

Wine and Islam
the dichotomy between theory and practice
in early Islamic history

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**I hereby declare that this thesis has been written by me
and does not represent the work of any other person.**

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

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

Table of Transliteration

Consonants

ب	b	ز	z	ف	f
ت	t	س	s	ق	q
ث	th	ش	sh	ك	k
ج	j	ص	ṣ	ل	l
ح	ḥ	ض	ḍ	م	m
خ	kh	ط	ṭ	ن	n
د	d	ظ	ẓ	ه	h
ذ	dh	ع	ʿ	و	w
ر	r	غ	gh	ي	y

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

Diphthongs: و aw
ي ay

Special Case letters

- ء Transliterated as ' when in the middle or end of the word, but omitted when at the beginning of the word.
- ه Transliterated as an h.

The definite article, al-

- في ال Transliterated as fī al-
- وال Transliterated as wa al-
- بن ال Transliterated as Banū al-

Notes

Well known place-names, such as Mecca, Medina, Baghdad, and the Yemen, have not been transliterated but retain their English spellings. Less common place-names have been transliterated.

Technical terms have been left in transliteration. Identification of the term in English is provided in the main text and explanatory comments, when necessary or helpful, are given in the footnotes.

All personal names are given in transliteration.

Table of Abbreviations

Shorthand	Full Description
Abū Nuwās/ Wormhoudt	Abū Nuwās, <i>The Diwan of Abū Nuwās</i> , tr. Arthur Wormhoudt.
Abū Yūsuf/Shamesh	Abū Yūsuf, <i>Kitāb al-Kharāj</i> , tr. A. Ben Shamesh.
Aghānī	Abū al-Faraj al-Iṣfahānī, <i>Kitāb al-Aghānī</i> , Cairo, 1963.
Authenticity	G. H. A. Juynboll, <i>The Authenticity of the Tradition Literature</i> .
Balādhurī/Hitti	P. Hitti, <i>The Origins of the Islamic State</i> , translation of Balādhurī, <i>Futūḥ al-Buldān</i> .
Balādhurī	al-Balādhurī, Aḥmad b. Yaḥya b. Jābir. <i>Futūḥ al-Buldān</i> .
Bukhārī /Khan	M. M. Khan, <i>Ṣaḥīḥ al-Bukhārī</i> , translation of al-Bukhārī, <i>Ṣaḥīḥ</i> , in nine volumes, with parallel Arabic text, Great Britain, 1974.
<i>CEI</i>	<i>The Concise Encyclopaedia of Islam</i> , Cyril Glasse.
<i>CHAL</i>	<i>Cambridge History of Arabic Literature</i> , eds., Beeston, Johnstone, Serjeant, Smith.
Colleges	George Makdisi, <i>The Rise of Colleges: Institutions of Learning in Islam and the West</i> .
<i>EI¹ and EI²</i>	<i>The Encyclopaedia of Islam</i> , first and second editions.
Hitti	Philip K. Hitti, <i>History of the Arabs</i> , tenth edition.
Humanism	George Makdisi, <i>The Rise of Humanism in Classical Islam and the Christian West</i> .
Ibn Ishāq	Guillaume, <i>The Life of Muhammad: A translation of Ishāq's Sīrat Rasūl Allāh</i> .
Introduction	Joseph Schacht, <i>An Introduction to Islamic Law</i> .
KEAC	H. Kennedy, <i>The Early ʿAbbāsīd Caliphate: A Political History</i> .
Khaldūn/Rosenthal	Ibn Khaldūn, <i>The Muqaddimah: An Introduction to History</i> , tr. Franz Rosenthal in three volumes.
Konstantinopler Fragment	Schacht, Joseph. <i>Das Konstantinopler Fragment des Kitāb Ikhtilāf al-Fuqahā' des Abū Gaʿfar Muḥammad b. Garīr at-Ṭabarī</i> .
Masʿūdī	Paul Lunde and Caroline Stone, <i>The Meadows of Gold: The ʿAbbāsīds</i> . Translation of al-Masʿūdī, <i>Murūj al-dhahab</i> , in four volumes, Beirut.

MHA	H. F. Amedroz, "The Ḥisba Jurisdiction in the Aḥkām Sulṭāniyya of Māwardī", being a translation and commentary of the text.
MMA	H. F. Amedroz, "The Maẓālim Jurisdiction in the Aḥkām Sulṭāniyya of Māwardī", being a translation and commentary of the text.
MQA	H. F. Amedroz, "The Office of the Kādī in the Aḥkām Sulṭāniyya of Māwardī", being a translation and commentary of the text.
Murūj	Al-Mas'ūdī, <u>Murūj al-dhahab</u> , in four volumes, Beirut.
Muslim/Ṣiddīqī	A. H. Ṣiddīqī, <u>Ṣaḥīḥ Muslim</u> , translation of Muslim b. al-Ḥajjāj, in four volumes.
Muslim	Muslim b. al-Ḥajjāj, <u>Ṣaḥīḥ</u> , in eighteen volumes.
Muwaṭṭa'/'Johnson	Mālik b. Anas, <u>Al-Muwaṭṭa'</u> , translated by Jacob Johnson.
Origins	Joseph Schacht, <u>Origins of Islamic Jurisprudence</u> .
Shāfi'ī/Khadduri	Majid Khadduri, tr., <u>Shāfi'ī's Risāla</u> .
"Significance"	George Makdisi, "The Significance of the Sunni Schools of law in Islamic History".
Ṭabarī	<u>The History of Prophets and Kings</u> (Ta'rīkh al-rusul wa'l-mulūk), translated by various authors, as cited.
Ta'rīkh	al-Ṭabarī, Abū Ja'far Muḥammad. <u>Ta'rīkh al-rusul wa'l-mulūk</u> . Cairo edition.
Tartīb	al-Shāfi'ī, Muḥammad b. Idrīs. <u>Tartīb Musnad</u> .
Wāqidī	al-Wāqidī, Muḥammad b. 'Umar. <u>Kitāb al-maghāzī</u> .
Wehr	<u>A Dictionary of Modern Written Arabic</u> , ed. J. Milton Cowan.

Abstract

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

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

Introduction

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

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

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

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

¹ "The Times", 5 September 1996, p. 11, from an article submitted by *Reuters*.

authors have to primary evidence of the events of the first/seventh and the second/eighth century. This presents the first of several difficulties with the sources, namely, that their information was necessarily in many instances second hand.

The source this thesis relies on, in the main, is the work of Abū Jaʿfar Muḥammad b. Jarīr al-Ṭabarī (225/838 - 310/923). “Al-Ṭabarī brought to his work the scrupulousness and indefatigable longwindedness of the theologian, the accuracy and love of order of the scholarly jurist, and the insight into the political affairs of the practising lawyer-politician.”² “[It] is the materials supplied by al-Ṭabarī which have established our program of inquiry, the basic set of questions to be investigated.”³ His *Taʾrīkh al-rusul wa al-mulūk*, “History of the Prophets and Kings,” intended to be a universal history, “represents the highest point reached by [Arabic] historical writing during its formative period.”⁴ This is not to suggest that Ṭabarī is without his faults. “The author’s point of view when he approaches his own time is strictly Baghdadian and that of the central government, as we would expect. ... Unfavorable details about the ʿAbbāsids seem occasionally to have been omitted.”⁵ This latter fact is significant in that Ṭabarī appears to have included many unfavourable details about their predecessors, the Umayyads.

Another history of great value to this thesis is that of Abū al-Ḥasan ʿAlī al-Masʿūdī (d. 345-6/956), *Murūj al-dhahab*, “Meadows of Gold.” Al-Masʿūdī can be considered “the characteristic representative of the universal cultural interpretation of history.”⁶ Though he also wrote during the ʿAbbāsīd era and may have come under their influence, his work appears to show less difficulty relating “poetical, literary, and otherwise entertaining notes and anecdotes”⁷ which may show the ʿAbbāsīd caliphs in an unfavourable light. Although this work provides much evidence for the continued consumption of wine, Masʿūdī himself

² Rosenthal, *A History of Muslim Historiography*, 116.

³ Humphreys, *Islamic History: revised edition*, 111.

⁴ Duri, *The Rise of History Among the Arabs*, 69.

⁵ Rosenthal, *Historiography*, 116-7. Cf. Hodgson, *The Venture of Islam*, vol. 1, 352-7.

⁶ *Ibid.*, 117. Cf. Hodgson, vol. 1, 455 and Khalidi, *Arabic historical thought in the classical period*, 132-6 for further critique of al-Masʿūdī.

⁷ *Ibid.*

notes “everything which deals with this subject or is related to this question” was covered “in my Historical Annals.”⁸ This work appears to be lost to antiquity.

One other historian who is referred to sufficiently frequently in this thesis to require a brief mention here is Aḥmad b. Yaḥyā b. Jābir al-Balādhurī (d. 279/892), “who wrote two important books: the *Futūḥ al-buldān*, ‘Conquests of the Provinces’, and the *Ansāb al-ashrāf*, ‘Genealogies of the Notables’.”⁹ “Despite his affiliations with the ‘Abbāsids,¹⁰ al-Balādhurī is impartial and balanced ... He thus gives free play to all the accounts and makes a serious effort to be objective in selecting narratives for presentation.”¹¹ “Traditionally, Ṭabarī has been supplemented by al-Balādhurī’s *Futūḥ al-buldān*....”¹² However, the present author has found that both this work and his *Ansāb al-ashrāf* provide unique information in addition to verification of Ṭabarī, and they will be cited in this dual capacity.

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

⁸ From Lunde and Stone’s translation, *Meadows of Gold*, 325-6.

⁹ Duri, 61. Cf. Hodgson, vol. 1, 455.

¹⁰ He was a close companion of the ‘Abbāsīd caliph al-Mutawakkil (Rosenthal, *Historiography*, 48).

¹¹ *Ibid.*, 62.

¹² Humphreys, 111.

¹³ *EF*², s.v., “Abū ‘l-Faradj al-Iṣbahānī”.

¹⁴ Ibn Khaldūn has called it “the book and archive of the Arabs. ... There is no book that gives more complete information about the conditions of the Arabs” (Khaldūn/Rosenthal, vol. 3, 366-7).

¹⁵ This introduction to the sources and their reliability is supplemented throughout the main text as and when the need arises.

Chapter 1: The *Jāhiliyyah*¹⁶

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

The Byzantine Empire

Ab urbe condita . . .

324 CE¹⁷: Constantine (307-37)¹⁸ rebuilt the city of Byzantium in 330 and renamed it after himself as the new capital of the Empire.¹⁹ The Roman Empire was reunified, though only briefly, for by the reign of Valentinian I (364-378), the “division of the empire into east and west was now an accepted feature of the government.”²⁰ However, the demise of the West and a century's passing made it more acceptable that “Rome might still be Rome without its western half.”²¹ Historians have traditionally renamed the eastern half of the

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

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

¹⁸ Scarre, *Chronicle of the Roman Emperors*, 213.

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

²⁰ *Ibid.*, 223.

²¹ Fowden, *Byzantium and the Coming of Islam*, 14.

Roman Empire as the Byzantine Empire, though one should bear in mind that in the early years following the division of the empire, the citizens and rulers of New Rome would have still considered themselves Romans.²² Moreover, the similarities between the Roman Empire and the Byzantine Empire with respect to wine in planned economies, industry, military affairs, daily life, and trade suggests a minimal departure from the Roman Empire²³ with one important exception - Christianity.

Egypt

Large estates such as that of the Apion family of Egypt²⁴ reflect the Byzantine State's commitment to large scale wine production.²⁵ The estate was run by a comprehensive staff who received as part of their daily provisions "nine measures of wine,"²⁶ while the higher officials of the estate "were probably allowed to draw at will from the estate wine cellars."²⁷ Peasants and vine-dressers worked the fields, which were protected by ditches and/or fences.²⁸ The *raison d'être* of these peasants and vine-dressers on a large estate such as this one was, according to original documents, to maintain a stable source of wine production for the empire.²⁹

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

²² Ibid.

²³ "While there are in the whole world about eighty notable kinds of liquor that can properly be understood as ... wine, two-thirds of this number belong to Italy, which stands far in front of all the countries in the world" (Pliny the Elder, *Natural History*, XIII, 87, tr. W. H. S. Jones, 245). Pliny's boast in the first century of the Common Era carries much merit. Under the Roman Empire, the vine was mass-produced on a "scientific, industrialised" scale (Hyams, Dionysus, 93). Wine had proved useful when distributed free to unruly mobs (Hyams, Dionysus, 131); for military provisions; for state payments; and especially for trade, wine being so much more valuable by bulk than other commodities (A. H. M. Jones, *The Later Roman Empire: 284-602*, 845). Wine was so central to the Roman Empire that Diocletian fixed the maximum price for wine around the year 301, threatening to nationalise wine production if profiteering merchants did not reform their ways (Hyams, 121).

²⁴ Documentary evidence suggests that the Apion family lived in Egypt in the early sixth to early seventh century (Hardy, *Large Estates of Byzantine Egypt*, 25).

²⁵ Hardy, 25-37.

²⁶ Ibid., 83.

²⁷ Ibid., 103.

²⁸ Mango, *Byzantium: The Empire of New Rome*, 47.

²⁹ Hardy, 119.

estate would sell the wine on the market or use it to fill specific orders of substantial magnitude - orders as large as 2000 to 3000 amphorae jars were not uncommon.³⁰ The government also expected smaller farmers to contribute basic provisions, including wine, to the State so that the State could concentrate its resources on urban industry.³¹ The small farmers had a much harder time under this system. In addition to fulfilling their own needs and those of the State, they were under pressure to sell as much wine as was feasible on the open market; the proceeds from the wine they produced was used to make regular payments on their leased equipment.³² The production of wine was often so crucial to the small farm's survival that subsistence farming of other crops was often the case, leaving the sole earning commodity the production of wine.³³ A bad harvest could therefore be ruinous for the small farm.

The Military

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

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

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

³⁰ Ibid., 122.

³¹ Haussig, *A History of Byzantine Civilisation*, 56.

³² Ibid.

³³ Ibid.

³⁴ A. H. M. Jones, 628-9.

³⁵ Scarre, 224.

³⁶ Ammianus, tr. Mathews, *The Roman Empire of Ammianus*, 72.

³⁷ *Oxford Dictionary of Byzantium*, s.v., "Justinian I".

been accused of brutal behaviour brought on by drunkenness that included violence, looting and robbery.³⁸

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

Citizens

Wine consumption was not the exclusive preserve of the military. But much like the military, wine was a state supported element of the citizens' daily diet. Valentinian I (364-375)⁴⁰ ordered that wine should be provided to Roman citizens in the western half of the empire at twenty-five percent below market prices.⁴¹ By the fall of the west in 476⁴², wine, as a daily beverage, had become second only to water in the east.⁴³ In addition, "a common dish for rich and poor alike was *monokythron* ... its ingredients [included] sturgeon, ulach cheese, cabbage, olive oil, pepper, garlic, and sweet wine."⁴⁴ Despite wine's daily, approved use at meals, incidents of abuse may have been frequent.

Analogous to the military, not everyone controlled their consumption of wine, some to the point of chronic addiction. Writing in the fourth century, Rabbi Aha, of the fourth generation of Palestinian *amoraim* (320-50)⁴⁵, related the story of two sons who tried to do away with their father because he had "sold all his household goods and spent it on wine,

³⁸ Isaac, *The Limits of Empire*, 289-290.

³⁹ Pliny, tr., W. H. S. Jones, 199.

⁴⁰ Scarre, 226.

⁴¹ A. H. M. Jones, 704.

⁴² Scarre, 232. The present author acknowledges that some historians prefer to date the fall of the west from the sack of Rome in 410 and the subsequent steady decline of Roman rule in the western half of the empire.

⁴³ *Dictionary of Byzantium*, 287

⁴⁴ *Ibid.*, 621-2.

⁴⁵ The Palestinian *amoraim* were generations of Rabbinic "debaters", or teachers, whose teachings are collected in the Palestinian Talmud (Goldberg and Rayner, *The Jewish People*, 90).

the beams of his house and he spent it on wine,” and would leave nothing for them after his death if he was allowed to keep drinking.⁴⁶ One night, while the father was in a drunken stupor, the sons threw him in a tomb devoid of food and water. Unknown to the sons, passing wine-merchants used this tomb for storing their wine-skins. When the sons went back to see if their father had died, they found him alive, very drunk, and singing. The sons took this as a sign from heaven that they should not abandon their father but take him in and arrange to provide him with wine for the rest of his days.

It is reasonable to assume that the Rabbi may have wished to tell this story for its moral implications, rather than its factual content. One of the implications would almost certainly be to uphold the fifth commandment to “Honour thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee,”⁴⁷ no matter the parent’s behaviour. Even though the story implies divine intervention, the story is largely described as a series of worldly events. For this reason, the present author suspects that the story is factually based. And although it is but one incident of apparent chronic addiction, it is an indication that the condition was not unknown as early as the fourth century.

Others seem to have turned drunkenness into a game with elaborate rules. Writing three centuries earlier, Pliny related that taverners would “snatch up huge vessels as if to show off their strength, and pour down the whole of the contents, so as to bring them up again at once, and then drink another draught.”⁴⁸ Such activities were often part of drinking matches, where the true test of a man’s merit was rising the next day for work on time and without showing the effects of the previous evening.⁴⁹ Towards the coming of Islam, records continued to indicate that “young men would loiter in public places, dance, [and] drink in taverns”⁵⁰ The present author would speculate that the drinking games Pliny described probably continued in the Byzantine empire. However, it is important to

⁴⁶ Isaac, 293. The remainder of the story is paraphrased from the account in Isaac.

⁴⁷ Exodus, 20:12.

⁴⁸ Tr. W. H. S. Jones, vol. 4, 279.

⁴⁹ Ibid., 277 - 283.

⁵⁰ Mango, 65.

bear in mind that these stories serve to illustrate the extremes of wine consumption, and probably not the norm.

Trade

The Byzantine empire did not confine the use of wine to their internal markets. Continuing the Roman tradition, wine was shipped to and from ports throughout the vast regions of the Mediterranean and the Middle East. By the end of the first century, wine was being exported to the area of present day Somalia,⁵¹ India,⁵² Arabia, and the Yemen.⁵³ While in the Roman Era, wine was often traded for Phoenician dates,⁵⁴ in the Byzantine Era, wines of various areas were sought after even in regions that produced its own wine: wine was exported from Gaza into Syria and Egypt,⁵⁵ Italy, and Spain,⁵⁶ along vast trade routes controlled by Syrian, Egyptian, Jewish, and Greek traders.⁵⁷

Evidence of this extensive Byzantine trade has been gathered from the seabed in the region of present day Turkey. A small merchantman sank off the coast of the port of Yassi Ada in the early seventh century.⁵⁸ Inscriptions on the ship positively identify it as a Byzantine vessel.⁵⁹ The ship's cargo comprised an estimated total of 900 Byzantine amphorae, whose contents remain something of a mystery. Archaeological techniques discovered grape pips inside some of the amphora, and it is thought that at least part of the

⁵¹ *Periplus of the Erythraean Sea*, tr. Schoff, 25.

⁵² *Ibid.*, 49

⁵³ *Ibid.*, 30-1.

⁵⁴ Haussig, 206.

⁵⁵ Mango, 42.

⁵⁶ A. H. M. Jones, 850.

⁵⁷ A. Lewis, *Naval Power & Trade in the Mediterranean*, 17; Haussig, 63. Katzev is, the present author suspects, overly optimistic when he writes of a find of jars on an underwater wrecked ship: "Out of a total of 404 [jars found on the seabed], 343 jars are from Rhodes. They undoubtedly contained the wine of that island which was so widely marketed throughout the Greek and Roman worlds" ("The Kyrenia Ship", in Bass, *A History of Seafaring Based on Underwater Archaeology*, 50). There is no direct evidence that the jars contained wine. However, it does seem likely that, given the value of wine, some of the jars would have contained wine.

⁵⁸ Yassi Ada is a town located on the south-eastern tip of Turkey, north of the island of Rhodes and east of the island of Kos (Throckmorton, ed., *The Sea Remembers: Shipwrecks and Archaeology*, 62-3).

⁵⁹ Throckmorton and Parker, "Byzantine Ships", in Throckmorton, ed., *The Sea Remembers: Shipwrecks and Archaeology*, 84.

cargo was wine.⁶⁰ In light of the importance of wine as supplies to Byzantine troops and as a profitable state venture, the present author believes that it would be highly unusual if a part of a cargo of 900 amphora did not contain wine.⁶¹

Religion

The use of wine during both the Roman and Byzantine eras would be almost indistinguishable were it not for their rulers' different approaches to religion. The Roman Empire was at least ambivalent towards religion and at most a "pagan" empire. Standard policy allowed various religious peoples to worship as they saw fit, so long as, individually or as a group, they did not endanger the status quo.⁶² The present author believes that the very existence of a stable, peaceful empire, as witnessed by the *Pax Romana*, could be credited with the propagation of the two major monotheistic religions of the time: Judaism and Christianity.

The Jews appear to have used this opportunity to develop their communities, build impressive synagogues, and assert "a claim to social esteem."⁶³ Christianity, as Origen wrote in his *Contra Celsum*, appears to have benefited in that

Jesus was born during the reign of Augustus, the one who reduced to uniformity, so to speak, the many kingdoms on earth so that he had a single empire. It would have hindered Jesus' teaching from being spread through the whole world if there had been many kingdoms.⁶⁴

Constantine became a Christian in the early years of the fourth century⁶⁵ and

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

⁶¹ See above, n. 57.

⁶² Mattingly, *Roman Imperial Civilisation*, 218. Cf. Isaac, *index*.

⁶³ Fowden, 66.

⁶⁴ Ibid., 89.

⁶⁵ P. Brown, *The World of Late Antiquity*, assigns the date of 312 (184) and the *Concise Dictionary of Early Christianity* places the date closer to 319 (727). The date of 312 is supported by Scarre (216), though he notes that "imagery of the sun-cult continues to appear on his [Constantine's] coinage up to the year 320" (Ibid.).

initiated the policy that the Eastern Roman Empire and Christianity were inseparable.⁶⁶ He personally preached in public, according to Eusebius, “first thoroughly exposing the error of polytheism ...” and then moving on to asserting “the sovereignty of God, passing thence to His providence”⁶⁷ Constantine took “active steps to limit polytheist cults”, leaving the monotheistic Jews to worship their one God in relative peace.⁶⁸ He also appears to have favoured the downtrodden and raised “the civil rank of the clergy.”⁶⁹ Having influenced early Christianity “as much as any Church Father”, Constantine was baptised on his death bed.⁷⁰

The early leaders of what might, by the death of Constantine, be called the Imperial Christian Church found greatest success with urbanised citizens, paganism surviving well into the seventh century in the countryside.⁷¹ Even so, the transition from paganism to Christianity in the cities was not everywhere instantaneous. “In Athens, for example, ... it was only in the seventh century that the Parthenon, the Erechtheion and the Hephaisteion became churches.”⁷² Nevertheless, after Justinian’s reconquests of the western half of the Roman Empire, “the Mediterranean world came to consider itself no longer as a society in which Christianity was merely the dominant religion, but as a totally Christian society.”⁷³ The Persian advance on the city of Constantinople seems to have been viewed as not merely a setback for the Byzantine Empire, but for Christianity as well.⁷⁴

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

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

⁶⁶ Fowden, 36.

⁶⁷ From the *Vita Constantini*, in Fowden, 87.

⁶⁸ Fowden, 87.

⁶⁹ *The Concise Dictionary of Early Christianity*, 36.

⁷⁰ *Ibid.*, 23.

⁷¹ Brown, 114.

⁷² Mango, 61. For more on the history and function of these structures, see A. W. Lawrence, *The Pelican History of Greek Architecture*, Harmondsworth, Penguin, 1983, *index*; for detailed sketches and reconstructions of the Erechtheion and Parthenon, see *Paris-Rome-Athens: Le Voyage en Grèce des Architectes Français aux XIX^e et XX^e siècles*, Paris, École nationale supérieure des Beaux-Arts, 178-87 and 162-71, 230-7, respectively.

⁷³ *Ibid.*, 174.

⁷⁴ Fowden, 35.

will not drink of this fruit of the vine from now until that day when I drink it anew with you in my Father's kingdom."⁷⁵

Mark⁷⁶ and Luke⁷⁷ record the same "fruit of the vine" passage.⁷⁸ In addition, according to the Gospel of John, Jesus equated himself with the vine: "I am the true vine, and my Father is the gardener..."⁷⁹. The Last Supper itself is believed to have begun as the Jewish Passover, and wine was undoubtedly in the cup which Jesus passed amongst his disciples⁸⁰.

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

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

⁷⁵ 26:27-29.

⁷⁶ 14:24-25.

⁷⁷ 22:17-18

⁷⁸ The details of the Last Supper varies slightly in each account, though this bears no consequence on this thesis.

⁷⁹ 15:1-17.

⁸⁰ See Chapter 2, the section entitled, *Judaism and Wine*, for a brief discussion of the Jewish ritual of the Passover.

⁸¹ *New Dictionary of Sacramental Worship*, 402.

⁸² *Ibid.*, 403-4.

⁸³ Austin, *Alcohol in Western Society from Antiquity to 1800*, 60.

⁸⁴ Atiya, *A History of Eastern Christianity*, 128

⁸⁵ Watterson, *Coptic Egypt*, 56.

⁸⁶ *Ibid.*, 56-7.

⁸⁷ *Ibid.*, 68.

In all his monasteries, wine was forbidden unless a monk had fallen ill.⁸⁸ About the year 385, Shenute continued the expansion of the Church in Egypt.⁸⁹ "Shenute was regarded as a pillar of the Egyptian Church...he had a profound influence on Coptic theology and institutions."⁹⁰ He followed the examples of Antony and Phacom and prohibited wine in the Church.⁹¹

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

The Sasanian Empire

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

⁸⁸ Ibid., 65.

⁸⁹ Ibid., 68.

⁹⁰ Ibid., 70.

⁹¹ Ibid.

⁹² This is not true of all contemporary Christian organisations. Both the Coptic Church and those categorised as Born-again Christians prohibit wine from their ceremonies and rituals.

⁹³ Iran: Past and Present, 116.

⁹⁴ *The Cambridge Encyclopaedia of The Middle East and North Africa*, 57.

⁹⁵ Frye, *The Golden Age of Persia*, 7.

Religion: Zoroastrianism

“Wine and not water was the Christian sacred drink,” and water was the basic drink⁹⁶ of the people in the Sasanian Empire. Leroy Campbell’s assertion is correct in some respects, though it does not provide a complete picture of the use of wine in either religious practices or among the people within the Sasanian Empire. Wine is not at the root of Zoroastrianism in the same way as Christianity,⁹⁷ yet it was consecrated at Zoroastrian rituals and drunk during the celebration of many Zoroastrian festivals. Moreover, although wine was not supplied to the people as part of the daily diet - as in the Byzantine Empire - there do not appear to have been state bans on the beverage.

Zoroastrian⁹⁸ ceremonies contained explicit references to wine. In the ceremony of Glorification of Darun, or Sacred Bread, “The articles to be included for the ceremony should be wine of both kinds”, viz., mild and strong.⁹⁹ The *Afringān* ceremony contains the blessing, “just as fragrant flowers spread their fragrance in all directions, *mae* (wine) exhilarates its drinker with pleasant feelings of self-enjoyment.”¹⁰⁰ Furthermore, during the ritual of *dron-i Mihrīzed*, wine (among other items) is set aside for consecration.¹⁰¹ Clearly, wine had an important function in Zoroastrian ceremonies and rituals.

⁹⁶ Campbell, *Mithraic Iconography and Ideology*, 324.

⁹⁷ Certainly, a case might be made that the Zoroastrians made a conscious effort to avoid wine since it was used by the Christians. However, there is little evidence to support this. The respective empires were at war more over territory than religion. The Sasanian persecution of other religious groups, Christians and Jews alike, does not mean that the state prohibited its own religion from using wine.

⁹⁸ At the beginning of the third century, Ardashīr organised a revolt against the Parthian Empire from its province of Fars. In 224 he “killed the last Parthian ruler in battle in Susiana” (Wilber, 31) and took the capital of Ctesiphon two years later (*EI*, s.v., “Sāsānians”). The era of the Sasanian Empire was thus ushered in. Ardashīr is said to have immediately made Zoroastrianism the state religion. (Wilber, 31). Zoroastrianism “helped the Sasanian state acquire a strong religious identity” while its “foreign policy acquired a nationalist motivation considerably more focused...” (Fowden, 31). Shāpur I inscribed at Naqsh-e Rostam that “The gods have made us their ward, and with the aid of the gods we have searched and taken many lands....” (in Fowden, 32). Therefore, it seems clear that on the eve of the Muslim conquests, Zoroastrianism had roughly the same place in the Sasanian Empire that Christianity had in the Byzantine Empire. Cf. Boyce, *Zoroastrians: Their Religious Beliefs and Practices*.

⁹⁹ From Pahlavi sources in the Avesta language, in Dhabhar, *Essays on Iran*, 181, 182, & 186. The texts indicate that the date-palm-tree was also a source of this wine (188).

¹⁰⁰ Dhabhar, 187.

¹⁰¹ *Ibid.*

Festivals connected to Zoroastrianism also made extensive use of wine. Original texts relate the story of a king and his nobles celebrating the festival of *Nō Rūz*: “The wine-filled cup passed among them, ...To one side minstrels sang to the wine ... each [of the nobles] had the glowing ember of wine in his hand.”¹⁰² The contemporary religious festival of *Mihragān* is celebrated over five days, mostly at evening gatherings, where “there was much talk, followed by food and wine and drinking of toasts to the living and in memory of the departed.”¹⁰³ During the ceremony of the festival, the tip of the tongue of the sacrificed animal is “consecrated in the name of the *yazad* Hōm, the ancient Haoma, to whom a part of all animal sacrifices must be thus devoted.”¹⁰⁴ The true nature of Haoma continues to elude researchers. However, a case can be made that Haoma may have been wine made from grapes.

Haoma

Haoma appears to have been the god of health and immortality as well as the king of plants,¹⁰⁵ and was associated with a specific plant that was pressed to extract a juice that had an intoxicating effect.¹⁰⁶ The Zoroastrians held that the juice could “exhilarate men and heighten their powers. Warriors drinking it would quickly be filled with battle-fury, poets be inspired, and priests become more open to divine promptings.”¹⁰⁷ Although a number of substances might cause this, certainly wine, which serves to depress inhibitions¹⁰⁸, could instil warriors with a sense of indestructibility, or “battle-fury”. While Boyce makes no commitment in identifying the plant, Ernst Herzfeld states that Haoma was both the vine and wine. He argues that the process for producing Haoma in the ancient texts is too similar to that of producing wine to be coincidence.¹⁰⁹ Herzfeld writes,

¹⁰² Boyce, *Textual Sources for the Study of Zoroastrianism*, 70.

¹⁰³ Boyce, “*Mihragān* among the Irani Zoroastrians”, in Hinnells, ed., *Mithraic Studies*, vol. I, 115.

¹⁰⁴ *Ibid.*, 111.

¹⁰⁵ Moulton, *Early Zoroastrianism*, 71; Dhalla, *History of Zoroastrianism*, 205-7.

¹⁰⁶ *Ibid.*

¹⁰⁷ Boyce, *Zoroastrians*, 5.

¹⁰⁸ Rosenham & Seligman, *Abnormal Psychology*, 525.

¹⁰⁹ Herzfeld, *Zoroaster and His World*, 545-6.

To define hōma means to explain how wine could remain unknown to the Avesta, and how the cultivation of hōma could disappear in Iran long before the Arab conquest. The solution is evident: homa is vine, wine.¹¹⁰

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

The Avesta

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

¹¹⁰ Ibid., 551.

¹¹¹ Dhalla, 207.

¹¹² Hyams, *Plants in the Service of Man*, 19.

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

¹¹⁴ Moulton, 73.

¹¹⁵ Curtis, *Persian Myths: The Legendary Past*, 9.

centuries memorised and passed on from priest to priest.¹¹⁶ During the fifth and sixth centuries, the Sasanians canonised the texts, grouping them into twenty-one books, called the “Great Avesta”:

Copies were presumably placed in the libraries of the chief fire temples; but during the Islamic period these fire temples were all destroyed, through successive conquests by Arabs, Turks and Mongols, and not a single copy of the Great Avesta survives.¹¹⁷

The work is now known through lesser volumes, summarising the context of the Great Avesta, dating to the thirteenth or fourteenth century, but “contains only a fraction of the original.”¹¹⁸

The Shahnameh

In addition to the Avesta, a collection of stories and myths was assembled at the beginning of the eleventh century by the poet Firdousi (alternatively, Firdawsi or Firdowsi) in his *Shahnameh*, or Book of Kings. Dated to 1010, Firdousi’s work, so the author himself writes, is based on oral traditions as well as now no longer extant written sources of the seventh and tenth centuries.¹¹⁹ One of his stories relates that the Sasanian emperor Bahrām Gur (or Bahrām V, 420-38¹²⁰) declared to his advisors that the people should be encouraged to drink wine in order to promote strength and vigour:

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

¹¹⁶ Ibid., 8.

¹¹⁷ Boyce, *Textual Sources for the Study of Zoroastrianism*, 3.

¹¹⁸ Curtis, 9.

¹¹⁹ Ibid., 29. Firdousi incorporated the reason he composed the *Shahnamah* into the work: strictly for money, which he bitterly complained he did not receive nearly enough of (Nöldeke, *The Iranian National Epic or the Shahnamah*, 52). He seems to have been particularly upset on this occasion for the lack of funds meant that he was not able to purchase wine when in the quantity he wished (Ibid., 71).

¹²⁰ *EI*, s.v., “Sāsānians”.

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

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

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

[The Shah ordered the ban on wine removed.] "Indeed, we must encourage people to drink, for if but one man can stay atop a lion, he will never be toppled by another." Soon, outside the palace gates the official criers were heard proclaiming: "Here ye, paladins of the Golden Belt! You are henceforth to drink wine! Yet keep within measure and have regard for the consequences."¹²¹

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

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

¹²¹ From Firdawsi's *Shanameh*, translated and edited by M.B. Dickson & W.S. Cary (1981) in *The Houghton Shahnameh*, vol. II, p 221/229. Text appearing in brackets is my own paraphrase of parts of the translation of the story.

¹²² S.v., "Sāsānians".

¹²³ Nöldeke, *The Iranian National Epic or the Shahnamah*, 75.

¹²⁴ *Ibid.*, 69-70.

good....”¹²⁵ Appreciable literary evidence indicates that accounts of drinking wine were factually based, particularly those pertaining to Bahrām Gur.¹²⁶ There are stories which indicate that owing to his near obsession with wine and women, he was disinclined to attend the affairs of state.¹²⁷ But there is verification from non-literary sources that some emperors drank wine.

A few Emperors

The accuracy of the allegations of Bahrām Gur’s wine consumption may be tested against a silver plate depicting the emperor and wine.¹²⁸ A similar plate depicts the emperor Khusraw (531-79¹²⁹) seated, waiting for his wine as it “is being strained into an amphora through a net bag hung from a tripod.”¹³⁰ These plates have been dated to the eighth or ninth centuries, so there exists the possibility that they may be depicting the legend rather than the fact. Even if the stories and plates exaggerate these emperors’ consumption of wine, there is probably a basis of truth underlying this material. For not only plates depict wine consumption, but Sasanian jugs were painted with semi-nude girls who “bore flagons of wine in their outstretched hands.”¹³¹

Substantial support of the importance of wine to Sasanian emperors, who are alleged to have “drank every second or third day,”¹³² can also be seen in stone inscriptions and state seals. Shāpūr I (241-72¹³³) inscribed his thanksgiving for his victories over the Romans (243-60) on the Ka’ba of Zardusht. It reads in part:

and from every thousand sheep which by custom belong to us from the year’s excess we order that there shall be brought daily for our soul’s sake one sheep, one “griw”, and five measures of bread and four measures of wine.¹³⁴

¹²⁵ Ibid., 78-9.

¹²⁶ Cf. Nöldeke, op. cit.

¹²⁷ *Cambridge History of Iran*, 136; Limbert, *Iran at War with History*, 47.

¹²⁸ Pope, *A Survey of Persian Art*, 731.

¹²⁹ *EI*, s.v., “Sāsānians”.

¹³⁰ Pope, 732.

¹³¹ R. Hillenbrand, “*La Dolce Vita* in Early Islamic Syria”, 13.

¹³² Ibid.

¹³³ *EI*, s.v., “Sāsānians”.

¹³⁴ Boyce, *Textual Sources for the Study of Zoroastrianism*, 111.

In addition to this rock relief, Sasanian seals from early in the dynasty included "... a winged lion ... framed in an undulating grape-vine...."¹³⁵ The winged lion possessed much significance for it was associated with the serving of wine in a sect of Zoroastrianism, Mithraism.¹³⁶ Original texts record that "the Persian king used to get drunk on the day of the year when they [followers of Mithraism] sacrificed to Mithra."¹³⁷ However, one should be cautious of over-interpreting this seal. The undulating grape-vine was one of the standard fertility plants of the Sasanian Empire¹³⁸, and as such may not have signified a direct connection to wine.

Agriculture

Zoroastrian beliefs held cultivation as "a meritorious act, if not a strict duty of the ruler."¹³⁹ This is believed to be due in some measure to Zarathustra's somewhat legendary childhood in western Iran where agriculture held a high position.¹⁴⁰ Based in the fertile Diyala plains¹⁴¹, the rulers of the Empire met the high demand for wine with an extensive cultivation program. It appears that the foundation of the empire's wealth was agriculture, the population by and large made up of peasants working the land.¹⁴² Some towns, like Shiraz, specialised its crop production, concentrating on grapes for the purpose of making wine.¹⁴³ Finally, date palm trees, whose dates could be used to produce a different type of wine¹⁴⁴, were of such value that they were frequently counted for tax purposes.¹⁴⁵

Daily Life

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

¹³⁵ Pope, 794.

¹³⁶ Hinnells, *Mithraic Studies*, vol. I, 179.

¹³⁷ Moulton, 72.

¹³⁸ Ibid.

¹³⁹ *The Cambridge History of Iran*, 161.

¹⁴⁰ Moulton, 84-5.

¹⁴¹ Adams, *Land Behind Baghdad*, *index*.

¹⁴² Ibid., 153.

¹⁴³ Ibid., 73.

¹⁴⁴ Known as *nabīdh*. See Chapter 2, the section entitled, *Types of Wine*.

¹⁴⁵ *The Cambridge History of Iran*, 160.

time about wine in terms of daily consumption. Inferences can be made from the writings of Pliny concerning the Parthians. He writes that the Parthians introduced to the Roman emperor Tiberius (14-37¹⁴⁶) the fashion “of drinking on an empty stomach and preceding meals with a draught of wine.”¹⁴⁷

The inevitable result of this vice is that the habit of drinking increases the appetite for it, and it was a shrewd observation of the Scythian ambassador that the more the Parthians drank the thirstier they became.¹⁴⁸

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

Archaeological evidence supports the widespread, general consumption of wine. “Considerable significance seems to have been attached in Sasanian times to” boat-shaped

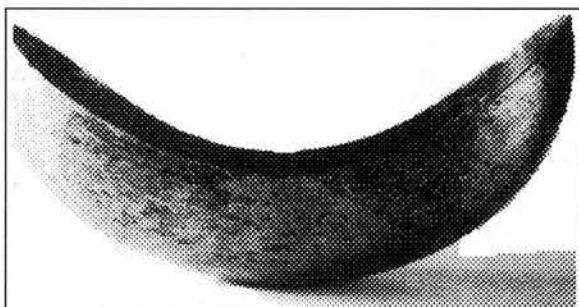


Figure 1: *Wine boat, late Sasanian period.*

wine vessels.¹⁴⁹ Drinking wine from such vessels was thought to be the equivalent of drinking liquid sunlight.¹⁵⁰ One such “wine-boat” was discovered at a burial site at Tall-i Maliyan and dated to the sixth century.¹⁵¹ These wine-boats were not new to the region the Sasanian Empire oversaw, but are believed to date back earlier

than the sixth century BCE.¹⁵² This evidence suggests that the consumption of wine in Iran for purposes other than religious significance or strictly pleasure dates back to a period

¹⁴⁶ Scarre, 28.

¹⁴⁷ Tr. W. H. S. Jones, vol. 4, 281.

¹⁴⁸ Ibid., 283.

¹⁴⁹ Melikian-Chirvani, “From the Royal Boat to the Beggar’s Bowl,” 13.

¹⁵⁰ Ibid., 12.

¹⁵¹ Ibid., 13. This dating was facilitated with the discovery of a nearby coin (Ibid.) See Figure 1, from Melikian-Chirvani, “From the Royal Boat to the Beggar’s Bowl,” 13.

¹⁵² Ibid., 11.

before the two most recent empires, viz., the Parthians and Sasanians. And it is a further indication of wine's importance and consumption.

Nestorian Christianity

Christian Arabs in future Muslim territory seemed to be the rule, rather than an exception to it. Nestorian Christianity was introduced into Persia when bishops from Syria, followers of the condemned and exiled bishop of Constantinople, Nestorius¹⁵³ (c 382 - 451¹⁵⁴), fled persecution in the Byzantine Empire. For Sasanian rulers, the persecution the Nestorians suffered under the Byzantine Empire were sufficient credentials to allow them to settle in Persia and form their own Church based on the teachings of Nestorius. "Although occasionally suspected of being Roman sympathisers by the Persians, the Nestorians generally lived in peace."¹⁵⁵ Peace appears to have had certain conditions for the Nestorians. Nestorian Christians "were expected to express their loyalty to the Sasanians by praying for the monarch, and by using the terms which he used for himself. Yazdigird I (399-420¹⁵⁶) was called "victorious" and "illustrious" in the synod of 410.¹⁵⁷ This may not have been as difficult as one might suspect. These Christians had only recently removed themselves from Byzantine territory. Their "allegiance to Nestorius allowed [them] to proclaim themselves un-Roman with a clear conscience."¹⁵⁸ Therefore, they might have found it both morally acceptable and politically advantageous to express their loyalty to the Sasanians.

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

¹⁵⁴ *Concise Dictionary of Early Christianity*, 116.

¹⁵⁵ *Ibid.*, 116.

¹⁵⁶ *EF*², s.v., "Ghassān".

¹⁵⁷ Morony, 337.

¹⁵⁸ Fowden, 121-2.

Unlike the Coptic schism in Egypt, the Nestorians did use wine in their ceremonies. Textual evidence believed to be written as early as the fifth or sixth century¹⁵⁹ leaves little room for speculation as to wine's essential role in the Eucharist:

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

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

The Jews

According to Islamic sources, the Arabs of southern Iraq were almost entirely Nestorian Christians, or at least Monophysites, at the beginning of the Muslim conquests.¹⁶¹ Some Arabs were undoubtedly pagan while a very small number were Jews, such as the Arabs at 'Ayn Tamr.¹⁶² A Jewish presence in Iraq dates back at least as far as Babylon in the sixth century BCE,¹⁶³ its population peaking in the fifth century CE.¹⁶⁴ By and large, Christians and Jews lived peacefully along side one another, though Sasanian persecution of either group strained relations. For example, in the reign of Shāpūr II (310-379¹⁶⁵), the Christian population was subjected to severe persecutions as a result of the Eastern Roman Empire adopting Christianity as its official religion.¹⁶⁶ The Jews were then suspected as potential conspirators with the Christians against the Zoroastrian state and "persecution of the Jews, although caught up in the wave of general persecutions, destroyed synagogues."¹⁶⁷

¹⁵⁹ Badger, *Nestorians and their rituals*, 22. Badger comments that the texts are thought to have been collected and published as late as the year 1250 (Ibid.).

¹⁶⁰ Tr. Bader, 168-9.

¹⁶¹ Morony, 221; Trimmingham, 163. Trimmingham does not note the "Islamic sources" he mentions in his text (163).

¹⁶² Morony, 222.

¹⁶³ Ibid., 306. Their presence in Babylon was not initially of their own choosing. They were deported by the Babylonians from Judah to Babylon following the conquering of Judah and the destruction of the Temple (Goldberg and Rayner, 46-8).

¹⁶⁴ Ibid., 308.

¹⁶⁵ *EI'*, s.v., "Sāsānians".

¹⁶⁶ Neusner, 76.

¹⁶⁷ Ibid., 23.

Despite these sporadic persecutions, however, the Jews attained a good degree of settled civilisation in Iraq in Sasanian times.

There can be no question of the importance of wine to the Jews¹⁶⁸. In the fifth century, the Babylonian Talmud detailed rules regarding the use of wine:

the amount of wine permissible on the Sabbath; the manner in which it is to be drunk; the legal status of wine in any way connected with idolatry; degrees of responsibility for actions committed in a drunken condition; and the definition of strong drink (i.e., wine which retains its strength when three quarters of water is added). Abstinence plays little or no part in the rabbinical discussions. As one rabbi is quoted: "If you become holy by abstaining from wine, why not abstain from everything?"¹⁶⁹

The purity of ritual wine was of prime importance. Pagan wine, or casks of wine which had been merely touched by pagans, was prohibited.¹⁷⁰ In general, wine made by Jewish hands was never prohibited, even as a sign of mourning for the tragic loss of the Second Temple. "The rabbis deliberately rejected the suggestion that abstention from wine ... be mandatorily instituted as a sign of mourning for the destruction of the temple. They maintained that such a decree would impose unbearable hardship on the public."¹⁷¹

The great majority of the Jews of Sasanian Iraq appear to have been "engaged in the production, processing, and distribution of grain, wool, linen, and wine."¹⁷² In terms of production, "The chief object of the cultivation of the vine was ... the making of wine, and of this article different kinds, varying in quality and colour were produced."¹⁷³ The wine was then distributed largely for local consumption, though some may have reached a wider market.¹⁷⁴ A cheap quality wine was "chiefly sold on stalls at street corners. The wine usually sold in the shops was of a slightly better quality...",¹⁷⁵ and the wine sold in taverns still better. The superiority of Jewish wine is evidenced in the Synod of George I in 676 in

¹⁶⁸ See also Chapter 2, the section entitled, *Judaism and Wine*.

¹⁶⁹ Austin, 50.

¹⁷⁰ Neusner, 54, 85-6, 126-9.

¹⁷¹ *Encyclopaedia Judaica*, 538.

¹⁷² Morony, 311.

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

¹⁷⁴ *Ibid.*, 94-5.

¹⁷⁵ *Ibid.*, 95.

which he “complained about Christians who after taking the sacrament went straight from church to Jewish taverns to drink wine. This was especially deplored since there was no lack of taverns run by Christians where they could have satisfied their desire for wine according to their own customs.”¹⁷⁶

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

A Sample of Arab States

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

¹⁷⁶ Morony, 370.

¹⁷⁷ Cf. *El*^I, s.v., “Sāsānians”; *Cambridge Encyclopaedia of the Middle East*, 57; *Cambridge History of Iran*, 231.

¹⁷⁸ Simon, *Meccan Trade and Islam: Problems of origin and structure*, 32.

¹⁷⁹ *Ibid.*, 27.

economic development of the peninsula. Their primary military role left their tribal society intact.”¹⁸⁰ However, once these local powers were introduced to the Byzantine-Sasanian conflict, their fight seemed to carry on regardless of the actions or orders of their nominal overlords. “The state of hostility between Lakhmids and Ghassānids rarely ceased even during periods of truce between Byzantines and Persians, for it was part of life.”¹⁸¹

The Ghassānids

The Byzantine Emperor Justinian fully recognised the Banū Ghassān¹⁸² (here on referred to as the Ghassānids) as their supreme ally in north-west Arabia, through Syria (present-day Syria and Jordan), and extending over Provincia Arabia in c. 527.¹⁸³ Known to Byzantium as *foederati*,¹⁸⁴ the Ghassānids formed a reliable core of infantry and cavalry for the express purposes of defending the outlying regions of the Empire, containing the Lakhmids¹⁸⁵, participating in campaigns against the Sasanian Empire, and protecting “Byzantine commercial and political interests along the spice-route.”¹⁸⁶

Byzantium believed the benefits of having the Ghassānids as a buffer state included a more secure border and a stable area for trade. The Ghassānids believed their benefits were also two-fold: they received an annual subsidy¹⁸⁷ and the teaching of Christianity in the form of Monophysitism.¹⁸⁸

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

¹⁸⁰ Ibid., 28.

¹⁸¹ Trimingham, *Christianity Among the Arabs in Pre-Islamic Times*, 197.

¹⁸² The Banū Ghassān had only settled into the region c. 490 (*EF*^I, s.v., “Ghassān”). They then began a program of expansion, dominating the other Arab tribes in the area. The Byzantine Emperor Anastasius (491-518) recognised the de facto rule the Banū Ghassān had already managed to attain by the early sixth century (Trimingham, 179).

¹⁸³ Simon, 37-8; Trimingham, 180.

¹⁸⁴ Rice, *Byzantines*, 113.

¹⁸⁵ Arab allies of the Sasanian Empire. See below, the section entitled, *The Lakhmids*.

¹⁸⁶ Shahid, *Byzantium and the Arabs in the Fourth Century*, 23; *EF*², s.v., “Ghassān”.

¹⁸⁷ *EF*², s.v., “Ghassān”.

¹⁸⁸ Ibid. Monophysitism was/is a branch of Christianity that unites the dual nature of Christ such that he is only of the divine nature (*Dictionary of the Middle Ages*, s.v., “Monophysitism”).

consecrated for the Arab tribes who were unwilling to conform to the [Byzantine] state church.¹⁸⁹

Their request was granted and the bishop Jacob Baradaeus of Edessa was sent to the Ghassānids.¹⁹⁰

Monophysitism

The Ghassānids appear to have become “passionately attached to Monophysitism.”¹⁹¹ They believed that Christ brought them victory in battle¹⁹² and began missionary activities as well as the founding of many Churches and monasteries,¹⁹³ some of which survive to the present day.¹⁹⁴ The physical remains of wine presses in northern Syria, thought to be owned by monks of Ghassānid monasteries and dated to the fifth and sixth centuries, affirms that wine was produced on a large scale.¹⁹⁵ With this profound belief in Jesus Christ, represented by their Monophysitic belief, by their acknowledgement of divine providence in their victories, and by their architecture¹⁹⁶, it is almost certain that the Ghassānids made use of wine in Christian ceremonies. Effectively, this suggests that there were potentially large groups of Christian Arabs partaking of wine in an area that was soon to become Muslim territory.

Rulers

There is evidence that the court of the last politically independent Ghassānid ruler¹⁹⁷, al-Nu‘mān Iyās b. Qabīṣah (602-11)¹⁹⁸, was sometimes the scene of singing and wine drinking. The poet Ḥassān b. Thābit¹⁹⁹ is said to have visited this court in his youth and subsequently recorded events there in his *dīwān*:²⁰⁰ “I have seen ... Arab singers [who]

¹⁸⁹ Simon, 139.

¹⁹⁰ Hitti, *History of the Arabs*, 79.

¹⁹¹ *EF*², s.v., “Ghassān”.

¹⁹² Shahid, 25.

¹⁹³ *EF*², s.v., “Ghassān”.

¹⁹⁴ Trimingham, 182-3.

¹⁹⁵ Vogue, *La Syrie Centrale*, 268-9.

¹⁹⁶ *EF*², s.v., “Ghassān”.

¹⁹⁷ Hitti, 84.

¹⁹⁸ *Ibid.*

¹⁹⁹ B. c. 563 (Hitti, 81).

²⁰⁰ Hitti, 81; Nicholson, 52.

used to come from Mecca and elsewhere for his delight; and when he would drink wine he sat on a couch of myrtle and jasmine and all sorts of sweet-smelling flowers ...".²⁰¹ It is possible that this lifestyle extended beyond the ruler and if not encouraged, then perhaps suggested, to the individual members of the Ghassānid tribe that consuming wine was permissible and enjoyable.²⁰²

The Lakhmids

The Banū Lakhm (referred to here on as the Lakhmids) are believed to have migrated into southern Iraq in the last quarter of the third century.²⁰³ The Sasanian empire recognised this new tribe, with ties to southern Arabia, as its answer to the Byzantine Empire's use of the Ghassānids.²⁰⁴ The Lakhmids were courted and profitably supported by the Sasanian Empire, in return for which the Lakhmids performed essentially the same role for the Sasanian Empire as the Ghassānids performed for the Byzantine Empire: they shielded the Sasanian Empire from Ghassānid and Byzantine assaults as well as nomadic incursions in Yemen and the Ḥijāz; launched their own offences against the enemy; and protected Sasanian trade interests in and around the peninsula.²⁰⁵ The association was very profitable for the Lakhmids materially²⁰⁶ and consequently their early rulers "would not commit themselves to a Christian allegiance owing to its association with the Romans and the anti-Christian bias of the Persian authorities."²⁰⁷

²⁰¹ Nicholson, 53, citing the *Aghānī*.

²⁰² However, the present author has not uncovered direct evidence of wine consumption in the daily life of the Ghassānids.

²⁰³ *EF*, s.v., "Lakhmids"; Nicholson, 38.

²⁰⁴ Simon, 38.

²⁰⁵ *EF*, s.v., "Lakhmids".

²⁰⁶ *Ibid.*

²⁰⁷ Trimingham, 189.

Christianity

Not until the early fifth century did Lakhmid rulers begin to rethink Nestorian Christianity.²⁰⁸ Nu'man I (405-18²⁰⁹) believed that "Christianization was not to be equated with Romanization...."²¹⁰ Although he did not commit to Nestorian Christianity himself, his family, including his son, adopted the faith,²¹¹ and Nestorian Christianity then spread among the Lakhmid Arabs rapidly.²¹² Mundhir III (503-54²¹³) also kept aloof of Christianity as did his son and successor, 'Amr (554-c. 570²¹⁴). 'Amr's mother, however, was a great sponsor of Church construction, and al-Ḥīra was by the end of the middle of the sixth century "adorned with churches and monasteries, was the seat of a bishopric, and the refuge for many a persecuted ecclesiastic."²¹⁵ Mundhir IV (580-2/3²¹⁶) "maintained the family allegiance to the goddesses Allāt and 'Uzza,"²¹⁷ and was one of the least popular rulers for it.²¹⁸ Nu'man IV (583-c.602²¹⁹) was raised in a strong noble Christian family,²²⁰ the Tamīmī family of Zaid b. Hammād, whose support had enabled him to secure his succession to the throne.²²¹ He then converted to Christianity and was the only ruler of the Lakhmids to be a Christian.²²²

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

²⁰⁸ Nestorian Christianity appears to have been the most widely disseminated branch of Christianity in Iraq in the fifth and sixth centuries (Hitti, 81; see above, the section entitled, *Nestorian Christianity*, 22).

²⁰⁹ *EF*, s.v., "Lakhmids".

²¹⁰ Trimingham, 189-90.

²¹¹ *Ibid.*, 190.

²¹² Fowden, 120-1.

²¹³ *EF*, s.v., "Lakhmids".

²¹⁴ *Ibid.*

²¹⁵ *Ibid.* Since the early fifth century, al-Ḥīra seems to have been the diffusion point for Nestorian Christianity - one of the oldest monasteries in the region is at al-Ḥīra, dated to 363-71 (Trimingham, 171).

²¹⁶ *Ibid.*

²¹⁷ Trimingham, 198. Cf. Hitti, 83.

²¹⁸ *Ibid.*

²¹⁹ *EF*, s.v., "Lakhmids".

²²⁰ Nicholson, 45; Trimingham, 198.

²²¹ Trimingham, p 199.

²²² Hitti, 84.

Rulers

There is evidence that the last Lakhmid ruler, al-Mundhir III (503-54)²²³, may have consumed wine. A story is related that he was once drinking wine with two of his companions, Khālīd b. al-Muḍallil and ʿAmr b. Masʿūd.²²⁴ Al-Mundhir III became irritated by something the men said and ordered them buried alive.²²⁵ “Next morning he did not recollect what had passed and inquired as usual for his friends. On learning the truth he was filled with remorse.”²²⁶

This story has certain parallels with another related in the *Aghānī* concerning the caliph al-Walīd b. Yazīd. This suggests a certain caution in accepting the story unquestioningly, for the basic plot - a ruler becoming drunk and murdering his friends - may have become a standard method with which to attack a ruler.²²⁷ Even so, such a story is not applied to every ruler who is known to have consumed wine. What this story may indicate, therefore, is the extent to which al-Mundhir III consumed wine, and perhaps a tendency toward violent behaviour while intoxicated.

The Nabataeans

The discussion to this point has emphasised the connection between the use of wine by fifth/sixth century Arabs to the north and east of Arabia and Christianity. This was not meant to suggest that the two are mutually exclusive to wine consumption, nor in fact that Christianity is a necessary prerequisite for the consumption of wine by pre-Islamic Arabs. The largely Arab civilisation of Petra, the Nabataeans,²²⁸ occupying the area of what once was named Transjordan, flourished the century before and after the birth of Jesus Christ. These people represent a settled culture with no known record of Christian influence upon

²²³ *EF*, s.v., “Lakhmids”.

²²⁴ Nicholson, 43, citing the *Aghānī*.

²²⁵ *Ibid.*; Hitti, 83.

²²⁶ *Ibid.*

²²⁷ See Chapter 4, s.v., *Al-Walīd b. Yazīd b. ʿAbd al-Malik*.

²²⁸ That the Nabataeans were Arabs is a matter of some debate, though as Trimmingham has recently shown: “Their characteristics were unmistakably Arab in that they were based on tribal organisation and its special customs, together with pride in genealogical origins. Their true names were Arabic...” and Arabic was their “household speech.” (18) In addition,

them. The Nabataeans were not without worship of their own, however, which involved the use of wine.

There are no texts nor oral traditions which preserve the history of the Nabataeans prior to their development at Petra.²²⁹ The very origins of the Nabataeans are still debated. They “initially appear in Diodorus XIX 94-100, which deals with 312” BCE,²³⁰ who wrote that “they were a pastoral people capable of removing their flocks into the desert. They assembled as a nation only once a year and maintained a great rock without walls as their stronghold during the occasions of this national gathering.”²³¹ Diodorus continues: they possessed “a large country all along the sea-coast [of the Red Sea], and so far likewise up into the land: this tract is very populous, and exceedingly rich in cattle.”²³²

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

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

“The language of the pagan liturgical celebration of the feasts of Venus in Nabataean Petra was Arabic.” (Shahid, 292)

²²⁹ Bowersock, *Roman Arabia*, 17. Cf. Eph'al, *The Ancient Arabs: Nomads on the Borders of the Fertile Crescent 9th-5th centuries BC*, 222.

²³⁰ Eph'al, 222

²³¹ In Bowersock, 15

²³² In de Gaury, 22-3

²³³ Ibid.

²³⁴ From Khorsabad Annals, in Eph'al, 90.

the beginning of the Common Era, “the Nabataeans’ sphere of influence extended from Damascus in the north, southwards into north Ḥijāz, and eastwards over the Syrian desert to the Euphrates.”²³⁵

Worship

At their capital city of Petra, the Nabataeans had a kind of Ka’bah where they worshipped the Goddesses Allāt and Dūshara.²³⁶ Dūshara was associated with the vine, “introduced to the land of the Nabataeans in the Hellenistic period, and as the god of wine borrowed some of the traits of Dionysus.”²³⁷ Vine-leaves on a bust of Dionysus, dated to the first century BCE, appears to support the appropriation of Dionysus by the Nabataeans.²³⁸ Considering the ban on wine that existed before the Nabataeans settled, it seems likely that the worship of Dūshara began no early than their settled life and after they came into contact with Hellenistic ideas.

In addition to worshipping Dūshara, Strabo wrote that the Nabataeans worshipped the sun.²³⁹ “The emphasis on sun-worship ... implies an agricultural state where the association has already been made between [the sun] and the growth of vegetation.”²⁴⁰ The Nabataeans had in fact an extraordinary agricultural development program that included an array of hydraulic engineering accomplishments still in use today.²⁴¹ There are no physical remains of the crops that once grew in the area, but in light of their worship of

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

²³⁶ Hitti, 72.

²³⁷ Ibid., 72-3.

²³⁸ McKenzie, *The Architecture of Petra*, 40-1 and plate 62a. Cf. Hammond, “The Nabataeans - their History, Culture, and Archaeology”, 83.

²³⁹ Tr. H. L. Jones, *The Geography of Strabo*, vol. 7, 215.

²⁴⁰ Hitti, 97.

²⁴¹ “Rock-cut and stone built dams, channels, runnels, canals, cisterns, and other hydraulic works spread over hundreds of sites around Petra are testimony enough to the Nabataeans’ ability to control water. Modern engineers restored the dam barrage at the mouth of the Siq at Petra. Once completed, the system functioned again precisely as it did in antiquity.

Dushara/Dionysus, the extensive use of grape vineyards (as can be seen in the area today²⁴²), “grape-vine mounds”²⁴³ may have been a common sight from the late first century BCE to at least the early second century CE. Indeed, the production of wine took on such importance that Pliny listed the wine produced from Petra as third best, falling behind Italian wine and Egyptian wine.²⁴⁴

Bedouin in Arabia

All the evidence presented so far suggests that wine consumption would only take place among settled communities, and then usually as part of their ritual practices. This is, however, not true in all instances. The Bedouin is an example *par excellence* of this diversity. Spanning an area from northern Sinai to Persia to middle Arabia,²⁴⁵ the Bedouin seasonally migrated, pausing to pasture their animals, grow subsistence crops, and trade with nearby settled communities.²⁴⁶

Many pre-Islamic Bedouins did have some form of worship, most often to their own Arab gods, such as al-‘Uzza²⁴⁷. Though there were some Christian Bedouin tribes, such as the Banū Taghlib, in general, Christianity appears to have exerted little influence amongst the Bedouin of Arabia:

In the case of the Bedouin, religion sits very lightly indeed on his heart. In the judgement of the [Qur’ān] (9:98), “the desert Arabians are most confirmed in unbelief and hypocrisy.” Up to our present day they never pay much more than lip homage to the Prophet.²⁴⁸

Of no small significance is the fact that the Bedouin had no “fixed address” for those missionaries who wished to impart the teachings of Jesus Christ.²⁴⁹ “The nomadic life of the Bedouins was naturally unfavourable to the development of distinct permanent places for

Beyond this, cisterns and other hydraulic installations have been reconditioned and put to modern use in Jordan and the Negev.” (Hammond, 73-4)

²⁴² Hammond, 73; McKenzie, 158.

²⁴³ Ibid. Hammond cautions that the purpose of the mound is still being debated (Ibid.).

²⁴⁴ Pliny the Elder, tr. W. H. S. Jones, vol. 8, 73.

²⁴⁵ Eph’al, 5.

²⁴⁶ Hitti, 23.

²⁴⁷ Ibid., 97.

²⁴⁸ Ibid., 26.

²⁴⁹ Fowden, 119.

the performance of religious worship.”²⁵⁰ The failure of Christianity, or Judaism, to take root among the Bedouin was not necessarily, therefore, a matter of ideological difference but a matter of lifestyle differences.

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

General lifestyle

The Bedouin of Arabia and its environs (i.e., the region of present-day Jordan, Syria, Iraq, and eastern Iran) were well known for their use of the camel and their use of raids as a part of their economy.²⁵¹ Strabo described the Arabian Gulf as “a country belonging to Nomads,”²⁵² who live by their camels. They fight from their backs; they travel upon them, and subsist on their milk and flesh.”²⁵³ Though the camel, as well as goats and ewes, supplied most of the Bedouin’s needs and wants, they do not appear to have met them all.

²⁵⁰ Vasiliev, 202.

²⁵¹ The following discussion will cite patterns of living of the Bedouin of Arabia as nomadic generally and Bedouin specifically. The term “nomad” may be viewed as the “phylum” to which all Bedouin - the “genus” - belong, and therefore all Bedouin will exhibit characteristics of nomads, though not all nomads will exhibit characteristics of the Bedouin. Continuing the analogy, though not entirely crucial to this paper, the Bedouin of Arabia would then be considered a “species” of Bedouin generally.

A popular misconception of the nomad is a life of aimless wandering, when in fact “nomadism is as much a scientific mode of living...as industrialism....” (Hitti, 23) They have always carefully chosen their migratory routes, shepherding their flocks of goats, sheep, and ewes from which the nomad exacted milk, food (Bailey, 36), and in the case of the goat, liquid containers produced from the goat’s skin. When they suspended their travel to allow their animals to pasture, “they raised crops at favoured sites and seasonal locations in the desert.” (Mathews, 344/Bowersock, 9) Such temporary “settlements” further dispel the myth of the wandering nomad and demonstrate that “there are stages of semi-nomadism and quasi-urbanity,” (Hitti, 23) nomads existing “in different degrees of nomadism....” (Mathews, 344) But the nomad did not stay in one place long enough to cultivate the vine, as developing and caring for vineyards is a time-consuming and labour intensive activity requiring a commitment to one location nearly year round.

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

²⁵³ In H.L. Jones, tr., 205.

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

Economy

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

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

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

When offensive raids were deemed necessary and undertaken, it appears that the Bedouin believed that "... no blood should be shed except in cases of extreme necessity."²⁶⁰ With respect to raids, called *razzia*, the relationship between the Bedouin and the townsfolk has recently been suggested as a forced necessity, for both Bedouin and townspeople, by Róbert Simon. Describing this relationship, he writes:

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

²⁵⁴ Lapidus, *A History of Islamic Societies*, 13.

²⁵⁵ The Periplus, 30.

²⁵⁶ Procopius, tr. H. B. Dewing, 421.

²⁵⁷ Ammianus, tr. J. C. Rolfe, 27.

²⁵⁸ Strabo, tr. H. L. Jones, 158.

²⁵⁹ Khaldūn/Rosenthal, vol. 1, 257-8.

²⁶⁰ Hitti, 25; Nicholson, 54.

adversity of natural conditions. ... Contact with the settlers was not by free choice of the nomads, and neither can we speak about free choice ... on the part of the settlers. This form of contact can therefore justly be called *forced reciprocity*....²⁶¹

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

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

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

²⁶¹ Simon, 79.

²⁶² Limbert, 11.

²⁶³ See below, the section entitled, *Grape wine*, 37.

²⁶⁴ *CHAL*, vol. 1, 100, citing the poet Qālī.

²⁶⁵ *Ibid.*, citing the poet Abū Dhu’ayb.

²⁶⁶ Simon, 79.

²⁶⁷ Bowersock, 149-50.

²⁶⁸ See below, the section entitled, *Date-palm Wine*, 39.

²⁶⁹ Bowersock, 10.

Bedouin developed as a result of their lifestyle proved useful to certain individuals in settled communities. During the period of the Roman Empire, "in spite of existing prohibitions, the highly prized swords of Damascus were smuggled into Persia with the help of the Bedouins."²⁷⁰ Finally, it appears that the Bedouin were more interested in fighting each other than any settled community. "The least occasion sufficed for starting lasting and bloody struggles between tribes" of Bedouin.²⁷¹

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

When two men would swear a friendship they stand on each side of a third, who with a sharp stone makes a cut high up the inside of the wrist below the middle finger and taking a piece from their dress, dips it in the blood of each and moisten therewith seven stones lying in their midst, calling the while on Bacchus and Urania.²⁷²

Bacchus is associated with the god of the vine.²⁷³ Herodotus goes on to add that Arabs who swear an oath in this way, before the god of the vine, "...keep such pledges more religiously than almost any other people."²⁷⁴ In addition, at festivals, wine was plentiful, and "power to stand much of it was one of the gifts of fortune of which men made their boast."²⁷⁵ Clearly, the plant the Bedouin had neither the time nor inclination to cultivate was very valuable to them.

Grape wine

The value of grape-wine is left in no doubt owing partially to the history of al-Hamdānī's *al-Iklīl*. He recorded the poet Al-Aʿsha mourning the loss of the Ma'rib dam²⁷⁶, in

²⁷⁰ Haussig, 63.

²⁷¹ Vasiliev, 202.

²⁷² In de Gaury, 23.

²⁷³ Ibid.; Cf. *Oxford English Dictionary*, s.v., "Bacchus".

²⁷⁴ Ibid.

²⁷⁵ Lyall, *Ancient Arabian Poetry*, xxvi.

²⁷⁶ Al-Hamdānī, *The Antiquities of South Arabia*, tr. N. A. Faris, 34-5.

southern Arabia, after it burst probably in the late sixth²⁷⁷ century, or possibly in the early seventh century,²⁷⁸ “without hope of repair”²⁷⁹:

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

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

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

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

²⁷⁷ *CEI*, s.v., “Ma’rib Dam”; Hitti, 64.

²⁷⁸ Fowden, 17.

²⁷⁹ *Ibid.*, 17.

²⁸⁰ Al-Hamdāni, tr. N. A. Faris, 67-8; Nicholson, 16-7.

²⁸¹ *Ibid.*, tr. N. A. Faris, 42-5.

²⁸² *Ibid.*, tr. N. A. Faris, 42.

²⁸³ *Ibid.*, tr. N. A. Faris, 43.

²⁸⁴ Ibn Ishāq, 20.

²⁸⁵ Smith, “Events in Arabia in the 6th century A.D.”, 439.

²⁸⁶ Hitti, 64.

²⁸⁷ Smith, 439.

²⁸⁸ Present-day Mocha, Yemen (Schoff, n. 106 to tr. of *Periplus*).

²⁸⁹ Anon, tr. Schoff, 30-1.

write that in the market town of Ozene,²⁹⁰ wine was imported according to country of origin: "Italian preferred, also Laodicean [i.e., Syrian], and Arabian."²⁹¹ Furthermore, it was Arab helmsman who carried the wine from Muza to their foreign markets.²⁹²

Date-palm Wine

Wine from the vine was not the only type of wine available. Dates from palm trees could be processed into an intoxicating liquor approximating wine from the grape.²⁹³ Strabo recorded that "the greater part of their²⁹⁴ wine is made from the palm."²⁹⁵ Procopius remarked some five centuries later that "Arabia is held by Saracens [i.e., Arabs], who have been settled from of old in the Palm Groves. These groves are in the interior, extending over a great tract of land, and there absolutely nothing else grows except palm trees."²⁹⁶

The palm's potential value was recognised early by the Jews. As early as the third century, it was suggested that date palms, though generally not equal to the vine, were an excellent long-term investment. Rabbi Joseph of Babylonia wrote a "list of permanent investments in which a man is advised to invest his wife's money," in which "date palms precede vines."²⁹⁷ Among the reasons the palm should be so important was the versatility of the date. The date could be eaten straight from the palm, cooked, turned into wine, or even turned into a substance resembling honey.²⁹⁸ Perhaps the most telling reason why the palm should have had such significance is because it grows with very little tending from humans.²⁹⁹

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

²⁹⁰ Present-day Ujjain, India (Schoff, n. 187 to tr. of *Periplus*).

²⁹¹ *Ibid.*, 49.

²⁹² Altheim & Stiehl, *Die Araber in der Alten Welt*, 134.

²⁹³ See Chapter 2, *Types of Wine*.

²⁹⁴ "The whole of Arabia Felix", according to H. L. Jones, tr., 213.

²⁹⁵ Tr. H. L. Jones, 213.

²⁹⁶ Tr. H. B. Dewing, 181.

²⁹⁷ Newman, 99.

²⁹⁸ *Ibid.*

²⁹⁹ Presently no archaeological work has uncovered evidence of palm trees growing in the wild for the time in question, c. 100 BCE - 600 CE (Hyams, *Plants in the Service of Man*, 131).

this was done, though it may also be the case that such information has not yet been discovered. It is known that palm wine would never equal the value of grape-wine because wine made from dates had undesired side-effects. Pliny the Elder stated that palm-wines “strongly affect the head and to this the date owes its name (pig-headed).”³⁰⁰

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

A Brief Survey of Pre-Islamic Poetry

Pre-Islamic poetry was not written down at the time it was produced.³⁰¹ It was not until the seventh century that the Umayyads began a systematic codification of the Bedouin’s poetry.³⁰² The collection is said to have been begun by the caliph Mu‘āwiyah b. Abī Sufyān³⁰³ as an anthology for the education of his son.³⁰⁴ His collection contained twelve poems, but the caliph ‘Abd al-Malik b. Marwān³⁰⁵ eliminated seven of those poems and substituted two of his own choosing.³⁰⁶ Later scholars decided against ‘Abd al-Malik’s version and returned to the original collection of Mu‘āwiyah, keeping only those poems they unanimously agreed³⁰⁷ could serve as an “archive” for future Arabs³⁰⁸.

