

The Religious Foundations of Political Allegiance: A Study of *Bay'a* in Pre-modern Islam

ELLA LANDAU-TASSERON

Research Monographs on the Muslim World
Series No 2, Paper No 4, May, 2010
HUDSON INSTITUTE

The views, opinions,
and/or findings con-
tained in this report
are those of the
author(s) and
should not be con-
strued as an official
Department of
Defense position,
policy, or decision.

**CENTER ON ISLAM, DEMOCRACY,
AND THE FUTURE OF THE MUSLIM WORLD**



The Religious Foundations of Political Allegiance: A Study of *Bay'a* in Pre-modern Islam

ELLA LANDAU-TASSERON



HUDSON INSTITUTE

1015 15th Street NW, Sixth Floor
Washington, DC 20005
202-974-2400
www.hudson.org

© 2010 by Hudson Institute, Inc.
All rights reserved.

Contents

Introduction	1
Meanings and Characteristics	1
Methodology	3
<i>Bay'a</i> in the Qur'ān	5
<i>Bay'a</i> in <i>Ḥadīth</i> , Qur'ān Commentaries and Creed Declarations	6
<i>Bay'a</i> in Legal, Theological and Practical Literature	9
<i>Bay'a</i> in History	
<i>The Example of the Prophet</i>	14
<i>Bay'a</i> of Conversion to Islam	14
Particular Events and Specific Stipulations of <i>Bay'a</i>	16
Prophetic <i>Bay'a</i> and Morals	19
<i>The Caliphs</i>	20
Faith and Allegiance Combined	20
Faith and Allegiance Separated	21
<i>Bay'a</i> to Adhere to the Qur'ān and the <i>Sunna</i>	22
Specific Stipulations of Caliphal <i>Bay'as</i>	24
Mamluk <i>Bay'a</i>	25
<i>Rebels</i>	26
Revoking the <i>Bay'a</i>	26
Exchanging <i>Bay'a</i> with the Followers: The Stipulations	27
A <i>Bay'a</i> to Fight or to Die	29
Conclusion	30
BIBLIOGRAPHY	32
ENDNOTES	36

INTRODUCTION

Meanings and Characteristics

Bay'a is usually translated as “oath of allegiance” or some similar expression. This is rather misleading, for several reasons.

The term derives from the Arabic root *by'*, which denotes both buying and selling. A *bay'a*, therefore, originally was a transaction, ratified by the clasp of the hands of the parties involved. In fact, the term retained this original meaning in Arabic and in Islamic law, alongside another: from the very beginning of Islam, *bay'a* was a token of the relationship and mutual obligations between leaders and those led by them, between rulers and the ruled. As the caliphate consolidated its power, the most important aspect of this relationship came to be the obedience of the ruled, hence the translation “oath of allegiance.” In theory, however, *bay'a* remained a transaction: the leaders never ceased to be obligated towards those whom they led, even when there were no institutional means to compel them to meet their obligations.

Curiously, even scholars who concede the contractual nature of *bay'a* translate the term as “oath of allegiance.”¹ The problem hardly exists for modern Arab scholars, who have no need to translate the term. Books by such scholars discuss the contractual aspect of *bay'a*, often seeking to demonstrate one of two views. They

either maintain that *bay'a* is tantamount to the Western social-contract theory, so that democracy—which entails mutual obligations and accountability—is indeed part and parcel of Islam. Or, conversely, they claim that the Islamic system of government is superior to the democratic one.²

Significantly, the classical dictionaries do not gloss *bay'a* with *yamīn* or *ḥilf*, the clear terms for “oath,” but with *'ahd* (“contract,” “pledge,” “covenant,” “promise,” and occasionally “oath”) and *'aqd* (“contract”).³ These words mainly connote reciprocal commitment, whereby two (or more) parties bind themselves with obligations towards one another, agreeing to adopt certain attitudes and/or perform certain actions. The parties may or may not be equal in status, and the contract may be of a secular nature or otherwise. The commitment may, of course, be made by an oath, and a description of a *bay'a* may include words derived from the root *ḥlf* (i.e. to take an oath).⁴ But in essence and origin, *bay'a* is a contract of a commercial nature, implemented by a hand clasp (*muṣāfaḥa*).

To be sure, the ubiquitous gesture of the hand clasp has served a variety of purposes, and the symbolism of “hand” is vast. But when the Prophet used the gesture to seal pledges between himself and his followers, no oath was attached to it; the term *bay'a* itself emphasized the “give-and-take” nature of the relationship between himself and his followers. At the same time the pledge was considered to be sacred. This remained so until the middle of the Umayyad period, when Ḥajjāj introduced

the procedure of taking oaths—e.g. “the oath of divorce” in order to buttress the pledge.⁵ The oath was only an auxiliary tool, the main object being the reciprocal pledge. Reciprocity remained a constant element of *bay’a*, even in times when Islamic governments were absolutely powerful in relation to their subjects and could therefore act capriciously towards them. For example, when a certain new Seljuk sultān assumed power, he vowed before the people to act in good faith and be kind to them; they reciprocated by pledging obedience.⁶ The sanctity of the *bay’a* agreement, however, did not derive from an oath, but from other grounds, which will be discussed in the course of this study.

In modern times the term “oath of allegiance” was literally translated into Arabic as *yamīn al-walā’*. This term has not replaced *bay’a*, but rather coexists with it, a fact indicating that the two are not identical. The difference between the terms is not merely philological: they are distinct in essence and applications.

Yamīn al-walā’ denotes an oath or a solemn declaration of loyalty which may be offered in a variety of contexts. Newly-appointed judges and governments swear allegiance to law and the state; Egyptian soldiers swear allegiance to the republic.⁷ Acquiring citizenship in various countries entails taking an oath of allegiance to these countries.⁸ Members of a local club in Gaza express their enthusiasm for their association by an oath of allegiance: “I swear (*uqsimu*) in the name of Allah that I will be loyal to our club....”⁹

The oath of allegiance to the Queen of the United Kingdom is also called *yamīn al-walā’*.¹⁰ An oath presented to the Queen would seem to parallel Muslim *bay’a* to rulers, but I assume that the Islamic term *bay’a* was avoided because the Queen and her subjects are not Muslim. This means that *bay’a* is conceived as different from giving the *yamīn al-walā’* (paying allegiance). Presumably the same applies in the case of the report that “two non-Muslim Americans swore allegiance (*aqsamū yamīn al-walā’*)” to al-Qā’eda, and planned to carry out terror attacks in Chicago.¹¹ Not surprisingly, joining an Islamic radical movement entails a *bay’a*; but, in this particular case, the term *bay’a* was avoided, perhaps

because the two Americans were non-Muslims. One may thus conclude that *yamīn al-walā’* is mainly used in non-Islamic and in secular contexts, although presumably it may diffuse into contexts where one would expect the term *bay’a* to be employed.

Curious blends of secularism and religion sometimes occur. *Majlis al-Shūrā* in Bahrain is a counseling committee whose task is to offer advice to the ruler. *Shūrā* is a concept ingrained in the Islamic tradition, but newly appointed members in this particular *shūrā* are described as giving *yamīn al-walā’* (not a *bay’a*).¹² Another curious case is that of General Mushīr Siwār al-Dhahab, who was Minister of Defense and Supreme Commander of the Sudanese army in the 1980s. As such he had given his *yāmīn al-walā’*—oath of allegiance (not a *bay’a*)—to President Ja’far Numeiri. Although, in spite of this oath, Dhahab led a coup against the president, he refused to assume the office of Head of State (*ra’īs al-bilād*) because he was bound by that same oath. A special *fatwa* was issued to absolve him of the oath in return for three days of fasting, thus enabling him to assume leadership of the country. The term *bay’a* is not mentioned in this affair, although its use would have been perfectly appropriate.¹³

When Bin Laden’s personal driver, Sālim Ḥamdān, was tried in Guantanamo for engaging in terrorism, he was accused (among other things) of giving allegiance to Bin Laden. The Arabic report employs both terms, “he gave an oath of allegiance and the *bay’a...aqsama yamīn al-walā’ wa-bāya’a....*”¹⁴ This formulation is perhaps a result of the fact that the description relies on reports in English (so that the English “oath of allegiance” was translated into Arabic).¹⁵ But one may assume that *bay’a* is the accurate, correct term in this case, befitting Bin Laden’s image as restorer of the true, original Islamic way, of which *bay’a* is an integral part.

The differences between the newly-introduced term *yamīn al-walā’* and the traditional *bay’a* may be summarized as follows: First, the concept of allegiance suggests loyalty of one party to another (even though the state, the queen, and the army, have obligations towards the

citizens/soldiers); *bay'a*, on the other hand, is reciprocal by definition. As befits a derivation from the root “to buy and sell,” *bay'a* originally entailed specific stipulations incumbent upon both parties (reciprocity will be discussed in more detail below). Secondly, an oath of allegiance may be taken also in respect of an abstract idea or an institution, whereas *bay'a* must only be given to an individual, even though the pledges may be abstract (such as the pledge to adhere to monotheism). Thirdly, an oath is, by its very nature, a solemn binding pledge in a general way; but in Islam *bay'a* is sacred, even when no oath is involved.

Bay'a is firmly and specifically ingrained in the religion, history and law of Islam. It has both religious and political aspects, because Islam originated as both a religion and a political community. However, it may be doubted that this significance of *bay'a* has any precedent in pre-Islamic times, or that *bay'a* had anything to do with alliances (*hilmf*) at that period. And although relationships of central authority and subjects existed in pre-Islamic Arabia, the specific characteristics of *bay'a* as introduced by the Prophet are an Islamic innovation.

The religious character of Islamic *bay'a* did not pass unnoticed in the scholarly literature, and the pertinent Qur'ānic verse: “Those who exchange pledges with you, it is with Allah that they exchange them” (48:10, see below) sometimes finds its way into the discussion.¹⁶ Yet, more often than not, the sanctity of *bay'a* is taken for granted rather than explained, and the close connection between the sanctity and the contractual aspects of the *bay'a* does not receive much attention. In fact, scholars do not always concede the contractual aspect of the *bay'a*. Tyan, for one, conceives of the *bay'a* as election, which came to be a declaration of submission, or investiture; the contractual aspect is, to him, merely a symbolic formality.¹⁷ Even when conceding that *bay'a* is a contract, scholars tend to describe it in general terms: the ruled consent to obey the ruler and assist him, while the ruler undertakes to perform his duties.¹⁸

An interesting explanation is given by Muḥammad Zaydān, an expert on Islamic Law and head of the Shari'a department in Islam Online net. *Bay'a*, he says, is “a

pledge of allegiance (*mīthāq al-walā'*) to the political system or the caliphate,” involving three parties: the caliph, the community and the Islamic law (*Sharī'a*). The *bay'a* is thus a transaction, whereby the community pledges allegiance and obedience, while the ruler guarantees adherence to and application of the Islamic law. Both sides are obligated by the *bay'a* to do their utmost to implement, protect and reinforce Islam, but the real power lies in the hands of the community (*umma*) that gives allegiance, and not in the hands of the ruler. Obviously Zaydān's definition is informed by modern Western ideas.¹⁹

Descriptions of the *bay'a* as allegiance, or as a theoretical, general contract, mainly rely on relatively late, formal models offered by medieval Muslim jurists. The problem is that these blur the evolution, variability and flexibility of the *bay'a* institution, as well as the foundation of its sanctity. There was a wide range of stipulations and applications of *bay'as* exchanged between the leaders and those they led that do not fit the general description usually provided in this literature.

The revival of the practice of *bay'a* in modern times, by regimes of states as well as by various movements, harks back to models of early Islam rather than to those of later, formal Islam. A lively debate is currently underway among Muslims on the subject, and it is hard to follow without an explanation of the early models.

Methodology

In what follows I shall discuss *bay'a* in pre-modern Islam as it appears in four different contexts: in the Qur'ān; in the *Ḥadīth*, Qur'ānic commentaries and creed declarations; in legal, theological and practical literature; and in history, including the example of the Prophet and some subsequent developments. It is not my intention to systematically follow historical developments. Rather, I will follow the evolution through certain themes, presenting examples of their occurrence in different contexts. This accounts for the large chronological gaps that may strike the reader as odd.

Material is categorized according to its content and the message it aspires to convey, rather than according to its writer or the book in which it is recorded. By “practical literature,” I mean treaties and manuals written by officials and scholars as aids for administration, and as mirrors for princes. Legal, theological and practical literatures are quite disparate genres, but they do converge when discussing the system of government. They share definitions of issues, approaches, arguments and terms, which is why I address them together.

Three themes will emerge, all or in part, in each of these four contexts: sanctity—the religious foundation underpinning the *bay'a*; reciprocity—the mutuality of commitments stipulated by it; and authority, which refers to both the nature of leadership and the notion of obedience to it. These themes are interrelated and will therefore be discussed together in each of the contexts. I will avoid translating *bāya'a* as “[to] give an oath of allegiance,” substituting it for, “[to] exchange *bay'a*/pledges with,” or “[to] give a *bay'a*/pledge to.”

The suggested division into different contexts may raise certain objections. To begin with, the Qur'an presumably reflects conditions in the Prophet's lifetime, so that separating it from the history of the Prophet may be problematic. Nevertheless I have found it constructive to separate the sacred text from historical narratives; therefore some repetitions will be unavoidable. Conversely, *Ḥadīth* and historical accounts of the Prophet, composed decades after his death, are likely to be reflections of ideas and circumstances that developed in later generations rather than accurate reconstructions of the Prophet's real utterances and actions, so relying on *Ḥadīth* and *Sīra* for discussion of the actual practices of Prophet may be unwarranted. Yet many *ḥadīths* and *Sīra* narratives fit nicely into an evolutionary model of the *bay'a*. Furthermore, when analyzing Qur'anic texts I had some recourse to commentaries, yet I found that, in general, Qur'an commentaries are akin to *ḥadīth* literature. Therefore I treat them together.

Another methodological problem is presented by accounts of the early caliphate. These are controversial and

sometimes heavily biased, so that reports of *bay'a*s given during that period tend to be unreliable. The separation of “history” from other kinds of literature may also seem problematic, because all literature is written in a certain historical context. Another general problem is that the boundaries between literary genres are sometimes vague. In all the genres discussed here, the same *ḥadīths* and historical precedents are cited and, in general, these genres tend sometimes to intermingle. It is noteworthy that the Ḥanbalī jurist Khallāl (d. 923 CE) wrote a book on creed in *ḥadīth* style. Another jurist, the Shāfi'ī Māwardī (d. 1058 CE), wrote a major legal work, a commentary on the Qur'an, as well as a practical political treaty (based on the *Sharī'a* as interpreted by him) and a mirror for princes. Theologians such as 'Abd al-Qāhir Baghdādī (d. 1037 CE) and Ghazālī (d. 1111 CE) discussed the Islamic system of government in their writings, mixing argumentative prose with historical precedents as well as descriptions of institutions, both objective and utopian.

All these are serious methodological problems. Still, the division proposed is a convenient tool for making sense of the material precisely because it is so intermingled. As will be seen, different approaches can be detected according to the type of material being analyzed, which makes the proposed division worthwhile. At the end of the analysis it will become clear that the developments of *bay'a*, as they emerge from the sources, make complete sense in historical terms: from total, yet detailed commitments of the believer expecting reward from Allah in return, through a “religio-political contract” with a ruler that contained defined stipulations, to an act expressing submission on the part of the ruled while the ruler's part of the transaction remains a utopia, albeit disguised as duties legally imposed on him. The historical stages reflected in these developments are the period of charismatic leadership (the Prophet representing Allah), the period of transitional, lesser leadership (continuing the former stage but also dependent on consent), and the subsequent routinized, or institutionalized, leadership (dependent upon force, that is, the later governments).

Bay'a in the Qur'an

Bay'a is scarcely mentioned in the Qur'an but the idea that it represents underlies the very concept of Islamic belief. The Qur'an depicts the relationship between Allah and the believers as a transaction (*bay'*) through which believers will profit if they fulfill the stipulated conditions. The idea probably goes back to pagan times, judging by the sacrifices offered by pagan believers. According to Izutsu, the contract-idea has its roots in the Old Testament.²⁰ Its presence in the Qur'an, however, is much more powerful. The latter is replete with promises of Allah's reward for belief and obeisance, and punishment when they are absent. The clearest expression of this idea is 9:111: Allah has bought from the believers their lives and property; if they fight, kill and are killed in the path of Allah, in jihad, they earn Paradise, "so rejoice in the transaction you have concluded." The word used for "you have concluded [a transaction]" is the very word used elsewhere for "you have exchanged pledges," namely, *bāya'tum*.²¹

Exchanging pledges with the Prophet amounted to exchanging pledges with Allah himself, as it was the Prophet who conveyed Allah's promises and threats to the believers and acted as Allah's representative in concluding the transaction. Indeed, the Islamic tradition associates the aforementioned verse, "Allah has bought from the believers their lives and property," with the pledge exchanged between Muḥammad and the Yathribians, whereby the latter took it upon themselves to host the Prophet. As a result, the Migration—the *hijra*—occurred in the year 622, and Yathrib became Medina, the City of the Prophet.²² In the same vein, Qur'an 16:91 is said to have been revealed about the pledge of conversion exchanged with the Prophet: "Adhere to the covenant of Allah (*awfū bi-'ahd allāh*) if you have pledged yourselves—this is the pledge—*bay'a*—whereby

you have converted to Islam," says the interpreter.²³ Another verse (48:10) states, "Those who exchange pledges with you (*alladhīna yubāyi'ūnaka*), it is with Allah that they exchange them; Allah's hand is above their hands; whoever breaks his pledge brings harm upon himself, but those who abide by their pledge to Allah, He will reward them copiously."²⁴

The Islamic tradition associates this verse with an event of great significance in the career of the Prophet, the campaign of Ḥudaybiyya in the year 628 CE (see below). Indeed this whole Qur'anic chapter (48), "Victory," is associated with that event, and verse 18 refers explicitly to Allah's approval of those believers who "exchanged pledges with you under the tree." This is a clear reference to the Ḥudaybiyya event as narrated by the Islamic tradition. The believers who undertook, on that occasion, not to flee if attacked by the enemy are said to have "sold their selves to Allah in return for Paradise;" the commentator observes that the transaction was [actually] concluded with the Prophet, but it was as if it were concluded with Allah, for "He promised them Paradise if they kept their word," and this is why the event was called *bay'a*—a transaction.²⁵

Doubtlessly, the message of 48:10—a *bay'a* with the Prophet equals a *bay'a* with Allah—is not restricted to the specific pledge of Ḥudaybiyya. It follows that "Whoever obeys the Messenger obeys Allah thereby" (Qur'an 4:80), and indeed there are commentators who explicitly link these two verses together.²⁶

Some commentators had a problem with the phrase "the hand of Allah is above their hands," and explained it metaphorically or allegorically to avoid anthropomorphism (e.g. "hand" means "power" or "grace, favor"). Yet they generally retained the idea that exchanging pledges with the Prophet (which was done by a hand clasp) was

tantamount to a *bay'a* with Allah and constituted an unequivocal commitment to Him.²⁷ As we shall see, the same idea was formulated as a saying ascribed to Muḥammad (*ḥadīth*), in very similar words.²⁸ Such perception of the *bay'a* elucidates the Islamic viewpoint that it is irrevocable. Withdrawing a *bay'a* exchanged with the Prophet on behalf of Allah amounted to apostasy, which, like unbelief, is punishable by death.²⁹ The sanctity associated with *bay'a* is thus directly derived from the relationship between Allah and the Muslims, as depicted in the Qur'ān.

The only other verse in the Qur'ān that mentions *bay'a* is of a completely different nature. It refers specifically to women, stipulating certain conditions on them if they wish to become Muslim and enjoy the benefits of being members of the community. “O Prophet, when women believers come to you to exchange pledges with you, undertaking upon themselves that they will not associate any partner with Allah, they will not steal, neither engage in illicit sex, nor kill their babies, nor make up falsehood forged (*buhtān*) between their hands and legs, nor will they disobey you in anything ethical (*ma'rūf*), then

exchange pledges with them and ask Allah to forgive them, for Allah is forgiving and merciful” (60:12).³⁰

Clearly the majority of these terms are specific to women, addressing customs that were practiced by Arab women before Islam, or so the Islamic tradition tells us: In the Jāhiliyya illicit sex was common (an allegation usually leveled at women, not at men), women used to ascribe to their husbands babies conceived by other men (*buhtān*, “falsehood forged...”), and baby girls were often killed by their parents. Islam impugned all these practices, and women who wished to become Muslim had to guarantee that they would forsake them. For some reason tradition maintains that this formula was temporarily valid for men as well until it was replaced by another, stipulating the men's duty to participate in armed struggle on behalf of Allah and the Prophet.³¹ Be that as it may, the fact is that the Qur'ān only mentions the contents of the women's pledge, and does not specify the terms undertaken by male converts. These are supplied by *Ḥadīth* and historical literature, among other topics related to *bay'a*.

Bay'a in Ḥadīth, Qur'ān Commentaries and Creed Declarations

After the Prophet, *bay'a* became the ritual by which rulers ascended the throne.

