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# Political Martyrdom and Religious Censorship in Islamic Sicily: a Case Study During the Age of Ibrāhīm II (261-289/875-902)*

## Martirio político y censura religiosa en la Sicilia islámica: un caso de la época de Ibrāhīm II (261-289/875-902)

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At the end of Sicily's Islamic period, the Mālikī juridical school was firmly rooted and documented in the island; but like many aspects of the cultural life of the island during the Islamic Age, the historical process that led to this situation is yet to be clarified. The present study aims to contribute by providing a historical context for a passage of the *Kitāb al-miḥan*, a book of Islamic martyrology written by Abū l-'Arab Muḥammad al-Tamīmī (d. 333/945), which until now has been overlooked by every study – both old and new – on Islamic Sicily. The works relates how a judge living and working in Sicily, Aḥmad b. Muḥammad al-Ṭā'ī, known as Ibn al-Majjānī, was imprisoned and tortured at the behest of Ibrāhīm II (261-289/875-902), the Aghlabid sovereign who has been of most interest to historians. Other than establishing a plausible date for the event (275/888-889), the article analyses the historical role of places and people, placing the 'martyrdom' of Ibn al-Majjānī in the context of the political repression exerted by Ibrāhīm II following the episode of

Al final del periodo islámico en Sicilia, la escuela jurídica mālikí estaba firmemente arraigada y documentada en la isla, pero, como ocurre con otros muchos aspectos de su vida cultural en época islámica, el proceso histórico que había llevado a esa situación todavía necesita ser aclarado. Este estudio tiene como objetivo proporcionar a suministrar un contexto histórico para entender un pasaje del *Kitāb al-miḥan*, obra de martirología islámica compuesta por Abū l-'Arab Muḥammad al-Tamīmī (m. 333/945), pasaje al que hasta ahora no se ha prestado atención en los estudios antiguos y modernos sobre la Sicilia islámica. En él se relata cómo un juez que vivía y trabajaba en Sicilia, Aḥmad b. Muḥammad al-Ṭā'ī, conocido por Ibn al-Maŷŷānī, fue hecho prisionero y torturado por orden de Ibrāhīm II (261-289/875-902), el gobernante aglabí al que los historiadores han prestado una atención especial. Además de establecer una fecha plausible para este acontecimiento (275/888-889), se analiza el papel histórico de lugares y personajes, situando el «martirio» de Ibn al-

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Ibn Ṭālib (d. 275/888-889) and the subsequent religious censorship imposed by the Aghlabid at the expense of the Mālikī élites in Ifrīqiya and, perhaps also, in the nearby *wilāya* of Sicily.

*Key words:* Mālikī juridical school; Islamic Sicily; Martyrology; Abū l-ʿArab Muḥammad al-Tamīmī; *Kitāb al-miḥan*; Ibrāhīm II; Ibn Ṭālib's affairs; Aḥmad b. Muḥammad al-Ṭāʾī known as Ibn al-Majjānī; religious repression.

Maŷŷānī en el contexto de la represión política llevada a cabo por Ibrāhīm II tras el episodio de Ibn Ṭālib (m. 275/888-889) y la consiguiente censura religiosa impuesta por el emir aglabí sobre las elites mālikíes en Ifrīqiya y también, tal vez, en la cercana *wilāya* de Sicilia.

*Palabras clave:* escuela jurídica mālikí; Sicilia islámica; martirología; Abū l-ʿArab Muḥammad al-Tamīmī; *Kitāb al-miḥan*; Ibrāhīm II; episodio de Ibn Ṭālib; Aḥmad b. Muḥammad al-Ṭāʾī conocido por Ibn al-Maŷŷānī; represión religiosa.

For judges of Sicily, past and present

## 1. The text

I would here like to introduce a text – which has been overlooked by previous research on Islamic Sicily – that will provide an insight into the political and religious control exerted on the magistrature of the island during the Aghlabid period. The passage examined comes from a published source, the *Kitāb al-miḥan*, a book of Islamic martyrology written by Abū l-ʿArab Muḥammad b. Aḥmad b. Tamīm b. Tammām b. Tamīm al-Tamīmī,[1] a *faqīh*, traditionist, historian and poet from al-Qayrawān, and a member of a prestigious Arab family (his great-grandfather was governor of Ifrīqiya and besieged al-Qayrawān in 183/799, ending his days in prison in Baghdad). Abū l-ʿArab was born in al-Qayrawān between 250/864 and 260/873 and studied under eminent teachers, before taking on students himself, including the famous Ibn Abī Zayd al-Qayrawānī. Abū l-ʿArab took part in the insurrection of Abū Yazīd against the Fāṭimids and died in prison in 333/945, because of his support for the Aghlabids and Sunnī Mālikīs.[2]

Amongst the works of *fiqh*, *ḥadīth* and *qaḍāʾ* attributed to him, the *Ṭabaqāt ʿulamāʾ Ifrīqiya* is of particular interest for the history of Aghlabid Sicily, as it contains an important collection of biographies of North African Sunnī scholars, active between 4th H./10th A.D.–6th

[1] Edition: Abū l-ʿArab, *Kitāb al-miḥan*, pp. 7-37; on this work and its context see also Kister, "The *Kitab al-Miḥan*, a Book on Muslim Martyrology;" Mansouri, "Les *ʿulamāʾ* en rupture avec le pouvoir en Ifrīqiya d'après le *Kitāb al-miḥan*".

[2] Abū l-ʿArab/al-Khushanī, *Classes des savantes de l'Ifrīqiya*, trans. Ben Cheneb, pp. V-XXVI; Rosenthal, "Abū l-ʿArab Muḥammad b. Tamīm b. Tammām al-Tamīmī," p. 106; Mansouri, "Les *ʿulamāʾ* en rupture," pp. 567-568.

H./12th A.D.[3] Another work, which has been preserved in a single manuscript held at Cambridge University Library (Qq. 235), is the *Kitāb al-miḥan*, a text in the tradition of the *maqātil*, a collection of "illustrious murders," including imprisonments and corporal punishments; it begins with the execution of the caliph 'Umar ibn al-Khaṭṭāb and concludes at the time of its writing.[4] The book mainly focuses on the *'ulamā'*, or scholars of Islam, an "emotional community" that performed the role of intermediary between ruling powers and society. Often in disagreement or in open conflict with the power and its representatives, the *'ulamā'* that are considered in the book were subjected to violent and public trials and torture,[5] a true and proper form of religious censorship that elevated them to political martyrdom, which they often wilfully and purposefully sought.[6]

The following passage clearly expresses the conflict between the *'ulamā'* and the ruling powers. It comes from the chapter that concerns "The Punishment Inflicted on the Judges of Ibn Ṭālib and his Provincial Magistrates (*ḥukkāmu-hu fī l-buldān*),"[7] from which we learn that:

> Ibrāhīm ibn Aḥmad dismissed Aḥmad b. Muḥammad al-Ṭā'ī, known as Ibn al-Majjānī, from the office of *qāḍī* of Sicily. Previously Ibn Ṭālib appointed him judge of the island, but [Ibrāhīm] imprisoned him in Sicily and, at his command, Ibn al-Ṭiflī subjected him to torture.

[3] Edition: Ben Cheneb, "Additions à la 'Biblioteca arabo-sicula';" French translation Abū l-'Arab, *Classes des savantes*; see also Fagnan, "Les tabakāt malekites".

[4] Abū l-'Arab, *Kitāb al-miḥan*, pp. 462-468.

[5] This is the meaning of the word *miḥna*, plural *miḥan*; the author himself lists the different types of punishment: imprisonment, flogging, beating, humiliation and intimidation, see Abū l-'Arab *Kitāb al-miḥan*, p. 287; Mansouri, "Les *'ulamā'* en rupture," p. 571.

[6] See the accurate observations of Mansouri, "Les *'ulamā'* en rupture," pp. 570-571, 575-577. On the definition of the idea of the "martyr" in Islam, see the overview by Cook, *Martyrdom in Islam*; for a more specific analysis on the casuistry considered in the Mālikī doctrine, see Penelas, "Introducción a la doctrina mālikí sobre el martirio". In contrast to another historiographic genre, the chronicles of al-Andalus, there seems to be a consistent desire to avoid executing rebels, so that they cannot then become martyrs in the eyes of their followers, see de la Puente, "En las cárceles del poder: prisión en al-Andalus bajo los omeyas (ss. II/VIII-IV/IX)," p. 107.

[7] Abū l-'Arab, *Kitāb al-miḥan*, pp. 463-466. On the roles of the *ḥākim*, "magistrati correzionali o ufiziali di polizia giudiziaria," see Amari, *Storia dei Musulmani di Sicilia*, II, p. 5; Dachraoui, *Le califat fāṭimide au Maghreb (296-365 H./909-975 J. Ch.). Histoire politique et institutions*, pp. 416-417; see also the definition given by Dozy: "l'officier chargé de surveiller l'administration judiciaire et de faire exécuter les sentences prononcées par les cadis; il indiquait aussi à ces derniers les personnes dont le témoignage pourrait être reçu au tribunal," Dozy, *Supplément aux dictionnaire arabes*, I, p. 310.

> A Sicilian related that Ibn al-Ṭiflī had given the order to flog him with soaked papyrus rolls, and he [Ibn al-Majjānī] had already undergone a significant part of the punishment.
> He [the Sicilian] said: "While he was sleeping in prison he woke up and said to some of his companions: while I was asleep a divine messenger (*ātin*) came to me and said: 'Allāh Almighty [decreed] to free you from the pain of the strokes!'". He [the Sicilian] said: "Shortly after the ungodly Ibn al-Ṭiflī had him brought [before himself] and ordered that he be flogged, and he was flogged. When he returned to jail he was asked [what had happened] and he said: "By Allāh, truly, Blessed and Almighty Allāh relieved me of the pain of the flogging. I felt myself being struck, but I didn't feel any pain."[8]

## 2. The story and its main characters

We have just seen a text referring to an unknown *qāḍī* of Sicily who was imprisoned and flogged for an apparently unknown reason. How could it relate to a specific context? What explanations can we try and give to this story? In the following paragraphs, I will attempt to formulate an answer to these questions through a detailed analysis of the historical context of Sicily, read and interpreted in the light of events that ran through political and religious life of the near North African coast.

### *2.1 Ibrāhīm II and his "justice"*

This story took place at the time of Ibrāhīm II (261-289/875-902), the well-known Aghlabid who, more that any other emir of Ifrīqiya, has fired the imagination of historians and chroniclers in both the East and West. A controversial personality, he was guilty of committing serious crimes and yet, at the same time, he has been praised for his merits and his achievements.