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

³⁰⁰ In Goor, “History of Date Through the Ages,” 333.

³⁰¹ There is even some question that the poetry is pre-Islamic at all. But given the assumption of many authors that there is at least a core of authenticity, pre-Islamic poetry will be used cautiously in this discussion. See text below for some of the arguments with regard to the authenticity of pre-Islamic poetry. For a balanced view of the validity versus the non-validity of pre-Islamic Bedouin poetry, cf. A. J. Arberry, *The Seven Odes: The First Chapter in Arabic Literature*, 228-54. For a thorough discussion of the origins of Arabic poetry, cf. R. A. Nicholson, *A Literary History of the Arabs*, 72-100; *The Cambridge History of Literature*, 1-26.

³⁰² B. Lewis, *The Arabs in History*, 146.

³⁰³ For details of his caliphate, see Chapter 4, q.v..

³⁰⁴ Kister, *Studies in Jāhiliyah and Early Islam*, 34.

³⁰⁵ For details of his caliphate, see Chapter 4, q.v..

³⁰⁶ Kister, 35.

³⁰⁷ Kister, 35-6.

³⁰⁸ Von Grunebaum, *The Nature of Arab Unity*, 18. See below, s.v., *The Mu‘allaqāt*.

"The long period between their composition and their collection, while the poems were allegedly preserved as part of an oral tradition, has naturally led to considerable doubt about their authenticity. The arguments against the genuineness of these poems ... have been effectively refuted by Arberry."³⁰⁹ And although there is evidence which suggests that some of the poems were moderately "Islamized" to fit the current political and religious mood of the day, there does not appear to have been the kind of systematic cleansing that would alter its original inspiration. In sum, the Umayyad scribes left the references to wine.

One could argue that wine was left in the poetry to contrast the time of ignorance, before the revelations, with their lifestyle after the Prophet Muḥammad. But this argument loses its validity in light of the fact that the poems contain not only verses which reflect wine in a negative manner, such as the destructiveness of addiction, but also verses which reflect wine in a positive manner, as a relaxing pursuit or providing an added benefit when in combat. If the aim of fabricating pre-Islamic poetry were to contrast life before the prohibition with life after the prohibition of intoxicants, then the present author would suggest that only the negative aspects of consuming wine would be highlighted. Therefore, the presence of verses which highlight wine's positive aspects is testimony to its authenticity.³¹⁰

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

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

³⁰⁹ Bateson, *Structural Continuity in Poetry*, 24; see above, n. 301.

³¹⁰ This does not prove beyond all doubt the authenticity of pre-Islamic poetry, and the debate will undoubtedly continue.

³¹¹ Khaldūn/Rosenthal, vol. 3, 374.

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

Difficulties of Translation

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

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

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

At earliest dawn on the morrow the birds were chirping

³¹² Al-Jumahī (d. 845), tr. Arberry, 14; Nicholson, 68.

³¹³ Ibn Rashīq (d. 1064), tr. Arberry, 14.

³¹⁴ Arberry, 14-5; Hitti, 94-5; B. Lewis, *The Arabs in History*, 146; Nicholson, 30-1.

³¹⁵ Ibn Rashīq, tr. Arberry, 14.

³¹⁶ B. Lewis, 142. J. S. Trimingham adopts the dissenting view that “Because of its fixed themes and illustrative poverty, poetry does not in fact convey a comprehensive insight into the Arab soul” (246).

³¹⁷ *Structural Continuity in Poetry*, 36.

³¹⁸ Tr. W. Jones, in Arberry, 53.

blithe,
as though they had drunken draughts of riot in fiery wine.³¹⁹

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

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

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

Wine in Bedouin Poetry

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

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

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

The poet Ta’abbaṭa Sharrā, writing perhaps in the late sixth century,³²⁶ has left evidence that the one of the few reasons for abstaining from wine was as an incentive to

³¹⁹ In Arberry, 56.

³²⁰ Ibid., 57.

³²¹ Von Grunebaum, 18.

³²² Tr. Lyall, 64.

³²³ Lyall, 62.

³²⁴ In Arberry, 34.

³²⁵ Ibid., 36.

³²⁶ Nicholson, *Translations of Eastern Poetry and Prose*, 15.

complete one's sworn vengeance. In the following poem, Ta'abbaṭa "tells how he avenged his uncle slain by the tribesman of Hudhail," and how he could once again drink wine:

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

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

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

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

Chronic Addiction to Wine

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

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

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

³²⁷ Ibid., 15 and 17.

³²⁸ Tr. W. Jones, in Arberry, 79.

³²⁹ Tr. Arberry, 86.

brought on by the over consumption of wine.

In this he was not alone. Ṭarafah described the plight of his cousin, ʿAbd ʿAmr:

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

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

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

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

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

Taverns

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

³³⁰ Ibid., 72.

³³¹ Bateson, 51.

³³² Ibid.

³³³ Tr. Arberry, 181.

³³⁴ See text above, p. 36.

drank. Labīd, considered to be a Bedouin poet on the same plane as ʿAntarah,³³⁵ writing in the late sixth century, boasted,

how many a taverner's hoisted flag
I have visited,
when the wine it proclaimed was precious dear,³³⁶

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

give us our dawn-draught
and do not spare the wine of El-Andarina,
...that swing the hotly desirous from his passion
when he has tasted them to gentle mellowness.³³⁷

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

Women

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

into allowing her to choose between remaining with him or joining her clan ... he did not expect her to prefer anyone to him, but, to his chagrin, she declared next morning ... [that] she could not prefer him to her clan, because she hated the women of his tribe who never ceased to call her the bond-woman of ʿUrwah [her husband].³³⁸

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

³³⁵ Bateson, 51.

³³⁶ Tr. Arberry, 146.

³³⁷ Ibid., 204.

³³⁸ *CHAL*, vol. 1, 65.

a servant of her brother, Jadhīmah, leader of their tribe. She knew that her brother would not marry her to ʿAdī, and so instructed ʿAdī :

When he [Jadhīmah] sits over his wine, and his drinking companions arrive, give him pure wine to drink, but offer the company diluted wine; then when he is overcome with wine, talk to him about marrying me; he will not refuse you nor decline, and if he marries you to me, make the company witnesses.³³⁹

And so it came to pass, the brother only coming to realise what had transpired on the following morning. He discovered ʿAdī “red-stained from the woman’s perfume” and asked ʿAdī what those traces meant. ʿAdī told him it was “From the wedding ... with Raqāsh,” whereupon Jadhīmah knew he had been tricked and could do nothing except welcome ʿAdī into the family.³⁴⁰

The Muʿallaqāt

The poets just discussed were drawn from a collection called the *Muʿallaqāt*, or *Seven Odes*. “Legend has it that each of these odes was awarded the annual prize at the fair of ʿUkāz ... a sort of literary congress”³⁴¹ where a poet made a name for himself or heard those who already had. The annual fair was held during the sacred pagan months when fighting was taboo.³⁴² For thirty days all sorts of goods and wares were available for trade, including wine, much of it brought from Syria.³⁴³ ʿUkāz was probably a good place to find both wine from the grape and wine from the date,³⁴⁴ as most Bedouin poets would may not have been able to afford the more expensive grape-wine.

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

³³⁹ Ṭabarī, tr. M. Pearlman, vol. 4, 134.

³⁴⁰ Ibid., 135.

³⁴¹ Hitti, 93.

³⁴² Ibid., 94.

³⁴³ CHAL, vol. 1, 100.

³⁴⁴ Hitti, 94.

Some Concluding Remarks

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

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

The pre-Islamic Bedouin poet has left evidence that, in the main, the nomadic population of Arabia was not opposed to the consumption of wine. The poet al-^cAshā of Bakr, a contemporary of Muḥammad, not only wrote of the availability and value of wine, but had a wine-press of his own in al-Yaman.³⁴⁵ *Chapter 2: The End of Ignorance - The Prophet Muḥammad* will examine the prohibition of wine in an area where wine was abundant and desired.

³⁴⁵ Lyall, 63.

Chapter 2: *The End of Ignorance—The Prophet Muḥammad*³⁴⁶

Many a time I hastened early to the tavern...
Pass among them wine that gushes from the jar's mouth
bittersweet,
Emptying goblet after goblet - but the source may no man drain -
Never cease they from carousing save to cry, 'Fill up again!'
...
Here and there among the party damsels fair superbly glide:
Each her long white skirt lets trail and swings a wine-skin at her
side.³⁴⁷

The poet al-Aʿshā of Bakr was a contemporary of the Prophet Muḥammad.³⁴⁸ His quotation, which begins this chapter, summarises the conclusion reached in the previous chapter: namely, that wine was widely available in the land in which Muḥammad was born. In the verses above, al-Aʿshā was specifically referring to the wines of the Yemen,³⁴⁹ demonstrating that southern Arabia was clearly a place where wine could be consumed openly.

It seems doubtful that Mecca, Muḥammad's birthplace and residence for roughly for the first fifty years of his life,³⁵⁰ was an exception to the trend of the availability of wine. Evidence of this is suggested by the allegation that members of Muḥammad's own tribe drank wine, such as Abū Sufyān³⁵¹, as well as one of those who would become one of

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

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

³⁴⁸ Nicholson, 123-4.

³⁴⁹ Ibid., 124.

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

³⁵¹ See below, p 56.

Muḥammad's closest companions, ʿUmar b. al-Khaṭṭāb³⁵², both of whom lived in Mecca. In the Prophet's adopted city of Yathrib, later to be known as Madīnat al-Nabī, or the city of the Prophet³⁵³ (henceforth referred to as Medina), wine was readily available for consumption.³⁵⁴ It was within this atmosphere of acceptance of wine consumption in Arabia, and specifically in the city of Medina, that Muḥammad announced the revelations condemning and prohibiting the consumption of wine.

Mecca

Mecca was, and to a large degree remains, an inhospitable land. "The grudging volcanic dust which passed for soil in Mecca would have discouraged even the most dedicated peasant cultivators."³⁵⁵ "The landscape surrounding the city is of a striking aridity, ... it is nature reduced to its bare foundations...."³⁵⁶ Clearly, the soil of Mecca was inappropriate to the cultivation of the vine, as well as most other plants, and this would have impeded the Meccans' ability to produce their own wine. Yet wine was obtainable in the city. ʿUmar b. al-Khaṭṭāb, living in Mecca, is said to have reported that before he accepted Islam, he purchased and consumed wine often.³⁵⁷

In describing how he came to Islam, ʿUmar relates that one night he went to the home of his boon-companion, but discovered that he was not at home.³⁵⁸ He then went in search of someone he knew was selling wine in Mecca, but could not find him either. He then decided to circumambulate the Kaʿbah while awaiting the return of either his friend or the wine-seller. While there, he came across the Prophet praying, and listened to his words. "When I heard the Qurʾān my heart was softened and I wept, and Islam entered into me; ...".³⁵⁹ Ibn Ishāq adds at the end of ʿUmar's story that "God knows best what the truth

³⁵² See below.

³⁵³ Peters, 180.

³⁵⁴ See below, s.v., *Medina*.

³⁵⁵ Donner, "Mecca's Food Supplies," 251.

³⁵⁶ *CEI*, 264.

³⁵⁷ Ibn Ishāq, 157.

³⁵⁸ *Ibid.* The remainder of the story is paraphrased from Guillaume's translation on 157 unless otherwise noted.

³⁵⁹ *Ibid.*, 158.

was.”³⁶⁰ Ibn Ishāq inserts this phrase because reports from other sources indicate that ‘Umar came to Islam in a different manner.

‘Umar is described as being an arch opponent of Islam at first, so much so that it is said he was going to kill Muḥammad himself.³⁶¹ On his way to where he knew Muḥammad was staying, he was intercepted by a man of his tribe, Nu‘aym b. ‘Abdallāh al-Naḥḥām. Nu‘aym informed ‘Umar that before he went off on such a foolhardy errand - for Muḥammad was surrounded by at least forty of his Companions - he would want to get his own house in order, i.e., that members of his own family had accepted Islam. ‘Umar returned to his home and found his sister, Fāṭima, and brother-in-law, Khabbāb, reading a leaf of the Qur’ān. ‘Umar seized Khabbāb violently. Fāṭima attempted to defend her husband. ‘Umar struck her and she began to bleed. At this ‘Umar is said to have reconsidered his position and asked to read the leaf of the Qur’ān. Upon reading it, ‘Umar decided that he would also join Islam.³⁶²

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

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

³⁶⁰ Ibid.

³⁶¹ Ibid., 156. The remainder of the story is paraphrased from Guillaume’s translation on 156 unless otherwise noted.

³⁶² Ibid., 157.



from al-Ṭā'if and the caravan trade to and from Syria.

Al-Ṭā'if

Food from al-Ṭā'if, seventy-five miles south-east of Mecca³⁶³, would have been essential to the survival and growth of the population at Mecca. Al-Ṭā'if provided Mecca with "various fruits (dates, olives, bananas, figs, peaches, grapes, and raisins)" as well as honey and tar.³⁶⁴ Wine of al-Ṭā'if³⁶⁵ found its way "mainly to buyers such as Abū Sufyān for import into Mecca and elsewhere."³⁶⁶ Ṭā'ifī wine was especially profitable, for very little sold for quite a lot. "Ibn Bujrah, a wine merchant of al-Ṭā'if, measured out so precious a commodity in" such a small container that the poet Abū Dhu'ayb remarked:

Were (all) the wine of Ibn Bujrah's store with her,
she would not wet my palate with a *nāṭil* [small container].³⁶⁷

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

Trade

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

³⁶³ *ET*¹, s.v., "Ṭā'if".

³⁶⁴ Simon, *Meccan Trade and Islam*, 94; Wolf, "Social Organisation of Mecca", 332; Hitti, *History of the Arabs*, 102-3.

³⁶⁵ Called *zabīb* (*ET*¹, s.v., "Ṭā'if"), this was a type of wine produced from dried grapes, i.e., raisins (Wehr, 372). Hitti writes that the wine produced at al-Ṭā'if was *nabīdh al-zabīb* (19). However, as the present author will show, *nabīdh* was not usually produced from grapes, but from dates (see below, the section entitled, *Types of Wine*). P. Heine concurs that *nabīdh* was not produced from grapes, but was produced from dates or a mixture of other substances (*ET*², s.v., "Nabīdh".)

³⁶⁶ Donner, 253.

³⁶⁷ *CHAL*, 100.

³⁶⁸ Hitti, *History of the Arabs*, map on p. 63.

³⁶⁹ Grunebaum, "The Nature of Arab Unity before Islam," 17.

³⁷⁰ Crone, *Meccan Trade and the Rise of Islam*, 105.

and wine to Arabia.”³⁷¹ But the Meccans “do not seem to have played much of a role in the distribution of wine in the peninsula itself.”³⁷² It is plausible that much of the wine brought into Mecca, either from al-Ṭā’if or Syria, was therefore meant for the home market.

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

The Quraysh

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

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

³⁷¹ Lapidus, *A History of Islamic Societies*, 17.

³⁷² Crone, 105.

³⁷³ Watt, *Muhammad’s Mecca: History in the Qur’ān*, 41.

³⁷⁴ *Ibid.*, 43.

³⁷⁵ The vagueness of de Gaury’s statement is clarified by Trimingham: “Mecca has no recorded history until it gave birth to the Prophet. ... It was of no importance, a mere staging-point and local cult-centre ... until its occupation by clans of Quraysh about the year AD 500.” (*Christianity Among the Arabs in Pre-Islamic Times*, 258)

³⁷⁶ De Gaury, *Rulers of Mecca*, 27.

Qussay, leader of the Quraysh in the mid to late fifth century, is believed to have taken the remarkable step of building his clan's houses in the sacred area. According to legend, Qussay personally cut down the first tree and laid the first stone of the new settlement c. 480.³⁷⁷ Once the presence of the Quraysh had been established, "he gathered into his own hands the various offices about the sanctuary," including providing amenities for the pilgrims to the Ka'bah.³⁷⁸

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

Prior to the sixth century, warfare between rival tribes was the ultimate, decisive means which determined which tribe controlled which trade route.³⁷⁹ This method had predictable detrimental effects on trade and its profits. The Quraysh developed a system of incorporating rival tribes into their trade through *ilaf* agreements. "The *ilaf* agreements were set up on a base of share in profit for the heads of the tribes and apparently employment of the men of the tribes as escort of the caravans."³⁸⁰ One such agreement was struck with the Christian tribe of Tamīm (probably Nestorian), giving them control of the market at 'Ukāz.³⁸¹ The wealth was thereby partially disseminated throughout Mecca and its environs. Although "[money] in this society had not yet reached the stage of the universal commodity...", coins beings used "...by weighing rather than by counting them..., commodities like food, milk, and wine were sold."³⁸²

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

³⁷⁷ De Gaury, 38.

³⁷⁸ Ibid.

³⁷⁹ Kister, "Meccan and Tamīm", 120.

³⁸⁰ Ibid.

³⁸¹ Ibid., 146. For more on 'Ukāz, see Chapter 1, the section entitled, *A Brief Survey of Pre-Islamic Poetry, the Mu'allaqāt*.

³⁸² Wolf, "Social Organisation of Mecca," 334.

wine - as a form of religious asceticism - is said to have been practised by several of the pagan Kuraish.³⁸³ However, this may be legend turned to fact by Arab authors following the revelation of the prohibition on wine. The Quraysh's abstention from wine could be viewed as having anticipated the revelation. This might then suggest that Muḥammad's birth among the Quraysh was deliberate; individuals from the tribe of Quraysh would therefore have had a superior claim to lead the community following Muḥammad's death. Even so, there is probably a degree of truth in the claim. It may very well be that as an inclusive group, the Quraysh did not consume the wine their own trade brought in. However, individual members of the tribe are said to have consumed wine. Ibn Ishāq reports that the tribe's leading merchant and banker,³⁸⁴ Abū Sufyān, drank wine.

Medina

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

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

³⁸³ Margoliouth, Mohammed and *The Rise of Islam*, 43.

³⁸⁴ De Gaury, 45.

³⁸⁵ See above, n. 350.

³⁸⁶ Watt, Muḥammad: *Prophet and Statesman*, 119.

³⁸⁷ Rodinson, 164.

³⁸⁸ Watt, Muḥammad: *Prophet and Statesman*, 119.

³⁸⁹ *Ibid.*, 121

³⁹⁰ Rodinson, 121.

caravan was safely in Mecca, but instead they met in battle at the wells of Badr.³⁹¹ Although the fighting went badly for the Muslims at first, Muḥammad rallied his men and inflicted heavy casualties on the Quraysh.³⁹² “The Muslims were in the end victorious, with a great effect on their own and the Quraysh’s morale for the rest of the struggle between them.”³⁹³

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

³⁹¹ Watt, *Muḥammad: Prophet and Statesman*, 120-2. Watt suggests some plausible explanations, but relies, the present author believes, too greatly on inter-personal conflict, which, as Watt himself points out, “... is difficult to know ...”. (Ibid., 121). The reason for their meeting at the site of the wells of Badr is fairly clear. This is where Muḥammad and his force were awaiting the caravan (Rodinson, 166).

³⁹² Watt, *Muḥammad: Prophet and Statesman*, 122; Rodinson, 166-7.

³⁹³ Peters, 213. Cf. Watt, *Muḥammad: Prophet and Statesman*, 124-6.

³⁹⁴ Ibn Ishāq, 361; Ṭabarī, tr. M. V. McDonald, vol. VII, 89-90, whose narrative follows that of Ibn Ishāq.

³⁹⁵ Guillaume notes that this was a “euphemism for abstaining from sexual intercourse” (n. 1, p. 361).

³⁹⁶ Aghānī, vol. 6, 357.

³⁹⁷ Ibn Ishāq, 361. The remainder of the story is cited from Guillaume’s translation on 361 unless otherwise noted.

³⁹⁸ Ṭabarī does not record this information (tr. M. V. McDonald, vol. VII, 90).

³⁹⁹ Watt, *Muḥammad: Prophet and Statesman*, 88.

⁴⁰⁰ Ibid.

⁴⁰¹ Ibid.

It may be argued that the events of this story are designed to demonstrate that the Banū al-Naḍīr were early on enemies of Muḥammad. It was a year later that Muḥammad forced the Banū al-Naḍīr from Medina on the basis that “he had received a warning from God” that the Banū al-Naḍīr were planning to assassinate him.⁴⁰² However, a planned assassination of Muḥammad itself would have been sufficient cause to expel the Banū al-Naḍīr, and there would have been no need to demonstrate, retroactively, that the Banū al-Naḍīr were enemies of Muḥammad. Proving the enmity of the Banū al-Naḍīr does not, therefore, seem the likely intent of the story.

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

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

⁴⁰² Ibid., 149-51. See also below, *The Prophet and the Qur’ān, The Jews and Sūrah 4:43*.

⁴⁰³ Watt writes that Abū Sufyān’s force was too small to inflict major losses on Muḥammad and was strictly a punitive raiding force (*Muḥammad: Prophet and Statesman*, 133). Abū Sufyān, however, had already demonstrated that he was an able and clever leader (see text above). If Abū Sufyān had had significant inside information from the Banū al-Naḍīr about Muḥammad and the environs of Medina, it seems reasonable to speculate that he may have been able to engineer a raid which could have inflicted appreciable loss to Muḥammad.

⁴⁰⁴ See Chapter 1, the section entitled, *Bedouin in Arabia: Wine in Bedouin Poetry*.

Sufyān and one who wished to convert to Islam, Ibn Baṣīr.⁴⁰⁵ Abū Sufyān informed him that adultery, gambling, usury, and wine (*khamr*) were forbidden.⁴⁰⁶ Ibn Baṣīr responded that he was returning to Ṣubābah and planned to continue drinking wine.

The controversy regarding whether or not Abū Sufyān broke his vow does not affect the main events of the story as recorded in Ibn Ishāq. And in either case, it is highly likely that this leading member of the Quraysh probably consumed wine, and that he received that wine from the Jews in Medina. That the Jews possessed wine is not at all unusual as wine was, for many Jews, an essential element in their rituals and festivities.⁴⁰⁷

Judaism and Wine

The Jewish connection with wine goes back at least as early as the Israelites' oppressive stay in Egypt, in the middle of the second millennium BCE.⁴⁰⁸ Later, in the Biblical Epoch (1200-455 BCE):

The wine and the grape are cited hundreds of times in practically every Book of the Bible. For the vine was exceedingly widespread and valuable in ancient Israel and occupied a place of distinction in its economy. Wine was a popular beverage, drunk on week days as freely as during feasts...it was drunk when water was lacking...Place-names linked with the vine and with wine abound...⁴⁰⁹

⁴⁰⁵ Aghānī, vol. 9, 125-6.

⁴⁰⁶ Ibid., 126. The remainder of the story is cited from vol. 9, 126.

⁴⁰⁷ Watt writes that though "... the Jews of Medina probably had no extensive knowledge of the Jewish religion and scriptures, they were sufficient to realise that the claims of Muḥammad were incompatible with Judaism." (Muḥammad: Prophet and Statesman, 98). He then goes on to state that Muḥammad, after his move to Medina, "tried to model Islam more on Judaism" by the "adoption of Jewish practices ..." in an attempt to "make the Jews ... friendlier to Muḥammad..." but that the Jews "became increasingly hostile, and used their knowledge of the Old Testament to criticise Muḥammad's claim that the Qur'ān was the speech of God" (Ibid., 99). Such an inherent contradiction - that at once the Jews had no extensive knowledge of the Jewish scriptures and yet were able to argue with Muḥammad the complex point of God's speech based on their knowledge of the Old Testament - is unexplained in his text. The present author will demonstrate below that the Jews of Medina certainly did have knowledge of Jewish customs and rituals, and that this would have included the use of wine.

⁴⁰⁸ Goor, "The History of the Grape-Vine in the Holy Land," 47. In Eretz-Israel, archaeology uncovered cultivated grapes dated to the third millennium BCE (Borowski, Agriculture in Iron Age Israel, 102). Unfortunately, there is no direct evidence that these grapes were pressed into wine.

⁴⁰⁹ Ibid., 48.

In the earlier centuries of the Common Era, the Mishna, the Jerusalem Talmud, and Babylonian Talmud all cite the importance of the vine and wine to the Israelites and the Jewish community.⁴¹⁰

In addition to occupying a distinct place in the Jewish economy and daily life, wine has been, and continues to be to this day, an important facet of Jewish rituals and religious festivals. Each Friday night, Jews perform a ritual to usher in the Sabbath⁴¹¹ which includes drinking wine and thanking God for creating “the fruit of the vine.” During Passover, the annual celebration of the Jews’ exodus from Egypt, God is again thanked for creating “the fruit of the vine,” and all participants at the festival drink four cups of wine.⁴¹² Wine is prescribed in the Talmud for other occasions: two cups of wine are consumed at weddings, while just one cup of wine is drunk at circumcisions.⁴¹³

There is direct evidence that the Jews of the Ḥijāz consumed wine. Newby writes that “We get hints of Jewish religious practices most clearly in those texts that mention them as background for the subject at hand. One clear example is the Arabian Jewish observance of Passover.”⁴¹⁴ Citing al-Wāqidī, Newby describes a raid on Khaybar⁴¹⁵ to assassinate a prominent Jewish leader, Abū Rāfi‘.⁴¹⁶ The leader of the raid, ‘Abdallāh b. ‘Atīk, was informed that he could enter the city on a certain night because the people of Khaybar would be drunk from wine [*fī khamar*⁴¹⁷]⁴¹⁸ and the “Jews do not lock their doors fearing

⁴¹⁰ Ibid., 53-4.

⁴¹¹ According to the Hebrew Testament, the day God rested and requires all men and their servants and animals to rest (Exodus 20:8-11) (*Pentateuch & Haftorahs*, ed. Hertz).

⁴¹² Cf. Trepp, *The Complete Book of Jewish Observance*, 180-90; Strassfeld, *The Jewish Holidays*, 17-25.

⁴¹³ *Encyclopaedia Judaica*, vol. 16, 539.

⁴¹⁴ *A History of the Jews of Arabia*, 70.

⁴¹⁵ A city roughly ninety miles north of Medina (*ET*, s.v., “Khaybar”).

⁴¹⁶ Newby, 70; Wāqidī, 391. Ṭabarī wrote that the “reason for his being killed was, it is said, that he used to take the part of Ka‘b b. al-Ashraf against the Messenger of God” (tr. M. V. McDonald, vol. VII, 99-100). Ka‘b b. al-Ashraf was a Jewish poet who, following the Meccan’s defeat at Badr (see below, p. 78), went to Mecca and “in his poems encouraged the expression of grief in order subsequently to stir up the desire for revenge” (Watt, *Muḥammad: Prophet and Statesman*, 133; also in the *Translator’s Foreword* to Ṭabarī, vol. VII, p. xxix). Cf. Ibn Ishāq, 482-3.

⁴¹⁷ Wāqidī, 392.

⁴¹⁸ Newby, 70.

lest a guest will knock at it and one of them will wake up in the morning in the guest chamber and not have offered hospitality. So he (the guest) will find the door open, and he can enter and sup."⁴¹⁹ The assassins gained entry to Abū Rafīʿs house and succeeded in their task.⁴²⁰

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

Nazarites

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

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

⁴¹⁹ Ibid.

⁴²⁰ Wāqidī, 392. Cf. Ṭabarī, tr. M. V. McDonald, vol. 7, 99-105; Ibn Ishāq, 482-3.

⁴²¹ Ibid. See also n. 412.

⁴²² *The Encyclopedia of Judaism*, 520.

⁴²³ Numbers 5:2-3.

⁴²⁴ *The Encyclopedia of Judaism*, 520.

⁴²⁵ *Encyclopaedia Judaica*, vol. 12, 909.

⁴²⁶ Goldberg and Rayner, *The Jewish People*, 79.

⁴²⁷ *Encyclopaedia Judaica*, vol. 12, 909.

This seems to have evolved into a movement which associated itself with a Messianic expectation that was generally considered subversive by the main body of Jews.⁴²⁸ This new development served to harden attitudes of leading Rabbis against the Nazarite movement.⁴²⁹ This may be why the Nazarite vow, with few exceptions, disappeared within a few centuries of the Second Temple period.⁴³⁰

Jews in Medina

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

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

⁴²⁸ Morony, *Iraq after the Muslim Conquest*, 326.

⁴²⁹ *The New Standard Jewish Encyclopedia*, 697.

⁴³⁰ *Ibid.*; *Encyclopaedia Judaica*, vol. 12, 909.

⁴³¹ Gil, "The Origin of the Jews of Yathrib", 206.

⁴³² *Ibid.*

⁴³³ *Encyclopaedia Judaica*, vol 11, 1211.

⁴³⁴ "Judaean-Arabic Relations in Pre-Islamic Times," 177.

⁴³⁵ *A History The Jews of Arabia*, 28-30.

⁴³⁶ *A Social and Religious History of the Jews*, 64.

⁴³⁷ Trimingham, 249.

the entire fertile countryside.”⁴³⁸ The Jews of fourth and fifth century Medina were well educated in the use of the land, as their “ancestors had brought the agricultural experience acquired in Palestine to the oasis of the Ḥijāz.”⁴³⁹ So entrenched were the Jews in Medina, that when the Arab tribes of Aws and Khazraj arrived in Medina in the fifth century, the Jews collected taxes from these tribes.⁴⁴⁰ This continued until the Jews lost power to these tribes, backed by the Lakhmids, in a series of battles in the sixth century.⁴⁴¹ Despite losing power, the Jews continued to live in peace and great prosperity until their expulsion from the city in the seventh century.⁴⁴²

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

Arab Converts (to Judaism)

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

⁴³⁸ Baron, 64.

⁴³⁹ Horovitz, 184.

⁴⁴⁰ Kister, “Al-Ḥīra”, 146

⁴⁴¹ Ibid.

⁴⁴² Lings, *Muhammad: his life based on the earliest sources*, 7.

⁴⁴³ *Encyclopaedia Judaica*, vol. 10, 942.

⁴⁴⁴ Brown, 182 & 189.

⁴⁴⁵ *The Jews of Arabia*, 53.

Augustine to detail the conversion process, so we shall never know the individual psychological dynamics ...".⁴⁴⁶ Consequently, on an individual basis, it may remain unknown indefinitely to what extent an individual's conversion was "sincere" in the sense that they followed Jewish laws and practices. In broad terms, a conversion of some Arabs did take place and this would have entailed many individuals of the tribe or group adhering to the new customs of the new religion.⁴⁴⁷

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

Christianity in Medina

The origins of the Christians in Medina are traceable to Nestorian missionary activity of the late fifth and early sixth centuries,⁴⁴⁸ and in Mecca to the influence of the Banū Ghassān in the sixth century.⁴⁴⁹ By the beginning of the seventh century, there were Christian tribes throughout Arabia. The most powerful of these Christian tribes in the north was the Banū Taghlib.⁴⁵⁰ Their territory was defined as lying roughly in the region of north-eastern Arabia, falling at times within both the Byzantine and Sasanian sphere of influence.⁴⁵¹ Perhaps for this reason they adopted Monophysitism, for in doing so they could keep a distance between each of the larger powers.⁴⁵² In the south, the ruling tribe of

⁴⁴⁶ Ibid., 54.

⁴⁴⁷ Ibid.

⁴⁴⁸ Atiya, 258-9.

⁴⁴⁹ Trimingham, 260.

⁴⁵⁰ Arberry, *The Seven Odes: The first chapter in Arabic Literature*, 192-3.

⁴⁵¹ Trimingham, 174.

⁴⁵² Ibid., 174-5.

Kinda professed Christianity according to original inscriptions dated to the early seventh century.⁴⁵³ Their territory extended over the Yemen.⁴⁵⁴ Little is known of what type of Christianity they professed, though it seems likely that they would have utilised wine in their services.

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

Types of Wine

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

⁴⁵³ Ibid., 276-7. Cf. *Et*, s.v., "Kinda".

⁴⁵⁴ Ibid.

⁴⁵⁵ Sūrah 5:85. Cf. Sūrah 2:88,91.

⁴⁵⁶ Sūrah 5:85 and 5:86-8.

⁴⁵⁷ Bukhārī/Khan, vol. 6, 111-2.

⁴⁵⁸ *CEI*, 266.

⁴⁵⁹ Muslim/Ṣiddīqī, vol. 3, 1096-8; Muslim, vol. 13, 146-51.

⁴⁶⁰ Lane, 2441.

mixture of grapes and fresh dates.⁴⁶¹ Once more, after fermenting for three days, the liquor was ready for market.⁴⁶²

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

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

⁴⁶¹ Muslim/Ṣiddīqī, vol. 3, 1101-3; Muslim, vol. 13, 154-8.

⁴⁶² Ibid., vol. 3, 1109-11; Muslim, vol. 13, 173-6.

⁴⁶³ Ibid., vol. 4, 1109.

⁴⁶⁴ Bukhārī/Khan, vol. 6, 112.

⁴⁶⁵ Abū Dāwūd, in *Selections from Muḥammadan Traditions*, 190.

⁴⁶⁶ Lane, 2224.

⁴⁶⁷ Rosenthal, *The Herb: Hashish versus Medieval Muslim Society*, 24.

⁴⁶⁸ D. 724/1324 (Ibid.).

⁴⁶⁹ Vol. 2, p. 778, n. 2. Robson does not identify the source of this information.

⁴⁷⁰ Ibn Ishāq, 146-150; Watt, *Muḥammad: Prophet and Statesman*, 65-6.

⁴⁷¹ Ibn Ishāq, 167-9.

⁴⁷² Rodinson, 114; Watt, 69.

Finally, wine made from the grape was also available, but it was more expensive than date-wine. One reason for this might be that some of it was imported into Medina in the same manner it was imported into Mecca. Another reason might be that the Jews and the Christians used it for their festivals and ceremonies, and so its importance and price were artificially inflated. "The sale of wine in Medina was dominated by Jews and Christians ... the Jews of Medina are supposed to have engaged in caravan trade with Syria on a large scale."⁴⁷³ Or it may be that grape-wine tasted better and left fewer after effects.⁴⁷⁴ Whatever the case, grape-wine, called in Arabic *khamr*,⁴⁷⁵ was available in the city, as evidenced by the Qur'ānic ban on that very substance.

There are a variety of reasons which can be identified for instituting a prohibition of wine. One of those is the potential for an individual becoming chronically addicted to wine. The resulting psychological and sociological affects of this addiction will come into full light in Chapter 4,⁴⁷⁶ though this chapter will show below that alcohol induced violence could also pose significant threats to society. Such concerns are clearly reflected in each of the revelations which refers to wine or intoxication.⁴⁷⁷

The present author would also argue that there was an identifiable reason for Islam specifically to have found it advantageous to prohibit wine. In the context of Medina and the opposition of the Jews, banning the consumption of wine would most likely have disturbed the economic livelihood of the Jews. More importantly, however, wine is used across the entire spectrum of Jewish rituals and customs; labelling wine as "the work of Satan"⁴⁷⁸ would clearly discredit the Jews for continuing to use wine on such a seemingly grand scale. As will be demonstrated below, each of the revelations appear to have coincided with steps taken against the three leading clans of Jews in Medina, leading to their expulsion in the first two instances and their execution in the last.

⁴⁷³ Crone, 140.

⁴⁷⁴ See Chapter 1, the section entitled, *Bedouin in Arabia, Date-palm wine*.

⁴⁷⁵ See below, p. 89.

⁴⁷⁶ See Chapter 4, s.v., *Al-Walīd b. Yazīd b. 'Abd al-Malik*.

⁴⁷⁷ See below, p. 68.

⁴⁷⁸ See below, p. 68.

The Prophet and the Qur'ān

William Montgomery Watt, writing in 1988, stated:

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

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

Arrangement of the Sūrahs

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

⁴⁷⁹ Muḥammad's Mecca: *History in the Qur'ān*, 1. Cf. Rodinson, 218-9, for his own summation of his beliefs concerning the revelations of Muḥammad.

⁴⁸⁰ Merrill, "Dr. Bell's Critical Analysis of the Qur'ān," 18-9.

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

The work of these authors, along with others such as Burton and Jeffery⁴⁸¹, helps to cement the overall chronological form of the Qur'ān. At the present stage of research, it seems that the three revelations that directly deal with prohibiting the consumption of wine were revealed in the following order:

- First: They question thee about strong drink and games of chance. Say: In both is great sin, and (some) utility for men; but the sin of them is greater than their usefulness. (Sūrah 2:219)⁴⁸²
- Second: O ye who believe! Draw not near unto prayer when ye are drunken, till ye know that which ye utter, nor when ye are polluted...till ye have bathed. (Sūrah 4:43)
- Third: O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed. (Sūrah 5:90)

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

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

⁴⁸¹ See the *Bibliography*.

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

companions and drank much wine [*khamr*].⁴⁸³ He describes the effect of wine in the following verses:

When we drink it, it leaves us kings
And lions.
Battle action does not repel us.⁴⁸⁴

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

His piece on the battle of Badr⁴⁸⁵, roughly two years⁴⁸⁶ after the *Hijrah*⁴⁸⁷, incorporates wine, though with yet another meaning:

A maiden obsesses the mind in sleep
Giving the sleeper a drink with cool lips
Like musk mingled with pure water
Or old wine red as the blood of sacrifices.⁴⁸⁸

Wine in this context is represented in a positive light, as having a noble quality. Wine is compared to the "blood of sacrifices." This is probably meant as a reference to the few Muslims who had died at Badr.⁴⁸⁹

Similarly, Ka'b b. Mālik applied imagery of some of the effects of intoxication to describe the actions of Muslim warriors at the battle of Uḥud (about a year later), before events of the day had turned against the Muslims⁴⁹⁰:

You would think the heroes engaged in it
Were happily drunk and inebriated,
Their right hands exchanging the cups of death
With their sharp-edged swords.⁴⁹¹

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

⁴⁸³ Aghānī, vol. 4, 167-8.

⁴⁸⁴ Rosenthal, *The Herb: Hashish versus Medieval Muslim Society*, 109.

⁴⁸⁵ See text below, p. 78.

⁴⁸⁶ Ibn Ishāq, 291-301. Cf. Watt, *Muḥammad: Prophet and Statesman*, 119-26; Rodinson, 164-70; Peters, 213-18.

⁴⁸⁷ See above, n. 350.

⁴⁸⁸ Ibn Ishāq, 345.

⁴⁸⁹ See above, n 486.

⁴⁹⁰ For the events of the battle of Uḥud, see Ibn Ishāq, 370-91. Cf. Watt, *Muḥammad: Prophet and Stateman*, 135-48; Rodinson, 177-183; Peters, 218.

⁴⁹¹ Ibn Ishāq, 421.

Bukhāri supplies evidence that some members of the Muslim forces were drinking wine before the battle.

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

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

By the time of the Conquest of Mecca in the year 9/630⁴⁹³, the poets' attitude toward wine had changed dramatically. Wine was no longer to be held nobly and associated with the glories of Muslim victories, but instead equated with the unbeliever:

Tell about ʿĀd and its peoples⁴⁹⁴:
Of Thamūd and the survivors of Iram⁴⁹⁵,
Of Yathrib where they had built forts among the palms
And cattle were housed there,
Watering camels which the Jews trained ...
They had what they wanted of wine and pleasure,
An easy life free of care.⁴⁹⁶

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

⁴⁹² Bukhāri/Khan, vol. 6, 112.

⁴⁹³ Watt, *Muḥammad: Prophet and Statesman*, 176-88; Rodinson, 249-261; Peters, 235-7.

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

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

⁴⁹⁶ Ibn Ishāq, 626.

the Prophet had left Medina to capture Mecca, "The confederate tribe of Hawāzin ... began mobilizing its forces ... The confederates apparently hoped to attack the Muslim force" before they had an opportunity to consolidate their position in Mecca.⁴⁹⁷ One of the confederate tribes was the Banū Malik, commanded by Dhu al-Khimār Subay^c b. al-Ḥārith b. Malik and his brother Aḥmar.⁴⁹⁸ The Aghānī reported Subay^c b. al-Ḥārith's occupation as that of a wine merchant.⁴⁹⁹ The Aghānī does not indicate the occupation of the other leaders of the confederation, but appears to have singled out Subay^c b. al-Ḥārith. The note of his wine drinking may be a method of indicating that Subay^c b. al-Ḥārith was among those considered the greatest in opposition to Muḥammad. This hypothesis appears to be supported by the poetry of al-Sulamī which condemns Subay^c b. Ḥārith.⁵⁰⁰

About two weeks after Muḥammad had captured Mecca, he ordered his forces to march against the Hawāzin.⁵⁰¹ They met at a valley called Ḥunayn.⁵⁰² The accounts of the battle are confused and conflicting.⁵⁰³ What is known is that although the battle originally began in favour of the Hawāzin, the Muslim army was victorious.⁵⁰⁴ The poet ʿAbbās b. Mirdās al-Sulamī composed a poem concerning the day. He singled out only two individuals of the opposition for condemnation. One was Qārib al-Aswad b. Masʿūd b. Muʿattib, who fled the battle field.⁵⁰⁵ The other was Subay^c b. al-Ḥārith:

[Subay^c b. al-Ḥārith] was not the chief of a people
 Who possessed intelligence to blame or disapprove.
 He led them on the road to death
 As everyone could see. ...⁵⁰⁶

⁴⁹⁷ *EF*, s.v., "Ḥunayn".

⁴⁹⁸ Ibn Ishāq, 566.

⁴⁹⁹ Aghānī, vol. 10, 30.

⁵⁰⁰ See text below.

⁵⁰¹ *EF*, s.v., "Ḥunayn".

⁵⁰² Ibid.

⁵⁰³ Ibid.; Watt, *Prophet and Statesman*, 196-7. For some various accounts of the battle, cf. Ibn Ishāq, 567-70; Rodinson, 263-4; Peters, 238-9.

⁵⁰⁴ Ibid.

⁵⁰⁵ Ibn Ishāq, 572.

⁵⁰⁶ Ibid., 573.

The preceding verses would appear to indicate that Subay^c b. al-Ḥārith was among the worst of those opposed to Muḥammad, not just because he was opposed himself, but because he led an impressionable people against the Prophet and, therefore, led them to their destruction.⁵⁰⁷

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

Three Revelations

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

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

Mawdūdī states that:

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

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

⁵⁰⁸ Ibid., 636-7.

⁵⁰⁹ Principles of Islamic Jurisprudence, 16.

absolute prohibition. He warned and said, "Allah does not like at all that people should drink wine. Probably absolute prohibition will soon be prescribed."⁵¹⁰

The Qur'ān contains information that though the Qur'ān was sent down as one book, it was to be revealed in stages⁵¹¹ so "that We may strengthen thy heart."⁵¹² It is therefore conceivable that the prohibition of wine was revealed gradually to reduce the hardship of those who drank wine on a regular basis. Something of this nature would certainly have been needed for those who were chronically addicted to wine.

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

Evidence that this may have been the case is provided in Ibn Ishāq's account of Muḥammad's "Night Journey" and ascension to heaven.

Then the apostle was carried by night from the mosque at Mecca to the Masjid al-Aqṣā, when Islam had spread in Mecca among the Quraysh and all the tribes. ... It was certainly an act of God by which He took him by night in what way He pleased to show him His signs which He willed him to see so that he witnessed His mighty sovereignty and power by which He does what He will to do.⁵¹³

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

⁵¹⁰ Maudūdī, vol. 3, 71.

⁵¹¹ Sūrah 17:105-6, tr. A. Yūsuf 'Alī. Cf. Sūrah 76:23.

⁵¹² Sūrah 25:32, tr. A. Yūsuf 'Alī. Cf. Sūrah 87:5-6.

⁵¹³ Ibn Ishāq, 181-2.

misconstrued as referring to Mecca after the conquest of that city and the subsequent conversion of the Quraysh to Islam. Ibn Ishāq himself places the story before the deaths of Abū Ṭālib⁵¹⁴ and Khadījah⁵¹⁵, which are believed to have taken place around the year 619.⁵¹⁶ In addition, Ibn Ishāq does not refer to the journey in that part of his text that recounts the Conquest.⁵¹⁷ Finally, Sūrah 17, which concerns itself with the journey and ascension to heaven, is believed to have been largely revealed at Mecca shortly before Muḥammad's emigration to Medina.⁵¹⁸ The journey therefore probably took place before the revelations concerning the prohibition of wine.

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

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

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

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

⁵¹⁴ Muḥammad's uncle and his protector during the early years of Muḥammad's call to prophesy in Mecca (Watt, *Muḥammad: Prophet and Statesman*, 79).

⁵¹⁵ Muḥammad's wife and the first person to accept Islam (Watt, *Muḥammad: Prophet and Statesman*, 34; Cf. Rodinson, 71, 73; 98).

⁵¹⁶ Watt, *Muḥammad: Prophet and Statesman*, 79; Rodinson, 134.

⁵¹⁷ Cf. Ibn Ishāq, 540-61.

⁵¹⁸ Pickthall, 204; Yūsuf 'Alī, 691. Cf. Watt, *Companion to the Qur'ān*, 134.

⁵¹⁹ Ibn Ishāq, 182.

⁵²⁰ Muslim/Ṣiddīqī, vol. 3, 1112; Muslim, vol. 13, 180-1. Cf. Ibn Ishāq who also records this rendition of events, where Gabriel adds, after informing Muḥammad that if had taken the

In both versions of Muḥammad's journey, he is given the choice between wine and milk. In both versions, he rejects wine, and is told that he is "rightly guided" and his people, the believers, shall also be rightly guided. Clearly, wine was seen as leading Muḥammad's followers astray. It seems unusual to have deliberately allowed the early community to continue to be led astray while the revelations were revealed gradually. It is more likely that Sūrah 2:219 was meant to be a comprehensive ban on intoxicants; a ban which was not immediately heeded by all of those who accepted Islam generally.

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

Sūrah 2:219

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

wine he and his people would have gone astray, that "Wine is forbidden you" (Ibn Ishāq, 182).

⁵²¹ Rosenham & Seligman, 527. See also Chapter 4, s.v., *Al-Walīd b. Yazīd b. ʿAbd al-Malik*.

be plentiful in Paradise for the believers.⁵²² Moreover, Sūrah 16:67 indicates that intoxicating drinks are healthy in this life as well:

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

This Sūrah is thought to have been revealed immediately before the *hijrah* or immediately after arriving in Medina.⁵²⁴

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

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

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

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

The parallel in the broad form and wording of Sūrah 2:217 - which relates to the raid at Nakhlah⁵²⁷ - with Sūrah 2:219 helps narrow down the range of years for the revelation of 2:219.

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

⁵²² Sūrah 47:15 and 83:25.

⁵²³ Sūrah 16:67. A. Yūsuf ‘Alī, in his translation of this verse, substitutes the phrase “wholesome drink” for “strong drink.” He acknowledges in his notes that the word *sakar* can be taken to mean an intoxicating, or strong, drink.

⁵²⁴ Pickthall, 195.

⁵²⁵ The dating of this verse is discussed in the text below.

⁵²⁶ Sūrah 2:219.

⁵²⁷ See text below and Chapter 3, ‘*Umar b. al-Khaṭṭāb*.

⁵²⁸ Ibn Ishāq, 286. Cf. Watt, *Muḥammad: Prophet and Statesman*, 109; Rodinson, 163.

A man was killed.⁵²⁹ Muḥammad's initial followers, believed to be mostly pagan⁵³⁰, were deeply troubled that the raid, and especially loss of life, occurred in what they continued to consider a holy month.⁵³¹ These new converts, as well as those still contemplating the new message, were reassured with the revelation:

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

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

Applying Bell's theory of linking verses according to their diction, their structure, and often their rhyme scheme, the parallel between Sūrah 2:217 and Sūrah 2:219 suggests they were revealed, in time, very close to each other. As was discussed previously, Sūrah 2:219 nowhere denies that drinking wine is not without some merit, nor that it should be suspended entirely; all that is asserted is that the good of wine is less than its harm. This, therefore, could quite possibly connote that the two Sūrahs were revealed in very close succession, though leaving open the question of which came first.

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

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

⁵²⁹ Ibid., 287. Cf. *Muḥammad: Prophet and Statesman*, 110; Rodinson, 163.

⁵³⁰ Morony states that "Every first-generation Muslim was a former pagan, Magian, Jew, or Christian" (431). While it is undoubtedly true that the overwhelming majority of first-generation Muslims did convert from other belief systems, it seems to this author to overstep the mark to suggest that *every* first-generation Muslim necessarily had a defined belief system from which to convert. It may have been that some individuals were originally actively opposed to any form of organised beliefs, and it may have also been that some individuals had no belief system at all.

⁵³¹ Ibn Ishāq, 287-8. Cf. *Muḥammad: Prophet and Statesman*, 110-1; Rodinson, 163.

⁵³² Sūrah 2:217.

⁵³³ Watt, *Muhammad: Prophet and Statesman*, 111.

about the use of wine also, which was considered essential to produce a state of reckless courage in the fighters so as to make them blind to all consequences. ...The conviction of faith had infused into the heart of believers far greater and nobler courage than the blind daring engendered by drinking. Similarly, the expenses of war were to be in a fairer and more respectable manner than the casting of lots.⁵³⁴

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

The new Muslims may have been concerned with the funding of any united military expeditions as the majority of Muḥammad's followers were not themselves especially wealthy.⁵³⁵ "It has been pointed out repeatedly that the bulk of Mohammed's first converts came from this group of clients [wage-paid lower classes] and from the slaves of the city."⁵³⁶ Nakhlah was but a raid by a small band of Muslims, sent initially for reconnaissance. The first uniform call to arms the Muslims would have faced was the Battle of Badr. This seems to suggest that Sūrah 2:219, which also speaks of "games of chance", came after Nakhlah but before the battle of Badr. Bell's analysis, however, indicates that the revelation was revealed after the Battle of Badr.⁵³⁷

The Battle of Badr

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

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

⁵³⁴ 43-4.

⁵³⁵ Wolf, 336.

⁵³⁶ Ibid.

⁵³⁷ Vol. 1, 284.

⁵³⁸ Ibn Ishāq, 296; Ṭabarī, tr. I. K. Poonawala, vol. IX, 45.

Abū Jahl's prediction did not come true. The Muslim forces defeated the Meccans at the Battle of Badr in March of 624.⁵³⁹ It is conceivable that after the Muslims' victory at Badr, they celebrated with the wine of the local markets, and perhaps their celebrations got dangerously out of hand. Some of Muḥammad's followers may have asked the Prophet to comment on these drunken celebrations. It would be around this time that Sūrah 2:219 was revealed, explaining that while wine had some good, the bad outweighed the good.

Ḥadīth and Sūrah 2:219

A story related by Ṣaḥīḥ Muslim lends credence to both the notion that drunkenness could have led to the revelation and that the revelation came after Badr. The story begins with ʿAlī b. Abī Ṭālib⁵⁴⁰ investing his share of the booty of Badr with the Jewish clan of the Banū Qaynuqā'.⁵⁴¹ As ʿAlī was trading his wares, Ḥamza b. ʿAbd al-Muṭṭalib, who had been "busy in drinking in that house in the company of a singing girl...",⁵⁴² was incited by the singing girl to slaughter ʿAlī's camels. Ḥamza dutifully did mutilate ʿAlī's camels. When ʿAlī returned to find his camels brutally slaughtered, he was "shocked" and "could not help weeping" at the sight of them. ʿAlī went to Muḥammad for redress. Muḥammad went to Ḥamza who was "dead drunk" [*ḥi-sharb*]⁵⁴³, sitting in the "company of some drunkards." When Muḥammad questioned Ḥamza about his actions, Ḥamza could only respond, "Are you anything but the slave of my father?" Muḥammad "turned back on his heels until he went away from them."

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

⁵³⁹ See above, n. 486.

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

⁵⁴¹ Muslim/Ṣiddīqī, vol. 3, 1095. The remainder of the story is cited from Ṣiddīqī's translation on 1095-6 unless otherwise noted.

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

⁵⁴³ Muslim, vol. 13, 147.

incident, the story illustrates that even those closest to Muhammad might not be able to control themselves when intoxicated, and that a noteworthy case of intoxication occurred immediately after Badr.

The reaction of the Banū Qaynuqā' is also missing from Muslim. Margoliouth, in his *Mohammed and the Rise of Islam*, speculates that when the Jews arrived on the scene, "they found the beasts that should have been laden, killed and eaten, the Lion of God [Ḥamzah] dangerously intoxicated, 'Alī whining, and the Prophet himself seriously ruffled. ...They expressed, or at any rate looked, contempt and abhorrence at the Holy Family."⁵⁴⁴ Margoliouth believes this was the moment when Muḥammad decided the Banū Qaynuqā' had to leave Medina.⁵⁴⁵ In so doing, he could exact revenge for their insolence, and concurrently acquire their wealth, some of which could be used to compensate 'Alī for his losses without insulting Muḥammad's uncle.⁵⁴⁶ The Banū Qaynuqā' were expelled in or around April of 624.⁵⁴⁷

The Jews and Sūrah 2:219

This single incident does not appear to fully account for the expulsion of the Banū Qaynuqā'. The Jewish opposition to Islam came early and often to Muḥammad despite initial attempts to demonstrate to the Jews that he was as much their Prophet as he was the Arabs'. This endeavour included prayer in the direction of Jerusalem⁵⁴⁸; some Muslim food

⁵⁴⁴ 281.

⁵⁴⁵ Ibid., 281-2.

⁵⁴⁶ Margoliouth, 282. Cf. Watt, *Muḥammad: Prophet and Statesman*, who states that the attack on the Banū Qaynuqā' was motivated because they refused to acknowledge him as a Prophet (130); Rodinson, who writes that the attack on the Banū Qaynuqā' was politically motivated (172); Peters, who states that the full reasons for their expulsion are not entirely clear (218), though he notes Donner's belief that the attack on the Banū Qaynuqā' was economically motivated (p. 305, n. 16). The immediate reason for the expulsion is still something of a mystery. Watt has suggested that a joke played on an Arab woman by a Jew of the tribe of Qaynuqā', which resulted in a Muslim killing that Jew and the Jews subsequently killing that Muslim, was the "*casus belli*" behind the expulsion, (*Muḥammad at Medina*, 209). He cautions that this story also appears in legends of pre-Islamic Arabia (*Muḥammad: Prophet and Statesman*, 130).

⁵⁴⁷ Watt, *Muḥammad: Prophet and Statesman*, 130.

⁵⁴⁸ Rodinson, 159. Cf. Watt, *Muḥammad: Prophet and Statesman*, 113-4; Peters, 207-8.

restrictions matched Jewish dietary laws⁵⁴⁹; and the legitimisation of the Jewish one day fast, Yom Kippur⁵⁵⁰. Even so, it became increasingly clear that the Jews, by and large, were not going to accept Muḥammad as their Prophet.⁵⁵¹

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

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

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

⁵⁴⁹ Ibid.

⁵⁵⁰ Ibid. Cf. Watt, *Muḥammad: Prophet and Statesman*, 114; Peters, 203-4.

⁵⁵¹ Ibid., 160; Watt, *Muḥammad: Prophet and Statesman*, 114-5.

⁵⁵² Ibn Ishāq, 258-9; Watt, *Muḥammad: Prophet and Statesman*, 113; Rodinson, 170.

⁵⁵³ Watt, *Muḥammad: Prophet and Statesman*, 114; Rodinson, 170, citing Bell’s analysis of the Qur’ān.

who were expelled from Medina within a few months of this revelation. Were this the only instance of a revelation on the consumption of wine coming on the heels of words and actions concerning the Jews, this discussion would be highly suspect. As will be shown, the other two verses which condemn and prohibit wine also come at a time when the remaining large Jewish tribes in Medina come under attack and were eliminated from the city. Such a pattern cannot easily be dismissed.

Sūrah 4:43

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

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

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

The Jews and Sūrah 4:43

In Bell's pioneering work, he mentions that this verse is thought to have been "promulgated during the war against the Banī an-Nadir,"⁵⁵⁴ which took place in late August/early September of 625.⁵⁵⁵ Pickthall similarly dates this passage to roughly after the battle of Uḥud in March of 625.⁵⁵⁶ The significance of Sūrah 4:43 with regards to the Jews is that the ban on drunkenness at prayers is similar to a rabbinical ban on coming to prayers drunk. Based upon Eli's reprimand of Hannah, the Talmud dictates that "if a person prays in

⁵⁵⁴ The Qur'ān, 118

⁵⁵⁵ Watt, *Muḥammad: Prophet and Statesman*, 149. Cf. Ibn Ishāq, 437-45; Rodinson, 191-5

⁵⁵⁶ Pickthall, 78-79. See above, n. 490.

a state of drunkenness, his prayer is an abomination.”⁵⁵⁷ If Bell is correct, then perhaps the Qur’ānic ban on drunkenness while praying was a fresh attempt to demonstrate to the remaining Jewish population that Muhammad was their prophet.

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

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

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

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

Neither appeasement nor the implied threats changed the attitude of the Jews toward Muḥammad and Islam. The opposition of the Jews continued apace. Then, in late August or early September of 625, Muḥammad informed his followers that he had received a divine warning that the Jewish clan of Naḍīr had planned to assassinate him.⁵⁶¹ Muḥammad’s followers had been prepared, through the revelations, to reject the Jews and it

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

⁵⁵⁸ Sūrah 4:47

⁵⁵⁹ Bell, 105.

⁵⁶⁰ Sūrah 5:78-9.

⁵⁶¹ Watt, Muḥammad: Prophet and Statesman, 149-50.

seems unlikely that there would have been many reservations concerning taking action against them. The tribe was forced out probably no later than September of 625.⁵⁶²

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

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

⁵⁶² Watt, *Muhammad at Medina*, 211-2.

⁵⁶³ Watt, *Muḥammad: Prophet and Statesman*, 161.

⁵⁶⁴ Peters, 220.

⁵⁶⁵ Watt, *Muḥammad: Prophet and Statesman*, 162. See n. 567 below.

⁵⁶⁶ *EP*, s.v., "Dūmat al-Jandal". Cf. Ibn Ishāq, 449.

⁵⁶⁷ Rodinson writes that the expedition netted only "a few animals and one prisoner" (196); Peters states that the expedition "produced neither booty nor even a sense of success" (220). The present author does not concur with Peters' statement that Muḥammad's forces would not have even "a sense of success." It seems to the present author that Peters (who cites the brief statement of Ibn Ishāq and an analogous story of the final capture of the town from Musil) could not know what was in the minds of those who went on the expedition to Dūmat al-Jandal.

⁵⁶⁸ Peters, 220.

⁵⁶⁹ See Chapter 1, the section entitled, *The Byzantine Empire, The Military*. Hyams, in *Dionysus: A Social History of the Wine Vine*, concludes that there was nothing "mystical" about the ban on wine, but that it was strictly for practical reasons: "It is very likely that his simple Bedouin soldiers, raised under very harsh conditions, might when they overwhelmed the cities of the sown, and entered upon lands flowing with wine, have got dangerously out of hand" (215).

created by the effect of intoxication.⁵⁷⁰ But alcohol is known to have a depressant effect on the central nervous system, drastically affecting sensory and motor functions.⁵⁷¹ This has the effect of decreasing reaction times, in some cases quite drastically, a fact which would greatly diminish any advantage offered by blind courage.

The abuse of alcohol by the new warriors for Islam is one factor which might be identified as precipitating the final ban on wine. According to Bell, "the date assigned for the prohibition of wine, Rabi' I, Year IV,"⁵⁷² places the last in the series of revelations dealing with wine, Sūrah 5:90, in August/September of 626.⁵⁷³ Probably around the time of this revelation, word would have reached Muḥammad of other tribes banding together in preparation for taking the field against Muḥammad. Clearly, it was in the interests of Islam to have a fighting force that was sober. By December of 626, Muḥammad was leading his forces against the Banū al-Muṣṭaliq. His raid was successful, scattering the tribe and obtaining a great deal of booty.⁵⁷⁴

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

Bell writes that Sūrah 5:80-1 was probably revealed sometime after Uḥud, though does not commit himself to a particular time frame⁵⁷⁵:

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

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

⁵⁷⁰ Rosenham and Seligman, 525; for the poetry, see above, p. 69.

⁵⁷¹ Ibid., 526.

⁵⁷² *A Commentary on the Qur'ān*, eds., Bosworth and Richardson, 167.

⁵⁷³ Pickthall dates the majority of Sūrah 5 to the latter half of the Prophet's life in Medina, i.e., 626-629, with some verses coming between 629 and his death.

⁵⁷⁴ Rodinson, 196.

⁵⁷⁵ Tr., *The Qur'ān*, 105.

almost certainly includes the Meccans, who were in communication with the Jews.⁵⁷⁶ The “evil conduct” of which the Meccans (and possibly unknown others) are accused most likely refers to their persistent, active opposition to Muḥammad, and their attempts to conspire with the Jews to defeat Muḥammad and Islam.

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

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

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

⁵⁷⁶ Watt, *Companion to the Qur’ān*, 77-8.

⁵⁷⁷ Watt, *Muḥammad: Prophet and Statesman*, 166.

⁵⁷⁸ *Ibid.*

Meccans.⁵⁷⁹ This created a much unwanted distraction for Muḥammad who now had to consider the possibility of a “second front”.⁵⁸⁰ However, the threatened second front never truly materialised. The Meccans were ultimately forced to retreat.⁵⁸¹

Muḥammad immediately turned toward the Jews and condemned them as traitors, having broken the treaty they had with Muhammad not to aid or assist the enemy in any way.⁵⁸² The tribe was besieged for nearly a month.⁵⁸³ At the end of April, the Qurayzah then asked to be allowed to surrender and to leave Medina.⁵⁸⁴ Muḥammad demanded unconditional surrender, to which the Qurayzah had little choice but agree.⁵⁸⁵ A large trench was dug, the men of the Qurayzah, numbering perhaps six hundred to seven hundred, though possibly as much as eight or nine hundred, were gathered together in groups, beheaded, and thrown into the ditch.⁵⁸⁶ The women and children were taken as captives,⁵⁸⁷ and probably sold (or kept) as slaves.⁵⁸⁸

With the elimination of the Qurayzah, there was no single, influential clan of the Jews left in Medina to oppose Muḥammad.⁵⁸⁹ The present author would argue that even if there were a large Jewish presence determined to oppose Muḥammad, it seems unlikely that they would have done so after witnessing the treatment of the Qurayzah.

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

⁵⁷⁹ Ibid.

⁵⁸⁰ Ibid., 170-1.

⁵⁸¹ For the events of this battle and the intrigues of the Jews, see Ibn Ishāq, 450-60; Watt, *Muḥammad: Prophet and Statesman*, op. cit.; Rodinson, 208-211.

⁵⁸² Peters, 222.

⁵⁸³ Ibn Ishāq, 461; Watt, *Muḥammad: Prophet and Statesman*, 171; Rodinson, 212.

⁵⁸⁴ Watt, *Muḥammad: Prophet and Statesman*, 172.

⁵⁸⁵ Ibid.; Rodinson, 212.

⁵⁸⁶ Ibn Ishāq, 464. Cf. Watt, *Muḥammad: Prophet and Statesman*, 172-4.

⁵⁸⁷ Ibid.

⁵⁸⁸ Rodinson, 213.

⁵⁸⁹ Watt, *Muḥammad: Prophet and Statesman*, 174-5.

was suffering sensory and motor deprivation due to the effects of intoxication. One factor that is often overlooked is the relationship between the revelations and the Jews. Although the precise timing of the Sūrahs, not to mention the verses, is a difficult and controversial matter, there is reason to believe that each of the revelations came just prior to severe actions taken against the Jews. This leads to the postulate that the revelations were part of the overall attack on the Jews in preparation for their removal from the city.

Terms for wine in the Qur'ān

The choice of Pickthall's translation of the Qur'ān for this thesis was not arbitrary. It was a choice anticipating the following discussion. Pickthall states in his "Translator's Foreword" that his translation attempts to demonstrate how Muslims came to *understand* the verses in the Qur'ān, and is not an attempt to demonstrate the literal meaning of the verses.⁵⁹⁰ The principal differences among translators of the verses relevant to this thesis revolve about two words: *khamr* and *sakar*.

Sakar

Lane, in his unparalleled eight-volumed *Arabic-English Lexicon*, defines *sakar* as "a simple substance, signifying intoxication, inebriation, or drunkenness; i.e., the state thereof; a state that intervenes as an obstruction between a man and his intellect...."⁵⁹¹ *Sakar* is the term used in Sūrah 16:67, revealed in Mecca, and Sūrah 4:43, revealed in Medina. In the former instance, *sakar*, was construed as something beneficial and useful:

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

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

⁵⁹⁰ *The Meaning of the Glorious Qur'ān*, vii. Newby comments that his translation is "usually reliable, if somewhat conservative" (p. 141, n. 49).

⁵⁹¹ Vol. 4:1390-1.

in its unfermented state that the revelation referred to *sakar* “For those who are wise.” However, Maulana Muḥammad ‘Alī, in his translation to the Qur’ān entitled, *The Holy Qur’ān*, translated the word *sakar* as “intoxicants.” A. J. Arberry’s translation in his *The Koran Interpreted*, concurs that the word *sakar* should be translated as “intoxicants.”⁵⁹² Finally, in light of the word’s use in verse 4:43, it seems doubtful that the revelation refers to the unfermented variant of the drinks.

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

Khamr in the Meccan Sūrahs

Lane defines *khamr* as “Wine: or grape wine: what intoxicates, of the expressed juice of grapes: or the juice of grapes when it has effervesced, and thrown up froth, and become freed therefrom, and still.”⁵⁹³ Lane’s definition of *khamr* as grape-wine, as opposed to date-wine, which could also ferment, is entirely reasonable when taken in the context of the Meccan verse describing what the Believers would drink in Paradise.⁵⁹⁴ Sūrah 47:15 describes “rivers of wine [*khamr*] delicious to the drinkers”. There is another Meccan verse which describes those who reach paradise as receiving “pure wine [*raḥīq*]”.⁵⁹⁵ Date-wine,

⁵⁹² The sample taken for this analysis does not, of course, have a statistical basis. The authors were chosen for their diversity of backgrounds, the periods in which they worked, and their goal in translating the Qur’ān.

⁵⁹³ Vol. 2:808.

⁵⁹⁴ See also above, the section entitled, *Types of Wine*, p. 64.

⁵⁹⁵ Sūrah 83:25.

which could be a mixture of dates and grapes, was clearly not “pure”.⁵⁹⁶ It is almost certainly the case that the Believers would find grape-wine in Paradise.

Khamr in the Medinan Sūrahs

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

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

*Al-Ḥadīth*⁵⁹⁷

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

⁵⁹⁶ See n. 594 above.

⁵⁹⁷ *Ḥadīth* passages will be quoted from four of the generally accepted “six books” of *ḥadīth*, namely, Bukhārī, Muslim, Abū Dāwūd, and al-Tirmidhī. The present author will neither

probably some confusion, and perhaps some dismay, when the ban on intoxicants was revealed.

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

I used to offer alcoholic drinks to the people at the residence of Abū Ṭalḥah. The order of prohibiting Alcoholic drinks [*khamr*] was revealed, and the Prophet ordered somebody to announce that. ... Abū Ṭalḥah said to me, "Go and spill it (i.e. the wine) [*khamr*]." Then it was seen flowing through the streets of Medina. At that time the wine [*khamr*] was al-*faḍīkh*.⁵⁹⁸

The last sentence is instructive. Anas seems to be stating that the most common type of wine in Medina was date-wine.⁵⁹⁹ That *faḍīkh* was the most common type of wine in Medina at the time of the revelation is supported by the same tradition as related by Muslim. The transmitters he relied on added that "There was no liquor [*khamr*] with us except this *faḍīkh* prepared from unripe and ripe dates...."⁶⁰⁰ More importantly, these traditions suggest that some understood the revelation to designate all intoxicants, not just *khamr* itself, from very early on.

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

ʿĀ'isha said, The Messenger of Allāh was asked about Bit - it is a drink made of honey and the people of Yaman used to drink it. So the Messenger of Allāh said, "Every drink that intoxicates [*sharāb askara*] is prohibited [*ḥarām*]."⁶⁰¹

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

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

⁵⁹⁸ Bukhārī/Khan, vol. 6, 113, and vol. 3, 384.

⁵⁹⁹ See text above, the section entitled, *Types of Wine*, p. 64.

⁶⁰⁰ Muslim/Ṣiddīqī, vol. 3, 1098; Muslim, vol. 13, 150.

⁶⁰¹ Bukhārī, cited in Maulana Muḥammad ʿAlī, tr., *A Manual of Ḥadīth*, 351. Cf. Muslim/Ṣiddīqī, vol. 3, 1107; Muslim, vol. 13, 169.

whether that was intoxicating [*muskir*]. He said: Yes. Thereupon Allah's Messenger said: Every intoxicant [*muskir*] is forbidden [*ḥarām*].⁶⁰²

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

Allah's Messenger prohibited the preparation of *nabīdh* by mixing together fresh dates and grapes, and he prohibited the preparation of *nabīdh* by mixing the fresh dates and unripe dates together.⁶⁰³

Ibn 'Umar reported that he was forbidden to prepare *nabīdh* by mixing unripe dates and fresh dates, and dates with grapes.⁶⁰⁴

Abū Sa'īd al-Khudrī reported Allah's Messenger as saying: "He who amongst you drinks *nabīdh* should drink that prepared either from grapes alone, or from dates alone, or from unripe dates alone."⁶⁰⁵

Abū Qatāda reported Allah's Messenger as saying: "Do not prepare *nabīdh* by mixing nearly ripe and fresh dates and do not prepare *nabīdh* by mixing together fresh dates and grapes, but prepare *nabīdh* out of each one of them separately."⁶⁰⁶

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

I heard 'Umar while he was on the pulpit of the Prophet, saying, "Now then O people! The revelation about the prohibition of alcoholic drinks [*khamr*] was revealed; and alcoholic drinks [*khamr*] are extracted from five things: Grapes, dates, honey, wheat and barley. And the alcoholic drink is that which confuses and stupefies [*khāmara*] the mind."⁶⁰⁷

Muslim has a similar tradition, though Ṣiddīqī has substituted the phrase "clouds the intellect" for "confuses and stupefies the mind."⁶⁰⁸ This may not have settled the issue, however. The Prophet is reported as saying that anything which intoxicates is forbidden:

Narrated 'Ā'isha: The Prophet said, "All drinks that produce intoxication [*askara*] are forbidden [*ḥarām*] to drink."⁶⁰⁹

⁶⁰² Muslim/Ṣiddīqī, vol. 3, 1108; Muslim, vol. 13, 171.

⁶⁰³ Ibid., vol. 3, 1101; Muslim, vol. 13, 154.

⁶⁰⁴ Ibid., vol. 3, 1103; Muslim, vol. 13, 157-8.

⁶⁰⁵ Ibid., vol. 3, 1102; Muslim, vol. 13, 155-6.

⁶⁰⁶ Ibid; Muslim, vol. 13, 156.

⁶⁰⁷ Bukhārī/Khan, vol. 6, 112.

⁶⁰⁸ Muslim/Ṣiddīqī, vol. 4, 1556-7.

⁶⁰⁹ Bukhārī/Khan, vol. 1, 153; Muslim/Ṣiddīqī, vol. 3, 1107; Muslim, vol. 13, 169.

Ibn ʿUmar reported God’s messenger as saying, “Every intoxicant [*muskir*] is *khamr* and every intoxicant [*muskir*] is forbidden [*ḥarām*].”⁶¹⁰

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

Daylam al-Ḥimyarī told that he [Umm Salama] said, “Messenger of God, we live in a cold land in which we do heavy work and we make a liquor from wheat to get strength from it for our work and to stand the cold or our country.” He asked whether it was intoxicating, and when he replied that it was, he said they must avoid it. When he replied that the people would not abandon it, he said, “If they do not abandon it fight with them.”⁶¹¹

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

Abū Saʿīd al-Khudrī said he had wine belonging to an orphan, and when [Sūrah 5:90] came down he asked God’s messenger about it, telling him it belonged to an orphan, but he said, “Pour it out.”⁶¹²

Anas quoted Abū Ṭalḥa as saying ... he asked the Prophet about orphans who had inherited wine and he said, “Pour it out.” He asked if he might not make vinegar of it and he told him he must not.⁶¹³

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

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

Anas reported that Allah’s Messenger was asked about the use of wine [*khamr*] from which vinegar is prepared. He said: “No.”⁶¹⁴

By extension, trade in wine was also banned.

