Religious Scholars and the Umayyads: Piety-minded Supporters of the Marwānid Caliphate, by Steven C. Judd, (Culture and Civilization in the Middle East, 40) (Oxon & New York: Routledge, 2014), x + 197 pp., ISBN: 978-0-415-84497-0, £85.00 (hb)

Islamic historical chronicles, beginning with al-Ṭabarī, routinely portray the Umayyad caliphs as un-Islamic, godless, cynical, and/or impious men who were more interested in this world than the next and who contributed to the corruption of both Islam and Muslim society. These same sources portray Muslim scholars as opponents of Umayyad worldliness who kept their distance from the caliphs, led political opposition to the regime, and contributed little or nothing to the development of Islamic law. This model was subsequently adopted by Western scholars such as Goldziher, Wellhausen, Hodgson (who coined the popular term "piety-minded opposition"), Watt, and Hawting, and it has prevailed more or less intact down to the present time. According to a variant of this model, the Umayyads were in fact pious men, but their efforts to create a workable and efficient bureaucracy were opposed by the emerging Traditionists; and it was only during the ʿAbbāsid era that the Umayyad caliphs came to be portrayed in negative terms.

These two models, as Judd explains in Part I of the monograph, rely too heavily on al-Ṭabarī, who, in order to trumpet ʿAbbāsid triumphalism, needed a foil: hence, his severe bias against the Umayyads. Any effort to reevaluate the history of the Umayyad period must somehow bracket the "grand narrative" formulated by al-Ṭabarī in favor of other sources (e.g., caliphal letters, poetry, and coins) and/or methods (e.g., archaeology and prosopography). First steps in this direction have been taken by Fred Donner, Chase Robinson, and Antoine Borrut. Building upon this scholarship, Judd attempts to reconstruct "the scholarly world" (p. 14) of the Umayyads during the Marwānid period, that is to say, from the reign of ʿAbd al-Malik down to the fall of the dynasty in 132/750. His answer to the "problem" associated with the reliance on historical chronicles is to exploit an alternative source: the biographical dictionary. The monograph is based largely on the close study of ten biographical dictionaries compiled between the 9th and the 15th centuries CE. Judd

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argues that the compilers of these texts did not have the same goals and biases as al-Ṭabarī and other chroniclers. Used carefully, he asserts, these texts not only serve as a corrective to the chronicles but also preserve a counter-narrative to the teleological vision formulated by al-Ṭabarī in the 9th century and repeated down to the present.

Each of the five chapters in Part II is devoted to a key Umayyad era scholar who became a "focal point" (p. 39) of subsequent scholarship: All five were supporters of the Umayyads, all shared the dynasty's support for predestinarianism and opposition to Qadarism, and all recognized the normative value of the earlier practice of the community (*sunnah māḍiyah*) – in addition to that of the Prophet.

1. Al-Shaʿbī (d. 103-109/721-727) was initially associated with opposition to ʿAbd al-Malik but subsequently reconciled with the Caliph, who hired him as a tutor for his son and sent him on important diplomatic missions, one to Byzantium, the other to Egypt. At the end of his life, between 99 and 102/717 and 720, under ʿUmar II and Yazīd, he served as the qāḍī of al-Kūfah, where he was the focal point of an extensive scholarly network that included not only scholars but also caliphs. Al-Shaʿbī was a prominent transmitter of reports from Companions of the Prophet, contributed to the development of the *isnād* as a tool for the authentication of those reports, and was a respected legal scholar. He and his disciples were supporters of the Umayyads.
2. Al-Zuhrī (d. 124/742) was continuously – and proudly – employed by the Umayyads for nearly five decades. He received substantial stipends from the regime and he also acquired large country estates. He was a central figure in the development of scholarly support for the regime.
3. The Basran scholar ʿAbd Allāh ibn ʿAwn (d. 151/768) was a supporter of the Umayyads and opponent of the ʿAbbāsids and ʿAlids. Although he was not directly employed by the regime, he was a member of the network of pro-Umayyad scholars.
4. The Damascene scholar al-Awzāʿī (d. 157/774) was arguably the most important and influential pro-Umayyad scholar. Although he declined to accept formal employment by the regime, he nevertheless exercised considerable influence on the caliph Hishām (r. 105-125/724-743) and on Umayyad theological doctrine.

5. The Kufan traditionist Sufyān al-Thawrī (d. 161/778) did not serve in an official post or receive a state stipend but nevertheless was a strong supporter of the Umayyads and a central figure in the network of pro-Umayyad scholars.

These five piety-minded men were the focal points of a loose and informal but broad and extensive scholarly network that supported the Umayyad regime and its interpretation of Islam throughout the Marwānid period. They exercised substantial influence on the development of Islamic legal doctrine. There was in fact no clear-cut opposition between piety-mindedness and opposition to the regime: Some members of the scholarly community supported the regime, others opposed it. Generally speaking, supporters of the regime advocated predestination and *sunnah māḍiyah* while opponents of the regime advocated free will (Qadarism) and the use of human reason (*raʾy*) to develop law.

