

Tracing the Origins of Private Landownership in Arab-conquered Lands* **

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Introduction

Landownership in the early Islamic period has been the topic of a number of studies already. The majority of these, however, tend to be bound by the theory of land categorisation in Islamic law, or they focus on tracing the origins of the landownership system from the perspective of the period which followed on from the early Islamic period, the military *iqṭā'* rule beginning in the latter half of the tenth century. Thus it cannot be said that these studies offer a comprehensive picture of the state of landownership during the early Islamic period. Moreover, their emphasis on the *iqṭā'* system raises numerous questions in itself. After all, in the study of a landownership system it is surely just as important as ever to gain a clear understanding of events within their own historical period.

At the beginning of the seventh century, Arab believers in the Muslim faith as taught by Muḥammad left the Arabian peninsula and conquered the neighbouring lands, coming to rule over nations with a variety of religions and culture. In the history of Islam, this is the period known as the early Islamic period, lasting up until the time in the mid-tenth century—or mid-twelfth century

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** The reference materials cited in this paper are referred to by the abbreviated author names listed below. Where English or French translations are available, I include, for convenience, the relevant page numbers from those translations. The translations from the Arabic given in this paper, however, are all by the present author.

in some places, such as Egypt—that the ‘Abbāsid Dynasty could no longer function as state, let alone caliphate. Both society and state underwent considerable change when this period came to an end.

It goes without saying that a study of the societal structure of this early Islamic period cannot look only at its chronological course; one must also consider such questions as how the transformation of West Asian society into Islamic society took place, and how Islamic systems were established. Dubious conclusions can easily be reached, however, if we rely on uncritical investigation of the works of early Islamic scholars. These authors were mainly juriconsults or administrators, whose works were based on various traditions relating to the rise of Islam—including traditions sometimes containing contradictions or even false information—and who used only those traditions which gave retrospectively favourable accounts of the establishment of the system of Islamic law. Any current study of the early Islamic landownership system must at least draw attention to this fact.

With these points in mind, my goal is to present a comprehensive picture of the development of the landownership system of this period. Since space is limited, this paper is intended to take a first step towards that goal, by offering an account of the origins of private landownership in Arab-conquered territory.

1: Essays of the historian al-Ya‘qūbī

Al-Ya‘qūbī (d. 284/897), historian of the ‘Abbāsid period, is renowned as the author of *Ta’rikh* (History), and *al-Buldān* (Countries). In *Ta’rikh*, he writes the

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| Abū Yūsuf | Abū Yūsuf (d.182/798): <i>Kitāb al-Kharāj</i> , al-Qāhira, 1382H. (A. Ben Shemesh: <i>Taxation in Islam</i> , Vol. III, Leiden, 1969). |
| Yahyā | Yahyā b. Ādam (d.203/818): <i>Kitāb al-Kharāj</i> , al-Qāhira, 1352H. (A. Ben Shemesh: <i>Taxation in Islam</i> , Vol. I, Leiden, 1958). |
| Abū ‘Ubayd | Abū ‘Ubayd Ibn Sallām (d. 224/838): <i>Kitāb al-Amwāl</i> , al-Qāhira, 1353H. |
| Ibn Sa’d | Ibn Sa’d (d. 230/845): <i>al-Tabaqāt al-kabīr</i> , ed. E. Sachau, 9 vols., Leiden, 1917-40 (repr.). |
| Balādhurī | al-Balādhurī (d. 279/892): <i>Futūḥ al-buldān</i> , ed. M. J. de Goeje, Leiden, 1866 (repr. 1968); id., 3 vols., ed. S. al-Munajjid, al-Qāhira, 1956-[60]. (The tradition numbers cited are from the Cairo edition.) |
| Ya‘qūbī | al-Ya‘qūbī (d. 284/897): <i>Ta’rikh al-Ya‘qūbī</i> , 2 vols., Bayrūt, 1960. |
| Mushākala | al-Ya‘qūbī (id.): <i>Mushākalat al-nās li-zamānihim</i> , Bayrūt, 1962 (repr. 1980). |
| Wakī’ | Wakī’ (d. 306/918): <i>Akhbār al-quḍāt</i> , 3 vols., al-Qāhira, 1947-50. |
| Ṭabarī | al-Ṭabarī (d. 310/923): <i>Ta’rikh rusul wa-l-mulūk</i> , 3 series, 15 vols., Leiden, 1879-1901; id., ed. M. Abū l-Faḍl Ibrāhīm, 10 vols., al-Qāhira, 1960-69. (The page numbers cited are from the Leiden edition; Y. Friedmann: <i>The History of al-Ṭabarī</i> , Vol. XII, <i>The Battle of al-Qādisiyyah and the Conquest of Syria and Palestine</i> , Albany, N.Y. 1985; G. H. A. Juynboll: <i>The History of al-Ṭabarī</i> , Vol. XIII, <i>The Conquest of Iraq, Southwestern Persia, and Egypt</i> , Albany, N.Y. 1985; R. S. Humphreys: <i>The History of al-Ṭabarī</i> , Vol. XV, <i>The Crisis of the Early Caliphate</i> , Albany, N.Y. 1990.) |
| Yāqūt | Yāqūt al-Hamawī (d. 626/1229): <i>Mu’jam al-buldān</i> , ed. F. Wüstenfeld, 6 vols., Leipzig, 1866-73 (repr. Tehran, 1965). |

following with regard to Caliph 'Uthmān, the third caliph (reigned, 634-644):

'Uthmān was a generous man who was never miserly about money. Although he did give preferential treatment to his own kin, with regard to [payment of] the retainers' stipend ('*aṭā*') he treated all people equally. ... In the sixth year of the his reign, people began to criticize him: debate about the caliph was the topic on everyone's lips. They said, "The caliph shows favouritism towards his own relations, he protects his patrons, builds palaces, and uses the money of God and of Muslims to acquire estates (*ḍiyā'*) and riches (*amwāl*). He banishes Companions of the Apostle of Allāh, such as Abū Dharr and 'Abd al-Raḥmān b. Ḥanbal, and he favours al-Ḥakam b. Abī l-'Āṣ and the purgee of the Companions of the Apostle of Allāh, 'Abd Allāh b. Sa'd b. Abī Sarḥ ..." (Ya'qūbī, II, 173-74).

Although al-Ya'qūbī's work is coloured by his Shī'ite view of history, his *Ta'rikh*, though not voluminous, is nonetheless highly worthy of attention as a precise account of early Islamic history. 'Uthmān was a tragic caliph caught up in the whirlpool of drastic societal change occurring in the newly-fledged Islamic nations. He all but invited the rebellion by Arab warriors of such garrison towns as Kūfa and Baṣra in Iraq and Fustāt in Egypt, and he was eventually to be assassinated. This triggered the outbreak of the first civil war, in which the early Islamic state was faced with the severe danger of becoming divided.

In the passage cited above, al-Ya'qūbī lists some of the points of contention raised by the Muslims against 'Uthmān's reign. Among these is the accusation that the caliph used "the money of God and of Muslims"—in other words, public funds—"to acquire estates and riches". The word used for 'estates' is *ḍiyā'*, which is in fact the plural of *ḍay'a*. This word is a technical historical term, as opposed to the everyday Arabic word, *milk*, meaning 'private property'.

The entry on *ḍay'a* in the *Encyclopaedia of Islam* is written by the late Professor Cl. Cahen of the Sorbonne. He writes that, "at the time of the Conquests the local people were left in possession of their lands, subject to their paying the *kharāj*; ... In contradistinction to the *kharāj* lands there were the original properties of the Arabs, especially in Arabia, and the grants made in favour of notables or their dependents by the caliphs from public property, the *qaṭā'i'* (plural of *qaṭi'a*): in practice, the primitive *qaṭā'i'* were assimilated into the Arab properties. These were not subject to the native taxes, but the Muslim had to pay out of the revenues that he drew therefrom the *zakāt*, comparable in land matters to the tithe '*ushr*'. It was the group of tithe-lands which came to be called *ḍiyā'*." In other words, Arab-conquered lands were divided into two categories: (1) the *kharāj* lands, whose ownership was acknowledged to lie with the local people, and (2) private properties awarded by grant from the caliph. According to Cahen, these "private properties"—to which the word *ḍay'a* refers—

were estates of the order of magnitude of a village.¹⁾

In addition to *Ta'rikh*, al-Ya'qūbī also left to us a critical history, *Mushākalat al-nās li-zamānihim* (The Adaptation of Men to their Time), covering early Islamic history up to the reign of Caliph al-Mu'taḍid (reigned, 892-902). In this work he argues, as cited below (*Mushākala*, 13-15), that the previously-mentioned acquisition of estates and capital by Caliph 'Uthmān had its parallel among the Islamic leaders of the time. Interestingly, the phraseology of this section is almost exactly like that of historian al-Mas'ūdī (d. 346/956), who wrote about half a century later than al-Ya'qūbī.²⁾ (The section numbers in the following are added by the present author. Quotation marks indicate quotations made by al-Ya'qūbī.)

'Uthmān was kind and generous in the extreme. He respected his kin, promoted his relations, and acquired riches *using his own resources*. People tried to act according to his example. He had a palace built in Medina, and, sparing no expense, made the walls of stone and erected gates of teak at each entrance. He also acquired properties, wells and camels in Medina. 'Abd Allāh b. 'Utba relates that,

(1) "When 'Uthmān died, his treasury contained 150,000 dinars and one million dirhams. His estates (*diyā'*) at the Wells of Arīs and in Khaybar and Wādī al-Qurā, were worth 200,000 dinars. In addition, he left horses and camels." During 'Uthmān's reign, the Companions of the Apostle of Allāh acquired properties (*amwāl*: 'estates', *diyā'*, in al-Mas'ūdī) and built palaces.

(2) "Al-Zubayr b. al-'Awwām built the famed palace in Baṣra. ... al-Zubayr's assets reached 50,000 dinars; he left 1,000 horses and 1,000 slaves, and in addition, residences (*khiṭaṭ*) in Fuṣṭāṭ, Alexandria, Kūfa and Baṣra."

(3) "Ṭalḥa b. 'Ubayd Allāh acquired various palaces and residential lands (*'aqārāt*) whose value reached 100,000 dinars. In addition, his income (*ghalla*) from [land in] Iraq was 1,000 *wāfi* a day, and from Syria 10,000 dinars a day. ..."

(4) "'Abd al-Raḥmān b. 'Awf had an immense palace built. He owned 1,000 camels, 10,000 sheep and ten horses, and the value of one quarter of his assets was more than 84,000 dinars."

Sa'īd al-Musayyab relates,

(5) "Zayd b. Thābit left capital, estates (*diyā'*) and wells, [as well as] gold and silver ground up with a hand-axe. The total value was over 150,000 dinars."

(6) "Ya'lā b. Munabbih al-Tamīmī left 500,000 dinars as well as residential land (*'aqārāt*), estates (*diyā'*) and loans (*duyūn*: 'well'—perhaps an error for *'uyūn*?) to the value of three hundred thousand dinars."

