RELIGIOUS POLICIES OF THE CALIPHS FROM AL-MUTAWAKKIL TO AL-MUQTADIR, A H 232-295/A D 847-908

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Abstract

The judicial appointments of the ‘Abbāsid caliphs reveal their religious policies better than the chronicles alone. Al-Mutawakkil has been characterized as re-establishing traditionalism, but his judicial appointments suggest only limited support for that tendency. His successors al-Muntasir, al-Musta’in, and al-Mu’tazz did not pursue substantially different policies. Al-Mu’tadid did: he sacked all but Hanafi qādis and promoted the rationalist Hanafi al-Khaṣṣāf. It was almost a restoration of the policy of his father, al-Wāthiq. He was overthrown and his policy immediately reversed by the regent, al-Muwaffaq, who sponsored a middle system of jurisprudence between the extremes of hadith and ra’y. His successors, al-Mu’tadid and al-Mutaffaq, did not maintain this policy; however, it was the tendency out of which grew the classical schools of law in the fourth/tenth century.

The Inquisition of Al-Ma’mūn (d A H 218/A D 833) was a serious attempt to establish the caliph as arbiter of Islamic orthodoxy. It took the form of imposing the doctrine of the create Qur’ān, a doctrine particularly associated with the nascent Hanafi school of law. The next two caliphs after al-Ma’mūn, his brother al-Mu’taṣim (r 218-227/833-842) and his nephew al-Wāthiq (r 227-232/842-847), maintained the Inquisition, however, it was abolished under the caliph al-Mutawakkil by stages from 232 to 237/847 to 852. This was not the end of caliphal support for one or another juridical-theological party. Evidence is meagre, but we have a relatively full record in one area: judicial appointments. The ninth-century caliphs appointed men to the judgeships of Iraq (chiefly Basra, Kufa, and the three districts of Baghdad, also the chief judgeship, qādā’ al-quḍāt, usually but not always located with the caliph at Samarra), Syria, Egypt, and Fars. We should be able to tell which tendency a particular caliph promoted.


2 See esp. the article of M Hinds, cited in the previous note

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by examining the tendencies of the men he appointed to be judges (qādis)

The religious policies of the caliphs between al-Mutawakkil and al-Muqtadir (r 295-320/908-932) have previously been analyzed by Dominique Sourdel 3 Relying mainly on the chronicles, Sourdel stresses the changing fortunes of Shi‘ism, Mu‘tazilism, and the rigorist orthodoxy that opposed them both. His findings can be briefly summarized: al-Mutawakkil’s immediate successor, his son al-Muntasir, shifted caliphal policy to favor the Shi‘a, or, at least, the ‘Alids, the policy of al-Mustā‘īn is difficult to characterize, but does not seem to have reversed al-Muntasir’s, al-Mu‘tazz was devoted to the policies of his father, al-Mutawakkil, particularly hostility to the ‘Alids, al-Mu‘tadid’s policy strayed little from that of al-Mu‘tazz, finally, the reigns of al-Mu‘tamid, al-Mu‘taḍid, and al-Mustakfi were characterized by no single tendency but by continual subtle shifts, to which Sourdel devotes over half his article

Since Sourdel wrote, our understanding of Islamic theological parties in third/ninth-century Baghdad has changed, and so we may be able to characterize the religious policies of the caliphs after al-Mutawakkil more accurately merely by shifting our terms from Sourdel’s For one, it has become plain that the classical Mu‘tazili school came together only late in the century for the first three-quarters of the third/ninth century, we should speak of the Mu‘tazila as no more than a grouping within a larger rationalist party 4 An equally important grouping, which partly overlapped with the Mu‘tazila, was the rationalist wing of the nascent Hanafi school of law

The rigorist party to which Sourdel refers is what we more conventionally call the traditionalists. These insisted on deriving their law and theology solely from textual sources, Qur‘ān and hadith, whereas rationalists relied more or less heavily on reason, ra‘y or, sometimes, ‘aql A traditionalist such as Ahmad ibn Hanbal (d 241/855) would answer a question by recalling the relevant hadith, that is, the reported words and deeds of the Prophet or of the Companions 5 A rationalist such as Muhammad al-Shaybāni (d 189/805) might recall relevant

4 See Encyclopaedia of Islam, new edn, s v “Mu‘tazila” (D Gimaret) and the works of Josef van Ess there cited
5 See Susan A Spectorsky, “Ahmad ibn Hanbal’s Fiqh,” Journal of the American Oriental Society, cii (1982), 461-65 The familiar distinction between hadith, reports from the Prophet, and aḥār or akhbār, reports from other figures, does not appear in Ahmad’s practice
hadīth, but the last word would go to common sense or the opinion of a previous jurisprudent, most often Abū Hanīfah.

We should watch also for the developing middle party I call semi-rationalist Muslims of this tendency argued for the basic tenets of the traditionalists but used the tools of the rationalists. Their particular theological propositions often constituted a compromise between the more extreme positions of earlier traditionalists and rationalists, for example, they usually maintained that the Qurʾān itself was increate, but conceded that its pronuciation was create. They based their jurisprudence formally on the analysis of textual sources but allowed a good deal of play to rational methods such as qiyās (analogy) and to the opinions of earlier jurisprudents. We should discuss caliphal religious policy in terms of support for these three parties, rationalist, semi-rationalist, and traditionalist, rather than, with misleading precision, the Muʿtazila and their opponents.

The Shiʿa were, of course, a fourth party for the caliphs to consider, but their strength in Baghdad seems to have been small. The caliphs’ policies toward the ‘Alids reflected mainly their interests in the provinces, not the capital, for ‘Alid pretenders to the caliphate did make trouble from time to time in the provinces. The Imāmiyya (Twelver Shiʿa) did not become a coherent party until the time of the third safir (spokesman for the Hidden Imam), Ibn Rawḥ al-Nawbakhti (d. 326/938).

The biographical literature suggests that al-Mutawakkil himself was an opponent of Shiʿism but hardly a sponsor of traditionalism. At most, rather, it was his policy to promote a moderate rationalism—not aggressively assertive of a create Qurʾān, but neither devoted to textual sources in law and theology. His three successors, al-Muntasir, al-Mustaʿīn, and al-Muʿtazz, largely continued that policy. A clear shift

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THE ‘ABBÁSID CALIPHS FROM AL-RASHÍD TO AL-MUQTADÍR

5) Abú Ja’far Hárūn al-Rashid (r 170-193/786-809)

6) Abú Músá Muḥammad al-ʿAmin
   (r 193-198/809-813)

7) Abú Ja’far ‘Abd Allāh al-Ma’mūn
   (r 198-218/813-833)

8) Abū Ishāq Muḥammad al-Mu’tasim bi-Allāh
   (r 218-227/833-842)

9) Abú Ja’far Hárūn al-Wāḥiq bi-Allāh
   (r 227-232/842-847)

10) Abū al-Faḍl Ja’far al-Mutawakkil ‘alá Allāh
    (r 232-247/847-861)

11) Abū Ja’far Muḥammad al-Muntaṣir
    bi-Allāh (r 247-248/861-862)

12) Abū al-‘Abbās Aḥmad al-Musta’in bi-Allāh
    (r 248-252/862-866)

13) Abū ‘Abd Allāh Muḥammad al-Mu’tazz bi-Allāh
    (r 252-255/866-869)

14) Abū Ishāq Muḥammad
    al-Muḥtadī bi-Allāh
    (r 255-256/869-870)

15) Abū al-‘Abbās Aḥmad al-Mu’tamīd
    ‘alá Allāh (r 256-279/870-892)

16) Abū al-‘Abbās Aḥmad al-Mu’tadīd bi-Allāh
    (r 279-289/892-901)

17) Abū Muḥammad ‘Alī al-Muktafī bi-Allāh
    (r 289-295/901-908)

18) Abū al-Faḍl Ja’far al-Muqtadīr bi-Allāh (r 295-320/908-932)
came only, and surprisingly, with al-Muhtadi (r 255-256/869-870), whose religious policy seems to have been similar to that of his father, al-Wathiq. Al-Muhtadi was deposed and killed after less than a year, and caliphal patronage swung toward the developing semi-rationalism under two more sons of al-Mutawakkil, al-Mu'ta'did and al-Muwaffaq. Modern historians of the period have missed the rationalist tendency of al-Muhtadi's policy because they have relied on the chronicles to the exclusion of the biographical literature. I hope that this modest survey will encourage other Islamic historians to make fuller use of the biographical literature.

Al-Mutawakkil (r 232-247/847-861)

Al-Mutawakkil is famous for abolishing the Inquisition, but it has taken some time for scholars to date that abolition with precision. Martin Hinds states that it took place gradually from 234/848 to 237/852. A source overlooked by him strongly suggests that it began with al-Mutawakkil's accession in 232/847. Additionally, the biographical sources show the unevenness of al-Mutawakkil's traditionalism, even after the final abolition of the Inquisition in 237/852.

