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Islam without Fuqahā²: Ibn al-Muqaffa^c and His Perso-Islamic Solution to the Caliphate's Crisis of Legitimacy (70–142 AH/690–760 CE)

This paper seeks to advance the existing scholarship on Persian secretary and belles-lettrist, ‘Abd Allāh Ibn al-Muqaffā^c (d. 139/757) and his Risāla fī ‘l-Ṣaḥāba (Epistle Concerning the Entourage). It argues that the Risāla, addressed to the second Abbasid caliph al-Manṣūr, set out to tackle the political ills of the caliphate, especially the crisis of political legitimacy. As the first documented articulation of the Islamic polity, the Risāla made a series of recommendations, including a proposal for legal codification that attempted to reinvent the caliphate by reuniting the institution's political and legal authority at the expense of private jurists (fuqahā²). The paper illustrates how Ibn Muqaffā^c's solution relied on a creative integration of Iranian and Islamic ideas of statecraft and legitimate rule. Ironically, this creative integration may have played a part in the Risāla's failure to garner necessary support to effect change.

Keywords: Ibn al-Muqaffa^c; Adab; Legitimate Rule; Islamic Political Theory; Islamic Law; Codification

Picture a pre-modern Islamic society where Muslim jurists (*fuqahā²*, sing. *faqīh*) have no say in legal matters, be they civil or criminal. This society would still have unshakeable faith in the Prophet Muhammad's divine message and his tradition, but the *fuqahā²* would play no role in elaborating the nitty-gritty of the *Sharī'a*. Their role would be limited to the moral economy of Islamic society—a role that would *not* carry over to the law and the attendant political matters. This hypothetical setting is more or less what Persian scribe and littérateur ‘Abd Allāh Ibn al-Muqaffā^c (d. 139/757) envisioned in an epistle, *Risāla fī ‘l-Ṣaḥāba (Epistle Concerning the Entourage)*, addressed to the second Abbasid caliph Abū Ja‘far al-Manṣūr (r. 136–58/754–75).

Ibn Muqaffā^c wrote his *Risāla* in a milieu of revolution and political strife. Having witnessed the downfall of the Umayyad caliphate and myriad sectarian conflicts, he observed that Muslim society's political ills revolved around what modern scholars might characterize as a crisis of political legitimacy. The first two centuries of Islam

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were nothing if not an age of confusion. The confusion consisted, first and foremost, in the recurring question of succession that plagued the Muslim community after the death of the Prophet Muhammad in 11/632: Who was the fittest to succeed the Prophet? The selection of the first four caliphs (11–40/632–61), that is, the lineage retrospectively dubbed “rightly-guided” (*rāshidūn*), was done in an ad hoc manner. Yet the bases for such selections were hardly clear and consistent.¹ Under such circumstances, the fledgling Muslim community enjoyed only fragile unity, a unity further tested as three of the four “rightly-guided” caliphs suffered violent deaths. The rise to power of the Umayyads in 41/661 exacerbated conflicts as several factions, such as the party (*shīʿa*) of ‘Alī and the Khārijīs, openly denounced the Umayyads’ right to rule, hence cultivating the movement that in 132/749 brought the Abbasids to power.

This context helps us to appreciate Ibn al-Muqaffa’s creative, even adventurous and audacious, attempt to resolve the problem of legitimacy once and for all. The ingenuity of his *Risāla* lay in its keen diagnosis of the shaky ground on which the caliphate, as the foremost Muslim political institution, rested. Aside from the thorny issue of succession, ongoing political and sectarian conflicts raised fundamental questions concerning unequivocal criteria for a legitimate Islamic government. How could one ascertain if the government had a legitimate right to rule? What criteria would determine political legitimacy? What role, if any, should the Islamic religion and its law play in securing political legitimacy? While Islamic scriptures and certain precedents set by the Prophet Muhammad and his immediate successors offered political ideas, there was little consensus as to how they would translate into an efficient, legitimate government, or how they would ensure peaceful succession.² In fact, the staggering hodgepodge in ḥadīth literature of contradictory traditions about legitimate Islamic governance betrays the lack of objective criteria and consensus about principles of rule and legitimacy.³ The Umayyads (41–132/661–750) wielded considerable religious authority and took pride in their guardianship of the Islamic faith and its law.⁴ However, they do not seem to have been too concerned about how to apply the less-than-clear principles of Islamic government to the new dynastic reality. Indeed, the Umayyads’ need to contain numerous political crises and the exigencies of a well-organized state administration took precedence over theoretical considerations of governance. Nevertheless, the general lack of consensus about basic principles of Islamic political institutions along with the growing clamor of rival claimants to rule (e.g., the ‘Alīds, Kharijīs, etc.) reaffirmed the apprehension that the Muslim state under the Umayyads had drifted farther away from what many perceived as the ideals of Islamic governance and justice. In such uncertain times the rival factions that rallied around the Abbasid cause capitalized on the very ambiguity of Islamic principles of governance, securing the support of all tribes and religious sects that, for one reason or another, held deep-seated grudges against the Umayyads.⁵ However, the ensuing strife which erupted within the victorious Abbasid coalition underscored the inherent equivocality of any purported rules and precedents. The advent of the Abbasid dynasty shows that the crisis of legitimacy had in effect become part and parcel of the institution of the caliphate.⁶

Just as the crisis continually undermined political stability, so too it presented generations of Muslim jurists, theologians, and philosophers with the arduous task of

defining what should constitute legitimate Islamic rule. Ibn al-Muqaffa^ʿ deserves credit for his profound intellectual undertaking at a time when the Arab Empire was replete with factionalism and political strife over the intractable question of succession. Ibn al-Muqaffa^ʿ's engagement of the legitimacy issue stems from his personal experience as an outsider observing this recurring crisis, not only during the transition from Umayyad to Abbasid rule but also in the first few years of the Abbasid period when the violent removal of political rivals and the vexing problem of succession within the House of al-ʿAbbās plagued the nascent Abbasid caliphate. As the earliest documented effort in Islamic history to formulate a “theory” of Islamic government, Ibn al-Muqaffa^ʿ's project offered a novel approach to law and the polity. In his grappling with the question of political legitimacy he brought to bear both ancient Iranian and Islamic sources. He effectively created a hybrid theory of government that reappropriated Iranian traditions of governance in tandem with the more amorphous Islamic ideals rooted in the Qurʾān and the tradition of the Prophet and the early caliphs. Brilliant as it was, this act of reappropriation turned out to be the *Risāla*'s Achilles heel. In combining both Iranian and Islamic traditions it failed to garner much support from the caliph and influential statesmen, and even less from the diverse class of religious scholars (ʿulamā^ʿ), including the *fuqahā*^ʿ and traditionists (*muhaddithūn*), whose support was key to making a case for political and legal reform. While Ibn al-Muqaffa^ʿ's approach was highly cognizant of concrete political, social, moral, and economic problems that had eroded the foundation of the fledgling Islamic Empire, his ideas for political, fiscal, and legal reform fell on deaf ears and received no attention from the caliphs or the ʿulamā^ʿ.

The present inquiry situates Ibn al-Muqaffa^ʿ in the broader context of cultural refinement (*adab*) and “mirrors for princes” (*Fürstenspiegel*) introduced by client secretaries in the first century of Islam. Highlighting the interconnectedness of the law and polity in this important work, I demonstrate how the *Risāla* sought to tackle the question of political legitimacy by addressing the confusing state of Islamic legal interpretation and its ramifications for the administration of justice. As my brief review of scholarship makes clear, modern scholars have dealt almost exclusively with either political or legal aspects of Ibn al-Muqaffa^ʿ's *Risāla* without delving into their inherent connection to, and implications for, political legitimacy in the early Islamic empire. This is what I endeavor to do in my interpretation of both the text and context of the *Risāla* where the law and polity intersect. The crux of Ibn al-Muqaffa^ʿ's conception of legitimate rule is that political legitimacy lies in good-faith enforcement of consistent and unambiguous laws subject to the caliph's personal judgment, which itself is checked by indisputable principles of the law so as to discourage arbitrary rule.

Ibn al-Muqaffa^ʿ and the Secretarial Discourse of Knowledge

My inquiry treats Ibn al-Muqaffa^ʿ and his political ideas within the broader context of the first/seventh-century formation and expansion of the Arab Empire in the Fertile

Crescent and Iran. This investigation highlights the strong link between the innovative character of Ibn al-Muqaffa's *Risāla* and what I call the "secretarial discourse of knowledge"—a discourse constructed diligently by the literate elite of the conquered peoples who found an eager employer in the imperial state administration. Indeed, Ibn al-Muqaffa's intellectual and professional upbringing took place within the emerging group of Iranian secretaries and administrators wherein he had occasion to interact with his Arab patrons and literary men in southern Iraq.

Sources of early Islamic history unanimously remark how the fledgling Muslim state relied upon the elites of conquered peoples for the successful upkeep of the imperial as well as provincial administrations. Particularly important for the Muslim state were revenues generated through the collection of land tax (*kharāj*) and poll tax (*jizya*).⁷ Iranian village heads (*dehqāns/dihqāns*) in Iraq had previously negotiated peace treaties during the Arab conquest of the 10s/630s and 20s/640s.⁸ When the Sasanian army failed to protect Iranian territories in a series of battles against numerous bands of Arab warriors, the *dihqāns'* interaction with the conquerors ensured that Iranian subjects remained situated on their lands and were recognized as protected (*dhimmī*) communities in return for the payment of a poll tax and land tax. Indeed, the *dihqāns* proved instrumental in putting in place systems of tax collection and record-keeping as well as other government functions.⁹ Originating from within the pre-Islamic landed aristocracy that had previously served the Sasanian state administration with its relatively decentralized system of tax collection, the *dihqāns* helped the Arab conquerors to establish and maintain a state administration in the conquered territories of Iraq and Iran. In so doing, the *dihqāns* managed to retain their position, assessing and collecting taxes for the Muslim state which in turn allowed them to regain a large portion of their power and influence. Some *dihqāns* would abuse their position to accumulate personal wealth at the expense of their suffering countrymen.¹⁰

Ibn al-Muqaffa 'belonged to this larger emerging cadre of non-Arab, non-Muslim government bureaucrats.¹¹ Born to a Zoroastrian *dihqān* family and named Rōzbeh at birth, Ibn al-Muqaffa's conversion to Islam took place sometime during or after the Abbasid Revolution reportedly "at the hand" of his patron 'Īsā b. 'Alī, a paternal uncle to the first two Abbasid caliphs. His work as a public servant, however, had previously begun when he befriended 'Abd al-Ḥamīd b. Yahyā (d. 132/750), secretary to the last Umayyad Caliph Marwan II (r. 125–32/743–50).¹² Despite a lack of reliable information, we can surmise that their friendship and professional relationship must have had a profound impact on Ibn al-Muqaffa's intellectual growth.¹³ After all, 'Abd al-Ḥamīd was a forefather of *adab* and the mirror genre.¹⁴ This genre functioned as a literary medium and facilitated the creative adaptation of ancient political ideas. It also served to construct a cultural edifice centered on the knowledge of polity, statecraft, and court manners. Reproduced and transferred by the secretaries to Muslim society in both translations and original compositions, the ancient Iranian and Hellenistic conceptions of the polity constituted an influential discourse of knowledge that addressed questions of political authority, the nature of power, the relationship between ruler and subject, the role of religion, social hierarchy, and efficient socioeco-

conomic management. However, just as the secretarial discourse drew heavily on ancient knowledge, so also it incorporated much from Islamic ideas and ideals of governance and justice. ‘Abd al-Ḥamīd’s epistles (*rasā’il*, sing. *risāla*) proved instrumental in setting the tone for the secretarial discourse which manifested itself in the syncretism of the mirrors genre and Islamic ideas grounded in the Qur’ān. Unlike his mentor Sālim Abu ‘l-‘Alā’ (d. ca. 740), whose translation of the pseudo-Aristotelian letters had set the stage for the importing of Greek and Iranian political wisdom into Islam, ‘Abd al-Ḥamīd’s writings emanated directly from his creative pen in the form of epistles addressed to a preeminent audience.¹⁵ His *Epistle to the Secretaries* (*Risāla ilā ‘l-Kuttāb*) calls attention to a holistic conception of knowledge which, according to ‘Abd al-Ḥamīd, encompasses religious, moral, historical, philosophical, and technical elements. Most notably, knowledge of the Qur’ān, Prophetic traditions, and pre-Islamic histories of both Arabs and non-Arabs (*‘ajam*) occupy as important a place in a secretary’s repertoire as do the craft of writing and arithmetic.¹⁶ Likewise, ‘Abd al-Ḥamīd’s *Epistle to the Crown Prince* (*Fī Naṣīḥat Walī ‘l-‘Abd*) emphasizes moral righteousness and codes of courtly etiquette. In it the prince is urged to familiarize himself with the Qur’ān and to heed moral vices as the greater threat to his prosperity.¹⁷

Ibn al-Muqaffa’ built upon this influential and expanding body of texts in order to produce his translations and compositions, ushering in a new era in mirrors literature. While we are concerned primarily with Ibn al-Muqaffa’’s solution to the crisis of legitimacy as articulated in his *Risāla*, we are to note that this epistle brought to bear key concepts from the author’s earlier works. This context will allow us to identify the preexisting elements that came together in Ibn al-Muqaffa’’s political thought. By the time he wrote his *Risāla* to al-Manṣūr, Ibn al-Muqaffa’ had already produced several texts of special import. In a vein similar to his predecessors, Sālim and ‘Abd al-Ḥamīd, Ibn al-Muqaffa’ made profound contributions to the development of early Arabic prose.¹⁸ His translations into Arabic of Sasanian court literature were purportedly intended for statesmen, courtiers, and the nobility. The most popular were *Khwādāynāma*, *Tājnāma*, and *Kalīla wa Dimna*, itself an adaptation of the Indian *Fables of Bidpāy* or *Pāncḥātāntrā*. These translations, coupled with his Arabic compositions on court mannerism such as *al-Adab ‘l-Kabīr* and *‘Abd Ardashīr* (*Testament of Ardashīr*), contributed immensely to the rise of *adab*, a literary genre denoting cultural refinement that integrated ancient wisdom, Islamic moral principles, and political aphorisms. *Adab* literature, including translations and original compositions, introduced novel ideas and concepts, and addressed, among other things, questions of political authority and legitimacy. Indeed, *adab* functioned as a literary instrument and advanced a hybrid discourse of knowledge advocated by the secretaries. Whereas this genre borrowed a great deal of its content from ancient sources, most notably Middle Persian and Greek, it consciously refashioned that content in an Islamic, if cosmopolitan, cloak. Ibn al-Muqaffa’ played an instrumental role in turning *adab* into a discourse of knowledge. To that end, *adab* functioned as a literary medium to deploy various ideas into the field of political consciousness.