(7) "al-Miqdād [b. 'Amr] built a castle of brick in al-Jurf ..."

Such expenditure would have been unheard of in the time of [the second

caliph], 'Umar (reigned, 634-644). It was only after 'Umar's reign that such conduct began.

(8) [The fourth caliph] 'Alī b. Abī Ṭālib occupied himself continually with war. He did not attire himself in new clothes, acquire any estates (*ḍay'a*) or leave any money. He did own [land] in Yanbu' and al-Bughaybigḥa³) but even this he gave away as charity.

From these records, we gather that from Caliph 'Uthān onwards the Companions of the Prophet applied themselves zealously to the acquisition of a variety of moveable and immoveable assets, including estates; and, moreover, that al-Ya'qūbī regarded this phenomenon as highly significant. He goes on to describe the acquisition of immoveable assets such as estates by the first Umayyad caliph, Mu'āwiya b. Abī Sufyān (reigned, 661-680), as well as by the governor of Egypt, 'Amr b. al-'Aṣ, the governor of Baṣra, 'Abd Allāh b. 'Āmir b. Kurayz, the governor of Iraq, Ziyād [b. Abīhi], and further governors of Egypt, Maslama b. Mukhallid and 'Uqba b. 'Āmir al-Juhānī (Mushākala, 16-17).

By what means would the caliphs and governors have acquired these immoveable assets? According to Cahen it was by caliphal grant, but whatever the means, could this acquisition of land really have been legal? Looking at Ibn Ḥanbal and the *Ḥadīths* of the Prophet, Muḥammad had the following—which is recorded even by jurisconsults such as Yaḥyā b. Ādam (d. 203/919)—to say about these estates:

The Prophet said, "Do not acquire estates (*ḍay'a*), for you will yield to worldly desires". Then 'Abd Allāh [b. Mas'ūd] said, "[Property] in Medina should [remain in the hands of people living] in Medina, and what is in Rādhān is [to remain to those] in Rādhān."⁴

Taking these to be the true words of Muḥammad, they render the Companions of the Prophet recalcitrants not adhering to the teachings of their religion, if they did indeed acquire property zealously, as described above. Leaving this particular angle aside, I intend to focus on the use of the Arabic word *ḍay'a*. The fact that this word appears in both al-Ya'qūbī's accounts and in the *Ḥadīths* of the Prophet implies that the word has been in use since the time of Muḥammad. To test whether this is really true, we must examine al-Ya'qūbī in detail.

Looking first at the texts referring to Caliph 'Uthmān, in his *Ta'rikh* al-Ya'qūbī writes that the caliph was criticised for using public money to acquire assets such as estates. By contrast in his *Mushākalat al-nās* he writes that the caliph made these acquisitions using his own funds. Evidently there is some misunderstanding about the caliph's deeds. This point will be further considered later.

The most detailed collection of biographies of early Muslims such as the Companions of the Prophet was compiled by 'Abbāsīd historian Ibn Sa'd (d. 230/845). This work, *al-Ṭabaqāt al-kabīr* (Biographies of the Early Muslims), contains the report cited below on Caliph 'Uthmān. It is related via a chain of transmitters, 'Ubayd Allāh b. 'Abd Allāh b. 'Utba → al-Zuhrī → Sa'īd b. Abī Zayd → Ibn Abī Sabra → Muḥammad b. 'Umar.

On the day that 'Uthmān b. 'Affān was killed, his coffers contained 30,500,000 dirhams and 150,000 dinars, but this was plundered and nothing remained. He left 1,000 camels in al-Rabadha⁵⁾ and he also left [land for] *ṣadaqa* ('charity') to the value of 200,000 dinars in the places he had customarily made donations: the Wells of Arīs,⁶⁾ and Khaybar⁷⁾ and Wādī al-Qurā⁸⁾ (Ibn Sa'd, III/1, 53).

This report is extremely similar to the corresponding report by al-Ya'qūbī. However in al-Ya'qūbī the Wells of Arīs, and Khaybar and Wādī al-Qurā are referred to as the locations of 'Uthmān's estates, whereas in Ibn Sa'd, the word 'estate' does not appear. The traditionist cited by al-Ya'qūbī as his authority is 'Abd Allāh b. 'Utba, but in Ibn Sa'd it is his son 'Ubayd Allāh b. 'Abd Allāh b. 'Utba. From this we can surmise that, although al-Ya'qūbī cited Ibn Sa'd, he actually traced the chain of transmitters back one generation further, and in addition, embellished the tradition in accordance with his own interpretation of events.

Ṭalḥa b. 'Ubayd Allāh (d. 36/656), referred to in (3) above, was a very influential man. He was head of the clan of Taym of Quraysh, and, like al-Zubayr, he was one of the six appointed to elect the next caliph on the death of Caliph 'Umar. After the death of 'Uthmān, he and al-Zubayr both died in battle against the fourth caliph, 'Alī. In Ibn Sa'd the tradition about Ṭalḥa is recorded as follows, according to the chain of transmitters, 'Īsā b. Ṭalḥa → Makhrama b. Sulayman al-Wālbī → Abū Bakr b. 'Abd Allāh b. Abī Sabra → Muḥammad b. 'Umar:

Abū Muḥammad Ṭalḥa received a daily revenue from [land in] Iraq amounting to one thousand *wāfi*. One *wāfi* is one dirham and two *dāniq* (Ibn Sa'd, III/1, 157).

From this gloss of *wāfi*—unexplained in al-Ya'qūbī—we can calculate that the revenue amounted to about 360,120 dirhams per year.⁹⁾

Ibn Sa'd recounts further about Ṭalḥa:

Ṭalḥa b. 'Ubayd Allāh made 400-500 thousand [dirhams] profit in Iraq and about 10,000 dinars in Sarāh (Yemen).¹⁰⁾ In addition there was grain

(*ghallāt*) [storage] belonging to Ṭalḥa in al-A'rād¹¹) (Ibn Sa'd, III/1, 157; cf. id., p. 158).

This passage from Ibn Sa'd corroborates al-Ya'qūbī's "1,000 *wāfi* a day", but it seems that, although citing Ibn Sa'd, al-Ya'qūbī mistook the name Sarāh for al-Shām (Syria).

Ibn Sa'd goes on to show how Ṭalḥa was involved in agriculture development:

The food for his family in Medina came every year from cropland (*muzāra'a*) in Qanāt. This land was cultivated with the power of twenty beasts to pump the water for irrigation. Ṭalḥa was the first to grow wheat in Qanāt (Ibn Sa'd, III/1, 158).

According to Yāqūt, Qanāt refers to a *wādī* ('valley') in Medina.¹²)

The next person to consider is (4), 'Abd al-Raḥmān b. 'Awf (d. 31/652), of the Zuhra clan of Quraysh. He took part in the Battle of Badr, and, along with Ṭalḥa, was appointed by Caliph 'Umar to the committee for electing the next caliph, on which he played a leading role in backing 'Uthmān.¹³) Ibn Sa'd wrote of Ibn 'Awf that he left 1,000 camels, 10,000 sheep and 100 horses at al-Baqī'; at al-Jurf¹⁴) he kept 20 camels and farmed, supplying his family's food requirements each year from there; and that he had four wives, each of whom received an inheritance worth 80,000 dinars. Regarding one of these wives Ibn Sa'd records, "Tumādir bt. al-Aṣḥagh was paid 100,000 dinars which was one quarter of the total" (Ibn Sa'd, III/1, 96), thus explaining the origin of the rather curious expression in al-Ya'qūbī, "the value of one quarter of his assets ...".¹⁵)

It is not clear which authority al-Ya'qūbī's accounts of the Companions in (5), (6) and (7) are based on. His assertions about the fourth caliph, 'Alī, in (8), seem at variance with fact. In (7), he comments that before Caliph 'Umar there had been no acquisition of estates and land by Companions of the Prophet, then in (8) he argues that Caliph 'Alī was different from other Companions by virtue of his not acquiring estates or amassing wealth. In fact, although Yanbu', the site of Alī's land, was an outer port town of Medina, Yaḥyā b. Adam and historian al-Balādhurī (d. 279/892) record that 'Alī acquired this land by requesting it of Caliph 'Umar who granted it to him.¹⁶) Another source—albeit from a volume compiled much later—states that 'Alī had land in Yanbu', but that this land had been granted by Muḥammad to a man named Kushud from whom 'Alī had purchased the land.¹⁷) Yāqūt writes that Yanbu' belonged by inheritance to the family of 'Alī's son, Ḥasan, and that the *al-Anṣār*, the Juhayna clan and the Layth clan lived there.¹⁸)

Al-Bughaybigha, following Wakī's *Akhhbār al-quḍāt* (Biographies of Judges), presents another different account. He assumes that the land was donated as charity by 'Alī, but that it was then inherited by another son, Ḥusayn. When Ḥusayn was martyred, the land was confiscated by the second Umayyad caliph, Yazīd (reigned, 680-683). Then, when the second civil war broke out, the land became Ibn al-Zubayr's and was again confiscated by Caliph 'Abd al-Malik (reigned, 685-705). Finally Caliph 'Umar II (reigned 717-720) restored the land to 'Alī's family.¹⁹⁾

It is also claimed that 'Alī similarly owned Wādī Turā'a in Fadak, Wādī al-Aḥmar in Shi'b Zayd, and Wādī al-Bayda, Afa and al-Qusayba in Ḥarrat al-Rajla.²⁰⁾ The historian al-Ṭabarī (d. 310/923) reports that, at the outbreak of the first civil war in A.H. 36 (656), Ṭalḥa and al-Zubayr, aiming to win the support of Muḥammad's widow, 'Ā'isha, said that they would give land formerly belonging to themselves but now in the possession of 'Alī to 'Ā'isha [on the day of victory].²¹⁾ From such accounts it is evident that, like the other Companions of the Prophet, the fourth caliph, 'Alī, was a big landowner and he recognised the political significance of landownership. Al-Ya'qūbī's moulding of the historical facts to emphasise Caliph 'Alī's detachment from worldliness reflects his dignity as a Shī'ite historian.

An important point to note from this examination of the records is that the technical word 'estate', *diyā'*, is not used at all in Ibn Sa'd, although al-Ya'qūbī cites him as an authority. By describing the land acquired by the Companions of the Prophet as 'estates', al-Ya'qūbī is using a word of his own time. This suggests that the *Ḥadīths* which tell of Muḥammad forbidding ownership of 'estates', may well have been written at a later period, probably based on events which occasioned such a tradition, and then attributed to Muḥammad. This idea will be revisited later.

In the meantime we are left with the question of when the word 'estate', — the most appropriate term for indicating private landownership by Muslims — was used? This question, along with the question of when private landownership in conquered territories began, merits investigation in its own right.