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

⁶¹⁰ Muslim/Ṣiddīqī, vol. 3, 1108; Muslim, vol. 13, 172.

⁶¹¹ Abū Dāwūd, *Mishkāt al-Maṣābīḥ*, vol. 2, 778.

⁶¹² Al-Tirmidhī, *Mishkāt al-Maṣābīḥ*, vol. 2, 778.

⁶¹³ Abū Dāwūd, *Mishkāt al-Maṣābīḥ*, vol. 2, 778.

⁶¹⁴ Muslim/Ṣiddīqī, vol. 3, 1099; Muslim, vol. 13, 152.

Messenger have forbidden [*harrām*] trade in wine [*al-khamr*] and the dead (animals) and swine and idols.”⁶¹⁵

However, Bukhārī reports from ‘Ā’isha that the Prophet announced that trade was prohibited after revealing Sūrah 2:219:

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

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

Yaḥyā Abū ‘Umar al-Nakha‘ī reported that some people asked Ibn ‘Abbās about the sale and purchase of wine [*khamr*] and its commerce. He asked (them): Are you Muslims? They said, Yes. Thereupon he said: Its sale and purchase and its trade are not permissible.⁶¹⁷

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

Ibn ‘Abbās reported that *nabīdh* was prepared from raisins for Allāh’s Messenger in the skin and he would drink it on that day and on the next day and the day following and when it was the evening of the third day, and he would drink it and give it to his Companions, and if something was left over, he threw that away.⁶¹⁸

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

⁶¹⁵ Bukhārī, cited in *A Manual of Ḥadīth*, 300.

⁶¹⁶ Bukhārī/Khan, vol. 3, 236. The text only mentions that the Prophet “went out” [*kharaj*], it does not mention that the Prophet went out from his house to the Mosque.

⁶¹⁷ Muslim/Ṣiddīqī, vol. 3, 1110; Muslim, vol. 13, 175.

⁶¹⁸ Ibid., vol. 3, 1110; Muslim, vol. 13, 175.

‘Ā’isha reported Allāh’s Messenger forbidding the preparation of *nabīdh* in varnished jar, green pitcher, gourd, and hollow stump.⁶¹⁹

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

Bukhārī has a series of similar traditions, including:

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

Muslim records how the Prophet’s *nabīdh* was prepared:

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

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

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

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

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

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

⁶¹⁹ Ibid., vol. 3, 1104; Muslim, vol. 13, 160-1.

⁶²⁰ Ibid.; Muslim, vol. 13, 161.

⁶²¹ Cited in the *Mishkāt al-Maṣābiḥ*, vol. 3, 909.

⁶²² Muslim/Ṣiddīqī, vol. 3, 1106; Muslim, vol. 13, 166-7.

⁶²³ Ibid.; Muslim, vol. 13, 167.

⁶²⁴ Abū Dāwūd in *A Manual of Hadith*, 351; al-Tirmidhī, *Mishkāt al-Maṣābiḥ*, vol. 2, 777.

ban on intoxicants was not gradually revealed in the sense of gradually weaning some of the people from intoxicants.

Among the believers, there must have been some distress that their previous lifestyle, which included drinking wine, would have precluded them from reaching Paradise.

Muḥammad revealed Sūrah 5:93, probably soon after Sūrah 5:90:

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

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

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

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

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

Ibn 'Umar reported Allāh's Messenger as saying: "He who drank wine [*khamr*] in this world would be deprived of it in the Hereafter."⁶²⁸

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

⁶²⁵ Bukhārī/Khan, vol. 8, 503.

⁶²⁶ Al-Tirmidhī, *Mishkāt al-Maṣābīh*, vol. 2, 777.

⁶²⁷ Bukhārī, cited in the *Mishkāt al-Maṣābīh*, vol. 2, 779.

⁶²⁸ Muslim/Ṣiddīqī, vol. 3, 1109; Muslim, vol. 13, 172.

Muḥammad's responsibility to fix punishment:

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

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

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

Schafi'i relates a tradition that once when a man was brought before the Prophet drunk, those around the Prophet were ordered to beat the man with their sandals and the end of their garmets, twisted up for maximum affect.⁶³¹

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

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

Some Concluding Remarks

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

⁶²⁹ Sūrah 5:92.

⁶³⁰ Bukhāri/Khan, vol. 8, 504.

⁶³¹ *Tartīb*, 90.

⁶³² Bukhāri/Khan, vol. 8, 506.

himself is said to have remarked: "Some of my people will assuredly drink wine calling it by another name."⁶³³

⁶³³ Abū Dāwūd, *Mishkāt al-Maṣābīḥ*, vol. 3, 909.

Chapter 3: *The Rāshidūn Caliphs*⁶³⁴

The Prophet is dead. He is related to have died in the arms of his favourite wife ʿĀʾisha.⁶³⁵ The loss of Muḥammad is of unprecedented significance in the Muslims' world - gone is not just their spiritual leader, but their secular leader as well. Where once one could go to the Prophet, sometimes through one of his Companions⁶³⁶, and discover the answers to both matters of the soul and matters of the state, now there was none.

There can be no doubt that during the Prophet's lifetime many of the faithful heeded the message concerning the consumption of wine. Some prominent examples are alleged by the eighth/fourteenth century author Fīrūzābādī to include Abū Bakr, ʿUthmān (the first and third caliphs in Islam respectively⁶³⁷), and a Companion of the Prophet, ʿAbd al-Raḥman b. ʿAwf,⁶³⁸ who was among those eligible for, and quite possibly swayed, the choice of Islam's third caliph.⁶³⁹ Still, not every person who accepted Islam necessarily followed each of its tenets with equal tenacity. The prohibition of wine consumption was one such example.

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

Water which looks in the buckets, when the travellers draw it,

⁶³⁴ Although most western authors agree on the overall events of this period (11/632 - 40/661), there are divergent views on some of the specifics. Cf. Hodgson, *The Venture of Islam*, vol. 1 (of 3); Kennedy, *The Prophet and the Age of the Caliphate*; Lapidus, *A History of Islamic Societies*; and Spuler, *The Age of the Caliphs: History of the Muslim World*.

⁶³⁵ Ibn Ishāq, 682. Cf. Ṭabarī, tr. I. K. Poonawala, vol. IX, 183.

⁶³⁶ See p. 103.

⁶³⁷ See below for the individual reigns of these caliphs.

⁶³⁸ Fenton, "Fīrūzābādī's 'Wine List'", 581. Ibn Ishāq mentions ʿUmar, but not the other three, as having consumed drink before converting to Islam (157-8). Cf. Chapter 2.

⁶³⁹ Ṭabarī, tr. G. R. Smith, vol. XIV, 143-61.

like the scum floating in the pot over the rendered-down fat ...⁶⁴⁰

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

Abū Bakr (11/632 - 13/634)

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

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

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

⁶⁴¹ Rosenham & Seligman, 524.

⁶⁴² Ṭabarī, tr. I. K. Poonawala, vol. IX, 208-9.

⁶⁴³ *Ibid.*, 189-198.

⁶⁴⁴ Cf. Peters, *Allah's Commonwealth*, 77.

⁶⁴⁵ Cf. Peters, *Muhammad and the Origins of Islam*, 239-46 for an incisive discussion of the allegiances to Muḥammad in the Arabian Peninsula.

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

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

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

⁶⁴⁶ Balādhurī/Hitti, 143 - 64. Cf. Ṭabarī, tr. F. M. Donner, vol. X.

⁶⁴⁷ Wāqidī, 876 - literally “the sword of Allāh.”

⁶⁴⁸ See n. 646 above.

⁶⁴⁹ See p. 99, n. 634, for a limited selection of authors.

⁶⁵⁰ See Chapter 2, s.v., *Ḥadīth*. Cf. El-Awa, *Punishment in Islamic Law*, 46.

for Abū Bakr to pronounce sentence on an individual who was drunk, he set his punishment at forty lashes.⁶⁵¹

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

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

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

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

⁶⁵¹ *Tartīb*, 90.

⁶⁵² *The Pentateuch and Haftorahs*, ed. J. H. Hertz. The commentators of this edition explain that "stripes" were to be applied "by means of a leather belt, and not by rods or any instrument that might prove fatal ... in accordance with the physical strength of the offender." (854) It was part of the custom of court appointed punishment that before the punishment was applied, Psalm LXXVIII:38 was offered as a prayer that the offender might endure the punishment well. (Trepp, Leo, *The Complete Book of Jewish Observance*, New York: Simon & Schuster, 1980: pp. 109-110) In addition, an old ascetic custom instituted flogging thirty-nine lashes on Yom Kippur, the Jewish Day of Atonement - a practice which may still be practised among the "Ultra-orthodox." (Trepp, Op. Cit.; and Strassfeld, Michael, *The Jewish Holidays: A Guide and Commentary*, New York: Harper & Row, 1985: p. 113)

⁶⁵³ See above, n. 652.

⁶⁵⁴ Cf. Hallaq, who comments that with some western authors, the "discourse on Islam took the form of assertions, judgements, and postulates concerning not only originality and, more accurately, the lack of it, but also the intellectual inadequacy of Muslims to aspire to any form of genuine originality. ... In theology and dialectical method Muslims are thought to be no more than appropriators of what once belonged to their non-Muslim predecessors; ...

greater chance there was that an individual might succumb to his injuries. There is some evidence to suggest that doubling the number to eighty lashes did cause death⁶⁵⁵. As before, there are no reports which indicate that Abū Bakr knew this for a fact, though it does seem reasonable to assume that he would have known the effects of lashes on the guilty since he is said to have applied the lashes personally.

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

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

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

Nearly all branches of knowledge in Islam were subject to the same judgement" (Law and Legal Theory in Classical and Medieval Islam, XII:173-4).

⁶⁵⁵ See p. 109 and p. 128.

⁶⁵⁶ Ta'rikh, 2135-6.

⁶⁵⁷ Tr., K. Y. Blankinship, vol. XI, 142.

⁶⁵⁸ Wehr, 771.

⁶⁵⁹ Kamali, Principles of Islamic Jurisprudence, 45, citing a tradition related by Abū Dāwud (in Arabic with English commentary). See Chapter 5, *Law in the Early 'Abbāsīd Era I* for the complete story and analysis.

trust adjudicating between Muslims. This should not be interpreted as indicating that the office of judgeship, the *qāḍī*, as it evolved over some century and a half⁶⁶⁰ was established either by the Prophet or by Abū Bakr. The present author has the sense that these individuals were not part of a structured institution, and that in the first years of Islam, with the community still relatively compact, it was sufficient to have a trusted individual, with knowledge of the Qurʾān and the *Sunnah*, act as arbitrator and decision maker when Muslims came to them of their own volition. In the event, Ṭabarī remarks that no Muslim did avail themselves of ʿUmar’s voluntary service,⁶⁶¹ possibly due to his acerbic reputation⁶⁶².

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

ʿUmar b. al-Khaṭṭāb (13/634 - 23/644)

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

⁶⁶⁰ See below, *ʿUmar b. al-Khaṭṭāb*, and Chapters 4 & 5.

⁶⁶¹ Tr., K. Y. Blankinship, vol. XI, 142.

⁶⁶² See below, *ʿUmar b. al-Khaṭṭāb*.

⁶⁶³ Ṭabarī, tr. K. Y. Blankinship, vol. XI, 144-6.

⁶⁶⁴ Ibid., 146.

⁶⁶⁵ Ibid., 153; brackets Blankinship’s.

Abū Bakr acknowledged that ʿUmar could be a bit harsh, but he believed that once ʿUmar felt the full weight of the Caliphate, his disposition would change.⁶⁶⁶

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

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

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

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

⁶⁶⁶ Ibid., 146.

⁶⁶⁷ Tr. G. R. Smith, vol. XIV, 139, n. 695.

⁶⁶⁸ Ibid., 139-41.

⁶⁶⁹ D. 57/676-7 or 58[/677-8] (Rosenthal, *Muslim Historiography*, 263). Goldziher, in his *Introduction to Islamic Theology and Law*, writes that Abū Hurayrah was “one of the most important authorities in the transmission of *ḥadīth*” (126), citing Ibn Saʿd. Historians such as Ṭabarī did in fact make use of his traditions, though as Juynboll has recently shown, Abū Hurayrah may not have been entirely reliable [see text above and Juynboll, *Authenticity*, pp. 77-8, citing Ibn Qutaiba’s displeasure with Abū Hurayrah]. Cf. J. Robson’s article in *EF*, “Abū Hurayra”, in which he argues that “The traditions attributed to him contain much material which can not be genuine.”

⁶⁷⁰ Kamali, 149. Cf. Wehr, 961.

⁶⁷¹ Schacht, *Introduction*, 115.

⁶⁷² Kamali, 149. Cf. Wehr, 961.

verse⁶⁷³].”⁶⁷⁴ In fairness to Abū Hurayrah, Abū Hanīfa was primarily interested in legal traditions, and had little use for someone who could not “distil legal precepts from prophetic sayings.”⁶⁷⁵

Of primary concern to Abū Hurayrah, ‘Umar was thoroughly displeased with him, and hit him with his whip, saying: “You have transmitted so many traditions, how capable have you been to tell lies about the Prophet!”⁶⁷⁶ Rashīd Riḍā came to the conclusion that “If ‘Umar had lived long enough to see the death of Abū Hurayrah, then the latter would not have transmitted these masses of traditions.”⁶⁷⁷ The specific enmity of ‘Umar against Abū Hurayrah seems to have stretched beyond his disapproval of Abū Hurayrah’s traditions. ‘Umar accused Abū Hurayrah of withholding money from Medina while he was governor of Bahrain, withdrew him from the governorship, and made him pay back the money. Conflicting reports leave no clear indication as to whether or not Abū Hurayrah was whipped “until his back bled.”⁶⁷⁸

Although Abū Hurayrah appears to have been singled out among the Ḥadīth transmitters for such abuse, ‘Umar was “prudent” when it came to *ḥadīth*,⁶⁷⁹ so much so that Abū Hurayrah was wont to say that so long as ‘Umar lived, people feared to say “the Apostle of Allāh said” for fear of ‘Umar’s whip.⁶⁸⁰ ‘Umar seems to have been weary that the *Sunnah* might have become confused with the Qur’ānic revelations. He is said therefore to have

⁶⁷³ Schacht, Introduction, 115.

⁶⁷⁴ Juynboll, Authenticity, 92.

⁶⁷⁵ Ibid., 90.

⁶⁷⁶ Ibid., 72, cited in *Aḍwā’ ‘alā s-sunna al-Muḥammadiya* (Cairo, 1958), by Maḥmūd Abū Rayya. His work was a critical and often controversial analysis of tradition literature. (Juynboll, Authenticity, 38-9)

⁶⁷⁷ Ibid., 76; Rashīd Riḍā (d. 1935), an Islamic modernist and reformer in nineteenth/twentieth century Syria and Egypt, “held that the Quran and the teachings of Muhammad were the sole bases of Islam ...” (Lapidus, 666; Juynboll, Authenticity, 30). Cf. Hitti, 775. Juynboll comments that Riḍā “has often come to conclusions which hardly fit into the creed of an orthodox believer.” (Authenticity, 32)

⁶⁷⁸ Juynboll, Authenticity, 94-5. Balādhurī/Hitti records the incident as ending in Abū Hurayrah merely stating that he feared ‘Umar’s whip (126).

⁶⁷⁹ Ibid., 75.

⁶⁸⁰ CHAL, 289; and Juynboll, 73.

disallowed the creation of a written collection of *ḥadīth* so it would not be confused with the primacy of the Qurʾān.⁶⁸¹ ʿAbd ar-Razzāq Ḥamza argued that so single-minded was ʿUmar on the importance of the Qurʾān, that his adherence to the *Sunnah* suffered. Hamza asserted that “many Companions disagreed with ʿUmar’s personal decisions: ʿUmar did not seem to pay heed properly to the established *sunna* even ... when [*ijtihād*]⁶⁸² was obviously not called for.”⁶⁸³

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

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

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

⁶⁸¹ Ibid.; and Juynboll, *Authenticity*, 76. Cf. Juynboll, *Muslim Tradition*, in which he states that this idea “tallies with the reputation which ʿUmar acquired in a number of reports strewn over practically all historical sources that he was not in favour of *ahādīth* concerning the prophet being spread, let alone being fixed in writing. Also Ibn Saʿd lists such a report.” (26)

⁶⁸² See p. 103, n. 659.

⁶⁸³ Cited in *Ḍulumāt Abī Rayya imām aḍwāʾ as-sunna al-Muḥammadiya* (Cairo: 1959), in Juynboll, 73.

⁶⁸⁴ *Al-ʿUmrah*: “an abbreviated version of the *ḥajj* [greater pilgrimage] can be performed at any time.” *CEI*, s.v., “Pilgrimage.”

⁶⁸⁵ *Mutʿah*: Temporary marriage was, according to the traditional Sunnī view, at first permitted “but was subsequently prohibited when the Prophet migrated to Madinah” (Kamali, 150), perhaps for the very reason ʿUmar is said to have suggested in his reply in the text above. See below, n. 686, for the opposing, Shiʿī view.

⁶⁸⁶ The ban on temporary marriage was not repealed at large, at least in terms of those who would be known as Sunnis, despite Ṭabarī’s rendition of events. Tabatabaʾi & S. H. Nasr argue that temporary marriage was not abrogated by the Prophet in Medina in the first place, but acknowledge that only the Shiʿīs continued in temporary marriage up to their own day (“Mutʿah or Temporary Marriage”, in *Shiʿism: Doctrines, Thought, and Spirituality*, ed. S. H. Nasr, H. Dabashi, and S. V. R. Nasr, 1988, pp. 213-6).

⁶⁸⁷ See n. 685 and 686 for a review of temporary marriage.

Yet when ʿUmar was confronted with the argument that he was not following the *Sunnah*,⁶⁸⁸ he quickly acquiesced to the will of the Prophet. It is this notion that ʿUmar oscillated on his commitment to following the *Sunnah*, which probably inspired a degree of disapproval among the Companions of the Prophet, that has direct implications for the punishment of those accused of consuming wine.

ʿUmar changed the existing punishment of forty lashes to eighty lashes. The circumstances surrounding this change are not especially clear. There are three traditional accounts of why this change might have taken the place. Ṭayālīsī⁶⁸⁹ states that

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

This solution to the question seems untenable on the grounds that the "lightest penalty" was twice that which Abū Bakr assigned and was also potentially fatal. However, it is related by Ibn Hanbal that ʿAbd al-Raḥmān said, "make it similar to the lightest of the *ḥudūd*,"⁶⁹¹ eighty lashes; so ʿUmar lashed eighty stripes, and wrote about it to Khālīd [b. al-Walīd] and Abū ʿUbayda in Syria.⁶⁹² No reason is given in the text as to why or how the matter arose. This latter version, however, contains elements found in another traditional argument, which itself has minor variations.

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

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

⁶⁸⁹ Sulaymān b. Dāwūd, d. 203/818-9; scholar and Ḥadīth transmitter approved by the leading authorities of Ḥadīth, al-Qaṭṭān and Ibn Maḥdī, in the second/eighth century (Rosenthal, *Muslim Historiography*, 438-9). It is said that he knew 30 000 traditions by heart, and the 2 767 traditions contained in his *Musnad* contain mostly the same information as that found in Bukhārī. (*Et*, s.v., "al-Ṭayālīsī", by Wensinck)

⁶⁹⁰ Translated in Burton, *An Introduction to the Ḥadīth*, 149, from Ṭayālīsī's *Maḥat al-Maʿbūd*, Cairo, 1952.

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

⁶⁹² Translated in Baroody, *Crime and Punishment under Hanbali Law*, 80.

wrote to ʿUmar for advice. ʿUmar in turn asked the leading Companions about the matter. They advised him that he should increase the punishment to eighty - forty as per usual and forty more for offending the sensibilities of righteous Muslims.⁶⁹³ This tradition is supported by Bukhārī, who recorded:

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

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

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

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

⁶⁹³ Rashid, unpublished Thesis, "The Role of the Shurṭa in early Islam", University of Edinburgh, 1983, p. 96, n. 3, quoting Al-Rāziq al-Nadīm, *Qutb al-Sarūr fī Awsaf al-Khumur* (Beirut, 1969); El-Awa, 45.

⁶⁹⁴ Bukhārī/Khan, vol. 8, 507.

⁶⁹⁵ See pp. 117 - 120.

⁶⁹⁶ Tr. G. R. Smith, vol. XIV, 111; brackets Smith's.

⁶⁹⁷ Rosenthal, *Muslim Historiography*, 350.

⁶⁹⁸ Balādhurī, 112.

⁶⁹⁹ Ṭabarī, tr., Y. Friedmann, vol. 12, 172.

died from his injuries.⁷⁰⁰ No mention is made of how ʿUbaydallāh or al-Jumaḥī fared as a result of the punishment.

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

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

The Companions seem to have been drawing an analogy to Sūrah 24:4,⁷⁰² which provides for eighty lashes to the individual who slanders the reputation of a chaste woman.⁷⁰³ For ʿUmar, this *ḥadd* punishment - i.e., a fixed punishment as provided in the Qurʾān or the *Sunnah*⁷⁰⁴ - of eighty lashes, having been fixed in the Qurʾān, must have seemed more appropriate than Abū Bakr's estimate which the Prophet had indirectly sanctioned.

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

⁷⁰⁰ Nu'mani, vol. 2, 214-5, quoting Ibn Qutaiba, Ma'ārif; Khan, *The Pious Caliphs*, 108; Muir, *The Caliphate*, 184; Balādhurī/Hitti, 125. Balādhurī uses the single word, *ḥadd* (112), to indicate that al-Jumaḥī was punished with eighty lashes. When Balādhurī was recording events in the third/ninth century, the term *ḥadd* had come to mean both the prohibition of intoxicating drink and the punishment of eighty lashes (see Chapter 4, the section entitled, *Law in the Umayyad Era, Sharfah and Fiqh*).

⁷⁰¹ Muwatta/Johnson, 401. Cf. *Tartīb*, 90.

⁷⁰² Burton, 150-1.

⁷⁰³ Sherwani, writing in *Impact of Islamic Penal Laws on the Traditional Arab Society*, states that slander is without punishment in the Qurʾān (29). This statement is valid for the case of slander only in that this verse specifically mentions the slander of a good woman's reputation.

⁷⁰⁴ El-Awa, 49; *EF*, s.v., "Ḥadd"; Cf. Chapter 4, the section entitled, *Law in the Umayyad Era, Sharfah and Fiqh*.

⁷⁰⁵ Wehr, 130.

punish a slanderer. Indeed, it would be surprising if ʿUmar did not use that instrument for which he showed such favour. The reports of Abū Hurayrah notwithstanding, there are two paradigmatic accounts in Ṭabarī of ʿUmar’s use of his whip: one exemplifies ʿUmar dispensing summary justice with his whip, while the other exemplifies ʿUmar’s recognition that the use of the whip was not always legitimate:

ʿUmar b. al-Khaṭṭāb was brought some wealth and he began to distribute it among the people who all thronged around him. Saʿd b. Abī Waqqāṣ⁷⁰⁶ pushed his way roughly through the people and reached ʿUmar. (The latter) assailed him with his whip, saying, “You come here showing no respect for God’s authority on earth! I want to teach you that God’s authority will show you no respect!”⁷⁰⁷

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

The latter incident, save the chance meeting and compensation, may have occurred more often than the sources relate. “ʿUmar used to wander around the markets, reciting the Qurʾān and making judgements among the people whenever litigants caught up with him.”⁷⁰⁹ Yaʿqūbī adds that whenever ʿUmar patrolled the markets during the day or the streets of Medina at night, he always carried his whip.⁷¹⁰

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

⁷⁰⁶ See p. 13.

⁷⁰⁷ Tr. G. R. Smith, vol. XIV, 120.

⁷⁰⁸ Ibid., 139.

⁷⁰⁹ Ibid., 121.

⁷¹⁰ Cited in Rashid, *Op. Cit.*, 18. Cf. Muir, 191.

minister justice whenever possible.⁷¹¹ However, where the governor was not available, the matter was to be turned over to a man appointed by ʿUmar, the *qāḍī*.

Al-Kindī reports that ʿUmar wrote to ʿAmr b. al-ʿĀṣ - the general in charge of conquering Egypt (20/641) and also the man subsequently in charge of establishing Islamic sovereignty as governor of Egypt at the new garrison town of al-Fuṣṭāṭ⁷¹² - in the year 23/644 that Qays b. Abī al-ʿĀṣ was to decide matters between Muslims in the office of judgeship (*qaḍāʾ*⁷¹³).⁷¹⁴ Al-Kindī writes that Qays b. Abī al-ʿĀṣ was the first in Islam to hold the position of *qāḍī*.⁷¹⁵ Ṭabarī provides evidence of the existence of other *qāḍīs*: “It was reported that Shurayḥ was judge of al-Kūfah in the year in which ʿUmar b. al-Khaṭṭāb died [23/644]; judge of al-Baṣrah was Kaʿb b. Sūr [d. 36/656]⁷¹⁶.”⁷¹⁷ Balādhurī also supplies evidence of where *qāḍīs* could be found during ʿUmar’s reign: ʿUmar “appointed two men of the Prophet’s Companions for conducting prayer and performing the duties of [*qāḍī*]: Abū-ad-Dardā⁷¹⁸ to act as [*qāḍī*] and to conduct prayer at Damascus and the Jordan, and ʿUbādah to act as [*qāḍī*] and conduct prayer at Ḥimṣ and Qinnasrīn.”⁷¹⁹

The full role and functions of the *qāḍī* during the period of the *Rāshidūn* Caliphs is not well known, and perhaps may “partly elude our knowledge forever.”⁷²⁰ Ibn Qutaybah wrote that ʿUmar sent a letter to one of his *qāḍīs*, instructing him on the “dispensation and process of law.”⁷²¹ In this letter, ʿUmar orders the *qāḍī* to apply first the Qurʾān and then the

⁷¹¹ Fariq, in “A Remarkable Early Muslim Governor: Ziyad ibn Abih”, 21.

⁷¹² *CEI*, s.v., “ʿAmr ibn al-ʿĀṣī”; Hitti, 160-5.

⁷¹³ Wehr, 772.

⁷¹⁴ *The Governors and Judges of Egypt*, ed., R Guest, 300-1.

⁷¹⁵ *Ibid.*, 301.

⁷¹⁶ Rosenthal, *Muslim Historiography*, 213.

⁷¹⁷ Tr., G. R. Smith, vol. XIV, 165.

⁷¹⁸ Abū ad-Dardā ʿUwaymir b. Zayd, died about 34/654-5. (Rosenthal, 255)

⁷¹⁹ Balādhurī/Hitti, 217.

⁷²⁰ Goitein, *Studies in Islamic History and Institutions*, 126.

⁷²¹ Grunebaum, *Medieval Islam: A Study in Cultural Orientation*, 161; Cf. Ibn Khaldūn/Rosenthal, vol. 1, 453-4. This same letter is alleged by Ḥamīdullāh to have been sent to Abū Mūsā al-Ashʿarī, the governor of Baṣrah (*Majmūʿat*, in *CHAL*, 147). Khadduri states that the letter was sent to the *qāḍī* of Baṣrah, the same Abū Mūsā al-Ashʿarī (in Edge, 95). This discrepancy of titles may stem from the fact that, as stated earlier, the governor

Sunnah to whatever case came before him. If the answer could not be found directly in those sources, then the *qāḍī* was authorised to enjoin *qiyās* [“analogy”⁷²² to a case in the Qurʾān or *Sunnah*] to the case before him.⁷²³

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

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

could serve the function of judge. Ṭabarī states that Abū Mūsā al-Ashʿarī was made *governor* of Baṣrah in 17/638 (tr., Y. Friedmann, 172).

⁷²² CEI, s.v., “Qiyās”; Kamali, 197; Schacht, *Introduction*, Glossary, s.v., “kiyās”.

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

⁷²⁴ *A Textbook on Muslim Law*, 10; See Chapter 5.

⁷²⁵ Grunebaum, 161-2.

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

⁷²⁷ In Edge, 95.

the use of *qīyās* redundant in this matter. As there is a scarcity of direct evidence for this period, one might further speculate that the officials of ʿUmar would have followed his instructions when the moment came to punish an individual for drinking wine, punishing him with eighty lashes. Given ʿUmar’s harsh tendencies, it seems unlikely that the *qādīs* would have decided for themselves what the punishment should be lest such a decision get back to ʿUmar. There is evidence that ʿUmar, at least, was not averse to flogging Companions of the Prophet⁷²⁸.

The *qādīs* were not exclusively responsible for maintaining law and order throughout the ever widening horizons of the Islamic state. Leading generals in the field had the right to try cases and punish offenders. On his march to meet the Persians, Saʿd b. Abī Waqqāṣ “halted at Qādis, a village near al-ʿUdhayb, and the Muslim troops encamped there.”⁷²⁹ A poet named Abū Miḥjan al-Thaqafī⁷³⁰ joined the army en route. This poet was notorious for poems in opposition to the prohibition of wine. ʿUmar more than once exiled him to outlying areas in an attempt to silence him.⁷³¹ He was equally devoted to drink,⁷³² and drank wine [*sharīb al-khamr*⁷³³] while in Saʿd’s army. Saʿd beat [*ḍaraba*] him⁷³⁴ and imprisoned him in the tower of the castle at al-ʿUdhayb.⁷³⁵

On the day of the battle of al-Qādisiyyah⁷³⁶, Abū Miḥjan is reported to have been looking down on the battlefield, envious of his fellow Muslims fighting the Persians. Abū

⁷²⁸ See p. 119.

⁷²⁹ D. 55/674, Ṭabarī, tr., Y. Friedmann, 136.

⁷³⁰ Abū Miḥjan ʿAbd Allāh (or Mālīk or ʿAmr) b. Ḥabīb, of the Thaqīf tribe, d. ca. 16/637 (*EF*, s.v., “Abū Miḥdjan”).

⁷³¹ Ṭabarī, tr., G. H. A. Juynboll, vol. 13, 58; Balādhurī/Hitti, 257. He is alleged to have died while in exile shortly after the year 16/637-8. (*EF*, s.v., “Abū Miḥdjan”)

⁷³² Ṭabarī, tr., Y. Friedmann, vol. 12, 106; *EF*, s.v., “Abū Miḥdjan”. It is interesting to note that Abū Miḥjan vigorously defended his home town of aṭ-Ṭāʾif, a known centre of wine-production in the Arabian peninsula [see Chapter 1], against Muḥammad, shooting Abū Bakr’s son with an arrow. (Wāqidī, 930-1)

⁷³³ Taʾrīkh, 2351-2.

⁷³⁴ Balādhurī, 258; Wehr, 538. Balādhurī does not indicate what kind of beating, nor how many times Abū Miḥjan was beaten.

⁷³⁵ Ibid.; and Ṭabarī, tr., Y. Friedmann, vol. 12, 136.

⁷³⁶ While it is known that this battle took place in the spring, the sources have given years for the battle from 14 to 16 (635-7) (*EL*, s.v., “al-Kādisiyya”; Cf. Friedmann’s foreword to his

Miḥjan convinced Saʿd's concubine, Zabrah, to set him free on his oath that he would return once the battle was won.⁷³⁷ Abū Miḥjan fought with unmatched courage and skill.⁷³⁸ Once the battle was over, he kept to his word and returned himself to the prison, refastening his shackles.⁷³⁹ When Saʿd was informed of what had happened, he immediately went to Abū Miḥjan and released him from prison, promising never to beat him again for drinking wine after witnessing Abū Miḥjan that day.⁷⁴⁰ For his part, Abū Miḥjan swore that he would never drink again.⁷⁴¹

Although Abū Miḥjan was freed from the punishment of beatings, Balādhurī makes no mention of Saʿd abrogating imprisonment. Hitti's translation renders the above passage⁷⁴² as "Saʿd said to Abū Miḥjan, 'By Allāh, I shall never *punish* thee for wine after seeing what I saw of thee.'⁷⁴³ It is conceivable that both the beating and the imprisonment were repealed, as Hitti seems to have interpreted events. However, given Abū Miḥjan's reputation with respect to wine consumption, the present author contends that imprisonment was not abrogated as a means of punishment. The beatings may have been rescinded for this could have "dishonoured" a valiant warrior for Islam in the eyes of other Muslims, or worse still, lead to the death of such a courageous warrior.

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

translation of Ṭabarī, p. xii; and *EF*¹, s.v., "Saʿd b. Abī Wakkās", in which K. V. Zettersteen decides on the year 16, the summer of 637, as the year of the battle).

⁷³⁷ Balādhurī/Hitti, 414; Ṭabarī, tr., Y. Friedmann, vol. 12, 139. Ṭabarī relates another version of events, where Salmā bint Khaṣafah [possibly Saʿd's wife (*EF*², s.v., "Abū Miḥdjan") freed him from his prison shackles (tr., Y. Friedmann, vol. 12, 104).

⁷³⁸ Ṭabarī, tr. Y. Friedmann, 104-6.

⁷³⁹ Balādhurī/Hitti, 414; Ṭabarī, tr. Y. Friedmann, vol. 12, 139.

⁷⁴⁰ Balādhurī, 258-9. Paraphrase mine.

⁷⁴¹ Balādhurī/Hitti, 414.

⁷⁴² See n. 740.

⁷⁴³ Loc. Cit.; italics mine.

Nakhla to spy on the Quraysh's caravan traffic between Ṭā'if and Mecca. The spies discovered a wealthy cargo under light guard heading towards Mecca. They talked amongst themselves about attacking the caravan. The decision was not straightforward because it was the last day of the holy month of Rajab, in which no fighting was allowed to take place; but the caravan was certain to reach the safe environs of Mecca before the day was out.⁷⁴⁴

The spies decided to attack. They captured the caravan, in the process killing some of the Quraysh. When they returned to Medina, there was much consternation among the followers of Muḥammad that fighting should have taken place in the holy month. Muḥammad similarly gave the spies a cold reception, stating that he had not given them permission to fight in the sacred month. "When the apostle said that, the men were in despair and thought that they were doomed."⁷⁴⁵ Then Muḥammad revealed the following:

They will ask you about the sacred month, and war in it. Say, war therein is a serious matter, but keeping people from the way of God and disbelieving in Him and in the sacred mosque and driving out His people therefrom is more serious with God.⁷⁴⁶

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

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

⁷⁴⁴ Ibn Ishāq, 286-7.

⁷⁴⁵ Ibid. 287.

⁷⁴⁶ Ibid., 287-8. Cf. Sūrah 2:217 and Chapter 2, the section entitled, *Sūrah 2:219*.

guaranteed freedom of persecution, will cease that transgression of his own will.

This is not the only case of ʿAbbāsid era historians thinly disguising a moral lesson inside their historical narratives. Ṭabarī relates that five years into ʿUmar's rule, a Companion of the Prophet and the leading general in Syria, Abū ʿUbaydah b. al-Jarrāḥ, was confronted with a challenge to the Qurʾānic ban on intoxicants. A drought occurred in the latter part of the year 17/638 and lasted through the beginning of 18/639,⁷⁴⁷ centred in the town of ʿAmawās, in Syria.⁷⁴⁸ With water supplies dried up, a group of Muslims took to drinking wine (*sharīb al-khamr*).⁷⁴⁹ Among them were some Companions of the Prophet, including Ḍirār b. al-Azwar al-Asadī and Abū Jandal b. Suhayl b. ʿAmr. When the group was reminded (by an unidentified Muslim) that the Prophet had asked men to refrain, the group confirmed that very fact: that the verse ends by *asking* one to refrain, not commanding.⁷⁵⁰ The group seems to have been referring to Sūrah V:91,⁷⁵¹ which re-emphasises the connection between Satan and intoxicants, and ends by asking the question, “Will ye not then abstain?”⁷⁵²

Goldziher, citing Ibn al-Athīr's version of events,⁷⁵³ wrote that the group chose a different verse, Sūrah V:93, as their defence: “Those who believe and do good works are not regarded as sinful on account of what they *eat* as long as they place their trust in God, believe, and do good works.”⁷⁵⁴ Goldziher's translation appears to be incorrect in a literal sense. Present day translations of this verse have the verb, “to eat”, in the past tense: “On those who believe and do deeds of righteousness there is no blame for what they ate ...”.⁷⁵⁵

⁷⁴⁷ Tr., G. H. A. Juynboll, 155.

⁷⁴⁸ Ibid., 151.

⁷⁴⁹ Ibn al-Athīr, *ʿUṣd al-Ghābah*, vol. 6, 55.

⁷⁵⁰ Ṭabarī, tr. G. H. A. Juynboll, vol. 13, 151-2.

⁷⁵¹ Ibid., 152, n. 517.

⁷⁵² Tr. A. Yūsuf ʿAlī.

⁷⁵³ *Introduction to Islamic Theology and Law*, 59, citing Ibn al-Athīr, *Uṣd al-ghāba*, V, 161.

⁷⁵⁴ Italics this author's.

⁷⁵⁵ Cited in A. Yusuf Ali, Sūrah V:96; Cf. Pickthall, Sūrah V:93: “There shall be no sin unto those who believe and do good works for what they may have eaten ...”

The verb, *ʔaʕima*, “to eat (something)”,⁷⁵⁶ is clearly in the past tense. The wording in Ibn al-Athīr’s quotation of the verse is identical to that in the Qur’ān.⁷⁵⁷

Goldziher may have been attempting to convey that the men were possibly interpreting the verse to mean that “the eating or drinking of something forbidden is not a serious sin”⁷⁵⁸ However, such an interpretation would appear to effectively abrogate not only the ban on wine, but also the restrictions on other foods, including carrion, blood, flesh of swine, and any item which had been invoked in a name other than Allāh.⁷⁵⁹

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

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

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

⁷⁵⁶ Wehr, 560.

⁷⁵⁷ *ʕUṣḍ al-Ghābah*, vol. 6, 55. The seven volume Cairo edition of 1970-73 referred to by this author is an oversize version of the five volume Cairo edition of 1869-71 which Goldziher referred to.

⁷⁵⁸ Watt, *Companion to the Qur’ān*, 78.

⁷⁵⁹ Sūrah II:173; Sūrah V:4-5; and VI:138-146.

⁷⁶⁰ Sūrah 5:4, tr., A. Yūsuf ʕAlī. Sūrah 2:173 is similar, stating that if one is forced by necessity, without wilful disobedience, to eat of the restricted foods, “Then he is guiltless.” (Tr. A. Yūsuf ʕAlī)

It is likely that this group of Muslims, like Abū Miḥjan and others, neither approved of nor followed the ban on wine.⁷⁶¹ They may have used the drought to legitimately raise the issue, but the group was not interested in a temporary lifting of the ban: they argued that the ban on wine should be overturned on the basis of their interpretation of Sūrah 5:91. The participation of some of the Companions of the Prophet made this no ordinary challenge; with their added prestige, it could not be a matter of simply having them flogged, to say nothing of exile, as Abū ‘Ubaydah recognised.

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

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

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

⁷⁶¹ Goldziher, 59.

⁷⁶² Ṭabarī, Tr. G. H. A. Juynboll, vol. 13, 151-2.

⁷⁶³ Loc. Cit.

⁷⁶⁴ Loc. Cit.

Ṭabarī concludes this narrative by recording that “Ḍirār b. al-Azwar died a martyr’s death together with a number of men, but the others (found guilty of wine drinking) survived the campaign and were duly flogged.”⁷⁶⁵ So ashamed of their misdeeds and being flogged in public that they “kept to their quarters,” and only a forgiving letter from ‘Umar, specifying the breadth of God’s forgiveness, brought them out of their despair.⁷⁶⁶

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

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

⁷⁶⁵ Ibid., 154.

⁷⁶⁶ Ibid., 153. Abū ‘Ubaydah succumbed to the ensuing plague in the year 18/639 (Ibid., 96).

⁷⁶⁷ Ṭabarī, tr. G. H. A. Juynboll, vol. 13, 105; Balādhurī/Hitti, 277-8. Balādhurī (182) states that this anecdote, in which Khālīd used *khamr* to bathe, was related by al-Wāqidī, but cannot be established with certainty. The present author has been unable to locate this incident in Marsden’s edition of Wāqidī, and may no longer be extant.

forbidden you to drink it.”⁷⁶⁸ There is no mention of Khālīd receiving eighty lashes, perhaps because the offence was not as serious as actually consuming wine.

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

During the caliphates of ‘Uthmān b. ‘Affān and ‘Alī b. Abī Ṭālib, an organisation known as the *shurṭa* was largely responsible for keeping the peace in the cities⁷⁶⁹. In addition to this force, there were probably individuals known as the market inspectors, or the *muḥtasib*, who specialised in making certain the *aswāq*, markets (sing. *sūq*), were free of impropriety, both on the part of the seller and of the buyer. Unlike the *shurṭa*, the *muḥtasib* do not make many significant appearances in the sources until the end of the Umayyad period, and even then, additional information supplied from the ‘Abbāsīd era must be extrapolated to determine their probable functions.⁷⁷⁰

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

Then ‘Umar, our leader, poured all the wine away,
while bibbers were weeping around (empty) presses.⁷⁷¹

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

⁷⁶⁸ Loc. Cit.

⁷⁶⁹ See p. 127.

⁷⁷⁰ *EF*, s.v., “Ḥisba”; Cf. Chapter 5, *Law in the Early ‘Abbāsīd Era II, Legal Rulings: Enforcement*.

⁷⁷¹ Ṭabarī, tr., G. H. A. Juynboll, vol. 13, 154.

lashes⁷⁷². One need not look so long into the future for evidence of continued wine consumption. ʿUmar's successor appears to have been faced with punishing individuals accused of drinking wine.

ʿUthmān b. ʿAffān (23/644 - 35/656)

ʿUthmān's election to the caliphate by ʿUmar's appointed *shūrā*, or consultative counsel,⁷⁷³ was not immediately accepted by one member in particular, ʿAlī b. Abī Ṭālib.⁷⁷⁴ Even so, this had little impact at the time on the course of events, and ʿUthmān was given the oath of allegiance. After the oath of allegiance had been rendered to him, ʿUthmān is said to have given a speech in which he agreed to rule according to the Qurʾān, the *Sunnah*, and "those who preceded me in matters that you have agreed upon and established."⁷⁷⁵ As if to emphasise the point, in that same speech he tells his audience that "I will be a follower, not an innovator."⁷⁷⁶ The implications for the punishment of wine drinking are clear, yet complicated, by this position. Abū Bakr had only punished with forty lashes while ʿUmar changed the punishment to eighty lashes. Obviously, ʿUthmān could not follow the conflicting precedents set by each caliph.

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

ʿUthmān invited ʿAlī to punish a breach of the ban on drinking wine. ʿAlī delegated the actual application of the penalty to another and counted out the strokes as they fell. He [ʿUthmān] stopped him [ʿAlī] at forty. The Prophet had applied forty lashes; Abū Bakr had applied forty lashes.⁷⁷⁷

⁷⁷² See Chapter 5, *Law in the Early ʿAbbāsīd Era II, Legal Rulings: Punishment*.

⁷⁷³ Wehr, 492.

⁷⁷⁴ The election of ʿUthmān and the controversy it created do not on the whole concern this thesis, though its importance in the history of Islam can not be underestimated. Ṭabarī devotes fully half of his history covering ʿUthmān's reign to this event, while the other nineteen years of his reign are compacted into the preceding half. For Ṭabarī's rendition of the events, see G. R. Smith's translation, vol. XIV, 148-162; *Taʾrīkh*, I, 2776-2797. Cf. p. 99, n. 634 for a short list of western authors who have also dealt with this matter.

⁷⁷⁵ Ṭabarī, R. S. Humphreys, vol. XV, 256-7.

⁷⁷⁶ Loc. Cit.

⁷⁷⁷ In Burton, 149.

Ṭayalīsī seems to have understood that the Prophet had in fact set the punishment at forty lashes,⁷⁷⁸ and that ʿUthmān was fulfilling his obligation to follow the *Sunnah* and the precedent of at least one of those who preceded him.

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

But then there is a complex and interesting story in Ṭabarī⁷⁸⁰ which indicates that ʿUthmān in fact punished with eighty lashes. ʿUthmān appointed al-Walīd b. ʿUqbah, his half-brother,⁷⁸¹ as governor of Kūfah in the year 25/645-6. Al-Walīd is said to have been “the most beloved among the people and the most courteous with them.” About five years into his reign, ʿUthmān ordered al-Walīd to execute several youths⁷⁸² who had maliciously and without provocation attacked Ibn al-Ḥaysumān al-Khuzāʿī. Al-Walīd followed his instructions, and executed the youths at the gate of the palace in the public square.

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

⁷⁷⁸ Perhaps this is the source of Rashid’s assertion that the “in the time of the Prophet, the punishment for drinking wine was between 30 and 40 lashes ...” (Op. Cit., 96, n. 3).

⁷⁷⁹ *Ikhtilāf*, translated in Burton, 150.

⁷⁸⁰ The following events are cited from R. Stephen Humphrey’s translation, vol. XV, 45-56.

⁷⁸¹ Ibn Saʿd, vol. 7, 476-7.

⁷⁸² Zuhayr b. Jundub al-Azdī, Muwarriʿ b. Abī Muwarriʿ al-Asadī, and Shubayl b. Ubayy al-Azdī are named. (Ibid., 46)

Walīd,⁷⁸³ and told them that al-Walīd was drinking wine. Exactly why the informer came to these three men is something of a mystery. Ṭabarī writes that the men “were keeping a close eye on him”, and so perhaps were employing someone who had access to the governor to act as their spy. There is an equally likely chance that the informer was aware of events and hoped that by performing some service to these men, he might receive a reward. Finally, it simply may be that al-Walīd’s alleged wine drinking, if true, deeply offended the sensibilities of the informer, and so he turned al-Walīd over to his enemy. The matter is further complicated by al-Walīd’s protestation of innocence, in which case the informer had lied, and turned al-Walīd over to his enemy, for what reasons may never be known.

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

Al-Walīd’s reaction to this event leads to yet another complication. Ṭabarī states that “al-Walīd forgave them this, concealing it from ‘Uthmān and taking no steps among the people in regard to it. He disliked arousing dissension among them, so he kept silent about it and bore it patiently.”⁷⁸⁴ Events could have transpired just as Ṭabarī describes, though certain questions arise. For instance, why did he hide the uprising from ‘Uthmān when he

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

⁷⁸⁴ Ṭabarī, tr. R. Stephen Humphreys, vol. XV, 49.

had earlier turned over the matter of a group attack on Ibn al-Ḥaysumān al-Khusāʿī? Certainly this would have been the ideal excuse to execute men who had a deep seated grudge against al-Walīd; men who most likely wished to depose him, or perhaps worse.

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

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

⁷⁸⁵ *Al-Iṣāba fī Tamyīz al-Ṣaḥāba*, vol. 3, 638.

⁷⁸⁶ See text below.

⁷⁸⁷ Ṭabarī, tr. R. Stephen Humphreys, vol. XV, 53.

⁷⁸⁸ Loc. Cit. A similar, though briefer, account of the events is given on p. 54.

⁷⁸⁹ Ibid., 54. The translation reads “We shall carry out the divinely ordained penalty [for wine drinking], and the false witness will bring hellfire upon himself.” (brackets Humphreys’) Ṭabarī uses one word to describe the “divinely ordained penalty”, *ḥadd*, which Humphreys identifies as “The [punishment] ordained in the Qurʾān for a limited number of

will bring hellfire upon himself. Suffer patiently, dear brother!”⁷⁹⁰

This narrative poses an exceedingly large challenge to determine the truth from potential animosity towards ‘Uthmān’s reign.⁷⁹¹ Taken at face value, ‘Uthmān would rather punish an innocent man than allow a guilty man to go free. Still, he appears to have a desire to excuse such harshness by stating that if the accusations are false, the accusers will be condemned by God.⁷⁹² ‘Uthmān then asks al-Walīd to “suffer patiently,” for, by implication, if he is innocent, he will be rewarded by God. Looked upon sceptically, this narrative is an assault on ‘Uthmān’s reputation.

At once his judgement is thrown into doubt for taking the word of accusers who ‘Uthmān knew well had a grudge against the accused, and his justice is denounced as purely arbitrary, for punishing the one and cursing the other. In ‘Uthmān’s defence, the Qur’ān stipulates a number of cases where a minimum of two or four men act as witnesses where judgement is required by a third party.⁷⁹³ ‘Uthmān, confronted with more than the requisite number of witnesses, could not easily dismiss the charge, even as he seems to have had reservations concerning their honesty.

The present author believes that is what happened. ‘Uthmān could not dismiss the charge against al-Walīd given the number of witnesses brought against him. Ṭabarī does not say that he received eighty lashes, only that he was given the *ḥadd*.⁷⁹⁴ This is another indication that ‘Uthmān was not being attacked in this story, for he is portrayed as acting in accordance with the Qur’ān which bans intoxicating drinks. He had no choice but to flog al-

offences that ‘transgress God’s limits.’ These are flogging for fornication, slander against virtuous women, and the drinking of intoxicants; severing of the hand for theft, and execution for highway robbery.” (p. 51, n. 85; citing the article, “Ḥadd” by J. Schacht and B. Carra de Vaux in *EF*) This is not, strictly speaking, correct. See p. 110, n. 700, and Chapter 4, the section entitled *Law in the Umayyad Era, Sharfah* and *Fiqh*.

⁷⁹⁰ Loc. Cit.

⁷⁹¹ See p. 122, n. 774.

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

⁷⁹³ Sūrah 2:282; 4:15; 5:106; 24:24; 65:2.

⁷⁹⁴ See p. 125, n. 789.

Walīd for his alleged crime, though the presumed number of eighty lashes is problematical since ʿUthmān may have been inclined to forty lashes. Perhaps the best that can be said at this time is that ʿUthmān “punished an offender with forty lashes, but it is also related that [ʿUthmān] applied a punishment of eighty lashes as well.”⁷⁹⁵

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

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

⁷⁹⁵ El-Awa, 46, citing *al-Muhalla* and Shawkani, *Nayl al-Awtar*.

⁷⁹⁶ Ibn Khaldūn/Rosenthal, vol. 1, 442.

⁷⁹⁷ Aghānī, vol. 5, 122; Muqaddimah, vol. 2, 620.

⁷⁹⁸ Ibid., 126.

⁷⁹⁹ Ibid.

⁸⁰⁰ Tr. R. Stephen Humphreys, vol. XV, 120.

⁸⁰¹ Ibid.

⁸⁰² Presently translated as “police, policemen, police officer.” (Wehr, 465) However, in the first century of Islam, it does not appear that the *shurṭa* acted strictly as a police officer in the manner the position is understood to be performed today. Rashid’s thesis portrays the *shurṭa* in these early years as the personal guard of the caliph or governor. (Cf. Schacht, Introduction, p. 50, n. 1) The *shurṭa* was personally responsible to that ruler, and they could be sent out to repress rebellion, silence dissidents, encourage people to attend mosque, and finally, keep the peace in the city, as the example in the text above illustrates. (Op. Cit., 30-6)

⁸⁰³ Rashid, op. cit., 19-20.

... when ʿAbbās, the Prophet's uncle, died in 32/652, all the people of Medina wanted to pray at his tomb. People crowded around and pushed each other, so ʿUthmān sent the *shurṭa* to beat people in order that the Banū Hāshim might be allowed at least to dig the grave and bury ʿAbbās.⁸⁰⁴

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

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

ʿAlī b. Abī Ṭālib (35/656 - 40/661)

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

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

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

⁸⁰⁴ Ibid., op. cit., 20.

⁸⁰⁵ In Burton, 140.

However, the opposite tradition is recorded by Bukhāri:

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

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

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

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

⁸⁰⁶ Bukhāri/Khan, vol. 8, 506.

⁸⁰⁷ For more on ʿAlī's reign, see Petersen, *ʿAlī and Muʿāwiya in Early Arabic Tradition*; see also p. 99, n. 634, for a brief list of authors.

⁸⁰⁸ Tr. G. R. Hawting, vol. XVII, 203. Al-Aswad was of unwavering support for ʿAlī and composed poetry to vindicate his claim to the caliphate (Fariq, "Umayyad Poetry: Its

possibility for the lack of direct evidence concerning wine consumption is that Arabic authors “reflect only the interests of the later chroniclers ...,”⁸⁰⁹ who may have been so consumed with the events leading up to and of the first civil war in Islam, they neglected matters such as wine drinking. All that can truly be said is that wine was still available in the region, if a Muslim wished to acquire it, through the Jews. “R. Sheriria relates that when Rab Isaac Gaon ... headed a procession into the presence of the fourth Caliph, ‘Alī, he was followed by 90 000 Babylonian Jews.”⁸¹⁰

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

Political and Social Background”, 261). He died in the plague of 69/688 (*ET*², s.v., Abū al-Aswad al-Du‘alī”).

⁸⁰⁹ Al-Qādī, Wadād, “Early Islamic State Letters: The Question of Authenticity”, 216.

⁸¹⁰ Quoted in Sasson, *A History of the Jews in Baghdad*, 7; Cf. *Encyclopaedia Judaica*, vol. 8, 1444, in which the number of Jews in attendance is placed at either 70 000 or 90 000.

*Chapter 4: The Umayyad Era (41/661 - 132/750)*⁸¹¹

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

Sir William Muir, whose conclusion begins this chapter,⁸¹² extracted this description of the Umayyads from Arabic sources. Many of the sources available to Muir, as well as the present author, were penned by late third/late ninth-early tenth century authors such as al-Masʿūdī (d. 345-6/956) and al-Ṭabarī (d. 310/923).⁸¹³ These men produced their works in an era dominated by the descendants of al-ʿAbbās; descendants who had massacred all but one of the Umayyad ruling house in 132/750.⁸¹⁴ They did not, therefore, have a vested interest in praising the nearly nine decades of Umayyad rule.

Such concealed hostility, "... reflected in both what the tradition reports and the way in which it reports,"⁸¹⁵ makes substantiating wine consumption as fact during this period a labyrinthine task, for the nature and circumstances within which wine are mentioned is truly striking. As was illustrated in the previous chapter, during the period of the *Rāshidūn* Caliphs, wine consumption was sometimes portrayed as the measure of one relatively minor transgression against the repentant value of fighting for Islam. Wine consumption continued to act as a benchmark by which other actions were judged during the Umayyad era. However, actions of the Umayyads in this sphere of wine drinking were rarely portrayed as

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

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

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

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

⁸¹⁵ Hawting, *The First Dynasty of Islam: The Umayyad Caliphate AD 661-750*, 11.

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

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

Mu‘āwiyah b. Abī Sufyān (41/661 - 60/680)

With the death of ‘Alī b. Abī Ṭālib in the month of Ramaḍān in the year 40⁸¹⁸/January 661,⁸¹⁹ Mu‘āwiyah b. Abī Sufyān established his caliphate after having suppressed “rebels” and having encouraged ‘Alī b. Abī Ṭālib’s oldest son and grandson of the Prophet, al-Ḥasan, to relinquish his claim to the caliphate.⁸²⁰ The sources devote much of their material to Mu‘āwiyah’s military expeditions,⁸²¹ including the fact that his forces took

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

⁸¹⁷ *Islamic Revolution and Historical Memory*, 13-4.

⁸¹⁸ Ṭabarī, tr. G. R. Hawting, vol. XVII, 222.

⁸¹⁹ Rahman, *A Chronology of Islamic History: 570 - 1000 CE*, 64.

⁸²⁰ Hitti, 189-90; Cf. Ṭabarī, tr. G. R. Hawting, vol. XVII, 222 and tr. M. G. Morony, vol. XVIII, 2-8. The “rebels” were opponents of Mu‘āwiyah’s caliphate and, it seems to this author, are often labelled rebels by both Arabic and western authors solely because they lost to what would become the established authority.

⁸²¹ Hodgson, vol. 1, 219. See also p. 131, n. 811.

to the sea in substantial numbers, raiding Sicily in 48/688 and Crete in 56/674.⁸²² The sources also detail Mu‘āwiyah’s domestic policies, which, in the main, tended to follow those of ‘Umar.⁸²³ However, there is one disparity of policy between the two men that is relevant to this thesis: their policy toward the consumption of wine in Medina.⁸²⁴

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

Balādhurī records that al-Walīd b. ‘Utbah b. Abī Sufyān and Ibn Sayḥān⁸²⁸, a “minor poet”⁸²⁹ of the Umayyad era, were boon companions (*nadīm*).⁸³⁰ One day, when the two had drunk wine (*al-sharāb*) and become drunk (*sakrān*), al-Walīd began to plot against the governor of Medina, Marwān b. al-Ḥakam⁸³¹. Marwān had him arrested and beaten with the

⁸²² Rahman, 67, 70. Taking to the sea was said to have been expressly forbidden by ‘Umar b. al-Khaṭṭāb and only grudgingly allowed by ‘Uthmān b. ‘Affān (G. Hourani, *Arab Seafaring in the Indian Ocean in Ancient and Medieval Times, Expanded Edition*, 54-6).

⁸²³ Hodgson, vol. 1, 217.

⁸²⁴ For the caliphate of ‘Umar, see Chapter 3, s.v., ‘*Umar b. al-Khaṭṭāb*.

⁸²⁵ See p. 131, n. 811.

⁸²⁶ Hitti, 236; Wellhausen, 161.

⁸²⁷ Hitti, 236-7, citing Mas‘ūdi and the *Aghānī*; Cf. Wellhausen, 161, citing the *Aghānī*; W. M. Watt’s contribution within the *EF* article, “al-Madīna”, cites Ṭabarī as its evidence that a luxurious life had developed in Medina (see later in this chapter, p. 179).

⁸²⁸ ‘Abd al-Raḥman b. Sayḥān b. Arṭāt b. Sayḥān ... (*Aghānī*, vol. 2, 242).

⁸²⁹ *EF*, s.v., “Ibn Sayḥān”.

⁸³⁰ *Ansāb al-Ashrāf*, IV/I, 135. For more on the term *nadīm*, see Chapter 5, the section entitled, *Hārūn al-Rashīd: the Boon-Companion*.

⁸³¹ Ibid. Marwān served two separate terms as governor of Medina, from 41/661-48/668 and 54/674-57/677, alternating with Sa‘īd b. al-‘Āṣ and al-Walīd b. ‘Utbah himself (*EF*, s.v., “Marwān I b. al-Ḥakam”).

ḥadd, which probably meant he was flogged with eighty lashes.⁸³² Ibn Sayḥān is said to have been stupefied that his boon companion should be treated in this manner. Marwān wrote to Muʿāwiyah informing him that his decision to have al-Walīd beaten was based on advice he had taken from the leading legal scholars in Medina (*ahl al-Medina*).⁸³³

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

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

⁸³² Ibid. The Aghānī records that Ibn Sayḥān was beaten with the *ḥadd* which was equal to eighty lashes (see text below). For more on the term *ḥadd*, see p. 187.

⁸³³ Ibid.

⁸³⁴ See below, p. 189.

⁸³⁵ See Chapter 5, the section entitled, *Law in the early ʿAbbāsīd Era I*.

⁸³⁶ Aghānī, vol. 2, 244-5.

⁸³⁷ Ibid., vol. 2, 245-6.

⁸³⁸ Ibid., vol. 2, 236.

This behaviour enraged the governor of Medina, who ordered his deputy, Saʿīd b. al-ʿĀṣ⁸³⁹, to keep a watch for Ibn Sayḥān.⁸⁴⁰ Saʿīd caught Ibn Sayḥān emerging from the house of al-Walīd b. ʿUthmān. He was stopped⁸⁴¹ and beaten with the *ḥadd* - eighty lashes with a whip.⁸⁴² News of this incident reached Muʿāwiyah. Muʿāwiyah became furious, for he believed that Ibn Sayḥān had been drinking *nabīdh*, which the Prophet's family had been allowed to consume.⁸⁴³ Muʿāwiyah wrote to Marwān that he was in error applying the *ḥadd* to Ibn Sayḥān for drinking *nabīdh* and ordered him to pay one thousand *dirhams* restitution and make a public retraction of the punishment.⁸⁴⁴

As instructive as this story appears to be, the increasingly strained relationship between Muʿāwiyah and Marwān raises suspicions concerning the accuracy of this account. It may have been during the period when Marwān was governor of Medina that Muʿāwiyah “grew suspicious of Marwān's ambitions for his family,” for two reasons: Marwān had begun accumulating large tracts of property in Medina; and Marwān's family was more numerous than Muʿāwiyah's.⁸⁴⁵ The order to make a financial restitution and public retraction of the punishment may have been seen as a means with which to publicly humiliate Marwān. The

⁸³⁹ See above, n. 831.

⁸⁴⁰ Aghānī, vol. 2, 236.

⁸⁴¹ A variant of this story reported from a different source states that the head of the police [*ṣāhib shurṭa*] stopped Ibn Sayḥān after he had been drinking intoxicants [*min al-sharāb*] and applied the *ḥadd* punishment (Aghānī, vol. 2, 247-9). For more on the *shurṭa*, see later in this chapter, the section entitled, *Law in the Umayyad Era, the Shurṭa*.

⁸⁴² Ibid., vol. 2, 236-7. It is interesting that al-Isfahānī should have chosen to include the number of lashes which the application of the *ḥadd* called for. This may be further evidence that the punishment of eighty lashes was not identified with the term *ḥadd* at least during Muʿāwiyah's caliphate. For more on the term *ḥadd*, see p. 187.

⁸⁴³ Ibid., vol. 2, 247. The Aghānī later mentions that consuming *nabīdh* is “*ḥalāl*”, permitted, so long as it does not intoxicate, at which time it becomes “*ḥarām*”, forbidden. Cf. Chapter 2, the section entitled, *al-Ḥadīth* and Chapter 5, *Law in the Early ʿAbbāsīd Era I*.

⁸⁴⁴ Ibid.; *EF*, s.v., “Ibn Sayḥān”.

⁸⁴⁵ *EF*, s.v., “Marwān I b. al-Ḥakam”. This may have been one of the factors which prompted Muʿāwiyah to take the unprecedented step of nominating his son to the caliphate (Ibid.). Another factor may have been that his son “was probably the only man whom the Syrians were ready to accept” (Hodgson, vol. 1, 219).

argument that drinking *nabīdh* was permitted and that Marwān effectively owed Ibn Sayḥān an apology may have been merely an advantageous pretext for Muʿāwiyah's actions.⁸⁴⁶

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

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

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

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

⁸⁴⁶ The present author believes that had there been demonstrable proof that Ibn Sayḥān had been consuming *khamr*, Muʿāwiyah may not have ordered Marwān to apologise.

⁸⁴⁷ See below for his caliphate, s.v., ʿAbd al-Malik b. Marwān.

⁸⁴⁸ Aghānī, vol. 2, 237.

⁸⁴⁹ Loc. Cit.

⁸⁵⁰ For more on wine in Medina, see p 179.

⁸⁵¹ Kennedy, 83; Hodgson, vol. 1, 218-9.

⁸⁵² Hitti, 196; Ṭabarī, tr. M. G. Morony, vol. XVIII, 208-10; see above, p. 135.

⁸⁵³ Hawting, 13-4.

caliphate into a kingship".⁸⁵⁴ But such a charge could only be made in hindsight, for there was no endemic support amongst the community for the unprecedented nomination of one's own son to the caliphate. That the caliphate remained a hereditary office is a fact of history, but was not a fact at the time of Yazīd's succession in Rajab 60/April 680⁸⁵⁵.

Various members of the community immediately moved against Yazīd. The first to do so was al-Ḥusayn, the younger son of ʿAlī b. Abī Ṭālib and grandson of the Prophet.⁸⁵⁶ A large segment of the population of the city of Kūfah came out in support of al-Ḥusayn. They sent al-Ḥusayn, then in Mecca, an invitation to come to Kūfah and lead them against Yazīd.⁸⁵⁷ Al-Ḥusayn sent his cousin, Muslim b. ʿAqīl b. Abī Ṭālib, to Kūfah to investigate the strength of support there.⁸⁵⁸ Yazīd was informed of this and ordered ʿUbaydallāh b. Ziyād⁸⁵⁹, the then governor of Baṣrah, to assume authority over the city of Kūfah and intercept Ibn ʿAqīl.⁸⁶⁰ ʿUbaydallāh failed the latter. Ibn ʿAqīl was able to send word to al-Ḥusayn that he had the support of twelve thousand Kūfans.⁸⁶¹ ʿUbaydallāh's difficulties were augmented as al-Ḥusayn's supporters kept Ibn ʿAqīl hidden in the city so that he could help prepare the Kūfans for al-Ḥusayn's arrival.⁸⁶²

ʿUbaydallāh discovered the identity of one of those who had housed Ibn ʿAqīl, a man named Hānī' b. ʿUrwah al-Murādī.⁸⁶³ Hānī' was persuaded to join others who had been

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

⁸⁵⁵ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 1-2.

⁸⁵⁶ See p. 131, n. 811.

⁸⁵⁷ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 16-7; 24-6; Hodgson, vol. 1, 219.

⁸⁵⁸ Cf. *ET*, s.v., "Muslim b. ʿAqīl b. Abī Ṭālib"; H. Lammens bases his article almost solely on the account related by Ṭabarī.

⁸⁵⁹ D. 67/686 (*ET*, s.v., "ʿUbayd Allāh b. Ziyād").

⁸⁶⁰ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 18; 30-1.

⁸⁶¹ *Ibid.*, 17. Ṭabarī reports from another source that the number of supporters was eighteen thousand (*Ibid.*, 57).

⁸⁶² *Ibid.*, 17-9.

⁸⁶³ *Ibid.*, 18-9; the remainder of this story is paraphrased from the translation on pp 18-9 unless otherwise specified.

invited by ‘Ubaydallāh for an audience. At that meeting, Hānī’ denied any knowledge of Ibn ‘Aqīl. However, the spy who had initially exposed Hānī’ to ‘Ubaydallāh testified against him. Hānī’ was beaten, imprisoned, and threatened with death. Ibn ‘Aqīl was informed of ‘Ubaydallāh’s actions. He assembled as many supporters as he was able and then marched on and surrounded the governor’s palace.⁸⁶⁴ Hoping to deflate the situation, ‘Ubaydallāh had word spread that the Syrian army was en route to relieve their siege of the palace.⁸⁶⁵ The Kūfans deserted Ibn ‘Aqīl, returning to their homes.⁸⁶⁶ Ibn ‘Aqīl, bereft of support and unable to leave the city for lack of a volunteer to guide him back to Medina, allowed himself to be taken to ‘Ubaydallāh.⁸⁶⁷

Ṭabarī records the following conversation between the two men:⁸⁶⁸

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

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

‘Ubaydallāh: What have you to do with that, you great sinner? Have we not done that among them when you were drinking wine [*sharīb al-khamr*⁸⁶⁹] in Medina?

Ibn ‘Aqīl: I, drink wine [*sharibu-l khamr*⁸⁷⁰]! By God! God knows you are not speaking the truth and have spoken without any knowledge, for I am not like you have said. It is more appropriate to be described as a wine drinker [*bi-sharibu-l khamr*⁸⁷¹] than a man who laps the blood of Muslims, who takes the life that God has forbidden ...

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

Ibn ‘Aqīl: You are the person with the most right to commit crimes of innovation [*aḥdath*⁸⁷²] in Islam. ...

⁸⁶⁴ Ibid., 37-48.

⁸⁶⁵ Ibid., 50-1.

⁸⁶⁶ Ibid. Cf. Hodgson, vol. 1, 219. For more on the Syrian army and why the threat of its use should have instilled such uniform fear, see Hodgson, vol. 1, 217-8, and Kennedy, 83.

⁸⁶⁷ Ibid., 55-8. Or he may have been captured while in hiding on his own in the city (*EF*, s.v., “Hānī’ b. ‘Urwa al-Murādī”).

⁸⁶⁸ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 59.

⁸⁶⁹ Ta’rīkh, vol. 5, p. 377.

⁸⁷⁰ Loc. Cit.

⁸⁷¹ Loc. Cit.

⁸⁷² Loc. Cit. The word has the general meaning of “to bring forth, ... originate, ... something, especially something evil.” (Wehr, 161) Howard has, the present author believes, translated the nature of the word as most likely intended by Ṭabarī. See text above for discussion.

There is reason to be sceptical of the exact contents of this conversation. That they traded insults seems entirely plausible, though the nature of those insults is suspicious. Ibn ʿAqīl associates the ruling house with kingship akin to the former Sasanian Empire, viz., “Chosroe”, and the former Roman Empire, viz., “Caesar”. This seems to have been a stock method of ʿAbbāsīd authors who wished to castigate the Umayyads as ruling without authority, i.e., without regard to/for the Qurʾān.⁸⁷³

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

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

⁸⁷³ Hawting, 12-3. Cf. Ṭabarī, tr. I. K. A. Howard, 193, in which Yazīd himself is described as a king. As late as the early ninth/early fifteenth century, al-Maqrīzī maintained this line of attack: “the caliphate was transformed into a despotism like that of the Persian [Kings] and the Byzantine Caesars.” (tr. Bosworth, 88)

⁸⁷⁴ Watt, “God’s Caliph: Qurʾānic Interpretations and Umayyad Claims,” 507-8.

⁸⁷⁵ Ibid.

⁸⁷⁶ Bosworth, in his introduction to *Al-Maqrīzī’s Book of Contention and Strife*, 12.

⁸⁷⁷ Donner, *The Formation of the Islamic State*, 295.

Muslim's life, expressly prohibited in the Qur'ān⁸⁷⁸. Whether Ibn 'Aqīl drank wine or not, his statement clearly uses wine consumption as a threshold for degrees of transgression; the killing of Muslims falls below that threshold and so 'Ubaydallāh is a greater transgressor than one who drinks wine. The inference of this anecdote is that the Umayyads appointed rulers whose interests and actions acted to the detriment of the community.

'Ubaydallāh appears to have been incensed by the accusation of taking the life of fellow Muslims. He informs Ibn 'Aqīl that he shall be put to death for leading the revolt, and for his insult, in a way "such that no one in Islam has been killed before."⁸⁷⁹ Ibn 'Aqīl again attempts to undermine the authority of 'Ubaydallāh by questioning his commitment to Islam: he accuses him of crimes of innovation - *aḥdāth*. Such an accusation had been made, according to Ṭabarī, by those who murdered 'Uthmān and supported 'Alī for the caliphate. The supporters of 'Alī are alleged to have justified 'Uthmān's death by accusing him of introducing innovations (*aḥdath*), and he was, therefore, not ruling according to the Qur'ān⁸⁸⁰.

There is also the possibility that the accusation of "innovation" may have been a device which 'Abbāsīd authors used to chastise Umayyad rule. By the third/ninth century, influential segments of the Islamic community had begun to condemn individual reasoning and analogy, or *ijtihād*⁸⁸¹, in favour of *taqlīd*⁸⁸², particularly in legal circles⁸⁸³. By the late third/early tenth century, i.e., the period in which Ṭabarī was writing, the "gate of *ijtihād*" had been effectively closed⁸⁸⁴, although to continue the analogy, Hallaq has recently

⁸⁷⁸ Sūrah IV:92-3; Cf. Sūrah IX:71 (verses identically numbered in Pickthall and Yūsuf Alī). Ibn 'Aqīl makes the comparison in the passage, "It is more appropriate to be described as a wine drinker [than] a man who laps the blood of Muslims ..." (Ṭabarī, Op. Cit. Brackets mine: translation reads "then").

⁸⁷⁹ Ṭabarī, Ṭabarī, tr. I. K. A. Howard, vol. XIX, 59.

⁸⁸⁰ Tr. R. S. Humphreys, vol. XV, 135-6.

⁸⁸¹ See Chapter 3, s.v., 'Umar b. al-Khaṭṭāb.

⁸⁸² "Imitation; unquestioning adoption of concepts or ideas", Wehr, 786; Kamali, *Principles of Islamic Jurisprudence, Glossary*, 406.