Two historians of Egypt, al-Kindi and al-Musabbihi, state that the Inquisition came to an end immediately on al-Mutawakkil's becoming caliph in 232/847. Al-Dhahabi states that al-Mutawakkil put an end to the Inquisition fourteen years after al-Mu'ta'did renewed it, i.e., in 232. In Isfahan, the Hanafi jurist Bakkar b al-Hasan (d 233/847-848 or 238/852-853) was examined, refused to affirm the Qur'an create, and was about to be expelled from the city when news came of al-Wathiq's death. The guards were presently withdrawn from his house and women and children bandied about a vulgar rhyme celebrating Bakkar's vindication, the humiliation of his persecutor, qadi Hayyân b Bishr (d 237 or 238/c 852). Evidently, the Inquisition had

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9 Cf Encyclopaedia of Islam, new edn, s v "al-Muhtadi" (K V Zetterstên, rev C E Bosworth), with references to other studies. Not a word is said of al-Muhtadi's religious policy.

10 See note 1.


13 Abû al-Shaykh, Tabaqat al-mu'addidin bi-Iṣbahân wa al-wâridin 'alayhi, ed 'Abd al-Ghafur 'Abd al-Haqq Husayn al-Balûshi, 4 vols (Beirut: Mu'assasat...
to be renewed at the accession of every new caliph, and it was known that al-Mutawakkil would not renew it. Additionally, certain men of religion were released from house arrest on the accession of al-Mutawakkil.\(^{14}\)

On the other hand, although al-Mutawakkil did not renew the Inquisition at the beginning of his caliphate, Ahmad ibn Hanbal continued to relate hadith reports to almost no one. Some self-imposed ban may have been superposed on the caliph’s, but it seems possible, too, that Aḥmad feared the caliph’s agents.\(^{15}\) The chief architect of the Inquisition (at least under al-Muṭaṣīm and al-Whāthiʿ), chief qādī ibn Abī Duwād, continued to influence the appointment of qādīs. Damascus had no qādī at all from near the beginning of the caliphate of al-Muṭaṣīm (218/833) until 233. At the beginning of that year (late summer 847), Ibn Abī Duwād appointed to the post Abū ʿAbd Allāh Ismāʿīl b. ʿAbd Allāh al-Sukkārī (d. after 240/854–855) He was not removed until 237/851.\(^{16}\)

A stronger case may be made for 234/848–849 as the year when al-Mutawakkil ended the Inquisition. That is the year when al-Subki

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14 Al-Mutawakkil: Geschichte Isbahans, i, 238
15 Qādī under al-Muṭaṣīm, tried again under al-Whāthiʿ but was warned against it, and therefore went into hiding until the advent of al-Mutawakkil. The story of Baqi b. Makhliḍ’s surreptitious collection of hadith from Aḥmad—he had to disguise himself as a beggar in order to evade the guards around Aḥmad’s house—may be doubtful; however, it conceivably reflects actual conditions: see al-Dhahabi, Siyar, vol. 13 (ed. ʿAli Abū Zayd), 292–94. Cf. Ibn al-Jawzi, Manāqib al-imām Ahmad ibn Hanbal, ed. ʿAbd Allāh b. ʿAbd al-Muḥsin al-Turki and ʿAli Muḥammad ʿUmar (Cairo: Maktabat al-Khānjī, 1979), 428. For Bishr b. al-Walid, see Ibn Abī al-Wafāʾ, al-Jawāhir al-mudīya, ed. ʿAbd al-Fattāḥ Muḥammad al-Hulw, 2 vols published (Cairo: ʿIsā al-Ḥalabi, 1978), vol. 1, 454
16 Ibn Abī Yaʿlā, Ẓabaqāt al-hanāhila, ed. Muḥammad Ḥāmid al-Fiqī, 2 vols (Cairo: Matbaʿat al-Ṣunnah al-Muḥammadīyya, 1952), vol. 1, 408
states that the Inquisition ended. He probably refers to al-Mutawakkil’s publicly forbidding talk of the Qur‘ān (i.e., debate over it) and summoning numbers of jurisprudents and traditionists to Samarra. The most prominent of these traditionists were Muṣ‘ab al-Zubayrī (d. 236/851), Iṣḥāq Ibn Abī Isrā‘īl (d. 246/860), Ibrāhīm b. ‘Abd Allāh al-Harawi (d. 244/858), Ibrāhīm al-Taymī (d. 250/865), and the brothers Abū Bakr (d. 235/849) and ‘Uthmān Ibn Abī Shayba (d. 239/853). He ordered them to relate hadith against the Mu‘tazila and the Jahmiya (exponents of a create Qur‘ān) and such hadith as concerned seeing God in the hereafter. He paid them, as well.

Surely, though, the caliph’s point was not to affirm traditionalist orthodoxy, that the Qur‘ān was increate, but rather to quieten the whole controversy Muṣ‘ab al-Zubayrī was known to advocate waqf, refusal to say whether the Qur‘ān was create, while Ibn Abī Isrā‘īl and Ibrāhīm b. ‘Abd Allāh had even affirmed it create, although under duress. Only ‘Uthmān Ibn Abī Shayba was known for condemning those who

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18 Al-Kindī, GOVERNORS, 197; al-Ṣūlī, apud al-Khāṭib al-Baghdādī, Tārīkh Baḥdād, vol. 2, 344; Ibrāhīm b. Muhammad b. ‘Arāfa (i.e., Niṣāwiyah), Tārīkh, on which see Akrām Dīyā‘ al-‘Umrānī, Mawārid al-Khāṭib al-Baghdādī fī Tārīkh Baḥdād [n.p.: Maṭba‘at Muḥammad Ḥāshim al-Kutubi, 1975], 141, apud al-Khāṭib al-Baghdādī, Tārīkh Baḥdād, vol. 10, 67. Hinds mentions the decree, but his conversion of the Hijri date is erroneous. On the supposed party of the Jahmiya, see esp. Watt, Formative Period, 143-47. This year, 234, is also accepted as when al-Mutawakkil ended the Inquisition by M. Shamsuddin Miah, The Reign of al-Mutawakkil, Asiat. Soc. of Pakistan Publicn. 24 (Dacca: Asiat. Soc. of Pakistan, 1969), 81. I quarrel with Miah’s assumption (not his invention, of course) that the issue in the Inquisition was Mu‘tazilism, not a brand of Ḥanafiism, and I make more extensive use than Miah of the biographical dictionaries; however, I find his study, on the whole, both thorough and accurate.


did advocate *waqf* \(^{21}\) Ahmad Ibn Hanbal considered *waqf* as bad as outright Jahmisim \(^{22}\)

Moreover, it seems likely that propaganda for the ‘Abbasid dynasty was a major point of these traditionists’ teaching Abū Bakr Ibn Abī Shayba began his first session with the *hadith* report from the Prophet, “Remember me (*ihfazūn*) in al-'Abbās, for he is the last of my fathers, the uncle of a man being like his father” \(^{23}\) ʿUthmān was willing to relate that the Prophet had glossed the verse of the Qurʾān, “You are a warner, to every people a guide” (Q 13:7), in this wise “I am the warner, and the guide is a man of Banū Ḥāshim” \(^{24}\) It seems no wonder that Ahmad Ibn Hanbal and others accused both brothers Ibn Abī Shayba of relating invented *hadith*,\(^ {25}\) while only Muṣʿab al-Zubayrī and Ibrāhīm al-Taymī, of these six, enjoyed an unblemished reputation for reliability \(^ {26}\)

Clearer evidence for an abrogation of the Inquisition in this year comes from the appointment of *qādis* \(^ {27}\) Also in 234/848-849, the caliph


\(^{23}\) Al-Khaṭīb al-Baghdādi, *Tārikh Baghdād*, vol 10, 68

\(^{24}\) Al-Khaṭīb al-Baghdādi, *Tārikh Baghdād*, vol 12, 372, 373

\(^{25}\) Al-Khaṭīb al-Baghdādi, *Tārikh Baghdād*, vol 10, 68; vol 11, 284, 285

\(^{26}\) Ibn Ḥajar, *Tadhkīb*, vol 2, 155; vol 10, 163, 164

dismissed ‘Ubayd Allāh b Āḥmad b Ghālib (d. after 234/848), hitherto qādis for the East Side of Baghdad ‘Ubayd Allāh was a Ḥanafi jurist and a protégé of Ibn Abī Duwād’s Al-Wāthiq had appointed him in 228/842.28 The biographer of Baghdadi qādis, Ṭalḥa b Muḥammad al-Shāhīd (d. 380/990-991), attributes his dismissal to popular discontent with Ibn Abī Duwād and his followers.29 His replacement, al-Wābīṣi (d. 247/861-862?), was dismissed by Yahyā b Aktham in 237/851, but on the ground of juristic incompetence, not theology.30 Āḥmad Ibn Hanbal told al-Mutawakki’s envoy, “I have heard of him nothing but good,” indicating with certainty that al-Wābīṣi was not known for professing the Qurʾān create.31

