THE ROLE OF THE SHURTA IN EARLY ISLAM

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Submitted for the degree of
Doctor of Philosophy
of the
University of Edinburgh
1983
To my Mother

with deepest love and respect,

also to my brother Najad

and my sister Ozdan
DECLARATION

This thesis is my original work and of my own execution and authorship.

Areesan Mussa Rashid
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ABSTRACT

This thesis examines the institution of the shurta in the early Islamic period, especially during Umayyad times. The limited treatment previously accorded to this subject by scholars has concentrated on the fully-fledged shurta institution of high Abbāsid times and later. This work attempts to trace the earlier development of the institution and more especially to examine its crucial role in Umayyad times.

The first chapter discusses possible origins of the shurta, whilst in the second chapter law and order arrangements in the Prophet's time are analysed and the beginnings of the shurta institution are traced to the caliphate of Ĕuthmân. Chapters 3, 4 and 5 deal with the role of the shurta and their leader, the šāhib al-shurta, against the political background of the Umayyad period, as well as treating the qualifications needed to hold such an office, the relationship between caliphs, governors and their šāhib al-shurtas and the nature of the duties of the shurta. Chapter 6 provides details of the location, clothing and salaries of the shurta. Chapter 7 discusses other posts in the Umayyad administration which were also connected with the maintenance of law and order. Chapter 8 provides a number of individual biographies of important men who held the post of šāhib al-shurta in the Umayyad period, whilst Chapter 9 traces briefly the development of the shurta institution in the early Abbāsid period. Appendix I provides an English translation of a section of a first-hand Abbāsid source (al-Burhān fī wujūh al-bayān of ibn Wahh) which gives a code of conduct for the šāhib al-shurta.
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The system of transliteration used in this thesis is that adopted by the Encyclopaedia of Islam (2nd edition) with the following modifications:

\[ \mathfrak{C} = j; \quad \mathfrak{J} = q. \]
INTRODUCTION TO THE SOURCES

A study of any aspect of Umayyad history is fraught with difficulties. Above all, the majority of primary sources date from the ʿAbbāsid period and are therefore likely to be biased or to have been tampered with. This problem should not, however, prevent the scholar from ever embarking on a task such as tracing the development of the shurṭa institution in the Umayyad period. It is, after all, not unreasonable to assume that a basic core of the material about the Umayyad period included in ʿAbbāsid sources may well be authentic, especially when such sources deal with relatively uncontroversial matters such as the names of those who held certain administrative posts in the Umayyad period and what the duties of such officials may have been.

Wherever possible in this study, the earliest extant Arabic sources have been used, although from time to time later authors have been cited when they raise points of interest. Al-Ṭabarī's history is, of course, the major source. His work provides very detailed coverage for ʿIrāq and Khurāsān. This thesis also draws heavily on the under-exploited work of al-Balāḍūrī, the Ansāb al-Ashrāf, which adds much to the information provided by al-Ṭabarī. Another major source is the Kitāb al-Aghānī of Abuʿl Faraj al-ʿIsfahānī which is a valuable social document and in particular contains many anecdotes about society's attitude to the sahib al-shurṭa.

The information provided by these major works has been supplemented by histories such as that of al-Kindī who is concerned primarily with Egypt.
Chapter 1

THE POSSIBLE ORIGINS OF THE SHURTA
Chapter 1

THE POSSIBLE ORIGINS OF THE SHURTA

1.1 THE ETYMOLOGY OF THE WORD SHURTA

In spite of the efforts of medieval Arab grammarians to find an Arabic origin for the term shurta, it seems most likely that it comes from a non-Arabic source. This issue is discussed by Schacht in his review of Tyan's work on Islamic legal institutions. Schacht rightly rejects as 'far-fetched' the etymologies for shurta given by Arab lexicographers. He is in no doubt that the word shurta came into Arabic from the Latin word cohort, via Greek. Schacht continues thus:

'It (shurta) is one of a whole group of pre-Islamic and early Islamic loanwords from Latin and Greek, relating to military and kindred matters.'

Although Schacht does not elaborate on his theory and provides no supporting evidence, he is probably right. Certainly, his suggestion is more convincing than the array of arguments produced by medieval Arab grammarians and which are discussed in Tyan's book at some length.

According to Zamakhshari, the word shurta comes from the root

2. E Tyan, Histoire de l'organisation judiciaire en pays d'Islam (Harissa, 1943).
sharata, which can take derived forms, such as ashrata which is generally used with the preposition Calā. The phrase ashrata Calayhi means 'to send forward an emissary'.

According to the Līsān al-Cārab, ashrata is used in a sentence such as: ashrata fulānun nafṣahu li-kadhā. This may be translated as: 'Someone committed himself to such-and-such a purpose'.

The phrase shurtat al-harb is used for the first regiment of a fighting army. There is a tradition attributed to Ibn Masūd in which the duty of the shurta is defined thus:

'The shurta are bound by the condition that they will not return (from a battle) unless victorious.'

The word ashrat is defined as Calāma (token). When used in its singular form, the word sharat is combined with al-sultan in the phrase sharat al-sultan which means 'the special army of the sultan who distinguish themselves by the same signs'.

As well as meaning a privileged class of people, the term shurta may denote the dregs of society, according to other opinions. Because those who were given the role of shurta had to deal with the

4. This hadith is cited by Muslim, Sahīh (Cairo, 1930), v.18, p.24, and by Ahmad b. Hanbal, Musnad (Cairo, 1951), vol.6, pp.91-2.
criminal classes, the term shurta became attached to those whose job it was to control them. 1

Almost all the medieval Arabic sources which discuss shurta are in agreement that the term is derived from sharata but their arguments are not very convincing.

The modern Arab scholar, Jawwād, suggests rather that the term shurta may come from the Latin word securitas. He also spends some time demolishing the argument that the word shurta is derived from ashrata. 2

This brief discussion is inconclusive but would tend to suggest a non-Arabic origin for the word shurta. Cohort is more likely phonetically than securitas. 3

1.2 THE POSSIBLE ORIGINS OF THE SHURTA INSTITUTION
Before speaking about the institution of shurta in the Islamic period, policing arrangements in the Jāhiliyya period will be considered. This section will be divided into two parts: firstly, the possible existence of some kind of police system in the Jāhiliyya in Arabia and Yemen will be discussed; and secondly, a brief analysis of the police organisation in the Byzantine and Sassanian Persian empires will be given.

3. I am grateful to Professor J D Latham for his advice in this matter.
1.2.1 The Jähiliyya in Arabia and Yemen

Probably the shurta institution was not known in the Jähiliyya in this area. Taking north and central Arabia first, it would appear that urban centres, such as Mecca, had no public employees doing specific duties in return for salaries. There were also no official institutions such as shurta and courts to preserve public safety or punish wrong-doers who tried to violate laws and local customs. In Meccan society, the leaders of clans such as the Banū Häshim, Banū Umayya and Banū Makhzūm protected the members of their clans and if, for example, any person committed murder, these tribal leaders settled the dispute by paying a sum of money to the family of the deceased person (al-diya). In the case of foreigners living in Mecca, they also needed protection provided by one of the leaders of these clans; this was the system called tahāluf (a treaty of alliance). For example, when Yāsir b CĀmir came to live in Mecca some five years after the beginning of Muhammad's prophethood, he needed protection and he made his tahāluf with Abū Hudhayfa al-Makhzūmi. Around the same time, when the Muslims returned from Abyssinia, both they and their property needed protection and they therefore sought protection from clan leaders. One of the Muslims, CUthmān b MadCūn, was protected by

3. MaĊārif, p.256.
the leader of the Makhzūm clan, Waliḍ b Mughīra. Uthmān later asked Waliḍ to abolish his protection and when people in Mecca heard that Uthmān had lost his protection, it became easy for them to kill or harm him. By these examples, it would appear that Meccan society did not possess any police institution, but that the inhabitants received protection from the clan leaders. If there had been such an institution as police in Mecca, the early Muslims, returning from Abyssinia, would surely have sought help from it.

As for the nomadic Arabs, they lived in a tribal community, and they considered their tribe the only society for themselves. The chiefs of the tribes were the leaders in the wars against other tribes. They held meetings to discuss the management of the tribes and any conflicts with other tribes. Their life style conformed to a tribal pattern - that is, they were not established in one place, like the city people. For this reason one can see that the members of the tribes were the soldiers and the citizens of their tribes at the same time. In case of any attack made on their tribes they were ready to defend themselves and therefore they did not need an institution like the shurṭa to protect their community.

The tribe, as mentioned before, was not settled and if any danger from another tribe threatened them, they could pack up their household and leave for another place. The members of the tribe regarded themselves as brothers, hand in hand against any threat coming from other tribes. The Bedouin lived free in the desert and did not need

any protective organisation as they protected themselves. It is only in a very late source, the work of al-Qalqashandī, that there is a reference to Ashcath b Qays al-Kindī who appointed guards (hurrās) to protect himself wherever he went, after he became leader of the Kinda tribe. ¹

Turning now to the Yemen, its political organisation was monarchical and appears to have been founded on a regular succession from father to son. Thus it is clear that their political organisation was different from that of northern Arabia. The kings of Yemen felt that they needed some kind of personal protection so they used a kind of bodyguard (hurrās). According to Tabarī one king of the Yemen called Dhū Shanātir had in his palace hurrās for his protection. ²

It is probably reasonable to conclude, therefore, that the shurta organisation did not exist in the Jāhiliyya in Arabia but that guards (hurrās) existed in that period, more probably in the Yemen, which was the only organised state in the Arabia peninsula.

1.2.2 The Byzantine and Persian police systems

Before speaking about the shurta institution in Islam, a brief look at the Byzantine and Persian police systems is necessary since, as has been mentioned before, the Arabs were probably not acquainted within their own territories with such a system before Islam. It is therefore conceivable that they borrowed it from one or both of these

1. Qalqashandī, Subh al-Aḥshā (Cairo, 1963), vol.1, p.416.
two neighbouring empires.

In the later Roman empire, the police system in the city of Rome was different from that in Egypt and other places in the empire. In the Roman empire in general, soldiers served as policemen. The municipal police had proved generally inadequate and in Rome their duties had been taken over, most notoriously by the praetorian guard and by the urban cohorts and vigiles.¹

'Soldiers did all sorts of jobs. They arrested forgers and connived at their escape; they served as detectives and political spies under the title of speculatores, curiosi, frumentorii or agentes in rebus, and earned a detestable reputation; they intimidated and beat up the bakers of Antioch, searched for hoarders, and extorted money during the famine; they figured in the arrest of Christians during the persecutions and in the suppression of riots.'²

According to MacMullen, in Egypt, the Roman troops tended to advance beyond what was regarded as the obvious and fitting role for the police.³ In particular, soldiers would be used to make arrests, to act as arbiters in small disputes, sometimes even usurping greater

¹ R MacMullen, Soldier and civilian in the later Roman Empire, (Cambridge, Mass., 1983), p.50.
² Ibid., p.51.
³ Ibid., p.54.
judicial powers, and taking over civil administrative posts.¹ MacMullen mentions the function of army officers called stationarii who had the responsibility for a wide range of duties, including chasing criminals or brigands, holding them in custody, guarding the governor's residence and overseeing the confiscation of church property.² It is clear that the Roman troops acted as police men in the provinces, whereas in the city of Rome the praetorian guard performed this function.

In the early Byzantine period the empire was, of course, still heavily influenced by Roman traditions. This situation prevailed until the time of the emperor Theodosius I (379-395 A.D.) who divided the empire administratively into four parts, each part being called a praefectura. In each of these parts was one official called a praetorian prefect. Each praefectura was further divided into dioceses. A diocese was subdivided again into provinces, ruled by governors.³

The bodyguard, which was called the praetorian guard, was finally disbanded by Constantine and he took a new imperial guard (comitatenses) which was different from the old praetorian guard and which he hoped would be more loyal to him.⁴ But this new imperial guard soon became the most important part of the Byzantine army and this meant that the comitatenses lost their original duties which were to serve as a

2. Ibid., pp.55-6.
bodyguard of the emperor. The emperor after that selected a new regiment in his army called palatini to be his bodyguard, and he called them the scholae palatinae.\(^1\) The chief minister (magister officiorum) was the head of the Byzantine administration and the palace guard was under his control. Therefore, the magister officiorum was responsible for the safety of the emperor's person.\(^2\) Below this office there existed another official of much lower rank who was called protector of the capital. This office only existed at Constantinople. His duty was the important one of maintaining law and order inside the capital.\(^3\)

After this short description of the policing arrangements of the Roman and Byzantine empires, it seems that they had a well organised administration. The Byzantine emperor had a well organised guard, which he used as a bodyguard, and it became the most important regiment in his army. This imperial bodyguard performed the role of police.

After having looked at policing arrangements in the Byzantine empire, we will look at another empire which also had a well organised administration. It seems that the Sassanian empire had bodyguards but whether they had a police system is another matter. In a footnote, Christensen writes that there is little information about the Sassanian police system. In one of the last books of the Avesta, there was apparently a reference to police officers whose job

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1. Ibid.
2. Baynes, op. cit., p.150.
3. Ibid., p.151.
it was to watch over the observance of the rules of buying and selling in the bazaars. They were armed with a kind of mace.¹

The Sassanian emperor had a bodyguard to protect himself outside, as well as inside, his palace.  According to Tabari, the Sassanian emperor had a bodyguard (hurrās) in his palace and these guards also guarded his room.² Also these guards had a chief and when the emperor issued orders to them, he gave the orders to the chief of the guard.³ Sometimes these guards were not always loyal to the emperor and the emperor could easily be killed,⁴ but on other occasions the commander of the army and his soldiers adequately protected the emperor.⁵ The emperor's bodyguard had a custom that when the emperor went outside they would stand up for him, with lance and sword in their hands, and bow to the emperor when he passed them.⁶ The number of these bodyguards was sometimes six thousand in the reign of the Sassanian emperor, Parwiz, son of Hurmiz.⁷ As has been mentioned previously, these guards were not always faithful; occasionally it seems that their chief also lacked loyalty to their masters.⁸

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¹ A Christensen, L'Iran Sous Les Sassanides (Copenhagen, 1944), p.127.
² Tabari, Ser.1-2, pp.1013-1014.
³ Ibid., p.1015.
⁴ Ibid., p.1043.
⁵ Ibid., p.1047.
⁶ Ibid., p.1063.
⁸ Tabari, Ser.1-2, p.1062.
protect the emperor in his palace. When he went out these guards walked beside him. Concerning a proper police system in Sassanian times it seems that the sources do not mention very much information except for a vague reference to the chief of police, but we are not sure if this was the chief of police or the chief of the imperial guard.

According to Christensen, whenever the emperor of the Sassanians visited one of his ministers or an important dignitary, a high ranking official of the police would stand every day with three hundred horsemen and one hundred footmen in front of the door of the host's house until sunset.¹ It seems from this example that Christensen is probably confusing bodyguards and the police, because the duty of protecting the sovereign was performed by the emperor's guard, as has been mentioned before.

Christensen also mentions that when a battle was recently won the court would come to life again and the emperor would hold a big feast. In the lower part of the banqueting hall, where the common people sat, the chief of police presided.²

From the preceding discussion it seems that, under the Sassanians, a system of bodyguards certainly existed. It is possible that a separate police system was also in existence. The duties were to protect the emperor, and those of the police, if they existed, were to maintain law and order amongst the common people inside the cities.

As is well-known, the Sassanian and Byzantine empires had vassals to protect their borders against the Arab tribes. The

¹ Christensen, op. cit., p.407.
² Ibid., p.412.
Sassanians had the Lakhmids as their vassal in Īrāq, and the Byzantines had the Ghassānids as their vassal in Syria, but each of these vassals was not an independent kingdom but tended rather to be a province of its empire. The Lakhmid rulers visited their master (the Sassanian emperor) annually. The Sassanians called the Lakhmid rulers āmil or governor, and their administration was a mirror image of the Sassanian one. We can say the same thing about the Ghassānids, who were the Byzantine vassals in Syria.

As will be shown later, it seems most likely that the shurta institution came into the Islamic world from contact with the former Byzantine provinces of Egypt and Syria. There are many important similarities which will be discussed later, although influence from Sassanian Persia in the Abbasid period cannot be ruled out.

Chapter II

LAW AND ORDER IN THE EARLY ISLAMIC PERIOD

BEFORE THE UMAYYADS
Chapter 2

LAW AND ORDER IN THE EARLY ISLAMIC PERIOD BEFORE THE UMAYYADS

2.1 IN THE PROPHET'S TIME

As is well-known, in 622 A.D., the Prophet Muhammad went to Medina, whose inhabitants included the Aws and Khazraj tribes. Inside the city a sizeable Jewish community lived alongside these two warring tribes. The situation of Medina before the arrival of the Prophet had been very disturbed and these two tribes wanted to find a peaceful solution to their problems. They had apparently decided to unite and elected ۱Abdallah b. Ubayy, one of the leaders of the Khazraj, as their ruler. This plan never reached fruition, however, because of the coming of the Prophet.

Within the umma the Prophet himself acted as arbiter, settling differences amongst the people. For example, in a case of theft, the people of Medina went to the Prophet and asked him to find a solution and to punish the thief. ۱ Security inside Medina was in the hands of the Muslims themselves and they guarded the city against any attack. For example, when the Muslims heard that the Meccans had planned to attack Medina before the battle of Uhud, the Muslims guarded the city and men like SaCd b. MūCaadh, Usayd b. Hudayr and SaCd b. Ğubāda personally guarded the Prophet. ۲ The Prophet himself

ordered Muhammad b. Maslama al-Ansārī to guard the Muslim camp before the battle, with the help of fifty men.¹

In each battle the prophet had a bodyguard. The people who guarded the Prophet in his battles included Sa'ad b. Mu'āz at the battle of Badr, Dhakwān b. Abdallāh b Qays, Muhammad b Maslama at the battle of Uhud, Abbād b. Bishr, Sa'ad b. Abī Waqqās and Abū Ayyūb al-Ansārī at the battle of Khaybar, and Zubayr b. Awām at the battle of Khandaq.²

From these examples, it seems that the Prophet had a bodyguard in battle and that the Muslims guarded his tent in the camp. The city of Medina was guarded by Muslims. Therefore bodyguards, and also the idea of guarding the city for the safety of Muslims, were both known in the Prophet's time. As for evidence of the shurta, it seems that this institution did not exist in the Prophet's time.

2.2 THE PERIOD OF ABŪ BAKR (11-13/632-4)

In Abū Bakr's time, the army of Medina was much occupied with subduing the Arab tribes in the Ridda wars in the area around Medina. Sometimes, the army could be away from the city for as long as forty days.³ During such periods, hostile tribes believed the city of Medina to be vulnerable to attack since it was no longer under the protection of the military. When they therefore prepared to profit from the absence of the army and to attack, Abū Bakr decided to make

¹ Ibid., p.217; Nuwayrī, vol.17, p.86.
² Ibid., vol.18, p.236.
³ Ibn Khayyāt, vol.1, p.79.
alternative security arrangements.

Firstly, those inhabitants of the city capable of bearing arms were to assemble in the mosque and to wait. Secondly, Abū Bakr appointed guards (ḥurrās) on the outskirts of Medina. The names of the commanders of these guards are known: they were CAlī b. Abī Ţālib, Zuhayr b. CAwwām, CAbd al-Rahmān b. CAwf, Talḥa b. CAbdallāh, and CAbdallāh b. Masūd. It seems that these guards, if they suspected that any attack on the city by the tribes was imminent, warned the city, especially the people assembled in the mosque, to prepare against the attack. This situation continued until the Muslims defeated all the recalcitrant tribes who embraced Islam again or for the first time.

The hurrās had a function other than that of warning armed men in the mosque. They guarded the outskirts of the city and were responsible for the first attacks from marauding tribes. They would receive the first onslaught before the people assembled in the mosque could join the fray.

It would be erroneous to believe that the hurrās at this time were organised in a systematic way. They would gather outside the city only at moments when an emergency was imminent. After the tribes in the immediate vicinity of Medina had been defeated by the Muslims

3. Ibid.
and those tribes had become Muslim, the army returned to Medina, and the need for the hurrās disappeared. Afterwards, the energies of the tribes near Medina were directed outwards towards fighting other tribes further away from Medina, such as the Banū Hanīfa, and the city of Medina became relatively safe again.

The sources do not mention any activity of the shurta or a police system in the short period of Abū Bakr's rule. There are a couple of late references to the existence, in the time of Abū Bakr, of Gasas, the well-known practice in ʿUmar's caliphate in which the streets of Medina were patrolled at night to maintain security. These sources, however, are very unlikely to be reliable.¹

It may be seen from the preceding discussion that there was in Abū Bakr's time the beginning of a realisation of the need for urban security and certain rudimentary attempts were made to keep order at Medina. There was, however, no shurta at this time.

2.3 THE CALIPHATE OF ḤUMAR (13-23/634-44)
In ʿUmar's time the Islamic state really came into being. ʿUmar was concerned with the security of the people who lived in Medina, and he himself actually performed the role of Gasas and patrolled the streets at night to establish law and order in the city. In this task he was, on one occasion, accompanied by ʿAbdal-Rahmān b. ʿAwf.² On another occasion, ʿAbdallāh b. ʿAbbās went with him. When performing this task ʿUmar always carried his durra (whip) with him.³

footnotes:
2. Ṭabarī, vol.4, p.205.
Two sources, writing about Egypt, mention the existence of the shurta as early as 'Umar's time. It is possibly significant that these two accounts concern Egypt. Maybe the institution began there. Equally possible is the suggestion that these two isolated accounts are inaccurate.

Of the earlier historians, only Yaqūbī suggests that 'Umar had a sāhib al-shurta, a man called 'Abdallāh b. 'Abbas. This account is rather doubtful since one might legitimately ask why, if 'Umar had a sāhib al-shurta, did he feel the need to patrol the streets at night himself? Moreover, Yaqūbī contradicts himself in any case later on in his work when he says that it was Muḥāwiya who was the first caliph to set up the shurta.

2.4 THE PERIOD OF 'UTHMĀN AND 'ALĪ

2.4.1 The caliphate of 'Uthmān (23-35/644-56)

In 'Uthmān's period, the activity of the shurta began to emerge, and 'Uthmān is regarded by many of the sources as the person who appointed the first sāhib al-shurta (the chief of the shurta). His name was 'Abdallāh b. Qunfudh, a man who belonged to the clan of Banū Taym from

3. Ibid., p.220.
the tribe of Quraysh.¹

During C Uthmān's rule, branches of the shurta institution sprang up in nearly all the Muslim provinces. ² C Abdallah b Saʿd, who became governor of Egypt, appointed Sāʿib b Hishām as his šāhib al-shurta² in 25/645. ³ Saʿid b al-Āṣ, wāli of Kūfah, appointed C Abd al-Rahmān b. Khunays al-Asadi as his šāhib al-shurta, whereas in Basra C Abdallāh b. Āmir’s šāhib al-shurta was Zayd b. Jilba or Hilya al-Saʿadi.⁴

The activity of the shurta was also known in Medina in this period and C Uthmān used shurta to maintain law and order inside the city. It was especially important for C Uthmān to have some kind of policing institution as he could not possibly continue in the way C Umar had done and do the job himself. We have some information about the shurta inside Medina; according to Ibn Saʿd (d.230/844), when C Abbās, the Prophet's uncle, died in 32/652, all the people of Medina wanted to pray at his tomb. People crowded and pushed each other, so C Uthmān sent the shurta to beat people in order that the Banū Ḥāshim might be allowed at least to dig the grave and bury C Abbās.⁵

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² Wulāt, p.34.
Another account about the shurta in Medina in Uthmān's time is one which is related by Ibn Abī Hadīd, when ĈUthmān became angry with ĈAmmār b. Yāsir. One day ĈUthmān went to the mosque and saw ĈAmmār sitting with some Companions of the Prophet who were weeping. When ĈUthmān saw that, he became very angry and sent orders to the shurta to separate them and take them out of the mosque. ¹ Another incident about shurta in Medina is also related by Ibn Abī Hadīd - one day when ĈUthmān was giving a speech in the mosque on a Friday, a man shouted at ĈUthmān. ĈUthmān asked him to sit down, but he refused and ĈUthmān sent the shurta to force him to sit down. ²

According to Behrnauer, at Fustāṭ in ĈUthmān's time the business of the sāhib al-shurta was to apply the inflicted legal punishments, keep the prisons open and close the city gates. ³ Behrnauer does not specify from which source he took this information and he mentioned some duties which were not obviously those of the sāhib al-shurta, for example, keeping the prisons. This duty of keeping the prison belonged to the jailer (al-sajjān). ⁴

During the reign of ĈUthmān the activity of conquest was still very important, but cities like Basra, Kūfa, Fustāṭ and Damascus were settled by civilians, who needed some institution to maintain peace, law and order. The governors of these cities and provinces

¹. Nahj, vol.9, pp.4-5.
². Ibid., pp.17-18.
⁴. Ansāb, vol.5, p.32.
probably took some troops from their army to act inside cities in the role of police. The same idea had existed in the Byzantine state before the Islamic period. It is not surprising, therefore, that the wālis of those provinces which had been under the control of the Byzantines, took these ideas, which then spread to other parts of the Islamic empire. It would certainly appear likely that the institution of shurta existed in ʿUthmān's time.

According to Suyūṭī (d.911/1505), ʿAmr b. al-Āṣ was the first person to establish the shurta. If we look more closely at this account, we can see that Suyūṭī does not state when exactly this occurred. ʿAmr was wāli in Egypt for three caliphs, ʿUmar, ʿUthmān and Muḥāwiya. As had already been mentioned, there was no shurta in ʿUmar's time. Furthermore it will be shown that the institution of shurta was well established by Muḥāwiya's time. By a process of logical elimination, therefore, it is likely that ʿAmr established the shurta in ʿUthmān's time, especially since there are other examples of the existence of the shurta for this same period. Probably ʿAmr found out that the Byzantine bodyguards and soldiers had acted as police, and he therefore established the shurta institution along the Byzantine model.

2.4.2 The period of Āli b Abī Talib (36-40/656-66)

After Īthmān's murder, Āli b Abī Talib, the Prophet's cousin, was elected successor to Īthmān. The choice of Āli was disputed by the Umayyad clan and by a second group led by Zubayr, Talha and Ā'ish. This second group, whose members also included some Umayyads, wanted to take Baṣrā but were refused entry by the governor, who had been appointed by Āli. It is interesting to note that after they had managed to force an entry into the city, Zubayr and Talha killed all the shūṭa whose job it was to protect the bayt al-māl (treasury). This incident is interesting in a number of respects. Firstly, it is clear that the shūṭa remained faithful to their governor and tried to maintain order against the onslaught of the rebels. Secondly, the shūṭa were clearly powerless in the face of a large military force from outside.¹

In Āli's caliphate the shūṭa were very active inside the cities. Āli is also generally regarded as having created a special shūṭa, called the shūṭa al-khamīṣ.² If the shūṭa was created in Īthmān's time, in Āli's time the use of this institution became more widespread and better known. According to Yaʿqūbī, Āli's šāḥib al-shūṭa was Maʿṣiq b Qays al-Riyāhi.³ But according to Ibn al-Muzāhīm (d.212/827) Āli's šāḥib al-shūṭa was Mālik b Habīb al-Yarbus.⁴ But Khalīfa b. Khayyāt mentions in his book Tāʾrīkh

². This is briefly discussed in Appendix II.
Khalīfa that Maqīl and Mālik were both sāhib al-shurta in Ālī's time.¹

When Ālī was giving a speech at the Friday prayer in the mosque, his sāhib al-shurta was standing beneath the minbar.²

Another incident which indicates the importance of this institution in Ālī's time was when Ziyād b. Abīhi was in charge of the collection of the kharāj of Basra. The people of Basra had turned against Ālī and had decided to join the side of Muḥāwiya. Therefore, Ziyād escaped to the tribe of Azd and asked them to help him against the people of Basra. So the leader of the Azd tribe helped him and appointed some of his tribesmen to be Ziyād's shurta.³

According to the scholar Amir Ali, Ālī b. Abī Tālib created the sāhib al-shurta.⁴ He does not, however, mention the sources from which he took this information.

Ālī used the shurta and the sāhib al-shurta for a variety of purposes. When he was preparing his campaign against Muḥāwiya and his Syrian army, Ālī ordered his sāhib al-shurta to call on the tribesmen of Kūfa to go to the army camp to be ready for the battle. Ālī also ordered his sāhib al-shurta Mālik b. Habīb to kill anyone who refused to join the army.⁵ As a matter of fact someone refused

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to join the army, so the șâhib al-shurța killed him immediately.\(^1\)

It seems that the șâhib al-shurța, Mâlik b Habîb, did not go with Câlí's army to fight Mu'âwiya at Siffin but he stayed in Kûfa to keep law and order.\(^2\) In this instance, his role was that of military governor. Despite this function of the shurța to keep peace inside Kûfa we find that Câlí refused the protection of the shurța when he went out, even at night, and for that reason he was an easy target when he was killed by a Khārijite.\(^3\) It would appear that the șâhib al-shurța also served Câlí in an advising capacity, warning him of potential enemies.\(^4\)

Generally speaking, it would appear that the institution of shurța was quite widespread and well-known during the caliphate of Câlí. The early historians mention a number of duties performed by the shurța in this period. The șâhib al-shurța clearly enjoyed a privileged position and had the ear of the caliph. He could, on occasion, perform the duties of a military police chief as well as the important job of keeping order in cities, especially in Câlí's capital, Kûfa, when the army was away. Furthermore, it would appear that important people in high office, such as Ziyâd b. Abîhi (but notably not Câlí), used the services of the shurța to protect themselves against their enemies.

The role of the institution of shurța in this period was clearly

\(^1\) Ibn Muzâhim, op.cit., p.148.
\(^2\) Ibid., p.149.
\(^4\) Ibn Muzâhim, op.cit., p.108.
not yet fixed and was characterised by flexibility and the demands of particular historical situations. One may assume from the examples given above that the šāhib al-shurta had the services of a large group of men to help him impose his authority, especially over recalcitrant tribesmen who were unwilling to fight.
Chapter 3

THE DEVELOPMENT OF THE SHURTA

IN THE UMAYYAD PERIOD
Chapter 3

THE DEVELOPMENT OF THE SHURTA IN THE UMAYYAD PERIOD

3.1 A HISTORICAL ACCOUNT OF THE DEVELOPMENT OF THE SHURTA IN THE TIME OF MU’AWIYA (41-60/661-79)

In Mu’awiya’s caliphate, the shurta became an established institution. The governors of the provinces used shurta to protect society and to maintain law and order. The institution of shurta became the most important security force on which Mu’awiya and his governors depended for personal protection and also for achieving law and order inside cities. This was in addition to their role in defending the Umayyad state against its politico-religious opponents, like the Shiites and the Kharijites.

It seems likely that Mu’awiya was the first caliph actually to be protected personally by the shurta. They went with him as his bodyguards whenever he went out. Al-Damiri states this as a firm fact but he does not mention his sources. The evidence from earlier historians, however, as will be shown below, would tend to suggest that he is correct in his assertion.¹ No doubt Mu’awiya was influenced in this new practice by his narrow escape in the famous incident when three Kharijites decided to assassinate himself, Ali, and Amr b. al-As in 40/660. One of the three Kharijites succeeded

¹. Damiri, Hayat al-Hayawan al-kubra (Cairo, 1284 A.H.), vol.1, p.74.
in his aim and killed Ālī while the other two failed to kill Mu'awiyah and Ibn al-As. After this incident, Mu'awiyah, whenever he went to pray, prayed in the maqsūra (a box or stall in the mosque near the mihrāb) which he had installed to protect himself. He also ordered the shurta to stand near him during the prayer.¹

There is, unfortunately, some confusion in the early sources between the definition of the two terms haras and shurta. According to a number of the early historians, Mu'awiyah set up a haras (bodyguard) beside the shurta (who were already in existence) to protect him and his palace against his enemies.² A more precise discussion of the difference between these two terms will be given later on but it would appear probable that the haras were taken from the larger corps of the shurta and were primarily used for duties inside the palace.

According to Ya'qūbi, however, Mu'awiyah first established haras, shurta and bawwābūn and was personally guarded by haras with their lances.³ This statement is, in fact, contradicted by Ya'qūbi himself since he writes elsewhere that shurta existed in the time of ĈUmar, ĈUthmān and Ĉālī.⁴ The confused terminology of Ya'qūbi is typical of the earliest writers who discuss the shurta and similar words.

¹. Tabarî, vol.5, p.149.
⁴. Ibid., pp.149,163.
3.1.1 The activity of the shurta in the province of cIrāq at the time of MuCāwiya

At the time of MuCāwiya, cIrāq was divided into two great provinces. One was Küfa and the other was Basra. Küfa, during cAlī's caliphate, had been the centre of power because cAlī had made it his capital, but when MuCāwiya became caliph in 41/661 he transferred the Muslim capital to Damascus. The first governor appointed to Küfa by MuCāwiya was Mughīra b. Shuʾba of Thaqīf (41-50/661-70). Mughīra controlled Küfa by use of the shurta and he appointed a very cautious man as the sahib al-shurta whose name was Qubaysa b. Dammūn.¹

During Mughīra's governorship the Khārijites began to make trouble in Küfa. According to one account, the sahib al-shurta came to Mughīra and told him that the Khārijites had gathered in the house of one of their number. Mughīra immediately ordered the sahib al-shurta to take his shurta and lay siege to the house. The shurta went, and took the troublemaker prisoner.² The situation became even more turbulent in Küfa when friends of those Khārijites in prison began to ferment more discord. So Mughīra ordered the sahib al-shurta to gather support from the Shiites to control the Khārijites.³

Mughīra remained as governor of Küfa until he died in 50/670 and Ziyād b. Abī Hi became the governor of Küfa in the same year.

In Basra, the first Umayyad governor, cAbdallāh b. cAmir (41-44/661-64) was unable to control the tribes because he was a soft

3. Ibid., pp.184-89.
and weak man who did not like to use force against wrong-doers. Not surprisingly, social disorder prevailed there and no-one in Basra was safe. Accordingly, Mu'awiya deposed him in 44/664 because of the complaints of the prominent people of Basra.

In 45/665, Mu'awiya appointed Ziyād b. Abīhi as governor of Basra. When Ziyād arrived in Basra security did not exist inside the city. In his famous inaugural speech, Ziyād emphasised the loss of security and the social disorder in Basra. He said:

'You are putting tribal loyalties before religion ..... You are excusing and sheltering criminals from amongst you, and tearing down the protecting laws sanctified by Islam.'

From this famous speech at Basra, the degree of social corruption, which the city had reached before his arrival, may be observed. It will be noted from Ziyād's tone that he was prepared to enforce the law by whatever means regardless of any considerations. Ziyād also warned against the dangers of disobedience to the authority of the state.

2. Tabari, vol.5, p.212
3. Plundering houses, killing citizens and assaulting women were common there.
According to Baladhuri, on his first day as governor of Basra, Ziyād heard some voices nearby. Ziyād asked what those voices were. He received the reply that because no security and no shurta existed, a particular man had hired someone to guard his house. The following day Ziyād ordered his sāhib al-shurta to go out and patrol the streets of Basra after the Cīshā' prayer (the last prayer at night) had finished. Baladhuri adds that when the sāhib al-shurta and his shurta walked through the streets of Basra that night they killed five hundred wrong-doers.