2: The claims of the early Islamic jurisconsults

In this Section we will investigate sources other than al-Ya'qūbī which elucidate landownership by Companions of the Prophet. For clarity of argumentation, it seems appropriate to look first at how the land system after the great Arab conquest is described in general. Cl. Cahen explains that an overview of the land system of this period reveals two categories of land:

(1) Le premier, constitué par toutes celles qui, auparavant, appartenaient à des particuliers, évidemment nonmusulmans, et qui n'ont pas été aban-

données par eux. Elles sont, en fait, laissées à leurs détenteurs, le droit éminent de la communauté musulmane étant affirmé par un impôt foncier, le *kharāj*. Mais les héritiers de ces possesseurs se sont ensuite souvent convertis à l'Islam. Comme cela aurait ruiné le Trésor de les dispenser pour autant du *kharāj*, on a fini par établir que le statut de la terre ne changerait pas avec celui du possesseur, une capitation personnelle, la *jizya*, s'ajoutant seulement, ou non, au *kharāj* selon la confession du contribuable.

(2) Le second groupe de terres est celui que la communauté musulmane a hérité des anciens domaines des États romano-byzantin et sassanide, ou des Églises liées à eux, des grands domaines de propriétaires disparus par la fuite ou la mort sans héritier exploitant, enfin des territoires n'ayant jamais fait l'objet d'appropriation par des individus ou des collectivités locales (déserts, etc...). Ces domaines ne présentaient évidemment d'intérêt pour le conquérant que s'ils étaient mis en valeur. À côté de ceux qui étaient conservés par l'État et souvent affermés par lui, il était en général plus simple de les concéder à des particuliers ou à des groupes, de manière à les mettre en situation de rendre à la communauté les services qu'elle attendait d'eux. Ces terres, en quelque sorte retranchées du domaine public, étaient appelées d'un nom ... *qaṭī'a*, auquel, plus tard, on devait préférer le terme ... *iqṭā'*. Ces terres n'étaient concédées, celles-ci, qu'à des musulmans et comme telles assimilées, à maints égards, aux propriétés des premiers musulmans d'Arabie; il était d'ailleurs arrivé qu'elles eussent été acquises du Trésor par achat. Elles n'étaient donc pas frappées de l'impôt du *kharāj*, ... mais seulement de la dîme, '*ushr*', bien plus faible ... Il aurait dû être interdit aux musulmans d'acquérir la propriété de terres de *kharāj*. ... Mais il s'avéra vite impossible d'empêcher les conquérants de se constituer ainsi des domaines plus grands que ce qu'ils pouvaient acquérir en *qaṭī'a*. Musulmans, ils considéraient leurs propriétés ainsi acquises comme ne devant être astreintes au paiement de la dîme. ... Pratiquement donc, tout domaine musulmans, à l'exception de ceux des indigènes convertis plus tard, dut être terre de dîme. De fait, on ne voit pas que le fisc, parmi les *ḍiyyā'* (pluriel de *ḍay'a*) ou domaines, distingue ceux qui ont été acquis comme propriété (*milk*) ou en *qaṭī'a*. Ils sont, les uns comme les autres, aliénables, héréditaires et frappés de la dîme.²²⁾

H. Q. El-Samarraie, basing his explanation heavily on Cl. Cahen, divides the second category further. He considers land in Iraq after the Arab conquest to fall into three categories, and argues that land grants were theoretically only allowed to be made of land in category (2), i.e., "ownerless" land abandoned by its landlord and, as such, *ṣawāfi* land. He claims that it was this practice that became the basis of private landownership.²³⁾

Taking a similar view in his paper on the origins of the *iqṭā'*, 'A. 'A. al-Dūrī

explains landownership after the Arab conquest as follows:

(1) The expansion of the Arabs had its impact. Their policy was to leave peasants undisturbed on the land, and though land was considered the property of the conquerors, it was left with the cultivators. Odd references (especially in Iraq) indicate that the attitude to land as booty was there, and tracts of land were in fact allotted, but practical considerations, and primarily the idea of the *Umma* (the conquering Arab army) mobilized for *jihād* prevented that. The conquered lands thus became the common property of the *Umma* and left with the cultivators for payment of certain taxes (especially *kharāj*). The tribes acceded to this policy, but they had their own understanding of its meaning—that the revenue of the lands in each province was to be distributed among the fighters there. They continued to hold this view, a fact which influenced their attitude to the land and to the state.

(2) On the other hand, lands whose owners were killed or had fled during the wars of conquest (especially of the nobility), former state lands and other public lands, were considered *ṣawāfi*, (i.e. treasury lands). The caliph could have them exploited or given in grants, *iqṭāʿ*, to individuals or groups. There were the dead lands, *mawāt*, and lands submerged under water (like Batīḥa) and those could only be revived by permission or grant from the Caliph or his governors, at least since the middle of the first century A. H. Grants from the *ṣawāfi* and *mawāt* account primarily for the rise of large land ownerships during the first two centuries after the *hijra*.²⁴⁾

However al-Dūrī goes on to present a slightly different view of the land in category (2). He argues that *ṣawāfi* lands had not been made treasury lands from the outset, but that they had initially been returned to the Arab tribes who had taken part in the conquest, then Caliph ʿUthmān had gone on to make grants of estates from these *ṣawāfi*.²⁵⁾

In his paper “*Qaṭīʿa* and *ḍayʿa* in the early Islamic period”, J. Shimada writes, “*qaṭīʿa* came into existence by means of conferment from the upper classes, and could be inherited or bought and sold”, and, “another form of privately owned land existing alongside *qaṭīʿa* was *ḍayʿa* which could also be inherited, bought or sold, or bestowed as a gift. However the word *ḍayʿa* was used not only to indicate the great lands typically owned by Muslims, but also as a general term for privately owned land irrespective of the land’s size or whether or not the owner was Muslim.” In conclusion, Shimada asserts, “There was a consensus among the juriconsults writing later that both *qaṭīʿa* and *ḍayʿa* were subject to payment of the *ʿushr* (‘tithe’). However this does not necessarily mean that Arab-Muslim landowners paid the *ʿushr* from the start. In historical tradi-

tion, the majority of reports of payment of the *'ushr* on *qaṭī'a* and *ḡay'a* refer to the 'Abbāsid period. ... The conquering Arab Muslims, even though they may have seen the need to distribute the conquered lands, did not think of taxing private land. The first person to try and promote the idea that Muslims had a duty to pay the *'ushr* was 'Umar II, and it was a long time before the idea became instilled. We should not believe that owners of *qaṭī'a* and *ḡay'a* paid the *'ushr* from the beginning."²⁶)

From this series of quotations it can be seen that, while there are differing opinions about particular points, a summary of the land system after the great Arab conquest emerges as follows:

Category (1) comprises lands owned by the indigenous peasants, who were allowed to continue owning their land in return for payment of the heavy tax, the *kharāj*. The revenue from the *kharāj* was distributed among Arab warriors as their stipend.

Category (2) comprises lands left without owner due to the owners fleeing or being killed at the time of the wars of conquest, in other words, the lands of the king and nobility of the Sasanian dynasty, and the lands of Byzantine nobility. In Iraq, in particular, these un-owned lands were collectively called *ṣawāfi*, and they were treated in the same way as *mawāt* ('dead land') such as desert or marsh, in that the caliph used these *ṣawāfi* and *mawāt* as lands to grant as *qaṭī'a* to particular people. It was the third caliph, Caliph 'Uthmān, who made land grants in this way as a matter of course.

However, although there are primary sources which may appear to testify to such a summary, a closer critical reading of these sources does not corroborate the summary, and a number of questions remain.

First, since the land awarded by grant, the *qaṭī'a*, was land which could be inherited or bought and sold, the granting of this land enables us to trace the origins of private landownership in the Arab-conquered lands. The authority on which the literature is based must thus be examined thoroughly. In the papers cited above it is assumed that *qaṭī'a* awarded from Iraqi lands came from *ṣawāfi* comprising the former Sasanian crown lands. This assumption comes from jurisconsult Abū Yūsuf (d. 182/798), chief judge of the 'Abbāsid caliph, Hārūn al-Rashīd, and from jurisconsult Yaḥyā b. Ādam and historian al-Balādhurī. Abū Yūsuf writes as follows. (The numbers (1) to (4) and ① to ⑦ are added by the present author for convenience):

(1) The fiefs (*qaṭā'i'*, plural of *qaṭī'a*) in Iraq were granted from the lands of the Persian kings, nobility and royal family, which were not in the possession of anyone.

(2) ‘Abd Allāh b. al-Walīd al-Muzanī related as follows via a man from the Banū Asad tribe whom he believed the best informed about the Sawād lands (southern Iraq): In the times of Caliph ‘Umar, the *ṣawāfi* yielded 4,000,000 [dirhams] [in tax revenues]. These lands were the *ṣawāfi al-astān*, the lands confiscated by ‘Umar, comprising the properties of the Persian kings and their families, the lands (*ard*) of those who were killed in war or had fled, dried-up marshlands, post stations, and two further categories which I cannot remember.

(3) ‘Abd Allāh b. al-Walīd told me (Abū Yūsuf) via ‘Abd Allāh b. Abī Ḥurra: Caliph ‘Umar converted ten categories of properties in the Sawād into *ṣawāfi*: ① The lands of those killed in war; ② the lands of those who fled; ③ all lands which belonged to the Persian kings; ④ all lands which belonged to any one of the Persian kings’ relatives; ⑤ every water source, and ⑥ every post station (*dayr barīd*). ⑦ I have forgotten four other categories which belonged to the Persian kings. The *kharāj* from all these lands, which Caliph ‘Umar made into *ṣawāfi*, was 7,000,000 [dirhams]. During the [Dayr] al-Jamājim disturbances the *diwān* (‘public office’) were burned down and the original registrations (*al-aṣl*) of the lands and their boundaries were lost and became unknown.

(4) Some of the elders of Medina related to me (Abū Yūsuf): In the *diwān* (‘public office’) it had been recorded that ‘Umar converted into *ṣawāfi* the properties (lands) of the Persian kings and their families, the properties (lands) of those killed in battle or who had fled, and every marshland or swampy brushwood. From these lands ‘Umar used to grant *qaṭī’a* to those who merited them (Abū Yūsuf, 57-58; Shamesh: Taxation, III, pp. 73, 75).

Abū Yūsuf claims that the lands awarded as *qaṭī’a* were the lands of the former Sasanian kings and the lands that had come to be ownerless. As evidence he cites three sources testifying that, after the end of the wars of conquest, these types of land were designated as *ṣawāfi*, or state land, by Caliph ‘Umar. However, (2) and (3) are not actually separate traditions; they both come from the same line. The Battle of Dayr al-Jamājim referred to in the latter half of (3) was a civil war fought in A.H. 82(701) between al-Ḥajjāj b. Yūsuf, the Umayyad governor of Iraq, and ‘Abd al-Raḥmān b. al-Ash‘ath who had the support of the majority of Arabs and non-Arab *mawālī* in Kūfa.²⁷⁾ This tradition thus cannot date back to the mid-Umayyad dynasty.