Yet other evidence from the dismissal and appointment of qādis suggests that it was not a main purpose of al-Mutawakki’s to repudiate the Inquisition Ibn Abī Duwād remained chief qādis (his son Muḥammad deputy from 233/848) until 237/851.32 On the West Side of Baghdad, al-Ḥasan b ‘Alī b al-Ja’d (d. 242/856), appointed by al-Wāthiq in 228/842, remained qādis throughout the decade.33 He followed the Iraqis in jurisprudence, i.e., the nascent Ḥanafi school.34 As for the doctrine of the create Qurʾān, Āḥmad Ibn Hanbal told al-Mutawakki’s envoy that al-Ḥasan had been notorious for his Jahmism (professing the Qurʾān to be create) but that he had also heard

29 Ṭalḥa b Muḥammad, apud al-Khaṭīb al-Baghdādi, Tārikh Baḥda, vol 11, 52
30 Āḥmad b Kāmil, apud al-Khaṭīb al-Baghdādi, Tārikh Baḥda, vol 11, 52, 53
31 Ṭalḥa b Muḥammad < Abū Muzāḥim, apud al-Khaṭīb al-Baghdādi, Tārikh Baḥda, vol 11, 53, 1 9-12
32 For the date of Ibn Abī Duwād’s debilitating stroke, see Ibn Khallikān, Wafayāt al-a’yān, ed. Iḥsān ‘Abbās, 7 vols + index (Beirut: Dār al-Ṭhaqāfa, 1968, 1973), vol 1, 88. Al-‘Ali is surely mistaken to report that Yahyā b Aktham was re-appointed under al-Wāthiq in 230/844-845 (“Qudāt Baḥda,” 195). His cited sources describe only Yahyā’s replacement by Ja’far b ‘Abd al-Wāḥid in 240.
34 Ṭalḥa b Muḥammad, apud al-Khaṭīb al-Baghdādi, Tārikh Baḥda, vol 7, 364, ll 7, 8
of his repentance. Perhaps al-Hasan announced his new position in 234, but we do not know.

Over the district of al-Sharqiya, on the west side of Baghdad, al-Mutawakkil left in place ‘Abd Allāh b Muḥammad al-Khalanji (d 253/867). It is difficult to make out any juridical-theological reason why al-Mutawakkil should have dismissed ‘Ubayd Allāh b Ṭāhā b Ghālib but not al-Khalanji. Both had been appointed by al-Wāthiq in 228/842. Both were Ḥanafī in jurisprudence, al-Khalanji having studied under Ibn Samā‘a (d 233/848), a disciple of both Abū Yūsuf’s and Muḥammad al-Shaybānī’s. Both were protégés of Ibn Abī Duwdā’, and al-Khalanji, too, expressly professed the Qurʾān create. At any rate, the retention of al-Khalanji argues strongly against any decisive reversal of the Inquisition in 234.

Equally outside Baghdad there was no systematic removal in 234 of qādis who had professed the Qurʾān to be create Ghassān b Muḥammad, who had prosecuted the Inquisition in Kufa under al-Muṭaṣim and al-Wāthiq, was not replaced until 235/849-850, and there is no evidence that his replacement had to do with the Qurʾān. Al-Sukkari remained qāḍi for Damascus until 237/851-852. Hinds observes that Ibn Abī Layth (d 250/864-865), who had prosecuted the Inquisition in Egypt, was dismissed in 235/850 and cursed from the minbar, however, there is abundant testimony that the issue was not the Qurʾān but financial peculation. Indeed, al-Mutawakkil had him reinstated for about four months in 237/851-852.

The real end of the Inquisition must be counted as beginning in Ṣafar or Rabī‘ I 237/August-October 851 and ending early Shawwāl 237/late March 852. It was in one of the former months that al-Mutawakkil dismissed his chief qāḍi, Ibn Abī Duwdā’, and his son, Muḥammad. Al-Mutawakkil appointed Yahyā b Aktham (d 242/857) in

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35 Al-Khaṭṭāb al-Baghḍādī, Tārikh Baḥgdād, vol. 7, 364
38 Ṭāḥā b Muḥammad, apud al-Khaṭṭāb al-Baghḍādī, Tārikh Baḥgdād, vol. 10, 73
39 Niftawayh, apud al-Khaṭṭāb al-Baghḍādī, Tārikh Baḥgdād, vol. 10, 73
40 Waki‘, Akhbār al-qudāt, vol. 3, 191 (prosecuted Inquisition), 194 (replaced)
41 Hinds, “Miḥna”; al-Kindī, Governors, 462, 463; acknowledged by Miah, Reign of al-Mutawakkil, 81, 244
42 Al-Kindī, Governors, 464, 465
43 See the various dates in Ibn Khallikān, Wafayāt al-a‘yān, vol. 1, 90
their place as chief qādi. 44 Yahyā was no traditionalist luminary. He had once been chief qādi for al-Ma'mūn and an important adviser. He had fallen from grace before the Inquisition, in 215/830-831, but after al-Ma'mūn’s formal endorsement of the doctrine of the create Qur’ān 45 His pederasty was notorious, but Aḥmad Ibn Hanbal endorsed him. 46 Al-Khalani was dismissed one to four months later. 47 Yahyā went on to dismiss Ibn Abī Duwād’s appointee, al-Sukkari, qādi for Damascus. 48 Finally, in Shawwāl, al-Mutawakkil wrote to instruct his lieutenants to release all prisoners held on account of the Inquisition. 49 At the same time, he had the head and body of Aḥmad b Naṣr taken down and given to his relations for a proper funeral and burial. 50 This is also when he bade Aḥmad Ibn Hanbal visit him in Samarra. 51

Aḥmad went to Samarra, but seemed thoroughly unappreciative of the caliph’s bounty. He agreed to wear black, but later regretted it and

44 Someone else succeeded Muhammad over the maḥālim, but only until Yahyā could be brought to Samarra: see al-Ṭabari, Annales, vol 3, 1410 = Tārīkh, vol 9, 188.
46 Al-Khaṭīb al-Baghdādī, Tārīkh Baghdād, vol 14, 198.
47 In one of the months of Jumādā/October-December 851, according to Talha b Muhammad, apud al-Khaṭīb al-Baghdādī, Tārīkh Baghdād, vol 10, 74, contra Hinds, “Mīhna,” who says only “an unspecified date (probably 237)”.
50 Al-Ṭabari, Annales, vol 3, 1412 = Tārīkh, vol 9, 190, 191. In 231/846, Aḥmad b Naṣr had been involved in a conspiracy against the caliph al-Wāḥiq, for which, presumably, he was arrested; however, the accounts of his trial and the placards next to his body indicate that the chief issue was the Qur’ān, which Aḥmad professed to be in crease. See Hinds, “Mīhna,” to whose references add al-Dhahabi, Sīyar vol 11 (ed Sāliḥ al-Samr), 166, with further references.
51 The earliest extant accounts are Hanbal b Iṣḥāq, Dhikr miḥnāt al-imām Ahmad Ibn Hanbal, ed Muḥammad Naghash (Cairo: Dār Nashr al-Thaqāfa, 1977), and Sāliḥ b Aḥmad, Sirat al-imām Ahmad Ibn Hanbal, ed Fu‘ād ‘Abd al-Mun‘īm Aḥmad (Alexandria: Mu‘assasat Shabāb al-Jāmī‘ah, 1981). Neither dates the visit to Samarra Ibn Kaḥīr states once that al-Mutawakkil sent the invitation through Iṣḥāq b Ibrāhīm, who died 235/850: al-Bidāya wa-al-nihāya, 14 vols (Cairo: Matha‘at al-Sa‘āda, 1932-1939), vol 10, 337. However, he also explicitly places Aḥmad’s going to Samarra in Shawwāl 237: vol 10, 316, 340. It is possible that there were two invitations, only the second one heeded. It seems more likely that the account of an earlier invitation through Iṣḥāq is erroneous.
tore off those clothes Al-Mutawakkil asked him to tutor his son, presumably the later caliph al-Mu'tazz, but Ahmad refused. The caliph pressed food on him, but Ahmad steadfastly refused it, making do with a few loaves of bread. He refused to attend the public prayer on Friday, lest he be exposed there to the caliph's blandishments. Soon, he returned to Baghdad, where he continued to live in poverty, refusing the caliph's periodic gifts of food and money.

