefore, the Qur’ān and *Sunnah* “taken together in no sense constitute a comprehensive code of law” (Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, 4).
places the emphasis on the duty of man to derive those rules of God that have not been “precisely spelled out for man’s convenience.”

This analysis of the Qur’ān and the Sunnah of the Prophet is often referred to as *usūl al-fiqh*, and the end product of this human analysis to the divinely revealed texts is *fiqh*.

Schacht states that the punishment for drinking wine, i.e., flogging with eighty lashes, was one of “Allah’s restrictive ordinances”. Yet in Schacht’s *EF* article, “Ḥadd”, the reader is referred to Wensick’s article in *EF*, “Khamr”, in which Wensick concurs with the points made in Chapter 2 and Chapter 3, namely that: “… ḥadīth tells us that Muḥammad and Abū Bakr were wont to inflict forty lashes …”. Therefore, flogging with eighty lashes was not a divinely ordained punishment. This, then, would seem to exclude the punishment of drinking wine from the classification of ḥadd, if the term be defined here as pertaining to a given offence where there is a corresponding given punishment.

However, as has already been noted, Arabic authors writing in the late third/late ninth-early tenth century seem to have used the term to describe the punishment associated with wine drinking. It will be demonstrated in Chapter 5 that jurisprudents working in the latter half of the second/eighth century and first half of the third/ninth century classified the punishment for drinking wine as a ḥadd punishment. It will also be demonstrated that not all jurisprudents were in agreement in this matter, and their differences tended to stay within, by the mid third/ninth century, well defined “schools of law”.

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1198 Ibid.
1199 Faruki, 18-9; Kamali, 1-2.
1200 Introduction, 175.
1201 Jointly written with Carra de Vaux.
1202 El-Awa, *Punishment in Islamic Law: A Comparative Study*, 49; Kamali, 221, 230; *EF*, s.v., “Ḥadd”. It should be noted that the term could be used to refer to the offence alone (Coulson, 124; Lippman, & McConville, *Islamic Criminal Law and Procedure*, 41; Wehr, 159, in which ḥadd is defined as both “divine ordinance, divine statute; legal punishment”), though it is more common that it should refer to a divinely ordained punishment for that offence (El-Awa, 49; Schacht, *Introduction*, 175).
1203 See the section entitled, *Law in the Early Abbāsid Era I*. 187
Exactly when the codification of the law began is difficult to ascertain.\(^{1204}\) However, in the Umayyad era, two factors stand out: interest in extracting the law from the texts was wide spread; and the Umayyad regime appear to have neither sponsored nor hindered legal scholars from their work (with only one exception\(^{1205}\)). Since the Umayyad regime did not take an active part in promoting the science of Islamic law, it will suffice to mention below the origins of two of the four contemporary Sunnî schools of law.

Many of the major cities in the Umayyad era attracted collectors of hadîth and scholars of the law. Kûfah was one of these centres.\(^{1206}\) It was here that Abû Ḥanîfa, who was to lend his name to one of the four present day schools of law, was educated and then went on to instruct in the science of law. Abû Ḥanîfa\(^{1207}\) has left no written works of his own.\(^{1208}\) His teachings are known only from the work of his disciples, Abû Yûsuf\(^{1209}\) and Shaybânî\(^{1210}\).\(^{1211}\) As evidence that the Umayyad regime did not sponsor his work, he is said to have “lived in Kûfah as a manufacturer and merchant of a kind of silk material.”\(^{1212}\)

Under the ʿAbbâsids, the Ḥanîfî “school of law” was officially adopted, and both of his disciples were to find positions as qâdis.\(^{1213}\) It was their school that determined that drinking nabîth was permissible so long as intoxication did not result.\(^{1214}\)

\(^{1204}\) Note that Schacht makes a concerted effort to date the development of Islamic law, though is ultimately to have recourse to phrases such as “about the beginning of” or “around the middle of” a given century. Recent publications have called even this cautious dating into question (Calder, Studies in Early Muslim Jurisprudence, 19; Edge, ed., Islamic Law and Legal Theory, xxii-xxiii). It should be noted that the stages through which Schacht portrays Islamic law proceeding “has never been seriously undermined” (Ibid.).

\(^{1205}\) See text below.


\(^{1207}\) B. c. 80/699 - d. c. 150/767 (Ef, s.v., “Abû Ḥanîfa”).

\(^{1208}\) Ef, s.v., “Abû Ḥanîfa”; Weeramantry, Islamic Jurisprudence, 49.

\(^{1209}\) B. c. 113/731 - d. c. 182/798 (Weeramantry, 49).

\(^{1210}\) D. c. 189/804 (Weeramantry, 50).

\(^{1211}\) Ibid.; Weeramantry, 49-50. See also Chapter 5, Law in the Early ʿAbbâsîd Era I.

\(^{1212}\) Ef, s.v., “Abû Ḥanîfa”, by Schacht. There is a tradition that he was offered the post of qâdi for Baghdad by al-Maṣûr, though he declined (Ibid.). Schacht comments that the story is highly suspect.

\(^{1213}\) Ef, s.v., “Abû Yûsuf”; Calder, 39.

\(^{1214}\) See Chapter 5, the section entitled, Law in the Early ʿAbbâsîd Era I.
Medina also became a centre for the collection of hadith and the analysis of Sharī'ah. "There are many references to the 'seven lawyers of Medina', a group of men who died a little before or shortly after 106/718." Such men were typically renowned for their knowledge of many hadith and the soundness of their fiqh. In addition, Ṭabarī mentioned that the caliph 'Umar II summoned "ten of the jurisprudents of Medina" in order to take advice on matters of policy. It seems reasonable to assume that the top jurists in Medina may have, therefore, found a degree of patronage under 'Umar II.

From Medina emerged Mālik b. Anas (710/720 - 795), who has lent his name to the second of the four contemporary schools of law. He has left a work called al-Muwatta', or The Beaten Path. The recension of one of his disciples, Yahyā b. Yahyā al-Maṣmūdī (d. 234/848-9), "is usually considered to be amongst the earliest of Islamic juristic works, and to represent Mālik's latest views," having allegedly confirmed his recension with Mālik himself in the last year of Mālik's life.

The Shurta: police, police officer

Poetry in the Umayyad era mirrors the apparent continued consumption of wine evident in narrative accounts. However, it would be too simplistic an analysis of the

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1215 Juynboll, Muslim Tradition, 40-3; EI², s.v., “al-Madīnā”.
1216 EI², s.v., “al-Madīnā”; Schacht, Introduction, 31. Schacht writes that “Hardly any of the doctrines ascribed to these ancient authorities can be considered authentic. The transmission of legal doctrine in Hijāz becomes historically ascertainable only at about the same time as Iraq, with Zuhrī (d. 124/742) ...” (Ibid.). See n. 1204 for a brief commentary on Schacht’s dating.
1217 Juynboll, Muslim Tradition, 41 - 3. See above, nn. 1194 and 1195.
1218 See above, s.v., ‘Umar b. ʿAbd al-Azīz.
1219 Tr. M. Hinds, vol. XXIII, 132. See the translation for the complete list.
1220 Weeramantry, 51.
1221 Khadduri, “Nature and Sources of Islamic Law”, in Edge, 97.
1222 Weeramantry, 51; Khadduri, 97.
1223 In chronological sequence of their founders lives.
1224 Weeramantry, 51.
1225 Calder, 20. Calder comments that the Muwaṭṭa appears to be an inferior collection to the Mudawwana, which covered “all the major topics of the Islamic legal tradition, and associated with the name of ... Sahnūn. Of Sahnūn it is reported that he was born in 160/776-7 in Qayrawan, where also he died 80 years later.” (Ibid., 1; 34-7). However, the Mudawwana is no longer extant (Ibid., 35).
1226 Ibid.
1227 EI², s.v., “Shurṭa”; Wehr, 465.
information so far presented to state that wine consumption continued unchecked throughout the Umayyad era. There is evidence that the *shurta* was an organised force as early as the latter half of the caliphates of the *Rashidūn* caliphs.¹²²⁸ In the reign of ‘Ali b. Abī Ṭālib, the *shurta* again appear to be under the direct command of the caliph. He is said to have had a contingent of *shurta* (pl. *shuraf*¹²²⁹) with him at the arbitration between himself and Mu‘āwiyyah b. Abī Sufyān.¹²³⁰ The *shurta* appear to have been the personal guard of the caliph, rather than a territorial police force.

It appears to be the caliph Mu‘āwiyyah who was the first to form a personal bodyguard, the *haras*, as a separate and distinct security force from the *shurta*.¹²³¹ However, the distinction between the two is not entirely clear. For example, it was the *shurta* who were stationed at the head of the caliph Mu‘āwiyyah as he prostrated for prayer.¹²³² It seems likely that the *shurta* may have acted in both roles - as the caliph’s personal bodyguard and city wide security force - as Rashīd’s thesis seems to indicate. He writes that in Mu‘āwiyyah’s caliphate the *shurta* protected the caliph and his governors both by personally standing watch over the men and by maintaining calm inside the cities.¹²³³ In order to maintain peace inside the cities, the *shurta* patrolled the streets.¹²³⁴ While on patrol, there is evidence that they would stop an individual suspected of having consumed wine, question him, and if warranted, punish the individual.

The Aghānī records that the head of the security force [*sāhib shurta*] for the governor of Medina, Marwān b. al-Ḥakam, stopped and punished the poet Ibn Sayhān for drinking wine.¹²³⁵ The *shurta* are also recorded as having stopped the poet al-‘Uqayshir

¹²²⁸ See Chapter 3, s.v., ‘Uthmān b. ‘Affān.
¹²²⁹ EI', s.v., “Shurta”; Wehr, 465.
¹²³⁰ Ṭabarī, tr. G. R. Hawting, vol. XVII, 144. For more information on the arbitration agreement, see Chapter 3, s.v., ‘Alī b. Abī Ṭālib, and p. 131, n. 811.
¹²³¹ Ibid., 216.
¹²³² Ibid., 223. One might expect to find the caliph’s personal bodyguard, the *haras*, surrounding him at prayer.
¹²³³ “The Role of the Shurta in early Islam”, 103, citing Ṭabarī and Balādhwī.
¹²³⁴ Rashīd, 103-4.
when they detected the odour of wine on him.\textsuperscript{1236} When questioned, al-'Uqayshir explained that he had been eating a particular food that leaves a similar odour. The \textit{shurṭa} then asked al-'Uqayshir how many times a day he prayed. Al-'Uqayshir satisfied the \textit{shurṭa} that he was not intoxicated by answering with the correct number. On a separate occasion, the \textit{shurṭa} are said to have stopped an individual suspected of wine drinking and asked him to recite a verse from the Qurʾān as proof that he was not intoxicated.\textsuperscript{1237}

This choice of test, i.e., knowledge of the Qurʾān or the number of times one is called to prayer, could not have been an arbitrary one. It is conceivable that the decision to use this type of test was based on Sūrah IV:43, which commands the believers that they must understand what they say when they are praying and therefore must not approach the prayers when intoxicated.\textsuperscript{1238} However, at the present stage of research, it is not possible to determine who took the decision to use knowledge of the Qurʾān as a litmus test for intoxication or when the decision was implemented.

The previous anecdotes seem to indicate that one of the \textit{shurṭa}'s approaches to maintaining order inside the cities was to control drunk and potentially disorderly individuals. Another approach of the \textit{shurṭa} to maintaining order appears to have been the capture of fugitive peasants, specifically in Egypt. “Several [Egyptian] papyri dating to the early eighth century CE describe measures to be taken in cases of apprehension and punishment of fugitive peasants.”\textsuperscript{1239} In addition, a system of passport control seems to have been in operation which gave “certain villagers permission to leave their village in order to go elsewhere for a stipulated period of work.”\textsuperscript{1240} All of these actions taken together suggest that the \textit{shurṭa} operated as what might be viewed as a police force contemporary with present day (western) concepts of an internal police force.

\textsuperscript{1236} Rashīd, 104, citing the Aghānī. The remainder of the story is paraphrased from Rashīd unless otherwise stated.
\textsuperscript{1237} Ibid., citing the Aghānī.
\textsuperscript{1238} Paraphrased from the translation by A. Yūṣuf Allī. See Chapter 2 for more on this verse.
\textsuperscript{1239} Donner, “The Formation of the Islamic State”, 286.
\textsuperscript{1240} Ibid.
However, in general, as Umayyad caliphs and their governors faced ever greater threats to the caliphate, the *shurta* appear to have been used as the caliph's personal regiment, often quelling internal rebellions in the cities and commanding additional troops, in support of the caliph's principal armies, against external threats.¹²⁴¹ In the year 127/744, the *shurta* of Kūfah were authorised to execute anyone found outside their residence during an imposed curfew on the city following a rebellion by some of Kūfah's leaders.¹²⁴² In the following year, the Kharjījite al-Dāhhāk b. Qays rebelled against the caliphate and was making such progress that the caliph Marwān b. Muḥammad (Marwān II)¹²⁴³ took to the battlefield, leaving his son, 'Abdallāh, in charge of affairs of state at Marwān II's temporary capital at Ḥarran.¹²⁴⁴ Marwān II's secretary, ʿAbd al-Ḥamid al-Kātib, wrote an epistle advising ʿAbdallāh on the “organisation of the army ... Here the principal figure is the ... šāḥīb al-shurṭa. His position calls for a man of religion, honour, wisdom and experience...”¹²⁴⁵ This appears to bare out Rashīd's view that the *shurta* were more a military organisation than civilian law enforcement authority in the late Umayyad era.

Even so, it seems clear that the *shurta* ceased to resemble a standing army during the ʿAbbāsid era.¹²⁴⁶ It may be with the development of an organisation known as the *ahḍāṭh* that the *shurta* gradually ceased to be a para-military force and evolved into what might be more recognisable as a standing police force.

The *ahḍāṭh*

The distinction between the *shurta* and the *ahḍāṭh* is difficult to distinguish in the Umayyad era for lack of textual evidence. More fundamentally, it is difficult to determine if the *ahḍāṭh* were an organised body during the Umayyad era. It is possible that at as early as

¹²⁴¹ Rashīd, 30-6, 44-7, citing the Aḥānī, Balāḏūrī, and Ṭabarī.
¹²⁴² Ibid., 94-5, citing the Aḥānī.
¹²⁴³ See above for his caliphate, s.v., *Marwān b. Muḥammad b. Marwān*.
¹²⁴⁴ CHAL, 166; Ṭabarī, tr. J. A. Williams, vol. XXVII, p. 4, n. 7, 9-16, and index.
¹²⁴⁵ Ibid., 171.
¹²⁴⁶ EI¹, s.v., "Shurṭa".
114/732, a man named al-Walid b. Talid al-'Absi was in charge of the *ahdāth* of Mosul.\textsuperscript{1247}

During the reign of Yazid b. al-Walid (Yazid III), al-Miswar b. 'Abbad appears to have been in charge of the *ahdāth* in al-Basrah in the year 126/743-4.\textsuperscript{1248} At the present stage of research, it is difficult to know with certainty the function and position of the *ahdāth*, although it is probably the case that in the second/eighth century, “the officer in charge of the *ahdāth* was responsible for public order ...”.\textsuperscript{1249} However, it will due here to merely mention its existence, for it is generally believed that from “the fourth/tenth century to the sixth/twelfth century the term *ahdāth* referred to a kind of urban militia, often representing a ‘municipal opposition’ to political authority,”\textsuperscript{1250} which does not necessarily support the supposition that the *ahdāth* supplanted the *shurta*.

The *Qādī* judge\textsuperscript{1251}

As demonstrated in the previous chapter, the institution of the *qādī* appears to have been established by 'Umar b. al-Khaṭṭāb. During the Umayyad era, Tabari and Baladhuri record both an increasing number of men who held the post of *qādī* and the proliferation of the post throughout the major cities of the Islamic empire. Their duties appear to have included the administration of the properties of orphans, widows, and the insane;\textsuperscript{1252} they were concerned to adjudicate in cases of matrimonial dispute;\textsuperscript{1253} and they appear to have been responsible for maintaining honesty in the marketplace.\textsuperscript{1254} In general, the *qādī* was

\textsuperscript{1247} Forand, "Governors of Mosul According to al-Azdī *Taʾrikh al-Mawṣīl*," 90. Forand translates the term as "police".
\textsuperscript{1248} Tabari, tr. C. Hillenbrand, vol. XXVI, 244. C. Hillenbrand leaves the term in transliteration in her translation, stating that the term probably “referred either to some kind of auxiliary police force or auxiliary troops.” (Ibid., n. 1190)
\textsuperscript{1249} *EI*, s.v., “*ahdāth*”.
\textsuperscript{1250} Tabari, tr. C. Hillenbrand, vol. XXVI, n. 1190.
\textsuperscript{1251} *EI*, s.v., “*Kādī*”.
\textsuperscript{1252} Rashīd, 96-7, citing al-Kindī and Ibn Khaldūn.
\textsuperscript{1253} Ibid., citing Waki’.
\textsuperscript{1254} Ibid., 102, citing Waki’. In the ‘Abbāsid era, maintaining honest practices among shopkeepers seems to have become the responsibility of an individual holding the post of *muḥtasīb* (Schacht, *Introduction*, 25; Grunbaum, Medieval Islam: A Study in Cultural Orientation, 165). In addition, the *muḥtasīb* became responsible for “protecting the faithful
responsible for the administration of justice.\textsuperscript{1255} And to insure that the qaḍī carried out his duties faithfully and to the best of his ability, he was to be paid "an ample stipend."\textsuperscript{1256} The concern that the qaḍī should not be easily corruptible demonstrates that the Umayyads were adamant in their determination to promote justice.

The survey of sources conducted by Rashīd\textsuperscript{1257} and the present author has not revealed evidence in the Umayyad era that qaḍīs judged cases of wine consumption. It appears to have been left to the shurṭa's discretion to determine "on the spot" if the individual had been consuming wine or was intoxicated and to apply the appropriate punishment.\textsuperscript{1258} Rashīd writes that the offices of šāhib shurṭa (head of the shurṭa) and qaḍī were sometimes occupied by the same person.\textsuperscript{1259} As such, it is conceivable that the šāhib shurṭa may have devolved on his forces the right to judge cases of wine consumption on an \textit{ad hoc} basis whenever such circumstances arose.\textsuperscript{1260}

This may indicate that the qaḍī did in fact judge cases of wine consumption, though the power to judge such cases may have resided with the šāhib shurṭa whose jurisdiction widened when he served as qaḍī as well. Whichever may be closer to the truth, it seems clear that the shurṭa who judged cases of wine consumption was enforcing the Qur'ānic ban on intoxicants and applying a standard, common law punishment to the guilty individuals.

Clearly, the Umayyad dynasty was not a lawless dynasty, "the adversaries of Islam that they were often made out to be by the Arab historians."\textsuperscript{1261} It was during the Umayyad
era that establishments of the Law, such as the police and judiciary, appear to have been instituted, in the case of the police, and expanded, in the case of the judiciary. In addition, toward the latter half of the Umayyad era, there appeared increasing numbers of scholars interested in researching and finely honing Islamic law, the *Sharī'ah*. And although the Umayyads did not promote the development of Islamic law, they did not hinder it either, as was to happen to many scholars and schools in the ‘Abbāsid era. By the end of the Umayyad era, the founder of one of the present four schools of law, Abū Hanīfa, had already formed the core of his legal principles and his disciples had begun recording and further developing his ideas, which were to take their final form in the ‘Abbāsid era.

**Some Concluding Remarks**

This chapter has shown that wine consumption continued in the Umayyad era. It has also shown that wine consumption was not generally approved of. The accusation of wine consumption could be used effectively as an insult. However, the accusation could only be feasible if wine was available within Islamic territory. There is a good probability that the Jews and Christians maintained the availability of wine throughout the Umayyad era. With the singular exception of ‘Umar II, there appears to have been no concerted effort to control the proliferation of wineshops. Even so, the existence and function of the *shurta*, though not thoroughly understood, seems to have acted as a local authorities’ control of the consumption of wine. On balance, the evidence presented in this chapter reveals that the Umayyad caliphate proved nor more and no less responsible for the continued presence and consumption of wine than their successors, whose authors too readily condemned the Umayyad dynasty.

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1262 Makdisi, Colleges, 2.
Chapter 5: The ‘Abbāsids: al-Ṣaffāḥ through al-Ma‘mūn (132/749-218/833)

The ‘Abbāsids could drink the forbidden wine as long and deeply as the Umayyad. But ... the former took pains to enforce his subject’s obedience to the Prophet’s prohibition of wine with all the power of an oriental despot.

Alfred Guillaume drew his conclusion, which begins this chapter, from some of the same sources which appear to have deftly used episodes of actual and alleged wine consumption to defame the Umayyad regime. ‘Abbāsid era authors, such as al-Ṭabarī (310/923) and al-Masʿūdī (d. 346-7/957), continued to record the consumption of wine during the ‘Abbāsid caliphate. However, there is less of a sense in their writings of the allegation of wine consumption being used as an insult. Nor do their writings reveal a significant condemnation of ‘Abbāsid caliphs for consuming wine. Simultaneously, Arabic authors do not seem to praise ‘Abbāsid rulers who, as Guillaume suggests, made a concerted effort to enforce the prohibition of wine among the citizenry.

But the most striking difference in the sources is the change in the type of wine being consumed. In both eras, there are occasions where the sources did not identify the type of wine being consumed. Instead, the word sharab is recorded, which can have the general sense of “intoxicants”, sometimes in conjunction with the prefix bi or fi, indicating...

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1263 The ‘Abbāsid era is traditionally dated from the ‘Abbāsid “revolution” in 132/749-50 to the Mongol sack of Baghdad in 656/1258. The present author believes that the period can be conveniently demarcated into six periods: The early ‘Abbāsid caliphate, from 132/750 - 218/833; the ‘Abbāsid caliphate at Sāmarrā, from 218/833 - c. 279/892; the return of the ‘Abbāsid caliphate to Baghdad to the ascendancy of the Buyids, c. 279/892 - 334/945; the ‘Abbāsids under the Buyids, 334/945 - 447/1055; the ‘Abbāsids under Seljuq suzerainty, 447/1055 - 590/1194; and the return of nominal independent ‘Abbāsid authority in Baghdad until the Mongol sack of that city, 590/1194 - 656/1258. This chapter will examine the early ‘Abbāsid period.

1264 Although most western authors agree on the overall events of this period, there are some differences of presentation and interpretation of the Arabic sources. Cf. A. Hourani, A History of the Arab Peoples; Lassner, The Shaping of ‘Abbāsid Rule; Omar, The ‘Abbāsid Caliphate; Saunders, A History of Medieval Islam.

1265 The Tradition of Islam: An Introduction to the Study of the Ḥadith Literature, 56.


1267 Hitti, History of the Arabs, 391.

1268 Wehr, 462.
that the individual was physically intoxicated. Of those instances in the Umayyad era where
the type of wine an individual consumed was identified, the substance most often recorded
was *khâmi*. During the 'Abbâsid era, this chapter will show that the substance an individual
is most often recorded consuming is *nabîdih*.

In order to comprehend the nature of this change and the nature of the evidence of
the early 'Abbâsid era, it will be necessary to have at least a cursory understanding of the
law in the early 'Abbâsid era. For this reason this chapter has been divided into three
sections. The first section, *Law in the Early 'Abbâsid Era I*, provides an overview of the
development of the law in the first hundred years of 'Abbâsid rule and the conclusions of
jurisconsults with respect to wine consumption. This will enable the reader to contextualise
the evidence presented in the second section - a detailed account, with respect to wine
consumption, of the individual caliphates from al-Manṣûr through al-Ma'mûn. The third
section, *Law in the Early 'Abbâsid Era II*, concludes this chapter by summarising the
punishments for consuming wine in Islamic law and the means with which early 'Abbâsid
caliphs attempted to enforce the law.