Ziyād was the first to establish in Basra the system of manṭ al-tajawwul (curfew), preventing the people from leaving their homes at night. According to one account, one night, a Bedouin, unaware of this new law, went out after Cīshā' and was seen by the sāhib al-shurta. The latter ordered the shurta to arrest the man and take him to Ziyād. Ziyād asked the prisoner why he was out at night. The Bedouin explained that he had come to Basra to sell his sheep and

1. Ansāb, vol. 4A, p. 171.
2. Ibid.
3. Ibid.
4. The way in which the curfew was carried out was that Ziyād ordered one sūra of the Qur’ān (especially a long sūra like the baqara) to be read after the Cīshā' prayer had finished. This was to make sure that people had enough time to get home. After that, he ordered his sāhib al-shurta to walk in the streets and if he saw anybody after the sūra of the baqara had finished in the mosque, he should kill him.
5. Ansāb, p. 171; Tabari, vol. 5, p. 222.
that he did not know why he had been arrested. Ziyād told him that he believed him but that it was his duty to kill him for the good of the city.¹ So he ordered his execution. It seems from this example that Ziyād wanted to show the people of Basra that nobody would be forgiven if they broke the law, even if they were innocent. Ziyād had had previous experience of the people of Basra and knew that through this example of killing the Bedouin, he would succeed in making them afraid of him. It was his intention to show himself as a strong and firm governor.

Ziyād was aware of the need to reorganise the shurta in order to control the whole province more effectively. Therefore, he increased the number of the shurta to 4,000 and appointed two sahib al-shurta instead of one.² After these steps, the city of Basra and its society became more secure, to such a degree that if anyone lost something nobody would touch it until the owner had collected it. Moreover, women could sleep without having to close their doors.³

Ziyād faced particular opposition from the Khārijites. In 47/667, a group of them killed the head of the mosque guards in Basra, who had treated them very harshly. When the shurta heard of this incident, they went out after the Khārijites and fought with them until most of them had been killed.⁴

¹ Ansāb, vol. 4A, p. 172.
² Tabari, vol. 5, p. 222; Ansāb, vol. 4A, p. 188.
³ Tabari, vol. 5, p. 222.
⁴ Ansāb, vol. 4A, p. 149.
After the Khārijites had elected a new leader, Zahhāf b. Zahr, in a renewed attack against the establishment, they killed everybody whom they thought to be against them. The shurta heard about these killings by the Khārijites. Five hundred of the shurta went out to fight the Khārijites. The shurta laid siege to the house where the Khārijites had gathered, after which they attacked and killed them.¹

As mentioned above, Mughīra, the governor of Kūfa, died in 50/670, and Muḥāwiya appointed Ziyād the governor of Kūfa as well as Basra, making him the first governor to rule these two provinces together. In Kūfa the internal situation was even more unsettled than in Basra because Kūfa had an even greater anti-Umayyad feeling since most of its inhabitants were Shi'ite supporters. On arrival there Ziyād addressed the people of Kūfa and warned them that he intended to bring two thousand shurta from Basra. He further reminded the people of Kūfa that they were ‘the people of the truth’ (Ahl al-haq).² When he had finished his speech the people threw stones at him. Thereupon, Ziyād ordered that the hands of those people who refused to swear by God that they had not stoned him should be cut off.³ In fact, he caused thirty people to have their hands cut off.

Ziyād used the shurta to control the Shi'ite opposition. The leader of the Shi'ites in Kūfa was Hujr b. Adī. Ziyād advised him...
not to lead any protest against the Umayyads, but he did not listen.\(^1\)

When Hujr b.\(^{\text{c}}\)Adî continued to make trouble in Kūfa, Ziyād ordered one of his shurta to go and bring the Shi\(^{\text{c}}\)ite leader to his palace. But Hujr did not come and the shurti returned to Ziyād and told him about Hujr's refusal. Therefore, the sāhib al-shurta sent more shurta to bring Hujr to Ziyād. Meanwhile, Hujr and his supporters insulted the shurta and still Hujr did not come. After this Ziyād ordered the sāhib al-shurta to go with his shurta to Hujr and if he refused to come the sāhib al-shurta should use force to bring him.\(^2\)

On this occasion Hujr and his supporters fought with the shurta and Hujr escaped to another part of the city. But the shurta went after him and when Hujr was eventually captured he was put to death.\(^3\)

Ziyād died in 53/672 after he had established law and order in CĪrāq and made the shurta the most important internal force there. When he died, CĪrāq had become a peaceful province and people no longer were frightened for their own safety and their money. After Ziyād, Mu\(^{\text{c}}\)āwiya separated Basra from Kūfa and appointed a governor for each province.

Welihausen is a little harsh in his judgement of Ziyād whom he castigates for using the shurta 'as the basis of his tyranny'.\(^4\)

Certainly, in the critical situation in which he found himself, Ziyād's methods were preferable to no law at all.

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2. Ibid., pp.257-58.
3. Ibid., pp.259-66.
In 55/674, Muḥamad ibn ʿAbd al-Haqq appointed the son of Ziyād b. ʿAbīhi whose name was Ībāy al-Dīn as governor of Basra. Ībāy al-Dīn used the same policy as his father. He carefully followed the policy of his father and made extensive use of the shurta force against his internal enemy, the Khārijites, who in his time began to make trouble in Basra. For example, in 58/677, the Khārijites made trouble in Basra and Ībāy al-Dīn ordered his shurta to arrest their leader whose name was Mīrūn and put him in prison. In retaliation the Khārijites killed one of the shurta.

Mubarrad also mentions a story about the relationship between the Khārijites and the shurta during Ībāy al-Dīn's governorship. One day Ībāy al-Dīn arrested one of the leaders of the Khārijites whose name was Khālid b. ʿAbbād. Ībāy al-Dīn ordered his shurta to kill Khālid but no shurta dared to kill him because they were frightened. According to Mubarrad, it was because Khālid was known to be pious. But their reluctance to kill him was more likely to have been caused by fear of the revenge the Khārijites might take. Eventually one of the shurta, whose name was Ibn Masrūn, came forward and killed Khālid. When the Khārijites heard that this shurta had killed their leader, they made a plan to kill him and this they finally did.

3. Ibid., p. 273.
4. Ibid., p. 274.
3.1.2 The activity of the shurta in other provinces

Other provinces, such as Egypt, remained quiet and the shurta there was not as active as in Iraq since Egypt was not as troubled by Shiite and Khārijite opposition. The sources do not mention any activity on the part of the shurta in other provinces but they do show that the governors were very careful about the appointment of the sāhib al-shurta.

Two sources mention that Marwān b. Hakam, the governor of Medina in the caliphate of MuCāwiya, appointed MusCāb b. CAbd al-Rahmān b. CAwf as sāhib al-shurta and qādi at the same time. According to Ibn SaC̣d, MusCāb b. CAbd al-Rahmān the sāhib al-shurta of Medina, was very harsh to wrong-doers. According to Abu'l Faraj, when Marwān b. Hakam appointed MusCāb sāhib al-shurta, MusCāb said to Marwān that he could not control the city of Medina with the existing number of shurta in Medina and he asked Marwān to send him more men from another city to use them as his shurta. Abu'l Faraj adds that Marwān brought two hundred men and MusCāb controlled the city and remained sāhib al-shurta until MuCāwiya's death.

3.2 THE CALIPHATE OF YAZĪD B. MUCAWIYA 60-64/679-683

After his accession, the first action Yazīd took was to send a message to the governor of Medina to force Husayn and CAbdallāh b. Zubayr to
give their allegiance to him as caliph but Husayn and ʿAbdallāh escaped to Mecca. When Yazīd heard about this, he replaced the governor of Medina by another man whose name was ʿAmr b. Saʿīd b. al-ʿĀs. ʿAmr ordered the ʿāhib al-shurṭa whose name was Musʿab b. ʿAbd al-Rahmān, to demolish all the Hashimites' houses and the house of ʿAbdallāh b. Zubayr. The ʿāhib al-shurṭa refused to carry out the governor's order. Therefore, the governor ordered him to put down his sword - the sign of dismissal. The ʿāhib al-shurṭa did so and went to Mecca to join ʿAbdallah b. Zubayr.

The governor of Medina then appointed a new ʿāhib al-shurṭa whose name was ʿAmr b. Zubayr. The governor ordered the new ʿāhib al-shurṭa to demolish all the houses belonging to Zubayr and to ʿAlī's family and the ʿāhib al-shurṭa did so. The ʿāhib al-shurṭa beat most of the prominent people who supported ʿAbdallāh b. Zubayr. He even flogged his own brother, al-Mundhir b. Zubayr.

3.2.1 The role of the shurṭa in the killing of Husayn

After Husayn had gone to Mecca, the people of Küfa wrote to him inviting him to come so that they might offer him their allegiance and make him caliph. In the events leading up to the death of Husayn,

2. He was ʿAbdallāh b. Zubayr's half-brother. ʿAmr's mother was from an Umayyad clan. ʿAmr did not like his brother ʿAbdallāh, but he did like his mother's clan. Tabarī, vol. 5, p. 344; Tabaqāt, vol. 5, p. 185.
it is clear that the shurta played an important role.

Husayn sent his cousin, Muslim b. Ḥāfīz, to Kūfah ahead of himself. On arrival, Muslim lodged in the house of a Shiite leader, Ḥāni' b. Ḥurwa. The new governor of Kūfah, ČUbaydallāh b. Ziyād, summoned Ḥāni' and had him beaten, whereupon Ḥāni' snatched a sword from one of the shurta nearby and intended to kill ČUbaydallāh. This attempt was prevented and Ḥāni' was imprisoned.¹

ČUbaydallāh later went to the mosque, accompanied by the shurta and firmly harangued the people of Kūfah, warning them not to do anything against the authority of the government.² Muslim b. ČAqīl, on hearing this, summoned the Shiites to come and express their support for the Shiite cause and some 12,000 people gathered to him. Accompanied by these supporters, Ibn ČAqīl then threatened the governor's palace itself, in which, according to Ṭabarī, ČUbaydallāh had only 30 shurta. Other support for ČUbaydallāh from tribal leaders came just in time and the whole crowd outside the palace was dispersed peacefully. Thereafter, Muslim went into hiding in Kūfah.³

After this ČUbaydallāh ordered all the shurta in Kūfah to come to the mosque and gave the warning that if any shurtī did not come he would be killed.⁴ ČUbaydallāh then gave the sahib al-shurta full

². Ṭabarī, vol.5, p.368.
³. Ibid.
authority to search for Muslim b. CAbiil.\(^1\) After a short time Muslim
was arrested and killed in 60/679.

Husayn b. Cali, who was in Mecca, then decided to go to Küfa himself. When the governor of Mecca heard of this he ordered the
sāhib al-shurta not to let Husayn leave Mecca.\(^2\) The sāhib al-shurta
went to see Husayn and told him that the governor had ordered him not
to let him go. Violent disputes then broke out amongst the supporters
of Husayn and when the governor heard about this he ordered the sāhib
al-shurta to let Husayn go, because he was afraid of the possible
consequences of the fighting.\(^3\)

Husayn then proceeded towards Küfa. When CUbaydallāh, the
governor of Küfa, heard that Husayn was approaching the city he sent
the sāhib al-shurta whose name was Husayn b. Numayr al-Tamīmi to
al-Qādisiyah.\(^4\) The sāhib al-shurta captured a messenger on his way
from Husayn to the people of Küfa and he sent him to CUbaydallāh.\(^5\)

When Husayn came nearer Küfa, CUbaydallāh sent an army under the
command of the shurta when the fight began against Husayn.\(^6\) These
shurta were wearing \(\overline{Tij\,\,\,f\,\,\,t\,\,\,f}\).\(^7\) As is well-known, Husayn and

1. Ţabarī, vol. 5, p. 373; Kāmil, vol. 4, p. 26; Abū Hanīfa, Kitāb al-
3. Ibid.
5. Ibid., p. 395; Abū Hanīfa, op.cit., p. 258.
7. \(\overline{Tij\,\,\,f\,\,\,t\,\,\,f}\) was a kind of protective clothing worn in battle by
his followers were killed in 61/680.

When ِabdallâh b. Zubyâr heard that Husayn had been killed he led a rebellion against the Umayyad governor in Mecca. The governor of Medina ordered the sâhib al-shurta ِAmr b. Zubyâr, ِabdallâh's half-brother, to command an army, but the army was defeated and the sâhib al-shurta was captured and brought to Mecca. ِabdallâh ordered the sâhib al-shurta to be beaten because he had caused other people to be beaten. Yazid then sent an army to ِabdallâh and they laid siege to Mecca. On hearing of the death of Yazid the army returned home.

3.3 THE ACTIVITY OF THE SHURTA IN THE CIVIL WAR 64-72/683-91

After the death of Yazid, the Islamic state was rent asunder by civil war. All factions, Shi'ite, Umayyad or Zubayrite, continued, however, to use the shurta whenever they gained control of any area. This process is documented especially clearly for ِIraq. After the death of Yazid, the governor of Basra, ِUbaydallâh, fled and the city remained without a governor until ِabdallâh b. al-Hârith al-Hâshimi was elected to the post by tribal leaders. His first action was to appoint a sâhib al-shurta whose name was Hamiyan b. ِAdi. The governor's control over the tribesmen was very weak, however, and in desperation the people of Basra wrote to ِabdallâh b. Zubyâr asking him to appoint a new governor for them. In particular, the sâhib al-shurta was unable to enforce the governor's authority.

Ibn Zubayr's governor in Kufa, ʿAbdallāh b. Yazīd al-Ansārī, also used the shurṭa in his struggles against the Shiʿites. This governor was replaced by ʿAbdallāh b. Muṭṭī who appointed his own sāḥib al-shurṭa, Iyās b. Mudārib al-ʿAjīlī. The governor advised Iyās on his appointment to treat the people well but to be harsh on wrong-doers.2

Trouble soon arose, stirred up by Mukhtār b. Abī Ubayd al-Ṭhaqafī who wanted to avenge Husayn's death and who had a considerable following in Kufa. The governor, ʿAbdallāh b. Muṭṭī, was abused and shouted at in the mosque. Thereafter his sāḥib al-shurṭa came to him and warned him that Mukhtār was planning an uprising against him and advising him to arrest Mukhtār at once.3 The governor sent for Mukhtār but the latter pretended to be ill and did not obey the order.4

Another tribal leader in Kufa, Ibrahim b. Ashtar, went over to Mukhtār's side and began visiting Mukhtār every evening. The sāḥib al-shurṭa was fully aware of these activities and again warned the governor.5 Thereafter, the sāḥib al-shurṭa patrolled the streets of Kufa, accompanied by the shurṭa, and surrounded the market.6 In a violent incident which then flared up, the shurṭa confronted

4. Ibid., p.30.
5. Ṭabarī, vol.6, p.18; Ansāb, vol.5, p.224.
6. Ibid.
Ibrāhīm who had 100 armed men with him. The sāhib al-shurṭa told Ibrāhīm that he would have to take him to the governor, whereupon Ibrāhīm grabbed a lance from one of the shurṭa and killed the sāhib al-shurṭa there and then. The shurṭa did not linger but fled at once. When the governor heard about the killing, he appointed the son of the sāhib al-shurṭa as his father's successor.²

In the full-scale fighting which later ensued, Ibrāhīm with 3,000 men opposed the new sāhib al-shurṭa with 4,000 shurṭa.³ The shurṭa were defeated and the sāhib al-shurṭa was killed (66/685).⁴ Mukhtār became master of Kūfa and sent an army under Yazīd b. Anas to attack the Umayyads in Mosul. Both Mukhtār and Yazīd addressed their army as shurtat Allāh.⁵ Mukhtār used the shurṭa against those who were responsible for Husayn's killing.⁶ The shurṭa with their leader began a house-to-house search for Husayn's killers and they killed ʿUmar b. Saʿd who had been the commander of the Umayyad army against Husayn.⁷

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1. Tabarī, vol. 6, p. 18.
3. Tabarī, vol. 6, p. 23.
5. After Mukhtār was killed the poet ʿAṣha Hamadān called Mukhtār's supporters shurtat al-kufr:
   
6. Tabarī, pp. 60-4.
7. Ibn al-ʿAṯām, vol. 6, pp. 120-21. Other anecdotes about the activities of the shurṭa and the sāhib al-shurṭa in Mukhtār's period may be found in Aghānī, vol. 14, pp. 229-31; Ansāb, vol. 5, p. 239 and pp. 293-4; Futūḥ, p. 375; and Tabarī, vol. 6, pp. 67-8.
Mukhtār remained in control of Kūfa until 67/686 when MuṣʿAb b.Zubayr, the governor of Baṣra, attacked the city and Mukhtār was killed. When MuṣʿAb took Kūfa, he sent for the wives of Mukhtār. One of them did not criticise her husband, so MuṣʿAb ordered a shurtī to kill her, which he did. ¹

3.4 THE SHURTA IN THE CALIPHATE OF ʿABD AL-MALIK IBN MARWĀN AND HIS SON, WALĪD (72-96/691-714)

3.4.1 The situation in the provinces before ʿAbd al-Malik came to power

After Abdallāh b.Zubayr's death, ʿAbd al-Malik became ruler of the whole Islamic state. He began his rule by setting out to control the tribes and attempting to reorganise the state. After the recent civil war the tribes had won control of the cities in ʿIrāq and the tribal leaders at that time appointed themselves as governors and sāhib al-shurta with alarming frequency.²

A similar chaotic situation prevailed in Khurāsān,³ where the sāhib al-shurta actually killed the governor.

3.4.2 ʿAbd al-Malik's policy towards his people after he came to power

ʿAbd al-Malik realised that the people in the provinces, especially in ʿIrāq and Khurāsān, had not been used to obeying their governors and that they frequently revolted against them. In his speech in Medina

¹ Ansāb, vol. 5, p. 264.
² Ansāb, vol. 4B, p. 164.
³ Futūḥ, pp. 405-6; Tabarī, vol. 6, p. 177; Ibn al-Aṯṭam, vol. 6, pp. 289-91.
in 75/694 CAbd al-Malik mentioned the internal policy which he intended to impose. He announced that he would not be like the 'soft caliph' (i.e. CÚthmân) or the 'cunning caliph' (i.e. MuCâwiya), adding that his policy towards the people would be very strict, so much so that if anybody moved his head in the wrong direction it would be cut off.  

CAbd al-Malik was not even prepared to allow the semblance of informality around the person of the caliph. Sometimes, in MuCâwiya's caliphate, people had shouted at him or given him their opinions in an open way. CAbd al-Malik, however, was determined that the people would not act in this way in his presence and if anyone did, he would be punished. According to Ibn SaCd, on one occasion CAbd al-Malik was addressing the people of Medina at the time of the pilgrimage when a man shouted at him and before he had finished his request the shurta had arrested him.  

It seems that CAbd al-Malik wanted to show himself as a strong autocrat, separate from his people and hard on anyone who undermined his authority.

3.4.3 The governorship of Bishr b.Marwân in CIrâq (73-75/692-94)  
CAbd al-Malik appointed his brother, Bishr, as the governor of CIrâq in 75/692. Bishr's duty was to maintain law and order among the tribes and to strengthen the authority of the government against rebels. According to Balâdhurî, Bishr asked Bishr b.Ghâlib al-Asadî to be his šâhib al-shurta in Basra. However, Ibn Ghâlib refused

because he believed that he could not control the city and that he was not qualified for this job. It would appear from his refusal that Ibn Ghālib realised the enormity of such a task.

3.4.4 The governorship of Hajjāj b. Yusuf, (75-95/697-713)

As is very well-known, Ābd al-Malik appointed Hajjāj b. Yusuf al-Thaqafi as the governor of CIraq in 75/694. According to many historians Hajjāj had served in the shurta force. According to Balādhurī and Ibn Qutayba, Hajjāj had previously been sahib al-shurta in Palestine during the governorship of Abān b. Marwān. According to Ibn al-Aḍtham and Ibn Ābd Rabbihi, when Ābd al-Malik decided to send the army to fight Ābdallāh b. Zubayr, Ābd al-Malik's sahib al-shurta came to him and told him that he had a man in his shurta qualified to be the commander of this army. Ābd al-Malik accepted this suggestion and Hajjāj was successful in his mission, killing Ābdallāh b. Zubayr in 72/691. It would appear, therefore, that Hajjāj had had personal experience of the shurta force and this was to influence him later when he gave precise instructions on the kind of qualities he would require from his own shurta.

In his inaugural address, Hajjāj, like his caliph Ābd al-Malik had done, threatened the people of CIraq when he addressed them in

1. Ansāb, vol.5, p.177.
2. Ibid., p.166; Maḥārif, p.396; Ibn al-Asākir repeats this anecdote (op.cit., vol.3, p.100).
the mosque. In his first days in Kūfa, Hajjāj sent an army from the city to help Muhallab b Abī Ṣufra, the governor of Khurāsān, in his fight against the Khārijites. Ibn al-Aṭham reports that Hajjāj realised that the Kūfans did not want to go to fight the Khārijites. He therefore ordered the sahib al-shurta to kill any man who refused to enlist. Hajjāj also ordered any fugitives to be flogged.¹

The alleged extreme cruelty of Hajjāj and of his shurta force only made the situation worse in a city already notoriously difficult to control. During Hajjāj's time at Kūfa there were a number of uprisings which he had to quell. On one such occasion the Khārijites rebelled in Kūfa under the command of a man called Shabīb b Yazīd. In 76/695, one night, the Khārijites with their leader ran wild through the city of Kūfa attacking the market, the mosque and even Hajjāj's palace. It appears that in this attack the Khārijites intended to kill Hajjāj and his sahib al-shurta, Hawshab. As Hawshab was at home at that time, the Khārijites went to his house and tried to trick him into believing that Hajjāj had sent them to escort him to him.² Hawshab realised, however, that these people had not been sent by Hajjāj, so he closed the door, but the Khārijites killed one of his servants.³

Several points arise from an analysis of this incident. It seems that the Khārijites were able to attack the city whilst the

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3. Ibid.
shurta were apparently not there to prevent them, or it is possible that they were too few in number to provide any strong resistance. The historians do not explain the situation in the city or how the Khārijites attacked the city without any resistance. Probably they attacked without the shurta being aware of it. Perhaps this explains why the sāhib al-shurta was not on duty but was at home instead. Hajjāj was not able to capture Shabīb even with the help of the shurta and the army of Kūfa. Therefore he asked ʿAbd al-Malik to send Syrian troops to fight with the Khārijites. After the arrival of these troops, Hajjāj succeeded in killing Shabīb and bringing the revolt to an end.¹

In Hajjāj's time a man called Rabāḥ al-Zinjī revolted with his fellow negroes and made trouble throughout the region of the Euphrates. According to Jāhiz, Hajjāj sent the deputy of the sāhib al-shurta in command of an army to attack the negroes. But this deputy was defeated and killed.² From this incident it is clear that on occasion the sāhib al-shurta went outside the city to fight against the rebels, if the governor ordered it. Therefore, his authority could extend beyond the city limits whenever the governors made such a request.

In 77/696, Hajjāj decided to dismiss the governor of Hamadhān. Fearing the governor's wrath he sent a letter to the sāhib al-shurta and ordered him to imprison the governor. The sāhib al-shurta

1. Ṭabarî, vol.6, pp.40-42.
2. Thalāth, p.65.
himself became the governor as a reward for services rendered.  

In 82/701, Hajjāj faced a most dangerous revolt which was led by ʿAbd al-Rahmān b. al-Ashʿath. According to Ibn al-Aṯḥam, one day Hajjāj asked his scribe to choose a man for the post of sāḥib al-shurṭa. The scribe advised Hajjāj to appoint ʿAbd al-Rahmān b. al-Ashʿath as his sāḥib al-shurṭa, and Hajjāj agreed. Ibn al-Aṯḥam adds that al-Shaʿbī was sent to Ibn al-Aṣḥath to tell him that Hajjāj wanted to appoint him to the post of sāḥib al-shurṭa. But Ibn al-Aṣḥath became angry when he heard this. He replied by asking how he could carry the sword and walk under Hajjāj's hand. Ibn al-Aṣḥath refused that office because he saw himself as better than Hajjāj and he wanted to be the governor instead of him. From this incident it seems that Ibn al-Aṣḥath's main reason for revolt was his hatred of Hajjāj and his ambitious nature. Hajjāj appointed him as commander of the army to fight the Turks in 82/701. When Ibn al-Aṣḥath wanted to revolt against Hajjāj, he and his sāḥib al-shurṭa were the leaders who addressed the soldiers inciting them to revolt against Hajjāj. When Hajjāj defeated Ibn al-Aṣḥath, he ordered every leader of that revolt to be killed. Therefore, in 83/702, Hajjāj ordered the death of Ibn

1. Tabarī, vol.6, pp.294-95.  
3. Ibid.  
4. One of the ancestors of Ibn al-Aṣḥath was apparently the king of Kinda before Islam.  
al-Ashath's sahib al-shurta. Hajjaj also ordered his own sahib al-shurta to execute one of Ibn al-Ashath's supporters. According to Ibn al-Asakir, Hajjaj ordered the shurta to arrest al-Hasan al-Basri because he was Ibn al-Ashath's supporter. Thereafter, it seems that no one escaped from Hajjaj and his shurta and the authority of his government became very strong since he decided to keep the Syrian army in Iraq, whom he had called in to help him put down the revolt.

Hajjaj remained as governor of Iraq and the whole of the eastern provinces after Abd al-Malik's death in 86/705. In the caliph Walid's time, the situation was very quiet and the sources do not mention any activity of the shurta.

3.4.5 The activity of the shurta under the last Umayyad caliphs (96-132/714-750)

After Walid's death his brother, Sulayman (96-99/714-17), came to the throne and the circumstances in the provinces altered completely. Sulayman changed most of the governors who had been appointed by the caliph Walid. This often meant that the sahib al-shurta was also changed because when governors were changed by caliphs, the new governor also appointed his sahib al-shurta who was his relative or from his tribe or at least from a friendly tribe.

2. Ibid., p.380.
In the short caliphate of Sulaymān, the historians do not mention any great activity of the shurta. Before his death Sulaymān appointed in his will his pious cousin, ʿUmar b. ʿAbd al-ʿAzīz to be caliph and Yazid b. ʿAbd al-Malik after him. Sulaymān, on his death bed, ordered his sahib al-shurta to assemble the Umayyads and asked Rajaʿ b Haywa to read his will to them. According to this will, the Umayyads had to give homage to the new caliph whom Sulaymān had appointed. It seems that the sahib al-shurta played an important role in this by gathering the Umayyad family to be present when Rajaʿ read the will. He was also a great help to Rajaʿ in that he threatened anyone who refused to give homage to the person whom Sulaymān appointed.

ʿUmar b. ʿAbd al-ʿAzīz ruled from 99-101/717-19. According to the sources, ʿUmar radically changed the Umayyad administration and appointed religious men to the post of governor, even subjecting would-be governors to a moral examination. For example, when Bilāl b Abī Burda came to Damascus and prayed in the mosque, ʿUmar sent someone to examine his piety, telling his messenger to ask Bilāl, 'If I asked the caliph to appoint you as the governor of ʿIrāq, what would you give me?' The man delivered the message to Bilāl, who said in reply that he would give him a great deal of money to gain the appointment as governor of ʿIrāq. On learning this, ʿUmar did not appoint him because he pretended to be a religious man in order to obtain the job of the governor.¹

ʿUmar's religious policy had an effect on the shurta's activity

¹ Wakī, vol. 2, p. 27.
and also on internal affairs. According to Kindī, ʿUmar appointed Ayyūb b. Shurhabīl as the governor of Egypt and ordered him to close down and destroy all places where strong drink was consumed. 1 

ʿUmar instructed all governors to punish every evil doer and to imprison them. He also ordered the governors to separate the men from the women prisoners in the prisons. 2 ʿUmar was very strict with anyone who drank in public. For example, according to Ibn Saʿd, ʿUmar ordered non-Muslims to take alcohol into the Muslim cities, 3 and then punished everyone who drank alcohol in public.

In spite of his religious policy and his piety, ʿUmar still felt the need to protect himself by the shurta and harās. According to Dhahabī, ʿUmar had three hundred shurta and three hundred harās.

In 101/719 ʿUmar died after a short reign and was succeeded by Yazīd b. ʿAbd al-Malik. In Yazīd's caliphate the historians do not mention any important activity of the shurta, even in the revolt of Yazīd b. Muhallab against the caliph. It seems that the shurta were outnumbered by the rebels and therefore the army was brought in to quell the revolt.

Yazīd b. ʿAbd al-Malik's successor was Hishām b. ʿAbd al-Malik, 105-125/723-42. In Hishām's caliphate the Umayyad state was in difficulty but because of Hishām's ability and his excellent governors, like Khālid al-Qasrī, 105-120/723-737, in ʿIrāq, the Umayyad state

1. Wulāt, p.89.
3. Ibid., p.365.
lasted for another thirty years. In spite of Hishām's policy to restore stability in the provinces, many revolts occurred in his time. The shurta were engaged in dealing with these revolts, and had become less responsible in the observance of their duties. For example, in 119/737, in the governorship of Khālid al-Qasrī in Cīrāq, the Khārijites revolted against Khālid al-Qasrī because of his policy of permitting non-Muslims to build their places of worship, and taking them into his service. This revolt was led by the Khārijite Bahlūl. When Khālid al-Qasrī heard about the revolt he ordered six hundred Syrian troops to deal with the rebels and also ordered two hundred shurta of Kūfā to go with the Syrian army. But before the battle started the Syrian army commander did not allow the shurta to fight with them against the rebels. When the fight started the Khārijites defeated the Syrian troops and the Syrians escaped on their horses. When the shurta saw that, they escaped too. According to Tabarī, the shurta escaped on foot because, unlike the Syrians, they did not have horses. When Bahlūl and his followers reached the shurta, the shurta begged the Khārijites not to kill them, and managed to escape. It seems that the intense rivalry between the Syrians and the shurta led to their defeat, because if they had been united they would probably have defeated the Khārijites. The shurta did not fight against the

2. Ibid.
3. Ibid.
4. Ibid.
Khārijites but preferred to escape, and this meant that they were no longer serious and faithful to the government, as before.  Ţabarî also relates the revolt of another rebel against Khālid al-Qasrî in Ǧīrāq. This was the revolt of Wazīr al-Sakhtiyānî in Hīra in 119/737. His followers killed everyone they saw and burned down every village they saw. However, when Khālid heard about that he sent the shurta of Kūfa to fight the rebels. The shurta were successful, killed the rebels and took their leader prisoner.  In 120/737 Khālid al-Qasrî was dismissed and was replaced by Yūsuf b ǦUmar al-Thaqafî, 120-126/737-743. In his governorship the Shiites revolted under the command of Zayd b. ĞAli in 122/739. The shurta played their role in that revolt but they were not very successful in ending Zayd's revolt. According to the sources, when Zayd b. ĞAli came to Kūfa the Shiites asked him to lead a revolt against the Umayyads. The Kūfans gave him their homage, but when Yūsuf b ĞUmar, the governor of Ǧīrāq, heard about Zayd's activity in Kūfa, he sent a message to his deputy in Kūfa to gather the men of Kūfa into the courtyard of the mosque. This he did. The shurta told the people that anyone who was not in the mosque would be killed. The shurta also searched unsuccessfully for Zayd b. ĞAli in the houses but that night Zayd and his followers began their revolt and went out into the streets to fight the Umayyads.

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2. Ibid.
3. Ibid., pp. 180-81; Maqātīl, p. 136.
The deputy of Kūfa ordered his sāhib al-shurta to patrol the streets of Kūfa. When the sāhib al-shurta was patrolling the streets, he saw Zayd's followers. Thereupon, the fight began, during which the sāhib al-shurta was killed and the shurta escaped. In this incident the shurta escaped without continuing the fight. When Yūsuf b. Umar heard that, he ordered his sāhib al-shurta to command the Syrian army and to attack Zayd and his followers in Kūfa. In the battle between the new force and Zayd and his followers, Zayd was wounded and after a short time he died. Zayd's followers buried him but Yūsuf's sāhib al-shurta discovered his grave and sent Zayd's head to Yūsuf b. Umar in Hīra.

It seems that the Syrian troops stationed in the garrison cities in cIraq were very active, especially after Ibn al-AshCath's revolt, when the troops settled in Wāsit and major cities like Kūfa and Basra. As the historians mention, the people of cIraq hated that. This hatred probably had an effect on the shurta of Kūfa and Basra because they were recruited from the tribes of cIraq. They hated the Syrians being the guardians of the cities and taking over the shurta's duty which was to be the protectors of these cities. We can see that the shurta, by the later Umayyad period, had become a secondary force, unlike in the time before the Syrians came and settled in cIraq. The shurta were then the main force which fought against rebels. With the coming of many troops to cIraq at

2. Ibid.
the request of Hajjāj in 82/701 to help put down the revolt of Ibn Ashcath, the situation changed for the shurta. These new troops remained and, as mentioned before, they took over some of the duties of the shurta, especially in dealing with the rebels against the Umayyad government.

The caliph Hishām died in 125/742 and was succeeded by his nephew, Walīd b. Yazīd, 125-126/742-43. In Walīd II's short reign Zayd b. 'Alī's son, Yahyā, was killed. Jāhiz reports that after Yahyā was discovered in Khurāsān, the sahib al-shurta, Salam b. Ahwaz, of the governor of Khurāsān, Nasr b. Sayyār, killed him. In 126/743 the caliph Walīd II was killed and the Islamic state was engaged in civil war until 132/750 when the Umayyad state was brought to its end by the Abbāsids.

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Chapter 4

THE ŞĀHĪB AL-SHURṬA IN THE UMAYYAD PERIOD
Chapter 4

THE SÄHIB AL-SHURTA IN THE UMAYYAD PERIOD

4.1 THE PERSONAL QUALITIES EXPECTED OF THE SÄHIB AL-SHURTA

As discussed earlier, the sähib al-shurta was one of the men closest to the caliph or the governor. He needed, therefore, to be trustworthy. The historical sources available show that the sähib al-shurta was expected to possess certain qualities in order to be appointed to this important post. According to Yakübi, Ziyäd b. Abîhi said that the job of shurta could only be administered by old and experienced men. Ziyäd added that the sähib al-shurta should be tough and not careless.

Other historians indicate that Hajjäj b. Yusuf al-Thaqafi also required certain qualities from the sähib al-shurta. Ibn Qutayba reports Hajjäj as having said, 'Tell me about a suitable man for the office of sähib al-shurta'. Then someone asked him: 'What kind of man do you want?' Hajjäj replied that he wanted a man who constantly scowled, was patient and trustworthy, not given to treachery nor furious when presented with the truth, and impervious to the intercession of high-ranking people. Then Hajjäj was advised to appoint Abd al-Rahmän al-Tamimi as his sähib al-shurta. This

2. CUYûnî, vol.1, p.16.
3. Ibid.

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story is also reported by Ibn al-Atham who also mentions why Hajjāj wanted these qualities from his sahib al-shurta. Ābdal-Rahmān b. al-Ashath was offered the post of sahib al-shurta but he refused it. The scribe came to Hajjāj's scribe and told him this. The scribe did not want to make Hajjāj angry, so he told him that he did not want Ibn al-Ashath to be sahib al-shurta because the latter was soft and easily swayed. Finally Hajjāj appointed Ābdal-Rahmān b. Ībād as his sahib al-shurta. Ibn al-Atham adds that Ābdal-Rahmān asked Hajjāj in his turn not to allow his (Hajjāj's) family and associates to come with requests for preferential treatment to him. Hajjāj agreed to this condition and ordered that an announcement should be made to the people that if anyone asked Hajjāj's family to mediate between them and the sahib al-shurta he would be killed.

Tabari stresses that the sahib al-shurta should be honest and cites an anecdote in this connection. Īmar b. Hubayra, the governor of Irāq during the caliphate of Hishām b. Ābd al-Malik, appointed Muslim b. Sa compared to the governor of Khurāsān in 106-724. Īmar advised Muslim to urge his sahib al-shurta to be honest. Ibn Ābd Rabbihi, writing from far-away al-Andalus, has a similar story, saying that when Īmar b. Hubayra made Muslim b. Sa governor of Khurāsān, Īmar said to him:

'There are three pieces of advice that I recommend that you follow. Your chamberlain (hājib) is

2. Ibid.
the face with which you see people. If
he does good then you do good, and if he acts
wickedly then you act wickedly. As for the
šāhib al-shurta who is your lash and your
sword, wherever he puts them, you put them.