The clearest message of most of the *ḥadīths* that mention *bay'a* is one of quietism. Strife and bloodshed among Muslims are strictly forbidden by the Qur'ān, and the consequences of the first civil wars (mainly 656–661, 680–692, and 743–749 CE) inspired Muslims to abhor such events; nevertheless they recurred incessantly. Great efforts were invested in attempts to thwart rebellions and internal strife. It was

first and foremost the rulers and their supporters who disseminated warnings against revoking the *bay'a*; they impugned disobedience and divergent opinions that lead to civil wars, hence to sin, bloodshed, and chaos.³² This attitude was shared by many who, while in disagreement with a regime, preferred any government—even an evil and oppressive one—to chaos and bloodshed. Adhering to the pledge exchanged with the rulers, even when they were unjust, became part of the Sunni creed; indeed it became a hallmark of the Sunna, the mainstream, as distinct from those Muslims who con-

tinued to rebel and coalesce into parties and sects.³³ Early scholars who objected to their governments, or envisioned future situations in which objection might be raised against rulers, nevertheless preached perseverance in the face of oppression and neutrality in times of civil strife. More often than not they did this by means of *ḥadīths*—traditions ascribed to the Prophet.³⁴

Countless sayings are attributed to the Prophet enjoining believers to avoid civil strife at all cost and never to take to arms against the authorities. Many of these sayings employ both the concept and the term of *bay'a*, because abiding by one's *bay'a* is tantamount to obeying the authorities. But since the rulers were supposed to lead the believers in the right path, obeying an impious, unjust ruler constituted a dilemma: How could a believer remain on the right path while following a ruler who deviated from it? This dilemma was resolved by a stipulation: obedience to an unjust, impious or illegitimate ruler is due as long as he performs the ritual prayer. Other versions vary somewhat: as long as his commands tally with the right path (regardless of his personal conduct); or, as long as he leads according to the Book of Allah; or, as long as he does not compel the believer to act in disobedience to Allah, because "no obedience is due to a created one, if it leads to disobedience of the Creator," as a famous *ḥadīth* has it.³⁵

That particular *ḥadīth* seems to have been adduced both by rebels who justified their actions thereby, and by caliphs who defined the limits of their own power, thus implying their own righteousness and piety.³⁶ Another *ḥadīth* that attempts to limit obedience narrates that certain Companions said to the Prophet, "We exchanged pledges with you to the effect that we listen and obey," whereupon he corrected them, adding, "As far as you can." The message seems to be that obedience is limited by ability.³⁷ This *ḥadīth* harks back to Qur'ān 64:16, "Obey Allah as far as you can, listen and obey and spend, this is good for you; whoever is spared from his own miserliness, he will be saved."³⁸

The sources do not suggest any practical means for applying limits to obedience or to power. The *ḥadīths* urging the believers to chide an unjust ruler until he

desists from injustice and wrongdoing were in most cases impractical.³⁹ Eventually the ways out of this dilemma were either to revolt—a course abhorred by the Sunna majority—or to persevere and keep as far away as possible from the authorities. Only a few ventured reproaching governors and caliphs.⁴⁰

The canonical collections of traditions include chapters on authority and *bay'a*. *Kitāb al-Imāra* in *Ṣaḥīḥ Muslim*, for example, comprises sections on the duty incumbent upon every Muslim who gave his *bay'a* to adhere to it and to obey the authority, even though it may be unjust and oppressive. Alongside these are other formulations of the same idea, for instance a believer must never rebel or cause dissention among Muslims, he should adhere to the majority (*jamā'a* i.e. the mainstream, the Sunna), and so on. Significantly the section entitled "the duty of obeying rulers when they do not command disobedience [to Allah], and the prohibition to obey them if they do," primarily contains directives to obey unconditionally. Out of a total of 25, only seven traditions record the maxim, "No obedience is due to a created one if it leads to disobedience of the Creator," or make obedience depend on "leadership according to the Book of Allah."⁴¹ There is no explicit instruction to disobey even when disobedience is called for, and no practical suggestions about how to deal with the consequences of disobedience.

In addition to promulgating prophetic traditions, some scholars of the formative period put together their own creed (or were credited with such by later generations). Among them were Sufyān al-Thawrī (d. 778 CE), Sufyān b. 'Uyayna (d. 813 CE), Aḥmad Ibn Ḥanbal (d. 855 CE), Bukhārī (d. 870 CE), as well as the paragon of the Sunna, Abū al-Ḥasan al-Ash'arī (died 935 CE). All of these included in their creeds obedience to the rulers and prohibition of rebellion, alongside tenets such as predestination, the eternity ("un-createdness") of the Qur'ān, the mediating power of the Prophet (*shafā'a*), Allah's direct verbal communication with the believers in Paradise, and so on.⁴² Later books expounding on creeds such as *Al-Sharī'a* by al-Ājurri, the *Sharḥ I'tiqād* by Lālikā'ī and *Al-Sunna* by al-Khallāl, open with chapters on the duties of adhering to

the majority (*jamā'a*), obedience to the rulers and the prohibition of rebellion. After these they offer binding Sunni doctrines (predestination, “un-createdness” of the Qur’ān etc.) and arguments refuting divergent, heretical views.⁴³ Obedience to the rulers was thus part of the Sunni doctrine.

Ḥadīth, creed literature and Qur’ān commentaries turn to the Qur’ān to buttress the quietist stance. As we have seen, the Qur’ān equates the pledge of belief in Allah with accepting the Prophet’s authority. This pledge is understood by the Qur’ān to extend to all power holders: “Obey Allah, obey the Messenger and those in command from amongst you,” says Allah in Qur’ān 4:59. The verse presumably refers to those nominated by the Prophet during his lifetime. However, this verse is adduced in *ḥadīths* and commentaries to enjoin obeisance to the rulers and all other persons in authority. It is glossed by the *ḥadīth* in which the Prophet says, “whoever obeys me obeys Allah, whoever disobeys me disobeys Allah; whoever obeys the ruler obeys me, and whoever disobeys the ruler disobeys me.” This and similar *ḥadīths* are cited in commentaries on yet another Qur’ānic verse, 4:80: “Whoever obeys the Messenger obeys Allah thereby.”⁴⁴ The commentator Qurṭubī offers another version in relation to Qur’ān 2:238, “...and rise for Allah in obeisance...”: the Prophet said, “Obedience to Allah means obedience to me, obedience to me means that you obey your rulers; if they pray while seated down, pray seated down” (i.e. follow them even if they pray in complete disregard of the correct ritual form).⁴⁵ Another *ḥadīth* recorded to explain 4:59 (“Obey Allah...and those in command...”) states, “Whoever does not abide by his *bay’a* (another version: is not bound by a *bay’a*) and dies, his death is a Jāhilī one” (i.e. he dies as if he never converted to Islam therefore he will be denied Allah’s forgiveness).⁴⁶

The same message is conveyed by the following *ḥadīth*: “Every Muslim is bound to Allah by a *bay’a*, which he [should] keep, or die adhering to it.” In his commentary on Qur’ān 9:111 (“Allah has bought from the believers their lives and property...”) the commentator Ṭabarī speaks of the *bay’a* of conversion (i.e. that exchanged with the Prophet) then records this *ḥadīth*, adding that “every Muslim”—presumably from the Prophet’s time on-

wards—should be bound by a pledge to Allah. His meaning is not entirely clear, for a Muslim is by definition committed to Allah. One notes also that the idiom used in this *ḥadīth*—*fi ‘unqihi bay’a*, literally “a pledge is on his neck”—is the same one habitually used to describe a pledge exchanged with rulers.⁴⁷ The pledge with Allah and that with the Prophet are thus interchangeable, and these in turn are linked to obedience to the rulers.

The commentators make it clear, on the basis of *ḥadīths*, that obedience to the leader of the community—which is determined by *bay’a*—is part and parcel of the commitment to Islam. Such traditions are said to have been actually cited with the purpose of preventing rebellion against caliphs.⁴⁸ A direct line is drawn between the *bay’a* exchanged with Allah and the Prophet and that which binds rulers and the ruled. Commentators not only used *ḥadīths* to depict this line, but also explicit words. Commenting on 48:10, (“Those who exchange pledges with you, it is with Allah that they exchange them; Allah’s hand is above their hands...”) the commentator Abū Ḥayyān states, “The term *bay’a* was retained to designate the contract [between subjects and] caliphs and kings (*mu’āhadat al-khulafā’ wa-al-mulūk*).⁴⁹

The line connecting the *bay’a* with Allah and the Prophet to that of rulers is discernible not only in individual *ḥadīths* and Qur’ān commentaries but also in the selections made by *ḥadīth* compilers. Muslim’s *Kitāb al-Imāra* blends reports about the Prophet’s *bay’a* together with issues connected to leadership and the caliphate. Under the title “the manner in which the Imam exchanges pledges with the people,” Bukhārī recorded many traditions about *bay’as* with the Prophet, alongside accounts of the pledges given to ‘Uthmān and ‘Abd al-Malik. Judging by the contents of the traditions selected by Bukhārī, his emphasis is on the limits to obedience—such as “obey...as far as you can”—rather than on blind, unconditional conformity.⁵⁰ Nevertheless Bukhārī records no tradition that suggests disobedience, and the continuity that he implies between the *bay’a* of the Prophet and that of the rulers lends sanctity to the latter. In the

same vein, the chapter about the duty to obey the ruler in Khallāl's *Al-Sunna* comprises *ḥadīths* about *bay'as* given to the Prophet, alongside *ḥadīths* that enjoin obedience to rulers, others that limit it, and Qur'ān 4:59 ("Obey Allah, obey the messenger, and those in command...").⁵¹

The main message of *Ḥadīth*, Qur'ān commentaries and creed literature is thus the necessity to conform, adhere to one's *bay'a* and obey those in authority. The sanctity of a *bay'a* to a ruler derives from its association with *bay'a* to Allah and the Prophet. It is also its intent (*niyya*) that lends it sanctity, since by giving a *bay'a* a Muslim aspires to please Allah, whereas failure in this matter incurs Allah's wrath. Three kinds of people will be severely punished in the hereafter, says the Prophet: a man who deprives a wayfarer of the surplus water he has, a man who gives a pledge to a leader merely for worldly gain, and a man who swears to pay for merchandize purchased then he fails to do so.⁵² However, it must be

emphasized that obedience to caliphs and kings is an extension, not the equivalent, of obedience to Allah. Unlike Qur'ān 48:10 ("Those who exchange pledges with you, it is with Allah that they exchange them"), the literature discussed here never equates a *bay'a* given to the leader with that given to Allah. The reason for this will be discussed in the pages that follow.

The theme of reciprocity of the pledge is not left out of the *ḥadīths*, even though the emphasis is placed on authority and sanctity. Some prophetic traditions remind the rulers of their responsibility towards their subjects.⁵³ *Ḥadīth* compilers sometimes recorded reports about caliphs who pledged themselves to follow the Qur'ān and the example of the Prophet (the *sunna*). Such reports express the idea of reciprocity of the pledge, in that the ruler undertakes to lead in the right and just path, thus securing the rights of the subjects. This undertaking is the ruler's side of the transaction with the community.⁵⁴

Bay'a in Legal, Theological and Practical Literature

In these literary genres the *Bay'a* is subsumed under the Islamic system of government, which in turn is discussed both as a theological and a legal issue. From the theological point of view, perhaps the primary issue can be defined as the gap between the real and the ideal: what is the believer to do when the caliph is unjust or, worse, a sinner? Should he obey? May the caliphate then be dispensed with? This, of course, boils down to the issue of authority which is also reflected, as we have seen, in the *Ḥadīth* literature. Hot debates have been conducted and multifarious answers given in diverse times and places, which not only served to underscore the differences between groups (Sunnīs and others), but also denied each and every one of them the possibility of being

consistent and uniform.⁵⁵ In the legal and practical vein, the authors discuss succession to the rule, eligibility, qualifications of the candidate, and duties of both the caliph and the subjects. They define the electors of the rulers (*ahl al-'aqd wa-al-ḥall*), distinguish between categories of *bay'a* (particular and public, *khāṣṣa* and *'amma*), consider its necessity and circumstances and describe the ceremonies, and so on.⁵⁶ In spite of these differences the theological and legal issues are interrelated and sometimes inseparable. Our concern here, however, is the occurrence of the three themes discussed throughout this investigation: sanctity, reciprocity and authority.

In contrast with the *Ḥadīth* and exegetical material, jurists and theologians—especially after the formative

period—typically disconnect the *bay'a* of rulers from the *bay'as* exchanged with the Prophet. In other words, the line connecting the *bay'a* of caliphs to that of the Prophet is discernible in *Ḥadīth* and Qur'ān exegesis, but is severed in the theological, legal and practical literature. In these genres it is usually the first caliph, Abū Bakr, who is established as the origin and model of the caliphal *bay'a*. The difference between the genres is difficult to explain because sometimes one and the same scholar—for example Māwardī—wrote a commentary of the Qur'ān as well as a legal work, a practical treaty and a mirror for princes, quoting *ḥadīths* in all of them. Nevertheless the difference between the genres is apparent. It is perhaps no accident that Māwardī omits to comment on 48:10 (“those who exchange pledges with you, it is with Allah that they exchange them”) in his Qur'ān commentary.⁵⁷ Occasionally, medieval authors point out that the model of Abū Bakr is not perfect, in the sense that it underwent developments. For example, in the Umayyad period, oaths and written *bay'a* documents were introduced; the practice has been considered valid even though it did not originate with Abū Bakr, the ideal model.⁵⁸

Apparently following practical and legal treaties, Tyan holds that there was a fundamental difference between a *bay'a* given to the Prophet and that given to rulers. He argues that the former was merely “a declaration of submission,” since the authority of the Prophet was taken for granted; on the other hand, the caliphal *bay'a* involved choice, election and consensus of the community, even though, in time, all of these became a fiction.⁵⁹ Tyan's distinction may be questioned. To begin with, those who came to join the Prophet chose to accept his authority, or else they would not have exchanged *bay'a* with him. Thus the element of choice is not absent from the *bay'as* of the Prophet. There is, however, a stronger proof of the continuity between the prophetic and the caliphal *bay'as*; it is the themes of sanctity, reciprocity and authority that occur in both of them. The interpretation offered here is that no fundamental difference originally existed, but a disconnection was deliberately created at some point, between the prophetic and the caliphal *bay'as*.

It bears repeating that the relationship between the Prophet, representing Allah, and the believers, amounted to a contract. The sanctity attached to the original prophetic *bay'a*, was retained in subsequent generations even though its nature changed. This is probably the basis for Ghazālī's words, “*bay'a* puts an end to the substance of discord” (*al-bay'a taqṭa'u māddat al-ikhtilāf*).⁶⁰ This being the case, one must seek the reason why Muslim scholars (including Ghazālī) systematically disconnect the prophetic from the caliphal *bay'a*. An attempt at explaining this follows.

A constant tension existed in Islamic tradition between the aspiration that believers should emulate the Prophet on the one hand, and the notion that he was unique on the other. Muḥammad was the seal of the prophets, and the Islamic tradition, taken as a whole, sets him apart from ordinary humans. At the same time it emphasizes his kindness, his humor and many other human traits, including human weaknesses. So the Prophet was set forth both as human, and as a model to be followed, and also as unique, thus making it impossible for anyone to truly emulate him. Theologians and jurists were especially cautious when it came to authority and government; apparently they wished to avoid any suggestion that Muḥammad's successors, the caliphs, resembled him or were in any way super human.

Whereas ordinary humans never posed any threat to the image of the Prophet, rulers may have done so. The Umayyad caliphs imputed to themselves special faculties that made them apt to form a connecting link between Allah and the believers, thus separating themselves from ordinary Muslims. Although they did not claim to be prophets, these rulers conceived of themselves as chosen by Allah to lead the Muslim community to salvation, and called themselves caliphs—“deputies”—of Allah.

Typically, 'Abd al-Ḥamīd, the court secretary of the Umayyad caliph Marwān II (744–747 CE), writes fervently about the duty to obey the caliph; his rhymed prose is figurative, his terms almost mythical. Obedience to the ruler is, to him, the source of everything good at all levels, personal as well as public, physical as well as spiritual, in this

world as well as the next. Security, wholesomeness, honor, power, unity, justice, and of course salvation, all hinge on obedience to the Deputy of Allah. Meanwhile disobedience is the cause of every calamity, induced as it is by Satan himself in order to lead the believers astray. Obviously 'Abd al-Ḥamīd, a court official, reflects the views of his masters.⁶¹ But in general, Muslim scholars, even those who cooperated with caliphs, rejected both the Umayyad claims and the title *khalīfat allāh*, and insisted instead that the caliphs were successors to the Prophet, not the Deputies of Allah.⁶² Gradually the scholars' view came to prevail. The caliphs ceased to be seen as charismatic leaders guiding others to salvation. Apparently they relinquished the claim themselves. This process perhaps culminated in the time of the 'Abbasid Caliph Ma' mūn (811–833 CE).⁶³

Spiritual authority came to rest among the religious scholars alone. Evidence of this dispute over authority may clearly be seen in the commentaries to 4:59, "Obey Allah, and obey the messenger, and those in command from amongst you." The phrase "those in command" is variously explained as "the rulers and governors" (*al-umarā' wa-al-wulāt*), the "scholars of religion" (*'ulamā'*), and "the jurists" (*fuqahā'*). Some even enlist the phrase "obey the Messenger" for expressing their opinion on this issue: "Obey the Messenger—[in person] while he is alive, and his sayings—*aḥādīth*—after his death." Since it was the religious scholars who were in charge of transmitting the *aḥādīth*, this interpretation implies the duty of obedience to them rather than the rulers.

Political power is thus made secondary in the hierarchy of due obedience, which was epitomized in the saying (attributed to the linguist Abū al-Aswad al-Du'īlī), "Nothing is more precious and prestigious (*a'azz*) than [religious] knowledge; the kings have authority (*ḥukkām 'alā*) over the people whereas scholars [of religion] have authority over the kings." The early scholar Mujāhid, commenting on 4:59, states that those in authority are the scholars alone; to remove any doubt, he adds, "Do not refer anything [of your disagreements] to the ruler."⁶⁴ Traces of this debate remain to this day. In his book on the Islamic system of government the Saudi

scholar, Ṭarīqī, repeatedly states that religious scholars have authority over the rulers.⁶⁵

To be sure, scholars continued to declare that "belief imposes obedience (to the ruler)," and *ḥadīths* such as "whoever humiliates [the ruler] it is as if he stripped the yoke of Islam off his neck" continued to circulate.⁶⁶ But rebels and rival claimants were considered as dissident Muslims, not as apostates or unbelievers. In other words, belief and allegiance to the leader were not identical, as they had been in the time of the Prophet and Abū Bakr. Opposing Abū Bakr has been considered to be apostasy; in the 11th century, under the Buwayhid regime, equating a breach of *bay'a* with polytheism could not have been taken seriously even though it was stated in documents.⁶⁷ If it were held that "belief imposes obedience," disobedience was not seen as unbelief.

Rebellion usually remained an anathema to Sunnis in principle, but jurists and theologians typically phrased their warnings in a simple, matter-of-fact language, appealing to reason rather than to primeval wants and fears (as had previously been done by 'Abd al-Ḥamīd). Unity of the Muslim community was more important than righteous government; bloodshed among Muslims must be prevented and order must be maintained, or else the precepts of Islam cannot be implemented; humans are weak, or evil, by nature and need law to restrain them, and an authority to enforce the law. The precepts of Islam need a ruler to implement them, the land of Islam needs a leader to protect it, chaos obstructs the fulfillment of all these needs, and so on. Broadly speaking, the Sunnis shared the attitude of avoiding rebellion and conflict at all costs, and those of them who placed limits to obedience did not point out how to avoid exceeding them. Indeed, some were explicitly prepared to recognize the authority of usurpers and oppressive rulers as long as chaos was avoided, whereas others paid lip service to the right and duty of the Muslims to revoke a *bay'a* and remove injustice. A call to rebellion was, as a rule, not voiced in mainstream circles. Typically, only a few of the later Sunni scholars explicitly justified the rebellions against the Umayyads, although the latter were considered as sinners by most Sunni scholars in all times.⁶⁸

Rulers continued for centuries to use the title Deputy of Allah, even in times when they hardly wielded any power.⁶⁹ The most glaring gap between real and literary exploits occurred in Mamluk times (Egypt and Syria, 1250–1517 CE). The ‘Abbasid–puppet caliphs, held in Cairo in order to legitimize the rule of the Mamluk sultāns, were referred to in aggrandizing terms and highly embroidered style. The contemporaneous sources write prolix descriptions about Allah electing His deputy, obligating the Muslims to obey him, and making their prosperity in this life and the next depend on their obedience to him. One may be misled into thinking that the caliph was still—or returned to being—a charismatic spiritual leader, a link connecting the believers to Allah.⁷⁰ But, knowledge of the circumstances of the time precludes such a perception of the Cairo caliphate. In fact it is clear, even from the *bay’a* documents, that authority lay in the hands of the real holders of power, the Mamluk sultāns and the electors.⁷¹ The Mamluk *bay’a* documents are also misleading in that they continued to impute to the caliph all the governmental tasks that were in fact carried out by the sultān. Thus the Mamluk reality, in which sheer force was the decisive political factor, and in which the caliph wielded no power, was clad in floral language and the documents, even if authentic, do not reflect reality.

Under certain circumstances jurists and theologians would grudgingly concede that the caliph was the Caliph/Deputy of Allah. Such circumstances surrounded the time of Ghazālī, when a fierce struggle was going on between the ‘Abbasids and their rivals, the Fāṭimid caliphs of Cairo. Ghazālī was trying his utmost to prove that the ‘Abbasid caliph of his day, al–Mustaẓhir, was the sole legitimate ruler, and the Fāṭimids mere false claimants to the caliphate. He referred to al–Mustaẓhir as Caliph of Allah, yet did not impute any special qualities to him but rather accepted him as a default solution: There must be a [Sunni] caliph or else Islam would cease to exist.⁷² Ghazālī’s greatest fear was chaos and annulment of all Islamic practices, for the implementation of much of the *Shari’a* virtually hinged on the caliph. He therefore applied the principle “necessity makes forbidden things lawful” (*al–ḍarūrāt tubīḥu al–maḥẓūrāt*), and conced–

ed that any given caliph may lack important qualifications but his rule is legitimate if a powerful [war]lord acknowledges him.⁷³

So it is that Ghazālī’s “Caliph of Allah” is a far cry from the charismatic, divinely–appointed “Caliph of Allah” of early Islam. Moreover, the title had acquired a rather safe interpretation by the time of Ghazālī (d. 1111CE), which eschewed any undesirable comparison with the charismatic figure of the Prophet himself. As phrased by Māwardī (d. 1058 CE) in his *Aḥkām*, “Some say that it is permissible [to use the title ‘Deputy of Allah’] because the caliph implements the duties imposed by Allah on the people, and also because of the Qur’ānic verse (6:165), “He is the one who made you succeed one another on earth... (*wa–huwa alladhī ja’alakum khalā’ if al–arḍ*).”⁷⁴ In another work—of the mirror for princes genre—Māwardī refers to the ruler (*malik*) as Deputy of Allah in the sense that it is his responsibility to protect the religion, by virtue of which he must be obeyed.⁷⁵ In contradistinction with early Islam, Māwardī’s ideal Deputy of Allah in this book is characterized by diplomatic skills rather than by charisma and aptness to lead in the right path. By referring to the ruler as *malik*, Māwardī discloses his awareness of the gap between the real and the ideal.

The debate about the nature of authority may explain the disconnection created by jurists and theologians between the *bay’as* of the Prophet and those of the caliphs. It may have been part of the scholars’ effort to defy the rulers’ pretensions and to cast them as ordinary humans, subject to the same divine law as any other Muslim. The scholars did not consider a *bay’a* given to the leader as tantamount to a *bay’a* given to Allah (as was the case with the Prophetic *bay’a*). Therefore the model of *bay’a* came to be the first caliph, Abū Bakr, rather than the Prophet. It is true that Qur’ān 48:10 (“Those who exchange a pledge with you,...Allah’s hand is above their hands...”) sometimes occurs in *bay’a* documents drawn by court officials in various times and places.⁷⁶ However, the verbosity of these documents seems to blur completely the sense of a personal tie with Allah through the leader, as the case was in early Islam.

Although *Bay'a* remained sacred, in the sense that it must not be broken, the aura of a contract with the Divine was lost. In the 11th century, Māwardī enjoins obedience by reference—not to 48:10 “Allah’s hand is over their hand”—but to Qur’ān 4:59: “Obey Allah, obey the Messenger and those in command from amongst you.” This verse commands Muslims to obey, associating the authority of “those in command” with that of Allah and the Prophet; but, in contrast with 48:10, it makes no reference to a direct transaction between Allah and the believers.⁷⁷ Moreover, the context of 4:59 implies a mutual commitment of a kind different from that which obtained in the Prophet’s lifetime. The preceding verse, 4:58, states “Allah orders you to deliver trust to their owners, and when you judge between people, do so with justice.” The proximity of these two verses conveys a clear message, namely, that human relationships must be conducted with equity, and that this goal may be achieved through the divine law, imposed by a hierarchy of authority. Thus rulers should act justly, and the ruled should obey them.⁷⁸ The transaction between rulers and those whom they rule remains entirely in the realm of human relationship and does not involve Allah, as was the case in the Prophet’s lifetime.