Ahmad may have refused to embrace the caliph in part because there were plainly limits to his repudiation of the Inquisition. Yahyâ b. Aktham actually appointed a former prosecutor of the Inquisition, Hayyân b. Bishr, to the judgeship of al-Sharqiya. Al-Mutawakkil had the head and body of Ahmad b. Nasr taken down and given to his relations, however, he was still so concerned to maintain caliphal authority, even if it had been used to uphold a create Qur'ânic, that he forbade the populace to gather in mourning. In Basra, Ahmad b. Riyâh remained qâdi from 223/837 clear until 239/854. He had not been associated with prosecuting the Inquisition, but Ibn Abî Duwâd seems to have kept him in office.

The district of al-Sharqiya soon reverted to old associates of Ibn Abî Duwâd's. Hayyân b. Bishr was succeeded on his death by Muhammad b. 'Abd Allâh Ibn al-Mu'adhîn (d. after 241/855), at one time, at least, associated with Ibn Abî Duwâd. He was counted among the followers of Abû Hanîfah but not known to have related any hadith reports at all. In 241/855, al-Mutawakkil replaced him in turn by Abû...
Hassân al-Ziyâdî (d 242/856), also once a close associate of Ibn Abi Duwâd’s 60 Only on his death did the judgeship of al-Sharqiya pass out of the hands of men associated with the Inquisition, when al-Mutawakkil appointed Abû Hishâm Muhammad b Yazid al-Rifâ‘î (d 248/862) 61

Even more limited than his repudiation of the Inquisition was al-Mutawakkil’s embrace of traditionalism Martin Hinds has characterized al-Ma‘mûn as aiming by the Inquisition to establish hardline Hanafi thinking against traditionalists more devoted to hadîth We must not infer that al-Mutawakkil was opposed to Hanafism There is a late report that al-Mutawakkil himself was a Shâfi‘î, the first caliph to identify with any school of law 62 However, given the inchoate state of the Shâfi‘î school in his time, this seems doubtful Certainly, when he came to appoint a panel of jurisprudents in 245/859 to investigate a case appealed from Egypt, he chose adherents of the Kufan school, i.e., the Hanafi 63

If there is any pattern to al-Mutawakkil’s further judicial appointments, it is clearly not that he preferred men known for their cultivation of hadîth Several contrary cases, of men appointed to judgeships who ignored the science of hadîth, have been mentioned already In 235/849-850, al-Mutawakkil appointed as qâdi for Kufr Ja‘far b Muhammad b ‘Ammâr al-Burjumi (d 250/864), who had no reputation whatever as a transmitter of hadîth 64 In 240/854, al-Mutawakkil replaced chief qâdi Yahyâ b Aktham with another Basran, Ja‘far b ‘Abd al-Wâhîd (d 258/871-872) 65 It is unclear to which school of law Ja‘far himself adhered, however, he had only a poor reputation as a traditionist 66 The opposition of one traditionalist, Abû Zur‘a al-Râzî, 60 Al-Ṭabarî, Annales, vol 3, 1424 = Târikh, vol 9, 200; Ahmad Ibn Hanbal, apud al-Khaṭîb al-Baghdâdî, vol 7, 357
61 In 242/856-857, according to Taḥâ b Muḥammad, apud al-Khaṭîb al-Baghdâdî, Târikh Baghdâdî, vol 3, 376; in 243/857-858, according to Wâkî’, Akhbâr al-quḍât, vol 3, 292, 193
62 Al-Suyūṭî, Târikh al-khulafa’ (Beirut: Dâr al-Thaqâfa, 1970’s), 380 Al-Suyūṭî contradicts the equally dubious report of Ibn Taḥibîrî, related by Hinds, that al-Ma‘mûn excelled in Hanafi law
63 Al-Kindi, Governor, 474, 475; discussed by Miah, Reign of al-Mutawakkil, 245, 257, who wisely refrains from identifying the caliph with any particular school
64 Wâkî’, Akhbâr al-quḍât, vol 3, 194
struck Dominique Sourdel as curious, however, it must seem so only if one assumes that al-Mutawakkil meant to promote strict traditionalism. On the death of al-Hasan b ‘Ali b al-Ja’d, qādī for the West Side of Baghdad, al-Mutawakkil appointed the Hanafi Aḥmad b Muḥammad b Samā’ā (d after 252/866) He, too, had no good reputation as a traditionist.

Ja’far b ‘Abd al-Wāḥid appointed as his deputy over Samarra another Basran, al-Hasan Ibn Abī al-Shawārīb (d 261/875) No source states al-Hasan Ibn Abī al-Shawārīb’s school of law, although his brother, at least, was said to follow the school of the Iraqis, i.e., the nascent Hanafi school He was evidently traditionalist in theology, or at least denied the Qur’ān to be create. On the other hand, he appears in no encyclopedia of rijāl criticism, suggesting that he had little to do with transmitting hadith A main field of qualification for office may have been his Umayyad descent.

From a traditionalist point of view, al-Mutawakkil’s appointments to the East Side of Baghdad must seem a little better Sawwār b ‘Abd Allāh (d 245/860), another Basran whom Yahyā b Aktham appointed, in 237/851-852, would appear in two of the Six Books, and Aḥmad Ibn Hanbal said he had heard nothing but good of him When Sawwār died, al-Mutawakkil ordered Ja’far b ‘Abd al-Wāḥid to appoint in his place Ismā’il b Ishaq (d 282/896), the prominent Basran Mālikī Ismā’il b Ishaq would appear in none of the Six Books, but

67 Sourdel, “Politique religieuse,” 10f
68 Waki’, Akhbār al-qādāt, vol 2, 284; Ṭalḥa b Muḥammad, apud al-Khaṭīb al-Baghdādi, Tārīkh Baghdaḍ, vol 5, 10
69 Ibn Hajar, Lixān, vol 1, 302, 303, mentions a rejected traditionist by the name of Aḥmad b Muḥammad al-Samā’ī, probably this qādī I have found no positive report of him in the usual collections
70 Niżṭawayh, apud al-Khaṭīb al-Baghdādi, Tārīkh Baghdaḍ, vol 7, 410, 10
72 Waki’, Akhbār al-qādāt, vol 3, 278; al-Khaṭīb al-Baghdādi, Tārīkh Baghdaḍ, vol 8, 285, vol 9, 210, 211. Massignon writes his name “Sawwār,” Mīḥa ‘Sawwār” Ibn Hajar provides no explicit guidance, but “Sawwār” seems to be the most common form: Ibn Hajar, Tābṣīr, vol 2, 699, 670; see also Ibn Hajar, Tahdhib, vol 4, 267f
73 Al-Khaṭīb al-Baghdādi, Tārīkh Baghdaḍ, vol 6, 287, based partly on Niżṭawayh Ibn al-Jawzī states that Ismā’il b Ishaq was given the two sides of Baghdad in 246, but this seems to be an error: al-Muntazam, s.a. 282; 6 vols (Hyderabad: Dā’īrat al-Ma‘ārif al-Uthmāniya, 1357-1360), vol 5/2, 161; ed. ‘Aṣā'
he is known to have made several collections of hadith, and there is extant no aspersion of his reliability in that science.

Still, the only evident pattern to al-Mutawakkil’s appointments seems to be no more than a preference for men of Qurashi lineage (e.g., Ja‘far b. ‘Abd al-Wāḥid and the Banū Abi al-Shawārīb) and of Basran background (e.g., Yahyā b. Aktham, Ja‘far b. ‘Abd al-Wāḥid, and the Banū Abi al-Shawārīb) Al-Mu‘āmūn had appointed qādis of the same characters (e.g., Ibn Abī Duwād, a Basran, who first rose to prominence as a protégé of Yahyā b. Aktham’s) All in all, then, it seems unsurprising that ʿAlīmad Ibn Hanbal should have responded so coldly to al-Mutawakkil’s overtures, unsurprising, too, that expressions of gratitude and praise for the caliph should be quoted of so few traditionalist contemporaries (as opposed to later writers) Al-Mutawakkil did gradually end the Inquisition, but he hardly became a sponsor of traditionalist Islam.