It is interesting to note that these two writers have similar
stories and that they extract the same interpretation from the
information. Thus Ibn Ğabd Rabbihi points out that if the šāhib
al-shurta was not honest in carrying out the governor's orders,
then he might cause shame to the reputation of the governor, even
though the governor might know nothing about it. Whenever an
unpopular decision or action was taken, even if on the initiative
of the šāhib al-shurta alone, it was always the governor who
received full blame.

According to Balādhuri, the governor of Küfa, Ğabdallāh b
Muṭi', during the caliphate of Ğabdallāh b.Zubayr, exhorted the
šāhib al-shurta to be well-mannered to the people but tough towards
suspects and criminals.

The qualities mentioned in the foregoing discussion are
described as ideally to be possessed by the šāhib al-shurta. Of
course, the reality was rather different. Commenting on this,
Levy writes that the people who held the office of the šāhib
al-shurta were famous for their cruelty and unscrupulousness.

Whilst it is clear that the men who were šāhib al-shurta were tough,

1. Ibn Ğabd Rabbihi, op.cit., vol.1, p.15.
   vol.1, p.366.
perhaps Levy goes too far when he calls them unscrupulous. Certainly, the latter term implies that they would go to any lengths to achieve their aims. It would, however, appear to be the case that most šāhib al-shurṭa were respectable, honourable men, at least by the standards of their time. They carried out the orders of their governors to the best of their abilities. Of course, at times, too much force may have been used against criminals, especially in the period of Ziyād and Hajjāj, but this was a period of great instability and it was vital to maintain law and order at all costs. The standards of cruelty were usually set by the governors, and their šāhib al-shurṭa modelled their own behaviour on that of their masters. An especially cruel governor, such as Ziyād, is credited in the sources with having an equally cruel šāhib al-shurṭa.\(^1\) Similarly, Abuʾl Faraj mentions that ʿAbdallāh b. Muʾawiya carried out cruel and tough policies and that his šāhib al-shurṭa was equally tough, killing anyone who left his house at night.\(^2\)

It is amusing to note that on occasion the similarity between the governor and the šāhib al-shurṭa extended to their physical characteristics. According to Ibn Qutayba, the governor of ʿIrāq in the caliphate of ʿUmar b. ʿAbd al-ʿAzīz, ʿAbd al-Rahmān b. Zayd had a limp and his šāhib al-shurṭa in Kūfa, Qaṭṭāb b. Suwayd also limped. This prompted the poet to write the following lines:\(^3\)

\[\text{لاَمَّا نَفَّذَتُ كُلَّ نَفَّذَةَ عَلَى نَفَّذَةِ عَلَى نَفَّذَةٍ} \]

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1. Ansāb, vol. 4A, p. 171.
4.2 THE POST OF SĀHIB AL-SHURTA IN THE UMAYYAD PERIOD

In the Umayyad period the institution of shurta was found both in the capital and in the major cities of the Islamic empire. The head of this institution was the sāhib al-shurta who was responsible either to the caliph in the capital or to the provincial governors.

In this section the relationship of the sāhib al-shurta with the caliphs and governors will be analysed and the requirements and expectations of the office will be discussed.

4.2.1 The relationship between the sāhib al-shurta and the caliphs and the governors

The caliph was the head of the Islamic state; he ruled the country with the help of a few men, one of whom was the sāhib al-shurta. When the Umayyads came to power in 40/661, the first caliph of that dynasty, Muṣṭawiya, increased the importance of the shurta and its commander by making the institution the most important internal force for the imposition of law and order as well as using this body as protector against his personal enemies. The office of the sāhib al-shurta in the capital Damascus during the Umayyad period became the most important and powerful position at court after that of the caliph himself. As far as the provinces were concerned, the office of sāhib al-shurta was next only to that of the governor.

The usual progression of promotion in the higher levels of government would appear to have been that the provincial governors would provide the pool from which the caliph's highest official, the sāhib al-shurta, would be appointed. There are many examples
in the sources of this practice. Mu'awiya appointed the governor of Kūfa, Dāhhāk b. Qays al-Fihrī as his šāhib al-shurṭa.\(^1\) Similarly, Marwān b. Ḥakam appointed Āmr b. Sa'īd b. al-Ḳās, who was the governor of Medina in 61/680, as his šāhib al-shurṭa in 65/684 in Egypt.\(^2\)

A similar procedure was followed by the anti-caliph, Ābdallāh b. Zubayr, when he seized power in the Arabian peninsula in 64-73/683-692. He originally appointed Ābdallāh b. Mutṭī as governor of Kūfa in 66/685. Thereafter, when that governor escaped from Mukhtār at the time of the latter's revolt, Ābdallāh b. Zubayr appointed him as his own šāhib al-shurṭa in Mecca.\(^3\)

One of the major duties of the šāhib al-shurṭa in the capital was to act with his men as protector of the caliph whenever the latter went out of his palace.\(^4\) This practice was also followed in the Umayyad period by the provincial governors who also began to protect themselves. In Ḥiraq, whenever the famous governor Ziyād b. Abīhi went out, he was protected by guards, and the šāhib al-shurṭa walked in front of him with his lance in his hand.\(^5\)

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3. Ibid., vol. 6, p. 9; Aghānî, vol. 15, p. 152.
4. Ibid., vol. 7, p. 7; Kathîr, vol. 9, p. 212. According to Ibn al-Jawzî (d.597/1200), when Īmar b. Ābd al-Ḳāsīz became caliph the šāhib al-shurṭa arrived with horses and men in order to walk before the new caliph as his bodyguards. But Īmar refused protection and taking his horse he walked freely with the people.* This later account may well be of dubious authenticity and it certainly conflicts with the evidence of earlier historians such as Ibn Sa'd** and Dhahabî,*** who say that Īmar II was protected by both shurṭa and harṣat. Dhahabî mentions that Īmar II had 300 shurṭa and 300 harṣat.
Inside the palace, the šāhib al-shurta also had a protective role to play. He would stand near the caliph, ready to defend him if necessary, to silence, dismiss or even execute a man on the order of the caliph. During an argument between the caliph Walīd b. ČAbd al-Malik and his cousin ČUmar b. ČAbd al-ČĀzīz, the šāhib al-shurta was present in the caliph's court. According to one source, the šāhib al-shurta told ČUmar that he would behead him, should he receive the order to do so from the caliph, as Walīd was becoming displeased with ČUmar's argument.1 On another occasion, it happened that someone in the court of ČUmar b. ČAbd al-ČĀzīz made an offensive remark and the šāhib al-shurta, who was attending the court, immediately ordered the man to leave. But this time the caliph countermanded the order of the šāhib al-shurta and asked the man to stay.2 A third incident was when the caliph ČAbd al-Malik decided to execute ČAmr b. Sačīd b. al-ČĀs for conspiracy. He ordered the šāhib al-shurta, who was attending the court, to carry out the execution.3

Because of the importance and the responsibility wielded by the šāhib al-shurta in the palace, the caliphs were careful only to appoint people to these posts whom they considered to be faithful and trustworthy. The example of Mučawiya may be cited here. As he lay dying, he called two people to his bedside in order to confide his last wishes to them, stating in particular that he wished to be succeeded by his son Yazīd. One of these two men was his šāhib

2. Ibid., vol.18, p.165.
al-shurta, Dāhīk al-Fihrī.¹

The political importance of the office of the šāhib al-shurta in this period is also demonstrated by another incident at a death-bed. As he was on the point of death, Sulaymān b. ʿAbd al-Malik (96-99/714-17) summoned his šāhib al-shurta to give him his order that after his death the šāhib al-shurta should assemble Sulaymān's family and kill anyone who refused to abide by the terms of his will.²

In addition to the privilege of attending the courts of the caliphs and governors, the šāhib al-shurta had the right to make suggestions concerning the internal affairs of a state or city, especially in matters of security. For instance, during the caliphate of ʿAbdallāh b. Zubayr the governor of Kūfa was advised by his šāhib al-shurta to imprison Mukhtār al-Thaqafī for being a trouble maker.³ In another incident, the šāhib al-shurta of the governor of Kūfa, Mughīra b. Shuʿba (41-50/661-670) reported to his master that there were some people planning to make trouble and advised him to be aware of them.⁴ Another example is reported by Ibn al-Aṭham. The šāhib al-shurta of the governor of Khurāsān, in the caliphate of ʿAbd al-Malik b. Marwān, came to the governor and informed him that the ex-governor, whose name was Bukayr b. Wishāh, was planning to revolt against him and that the governor should imprison him.⁵

¹. Ṭabarī, vol. 5, p. 323.
². Abū Hanīfa, op. cit., p. 332.
³. Ṭabarī, vol. 6, p. 11.
⁴. Ibid., vol. 5, p. 181.
As mentioned before, the duty of the šāhib al-shurta was to protect the caliph from his internal enemies and to be responsible for the security of the capital. Not surprisingly, if the šāhib al-shurta neglected his responsibilities, the security of the capital and the whole state could be put in jeopardy. The following anecdote illustrates the consequences of dereliction of duty by the šāhib al-shurta. In 126/743 Yazīd b. Walīd decided to capture Damascus from the caliph Walīd b. Yazīd. The caliph Walīd was away from the city and had put one of his relatives in charge. But when the rebels decided to capture the city, the caliph's deputy was away as well. For this reason the šāhib al-shurta and the son of the deputy of the caliph were in charge of the security of the city. When the rebels attacked the great Mosque of Damascus and took prisoner all the guards of the Mosque, as well as capturing the caliph's palace, the šāhib al-shurta was apparently drunk. Thus the capturing of Damascus proved to be surprisingly easy.

So much for the political role of the šāhib al-shurta in the palace of the caliph himself and in Damascus. It is clear that the office involved a high degree of responsibility and confidentiality and that the šāhib al-shurta was one of the closest advisers and associates of the caliph.

A similar situation existed in the provinces of the Umayyad state where each governor (wālī) was provided with a šāhib al-shurta, who was the most important and powerful man, after the governor himself. In those troubled times, especially in the garrison cities

of зван, the șahib al-shurta played a key role in the imposition of
central authority and the maintenance of law and order.

At certain times in some provinces such as зван and خراسان, there was an overall governor (والي) for the whole area and at the
same time each major city had sub-governors (قائم). Both the
والي and قائم, in such a situation, had their own șahib al-
shurta. Thus the pattern in the capital was repeated on two
levels in the provinces.

Frequently, the șahib al-shurta would be required to take the
place of the governor when the latter was away. This was especially
the case in Egypt where many governors were absent from فسطات during
the time of يزید b, معاویة and the șahib al-shurta deputised. The example of șابذ al-فازیز b, مروان, the governor of Egypt (65-84/
285-703) during the caliphate of șابذ al-مالک b, مروان may also be
cited. This governor left Egypt for Syria to visit the caliph,
having appointed his șahib al-shurta as his deputy. There are
other references of this kind which indicate that it was the usual
practice for the șahib al-shurta to deputise for the governor. Usually the șahib al-shurta would simply follow the policies of the
absent governor when deputising. Occasionally, however, he would

1. For example, حجاج was governor of зван and there were sub-
governors in خوفا and بسرا. Similarly, خالد al-قاسری was
governor of the whole of зван in the caliphate of حسین
(105-125/723-742).
2. Wūlāt, p.62.
3. Ibid., p.73.
4. e.g. Ibid., p.95.
govern the province according to his own views, which did not always please the governor. One such šāhib al-shurṭa was ʿAbd b. Ṣaʿīd who, in the absence of the governor ʿAbd al-ʿAzīz b. Marwān, decided of his own accord to increase the salaries of the jund of Fustāṭ. On his return the governor did not approve of this course of action but he was faced with a dilemma. If he reversed this decision he would anger the troops. So he agreed with the increase in salary. Kindī records this incident and mentions that the šāhib al-shurṭa told the governor that he was at liberty to change the decision if he wanted. ¹

Normally the selection of the šāhib al-shurṭa was made in the provinces by the governor, who chose a man known to him to be loyal. Whenever there was a change of governor, the šāhib al-shurṭa was changed too. The sources, when making a precise reference to the post of a šāhib al-shurṭa in the Umayyad period, do not mention the šāhib al-shurṭa of this or that province but the šāhib al-shurṭa of this or that governor. This suggests strongly that a new šāhib al-shurṭa would be appointed immediately after the arrival of a new governor.

The šāhib al-shurṭa not only became deputy for the governors but at times replaced them. In the caliphate of ʿAbd al-Malik b. Marwān, the governor of Hamadān was eventually replaced by the šāhib al-shurṭa. ² Another such example of a šāhib al-shurṭa replacing a governor was in the caliphate of Hishām who dismissed the governor of Egypt and appointed the šāhib al-shurṭa of Fustāṭ,

¹. Wulāṭ, p. 70.
². Tabarī, vol. 6, p. 294.
whose name was Hafṣ b. Walīd to that position.¹

Sometimes when a governor died, the sahib al-shurta would be at the head of the interim government in the province until a new government was appointed. It is clear from this custom that the sahib al-shurta had a natural claim to the post of governor of the province; he was the obvious choice on the spot to take overall authority. Kindi cites in this connection the example of ²Abd al-Rahmān b. Khālid al-Fahmī, formerly the sahib al-shurta in Fustāt who in 117/735 was appointed governor of Egypt.

It should be added in this analysis of the duties of the sahib al-shurta in the Umayyad period that other functions were ascribed to the office by later historians. In particular, there is an account by Ibn Taghrībirdī which includes the duty of acting as prayer-leader amongst the functions of the sahib al-shurta.³ What the author's evidence for this account is, is not clear but it would appear that no earlier extant source mentions any similar story. Since in the Umayyad period the sahib al-shurta was the caliph's major adviser and official, it is not, however, inconceivable that if the caliph was absent from the prayers, the sahib al-shurta should deputise for him. The caliph in question in Ibn Taghrībirdī's account was Yazīd b. ⁴Abd al-Malik (101-105/719-23) who was noted by the earlier historians as being negligent of his responsibilities.

1. Wulāt, p. 96.
2. Ibid., pp. 98-101.
4.3 THE INFLUENCE OF TRIBALISM IN THE APPOINTMENT OF THE SĀHIB AL-SHURTA IN THE UMAYYAD PERIOD

4.3.1 Caliphs who consistently kept to a tribal policy

A policy of favouring certain tribes to the detriment of others was vigorously adopted by many Umayyad caliphs. This process of gaining support for their regime can be traced clearly in their selection of suitable people to hold the office of sāhib al-shurta.

Yazīd, son of Muḥāwiya I, adopted a policy of tribalism, favouring the Yemeni tribes over others. Much of Yazīd's support came from the Yemeni tribes (especially the Kalb tribe). Probably this marked preference sprang in part from the influence of Yazīd's mother who was from the Yemen tribes. Another reason for his opting for officials from the Yemen tribes was that it was they who supported him in his fighting against CAbdallāh b. Zubayr.

The sāhib al-shurta during Yazīd's short reign came, therefore, from the tribes of Yemen and the man appointed was Humayd b. Hurayth b. Bahdal al-Kalbī.⁵

After the death of Yazīd in 64/683, he was succeeded as caliph by his son Muḥāwiya who died after only two months without nominating his successor. In the Hijāz, CAbdallāh b. Zubayr declared himself caliph, while the office of the caliphate was empty in Syria. In this disturbed period, the loyalties of the Arab tribes were

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1. There is always a problem of definition over tribes and clans in the sources. For the sake of clarity, the two major tribal groupings are cited here as Mudar and Yemen although this simplification may be a little crude.

divided. The leaders of the Muḍar tribes, Dahḥāk b. Qays and Zufar b. al-Ḥārith, supported Ibn Zubayr in Syria, while the Yemeni tribal groups in Syria, such as Kalb, Ghassān favored the Umayyad claimant, Khālid b. Yazīd. It is not surprising that the tribes of Yemen, in particular the Kalb tribes, were supporters of Khālid since their leaders were the maternal uncles of Khālid.¹

As is well-known, the eventual outcome of this power struggle was that Marwān b. al-Hakam, a senior leader of the Umayyad family, was elected by the Yemenite tribes as caliph, on condition that he agreed to appoint Khālid b. Yazīd as his successor. These tribes also insisted on having a special share of the state revenue and on being given the best posts.² It was natural, therefore, that during the caliphate of Marwān the official government posts should be occupied by Marwān's supporters who came from the ranks of the Yemenite tribes in Syria. As regards the office of ʾṣāhib al-shurta, Marwān appointed Yahya b. Qays b. Ḥarīth al-Ghassānī.³

When Walīd b. ʿAbd al-Malik became caliph in 86-96/705-714 the situation changed because Walīd was committed to the Muḍar and markedly favoured them. Walīd's attitude may have sprung from the fact that his mother came from this tribal group (she was from the Banū ʿAbs).⁴ This helps to explain his action in

1. Ibid., vol.5, p.128.
2. Masʿūdī, op. cit., vol.3, p.95. This condition was the same condition which the Kalb tribe had made with Muʿawiya.
distributing most official posts among the Mudar tribes from whose ranks came Hajjāj who was the favoured governor of Walīd. Walīd's sahib al-shurta was Kaćb b. Hāmid al- Absī, the same man who had been the sahib al-shurta of Ābd al-Malik. Also he was Walīd's maternal uncle (khāl).

Another caliph who favoured the Mudar tribes was Yazīd b. Ābd al-Malik (101-5/720-4). No doubt he was influenced to some extent by his wife who came from the Banū Ṭhaqīf (from the Mudar tribes). During his caliphate the post of sahib al-shurta was occupied by Kaćb b. Hāmid al- Absī from the Mudar tribes, the same man who was the sahib al-shurta for Yazīd's father and his two brothers, Walīd and Sulaymān.

After Yazīd's death in 105/724, the next caliph, his brother Hishām, favoured the Mudar tribes, hating the Yemeni tribes. He retained the sahib al-shurta, Kaćb b. Hāmid al- Absī, in his position and when after thirteen years Kaćb was appointed governor of Armenia, the post of the sahib al-shurta was occupied by another person from the same tribe of Kaćb, whose name was Yazīd b. Yacli b. Ḍakham al- Absī.

A similar policy of showing favour to one particular tribal group over another was followed in the short reigns of the remaining

2. Tabarī, vol.6, p.548; Ibn Ābd Rabbīhi, op.cit., vol.5, p.188.
Umayyad caliphs after Hishām. For example, Yazīd b. Walīd (ruled 126/744) appointed as sāhib al-shurta a man called Bukayr b. Shamākh al-Lakhmī. He came from the Yemen tribes on whose support Yazīd had leaned in his struggle against Walīd b. Yazīd.¹

4.3.2 Caliphs who showed a more flexible policy towards the tribes (a) Certain Umayyad caliphs showed themselves to be more flexible in their attitude to the tribes but this was often from weakness rather than strength and for personal reasons. Before the Umayyad caliph Sulaymān came to power he was a supporter of the Mudar tribes against the Yemenī tribes.² Sulaymān's mother was from the Mudar tribes and, according to Ibn Ăabd Rabbihi, Sulaymān spent his childhood with the ĂAbs, with his uncle's family.³ When Sulaymān became caliph in 96/715, however, he appointed Yazīd b. Muhallab, who came from the Yemenī tribe, as governor of ĂĪraq and ordered him to punish the family of Hajjāj. It appears that Sulaymān did not desert his early loyalty to the Mudar entirely but he had been angered by some Mudarī governors like Hajjāj, Qutayba b. Muslim and Muhammad b. Qāsim al-Thaqafi who had supported Walīd b. Ăabd al-Malik against him, especially when Walīd had wanted to appoint his son instead of Sulaymān as caliph. Nevertheless, Sulaymān kept Ka Ăb b. Ḥāmid al-ĂAbsī as his sāhib al-shurta,⁴ the same sāhib al-shurta

3. Ibn Ăabd Rabbihi, op. cit., vol. 5, p. 188.
4. Ţabarī, vol. 6, p. 551.

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who had served his father and his brother before him.

During the short time of Walīd II, 125-6/743-4, the Mudar tribes were the preferred group. Once again, through his mother, Walīd II was related to the Mudar (in this case, Banū Thaqīf).\(^1\) According to Abū Hanīfa Dīnawarī, Walīd II wrote a poem in which he vilified the Yemenī tribes.\(^2\) The Yemenī tribes, in their turn, stood with Yazīd III against Walīd II, a struggle which culminated in the killing of Walīd II and the accession of Yazīd III in 126/744.\(^3\) In spite of Walīd's hostility to the Yemenī tribes, historians mention that his šāhib al-shurta was from the Yemenī tribes. According to Ya˚qūbī, his šāhib al-shurta was Ābd al-Rahmān b. Hamīd from the tribes of Yemen (Kalb).\(^4\) Khalīfa b. Khayyāt says that the caliph Walīd II appointed a šāhib al-shurta from the Yemenī tribes who was then dismissed in favour of another man from the Yemenī tribes whose name was Ābdallāh b. Āmir al-Kīlāt.\(^5\) These historians do not mention any explanation for Walīd's appointment of the šāhib al-shurta from the Yemenī tribes whilst he was known to be hostile to this tribal group. Walīd II was notorious for his profligate ways\(^6\) and he antagonised many of his relatives and followers but his

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3. Ibid., pp.348-9.
motivation for his selection of sahib al-shurta remains unclear.

From the preceding discussion it is clear that many of the Umayyad caliphs appointed to the office of sahib al-shurta someone belonging to the tribes who had supported them against their opponents in their struggle for power. It should be added that a similar process operated in the provinces when a governor chose his sahib al-shurta. It is noteworthy that the post was never occupied by a non-Arab throughout the Umayyad period. Only a few, more capable, Umayyad caliphs chose people for this office on a super-tribal basis.

In view of their policy of tribalism, it is not surprising that Umayyad caliphs and governors did not appoint clients (mawāli) to the post of sahib al-shurta nor indeed to any of the great state offices. There would appear to be only one exception in the sources to this general exclusion of the mawāli from high state office. According to Kindī, Bishr b. Safwān, the governor of Egypt in 101/719 appointed Shucayb b. Humayd al-Balwi who was a client as his sahib al-shurta. After a few days Shucayb was


2. The mawāli were allowed to work on the land and in the markets and to perform other tasks which the Arabs did not want to do. According to one source, Muḥāwiya told two tribal leaders from Basra that he was concerned about the increase of mawāli influence inside Basra and that he feared they might take over the Arabs. Muḥāwiya also mentioned to these two leaders that he would kill half of the mawāli and let half of them work in the market or on the road. Ibn ʿAbd Rabbihi, op.cit., vol.3, p.364.
discharged from his post.¹ This client, according to Kindī, had a respectable religious background because his grandfather was one of the Prophet's companions.² Kindī does not, however, explain why this man was dismissed so quickly but he does add that Bishr b. Safwān subsequently appointed his own brother to the office.

(b) It was the two most gifted Umayyad politicians, MuǦawiya and CAbd al-Malik who seem to have been able, for certain periods at least, to rise above tribal problems. When MuǦawiya b. Abī Sufyān came to Syria as its governor in 18/639, he was supported by the tribes of Yemen (particularly the tribe of Kalb), especially when he demanded revenge for his kinsman's, CUthmān's, death. MuǦawiya had two obvious links with the Kalb. Firstly, Nā'īla, the wife of CUthmān, was from the Yemenī (Kalb) tribes³ and when her husband was murdered the Yemenī tribes (Kalb) supported MuǦawiya against CAlī. Secondly, MuǦawiya himself married a woman of this tribe who became the mother of Yazīd I.⁴ When MuǦawiya became caliph he made certain promises to the Yemenī tribes, that they would enjoy a special share of the state revenue and have the best positions in MuǦawiya's court.⁵

¹ Wu15t, p. 91.
² Ibid.
³ Ansāb, vol. 5, pp. 11-12.
⁴ MuǦawiya married this woman when he was governor of Syria in CUthmān's time. Ibid., vol. 4A, p. 127, and Ibn CAbd Rabbihi, Rabbihi, op. cit., vol. 5, p. 123.
⁵ MasǦūdī, op. cit., vol. 3, p. 95.
After he became established in the caliphate, however, Mu'awiyah used his great diplomatic skills in dealing with tribal leaders and was able to rise above too much partisanship to maintain harmony and balance between the two major tribal groupings, the Yemeni and the Mudar. He made particular efforts to conciliate the Mudar although it was with the Yemeni tribes that he saw that his best interests lay. According to Tabari, Mu'awiyah first appointed in the office of sahib al-shurta a man from the Yemeni tribes whose name was Qays b. Hamza al-Hamadanî. After dismissing this man the office was occupied by another person from the group of Yemeni tribes - Zumayl b. Amr al-Saksaki. Later on, however, Mu'awiyah appointed Qays al-Fihri, from the Mudar tribes as his sahib al-shurta. He remained as the sahib al-shurta of Mu'awiyah until the latter's death.

When Abd al-Malik b. Marwan came to power in 65/685 he tried to re-unite the tribes after he made peace with the Mudar tribes, and especially with their leader Zufar b. Harith. In particular, he used marriage alliances since his two sons, Walid and Sulayman, were born of Mudarî woman. According to Tabari, Abd al-Malik married Wallada, daughter of Abbás al-Absî. It would appear,

4. Ibid.
5. Ibid., p.323.
6. Ibid., vol.6, pp.419-20.
however, that Čabd al-Malik lacked the skills of Muḥāwiya in resolving tribal differences satisfactorily. According to Balāḏurī, Čabd al-Malik was more resolute (ahzam) but Muḥāwiya was more gentle or clement (ahlam). For example, according to one source, after his peace treaty with the Mudar tribes, Čabd al-Malik told the Mudar leader Zufar one day that hostility against the Mudar still remained in his heart. But it is clear that Čabd al-Malik managed to achieve a certain balance between the Yemenī and Mudarī tribes. According to Balāḏurī, there were at the court of Čabd al-Malik Mudarī supporters and Yemenī supporters, grouped no doubt around Walid and Sulaymān, sons of Čabd al-Malik whose mothers were from the Qays (Mudar) and Khalīd b. Yazīd and others whose mothers were from Kalb (Yemen).

During the early years of his rule Čabd al-Malik chose men from the Yemenī tribes for his šāhib al-shurṭa. He first appointed Yazīd b. Kabshah al-Saksakī to this office. Then he dismissed him and appointed Abū Nātil al-Ghassānī; after the latter’s dismissal Čabdallāh b. Zayd al-Hakamī took over in the office. All these people were from the Yemenī tribes. In

1. Ansāb. vol.4A, p.68.
the later years of his rule, however, CAbd al-Malik lost the
enthusiastic support of the Yemeni tribes and he moved more towards
the Mudar (Qays) tribes.1 This change of attitude affected the
office of the sahib al-shurta because CAbd al-Malik appointed
Kašb b. Hamīd al-CAbsī, a man from the Mudar.2 This man was from
the CAbs from whom CAbd al-Malik had chosen his wife Wallāda, the
mother of his two sons, Walīd and Sulaymān. Kašb b. Hāmid kept the
office of the sahib al-shurta until the death of CAbd al-Malik in
86/705.3

Another Umayyad caliph who tried to adopt a super-tribal
policy of government was CUmar b. CAbd al-CAzīz. His policy was,
however, different from that of MuCāwiya and CAbd al-Malik since
it was more openly religious. When CUmar became caliph in
99/717, he changed most of the governors and officials who had
been appointed by Sulaymān b. CAbd al-Malik. Most of the new
governors or officials were pious or had good religious backgrounds.4

1. According to Abū Tammām, after CAbdallāh b. Zubayr was killed,
CAbd al-Malik favoured the Qays (Mudar) tribes more, dismissing
many Kalb officials and appointing many Qays (Mudar) in their
place. CAbū Tammām, Hamāsa, (Bonn, 1828), p.658.
3. Ibid.
4. For example, CUmar appointed Abū Bakr b. Hazm as the governor
of Medina and also appointed CAbd al-Hamīd b. Zayd as the
governor of Kūfa. For Basra he appointed CAday b. Arta’a.
For Egypt he appointed Ayyūb b. Shurhābil. CUmar also
appointed pious men as qādis like Hasan al-Basrī and Iyas b.
C'Umar refused the policy of tribalism and any ideas connected with it. According to Ṭabarī, when C'Umar b. C'Abd al-C'Azīz heard that the governor of Khurāsān, C'Abdallāh b. Jarraḥ al-Hakamī was favouring his Yemenī tribesmen to the detriment of other tribes, C'Umar immediately dismissed him and appointed a man as the governor of Khurāsān who was trustworthy.¹ It is likely that this religious policy of C'Umar affected the office of the sāhib al-shurṭa. According to Ya'qūbī, C'Umar's sāhib al-shurṭa was Rawh b. Yazīd al-Saksākī who was the caliph's mawla.² Probably this man was a religious man like his master, and it was for that reason that C'Umar appointed him as his sāhib al-shurṭa.

¹. Ṭabarī, ser. 11-3, p. 1348.
Chapter 5

THE DUTIES OF THE SHURTA IN THE

UMAYYAD PERIOD (41-132/661-750)
Chapter 5

5.1 THE DUTIES OF THE SHURTA IN THE UMAYYAD PERIOD (41-132/661-750)

The shurta had a wide range of important duties to carry out in the Umayyad period. The caliphs and the governors used this force to protect themselves against their internal enemies and also to maintain law and order inside Muslim cities. The shurta punished criminals and wrong-doers inside the cities. They also patrolled in especially large numbers inside the cities whenever a revolt took place. The shurta had other duties. Particularly important was the sentencing and punishment according to prescribed legal penalties of people who had offended against the Shari'a. It is clear, therefore, that the shurta exercised a great deal of power at this time.

A number of scholars have held the view that the term shurta, even in reference to the Umayyad period, is synonymous with that of the police and that the duties of the shurta were the same as those normally associated with police functions. Levy, for example, writes that 'the shurta came to be regarded primarily as a police force'. This view is echoed by N.J. Coulson in his book

1. These penalties were often, in the case of the sahib al-shurta particularly, supplemented by pragmatic judgements (maslaha).
on Islamic law, where the shurta are defined as police. Dennett also mentions the shurta as the police force and this view is upheld by Amir CAlī.

It seems that these scholars only partially understood the nature of the duties of the shurta and the police in Umayyad times. It is true that the shurta performed functions normally associated with the police inside the cities. This is not, however, the whole picture. According to the available sources, it is clear that, in Umayyad times at least, the shurta had wider duties than those of a modern police force. More especially, the sahib al-shurta had more wide-ranging responsibilities than the head of the police. The shurta's duties were more military than those traditionally associated with the police. The confusion may well have arisen because the term shurta has acquired the meaning of police force in modern times.

The responsibilities of the shurta in this period can be divided into five main duties:

1. The protection of caliphs and governors against their internal enemies and of the cities against internal rebels.
2. Punishing wrong-doers and outlaws.
3. Carrying out the hudūd al-Sharī'a, and the punishing of other offences according to the 'principle' of maslaha al-umma.

3. Amir CAlī, op.cit., p.188.
4. Helping the army against enemies outside the cities.
5. Carrying out executions and tortures of political offenders and generally dealing with prisoners and the šāhib al-sijin.

These duties will now be discussed in turn.

5.1.1 Protecting the caliphs and governors against their internal enemies

The shurta was responsible for the protection of caliphs and governors in the Umayyad period. As mentioned before, Muʿawiya was the first caliph to protect himself with the shurta, whenever he went out of the palace,¹ and whenever he was praying at the mosque.² It seems that the shurta surrounded the caliph and that the šāhib al-shurta walked in front of him with a lance in his hand.³ According to Abu’l Faraj, the caliph Hishām, whenever he went out, was protected in the same way by the shurta.⁴ In this manner the caliphs ensured that they were safe from their internal enemies.

The shurta and the šāhib al-shurta also protected the governor of the provinces in a similar fashion to that used for the caliph. As mentioned previously, Ziyād b. Abīhi was the first governor to use the shurta as his protectors and the šāhib al-shurta walked before him with his lance in his hand.⁵ The appearance of the


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sāhib al-shurța with a lance in his hand in front of the caliph and governors (in public places) could be considered as a sign of protection. It also gave the people an outward symbol of the caliph's and governor's domination over them.

The caliphs and governors also used the shurța as their instrument for the imposition of their authority over the troublesome elements amongst the population, sending the shurța to bring such people to them or to arrest anyone they wanted. For example, the caliph Walīd I sent the shurța to arrest a Khārijite who was hidden in a house in his capital Damascus.¹

Similarly, the governors also used the shurța or sometimes the sāhib al-shurța to arrest troublesome elements. For example, the tough governor of Basra in Mūawiya's time, Ubaydallāh b. Ziyād, became angry with poet Ibn al-Mufarrīgh. Therefore, Ibn Mufarrīgh hid himself in a house of a nobleman. But when the governor learned of Ibn Mufarrīgh's hiding place, he sent the shurța to arrest him.² In another incident it seems that the sāhib al-shurța was sent to enforce a governor's authority. The governor of Khurāsān, Qutayba b. Muslim, in the caliphate of Sulaymān, sent his sāhib al-shurța to an enemy of his whose name was Wakī. The sāhib al-shurța went to Wakī and told him to come with him to the governor.³ The governor had ordered his sāhib al-shurța to ask the man to come quietly. On the other hand, if

the man resisted, the šāhib al-shurṭa should kill him.

The shurṭa also protected the caliph and the governors inside their palaces. Famous governors, like Ziyād, his son ʿUbaydallāh, and Hajjāj had the shurṭa in their palace. On one occasion, the governor of ʿIrāq, ʿUbaydallāh b. Ziyād was questioning a prisoner when suddenly the prisoner became angry and tried to take a sword from one of the shurṭa who was standing close to the governor. But the shurtī did not allow the prisoner to take his sword. This account suggests that the shurṭa were literally around the governors, protecting them from their enemies, especially standing near them when they held a majlis.

As mentioned before, a number of revolts occurred in the Umayyad period, perpetrated mainly by the Shiʿa and Khārijites, especially in the garrison cities, Baṣra and Kūfa. The shurṭa were involved in many incidents with these rebels and attempted to crush them. The shurṭa used many methods to bring down these revolts.

Many incidents show that the shurṭa, and especially the šāhib al-shurṭa, received advance information about the activity of rebels. The šāhib al-shurṭa of the governor of Kūfa, Mughīra b. Shuʿba (41-50/661-670) was given some information about the activity of the Khārijites in the city of Kūfa. Therefore, he asked the

1. The exact location of the shurṭa within the palace and their relationship with other personnel will be discussed in detail elsewhere.


3. Ibid.
governor for permission to attack the rebel's house. 1

Another such incident happened in Kūfa during the governorship of Abdallāh b. Muṭi', in 66/685. The șāhib al-shurṭa told the governor that the Shi'a under the leadership of Mukhtar were planning to rebel against the authority of the governor - the șāhib-al-shurṭa had obtained his information from an undercover agent. 2 It appears that the șāhib al-shurṭa had a type of spy (Cayn or jāsūs) whose main job was to get this information. The historians do not mention who these people were exactly or how the șāhib al-shurṭa obtained his information. Probably the spies were members of the shurṭa spying for their chief, working under cover much as modern spies do.

After the șāhib al-shurṭa had found out the rebels' location, he would ask the governor to take steps against them. The shurṭa, who in any case used to patrol the streets to maintain security, would in troubled times be in evidence in very much larger numbers and the șāhib al-shurṭa would accompany them. He had authority to question anyone under suspicion and he also had the power to arrest anyone on the streets. Much historical evidence indicates that the shurṭa and the șāhib al-shurṭa patrolled the streets of Muslim cities and also arrested or killed anyone they believed to be a rebel or supporter of rebels. 3 Also the shurṭa could close off streets whenever the rebels made a disturbance. By the order of

2. Ibid., vol. 6, p. 11.
3. Ibid., p. 19; Ansâb, vol. 5, pp. 224-5; Maqâtil, p. 162.
the governor, every shurtī had to be present in the governor's palace and on duty when there was any civic disturbance. For example, when Muslim b. Cāqīl surrounded the governor's palace, the governor commanded every shurtī to be present, for the number of the shurta in the palace was only thirty men when the rebels tried to take it over. 1 From this incident, it appears that only the shurta who were on guard duty in the governor's palace were present. The implication of this would appear to be that the main body of the shurta were in their homes. A public announcement was made, summoning the other shurta to their duties. 2

When rebels decided to revolt or make a disturbance inside the city, the sahib al-shurta would receive an order to gather the people in the great mosque or near the governor's palace. 3 Both these areas were well guarded by the shurta. This method of assembling people enabled the authorities to determine who was with the rebels. If people came to the mosque, they were with the government and if they did not come it might be assumed that they were with the rebels. In this way, the shurta could punish the rebels and not confuse them with the innocent.