Particularly important is how *adab* created a textual syncretism of ancient political wisdom and Islamic teachings. We must bear in mind that the ancient wisdom was filtered through the minds of composers and translators, just as Islamic teachings were subject to intense debate and interpretation by jurists, traditionists, theologians, men of letters, and political enthusiasts. The fluidity of texts, ideas, and meanings thus provided Ibn al-Muqaffaʿ and his fellow secretaries with opportunities to redefine them by devising a literary apparatus capable of promoting a new mode of political thought. Ibn al-Muqaffaʿ is widely believed to have concerned himself with promoting the political and cultural ideals of the former Sasanian Empire.¹⁹ While Sasanian political ideas figure prominently in the translations of Ibn al-Muqaffaʿ and those of his predecessors, the larger secretarial oeuvre should be regarded as more than rendering ancient fables and aphorisms into Arabic. Once translated into the Arabic of the Islamic milieu, the new texts transcended the boundaries of ancient Iranian culture in that they assimilated a host of Islamic ideas and imperial priorities, hence reflecting a cosmopolitan Islamic approach to the polity and society.²⁰ Likewise, the new texts reflected as much the contemporary concerns in post-conquest society as they painted an accurate image of the Sasanian state and society. In fact, the extent to which the translators and secretaries accurately transmitted Iranian traditions of statecraft in their entirety is hard to ascertain. Since we do not have access to the Pahlavi originals of the translated texts, we cannot confidently determine historical details of the Sasanian state and society as reflected in their Arabic adaptations. The literary sources and chronicles which recount parts of ancient Iranian history—e.g., those by Ṭabarī, Thaʿalibī, Ibn Qutayba, and Miskawayh—rely for the most part on the translations done by the secretaries.²¹ We can envision, then, that the translators drew upon the pre-Islamic cultural reservoir to grapple with the pressing issues of their own time and space. In doing so, they took the liberty to mold the old literary materials to respond to the urgent issues of the day. As exemplified in earlier translations, such as Sālim’s adaptations of (pseudo-)Aristotelian letters, the secretaries could hardly have accomplished so much had they aimed for word-for-word, literal translations of ancient texts that would endeavor to remain loyal to their “original” meaning—if these secretaries ever had access to the “original” meaning.²² Rather, their feat consisted in appropriating ancient ideas, such as perennial knowledge, divinely ordained kingship, justice, and legitimate government, and refashioning them for a cosmopolitan Islamic society and the Arab Empire. The act of appropriation, then, minimized the risk of adverse reaction on the part of Muslim society and the Islamic state against the adoption of non-Arab heathen ideas.

Adab stirred immense interest among courtiers and statesmen, not only because it was composed in the most innovative Arabic prose, but also because it created a seamless hybrid of political ideas which, regardless of their origin, resonated with the intended audience. Such ingenious hybridization, conspicuous in the secretaries’ translations and compositions, stands out as a salient feature of their discourse of knowledge. ʿAbd al-Ḥamid’s *Rasāʾil* had previously paved the way for incorporation of several discourse components, particularly technical know-how as well as a mixture of Islamic and ancient political principles, into secretarial training, hence creating a

framework to conceptualize statecraft.²³ Of importance in the secretarial discourse is the overarching notion of perennial ancient wisdom and its function in establishing a flourishing tradition of statecraft. This connection is conspicuous in almost every work of Ibn al-Muqaffaʿ, especially in his foremost treatise on *adab*—i.e., *al-Adab ʾl-Kabīr*—where he makes a case for the utility of ancient knowledge. *Adab* is presented as the cumulation of past wisdom, a requisite for successful governance. The treatise invites the reader to imagine a continuous line that connects him to the reservoirs of past knowledge. The ancestors are declared superior not only in their physical but also their intellectual abilities. This alone provides a viable justification to learn from ancient history and acquire the ancestral wisdom.²⁴

Just as Ibn al-Muqaffaʿ made a case for the priority of learning perennial ancient wisdom, so also his translations and compositions followed in ʿAbd al-Ḥamīd’s footsteps by assimilating the Arabo-Islamic notion of “tradition” (*sunna*) into the secretarial discourse. The pre-Islamic, Arabian notion of *sunna* denoted “the established customary practice of the tribe, validated by tradition and by the deeds of the ancestors.”²⁵ It was against this Arabian backdrop that the juristic notion of *sunna* began to form and underwent changes in the first two centuries of Islam. While for the scholars of Prophetic tradition the notion of *sunna* was presumably limited to the Prophet’s and the “rightly-guided” caliphs’ practices as validated by sound reports (*hadīths*), there is reason to believe that this strict interpretation had not yet fully crystallized by the time Ibn al-Muqaffaʿ composed his works. *Sunna*, as illustrated by Crone and Hinds, was conceived of as “good practice in general and that of prophets and caliphs in particular.”²⁶ It is precisely this general sense of *sunna* that allowed Ibn al-Muqaffaʿ to bring both pre- and post-Islamic “good practice” into harmony. Accordingly, *adab* incorporated this larger *sunna*, reflected in the experience and refined customs of foreign nations—especially Iranians—as well as those of the Arabs before and after the advent of Islam.²⁷

This particular trait is discernible in the translation by Ibn al-Muqaffaʿ of the *Letter of Tansar*, a late-Sasanian political tract that recounts the origins of the dynasty and strives to make a case for its legitimate rule.²⁸ This letter deals with several themes, such as *sunna* in its broad sense, social hierarchy, political authority, and the pivotal role of religion in creating legitimate rule, themes that figure prominently in Ibn al-Muqaffaʿ’s *Risāla fi ʾl-Ṣaḥāba*. The political wisdom contained in the tract emanates from the protagonist Tansar, a Zoroastrian monk, who is purportedly heir to a Parthian kingdom.²⁹ Tansar chooses to defer his right of succession to Ardashīr (ca. 226–40), the founder of the Sasanian dynasty.³⁰ The *Letter* recounts Tansar’s answers to politically sensitive questions posed by his interlocutor Gushnasp, the king of Ṭabaristān, who for a while refuses to recognize Ardashīr’s rule. Articulating his answers, Tansar treats the theoretical and practical issues involved in legitimate political order. Though not stated explicitly, it is clear that the validity and strength of Tansar’s answers rests on his knowledge of religion, history, and statecraft. Tansar, however, seems to have been no more than a mythical figure, created in the mind of an unidentified mid-sixth-century court historian-cum-propagandist who decided—or most likely was commissioned—to expound the origins of the Sasanian dynasty and their empire.³¹

Importantly, the *Letter of Tansar* offers a vehement apologia for a rigid social hierarchy, the kind which reigned supreme in Sasanian Persia. In such a society, legitimate government relies on a caste-based social order. This government can readily impose a desired hierarchy, designating subjects to their proper social places and discouraging class mobility as best it can.³² Generally, attempts to change socioeconomic class, the *Letter* suggests, will result in confusion and social strife, unless someone demonstrates extraordinary talent for a profession to which he was not born and if such a change of caste is approved by the monarch.³³ Unlike his ancestors who were content with their professions and means of living, Tansar laments that “[w]hen corruption became rife and men ceased to submit to Religion, Reason, and the State, and all sense of values disappeared, it was only through bloodshed that honour could be restored to such a realm.”³⁴ This particular Sasanian imperial trope, as will be demonstrated shortly, recurs in his *Risāla* where Ibn al-Muqaffa’ urges the caliph to exercise the utmost caution in selecting his entourage, taking care to ensure each member’s proper rank in the social hierarchy. Of greater interest, however, is that Ibn al-Muqaffa’ takes pains to bring the Sasanian caste system into harmony with the Islamic vision of an egalitarian social order that, in principle, does not acquiesce to a caste system.³⁵ He thus places emphasis on the knowledge, moral virtues, and sense of justice which he believes accompany noble status. In other words, nobility, more than anything, is associated with virtuous dispositions.

The translation of the *Letter* and those of similar tracts such as *‘Abd Ardashīr*, another Pahlavī text whose translation is attributed to Ibn al-Muqaffa’,³⁶ characterize a concerted effort to outline the contours of a legitimate political system. A vigorous response to the crisis of political legitimacy—a crisis made evident by the ongoing strife and rebellion in the Umayyad Empire—the *Letter* identifies constitutive elements of a desired political order, constructing a discourse that aims to consolidate both Islamic and ancient political ideals so as to downplay any potential conflict between pre-Islamic traditions and Islamic teachings and practices. To that end, the *Letter* posits religion as the foundation of the state: “Do not marvel at my zeal and ardour for promoting order in the world, that the foundation of the laws of the Faith be firm. For religion and kingship were born of one womb and never to be sundered.”³⁷

This and other assertions about the import of religion seemingly catered to Islam’s role in ordering society and polity alike. The *Letter of Tansar* is testimony to the secretary’s ability, in his capacity as a composer and translator, to employ hybridization as a strategy for enlisting agents of different political stripes. The *Letter* further highlights the secretary’s ability to put forward solutions to complex political problems. This being the case, we need not concern ourselves with how closely Ibn al-Muqaffa’’s translation followed the original text of the *Letter*. Even if he opted to alter or embellish the content to advance the secretarial discourse, his adaptation reveals, to a large degree, his concerns as well as the goals he strove to attain.³⁸ Ibn al-Muqaffa’ must have felt strongly about the chronic political ills of his times, which reached a critical point with the Abbasid Revolution. Benefiting from his Abbasid masters’ familial relationship with the Revolution’s leaders, Ibn al-Muqaffa’ seized the opportunity

to articulate his political ideas in a treatise that, in all likelihood, was the first attempt in Islamic history to outline a theory of government.

Ibn al-Muqaffa' and His Risāla in Medieval and Modern Scholarship

As a forefather of *adab* and mirrors literature, Ibn al-Muqaffa'’s work made him a key figure in Arabic humanist literature and attracted acclaim as well as censure.³⁹ Already in the 220s/840s the Mu'tazilī theologian and essayist al-Jāhīz was alarmed by the immense influence Ibn al-Muqaffa' and his mentor 'Abd al-Ḥamīd exerted on court culture and state secretaries. In *Dhamm Akhlāq 'l-Kuttāb* (*Repudiating the Secretaries' Conduct*) Jāhīz brought to bear all his literary genius in denouncing the secretaries for their allegedly innumerable vices, calling them names, declaring their knowledge to be mere ignorance.⁴⁰ “[N]o secretary has ever been seen,” wrote Jāhīz, “to make the Qur'ān his evening companion, its study his banner, gaining knowledge of religion his emblem, or memorizing reports of the Prophet's words and deeds his prop.”⁴¹ In contrast, Ma'sūdī related that in his day collections of 'Abd al-Ḥamīd's epistles were known as the best specimens of Arabic prose.⁴² Likewise, Ibn al-Muqaffa' was widely cited in Arabic literary works, receiving credit as an exemplar of *adab*. He was also regarded as the foremost *zindīq*, which had the double meaning of Manichean and irreligious.⁴³ Abū Rayḥān Bīrūnī (d. 440/1048) asserted that Ibn al-Muqaffa' had added to *Kalīla wa Dimna* the famous introduction, known as the “Bāb-e Borzōye, the Physician,” so as to undermine religious belief and to promote Manichaeism.⁴⁴ To Ibn al-Muqaffa' is also attributed a text, *Mu'āradat 'l-Qur'ān*, which ostensibly challenged the literary uniqueness of the Qur'ān although in recent years both the ascription and purpose of the text have been called into question.⁴⁵ It is intriguing, however, that Ibn al-Muqaffa'’s important role in the early development of Islamic political and legal thought has received little attention in our sources of medieval Islam. More specifically, we find no direct reference in contemporary literature to the *Risāla* and its critical inquiry into Islamic law and polity. Nor do medieval Muslim scholars of law and philosophy seem to have engaged the minutiae of Ibn al-Muqaffa'’s recommendations put forth in the *Risāla*. It was due presumably to its innovative prose and literary value that *Risāla fi 'l-Ṣaḥāba* was preserved in its entirety in Aḥmad b. Abī Ṭāhir Ṭayfūr's (d. 280/893) *Kitāb 'l-Manzūm wa 'l-Manthūr*.⁴⁶

Unlike medieval scholars of Islam, modern scholars have taken much interest in Ibn al-Muqaffa' and his *Risāla*. On the whole, the *Risāla* is regarded as the earliest known treatment of theoretical foundations of the polity in Islam and a forerunner in Islamic political thought. Likewise, its sagacious diagnoses of complications in legal ruling and religio-political authority have been widely discussed by modern scholars. Nevertheless, for the most part, this terse epistle has been the object of only cursory examination in most surveys of Islamic legal and political thought. The following provides an overview of what appear to be the most influential views of modern scholars on the *Risāla*.