**Law in the early 'Abbâsid era I**

*An overview of the development of the law*

There have developed in Islam two broad interpretations of the law, one amongst
Sunnî Muslims and the other amongst Shî'î Muslims. Both interpretations are rooted in the
Qur'ân and both cite the *Sunnah* of the Prophet, but from there they diverge. Sunnî
Muslims accept traditions related by the Companions of the Prophet while Shî'î Muslims
accept traditions related only through the Prophet's family,1269 i.e., through 'Alî b. Abî Țâlib
and his family line.1270 The Shî'ites also developed the concept of the *Imâm*, an infallible.1271

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Interpretation of Hadîth literature”, 35-6.
leader divinely inspired (in a similar manner to the Prophet himself\textsuperscript{1272}) to interpret the Qur'\=an\textsuperscript{1273} and hence to rule on matters of law. Sunn\=i Islam had no such individual, and it was up to scholars and jurists\textsuperscript{1274} with exceptional knowledge of the Qur'\=an and Sunnah to interpret and define those areas of law\textsuperscript{1275} that the Qur'\=an does not fully explain or, in the case of punishments, completely neglects. The present discussion will examine the Sunn\=i development of law, for it was the \H anafite branch of Sunn\=i law that was adopted by \textquote{Ab\=basid rulers,\textsuperscript{1276}} in spite of the fact that the \textquote{Ab\=basids had courted the Shi\=ites for support against the Umayyads.\textsuperscript{1277}}

The development of Sunn\=i law (henceforth referred to only as "law", or "the law") is difficult to trace with absolute certainty. However, in order to understand why the four present day schools of law ruled as they did on matters pertaining to wine, it is necessary to contextualise the four schools within the framework of what is believed to be the manner in which the law gradually developed. What follows is a brief consolidation of and additional commentary on the material presented in Chapters 3 and 4 which will indicate this author's working theory as to how the law may have developed.

The Prophet Mu\=hammad was the relater of the law. Disputes almost certainly arose between members of the new community as to what the new law meant in their lives,\textsuperscript{1278} and Mu\=hammad acted as Islam's first "judge" in settling these disputes. As the community expanded through Arabia, clearly Mu\=hammad could not be on hand everywhere to settle

\textsuperscript{1272} CEI, s.v., "\=Im\=am".
\textsuperscript{1273} H. M. Tab\=ataba'i, 2.
\textsuperscript{1274} Ibid.
\textsuperscript{1275} MQA, 763-4.
\textsuperscript{1276} Pearl, A Textbook on Muslim Law, 16.
\textsuperscript{1277} Cf. p. 196, n. 1264. The Shi\=ites would find their champions in the Buyid and Fatimid dynasties beginning in the tenth century (Hodgson, vol. 1, 494-5 and Kennedy, The Prophet and the Age of the Caliphates, 315-17 respectively).
\textsuperscript{1278} Chapter 2 provided evidence of a great number of questions concerning the prohibition of wine (s.v., \textit{al-\=hadith}).
disputes. This may be one of the reasons that Muḥammad sent Muʿādh b. Jabal\textsuperscript{1279} to the Yemen to settle disputes which arose between Muslims.\textsuperscript{1280}

Prior to sending him, the Prophet asked Ibn Jabal how he would judge cases.\textsuperscript{1281} Ibn Jabal answered that he would do so in accordance with the Qurʾān\textsuperscript{1282} and if the answer could not be found there, he would judge in accordance with the Sunnah of Muḥammad\textsuperscript{1283}. This tradition is problematic in the sense that revelation is traditionally argued to have continued until the Prophet’s illness and subsequent death. Therefore, Ibn Jabal could only judge in accordance with the Qurʾān insofar as it had been revealed to that point. However, the tradition indicates that the Prophet seems to have recognised this dilemma, and asked what Ibn Jabal would do if he could not find the answer to his case in the Qurʾān and the Sunnah. Ibn Jabal answered that he would make use of ijtihād \textit{[every effort\textsuperscript{1284}]} raʿy\textit{[my own personal reasoning\textsuperscript{1285}]} not to fail.

Assuming the tradition is authentic, this is evidence of a precedent set by Muḥammad to allow someone close to him to act in his place and use his own personal reasoning to settle disputes between Muslims. Some of the reasons he may have felt comfortable sending Ibn Jabal to the Yemen was that Ibn Jabal agreed firstly to settle disputes according to the Qurʾān and the Sunnah. When Ibn Jabal pointed out that he would use his own personal reasoning if an answer could not be found in the Qurʾān or the Sunnah, Muḥammad must have trusted him to make the right decision. Even so, Muḥammad knew that if a dispute arose with respect to Ibn Jabal’s judgement, Muḥammad

\begin{itemize}
  \item \textsuperscript{1279}D. 18/639 \textit{(Rosenthal, Muslim Historiography, 213)}.
  \item \textsuperscript{1280}Kamali, \textit{Principles of Islamic Jurisprudence}, 45.
  \item \textsuperscript{1281}The following tradition is related through Abū Dāwūd in English and Arabic by Kamali, \textit{Principles of Islamic Jurisprudence}, 45. It should be noted that Māwārī records that the Prophet sent ‘Alī b. Abī Ṭālib to the Yemen to judge cases (MQA, 765). The discussion above will assume that it was Ibn Jabal that was sent to the Yemen.
  \item \textsuperscript{1282}Literally, “book of Allāh” \textit{(Kamali, 45)}.
  \item \textsuperscript{1283}Literally, “the Sunnah of the Messenger of Allāh” \textit{(Kamali, 45)}.
  \item \textsuperscript{1284}Kamali, 366, and \textit{CEI}, s.v., “Ijtihād”; “the maximum exertion of effort in coming to a decision”, Weiss, “Interpretation in Islamic Law: The Theory of Ijtihād”, 274.
  \item \textsuperscript{1285}Kamali, 251, and \textit{CEI}, s.v. “raʾy”; Wehr, 319.
\end{itemize}
could make himself available to settle the dispute.

Abū Dāwūd did not provide a date for Ibn Jabal’s mission to the Yemen, but it can be reasonably identified as the latter half of the year 9/the last quarter of 630 or the year 10/631-2, after delegations from the Yemen had agreed to Islamic sovereignty. By this time, Sūrah 5:90-1 would have been revealed. In Chapter 2, hadīth literature recorded that some individuals from the Yemen had questions about whether their type of wine was permissible, and that the Prophet answered that they were not. These same hadīth do not seem to indicate that Ibn Jabal participated in these queries. It may be, therefore, that one of the reasons the Prophet sent Ibn Jabal to the Yemen was to settle any further issues regarding the consumption of intoxicating drinks. In addition, he may have been asked to judge if an individual was worthy of punishment and then what that punishment should have been.

According to Ṭabarî, Muhammad’s successor, Abū Bakr, allowed ‘Umar b. al-Khaṭṭāb to settle disputes between the Muslims in Abū Bakr’s place. Abū Bakr may have allowed this because he was occupied with the ridda wars and expanding Islam; because he trusted ‘Umar, who was also a very close Companion of the Prophet; and because he was following the implied precedent set by the Prophet. Since Abū Bakr was following the precedent of the Prophet, it seems likely that he retained the right to overrule ‘Umar in the event that ‘Umar, having been forced to resort to his own personal reasoning, was unable to settle the dispute.

Although ‘Umar agreed to deal with judicial matters, it was Abū Bakr who determined that the number of lashes for one who was drunk on wine should be forty.

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1286 Hitti, 119; Watt, Muhammad: Prophet and Statesman, 223.
1287 See Chapter 2, the section entitled, Three Revelations.
1288 See Chapter 2, the section entitled, al-Ḥadīth.
1289 According to Ibn Jabal, his responsibilities in the Yemen included collecting “one dinār from each adult male as jīzāy” (Abū Yūsuf/Shemesh, vol. 3, 88) and collecting “from each herd of thirty cattle one tabīfa and from each heard of forty an older animal” (ibid., 135). Cf. Konstantinopler Fragment, 208. This does not preclude the possibility that he judged matters pertaining to wine; only that such information has not been preserved in Abū Yūsuf’s work which is dedicated primarily to taxation.
1290 See Chapter 3, s.v., Abū Bakr.
1291 See n. 1290.
There is no way of knowing why this should have been so. One explanation may be that Abū Bakr suspected 'Umar's harsh tendencies and wished to rule on the matter himself. Another explanation, though highly conjectural, is that Abū Bakr and 'Umar recognised a difference between legal theory and positive law, though they may not have used this terminology. By volunteering to judge disputes between Muslims, 'Umar may have had in mind those disputes for which there was no direct answer in the Qur'ān or the Sunnah. As has been demonstrated, the prohibition of consuming intoxicants is mentioned in the Qur'ān and there existed the implied precedent for the punishment of a drunk in the Sunnah of the Prophet. Therefore, the question as to how an individual should be punished for drunkenness would fall within Abū Bakr's "remit", though it should be remembered that Abū Bakr, as caliph, was not necessarily restricted to rule by the parameters defined above.

As the domain of Islam expanded beyond the boundaries of Arabia,1292 'Umar is said to have formalised the appointment of many individuals to settle disputes between Muslims by establishing the post of qādī.1293 In addition, the local governors were also authorised to settle disputes. In both cases, it seems likely that 'Umar retained the final say in all disputed matters, as is evidenced by the case of Abū 'Ubaydah b. al-Jarrāḥ in Syria.1294 In this episode, as well as others, 'Umar demonstrated his harsh, authoritarian personality. With such a personality, he may therefore have been dissatisfied that his appointees for the post of qādī should use their own personal reasoning, and so instructed them instead to use

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1292 Khadduri has commented that "The development of Islamic law would have been less complex and the differences among the jurists probably less controversial and confusing if the Muslim community had remained confined to Arabia. The newly conquered territories of Persia, Iraq, Syria, and Egypt presented legal problems which were not easy to solve by the norms of a law that had developed in Arabia. The early caliphs and their jurists inevitably had to resort to personal opinion (ra'y) to supplement divine legislation and customary law" (in Edge, 95). Such a statement, it seems to this author, assumes that life in Arabia was so appreciably different from the surrounding territories that the revelations could not have applied outside of Arabia. The case of wine consumption defies such an argument since, as has been shown, consumption of intoxicants was not exceedingly different throughout Persia, Iraq, Syria, and Egypt from Arabia.

1293 See Chapter 3, s.v., 'Umar b. al- Kháṭṭāb.

1294 See n. 1293.
analogy, *qiyās*, to cases in the Qurʾān and the *Sunnah*.

Arguing by analogy to the Qurʾān and the *Sunnah* does not eliminate individual reasoning, but analogy would narrowly define the limits of such individual efforts.

The present author has not uncovered information which describes ʿUthmān b. ʿAffān appointing *qādis*, though Chapter 3 indicated that he continued to act as judge himself. In addition, an embryonic institution known as the *shurta* appears to have been formed. The *shurta* seem to have been the caliph’s personal security force, and its institution as such may have come in light of the assassination of ʿUmar. Even so, their presence did not prevent the same fate befalling ʿUthmān or his successor, ʿAlī b. Abī Ṭālib. ʿAlī is known to have appointed *qādis*, men that were personally loyal to him, though there is no evidence that they ruled on wine consumption or its punishment.

When Muʿāwiyyah b. Abī Sufyān assumed authority over the community, the Rashidūn caliphs had already done much to establish the extent of the ban on intoxicants and the punishment for violating that law, which may have taken the form of a “common law” punishment of eighty lashes. Though the post of *qādi* continued under the Umayyads, it seems therefore unlikely, though not impossible, that matters such as wine consumption and its punishment came before them.

Instead, the institution of the *shurta* seems to have diverged in the early Umayyad period from merely surrounding the caliph to patrolling the streets of his cities as well. They were responsible for trying crimes such as wine consumption and drunkenness “on the spot”, determining the appropriate punishment and then inflicting that punishment. They could wield this kind of power largely unchallenged due to their continued paramilitary status and the fact that they were still directly attached to the caliph himself.

During the Umayyad era, an event of extraordinary significance occurred which is

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1295 See Chapter 3 for the difficulties of assessing ʿUmar’s letter to his *qādis*.

1296 Ibn Khaldūn did not list judging penal matters as one of the duties of a *qādi* (see Chapter 3 for a list of his duties). Māwardi, however, wrote that the *qādis* jurisdiction could extend to penal matters (MQA, 768-9).
not often pointed out in historical analyses of the period: the Companions of the Prophet all died. This gradual extinction of the Companions of the Prophet coincided with the increase in the power of the shurṭa, vis-à-vis their jurisdiction and subsequent function as law enforcer. There may have been a degree of discontentment at, and perhaps suspicion of, the shurṭa’s increasingly omnipotent role in matters of penal law. These two concurrent events may be one of the reasons that men began to gather to set about determining the law based on the Qur’ān, the Sunnah of the Prophet, and, to a lesser degree, the Sunnah of his Companions and practice of the early community.

Interest in developing the finer points of law appears to have gained adherents gradually. Some cities more than others attracted people eager to contribute to the task of shaping the Sharīʿah. Within these cities, people tended to cluster in groups led sometimes by one individual particularly knowledgeable in the Qur’ān and the Sunnah of the Prophet. Abū ʿHanīfa in Kūfah and Mālik b. Anas in Medina were two such individuals around whom considerable numbers of individuals gathered.

These groupings of individuals are often referred to as “schools” of law, or in Schacht’s terminology, “ancient schools” of law. The followers of Abū ʿHanīfa could therefore be said to follow the ʿHanafite school, or, when it had become clear that he and his disciples lived and worked exclusively in Iraq, the Iraqi school [ahl al-ʿIrāq]. Similarly for Mālik b. Anas whose students were said to follow the Mālikite school or Medinan school [ahl al-Madīna]. The term “school” is an awkward choice, though the best so far available. As Schacht remarked,

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1297 This would not have been as significant to the Shiʿa who continued to be led by their Imāms.
1298 Kamali, Principles of Islamic Jurisprudence, 47-8. Shiʿites believe, in general, that the first three caliphs usurped ʿAlī’s rightful position to lead the community following the death of the Prophet (A. Tabātabā’i, “The Imāms and the Imāmāte”, 157-60), and therefore it is unlikely that they would not have looked to their example.
1300 See Chapter 4, the section entitled, Sharīʿah and Fiqh.
1301 Schacht, Introduction, 28.
This term implies neither any definite organisation or a strict uniformity of doctrine within each school, nor any formal teaching, nor again any official status .... Their members ... continued to be private individuals, singled out from the great mass of the Muslims by their special interest ....

To emphasise the point, there may have been some five hundred schools, either established or at an embryonic stage, by the time of the 'Abbāsīd displacement of the Umayyads.

Abū Ḥanīfa was chiefly an advocate of qiyās coupled with the unrestricted use of ra'y. However, as more individuals and more schools became involved in these discussions, some people began to question the validity of using individual judgement in preference to a strict adherence to the divinely revealed message. Mālik b. Anas began formulating his analysis of the law in this atmosphere. He appears to have believed that only Medina possessed the true and living traditions of the Prophet. This then seems to have developed into a twin-track approach in his formulation of the law. First, he was said to have relied on the Qur'ān and the Prophet's Sunnah generally. Second, ijtihad al-ra'y was still to be used, but now was limited by ījmā', consensus, of all the jurists in Medina. This meant in practice that Mālik believed that the consensus of the jurists living and working in Medina could be equivalent to a Prophetic tradition where one was lacking.

For those working outside of Medina, and perhaps even a few in Medina, this method was also unsatisfactory. It appears that more and more groups argued “that every rule of law must be derived either from the Qur'ān or from the Prophet's” Sunnah. Perhaps at the end of the Umayyad era and through the first decades of the 'Abbāsīd era, these groups coalesced into a movement whose members came to be known as the

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1305 EI, s.v., “Abū Ḥanīfa”; Khadduri, 96.
1306 Hodgson, vol. 1, 321.
1307 Khadduri, 98; Hodgson, vol. 1, 321.
1308 Khadduri, 98; Azami, 82; Schacht, 61.
1309 Azami, 83; Kamali, 47.
1310 Coulson, 5; Schacht, Introduction, 34.
Traditionalists, or ahl al-ḥadith.\textsuperscript{1311} Those who continued to subscribe to the use of raʿy became known as rationalists, or ahl al-raʿy.\textsuperscript{1312}

Into this atmosphere of rationalists verses traditionalist was born al-Shāfīʿī,\textsuperscript{1313} who stood “at the turning point in the history of Islamic Jurisprudence.”\textsuperscript{1314} Shāfīʿī appears to have been largely a Traditionalist,\textsuperscript{1315} and believed that a highly restricted use of qiyās, and therefore to a lesser extent raʿy, should be used only to determine the authenticity of the traditions.\textsuperscript{1316} Shāfīʿī’s Risāla has therefore recently been argued to have been “an attempt at synthesising the disciplined exercise of human reasoning and the complete assimilation of revelation as the basis of the law.”\textsuperscript{1317} For the jurist the Risāla was therefore a work of “methodology” which shows the jurist how to use ʿijtihād al-raʿy “based on the Sacred Scriptures.”\textsuperscript{1318} The Risāla, therefore, appears to have contributed more to the development of positive law than to the science of legal theory (usūl al-fiqh).\textsuperscript{1319} This would seem to make Shāfīʿī’s work especially applicable to this thesis which is concerned primarily with the development of positive law with respect to the prohibition of wine. And yet the Risāla only mentions the prohibition of wine in passing and does not discuss a punishment for its consumption. Nevertheless, the Risāla provides useful information with regard to how

\begin{itemize}
\item \textsuperscript{1311} Makdisi, “Significance”, 2; Schacht, 33; Coulson, 5. It is important to bear in mind that dates for the development of the law and its schools can only be approximate (Makdisi, Colleges, 4). Future research may reveal a different time-frame.
\item \textsuperscript{1312} Ibid.; Coulson, 5.
\item \textsuperscript{1313} B. c. 150/767 (Hitti, 397), d. 204/820 (Goldziher, Introduction to Islamic Theology and Law, 49). Cf. Calder, who adds that Shāfīʿī may have been born on the very day that Abū Ḥanīfa died (68); Pearl, A Textbook on Muslim Law, 11.
\item \textsuperscript{1314} Hasan, “Al-Shāfīʿī’s role in the Development of Islamic Jurisprudence”, 389.
\item \textsuperscript{1315} Ibid., 12-3; Calder, 84.
\item \textsuperscript{1316} Hasan, 399-401. Cf. Schacht, Introduction, 60; Pearl, 12.
\item \textsuperscript{1317} Hallaq, 600.
\item \textsuperscript{1318} Makdisi, Humanism, 14-5.
\item \textsuperscript{1319} Makdisi, Humanism, 3-4. Cf. Hallaq, “Was al-Shāfīʿī the Master Architect of Islamic Jurisprudence?”, 592-3. Authors such as Khadduri and Schacht, working primarily in the first half of the twentieth century, considered al-Shāfīʿī the “first and probably greatest Muslim systematic legal theorist” (Khadduri, 98) and “the founder” of the science of legal theory (Schacht, 48).
\end{itemize}
Shāfī‘ī probably came to his conclusions with respect to the punishment for the consumption of wine,¹³²⁰ which can be found in Shāfī‘ī’s Kitāb al-Umm.

Shāfī‘ī died early in the reign of al-Ma‘mūn. This is significant because during the latter half of al-Ma‘mūn’s reign, there developed a bitter dispute concerning the nature of the Qur‘ān which had specific consequences for jurists. The argument centred on whether or not the Qur‘ān was the created or uncreated word of God. Al-Ma‘mūn sided with the Mu‘tazilites, who believed that the Qur‘ān was the created word of God, and he subsequently issued a proclamation in 212/827 that this was to be the official belief of all Muslims.¹³²¹ Six years later, al-Ma‘mūn issued a decree that “no qāḍī who did not subscribe to the view of the creation of the [Qur‘ān] could hold his office or be appointed to one. At the same time he instituted the mīḥnah, an inquisitional tribunal for the trial and conviction of those who denied his dogma”¹³²², which he pursued “in the most savage possible way.”¹³²³ This meant for jurists as well, the group from which the qāḍīs were often drawn, that they would not be immune to the persecution which was to last some fifteen to twenty years.¹³²⁴

The mīḥnah may partially account for the disappearance of so many of the schools thought to have been in existence. Either they were persecuted until they collapsed¹³²⁵ or they banded together against the mīḥnah¹³²⁶ and so lost their individual identity. This latter explanation may explain how Ibn Ḥanbal¹³²⁷ and his followers survived¹³²⁸ the mīḥnah despite holding fast to the doctrine of the uncreatedness of the Qur‘ān¹³²⁹ and the

¹³²² Ibid. This is a somewhat oversimplified version of events, but the theological debate itself falls outside the scope of this thesis. For more on the Mu‘tazilites and the theological debate, cf. Hodgson, vol. 1, 384-6 and Kennedy, 163-4.
¹³²⁴ Hitti, 430; Makdisi, Colleges, 7.
¹³²⁷ B. c. 164/780-1 (Azami, 84), d. 241/855 (EF, s.v., “Aḥmad b. Ḥanbal”).
¹³²⁸ Cf. Makdisi who writes that Ibn Ḥanbal “weathered the persecution by sheer patience and pertinacity” (Colleges, 7).
¹³²⁹ Makdisi, “Significance”, 6; Aḥmad, 106; Hitti, 429.
imprisonment and beatings which Ibn Ḥanbal suffered.\textsuperscript{1330} Being caught up in this atmosphere meant that Ibn Ḥanbal’s work acquired a dual theological-juridical method.\textsuperscript{1321}

In addition, it is perhaps due to the pressures of the mihnah that Ibn Ḥanbal did not have the time or freedom to develop a legal system of his own.\textsuperscript{1332} He appears to have collected vast numbers of traditions and based answers to his pupils’ questions, which touched on areas of law, on these traditions almost to the complete exclusion of ra’y.\textsuperscript{1333} For this reason Ibn Ḥanbal’s school was not considered a juridical school during his own lifetime and into the tenth century.\textsuperscript{1334} Taḥārī’s funeral was disrupted because he had ignored Ibn Ḥanbal “on the ground that he was no jurist but a mere traditionist” in his work “on the Differences of opinion among Jurists.”\textsuperscript{1335} It was not until the twelfth century that the Ḥanbalites were recognised as a school of law, by which time all of the ephemeral schools had disappeared.\textsuperscript{1336}

\textbf{Legal Rulings: Khamr vs. Nabīdīh}

Among the four schools which survive to the present day there existed (and continues to exist) disagreement on the fundamental questions of wine consumption and punishment. The definition of wine itself was debated. The Ḥanafi school determined that \textit{khamr}, as a type of wine, was “only those drinks made from grapes” and that any amount of it was prohibited.\textsuperscript{1337} Other drinks which cause intoxication, such as \textit{nabīdīh},\textsuperscript{1338} are

\begin{itemize}
\item \textsuperscript{1330} Azami, 84; Weeramantry, \textit{Islamic Jurisprudence: An International Perspective}, 54.
\item \textsuperscript{1331} Makdisi, Colleges, 8.
\item \textsuperscript{1332} Hallaq, “Was the Gate of Ijtihād Closed”, 294.
\item \textsuperscript{1333} ibid.; Dodge, \textit{Muslim Education in Medieval Muslim Times}, 70-1.
\item \textsuperscript{1334} Mez, 211.
\item \textsuperscript{1335} ibid., 211-2. It is worth noting that Taḥārī formed his own school of law which continued for less than a century after his death (ibid., 213; Makdisi, “Significance”, 7)
\item \textsuperscript{1336} ibid., 212-3. The disappearance of what was believed to have been so many schools still remains a partial mystery. In addition to the theories argued above, Maqrīzī wrote that many schools dissolved either because they were too distant from major population centres or they did not have the support of an important and wealthy patron (cited in Makdisi, “Significance”, 4-5; Mez, 212).
\end{itemize}
permissible so long as the individual does not actually become intoxicated.\textsuperscript{1339} The other three schools agree that wine is “any drink that affects the mental capacity of the individual” and is prohibited in any amount.\textsuperscript{1340}

