

Introduction

Politics, Law, and Authority in the Abbasid and Fatimid Eras

What was the relationship between government and religion in Middle Eastern and North African history? In a world of caliphs, sultans, and judges, who exercised political and religious authority? This book investigates debates about leadership that involved ruling circles and scholars (*'ulamā'*) of jurisprudence and theology from medieval Cordoba to Cairo and Baghdad. At the heart of this story is a historical rivalry between three caliphates: the Umayyads of Cordoba, the Fatimids of Cairo, and the Abbasids of Baghdad. In a fascinating revival of late antique Hellenism, Aristotelian and Platonic notions of wisdom became a key component of how caliphs articulated their authority as political leaders. By tracing how these political debates impacted the scholars (*'ulamā'*) and their own conception of communal guidance, this book offers a new picture of two key phenomena central to world history: the interplay between ruling political authority and scholarly religious authority that distinguished the Middle East and North Africa from medieval Europe, and the enduring legacy of Aristotelian-Neoplatonic political theory, psychology, and ethics in the Middle East and North Africa prior to the European Renaissance (ca. 1300s-1600s).

The Judiciary and Islamic Intellectual Culture in the Early Centuries

The scholars (*'ulamā'*) and their changing relationship with both the wider populace and the ruling circles of caliphs and courtiers are at the center of this book's two main questions: First, in what ways did Hellenistic thought of the late antique Middle East find a place in the politics, theology, and ethics of the Islamic period? Second, what was the relationship between models of political and religious authority in the early Islamic-era Middle East, where urban scholars (*'ulamā'*) and not ruling circles dominated religious authority? The scholars were a broad group who overlapped with other influential figures in the cities of

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Figure I.1. Dome of the Rock in Jerusalem, built in the late 600s in a design at the intersection of Eastern Roman (Byzantine), Arabian, and Islamic visual cultures.

the Middle East and North Africa. Their social influence and expertise in a growing set of scripture-related sciences – such as scriptural exegesis, *ḥadīth* science, jurisprudence (*fiqh*) including commercial law, language theory, ethics, and speculative theology (*kalām*) – meant that their legacies intertwined with those of the most famous tradespeople, astronomers, Aristotelian logicians, and saintly mystics. In the medieval or classical Islamic era prior to the arrival of the early modern Ottomans, judges Ibn Rushd (Averroes 595 A.H./1198 C.E.) in Almohad Cordoba and al-Ghazālī (d. 505/1111) in Abbasid-Seljuk Baghdad represented examples of the more politically influential and polymathic figures within the wider urban scholarly networks.

Ibn Rushd was memorialized in Renaissance-era Europe as the Aristotelian philosopher Averroes who inspired the rise of Latin Averroism. His writings on philosophy and religion, despite emerging from an Islamic intellectual milieu, influenced the writings of the monumental Catholic philosopher and theologian San Tommaso d’Aquino

of Sicily (St. Thomas Aquinas d. 1274). In his own historical context, however, Ibn Rushd was one of the scholars of the Mālikī school of jurisprudence in Sunnī Islam, the chief judge of Almohad Cordoba, a Graeco-Arabic philosopher (*faylasūf*), a physician, and an influential scientist in the history of astronomy, physics, medicine, and mathematics.¹ al-Ghazālī, likewise remembered in Europe as the philosopher Algazel, was in his own historical context one of the scholars of the Shāfiī school of jurisprudence, a central figure in the introduction of Aristotelian-Avicennan modal logic in both jurisprudence and speculative theology (Ash‘arism), and notably for Part II of this book, an early philosophical mystic (Sufi metaphysician).² As administrative judges and polymathic scholars, both Ibn Rushd and al-Ghazālī represented a phenomenon found in both the Abbasid and the early modern Ottoman eras, in which scholars played an increasingly influential role in multiple aspects of the social, political, economic, and intellectual life of the cities of the Middle East and North Africa.

The history of scholars such as Ibn Rushd and al-Ghazālī offers a lens for investigating the elusive and changing relationship between medieval political authority and religious authority precisely because the scholars’ diverse activities extended into the realms of both governing administrative circles and the general urban populace. This fluid relationship between ruling circles and scholars, and the sometimes contentious dialogues they had about communal leadership, has been studied largely in the context of the judiciary.