It was the shurta's duty also to search any house in which they believed rebels were hidden. 4 The shurta also had the power to punish any rebels who were arrested by them. For example, the

2. This is discussed in detail elsewhere.
shūrta, by the order of the governor, could demolish any rebel's house. There are many incidents to illustrate how the shūrta demolished rebels' houses. For example, according to Balādhurī, the saḥīb al-shūrta of Mukhtar in 66/685 demolished the house of Ubaydallāh b. al-Hr because he was against Mukhtar. Another example occurred in the time of Yazīd b. Muawiya in Medina - the governor of Medina, Amr b. Sa'd, ordered his saḥīb al-shūrta to demolish the houses of the Banū Ḥāshim and Banū Asad because they would not pay homage to Yazīd.

The saḥīb al-shūrta had the power to punish rebels or the supporters of rebels. According to Balādhurī, the governor of Medina in the time of Yazīd b. Muawiya, Amr b. Sa'd, ordered his saḥīb al-shūrta to be tough with the supporters of Abdallāh b. Zubayr. The saḥīb al-shūrta then gave the order for some noblemen to be whipped who were supporters of Abdallāh b. Zubayr. The shūrta gave each man one hundred lashes and pulled out their beards.

From these incidents, it appears that the shūrta and the saḥīb al-shūrta were responsible for the security of the city. They protected the Muslim cities against any rebels who would undermine Umayyad authority.

5.1.2 Punishing wrongdoers and outlaws

The shūrta as the main internal peace-keeping force was responsible

1. Ansāb, vol.5, p.293.
3. Ansāb, vol.4B, p.28.
for the security of the city and also for imposing law and order. It seems that social and moral disorder in certain Muslim cities led some governors to be tough and sometimes even cruel in exacting punishment from wrongdoers and criminals.

A very well-known example is that of Ziyād b. Abīhi who became governor of Basra in 45/665. Ziyād decided to increase the numbers of the shurta there to deal with the moral and social laxity which he found in the city. According to Balādhurī, when Ziyād made his inaugural speech to the people of Basra, he warned them, saying

'If anyone has lost anything I will be responsible for getting it back for him.'

He added

'Do not go out onto the streets at night - anyone who goes out of his house, will be killed.'

Ziyād also warned evil-doers in his speech, saying

'Every crime has its punishment. If anyone drowns a man, I will drown him. If anyone burns a house down over the head of its occupant, I will burn him. If anyone digs (naqaba) into a house to steal, I will dig out his heart. If anyone digs up graves (to snatch bodies), I will bury him alive.'

From this speech it is clear what kind of crimes the people of Basra had committed before Ziyād's arrival. After this speech,

2. Ibid.
Ziyād ordered the sahib al-shurta to take his shurta and patrol the streets of the city. If the sahib al-shurta saw anyone outside his house, he should kill him.

According to Balādhuri, Ziyād did with the criminals what he said he would do in his speech. Therefore the sahib al-shurta arrested anyone who was out in the streets after salāt al-‘ashār. Some criminals who were body-snatchers were brought to Ziyād and he ordered them to be buried alive. A man who had flooded a field of crops was also brought to Ziyād who promptly ordered that the man should be drowned in the water. He also ordered the burning of a

1. Ibid., p. 182. When Ziyād finished his speech the people began to mock his warning since they believed that he was joking. But when the sahib al-shurta patrolled the streets and killed 500 men in one night, the people realised that Ziyād was serious about his warning. Ibid., p. 171. Probably this was the reason why Ziyād on one occasion killed a Bedouin tribesman although he believed that he was innocent. Ziyād killed him because probably if he had not done so, the people would have mocked him further and said that he did not do what he said he would do in his speech. Cf. p. 32

2. Ibid., p. 172. According to many fugahā’, grave robbers who snatch dead men's shrouds must have their hands cut off. For example, Abū Ya‘la al-Farrā’ (who was Hanbalī) said that the hand of a body-snatcher must be cut off: Farrā’, Al-Aḥkām al-Sultāniyya (Cairo, 1966), p. 287. Bayhaqī, who was Shafi‘ī, agrees that the grave-rober who steals shrouds must have his hand cut off: Bayhaqī, Kitāb Al-Sunan al-kubrā (Hyderabad, 1354 A.H.), vol. 8, p. 269. Ibn Hazm reports also that the body snatcher's hand must be cut off: Ibn Hazm, Al-Muhalla (Beirut, n.d.), vol. 11, pp. 329-30. But he also says that some scholars said that the man who robs graves to steal the shroud must be killed: Ibid. Ibn Hazm himself prefers that the man's hand should be cut off: Ibid. Abū Hamīfa, however, did not accept that it is right to cut off the hand of a body-snatcher, because the shroud is not the property of a living man: Farrā’, op.cit., p. 267.
man who had burned down a house. Ziyād ordered that watch should be kept on new graves because he believed that body snatchers would come to dig up the graves. Therefore a special watch was made over a new grave and one night a body snatcher did come to commit his crime and he was wounded and captured. Baladhurī does not mention who these people were who watched the new grave. But it seems likely that they were the shurta because Baladhurī mentions this incident in the context of other incidents involving the sāhib al-shurta. The sources do not mention what were the motives of people who dug up graves in order to snatch the bodies but it would appear likely that they wanted to sell the dead man's shroud. After these tough punishments, the city of Basra became safe and the people were no longer afraid of thieves and criminals.

Similar measures are reported in the time of Hajjāj against wrong-doers and thieves. According to Ibn Qutayba, Hajjāj's sāhib al-shurta was very tough with criminals. Ibn Qutayba adds that the sāhib al-shurta never imprisoned anyone except for a debt. When a man who was digging into a house (in order to steal) was brought before the sāhib al-shurta he transfixed him with a piercing instrument (manqiba). If a man who was a body snatcher came before the sāhib al-shurta, he dug a grave for him and buried him in it.

2. Ibid.
3. Ibid.
4. Ibid.
5. This man was Abd al-Rahmān b. Ubayd al-Saadi. He is mentioned by both Ibn Atham and Ibn Qutayba.
If it was a man who had attacked or threatened another man with some sharp weapon, he cut off his hand. If the offender was someone who had burnt a house down over the head of its occupant, he burned him; and if it was a dubious character suspected of robbery, even though there was no direct evidence against him, he would inflict three hundred lashes on him. Often a period of forty nights would pass without any criminal being brought before the sāhib al-shurta, and Hajjāj was so pleased with him that he gave him and his shurta force control over Baṣra as well as Kūfa.

It seems that Levy misunderstood this account of Ibn Qutayba's when he translated it. He writes as follows:

'When a man who was a naqīb (head of a section of the community (sic)) was brought before him, he transfixed him with a piercing instrument.'

Levy misunderstands the meaning of the root naqaba (ناقبa) and in particular the word naqīb (ناقيب). The verb naqaba (ناقبa) means 'to dig, to make a hole in the wall or drill a hole'. The noun naqīb does of course mean the head of a section of the community but it is clearly inappropriate here and is not what Ibn Qutayba intended to say in this context. The actual lines of Ibn Qutayba are:

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Levy also does not understand another verb in his translation of Ibn Qutayba's account; he translates as follows:

'If a man who was by trade a digger came before him, he dug a grave for him and buried him in it.'

Here Levy misunderstands the Arabic word nabbāsh (نَبَابَش) which means grave-digger or body snatcher, not as he suggests, a man who is by trade a digger. Clearly what Ibn Qutayba wants to imply is that a nabbāsh is a body snatcher, not one who is a digger by trade. The first category is that of a criminal but the second is not. So the sahib al-shurta killed a criminal, a body snatcher, not a respectable man carrying out his usual occupation.

The shurta had the power to question, to arrest, or to kill anyone out in the streets. If they believed that a man was committing a crime he would be immediately arrested. For example, according to Abu'l Faraj, the sahib al-shurta of CAbdallāh b. MuCawiya in 127/744, was patrolling the streets of the city of Küfa and if he saw anyone outside his house2 he would kill him.3 It appears that the sahib al-shurta enforced this punishment because at that time the situation in Küfa was very bad and CAbdallāh b. Mucawiya had rebelled against

2. Because there was a curfew in Küfa at that time.
the Umayyads and taken over the city by force. Therefore, it was necessary for the šāhib al-shurta to impose a curfew and to kill anyone who broke it. They probably believed that no innocent person would leave his house but just the criminals or saboteurs.

At any time when there was a revolt or an increase of crime in the city the governors would impose martial law - they did not allow anyone out at night and punished anyone who broke this law very severely. If they did not have a strong šāhib al-shurta the security of the city could be in danger. In Muʿawiya's caliphate, the governor of Medina, Marwān b. Hakam, lost control of the city and crimes became common in Medina. So Marwān appointed Muscab b. Ābd al-Rahmān as his šāhib al-shurta. The šāhib al-shurta employed many methods to prevent the criminals from committing offences. For example, Muscab imprisoned anyone who was out of his house at night. He did not allow people to attack each other; he whipped criminals and sometimes demolished their houses. Therefore, people became afraid of him and his shurta.¹

It appears that very often the šāhib al-shurta and the shurta applied punishments, not according to the hudūd, which were in conformity with the Shariʿa, but according to the principle of maslaha with all the freedom that this idea implies. It seems that the šāhib al-shurta had the power to choose the various punishments which he could apply and he also created new punishments which were imposed on criminals who committed deeds against the Muslim community. For this reason governors like Ziyād and the

sāhib al-shurṭa of Hajjāj used some punishments which were uncanonical in Islamic law; for example, neither the punishment imposed on body snatchers nor the punishment for arsonists existed among the ḥudūd. It seems that when people committed a new offence or an unusual crime the sāhib al-shurṭa or the governor created a new punishment probably because they believed that it was for the maslaha of the community.1

1. It appears that maslaha was applied before the Umayyad period. For example, in the time of the Prophet, the punishment for drinking wine was between 30 and 40 lashes whereas Abū Bakr made it forty. In the time of Ĕumar b. Khattāb, the governor of Syria, Abū Cḅayda b. Jarrāh sent a letter to Ĕumar saying that the people of Syria were drinking wine so he punished them with forty lashes but this course of action did no good. Abū Cḅayda therefore asked for Ĕumar’s advice. Ĕumar asked the Prophet’s companions about this matter and they advised Ĕumar to order Abū Cḅayda to increase the punishment from forty to eighty lashes, giving the reason that forty lashes were for drinking and forty more were for abuse against the people. Therefore, Ĕumar ordered Abū Cḅayda to carry this out: Al-Raqīq al-Nadīm, Qutb al-Sarūr fī Awsāf al-Khumūr (Damascus, 1969), pp.500-501.

2. It is traditionally argued that the first qaḍī was the Prophet himself: Ibn Abī ’l-Damm al-Hamāwī, Kitāb Adab al-Qaḍāʾ (Damascus, 1975), p.5; Muhammad al-Murir, Kitāb al-Abḥāth al-Sāmiyya fī Muḥākim al-Islāmiyya (Ṭāwān, 1951), vol.1, p.96; Muhammad Arslān, al-Qaḍāʾ wa ’l-Qudāt (Beirut, 1969), p.55. Afterwards, when the Muslims became more numerous, the Prophet appointed some of his companions as qaḍīs. For example, he appointed Muḥammad b. Jabal as the qaḍī of Yemen and also Ėlī b. Abī Ṭālib as the qaḍī of Yemen: Ibn Abī ’l-Damm al-Hamāwī, op.cit. pp.6-7; Farrā’, op.cit., pp.62-3. The Rāshidūn caliphs also appointed qaḍīs. For example, Ėumar b. al-Khattāb was appointed by Abū Bakr as
governors rather than the caliph who appointed qādīs.

The qādī’s duty was to adjudicate in any kind of dispute among the Muslims. Such disputes included those concerned with divorce and other matrimonial problems, inheritance and commerce. Many qādīs also administered the properties of orphans, widows and the insane.¹

A number of historical and legal sources discuss the duty of the qādīs and how they did their work in the Umayyad period. According to Ibn Qutayba, Shurayh was a qādī in Kūfa for seventy years and judged people’s disputes.² In his Akhbār al-Qudāt, Ibn Wākīᶜ mentions a qādī who refused to permit the marriage of a man who had insulted him,³ but on another occasion he cites an example of a qādī passing judgement in a divorce case.⁴ Ibn Abī Ḥadīd also mentions that Ibn Shubrama, a qādī in Kūfa in the Umayyad period, judged between some people who were disputing the ownership of a palm tree in a garden.⁵

(continued from the previous page) the qādī of Medina: Bayḥāqī, op. cit., vol.10, p.87. When ʿUmar himself became caliph, he appointed qādīs of the new garrison cities such as Kūfa and Basra: Ibid. ʿUmar appointed Shurayh as the qādī of Kūfa and Ibn Sawwār for Baṣra.

2. Īyūn, vol.1, p.66.
5. The qādī asked questions, such as 'How many palms are in the garden?' but as the witnesses could not answer, the qādī refused to accept their testimonies. So the witnesses asked the qādī 'How many ustwāna are in your mosque?' and the qādī could not answer them, so he agreed to accept their testimony: Nahj, vol.17, p.62.
It is worth while mentioning that some qādīs in Umayyad times had other duties as well. According to Kindī, the caliph Mu'āwiya ordered a qādī of Egypt, Sulaym, to investigate jirāh (injuries) disputes. This qādī was apparently the first to look into this kind of case. It seems that he did not perform this duty until the caliph ordered him to do so. This suggests that he did not have the authority to judge in such cases without the specific order of the caliph. It appears that this qādī did not inflict punishment but just took the testimonies of the injured party and of the offender. Then he took al-diya from the man who had inflicted the injury.

In Umayyad times qādīs judged in the mosque and sometimes in their houses. In the mosque the qādīs would hold a majlis al-qadā, in which he judged the people. The qādī had authority to judge people according to the Koran and the sunna of the Prophet. He would also exercise ijtihād when necessary.

It is clear from the short preceding discussion that the early qādīs enjoyed only limited authority. As will now be demonstrated,

1. Qudāt, p.9.
2. Ibid.
3. Ibid.
5. Ibid., p.333.
7. When the Prophet sent Mu'ādh b. Jabal as the qādī of Yemen, he asked him how he judged the people. Mu'ādh replied that he made his judgement in accordance with the book of God and the sunna of the Prophet. Then the Prophet asked him what he would do if he found nothing in these books relating to his case. Then Mu'ādh said, 'Then I would judge with my own ra'y: Farrā', op.cit., pp.61-2.
they often needed the support of a higher authority such as the governor as well as the help of the shurta to impose their judgements.

The relationship between the qādī and the sāhib al-shurta and the shurta was probably very close. According to Ibn Waki, when the qādī was sitting in the mosque to pass judgement, two men with whips in their hands stood behind him to protect him from the people. Ibn Waki calls these two men the qādī's guard (haras). In another place he says that the qādī used the jilwāz (jalāwiza) to punish the people and to protect himself. The same source relates that when Iyās b. Muʿawiya, the qādī of Basra in the time of ʿUmar b. ʿAbd al-ʿAzīz, left the governor's palace he was accompanied by the shurta who went with him to the mosque to judge disputes. A similar picture is given by Mubarrad who writes that Hasan al-Basrī once said, 'Why do these governors need a shurta ...?' However, when Hasan became qādī and the people crowded round him wanting a settlement of their disputes, he said that the authority must have some kind of force to control the people.

In the Umayyad period the offices of sāhib al-shurta and qādī were sometimes combined in one and the same person. It would

2. Ibid.
3. Another name for the shurta.
4. Waki, Vol. 1, p.188.
appear that the first šāhib al-shurta to hold the office of qādī was Muṣṭaḥrāb b. Ṣābīn al-Raḥmān b. Ħaṭf who held these positions in the time of Muḥammad b. Šuṭa al-Sufyān, in Medina during the governorship of Marwān b. Ḥakam. According to Kindī the first man who held the office of both šāhib al-shurta and qādī was Ṣābīn b. Ṣaʿdīn al-Murādī in 60/679. It would appear that the šāhib al-shurta was considered to be a more important official than the qādī because it was the šāhib al-shurta who was given the office of qādī. This also suggests that the duties of the šāhib al-shurta were wider than those of the qādī in this period.

Jurjī Zaydān, however, states that in the beginning the office of the shurta followed that of the qādī and that the shurta were the servants of the qādī. If Zaydan includes in 'the beginning' the Umayyad period specifically, this statement cannot be right. As mentioned already, the shurta was more important than the qādī in the Umayyad period; the office of qādī was taken over by the šāhib al-shurta and this implies that the office of qādī was less important and less wide-ranging than that of the shurta. It is clear from the sources that the office of qādī was often taken over by the šāhib al-shurta during the Umayyad period. For instance, the šāhib al-shurta Ṣāḥib al-Raḥmān b. Muḥammad b. Ṣuṭa was appointed to the office of qādī by the governor of Egypt, Ṣāḥib al-ʿAzīz b. Marwān in

1. Ṫabaqāt, vol. 5, p. 158.
2. Qudāʾ, p. 11.
4. Qudāʾ, p. 22; Wuḥūt, p. 79.
86/705. Also in Egypt the governor Čabdallāh b. Čabd al-Malik appointed his šāhib al-shurta to the job of qādi. In ČIrāq, the governor of Basra, Khālid al-Qasrī (105-120/723-37), appointed his šāhib al-shurta to the office of qādi.¹

All these examples indicate that the qādi office follows that of the šāhib al-shurta in the Umayyad period. Zaydan is right, however, in saying that the shurta helped or served the qādi. As mentioned before, the qādi needed some kind of help in imposing their judgement when judging the people. This help or service was never done by the šāhib al-shurta themselves. In this period, their duty was to serve the governors and their rank was higher than that of the qādi.

A comparison may be made between the rank and duties of the šāhib al-shurta and the qādi. The šāhib al-shurta was appointed by the governor and was the second man in the province after the governor. Most of the time the qādi was appointed by the governor but sometimes by the caliph. Most qādis were chosen from amongst the qurrā' and fuqahā', whereas the šāhib al-shurta was chosen from the top-ranking military officers and heads of tribes. In this period most of those who were šāhib al-shurta became governors and military commanders but no qādi filled such high-ranking jobs.

The šāhib al-shurta enjoyed wider powers than the qādi. As Levy says:

'The šāhib al-shurta had wider powers than the qādi, or ordinary judges concerned with Shari'ā affairs.'

The latter had no authority outside his own court for investigation of crimes reported or suspected, nor could he attempt to extract a confession by force from an accused person.  

It appears that at this time the qāḍī could punish those who had wronged people by cheating and perjury but these punishments were not as harsh as those the šāhib al-shurṭa could inflict. For example, in 103/721, the qāḍī of Basra punished some people who had been convicted of being false witnesses. He ordered them to be beaten, but not harshly, and to have half of their heads shaved and their faces blackened so that they were put to shame.  

In a similar way, the qāḍī of Basra in 64/683, punished some shopkeepers who were mixing barley flour in with their wheat flour, by ordering them to have half of their beards and heads shaved. These examples show that the punishments imposed by the qāḍī were less harsh than those imposed by the šāhib al-shurṭa whose harsh punishments suggest the amount of power he wielded.  

It seems that in this period the šāhib al-shurṭa, like the governors, was considered important enough to have a mawkib (escort) composed of his shurṭa. According to Māwardī, who does not give his source, a certain šāhib al-shurṭa of the governor of Ḥiraq, Khālid al-Qasrī, passed Ibn Shubruma with his mawkib.  

3. Ibid., vol.1, p.300.  
4. This subject is discussed later, on p.140.
Shubruma, scornful of the sahib al-shurta's pride, said: 'O God, I have my religion and they have theirs'. Later, Ibn Shubruma became qâdi and forgot his piety; his son reminded him of what he had said when he saw the sahib al-shurta. Ibn Shubruma answered that he had eaten from the same dish as the governor and his sahib al-shurta and had become like them. While the sahib al-shurta was apparently escorted by the shurta, the qâdi had no escort and rode a mere mule to his majlis al-qadâ' in the mosque.

5.1.3 Carrying out the hudûd al-Shari'Îca, and the punishing of other offences according to the 'principle' of maslaha al-umma

In the Umayyad period the shurta were responsible for exacting the al-hudûd al-shar'iyya from anyone who committed immoral acts (fa-sâd) in the Muslim community. These hudûd are, of course, mentioned in the Qur'ân. A very well-known example is the drinking of wine which was forbidden, especially in public. Therefore, anyone who drank wine was punished with forty lashes; as mentioned already, this was changed in 'Umar's time to eighty lashes.

According to Abu'l-Faraj, Dallâl, the Umayyad poet, was drinking wine with his friends. When the shurta discovered this they surprised them and arrested Dallâl with one of his friends. At the time of his arrest by the shurta Dallâl was drunk. When the shurta took the two men to the governor of Medina, he ordered

the shurta to punish them according to the hadd, which was eighty lashes, and he also paraded them in the streets of Medina. 1

From this incident it seems that the shurta were patrolling the streets and outskirts of the city to find out if anyone was committing immoral acts. This is how the shurta discovered that these people were gathering to drink wine. In another similar but earlier incident which also happened in Medina, in the caliphate of Mu'awiya, a poet called Ibn Sayhān once drank wine and when he came out into the street at night to go home, Marwān b. Hakam's men arrested him and took him to the sahib al-shurta. The sahib al-shurta ordered him to be whipped according to the hadd (eighty lashes). 2

It seems that at that time, before whipping the drunken man with the required number of lashes, the sahib al-shurta would test him to see if he was drunk or not, as in modern times when the police test drunken drivers. It seems that the way in which the sahib al-shurta tested a drunken man was to order him to recite an aya of the Qur'ān. If he could not recite it, the sahib al-shurta ordered his shurta to punish him with eighty lashes. 3

On another occasion, according to Abu'l Faraj, the poet al-'Uqysiḥr passed the sahib al-shurta of the governor of Küfā, ‘Amr b. Hurayth. Al-'Uqysiḥr was drunk when he passed the sahib al-shurta who smelled the wine on him. He called him and asked, 'Are you

2. Ibid., p. 248.
3. Ibid.
drunk?" al^Uqyshir immediately answered, 'No.' So the sāhib al-shurta asked him what the smell was. al^Uqyshir said in reply that he had eaten safarjal (quince) and recited a poem which explained that he had eaten safarjal. Then the sāhib al-shurta asked him: 'If you are not drunk, tell me how many times you pray in one day.' Thereafter, al^Uqyshir answered him in a poem explaining how many times he would pray. So the sāhib al-shurta let him go. 1 This test seems less arduous than an examination by means of reciting an āya of the Qur'ān and the sāhib al-shurta, on this occasion, had no evidence on which to punish him.

Abu'l Faraj relates another story about the poet al^Uqyshir. One day he was drinking wine in a wineshop. The shurta came to arrest him but al^Uqyshir escaped and closed the door of his home and told the shurta that he was not drinking wine and they could not arrest him. So the shurta told him that they had seen the drinking bowl in his hand. al^Uqyshir said that he was drinking milk out of the bowl, not wine. 2 Abu'l Faraj adds that the shurta did not let al^Uqyshir go until he had given them two dirhams. 3 Such an incident as this shows that the shurta were sometimes dishonest and not averse to taking bribes.

Ibn Qutayba relates a similar anecdote. One day the sāhib al-shurta of the governor of īrāq, Khālid al-Qasrī (105-120/723-37)

2. Ibid., vol. 2, p. 257.
3. Ibid. In the poem in which he said:
whose name was Ĉýân b. Haytham, brought before him a young man who was drunk. When the şâhib al-shurta asked him about his family, the young man recited a poem by means of which the şâhib al-shurta understood that he was from a noble family of Kūfa. The şâhib al-shurta did not, therefore, punish him. Afterwards, when the young man was released, the şâhib al-shurta asked his shurta who this young man was. The shurta told him that he was the son of a bean seller. 

From this incident it seems that some şâhib al-shurta did not punish noble families because they were intimidated by them. This led some governors like Hajjāj to choose as şâhib al-shurta men who would not be swayed by such considerations.

According to Balādhurī, Musâb b. ĈAbd al-Rahmān, the şâhib al-shurta of Medina in the governorship of ĈAmr b. Saâd, in the caliphate of Yazīd I, punished ĈAbd al-ĊAzīz b. Marwān, who later became the governor of Egypt, because he drank wine. It appears therefore that the şâhib al-shurta dared even to punish a member of the Umayyad family. ĈAbd al-ĊAzīz was the son of Marwān b. Hakam, the most important man after MuПодробнее только на русском языке. 

The duty of the şâhib al-shurta extended, of course, to the punishment of those who committed adultery. In the governorship of Hajjāj a married woman (her name was Humayda) committed adultery. Then she escaped and her family pursued her for one year until they discovered her in her lover's camp. So they took her to the şâhib

al-shurta of Hajjāj whose name was Ābd al-Rahmān b5Ubayd.  1

The woman was pregnant and the sāhib al-shurta ordered her to be stoned to death.  2  It seems that the sāhib al-shurta ordered this woman to be stoned for adultery on the evidence of her pregnancy and so she was punished according to the hadd which orders that any married man or woman who commits adultery should be stoned to death.  In this incident, it is not mentioned if she was stoned with her child in her body or not.  According to the hadd she must have her child first and afterwards be stoned, because this child had done no sin to deserve death.  3

Other sexual offences were dealt with in the Umayyad period by the shurta, probably according to his own judgement (maslaha). There are a number of references in the sources to the shurta punishing people who were mukhannaths.  According to Abu'l Faraj for example, the deputy of the sāhib al-shurta was ordered by the caliph Sulaymān to castrate mukhannaths, especially those who were singers.  4  A poet who was a mukhannath was also castrated by the shurta in that period.  5  Abu'l Faraj also relates an amusing story about a mukhannath who went to the mosque in Medina and saw a man whom he tried to seduce.  Unluckily for him the man was the sāhib al-shurta of

1. He was the same sāhib al-shurta who is mentioned by Ibn Qutayba, on p.93.
5. Ibid., p.276.
Medina (the mukhannath was not from Medina and so he did not know that the man was the sāhib al-shurṭa). Therefore, the sāhib al-shurṭa called upon his shurṭa to whip the mukhannath one hundred lashes and imprison him. As for homosexuals, it appears that they were imprisoned and punished with lashes and then put in the streets so as to be a warning for other people to behave morally.

According to Abu'l Faraj, the poet Ahwas was a homosexual, so the governor of Medina, Ibn al-Hazm, ordered him to be whipped a hundred lashes. He then poured oil on his head and placed him on bulus (big sacks stuffed with straw), in the street to be seen by the people.

The shurṭa also had power to arrest anyone who sang in holy places. For example, according to Mubarrad, one day a man was singing in the prophet's mosque in Medina when the shurṭa arrested him. According to Abu'l Faraj, the governor of ʿIrāq, Khalīd al-Qasrī (105-120/723-737) blamed his sāhib al-shurṭa for being weak and allowing singing to become popular in the city. Khalīd told his sāhib al-shurṭa that if he could not control and arrest women singers he would dismiss him. Therefore, the sāhib al-shurṭa arrested the singers. Probably the songs which were prohibited by the governor were immoral songs.

The sāhib al-shurṭa also punished men who wanted to seduce

1. Ibid., pp.280-81.
2. Ibid., p.236.
women by their hair styles. According to Abū Tammām, the šāhib al-shurta of the governor of ʿIrāq, Yusūf b. ʿUmar (120-126/737-743) shaved the hair of Abū Tamhān al-Asadī because he curled it and wore it long to seduce women.¹ On another occasion, this time cited by Abuʿl Faraj, the governor of Yamāma ordered a man to be shaved because he wanted to seduce a woman by his hair.² According to Ibn ʿAbd Rabbihi, the šāhib al-shurta of the governor of Wāsīt in the governorship of Hajjāj, arrested a pimp.³ It is interesting to note that in the Umayyad period some caliphs apparently prohibited the game of chess. A letter of ʿAbd al-Hamīd al-Kātib⁴ dictated by the caliph Marwān b. Muḥammad was sent to a governor ordering him to order the šāhib al-shurta to punish anyone who played chess. The šāhib al-shurta was also to arrest anyone who played chess in public and imprison him, making him suffer hardships, and to remove his name from the diwān of the caliph. The šāhib al-shurta was not to forgive anyone who played chess, for playing with images was a sin and when people became preoccupied with this game they did not do their work, and it also prevented them from assembling for prayers on time.⁵ It appears

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4. ʿAbd al-Hamīd al-Kātib was killed by the ʿAbbāsids in 132/749.
that the people of that time did not like playing chess and, according to Rāghib al-İsfaḥānī, the people of Medina would not marry their daughters to men who played chess.\textsuperscript{1} This indicates that chess was regarded like gambling, and both the public and the authorities punished anyone who played chess. According to Bayhaqi, playing chess was hated by most Muslim fuqahā'. For example, Shāfi'ı hated chess but he accepted the testimony of chess players if they were witnesses in court. Bayhaqi also attributes to ČAılı b. Abī Tālib an anecdote in which he saw some people playing chess and told them that they were playing with images and that he who plays chess is unreliable and a liar.\textsuperscript{2}

According to Ibn Hazm, the Mālikīs and Hanafīs believed that anyone who plays chess breaks his ablution and so he must take another ablution before he prays. Ibn Hazm added that the prophet cursed anyone who played chess.\textsuperscript{3}

5.1.4 Helping the army against enemies outside the cities

As mentioned before, the shurta were the protectors of the interior of cities against rebels and outlaws but it seems that the shurta also had some authority outside the cities and helped the army to crush revolts which happened outside the cities. According to Čabarī, the shurta helped the Umayyad army against Husayn b. ČAılı and his followers in the battle of Karbalā'. Čabarī adds that the shurta with their sāhib al-shurta were with the Umayyad army

\textsuperscript{1} Rāghib al-İsfaḥānī, Muhādarat al- Udabā' (Beirut, 1961), vol.2, p. 726.
\textsuperscript{2} Bayhaqi, op.cit., vol.10, p.212.
\textsuperscript{3} Ibn Hazm, op.cit., vol.9, p.61.
and were dressed in mujaffafah (a kind of armour). Tabari also relates that the governor of Iraq, Ubaydallah b. Ziyad, sent his sahib al-shurta with his men to put an armed force between al-Qutqutana and Khaffan to cut off the retreat of Husayn and his followers.

Tabari also mentions that on occasions the shurta helped the Umayyad troops against the Kharijites. For example, in 119/737 when there was a Kharijite rebellion, the governor in Iraq, Khalid al-Qasri, ordered the Syrian troops and two hundred Kufan shurta to go out and fight them. The battle took place on the Euphrates. In another incident, mentioned by Tabari, the same governor Khalid al-Qasri heard that some Kharijites were in revolt and were attacking the villages outside the city of Kufa. So he sent one of his commanders to be in charge of the shurta against these rebels. The shurta defeated the rebels after a short battle.

This incident shows that the governors could allow another commander to lead the shurta instead of the sahib al-shurta who was the closest man to the governor and usually stayed with him unless the governor himself went out or ordered the sahib al-shurta to do so instead. The governors did not generally fight themselves except in the case of a major revolt. Another incident shows that the sahib al-shurta did not go out to fight the rebels himself. According to Jähiz,

2. Ibid., p.401.
4. Ibid., ser.11-3, p.1628.
some Zanj revolted under the command of a man called Rabbāh al-Zinjī in the time of Hajjāj, and the Zanj won control of the Euphrates region. So Hajjāj sent the son of the sāhib al-shurṭa instead of his father to fight these rebels.¹

The sāhib al-shurṭa, it appears, had his position in the camp and was responsible for anyone who came inside the camp. According to Tabarī, in 98/716, the sāhib al-shurṭa of the governor of Khurāsān, Yazīd b. Muhallab was responsible for anyone who entered the camp.² The best description of the position and duty of the sāhib al-shurṭa inside the military camp is to be found in the letter which the caliph Marwān b. Muhammad sent to his son and crown prince, when the caliph appointed him as a commander of the Umayyad army to fight the most dangerous Khārijite revolt in his reign. This revolt was led by Dāhhāk b. Qays al-Shaybānī in 127/744. This letter was written by CAbd al-Hamīd, the kāṭib of the caliph:

'Advise your commanders not to punish anyone of their troops except for punishments for indiscipline or bad behaviour. But any hadd which reaches life-blood or cutting (of hands) or excess in whipping ..., should not be inflicted by one except yourself or your sāhib al-shurṭa on your orders.'³

This letter makes clear the sāhib al-shurṭa's importance in the

¹. Jāhiḍ, Thalāth, p.65.
². Tabarī, ser.11-3, p.1331.
military camp. It appears that the caliph in this letter emphasises to his son the crown prince that he may punish his soldiers if their crime is a major one but that commanders may punish their soldiers for minor crimes. If the governor does not inflict the punishments himself, his sāhib al-shurṭa may do it.

In this letter the caliph also advises his son that he should be aware of his enemy's position and place his shurṭa on that side of the camp. \(^1\) Also in this letter the caliph orders his son to appoint for the office of the sāhib al-shurṭa the most trustworthy men from his commanders, who would give him honest advice, carry out his orders without hesitation and be truthful, upright and conscientious. He adds that the sāhib al-shurṭa must know about the position of the troops and about the places where they are camped, and that he must be experienced in his duties and competent in strategy. He must be from a good house and a well-known family. \(^2\)

The sāhib al-shurṭa on the order of the governor, had the power to arrest men who were trying to evade active service. According to Ibn al-Aṯḥam, Ḥajjāj saw that people were not going to the military camp to be sent out to fight the Khārijites. He ordered his sāhib al-shurṭa to conscript men for war and to take with him his sword and if they refused to go he could execute them. \(^3\)

It seems that the sāhib al-shurṭa was ordered to fight in the

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front line of battle, so he had to attack first. It is said that the last Umayyad caliph Marwän b. Muhammad ordered his sahib al-shurta to attack first but he refused to obey his order even when the caliph threatened him.\(^1\) This was the battle of Zāb in 132/749 between the Umayyads and the Abbāsids.\(^2\) Probably the sahib al-shurta did not obey the caliph's order because he knew that the Umayyads were losing the battle and he realised that the time of the Umayyads had come to its end so he did not care about the caliph's threat. Earlier, it would appear that the sahib al-shurta had usually obeyed the caliphs until death but here the situation was changed and in the last days of the Umayyads even the caliph's most loyal men would not obey him.

All these incidents show that the shurta and especially the sahib al-shurta were in action in any battle with their caliphs or governors. It appears that the sahib al-shurta had great power in the military camp over the soldiers if they committed any crimes. The governors always ordered their sahib al-shurta to attack in the front line of the battle, which suggests that the shurta were the governor's best troops and the sahib al-shurta was the second man after the caliph or governor.

The shurta fought not only against political enemies of the Islamic state within the borders of the dar al-Islām, but also against external foes outside the frontiers of Islam. For example,


\(^2\) Ibid.
according to Šabari, the governor of Khurāsān, Asad b. Čabdallāh al-Qasrī, when he was campaigning against the Turks in 119/737, organised his troops according to their tribes and ordered the shurta to fight beside these troops. It appears that the shurta were placed near the governor and when the battle began he allowed them to fight the enemy. Also from the position of the šahib al-shurta in the battle, it seems that they were actually around the governors when the battle started.