⁸⁸³ Weiss, "Interpretation in Islamic Law: The Theory of Ijtihad", 208; Schacht, *Introduction*, 70-1.

⁸⁸⁴ Ibid.

demonstrated that the gate was not locked.⁸⁸⁵ Nevertheless, innovation in law, and perhaps in other areas of life, seems to have been viewed with disdain during the ʿAbbāsīd period⁸⁸⁶ and may have been used as a method by which ʿAbbāsīd authors could attack an opponent.⁸⁸⁷ Once more, the reader has cause for suspicion of the exact contents of the two leaders' conversation.

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

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

⁸⁸⁵ Hallaq, "Was the gate of ijtihād closed?", 292.

⁸⁸⁶ Cf. Chapter 5, the section entitled, *Law in the early ʿAbbāsīd Era I*.

⁸⁸⁷ There is more to be said about *aḥdath* in Islam; however, further discussion of this important topic falls beyond the parameters of this thesis.

⁸⁸⁸ The murder of ʿUthmān, the Caliphate of ʿAlī, and the manner in which Muʿāwīyah challenged ʿAlī have been greatly oversimplified in this example in order to illustrate the universal agreement concerning one Muslim murdering another. Cf. Chapter 3, s.v., *ʿAlī b. Abī Ṭālib*.

⁸⁸⁹ See above, n. 888.

in the region.⁸⁹⁰ In any event, the damage of introducing the suspicion that Ibn ʿAqīl drank wine was irreparable. Damaging the reputation of Ibn ʿAqīl would have served the interests of ʿUbaydallāh and also served the interests of ʿAbbāsīd authors, for the reputation of not only an important ʿAlid is marred, but the reputation of his cousin, al-Ḥusayn, the leader of the ʿAlid movement, might also be drawn into question by association.⁸⁹¹

This is not the only incidence of an important ʿAlid being accused of wine drinking. On the eve of Karbalāʾ,⁸⁹² al-Ḥusayn was gathered with his followers in a very tightly laid out camp, in preparation for battle the next day. Al-Ḥusayn spent the night in prayer, encouraging his followers, and attempting to convince those who were sent to watch over the group to join him: “Let not those who disbelieve think that our giving them a delay is better for their souls. ... God does not leave the believers in the situation you are in until he has made the evil distinct from the good.”⁸⁹³ One of the horsemen watching over the group, a man named Abū Ḥarb al-Sabīʿī ʿAbdallāh b. Shahr, responded, “... We are the good, we

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

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

⁸⁹² The site where al-Ḥusayn and a small group of his followers, perhaps numbering about two hundred, were slaughtered by ʿUmar, the son of Saʿd b. Abī Waqqāṣ, on 10 Muharram 61/10 October 680 (Rahman, *A Chronology of Islamic History*, 73-4; Hitti, 190). Cf. *EF*², s.v., “(al-)Ḥusayn b. ʿAlī b. Abī Ṭālib”.

⁸⁹³ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 119. The “delay” al-Ḥusayn referred to was the agreement reached between himself and the commander of the army sent to stop him from reaching Kūfah, ʿUmar b. Saʿd b. Abī Waqqāṣ (see above, n. 892). They had agreed that al-Ḥusayn should be given the night to consider whether to give the oath of allegiance to Yazīd, through his governor ʿUbaydallāh, or battle the superior force before them. (Ṭabarī, tr. I. K. A. Howard, 103-114). ʿUmar b. Saʿd sent a few men to keep watch over al-Ḥusayn during the night of deliberations. Based on the dialogue in Ṭabarī, it seems clear that this was less of a spy mission than of a mission to insure that al-Ḥusayn did not leave the area under cover of darkness.

have been distinguished from you.”⁸⁹⁴ Al-Ḍaḥḥāk b. ʿAbdallāh al-Mishraqī, a member of al-Ḥusayn’s group, mentioned to his comrades that ʿAbdallāh b. Shahr was generally an honest man, though he had occasionally been imprisoned for criminal acts (*jīnāya*⁸⁹⁵). Al-Ḍaḥḥāk then retorted, “Woe upon you! Doesn’t knowledge help you?” To which ʿAbdallāh b. Shahr replied, “May I offer my soul for you who used to be the drinking companion [*nādam*⁸⁹⁶] of Yazīd b. ʿUdhrah al-ʿAnzī” Al-Ḍaḥḥāk acknowledged that ʿUdhrah al-ʿAnzī was with him, to which ʿAbdallāh b. Shahr answered, “May God show his disapproval of your views in every circumstance!” He then left the area.

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

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

⁸⁹⁴ Loc. Cit. The remainder of the conversation is quoted from the translation on pages 119-120 unless otherwise noted.

⁸⁹⁵ Taʾrīkh, vol. 5, 421. “Perpetration of a crime; a felony.” (Wehr, 142; Schacht, Introduction, 176.)

⁸⁹⁶ Loc. Cit. “to drink, carouse with someone.” (Wehr, 952) The title of *nādīm*, or drinking companion, often also implied a very close friend and confidant. (*EL*², s.v., “Nadīm”) See also Chapter 5, *The ʿAbbāsids: al-Ṣaffāh through al-Maʾmūn*.

referred to as Ibn al-Zubayr), who, following al-Ḥusayn's death in 61/680, took up arms against Yazīd and declared himself the rightful Caliph.⁸⁹⁷

Ibn al-Zubayr was enraged by the behaviour of the Kūfans, who Ibn al-Zubayr felt had all but risen up against al-Ḥusayn themselves when they abandoned him at Karbalā'.⁸⁹⁸ In his initial call to himself as the new leader of the movement against Yazīd, Ibn al-Zubayr asked those gathered before him, "Now, after al-Ḥusayn, should we rely on these people? ... No! ... Indeed, they killed a man [who] would never exchange the Qur'ān for singing, ... nor would he exchange fasting for drinking forbidden drinks [*sharīb al-ḥarām*]⁸⁹⁹"⁹⁰⁰ Ṭabarī, in an aside, informs the reader that Ibn al-Zubayr was here specifically comparing al-Ḥusayn with Yazīd.⁹⁰¹

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

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

⁸⁹⁸ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 189. See also p. 142, n. 892.

⁸⁹⁹ Ta'rikh, vol. 5, 474-5. Cf. Balādhurī, *Ansāb al-Ashrāf*, IV/1, 304-5.

⁹⁰⁰ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 190.

⁹⁰¹ Loc. Cit. Balādhurī also informs the reader that Ibn al-Zubayr was referring to Yazīd. (*Ansāb al-Ashrāf*, IV/1, 305) Neither Ṭabarī nor Balādhurī identify the forbidden drinks as such.

Yazīd determined that it was in his best interest to capture Ibn al-Zubayr. Yazīd felt that his governor in the Hijāz⁹⁰², ʿAmr b. Saʿīd b. al-ʿĀṣ, was too lenient with Ibn al-Zubayr's followers in Mecca and, more importantly, had failed to capture Ibn al-Zubayr.⁹⁰³ He therefore replaced him with al-Walīd b. ʿUtbah, a more capable and sometimes ruthless governor,⁹⁰⁴ but he too was unable to find Ibn al-Zubayr.⁹⁰⁵ Ibn al-Zubayr then wrote to Yazīd, informing him that if he sent a more pliable governor, that is, "a man with an easy disposition and a gentle attitude"⁹⁰⁶, then "what was at variance would become united."⁹⁰⁷ The implication is clear: if Yazīd were to send a governor who did not attempt to hunt down Ibn al-Zubayr and persecute his followers, then Ibn al-Zubayr would consider surrendering his claim to the caliphate.

Ṭabarī comments that this was a trick,⁹⁰⁸ and perhaps Yazīd suspected as much. However, as two of his governors had thus far failed to capture Ibn al-Zubayr, and Ibn al-Zubayr's support was increasing steadily in Mecca and Medina, Yazīd replaced al-Walīd b. ʿUtbah with ʿUthmān b. Muḥammad b. Abī Sufyān, "an inexperienced young man ... who had no knowledge of affairs, who had not learnt the lessons of age, and who had not been trained by experience; he could hardly understand anything about his authority and his task."⁹⁰⁹ He sent a delegation of nobles from the people of Medina to Yazīd, including ʿAbdallāh b. Ḥanḥalah al-Ghasīl al-Anṣārī and al-Mundhir b. al-Zubayr,⁹¹⁰ as a first step towards reconciliation between the people of Medina and Yazīd.⁹¹¹

⁹⁰² The governor of this area was responsible for the key cities of Mecca and Medina (see p. 131, n. 811).

⁹⁰³ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 190-4.

⁹⁰⁴ Ibid., 195.

⁹⁰⁵ Ibid., 197.

⁹⁰⁶ Ibid.

⁹⁰⁷ Loc. Cit.

⁹⁰⁸ Ibid.

⁹⁰⁹ Ibid., 197-8; Wellhausen, *The Arab Kingdom and Its Fall*, 151-2.

⁹¹⁰ Ibid., 198.

⁹¹¹ *EF*², s.v., "ʿAbd Allāh b. Hanḥala".

Yazīd treated them “generously and well”, giving them some departing gifts.⁹¹² ‘Abdallāh b. Ḥanẓalah returned with the nobles to Medina while al-Mundhir went to Baṣrah to visit his friend ‘Ubaydallāh b. Ziyād.⁹¹³ When ‘Abdallāh b. Ḥanẓalah and his delegation returned to Medina, they vilified Yazīd, stating that “We have come from a man who has no religion, who drinks wine [*sharīb al-khamr*⁹¹⁴],”⁹¹⁵ The people of Medina accepted their testimony and gave their oath of allegiance to ‘Abdallāh b. Ḥanẓalah⁹¹⁶. When al-Mundhir returned to Medina, he vilified Yazīd even more harshly - in spite of a gift from Yazīd of one hundred thousand dirhams - testifying that Yazīd “drinks wine [*sharīb al-khamr*⁹¹⁷] and gets so drunk [*sakar*⁹¹⁸] that he missed the prayer.”⁹¹⁹ Yazīd denied the charges against him.⁹²⁰

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

There is an anecdote which appears to portray Yazīd as having been conscious of the

⁹¹² Ṭabarī, tr. I. K. A. Howard, vol. XIX, 198.

⁹¹³ Ibid., 198-9.

⁹¹⁴ Ta’rīkh, vol. 5, 480.

⁹¹⁵ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 198.

⁹¹⁶ Ibid.

⁹¹⁷ Ta’rīkh, vol. 5, 481.

⁹¹⁸ Loc. Cit.

⁹¹⁹ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 198-9; Wellhausen, 152-3.

⁹²⁰ Ibid., 199.

fact that the notion that he drank wine had become widely accepted. In the year 63/683, ‘Abdallāh b. Ḥanẓalah, together with ‘Abdallāh b. Muṭīʿ, rejected the sovereignty of Damascus⁹²¹ by forcibly expelling Yazīd’s governor and his entourage from Medina.⁹²² Yazīd placed Muslim b. ‘Uqbah al-Murrī in charge of an army to take the city back.⁹²³ A man named Ḥabīb b. Kurrah was present when Yazīd had gone to inspect his troops. He reported Yazīd as saying on that day, “Tell [Ibn al-Zubayr]: ... If you see twenty thousand of the people, both mature and young, do you think that they have been gathered by a drunkard [*sakrān*⁹²⁴]?”⁹²⁵

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

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

His fate came upon him while by his pillow
was a cup and a wineskin [*ziqqun*⁹²⁸] filled to the brim and overflowing.
Many a plaintive singing girl weeps by his drunken companions
[*nashwanihi*⁹²⁹], with a cymbal, now sitting and now standing.⁹³⁰

⁹²¹ The seat of the caliphate under the Umayyads; see above, p. 133.

⁹²² Ṭabarī, tr. I. K. A. Howard, vol. XIX, 201-2. ‘Abdallāh b. Ḥanẓalah would be killed in the ensuing battle in the year 63/683. (*EF*, s.v., “‘Abd Allāh b. Ḥanẓala”) ‘Abdallāh b. Muṭīʿ escaped toward the end of the battle and joined Ibn al-Zubayr in Mecca to continue the struggle against Yazīd. (*EF*, s.v., “‘Abd Allāh b. Muṭīʿ”) Cf. Ṭabarī, tr. I. K. A. Howard, vol. XIX, 209-214, and 218-220.

⁹²³ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 203, 205. See also *EF*, s.v., “Muslim b. ‘Ukba”.

⁹²⁴ *Ta’rīkh*, vol. 5, 484.

⁹²⁵ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 204.

⁹²⁶ Muir, 316.

⁹²⁷ Ṭabarī, tr. I. K. A. Howard, vol. XIX, 208.

⁹²⁸ *Ta’rīkh*, vol. 5, 545.

⁹²⁹ Loc. Cit.

⁹³⁰ Ṭabarī, tr. G. R. Hawting, vol. XX, 70-1.

And in the decades and centuries to come, Yazīd came to be known simply as “Yazīd of the wines”⁹³¹ or “Yazīd the drunkard”⁹³².

‘Abd al-Malik b. Marwān (65/685 - 86/705)

Following the death of Yazīd b. Mu‘āwiyah, the oath of allegiance as caliph was given to Mu‘āwiyah b. Yazīd b. Mu‘āwiyah b. Abī Sufyān (henceforth referred to as Mu‘āwiyah II⁹³³) in Syria and to Ibn al-Zubayr in Mecca.⁹³⁴ Mu‘āwiyah II died after only forty days as Caliph.⁹³⁵ Ibn al-Zubayr extended his authority by appointing governors to the provinces from his capital at Mecca.⁹³⁶ However, his authority was severely limited by both internal conflict⁹³⁷ and external elements who put forth counter claims to the caliphate. Among these external elements were tribes in Syria who advocated for the caliphate Marwān b. al-Ḥakam, a cousin of Mu‘āwiyah,⁹³⁸ and former governor of Medina.⁹³⁹ Marwān was given the oath of allegiance as caliph in Muḥarram 65/August-September 684.⁹⁴⁰

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

⁹³¹ This is how Yaḥyā b. Mukhtār, a Khārījī imām, described Yazīd as he recited the history of the caliphate - up to his own time, 130/747 - to his followers in Medina. (Williams, *The World of Islam*, 176-8)

⁹³² Al-Maqrīzī, tr. C. E. Bosworth, 55.

⁹³³ This eponym is here used only to distinguish between the earlier Mu‘āwīya and this one.

⁹³⁴ Ṭabarī, tr. G. R. Hawting, vol. XX, 1.

⁹³⁵ Ibid., 5. Balādhurī records that Mu‘āwīya II had resigned the caliphate a full two months before his death. (Balādhurī/Hitti, 359)

⁹³⁶ Ibid., 175; Hodgson, vol. 1, 221.

⁹³⁷ Ibid., *index*.

⁹³⁸ Ibid., 47-8, 57-9.

⁹³⁹ See above, p. 133.

⁹⁴⁰ Ṭabarī, tr. G. R. Hawting, vol. XX, 54. Hodgson criticises the traditional view of many western authors that Marwān was the true Caliph and that Ibn al-Zubayr was the rebel (Vol. 1, 221, n. 7). C. E. Bosworth, for example, in his *The Islamic Dynasties*, makes no mention of Ibn al-Zubayr, but does list both Mu‘āwīya II and Marwān (5). H. A. R. Gibb’s *EF* article, “‘Abd Allāh b. al-Zubayr”, labels Ibn al-Zubayr an “anti-Caliph.”

⁹⁴¹ Ibid., 161.

⁹⁴² Ibid., 160.

⁹⁴³ Hodgson, vol. 1, 221. Cf. Ṭabarī, vols. XX and XXI, tr. G. R. Hawting and M. Fishbein, respectively, *index*.

Then, in Jumādā I 73/October 692, Ibn al-Zubayr, after having been besieged by ʿAbd al-Malik's forces for six-eight months in Mecca, was captured and killed and his head sent to ʿAbd al-Malik.⁹⁴⁴ These intervening years between the death of Yazīd b. Muʿāwiyah and the caliphate of ʿAbd al-Malik had been turbulent and unsettled, with two individuals attempting to rule the Islamic community simultaneously. It is little wonder that the sources devoted their energies toward the conflicts in this period, with little attention paid to domestic matters, such as wine consumption.

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

Reporting on the events of the year 68/687-8,⁹⁴⁷ involving al-Mukhtār b. Abī ʿUbayd b. Masʿūd al-Thaqafī⁹⁴⁸ and ʿUbaydallāh b. al-Ḥurr al-Juʿfī, the historians ʿAbdallāh b. Abī

⁹⁴⁴ Ṭabarī, tr. M. Fishbein, 224-32.

⁹⁴⁵ Hitti, *History of the Arabs*, 206.

⁹⁴⁶ See later in this chapter, the section entitled, *Law in the Umayyad Era, the Qāḍī*.

⁹⁴⁷ See p. 131, n. 811, and n. 948 below.

⁹⁴⁸ In Rabīʿ I 66/October 685, al-Mukhtār ceased supporting Ibn al-Zubayr against the Umayyad caliphate and made his own claim to lead the community from Kūfah having ejected Ibn al-Zubayr's appointed governor. Ibn al-Zubayr sent his brother, Muṣʿab b. al-Zubayr, to put down the insurrection. He was successful. Al-Mukhtār died in battle at Kūfah just six months after having mounted his own challenge to the caliphate. (M. Fishbein, *Translator's Foreword* to Ṭabarī, vol. XXI, xiv-xv) For a more detailed account of the life of al-Mukhtār, see G. R. Hawting's exceptional article in *EF*², s.v., "Al-Mukhtār b. Abī ʿUbayd al-Thakafī".

Sayf al-Madā'inī⁹⁴⁹ and 'Alī b. Mujāhid⁹⁵⁰ discussed the personal qualities of 'Ubaydallāh b. al-Ḥurr al-Ju'fī. Ibn al-Ḥurr had been amongst those who had pledged their loyalty to al-Ḥusayn and invited him to come to Kūfah to lead some of its citizens against Yazīd. He was also one of those who had subsequently abandoned al-Ḥusayn.⁹⁵¹ He then became an active supporter of Ibn al-Zubayr in Mecca.⁹⁵² The two historians' assessment of Ibn al-Ḥurr was that "... there was no Arab tribesman in the land more respectful toward free women, or more abstemious from unseemly behaviour and wine drinking [*sharāb*]⁹⁵³ than he."⁹⁵⁴ Clearly, wine consumption is here used as a measure of a good man separately and uniquely from other "unseemly behaviour".

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

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

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

⁹⁵¹ Ṭabarī, tr. M. Fishbein, vol. XXI, 134, n. 481.

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

⁹⁵³ *Ta'rikh*, vol. 6, 128.

⁹⁵⁴ Ṭabarī, tr. M. Fishbein, vol. XXI, 136.

⁹⁵⁵ Ṭabarī, tr. E. K. Rowson, vol. XXII, 174-5. Baḥīr b. Warqā and Bukayr b. Wishāḥ had been enemies for close to a dozen years (see Ṭabarī, vols. XX - XXII, tr. Hawting, Fishbein, Rowson, respectively, *index*), and had been actively in conflict for five years preceding this event (see Ṭabarī, vols. XXI - XXII, tr. Fishbein, Rowson, respectively, *index*). See also *EF*², s.v., "Bukayr b. Wishāḥ".

embarrassment, that his clan had done nothing to avenge Bukayr's death. He composed the following verse in an effort to "incite ... to vengeance" members of the Banū Abnā':⁹⁵⁶

By my life! How patiently you bear this mote in your eye!
You sleep well at night with a bellyful of the best wine [*raḥīq*⁹⁵⁷].
You have left a killing unavenged, preferring gentle sleep;
but he who drinks the ruby liquor [*ṣahba*⁹⁵⁸] is in debt for a slaying.

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

However, Arabic historians seemed to be concerned primarily with historical figures who were discernibly influential in Islam. Arguably one of the most influential men in Islamic history was al-Ḥajjāj b. Yūsuf b. al-Ḥakam, governor of the eastern half of the Islamic empire during the latter half of the reign of ʿAbd al-Malik and the entire reign of his son and successor, al-Walīd.⁹⁵⁹ In the year 83/702, al-Ḥajjāj had put down a revolt by the Arabs of Iraq, headed by ʿAbd al-Raḥmān b. Muḥammad b. al-Ashʿath.⁹⁶⁰ Among those captured was ʿUmar b. Mūsā, the head of ʿAbd al-Raḥmān's police force [*shurṭa*⁹⁶¹].⁹⁶² Al-Ḥajjāj had ʿUmar

⁹⁵⁶ Ṭabarī, tr. E. K. Rowson, vol. XXII, 197.

⁹⁵⁷ Taʾrīkh, vol. 6, 331.

⁹⁵⁸ Loc. Cit.

⁹⁵⁹ See p. 131, n. 811. It would be incorrect to draw a comparison between the relationship between al-Walīd and al-Ḥajjāj and Diocletian and Maximian, who jointly ruled the Roman Empire, each with the title of Caesar, from 285-90 (Scarre, *Chronicle of the Roman Emperors*, 196-9). Al-Ḥajjāj knew himself to be subordinate to the Caliph, al-Walīd, and was the most "loyal servant that a dynasty could wish for" (*EF*², s.v., "al-Ḥajjāj b. Yūsuf").

⁹⁶⁰ Ṭabarī, tr. E. K. Rowson, vol. XXII, 190-4; Ṭabarī, tr. M. Hinds, vol. XXIII, 35. Cf. *EF*², s.v., "al-Ḥajjāj b. Yūsuf".

⁹⁶¹ Taʾrīkh, vol. 6, 374. For more on the *shurṭa*, see later in this chapter, the section entitled, *Law in the Umayyad Era, the Shurṭa*.

⁹⁶² Ṭabarī, tr. M. Hinds, vol. XXIII, 57.

b. Mūsā brought before him. He directed a string of insults against him, one of which was that he consumed intoxicating drink [*sharāb*⁹⁶³].⁹⁶⁴

‘Umar b. Mūsā was subsequently beheaded,⁹⁶⁵ undoubtedly for revolting against the Umayyad caliphate, though it is interesting that al-Ḥajjāj should first accuse him of wine drinking. In this respect, the incident is similar to the resolution of the conflict between Yazīd b. Mu‘āwiyah and Muslim b. ‘Aqīl.⁹⁶⁶ The present author would conjecture that the use of insults against the rebellious individuals may have been timed such that the figure of authority could exercise his anger against the rebellious person shortly before his death. In addition, this case may be expressive of al-Ḥajjāj’s personal feelings toward Muslims who drank wine. Whatever the case, this is an example of an incident involving wine consumption which illuminates the attitude toward wine consumption though not necessarily the fact of wine consumption.

Not every story related by Ṭabarī had a secondary message. In the year 85/704, Thābit b. Quṭbah had besieged Mūsā b. ‘Abdallāh al-Sulamī in the city of Ṭarkhūn.⁹⁶⁷ A man from Mūsā’s camp, Raqabah, one day called out to Thābit b. Quṭbah, his friend, to complain of the harsh conditions that were developing because of his siege.⁹⁶⁸ Thābit agreed to send some much needed supplies to Raqabah. When the messenger reached Raqabah, he found him in the company of al-Muḥill al-Ṭufāwī, whom Ṭabarī describes as a drinker [*sharāb*⁹⁶⁹],

⁹⁶³ Ta’rīkh, vol. 6, 480.

⁹⁶⁴ Ṭabarī, tr. M. Hinds, vol. XXIII, 65.

⁹⁶⁵ Ibid., 66.

⁹⁶⁶ See pp. 137 - 140.

⁹⁶⁷ Ṭabarī, tr. M. Hinds, vol. XXIII, 100. Thābit b. Quṭbah and Mūsā b. ‘Abdallāh had jointly deposed ‘Abd al-Malik’s governor in Transoxania in the year 85/704. (Ibid., 96-7) Shortly after the start of their joint reign, Mūsā’s companions expressed their disgruntlement at the division of power and recommended overthrowing Thābit. (Ibid., 97) Though Mūsā is said to have personally refused to do this on several occasions (Ibid., 97 and 99), his brother is alleged to have acted in Mūsā’s name and started the rebellion against his former ally. (Ibid., 99-100)

⁹⁶⁸ Ibid., 101.

⁹⁶⁹ Ta’rīkh, vol. 6, 406.

seated at a table drinking intoxicating drinks [*sharāb*]⁹⁷⁰.⁹⁷¹

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

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

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

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

⁹⁷⁰ Loc. Cit.

⁹⁷¹ Ṭabarī, tr. M. Hinds, vol. XXIII, 101.

⁹⁷² R. Hillenbrand, “*La Dolce Vita* in Early Islamic Syria,” 17, citing E. Schroeder, *Muhammad’s People*.

⁹⁷³ Ibid.

⁹⁷⁴ Ibid. R. Hillenbrand notes that Schroeder “does not identify the source” of the anecdote (p. 32, n. 202).

⁹⁷⁵ Aghānī, vol. 13, 75. The poem which is recorded in the Aghānī describes a man who opened a wine shop (ibid.).

as it continued in the first century⁹⁷⁶ In addition, he enjoyed the poetry of al-Akhṭal,⁹⁷⁷ a Christian poet who also composed wine poems,⁹⁷⁸ so much that he “became official poet to the Caliph.”⁹⁷⁹ Nevertheless, neither of these associations necessarily means that ‘Abd al-Malik consumed wine. Two stories in the *Aghānī* with respect to al-Akhṭal’s own wine consumption appear to illustrate the opposite.

One day the poet al-Akhṭal went to see ‘Abd al-Malik.⁹⁸⁰ While staying in the capital, he found lodgings with ‘Abd al-Malik’s scribe, Ibn Sarḥūn. When al-Akhṭal met with ‘Abd al-Malik, he was asked where he was staying. Al-Akhṭal informed the caliph that he was staying with Ibn Sarḥūn. ‘Abd al-Malik asked why he chose to stay with him. Al-Akhṭal answered that it was because wine (*khamr*) from Ra’s⁹⁸¹ was available at his house. ‘Abd al-Malik responded, “Woe upon you. This is worthy of having you killed.” Al-Akhṭal subsequently convinced the caliph not to have him executed.

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

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

⁹⁷⁶ *EF*², s.v., “Khamriyya”.

⁹⁷⁷ *Aghānī*, vol. 8, 290.

⁹⁷⁸ *EF*², s.v., “Khamriyya”.

⁹⁷⁹ *EF*², s.v., “Al-Akhṭal”.

⁹⁸⁰ *Aghānī*, vol. 8, 290. The remainder of the story is cited from vol. 8, 290.

⁹⁸¹ The editor of the *Aghānī* explains in the footnotes that Ra’s had gained the reputation for having an exceedingly large number of grapevines; the grapes from these vines were then processed into wine (*Aghānī*, vol. 8, 290, n. 4). The location of Ra’s is not identified in the text. The present author has been unable to positively identify its location.

⁹⁸² See text below.

dry from a bitter drink.⁹⁸³ The caliph offered al-Akhṭal water, but al-Akhṭal responded that he wanted red wine (*sharāb al-ḥimār*). ʿAbd al-Malik then offered him milk, but al-Akhṭal responded that he had been weaned on milk. The caliph then offered water sweetened with honey, but al-Akhṭal responded that only wine (*sharāb*) would do. ʿAbd al-Malik insisted that wine (*khamr*) was not for him, and that coffee was not forbidden. The argument continued in this manner until al-Akhṭal ashamedly admitted that he had a weakness for wine and that he required three drinks. ʿAbd al-Malik reprimanded him for his weakness but did not give him the wine.

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

Al-Walīd b. ʿAbd al-Malik b. Marwān (86/705 - 96/715)

ʿAbd al-Malik died in 86/705.⁹⁸⁴ His son, al-Walīd, inherited the caliphate without the bitter challenges and strife that had become seemingly common place from the death of ʿUthmān to the succession of his father. Al-Walīd inherited a stable and prosperous empire, and continued its expansion to what would become its fullest extent.⁹⁸⁵ He does not seem to have instituted any policies to curb the wine consumption which appears to have continued throughout the reigns of the previous caliphs. In this sense, as well as other

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

⁹⁸⁴ Ṭabarī, tr. M. Hinds, vol. XXIII, 116-7.

⁹⁸⁵ See p. 131, n. 811.

matters of state, al-Walīd continued his father's policies, though giving al-Ḥajjāj a freer hand in affairs in the east.⁹⁸⁶

Al-Ḥajjāj was already by the accession of al-Walīd appointing his own governors to provinces in the east.⁹⁸⁷ One of the governors he appointed was a man named Qutaybah b. Muslim al-Bāhilī, who was placed in charge of Khurāsān from 86/705 - (d.) 96/715.⁹⁸⁸ Qutaybah undertook a policy of expansion into what is now Afghānistān and Central Asia,⁹⁸⁹ and "achieved more in Central Asia than any other Arab conqueror of the Umayyad period."⁹⁹⁰ During Qutaybah's campaign in Transoxania in 91/710, he dispatched his brother,

‘Abd al-Raḥmān b. Muslim to Ṭarkhūn in Soghd. ‘Abd al-Raḥmān went along until he stopped at a meadow near Ṭarkhūn and his followers, that being at the time of the afternoon prayer. His army broke up into groups and drank until they became silly and made mischief. ‘Abd al-Raḥmān ordered Abū Mardīyyah, a mawlā of theirs, to prevent the people from drinking the fermented juice [*al-‘aṣīr*]; he beat them, broke their vessels, and poured out their wine [*nabīdh*], which flowed into the valley. It was called ‘Wine [*nabīdh*] Meadow.’ One of their poets said: As for wine [*nabīdh*], I do not drink it; / I fear the dog Abū Mardīyyah, / Going vigorously and violently with his axe handle, / jumping over walls, looking for drink [*al-shurb*].⁹⁹¹

This appears to be another episode of wine consumption with no hidden message. The story indicates that the men certainly did not bring a supply of wine with them,⁹⁹² but instead acquired it from local inhabitants. It is difficult to say who the local people were with certainty. Whoever they may have been, the story suggests that ‘Abd al-Raḥmān had not only the soldiers' wine destroyed, but also the wine of the people who had supplied it. This may indicate that ‘Abd al-Raḥmān would not tolerate wine consumption in what were

⁹⁸⁶ *EF*, s.v., "al-Ḥadīdjādī b. Yūsuf".

⁹⁸⁷ See p. 151, n. 959.

⁹⁸⁸ Ṭabarī, tr. M. Hinds, vol. XXIII, *Translator's Foreword*, xiii.

⁹⁸⁹ *EF*, s.v., "Kutayba b. Muslim".

⁹⁹⁰ Ṭabarī, tr. M. Hinds, vol. XXIII, *Translator's Foreword*, xiii, quoting H.A.R. Gibb, *Arab Conquests*.

⁹⁹¹ Ṭabarī, tr. M. Hinds, vol. XXIII, 175-6; *Ta'rikh*, vol. 6, 463.

⁹⁹² Wine was a standard ration of Byzantine troops into the mid-seventh century CE (see Chapter 1, the section entitled, *The Byzantine Empire*).

now Islamic lands. However, since there is no mention of a punishment being applied to his men,⁹⁹³ this story may indicate the extent of ‘Abd al-Raḥmān’s anger that his troops should have consumed wine and become a weaker fighting force. Pouring out all wine in the vicinity would have ensured that his troops did not drink again.

Sulaymān b. ‘Abd al-Malik b. Marwān (96/715 - 99/717)⁹⁹⁴

As mentioned above, Qutaybah ruled Khurāsān until his death in 96/715.⁹⁹⁵ He was in fact killed by Waki‘ b. Ḥassān b. Abī Sūd al-Tamīmī.⁹⁹⁶ Qutaybah had replaced Waki‘ as the head of the Banū Tamīm with his own candidate, Ḍirār b. Ḥusayn al-Ḍabbī.⁹⁹⁷ Waki‘ swore revenge on Qutaybah and began to ask men to privately swear allegiance to him. Ḍirār b. Ḥusayn heard of this and reported it to Qutaybah. When Qutaybah questioned Waki‘, Qutaybah accepted a curious defence put forward by Waki‘’s friend, ‘Abdallāh b. Muslim al-Faqīr. He told Qutaybah that Waki‘ could not have been taking the oath of allegiance privately as he and Waki‘ had been at al-Faqīr’s home drinking [*sharaba*⁹⁹⁸] and becoming intoxicated [*sakrān*⁹⁹⁹]. Waki‘ only added that Ḍirār b. Ḥusayn could not be trusted. The result of this conversation was that Qutaybah merely dismissed the affair, believing it to be little more than mutual envy.

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

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

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

⁹⁹⁵ See p 156.

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

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

⁹⁹⁸ Ta’rīkh, vol. 6, 519.

⁹⁹⁹ Loc. Cit.

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

“Wakīʿ mounted his horse one day, and they brought him a man who was drunk [*sakrān*¹⁰⁰⁰]. On his order, the man was killed.”¹⁰⁰¹ Someone remarked to Wakīʿ that the man “should not have been killed, but given the *ḥadd*.”¹⁰⁰² Wakīʿ responded, “I punish with the sword not the whip.”¹⁰⁰³ The poet Nahār b. Tawsiʿah is said to have recited of the incident:

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

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

¹⁰⁰⁰ Ibid.

¹⁰⁰¹ Ṭabarī, tr. D. S. Powers, XXIV, 24.

¹⁰⁰² Translation mine (Taʾrīkh, vol. 6, 519). See n. 1005 below.

¹⁰⁰³ Ṭabarī, tr. D. S. Powers, XXIV, 24.

¹⁰⁰⁴ Ibid., 25. Powers informs the reader that “al-Bāhilī” refers to Qutaybah and “Ghudānī” refers to Wakīʿ. (Ibid., n. 109)

¹⁰⁰⁵ The use of the word *ḥadd* suggests that lashes were to be given, and probably the number of eighty would have been used. In addition, Wakīʿ’s statement that he punishes “with the sword not the whip” suggests that it may have been generally understood that the punishment for drinking wine was flogging. For more on the term *ḥadd*, see p 187.

These two anecdotes, however, raise many points which cast doubt on their contents. It is interesting to note, for instance, that the Caliph Sulaymān neither reprimanded nor punished Wakīʿ for his alleged drinking and intoxication. Nor does he seem to have corrected Wakīʿ with respect to the alleged punishment Wakīʿ directed against the drunkard. Instead, Wakīʿ was promoted to take charge of military affairs in Khurāsān.¹⁰⁰⁶ Another factor which brings into question the veracity of the previous anecdotes is that Ṭabarī has not identified the “someone” who spoke to Wakīʿ. Ṭabarī is typically good at identifying, or at least naming, the participants of his stories. Yet here, with what would appear to be a significant matter, i.e., that Wakīʿ had killed a drunkard and not flogged him, Ṭabarī does not identify the individual who contradicts Wakīʿ’s chosen form of punishment. Finally, on a stylistic note, the second anecdote seems somewhat disconnected from the main flow of the text, and suggests that it was deliberately inserted for the very purpose of discrediting Wakīʿ and, indirectly, the Umayyad caliph, Sulaymān. This does not, however, indicate that the story is inherently false. Events may have occurred as Ṭabarī has related them. Even so, the second anecdote’s placement in the chronological framework Ṭabarī presents leads to some suspicion as to whether this event actually took place at precisely the time Ṭabarī seems to imply.

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

¹⁰⁰⁶ Ṭabarī, tr. D. S. Powers, XXIV, 29.

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

ʿUmar b. ʿAbd al-Azīz b. Marwān (99/717 - 101/720)

Sulaymān b. ʿAbd al-Malik died in Ṣafar 99/late September-early October 717.¹⁰⁰⁸

Sulaymān had arranged for ʿUmar b. ʿAbd al-Azīz to succeed him, which he did with little resistance.¹⁰⁰⁹ Traditional accounts portray ʿUmar as a return to piety akin to that of the *Rāshidūn* caliphs, earning him the eponym, ʿUmar II.¹⁰¹⁰ To a very large extent, such a description is justifiable. His policies are said to have generally found favour with most elements in the community, often taking the form of those policies which ʿUmar b. al-Khaṭṭāb had adopted.¹⁰¹¹

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

¹⁰⁰⁸ Ṭabarī, tr. D. S. Powers, XXIV, 61.

¹⁰⁰⁹ Ibid., 70-1.

¹⁰¹⁰ *CEI*, s.v., "Umayyads". Later in his history, Ṭabarī writes ʿUmar II's full name as "ʿUmar b. ʿAbd al-Azīz b. ʿAbdallāh b. ʿAbdallāh b. ʿUmar b. al-Khaṭṭāb" (*Taʾrīkh*, vol. 8, 192). ʿUmar II's caliphate lasted two years and five months, ʿUmar II having died in Khunāṣirah 101/February 720. (Ṭabarī, tr. D. S. Powers, vol. XXIV, 91) Ṭabarī devotes just over thirty folios - roughly thirty pages in Power's translation (69-102) - to ʿUmar II's caliphate, less than that given to Sulaymān, and proportionately insignificant compared with the amount of space devoted to the three year reign of Yazīd b. Muʿāwiya or the one year reign of al-Walīd b. Yazīd (see below, s.v., *Al-Walīd b. Yazīd b. ʿAbd al-Malik*). In light of the information presented so far, such a small amount of space is not entirely surprising given the traditional view that ʿUmar II was a piously minded individual, and the sources seem, to this author, to prefer to report conflict rather than harmony.

¹⁰¹¹ Hodgson, vol. 1, 268.

¹⁰¹² Barthold, "Caliph ʿUmar II and the conflicting reports on his personality", 92.

¹⁰¹³ Loc. Cit.; Rashīd, *The Role of the Shurṭa in early Islam*, 52. Both authors quote the same passage from Al-Kindī, *Kitāb Wulāt Miṣr* - their translations vary slightly. Shābushtī, writing in the fourth/tenth century, records at least three monasteries which were producing wine in his lifetime, though they may not have been selling it. For more on potential sources of wine in Islamic lands, see later in this chapter, the section entitled, *Possible Sources of Wine in Islamic Lands*.

¹⁰¹⁴ Rashīd, 52, citing al-Kindī

any information on what that punishment would have consisted of. It seems likely that flogging, probably of eighty lashes, would have been implemented, given ʿUmar II's association with the policies of ʿUmar b. al-Khaṭṭāb.¹⁰¹⁵ Additional evidence that flogging would have been the likely punishment comes from details of Umar II's experiences while he was governor of Medina.

The caliph al-Walīd b. ʿAbd al-Malik ordered ʿUmar II to construct a new, larger mosque on the site of the Prophet's mosque in the winter months of 88/707.¹⁰¹⁶ In doing so, he was to "incorporate the rooms of the wives of the Prophet into the mosque."¹⁰¹⁷ This entailed razing the structures. Khubayb b. ʿAbdallāh b. al-Zubayr "beseeched" ʿUmar II not to destroy the apartments "mentioned in the Qurʾān."¹⁰¹⁸ ʿUmar II punished Khubayb for speaking out by flogging him, immediately pouring cold water on him, and then ordering him to stand outside the mosque in the cold. He subsequently died from his injuries.¹⁰¹⁹

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

¹⁰¹⁵ For more on ʿUmar b. al-Khaṭṭāb, see Chapter 3, q.v..

¹⁰¹⁶ Ṭabarī, tr. M. Hinds, vol. XXIII, 141. Ṭabarī relates that the letter instructing ʿUmar II to begin construction arrived in either Rabīʿ I/January - February or Ṣafar/February - March (Ibid., 141-2).

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

¹⁰¹⁸ Barthold, 71, citing Yaʿqubī, *Taʾrīkh*. Sūrah 49:4 does not specifically mention the apartments of the wives of the prophet, only the apartments where the Prophet lived (tr. Yūsuf Alī & Pickthall).

¹⁰¹⁹ Ibid.; Ṭabarī, tr. M. Hinds, vol. XXIII, 202. Yaʿqubī records that ʿUmar II applied one hundred lashes, while Ṭabarī writes that ʿUmar II applied fifty lashes. In either case, the cause of Khubayb's death appears to have been complications arising from the deliberate infection (i.e., the cold water and the cold air) to his wounds.

Yazīd b. ʿAbd al-Malik b. Marwān (101/720 - 105/724)

After less than four years as Caliph, ʿUmar II died at the age of thirty-nine¹⁰²⁰ in Rajab 101/February, 720.¹⁰²¹ Another son of ʿAbd al-Malik b. Marwān, Yazīd (henceforth to be referred to as Yazīd II¹⁰²²), assumed the caliphate.¹⁰²³ Yazīd seems to have maintained some of ʿUmar II's policies "... in principle, but they were not well enforced."¹⁰²⁴ Hodgson writes that the reason the measures instituted by ʿUmar II were not enforced was due to Yazīd's preoccupation with "women and song."¹⁰²⁵ One other reason that ʿUmar II's measures might have been neglected was due to Yazīd II's preoccupation with drinking wine.¹⁰²⁶ It is therefore possible to speculate that ʿUmar II's policies with respect to reducing wine's availability in Islamic lands were among those measures that went non-enforced, and perhaps even disregarded in principle as well.

Yazīd II's overall behaviour earned him an admonishment from his half-brother Maslama b. ʿAbd al-Malik. He "reproved him for his neglect of duty and dedication to drink and frivolous amusements."¹⁰²⁷ Maslama said:

You have succeeded to ʿUmar, who died only yesterday, and was just and upright, as we all know; you ought to be following his example. But instead you let yourself be distracted from the people and their affairs. ... Now give up these frivolities, which your governors have copied, as they have the rest of your acts and behaviour.¹⁰²⁸

Yazīd II answered that he was right, "and thereupon resolved to give up drink and follow ʿUmar II's example."¹⁰²⁹

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

¹⁰²⁰ Hodgson, vol. 1, 271.

¹⁰²¹ Ṭabarī, tr. D. S. Powers, vol. XXIV, 91.

¹⁰²² This eponym is here used only to distinguish between the earlier Yazīd and this one

¹⁰²³ Ṭabarī, tr. D. S. Powers, vol. XXIV, 105.

¹⁰²⁴ Hodgson, vol. 1, 271.

¹⁰²⁵ Loc. Cit.

¹⁰²⁶ See text below.

¹⁰²⁷ Hamilton, *Al-Walīd and his Friends: an Umayyad Tragedy*, 68.

¹⁰²⁸ Ibid., citing the Aghānī.

¹⁰²⁹ Ibid., citing the Aghānī.

singer, Ḥabāba.¹⁰³⁰ She sang to him, “Life is what you love and gives delight - that’s all!”¹⁰³¹ Yazīd II is said to have instantly agreed with her. Consequently, he instructed Maslama to lead the prayers and returned to Ḥabāba and drank wine while she sang to him, thus reverting “to his old habits.”¹⁰³²

These two anecdotes taken together make it highly plausible that Yazīd consumed wine. However, the second anecdote seems suspect as it derides Yazīd still further, having declared that he excused himself from conducting the prayers only so that he could drink wine and listen to Ḥabāba. There is the possibility that events transpired just as al-İṣḫānī recorded them. And it may be the case that this last incident was included to illustrate that, on occasion, Yazīd neglected the prayers in favour of consuming wine.¹⁰³³

These passages have another significance. Maslama indicates that the caliph set the tone for the governors of his empire. Although it is known that not every governor imitated the Caliphal court’s example,¹⁰³⁴ it seems reasonable to speculate that if a governor was already inclined toward “frivolities,” then the example at court could only serve to encourage that governor. If it hence became generally known that Yazīd consumed wine, then perhaps his governors would have felt secure in doing so as well. Speculating yet further, if the governor of a province were consuming wine, it may have been the case that some of the people of his province, perhaps already inclined to drink, would have felt a degree of safety from the authorities¹⁰³⁵ if they chose to consume wine.¹⁰³⁶

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

¹⁰³⁰ Ibid., 71; *EF*, s.v., “Ḥabāba”.

¹⁰³¹ Ibid., citing the Aghānī.

¹⁰³² Ibid., citing the Aghānī.

¹⁰³³ However, given the animosity of the transmitters al-İṣḫānī would have had recourse to, one must again be cautious at accepting the account at face value.

¹⁰³⁴ See text below.

¹⁰³⁵ See later in this chapter, the section entitled *Law in the Umayyad Era, the Shurṭa*.

¹⁰³⁶ Having so speculated, there is no evidence in the sources that this is in fact what occurred.

previous governor of Khurāsān, Yazīd b. al-Muhallab, “had in their possession moneys that they had stolen from the levies belonging to the Muslims.”¹⁰³⁷ The men were arrested and imprisoned.¹⁰³⁸

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

Jahm was subsequently returned to prison where he was slain.¹⁰⁴⁰

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

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

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

¹⁰³⁸ Ibid., 150-1.

¹⁰³⁹ Ibid.

¹⁰⁴⁰ Loc. Cit. It seems to this author that the extent of the animosity directed against Jahm can not be wholly explained in terms of the money he allegedly kept from the central

Jahm was attempting to distract Saʿīd, using wine consumption and its punishment as a comparison to his own alleged crime, as had been done in the confrontation between ʿUbaydallāh and Ibn ʿAqīl.¹⁰⁴¹ In any event, this story appears to confirm that the accusation of wine consumption could be used to slander one's reputation, and that the governors of the caliph need not follow the example of their caliph in all matters.

Hishām b. ʿAbd al-Malik b. Marwān (105/724 - 125/743)

Yazīd II died in Shaʿbān 105/January 724.¹⁰⁴² Hishām b. ʿAbd al-Malik b. Marwān was made caliph upon his death.¹⁰⁴³ “Later historians, when not concerned to lampoon him or castigate the Umayyads collectively, gave Hishām credit for a strict and incorruptible administration.”¹⁰⁴⁴ This observation is borne out by authors such as al-Maqrīzī, who agrees with the view accredited to al-Manṣūr that Hishām was “the real man amongst the Banū Umayya ...”¹⁰⁴⁵ Al-Maqrīzī provides as support of his argument the following example: Hishām appointed his son, Saʿīd, as governor of Ḥims, only to dismiss him when Hishām was informed that Saʿīd “played havoc amongst the women there.”¹⁰⁴⁶

This is not the only example of Hishām's “incorruptible administration.” In the year 120/738, Hishām consulted his companions for a man suitable to assume the governorship of Khurāsān.¹⁰⁴⁷ A man named ʿUthmān b. ʿAbdallāh b. al-Shikhhīr¹⁰⁴⁸ was considered, but rejected because, Hishām was informed, the man was a “drinker” [*sharāb*]¹⁰⁴⁹.¹⁰⁵⁰ Clearly

treasury. However, the present author has been unable to find any further information on Jahm b. Zaḥr b. Qays al-Juʿfī.

¹⁰⁴¹ See p. 137.

¹⁰⁴² Ṭabarī, tr. D. S. Powers, vol. XXIV, 193.

¹⁰⁴³ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 1.

¹⁰⁴⁴ Hamilton, 75.

¹⁰⁴⁵ Tr. Bosworth, 46. Masʿūdi relates the same observation (*The Meadows of Gold*, tr./ed., Lunde and Stone, 24). See also Bosworth's *Commentary* on this passage for additional sources (116).

¹⁰⁴⁶ Al-Maqrīzī, tr. Bosworth, 47.

¹⁰⁴⁷ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 154-5.

¹⁰⁴⁸ “The son of a companion of the Prophet” (K. Y. Blankinship, n. 151, in his tr. of Ṭabarī, vol. XXV).

¹⁰⁴⁹ Taʾrīkh, vol. 7, 155.

¹⁰⁵⁰ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 188.

for Hishām, the consumption of alcohol was not to be tolerated in his government. There is evidence in events which occurred a year earlier that appears to demonstrate that Hishām was already projecting this ideal and that, in so doing, he had set this tone for his governors.

Ṭabarī informs the reader that a man named Bahlūl b. Bishr “became famous for being bold with Hishām b. ‘Abd al-Malik.¹⁰⁵¹ Bahlūl intended to make the pilgrimage in the year 119/737. He instructed his servant to buy vinegar. His servant returned, but with wine [*khamr*¹⁰⁵²] instead. Bahlūl ordered his servant to return to the shopkeeper and ask for his money back, but the shopkeeper did not fulfil the request. Bahlūl took the matter to the governor of the city. The governor dismissed his case, stating that “Wine [*al-khamr*¹⁰⁵³] is better than you and your people.”¹⁰⁵⁴ Bahlūl completed the pilgrimage and upon his return “resolved to rebel against the authorities.”¹⁰⁵⁵

This anecdote establishes that wine was continuing to be used as an insult through the latter part of the reign of the Umayyads. But why would the governor have wished to insult Bahlūl who was planning on making the pilgrimage? Bahlūl, Ṭabarī informs the reader, was associated with the Kharījite movement, which had, since the time of its formation during the civil war between ‘Alī b. Abī Ṭālib and Mu‘āwiyah,¹⁰⁵⁶ been opposed to the Umayyad regime and frequently erupted in open revolt.¹⁰⁵⁷ It is possible that the governor knew of Bahlūl’s association with the Kharījites, viz., “you and your people”. In order to demonstrate his dislike of the Kharījites, he informs Bahlūl that they are worse than the (the sin of) one who consumes wine.

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

¹⁰⁵¹ Ibid., 155. The remainder of the story is paraphrased from Blankinship’s translation on 155-6 unless otherwise noted.

¹⁰⁵² Ta’rīkh, vol. 7, 130.

¹⁰⁵³ Ibid.

¹⁰⁵⁴ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 156.

¹⁰⁵⁵ Ibid.

¹⁰⁵⁶ See Chapter 3, s.v., ‘*Alī b. Abī Ṭālib*. See also *EF*, s.v., “Kharīdjite”.

¹⁰⁵⁷ See p. 131, n. 811.

Hishām toward wine consumption. Or perhaps the governor had held views about wine consumption similar to Hishām's before being appointed governor, and perhaps that was one of the reasons for his appointment.¹⁰⁵⁸ What seems clear is that this governor, and this caliphate, strongly condemned wine consumption, and Bahlūl may have been aware of this. This would have made the insult worse, as it came from a "pious" source.

Something of this nature seems to have been the case, for Bahlūl clearly took the insult very personally. He organised his Kharījite companions and set off to overthrow the governor of Iraq and the eastern provinces, Khālid b. ʿAbdallāh al-Qasrī.¹⁰⁵⁹ En route, Bahlūl ordered his followers to attack and kill the governor of the city who had directed the insult against him.¹⁰⁶⁰ His companions urged him not to kill this local governor, for Khālid would then be alerted to their presence and their plans. However, Bahlūl was committed to exacting his revenge on this man who had said that wine was better than himself and his comrades. His companions obeyed and killed the local governor. This did alert Khālid to their presence. The two sides fought, resulting in the death of many Kharījites and the slaying of Bahlūl.¹⁰⁶¹ This illustrates that the insult of being associated with wine was so great that it could sometimes result in self-destructive, obsessive vengeance.

There is no mention in the sources that Hishām initiated a concerted policy against the consumption of wine, such as ʿUmar II had initiated. Indeed, the man who Hishām knew might succeed him, al-Walīd b. Yazīd b. ʿAbd al-Malik, was known to him to indulge in wine.¹⁰⁶² There is no evidence that Hishām directly punished him for his transgressions.

¹⁰⁵⁸ Ṭabarī does not name the governor in question.

¹⁰⁵⁹ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 156. Khālid b. ʿAbdallāh al-Qasrī was appointed governor of Iraq and the eastern provinces in the year 105/724 (Ibid., 4), and remained in that post until 120/738 (*ET*, s.v., "Khālid b. ʿAbd Allāh al-Kasrī"). From the text above, it seems clear that Bahlūl used the overthrow of Khālid as a pretext to motivate his followers whom he may have suspected would not have supported a call to fulfil Bahlūl's vengeance against the local governor who had insulted him.

¹⁰⁶⁰ Ibid. The remainder of the story is paraphrased from Blankinship's translation on 156 unless otherwise noted.

¹⁰⁶¹ Ibid., 159-60.

¹⁰⁶² See below, s.v., *Al-Walīd b. Yazīd b. ʿAbd al-Malik*.

However, it is recorded in the following anecdote that he hoped that “popular pressure” might have the desired effect¹⁰⁶³ of convincing al-Walīd that the people would neither condone his behaviour nor his eventual caliphate.

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

Al-Walīd b. Yazīd b. ‘Abd al-Malik (125/743 - 126/744)

Upon hearing of his uncle Hishām’s death, al-Walīd b. Yazīd (henceforth referred to as al-Walīd II¹⁰⁷⁰) is said to have “celebrated both the passing of the man ... and the change in his own affairs” by drinking wine and singing for two nights.¹⁰⁷¹ Ṭabarī records that:

When his accession came and the caliphate passed to him, he only persisted all the more in his pursuit of idle sport and pleasures, hunting, drinking wine [*sharib al-nabīdh*¹⁰⁷²], and keeping

¹⁰⁶³ Hamilton, 95.

¹⁰⁶⁴ Ta’rīkh, vol. 7, 209.

¹⁰⁶⁵ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 88; R. Hillenbrand, “*La Dolce Vita* in Early Islamic Syria,” 11, citing the Aghānī, in which it is stated that al-Walīd took him with a supply of *al-sharāb* (6:102).

¹⁰⁶⁶ Ibid., 89; R. Hillenbrand, “*La Dolce Vita* in Early Islamic Syria,” 11, citing the Aghānī.

¹⁰⁶⁷ Ibid. The Aghānī records the same incident, as translated by Hamilton, “Are you or are you not a Muslim?!” (92) A more literal translation of this passage in the Aghānī might be: “Are you Islamic or not” (6:102), which is similar to Hillenbrand’s rendering of Ṭabarī (Ta’rīkh, vol. 7, 209) - the two accounts are worded almost identically. Immediately following this incident the Aghānī labels al-Walīd a *zindīq*, a “free-thinker” (Wehr, 383). See below, p. 169, n. 1076, for further discussion of the term *zindīq*.

¹⁰⁶⁸ It is also possible that Hishām wanted his own son, and not his nephew, to become caliph after himself.

¹⁰⁶⁹ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 89.

¹⁰⁷⁰ This eponym is here used only to distinguish between the earlier al-Walīd and this one.

¹⁰⁷¹ Hamilton, 134-5, citing the Aghānī.

¹⁰⁷² Ta’rīkh, vol. 7, 231.

company with libertines [*munādama fussāq*¹⁰⁷³]. I have left to one side the accounts which deal with all this as I would hate to make my book any longer by mentioning them.¹⁰⁷⁴

Although Ṭabarī elected not to include episodes of al-Walīd II's wine consumption, the Aghānī has preserved many stories of al-Walīd II and his drinking, only a sample of which will be presented here.¹⁰⁷⁵ In addition to the stories, the Aghānī has also persevered its author's judgement of al-Walīd II, labelling him a *zindīq*, "free thinker". This interpretation of the phrase used in the Aghānī seems appropriate,¹⁰⁷⁶ for there is evidence provided in the Aghānī itself which leads to the impression that al-Walīd believed in the Qur'ān and the existence of Allāh.

Following a conversation between Shurā'ah b. Zindabūd and al-Walīd II, in which the two men agreed that *khamr* was the best type of wine¹⁰⁷⁷, al-Walīd II, while allegedly

¹⁰⁷³ Loc. Cit. A more literal translation may be rendered as, "sinful drinking companions," from *fussāq* (singular, *fāsiq*), "sinful, dissolute, wanton" (Wehr, 713), and *munādama*, "drinking companionship" (Wehr, 952). On this latter word, see also Chapter 5, *Hārūn al-Rashīd, the boon-companion*. The present author agrees with C. Hillenbrand's translation, in that keeping "company with libertines" seems to best convey the judgement implicit in Ṭabarī's phrase, "*munādama fussāq*", as a group of morally dissolute individuals.

¹⁰⁷⁴ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 126-7.

¹⁰⁷⁵ The present author ceased counting separate incidents recorded by the Aghānī pertaining to al-Walīd II and wine consumption at twenty-four, all of those out-with the examples given in the text and poetry attributed to al-Walīd II. For examples of al-Walīd II's wine poetry, see later in this chapter, the section entitled, *A Brief Word on Poetry*.

¹⁰⁷⁶ Aghānī, 6:102. The text reads "*bi-l-zandaqa*". "Zindīq is a vague designation" (Goldziher, *Introduction to Islamic Theology and Law*, 142), having originally been the designation of Zoroastrians for those who introduced radical teachings of the Avesta, especially those who followed the teachings of Mānī, known as the Manichaeans (*El'*, s.v., "Zindīk"). The term was adopted by the Muslims and "lost its precision", and under the Caliph al-Mahdī (158/755-169/785), the term *zindīq* appears to have been applied to those who professed to be Muslims but who were accused of secretly following Manichaeism (Ibid.; Aghānī, vol. 3, 70-3). But by the ninth or tenth centuries, "Manichaeism lost ground in Islamdom, ..." and "anyone suspected of cloaking an esoteric faith beneath his profession of Islam" was considered a *zindīq* (Hodgson, vol. 1, 291). This seems ultimately to have given to rise the definition of a *zindīq* as one those who had a "free, radical way of thinking" (*El'*, s.v., "Zindīk"). The present author would suggest one other possibility. The use of the label *zindīq* as a negative method of describing a "free-thinker" may have come about as the logical conclusion of the displacement of *ijtihād* in favour of *taqlid* in Islamic law. This suggestion will have to remain unexplored, for the scope of this thesis does not warrant further development of this theme.

¹⁰⁷⁷ Aghānī, 6:125; Cf. Hamilton, 124, citing both the Aghānī and Mas'ūdi. R. Hillenbrand, following Zaydān, *Umayyads and 'Abbāsids*, tr. D. S. Margoliouth, does not apparently connect this conversation with the events which follow in the Aghānī.

drunk,¹⁰⁷⁸ looked to the Qur'ān for an augury.¹⁰⁷⁹ He opened the Qur'ān to Sūrah 14:15-6: "But they sought victory and decision, and frustration was the lot of every powerful obstinate transgressor. In front of such a one is Hell, and he is given for drink, boiling fetid water."¹⁰⁸⁰ Al-Walīd II then ordered the Qur'ān hung up and proceeded to shoot arrows at it until "it was cut to pieces".¹⁰⁸¹ He then recited the following:

Thou tauntest the rebel and tyrant? Ah well!
A tyrant an I and prepared to rebel.
When thou meetest thy Lord on the last judgement morn,
Then cry unto God "By Walīd I was torn."¹⁰⁸²

This somewhat "scurrilous"¹⁰⁸³ anecdote seems to demonstrate that al-Walīd II was not irreligious. He recognised the Qur'ān as his Holy Book and that Allāh is a living God who waits in judgement at the end of days. In addition, al-Walīd II is said to have been able to conduct the prayers "impeccably," shedding his "pleasure robes" for a plain white robe.¹⁰⁸⁴ And yet, "to use the Qur'ān as an oracle, as al-Walīd seems to have done in this case, was in itself a highly unorthodox act."¹⁰⁸⁵ In addition, the act of shooting arrows at the Qur'ān and cutting it to shreds may be an allusion to Sūrah 15:90-1. These verses speak of the Meccans,

¹⁰⁷⁸ Zaydān, citing Mas'ūdi and the *Aghānī*. Cf. R. Hillenbrand, 16, as noted above in n. 1077.

¹⁰⁷⁹ Ibid.; Cf. R. Hillenbrand, 16; Hamilton, 125. This event appears to have taken place the evening of al-Walīd II's conversation with Shurā'ah.

¹⁰⁸⁰ Tr. A. Yūsuf Alī. Hillenbrand adopts Margoliouth's translation (in Zaydān) for the latter verse, that "... every rebellious tyrant, behind whom is Hell, where he shall be given to drink of pus" (p. 32, n. 192). It is worth noting that Hamilton words his translation differently (125) and that Pickthall, in his translation of the Qur'ān, words the verse differently as well.

¹⁰⁸¹ R. Hillenbrand, 16; *Aghānī*, 6:125.

¹⁰⁸² Ibid., quoting Margoliouth's translation of Zaydān (104) from the *Aghānī* (6:125). Hamilton translates this verse from the *Aghānī*, but in so doing has not retained the *Aghānī*'s rhyme scheme (125).

¹⁰⁸³ Ibid. The present author believes that if this were a wholly contrived story to demonstrate that al-Walīd II was unfit to rule because he drank wine, then the story might have been more effective if al-Walīd II had opened the Qur'ān to Sūrah 5:90-1.

¹⁰⁸⁴ Ibid., citing the *Aghānī*; Zaydān, tr. Margoliouth, 105, citing the same source and passage. It may be the case that if al-Walīd II were chronically dependent on alcohol, then it is possible that al-Walīd II could have developed a behavioural tolerance to the drug and was able to perform the prayers flawlessly while still at blood alcohol levels that would seriously impair most individuals (Rosenham & Seligman, 527). For further remarks on al-Walīd II's possible chronic addiction to wine, see p. 174 and p. 176.

¹⁰⁸⁵ Ibid., p. 31-2, n. 191.

who, before accepting Islam, are said to have torn up the Qur'ān into arbitrary sections and distributed them haphazardly.¹⁰⁸⁶ This association would seem to further demonstrate that al-Walīd was irreligious.

Both of these acts are said to have occurred when al-Walīd II was drunk. The term *zindīq*, the present author would speculate, should be understood in the context of al-Walīd II's behaviour while intoxicated. Recall that the label was applied after al-Walīd II returned from his pilgrimage in which he took a supply of wine and then proceeded to act disgracefully in the city of Medina. These two events seem to indicate that it was al-Walīd II's behaviour while intoxicated, and not exclusively the act of becoming intoxicated, which earned him the label of *zindīq*.

This story also seems to demonstrate that al-Walīd II's behaviour could become violent when he was drunk. This is not the only record from which to draw such a conclusion. There are two other unrelated stories which appear to confirm that al-Walīd II could become violent while drunk. One of those stories begins with al-Walīd II and his entourage¹⁰⁸⁷ staying at a monastery named Dayr Ṣalība.¹⁰⁸⁸ He was to hold an audience for a number of Arab leaders while at the monastery.¹⁰⁸⁹ Before his meeting with the Arab leaders, Al-Walīd II's chamberlain admonished al-Walīd II for drinking when he knew he was about to hold audience. Al-Walīd II's response to this was to order the chamberlain to drink with him until they were both drunk. The chamberlain refused. Al-Walīd II is then said to have forced the man to drink "with a pipe down his throat until he fell as one dead and was carried out."¹⁰⁹⁰

¹⁰⁸⁶ A. Yūsuf ʿAlī, n. 2014 to his translation of the Qur'ān.

¹⁰⁸⁷ This would most likely have included his boon-companions, slave girls, and singers (Hamilton, 86 - 91).

¹⁰⁸⁸ Hamilton, 90. Shabushtī, in his *Book of the Monasteries*, writes that this monastery in fourth/tenth century Syria was noted for its *khamr* of the earliest fruits of the season (217). For more on Christian monasteries and their making available the wine they produced, see later in this chapter, *Possible Sources of Wine in Islamic Lands*.

¹⁰⁸⁹ Ibid. The remainder of the story above is paraphrased from Hamilton, 90-1, citing ʿUmarī.

¹⁰⁹⁰ Ibid., 91.

This anecdote is difficult to accept. It is questionable that al-Walīd II would have held an audience for Arab leaders at a Christian monastery for two reasons: the monasteries appear to have been places where al-Walīd went to drink wine, listen to songs, and relax; and there may be some doubt that Arab leaders would have wished to meet al-Walīd II at a monastery. Nevertheless, it is possible that al-Walīd II saw no contradiction in meeting Arab leaders at a monastery, which would certainly be in keeping with the Aghānī's judgement that al-Walīd II was a free-thinker. And if al-Walīd II wished men to meet with him at a monastery, a refusal may have been viewed by al-Walīd II as a rebellion against his authority. So although the story is not without some difficulties, on balance the present author would argue that it still warrants merit. The story may therefore be viewed as a good indicator that al-Walīd II's behaviour could become violent when he was drunk.

The second story which supports this conclusion is related in the Aghānī. The story begins with al-Walīd II having succumbed to intoxication and fallen asleep.¹⁰⁹¹ One of his companions, Ibn Ṭawīl, thereupon departed. When al-Walīd II awoke, still intoxicated, he asked for Ibn Ṭawīl and was furious to hear that he had left. In a fit of rage, he ordered his servant, Ṣabrah, to bring him Ibn Ṭawīl's head. Ṣabrah did as he was ordered and brought the severed head of Ibn Ṭawīl to al-Walīd II. Al-Walīd II, now sober, saw the head of his friend and asked what had happened. He was told what had happened and fell into a deep state of misery and remorse.

The elements of this story - a ruler becoming intoxicated and executing a companion - are similar to another story concerning the pre-Islamic Lakhmid King, Mundhir III. As argued in Chapter 1, this suggests that such a story was a means of attacking a ruler, and the actual events may be exaggerated, or may not have taken place at all.¹⁰⁹² Even if it is the case that this story is exaggerated, or even false, it is a further indication of what must have been a popular belief that al-Walīd II consumed large quantities of wine. And as has been

¹⁰⁹¹ Aghānī, vol. 6:132-3; the story above is paraphrased from Hamilton's translation, 133.

¹⁰⁹² Cf. Chapter 1, the section entitled *The Lakhmids, Rulers*.

demonstrated in this chapter, not every ruler who consumed wine was also noted for their violence. It therefore seems reasonable to assess al-Walīd II as capable of a certain violence while intoxicated.

By and large, however, al-Walīd II was a danger to himself, in terms of drinking to the point of blacking out. The singer ʿUmar b. Dāʿūd b. Zādān, who is himself said to be the source of this story,¹⁰⁹³ went before al-Walīd II with a song which al-Walīd II had challenged him to perfect. When Ibn Zādān was brought before al-Walīd II, Ibn Zādān “found him with a maidservant standing by his head holding a cup. He was not drinking at the moment, having taken too much already.”¹⁰⁹⁴ Ibn Zādān recited the song he had perfected, and al-Walīd II drank to his success.¹⁰⁹⁵ He then ordered Ibn Zādān to sing the song again and again, each time toasting his success, until al-Walīd II “toppled over on his side and fell fast asleep.”¹⁰⁹⁶

Complementing this story is a report from the singer, Abū Hārūn ʿAṭarrad. ʿAṭarrad was brought before al-Walīd II in his palace, where he found him sitting

on the edge of a small pool ... lined with lead and filled with wine. ... I had barely finished [singing] when, by God, he tore apart an embroidered robe that was on him, ... flung it down in two pieces, and plunged naked as his mother bore him into that pool; whence he drank, I swear, until the level was distinctly lowered. The he was pulled out, laid down dead to the world, and covered up. So I got up and took the robe; and no-one, by God, said to me “take it” or “leave it”.¹⁰⁹⁷

This story seems authentic, though it is difficult to accept that al-Walīd II could have consumed sufficient fluid such that ʿAṭarrad would have visually ascertained a drop in the level of the pool al-Walīd II had plunged into. However, this may have been meant as a metaphor to indicate the extraordinary amounts of wine al-Walīd II was capable of

¹⁰⁹³ Hamilton, 47, citing the *Aghānī*.

¹⁰⁹⁴ *Ibid.*, 47-8.

¹⁰⁹⁵ *Ibid.*, 48.

¹⁰⁹⁶ *Ibid.*

¹⁰⁹⁷ R. Hillenbrand, 12-3, citing Hamilton's translation of the *Aghānī* (36-7). R. Hillenbrand notes that the tearing of the robe “may well have been an accepted symbol of extreme delight in a fine performance” (p. 28, n. 119).

consuming before becoming intoxicating. This may indicate that he had developed a metabolic tolerance to high doses of alcohol,¹⁰⁹⁸ and suggests that al-Walīd II was chronically addicted to wine.¹⁰⁹⁹

Whether or not ʿAṭṭarad did actually discern the amount of liquid in the pool decrease, the story gains credibility in light of excavations at the site of al-Walīd II's palace, Khirbat al-Mafjar, which may indicate pipes specifically designed to carry wine into a small pool, as described and illustrated below.

“When Khirbat al-Mafjar was being excavated it quickly became clear that the most lavish structure on the site was not ... the royal palace, but the bath hall. This could confidently be identified as such by reason of the deep narrow pool, approached by a flight of steps ... A wide pool connected with the water and drainage system served to fill the pool with water. But one puzzling detail eluded easy explanation. A small narrow pipe, quite inadequate to function as outflow or overflow facility, also led into the pool, and had its own separate drainage. This second pipe presumably conducted some substance other than water into the pool.”¹¹⁰⁰

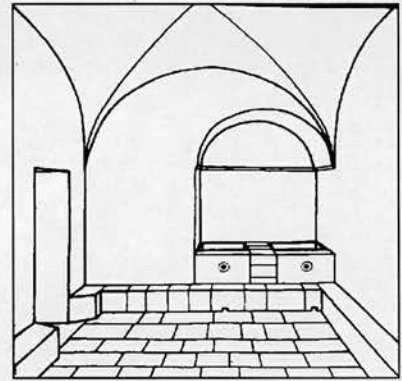


Figure 1: Reconstruction of wine bath, according to Hamilton.

ʿAṭṭarad's experience seems to indicate that this second pipe may have been used to conduct wine into the pool. However, one must be cautious in assessing this evidence. R. Hillenbrand has rightfully warned that “archaeological evidence provided by later Umayyad palaces ... offers positive proof neither of al-Walīd's piety nor of his allegedly irreligious stance ...”.¹¹⁰¹

Hishām's prediction that the people would not condone al-Walīd II's behaviour came to pass approximately a year¹¹⁰² after al-Walīd II came to the caliphate. His cousin, Bishr b.

¹⁰⁹⁸ Rosenham & Seligman, 527.

¹⁰⁹⁹ For some concluding remarks on al-Walīd II's potential chronic addiction to wine, see p 176.

¹¹⁰⁰ R. Hillenbrand, 12.

¹¹⁰¹ Ibid., 17. For more on this palace, see Grabar, *The Formation of Islamic Art*, 143-55 and *index*; Ettinghausen and Grabar, *The Art and Architecture of Islam: 650 - 1250*, 50-68; R. Hillenbrand, *Islamic Architecture*, *index*.

¹¹⁰² Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 243. Al-Walīd II is recorded to have taken the oath of office in Rabīʿ II 125/February-March 743 (Ibid., 83) and died in 126/probably April-

Walīd b. ʿAbd al-Malik is said to have commented that al-Walīd II's "unapproachability and neglect of government, his addiction to music and hunting, his persistent pursuit of pleasure and continued drinking all disgusted the people."¹¹⁰³ Eventually, or perhaps inevitably, there was a violent backlash against his rule.¹¹⁰⁴ A large group of disaffected citizenry marched on Damascus and captured it without any great difficulty while al-Walīd II was outside the city.¹¹⁰⁵ Al-Walīd II subsequently chose to hold up in the citadel of al-Bakhrā'.¹¹⁰⁶

From the temporary safety of the citadel, al-Walīd II shouted down to the growing number of rebels in hope of alleviating his worsening situation, "Did I not increase your stipends? Did I not remove onerous taxes from you? Did I not make gifts to your poor and give servants to your cripples?"¹¹⁰⁷ Ṭabarī informs the reader that in fact al-Walīd II had performed these acts of charity, in addition to a host of reforms aimed at helping those in need.¹¹⁰⁸ This appears to have had little effect. The leader of the rebels, Yazīd b. ʿAnbasah al-Saksakī, replied, "We don't have any personal grudge against you. We are against you because you have violated the sacred ordinances of God, because you have drunk wine [*shurb al-khamr*¹¹⁰⁹], because you have debauched the mothers of your father's sons, and because you have held God's command in contempt."¹¹¹⁰ Here, Yazīd b. ʿAnbasah seems to

May 744 (the months have been figured based on the next Caliph's six month reign; see below, n. 1121).

¹¹⁰³ Hamilton, 149, citing the *Aghānī*. The text here only implies that al-Walīd II was drinking intoxicants, though in the previous passage, al-Walīd II is recorded to have extolled the virtues of a type of wine named *rāḥ* (*Aghānī*, 6:136).