This third tradition of Abū Yūsuf is told in almost the same way in Yaḥyā b. Ādam as tradition no. 198 (Yaḥyā, 63-64; Shameesh; Taxation, I, p. 53). The chain of transmission of the tradition is rather clearer in Yaḥyā’s version:

Father [Abū Ḥurra] → ‘Abd al-Malik b. Abī Ḥurra → ‘Abd Allāh b. al-Walīd b. ‘Abd Allāh b. Ma‘qil → ‘Abd Allāh b. Mubārak → Yaḥyā.

The main difference is at the end of the tradition in Yahyā b. Ādam: "... people burned down the *diwān*, and each tribe took the lands adjacent to theirs"²⁸). A similar tradition in which Caliph 'Umar made ten pieces of land in the Sawād into *ṣawāfi* appears in al-Balādhurī (Balādhurī, 273, no. 690). The chain of transmitters is as follows:

Father [Abū Ḥurra] → 'Abd al-Malik b. Abī Ḥurra → 'Abd Allāh b. al-Walīd → Ibn Mubārak → Abū 'Abd al-Raḥmān al-Ju'fī → al-Balādhurī.

The only difference between this tradition and the account in (3) is that the lands referred to in ⑦, above, become, "all the lands owned by the Persian kings for their own use". It becomes clear when comparing the two tradition chains that the Abū Ḥurra, 'Abd al-Malik father and son were the starting point and the tradition was just passed down two routes from them; in Abū Yūsuf's chain, 'Abd Allāh b. Abī Ḥurra is a mistake for 'Abd al-Malik b. Abī Ḥurra. In addition, abbreviations can be seen in the chain. Although the backgrounds of 'Abd al-Malik b. Abī Ḥurra and his father Abī Ḥurra were uncertain, later juriconsults went on to use this tradition.

Moving on to tradition (4), Abū Yūsuf claims that Caliph 'Umar did not only create *ṣawāfi*, he also made grants of *ṣawāfi* himself. This is probably indirectly stating Abū Yūsuf's own opinion, and the authenticity is questionable. The "*diwān*" in Kūfa, said to have been burnt by the rebel army during the Battle of Dayr al-Jamājim, is the so-called 'land registry office', which was, in fact, the successor of the legal system of landownership already in place during the Sasanian dynasty.

To guarantee one's landownership rights under Sasanian land law, the main precepts of ownership—the ability to buy and sell, inherit, or give land—were clearly defined, and in the case of any of these events taking place, a land rights contract witnessed by a third party had to be drawn up at a civil court or equivalent public office and registered with the government.²⁹) The word *al-diwān* can denote both the 'stipend recipient register' and the office for such registration, or the taxation register and the tax office. In the present context it seems reasonable to understand the word to mean a land registry office following the customs of the Sasanian dynasty.

The word for the land rights contract, or, more precisely the registered land rights contract, in Arabicized Persian is *wisr*, equivalent to the later word *sijill*.³⁰) Whether or not this Sasanian land law was fully understood by the Arabs immediately after the conquest is a debatable point, and there is an oft-told episode relating to this question, about Shurayḥ b. al-Ḥārith, who was appointed as judge (*qāḍī*) by Caliph 'Umar in A.H. 18 (639).³¹) Yahyā b. Ādam relates this as follows, via the chain, Shurayḥ → Ibn Sīrīn → Ash'ath b. Sawwār → Ḥafṣ b. Ghiyāth:

Two men [the plaintiff and the defendant] pleaded before Shurayḥ. One of them said, "This man bought land (*arḍ*) belonging to the *jizya* land (*arḍ al-jizya*) from me, took away my registered contract (*wiṣr*), i.e. the written document (*kitāb*), and now does not pay me the price, nor does he return my document to me." He (Shurayḥ) did not give any judgement, and the two men finally got up and left (Yaḥyā, 58-59; Shemesh: Taxation, I, 50).

Given this episode, regardless of any *diwān* instituted by Caliph 'Umar for the registration of (stipend) recipients, it is hard to believe that there was a *diwān* for land registry, let alone that land matters in Iraq were registered in the *diwān* in Medina. In fact, as we will see later, the very idea of Caliph 'Umar creating *ṣawāfi* land was a fiction of the juriconsults of a later period, and tradition (4), above, is invented, although perhaps not by Abū Yūsuf himself.

'Abbāsīd juriconsult, Abū 'Ubayd b. Sallām (d. 224/838) uses Abū Yūsuf's tradition (3), but he claims that land grants from the *ṣawāfi* lands designated by Caliph 'Umar were actually made by Caliph 'Uthmān. He, too, was evidently intrigued by the *qaṭī'a* in Iraq, and argues as follows:

There are some who claim that Caliph 'Uthmān's granting of *iqṭā'* to the Companions of the Prophet, and the fact they accepted these lands, is connected with the fact that they were Sawād lands. When I (Abū 'Ubayd) enquired of Qabīṣa, "Is *iqṭā'* limited to the Sawād?", he replied, "No. As we always explain, it is connected with the Sawād lands but, as far as I understand, *iqṭā'* refers to a number of lands which came from among the Sawād lands, were designated by Caliph 'Umar as *ṣawāfi* and as such used for land grants."

Abū 'Ubayd thus introduces the authority of Qabīṣa into his account, which is also based on the tradition from the Abū Hurra-'Abd al-Malik father and son line, in which Caliph 'Umar creates *ṣawāfi* (Abū 'Ubayd, 283, no. 694).

This theory of the juriconsults that the first person to make grants of *qaṭī'a* from *ṣawāfi* lands was not Caliph 'Umar but Caliph 'Uthmān is recounted in a number of places in Yaḥyā b. Ādam.³²⁾

As if to emphasise the grants by Caliph 'Uthmān, juriconsult Abū 'Ubayd continues as follows:

Abū 'Ubayd: It is certain that Caliph 'Uthmān's [grants of] *iqṭā'* were made from the lands designated as *ṣawāfi* by Caliph 'Umar. In traditions apart from those of Sufyān [b. Thawrī] the names of villages granted by 'Uthmān are recorded: Ṣa'nabā, al-Nahrayn, Hurmuz village (Hurmuz was one of the Perisan kings). Just to annotate what I explain here, the reason that 'Uthmān made grants of these lands was that they no longer had owners

(*rabb*) (Abū 'Ubayd, 284, no. 696).

Perhaps because he could not ignore such claims by the jurisconsults, historian al-Balādhurī records the following tradition, passed down the line Mūsā b. Ṭalḥa → Ishāq b. Yaḥyā → Muḥammad b. 'Umar al-Aslāmī → al-Walīd b. Ṣāliḥ → al-Balādhurī:

The first one to give out Iraq in fiefs was 'Uthmān b. 'Affān who gave out *qaṭī'a* from the Persian kings' *ṣawāfi* and from the lands whose owners had fled. Thus, he assigned to Ṭalḥa, al-Nashāstaj, to Wā'il b. Ḥujr al-Ḥaḍramī, the land bordering on Zurāra's ... (Balādhurī, 273-74, no. 694)

Leaving aside the jurisconsults' division of opinion about whether granting of land was carried out by Caliph 'Umar or Caliph 'Uthmān, their stressing that *ṣawāfi* lands were created by Caliph 'Umar was no doubt to justify the strategy carried out by successive caliphs, Umayyad and 'Abbāsīd of issuing land grants. By collecting together these traditions of dubious authenticity, in which Caliph 'Umar makes *ṣawāfi* of the former Sasanian crown lands and of dispossessed lands which thus naturally belong to the caliph, and 'Uthmān then distributes the *ṣawāfi* by granting them to meritorious retainers, the jurisconsults draw up a kind of matrix. From what I have presented thus far, it should be clear that explanations of early Islamic landownership only in terms of this matrix will not be fully accurate. This will become all the clearer on investigating landownership by individual Companions of the Prophet in the next Section.

3: Landownership by the Companions of Muḥammad

We have already seen that in al-Ya'qūbī, the Companions of Muḥammad from 'Uthmān onwards are portrayed as zealous acquirers of land. What do other sources report about this question? Indeed, the majority of the traditions tell of land grants bestowed by 'Uthmān. Consider first of all Abū Yūsuf, who relates as follows, according to the chain Mūsā b. Ṭalḥa → Ibrāhīm b. al-Muhājir → al-A'mash → Abū Yūsuf:

'Uthmān b. 'Affān granted to 'Abd Allāh b. Mas'ūd land in al-Nahrayn and to 'Ammār b. Yāsir land in Istīniyā and to Khabbāb [b. al-Aratt] land in Ṣa'nabā³³) and to Sa'd b. Mālīk [al-Zuhrī] the village of Hurmuzān. These lands are all adjacent to each other. 'Abd Allāh b. Mas'ūd and Sa'd [b. Mālīk] used to give their land to cultivators against a third and a fourth of the crops (Abū Yūsuf, 62. Cf. Shemesh, III, 77; Fagnan, p. 93).

'Abd Allāh b. Mas'ūd in this passage came from a poor family. He became

the third to enter the new faith, and worked as Muḥammad's sandal carrier. Eventually, during 'Uthmān's reign, he rose to become chief of the Kūfa state treasury.³⁴ 'Ammār b. Yāsir (d. 37/657) was another early convert who, a military hero since the Battle of Badr, became governor of Kūfa during the reign of Caliph 'Umar.³⁵ Istīniyā was a village close to Kūfa (Yāqūt, I, 244). The background of Khabbāb b. al-Aratt (d. 37/657) is unclear, but he was of low social status, became a convert in A.H. 6, fought in the Battle of Badr and worked as distributor of the spoils of war.³⁶ Sa'd b. Mālīk al-Zuhrī was the famed general of the conquest of Iraq, known at the time as Sa'd b. Abī Waqqāṣ.³⁷

Al-Balādhurī relates almost the same story. His tradition no. 691 (p. 273), passed down the chain, Mūsā b. Ṭalḥa → Ibrāhīm b. al-Muhājir → al-A'mash → Muḥammad b. Fuḍayl → al-Ḥusayn & 'Amr al-Nāqid → al-Balādhurī, is not different to that of Abū Yūsuf, except that the name Hurmuzān is not included. The chain of his tradition no. 693 (p. 273), Mūsā b. Ṭalḥa → Ibrāhīm b. al-Muhājir → Abū 'Awwāna → Sībān b. Farrūkh → al-Balādhurī, begins with the same first two names. It states "'Uthmān b. 'Affān granted land to the five Companions of the Prophet", and gives the five names, 'Abd Allāh b. Mas'ūd, Sa'd b. Mālīk al-Zuhrī, al-Zubayr b. al-'Awwām, Khabbāb b. al-Aratt, and Usāma b. Zayd. He adds, as the words of Mūsā b. Ṭalḥa, "Ibn Mas'ūd and Sa'd are my neighbours, and I have seen that they let their land out on condition of payment of a third or a fourth [of the yield]". Al-Zubayr b. al-'Awwām (d. 36/656) was head of the Asad clan of Quraysh, won honours in the great conquest and was appointed at the death of Caliph 'Umar as one of the six delegates who were to elect the next caliph. Usāma b. Zayd was Muḥammad's freedman. He was ordered on a campaign to Syria immediately after Muḥammad's death.