According to Šabari, when the ČAbbāsid army was under the command of Qaḥtaba b. Shabīb in 132/749, he first ordered his flag-holder and his šahib al-shurta to start the attack on the Umayyad army. Also in the same battle when the ČAbbāsid army crossed the Euphrates river, some of the Umayyad troops tried to retreat but the šahib al-shurta prevented them and forced them back to their position. It seems that the šahib al-shurta with his shurta were the key figures in the army and the šahib al-shurta was the second man after the governor both inside the city and in battle. Šabari relates that in 130/747 the ČAbbāsid army under the command of Abū Muslim al-Khurāsānī attacked the Umayyad army camp. The first thing he did was to arrest the šahib al-shurta because the governor escaped before Abū Muslim attacked the camp. It appears that the šahib al-shurta ordered the enemy troops who had been arrested or had surrendered after their defeat to be executed.

1. Šabari, ser.11-3, p.1609.
2. Ibid., ser.111-1, pp.15-17.
The shurta also had power to deal with highway robbers outside the cities. As mentioned before, the shurta arrested or killed criminals and thieves inside the cities but by the orders of the governors they also had power to go outside the cities to pursue criminals and outlaws. For example, in the caliphate of Mu'awiya I, when Ubaydallāh b. Ziyād was the governor of Irāq, in Basra a man called Qa'qa' b. Āwīf killed someone from the Banū Sa'd and he escaped to an oasis. So some members of the dead man's family went to the governor to demand justice against the killer. Then the governor sent his sahib al-shurta with his men outside the city to search for the killer. When the sahib al-shurta discovered the killer's hiding place, he asked him to surrender, but he refused. The sahib al-shurta then threatened him with his lance and killed him.

It appears from this incident that some tribes did not act to take revenge against murderers by themselves but they asked the governor for justice. A similar incident occurred in the caliphate of Marwān b. Hakam. There were thieves and murderers from the tribe of Azd who formed a gang of highway robbers and attacked people from other tribes. The governor of Mecca imprisoned the chiefs of the Azd tribe but some people advised him that these leaders had no authority over the gang of outlaws. So the governor released them and sent the shurta with them to arrest the gang. The shurta searched for them and imprisoned them, including their leader, who was called Ya'ālā b. Muslim al-Azdī.  

From this example it seems that the shurta were active against highway robbers. Evidently the first action that the governor took against robbers was to find out to which tribe they belonged, so that he could put pressure on the chiefs to surrender them to justice. When the governor realised that the chiefs had no authority over the outlaws, he sent his shurta to look for the thieves themselves. In another incident a man called Hudba killed a man from another tribe and so the relatives of the murdered man went to the governor to demand justice. The governor tried to arrest the killer but he failed. Then he arrested the killer's uncle and some other relatives and said he would not let them go until their relation would come to justice. So the killer surrendered himself and the governor let his relatives go. The killer remained in prison until the son of the dead man grew up and the governor asked him if he would let his father's killer pay diya or whether he wanted him to be killed. The son asked for his death and so the governor ordered the sāhib al-shurta to bring the killer to be executed in front of the people.

Most of the time the leaders of the tribes were themselves responsible for the security of their people and their territory, so if any crimes happened within their community they had to pursue the criminals themselves or report them to the governor. If any tribe performed a highway robbery in the territory that they were supposed to keep secure, immediately the governor of that province took action against them. For example, the clan of Banū

Amr b. Hanzal robbed some people who passed through their territory and so Hajjāj sent a letter to them saying

'I swear by God that if you return to your evil ways and harmful actions, I will send horsemen to make your women widows and your children orphans. If anyone comes to your oasis (camp) your people are responsible for his safety. I give you my warning that I forgive you this time, but the next time I will take revenge.'

Probably when Hajjāj threatened to send horsemen he meant the shurta.

It appears that some sahib al-shurta were very active against highway robbers. For example, the poet Dhu’l Rumma praised the sahib al-shurta of the governor of Irāq Khālid al-Qasrī, Malik b. Mundhir, because he made both the city and the countryside peaceful by killing thieves, highway robbers and outlaws. Dhu’l Rumma also praises in his poem another sahib al-shurta who was tough on criminals, especially those outside the cities. The punishments that the sahib al-shurta used against highway robbers were hanging them in public or crucifying them. These kinds of punishments were conducted according to the hudūd. According to Ibn Hazm

2. Yusuf Khalīfa, Dhu’l Rumma shā‘ir al-hubb wa’l-Sahra’ (Cairo, 1970), pp. 203-204. Dhu’l Rumma said:

anyone who performed a highway robbery on a Muslim should be given
the punishment of salb (crucifixion).\(^1\)

The shurta also used to guard or escort money which was sent
by the governor to the caliph. For example, according to
Balādhurī, a caravan carrying money from Baṣra to ʿAbdallāh b.Zubayr,
when he was caliph, was escorted by thirty shurta, but in the middle
of the journey some sixty Khārijites attacked them and stole the
money.\(^2\)

5.1.5 Carrying out executions and tortures of political offenders
and generally dealing with prisoners and the sāhib al-sijin

In the Umayyad period the enemies of the state, especially political
enemies like the Shiites and the Khārijites, became more active
against the authority of the state. The shurta were responsible
for executing these political enemies whenever they were captured,
either in war or in rebellion. They performed this duty by order
of the governor who as the most important man in the province had
the power to execute his political enemies. Many sources relate
that the shurta and their sāhib al-shurta executed political enemies
by order of the governor. For example, according to Ṭabarī, in
102/720 when a recent war had finished,\(^3\) the Syrian troops arrested

3. In this war between the Umayyads, in the caliphate of Yazīd II,
and the rebel army of Yazīd b.Muhallab, the latter was defeated
and killed.
three hundred of Yazīd b. Muhallab's soldiers. The governor of Iraq ordered his sahib al-shurta to execute twenty or thirty soldiers at a time.

The sahib al-shurta with his shurta had authority to execute anyone suspected of being a rebel or traitor. Ibn Abī'īl Ḥadīd mentions that in the governorship of Ziyād in Basra, the sahib al-shurta executed a man whom he believed to be a Khārijite and according to Mubarrad the governor of Basra, Ubaydallāh b. Ziyād, ordered the shurta to execute the leader of the Khārijites. So one of the shurta performed the execution. From this incident it appears that the individual shurta under the Umayyads performed the duty of executioner. Sometimes the governor ordered the shurta who were present in his court to execute anyone they wanted to be executed. The governor of Īraq, Musāb b. Zubayr ordered his shurta to execute the wife of Mukhtār. According to Ibn Ābd Rabbihi, the governor of Īraq, Ziyād b. Abīhi ordered his sahib al-shurta to execute a man who had criticised him. The sahib al-shurta of Marwān b. Muhammad ordered the execution of all prisoners except slaves after a battle between the army of Marwān and his relation Sulaymān b. Hishām in 127/744. They executed more than

4. Tabarī, vol. 6, p. 112.
5. Ibn Ābd Rabbihi, op. cit., vol. 1, p. 44.
thirty thousand prisoners. From this incident it seems that the shurta were the executioners of the rebel armies. On occasions, certain shurta did not obey their governors' orders to execute prisoners. According to Baladhuri, the governor of Iraq, Ubaydallah b. Ziyad, ordered one of his shurta, whose name was Abu Azza, to execute a prisoner but Abu Azza refused and so the governor ordered his arrest. This incident appears to have been exceptional, however, since the shurta could not generally refuse any order of their governors. Evidently in this instance the shurta believed that executing this particular man was not right; but he himself was arrested after refusing to obey the order.

In the Umayyad period the shurta performed other duties, such as torturing political enemies of the state. Many incidents show how the shurta in this period tortured opponents of the Umayyads. According to Baladhuri, the governor of Medina ordered his sahib al-shurta to torture people who refused to give homage to the new caliph Yazid b. Muawiya. According to Abu Nuajm al-Isfahani, SaCid b. Musayyib refused to give homage to the sons of Abd al-Malik, Walid and Sulayman, so the governor of Medina ordered his shurta to torture SaCid. The particular method of torture used by the shurta was as follows: when SaCid was arrested the shurta forced him to wear rough underpants (tubbân) and then whipped

4. Tubbân were worn by prisoners awaiting execution and by sailors. According to Muhammad al-Razi, they covered the genitals.
him with thirty lashes. Then the shurta made Sa'id stand in the
sun, in the street, to be seen by everyone. Then the governor
sent for him and asked him to give homage but still Sa'id refused,
so the shurta tortured him again.¹

In the governorship of Khālid al-Qasrī in Irāq, the governor
became angry with a tribal leader and ordered his šāhib al-shurta
to torture this man. So the šāhib al-shurta whipped him until
he died.² Tortures were also meted out to those who had actually
been strong supporters of the Umayyads when they had fallen from
favour. For example, when the caliph Walīd b. Yazīd (125-126/
742-43) turned against the former governor of Irāq Khālid al-Qasrī,
he ordered his šāhib al-shurta to torture Khālid, so the šāhib al-
shurta tortured Khālid with many different kinds of tortures.³

It was not only the Umayyad caliphs who used the shurta to
torture their political rivals. For example, the šāhib al-shurta
of Mukhtār al-Thaqafī in Kūfa tortured a man who was allegedly
responsible for killing Husayn b. Ālī and his family. On the
orders of Mukhtār, the šāhib al-shurta tortured that man by stoning
him until he fell down and after that burnt him to death.⁴ Also
Muṣīb b. Zubayr, the governor of Irāq in the time of his brother
Abdallāh b. Zubayr, ordered his shurta to torture the wife of

¹. Abū Nuṣaym al-Isfahānī, Hilyat al-Awliyā’ wa Ṭabaqāt al-Asfiyā’
(Cairo, 1933), vol.2, pp.170-71.
². Ta’bari, ser.11-3, pp.1495-96.
Mukhtār. So the shurta hit her with a sword until she died.¹

It was not only political rivals who were tortured by the shurta but it also appears that the shurta tortured by order of the governor certain poets who satirised the governor in their poems. For example, according to Abu’l Faraj, the poet Ibn Mufarrigh satirised the governor of Basra, Ubaydallāh b. Ziyād. When Ibn Mufarrīgh was arrested by the shurta, the governor Ubaydallāh ordered the shurta to torture him. The shurta tortured Ibn Mufarrīgh by giving him wine to drink which contained shabrum which caused diarrhoea and then made him appear in the streets while he was unable to control himself.² They also tied a pig to Ibn Mufarrīgh and the small boys of Basra followed him, laughing at him. After that the shurta put him in prison³ and whipped him.⁴

It becomes clear that in this period the governors used the

¹. Ibid., p. 264.
³. Ibid.
⁴. The poet himself describes his conditions in this poem. He writes:

وَقَدْ نَعَضَتْ فِيَ الْقَصَاصِ وَأَذَرَتْ وَقَرَنَ مَعَ اثْنَيْ نَزِيرَينِ هَامِي وَكَلَا بِالْيَتْهِشُمِينِ مِنْ وَرَائِي عَيْبَ النَّاسِ مَالِينَ وَمَا يَظْلَمُ مَعَ القَوْلِيَّةِ سَبَعٍ

shurta to suppress their political enemies or anyone else who incurred their disfavour. It seems that the shurta used a variety of methods of torture on these people.

Prisons (sijn or habs) were known in the Muslim community even in the time of the Prophet. But it was in the caliphate of C‘umar b. Khattab that prisons were officially established in Muslim cities. C‘umar bought a house in Mecca and converted it into a prison. In Umayyad times punishment by imprisonment became more common and the governors used this form of punishment both for criminals and for political rivals. It appears that the Sijn, in this period, had a sajjân (jailer). For example, the governor of C‘iraq, Khälid al-Qasri, ordered the poet Farazdaq to be imprisoned. So the sajjân was responsible for putting Farazdaq in prison. The shurta were also responsible for arresting criminals and enemies of the Umayyads by the orders of the sabib al-shurta. They sent the prisoners to the sajjân to put them in prison. Many incidents show that the sabib al-shurta with his shurta arrested people and after that handed them over to the sajjân.

The sabib al-shurta of Mukhtär al-THaqafi imprisoned the wife of one of Mukhtär’s enemies. It appears that some sajjâns in this period could allow prisoners to go to their homes on their own

2. Ibid., p.37.
authority. For example, the sajjān in the governorship of ĈUbaydallāh b. Ziyād, allowed a man who was imprisoned for being a Khārijite, to go to his home.\(^1\) However, it seems that this incident, allowing the prisoner to go home on his own authority without the order of the governor, was unusual, since generally the sajjān had no authority to allow prisoners to go home except on the orders of the governor, especially when it involved Khārijites.

The sahib al-shurṭa with his shurṭa arrested not only political prisoners but also criminals. Many incidents show that criminals, murderers, thieves, and those who had committed an offence against Islamic law or the state were imprisoned. According to Ibn Wākī', the governor of Baṣra, who was at the same time sahib al-shurṭa, Bilāl b. Abī Burda b. Mūsā al-Asḥārī, in the time of the caliph Hishām (105-125/723-42) imprisoned a murderer.\(^2\) The sahib al-shurṭa of Hājjāj imprisoned people who failed to pay their debts.\(^3\) The sahib al-shurṭa also imprisoned on the orders of the caliph anyone who played chess.\(^4\)

In the Umayyad period the prisons had names. According to Abu'l Faraj, ĈAbdallāh b. Zubayr imprisoned Muhammad (al-Hanafīyya) b. ĈAlī b. Abī Tālib in the prison in Mecca which was called Sijn

\[^{1}\text{Mubarrad, vol.3, p.248.}\]
\[^{2}\text{Wākī', vol.2, p.40.}\]
\[^{3}\text{Uyun, vol.1, p.16.}\]
\[^{4}\text{Kurd ĈAlī, op.cit., p.166.}\]
Hajjāj's prison in the city of Wāsīt was called al-Daymās (الديماس). It appears that most of these prisons were in bad condition. For example, Ibn Saʿd describes the prison al-Daymās as being without a roof to protect the prisoners from the sun or from the winter weather, so that many of them died in that prison.

It seems that some of these prisons were not very secure buildings, so many prisoners escaped from them, especially political prisoners. For example, the rival of Mukhtār al-Thaqafī, Ibn Hurr, got his wife out of prison and they escaped although the šāhib al-shurta of Mukhtār tried to prevent them from getting away. Moreover, Yazīd b. Muhallab escaped from the prison of Hajjāj in 90/708. It seems that some prisoners dug a hole in the prison wall in order to escape. According to Abū Hanīfa, the leader of the Yemenite tribes escaped from the prison of the governor of Khurāsān, Naṣr b. Sayyār, in 127/744 by digging a hole in the wall. When the governor discovered the escape of his enemy he ordered the execution of the sajjān or the šāhib al-sijīn, believing that the sajjān had helped him to escape.

As Rosenthal says,

3. Ibid.
5. Ṭabarî, vol.6, pp.448-49.
'A prolonged stay in prison could produce a strong desire for freedom and lead people to all sorts of desperate measures. Prison breaks appear to have been common and often dramatic.\(^1\)

It appears that the shurta often tortured the prisoners before they imprisoned them. For example, when Sa\(^{\text{c}}\)yd b. Musayyib refused to give homage, in the time of 6\(^{\text{c}}\)Abd al-Malik, he was tortured and after that imprisoned.\(^2\) As mentioned before, in the case of the poet Ibn Mufarr\(\text{g}\)h he was tortured by the shurta and then imprisoned.\(^3\)

It seems that the prisoners in the prison had an im\(\text{m}\) to lead the prayers.\(^4\) It also appears that when the prisoners wanted to perform their ablutions before the prayers, they had to come out of the prison for this purpose as there was no water inside.\(^5\)

It also seems that prisoners of war could be put in prison before execution. According to 7\(\text{b}b\), when Yaz\(\text{d}\) b. Muhallab was defeated by the Umayyads, his supporters were put in prison and later the governor ordered the sahib al-shurta to execute them.\(^6\)

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1. Rosenthal, op.cit., p.64.
2. Ab\(\text{b}\) Nu\(\text{c}\)aym al-Isfah\(\text{n}\), op.cit., vol.2, pp.170-71.
4. Agh\(\text{h}\)n\(\text{i}\), vol.17, p.86.
5. Ibid., vol.20, p.162.
6. 7\(\text{b}b\), ser.11-3, p.1407.
As mentioned before, the shurta, especially the sahib al-shurta, had authority over the prisoners and the sajjān but he was not responsible for what happened in the sijn because the responsibility of the sijn belonged to the sajjān but it was the sahib al-shurta who brought people to prison. The main reason for using prisons in this period was the increase of political enemies in the first place and in the second place the increase of criminals and outlaws. As Levy mentions:

'Imprisonment seems to have been at the will of anyone in power. Habitual criminals might by law be imprisoned for life, but they must be fed and clothed at the expense of the Baytal-Māl (the public treasury) if they had no means of their own.'

Chapter 6

SOME SPECIFIC ASPECTS OF THE SHURTA INSTITUTION IN THE UMAYYAD PERIOD
Chapter 6

SOME SPECIFIC ASPECTS OF THE SHURTA INSTITUTION IN THE Umayyad Period

6.1 THE LOCATION OF THE SHURTA WITHIN THE CITY

As already mentioned, the job of the shurta was very important, especially inside the city. For this reason, the shurta usually had special quarters within the city itself in which to perform their duties. Many historical sources mention the places which the authorities constructed for the shurta inside the city, often inside or near the governor's palace or around the great mosque.

As mentioned before, it appears that the šāhib al-shurṭa was present at audiences (majlis) given by the governor, ready to defend them against any threat from the enemy or any opposition at all during the audience. An example of this is an anecdote related by Tabarī about the governor of Kūfa, Ẓ. Abdallāh b. Ṭ. Umar b. Ẓ. Abd al-ʿAzīz, in 127/744. One day two tribal leaders with a complaint against him entered the governor's audience and threatened him. He became angry and ordered them to be thrown out. Then the šāhib al-shurṭa who was behind the governor pushed these men out of the majlis. 1 It seems that it was common practice that whenever the governor was in the majlis (court) and having audience with the people, the šāhib al-shurṭa

1. Ṭabari, vol. 7, p. 305.
was with him, ready to take orders.

The sahib al-shurta was sometimes described as standing behind the governor. It appears that because of his important duty of guarding the governor, the sahib al-shurta was so near to him that Tabari described his position as follows: 

No doubt his position was similarly close in an incident related by Baladhuri who mentions that in the governorship of Ziyad b. Abihi a man approached Ziyad with a knife. The sahib al-shurta of Ziyad thought he was going to attack the governor, so he killed him.

The shurta also had special positions in the palace of the governor. The sources do not relate the exact location of such posts in the palace but we can deduce what they may have been from incidents related. According to Tabari, the governor of Iraq, Ziyad b. Abihi, ordered the leader of the Shi'a in Kufa, Hujr al-Kindi, to be brought to him. So the sahib al-shurta, who was present in the governor's majlis, ordered one of his shurta to go to Hujr. It appears from this incident that the shurta were present in the court to guard the governor, probably they were standing around the governor and did everything which the governor ordered directly or through the order of the sahib al-shurta as happened in this incident.

1. Ibid.; vol. 3, p. 368.
2. Ibid.
4. Tabari, ibid., p. 257.
On another occasion, according to Ibn Qutayba, the governor of Medina in the time of Mu'awiya, Sa'id b. al-As, gave people dinner in his majlis at night. When the dinner was finished the people began to go, except for one shabbily dressed man sitting on the carpet. The shurta immediately came to take him out of the majlis but the governor prevented them. In this incident it seems that the shurta were positioned in the majlis of the governor and if they saw anything which was not normal or if they noticed strangers in the majlis they immediately acted against them because they were stationed in the majlis to protect the governor. They would act in this capacity as the situation demanded without awaiting orders from the governor. Probably they had previously been trained in the correct behaviour which they should adopt to protect the governor.

The governor of Egypt, Abd al-Aziz b. Marwān (65-85/684-704) built a new palace in the town of Hulwān. The first action he took after it was finished was to station the shurta inside this new palace. The governor of Iraq, Ziyād b. Abīhi, gave dinner to his shurta who were on duty in his palace. It seems that not all the shurta were on duty in the palace of the governor at the same time. According to Tabari, when the Shi'a revolted against the Umayyads under the leadership of Muslim b. Aqīl, the governor Ubaydallāh had only thirty shurta with him in the palace. This

2. Wulāt, p.71.
incident shows that not all the shurta were on duty in the palace at once since it seems that there were also shurta on guard on the walls of the palace so that they knew who was outside and could defend the palace from the top of the wall if anything dangerous occurred, such as the revolt mentioned here.¹

The shurta did their duty as the guardians of the city by keeping watch in turn. For example, not all the shurta were on duty inside the palace or in the city at the same time. As Jähiz relates, the sahib al-shurta of Hajjāj asked a shurtî of his to do something for him and told him that if he did this job he would excuse him from his turn of duty (nawba) for one year.² Because the shurta were not all on duty in the same place either in the palace or at their stations, when a revolt happened and all the shurta were required to be present, the governor would order a herald to go around the streets so that all the shurta could hear and come to their station. Most of the time the shurta would gather in the neighbourhood of the palace or in the great mosque.³ The heralds warned the shurta that if they did not come forward to do their duty they would be punished.⁴ This indicates that most members of the shurta were at home except for those on duty guarding the palace or the city.

It appears that the shurta on occasion had a kind of post

¹. Ibid.
². Bukhalā', p.162.
⁴. Ibid.
probably near the palace of the governor. In this station he would investigate criminal cases. He could also punish malefactors on the spot, as mentioned elsewhere in the case of the sahib al-shurta of Hajjāj. It seems that the sahib al-shurta listened in his station to anyone who wanted to make a complaint or to ask help from the shurta. As Zubayr b. Bakkār relates, a man who was on a pilgrimage came to the sahib al-shurta of Medina to complain that someone had broken his nose. So the sahib al-shurta sent for that man in order to judge the case.

It seems that the station of the shurta was open for anyone who needed help and the shurta were ready to act immediately. If anyone sent for the shurta to come to their house because of thieves breaking in and strangers attacking, the shurta would go to the house to make arrests and help. It seems that the shurta did not punish everyone at their station; some people were punished outside, such as the example of the adulteress whom the sahib al-shurta stoned in the graveyard. Probably this kind of punishment was

3. According to much later sources, the station where the shurta gathered in this period was called the dar al-shurta or the majlis al-shurta. Certainly, in the Abbāsid sources, as will be discussed later, the term most regularly used was majlis al-shurta: Ibn Duqmāq, Kitāb al-Intisār li Wāṣṭa C Iqd al-Amsār (Beirut, n.d.), vol. 1, p. 5; Kathīr, vol. 9, p. 269.
done outside so that people could join in the stoning and when the adulteress died she could be buried in the graveyard.

The shurta were also stationed in the grand mosque, especially when the caliph or the governor was present in the mosque. The importance of the mosque was very great because in the mosque the caliph and the governor addressed the people, especially at the time of Friday prayers. As mentioned before, the first caliph to use the shurta in the mosque as his bodyguard was Muawiya I and in his time the governor stationed the shurta in the mosque. Every Muslim city had a great mosque which was near or attached to the palace of the caliph or the governor who gave their political and religious speeches in the mosque. The shurta guarded the caliph and the governor by standing near them while they prayed or made their speech. According to Kindī, the shurta guarded the mosque even when the governor was not there. For example, the new governor of Egypt arrived in Fustat in the caliphate of Walīd b. Čabd al-Malik, before the old governor was dismissed. So he entered the great mosque and sat in the governor's place. Immediately the shurta came and told him that that place belonged to the governor. Then the new governor told the shurta to tell the former governor about him but the shurta told him that the governor was not in the city. So he told them to bring his deputy and the shurta went to the sahib al-shurta and told him about that man. This incident

2. Tabarī, vol.5, p.149.
3. Wulāt, p.83.
shows that the shurta were on guard inside the mosque and did not allow anyone to sit in the governor's place.

From all these examples it seems that the shurta had their official place where the sāhib al-shurta sat to investigate criminals' cases and to give sentence. Also the shurta were stationed inside and outside the caliph and governor's palaces to protect them and in the great mosque to protect the caliph and governors from their enemies. These places in which the shurta were stationed were the best guarded places in the city.

6.2 THE WEAPONS AND TRANSPORT OF THE SHURTA

As mentioned before, the shurta were the main internal force and the protectors of authority inside and cities and the army camps. The sources mention different kinds of weapons used by the shurta in the Umayyad period. The weapons of the sāhib al-shurta had a special significance: one weapon was the lance (ramh). According to Tabari the governor of Ḫiraq, Ziyād b. Abīhi, appointed two men to be his sāhib al-shurta and their names were Abdallāh b. Hisn and Jaʿd b. Qays. One day when Ziyād was riding and these two sāhib al-shurta were walking in front of him with their lances in their hands, they suddenly began to argue, so Ziyād ordered Jaʿd to put down his lance. This meant that he was dismissed. This incident shows that the lance was one of the weapons of the sāhib al-shurta and his sign of authority as the sāhib al-shurta.

According to Abu'l Faraj on a different occasion when the

sāhib al-shurta was dismissed he had to put down his sword (ṣayf).\(^1\)

Probably both accounts are right. The sāhib al-shurta must have carried a sword regularly, as we know from some incidents when he was ready to kill anyone whom the governor ordered to be killed, especially in his court.\(^2\) In the second incident, the sāhib al-shurta’s main weapon was the sword. When the governor dismissed his sāhib al-shurta by ordering him to put down his sword this probably happened inside the court. In the incident cited by Tabarî of Ziyād ordering his sāhib al-shurta to put down his lance, this happened outside the court where the sāhib al-shurta usually walked in front of the governor with his lance in his hand as a sign of authority. So it is evident that the sāhib al-shurta used these two weapons in the performance of his duties.

A third weapon is also mentioned by Dhahabi. The sāhib al-shurta in the Umayyad period usually rode on horseback and carried in his hand a lance, with his men around him carrying a kind of weapon called kāfr kūbāt.\(^3\) This shows that the shurta carried this kind of weapon to protect the sāhib al-shurta. According to one source, it seems that the kāfr kūbāt was a kind of sling shot.\(^4\)

The shurta also had other weapons similar to those of their chief. According to Baladhuri, when Ziyād was appointed as the governor of Basra in 45/665 he criticised the shurta’s weapons

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2. Cf. p.64.
and said to them: 'Your lances are very short. They look like billy-goat's legs.'

Evidently before Ziyād, the shurta used very short lances which Ziyād did not like because they were not effective against the enemy.

The shurta also used poles called َCamūd. According to Ṭabari, when Ziyād sent the shurta to bring the Shi'a leader Hujr b. ʿAdī to his palace, his followers fought with the shurta and the shurta used َCamūd to beat them. It seems that the shurta also carried a sword to execute political prisoners inside the palace, as their sahib al-shurta did. The shurta used whips for carrying out hudūd against those who had acted immorally as has been described. According to Ḥāhīz, a governor of Khurāsān, in the Umayyad period, was beating a man with a stick, and someone told him that a stick was for beating animals, the whip (sawt) for hudūd and taṣīr, the durra for rebukes and softer punishments, and the sword for fighting the enemy.

From this incident it seems that each weapon was intended to be used for a different crime or purpose. When the governor was seen using the wrong means of punishment he was immediately reminded of his mistake. When the shurta were helping the army

2. Ibid.
4. Ibid., p. 349.
it appears that they used similar weapons to the soldiers; they used lances, swords and bows and arrows.\(^1\) As already mentioned, the shurta wore al-mujaffifa (a kind of armour) when they were in battle.\(^2\)

For transport the shurta usually travelled on horseback or they went on foot. Many incidents show that the shurta used horses. According to Muhammad b. Habīb, when the governor Ziyād ordered his sāhib al-shurta to go outside the city to look for a murderer, the sāhib al-shurta and his men were riding horses,\(^3\) which made it easier for them to look for the killer. Inside the cities the shurta were usually on foot. As Tanūkhī relates, the shurta were patrolling the streets of the city and could arrest anyone on the orders of the governor.\(^4\) But it seems that the shurta and their sāhib al-shurta used horses even inside the city when a revolt occurred. Abu 'l-Faraj relates that when Zayd b. ʿAlī revolted in Kūfa in 122/739 the governor ordered the sāhib al-shurta to lead his shurta against Zayd and they were riding horses when they attacked the rebels.\(^5\) So it appears that the shurta used horses (khayl) against the rebels. According to Tabari, however, when the Khārijites revolted in ʿIrāq, in the governorship of Khālid al-Qasrī, the governor sent six hundred Syrian troops and two hundred shurta from Kūfa against them and

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in the battle the shurta and the Syrian troops were defeated; the Syrian troops escaped on good horses but it appears the shurta had no horses and so could not escape from the Kharijites. Probably this was an unusual incident since the Syrian troops, at that time, were the guardians of Iraq so the shurta's role in defending the province had taken second place, and perhaps it was for this reason that the governor had not given the shurta horses like the Syrian troops.

The sahib al-shurta usually rode a horse when patrolling the streets with his shurta. As mentioned before, the sahib al-shurta rode his horse escorted by his mawki'b. According to Jähiz, the sahib al-shurta of Hajjāj did not use his mawki'b and instead of riding a good horse rode on a mule. The governor at that time did not like the sahib al-shurta to ride on a mule since he wanted him to be mounted on the best horses. This action by the sahib al-shurta of riding a mule rather than a horse caused him to be criticised by the poets. Most of the sahib al-shurta in the Umayyad period used the best horses and so this sahib al-shurta was criticised and not liked by his governor and people for riding a mule like a qādī.

According to one source, Ibn Āṣākir, the sahib al-shurta in this period also used camels for their transport, as Ibn Āṣākir relates of the sahib al-shurta of the governor of Medina in the time of Muawiya I.

1. Tabari, ser.11-3, p.1624.
3. Qawl, p.74.
4. Ibid., p.77. The poet said: 
6.3 THE SALARY OF THE SHURTA

The shurta, like the rest of the Umayyad officials, received a salary for their services as the internal force and the protectors of the caliphs and the governors. From some records it seems that the salary of the shurta was very high in comparison to that of the other officials. According to Nawawi, the first sahib al-shurta in Uthmân's caliphate received a very large sum of money; the caliph Uthmân gave four thousand dirhams to his sahib al-shurta.1 This compares very favourably with sums paid to other officials. It seems that this high salary which the sahib al-shurta earned continued through the Umayyad period. According to Balādhuri (73-75/692-94) the governor of Iraq, Bishr b. Marwān, gave his sahib al-shurta one hundred thousand dirhams.2 It appears that this salary was for one year. The individual shurta also received a high salary for their services. According to Dhahabī, the caliph Umar b. Ṭāhir al-Azîz gave to his shurta ten dinârs each.3 Presumably this was a monthly salary. Maqdisî mentions that the shurtî who guarded the body of Zayd b. Ṭâlî, when he was crucified in 122/739, received three dirhams salary a day.4

The shurta earned their regular salary but they also received money from the caliphs and the governors as gifts. For example, at the marriage of his son Walîd, the caliph Ābd al-Malik gave all

men on guard duty ten dinārs each. The governor of ʿIrāq, Bishr b. ʿAbd al-Malik, once gave somebody ten thousand dirhams and thirty robes and also gave his šāhib al-shurṭa who was present a similar gift. The shurṭa also received their food when they were on guard duty in the palace. The governor of ʿIrāq, Ziyād b. Abīhi gave dinner to his shurṭa every night.

From these examples it seems that the caliphs and the governors were very generous with the šāhib al-shurṭa and the shurṭa. It was obviously important that this key group should be kept happy and loyal to the regime which they served.

6.4 THE NUMBERS OF THE SHURṬA IN INDIVIDUAL CITIES IN THE UMAYYAD PERIOD

Each city had a number of shurṭa who were stationed in or near the governor’s palace. It seems that before the Umayyad period the shurṭa did not exist in large numbers. According to Ṭabarī, when Ziyād b. Abīhi came to Basra as the governor and saw that no law and order existed in Başra, he immediately increased the number of the shurṭa force to four thousand men. It would appear that Ziyād was the first governor to increase the number of the shurṭa in the province of Başra.

When Ziyād went to Küfa as the governor he threatened the people that he would bring two thousand shurṭa from Başra with him.

5. Ibid., p.235.
This indicates that the number of the shurta who had been stationed in the province of Iraq was very large, probably because there were so many rebellious elements in Iraq who took every opportunity to make trouble. In Kufa the number of the shurta was also at least four thousand men. Tabari relates that when Mukhtar al-Thaqafi rose up in rebellion, the governor of Iraq sent his sahib al-shurta with four thousand shurta to crush Mukhtar's revolt.1

In other provinces it appears that the number of shurta was rather less. According to Zubayr b. Bakkar, Marwan b. Hakam the governor of Medina in the time of Muawiya I, appointed Musab b. Abd al-Rahman as the sahib al-shurta and two hundred shurta to guard the city.2 Apparently the province of Medina was in a lawless state but with two hundred men the sahib al-shurta was able to bring it under control. Medina was not a centre of political activity like Iraq and so fewer shurta were needed to control the city because they were dealing with individual criminals rather than the large-scale revolts which happened in Iraq.

When the army was on the move, it seems that there were large numbers of shurta in the military camps because, as mentioned before, when the governors organised their army into regiments according to tribes, the shurta had their own regiment with the sahib al-shurta as their commander.3 The sources do not, however, mention any precise numbers. In peace time the shurta had to guard the streets

1. Tabari, vol.6, p.23.
and look after the people inside the cities and so they patrolled the streets, apparently in very small numbers. Tanūkhī mentions an incident in which two shurtīs were patrolling the streets and proclaiming the governor's orders to the people.¹

So the number of the shurtā in each province varied according to the political stability of the province. The largest number of shurtā recorded in the sources is four thousand for ʿIrāq and the least is two hundred for Medina. One source, Dhahabī, records that the number of the shurtā in the palace of the caliph ʿUmar b. ʿAbd al-ʿAzīz was three hundred.²

6.5 THE KHALĪFA OF THE SĀHIB AL-SHURTA

Most early sources mention the duties of the sāhib al-shurta and indicate that he was the second most important man in the province after the governor. Few of them mention, however, that the sāhib al-shurta had another official helping him who deputised for him if he was not on duty or was absent. It seems that this official was called the khalīfa (deputy) of the sāhib al-shurta. According to Abuʾl-Faraj, it was the khalīfa who castrated mukhannaths, not the sāhib al-shurta himself.³ This suggests that the sāhib al-shurta was not on duty or was absent and so the khalīfa carried out the order to castrate these people. According to Jāhiz, the governor Hajjāj sent the khalīfa of his sāhib al-shurta to lead a campaign.

against the Zanj. This man was the son of the šāhib al-shurta. Presumably this office was usually occupied by someone the šāhib al-shurta could trust if he was absent and whom the governor would also accept as his most trusted man. Balādhuri, also mentions that in 66/685, when the Shi'a revolted in Ku-fa, the governor Ābdallāh b. Mutī sent his šāhib al-shurta with the shurta to crush the revolt but the šāhib al-shurta was killed in the battle and so the governor immediately appointed his son in his place. These incidents suggest that often the son of the šāhib al-shurta was the khalīfa of the šāhib al-shurta so that he could deputise for him if he was absent or replace him if he was killed. In this way the governor wasted no time in choosing a trusted man for his šāhib al-shurta and when the son was the khalīfa he would learn his father's job and the duties of the šāhib al-shurta. The sources do not relate many details about the khalīfa's functions but because he was the deputy his duties were probably similar to those of the šāhib al-shurta.