Al-Muntasir (r. 247-248/861-862), Al-Musta‘in (r. 248-252/862-66), Al-Mu‘ātazz (r. 252-255/866-869)

Al-Mutawakkil was assassinated on 4 Shawwāl 247/11 December 861 There followed a period of confusion at Samarra, as the Turkish soldiery made and unmade caliphs and five men assumed the caliphate during the course of a decade Al-Mutawakkil was succeeded by his son al-Muntasir Al-Mutawakkil had been about to substitute another son, al-Mu‘ātazz, as his designated successor He had also been about to confiscate the estates of the Turkish commander Al-Wasif A natural interpretation of the assassination is that al-Muntasir collaborated with the Turks to preserve his and their positions. 74 Sourdel discerns a religious motive He observes that al-Muntasir had disapproved of his father’s measures against the ‘Alids, and suggests that al-Mutawakkil was assassinated to forestall more of the same. 75

Actually, al-Muntasir’s religious policy was little different from his father’s Sourdel does state that he was notably friendly toward the ‘Alids 76 A report to the contrary, that he wrote the governor of Egypt

74 See al-Ṭabarī, Annales, vol 3, 1452-57 = Tārikh, vol 9, 222-25 Working independently from different sources, Michael L. Bates likewise stresses faction at the court to explain the murder of al-Mutawakkil His forthcoming book, The Expression of Nobility in the Abbasid Caliphate, 218-334 H 833-946 CE, will explain much that is now unclear about politics in this period

75 Sourdel, “Politique religieuse,” 7, 8

76 Sourdel, “Politique religieuse,” 9
restricting the ‘Alids’ movement and even disallowing their testimony in lawsuits, may belong to the period before he became caliph, when he was governor over Egypt under al-Mutawakkil. But the Shi‘i historian al-Ya‘qūbī (d. 292/904-905) has nothing good to say of him. He certainly replaced no qādī appointed by his father. One qādī was ordered to desist from his work Ibrāhīm b Muḥammad al-Taymī, appointed qādī for Basra in 239/854. He had been among the traditionists brought to Samarra in 234, and praised al-Mutawakkil for restoring the Sunna (abrogating the Inquisition or, perhaps, opposing the Shi‘a), and for this reason al-Muntaṣir may have been suspicious of him, yet, al-Muntaṣir never formally dismissed him or appointed a replacement. Al-Muntaṣir seems to have confirmed all his father’s appointments to judgeships in Baghdad.

Al-Muntaṣir died after only half a year as caliph. His successor, al-Musta‘īn (r. 248-252/862-866), was a grandson of al-Mu‘tasīm’s but not the son of any caliph. He may have been chosen precisely because he was a nonentity unlikely to challenge the men who had killed al-Mutawakkil and elevated al-Muntaṣir. Sourdel complains that we are ill-informed about his reign. The record of his judicial appointments does eke out what the chronicles tell us. He ordered Ibrāhīm al-Taymī to resume his work, and Ibrāhīm remained qādī of Basra until his death. Al-Musta‘īn dismissed al-Mutawakkil’s and al-Muntaṣir’s chief qādī, Ja‘far b ‘Abd al-Wāḥid (d. 258/871-872), in 249/863-864 or 250/864 and exiled him to Basra. Ja‘far had been accused of treasonous correspondence with the Shākirīya, a body of troops who had rioted in Ṣafar 249/March 863. He may have looked forward to the restoration of al-Mutawakkil’s son, al-Mu‘tazz, however, we cannot say whether his objections to al-Musta‘īn had any religious overtones.

Al-Musta‘īn replaced Ja‘far b ‘Abd al-Wāḥid at Samarra with Ja‘far b Muḥammad b ‘Ammār (d. 250/864), hitherto qādī of Kufa.

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77 Al-Kindī, *The Governors and Judges of Egypt*, 204. I owe the suggestion that the report is misplaced to Michael L. Bates.
79 Waki‘, *Akhbār al-qudāt*, vol. 2, 179-81.
81 Waki‘, *Akhbār al-qudāt*, vol. 2, 179-81.
since his appointment by al-Mutawakkil. It is unclear whether al-Musta'in named him chief qādi as well At least, his appointment argues against al-Musta'in's pursuing any systematic reversal of the policies of al-Mutawakkil. So does al-Musta'in's appointment in 249/863-864 of ʿAbd al-Muṭṭāz al-Samārī (d. 280/894) as qādi of al-Sharqiyya, at the death of al-Rifāʿi, whom al-Mutawakkil had appointed A Hanafi, al-Bīrūṭi was also a former protégé of Yahyā b. Aktham, sometime chief qādi for al-Mutawakkil.

After another siege of Baghdad, al-Musta'in was forced to resign in favor of his cousin al-Muṭṭāz (r. 252-255/866-869). Sourdel characterizes al-Muṭṭāz as re-establishing the policy of his father, al-Mutawakkil, adding the appointment of al-Ḥasan b. Muḥammad Ibn Abī al-Shawārīb (d. 261/875) as chief qādi. Under al-Mutawakkil, this Ibn Abī al-Shawārīb had been qādi of Samarra as deputy to Jaʿfar b. Ṭabīb al-Wāḥid. His appointment by al-Muṭṭāz evidently expressed some traditionalist tendency. The story is told that the caliph's tutor, Muḥammad b. ʿImrān al-Dabbi (d. 255/869-870), originally recommended about eight men to the judgeship, including al-Khalanji (d. 253/867), a prosecutor of the Inquisition under al-Wāṭiq, and al-Khaṣṣāf (d. 261/874), a prominent Hanafi. Other advisers protested that these men adhered to rejected theological schools. They are among the followers of Ibn Abī Duwād, Rāfīda, Qadariya, and Zaydiya. Hearing so, al-Muṭṭāz ordered them all sent away from Samarra, and left al-Dabbi in charge only of the māzālim (equity) jurisdiction.

Al-Muṭṭāz replaced some lesser qādis, as well. He dismissed his father's appointee to the judgeship of the West Side of Baghdad, the Hanafi Ibn Samāʿa (d. after 252/866). In his place, he appointed

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84 Al-Khaṭīb al-Baghdādī, Tārikh Baghdaḏ, vol 7, 163
85 Al-Khaṭīb al-Baghdādī calls him “chief qādi” (Tārikh Baghdaḏ, vol 7, 163), but Waki' expresses denies that he was any more than qādi for Samarra (Akhbār al-qudāt, vol 3, 303)
86 Waki', Akhbār, vol 3, 293; Ṭalḥa b Muḥammad, apud al-Khaṭīb al-Baghdādī, vol 5, 62, ll 3, 4
87 Sourdel, “Politique religieuse,” 12
89 Al-Ṭabarī, Annales, vol 3, 1684 = Tārikh, vol 9, 371 “Rāfīda” probably indicates Shiʿa who preferred 'Ali to Abū Bakr and 'Umar. “Zaydiya” those who merely preferred 'Ali to ‘Uthmān. The Qadariya disbelieved in predestination. Al-Ṭabarī identifies al-Dabbi as muʿaddib al-Muṭṭāz, but he may have been not the former tutor of the caliph himself but tutor of the caliph's sons, as suggested by Yāqūt, The Irshād al-arīb ilā maʿrifat al-adīb, ed D S Margoliouth, E J W Memorial ser 6, 7 vols (Leiden: E J Brill, 1907-1927), vol 7, 52
90 Waki', Akhbār al-qudāt, vol 3, 284
Ibrāhīm Ibn Abī al-‘Anbas (d 277/890), formerly qādi of Kufa and a well-regarded traditionist, although Hanafi. Here, he seems to have gone somewhat further than his father in a traditionalist direction.

Yet al-Mu'tazz had Ibn Abī al-‘Anbas removed a year later, in 254/868, appointing in his place Aḥmad b Yahyā Ibn Abī Yūsuf (d after 258/871) Ibn Abī Yūsuf was another follower of the Iraqi school (i.e., what was becoming the personal Hanafi school), who related no hadīth at all3 but his appointment looks like a step backwards from any traditionalist policy. Al-Mu'tazz had to replace Ibn Abī Yūsuf later in the same year (254/868-869) for “perversion in his pleasures,” but he soon re-instated him4 Al-Mu'tazz left in place his father’s appointee to the judgeship of the East Side of Baghdad, al-Musta’īn’s appointee to al-Sharqīya.

Outside Baghdad, al-Mu’tazz appointed his chief qādi’s brother, al-‘Abbās Ibn Abī al-Shawārib (fl. 250’s/860’s) as qādi of Basra. He also sent Ibn Abī al-‘Anbas to be qādi of Kufa. He replaced no qādis in Old Cairo and Damascus, though Altogether, it can hardly be said on the basis of his judicial appointments that al-Mu’tazz adopted a policy markedly different from that of his predecessors, al-Muntaṣir and al-Musta’n, nor markedly closer than theirs to the policy of his father, al-Mutawakkil.

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4 Waki‘, Akhbār al-qudāt, vol 3, 284; Niftawayh, apud al-Khaṭīb al-Baghdādi, Tarikh Baghdādī, vol 5, 201; Ṭalḥa b Muḥammad, apud al-Khaṭīb al-Baghdādi, vol 5, 202 Al-Khaṭīb al-Baghdādi also reports that al-Mu’tazz removed Ibn Abī al-‘Anbas for refusing to lend any money of the orphans’ to his half-brother, al-Muwaqqat: Tarikh Baghdādī, vol 6, 25, 26 This report seems odd for two reasons: it refers to “al-Muwaqqat” years before he received the title, and one wonders why al-Mu’tazz should have shown such concern for him, when he had imprisoned him in 252/866, banished him from Samarra the next year, and apparently kept him under the close supervision of the Baghdadi prefect of police till his own deposition in 255/869, on which see al-Ṭabarī, Annales, vol 3, 1668, 1669, 1693, 1714, 1715 = Tarikh, vol 9, 361, 362, 377, 392, 292 I thank Michael L. Bates for pointing out the oddity.