In Part III Judd turns from piety-minded scholars to qāḍīs. In Chapter 8 ("The function of the qāḍī under the Umayyads"), he notes that all of the qāḍīs who served the regime were Muslims and that most of them held predestinarian views. Their jurisdiction included marriage, divorce, inheritance, orphans and their property, and torts, and they based their judgments on the Qurʾān and Sunnah. They enjoyed a considerable measure of judicial autonomy and independence while interacting with either the caliph and/or the governor. They were loyal to the regime, implemented its religious policies, and were a "local voice of official Umayyad views on matters of doctrine and law" (p. 97). In Chapter 9 ("The network of Umayyad qāḍīs"), Judd presents the results of his prosopographical study of ten biographical dictionaries. Rather than attempting to cover the entire Islamic world from al-Andalus to Khurāsān, he focuses on five major administrative centers: Damascus, Medinah, Fusṭāṭ, al-Kūfah, and al-Baṣrah, identifying seventy-one men who served as qāḍīs during the Marwānid period. The chapter includes five useful tables that list the names and tenures of all the men who served as qāḍīs in each of these five administrative centers. These qāḍīs were all paid by the state. The level of bureaucracy (e.g., the venues where judgments were issued and the presence or absence of court personnel) varied from one center to the next and across a spectrum from less formal to more formal. The qāḍīs of Medinah were part of the network of pro-Umayyad religious scholars and many of them had ties to al-Zuhrī and to the caliphal court in Damascus. In Egypt, the qāḍīs were

appointed and removed by the governor of the province. Seven of sixteen qāḍīs in Fusṭāṭ had ties to ʿAmr ibn al-ʿĀṣ (d. 51/671), who led the conquest of Egypt. The qāḍīs of Fusṭāṭ and al-Kūfah were also charged with extra-judical responsibilities relating to the police, treasury, granary, finances, and the seal. In al-Baṣrah, nine of twelve qāḍīs had links to Anas ibn Mālik (d. 93/711). More than the Muslims in the other four administrative centers, Baṣrans were reluctant to serve the regime. In sum, these seventy-one Umayyad qāḍīs, like the five scholars studied in Part II, were both piety-minded *and* supporters of the Umayyad regime. In Chapter 10 ("Umayyad judicial administration and its ʿAbbāsid legacy"), Judd identifies the common features of Marwānid-era qāḍīs as follows: they were members of a broad but informal scholarly network that revolved around a core group of piety-minded scholars who had close ties to the regime; they studied with many of the same teachers; they held predestinarian views; they were reluctant to issue judgments on the basis of *raʾy*; they found persuasive authority in the *sunnah māḍiyah*; they welcomed government service; they were themselves piety minded; and they were supporters of the Umayyad regime. Following the ʿAbbāsid takeover in 750, some of these pro-Umayyad scholars, such as Ibn ʿAwn, "played an influential role under the new regime" (p. 68). Others, such as al-Awzāʿī and Sufyān al-Thawrī, refused to serve the ʿAbbāsids or to accept a judicial appointment. Generally speaking, however, scholars were not punished for their support of the Umayyads and most late-Umayyad qāḍīs in the five major administrative centers remained in office under the ʿAbbāsids. Even those scholars who were most closely associated with the Umayyads continued to attract students and reasserted their influence. These scholars and their disciples made important contributions to the development of Islamic legal doctrine, especially in the areas of the law of war, division of spoils, and classification of conquered land. Thus, the contribution of Umayyad era scholars to the development of Islamic law is greater than the standard model (see above) would suggest.

Judd has persuasively severed the connection between piety-mindedness and opposition to the Umayyad caliphs. Although he may not have fully reconstructed the "scholarly world" of the Muslims who served the Umayyads, he has made important steps in that direction. One wishes that he had paid more attention to Umayyad legal material, but this subject wisely has been left "for a future study"

(p. 105) that is eagerly anticipated. One also wishes that Judd had explained the political relevance of the theological views of Marwānid era scholars and qāḍīs that he so carefully documents. Also, with regard to historical teleology, grand narratives, and counter-narratives, one wishes that he had engaged more deeply with the scholarship of Antoine Borrut (p. 137); and that he had at least mentioned Tayeb El-Hibri, a pioneer in the literary-critical approach to ʿAbbāsid era chronicles and to narrative representations of "what really happened." The book is clearly organized and generally well written, but it would have benefited from careful proof-reading: *aṣalaḥa* should be *aṣlaḥa* (p. 43); ḥammād should be Ḥammād (p. 46); Kūua should be Kūfa (p. 47); Muṣaʿab should be Muṣʿab (p. 52, three times); *Istakhalafahu* should be *istakhlafahū* (p. 59); al-Wahāb should be al-Wahhāb (p. 64); Khudhāmr is perhaps Khudhāmir (p. 101); al-Nahās should be al-Naḥḥās (p. 118); "concusions" should be "conclusions" (p. 127); ʿĀbas should be ʿĀbis (p. 136); and "There are not examples" should be "There are no examples" (p. 144).

These peccadillos notwithstanding, Judd is to be congratulated for producing a solid and persuasive monograph on Umayyad scholars and qāḍīs. *Religious Scholars and the Umayyads* will take its place as an important contribution to our understanding of Umayyad history, the judiciary, and Islamic law.

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