These traditions of 'Uthmān's grants all come via the son of Ṭalḥa b. 'Ubayd Allāh, Mūsā. Al-Balādhurī also includes a tradition of 'Uthmān's grants from a different chain, al-Sha'bī → Mujālid → Ismā'il → 'Abd Allāh b. Ṣāliḥ al-'Ijlī: "'Uthmān b. 'Affān assigned as fief to Ṭalḥa b. 'Ubayd Allāh al-Nashāstaj, and to Usāma b. Zayd, a piece of land which he later sold" (Balādhurī, 273, no. 692). Biographical details of the Ṭalḥa have already been given in Section 1. Al-Nashāstaj was, according to Yāqūt, a Ṭalḥa's estate (*day'a*) close to Kūfa which brought in an enormous income (Yāqūt, IV, 783).

The tradition of the line Mūsā b. Ṭalḥa → Ibrāhīm b. al-Muhājir, in which 'Uthmān grants lands to the five Companions of the Prophet, is also told by juriconsult Abū 'Ubayd. The five are named as al-Zubayr [b. al-'Awwām], Sa'd [b. Mālīk al-Zuhrī], ['Abd Allāh] b. Mas'ūd, Usāma b. Zayd, and Khabbāb b. al-Aratt, and it is also noted that Ibn Mas'ūd and Khabbāb are the neighbours of Mūsā b. Ṭalḥa (Abū 'Ubayd, 278, no. 689).

In Yaḥyā b. Ādam too, there is the tradition via Mūsā b. Ṭalḥa → Ibrāhīm b. al-Muhājir of land grants being made to the five Companions of the Prophet,

but in Yahyā, the person who awards the grants is Caliph 'Umar. In light of the accounts in Abū Yūsuf and al-Balādhurī, this is probably an error for 'Uthmān. This seems all the more plausible from the fact that the comment about Usāma b. Zayd being granted land and then selling it is also included here. In addition, this version has Sa'd b. Mālīk al-Zuhrī listed as Sa'd b. Abī Waqqāṣ in its list of the five Companions (Yahyā, 78, no. 248).

As was touched upon in Section 2, the tradition which explains 'Uthmān's grants in detail is al-Balādhurī's tradition no. 694, which recounts as follows:

The first one to give out Iraq in *qaṭī'a* was 'Uthmān b. 'Affān who gave out pieces of *ṣawāfi* land from the former Persian kingdom and pieces from land which had been evacuated by its owners. Thus, he assigned to Ṭalḥa as *qaṭī'a* al-Nashāstaj; to Wā'il b. Hujr al-Ḥaḍramī, the land bordering on Zurāra's; to Khabbāb b. al-Aratt, Istūniyā; to 'Adī b. Ḥātim al-Ṭā'ī, al-Rawḥā"; to Khālīd b. 'Urfuṭa, a piece of land (*arq*) near Ḥammām A'yan; to al-Ash'ath b. Qays al-Kindī, Ṭīzanabādh; and to Jarīr b. 'Abd Allāh al-Bajalī, his land on the bank of the Euphrates (Balādhurī, 273-74).

In this tradition of al-Balādhurī's, the names or the whereabouts of the lands granted by Caliph 'Uthmān are recorded in great detail. 'Adī b. Ḥātim al-Ṭā'ī (d. 68/687-88) was the head of the Ṭayyī' clan, became a convert in A.H. 9, and fought in the conquest of Iraq. Rawḥā' is land bordering Nahr 'Isā close to what would become Baghdad.³⁸⁾ Al-Ash'ath b. Qays al-Kindī (d. 40/661) was the head of the Kinda clan of Ḥaḍramawt in southern Arabia, who fought in the battles of the Yarmūk River (636) and of al-Qādisiyya (637), and who, after the founding of Kūfa, settled back in the Kinda clan residence as clan head, and also as governor of Azerbaijan.³⁹⁾

Ṭīzanabādh was land situated between Kūfa and al-Qādisiyya (Yāqūt, III, 569). Jarīr b. 'Abd Allāh al-Bajalī (d. 51/671) was named head of the Bajīla clan by Muḥammad in his latter years, and he went on to win fame in the conquest of Iraq and be part of the founding of Kūfa.

Another example of a grant by 'Uthmān is recounted in Abū 'Ubayd. This is the *iqṭā'* 'Uthmān b. Abī l-'Āṣ, known as Shatt 'Uthmān, in the vicinity of Baṣra. At that time, the land around Baṣra was salt marsh, but it is said that Caliph 'Uthmān bestowed this land as *qaṭī'a* to 'Uthmān b. Abī l-'Āṣ al-Thaqafī (Abū 'Ubayd, 284, no. 697). 'Uthmān b. Abī l-'Āṣ al-Thaqafī (d. ca. 55/675) was from al-Ṭā'if and had converted to Islam just before Muḥammad conquered this town. He became a military leader and afterwards enjoyed long service as, among other things, governor of 'Umān.⁴⁰⁾

It is not surprising that the 'Abbāsīd historian al-Ṭabarī, who so carefully collected together data relating to the period of Islam's inception, also shows great interest in the "grants by 'Uthmān" question. However, his reports of this

period are somewhat different to those of the jurisconsults and of al-Balādhurī who relied on the jurisconsults' information. In his treatment of the Sawād question of A.H. 14 (635) during the reign of Caliph 'Umar, he includes the following quotation from Sayf b. 'Umar (d.180/796),⁴¹⁾ a Kūfa historian who specialised in the details of the conquest of Iraq:

Al-Zubayr [b. al-'Awwām], Khabbāb [b. al-Aratt], ['Abd Allāh] b. Mas'ūd, ['Ammār] b. Yāsir and Ibn Habbār received fiefs (*uqtī'a*) in the days of 'Uthmān. If 'Uthmān committed an error, then those who accepted the error from him committed a greater one; they are the people from whom we have received our religion. 'Umar gave a fief to Ṭalḥa [b. 'Ubayd Allāh], to Jarīr b. 'Abd Allāh, and to al-Rubbīl b. 'Amr. He gave the Dār al-Fīl to Abū Mufazzir and to others from whom we took [our religion]. All the fiefs (*al-qaṭā'ir*) were given out as spontaneous gifts (*'alā wajh al-nafal*) from the one fifth (*khums*) apportioned by God (*mā afā'a Allāhu*). ... 'Umar [also] gave a fief to Abū Mūsā [al-Ash'arī]. 'Alī gave al-Kurdūsiya to Kurdūs b. Hānī' and gave a fief to Suwayd b. Ghafala al-Ju'fī (Ṭabarī, I, 2376; cf. Friedmann, pp. 159-60).

The viewpoint expressed in this excerpt from al-Ṭabarī is very significant. Firstly, alongside his general criticism of 'Uthmān making land grants to the Companions of the Prophet, there is Sayf b. 'Umar's defence of 'Uthmān's action in his pointing out that Caliphs 'Umar and 'Alī also gave grants (— a view which may also descend from a traditionist preceding Sayf b. 'Umar). Secondly, there is the observation that the grants made by 'Umar were from one fifth of the war spoils (*fa'y*), not from lands designated as *ṣawāfi* after the confiscation of the Sasanian crown lands.

This latter point seems particularly noteworthy. At the time of the conquest, distribution of war spoils was fixed according to a principle based on the custom of that age: "one fifth to the caliph; the remaining four fifths between the soldiers of the conquering army". This means that 'Umar followed this principle, and made grants of land equivalent to the one fifth of the war spoils which were his, as caliph, to dispose of as he wished. Adhering to this principle would also mean no dissatisfaction on the part of the Arab soldiers with regard to their reward.

Thus the next question for consideration arises: how did Caliph 'Umar dispose of conquered lands?

4: Caliph 'Umar's post-war conduct

In this Section, I would like to examine the means by which Caliph 'Umar tackled the post-war management of conquered lands, and, in particular, the

question of how he handled the lands supposedly designated as *ṣawāfi*, such as the former Sasanian crown lands. According to the records of Sayf b. 'Umar in al-Ṭabarī, after the Battle of al-Qādisiyya—the deciding attack on the Sasanian dynasty—in the month of Muḥarram in A.H. 15 (March of 636),⁴² a number of letters were exchanged between Caliph 'Umar with the Arab-Muslim army about post-war management. These tell of how the conquering army acted:

[The Arab army proclaimed that even people who had initially fled would be treated just like those who had signed a peace treaty (*ṣulḥ*): if they returned to their land they would be given protection (*dhimma*) on condition that they paid the *jizya*. However they would have to pay a higher rate of *kharāj* than those who had a treaty. ... The same treatment was also given to peasants.]

The Muslims did not include in the peace conditions (*ṣulḥ*) the properties of the royal family, of those who had left [the Sawād] with the royal family or of those who had not agreed either to embrace Islam or to pay the *jizā'*. Such properties thus became the *fay'* of those to whom God had given them as booty. This, the first *ṣawāfi* (*al-ṣawāfi al-ūlā*), became the property (*milk*) of those to whom God had restored it as booty.

The rest of the Sawād [inhabitants] became *ahl al-dhimma*. The Muslims imposed upon them the *kharāj* which had previously been levied by the Persian king. It was to be paid by every man, proportionately to the property and the land which he possessed. The property that God restored to the Muslims as booty included the property of the Persian royal family and of those who had gone with them, the families of those who had fought on the side of the Persians and their property, the property of the fire temples, the thicket, the marshes, the property of the mail service, and the property of the Persian royal family (This is repetition; perhaps something else was intended—KM.) It was not feasible to divide the booty (*fay'*) that had belonged to the Persian king and to those who had gone with him because it was scattered all over the entire Sawād. It was administered for those who were entitled to it (*ahl al-fay'*) by people whom they trusted and agreed upon. Although it did not comprise the greater part of the Sawād, it became a topic of great debate among the *ahl al-fay'*. ... (Ṭabarī, I, 2371-72; cf. Friedmann, pp.154-55).⁴³

In this report, the land which early Islamic jurisconsults claimed was designated as *ṣawāfi*, state land, by Caliph 'Umar—i.e. the Sasanian crown lands, the lands of those who had fled or who had opposed the conquest, postal service land, marshes and so forth—becomes booty (*fay'*) belonging to the Arab-Muslim soldiers who had fought for God. The description in the passage of this particular *fay'* as 'the first *ṣawāfi*' is significant. It seems likely that this is an explanato-

ry expression in recognition of the later usage whereby *ṣawāfi* was a collective word for all of the former crown lands, etc., comprising these *fay*'. The prefix, 'the first', is thus intended to distinguish these two *ṣawāfi*. There is no other example of this expression. The point that is emphasised here, is that this type of land was the property of the Muslims who fought for the conquest: it was private property (*milk*).