6.6 THE RELATIONSHIP BETWEEN THE SHURTA AND THE PEOPLE, ESPECIALLY WITH POETS

As the guardians of authority within the Muslim community, the shurta were in contact with the people at every time of the day. The shurta received two kinds of response from the people. Sometimes

1. Thalāth, p.65.
2. Ibid.
they enjoyed the praise of the people but on other occasions they were hated and it was the poets, who were the tongue of the people in Umayyad times, who expressed this hatred of authority in satirical verse. As a result, some poets were treated very harshly by the shurta. There are a number of examples in the sources which show the poets of this period criticising the shurta. For example, Abu 'l-Faraj relates that when the poet Farazdaq who satirised the governor of Ĥiraq, Khālid al-Qasrī, the latter ordered his šahib al-shurta to arrest him. The šahib al-shurta sent one of his shurta, Ayyūb, who was from the same tribe as Farazdaq. Ayyūb devised a trick by means of which he managed to arrest him. The poet made up this verse about the shurta:

\[
\text{فلو كنت تُسيّبنا أذاهاستنا \& خير نِبأ غلطةً} \text{ منفرد.}
\]

But after torture and imprisonment, Farazdaq made poems in praise of the governor and his šahib al-shurta Mālik, so that they would release him from prison:

\[
\text{يامال هل لا في كبير قد أنت تسعون فؤد يديه} \text{ غير طويل.}
\]

Once released, it seems that Farazdaq had not learned his lesson because, according to Muhammad b. Habīb, in the time of Ziyād b. Abīhi, Farazdaq again satirised the šahib al-shurta. Ziyād ordered his arrest but he escaped to Medina.

2. Ibid., p.24.
According to another story set in Medina, in the time of Muʿāwiya, while Marwān b. Hakam was governor the sāhib al-shurta was riding his camel when he met another nobleman riding his camel in the same road. The sāhib al-shurta hit the face of the nobleman's camel so that he could pass first whereupon a relative of the nobleman retaliated by hitting the face of the sāhib al-shurta and breaking his nose. Thereafter a fight almost broke out between the sāhib al-shurta's family and that of the nobleman. A poet attacked the sāhib al-shurta about this incident, saying:

لقد هزنا بجفبة مصبة، بترسنا أنفنا ليفضبا،
فإن نبتد إله السلام مدفبا، إذا متشت هولاء عمضا.

Sometimes the poets brought down the wrath of the shurta on their heads by their own immoral behaviour. When they received harsh punishments, they would publicise this in their poems. Conversely, the shurta clearly had no liking for poets. In another

1. Ibn ʿAsākir, op.cit., vol.6, p.409. See also the attack made by the poet Ziyād al-Acjam on the sāhib al-shurta of the governor of Basra in the time of ʿAbdallāh b. Zubayr, who wrote:

فَأَنَّنَا نَبِلُ بِإِبَاحَةٍ وَلَبِينَ شَرْطَةٍ مِبَأَسْنَيْ زُيَّةٌ صَرَتْ فِيهِ نُكْلَم

Ansāb, vol.5, pp.277-78.

See also the lines pinned by a poet in the time of Marwān b. Muhammad about the severity of the sāhib al-shurta, Maqātil, p.162.
incident mentioned by Abu 'l-Faraj, in the time of Ziyād b. Abīhi, the poet Farazdaq was sitting one day in a lane with no exit when two shurtis passed by. One said to the other, 'Let's give Farazdaq a fright!' So they went towards Farazdaq who tried to escape and in his fear he tore his outer garment and his sandal. 

This fear of the shurta was shared by ordinary people. It was fear of the governor and his shurta that made a woman live with her old husband whom she wanted to leave. She tried to be patient with him and said:

It was not only ordinary people who were frightened of the shurta since this sentiment was shared by the nobility too. For example, Jāhiz relates that when Ḥādī b. ʿAṣim b. Ṣulaymān b. ʿAbd Allāh b. ʿAbd Allāh b. ʿAbd al-ʿAzīz went to visit the caliph ʿAbd al-Malik in Damascus, he went immediately to the caliph's palace without changing his travel clothes because he was frightened of being arrested by the shurta. 

Most of the fuqahāʾ were against the shurta and tried to encourage dislike of the shurta amongst the people. For example, Ḥasan al-Baṣrī criticised the governors for using the shurta. 

Ibn Shabruma is recorded as criticising the sahib al-shurta of the governor of Iraq, Khālid al-Qasrī, for the pomp and showiness of his processions (mawākib) through the streets. Ibn Kathīr also relates that when Hasan al-Basrī saw some scholars (fuqahā') sitting in front of the governor's palace he criticised them saying, 'Your majlis is not the majlis of God-fearing people but the majlis of the shurta.' No doubt such criticism of the shurta by the fuqahā' sprang from the feeling that the shurta were the agents of the government in power.

The widespread antagonism towards the shurta is revealed in proverbs such as the one quoted by Al-Thacalabī:

\[\text{لا تدعوا INCIDENTS البكاء} \text{ ولا تعلموا البغي الغبائين ولا تعلموا السرقة.} \]

'Do not teach orphans to cry. Do not teach Zuttī to thieve and do not teach shurta to search.'

Al-Thacalabī also writes that according to some people two of the worst possible offences were: a mukhannath giving the call to prayer and a shurtī praying at sunrise.

\[\text{1. Māwardī, op.cit., p.40.} \]
\[\text{2. Kathīr, vol.9, p.269.} \]
\[\text{3. Al-Thacalabī, Kitāb Khāṣ al-Khāṣ (Beirut, 1966), p.24.} \]
\[\text{4. Ibid., p.77.} \]
Chapter 7

OTHER INTERNAL FORCES AND INSTITUTIONS AND
THEIR RELATIONSHIP WITH THE SHURA
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Although the shurta were the main internal peace-keeping force in the Umayyad period, there were other institutions which had different duties towards the authorities and the people. These included:

1. haras
2. non-Arab guards
3. al-ʻurafā'
4. șāhib al-istikhrāj or șadḥāb
5. mutawallī al-sūq.

Such forces or institutions as these enjoyed a good relationship with the shurta because each one of these was dealing with a broadly different area of internal affairs. Each of these institutions will be discussed in turn.

7.1 HARAS

At the beginning of the Islamic period the word haras was used by the Muslims to describe any guard. As mentioned before, the Prophet himself had his own group of haras who were chosen from his companions. 1

1. Cf. p.16.
In the Rashidun period the word haras was used to refer to certain people who guarded certain places. For example, according to Abu Hanifa, when the Muslim army besieged a Persian city, the city was guarded by the haras. But in the Rashidun period haras was not organised as an institution and the Rashidun caliphs did not have their own bodyguards for their personal protection.

In the Umayyad period it seems that the haras was used as a bodyguard to protect the caliphs and the governors. As mentioned before, Muawiya, the first Umayyad caliph, used the shurta as his protectors and bodyguard but some sources mention that he created and used haras for his protection. Masudi also mentions that whenever Muawiya sat in the mosque to administer justice haras stood near him to protect him. Muawiya was the first caliph to create and appoint a sahib al-haras, whose name was Abu Mukhtar.

In Muawiya's time the provincial governors also created haras as another force beside the shurta for their personal protection. The governor of Iraq, Ziyad b. Abihi was the first governor to create a haras force. According to Tabari and Abu Hilal al-Askari, Ziyad created five hundred men as a haras force and appointed a man from the tribe of Banu Sa'd as sahib al-haras.

After Muawiya, all the Umayyad caliphs appointed sahib al-haras,

according to Ibn Khayyat and Ya'qubi. A few examples here should suffice. In the reign of the caliph 'Abd al-Malik those who held the office of sahib al-haras were 'Adi b. Ayyash and Rayyan b. Khalid. 1 The latter's son was the sahib al-haras of the caliph Walid b. 'Abd al-Malik. 2 Sulayman b. 'Abd al-Malik's sahib al-haras was Khalid al-Dayyan. 3 The caliph Hisham's sahib al-haras was Rabih b. Ziyad. 4 This indicates that the office of the sahib al-haras and the haras existed throughout the Umayyad period. But what was their duty and what was their relationship with the shurta?

Because of the similarity between the shurta and the haras some of the early historians confuse them. For example, Abu 'l-Faraj relates a story about the poet Ammar who was beaten by the shurta whenever he drank wine until the caliph ordered the governor to tell the shurta that if they beat Ammar forty lashes the shurta would receive eighty lashes, so no shurta dared to beat Ammar. After that, Abu 'l-Faraj, instead of saying shurta 5 says that 'no haras dared to beat Ammar.' So it seems that he does not distinguish between shurta and haras and uses the terms interchangeably. A similar confusion is shown by Kindi. 6

In the Umayyad period the caliphs and governors are mentioned as using shurta and haras as their bodyguards. 7 It is difficult

2. Ibid., p.419.
3. Ya'qubi, vol.3, p.44.
4. Ibid., p.70.
to state whether in the Umayyad period the two offices covered one and the same set of responsibilities. Probably the shurta had wider duties than those of the haras whose main function evolved into that of guarding the caliphs.

As for the sahib al-haras, historians mention this or that caliph's sahib al-haras, but they do not make clear what his exact role was, whereas when they mention the sahib al-shurta they are specific about his duties towards the caliphs or governors.

As the sahib al-shurta was the second man in the province after the governors, probably the sahib al-haras was under his command. The latter's particular role was the guarding of the palace but probably he did not usually attend the caliph inside the court as the sahib al-shurta did. It appears that sometimes the sahib al-haras was also the hājib (chamberlain) of the governor, which means that he waited in front of the governor's door and prevented anyone from entering. This is in contrast to the sahib al-shurta whose duty was to be with the governor inside the room.

It has been shown that the sahib al-shurta often deputised for the governor or succeeded him but there is no instance of a sahib al-haras doing this, which is another indication that the sahib al-shurta was more important and had wider duties than the sahib al-haras.

It seems that there were a greater number of shurta than haras; when the governor Ziyād appointed just five hundred men as haras.

in Basra the number of the shurta was four thousand. The sahib al-shurta were always in the court whenever the caliph or the governor was present and it was the sahib al-shurta who carried the lance and walked in front of the caliph or governor when outside the palace, but the sources do not mention the sahib al-haras performing any of these duties.

In other words, the shurta were haras but haras were not shurta; Jähiz quotes a line of poetry which goes as follows:

\[\text{كأنه شرطي بات في هرس} \]

"As if he was a shurti spending the night in harasi (guarding)." 1

7.2 NON-ARAB GUARDS

Before the Umayyad period, certain foreigners (known variously in the sources as asāwira, al-sayyābiya and al-zutta) were to be found amongst those guarding the bayt al-mal in Basra. According to Baladhuri, the asāwira were Persians. 3 Al-Sayyābiya and al-zutta on the other hand, apparently came from India. 4

In the Umayyad period, it seems that foreign guards were used by some governors for their personal protection and to crush revolts. These foreign guards were known as al-Bukhariyya.

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3. Ibid., pp. 366-68.
4. Ibid., p. 368.
According to Baladhuri, \(^1\) the governor of Khurasan, Ubaydallāh b. Ziyād captured a great number of the people of the city of Bukhāra and settled them in Basra. Ubaydallāh gave them the same pay as was given to the Arab tribes, especially when he became the governor of Irāq. \(^2\) Baladhuri relates that when the Kharijites revolted in Irāq, the governor Ubaydallāh used al-Bukhāriyya beside the shurṭa to crush their revolt. \(^3\) Ibn Saʿd however mentions that al-Bukhāriyya were used earlier by Ubaydallāh's father Ziyād when he was the governor of Irāq. Ibn Saʿd adds that Ziyād used al-Bukhāriyya, beside the shurṭa, to crush the revolt of the Shi'a under the leadership of Hujr al-Kindī. \(^4\)

It is possible that when the Muslims campaigned into Turkish territory the prisoners whom they captured and brought back to Irāq were used as special guards alongside the shurṭa. Baladhuri cites the example of the governor of Khurasan, Saʿīd b. ʿUthmān, who was appointed by Muʿāwiya after the dismissal of Ubaydallāh b. Ziyād. When Saʿīd entered the city of Bukhāra he took a number of prisoners and when he was dismissed from the governorship he took them to Medina and set them to work in his garden as labourers. Because Saʿīd did not use these Bukhāriyya as guards or in other military posts as the other governors of Irāq had

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1. Ibid., p.369.
2. Ibid., p.401.
done, they decided to kill Sa'id when he went into the garden. This they did. Baladhuri also relates that al-Bukhariyya were very skilful with the bow and arrow, but that they were not always obedient to the governor. According to Baladhuri, when the caliph Yazid I died, none of the people of Iraq would accept the authority of Ubaydallah b. Ziyad and attempts were made to kill him. Ubaydallah asked the help of al-Bukhariyya but they refused to help him against the people of Basra.

It seems that not only the governors used al-Bukhariyya as guards but they were also found in the service of the nobility. In the city of Basra, for example, the son of Abdallah b. Amir, the former governor of Iraq, used al-Bukhariyya as their personal bodyguards.

7.3 AL-CURAFÅ‘
The term Carīf denotes a person who organises or directs. According to the sources an Carīf was an official appointed by the governor. According to Ibn Sa'd, when the governor of Iraq, Hajjaj, put down the revolt of Ibn al-Ashath (82/701) he reproached the scholar al-Sha'bī for having supported Ibn al-Ashath in his revolt. Hajjaj said to him, 'I appointed you as Carīf for your

1. Futūh, pp. 401-3.
3. Ibid., vol. 4B, p. 102.
4. Ibid., p. 105.
Ibn Sa'd mentions a letter which was sent by the caliph 'Umar b. 'Abd al-'Aziz to the governor of Iraq, saying:

'The 'urafā' have high-ranking positions in their tribes so investigate these 'urafā' of the army (jund). Confirm in his office anyone whose loyalty to us and to his people you can trust, but if any of these 'urafā' are not loyal you should replace them.'

From these examples it appears that the governor appointed an 'arīf for each tribe. The duty of the 'arīf was to represent his tribe and he was responsible for payments made to his people. He also watched over the loyalty of his tribe, seeking out anyone who was doing wrong or planning revolt and reporting back to the governors so that they could take action.

1. Ta'bagät, vol. 6, p. 249.
2. Levy, op. cit., vol. 2, p. 295. According to Tabari, the 'urafā' existed in the time of the caliph 'Umar b. Khattāb. Before the battle of Qadisiyya the governor appointed one hundred 'arīf and when the governor paid out the stipends he gave the money to the amīr al-asbāb and these people gave it to the 'arīf to give to their people. Tabari, op. cit., ser. 1-5, p. 2496.
In times of unrest in the city the Curafā' were summoned to the grand mosque. Ṯabarī reports that when Muslim b. Cʿaqīl revolted, the governor of CʿIrāq ordered all the shurṭa and Curafā' to come to the grand mosque immediately.1 Similarly, Abuʾl Faraj mentions that when Zayd b. CʿAlī revolted in Kūfa, the governor ordered all the people, the Curafā' and the shurṭa to come to the grand mosque.2 It appears that the people of Kūfa entered the mosque first, followed by the Curafā' who then counted their people. If anyone was missing they told the governor who then inferred that such absentees must be with the rebels.

The Carīf had other responsibilities towards his people. Balāḏurī mentions that ĶUBaydallāh b. Ziyād ordered the imprisonment of a poet because he had satirised the Umayyads. The poet asked to be released and said that his Carīf would stand bail for him, so the governor let him go. The poet fled from the city however, and the governor imprisoned his Carīf instead.3

Because the Carīf was asked to keep an eye on the people and report anything suspicious to the government, the people did not like the holders of this office, treating them in a similar way to the shurṭa. For example, Ibn Saʿd mentions that the people did not like to sit in the mosque with the Curafā' just as they did not like sitting with the shurṭa4 and they probably put them

in the same category as the agents of the Umayyads. Abu’l Faraj mentions the story of a man who was an Carîf in the governorship of Ziyâd. On one occasion the man was sitting with the people when someone mentioned that the prophet David had said that God would forgive every believer but he would not forgive an Carîf. When the Carîf heard this he sent for the governor Ziyâd and asked to be allowed to resign.\footnote{\textit{Aghâni}, vol. 18, p. 159.} In spite of the unpopularity of the office, however, many prominent people were appointed to it. Indeed, Ibn Sa'\textsuperscript{d} mentions in his \textit{Tabaqât} the names of many people who became an Carîf.\footnote{\textit{Tabaqât}, vol. 6, pp. 307, 249, 146; vol. 7, p. 151.}

It is quite likely that the office of Carîf was exploited to the full by the Umayyad authorities. The Carîf was not only responsible for keeping an eye on the activities of the tribes and reporting back to the governors, who had appointed them in the first place for their known loyalty. The office of Carîf was also, most probably, a useful device for keeping in check the power of the tribal chiefs themselves. The Carîf reported directly to the governor and could by-pass the chief of the tribe. The Carîf was, therefore, a very useful government instrument for the shurta and the Umayyad government in their attempts to control the tribes.

7.4 SĀHIB AL-ISTIKHRĀJ OR ĀDHĀB

In the Umayyad period the torture of political enemies of the state

\begin{itemize}
  \item[1.] \textit{Aghānī}, vol. 18, p. 159.
  \item[2.] \textit{Tabaqat}, vol. 6, pp. 307, 249, 146; vol. 7, p. 151.
\end{itemize}
was usually carried out by the shurṭa, as mentioned before. However, it appears that in the early days of the Umayyads a kind of institution was created to obtain money from any official who had embezzled government funds. In the sources the name of the official who was responsible for torturing any official who was accused of embezzlement is given as sāhib al-ʾistikhrāj. According to Ibn Qutayba, this institution began in the time of Ziyād b. Abīhi. Ziyād warned his officials when he appointed them to any job, telling them if it became known that any of them were not honest they would be dismissed and if it became known that anyone had acted treacherously, that person would be punished and would have money taken from him. It seems that the name of the official who was responsible for this latter task was sāhib al-ʾistikhrāj.

Many historians mention incidents in which the governor used this institution to extract money from those officials who had fallen from favour. For example, the governor of Īraq, Ubaydallāh b. Ziyād dismissed a man called Abd al-Rahmān from office, extracting from him two hundred thousand dirhams. Likewise, Ubaydallāh heard that another man had embezzled one hundred thousand dirhams so the governor obtained that money from him too.

5. Ibid., p.81.
The governor Hajjāj also used this method to extract money from those who had embezzled it. For example, Ibn Qutayba mentions that Hajjāj obtained one hundred thousand dirhams from Hamrān b. Abān after torture. Ibn Qutayba also reports that Hajjāj abused the system by ordering the istikhrāj of money by torture from the richest mawlā in Irāq, whose name was Firūz. Ibn Qutayba adds that Hajjāj ordered Firūz to reveal how much money he had and when Firūz refused Hajjāj ordered him to be tortured until he died.

Ibn Ābd al-Rabbihi relates an interesting story about Hajjāj ordering one of his men to extract money and torture a man, who was one of the People of the Book. The man who was responsible for the istikhrāj of the money did not use torture and the dhimmī voluntarily gave up in one week five hundred thousand dirhams. If the dhimmī had been tortured, he said he would not have relinquished any of the money.

In particular, it seems that a new governor would use the method of istikhrāj to obtain money from his predecessor in the office. For example, according to Ibn al-ʿAṯām the new governor of Irāq, Yusūf b. Ąumar, in 125/742, tortured an official of the former governor.

A variety of forms of torture would be used. For example,

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they beat men's hands and feet and after that put them on a
donkey and took the victim round the streets.¹ According to
Ibn Qutayba, they cut reeds and after that they put them around
the man and pulled them tightly. The reeds cut into the man's
body, and after that vinegar mixed with salt was poured into
his wounds.²

The word Cadhāb (torture) occurs often in the sources in
connection with the sāhib al-istikhrāj. Such methods could
also be applied to women. For example, Hajjāj ordered money
from the wife of his enemy ČAbd al-Rahmān b. al-Ashīath after
his defeat.³

7.5 MUTAWALLĪ AL-SŪQ

This was an official already active in Umayyad times in the
markets.⁴ For example, according to Abu'l Faraj, a certain
Burdān was the mutawalli al-suq in Medina when one day a man
came to him and asked for his help against another man with
whom he had a dispute. Burdān gave judgement in their case
and ordered one of them to be imprisoned.⁵ From this incident
it seems that a mutawalli al-suq could judge and imprison wrong-
doers. He also, according to Abu'l Faraj, had assistants to

5. Ibid.
help him in his job. The mutawallī al-sūq was probably appointed by the governor. According to Ibn Wāki, the city of Wāsit, in the governorship of Yusuf b. ʿUmar, 120-126/737-45, had a mutawallī al-sūq. Ibn Wāki adds that the governor tried to appoint Iyās b. Muawiya as a mutawallī al-sūq, but he refused, so the governor ordered Iyās to be whipped.

This office is very similar to the institution of muhtasib which was created in the ʿAbbāsid period with responsibility for the market and with the job of al-amr biʾl maṣruʿ wal-nahy ʿan al-munkar. The mutawallī al-sūq was responsible for looking at the merchandise of the shops and it is likely that if any of this merchandise was fraudulent or in bad condition he could order the arrest of that merchant as the muhtasib did in later times.

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1. Ibid., vol.19, pp.1-3-34.
3. Ibid.
4. According to Ibn Saʿd, a man called ʿAwam b. Hawshab was responsible for al-amr biʾl maṣruʿ wal-nahy ʿan al-munkar at the end of the Umayyad period, op.cit., vol.7, p.311.
Chapter 8

THE BIOGRAPHIES OF THE MOST FAMOUS HOLDERS OF THE OFFICE OF ŠÄHIB AL-SHURTA IN THE UMAYYAD PERIOD
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THE BIOGRAPHIES OF THE MOST FAMOUS HOLDERS OF
THE OFFICE OF SÄHIB AL-SHURTA IN THE UMAYYAD PERIOD

In this chapter we will deal with the biographies of some of the best-known of the sähib al-shurta who played very important roles in this period. Some of these men became famous governors in the Umayyad administration and helped the Umayyads to rule some of the most important provinces like CIraq and Egypt. Others were appointed as both qädi and sähib al-shurta at the same time so they held the most important jobs after the governors. Some of them were very close to particular Umayyad caliphs whom they served well but they were not loyal to subsequent caliphs and tried to bring them down. It appears that the most famous of the sähib al-shurta were the following:

1. Muscab b. Abd al-Rahmân
2. Dahhäk b. Qays
3. Amr b. Sa‘îd
4. Hajjäj b. Yusuf
5. Biläl b. Abî Burda

8.1 MUSÇAB B. ČABD AL-RAHMÂN

Muscab b. Čabd al-Rahmân b. ČAwf was from the Banû Zuhra from the
tribe of Quraysh and his kunya was Abū Zurāra. His father was Ābūd al-Raḥmān b. Āwīf, the famous Companion of the Prophet. Ābūd al-Raḥmān was one of the six men who were appointed as the shūra by the caliph Īmār b. Khāṭṭāb to elect one of themselves as caliph after Īmār's death. According to Ibn Saʿd, Muscab's mother was a captive from Bahrāʾ from the tribe of Qudāʾa. So she was a slave and her name was Umm Hwrayth. The sources do not mention Muscab's birthplace but it is probable that he was born in Medina since his father had followed the Prophet there.

Muscab's early life is not discussed very much in the sources but Zubayr b. Bakkār mentions that Muscab had personal enemies and that one day he killed one of his enemies, called Ismāʾīl b. Habbār, by a trick. It seems that the government did not prove that Muscab killed Ismāʾīl although the case reached the caliph Muʿawiyah. Historians concentrate on Muscab's life when he became sāhib al-shurta. When Marwān b. Hakam was in his second term of office as governor of Medina, he appointed Muscab b. Ābūd al-Raḥmān as his sāhib al-shurta. According to Ibn Wakīl, Muscab was appointed

4. Ibid.
6. Ibid., pp. 516-17.
in 53 or 54 A.H.\textsuperscript{1} When Marwān saw that the authority of the government was weakened with the people killing each other and criminals going unpunished, he chose Muṣ\textsuperscript{C}ab for the office of sāhib al-shurṭa to deal with these crimes.\textsuperscript{2}

In his first day in office Muṣ\textsuperscript{C}ab realised that he could not control the city of Medina with its own people so he asked the governor to bring in some men from another city, so Marwān brought men from the city of Ailla\textsuperscript{3} for him.\textsuperscript{4} After that, Muṣ\textsuperscript{C}ab used very tough methods against the people of Medina. For example, he whipped anyone who did wrong and demolished their houses and imprisoned anyone who went out at night.\textsuperscript{5} As a result of these methods the people complained to the governor about Muṣ\textsuperscript{C}ab's harshness,\textsuperscript{6} so Marwān tried to dismiss him. One of the noblemen, however, advised Marwān not to dismiss Muṣ\textsuperscript{C}ab because if he was using harsh methods with the people, he was doing so to make them obey law and order and become peaceable.\textsuperscript{7} So Marwān did not dismiss Muṣ\textsuperscript{C}ab. It appears, however, that Marwān did dismiss the qāḍī, who was the brother of Muṣ\textsuperscript{C}ab, and appointed Muṣ\textsuperscript{C}ab to his office as well as that of sāhib al-shurṭa.\textsuperscript{8}

\textsuperscript{1} Waki\textsuperscript{C}, vol.1, p.118.
\textsuperscript{2} Muṣ\textsuperscript{C}ab al-Zubayrī, op.cit., p.268; Waki\textsuperscript{C}, vol.1, p.118.
\textsuperscript{3} Ailla was a port on the Red Sea and it was near the port of Āqaba. Tūtal, al-Munjid (Beirut, 1966), part two, p.52.
\textsuperscript{4} Zubayr b. Bakkār, op.cit., p.517.
\textsuperscript{5} Ibid., p.517; Muṣ\textsuperscript{C}ab al-Zubayrī, op.cit., p.268.
\textsuperscript{6} Waki\textsuperscript{C}, vol.1, p.118.
\textsuperscript{7} Ibid., p.119.
\textsuperscript{8} Tabaqāt, vol.5, p.158.
Muscab had other troubles in his days as the sahib al-shurta and qadi. According to Zubayr b. Bakkar, Muscab had very bad disputes with another branch of Quraysh which was called the Banu cAdi. The story was told that a man called Sukhayr b. Abi Jahm slapped the face of Muscab and Muscab tried to retaliate but he could not do it because Sukhayr's relations came to help him. So there was tension between the two branches of Quraysh, Muscab's Banu Zuhra and Sukhayr's Banu cAdi. When the caliph Muawiya came to Medina on a pilgrimage, some people of the Banu cAdi tried to make Muawiya mediate between them and Muscab, but Muscab refused the caliph's mediation. So the Banu cAdi went to the governor Marwan and asked him to mediate between them, which he did and Muscab accepted the governor's mediation. 1 Muawiya was angry at this and asked Muscab for an explanation. Muscab said to him,

'When Marwan appointed me he spoiled me (with power) but his mediation has restored everything to right again, so I accepted his mediation and thanked him.'

Muawiya accepted his view. 2 Muscab remained sahib al-shurta until the caliph Muawiya died in 60/679. 3 When Yazid b. Muawiya became caliph, he changed

2. Ibid., pp.518-19.
the governor of Medina and appointed Āmr b. Sa'īd to that office and ordered him to demand homage from the noble people of Medina. The governor ordered his sahib al-shurta, Muṣcab, to demolish the houses of the Banū Hashim and the Banū Asad, because they had refused to pay homage to the caliph Yazīd. Muṣcab refused to obey the governor's order so the governor dismissed him. It seems that Muṣcab refused to be tough with these two branches of the tribe of Quraysh because, firstly, he himself was from the Quraysh and so he did not like to harm his fellow tribesmen, and secondly, he himself probably did not like Yazīd becoming caliph. When Muṣcab saw that his link with the Umayyads had been cut off, he escaped from Medina and went to Mecca where he supported Ābdallāh b. Zubayr in his struggle against the Umayyads. When Muṣcab went to Mecca, the governor of Medina immediately appointed one of his own relatives (who was a half-brother of Ābdallāh b. Zubayr) as sahib al-shurta. The governor sent his sahib al-shurta as commander of the army to attack Mecca and to bring Ābdallāh b. Zubayr and his followers as prisoners back to Medina. When Ābdallāh b. Zubayr heard about the Umayyad army he sent Muṣcab b. Ābd al-Rahmān against it with another army. When the two

1. Ābdallāh b. Zubayr's branch of the Quraysh tribe.
3. Ibid.

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armies fought each other, Muscab defeated the Umayyads and captured their commander Amr b. Zubayr.¹

Muscab played a great role in defending Abdallāh b. Zubayr. Ibn Sa'd mentions that Muscab fought the Syrian army which besieged the city of Mecca. According to Ibn Sa'd, when the Medinan army was defeated by Muscab, the city of Medina itself did not accept the authority of the caliph Yazid and refused to give him their homage. So Yazid sent an army from Syria to punish the city and afterwards to attack Abdallāh b. Zubayr in Mecca.² This army succeeded in defeating and punishing the people of Medina but when they reached Mecca Abdallāh b. Zubayr defended the city and so the Umayyads besieged it.³ This was known as the first siege of Mecca.⁴ In this siege Muscab played a major role. Ibn Sa'd describes Muscab fighting and killing five Syrians at the same time. When he finished fighting his sword was bent.⁵ Muscab fought in this battle until he was killed.⁶ According to Ibn Qutayba, Muscab died in the battle but was not killed by the sword.⁷ It seems that in Ibn Sa'd's version

² Ibid., pp. 145-47.
³ Ibid., p. 46.
⁴ Ibid.
⁵ Tabaqāt, vol. 5, pp. 158-60.
⁶ Ansāb, vol. 4B, p. 50.
⁷ Ma'ārif, p. 239.
MūṣCab ... was wounded by a stone and that he died afterwards.¹
He died in 64/683.

MūṣCab's personal character was very brave and strong.
According to Ibn Qutayba, the caliph ĈAbd al-Malik asked a
Syrian cavalier who was the fiercest knight he had ever met.
The cavalier said that such a man was MūṣCab b. ĈAbd al-Rahmān.²
MūṣCab played an important role in the first stage of ĈAbdallāh
b. Zubayr's revolt against Yazīd. According to Ibn Sȧd,
ĈAbdallāh b. Zubayr did not call himself caliph and did not ask
people to give him homage as caliph until after MūṣCab b. ĈAbd
al-Rahmān and al-Miswar b. Makhrama had died.³ MūṣCab was a
very powerful man. He himself may well have been ambitious
for the caliphate like ĈAbdallāh b. Zubayr but he died before
he had the opportunity to seize power.

8.2 DAHHĀK B. QAYS

Dahḥāk b. Qays b. Khālid al-Akbar b. Thȧlabā from the Banū Fihr
was from the tribe of Quraysh.⁴ His kunya was Abū Anīs or Abū
ĈAbd al-Rahmān.⁵ His mother was called Umayma, daughter of
Rabi̇Ca.⁶ According to Ibn Sȧd, Dahḥāk was a boy at the time

². MȧCārif, p.238.
⁵. Ibid.
⁶. Ibid.
of the Prophet's death, and he had been in the company of the Prophet and listened to him. Ibn al-Athīr, however, says that he could not have been a Companion of the Prophet because he was born only seven years before the Prophet's death and so he was too young to have listened to him. Ibn Hazm agrees with Ibn Sa'd that Dahhāk was a Companion of the Prophet.

Dahhāk's early life is not discussed in the sources but it appears that towards the end of the caliphate of ʿUthmān he began to be involved in politics. When ʿUthmān was killed, Dahhāk took Muʿāwiya's side against ʿAlī b. Abī Tālib. According to Ṭabarī, before the battle of Siffin began, Muʿāwiya organised his army and appointed commanders for each division, and Dahhāk was appointed to lead the people who were fighting on foot. From this incident it seems that Dahhāk played an important role in supporting Muʿāwiya against ʿAlī and was a very well known figure among the people, especially in his tribe Quraysh. Dahhāk was not only chosen to command in the battle of Siffin. When that battle was over and each side had withdrawn to their capitals, Muʿāwiya decided in 39/659 to attack ʿAlī's territory and he appointed Dahhāk as a commander of an army to attack ʿAlī and take booty from his people. When Dahhāk attacked ʿAlī's territory,

he took booty, killed a number of people and caused great damage to the territory of CIrāq until CAlī sent an army against him.\(^1\) According to Ṭabarī, Dahhāk fought CAlī's army but escaped at night and did not continue the fight.\(^2\)

It seems that Dahhāk was strongly opposed to CAlī b. Abī Tālib and that he did everything he could to support MuCāwiya. According to Ṭabarī, whenever CAlī prayed at morning prayer, he asked God to curse MuCāwiya, and CAmr b. al-CAs and Dahhāk b. Qays.\(^3\) It appears that Dahhāk remained a supporter of MuCāwiya until the latter became caliph. Thereafter, Dahhāk received his reward for in 55/674 MuCāwiya appointed him as the governor of Küfa.\(^4\) In his governorship of Küfa, the city remained very quiet until MuCāwiya removed him from office in 58/677 and appointed his nephew in Dahhāk's place.\(^5\) After that, Dahhāk was appointed as the šāhib al-shurta of the caliph MuCāwiya.\(^6\) Probably it was because of Dahhāk's faithfulness that Muawiya appointed him as his šāhib al-shurta so he could be with him and protect him. When MuCāwiya was on his death bed, his son Yazīd was not with him and so MuCāwiya sent for his šāhib al-shurta,

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2. Ibid.
4. Ibid., p.300.
5. Ibid., p.309.
6. Ibid., p.323.
Dahḥāk, and told him that he should tell Yazīd his will. When Muṣṭaḥfiya died, Dahḥāk took over as acting ruler until Yazīd came to Damascus. So it was Dahḥāk who led the prayer over the body of Muṣṭaḥfiya before his burial.

Dahḥāk controlled the city of Damascus very well until Yazīd came and took over as caliph. As sāḥib al-shurta, Dahḥāk sent a letter to Yazīd when Muṣṭaḥfiya died asking him to return to the capital. Dahḥāk also stood beside Yazīd when he addressed the people for the first time as caliph in the mosque and according to Ibn Ḥādī, he took his place under the minbar (pulpit) when Yazīd climbed into it.

It appears that Dahḥāk was responsible for receiving homage on behalf of Yazīd when he was not in the capital. Dahḥāk served the new caliph as he had served his father but it seems that he did not hold such an important office as he did in Muṣṭaḥfiya's time and that he was dismissed as the sāḥib al-shurta when Yazīd opted to have a sāḥib al-shurta of his own choice, who was his uncle whose name was Humayd b. Bahdal. When the caliph Yazīd b. Muṣṭaḥfiya died, Dahḥāk also played a role in appointing the new

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1. Ibid.
caliph. Tabari and Ibn Sa'd relate that Dahhāk sent a letter to another nobleman asking him not to elect another caliph before Dahhāk and his followers in Damascus had done so.\(^1\)

After Mūcāwiya, the son of Yazīd, was elected caliph, Dahhāk still remained loyal to the family of Mūcāwiya b. Abī Sufyān. When Mūcāwiya b. Yazīd died, after only two months as caliph, he ordered Dahhāk on his deathbed to lead the prayers until the people elected a new caliph.\(^2\) So Dahhāk led the prayers and occupied the palace while the tribes of Syria could not agree on the appointment of a new caliph. At that time ĞAbdallāh b. Zubayr was calling himself a caliph in Hijāz and the tribes of Syria were divided between the sons of Yazīd and ĞAbdallāh b. Zubayr.\(^3\)

In Damascus Dahhāk began to change his mind about the Umayyads, probably because Yazīd's sons were so young and were under the control of their uncle Hassān b. Bahdal al-Kalbī who was the leader of Kalb. Whatever his reasons may have been, Dahhāk changed his allegiance and according to Tabari was in secret communication with ĞAbdallāh b. Zubayr. He could not, however, let this be known because he was surrounded by Umayyad supporters.\(^4\) Later, when support for ĞAbdallāh had grown, he gave him his homage.\(^5\)

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3. Ibid., p.135.
5. Ibid., p.534.
The Syrians were divided into two parties, one with the Umayyads led by Marwān b. Hakam, who was afterwards chosen by the Umayyads and the Kalb tribe to be caliph with Yazīd's son Khālid as his successor. Dahhāk gathered his army from the Qays tribes and met the Umayyad army supported by the Yemen tribes in a place called Marj al-Rahit. In the battle in 64/683, Dahhāk's army was defeated and Dahhāk himself was killed.