Ibn Khaldūn wrote that the principal reason for this discrepancy is the manner in which the Ḥanafis used \textit{ra'y} to decide the issue.\textsuperscript{1341} Ibn Rushd described their arguments. He wrote that

The Kūfians relied for their opinion upon the apparent meaning of the words of the Exalted, “And of the fruits of the date-palm, and grapes, whence ye derive strong drink, sakār, and good nourishment,”\textsuperscript{1342} and on traditions that they related on the issue, as well as upon \textit{qiyās ma\textsuperscript{n}āwī} (primary form of analogy). With respect to their arguments on the basis of the verse, they said that sakār is an intoxicant and if it had been prohibited in its substance Allah would not have designated it as “good nourishment.”\textsuperscript{1343}

One of the Kūfians Ibn Rushd may have been referring to was a jurist named Sharīk\textsuperscript{1344} b. ‘Abdallāh al-Nakḥāṭ\textsuperscript{1345}, who is recorded in the Hedaya as having used this argument.\textsuperscript{1346} To emphasise the point, Goldziher cites Ibn Khalikan’s report that there were instances when Sharīk would be reciting a \textit{ḥadīth} of the Prophet, “one could smell nabīḍh on his breadth.”\textsuperscript{1347}

The ruling that nabīḍh was permissible meant that Muslims could legally and in good conscience be in possession of and consume nabīḍh. Intoxication, however, was not permissible and was liable for punishment.\textsuperscript{1348} Arabic authors clearly indicate that the

\textsuperscript{1339}Hedaya/Hamilton, vol. 4, 159; MHA, 90; Ibn Rushd, op. cit.; Peretz, Moench, Mohsen, 108; Rosenthal, The Herb: Hashish versus Medieval Muslim Society, 112; Lippman, McConville, Yerushalmi, Islamic Criminal Law and Procedure, 47-8.
\textsuperscript{1340}Hanbal/Baroody, 79-80; Muwatta/Johnson, 402; al-Shāfi‘ī, \textit{Kitāb al-Umm}, vol. 6, 130-1; MHA, 90, Māwardī citing al-Shāfi‘ī; see also n. 1337 above.
\textsuperscript{1341}Ibn Khaldūn/Rosenthal, 445.
\textsuperscript{1342}Surah 16:67.
\textsuperscript{1343}Ibn Rushd, tr. Nyazee, 572-3.
\textsuperscript{1344}Translated as “Sharayk” by Nyazee in Ibn Rushd.
\textsuperscript{1345}B. 75/694-5, d. 177/793-4 (in Kennedy’s notes to his translation of Tabari, vol. XXIX, p. 65, n. 175; Cf. Rosenthal, Historiography, 364). He was promoted to the position of \textit{qādī} of Kūfah in the year 153/770 (Tabari, tr. H. Kennedy, vol. XXIX, 65).
\textsuperscript{1346}Tr. C. Hamilton, vol. 4, 158.
\textsuperscript{1347}Introduction to Islamic Theology and Law, 61-2.
\textsuperscript{1348}See below, the section entitled, \textit{Law in the early ‘Abbāsid Era II}. 
Abū Ja'far al-Manṣūr (136/754 - 158/775)

"The first of the ābāsid caliphs, Abū al-ʿAbbās ʿAbdallāh b. Muḥammad al-Saffāh, was proclaimed in the Great Mosque in Kūfah, on about 14 Ṣaḥīf 132/31 October 749."\(^\text{1349}\)

Although the war with Marwān II was not yet fully over, it seems to have been evident to the people in Kūfah who the eventual victor of the conflict was going to be. Three months later, the movement was complete\(^\text{1350}\) and the ābāsids began to consolidate their rule. Al-Saffāh appointed members of his extended family to all important posts in the western half of the Islamic empire and left the eastern half of the Islamic empire under the control of Abū Muslim\(^\text{1351}\). With the exception of a few minor revolts, al-Saffāh's reign was peaceful,\(^\text{1352}\) though the potential for unrest among the people had not been adequately dealt with,\(^\text{1353}\) as the reign of al-Saffāh's successor was to prove.\(^\text{1354}\)

Al-Ṣaffah died in Dhū al-Ḥijjah 136/June 754.\(^\text{1355}\) His brother and governor of the Jazīrah\(^\text{1356}\), Abū Ja'far ʿAbdallāh b. Muḥammad al-Manṣūr\(^\text{1357}\) (henceforth referred to as al-Manṣūr), received the oath of allegiance in Anbar 137/January 754.\(^\text{1358}\) Al-Manṣūr is said to have admired some aspects of the Umayyad caliphate, in particular, the rule of Hishām b.

\(^{1349}\) KEAC, 46; Ṭabarī, tr. J. A. Williams, vol. XXVII, 152-61.

\(^{1350}\) Marwān II's forces were defeated at the river Zāb in Jumādā II 132/January 750 (Ṭabarī, tr. J. A. Williams, vol. XXVII, 166; Hodgson, vol. 1, 274).

\(^{1351}\) KEAC, 53. For more on the life of this central character of the ābāsid movement, see EI², s.v., "Abū Muslim", and Sharon, Black Banners from the East, 203-226.

\(^{1352}\) Ibid.

\(^{1353}\) See p. 196, n. 1264.

\(^{1354}\) H. Kennedy, in his Translator's Foreword to his tr. of Ṭabarī, vol. XXIX, p. xiv.

\(^{1355}\) Ṭabarī, tr. J. A. Williams, vol. XXVII, 212.

\(^{1356}\) Ibid., 208.

\(^{1357}\) "Al-Manṣūr", an honorific title meaning “rendered victorious [by God]” (Hitti, History of the Arabs, 290), was probably adopted by Abū Ja'far specifically for its messianic connotation (Husain, "The Regnal Titles of the First ābāsid Caliphs", 16).

\(^{1358}\) Kennedy, The Early ābāsid Caliphate, 55; Ṭabarī, tr. J. D. McAuliffe, vol. XXVIII, 1-2.
This may be one of the reasons that al-Manṣūr “wanted to establish a family-dominated government, similar to the old regime, and based on the secure foundation of a strong and well-paid army.”1359 These ideas brought him into conflict with the party of 'Ali, who had supported the 'Abbāsid movement based on their claims of justice and equality for all Muslims.1361 Al-Manṣūr’s early reign was also troubled by many Syrians who were “unwilling to accept their subordinate role.”1362 The final obstacle al-Manṣūr would have to overcome if his ideas were to come to fruition - if his family were to dominate all the important posts in the Islamic Empire - was Abū Muslim and his well established powerbase in the east.1363

The Syrians and Abū Muslim were defeated swiftly after al-Manṣūr’s succession.1364 The 'Alids, however, were still a considerable threat to the new regime.1365 Such was their opposition to the new caliphate that al-Manṣūr believed it expedient to found a new capital east of Damascus in 145/762.1366 The city, which is said to have been perfectly round, resembled in ground plan more a grand palatial and administrative fortress than a city.1367 Perhaps as an indicator of the troubled times, al-Manṣūr named the new city Madīnāt al-Salām, or the City of Peace.1368

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1359 Mas'ūdī, 24. Cf. Chapter 4, s.v, *Ḥishām b. 'Abd al-Malik b. Marwān*.
1362 Ibid. The 'Abbāsids continued to rely on predominantly Iraqi troops at the expense of Syrian troops owing to the Syrian’s former allegiance to the Umayyad dynasty (see p. 196, n. 1263).
1363 Ibid.
1365 Ibid., 65.
1366 Lassner, Topography, 45, tr. of Al-Khatib, Taʾrikh Baghdad, vol. 1, 66.
1367 For more on the Round City and the difficulties of defining its form and function, cf. Le Strange, Baghdad during the 'Abbāsid caliphate; Creswell, Early Muslim Architecture; Lassner, *The Topography of Baghdad in the Early Middle Ages*.
1368 Lassner, *Topography*, tr. of al-Khatib, Taʾrikh Baghdad, vol. 1, 67. There are other reasons that he may have chosen this name. Cf. n. 1367 above.
A year into the city’s construction, the inner structures were sufficiently completed to allow al-Manṣūr to move the treasury and other governmental departments to the city. In that same year, 145/763, the ‘Alids rebelled, forcing al-Manṣūr to halt further construction of the new city so that he could deal with the insurrection. By the end of 145/March 763, the ‘Alids had been sufficiently suppressed to the extent that al-Manṣūr had ensured that the ‘Abbāsid caliph was the real and effective ruler of the empire and he established ‘Abbāsid rule on foundations which were to remain secure until after his grandson’s death.” Al-Manṣūr subsequently completed his new city in three more years. The Round City quickly attracted many people from all over the empire. Perhaps in the space of a decade after its founding, there was no longer room inside the walls for the influx. Settlement outside the new walls was to begin the gradual development of what the present author will henceforth refer to as Baghdad.

Among those peoples who occupied Baghdad were the Christians. The site of the new capital had already been occupied by a small village inhabited by Nestorian Christians. One of the reasons al-Manṣūr is said to have chosen the particular site of his new capital is that he learned from Nestorian monks “that among all the Tigris lands this district especially was celebrated for its freedom from the plague of mosquitoes, the nights ... being cool and pleasant even in the height of summer.” There is an additional story, though less reliable and reported with some variation, which verifies that al-Manṣūr probably had contact with the local Christians. It is related that either a Christian doctor

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1370 Kennedy, 67-70.
1371 Ta’barī, tr. J. A. Williams, The Early ‘Abbāsid Empire, vol. 1, 149.
1372 Kennedy, 70.
1373 The work was completed in 149/766-767 (Ta’barī, tr. H. Kennedy, vol. XXIX, 42-3).
1374 Hodgson, vol. 1, 287. Abū Ja’far himself ejected the markets from inside the city and placed them in their own district, al-Karkh, in the year 154/754, though the reasons had more to do with security than overpopulation (Lassner, Topography, 60, tr. of al-Khātib, Ta’rikh Baghdad, vol. 1, 69).
1375 Le Strange, Baghdad during the ‘Abbāsid Caliphate, 12.
1376 Ibid.
1377 Lassner, The Shaping of ‘Abbāsid Rule, 125.
or a Nestorian Monk informed al-Manṣūr “of an old tradition in which a King named Miqlāṣ was destined to build a city” on the spot al-Manṣūr was considering. Al-Manṣūr revealed that he had been nicknamed Miqlāṣ in his youth.

Even if al-Manṣūr’s claim was fabricated, this story seems to indicate that al-Manṣūr was sufficiently concerned with the “indigenous” Christian population at the site that he or his advisers perhaps contacted some member of the Christian community and learned of this legend. This behaviour may be an indication that al-Manṣūr would have allowed the Christian population in the area to trade wine in public, at least between themselves, for use in their religious services and festivals. Evidence that the Jews were allowed to transport wine in public supports this hypothesis.

There had already been a large Jewish population in Iraq dating back at least two centuries before the Arab conquest. With the establishment of the new capital, more Jewish groups moved to Baghdad. Al-Manṣūr appears to have recognised the exilarch - the leader of the Jewish community who is said to have been a direct descendant of the last king of Judah - who was “ accorded considerable dignity at court...” . Rabbi Nathan ha-Babli, reporting on the election of a new exilarch in Baghdad, wrote that “The installation service and the annual Sabbath service, together with the festivities and banquets connected with the religious ceremonies, were of considerable importance in the communal life of Baghdad Jews.”

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1378 Le Strange, 13.
1380 Ibid.; Le Strange, 13.
1381 See Lassner, The Shaping of ‘Abbāsid Rule, 125-6, for a discussion of the authenticity of this account.
1382 See text below, p. 213.
1383 Stillman, The Jews of Arab Lands, 29; see also Chapter 3, s.v., ʿAli b. Abī Ṭālib.
1384 Sassoon, A History of the Jews in Baghdad, 16.
1385 Ibid., 29-30.
1386 Ibid., 30.
1387 Cited in Sassoon, 9.
The Sabbath service would almost certainly have required the use of wine,\textsuperscript{1388} and it seems highly likely that wine would have been available at the “festivals and banquets” which followed the election of the exilarch. Evidence that the Jews possessed wine, if not consumed it, during the caliphate of al-Manṣūr is supplied by a poetic remark made by Abū Dulāmah\textsuperscript{1389}. In the year 153/770, al-Manṣūr “urged the people to wear extremely tall qalānsūwahs, which they used to keep up, it was said, by putting canes inside.”\textsuperscript{1390} Abū Dulāmah commented:

\begin{quote}
We used to look to the \textit{imām} for increase (in donations) but so the chosen \textit{imām} increased qalānsūwahs. You will see them on the heads of men looking like a Jew’s wine jugs \textit{[dīnān yahūd]}\textsuperscript{1391} covered with cloaks.\textsuperscript{1392}
\end{quote}

This appears to indicate that al-Manṣūr instituted no restrictions against wine in public. The present author would speculate that this may also indicate that the sale of wine was not restricted either.

There is evidence which demonstrates that wine consumption out-with the Jewish and Christian communities continued during al-Manṣūr’s caliphate. East of the capital, in what is present day Iran, the Zoroastrian community continued to exist and practise its ceremonies and customs. One of those ceremonies was called the \textit{bazm} ceremony.

The word describes the hours and even days which were spent drinking wine to the sound of music immediately after meals in the long drawn out affairs that royal receptions were in late Sasanian and early Islamic Iran. ... What emerges from the study of literary sources is, in effect, the remarkable continuity of a tradition, before and after Islam, over a period of 500 years or so.\textsuperscript{1393}

\textsuperscript{1388} See Chapters 1 and 2, the sections entitled, \textit{The Jews and Judaism and Wine}, respectively.
\textsuperscript{1390} Ṭabarī, tr. H. Kennedy, vol. XXIX, 65. Kennedy identifies the \textit{qalānsūwahs} as “a tall hat in the shape of a cone or truncated cone” (ibid., p. 19, n. 52). This may have been after the style of Persian headgear familiar to the former Sasanian empire (Hitti, \textit{Capital Cities of Arab Islam}, 89).
\textsuperscript{1391} Ta’rīkh, vol. 8, 43.
\textsuperscript{1392} Ṭabarī, tr. H. Kennedy, vol. XXIX, 65.
\textsuperscript{1393} Melikian-Chirvani, “The Iranian \textit{Bazm} in Early Persian Sources”, 95.
Melikian-Chirvani does not cite evidence of this ritual occurring during the early 'Abbāsid era. Most of his evidence is cited from fifth/eleventh, sixth/twelfth, and seventh/thirteenth century sources. He does cite verses from the poetry of Abū Nuwās.¹³⁹⁴ Such verses clearly reflect that Abū Nuwās was aware of his Iranian heritage which included drinking wine for ritualistic purposes.¹³⁹⁵ But this in itself is not proof that the bazm ceremony continued unabated during the early 'Abbāsid era. It is conceivable that the practice of the ceremony lapsed for a period and was later revived.

However, as the sources record that the ceremony changed in the fifth/eleventh century,¹³⁹⁶ this would seem to indicate that it had been practised in a given way up to that time. In addition, there is a story recorded by Mas'ūdī that the caliphs al-Maʾmūn¹³⁹⁷ and al-Rāḍī (322/934 - 329/940) celebrated the Sasanian autumn equinox festival.¹³⁹⁸ Though this does not demonstrate the existence of the bazm ceremony, it is evidence that some of the Sasanian festivals continued to be celebrated some three centuries after the end of that Empire. And in light of no evidence specifically to the contrary, the present author is inclined to believe that until “at least the middle of the [fifth/eleventh] century, the main celebrations of Zoroastrian Iran continued to be accompanied by bazm ceremonies ....”¹³⁹⁹

There is also evidence that wine drinking was not limited to these three religious institutions. The Aghānī records that one day al-Manṣūr wished to contact Hiffān b. Hammām b. Naqlah.¹⁴⁰⁰ After searching for him at al-Rāwīyyah and Baghdad, al-Manṣūr received information that Hiffān was at Baṣrah. Al-Manṣūr subsequently dispatched a messenger to Baṣrah. The messenger found Hiffān in a tavern, naked, gradually becoming

¹³⁹⁴ Ibid., 100; see p. 100 for the poetry.
¹³⁹⁵ Ibid.
¹³⁹⁶ Ibid., 95.
¹³⁹⁷ For his caliphate, see below, q.v.
¹³⁹⁸ See below, p. 257.
¹³⁹⁹ Ibid., 107.
¹⁴⁰⁰ Aghānī, vol. 6, 80. The present author has been unable to identify Hiffān b. Hammām b. Naqlah. The remainder of the story is cited from the Aghānī, vol. 6, 80-1, unless otherwise noted.
intoxicated from drinking nabīdh from a very large bowl. The messenger asked Hīffān if he had anything (i.e., any word) he wished to send to the caliph. Despite his intoxicated state, Hīffān wrote a lofty and eloquent letter to the caliph.

There are two difficulties with this story, but the difficulties do not in general detract from its usefulness. First, although alcohol is known to depress inhibitions, this does not mean that individuals are completely unable to function. It is therefore conceivable that Hīffān could have composed an eloquent letter even in the state of intoxication he is said to have been in. Second, it is difficult, though not impossible, to accept that Hīffān was completely naked in the tavern. It seems more likely that Hīffān was topless or was scantily clad. Whatever the case, the story, which takes place in the caliphate of al-Manṣūr, is set in a tavern and Hīffān is said to be drinking nabīdh to the point of intoxication.

Another story in the Aghanī illustrates the point that wine consumption may not have been uncommon in the reign of al-Manṣūr, though he himself probably did not drink wine. It is related that when Bukhtīshū’ the Elder1 identified as a “famous physician, father of Jibrā’īl b. Bukhtīshū’ and grandfather of Bukhtīshū’ the Younger” by Kennedy in his notes to his translation of Tabārī, vol. XXIX, p. 128, n. 417. came from a Christian family, and it was not, of course, forbidden for him to drink wine with his meal. However, he was informed that “wine was not drunk at the table of the Commander of the Faithful.” Bukhtīshū’ replied that he would refuse to eat if wine did not accompany his meal. Al-Manṣūr heard of this and ordered that wine be brought to him. At dinner the next day Bukhtīshū’ made the same demand, but al-Manṣūr is said to have

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1. "Dastajāb". The footnotes to this edition of the Aghanī explain that this bowl was used for washing clothes. Wehr merely defines the word as “kettle, boiler, cauldron made of copper” (281). Clearly, this was a very large container with which to drink wine.

2. Tabārī, tr. H. Kennedy, vol. XXIX, 128. The remainder of the story is cited from Kennedy’s translation on 128 unless otherwise noted.

3. EF, s.v., “Bukhtīshū’”.

4. Tabārī does not specify the type of wine Bukhtīshū’ asked for, i.e., khamr, nabīdh, or rāb. Tabārī instead uses a term which can be used as a general description of intoxicating drink, al-sharāb (Ta’rīkh, vol. 8, 87).
substituted water from the Tigris for wine. The next morning, Bukhtishū' is said to have commented that “I did not think that anything would compensate for wine, but this Tigris water does compensate for wine.”

This anecdote also has many difficulties. It does not seem likely that river water would have compensated for wine. In addition, the question arises as to why al-Manṣūr allowed Bukhtishū' wine on the first occasion only to substitute water from the Tigris on the second occasion. The question also arises as to how Bukhtishū', an educated man, “well known for his scientific writings”, could be apparently ignorant of the prohibition of wine in Islam, of if he was aware of it, how he could have expected to have wine served at the caliph’s palace. Finally, Ţabarī did not identify the type of wine Bukhtishū' had ordered, but only recorded that he asked for al-sharab}^{1406}. It should also be noted that this story is not related by Ţabarī in the normal course of his narrative, but under the heading of “Some stories about al-Manṣūr and His Conduct”,^{1407} a somewhat random collection of anecdotes which illuminate the character of al-Manṣūr. This would seem to indicate that the story may have been partially constructed to communicate a particular message.

The present author would argue that all of the difficulties posed above can only be fully addressed by assuming that the story has been constructed to illustrate a single point: that Tigris water was equivalent to wine. But not just one specific type of wine, Tigris water was equivalent to intoxicants in general. This would help to justify the use of the word sharāb in place of, say, khamr or nabīd. It seems likely that readers of Ţabarī’s history may have been sceptical of the notion that Tigris water equalled wine had Ţabarī merely stated the fact. The comparison Ţabarī employs assists him in illuminating his message without overtly stating the fact; hence, al-Manṣūr accommodates his guest on the first occasion of his request for wine, but then switches his drink to water.

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^{1406} See above, n. 1405.
^{1407} Ţabarī, tr. H. Kennedy, vol. XXIX, 93.
It must be said that events could have transpired just as Tabari recorded them. It may be argued that the site of Baghdad made it convenient for Tabari to construct his comparison between wine and Tigris water. However, Iraq had been occupied by the Muslims for over a century by the time of Baghdad’s founding. Certainly, the comparison could have been made at any point during that time. This would seem to argue that there was some core of truth which Tabari may have elaborated upon. But whatever the motivation behind the story, it is evident that some form of intoxicating drink was available and was being consumed in the reign of al-Manṣūr.

The story also appears to demonstrate that al-Manṣūr was opposed to wine consumption. It has already been noted that al-Manṣūr is said to have admired the rule of Hishām b. ʿAbd al-Malik, an Umayyad caliph who is not recorded as drinking wine.1408 Therefore, although the anecdote of Bukhtishū and al-Manṣūr is suspicious, it seems reasonable to accept the implication that al-Manṣūr did not drink wine. Further evidence that al-Manṣūr may not have consumed wine is found in Masʿūdī who reported that al-Manṣūr took steps to dissuade his son and successor from drinking wine.

Masʿūdī records that al-Manṣūr assigned Sharqi b. al-Qatamī to al-Mahdī at the time al-Manṣūr named his son as his successor.1409 Sharqi’s duty was to instruct al-Mahdī in the best and most noble traits of the Arab.1410 One night, al-Mahdī asked for a story. Sharqi related:

They say that a certain king of al-Ḥīrah [who] had two courtiers [nadīmān1411] whom he loved as he loved himself. ... one evening, the king, while drinking and enjoying himself, yielded to the effects of wine [al-sharāb1412], which had clouded his reason, called for his sword, drew it from its sheath and, hurling himself on his two friends, killed them. Then, overcome with drowsiness, he fell asleep.1413

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1408 See Chapter 4, s.v., Hishām b. ʿAbd al-Malik b. Marwān.
1410 Loc. Cit.
1411 Ibid.
1412 Ibid.
1413 Masʿūdī, 46.
The story continues that when the king awoke the next day, he was informed of what he had done. He was so overcome with remorse that he “swore that for the rest of his life he would refrain from the drink [sharād]\(^{1414}\) which had robbed him of his reason.”\(^{1415}\)

The unmentioned king of this story can be confidently identified as the Lakhmid ruler, al-Mundhir III (503-54), for the broad outline of events of this story are almost identical to similar events related in the Aghanī.\(^{1416}\) However, there are four differences between the accounts as related in the Aghanī and by Mas'ūdī. First, the Aghanī makes no reference to al-Mahdī. The story seems to be part of an effort to detail the Lakhmid king's life rather than to serve as instruction for a particular individual.\(^{1417}\) Second, the Aghanī states that the catalyst for al-Mundhir III’s action was that something had been said between the men. Third, al-Mundhir III, because he was drunk, ordered the men buried alive; he did not kill them with his own hands.\(^{1418}\) Lastly, the Aghanī does not record al-Mundhir III promising to cease his consumption wine.