Caliph 'Umar's policy towards land such as the former crown lands did not change after the Arab-Muslim army captured the Sasanian winter capital, Madā'in (Ctesiphon), in the month of Ṣafar in A.H. 16 (March of 637), nor even after the Sasanian army was defeated in the Battle of Jalūlā' at the end of that same year. In al-Ṭabarī, Sayf b. 'Umar is recorded as relating the following:

[General Sa'd b. Abī Waqqāṣ conducted a population census around Madā'in and found over 130,000 residents comprising over 30,000 families. He asked 'Umar how they should be treated, and 'Umar replied that they should be given the same protection as had been awarded other peasants; their ownership of their land should be recognised. He continued,]

"As for all those who are not peasants, you are to make your own decision concerning them, as long as you have not already acquired their belongings as booty, that is to say, divided that up as such. As for the Persian who is hostile, abandons his land (*arḍ*) and vacates it, his land shall be yours to do with as you like. If you summon them and they come to pay the *jizā*', on receipt of the *jizā*', from them, send them back [to their homesteads] before the distribution [of the *jizā*', revenue]. Protection (*dhimma*) will be afforded them. If you do not summon them to convert them to Islam, then everything they own constitutes lawful booty (*fay*') for you, destined for him whom God has indicated."

Based on these instructions, General Sa'd decided to give those people who had been present at the Battle of Jalūlā' the *fay*' land (*fay' al-arḍ*). This encompassed as *fay*' all the land beyond al-Nahrawān and was intended to assign to people what they had already received as their share (Ṭabarī, I, 2467; cf. Juynboll, pp. 46-47).

Sayf b. 'Umar goes on to relate that the Arab-Muslim army assured the peasants of their land and levied the *kharāj* from them. Regarding the Sasanian crown lands, he adds:

They [the Arab army officers] singled out (*istasfaw*') as special booty (*fay*') [the land] that had belonged to the king, his family and those of his retinue who had remained stubborn, as destined for those indicated by God. It was not permitted to sell any of the land situated between al-Jabal (Media) and the mountains in the Arabian peninsula except to those to whom God

had granted this as *fay'* land. Similarly, they did not permit any piece of that land among the other people, at least not among those to whom God had not granted it as *fay'* land, namely those who were merely in the employ of the official tenants, to whom [in other words] God had not assigned a share in the *fay'* land. The [Arab-] Muslims preserved *fay'* land in this manner and did not divide it up, because the benefit of a division would not be theirs. The same procedure was applied to the marshlands, fire temple domains, postal stations, to what the king used to own and to the possessions of those who were killed [during the conquests], as well as to stretches of rugged ground. [Later on], some evil men asked the Sawād's administrative officers (*wulāt*) to divide the land, but the majority of Arab warriors, having rejected that, prevented them from so doing; then the *wulāt* espoused the majority's view and did not accede to the request ... (Ṭabarī, I, 2468; cf. Juynboll, pp. 47-48).

Thus in Sayf b. 'Umar's account, there is no mention of the former Sasanian crown lands being made into *ṣawāfi* by Caliph 'Umar. Rather, they were made into *fay'* lands, and thus into private property, at the disposal of the Arab-Muslim army. However, they were not divided up between individual members of the army; they were made into administered lands which could not be divided, and, in principle, lands which could not be sold except by the overall owner.⁴⁴⁾

Sayf b. 'Umar's account of Caliph 'Umar's post-war management is extremely detailed and plausible-sounding. Within the Sayf b. 'Umar account, however, there is a tradition from a different chain which does call the ex-Sasanian lands *ṣawāfi*. In this tradition, all but a few of the Sawād inhabitants—even those who had signed a peace treaty with the invading Arab-Muslim army and then broken it—were, if they complied with the orders of the army, given protection on condition of payment of the *jizā'*. In a relatively simple statement, this tradition reports, however, that the Sasanian crown lands were different:

... except those regions formerly belonging to the royal family and those of their entourage, for those became *ṣāfiya* [singular of *ṣawāfi*] properties, namely, those situated between Ḥulwān and Iraq. From the beginning, 'Umar had been content with the cultivable lands of the Sawād (Ṭabarī, I, 2469; cf. Juynboll, pp. 48-49).

Of course the word *ṣāfiya* is used here with the meaning of *fay'*, not with the meaning of state lands. There is another similar tradition, telling of how the sale of *ṣawāfi* was prohibited. The chain of transmitters is Ibrāhīm b. Yazīd → al-Mustanīr b. Yazīd & Ḥakīm b. 'Umayr → Sayf b. 'Umar:

The selling of *ṣawāfi* lands between Ḥulwān and al-Qādisiyya is not permitted, because they belong to whom God has given them as booty (Ṭabarī, I, 2471; cf. Juynboll, p. 51).

Another tradition tells of how Caliph 'Umar blocked the sale, attempted by war hero Jarīr b. 'Abd Allāh al-Bajalī, of *ṣāfiya* land in the Sawād along the Euphrates (Ṭabarī, I, 2471; cf. Juynboll, p. 51).

The above citations from Sayf b. 'Umar do not make clear that not of all the *fay*' lands were returned to the Arab-Muslim army. As already touched upon, the war spoils, *fay*', were also the property of the caliph. This is clear from another tradition in Sayf b. 'Umar coming from the same chain (Māhān → Ṭalḥa b. al-A'lam → Sayf b. 'Umar) as the tradition just mentioned above, in which *fay*' lands are called *ṣawāfi*. This tradition also tells of the Arab army asking for directions from 'Umar on post-conquest management at the end of A.H. 16 (637):

[The conquest army leaders] wrote to 'Umar asking what to do with the *ṣawāfi*, so he wrote back, "Repair to the *ṣawāfi* that God has singled out for you and distribute them as booty (*fay*') among those whom God has indicated; four-fifths are to go to the army and one-fifth to me, for me to distribute among those who are entitled to it. If the Arab fighters prefer to settle in the *ṣawāfi*, then that is their prerogative." When 'Umar had thus left the decision to them, they thought it best not to scatter over Persian territory. Rather they kept the *ṣawāfi* as a *ḥabīs* (land which cannot be granted) belonging to themselves, and they appointed someone, on whom they all agreed, to administer it. They would divide their revenues once every year and they would not have it supervised except by someone they unanimously agreed upon. It turned out that they only used to agree on governors (*umarā'*) holding office in al-Madā'in and later those of Kūfa, after they had all moved thither (Ṭabarī, I, 2469; cf. Juynboll, p. 49).

These traditions of Sayf b. 'Umar all tell of the main-force units of the Arab army, the northern Iraq troops led by General Sa'd b. Abī Waqqāṣ. Somewhat different treatment was accorded the southern troops ordered by Caliph 'Umar to establish Baṣra. According to a Sayf b. 'Umar tradition descending from a man named Ṣuḥār of the 'Abd al-Qays clan, commanding officer of the southern army, 'Utba b. Ghazwān, reached the land which the caliph had instructed him should become the military town of Baṣra, but because this land was close to marshland and unsuitable for habitation, he moved on to the desert close to the Arabian peninsula and reported the situation to 'Umar. As a result of his report, the caliph ordered action as described below:

So 'Umar reviewed their dwelling places which they had occupied until they moved out into the desert. Then he gave them the region as their share in the booty and allotted plots to them, also taken from what used to belong to the Persian royal family. Thus all the land between the Tigris and the desert [of the Arabian peninsula] became *fay'* land. They divided it among themselves. The other properties of the royal family in the land around Baṣra were thus dealt with in the same manner as the land of Kūfa was dealt with: they let those who were interested settle there and divide it up among themselves—where no preference was given to the first or second wave of settlers—after they had singled out one fifth (perhaps including a portion for the caliph?—KM) of its revenues for the governor (*wālī*). The land (*qaṭī'a*) occupied by the people of Baṣra consisted of two halves, one was divided up into plots, the other was left for the benefit of the armed forces and the community (Ṭabarī, I, 2539-40; cf. Juynboll, p. 120).

One would expect that among the troops stationed at Kūfa there would also have been those who received part of the *fay'* lands from the Sasanian kingdom, but in fact such cases were very rare. The troops stationed at Baṣra, on the other hand, had the lands from the Tigris to the Arabian peninsula distributed among them. The extent of the plots distributed is unclear, although the allotments of residential land within the city of Baṣra is recorded.⁴⁵⁾

Sayf b. 'Umar further records that Caliph 'Umar wrote to Sa'd b. Abī Waqqāṣ, general of the northern army, and to 'Utba b. Ghazwān, commanding officer of the southern army, and ordered that they, together with their soldiers, should pasture their animals every spring on the best of the land under their control; he also ordered that the soldiers be given supplementary food allocations (*ma'ūna*) in the month of Rabī' of every year and their stipends (*'aṭā'*) in Muḥarram. They should, furthermore, receive their share in the *fay'* when Sirius rose (in mid-July) and the revenues were forthcoming. Thus before they settled in Kūfa, the soldiers were receiving a stipend (*'aṭā'*) twice a year (Ṭabarī, I, 2486; cf. Juynboll, p. 66).

These data telling of how the Arab soldiers, whether stationed at Kūfa or at Baṣra, received a portion of the revenues from the *fay'* lands in addition to their regular salary coming from *kharāj* funds (collected from the peasants in return for recognition of their right to remain on their land) form subsidiary evidence for the existence of a kind of landownership co-operative based in these two military towns.

The traditions of Sayf b. 'Umar thus give us a general picture—despite certain discrepancies—of the post-war management policies of Caliph 'Umar and the conquering army. These can be summarised as follows:

- (1) Land owned by indigenous peasants and nobility could, as far as possi-

ble, continue to be owned by them in return for payment of tax (described as *jizya* or *kharāj*).

(2) The following types of land were classified as war spoils, *fay'*, recognised by God: former Sasanian crown lands, estates of the royal family, lands without owner due to the owner being killed during the wars or having fled, fire temples, post stations, brush and marshland. Of these, one fifth went to the caliph, four fifths to the army. It is noteworthy that one tradition uses the word *ṣawāfi* to describe the *fay'*.

(3) Caliph 'Umar granted land from his one fifth portion of *fay'* to meritorious retainers.

(4) The four fifths of the *fay'* which went to the conquering army were not distributed among individual warriors, but were held as non-divisible *ḥabīs* (land which cannot be granted) co-owned by all the warriors. Thus it became private property (*milk*) of the army.

(5) The army had its portion of the *fay'*—now the army's communal private property—administered by a person on whom all the warriors agreed, and revenues were distributed every year in the latter half of July. The appointment of the administrator was approved by the governor resident in Mada'in, or, after its founding in A.H. 17 (638), in Kūfa (Cf. Ṭabarī, I, 2486; cf. Juynboll, p. 66).