The two parties to the *bay'a* contract thus came to be the ruler and the community rather than Allah and the believer. Moreover, as public order was the most important goal for the Sunnis, heavier emphasis was laid on the authoritative aspect of *bay'a* at the expense of reciprocity. Some of the rulers’ qualifications, which were supposed to guarantee that they keep their side of the transaction, were dispensed with for the sake of public order. As early as the 9th century, Shāfi’ī, as well as Ibn Ḥanbal, conceded that usurpation of power was legitimate provided it succeeded—a quietist stance that obviously marginalized the contractual aspect of *bay'a*.⁷⁹ Even when commenting on the quintessential “transaction verse,” 48:10, and adducing the traditional (and literal) explanation (“an agreement with the Prophet equals an agreement with Allah”), a 14th century commentator emphasizes the subjects’ part, stating, “The essence of *bay'a* is a commitment one undertakes to obey one’s

leader and to adhere to one’s covenant with him.”⁸⁰ At the end of that century Ibn Khaldūn flatly defines *bay'a* as “a pledge to obey, (*'ahd 'alā al-ṭā'a*), as if the person who offers the contract (*mubāyi'*) agrees with the ruler that he will surrender to him all discretion concerning his own affairs and the affairs of the Muslims, will not contest his authority, and will carry out all his orders whether willingly or not.”⁸¹ The ruler’s obligations are not included in this definition.

One might expect that when “might is right,” the reciprocity of *bay'a* would fade away completely. In the 12th century the scholar Ibn al-Athīr explains the transaction not as one of “give-and-take” (i.e. promises and expectations), but as an exchange of good faith between the ruler-to-be and the ruled. Paradoxically, he insists that *bay'a* is comparable to a real transaction (*mushabbaha bi-al-bay' al-ḥaqīqī*);⁸² and a real transaction indeed remained in the sense that the parties did have expectations from one another. Theologians and jurists, including Ibn Khaldūn, never ceased to think of the *bay'a* as a contract, not only because of the semantic field of the term, but also because they held that the ruler should concern himself with the affairs of his subjects, and fulfill his duties towards them. Scholars enumerate the rights and duties of each of the parties: the subjects are to obey, to give the rulers good counsel, to respect them and give them succor, to protect them in any way they can. The ruler must defend the land of Islam, protect the religion and enforce the implementation of its precepts, appoint governors and judges, wage jihad, collect taxes, and above all, act justly. Indeed a whole literary genre, “Mirrors for Princes,” is all about expectations from the ruler—whether or not he bears the title of Caliph—to fulfill his tasks in an efficient and just way.⁸³ Māwardī explicitly conditions obedience to the ruler on the performance of his duties, and even in Mamluk times, scholars such as Ibn Jamā'a and Qalqashandī did not relinquish their demand that the ruler perform his tasks, alongside the call on the subjects to obey. In other words, the *bay'a* never ceased to be construed as a contract.⁸⁴

In contradistinction to the discussions in the literature, the *bay'a* formulae adduced in it often refer to the ruler's duties only in a general way. Those responsible for electing the ruler (*ahl al-ḥall wa-al-'aqd*) reportedly declare, "We give you our pledge out of volition, on condition that you establish justice and fulfill the tasks incumbent upon the leader according to the Book of Allah and the conduct of the messenger of Allah" (*bāya 'nāka 'alā bay'at riḍā 'alā iqāmat al-'adl wa-al-inṣāf wa-al-qiyyām bi-furūḍ al-imāma*).⁸⁵

According to a Mamluk official, Qalqashandī, the document to be signed by the electors should contain certain elements. The most important among them are passages on the necessity to appoint a caliph, the qualifications of the candidate, the way the electors were appointed (if any), the consent of the candidate, a declaration that the *bay'a* is given out of volition, a pledge to obey the elected in everything that accords with Islamic law even if he is unjust, a list of oaths, and the names of those who gave them.⁸⁶ Some of the duties, or promises, of the caliph are subsumed under "the necessity to appoint a caliph."⁸⁷

A separate document is to be drawn on behalf of the candidate whereby his legitimization is expounded as well as his commitments; these are given here in general terms, e.g. to defend the land of Islam and to act justly and compassionately towards his subjects.⁸⁸

The references to the Prophet and the Rightly-Guided Caliphs (Abū Bakr, 'Umar, 'Uthmān and 'Alī) in such documents serve both as legitimization and as a promise, the implication being that the candidate ought to follow in their footsteps.⁸⁹ Another dimension was added to the contractual aspect of the *bay'a* in Mamluk times, namely, the mutual recognition of the 'Abbasid puppet-caliph and the Mamluk sultān.⁹⁰

The contractual aspect of *bay'a* with rulers was nicely put by the 13th century scholar Ibn Ṭīqṭaqā, who said that the rights of the subjects are the duties incumbent upon the ruler, and their submission to him depends on his performance.⁹¹ In 13th century Iraq, under the ruthless Mongol domination, Ibn Ṭīqṭaqā's statement was pure theory, if not to say wishful thinking. But so is much of the literature discussed in this section.

Bay'a in History

The Example of the Prophet

“**T**he Prophet, peace be upon him, used to exchange pledges with his Companions in battles, stipulating that they would not flee, and sometimes declaring that they would fight to the death; he exchanged pledges with them to perform jihad just as he exchanged the pledge of conversion; he exchanged pledges stipulating that they migrate—before [Mecca] was conquered—and that they believe in the unicity of Allah, and that they obey Allah and His messenger. He exchanged pledges with the poor among

his Companions, stipulating that they ask no charity of other people.”⁹²

Bay'a of Conversion to Islam

The pre-Islamic Arabian society consisted of tribal units; each of these was held together by kin relationships and alliances (*ḥilf*) to complement them. In contrast, the

community established by the Prophet was held together by belief and by his authority, which was divinely decreed, divinely inspired and divinely guided. In structural terms, the major difference between tribal, pre-Islamic political entities and Islamic one may be rendered as follows: the first may be described as a horizontal cooperation, the second as a vertical one. On the one hand, tribesmen who were joined by kinship or alliances cooperated on a basis of equality. Although some tribal groups and some individuals were more prestigious than others, there did not exist among them a central authority that monopolized the use of force (hence the description “horizontal”). On the other hand, the structure created by the Prophet stipulated central authority and hierarchy (“vertical”). Thus the political structures that immediately preceded Muḥammad in the area where he operated, and the *umma* established by him, cannot be seen as a simple continuum. Obviously the *umma* was not created *ex nihilo*, and much was adapted from Jahiliyya to Islam, yet there was a fundamental difference between the two structures and a *bay’a* exchanged with the Prophet was different from a tribal alliance.⁹³

A definition and a formal act were needed to express and assert this new kind of bond between the Prophet and the believers, which had to be at once familiar and innovative. The Prophet, anxious to draw a dividing line between Jāhiliyya and Islam, had to differentiate between his new construct and the pre-Islamic political alliances. The latter were habitually accompanied by rituals and oaths, therefore the Prophet omitted those upon concluding pledges; instead, he chose the gesture of hand clasp. This gesture in itself was no innovation, for it has long served for a variety of purposes, including alliances.⁹⁴ The main innovation was the notion he attached to the new kind of relationship: *bay’a*, a term that had not hitherto been associated with either oaths or sacred relationships. The Prophet’s choice disconnected his *umma* from pre-Islamic alliances, instead giving expression to the special kind of reciprocity that lay at the basis of his mission—salvation as well as material, social and spiritual benefits in return for obedience to Allah and himself.

Bay’a retained its original sense of an ordinary contract or transaction alongside its new meanings. Among the latter, *bay’a* denoted, first and foremost, conversion to Islam during the Prophet’s lifetime. In all the cases of conversion, recognition of Muḥammad’s authority was either explicit or implicit and, as shown above, this recognition equaled submission to Allah himself and was therefore irrevocable.

The fact that the commitment by the *bay’a* was reciprocal is not always apparent. The sources often speak of persons who came to the Prophet and converted. The locution employed is *bāya’ahu ‘alā al-islām* which means, literally, “He contracted with him/exchanged pledges with him to become a Muslim.” In concrete terms this means “he clasped his hand as a token of becoming a Muslim” (the Prophet would normally be considered as the subject of the verb *bāya’ahu*—a fact that seems to preclude the rendering of *bāya’a* as “he paid allegiance). Thus a Companion reports, “I saw the Prophet exchanging pledges with the people; men, women, children and old people came to him and he exchanged pledges with them, about Islam and the declaration of faith (*shahāda*).”⁹⁵ Even if not explicitly stated, conversion was clearly conceived of as a deal. A Companion reports that he came to the Prophet and exchanged the *bay’a* to become a Muslim; he then enumerated the pre-Islamic customs which he forsook by his conversion. The Prophet responded, “How successful is the transaction you made! (*mā ghabinat ṣafaqatuka*). The word used in this tradition is *ṣafaqa*, which is a purely commercial term for a transaction and, significantly, also means “hand clasp.”⁹⁶

In another report, the Prophet invites people to give a pledge stipulating the prohibitions recorded in 60:12: whoever keeps his pledge will be rewarded; others will be left to Allah’s decision.⁹⁷ Classical dictionaries cite the Prophet asking people “will you not exchange *bay’a* with me to be converted to Islam” (*alā tubāyi’ūnī ‘alā al-islām*)? This is glossed as follows: “This means a contract and mutual obligations (*al-mu’āqada wa-al-mu’āhada*) as if each of them sold to the other what was in his possession, offering his good faith, obedience and innermost [thoughts].”⁹⁸

In fact the transaction was not as abstract as presented, rather tepidly, in this gloss. Being converted meant not only mutual trust, but salvation in the next world as well as benefits and rights in this one, adding a significant dimension to the contractual nature of the *bay'a*. Among other things, the new convert was entitled to protection by the Muslim community and to a portion of the booty taken in raids. He also had both the duty and the right to avail himself of the Prophet's judicial decisions.

A clear illustration of the latter is the account of one Qurra b. Du'mūş and his relatives. When they came to the Prophet and were converted, Qurra raised the issue of the blood-money paid by his father's slayers and collected by his maternal uncle. The Prophet ordered the uncle to give Qurra that money.⁹⁹

New converts are sometimes said to have demanded special rights of water or of pasture in certain places. It is not clear what is meant by this, since the land was not the Prophet's to give. Perhaps these stories were made up by tribesmen in order to substantiate territorial claims. In these stories, the Prophet is sometimes said to have consented and even given documents to the effect, but sometimes he reportedly refused the requests.¹⁰⁰ Be that as it may, the new convert's rights, as well as the promised heavenly reward in the afterlife, may be considered as the Prophet's side of the deal concluded by *bay'a*.

Particular Events and Specific Stipulations of *Bay'a*

Becoming a Muslim entailed rights in this world and the next, as well as obligations of various kinds. Since Muḥammad was the leader of the community in all respects—spiritual, legal, political, social and military—the new convert accepted not only new beliefs and religious practices but also the Prophet's leadership in all matters of his life. Thus, beyond the general commitment to listen and obey, new converts

took upon themselves other, specific obligations. Chief among these were jihad—participation in military activity on Muḥammad's (and Allah's) behalf—and migration to Medina (*hijra*). In addition, the historical tradition sometimes associates specific stipulations with particular events. Following is a discussion of some stipulations and events: the First 'Aqaba and the Women's Pledge, the Second 'Aqaba and Jihad, Ḥudaybiyya and the Pledge under the Tree (the Pledge of Approval), and the pledge of migration.

Before emigrating to Yathrib (Medina) in 622 CE, Muḥammad is reported to have negotiated with some of its inhabitants the terms of his arrival there. Tradition tells about two (sometimes three) yearly, clandestine meetings outside Mecca at the time of the annual pilgrimage. These are called the first and the second al-'Aqaba, named after the place of the meeting, a mountain path ('*aqaba* in Arabic). The accounts are highly stereotypical. For example, in the first meeting, we are told, twelve Yathribians were present; in the second, twelve were chosen out of the seventy (or seventy-two/three) present, to be leaders of their clans. This brings to mind Jesus's twelve apostles and the several groups of "seventy elders" in the Jewish tradition. In addition, some of the accounts are politically biased: for example, in the second meeting Muḥammad's uncle, al-'Abbās, is portrayed as negotiating on behalf of his nephew and vehemently protecting his interests, even though he was not converted to Islam at the time. Obviously these accounts were meant to support the legitimacy of the 'Abbasid dynasty.¹⁰¹ Here, however, we are only concerned with the stipulations of the *bay'as* as recorded by the Muslim community, for these reflect the three themes investigated in this study.

In the first meeting, the twelve Yathribians "exchanged with the Prophet the Women's Pledge," which tradition takes to refer to Qur'ān 60:12, discussed above.¹⁰² The account does not make much sense, considering the fact that this verse is addressed to women (judging by its linguistic form), and that some of the conditions stipulated in it are indeed specific to women (mainly, not "to make up falsehood forged (*buhtān*) between their hands and legs," explained as falsely

ascribing a child to a husband). The account supplies a clue for this inconsistency by stating, “They exchanged with him the Women’s Pledge, and this was before war was mandatory for them.”

The association of the Women’s Pledge with male converts was perhaps created in the following way: since Allah did not allow Muḥammad to engage in armed struggle until the time was ripe, early converts joined the community as non-fighters. Later tradition may have envisaged “non-fighters” as analogous to women, and therefore associated the Women’s Pledge with those early male converts. Indeed, the inclusion of the Women’s Pledge in the ‘Aqaba scene is anachronistic, because the verse is traditionally said to have been revealed to the Prophet at a later date. Accounts of the conquest of Mecca (eight years after the Migration) have it that the Meccans came to the Prophet to convert to Islam and join the community: first the men, then the women. On this occasion the Prophet required of the converting women the conditions recorded in 60:12.¹⁰³ An earlier context is the period after the truce of Ḥudaybiyya (signed 628 CE, six years after the Migration). Women who genuinely wished to be converted during this period were accepted on these terms.¹⁰⁴

The occurrence of the Women’s Pledge in the Qur’ān in such clear terms seems to indicate that the Prophet indeed stipulated these conditions on female converts. There is no particular reason to suppose that the Women’s Pledge was restricted to the post-Ḥudaybiyya period or to the conquest of Mecca. Indeed, some accounts are phrased in a general way so as to give the impression that the Women’s Pledge was the standard procedure by which female converts joined the community.¹⁰⁵

At the “Second ‘Aqaba,” the final meeting between Muḥammad and the Yathribians before the Migration, the latter undertook upon themselves to protect the Prophet if he migrated to Yathrib and became their leader. The Yathribians expounded their own prowess in war in order to persuade Muḥammad to embark on the migration plan. According to certain versions the stipulation of this *bay’a* was not “to protect,” but to “fight the fair-skinned and the black” (*al-aḥmar wa-al-aswad*,

namely “everyone”) in support of the Prophet. The difference between the versions is clear: one speaks of defensive, the other of offensive war—but both under the leadership of the Prophet.

The reports of the ‘Aqaba were indeed carefully constructed to convey various ideas, the severance from pre-Islamic times being one of them. This is expressed by no other than a salient pre-Islamic formula: one of the Yathribians addressed the prophet with a query, “we are allied to the Jews [in Yathrib] and we are about to sever these ties [because of our *bay’a* to you]; would you...[ever] abandon us?” The Prophet retorted with the ancient tribal alliance-formula: *al-dam al-dam wa-al-hadm al-hadm*, (“my blood is your blood, and my un-avenged blood is your un-avenged blood”). This account is not meant to compare the *bay’a* to a tribal alliance, but rather the reverse. It legitimizes the severance of pre-Islamic alliances, replacing them with the new Islamic bond. The latter is not expressed by this tribal formula but by the term *ubāyi’ukum* (I shall exchange pledges with you), which is not missing from the very same report.¹⁰⁶

In another account narrated in the context of the Second ‘Aqaba, the Prophet declares, “Whoever draws his sword in the path of Allah (i.e. performs jihad) exchanges pledges with Him thereby” (*man salla sayfahu fī sabīl allāh fa-qad bāya’a allāh*).¹⁰⁷ However, this report seems to be anachronistic, because according to the traditional historical reconstruction, Allah allowed the Prophet to engage in offensive armed struggle only several months after the Migration; this permission was later transformed into a requirement for jihad. Henceforth, new converts were admitted on condition—among others—that they would participate in battle on the Prophet’s side. The precise dates of these stages, if they indeed occurred, cannot be established with scientific certainty.

The precise wording of a jihad pledge is hard to come by, and the usual expression is, “We exchanged pledges with the Prophet, stipulating jihad” (*bāya’nāhu ‘alā al-jihād*), as recorded in an anecdote concerning the siege of Medina in the year 627 CE. At the advice of the Companion Salmān the Persian, a ditch was dug for protection of the town. The Prophet went out to survey

the people working, and expressed concern about their hardship and toil, whereupon they responded,

We are those who exchanged pledges with Muḥammad.

As long as we live we are bound to perform jihad.¹⁰⁸

A test of this pledge occurred a year later. In the year 628 CE Muḥammad left Medina with a group of his followers on a pilgrimage to the Ka'ba. While on the way, news reached the Muslims that the Meccans intended to thwart their plan. Muḥammad encamped at a place called Ḥudaybiyya, and sent his Companion 'Uthmān to Mecca to mediate the issue. While waiting for him to return, a rumor spread in the Muslim camp that he was murdered in Mecca, and the Muslims felt themselves to be under threat of a Meccan attack. The Prophet was instructed (by Allah, or Gibril, or the holy spirit) to exchange a *bay'a* with his Companions, whereupon he gathered them "under a green tree" and had each of them clasp his hand and exchange the pledge. There are variant versions of the stipulation. The Companions gave their word either that they would fight the Meccans, or that they would not flee when the Meccans came to fight them, or that they would fight to the death, or that they would abide by any wish of the Prophet, etc.¹⁰⁹ Tradition associates with this event the verse that says "Those who exchange pledges with you..." (Qur'ān 48:10, discussed above).

Apparently later commentators and historians had a problem with the version "to fight to the death," because as a rule such extremes are not endorsed by the classical Islamic jurisprudence. There is a wide consensus about the duties of Muslim fighters: they must not flee from battle, but they are not required to fight to the death.¹¹⁰ Since Muḥammad's deeds and sayings served as ideal models milder versions of this pledge were preferred by many, and some of the versions are explicit: "we did not pledge to die, only not to flee."

Although not expressly stated in the historians' accounts, the Prophet's (and Allah's) side of the *bay'a* transaction, in this case, was obviously a promise of heavenly

reward as stated in the same verse, 48:10, and in 48:18: "Whoever breaks [his *bay'a*] brings harm upon himself, but those who adhere by their pledge to Allah, He will reward them copiously," and, "Verily Allah approves of the believers who gave you the *bay'a* under the tree, for He knows that which is in their hearts; He sent bliss (*sakīna*) down upon their hearts and their reward is a nigh victory." Some commentators thought it necessary to be specific: "Allah ratifies the contract and grants the reward."¹¹¹ Those Companions who were present on the occasion of Ḥudaybiyya were subsequently greatly lauded and counted among the elite of the Muslim community; they are known to tradition as "the People of the Tree" (*aṣḥāb al-shajara*), and the incident is known as the Pledge under the Tree or "the Pledge of [Divine] Approval" (*bay'at al-riḍwān*).

The Pledge under the Tree was a unique event. Conversely, the pledge to migrate seems to have been routinely required: One of the stipulations of the prophetic *bay'a* was that the new converts migrate to Medina. It is often recorded in a general way, such as, "the Prophet exchanged pledges with the people stipulating that they migrate" (*bāya'ahum 'alā al-hijra*), without further detail.¹¹² Migrating was a commendable act to be rewarded in the next world as well as in this one. A prophetic tradition states, "Whoever exchanges pledges with the Prophet stipulating his migration, and stations himself at Medina ...[this] good deed will be counted as seven hundred [good deeds]; whoever exchanges [with the Prophet] the pledge of conversion will be rewarded ten times."¹¹³ Joining the Immigrants, *muhājirūn*, conferred upon the convert full membership and rights in the community. However, Bedouins were often allowed to return to their abode and still be considered full members, on condition that they would report to the Prophet whenever he called upon them to join a military operation. This was called *bay'a a'rābiyya*, a Bedouin *bay'a*. The arrangement is often described as a favor bestowed by Muḥammad on Bedouins who yearned for the desert, their familiar surroundings.¹¹⁴ Those who actually migrated to Medina were considered to be of a higher status than the others, but the ranks of this status are

said to have been closed in the year 630 CE. When Mecca was conquered that year, new converts wished to join as *muhājirūn*, but the Prophet is reported to have refused. The time for migration into Medina was over, he said, so that the elite rank of Immigrants was closed. Full membership and rights may be acquired by good faith and by a pledge to participate in jihad.¹¹⁵

Prophetic *Bay'a* and Morals

The tenets of Islam and its moral principles are sometimes recorded in the form of detailed *bay'as* exchanged with Muḥammad. Reports ascribed to various Companions mention pledges “to listen and obey in hardship and in ease, willingly and unwillingly; we shall not dispute authority with the rightful holders thereof, we shall establish the truth wherever we can, and we shall not be afraid of anyone who scolds us while we act on Allah’s account (*lā nakhāfu fī allāh lawmat lā’im*).”¹¹⁶ This formula stipulates obedience to the authorities; it seems to have been circulated by supporters of rulers, who sought to anchor in the practice of the Prophet the demand for total obedience. However, the latter part of this account (“we shall not be afraid...”) balances the demand for unconditioned obedience: a Muslim must adhere by the right principles whatever it takes, even to the point of confrontation with the authorities. Thus Abū Dharr, a Companion of the Prophet, invoked this formula when he reproached Mu’āwiya about the division of the spoils from the raid on Cyprus: “I have given my pledge to the Prophet that I would not be afraid of anyone who scolds me while I act on Allah’s account. Do you intend to allot a portion of the booty...to the Copts, who are our hirelings?” Following this reproach, Mu’āwiya divided the booty according to Islamic principles, excluding the Copts.¹¹⁷

Another report blends some of the pillars of Islam with other tenets. A Companion relates, “I came to the Prophet and exchanged the pledge with him, stipulating

that I perform the ritual prayer, give the alms, listen and obey, and give good counsel (*naṣḥ*) to every Muslim.”¹¹⁸ Reciprocity is implicit here, but it is nonetheless present. Obviously, the believers expected a heavenly reward for adhering to these commitments. This expectation is sometimes explicitly mentioned. In one version of the agreement between the Prophet and the Yathribians at al-‘Aqaba, the latter pledged themselves to perform the declaration of faith, prayer and alms-giving, to listen and obey, to protect the Prophet and not to dispute authority with the rightful holders thereof; then they asked, “what are we to receive in return?” The Prophet replied, “Paradise and victory” (in that order).¹¹⁹ An account ascribed to the Companion Abū Dharr has him exchange *bay'a* with the Prophet, stipulating that he refrain from asking any favors of people; he was promised Paradise in return.¹²⁰

The theme of authority is reflected in these traditions either by the words uttered in certain versions (“...to listen and obey whether willingly or unwillingly,” “we shall not dispute authority”) or by the fact that those exchanging such pledges with the Prophet have already been converted to Islam and have thereby accepted his authority. In the latter case, the pledge is meant to reinforce the commitment, or to emphasize certain tenets. This is clear from the following account: “We were with the Prophet, sitting in circles; he stretched his hand out and said, ‘Will you exchange the pledge with me, stipulating that you will not associate any partner with Allah’—then he recited the Women’s Pledge—‘and whoever of you keeps his word will be rewarded by Allah...’”¹²¹ The occurrence of the Women’s Pledge in this context should probably be interpreted as a means of conveying general moral principles, while at the same time grounding these principles in the Qur’ānic text. It would be recalled that Qur’ān 60:12 is the only verse that records the contents of a *bay'a*.