The Arabic sources, which were generally written after the events they describe, create a biography of the emir that almost amounts to a hagiography, articulated in three different chronological periods: 1. Pre-

[8] Cambridge, University Library, Qq. 235, f. 178v; ed. Abū l-'Arab, *Kitāb al-miḥan*, p. 465; for a reproduction of this manuscript, see figure 1; I would like to thank my colleagues Cristina La Rosa and Nuria Martínez de Castilla Muñoz for helping me to have access to the Cambridge manuscripts.

destination; 2. Fall; 3. Redemption.[9] Ibrāhīm begins his reign in 261/875, when he was still very young, in place of the legitimate successor Muḥammad II Abū l-Gharānīq, apparently thanks to the unconditional support of the masses, of the élites and of the *fuqahā'*, who were the exponents of Mālikī Sunnism in Ifrīqiya. The emirate of Ibrāhīm begins with seven years of strict yet righteous government (875-882), followed by a despotic and authoritarian phase that intensifies with the arrival of the Fāṭimid threat in Ifrīqiya (280/893). During this period, the tyranny of the emir descends into folly, characterised by some melancholic traits. This arc of time ends with redemption (*tawba*) and the departure for *jihād*, which is, at the same time, a devotional act of pilgrimage (*ḥajj*) for all the sins committed, and concludes with the "martyrdom" in the way of Allāh during the siege of Cosenza (17 *dhū l-qa'da* 289/23 October 902).[10]

The passage considered here examines the theme of justice, or rather injustice, of Ibrāhīm II, focusing attention on the arbitrary nature of the punishment dealt out, and on the narrative dynamic in which divine intervention always relieves the suffering caused by punishment.[11] As Annliese Nef acutely observed, justice is one of the fundamental rights of the kingship and the exercising of justice legitimises power; punishment itself is a representation of power, which is expressed through public, exemplary and sometimes spectacular rituals.[12]

Arabic sources describe Ibrāhīm II's constant concern for a righteous administration of the emirate and, as Mohamed Talbi writes: "Au cours de ses vingt-huit années de règne, durant la période heureuse comme durant la période la plus sombre, l'Émir montra ainsi un souci permanent d'assurer à son peuple une bonne et inattaquable justice. On verra plus loin qu'il ne s'octroyait qu'a lui seul le droit exceptionnel

[9] Amari, *Storia*, II, pp. 62-118; Talbi, *L'émirat aghlabide 184-296/808-909. Histoire politique*, pp. 271-322; for a close reading of the biography of the emir, see Nef, "Instruments de légitimation politique".

[10] Talbi, *L'émirat aghlabide*, pp. 519-528; more recently see Di Branco, "Due notizie concernenti l'Italia meridionale dal *Kitāb al-'uyūn wa'l-ḥadā'iq fī aḫbār al-ḥaqā'iq* (*Libro delle fonti e dei giardini riguardo la storia dei fatti veridici*)," pp. 3-5.

[11] At the same time, the Andalusī chronicles underline the arbitrary nature of the punishment inflicted by the Umayyads and their leaders, where imprisonment frequently occurred without the intervention of a *qāḍī* or a *faqīh*, see de la Puente, "En las cárceles del poder," p. 130.

[12] Nef, "Instruments de légitimation politique," pp. 85-88.

d'être éventuellement injuste."[13] It was an unlimited, and sometimes, inhuman form of justice, then, and one where punishment is often not in line with the crime committed; even notable figures of authority are not spared. Part of his attitude is evident in the choice of *qāḍī* and, as Talbi again writes, "il sut même faire taire ses ressentiments personnels dans son souci de donner à ses sujets, non seulement le meilleur Cadi, mais aussi celui qui avait leur confiance et leur assentiment".[14]

His obsession with justice remains throughout his reign, and Arabic sources inform us of his mental illness that progressively degenerated into total despotism, above all where the government was concerned, with an abuse of law and a general increase in horrifying crimes, which went as far as episodes of ritual cannibalism; Ibrāhīm has been accused of numerous crimes, which have consigned him to history as a "bloody monster," always prepared to kill relatives, courtiers, slaves and even any rank of state servants, without remorse or hesitation. Clearly we are presented with a historiographical picture that accentuates the traits of despotism, which were perhaps truly excessive, but which in any case are represented and described through complex historiographical interpretations that are often, though not always, hostile to the emir.[15]

### *2.2 Ibn Ṭālib*

The *Kitāb al-miḥan* relates that Ibn al-Majjānī was nominated as *qāḍī* by Ibn Ṭālib, or ʿAbd Allāh b. Ṭālib b. Sufyān b. Sālim b. ʿAqqāl b. Khafāja al-Tamīmī, a cousin of Ibrāhīm II. Ibn Ṭālib was a Mālikī judge, who already held the position of great *qāḍī* of al-Qayrawān when Ibrāhīm rose to power in 261/875.[16] In the year 275/888-889 Ibn Ṭālib fell from grace, following the scandal of Ibyāna, a rural property 5 km south east of Tunis, in the Mornag plain. Ibrāhīm wanted to acquire the land but the rightful owners opposed its sale; nonetheless the emir managed to take possession of it and at the same time, provoked an uprising

[13] Talbi, *L'émirat aghlabide*, pp. 274-275.

[14] Talbi, *L'émirat aghlabide*, p. 274.

[15] For a detailed analysis of the "criminal profile" of Ibrāhīm II in the light of source material and historiography, see Nef, "Violence and the prince: the case of the Aghlabid amīr Ibrāhīm II (261-289/875-902)".

[16] Abū l-ʿArab, *Classes des savantes*, pp. 220-221; Talbi, *L'émirat aghlabide*, pp. 272, 274-275, 315, 697-698.

against the inhabitants, who turned to Ibn Ṭālib for justice. Ibn Ṭālib supported them and handed down his sentence, and so, by order of Ibrāhīm, he was imprisoned, put on trial, tortured and killed, then replaced by his rival Ibn ʿAbdūn.[17]

Where this study is concerned, it follows, first of all, that Ibn al-Majjānī ruled from 261/875 until 275/888-889.

As Talbi notes, after the death of Ibn Ṭālib, the despotic nature of Ibrāhīm increased once again; the emir did not dare to openly execute the great *qāḍī*, but instead was concerned to find him guilty, parade him in a courtroom, feign his death and let him die naturally.[18] But from this moment forward, Ibrāhīm was no longer so scrupulous; after the trial and death of Ibn Ṭālib, a long series of executions of illustrious individuals followed, which came to a climax: one year later, in 276/889-890 Muḥammad b. Ḥayyūn known as al-Barīdī, a young and talented secretary, fell from grace; in 277/890-891 Ibrāhīm had the chamberlain Naṣr b. al-Ṣamṣāma killed, who just two years before had accompanied him to al-Qayrawān during the insurrection of the *dirham*; in 278/891-892 it was the Christian Sawāda al-Naṣrānī that was executed, after he had rejected the management of the *dīwān al-kharāj*, which was offered to him on the condition that he converted to Islam, and undoubtedly the list does not finish here.[19]

### *2.3 Ibn al-Ṭiflī*

Another character mentioned in the passage is Ibn al-Ṭiflī (or Ibn al-Ṭiffalī),[20] who, at the command of Ibrāhīm, submitted the judge Ibn

[17] Abū l-ʿArab, *Kitāb al-miḥan*, pp. 279-280; *L'émirat aghlabide 184-296/808-909. Histoire politique*, p. 285; Mansouri, "Les *ʿulamāʾ* en rupture," p. 573.

[18] Talbi, *L'émirat aghlabide*, p. 285.

[19] Talbi, *L'émirat aghlabide*, pp. 285-286; Amari suggests that Sawāda could be one of the four Christian martyrs, John, Andrew, Peter and Anthony, who were imprisoned after the storming of Syracuse (878) and martyred by Ibrāhīm II, Amari, *Storia*, I, pp. 653-654; II, p. 75.

[20] The vocalization of the name with *fatḥa* and *tashdīd* (Ibn al-Ṭaffalī), as proposed by the editor of the text, can be rejected in the light of the only copy of the manuscript, where a *kasra* clearly appears, Cambridge, University Library, Qq. 235, f. 178v, l. 5; ed. Abū l-ʿArab, *Kitāb al-miḥan*, p. 465. The adjective *ṭiflī* means "enfantin, puéril" and also "argileux," this last meaning is connected to the "terre à foulon," cfr. Dozy, *Supplement*, II, pp. 48-49; for example a *ghār al-ṭifl* (or *ṭafal* or *ṭafl*) is documented in Sicily, which corresponds to the Latin *spelunca crete* in the *jarīda* of 1182, cfr. Cusa, *I diplomi greci e*

al-Majjānī to torture; it would seem, in particular, that it was Ibn al-Ṭiflī himself who experimented with flogging using soaked roles of papyrus on Ibn al-Majjānī. In Sicily the *nisba* al-Tiflī is also attributed to another individual who appears in the *Kitāb al-amwāl* of the Mālikī jurist al-Dāwudī (who died between 402/1010-11 and 411/1020-21); the text relates the disputes that took place between 9th and 10th centuries over the possession of the fortress, *al-qal'a*, of Agrigento. At one point in its Islamic period, definitely after 902 (the year of the conquest of Taormina by Ibrāhīm II), the inhabitants of the fortress were expelled and the area was repopulated with new settlers, some of whom came from Ifrīqiya; yet the former inhabitants laid claim to their rights and an unidentified ruler opened an inquest and listened to the parties:

> There then rose the descendents of Agrigento who had been ousted from the fortress along with some early settlers who had survived and said to the ruler that the land was theirs and that he should remove the usurpers from there. The ruler enquired as to how the city belonged to them. Some elderly people said that they had purchased the land from a man called al-Ṭiflī. The ruler of the period asked to sell to anyone willing to buy. Others said that the land belonged to them as they had bought it from Ibrāhīm ibn Aḥmad. And that they had fought alongside him at Taormina and had received 6,000 [*dīnār*s] as *fay'* with which they had purchased it from him. The ruler then said: "By Allāh! Is there any deed or document in your possession?" They replied: "A long time has passed and we have nothing of that kind in our hands." He then said: "This land belongs to the whole community of the Muslims. I am not giving you this because of your claim."[21]

It is clear from this account that the former inhabitants laid claim to the fortress, which was acquired by a certain al-Ṭiflī, clearly a public figure capable of initiating negotiations of this kind. At present it is not possible to establish with certainty the relationship between al-Ṭiflī and Ibn al-Ṭiflī (they could be father and son, or simply two un-

*arabi di Sicilia*, I, pp. 201, 242. It could be the case, although there are some strong doubts, that the name al-Ṭiflī is a loanword of the Greek *typhlos*, "blind". Conversely, Adalgisa De Simone, who I would like to thank for her continued kind interest in my research, posits that the name al-Ṭiflī, which is mentioned in the *Kitāb al-amwāl* of al-Dāwudī, could be an adaptation of the Greek name *Theophilos*, cfr. De Simone, "In margine alla fiscalità islamica in Sicilia," p. 62.