Joseph Schacht's pioneering research on Islamic law juxtaposes contemporary trends in Islamic law with the *Risāla*'s promotion of codification and legislation as well as its peculiar interpretation of the *sunna* as a legal concept.⁴⁷ He also takes interest in Ibn al-Muqaffa's commonsensical, rather than technical, insights into the connection between legal interpretation and the proliferation of rulings on the one hand, and the application of *ra'y* or individual reasoning on the other.⁴⁸ According to Schacht, Ibn al-Muqaffa's proposal for codification sought to enhance administrative convenience.⁴⁹ He finds the author's plea "for state control over law ... in full accord with the tendencies prevailing at the very beginning of the 'Abbāsīd era. But this was a passing phase, and orthodox Islam refused to be drawn into too close a connexion with the state."⁵⁰ Schacht's work thus sheds light on the *Risāla*'s lack of success which may be explained in terms of its countering the dominant theory of the day—a theory that rapidly gained ground by recognizing the caliph's administrative, rather than legislative, rights within the purview of the received *sunna*.⁵¹

While Schacht's discussion of Ibn al-Muqaffa' is prompted by his examination of the origins of Islamic law, Solomon Goitein focuses predominantly on the doctrinal and legal aspects of Ibn al-Muqaffa's recommendations, particularly the need to rein in millenarian and extremist dogmas among the fanatical troops; the extent of obedience to the caliph and its justification; and codification of the law.⁵² Like most scholars, Goitein highlights the Iranian elements in Ibn al-Muqaffa's advice, most notably the exalted status of the caliph, something which is coterminous with his legal authority, and the emphasis placed on selection of the caliphal entourage.⁵³ The proposal for legal reform, Goitein holds, was intended "to secure the good conduct of the state, which could not be achieved except by a properly functioning system of law."⁵⁴ Where Schacht emphasizes the borrowing of the idea of codification from ancient Persia, Goitein rejects the presumed connection, maintaining that it was "suggested to him [Ibn al-Muqaffa'] by an acute observation of the Muslim state and religion themselves"⁵⁵ while certain ideas articulated in the *Risāla* were "quite contrary to the Sasanian tradition."⁵⁶ In disagreeing with Goitein, Shaul Shaked draws attention to a number of important parallels between the *Risāla* and the larger Sasanian background. However, Shaked's discussion does not include a key idea of the *Risāla*, namely, the proposal for legal codification.

Patricia Crone situates the *Risāla* in the Abbasids' quest for a political ideology and their position as a priestly lineage vis-à-vis the Sunni '*ulamā*'. To that end, in Crone's view, Ibn al-Muqaffa' displays a sense of urgency and offers "a truly imperial vision of Islam presented without a single reference to Kīsrā, Buzurjmīhr or anything Persian, and it was certainly one to which the caliph must have given serious thought."⁵⁷ In a subsequent work, Crone and Hinds situate the *Risāla* in the context of religious authority in the first two centuries of Islam, particularly with regard to the formation of the Prophetic *sunna* vis-à-vis *sunna* as received practice.⁵⁸ They observe that "since Prophetic *sunna* was defined in the main by private scholars rather than by public servants, its rules were frequently and indeed intentionally unhelpful to the state."⁵⁹ "The scholarly conception of Prophetic *sunna*," they conclude, "was thus a threat to caliphal authority from the moment of its appearance."⁶⁰ Ibn al-Muqaffa' and

his *Risāla*, then, represent a crucial moment in Islamic history when the changing concept of *sunna* brought about drastic changes in ‘ulamā’–caliphate relations. The present examination of Ibn al-Muqaffa’s *Risāla* builds upon Crone and Hinds’ argument, showing that its innovative character and subsequent failure can be linked to its appearance at a time when such changes were in the making.

Said Amir Arjomand speculates that Ibn al-Muqaffa’s *Risāla* was intended to facilitate the negotiations between al-Manṣūr and his uncles’ faction (Banū ‘Alī) after the former agreed to safe conduct for his rebellious uncle ‘Abd Allāh b. ‘Alī.⁶¹ Arjomand highlights the “integrative” character of the Abbasid Revolution, which had informed the *Risāla*, and its attempt to tackle the palpable, rather than theoretical, problems of the Abbasid caliphate. My examination of certain passages in the *Risāla* will corroborate this conjecture while at the same time illustrating that Arjomand’s speculation about the addressee’s identity does not live up to textual scrutiny.

Joseph Lowry’s thorough examination of the *Risāla*’s innovative approach to legal epistemology notes that Ibn al-Muqaffa’s “account of the law ... [is] driven by concerns about caliphal legitimacy and legal diversity.”⁶² Focusing almost exclusively on two sections of Ibn al-Muqaffa’s text where issues of obedience to the caliph, contradictory rulings, and legal interpretation are addressed, Lowry’s investigation uncovers the inherent connection between legal interpretation and obedience. “Legitimacy is thus expressly connected,” writes Lowry, “with the sphere of law in which no interpretation is possible.”⁶³ His analysis, however, does not provide many clues as to how contradictory rulings may have caused a crisis of political legitimacy, nor does it detail how Ibn al-Muqaffa’s legal proposal could have resolved the crisis. While building upon Lowry’s intuition about legitimacy and his discussion of legal epistemology, I will set out to demonstrate how Ibn al-Muqaffa’s *Risāla* made a case for the crucial link between the law and legitimacy. This is a gap in scholarship, which the present inquiry attempts to fill.

Epistle Concerning the Entourage

Little is known of the circumstances that prompted the writing of the *Risāla*. It is widely believed that it was intended for the second Abbasid caliph Abū Ja‘far al-Manṣūr.⁶⁴ Several references in the text indicate that the *Risāla* sought to reconcile al-Manṣūr with his uncles’ party—i.e., Banū ‘Alī—after he had agreed to safe conduct (*amān*) for ‘Abd Allāh b. ‘Alī. The latter had made a bid for the caliphate in 134/752 and caused a brief mutiny by refusing to recognize his nephew, al-Manṣūr, as caliph. Contra this common interpretation, Arjomand has suggested that Ibn al-Muqaffa wrote the text for al-Manṣūr’s rebellious uncle, ‘Abd Allāh b. ‘Alī, sometime during or after the latter’s rising.⁶⁵ The *Risāla*, however, offers no clues at all to the effect that it might have been written for ‘Abd Allāh. On the contrary, Ibn al-Muqaffa makes an unequivocal reference to “matters of the youths of his [Caliph’s] household and sons of his father and *sons of ‘Alī* and sons of al-‘Abbās.”⁶⁶ This textual reference provides clear evidence that the *Risāla* could not possibly have

been addressed to ‘Abd Allāh. Had it been addressed to ‘Abd Allāh, the phrase “sons of ‘Alī” would have been redundant inasmuch as it renders the same meaning as the “sons of his father.” By the same token, the “sons of Muhammad” are not included in this segment in that they are referred to by the phrase “sons of his father,” hence making a clear reference to al-Manṣūr and his brothers. Nevertheless, the *Risāla* may have been composed as a document to be “used in the negotiations with Abū Ja‘far later” as Arjomand has surmised.⁶⁷ In all likelihood it was written at the behest of ‘Isa b. ‘Alī, who was Ibn al-Muqaffa‘’s patron and ‘Abd Allāh’s brother.⁶⁸ To that end, the epistle was intended to reconcile the new caliph with his uncles after he had granted (or had signaled his consent to grant) ‘Abd Allāh the *amān*, further evidence suggesting that Ibn al-Muqaffa‘ had addressed himself to none other than al-Manṣūr. The foregoing passage goes on to assert that “among them [youths of the House of al-‘Abbās] are men who will get crucial tasks done if they are so trusted, just as they will make means for other [important] tasks,”⁶⁹ corroborating my inference that Ibn al-Muqaffa‘ addressed the *Risāla* to al-Manṣūr with the aim of reconciling the caliph with his uncles.⁷⁰ Given this evidence, then, the opening address of the missive fits not ‘Abd Allāh, but rather al-Manṣūr:

And God has protected the Commander of the Faithful—*while destroying his enemy and satisfying his desire for revenge and affording him dominion over the earth and giving him its kingship and treasures*—from busying himself with [false] pride and arrogance and accumulation of property and its acquisition [emphasis added].⁷¹

There is nothing in this panegyric that matches ‘Abd Allāh’s unfortunate situation. Likewise, a passage in a following paragraph cannot possibly fit anyone but al-Manṣūr:

And God has granted the Commander of the Faithful the most delicate boon by ridding him of those who were partners in his authority, but against his way and judgment, such that God relieved and protected him from them as they provided evidence and justification against themselves and as God empowered the Commander of the Faithful in his judgment and in his pursuit of God’s gratification.⁷²

In light of the foregoing textual evidence, it seems highly unlikely that the frequent use in the treatise of the honorific *Amīr ‘l-Mu‘minīn* (*Commander of the Faithful*) referred to anyone other than al-Manṣūr. To be sure, ‘Abd Allāh claimed that the first Abbasid caliph, al-Saffāh, had guaranteed succession as caliph for whomever would go to battle with the last Umayyad caliph Marwān II. No one but ‘Abd Allāh would take the risk, which he claimed had entitled him to the reward. Having thus learned about al-Saffāh’s death, ‘Abd Allāh proceeded to obtain an oath of allegiance from his own generals and troops, and according to some accounts from the populace in al-Shām.⁷³ Nevertheless, already in 136/753 al-Saffāh had

obtained an oath of allegiance for his older brother, Abū Ja‘far. Later in the same year, upon the death of the first caliph, Abū Ja‘far was immediately recognized as caliph.⁷⁴ Furthermore, it seems all the more unlikely that Ibn al-Muqaffa‘ would venture to write counsel for a failed pretender who sought refuge in Baṣra while his brothers were working out terms of *amān*. It also sounds implausible that Ibn al-Muqaffa‘ would present a “common program of action”⁷⁵ to a man who was, in effect, begging for his life. Under the circumstances, ‘Abd Allāh had no use for such a program and Ibn al-Muqaffa‘ would have been exceedingly remiss to address a fugitive, who was desperately seeking pardon, as “Commander of the Faithful,” the honorific he repeatedly uses in the *Risāla*.

In addition to clarifying the identity of the addressee, the foregoing background lends support to my hypothesis that the *Risāla* set out to resolve the question of legitimate rule, a question that loomed large with the third civil war and haunted the victorious Abbasids. In that regard, the *Risāla* represents the earliest known attempt at treating theoretical and practical dimensions of governance, all the while remaining fully mindful of the palpable problems that had plagued the Islamic polity since Muhammad’s death in 632. A brief overview of the *Risāla*’s contents reveals its advocacy for reconceptualization of Islamic rule as well as for making urgent reforms to address pressing problems that haunted Muslim society. The following highlights major sections of the *Risāla* and their key ideas.⁷⁶ I will continue by delving into pertinent passages where Ibn al-Muqaffa‘ grapples with the question of political legitimacy.

- (1) Opening address, praising the Commander of the Faithful and his bounty; making a case for the counsel to the caliph.
- (2) The army of Khurāsān, its effective control via official doctrine, the caliph’s role in transparent formulation of religious dogma, and the need to suppress extremism.
- (3) Authority of the ruler, its relation to the divine law, and limits of rational interpretation.
- (4) Use and abuse of the military, regularity of their pay, and the importance of intelligence.
- (5) Matters of two major Iraqi cities (Kūfa and Baṣra) and their relation to the caliph’s entourage.
- (6) Proliferation of legal rulings, its adverse effects, and the proposal to overcome the diversification of legal opinions via codification.
- (7) Effective control of Syria (*al-Shām*) and enlisting its people.
- (8) The significance of the caliphal entourage (*al-Ṣaḥāba*) and its careful selection.
- (9) Matters of the House of al-‘Abbās (the caliph’s household and that of his uncles) and their ability to undertake important tasks.
- (10) Management of the land and its taxation (*kharāj*), and equitable administration of public policy, especially with regard to tax collection.
- (11) Matters of Arabia and its different regions.

- (12) Conclusion, highlighting the unique role of the caliph and the elite in attending to public affairs and necessary reforms.

The Making of Legitimate Rule

Despite the Iranian provenance of certain concepts and ideas put forth in the *Risāla*, Ibn al-Muqaffa's approach is elaborated in terms that are unmistakably Islamic. It is true that what we call "Islamic" or "Iranian" was in a state of flux, undergoing broad changes in the face of political and social upheaval. If, however, we focus on the key concepts brought up in the *Risāla*, we can trace them to some cultural reservoir that either originated from pre-Islamic Iranian civilization or began to circulate with the advent of Islam.⁷⁷ There is no question, for example, that Ibn al-Muqaffa's use of Qur'anic motifs and certain legal terms find their meanings with regard to an Islamic milieu, but they should be viewed against the cultural backdrop of the Late Antique world, one which allowed the author in his earlier works to undertake the adaptation of Iranian ideas of legitimate rule and social order. His contribution, then, lay in formulating a method capable of synthesizing ideas from both cultural domains as well as presenting them in a seamless whole that resonated with his intended audience. In keeping with the central question of this essay, the following discussion of certain passages of the *Risāla* will explain how this syncretism sought to tackle the crisis of political legitimacy.

In opening the *Risāla*, Ibn al-Muqaffa addresses the caliph with the Islamic honorific, Commander of the Faithful (*Amīr 'l-Mu'minīn*), and praises him for moral virtues reminiscent of the pious caliphs of the *Rāshidūn* lineage.⁷⁸ The caliph is thus urged to follow the Qur'an and to rely on the counsel of devout and knowledgeable scholars. In urging the caliph to base his judgments on solid evidence when they concern his subjects, Ibn al-Muqaffa places the utmost emphasis on moral righteousness, avoiding luxury, and upholding justice.⁷⁹ The preamble concludes by citing the story of the Prophet Joseph, as narrated in the Qur'an (12:101). Accordingly, as Joseph acknowledges God's grace for giving him the kingdom and teaching him how to interpret dreams, he beseeches God to let him die in submission (*muslim*) and to join the company of the righteous (*ṣāliḥīn*) in the afterlife. Ibn al-Muqaffa's use of the Qur'anic motif is instructive. While on one level it is simply an expedient way of calling the caliph's attention to some important matters, the address avails itself of the hybrid discourse of knowledge that Ibn al-Muqaffa and his fellow secretaries had been advancing for more than a half century. In truth, there are clear parallels between Joseph's recognition of God's grace in granting him kingship and the Persian idea of kingship, which is derived from the concepts of *farr(ah)* and *Xwarrah* (Avestan *X^varənah*, lit. glory, fortune) as indicated in various sources, including those translated by Ibn al-Muqaffa himself.⁸⁰ Accordingly, the gift of kingship indicates divine sanction, bestowing God's glory and investiture upon the king as may be viewed in ancient Iranian iconography (e.g., the winged sun disk and the ring).⁸¹ This idea was ubiquitous in the Late Antique Near East. However, given

Ibn al-Muqaffaʿ's role in the transmission of Sasanian court culture, we can be fairly confident that his use of the concept brought to bear the Iranian idea of *farr(ah)* which found convenient reference in the Qurʾānic parable of Yūsuf.⁸² We learn, for example, from the aforementioned *Letter of Tansar* about a certain Tughūl Shāh whose deluded son “did not think that kingship came by act of God, but that it was peculiarly his own attribute.”⁸³ Just as Yūsuf owed his kingship to the grace of God, so also al-Manṣūr's caliphate would be inconceivable without divine sanction.