It is worthy of note that in these *bay'a* formulations, authority is closely related to morals. Ideally, a Muslim does not “pay allegiance;” he does not undertake to blindly obey authority. A Muslim’s pledge to obey authority is inseparable from his commitment to the Islamic morals.

The Caliphs

Faith and Allegiance Combined

After the Prophet's death in 632 CE, the *bay'a* ceased to be the procedure by which one was converted to Islam and was replaced by the declaration of faith, the *shahāda*. This fact reflects a certain development in the Islamic religious polity. In the Prophet's time, *bay'a* signified a convert's commitment to religion, community and leader all at once. Belief, membership in the community and submission to its leader were indistinguishable, for one could not be a Muslim without accepting the leadership of the Prophet, nor be a member of the community without converting to Islam. The same applies to Abū Bakr's caliphate, even though he was not a prophet. In other words, the sanctity attached to the original prophetic *bay'a* was retained, projecting on the caliphal *bay'as*. This is precisely why a seemingly simple clasp of hands, performed by 'Umar and Abū Bakr shortly after the Prophet's death, decided the issue of leadership, and made Abū Bakr the first caliph.¹²² Had this gesture not signified a sacrosanct procedure, Muslims would not have felt bound by it. As it was, even opponents of Abū Bakr reluctantly acquiesced. Those who did not were considered apostates—renegades in religious terms.

After the conclusion of the apostasy (*ridda*) wars in the year 633 CE, opponents to the ruler were not thrown out of the pale of the community, but were looked upon as Muslim rebels. One could reject the leadership acceptable to the majority of Muslims and still be a member of the Muslim community (*umma*), albeit an erring one.¹²³ The process was slow, and the relation between the religious and the political affiliations, as well

as the nature of leadership, remained undecided for a long time. In Abū Bakr's as well as in 'Umar's time, new converts were required to add to the declaration of faith a commitment to obey the ruler, and in some formulations such obedience is considered as a sixth pillar of Islam. Declarations of obedience to the Umayyads were voiced in conjunction with, and formulated on the template of, the declaration of faith (*shahāda*).¹²⁴ Perhaps in the same vein, legal pronouncements by 'Umar were given the value of Qur'ānic rules. Later generations cited 4:59 ("Obey Allah and obey the messenger and those in command...") in order to justify this veneration of 'Umar.¹²⁵

The Caliph 'Uthman evoked Qur'ān 48:10 in order to dissuade those who rebelled against him ("Those who exchange pledges with you, it is with Allah that they exchange them...").¹²⁶ By this he implied that the *bay'a* given to him was sacred, like that which had been given to the Prophet and to Allah. The first civil wars were fierce because people in each party believed themselves to be in the path prescribed by Allah, precisely by exchanging their *bay'a* with the leader on whose side they fought. During the conflict between the fourth caliph, 'Alī, and his rival Mu'āwiya, at Şiffin, one of the tribal chiefs addressed his people, saying, "Strike at the shanks of the people (i.e. Mu'āwiya's supporters) for they have sold their faith to Mu'āwiya for earthly goods while you have sold your lives and wealth to Allah."¹²⁷ The term "sold" (*bi'tum*) harks back to the concept of transaction between the believer and Allah through the leader. It was only the latter who could guarantee his supporters right guidance and salvation, but in return they had to undertake obedience to him.¹²⁸ The messianic perception of leadership after the Prophet took time to develop, and found a prototypical articulation in the 'Abbasid revolution (749 CE). As late as the time of Ma'mūn (reigned 813–833 CE), an apostate (albeit not a new convert) who repented and

reconverted to Islam included in his renewed declaration a recognition of Ma'mūn's authority as Commander of the Faithful, alongside statements on the unicity of Allah, the veracity of Muḥammad's mission and the status of the Messiah (*mahdī*).¹²⁹

Faith and Allegiance Separated

The image of the caliph as Deputy of Allah evolved gradually and reached its apogee in late Umayyad times. Doubts about it were concurrently raised. Maslama, son of the Caliph 'Abd al-Malik, evoked Qur'ān 4:59 ("Obey Allah, obey the Messenger...") in a conversation with one Abū Ḥāzim, who challenged his authority. Abū Ḥāzim retorted by citing the latter part of the same verse: "If you disagree about anything, refer it to Allah and the Messenger." He argued that the Umayyads had diverged from the path of Allah and the Messenger, therefore no dispute should be referred to them and no obedience was due to them.¹³⁰ It will be recalled that the mainstream solution of the dilemma, created by caliphal misconduct, was quietism.

Since the caliphs gradually ceased to be regarded as the believer's link to Allah, the *bay'a* ceased to be entwined with the declaration of faith. Perhaps the *ḥadīth*, stating that touching the black stone in the Ka'ba amounts to exchanging a *bay'a* with Allah and the Prophet, symbolically reflects the void created by this development.¹³¹ *Bay'a* remained, however, the procedure by which one was affiliated to the majority of the community (*ahl al-sunna wa-al-jamā'a*), accepting the authority of the elected leader. The sanctity of the procedure did not vanish, but its nature changed. Nor did it develop only under the 'Abbasids, as Tyan holds. On the contrary, it was precisely the sanctity of the *bay'a*, established during the Prophet's lifetime, which enabled the Companions to set up Abū Bakr as a valid successor to the Prophet. This precedent became the symbol of legitimacy required from any Islamic leadership.¹³²

The new notion of the *bay'a*/transaction that gradually developed alongside the original one may be described as follows. Since the caliph could not promise divine reward as the Prophet had, and was not regarded as a direct link to Allah, his part of the contract changed. Another link was added to the chain connecting the believer to Allah, namely, the Qur'ān and the conduct of the Prophet (*sunna*). The caliph's part was now to commit himself to implementing these two sources of authority, thereby providing true guidance and securing the rights of the community. Such a definite commitment could not have originated with the first Rightly-Guided Caliphs (*Rāshidūn*), because the concept of *sunna* was not yet crystallized at that time. Nevertheless, reports on the accession of these caliphs mention that they were promised obedience on the condition that they follow the Qur'ān and the *sunna* (*'alā al-kitāb wa-al-sunna*). These reports may have been produced by later Muslims in order to set the *Rāshidūn* as models for their own times.

The *ḥadīth*, "whoever obeys me obeys Allah, whoever disobeys me disobeys Allah; whoever obeys the ruler obeys me, and whoever disobeys the ruler disobeys me" is another expression of the additional link in the believer–Allah chain. I could not find a version implying a direct relation by stating that whoever obeys the ruler thereby obeys Allah.¹³³

In accordance with their role as models for future generations, the Rightly-Guided Caliphs are described as expounding their commitments towards the community. Abū Bakr is said to have delivered an inauguration speech, in which he pledged himself to protect the rights of the weaker members of the community and to follow in the Prophet's footsteps as best he could. By this he implied that the community's obedience to him was conditioned on his own conduct. He also asked the community to assist him when he followed the right path, and to correct him when he did not. It may be observed that deliberations and statements before, during and after a *bay'a* reflect the program and commitments of the elected.¹³⁴

The commitments ascribed to the early caliphs also take the form of a testament attributed to 'Umar. Reportedly, he instructed his successor to fear Allah, to

respect the rights of the Immigrants (*muhājirūn*) and Helpers (*anṣār*), not to overtax his subjects and to fulfill the obligations towards the Protected Religions (*ahl al-dhimma*).¹³⁵ 'Umar is also reported to have required of his governors to act justly; he instructed the people of Kufa to refer directly to him whenever they felt themselves wronged by his governor.¹³⁶ All of these may count as the obligations undertaken by the elected caliphs, whether or not the reports reflect historical facts of the *Rāshidūn*'s time.

Bay'a to Adhere to the Qur'an and the Sunna

The general formula “[to adhere to] the Qur'an and the *sunna*,” which represents the ruler's side of the transaction with the community, also served in factional polemics as reflected in reports about the period of the *Rāshidūn*. For example, it is narrated that during the deliberations of the Council (*shūrā*) that was to elect the third caliph in 644 CE, the candidates' positions were tested. Eventually, we are told, 'Uthmān was preferred to 'Alī because the latter hesitated to pledge adherence to the Qur'an and the *sunna* of the Prophet, whereas 'Uthmān readily accepted to do so.¹³⁷ Needless to say, there are reports that contradict this one. One of them has 'Alī undertake to follow the Qur'an and the *sunna* and in return, the people were to obey him willingly (*'alā al-taslīm wa-al-riqā*). A man from the Khath'am tribe refused unless the conduct (*sunna*) of Abū Bakr and 'Umar was added to the list of models. 'Alī rejected this demand and the man joined the rebels against 'Alī, the Khawārij.¹³⁸

The Sunnī-Shī'ī polemics reflected in these traditions can hardly be overlooked. The Khārijī side is not missing either. According to a Khārijī source, the stipulations of 'Alī's *bay'a* were obedience to Allah and His Messenger, adherence to the conduct of Abū Bakr and 'Umar, and passing judgment only according to the Book of

Allah; in addition, he undertook to fight the sinners and innovators; if he failed to do so, the people would be absolved of their *bay'a*. 'Alī, says this report, agreed to all that; among those who exchanged pledges with him were the Companions Ṭalḥa and al-Zubayr (who later rebelled against him).¹³⁹ The Khārijī bias of this tradition is obvious: if 'Alī indeed undertook all these commitments, he failed to fulfill them, consequently, the Khārijī rebellion against him was justified. The Khārijī slogan, *lā ḥukma illā li-allāh*, “no judgment is valid but Allah's,” implies that 'Alī deviated from Allah's judgment.

All of the reports about early Islam may of course be biased and spurious. They may be interpreted as reflecting the ideals of scholars and historians who looked up to the model of the *Rāshidūn* in later times, when whims, interests and lust for power were the principles that governed politics, rather than justice and the public good. Indeed, Abū Bakr's call upon the community to correct him sounds like a utopia conceived by later scholars who deemed themselves qualified to instruct the rulers about the right conduct of state. The Sunni pious ideal of government is epitomized in the words attributed to 'Umar b. 'Abd al-'Azīz ('Umar II), the fifth Umayyad caliph (r. 717–720 CE), who serves the Sunnis as a model of piety and justice: “You must listen and obey and [I must] be just; if I am not, you are absolved from your pledge,” he said upon exchanging pledges with a man who came to him for the purpose. 'Umar II's inauguration speech included a declaration that he was no innovator, and a pledge to follow the Qur'an and the *sunna*. He also cited the *ḥadīth*, “No obedience is due to a created one, if it leads to disobedience of the Creator.”¹⁴⁰

Some of the reports about the *Rāshidūn* may reflect the actual state of affairs in early Islam, when several equally powerful individuals and groups vied for leadership on an equal footing, and the hierarchies of government and elites were not yet stabilized. Each of the competitors legitimized the claim to rule by pledging to follow the models that have been accepted by all, namely the Qur'an and the Prophet. Even though the concept of *sunna* was not yet consolidated, there is no reason to doubt that, in principle, the Prophet served as a model

during his life and immediately following his death and onwards. That the Qur'ān and the Prophet's conduct were open to various interpretations is another matter.

The stipulation “[to adhere to] the Book of Allah and the *sunna* of the Messenger” may be spurious in relation to the Rightly-Guided caliphs, but there is no reason to doubt that it was adduced in *bay'as* in later times.¹⁴¹ It also served as a touchstone, measuring the legitimacy and righteousness of government. Except for 'Umar II and Yazīd III (see below), the Umayyads usually failed this test. The Islamic tradition in general considers them to be oppressors and sinners, guilty of transforming the religiously founded caliphate to temporal kingship.¹⁴² In accordance with this image, Mu'āwiya b. Abū Sufyān is said to have refused pledging himself to follow the Qur'ān and the *sunna*. He is said to have evaded the issue, saying, “Is there any good in a matter unless it is directed according to the Book of Allah and the *sunna* of the Prophet?” He thus avoided pledging himself explicitly, but his interlocutor was satisfied and exchanged *bay'a* with him.

Mu'āwiya's cunning is demonstrated on another occasion as well. In his victory speech in Nukhayla in 661 CE, he invited the people to accept him as caliph. Someone stipulated that he follow the conduct of Abū Bakr and 'Umar, which he rejected, saying, “How about [the conduct of] 'Umar's appointees?” By this Mu'āwiya meant himself, for he had served 'Umar as governor of Syria. The man, innocently, consented, thus letting Mu'āwiya have his own self as a model.¹⁴³ Another report has Mu'āwiya exchange pledges with the people “on the Book of Allah and the *sunna* of the Prophet,” but one of his staunch supporters protested that by these conditions Mu'āwiya had weakened his own position and undermined the status of his office. This zealous supporter extended his hand, giving Mu'āwiya unconditional allegiance, and was followed by others (*ubsuṭ yadaka ubāyi'ka 'alā mā aḥbabnā wa-karihā*). There is no sign that Mu'āwiya objected to this un-Islamic procedure.¹⁴⁴ Obviously this report is meant to disparage the Umayyads, but it also indicates that the formula, “to adhere to the Qur'ān and the *sunna*,” was related to a devaluation of the caliph's image.

The Umayyads have been severely criticized by Muslims all through history. Not least among the points of censure was the fact that they replaced election by consensus with a dynastic rule. From Mu'āwiya's time onwards the call for election by consultation and consensus became the slogan and political program of many rebels. The formulation of this ideal is ascribed to 'Umar b. al-Khaṭṭāb, even though he was himself designated by his predecessor, not elected.¹⁴⁵

In 675 CE Mu'āwiya arranged for his son Yazīd to succeed him, in a *bay'a* ceremony that took place in Damascus. A well-known anecdote has a supporter of Mu'āwiya declare, “This is the Commander of the faithful”—he pointed at Mu'āwiya—“he has led the kingdom, and when he dies the heir of the kingdom will be this”—he pointed at Yazīd—“and whoever refuses will get this”—he pointed at his sword. The anecdote intends to show that dynastic rule was imposed on the unwilling community, but in fact Mu'āwiya had invested much effort in persuading the Arab notables to agree to the *bay'a* of Yazīd. Among other things, the sums of money he squandered in the process may be taken as his side of the *bay'a* deal. Alongside these efforts it was promised that Yazīd would follow in the path of the Rightly-Guided Caliphs and that he would unite the community.¹⁴⁶ The opponents were not convinced and the second civil war ensued (680–692 CE). The famous Companion and cousin of the Prophet, Ibn 'Abbās, tried to thwart the rebellion on the ground that Yazīd had been given a *bay'a*, which was not revocable. His attempt failed.¹⁴⁷

When Yazīd's army crushed the rebellion in Medina in 683 CE, the Syrian general demanded a *bay'a* from the defeated rebels: his stipulations were that the vanquished and their property were to become subjected to Yazīd and to the subsequent caliphs, to be disposed in any way the caliphs found appropriate. Two notables of the Quraysh refused these terms, and were prepared to give their pledge only provided the caliph followed the conduct of the second caliph, 'Umar. They were executed as rebels.¹⁴⁸

It is clear that such stipulations as those demanded by the Syrian general deprive the *bay'a* of its contractual aspect. This may be explained either by the exceptional

circumstances, or by assuming that the report was made up in order to defame the Umayyads. Either way, it may be noted that the Umayyads usually had contractual relationships with their supporters, even beyond the religious-cum-political transaction discussed above.

Specific Stipulations of Caliphal *Bay'as*

Historical accounts add another dimension to the contractual aspect of *bay'a*, which is usually lacking in the other genres: namely, specific commitments on the part of the ruler (or rebel). In his public victory speech (in Nukhayla, in 661 CE), Mu'āwiya promised that pensions would be paid on time, troops would not be detained on the frontiers unnecessarily, and war would be carried out in the enemy's territory. It was after making these promises that Mu'āwiya announced, "So get up and exchange pledges [with me]."¹⁴⁹ 'Alī, too, is reported to have required conditioned obedience of his commanders, dependent on his own conduct. This was to be characterized by respect for them and for their rights, equal treatment and transparency.¹⁵⁰ Particular terms also figure in the report about the rebellion against the 'Abbasid Caliph Amīn, son of Hārūn al-Rashīd, in the year 811 CE. One of his supporters chided the rebels on the ground that they had no grievance against Amīn: he did not deprive them of their pensions, he did not show disrespect towards their leaders, nor did he dismiss any of them from office.¹⁵¹ This reproach implies a contract between the caliph and his subordinates. As long as the caliph kept the terms of his *bay'a*, the subordinates were not absolved of theirs and had no right to rebel.

A specific ideological agenda also found its way into a *bay'a*: Supporters of al-Ḥasan b. 'Alī wanted him to commit himself to "war against the sinners" (*qitāl al-muḥillīn*), but all he was prepared to do was to commit himself to the general ideological term, adherence to the Qur'ān and the *sunna*. In fact, shortly afterward he broke the *bay'a*

that he had exchanged with his followers by abdicating in favor of Mu'āwiya (in the year 661 CE).¹⁵²

A *bay'a* that represents both the religious/moral and the concrete aspects of the transaction is that of Yazīd III, one of the three caliphs who reigned successively throughout the upheavals of the third civil war (743–744 CE). When his predecessor was killed in 744, Yazīd delivered a speech calling upon the people to accept his authority. He set as his model the Qur'ān and the *sunna* and made several promises, among them the following: not to amass wealth for himself and his family; not to transfer wealth from one town to another except when there was surplus; not to keep soldiers on the frontier for long periods of time; to give succor to the weak against the strong; not to overburden the payers of land tax; to pay yearly pensions and monthly rations regularly. "If I do not keep my word you may depose me, on condition that you first ask me to repent and if I do, you must accept." In conclusion he said, "No obedience is due to a created one, if it leads to disobedience of the Creator; no allegiance (*wafā'*) is due to [a leader] that breaks his pledge...if he disobeys Allah and calls upon others to do so, he should be disobeyed and killed." Yazīd III received a (renewed) *bay'a* on these conditions.¹⁵³

As far as I can tell, no ruler ever actually absolved his subjects from their pledge, least of all by admitting that he had been unjust. On the contrary, *bay'a* was perceived as binding as long as the parties were alive.¹⁵⁴ This view served the interests of both the rulers and those of the community who wished to avoid conflict at all costs, but it was sometimes counterproductive. When Mu'āwiya wished to secure a *bay'a* for his son Yazīd, Ibn al-Zubayr refused on the ground that a *bay'a* may not be exchanged with two living persons at the same time. He asked, "Who of you am I to obey?"¹⁵⁵ Probably this was but a pretext and a fake dilemma, for Ibn al-Zubayr had ambitions of his own, as was to be proven shortly afterwards. In fact, exchanging pledges with the heir apparent soon became the norm. Moreover, a caliph would nominate several of his sons to succeed him and one another, consummating the nominations by *bay'as*.

The rule became dynastic (though not linear) from

Mu'āwīya's time, but the *bay'a* was not obviated. Moreover, oaths were introduced to buttress the pledges made by hand clasp. This procedure is said to have been introduced by Ḥajjāj b. Yūsuf, general and governor of Iraq for 'Abd al-Malik (r. 685–705 CE).¹⁵⁶

Mamluk *Bay'a*

It bears repeating that this study does not systematically follow the historical developments of *bay'a*; Mamluk practices in this regard, however, are deserving of special attention because they represent glaring contradictions: one between the ideal and the real; another, between the charismatic leadership of early Islam and the bureaucratic apparatus of Mamluk times.

After the demise of the caliphate in Baghdad at the hands of the Mongols in 1248 CE, an 'Abbasid survivor met with Egypt's Mamluk ruler, King Baybars. The latter was prepared to accept him as caliph with the regal title al-Mustanşir; in return Baybars was invested with all real power and office.¹⁵⁷ This was a clever move on Baybars' part, since he lacked any legitimacy for rule. Al-Mustanşir was soon replaced by another 'Abbasid survivor, and this pattern of government continued to the end of the Mamluk state (1517 CE). The "'Abbasid-on-duty" was caliph only in name, and his sole role was to confer legitimacy upon the Mamluk officer who had seized power.

All the tasks of the caliphs, such as running the state, defending the Islamic territories, enforcing the implementation of all Islamic precepts, safeguarding the public order and so on were carried out by the Mamluk sulṭān and his intricate bureaucracy. The garrulous *bay'a* documents, however, continued to pretend that the caliph shouldered all these responsibilities, and demanded from him a pledge to follow in the footsteps of the Prophet and the Rightly-Guided Caliphs.¹⁵⁸ Purported divergence from this path constituted a justification for the sulṭān to depose the puppet-caliph.¹⁵⁹ The sulṭāns probably deposed caliphs for reasons other than diver-

gence from the right path. Nevertheless this justification reflects, again, the aspect of reciprocity of the *bay'a*: the caliph had pledged to follow the Prophet and the *Rāshidūn* and allegedly did not, thereby revoking the transaction and absolving the other party of the obligation to obey. Deposition followed as a logical consequence.

The transformation of both the sacrosanct and the reciprocal/contractual aspects of the *bay'a* throughout Islamic history reached its peak in Mamluk times and led to a paradox. The original *bay'a*, mentioned in Qur'ān 48:10, which stipulated obedience in return for a divine reward, had been concluded by a mere hand clasp; it was totally sacred, and revoking it was considered as apostasy punishable by death. In Mamluk times, exceptionally severe oaths were taken at the *bay'a*, but the caliph was but a puppet to be deposed, when convenient, by the real holders of power.¹⁶⁰ As one of the sages put it (although not referring to *bay'a*), "multiplicity of oaths is evidence of paucity of faith" (*kathrat al-aymān min qillat al-īmān*).¹⁶¹ Similarly, there seems to have been no correlation between reality and the declarations, in *bay'a* documents, that the pledge was exchanged out of volition of all parties involved.¹⁶²

The *bay'a* in Mamluk times was intended to secure the sulṭān's office rather than the caliph's. Therefore the Mamluk sulṭāns—surely an innovation according to the standards of the early *bay'as*—were mentioned in the documents and took part in the ceremonies. In this sense it may be observed that the documents and the ceremonies did not lose all touch with reality. However, in direct contradiction to the solemnity of oaths in the *bay'a* documents, not only were caliphs deposed by the sulṭāns, but the sulṭāns themselves were often deposed or murdered by their comrades and subordinates. Such occurrences were especially rife in the Mamluk period for reasons that are beyond the scope of this study. The Mamluk officers do not seem to have been worried about the sanctity and irrevocability of the *bay'a* that they had exchanged with the deposed/murdered sulṭān. In this, they differ from many other rebels who did find solutions to such a concern.