[21] Al-Dāwudī, *Kitāb al-amwāl*, p. 55 (Arabic text), p. 94 (translation). The English translation of Sherfuddin is adapted with corrections by Alex Metcalfe, see <http://medievalsicily.com/Docs/02_Islamic/al-Dawudi%20on%20Agrigento.pdf> (accessed 05/03/2014).

related individuals); yet, hypothetically speaking still, it may be possible to combine their names and roles with that of a certain al-Ṭāwulī, an individual whose name appears once in the *Cambridge Chronicle*.[22] The orthographic and phonetic similarities between the Arabic names al-Ṭiflī and al-Ṭāwulī are simple and quite clear, even though the identification of the two figures remains entirely provisional and hypothetical. The *Cambridge Chronicle* relates that in Palermo, in March 890, a revolt broke out, with Sicilians rising up against Africans:

> In the year 6398 (889-890) the Sicilian people assaulted the people of Ifrīqiya, and killed al-Ṭāwulī in the month of March (*wa-fī sanat thamān wa-tis'īn tawaththabū al-ṣiqilliyyūn 'alà ahl Ifrīqiya wa-qatalū al-Ṭāwulī fī shahr mārshuh*).[23]

In Amari's interpretation, Sicilians are local Arabs who rebelled against new troops sent from Ifrīqiya, who came to the island both to lead the *jihād* and to try to put an end to the incessant riots that occurred in the island's capital.[24] Incidentally, the *Cambridge Chronicle* refers to distinct "ethnic" factions that try to gain political and military rule of the island, though the precise identity and composition of these opposing forces has yet to be identified.[25]

Amongst the victims of the revolt led by people of Palermo, one finds al-Ṭāwulī, who is clearly one of the exponents of "African" power in the capital; as far as his role in *Kitāb al-miḥan* is concerned, it can be supposed that he had assumed the role of *wālī l-madīna* ("governor

[22] Cambridge, University Library, Dd. 5. 35(2), f. 3v, l. 2. The so-called *Cambridge Chronicle* (in Arabic *Ta'rīkh jazīrat Ṣiqilliyya* or "Chronicle of the island of Sicily") is an anonymous work, compiled in Sicily in the second half of the 10th century and transmitted in two, apparently independent, versions, one Greek and the other Arabic; for the Arabic text see Amari, *Biblioteca arabo-sicula*, I, pp. 190-203; trans. I, pp. 224-236; for the Greek text, see Schreiner, *Die Byzantinischen Kleinchroniken*, pp. 326-340.

[23] Amari, *Biblioteca*, I, p. 193; trans. I, p. 226.

[24] The political climate seems to have engaged even the religious minorities; the Greek text of the *Cambridge Chronicle* relates that shortly before, in 886-887, Christians in Palermo were made to wear a distinguishing badge, see *Cambridge Chronicle*, in Schreiner, *Die Byzantinischen Kleinchroniken*, p. 334; Amari, *Storia*, I, pp. 571-572; Talbi, *L'émirat aghlabide*, pp. 498-499.

[25] The conflict between Sicilians and Africans is unique in historiography written in Arabic, which deals with the Islamic history of the island; it reappears, though, in Latin sources, which describe the conquest of the island by Normans, see Nef, "La désignation des groupes ethniques de la Sicile islamique dans les chroniques en langue arabe. Source d'information ou topos?," pp. 66-67.

of the city; mayor"), or more probably of *ṣāḥib al-shurṭa* ("chief of police"), as will be seen.[26]

If this hypothesis is correct, it would be possible to construct a chronological and political background to the events narrated in *Kitāb al-miḥan*. In the first instance, it can be established that the torture of Ibn al-Majjānī occurred before 890, the year in which al-Ṭāwulī/Ibn al-Ṭiflī died.

Furthermore, we know from the text that the judge was nominated by Ibn Ṭālib, the cousin of Ibrāhīm who fell from grace in 888-889; as we have already noted, the torture of Ibn al-Majjānī can be clearly understood in the broader context of the destitution and violent persecution practised by Ibn ʿAbdūn, the successor to and rival of Ibn Ṭālib. This phenomenon involves all the judges and magistrates nominated by him, even in the provinces of the Aghlabid emirate, from Tripoli to Sicily.[27] It is very probable that the episode of Ibn al-Majjānī occurred between 888 and 890, more precisely during 275/888-889.[28]

As previously mentioned, al-Dāwudī mentions the sale of the fortress of Agrigento by a certain al-Ṭiflī, an episode that probably occurred in the age of Ibrāhīm II (261-289/875-902). If we were to suggest that the three aforementioned individuals were a single person, that is Ibn al-Ṭiflī, al-Ṭiflī and al-Ṭāwulī, it would not be surprising if the latter, who came to Sicily as a representative of "African" power, in other words sent directly by Ibrāhīm II, had established his career (as *wālī*?) repressing a judge supported by local power, selling the fortress of Agrigento, or beginning (arbitrarily?) the negotiations, which were then concluded, as the text indicates, more than ten years after by the same Ibrāhīm II in favour of the Banū ʿAbd al-Ṣamad, following the victorious conquest of Taormina (902).[29] Hypothetically speaking, it seems possible to believe that these episodes, together with

[26] For the *wālī l-madīna* and the *ṣāḥib al-shurṭa* in the Aghlabid and Fāṭimid era, see Talbi, *L'émirat aghlabide*, p. 698; Dachraoui, *Le califat fāṭimide*, pp. 421-422; De Luca, *Giudici e giuristi nella Sicilia musulmana. Notizie e biografie estratte dal Tartīb al-madārik*, pp. 25-26; for a comparison with the Iberian context in the age of the Caliphate, see de la Puente, "En las cárceles del poder," p. 106.

[27] Abū l-ʿArab, *Kitāb al-miḥan*, pp. 463-466; Mansouri, "Les *ʿulamāʾ* en rupture," pp. 573-574.

[28] The chronology of the whole paragraph suggests that the episode of Ibn al-Majjānī can be dated to before the death of Ibn Ṭālib, which occurred in 275/888-889, and was mentioned straight after the Sicilian event, Abū l-ʿArab, *Kitāb al-miḥan*, p. 465.

[29] On this last episode see Nef, "La fiscalité en Sicile sous la domination islamique," pp. 139, 143-144.

other uknown measures (perhaps a certain tightening of financial pressure?), could have caused the insurrection of 888-889, to which the *Cambridge Chronicle* alludes.

In the years that followed, the political climate in Sicily remained turbulent; Ibrāhīm nominated Abū l-Ḥusayn Muḥammad b. al-Faḍl as governor of the island in 278/891-892, though he only managed to reach Palermo the following year, on 2 *ṣafar* 279/4 May 892, which indicates that the situation was still not calm.[30] In Ifrīqiya, Ibrāhīm had to face a rebellion, which he quashed on 8 *rajab* 281/13 September 894, triumphantly entering into Tunis; the chamberlain al-Ḥasan b. Nāqid was in charge of re-establishing order in Sicily too, but before attempting the crossing, a diplomatic mission was organised.[31] Two famous Ḥanafī jurists were in charge of the mission, the *qāḍī* of Tunis Haytham b. Sulaymān and Qāsim b. Abī l-Minhāl, who were sent to Sicily in the winter of 281/895:

> During this year Haytham b. Sulaymān and Qāsim b. Abī l-Minhāl departed for Sicily, [notwithstanding] the intensity of the cold and the strength of the winds. Ibrāhīm b. Aḥmad told them: "Make them aware of our strength, make them fear our punishment and [finally] grant them amnesty (*amān*)." They replied to him: "It is forbidden to sail the sea in a storm!," and [Ibrāhīm] replied: "It is vital that you leave in accordance with my horoscope". Ibn al-Jazzār said: "'Abd Allāh b. Haytham told us that: When my father bid farewell to us, he said: My sons, I suggest you renounce the search of science (*ṭalab al-'ilm*) and the social intercourse with its people! We would not have found ourselves in this regrettable situation if science and scholars (*'ulamā'*) didn't exist!". And they drowned in the sea on the [...] Thursday *dhū l-ḥijja* (31 January-1 March 895).[32]

Despite the fact that the mission of the two Ḥanafī jurists evidently ended at sea,[33] al-Ḥasan b. Nāqid arrived in Palermo between 1 Sep-

[30] "Year 278 (15 April 891-2 April 892)... In this same year, Muḥammad b. al-Faḍl governed Sicily;" "Year 279 (3 April 892-22 March 893) In this year Muḥammad b. al-Faḍl governed Sicily; the latter entered Palermo, the capital of the island, on the second of the month of *ṣafar* (4 May 892)," Ibn 'Idhārī, *al-Bayān al-mughrib*, in Amari, *Biblioteca* I, p. 416; trans. II, p. 467.

[31] Amari, *Storia*, I, pp. 572-573; Talbi, *L'émirat aghlabide*, pp. 499-501.

[32] *Kitāb al-'uyūn*, ed. al-Sa'īdī, I, p. 84; Talbi, *L'émirat aghlabide*, p. 500.

[33] Talbi states that "les deux *faqīhs* firent la traversée un certain jeudi de Dhū l-Ḥijja 281/fevrier 895," yet the verb used is *gh.r.q*, which clearly means "être plongé tout entier dans l'eau, être submergé," or better "se noyer, périr à la mer (se dit des hommes ou des navires)," Biberstein Kazimirski, *Dictionnaire arabe-français*, II, p. 459; Talbi, *L'émirat aghlabide*, p. 500, followed by Chiarelli, *A History of Muslim Sicily*, p. 291 ("From all accounts they succeed in bringing the matter to a peaceful conclusion").

tember 895 and 18 February 896.[34] It is interesting to note that Haytham b. Sulaymān interprets a famous *ḥadīth* of the Prophet,[35] laying the main blame for their fall from grace at the search of science and the social intercourse with sages (*mujālasat al-'ulamā'*), factors that probably played a role in their appointment; not least, the two Ḥanafī jurists were probably nominated for being leading exponents of a then "dominant" juridical school in Ifrīqiya and Sicily, which will be analysed in more detail further on.