6 Waki‘ mentions his removal for perversion (inḥīrāf fl ladhdhātiḥ), but gives no date (Akhbār al-qudāt, vol 3, 284) Ṭalḥa b Muḥammad mentions his removal and re-instatement (apud al-Khaṭīb al-Baghdādi, Tarikh Baghdādī, vol 5, 202).

7 Waki‘, Akhbār al-qudāt, vol 2, 181.

Al-Muhtadi replaced al-Mu'tazz in 255/869, and he is a more interesting case—even more than previous accounts of modern scholars would suggest. His austerities and devotion to business are well known, e.g., fasting by day throughout his caliphate, breaking his fast on nothing more than bread, salt, oil, and vinegar, praying in a woolen garment, banishing musical instruments and singing girls from the palace, and personally overseeing the accounts and the maṣālīm. Less well known is his endeavor to re-establish the religious policy of his father, al-Wāthiq. This endeavor seems to have been a good deal more coherent than that of al-Mu'tazz to re-establish the policy of his father.

Soon after assuming the caliphate, al-Muhtadi had the Mālikī jurisprudent and courtier, Ḥammād b. Ishāq (d. 267/881), chastised and paraded on a donkey for corresponding with al-Muwaffaq in Mecca. Al-Muwaffaq had directed the military operations that had obtained the caliphate for al-Mu'tazz, and al-Muhtadi must have feared a restoration of the line of al-Mutawakkil. Al-Muhtadi also sacked Ḥammād's brother, Ismā'īl b. Ishāq (d. 282/896), whom al-Mutawakkil had appointed to the judgeship of the East Side in 246/860-861.

When it came to judgeships, al-Muhtadi made more changes during his eleven-month caliphate than any of his three predecessors. To begin with the chief qāḍī, al-Muhtadi at one point not only removed al-Mu'tazz's appointee, al-Ḥasan Ibn Abī al-Shawārib, but imprisoned him as well. Al-Muhtadi replaced al-Ḥasan Ibn Abī al-Shawārib at Samarra with 'Abd al-Raḥmān b. Nā'il b. Najīḥ al-Baṣri. Little is known about thiszeichnung


99 Al-Ṭabarî, Annales, vol. 3, 1787 = Tārīkh, vol. 9, 437. This was on 28 Dhū al-Qa‘da 255/7 November 870, perhaps about the time that Ṣāliḥ b. Wāṣif lost power and Sulaymān b. Wahh began to exercise his power as vizier. Unfortunately, it seems that no precise dates are firmly attached to Sulaymān’s vizierate; see Dominique Sourdel, Le vizirat ‘abbāsides de 749 à 936 (132 à 324 de l’hégire), 2 vols (Damascus: Institut Français de Damas, 1959, 1960), 300-03, 727. Ṭalḥa b. Muḥammad does report that al-Muhtadi returned Ibn Abī al-Shawārib to office before the year was out; that is, within a month (apud al-Khaṭīb al-Baghdādi, Tārīkh Baghdād, vol. 6, 287, ll. 18, 19). However, there seems reason to doubt it. Louis Massignon proposes that Ibn Abī al-Shawārib was replaced for “several months”: “Cadis et qaṣīb,” 259. Šāliḥ ʿAbd al-ʿAli will say only that Ibn Abī al-Shawārib was certainly chief qāḍī, again, in 258/871-872: “Qudat Baghdād,” 196.

100 Al-Ṭabarî, Annales, vol. 3, 1787 = Tārīkh, vol. 9, 437; Ṭalḥa b
known of this man He must have adhered to the personal Hanafi school of law, for he appears among the teachers of Abû Khâzim (d 292/905), the important Hanafi jurisprudent 101 He evidently enjoyed no reputation as a traditionist, for his name appears in none of the standard encyclopedias of rijâl criticism He was therefore doubtfully traditionalist in theology

A strong preference for Hanafism seems evident in al-Muhtadi’s dealings with other qâdis in Baghdad Ibn Abî Yusuf and al-Birti, both Hanafiyya, were left in place over the West Side and al-Sharqiya, respectively By contrast, al-Muhtadi removed the one Mâlikī qâdi in Baghdad, Ismâ’îl b Ishâq Al-Muntašir, al-Musta’în, and al-Mu’tazz had all left him in place now, in 255/869, al-Muhtadi replaced him with al-Qâsim b Mansûr al-Tamimi (d after 256/870), formerly qâdi of Kufa 102 We have no evidence for his legal affiliation, but it seems likely that he followed the Kufan tradition, i e, what was becoming the Hanafi school Like al-Muhtadi’s new chief qâdi, al-Qâsim b Mansûr did not cultivate the science of hadîth 103

Outside Baghdad, al-Muhtadi left in place the qâdis whom al-Mutawakkil had appointed over Old Cairo and Damascus Bakkâr b Qutayba (d 270/884), a Basran Hanâfî,104 and Muḥammad b Ismâ’îl Ibn ’Ulayya (d 264/877-878), a minor traditionist,105 respectively However, he did remove al-Mu’tazz’s appointee as qâdi of Kufa, al-Qâsim b Mansûr, and appointed Ibn Abî al-‘Anbas in his place 106 He also, as noted, removed al-Mu’tazz’s appointee as qâdi of Basra, al-‘Abbâs Ibn Abî al-Shawârîb, and appointed in his place Abî Ahmad b al-Wazîr, who has come up before as qâdi of Samarra under al-Musta’în 107 Like other men appointed to judgements by al-Muhtadi, Abî Ahmad b al-Wazîr appears in no encyclopedia of rijâl criticism, moreover, he had once been removed from the judgeship of Isfahan on

Muḥammad, apud al-Khaṭīb al-Baghdādī, Tārikh Baghdad, vol 6, 287
101 Al-Khaṭīb al-Baghdādī, Tārikh Baghdad, vol 11, 63
102 Wâkî, Akhbâr, vol 3, 280, 281; Taḥlah b Muḥammad, apud al-Khaṭīb al-Baghdādī, Tārikh Baghdad, vol 6, 287, ll 19, 20
103 Al-Khaṭīb al-Baghdādī, Tārikh Baghdad, vol 12, 429: “No religious knowledge was borne from him save stories (akhbâr) from Abî Muḥâmmâd (?) Ibn Abî İbrahim “Wâkî” credits him with some knowledge of belles-lettres (âdâb; Akhbâr al-qudât, vol 3, 198)
104 On whom see Muḥammad b Fahrî, apud Ibn al-Manzûr, Mukhtasâr “Tārikh Dimashq,” vol 22, 21; also al-Dhaḥabî, Siyâr, vol 12, 295, with references
105 On whom see Muḥammad b Fahrî, apud Ibn al-Manzûr, Mukhtasâr “Tārikh Dimashq,” vol 22, 21; also al-Dhaḥabî, Siyâr, vol 12, 295, with references
106 Taḥlah b Muḥammad, apud al-Khaṭīb al-Baghdādī, Tārikh Baghdad, vol 6, 25, 26
107 Wâkî, Akhbâr al-qudât, vol 2, 181
suspicion of zandaqa (secret unbelief)\(^{108}\). Again, al-Muhtadi’s preferences look generally anti-traditionalist.

Al-Muhtadi’s inclination against traditionalism seems clearest in his association with the Hanafi jurisprudent al-Khaṣṣāf. Whereas al-Muṭazz had rejected the man for his association with Ibn Abi Duvād, al-Muḥtadi made him prominent to the degree, says Ibn al-Nadīm, that people talked of his reviving the authority of Ibn Abi Duvād, advancing the Jahmiyya (exponents of a create Qurʾān)\(^{109}\). Al-Khaṣṣāf himself was said to believe the Qurʾān create,\(^{110}\) while al-Muḥtadi was at least suspected of it.\(^{111}\) I have discovered no record that al-Khaṣṣāf was ever appointed to formal office, but he might be called a “qādī,” either on account of an unreported appointment or on account of the authority he enjoyed without formal appointment.\(^{112}\)

In jurisprudence, al-Khaṣṣāf was a prominent Hanafi, but of the non-traditional wing. In most of his extant works, he normally relates first what seems reasonable, second the opinions of Abū Hanifa and his closest followers, and seldom troubles to discuss the relevant hadith.\(^{113}\) Such evidence may be insufficient, by itself, since most of his works have been lost, however, there is no indication in either the titles of the lost works or elsewhere that he took a strong interest in hadith.\(^{114}\) His name appears in no encyclopedia of rijāl criticism. His writing a book on legal devices (hiyal) bespeaks hostility toward traditionalist jurisprudence, inasmuch as third/ninth-century traditionalists condemned such devices in the strongest terms.\(^{115}\) Contrast his

\(^{108}\) Abū Nuʿaym al-Iṣbahānī, Geschichete Isbahāns, vol 1, 82.