The differences are significant. It is possible, perhaps even probable, that Sharqī altered the events slightly in order to augment the scale of the calamity and thereby emphasise the point that intoxication is “Satan's handiwork” and must be left aside. Although there is no direct evidence in this story that al-Mahdī drank wine, it seems likely that such a story would not have been necessary, certainly to the extent of exaggerating events, if al-Mahdī had not at least begun to drink wine. The probable intended impact of this story does not seem to have had immediate effect on al-Mahdī.

\(^{1414}\) Murūj, vol. 3, 320.
\(^{1415}\) Mas'ūdī, 46.
\(^{1416}\) See Chapter 1, the section entitled, The Lakhmids, Rulers.
\(^{1417}\) Aghanī, vol. 19, 86-88.
\(^{1418}\) Ibid., 86. The Aghanī does not mention the type of wine that had made them drunk in this particular incident. It is related elsewhere in the Aghanī that al-Mundhir III and his boon companions drank khamīr when they came together (vol. 19, 87-8).
Al-Mahdi (158/775 - 169/785)\textsuperscript{1419}  
Al-Mansur died in Dhu al-Hijjah 159/October 775.\textsuperscript{1420} His son was subsequently given the oath of allegiance without opposition. Al-Mansur “passed on a relatively subdued and peaceful empire to Al-Mahdi.”\textsuperscript{1421} Al-Mahdi immediately began to demonstrate his self-confessed ideal as “the champion of Islam” by releasing some political prisoners, by constructing new mosques, and by the persecution of those religious dissenters labelled zindiqs.\textsuperscript{1422} Perhaps as another outward sign of his complete and uncompromising commitment to Islam, he is reported in the Aghani as specifically not drinking wine. However, Mas'udi records events which indicate that he did drink wine during some part of his caliphate only to discontinue drinking wine at some future date. Indeed, some of the anecdotes in the Aghani which demonstrate that al-Mahdi did not consume wine often imply that he had consumed wine at some point in his life. Tabari appears to settle the issue. He confirms that al-Mahdi did at one time drink wine, and records that the reason he discontinued that practice was not due to his avoidance of sin, but rather due to his distaste for wine.

Mas'udi relates an anecdote which appears to demonstrate that al-Mahdi consumed wine after he had become caliph. Al-Mahdi had been out hunting when “his horse strayed and he found himself lost, very hungry, near the tent of a Bedouin.”\textsuperscript{1423} He asked the Bedouin for a meal, and the Bedouin complied. During the course of the meal, the Bedouin brought out a little wine in a leather bag.\textsuperscript{1424}  

After taking a drink, he passed it to al-Mahdi, who drank in his turn and said:  
“Do you know who I am?”  
“No, by God,” replied the Bedouin.

\textsuperscript{1419} He was generally known by this name, his full name being Muḥammad b. ‘Abdallāh b. Muḥammad b. ‘Alī b. ‘Abdallāh b. al-‘Abbās (Tabari, tr. H. Kennedy, vol. XXIX, 157).
\textsuperscript{1420} Tabari, tr. H. Kennedy, vol. XXIX, 157.
\textsuperscript{1421} Hodgeson, vol. 1, 289.
\textsuperscript{1422} KEAC, 97. For more on the term zindiq, see Chapter 4, s.v., Al-Walīd b. Yazīd b. ‘Abd al-Malik.
\textsuperscript{1423} Mas'udi, 37. The remainder of the story is cited and paraphrased from the translation on 37-8 unless otherwise noted; Cf. Murūj, vol. 3, 311-2.
\textsuperscript{1424} The text reads “… ḥādīth nabīdī tī ḫawāh” (Murūj, vol. 3, 311), which could be more literally translated as, “the leftovers of some date-wine in a small pot.”
"I am one of the court eunuchs."
"May God bless your employment and prolong your days ..."
Then the Bedouin drank another bowl of wine as did al-Mahdî. Al-Mahdî then said:
"Do you know who I am?"
"Yes, you have just mentioned that you are one of the court eunuchs."
"That’s not true," corrected al-Mahdî.
"So, who are you?" enquired the Bedouin.
"I am one of al-Mahdî’s generals."
"May your halls be spacious and your resting place fragrant!"
Then the Bedouin drank another bowl of wine as did al-Mahdî. Al-Mahdî then said:
"Oh Bedouin, do you know who I am?"
"Yes, I do know, you claim to be one of al-Mahdî’s generals."
"That’s not true," corrected al-Mahdî.
"So, who are you?" enquired the Bedouin.
"I am the Commander of the Faithful himself!"

When al-Mahdî told him that, the Bedouin removed his pot of wine and sealed it.\footnote{Murûj, vol. 3, 311.} When al-Mahdî asked for another drink, the Bedouin refused, justifying his decision by explaining that al-Mahdî was clearly delirious from the wine: "By God, if I pour you a fourth, I am afraid you will say, ‘I am the Messenger of God!'"\footnote{Masûdî, 37-8.}

This is not the only anecdote which describes al-Mahdî becoming separated from his entourage while hunting, whereupon he became hungry and turned to local inhabitants for hospitality. This in itself does not discredit the story, for it is possible that al-Mahdî, who would have been more concerned with his prey than his party, could have become separated from them on more than one occasion. However, the story should be treated with scepticism for the overall theme of a ruler wandering and happening upon a person or person that he sits down to eat and drink wine with can be found in pre-Islamic poetry.\footnote{See Chapter 1, the section entitled, \textit{A Brief Survey of Pre-Islamic Poetry, Wine in Bedouin Poetry}.} Still, even though the story should be treated with a degree of scepticism, it should not be dismissed entirely.

The possible truth of the story is indicated by the detail that intoxication was known to potentially cause a delusional state. Although one might suspect that al-Mahdî was joking.
with the Bedouin, the Bedouin expresses his fear that the wine had caused his guest to make claims that were delusively grand. Each of the preceding chapters has provided evidence that wine could alter the behaviour of some individuals. The present author is therefore inclined to believe that the story is authentic to the extent that it may be taken as evidence that al-Mahdī was not averse to drinking nabūth at some stage, a fact supported by Ṭabarī.\(^{1428}\)

The Aghānī records evidence that al-Mahdī, as caliph, was not opposed to his close companions drinking wine. He relates that one morning, al-Mahdī was present when Muḥammad al-Amīn met with Ibrāhīm al-Mawsīlī, one of al-Mahdī’s close companions, and al-Mahdī’s son, Ibrāhīm.\(^{1429}\) Al-Amīn asked al-Mawsīlī if he had had his lunch. When al-Mawsīlī replied that he had, al-Amīn became irritated because it was not the appropriate time for lunch.\(^{1431}\) Turning to the caliph, al-Mawsīlī explained that he had eaten early because of the excessive amounts of wine [khāmr] which he had been drinking the night before. Ibrāhīm b. al-Mahdī then asked al-Mawsīlī how much “we” had drank.\(^{1432}\) Al-Mawsīlī reported that that they had drank three ratlīs.\(^{1433}\)

Clearly, this story is not proof that al-Mahdī himself drank wine. However, it is important to note that he seemingly had no objections to members of his court and family drinking wine, including khāmr. It has been recorded that one member of his court, Ya’qūb

\(^{1428}\) See text below.

\(^{1429}\) J. W. Flick, in his article for *EF*, writes that Ibrāhīm al-Mawsīlī was “one of the greatest musicians and composers of the early ‘Abbāsid period ... It was upon Hārūn’s [Hārūn al-Rashid, the third ‘Abbāsid caliph] orders that Ibrāhīm, together with his colleagues ... made a selection of 100 songs which form the framework of the *Kitāb al-Aghānī* of Abu ‘l-Faradj al-Iṣfahānī” (s.v., “Ibrāhīm al-Mawsīlī”).

\(^{1430}\) Aghānī, vol. 5, 70. The remainder of this story is paraphrased from 70.

\(^{1431}\) It is not entirely clear from the text why al-Amīn should have been so irritated that al-Mawsīlī ate lunch outside the appointed time.

\(^{1432}\) Identifying the appropriate speakers in this passage was exceptionally difficult. It may be the case that al-Amīn asked al-Mawsīlī how much “we” had drank, though this would make less sense in the overall context of the story.

\(^{1433}\) The author has been unable to convert this measure of weight into an appropriate fluid measure. In addition, one ratl has several equivalents in the Islamic world and it is difficult to determine which ratl the Aghānī reported. Cf. Hinz, *Islamische Masse und Gewichte*, 27-33; *EF*, s.v., “Makāyīl”.

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b. Dawūd, once al-Mahdī’s most trusted adviser\textsuperscript{1434}, was opposed to such open admissions and displays of wine drinking. He is said to have been so deeply distraught by wine drinking at and about the Caliphal court that he asked to be removed from al-Mahdī’s service.\textsuperscript{1435} Upon hearing this, a poet attached to al-Mahdī’s court is reported as reciting:

\begin{quote}
Leave Yāqūb b. Dawūd on one side;
and take to the good wine \textsuperscript{\[sahbā\textsuperscript{d}\]}\textsuperscript{1436} that has a good smell.\textsuperscript{1437}
\end{quote}

Ṭabarī implies that shortly after this incident Yāqūb b. Dawūd was imprisoned.\textsuperscript{1438} However, he was imprisoned by al-Mahdī in 166/782-3 because, as Ṭabarī explicitly relates, others had become jealous of his power which seemed to rise even above that of al-Mahdī's wazīr.\textsuperscript{1439} Yāqūb b. Dawūd remained in prison until Hārūn al-Rashīd released him.\textsuperscript{1440} Ṭabarī does not record al-Mahdī’s decision as to whether he followed Yāqūb b. Dawūd’s advice. However, reports in the Aghānī appear to illustrate that al-Mahdī did not drink wine.

The poet ʿUkkāshah b. ʿAbd al-Ṣamīd recited to al-Mahdī a poem describing the look and taste of wine \textsuperscript{[khamr\textsuperscript{1441}\]. Al-Mahdī responded to ʿUkkāshah that his description was so expertly done that he must have been drinking wine himself; he therefore merited the ḥadd.\textsuperscript{1442} ʿUkkāshah asked to be heard before al-Mahdī carried out the sentence. Al-Mahdī agreed. ʿUkkāshah told al-Mahdī that he could not understand how al-Mahdī knew his description was so accurate if al-Mahdī did not know it, i.e., drink wine. Al-Mahdī responded, “God remove your vulgarity far away.”\textsuperscript{1443}

\begin{footnotesize}
\begin{enumerate}
\item\textsuperscript{1434} Ṭabarī, tr. H. Kennedy, vol. XXIX, 174-5. He had first gained the ear of al-Mahdī in 159/775-6 (Ibid., 173-4).
\item\textsuperscript{1435} Ibid., 231. This event is recorded as taking place in the year 166/782-3.
\item\textsuperscript{1436} Taʿrīkh, vol. 8, 160. Al-ṣahbā‘i is identified in Wehr as a red wine (527).
\item\textsuperscript{1437} Ṭabarī, tr. H. Kennedy, vol. XXIX, 232.
\item\textsuperscript{1438} Ibid. 232. Ṭabarī only lists the two events occurring in the same year, he does not provide any other timeframe.
\item\textsuperscript{1439} Ibid., 232-3.
\item\textsuperscript{1440} Ibid., 234.
\item\textsuperscript{1441} Aghānī, vol. 3, 263.
\item\textsuperscript{1442} Ibid., 264. The remainder of the story is cited from 264 unless otherwise noted.
\item\textsuperscript{1443} The text reads, “Aʿzaba qabṭaka Allāh”.
\end{enumerate}
\end{footnotesize}
Clearly, this story only hints that al-Mahdi consumed wine. The story is further evidence that *khamr* was available in the reign of al-Mahdi. In addition, it is interesting to note that 'Ukkāshah is not recorded as having received his punishment after confronting al-Mahdi, even though al-Mahdi was opposed to consuming wine and would ordinarily assign a fixed punishment for it. The following anecdote illustrates this point as it describes the drastic alteration in al-Mahdi's attitude toward his companion's consumption of wine. The following story is also the most "direct" evidence in the *Aghānī* that al-Mahdi did in fact drink wine.

Iṣḥāq b. Ibrāhīm al-Maḥsili reported from his father, Ibrāhīm al-Maḥsili, that al-Mahdi did not drink at a time when al-Mahdi wished for al-Maḥsili to keep in especially close contact with him. Al-Mahdi demanded that al-Maḥsili stop drinking, but he refused. Al-Maḥsili consequently absented himself from al-Mahdi for days at a time. When al-Maḥsili finally did see al-Mahdi, al-Maḥsili was often drunk. This used to greatly annoy al-Mahdi, so he had al-Maḥsili beaten and thrown into prison.

When al-Maḥsili was released, al-Mahdi reproached him for drinking in people’s houses. Al-Maḥsili explained to al-Mahdi that he had learned to drink from his brothers and that if he could abandon drink, he would do so. Al-Mahdi subsequently forbade al-Maḥsili from going to the houses of his sons Hārūn and Mūsā, telling him that if he did, al-Mahdi could not guarantee what he would do to al-Maḥsili. Al-Mahdi later learned that al-Maḥsili had gone to them and drank *nabūdā* with them. Al-Mahdi subsequently ordered al-Maḥsili beaten with three hundred lashes of the whip and imprisoned him in irons.

The figure of three hundred lashes casts some doubt on the veracity of the story.

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1444 *Aghānī*, vol. 5, 160. The *Aghānī* does not specify what type of drink al-Mahdi had given up. The remainder of the story is paraphrased from the *Aghānī*, vol. 5, 160, unless otherwise stated.

1445 The *Aghānī* does not specify what type of beating, e.g., flogging, al-Maḥsili received; the *Aghānī* records the word *darab*.

1446 Presumably this meant al-Maḥsili was introduced to alcohol at a young age.
Chapters 2 and 3 illustrated that complications arising from a flogging of eighty lashes could cause death in individual cases. It seems highly unlikely that al-Mawṣili would have survived three hundred lashes, unless those lashes were spaced out over the course of a long prison sentence. But this is not in the text. It is possible that al-Mahdī's issuing of a sentence of three hundred lashes was designed to express the depth of his anger rather than the actual number of lashes al-Mawṣili should have received. It is also possible that the individual charged with carrying out the punishment did so with extreme leniency. Occurrences of this nature are recorded to have taken place during the reign of al-Hādī, and it is possible that the lashes were not applied with vigour. However, as neither of these suggestions are in the text either, the problem of al-Mawṣili surviving three hundred lashes can not be resolved.

Even with this difficulty, it is still possible to extract reasonably reliable information from the story, information which does not necessarily depend on the accuracy of the number of lashes which al-Mawṣili is said to have received. First, this story seems to supply the first direct evidence of chronic addiction to wine, viz., al-Mawṣili states that if he could abandon drink, he would do so. It is possible that al-Mawṣili used addiction to wine as an excuse for his continued consumption of wine. Even so, the existence of the excuse itself is evidence that chronic addiction to wine was a reality in the Islamic world after prohibition. In light of what he states was the origin of his addiction, the present author is inclined to believe that al-Mawṣili was not just citing a useful excuse, but an actual condition.

This story seems to indicate that al-Mahdī did drink wine but at some point ceased that practice. The sources do not specify what brought about the sweeping change of attitude in al-Mahdī toward his companions drinking wine. The story also indicates that al-

\[1447\] See also below, p. 241.
\[1448\] See text below, p. 230.
\[1449\] Flick writes that "Ibrāhīm remained all his life addicted to wine" (\(\text{EF}\), s.v., "Ibrāhīm al-Mawṣili").
Mahdi may not have taken direct steps against his sons to restrain them from drinking wine, though there is some evidence that he took indirect measures to arrest their consumption of wine. It is noteworthy that only Hārūn and Mūsā are mentioned, and not Ibrāhīm, all of whom are reported to have consumed wine throughout their lives. Only Hārūn and Mūsā would establish universally accepted caliphates, and perhaps their names would have attracted the reader's attention more than that of Ibrāhīm.

Tabarī appears to be the only author to shed light on al-Mahdi's change of attitude towards wine consumption. He reports that al-Mahdi at one time drank wine, in the form of nabīdah, but gave it up "not because he was avoiding sin, but because he did not like it." The Arabic wording which expresses al-Mahdi's desire to avoid wine, lā-yushtahā, is somewhat vague in terms of precisely determining what it was that al-Mahdi did not like about nabīdah. In light of al-Mahdi's reaction to those around him who continued to drink, the present author would speculate that an event of substantial significance must have taken place while al-Mahdi was intoxicated that made nabīdah not just undesirable, but repulsive.

Mūsā b. al-Hādī (169-785 - 170/786)

Al-Mahdi died on Muḥarram 22, 169/August 4, 785. Al-Mahdi's son, Mūsā, "was acclaimed as Caliph on the day that al-Mahdi died" without opposition. Al-Hādi's

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1450 See text below, p. 228.
1451 See text below, s.v., Mūsā b. al-Hādī, Ḥārūn al-Rashīd, and Ibrāhīm b. al-Mahdi.
1452 Ta'rikh, vol. 8, 160.
1453 Ta'rikh, vol. 8, 160.
1454 Wehr defines the phrase as "undesirable" (491), which is confirmed in the main by Lane (Book I, 1614), who only tentatively suggests that the phrase may refer to the pleasantness of food (Ibid.).
1455 He was generally known by this name, or sometimes as Mūsā al-Hādī, but very rarely as Mūsā b. al-Mahdi.
1456 Ta'rikh, tr. H. Kennedy, vol. XXIX, 245.
1457 Ta'rikh, tr. H. Kennedy, vol. XXIX, 231.
1458 Ta'rikh, tr. H. Kennedy, vol. XXIX, 245.
1459 Ta'rikh, tr. H. Kennedy, vol. XXVII, 231.
1460 Ta'rikh, tr. H. Kennedy, vol. XXIX, 245.
1461 Ta'rikh, tr. H. Kennedy, vol. XXIX, 231.
1462 Ta'rikh, tr. H. Kennedy, vol. XXIX, 245.
1463 Ta'rikh, tr. H. Kennedy, vol. XXIX, 231.
1464 Ta'rikh, tr. H. Kennedy, vol. XXIX, 245.
1465 Ta'rikh, tr. J. A. Williams, in The Early ‘Abbāsid Empire, vol. 2, 137.
1466 Ta'rikh, tr. J. A. Williams, in The Early ‘Abbāsid Empire, vol. 2, 137.
reign was mostly peaceful, with only minor disturbances along the Byzantine frontier. Internally, al-Hādī’s break with his father’s policy of reconciliation toward the ‘Alids created an atmosphere generally hostile to al-Hādī. The withdrawal of Caliphal favour from the ‘Alids meant in real terms the cessation of financial support and the apparent oppression of the local governor of Medina. This appears to have led to a rebellion in that city in Dhu' al-Qa‘da 169/May 786.  Ṭabarī records that one of the underlying causes which led to the rebellion of Ḥusayn b. ‘Ali was an incident involving wine consumption and the new governor of Medina.

The governor of Medina, ʿĪsā b. ‘Alī, asked to be relieved of his post. Al-Hādī asked him to join him at Baghdad and sent ʿUmar b. ʿAbd al-Azīz b. Abdallāh in his place. ʿUmar caught Abū al-Zīft Ḥasan b. Muḥammad b. Abdallāh b. al-Ḥasan, Muslim b. Jundub, and ʿUmar b. Sallām, a mawla of ʿUmar, drinking wine [sharāb] together, and gave orders to have them all flogged. He then had rope-halters placed around their necks and had them paraded around the city. ... Ḥusayn b. ʿAli went to ʿUmar and said: “They do not deserve this: you have already beaten them, which you had no legal right to do, because the jurisconsults of Iraq [ahl al-Iraq] see no harm in what they were drinking, so why do you parade them!” The men were subsequently taken off the streets and...
thrown into prison for a day and night. They were then released on condition that they appear at the mosque daily.

It is unfortunate that Tabari has neglected to inform the reader, assuming he knew himself, what type of wine Abu al-Zift, Muslim b. Jundub, and 'Umar b. Sallam were drinking. Without that vital piece of information, proving the veracity of this story may be impracticable. Recall that the four Sunni schools of law were in general agreement that khamr was forbidden, but that one of the Sunni schools permits other substances which have the potential to cause intoxication. Tabari has recorded the word sharab, a generic term for intoxicating drink. Therefore, Husayn b. 'Ali's argument that what they were drinking was permitted cannot be substantiated.

J. A. Williams notes of these events that "It is easy to suppose that the ... governor welcomed the opportunity to make an example" of Abu al-Zift Hasan b. Muhammad b. 'Abdallah, the son of the leader of a rebellion some twenty years earlier. "The fact that he was found with a mawla of the 'Umar family suggests that this was an entrapment." There is one difficulty with this suggestion. 'Umar b. Sallam, the mawla of 'Umar, was not excused from the punishment the other two men received. If this was an entrapment, one might expect to find mention in Tabari that 'Umar b. Sallam was given some form of compensation for his act. But there is no mention of what happened to 'Umar b. Sallam after the three were released from prison.

If Williams' suggestion could be proved accurate, then this would complicate the issue of the actual substance the men were drinking still further. Perhaps the three men were not drinking the universally prohibited substance, khamr, but that 'Umar b. 'Abd al-Aziz b. 'Abdallah claimed that they were in order to exact his revenge. Such an explanation is also unsatisfactory, however, in light of Husayn b. 'Ali's reaction. He did not deny that

1468 See below, the section entitled, Law in the Early 'Abbásid Era I.
1470 KEAC, 109.
the men were drinking a substance that was potentially intoxicating, only that the jurisconsults of Iraq (the Ḥanafīs) were not opposed to the substance. This would seem to indicate that by the late latter half of the second/eighth century there was an awareness that there were regions within the Islamic Empire that were noted for their analysis of law, and that intoxicating drinks was among those issues that the schools of law concerned themselves with.

The complexity of this anecdote signifies that it can not be determined with certainty what the men were drinking and if in fact it was or was not a prohibited substance. The story is, however, a good indication that the issue of intoxicating drinks was of concern to jurisconsults and that the school of law in Iraq had already begun ruling on this issue by the latter half of the second/eighth century.

Al-Hādī did not break with all of his father’s policies. He continued the persecution of those labelled zindīgs and kept some of his father’s appointed officials, such as ʿAlī b. ʿĪsā b. Mahān, who also became one of al-Hādī’s closest advisers, as chief of the guard and chief of the bureau of the army. In addition, he replaced ʿAbdallāh b. Khāzīm with ʿAbdallāh b. Mālik as the chief of the police ([shurṭah]). As al-Hādī felt comfortable breaking with some of his father’s policies while maintaining others, it is difficult to determine what influence, if any, al-Hādī’s father may have had on him. Al-Hādī was most likely aware that his father drank wine while he was caliph only to discontinue that practice part way through his caliphate. For his part, al-Mahdī had been aware that his son was drinking wine. There is evidence that al-Mahdī indirectly attempted to restrict al-Hādī’s consumption of wine.

1472 KEAC, 109-10.
1473 Ibid., 109.
1474 Ţabarî, tr. J. A. Williams, in The Early ʿAbbāsī Empire, vol. 2, 139. ʿAbdallāh b. Malik had been the chief of the police under al-Mahdī (Ibid., 168), but may have been deposed from that post temporarily due to past confrontations between ʿAbdallāh b. Malik and al-Hādī (see text below). These appointments are an indication that at least as early as the reign of al-Mahdī, the chief of the guard and army had become distinct from the chief of the [shurṭa]. It may be inferred from this that the two forces had crystallised into two distinct
Tabarî records that ʿAbdallah b. Malik related that while he was chief of the police under al-Mahdî, al-Mahdî “would send me the familiars [nu’damâ’] and singers of Mūsâ b. al-Hādî and order me to chastise [bi-darâb] them. Al-Hādî would beg me to be lenient to them and let them off. I was not deterred by this and would do as al-Mahdî ordered me.”