8.3 Camr b. Saqīd
Camr b. Saqīd b. al-Ćās b. Umayya b. Ćabd Shams from the Banū Umayya was from the tribe of Quraysh. His kunya was Abu Umayya and he was given the nickname al-Ashdaq. His father Saqīd was a nobleman and well-known in the sources. According to these sources, several caliphs appointed Saqīd to many important positions. For example, he was appointed by the caliph Ďuthmān as the governor of Kūfa and was appointed several times to the position of governor of Medina by the caliph Muʿawiya. According to Ibn Qutayba, Saqīd was a boy in the time of the Prophet and the Prophet gave Saqīd an outer garment.

1. Ibid., p.537.
Sa'īd's father was a nobleman and a leader of the Banū Umayya and Quraysh. 1 Sa'īd had twenty sons and twenty daughters, of whom one was ʿAmar. 2 ʿAmar's mother was called Umm Ḥabīb, daughter of Hurayth b. Salīm from the tribe of Qudā'Cā. 3 When his father Sa'īd died in 59/678, ʿAmar was a young boy. 4 On his death-bed Sa'īd gave advice to his son ʿAmar and related his will, which was to pay back his debts. These amounted to a large sum of money, about one hundred thousand dirhams. 5

After his father's death, ʿAmar went to see the caliph Mu'āwiya b. Abī Sufyān in Damascus. When ʿAmar arrived at the caliph's court, the caliph already knew that ʿAmar's father was dead. He asked ʿAmar about his father's debts and told him that he would pay them all; ʿAmar refused and told the caliph that he would pay all his father's debts himself, by selling his father's land. 6 It appears that ʿAmar, from an early age, felt himself responsible for his family. As ʿAmar was a member of the Umayyad clan the caliph Mu'āwiya appointed him as the governor of Mecca, 7 which was a very important post. It appears

2. Ma'ārif, p.296.
that ĈAmr remained as governor of Mecca until the caliph Muhammad died in 60/679.

When the caliph Yazid sent to the governor of Medina to obtain homage from Husayn b. ĈAli and ĈAbdallâh b. Zubayr, these two men escaped to Mecca. According to Abū Hanîfa, when Husayn tried to go to ĈIrâq, ĈAmr as the governor of Mecca sent his sâhib al-shurta to prevent Husayn from going there.¹ The sâhib al-shurta tried to stop Husayn by whipping him, but Husayn whipped him too. When ĈAmr heard that, he sent a message to his sâhib al-shurta to let Husayn go because he was frightened that the matter would escalate.² Like his father, ĈAmr was not willing to oppose Husayn and his family.³

ĈAmr did not, however, remain in the city of Mecca for long because the caliph Yazid I appointed him to be governor of Medina as well as Mecca so he moved to Medina.⁴

ĈAmr's task was very difficult because he had to fight against ĈAbdallâh b. Zubayr, who had taken over the city of Mecca and refused to offer his homage to the caliph Yazid. ĈAmr ordered his sâhib al-shurta Musa b. ĈAbd al-Rahmân to be severe and demolish the houses of the family of ĈAbdallâh b. Zubayr but his sâhib al-shurta refused. He therefore dismissed him and replaced

¹ Abû Hanîfa, op. cit., p.257.
² Ibid.
³ Tabaqât, vol.5, p.35; Kathîr, vol.8, p.84.
⁴ Tabârî, vol.5, p.343.
him with his own nephew. According to Ibn Sa’d, ĈAmr asked someone who was the greatest enemy of ĈAbdallāh b. Zubayr. The person he asked replied that ĈAmr b. Zubayr, the half-brother of ĈAbdallāh b. Zubayr, was the greatest enemy of ĈAbdallāh. ĈAmr b. Zubayr's mother was from ĈAmr b. Sa’dīd's family, so he was the governor ĈAmr's nephew. ĈAmr ordered his sāhib al-shurta to gather an army to fight ĈAbdallāh b. Zubayr in Mecca. But this army was defeated by ĈAbdallāh b. Zubayr in 60/679 and the commander was taken prisoner.

As ĈAmr did not succeed in crushing ĈAbdallāh b. Zubayr's revolt, he was dismissed by the caliph Yazīd in 61/680. When the new governor came to Medina he imprisoned many slaves belonging to ĈAmr. ĈAmr was very angry at this and removed himself from the city, camping outside the city. He sent a message to his slaves and men, numbering about three hundred, telling them that he would send camels to them and that they should break out of prison and come to him. So his men obeyed, broke out of prison, and escaped

3. Ibid.
4. Ṭabarī, vol.5, p.185.
5. Ibid., p.345; Ibn ĈAbd Rabbihī, op. cit., vol.5, p.119.
to him.¹

CAmr went immediately to Damascus to see the caliph Yazīd. When he arrived at the court Yazīd welcomed him and let him sit near him. But the caliph Yazīd still blamed him for not crushing Ābdallāh's revolt. So CAmr replied that because he had not had a strong army he could not have crushed the revolt. He convinced the caliph who accepted his excuses.²

According to Tabarî, when the people of Medina revolted later against the caliph Yazīd and exiled the family of the caliph from the city, the caliph Yazīd sent to CAmr asking him to lead the army against them. CAmr refused to lead the army because he did not want to shed Quraysh blood. The people of Medina were mostly from the Quraysh tribe at that time.³

It appears that CAmr did not participate in any political activity until the caliph Yazīd I and his son Mūcāwiya had died. When Mūcāwiya II died (63/682) the people of Syria were divided between two major tribal groups, Qays and Kalb. When Dāḥkā b. Qays led the Qays tribes as supporters of Ābdallāh b. Zubayr, the Kalb tribes were the leading supporters of the Umayyads.⁴

According to Ibn Saʿd and Balādhurī, Marwān b. Hakam and CAmr b. Saʿ ud were going to Hijāz to give their homage when they met ʿUbayd Allāh b. Ziyād who told Marwān, 'You are one of the leaders of Banū

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¹ Ibid.
² Ibid., pp.478-79.
³ Ibid., p.483.
⁴ Masʿūdī, op.cit., vol.3, p.95.
'Abd al-Manaf, you ought to be caliph, not 'Abdallah b. Zubayr.' At this point, 'Amr agreed with Ibn Ziyād to support Marwān in his bid to be caliph. Then they agreed that after Marwān the caliph should be Khālid b. Yazīd and after him 'Amr b. Sa'īd. According to Mas'ūdī, it was 'Amr who persuaded the leader of Kalb to support Marwān against 'Abdallāh, instead of Khālid, whom the leader of Kalb had formerly supported in his bid for the caliphate.

After the battle of Marj al-Rāḥit, Marwān tried to take Egypt from 'Abdallāh b. Zubayr's governor, so he went with an army and besieged the city of Fustāt until it fell. He then entered the city and took Egypt. According to Kindī, Marwān appointed 'Amr b. Sa'īd as his šāhib al-shurta until he returned to Damascus. It seems that he appointed 'Amr as his šāhib al-shurta because he knew that 'Amr would defend and protect him (he was third in line for the caliphate) and had been Marwān's right-hand man in every major battle.

When 'Amr returned from Egypt he settled in Damascus until the caliph Marwān died and the caliphate passed to his son 'Abd al-Malik. 'Amr realised that he would not ever become caliph if 'Abd al-Malik remained in power. When 'Abd al-Malik was outside the city of Damascus on his way to attack Muṣ'ab b. Zubayr in 'Irāq, 

2. Wulāt, p. 70.
3. Ṭabarī, vol. 5, p. 537.
he asked a follower where ĈAmr was and was told that he had returned to the city, which had its gates shut against him. He realised that ĈAmr had taken over the city, and was leading a revolt against him.\(^1\) According to Ibn Sa\(c\)d, ĈAmr was highly respected, so the people of Syria followed him. ĈAbd al-Malik realised that he could not match ĈAmr or defeat him in battle, since he was in the city of Damascus and most of the people were supporting him. So ĈAbd al-Malik played a trick on him telling ĈAmr that if he let him enter the city he (ĈAbd al-Malik) would forgive him and offer him safety.\(^2\) So ĈAmr let the caliph ĈAbd al-Malik enter the city. Later, ĈAbd al-Malik told ĈAmr to appear at court and ĈAmr took with him one hundred men, ignoring the warnings from some people who said that the caliph would deceive him and kill him.\(^3\) By the time ĈAmr reached the main hall in which the caliph was sitting, he was allowed to have only one man with him.\(^4\) ĈAbd al-Malik at first let ĈAmr sit down and questioned him about his revolt. ĈAmr then realised that ĈAbd al-Malik intended to kill him. ĈAbd al-Malik ordered his men to take ĈAmr's sword, and told him that he had made a vow to himself that when he saw ĈAmr he would put in in chains. He did that and afterwards had him killed.\(^5\) This was in 69/688.\(^6\)

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2. Курсат, vol. 6, p. 141.
3. Ibid., p. 142.
4. Ibid., p. 143; Mas\(c\)д, op.cit., vol. 3, p. 111.
5. Ibid.
6. Ibid.
Camr is described in the sources as a man of great pride and of very high rank. His ruling passion was to attain high office. As mentioned before, Camr was elected several times to important positions such as governorships and was a possible successor to the office of caliph. As a nobleman from Banū Umayya he was a great threat to the caliph Ābd al-Malik who felt obliged to kill him. Once he described Camr and himself as two stallions who could not live together, so one of them must go.¹

Camr was also described as a very good speaker, a generous and hospitable man.²

8.4 HAJJĀJ B. YŪSUF

Hajjāj b. Yūsuf b. Hakam b. Abī Aqīl b. Masūd came from the tribe of Thaqīf.³ It appears from the sources that Hajjāj was called in his childhood by the name of Kulayb and after that he came to be known as Hajjāj.⁴ His father Yūsuf was a commander and a high ranking official in the Umayyad army and Ābd al-Malik b. Marwān appointed him as governor.⁵ Ibn Ābd Rabbihi, however, says that Yūsuf was a school teacher in Tāʿif.⁶ Probably he had

been a teacher before he joined the Umayyads and served them at a high rank in the army.

Hajjāj's mother was called Fāriqa. According to Masūdi, Fāriqa was married to Harith b. Kalada but he divorced her because he saw her cleaning her teeth in the early morning. According to Ibn Ābd Rabbīhi her husband was Mughira b. Shaba. He saw her cleaning her teeth in the morning so he divorced her. What is clear is that Fāriqa had already been married before she married Hajjāj's father Yūsuf.

Hajjāj was born in the city of Tā'if in the year 41/661 or 42/662. According to Masūdi, Hajjāj was born without an anus and would not drink at his mother's breast, so they consulted a physician who was Satan in a physician's shape. He advised that a black goat should be killed and that Hajjāj should be put in its blood. This action was taken and Hajjāj was thereby cured. Hajjāj, when he became a man, enjoyed shedding blood. Such apochryphal stories reveal great popular hostility and hatred of Hajjāj. Possibly Masūdi includes them because of his own Shi'a persuasion and he may even have partly believed such superstitious tales.

3. Ibid.
Hajjāj in his early life worked as a school teacher as his father had done in the city of Ta'if. It appears that Hajjāj contacted the Umayyads when his father was appointed as commander in their army. Thus Hajjāj also served under his father in the Umayyad army. According to Tabarî, the Umayyads sent an army, with Hajjāj and his father in it, to attack ābālā b. Zubayr in 65/684 but this army was defeated by ābālā b. Zubayr's army. Hajjāj and his father escaped. After that, Hajjāj was appointed a junior governor of a small town called Tabāla. However, he did not like the job so he resigned. Hajjāj was subsequently appointed as sāhib al-shurta for Abān b. Marwān who was the governor of Palestine. It appears that Hajjāj did not remain long in this office because he was appointed as a member of the shurta of the caliph ābād al-Malik. According to Ibn ābād Rabbihi, when ābād al-Malik found that his soldiers would not obey him, and they would not fight ābād b. Zubayr, he told his sāhib al-shurta Rawh b. Zunbā about this. Rawh told him that there was in his shurta a man, who if the caliph appointed him as a commander for his army, would be able to force

1. Ibn ābād Rabbihi, op.cit., vol.5, p.298.
3. Ma ārif, p.396.
6. Ibid.
the troops to obey. It seems that Hajjāj, for it was indeed he to whom Rawḥ was referring, had already shown outstanding abilities in the shurta. For this reason the sāhib al-shurta of the caliph had heard about him and recommended him to the caliph who then sent him to fight ʿAbdallāh b. Zubayr in the Hijāz.

Ibn ʿAbd Rabbihi mentions that when Hajjāj was appointed as commander of the army he used very harsh methods with the soldiers, even with his former shurta. One day Hajjāj saw some shurta of the caliph eating while the rest of the army was marching. Hajjāj was very angry and asked them why they did not obey the caliph when he ordered them to march with him. The shurta joked with him and told him to come and eat with them. But Hajjāj told them that he was not the same man as he had been and he ordered them to be whipped and moved them around the camp to teach the rest of the army a lesson.2

Hajjāj went to the Hijāz in 72/691 and besieged the city of Mecca. He ordered that stones should be thrown onto the city from a nearby mountain.3 Hajjāj was successful in taking the city of Mecca and in killing ʿAbdallāh b. Zubayr. Thereby his master became sole caliph.4 ʿAbd al-Malik recognised Hajjāj's loyalty and knew that Hajjāj had served him well. He therefore

1. Ibid.
2. Ibid., p.299.
3. Ṭabarī, vol.6, p.187.
4. Ibid.
rewarded him by appointing him the governor of the Hijāz.¹

Hajjāj then re-established the authority of the Umayyads in the Hijāz, after that province had been out of Umayyad hands for nearly ten years.

Then, the caliph realised that Hajjāj was the best man to deal with the province of Cɪrāq. He therefore ordered Hajjāj to move to Cɪrāq as its governor in 75/694. Hajjāj arrived at Kūfa and, on entering the mosque, sat on the minbar with a mask over his face so the people would not know him. Then, because Hajjāj remained silent, the people tried to stone him. When Hajjāj saw this he removed his mask and addressed them. He gave a very tough speech in which he threatened the people of Cɪrāq that if they rebelled or refused the rule of the Umayyads he would kill everyone. Those who did not join the army which was ready to move to help the Khurāsān governor against the Khārijites were also threatened with death.²

Hajjāj reorganised the shurta and appointed a man whom he considered suitable to take over the office of the sāhib al-shurta of the city of Kūfa. According to Ibn Khayyāt, when he saw the toughness of his sāhib al-shurta with outlaws and criminals, Hajjāj appointed him as the sāhib al-shurta of the city of Basra too.³

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1. Ma rarif, p. 397.
2. Tabari, vol. 6, p. 204.
Hajjāj, in his long governorship of Īrāq, faced many troubles and revolts which sometimes nearly brought him and his caliph down. For example, on many occasions the army revolted against Hajjāj. According to Ṭabarī, Hajjāj spent a large sum of money on the army and sent it to fight the Turks, but that army, under the command of Ābd al-Rahmān b. al-Ashāth, returned to Īrāq with the aim of crushing Hajjaj. Therefore, Hajjāj had to ask the caliph to send him an army from Syria to crush that revolt because Ābd al-Rahmān's men came mainly from the province of Īrāq.1 Hajjaj was in difficulties until after the arrival of the Syrian army. He defeated the rebel Ābd al-Rahmān in a battle known as Dayr al-Jamājim.2 Hajjaj then killed anyone who had been with Ibn al-Ashāth. According to Ṭabarī, Hajjaj even killed some scholars who had joined with the rebels, for example, Ibn al-Qiriyāṣ and Sācid b. Jubayr.4

After this revolt Hajjaj decided to keep some of the Syrian troops and put them outside the city of Küfa. Relations between these troops and the local people deteriorated, so Hajjaj decided to build a new city, to be called Wāsit, so he could keep the Syrians near him, and to make it his capital,5 from which he could

1. Ṭabarī, vol. 6, pp. 334-36.
2. Ibid., p. 346.
3. Ibid., p. 385.
4. Ibid., p. 487.
5. Ibid., p. 384.
control the whole of ʿIrāq.

In 86/705 the caliph ʿAbd al-Malik died and his son Walīd became caliph.¹ According to Ṭabari, Ḥajjāj remained as the governor of ʿIrāq and all the eastern provinces as far as India,² and served the caliph Walīd in the same way as he had served his father. When the caliph Walīd tried to name his son ʿAbd al-ʿAzīz as his successor instead of his brother Sulaymān, Ḥajjāj was the first governor who obeyed the caliph Walīd.³ This made Sulaymān very angry with Ḥajjāj and his family. According to Ṭabari, Ḥajjāj was very frightened that the caliph Walīd might die and Sulaymān would become caliph. One day Walīd became very ill and fainted. The people sent a letter to Ḥajjāj saying that the caliph had died. When Ḥajjāj read the letter he asked God to ensure that his death would come before the caliph's death⁴ because he knew that Sulaymān would not show him any mercy when he became caliph. But after that, another letter arrived saying the the caliph was not dead.⁵ It seems that Ḥajjāj's prayer was answered because in 95/713 Ḥajjāj died and the caliph Walīd died four months after him.⁶ Ḥajjāj died at the age of 53 or 54.⁷

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1. Ibid., p.418.
2. Ibid., p.433.
3. Ibid., p.499.
4. Ibid., p.497.
5. Ibid.
6. Ibid., p.493.
7. Ibid.
Hajjāj lived to be famous. He remained consistently faithful to his idea, which was to serve the Umayyads until death. He believed, almost blindly, in the caliphs under whom he worked and he killed many people for the sake of establishing Umayyad authority. Hajjāj was the right hand of the caliph ʿAbd al-Malik and his son Walīd and was generously rewarded for his services. His family also attained high rank in the Umayyad state. For example, his brother Muḥammad was the governor of Yemen and his relative Muḥammad b. Qāsim al-Thaqafī was the governor and commander of the province of Sind. Not only did Hajjāj and his family reach high rank but the caliph ʿAbd al-Malik married his son Yazīd (later Yazīd II) to the niece of Hajjāj. It would be true to say that Hajjāj was a second caliph 'because he gained control of all the eastern provinces and Yemen.' He was a partner in the Umayyad state rather than a mere governor.

Hajjāj was described by the sources as very harsh with anyone who opposed the state, but he was also described as a coward in war. According to Masʿūdī, when Shabīb al-Khārjī attacked Kūfa and entered the mosque, Hajjāj hid himself in the palace and did not fight. Also, as mentioned before, he escaped with his father when the army was defeated by ʿAbdallāh b. Zubayr's army. Hajjāj,

1. Ibid., p.498.
2. Ibid., p.483.
it appears, used his head more than his hands and was more of a politician than a warrior.

8.5 BILĀL B. ABĪ BURAḌA

Bilāl b. Abī Burda b. Abī Mūsā al-Asḥarī (called ĈAbdallāh b. Qays)¹ had the kunya, ĈAbdallāh or ĈĀmir.² His grandfather, Abū Mūsā, was a well-known Islamic figure, as he was a Companion of the Prophet. Abū Mūsā played a major role in the caliphates of ĈUmar, ĈUthmān and ĈAlī. In the caliphate of ĈUmar b. Khattāb he was appointed as the governor of Basra.³ ĈUmar also appointed him the governor of Basra a second time after he dismissed Mughīra b. Shuʿba.⁴ Abū Mūsā also played an important role in the caliphate of ĈAlī b. Abī Ṭālib, when he was appointed as ĈAlī's representative in the arbitration case between ĈAlī and Muʿawiyah.⁵

Bilāl’s father, Abū Burda, was also a well-known person. He was appointed by Hajjāj as the qādi of Kūfa and remained in that office until he died in 103/721.⁶

It appears that Bilāl spent his early life in Kūfa, since

². Ibid.
⁶. Maḍārik, p.266.
his father was the qādi of that city. However, historians do not discuss Bilāl's early life very much. It seems, however, that Bilāl, before taking to political activity, was known as a muhaddith. According to Ibn Wakīc, Bilāl related the traditions of the Prophet whenever anyone came to visit him.1 It appears that Bilāl related hadīth which he had heard from his father and his grandfather before him.2

Bilāl tried to enter the political arena, especially in the time of ʿUmar b. ʿAbd al-ʿAzīz. According to the sources, Bilāl heard that ʿUmar b. ʿAbd al-ʿAzīz had become caliph, so he took the opportunity and went to Damascus to congratulate him on his new office as caliph.3 The story goes that Bilāl tried to show the caliph ʿUmar that he was a very religious man, so he remained in the mosque and prayed to show himself to be a pious man. Because of the caliph ʿUmar's policy of appointing religious men as governors, ʿUmar thought of appointing Bilāl as the governor of ʿIrāq. Before doing so, however, he asked one of his men to go to Bilāl and try to discover if he was really religious or if he simply wanted to be governor. In fact, Bilāl revealed himself to be politically ambitious. The man went to see Bilāl in the mosque and asked what Bilāl would give him if he could get the caliph to appoint him governor of ʿIrāq. Bilāl immediately offered

2. Ibid.
the man a large sum of money to do that. So the man went to Umar and told him about Bilal. Umar did not therefore appoint Bilal and ordered him out of Damascus.¹

Bilal continued looking for the opportunity for political advancement until the caliph Hishâm b. Abd al-Malik appointed Khâlid al-Qasrî as the governor of Iraq in 105/723. Khâlid appointed Bilal as the sahib al-shurta of the city of Basra in 109/727.² So Bilal obtained a post at last. This was not, however, sufficient for him and he apparently sought greater preferment. This he could do because of his relationship with the governor Khâlid, who was a fellow tribesman and who tended to appoint his own tribesmen to official posts.³ Accordingly, in 110/728, Khâlid appointed Bilal as the governor, the sahib al-shurta, and the qâdî of the city of Basra. Bilal thus became the supreme ruler of the city of Basra, having obtained all three major offices in the city. He ruled the city without any assistance from anyone.

Ibn Wâkid relates many incidents in which Bilal was involved through his position as supreme judge. For example, Bilal apparently related many hadîths about the sunna of the Prophet when

². Tabarî, ser. 11-3, p. 1506.
³. Ibid., p. 1468.
⁴. Ibid., p. 1526; Nuwayrî, vol. 21, p. 436.
passing judgements.\textsuperscript{1} It seems also that Bilāl was unjust in his judgements. For example, Ibn Wākī\textsuperscript{C} relates that a man called Abū ġAwn was a mawilā who married a woman from an Arab tribe, so Bilāl ordered Abū ġAwn to divorce her. Abū ġAwn divorced her after one talqa, but Bilāl ordered him to divorce her completely. Abū ġAwn refused, so Bilāl ordered him to be whipped, and to separate from his wife.\textsuperscript{2}

Bilāl also yielded to pressure from those of higher rank, especially the governor of ġIrāq, Khālid al-Qasrī. For example, Khālid ordered Bilāl to appoint a certain man, so Bilāl gave in to Khālid and sent for that man. The messenger returned and told Bilāl that the man was praying. Bilāl therefore ordered the messenger to tell the man: 'Leave your prayers because the matter for which you pray is granted you.'\textsuperscript{3}

Bilāl had the reputation of being an extremely harsh sāhib al-shurtā especially with anyone who offended him. For example, he ordered a man to be imprisoned because he offended him and spoke slightingly about his grandfather Abū Mūsā.\textsuperscript{4} On another occasion, a man called Khālid b. Ṣafwān said that Bilāl's appointment as governor and sāhib al-shurtā of Basra was like a small cloud in the

\textsuperscript{1} Wākī, vol. 2, p. 24.
\textsuperscript{2} Ibid., p. 28; Tārīkh al-Islām, vol. 5, p. 249. According to Ibn Hajār, Bilāl was the first qādī to be unjust in his judgement. Tahdhib, vol. 1, pp. 500-01.
\textsuperscript{3} Wākī, vol. 2, p. 27.
\textsuperscript{4} Ibid., pp. 30-31.
summer, meaning that he would rule only for a short time. When Bilāl heard that, he ordered the man to be imprisoned. When certain people asked for his release, Bilāl wanted ten men to stand bail for him for one hundred thousand dirhams. When Khālid b. Šafwān escaped, Bilāl did not have any mercy on the bailsmen, and he got from them one hundred thousand dirhams. This suggests that Bilāl was not prepared to accept any criticism from anyone.

Bilāl remained as the governor, sahib al-shurta and qāḍī of Basra until the caliph Hishām dismissed the governor of Irāq, Khālid al-Qasrī, in 120/737. Before the dismissal of Khālid, Bilāl heard that the caliph Hishām was very angry with the governor Khālid. Bilāl realised that his position as the governor of Basra depended on Khālid remaining governor of Irāq. Bilāl rode on horseback, covering the distance between the city of Basra and Kūfa in one night and day without stopping. When Bilāl arrived at Kūfa he went to the mosque and prayed, and when the governor Khālid heard that Bilāl had arrived, he went to see him. Bilāl told the governor that he had heard that the caliph Hishām was angry with him. He advised the governor to give the caliph a large sum of money to make him forget his anger, saying that this would put him back in favour with the caliph. But the

1. Ibid., p.25.
2. Tabarī, ser.11-3, p.1647.
3. Ibid., p.1657.
governor Khālid told Bilāl he did not want to give money to the caliph. Bilāl returned to Basra, knowing that his days and those of his governor Khālid were numbered.¹

When a new governor, whose name was Yūsuf b. ʿUmar was appointed by the caliph Hishām for the province of ʿIrāq, Bilāl escaped to Syria. However, his hiding place was discovered and he was returned with his hands in chains to ʿIrāq.² According to Ṭabarī and Yaʿqūbī, Bilāl had bought a house in the city of Kūfa but he had never lived in it. However, when he was captured by the new governor, Bilāl was imprisoned in his own house.³ Ṭabarī adds that Bilāl's house had served as the prison of Kūfa until his own time.⁴ According to Ibn Wākī, Bilāl was put in chains and the governor Yūsuf b. ʿUmar ordered him to be brought to his court. People who had been whipped or imprisoned by Bilāl came to the governor Yūsuf and asked him for justice. One of these men was Khālid b. ʿAflāḥ, whom Bilāl had imprisoned, as well as taking money from his bailsmen.⁵

After that, Bilāl was put in prison and according to some sources he was responsible for his own death. The story goes like this: When Bilāl was in prison he tried to escape by bribing

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1. Ibid., p.1658.
4. Ṭabarī, ser.11-3, p.1658.
the jailer. He told the jailer that if he told the governor Yusuf that Bilāl was dead he, Bilāl, would give the jailer one hundred thousand dirhams. So the jailer went and told the governor that Bilāl had died, but the governor ordered the jailer to show him Bilāl's body, to convince himself of Bilāl's death. The jailer was in a dilemma, so he returned to his jail and threw something over Bilāl which suffocated him. His death took place between 120 and 123 A.H.²

It seems that Bilāl in his governorship of the city of Baṣra tried to do something for the city as well as maintaining law and order there. For example, according to Balādhurī, Bilāl channelled a new river and also built a canal which was called Bilāl's river after him. He ordered shops to be built on its bank and moved the market near the river.³

Bilāl is described in the sources as harsh and miserly. According to Ibn Wāki' and Dhahabī, Bilāl was so miserly that he sold fat, which he was using as an ointment, in the market. When the people of Baṣra heard about this, they did not buy fat from the market.⁴ Ibn Wāki' also mentions that Bilāl ordered a lot of food to be brought to his court so that the people who were present could eat, but when the food was ready and the people sat down to

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2. Ibid.
3. Futūḥ, p.358.
eat, the time of the *maghrib* prayer was announced. Bilāl stood to pray and realising the people did not like him, he ordered the servants to take all the food away and to sell it to the neighbours before they returned to their places to eat. Whether this story is true or not, it seems that Bilāl was generally regarded as miserly. He was also ambitious for great office. Although politically ambitious and very despotic, Bilāl was also capable of making improvements to the city of which he was in sole control.

It is interesting to note that Ibn Wakīᶜ devotes over twenty pages to a discussion of Bilāl, whom he believes to be the first unjust qādī. Clearly Bilāl enjoyed unbridled local power since he held all three major offices at the same time.

8.6 HAFṢ B. WALĪD

His full name was Ḥafṣ b. Walīd b. Sayf b. Ābdallāh al-Hadramī.² His kunya was Abū Bakr.³ It appears that Ḥafṣ was a member of the major tribe which came from the southern part of the Arabian Peninsula. According to Ibn Ābd al-Hakam, the people of Hadramawt entered Egypt with other Arab tribes after the conquest of Egypt. When the city of Fustāt was established, each tribe had their own district, including those from the Hadramawt.⁴

2. Wulāt, p.96.
Hafs's early life is not discussed in the sources. He became politically active in the late Umayyad period, in the time of Hishām b. ʿAbd al-Malik. According to Kindī, when the caliph Hishām appointed his brother Muhammad as the governor of Egypt in 105/723, Muhammad appointed Hafs b. Walīd as his sāhib al-shurta.¹

Muhammad did not, however, remain long as the governor because, according to Kindī, an epidemic broke out in upper Egypt, so the governor fled to southern Egypt.² When the new governor whose name was al-Hurr b. Yūsuf, arrived in 105/723, he allowed Hafs to remain as the sāhib al-shurta.³ So Hafs retained his office, which allowed him to establish himself in the political life of Egypt.

In al-Hurr's governorship, Hafs acquired a taste of real power when that governor was recalled to Damascus by the caliph Hishām. He appointed Hafs in his place as the man in charge of Egypt in 107/725. It seems that through this appointment Hafs became more famous, and information about his ability reached the caliph Hishām, probably by way of the governor al-Hurr, who visited the caliph. After that, the caliph Hishām dismissed al-Hurr because the sāhib al-kharāj wrote to the caliph complaining about the governor al-Hurr. Then al-Hurr himself wrote to the caliph asking for his dismissal from the governorship, so the caliph dismissed

1. Wulāt, p.94.
2. Ibid.
3. Ibid., p.95.
The caliph, knowing the ability of Hafs, appointed him as the governor of Egypt in 108/726.2

However, it appears that Hafs did not remain for long in that post, because he was dismissed after only a fortnight.3 It seems that the sāhib al-kharāj was behind Hafs's dismissal because he wrote to the caliph and told him,

'You did not really dismiss al-Hurr, because you have appointed Hafs, who is of a similar character.'4

Possibly the sāhib al-kharāj was against Hafs because Hafs was really a loyal supporter of the governor al-Hurr.

Hafs had gained fame but then settled in Fustāt without any important post. However, he remained respected among the high-ranking men of Egypt. The governor of Egypt, Hanzalāb. Safwān, heard that his sāhib al-shurta was not efficient, and people were complaining about him, so he asked advice from Hafs as to who to appoint in the sāhib al-shurta's place when he dismissed his present sāhib al-shurta.5

It seems that Hafs did not remain for long without an important post because, according to Ibn Hajar, the caliph Hishām

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1. Ibid., p.96.
3. Ibid.
5. Ibid., p.103.
appointed him as a naval commander (amīr al-bahr) in 119/737. ¹

It appears that the governor of Egypt, Hanzala, was a friend of Hafs and a fellow Yemeni tribesman. So when the caliph appointed him to the office of governor of all the northern provinces of Ifriqiyya, Hanzala appointed Hafs as the governor of Egypt in his stead when he left for his new post in 124/791.² The caliph Hishām agreed to the appointment of Hafs.³

Hafs again became the master of Egypt and it seems that the caliph Hishām was pleased with his appointment, and allowed Hafs to control the kharāj as well as his governorship, which meant power as well as wealth to Hafs.⁴ His first major step towards increasing his popularity with the army was to increase their payments from ten irdabbs to twelve.⁵

When the caliph Hishām died, his successor Walīd b. Yazīd let Hafs remain as governor of Egypt.⁶ It seems, for reasons which Kindī does not mention, that the caliph Walīd b. Yazīd ordered Hafs to drive out all the Syrian troops from Egypt. Hafs tried to do this but the Syrian troops refused to be driven out and they besieged Hafs's house. Hafs fought them and killed their

² Maqrīzī, op.cit., vol.1, p.303; Wulāt, p.104.
³ Ibid.
⁴ Maqrīzī, op.cit., vol.1, p.303.
⁵ Wulāt, pp.104-5.
⁶ Ibid., p.105.
In 126/743 Hafs was recalled to Damascus by the caliph Walīd b. Yazīd. Hafs was in Damascus when Yazīd b. Walīd led his revolt against the caliph Walīd b. Yazīd. The caliph Walīd was killed in this revolt and Yazīd b. Walīd became caliph. Hafs saw what was happening and apparently had not taken the side of the caliph Walīd b. Yazīd. The new caliph Yazīd b. Walīd allowed Hafs to return to Egypt as its governor, and ordered him to make payments to the army. Hafs did not lose any time. He appointed payment officers in the army. Thus, he could give payments and orders through them, which meant he retained control of the army and kept its loyalty. He also appointed for lower Egypt a man from his own tribe. In this way he had authority over all Egypt.

In 126/743 the caliph Yazīd b. Walīd was killed after ruling just a few months. His brother Ibrāhīm succeeded him but Marwān b. Muhammad entered Damascus and deposed Ibrāhīm, naming himself caliph, in 127/744. It appears that Hafs did not support Marwān as caliph, so he sent him a letter asking him to accept his

1. Ibid.
3. Ibid.
5. Wulāt, p.106.
6. Ibid.
resignation as governor of Egypt.\textsuperscript{1} The caliph Marwān accepted his resignation. Marwān sent a new governor who immediately decreased the payment to the troops, so their leaders who had received these payments revolted against the new governor and told him they wanted Hafs, not him, to be their governor. However, they went too far when they said, 'We do not want Marwān as caliph'.\textsuperscript{2} These troops and the people besieged the governor's house and forced him to leave Fustāt.\textsuperscript{3} They brought back Hafs and appointed him as their governor. It appears that the army and the people announced their insubordination to Marwān, and told him, 'We do not want you as our caliph'. It seems that Hafs shared the view of his army and the people that Marwān should be dethroned as caliph.\textsuperscript{4}

Marwān decided to send an army, and appointed its commander, whose name was Hawthra b. Suhayl, as the governor of Egypt.\textsuperscript{5} When Hafs and the Egyptian army heard about this, the troops, especially the leaders, went to Hafs and told him to fight the new governor and that they would support him. Hafs refused their advice and said he was resigning, so the army were frightened of the new governor. They sent to him asking for a guarantee of safety and

\begin{enumerate}
\item Maqrīzī, \textit{op.cit.}, vol.1, p.303.
\item Ibid.
\item Wulāt, p.108.
\item Ṣārīkh al-Islām, vol.5, p.62.
\item Maqrīzī, \textit{op.cit.}, vol.1, p.303.
\end{enumerate}
Hawthra agreed to that.\textsuperscript{1} The new governor told the leaders of the army, 'If you will obey me, come to see me'.\textsuperscript{2} So Hafs, with other leaders, went to see him in the governor's army camp. When they reached the governor's camp, Hafs and other Egyptian leaders gave their names. However, the new governor ordered them to be imprisoned. After that he ordered all these leaders to be killed, especially those who were from Hafs's tribes and all his supporters. He killed Hafs (in 128/745).\textsuperscript{3}

Hafs played a major role in Egyptian political life and obtained a very high-ranking post in this province. He showed himself to be a very good administrator and achieved the respect of several caliphs. However, it seems he was on bad terms with the last Umayyad caliph. Hafs is described in the sources as a muhaddith of the Prophet's hadīth and was a trustworthy and reliable man.\textsuperscript{4}

\textsuperscript{1} Wulāt, pp.110-11.
\textsuperscript{2} Ibid.
\textsuperscript{3} Ibid., pp.112-13; Maqrīzī, \textit{op.cit.}, vol.1, p.303.
Chapter 9

A GENERAL DISCUSSION OF THE ACTIVITIES OF THE SHURTA
IN THE EARLY CABBĀSID PERIOD 132-218/749-833

In this chapter we will discuss the sphere of activity of the shurta institution in the early CAbbāsid period, and explain how the institution changed from the role it had played in Umayyad times.