### *2.4 Aḥmad b. Muḥammad al-Ṭā'ī, known as Ibn al-Majjānī*

The main character of this story is a judge, Aḥmad b. Muḥammad al-Ṭā'ī, better known as Ibn al-Majjānī, a *laqab* who declares his North African origins, from Majjāna, a city in Ifrīqiya of some standing in the Aghlabid era.[36] Ibn al-Majjānī does not appear in other sources and consequently is unknown to historiography; even though it is not made explicit in the text, Ibn al-Majjānī held the role of *qāḍī* of Sicily, supporting the Aghlabid governor of the island (*wālī*), an extremely important role. In theory, every city or district of the Aghlabid emirate had its *qāḍī*, who was nominated directly by the great *qāḍī* of Ifrīqiya; the latter had a seat in al-Qayrawān and his election or removal depended on the will of the emir, who could consult the *fuqahā'*.[37]

The *qāḍī*, the custodian of a strong Islamic juridical culture founded on the Qur'ān and the Sunna, was in charge of resolving conflicts, in accordance with the *fiqh* and based on his own personal interpretation (*ijtihād*); he sat in the mosque, listening to complaints, passing judgement and ensuring that punishment was implemented. His tasks were not strictly limited to the judicial: he monitored how *sharī'a* was ob-

[34] "In the year 6404 (895-896) the truce was signed between the Muslims and the *Rūm* at the time [of the government] of Abū 'Alī [al-Ḥasan b. Nāqid]," *Cambridge Chronicle* in Amari, *Biblioteca*, I, p. 193; trans. I, p. 227; Talbi, *L'émirat aghlabide*, p. 500 and no. 4.

[35] *Uṭlubū l-'ilm wa-law bi-l-Ṣīn fa-inna ṭalab al-'ilm farīḍa 'alà kull al-muslim*, "Look for science, even in China; scientific research is a duty for every Muslim!," on this see Bernards, "*Ṭalab al-'ilm* amongst the linguists of Arabic during the 'Abbasid period".

[36] Fenina, "La ville de Maǧǧāna sous Ziyādat Allāh I: un atelier monétaire peu connu et une principauté éphémère à l'époque aġlabide". On the Majjāna, particular individuals or communities, living through North Africa and related problems see Amara, "L'Islamisation du Maghreb central (VII$^{e}$-XI$^{e}$ siècle)," pp. 121-122.

[37] Dachraoui, *Le califat fāṭimide*, p. 416; De Luca, *Giudici e giuristi*, pp. 39-40.

served, which was not just a rule of law, but also a style of spiritual and temporal life. This means that his remit was in some ways unlimited: it encompassed cultural traditions and all aspects of public and private life.[38] In every Islamic society the *qāḍī* was also called to determine the distribution of land, contracts, taxes, the division of profits and the fate of prisoners; it was, then, a crucial office, particularly in a "growing frontier" like that of Sicily in the Aghlabid and Fāṭimid era.[39]

Ibn al-Maǧǧānī was already in jail when he was punished by being beaten with strokes of soaked rolls/ropes of papyrus (*bi-ṭawāmīr al-qarāṭīs al-mablūla*),[40] a fact that immediately brings to mind the area of Palermo where papyrus grew and it was used to make rolls (*ṭamūr*), used to make sheets for the Sultan, and above all it was bound in ropes used for ships, according to Ibn Ḥawqal; it goes without saying that the soaked rigging of ships represented, without any doubt, a dreadful means of torture.[41]

It is not known whether the punishment took the form of a corporal penalty (*ḥadd*) or more probably an arbitrary one (*ta'zīr*), since both involved flogging and imprisonment.[42] Unfortunately the extent of the crime committed is not known either, though it can, in any case, be included in the more or less arbitrary repression carried out by Ibn 'Abdūn on behalf of Ibrāhīm II, following the trial of Ibn Ṭālib (275/888-889). However, the type of prison can perhaps help to clarify the role of the prosecutor Ibn al-Ṭiflī; indeed, Muslim jurists distinguish

[38] On the figure of the *qāḍī* in Aghlabid and Fāṭimid Ifrīqiya see Talbi, *L'émirat aghlabide*, p. 697; Dachraoui, *Le califat fāṭimide*, pp. 404-416; for more general studies, see Tillier, *Les cadis d'Iraq et l'État abbasside (132/750-334/945)*and the contributions in El Hour and Mayor (ed.), *Cadíes y cadiazgo en al-Andalus y el Magreb medieval*.

[39] Granara, "Islamic Education and the Transmission of Knowledge in Muslim Sicily," pp. 163-164.

[40] The word *qirṭās* (plural *qarāṭīs*) means "sheet or roll of papyrus," "parchment" or "paper," see Gacek, *The Arabic Manuscript Tradition. A Glossary of Technical Terms & Bibliography*, p. 114.

[41] "Yonder there is still a low-lying area entirely covered with papyrus (*barbīr*), or rather *bardī*, which is [the plant] from which they make the *ṭumār* (rolls of paper on which to write). I do not know if Egyptian papyrus has on the face of the earth another type other that this in Sicily. The latter for the most part is bound in ropes, used for ships, and some is used to make sheets for the Sultan, however many he needs," Ibn Ḥawqal, *Ṣūrat al-arḍ*, in Amari, *Biblioteca*, I, pp. 16-17; trans. I, p. 21; Ibn Ḥawqal, *Ṣūrat al-arḍ*, ed. Kramers, I, pp. 122-123; Ibn Ḥawqal, *Configuration de la terre*, French Trans. by Kramers and Wiet, I, p. 121.

[42] Hentati, "La prison en Occident musulman medieval," pp. 151-160; for the Andalusī case, see de la Puente, "En las cárceles del poder," p. 124.

between two types of prison, one being the prison of the judge (*ḥabs al-qāḍī*), designed for protective custody or administrative detention whilst prisoners awaited corporal punishment, where debtors were mainly held. The other was the political-military prison, where thieves and assassins (*ḥabs al-luṣūṣ*) were kept; it was managed by governors or by the *ṣāḥib al-shurṭa*, the chief of police who oversaw the prosecution of criminals, for both protective custody and long-term detention.[43]

This distinction seems to have been followed in Fāṭimid Ifrīqiya; indeed in the time of Mahdī ʻUbayd Allāh, a prison of criminal law existed (*bayt al-dam*, "the house of the crimes of blood") where the thieves/*luṣūṣ* and criminals guilty of homicide were detained; this was distinct from a prison of civil law where every type of prisoner was kept.[44] Clearly this theoretical distinction in the management of prisons was, in practice, also a cause of conflict between governors and judges,[45] and there were several cases, for example in ʻAbbāsid Baghdad, where the men condemned by the *qāḍī* were sent to a prison presumably dependent on the *shurṭa*.[46]

Where this present study is concerned, a political-military prison is well-suited to the case of Ibn al-Majjānī and would fittingly explain the intervention of Ibn al-Ṭiflī who could in fact be the *ṣāḥib al-shurṭa*, who was in charge of carrying out the punishment inflicted by the Aghlabid emir.[47]

Little is known about the location of the prison; assuming that it was in Palermo though, one prison was mentioned by the monk Theodosius, who was imprisoned in the city after the conquest of Syracuse

[43] This distinction was proposed by the jurist al-Khassāf (d. 261/874) and followed by Ibn al-Qāṣṣ (d. 335/946), see Schneider, "Imprisonement in Pre-Classical and Classical Islamic Law;" Hentati, "La prison en Occident," pp. 175-176; Tillier, "Prisons et autorités urbaines sous les Abbasides," pp. 388, 392-394; Tillier, "Vivre en prison à l'époque abbaside," pp. 636, 643, 655; Tillier, "Les prisonniers dans la société musulmane (II$^{e}$/VIII$^{e}$-IV$^{e}$/X$^{e}$ siècle)".

[44] Hentati, "La prison en Occident," p. 175. The distinction is rather theoretical; for example, in the evidence of the Andalusī documentation from the age of the Caliphate, the administrative prison is not mentioned, see de la Puente, "En las cárceles del poder," p. 130.

[45] Hentati, "La prison en Occident," p. 177; Tillier, "Prisons et autorités," p. 396.

[46] Tillier, "Prisons et autorités," p. 394.

[47] The *ṣāḥib al-shurṭa* was among the highest officials in both central and provincial government, "when the *ṣāḥib al-shurṭa* was powerful he could trespass extensively on to jurisdiction of both *ḥisba* and that of the *qāḍī*, taking charge of enforcing proper conduct in public places, dispensing criminal justice and supervising the implementation of retaliation or *qiṣāṣ*," Marín, "Shurṭa," p. 510.

in 878, where he had occasion to march through the city with the bishop of Syracuse, and briefly relay his impressions. As he waited for the verdict, Theodosius was locked in an underground prison, which recalls the well-known *Muṭbaq* in Baghdad:[48]

> Tandem in desmoterium coniicimur. Id autem lacus est, quattuor supra decem gradibus depressum habens pavimentum. Adeo ut illi ostiolum pro fenestra esset. Tenebrae hic mirae et palpabiles; lumine tantum lucernae, vel interdiu, aliqua ex parte collustratae. Neutiquam in isto carcere luciferum mane exorientem fas est aspicere, nec lunam radios emittentem. Corpusculum hic aestivis caloribus hic percussum (aestas enim erat) et cohabitantium halitu torridum. Praeterea cimices et pediculi et pulicum examina, ceteraque hisce bestiolis similia, per tenebricosum hoc pavimentum, misellum hominem stigmatiam reddunt. Sunt et eodem in carcere conclusi, promiscueque nobiscum harum miseriarum mercaturam facientes Aethio, pes, Tharsenses, Arabes, Hebraei, Longobardi, tum Christiani nostrates e diversis locis profecti; in queis erat quoque sanctissimus Militensis episcopus, duabus compedibus pedes obitrictus.[49]

The association between the palace/castle, as a seat of power, and the prison, follows a rather well-known Islamic model which can also be found in Baṣra (from 17/638) and Baghdad, as well as in Cordoba under the Umayyads.[50] A prison – though it is not known if it is the same one – is enclosed in the castle in Palermo, which was the seat of Ibn Qarhab (300-304/913-916), presumably on the old acropolis of the city, which is the current site of the Royal Palace; here, Ibn Qarhab had imprisoned the *qāḍī* Isḥāq b. Abī Minhāl,[51] and he himself was impris-

[48] The *Muṭbaq*, literally "the cover," was the main prison in ʿAbbāsid Baghdad, which was in use from 145/762-763 until after 272/885; the term has come to mean an underground prison made of pits and underground chambers, some of significant size, Hentati, "La prison en Occident," p. 180; Tillier, "Vivre en prison," pp. 403-406. It is also worth noting the *sijn al-muṭbaq* of the Alcázar in Cordoba and the Iberian types, for which see de la Puente, "En las cárceles del poder," pp. 113-120.

[49] *Epistola Theodosii monachi de excidio Syracusarum*, II, p. 276; on the epistle and the complex tradition of the work see also Amari, *Storia*, I, pp. 541-551; Zuretti, "Italoellenika [1]. La espugnazione di Siracusa nell'880. Testo greco della lettera del monaco Teodosio", pp. 172-173; Anastasi, "L'epistola di Teodosio monaco," p. 177; Lavagnini, "Siracusa occupata dagli Arabi e l'epistola di Teodosio monaco;" Rognoni, "Au pied de la lettre? Réflexions à propos du témoignage de Théodose moine et grammaticos sur la prise de Syracuse en 878," pp. 219-224.

[50] Tillier, "Prisons et autorités," pp. 398, 400; de la Puente, "En las cárceles del poder," pp. 113-120.