Rebels

As a rule “rebel” is a soubriquet given, not undertaken. Rebels do not consider themselves as renegades; on the contrary, they believe themselves to be right and just. Throughout Islamic history rebels were not deterred by the alleged irrevocability of the *bay’a* that they had given to the ruler; yet more often than not they were anxious to find a way to circumvent it. Discussion of the *bay’a* of rebels involves two disparate questions: first, the ways in which rebels justified revoking the pledge that they had exchanged with the ruler; and second, the kind of pledges that rebels exchanged with their own supporters.

Revoking the *Bay’a*

From the earliest period of the Islamic empire, rebellions were waged on sectarian grounds. By “sectarian” I mean certain groups, most notably the Shī’a and various Khawārij, which had standing ideological grievances and justifications for their uprisings. Rebels of this kind sometimes revoked their pledge with the ruler, but often they did not have to do so since they had not given it in the first place. At the same time, there were always aggrieved Muslims, not affiliated with any particular sectarian group, who rose in rebellion. Both kinds of rebels had two ways to justify revoking their pledge: they either invalidated the *bay’a* that they had given on various grounds (including the claim that indeed they had not given it at all), or else they accused the caliph of breaching it first. In the latter case they were in fact using the tension between the contractual and sacrosanct aspects of the *bay’a*. These two aspects do not clash as long as all the parties fulfill their commitments. If the ruler fails to do so, the subjects face a dilemma: acting according to the contractual aspect, they have the right to reciprocate and revoke their

pledge. But bound by the sacrosanct aspect, they must not do so. The various solutions of this dilemma constitute the dividing line between those who acquiesced and those who rebelled.

The first rebellions occurred even before any sectarian group came into existence. The rebels against ‘Uthmān (in the year 656 CE), while raising specific grievances such as the favoritism he showed towards his own family, also accused him of departing from the right path, by which, they argued, he violated his commitment to adhere to the Qur’ān and the *sunna*.¹⁶³ During the second civil war (680–692 CE), the Medinan rebel, Ibn al-Ghasīl, declared that his pledge to Yazīd, son of Mu’āwiya was revocable because Yazīd was sinful and unjust. The Medinans had many complaints against the Umayyads, for the latter systematically impaired their economic and social status.¹⁶⁴ The Medinans rendered the Umayyad policy in religious terms; they considered it as an infringement upon the religious principle of equity, hence as a breach of the rulers’ sacred commitment to act justly. The *bay’a* exchanged with Yazīd was therefore revocable.¹⁶⁵

Contrary to Ibn al-Ghasīl, the poet ‘Ubaydallah b. al-Ḥurr did not revoke his *bay’a*, but discarded his support of the Umayyads only after Yazīd had died in 683 CE. For a time he did not affiliate himself with any other claimant, for he thought that they were all sinners and that none was superior to him and his supporters. For further justification he cited the *ḥadīth*, “No obedience is due to a created one, if it leads to disobedience of the Creator,” and led a militia of sundry tribesmen, until eventually he accepted the authority of ‘Abd al-Malik.¹⁶⁶ These examples indicate that grievances leading to rebellions did not spring from religious motives alone. Still, the caliphs who failed to address the grievances were considered, in religious terms, to be sinful and oppressive

Rebels did not always wait for a breach of the commitment on the part of the caliph. For example, officers

in the army of of the caliph Amīn, fearing that he meant to impair their power, accused him of intending to break his commitments and oaths to them, and rebelled against him on this ground (in the year 811 CE).¹⁶⁷

The other way of justifying rebellion was by invalidating the *bay'a* that had been given. When the Companions Ṭalḥa and Zubayr rebelled against 'Alī in 656 (the Battle of the Camel), they argued that the *bay'a* that they had exchanged with him was worthless since it had been given under duress. One cannot be sure that the report is factual; but this certainly was a means by which the Sunni tradition exonerated these two venerated Companions from the charge that they had broken their *bay'a*.¹⁶⁸

Another case is that of the jurist Mālik b. Anas; he is reported to have supported the uprising of Muḥammad al-Nafs al-Zakiyya in 762 CE, arguing that the latter's *bay'a* to the Caliph Manṣūr had been given under duress. "A coerced pledge does not count," he said (*laysa li-mukrah bay'a*).¹⁶⁹ The same argument figures in the polemics between the Shī'a and the Sunna. The latter argued that the Shī'a had no case at all since 'Alī himself exchanged pledges with Abū Bakr. The Shī'a replied that 'Alī had done so under duress, or out of the noble motive of wishing to prevent internal strife; therefore, his pledge to Abū Bakr was not valid, while his own (and the Shī'i) claim for power remained legitimate.¹⁷⁰ Conversely, Muḥammad Ibn al-Ḥanafīyya, son of 'Alī, is reported to have avoided revoking his *bay'a* to the Umayyad caliph despite the fact that he had given it under duress.¹⁷¹

Exchanging *Bay'a* with the Followers: The Stipulations

The report that Ibn al-Ḥanafīyya never revoked his pledge to the caliph may be biased. Be that as it may, his role in the rebellion staged in his name by al-Mukhtār b. Abī 'Ubayd is far from clear. Al-Mukhtār, who initiated the movement in Kufa in 685 CE,

is reported to have exchanged pledges with the Kufans, on behalf of Ibn al-Ḥanafīyya, over a closed document. In other words, the stipulations were unknown to the Kufans.¹⁷² This is closer to paying allegiance unconditionally ("oath of allegiance") than to a transaction between the leaders and the led. Perhaps the document was not "closed" but empty, and al-Mukhtār only used Ibn al-Ḥanafīyya as a figurehead. Nonetheless, a "blind" *bay'a* was completely atypical of rebels.

There are of course different versions of the pledge exchanged between al-Mukhtār and his supporters. During his struggle against the governor of Kufa, who had been appointed by Ibn al-Zubayr (rival caliph, r. 683–692 CE), al-Mukhtār urged the people to give him "a pledge of the Right Way" (*bay'at hudā*), saying, "Exchange pledges with me stipulating [the following]: adherence to the Book of Allah and the *sunna* of his Prophet, revenge for the blood of the family of the Prophet, war against the transgressors, and defense of the weak; [you will] fight whoever I fight and you will make peace with whoever I make peace (*tubāyi'ūnī 'alā...qītāl man qātalnā wa-silm man sālamnā*), and [you will keep] the pledge you give us; we will not absolve you nor shall we resign." Whoever agreed to that clasped his hand and greeted him as Commander (*amīr*).¹⁷³

Noticeably Muḥammad Ibn al-Ḥanafīyya is not mentioned in this pledge. Moreover, its formulation, in particular "adherence to the Book of Allah and the *sunna* of his Prophet" and "we will not absolve you nor shall we resign," suggest that al-Mukhtār saw himself as the ultimate leader (even though he was greeted as "*amīr*" and not as Commander of the Faithful (*amīr al-mu'minīn*)). As mentioned before, Ibn al-Ḥanafīyya's role in this rebellion is far from clear. Other versions, however, have different stipulations for the *bay'a* of al-Mukhtār. According to these, he was acting as Ibn al-Ḥanafīyya's deputy, and his tasks were to wage war against the sinners and to avenge the blood of those slain from amongst the Prophet's family.¹⁷⁴

Unlike the ambiguity of al-Mukhtār's position, many rebels clearly considered themselves as legitimate substitutes for the caliphs whom they sought to depose, or

at least as Commanders of the Faithful in their own right, in their own communities. The Khārījī leaders exchanged pledges with their followers and were greeted as Commanders of the Faithful;¹⁷⁵ the followers of Muḥammad al-Nafs al-Zakiyya who led a revolt against Maṣūm (762 CE) pledged themselves to listen and obey,¹⁷⁶ and al-Hādī ilā al-Ḥaqq, founder of the Zaydī rule in Yemen in 877 CE, held the Qur’ān in his hand and addressed his followers, stating, “This is between you and me, verse by verse, if I digress by even a letter, you are not to obey me, nay, you should fight me.”¹⁷⁷ Ibrāhīm b. al-Mahdī (himself a rebel against Ma’mūn in Baghdad in 817 CE) received recognition in Baghdad “on condition that he follow the Book and the *sunna*” and that “no obedience is due to a created one, if it leads to disobedience of the Creator.”¹⁷⁸ And when Zayd b. ‘Alī (grandson of Ḥusayn b. ‘Alī b. Abī Ṭālib) rebelled against the Caliph Hishām in Kufa in 739 CE, the pledge he offered was as follows: “We call upon you to follow the Book of Allāh and the *sunna* of His Messenger, to fight the oppressors, to protect the weak, to give [pensions] to those who have been deprived of them (or: to give to the needy, *i’tā’ al-maḥrūmīn*), to distribute the booty in equal portions among those entitled to it, to deter the oppressors, to bring back [the troops] that have been detained on the frontiers, [whereas you pledge] to help us—family of the Prophet—against those who oppose us and ignore our right.” It is worth noting that the pledges of both sides are intertwined in one and the same formula. Whoever consented, Zayd further took an oath from him (*‘alayka ‘ahd allāh*) that he would act in good faith, keep the contract, and fight Zayd’s enemies.¹⁷⁹

Zayd’s *bay’a* both reflects his status as claimant to the throne, and defines the issues that generated his revolt. Similarly, the ‘Abbasids’ pledge during the phase of their struggle for power ran as follows: “I (i.e. the *naqīb*—agent—Abū Maṣūm, acting as the leader’s deputy) exchange a pledge with you to adhere to the Book of Allah and the *sunna* of his Prophet, and to obey the agreed-upon leader from amongst the family of the Prophet...you will not ask for allowances and worldly goods until your commanders give them to you, and if you defeat your

enemy, you will not harm him until you receive an order from your commanders.”¹⁸⁰ This particular *bay’a* contains not only the political program, but also orders of practical nature, which is not typical of pledges.

Since not all rebels saw themselves as potential Commanders of the Faithful, a pledge exchanged with a rebel sometimes meant temporary recognition of his authority for specific purposes. Such a pledge would often be an articulation of a cause, and a commitment of both the leader and the led to act together towards it.¹⁸¹ This seems to be the case of the leader of the Medinan opposition to the Umayyads in 680 CE. There is no indication that this leader, ‘Abdallāh Ibn al-Ghasīl, claimed the caliphate for himself, but, when the Syrian army approached Medina he exchanged pledges with his followers to fight to the death. The Companion ‘Abdallāh b Zayd, who had been present at Ḥudaybiyya (in 628 CE), protested: “I shall never exchange such a *bay’a* (i.e. to fight to the death) with anyone after having done so with the Prophet.”¹⁸²

The purpose of the anti-Umayyad Iraqi revolt in 720 CE was clearly defined in the *bay’a* formulated by its leader, Yazīd Ibn al-Muhallab. Its stipulations were as follows: to adhere to the Qur’ān and the *sunna*, to prevent [Syrian] troops from entering Iraq, and to thwart attempts to impose on Iraq an oppressive regime such as there was during the governorship of Ḥajjāj.¹⁸³ Yazīd Ibn al-Muhallab did not abstain from accusing the Umayyads of digressing from the Qur’ān and the *sunna*, but he did not seem to have aspired to replace them himself. Nor did the Turkish officers who killed Mutawakkil (in 861 CE) aspire to take the caliph’s place. However, their pledge to assassinate him, and the later plot to assassinate the Caliph Musta’in, are referred to as *bay’a*. No religious motives are mentioned in these cases.¹⁸⁴

The revolt of Ibn al-Ash’ath in the year 700 CE presents a more difficult case. The grievances were military in nature and the main target of anger was Ibn al-Ash’ath’s superior, the aforementioned Ḥajjāj. The troops exchanged pledges with Ibn al-Ash’ath, stipulating that they reject the authority of Ḥajjāj and would act towards driving him out of Iraq. Later, the mutineers repudiated

the caliph too, and a new *bay'a* was given to Ibn al-Ash'ath. This *bay'a* stipulated adherence to the Book of Allah and the *sunna* of the Prophet, rejection of the leaders who led in the wrong path (*a' immat al-ḡalāla*), and a declaration of war against the sinners. Later, all of the Basrans joined this rebellion on the same terms.¹⁸⁵ There is no mention of a new candidate who intended to replace the wicked caliph.

Occasionally, rebels began their careers endorsing specific issues, and then claimed the rule for themselves. The most notable among these are Mu'āwiya b. Abū Sufyān and 'Abdallāh b. al-Zubayr. Mu'āwiya's pledge, after the assassination of 'Uthmān, was about avenging the caliph's blood, not about the caliphate. It was only later that he came forth as a candidate and fought 'Alī over the throne.¹⁸⁶ 'Abdallāh b. al-Zubayr started by contesting the legitimacy of Mu'āwiya's son, Yazīd (in the year 680 CE), and demanded that a new caliph be elected by consultation and consensus. He exchanged pledges with his followers to act towards this end. During the Syrian attack on Medina (the battle of al-Ḥarra in 683 CE) and then Mecca, he exchanged pledges with his followers to fight the attackers. Upon the death of Yazīd (683 CE), Ibn al-Zubayr claimed the caliphate and exchanged *bay'a* with his followers to that effect. The stipulations were adherence to the Book, the *sunna* and "the conduct of the righteous caliphs." Some of his followers protested, "Is this the purpose for which we gave you our support? You had called for consensus and consultation; had you been patient, and had you consulted, we would have chosen you and exchanged pledges with you." In spite of these misgivings, Ibn al-Zubayr was recognized as caliph by many of the provinces.¹⁸⁷

In turbulent times such as civil wars, the initiative to exchange a *bay'a* may come from below rather than from a rebellious leader. During the second civil war people pressured Ibn 'Umar, son of the second caliph, to lead them: "You are the leader of the people, the son of their leader; the people approve of you, so come forth and we shall exchange pledges with you" (*anta sayyid al-nās wa-ibn sayyidihim wa-al-nās 'anka rāḡūn ukhruj nubāyi'ka*).¹⁸⁸ Ibn 'Umar refused and became a model of

righteousness, in contradistinction with all those who loved to rule and fought for power.

A *Bay'a* to Fight or to Die

A *bay'a* to fight and not to flee, or to fight until death, occurs in a variety of contexts. The model of this procedure is the Prophet's *bay'a* at Ḥudaybiyya, discussed earlier.¹⁸⁹ The most obvious role of such pledges was to raise the combatants' motivation and fighting spirit in the course of battles.¹⁹⁰ However, such pledges were given before battles as well. According to a certain report 40,000 troops stationed in Adharbayjān are said to have given 'Alī their pledge to fight to the death.¹⁹¹ This pledge appears like an "oath of allegiance," but one should remember that a Muslim, participating in jihad, or on the right side of a battle, expects divine reward. A most vivid description is given in an eschatological report: The Dajjāl (i.e. the false Messiah) is coming, and the few Muslims who survive are besieged on top of a mountain, desperate. One of them rises to encourage his companions, reminding them that they are "between the two good outcomes" (*bayna al-ḡusnayyini*), namely, they will either be victorious or become martyrs and enter Paradise. Upon hearing this, the people exchange pledges to fight (*fa-yatabāya'ūna 'alā al-ḡitāl*).¹⁹² The scene echoes Qur'ān 9:52, addressed to shirkers who failed the Prophet: "What can you expect for us [Muslims] except one of the two good things, while we expect for you punishment from Allah..."¹⁹³

A pledge of troops, however, seems to have become a routine procedure, although information concerning this is not rife. The *Ṣaḡīḡ* compilation by Muslim contains a chapter entitled "the desirability of exchanging a pledge between the leader and the troops when fighting is intended."¹⁹⁴ "The ruler (*imām*) or his deputy may take a pledge from troops when they are added to the register," says Ibn Jamā'a in the 14th century.¹⁹⁵

Conclusion

In pre-Islamic Mecca, *bay'a* was a transaction, and apparently it had no religious significance. There was, therefore, only one aspect to it—that is, reciprocity. Hand clasp, on the other hand, was a gesture employed in a variety of contexts, both secular and sacred. The Prophet adopted the gesture of hand clasp, and transformed the concept of *bay'a* so that it became a token of the pledge between himself and his followers. As stated in the Qur'ān, *bay'a* with the Prophet amounted to a contract between the new converts and Allah himself. Although not a contract in the strict legal sense, the *bay'a* included stipulations of both a religious and a practical nature incumbent upon the parties. The believers were to obey the Prophet, perform the commandments of Islam, migrate to Medina, and participate in jihad. In return, Allah and the Prophet promised membership in the community, rights such as protection, legal solutions, partaking in the booty, and salvation.

By transforming the *bay'a* in this way, the Prophet added two aspects to it, namely, sanctity and authority. The three themes are intertwined: the *bay'a*'s sanctity derived from its reciprocity, for a transaction with Allah is by definition sacred. Authority likewise was determined by the reciprocity, for Allah, who is part to the transaction, must be obeyed (and so must His Messenger). Due to the particular kind of leadership that the Prophet exercised, revoking a *bay'a* exchanged with him amounted to apostasy, which is a capital crime.

The precedents set by the Prophet made possible the appointment of his successor, Abū Bakr, by the concept and gesture which had become sacred and irrevocable. For a long time after the death of the Prophet, *bay'a* continued to mark the connection between the believer and Allah, through the leader. Accordingly the caliphs' stature grew, and by the late Umayyad times the concept of the caliph as Deputy of Allah (*khalīfat allāh*) reached its apogee.

This development aroused opposition because many

Muslims declined regarding the caliph as a link connecting them to Allah. Therefore a new notion of *bay'a* gradually developed among what may be termed proto-Sunni Islam; according to this view the caliph's aptness to lead in the right path did not hinge on his singular personal qualities or on his election by Allah. Rather, his adherence to the Qur'ān and the conduct of the Prophet (in addition to Qurayshī genealogy) made him fitting to rule. The concept of authority thus gradually changed, and so did the terms of reciprocity and the foundation of the *bay'a*'s sanctity. The caliphs did not directly promise heavenly reward as the Prophet had done, but undertook to follow the Book and the *sunna*, act justly and fulfill their duties.

The sanctity of the *bay'a* came to be derived not from its role as a connecting link to Allah, but from the idea that Allah and the Prophet had ordered adherence to it and obedience to the rulers. This He did for the benefit of Islam and the welfare of the Muslim community. Thus the original transaction between the believer and Allah, through the Prophet, was transformed into one between the community and its leader. Revoking a caliphal *bay'a* amounted to rebellion, not to apostasy as it had been in early Islam. It may also be noted that in the early caliphate (632–660 CE), the *bay'a* reflected an election of sorts, or a communal consent to accept the appointments made by the departing caliphs. Long after dynastic rule had become the norm in Islam, the *bay'a* continued to be considered as a token of the relationship between the caliph and the community, and it was retained as ratification of any caliph's ascension to the throne.

Dynastic rule in Islam never meant a fixed pattern of power transfer. New caliphs assumed office through designation by their predecessors, or through election by the power holders—politicians and officials—or by

usurpation. In all of these events the new ruler exchanged *bay'a* with representatives of the elite, and then with the public. The latter was done in a symbolic way, since it was impossible to clasp the hands of all the population. This holds true not only for the 'Abbasid caliphs in Baghdad, but also the Fāṭimids and the Umayyads in Andalus.¹⁹⁶

The *bay'a* had no fixed formula even after the procedure had crystallized. Nevertheless certain elements, such as a commitment to follow the Qur'ān and the *sunna* and the declaration of volition, were, as a rule, included.¹⁹⁷ A succinct formula is reported for the last 'Abbasid caliph of Baghdad, al-Musta'ṣim bi-Allah (in 1242 CE). The subjects declared, "I exchange pledges with our lord and master, the Commander of the Faithful, on [condition that he follows] the Book of Allah, the *sunna* of His Messenger, and his own glorious discretion, and that [we recognize] no other caliph for the Muslims." People approached the caliphs according to their status, to utter these words and to clasp his hand. No oaths are mentioned, perhaps because the historian did not think that oaths were part of the *bay'a* formula.¹⁹⁸

In the formative period of Islam (and perhaps later too) *bay'a* marked the relationship not only between rulers and subjects but also between rebellious leaders and their followers. Since rebels conceived of themselves as repre-

sending legitimacy and opposing tyranny, they absolved themselves of the *bay'a* that they had exchanged with the ruler. They did this either on the grounds that the ruler had broken it first or that it had been invalid in the first place. Deeming themselves to be restorers of the original and just order, true heirs to the Prophet, rebels followed the practice of exchanging pledges with their followers. It is no accident that they used the same formula—pledging to adhere to the Qur'ān and the *sunna*—since this precisely was their point: the ruler diverged from these models, and the rebel rose to restore it. Emulation of the caliphal *bay'a* was entirely appropriate.

A change of government always entailed a *bay'a*, regardless of the manner of accession. This fact means that *bay'a* was the procedure that conferred legitimacy on the new leader. The main function of *bay'a*, however, was to determine the relationship between leaders and those they led. This relationship may be characterized as a sacred contract ("sanctity") which defined both the status of the parties in relation to one another ("authority"), and their expectations of one another ("reciprocity"). The various contexts and contents of *bay'a* throughout Islamic history reflect the flexibility of the institution. They prove it to be far broader than a simple oath of allegiance.