God's grace and glory notwithstanding, the caliph cannot dispense of sound counsel. Having praised the caliph for his foresight and ability to take counsel, Ibn al-Muqaffaʿ goes on to position himself as an expert (*dhū ʿl-rāʾy, ṣāhib ʿl-rāʾy*) whose advice and timely reminder (*tadbkīr*) can aid the caliph to undertake necessary reforms.⁸⁴ Already in his *al-Adab ʿl-Kabīr*, composed some time before the Abbasid Revolution, Ibn al-Muqaffaʿ had emphasized that the monarch should base his decisions on two types of expert opinion, “an opinion that bolsters his authority and the one that glorifies his rule in the people's eyes.”⁸⁵ Likewise, he had urged fellow secretaries to refrain from dispensing whimsical advice, noting that “even your enemy accepts sound advice from you while the friend denies you the whim.”⁸⁶ He had further warned that an advisor might find himself in an unfortunate position of having to serve an authority who does not have the subjects' best interest in mind, in which case the advisor has two choices: he may go along with the authority, thus destroying the religion—i.e., the true foundation on which kingship rests; or he may choose to protect the subjects at the expense of destroying his own world—i.e., material success.⁸⁷ Described in rather general terms, this background throws light on the palpable social dynamism of secretarial service in the early Islamic state administration. What is more, it helps us appreciate Ibn al-Muqaffaʿ' s frame of mind as he sets out to dispense advice intent on improving the political malaise in the aftermath of the Abbasid Revolution. The frequent use throughout the *Risāla* of various terms for reform and improvement (*islāḥ* and similar terms deriving from the consonantal root *ṣ.l.ḥ*) speaks to the author's sense of urgency in ameliorating the affairs of state and society. Ibn al-Muqaffaʿ takes pains to emphasize the need for reform and his own role in facilitating it, which called for the writing of the *Risāla* in the first place:

To be sure, what has heartened intelligent persons to offer [their] expertise is their enthusiasm that through their advice God would reform the community at present time or in the future, and they wish that it [reform] come to pass through the Commander of the Faithful [al-Manṣūr].⁸⁸

It appears, then, that the author, given his connection to the pretender's—ʿAbd Allāh b. ʿAlī's—family, must have been wary of the caliph's favorable reception of his good-faith advice; hence his efforts in making a case for expert opinion and its value for the much-needed reforms. Setting the stage as such, Ibn al-Muqaffaʿ segues into discussing material matters of the polity.

Ibn al-Muqaffaʿ's counsel starts by raising several issues about the army of Khurāsān (*al-jund min ahl Khurāsān*), but his real aim is to alert the caliph about the use and abuse of religious doctrine and their impact on the armed forces. The army of Khurāsān is a substantial asset, the author asserts, given their moral virtues and dedication to the Abbasid cause. The army appears, however, to have harbored various elements with extremist propensities: "Surely in the army there is a mixed group whose leader is an extremist fanatic and the follower a confused sceptic."⁸⁹ This is what made the army unreliable and a grave liability despite its moral rectitude and military prowess. The person who ventures to use this group, Ibn al-Muqaffaʿ holds, "is like the one who rides a lion afflicting observers with terror, but the rider [himself] is more terrified."⁹⁰ The author proposes that this looming problem may be defused by the caliph's authorizing a comprehensive document detailing what the troops are required to do and what they must refrain from doing; that is, a comprehensive guideline "with sufficient evidence and devoid of extremism."⁹¹ One might discern how the author advocates for central control of society by the government. As promising as the idea sounds, however, it only addresses part of the problem. While this proposal may contain extremism among the troops, Ibn al-Muqaffaʿ relates, there are civilians in positions of leadership whose words carry much weight among the common people. According to Ibn al-Muqaffaʿ, this group preaches that "were the Commander of the Faithful to order the mountains to move, they would do so, and were he to require that the prayer be performed with one's back to the *qibla*, it would be done accordingly."⁹² What follows in the *Risāla* makes clear that this extremist view poses more than a doctrinal threat. For it has dire implications for the law as well as its interpretation and execution in society. If, that is to say, the caliph were endowed with such absolute authority that it carries over to the natural world and obligatory rituals, he would be virtually divine and therefore above the law. This would in turn facilitate arbitrary rule, rendering the law superfluous. And arbitrary rule is indeed the very political malady that Ibn al-Muqaffaʿ's proposal sets out to overcome by making a case for consistent interpretation and execution of the law.

The most profound aspect of the *Risāla* lies in its unique approach to Islamic law. This approach was intent on attaining political legitimacy through proper articulation and execution of the law. In the *Risāla* and in his other writings, Ibn al-Muqaffaʿ suggests that legitimacy of government lies in a strict adherence to justice and enforcement of the law. Ibn al-Muqaffaʿ' s testimony offers abundant insight into the state of the legal profession of his time. He seems to be taken aback by the astonishing diversification of legal opinions among the *fuqahāʾ*. The *fuqahāʾ*, regardless of the school of law to which they subscribe, regard it as their prerogative to exercise legal judgment by drawing upon the sacred sources of the law. Their enterprise aims to derive the law through the interpretation of the sacred sources, the Qurʾān and the *sunna*. However, Ibn al-Muqaffaʿ finds it bizarre that every *faqīh* claims reliance on—presumably the same—sacred sources, and yet the *fuqahāʾ*' s rulings are so diverse. He calls into question the "contradictory [legal] rulings whose inconsistency has turned into a grave matter for human life [lit. "blood"], sexual relations, and property [rights], such that human life and sexual relations become permissible in Ḥīra while they are forbidden in

Kūfa.”⁹³ Such contradictory rulings, he states, are widespread throughout cities and towns, and even differ between quarters. Ibn al-Muqaffaʿ goes on to voice concern that judgments are made based purportedly on precedent (*sunna*), creating further precedent with questionable legal footing, often causing loss of life without any evidence or proof. He thus exposes the arbitrary character of legal practice in the late Umayyad and early Abbasid period. “And when he [the *faqīh*] is asked of such [arbitrary] rulings,” Ibn al-Muqaffaʿ relates, “he cannot afford to state that the loss of life [lit. “shedding of blood”] is based on [the precedent set in] the age of the Apostle of God, peace be upon him, or the leaders of guidance after him.”⁹⁴ Upon further inquiry, it becomes clear that such precedents had been established by the Umayyad caliph ʿAbd al-Malik b. Marwān (r. 65–86/685–705) or by one of his governors, and the jurist admits that his opinion, according to Ibn al-Muqaffaʿ, relies neither on the Qurʾān nor on bona fide tradition, but on whims of political figures.⁹⁵

Ibn al-Muqaffaʿ’ s testimony uncovers an important phase in the transformation of *sunna* as a legal concept. As previous studies, particularly those by Schacht, and Crone and Hinds, have demonstrated, the *Risāla* brings to light a different usage of *sunna* as legal precedent within the ancient schools of Islamic law. However, Ibn al-Muqaffaʿ engages this concept to expose the shaky foundation of received legal practice and then proceeds to offer his proposal. Arguably the most innovative segment of the *Risāla*, this proposal rests on a salient principle of law which the author had elaborated earlier in the text. This principle, which has been subject to opposing interpretations, states that one must not obey any human (lit. a creature or *makhblūq*), however exalted his status, if such obedience entails disobeying God.⁹⁶ Straightforward though the principle is, Ibn al-Muqaffaʿ vigorously warns against its misinterpretation. Whereas misguided zealots might use the principle to justify their disobedience to the caliph on the grounds that obedience to God must take precedence, another extreme viewpoint may venture to regard the caliph as a divine embodiment, hence rendering the principle impracticable. While the former group might use the principle to cause strife and rebellion, the latter group poses a more egregious extremism by uttering preposterous statements, for example, professing that the caliph can command the mountains to move or that he has the authority to change the direction of *qibla*.⁹⁷ According to Shaked, the latter position which advocates absolute authority of the caliph betrays Iranian influence.⁹⁸ We read in the *Dīnkard* that

when he who is the country ruler, the lord, has given an order not to perform even the greatest act of virtue, one should not perform it. And he who performs it should abstain. For it is not an act of virtue, but a grievous sin. One [who performs it] is, for his own part, in heresy, and the sovereignty is destroyed.⁹⁹

Iranian influence is also discernable in the story of Rostam and Esfandiyār as narrated in Ferdowsī’s *Shāh-nāme*. Having heard the views of his brother, Pashūtan, who advises against acceding to the king’s desire to kill Rostam, Esfandiyār retorts that he cannot afford to disobey the king, which would amount to disobeying God.¹⁰⁰

The parallel between Ibn al-Muqaffa's interpretation of the legal formula (i.e., no obedience to a creature insofar as it entails disobedience of the Creator) and Ferdowsi's depiction of Esfandiyār's attitude toward allegiance is too striking to be a coincidence. Since Ibn al-Muqaffa' has been credited with the translation of the *Khwadāynāma*, *Kitāb 'l-Tāj*, and *Ā'īnnama*, as well as the translation of a separate work, called the *Sakisarān*, which included the ancient fables of Rostam and Esfandiyār,¹⁰¹ one cannot help notice the influence of the ancient texts on Ibn al-Muqaffa's approach to law and polity.¹⁰²

Ibn al-Muqaffa's strong opposition to the outlandish position of the "exaggeration-ists" (*ghulāt*), despite its Sasanian provenance, lends further support to his creative syncretism. His position bears no resemblance to that of a Shu'ūbī zealot who would be bent on glorifying anything Iranian. He is more concerned, rather, with a viable solution to the crisis of legitimacy, a solution derived harmoniously from both Iranian and Islamic resources available to him at the time. Schacht is correct when he reads the passage as "the Caliph, whatever the flatterers may say, cannot interfere with the major duties of religion, and a wrongful order coming from him must not be obeyed."¹⁰³ Though Ibn al-Muqaffa' gives no clear indication of religious groups to which he alludes, one may envision that the Khawārij represent the former group and the Murji'a and Rāwandīya the latter.¹⁰⁴ Ibn al-Muqaffa's interpretation of the principle, however, makes certain that obedience to the caliph does not extend to "obligatory rituals and punishments in which God does not permit human intervention," such as prayer, fasting, and pilgrimage.¹⁰⁵ The caliph may not introduce any change in these areas, nor could he suspend execution of the penal law (*ḥudūd*), nor permit what God has expressly forbidden. Such categories, as far as the author is concerned, constitute the unequivocal foundation of the law. Hence, Ibn al-Muqaffa' proposes that the caliph's role should rest upon enforcing the avowed tenets of the law, which in turn guarantees the security and legitimacy of his rule. Here, too, Ibn al-Muqaffa's magnification of the caliph's role in the upkeep of the law recalls the pre-Islamic Iranian idea of state and religion mutually reinforcing one another.¹⁰⁶

Given his diagnosis of the confusing state of legal practice as well as contradictory approaches to the role of caliph, Ibn al-Muqaffa's solution to the crisis of legitimacy aims to reinvent the institution of the caliphate with special regard to the law. Taking the center stage of political authority, the caliph would derive his legitimacy from the sacred sources of the law—i.e., the Qur'an and the tradition (*sunna*). Ibn al-Muqaffa's exposition of the aforementioned principle (i.e., no obedience to a creature insofar as it entails disobedience of the Creator) requires that the caliph adhere to the foundations of the law—a steadfast adherence that can secure the legitimacy of his rule. He makes this clear when he stresses that execution of the law must be based on the Qur'an and the tradition (*imḍā' 'l-ḥudūd 'alā 'l-kitāb wa 'l-sunna*).¹⁰⁷ These sources, according to Ibn al-Muqaffa', constitute the solid foundation on which the caliph's authority rests.¹⁰⁸ This interpretation does not introduce new sources of the law as such, but it does introduce a seemingly self-contained system within which legal sources may be interpreted in a more harmonious fashion.

If the caliph is to have no say in matters of obligatory rituals and punishments, what then are the areas in which he may expect obedience? Ibn al-Muqaffa's response leaves no doubt that the caliph may exercise his personal judgment (*ra'y*), executive power (*tadbīr*), and authority (*amr*) in seven areas that by their nature fall under his jurisdiction. These areas include (i) matters of war and security; (ii) accumulation and distribution of government resources; (iii) appointment to, and removal from, government offices; (iv) issuing instructions where legal precedent is lacking; (v) execution of punishments (*ḥudūd*) and rulings (*aḥkām*) in accord with the Qur'an and the *Sunna*; (vi) fighting enemies and concluding truces; and (vii) collection of taxes (e.g., *zakāt* and *kharāj*) and distribution of proceeds among eligible Muslims.¹⁰⁹ Ibn al-Muqaffa stresses the caliph's inalienable rights and privileges with regard to these matters such that "he who disobeys the Imam or disappoints him," he warns, "has just brought destruction upon himself."¹¹⁰

Whereas several areas in the foregoing list had always been considered as the caliph's prerogative—including appointment to, or removal from, office; war and security; waging war and concluding truce—Ibn al-Muqaffa now recognizes the caliph as the sole interpreter of the divine law who can exercise his personal judgment where legal precedent is lacking. The first four caliphs after the Prophet exercised control over all the above areas. There is no consensus as to the extent to which the post-*Rāshidūn* caliphs exercised personal judgment in religious and legal matters.¹¹¹ However, it appears that the predominant theory of the day did not recognize the caliph's authority in matters of law.¹¹² Whatever the case may be, the *Risāla* gives us clear indications that the *fuqahā* were already in the forefront of legal interpretation. Working against this trend, Ibn al-Muqaffa aims to reunite the caliph with the historical function of the caliphate at the expense of the *fuqahā*. This effort can hardly be overstated. In light of the indisputable role of the law in securing the legitimacy of government and taking into account the counterproductive diversification of legal rulings, Ibn al-Muqaffa's resolution hinges on consolidating two interdependent aspects of the law: legal interpretation and execution. Since consistent interpretation and execution of the law imbues subjects with a sense of justice, contradictory laws run counter to their uniform and equitable execution, thereby undermining not only the legitimacy of the government, but the utility of the laws as well. Contradictory laws can amount to having no laws at all. It would appear, then, that in Islamic law anything goes, for jurists had such wide latitude in their interpretations that, Ibn al-Muqaffa alleges, they could derive whatever laws they desired regardless of precedent.