In the early centuries of Islamic history, particularly after the rise of the Umayyad caliphate in 661 in formerly Byzantine (Eastern Roman) Damascus, the scholars of Islam rose to a powerful leadership position in the urban societies of the Middle East. In a trend analogous to the rise of rabbis in rabbinic Judaism in the ancient Middle East, the scholars developed a reputation in the eyes of local Muslims and urban ruling circles for their expertise in the application of particular modes of knowledge, including Islamic ethics. This expertise in the ability to apply sound reasoning in scripture-related ethical, legal, and theological matters became the basis of a degree of religious authority that ultimately demarcated the changing contours of the ruling circles’ own authority.³ The scholars did not interpret the claims to a caliphate made by the Umayyad dynasty (r. 661–750 in Damascus) or the following Abbasid dynasty (r. 750–1258 in Baghdad, r. 1261–1517 in Cairo) as a claim to being the final or even primary authority on juridical and theological affairs. Rather, they recognized these caliphs as politically and religiously uniting figures in a manner that might be compared to the way Western Europeans viewed the Holy Roman Emperor, who was seen as a ruler among rulers with the

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privilege of representing the political unity of the Roman Catholic world west of Greek Orthodox centers. The caliph, whose political power was counterbalanced by the power of ministers (viziers) and regional military governors (sultans, emirs), stood officially at the head of a hierarchy of these political administrators and inherited the privilege of offering an investiture of authority to local governing circles, from the emirs of Cordoba to the sultans of Persia and India.⁴ There were aspects of continuity in this political framework with the first caliphate in Medina (r. 632–660). The first four caliphs (Abū Bakr, ‘Umar, ‘Uthmān, ‘Alī), who were among the Companions (*ṣaḥāba*) of the Prophet Muḥammad (d. 11/632) and who therefore knew him personally, governed in consultation with various individuals recognized for their knowledge of legal matters and various customs, including the practices (*sunan*) of the Prophet.⁵ The Prophet’s wife ‘Ā’isha is notable in this regard as a major authority on these early practices. The growing body of scholars grew partly out of these early circles of learned figures, particularly those with formal knowledge of the traditions of the Prophet (*ḥadīth*). The faith of the general populace in these traditions meant that the scholars of Islam came to exercise significant religious authority during the caliphal eras of the Umayyads in Damascus, the Abbasids in Baghdad, and the Andalusī Umayyads of Cordoba. From an administrative perspective, with the expansion of the judiciary as a formal system of administrative courts oriented around the scholars’ expanding jurisprudential sciences, the judiciary’s institutions increasingly became a historical site of negotiation or dialogue between ruling circles and scholars about communal leadership. What made the judiciary a somewhat contested site of authority, one in which ruling political authority and scholarly religious authority were often counterbalancing forces, was the fact that individual scholars reacted to its historical development in different ways, particularly in the earliest centuries.

Most early specialists of jurisprudence within the growing body of scholars earned their livelihood from other skills, numbering among merchants, copiers of manuscripts, textile manufacturers, and tradespeople in a variety of occupations illustrative of their deep ties with local communities in the cities and towns of the Middle East and North Africa.⁶ That is, the scholars’ growing expertise in fields such as lexicography and Islamic ethics was not an inherently salaried pursuit. In terms of harmonizing paid careers with polymathic intellectual pursuits, the financial situation of the early scholars paralleled that of the early astronomers and philosophers. Some of the most influential figures in the history of medicine and surgery were also philosophers and astronomers, which meant that many astronomers saw patients when not

reading Aristotelian-Neoplatonic writings on the nature of the cosmos.⁷ In the case of the scholars' harmonization of paid careers and intellectual pursuits, the push to professionalize the geographically wide networks of scholars as full-time paid jurists and judges in a growing administrative system of courts was partly the aspiration of centralizing ruling circles. Ruling circles may have drawn on a mix of early Islamic and pre-Islamic administrative practices in this process. As far as how scholars reacted to and participated in the administrative development of the judiciary, some scholars resisted appointments to administrative positions as judges, protective of what they perceived as the independence of their knowledge and authority.⁸ Other scholars, however, were more willing to take on official judicial appointments, even in the early centuries.⁹

Significantly, even after the proliferation of administrative courts of justice and later theological colleges, which came to be funded largely by charitable endowments (*awqāf*), the scholars largely held onto their intellectual dominance in the justice system because of the epistemic authority they held at a popular level.¹⁰ What supports this conclusion is the vast surviving body of non-binding legal opinions (*fatāwā*) from the writings of early scholars, which are illustrative of how scholars were available locally to offer a variety of answers to questions dealing with the most mundane of family matters and the mediation of neighborhood disputes.¹¹ The general populace's informal accessibility to the scholars, who issued these non-binding juridical opinions in their capacity as specialists of jurisprudence, continued to develop hand in hand with the scholars' more formal presence in these administrative courts as both judges and advisers to judges. Court-appointed judges, who were typically scholars themselves, often drew directly on the growing body of non-binding legal opinions that were specific to what became the most influential schools of jurisprudence in early Sunnī circles: the Ḥanafī, Shāfi'ī, Mālikī, and Ḥanbalī schools of thought, and for a long period particularly in al-Andalus, the Awzā'ī and Zāhirī schools of thought. In some cities and periods, these judges drew directly on the opinion of a sitting *juris consul* (*muftī*) for a specialized legal matter.