This created some enmity between al-Hādî and ʿAbdallah b. Malik. When al-Hādî became caliph, he dismissed ʿAbdallah b. Malik from his post of chief of police. Some time later, al-Hādî called ʿAbdallah b. Malik before him and asked for an explanation as to why his entreaties on behalf of his friends were ignored. ʿAbdallah b. Malik asked al-Hādî if it was himself or his sons whose orders were superior. Al-Hādî answered that it was his orders, and at once recognised the loyalty of ʿAbdallah b. Malik and reinstated him as the chief of police.

The story continues that ʿAbdallah b. Malik was still concerned for his safety. He is said to have feared that the friends of the caliph, the very individuals that he had punished, would turn al-Hādî against him “when wine [al-sharâb] has overcome them all”. The story continues that al-Hādî visited ʿAbdallah b. Malik the day after their meeting and said,

“I’ve been thinking about you, and I thought it might occur to your mind that if I were drinking with enemies of yours around me, they might spoil the good opinion I have of you, and that thought would disturb and trouble you, so I’ve come to ... let you know that I harbour no hard feelings against you.”

ʿAbdallah b. Malik was assured by the Caliph’s words and continued to serve al-Hādî for the remainder of his caliphate.

entities, and that the shurṭa probably had taken on the appearance of a recognisable police force.

1475 Taʾīkh, vol. 8, 216.

1476 Loc. Cit.

1477 Tabarî, tr. J. A. Williams, in The Early ʿAbbāsi Empire, vol. 2, 168. The remainder of the story is cited from Williams’ translation on 168 unless otherwise noted.

1478 Tabarî does not make clear the length of time that had passed between ʿAbdallah b. Malik’s dismissal and this meeting.

1479 Taʾīkh, vol. 8, 216.

1480 Tabarî does not record what they would be drinking, but the implication is that they would be drinking intoxicating substances (Taʾīkh, vol. 8, 217).
It seems somewhat peculiar that al-Hādī would so openly admit that he could be easily influenced under the effects of intoxication. Such an admission would probably make him more open to his boon companions, and others, attempting to get him drunk to influence his decisions. In addition, if it is the case that al-Hādī could be influenced while intoxicated, it would probably be of little comfort for al-Hādī to inform ‘Abdallāh b. Malik that he harboured no ill will against him while he was sober. Even so, it is possible that al-Hādī was cognisant of this personal failing. If al-Hādī had started drinking when he was younger, as stories in the Aghānī appear to illustrate, then he may have become chronically addicted to alcohol by the time he became caliph. This would mean that he could not stop drinking alcohol, even while acknowledging its detrimental effects while sober. It is therefore possible that he came to the same conclusion regarding ‘Abdallāh b. Malik’s dubious position, vis-à-vis al-Hādī’s companions, as ‘Abdallāh b. Malik had decided for himself.

This latter explanation is supported by another story which hints that al-Hādī possessed something of a duplicitous nature. It is reported that he assigned the still imprisoned Ya’qūb b. Dāwūd one hundred lashes, though the reason for this punishment is not mentioned. The man in charge of carrying out al-Hādī’s orders, ‘Alī b. ‘Īsā b. Māhān, laid the whip on Ya’qūb b. Dāwūd’s arms and shoulders, “just barely touching [him] with it,” until he had counted one hundred. He then returned to al-Hādī and reported that he had carried out the prescribed punishment. Al-Hādī asked about the status of Ya’qūb b. Dāwūd, and Ibn Māhān responded that he was dead. Al-Hādī replied, “Truly we are God’s and to Him we return. And woe to you! By God, you’ve made me a scandal among men! This was a good man, and now people will say of me, ‘he’s the one who killed Ya’qūb b. Dāwūd!”

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1481 See above, p. 223.
1482 Ṭabarî, tr. J. A. Williams, in The Early ‘Abbāsī Empire, vol. 2, 169. See above p. 221. The remainder of the story is cited from Williams’ translation on 169 unless otherwise noted.
When Ibn Māhān saw how upset al-Hādī was, he informed him that in fact Ya’qūb b. Dāwūd was alive, and al-Hādī was much relieved.

This story seems almost designed to illustrate al-Hādī’s dual nature, though in fact the introduction to the story makes it clear that it is intended to advocate the good nature of Ibn Māhān. Al-Hādī’s reaction may therefore be exaggerated to demonstrate the noble qualities of Ibn Māhān. This seems a reasonable explanation as to how al-Hādī could sentence Ya’qūb b. Dāwūd, “a good man”, to one hundred lashes, a sum that was almost certainly known to be potentially fatal, and yet worry that the people would be upset with his death. In addition, there is no explanation as to why, having discovered that Ya’qūb b. Dāwūd was indeed alive, al-Hādī was not then angry with Ibn Māhān for apparently lying to him the first time.

With these complications, it is not possible to demonstrate the veracity of the story beyond a reasonable doubt, though, like many such anecdotes, it would be a mistake to dismiss it entirely. The story’s core of truth may well be al-Hādī’s oscillating nature. One area where al-Hādī does not appear to have oscillated was his consumption of wine. Ṭabarī reports in the section he calls, “Information concerning al-Hādī and his character”, that al-Hādī did consume wine while he was caliph.

The poet Ibn Da’b was once ushered into the presence of al-Hādī. Ibn Da’b reported that, “I went in, and he was sprawled on a couch, his eyes inflamed from sitting up and drinking all night. He told me ‘Recite something to me about drinking [fit al-sharāb].’” Ibn Da’b recited a story of some men of the Banū Kināna who had “set out on foot foraging for wine [kharm] of Syria, and the brother of one of them died.” As they sat drinking [presumably wine] at the graveside, one of the men recited:

1483 Ta’rikh, vol. 8, 223.
1484 Ṭabarī, tr. J. A. Williams, in The Early ʿAbbāsī Empire, vol. 2, 175. The remainder of the story is cited from the Williams’ translation on 175-6 unless otherwise noted.
1485 Ta’rikh, vol. 8, 224.
Be scanty to nobody with its drink,
Pour him the wine \textit{[al-khamr]}\footnote{Ibid.}, though he be buried.
Pour for the limbs and the body and thirst
Withdraw the stirrup-cup of the early riser. ...

Al-Hādī is said to have liked the story so much that he issued Ibn Da'b forty thousand \textit{dirhams}.

The value of this incident involving al-Hādī is that the veracity of Ibn Da'b's verses, and al-Hādī's reaction to them, is not essential to demonstrating that al-Hādī drank wine. It is simply stated by Ibn Da'b that al-Hādī was drunk, and this fact seems almost beside the main point of the narrative, i.e., Ibn Da'b's verses. His verses reveal that wine, in the form of \textit{khamr} and not \textit{nabīd}, was produced in Syria and was highly sought after. It must be said that Ibn Da'b's story need not have taken place in al-Hādī's own day, and may even date from the \textit{Jāhilīyah}, just as Sharqi b. al-Qaṭāmī related the story of the Lakhmid king to al-Mahdī. It is, none the less, evidence that \textit{khamr} was probably still considered preferable to \textit{nabīd}. The present author has found no indication of what type of wine al-Hādī drank. His brother, and successor to the caliphate, is repeatedly cited as drinking \textit{nabīd}.

Hārūn al-Rashīd (170/786 - 193/809)

Al-Hādī died in the middle of Rabī' I 170/September, 786.\footnote{Tabarī, tr. J. A. Williams, \textit{in The Early 'Abbāsī Caliphate}, vol. 2, 165; KEAC, 110.} He is said to have died while in Isābah,\footnote{Ibid., 157.} where he had possibly spent the last days of his life drinking wine with his companions,\footnote{Ibid., 176 and n. 406.} though the evidence is inconclusive.\footnote{Cf. Ta'rīkh, vol. 8, 224.} The oath of allegiance was immediately given to “Hārūn b. Muḥammad b. 'Abdallāh b. Muḥammad b. 'Alī b. 'Abdallāh b. 'Abbās”,\footnote{Tabarī, tr. J. A. Williams, \textit{in The Early 'Abbāsī Empire}, vol. 2, 182.} who was generally known as “al-Rashīd”.\footnote{Cf. KEAC, 115. Hārūn is said to have received this name, al-Rashīd, “The Upright” (Levy, \textit{A Baghdad Chronicle}, 44), from his father upon returning from a very successful raid on the Byzantine Empire (Ibid., 42).} He “stressed the religious character of the Caliphate, and continued the anti-'Alid and anti-zandaka policy of his...
predecessors. Yet was because “of his role in the stories circulating in such collections as the Kitāb al-Aghānī and the Arabian Nights...” that “none other of the ‘Abbāsid caliphs has left such an impression in the popular mind...”

It would be tempting to employ the stories of the Arabian Nights, or One thousand and one Nights as it is more commonly known, as proof that al-Rashīd drank wine. However, the stories are simply too problematic, due in large part to the fact that “many other cultures contributed to the formation of the Arabic texts know by the name Alflaylah wa-laylah.” This resulted in “various layers of historical strata” which, though generally grounded in “a given society and geographical locale during a particular historical period”, tend to borrow and overlap one another. Consequently, “nearly any story ... presents greater or smaller problems concerning the history of the text, all of them pertaining to the fundamental questions of authenticity and priority.” The songs (or poetry) in the Aghānī present fewer problems in this area, though it too is not completely free from these problems. However, the collection of songs is “but the least part of his work, as [Abū al-Faraj] gives many details about the ... society at the time of the ‘Abbāsid caliphs, especially of Hārūn al-Rashīd ...” It is the added details, often cited with a lengthy isnād, which have a more “historical” quality to them. Many of these stories take place when al-Rashīd was said to be drinking nabīdīh.

Ibn Khaldūn, writing in the late fourteenth century, acknowledged that al-Rashīd “used to drink a date liquor (nabīdīh), according to the ‘Irāqī legal school whose responsa [madhab] (concerning the permissibility of that drink) are well known. But he cannot

1493 EI², s.v., “Hārūn al-Rashīd”.
1494 KEAC, 115.
1495 In Arabic, Alflaylah wa-laylah.
1496 Pinault, Story-Telling Techniques in the Arabian Nights, 5.
1497 Ibid.
1498 Gerhardt, The Art of Storytelling: A literary study of the Thousand and One Nights, 47.
1499 EI², s.v., “Abū l-Parad al-Iṣbahānī”.
1500 Muqaddimah, vol. 1, 305.
1501 See below, the section entitled, Law in the Early ‘Abbāsid Era I.
be suspected of having drunk pure wine \[al-khamr\ \text{al-}\overset{\_}{\text{sîr}}^{1502}\]. Silly reports to this effect cannot be credited."^{1503} He also writes that the "stupid story of [al-Rashîd's] winebibbing \[al-khamr\]^{1504}\ and his getting drunk [bi-sakar] in the company of boon companions [\text{al-nadmân}]^{1505}\ is really abominable."^{1506} Ibn Khaldûn's justification for exonerating al-Rashîd in this manner was that "It does not in the least agree with al-Rashîd's attitude toward the fulfilment of the requirements of religion and justice incumbent upon caliphs. He consorted with religious scholars and saints. ... He was pious, observed the times of prayer, and attended the morning prayer at its earliest hour."^{1507}

In some respects Ibn Khaldûn's analysis is correct. The present author has not uncovered evidence that al-Rashîd drank \textit{khamr}. And legal scholars in Iraq had ruled that \textit{nabîdh} was permissible so long as it was not consumed to the point of intoxication. However, Ibn Khaldûn appears to be incorrect in stating that al-Rashîd did not become intoxicated.\^{1508} But such direct statements notwithstanding, why should Arabic authors have named the substance al-Rashîd was consuming if it was not a potential source of intoxication? For detail and clarity perhaps, but there are many stories which record people drinking where the substance is not named. Only occasionally do the sources record individuals drinking water, for instance. A more likely explanation may be that Arabic authors wanted to illustrate that al-Rashîd was drinking wine, in the form of \textit{nabîdh}, and that he could have become, or probably did become, intoxicated. Finally, Ibn Khaldûn's belief that authors who wrote such stories did so because they were justifying their own

\textsuperscript{1502} Muqaddimah, vol. 1, 305-6.
\textsuperscript{1504} Muqaddimah, vol. 1, 303.
\textsuperscript{1505} Loc. Cit.
\textsuperscript{1506} Ibn Khaldûn/Rosenthal, vol. 1, 33. See below, the section entitled, \textit{The Boon Companion}, for evidence that al-Rashîd drank \textit{nabîdh} with his boon companions and is recorded to have become drunk.
\textsuperscript{1507} Ibid. Cf. Hodgson, vol. 1, 294.
\textsuperscript{1508} For these episodes of al-Rashîd drinking \textit{nabîdh}, see the section entitled, \textit{The Boon-Companion}.
"subservience to pleasure by citing men and women of the past (who allegedly did the same things)" cannot be demonstrably supported.

The present author has uncovered only indirect corroborating evidence in Tabari that al-Rashid consumed wine. Yaḥyā b. 'Abdallāh was one of those who had been a part of Ḥusayn b. 'Alī's rebellion in 169/786. He had escaped capture and fled to the mountainous area of Daylam. Yahyā subsequently organised and instigated an 'Alid rebellion in the year 176/792-3. Tabari records that al-Rashid “became concerned and would not drink wine [ṣāriḥ al-nabūḍh] in those days. He sent al-Fadl b. Yahyā against him with fifty thousand men, and the chief of his officers with him.” Yahyā's rebellion was exceedingly short lived. He was swiftly captured and brought back to Baghdad, where, after being initially spared, he was executed.

This story implies that al-Rashid drank wine and only stopped because he was distracted by Yahyā's rebellion, viz., "would not drink wine in those days". It seems reasonable to assume that he continued to drink wine after Yahyā had been dealt with, i.e., after those troublesome days had passed. Even so, the stories related by Mas'ūdī and in the Aghānī are largely undated, and there is the minor possibility that this event so upset al-Rashid that he discontinued drinking wine altogether. However, given the fame - or infamy - that his court attained over the entire length of his reign, and with no direct evidence to the contrary, it seems more likely that he consumed wine throughout his caliphate.

That this anecdote is the only evidence in Tabari of a link between al-Rashid and wine should not be construed as an indication that the stories in the Aghānī are without foundation. Recall the Umayyad caliph al-Walid b. Yazīd. Much of the information which

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1509 Ibid., 40.
1510 See above, p. 226.
1511 KEAC, 119.
1512 Tabari, tr. J. A. Williams, in The Early 'Abbāsī Empire, vol. 2, 194; Cf. KEAC, 119, for the reasons behind this rebellion.
1515 KEAC, 119-120.
demonstrates that he consumed wine is similarly recorded in the Aghānī, while Ṭabarī stated that there were so many anecdotes describing al-Walīd II and wine that he refused to burden his text with them.\textsuperscript{1516} Although Ṭabarī makes no such disclaimer in the case of al-Rashīd, it is not too difficult to imagine that he may have similarly elected to disregard wine drinking episodes solely due to the number of such episodes which may have been available.\textsuperscript{1517} However, Masʿūdī recorded events which support the Aghānī's numerous stories citing a connection between al-Rashīd and wine.

Masʿūdī records an event which directly links al-Rashīd with wine. Related by Ibrāhīm al-Mawsili, “one day, [al-Rashīd] gathered together his singers to give a performance which was attended by the important people of court. ... [Al-Rashīd,] stirred by nabīṭh [fi-nabīṭh\textsuperscript{1518}], demanded a certain air which had suddenly come into his mind and at his orders the Master of the Curtain invited ...” his singers to sing the piece.\textsuperscript{1519} Miskīn al-Madānī sang the piece correctly and al-Rashīd inquired as to how he knew the song so well. The remainder of the story is how Miskīn came by the song.

The focus of the story is not in fact on al-Rashīd, but on the singer Miskīn. The story of how he came to know the song al-Rashīd demanded to hear is plausible, but does have a bit of a legendary quality to it. However, this has little bearing on the statement concerning al-Rashīd experiencing the effects of drinking wine. This seems to have been mentioned as a factual comment, as if drinking wine and becoming intoxicated were the normal manner in which al-Rashīd enjoyed listening to song.

Masʿūdī relates another instance where song and the theme of wine are intertwined, though al-Rashīd himself is only tangentially involved. The story has something of a legendary, or perhaps better, mythical quality, yet may help to illustrate al-Rashīd's

\begin{footnotesize}
\begin{enumerate}
\item[1516] See Chapter 4, s.v., \textit{Al-Walīd b. Yazīd b. ʿAbd al-Malik.}
\item[1517] The present author has come across ten separate incidents which link al-Rashīd with wine, a sample of which is presented below.
\item[1518] Murūj, vol. 3, 360.
\item[1519] Masʿūdī, 91. The remainder of the story is cited from the translation on 91 unless otherwise noted.
\end{enumerate}
\end{footnotesize}
character and the connection between song and wine. The story involves Ishāq b. Ibrāhīm al-Mawṣili. One day a young man unknown to Ishāq entered Ishāq’s chambers unannounced. The stranger picked up Ishāq’s lute and “made harmonies [Ishaq] could never have believed and after a prelude, more beautiful than anything [Ishaq] had ever heard, the youth began this song:

Drink a few more cups with me, my friends
   Before you go! Cupbearer, bring us some more of this excellent,
pure wine [charib murauqā]!
Already the first light of morning has stripped
   Away the darkness and torn the chemise from the night.”

Then the stranger admonished Ishāq for his singing and told him to sing as he himself had just done. The stranger then departed. Ishāq questioned his chamberlain about the man, but the chamberlain adamantly stated that he had not seen anyone enter Ishāq’s chambers. Ishāq then went to al-Rashīd and told him his story. Al-Rashīd was very surprised and said, “Beyond any shadow of a doubt you have received a visit from Satan.” Al-Rashīd then asked to hear the song and liked it so much that he gave Ishāq “a handsome present.”

It is worth reiterating that the exact contents of this story seem highly dubious. Al-Rashīd’s reaction that the stranger was Satan seems disproportionate to the events. That he should want to hear the song which he believed came from Satan may demonstrate that Masūdī was reflecting what was probably, by the third-fourth/ninth-tenth century, al-Rashīd’s reputation for frivolity and avarice. That a stranger could have entered unseen into Ishāq’s chambers may, however, have a logical explanation: perhaps the chamberlain was

1520 B. 150/767, d. 235/580. Like his father, Ishāq was similarly an outstanding musician and was a favourite of many caliphs, including Hārūn al-Rashīd (EF, s.v., “Ishāq b. Ibrāhīm al-Mawṣili”). On the orders of the caliph al-Wāthiq (277/842 - 232/847), he revised the collection of songs begun by his father which form the framework of the Aghanī (Ibid.).
1521 Ibid., 90. The remainder of the story is cited from the translation on 90 unless otherwise noted.
1523 During the caliphate of al-Rashīd, “A cleverly turned poem could win a bag full of gold, a horse from the caliph’s stables, a beautiful slave girl - or all three at once” (Hodgson, vol. 1, 294).
too embarrassed, or too fearful, to admit that he had not seen and stopped the stranger in the first place, and so denied seeing him altogether. But that the stranger should have entered into Išāq's chambers strictly to teach Išāq how to play the lute, and then departed without any apparent remuneration,\footnote{1524} seems less plausible.

Even so, it is interesting that the “ideal song” should contain a reference to purified wine. Furthermore, it is striking that the stranger should recommend verses containing a reference to wine as the ideal when the ultimate recipient of Išāq al-Mawṣili's work was to be the leader of the Islamic empire. The present author therefore believes that the reference to pure wine, which Ibn Khaldūn was keen to point out al-Rashīd did not drink, is an indication that the consumption of nabīdāh was a reality during the reign of al-Rashīd. This reality is supported by other stories in Masʿūdī and Ṭabarī which relate to the decline and fall of the Barmakids.

The rise to influential standing and power of the family of Khālid al-Barmakī was slow and steady from the time of al-Saffāh and al-Manṣūr until their peak under the caliphate of al-Rashīd.\footnote{1525} It was the Barmakid Faḍl b. Yaḥyā who was placed in charge of suppressing the rebellion of Yaḥyā b. ʿAbdallāh in 176/792-3,\footnote{1526} and was subsequently appointed the governor of Khurāsān the following year.\footnote{1527} His brother, Jaʿfar, “received the governorship of the western provinces.”\footnote{1528} However, “after the year 179/795-6, the power of the Barmakid family began to decline and the near monopoly which the family had acquired over the main offices of the state was broken.”\footnote{1529} In the year 180/796-797, Faḍl b. Yaḥyā was dismissed from his post and a member of a rival family, ʿAlī b. ʿĪsā b. Māḥān,\footnote{1530}

\begin{footnotes}
\footnotetext[1524]{See n. 1523 above.}
\footnotetext[1525]{For a synopsis of the Barmakids rise to power, Cf. Hodgson, vol. 1, 295; KEAC, 101-2.}
\footnotetext[1526]{See above, p. 235.}
\footnotetext[1527]{\textit{EF}, s.v., “al-Barāmika: 3. The Wizārā”.}
\footnotetext[1528]{Ibid.}
\footnotetext[1529]{KEAC, 121.}
\footnotetext[1530]{ʿAlī b. ʿĪsā b. Māḥān had already risen to some influential standing during the reign of al-Hādī (see above, p. 230).}
\end{footnotes}
was “appointed to the key position of Khurāsān.”  

Ja'far was “retained as chief courtier and companion of [al-Rashīd’s] leisure hours.”

At his new post, 'Alī b. ʿĪsā b. Māhān is said to have “followed a policy of oppressing the people,” largely by taxing “the wealth of the dihqāns or landed aristocracy of Khurāsān, from whom the [Barmakids] had come.”  

Ṭabarī writes that the treasures of Ibn Māhān, collected from Khurāsān, “arrived on the backs of fifteen hundred camels.”

This figure may be exaggerated, but it illustrates the point that Ibn Māhān may have been taxing the people of Khurāsān unduly harshly. Such a policy would have most likely engendered a great deal of hostility toward Ibn Māhān, represented in the following anecdote.

One day, Ḥusayn b. Muṣṭāfā went to see Ibn Māhān. Ḥusayn greeted him with the customary wish of peace upon him, to which Ibn Māhān replied,

“No peace be upon you ... I know what you are about in your hostility to Islam ... and I await only the Caliph’s permission to put you to death ... Have you not spread alarming news about me in my own house, after getting drunk on wine [thamilta min al-khamth], and alleged that letters for my dismissal have come to you from the City of Peace [Baghdad]?” Ḥusayn denied the charges, but Ibn Māhān cried, “It’s been proven to me that you were drunk [thamilta min al-khamth], and that you said things that deserve the roughest lesson, and now God may strike you soon by His power and vengeance, so get out of my sight ...!”

At this Ibn Māhān’s chamberlain grabbed Ḥusayn and threw him out.

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1531 KEAC, 121.
1532 Hodgson, vol. 1, 295.
1533 EF, s.v., “Ibn Māhān”.
1534 J. A. Williams, n. 565, p. 279, to his translation of Ṭabarī.
1535 Ṭabarī, tr. J. A. Williams, The Early ʿAbbāsī Empire, vol. 2, 179.
1536 Ibid., vol. 2, 279. The remainder of the story is cited from the translation on 279 unless otherwise noted.
1537 Taʾrīkh, vol. 8, 325.
1538 Ibid.
This excerpt is informative on two levels. It is indicative of the fact that wine was available in the reign of al-Rashīd. If wine were not available, then it would not be possible to accuse a person of intoxication by wine. On another level, an alleged enemy of a representative of the state is accused of drinking wine. But unlike representatives of the state, the caliphs themselves, who are believed to have consumed nabīdha, Ḥusayn is accused of drinking khamr. What is immediately striking about this difference is that Ṭabarī does not mention a punishment for Ḥusayn’s drinking, even though it was “proven” to Ibn Māhān that he had been consuming khamr. Nor does Ibn Māhān condemn Ḥusayn specifically for the practice of drinking khamr.