¹¹⁰⁴ It is important to note that al-Walīd II had acquired many enemies during his ephemeral caliphate. For example, the Kalb tribesman became incensed when al-Walīd II's governor for Iraq and Khurāsān, Yūsuf b. ʿUmar, captured, tortured, and killed the former governor of that territory, Khālīd b. ʿAbdallāh al-Qasrī (Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 166-178; Hodgson, vol. 1, 272; Hamilton, 150). For more on the dislike of himself al-Walīd II fostered, see Kennedy, 112-3; Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 127 - 141.

¹¹⁰⁵ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 143 - 6; Kennedy, 113.

¹¹⁰⁶ *Ibid.*, 148-50.

¹¹⁰⁷ *Ibid.*, 153; Hamilton, 156, citing the *Aghānī*.

¹¹⁰⁸ *Ibid.*, 103.

¹¹⁰⁹ *Ta'riḥ*, vol. 7, 246.

¹¹¹⁰ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 153; Hamilton, 156, citing the *Aghānī*. The latter part of this phrase should be understood in its context. To be accused of debauching "the mothers of your father's sons" was a standard method of condemnation among the Arabs themselves, not just Arabic authors. It is very possible that an insult of this variety took

condemn al-Walīd II twice for drinking wine: once by stating that he had “violated the sacred ordinances of God” and “held God’s command in contempt”, i.e., Sūrah 5:90-1, and then again by separately citing the fact that al-Walīd II drank wine. This condemnation should be taken in the wider context as part of the string of insults directed against al-Walīd II, and is not in itself sufficient proof that al-Walīd II consumed wine.¹¹¹¹

There appears to be overwhelming evidence, however, which supports the conclusion that al-Walīd II consumed wine, including eyewitness accounts and a palace bath perhaps designed to pipe wine into the bath pool.¹¹¹² What’s more, that he drank appears to have become public knowledge, and while there were those who were appalled by this behaviour, one could speculate that there were those who also enjoyed drinking and perhaps realised this as their opportunity to purchase, store, and consume wine.

In view of the previous suggestions that al-Walīd II may have had developed a behavioural and/or metabolic tolerance to wine,¹¹¹³ the present author would like to introduce a new hypothesis. The reason al-Walīd II consumed so much wine was not necessarily due to choice, but he may be been chronically addicted to wine. Support of this hypothesis comes in light of his father’s consumption of wine, as this may indicate that al-Walīd II was genetically predisposed to alcoholism,¹¹¹⁴ and therefore found himself compelled to continue drinking once he had been introduced to it.¹¹¹⁵

Furthermore, al-Walīd II seems to have recognised that his behaviour was offensive to the general population. The *Aghānī* records that al-Walīd II had declared that he would

place, though the exact wording may have varied. Shortly after this exchange, al-Walīd II is said to have retired to a room inside the citadel to read the Qur’ān while men scaled the citadel outside (Loc. Cit.; Hamilton, 156; R. Hillenbrand, 17, citing the *Aghānī*). The men reached the room and al-Walīd II was beheaded (Ibid., 154).

¹¹¹¹ See above, n. 1110.

¹¹¹² For evidence of wine consumption through his own poetry, see later in this chapter, the section entitled *A Brief Word on Poetry*.

¹¹¹³ See above, p. 170, n. 1084 and p. 174.

¹¹¹⁴ Cohen & Duffy, “Alcohol-drinking and mortality from diseases of circulation”, 53, in *Alcohol and Illness*, ed. J. Duffy.

¹¹¹⁵ Al-Walīd II is said to have been introduced to wine consumption by his tutors (Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 88; R. Hillenbrand, 16, citing the *Aghānī*), though it may have been the case that some other member of his household introduced him to wine.

have to refrain from making the pilgrimage “because of the reaction of the people of Medina to his voice.”¹¹¹⁶ Poetry attributed to al-Walīd II confirms this view. In the following verse, al-Walīd II appears cognisant that his consumption of wine was sinful, yet unavoidable:

Pour, and let me hear the chuckle of the flask;
Lutes have stolen from us the souls we thought our own,
So pour! My sins mount up like wine climbing the cup.
Nothing can now atone.¹¹¹⁷

Viewed in this light, the harsh judgements levelled against al-Walīd II as a *zindīq*, as one who consumed wine with complete disregard for himself, his religion, and the Islamic Empire, might be reassessed. This passage seems to suggest that al-Walīd II was mindful that his actions were detrimental to himself. Yet al-Walīd II appears to have continued to consume dangerous quantities of wine. If al-Walīd II were addicted to wine, and had been predisposed to that condition, then al-Walīd II could be viewed instead as a particularly tragic figure in Islamic history.

Whatever the reasons for his persistent drinking, his consequent neglect of the state seems to have allowed for a clandestine movement to develop and rapidly establish a wide support base. This movement was to culminate in the ‘Abbāsīd revolution and overthrow the Umayyad ruling house.¹¹¹⁸

Marwān b. Muḥammad b. Marwān (127/744 - 132/750)

Al-Walīd II's neglect of state was not solely responsible for the decline and fall of the Umayyad family. Bitter internecine conflicts and struggle for the caliphate similarly distracted the Umayyads from effectively preventing the ‘Abbāsīd movement from establishing itself. Ṭabarī records that immediately upon the death of al-Walīd II, his cousin, Yazīd b. al-Walīd (henceforth referred to as Yazīd III¹¹¹⁹), who himself was one of

¹¹¹⁶ In R. Hillenbrand, 32, n. 194.

¹¹¹⁷ R. Hillenbrand, 14, citing al-Mas‘ūdī.

¹¹¹⁸ See below, p. 180.

¹¹¹⁹ This eponym is here adopted solely to distinguish between earlier caliphs of the same first name and this caliph.

the leaders of the rebellion against al-Walīd II, was proclaimed caliph.¹¹²⁰ Yazīd III died between five and six months later.¹¹²¹ His caliphate seems to have been largely one of dealing with rebellions, the most threatening of which was headed by Marwān b. Muḥammad b. Marwān.¹¹²² There then followed Ibrāhīm b. al-Walīd b. ʿAbd al-Malik b. Marwān, though “his rule was not universally recognised.”¹¹²³ There is little information about his caliphate, which lasted four months. He was deposed in Rabīʿ II 126/January-February 744.¹¹²⁴ Marwān b. Muḥammad b. Marwān (henceforth referred to as Marwān II¹¹²⁵) then journeyed to Damascus, suppressed rival claims to the caliphate, and had himself proclaimed caliph.¹¹²⁶

Three months into his caliphate¹¹²⁷, Marwān II was confronted with the first of many revolts from the provinces, the last of which deposed Marwān II and supplanted the family of al-ʿAbbās.¹¹²⁸ So fragmented had the Islamic empire become that the threats to Marwān II were not limited to the distant provinces. One of Marwān II’s military leaders, Sulaymān b. Hishām b. ʿAbd al-Malik, was informed by the leaders of a group of ten thousand men that he was “considered more acceptable than [Marwān II] is by the army of Syria, and more worthy of the Caliphate.”¹¹²⁹ Sulaymān b. Hishām agreed and assembled a large army, which included these ten thousand men.¹¹³⁰ Marwān II heard of this and broke from his

¹¹²⁰ Tr. C. Hillenbrand, vol. XXVI, 154; for Yazīd III’s involvement, see Ṭabarī, tr. C. Hillenbrand, vol. XXVI, *index*.

¹¹²¹ In Dhū al-Ḥijjah 126/October 744 (Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 243).

¹¹²² Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 239-242. Yazīd III offered Marwān b. Muḥammad b. Marwān the governorship of the Jazīrah, Armenia, al-Mawṣil, and Āzarbāyjān for his allegiance. Marwān b. Muḥammad b. Marwān accepted Yazīd III’s offer (*Ibid.*, 242).

¹¹²³ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 247.

¹¹²⁴ *Ibid.*

¹¹²⁵ This eponym is here adopted solely to distinguish between earlier caliphs of the same first name and this caliph.

¹¹²⁶ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 249-252; tr. J. A. Williams, vol. XXVII, 1 - 4.

¹¹²⁷ Ṭabarī, tr. J. A. Williams, vol. XXVII, 4.

¹¹²⁸ Hodgson, vol. 1, 272-4.

¹¹²⁹ Ṭabarī, tr. J. A. Williams, vol. XXVII, 19.

¹¹³⁰ *Loc. Cit.*

present march to meet the new threat.¹¹³¹ Sulaymān b. Hishām and his forces were swiftly defeated at the battle of Khusāf in the year 127/744-5.¹¹³²

One of those captured at the battle was “a maternal uncle of Hishām b. ‘Abd al-Malik called Khālīd b. Hishām al-Makhzūmī.”¹¹³³ He was brought before Marwān II who chastised him, “Weren’t the wines [*khamr*]¹¹³⁴ and slave girls of [Medina] enough to keep you from running out with this excrement to fight against me?” Khālīd b. Hishām answered that Sulaymān b. Hishām had forced him to join his forces. Marwān II replied, “So you tell lies, too! How would he have forced you, when you came out with your singing-girls and wineskins [*al-ziqāq*]¹¹³⁵ and guitars with you in his camp!” Marwān II then killed him.

This story appears to reveal much about the caliph’s attitude toward wine consumption and the possible prevalence of wine consumption in the Prophet Muḥammad’s adopted city of Medina. Wine consumption seems to be used as a subtle insult, but discrediting Khālīd b. Hishām does not appear to be the main objective of Marwān II’s statement. Marwān II seems to be making the point that Khālīd b. Hishām should have been satisfied with the luxurious lifestyle he enjoyed in Medina and should have had no reason to rebel against the central authority. Khālīd b. Hishām was apparently so satisfied with his lifestyle that he is said here to have transplanted it to the camp of Sulaymān b. Hishām.

This story, then, not only reflects badly on Sulaymān b. Hishām for not disciplining Khālīd b. Hishām, but also reflects poorly on Marwān II for acknowledging the existence of wine in the city of Medina, yet apparently allowing the situation to continue. Marwān II may have allowed the situation to continue deliberately, perhaps in the hopes that it would keep its citizens pacified. If this was Marwān II’s intention, it clearly did not have the

¹¹³¹ Ibid., 19-20.

¹¹³² Ibid., 20-4.

¹¹³³ Ibid., 21. The remainder of the story is partly quoted, partly paraphrased from the translation on 21 unless otherwise noted.

¹¹³⁴ Ta’rīkh, vol. 7, 325.

¹¹³⁵ Ibid. Literally translated, *al-ziqāq* means only “skins”, used as receptacles for carrying some liquid. In context, however, the present author is inclined to agree with J. A. Williams in his assessment that the word should be translated as “wineskins”.

desired effect. Moreover, it may have been the case that Marwān II planned to deal with the question of wine consumption in Medina after he had suppressed the multiplicity of rebellions against his reign and consolidated his government.

Marwān II was not, however, to have the opportunity to consolidate his reign. A freed slave, Abū Muslim, began an active revolt from Khurāsān in Ramaḍān 129/May - June 747.¹¹³⁶ "By the time Marwān II could turn his full attention to [the rebellion], it was overwhelming and swept all before it."¹¹³⁷ Marwān II's remaining forces were defeated at the river Zāb in Jumādā II 132/January 750,¹¹³⁸ ending the reign of the Umayyad family.

Possible Sources of Wine in Islamic Lands

There is considerable evidence in the sources that some individuals consumed wine in spite of the prohibition to the contrary. The sources neglect to record the source(s) of that wine. One exception is the record for the caliphate of al-Walīd II. Al-Walīd II is said to have frequented a Christian monastery in Syria.¹¹³⁹ Shābushtī records that this monastery, the Dayr Ṣalībā, not only produced *khamr*, but it is also said to have had its own wineshop.¹¹⁴⁰ Shābushtī also records monasteries in Iraq which produced their own wine, usually *khamr*¹¹⁴¹, though in some limited cases, *nabīdh*¹¹⁴². Some of these monasteries also seem to have provided facilities, i.e., a wineshop, where their products could be sold.¹¹⁴³

It should be noted that Shābushtī was primarily interested in recording monasteries that were in existence during his lifetime¹¹⁴⁴, and so most of the information he provides is relevant to the fourth/tenth century. However, the monastic movement is believed to have

¹¹³⁶ Ṭabarī, tr. J. A. Williams, vol. XXVII, 65; Hodgson, vol. 1, 273.

¹¹³⁷ Hodgson, vol. 1, 274.

¹¹³⁸ Ṭabarī, tr. J. A. Williams, vol. XXVII, 166; Hodgson, vol. 1, 274.

¹¹³⁹ See above, p. 171.

¹¹⁴⁰ Book of the Monasteries, 217.

¹¹⁴¹ Ibid.; a few examples of where *khamr* appears to have been available include Dayr Ashmūnī, 30-3; Dayr al-Khawāt, 61-2; and Dayr Marīnā, 109-110.

¹¹⁴² Ibid. A few examples where *nabīdh* appears to have been available include Dayr al-Sūmī, 96-9; and Dayr Zarārah, 159-63.

¹¹⁴³ Ibid., such as Dayr Ashmūnī, 30-3; and Dayr al-Khawāt, 61-2.

¹¹⁴⁴ D. 377/998.

begun as early as the fourth century CE,¹¹⁴⁵ and it is reasonable to assume that some of the monasteries that Shābushtī refers to were in existence in these regions prior to the coming of Islam. The example from al-Walīd II's caliphate appears to demonstrate that wine from monasteries was available in the late Umayyad period. The poet Jaḥza, who also visited Christian monasteries in the late Umayyad period, confirms this view. In his poetry composed during a stay at Dayr Ḥanna, a monastery on the outskirts of al-Ḥīra, Jaḥza praises its excellent wine (*rāḥ*).¹¹⁴⁶ Shābushtī relates that he was aware that monasteries in al-Ḥīra produced both *rāḥ* and *khamr*, some of which seem to have had their own wineshops.¹¹⁴⁷

One other possible source of wine may have been Jewish merchants. The Jews similarly required wine for their rituals, and it may be the case that they sold wine which was not fit for ritualistic consumption. It may equally be the case that the Jews produced wine specifically for the market, as they had done in pre-Islamic times.¹¹⁴⁸ However, little is known of the Jewish community in the Umayyad era inside Islamic territory “due to the lack of sources from the period”,¹¹⁴⁹ “... since at that time very little was written by the Jews on any subject, and still less has come down to us.”¹¹⁵⁰ From scant Arabic sources, the Jews appear to have found an economically and politically satisfactory position under the Umayyad caliphate.¹¹⁵¹ For example, one Jewish family is said to have obtained exclusive right to clean the Al-Aqṣā mosque and maintain the lighting on the Temple Mount, for which there were compensated by the lifting of the poll tax.¹¹⁵²

One exception to the favourable status the Jews found under Umayyad caliphs was during the caliphate of ʿUmar II. While the Jews (and Christians) were allowed to retain

¹¹⁴⁵ *Dictionary of the Middle Ages*, s.v., “Monasticism, Origins”.

¹¹⁴⁶ Hamilton, 88, citing ʿUmarī.

¹¹⁴⁷ *Book of the Monasteries*, 149-56.

¹¹⁴⁸ See Chapter 1, s.v, *The Jews*.

¹¹⁴⁹ Stillman, *The Jews of Arab Lands: A History and Source Book*, 28.

¹¹⁵⁰ *Ibid.*, citing Baron, *Ancient and Medieval Jewish History*.

¹¹⁵¹ Hodgson, vol. 1, 306.

¹¹⁵² *Encyclopaedia Judaica*, vol. 15, 1529.

their religious rites and their places of worship, they were forbidden to build new ones.¹¹⁵³ In addition, Jews (and Christians?) were compelled to “wear special hats and mantles which would distinguish them from the Muslims,” and they were prohibited “from using a saddle,” and from employing a Muslim in their service.¹¹⁵⁴ Recalling ‘Umar II’s instructions to his Egyptian governor to destroy all shops where wine was sold,¹¹⁵⁵ it may be that both the Christians and Jews would have become more cautious concerning producing and distributing wine. But for this one exception, it is reasonable to assume that the right of the Jews and Christians to produce and use wine for their own consumption was not infringed, and that they may in some instances have engaged in marketing their wine as well.

A Brief Word on Umayyad Poetry¹¹⁵⁶

Poets in the Umayyad era seem to have departed, to some extent, from the apparently independent nature of the poets of the *Jāhiliyah*. “The politics of state directed much of the poetry of the Umayyad period, and the caliphs and their governors encouraged the writing of eulogies that would help to strengthen the state and instil awe and reverence for them.”¹¹⁵⁷ This, however, neither prevented poets from writing on subjects of their own choosing for wider audiences¹¹⁵⁸ nor seems to have compromised the quantity and quality of their work¹¹⁵⁹.

“Among the major poets of the Umayyad age,” the Christian Arab poet al-Akhṭal¹¹⁶⁰, “maintained a constant loyalty to the dynasty.”¹¹⁶¹ As a Christian, he was not, of course, bound by the prohibition against intoxicants, and wine appearing in his poetry should not be viewed as unusual. That he enjoyed the patronage of Umayyad caliphs, such as Yazīd b.

¹¹⁵³ Zaydan, tr. Margoliouth, 130; *EI*, s.v., “Omar b. ‘Abd al-‘Azīz”.

¹¹⁵⁴ *Encyclopædia Judaica*, vol. 12, 1378.

¹¹⁵⁵ See above, p. 160.

¹¹⁵⁶ An analysis and critical assessment of wine poetry lies beyond the limits of this thesis. The following discussion will focus solely on wine’s presence in poetry as a possible compass to wine’s availability and/or consumption.

¹¹⁵⁷ *CHAL*, 396; Fariq, “Umayyad Poetry: Its Political and Social Background”, 256-7; 263.

¹¹⁵⁸ *Ibid*.

¹¹⁵⁹ Fariq, 258-9.

¹¹⁶⁰ B. c. 640, d. c. 710 (Hitti, 252; Hodgson, vol. 1, 229).

¹¹⁶¹ *CHAL*, 396.

Mu^cāwiyah and ^cAbd al-Malik b. Marwān¹¹⁶², is another factor which may demonstrate that neither caliph had instituted a policy toward controlling the proliferation of wine. It should be noted that al-Akhṭal may have been popular for the fact that he seems to have leaned greatly on his pre-Islamic predecessors, such as Imru' al-Qays and Ḥassān b. Thābit, though "his poetry on wine is genuine and impassioned."¹¹⁶³

Some of his poems expose a love of wine,¹¹⁶⁴ and in the following passage, al-Akhṭal has recorded the effect of wine on the drinker:

He got up swaggering, dragging his cloak; if his soul were in his
hands, it would have fallen.
And he went away; had someone shouted, "Beware of the sword!",
he would not have winced.¹¹⁶⁵

The objective of including this passage by a Christian poet is that it reveals an important aspect of the potential effects on anyone who consumes wine. Al-Akhṭal's observation, that the drunkard would not have winced at the threat of the sword, is reflected in the poetry of a Muslim poet, Thābit Quṭnah, of the Banū Azd.¹¹⁶⁶

A group of Turks had raided an area east of Nīshāpūr in the year 64/683-4,¹¹⁶⁷ defeating the Banū Azd and capturing their garrison.¹¹⁶⁸ ^cAbdallāh b. Khāzim¹¹⁶⁹ sent a contingent of the Banū Tamīm to fight the Turks. The Banū Tamīm were successful, putting the Turks to flight.¹¹⁷⁰ Thābit Quṭnah composed the following verse in honour of their victory:

May my soul be a ransom for horsemen of Tamīm ...

¹¹⁶² Ibid., 396-7.

¹¹⁶³ *CHAL*, 399.

¹¹⁶⁴ Ibid. The editors of *CHAL* have not provided examples. Hitti labels al-Akhṭal a "wine-bibber", though does not cite the source of this information.

¹¹⁶⁵ Ibid., 400, translated from the passage found in Ibn Qutaybah, *Shi'r*.

¹¹⁶⁶ Ṭabarī, tr. G. R. Hawting, vol. XX, p. 77, n. 355.

¹¹⁶⁷ Ṭabarī, tr. G. R. Hawting, vol. XX, p. 76, and n. 352.

¹¹⁶⁸ Loc. Cit.

¹¹⁶⁹ The self appointed governor of Khurāsān following the death of Yazīd b. al-Walīd and the disintegration of the central authority. (Ṭabarī, tr. G. R. Hawting, vol. XX, 72)

¹¹⁷⁰ Ṭabarī, tr. G. R. Hawting, vol. XX, 76.

Assaulting [the Turks] in the thick black smoke with an assault
like that of those drinking from bowls of wine [*al-*
*mudām*¹¹⁷¹]. ...¹¹⁷²

It seems highly unlikely that the warriors from the Banū Tamīm had actually consumed wine before the battle, for this may have had the opposite effect of weakening them as a fighting force.¹¹⁷³ However, the reference to intoxication is meant to reflect the extraordinary fearlessness with which the Banū Tamīm fought, as those who, had someone shouted, "Beware of the sword!", would not have winced.¹¹⁷⁴

The Turks returned to Islamic territory repeatedly, each time with renewed ferocity.¹¹⁷⁵ The decisive war against the invading Turks was a protracted and exhaustive affair for the Islamic state, spanning roughly seventeen years, from 102/720 - 119/737.¹¹⁷⁶ One of the greatest losses suffered by the Muslims, which decimated the Khurāsānī army, was the Day of the Defile in 113/731.¹¹⁷⁷ The poet Khālid b. al-Muʿārik, known as Ibn ʿIrs al-ʿAbdī,¹¹⁷⁸ seems to have singled out the governor of Khurāsān and commander on that day, al-Junayd b. ʿAbd al-Raḥmān al-Murrī, for the failure of the Muslim armies.¹¹⁷⁹ In a lengthy poetic attack, Ibn ʿIrs recited,

You [al-Junayd] should not ever have thought the battle on the
day of the forenoon
(To be) like your drinking tangy wine with ice [*muzzāʾa*¹¹⁸⁰].

...

Junayd, your stock is not attributable
To an (authentic) origin, nor was your ancestor ascendant
(in stature). ...¹¹⁸¹

As in Thābit Quṭnah's poetry, it seems unlikely that Ibn ʿIrs is suggesting that the

¹¹⁷¹ Taʾrīkh, vol. 5, 549.

¹¹⁷² Ṭabarī, tr. G. R. Hawting, vol. XX, 77.

¹¹⁷³ See above, p. 156.

¹¹⁷⁴ See above, n. 1165.

¹¹⁷⁵ K. Y. Blankinship, in the *Translator's Foreword*, xiv, to his tr. of Ṭabarī, vol. XXV.

¹¹⁷⁶ Loc. Cit.

¹¹⁷⁷ Ibid., xiv-xv.

¹¹⁷⁸ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 92.

¹¹⁷⁹ Ibid.; Ṭabarī, tr. K. Y. Blankinship, vol. XXV p. 2., n. 9; K. Y. Blankinship, in the *Translator's Foreword*, xiv.

¹¹⁸⁰ Taʾrīkh, vol. 7, 87.

¹¹⁸¹ Ṭabarī, tr. K. Y. Blankinship, vol. XXV, 93.

warriors on the Day of the Defile were drinking wine. In contrast to Thābit Quṭnah's use of wine consumption, Ibn 'Irs is using the consumption of wine as an insult. His anger toward al-Junayd is evident in every line of his poem extending over three folios (three pages in the translation¹¹⁸²) and it is not possible to state with confidence that Ibn 'Irs knew that al-Junayd consumed wine, despite the rather specific type of wine he mentions.

An individual who has come to be well known to have consumed wine also extolled its virtues in poetry. The caliph al-Walīd b. Yazīd (al-Walīd II)¹¹⁸³ was celebrated for his poems devoted to wine.¹¹⁸⁴ He "is recognised as the master of modern Bacchism [wine poetry]. The author of the *Aghanī* asserts this already: this poet composed numerous poems which were plundered, notably by al-Ḥusayn b. al-Ḍaḥḥāk and Abū Nuwās."¹¹⁸⁵ Two of his poems will serve as examples. The first appears to detail certain regions whose wine were favourites:

Another cup! Another drop! Of the wine of Iṣfahān!
Of the wine of the Old Man Kisra, or the wine of Qayrawan.
There's a fragrance in the cup, or on the hands of him who pours;
Or is it just a lingering trace of musk from filling of the
jars?¹¹⁸⁶

The second poem extols both wine and music, which for al-Walīd were often inextricably linked¹¹⁸⁷:

There's no true joy but lending ear to music.
Or wine that leaves one sunk in stupor dense.
Houris is in Paradise I do not look for;
Does any man of sense?¹¹⁸⁸

In light of the poetry attributed to al-Walīd II, there can be little doubt that the stories attributed to al-Walīd II of his excessive consumption of wine could be that far removed from the truth.

There were many poets who also displayed a tendency in their poetry toward verses

¹¹⁸² Ibid., 92 - 4.

¹¹⁸³ See above, s.v., *al-Walīd b. Yazīd b. 'Abd al-Malik*.

¹¹⁸⁴ R. Hillenbrand, 15.

¹¹⁸⁵ *EF*², s.v., "Khamriyya".

¹¹⁸⁶ Hamilton, 112, citing the *Aghānī*.

¹¹⁸⁷ R. Hillenbrand, 18; see above, p. 173, for al-Walīd II's enjoyment of singing and wine.

¹¹⁸⁸ Ibid., citing the translation by Nicholson of the text related by Abū al-ʿAlā' al-Maʿarrī.

concerning wine. A group of poets assembled and lived in Kūfah in the second/eighth century.¹¹⁸⁹ Among them were Ḥammād al-Rāwiyah and Muṭīʿ b. Iyās who died between the years 155/772 and 169/787.¹¹⁹⁰ Ibrāhīm b. Harmah, “a Ḥijāzī poet, continually gave himself over to drink throughout his life.”¹¹⁹¹ All of these men were recorded as having consumed *nabīdh*¹¹⁹² and not *khamr*, as seemed to be the case through the reign of al-Walīd II. This change is significant and relates to the development of the law with respect to the consumption of intoxicating drinks.

Law in the Umayyad Era

Sharfah and *Fiqh*: Revealed Law¹¹⁹³ and Jurisprudence¹¹⁹⁴

The *Sharfah*, or divinely revealed law, is contained in the twin revelations of the Qurʾān and the *Sunnah* of the Prophet Muḥammad.¹¹⁹⁵ Chapter 2 illustrated that the *Sharfah*, as here defined, institutes a comprehensive ban on the consumption of wine though without a corresponding specific punishment in this life for violating the ban.¹¹⁹⁶ Traditional explanations of this seeming discrepancy note that the Qurʾān and the *Sunnah* are said to be the sources of Islamic law, not the law themselves. “The distinction assumes that the Holy Law ... is not entirely self-evident from the sacred texts.”¹¹⁹⁷ Islamic tradition

¹¹⁸⁹ *EF*, s.v., “Khamriyya”.

¹¹⁹⁰ *Ibid.*

¹¹⁹¹ *Ibid.*

¹¹⁹² Cf. for example Aghānī, vol. 4, 373, vol. 6, 84 and vol. 11, 364.

¹¹⁹³ Wehr, 466; Cf. Faruki, *Islamic Jurisprudence*, 12.

¹¹⁹⁴ *Ibid.*, 723; Faruki, 13.

¹¹⁹⁵ Burton, *The Sources of Islamic Law*, 11, citing al-Ghazālī, *Mustaṣfā*. Cf. Kamali, *Principles of Islamic Jurisprudence*, who concurs with Burton’s observation, adding that the Qurʾān is the primary source of *Sharfah*; Faruki maintains that “The *sharʿah* is enshrined in the Qurʾān” alone (18). For the purposes of this thesis, it will be assumed that the *Sharfah* rests in both the Qurʾān and the *Sunnah* of the Prophet.

¹¹⁹⁶ The punishment for wine consumption was not the only divine injunction without a corresponding punishment. “The list of prohibitions far more outweighs the list of punishments” (Sherwani, *Impact of Islamic Penal Laws on the Traditional Arab Society*, 28). Sherwani lists as examples prohibitions with respect to foods and gambling. Therefore, the Qurʾān and *Sunnah* “taken together in no sense constitute a comprehensive code of law” (Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, 4).

¹¹⁹⁷ Weiss, “Interpretation in Islamic Law: The Theory of *Ijtihād*,” in Edge, *Islamic Law and Legal Theory*, 199.

places the emphasis on the duty of man to derive those rules of God that have not been “precisely spelled out for man’s convenience.”¹¹⁹⁸ This analysis of the Qur’ān and the Sunnah of the Prophet is often referred to as *uṣūl al-fiqh*, and the end product of this human analysis to the divinely revealed texts is *fiqh*.¹¹⁹⁹

Schacht states that the punishment for drinking wine, i.e., flogging with eighty lashes, was one of “Allah’s restrictive ordinances”.¹²⁰⁰ Yet in Schacht’s *EF* article, “Ḥadd”¹²⁰¹, the reader is referred to Wensick’s article in *EF*, “Khamr”, in which Wensick concurs with the points made in Chapter 2 and Chapter 3, namely that: “... ḥadīth tells us that Muḥammad and Abū Bakr were wont to inflict forty lashes ...”. Therefore, flogging with *eighty* lashes was not a divinely ordained punishment. This, then, would seem to exclude the punishment of drinking wine from the classification of *ḥadd*, if the term be defined here as pertaining to a given offence where there is a corresponding given punishment.¹²⁰²

However, as has already been noted, Arabic authors writing in the late third/late ninth-early tenth century seem to have used the term to describe the punishment associated with wine drinking. It will be demonstrated in Chapter 5¹²⁰³ that jurists working in the latter half of the second/eighth century and first half of the third/ninth century classified the punishment for drinking wine as a *ḥadd* punishment. It will also be demonstrated that not all jurists were in agreement in this matter, and their differences tended to stay within, by the mid third/ninth century, well defined “schools of law”.

¹¹⁹⁸ Ibid.

¹¹⁹⁹ Faruki, 18-9; Kamali, 1-2.

¹²⁰⁰ Introduction, 175.

¹²⁰¹ Jointly written with Carra de Vaux.

¹²⁰² El-Awa, *Punishment in Islamic Law: A Comparative Study*, 49; Kamali, 221, 230; *EF*, s.v., “Ḥadd”. It should be noted that the term could be used to refer to the offence alone (Coulson, 124; Lippman, & McConville, *Islamic Criminal Law and Procedure*, 41; Wehr, 159, in which *ḥadd* is defined as both “divine ordinance, divine statute; legal punishment”), though it is more common that it should refer to a divinely ordained punishment for that offence (El-Awa, 49; Schacht, Introduction, 175).

¹²⁰³ See the section entitled, *Law in the Early ‘Abbāsīd Era I*.

Exactly when the codification of the law began is difficult to ascertain.¹²⁰⁴ However, in the Umayyad era, two factors stand out: interest in extracting the law from the texts was wide spread; and the Umayyad regime appear to have neither sponsored nor hindered legal scholars from their work (with only one exception¹²⁰⁵). Since the Umayyad regime did not take an active part in promoting the science of Islamic law, it will suffice to mention below the origins of two of the four contemporary *Sunnī* schools of law.

Many of the major cities in the Umayyad era attracted collectors of *ḥadīth* and scholars of the law. Kūfah was one of these centres.¹²⁰⁶ It was here that Abū Ḥanīfa, who was to lend his name to one of the four present day schools of law, was educated and then went on to instruct in the science of law. Abū Ḥanīfa¹²⁰⁷ has left no written works of his own.¹²⁰⁸ His teachings are known only from the work of his disciples, Abū Yūsuf¹²⁰⁹ and Shaybānī¹²¹⁰.¹²¹¹ As evidence that the Umayyad regime did not sponsor his work, he is said to have “lived in Kūfah as a manufacturer and merchant of a kind of silk material.”¹²¹² Under the ‘Abbāsids, the Ḥanīfite “school of law” was officially adopted, and both of his disciples were to find positions as *qāḍīs*.¹²¹³ It was their school that determined that drinking *nabīdh* was permissible so long as intoxication did not result.¹²¹⁴

¹²⁰⁴ Note that Schacht makes a concerted effort to date the development of Islamic law, though is ultimately to have recourse to phrases such as “about the beginning of” or “around the middle of” a given century. Recent publications have called even this cautious dating into question (Calder, *Studies in Early Muslim Jurisprudence*, 19; Edge, ed., *Islamic Law and Legal Theory*, xxii-xxiii). It should be noted that the stages through which Schacht portrays Islamic law proceeding “has never been seriously undermined” (Ibid.).

¹²⁰⁵ See text below.

¹²⁰⁶ Juynboll, *Muslim Tradition: Studies in chronology, provenance and authorship of early ḥadīth*, 58-62.

¹²⁰⁷ B. c. 80/699 - d. c. 150/767 (*EF*, s.v., “Abū Ḥanīfa”).

¹²⁰⁸ *EF*, s.v., “Abū Ḥanīfa”; Weeramantry, *Islamic Jurisprudence*, 49.

¹²⁰⁹ B. c. 113/731 - d. c. 182/798 (Weeramantry, 49).

¹²¹⁰ D. c. 189/804 (Weeramantry, 50).

¹²¹¹ Ibid.; Weeramantry, 49-50. See also Chapter 5, *Law in the early ‘Abbāsīd Era I*.

¹²¹² *EF*, s.v., “Abū Ḥanīfa”, by Schacht. There is a tradition that he was offered the post of *qāḍī* for Baghdad by al-Manṣūr, though he declined (Ibid.). Schacht comments that the story is highly suspect.

¹²¹³ *EF*, s.v., “Abū Yūsuf”; Calder, 39.

¹²¹⁴ See Chapter 5, the section entitled, *Law in the Early ‘Abbāsīd Era I*.

Medina also became a centre for the collection of *ḥadīth* and the analysis of *Sharfah*.¹²¹⁵ “There are many references to the ‘seven lawyers of Medina’, a group of men who died a little before or shortly after 106/718.”¹²¹⁶ Such men were typically renowned for their knowledge of many *ḥadīth* and the soundness of their *fiqh*.¹²¹⁷ In addition, Ṭabarī mentioned that the caliph ‘Umar II¹²¹⁸ summoned “ten of the jurists of Medina” in order to take advice on matters of policy.¹²¹⁹ It seems reasonable to assume that the top jurists in Medina may have, therefore, found a degree of patronage under ‘Umar II.

From Medina emerged Mālik b. Anas (710¹²²⁰/7¹²²¹ - 795¹²²²), who has lent his name to the second of the four contemporary schools of law.¹²²³ He has left a work called al-Muwattaʿ, or The Beaten Path.¹²²⁴ The recension of one of his disciples, Yaḥyā b. Yaḥyā al-Maṣmūdī (d. 234/848-9), “is usually considered to be amongst the earliest of Islamic juristic works, and to represent Mālik’s latest views,”¹²²⁵ having allegedly confirmed his recension with Mālik himself in the last year of Mālik’s life.¹²²⁶

The *Shurṭa*: police, police officer¹²²⁷

Poetry in the Umayyad era mirrors the apparent continued consumption of wine evident in narrative accounts. However, it would be too simplistic an analysis of the

¹²¹⁵ Juynboll, *Muslim Tradition*, 40-3; *EF*, s.v., “al-Madīna”.

¹²¹⁶ *EF*, s.v., “al-Madīna”; Schacht, *Introduction*, 31. Schacht writes that “Hardly any of the doctrines ascribed to these ancient authorities can be considered authentic. The transmission of legal doctrine in Ḥijāz becomes historically ascertainable only at about the same time as Iraq, with Zuhri (d. 124/742) ...” (Ibid.). See n. 1204 for a brief commentary on Schacht’s dating.

¹²¹⁷ Juynboll, *Muslim Tradition*, 41 - 3. See above, nn. 1194 and 1195.

¹²¹⁸ See above, s.v., ‘Umar b. ‘Abd al-Azīz.

¹²¹⁹ Tr. M. Hinds, vol. XXIII, 132. See the translation for the complete list.

¹²²⁰ Weeramantry, 51.

¹²²¹ Khadduri, “Nature and Sources of Islamic Law”, in Edge, 97.

¹²²² Weeramantry, 51; Khadduri, 97.

¹²²³ In chronological sequence of their founders lives.

¹²²⁴ Weeramantry, 51.

¹²²⁵ Calder, 20. Calder comments that the Muwattaʿ appears to be an inferior collection to the Mudawwana, which covered “all the major topics of the Islamic legal tradition, and associated with the name of ... Saḥnūn. Of Saḥnūn it is reported that he was born in 160/776-7 in Qayrawan, where also he died 80 years later.” (Ibid., 1; 34-7). However, the Mudawwana is no longer extant (Ibid., 35).

¹²²⁶ Ibid.

¹²²⁷ *EF*, s.v., “Shurṭa”; Wehr, 465.

information so far presented to state that wine consumption continued unchecked throughout the Umayyad era. There is evidence that the *shurṭa* was an organised force as early as the latter half of the caliphates of the *Rāshidūn* caliphs.¹²²⁸ In the reign of ʿAlī b. Abī Ṭālib, the *shurṭa* again appear to be under the direct command of the caliph. He is said to have had a contingent of *shurṭa* (pl. *shurṭa*¹²²⁹) with him at the arbitration between himself and Muʿāwiyah b. Abī Sufyān.¹²³⁰ The *shurṭa* appear to have been the personal guard of the caliph, rather than a territorial police force.

It appears to be the caliph Muʿāwiyah who was the first to form a personal bodyguard, the *ḥaras*, as a separate and distinct security force from the *shurṭa*.¹²³¹ However, the distinction between the two is not entirely clear. For example, it was the *shurṭa* who were stationed at the head of the caliph Muʿāwiyah as he prostrated for prayer.¹²³² It seems likely that the *shurṭa* may have acted in both roles - as the caliph's personal bodyguard and city wide security force - as Rashīd's thesis seems to indicate. He writes that in Muʿāwiyah's caliphate the *shurṭa* protected the caliph and his governors both by personally standing watch over the men and by maintaining calm inside the cities.¹²³³ In order to maintain peace inside the cities, the *shurṭa* patrolled the streets.¹²³⁴ While on patrol, there is evidence that they would stop an individual suspected of having consumed wine, question him, and if warranted, punish the individual.

The Aghānī records that the head of the security force [*ṣāḥib shurṭa*] for the governor of Medina, Marwān b. al-Ḥakam, stopped and punished the poet Ibn Sayḥān for drinking wine.¹²³⁵ The *shurṭa* are also recorded as having stopped the poet al-ʿUqayshir

¹²²⁸ See Chapter 3, s.v., ʿUthmān b. ʿAffān.

¹²²⁹ *Et*, s.v., "Shurṭa"; Wehr, 465.

¹²³⁰ Ṭabarī, tr. G. R. Hawting, vol. XVII, 144. For more information on the arbitration agreement, see Chapter 3, s.v., ʿAlī b. Abī Ṭālib, and p. 131, n. 811.

¹²³¹ *Ibid.*, 216.

¹²³² *Ibid.*, 223. One might expect to find the caliph's personal bodyguard, the *ḥaras*, surrounding him at prayer.

¹²³³ "The Role of the Shurṭa in early Islam", 103, citing Ṭabarī and Balādhurī.

¹²³⁴ Rashīd, 103-4.

¹²³⁵ Aghānī, vol. 2, 239. See text above, p. 135.

when they detected the odour of wine on him.¹²³⁶ When questioned, al-ʿUqayshir explained that he had been eating a particular food that leaves a similar odour. The *shurṭa* then asked al-ʿUqayshir how many times a day he prayed. Al-ʿUqayshir satisfied the *shurṭa* that he was not intoxicated by answering with the correct number. On a separate occasion, the *shurṭa* are said to have stopped an individual suspected of wine drinking and asked him to recite a verse from the Qurʾān as proof that he was not intoxicated.¹²³⁷

This choice of test, i.e., knowledge of the Qurʾān or the number of times one is called to prayer, could not have been an arbitrary one. It is conceivable that the decision to use this type of test was based on Sūrah IV:43, which commands the believers that they must understand what they say when they are praying and therefore must not approach the prayers when intoxicated.¹²³⁸ However, at the present stage of research, it is not possible to determine who took the decision to use knowledge of the Qurʾān as a litmus test for intoxication or when the decision was implemented.

The previous anecdotes seem to indicate that one of the *shurṭa*'s approaches to maintaining order inside the cities was to control drunk and potentially disorderly individuals. Another approach of the *shurṭa* to maintaining order appears to have been the capture of fugitive peasants, specifically in Egypt. "Several [Egyptian] papyri dating to the early eighth century CE describe measures to be taken in cases of apprehension and punishment of fugitive peasants."¹²³⁹ In addition, a system of passport control seems to have been in operation which gave "certain villagers permission to leave their village in order to go elsewhere for a stipulated period of work."¹²⁴⁰ All of these actions taken together suggest that the *shurṭa* operated as what might be viewed as a police force contemporary with present day (western) concepts of an internal police force.

¹²³⁶ Rashīd, 104, citing the Aghānī. The remainder of the story is paraphrased from Rashīd unless otherwise stated.

¹²³⁷ Ibid., citing the Aghānī.

¹²³⁸ Paraphrased from the translation by A. Yūsuf Alī. See Chapter 2 for more on this verse.

¹²³⁹ Donner, "The Formation of the Islamic State", 286.

¹²⁴⁰ Ibid.

However, in general, as Umayyad caliphs and their governors faced ever greater threats to the caliphate, the *shurṭa* appear to have been used as the caliph's personal regiment, often quelling internal rebellions in the cities and commanding additional troops, in support of the caliph's principal armies, against external threats.¹²⁴¹ In the year 127/744, the *shurṭa* of Kūfah were authorised to execute anyone found outside their residence during an imposed curfew on the city following a rebellion by some of Kūfah's leaders.¹²⁴² In the following year, the Kharījite al-Ḍaḥḥāk b. Qays rebelled against the caliphate and was making such progress that the caliph Marwān b. Muḥammad (Marwān II)¹²⁴³ took to the battlefield, leaving his son, ʿAbdallāh, in charge of affairs of state at Marwān II's temporary capital at Ḥarran.¹²⁴⁴ Marwān II's secretary, ʿAbd al-Ḥamid al-Kātib, wrote an epistle advising ʿAbdallāh on the "organisation of the army ... Here the principal figure is the ... *ṣāhib al-shurṭa*. His position calls for a man of religion, honour, wisdom and experience...."¹²⁴⁵ This appears to bare out Rashīd's view that the *shurṭa* were more a military organisation than civilian law enforcement authority in the late Umayyad era.

Even so, it seems clear that the *shurṭa* ceased to resemble a standing army during the ʿAbbāsīd era.¹²⁴⁶ It may be with the development of an organisation known as the *aḥdāth* that the *shurṭa* gradually ceased to be a para-military force and evolved into what might be more recognisable as a standing police force.

The *aḥdāth*

The distinction between the *shurṭa* and the *aḥdāth* is difficult to distinguish in the Umayyad era for lack of textual evidence. More fundamentally, it is difficult to determine if the *aḥdāth* were an organised body during the Umayyad era. It is possible that at as early as

¹²⁴¹ Rashīd, 30-6, 44-7, citing the Aghānī, Balādhurī, and Ṭabarī.

¹²⁴² Ibid., 94 -5, citing the Aghānī.

¹²⁴³ See above for his caliphate, s.v., *Marwān b. Muḥammad b. Marwān*.

¹²⁴⁴ CHAL, 166; Ṭabarī, tr. J. A. Williams, vol. XXVII, p. 4, n. 7, 9-16, and *index*.

¹²⁴⁵ Ibid., 171.

¹²⁴⁶ EI¹, s.v., "Shurṭa".

114/732, a man named al-Walīd b. Talīd al-ʿAbsī was in charge of the *aḥdāth* of Mosul.¹²⁴⁷ During the reign of Yazīd b. al-Walīd (Yazīd III), al-Miswar b. ʿUmar b. ʿAbbād appears to have been in charge of the *aḥdāth* in al-Baṣrah in the year 126/743-4.¹²⁴⁸ At the present stage of research, it is difficult to know with certainty the function and position of the *aḥdāth*, although it is probably the case that in the second/eighth century, “the officer in charge of the *aḥdāth* was responsible for public order ...”.¹²⁴⁹ However, it will due here to merely mention its existence, for it is generally believed that from “the fourth/tenth century to the sixth/twelfth century the term *aḥdāth* referred to a kind of urban militia, often representing a ‘municipal opposition’ to political authority,”¹²⁵⁰ which does not necessarily support the supposition that the *aḥdāth* supplanted the *shurṭa*.

The *Qāḍī*: judge¹²⁵¹

As demonstrated in the previous chapter, the institution of the *qāḍī* appears to have been established by ʿUmar b. al-Khaṭṭāb. During the Umayyad era, Ṭabarī and Balādhurī record both an increasing number of men who held the post of *qāḍī* and the proliferation of the post throughout the major cities of the Islamic empire. Their duties appear to have included the administration of the properties of orphans, widows, and the insane;¹²⁵² they were concerned to adjudicate in cases of matrimonial dispute;¹²⁵³ and they appear to have been responsible for maintaining honesty in the marketplace.¹²⁵⁴ In general, the *qāḍī* was

¹²⁴⁷ Forand, “Governors of Mosul According to al-Azdī *Taʾrīkh al-Mawṣil*”, 90. Forand translates the term as “police”.

¹²⁴⁸ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, 244. C. Hillenbrand leaves the term in transliteration in her translation, stating that the term probably “referred either to some kind of auxiliary police force or auxiliary troops.” (Ibid., n. 1190)

¹²⁴⁹ *EF*, s.v., “aḥdāth”.

¹²⁵⁰ Ṭabarī, tr. C. Hillenbrand, vol. XXVI, n. 1190.

¹²⁵¹ *EF*, s.v., “Kāḍī”.

¹²⁵² Rashīd, 96 -7, citing al-Kindī and Ibn Khaldūn.

¹²⁵³ Ibid., citing Wakīʿ.

¹²⁵⁴ Ibid., 102, citing Wakīʿ. In the ʿAbbāsīd era, maintaining honest practices among shopkeepers seems to have become the responsibility of an individual holding the post of *muḥtasib* (Schacht, Introduction, 25; Grunebaum, *Medieval Islam: A Study in Cultural Orientation*, 165). In addition, the *muḥtasib* became responsible for “protecting the faithful

responsible for the administration of justice.¹²⁵⁵ And to insure that the *qāḍī* carried out his duties faithfully and to the best of his ability, he was to be paid “an ample stipend.”¹²⁵⁶ The concern that the *qāḍī* should not be easily corruptible demonstrates that the Umayyads were adamant in their determination to promote justice.

The survey of sources conducted by Rashīd¹²⁵⁷ and the present author has not revealed evidence in the Umayyad era that *qāḍīs* judged cases of wine consumption. It appears to have been left to the *shurṭa*’s discretion to determine “on the spot” if the individual had been consuming wine or was intoxicated and to apply the appropriate punishment.¹²⁵⁸ Rashīd writes that the offices of *ṣāhib shurṭa* (head of the *shurṭa*) and *qāḍī* were sometimes occupied by the same person.¹²⁵⁹ As such, it is conceivable that the *ṣāhib shurṭa* may have devolved on his forces the right to judge cases of wine consumption on an *ad hoc* basis whenever such circumstances arose.¹²⁶⁰

This may indicate that the *qāḍī* did in fact judge cases of wine consumption, though the power to judge such cases may have resided with the *ṣāhib shurṭa* whose jurisdiction widened when he served as *qāḍī* as well. Whichever may be closer to the truth, it seems clear that the *shurṭa* who judged cases of wine consumption was enforcing the Qur’ānic ban on intoxicants and applying a standard, common law punishment to the guilty individuals.

Clearly, the Umayyad dynasty was not a lawless dynasty, “the adversaries of Islam that they were often made out to be by the Arab historians.”¹²⁶¹ It was during the Umayyad

from being exposed to the temptation of the bad example, for instance, with regard to the drinking of wine ...” (Grunebaum, 166).

¹²⁵⁵ CHAL, citing the Epistle to the Crown Prince by ‘Abd al-Ḥamīd; see text above, p. 192, for more on this source.

¹²⁵⁶ Ibid.

¹²⁵⁷ See Rashīd, 95-7, for additional authors to those already cited above in nn. 1252 and 1253.

¹²⁵⁸ See text above, s.v., *The Shurṭa*.

¹²⁵⁹ “The Role of the Shurṭa in early Islam”, 99-100.

¹²⁶⁰ However, such speculation could not be applied to all the *shurṭa* in each city. It is difficult to ascertain at the current stage of research why the *shurṭa* had both the power to judge and punish in cases of intoxication.

¹²⁶¹ Schacht, Introduction, 23.

era that establishments of the Law, such as the police and judiciary, appear to have been instituted, in the case of the police, and expanded, in the case of the judiciary. In addition, toward the latter half of the Umayyad era, there appeared increasing numbers of scholars interested in researching and finely honing Islamic law, the *Sharʿah*. And although the Umayyads did not promote the development of Islamic law, they did not hinder it either, as was to happen to many scholars and schools in the ʿAbbāsīd era.¹²⁶² By the end of the Umayyad era, the founder of one of the present four schools of law, Abū Hanīfa, had already formed the core of his legal principles and his disciples had begun recording and further developing his ideas, which were to take their final form in the ʿAbbāsīd era.

Some Concluding Remarks

This chapter has shown that wine consumption continued in the Umayyad era. It has also shown that wine consumption was not generally approved of. The accusation of wine consumption could be used effectively as an insult. However, the accusation could only be feasible if wine was available within Islamic territory. There is a good probability that the Jews and Christians maintained the availability of wine throughout the Umayyad era. With the singular exception of ʿUmar II, there appears to have been no concerted effort to control the proliferation of wineshops. Even so, the existence and function of the *shurṭa*, though not thoroughly understood, seems to have acted as a local authorities' control of the consumption of wine. On balance, the evidence presented in this chapter reveals that the Umayyad caliphate proved no more and no less responsible for the continued presence and consumption of wine than their successors, whose authors too readily condemned the Umayyad dynasty.

¹²⁶² Makdisi, *Colleges*, 2.

*Chapter 5: The ʿAbbāsids: al-Ṣaffāḥ through al-Maʿmūn*¹²⁶³ (132/749-218/833)¹²⁶⁴

The ʿAbbāsīd could drink the forbidden wine as long and deeply as the Umayyad. But ... the former took pains to enforce his subject's obedience to the Prophet's prohibition of wine with all the power of an oriental despot.

Alfred Guillaume drew his conclusion,¹²⁶⁵ which begins this chapter, from some of the same sources which appear to have deftly used episodes of actual and alleged wine consumption to defame the Umayyad regime. ʿAbbāsīd era authors, such as al-Ṭabarī (310/923¹²⁶⁶) and al-Masʿūdī (d. 346-7/957¹²⁶⁷), continued to record the consumption of wine during the ʿAbbāsīd caliphate. However, there is less of a sense in their writings of the allegation of wine consumption being used as an insult. Nor do their writings reveal a significant condemnation of ʿAbbāsīd caliphs for consuming wine. Simultaneously, Arabic authors do not seem to praise ʿAbbāsīd rulers who, as Guillaume suggests, made a concerted effort to enforce the prohibition of wine among the citizenry.

But the most striking difference in the sources is the change in the type of wine being consumed. In both eras, there are occasions where the sources did not identify the type of wine being consumed. Instead, the word *sharāb* is recorded, which can have the general sense of "intoxicants"¹²⁶⁸, sometimes in conjunction with the prefix *bī* or *fī*, indicating

¹²⁶³ The ʿAbbāsīd era is traditionally dated from the ʿAbbāsīd "revolution" in 132/749-50 to the Mongol sack of Baghdad in 656/1258. The present author believes that the period can be conveniently demarcated into six periods: The early ʿAbbāsīd caliphate, from 132/750 - 218/833; the ʿAbbāsīd caliphate at Sāmarrā, from 218/833 - c. 279/892; the return of the ʿAbbāsīd caliphate to Baghdad to the ascendancy of the Buyids, c. 279/892 - 334/945; the ʿAbbāsīds under the Buyids, 334/945 - 447/1055; the ʿAbbāsīds under Seljuq suzerainty, 447/1055 - 590/1194; and the return of nominal independent ʿAbbāsīd authority in Baghdad until the Mongol sack of that city, 590/1194 - 656/1258. This chapter will examine the early ʿAbbāsīd period.

¹²⁶⁴ Although most western authors agree on the overall events of this period, there are some differences of presentation and interpretation of the Arabic sources. Cf. A. Hourani, *A History of the Arab Peoples*; Lassner, *The Shaping of ʿAbbāsīd Rule*; Omar, *The ʿAbbāsīd Caliphate*; Saunders, *A History of Medieval Islam*.

¹²⁶⁵ *The Tradition of Islam: An Introduction to the Study of the Ḥadīth Literature*, 56.

¹²⁶⁶ Duri, *The Rise of History Among the Arabs*, 69.

¹²⁶⁷ Hitti, *History of the Arabs*, 391.

¹²⁶⁸ Wehr, 462.

that the individual was physically intoxicated. Of those instances in the Umayyad era where the type of wine an individual consumed was identified, the substance most often recorded was *khamr*. During the ʿAbbāsid era, this chapter will show that the substance an individual is most often recorded consuming is *nabīdh*.

In order to comprehend the nature of this change and the nature of the evidence of the early ʿAbbāsid era, it will be necessary to have at least a cursory understanding of the law in the early ʿAbbāsid era. For this reason this chapter has been divided into three sections. The first section, *Law in the Early ʿAbbāsid Era I*, provides an overview of the development of the law in the first hundred years of ʿAbbāsid rule and the conclusions of jurists with respect to wine consumption. This will enable the reader to contextualise the evidence presented in the second section - a detailed account, with respect to wine consumption, of the individual caliphates from al-Manṣūr through al-Ma'mūn. The third section, *Law in the Early ʿAbbāsid Era II*, concludes this chapter by summarising the punishments for consuming wine in Islamic law and the means with which early ʿAbbāsid caliphs attempted to enforce the law.

Law in the early ʿAbbāsid era I

An overview of the development of the law

There have developed in Islam two broad interpretations of the law, one amongst Sunnī Muslims and the other amongst Shīʿī Muslims. Both interpretations are rooted in the Qurʾān and both cite the *Sunnah* of the Prophet, but from there they diverge. Sunnī Muslims accept traditions related by the Companions of the Prophet while Shīʿī Muslims accept traditions related only through the Prophet's family,¹²⁶⁹ i.e., through ʿAlī b. Abī Ṭālib and his family line.¹²⁷⁰ The Shīʿites also developed the concept of the *Imām*, an infallible¹²⁷¹

¹²⁶⁹ H. M. Tabātabā'i, *An Introduction to Shīʿī Law*, 2. Cf. A. Tabātabā'i, "The Shīʿī Interpretation of *Ḥadīth* literature", 35-6.

¹²⁷⁰ *ET*, s.v., "Shīʿa"; Hodgson, vol. 1, 260.

¹²⁷¹ B. Lewis, *The Arabs in History*, 115.

leader divinely inspired (in a similar manner to the Prophet himself¹²⁷²) to interpret the Qur'ān¹²⁷³ and hence to rule on matters of law. Sunnī Islam had no such individual, and it was up to scholars and jurists¹²⁷⁴ with exceptional knowledge of the Qur'ān and *Sunnah* to interpret and define those areas of law¹²⁷⁵ that the Qur'ān does not fully explain or, in the case of punishments, completely neglects. The present discussion will examine the Sunnī development of law, for it was the Ḥanafite branch of Sunnī law that was adopted by 'Abbāsīd rulers,¹²⁷⁶ in spite of the fact that the 'Abbāsīds had courted the Shī'ites for support against the Umayyads.¹²⁷⁷

The development of Sunnī law (henceforth referred to only as “law”, or “the law”) is difficult to trace with absolute certainty. However, in order to understand why the four present day schools of law ruled as they did on matters pertaining to wine, it is necessary to contextualise the four schools within the framework of what is believed to be the manner in which the law gradually developed. What follows is a brief consolidation of and additional commentary on the material presented in Chapters 3 and 4 which will indicate this author's working theory as to how the law may have developed.

The Prophet Muḥammad was the relater of the law. Disputes almost certainly arose between members of the new community as to what the new law meant in their lives,¹²⁷⁸ and Muḥammad acted as Islam's first “judge” in settling these disputes. As the community expanded through Arabia, clearly Muḥammad could not be on hand everywhere to settle

¹²⁷² *CEI*, s.v., “Imām”.

¹²⁷³ H. M. Tabātabā'i, 2.

¹²⁷⁴ *Ibid.*

¹²⁷⁵ *MQA*, 763-4.

¹²⁷⁶ Pearl, *A Textbook on Muslim Law*, 16.

¹²⁷⁷ Cf. p. 196, n. 1264. The Shī'ites would find their champions in the Buyid and Fatimid dynasties beginning in the tenth century (Hodgson, vol. 1, 494-5 and Kennedy, *The Prophet and the Age of the Caliphates*, 315-17 respectively).

¹²⁷⁸ Chapter 2 provided evidence of a great number of questions concerning the prohibition of wine (s.v., *al-Ḥadīth*).

disputes. This may be one of the reasons that Muḥammad sent Muʿādh b. Jabal¹²⁷⁹ to the Yemen to settle disputes which arose between Muslims.¹²⁸⁰

Prior to sending him, the Prophet asked Ibn Jabal how he would judge cases.¹²⁸¹ Ibn Jabal answered that he would do so in accordance with the Qurʾān¹²⁸² and if the answer could not be found there, he would judge in accordance with the *Sunnah* of Muḥammad¹²⁸³. This tradition is problematic in the sense that revelation is traditionally argued to have continued until the Prophet's illness and subsequent death. Therefore, Ibn Jabal could only judge in accordance with the Qurʾān insofar as it had been revealed to that point. However, the tradition indicates that the Prophet seems to have recognised this dilemma, and asked what Ibn Jabal would do if he could not find the answer to his case in the Qurʾān and the *Sunnah*. Ibn Jabal answered that he would make use of *ijtihād* [every effort¹²⁸⁴] *ra'yī* [my own personal reasoning¹²⁸⁵] not to fail.

Assuming the tradition is authentic, this is evidence of a precedent set by Muḥammad to allow someone close to him to act in his place and use his own personal reasoning to settle disputes between Muslims. Some of the reasons he may have felt comfortable sending Ibn Jabal to the Yemen was that Ibn Jabal agreed firstly to settle disputes according to the Qurʾān and the *Sunnah*. When Ibn Jabal pointed out that he would use his own personal reasoning if an answer could not be found in the Qurʾān or the *Sunnah*, Muḥammad must have trusted him to make the right decision. Even so, Muḥammad knew that if a dispute arose with respect to Ibn Jabal's judgement, Muḥammad

¹²⁷⁹ D. 18/639 (Rosenthal, *Muslim Historiography*, 213).

¹²⁸⁰ Kamali, *Principles of Islamic Jurisprudence*, 45.

¹²⁸¹ The following tradition is related through Abū Dāwūd in English and Arabic by Kamali, *Principles of Islamic Jurisprudence*, 45. It should be noted that Māwardī records that the Prophet sent ʿAlī b. Abī Ṭālib to the Yemen to judge cases (MQA, 765). The discussion above will assume that it was Ibn Jabal that was sent to the Yemen.

¹²⁸² Literally, "book of Allāh" (Kamali, 45).

¹²⁸³ Literally, "the *Sunnah* of the Messenger of Allāh" (Kamali, 45).

¹²⁸⁴ Kamali, 366, and *CEI*, s.v., "Ijtihād"; "the maximum exertion of effort in coming to a decision", Weiss, "Interpretation in Islamic Law: The Theory of Ijtihād", 274.

¹²⁸⁵ Kamali, 251, and *CEI*, s.v. "ra'y"; Wehr, 319.

could make himself available to settle the dispute.

Abū Dāwūd did not provide a date for Ibn Jabal's mission to the Yemen, but it can be reasonably identified as the latter half of the year 9/the last quarter of 630 or the year 10/631-2, after delegations from the Yemen had agreed to Islamic sovereignty¹²⁸⁶. By this time, Sūrah 5:90-1 would have been revealed¹²⁸⁷. In Chapter 2, *ḥadīth* literature recorded that some individuals from the Yemen had questions about whether their type of wine was permissible, and that the Prophet answered that they were not.¹²⁸⁸ These same *ḥadīth* do not seem to indicate that Ibn Jabal participated in these queries. It may be, therefore, that one of the reasons the Prophet sent Ibn Jabal to the Yemen was to settle any further issues regarding the consumption of intoxicating drinks.¹²⁸⁹ In addition, he may have been asked to judge if an individual was worthy of punishment and then what that punishment should have been.

According to Ṭabarī, Muḥammad's successor, Abū Bakr, allowed ʿUmar b. al-Khaṭṭāb to settle disputes between the Muslims in Abū Bakr's place.¹²⁹⁰ Abū Bakr may have allowed this because he was occupied with the *ridḍa* wars and expanding Islam; because he trusted ʿUmar, who was also a very close Companion of the Prophet; and because he was following the implied precedent set by the Prophet. Since Abū Bakr was following the precedent of the Prophet, it seems likely that he retained the right to overrule ʿUmar in the event that ʿUmar, having been forced to resort to his own personal reasoning, was unable to settle the dispute.

Although ʿUmar agreed to deal with judicial matters, it was Abū Bakr who determined that the number of lashes for one who was drunk on wine should be forty.¹²⁹¹

¹²⁸⁶ Hitti, 119; Watt, *Muhammad: Prophet and Statesman*, 223.

¹²⁸⁷ See Chapter 2, the section entitled, *Three Revelations*.

¹²⁸⁸ See Chapter 2, the section entitled, *al-Ḥadīth*.

¹²⁸⁹ According to Ibn Jabal, his responsibilities in the Yemen included collecting "one *dīnār* from each adult male as *jizya*" (Abū Yūsuf/Shemesh, vol. 3, 88) and collecting "from each herd of thirty cattle one *tabīʿa* and from each heard of forty an older animal" (ibid., 135). Cf. Konstantinopler Fragment, 208. This does not preclude the possibility that he judged matters pertaining to wine; only that such information has not been preserved in Abū Yūsuf's work which is dedicated primarily to taxation.

¹²⁹⁰ See Chapter 3, s.v., *Abū Bakr*.

¹²⁹¹ See n. 1290.

There is no way of knowing why this should have been so. One explanation may be that Abū Bakr suspected ʿUmar's harsh tendencies and wished to rule on the matter himself. Another explanation, though highly conjectural, is that Abū Bakr and ʿUmar recognised a difference between legal theory and positive law, though they may not have used this terminology. By volunteering to judge disputes between Muslims, ʿUmar may have had in mind those disputes for which there was no direct answer in the Qurʾān or the *Sunnah*. As has been demonstrated, the prohibition of consuming intoxicants is mentioned in the Qurʾān and there existed the implied precedent for the punishment of a drunk in the *Sunnah* of the Prophet. Therefore, the question as to how an individual should be punished for drunkenness would fall within Abū Bakr's "remit", though it should be remembered that Abū Bakr, as caliph, was not necessarily restricted to rule by the parameters defined above.

As the domain of Islam expanded beyond the boundaries of Arabia,¹²⁹² ʿUmar is said to have formalised the appointment of many individuals to settle disputes between Muslims by establishing the post of *qāḍī*.¹²⁹³ In addition, the local governors were also authorised to settle disputes. In both cases, it seems likely that ʿUmar retained the final say in all disputed matters, as is evidenced by the case of Abū ʿUbaydah b. al-Jarrāḥ in Syria.¹²⁹⁴ In this episode, as well as others, ʿUmar demonstrated his harsh, authoritarian personality. With such a personality, he may therefore have been dissatisfied that his appointees for the post of *qāḍī* should use their own personal reasoning, and so instructed them instead to use

¹²⁹² Khadduri has commented that "The development of Islamic law would have been less complex and the differences among the jurists probably less controversial and confusing if the Muslim community had remained confined to Arabia. The newly conquered territories of Persia, Iraq, Syria, and Egypt presented legal problems which were not easy to solve by the norms of a law that had developed in Arabia. The early caliphs and their jurisconsults inevitably had to resort to personal opinion (*raʾy*) to supplement divine legislation and customary law" (in Edge, 95). Such a statement, it seems to this author, assumes that life in Arabia was so appreciably different from the surrounding territories that the revelations could not have applied outside of Arabia. The case of wine consumption defies such an argument since, as has been shown, consumption of intoxicants was not exceedingly different throughout Persia, Iraq, Syria, and Egypt from Arabia.

¹²⁹³ See Chapter 3, s.v., *ʿUmar b. al-Khaṭṭāb*.

¹²⁹⁴ See n. 1293.

analogy, *qiyās*, to cases in the Qur'ān and the *Sunnah*.¹²⁹⁵ Arguing by analogy to the Qur'ān and the *Sunnah* does not eliminate individual reasoning, but analogy would narrowly define the limits of such individual efforts.

The present author has not uncovered information which describes ʿUthmān b. ʿAffān appointing *qāḍīs*, though Chapter 3 indicated that he continued to act as judge himself. In addition, an embryonic institution known as the *shurṭa* appears to have been formed. The *shurṭa* seem to have been the caliph's personal security force, and its institution as such may have come in light of the assassination of ʿUmar. Even so, their presence did not prevent the same fate befalling ʿUthmān or his successor, ʿAlī b. Abī Ṭālib. ʿAlī is known to have appointed *qāḍīs*, men that were personally loyal to him, though there is no evidence that they ruled on wine consumption or its punishment.

When Muʿāwiyah b. Abī Sufyān assumed authority over the community, the *Rāshidūn* caliphs had already done much to establish the extent of the ban on intoxicants and the punishment for violating that law, which may have taken the form of a “common law” punishment of eighty lashes. Though the post of *qāḍī* continued under the Umayyads, it seems therefore unlikely, though not impossible, that matters such as wine consumption and its punishment came before them.¹²⁹⁶ Instead, the institution of the *shurṭa* seems to have diverged in the early Umayyad period from merely surrounding the caliph to patrolling the streets of his cities as well. They were responsible for trying crimes such as wine consumption and drunkenness “on the spot”, determining the appropriate punishment and then inflicting that punishment. They could wield this kind of power largely unchallenged due to their continued paramilitary status and the fact that they were still directly attached to the caliph himself.

During the Umayyad era, an event of extraordinary significance occurred which is

¹²⁹⁵ See Chapter 3 for the difficulties of assessing ʿUmar's letter to his *qāḍīs*.

¹²⁹⁶ Ibn Khaldūn did not list judging penal matters as one of the duties of a *qāḍī* (see Chapter 3 for a list of his duties). Māwardī, however, wrote that the *qāḍīs* jurisdiction could extend to penal matters (MQA, 768-9).

not often pointed out in historical analyses of the period: the Companions of the Prophet all died.¹²⁹⁷ This gradual extinction of the Companions of the Prophet coincided with the increase in the power of the *shurṭa*, vis-à-vis their jurisdiction and subsequent function as law enforcer. There may have been a degree of discontentment at, and perhaps suspicion of, the *shurṭa*'s increasingly omnipotent role in matters of penal law. These two concurrent events may be one of the reasons that men began to gather to set about determining the law based on the Qur'ān, the *Sunnah* of the Prophet, and, to a lesser degree, the *Sunnah* of his Companions and practice of the early community¹²⁹⁸.

Interest in developing the finer points of law appears to have gained adherents gradually. Some cities more than others attracted people eager to contribute to the task of shaping the *Sharḥ*. Within these cities, people tended to cluster in groups led sometimes by one individual¹²⁹⁹ particularly knowledgeable in the Qur'ān and the *Sunnah* of the Prophet. Abū Ḥanīfa in Kūfah and Mālik b. Anas in Medina were two such individuals around whom considerable numbers of individuals gathered.¹³⁰⁰

These groupings of individuals are often referred to as "schools" of law, or in Schacht's terminology, "ancient schools"¹³⁰¹ of law. The followers of Abū Ḥanīfa could therefore be said to follow the Ḥanafite school, or, when it had become clear that he and his disciples lived and worked exclusively in Iraq, the Iraqī school [*ahl al-ʿIrāq*]. Similarly for Mālik b. Anas whose students were said to follow the Mālikite school or Medinan school [*ahl al-Madīna*]. The term "school" is an awkward choice, though the best so far available.¹³⁰² As Schacht remarked,

¹²⁹⁷ This would not have been as significant to the Shī'a who continued to be led by their *Imāms*.

¹²⁹⁸ Kamali, *Principles of Islamic Jurisprudence*, 47-8. Shī'ites believe, in general, that the first three caliphs usurped ʿAlī's rightful position to lead the community following the death of the Prophet (A. Tabātabā'i, "The Imāms and the Imāmate", 157-60), and therefore it is unlikely that they would not have looked to their example.

¹²⁹⁹ Makdisi, "Significance", 3.

¹³⁰⁰ See Chapter 4, the section entitled, *Sharḥ and Fiqh*.

¹³⁰¹ Schacht, *Introduction*, 28.

¹³⁰² Makdisi, "Significance", 1.

This term implies neither any definite organisation or a strict uniformity of doctrine within each school, nor any formal teaching, nor again any official status Their members ... continued to be private individuals, singled out from the great mass of the Muslims by their special interest¹³⁰³

To emphasise the point, there may have been some five hundred schools,¹³⁰⁴ either established or at an embryonic stage, by the time of the 'Abbāsid displacement of the Umayyads.

Abū Ḥanīfa was chiefly an advocate of *qiyās* coupled with the unrestricted use of *ra'y*.¹³⁰⁵ However, as more individuals and more schools became involved in these discussions, some people began to question the validity of using individual judgement in preference to a strict adherence to the divinely revealed message. Mālik b. Anas began formulating his analysis of the law in this atmosphere. He appears to have believed that only Medina possessed the true and living traditions of the Prophet.¹³⁰⁶ This then seems to have developed into a twin-track approach in his formulation of the law. First, he was said to have relied on the Qur'ān and the Prophet's *Sunnah* generally.¹³⁰⁷ Second, *ijtihād al-ra'y* was still to be used, but now was limited by *ijmā'*, consensus, of all the jurists in Medina.¹³⁰⁸ This meant in practice that Mālik believed that the consensus of the jurists living and working in Medina could be equivalent to a Prophetic tradition where one was lacking.¹³⁰⁹

For those working outside of Medina, and perhaps even a few in Medina, this method was also unsatisfactory. It appears that more and more groups argued "that every rule of law must be derived either from the Qur'ān or from the Prophet's" *Sunnah*.¹³¹⁰ Perhaps at the end of the Umayyad era and through the first decades of the 'Abbāsid era, these groups coalesced into a movement whose members came to be known as the

¹³⁰³ Introduction, 28. Cf. Makdisi, "Significance", 1.

¹³⁰⁴ Mez, *The Renaissance of Islam*, 212, citing "*Umdat al-ʿarifīn* in Kern's *Ikhtilāf* of Ṭabarī".

¹³⁰⁵ *EF*², s.v., "Abū Ḥanīfa"; Khadduri, 96.

¹³⁰⁶ Hodgson, vol. 1, 321.

¹³⁰⁷ Khadduri, 98; Hodgson, vol. 1, 321.

¹³⁰⁸ Khadduri, 98; Azami, 82; Schacht, 61.

¹³⁰⁹ Azami, 83; Kamali, 47.

¹³¹⁰ Coulson, 5; Schacht, Introduction, 34.

Traditionalists, or *ahl al-ḥadīth*.¹³¹¹ Those who continued to subscribed to the use of *ra'y* became known as rationalists, or *ahl al-ra'y*.¹³¹²

Into this atmosphere of rationalists verses traditionalist was born al-Shāfi'ī,¹³¹³ who stood "at the turning point in the history of Islamic Jurisprudence."¹³¹⁴ Shāfi'ī appears to have been largely a Traditionalist,¹³¹⁵ and believed that a highly restricted use of *qiyās*, and therefore to a lesser extent *ra'y*, should be used only to determine the authenticity of the traditions.¹³¹⁶ Shāfi'ī's *Risāla* has therefore recently been argued to have been "an attempt at synthesising the disciplined exercise of human reasoning and the complete assimilation of revelation as the basis of the law."¹³¹⁷ For the jurist the *Risāla* was therefore a work of "methodology" which shows the jurist how to use *ijtihād al-ra'y* "based on the Sacred Scriptures."¹³¹⁸ The *Risāla*, therefore, appears to have contributed more to the development of positive law than to the science of legal theory (*uṣūl al-fiqh*).¹³¹⁹ This would seem to make Shāfi'ī's work especially applicable to this thesis which is concerned primarily with the development of positive law with respect to the prohibition of wine. And yet the *Risāla* only mentions the prohibition of wine in passing and does not discuss a punishment for its consumption. Nevertheless, the *Risāla* provides useful information with regard to how

¹³¹¹ Makdisi, "Significance", 2; Schacht, 33; Coulson, 5. It is important to bear in mind that dates for the development of the law and its schools can only be approximate (Makdisi, *Colleges*, 4). Future research may reveal a different time-frame.