[51] "During the year [304/916-17] the attitude of the *jund* and the Berbers towards [Ibn Qarhab] in Sicily became hostile, such that they beseiged him in his castle (*qaṣr*), where they placed Isḥāq b. Abī Minhāl, after the latter was held in chains in his prison. This man

oned, probably in the same place, with his son and the *qāḍī* Ibn al-Khāmī, waiting to be transferred to Sūsa in the presence of al-Mahdī.[52]

A prison enclosed in the palace, known as the government's prison (*ḥabs al-sulṭān*), and thus a political-military jail, would seem to be explicity mentioned in the descriptions of the Kalsa district (< Ar. *al-Khāliṣa*), the headquarters of Fāṭimid power in Sicily, in accordance with the wishes of the Fāṭimid governor Khalīl b. Isḥāq in 326/937-938.[53]

The letters of Geniza also mention a prison in a fortification in Palermo, probably the same one on the acropolis, where a certain Bundār was imprisoned around 970; a freed slave of Palermo, Bundār went on to leave a quarter of his property to the poor in Jerusalem, in accordance with Islamic law.[54] In August 1056, the noted judge (*dayyān*) of Palermo Maṣli'aḥ ben Eliyya was held in prison for three days; he was an active merchant and was found guilty of trying, together with his

[the judge] drew up the inventory of the man [Ibn Qarhab] who had with him goods, clothing and weapons. And so prisoner, together with his son, was transferred to Mahdī in Sūsa," *Kitāb al-'uyūn*, I, p. 187; "Then the *jund* and the Berbers rebelled against him, shut him in the castle in Palermo (*Ṣiqilliyya*), let Abū l-Minhāl out of the prison and took him to the castle, where he laid out the inventory of goods, weapons, clothes and more that had been found in *muḥarram* 304 (5 July-3 August 916)," Ibn al-Khaṭīb, *A'māl al-a'lām*, p. 476 (Arabic text); Amari, *Storia*, II, pp. 183-184 no. 2 (Italian trans.). Ibn Abī Minhāl had already been *qāḍī* in Sicily at the time of the two Ibn Abī Khinzīr brothers, see Ibn Khaldūn, *Kitāb al-'ibar*, in Amari, *Biblioteca*, II, p. 529; trans. II, 882; he was later named *qāḍī* at Qayrawān from 307/919 until 311/923, and later from 312/924 until his death; for the story of Ibn Qarhab see Mandalà, "Una nueva fuente para la historia de la Sicilia islámica. La revuelta de Aḥmad Ibn Qarhab (300-304/913-916) en un pasaje de *al-Muqtabis* V de Ibn Ḥayyān," pp. 343-374.

[52] "Ibn Qarhab then thought of setting sail for al-Andalus; he bought ships and loaded many things, but the Sicilians subverted his plan; they took everything he had put on the ships; they imprisoned Ibn Qarhab with his son and his *qāḍī* called Ibn al-Khāmī; they put chains on their feet, and [thus] sent them to 'Ubayd Allāh," Ibn 'Idhārī, *al-Bayān al-mughrib*, in Amari, *Biblioteca*, I, pp. 419-420; trans. II, p. 471.

[53] Ibn Ḥawqal, *Ṣūrat al-arḍ*, in Amari, *Biblioteca*, I, p. 12; trans. I, p. 14; nonetheless the edition by Kramers offers the variant *jayš li-l-sulṭān* ("the ruler's militia"), see Ibn Ḥawqal, *Ṣūrat al-arḍ*, ed. Kramers, I, p. 119; Ibn Ḥawqal, *Configuration de la terre*, French trans. by Kramers and Wiet, I, p. 118. A *fatwà* of al-Ḍābiṭ al-Ṣafāqusī (d. 543/1148) distinguishes between the prison of the *qāḍī* and the prison of the *sulṭān*, see Hentati, "La prison en Occident," p. 176.

[54] *We-noqaš be-mahamorot ha-meṣuda*, "prisoner in the grottoes of the fort;" Šemu'el b. Hoša'na, the head of the Palestine Academy, was in charge of the transfer of Bundār's money, see Ben Sasson, *The Jews of Sicily (825-1068)*, doc. 32, pp. 143-144; Simonsohn, *The Jews in Sicily*, I, doc. 26, pp. 17-18: 17; Gil, "Sicily 827-1072, in light of the Geniza documents and parallel sources," p. 150, no. 21. For the prison in the Royal Palace of Palermo see Purpura, "Graffiti di navi normanne nei sotterranei del Palazzo Reale di Palermo;" Longo, *La fabbrica medievale*, pp. 76-77.

partners, to cheat the Islamic financial system in the city, by not paying the tithe (*al-'ushr*) on imported goods.[55] Nothing is known of this latter prison, which would be similar to the type of the so-called prison of the judge, which we noted before.

Finally, it is interesting to note one element of the story, that is the supernatural intervention that alerts the judge to the impending suffering; this is the dreamlike vision of *ātin*, a celestial messenger, whose act of redeeming intervention is also mentioned in another passage of the *Kitāb al-miḥan*: Tawba al-'Anbarī al-Baṣrī (d. 131/748), while he was in prison, dreamt he was visited by one of these celestial creatures who taught him an invocation (*du'ā'*), thanks to which he gained freedom from the prison.[56]

## 3. Sicily under the religious and juridical-doctrinal control of Ifrīqiya (9th-first half of the 10th century)

### *3.1 Juridical schools and magistrature in Ifrīqiya*

In Ifrīqiya, at the beginning of the 3rd/9th century, the Mālikī/Ḥanafī dualism was still in its early stages, and one cannot talk in terms of a "conflict" between the different juridical schools; the co-existence of two different approaches was resolved with the nomination of two *qāḍī*s in Ifrīqiya, both of whom were resident in the capital al-Qayrawān: one was Asad b. al-Furāt, a pupil of Mālik and the future conqueror of Sicily, who oscillated between the Mālikī and Ḥanafī schools, and was *qāḍī* from 818 or 819 until 829; the other was Abū Muḥriz, a Ḥanafī (though Mālikī according to others), *qāḍī* from 806 until 829.[57] From

[55] Ben Sasson, *The Jews of Sicily*, doc. 87, pp. 406-416: 410; Simonsohn, *The Jews in Sicily*, I, doc. 109, pp. 224-229: 228; Gil, "Sicily 827-1072," pp. 142-144.

[56] Abū l-'Arab, *Kitāb al-miḥan*, p. 404; p. 169 (for Tawba's story). On the topic of dreamlike visions and divine interventions, it ought to be noted that following a battle, perhaps at Caltavuturo (268/881-82), a fallen soldier, Abū 'Abd al-Salām Mufarraj, saw the *ḥūr al-'ayn* (in the text *jawārin*, "young girls") descend from the heavens and look for martyrs of the *jihād* to take with them, see al-Mālikī, *Riyāḍ al-nufūs*, in Amari, *Biblioteca*, I, pp. 227-38; trans. I pp. 259-260; Amari, *Storia*, I, pp. 562-564; Talbi, *L'émirat aghlabide*, p. 494. For more on dreamlike visions and angels in Islām see Lory, *Le rêve et ses interprétations en Islam*, pp. 145-149.

[57] Rizzitano, "Asad b. al-Furāt *faqīh* e *qāḍī* d'Ifrīqiya;" Rizzitano, "Il contributo dei musulmani di Sicilia alla diffusione del *fiqh* mālikita," pp. 479-481; Idris, "L'aube du ma-

250/848, after the nomination of Saḥnūn as *qāḍī* of Ifrīqiya, the position of the Mālikīs strengthened, to the detriment of Ḥanafism, and it began to gain significant popularity amongst the Maghribī masses, due in part to the activism of the numerous pupils of the master, who had come to listen to his teachings from the Maghrib and al-Andalus (they numbered around four hundred according to the sources).

In the second half of the 9th century, there was a gradual affirmation of Mālikism, a historical phenomenon whose roots can be found, according to Ibn Khaldūn (732-808/1332-1406), first in the strict adherence of the Maghribī and Andalusī *badāwa* to the thinking of Mālik, and to the severe traditionalism of Medina, which at the same time separated them markedly from the *ḥaḍāra* of the ʿIrāqī school, and second in the strong influx of "Westerners" (Maghribīs and Andalusīs) who had returned to their homelands, having studied in Medina under Mālik and his pupils, avoiding ʿIrāq in the course of their education.[58]

At the time of Ibrāhīm II, the Aghlabid court was in favour of the Ḥanafīs, particularly if they were of Muʿtazilī tendencies, while the general population supported the Mālikīs; during the reign of Ibrāhīm II the first *qāḍī l-quḍāt* was Ibn Ṭālib, as previously noted; in 275/888-889 Ibrāhīm nominated Ibn ʿAbdūn, a Ḥanafī and Muʿtazilī scholar, known for his rigidity towards the Mālikīs. In 280/893 Ibn ʿAbdūn was replaced by ʿĪsà b. Miskīn, a figure equally renowned for his anti-Mālikī thought, who held the position until the end of his reign.[59] In *rajab* 289/June 902, before leaving for the *jihād* in Sicily, Ibrāhīm handed the role of *qāḍī l-quḍāt* to Muḥammad b. Aswad b. Shuʿayb al-Ṣiddīnī, a Ḥanafī and Muʿtazilī scholar, who soon dedicated himself to the per-

likisme ifrīqiyen," pp. 34-40; Talbi, "Theological Polemics at Qayrawan during the 3rd-9th century;" De Luca, *Giudici e giuristi*, pp. 33-34; Tsafrir, *The History on Islamic School of Law. The Early Spread of Hanafism*, pp. 103-115; Brockopp, "Asad b. al-Furāt;" Nef, "Comment les Aghlabides ont décidé de conquérir la Sicile…," pp. 204-205.

[58] Ibn Khaldūn, *Kitāb al-ʿibar*, I, pp. 805-806; Ibn Khaldūn, *Les prolégomènes,* French trans. by MacGuckin de Slane, III, pp. 14-15. Moreover, according to H.R. Idris, one of the main elements in the increasing popularity of Mālikism was the North African attachment to the Mālikī school, which was considered "local" and was consequently used as a tool by the Maghribī "bourgeoisie," who wished to assert themselves against Ḥanafism, which was followed by the élites, see Idris, "Reflexions sur le malekisme sous les umayyades d'Espagne," pp. 410-414; De Luca, *Giudici e giuristi*, pp. 36-37.