There are three possibilities for khamr appearing in this story. First, the event could have transpired precisely as Ṭabarī has recorded. It is entirely possible that Ḥusayn was drinking khamr. Second, it could be that khamr was particularly known for its intoxicating effects, under which it is clear from this story that a person could be expected to speak his mind openly, without regard for the consequences of what he said. This suggests that khamr was artificially inserted into the story to promote its authenticity. Finally, khamr was universally condemned by jurisconsults. By accusing Ḥusayn of drinking khamr instead of nabīdha, Ḥusayn, an enemy of a representative of the state, stood accused of transgressing the prohibition of wine of the highest magnitude.

Had Ṭabarī identified those who accused Ḥusayn, then it might have been possible to sort the historical fact from any possible embellishment. However, without that information, and accepting that there was animosity between the two men, the absolute truth of the story shall perhaps always remain elusive. In addition, this is not the only story which records an individual becoming drunk and threatening the state only to be turned over to the state for his actions. This leads to the suspicion that this may be a stock theme.

The story continues for another page, though the events do not strictly concern the discussion of wine. See Ṭabarī, tr. J. A. Williams, in The Early Abbāsi Empire, vol. 2, 279; Ta’rikh, vol. 8, 325-6.

See later in this chapter, the section entitled, Law in the Early ‘Abbāsid Era I.
used by Arabic authors to vilify the enemies of the 'Abbāsid state.\textsuperscript{1541} As the account stands, perhaps the best conclusions that can be drawn from it are that wine was available in Islamic lands during the caliphate of al-Rashīd and that Ḥusayn was probably intoxicated when he spoke harshly of Ibn Māḥān.

This period of Ibn Māḥān’s humiliation of the Barmakids, i.e., the heavy taxation on their properties, forms part of the events leading to the decline of the Barmakids.\textsuperscript{1542} The fall of the Barmakid family itself is reported to have come suddenly and violently. In 187/803, upon returning from the hajj to Mecca, al-Rashīd “ordered the arrest of all the leading members of the Barmakid family.”\textsuperscript{1543} Jaʿfar b. Yaḥyā was beheaded, and his brother al-Faḍl died in prison not long after this event.\textsuperscript{1544} “The brutal fall of the Barmakids came as a surprise to their contemporaries ... [and] remains partly a mystery for modern historians; but it can hardly be seen as the result of a sudden caprice on the part of the Caliph.”\textsuperscript{1545} Masʿūdī records two possible concurrent explanations for the swift action taken against the Barmakids.

While al-Faḍl was in prison, al-Rashīd ordered Masrūr al-Khāḍim to question al-Faḍl “regarding the riches” of his family.\textsuperscript{1546} Masrūr delivered al-Rashīd’s message to al-Faḍl: “You claim to have spoken candidly, but I am certain that you have concealed important sums. I have ordered Masrūr, if you do not provide him with precise information, to give you two hundred strokes of the lash.” A brief exchange of words then followed between al-Faḍl and Masrūr, during which both men acknowledged that al-Faḍl’s life was almost certainly forfeited if he received such a punishment. Nevertheless, Faḍl had no new

\textsuperscript{1541} See the story below.
\textsuperscript{1542} Cf. KEAC, 119-120, 121-2; Hodgson, vol. 1, 295. It should, however, be noted that Ibn Māḥān’s policies attracted so much dissension in the province that Hārūn eventually replaced him as governor (KEAC, 130).
\textsuperscript{1543} KEAC, 127.
\textsuperscript{1544} Hodgson, vol. 1, 295.
\textsuperscript{1545} EI², s.v., “al-Baramika: 3. The Wizārā”.
\textsuperscript{1546} Masʿūdī, 129. The remainder of the story is cited from the translation on 129-30 unless otherwise noted. Cf. Murūj, vol. 3, 384-6.
information to give Masrûr, and Masrûr carried out his orders with a knotted whip. Al-Faḍl is said to have been healed of his wounds by an unnamed man who was also in the prison. So grateful was al-Faḍl that he asked one of his jailers to go to a man outside the prison and retrieve from him 10,000 dirhams. The money was brought to al-Faḍl who then had it sent on to the man who had healed him. He was found in his cell, the contents of which consisted of "a stringed instrument hung from the wall, and a few bottles of nabîdḥ and some sticks of furniture ..." The man refused the gift and all subsequent gifts from al-Faḍl, prompting al-Faḍl to remark that the man exhibited the most noble behaviour al-Faḍl had ever known.

The detail of the prisoner's cell is difficult to assess. As has been demonstrated above, music and wine were often associated, and to find them together is at once expected and yet suspicious. If the man had an instrument in his cell, it does not necessarily follow that he would also have had wine in his cell, and vice-versa. If wine was present in the cell, this would be a most remarkable indicator that from being a punishable offence in the reign of the Rashīdūn caliphs, drinking nabîdḥ appears to have become permissible during the reign of al-Rashīd. But definitive conclusions can not be drawn because the prisoner is not known to have become intoxicated and the nature of the main focus of the story itself is questionable as well.

The main focus of this story is that al-Faḍl did in fact have some wealth at his command which he kept hidden from al-Rashīd. However, it does not seem likely that al-Faḍl would have sent for large sums of money given recent events. This aspect of the story may be an exaggeration of a core of truth, i.e., that al-Faḍl was grateful for the help he received, and al-Faḍl offered him a sum of money. The large sum of money indicated in the story may be Masʿūdī's method of alerting his reader that he agreed that al-Faḍl had riches that he kept hidden from al-Rashīd. At best then, this story can be taken as suggestive that al-Faḍl had some money which he kept from al-Rashīd. This might then suggest that the
Barmakids had grown rich and powerful, perhaps so much so that al-Rashīd began to feel threatened by the family, and so decided to move against them.

Ironically, it was al-Rashīd who allowed the family to acquire its wealth and status. He is said to have enjoyed the joint company of Ja‘far b. Yahyā and al-‘Abbāsah, al-Rashīd’s sister, so much that he was not satisfied when they entertained al-Rashīd separately. He therefore arranged a marriage between them so that he could enjoy “the sweetness of both” of their companies. Al-Rashīd set down the condition that Ja‘far and al-‘Abbāsah could be together only in al-Rashīd’s company, forbidding them to consummate the marriage.

The story continues that al-‘Abbāsah grew fond of Ja‘far and became increasingly dissatisfied with the arrangement. She is said to have repeatedly written to Ja‘far with her intentions, and was repeatedly rebuffed by Ja‘far. Al-‘Abbāsah then decided to approach Ja‘far’s mother with great riches and so win her over. The two women conspired that Ja‘far’s mother would send al-‘Abbāsah to Ja‘far under the guise of a slave girl Ja‘far’s mother had purchased for him. On the agreed night, “Ja‘far, his head still turning from wine [al-sharāb], left the Caliph’s palace to come to the tryst. ... [Al-‘Abbāsah], on going in to her husband, found a man sufficiently drunk [sakrān] not to know her face or figure.” The marriage was duly consummated, and a son was born. Despite their best efforts to keep their union and child secret, they were uncovered. Al-Rashīd “set off brooding over schemes for disgracing and revenging himself upon the House of Barmak.”

The “scheme” al-Rashīd ultimately settled on was the execution of Ja‘far.

Ṭabarī recorded the story, but without the devious planning of al-‘Abbāsah and

1547 KEAC, 122.
1548 Maš‘ūdī, 115.
1549 Ibid. The remainder of the story is cited from the translation on 115-7 unless otherwise noted.
1551 The Arabic text states clearly that Ja‘far had spent the night with al-Rashīd (Murūj, vol. 3, 377).
1552 Ibid.

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without any mention of Jaffar's mother. He wrote that the three used to sit together to drink [jalasa al-sharib]. One day, al-Rashîd is said to have left the two alone after a drinking session, when they were very drunk, and the two spontaneously consummated the marriage. A child was subsequently born, and the story continues as related by Ma'sûdî.

"There are many inherent improbabilities in this story and it was dismissed long ago by the great historian, Ibn Khaldûn ...." However, the reasons for which Ibn Khaldûn dismissed the story are not acceptable to recent historians. He wrote that a woman of al-Abbâsah's "position, her religiousness, her parentage, and her exalted rank" would not "stain her Arab nobility with a Persian client." This is, of course, similar to the manner in which Ibn Khaldûn discounted reports of al-Rashîd's consumption of wine and intoxication. There are, however, more tangible reasons that the story may be a fabrication. "The commentaries on the verses of Abû Nuwâs give the names of [al-Abbâsah's] husbands without mentioning that of [Jaffar]." In addition, the central theme of the story, a woman tricking her husband while he was drunk, is well attested in poetry and stories dating back to the pre-Islamic era. And finally, it is worth mentioning that al-Rashîd's executioner, Masrûr al-Khâdim, is said to have "suggested cynically that all the reasons usually advanced were nonsense and the whole event was the result of boredom and envy on the part of the caliph."

This anecdote cannot, therefore, be accepted as valid. Yet it was put forward as an explanation for the death of Jaffar. There must have been elements of the society at the

1553 Ta'rikh, vol. 8, 294.
1554 Tabari, tr. J. A. Williams, The Early 'Abbâsi Empire, vol. 2, 247. The remainder of the story is cited from the translation unless otherwise noted.
1555 KEAC, 127.
1556 Cf. EF, s.v., "Abbâsîa".
1558 See above, p. 234.
1559 EF, s.v., "Abbâsîa".
1560 See Chapter 1, A Brief Survey of pre-Islamic Poetry, Women.
1561 Wellhausen considers the position of the executioner "perhaps the most outstanding ... and indispensable ... figure among the official personnel" after the wazîr in the early 'Abbâsid era (The Fall of the Arab Kingdom, 561-2).
1562 KEAC, 127, citing Jahshiyarî.
time which believed or knew that wine was available during al-Rashīd's reign and that al-Rashīd consumed wine. Indeed, it seems unlikely that the story would have arisen at all if al-Rashīd's character was as “pious” as Ibn Khaldūn would have the reader believe. Furthermore, stories arose describing the actual events of Ja'far's execution, one of which indirectly accuses al-Rashīd of being intoxicated.

Masʿūdī relates that al-Rashīd ordered one of his servants, Yāsir, to go to Ja'far's house and execute him. Yāsir at first refused, but al-Rashīd made it clear that if Yāsir did not bring him the head of Ja'far, al-Rashīd would have Yāsir's head in its place. Yāsir found Ja'far at his house and informed him of his obligation. Ja'far told Yāsir that al-Rashīd “likes to tease me. This is no doubt one of his jokes.” Yāsir responded that he believed al-Rashīd was serious, to which Ja'far replied, “If it is not a joke, then he must be drunk [sakrān].” But Yāsir informed Ja'far that, “No, by God, he seemed fully in possession of his reason, and from the prayers I have seen him perform, I cannot believe that he had drunk any nabīdūth today.” The story continues that Ja'far personally verified that al-Rashīd was serious about the orders. Ja'far was subsequently beheaded, and “the Caliph approached it [the head] and began to enumerate all of Ja'far's sins.”

Since this episode is effectively the conclusion to the story of al-'Abbāsah and Ja'far, it is also highly suspect. However, it is noteworthy that Ja'far should try to turn Yāsir from his orders by attempting to convince him that al-Rashīd must have been drunk. Note also that Yāsir does not deny the possibility, but states only that he was not aware that al-Rashīd had consumed any nabīdūth that day. Clearly, al-Rashīd, deserved or not, had acquired the reputation of someone who drank nabīdūth to the point of intoxication.

1563 Masʿūdī, 118-9. The remainder of the story is cited from the translation on 118-20 unless otherwise noted.
1565 The two stories are separate, though contiguous, in Lunde and Stone's translation. The two stories are in fact one long continuous narration in Masʿūdī (Murūj, vol. 3, 375-380).
The Aghanî supplies direct evidence that nabidh was not only available, but actively sold, and perhaps even advertised, during the reign of al-Rashîd with al-Rashîd's knowledge. Ishāq related from his father Ibrāhîm al-Mawṣili that he and al-Rashîd were at Raqqah, and al-Rashîd ordered Ibrâhîm to go to the local wineshop [khammar] to purchase some wine. Ibrâhîm and al-Rashîd drank of the finest wine, though Ibrâhîm had already consumed some wine while in the shop. The proprietor of the wineshop could also be heard in the streets of Raqqah advertising the abundant stores of nabidh that he owned.

The story contains no innate reason for disbelieving its contents, unless one accepts the conventional wisdom that wine could not be sold so openly within Islamic lands. But all the evidence to this point illustrates that wine was widely circulated. Although the sources do not specifically record who was selling wine, the present author would speculate that it was probably some combination of Christians and Jews.

The two communities "had great freedom ... so far as trading and choice of professions was concerned. ... The principal traders in the bazaar were Christians and Jews." The trade of Jews and Christians was taxed at twice the rate of Muslims, "to ensure the primacy of the Muslim merchant class ...." And both groups were required to pay the jizya. According to Abû Yûsuf, the chief qâdi, the jizya could be paid in kind, "for example, beasts of burden, goods, and other such things. ... However, no animals not ritually slaughtered, no pigs, and no wine [khamr] may be accepted in payment of the

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1565 This was the city that al-Rashîd, from about 180/796-7, made his chief residence (KEAC, 120), which effectively became the seat of the government as well (Ibid., 118). The city was founded in Syria by al-Mansûr in 157/772 (Ettinghausen and Grabar, 79). Al-Rashîd added some constructions of his own to the city, though unfortunately, much of the ancient city remains buried (Ibid.).


1567 Ibid.

1568 Ibid., vol. 5, 244.

1570 Levy, Baghdad Chronicle, 66. In addition, the “Jewish mercantile elite formed the backbone of the religious leadership" in the second half of the second/eighty century (Stillman, 35). This would seem to indicate that Jewish religious leaders were also in control of the wine that was produced.

1571 Ibid., 35-6.

1572 See below, the section entitled, Law in the Early 'Abbâsid Era II.

1573 Abû Yûsuf, Kitâb al-Kharâj, 69.
jizya. They, however, may sell them, and the proceeds from the sale may then be accepted from them.1574 So whether the wine was sold to collect money to pay the taxes or eke out a livelihood1575, it is more than likely that the Christians and Jews were openly selling wine in Islamic lands during the reign of al-Rashid.

The present author has not found evidence of actions taken to prevent wine being sold on the open market during the reign of al-Rashid. This is not entirely unexpected given the evidence which demonstrates that al-Rashid himself frequently consumed nabidh, as the former story illustrates. The Aghani records many incidents of al-Rashid drinking wine,1576 usually in the company of some of his boon companions.

The Boon-Companion

As has already been noted in this and the previous chapter, rulers, as well some others, are said to have enjoyed the company of individuals called nadim, which Wehr translates as “drinking companion; friend, intimate, confidant.”1577 The Arabic root of nadim is nadin, which Wehr defines as “to repent, rue regret.”1578 “Lexicographers ... do not offer a satisfactory and convincing explanation as to the manner in which the word nadin ... took the connotation of conviviality and companionship.”1579 J. Sadan queries, “does the friend of the nadim, or master, regret the fact that the convivial experience, enjoyed in the company of the nadim, must come to an end, or, on the contrary, does the nadim regret indiscretions, of deed or of word, which he has committed while in a state of intoxication?”1580

Whatever the origins of the word, lexicographers at some point began to “equate the

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1574 Cited and translated in Stillman, 159. Abū Yūsuf credits 'Umar b. al-Khaṭṭāb as the first to give the order that wine may be sold and its proceeds used to pay the jizya (Abū Yūsuf/Shamesh, vol. 3, 84).
1575 Stillman, 35.
1576 The present author is aware of six additional anecdotes to those presented in this thesis, all of which record al-Rashid drinking nabidh.
1577 A Dictionary of Modern Written Arabic, 952. Cf. Ef, s.v., “Nadim”.
1578 Ibid.
1580 Ef, s.v., “Nadim”.

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third form *nādama* with *jālasa* ‘alā *al-sharāb*, 'to drink with, or to join in drinking', and take *munādamah* as a synonym of *mujālasah*. The boon-companion was almost certainly involved with consuming wine and becoming intoxicated, as indicated by a verse from Abū Nuwās when he was forced to give up wine. In terms of the history of the institution of the boon-companion, Chejne writes that

in the light of the data available, it appears that the boon-companions constituted an important group at the court of the ruler, and that the office of boon-companion formed a part of a well-organised institution with a set of rigorous requirements and protocols. ... Mas'ūdī states that the first ‘Abbāsid caliph al-Saffāh kept them at a distance from him with a curtain separating them. This practice was followed by his two successors al-Mansūr and al-Mahdi. Al-Hādī changed this policy, allowing his boon-companions unprecedented access to the ruler, and “by the time of al-Rashīd the institution of boon-companionship had reached a definite stage of development. This is attested further by the existence of a galaxy of *nadīms* at that time,” who “became part of the court on a permanent basis, befriending the caliph in his time of solitude, hunting parties, chess games, and drinking and literary sessions ....” It is, of course, these drinking sessions which most concern this thesis.

The *Aghānī* records the treatment al-Rashīd’s boon-companions could expect. Ḥammād b. Ishāq related from his father Ibrāhīm that he went out to al-Rashīd while he was in Syria [probably staying at al-Raqqah]. Al-Rashīd called Ibrāhīm one day. He went to al-Rashīd and found him sitting in his beautiful assembly room. They ate and then Ibrāhīm began to serve him. Al-Rashīd then sent for some *nabīth* and drank some, and then gave Ibrāhīm some to drink as well. Al-Rashīd then conferred on Ibrāhīm robes of honour,

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1581 Chejne, 331. Cf. Wehr, 952.
1582 See text below, p. 263.
1583 Ibid., 329-30.
1584 Ibid., 330.
1586 See above, p. 246, n. 1566.
1587 *Aghānī*, vol. 5, 203. The remainder of the story is paraphrased from 203 unless otherwise noted.
some of al-Rashīd’s clothes, and 1000 dinārs. Al-Rashīd then went on to describe how much he had enjoyed Ibrāhīm’s companionship.

This story illustrates the high regard al-Rashīd often had for his boon-companions. And although al-Rashīd is said to be drinking nabīdīh, there is no direct proof that he became intoxicated. The Aghanī does supply evidence which demonstrates al-Rashīd becoming drunk with his boon-companions. He states that one day, al-Rashīd was with Ibn Jāmī1588 and Ibrāhīm al-Mawṣīlī in someone’s house.1589 Al-Rashīd drank with them while Ibrāhīm sang. Al-Rashīd liked the song so much that he asked for it to repeated continuously as he continued to drink until he was intoxicated [hattā sakira].

The story, whose main focus is the singing of Ibrāhīm al-Mawṣīlī, continues, but does not have any substantial bearing on the issue of wine consumption. The Aghanī records this event as if it were to be taken for granted that al-Rashīd became intoxicated. It is unfortunate that the Aghanī has not recorded the substance that al-Rashīd and his companions were drinking. Given the evidence thus far presented, the present author would conjecture that al-Rashīd was drinking nabīdīh.

Finally, the poet Abū Nuwās, perhaps the single most noted wine-poet of the Islamic era,1590 “often befriended al-Rashīd ....”1591 However, it may be that al-Rashīd refused to condone Abū Nuwās’ behaviour, for Ibn Khaldūn records that al-Rashīd imprisoned him “until he repented and gave up his ways”.1592 The reason for his imprisonment may rest on the fact that Abū Nuwās was known to consume khamr,1593 which all four schools of law universally condemned. In any case, Ibn Khaldūn appears to be correct in stating that al-

1588 Along with Fulayḥ b. al-'Awrā' and Ibrāhīm al-Mawṣīlī, Ismā'il b. Jāmī collected the songs which originally formed the framework of the Aghanī (EF, s.v., “Abū 'I-Faraj al-Iṣbahānī”).
1589 Aghanī, vol. 6, 188. The owner of the house is not identified. The remainder of the story is cited from vol. 6, 188 unless otherwise noted.
1590 See below, the section entitled, A Word on 'Abbasid Era Poetry.
1591 Chejne, 330, citing Mas‘ūdī.
1593 See below, p. 252 and 262.
Rashid was not at all times pleased with Abû Nuwâs; some of Abû Nuwâs' own poetry seems to suggest that he was aware that he had lost favour with the caliph:

The eye of the caliph watches over me
The warning of his eye joined my eye
My appearance was sober to him and I see
The duty of conscience to him quickly ...

The [amîr al-mu'mînîn] prohibits me from passion
The [amîr al-mu'mînîn] commanded submission
Many a pleasure I left at the Imam's request
For him, by Allâh, respect and obedience ...

Whatever his final status under al-Rashîd, Abû Nuwâs appears to have "succeeded in gaining the confidence of al-Amîn to be his full fledged nadîm."

Al-Amîn (193/809-198/813)
Hârûn al-Rashîd is said to have died on "the third night of Jumâdâ II of the year 193/24 March 809." Three years earlier, al-Rashîd attempted to regulate his succession by forcing his sons to sign a pact. This pact stated that Muḥammad b. al-Rashîd was to enjoy the title of caliph and rule in Iraq and much of the west, while his brother and eventual successor, [Abdallâh], was to enjoy autonomy in the eastern provinces. Contemporaries are said to have been amazed that [al-Rashîd's] experience, not to mention his father's, had not taught him the futility of such binding agreements.

Upon the death of al-Rashîd, allegiance was sworn to his son Muḥammad as caliph, and he took the regnal title of al-Amîn. Muir states that al-Amîn "made no secret of drinking wine," but fails to mention the source or sources from which he drew this conclusion. The present author has found ample circumstantial evidence in Ṭabarî and one description in

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1594 Abû Nuwâs/Wormhoudt, 172, # 432.
1595 Ibid., 185-6, # 461.
1596 Chejne, 330; see text below.
1598 KEAC, 124; Ṭabarî, J. A. Williams, The Early 'Abbâsi Empire, 229-39, and Appendix B, Mas'ûdi's rendition of events. The reasons that al-Rashîd split the empire between his sons and the details of the pact they signed fall beyond the scope this thesis. For more on this unprecedented action, cf. KEAC, 124-7; Hodgson, vol. 1, 299; p. 196, n. 1264.
1600 The Caliphate: Its Rise, Decline, and Fall, 488.
Mascūdī which appears to support Muir’s conclusion.

Ṭabarī records that al-ʿĀmīn kept boon companions [nudamāʾ]1601, among whom were the poets al-Ḥusayn b. al-Ḍaḥḥāk1602 and Abū Nuwās1603. The Aghānī establishes al-Ḥusayn b. al-Ḍaḥḥāk as a wine drinker,1604 drinking both khamr and nabīdīh, and that he became intoxicated as a consequence.1605 Al-ʿĀmīn and al-Ḥusayn b. al-Ḍaḥḥāk seem to have been very close. Despite warnings from a friend not to eulogise al-ʿĀmīn after his death just over a year after becoming caliph, and so offend the new caliph, al-Ḥaʾīm,1606 al-Ḥusayn b. al-Ḍaḥḥāk composed a poem describing him as:

Best of your family …
You succeeded caliphs who came before,
but after you the succession will surely be wanting.
May your kin not sleep after their offence:
after it I have come to hate your kin.1607

This relationship between the poet and al-ʿĀmīn provides only circumstantial evidence that al-ʿĀmīn probably drank wine. It may be the case that the affection al-Ḥusayn b. al-Ḍaḥḥāk felt for al-ʿĀmīn was not reciprocated, but the sources do not leave the reader with that impression.