The fact that the Arab army leaders chose to hold their four fifths of the *fay'* as indivisible communal land and not distribute it among themselves, even though Caliph 'Umar would have approved such distribution, seems like an unusual step for people of whom it may be thought did not have a highly developed sense of landownership. However, in Iraqi custom at the end of the Sasanian dynasty, the concept of family land which could not be divided among relations was widespread. Indeed, to protect such land against division, the fire temples were built and donations of family property were made to these temples.⁴⁶ Thus it is surely the case that the Arab army knew of this custom and used it as the model for post-war land management. This establishment of army-owned non-divisible land was later to lead to antagonism between the army and the central government.

5: The truth about Caliph 'Uthmān's "grants"

The evidence of the preceding Section provides further support for the idea that the story of Caliph 'Umar's confiscating former Sasanian crown lands as *ṣawāfi* was in fact simply an invention of the juriconsults of a later age, who wanted to justify the caliphal land grants. But if Caliph 'Umar's *ṣawāfi* lands were fictitious, what were the lands that Caliph 'Uthmān granted to the Companions? Could it be that, like Caliph 'Umar, he made grants from his

share of war booty, *fay'*, since the principle dictated, "one fifth to the Caliph"? If that were the case, there should surely not have been so much criticism of Caliph 'Uthmān. In fact among the fierce criticisms there were so many cases of problems relating to lands supposedly "granted" that the caliph's one fifth share would not have sufficed as the supply of all of these. Did "granting" then really take place after all? To answer these questions, a further investigation of Caliph 'Uthmān's policies is required.

We have already seen in the previous Section that, early on, Caliph 'Umar was not averse to letting the Arab warriors distribute and own at least the *fay'* lands comprising the former crown lands and so forth. Indeed it was the conquering army leaders themselves who put a stop to this. Later on, however, Caliph 'Umar, too, realised that letting the army distribute and own land, particularly agricultural land, was detrimental to the continuation of the *jihād*, and also undesirable from the point of view of descendants. Thus in A.H. 20 (640) he set up a retainer payment system based on a register of stipend recipients (*diwān*), and he banned the sale, and thus the acquisition, of land.⁴⁷⁾

This ban proved difficult to implement and maintain, however. When, at the end of A.H. 23 (644), Caliph 'Umar was assassinated, 'Uthmān succeeded him, and the cry for land acquisition was placed at his door. These circumstances must be borne in mind when attempting to understand 'Uthmān's grants. More importantly, however, detailed examination of actual examples of lands said to be "grants" shows that they were not allocations from *ṣawāfi*; they were part of a complex political step taken to relieve the problems both of change within Arab society in the newly-founded garrison towns of the conquered lands (Kūfa, etc.), and of discontent among the upper classes of Islamic circles in Medina.

By the time 'Uthmān became caliph, several years had passed since the founding of Kūfa, and the town had received a great influx of immigrants from the Arabian peninsula, with the number of people registered as warriors (*muqātila*) reaching 40,000. During the early days of the governorship of al-Walīd b. 'Uqba (in office, 25/646-29/650), 10,000 warriors were sent each year to the front line of the holy war north of Iran, in Azerbaijan and Armenia. They were relieved once a year so that every warrior went once every four years to fight the holy war (Ṭabarī, I, 2805; cf. Humphreys, 8). While this went on, a new generation grew in Kūfa itself, and, ten years after its founding, antagonism began to brew about the disparity of wealth and rights between the founders and the newcomers. During al-Walīd's governorship, a member of the Khuzā'a clan was murdered by a band of youths. This prompted another member of the Khuzā'a clan, Companion of Muḥammad, Abū Shurayḥ, to flee with his family from Kūfa back to Medina because he feared for his life. In Medina, he reported the details to 'Uthmān. Such events were representative of Kūfa at that time (Ṭabarī, I, 2840-42; cf. Humphreys, 45-48).

In A.H. 29 (650), the straightforward and well-liked al-Walīd b. 'Uqba, was accused of drinking and dismissed from office. In his place, Sa'īd b. al-'Āṣ of the Umayyad clan was appointed governor of Kūfa.⁴⁸⁾ On arriving in Kūfa the following year, he immediately conducted a survey of the state of affairs, and reported back to Caliph 'Uthmān as follows:

The affairs of the Kūfans are in turmoil. The nobles (*ahl al-sharaf*) among them, the men of distinguished family, and the veterans of the early campaigns (*ahl al-sābiqa wa-l-qudma*) have been overwhelmed, and the dominant element in these lands are recent immigrants (*rawādif*) and bedouin who have attached themselves [to the regular forces. It has gotten] to the point that one does not see a man of noble lineage or experience among the settlers or youth [of this place] (Ṭabarī, I, 2852; cf. Humphreys, 57-58).⁴⁹⁾

The main source of the political and social tension in Kūfa at that time was that there was a big difference between the warriors who had converted to Islam early on and taken part in the conquests, and those who had immigrated to Kūfa after the conquest, with regard to the fruits of the conquest they enjoyed—namely social status, stipends and rights. In Caliph 'Umar's stipend payment system, the amount received differed according to how long ago a warrior had converted to Islam (*sābiqa*, precedence in conversion to Islam). Also, revenues from the *fay* of the former crown lands could not be given to newcomers.

In al-Ṭabarī's collection of traditions, Sayf b. 'Umar describes the tense atmosphere of Kūfa at that time in detail. To Governor Sa'īd's report, 'Uthmān responded, "To proceed: Among those to whom God granted the conquest of these lands, give preference to the veterans of the early campaigns. Let later settlers be subordinate to the veterans, and strive to carry out their duties. Keep everyone in his proper rank, and give them all their due measure. For through knowledge about the people is justice attained." The governor followed the caliph's instruction so that, while sending messengers to encourage the leaders of the conquest veterans he tried to integrate the newcomers into the existing structures. Obviously this led to the newcomers being put in an inferior position. The result, in the words of Sayf b. 'Umar, was to create a situation such that it seemed "as if Kūfa were dry tinder engulfed by a fire". On receiving a second report from Kūfa, 'Uthmān made the situation worse by gathering the Medina people together in the great mosque and telling them of the situation in Kūfa, suggesting that they were on the brink of a civil war which would engulf them too (Ṭabarī, I, 2853; cf. Humphreys, 58-59).

The expression "the Medina people" here does not refer to the ordinary citizens of Medina. It refers to people who had direct interests in the conquered lands of Iraq. In other words, it indicates that the people receiving income from the conquering army's private property (*milk*) in the vast lands of the former

Sasanian kingdom—*fay*’ in Sayf b. ‘Umar, or *ṣawāfi* in later traditions—were not all resident in Kūfa. They included people who had not settled in Madā’in (Ctesiphon), or later in Kūfa, but who had returned to Medina or to the Arabian peninsula. If civil war were to break out in Kūfa, it would mean not only that such people would lose their rightful income, but also that ‘Uthmān could lose the great caliphal rights. Perhaps ‘Uthmān was refining a secret policy? He assembled “the Medina people” again:

‘Uthmān assembled the Medinese and said, “Men of Medina, the people are tossing and turning in dissension. By God, I will surely recover your [property] for you so that I may transfer it to you, if you think that is right. Is it your opinion that those who shared with the settlers in Iraq in the conquests should go and reside there with them in their lands?” Then [‘Uthmān’s listeners] rose up and said, “O Commander of the Faithful, how will you transfer to us those lands [in Iraq] that God has given us as booty?” He responded, “We shall sell it to anyone who wishes in exchange for his [present] holdings in the Hijāz.”

They were delighted, and God thereby opened up for them all opportunity that they had not counted on. So they dispersed, and by [this means] God gave them deliverance from [dissension]. All the lots in Khaybar, in addition to his other holdings, were combined together by Ṭalḥa b. ‘Ubayd Allāh. Thus in exchange for his properties in Khaybar (in the Arabian peninsula) and other places, Ṭalḥa purchased from ‘Uthmān al-Nashāstaj, which was part of the assigned share (*naṣīb*) [of conquered land in Iraq] that belonged to those Medinese who had fought at al-Qādisiyya and Ctesiphon, but had remained [in Medina] without emigrating to Iraq to settle. [Ṭalḥa] also purchased, in exchange for the Well of Arīs, a property of ‘Uthmān’s in Iraq. Marwān b. al-Ḥakam [of the Umayyad clan] purchased the River of Marwān, which at that time was a swampy canebrake, from [‘Uthmān] in exchange for a property (*māl*) of his that ‘Uthmān had given to him (Ṭabarī, I, 2854; cf. Humphreys, 59-60).⁵⁰

The Ṭalḥa referred to in this passage is the same influential Companion of Muḥammad described in Section 1. In sources other than al-Ṭabarī, the land of al-Nashāstaj is recorded as being granted to Ṭalḥa by ‘Uthmān. For the sake of clarity it should be pointed out that, while Ṭalḥa’s purchase of al-Nashāstaj would certainly have been made with ‘Uthmān’s blessing, it does not follow that the land was originally ‘Uthmān’s property. It was *fay*’ land — such as that from the former Sasanian crown lands —, property of conquering warriors residing in Medina, who had a right to a share (*naṣīb*) in these war spoils. Ṭalḥa would have purchased the land from them. This is in fact clear in Yāqūt, “Ṭalḥa bought this land from a Kūfa citizen who was living in al-Hijāz, in ex-

change for property that he owned in Khaybar, and he turned it into agricultural land" (Yāqūt, IV, 783).

There is an episode relating to Ṭalḥa, which took place in A.H. 33 (653-54), three years after Ṭalḥa's purchase of al-Nashāstaj. Governor Sa'īd would sometimes hold audiences for the people, and on one such occasion, a person named Ḥubaysh, of the Asad clan, commented, "How generous Ṭalḥa b. 'Ubayd Allāh is!". The governor replied, "If a man possesses a place like al-Nashāstaj, it is only right that he be generous. By God, if I possessed anything like it, God would provide you with a life of ease" (Ṭabarī, I, 2908; cf. Humphreys, 112). This story illustrates what a bountiful estate al-Nashāstaj was.

Ṭalḥa is also supposed to have bought other land in Iraq from among lands that 'Uthmān owned. As a condition of this purchase, he sold the Well of Arīs—the same Well of Arīs mentioned in al-Ya'qūbī's essays, cited in Section 1, which was in 'Uthmān's possession at the time of his assassination.⁵¹⁾

Examples of a policy begun by 'Uthmān whereby land could be acquired by means of an exchange-purchase are not limited to al-Ṭabarī. Al-Balādhurī also includes examples, in which the policy is carried out in Baṣra as well as in Kūfa:

The Shatt 'Uthmān [near Baṣra] was bought by 'Uthmān b. Abī l-ʿĀṣ al-Thaqafī from [Caliph] 'Uthmān b. 'Affān in exchange for some property he had in al-Ṭā'if (a town south of Mecca). Others say:—He bought it in exchange for a house he had in Medina, ... (Balādhurī, 362, no. 900).

This land of Shatt 'Uthmān was mentioned in Section 3, where it is described by the jurisconsult Abū 'Ubayd as having been granted.