When Abu Muslim began to control the province of Khurāsān he appointed as his shurta a man called Malik b. al-Haytham. During his initial organising of the army, Abu Muslim, like the Umayyads, was keen to appoint a saḥib al-shurta for his army. It seems he acted in this way because he needed someone in his army to be responsible for security in the camp, and to enforce law and order.2 Abu Muslim also used the khalifat saḥib al-shurta to walk in front of him whenever he rode out.3 When the CAbbāsid army advanced against the Umayyads, the CAbbāsid commander, whose name was Qahtaba

3. Ibid., pp.279-80.

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b. Shabīb, ordered his sāhib al-shurta to watch over the army which was crossing the river to attack the Umayyad forces on the other bank of the river.¹

As is well-known, the first ĈAbbāsid caliph, Abu 'l-ĈAbbās al-Saffāh, took Küfa as his capital. The new caliph appointed for his shurta a man called ĈAbd al-Jabbār b. ĈAbd al-Rahmān al-Azdi.² There is, however, little information on his activities, although there are some references to the activities of the shurta at court and in other spheres. According to Ibn Aĉtham, the caliph al-Saffāh was sitting one day with some survivors of the Ummayyad family, including the son of Hishām b. ĈAbd al-Malik, Sulaymān. A poet entered and recited a poem in which he outlined what the Umayyads had done to the Hāshimite family and he asked why the caliph trusted these people who were really his enemies. Al-Saffāh was influenced by this and he ordered his shurta to take the Umayyads out and execute them.³ From this incident it seems that the shurta still acted as executioners for the caliphs, and were positioned around the caliph.

There is also information available on Egypt in the reign of al-Saffāh. In 136/753 the governor of Egypt, Sāliĥ b. ĈAlī, appointed two sāhib al-shurtas, one for the city of Fustāt and the other for a new district called al-ĈAskar. It was at al-ĈAskar

¹. Ţabarī, vol.7, p.414.
that the ʿAbbāsid army was settling and the governor obviously felt the need for two saḥib al-shurtas.⁴

There is also one small reference to the saḥib al-shurta in Medina. When al-Ṣaffāh ordered the governor of Medina to exile all mukhannaths from the city the governor commanded his saḥib al-shurta to carry out these orders.²

There is more copious information about the reign of al-Mansūr who succeeded his brother, al-Ṣaffāh. In this period the ʿAbbāsids established themselves firmly in power. Very early on in the reign of al-Mansūr, in 137/754, his uncle, ʿAbdallāh, rebelled against him. Al-Mansūr sent Abū Muslim with an army to fight ʿAbdallāh in Damascus. As ʿAbdallāh knew that Abū Muslim was advancing against him with an army from Khurāsān, ʿAbdallāh ordered his saḥib al-shurta to execute seventeen thousand people from Khurāsān who were with him in Syria, because he believed that these people would join with Abū Muslim when he arrived in Syria. In that event he would have to fight an army much increased in size. However, it seems that this action did not prevent Abū Muslim from defeating ʿAbdallāh b. ʿAlī.³

Before Abū Muslim was sent to fight ʿAbdallāh, he had asked the caliph al-Mansūr to give him the lives of ʿAbd al-Jabbār b. ʿAbd al-Rahmān, Sāliḥ b. al-Haytham and Khālid b. Barmak. Abū

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3. Tabarī, ser.111-1, p.94.
Muslim told al-Mansūr that the killing of these men would benefit the caliph, as they were dangerous to him. These men had key posts in the Ābbāsid administration, including those of šāhib al-shurta and hājib. It may well be that Abū Muslim was motivated here by a desire to kill those men who were the most loyal to al-Mansūr, and thereby to further his own ambitions. However, al-Mansūr outwitted him, asking him to visit him in his palace. When Abū Muslim arrived the caliph ordered his šāhib al-haras, with his men, to hide themselves and on a signal from the caliph to come out and kill Abū Muslim, which they did.

When, in 141/758, the caliph al-Mansūr was troubled by opposition from the Rawandiyya, the sources mention the involvement of the šāhib al-haras rather than that of the šāhib al-shurta. Indeed, in the attack made on the palace of the caliph by the Rawandiyya, the šāhib al-haras was killed.

Prompted by fears for his personal safety, especially after the Rawandiyya incident, al-Mansūr set about the building of Baghdad. According to al-Khaṭīb al-Baghdādi, the caliph set a commander with a thousand guards at each gate of the city. One of the streets was named from the fact that it housed many of the shurta.

2. Ibid.
4. Ibid.
5. Al-Khaṭīb al-Baghdādi, Tārīkh Baghdād (Cairo, 1931), vol.1, pp.77-89.
To Tabari, al-Mansūr ordered the market to be moved from inside Baghdad to Karkh, on the other side, because he believed that the market might be a security hazard, especially since the city gate would have to remain open at night if the market remained where it was. So, his orders were carried out and he settled his haras and shurta in the place where the market had been.¹

There is interesting light thrown by Tabari on early Abbāsid government posts in an anecdote which he attributes to al-Mansūr. According to Tabari, al-Mansūr declared: 'I want and need four men in front of my door, each one of whom is honest.' When asked who such men might be, al-Mansūr said that these men were the foundation of the state and that the state could not function without them, just as a throne could not stand up without four supports. The first of these four is the qādi who is impervious to criticism, as he works in God's service. The second of the four is the sahib al-shurta who defends the weaker people in society against the stronger. The third is the sahib al-kharāj who exercises justice in collecting money from the people.

When he came to a description of the fourth of these crucial government posts, al-Mansūr bit his nails three times and sobbed continually before announcing that he was thinking about the sahib al-barid whose job it was to record the actions of the three others.²

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2. Ibid., p.398.
When discussing the haras and shurta in a letter to his governor, Īsā b. Mūsā, the caliph, al-Mansūr is recorded as saying that he had to watch over these people carefully as they were those closest to him. Unfortunately, the sources do not make a clear distinction between these two offices.

As for the shurta in particular, it would appear that in this period, they performed the same kind of duties which they had undertaken in Umayyad times. These included the imposition of the hudūd and the arresting and punishing of criminals.

9.2 THE ACTIVITY OF THE SHURTA IN THE PERIOD 158-170/774-786

As well as the increasing importance of the sahib al-haras and the sahib al-barīd which has already been noted, it is noteworthy that in the reign of al-Mansūr’s son, al-Mahdī, a new office came into being, that of the sahib al-zanādiqa. According to Ya’qūbī, al-Mahdī killed many people who were accused of being zindīgs. One such person was the son of his kātab, a certain Ṣāliḥ. Another well-known example is that of the famous poet, Bashshār b. Burd who was arrested and beaten to death by the sahib al-zanādiqa, ʿAbd al-Jabbār. The creation of this new post would

1. Ibid., pp.377,340.
suggest that the problem posed by this 'group' of dissidents was considered as requiring special attention.

In the few references found in the sources to the shurta in the reign of al-Mahdi, it would appear that they continued in the duties already described for the post in the Umayyad period. Further erosion into the range of duties of the sahib al-shurta may be discerned, however, in the report by Tabari that the caliph introduced the office of court executioner, armed with his sword and leather mat, nati, a job formerly carried out by the sahib al-shurta or one of his men.

The ceremonial functions of the sahib al-shurta appear to have remained broadly the same. Al-Jahiz records how the caliph al-Hadi's sahib al-shurta rode in front of him, bearing his lance in his hand.

If the size of the salary given to the sahib al-shurta at this time is compared with that of the sahib al-haras, it would appear that the latter office enjoyed a much better financial position and that it had taken precedence over that of the sahib al-shurta. According to Tanukhi at any rate, the sahib al-haras was paid one million dirhams and the sahib al-shurta only half a million. In this period, it was mostly the sahib al-haras who moved into higher posts, such as governorships and army commands, rather than these jobs going to the sahib al-shurta as had formerly

1. Ibid., vol.18, p.36; Wulat, pp.144-45.
3. Al-Taj, pp.80-81.
been the case. For example, Harthama b. A‘yan had been šahīb al-haras of the caliph Hārūn al-Rashīd before he became governor of Egypt in 187/802. Similarly, CAlī b. CIsā b. Māhān was šahīb al-haras of the caliph before he was appointed governor of Khurāsān. The Aghlabids, on the other hand, descended from Ibrāhīm b. al-Aghlab who had been the šahīb al-shurta of the governor of Ifriqiyya in this period.

The reign of Hārūn al-Rashīd appears to be the period when yet another official post came into existence, that of the šahīb al-khabar. According to Ṭabārī, this post was filled by ʿAbdallāh b. Musc̱ab whose duty it was to spy on the people and to report back to the caliph. Hārūn also asked his šahīb al-khabar to bring him as much information as he could about the poet, Abu‘l ʿAtāhiyya, who was then beaten.

9.3 THE ACTIVITY OF THE SHURTA IN THE PERIOD 193-218/803-833

In the general breakdown of law and order during the civil war between al-ʿAmīn and al-Maʾmūn, the šahīb al-shurta of the caliph is recorded as fighting alongside prisoners and other miscreants who took the opportunity of looting and killing in Baghdad. After the killing

of al-Amīn, al-Ma'mūn's army entered Bağhdād and the urban situation deteriorated even further. Not surprisingly, the citizens organised themselves finally to protect themselves and their families. ¹ When the caliph Ma'mūn entered Bağhdād, the son of his šāhib al-shurṭa walked in front of the caliph, bearing the lance which his father, the šāhib al-shurṭa, was too ill to carry.² Once established in Bağhdād, al-Mu'mūn appointed Tāhir b. al-Husayn as governor of the eastern provinces as well as the šāhib al-shurṭa of Bağhdād.³

Beneath the šāhib al-shurṭa there was another official with certain delegated responsibilities. This post was that of the šāhib al-jisr. According to Ibn Tayfür, Tāhir b. Husayn appointed two men to this office, each of whom was responsible for one of the two bridges⁴ and for dealing with criminal offences connected with the bridges of Bağhdād. When the šāhib al-jisr had assembled criminals in his majlis it would be for the qādī to pass judgements on them.⁵

¹. Tabarî, ser.111-2, p.1009.
⁵. Ibid., pp.42-43. Ibn Tayfür relates an incident in which the šāhib al-khabar was sitting in the majlis of the šāhib al-jisr, hearing criminal cases. The šāhib al-khabar reprimanded the šāhib al-jisr for cursing at the accused man and the šāhib al-jisr became very angry. He pointed out that the šāhib al-khabar was only there to write down what he heard and that if he did not shut up he, the šāhib al-jisr, would order his men to throw the šāhib al-khabar out (cont.)
The sources provide some details of the way in which the shurta ran their daily business. They took criminals to the majlis of the sahib al-shurta\(^1\) who had a kätib to take down the details of the cases.\(^2\) According to Tanükhi, the kätib of the sahib al-shurta even conducted a raid on a house on one occasion.\(^3\)

Indeed, it would appear that in the CAbbásid period, the shurta carried out house-to-house searches to look for criminals. Once they had decided that a criminal was in a particular house, they would make a raid (kabsa) on that house.\(^4\)

It seems that the shurta used dogs for crime investigation. According to Tanükhi, the shurta used a dog to discover the body of a murdered man which had been burned.\(^5\)

(continued from the previous page) of the court. So the latter went away very angrily to the caliph. The caliph sent for the sahib al-shurta and told him he must rebuke his men and tell them not to do anything so stupid again. The sahib al-shurta went back and rebuked the sahib al-jisr very severely. The next day, the qädi was ordered by the caliph to sit with the sahib al-jisr in the majlis. If this anecdote is to be believed, it was clashes like this with the sahib al-khabar which lost the sahib al-jisr his right to pass judgements without the qädi's presence.

1. Ibn Tayfür, *op.cit.*, p.43.
3. Ibid., vol.5, pp.149-50.
4. Ibid., vol.1, p.341.
5. Ibid.
9.4 GENERAL DISCUSSION

With the extension of the Abbāsid administrative machinery, a number of new offices appeared which eroded many of the responsibilities which the sāhib al-shurṭa had enjoyed in the Umayyad period. Similarly, his men, the shurṭa, became responsible solely for policing duties rather than for the exercising of summary justice on the spot as they had done at times in the Umayyad period. Moreover, it was the harās who were involved in guarding the caliph and the palace, whilst the shurṭa were guardians of urban security.

The office of qāḍī gained at the expense of that of the sāhib al-shurṭa, whilst the sāhib al-barīd and the sāhib al-khabar had the ear of the caliph and the former even reported back on the activities of the sāhib al-shurṭa. Moreover, the sāhib al-shurṭa no longer served as court executioner.

Because of the more complicated Abbāsid government machine, certain fugahā' wrote treatises in which they specified certain roles and guidelines for the sāhib al-shurṭa and others. Ibn Abī Rabić, for example, suggested certain rules of conduct for the sāhib al-shurṭa to follow. Similarly, the little-known Abbāsid work of Ibn Wah b. al-Kātib discusses in some detail a code of conduct for the sāhib al-shurṭa. This has been translated, as far as we know, for the first time into English, in Appendix I. How far such rules of conduct were ever followed in reality, however, is of course a matter for speculation.

APPENDICES
APPENDIX I

A. THE LIFE OF IBN WAHB AL-KÄTIB, AUTHOR OF KITÄB AL-BURHÄN FĪ WUJŪH AL-BAYĀN

This writer's full name was Abū Ḥusayn Ishāq b. Ibrāhīm b. Sulaymān b. Wahb al-Kätib. Very few facts are known about him. His grandfather's name was Abū Sulaymān b. Wahb b. Amr b. Ḥusayn b. Qays b. Qibāl. The family provided a number of distinguished officials from the time of the caliph ʿUmar b. al-Khattāb onwards. In view of his well-known forebears, it is all the more surprising that so little is known about Ibn Wahb himself. Not even his dates of birth and death are known but it would appear that he flourished in the middle of the fourth century A.H. His book, al-Burhān, was also unknown until recently. Many scholars, in fact, believed that al-Burhān was written by Ibn Qudāma but the editors, Matlüb and al-Hadithi, feel confident that the work may be attributed to Ibn Wahb. They further allege from an analysis of his work that Ibn Wahb had Shiite leanings.


2. Ibid.
صاحب الشرطة

صاحب الشرطة، فبيني أن يعلم أن صاحبه إذا نصب

لمبتيين:

أحدهما: ممن يون الحكام وأصحاب المظالم والدواوين، في حين أن
أمره بحبه، وإطلاق من رأوا أطاله وابتعادهم من كتبه
بجوده وإخراج اليدية أو أقربها، والند البهجة، وكذلك جعل
له اسم حمودة.

والآخر: النظر في أمور الجنايات، وإقامة الحدود والعقوبات، والتحصين
عن أهل الرئة والغناة والعبث والفساد، وفعصهم، والإحسان
على أعيته، وال📸، والسراف والتمائم والفساد، ونزيل من
وجب تعزيزهم منهم، وإقامة الحد على من استحق الحد منهم.

واما أشتغل له اسم الشرطة من زينة، لأن من نسي أصحاب الشرطة
نصب الأعلام على مجالس الشرطة. والشراف: الأعلام، ومنه في
أشكال الساعة، أي: أعلامها ودلائلها، فلما دخل صاحب الشرطة على
نفسه بالأعلام التي نصبها على موضع قعوده، قمن بذلك.

وشرطة الخريس: الذين كانوا مع أمير المؤمنين في السلام.

من هذا انتقى لهم اسمهم، لأن لاجئ الخريس، ودا شهروا أنفسهم من
بين سائر الجراح ب ALIGN، وبالفتقال معه، وصادروا أعلامه في ذلك بـ
شرطة الخريس.
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
أما الخطا فقسم قسمين: خطا محض، وخطا فيه بالمد. نأمّا

الخطا المحض، فهو أن نرمي عرضًا فنصب آسانا أو طائراً فيقتل رجلاً، فهذا خطا محض. فأمّا الخطا فيه بالمد، فإنّ تقصد الرجل بالرمية أو بالضربة اللتين ليس منهما يقتل فيموت، فذلك الخطا يشبه العمد. وفيه وفي العمد إذا عفني عن الفرد مالاً من الأبل أصلات، ثلاثون حصة، وأربعون خلة. وسمى هذه الدنيا المفطرة. وعلى القائل خطاً بعد الدية الكفاية تحريج رفية مؤمنة، أو صيام شهرين متابعين.

وفي الخطا المحض مالاً من الأبل آخامة، فعشرون منها حقاق، وعشرون جذاع، وعشرون بنات مخاض، وعشرون بنات لبون، وعشرون بنات برون.

وديات النساء على النصف من ديات الرجال.

وديات أهل الكتاب على الثلث من ديات المسلمين.

ودية المجوس وعبيد الوثن ثلاث عشر الدنيا.
وانيءة على أهل العين ألف دينار، وعلى أهل الورق عشرة ألف درهم عند قوم، عند قوم آخرين اثنين عشرة ألف درهم.
وفي الطريق فيهم
ولا يقل مؤمن بكافر، ولا يروج بعبد، ولا يترك بولد. ويقتل الذكر بالأشن في قول جميع الفقهاء. إلا التبعة قاتلهم يأخذون نصف الدين من أولاء الرجال، ثم يقتل الرجل، ونقولهم في ذلك أقيس، وإن كانوا لايررون النقياس.
وكل شيء في بلد الإنسان منه واحد، كالأنف والذكر وما أشبه ذلك، فليه إذا جن عليه فطبه، نصف الدين كاملاً. وكل ما كان أكثر من واحد في حصبه، ففي فرد الدين نصف الدين، وفي الأذن الواحدة نصف الدين. ومن أبطل على الإنسان نظره أو سمعه أو لسانه، كان في ذلك الدين، وإذا فحسب ما يسمع من الحروف أو بينها بلسانه أو بينه ما ينظر.
والصاحب والأسنان بحسبها، يكون في كل واحد من الأصابع خمس من اليد، وفي كل واحد من الأسنان ثلاث من الابن. وبعض النقيباً يجعل في أصابع اليدين الدين كاملاً وفي أصابع الرجلين الدين كاملاً، ويحسب على ذلك فيكون له بكل أصبع عشر من الدين. والشيء نجم الدين في الأصابع والأسنان على قدر التفقة، فيفصل بعض ذلك على بعض. ولست أحفظ تفصيل ذلك، وهو في كتب الدنيا المصنفة للسكلوب، والعينين بن سعد وغيرهما، مبين.
Г' ", " ý. ýý 'Y

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Gov ý ý" /.
v'

Gý ýý 'Y
المرؤوين إليه، وفي أي شيء، وفعلاً، وأي صاحب مسلحة، رفعهم.

ويعمل ما يجمع من هذه القصص التي يرفعها عیراض الإرباع إليه في كل يوم جامعاً. يعرضه على من فوقه من أمير أو إمام، فيفقعن تحت ذكر كله، فيما يرا، في أمر من نادر، أو حبس، أو اتفاق، أو اتفاق جلد.

إن كان الموقع إماماً، وأن ينشف هذه الجواب، والقصص والتوقيف.

وما يخرج بها من الإمام من اتفاق، أو اتفاق فصوص في ديوان الشرطة.

وكل ما يخرج من صلح بين الثردين، وناءة، من مطالب، ذكر الذي يثبت من ذلك في مجلس الشرطة نفل مثبت من الحاضر، ونخص السجلات في ديوان الحكم.

وليس ينبغي لصاحب الشرطة أن ينقم بالتعزير إلا على من عرف بالريب، وألف منه المبت. وكان قد عرف غير مرة في مثل ما نعلم به:

فأمس الناقم والشاعر، والموج، ومن يجري مجراه، من

نهاة (1)، وحائط، ونوا، ونوا، ونوا، ونوا، ونوا، ونوا.

فان عادوا حسبوا، وإذا نابوا وضمنوا أن لا يتقدموا.

ولا ينبغي له أن يحس أحداً بذفر ودعوئ إلا إذا كان ظنياً في

جيشه، مهماً عند أهل الخبرة.

فهذه جمل مريحات صاحب الشرطة، وكأنه إلى استعماله في عملهم.
C. A TRANSLATION OF THE SECTION ON THE SĀHIB AL-SHURTA
FROM AL-BURHĀN FI WUJŪH AL-BAYĀN OF IBN WAḤB. AL-KĀTIB

As for the sāhib al-shurta, it is appropriate to know that the person who holds this office is appointed for two things only. Firstly, to help the rulers and those who preside at the mazālim (courts) and in the diwāns, to imprison anyone they order to be imprisoned, to release anyone whom they want to be released, to send for anyone whom they want to be sent for, and to either release a person or imprison him and deal harshly with him. Thus he is given the name of maṣūna.

Secondly, his other duty is to look into criminal matters and to impose fixed punishments (hudūd) and penalties, to look out for suspicious people, troublesome, disruptive and corrupt people and to restrain them, and to apprehend robbers and thieves, gamblers and sinful people, to chastise anyone who needs to be chastised and to give fixed punishments (hudūd) to anyone who deserves to be punished.

The name of the shurta is derived from his uniform (ziyy) because it is the custom of the ashāb al-shurta to set up flags (al-aʿlām) on their stations (majālīs). Al-Ashrāt means al-aʿlām (flags), and from this comes the saying: Ashrāt al-Sāʾa (the portents of the Day of Judgement) which means its signs and proofs. So when the sāhib al-shurta distinguished himself with the signs which he had set up on his station, he was called by this name.

As for the shurtat al-khamīs who were with the Commander of the Faithful, peace be upon him (the caliph ʿAlī b. Abī Ṭalib), they derived their name from the army term khamīs and when they
distinguished themselves from the rest of the army by following him into the battle and they became well-known for that, they were called shurtat al-khamīs.

It is appropriate for this official in addition to possessing the knowledge of God's laws to know about fixed punishments (hudūd), the payment of blood money (diya), injuries (al-jirāh) and crimes. He must also be kind to both poor people and notables and be careful in dealing with the behaviour of good Muslims, for there is a tradition 'Overlook the failures of good Muslims'. Forgiveness should be preferable to punishment for him unless there is evidence that he deserves the punishment (hadd): for there is a saying 'Drop the punishment if the evidence is obscure'. But if there is clear evidence against him (the suspect) it is suitable that he should be keen to exact it (the punishment) and not to show any mercy to anyone who has committed crimes, nor should he remove it (the punishment) out of pity for the perpetrator of the crime.

For he (the šāhib al-shurta) is not more merciful than God is towards His created beings and he is not entitled to be more condescending (than God) towards the people. If God knew — praise be to Him — that well-being lay in the suspension of the hudūd and in the showing of mercy to the people He would not have ordered us to impose these punishments and He would not have said, 'Let not compassion move you in their case, in a matter prescribed by God, if ye believe in God and the Last Day'. Nor would He have said, 'In retaliation there is life for you, 0 ye men of understanding'.

1. Süra 24, verse 2.
2. Süra 2, verse 179.
Harshness towards people who have committed crimes or others who are malefactors should not cause the šāhib al-shurṭa to increase their punishments, or to infringe in their case the command of God — may He be praised and glorified — for God, may He be praised, says 'He who transgresses the limits of God, does verily wrong his own soul.' The human being must stop where the command of God stops him. If God had known that an increase of punishment on what he had already laid down would be better in curbing evildoers, then God would have increased these punishments.

The smallest hadd is the hadd of the drunkard which is forty lashes. Then ʿUmar — may God be pleased with him — made it eighty, and the people nowadays act according to this law. And the drunkard is a man who cannot control himself or achieve anything in his deeds and speech. Then comes the hadd for the person who makes false accusations, which is eighty lashes. This punishment should be applied only to someone who falsely accuses one or two free-born Muslims. If he accuses a male or female slave or a polytheist there is no hadd obligatory on him.

Then comes the hadd (fixed punishment) for an adulterer and an adultress which if they are unmarried (bikr) is one hundred lashes and banishment for one year. If they are married (thayyāb) the punishment is one hundred lashes and according to the people of Cūrāq to be stoned to death, and according to the people of Hijāz

1. Sūra 65, verse 1.
2. The author's time which was the fourth century A.H.
and the Shi‘a (the punishment) is only stoning. The definition of bikr for men is someone who has no wife and for women it is someone who has no husband. And the definition of thayb for a man is someone who has a Muslim wife and thayb for a woman is someone who has a free-born Muslim husband.

Then comes the hadd for a thief. This is to cut off his right hand if he has stolen someone's property and if the price of what he has stolen reaches a quarter of a dinär or more, according to (the view) of the people of Hijäz and the Shi‘a, or ten dirhams according to the practice of the people of Iran. According to the view of all the fuqahā‘ī, the hand should be cut from the wrist, but in the view of the Shi‘a, the hand should be cut from the roots of the fingers.

The punishment of cutting hands is not applied to a mukhtalis1 and a khā‘īn.2 If a man who has had his hand cut off steals again, his left foot should be cut off. According to the Shi‘a and some of the fuqahā‘ī, however, it should not be cut off but he should stay in prison for life. In the view of other scholars the left hand and the right foot must be cut off (when a man steals a second time).

Then comes the punishment of the murderer who kills deliberately: in this kind of murder if the relatives of the murdered person want revenge, the murderer should be killed, but if they forgive or accept blood money (diya) this is acceptable. And for the murderer of

1. Mukhtalis: a man who has snatched money from someone in a crowd and has run away.
2. Khā‘īn: a man who has spent money with which he was entrusted.
of anyone who has no relatives then it is up to the imām to decide if he wishes to have the death penalty or if he wishes to take blood money and forgive him.

The punishment of anyone who injures anybody or who cuts any of a person's limbs deliberately is retaliation – an eye for an eye, a nose for a nose, an ear for an ear, and a tooth for a tooth, 'and wounds equal for equal'1 as God said, may He be praised and glorified.

The saḥib al-shurta must not punish without a confession or proof and he must not accept any confession from an adulterer until he has testified four times. Everyone who confesses that he has committed a crime which necessitates a hadd and who is sane before his confession should be punished. If he returns and denies his previous statement before the punishment has been carried out on him the punishment cannot be applied. And if there is clear evidence provided by two witnesses in the rest of the hudūd, and by four witnesses in the case of adultery, then the punishment may be exacted on anyone on whom clear proof has been established, but if any witness goes back on his evidence or stammers or stops in his testimony, the hudūd cannot be applied. For we have been ordered (by God) not to apply punishment where the evidence is in doubt and this is the general conclusion about the hudūd.

As for crimes (jināyāt) these are divided into two parts: deliberate and accidental. We have already mentioned deliberate crimes so there is no need to mention them again.

1. Sūra 5, verse 45.
As for accidental crimes, they are divided into two categories: pure accident and an accident which is similar to an intentional crime. A pure accident is to throw an object at a person or a bird and to kill (thereby) another man; this action is called a pure mistake. But the accidental crime which is similar to an intentional crime occurs when a man intentionally throws or hits, two actions which usually do not kill, but which in this case do cause death; this is called an accidental crime which is similar to an intentional crime. And in this case and in a deliberate killing, if (the relatives) forego retaliation, one hundred camels must be paid (to the dead man's relatives) in three instalments: thirty ḥīqqa, thirty jadhā'ā and forty khalfa. This diya is called al-mughlīza. Also the killer who kills by mistake must offer (after paying diya), kaffāra (penance), which is to free a believer's neck or to fast for two successive months.

In the case of a killing by pure mistake (diya) the payment is one hundred camels in five instalments: twenty of these camels must be ḥīqqa, twenty jadhā'ā, twenty banāt makhād, twenty banāt al-labūn, and twenty are banū labūn. And the diya of women is half the diya of men.

1. A camel which has reached its fourth year and is called thus because it can carry loads.
2. A camel which has reached its fifth year.
3. A pregnant camel.
5. A camel which has been separated from its mother.
6. Called this name because its mother has borne another calf and has milk.
7. A young camel which has reached its second year.
The diya of the People of the Book is one third of the diya of the Muslims. Also the diya of Zoroastrians or of idolaters is a thirteenth of the Muslim diya. The diya of the people who pay in gold is one thousand dinars and the diya of those who pay with silver is ten thousand dirhams, or in the view of some scholars, twelve thousand dirhams. The diya of slaves is what they are worth.

Let not a Muslim believer be killed for killing a non-believer (kāfir); or a free man for killing a slave, or a father for killing his son. The male must be killed if he kills a female in the view of all fugahā' except for the Shi'a who take half the diya from the dead woman's relatives and then kill the murderer. Their (the Shiite) view in this matter is more in conformity with qiyyās although they do not accept qiyyās.

As for those parts of the human body of which there is one, such as the nose, the male generative organ and anything similar, if anyone harms them, he should pay a full diya. But for those parts of the body where there is more than one, the diya should be proportionate; (the loss of) one of a pair of eyes is half the diya, an ear is half the diya. And if anyone damages a man's eyesight or his hearing or his speech, for all these he must pay the diya or a proportion of it if he can still hear words or express some words with his tongue or still see.

The fingers and teeth should be assessed proportionately; the

1. Like Abū Ḥanīfa.
diva for each damaged finger is five camels and for each (damaged) tooth is three camels. Some fuqaha' impose the full diva for damage to all the fingers or all the toes. The amount for each (damaged) finger is ten camels. But the Shi'a make the diva for the fingers and teeth differ according to their value as some (fingers and teeth) are more important than others. And I do not remember all details, which are explained in the diva books written by authors like al-Kulayni and Husayn b. Sa'id and others.

Every (crime) which is perpetrated intentionally has its retaliatory punishment (qiṣāṣ) and there is a fixed punishment (hadd) for those crimes which require a hadd. It is the duty of the sahib al-shurta to put cases before the imam and if he orders the sahib al-shurta to tie someone up or to arrest him then he should do it. It is also his duty to seek justice in any punishment and to prevent punishment (being administered) by mistake. He should examine with a probe or some other instrument, a wound, so that the punishment is inflicted either on the basis of certain knowledge or on the basis of his (the sahib al-shurta's) best possible independent judgement.

As for everything which does not necessitate diva such as scratches and head wounds (which lay open the flesh) but which are not visible, in this kind of offence there is a judgement. This also applies to head wounds (shijāj) which have no diva in them. For wounds which dāmiyya\(^1\) or bādi'\(^2\), khāriṣa\(^3\) and dāmigha\(^4\), these

1. A wound which has drawn blood but which is not bleeding.
2. The wound which is slashed or slit open or cut up.
3. A deep scratch on the body which takes off the skin but does not cause any damage to bone or to flesh.
4. Which is a wound in the head which reaches the brain (or damages the brain).
kinds of wounds have a clear diya and for each of them five camels must be paid. But for wounds which are ḥāshima, maʾmūma which reaches the brain, and jaifa, for all these wounds one third of a diya must be paid.

Taṣīr is less than hadd in the view of most of the fugahā', but Malik said that it is up to the imām to decide if he wants to increase or decrease the hadd.

These are all the crimes which require hudūd, diya and qisās.

It is necessary for the sahib al-shurṭa to arrange for each quarter of his working area to have a commander (sahib) who is decent and honest in his dealings and knows about the legal judgements of the shurṭa. And also he (the sahib al-shurṭa) should appoint a clerk to write down the complaints of anyone who comes to complain or brings complaints before him, or of anyone brought before him by the commander of the armed men. He should also gather all these complaints which the commander (of the shurṭa) of the quarters brings him every day and all these (complaints) the sahib al-shurṭa should pass on to the amīr or imām above him, so that he can sign each man's report and decide if he needs discipline or imprisonment or release or the imposition of the hadd if it is signed by the imām.

He (the sahib al-shurṭa) registers these complaints and signatures,

1. The bone or head smashed or destroyed.
2. The thrust or stab which penetrates the abdomen.
3. Inflicting stripes below the full number appointed by law.

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and everything which is ordered by the imām, either ḥudūd or qisas in the diwān al-shurṭa. And in this way he should register the statements and demands made by plaintiffs. Anything which is established in the majlis al-shurṭa must be the same as what is established in the nūḥādir (register). Also he must register records in the diwān al-hukm.

The šāhib al-shurṭa must not punish anyone by taḍzīr except people who are under suspicion, or anyone causing trouble and known already to be a troublemaker. As for the gambler, the scoundrel, the Sodomite or anyone who is a nābādḥ, a khammār (wine seller), a pimp, all these must be punished by taḍzīr and disciplined and forbidden to commit these crimes again. If they do commit these crimes again they must be imprisoned, but if they repent and guarantee not to do it again they should be released. Also he (the šāhib al-shurṭa) must not imprison anyone who is accused by a false accusation or by complaints unless he is known by his neighbours to be suspect or guilty in the opinion of experienced people.

This is a summary of what the šāhib al-shurṭa and his kāṭib need to use in their work.

1. A person who makes wine or sells it.
The question of the shurtat al-khamīs is discussed largely by Shiite writers who do not, however, provide any details about the reason for its existence or about when it was created. Ibn al-Nadīm, for instance, relates from Muḥammad b. İshāq that the people who fought with ČAlī against Ṭalḥa and al-Zubayr in the battle of the Camel were called Shiʿa and that ČAlī divided the Shiʿa into the following sections: al-Asfiyāʾ, al-Awliyāʾ, shurtat al-khamīs and al-Āshāb. Ibn al-Nadīm adds that ČAlī named this group shurtat al-khamīs because ČAlī agreed certain conditions for supporting him with them. ¹ Unfortunately, however, there is no information available about who such people were and what their role in ČAlī's army was to be.

Another Shiite scholar, al-Kashti, gives a similar account to that of Ibn al-Nadīm and says that ČAlī agreed with the shurtat al-khamīs that he would grant them Paradise in return for their participation in his wars and for their defending him against his enemies. ² Thereafter, al-Kashti makes no further mention of the

activities of this group and their subsequent participation in ČAlī's campaigns.

Al-Barqī (d.276-280/889-93) mentions that some of the Prophet's Companions like Abū Dharr and Miqdād were members of the shurtat al-khamīs.¹ If we accept this, then it may be assumed that the shurtat al-khamīs existed as early as the reigns of ČUmar and ČUthmān and that it did not begin during the caliphate of ČAlī, since both Abū Dharr and Miqdād died during ČUthmān's caliphate.² It is clear, therefore, that al-Barqī disagrees with Ibn Nadīm who states that ČAlī established the shurtat al-khamīs during the Battle of the Camel. Al-Barqī also states that ČAlī said to some of his followers in the shurtat al-khamīs that their names were written in the sky because the Prophet had told him so.³

Generally speaking, most historians make no mention of the shurtat al-khamīs, except for Tabārī who reports that ČAlī appointed Qays b. Sa'd b. Abī Ubāda as the head of this group after removing him from his post as governor of Egypt.⁴

Needless to say, this whole issue is full of doubts and uncertainty. It may be assumed that the shurtat al-khamīs was a group of devoted followers who supported ČAlī in his wars against his enemies. Yet, their role in these wars is uncertain. When

¹. Al-Barqī, Kitāb al-Rijāl (Tehran, 1342 A.H.), p.3.
Tabarī reports that this group numbered forty thousand men¹ this is clearly an exaggeration. Al-Barqī says that the group numbered between five and six thousand men.² If these numbers were genuine, they would be more likely to apply to the whole of Ālī's army, not merely to a section of it. If Hasan had enjoyed the support of such a large force, there would have been no need for him to abdicate in favour of Muʿawiya. Nor did Hasan's army demonstrate the loyalty demanded of the shurtat al-khamīs. It is well-known that his men attacked and injured him at Ctesiphon.

It is clear, however, that the shurtat al-khamīs had little to do with the regular shurṭa which forms the subject of this thesis.

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¹. Ibid.
². Al-Barqī, op.cit., p.3.
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