Another poet, however, attacked al-ʿĀmīn. In his verses, he accused al-ʿĀmīn of giving over half his life to wine drinking [sharīb al-khandrīṣ]1608. Because his poem was clearly meant to vilify al-ʿĀmīn, this may represent a rare example of wine drinking being used as a weapon to defame an individual in the ‘Abbāsid era. Even if the poet’s inclination towards al-ʿĀmīn was not known, one could conjecture with some certainty that the use of the term

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1603 See above, n. 1596 and text below.
1604 Aghānī, vol. 7, 224; EFa, s.v., “(al-) Ḥusayn b. al-Ḍaḥḥāk”.
1605 Ibid., vol. 7, 190-1. See also text below.
1606 Ṭabarī, tr. M. Fishbein, vol. XXXI, p. 215, n. 729, citing the story as it is related in the Aghānī; EFa, s.v., “(al-) Ḥusayn b. al-Ḍaḥḥāk”.
1607 Ibid., 214-5.
1608 Taʾrīkh, vol. 8, 508; Ibn al-Athīr, vol. 6, 206
for “old wine”, khandrāsī, was meant to signify defamation, since al-Amīn appears to have accepted that not all types of wine were permissible.

Evidence that he believed khamr was not lawful is indicated by the following. After he had become caliph, Abū Nuwās composed several verses which praised al-Amīn.1610 Al-Amīn subsequently released Abū Nuwās from prison, bestowed on him a robe of honour, and made him one of his boon companions [nudamaʻ].1611 It was later reported to al-Amīn that Abū Nuwās drank wine [sharīb al-khamr],1613 and that his was unlawful.1615 Al-Amīn consequently re-imprisoned Abū Nuwās.1616

This story shows clearly that al-Amīn was prepared to accept that not all wine was lawful, and it therefore seems likely that if al-Amīn did consume wine, he would have chosen nabīdh. Tabarī records a story which demonstrates that one of al-Amīn’s boon companions drank nabīdh in his presence. ʻUbaydallāh b. Abī Ghassān relates that one very cold winter day he was with al-Amīn

in one of his audience rooms that was set apart and spread with a carpet such that I have rarely seen one more precious or more beautiful. On that day I have for three days and nights consumed nothing but date wine (nabīdh) and could hardly speak or drink.1617

When al-Amīn excused himself from the room, ʻUbaydallāh exclaimed, “Alas, by God, I am dying.” He asked al-Amīn’s servant if there were anything he could do which would relieve him of his pain. The servant responded that watermelon would soothe his stomach and return his health. The story goes on to detail how the servant and ʻUbaydallāh conspired to have plenty of watermelon served.

1610 Ṭabařī, vol. VIII, 516.
1611 Taʿrīkh, vol. VIII, 516.
1613 Taḥḥān, vol. VIII, 516 in two places.
1615 Ibn al-Athīr, vol. 6, 207.
1616 Taḥḥān, tr. M. Fishbein, vol. XXXI, 236; Ibn al-Athīr, vol. 6, 207. For his final status under al-Amīn, see text below, p. 262.
This story is highly instructive. It indicates that wine drinking sessions took place in the caliph’s presence. It is also direct evidence that the results of such sessions could have a debilitating effect on an individual’s health. The story, however, only implies that al-Amin was part of this drinking session. Another story, recorded by Mas’ūdi, appears to supply direct evidence that al-Amin drank wine.

One day, Ibrāhīm b. al-Mahdī went to see al-Amin. He found him seated in a very luxurious room, which included a reclining couch [fīrāsh] and many other luxurious items, with Sulaymān b. Abī Ja’far al-Manṣūr. In front of the two men were crystal goblets adorned with pearls which were filled with wine [al-sharāb] and weighed five ratl. Ibrāhīm b. al-Mahdī took a seat opposite Sulaymān and received a goblet similar to the others. The story goes on to detail the discussion between the men, which does not shed any further light on what type of wine the men were drinking.

The description of the surroundings in which Ibrāhīm b. al-Mahdī found al-Amin seems to be background to the main focus of the story, i.e., the discussion between the three men. The translation of sharāb as wine seems the most logical conclusion in the context of the story. It seems highly unlikely that al-Amin and his guests would have been served water or milk in such an elaborate goblet. Evidence that elaborate goblets may have been used is indicated in a story related by Ṭabarī with respect to al-Ma’mūn drinking wine. This passage therefore almost certainly confirms that al-Amin was drinking wine, even if it does not specify the type of wine.

Aside from these references, the sources largely concentrate on the conflict between al-Amin and his brother, ʿAbdallāh. Ṭabarī recorded that discord between them began in the same year that al-Amin became caliph: “Each of them determined to oppose the other in

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1618 Murūj, vol. 3, 392. The remainder of the story is cited from vol. 3, 392, unless otherwise noted.
1619 The present author believes “reclining couch” suits the context of the story.
1620 See text below, p. 256.
what their father, Hārūn, had enjoined them to carry out.\textsuperscript{1621} For the first year and a half of al-Amlīn’s caliphate, the caliph attempted to undermine his brother in the west.\textsuperscript{1622} Abdallāh spent the same period establishing and expanding his own powerbase in the west, partially by proclaiming himself the \textit{imām}.\textsuperscript{1623} By the year 195/811, al-Amlīn felt confident to launch an assault against the east under the command of ‘Alī b. ‘Isā b. Māhān.\textsuperscript{1624} The civil war lasted two years.\textsuperscript{1625} The outcome of the war saw al-Amlīn’s head severed\textsuperscript{1626} and Abdallāh, who took the title al-Ma’mūn, established as the single ruler of the Islamic empire.\textsuperscript{1627}

\textbf{Al-Ma’mūn (198/813 - 218/833)}

Muir writes, rather curiously, that “we nowhere hear of al-Ma’mūn’s being given to its [wine’s] indulgence, ....”\textsuperscript{1628} But even Ibn Khaldūn acknowledged that al-Ma’mūn became intoxicated from drinking \textit{nabīdīh},\textsuperscript{1629} though he took very great exception to reports that he drank \textit{khamr}. Ibn Khaldūn cited a story which, he wrote, was reported “by all the historians”, that al-Ma’mūn and Yahyā b. Aktham, “the judge\textsuperscript{1630} and friend of Ma’āmūn”, drank wine [\textit{khamr}] together and became very drunk [\textit{sakar}].\textsuperscript{1631} He defended the two men by stating that they “used to pray together at the morning prayer. How does that accord with drinking wine together?”\textsuperscript{1632}

\begin{footnotes}
\item[1621] Ṣabārī, tr. M. Fishbein, vol. XXXI, 3. See above, n. 1598 for more on the contract Hārūn al-Rashīd designed for his sons.
\item[1622] KEAC, 135-6.
\item[1623] Ibid., 136-7.
\item[1625] Hodgson, vol. 1, 300.
\item[1627] Hodgson, vol. 1, 300-1.
\item[1629] Khaldūn/Rosenthal, vol. 1, 37; see text below.
\item[1630] He was the \textit{qāḍī} of Baṣrah (Murūj, vol. 3, 434).
\end{footnotes}
There is satisfactory evidence that al-Ma'mūn consumed wine. Levy cites al-Iqd al-Farīd for evidence that Ma'mūn was known to drink wine. He writes that Iṣḥāq b. Ibrāhīm al-Mawsīlī "tells the story [of how] he had spent the whole of one day with Ma'mūn drinking, playing and singing, and when night fell, Ma'mūn left him, promising to return in a short while."1633 The story continues that Ma'mūn did not return and so Iṣḥāq walked home alone. Along the way, he is said to have purchased a slave girl with whom he spent the night drinking wine.

The focus of the story is actually on Iṣḥāq, how he found the slave girl, how he encouraged her to drink wine, and so on. It seems to be mentioned almost in passing that Ma'mūn and Iṣḥāq were drinking wine together. Though Levy did not specifically mention wine, he related that Iṣḥāq was in a "half-drunken state"1634 after already having walked in the night air.

Abū al-Mahāsin al-Yaghmūrī recorded another session in which al-Ma'mūn was most likely drinking wine. He wrote that al-Ma'mūn, Yahyā b. Aktham, and Ibrāhīm b. al-Yazīdī were one day in a convivial session .... (Ibrāhīm's father Abū Muḥammad had been Ma'mūn's tutor). Encouraged by the sovereign, Yahyā asked Ibrāhīm a question implying that the latter took sexual advantages of youths in his care .... Ibrāhīm lashed back with this retort: "The prince of the Faithful is the most knowledgeable of God's creation in this regard; was not my father his tutor?" Affronted at the insinuation, al-Ma'mūn stood up and left the gathering, bringing the session abruptly to a halt. Yahyā turned to Ibrāhīm: "Do you realise what you have done? I do believe that this puts an end to your family's influence at the royal court." Ibrāhīm, the effects of the wine now completely dissipated, called for pen and ink and, in six lines of poetry, immediately composed an apology which saved his family's favour at the court, his own post, and, quite likely, his neck.1635

1633 A Baghdad Chronicle, 91, citing the Iqd of Ibn 'Abd al-Rabbih. The remainder of the story cited from Levy, 93-4, unless otherwise noted.
1634 Ibid., 92.
Ibn Khaldûn justified such drinking sessions by stating that "what they drank was a date liquor (nabûdh) which in their opinion was not forbidden."\textsuperscript{1636} This, of course, is not the same as stating that becoming drunk from nabûdh was not forbidden, and Ibn Khaldûn appears to have overlooked this fact.

Two anecdotes recorded by Ţabarî suggest that Ibn Khaldûn's statement - that al-Ma'mûn drank wine which he believed to be permitted - may have been correct. He records that on the eve of al-Ma'mûn's wedding to Bûrân, al-Ma'mûn, al-Ḥasan b. Sahl, [Bûrân's father], and al-'Abbâs b. al-Ma'mûn broke their fast [of Ramaḍân], while Dînâr b. ʿAbdallâh was still standing (in attendance on them), until they had finished the meal and had washed their hands. Al-Ma'mûn then called for some wine [bî- sharât\textsuperscript{1637}]; a golden goblet was brought in and the wine [sharâb\textsuperscript{1638}] poured into it. Al-Ma'mûn drank from it, and then held out his hand with the goblet containing wine to al-Ḥasan. Al-Ḥasan held back from it, since he had never drunk wine before then. Dînâr b. ʿAbdallâh made a discreet sign to al-Ḥasan, and al-Ḥasan said to the Caliph, "O Commander of the Faithful, I am drinking it with your permission and at your command!" Al-Ma'mûn told him, "If this were not my command, I would not hold out my hand to you!" So al-Ḥasan took the goblet and drank from it.\textsuperscript{1639}

This passage would be more instructive if the type of wine al-Ma'mûn ordered had been identified. Even so, the story appears to demonstrate that al-Ma'mûn understood that there existed a type of wine which was permissible. That type of wine may have been nabûdh. Ţabarî wrote that "(The eunuch) Fâṭh used to act as al-Ma'mûn's doorkeeper when the caliph was involved in his date wine (nabûdh) drinking sessions; ...\textsuperscript{1640} This implies that al-Ma'mûn was known for drinking sessions which involved nabûdh, and not another form of wine, such as khamr.

However, Masûdî relates a story which appears to contradict Ibn Khaldûn's assertion

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{1636}] Khaldûn/Rosenthal, vol. 1, 37.
\item[\textsuperscript{1637}] Ta'rikh, vol. 8, 607.
\item[\textsuperscript{1638}] Ibid.
\item[\textsuperscript{1639}] Ţabarî, tr. C. E. Bosworth, vol. XXXII, 154.
\item[\textsuperscript{1640}] Ţabarî, tr. C. E. Bosworth, vol. XXXII, 101-2; Ta'rikh, vol. 8, 587.
\end{itemize}
\end{footnotesize}
that al-Ma‘mūn solely drank wine which he believed to be permissible. He relates that the caliph al-Rāḍī (322/934 - 329/940) was becoming increasingly despondent as the power of the Turks about him increased.\footnote{Mas‘ūdī, 412. For more on al-Rāḍī’s caliphate and the rise to power of the Turks, cf. Kennedy, The Prophet and the Age of the Caliphates; Saunders, A History of Medieval Islam. The remainder of the story is cited from the translation on 412-3 unless otherwise noted.} It was “the autumn equinox festival” and al-Rāḍī was too consumed with this development to celebrate. One of his companions encouraged him to forget his troubles for the day and join the festival by citing the example of al-Ma‘mūn:

> On the festival of Khusrawani
> At the autumn equinox
> Offer the guests the ancient wine jugs.
> Give them of the cup of the old
> Royal vintage [al-khusrawani‘atīq\footnote{Murūj, vol. 4, 245. Cf. Melikian-Chirvani, who examines this phrase in the context of Abū Nuwās’ poetry, and concludes that it was a reference to wine (100).}] of the Chosroes,
> For this is the feast of the Persian Kings.
> Let those who drink raisin liqueur [al-zābib\footnote{Murūj, vol. 4, 245. A raisin wine which the Ḥanafites held was lawful so long as it had not been allowed to ferment (Hedaya/Hamilton, vol. 4, 156).}]
> Keep away; their taste is not mine
> I know the wine I drink is forbidden [harām\footnote{Murūj, vol. 4, 246.}]
> But I ask God’s pardon, for He is kind and indulgent. ...  

Al-Rāḍī subsequently summoned together the various elements of his court and did take part in the festival with “a splendid feast.”

The present author has not located these verses in other sources and therefore cannot verify that they are attributable to al-Ma‘mūn. However, the present author does not detect a malicious intent on the part of the narrator of the story, al-ʿArūǧī, to defame al-Ma‘mūn. If the verses may be attributed to al-Ma‘mūn, then this is an indication that al-Ma‘mūn drank a type of wine which he knew to be forbidden. Ibn Khaldūn may have had such a passage in mind when he attempted to defend al-Ma‘mūn’s piety by specifically stipulating that al-Ma‘mūn consumed wine which “in their opinion” was \textit{not} forbidden.\footnote{See text above.} He may have hoped to discredit al-ʿArūǧī’s report in this way.
Ibn Khaldūn has demonstrated himself to be something of an apologist and defender of the early ‘Abbāsid caliphate. It seems to this author that there is, therefore, probably a core of truth in al-‘Arūḍī’s story, namely, that al-Ma’mūn consumed wine which he may have believed was forbidden. This does not negate the evidence presented in Ṭabarī, but may indicate instead that al-Ma’mūn drank both permissible and forbidden types of wine.

Ibrāhīm b. al-Mahdī

Although al-Ma’mūn was acknowledged as the single ruler of the Islamic world, this does not mean to suggest that there was no opposition to him when he became caliph. In fact, “four main parties were involved” in the civil war that was to continue “for another six grim years.” One of those parties was headed by two sons of al-Mahdī, Maḥṣūr and Ibrāhīm. "On the first Friday of the new year, 202 (24 July 817), the people of Baghdad swore allegiance to Ibrāhīm b. al-Mahdī ... as caliph in his own right. ... For the first time since the death of Aḥmūn, there were now two rival caliphs but, while Ibrāhīm certainly intended to press his claims, many of his supporters seemed to have considered his caliphate more as a bargaining counter, to persuade Ma’mūn to drop ... the ‘Alids from favour ... and return to Baghdad." Ibrāhīm b. al-Mahdī "seems to have had little previous political experience and he himself admitted to being wise in other people’s affairs and foolish in his own." In addition, he “was a cultured man, interested in singing and music." But singing and music were not his sole interests. Ibrāhīm was also interested in drinking wine. The Aḥānū records several incidents demonstrating that Ibrāhīm drank both khamr and nabidh.

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1647 Ibid., 159.
1648 Cf. Ṭabarī, tr. C. E. Bosworth, vol. XXXII, 66.
1649 KEAC, 159.
1650 Loc. Cit.
1651 EF², s.v., “Ibrāhīm b. al-Mahdī”.
1652 See text below.
1653 Cf. for example, vol. 10, 132 and vol. 14, 105.
One day al-Ḥusayn b. al-Ḍaḥḥāk1654 was drinking wine (al-sharāb) with Ibrāhīm b. al-Mahdī.1655 The two men had a disagreement concerning an aspect of religion. Ibrāhīm sent for his sword, took the wine away from al-Ḥusayn b. al-Ḍaḥḥāk, and left in a very angry state. He later wrote to al-Ḥusayn b. al-Ḍaḥḥāk and apologised for treating him so. In the letter, he writes that al-Ḥusayn b. al-Ḍaḥḥāk was like no other to share a drink with, and asked that they drink wine (ṣarīb al-khamr) together come the summer. Ibrāhīm’s letter was successful and they again became boon companions (munādamah).

This story is further evidence that wine drinking could change a person’s normal disposition. The rare detail of Ibrāhīm summoning his sword before leaving may suggest that, under the influence of the wine, he was considering a violent response to their disagreement. This lends credence to those accounts related earlier which stated that a ruler had killed his companions due to the influence of wine.1656

Indeed it seems the one who came to greatest harm from Ibrāhīm’s wine drinking was Ibrāhīm himself. One day, Ibrāhīm and some of his boon companions met at Raqqah and decided to drink wine (al-sharāb).1657 They then decided to move on and headed south. However, Ibrāhīm was cause for concern that day. He had incurred such a large headache (ṣūdā) from the drink that he forswore drinking ever again. One of his companions composed a poem which convinced Ibrāhīm not to give up wine forever, and they later drank together again.

Ibrāhīm was caliph in Baghdad for about two years.1658 Then on 14 Ṣafar 204/10 August 819, al-Ma’mūn’s army marched on the city and captured it, thus ending the period of

1654 See above, p. 251.
1655 Aghanī, vol. 7, 163. The remainder of the story is cited from the text in vol. 7, 163 unless otherwise specified.
1656 See Chapter 1, the section entitled, The Lakhmids, and Chapter 4, s.v., Al-Walīd b. Yazīd b. ʿAbd al-Malik.
1657 Aghanī, vol. 12, 151. The remainder of the story is cited from the text in vol. 12, 151 unless otherwise specified.
1658 Ṭabarī records that he served as caliph for two years and twelve days (tr. C. E. Bosworth, vol. XXXII, 92).

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civil war.\textsuperscript{1659} İbrahim, having earlier seen the disaffection of his generals and the disintegration of his army before al-Maʹmūn's forces, resigned his office and subsequently spent several years in hiding in the environs of Baghdad.\textsuperscript{1660} It was not until the year 210/825-6 that he was discovered and put in prison,\textsuperscript{1661} though he was pardoned soon afterward\textsuperscript{1662} and found a place at court\textsuperscript{1663} entertaining al-Maʹmūn with song and story. Among those stories which İbrahim related to al-Maʹmūn were some of his adventures while in hiding. Two of these stories detail the prevalence of nabīḍh among the citizens of Baghdad.

İbrahim related that he was attracted to a particular house “by the smell of a fine meal being prepared.”\textsuperscript{1664} İbrahim inquired of a tailor, whose shop was either adjacent to or on the ground floor of the house in question, “Does the master of the house drink nabīḍh?” The tailor replied that he did and that he believed the master of the house was entertaining on that day. But he informed İbrahim that “his guests are always merchants, discreet people like himself.”

İbrahim posed as a merchant and entered the house in the company of two other merchants. İbrahim was able to fool most of the people present. “Drunkenness, however, was beginning to make heads spin. The master of the house was less affected by the wine [\textit{nabīḍh}]\textsuperscript{1665} than his guests, and entrusting them to the care of his servants and their own, he had them taken home.” İbrahim “remained alone with him and, having drunk a few more cups,” asked İbrahim who he really was. İbrahim identified himself and the master of the house was very proud to have such a renowned singer in his presence. He subsequently allowed İbrahim to be on his way without informing the authorities.

\textsuperscript{1659} KEAC, 162-3.
\textsuperscript{1660} \textit{EF}, s.v., “İbrahim b. al-Mahdī”.
\textsuperscript{1661} ʻTabarī, tr. C. E. Bosworth, vol. XXXII, 146-7.
\textsuperscript{1662} \textit{EF}, s.v., “İbrahim b. al-Mahdī”.
\textsuperscript{1663} KEAC, 163.
\textsuperscript{1664} Masʿūdī, 180. The remainder of the story is cited from Lunde and Stone's translation on 180-3 unless otherwise noted.
\textsuperscript{1665} Murūj, vol. 3, 445.
The story seems satisfactorily plausible. İbrāhīm, as the son of the caliph, would probably have been known to the citizens of Baghdad by name and reputation. It seems likely, therefore, that his reputation as a singer and poet would have preceded him. Another story, again related by İbrāhīm, but with additional narrative comments by Mas’ūdī, seems to support this conclusion. One of the places İbrāhīm found refuge was with a "barber and blood-letter." After a meal, the barber asked İbrāhīm, "How do you feel about nabdīth?" İbrāhīm answered that he did not dislike it and so the two men began to drink together. After emptying three cups, the barber brought out a lute and they took turns playing. When the barber heard İbrāhīm playing, he is said to at once have recognised İbrāhīm for who he was. The barber asked İbrāhīm to continue playing for him. He then helped İbrāhīm safely on his way.

Like the previous story, this one also seems plausible. It is understandable why İbrāhīm, who Mas’ūdī describes as a "marked man by the caliph Ma’mūn" should not want to stay too long in one place. This would explain his very brief stopovers even though the sanctuaries he had found seemed inviting and safe. Accepting that these stories are accurate, this is rare and important evidence that nabdīth was not limited to the leaders of the Islamic community, but could be found among its citizens as well. Although there is no indication in the second story that the men became intoxicated, the first story confirms that nabdīth was being consumed for the purpose of altering one’s physical and emotional state.

Narrative accounts, such as those above, depicting wine consumption are not the sole sources of evidence of the continued presence and consumption of wine in the early 'Abbāsid era. A number of poets have left a long and impressive legacy of poetry devoted to wine. Though it cannot be taken for granted that all of their work reflects actual life experiences, many of their poems do genuinely demonstrate how wine was a part of their lives or of the lives of people around them.

1666 Mas’ūdī, 208. The remainder of the story is cited from Lunde and Stone’s translation on 207-9 unless otherwise noted.
1667 Mas’ūdī, 180.
A Word on ‘Abbāsid Era Poetry

Without doubt, Abū Nuwās is one of the paramount figures of ‘Abbāsid era poetry.¹⁶⁶⁸ Though he composed poems on many subjects, including love poems and hunting, he was “at his best in his songs on wine ....”¹⁶⁶⁹ Not of all of his wine poems can necessarily be taken as an indicator as his life and experiences. Some of them may have been experiments with the genre, reflecting and incorporating elements of Persian and Arab history.¹⁶⁷⁰ However, overall, his wine poems appear to be based largely on his own experiences and reflect the climate of the early ‘Abbāsid era.

Wagner writes that the sheer number of wine poems which are attributed to Abū Nuwās clearly indicate that he was addicted to wine [khamr].¹⁶⁷¹ As has been seen above, Ṭabarī has illustrated that this preference for khamr may be the reason for his imprisonment by Hārūn al-Rashīd and is almost certainly the reason for his imprisonment by al-Amīn. It was only after he convincingly professed his innocence and paradoxically promised that he would never drink wine [al-khamr]¹⁶⁷² again that al-Amīn released him from prison.¹⁶⁷³ Ṭabarī records that Abū Nuwās kept this promise. He wrote that upon his release, Abū Nuwās was summoned by some “young fellows from Quraysh. He said to them, ‘I will not drink [‘ashrib].’ They said, ‘Even if you do not drink, entertain us with your

¹⁶⁶⁸ *Ef*, s.v., “Khamriyya”.
¹⁶⁶⁹ *Ef*, s.v., “Abū Nuwās”.
¹⁶⁷⁰ Ibid; see above, p. 214.
¹⁶⁷² Wagner devotes almost twenty pages to recording Abū Nuwās’ wine poems (289-308); Wormhoudt, working from the recension of Abū Bakr al-Šūlī, cites seventy wine poems covering thirty-two pages of his translation (154-186). For an extensive compendium of Abū Nuwās’ wine poetry in the original Arabic, see E. Wagner, Der Diwān des Abū Nuwās, based largely on the recension of Ḥamza al-Īṣfahānī. Although this source provides the greatest number of poems, Wagner acknowledges that Ḥamza al-Īṣfahānī’s recension is less critical than al-Šūlī’s, and may contain poems which were falsely attributed to Abū Nuwās (*Ef*, s.v., “Abū Nuwās”).
¹⁶⁷⁴ Ṭabarī, vol. 8, 517.
conversation."¹⁶⁷⁵ So as the wine passed among them, Abû Nuwâs is said to have recited the following poem:

You two who go speaking reproof, reprove on!
I will not taste aged wine [al-mudâm¹⁶⁷⁶], except as a fragrance.
I was reproved on account of it by the imâm
whom I do not think it right to disobey.
So pass it to someone else,
for I am a boon companion [nadîma¹⁶⁷⁷] only for conversation.