\(^{110}\) Ibn al-Najjār, apūd al-Dahābi, Taβīṭh al-islām, Köprülü (Istanbul) 1017, 24 (I have not found an entry for al-Khaṣṣāf in the printed edition of Taβīṭh al-islām).


\(^{114}\) For titles, see Ibn al-Nadīm, Fīhrist, 206.

\(^{115}\) Ahmad Ibn Hanbal, apūd Ibn Abī Yaʾlā, Ṭabaqāt al-hanābila, vol 1, 120, 218.
contemporary Ibn al-Thalji (d 266/880), expressly known for strengthening Hanafism with hadith.\(^{116}\)

Norman Calder has recently proposed that we attribute the extant Kitāb al-Kharāj of Abū Yusuf to al-Khaṣṣāf. He reports that it contains many hadith reports, and that they are used systematically. However, they appear to be the merest formality, if that, in all the sections he discusses in detail.\(^{117}\) Certainly, its style of argumentation is very different from that of contemporary traditionalist texts such as those of Aḥmad Ibn Hanbal. Its tendency to exalt the powers of the caliph over local tradition agrees with a tendency to restore al-Maʿmūn’s absolutism.\(^{118}\) So does al-Muhtadi’s personally issuing opinions on religious issues.\(^{119}\)

Whereas the religious policy of al-Muhtadi was clearly to promote a non-traditionalist Hanafism, the evidence for his policy towards Shiʿism is murky. Sourdel argues that al-Muhtadi was as hostile to the ‘Alids as his predecessors, citing Abū al-Faraj al-İşfahānī (d 356/967), Maqātil al-Ṭālibiyin.\(^{120}\) To this evidence one might add the bitter complaints against al-Muhtadi from the later Shiʿi, al-Mufid Ibn al-Muʿallim (d 413/1022).\(^{121}\) On the other hand, we must remember that al-Muhtadi reigned shortly after the succession of the eleventh imam, al-Hasan al-ʿAskari (d 260/874), and that later Imāmiya were bound to justify the occultation of his son, al-Mahdi, by pointing to caliphal hostility. Some Shiʿi chroniclers before Abū al-Faraj (e.g. al-Masʿūdi) would highly praise al-Muhtadi. As for other, non-Shiʿi writers, Niftawayh does state that al-Muhtadi exiled one Jaʿfar b Maḥmūd for rafḍ (i.e., rejecting Abū Bakr and ‘Umar in favor of ‘Ali).\(^{122}\) However, if this Jaʿfar b Maḥmūd was al-Muʿtazz’s vizier by that name, it seems likely that he was exiled for political reasons, unlikely that he upheld rafḍ.\(^{123}\)

It is admittedly puzzling why al-Muhtadi’s anti-traditionalism is not more prominent even in the chronicles. Perhaps traditionalists favored

\(^{116}\) Ibn al-Nadim, Fihrist, 206
\(^{117}\) See Calder, Studies, ch 6
\(^{118}\) On the opposition of “absolutist” to “constitutionalist” blocs, see W. Montgomery Watt, Islamic Philosophy and Thought, Islamic Surveys 1 (Edinburgh: Univ. Press, 1962), 53
\(^{119}\) Al-Yaʿqūbi, Mushākalaṭ al-nāṣ, 344
\(^{120}\) Sourdel, “Politique religieuse,” 13
\(^{122}\) Niftawayh, apud al-Khaṣṭīb al-Baghdādī, Tārīkh Baghdad, vol 3, 350
\(^{123}\) On Jaʿfar b Maḥmūd, see Sourdel, Vizirat, 294, 295, with references
silence, partly from embarrassment, partly because al-Muhtadi never forced his rationalism on everyone’s attention by a measure like the Inquisition, partly because no recent caliph had come near the traditionalist ideal Al-Ṭabarî (d 310/923) never particularly praises al-Muhtadi. We must remember that the austerities he reports of al-Muhtadi were not admired only among traditionalists. It is the Shi‘i, al-Ya’qiibi (d 284/897), who credits him with bringing near the men of religion,\(^{124}\) the Shi‘i and Mu‘tazili, al-Mas‘ūdi (d 345/956), who likens him among the ‘Abbāsids to the pious ‘Umar b ‘Abd al-‘Aziz among the Umayyads.\(^{125}\) Two biographers, admittedly late, state outright that al-Muhtadi was a Mu‘tazili.\(^{126}\)

Al-Muhtadi’s association with rationalism may explain why the populace (al-‘âmma) of Baghdad rioted against his accession in 255/869.\(^{127}\) It may also explain, as no historian has until now, why the populace did not rise to fight with him against the Turks when they pursued him through the streets in 256/870. Al-Ṭabarî mentions his appeals to the people several times, but equally often their failure “The Turks thanked the populace for not opposing them”, “He [al-Muhtadi] called out, ‘O ye people! I am the Commander of the Faithful — fight for your caliph,’ but the populace did not respond to that”, “He urged the people to fight the group and help him, but no one followed him except some toughs (‘ayyārān)”.\(^{128}\) It was not a popular policy to promote rationalism, and the overthrow of al-Muhtadi proves it.

\(^{124}\) Al-Ya’qūbī, Historiae, vol 2, 617
\(^{126}\) Al-‘Aynī (d 855/1451) states that he was called a rāhbānī for his godliness, a Mu‘tazili for his devotion to ‘adl and tawhīd ‘īqd al-jumān fi tārikh ahl azamān, s a 256; Veli (Istanbul) 2385, 354 Ibn al-Murtadā (d 840/1437) includes al-Muhtadi in a list of Mu‘tazili caliphs, citing his association with a Mu‘tazili courtier: Ibn al-Murtadā, Die Klassen der mu‘taziliten, ed Susanna Diwald-Wilzer, Bibliotheca Islamica, ed Helmut Ritter & Albert Dietrich, 21 (Wiesbaden: Franz Steiner, 1961), 126, 127. Cf ‘Abd al-Jabīr, Faḍl al-‘ītāl, ed Fu‘ād Sayyīd (Tunis: al-Dār al-Tūnisīya lil-Nāshr, 1974), 311
\(^{128}\) Al-Ṭabarî, Annales, vol 3, 1818, 1821, 1830 = Tārikh, vol 9, 459, 461, 467
support. For twenty years after al-Muhtadi, there was a fairly coherent caliphal religious policy in a semi-rationalist direction, yet it had little more lasting effect than al-Muhtadi’s promotion of non-traditionalist Ḥanafi jurisprudence and rationalist theology. Al-Muhtadi was formally succeeded by al-Mu’tamid (r 256-279/870-892), another son of al-Mutawakkil, but real power lay in the hands of his brother, Abū Ahmad al-Muwaffaq (d 278/891). Thanks to his connections with al-Muwaffaq, Ismā‘īl b. Ishāq, the Mālikī, not only won immediate reappointment to the judgeship of the East Side of Baghdad in 256/870, but two years later took over the West Side and al-Sharqiya, over the objections of Ibn Abī al-Shawārib, the Ḥanafī chief qādī, and five years later took over the whole of Baghdad. He ruled as he pleased, in disregard of the chief qādī’s example in Samarra, and was sometimes referred to as chief qādī, himself.

So far as it can be reconstructed, Ismā‘īl’s approach to theology and jurisprudence seems to have been semi-rationalist. His teacher in Basra, Abū Ahmad b. al-Mu‘addhal (d ca 240/854-855), had reportedly introduced Mālikī jurisprudence to Iraq. The very enterprise of teaching jurisprudence apart from hadith was scorned by contemporary traditionalists. He discouraged Abū Dāwūd from seeking hadith, and appears in no encyclopedia of rijāl criticism, himself. As for theology, Ibn al-Mu‘addhal engaged in kalām, rationalistic theology, for which Abū Ahmad Ibn Hanbal disparaged him. He abstained from declaring whether the Qur’ān was increate. Altogether, then, Ibn al-Mu‘addhal was no traditionalist.