[59] ʿĪsà b. Miskīn b. Manṣūr b. Jurayj b. Muḥammad al-Ifrīqī (d. 275/888), a famous jurist, on whom see al-Khushanī, *Classes des savantes*, pp. 227-229; al-Qāḍī ʿIyāḍ, *Tartīb al-madārik wa-taqrīb al-masālik fi maʿrifat aʿlām madhhab Mālik*, ed. Aḥmad Bākir Maḥmūd, II, pp. 212-228; De Luca, *Giudici e giuristi*, p. 58, no. 42.

secution of the Mālikīs. After the death of Ibrāhīm II (289/902), the situation changed in favour of the Mālikīs. Due to the unhappiness of the population, during 290/903, the successor Ziyādat Allāh III opted for Mālikism, nominating Ḥimās b. Marwān b. Simāk al-Hamdānī, who was one of the pupils of Saḥnūn; to satisfy the desires of the court, the Ḥanafī Muḥammad b. ʻAbd Allāh b. Jimāl was nominated *qāḍī* in Raqqāda, in spite of the protests of Ḥimās, who in 294/906 (or 295/907) managed to remove him from office.

As Paul E. Walker intelligently observed, on the eve of the victory of the Fāṭimids, religious culture of the Aghlabid emirate was controlled by elements of both *madhhab*s, Mālikī and Ḥanafī, whose exponents were active in the main urban centres.[60] Although both belonged to the Sunnī orthodoxy, their respective doctrines were the subject of bitter debate and rivalry, especially when a Ḥanafī authority had recourse to a Muʻtazilī theological position (the sources note this tendency, relating that the individual in question referred to the "creation of the Qur'ān").

When the Fāṭimids defeated the Aghlabid dynasty and took possession of Ifrīqiya, it seemed that their intelligentsia was not at the same doctrinal or theological level as that of their Mālikī jurist rivals; the Fāṭimids began heavily repressing the Mālikī *madhhab* in Ifrīqiya and, according to Monès, this provoked an adverse reaction that resulted in a defeat of the Shīʻa and the triumph of Mālikism.[61] Furthermore, with the advent of the Fāṭimid *daʻwa* in the Maghrib, one witnesses the change from Ḥanafism to Shīʻa amongst the Aghlabid élites; Qāḍī al-Nuʻmān cites various cases of "conversion" to Eastern doctrines (*tashrīq*), a choice motivated in part by the desire to forge a career in magistrature; a case in point is the aforementioned Ibn ʻAbdūn – the master of the famous Fāṭimid *dāʻī* Ibn al-Haytham – who remained faithful to the Ḥanafī school, but took pride in the success of his Shīʻī pupils.[62]

The end of the Shīʻa in Ifrīqiya coincided with the political rift between the Zīrids and Fāṭimids at the time of al-Muʻizz b. Bādīs, and in

[60] Walker, "Introduction," pp. 22-23.

[61] Monès, "Le malékisme et l'échec des fāṭimides en Ifrīqiya;" De Luca, *Giudici e giuristi*, pp. 42-43; Granara, "Islamic Education," p. 152; for an analysis of the thesis of Monès see Dachraoui, *Le califat fāṭimide*, p. 399.

[62] Dachraoui, *Le califat Fāṭimide*, pp. 400-402; Madelung, "The Religious Policy of the Fāṭimids towards their Sunni Subjects in the Maghrib," pp. 98-99.

407/1016-17 the Mālikī *'ulamā'* incited the masses to eliminate the Shī'ī communities present in the country.[63] From the second half of the 11th century the triumph of Mālikism over Ḥanafism in North Africa is well documented, but it can be read in different ways; politically, it can be seen as a victory for the jurists over their rulers; socially and economically, it can be understood as an act of uprising of the masses against the élites; from the theological perspective, it can be read as a victory of the Mālikī jurists over those who made use of theological reasoning, like the Mu'tazila or the Shī'a.[64]

### *3.2 Magistrature in Sicily*

The information on judges active in Sicily during the Aghlabid and Fāṭimid period is scarce and incomplete, but facts on Sunnī and Mālikī judges and jurists can be gleaned from the main North African biographical dictionaries: Abū l-'Arab, al-Mālikī, al-Khushanī, Ibn Nājī, Ibn Farḥūn, al-Qāḍī 'Iyāḍ and so on.[65]

Without doubt, from the six profiles briefly outlined here (see below *5. Appendix*), Sicily appears as a land of Mālikī preaching;[66] these "Sicilian" judges were individuals of considerable personal experience, well-trained in Mālikī law and connected with the school of Saḥnūn and his pupils. They are always nominated in Ifrīqiya and it closely reflects the political events there. Nonetheless, it is important to also consider that the "Sicilian" biographies mentioned above come from Sunnī-Mālikī sources, and therefore lack another documented source that would allow for the elaboration of other historiographic perspec-

[63] Madelung, "The Religious Policy," p. 97.

[64] A watershed moment would come with the rift, around 439/1047-48, between the Zīrid al-Mu'izz b. Bādīs and the Fāṭimids, and the consequent official adoption of the Mālikī doctrine, see Idris, "Reflexions sur le malekisme," p. 399; Granara, "Islamic Education," p. 157.

[65] Amari, *Storia*, II, pp. 255-262, 542-562; Rizzitano, "Il contributo dei musulmani;" al-Dūrī, *Ṣiqilliyya. 'Alāqātu-hā bi-duwal al-baḥr al-mutawassiṭ al-islāmiyya min al-fatḥ al-'arabī ḥattà al-ghazw al-nūrmandī*, pp. 179-190; De Luca, *Giudici e giuristi*, pp. 7-47, 50; Granara, "Islamic Education," pp. 162-167; Chiarelli, *A History*, pp. 290-296.

[66] Particularly instructive is the example of Abū Sa'īd Luqmān b. Yūsuf al-Ghassānī who died in Tunis in 318/930-31; he was the pupil of 'Abd al-Jabbār, 'Īsà b. Miskīn and Yaḥyà b. 'Umar, and spent fourteen years in Sicily teaching the *Mudawwana*, al-Mālikī, *Riyāḍ al-nufūs*, in Amari, *Biblioteca*, I, pp. 223-224; trans. I, pp. 256-257; al-Qāḍī 'Iyāḍ, *Tartīb al-madārik*, II, pp. 311-313; De Luca, *Giudici e giuristi*, pp. 62-65.

tives.[67] For example, in the early days of the island's conquest, a fleeting mention of Ibn ʻIdhārī reveals that Aḥmad b. Abī Muḥriz, the son of the aforementioned Ḥanafī *qāḍī* Abū Muḥriz al-Kilābī (incumbent in al-Qayrawān, from 203/818-819 until 214/829), briefly used the judiciary in Sicily, shortly before his death in 221/836 (in 220/835 he was nominated *qāḍī* of Ifrīqiya).[68]

Undoubtedly many questions remain unanswered; for example one can ask, did the repression of the Mālikī school enforced by Ibrāhīm II in Ifrīqiya have a direct repercussion in Sicily too? And if the answer is in the affirmative, is it possible to read the case of Ibn al-Majjānī in the light of this understanding? Furthermore, did the rift between the Mālikism and Shīʻa that occurred in Ifrīqiya around 407/1016-17 have a political and religious impact on Sicily? Finally, an important question remains, that is, what are the historic events that permitted the Mālikī school to become established in Sicily?

## 4. Conclusion

As William Granara notes, in the 11th century, at the end of its Islamic history, religious life in Islamic Sicily was Sunnī-Mālikī and was well integrated into the *dār al-Islām.*[69] For example, one of the most famous Sicilian scholars was Abū ʻAbd Allāh Muḥammad b. ʻAlī b. ʻUmar al-Māzarī (d. 538/1138), an eminent Mālikī jurist, a scholar of the *ḥadīth*, a theologian and Ashʻarī preacher.[70] Ashʻarism seems to have made a comeback in the island – even though to a lesser degree than some Eastern seats – according at least to the statement of Ibn Ḥazm (d. 456/1064): "as far as the sect of the Ashʻarīs (*al-ashʻariyya*) is concerned, they flourished in Baghdad and Baṣra; then they traded

[67] For a careful consideration of this see Tsafrir, *The History*, pp. 103. See also the different perspectives opened up by the study of Ibāḍī sources, see Chiarelli, "The Ibāḍīyah in Muslim Siciliy;" Chiarelli, "The Ibāḍī Presence in Muslim Sicily" and for a general overview see Chiarelli, *A History,* pp. 290-301.

[68] Ibn ʻIdhārī, *al-Bayān al-mughrib*, ed. Colin and Lévi-Provençal, I, pp. 105-106; Ibn al-Haytham, *Kitāb al-munāẓarāt*, p. 160 and no. 163; Chiarelli, *A History,* p. 290.

[69] Granara, "Islamic Education," p. 151; see also the list of scholars on pp. 165-167.

[70] Idris, "L'école mālikite de Mahdia. L'imām al-Māzarī (m. 536 H/1141);" Borruso, *al-Imàm al-Màzari. Un mazarese del medioevo arabo-islamico*; Granara, "Islamic Education," p. 170.

in Sicily, in al-Qayrawān and in al-Andalus, and so [there] their influence dimmed, thanks be to Allāh, Lord of the worlds!".[71]

It is worth noting, however, that contemporary historiography, because it is based on information that is unilateral in outlook, has projected the success of Mālikism on the whole of Islamic history in Sicily, from its origins (827) until the Norman conquest (1061-1089).[72]

Where the 10th century is concerned, some statements would seem to portray a different reality, or perhaps simply a more complex one; for example, al-Muqaddasī (who completed his work in 375-378/985-988), while describing Kalbid Sicily, declares openly and without hesitation: "Most people of Sicily are Ḥanafī" (*wa-akthar ahl Iṣqilliyya ḥanafiyyūn*, or according to a variation *wa-l-ghālib ʻalà Iṣqilliyya aṣḥāb Abī Ḥanīfa* "the majority [of those who live] in Sicily follow Abū Ḥanīfa");[73] it is not known to which "Sicilians" the geographer and traveller is referring, whether to an Islamic *ʻāmma* or rather to a *khāṣṣa* present in the island. Nevertheless, in the light of what has already been said above, the success of the Ḥanafī *madhhab* in Sicily can be interpreted as the fruit of the anti-Mālikī political religion promoted by the last Aghlabids, subsequently enforced by the Fāṭimid caliphate of Ifrīqiya and, in another way, perhaps also by their Kalbid governors.[74]

It should be noted too that the same al-Muqaddasī also confirms that the Mālikī school was solidly established only in al-Andalus,[75] while in the Maghrib, though it held a majority, it still competed with the Ḥanafī school, specifying that: "I have never seen two groups in greater harmony and with such little intolerance [*scil.* Ḥanafīs and Mālikīs]; I heard them tell extraordinary stories in this regard [on the authority] of their predecessors: they stated that in a given year, a magis-

[71] Ibn Ḥazm, *Kitāb al-fiṣal fi l-milal wa-l-ahwā' wa-l-niḥal*, III, p. 142; Spanish trans. by Asín Palacios in *Abehazán de Córdoba y su historia crítica de las ideas religiosas,* V, p. 102; Kaddouri, "Refutations of Ibn Ḥazm by Mālikī authors from al-Andalus and North Africa," p. 541.