¹⁶⁷⁸

The desire to avoid further imprisonment may have been one of the motivating factors which led Abû Nuwâs to surrender khamr. It is also possible that, as this poem indicates, it was his respect for and friendship with al-Amîn that inspired him to give up khamr. Nevertheless, the evidence in Ṭabarî suggests that Abû Nuwâs at some point turned against al-Amîn.¹⁶⁷⁹ Though no chronology is indicated in the arrangement of the poems and stories, it seems that this may have occurred only after it was ascertainable that al-Ma'mûn's army was going to capture Baghdad and depose al-Amîn. Whatever the truth of his feelings toward al-Amîn may have been, it seems likely that Abû Nuwâs probably did cease consuming khamr while al-Amîn was caliph.

Although Abû Nuwâs may have agreed to give up khamr, this would not have prevented him from drinking other forms of wine. For example, he has written of nabîdâh, which he believed was permitted,¹⁶⁸⁰ and that it was best drunk with young lamb.¹⁶⁸¹ He also recorded that he drank both pure nabîdâh and nabîdâh mixed with water,¹⁶⁸² though the water should not interfere with the taste of the wine:

Praise wine in its sweetness and
Name it with the best of its names
Do not make the water overpower it, do
Not make it too strong for its water ...¹⁶⁸³

¹⁶⁷⁶ Ta'rikh, vol. 8, 517.
¹⁶⁷⁷ Loc. Cit.
¹⁶⁷⁹ Ibid., 238-41 and 249-50.
¹⁶⁸⁰ Wagner, 150.
¹⁶⁸¹ Ibid., 151.
¹⁶⁸² Ibid., 158.
¹⁶⁸³ Abû Nuwâs/Wormhoudt, 154, # 393.
But this is an overly simplistic characterisation of Abū Nuwās. He appears to have possessed a far more complex personality. This is indicated by his apparent belief that his excessive wine drinking was sinful. Toward that end, he not only admitted to his own sin, but called on others to repent as well. And yet, as if in contradiction to this, he appears to have believed that "hell is only for the unbelievers" and that "Muslims escape it in all cases." 

... drink the forbidden wine[khamr]! 
For the polytheists are for the Muslims a protection from punishment.

He therefore appears to have planned not to fully concern himself with redemption until he was on his deathbed.

Complicating an analysis of his personality still further, Abū Nuwās seems to have been personally aware of the destructive nature of wine. In the following poem, he describes that excessive wine drinking was not beneficial and only masked illness:

Do not blame me for what delights me  
And show me ugliness not foul  
A drink that leaves the healthy sick  
And lends sickness the coat of health

He also seems to have been aware that wine was not only self destructive, but could encourage an individual's violent tendencies:

When a bad tempered drinker rages then  
Hit him with the undiluted in his liver  
Come back at him with wine unmixed since  
The wine stabilises his temper in him  
Then pillow his arm when the wine's  
Power has overcome him ...

Not only has Abū Nuwās provided these insights into the personal costs of consuming wine, he has recorded the existence of taverns with what appear to be secret...

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1684 Wagner, 123.  
1685 Ibid.  
1686 Ibid.  
1687 Ibid., citing Abū Nuwās; note that this verse has been translated from Wagner's German translation of the Arabic.  
1688 Abū Nuwās/Wormhoudt, 161, #404.  
1689 Ibid., 165-6, #414.
rooms for drinking wine:

O many a master of a tavern I've frightened
I woke him from sleep that enwrapped him ...
I ceased not to examine the tavern in front
Until I was pushed to the secret room
I knew him and the night enveloped us
By his bald shine and gray whiskers
O master of the tavern, be not suspicious
For forbidden drink is like permitted
So leave that which your hand pressed and
Bring, by Allāh, the wine of the treading ... 1690

And finally, he indicated in his poetry one of the potential sources of this “wine of the treading”, by which he was most likely referring to grape-wine:

Pour it for me from the heart’s core
Before the call of the caller
From the dark that has attained in
The jar the farthest provision ...
I bought it from the Jews
From the rich pasturage ... 1691

This confirms the reports of the poet Abū Dulāmah and Abū Yūsuf that the Jews owned and sold grape-wine.1692

Abū Nuwās was not the sole wine poet of the ‘Abbāsid era. Mention has already been made of his compatriot and friend, al-Ḥusayn b. al-Ḍāḥḥāk. His work contributed to the genre of wine poetry “its existential significance, one which did not reduce it to the simple pleasure of drinking.”1693 A conversation between the two men revealed one of the types of wine al-Ḥusayn b. al-Ḍāḥḥāk probably drank.

Abū Nuwās had asked al-Ḥusayn b. al-Ḍāḥḥāk what he knew of a lover’s destiny.1694 He went on to describe that his interest in someone had taken him away from drink and he was free from its illness. Al-Ḥusayn b. al-Ḍāḥḥāk was distraught that his friend should give up drinking and responded, “Woe upon you, Abū Nuwās! You must absolutely not quit your

1690 Ibid., 177, # 442.
1691 Ibid., 164-5, # 412.
1692 See above, p. 213 and p. 246, respectively.
1693 EF, s.v., “Khamriyya”.
1694 Aghanl. vol. 7, 174. The remainder of the story is paraphrased from vol. 7, 174 unless otherwise noted.
belief in wine (khamr).” But Abū Nuwas responded, “No, by God, that is your error and the error of all people.”

The Aghānī does not supply a chronological framework to determine when this conversation took place. It is possible that it took place after Abū Nuwas had promised to cease consuming khamr, and this would help explain his reaction. Regardless of when the conversation might have taken place, the story indicates that al-‘Īṣayn b. al-Ḍahhak believed that khamr was not a drink to be given up at a whim. As for nabīdh, the Aghānī records that he was known to drink this type of wine as well.¹⁶⁹⁵

There were poets of the early ‘Abbāsid era whose primary interest was not developing wine poetry but nevertheless have dedicated some poems to the consumption of wine. Abū Tammām, who composed his verse during the reigns of al-Ma’mūn and al-Mu’taṣim (218/833 - 227/842),¹⁶⁹⁶ was born into a Christian family.¹⁶⁹⁷ His father was said to have owned and operated a wine shop in Damascus.¹⁶⁹⁸ “At some point the poet altered his patronymic to Aws and took the nisbah al-Ṭā‘, claiming descent from the tribe of Ṭayy’, and converted to Islam.”¹⁶⁹⁹

His conversion to Islam does not appear to have hindered his consumption of wine. One of his poems describes what was probably a typical drinking session:

	Many a long and scorching day was shortened for us
	By the blood of the wineskin [dam al-ziqqi]
	The plucking of the lute,

	From early morn till I reached evening,
	While my companions, defiant of reproachers, Sniffed haughtily.

	It was as if the jugs of wind-cooled wine at evening [abārīq al-shamūl' ashiyāh] Were geese upon the river-bank, Curve-necked.¹⁷⁰⁰

¹⁶⁹⁵ Aghānī, vol. 7, 224.
¹⁶⁹⁶ Although he rose to fame only under al-Mu’taṣim (EF, s.v., “Abū Tammām”).
¹⁶⁹⁷ EF, s.v., “Abū Tammām”.
¹⁶⁹⁸ Stetkevych, Abū Tammām and the Poetics of the ‘Abbāsid Age, xiii.
¹⁶⁹⁹ Ibid.
¹⁷⁰⁰ Cited and translated in Stetkevych, 328-9, # 177; Arabic provided in her Appendix, 388.
The last line is the most significant. Stetkevych writes that “the heap of empty wine-jugs after a day of revelry recalls in sentiment as well as shape the melancholy image of a flock of geese gathering at sunset and huddled on a river-bank ...”. This indicates that whatever the type of wine the individuals were drinking, they were drinking a large quantity of it. This would most likely have resulted in intoxication for one or more of the group.

Some concluding remarks

The evidence for the early ‘Abbāsid period is convincing. Although Abū Ḥanīfa and his school declared nabīdī lawful so long as it was not consumed to the point of intoxication, this is precisely what happened in the early ‘Abbāsid era. Most of the evidence focuses on the rulers, as this was seemingly the area of most interest to Arabic authors. Even so, two examples detailed that the consumption of nabīdī was also taking place among the citizenry. And finally, poets have left a record of taverns, wine drinking, and intoxication in their lives and the lives of others.

Law in the early ‘Abbāsid era II

One of Schacht’s principal findings was that Sharī‘ah “was strongest in family law, succession and waqf law, weakest - sometimes even non-existent - in penal law, taxation, constitutional law ... and about average in contract and obligations.” In terms of the penal law with respect to the consumption of wine, this is not entirely unexpected. It bears repeating that in the Qur‘ān, “the drinking of alcohol and various other actions ... are simply declared to be forbidden (haram).” The matter of punishment was therefore not resolved. And yet, all “the schools of Islamic law consider the drinking of alcohol to be a crime for which a hadd punishment is prescribed.” They argued that “consensus places the

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1701 Abū Tammām and the Poetics of the ‘Abbāsid Age, 329.
1703 El-Awa, 44.
1704 Ibid., 45. Shāfi‘ entitled a section in his Kitāb al-Umm, “hadd al-khamr” (vol. 6, 130); Abū Ḥanīfa similarly appears to have considered the punishment for drinking khamr a hadd punishment (Konstantinopler Fragment, 65-6).
punishment for drinking in the category of *ḥadd*.1705 And even though they all agree that the punishment for drinking is a *ḥadd* punishment, they “disagree about the number of lashes which should be inflicted ....”1706

**Legal Rulings: Punishment**

The Ḥanafi school of law determined that the punishment for consuming *khamr* or becoming intoxicated on any other substance was punishable with eighty lashes.1707 This number appears to be based on the analogy, established by the Companions of the Prophet, to the slander of a woman.1708 The other three schools concur with one another that it is the consumption of the substance that is paramount, and therefore they agree that punishment should be applied no matter what the individual has consumed and regardless of whether or not the person has become intoxicated.1709

However, they do not agree on the number of lashes the guilty party should be assigned. Both the Malikī and Ḥanbali schools appear to agree with the Ḥanafi school regarding the analogy established by the Companions of the Prophet and therefore hold the view that eighty lashes is the correct number.1710 The Shāfiʿī school of law holds that forty lashes is the correct number.1711 Shāfiʿī may have preferred the implied precedent of the Prophet to the analogy formulated by his Companions. Shāfiʿī's exposition on legal knowledge seems to support this conclusion.

He wrote that legal knowledge is of two kinds, “one is for the general public, and no sober and mature person should be ignorant of it.”1712 One of the examples he listed for this

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1705 Ibid., 47, citing, Shawkani, *Nayl al-Awtar*.
1706 Ibid., 45.
1709 Cf. Muwatta/Johnson, 401; Ḥanbali/Baroody, 80.
1710 El-Awa, 45. Cf. Muwatta/Johnson, 401; Ḥanbali/Baroody, 80; Lippman, McConville, Yerushalmi, 42.
1711 Ibid., citing Nawawi, *Minhaj al-Talibin* (see below, n. 1716, for more on this source). Cf. Bassiouini, ed., *The Islamic Criminal Justice System*, 165; Lippman, McConville, Yerushalmi, 42.
type of knowledge is the prohibition of wine.\textsuperscript{1713} He went on to describe the second type of knowledge as those “rules obligatory on men, concerning which there exists neither a text in the Book of God, nor regarding most of them, a Sunnah. Whenever a Sunnah exists, it is of the kind related by few authorities, not by the public, and is subject to different interpretations arrived at by analogy.”\textsuperscript{1714} This passage seems to indicate that where a Sunnah of the Prophet is thought to exist, even if questionable and open to interpretation, it is preferable to an analogy derived by the Prophet’s Companions,\textsuperscript{1715} though the analogy reached by the Companions of the Prophet need not necessarily be incorrect.

\textit{Legal Rulings: Miscellany}

The debate concerning the type of wine that is or is not lawful and a punishment for an individual who breaks the law are central to this thesis and have appeared throughout. But there are still many other matters concerning the consumption of wine and its punishment which have not been dealt with in the course of this thesis. Two of these merit a brief discussion.

Al-Nawawi\textsuperscript{1716}, though speaking for the Shafi‘ī school, summarises many of these points in his Minhāj al-Tālibīn:

\begin{quote}
The \textit{hadd} for drinking is not given to a child, an insane person or a non-Muslim subject\textsuperscript{1717}. One may take wine in immediate necessity, according to our school [Shafi‘ī], e.g., to dislodge food in the throat which is choking one, if nothing else is available, but one is liable to punishment if he uses wine for medicine or for thirst. ... The \textit{hadd} for a free person is ... by whip, hand, sandal, or a rolled-up garment. It is said that it should be a whip.\textsuperscript{1718}
\end{quote}

The point concerning the insane is probably related to the principle that “a guilty mind is a necessary ingredient of a criminal offence, so that a person is not liable for

\begin{footnotesize}
\textsuperscript{1713} Ibid.
\textsuperscript{1714} Ibid., 82.
\textsuperscript{1715} Hasan, “Al-Shafi‘ī’s role in the Development of Islamic Jurisprudence”, 399.
\textsuperscript{1716} B. in Muḥarram 631/October 1233, d. 24 Rajab 676/22 December 1277 (\textit{EI}, s.v., “al-Nawawi”). “In Shafi‘ī circles he was regarded with his \textit{Minhāj al-Tālibīn} as the highest authority along with al-Rafi‘ī and since the tenth/sixteenth century the two commentaries on his work ... have been regarded almost as the law books of the Shafi‘ī school” (Ibid.).
\textsuperscript{1717} Cf. Schacht, Introduction, 132.
\textsuperscript{1718} In J. Williams, The World of Islam, 152.
\end{footnotesize}
punishment unless he intended to commit the guilty act." In other words, it must be proved that the individual voluntarily drank a forbidden substance and/or became intoxicated. Clearly, someone who is mentally impaired may not have sufficient control of his faculties to identify a substance as wine, or if he could, may not have realised that it was forbidden. The Hanballi school expands on this last point and states that ignorance of the law is a legitimate excuse, though this presumably applies only to the first offence. All the schools agree that if a Muslim is coerced into drinking wine, then there is no punishment.

One other issue is trade in wine. Hadith indicates that the Prophet banned trade in wine. Shafi'i therefore determined that

If you sell a Muslim something which we hold forbidden, such as wine, ... we shall annul the sale, confiscate the price if it has been paid, and not return the thing to you if it still exists, but pour it out if it is wine. ... if the purchaser has already consumed it, we shall not oblige him to pay for it, but we shall punish you for it. ... Measures such as these, and including the application of the punishment for drinking wine, gradually came to be enforced by the muhtasib.

Legal Rulings: Enforcement

The founding of the office of hisba is difficult to trace, though its presence becomes more discernible in the early 'Abbāsid era. It appears that it may have originally had a variety of functions, including that of a registry office, "where deaths and births were registered and estates and the funds for orphans administered." The officer, known as the

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1719 Coulson, Islamic Jurisprudence, 85.
1721 Cf. Perez, who writes that the prohibition of intoxicants is for the protection of the "individual's safety and security [of] his/her mental and psychological health" (105); Lippman, McConville, Yerushalmi, 38.
1722 Hanbal/Baroody, 82.
1724 See Chapter 2, s.v., al-Hadith.
1725 In Lewis, tr., citing the Kitāb al-Umm, in Islam: from the Prophet Muḥammad to the Capture of Constantinople, vol. 1, 219-20.
1726 EF, s.v., "Ḥisba".

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*muḥtasib*, appears to have acted additionally as “the supreme audit office,” as well as the inspector of the markets - similar in some respects to the Byzantine “agoranomos”. "The term then acquired the special meaning of police, and finally the police in charge of the markets and public morals." Once more, it is appreciably difficult to determine even a rough time frame for any of these developments.

Ibn Khaldūn describes the duties which the *muḥtasib* could be expected to perform:

He sees to it that the people act in accord with the public interest in the town. For instance, he prohibits the obstruction of roads. He forbids porters and boatsmen to carry too heavy loads. He orders the owners of buildings threatening to collapse, to tear them down and thus remove the possibility of danger to passersby. He prevents teachers in schools and other places from beating the young pupils too much. ... he has authority over everything relating to fraud and deception in connection with food and other things and in connection with weights and measures. Among his duties is that of making dilatory debtors pay what they owe ...

The *muḥtasib* was also responsible for ensuring a constant water supply and administered “the oath of Hippocrates [to] all physicians” and watched their performance carefully to insure the public’s safety.

Of central concern to this thesis is that the *muḥtasib* was responsible for “protecting the faithful from being exposed to the temptation of the bad example, for instance, with regard to the drinking of wine and the playing of musical instruments.” The type of wine

\[^{1727}\text{Ibid.}\]
\[^{1728}\text{Ṭabarī, tr. H. Kennedy, vol. XXIX, 9 and p. 9, n. 20.}\]
\[^{1729}\text{EF, s.v., “Ḥisba”}.\]
\[^{1730}\text{Cf. Samadi, who writes that the *muḥtasib* “was more or less a sort of inspector of the morals of the people. This office was created by the caliph al-Mahdī and has existed ever since” (“Some Aspects of the Theory of the State and Administration under the ‘Abbāsids”, 145). Samadi does not cite the source(s) of his information. The office of *muḥtasib* existed at least as early as al-Manṣūr (see above, n. 1728). It is conceivable that al-Mahdī instructed his *muḥtasib* to oversee the morals of the community. However, it seems to this author that the more likely explanation is that this development may have been a gradual outgrowth of the *muḥtasib’s* function of maintaining honesty among the market traders.}\]
\[^{1731}\text{Khaldūn/Rosenthal, vol. 1, 463.}\]
\[^{1732}\text{MHA, 83.}\]
\[^{1733}\text{Grunbaum, Medieval Islam, 218, citing Ma‘ālim al-qurba.}\]
\[^{1734}\text{Ibid., 166.}\]

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the **muhtasib** undoubtedly targeted was grape-wine, *khamr*. The eleventh century author Muḥammad b. ʿAbdūn listed one of the **muhtasib**'s duties as the prevention of the sale of grapes to those who were known to use them to produce wine.\(^{1736}\)

Among his other duties was the apprehension of drunkards.\(^{1737}\) Perhaps in this connection, the **muhtasib** would have used his "limited powers of summary punishment of offenders"\(^{1738}\) and spilt the offender's wine over him.\(^{1739}\) It was only in cases such as these, where there was conclusive and incontrovertible evidence as to an individual's guilt, that the **muhtasib** was allowed to apply "the appropriate punishments and corrective measures."\(^{1740}\) He had no remit to rule on cases that required "a hearing of evidence or a legal verdict ...."\(^{1741}\) His authority was therefore "both executive and judicial, but it is restricted to application and enforcement of prior rulings of the 'higher' courts or of the popular feeling of equity."\(^{1742}\) There were two types of "higher" courts which worked with the **muhtasib**: the courts of the *qāḍī* and the *maqālim* courts.

The **muhtasib** was probably closest to the courts of the *qāḍī*.\(^{1743}\) In those cases where the evidence was disputed, the **muhtasib** brought the case before the *qāḍī*.\(^{1744}\) The office of *qāḍī* itself underwent some remarkable changes during the early 'Abbāsid era. For example, the responsibility for appointing the *qāḍī* was taken over by the Caliph.\(^{1745}\) However, anecdotal evidence suggests that the caliphs had some difficulties filling the post for it was sometimes shunned by leading jurists.\(^{1746}\)

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\(^{1736}\) Williams, in *Themes of Islamic Civilization*, 158.

\(^{1737}\) Levy, *A Baghdad Chronicle*, 64.

\(^{1738}\) Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, 84.

\(^{1739}\) MHA, 90. Māwardi comments that the **muhtasib** was not allowed to apply ḥadd punishments, though he is not entirely clear why this should be so (Ibid., 77).

\(^{1740}\) Khaldūn/Rosenthal, vol. 1, 463; MHA, 90-1.

\(^{1741}\) Ibid.; cf. MHA, 78-9.

\(^{1742}\) Grunebaum, *Medieval Islam*, 166.

\(^{1743}\) Williams, citing Ibn ʿAbdūn, in *Themes of Islamic Civilization*, 155.

\(^{1744}\) Levy, *A Baghdad Chronicle*, 64.

\(^{1745}\) Mez, 216.

\(^{1746}\) Coulson writes that though many of the stories "may be wholly apocryphal, and others are doubtless embellished with fictitious details ... the very number of these stories and the seriousness with which they are recorded" indicates "that there did exist during this early period [the early 'Abbāsid era] a fairly widespread and deep rooted dislike, if not dread, of
The post of qāḍī al-quḍāt, the “judge of judges”\(^{1747}\) or supreme judge, may have been created\(^{1748}\) to elevate the status of the office of qāḍī. However, the post remained tainted by suspicions of corruption\(^{1749}\) throughout much of the early ‘Abbāsid era and entered a steady period of decline in the ninth and tenth centuries.\(^{1750}\)

The māzālim “jurisdiction is defined as compelling those who would do each other wrong - mutazālimūn - to mutual justice, and restraining litigants from repudiating claims by inspiring fear and awe in them.”\(^{1751}\) The māzālim court differed essentially from the court of the qāḍī in that the māzālim court enjoyed a greater latitude of discretion ... in matters of procedure and evidence. Their duty was simply to resolve litigation in the most effective way and on the basis of the best evidence available. While the qāḍīs became identified as the servants of the Sharī‘ah law, the Mazālim officials were regarded essentially as the representatives of the political ruler's law.\(^{1752}\)

The māzālim court also concerned itself with “enforcing the decisions of the Kādi which have remained unenforced by reason of the overmastering arrogance and position of the defendant” and “evil doing which the Muḥtasib is not strong enough to repress; this should be restrained in accordance with revealed law, and the wrongdoers should be brought to account.”\(^{1753}\)

Neither the qāḍī nor the māzālim courts appear to have played a significant role in the control of wine consumption. As argued above, this is most likely do to the fact that the

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\(^{1747}\) Amedroz writes that the “moral of these stories would seem to be that to undertake and properly discharge the duties of an office essential to the community and assumed necessary by ‘Omar [i.e., ‘Umar b. al-Khattāb] was to decline from some superior standard of conduct” (“The Office of Kādi in the Aḥkām Sulṭānīyya of Māwardī”, 775). For a sample of these stories, cf. Coulson, op. cit., 425-8; MQA, 774-5; Mez, 218-9.

\(^{1748}\) The post was inaugurated by Hārūn al-Rashīd (\textit{EF}, s.v., “Kādi”).

\(^{1749}\) See for example Mas‘ūdī, 70.

\(^{1750}\) Grunebaum, Medieval Islam, 167-8.

\(^{1751}\) MMA, 635.

\(^{1752}\) Coulson, \textit{Conflicts and Tensions in Islamic Jurisprudence}, 67. Cf. MQA, 641-2, for a list of ten differences between the māzālim court and the qāḍī; Grunebaum, \textit{Medieval Islam}, 165, citing and summarising Māwardī.

\(^{1753}\) MMA, 641.
Qur'ān and the jurists ruled on wine's prohibition and the Sunnah of the Prophet and/or the consensus of his Companions established a punishment. It was therefore left only to catch the guilty individual and punish him.
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