To mend this dysfunctional state of the law, Ibn al-Muqaffa proposes that the caliph consider consolidating laws into a comprehensive corpus (*kitāb^{an} jāmi^{an}*). To do so, the caliph would issue an order to collect all divergent rulings along with their supporting precedent (*sunna*) and analogy (*qiyās*), so that he could then exercise his judgment (*ra'y*) on each case as inspired by God.¹¹³ Remarkably, as this passage suggests, the caliph's judgment enjoys divine inspiration, thus providing the comprehensive legal code with divine sanction, which may be noted as another instance of Iranian influence and which reinforces the author's syncretic approach.¹¹⁴ We must

bear in mind, however, that the idea of divine inspiration was not limited to pre-Islamic Iranian thought. Indeed, certain interpretations within the fledgling Muslim community, such as those of the proto-Shī'a, subscribed to the notion that the Imam was empowered by divine inspiration.¹¹⁵ Ibn al-Muqaffa's inclusion of divine inspiration as such uncovers his creative syncretism. In any case, the comprehensive legal corpus would encompass all divergent cases rendered into a singular, more consistent body, which the judges (*quḍāt*) would be required to follow in their rulings.¹¹⁶ Future caliphs may revise the corpus as necessary. Commonly referred to as codification, such legal reforms promote uniformity and consistency with the aim of removing contradictory laws.¹¹⁷

Ibn al-Muqaffa's proposal is twofold. To begin with, he argues that no one is more worthy than the caliph to exercise personal judgment (*ra'y*). This is where he goes against the grain as he displays a degree of disregard for the ranks of the *fuqahā'* who, of course, considered it their own privilege to exercise personal judgment where precedent was lacking.¹¹⁸ The jurists, as Lowry points out, "granted themselves the right of authoritative interpretation, in their capacity as the sole authorized practitioners of legal interpretation (*ijtihād*)."¹¹⁹ Ibn al-Muqaffa's solution thus diverges from current practice by not only suggesting that the caliph, rather than the *faqīh*, exercise exclusive legal judgment, but also by prescribing legal codification in an effort to eliminate all contradictory and inconsistent laws. Ibn al-Muqaffa's proposal for codification would lead him on a course divergent from that of virtually all Muslim jurists of his time as well as those who would follow. Muslim legal scholars have invariably adopted an individualistic, laissez-faire approach that places them in a cardinal position as interpreters of the divine law. Ibn al-Muqaffa's proposal seeks to overcome the diversification of legal opinions, largely an outcome of individualistic legal interpretation. His approach would buttress the central government's legal authority vis-à-vis the private jurists. In doing so, the government's legitimacy might also be enhanced by curbing contradictory laws and containing the *fuqahā'*'s inconsistent rulings and practices. Ibn al-Muqaffa's recommendation echoes a passage in *'Abd Ardashīr* (*Testament of Ardashīr*, whose translation is also attributed to Ibn al-Muqaffa') where the king is urged to keep the (Zoroastrian) clergy at bay. It would be the king's weakness, the *Testament* reminds us, not to subject the clergy to strict control, without which the latter and subjects might venture to undermine the king and his successors.¹²⁰ Despite similarities, however, the Muslim *fuqahā'* played a different role than did the Zoroastrian *mobeds* in the Sasanian Empire: the *fuqahā'* would refuse to relinquish their legal authority over interpreting the law.¹²¹ Schacht is right when he writes, "The absolute power which the caliphs, and later governors, sultans, &c., exercised over the appointment and dismissal of the *kādīs* could not replace their lack of control over the law itself."¹²² The government–jurist tension, then, implies that legal codification with central governmental oversight would be untenable were every jurist to exercise his authority in interpreting what counts as legitimate law. Intent on promoting a notion of universal law, uniformly applicable across the empire, Ibn al-Muqaffa' leaves no room for individualistic interpretation or discriminatory practices. His proposed model advocates an abstract conception

of the law, embodied in, and upheld by, the state and its various institutions. This setting, Ibn al-Muqaffa' hopes, would bring an end to both arbitrary rule and the crisis of legitimacy by restoring subjects' sense of justice through uniform and consistent interpretation and execution of the law.

Though arguably the most important factor in the erosion of political legitimacy, inconsistency in legal interpretation and rulings was not the only culprit for early Islamic political and social ills. The affairs of the less-than-suitable *ṣahāba* (entourage) of the caliph were equally important, hence the apt title of the epistle and the forthright treatment of the caliphal entourage therein. The caliph's retinue is portrayed in the missive as the "ornament of his gathering, voice of his subjects, aids for his decision, proper ranks [to receive] his honors, and the elite distinct from his commoners."¹²³ These characteristics are too unequivocal to be overlooked. They represent and underscore the critical links between the caliph and his subjects, links that could assure or at least enhance legitimacy of his rule. Yet Ibn al-Muqaffa' laments what is to him the woefully degenerate state of the caliphal entourage. His characterization of the degenerate entourage and its impact on caliphal legitimacy are both candid and alarming. "Before the caliphate of the Commander of the Faithful [al-Manṣūr],” he suggests,

the matter of the entourage who were selected from among the viziers and the secretaries had become the most futile and despicable business, deleterious to the lineage, refinement (*adab*), and politics, which [as a result] attracted the wicked and repelled the virtuous, such that companionship of the caliph became a despicable act in which the wretched took interest as well as those who would have been content with inferior [positions].¹²⁴

He goes on to reminisce that when the first Abbasid caliph, Abu 'l-Abbās al-Saffāh, visited Baṣra, Ibn al-Muqaffa' was among the company of nobility and community leaders who welcomed the caliph. On that occasion he learned that some of the nobles had refused to attend the reception while others came and left—without making an apology—lest they be associated with the lowly status of the caliph's entourage.¹²⁵ The implications of such disdain for the caliphal retinue were serious. The Abbasid Revolution, having mustered a wide array of supporters from among a variety of ethnic and religious backgrounds, caused a rapid and substantial shift in the social strata, so much so that many from the lower classes found themselves within the caliph's entourage. As the above quote and al-Saffāh's visit to Baṣra show, Ibn al-Muqaffa' finds this rapid change to be damaging to the caliphate's legitimacy in that, from his vantage point, it placed the rabble and the incompetent in positions of power. Citing a verse from a poem by the pre-Islamic Arab poet al-Afwah 'l-Awdī (d. ca. 570), he draws the caliph's attention to the need for a competent leader to bring to a close the confused state of the populace: "the people so scattered are not good without a leader, but no leader will emerge so long as the ignorant from among them lead."¹²⁶

It is beside the point that Ibn al-Muqaffa' finds this situation a major source of injustice. What is germane is that his idea of social hierarchy is informed by a combination of noble birth and meritocracy. Ibn al-Muqaffa's characterization of the *ṣahāba* exposes not only the astoundingly diverse group that comprised the caliphal entourage, but, more importantly, it betrays Ibn al-Muqaffa's disposition toward social hierarchy. The woeful state of the caliphal entourage, Ibn al-Muqaffa' asserts, has led to injustice (*maẓālim*). The people have wondered, he relates, at how certain individuals have managed to enter the high ranks of the *ṣahāba*:

We have not seen anything more bizarre than these companions who enjoy neither notable refinement (*adab*), nor noble birth, and whose judgment is reproachable, [while] he is known in his hometown to be unscrupulous, having spent most of his life in manual labor.¹²⁷

In short, as far as Ibn al-Muqaffa' is concerned, the *ṣahāba* enjoy no cultural refinement and have no knowledge of religion, and yet they have managed to surpass the descendants of the Emigrants (*al-Muhājirīn*) and the Helpers (*al-Anṣār*), as well as Banū Hāshim and other Quraysh clans, merely by currying favor with a chamberlain or a scribe.¹²⁸ Remarkably, Ibn al-Muqaffa' makes his case concerning the *ṣahāba* in terms that resonate with his Arab patrons and superiors, for instance, by reminding the reader of the high status of Banū Hāshim, the Emigrants, the Helpers, and reputable religious scholars, and also by stressing certain qualification such as noble birth, religious knowledge, and moral rectitude.

The *Risāla* is invaluable in unraveling historical details that are usually ignored or glossed over in Islamic histories and chronicles. The aforementioned passage betrays a peculiar aspect of the Abbasid Revolution to which little attention is paid in primary and secondary sources of early Islam. Therein Ibn al-Muqaffa' highlights the ways in which the advent of Islam in general, and the Abbasid Revolution in particular, facilitated social mobility to such a degree that individuals with no claim to nobility or knowledge could reap rewards simply by mingling with the right crowd or befriending a person of elevated status. Ibn al-Muqaffa's portrayal notwithstanding, it is important to differentiate between two groups in the caliphal entourage. Although Ibn al-Muqaffa' makes no such distinction in his narrative, he clearly targets two separate groups who enjoyed upward social mobility as a result of the recent political and social changes: first, the entourage selected from among statesmen, secretaries and so on under the Umayyads; second, the entourage that entered the rank and file of the military and the state apparatus through the Abbasid Revolution, including, for example, those who visited Baṣra in the company of al-Saffāh. It is quite fascinating that Ibn al-Muqaffa' writes so confidently about the first group even though he clearly belongs to the same group himself—namely, secretaries that entered state positions through patronage; yet he evidently distinguishes himself from that crowd thanks to the refinement (*adab*) and lineage (*nasab*) which he enjoyed and which they allegedly lacked. The second group, on the other hand, came to power through different circumstances,

but its members appeared to Ibn al-Muqaffa' as opportunists and incompetent, much like the first group. In any case, our author once again goes against the grain, at his own peril, by voicing concern about unintended consequences of the unprecedented socio-political mobility, which in effect brought together a motley entourage comprised of political chameleons and disenfranchised subjects who had been alienated by the first tide of the Arab conquests.

Ibn al-Muqaffa' clearly deems the changing milieu inimical to rehabilitating the legitimacy of the Islamic government and enhancing its functions. Prior to writing the *Risāla*, he had taken notice of how the rascals would secure privileged places for themselves at court by singing the governor's praises.¹²⁹ This problem seems to have been exacerbated by the rise to power of the new ruling class. Ibn al-Muqaffa's counsel regarding the caliph's entourage seeks to focus on the crisis of legitimacy by proposing to reform the affairs of the *ṣahāba*. To begin with, he suggests that the caliph keep in mind certain criteria when selecting members of his entourage. The criteria to be applied include noble status, moral rectitude, and expertise.¹³⁰ By emphasizing these criteria Ibn al-Muqaffa' reinforces the link between the *ṣahāba* and political legitimacy because, he advises, if selected properly in accordance with the criteria, the *ṣahāba* can strengthen state–subject relations. That is to say, if the *ṣahāba* are the “voice of the subjects,” as Ibn al-Muqaffa' declares, then they can and should reinvigorate the caliph's right to rule—for example, by promoting administration of justice, by increasing the efficiency of his government, and by curbing corruption and moral decay.

As I have demonstrated throughout this essay, Ibn al-Muqaffa's solution to the problem of political legitimacy, which seems to have fallen on deaf ears, addresses legal protection of subjects as well as public perception of the government and its moral foundation, while at the same time remaining faithful to both Islamic and ancient Iranian ideals. His *Risāla fi'l-Ṣahāba* reflects a syncretic process of knowledge production that integrated ancient and Islamic political ideas into a seamless whole. This finding radically disagrees with the notion that Ibn al-Muqaffa's role, in contrast to his predecessor Sālim, was “rather more that of a transmitter than of an innovative writer.”¹³¹ A more accurate depiction of Ibn al-Muqaffa's and state secretaries' literary production is provided by Schoeler, who contrasts them with the “traditional scholars [who] can consequently best be characterised as *transmitters*, whereas the state secretaries of Persian origin are *men of letters* or *writers*.”¹³² As indicated earlier, prior to authoring the *Risāla*, Ibn al-Muqaffa' had made a case for the primacy of ancient knowledge and the necessity of its translation. He had undertaken both translation of ancient texts and composition of several tracts of special import. Taken as a whole, his oeuvre served to facilitate a creative union of Islamic teachings and pre-Islamic wisdom, thereby promoting a continuity of human knowledge and historical experience. Faithful as his approach was to the tenets of Islam, it relied heavily on a universal conception of religion, *sunna*, and justice, thereby transcending the dogmatic boundaries of religions, including Islam, Zoroastrianism, and Manichaeism. His approach to religion, as Cooperson points out, was coached “in terms vague enough to make sense from any faith-based point of view.”¹³³ This pivotal aspect of Ibn

al-Muqaffa'’s attempt to effect change in the Islamic political system and legal practice can help us come to grips with his solution to the crisis of legitimacy.