[72] In particular see Amari, *Storia*, II, pp. 16, 255-262, 542-562; Rizzitano, "Il contributo dei musulmani;" al-Dūrī, *Ṣiqilliyya*, pp. 179-183; Granara, "Islamic Education;" Chiarelli maintains his distance from such a historiographical position, without however providing a conclusive analysis, Chiarelli, *A History*, pp. 291-292.

[73] Al-Muqaddasī, *Aḥsan al-taqāsīm*, in Amari, *Biblioteca*, I, p. 25; trans. I, p. 32; Amari, *Storia*, II, p. 359; al-Muqaddasī, *The Best Divisions for Knowledge of the Regions*, English trans. by Collins and Alta'i, p. 197.

[74] Madelung, "The Religious Policy," pp. 97-104.

[75] On the situation in al-Andalus see Carmona "The introduction of Mālik's teaching in al-Andalus;" Fierro, "Proto-malikis, and reformed malikis in al-Andalus".

trate (*ḥākim)* could be Ḥanafī, and in the following year, Mālikī".[76] It is not known to what degree this description by al-Muqaddasī can be applied to the Maghrib of the second half of the 10th century, still strongly connected to Shī'ī-Fāṭimid power and its propaganda; it is more plausible to think that the geographer instead based his views on an "antiquated" judgement, so to speak, dating from the first half of the 9th century, during the time of Asad and Abū Muḥriz.

This plurality in Sicily is clearly evidenced in various ways; for example, in the context of the second half of the 10th century, the statement of Ibn Ḥawqal, who visited Palermo in 362/972-973, passes bitter judgement on the laxity of Muslims in the capital, where orthodox religious pratice was concerned, and also underlines a certain doctrinal ignorance or confusion with regard to the most noted theological positions, such as the Murji'a or the Mu'tazila.[77]

Where non-literary evidence is concerned, a certain level of anti-Mu'tazilī propaganda is clearly documented in the Qur'ān of Palermo (here the city is called *Madīnat Ṣiqilliyya*), a manuscript dating from 372/982-983; on the folio 1v one reads: *[1] Lā ilāh illā Allāh [2] Muḥammad rasūl Allāh. [3] al-Qur'ān kalām Allāh [4] wa-laysa bi-makhlūq*, "There is no divinity other than Allāh, Muḥammad is the messenger of Allāh, the Qur'ān is the word of Allāh, and it is not created;"[78] this expression of faith, which is documented in various North African inscriptions (dating from the end of the 3rd/9th century to the beginning of the 4th/11th), ought to be read and interpreted as a reaction to the diffusion of the Mu'tazila, spread by the Ḥanafīs, which had started with the Aghlabids, and was gradually opposed by the Mālikī jurists, and/or by the élites of Fāṭimid power.[79]

[76] Al-Muqaddasī, *Aḥsan al-taqāsīm*, ed. de Goeje, pp. 236-237; al-Muqaddasī, *The Best Divisions for Knowledge of the Regions,* English trans. by Collins and Alta'i, p. 195; see also the observations by Dachraoui, *Le califat Fāṭimide*, p. 402.

[77] Ibn Ḥawqal, *Ṣūrat al-ard*, ed. Kramers, I, pp. 127-129; Ibn Ḥawqal, *Configuration de la terre*, French trans. by Kramers and Wiet, pp. 126-128.

[78] The *Qur'ān* of Palermo is held in Istanbul, Nurosmaniye Kütüphanesi 23 (two quires belong to the Khalili Collection in London, nos. 261 and 368 of the Déroche catalogue), measuring 17.6 x 25 cm, see Déroche, *The Abbasid Tradition: Qur'ans of the 8th to the 10th centuries AD*; Déroche, "Tradition et innovation dans la pratique de l'écriture au Maghreb pendant les IVe/Xe et Ve/XIe siècles," pp. 237-238; Déroche, "Cercles et entrelacs: format et décor des Corans maghrébins médiévaux," pp. 600-604.

[79] The Fāṭimid hypothesis is supported by Déroche, "Cercles et entrelacs," pp. 603-604.

This plurality was probably also significantly strengthened by the inclusion of groups from abroad; some Shī'īs, who had escaped from the massacre of 407/1016-17 in Ifrīqiya, and survived the great famine of 395/1005, tried in vain to seek refuge in Sicily; clearly, the conflict between the Zīrids and the Fāṭimids did not directly involve the local Kalbid dynasty, who were ready to welcome the Shī'ī groups that were fleeing the Mālikī Sunnī repression.[80]

In any case, beyond these particular doubts, it seems that Sicilian judges in the second half of the 10th century had to face a chaotic and multifarious society, which seriously tested their capabilities, at least according to the statement of Ibn Ḥawqal:

> Sicilians are the least intelligent men in the world, [indeed they are] the most stupid; they aspire less to worthy deeds and dedicate themselves avidly to cowardly ones. [Ibn Ḥawqal] adds: "More than one of them reported that 'Uthmān Ibn al-Kharrāz [or al-Khazzāz], a God-fearing man, managed their justice system (*tawallà l-qāḍa'*), and as he had witnessed [the character of] that people, he did not want to accept any statements from any of them in small or large matters, and [he began] to enforce justice by [making] litigious parties come to agreements". Thus he practised until he was near death, when was asked who the person was who could replace him; then he replied: "In the whole country, there is no man who can be entrusted with this charge". When he died, administration of justice was charged to one man from the country called Abū Ibrāhīm Isḥāq Ibn al-Mājalī [or al-Maṣilī].[81] [The writer here notes that Ibn Ḥawqal] repeated several acts of foolishness that were committed by him.[82]

Quite clearly, in Kalbid Sicily, the nomination of a judge was a question that by then no longer concerned North African leadership, and concerned instead the local *sulṭān*, or rather, the Kalbid emirs. The attempt by Ibn al-Kharrāz to bequeath his office (*dīwān*), or rather administration of justice, to a foreigner from al-Qayrawān, a certain al-Ghaḍā'irī, was in vain. The loathed local canditate prevailed: Abū

[80] Amari, *Storia*, II, pp. 415-419; for a more general view see Chiarelli, *A History*, p. 146; Bresc, "La Sicile et le Maghreb: relations politiques, migrations, transmissions culturelles".

[81] The question arises whether the controversial *nisba* should be amended in Ibn al-Majjānī, verified in the island by the documents of the Geniza, see for example the Jewish merchant Mūsà b. Yaḥyà al-Majjānī (c. 1025), see Gil, "Sicily 827-1072," pp. 133, 136.

[82] The passage quoted here from Ibn Ḥawqal is the abbreviated version from Yāqūt, *Mu'jam al-buldān*, in Amari, *Biblioteca*, I, p. 128; trans. I, p. 167; for the full version see Ibn Ḥawqal, *Ṣūrat al-arḍ*, ed. Kramers, I, pp. 124-125; Ibn Ḥawqal, *Configuration de la terre*, French trans. by Kramers and Wiet, pp. 123-124; for a detailed analysis see Gabrieli, "Ibn Ḥawqal e gli Arabi di Sicila".

Ibrāhīm Isḥāq b. al-Mājalī, thanks to the support of the local élites (*ahl al-balad*), obtained the role of magistrate (*ḥākim*) and preacher (*khaṭīb*) in the capital of the island.[83]

At the time of the events narrated anecdotally by Ibn Ḥawqal, the tie that bound Sicilian juridical culture to power in Ifrīqiya was in some way broken; and it was at this very moment that Sicilian Mālikism took on a life of its own, that would give rise to the so-called school of Mazara and to the successive *hijra*, towards North Africa and the Arabo-Islamic world in general.[84]

## 5. Appendix: Mālikī judges in Sicily from the main North African biographical dictionaries (9th-first half of the 10th century)

1. ʻAbd Allāh b. Sahl al-Qibryānī Abū Muḥammad, born in 172/788-789 and died in 248/862 or 249/863, was one of the first pupils of Saḥnūn, who later nominated him as *qāḍī* of Ṭulayṭula, Gafsa and of the province of Nafzāwa; after the death of Saḥnūn he became *qāḍī* of Sicily.[85]

2. Muḥammad b. Sulaymān b. Sālim b. al-Qaṭṭān Abū l-Rabīʻ *al-qāḍī* known as Ibn al-Kaḥḥāla (d. 289/901-902), *mawlà* of the Ghassān; pupil of Saḥnūn and his son, he followed the teaching of Muḥammad b. Mālik b. Anas in Medina. Ibn Ṭālib appointed him judge of Bāja, while Ibn Sulaymān [known as Ibn Miskīn] was appointed supervisor of crimes (*al-maẓālim*) in the city of al-Qayrawān within the limit of 100 *dīnār*s; he was imprisoned by Ibn ʻAbdūn,[86] was later nominated as *qāḍī* of Sicily "where he went and contributed enormously to the diffusion of culture in that geographical area. His departure for Sicily dates from 281/894-895. With regard to this, al-Shīrāzī

[83] Ibn Ḥawqal, *Ṣūrat al-arḍ*, ed. Kramers, I, pp. 124-125; Ibn Ḥawqal, *Configuration de la terre*, French trans. by Kramers and Wiet, pp. 123-124.

[84] On the school of Mazara and his "namesakes" see Asín Palacios, "Un *faqīh* siciliano contradictor de al-Ghazālī (Abū ʻAbd Allāh de Mazara);" Idris, "L'école mālikite;" Rizzitano, "Il contributo dei musulmani," pp. 485-486; Borruso, *al-Imàm al-Màzari*; Garden, "al-Mazarī al-Dhakī: al-Ghazālī's Maghribī Adversary in Nishapur".

[85] Abū l-ʻArab, *Classes des savants*, pp. 216-217, 253; al-Qāḍī ʻIyāḍ, *Tartīb al-madārik*, II, pp. 94-95; De Luca, *Giudici e giuristi*, pp. 52-53; Granara, "Islamic Education," pp. 163-164.