In a traditionalist direction, on the other hand, Ismā‘īl b. Ishāq himself compiled at least nine collections of hadith. His juridical works are no longer extant, but he evidently supported his opinions with

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129 Taḥā b. Muḥammad, apud al-Khaṭṭīb al-Baghdādī, Ṭarīkh Baghdād, vol 6, 287, 288
130 E.g., by al-Khallīlī, al-Īrshād fī ma’rifat ‘ulamā‘ al-hadīth, abr al-Silāfī, Aya Sofya (Istanbul) 2951, 101b; by al-Qādī ‘Īyāḍ, Ṭarīḍ al-madārik, vol 3, 177
131 Ibn Ḥazm, al-Īkhām fī usūl al-akhām, ed Ahmad Muhammad Shākir, 8 vols in 1 (Cairo: Maktabat al-Khānji, 1345), vol 5, 98 On the form of his name, see Ibn Ḥajār, Taḥṣīr al-muntabīḥ, vol 4, 1299
132 Al-Dhahābī, Siyar, vol 11, 520
134 Al-Dhahābī, Ṭarīkh al-islām, vol 17, 54; Siyar, vol 11, 520
hadīth, complete with chains of transmitters 136 Ibn Abī Hātim, the rijāl critic, had a high opinion of his reliability 137 Among Ismā‘īl’s reported works is a Kitāb al-Sunan, for Ibn al-Nadīm usually a hallmark of traditionalism 138 For a time, he employed as secretary Ibn Surayj (d 306/917), the semi-rationalist who would virtually found the classical Shafi‘i school of law 139

Al-Muwaffaq’s support for Ismā‘īl had the effect of establishing semi-rationalism, also a deliberate effort to uphold orthodoxy by judicial means Ismā‘īl opposed the more rationalist Ḥanafiya Abū Khāzim would complain that Ismā‘īl b Išāq had striven for forty years to kill the memory of Abū Hanifa in Iraq 140 He exiled Dāwūd al-Zāhirī (d 270/884), rival semi-rationalist, for rejecting qiyyās 141 It was he who presided over the trial of al-Nūrī and other Sufis in the Inquisition of Ghulām Khalil 142 And it was students of Ismā‘īl’s who directed the trials of al-Hallāj in 309/922, Ibn Shannabūdī in 323/935, and Ibn Miqṣam shortly thereafter 143

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137 Ibn Abī Hātim, Jarh, vol 2, 158
138 However, it is noted by al-Qāḍī ‘Iyād, Tartīb al-madārik, vol 3, 179, not Ibn al-Nadīm, Fihrist, 200
140 Al-Qāḍī ‘Iyād, Tartīb al-madārik, vol 3, 170 See also the list of books in Ibn al-Nadīm, Fihrist, 206, including polemics against Abū Hanifa and Muḥammad al-Shaybānī (the latter work about 200 fascicles long)
141 Al-Qāḍī ‘Iyād, Tartīb al-madārik, vol 3, 179, possibly quoting Talḥa b Muḥammad Dāwūd has often been identified as an extreme traditionalist, but apparently on the assumption that a literalist must be so The biographical record suggests otherwise: consider, for example, the account of Ahmad’s hostility in al-Khāṭib al-Baghdādī, Tārīkh Baghdād, vol 8, 373, 374, of Abū Hātim’s in Ibn Abī Ḥātim, Jarh, vol 3, 410, 411
143 See Encyclopaedia of Islam, new edn, s v “al-Ḥallājī” (L Massignon and L Gardet); s v “Ibn Shannabūdī” (R Paret); and Fuat Sezgin, Geschichte, vol 8, 158, vol 9, 149, 150 (s v Ibn Miqṣam), all with references For the association with Ismā‘īl, see Bekir, Histoire, 102-07 The prosecution of Ibn Shannabūdī has been identified with the Hanābīla, apparently on the assumption that concern for orthodoxy was necessarily Hanbali; e g, Simha Sabari, Mouvements populaires à Bagdad à l’époque “abbasside, IXe-XIe siècles, Centre “Shiloh” des études du Moyen-Orient et et l’Afrique (Paris: Adrien Maisonneuve, 1981), 106 Collaboration between the Hanābīla and Ibn Muqla is hard to believe, while I know of no evidence connecting Ibn Miṣṣam (d 324/936), chief scholar behind the prosecution,
Lasting results were meagre. Even though he was supreme in Baghdad for longer than al-Ma'mūn's Inquisition had remained in effect, Ismā'il b Iṣḥāq in fact brought about scant diminution of Hanāfi strength. Whereas the Hanafīya had come to a monopoly of juridical office under al-Mu'tadidi, the Malikīya a virtual monopoly under al-Mu'tamid and al-Muwaffaq, neither Hanafīya nor Malikīya prevailed under al-Muwaffaq's son, al-Mu'tadid (r 279-289/892-902), and his son, al-Muktafi (r 289-295/901-908). Representatives of the two schools sometimes spoke for contrary policies. Al-Mu'tadid was said to be friendly towards the Mu'tazila, as well.

Indeed, caliphal policy after the death of al-Muwaffaq was largely deadlocked, no party capable of imposing its line for long. We see glimpses of debilitating struggles among patronage networks, for example, in the intriguing of the vizier, 'Ubayd Allāh b Sulaymān (d 288/901), against the family of Ismā'il b Iṣḥāq, and in the support of 'Umar b al-Khaṭīb, tutor (mawdūdī) to al-Mu'tadid, for the Malikī al-Azdi. The stakes for individuals might be high. The courtier Ahmad b al-Ṭayyib al-Sarakhsi was put to death in 283/896-897 or 286/899, ostensibly for heresy. By one account, the real reason may have been his having advocated the cursing of Muḥāwiya, a project successfully opposed by the vizier, 'Ubayd Allāh, and al-Azdi, the Malikī qāḍī.

There are difficulties with the chronology. Sourdélo suggests that the real reason was al-Sarakhsi's having presided over the Bureau of


144 For example, the Hanafīya Abū Khāzīm and 'Ali Ibn Abī al-Shawārīb (d 283/896) endorsed the inheritance of maternal relatives (dhawī al-arhām) and the abolition of the Bureau of Inheritances (diwān al-mawārīth) against the Malikī al-Azdi (d 297/910). Al-Azdi's dissent puzzles Sourdélo, but it merely follows the new tendency in favor of the Hanafīya against the Malikīya: Sourdélo, Vīzīrat, 342, 343; "Politique religieuse," 16. On this classic point of contention between the Kufan and Medinese schools of law, see Noel J. Coulson, A History of Islamic Law, Islamic Surveys 2 (Edinburgh: Edinburgh Univ Press, 1964), 48, 49.

145 Ibn al-Muratādā, Klasse, 127.


147 Al-Dhahabī, Șīyar, vol 13, 449.


149 Al-Ṭabari reports the proposal to curse Muḥāwiya sub anno 284, when by other reports al-Sarakhsi was in prison or already dead. See Franz Rosenthal, Ahmad B al-Ṭayyib as-Sarakhsi, Am Oriental Ser 26, ser éds Zellig Harris, et al (New Haven: Am Oriental Society, 1943), 25, 37.
Inheritances, which al-Mu'tadid abolished in 283/896. On either reckoning, life and death evidently hung on one’s being identified with particular religious policies, so much the more bitter, therefore, must factional warfare have been. This perception of deadlock complements Sourdel’s conclusion that al-Mu'tadid aimed to appease all parties.

Some generalizations emerge from this survey. First, it was a minority of third/ninth-century caliphs who strongly favored one juridical-theological party over others. The three caliphs who prosecuted the Inquisition certainly did, likewise al-Muhtadi and al-Mu'tamid (through al-Muwaffaq) after him, but hardly the other six who were caliph in this century. For the most part, the third/ninth-century caliphs, like most Muslim rulers before and after, were content to follow religious trends, not to set them. Second, some of the caliphs who pursued a consistent policy notably failed to attract effective political support, and none successfully imposed one juridical-theological tendency on the Muslim community in the long term. The very difficulty of imposing any one theology probably deterred most rulers from sponsoring any. However, it is possible that the triumph of semi-rationalist jurisprudence in the fourth/tenth century owed something to al-Muwaffaq’s sponsorship in the third/ninth. Third, Hugh Kennedy refers to “the disastrous reign of al-Muqtadir,” but the disaster was no more than the playing out of tendencies already well established in the reigns of al-Mu’tadid and al-Muktadi.

150 Sourdel, *Visirat*, 343
151 Sourdel, “Politique religieuse,” 18-20. Such is also the interpretation of Henri Laoust, *La profession de foi d’Ibn Batta* (Damascus: Institut Français de Damas, 1958), xix and fn
152 Al-Muwaffaq may also have contributed to the professionalization of the judgeship. Early in the century, chief qādīs were mainly political advisers. I cannot show that Ibn Abī Duwād or Ja’far b. Ṭāhir al-Wāḥid ever heard a case with witnesses, oaths, etc. Iṣmā‘īl b. Iṣḥāq, by contrast, was an active jurist, and so were most of his successors. I thank Tayeb El-Hibri for raising the question.