To be sure, the scholars' role in the judiciary did not necessarily limit the rulers' ability to mete out justice directly. On the one hand, the scholars' epistemic authority in many cases dictated how even a caliph who attempted to impose an unpopular legal ruling against the wishes of the scholars risked running afoul with urban Muslim populations who looked to those scholars as ethical mediators of local disputes. On the other hand, in the historical development of the judiciary, the scholars and their opinions did not dominate all aspects of these courts given key limitations of jurisdiction in the governance of public space, security,

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and order. The *mazālim* courts and the jurisdiction of market inspectors (*muhtasib*) in public space offer illustrative examples.

Specifically, beyond the early limitations of interference in the Christian and Jewish clergy's internal communal affairs, the Muslim scholars' religious authority in the judiciary was additionally limited or perhaps counterbalanced by a court structure known as the *mazālim*. The *mazālim* courts were a type of court system in which rulers and not scholars administered justice directly. The jurisdiction of a ruling figure in these courts had theoretical parallels with the way the market inspectors, who were political administrators, oversaw financial and social practices in the public marketplaces. On the one hand, the *mazālim* courts and the role of the market inspectors illustrate the extent to which some legal jurisdictions were shaped directly by ruling circles. On the other hand, the respective roles of a ruler in the *mazālim* courts and a market inspector became partly embedded in the way the scholars themselves theorized, or more likely accommodated retroactively, the historical role of governing circles in administering justice and maintaining security and order in a slowly expanding public sphere.¹² Notably, this scholarly theorization of the role of ruling circles in maintaining security and order occurred long before the bureaucratic nation-state made deep inroads of direct governance into a vastly expanded public sphere. In this context of the scholars' theorization of ruling governance in empire, it is notable that the scholars also identified and recognized aspects of other legal systems that already existed in the central lands of the Middle East. These legal systems include the laws and customs of the previously mentioned Christian and Jewish clergy, who held onto semiautonomous legal jurisdictions within their own Middle Eastern communities.¹³ In sum, the image of these distinctions in legal systems and legal jurisdictions in the medieval Middle East, from courts with a scholarly *muftī* and the ruling *mazālim* courts to the semi-independent legal realm of the Christian clergy, offers a picture of Muslim scholars who constituted a significant part of premodern religious authority, but whose authority and power was contested or perhaps counterbalanced within the judiciary by ruling political authority and non-Muslim religious authority.

Against the backdrop of this historical development of the judiciary and the rise of the scholars, what deserves more attention in current research is how this interplay between the rulers' political authority and the Muslim scholars' religious authority continued to develop not only inside, but also outside the judiciary's institutions. In the current study, the multifaceted realm of Islamic intellectual culture, and specifically written debates on philosophy and theology, is of particular concern.¹⁴ Alongside the vast corpus of surviving writings on jurisprudence,

legal theory, language theory, ethics, and other fields in the expanding scholarly sciences, the scholars' writings on philosophy and theology have also survived. These latter works offer overlooked evidence of the way models of ruling political leadership and scholarly religious leadership developed in tandem within a larger dialogue over the intellectual underpinnings of communal guidance. By the tenth century, distinct trends in Graeco-Arabic philosophical doctrines were becoming an increasingly common and openly acknowledged part of how ruling circles and scholars debated and articulated conceptions of sound knowledge, communal guidance, and leadership. One controversial example of an influential political model that drew on Graeco-Arabic theories of cosmology is the tenth-century Fatimid caliphate, which was founded by political reformers within a subgroup of Ismā'īlī Shiism. As discussed in the next section of this introduction, by the time the Fatimids founded Cairo in the late tenth century on the site of Fuṣṭāṭ, Fatimid ruling circles had begun to project to their neighbors in Abbasid Baghdad and Cordoba a unique representation of the Ismā'īlī Shiite caliph as a semi-messianic (*mahdī*) Platonizing guide to salvation. The Fatimids thus challenged not only the ruling political authority of the Abbasid caliphs in Baghdad, but also the scholarly religious authority of the networks of predominantly Sunnī scholars and rising Imāmī (Twelver) Shiite scholars.