[86] "Ibn ʻAbdūn sent Sulaymān b. Sālim to prison, the *qāḍī* of Bāja and its surrounding; later, he became judicial official (*ḥākim*) in al-Qayrawān at the time of Ibn Miskīn, and then, was charged with administering justice in Sicily, where he died," Abū l-ʻArab, *Kitāb al-miḥan*, p. 465.

adds:[87] 'Thanks to him, Mālikī *madhhab* has been disseminated in Sicily'. He carried out the role of judge in the island until his death in 289/901-902. He did not leave any inheritance."[88]

3. Di'āma b. Muḥammad (d. 297/910) was also a pupil of Saḥnūn who occupied the post of head judge in Sicily during the Aghlabid period; the *Kitāb al-miḥan* relates that he was removed and imprisoned by Ibrāhīm before his departure for the *jihād* in 289/902.[89]

4. Abū 'Amr Maymūn b. 'Amr al-Ma'lūf (d. 316/928-929), a pupil of Saḥnūn, the supervisor of crimes (*al-maẓālim*) in al-Qayrawān before being invited to be *qāḍī* in Sicily; al-Mālikī relates that: "When he was promoted to this office, passing through Sūsa [to go to take up his role] he said to the people: "O people of Sūsa, this is the dress, my fur, this is the bag with my books and this is the black woman who serves me, who has with her a coat and a dress. With these things I come to you: bear this in mind [and then you will see] what I will bring back". Abū Rabī' says: "I know from the Sicilian Sa'īd b. 'Uthmān that when Abū 'Amr arrived in [the capital of] Sicily, we said to him: this is the house of the *qāḍī*; alight here". To which he replied: "It is too big, how could I stay here?". He stayed, then, in a modest, small house, in which the black servant was dedicated to the task of spinning wool; she sold the wool and spent what she earned on her master. When someone knocked on the door, she went out and said: "Wait for the *qāḍī* to come". Things carried on in this way, until he fell ill and stayed for three days without leaving the house; then people went there to knock on the door and the black woman appeared saying: "Come in, gentleman, to visit the *qāḍī*, who is ill". [Sa'īd continues]: "We entered and found that he was resting his head on two pillows stuffed with straw, and lying on a papyrus mat. When he saw us, he began to cry and said: "I swear to God, I have made every effort [to uphold my office] as far as I could". He left Sicily, still unwell, saying to the people: "May God give you a better *qāḍī* than me". To which they replied: "May God give you health!". Arriving in Sūsa, he said to the people [who welcomed him]: "O people of Sūsa, as we came here, so we go back. This is my dress, this is my

[87] Abū Isḥāq b. 'Alī b. Yūsuf al-Fīrūzābādī al-Shīrāzī (393/1003-476/1083) Shāfi'ī jurist, and author, amongst other works, of *Ṭabaqāt al-fuqahā'*, see De Luca, *Giudici e giuristi*, p. 58, no. 44.

[88] Abū l-'Arab, *Classes des savants*, p. 234; al-Qāḍī 'Iyāḍ, *Tartīb al-madārik*, II, pp. 233-235; De Luca, *Giudici e giuristi*, pp. 56-58; Granara, "Islamic Education," p. 164.

[89] Abū l-'Arab, *Kitāb al-miḥan*, p. 464; Ibn 'Idhārī, *al-Bayān al-mughrib*, in Amari, *Biblioteca*, I, p. 418; trans. II, p. 470; Amari, *Storia*, II, p. 259; Granara, "Islamic Education," p. 164.

coat and my bag of books, and this is the black woman who takes care of my house"".[90]

5. Abū l-Qāsim Muḥammad b. Muḥammad b. Khālid al-Qaysī, client (*mawlà*) of the Banū Ma'bad, "the servant" (*al-'abīd*), known as al-Ṭarāzī (d. 317/929),[91] pupil of Saḥnūn, succeeded 'Īsà b. Miskīn and Ḥimās b. Marwān in al-Qayrawān as the supervisor of crimes (*al-maẓālim*), as well as being in control of its markets (*al-ḥisba*). The Qāḍī 'Iyāḍ relates an anecdote: "Ibn al-Jazzār remembers that, when he was given the role, he scoffed, saying he was shy, compliant and inexperienced. The emir Ibn al-Aghlab then said: 'Your timidity and compliance will disappear when you give orders and interdictions, and where your lack of experience is concerned… consult the jurists!'".[92] Nominated head judge of Sicily by the Aghlabid prince Ziyādat Allāh III (903-909) "he showed himself to be a severe and intransigent decision-maker, receiving much praise for his conduct;"[93] then al-Ṭarāzī was removed from the judiciary of Sicily and imprisoned, together with Abū l-'Abbās b. Isḥāq b. Ibrāhīm known as Ibn Baṭrīqa, *faqīh* and *qāḍī* of Tripoli.[94] His persecution is due to al-Marwazī,[95] and as the Qāḍī 'Iyāḍ writes, he is included in the repression "of some exponents of the circle of the Medinans [Mālikīs] like Ibn Salmūn al-Qaṭṭān, the *muḥtasib* al-Ḥallāb and some *murābiṭūn* of Tunis. But it was because of them that al-Marwazī later died. Indeed, when the Shī'ī imām 'Ubayd Allāh arrived in al-Qayrawān from Sijilmāsa, he confirmed him as judge and left those men in prison. But they began to

[90] Al-Mālikī, *Riyāḍ al-nufūs*, in Amari, *Biblioteca*, I, pp. 222-223; trans. I, pp. 255-256; Granara, "Islamic Education," p. 164.

[91] The name Calatrasi (< Ar. *Qal'at [al-]Ṭarāzī*, "the Fortress of [al-]Ṭarāzī"), the place that is now Monte Maranfusa in the province of Palermo, could derive from this particular *nisba*, if not from the judge himself who perhaps held (allodially?) this land; the etymology of the place name is generally explained as *Qal'at al-ṭirāz* ("the Fortress of the Workshop[-s]") or more frequently as *Qal'at al-ṭirāzī* ("the Fortress of the Embroiderer"), as suggested by Caracausi, *Dizionario onomastico della Sicilia*, I, p. 240; on the archeological site see Brunazzi, *Il castello di Calatrasi. Le strutture e l'impianto: prime considerazioni*, in *Archeologia e territorio*.

[92] Al-Qāḍī 'Iyāḍ, *Biographies aghlabides extraites des Madārik du Cadi 'Iyād*, pp. 377-379; De Luca, *Giudici e giuristi*, pp. 58-61.

[93] Abū l-'Arab, *Classes des savants*, pp. 211-212; De Luca, *Giudici e giuristi*, p. 59; Granara, "Islamic Education," p. 164.

[94] Abū l-'Arab, *Kitāb al-miḥan*, p. 466, see also al-Mālikī, *Riyāḍ al-nufūs*, in Amari, *Biblioteca*, I, pp. 219-220; trans. I, p. 253.

[95] Muḥammad b. 'Umar b. Yaḥyà b. 'Abd al-A'là al-Marwazī (al-Marwaḍī or al-Marrūḍī or al-Marrūdī ) was elected *qāḍī* of al-Qayrawān with the arrival of the Fāṭimids in 909, see Monès, "Le Malekisme," pp. 209-210; De Luca, *Giudici e giuristi*, p. 61 no. 51.

accuse al-Marwazī of embezzlement and other crimes, so that he was removed from office, tortured and killed, may God take him! With regard to al-Ṭarāzī, he died in 317/929-930".[96]

6. Muḥammad b. Ibrāhīm b. Abī Sabīḥ, an eminent jurist whose family was originally from the Arabian Peninsula; an expert in medicine, he studied law with Saḥnūn and was nominated judge of Sicily by Ḥimās, "and it is said that he, going there, even brought with salt him from Ifrīqiya, due to his excessive zeal". He was removed from his position for having neglected his duties and was imprisoned by Ziyādat Allāh III; he remained in prison even at the time of the Fāṭimids and died at Sūsa in 334/945-46".[97]

[96] Al-Qāḍī 'Iyāḍ, *Biographies aghlabides*, pp. 377-379; De Luca, *Giudici e giuristi*, pp. 60-61.

[97] Al-Qāḍī 'Iyāḍ, *Tartīb al-madārik*, II, p. 357; De Luca, *Giudici e giuristi*, p. 66; Granara, "Islamic Education," p. 164.

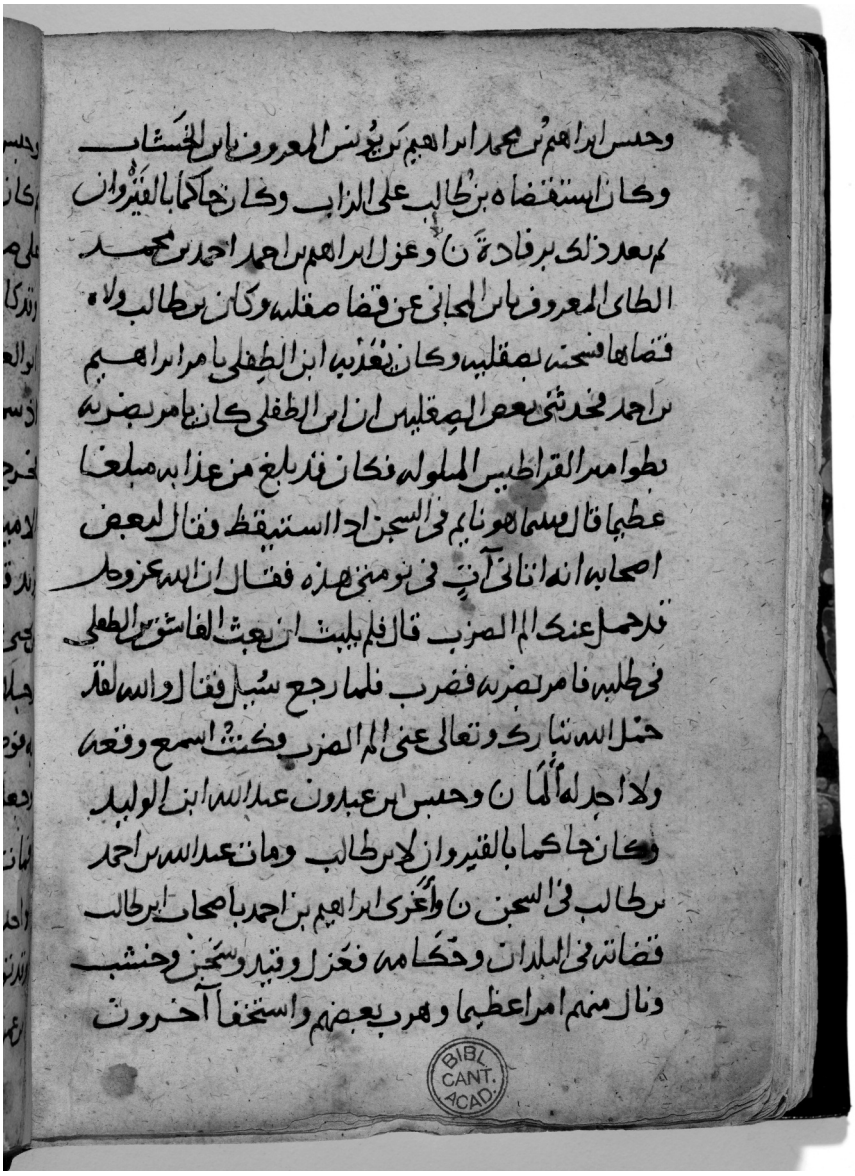


Figure 1: Abū l-ʿArab Muḥammad al-Tamīmī, *Kitāb al-miḥān*, Ms. Cambridge, University Library, Qq. 235, f. 178 v

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