BIBLIOGRAPHY

- 'Abbāsī, al, Ḥasan b. 'Abdallāh, *Āthār al-Uwal fī Tartīb al-Duwal* (Beirut: Dār al-Jīl, 1409/1989).
- 'Abd al-Ḥamīd b. Yaḥya, *'Abd al-Ḥamīd b. Yaḥyā wa-mā Tabāqqā min Rasā'ilihi wa-Rasā'il Sālim b. Abī al-'Alā'* (Amman: Dār al-Shurūq Li-al-Nashr wa-al-Tawzī', 1988).
- 'Abd al-Majīd, Aḥmad Fu'ād 'Abd al-Jawād, *Al-Bay'a 'inda Mufakkirī Ahl al-Sunna wa-al-'Aqd al-Ijtīmā'ī fī al-Fikr al-Siyāsī al-Ḥadīth* (Cairo: Dār Qubā', 1998).
- 'Abd al-Razzāq b. Hammām, *Muṣannaf 'Abd al-Razzāq* (Beirut: al-Maktab al-Islāmī, 1403/1982).
- Abū Ḥayyān, Muḥammad b. Yūsuf, *Al-Baḥr al-Muḥīṭ fī al-Tafsīr* (Beirut: Dār al-Fikr li-al-Ṭibā'a wa-al-Nashr wa-al-Tawzī', 1412/1992).
- Abū 'Ubayd, al-Qāsim b. Sallām, *Kitāb al-Amwāl* (Beirut: Mu'assasat Nāṣir li-al-Thaqāfa, 1981).
- Abū Ya'lā, Muḥammad. b. al-Ḥusayn, *Al-Aḥkām al-Sulṭāniyya* (Beirut: Dār al-Fikr, 1394/1974).
- Abū Yūsuf, Ya'qūb. B. Ibrāhīm, *Kitāb al-Kharāj* (Beirut: Dār al-Ma'rifa li-al-Ṭibā'a wa-al-Nashr, n.d.).
- Ājurrī, al, Muḥammad b. al-Ḥusayn *Al-Sharī'a* (Beirut: Dār al-Kutub al-'Ilmiyya 1403/1983).
- Al-Yaḥyā, Yaḥyā b. Ibrāhīm, *Al-Khilāfa al-Rāshida wa-al-Dawla al-Umawiyya min Faḥ al-Bārī* (Riyadh: Dār al-Hijra, 1417/1996).
- Arendonck, van, Cornelis, *Les debuts de l'Imamat Zaidite au Yemen* (Leyde: E. J. Brill, 1960).
- Ash'arī, al, Abū al-Ḥasan, *Al-Ibāna 'an Uṣūl al-Diyāna* (Riyadh: Jāmi'at al-Imām Muḥammad b. Sa'ūd, 1400/1980).
- Baghdādī, al, 'Abd al-Qāhir, *Uṣūl al-Dīn* (Istanbul: Maṭba'at al-Dawla, 1348/1928).
- Bakrī, al, 'Abdallāh b. 'Abd al-'Azīz, *Mu'jam mā Ista'jam min Asmā' al-Bilād wa-al-Mawāḍi'* (Beirut: 'Ālam al-Kutub, 1403).
- Balādhurī, al, Aḥmad b. Yaḥyā, *Ansāb al-Ashrāf*, vol.4b (Jerusalem: Institute of Asian and African Studies, (The Hebrew University, 1938).
- Balādhurī, al, Aḥmad b. Yaḥyā, *Ansāb al-Ashrāf*, vol. 5 (Jerusalem: Institute of Asian and African Studies, The Hebrew University, 1936).
- Bayḍāwī, al, 'Abdallāh b. 'Umar, *Anwār al-Tanzīl wa-Asrār al-Ta'wīl* (Beirut: Dār al-Fikr li-al-Ṭibā'a wa-al-Nashr wa-al-Tawzī', 1416/1996).
- Bayhaqī, al, Aḥmad b. al-Ḥusayn, *Al-Sunan al-Kubrā* (Mecca: Maktabat Dār al-Bāz, 1414/1994).
- Bravmann, M.M., *The Spiritual Background of Early Islam: Studies in Early Arab Concepts* (Leiden: E.J. Brill, 1972).
- Bukhārī, al, Muḥammad b. Ismā'īl, *Ṣaḥīḥ al-Bukhārī* (Beirut: Dār Ibn Kathīr and al-Yamāma, 1407/1987).
- Chejne, Anwar G., *Succession to the Rule in Islam* (Lahore: SH. Muhammad Ashraf, 1960).
- Cook, Michael, *Commanding Right and Forbidding Wrong in Islamic Thought* (New York: Cambridge University Press, 2000).
- Crone, Patricia and Hinds, Martin, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986).
- Crone, Patricia, "On the Meaning of the 'Abbasid Call to al-Riḍā," in: C. E. Bosworth, Charles Issawi, Roger Savory and A. L. Udovitch (eds.), *The Islamic World from Classical to Modern Times*, Essays in Honor of Bernard Lewis (Princeton, N.J.: The Darwin Press, 1989).
- Crone, Patricia, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004).
- Dhahabī, al, Muḥammad b. Aḥmad, *Ta'rīkh al-Islām* (Beirut: Dār al-Kitāb al-'Arabī, 1407/1987).
- Elad, Amikam, "The Rebellion of Muḥammad b. 'Abdallāh b. al-Ḥasan (known as al-Nafs al-Zakiyya) in 145/762" in James Montgomery (ed.), *Abbasid Studies: Occasional Papers of the School of Abbasid Studies* (Leuven: Peeters, 2004), pp. 147–198.

- Ghazālī, al, Abū Ḥāmid Muḥammad b. Muḥammad, *Al-Iqtisād fī al-'itiqād* (Ankara: Nur Matbaası, 1962).
- Ghazālī, al, Abū Ḥāmid Muḥammad b. Muḥammad, *Faḍā' ih al-Bāṭiniyya* (Amman: Dār al-Bashīr, 1413/1993).
- Goitein, S. D., "Attitudes towards Government," in S. D. Goitein, *Studies in Islamic History and Institutions* (Leiden: E. J. Brill, 1966), pp. 197–213.
- Hakim, Avraham, "Glorious Hamdān: A New Source for the Battle of Şiffin," *Jerusalem Studies in Arabic and Islam*, Vol. 34 (2008), pp. 421–458.
- Hakim, Avraham, "Umar b. al-Khaṭṭāb and the Title Khalīfat Allah," *Jerusalem Studies in Arabic and Islam*, Vol. 30 (2005), pp. 207–230.
- Hakim, Avraham, "Conflicting Images of Lawgivers, the Caliph and the Prophet: *Sunnat* 'Umar and *Sunnat* Muḥammad" in Berg, H (ed.), *Method and Theory in the Study of Islamic Origins* (Leiden and Boston: E.J. Brill, 2003), pp. 159–177.
- Hawting, Gerald R. *The First Dynasty of Islam: the Umayyad Caliphate AD 661–750* (London: Croom Helm, 1986).
- Haythamī, al, 'Alī. b. Abū Bakr, *Majma' al-Zawā'id wa-Manba' al-Fawā'id* (Cairo and Beirut: Dār al-Rayyān li-al-Turāth and Dār al-Kitāb al-'Arabī, 1407/1987).
- Holt, P.M., "The Position and Power of the Mamluk Sultan," *Bulletin of the School of Oriental and African Studies*, Vol. 38 (1975), pp. 237–249.
- Holt, P. M., "Some Observations on the 'Abbasid Caliphate of Cairo," *Bulletin of the School of Oriental and African Studies*, Vol. 47 (1984), pp. 501–507.
- Holt, P. M., "The Structure of Government in the Mamluk Sultanate" in Holt, P.M. (ed.), *The Eastern Mediterranean Lands in the Period of the Crusades* (Warminster, Wilts: Aris and Phillips, 1977), 44–61.
- Ibn Abī al-Zamanīn, *Tafsīr al-Qur'ān al-'Azīz* (Cairo: Al-Fārūq al-Ḥadītha li-al-Ṭibā'a wa-al-Nashr, 1423/2002).
- Ibn 'Asākir, 'Alī, b. Al-Ḥasan, *Ta' rīkh Madīnat Dimashq* (Damascus: Dār al-Fikr, 1982).
- Ibn A'tham al-Kūfī, Aḥmad b. A'tham, *Al-Futūḥ* (Beirut: Dār al-Kutub al-'Ilmiyya, 1986).
- Ibn al-Athīr, Majd al-Dīn, *Al-Nihāya fī Gharīb al-Ḥadīth wa-al-Athar* (Qumm: Mu'assasat Ismā'īliyyān, 1364).
- Ibn al-Athīr, 'Izz al-Dīn, *Al-Kāmil fī al-Ta' rīkh* (Beirut: Dār Şādir and Dār Beirut, 1385/1965).
- Ibn Ḥajar al-'Asqalānī, Aḥmad b. 'Alī, *Talkhīṣ al-Ḥabīr fī Takhrīj Aḥādīth al-Rāfi'ī al-Kabīr* (Medina, 1384/1964).
- Ibn Ḥajar al-'Asqalānī, Aḥmad b. 'Alī, *Al-Iṣāba fī Tamyiz al-Şahāba*, (Cairo: Maṭba'at al-Sa'āda, 1328).
- Ibn Ḥajar al-'Asqalānī, Aḥmad b. 'Alī, *Fath al-Bārī Sharḥ Şahīḥ al-Bukhārī* (Beirut: Dār al-Ma'rifa, 1379).
- Ibn Ḥanbal, Aḥmad, *Musnad al-Imām Aḥmad Ibn Ḥanbal* (Cairo: Mu' assasat Qurṭuba, n.d).
- Ibn Ḥazm, 'Alī b. Aḥmad, *Al-Muḥallā* (Beirut: Dār al-Āfāq al-Jadīda, n.d.).
- Ibn Ḥibbān, Muḥammad b. Aḥmad, *Kitāb al-Thiqāt* (Beirut: Dār al-Fikr, 1395/1975).
- Ibn Hishām, 'Abd al-Malik, *Al-Sīra al-Nabawiyya* (Cairo: Maktabat Muṣṭafā al-Bānī wa-Awlāduhu, 1355/1936).
- Ibn al-'Imād, 'Abd al-Ḥayy b. Aḥmad, *Shadharāt al-Dhahab fī Akhbār man Dhahab* (Beirut: Dār al-Kutub al-'Ilmiyya, 1998).
- Ibn Jamā'a, Badr al-Dīn, *Tahrīr al-Aḥkām fī Tadbīr Ahl al-Islām* (Qatar: Dār al-Thaqāfa, 1408/1988).
- Ibn al-Jawzī, 'Abd al-Raḥmān b. 'Alī, *Zād al-Masīr fī 'Ilm al-Tafsīr* (Beirut: Dār al-Fikr li-al-Ṭibā'a wa-al-Nashr wa-al-Tawzī', 1407/1987).
- Ibn Kathīr, Ismā'īl b. 'Umar, *Tafsīr Ibn Kathīr* (Beirut: Dār al-Fikr, 1401/1981).
- Ibn Kathīr, Ismā'īl b. 'Umar, *Al-Bidāya wa-al-Nihāya* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī wa-Mu' assasat al-Ta' rīkh al-'Arabī, 1413/1993).
- Ibn Khaldūn, 'Abd al-Raḥmān, *Muqaddimat Ibn Khaldūn* (Cairo: Lajnat al-Bayān al-'Arabī, 1957–62/1376–78).
- Ibn Mājjā, Muḥammad b. Yazīd, *Sunan Ibn Mājjā* (Beirut: Dār al-Fikr, 2001).
- Ibn Manzūr, Muḥammad b. Mukram, *Lisān al-'Arab* (Qumm: Nashr Adab al-Ḥawza, 1405/1995).
- Ibn Manzūr, Muḥammad b. Mukram, *Mukhtaṣar Ta' rīkh Dimashq li-Ibn 'Asākir* (Damascus: Dār al-Fikr, 1990).

- Ibn Mufliḥ, Ibrāhīm b. Muḥammad, *Al-Mubdi'* (Beirut: al-Maktab al-Islāmī, 1400/1980).
- Ibn Qānī, 'Abd al-Bāqī, *Mu'jam al-Ṣaḥāba* (Medina: Maktabat al-Ghurabā' al-Athariyya, 1418/1997).
- Ibn Qayyim al-Jawziyya, Muḥammad b. Abī Bakr, *Zād al-Ma'ād fī Hadyī Khayr al-'Ibād* (Beirut: Dār al-Kutub al-'Ilmiyya, n.d.).
- Ibn Qayyim al-Jawziyya, Muḥammad b. Abī Bakr, *A'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār al-Kutub al-'Ilmiyya, 1414/1993).
- Ibn Qudāma al-Maqdisī, *Al-Mughnī* (Beirut: Dār al-Fikr, 1405/1985).
- Ibn Qutayba, 'Abdallāh b. Muslim (ps), *Al-Imāma wa-al-Siyāsa (= Ta'riḫ al-Khulafā')* (Mu'assasat al-Ḥalabī wa-Shurakā' uhu li-al-Nashr wa-al-Tawzī', n.d.).
- Ibn Sa'd, Muḥammad, *Al-Ṭabaqāt al-Kubrā, al-Qism al-Mutammim* (Medina: Maktabat al-'Ulūm wa-al-Ḥikam, 1408/1988).
- Ibn Sa'd, Muḥammad, *Al-Ṭabaqāt al-Kubrā* (Beirut: Dār Ṣādir, 1405/1985).
- Ibn al-Ṭiṭṭaqā, Muḥammad b. 'Alī b. Ṭabāṭabā, *Al-Fakhrī fī al-Ādāb al-Sultāniyya wa-al-Duwal al-Islāmiyya* (Beirut: Dār Ṣādir, 1966).
- Ibn al-Wazīr, Muḥammad b. Ibrāhīm, *Al-Rawḍ al-Bāsim fī al-Dhabb 'an Sunnat Abī al-Qāsim* (Beirut: Dār al-Kutub al-'Ilmiyya, 1419/1999).
- Iṣbahānī, al, Abū Nu'aym, *Ḥilyat al-Awliyā' wa-Ṭabaqāt al-Aṣfiyā'* (Beirut: Dār al-Kitāb al-'Arabī, 1405/1985).
- Izutsu, Toshihiko, *Ethico-Religious Concepts in the Qur'ān* (Montreal: McGill, 1966).
- Jabartī, al, 'Abd al-Raḥmān b. Ḥasan, *Ta'riḫ 'Ajā'ib al-Āthār fī al-Tarājim wa-al-Akḥbār* (Beirut: Dār al-Jīl, 1980?).
- Jalālayn, al: Maḥallī, al, Jalāl al-Dīn and Suyūṭī, al, Jalāl al-Dīn, *Tafsīr al-Jalālayn* (Damascus: Maktabat al-Mallāḥ, n.d.).
- Jaṣṣāṣ, al, Aḥmad b. 'Alī al-Rāzī, *Aḥkām al-Qur'ān* (Beirut: Dār al-Kitāb al-'Arabī, 1997).
- Kennedy, Hugh, *The Prophet and the Age of the Caliphates* (London: Longman, 1986).
- Khadduri, Majid, *War and Peace in the Law of Islam* (Baltimore: J. Hopkins Press, 1962).
- Khālidī, al, Maḥmūd, *Al-Bay'a fī al-Fikr al-Siyāsī al-Islāmī* (Amman: Maktabat al-Risāla al-Ḥadītha, 1405/1985).
- Khallāl, al, Aḥmad b. Muḥammad, *Al-Sunna* (Riyadh: Dār al-Rāya li-al-Nashr wa-al-Tawzī', 1410/1489).
- Khāzin, al, 'Alī b. Muḥammad, *Lubāb al-Ta'wīl fī Ma'ānī al-Tanzīl* (Beirut: Dār al-Kutub al-'Ilmiyya, 1415/1995).
- Kister, M.J., "Land Property and Jihād," *Journal of Economic and Social History of the Orient*, Vol. 34 (1992), pp. 270-311.
- Kister, M.J., "Social and Religious Concepts of Authority in Islam," *Jerusalem Studies in Arabic and Islam*, Vol. 18 (1994), pp. 84-127.
- Kister, M. J. "The Battle of Al-Ḥarra. Some Socio-Economic Aspects" in M. Rosen-Ayalon (ed.), *Studies in Memory of Gaston Wiet* (Jerusalem: Institute of Asian and African Studies, The Hebrew University, 1977), pp. 33-49.
- Lālikā' ī, al, Hibat Allāh b. al-Ḥasan, *Sharḥ Uṣūl l'tiqād Ahl al-Sunna wa-al-Jamā'a* (Riyadh: Dār Ṭayba li-al-Nashr wa-l-Tawzī', n.d.).
- Landau-Tasserón, Ella, "From Tribal Society to Centralized Polity: An Interpretation of Events and Anecdotes of the Formative Period of Islam," *Jerusalem Studies in Arabic and Islam*, Vol. 24 (2000), pp. 180-216.
- Landau-Tasserón, Ella, "Alliances among the Arabs," *Al-Qantara*, Vol. 26 (2005), pp. 141-173.
- Lewis, Bernard, *The Political Language of Islam* (Chicago: University of Chicago Press, 1988).
- Lewis, Bernard, "On the Quietist and Activist Tradition in Islamic Political Thought," *Bulletin of the School of Oriental and African Studies*, Vol. 49, no. 1 (1986), pp. 141-147.
- Marsham, Andrew, *Rituals of Islamic Monarchy* (Edinburgh: Edinburgh University Press, 2009).
- Māwardī, al, 'Alī b. Muḥammad, *Al-Aḥkām al-Sultāniyya wa-al-Wilāyāt al-Dīniyya* (Alexandria: Dār Ibn Khaldūn, 1990?).
- Māwardī, al, 'Alī b. Muḥammad, *Tashīl al-Nazar wa-Ta'jīl al-Zafar fī Akhlāq al-Malik wa-Siyāsāt al-Mulk* (Beirut: Al-Markaz al-Islāmī li-al-Buḥūth wa-Dār al-'Ulūm al-'Arabiyya, 1987).
- Muslim b. al-Ḥajjāj, *Ṣaḥīḥ Muslim* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, n.d.).
- Muṣṭafā, 'Alī 'Abd al-Qādir, *Al-'Aqd al-Siyāsī: Dirāsa Muqārīna bayna al-Bay'a wa-al-'Aqd al-Ijtimā'ī* (Cairo: n.n. 1995).

- Nasafī, al, 'Abdallāh b. Aḥmad, *Madārik al-Tanzil wa-Ḥaqā'iq al-Ta'wīl* (Beirut: Dār al-Kitāb al-'Arabī, 1980).
- Naṣr b. Muzāḥim, *Waq'at Ṣiffīn*, (Cairo: al-Mu'assasa al-'Arabiyya al-Ḥadītha and Maktabat al-Khānjī, 1401/1981).
- Podeh, Elie "The Bay'a: Modern Political Uses of Islamic Ritual in the Arab World," *Die Welt des Islams*, Vol. 50, No.1 (2010), pp. 117-152.
- Qadi, al, Wadad, "The Religious Foundation of Late Umayyad Ideology," in: *Saber Religioso y Poder Politico, actas del simposio internacional, Granada 15-18 octubre 1991* (Madrid: Agencia Espanola de Cooperacion Internacional, 1994), pp 231-273.
- Qalahātī, al, Muḥammad b. Sa'īd, *Al-Kashf wa-al-Bayān*, in: *Ḥawliyyāt al-Jāmi'a al-Tūnisiyya*, Vol. 11 (1974), pp. 179-238.
- Qalqashandī, al, Aḥmad b. 'Abdallāh, *Ma'āthir al-Ināfa fī Ma'ālim al-Khilāfa* (Kuwait: Wizārat al-Irshād wa-al-Anbā', 1964).
- Qalqashandī, al, Aḥmad b. 'Alī, *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā'* (Beirut: Dār al-Fikr and Dār al-Kutub, 1407/1987).
- Qanawjī, al, Ṣādiq b. Ḥasan, *Abjad al-'Ulūm* (Beirut: Dār al-Kutub al-'Ilmiyya, 1978).
- Qurṭubī, al, Muḥammad b. Aḥmad, *Tafsīr al-Qurṭubī* (Cairo: Dār al-Sha'b, 1372/1952).
- Quṭb, Muḥammad 'Alī, *Bay'at al-Nisā' li-al-Nabiyy* (Cairo: Maktabat al-Qur`ān, 1982).
- Rāzī, al, Muḥammad b. 'Umar Fakhr al-Dīn, *Manāqib al-Imām al-Shāfi'ī* (Cairo: Al-Maktaba al-'Ālamiyya, n.d.).
- Rosenthal, Erwin, *Political Thought in Medieval Islam* (Cambridge: The University Press, 1958).
- Rubin, Uri, *The Eye of the Beholder* (Princeton N. J.: The Darwin Press, 1995).
- Sarakhsī, al, Muḥammad b. Aḥmad, *Sharḥ Kitāb al-Siyar al-Kabīr li-al-Imām al-Shaybānī* (Beirut: Dār al-Kutub al-'Ilmiyya, 1997).
- Shāfi'ī, al, Muḥammad b. Idrīs, *Kitāb al-Umm* (Beirut: Dār al-Ma'rifa, 1393/1973).
- Sharon, Moshe, *Black Banners from the East* (Jerusalem: The Magnes Press and Leiden: E.J. Brill, 1983).
- Suyūṭī, al, Jalāl al-Dīn, *Al-Durr al-Manthūr fī al-Tafsīr bi-al-Ma'thūr* (Beirut: Dār al-Fikr, 1983).
- Ṭabarānī, al, Sulaymān b. Aḥmad, *Al-Tafsīr al-Kabīr* (Irbid: Dār al-Kitāb al-Thaqāfi, 2008).
- Ṭabarī, al, Aḥmad b. 'Abdallāh Muḥibb al-Dīn, *Al-Riyāḍ al-Naḍra fī Manāqib al-'Ashara* (Beirut: Dār al-Gharb al-Islāmī, 1996).
- Ṭabarī, al, Muḥammad b. Jarīr, *Tafsīr al-Ṭabarī* (Beirut: Dār al-Fikr, 1405/1985).
- Ṭabarī, al, Muḥammad b. Jarīr, *Ta'rikh al-Rusul wa-al-Mulūk* (Cairo: Dār al-Ma'ārif, 1960).
- Ṭarīqī, al, 'Abdallāh b. Ibrāhīm, *Ahl al-Ḥall wa-al-'Aqd, Ṣifātuhum wa-Wazā'ifuhum* (Mecca: Rābiṭat al-'Ālam al-Islāmī, 1419/1990).
- Ṭūsī, al, Muḥammad b. al-Ḥasan, *Kitāb al-Khilāf fī al-Fiqh* (Qumm: Mu'assasat al-Nashr al-Islāmī, n.d.).
- Tyan, Emile, "Bay'a," in: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs (eds.), *Encyclopaedia of Islam, Second Edition.*, Vol. 1, p. 1113.
- Tyan, Emile, *Institutions du droit public musulman* (Paris: Recueil Sirey, 1954-56).
- Van Ess, Josef, "Political Ideas in Early Islamic Religious Thought," *British Journal of Middle Eastern Studies*, Vol. 28 (2001), pp. 151-164.
- Wāḥidī, al, 'Alī b. Aḥmad, *Asbāb al-Nuzūl* (Cairo: Mu'assasat al-Ḥalabī wa-Shurakā'uhu 1388/1968).
- Wāqidī, al, Muḥammad b. 'Umar, *Kitāb al-Maghāzī* (London: Oxford University Press, 1966).
- Zaman, Muhammad Qasim, *Religion and Politics under the Early Abbasids: The Emergence of the Proto-Sunnī Elite* (Leiden: E. J. Brill, 1997).
- Zaydān, Muḥammad, *Al-Bay'a: Shar'iyyat al-Shūrā wa-Tamkīn al-Umma*, <http://www.islamonline.net/arabic/mafahem/2005/07/article01.shtml> (last accessed November 5, 2008).