Ironically, Ibn al-Muqaffa'’s failure stemmed precisely from his highly innovative and perceptive views on law, religion, and polity. His proposal, had Abū Jaʿfar al-Manṣūr implemented it, would have had profound and far-reaching outcomes for the caliphate and Islamic law. As much as his recommendations would have enhanced the caliph’s authority, they would at the same time have jeopardized the caliph’s symbiotic relationship with the *fuqahāʿ*. Ibn al-Muqaffa'’ seems to have hoped that his proposal would be received favorably by the caliph and doctors of law alike inasmuch as it sought to strengthen the legitimacy of government, enhance the security of economic activities, bring transparency to the law, and promote prosperity in the land. Nevertheless, those who actually represented Islamic law—i.e., the *fuqahāʿ*—held a different opinion; not because Islam as a religion favors one particular solution over another, but rather because its spokesmen in legal matters relied on a method of producing legal knowledge that enhanced their own authority as well as promoted their vision of social order. This appears to have been the Achilles heel of Ibn al-Muqaffa'’s proposal. The *Risāla*’s integrative approach foreclosed its investment in Islamic/Arabian culture, which in retrospect might have contributed to its lack of favorable acceptance by the caliph and influential *ʿulamāʿ*, for Ibn al-Muqaffa'’ ventured to take up an issue that was incontrovertible as far as the latter were concerned. He thus displayed a degree of presumptuousness in regard to Islamic law: he thought he could formulate a separation of legal knowledge from its producers, i.e., *fuqahāʿ*, and in his conviction he neglected the fact that traditionally the Umayyad and Abbasid caliphs, very much unlike the *Rāshidūn*, played little role in the production of legal knowledge. Regardless of the caliphs’ religious authority and their meddling in the affairs of law and its experts, they remained dependent on the *fuqahāʿ* for interpretation of legal sources.

Conclusion

Despite its utter failure to effect change, Ibn al-Muqaffa'’s proposal might have given the caliphs pause by alerting them of the possibility of imposing greater central control on legal practice. There is a report suggesting that al-Manṣūr considered promulgating *al-Muwattʿaʿ* by Mālik b. Anas (d. 179/795) as the foundation for the state’s legal code. As it turned out, Mālik himself was the first one to oppose the suggestion on the grounds that divergent interpretations were too well-entrenched to be undone.¹³⁴ As Zaman concludes, “no one, not even a prominent *ʿālim* [jurisconsult], has the authority to draw up a code which might be given the sanction of the law.”¹³⁵ Two generations later, when al-Manṣūr’s great grandson, the caliph al-Maʾmūn (r. 197–218/813–33), embarked on enforcing the Muʿtazilī creed through a similar reform program—one that impinged on traditional interpretation of Muslim dogma—a serious backlash from among the *ʿulamāʿ* resulted even though some of them had proved instrumental in implementing the inquisition (*mihna*).¹³⁶ Al-Maʾmūn’s program, then, had to be later rescinded by the caliph al-Mutawakkil (r. 232–47/

847–61). It is true that the ‘*ulamā*’ have never been so homogenous a group as one might think, but the fact remains that al-Ma’mūn’s reform relied on the cooperation of certain ‘*ulamā*’ as much as the reform’s ultimate failure owed to their majority’s disapproval. When it came to matters of faith and law, it appeared, the state could do very little without bringing the ‘*ulamā*’ on board. These later momentous events provide valuable clues to the perceptiveness of Ibn al-Muqaffa’s proposal as well as to its failure. These events reflect the enormous power of the ‘*ulamā*’, without whom the caliph could not secure the legal and ideological foundations of his rule. They also show why any efforts to restrain the ‘*ulamā*’s legal authority had virtually no chance to succeed. Most important of all, these events illustrate how the staggering diversification of legal and dogmatic interpretation continually impaired the legitimacy of the central government, which was chronically bereft of any real authority to enforce uniform laws. As such, the larger question concerning the legitimacy of Islamic governance has remained a conundrum up until modern times.

It is true that both Sunni and Shī‘ī ‘*ulamā*’ reached nominal compromises that, for the most part, only paid lip service to rulers whose legitimacy remained on shaky ground. In the end, the Sunni outlook on political legitimacy boiled down to community consensus whereas the Shī‘ī outlook emphasized the God-given right to rule, limited to select descendants of the Prophet. The two major sects required that any legitimate Muslim government show firm commitment to the comprehensive execution of the *Shari‘a*. In reality, however, there was scarcely a Muslim government that the ‘*ulamā*’, whether Shī‘ī or Sunni, could solemnly endorse. Just as caliphs’ and sultans’ ambivalent relationship with the ‘*ulamā*’ failed to secure the legitimacy of their rule in pre-modern times, the modern Muslim response has been equally ineffective. Some Muslim thinkers have opted for a modern—that is, Western—solution that passes over the *Shari‘a* while refusing to recognize the ‘*ulamā*’s legal authority. However, certain reform-oriented, Muslim intellectuals (e.g., Sir Seyyed Ahmad Khan and ‘Alī Shari‘atī) have ventured to follow in Ibn al-Muqaffa’s footsteps by making bold proposals for an Islam without *fuqahā*. These thinker-activists are reminiscent of the daring character of Ibn al-Muqaffa’ who so clearly argued that the *fuqahā*, as far as the law and polity were concerned, had caused more problems than they had resolved.

Notes

1. This simple fact explains why it became so important for subsequent generations of Muslim scholars to conceive of a narrative to impose uniformity and consistency on the haphazard method of electing the early caliphs. For a brilliant exposition of this narrative construction, see Zaman, *Religion and Politics*, ch. 2; cf. Lambton, *State and Government in Medieval Islam*, 45–6.
2. Donner rightly refers to the inseparability of ideological and political aspects of Muhammad’s teachings and highlights three such aspects as regards the *umma*, the absolute higher authority, and centralization of authority within the *umma*; see *The Early Islamic Conquests*, 55ff.
3. Donner, *Narratives of Islamic Origins*, 40ff.
4. For a thorough investigation of this aspect of Umayyad rule, see Crone and Hinds, *God’s Caliph*, esp. ch. 3. Numerous instances show that the Umayyads concerned themselves with Islamic law and

- matters of faith. Appointment of judges to various provinces and the letters exchanged between al-Hasan al-Baṣrī (d. 110/728) and the Umayyad caliph ‘Abd al-Malik b. Marwān regarding the will of God are only two important examples that substantiate the Umayyads’ concerns for the interpretation of law and articles of faith. For the text of the exchange, see Ritter, “Studien zur islamischen Frömmigkeit.” The Umayyad performance in the areas of law and faith as attested by the sources runs counter to the assertion that they were hostile to Islam and “turned caliphate (*kbilāfa*) into kingship (*mulk*)” as the Abbasid propagandists and state-sponsored historians accused them of doing. Lambton, *State and Government*, 46; Coulson, *History of Islamic Law*, 27–8; Berkey, *Formation of Islam*, 78–9.
5. The Abbasid cause is reflected in Abu ‘l-‘Abbās al-Saffāh’s inaugural address at the Kūfa mosque; see Ṭabarī, *Tārīkh*, 7:425–6. A different formulation of the Abbasid cause and the dilemma of legitimation vis-à-vis their Umayyad predecessors and the Shī‘ī–Sunni division may be found in Crone, *Slaves on Horses*, ch. 9. Though the Abbasid Revolution aimed to restore the caliphate to the House of the Prophet and to revive basic political principles established by the Qur’ān and the Prophet’s example, the principles and precedents of Islamic governance were never as clear as they seem today with the benefit of hindsight; see Gibb, “Evolution of Government”; cf. Crone, “Early Islamic World,” 321–2.
 6. Two formulations of this crisis may be found in Zaman, *Religion and Politics*, 73–5; cf. Crone, *God’s Rule*, 33–5.
 7. Abū Yūsuf, *al-Kharāj*, 188–9; Balādhurī, *Futūḥ ‘l-Buldān*, 429–31; for these and other categories of land tax, see Abū ‘Ubayd al-Qāsim b. Sallām, *Kitāb ‘l-Amwāl*, English trans. *Book of Revenues*, 15, 51–5, 65–6; cf. Šūlī, *Adab ‘l-Kuttāb*, 198–204; Šan‘ānī, *Al-Muṣannaf*, 5:310; also Wellhausen, *Arab Kingdom*, 29, 31; Duri, “Dīwān.”
 8. Dennett, *Conversion and the Poll Tax in Early Islam*, 14–15; Lambton, “Dihkān”; Morony, *Iraq after the Muslim Conquest*, and “Conquerors and Conquered: Iran,” 74–5; Moḥammadī Malāyerī, *Tārīkh va Farhang-e Irān*, 2:104; Daryae, *Sasanian Persia*, 29, 125.
 9. Thanks to their knowledge of the area and its history, common people and statesmen alike sought advice from the *dihqāns*. When the second caliph ‘Umar (r. 13–23/634–44) decided to levy taxes on the lands of Iraq, he ordered that each of his two agents—‘Uthmān b. Ḥunayf and Ḥudhayfa b. al-Yamān—send him a *dihqān* from the two major areas in which the survey was to be performed. ‘Umar then consulted with the *dihqāns* about the current tax rates and other pertinent matters. Abū Yūsuf, *al-Kharāj*, 133–4, 214; Ben Shemesh, *Taxation*, 3:98–9. Jahshiyārī records that when al-Ḥajjāj b. Yūsuf (d. 95/714), the governor of Iraq and the eastern lands under the caliph ‘Abd al-Malik, visited Fallawjatayn, he asked the locals if there was a *dihqān* in the area to be consulted on a difficult matter; *Kitāb ‘l-Wuzarā’ wa ‘l-Kuttāb*, 40.
 10. Jahshiyārī, *al-Wuzarā’*, 39; for a general outline of the rising Iranian elite, see Morony, “Social Elites in Iraq and Iran,” 275–84.
 11. For an examination of the life and works of Ibn al-Muqaffā’, see Jahshiyārī, *al-Wuzarā’*, 103–10; Ibn Khallikān, *Wafayāt ‘l-Ayān*, 2:128–32; Ibn al-Nadīm, *Kitāb al-Fihrist*, 118; Gabrieli, “Ibn al-Muqaffā’,” and “L’opera di Ibn Muqaffa’”; Sourdel, “La biographie”; Eqbāl, “Sharḥ-e Ḥāl-e ‘Abd Allāh ibn Muqaffā’”; Zaryāb Khoyī, “Ibn Muqaffā’”; Latham, “Ibn Muqaffā’”; Arjomand, “‘Abd Allah Ibn al-Muqaffā’”; Cooperson, “Ibn al-Muqaffā’.”
 12. Balādhurī recounts an exchange between Ibn al-Muqaffā’ and Šāliḥ b. ‘Abd al-Raḥmān, the tax agent for Iraq in the 90s/710s, who had translated the dīwān accounts from Persian into Arabic; see *Futūḥ*, 446–7; Sprengling, “From Persian to Arabic,” 204. This report seems to have confused Ibn al-Muqaffā’ with his father, Dādhibih known as al-Muqaffā’ (lit. “crippled” due to a harsh punishment al-Ḥajjāj exacted on him after he was charged with embezzlement); see Arjomand, “‘Abd Allah Ibn al-Muqaffā’,” 13.
 13. Jahshiyārī relates that Ibn al-Muqaffā’ was in hiding with ‘Abd al-Ḥamīd as the Abbasid revolutionaries were hunting down Umayyad elements; Ibn al-Muqaffā’ went so far as to misidentify himself as ‘Abd al-Ḥamīd so as to save his friend, but to no avail; Jahshiyārī, *al-Wuzarā’*, 80; cf. Ibn Khallikān, *Wafayāt*, 3:199–200.

14. For a brief history of this genre, see Eberle, "Mirror for Princes"; Darling, "Mirrors for Princes"; a detailed discussion of this genre in the Islamic world may be found in Bosworth, "Naṣīḥat al-Mulūk"; cf. Bonebakker, "Adab and the Concept of Belles-Lettres," 22–5.
15. al-Qadi, "'Abd al-Hamid al-Katib"; Schoeler, *The Genesis of Literature in Islam*, 57. On Sālim and his translations of *Sirr 'l-Asrār*, see Ibn al-Nadīm, *al-Fihrist*, 131. The Arabic manuscripts do not reveal the identity of the author, but Mario Grignaschi's research, coupled with supplementary information from other sources, such as Ibn Nadīm and Maṣ'ūdī, lends credence to the speculation that the author/translator was most likely Sālim; see Grignaschi, "Les 'Rasā'il 'Aristāṭālisa" and "Le roman épistolaire classique"; cf. Manzaloui, "Pseudo-Aristotelian *Kitāb Sirr al-asrār*"; van Bladel, "Iranian Characteristics."
16. 'Abd al-Hamid, *Risāla ilā 'l-Kuttāb*, 225; Ibn Khaldūn, *The Muqaddimah*, 2:30–1; Jahshiyārī, *al-Wuzarā'*, 75; see al-Qāḍī, "Impact of the Qur'an," 287.
17. 'Abd al-Hamid, *Fi Naṣīḥat Walī 'l-'Abd*, 173, 183; Ṭabarī, *Tārīkh*, 7:316–23; Maṣ'ūdī, *al-Tanbīh*, 282; Latham, "The Beginnings," 167–8; Shaban, *Islamic History*, 160–2.
18. As Schoeler rightly points out, Ibn al-Muqaffā's translation of *Kalīla wa Dimna* "gave the Arabic language its first prose masterpiece." *Genesis of Literature in Islam*, 58.
19. See Latham, "Ibn al-Muqaffā," 53; also Shaked, "From Iran to Islam," 32.
20. This argument reinforces Arjomand's examination of Ibn al-Muqaffā's "integrative" approach; see "'Abd Allah Ibn al-Muqaffā'," 31.
21. Some of the problems involved in using the literary sources for Sasanian history are discussed in Rubin, "Nobility, Monarchy and Legitimation."
22. This peculiar aspect of *adab* did not go unnoticed to its adversaries as we see, for example, that Jahiz accuses the likes of 'Abd al-Hamid and Ibn al-Muqaffā of producing such texts and attributing them to their ancestors; see *al-Bayān wa 'l-Tabyīn*, 1:24.
23. See Ibn Khallikān, *Wafayāt*, 3:197–98; cf. Maṣ'ūdī, *Murūj*, 3:248; Ibn Khaldūn, *The Muqaddimah*, 2:29–31; Jahshiyārī, *al-Wuzarā'*, 74–5; Gibb, "'Abd al-Hamid b. Yahyā b. Sa'd," *EP*², 1:65; al-Qadi, "'Abd al-Hamid al-Katib."
24. See *al-Adab 'l-Kabīr*, 40–2.
25. Hoyland, *Arabia and the Arabs*, 121.
26. Crone and Hinds, *God's Caliph*, 54.
27. See Gabrieli, "Adab," *EP*², 1:175; cf. Schacht, *Introduction*, 17–18. Nallino has highlighted the link between *adab* and *sunna* while emphasizing the professional dimension of early *adab*; see Bonebakker, "Adab and the Concept of Belles-Lettres."
28. See Maṣ'ūdī, *al-Tanbīh*, 87. Maṣ'ūdī records that Tansar wrote several treatises, among which was the *Epistle to Mājushnas* (*Gushnasp*), discussed here as the *Letter of Tansar*. Cf. Miskawayh, *Tajārib 'l-Umam*, 1:122; Ibn Balkhī, *Fārs-nāmeḥ*, 170.
29. Miskawayh states that Tansar was adviser to Ardashīr, see *Tajārib 'l-Umam*, 1:122.
30. The indirect thematic connection with Ṭabaristān provided reason enough for the Iranian historian, Ibn Isfandiyār (d. ca. 615/1219), to reproduce a translation of the *Letter* in his *History of Ṭabaristān*. Though neither the original Pahlavī nor its Arabic translation by Ibn al-Muqaffā is extant, we have occasion to benefit from Ibn Isfandiyār's translation. We must remain mindful of the extent to which the redaction may have been corrupted in multiple transcriptions and translations rendered over centuries.
31. Additional details may be found in Mīnovī's extensive introduction to the *Letter of Tansar*, 18–20, also 166; Boyce, *Letter of Tansar*, 1–24; see Pourshariati, *Decline and Fall*, 86.
32. Ibn Isfandiyār, *Letter of Tansar*, 57–60; Boyce, *Letter of Tansar*, 38–40; Morony, *Iraq after the Muslim Conquest*, ch. 5.
33. Ibn Isfandiyār, *Letter of Tansar*, 57; Boyce, *Letter of Tansar*, 38–9.
34. Ibn Isfandiyār, *Letter of Tansar*, 58–9; Boyce, *Letter of Tansar*, 40. Pourshariati suggests that these references, including those repudiating class mobility, point to the Mazdakī uprising during the reign of Khusrow I (r. 531–79); *Decline and Fall of the Sasanian Empire*, 86–8. Though this is a plausible interpretation that corresponds to specific historical events during the time when the orig-