¹³¹² Ibid.; Coulson, 5.

¹³¹³ B. c. 150/767 (Hitti, 397), d. 204/820 (Goldziher, *Introduction to Islamic Theology and Law*, 49). Cf. Calder, who adds that Shāfi'ī may have been born on the very day that Abū Ḥanīfa died (68); Pearl, *A Textbook on Muslim Law*, 11.

¹³¹⁴ Hasan, "Al-Shāfi'ī's role in the Development of Islamic Jurisprudence", 389.

¹³¹⁵ Ibid., 12-3; Calder, 84.

¹³¹⁶ Hasan, 399-401. Cf. Schacht, *Introduction*, 60; Pearl, 12.

¹³¹⁷ Hallaq, 600.

¹³¹⁸ Makdisi, *Humanism*, 14-5.

¹³¹⁹ Makdisi, *Humanism*, 3-4. Cf. Hallaq, "Was al-Shāfi'ī the Master Architect of Islamic Jurisprudence?", 592-3. Authors such as Khadduri and Schacht, working primarily in the first half of the twentieth century, considered al-Shāfi'ī the "first and probably greatest Muslim systematic legal theorist" (Khadduri, 98) and "the founder" of the science of legal theory (Schacht, 48).

Shāfiʿī probably came to his conclusions with respect to the punishment for the consumption of wine,¹³²⁰ which can be found in Shāfiʿī's *Kitāb al-Umm*.

Shāfiʿī died early in the reign of al-Ma'mūn. This is significant because during the latter half of al-Ma'mūn's reign, there developed a bitter dispute concerning the nature of the Qur'ān which had specific consequences for jurists. The argument centred on whether or not the Qur'ān was the created or uncreated word of God. Al-Ma'mūn sided with the Mu'tazilites, who believed that the Qur'ān was the created word of God, and he subsequently issued a proclamation in 212/827 that this was to be the official belief of all Muslims.¹³²¹ Six years later, al-Ma'mūn issued a decree that "no *qāḍī* who did not subscribe to the view of the creation of the [Qur'ān] could hold his office or be appointed to one. At the same time he instituted the *miḥnah*, an inquisitional tribunal for the trial and conviction of those who denied his dogma"¹³²², which he pursued "in the most savage possible way."¹³²³ This meant for jurists as well, the group from which the *qāḍīs* were often drawn, that they would not be immune to the persecution which was to last some fifteen to twenty years.¹³²⁴

The *miḥnah* may partially account for the disappearance of so many of the schools thought to have been in existence. Either they were persecuted until they collapsed¹³²⁵ or they banded together against the *miḥnah*¹³²⁶ and so lost their individual identity. This latter explanation may explain how Ibn Ḥanbal¹³²⁷ and his followers survived¹³²⁸ the *miḥnah* despite holding fast to the doctrine of the uncreatedness of the Qur'ān¹³²⁹ and the

¹³²⁰ See later in this chapter, *Law in the Early 'Abbāsid Era II, Legal Rulings: Punishment*.

¹³²¹ Hitti, 429.

¹³²² Ibid. This is a somewhat oversimplified version of events, but the theological debate itself falls outside the scope of this thesis. For more on the Mu'tazilites and the theological debate, cf. Hodgson, vol. 1, 384-6 and Kennedy, 163-4.

¹³²³ Maqrīzī, tr. Bosworth, 101.

¹³²⁴ Hitti, 430; Makdisi, *Colleges*, 7.

¹³²⁵ Cf. Makdisi, "Significance", 7.

¹³²⁶ Makdisi, "Significance", 6.

¹³²⁷ B. c. 164/780-1 (Azami, 84), d. 241/855 (*EF*², s.v., "Aḥmad b. Ḥanbal").

¹³²⁸ Cf. Makdisi who writes that Ibn Ḥanbal "weathered the persecution by sheer patience and pertinacity" (*Colleges*, 7).

¹³²⁹ Makdisi, "Significance", 6; Aḥmad, 106; Hitti, 429.

imprisonment and beatings which Ibn Ḥanbal suffered.¹³³⁰ Being caught up in this atmosphere meant that Ibn Ḥanbal's work acquired a dual theological-juridical method.¹³³¹

In addition, it is perhaps due to the pressures of the *miḥnah* that Ibn Ḥanbal did not have the time or freedom to develop a legal system of his own.¹³³² He appears to have collected vast numbers of traditions and based answers to his pupils' questions, which touched on areas of law, on these traditions almost to the complete exclusion of *ra'y*.¹³³³ For this reason Ibn Ḥanbal's school was not considered a juridical school during his own lifetime and into the tenth century.¹³³⁴ Ṭabarī's funeral was disrupted because he had ignored Ibn Ḥanbal "on the ground that he was no jurist but a mere traditionist" in his work "Differences of opinion among Jurists."¹³³⁵ It was not until the twelfth century that the Ḥanbalites were recognised as a school of law, by which time all of the ephemeral schools had disappeared.¹³³⁶

Legal Rulings: Khamr vs. Nabīdh

Among the four schools which survive to the present day there existed (and continues to exist) disagreement on the fundamental questions of wine consumption and punishment. The definition of wine itself was debated. The Ḥanafī school determined that *khamr*, as a type of wine, was "only those drinks made from grapes" and that any amount of it was prohibited.¹³³⁷ Other drinks which cause intoxication, such as *nabīdh*,¹³³⁸ are

¹³³⁰ Azami, 84; Weeramantry, *Islamic Jurisprudence: An International Perspective*, 54.

¹³³¹ Makdisi, *Colleges*, 8.

¹³³² Hallaq, "Was the Gate of Ijtihād Closed", 294.

¹³³³ Ibid.; Dodge, *Muslim Education in Medieval Muslim Times*, 70-1.

¹³³⁴ Mez, 211.

¹³³⁵ Ibid., 211-2. It is worth noting that Ṭabarī formed his own school of law which continued for less than a century after his death (Ibid., 213; Makdisi, "Significance", 7)

¹³³⁶ Ibid., 212-3. The disappearance of what was believed to have been so many schools still remains a partial mystery. In addition to the theories argued above, Maqrīzī wrote that many schools dissolved either because they were too distant from major population centres or they did not have the support of an important and wealthy patron (cited in Makdisi, "Significance", 4-5; Mez, 212).

¹³³⁷ Hedaya/Hamilton, 155-6; Ibn Rushd, *The Distinguished Jurist's Primer*, tr. of Bidāyat al-Mujtahid by I. A. K. Nyazee, 571. Peretz, Moench, Mohsen, *Islam: Legacy of the Past, Challenge of the Future*, 108.

¹³³⁸ Ibn Khaldūn/Rosenthal, vol. 1, 445; Hedaya/Hamilton, vol. 4, 158, 159, and 160-1.

permissible so long as the individual does not actually become intoxicated.¹³³⁹ The other three schools agree that wine is “any drink that affects the mental capacity of the individual” and is prohibited in any amount.¹³⁴⁰

Ibn Khaldūn wrote that the principal reason for this discrepancy is the manner in which the Ḥanafīs used *ra'y* to decide the issue.¹³⁴¹ Ibn Rushd described their arguments. He wrote that

The Kūfians relied for their opinion upon the apparent meaning of the words of the Exalted, “And of the fruits of the date-palm, and grapes, whence ye derive strong drink, *sakar*, and good nourishment,”¹³⁴² and on traditions that they related on the issue, as well as upon *qīyās ma'nawī* (primary form of analogy). With respect to their arguments on the basis of the verse, they said that *sakar* is an intoxicant and if it had been prohibited in its substance Allāh would not have designated it as “good nourishment.”¹³⁴³

One of the Kūfans Ibn Rushd may have been referring to was a jurist named Sharīk¹³⁴⁴ b. ʿAbdallāh al-Nakhaṭī¹³⁴⁵, who is recorded in the Hedaya as having used this argument.¹³⁴⁶ To emphasise the point, Goldziher cites Ibn Khallikan's report that there were instances when Sharīk would be reciting a *hadīth* of the Prophet, “one could smell *nabīdh* on his breadth.”¹³⁴⁷

The ruling that *nabīdh* was permissible meant that Muslims could legally and in good conscience be in possession of and consume *nabīdh*. Intoxication, however, was not permissible and was liable for punishment.¹³⁴⁸ Arabic authors clearly indicate that the

¹³³⁹ Hedaya/Hamilton, vol. 4, 159; MHA, 90; Ibn Rushd, op. cit; Peretz, Moench, Mohsen, 108; Rosenthal, *The Herb: Hashish versus Medieval Muslim Society*, 112; Lippman, McConville, Yerushalmi, *Islamic Criminal Law and Procedure*, 47-8.

¹³⁴⁰ Ḥanbal/Baroody, 79-80; Muwatta/Johnson, 402; al-Shāfiʿī, *Kitāb al-Umm*, vol. 6, 130-1; MHA, 90, Māwardī citing al-Shāfiʿī; see also n. 1337 above.

¹³⁴¹ Ibn Khaldūn/Rosenthal, 445.

¹³⁴² Sūrah 16:67.

¹³⁴³ Ibn Rushd, tr. Nyazee, 572-3.

¹³⁴⁴ Translated as “Shurayk” by Nyazee in Ibn Rushd.

¹³⁴⁵ B. 75/694-5, d. 177/793-4 (in Kennedy's notes to his translation of Ṭabarī, vol. XXIX, p. 65, n. 175; Cf. Rosenthal, *Historiography*, 364). He was promoted to the position of *qāḍī* of Kūfah in the year 153/770 (Ṭabarī, tr. H. Kennedy, vol. XXIX, 65).

¹³⁴⁶ Tr. C. Hamilton, vol. 4, 158.

¹³⁴⁷ *Introduction to Islamic Theology and Law*, 61-2.

¹³⁴⁸ See below, the section entitled, *Law in the early ʿAbbāsīd Era II*.

ʿAbbāsids did drink *nabīdh* to the point of intoxication. And one has the sense from the sources that it was somehow less of an offence to become intoxicated on *nabīdh* than on *khamr*.

Abū Jaʿfar al-Manṣūr (136/754 - 158/775)

“The first of the ʿAbbāsid caliphs, Abū al-ʿAbbās ʿAbdallāh b. Muḥammad al-Saffāḥ, was proclaimed in the Great Mosque in Kūfah, on about 14 Rabīʿ 132/31 October 749.”¹³⁴⁹ Although the war with Marwān II was not yet fully over, it seems to have been evident to the people in Kūfah who the eventual victor of the conflict was going to be. Three months later, the movement was complete¹³⁵⁰ and the ʿAbbāsids began to consolidate their rule. Al-Saffāḥ appointed members of his extended family to all important posts in the western half of the Islamic empire and left the eastern half of the Islamic empire under the control of Abū Muslim¹³⁵¹. With the exception of a few minor revolts, al-Saffāḥ’s reign was peaceful,¹³⁵² though the potential for unrest among the people had not been adequately dealt with,¹³⁵³ as the reign of al-Saffāḥ’s successor was to prove.¹³⁵⁴

Al-Saffāḥ died in Dhū al-Ḥijjah 136/June 754.¹³⁵⁵ His brother and governor of the Jazīrah¹³⁵⁶, Abū Jaʿfar ʿAbdallāh b. Muḥammad al-Manṣūr¹³⁵⁷ (henceforth referred to as al-Manṣūr), received the oath of allegiance in Anbar 137/January 754.¹³⁵⁸ Al-Manṣūr is said to have admired some aspects of the Umayyad caliphate, in particular, the rule of Hishām b.

¹³⁴⁹ KEAC, 46; Ṭabarī, tr. J. A. Williams, vol. XXVII, 152-61.

¹³⁵⁰ Marwān II’s forces were defeated at the river Zāb in Jumādā II 132/January 750 (Ṭabarī, tr. J. A. Williams, vol. XXVII, 166; Hodgson, vol. 1, 274).

¹³⁵¹ KEAC, 53. For more on the life of this central character of the ʿAbbāsid movement, see EF², s.v., “Abū Muslim”, and Sharon, *Black Banners from the East*, 203-226.

¹³⁵² Ibid.

¹³⁵³ See p. 196, n. 1264.

¹³⁵⁴ H. Kennedy, in his *Translator’s Foreword* to his tr. of Ṭabarī, vol. XXIX, p. xiv.

¹³⁵⁵ Ṭabarī, tr. J. A. Williams, vol. XXVII, 212.

¹³⁵⁶ Ibid., 208.

¹³⁵⁷ “Al-Manṣūr”, an honorific title meaning “rendered victorious [by God]” (Hitti, *History of the Arabs*, 290), was probably adopted by Abū Jaʿfar specifically for its messianic connotation (Husain, “The Regnal Titles of the First ʿAbbāsid Caliphs”, 16).

¹³⁵⁸ Kennedy, *The Early ʿAbbāsid Caliphate*, 55; Ṭabarī, tr. J. D. McAuliffe, vol. XXVIII, 1-2.

ʿAbd al-Malik.¹³⁵⁹ This may be one of the reasons that al-Manṣūr “wanted to establish a family-dominated government, similar to the old regime, and based on the secure foundation of a strong and well-paid army.”¹³⁶⁰ These ideas brought him into conflict with the party of ʿAlī, who had supported the ʿAbbāsīd movement based on their claims of justice and equality for all Muslims.¹³⁶¹ Al-Manṣūr’s early reign was also troubled by many Syrians who were “unwilling to accept their subordinate role”.¹³⁶² The final obstacle al-Manṣūr would have to overcome if his ideas were to come to fruition - if his family were to dominate all the important posts in the Islamic Empire - was Abū Muslim and his well established powerbase in the east.¹³⁶³

The Syrians and Abū Muslim were defeated swiftly after al-Manṣūr’s succession.¹³⁶⁴ The ʿAlids, however, were still a considerable threat to the new regime.¹³⁶⁵ Such was their opposition to the new caliphate that al-Manṣūr believed it expedient to found a new capital east of Damascus in 145/762.¹³⁶⁶ The city, which is said to have been perfectly round, resembled in ground plan more a grand palatial and administrative fortress than a city.¹³⁶⁷ Perhaps as an indicator of the troubled times, al-Manṣūr named the new city Madīnat al-Salām, or the City of Peace.¹³⁶⁸

¹³⁵⁹ Masʿūdī, 24. Cf. Chapter 4, s.v. *Hishām b. ʿAbd al-Malik b. Marwān*.

¹³⁶⁰ Kennedy, *The Early ʿAbbāsīd Caliphate*, 58. Cf. Ṭabarī, tr. J. D. McAuliffe, vol. XXVIII, 18-44 and J. A. Williams translation of the same events in Ṭabarī in *The Early ʿAbbāsī Empire*, vol. 1, 10-26.

¹³⁶¹ Ibid. Cf. p. 196, n. 1263.

¹³⁶² Ibid. The ʿAbbāsīds continued to rely on predominantly Iraqī troops at the expense of Syrian troops owing to the Syrian’s former allegiance to the Umayyad dynasty (see p. 196, n. 1263).

¹³⁶³ Ibid.

¹³⁶⁴ Ibid., 59-63. Cf. p. 196, n. 1264; and on Abū Muslim, Maqrīzī, tr. Bosworth, 98-9.

¹³⁶⁵ Ibid., 65.

¹³⁶⁶ Lassner, *Topography*, 45, tr. of Al-Khatib, *Taʾrīkh Baghdad*, vol. 1, 66.

¹³⁶⁷ For more on the Round City and the difficulties of defining its form and function, cf. Le Strange, *Baghdad during the ʿAbbāsīd caliphate*; Creswell, *Early Muslim Architecture*; Lassner, *The Topography of Baghdad in the Early Middle Ages*.

¹³⁶⁸ Lassner, *Topography*, tr. of al-Khatib, *Taʾrīkh Baghdad*, vol. 1, 67. There are other reasons that he may have chosen this name. Cf. n. 1367 above.

A year into the city's construction, the inner structures were sufficiently completed to allow al-Manṣūr to move the treasury and other governmental departments to the city.¹³⁶⁹ In that same year, 145/763, the ʿAlids rebelled,¹³⁷⁰ forcing al-Manṣūr to halt further construction of the new city so that he could deal with the insurrection.¹³⁷¹ By the end of 145/March 763, the ʿAlids has been sufficiently suppressed to the extent that al-Manṣūr "had ensured that the ʿAbbāsīd caliph was the real and effective ruler of the empire and he established ʿAbbāsīd rule on foundations which were to remain secure until after his grandson's death."¹³⁷² Al-Manṣūr subsequently completed his new city in three more years.¹³⁷³ The Round City quickly attracted many people from all over the empire. Perhaps in the space of a decade after its founding, there was no longer room inside the walls for the influx.¹³⁷⁴ Settlement outside the new walls was to begin the gradual development of what the present author will henceforth refer to as Baghdad.

Among those peoples who occupied Baghdad were the Christians. The site of the new capital had already been occupied by a small village inhabited by Nestorian Christians.¹³⁷⁵ One of the reasons al-Manṣūr is said to have chosen the particular site of his new capital is that he learned from Nestorian monks "that among all the Tigris lands this district especially was celebrated for its freedom from the plague of mosquitoes, the nights ... being cool and pleasant even in the height of summer."¹³⁷⁶ There is an additional story, though less reliable and reported with some variation, which verifies that al-Manṣūr probably had contact with the local Christians. It is related that either a Christian doctor¹³⁷⁷

¹³⁶⁹ Cf. Lassner, *Topography*, 45-6, tr. of al-Khātib, *Ta'rikh Baghdad*, vol. 1, 66-7; Ṭabarī, tr. H. Kennedy, vol. XXIX, 3.

¹³⁷⁰ Kennedy, 67-70.

¹³⁷¹ Ṭabarī, tr. J. A. Williams, *The Early ʿAbbāsī Empire*, vol. 1, 149.

¹³⁷² Kennedy, 70.

¹³⁷³ The work was completed in 149/766-767 (Ṭabarī, tr. H. Kennedy, vol. XXIX, 42-3).

¹³⁷⁴ Hodgson, vol. 1, 287. Abū Jaʿfar himself ejected the markets from inside the city and placed them in their own district, al-Karkh, in the year 154/754, though the reasons had more to do with security than overpopulation (Lassner, *Topography*, 60, tr. of al-Khātib, *Ta'rikh Baghdad*, vol. 1, 69).

¹³⁷⁵ Le Strange, *Baghdad during the ʿAbbāsīd Caliphate*, 12.

¹³⁷⁶ Ibid.

¹³⁷⁷ Lassner, *The Shaping of ʿAbbāsīd Rule*, 125.

or a Nestorian Monk¹³⁷⁸ informed al-Manṣūr “of an old tradition in which a King named Miqlāṣ was destined to build a city” on the spot al-Manṣūr was considering.¹³⁷⁹ Al-Manṣūr revealed that he had been nicknamed Miqlāṣ in his youth.¹³⁸⁰

Even if al-Manṣūr’s claim was fabricated, this story seems to indicate that al-Manṣūr was sufficiently concerned with the “indigenous” Christian population at the site that he or his advisers perhaps contacted some member of the Christian community and learned of this legend.¹³⁸¹ This behaviour may be an indication that al-Manṣūr would have allowed the Christian population in the area to trade wine in public, at least between themselves, for use in their religious services and festivals. Evidence that the Jews were allowed to transport wine in public supports this hypothesis.¹³⁸²

There had already been a large Jewish population in Iraq dating back at least two centuries before the Arab conquest.¹³⁸³ With the establishment of the new capital, more Jewish groups moved to Baghdad.¹³⁸⁴ Al-Manṣūr appears to have recognised the *exilarch* - the leader of the Jewish community who is said to have been a direct descendant of the last king of Judah¹³⁸⁵ - who was “accorded considerable dignity at court...”¹³⁸⁶. Rabbi Nathan ha-Babli, reporting on the election of a new *exilarch* in Baghdad, wrote that “The installation service and the annual Sabbath service, together with the festivities and banquets connected with the religious ceremonies, were of considerable importance in the communal life of Baghdad Jews.”¹³⁸⁷

¹³⁷⁸ Le Strange, 13.

¹³⁷⁹ Lassner, *The Shaping of ʿAbbāsīd Rule*, 125; Ṭabarī, tr. J. A. Williams, vol. 1, 145, 147.

¹³⁸⁰ Ibid.; Le Strange, 13.

¹³⁸¹ See Lassner, *The Shaping of ʿAbbāsīd Rule*, 125-6, for a discussion of the authenticity of this account.

¹³⁸² See text below, p. 213.

¹³⁸³ Stillman, *The Jews of Arab Lands*, 29; see also Chapter 3, s.v., *ʿAlī b. Abī Ṭālib*.

¹³⁸⁴ Sassoon, *A History of the Jews in Baghdad*, 16.

¹³⁸⁵ Ibid., 29-30.

¹³⁸⁶ Ibid., 30.

¹³⁸⁷ Cited in Sassoon, 9.

The Sabbath service would almost certainly have required the use of wine,¹³⁸⁸ and it seems highly likely that wine would have been available at the “festivals and banquets” which followed the election of the exilarch. Evidence that the Jews possessed wine, if not consumed it, during the caliphate of al-Manṣūr is supplied by a poetic remark made by Abū Dulāmah¹³⁸⁹. In the year 153/770, al-Manṣūr “urged the people to wear extremely tall *qalansūwahs*, which they used to keep up, it was said, by putting canes inside.”¹³⁹⁰ Abū Dulāmah commented:

We used to look to the *imām* for increase (in donations)
but so the chosen *imām* increased *qalansūwahs*.
You will see them on the heads of men looking like
a Jew’s wine jugs [*dinān yahūd*¹³⁹¹] covered with cloaks.¹³⁹²

This appears to indicate that al-Manṣūr instituted no restrictions against wine in public. The present author would speculate that this may also indicate that the sale of wine was not restricted either.

There is evidence which demonstrates that wine consumption out-with the Jewish and Christian communities continued during al-Manṣūr’s caliphate. East of the capital, in what is present day Iran, the Zoroastrian community continued to exist and practise its ceremonies and customs. One of those ceremonies was called the *bazm* ceremony.

The word describes the hours and even days which were spent drinking wine to the sound of music immediately after meals in the long drawn out affairs that royal receptions were in late Sasanian and early Islamic Iran. ... What emerges from the study of literary sources is, in effect, the remarkable continuity of a tradition, before and after Islam, over a period of 500 years or so.¹³⁹³

¹³⁸⁸ See Chapters 1 and 2, the sections entitled, *The Jews* and *Judaism and Wine*, respectively.

¹³⁸⁹ Identified as Zand b. al-Jawn, d. c. 160/776-7, “a sort of court jester for the first three ‘Abbāsid caliphs,...” by Kennedy in his notes to his translation of Ṭabarī, vol. XXIX, p. 65, n. 173.

¹³⁹⁰ Ṭabarī, tr. H. Kennedy, vol. XXIX, 65. Kennedy identifies the *qalansūwahs* as “a tall hat in the shape of a cone or truncated cone” (ibid., p. 19, n. 52). This may have been after the style of Persian headgear familiar to the former Sasanian empire (Hitti, *Capital Cities of Arab Islam*, 89).

¹³⁹¹ Ta’rīkh, vol. 8, 43.

¹³⁹² Ṭabarī, tr. H. Kennedy, vol. XXIX, 65.

¹³⁹³ Melikian-Chirvani, “The Iranian *Bazm* in Early Persian Sources”, 95.

Melikian-Chirvani does not cite evidence of this ritual occurring during the early ʿAbbāsid era. Most of his evidence is cited from fifth/eleventh, sixth/twelfth, and seventh/thirteenth century sources. He does cite verses from the poetry of Abū Nuwās.¹³⁹⁴ Such verses clearly reflect that Abū Nuwās was aware of his Iranian heritage which included drinking wine for ritualistic purposes.¹³⁹⁵ But this in itself is not proof that the *bazm* ceremony continued unabated during the early ʿAbbāsid era. It is conceivable that the practice of the ceremony lapsed for a period and was later revived.

However, as the sources record that the ceremony changed in the fifth/eleventh century,¹³⁹⁶ this would seem to indicate that it had been practised in a given way up to that time. In addition, there is a story recorded by Masʿūdī that the caliphs al-Maʿmūn¹³⁹⁷ and al-Rāḍī (322/934 - 329/940) celebrated the Sasanian autumn equinox festival.¹³⁹⁸ Though this does not demonstrate the existence of the *bazm* ceremony, it is evidence that some of the Sasanian festivals continued to be celebrated some three centuries after the end of that Empire. And in light of no evidence specifically to the contrary, the present author is inclined to believe that until “at least the middle of the [fifth/eleventh] century, the main celebrations of Zoroastrian Iran continued to be accompanied by *bazm* ceremonies”¹³⁹⁹

There is also evidence that wine drinking was not limited to these three religious institutions. The *Aghānī* records that one day al-Manṣūr wished to contact Hiffān b. Hammām b. Naḍlah.¹⁴⁰⁰ After searching for him at al-Rāwīyyah and Baghdad, al-Manṣūr received information that Hiffān was at Baṣrah. Al-Manṣūr subsequently dispatched a messenger to Baṣrah. The messenger found Hiffān in a tavern, naked, gradually becoming

¹³⁹⁴ Ibid., 100; see p. 100 for the poetry.

¹³⁹⁵ Ibid.

¹³⁹⁶ Ibid., 95.

¹³⁹⁷ For his caliphate, see below, q.v.

¹³⁹⁸ See below, p. 257.

¹³⁹⁹ Ibid., 107.

¹⁴⁰⁰ *Aghānī*, vol. 6, 80. The present author has been unable to identify Hiffān b. Hammām b. Naḍlah. The remainder of the story is cited from the *Aghānī*, vol. 6, 80-1, unless otherwise noted.

intoxicated from drinking *nabīdh* from a very large bowl.¹⁴⁰¹ The messenger asked Hiffān if he had anything (i.e., any word) he wished to send to the caliph. Despite his intoxicated state, Hiffān wrote a lofty and eloquent letter to the caliph.

There are two difficulties with this story, but the difficulties do not in general detract from its usefulness. First, although alcohol is known to depress inhibitions, this does not mean that individuals are completely unable to function. It is therefore conceivable that Hiffān could have composed an eloquent letter even in the state of intoxication he is said to have been in. Second, it is difficult, though not impossible, to accept that Hiffān was completely naked in the tavern. It seems more likely that Hiffān was topless or was scantily clad. Whatever the case, the story, which takes place in the caliphate of al-Manṣūr, is set in a tavern and Hiffān is said to be drinking *nabīdh* to the point of intoxication.

Another story in the *Aghānī* illustrates the point that wine consumption may not have been uncommon in the reign of al-Manṣūr, though he himself probably did not drink wine. It is related that when Bukhtīshūʿ the Elder¹⁴⁰² visited al-Manṣūr, he was provided dinner as a guest of the caliph.¹⁴⁰³ Bukhtīshūʿ asked for wine with his meal. Bukhtīshūʿ came from a Christian family,¹⁴⁰⁴ and it was not, of course, forbidden for him to drink wine with his meal.¹⁴⁰⁵ However, he was informed that “wine was not drunk at the table of the Commander of the Faithful.” Bukhtīshūʿ replied that he would refuse to eat if wine did not accompany his meal. Al-Manṣūr heard of this and ordered that wine be brought to him. At dinner the next day Bukhtīshūʿ made the same demand, but al-Manṣūr is said to have

¹⁴⁰¹ “*Dastajah*”. The footnotes to this edition of the *Aghānī* explain that this bowl was used for washing clothes. Wehr merely defines the word as “kettle, boiler, cauldron made of copper” (281). Clearly, this was a very large container with which to drink wine.

¹⁴⁰² Identified as a “famous physician, father of Jibraʿīl b. Bukhtīshūʿ and grandfather of Bukhtīshūʿ the Younger” by Kennedy in his notes to his translation of Ṭabarī, vol. XXIX, p. 128, n. 417.

¹⁴⁰³ Ṭabarī, tr. H. Kennedy, vol. XXIX, 128. The remainder of the story is cited from Kennedy’s translation on 128 unless otherwise noted.

¹⁴⁰⁴ *EF*, s.v., “Bukhtīshūʿ”.

¹⁴⁰⁵ Ṭabarī does not specify the type of wine Bukhtīshūʿ asked for, i.e., *khamr*, *nabīdh*, or *rāḥ*. Ṭabarī instead uses a term which can be used as a general description of intoxicating drink, *al-sharāb* (Taʾrīkh, vol. 8, 87).

substituted water from the Tigris for wine. The next morning, Bukhtīshū^c is said to have commented that “I did not think that anything would compensate for wine, but this Tigris water does compensate for wine.”

This anecdote also has many difficulties. It does not seem likely that river water would have compensated for wine. In addition, the question arises as to why al-Manṣūr allowed Bukhtīshū^c wine on the first occasion only to substitute water from the Tigris on the second occasion. The question also arises as to how Bukhtīshū^c, an educated man, “well known for his scientific writings”, could be apparently ignorant of the prohibition of wine in Islam, or if he was aware of it, how he could have expected to have wine served at the caliph’s palace. Finally, Ṭabarī did not identify the type of wine Bukhtīshū^c had ordered, but only recorded that he asked for *al-sharāb*.¹⁴⁰⁶ It should also be noted that this story is not related by Ṭabarī in the normal course of his narrative, but under the heading of “Some stories about al-Manṣūr and His Conduct”,¹⁴⁰⁷ a somewhat random collection of anecdotes which illuminate the character of al-Manṣūr. This would seem to indicate that the story may have been partially constructed to communicate a particular message.

The present author would argue that all of the difficulties posed above can only be fully addressed by assuming that the story has been constructed to illustrate a single point: that Tigris water was equivalent to wine. But not just one specific type of wine, Tigris water was equivalent to intoxicants in general. This would help to justify the use of the word *sharāb* in place of, say, *khamr* or *nabīdh*. It seems likely that readers of Ṭabarī’s history may have been sceptical of the notion that Tigris water equalled wine had Ṭabarī merely stated the fact. The comparison Ṭabarī employs assists him in illuminating his message without overtly stating the fact; hence, al-Manṣūr accommodates his guest on the first occasion of his request for wine, but then switches his drink to water.

¹⁴⁰⁶ See above, n. 1405.

¹⁴⁰⁷ Ṭabarī, tr. H. Kennedy, vol. XXIX, 93.

It must be said that events could have transpired just as Ṭabarī recorded them. It may be argued that the site of Baghdad made it convenient for Ṭabarī to construct his comparison between wine and Tigris water. However, Iraq had been occupied by the Muslims for over a century by the time of Baghdad's founding. Certainly, the comparison could have been made at any point during that time. This would seem to argue that there was some core of truth which Ṭabarī may have elaborated upon. But whatever the motivation behind the story, it is evident that some form of intoxicating drink was available and was being consumed in the reign of al-Manṣūr.

The story also appears to demonstrate that al-Manṣūr was opposed to wine consumption. It has already been noted that al-Manṣūr is said to have admired the rule of Hishām b. ʿAbd al-Malik, an Umayyad caliph who is not recorded as drinking wine.¹⁴⁰⁸ Therefore, although the anecdote of Bukhtīshūʿ and al-Manṣūr is suspicious, it seems reasonable to accept the implication that al-Manṣūr did not drink wine. Further evidence that al-Manṣūr may not have consumed wine is found in Masʿūdī who reported that al-Manṣūr took steps to dissuade his son and successor from drinking wine.

Masʿūdī records that al-Manṣūr assigned Sharqī b. al-Qaṭāmī to al-Mahdī at the time al-Manṣūr named his son as his successor.¹⁴⁰⁹ Sharqī's duty was to instruct al-Mahdī in the best and most noble traits of the Arab.¹⁴¹⁰ One night, al-Mahdī asked for a story. Sharqī related:

They say that a certain king of al-Ḥīrah [who] had two courtiers [*nadīmān*¹⁴¹¹] whom he loved as he loved himself. ... one evening, the king, while drinking and enjoying himself, yielded to the effects of wine [*al-sharāb*¹⁴¹²], which had clouded his reason, called for his sword, drew it from its sheath and, hurling himself on his two friends, killed them. Then, overcome with drowsiness, he fell asleep.¹⁴¹³

¹⁴⁰⁸ See Chapter 4, s.v., *Hishām b. ʿAbd al-Malik b. Marwān*.

¹⁴⁰⁹ *Murūj*, vol. 3, 320.

¹⁴¹⁰ *Loc. Cit.*

¹⁴¹¹ *Ibid.*

¹⁴¹² *Ibid.*

¹⁴¹³ *Masʿūdī*, 46.

The story continues that when the king awoke the next day, he was informed of what he had done. He was so overcome with remorse that he “swore that for the rest of his life he would refrain from the drink [*sharāb*¹⁴¹⁴] which had robbed him of his reason.”¹⁴¹⁵

The unmentioned king of this story can be confidently identified as the Lakhmid ruler, al-Mundhir III (503-54), for the broad outline of events of this story are almost identical to similar events related in the *Aghānī*.¹⁴¹⁶ However, there are four differences between the accounts as related in the *Aghānī* and by Mas‘ūdī. First, the *Aghānī* makes no reference to al-Mahdī. The story seems to be part of an effort to detail the Lakhmid king’s life rather than to serve as instruction for a particular individual.¹⁴¹⁷ Second, the *Aghānī* states that the catalyst for al-Mundhir III’s action was that something had been said between the men. Third, al-Mundhir III, because he was drunk, ordered the men buried alive; he did not kill them with his own hands.¹⁴¹⁸ Lastly, the *Aghānī* does not record al-Mundhir III promising to cease his consumption wine.

The differences are significant. It is possible, perhaps even probable, that Sharqī altered the events slightly in order to augment the scale of the calamity and thereby emphasise the point that intoxication is “Satan’s handiwork” and must be left aside. Although there is no direct evidence in this story that al-Mahdī drank wine, it seems likely that such a story would not have been necessary, certainly to the extent of exaggerating events, if al-Mahdī had not at least begun to drink wine. The probable intended impact of this story does not seem to have had immediate effect on al-Mahdī.

¹⁴¹⁴ Murūj, vol. 3, 320 .

¹⁴¹⁵ Mas‘ūdī, 46 .

¹⁴¹⁶ See Chapter 1, the section entitled, *The Lakhmids, Rulers*.

¹⁴¹⁷ *Aghānī*, vol. 19, 86-88.

¹⁴¹⁸ *Ibid.*, 86. The *Aghānī* does not mention the type of wine that had made them drunk in this particular incident. It is related elsewhere in the *Aghānī* that al-Mundhir III and his boon companions drank *khamr* when they came together (vol. 19, 87-8).

Al-Mahdī (158/775 - 169/785)¹⁴¹⁹

Al-Manṣūr died in Dhū al-Ḥijjah 159/October 775.¹⁴²⁰ His son was subsequently given the oath of allegiance without opposition. Al-Manṣūr “passed on a relatively subdued and peaceful empire to al-Mahdī.”¹⁴²¹ Al-Mahdī immediately began to demonstrate his self-confessed ideal as “the champion of Islam” by releasing some political prisoners, by constructing new mosques, and by the persecution of those religious dissenters labelled *zindīqs*.¹⁴²² Perhaps as another outward sign of his complete and uncompromising commitment to Islam, he is reported in the Aghānī as specifically not drinking wine. However, Masʿūdī records events which indicate that he did drink wine during some part of his caliphate only to discontinue drinking wine at some future date. Indeed, some of the anecdotes in the Aghānī which demonstrate that al-Mahdī did not consume wine often imply that he had consumed wine at some point in his life. Ṭabarī appears to settle the issue. He confirms that al-Mahdī did at one time drink wine, and records that the reason he discontinued that practice was not due to his avoidance of sin, but rather due to his distaste for wine.

Masʿūdī relates an anecdote which appears to demonstrate that al-Mahdī consumed wine after he had become caliph. Al-Mahdī had been out hunting when “his horse strayed and he found himself lost, very hungry, near the tent of a Bedouin.”¹⁴²³ He asked the Bedouin for a meal, and the Bedouin complied. During the course of the meal, the Bedouin brought out a little wine in a leather bag.¹⁴²⁴

After taking a drink, he passed it to al-Mahdī, who drank in his turn and said:

“Do you know who I am?”

“No, by God,” replied the Bedouin.

¹⁴¹⁹ He was generally known by this name, his full name being Muḥammad b. ʿAbdallāh b. Muḥammad b. ʿAlī b. ʿAbdallāh b. al-ʿAbbās (Ṭabarī, tr. H. Kennedy, vol. XXIX, 157).

¹⁴²⁰ Ṭabarī, tr. H. Kennedy, vol. XXIX, 157.

¹⁴²¹ Hodgson, vol. 1, 289.

¹⁴²² KEAC, 97. For more on the term *zindīq*, see Chapter 4, s.v., *Al-Walīd b. Yazīd b. ʿAbd al-Malik*.

¹⁴²³ Masʿūdī, 37. The remainder of the story is cited and paraphrased from the translation on 37-8 unless otherwise noted; Cf. Murūj, vol. 3, 311-2.

¹⁴²⁴ The text reads “... *faḍlah nabīdh fī rakwah*” (Murūj, vol. 3, 311), which could be more literally translated as, “the leftovers of some date-wine in a small pot.”

"I am one of the court eunuchs."
 "May God bless your employment and prolong your days ..."
 Then the Bedouin drank another bowl of wine as did al-Mahdī. Al-Mahdī then said:
 "Do you know who I am?"
 "Yes, you have just mentioned that you are one of the court eunuchs."
 "That's not true," corrected al-Mahdī.
 "So, who are you?" enquired the Bedouin.
 "I am one of al-Mahdī's generals."
 "May your halls be spacious and your resting place fragrant!"
 Then the Bedouin drank another bowl of wine as did al-Mahdī. Al-Mahdī then said:
 "Oh Bedouin, do you know who I am?"
 "Yes, I do know, you claim to be one of al-Mahdī's generals."
 "That's not true," corrected al-Mahdī.
 "So, who are you?" enquired the Bedouin.
 "I am the Commander of the Faithful himself!"

When al-Mahdī told him that, the Bedouin removed his pot of wine and sealed it.¹⁴²⁵ When al-Mahdī asked for another drink, the Bedouin refused, justifying his decision by explaining that al-Mahdī was clearly delirious from the wine: "By God, if I pour you a fourth, I am afraid you will say, 'I am the Messenger of God!'"¹⁴²⁶

This is not the only anecdote which describes al-Mahdī becoming separated from his entourage while hunting, whereupon he became hungry and turned to local inhabitants for hospitality. This in itself does not discredit the story, for it is possible that al-Mahdī, who would have been more concerned with his prey than his party, could have become separated from them on more than one occasion. However, the story should be treated with scepticism for the overall theme of a ruler wandering and happening upon a person or person that he sits down to eat and drink wine with can be found in pre-Islamic poetry.¹⁴²⁷ Still, even though the story should be treated with a degree of scepticism, it should not be dismissed entirely.

The possible truth of the story is indicated by the detail that intoxication was known to potentially cause a delusional state. Although one might suspect that al-Mahdī was joking

¹⁴²⁵ Murūj, vol. 3, 311.

¹⁴²⁶ Mas'ūdī, 37-8.

¹⁴²⁷ See Chapter 1, the section entitled, *A Brief Survey of Pre-Islamic Poetry, Wine in Bedouin Poetry*.

with the Bedouin, the Bedouin expresses his fear that the wine had caused his guest to make claims that were delusively grand. Each of the preceding chapters has provided evidence that wine could alter the behaviour of some individuals. The present author is therefore inclined to believe that the story is authentic to the extent that it may be taken as evidence that al-Mahdī was not averse to drinking *nabīdh* at some stage, a fact supported by Ṭabarī¹⁴²⁸.

The Aghānī records evidence that al-Mahdī, as caliph, was not opposed to his close companions drinking wine. He relates that one morning, al-Mahdī was present when Muḥammad al-Amīn met with Ibrāhīm al-Mawṣilī, one of al-Mahdī's close companions,¹⁴²⁹ and al-Mahdī's son, Ibrāhīm.¹⁴³⁰ Al-Amīn asked al-Mawṣilī if he had had his lunch. When al-Mawṣilī replied that he had, al-Amīn became irritated because it was not the appropriate time for lunch.¹⁴³¹ Turning to the caliph, al-Mawṣilī explained that he had eaten early because of the excessive amounts of wine [*khamr*] which he had been drinking the night before. Ibrāhīm b. al-Mahdī then asked al-Mawṣilī how much "we" had drunk.¹⁴³² Al-Mawṣilī reported that that they had drunk three *raṭls*.¹⁴³³

Clearly, this story is not proof that al-Mahdī himself drank wine. However, it is important to note that he seemingly had no objections to members of his court and family drinking wine, including *khamr*. It has been recorded that one member of his court, Ya'qūb

¹⁴²⁸ See text below.

¹⁴²⁹ J. W. Fück, in his article for *EF*, writes that Ibrāhīm al-Mawṣilī was "one of the greatest musicians and composers of the early 'Abbāsīd period ... It was upon Hārūn's [Hārūn al-Rashīd, the third 'Abbāsīd caliph] orders that Ibrāhīm, together with his colleagues ... made a selection of 100 songs which form the framework of the *Kitāb al-Aghānī* of Abu 'l-Faradj al-Iṣfahānī" (s.v., "Ibrāhīm al-Mawṣilī").

¹⁴³⁰ Aghānī, vol. 5, 70. The remainder of this story is paraphrased from 70.

¹⁴³¹ It is not entirely clear from the text why al-Amīn should have been so irritated that al-Mawṣilī ate lunch outside the appointed time.

¹⁴³² Identifying the appropriate speakers in this passage was exceptionally difficult. It may be the case that al-Amīn asked al-Mawṣilī how much "we" had drunk, though this would make less sense in the overall context of the story.

¹⁴³³ The author has been unable to convert this measure of weight into an appropriate fluid measure. In addition, one *raṭl* has several equivalents in the Islamic world and it is difficult to determine which *raṭl* the Aghānī reported. Cf. Hinz, *Islamische Masse und Gewichte*, 27-33; *EF*, s.v., "Makāyil".

b. Dāwūd, once al-Mahdī's most trusted adviser¹⁴³⁴, was opposed to such open admissions and displays of wine drinking. He is said to have been so deeply distraught by wine drinking at and about the Caliphal court that he asked to be removed from al-Mahdī's service.¹⁴³⁵ Upon hearing this, a poet attached to al-Mahdī's court is reported as reciting:

Leave Ya'qūb b. Dāwūd on one side;
and take to the good wine [*ṣahbā'ā*¹⁴³⁶] that has a good smell.¹⁴³⁷

Ṭabarī implies that shortly after this incident Ya'qūb b. Dāwūd was imprisoned.¹⁴³⁸ However, he was imprisoned by al-Mahdī in 166/782-3 because, as Ṭabarī explicitly relates, others had become jealous of his power which seemed to rise even above that of al-Mahdī's *wazīr*.¹⁴³⁹ Ya'qūb b. Dāwūd remained in prison until Hārūn al-Rashīd released him.¹⁴⁴⁰ Ṭabarī does not record al-Mahdī's decision as to whether he followed Ya'qūb b. Dāwūd's advice. However, reports in the *Aghānī* appear to illustrate that al-Mahdī did not drink wine.

The poet 'Ukkāshah b. 'Abd al-Ṣamid recited to al-Mahdī a poem describing the look and taste of wine [*khamr*].¹⁴⁴¹ Al-Mahdī responded to 'Ukkāshah that his description was so expertly done that he must have been drinking wine himself; he therefore merited the *ḥadd*.¹⁴⁴² 'Ukkāshah asked to be heard before al-Mahdī carried out the sentence. Al-Mahdī agreed. 'Ukkāshah told al-Mahdī that he could not understand how al-Mahdī knew his description was so accurate if al-Mahdī did not know it, i.e., drink wine. Al-Mahdī responded, "God remove your vulgarity far away."¹⁴⁴³

¹⁴³⁴ Ṭabarī, tr. H. Kennedy, vol. XXIX, 174-5. He had first gained the ear of al-Mahdī in 159/775-6 (*Ibid.*, 173-4).

¹⁴³⁵ *Ibid.*, 231. This event is recorded as taking place in the year 166/782-3.

¹⁴³⁶ *Ta'rikh*, vol. 8, 160. *Al-ṣahbā'* is identified in Wehr as a red wine (527).

¹⁴³⁷ Ṭabarī, tr. H. Kennedy, vol. XXIX, 232.

¹⁴³⁸ *Ibid.* 232. Ṭabarī only lists the two events occurring in the same year, he does not provide any other timeframe.

¹⁴³⁹ *Ibid.*, 232-3.

¹⁴⁴⁰ *Ibid.*, 234.

¹⁴⁴¹ *Aghānī*, vol. 3, 263.

¹⁴⁴² *Ibid.*, 264. The remainder of the story is cited from 264 unless otherwise noted.

¹⁴⁴³ The text reads, "*A'zaba qabḥaka Allāh*".

Clearly, this story only hints that al-Mahdī consumed wine. The story is further evidence that *khamr* was available in the reign of al-Mahdī. In addition, it is interesting to note that ‘Ukkāshah is not recorded as having received his punishment after confronting al-Mahdī, even though al-Mahdī was opposed to consuming wine and would ordinarily assign a fixed punishment for it. The following anecdote illustrates this point as it describes the drastic alteration in al-Mahdī’s attitude toward his companion’s consumption of wine. The following story is also the most “direct” evidence in the *Aghānī* that al-Mahdī did in fact drink wine.

Isḥāq b. Ibrāhīm al-Mawṣilī reported from his father, Ibrāhīm al-Mawṣilī, that al-Mahdī did not drink at a time when al-Mahdī wished for al-Mawṣilī to keep in especially close contact with him.¹⁴⁴⁴ Al-Mahdī demanded that al-Mawṣilī stop drinking, but he refused. Al-Mawṣilī consequently absented himself from al-Mahdī for days at a time. When al-Mawṣilī finally did see al-Mahdī, al-Mawṣilī was often drunk. This used to greatly annoy al-Mahdī, so he had al-Mawṣilī beaten¹⁴⁴⁵ and thrown into prison.

When al-Mawṣilī was released, al-Mahdī reproached him for drinking in people’s houses. Al-Mawṣilī explained to al-Mahdī that he had learned to drink from his brothers¹⁴⁴⁶ and that if he could abandon drink, he would do so. Al-Mahdī subsequently forbade al-Mawṣilī from going to the houses of his sons Hārūn and Mūsā, telling him that if he did, al-Mahdī could not guarantee what he would do to al-Mawṣilī. Al-Mahdī later learned that al-Mawṣilī had gone to them and drank *nabīdh* with them. Al-Mahdī subsequently ordered al-Mawṣilī beaten with three hundred lashes of the whip and imprisoned him in irons.

The figure of three hundred lashes casts some doubt on the veracity of the story.

¹⁴⁴⁴ *Aghānī*, vol. 5, 160. The *Aghānī* does not specify what type of drink al-Mahdī had given up. The remainder of the story is paraphrased from the *Aghānī*, vol. 5, 160, unless otherwise stated.

¹⁴⁴⁵ The *Aghānī* does not specify what type of beating, e.g., flogging, al-Mawṣilī received; the *Aghānī* records the word *ḍarab*.

¹⁴⁴⁶ Presumably this meant al-Mawṣilī was introduced to alcohol at a young age.

Chapters 2 and 3 illustrated that complications arising from a flogging of eighty lashes could cause death in individual cases. It seems highly unlikely that al-Mawṣilī would have survived three hundred lashes,¹⁴⁴⁷ unless those lashes were spaced out over the course of a long prison sentence. But this is not in the text. It is possible that al-Mahdī's issuing of a sentence of three hundred lashes was designed to express the depth of his anger rather than the actual number of lashes al-Mawṣilī should have received. It is also possible that the individual charged with carrying out the punishment did so with extreme leniency. Occurrences of this nature are recorded to have taken place during the reign of al-Hādī,¹⁴⁴⁸ and it is possible that the lashes were not applied with vigour. However, as neither of these suggestions are in the text either, the problem of al-Mawṣilī surviving three hundred lashes can not be resolved.

Even with this difficulty, it is still possible to extract reasonably reliable information from the story, information which does not necessarily depend on the accuracy of the number of lashes which al-Mawṣilī is said to have received. First, this story seems to supply the first direct evidence of chronic addiction to wine, viz., al-Mawṣilī states that if he could abandon drink, he would do so.¹⁴⁴⁹ It is possible that al-Mawṣilī used addiction to wine as an excuse for his continued consumption of wine. Even so, the existence of the excuse itself is evidence that chronic addiction to wine was a reality in the Islamic world after prohibition. In light of what he states was the origin of his addiction, the present author is inclined to believe that al-Mawṣilī was not just citing a useful excuse, but an actual condition.

This story seems to indicate that al-Mahdī did drink wine but at some point ceased that practice. The sources do not specify what brought about the sweeping change of attitude in al-Mahdī toward his companions drinking wine. The story also indicates that al-

¹⁴⁴⁷ See also below, p. 241.

¹⁴⁴⁸ See text below, p. 230.

¹⁴⁴⁹ Fück writes that "Ibrāhīm remained all his life addicted to wine" (*EF*², s.v., "Ibrāhīm al-Mawṣilī").

Mahdī may not have taken direct steps against his sons to restrain them from drinking wine,¹⁴⁵⁰ though there is some evidence that he took indirect measures to arrest their consumption of wine.¹⁴⁵¹ It is noteworthy that only Hārūn and Mūsā are mentioned, and not Ibrāhīm, all of whom are reported to have consumed wine throughout their lives. Only Hārūn and Mūsā would establish universally accepted caliphates, and perhaps their names would have attracted the reader's attention more than that of Ibrāhīm.

Ṭabarī appears to be the only author to shed light on al-Mahdī's change of attitude towards wine consumption. He reports that al-Mahdī at one time drank wine, in the form of *nabīdh*,¹⁴⁵² but gave it up "not because he was avoiding sin, but because he did not like it."¹⁴⁵³ The Arabic wording which expresses al-Mahdī's desire to avoid wine, *lā-yushtahā*¹⁴⁵⁴, is somewhat vague in terms of precisely determining what it was that al-Mahdī did not like about *nabīdh*.¹⁴⁵⁵ In light of al-Mahdī's reaction to those around him who continued to drink, the present author would speculate that an event of substantial significance must have taken place while al-Mahdī was intoxicated that made *nabīdh* not just undesirable, but repulsive.

Mūsā b. al-Hādī (169-785 - 170/786)¹⁴⁵⁶

Al-Mahdī died on Muḥarram 22, 169/August 4, 785.¹⁴⁵⁷ Al-Mahdī's son, Mūsā, "was acclaimed as Caliph on the day that al-Mahdī died"¹⁴⁵⁸ without opposition.¹⁴⁵⁹ Al-Hādī's

¹⁴⁵⁰ See text below, p. 228.

¹⁴⁵¹ See text below, s.v., *Mūsā b. al-Hādī*, *Hārūn al-Rashīd*, and *Ibrāhīm b. al-Mahdī*.

¹⁴⁵² *Ta'rikh*, vol. 8, 160.

¹⁴⁵³ Ṭabarī, tr. H. Kennedy, vol. XXIX, 231.

¹⁴⁵⁴ *Ta'rikh*, vol. 8, 160.

¹⁴⁵⁵ Wehr defines the phrase as "undesirable" (491), which is confirmed in the main by Lane (Book I, 1614), who only tentatively suggests that the phrase may refer to the pleasantness of food (*Ibid.*).

¹⁴⁵⁶ He was generally known by this name, or sometimes as Mūsā al-Hādī, but very rarely as Mūsā b. al-Mahdī.

¹⁴⁵⁷ Ṭabarī, tr. H. Kennedy, vol. XXIX, 245.

¹⁴⁵⁸ Ṭabarī, tr. J. A. Williams, in *The Early 'Abbāsī Empire*, vol. 2, 137.

¹⁴⁵⁹ Kennedy provides a glimpse into the political manoeuvres that brought al-Hādī to power followed by his brother Hārūn al-Rashīd in "Succession disputes in the early 'Abbāsīd Caliphate", 30-33.

reign was mostly peaceful, with only minor disturbances along the Byzantine frontier.¹⁴⁶⁰ Internally, al-Hādī's break with his father's policy of reconciliation toward the ʿAlids created an atmosphere generally hostile to al-Hādī. The withdrawal of Caliphal favour from the ʿAlids meant in real terms the cessation of financial support and the apparent oppression of the local governor of Medina.¹⁴⁶¹ This appears to have led to a rebellion in that city in Dhu' al-Qa'da 169/May 786.¹⁴⁶² Ṭabarī records that one of the underlying causes which led to the rebellion of Ḥusayn b. ʿAlī¹⁴⁶³ was an incident involving wine consumption and the new governor of Medina.

The governor of Medina, Ishāq b. ʿĪsā b. ʿAlī, asked to be relieved of his post.¹⁴⁶⁴ Al-Hādī asked him to join him at Baghdad and sent ʿUmar b. ʿAbd al-Azīz b. ʿAbdallāh in his place. ʿUmar caught Abū al-Zift Ḥasan b. Muḥammad b. ʿAbdallāh b. al-Ḥasan, Muslim b. Jundub, and ʿUmar b. Sallām, a *mawlā* of ʿUmar, drinking wine [*sharāb*]¹⁴⁶⁵ together, and gave orders to have them all flogged.¹⁴⁶⁶ He then had rope-halters placed around their necks and had them paraded around the city. ... Ḥusayn b. ʿAlī went to ʿUmar and said: "They do not deserve this: you have already beaten them, which you had no legal right to do, because the jurisconsults of Iraq [*ahl al-Iraq*]¹⁴⁶⁷ see no harm in what they were drinking, so why do you parade them!" The men were subsequently taken off the streets and

¹⁴⁶⁰ KEAC, 110.

¹⁴⁶¹ Ibid., 109.

¹⁴⁶² Loc. Cit. Cf. Muir, who writes that it was the "intemperance of some members of the saintly house of ʿAlī" that was the cause of the rebellion, having been incensed that some of their members should have been paraded around "the Holy Cities" for drinking wine (473). Muir does not cite the source of his information, though it seems likely part of his version of events depends on the account in Ṭabarī (see text below).

¹⁴⁶³ His *nisba* indicates that he was a descendant of ʿAlī b. Alī Ṭālib (Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 142).

¹⁴⁶⁴ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 142. The remainder of the story is cited from Williams' translation on 142-3 unless otherwise noted. Ḥusayn's rebellion was short lived. His small force was defeated less than a month after the rebellion was announced (KEAC, 109).

¹⁴⁶⁵ Ta'rikh, vol. 8, 192.

¹⁴⁶⁶ The text does not specifically mention flogging, only that they collectively received a beating [*ḍarab*] (Ta'rikh, vol. 8, 192).

¹⁴⁶⁷ Ta'rikh, vol. 8, 192.

thrown into prison for a day and night. They were then released on condition that they appear at the mosque daily.

It is unfortunate that Ṭabarī has neglected to inform the reader, assuming he knew himself, what type of wine Abū al-Zift, Muslim b. Jundub, and ʿUmar b. Sallām were drinking. Without that vital piece of information, proving the veracity of this story may be impracticable. Recall that the four Sunnī schools of law were in general agreement that *khamr* was forbidden,¹⁴⁶⁸ but that one of the Sunnī schools permits other substances which have the potential to cause intoxication. Ṭabarī has recorded the word *sharāb*, a generic term for intoxicating drink. Therefore, Ḥusayn b. ʿAlī's argument that what they were drinking was permitted cannot be substantiated.

J. A. Williams notes of these events that "It is easy to suppose that the ... governor welcomed the opportunity to make an example" of Abū al-Zift Ḥasan b. Muḥammad b. ʿAbdallāh,¹⁴⁶⁹ the son of the leader of a rebellion some twenty years earlier.¹⁴⁷⁰ "The fact that he was found with a *mawlā* of the ʿUmarī family suggests that this was an entrapment."¹⁴⁷¹ There is one difficulty with this suggestion. ʿUmar b. Sallām, the *mawlā* of ʿUmar, was not excused from the punishment the other two men received. If this was an entrapment, one might expect to find mention in Ṭabarī that ʿUmar b. Sallām was given some form of compensation for his act. But there is no mention of what happened to ʿUmar b. Sallām after the three were released from prison.

If Williams' suggestion could be proved accurate, then this would complicate the issue of the actual substance the men were drinking still further. Perhaps the three men were not drinking the universally prohibited substance, *khamr*, but that ʿUmar b. ʿAbd al-Azīz b. ʿAbdallāh claimed that they were in order to exact his revenge. Such an explanation is also unsatisfactory, however, in light of Ḥusayn b. ʿAlī's reaction. He did not deny that

¹⁴⁶⁸ See below, the section entitled, *Law in the Early ʿAbbāsīd Era I*.

¹⁴⁶⁹ N. 338, p. 142, vol. 2, of his translation.

¹⁴⁷⁰ KEAC, 109.

¹⁴⁷¹ N. 339, p. 142, vol. 2, of J. A. Williams' translation.

the men were drinking a substance that was potentially intoxicating, only that the jurisconsults of Iraq (the Ḥanafites) were not opposed to the substance. This would seem to indicate that by the late latter half of the second/eighth century there was an awareness that there were regions within the Islamic Empire that were noted for their analysis of law, and that intoxicating drinks was among those issues that the schools of law concerned themselves with.

The complexity of this anecdote signifies that it can not be determined with certainty what the men were drinking and if in fact it was or was not a prohibited substance. The story is, however, a good indication that the issue of intoxicating drinks was of concern to jurisconsults and that the school of law in Iraq had already begun ruling on this issue by the latter half of the second/eighth century.

Al-Hādī did not break with all of his father's policies. He continued the persecution of those labelled *zindīqs*¹⁴⁷² and kept some of his father's appointed officials, such as ʿAlī b. ʿIsā b. Mahān, who also became one of al-Hādī's closest advisers, as chief of the guard and chief of the bureau of the army.¹⁴⁷³ In addition, he replaced ʿAbdallāh b. Khāzim with ʿAbdallāh b. Mālīk as the chief of the police [*shurṭah*].¹⁴⁷⁴ As al-Hādī felt comfortable breaking with some of his father's policies while maintaining others, it is difficult to determine what influence, if any, al-Hādī's father may have had on him. Al-Hādī was most likely aware that his father drank wine while he was caliph only to discontinue that practice part way through his caliphate. For his part, al-Mahdī had been aware that his son was drinking wine. There is evidence that al-Mahdī indirectly attempted to restrict al-Hādī's consumption of wine.

¹⁴⁷² KEAC, 109-10.

¹⁴⁷³ Ibid., 109.

¹⁴⁷⁴ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 139. ʿAbdallāh b. Mālīk had been the chief of the police under al-Mahdī (Ibid., 168), but may have been deposed from that post temporarily due to past confrontations between ʿAbdallāh b. Mālīk and al-Hādī (see text below). These appointments are an indication that at least as early as the reign of al-Mahdī, the chief of the guard and army had become distinct from the chief of the *shurṭa*. It may be inferred from this that the two forces had crystallised into two distinct

Ṭabarī records that ʿAbdallāh b. Malik related that while he was chief of the police under al-Mahdī, al-Mahdī “would send me the familiars [*nudamā*¹⁴⁷⁵] and singers of Mūsā b. al-Hādī and order me to chastise [*bi-ḡarab*¹⁴⁷⁶] them. Al-Hādī would beg me to be lenient to them and let them off. I was not deterred by this and would do as al-Mahdī ordered me.”¹⁴⁷⁷ This created some enmity between al-Hādī and ʿAbdallāh b. Malik. When al-Hādī became caliph, he dismissed ʿAbdallāh b. Malik from his post of chief of police. Some time later, al-Hādī called ʿAbdallāh b. Malik before him¹⁴⁷⁸ and asked for an explanation as to why his entreaties on behalf of his friends were ignored. ʿAbdallāh b. Malik asked al-Hādī if it was himself or his sons whose orders were superior. Al-Hādī answered that it was his orders, and at once recognised the loyalty of ʿAbdallāh b. Malik and reinstated him as the chief of police.

The story continues that ʿAbdallāh b. Malik was still concerned for his safety. He is said to have feared that the friends of the caliph, the very individuals that he had punished, would turn al-Hādī against him “when wine [*al-sharāb*¹⁴⁷⁹] has overcome them all”. The story continues that al-Hādī visited ʿAbdallāh b. Malik the day after their meeting and said,

“I’ve been thinking about you, and I thought it might occur to your mind that if I were drinking¹⁴⁸⁰ with enemies of yours around me, they might spoil the good opinion I have of you, and that thought would disturb and trouble you, so I’ve come to ... let you know that I harbour no hard feelings against you.”

ʿAbdallāh b. Malik was assured by the Caliph’s words and continued to serve al-Hādī for the remainder of his caliphate.

entities, and that the *shurṭa* probably had taken on the appearance of a recognisable police force.

¹⁴⁷⁵ Ta’rīkh, vol. 8, 216.

¹⁴⁷⁶ Loc. Cit.

¹⁴⁷⁷ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 168. The remainder of the story is cited from Williams’ translation on 168 unless otherwise noted.

¹⁴⁷⁸ Ṭabarī does not make clear the length of time that had passed between ʿAbdallāh b. Malik’s dismissal and this meeting.

¹⁴⁷⁹ Ta’rīkh, vol. 8, 216.

¹⁴⁸⁰ Ṭabarī does not record what they would be drinking, but the implication is that they would be drinking intoxicating substances (Ta’rīkh, vol. 8, 217).

It seems somewhat peculiar that al-Hādī would so openly admit that he could be easily influenced under the effects of intoxication. Such an admission would probably make him more open to his boon companions, and others, attempting to get him drunk to influence his decisions. In addition, if it is the case that al-Hādī could be influenced while intoxicated, it would probably be of little comfort for al-Hādī to inform ‘Abdallāh b. Malik that he harboured no ill will against him while he was sober. Even so, it is possible that al-Hādī was cognisant of this personal failing. If al-Hādī had started drinking when he was younger, as stories in the *Aghānī* appear to illustrate,¹⁴⁸¹ then he may have become chronically addicted to alcohol by the time he became caliph. This would mean that he could not stop drinking alcohol, even while acknowledging its detrimental effects while sober. It is therefore possible that he came to the same conclusion regarding ‘Abdallāh b. Malik’s dubious position, vis-à-vis al-Hādī’s companions, as ‘Abdallāh b. Malik had decided for himself.

This latter explanation is supported by another story which hints that al-Hādī possessed something of a duplicitous nature. It is reported that he assigned the still imprisoned Ya‘qūb b. Dāwūd one hundred lashes, though the reason for this punishment is not mentioned.¹⁴⁸² The man in charge of carrying out al-Hādī’s orders, ‘Alī b. ‘Īsā b. Māhān, laid the whip on Ya‘qūb b. Dāwūd’s arms and shoulders, “just barely touching [him] with it,” until he had counted one hundred. He then returned to al-Hādī and reported that he had carried out the prescribed punishment. Al-Hādī asked about the status of Ya‘qūb b. Dāwūd, and Ibn Māhān responded that he was dead. Al-Hādī replied, “Truly we are God’s and to Him we return. And woe to you! By God, you’ve made me a scandal among men! This was a good man, and now people will say of me, ‘he’s the one who killed Ya‘qūb b. Dāwūd!’”

¹⁴⁸¹ See above, p. 223.

¹⁴⁸² Ṭabarī, tr. J. A. Williams, in *The Early ‘Abbāsī Empire*, vol. 2, 169. See above p. 221. The remainder of the story is cited from Williams’ translation on 169 unless otherwise noted.

When Ibn Māhān saw how upset al-Hādī was, he informed him that in fact Yaʿqūb b. Dāwūd was alive, and al-Hādī was much relieved.

This story seems almost designed to illustrate al-Hādī's dual nature, though in fact the introduction to the story makes it clear that it is intended to advocate the good nature of Ibn Māhān. Al-Hādī's reaction may therefore be exaggerated to demonstrate the noble qualities of Ibn Māhān. This seems a reasonable explanation as to how al-Hādī could sentence Yaʿqūb b. Dāwūd, "a good man", to one hundred lashes, a sum that was almost certainly known to be potentially fatal, and yet worry that the people would be upset with his death. In addition, there is no explanation as to why, having discovered that Yaʿqūb b. Dāwūd was indeed alive, al-Hādī was not then angry with Ibn Māhān for apparently lying to him the first time.

With these complications, it is not possible to demonstrate the veracity of the story beyond a reasonable doubt, though, like many such anecdotes, it would be a mistake to dismiss it entirely. The story's core of truth may well be al-Hādī's oscillating nature. One area where al-Hādī does not appear to have oscillated was his consumption of wine. Ṭabarī reports in the section he calls, "Information concerning al-Hādī and his character", that al-Hādī did consume wine while he was caliph.

The poet Ibn Daʿb was once ushered into the presence of al-Hādī. Ibn Daʿb reported that, "I went in, and he was sprawled on a couch, his eyes inflamed from sitting up and drinking all night. He told me 'Recite something to me about drinking [*fī al-sharāb*]¹⁴⁸³.'" ¹⁴⁸⁴ Ibn Daʿb recited a story of some men of the Banū Kināna who had "set out on foot foraging for wine [*khamr*]¹⁴⁸⁵ of Syria, and the brother of one of them died." As they sat drinking [presumably wine] at the graveside, one of the men recited:

¹⁴⁸³ Taʾrīkh, vol. 8, 223.

¹⁴⁸⁴ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 175. The remainder of the story is cited from the Williams' translation on 175-6 unless otherwise noted.

¹⁴⁸⁵ Taʾrīkh, vol. 8, 224.

Be scanty to nobody with its drink,
 Pour him the wine [*al-khamr*¹⁴⁸⁶], though he be buried.
 Pour for the limbs and the body and thirst
 Withdrawing the stirrup-cup of the early riser. ...

Al-Hādī is said to have liked the story so much that he issued Ibn Da'b forty thousand *dirhams*.

The value of this incident involving al-Hādī is that the veracity of Ibn Da'b's verses, and al-Hādī's reaction to them, is not essential to demonstrating that al-Hādī drank wine. It is simply stated by Ibn Da'b that al-Hādī was drunk, and this fact seems almost beside the main point of the narrative, i.e., Ibn Da'b's verses. His verses reveal that wine, in the form of *khamr* and not *nabīdh*, was produced in Syria and was highly sought after. It must be said that Ibn Da'b's story need not have taken place in al-Hādī's own day, and may even date from the *Jāhilīyah*, just as Sharqī b. al-Qaṭāmī related the story of the Lakhmid king to al-Mahdī. It is, none the less, evidence that *khamr* was probably still considered preferable to *nabīdh*. The present author has found no indication of what type of wine al-Hādī drank. His brother, and successor to the caliphate, is repeatedly cited as drinking *nabīdh*.

Hārūn al-Rashīd (170/786 - 193/809)

Al-Hādī died in the middle of Rabī' I 170/September, 786.¹⁴⁸⁷ He is said to have died while in Īsābādh,¹⁴⁸⁸ where he had possibly spent the last days of his life drinking wine with his companions,¹⁴⁸⁹ though the evidence is inconclusive.¹⁴⁹⁰ The oath of allegiance was immediately given to "Hārūn b. Muḥammad b. ʿAbdallāh b. Muḥammad b. ʿAlī b. ʿAbdallāh b. ʿAbbās",¹⁴⁹¹ who was generally known as "al-Rashīd".¹⁴⁹² He "stressed the religious character of the Caliphate, and continued the anti-ʿAlid and anti-*zandaka* policy of his

¹⁴⁸⁶ Ibid.

¹⁴⁸⁷ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Caliphate*, vol. 2, 165; KEAC, 110.

¹⁴⁸⁸ Ibid., 157.

¹⁴⁸⁹ Ibid., 176 and n. 406.

¹⁴⁹⁰ Cf. *Ta'rikh*, vol. 8, 224.

¹⁴⁹¹ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 182.

¹⁴⁹² Cf. KEAC, 115. Hārūn is said to have received this name, al-Rashīd, "The Upright" (Levy, *A Baghdad Chronicle*, 44), from his father upon returning from a very successful raid on the Byzantine Empire (Ibid., 42).

predecessors.”¹⁴⁹³ Yet it was because “of his role in the stories circulating in such collections as the *Kitāb al-Aghānī* and the *Arabian Nights* ...” that “none other of the ‘Abbāsīd caliphs has left such an impression in the popular mind”¹⁴⁹⁴

It would be tempting to employ the stories of the *Arabian Nights*, or *One thousand and one Nights* as it is more commonly known,¹⁴⁹⁵ as proof that al-Rashīd drank wine. However, the stories are simply too problematic, due in large part to the fact that “many other cultures contributed to the formation of the Arabic texts know by the name *Alf laylah wa-laylah*.” This resulted in “various layers of historical strata”¹⁴⁹⁶ which, though generally grounded in “a given society and geographical locale during a particular historical period”, tend to borrow and overlap one another.¹⁴⁹⁷ Consequently, “nearly any story ... presents greater or smaller problems concerning the history of the text, all of them pertaining to the fundamental questions of authenticity and priority.”¹⁴⁹⁸ The songs (or poetry) in the *Aghānī* present fewer problems in this area, though it too is not completely free from these problems. However, the collection of songs is “but the least part of his work, as [Abū al-Faraj] gives many details about the ... society at the time of the ‘Abbāsīd caliphs, especially of Hārūn al-Rashīd”¹⁴⁹⁹ It is the added details, often cited with a lengthy *isnād*, which have a more “historical” quality to them. Many of these stories take place when al-Rashīd was said to be drinking *nabīdh*.

Ibn Khaldūn, writing in the late fourteenth century, acknowledged that al-Rashīd “used to drink a date liquor (*nabīdh*), according to the ‘Irāqī legal school whose *responsa* [*madhab*]¹⁵⁰⁰ (concerning the permissibility of that drink) are well known.”¹⁵⁰¹ But he cannot

¹⁴⁹³ *EF*, s.v., “Hārūn al-Rashīd”.

¹⁴⁹⁴ KEAC, 115.

¹⁴⁹⁵ In Arabic, *Alf laylah wa-laylah*.

¹⁴⁹⁶ Pinault, *Story-Telling Techniques in the Arabian Nights*, 5.

¹⁴⁹⁷ *Ibid*.

¹⁴⁹⁸ Gerhardt, *The Art of Storytelling: A literary study of the Thousand and One Nights*, 47.

¹⁴⁹⁹ *EF*, s.v., “Abū ‘l-Faradj al-Iṣbahānī”.

¹⁵⁰⁰ Muqaddimah, vol. 1, 305.