ENDNOTES

1. Chejne, *Succession*, pp. 39, 43, 44, 50–51; Rosenthal, *Political Thought*, pp. 31, 44; Bravmann, *Spiritual Background*, pp. 213–18: his argument that *bay'a* is related to *tāba'*—to follow—is utterly unfounded and unconvincing. Equally unconvincing is Tyan's suggestion that *bay'a* derives from *bā'*—arm, Tyan, “Bay'a;” see also idem, *Institutions*, 1/169 where he derives the term from “to sell,” hence, “by extension, it is applied to the procedure of election, the term [*bay'a*] conveys the idea of manifestation of volition by which one party accepts that another party assumes a defined function, especially that of the chief of the Islamic community” (my translation from the French original). However, Tyan adduces no evidence that “to sell” or even “to exchange” connotes election. Lewis, *Political Language*, p. 58, concedes that “oath of allegiance” is not an accurate translation of *bay'a*. Andrew Marsham, in his *Rituals of Islamic Monarchy* points to the reciprocity and translates *bay'a* alternatively as oath, and pledge, of allegiance. Marsham's thorough book was published in 2009, while the present study was already completed. His findings sometimes converge with those of the present author.
2. E.g. 'Abd al-Majīd, *Al-Bay'a*; Muṣṭafā, *Al-'Aqd al-Siyāsī*; Khālidī, *Al-Bay'a*; Ṭarīqī, *Ahl al-Ḥall wa-al-'Aqd*.
3. E.g. Ibn Manzūr, *Lisān* 8/26, and further references in Khālidī, *Al-Bay'a*, pp. 17–19.
4. See examples in Tyan, *Institutions* 1/269. Cf. 1/344 where he argues that vowing by the *bay'a* became the most solemn of all vows (therefore the sanctity of *bay'a* derives from the oath). This argument is weak in view of the fact that important jurists rejected the validity of such oaths; see the reference in the next note.
5. An “oath of divorce” means that a man vows to divorce his wife if he fails to adhere to his pledge; many scholars objected to this practice, see the discussion in Ibn Qayyim al-Jawziyya, *A'ām* 3/63–68. Ḥajjāj was governor of Iraq for 'Abd-al-Malik (reigned 685–705 CE). On the introduction of oaths to the *bay'a* see Ṭūsī, *Kitāb al-Khilāf* 6/202; Ibn Mufliḥ, *Mubdi'* 9/275; Ibn Qudāma, *Mughnī* 10/66; Ibn Qayyim al-Jawziyya, *A'ām* 3/62–63. On the symbolism of “hand” see Marsham, *Rituals*, pp. 28–29, 35, 52. Marsham places alliances (*ḥilf*—which was always accompanied by sacred oaths) and *bay'a* (which originated in a secular context) on the same spectrum, claiming a common origin for both, see *ibid.* esp. chapter 1. I completely differ with him on this point; see also below pp. 2, 15.
6. Tyan 2/72 (neither Tyan nor his source note the reciprocity here).
7. See the report of the National Democratic Party posted July 14, 2007, <http://www.ndp.org.eg/ar/News/ViewNewsDetails.aspx?NewsID=22031> (last accessed September 22, 2008).
8. In the United States, <http://usinfo.state.gov/ar/Archive/2005/Jul/01-17003.html> (Report—in Arabic—of the Foreign Office, July 1, 2005, last accessed September 19, 2008); in Jordan (article 4 of the law of citizenship), <http://forum.almhbash.com/index.php?s=883ef3f7447015ca94589c553df40af5&showtopic=11349&pid=233921&st=0&#entry233921> (last accessed July 25, 2008); in the Sudan (the law of citizenship), <http://www.arblaws.com/board/showthread.php?p=14164> (last accessed July 25, 2008).
9. The Ghazaziwa club, <http://www.g4z4.com/vb/t43515/> (last accessed September 17, 2008).
10. <http://www.aljazeera.net/news/archive/archive?Archived=1085920> (last accessed May 6, 2009).
11. The Palestinian Discussion Forum, <http://www.paldf.net/forum/archive/index.php/t-69786.html>, last (last accessed September 17, 2008).
12. BBC news online, September 30, 2000, http://news.bbc.co.uk/hi/arabic/news/newsid_950000/950602.stm (last accessed September 19, 2008).
13. Reported by Yūsuf Faḍl at the Lybian site Lybia–alMostakbal.info on January 21, 2007, http://www.libya-almostakbal.info/MinbarAlkottab/January2007/yousif_fadl250107.html (last accessed September 19, 2008).

14. Reported by Al-Jazeera, Al-Akhabār, 4/8/1429 (=August 6, 2008) at <http://www.aljazeera.net/NR/exeres/C9A24379-FD50-4E0E-A54B-1557C789AF5F.htm> (last accessed September 19, 2008).
15. Cf. <http://www.arabtimes.com/Arab%20con/saudia/doc20.html>: King Sa'ūd abdicates and gives the *yamīn al-walā'* (not *bay'a*) to Fayṣal. The text relies on a publication written in English: S. Henderson, *After King Fahd: Succession in Saudi Arabia*, Washington Institute for Near East Policy (April 1994).
16. Chejne, *Succession*, pp. 44, 50–51; Rosenthal, *Political Thought*, p. 238 n. 25; Tyan, *Institutions* 1/327 (read Sura XLVIII for XL), 328; Podeh, "The *Bay'a*," Marsham, *Rituals*, pp. 49–52.
17. Tyan, *Institutions* 1/160–66, 169, 269, 324–25, 2/344–46, and passim, see above note 1. See also Chejne, *Succession*, pp. 43, 48–49, 50–52. Strictly speaking, *bay'a* does not function as a regular legal contract but this does not mean that it is identical with regular election or with submission.
18. Rosenthal, *Political Thought*, pp. 32, 35: however, he distinguishes between the contract—*'ahd/'aqd* and the *bay'a*, p. 242 n. 59, whereas the Arab dictionaries gloss *bay'a* with precisely these words, see above; Lewis, *Political Language* p. 58; Podeh, "The *Bay'a*" p. 122. See also Khadduri, *War and Peace*, pp. 7–18, for a discussion of the contract(s) theory underlying the Islamic state.
19. Zaydān, *Al-Bay'a*. A similar idea is found in Khālīdī, *Al-Bay'a*, p. 25. Apparently the purpose of such expositions is to describe the Islamic system of government as progressive and just in modern (Western) terms. No one familiar with Islamic history will concede that real power was in the hand of "the people."
20. Izutsu, *Ethico Religious Concepts*. Of course the relationship between Allah and man is much more complex than that, as discussed in idem, *Allah and Man in the Koran* (Tokyo, 1964).
21. Cf. Qur'ān 2:40, where Allah says, "Keep the covenant with me, I shall keep the covenant with you" (addressed to Banū Isrā' īl and usually interpreted as a call upon the Jews to believe in Muḥammad). See also the discussion of the verses in Marsham, *Rituals*, chap. 2.
22. The event is called the Second 'Aqaba (mountain path), after the meeting place. See Ṭabarī, *Tafsīr* 11/35–36; Qurṭubī, *Tafsīr* 8/267; Ibn Kathīr, *Tafsīr* 2/392; Suyūṭī, *Al-Durr* 4/295, see on this event below, p.27.
23. Ṭabarī, *Tafsīr* 14/164, 169; Qurṭubī, *Tafsīr* 10/169; Ibn Kathīr, *Tafsīr* 2/585; Suyūṭī, *Al-Durr* 5/161 (this is not the only interpretation offered).
24. *Alladhīna yubāyi'ūnaka* is usually translated as "those who swear fealty" (Arberry), or "swear allegiance" (Pickthall); Marsham, *Rituals*, p. 49, is closer to the correct meaning, translating, "whoever makes a pledge to you," but this translation too omits reference to the reciprocity of the pledge.
25. Ibn al-Jawzī, *Zād al-Masīr* 7/163; Ibn Qayyim al-Jawziyya, *Zād al-Ma'ād* 2/131.
26. Jalālayn, *Tafsīr al-Jalālayn*, p. 678; Abū Ḥayyān, *Baḥr* 7/487; see also Wāḥidī, *Asbāb*, pp. 255, 257; Nasaḥī, *Madārik al-Tanzīl* 3/378.
27. Abū Ḥayyān, *Baḥr* 7/486–87; Bayḍāwī, *Anwār* 5/201; Ṭabarānī, *Tafsīr* 6/52; Ibn al-Jawzī, *Zād al-Masīr* 7/163; Ibn Abī al-Zamanīn, *Tafsīr* 4/251.
28. See below p. 8.
29. Qurṭubī, *Tafsīr* 10/180; Ibn Kathīr, *Tafsīr* 2/585. Similarly, in many societies an act of treason has always been a capital crime.
30. See on this, Quṭb, *Bay'at al-Nisā'*.
31. See below, pp.16–17. Cf. Marsham, *Rituals*, pp. 52–54.
32. See 'Abd al-Ḥamīd, throughout his *Rasā'il*; al-Qadī, "Religious Foundation;" see also Mu'āwiya's speech in Medina, Ibn Kathīr, *Al-Bidāya* 8/141.
33. An illustration of the complexity of the subject may be found in commentaries on Qur'ān 2:30: "Your Lord said to the angels, I shall appoint a deputy on earth, they retorted: will you appoint one who will wreak destruction and shed blood..." see e.g. Qurṭubī, *Tafsīr* 1/261–75; see further below note 35.

34. See a detailed survey of such *ḥadīths* in Kister, "Concepts of Authority."
35. Ibn Ḥanbal, *Musnad* 1/131, 409, 5/66; Muslim, *Ṣaḥīḥ* 3/1469, 1474, 1480; Ibn Mājjā, *Sunan* 2/955–56; Khallāl, *Al-Sunna* 1/110, 113–14; Haythamī, *Majma' al-Zawā' id* 5/218; Qurtūbī, *Tafsīr* 5/260; Suyūṭī, *Al-Durr* 1/576–78. Ibn Ḥazm, *Muḥallā* 1/45. The maxim *lā ṭā'a li-makhlūq fi ma'siyat al-khāliq* is repeated in various contexts, e.g. the commentary to 60:12 (*bay'at al-nisā'*), which stipulates on women "not to disobey in anything ethical," see Jaṣṣāṣ, *Aḥkām* 3/442; Ibn al-Jawzī, *Zād al-Masīr* 8/12. On authority and obedience see also Lewis, "Quietist;" Crone, *God's Rule*; Cook, *Commanding Right*.
36. See below, pp. 19, 22.
37. Muslim, *Ṣaḥīḥ* 3/1490; Ibn Ḥanbal, *Musnad* 3/185; Khallāl, *Al-Sunna* 1/100, cf. 103; Ibn Qayyim al-Jawziyya, *A'lām* 3/62.
38. Ṭabarī, *Tafsīr* 4/29. Although commentators insist that this verse ("obey Allah as far as you can") is valid, they obviously do not mean it as a limit placed on obedience to Allah. Rather, this is related to the general Islamic tendency not to overtax the believers, cf. Qur'ān 2:185.
39. Muslim, *Ṣaḥīḥ* 3/1480; Bukhārī, *Ṣaḥīḥ* 6/2633, see also Khālidī, *Al-Bay'a*, pp. 110–12.
40. On this see Kister, "Concepts;" Goitein, "Attitudes towards Government;" Cook, *Commanding Right*, pp. 50–67.
41. Muslim, *Ṣaḥīḥ* 3/1465; see also Ibn Mājjā, *Sunan* 2/958 for an association between obedience and *bay'a*.
42. Reproduced in Lālikā'ī, *Sharḥ I'tiqād* 1/151–86; see also Ahs'arī, *Ibāna* p. 19.
43. Ājurrī, *Al-Sharī'a*, see especially pp. 38–41. Ājurrī was a Sunni scholar who lived in Baghdad during the turbulent 10th century (he died in 971 CE); Khallāl, *Al-Sunna*. This Ḥanbalī scholar lived in Baghdad in very unstable times (848–923 CE), and first-hand experience probably influenced his abhorrence of political chaos. Lālikā'ī was a Shāfi'ī scholar from Ṭabaristān who lived in the Buwayhid period, when the status of the caliph was low and political divisions were rife (he died in 1027 CE).
44. Ṭabarī, *Tafsīr* 5/147; Ibn Kathīr, *Tafsīr* 1/518, 528; Qurtūbī *Tafsīr* 5/288; Suyūṭī, *Al-Durr* 2/574, 598; Bukhārī, *Ṣaḥīḥ* 6/2611; Ibn Ḥajar, *Fath al-Bārī* 8/254; Muslim, *Ṣaḥīḥ* 3/1466–67, some versions have *amīrī*, my deputy, instead of *amīr*, ruler or anyone in authority; see also Ibn Ḥanbal, *Musnad* 2/244; Ibn Mājjā, *Sunan* 2/954; Khallāl, *Al-Sunna* 1/105–106; Abū Yūsuf, *Kharāj* p. 9. On the debate regarding the identity of "those in authority," *ūlī al-amr*, see below p. 11. On the conceptual difference between Qur'ān 4:80 and the *ḥadīths* of obedience see below p. 21.
45. Qurtūbī, *Tafsīr* 3/219.
46. Ibn Kathīr, *Tafsīr* 1/518; Muslim, *Ṣaḥīḥ* 3/1478; the difference between the versions is significant, one warns against revoking the *bay'a*, the other against avoiding giving it. See also Haythamī, *Majma' al-Zawā'id* 5/218; Ibn Ḥazm, *Muḥallā* 1/45.
47. Ṭabarī, *Tafsīr* 11/35, also quoted in Ibn Kathīr, *Tafsīr* 2/391; Suyūṭī, *Al-Durr* 4/296. As far as I can tell this idiom is not usually used to describe a *bay'a* that was exchanged with the Prophet.
48. Ibn Qānī, *Mu'jam al-Ṣaḥāba* 2/78.
49. Abū Ḥayyān, *Al-Baḥr* 7/482.
50. Bukhārī, *Ṣaḥīḥ* 6/2633–34, cf. Muslim, *Ṣaḥīḥ* 3/1451ff; Khallāl, *Al-Sunna* 1/103.
51. Khallāl, *Al-Sunna*, 1/97–107.
52. Bukhārī, *Ṣaḥīḥ* 6/2636; Ibn Mājjā, *Sunan* 2/958, note the juxtaposition of *bay'a*—a pledge and *bay'a*—a commercial transaction in this short tradition. See also Ṭabarānī, *Tafsīr* 6/52, about the pious intent of *bay'a* exchanged with the Prophet.
53. E.g. Abū 'Ubayd, *Al-Amwāl*, pp. 9–10.
54. Bukhārī, *Ṣaḥīḥ* 6/2634, (the caliphs mentioned here are 'Uthmān and 'Abd al-Malik but the requirement is general); Khallāl, *Al-Sunna* 1/103. For the stipulation of adherence to the Qur'ān and the *sunna* see below pp. 22–23.
55. These and related questions are discussed at length in Crone, *God's Rule*. See also Van Ess, "Political Ideas." Kister, "Concepts," discusses the issues on the basis of *ḥadīths* alone.
56. The earliest works to discuss government systematically is the widely-cited *Al-Aḥkām al-Sulṭāniyya* by the 11th century Shāfi'ī jurist Māwardī, and its namesake, similar work by his contemporary the Ḥanbalī Abū Ya'la. A succinct exposition of the issues

- can be found in Qalqashandī, *Ṣubḥ* 9/284–89. See also Ibn Jamā'a, *Tahrīr*, pp. 48–74. Among the secondary works the most notable and detailed is Tyan, *Institutions*, passim, see especially 1/315–52, 2/345–53; idem, "Bay'a," see also Khālidī, *Al-Bay'a*; Zaydān, *Al-Bay'a*; Rosenthal, *Political Thought*; Chejne, *Succession*, and recently Marsham, *Rituals*.
57. See below p. 13, and note 77.
 58. Qalqashandī, *Ṣubḥ* 9/284; Ibn Jamā'a, *Tahrīr*, p. 53. For Abū Bakr as a model see e.g. Māwardī, *Al-Aḥkām* pp. 8–9, 17; Ṭarīqī, *Ahl al-Ḥall wa-al-'Aqd*, p. 133.
 59. Tyan, *Institutions* 2/344–45, 1/166, 269, similarly Chejne, *Succession*, p. 51, holds that *bay'a* referred to the adoption of Islam and "came to be connected" to the nomination of caliphs.
 60. Ghazālī, *Iqtisād*, p. 242. On the sacredness of *bay'a*s to caliphs see below pp. 20 f.
 61. 'Abd al-Ḥamīd, e.g. pp. 209–213, and see al-Qadi, "Religious Foundation."
 62. See Crone and Hinds, *God's Caliph*, especially pp. 27–40, but cf. Landau-Tasserion, "From Tribal Society," p. 187; Crone, *God's Rule* pp. 18–23. For arguments against Crone and Hinds' thesis that the religious scholars and the caliphs contested authority and power see Zaman, *Religion and Politics*. However, the rejection (by scholars) of the of the title *khalīfat allāh* is ubiquitous, see e.g. Māwardī, *Aḥkām*, p. 16–17; Qalqashandī, *Ma'āthir* 1/14–15.
 63. Crone, *God's Rule*, pp. 30–32; Crone and Hinds, *God's Caliph*, pp. 41, 92–96.
 64. Lālikā'ī, *Sharḥ* 1/73; similarly the scholar 'Aṭā', ibid. p. 72, (there is much additional material in the footnotes); Khallāl, *Al-Sunna* 1/106. Other explanations of "those in command": military commanders, or: Abū Bakr and 'Umar, or: the four Rightly-Guided Caliphs, or: all the Companions. Each of these interpretations reflects a political stance; see Nasafī, *Madārik al-Tanzīl* 1/327; Suyūṭī, *Al-Durr* 2/573–74; Ṭabarānī, *Tafsīr* 2/254–55.
 65. Ṭarīqī, *Ahl al-Ḥall wa-al-'Aqd*, pp. 13–14, 37–38, 68. In contrast with medieval scholars the author also stipulates that under certain circumstances the scholars are to be obeyed in preference to the rulers, pp. 203–204, but cf. p. 145 where he strictly forbids the use of arms against a ruler.
 66. Nasafī, *Madārik al-Tanzīl* 1/327; Suyūṭī, *Al-Durr* 1/578, cf. Ṭabarānī, *Tafsīr* 2/256 where he states that belief imposes obedience to the Qur'ān and the *sunna* (and not to the ruler).
 67. Qalqashandī, *Ṣubḥ* 9/291, document recorded by the secretary Hilāl al-Ṣābī (d. 448/1056).
 68. For the necessity to obey (based on reasonable arguments) see e.g. Māwardī, *Aḥkām* pp. 5, 7; Qalqashandī, *Ṣubḥ* 9/319–20; Ibn Jamā'a, *Tahrīr*, pp. 48–51, cf. Nasafī, *Madārik al-Tanzīl* 1/327 where the statement "belief imposes obedience" is qualified by an anecdote defying governmental authority. A common justification is that the *Sharī'a*, or the consensus of the community, obligates the office of the caliph, so the caliph in office must be obeyed. See also Khadduri, *War and Peace* pp. 12–13; Crone, *God's Rule*, in particular chapter 16; Lewis, "Quietism." For a (rare) justification of rebellion against the Umayyads see Ibn al-Wazīr, *Al-Rawḍ*, pp. 269–70.
 69. See e.g. the *bay'a* documents from the 11th and 12th centuries in Qalqashandī, *Ṣubḥ* 9/290, 292; Crone and Hinds, *God's Caliph*.
 70. E.g. Qalqashandī, *Ṣubḥ* 9/318–29, 334–38, and see Tyan, *Institutions* 2/238–39. Tyan, however, took these aggrandizing idioms as genuine and generally applicable, and considered them as indicating the theocratic nature of the caliphs; he did not notice that the sources he cited are all Mamluk, and that there was a glaring gap between the purported and the real status of the caliphs in their time.
 71. Qalqashandī, *Ṣubḥ* 9/286, 288. See further on the Mamkuks below pp.25 f.
 72. Ghazālī, *Faḍā'ih al-Bāṭiniyya*, p. 105ff.
 73. Ghazālī, *Iqtisād*, pp. 237–42; idem, *Faḍā'ih al-Bāṭiniyya* pp. 105–21.
 74. Māwardī, *Aḥkām*, p. 17; Abū Ya'lā, *Aḥkām*, p. 27. Note that the verses designating Adam and Dā'ūd as Deputies of Allah (2:30, 38:26) are avoided here. I translated the verse according to the commentary of al-Jalālayn; an alternative translation is: "He is the one who appointed you as deputies on earth," but the Qur'ānic context does not supply a clue as to the addressees.

75. Māwardī, *Tashīl*, pp. 201–202, 203, see also p. 198 (the king’s subjects are a trust from Allah).
76. E.g. Qalqashandī, *Ṣubḥ* 9/291, 293, 331, and see below on these documents. Many documents are discussed throughout Marsham’s book, *Rituals*, chaps. 8ff.
77. Māwardī, *Aḥkām*, p. 7. The same occurs in Ibn Jamā’a, *Taḥrīr*, p. 52. It is noteworthy that Māwardī totally ignores 48:10 in his commentary on the Qur’ān.
78. See Nasafī, *Madārik al-Tanzīl* 1/326. He glosses “trusts” with “implementation of the religious precepts” by the rulers.
79. Rāzī, *Manāqib*, p. 49; Abū Ya’lā, *Aḥkām*, pp. 20, 23–24; for later scholars see e.g. Ibn Jamā’a, *Taḥrīr*, p. 55; see also Rosenthal, *Political Thought*, p. 44; Crone, *God’s Rule*, chap. 16; Zaman, *Religion*, pp. 78, 98.
80. Al-Khāzin, *Lubāb al-Ta’wīl* 4/156.
81. Ibn Khaldūn, *Muqaddima* 2/548–89, 516–18.
82. Qalqashandī, *Ṣubḥ* 9/281.
83. See e.g. Māwardī, *Tashīl*, (a definition of the tasks is on p. 207); ‘Abbāsī, *Āthār al-Uwal*, pp. 90–98.
84. Māwardī, *Aḥkām*, pp. 7, 18–19; Abū Ya’lā, *Aḥkām*, pp. 27–28. In fact the bulk of these two books expand on the duties of the rulers and the manner in which to perform them; Qalqashandī, *Ma’āthir* 1/59–64; Ibn Jamā’a, *Taḥrīr*, 61–71; modern Muslim scholars hold similar views in this respect, see e.g. Ṭarīqī, *Ahl al-Ḥall wa-al-‘Aqd*, pp. 132–33; Zaydān, *Al-Bay’a*, <http://www.islamonline.net/arabic/mafahem/2005/07/article01.shtml> (last accessed December 17, 2008).
85. Abū Ya’lā, *Aḥkām*, p. 25; Ibn Jamā’a, *Taḥrīr*, p. 57, (quoting Abū Ya’lā, a slightly different version) adds ‘*alā kitāb allāh wa-sunnat rasūl allāh*’.
86. Qalqashandī, *Ṣubḥ* 9/285–88; examples of actual documents: 9/290–342; templates composed by Qalqashandī himself: 9/318–29. Qalqashandī was a legal scholar and a secretary in the Mamluk chancery.
87. E.g. Qalqashandī, *Ṣubḥ* 9/320.
88. Qalqashandī, *Ṣubḥ* 9/296–307, the commitments are listed on pp. 299, 307. The documents originate from the Fāṭimid Caliphate. See also 9/339, the *bay’a* of the Caliph al-Ḥākim bi-Amr Allāh, installed by the Mamluk Sulṭān Maṣṣūr in 742/1341 after he had deposed the Caliph Wāthiq.
89. Qalqashandī, *Ṣubḥ* 9/308–10, 313, in documents from Andalus; 319, 324–25 in his templates. In Fāṭimid documents the references are to the Prophet and ‘Alī, *ibid.* pp. 297, 302. Cf. *ibid.* 339, where the candidate specifically undertakes to follow the Book of Allah and the Prophet, and to fulfill all the tasks mentioned.
90. Qalqashandī, *Ṣubḥ* 9/319–23, 338.
91. Ibn Ṭīqtaqā, *Fakhrī*, pp. 28, 34.
92. Ibn Qayyim al-Jawziyya, *Zād al-Ma’ād* 2/64.
93. Of course Arabia had had its kingdoms and vassal tribes for ages, but this was not the immediate, personal background of the Prophet. Marsham, *Rituals*, chapter 1, conceives of the Prophet’s *bay’a* as a continuation of the pre-Islamic alliances, discussing tribal alliances and vassal relationships together as if they were of the same order; see also *ibid.* chapter 2 where he speaks of *bay’a* with the Prophet as a bargain but lays emphasis on warfare. On the tribal structures and alliances see Landau-Tasseron, “Alliances.”
94. See above, p. 2 and note 5.
95. Ibn Qāni’, *Mu’jam al-Ṣaḥāba* 1/19. *Shahāda* must mean here “declaration of faith” and not “martyrdom,” because non-combatants (women etc.) are included in the pledge.
96. Ibn Qāni’, *Mu’jam al-Ṣaḥāba* 2/29–30.
97. Khallāl, *Al-Sunna* 1/101. On 60:12 see below, pp. 16–17.
98. Ibn Athīr, *Al-Nihāya* 1/174; Ibn Manẓūr, *Lisān* 8/26.
99. Ibn Qāni’, *Mu’jam al-Ṣaḥāba* 2/356.