- inal text was composed, the references have evidently found new meanings in the aftermath of the Arab conquests when the Persian nobility lost its glory to Arab dominion.
35. Morony thinks that some “egalitarian and religious scruples” played a role in preventing the emerging Arab aristocracy from adopting certain manners and customs of the Persian elite; see “Social Elites,” 282.
 36. ‘*Abd Ardashīr* is preserved in its entirety in Miskawayh, *Tajārib ‘l-Umam*, 1:122–43.
 37. Ibn Isfandiyyār, *Letter of Tansar*, 53; Boyce, *Letter of Tansar*, 33–4. I have changed Boyce’s translation of *mulk* and *dīn* from “Church” and “State” to “religion” and “kingship,” respectively. This is in line with an important point made by Shaked, “From Iran to Islam,” 36, n. 21, where he emphasizes that the Pahlavi *dēn* and its Arabic equivalent *dīn* do not refer to religion in its institutional sense (as the English term “church” suggests), but rather to a “disposition of the soul.” Ibn al-Muqaffā’ further reinforces this connection between religion and government in his *Risāla fī ‘l-Ṣaḥāba*, 123; cf. *Dīnkard*, Book III, no. 52, 58; Miskawayh, *Tajārib ‘l-Umam*, 1:125.
 38. Cf. Eqbāl, “Biography,” 85–6. Absent the original text, when we are dealing with later translations rendered from Ibn al-Muqaffā’’s adaptation, we are faced with a problem of greater complexity. This second set of translations, such as that by Ibn Isfandiyyār, may very well reflect the concerns of their translators, rather than those of Ibn al-Muqaffā’.
 39. I am drawing on Makdisi’s characterization of this genre as Islamic humanism; see *The Rise of Humanism in Islam and the Christian West, with Special Reference to Scholasticism*.
 40. See, for instance, Jāhiz, *Dhamm Akhlāq ‘l-Kuttāb*, 608–9; Hutchins, *Nine Essays of Al-Jahiz*, 55–66.
 41. Jāhiz, *Dhamm*, 609; Hutchins, *Nine Essays*, 56. It is likely that Jāhiz had Ibn al-Muqaffā’ in mind when he described the archetypal scribe in the following terms: “[h]is first task is to attack the composition of the Koran and denounce its inconsistencies. Next he demonstrates his brilliance by controverting the historical facts transmitted by tradition and impugning the traditionists;” Jāhiz, *Dhamm*, 608; translation by Pellat, *The Life and Works of Jāhiz*, 274.
 42. Mas’ūdī, *al-Tanbīh*, 284.
 43. See Eqbāl, “Sharḥ-e Hāl,” 37ff; Zaryāb Khoyī, “Ibn Muqaffā’,” 277–8.
 44. Zaryāb Khoyī, “Ibn Muqaffā’,” 281.
 45. Eqbāl, “Sharḥ-e Hāl,” 97–9; Cooperson, “Ibn al-Muqaffā’,” 160; Zaryāb Khoyī, “Ibn Muqaffā’,” 279–80.
 46. I use Muḥammad Kurd ‘Alī’s edition in his anthology, *Rasā’il ‘l-Bulaghā’*, 117–34. A critical edition of the text along with French translation and annotations is available in Pellat, *Ibn al-Muqaffā’*. Unless otherwise specified, all translations from the Arabic are mine.
 47. Schacht, *Origins*, 95; *Introduction*, 52–5.
 48. Schacht, *Origins*, 102–3.
 49. *Ibid.*, 95.
 50. Schacht, *Introduction*, 56.
 51. *Ibid.*, 53–4.
 52. Goitein, “Turning Point,” 155–7.
 53. *Ibid.*, 161–2.
 54. *Ibid.*, 162.
 55. *Ibid.*, 164.
 56. *Ibid.*, 165.
 57. Crone, *Slaves on Horses*, 70.
 58. Crone and Hinds, *God’s Caliph*, 80ff.
 59. *Ibid.*, 91.
 60. *Ibid.*, 92.
 61. Arjomand, “‘Abd Allah Ibn al-Muqaffā’,” 30.
 62. Lowry, “First Islamic Legal Theory,” 25.
 63. *Ibid.*, 33.

64. Schoeler, *Genesis of Literature in Islam*, 58. Sellheim and Sourdel state that Ibn al-Muqaffa' "at the caliph's wish drew up a memorandum in which he showed his perfect knowledge of the problems of the government," but they provide no evidence to back up this assertion. "Kātib, I." Latham finds the issue to be moot; "Ibn al-Muqaffa'," 64.
65. Arjomand writes, "[t]he common presumption that Ibn al-Muqaffa' would write a program of action for the rival of his patrons during the revolutionary power struggle of 136–38/754–55 is too improbable to accept ... there is no evidence to contradict our hypothesis that it was written either as a common program of action for the uncles' faction while 'Isa b. 'Ali was in full control of Anbar, to be presented to 'Abd Allah b. 'Ali during negotiations, or was written for the latter directly after he had come to terms with the 'man in Anbar.'" Arjomand, "'Abd Allah Ibn al-Muqaffa'," 30.
66. Ibn al-Muqaffa', *Risāla*, 131 (italics mine) (*amr fityān ahl baytih wa banī abih wa banī 'Alī wa banī 'l-'Abbās*).
67. Arjomand, "'Abd Allah Ibn al-Muqaffa'," 30. Crone has drawn attention to the much wider context of the revolution and power struggle, rather than the sedition of 'Abd Allāh b. 'Alī; see Crone, *Slaves on Horses*, 69–70.
68. Cooperson, "Ibn al-Muqaffa'," 158.
69. Ibn al-Muqaffa', *Risāla*, 131 (*fa-inna fihim rijāl^{mn} law muttī'ū bi-jisām 'l-umūr wa 'l-'māl saddū wujūb^{mn}, wa kānū 'udda li-ukhrā*).
70. This idea makes all the more sense when we note that Abū Ja'far did not enter into the agreement with good faith as he required that the *amān* would take effect when he cast his eyes on his uncle at the moment of their meeting, which he refused to do. 'Abd Allāh's brothers must have been worried about his life, him having been put under arrest, so the conciliatory passage in the *Risāla* may very well have attempted to ward off threats to 'Abd Allāh's life. Marsham and Robinson "Safe-Conduct," 249.
71. Ibn al-Muqaffa', *Risāla*, 117 (italics mine) (*Wa qad 'aşama 'llāh Amīr 'l-Mu'minin hīn ablaka 'aduwwah wa shafā ghalilah wa makkana lah fi 'l-ard wa ātāh mulkahā wa khazā'inahā min an yashghala nafṣah bi 'l-tamannū' wa 'l-tafayyush wa 'l-ta'athtul wa 'l-itlād*).
72. Ibid., 119 (*Wa şana'a 'llāh li-Amīr 'l-Mu'minin alṭaf 'l-şun' fi iqtilā' man kāna yasbrakub fi amrih 'alā ghayr tariqatih wa ra'yih, ḥattā arāḥab 'llāh wa āmanah minhum, bi-mā jā' alū min 'l-ḥujja wa 'l-sabil 'alā anfusihim, wa mā qawwā 'llāh 'alayh Amīr 'l-Mu'minin fi ra'yih wa ittibā'ih marḍātab*). Arjomand has translated the first part of this passage as follows: "God has effected the most delicate benefaction for the Commander of the Faithful by uprooting those who were partners in his power but contrary to his way and opinion" (30). Arjomand has tried to explain this segment away by speculating that "there must have been a series of agreements between the uncles and Abu Ja'far to whom the *Risāla* might also have been presented for discussion" and that this segment "could have been added for this purpose" (ibid.). However, he provides no evidence to substantiate this assertion.
73. Tabarī, *Tarikh*, 7:474–5; Maqdisī, *al-Baḍ' wa 'l-Tārikh*, 6:351; Miskawayh, *Tajārib 'l-Umam*, 3:349–50; Ibn al-Jawzī, *al-Muntaẓam*, 7:301, 8:3.
74. Tabarī records that in 136/753 al-Saffāh dispatched his brother Abū Ja'far to Khurāsān to work with Abū Muslim to obtain an oath of allegiance for both of them (*Tarikh*, 7:468). He goes on to report that prior to his death in the same year, al-Saffāh appointed Abū Ja'far and 'Isā b. Mūsā as his next successors (ibid., 470). Upon al-Saffāh's death, Abū Ja'far was formally recognized as caliph in Iraq, but 'Abd Allāh b. 'Alī refused to recognize Abū Ja'far as caliph and instead obtained oath of allegiance for himself (ibid., 471, 473).
75. Arjomand, "'Abd Allah Ibn al-Muqaffa'," 30.
76. A slightly different outline may be found in Lowry, "First Islamic Legal Theory," 29, 35.
77. Shaked, "From Iran to Islam," provides a detailed list of ideas rooted in Zoroastrian scriptures and commentaries.
78. As Cooperson rightly points out, "his prose style, especially when he addresses rulers, is calculated to avoid giving offence. For this reason, perhaps, his style became a model for the bureaucrats of later