The Fatimid Ismā'īlī theologians' embrace of Graeco-Arabic cosmological doctrines in their conceptions of communal guidance was not an isolated phenomenon. In the same early centuries of the Islamic-era Middle East, although the Sunnī scholars rejected the Fatimid caliphate's Platonizing conception of political and religious leadership, the scholars had already been in the process of expanding their sciences and conceptions of scholarly religious authority in ways that engaged the Aristotelian-Neoplatonic theories of the Graeco-Arabic philosophers. Specifically, many scholars of the Qur'an and *ḥadīth* who studied sciences such as lexicography were also interested in the theological value of Graeco-Arabic philosophy's analysis in logical reasoning, doctrines in psychology on the soul and the intellect, and theories of cosmology about the underlying elements of the world and the agency of God in it. That is, from Cordoba to Baghdad, the early Sunnī scholars were part of an intersection of diverse intellectual networks that included, most notably for this book, the following: dedicated *ḥadīth* specialists among the scholars (*'ulamā'*), writers of Arabic-language commentaries on Aristotle (*Aristūṭālīs*) and Plato (*Aflāṭūn*) among the Baghdad Peripatetics (*mashshā'īyyūn*), and writers of a specifically Islamic metaphysics among the speculative theologians (*mutakallimūn*) interested in both *ḥadīth* and Graeco-Arabic philosophy, each group intermingling with the next and influencing each

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other's works. In the case of the Cordovan scholars Ibn Masarra (d. 319/931) and Ibn Ḥazm (d. 456/1064), discussed in Chapters 1 and 2, their writings illustrate how the polymathic learning of a scholar who studied *ḥadīth* in the tenth and eleventh centuries often included an education in Aristotelian-Neoplatonic doctrines related to scriptural topics, from discussions of human intellect and sense perception to the underlying mechanisms of causality. That is, the example of early Sunnī scholars interested in philosophy shows that in addition to studying scriptural texts, jurisprudence, ethics, and other expanding Islamic sciences, a scholar in early Sunnism might also engage the tools of Aristotelian logical reasoning or Neoplatonic conceptions of the soul and intellect in order to investigate more deeply the various scriptural references to the world's natural phenomena, the afterlife, and what lies beyond the visible realm both within and beyond the human mind.

With a focus on these changing modes of knowledge and authority that were part of both ruling and scholarly conceptions of communal leadership, the heart of this book offers an investigation of the following two-part hypothesis: First, in the multi-religious, scripture-valuing urban societies of the medieval Middle East and North Africa, where Graeco-Arabic philosophical doctrines were in various levels of circulation among the general populace of urban Muslim, Christian, and Jewish communities, debates within ruling circles and scholarly networks about sound leadership of the growing Muslim populace played out not only in a negotiation over the expanding judiciary, but also in a theological dialogue about Graeco-Arabic psychological and cosmological doctrines that had widely recognized implications for conceptions of personal virtue and communal ethics. Second, the joint participation of ruling circles and the scholars in this dialogue, which occurred through both oral and textual mechanisms such as the patronage of books, was an intertwined and contested activity illustrative of how the ruling political leadership and scholarly religious leadership shaped each other's historical development in a dialectic of authority that constituted neither a ruling political orthodoxy nor a scholarly clerical orthodoxy. The parallel rise of philosopher-governors among the caliphs together with philosophical theologians and philosophical Sufis among the scholars offers a window into this interaction of political and religious leadership.

Given this overview of the judiciary as a site of the rulers' and scholars' dialogue over leadership, and against the backdrop of an Islamic intellectual culture that was an additional site of ruling and scholarly debates about leadership, the remainder of this historical introduction will turn more closely to the following questions: Why did specific Graeco-Arabic doctrines in logical reasoning, psychology, and cosmology become part