100. Ibn Qāni', *Mu'jam al-Ṣaḥāba* 3/7–8; Bakrī, *Mu'jam* 4/1214.
101. The account (in Ibn Hishām, *Sīra* 2/84) goes back to Ibn Ishāq (d. 767 CE) who wrote the biography of the Prophet at the request of the 'Abbasid Caliph Maṣūūr. According to Rubin, the 'Aqaba story is part of the topological theme of salvation, and various versions thereof later became accounts of purportedly disparate events, referred to as “first” and “second” 'Aqaba, see *The Eye of the Beholder*, chap. 11.
102. Ibn Hishām, *Sīra* 2/73–76, and see above p. 6.
103. Abū Ḥayyān, *Baḥr* 10/160; Bayḍāwī, *Anwār* 5/330.
104. Wāḥidī, *Asbāb*, p. 285. For the revelation of the verse see Rubin, *The Eye of the Beholder*, pp. 180–81. Rubin suggests that the Women's Pledge was inserted into the 'Aqaba story for legal purposes, namely, to serve as a model for *bay'as* concluded in the Islamic empire. The same goes for *bay'at al-ḥarb* (see on this below); see Rubin, *ibid.* pp. 179–84. There is however no evidence that either one of these two *bay'as* ever served as a model for the *bay'a* of any Islamic leader, whether a ruler or a rebel. The type that did serve as such is, as Rubin writes (supplying evidence this time), the version “to listen and obey,” which occurs in some versions of the story; *ibid.* p. 185.
105. E.g. Qurṭubī, *Tafsīr* 18/71; Ibn Qayyim al-Jawziyya, *A'lām* 3/63; Iṣbahānī, *Ḥilyat al-Awliyā'* 2/77. Rubin, *The Eye of the Beholder*, p. 181, holds that the historical context was deliberately obfuscated in such traditions in order to solve the anachronism discussed above. See also Marsham, *Rituals*, pp. 52–53 where he adduces interesting parallels with moral vows taken by early Christians.
106. See various versions in Ibn Hishām *Sīra* 2/84–85, 88–89, 90; Qurṭubī, *Tafsīr* 8/267. Rubin treats the locution *al-dam al-dam wa-al-hadm al-hadm* as if it were a *bay'a* formula, see *The Eye of the Beholder*, p. 183. For an explanation of the formula see Landau-Tasseran, “Alliances,” pp. 156–58.
107. Suyūṭī, *Al-Durr* 4/295.
108. Ibn Sa'd, *Ṭabaqāt* 2/70; Bukhārī, *Ṣaḥīḥ* 6/2633; Ibn Kathīr, *Al-Bidāya* 4/95; cf. Qurṭubī, *Tafsīr* 18/72 (“he exchanged pledges with the men on Islam and jihad”).
109. Ibn Hishām, *Sīra* 3/330; Wāqidī, *Maghāzī* 2/602–605; Muslim, *Ṣaḥīḥ* 3/1483–86; Iṣbahānī, *Ḥilyat al-Awliyā'* 8/264; Ibn Ḥajar, *Al-Iṣāba* 4/96 (s.v. Abū Sinān: Abū Sinān was the first to exchange pledges with Muḥammad, “on what is on your mind and mine,” namely, victory and martyrdom). See also Qur'ān commentaries: Ibn Abī al-Zamanīn, *Tafsīr* 4/251; Abū Ḥayyān, *Baḥr* 7/482; Qurṭubī, *Tafsīr* 16/276; Ibn al-Jawzī, *Zād al-Masīr* 7/163; the number of Muslims present varies greatly; according to some a few hundreds, according to others, as many as 2500, see Jaṣṣāṣ, *Aḥkām* 3/394.
110. This is usually discussed in legal sources under the heading “fleeing from battle” (*al-firār min al-zaḥāf*), see e.g. 'Abd al-Razzāq, *Muṣannaf* 5/251; Bayḥaqī, *Sunan* 9/75; Shāfi'ī, *Umm* 4/169; Sarakhsī, *Sharḥ* 1/88. See also the discussion of this *bay'a* and the pertinent verses in Marsham, *Rituals*, pp. 49–50. He mentions the contractual aspect here but restricts it to loyalty in war.
111. Abū Ḥayyān, *Baḥr* 7/482.
112. E.g. Ibn Qāni', *Mu'jam al-Ṣaḥāba* 1/178.
113. Ṭabarī, *Tafsīr*, 3/61.
114. E.g. Iṣbahānī, *Ḥilyat al-Awliyā'* 1/373. These traditions may reflect concerns of times later than the Prophet, see Marsham, *Rituals*, pp. 97–99.
115. Muslim, *Ṣaḥīḥ* 3/1487–88; Ṭabarī, *Tafsīr*, 3/61; Ibn Qāni', *Mu'jam al-Ṣaḥāba* 3/85, 217; Abū 'Ubayd, *Al-Amwāl*, pp. 95–97. These traditions may be interpreted as reflecting debates about migration, conquest and status after the Prophet's death, see e.g. Kister, “Land Property,” pp. 279–81; Marsham, *Rituals*, chap. 3.
116. Muslim, *Ṣaḥīḥ* 3/1470; Ibn Mājjā, *Sunan* 2/957; Khallāl, *Al-Sunna* 1/98; Ibn Qayyim al-Jawziyya, *A'lām* 3/62.
117. Iṣbahānī, *Ḥilyat al-Awliyā'* 5/134.
118. Bukhārī, *Ṣaḥīḥ* 2/507; other versions in Ibn Mājjā, *Sunan* 2/957; Khallāl, *Al-Sunna* 1/99.
119. Suyūṭī, *Al-Durr* 4/295 (in connection with Qur'ān 9:111).

120. Ibn Kathīr, *Tafsīr* 2/70. This may perhaps be classified as an anti-asceticism *ḥadīth*.
121. Bukhārī, *Ṣaḥīḥ* 6/2634; Khallāl, *Al-Sunna* 1/101; Iṣbahānī, *Ḥilyat al-Awliyā'* 5/126.
122. Scholars often mention the decisiveness of 'Umar's act, but provide no explanation for it, see e.g. Tyan, *Institution* 2/160.
123. Landau-Tasseran, "From Tribal Society," pp. 183–90.
124. Kister, "Concepts," pp. 100–101, quoting the *Muṣannaf* of 'Abd al-Razzāq; Tyan, *Institutions* 1/455–56. See on the Umayyads also Marsham, *Rituals*, chaps. 4–9.
125. Suyūṭī, *Al-Durr* 1/576. For the special status of 'Umar see Hakim, "'Umar b. al-Khaṭṭāb,'" idem, "Conflicting Images."
126. Landau-Tasseran, "From Tribal Society," pp. 186–87.
127. Hakim, "Glorious Hamdān" p. 14, the Arabic text on p. 31; cf. Naṣr b. Muzāḥim, *Waq'at Ṣiffīn* p. 443. See also Tyan, *Institutions* 1/454 where support of 'Uthmān and of 'Alī is called *dīn* (religion).
128. See e.g. Naṣr b. Muzāḥim, *Waq'at Ṣiffīn* pp. 288, 335, 338.
129. Recorded (but differently interpreted) by Tyan, *Institutions* 1/456.
130. Nasafī, *Madārik al-Tanzīl* 1/327. It is difficult to identify this Abū Ḥāzim as there are several persons by that name. A similar argument against the Umayyads is raised by the Medinans during the second civil war. See Ibn Qānī, *Mu'jam al-Ṣaḥāba* 2/77–78.
131. Suyūṭī, *Al-Durr* 1/324; Ibn Qayyim al-Jawziyya, *Zād al-Ma'ād* 2/131. On the transformation of the caliph's image see above pp. 10–13.
132. For Tyan's claim see *Institutions* 1/326–27 (read Sura XLVIII for XL), note that Tyan adduces evidence (*Institutions* 1/454–56) that flatly refutes his own claim.
133. Cf. Qur' ān 4:80, "Whoever obeys the Messenger obeys Allah thereby."
134. Ṭabarī, *Al-Riyād al-Naḍra* 2/233. For a detailed description of Abū Bakr's *bay'a* see Al-Yaḥyā, *Al-Khilāfa*, pp. 178–86; Tyan, *Institutions* 1/154–63. On the views expressed in *ḥadīth* on this matter see above p. 7.
135. Khallāl, *Al-Sunna* 1/116.
136. Khallāl, *Al-Sunna* 1/118.
137. This is the standard Sunni version, see e.g. Dhahabī, *Ta'rīkh al-Islām* 3/304–305.
138. (ps) Ibn Qutayba, *Al-Imāma wa-al-Siyāsa* 1/125, 166, see also Ṭabarī, *Ta'rīkh* 4/549 where 'Alī exchanges pledges "on the Book of Allah and the *sunna* of his Messenger."
139. Qalahātī, *Kashf* pp. 209–10; on Ṭalḥa and al-Zubayr see below, p. 27.
140. Iṣbahānī, *Ḥilyat al-Awliyā'* 5/256, 325 (*bāyi'nī 'alā al-sam' wa-al-ṭā'a wa-al-'adl fa-idhā taraktu dhālika fa-laysa 'alayka bay'a*). On the *ḥadīth* see above p. 7.
141. E.g. Ibn Kathīr, *Al-Bidāya* 8/18 (Ḥasan b. 'Alī, who shortly afterwards relinquished the caliphate to Mu'āwiya); Al-Yaḥyā, *Al-Khilāfa*, pp. 664–65 (the *bay'a* f Ibn 'Umar sent to 'Abd al-Malik). A thorough investigation of rituals and documents of caliphal *bay'as* is found in Marsham, *Rituals*.
142. On the traditional attitude towards them see Hawting, *The First Dynasty*, Introduction. The issue is complex, for the Sunnis had to find a way to reject the Umayyads without admitting that the Shī'a were right, but this is beyond the scope of this investigation.
143. Ibn 'Asākir, *Ta'rīkh* 52/380–81; Ibn Manẓūr, *Mukhtaṣar* 22/129–30; see also Ibn Kathīr, *Al-Bidāya* 8/140–41 where (among other things) Mu'āwiya admits that he is not capable of following the conduct of Abū Bakr and 'Umar. This report has an anti-Umayyad bias: it also has Mu'āwiya admit that he had no just cause for fighting the Kufans; his sole goal was to take over the throne. Some of the people present are said to have given the pledge grudgingly.
144. Naṣr b. Muzāḥim, *Waq'at Ṣiffīn*, pp. 80–81. It may be noted that the source is pro-'Alid.
145. Al-Yaḥyā, *Al-Khilāfa*, p. 180. See also Crone, "Al-Riḍā."
146. Ibn A'tham, *Futūḥ* 4/335–39. The reports about the money invested by Mu'āwiya may of course be interpreted as slander of the Umayyads, but there is no valid reason to doubt that such measures were practiced.

147. Ibn Qāni', *Mu'jam al-Ṣaḥāba* 2/77–78. Obviously this report may be construed as representing a pro-Umayyad bias, especially by having Ibn 'Abbās adopt this view (supporters of the Umayyads did not die out with the demise of the dynasty).
148. Ibn Sa'd, *Ṭabaqāt, al-qism al-mutammim*, p. 104; Ṭabarī, *Ta'riḫ* 5/491–92, 493; Dhahabī, *Ta'riḫ* 5/29.
149. Ibn 'Asākir, *Ta'riḫ* 52/380–81; Ibn Manẓūr, *Mukhtaṣar* 22/129–30; see also Ibn Kathīr, *Al-Bidāya* 8/140–41.
150. Naṣr b. Muzāḥim, *Waq'at Ṣiffīn* p. 107.
151. Ṭabarī, *Ta'riḫ* 8/430.
152. Ṭabarī, *Ta'riḫ* 5/158; Ibn Kathīr, *Al-Bidāya* 8/18.
153. Ṭabarī, *Ta'riḫ* 7/269.
154. Tyan, *Institutions* 1/326–28.
155. Iṣbahānī, *Ḥilyat al-Awliyā'* 1/331. A similar stance was voiced later by the scholar Sa'īd b. al-Musayyib when requested to recognize the four sons of 'Abd al-Malik as future caliphs, *ibid.* 2/170, 171, 172.
156. Qalqashandī, *Ṣubḥ* 9/289; see also above note 5.
157. See the description of the *bay'a* to the first Cairo 'Abbasid caliph in Jabartī, *Ta'riḫ* 1/31.
158. See these documents in Qalqashandī, *Ṣubḥ* 9/320. When read out of their historical context, these documents are rather misleading.
159. Qalqashandī, *Ṣubḥ* 9/284, 326, cf. 284, 286, 323, where he concedes that deposition is legal if there is a reason to do so. No definition of reasons is given here. For the position of the Cairene 'Abbasid caliphs vis-à-vis the Mamluk sultāns see Holt, "Some Observations;" *idem*, "The Position and Power;" *idem*, "The structure of government."
160. E.g. Qalqashandī, *Ṣubḥ* 9/323, 328–29, 336, cf. *bay'as* from the 11th and 12th centuries, *ibid.* 9/291, 293 where the oaths are also solemn while the caliphate was weak.
161. Māwardī, *Tashīl*, p. 147.
162. E.g. Qalqashandī, *Ṣubḥ* 9/290, 294, documents from the 11th century.
163. Material on this is vast, and mostly hindsighted and biased in one way or another. See a summary in Kennedy, *The Prophet*, p. 75.
164. Kister, "Ḥarra;" on Ibn al-Ghasīl see further below, p. 28.
165. Ibn Qāni', *Mu'jam al-Ṣaḥāba* 2/77–78, cf. above p. 22.
166. Ṭabarī, *Ta'riḫ* 6/128–35. Nothing is mentioned about a pledge between himself and his followers. Nonetheless, he was a rebel who spoke in religious terms (alongside traditional Arab poetry). For further interesting analysis of this rebellion see Marsham, *Rituals*, pp. 98–99.
167. Ṭabarī, *Ta'riḫ* 8/428–29, see above p.24.
168. Ṭabarī, *Ta'riḫ* 4/462; Al-Yaḥyā, *Al-Khilāfa*, pp. 520–21, cf. Ṭabarī, *Al-Riyāḍ al-Naḍra* 1/293 where 'Alī accuses the two of breaching their pledge. The Khawārij, too, accuse the two of treason; see Qalahātī, *Al-Kashf*, p. 212.
169. Ibn al-Athīr, *Al-Kāmil* 5/532; Ibn Kathīr, *Al-Bidāya* 10/90. For the rebellion of al-Nafs al-Zakiyya, see Elad, "The rebellion of Muḥammad b. 'Abdallāh b. al-Ḥasan."
170. Ṭabarī, *Al-Riyāḍ al-Naḍra* 2/195; Al-Yaḥyā, *Al-Khilāfa*, pp. 186–87.
171. Ibn A'tham, *Futūḥ* 5/163–64.
172. Iṣbahānī, *Ḥilyat al-Awliyā'* 4/127. For a short account of the movement see Hawting, *The First Dynasty* pp. 51–52. For indications that Ibn al-Ḥanafīyya was wary about al-Mukhtār see e.g. Balādhurī, *Ansāb* 5/207, 221–23, 237, 266, 272; conversely, Sharon has no doubts that Ibn al-Ḥanafīyya was behind the rebellion of al-Mukhtār, see Sharon, *Black Banners*, pp. 112–15.
173. Ṭabarī, *Ta'riḫ* 6/32.
174. Balādhurī, *Ansāb* 5/218.
175. E.g. Shabīb in the year 695 CE, Ṭabarī, *Ta'riḫ* 6/246.
176. Ibn al-Athīr, *Al-Kāmil* 5/531.

177. Van Arendonck, *Les Debuts*, p. 136 note 1, cited from *Sīrat al-Hādī ilā al-Ḥaqq*.
178. Ṭabarī, *Ta'riḫ* 8/562, see also 557 (on Ibrāhīm).
179. Ṭabarī, *Ta'riḫ* 7/172–73.
180. Ṭabarī, *Ta'riḫ* 7/380.
181. The phenomenon was noted by Chejne, *Succession*, p. 51; Tyan, *Institutions* 1/316–17.
182. Muslim, *Ṣaḥīḥ* 3/1486. Perhaps this tradition was part of the debate about “*bay'a* to the death,” see above p. 18.
183. Ṭabarī, *Ta'riḫ* 6/592–94.
184. Ṭabarī, *Ta'riḫ* 9/279; Ibn al-Athīr, *Al-Kāmil* 7/138.
185. Ṭabarī, *Ta'riḫ* 6/336, 338, 341, cf. Iṣbahānī, *Ḥilyat al-Awliyā'* 6/225 where only the general stipulations are given (the Book of Allah and the *sunna* of the Messenger). For a short account of this rebellion see Hawting, *The First Dynasty* pp. 67–69; Kennedy, *The Prophet*, pp. 100–101.
186. Naṣr b. Muzāḥim, *Waq'at Ṣiffīn*, p. 82; Ṭabarī, *Ta'riḫ* 5/324; see also *ibid.* 4/554 where 'Amr b. al-'Āṣ exchanges *bay'a* with Mu'āwiya for avenging 'Uthmān, but his motives are depicted as entirely worldly.
187. Balādhurī, *Ansāb* 5/188, 4b/47–48, 56; Iṣbahānī, *Ḥilyat al-Awliyā'* 3/174; Ṭabarī, *Ta'riḫ* 5/575, 576, note that al-Mukhtār agrees to recognize Ibn al-Zubayr's authority only in return for benefits for himself, and Ibn al-Zubayr consents although apparently he has no intention to keep his word; see also Al-Yahyā, *Al-Khilāfa*, pp. 664–65.
188. Iṣbahānī, *Ḥilyat al-Awliyā'* 1/293. “The people approve of you” in fact implies “there is a consensus about your leadership.”
189. See above p. 18.
190. E.g. the Battle of Yarmūk (637 CE), when someone called, “Who will pledge himself [to fight to] the death (*man yubāyi'u 'alā al-mawt*),” Ṭabarī, *Ta'riḫ* 3/401. Cf. Naṣr b. Muzāḥim, *Waq'at Ṣiffīn*, pp. 190, 443, about *bay'a 'alā al-mawt* given to 'Alī during Ṣiffīn.
191. Ṭabarī, *Ta'riḫ* 5/158; Ibn Kathīr, *Al-Bidāya* 8/18. The number 40000 is formulaic.
192. Suyūṭī, *Al-Durr* 2/738.
193. Jalālayn, *Tafsīr*, p. 256.
194. Muslim, *Ṣaḥīḥ* 3/1483.
195. Ibn Jamā'a, *Taḥrīr*, p. 141.
196. See Qalqashandī, *Ṣubḥ* 9/285–342. Presumably all Muslim rulers, not only caliphs, would emulate this procedure.
197. See e.g. Ṭabarī, *Ta'riḫ* 9/237; Qalqashandī, *Ṣubḥ* 9/285–342.
198. Dhahabī, *Ta'riḫ al-Islām* 46/455. On 'Abbasid *bay'as* see Marsham, *Rituals*, chaps. 10–16.

ABOUT THE AUTHOR

Professor Ella Landau-Tasseron is a historian of medieval Islam. She acquired her Ph.D. at the Hebrew University of Jerusalem, and is part of what is informally known among scholars as “the Jerusalem school of oriental studies.” She has researched Islamic history, tradition, institutions and historiography. Since she was a fellow at the Institute for Advanced Studies at the Hebrew University, her research has focused on the concept of jihad. Professor Landau-Tasseron is affiliated with the Department for Islamic and Middle Eastern Studies at the Hebrew University.

ABOUT THIS SERIES

This second series of research monographs on the Muslim world is the product of a research project undertaken jointly by Hudson Institute and the Institute for Policy and Strategy at Herzilya, Israel for the Director of Net Assessment, Office of the Secretary of Defense. The views, opinions, and/or findings contained in this report are those of the author(s) and should not be construed as an official Department of Defense position, policy, or decision.

ABOUT THE CENTER

Hudson Institute’s Center on Islam, Democracy and the Future of the Muslim World conducts a wide-ranging program of research and analysis addressed to the political, religious, social, and other dynamics within majority Muslim countries and Muslim populations around the world. A principal focus of the Center’s work is the ideological dynamic within Islam, and the connected issue of how this political and religious debate impacts both Islamist radicalism as well as the Muslim search for moderate and democratic alternatives. By focusing on ideology, the Center aims to contribute to the development of American policy options and to effective strategies to prosecute and to win the worldwide struggle against radical Islam.

To learn more, visit www.futureofmuslimworld.com

ABOUT HUDSON INSTITUTE

Hudson Institute is a non-partisan policy research organization dedicated to innovative research and analysis that promotes global security, prosperity, and freedom. We challenge conventional thinking and help manage strategic transitions to the future through interdisciplinary and collaborative studies in defense, international relations, economics, culture, science, technology, and law. Through publications, conferences and policy recommendations, we seek to guide global leaders in government and business.

To learn more, visit www.hudson.org