- generations, whose productions are sometimes maddeningly opaque,” Ibn al-Muqaffaʿ, 161. This characterization is at odds with Arjomand’s assessment which finds parts of Ibn al-Muqaffaʿ’ address “unceremonious” and “disrespectful,” “Abd Allah Ibn al-Muqaffaʿ,” 30–1.
79. Ibn al-Muqaffaʿ, *Risāla*, 117. This advice echoes a passage in *Kalīla wa Dimna* where the lion, after listening to testimony of Dimna (one of the two jackals), orders an investigation on the grounds that fairness and justice require judgment to be based on sufficient evidence. *Kalīla wa Dimna*, 134; see János, “Origins of the *Kalīlah wa Dimnah*”; on justice and legitimate rule, see Donner, “Formation of the Islamic State,” 290.
 80. See Ibn al-Muqaffaʿ, *al-Adab ʿl-Kabīr*, 49, where he distinguishes three types of king, indicating that a king who relies on religion (*malik ʿl-dīn*) is superior to the alternatives, that is, a king who exercises circumspection (*malik ʿl-ḥazm*) and a king who rules whimsically (*malik ʿl-hawāʾ*); see also n. 37.
 81. See Zaehner, *Dawn and Twilight of Zoroastrianism*, 150–3; Gnoli, “FARR(AH), XʿVARĒNAH”; Soudavar, *The Aura of Kings*.
 82. Frye, “Charisma of Kingship”; Choksy, “Sacral Kingship in Sasanian Iran.”
 83. Ibn Isfandiyyār, *Letter of Tansar*, 75; Boyce, *Letter of Tansar*, 54.
 84. We read in the story of Tughūl Shāh that his deluded son “neglected to seek light from the counsel of men of intelligence and understanding and from those of whom he would one day have need.” *Ibid.*
 85. Ibn al-Muqaffaʿ, *al-Adab ʿl-Kabīr*, 54 (*raʾy^{un} yuqawwī sultānah wa raʾy^{un} yuzayyinuh fi ʿl-nās*).
 86. *Ibid.*, 56 (*fa-inna ʿl-raʾy yaqbaluh mink ʿl-ʿaduwu, wa ʿl-hawā yarudduh ʿalayk ʿl-walī*).
 87. *Ibid.*
 88. Ibn al-Muqaffaʿ, *Risāla*, 118 (*mā ʿa anna mim mā yazīd dhawī ʿl-albāb nashāʿ^{an} ilā ʿi mā ʿl-raʾy, fīmā yuṣliḥu ʿllāh bih ʿl-umma fi yawmihā aw ghābir dabrihā ʿlladhī aṣbahū qad ṭamāʿū fih, wa lā ʿalla dhālika an yakūna ʿalā yaday Amīr ʿl-Muʿminīn*).
 89. *Ibid.*, 119–20 (*fa-inna fi dhālik ʿl-qawm akblāʿ^{an} min raʾs mufrīʿⁱⁿ ghālⁱⁿ wa tābi^{ʿin} mutahayyirⁱⁿ shākkⁱⁿ*).
 90. *Ibid.*, 120 (*fa-huwa ka-rākib ʿl-asad ʿlladhī yawjalu man raʾāh wa ʿl-rākib ashadd wajaʿ^{an}*). In his *al-Adab ʿl-Kabīr*, 51, Ibn al-Muqaffaʿ uses a similar expression to characterize unreliable entourage: *inna-mā ant fi dhālik ka-rākib ʿl-asad ʿlladhī yahābuh man nazāra ilayh wa huwa li-markabih ahyab*.
 91. Ibn al-Muqaffaʿ, *Risāla*, 120 (*bāliḡ^{an} fi ʿl-ḥujja qāṣir^{an} ʿan ʿl-ghuluww*).
 92. *Ibid.* (*inna Amīr ʿl-Muʿminīn law amara ʿl-jibāl an tasīra sārāt wa law amara an tustadbara ʿl-qibla bi-ʿl-ṣalāt fu ʿila dhālik*); cf. Goitein, “Turning Point,” 155–7; Lowry, “First Islamic Legal Theory,” 29.
 93. *Ibid.*, 126 (*ikhtilāf ḥādhbih ʿl-aḥkām ʿl-mutanāqīdat ʿllatī qad balagha ikhtilāfuhā amr^{an} ʿazīm^{an} fi ʿl-dimāʾ wa ʿl-furūj wa ʿl-amwāl, fa-justahallu ʿl-dam wa ʿl-farj bi ʿl-Ḥīra wa humā yahrūmān bi ʿl-Kūfā*).
 94. *Ibid.* (*wa idhā suʿila ʿan dhālik lam yastatī ʿan yaqūla hurīq fih dam^{un} ʿalā ʿabd Rasūl ʿllāh ṣallā ʿllāh ʿalayh wa sallam aw ʿimmat ʿl-hudā min baʿdih*).
 95. *Ibid.* (*wa huwa muqīm^{un} annah raʾy^{un} minh lā yaḥtajju bi-kitābⁱⁿ wa lā sunna*). The wording does not include the qualifier “bona fide” next to “*sunna*.” It is my interpretation, however, that Ibn al-Muqaffaʿ uses the term *sunna* in contradistinction to the arbitrary rulings of some *fuqahā* which appears to have been a prevalent practice at the time. It implies, then, that bona fide *sunna* does not concur with such manner of deriving legal judgment.
 96. *Ibid.*, 120 (*lā tāʿa li-ʿl-makblūq fi maʿṣiyat ʿl-khālīq*). Pellat’s edition does not include the definite article (al-) before *makblūq*. *Ibn al-Muqaffaʿ*, 25–7.
 97. Ibn al-Muqaffaʿ, *Risāla*, 120; see Latham, “Ibn al-Muqaffaʿ,” 67; Lowry, “First Islamic Legal Theory,” 29–30.
 98. Shaked, “From Iran to Islam,” 35.
 99. *Dinkard*, 523.10–14, as cited in Choksy, “Sacral Kingship,” 37.
 100. Ferdowsī, *The Shāh-nāmeḥ*, 5:336–8.
 101. Ibn al-Nadīm, *al-Fibrīst*, 118, 304–5; Cooperson, “Ibn al-Muqaffaʿ,” 155.

102. This analysis concurs with Dick Davis' interpretation of Ferdowsi's approach to religious continuity from pre-Zoroastrian to Islamic Iran; see "Religion in the *Shahnameh*." Since Ferdowsi's narrative does not seem to rebuke Rostam for his disobedience to the king, one may discern a striking parallel between his and Ibn al-Muqaffa's presentation.
103. Schacht, *Origins*, 102; cf. Goitein, "Turning Point," 156.
104. On the Khawārij and their views, see Ash'arī al-Qummi, *Al-Maqālāt wa 'l-Firaq*, 8–15; Lambton, *State and Government*, 22–7; Mashkūr, *Farhang-e Firaq-e Eslāmī*, 186–8; Lapidus also thinks that Ibn al-Muqaffa has the Khawārij in mind when he discusses the slogan "*lā tā a li-'l-makhlūq*," see "Separation of State and Religion," 376ff.; on the Murji'a and their views on unconditional obedience, see Ash'arī al-Qummi, *Al-Maqālāt*, 5–6, 8; Lambton, *State and Government*, 32–3; Mashkūr, *Farhang*, 401–7; on the Rāwandīya and their extremist views concerning the Imam's divine embodiment and knowledge, especially as regards Abū Ja'far al-Manṣūr, see Ash'arī al-Qummi, *Al-Maqālāt*, 64–9; Mashkūr, *Farhang*, 200; cf. Maqdisī, *al-Bad' wa 'l-Tārīkh*, 6:353; Goitein, "Turning Point," 156; Zaryāb Khoyī identifies these two groups as Rāwandīya and Abū-Muslimīya, respectively; "Ibn Muqaffa," 286.
105. Ibn al-Muqaffa, *Risāla*, 121 (*'azā'im 'l-farā'id wa 'l-hudūd 'llati lam yaj' al 'llāh li-ahad^{an} 'alayhā sultān^{an}*).
106. Miskawayh, *Tajārib 'l-Umam*, 1:126; Abu 'l-Hasan al-Āmirī, *Al-Ālām bi-Manāqib 'l-Islam*, ch. 7.
107. Ibn al-Muqaffa, *Risāla*, 121. Schacht holds that the *sunna*, conceived in this passage, "was based not on authentic traditions from the Prophet and the caliphs of Medina, but to a great extent on administrative regulations of the Umayyad government"; *Introduction*, 55. However, when Ibn al-Muqaffa sarcastically wonders if the contradictory rulings were based on the precedent established during the age of the prophet and the "rightly-guided" Imams after him (*Risāla*, 126), he clearly includes Prophetic precedent in his definition of the *sunna*.
108. See Lowry, "First Islamic Legal Theory," 31.
109. Ibn al-Muqaffa, *Risāla*, 121 (*fa-ammā ihbātunā li-'l-imām 'l-tā a fi-mā lā yutā'u fih ghayrub; fa-inna dbālik fi [1] 'l-rā'y; wa [2] 'l-tadbīr; wa [3] 'l-amr 'lladbī ja'ala 'llāh azīmatah wa 'urāb bi-aydī 'l-ā'imma, laysa li-ahad^{an} fih amr^{an} wa la tā'a, min [1] 'l-ghazw wa 'l-qufūl; wa [2] 'l-jam' wa 'l-qasm; wa [3] 'l-istī'māl wa 'l-'azl; wa [4] 'l-hukm bi-'l-rā'y fi-mā lam yakun lah fih athar; wa [5] imdā' 'l-hudūd alā 'l-kitāb wa 'l-sunna; wa [6] muḥārabat 'l-aduww wa muḥādānatih; wa [7] 'l-akhdh li-'l-muslimin wa 'l-ī'tā' 'anhum*). My reading of this important passage of the *Risāla* differs from Lowry's, which suggests that "Ibn al-Muqaffa describes this group of matters twice, giving two roughly corresponding lists of areas of caliphal competence. The first list of matters ... falls under three general headings: [1] personal judgment, [2] administration, and [3] ... political authority. These three general categories are not further defined, but they appear to overlap with a more detailed list of seven discrete topics" (31). I do not believe Ibn al-Muqaffa provides two separate and somewhat overlapping lists in this passage. Rather, he advises that the caliph may exercise personal judgment (*rā'y*), administrative power (*tadbīr*), and political authority (*amr*) in the seven areas listed. In other words, the seven areas are subject to the caliph's judgment, power, and authority whereas the foundational areas do not fall under the caliph's jurisdiction. This interpretation is supported by Ibn al-Muqaffa's wording for the latter group, which is not subject to the caliph's *'amr*—authority: *wa law anna 'l-imām nabā' an 'l-ṣalāt wa 'l-ṣiyām wa 'l-ḥajj, aw manā'a 'l-hudūd wa abāḥa mā ḥarrama 'llāh, lam yakun lah fi dbālik 'amr*.
110. Ibid. (*wa ḥādīh 'l-umūr kulluhā wa ashbāhuhā min tā' at 'llāh 'azza wa jalla 'l-wājiba, wa laysa li-ahad^{an} min 'l-nās fihā ḥaqq^{an} illā 'l-imām, wa man 'aṣā 'l-imām fihā aw khadbalah fa-qad awtaḡha nafṣah*).
111. Two different interpretations may be found in the following: In *God's Caliph* (discussed earlier in this essay) Crone and Hinds argue that the caliphs continued to exercise religious authority after the age of the Prophet and the *Rāshidūn* until the showdown during the *miḥna* resulted in empowering the 'ulamā'. Zaman, on the other hand, argues for symbiotic relations in the pre-*miḥna* era, showing that the 'ulamā's authority was well recognized while the caliphs enjoyed their authority in matters

- of law; see “The Caliphs, the ‘Ulamā’, and the Law.” Be that as it may, what we learn from the *Risāla* suggests that the caliphs did exercise their personal judgment as the reference to ‘Abd al-Malik makes explicit (see nn. 94, 95). However, drawing on Ibn al-Muqaffa’s testimony, we can see how their use of *ra’y*, allegedly exercised in an arbitrary and haphazard way, troubled our author.
112. See Lapidus, “Separation of State and Religion,” 369.
 113. Ibid., 127 (*wa amdā fi kull qadīyyatⁱⁿ ra’yab ‘lladhi yulhimuh ‘llāh*).
 114. See Choksy, “Sacral Kingship,” 36–8.
 115. See Crone and Hinds, *God’s Caliph*.
 116. Ibn al-Muqaffa’, *Risāla*, 127 (*wa ya’zimu ‘alayh ‘azm^{an} wa yanbā ‘an ‘l-qadā’ bi-khilāfih wa kataba bi-dhālik kitāb^{an} jāmi‘^{an}*).
 117. Schacht suggests that the idea of legal codification was borrowed from ancient Persia along with institutions such as the office of the clerk of the court or secretary (*kātib*) and the judge (*qāḍī*); *Introduction*, 21–2; *Origins*, 95. Zaryāb Khoyī also highlights the connection with the Sasanian state where uniform and consistent laws left no room for personal judgment (*ijtihād*); “Ibn Muqaffa’,” 287. Aḥmad Amin, too, has made a similar suggestion in his *Duḥa ‘l-Islām* (1:215–16, cited in Goitein, “Turning Point,” 163). I agree with Goitein, however, that the concept could not have come from the Sasanian Empire because they had not codified their law, nor is there evidence to show any influence from the Roman style of codification; see “Turning Point,” 163–4; cf. Crone, *Roman, Provincial and Islamic Law*, 118 n. 113. Nevertheless, we cannot disregard Persian influence in the proposed measure to bring the clergy under state control. Shaked is correct that the Persian origins of this recommendation does not mean that it was properly implemented in the Sasanian Empire; “From Iran to Islam,” 40.
 118. As Schacht, *Origins*, 103, emphasizes, Ibn al-Muqaffa’^s problematizing *ra’y* indicates its importance in the ancient schools of law; Lowry, “First Islamic Legal Theory,” 28.
 119. Lowry, “First Islamic Legal Theory,” 28.
 120. Miskawayh, *Tajārib ‘l-Umam*, 1:127–8.
 121. Ibn al-Muqaffa’^s testimony in the *Risāla*, 126, leaves no doubt that contradictory precedents and rulings were regularly used by influential judges whose opinions carried much weight among the people (*yuqḍā bih quḍāt^{un} jā’iz^{un} amrubum wa bukmubum*).
 122. Schacht, *Introduction*, 56.
 123. Ibid., 129 (*zīnat majlisih, wa alsinat ra’īyyatih, wa ‘l-ā’wān ‘alā ra’yih, wa mawāḍī’ karāmatih wa ‘l-khāṣṣa min ‘āmmatih*).
 124. Ibid. (*fa-inna amr hādhibih ‘l-ṣahāba qad ‘amila fih man kāna walīyyuh min ‘l-wuzarā’ wa ‘l-kuttāb qabl khilāfat Amīr ‘l-Mu’minīn ‘amal^{un} qabih^{an} mufriṭ ‘l-qubh, muṣīd^{un} li-‘l-ḥasab wa ‘l-adab wa ‘l-siyāsa, dā’iy^{an} li-‘l-ashrār, tārid^{un} li-‘l-akhyār, fa-ṣarāt ṣuḥbat ‘l-khalīfa ‘amr^{an} sakhīf^{an}, fa-ṭamā’a fih ‘l-awghād, wa tazāhhada ilayh man kāna yarḡhabu fi-mā dūnah*).
 125. Ibid.
 126. Ibid., 130 (*lā yaṣluḡu ‘l-nās fawḍā lā sarāt labum, wa lā sarāt idhā jubhāluhum sādū*).
 127. Ibid. (*mā ra’yānā u’jubar^{un} qatt’ ā’jab min hādhibih ‘l-ṣahāba, mimman lā yantahī ilā adab dbi nabāhatⁱⁿ wa lā ḥasab ma’rūf, thumma buwa maskhūt ‘l-ra’y, mashhūr^{un} bi-‘l-fujūr fi ahl miṣrih, qad ghabara ‘āmmat dabrih ṣāni‘^{an} ya‘malu bi-yadih*).
 128. Ibid. (*illā annah khadama kātib^{an} aw ḥājib^{an} fa-akbbarah inna ‘l-dīn lā yaqūmu illā bih, ḥattā kataba kayf shā’ wa dakhala ḥayth shā’*).
 129. Ibn al-Muqaffa’, *al-Adab ‘l-Kabīr*, 55.
 130. Ibn al-Muqaffa’, *Risāla*, 131.
 131. Shaked, “From Iran to Islam,” 49.
 132. Schoeler, *Genesis of Literature in Islam*, 59 (emphasis original).
 133. See Cooper, “Ibn al-Muqaffa’,” 160.
 134. Zaman, *Religion and Politics*, 84.
 135. Ibid., 85 (emphasis original).
 136. See Zaman, “The Caliphs, the ‘Ulamā’, and the Law.”

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