¹⁵⁰¹ See below, the section entitled, *Law in the Early ‘Abbāsīd Era I*.

be suspected of having drunk pure wine [*al-khamr al-ṣīr*¹⁵⁰²]. Silly reports to this effect cannot be credited.”¹⁵⁰³ He also writes that the “stupid story of [al-Rashīd’s] winebibbing [*al-khamr*¹⁵⁰⁴] and his getting drunk [*bī-sakar*] in the company of boon companions [*al-nadmān*¹⁵⁰⁵] is really abominable.”¹⁵⁰⁶ Ibn Khaldūn’s justification for exonerating al-Rashīd in this manner was that “It does not in the least agree with al-Rashīd’s attitude toward the fulfilment of the requirements of religion and justice incumbent upon caliphs. He consorted with religious scholars and saints. ... He was pious, observed the times of prayer, and attended the morning prayer at its earliest hour.”¹⁵⁰⁷

In some respects Ibn Khaldūn’s analysis is correct. The present author has not uncovered evidence that al-Rashīd drank *khamr*. And legal scholars in Iraq had ruled that *nabīdh* was permissible so long as it was not consumed to the point of intoxication. However, Ibn Khaldūn appears to be incorrect in stating that al-Rashīd did not become intoxicated.¹⁵⁰⁸ But such direct statements notwithstanding, why should Arabic authors have named the substance al-Rashīd was consuming if it was not a potential source of intoxication? For detail and clarity perhaps, but there are many stories which record people drinking where the substance is not named. Only occasionally do the sources record individuals drinking water, for instance. A more likely explanation may be that Arabic authors wanted to illustrate that al-Rashīd was drinking wine, in the form of *nabīdh*, and that he could have become, or probably did become, intoxicated. Finally, Ibn Khaldūn’s belief that authors who wrote such stories did so because they were justifying their own

¹⁵⁰² Muqaddimah, vol. 1, 305-6.

¹⁵⁰³ Ibn Khaldūn/Rosenthal, vol. 1, 36.

¹⁵⁰⁴ Muqaddimah, vol. 1, 303.

¹⁵⁰⁵ Loc. Cit.

¹⁵⁰⁶ Ibn Khaldūn/Rosenthal, vol. 1, 33. See below, the section entitled, *The Boon Companion*, for evidence that al-Rashīd drank *nabīdh* with his boon companions and is recorded to have become drunk.

¹⁵⁰⁷ Ibid. Cf. Hodgson, vol. 1, 294.

¹⁵⁰⁸ For these episodes of al-Rashīd drinking *nabīdh*, see the section entitled, *The Boon-Companion*.

“subservience to pleasure by citing men and women of the past (who allegedly did the same things)”¹⁵⁰⁹ cannot be demonstrably supported.

The present author has uncovered only indirect corroborating evidence in Ṭabarī that al-Rashīd consumed wine. Yaḥyā b. ʿAbdallāh was one of those who had been a part of Ḥusayn b. ʿAlī’s rebellion in 169/786.¹⁵¹⁰ He had escaped capture and fled to the mountainous area of Daylam.¹⁵¹¹ Yaḥyā subsequently organised and instigated an ʿAlid rebellion in the year 176/792-3.¹⁵¹² Ṭabarī records that al-Rashīd “became concerned and would not drink wine [*sharīb al-nabīdh*]¹⁵¹³ in those days. He sent al-Faḍl b. Yaḥyā against him with fifty thousand men, and the chief of his officers with him.”¹⁵¹⁴ Yaḥyā’s rebellion was exceedingly short lived. He was swiftly captured and brought back to Baghdad, where, after being initially spared, he was executed.¹⁵¹⁵

This story implies that al-Rashīd drank wine and only stopped because he was distracted by Yaḥyā’s rebellion, viz., “would not drink wine *in those days*”. It seems reasonable to assume that he continued to drink wine after Yaḥyā had been dealt with, i.e., after those troublesome days had passed. Even so, the stories related by Masʿūdī and in the *Aghānī* are largely undated, and there is the minor possibility that this event so upset al-Rashīd that he discontinued drinking wine altogether. However, given the fame - or infamy - that his court attained over the entire length of his reign, and with no direct evidence to the contrary, it seems more likely that he consumed wine throughout his caliphate.

That this anecdote is the only evidence in Ṭabarī of a link between al-Rashīd and wine should not be construed as an indication that the stories in the *Aghānī* are without foundation. Recall the Umayyad caliph al-Walīd b. Yazīd. Much of the information which

¹⁵⁰⁹ Ibid., 40.

¹⁵¹⁰ See above, p. 226.

¹⁵¹¹ KEAC, 119.

¹⁵¹² Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 194; Cf. KEAC, 119, for the reasons behind this rebellion.

¹⁵¹³ *Taʾrīkh*, vol. 8, 242.

¹⁵¹⁴ Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 194.

¹⁵¹⁵ KEAC, 119-120.

demonstrates that he consumed wine is similarly recorded in the *Aghānī*, while Ṭabarī stated that there were so many anecdotes describing al-Walīd II and wine that he refused to burden his text with them.¹⁵¹⁶ Although Ṭabarī makes no such disclaimer in the case of al-Rashīd, it is not too difficult to imagine that he may have similarly elected to disregard wine drinking episodes solely due to the number of such episodes which may have been available.¹⁵¹⁷ However, Masʿūdī recorded events which support the *Aghānī*'s numerous stories citing a connection between al-Rashīd and wine.

Masʿūdī records an event which directly links al-Rashīd with wine. Related by Ibrāhīm al-Mawṣilī, "one day, [al-Rashīd] gathered together his singers to give a performance which was attended by the important people of court. ... [Al-Rashīd,] stirred by *nabīdh* [*fī-nabīdh*]¹⁵¹⁸, demanded a certain air which had suddenly come into his mind and at his orders the Master of the Curtain invited ..." his singers to sing the piece.¹⁵¹⁹ Miskīn al-Madanī sang the piece correctly and al-Rashīd inquired as to how he knew the song so well. The remainder of the story is how Miskīn came by the song.

The focus of the story is not in fact on al-Rashīd, but on the singer Miskīn. The story of how he came to know the song al-Rashīd demanded to hear is plausible, but does have a bit of a legendary quality to it. However, this has little bearing on the statement concerning al-Rashīd experiencing the effects of drinking wine. This seems to have been mentioned as a factual comment, as if drinking wine and becoming intoxicated were the normal manner in which al-Rashīd enjoyed listening to song.

Masʿūdī relates another instance where song and the theme of wine are intertwined, though al-Rashīd himself is only tangentially involved. The story has something of a legendary, or perhaps better, mythical quality, yet may help to illustrate al-Rashīd's

¹⁵¹⁶ See Chapter 4, s.v., *Al-Walīd b. Yazīd b. ʿAbd al-Malik*.

¹⁵¹⁷ The present author has come across ten separate incidents which link al-Rashīd with wine, a sample of which is presented below.

¹⁵¹⁸ Murūj, vol. 3, 360.

¹⁵¹⁹ Masʿūdī, 91. The remainder of the story is cited from the translation on 91 unless otherwise noted.

character and the connection between song and wine. The story involves Ishāq b. Ibrāhīm al-Mawṣilī.¹⁵²⁰ One day a young man unknown to Ishāq entered Ishāq's chambers unannounced.¹⁵²¹ The stranger picked up Ishāq's lute and "made harmonies [Ishāq] could never have believed and after a prelude, more beautiful than anything [Ishāq] had ever heard, the youth began this song:

Drink a few more cups with me, my friends
 Before you go! Cupbearer, bring us some more of this excellent,
 pure wine [*sharāb muraqā*]¹⁵²²!
 Already the first light of morning has stripped
 Away the darkness and torn the chemise from the night."

Then the stranger admonished Ishāq for his singing and told him to sing as he himself had just done. The stranger then departed. Ishāq questioned his chamberlain about the man, but the chamberlain adamantly stated that he had not seen anyone enter Ishāq's chambers. Ishāq then went to al-Rashīd and told him his story. Al-Rashīd was very surprised and said, "Beyond any shadow of a doubt you have received a visit from Satan." Al-Rashīd then asked to hear the song and liked it so much that he gave Ishāq "a handsome present."¹⁵²³

It is worth reiterating that the exact contents of this story seem highly dubious. Al-Rashīd's reaction that the stranger was Satan seems disproportionate to the events. That he should want to hear the song which he believed came from Satan may demonstrate that Mas'ūdī was reflecting what was probably, by the third-fourth/ninth-tenth century, al-Rashīd's reputation for frivolity and avarice. That a stranger could have entered unseen into Ishāq's chambers may, however, have a logical explanation: perhaps the chamberlain was

¹⁵²⁰ B. 150/767, d. 235/580. Like his father, Ishāq was similarly an outstanding musician and was a favourite of many caliphs, including Hārūn al-Rashīd (*EF*², s.v., "Ishāk b. Ibrāhīm al-Mawṣilī"). On the orders of the caliph al-Wāthiq (277/842 - 232/847), he revised the collection of songs begun by his father which form the framework of the *Aghānī* (Ibid.).

¹⁵²¹ Ibid., 90. The remainder of the story is cited from the translation on 90 unless otherwise noted.

¹⁵²² Murūj, vol. 3, 360.

¹⁵²³ During the caliphate of al-Rashīd, "A cleverly turned poem could win a bag full of gold, a horse from the caliph's stables, a beautiful slave girl - or all three at once" (Hodgson, vol. 1, 294).

too embarrassed, or too fearful, to admit that he had not seen and stopped the stranger in the first place, and so denied seeing him altogether. But that the stranger should have entered into Ishāq's chambers strictly to teach Ishāq how to play the lute, and then departed without any apparent remuneration,¹⁵²⁴ seems less plausible.

Even so, it is interesting that the "ideal song" should contain a reference to purified wine. Furthermore, it is striking that the stranger should recommend verses containing a reference to wine as the ideal when the ultimate recipient of Ishāq al-Mawṣilī's work was to be the leader of the Islamic empire. The present author therefore believes that the reference to pure wine, which Ibn Khaldūn was keen to point out al-Rashīd did not drink, is an indication that the consumption of *nabīdh* was a reality during the reign of al-Rashīd. This reality is supported by other stories in Mas'ūdī and Ṭabarī which relate to the decline and fall of the Barmakids.

The rise to influential standing and power of the family of Khālīd al-Barmakī was slow and steady from the time of al-Saffāḥ and al-Manṣūr until their peak under the caliphate of al-Rashīd.¹⁵²⁵ It was the Barmakid Faḍl b. Yaḥyā who was placed in charge of suppressing the rebellion of Yaḥyā b. ʿAbdallāh in 176/792-3,¹⁵²⁶ and was subsequently appointed the governor of Khurāsān the following year.¹⁵²⁷ His brother, Jaʿfar, "received the governorship of the western provinces."¹⁵²⁸ However, "after the year 179/795-6, the power of the Barmakid family began to decline and the near monopoly which the family had acquired over the main offices of the state was broken."¹⁵²⁹ In the year 180/796-797, Faḍl b. Yaḥyā was dismissed from his post and a member of a rival family, ʿAlī b. ʿĪsā b. Māhān,¹⁵³⁰

¹⁵²⁴ See n. 1523 above.

¹⁵²⁵ For a synopsis of the Barmakids rise to power, Cf. Hodgson, vol. 1, 295; KEAC, 101-2.

¹⁵²⁶ See above, p. 235.

¹⁵²⁷ *EP*, s.v., "al-Barāmika: 3. *The Wizāra*".

¹⁵²⁸ *Ibid.*

¹⁵²⁹ KEAC, 121.

¹⁵³⁰ ʿAlī b. ʿĪsā b. Māhān had already risen to some influential standing during the reign of al-Hādī (see above, p. 230).

was “appointed to the key position of Khurāsān.”¹⁵³¹ Ja‘far was “retained as chief courtier and companion of [al-Rashīd’s] leisure hours.”¹⁵³²

At his new post, ‘Alī b. ‘Īsā b. Māhān is said to have “followed a policy of oppressing the people,”¹⁵³³ largely by taxing “the wealth of the *dihqāns* or landed aristocracy of Khurāsān, from whom the [Barmakids] had come.”¹⁵³⁴ Ṭabarī writes that the treasures of Ibn Māhān, collected from Khurāsān, “arrived on the backs of fifteen hundred camels.”¹⁵³⁵ This figure may be exaggerated, but it illustrates the point that Ibn Māhān may have been taxing the people of Khurāsān unduly harshly. Such a policy would have most likely engendered a great deal of hostility toward Ibn Māhān, represented in the following anecdote.

One day, Ḥusayn b. Muṣ‘ab went to see Ibn Māhān.¹⁵³⁶ Ḥusayn greeted him with the customary wish of peace upon him, to which Ibn Māhān replied,

“No peace be upon you ... I know what you are about in your hostility to Islam ... and I await only the Caliph’s permission to put you to death ... Have you not spread alarming news about me in my own house, after getting drunk on wine [*thamīlta min al-khamr*¹⁵³⁷], and alleged that letters for my dismissal have come to you from the City of Peace [Baghdad]?” Ḥusayn denied the charges, but Ibn Māhān cried, “It’s been proven to me that you were drunk [*thamīlta min al-khamr*¹⁵³⁸], and that you said things that deserve the roughest lesson, and now God may strike you soon by His power and vengeance, so get out of my sight ...!”

At this Ibn Māhān’s chamberlain grabbed Ḥusayn and threw him out.

¹⁵³¹ KEAC, 121.

¹⁵³² Hodgson, vol. 1, 295.

¹⁵³³ *EF*, s.v., “Ibn Māhān”.

¹⁵³⁴ J. A. Williams, n. 565, p. 279, to his translation of Ṭabarī.

¹⁵³⁵ Ṭabarī, tr. J. A. Williams, *The Early ‘Abbāsī Empire*, vol. 2, 179.

¹⁵³⁶ *Ibid.*, vol. 2, 279. The remainder of the story is cited from the translation on 279 unless otherwise noted.

¹⁵³⁷ *Ta’rīkh*, vol. 8, 325.

¹⁵³⁸ *Ibid.*

This excerpt¹⁵³⁹ is informative on two levels. It is indicative of the fact that wine was available in the reign of al-Rashīd. If wine were not available, then it would not be possible to accuse a person of intoxication by wine. On another level, an alleged enemy of a representative of the state is accused of drinking wine. But unlike representatives of the state, the caliphs themselves, who are believed to have consumed *nabīdh*, Ḥusayn is accused of drinking *khamr*. What is immediately striking about this difference is that Ṭabarī does not mention a punishment for Ḥusayn's drinking, even though it was "proven" to Ibn Māhān that he had been consuming *khamr*. Nor does Ibn Māhān condemn Ḥusayn specifically for the practice of drinking *khamr*.

There are three possibilities for *khamr* appearing in this story. First, the event could have transpired precisely as Ṭabarī has recorded. It is entirely possible that Ḥusayn was drinking *khamr*. Second, it could be that *khamr* was particularly known for its intoxicating effects, under which it is clear from this story that a person could be expected to speak his mind openly, without regard for the consequences of what he said. This suggests that *khamr* was artificially inserted into the story to promote its authenticity. Finally, *khamr* was universally condemned by jurists.¹⁵⁴⁰ By accusing Ḥusayn of drinking *khamr* instead of *nabīdh*, Ḥusayn, an enemy of a representative of the state, stood accused of transgressing the prohibition of wine of the highest magnitude.

Had Ṭabarī identified those who accused Ḥusayn, then it might have been possible to sort the historical fact from any possible embellishment. However, without that information, and accepting that there was animosity between the two men, the absolute truth of the story shall perhaps always remain elusive. In addition, this is not the only story which records an individual becoming drunk and threatening the state only to be turned over to the state for his actions. This leads to the suspicion that this may be a stock theme

¹⁵³⁹ The story continues for another page, though the events do not strictly concern the discussion of wine. See Ṭabarī, tr. J. A. Williams, in *The Early ʿAbbāsī Empire*, vol. 2, 279; *Ta'rikh*, vol. 8, 325-6.

¹⁵⁴⁰ See later in this chapter, the section entitled, *Law in the Early ʿAbbāsīd Era I*.

used by Arabic authors to vilify the enemies of the ʿAbbāsīd state.¹⁵⁴¹ As the account stands, perhaps the best conclusions that can be drawn from it are that wine was available in Islamic lands during the caliphate of al-Rashīd and that Ḥusayn was probably intoxicated when he spoke harshly of Ibn Māhān.

This period of Ibn Māhān's humiliation of the Barmakids, i.e., the heavy taxation on their properties, forms part of the events leading to the decline of the Barmakids.¹⁵⁴² The fall of the Barmakid family itself is reported to have come suddenly and violently. In 187/803, upon returning from the *hajj* to Mecca, al-Rashīd "ordered the arrest of all the leading members of the Barmakid family."¹⁵⁴³ Jaʿfar b. Yaḥyā was beheaded, and his brother al-Faḍl died in prison not long after this event.¹⁵⁴⁴ "The brutal fall of the Barmakids came as a surprise to their contemporaries ... [and] remains partly a mystery for modern historians; but it can hardly be seen as the result of a sudden caprice on the part of the Caliph."¹⁵⁴⁵ Masʿūdī records two possible concurrent explanations for the swift action taken against the Barmakids.

While al-Faḍl was in prison, al-Rashīd ordered Masrūr al-Khādīm to question al-Faḍl "regarding the riches" of his family.¹⁵⁴⁶ Masrūr delivered al-Rashīd's message to al-Faḍl: "You claim to have spoken candidly, but I am certain that you have concealed important sums. I have ordered Masrūr, if you do not provide him with precise information, to give you two hundred strokes of the lash." A brief exchange of words then followed between al-Faḍl and Masrūr, during which both men acknowledged that al-Faḍl's life was almost certainly forfeited if he received such a punishment. Nevertheless, Faḍl had no new

¹⁵⁴¹ See the story below.

¹⁵⁴² Cf. KEAC, 119-120, 121-2; Hodgson, vol. 1, 295. It should, however, be noted that Ibn Māhān's policies attracted so much dissension in the province that Hārūn eventually replaced him as governor (KEAC, 130).

¹⁵⁴³ KEAC, 127.

¹⁵⁴⁴ Hodgson, vol. 1, 295.

¹⁵⁴⁵ *EF*, s.v., "al-Barāmika: 3. *The Wizāra*".

¹⁵⁴⁶ Masʿūdī, 129. The remainder of the story is cited from the translation on 129-30 unless otherwise noted. Cf. Murūj, vol. 3, 384-6.

information to give Masrūr, and Masrūr carried out his orders with a knotted whip. Al-Faḍl is said to have been healed of his wounds by an unnamed man who was also in the prison. So grateful was al-Faḍl that he asked one of his jailers to go to a man outside the prison and retrieve from him 10,000 *dirhams*. The money was brought to al-Faḍl who then had it sent on to the man who had healed him. He was found in his cell, the contents of which consisted of “a stringed instrument hung from the wall, and a few bottles of *nabīdh* and some sticks of furniture ...” The man refused the gift and all subsequent gifts from al-Faḍl, prompting al-Faḍl to remark that the man exhibited the most noble behaviour al-Faḍl had ever known.

The detail of the prisoner’s cell is difficult to assess. As has been demonstrated above, music and wine were often associated, and to find them together is at once expected and yet suspicious. If the man had an instrument in his cell, it does not necessarily follow that he would also have had wine in his cell, and vice-versa. If wine was present in the cell, this would be a most remarkable indicator that from being a punishable offence in the reign of the *Rāshidūn* caliphs, drinking *nabīdh* appears to have become permissible during the reign of al-Rashīd. But definitive conclusions can not be drawn because the prisoner is not known to have become intoxicated and the nature of the main focus of the story itself is questionable as well.

The main focus of this story is that al-Faḍl did in fact have some wealth at his command which he kept hidden from al-Rashīd. However, it does not seem likely that al-Faḍl would have sent for large sums of money given recent events. This aspect of the story may be an exaggeration of a core of truth, i.e., that al-Faḍl was grateful for the help he received, and al-Faḍl offered him a sum of money. The large sum of money indicated in the story may be Masʿūdī’s method of alerting his reader that he agreed that al-Faḍl had riches that he kept hidden from al-Rashīd. At best then, this story can be taken as suggestive that al-Faḍl had some money which he kept from al-Rashīd. This might then suggest that the

Barmakids had grown rich and powerful, perhaps so much so that al-Rashīd began to feel threatened by the family, and so decided to move against them.

Ironically, it was al-Rashīd who allowed the family to acquire its wealth and status.¹⁵⁴⁷ He is said to have enjoyed the joint company of Jaʿfar b. Yaḥyā and al-ʿAbbāsah, al-Rashīd’s sister, so much that he was not satisfied when they entertained al-Rashīd separately. He therefore arranged a marriage between them so that he could enjoy “the sweetness of both” of their companies.¹⁵⁴⁸ Al-Rashīd set down the condition that Jaʿfar and al-ʿAbbāsah could be together only in al-Rashīd’s company, forbidding them to consummate the marriage.¹⁵⁴⁹

The story continues that al-ʿAbbāsah grew fond of Jaʿfar and became increasingly dissatisfied with the arrangement. She is said to have repeatedly written to Jaʿfar with her intentions, and was repeatedly rebuffed by Jaʿfar. Al-ʿAbbāsah then decided to approach Jaʿfar’s mother with great riches and so win her over. The two women conspired that Jaʿfar’s mother would send al-ʿAbbāsah to Jaʿfar under the guise of a slave girl Jaʿfar’s mother had purchased for him. On the agreed night, “Jaʿfar, his head still turning from wine [*al-sharāb*¹⁵⁵⁰] , left the Caliph’s palace¹⁵⁵¹ to come to the tryst. ... [Al-ʿAbbāsah], on going in to her husband, found a man sufficiently drunk [*sakrān*¹⁵⁵²] not to know her face or figure.” The marriage was duly consummated, and a son was born. Despite their best efforts to keep their union and child secret, they were uncovered. Al-Rashīd “set off brooding over schemes for disgracing and revenging himself upon the House of Barmak.” The “scheme” al-Rashīd ultimately settled on was the execution of Jaʿfar.

Ṭabarī recorded the story, but without the devious planning of al-ʿAbbāsah and

¹⁵⁴⁷ KEAC, 122.

¹⁵⁴⁸ Masʿūdī, 115.

¹⁵⁴⁹ Ibid. The remainder of the story is cited from the translation on 115-7 unless otherwise noted.

¹⁵⁵⁰ Murūj, vol. 3, 377.

¹⁵⁵¹ The Arabic text states clearly that Jaʿfar had spent the night with al-Rashīd (Murūj, vol. 3, 377).

¹⁵⁵² Ibid.

without any mention of Jaʿfar’s mother. He wrote that the three used to sit together to drink [*jalasa al-sharib*¹⁵⁵³].¹⁵⁵⁴ One day, al-Rashīd is said to have left the two alone after a drinking session, when they were very drunk, and the two spontaneously consummated the marriage. A child was subsequently born, and the story continues as related by Masʿūdī.

“There are many inherent improbabilities in this story and it was dismissed long ago by the great historian, Ibn Khaldūn”¹⁵⁵⁵ However, the reasons for which Ibn Khaldūn dismissed the story are not acceptable to recent historians.¹⁵⁵⁶ He wrote that a woman of al-ʿAbbāsah’s “position, her religiousness, her parentage, and her exalted rank” would not “stain her Arab nobility with a Persian client.”¹⁵⁵⁷ This is, of course, similar to the manner in which Ibn Khaldūn discounted reports of al-Rashīd’s consumption of wine and intoxication.¹⁵⁵⁸ There are, however, more tangible reasons that the story may be a fabrication. “The commentaries on the verses of Abū Nuwās give the names of [al-ʿAbbāsah’s] husbands without mentioning that of [Jaʿfar].”¹⁵⁵⁹ In addition, the central theme of the story, a woman tricking her husband while he was drunk, is well attested in poetry and stories dating back to the pre-Islamic era.¹⁵⁶⁰ And finally, it is worth mentioning that al-Rashīd’s executioner¹⁵⁶¹, Masrūr al-Khādim, is said to have “suggested cynically that all the reasons usually advanced were nonsense and the whole event was the result of boredom and envy on the part of the caliph.”¹⁵⁶²

This anecdote can not, therefore, be accepted as valid. Yet it was put forward as an explanation for the death of Jaʿfar. There must have been elements of the society at the

¹⁵⁵³ Taʾrīkh, vol. 8, 294.

¹⁵⁵⁴ Ṭabarī, tr. J. A. Williams, *The Early ʿAbbāsī Empire*, vol. 2, 247. The remainder of the story is cited from the translation unless otherwise noted.

¹⁵⁵⁵ KEAC, 127.

¹⁵⁵⁶ Cf. *EF*, s.v., “ʿAbbāsa”.

¹⁵⁵⁷ Ibn Khaldūn/Rosenthal, vol. 1, 29.

¹⁵⁵⁸ See above, p. 234.

¹⁵⁵⁹ *EF*, s.v., “ʿAbbāsa”.

¹⁵⁶⁰ See Chapter 1, *A Brief Survey of pre-Islamic Poetry, Women*.

¹⁵⁶¹ Wellhausen considers the position of the executioner “perhaps the most outstanding ... and indispensable ... figure among the official personnel” after the *wazīr* in the early ʿAbbāsīd era (*The Fall of the Arab Kingdom*, 561-2).

¹⁵⁶² KEAC, 127, citing Jahshiyārī.

time which believed or knew that wine was available during al-Rashīd's reign and that al-Rashīd consumed wine. Indeed, it seems unlikely that the story would have arisen at all if al-Rashīd's character was as "pious" as Ibn Khaldūn would have the reader believe. Furthermore, stories arose describing the actual events of Ja'far's execution, one of which indirectly accuses al-Rashīd of being intoxicated.

Mas'ūdī relates that al-Rashīd ordered one of his servants, Yāsir, to go to Ja'far's house and execute him.¹⁵⁶³ Yāsir at first refused, but al-Rashīd made it clear that if Yāsir did not bring him the head of Ja'far, al-Rashīd would have Yāsir's head in its place. Yāsir found Ja'far at his house and informed him of his obligation. Ja'far told Yāsir that al-Rashīd "likes to tease me. This is no doubt one of his jokes." Yāsir responded that he believed al-Rashīd was serious, to which Ja'far replied, "If it is not a joke, then he must be drunk [*sakrān*¹⁵⁶⁴]." But Yāsir informed Ja'far that, "No, by God, he seemed fully in possession of his reason, and from the prayers I have seen him perform, I cannot believe that he had drunk any *nabīdh* today." The story continues that Ja'far personally verified that al-Rashīd was serious about the orders. Ja'far was subsequently beheaded, and "the Caliph approached it [the head] and began to enumerate all of Ja'far's sins."

Since this episode is effectively the conclusion to the story of al-ʿAbbāsah and Ja'far,¹⁵⁶⁵ it is also highly suspect. However, it is noteworthy that Ja'far should try to turn Yāsir from his orders by attempting to convince him that al-Rashīd must have been drunk. Note also that Yāsir does not deny the possibility, but states only that he was not aware that al-Rashīd had consumed any *nabīdh* that day. Clearly, al-Rashīd, deserved or not, had acquired the reputation of someone who drank *nabīdh* to the point of intoxication.

¹⁵⁶³ Mas'ūdī, 118-9. The remainder of the story is cited from the translation on 118-20 unless otherwise noted.

¹⁵⁶⁴ Murūj, vol. 3, 379. Also related in Ṭabarī, tr. J. A. Williams, *The Early ʿAbbāsī Empire*, vol. 2, 249; Ta'rikh, vol. 8, 295.

¹⁵⁶⁵ The two stories are separate, though contiguous, in Lunde and Stone's translation. The two stories are in fact one long continuous narration in Mas'ūdī (Murūj, vol. 3, 375-380).

The Aghānī supplies direct evidence that *nabīdh* was not only available, but actively sold, and perhaps even advertised, during the reign of al-Rashīd with al-Rashīd's knowledge. Ishāq related from his father Ibrāhīm al-Mawṣilī that he and al-Rashīd were at Raqqah¹⁵⁶⁶, and al-Rashīd ordered Ibrāhīm to go to the local wineshop [*khammār*] to purchase some wine.¹⁵⁶⁷ Ibrāhīm and al-Rashīd drank of the finest wine, though Ibrāhīm had already consumed some wine while in the shop.¹⁵⁶⁸ The proprietor of the wineshop could also be heard in the streets of Raqqah advertising the abundant stores of *nabīdh* that he owned.¹⁵⁶⁹

The story contains no innate reason for disbelieving its contents, unless one accepts the conventional wisdom that wine could not be sold so openly within Islamic lands. But all the evidence to this point illustrates that wine was widely circulated. Although the sources do not specifically record who was selling wine, the present author would speculate that it was probably some combination of Christians and Jews.

The two communities "had great freedom ... so far as trading and choice of professions was concerned. ... The principal traders in the bazaar were Christians and Jews."¹⁵⁷⁰ The trade of Jews and Christians was taxed at twice the rate of Muslims, "to ensure the primacy of the Muslim merchant class"¹⁵⁷¹ And both groups were required to pay the *jizya*. According to Abū Yūsuf, the chief *qāḍī*,¹⁵⁷² the *jizya* could be paid in kind, "for example, beasts of burden, goods, and other such things. ... However, no animals not ritually slaughtered, no pigs, and no wine [*khamr*]¹⁵⁷³ may be accepted in payment of the

¹⁵⁶⁶ This was the city that al-Rashīd, from about 180/796-7, made his chief residence (KEAC, 120), which effectively became the seat of the government as well (Ibid., 118). The city was founded in Syria by al-Manṣūr in 157/772 (Ettinghausen and Grabar, 79). Al-Rashīd added some constructions of his own to the city, though unfortunately, much of the ancient city remains buried (Ibid.).

¹⁵⁶⁷ Aghānī, vol. 5, 243.

¹⁵⁶⁸ Ibid.

¹⁵⁶⁹ Aghānī, vol. 5, 244.

¹⁵⁷⁰ Levy, *Baghdad Chronicle*, 66. In addition, the "Jewish mercantile elite formed the backbone of the religious leadership" in the second half of the second/eighty century (Stillman, 35). This would seem to indicate that Jewish religious leaders were also in control of the wine that was produced.

¹⁵⁷¹ Ibid., 35-6.

¹⁵⁷² See below, the section entitled, *Law in the Early ʿAbbāsīd Era II*.

¹⁵⁷³ Abū Yūsuf, *Kitāb al-Kharāj*, 69.

jizya. They, however, may sell them, and the proceeds from the sale may then be accepted from them.”¹⁵⁷⁴ So whether the wine was sold to collect money to pay the taxes or eke out a livelihood¹⁵⁷⁵, it is more than likely that the Christians and Jews were openly selling wine in Islamic lands during the reign of al-Rashīd.

The present author has not found evidence of actions taken to prevent wine being sold on the open market during the reign of al-Rashīd. This is not entirely unexpected given the evidence which demonstrates that al-Rashīd himself frequently consumed *nabīdh*, as the former story illustrates. The *Aghānī* records many incidents of al-Rashīd drinking wine,¹⁵⁷⁶ usually in the company of some of his boon companions.

The Boon-Companion

As has already been noted in this and the previous chapter, rulers, as well some others, are said to have enjoyed the company of individuals called *nadīm*, which Wehr translates as “drinking companion; friend, intimate, confidant.”¹⁵⁷⁷ The Arabic root of *nadīm* is *nadima*, which Wehr defines as “to repent, rue regret.”¹⁵⁷⁸ “Lexicographers ... do not offer a satisfactory and convincing explanation as to the manner in which the word *nadima* ... took the connotation of conviviality and companionship.”¹⁵⁷⁹ J. Sadan queries, “does the friend of the *nadīm*, or master, regret the fact that the convivial experience, enjoyed in the company of the *nadīm*, must come to an end, or, on the contrary, does the *nadīm* regret indiscretions, of deed or of word, which he has committed while in a state of intoxication?”¹⁵⁸⁰

Whatever the origins of the word, lexicographers at some point began to “equate the

¹⁵⁷⁴ Cited and translated in Stillman, 159. Abū Yūsuf credits ‘Umar b. al-Khaṭṭāb as the first to give the order that wine may be sold and its proceeds used to pay the *jizya* (Abū Yūsuf/Shamesh, vol. 3, 84).

¹⁵⁷⁵ Stillman, 35.

¹⁵⁷⁶ The present author is aware of six additional anecdotes to those presented in this thesis, all of which record al-Rashīd drinking *nabīdh*.

¹⁵⁷⁷ *A Dictionary of Modern Written Arabic*, 952. Cf. *EF*, s.v., “Nadīm”.

¹⁵⁷⁸ *Ibid*.

¹⁵⁷⁹ Chejne, “The Boon-Companion in Early ‘Abbāsīd Times”, 331.

¹⁵⁸⁰ *EF*, s.v., “Nadīm”.

third form *nādama* with *jālasa* ‘*alā al-sharāb*, ‘to drink with, or to join in drinking’, and take *munādamah* as a synonym of *mujālasah*.¹⁵⁸¹ The boon-companion was almost certainly involved with consuming wine and becoming intoxicated, as indicated by a verse from Abū Nuwās when he was forced to give up wine.¹⁵⁸² In terms of the history of the institution of the boon-companion, Chejne writes that

in the light of the data available, it appears that the boon-companions constituted an important group at the court of the ruler, and that the office of boon-companion formed a part of a well-organised institution with a set of rigorous requirements and protocols. ... Mas‘ūdī states that the first ‘Abbāsīd caliph al-Saffāḥ kept them at a distance from him with a curtain separating them. This practice was followed by his two successors al-Manṣūr and al-Mahdī.¹⁵⁸³

Al-Hādī changed this policy, allowing his boon-companions unprecedented access to the ruler, and “by the time of al-Rashīd the institution of boon-companionship had reached a definite stage of development. This is attested further by the existence of a galaxy of *nadīms* at that time,”¹⁵⁸⁴ who “became part of the court on a permanent basis, befriending the caliph in his time of solitude, hunting parties, chess games, and drinking and literary sessions”¹⁵⁸⁵ It is, of course, these drinking sessions which most concern this thesis.

The Aghānī records the treatment al-Rashīd’s boon-companions could expect. Ḥammād b. Iṣḥāq related from his father Ibrāhīm that he went out to al-Rashīd while he was in Syria [probably staying at al-Raqqah¹⁵⁸⁶].¹⁵⁸⁷ Al-Rashīd called Ibrāhīm one day. He went to al-Rashīd and found him sitting in his beautiful assembly room. They ate and then Ibrāhīm began to serve him. Al-Rashīd then sent for some *nabīdh* and drank some, and then gave Ibrāhīm some to drink as well. Al-Rashīd then conferred on Ibrāhīm robes of honour,

¹⁵⁸¹ Chejne, 331. Cf. Wehr, 952.

¹⁵⁸² See text below, p. 263.

¹⁵⁸³ Ibid., 329-30.

¹⁵⁸⁴ Ibid., 330.

¹⁵⁸⁵ Ibid., 330-1. Cf. Makdisi, *Humanism*, 285.

¹⁵⁸⁶ See above, p. 246, n. 1566.

¹⁵⁸⁷ Aghānī, vol. 5, 203. The remainder of the story is paraphrased from 203 unless otherwise noted.

some of al-Rashīd's clothes, and 1000 *dīnārs*. Al-Rashīd then went on to describe how much he had enjoyed Ibrāhīm's companionship.

This story illustrates the high regard al-Rashīd often had for his boon-companions. And although al-Rashīd is said to be drinking *nabīdh*, there is no direct proof that he became intoxicated. The *Aghānī* does supply evidence which demonstrates al-Rashīd becoming drunk with his boon-companions. He states that one day, al-Rashīd was with Ibn Jāmi^{c1588} and Ibrāhīm al-Mawṣilī in someone's house.¹⁵⁸⁹ Al-Rashīd drank with them while Ibrāhīm sang. Al-Rashīd liked the song so much that he asked for it to be repeated continuously as he continued to drink until he was intoxicated [*hattā sakira*].

The story, whose main focus is the singing of Ibrāhīm al-Mawṣilī, continues, but does not have any substantial bearing on the issue of wine consumption. The *Aghānī* records this event as if it were to be taken for granted that al-Rashīd became intoxicated. It is unfortunate that the *Aghānī* has not recorded the substance that al-Rashīd and his companions were drinking. Given the evidence thus far presented, the present author would conjecture that al-Rashīd was drinking *nabīdh*.

Finally, the poet Abū Nuwās, perhaps the single most noted wine-poet of the Islamic era,¹⁵⁹⁰ "often befriended al-Rashīd"¹⁵⁹¹ However, it may be that al-Rashīd refused to condone Abū Nuwās' behaviour, for Ibn Khaldūn records that al-Rashīd imprisoned him "until he repented and gave up his ways".¹⁵⁹² The reason for his imprisonment may rest on the fact that Abū Nuwās was known to consume *khamr*,¹⁵⁹³ which all four schools of law universally condemned. In any case, Ibn Khaldūn appears to be correct in stating that al-

¹⁵⁸⁸ Along with Fulayḥ b. al-ʿAwṛā' and Ibrāhīm al-Mawṣilī, Ismāʿīl b. Jāmi^c collected the songs which originally formed the framework of the *Aghānī* (*Et*, s.v., "Abū 'l-Faraj al-Iṣbahānī").

¹⁵⁸⁹ *Aghānī*, vol. 6, 188. The owner of the house is not identified. The remainder of the story is cited from vol. 6, 188 unless otherwise noted.

¹⁵⁹⁰ See below, the section entitled, *A Word on ʿAbbāsīd Era Poetry*.

¹⁵⁹¹ Chejne, 330, citing Masʿūdī.

¹⁵⁹² Ibn Khaldūn/Rosenthal, vol. 1, 36.

¹⁵⁹³ See below, p. 252 and 262.

Rashīd was not at all times pleased with Abū Nuwās; some of Abū Nuwās' own poetry seems to suggest that he was aware that he had lost favour with the caliph:

The eye of the caliph watches over me
The warning of his eye joined my eye
My appearance was sober to him and I see
The duty of conscience to him quickly ...¹⁵⁹⁴

The [amīr al-mu'minīn] prohibits me from passion
The [amīr al-mu'minīn] commanded submission
Many a pleasure I left at the Imām's request
For him, by Allāh, respect and obedience ...¹⁵⁹⁵

Whatever his final status under al-Rashīd, Abū Nuwās appears to have "succeeded in gaining the confidence of al-Amīn to be his full fledged *nadīm*."¹⁵⁹⁶

Al-Amīn (193/809 - 198/813)

Hārūn al-Rashīd is said to have died on "the third night of Jumādā II of the year 193/24 March 809."¹⁵⁹⁷ Three years earlier, al-Rashīd attempted to regulate his succession by forcing his sons to sign a pact. This pact stated that Muḥammad b. al-Rashīd

was to enjoy the title of caliph and rule in Iraq and much of the west, while his brother and eventual successor, [ʿAbdallāh], was to enjoy autonomy in the eastern provinces. Contemporaries are said to have been amazed that [al-Rashīd's] experience, not to mention his father's, had not taught him the futility of such binding agreements.¹⁵⁹⁸

Upon the death of al-Rashīd, allegiance was sworn to his son Muḥammad as caliph,¹⁵⁹⁹ and he took the regnal title of al-Amīn. Muir states that al-Amīn "made no secret of drinking wine,"¹⁶⁰⁰ but fails to mention the source or sources from which he drew this conclusion. The present author has found ample circumstantial evidence in Ṭabarī and one description in

¹⁵⁹⁴ Abū Nuwās/Wormhoudt, 172, # 432.

¹⁵⁹⁵ Ibid., 185-6, # 461.

¹⁵⁹⁶ Chejne, 330; see text below.

¹⁵⁹⁷ Ṭabarī, tr. J. A. Williams, *The Early ʿAbbāsī Empire*, vol. 2, 298.

¹⁵⁹⁸ KEAC, 124; Ṭabarī, J. A. Williams, *The Early ʿAbbāsī Empire*, 229-39, and Appendix B, Masʿūdī's rendition of events. The reasons that al-Rashīd split the empire between his sons and the details of the pact they signed fall beyond the scope this thesis. For more on this unprecedented action, cf. KEAC, 124-7; Hodgson, vol. 1, 299; p. 196, n. 1264.

¹⁵⁹⁹ Ṭabarī, tr. M. Fishbein, vol. XXXI, 1-2.

¹⁶⁰⁰ *The Caliphate: Its Rise, Decline, and Fall*, 488.

Mas'ūdī which appears to support Muir's conclusion.

Ṭabarī records that al-Amīn kept boon companions [*nudamā'*¹⁶⁰¹], among whom were the poets al-Ḥusayn b. al-Ḍaḥḥāk¹⁶⁰² and Abū Nuwās¹⁶⁰³. The Aghānī establishes al-Ḥusayn b. al-Ḍaḥḥāk as a wine drinker,¹⁶⁰⁴ drinking both *khamr* and *nabīdh*, and that he became intoxicated as a consequence.¹⁶⁰⁵ Al-Amīn and al-Ḥusayn b. al-Ḍaḥḥāk seem to have been very close. Despite warnings from a friend not to eulogise al-Amīn after his death just over a year after becoming caliph, and so offend the new caliph, al-Ma'mūn,¹⁶⁰⁶ al-Ḥusayn b. al-Ḍaḥḥāk composed a poem describing him as:

Best of your family ...
You succeeded caliphs who came before,
but after you the succession will surely be wanting.
May your kin not sleep after their offence:
after it I have come to hate your kin.¹⁶⁰⁷

This relationship between the poet and al-Amīn provides only circumstantial evidence that al-Amīn probably drank wine. It may be the case that the affection al-Ḥusayn b. al-Ḍaḥḥāk felt for al-Amīn was not reciprocated, but the sources do not leave the reader with that impression.

Another poet, however, attacked al-Amīn. In his verses, he accused al-Amīn of giving over half his life to wine drinking [*sharīb al-khandrīs*¹⁶⁰⁸].¹⁶⁰⁹ Because his poem was clearly meant to vilify al-Amīn, this may represent a rare example of wine drinking being used as a weapon to defame an individual in the ʿAbbāsīd era. Even if the poet's inclination towards al-Amīn was not known, one could conjecture with some certainty that the use of the term

¹⁶⁰¹ Ta'rikh, vol. 8, 501; identical in Ibn al-Athīr, vol. 6, 203.

¹⁶⁰² Ṭabarī, tr. M. Fishbein, vol. XXXI, 214; Ibn al-Athīr, vol. 6, 203.

¹⁶⁰³ See above, n. 1596 and text below.

¹⁶⁰⁴ Aghānī, vol. 7, 224; *EF*, s.v., "(al-) Ḥusayn b. al-Ḍaḥḥāk".

¹⁶⁰⁵ Ibid., vol. 7, 190-1. See also text below.

¹⁶⁰⁶ Ṭabarī, tr. M. Fishbein, vol. XXXI, p. 215, n. 729, citing the story as it is related in the Aghānī; *EF*, s.v., "(al-) Ḥusayn b. al-Ḍaḥḥāk".

¹⁶⁰⁷ Ibid., 214-5.

¹⁶⁰⁸ Ta'rikh, vol. 8, 508; Ibn al-Athīr, vol. 6, 206

¹⁶⁰⁹ Ṭabarī, tr. M. Fishbein, vol. XXXI, 226.

for “old wine”, *khandrīsī*, was meant to signify defamation, since al-Amīn appears to have accepted that not all types of wine were permissible.

Evidence that he believed *khamr* was not lawful is indicated by the following. After he had become caliph, Abū Nuwās composed several verses which praised al-Amīn.¹⁶¹⁰ Al-Amīn subsequently released Abū Nuwās from prison, bestowed on him a robe of honour, and “made him one of his boon companions [*nudamā*’¹⁶¹¹].”¹⁶¹² It was later reported to al-Amīn that Abū Nuwās drank wine [*sharīb al-khamr*¹⁶¹³],¹⁶¹⁴ and that his was unlawful.¹⁶¹⁵ Al-Amīn consequently re-imprisoned Abū Nuwās.¹⁶¹⁶

This story shows clearly that al-Amīn was prepared to accept that not all wine was lawful, and it therefore seems likely that if al-Amīn did consume wine, he would have chosen *nabīdh*. Ṭabarī records a story which demonstrates that one of al-Amīn’s boon companions drank *nabīdh* in his presence. ‘Ubaydallāh b. Abī Ghassān relates that one very cold winter day he was with al-Amīn

in one of his audience rooms that was set apart and spread with a carpet such that I have rarely seen one more precious or more beautiful. On that day I have for three days and nights consumed nothing but date wine (*nabīdh*) and could hardly speak or drink.¹⁶¹⁷

When al-Amīn excused himself from the room, ‘Ubaydallāh exclaimed, “Alas, by God, I am dying.” He asked al-Amīn’s servant if there were anything he could do which would relieve him of his pain. The servant responded that watermelon would soothe his stomach and return his health. The story goes on to detail how the servant and ‘Ubaydallāh conspired to have plenty of watermelon served.

¹⁶¹⁰ Ibid., 234-6.

¹⁶¹¹ Ta’rīkh, vol. 8, 516.

¹⁶¹² Ṭabarī, tr. M. Fishbein, vol. XXXI, 236.

¹⁶¹³ Ta’rīkh, vol. 8, 516 in two places.

¹⁶¹⁴ Ṭabarī, tr. M. Fishbein, vol. XXXI, 236 and 237.

¹⁶¹⁵ Ibn al-Athīr, vol. 6, 207.

¹⁶¹⁶ Ṭabarī, tr. M. Fishbein, vol. XXXI, 236; Ibn al-Athīr, vol. 6, 207. For his final status under al-Amīn, see text below, p. 262.

¹⁶¹⁷ Ibid., 244. The remainder of the story is cited from Fishbein’s translation unless otherwise noted.

This story is highly instructive. It indicates that wine drinking sessions took place in the caliph's presence. It is also direct evidence that the results of such sessions could have a debilitating effect on an individual's health. The story, however, only implies that al-Amīn was part of this drinking session. Another story, recorded by Mas'ūdī, appears to supply direct evidence that al-Amīn drank wine.

One day, Ibrāhīm b. al-Mahdī went to see al-Amīn.¹⁶¹⁸ He found him seated in a very luxurious room, which included a reclining couch [*firāsh*¹⁶¹⁹] and many other luxurious items, with Sulaymān b. Abī Ja'far al-Manṣūr. In front of the two men were crystal goblets adorned with pearls which were filled with wine [*al-sharāb*] and weighed five *raṭls*. Ibrāhīm b. al-Mahdī took a seat opposite Sulaymān and received a goblet similar to the others. The story goes on to detail the discussion between the men, which does not shed any further light on what type of wine the men were drinking.

The description of the surroundings in which Ibrāhīm b. al-Mahdī found al-Amīn seems to be background to the main focus of the story, i.e., the discussion between the three men. The translation of *sharāb* as wine seems the most logical conclusion in the context of the story. It seems highly unlikely that al-Amīn and his guests would have been served water or milk in such an elaborate goblet. Evidence that elaborate goblets may have been used is indicated in a story related by Ṭabarī with respect to al-Ma'mūn drinking wine.¹⁶²⁰ This passage therefore almost certainly confirms that al-Amīn was drinking wine, even if it does not specify the type of wine.

Aside from these references, the sources largely concentrate on the conflict between al-Amīn and his brother, 'Abdallāh. Ṭabarī recorded that discord between them began in the same year that al-Amīn became caliph: "Each of them determined to oppose the other in

¹⁶¹⁸ Murūj, vol. 3, 392. The remainder of the story is cited from vol. 3, 392, unless otherwise noted.

¹⁶¹⁹ The present author believes "reclining couch" suits the context of the story.

¹⁶²⁰ See text below, p. 256.

what their father, Hārūn, had enjoined them to carry out¹⁶²¹ For the first year and a half of al-Amīn's caliphate, the caliph attempted to undermine his brother in the west.¹⁶²² ʿAbdallāh spent the same period establishing and expanding his own powerbase in the west, partially by proclaiming himself the *imām*.¹⁶²³ By the year 195/811, al-Amīn felt confident to launch an assault against the east under the command of ʿAlī b. ʿĪsā b. Māhān.¹⁶²⁴ The civil war lasted two years.¹⁶²⁵ The outcome of the war saw al-Amīn's head severed¹⁶²⁶ and ʿAbdallāh, who took the title al-Ma'mūn, established as the single ruler of the Islamic empire.¹⁶²⁷

Al-Ma'mūn (198/813 - 218/833)

Muir writes, rather curiously, that “we nowhere hear of al-Ma'mūn's being given to its [wine's] indulgence,”¹⁶²⁸ But even Ibn Khaldūn acknowledged that al-Ma'mūn became intoxicated from drinking *nabīdh*,¹⁶²⁹ though he took very great exception to reports that he drank *khamr*. Ibn Khaldūn cited a story which, he wrote, was reported “by all the historians”, that al-Ma'mūn and Yaḥyā b. Aktham, “the judge¹⁶³⁰ and friend of Ma'mūn”, drank wine [*khamr*] together and became very drunk [*sakar*].¹⁶³¹ He defended the two men by stating that they “used to pray together at the morning prayer. How does that accord with drinking wine together!”¹⁶³²

¹⁶²¹ Ṭabarī, tr. M. Fishbein, vol. XXXI, 3. See above, n. 1598 for more on the contract Hārūn al-Rashīd designed for his sons.

¹⁶²² KEAC, 135-6.

¹⁶²³ Ibid., 136-7.

¹⁶²⁴ Ibid., 139; Chejne, “Al-Faḍl b. al-Rabīʿ - A Politician of the Early ʿAbbāsīd Period”, 240-1; Ṭabarī, tr. M. Fishbein, vol. XXXI, 49-51.

¹⁶²⁵ Hodgson, vol. 1, 300.

¹⁶²⁶ KEAC, 148; Ṭabarī, tr. M. Fishbein, vol. XXXI, 193-4, and 182-93 leading up to al-Amīn's death.

¹⁶²⁷ Hodgson, vol. 1, 300-1.

¹⁶²⁸ Op. Cit., p. 507, n. 1.

¹⁶²⁹ Khaldūn/Rosenthal, vol. 1, 37; see text below.

¹⁶³⁰ He was the *qāḍī* of Baṣrah (Murūj, vol. 3, 434).

¹⁶³¹ Khaldūn/Rosenthal, vol. 1, 37; Muqaddimah, vol. 1, 306. Rosenthal notes that the story is told in full in Ibn ʿAbd al-Rabbih, *al-ʿIqd al-Farīd* (n. 101).

¹⁶³² Khaldūn/Rosenthal, vol. 1, 38.

There is satisfactory evidence that al-Ma'mūn consumed wine. Levy cites al-ʿIqd al-Farīd for evidence that Ma'mūn was known to drink wine. He writes that Ishāq b. Ibrāhīm al-Mawṣilī “tells the story [of how] he had spent the whole of one day with Ma'mūn drinking, playing and singing, and when night fell, Ma'mūn left him, promising to return in a short while.”¹⁶³³ The story continues that Ma'mūn did not return and so Ishāq walked home alone. Along the way, he is said to have purchased a slave girl with whom he spent the night drinking wine.

The focus of the story is actually on Ishāq, how he found the slave girl, how he encouraged her to drink wine, and so on. It seems to be mentioned almost in passing that Ma'mūn and Ishāq were drinking wine together. Though Levy did not specifically mention wine, he related that Ishāq was in a “half-drunken state”¹⁶³⁴ after already having walked in the night air.

Abū al-Maḥāsin al-Yaghmurī recorded another session in which al-Ma'mūn was most likely drinking wine. He wrote that al-Ma'mūn, Yaḥyā b. Aktham, and Ibrāhīm b. al-Yazīdī

were one day in a convivial session (Ibrāhīm's father Abū Muḥammad had been Ma'mūn's tutor). Encouraged by the sovereign, Yaḥyā asked Ibrāhīm a question implying that the latter took sexual advantages of youths in his care Ibrāhīm lashed back with this retort: “The prince of the Faithful is the most knowledgeable of God's creation in this regard; was not my father his tutor?!” Affronted at the insinuation, al-Ma'mūn stood up and left the gathering, bringing the session abruptly to a halt. Yaḥyā turned to Ibrāhīm: “Do you realise what you have done? I do believe that this puts an end to your family's influence at the royal court.” Ibrāhīm, the effects of the wine now completely dissipated, called for pen and ink and, in six lines of poetry, immediately composed an apology which saved his family's favour at the court, his own post, and, quite likely, his neck.¹⁶³⁵

¹⁶³³ A Baghdad Chronicle, 91, citing the ʿIqd of Ibn ʿAbd al-Rabbih. The remainder of the story cited from Levy, 93-4, unless otherwise noted.

¹⁶³⁴ Ibid., 92.

¹⁶³⁵ Cited from Makdisi's paraphrase/translation of *Nūr al-Qabas fī akhbār al-nuḥāt wa al-udabāʾ wa al-shuʿarāʾ wa al-ʿulamāʾ* in *Humanism*, 285-6.

Ibn Khaldūn justified such drinking sessions by stating that “what they drank was a date liquor (*nabīdh*) which in their opinion was not forbidden.”¹⁶³⁶ This, of course, is not the same as stating that becoming drunk from *nabīdh* was not forbidden, and Ibn Khaldūn appears to have overlooked this fact.

Two anecdotes recorded by Ṭabarī suggest that Ibn Khaldūn’s statement - that al-Ma’mūn drank wine which he believed to be permitted - may have been correct. He records that on the eve of al-Ma’mūn’s wedding to Būrān, al-Ma’mūn, al-Ḥasan b. Sahl, [Būrān’s father], and al-ʿAbbās b. al-Ma’mūn

broke their fast [of Ramaḍān], while Dīnār b. ʿAbdallāh was still standing (in attendance on them), until they had finished the meal and had washed their hands. Al-Ma’mūn then called for some wine [*bi- sharāb*¹⁶³⁷]; a golden goblet was brought in and the wine [*sharāb*¹⁶³⁸] poured into it. Al-Ma’mūn drank from it, and then held out his hand with the goblet containing wine to al-Ḥasan. Al-Ḥasan held back from it, since he had never drunk wine before then. Dīnār b. ʿAbdallāh made a discreet sign to al-Ḥasan, and al-Ḥasan said to the Caliph, “O Commander of the Faithful, I am drinking it with your permission and at your command!” Al-Ma’mūn told him, “If this were not my command, I would not hold out my hand to you!” So al-Ḥasan took the goblet and drank from it.¹⁶³⁹

This passage would be more instructive if the type of wine al-Ma’mūn ordered had been identified. Even so, the story appears to demonstrate that al-Ma’mūn understood that there existed a type of wine which was permissible. That type of wine may have been *nabīdh*. Ṭabarī wrote that “(The eunuch) Faṭḥ used to act as al-Ma’mūn’s doorkeeper when the caliph was involved in his date wine (*nabīdh*) drinking sessions;”¹⁶⁴⁰ This implies that al-Ma’mūn was known for drinking sessions which involved *nabīdh*, and not another form of wine, such as *khamr*.

However, Masʿūdī relates a story which appears to contradict Ibn Khaldūn’s assertion

¹⁶³⁶ Khaldūn/Rosenthal, vol. 1, 37.

¹⁶³⁷ Taʾrīkh, vol. 8, 607.

¹⁶³⁸ Ibid.

¹⁶³⁹ Ṭabarī, tr. C. E. Bosworth, vol. XXXII, 154.

¹⁶⁴⁰ Ṭabarī, tr. C. E. Bosworth, vol. XXXII, 101-2; Taʾrīkh, vol. 8, 587.

that al-Ma'mūn solely drank wine which he believed to be permissible. He relates that the caliph al-Rāḍī (322/934 - 329/940) was becoming increasingly despondent as the power of the Turks about him increased.¹⁶⁴¹ It was "the autumn equinox festival" and al-Rāḍī was too consumed with this development to celebrate. One of his companions encouraged him to forget his troubles for the day and join the festival by citing the example of al-Ma'mūn:

On the festival of Khusrawani
 At the autumn equinox
 Offer the guests the ancient wine jugs.
 Give them of the cup of the old
 Royal vintage [*al-khusrawanī'atīq*¹⁶⁴²] of the Chosroes,
 For this is the feast of the Persian Kings.
 Let those who drink raisin liqueur [*al-zabīb*¹⁶⁴³]
 Keep away; their taste is not mine
 I know the wine I drink is forbidden [*ḥarām*¹⁶⁴⁴]
 But I ask God's pardon, for He
 Is kind and indulgent. ...

Al-Rāḍī subsequently summoned together the various elements of his court and did take part in the festival with "a splendid feast."

The present author has not located these verses in other sources and therefore can not verify that they are attributable to al-Ma'mūn. However, the present author does not detect a malicious intent on the part of the narrator of the story, al-ʿArūḍī, to defame al-Ma'mūn. If the verses may be attributed to al-Ma'mūn, then this is an indication that al-Ma'mūn drank a type of wine which he knew to be forbidden. Ibn Khaldūn may have had such a passage in mind when he attempted to defend al-Ma'mūn's piety by specifically stipulating that al-Ma'mūn consumed wine which "in their opinion" was *not* forbidden.¹⁶⁴⁵ He may have hoped to discredit al-ʿArūḍī's report in this way.

¹⁶⁴¹ Masʿūdī, 412. For more on al-Rāḍī's caliphate and the rise to power of the Turks, cf. Kennedy, *The Prophet and the Age of the Caliphates*; Saunders, *A History of Medieval Islam*. The remainder of the story is cited from the translation on 412-3 unless otherwise noted.

¹⁶⁴² Murūj, vol. 4, 245. Cf. Melikian-Chirvani, who examines this phrase in the context of Abū Nuwās' poetry, and concludes that it was a reference to wine (100).

¹⁶⁴³ Murūj, vol. 4, 245. A raisin wine which the Ḥanafites held was lawful so long as it had not been allowed to ferment (Hedaya/Hamilton, vol. 4, 156).

¹⁶⁴⁴ Murūj, vol. 4, 246.

¹⁶⁴⁵ See text above.

Ibn Khaldūn has demonstrated himself to be something of an apologist and defender of the early ʿAbbāsīd caliphate. It seems to this author that there is, therefore, probably a core of truth in al-ʿArūḍī's story, namely, that al-Ma'mūn consumed wine which he may have believed was forbidden. This does not negate the evidence presented in Ṭabarī, but may indicate instead that al-Ma'mūn drank both permissible and forbidden types of wine.

Ibrāhīm b. al-Mahdī

Although al-Ma'mūn was acknowledged as the single ruler of the Islamic world, this does not mean to suggest that there was no opposition to him when he became caliph. In fact, "four main parties were involved" in the civil war that was to continue "for another six grim years."¹⁶⁴⁶ One of those parties was headed by two sons of al-Mahdī, Maṣṣūr and Ibrāhīm.¹⁶⁴⁷

"On the first Friday of the new year, 202 (24 July 817)¹⁶⁴⁸, the people of Baghdad swore allegiance to Ibrāhīm b. al-Mahdī ... as caliph in his own right. ... For the first time since the death of Amīn, there were now two rival caliphs but, while Ibrāhīm certainly intended to press his claims, many of his supporters seemed to have considered his caliphate more as a bargaining counter, to persuade Ma'mūn to drop ..." the ʿAlids from favour "... and return to Baghdad."¹⁶⁴⁹

Ibrāhīm b. al-Mahdī "seems to have had little previous political experience and he himself admitted to being wise in other people's affairs and foolish in his own."¹⁶⁵⁰ In addition, he "was a cultured man, interested in singing and music."¹⁶⁵¹ But singing and music were not his sole interests. Ibrāhīm was also interested in drinking wine. The Aghānī records several incidents demonstrating that Ibrāhīm drank both *khamr*¹⁶⁵² and *nabīdh*¹⁶⁵³.

¹⁶⁴⁶ KEAC, 151. Cf. Hodgson, vol. 1, 475.

¹⁶⁴⁷ Ibid., 159.

¹⁶⁴⁸ Cf. Ṭabarī, tr. C. E. Bosworth, vol. XXXII, 66.

¹⁶⁴⁹ KEAC, 159.

¹⁶⁵⁰ Loc. Cit.

¹⁶⁵¹ *EF*², s.v., "Ibrāhīm b. al-Mahdī".

¹⁶⁵² See text below.

¹⁶⁵³ Cf. for example, vol. 10, 132 and vol. 14, 105.

One day al-Ḥusayn b. al-Ḍaḥḥāk¹⁶⁵⁴ was drinking wine (*al-sharāb*) with Ibrāhīm b. al-Mahdī.¹⁶⁵⁵ The two men had a disagreement concerning an aspect of religion. Ibrāhīm sent for his sword, took the wine away from al-Ḥusayn b. al-Ḍaḥḥāk, and left in a very angry state. He later wrote to al-Ḥusayn b. al-Ḍaḥḥāk and apologised for treating him so. In the letter, he writes that al-Ḥusayn b. al-Ḍaḥḥāk was like no other to share a drink with, and asked that they drink wine (*sharib al-khamr*) together come the summer. Ibrāhīm's letter was successful and they again became boon companions (*munādamah*).

This story is further evidence that wine drinking could change a person's normal disposition. The rare detail of Ibrāhīm summoning his sword before leaving may suggest that, under the influence of the wine, he was considering a violent response to their disagreement. This lends credence to those accounts related earlier which stated that a ruler had killed his companions due to the influence of wine.¹⁶⁵⁶

Indeed it seems the one who came to greatest harm from Ibrāhīm's wine drinking was Ibrāhīm himself. One day, Ibrāhīm and some of his boon companions met at Raqqah and decided to drink wine (*al-sharāb*).¹⁶⁵⁷ They then decided to move on and headed south. However, Ibrāhīm was cause for concern that day. He had incurred such a large headache (*ṣudā*) from the drink that he forswore drinking ever again. One of his companions composed a poem which convinced Ibrāhīm not to give up wine forever, and they later drank together again.

Ibrāhīm was caliph in Baghdad for about two years.¹⁶⁵⁸ Then on 14 Ṣafar 204/10 August 819, al-Ma'mūn's army marched on the city and captured it, thus ending the period of

¹⁶⁵⁴ See above, p. 251.

¹⁶⁵⁵ Aghani, vol. 7, 163. The remainder of the story is cited from the text in vol. 7, 163 unless otherwise specified.

¹⁶⁵⁶ See Chapter 1, the section entitled, *The Lakhmids*, and Chapter 4, s.v., *Al-Walīd b. Yazīd b. 'Abd al-Malik*.

¹⁶⁵⁷ Aghani, vol. 12, 151. The remainder of the story is cited from the text in vol. 12, 151 unless otherwise specified.

¹⁶⁵⁸ Ṭabarī records that he served as caliph for two years and twelve days (tr. C. E. Bosworth, vol. XXXII, 92).

civil war.¹⁶⁵⁹ Ibrāhīm, having earlier seen the disaffection of his generals and the disintegration of his army before al-Ma'mūn's forces, resigned his office and subsequently spent several years in hiding in the environs of Baghdad.¹⁶⁶⁰ It was not until the year 210/825-6 that he was discovered and put in prison,¹⁶⁶¹ though he was pardoned soon afterward¹⁶⁶² and found a place at court¹⁶⁶³ entertaining al-Ma'mūn with song and story. Among those stories which Ibrāhīm related to al-Ma'mūn were some of his adventures while in hiding. Two of these stories detail the prevalence of *nabīdh* among the citizens of Baghdad.

Ibrāhīm related that he was attracted to a particular house "by the smell of a fine meal being prepared."¹⁶⁶⁴ Ibrāhīm inquired of a tailor, whose shop was either adjacent to or on the ground floor of the house in question, "Does the master of the house drink *nabīdh*?" The tailor replied that he did and that he believed the master of the house was entertaining on that day. But he informed Ibrāhīm that "his guests are always merchants, discreet people like himself."

Ibrāhīm posed as a merchant and entered the house in the company of two other merchants. Ibrāhīm was able to fool most of the people present. "Drunkenness, however, was beginning to make heads spin. The master of the house was less affected by the wine [*nabīdh*]¹⁶⁶⁵ than his guests, and entrusting them to the care of his servants and their own, he had them taken home." Ibrāhīm "remained alone with him and, having drunk a few more cups," asked Ibrāhīm who he really was. Ibrāhīm identified himself and the master of the house was very proud to have such a renowned singer in his presence. He subsequently allowed Ibrāhīm to be on his way without informing the authorities.

¹⁶⁵⁹ KEAC, 162-3.

¹⁶⁶⁰ *EF*, s.v., "Ibrāhīm b. al-Mahdī".

¹⁶⁶¹ Ṭabarī, tr. C. E. Bosworth, vol. XXXII, 146-7.

¹⁶⁶² *EF*, s.v., "Ibrāhīm b. al-Mahdī".

¹⁶⁶³ KEAC, 163.

¹⁶⁶⁴ Mas'ūdī, 180. The remainder of the story is cited from Lunde and Stone's translation on 180-3 unless otherwise noted.

¹⁶⁶⁵ Murūj, vol. 3, 445.

The story seems satisfactorily plausible. Ibrāhīm, as the son of the caliph, would probably have been known to the citizens of Baghdad by name and reputation. It seems likely, therefore, that his reputation as a singer and poet would have preceded him. Another story, again related by Ibrāhīm, but with additional narrative comments by Masʿūdī, seems to support this conclusion. One of the places Ibrāhīm found refuge was with a “barber and blood-letter.”¹⁶⁶⁶ After a meal, the barber asked Ibrāhīm, “How do you feel about *nabīdh*?” Ibrāhīm answered that he did not dislike it and so the two men began to drink together. After emptying three cups, the barber brought out a lute and they took turns playing. When the barber heard Ibrāhīm playing, he is said to at once have recognised Ibrāhīm for who he was. The barber asked Ibrāhīm to continue playing for him. He then helped Ibrāhīm safely on his way.

Like the previous story, this one also seems plausible. It is understandable why Ibrāhīm, who Masʿūdī describes as a “marked man by the caliph Maʾmūn”¹⁶⁶⁷ should not want to stay too long in one place. This would explain his very brief stopovers even though the sanctuaries he had found seemed inviting and safe. Accepting that these stories are accurate, this is rare and important evidence that *nabīdh* was not limited to the leaders of the Islamic community, but could be found among its citizens as well. Although there is no indication in the second story that the men became intoxicated, the first story confirms that *nabīdh* was being consumed for the purpose of altering one’s physical and emotional state.

Narrative accounts, such as those above, depicting wine consumption are not the sole sources of evidence of the continued presence and consumption of wine in the early ʿAbbāsīd era. A number of poets have left a long and impressive legacy of poetry devoted to wine. Though it cannot be taken for granted that all of their work reflects actual life experiences, many of their poems do genuinely demonstrate how wine was a part of their lives or of the lives of people around them.

¹⁶⁶⁶ Masʿūdī, 208. The remainder of the story is cited from Lunde and Stone’s translation on 207-9 unless otherwise noted.

¹⁶⁶⁷ Masʿūdī, 180.

A Word on ʿAbbāsīd Era Poetry

Without doubt, Abū Nuwās is one of the paramount figures of ʿAbbāsīd era poetry.¹⁶⁶⁸ Though he composed poems on many subjects, including love poems and hunting, he was “at his best in his songs on wine”¹⁶⁶⁹ Not of all of his wine poems can necessarily be taken as an indicator as his life and experiences. Some of them may have been experiments with the genre, reflecting and incorporating elements of Persian and Arab history.¹⁶⁷⁰ However, overall, his wine poems appear to be based largely on his own experiences and reflect the climate of the early ʿAbbāsīd era.

Wagner writes that the sheer number of wine poems which are attributed to Abū Nuwās clearly indicate that he was addicted to wine [*khamr*].¹⁶⁷¹ As has been seen above, Ṭabarī has illustrated that this preference for *khamr* may be the reason for his imprisonment by Hārūn al-Rashīd and is almost certainly the reason for his imprisonment by al-Amīn. It was only after he convincingly professed his innocence and paradoxically promised that he would never drink wine [*al-khamr*¹⁶⁷²] again that al-Amīn released him from prison.¹⁶⁷³

Ṭabarī records that Abū Nuwās kept this promise. He wrote that upon his release, Abū Nuwās was summoned by some “young fellows from Quraysh. He said to them, ‘I will not drink [*ʿashrib*¹⁶⁷⁴].’ They said, ‘Even if you do not drink, entertain us with your

¹⁶⁶⁸ *EF*, s.v., “Khamriyya”.

¹⁶⁶⁹ *EF*, s.v., “Abū Nuwās”.

¹⁶⁷⁰ *Ibid*; see above, p. 214.

¹⁶⁷¹ *Abū Nuwās: Eine Studie zur Arabischen Literatur der Frühen ʿAbbāsidenzeit*, 102.

Wagner devotes almost twenty pages to recording Abū Nuwās’ wine poems (289-308); Wormhoudt, working from the recension of Abū Bakr al-Ṣūlī, cites seventy wine poems covering thirty-two pages of his translation (154-186). For an extensive compendium of Abū Nuwās’ wine poetry in the original Arabic, see E. Wagner, *Der Dīwān des Abū Nuwās*, based largely on the recension of Ḥamza al-Iṣfahānī. Although this source provides the greatest number of poems, Wagner acknowledges that Ḥamza al-Iṣfahānī’s recension is less critical than al-Ṣūlī’s, and may contain poems which were falsely attributed to Abū Nuwās (*EF*, s.v., “Abū Nuwās”).

¹⁶⁷² *Ta’rīkh*, vol. 8, 517.

¹⁶⁷³ Ṭabarī, tr. M. Fishbein, vol. XXXI, 237-8.

¹⁶⁷⁴ *Ta’rīkh*, vol. 8, 517.

conversation."¹⁶⁷⁵ So as the wine passed among them, Abū Nuwās is said to have recited the following poem:

You two who go speaking reproof, reprove on!
I will not taste aged wine [*al-mudām*¹⁶⁷⁶], except as a fragrance.
I was reprov'd on account of it by the imām
whom I do not think it right to disobey.
So pass it to someone else,
for I am a boon companion [*nadīma*¹⁶⁷⁷] only for conversation.
...¹⁶⁷⁸

The desire to avoid further imprisonment may have been one of the motivating factors which led Abū Nuwās to surrender *khamr*. It is also possible that, as this poem indicates, it was his respect for and friendship with al-Amīn that inspired him to give up *khamr*. Nevertheless, the evidence in Ṭabarī suggests that Abū Nuwās at some point turned against al-Amīn.¹⁶⁷⁹ Though no chronology is indicated in the arrangement of the poems and stories, it seems that this may have occurred only after it was ascertainable that al-Ma'mūn's army was going to capture Baghdad and depose al-Amīn. Whatever the truth of his feelings toward al-Amīn may have been, it seems likely that Abū Nuwās probably did cease consuming *khamr* while al-Amīn was caliph.

Although Abū Nuwās may have agreed to give up *khamr*, this would not have prevented him from drinking other forms of wine. For example, he has written of *nabīdh*, which he believed was permitted,¹⁶⁸⁰ and that it was best drunk with young lamb.¹⁶⁸¹ He also recorded that he drank both pure *nabīdh* and *nabīdh* mixed with water,¹⁶⁸² though the water should not interfere with the taste of the wine:

Praise wine in its sweetness and
Name it with the best of its names
Do not make the water overpower it, do
Not make it too strong for its water ...¹⁶⁸³

¹⁶⁷⁵ Ṭabarī, tr. M. Fishbein, vol. XXXI, 238.

¹⁶⁷⁶ Ta'rīkh, vol. 8, 517.

¹⁶⁷⁷ Loc. Cit.

¹⁶⁷⁸ Ṭabarī, tr. M. Fishbein, vol. XXXI, 238.

¹⁶⁷⁹ Ibid., 238-41 and 249-50.

¹⁶⁸⁰ Wagner, 150.

¹⁶⁸¹ Ibid., 151.

¹⁶⁸² Ibid., 158.

¹⁶⁸³ Abū Nuwās/Wormhoudt, 154, # 393.

But this is an overly simplistic characterisation of Abū Nuwās. He appears to have possessed a far more complex personality. This is indicated by his apparent belief that his excessive wine drinking was sinful.¹⁶⁸⁴ Toward that end, he not only admitted to his own sin, but called on others to repent as well.¹⁶⁸⁵ And yet, as if in contradiction to this, he appears to have believed that “hell is only for the unbelievers” and that “Muslims escape it in all cases.”¹⁶⁸⁶

... drink the forbidden wine [*khamr*]!
For the polytheists are for the Muslims a protection from punishment.¹⁶⁸⁷

He therefore appears to have planned not to fully concern himself with redemption until he was on his deathbed.