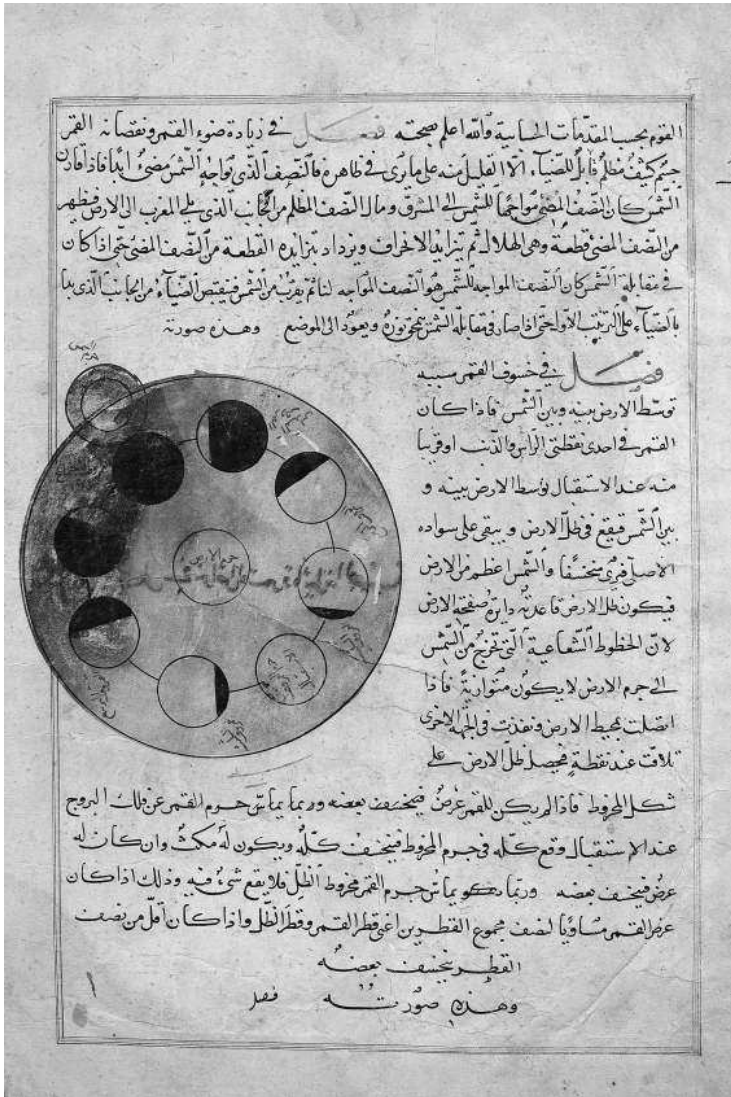


Figure I.2. Phases of the moon analyzed in a fourteenth-century Arabic manuscript.

of the ways that early Abbasid-era Sunnī-majority scholars and Muslim ruling circles articulated theories about the authority to guide and lead the early community? A key point that runs through the rest of this introduction is that among Abbasid-era rulers and scholars, conceptions of

sound knowledge and leadership engaged not only sacred text, but also the enduring legacy of late antique Hellenistic cosmology, which permeated the popular material and visual culture of the early Islamic-era Middle East.

The Scholars (*‘ulamā*) and the Graeco-Arabic Philosophers

The scholars (*‘ulamā*) were analyzed in the previous section as an urban social network with influential scripture-related knowledge in sciences such as jurisprudence, legal theory, language theory, and ethics. Coinciding with the bibliophile Abbasid caliphs' support for the translation of Hellenistic philosophy and science in Baghdad, and in a move reminiscent of the Middle East's late antique Christian clergy and Jewish rabbis' activities, some of the Muslim scholars began to engage Aristotelian-Neoplatonic philosophy in its Graeco-Arabic form when debating two questions: What did it mean to be one of the Muslim scholars, and what modes of knowledge were relevant and sound when providing spiritual and theological guidance to the faithful Muslim populace? In the eyes of large swaths of early scholars in Sunnism, it was not inherently problematic to draw on the curriculum of late antique Aristotelian-Neoplatonic philosophy and science in the investigation of scripture-oriented theological questions about the cosmos, God's agency in that cosmos, and the mechanisms of the human intellect and soul as referenced in scripture. The study of particular sciences in the Graeco-Arabic philosophical curriculum was of particular interest to early scholars because it included not only the widely practiced medical sciences, but also natural sciences such as astronomy, which had perhaps the clearest religious significance both for ritual and theological matters. From the perspective of ritual, the nature of the daily prayer and the fasting month of Ramadan encouraged a precise awareness of solar patterns, lunar movement, and geographical direction. From the perspective of scriptural exegesis and theology, astronomy offered the possibility of exploring further the omnipresent astronomical references found throughout the Qur'an that described the nature of the cosmos and the agency of God in it. These questions were at the heart of the early Mu'tazilī and Ash'arī speculative theologians' (*mutakallimūn*) investigations of the nature and underlying elements of the created cosmos as experienced by mankind and as described in scripture.¹⁵ The fact that scholars of *ḥadīth* began to participate in these discussions, and the fact that both *ḥadīth* scholars and specialists in speculative theology began to engage the writings of the Baghdad Peripatetics, meant that for many scholars, aspects of the