Complicating an analysis of his personality still further, Abū Nuwās seems to have been personally aware of the destructive nature of wine. In the following poem, he describes that excessive wine drinking was not beneficial and only masked illness:

Do not blame me for what delights me
And show me ugliness not foul
A drink that leaves the healthy sick
And lends sickness the coat of health¹⁶⁸⁸

He also seems to have been aware that wine was not only self destructive, but could encourage an individual's violent tendencies:

When a bad tempered drinker rages then
Hit him with the undiluted in his liver
Come back at him with wine unmixed since
The wine stabilises his temper in him
Then pillow his arm when the wine's
Power has overcome him ...¹⁶⁸⁹

Not only has Abū Nuwās provided these insights into the personal costs of consuming wine, he has recorded the existence of taverns with what appear to be secret

¹⁶⁸⁴ Wagner, 123.

¹⁶⁸⁵ Ibid.

¹⁶⁸⁶ Ibid.

¹⁶⁸⁷ Ibid., citing Abū Nuwās; note that this verse has been translated from Wagner's German translation of the Arabic.

¹⁶⁸⁸ Abū Nuwās/Wormhoudt, 161, #404.

¹⁶⁸⁹ Ibid., 165-6, # 414.

rooms for drinking wine:

O many a master of a tavern I've frightened
I woke him from sleep that enwrapped him ...
I ceased not to examine the tavern in front
Until I was pushed to the secret room
I knew him and the night enveloped us
By his bald shine and gray whiskers
O master of the tavern, be not suspicious
For forbidden drink is like permitted
So leave that which your hand pressed and
Bring, by Allāh, the wine of the treading ...¹⁶⁹⁰

And finally, he indicated in his poetry one of the potential sources of this “wine of the treading”, by which he was most likely referring to grape-wine:

Pour it for me from the heart's core
Before the call of the caller
From the dark that has attained in
The jar the farthest provision ...
I bought it from the Jews
From the rich pasturage ...¹⁶⁹¹

This confirms the reports of the poet Abū Dulāmah and Abū Yūsuf that the Jews owned and sold grape-wine.¹⁶⁹²

Abū Nuwās was not the sole wine poet of the ʿAbbāsīd era. Mention has already been made of his compatriot and friend, al-Ḥusayn b. al-Ḍaḥḥāk. His work contributed to the genre of wine poetry “its existential significance, one which did not reduce it to the simple pleasure of drinking.”¹⁶⁹³ A conversation between the two men revealed one of the types of wine al-Ḥusayn b. al-Ḍaḥḥāk probably drank.

Abū Nuwās had asked al-Ḥusayn b. al-Ḍaḥḥāk what he knew of a lover's destiny.¹⁶⁹⁴ He went on to describe that his interest in someone had taken him away from drink and he was free from its illness. Al-Ḥusayn b. al-Ḍaḥḥāk was distraught that his friend should give up drinking and responded, “Woe upon you, Abū Nuwās! You must absolutely not quit your

¹⁶⁹⁰ Ibid., 177, # 442.

¹⁶⁹¹ Ibid., 164-5, # 412.

¹⁶⁹² See above, p. 213 and p. 246, respectively.

¹⁶⁹³ *EF*², s.v., “Khamriyya”.

¹⁶⁹⁴ *Aghānī*, vol. 7, 174. The remainder of the story is paraphrased from vol. 7, 174 unless otherwise noted.

belief in wine (*khamr*).” But Abū Nuwās responded, “No, by God, that is your error and the error of all people.”

The Aghānī does not supply a chronological framework to determine when this conversation took place. It is possible that it took place after Abū Nuwās had promised to cease consuming *khamr*, and this would help explain his reaction. Regardless of when the conversation might have taken place, the story indicates that al-Ḥusayn b. al-Ḍaḥḥāk believed that *khamr* was not a drink to be given up at a whim. As for *nabīdh*, the Aghānī records that he was known to drink this type of wine as well.¹⁶⁹⁵

There were poets of the early ʿAbbāsīd era whose primary interest was not developing wine poetry but nevertheless have dedicated some poems to the consumption of wine. Abū Tammām, who composed his verse during the reigns of al-Maʾmūn and al-Muʿtaṣim (218/833 - 227/842),¹⁶⁹⁶ was born into a Christian family.¹⁶⁹⁷ His father was said to have owned and operated a wine shop in Damascus.¹⁶⁹⁸ “At some point the poet altered his patronymic to Aws and took the *nisbah* al-Ṭāʾī, claiming descent from the tribe of Ṭayy’, and converted to Islam.”¹⁶⁹⁹

His conversion to Islam does not appear to have hindered his consumption of wine. One of his poems describes what was probably a typical drinking session:

Many a long and scorching day was shortened for us
By the blood of the wineskin [*dam al-ziqqi*]
The plucking of the lute,

From early morn till I reached evening,
While my companions, defiant of reproachers,
Sniffed haughtily.

It was as if the jugs of wind-cooled wine at evening [*abārīq al-shamūlfashīyah*]
Were geese upon the river-bank,
Curve-necked.¹⁷⁰⁰

¹⁶⁹⁵ Aghānī, vol. 7, 224.

¹⁶⁹⁶ Although he rose to fame only under al-Muʿtaṣim (*EF*, s.v., “Abū Tammām”).

¹⁶⁹⁷ *EF*, s.v., “Abū Tammām”.

¹⁶⁹⁸ Stetkevych, *Abū Tammām and the Poetics of the ʿAbbāsīd Age*, xiii.

¹⁶⁹⁹ *Ibid.*

¹⁷⁰⁰ Cited and translated in Stetkevych, 328-9, # 177; Arabic provided in her Appendix, 388.

The last line is the most significant. Stetkevych writes that “the heap of empty wine-jugs after a day of revelry recalls in sentiment as well as shape the melancholy image of a flock of geese gathering at sunset and huddled on a river-bank ...”.¹⁷⁰¹ This indicates that whatever the type of wine the individuals were drinking, they were drinking a large quantity of it. This would most likely have resulted in intoxication for one or more of the group.

Some concluding remarks

The evidence for the early ʿAbbāsīd period is convincing. Although Abū Ḥanīfa and his school declared *nabīdh* lawful so long as it was not consumed to the point of intoxication, this is precisely what happened in the early ʿAbbāsīd era. Most of the evidence focuses on the rulers, as this was seemingly the area of most interest to Arabic authors. Even so, two examples detailed that the consumption of *nabīdh* was also taking place among the citizenry. And finally, poets have left a record of taverns, wine drinking, and intoxication in their lives and the lives of others.

Law in the early ʿAbbāsīd era II

One of Schacht’s principal findings was that Sharīʿah “was strongest in family law, succession and *waqf* law, weakest - sometimes even non-existent - in penal law, taxation, constitutional law ... and about average in contract and obligations.”¹⁷⁰² In terms of the penal law with respect to the consumption of wine, this is not entirely unexpected. It bears repeating that in the Qur’ān, “the drinking of alcohol and various other actions ... are simply declared to be forbidden (*ḥaram*).”¹⁷⁰³ The matter of punishment was therefore not resolved. And yet, all “the schools of Islamic law consider the drinking of alcohol to be a crime for which a *ḥadd* punishment is prescribed.”¹⁷⁰⁴ They argued that “consensus places the

¹⁷⁰¹ Abū Tammām and the Poetics of the ʿAbbāsīd Age, 329.

¹⁷⁰² Layish, “Notes on Joseph Schacht’s Contribution to the Study of Islamic Law”, 136.

¹⁷⁰³ El-Awa, 44.

¹⁷⁰⁴ Ibid., 45. Shāfiʿī entitled a section in his *Kitāb al-Umm*, “*ḥadd al-khamr*” (vol. 6, 130); Abū Ḥanīfā similarly appears to have considered the punishment for drinking *khamr* a *ḥadd* punishment (Konstantinopler Fragment, 65-6).

punishment for drinking in the category of *ḥadd*.¹⁷⁰⁵ And even though they all agree that the punishment for drinking is a *ḥadd* punishment, they “disagree about the number of lashes which should be inflicted”¹⁷⁰⁶

Legal Rulings: Punishment

The Ḥanafī school of law determined that the punishment for consuming *khamr* or becoming intoxicated on any other substance was punishable with eighty lashes.¹⁷⁰⁷ This number appears to be based on the analogy, established by the Companions of the Prophet, to the slander of a woman.¹⁷⁰⁸ The other three schools concur with one another that it is the consumption of the substance that is paramount, and therefore they agree that punishment should be applied no matter what the individual has consumed and regardless of whether or not the person has become intoxicated.¹⁷⁰⁹

However, they do not agree on the number of lashes the guilty party should be assigned. Both the Malikī and Ḥanbalī schools appear to agree with the Ḥanafī school regarding the analogy established by the Companions of the Prophet and therefore hold the view that eighty lashes is the correct number.¹⁷¹⁰ The Shāfiʿī school of law holds that forty lashes is the correct number.¹⁷¹¹ Shāfiʿī may have preferred the implied precedent of the Prophet to the analogy formulated by his Companions. Shāfiʿī’s exposition on legal knowledge seems to support this conclusion.

He wrote that legal knowledge is of two kinds, “one is for the general public, and no sober and mature person should be ignorant of it.”¹⁷¹² One of the examples he listed for this

¹⁷⁰⁵ Ibid., 47, citing, Shawkani, *Nayl al-Awtar*.

¹⁷⁰⁶ Ibid., 45.

¹⁷⁰⁷ Ibid., citing Kasani, *Badai’* and Ibn al-Humam, *Fatḥ al-Qādir*. Cf. Hedaya, tr. C. Hamilton, vol. 4, 157; Schacht, *Introduction*, 179.

¹⁷⁰⁸ Ibid.; Cf. Hedaya, tr. C. Hamilton, vol. 4, 157; Chapter 3, s.v., ‘*Umar b. al-Khaṭṭāb*.

¹⁷⁰⁹ Cf. Muwatta/Johnson, 401; Ḥanbal/Baroody, 80.

¹⁷¹⁰ El-Awa, 45. Cf. Muwatta/Johnson, 401; Ḥanbal/Baroody, 80; Lippman, McConville, Yerushalmi, 42.

¹⁷¹¹ Ibid., citing Nawawī, *Minhaj al-Tālibīn* (see below, n. 1716, for more on this source). Cf. Bassiouni, ed., *The Islamic Criminal Justice System*, 165; Lippman, McConville, Yerushalmi, 42.

¹⁷¹² Shāfiʿī/Khadduri, 81. Cf. Hasan, “Al-Shāfiʿī’s role in the Development of Islamic Jurisprudence”, 413.

type of knowledge is the prohibition of wine.¹⁷¹³ He went on to describe the second type of knowledge as those “rules obligatory on men, concerning which there exists neither a text in the Book of God, nor regarding most of them, a *Sunnah*. Whenever a *Sunnah* exists, it is of the kind related by few authorities, not by the public, and is subject to different interpretations arrived at by analogy.”¹⁷¹⁴ This passage seems to indicate that where a *Sunnah* of the Prophet is thought to exist, even if questionable and open to interpretation, it is preferable to an analogy derived by the Prophet’s Companions,¹⁷¹⁵ though the analogy reached by the Companions of the Prophet need not necessarily be incorrect.

Legal Rulings: Miscellany

The debate concerning the type of wine that is or is not lawful and a punishment for an individual who breaks the law are central to this thesis and have appeared throughout. But there are still many other matters concerning the consumption of wine and its punishment which have not been dealt with in the course of this thesis. Two of these merit a brief discussion.

Al-Nawawī¹⁷¹⁶, though speaking for the Shāfi‘ī school, summarises many of these points in his *Minhāj al-Ṭālibīn*:

The *ḥadd* for drinking is not given to a child, an insane person or a non-Muslim subject¹⁷¹⁷. One may take wine in immediate necessity, according to our school [Shāfi‘ī], e.g., to dislodge food in the throat which is choking one, if nothing else is available, but one is liable to punishment if he uses wine for medicine or for thirst. ... The *ḥadd* for a free person is ... by whip, hand, sandal, or a rolled-up garment. It is said that it should be a whip.¹⁷¹⁸

The point concerning the insane is probably related to the principle that “a guilty mind is a necessary ingredient of a criminal offence, so that a person is not liable for

¹⁷¹³ Ibid.

¹⁷¹⁴ Ibid., 82.

¹⁷¹⁵ Hasan, “Al-Shāfi‘ī’s role in the Development of Islamic Jurisprudence”, 399.

¹⁷¹⁶ B. in Muḥarram 631/October 1233, d. 24 Rajab 676/22 December 1277 (*ET*, s.v., “al-Nawawī”). “In Shāfi‘ī circles he was regarded with his *Minhādj al-Ṭālibīn* as the highest authority along with al-Rāfi‘ī and since the tenth(/sixteenth) century the two commentaries on his work ... have been regarded almost as the law books of the Shāfi‘ī school” (Ibid.).

¹⁷¹⁷ Cf. Schacht, Introduction, 132.

¹⁷¹⁸ In J. Williams, *The World of Islam*, 152.

punishment unless he intended to commit the guilty act.”¹⁷¹⁹ In other words, it must be proved that the individual voluntarily drank a forbidden substance and/or became intoxicated.¹⁷²⁰ Clearly, someone who is mentally impaired may not have sufficient control of his faculties to identify a substance as wine, or if he could, may not have realised that it was forbidden.¹⁷²¹ The Ḥanbalī school expands on this last point and states that ignorance of the law is a legitimate excuse,¹⁷²² though this presumably applies only to the first offence. All the schools agree that if a Muslim is coerced into drinking wine, then there is no punishment.¹⁷²³

One other issue is trade in wine. *Ḥadīth* indicates that the Prophet banned trade in wine.¹⁷²⁴ Shāfiʿī therefore determined that

If you sell a Muslim something which we hold forbidden, such as wine, ... we shall annul the sale, confiscate the price if it has been paid, and not return the thing to you if it still exists, but pour it out if it is wine. ... if the purchaser has already consumed it, we shall not oblige him to pay for it, but we shall punish you for it. ...¹⁷²⁵

Measures such as these, and including the application of the punishment for drinking wine, gradually came to be enforced by the *muḥtasib*.

Legal Rulings: Enforcement

The founding of the office of *ḥisba* is difficult to trace, though its presence becomes more discernible in the early ʿAbbāsīd era. It appears that it may have originally had a variety of functions, including that of a registry office, “where deaths and births were registered and estates and the funds for orphans administered.”¹⁷²⁶ The officer, known as the

¹⁷¹⁹ Coulson, *Islamic Jurisprudence*, 85.

¹⁷²⁰ Schacht, *Introduction*, 179. Cf. Lippman, McConville, Yerushalmi, 40.

¹⁷²¹ Cf. Peretz, who writes that the prohibition of intoxicants is for the protection of the “individual’s safety and security [of] his/her mental and psychological health” (105); Lippman, McConville, Yerushalmi, 38.

¹⁷²² Ḥanbal/Baroody, 82.

¹⁷²³ *Ibid.*, 81. Cf. Lippman, McConville, Yerushalmi, 55; Bryce, *Studies in History and Jurisprudence*, vol. 2, 226.

¹⁷²⁴ See Chapter 2, s.v., *al-Ḥadīth*.

¹⁷²⁵ In Lewis, tr., citing the *Kitāb al-Umm*, in *Islam: from the Prophet Muḥammad to the Capture of Constantinople*, vol. 1, 219-20.

¹⁷²⁶ *EF*, s.v., “*Ḥisba*”.

muḥtasib, appears to have acted additionally as “the supreme audit office,”¹⁷²⁷ as well as the inspector of the markets¹⁷²⁸ - similar in some respects to the Byzantine “agoranomos”.¹⁷²⁹ “The term then acquired the special meaning of police, and finally the police in charge of the markets and public morals.”¹⁷³⁰ Once more, it is appreciably difficult to determine even a rough time frame for any of these developments.¹⁷³¹

Ibn Khaldūn describes the duties which the *muḥtasib* could be expected to perform:

He sees to it that the people act in accord with the public interest in the town. For instance, he prohibits the obstruction of roads. He forbids porters and boatsmen to carry too heavy loads. He orders the owners of buildings threatening to collapse, to tear them down and thus remove the possibility of danger to passersby. He prevents teachers in schools and other places from beating the young pupils too much. ... he has authority over everything relating to fraud and deception in connection with food and other things and in connection with weights and measures. Among his duties is that of making dilatory debtors pay what they owe ...¹⁷³²

The *muḥtasib* was also responsible for ensuring a constant water supply¹⁷³³ and administered “the oath of Hippocrates [to] all physicians” and watched their performance carefully to insure the public’s safety.¹⁷³⁴

Of central concern to this thesis is that the *muḥtasib* was responsible for “protecting the faithful from being exposed to the temptation of the bad example, for instance, with regard to the drinking of wine and the playing of musical instruments.”¹⁷³⁵ The type of wine

¹⁷²⁷ Ibid.

¹⁷²⁸ Ṭabarī, tr. H. Kennedy, vol. XXIX, 9 and p. 9, n. 20.

¹⁷²⁹ Dodge, 63.

¹⁷³⁰ *EF*², s.v., “Ḥisba”.

¹⁷³¹ Cf. Samadi, who writes that the *muḥtasib* “was more or less a sort of inspector of the morals of the people. This office was created by the caliph al-Mahdī and has existed ever since” (“Some Aspects of the Theory of the State and Administration under the ‘Abbāsids”, 145). Samadi does not cite the source(s) of his information. The office of *muḥtasib* existed at least as early as al-Manṣūr (see above, n. 1728). It is conceivable that al-Mahdī instructed his *muḥtasib* to oversee the morals of the community. However, it seems to this author that the more likely explanation is that this development may have been a gradual outgrowth of the *muḥtasib*’s function of maintaining honesty among the market traders.

¹⁷³² Khaldūn/Rosenthal, vol. 1, 463.

¹⁷³³ MHA, 83.

¹⁷³⁴ Grunebaum, *Medieval Islam*, 218, citing Ma‘ālim al-qurba.

¹⁷³⁵ Ibid., 166.

the *muḥtasib* undoubtedly targeted was grape-wine, *khamr*. The eleventh century author Muḥammad b. ʿAbdūn listed one of the *muḥtasib*'s duties as the prevention of the sale of grapes to those who were known to use them to produce wine.¹⁷³⁶

Among his other duties was the apprehension of drunkards.¹⁷³⁷ Perhaps in this connection, the *muḥtasib* would have used his "limited powers of summary punishment of offenders"¹⁷³⁸ and spilt the offender's wine over him.¹⁷³⁹ It was only in cases such as these, where there was conclusive and incontrovertible evidence as to an individual's guilt, that the *muḥtasib* was allowed to apply "the appropriate punishments and corrective measures."¹⁷⁴⁰ He had no remit to rule on cases that required "a hearing of evidence or a legal verdict"¹⁷⁴¹ His authority was therefore "both executive and judicial, but it is restricted to application and enforcement of prior rulings of the 'higher' courts or of the popular feeling of equity."¹⁷⁴² There were two types of "higher" courts which worked with the *muḥtasib*: the courts of the *qāḍī* and the *maẓālim* courts.

The *muḥtasib* was probably closest to the courts of the *qāḍī*.¹⁷⁴³ In those cases where the evidence was disputed, the *muḥtasib* brought the case before the *qāḍī*.¹⁷⁴⁴ The office of *qāḍī* itself underwent some remarkable changes during the early ʿAbbāsīd era. For example, the responsibility for appointing the *qāḍī* was taken over by the Caliph.¹⁷⁴⁵ However, anecdotal evidence suggests that the caliphs had some difficulties filling the post for it was sometimes shunned by leading jurists.¹⁷⁴⁶

¹⁷³⁶ Williams, in *Themes of Islamic Civilization*, 158.

¹⁷³⁷ Levy, *A Baghdad Chronicle*, 64.

¹⁷³⁸ Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, 84.

¹⁷³⁹ MHA, 90. Māwardī comments that the *muḥtasib* was not allowed to apply *ḥadd* punishments, though he is not entirely clear why this should be so (*Ibid.*, 77).

¹⁷⁴⁰ Khaldūn/Rosenthal, vol. 1, 463; MHA, 90-1.

¹⁷⁴¹ *Ibid.*; cf. MHA, 78-9.

¹⁷⁴² Grunebaum, *Medieval Islam*, 166.

¹⁷⁴³ Williams, citing Ibn ʿAbdūn, in *Themes of Islamic Civilization*, 155.

¹⁷⁴⁴ Levy, *A Baghdad Chronicle*, 64.

¹⁷⁴⁵ Mez, 216.

¹⁷⁴⁶ Coulson writes that though many of the stories "may be wholly apocryphal, and others are doubtless embellished with fictitious details ... the very number of these stories and the seriousness with which they are recorded" indicates "that there did exist during this early period [the early ʿAbbāsīd era] a fairly widespread and deep rooted dislike, if not dread, of

The post of *qāḍī al-quḍāt*, the “judge of judges”¹⁷⁴⁷ or supreme judge, may have been created¹⁷⁴⁸ to elevate the status of the office of *qāḍī*. However, the post remained tainted by suspicions of corruption¹⁷⁴⁹ throughout much of the early ʿAbbāsīd era and entered a steady period of decline in the ninth and tenth centuries.¹⁷⁵⁰

The *maẓālim* “jurisdiction is defined as compelling those who would do each other wrong - *mutaẓālimūn* - to mutual justice, and restraining litigants from repudiating claims by inspiring fear and awe in them.”¹⁷⁵¹ The *maẓālim* court differed essentially from the court of the *qāḍī* in that the *maẓālim* court enjoyed a greater

latitude of discretion ... in matters of procedure and evidence. Their duty was simply to resolve litigation in the most effective way and on the basis of the best evidence available. While the *qāḍīs* became identified as the servants of the Sharīʿah law, the *Maẓālim* officials were regarded essentially as the representatives of the political ruler’s law.¹⁷⁵²

The *maẓālim* court also concerned itself with “enforcing the decisions of the Kāḍī which have remained unenforced by reason of the overmastering arrogance and position of the defendant” and “evil doing which the Muḥtasib is not strong enough to repress; this should be restrained in accordance with revealed law, and the wrongdoers should be brought to account.”¹⁷⁵³

Neither the *qāḍī* nor the *maẓālim* courts appear to have played a significant role in the control of wine consumption. As argued above, this is most likely do to the fact that the

the office of *qāḍī*” (“Doctrine and Practice in Islamic Law”, 425). Amedroz writes that the “moral of these stories would seem to be that to undertake and properly discharge the duties of an office essential to the community and assumed necessary by ʿOmar [i.e., ʿUmar b. al-Khaṭṭāb] was to decline from some superior standard of conduct” (“The Office of Kāḍī in the Aḥkām Sulṭāniyya of Māwardī”, 775). For a sample of these stories, cf. Coulson, op. cit., 425-8; MQA, 774-5; Mez, 218-9.

¹⁷⁴⁷ *EF*, s.v., “Kāḍī”.

¹⁷⁴⁸ The post was inaugurated by Hārūn al-Rashīd (*EF*, s.v., “Kāḍī”).

¹⁷⁴⁹ See for example Masʿūdī, 70.

¹⁷⁵⁰ Grunebaum, *Medieval Islam*, 167-8.

¹⁷⁵¹ MMA, 635.

¹⁷⁵² Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, 67. Cf. MQA, 641-2, for a list of ten differences between the *maẓālim* court and the *qāḍī*; Grunebaum, *Medieval Islam*, 165, citing and summarising Māwardī.

¹⁷⁵³ MMA, 641.

Qur'ān and the jurists ruled on wine's prohibition and the Sunnah of the Prophet and/or the consensus of his Companions established a punishment. It was therefore left only to catch the guilty individual and punish him.

Bibliography

The Qur'ān in Translation

The Holy Qur'ān. Tr. and commentary, Maulana Muḥammad 'Alī. Lahore: 1951.

———With parallel Arabic text.

The Holy Qur'ān. Tr. and commentary, A. Yūsuf 'Alī. Leicester: The Islamic Foundation, 1975.

———With parallel Arabic text.

The Koran Interpreted. Tr. Arthur J Arberry. London: George Allen & Unwin, 1955.

The Qur'ān. Tr. and commentary by Richard Bell, in two volumes. Edinburgh: T. & T. Clark, 1937.

The Qur'ān. Tr. Muḥammad Zafrulla Khan. London: Curzon Press Ltd., 1970.

The Meaning of the Glorious Qur'ān. Tr. and commentary by Mohammed Marmaduke Pickthall. London: Ta-Ha Publishers Ltd., 1930.

The Koran. Tr, J. M. Rodwell. London: J. M. Dent & Sons Ltd., 1909.

Primary Sources

Abū Yūsuf, Ya'qūb b. Ibrāhīm. *Kitāb al-Kharāj*. Bulāq: 1885.

al-Balādhurī, Aḥmad b. Yaḥyā b. Jābir. *Futūḥ al-buldān*. Ed., M. J. de Goeje. Leiden: 1866.

———*Ansāb al-Ashraf*, IV/I, ed. Ihsān 'Abbās. Beirut, 1979,

Ibn al-Athīr, 'Izz al-Dīn. *'Usd al-Ghābah fī ma'rifah al-ṣaḥābah*, in seven volumes. Cairo: 1970-3.

———*Kitāb al-Kāmil fī al-tārīkh*. Ed. C. J. Tornberg, in twelve volumes. Leiden: 1870-1.

al-Iṣfahānī, Abū al-Faraj 'Alī b. al-Ḥusayn. *Kitāb al-Aghani*, in 16 volumes. Cairo: 1963.

Al-Khatīb al-Baghdadī. *Tārīkh Baghdad*, in fourteen volumes. Cairo: 1931.

al-Kindī, *The Governors and Judges of Egypt*. Ed., Rhuvon Guest. London: Luzac & Co., 1912.

Margoliouth, D. S. "Omar's Instructions to the Kadi." *The Journal of the Royal Asiatic Society*. April (1910): 307-26.

———Also in translation.

al-Mas'ūdī, Abū al-Ḥasan 'Alī. *Murūj al-dhahab*, in four volumes. Beirut: 1978.

Muslim b. al-Ḥajjāj, Abū al-Ḥusayn. *Ṣaḥīḥ*, in 18 volumes, 1929.

- Ibn Sa'd, Muḥammad. *Kitāb al-Ṭabaqāt*, in 10 volumes. Beirut: 1978.
- Schacht, Joseph. *Das Konstantinopler Fragment des Kitāb Ikhtilāf al-Fuqahā' des Abū Ga'far Muḥammad b. Jarīr at-Ṭabarī*. Leiden: E. J. Brill, 1933.
- al-Shābushtī, *Kitāb al-Diyārāt*, ed. Gurgis Awad. Baghdad: al-Ma'ārif Press, 1951.
- al-Shāfi'ī, Muḥammad b. Idrīs. *Tartīb Musnad*, in two volumes. Ed., Shāra' Abdal Azīz. Cairo.
———*Kitāb al-Umm*. Cairo: 1903-07.
- al-Ṭabarī, Abū Ja'far Muḥammad b. Jarīr. *Ta'rikh al-rusul wa-al-mulūk*, in ten volumes. Ed., Muḥammad Abū al-Faḍl Ibrāhīm. Cairo: 1960-69.
- Al-Tānukhī, *The Table-Talk of a Mesopotamian Judge: being the first part of the Nishwār al-Muḥāḍarah*. Ed. D. S. Margliouth. London: Royal Asiatic Society, 1921.
- Wagner, Ewald. *Der Dīwān des Abū Nuwās*, in *Bibliotheca Islamica*, vol. 20c, part 3. Stuttgart: 1988.
- Al-Wāqidī, Muḥammad b. 'Umar. *Kitāb al-maghāzī*, in three volumes. Ed., J. Marsden Jones. London: Oxford University Press, 1966.

Primary Sources in Translation: Arabic

- Abū Nuwās, *The Dīwān of Abū Nuwās*. Tr. Arthur Wormhoudt. Oskaloosa, Iowa: William Penn College, 1974.
- 'Alī, Maulana Muḥammad. *A Manual of Ḥadīth*. London: Curzon Press Ltd., 1944.
——— With parallel Arabic text.
- Amedroz, H. F. "The Ḥisba Jurisdiction in the Aḥkām Sulṭāniyya of Māwardī", in *The Journal of the Royal Asiatic Society* (1916): 77-101 and 287-314.
———"The Mazālim Jurisdiction in the Aḥkām Sulṭāniyya of Māwardī", in *The Journal of the Royal Asiatic Society*, vol. 2 (1911): 635-74.
———"The Office of the Kādī in the Aḥkām Sulṭāniyya of Māwardī", in *The Journal of the Royal Asiatic Society*, vol. 2 (1910): 761-96.
- Arberry, A.J. *The Seven Odes: The first chapter in Arabic Literature*. London: George Allen & Unwin Ltd, 1957.
- Baroody, George M., tr. *Crime and Punishment under Hanbali Law*. 1961
- Beeston, A. F. L., ed./tr., *The Epistle on Singing-Girls of Jāḥiẓ*. Warminster: Aris & Phillips Ltd., 1980.
- Bosworth, C.E., tr., *The Book of Curious and Entertaining Information*. Edinburgh: Edinburgh University Press, 1968.
- Bowen, Harold. *The Life and Time of 'Alī Ibn 'Īsā, "The Good Vizier"*. Cambridge: Cambridge University Press, 1978.

- Ṣaḥīḥ al-Bukhārī. Muḥammad Muhsin Khan, tr./ed., in nine volumes, with parallel Arabic text. n.p.: Crescent Publishing House, 1974.
- Dickson, M.B. and Welch, S.C. tr. The Houghton Shahnameh, in two volumes. Cambridge, Mass: Harvard University Press, 1981.
- Faris, Nabih Amin, tr./ed. The Antiquities of South Arabia: A Translation from the Arabic of the Eighth Book of Al-Hamdānī's al-Iklīl. Princeton: Princeton University Press, 1938.
- Goldsack, William, tr./ed. Selections from Muḥammadan Traditions: Mishkatu-l-Masabih. Madras: The Christian Literature Society for India, 1923.
- Hamilton, Charles. The Hedaya, or Guide: A Commentary on the Mussulman Laws. London: T. Bensley, 1797.
- Hitti, Philip K. Capital Cities of Arab Islam. Minneapolis: University of Minnesota Press, 1973.
- Origins of the Islamic State. Translation of Balādhurī, Futūḥ al-buldān. New York, 1924.
- Ibn Khaldūn, The Muqaddimah: an Introduction to History. Tr. Franz Rosenthal, in three volumes. London: Routledge & Kegan Paul, 1958.
- Ibn Ishāq. The Life of Muḥammad: A translation of Ishāq's *Sīrat Rasūl Allāh*. Tr. A. Guillaume. London: Oxford University Press, 1955.
- Lewis, Bernard, ed./tr., Islam: from the Prophet Muḥammad to the Capture of Constantinople, in two volumes. London: The MacMillan Press Ltd., 1976.
- Lyll, Sir Charles James. Translations of Ancient Arabian Poetry. London: Williams and Norgate, 1885.
- Mālik b. Anas. Al-Muwatta. Tr. 'Ā'isha 'Abdarahman at-Ṭarjumana & Ya'qūb Johnson. n.p.: Diwan Press, 1982.
- Maqrīzī, Aḥmad b. 'Alī. Al-Maqrīzī's "Book of contention and strife concerning the relations between the Banū Umayya and the Banū Hāshim". Tr. C. E. Bosworth. Manchester: University of Manchester, 1980.
- Margliouth, D. S. The Table-Talk of a Mesopotamian Judge: being the first part of the Nishwār al-Muḥāḍarah. London: Royal Asiatic Society, 1922.
- Al-Mas'ūdi. Meadows of Gold. Tr. Paul Lunde and Caroline Stone. London: Kegan Paul International Limited, 1989.
- Mawdudi, Sayyid Abul A'la. The Meaning of the Qur'ān. Tr. Muḥammad Akbar. Lahore: Islamic Publications Limited, 1971.
- Muslim, Ṣaḥīḥ. Tr. Siddiqi, Abdul Hamid, in four volumes. Lahore: Hafeez Press, 1976.

- An-Nawawī. Forty Hadith: An Anthology of the Sayings of the Prophet Muḥammad. Tr. Ezzeddin Ibrahim and Denys Johnson-Davies. Beirut: The Holy Koran Publishing House, 1976.
- Nicholson, Reynold A. Translations of Eastern Poetry and Prose. London: Curzon Press, 1987.
- A Literary History of the Arabs. Cambridge: Cambridge University Press, 1969.
- Robson, James, tr./ed., Mishkat al-Masabih, in four volumes. Lahore: SH. Muhammad Ashraf, 1965.
- Ibn Rushd. The Distinguished Jurist's Primer. Tr. Imran Ahsan Khan Nyazee, in 2 volumes. Reading: Garnet Publishing Limited, 1994.
- Al-Shafi'ī. Al-Risāla. Tr. Majid Khadduri. Cambridge: The Islamic Texts Society, 1987.
- Shemesh, A. Ben. Taxation in Islam, vols. 2 and 3, tr. of Abū Yūsuf, Kitāb al-Kharāj, London: Luzac & Co. Ltd., 1969.
- Ṭabarī, The History of al-Ṭabarī, translators and volumes as noted in text. New York: SUNY Press, 1985 - 1997.

Primary Sources in Translation: Other Languages

- Anon., The Periplus of the Erythraean Sea. Ed./tr. Wilfred H. Schoff. New York: Longmans, Green and Co., 1912.
- Boyce, Mary, ed./tr. Textual Sources for the Study of Zoroastrianism. Manchester: Manchester University Press, 1984.
- Dewing, H. B., tr. Procopius: History of the Wars, in seven volumes. Cambridge: Harvard University Press, 1914.
- Falconer, W. The Geography of Strabo, Vol. III. London: George Bell and Sons, 1881.
- Geanakoplos, Deno John. Byzantium: Church, Society, and Civilisation Seen through Contemporary Eyes. Chicago: University of Chicago Press, 1984.
- Herodotus. The History. Tr. David Greene. Chicago: The University of Chicago Press, 1987.
- Herodotus. Herodotus: The History. Tr. William Beloe, in four volumes. London: 1806.
- Jones, Horace Leonard. The Geography of Strabo, vols. I & VII. London: William Heinemann, 1917.
- Jones, W.H.S. tr./ed. Pliny: Natural History, in ten volumes. London: William Heinemann Ltd., 1956.
- Mathews, John. The Roman Empire of Ammianus. London: Duckworth, 1989.
- The Pentateuch and Haftorahs, with parallel Hebrew text. Ed. J. H. Hertz, London: Soncino Press, 1980 (second edition).
- Rolfe, John C., tr. Ammianus Marcellinus. Cambridge, Mass: Harvard University Press, 1935.

Secondary Sources

Dictionaries and Encyclopaedias

The Cambridge Encyclopaedia of the Middle East and North Africa. Eds. T. Mostyn and A. Hourani. Cambridge: Cambridge University Press, 1988.

The Concise Encyclopaedia of Islam. Glasse, Cyril. London: Stacey International, 1987.

Dictionary of the Middle Ages, in twenty volumes.

A Dictionary of Modern Written Arabic. Wehr, Hans; ed. J. Milton Cowan. Wiesbaden: Librairie Du Liban, 1961.

The Encyclopaedia Britannica, Eleventh Edition, Volume XXVIII. Cambridge: Cambridge University Press, 1911.

The Encyclopaedia of Islam, first edition, in four volumes. Leiden: 1913-42

The Encyclopaedia of Islam, second edition, seven volumes and supplement. Leiden: 1960-.

The Encyclopaedia Judaica, in twenty volumes. Jerusalem: Keter Publishing House Ltd, 1971.

Encyclopedia of Judaism, ed. Geoffrey Wigoder. Jerusalem: The Jerusalem Publishing House Ltd., 1989.

Encyclopedia of World Art, vol. II: Asiatic Protohistory - Byzantine Art. New York: McGraw-Hill Book Company Inc., 1960.

The Jewish Encyclopedia. London: Funk & Wagnalls Company, 1905.

The Concise Dictionary of Early Christianity. Kelly, Joseph F. Minnesota: The Liturgical Press, 1992.

The New Dictionary of Sacramental Worship. Fink, Peter E., ed. Minnesota: The Liturgical Press, 1990.

The New Standard Jewish Encyclopedia,. Geoffrey Wigoder, ed. New York: Facts on File, Inc. 1992.

The Oxford Dictionary of Byzantium, in twenty volumes. London: Oxford University Press, 1991.

The Oxford Dictionary of the Christian Church. Cross, F.L., ed. London: Oxford University Press, 1974.

Secondary Sources

Individual Works and Collections

- ʿAbd Dixon, ʿAbd al-Ameer. The Umayyad Caliphate: 65-86/684-705, A Political Study. London: Luzac & Company, 1971.
- Adams, R. Mc C. The Heartland of Cities: Surveys of Ancient Settlement and Land use on the Central Floodplain of the Euphrates. Chicago: University of Chicago Press, 1981.
- Lands behind Baghdad: a history of settlement on the Diyala Plains. Chicago: University of Chicago Press, 1965.
- Ahmad, Ziauddin. "Al-Musnad min masā'il Aḥmad b. Ḥanbal - an important Ḥanbalī work", in *Islamic Studies*, vol. 20 (1981): 97-110.
- Ahsan, Muḥammad Manazir. Social Life Under the ʿAbbāsids. London: Longman Group Ltd., 1979.
- ʿAlī, Maulana Muḥammad. The Religion of Islam: a comprehensive discussion of the sources, principles, and practices of Islam. Lahore: Ripon Printing Press, 1950.
- Altheim, Franz & Stiehl, Ruth. Die Araber in der Alten Welt, in four volumes. Berlin: Walter de Gruyter & Co., 1964.
- Andrae, Tor. Mohammed: The Man and His Faith. Tr. Theophil Menzel. New York: Arno Press, Inc., 1936.
- Arberry, A.J. Aspects of Islamic Civilization: As depicted in the Original Texts. London: George and Unwin Ltd., 1964.
- Ashtor, E. A Social and Economic History of the Near East in The Middle Ages. London: William Collins Sons & Co. Ltd, 1976.
- Atiya, Aziz S. A History of Eastern Christianity. London: Methuen & Co. Ltd., 1968.
- Austin, Gregory A. Alcohol in Western Society from Antiquity to 1800: A Chronological History. Santa Barbara, Calif.: ABC-CLI Inc., 1985.
- Azami, Muḥammad Mustafa. Studies in Ḥadīth Methodology and Literature. Indiana: American Trust Publications, 1977.
- Badger, George Percy. Nestorians and their rituals. London: Joseph Masters, 1852.
- Bailey, Albert Edward. Daily Life in Bible Times. New York: Charles Scribner's Sons, 1943.
- Baron, Salo Wittmayer. A Social and Religious History of the Jews, in 18 volumes. New York: Columbia University Press, 1957.
- Barthold, W. W. "Caliph ʿUmar II and the conflicting reports on his personality," tr. Jan W. Weryho. In *Islamic Quarterly*, vol. 15 (1971): 69-95.
- Bass, George F., ed. A History of Seafaring based on Underwater Archaeology. London: Thames & Hudson, 1972.

- Bateson, Mary Catherine. Structural Continuity in Poetry: A Linguistic Study in Five Preislamic Arabic Odes. Paris: Mouton & Co., 1970.
- Baynes, Norman H. And Moss, H. St. L. B. Byzantium: An Introduction to East Roman Civilization. Oxford: Clarendon Press, 1948.
- Beg, Muhammad Abdul Jabbar. "The Reign of Mu'āwiyah: A critical survey." In *Islamic Culture*, vol. 51 (1977): 83-107.
- Bell, Richard. A Commentary on the Qur'ān. Eds., C. Edmund Bosworth and M.E.J. Richardson. Manchester: University of Manchester, 1991.
- Introduction to the Qur'ān. Edinburgh: Edinburgh University Press, 1953.
- Borowski, Oded. Agriculture in Iron Age Israel. Winona Lake, Ind.: Eisenbrauns, 1987.
- Bosworth, Clifford Edmund. Medieval Arabic Culture and Administration. London: Variorum Reprints, 1982.
- The Mediaeval Islamic Underworld: The Banū Sasan in Arabic Society and Literature. Leiden: E. J. Brill, 1976.
- Bowen, Harold. The Life and Times of 'Alī Ibn 'Īsā: "The Good Vizier". Cambridge: Cambridge University Press, 1928.
- Bowersock, G.W. Roman Arabia. Cambridge, Mass.: Harvard University Press, 1983.
- Boyce, Mary. Zoroastrians: Their Religious Beliefs and Practices. London: Routledge & Kegan Paul, 1979.
- Brown, Peter. The World of Late Antiquity: from Marcus Aurelius to Muhammad. London: Thames and Hudson, 1971.
- Browne, Edward G. A Literary History of Persia, in two volumes. Cambridge: Cambridge University Press, 1928.
- Arabian Medicine: Being the Fitzpatrick Lectures Delivered at the College of Physicians in November 1919 and November 1920. Cambridge: Cambridge University Press, 1921.
- Bryce, James. Studies in History and Jurisprudence, in 2 volumes. Oxford: Clarendon Press, 1901.
- Budge, Sir. E. A. Wallis. Babylonian Life and History. New York: Cooper Square Publishers, Inc., 1975.
- Burke, Edmund. "Islamic History as World History: Marshal Hodgson, The Venture of Islam", in *International Journal of Middle East Studies*, vol. 10 (1979): 241-64.
- Butler, Alfred J. The Arab Conquest of Egypt. Oxford: Oxford University Press, 1978.
- Butler, Howard Crosby. The Publication of an American Archaeological Expedition to Syria in 1899-1900; Part II, Architecture and other Arts. New York: The Century Co., 1903.
- Burton, John. The Sources of Islamic Law. Edinburgh: Edinburgh University Press, 1990.
- An Introduction to the Ḥadīth. Edinburgh: Edinburgh University Press, 1994.

- Calder, Norman. *Studies in Early Muslim Jurisprudence*. Oxford: Clarendon Press, 1993.
- Cambridge History of Arabic Literature: Arabic Literature to the end of the Umayyad Period*. Eds., A. F. L. Beeston, T. M. Johnstone, R. B. Serjeant, and G. R. Smith. Cambridge: Cambridge University Press, 1983.
- Cambridge History of Iran*, in eight volumes. Eds., P. M. Holt, A. K. S. Lambton, and B. Lewis. Cambridge: Cambridge University Press, 1970.
- Campbell, Leroy A. *Mithraic Iconography and Ideology*. Leiden: E. J. Brill, 1968.
- Chejne, Anwar G. "Al-Faḍl b. al-Rabīʿ: A Politician of the Early ʿAbbāsīd Period", in *Islamic Culture*, vol. 36 (1962): 167-181 & 237-244.
- "The Boon-Companion in Early ʿAbbāsīd Times", in *Journal of the American Oriental Society*, vol. 85 (1965): 327-35.
- Contenau, Georges. *Everyday life in Babylon and Assyria*. London: Edward Arnold Ltd., 1954.
- Coulson, N. J. *Conflicts and Tensions in Islamic Jurisprudence*. Chicago: University of Chicago Press, 1969.
- A History of Islamic Law*. Edinburgh: Edinburgh University Press, 1964.
- "Doctrine and Practice in Islamic Law: one aspect of the problem," in Edge, Ian, *Islamic Law and Legal Theory*. Aldershot: Dartmouth Publishing Company Limited, 1996.
- Crone, Patricia. *Meccan Trade and the Rise of Islam*. Oxford: Basil Blackwell Ltd., 1987.
- Crone, Patricia, and Cook, Michael. *Hagarism: The Making of the Islamic World*. Cambridge: Cambridge University Press, 1977.
- Curtis, Vesta Sarkhosh. *Persian Myths: The Legendary Past*. London: The Trustees of the British Museum, 1993.
- Dalton, O.M. *Byzantine Art and Archaeology*. Oxford: Clarendon Press, 1911.
- Dashti, ʿAlī. *Twenty Three Years: A Study of the Prophetic Career of Muḥammad*. Tr., F. R. C. Bagley, London: George Allen & Unwin Ltd., 1985.
- Della Vida, G. Levi. "Pre-Islamic Arabia" in *The Arab Heritage*. Princeton: Princeton University Press, 1944.
- Dhabhar, Ervard Bamanji Nusserwanji. *Essays on Iranian Subjects*. Bombay: Shahnamah Press, 1955.
- Dhalla, Maneckji Nusservanji. *History of Zoroastrianism*. London: Oxford University Press, 1938.
- Dicks, Brian. *The Ancient Persians: How They Lived and Worked*. New York: David & Charles, 1979.
- Dickson, H. R. P. *The Arab of the Desert*. London: George Allen & Unwin Ltd, 1949.
- Dimbleby, G. W. *Plants and Archaeology*. London: John Baker, 1967.

- Dodge, Bayard. Muslim Education in Medieval Muslim Times. Washington, DC: The Garamond Press, 1962.
- Donner, Fred McGraw. "The Formation of the Islamic State", in *Journal of the American Oriental Society*, vol. 106 (1986): 283-296.
- . "Mecca's Food Supplies and Muhammad's Boycott," in *Journal of the Economic and Social History of the Orient*, vol. 20 (1977): 249-66
- Duffy, John c., ed. Alcohol and Illness: The Epidemiological Viewpoint. Edinburgh: Edinburgh University Press, 1992.
- Dunlop, D. M. Arab Civilisation to AD 1500. London: Longman Group Limited, 1971.
- Duri, A. A. The Rise of Historical Writing Among the Arabs, ed./tr. Lawrence I. Conrad. Princeton: Princeton University Press, 1983.
- Edge, Ian, ed. Islamic Law and Legal Theory. Aldershot: Dartmouth Publishing Company Limited, 1996.
- El-Awa, Mohamed S. Punishment in Islamic Law: A Comparative Study. Indianapolis: American Trust Publications, 1982.
- Eph'al, Israel. The Ancient Arabs: Nomads on the Borders of the Fertile Crescent 9th-5th Centuries BC. Jerusalem: The Magnes Press, 1982.
- Fariq, K. A. "A Remarkable Early Muslim Governor: Ziyād b. Abih." In *Islamic Culture*, vol. 26 (1952): 1-31.
- . "Umayyad Poetry: Its Political and Social Background." In *Islamic Culture*, vol. 29 (1955): 256 - 266.
- Fischel, Walter J. Jews in the Economic and Political Life of Mediaeval Islam. London: The Royal Asiatic Society, 1937.
- Forrand, Paul G. "The Governors of Moṣul according to Al-Azdī's *Ta'riḫ al-Mawsil*," in *Journal of the American Oriental Society*, vol. 89 (1969): 88-106.
- Fowden, Garth. Empire to Commonwealth: Consequences of Monotheism in Late Antiquity. Princeton: Princeton University Press, 1993.
- Freeman-Grenville, G. S. P. The Muslim and Christian Calendars: being tables for the conversion of Muslim and Christian dates from the Hijra to the year A.D. 2000. London: Oxford University Press, 1963.
- Frye, R.N. Islamic Iran and Central Asia (7th-12th centuries). London: Variorum Reprints, 1979.
- . The Golden Age of Persia: The Arabs in the East. London: Weidenfeld and Nicolson, 1975.
- Garnsey, Peter; Hopkins, Keith; and Whittaker, C.R., eds. Trade in the Ancient Economy. London: Chatto & Windus-The Hogarth Press, 1983.
- Gatje, Helmut. The Qur'ān and its Exegesis. Tr./ed. Alford T. Welch. London: Routledge & Kegan Paul, 1976.
- De Gaury, Gerald. Rulers of Mecca. London: George G. Harrap & Co., Ltd., 1951.

- Gabrielli, Francesco. *Studi in onore di Francesco Gabrieli nel suo ottantesimo compleanno*, in two volumes. Ed. Renato Traini. Rome: University of Rome, 1984.
- Gerhardt, Mia I. *The Art of Storytelling: A Literary Study of the Thousand and One Nights*. Leiden: E. J. Brill, 1963.
- Ghirshman, Roman. *Persian Art: The Parthian and Sassanian Dynasties: 249 BC - AD 651*. Stuart Gilbert & James Emmons, tr. New York: Golden Press, 1962.
- Gibbon, Edward. *The Decline and Fall of the Roman Empire*. J.B. Bury ed., in seven volumes. London: Methuen & Co., 1901.
- Gil, Moshe. "The Constitution of Medina: A reconsideration," in *Israel Oriental Studies*, vol. 4 (1974): 44-65.
- "The Origin of the Jews of Yathrib," in *Jerusalem Studies in Arabic and Islam*, vol. 4 (1984): 203-223.
- Goitein, S. D. *Jews and Arabs: Their Contacts through the Ages*. New York: Schocken Books, Inc., 1955.
- Goldberg, D. J., and Rayner, J. D. *The Jewish People: Their History and Religion*. London: Penguin Books, 1989.
- Goldziher, Ignaz. *Muslim Studies*. Tr., C. R. Barber and S. M. Stern; ed., S. M. Stern. London: George Allen & Unwin Ltd, 1967.
- Introduction to Islamic Theology and Law*, being a translation of his *Vorlesungen über den Islam*, by Andras and Ruth Hamori. Princeton: Princeton University Press, 1981.
- Goitein, S.D. *Studies in Islamic History and Institutions*. Leiden: E.J. Brill, 1966.
- Von Grunebaum, Gustave E. "Eastern Jewry Under Islam," in *Viator: Medieval and Renaissance Studies*, vol. 2 (1971): 365-72.
- "The Nature of Arab Unity before Islam", in *Arabica*, vol. 10 (1963): 5-23.
- Medieval Islam: A Study in Cultural Orientation*. Chicago: University of Chicago Press, 1946.
- Guillaume, Alfred. *The Traditions of Islam: An Introduction to the study of the Ḥadīth Literature*. Oxford: Clarendon Press, 1924.
- Hallaq, Wael B. "Was the gate of ijtihād closed?" in Edge, Ian, *Islamic Law and Legal Theory*. Aldershot: Dartmouth Publishing Company Limited, 1996.
- Law and Legal Theory in Classical and Medieval Islam*. England: Variorum, 1995.
- "Was al-Shāfi'ī the Master Architect of Islamic Jurisprudence?" in *International Journal of Middle East Studies*, vol. 25 (1993): 587-605.
- Hamilton, Robert. *Walīd and his friends: an Umayyad Tragedy*. Oxford: Oxford University Press, 1988.
- Hammond, Philip C. "The Nabataeans--their History, Culture, and Archaeology" in *Studies in Mediterranean Archaeology*. Gothenburg: Paul Astroms Forlang, 1973.
- Hardy, Edward Rochie. *The Large Estates of Byzantine Egypt*. New York: Columbia University Press, 1931.

- Hasan, Aḥmad. "Al-Shāfiʿī's role in the Development of Islamic Jurisprudence", in Edge, Ian, *Islamic Law and Legal Theory*. Aldershot: Dartmouth Publishing Company Limited, 1996.
- Haussig, H.W. *A History of Byzantine Civilization*. Translated by J.M. Hussey. London: Thames and Hudson, 1971.
- Hawting, G. R. *The First Dynasty of Islam: The Umayyad Caliphate AD 661-750*. London: Croom Helm Ltd., 1986.
- Herrin, Judith. "Historians and their times: The Byzantine Secrets of Procopius." *History Today*, vol. 38 August (1988): 36-42.
- Herzfeld, Ernst. *Zoroaster and his World*, vol. II. Princeton: Princeton University Press, 1947.
- Hillenbrand, Robert. *Islamic Architecture: Form, function and meaning*. Edinburgh: Edinburgh University Press, 1994.
- "La Dolce Vita in Early Islamic Syria: The Evidence of Later Umayyad Palaces," in *Art History*, vol. 5, no. 1, March (1982): 1-35.
- Hinnells, John R., ed. *Mithraic Studies, vol. I*. Manchester: Manchester University Press, 1975.
- Hinz, Walther. *Islamische Masse und Gewichte: umgerechnet ins metrische system*. Leiden: E. J. Brill, 1955.
- Hitti, Philip K. *Capital Cities of Arab Islam*. Minneapolis: University of Minnesota Press, 1973.
- History of the Arabs*, tenth edition. London: The MacMillian Press Ltd, 1970.
- Hodgson, Marshall G. S. *The Venture of Islam*, in three volumes. Chicago: University of Chicago Press, 1961.
- Holt, P.M., Lambton, Ann K. S., Lewis, Bernard, eds. *The Cambridge History of Islam*, in seven volumes. Cambridge: Cambridge University Press, 1970.
- Horovitz, J. "Judaeo-Arabic Relations in pre-Islamic Times," *Islamic Culture*, vol. 3, April, 161-99.
- Hourani, Albert. *A History of the Arab Peoples*. New York: Warner Brooks, 1991.
- Hourani, George F. *Arab Seafaring in the Indian Ocean in Ancient and Early Medieval Times*. Revised and expanded by John Carswell. Princeton: Princeton University Press, 1995.
- Humphreys, Stephen R. *Islamic History*. London: I.B. Tauris & Co. Ltd, 1991.
- Husain, Zakir. "The Regnal Titles of the First ʿAbbāsid Caliphs", in B. Lewis, *Studies in Classical and Ottoman Islam (7th - 16th Centuries)*. London: Various Reprints, 1976.
- Hyams, Edward. *Dionysus: A Social History of the Wine Vine*. London: Thames & Hudson, 1965.

- Plants in the Service of Man: 10 000 years of Domestication. London: J.M. Dent & Sons Ltd, 1971.
- Soil and Civilization. London: Thames & Hudson, 1952.
- Isaac, Benjamin. The Limits of Empire: The Roman Army in the East. Oxford: Clarendon Press, 1992.
- Izutsu, Toshihiko. Ethico-Religious Concepts in the Qur'ān. Montreal: McGill University Press, 1966.
- Jeffery, Arthur. A Reader on Islam: Passages from standard Arabic writings illustrative of the beliefs and practices of Muslims. 's-Gravenhage: Mouton & Co., 1962.
- Materials for the History of the Text of the Qur'ān. Leiden: E.J. Brill, 1937.
- Jones, A.H.M. The Later Roman Empire: 284-602. Oxford: Basil and Blackwell, 1964.
- Juynboll, G.H.A. The Authenticity of the Tradition Literature: Discussions in Modern Egypt. Leiden: E.J. Brill, 1969.
- Muslim Tradition: Studies in chronology, provenance, and authorship of early ḥadīth. Cambridge: Cambridge University Press, 1983.
- Kaegi, Walter E. Byzantium and the Early Islamic Conquests. Cambridge: Cambridge University Press, 1992.
- Kamali, Mohammad Hashim. Principles of Islamic Jurisprudence. Cambridge: Islamic Texts Society, 1991.
- Kamel, Taymour. "The Principle of Legality and its Application in Islamic Criminal Justice," in The Islamic Criminal Justice System, M. Cherif Bassiouni, ed. New York: Oceana Publications, Inc., 1982.
- Kawani, Trudy S. Ancient Iranian Ceramics: from the Arthur M. Sackler Collections. New York: The Arthur M. Sackler Foundation.
- Kennedy, Hugh. The Prophet and the Age of the Caliphate: The Islamic Near East from the sixth to the eleventh century. London: Longman Group Limited, 1986.
- The Early 'Abbāsīd Caliphate: A Political History. London: Croom Helm, 1981.
- "Succession disputes in the early 'Abbāsīd Caliphate (132/749 - 193/809)", in Hillenbrand, Robert, ed., Proceedings of the 10th Congress of the Union Européenne des Arabisants et Islamisants. Edinburgh: Edinburgh University Press, 1980.
- Khadduri, Majid. "Nature and Sources of Islamic Law", in Edge, Ian, ed., Islamic Law and Legal Theory. Aldershot: Dartmouth Publishing Company Limited, 1996.
- Khalidi, Tarif. Arabic historical thought in the classical period. Cambridge: Cambridge University Press, 1994.
- Khan, Majid 'Alī. The Pious Caliphs. n.p.: Islamic Book Publishers, 1978.
- Kister, M. J. "The Massacre of the Banū Qurayza," in Jerusalem Studies in Arabic and Islam vol. 8 (1986): 45-96.
- Studies in Jahiliyya and Early Islam. London: Variorum Reprints, 1980.
- "al-Ḥīra: Some notes on its relations with Arabia." In Arabica, vol. 15 (1968): 143-169.

- "Mecca and Tamim" in *Journal of the Economic and Social History of the Orient*, vol. 8 (1965): 113-63.
- Lassner, Jacob. *Islamic Revolution and Historical Memory: an inquiry into the art of 'Abbāsid apologetics*. New Haven, Conn.: American Oriental Society, 1986.
- Layish, Aharon. "Notes on Joseph Schacht's Contribution to the Study of Islamic Law", in *British Society for Middle Eastern Studies Bulletin*, vol. 9 (1982): 132-40.
- Lecker, Michael. *Muslims, Jews and Pagans: Studies on Early Islamic Medina*. Leiden: E. J. Brill, 1995.
- "On the Markets of Medina in Pre-Islamic and Early Islamic Times," in *Jerusalem Studies in Arabic and Islam* vol. 8 (1986): 133-147.
- "Muhammad at Medina: A Geographical Approach," in *Jerusalem Studies in Arabic and Islam* vol. 6 (1985): 29-57.
- Levy, Reuben. *A Baghdad Chronicle*. Cambridge: Cambridge University Press, 1969.
- *The Social Structure of Islam*. Cambridge: Cambridge University Press, 1969.
- *An Introduction to the Sociology of Islam*, in 2 volumes. London: Williams and Norgate, Limited, 1931-2.
- Lewis, Archibald R. *Naval Power and Trade in the Mediterranean AD 500 - 1100*. New Jersey: Princeton University Press, 1951.
- Lewis, Bernard. *The Arabs in History: New Edition*. Oxford: Oxford University Press, 1993.
- *The Jews of Islam*. London: Routledge & Kegan Paul, plc, 1984.
- "Poems from the Arabic", in *Studi in onore di Francesco Gabrieli*, vol. 2. Roma: Università di Roma (1984): 847-50.
- Ed., *The World of Islam: Faith, People, Culture*. London: Thames and Hudson, 1976.
- Limbert, John W. *Iran: At War with History*. Colorado: Westview Press, 1987.
- Lings, Martin. *Muḥammad: his life based on the earliest sources*. London: George Allen & Unwin Ltd., 1983.
- *The Qur'ānic Art of Calligraphy and Illumination*. London: World of Islam Festival Trust, 1976.
- Lippman, Matthew; McConville, Sean; and Yerushalmi, Mordechai. *Islamic Criminal Law and Procedure*. New York: Praeger, 1988.
- Littmann, Enno. *The Publication of an American Archaeological Expedition to Syria in 1899-1900; Part IV, Architecture and other Arts*. New York: The Century Co., 1904.
- Makdisi, George. *The Rise of Humanism in Classical Islam and the Christian West*. Edinburgh: Edinburgh University Press, 1990.
- *The Rise of Colleges: Institutions of Learning in Islam and the West*. Edinburgh: Edinburgh University Press, 1981.
- "The Significance of the Sunni Schools of law in Islamic History," in *International Journal of Middle East Studies*, vol. 10 (1979): 1-8.
- Mango, Cyril. *Byzantium: The Empire of New Rome*. London: Weidenfeld and Nicolson, 1981.

- Margoliouth, D. S. Mohammed and the Rise of Islam. New York: G. P. Putnam's Sons, 1905.
- Mathew, G. Byzantine Aesthetics. London: John Murray, 1963.
- Mattingly, Harold. Roman Imperial Civilisation. London: Edward Arnold Publishers Ltd., 1957.
- Mawdudi, Sayyid Abul A'la. Towards Understanding the Qur'ān, vol. 1. Tr./ed. Zafar Ishaq Ansari, Great Britain: The Islamic Foundation, 1988.
- McKenzie, Judith. The Architecture of Petra. London: Oxford University Press, 1990.
- Melikian-Chirvani, A. S. "The Iranian *Bazm* in Early Persian Sources", in Res Orientales, vol. IV, 95-119.
- "The Wine-bull and the Magian Master", in Studia Iranica, vol. 11 (1992): 101-35.
- "From the Royal Boat to the Beggar's Bowl", in Islamic Art, vol. 4 (1990-91): 3-111.
- Merchant, Muhammad Valibhai. A Book of Qur'ānic Laws. Lahore: Muhammad Ashraf, 1947.
- Merrill, John E. "Dr. Bell's Critical Analysis of the Qur'ān," in Paret, Rudi, Der Koran. Darmstadt: Wissenschaftliche Buchgesellschaft, 1975.
- Mez, Adam. The Renaissance of Islam, tr. S. K. Bukhsh and D. S. Margoliouth. London: Luzac & Co., 1937.
- Morony, Michael G. Iraq after the Muslim Conquest. Princeton: Princeton University Press, 1985.
- Moulton, James Hope. Early Zoroastrianism. London: Williams and Norgate, 1913.
- Muir, Sir William. The Caliphate: Its Rise, Decline, and Fall. Edinburgh: J. Grant, 1924.
- Neusner, Jacob. Judaism, Christianity, and Zoroastrianism in Talmudic Babylonia. Atlanta, GA.: Scholar Press, 1990.
- Newby, Gordon Darnell. A History of the Jews of Arabia: from ancient times to their eclipse under Islam. Columbia, S.C.: University of South Carolina Press, 1988.
- Newman, J. The Agricultural Life of the Jews in Babylonia between the years 200 CE and 500 CE. London: Oxford University Press, 1932.
- Nöldeke, Theodor. The Iranian National Epic or The Shanameh, tr. Leonid Th. Bogdanov. Bombay: The K. B. Cama Oriental Institute, 1930.
- Geschichte des Qorans. Leipzig: Dieterisch Verlagsbuchhandlung, 1909
- Nu'mani, Shams-ul-Ulama Allamah Shibli. Umar the Great: the second Caliph of Islam. Tr. Maulana Zafar Ali Khan, in 2 volumes. Lahore: Ashraf Press, 1939.
- O'Leary, De Lacy. Arabia before Muḥammad. London: Kegan Paul, 1927.
- Omar, Farouk. The Abbāssid Caliphate: 132/750 - 170/786. Bahgdad: Baghdad National Print and Publishing Company, 1969.

- Palmer, Andrew. Monk and Mason on the Tigris Frontier: The early history of Tur Abdin. Cambridge: Cambridge University Press, 1990.
- Patton, Walter M. Aḥmad b. Ḥanbal: A Biography of the Imām including an account of the Moḥammedan Inquisition called the Miḥna. Leiden: E. J. Brill, 1897.
- Pearl, David. A Textbook on Muslim Law. London: Croom Helm, 1979.
- Peretz, Don; Moench, Richard; & Mohsen, Safia. Islam: Legacy of the Past, Challenge of the Future. New York: New Horizon Press, 1984.
- Peters, F. E. Muḥammad and the Origins of Islam. New York: State University of New York Press, 1994.
- Allah's Commonwealth: A History of Islam in the Near East 600-1100 A.D. New York: Simon and Schuster, 1973.
- Piscatori, James. "The Life and Work of Majid Khadduri", in J. Piscatori and G. S. Harris, eds., Essays in Honor of Majid Khadduri. Washington, D.C.: Westview Press, 1987.
- Pope, Arthur Upham and Ackerman, Phyllis, eds. A Survey of Persian Art: from Prehistoric Times to the Present. London: Oxford University Press, 1938.
- Pinault, David. "Story-Telling Techniques in the Arabian Nights" in Studies in Arabic Literature, vol. 15, ed. M. M. Badawi and J. N. Mattock. Leiden: E. J. Brill, 1992.
- Porada, Edith, Dyson, R. H., Wilkinson, Charles Kyrle. Ancient Iran: The Art of pre-Islamic Times. London: Methuen, 1965.
- Price, Pamel Vandyke. Wine Lore, Legends-and-Traditions. London: Hamlyn Publishing, 1985.
- Al-Qāḍī, Wadād. "Early Islamic State Letters: The Question of Authenticity", in Studies in Late Antiquity and Early Islam, vol. 1: The Byzantine and Early Islamic Near East, ed. A. Cameron and L. I. Conrad. Princeton: Darwin Press Inc., 1992.
- Rahim, Abdur. The Principles of Muḥammadan Jurisprudence according to the Hanafī, Mālikī, Shafī'ī and Hanbalī Schools. London: Luzac & Co., 1911.
- Rahman, H. U. A Chronology of Islamic History: 570-1000 CE. London: Ta-Ha Publishers Limited, 1995.
- Rawlinson, George. The Five Great Monarchies of the Ancient Eastern World, in four volumes. New York: Dodd, Mead, and Company, 1881.
- Rice, David Talbot. The Byzantines. London: Thames & Hudson, 1962.
- Rodinson, Maxime. Mohammed. Tr. (from the French), Anne Carter. London: The Penguin Press, 1971.
- Rohen, Claudia. Coffee. London: Faber & Faber, 1977.
- Rosenhan, David L., & Seligman, Martin E. P. Abnormal Psychology. London: W. W. Norton & Company, 3rd edition, 1995.
- Rosenthal, Franz. Humor in Early Islam. Westport, Conn.: Greenwood Press, 1976.

- The Classical Heritage in Islam. Tr. from the German by Emile and Jenny Marmorstein. London: Routledge & Kegan Paul, 1975.
- The Herb: Hashish versus Medieval Muslim Society. Leiden: E. J. Brill, 1971.
- A History of Muslim Historiography. Leiden: E. J. Brill, 1952.
- Roux, Georges. Ancient Iraq. New York: The World Publishing Company, 1964.
- Samadi, S. B. "Some Aspects of the Theory of the State and Administration under the Abbasids", in *Islamic Culture*, vol. 29 (1955): 120-150.
- "Social and Economic Aspects of Life under the Abbasid Hegemony at Baghdad", in *Islamic Culture*, vol. 29 (1955): 237-
- Scarre, Chris. Chronicle of the Roman Emperors: The Reign-by-Reign Record of the Rulers of Imperial Rome. London: Thames & Hudson, 1995.
- Schacht, Joseph. An Introduction to Islamic Law. Oxford: Clarendon Press, 1964.
- The Origins of Muḥammadan Jurisprudence. Oxford: Clarendon Press, 1950.
- Scharf, Andrew. Byzantine Jewry from Justinian to the Fourth Crusade. London: Routledge & Kegan Paul Limited, 1971.
- Shahid, Irfan. Byzantium and the Arabs in the Fourth Century. Washington, DC: Dumbarton Oaks, 1984.
- Byzantium and the Arabs in the Fifth Century. Washington, DC: Dumbarton Oaks, 1989.
- Sharon, Moshe. Black Banners from the East: The Establishment of the 'Abbāsid State - Incubation of a Revolt. Jerusalem: The Magnes Press, 1983.
- Shaw, B. D. "Eaters of Flesh, Drinkers of Milk; the Ancient Mediterranean Ideology of the Pastoral Nomad," in *Ancient Society*, vol. 13/14 (1982/3): 5-31.
- Sherwani, A. A. K. Impact of Islamic Penal Laws on the Traditional Arab Society. New Delhi: M. D. Publications PVT Ltd., 1993.
- Simon, Robert. Meccan Trade and Islam: Problems of origin and structure. Budapest: Akademiai Kiado, 1989.
- Sivan, Emmanuel. Interpretations of Islam: Past and Present. Princeton: The Darwin Press, 1985.
- Smith, Sidney. "Events in Arabia in the 6th century A.D.," in *Bulletin of the School of Oriental and African Studies*, vol. 16 (1954): 425-68.
- Spuler, Bertold. The Age of the Caliphs, tr. F. R. C. Bagley. Leiden: E. J. Brill, 1969.
- Stetkevych, Suzanne Pinckney. Abū Tammām and the Poetics of the 'Abbāsid Age. Leiden: E. J. Brill, 1991.
- Strassfeld, Michael. The Jewish Holidays: A guide & commentary. New York: Harper & Row, 1985.
- Swain, Joseph Ward. The Ancient World, in two volumes. New York: Harper & Row Publishers, 1950.

- Tabātabā'i, 'Allamah. "The Shī'i Interpretation of Ḥadīth Literature" and "The Imāms and the Imāmate", in eds. S. H. Nasr, H. Dabashi, S. V. R. Nasr, *Shī'ism: Doctrines, Thought, and Spirituality*. New York: State University of New York Press, 1988.
- Tabātabā'i, Hossein Modarressi. *An Introduction to Shī'i Law: A bibliographical study*. London: Ithaca Press, 1984.
- Taha, Mahmoud Mohamed. *The Second Message of Islam*. Tr. Abdullahi Ahmed An-Na'im. New York: Syracuse University Press, 1987.
- Trepp, Leo. *The Complete Book of Jewish Observance*. New York: Simon & Schuster, 1980.
- Trimingham, J. Spencer. *Christianity Among the Arabs in Pre-Islamic Times*. London: Longman Group Limited, 1979.
- Von Unnik, W. C. *Nestorian Questions on the Administration of the Eucharist*. Haarlem: J. Enschede en zonen, 1937.
- Unwin, Tim. *Wine and the Vine: An Historical Geography of Viticulture and the Wine Trade*. London: Routledge, 1991.
- Vasiliev, A. A. *History of the Byzantine Empire, 324-1453, Volume I*. USA: The University of Wisconsin Press, 1964.
- Vogue, M., de. *Syrie Centrale: Architecture Civile et Religieuse*. Paris, 1865-77.
- Vryonis, Speros Jr. *Studies on Byzantium, Seljuks, and Ottomans*. Malibu: Undena Publications, 1981.
- Wagner, Ewald. *Abū Nuwās: Eine Studie zur Arabischen Literature der frühen 'Abbāsidenzeit*. Wiesbaden: Franz Steiner Verlag GMBH, 1965.
- Wasserstrom, Steven M. *Between Muslim and Jew: The Problem of Symbiosis Under Early Islam*. Princeton: Princeton University Press, 1995.
- Watt, W. Montgomery. *Companion to the Qur'ān*. Oxford: One World Publications, 1994.
- *Muḥammad's Mecca: History in the Qur'ān*. Edinburgh: Edinburgh University Press, 1988.
- "Islam and Wine-Drinking." In *Studi in onore di Francesco Gabrieli*, vol. 2. Roma: Università di Roma (1984): 847-50.
- "Belief in a 'High God' in Pre-Islamic Arabia" in *Journal of Semitic Studies*, XVI (1971): 34-40.
- "God's Caliph: Qur'ānic interpretations and Umayyad claims", in *Iran and Islam*, ed. C. E. Bosworth. Edinburgh: Edinburgh University Press, 1971.
- *Bell's Introduction to the Qur'ān*. Edinburgh: Edinburgh University Press, 1970.
- *Muḥammad: Prophet and Statesman*. Great Britain: Oxford University Press, 1967.
- "The Materials Used by Ibn Ishāq." In B. Lewis and P. Holt, eds., *Historians of the Middle East*. London, 1962.
- *Muḥammad at Medina*. Oxford: Oxford University Press, 1956.
- Watterson, Barbara. *Coptic Egypt*. Edinburgh: Scottish Academic Press, 1988.
- Weeramantry, C. G. *Islamic Jurisprudence: An International Perspective*. London: The MacMillan Press Ltd, 1988.

- Weiss, Bernard. "Interpretation in Islamic Law: The Theory of Ijtihād," in Edge, Ian, *Islamic Law and Legal Theory*. Aldershot: Dartmouth Publishing Company Limited, 1996.
- Weitzmann, Kurt. *Studies in Classical and Byzantine Manuscript Illumination*. Chicago: University of Chicago Press, 1971.
- Wellhausen, J. *The Arab Kingdom and Its Fall*. Margaret Graham Weir, tr. Beirut: Khayats, 1963.
- Wilber, Donald N. *Iran: Past and Present*. New Jersey: Princeton University Press, 1948.
- Williams, John Alden, ed. *The World of Islam*. Austin: University of Texas Press, 1994.
——— *Themes of Islamic Civilization*. Berkeley: University of California Press, 1971.
- Wolf, E.R. "The Social Organisation of Mecca and the Origins of Islam," *Southwestern Journal of Anthropology*, vol. 7 (1951): 329-356.
- Worrell, William H. *A Short Account of the Copts*. Ann Arbor: University of Michigan Press, 1945.
- Zaydān, Jurjī. *Umayyads and 'Abbāsids*, tr. D. S. Margoliouth. London: Luzac & Co., 1907.
- Zohary, Michael. *Plants of the Bible*. Cambridge: Cambridge University Press, 1982.