These records show that this exchange-purchase policy must have been carried out on quite a large scale. This is made all the clearer in the following which continues from the previous citation from al-Ṭabarī:

Certain men from the tribes in Iraq who were drawn from the inhabitants of Medina, Mecca, al-Ṭā'if, Yemen and Ḥaḍramawt, purchased [land in Iraq] in exchange for properties that they had in the Arabian peninsula. Among [the land] which al-Ash'ath [b. Qays al-Kindī] purchased from 'Uthmān in exchange for a property of his own in Ḥaḍramawt, was a property formerly owned by 'Uthmān in Ṭīzanabādh. Caliph 'Uthmān wrote to the inhabitants of the provinces about this exchange, about the number of *jaribs* (1 *jarīb* = approx. 1600M²) of [the conquered-land element of] the war booty, *fay'*, and about the [conquered-land element of] the war booty, *fay'*, that the inhabitants of the garrison towns (*miṣr*) had claimed for themselves. This land had belonged to the kings, such as Chosroes and Caesar, and to the inhabitants of their dominions who had succeeded them. The

land had then been abandoned by them and, consequently, given over to the people who knew about it. Caliph 'Uthmān took [the conquered lands] in proportion to the number of the Medinese who had participated in the conquests and in proportion to their assigned share (*naṣīb*) [of the conquered lands]; he then assigned these lands to them. They purchased [the newly assigned lands] in exchange for nearby properties in Ḥijāz, Mecca, Yemen, and Ḥaḍramawt. [Conquered land in Iraq] was transferred to the inhabitants [of these districts] who were Medinese and who had participated in the conquests (Ṭabarī, I, 2855; cf. Humphreys, 60-61).

Details have already been given of the Kinda clan chief, al-Ash'ath b. Qays al-Kindī, referred to in this passage. Ṭīzanabādh was recorded in al-Balādhurī as being "granted" by 'Uthmān (Balādhurī, 273, no. 694). In fact, however, al-Ash'ath, although resident in Kūfa, sold some land he owned in Ḥaḍramawt, in the south of the Arabian peninsula, and bought land in Ṭīzanabādh which belonged to 'Uthmān. Thus we see that those who had already settled in Kūfa were also targets of the exchange policy, as well as those who were coming to Kūfa as a result of the establishment of the exchange policy.

From al-Ṭabarī's record, there is no doubt that Caliph 'Uthmān's exchange policy was carried out on a large scale with good organisation. Although at present we have only five concrete examples of events described by jurists as "grants by 'Uthmān" in fact being land purchases, these lead one to suspect that perhaps the majority of the "grants" were really purchases.

The policy that 'Uthmān followed, as he stood on the brink of crisis in Kūfa, was thus to carry out grand-scale land exchange and purchase. Many great warriors had fought in the conquest of Iraq with the dream of settling in new land, but because they owned numerous properties in the Arabian peninsula, they were forced to keep returning to their homes in Medina or elsewhere in order to handle the management of these lands. The exchange policy made provision for their lands in the peninsula to be bought up, and for them to buy with the money thus raised their booty share (*naṣīb*)—due to each warrior who had fought in the conquests—of land from among the caliph's own properties or from the *fay'* lands of the conquered lands of Iraq. In effect, both the caliph and the warrior landowners could sell their lands. Not only could this means redress the discontent of the upper classes of Islamic society in Medina, it could also, by resettling these same people in Kūfa, strengthen the standing of the earliest inhabitants of Kūfa society. Moreover, for the caliph and other authorities who were unable to leave Medina, acquiring properties in the Arabian peninsula would serve to strengthen the caliphal treasury, and the policy would allow those remaining in the peninsula to increase their property holdings.

Perhaps it is as a result of this policy that Companions of Muḥammad who owned property came to buy land from the *dihqān*, the great provincial

Table of Private Landownership by Companions of the Prophet

Owner	Land	Means of acquisition	Terminologie
1. 'Abd Allāh b. Mas'ūd	Nahrayn	grant from 'Uthmān	<i>arḍ</i>
”		purchase from dihqān	<i>arḍ</i>
2. 'Ammār b. Yāsir	Istūniyā	grant from 'Uthmān	
3. Khabbāb b. al-Aratt	Sa'nabā	grant from 'Uthmān	
”			
4. Sa'd b. Mālik al-Zuhri	Hurmuzān	grant from 'Uthmān	<i>qarya</i>
5. Ṭalḥa b. 'Ubayd Allāh		grant from 'Umar	
”	Nashāstaj	purchase from rightful owner	
”	a part of Iraqi land	purchase from 'Uthmān	
6. Usāma b. Zayd		grant from 'Uthmān	<i>arḍ</i>
7. al-Zubayr b. al-'Awwām		grant from 'Uthmān	
8. Wā'il b. Ḥujr al-Ḥaḍramī	land neibou- ring Zurāra	grant from 'Uthmān	
9. 'Adī b. Ḥātim al-Ṭā'i	Rawḥā'	grant from 'Uthmān	
10. Khālid b. 'Urfaṭa	Ḥam.A'yan	grant from 'Uthmān	<i>arḍ</i>
11. Ash'ath b. Qays al-Kindī	Ṭizanābādh	purchase from 'Uthmān	
12. Jarīr b. 'Abd Allāh al-Bajalī		grant from 'Umar	
”	land bordering the Euphrates	grant from 'Uthmān	<i>arḍ</i>
13. Ḥusayn b. 'Alī			
14. Shurayḥ b. al- Ḥārith			
15. Marwān b. al-Ḥakam	Marwān canal	purchase from 'Uthmān	
16. 'Uthmān b. Abī l-'Āṣ al-Thaqafī	Shaṭṭ 'Uthmān	purchase from 'Uthmān	
17. Rubbīl b. 'Amr	Dār al-Fīl	grant from 'Umar	
18. Abū Mufazzir		grant from 'Umar	
19. Abū Mūsū al-Ash'arī		grant from 'Umar	
20. Kurdūs b. Ḥānī'	al-Kurdūsiya	grant from 'Alī	
21. Suwayd b. Ghafala al-Ju'fī		grant from 'Alī	

Note: [qaṭī'a] indicates lands which in certain sources are said to be grants from 'Uthmān, Shaybānī al-Shaybānī (d.189/805): *al-Iktisāb fī l-riḥq al-mustaṭāb*, Dimashq, 1980.

Category	Special notes	Source
<i>qaṭī</i> 'a	1/3 or 1/4 sublet	Balādhurī, 273, nos.691, 693; Abū Yūsuf, 62; Abū 'Ubayd, 278, no.689; Ṭabarī, I, 2376
<i>kharāj</i> land	<i>kharāj</i> payable by <i>dihqān</i>	Yaḥyā, 56-57, nos.166, 167, 170
<i>kharāj</i> land	<i>kharāj</i> payable by owner	Abū Yūsuf, 62; Shaybānī, 64
<i>qaṭī</i> 'a		Balādhurī, 273, no.691; Abū Yūsuf, 62; Ṭabarī, I, 2376
<i>qaṭī</i> 'a		Balādhurī, 273-74, nos.691, 694; Abū Yūsuf, 62; Abū 'Ubayd, 278, no.689; Ṭabarī, I, 2376
<i>kharāj</i> land	<i>kharāj</i> payable by owner	Abū Yūsuf, 62
<i>qaṭī</i> 'a	1/3 or 1/4 sublet	Balādhurī, 273, nos.691, 693; Abū Yūsuf, 62; Abū 'Ubayd, 278, no.689
<i>qaṭī</i> 'a	from 1/5th of the <i>fay</i> ' (caliph's portion)	Ṭabarī, I, 2376
[<i>qaṭī</i> 'a]	exchange for lands in Khaybar etc.	[Balādhurī, 273, nos.692, 694]; Ṭabarī, I, 2854, 2908; Yāqūt, IV, 783; cf. Abū Yūsuf, 214
	exchange for Well of Arīs (Medina)	Ṭabarī, I, 2854
<i>qaṭī</i> 'a	resale	Balādhurī, 273, nos.692, 693; Abū 'Ubayd, 278, no.689
<i>qaṭī</i> 'a		Balādhurī, 273, no.693; Abū 'Ubayd, 278, no.689; Ṭabarī, I, 2376
<i>qaṭī</i> 'a		Balādhurī, 274, no.694
<i>qaṭī</i> 'a		Balādhurī, 274, no.694
<i>qaṭī</i> 'a		Balādhurī, 274, no.694
[<i>qaṭī</i> 'a]	exchange for lands in Ḥaḍramawt	[Balādhurī, 274, no.694]; Ṭabarī, I, 2854
<i>qaṭī</i> 'a	from 1/5th of the <i>fay</i> ' (caliph's portion)	Ṭabarī, I, 2376
<i>qaṭī</i> 'a		Balādhurī, 274, no.694
<i>kharāj</i> land	<i>kharāj</i> payable by owner	Abū Yūsuf, 62
<i>kharāj</i> land	<i>kharāj</i> payable by owner	Abū Yūsuf, 62
	exchanged for lands granted by 'Uthmān	Ṭabarī, I, 2854
[<i>qaṭī</i> 'a]	exchange for lands in al-Ṭā'if	[Abū 'Ubayd, 284, no.697]; Balādhurī, 362, no.899
<i>qaṭī</i> 'a	from 1/5th of the <i>fay</i> ' (caliph's portion)	Ṭabarī, I, 2376
<i>qaṭī</i> 'a	from 1/5th of the <i>fay</i> ' (caliph's portion)	Ṭabarī, I, 2376
<i>qaṭī</i> 'a	from 1/5th of the <i>fay</i> ' (caliph's portion)	Ṭabarī, I, 2376
		Ṭabarī, I, 2376
		Ṭabarī, I, 2376

but which in fact were acquired by exchange purchase.

landowners, among the indigenous farmers. Through Caliph 'Uthmān's personal mediation the acquisition of land came to be publicly sanctioned, and the ban on land acquisition made by the previous caliph, 'Umar, was rendered merely nominal. One such Companion of Muḥammad was director of the Kūfa state treasury, 'Abd Allāh b. Mas'ūd who, it is related, on being offered land (*ard*) by a *dihqān* agreed to buy it only on condition that the *dihqān* pay the *kharāj* (Yaḥyā, 56-57, nos. 166, 167, 170; cf. Shemesh, I, 49). This land owned by a *dihqān* would have belonged to the classification later called "*kharāj* land" by the juriconsults, and there are other examples of such *kharāj* land being acquired by Companions of Muḥammad.⁵²⁾

Thus, a privileged class of wealthy Muslims, including Companions of the Prophet, and tribe chiefs and clan heads, really were intent on the acquisition of estates and other types of land, just as al-Ya'qūbī accused. Moreover, the trend was not limited simply to Iraq, but was probably spread throughout the empire. There were the problems, however, of how the conquered lands in Iraq, known as the Sawād, were viewed by the common Arab soldiers resident in Kūfa, who had agreed to keep their land as indivisible, communally-owned private property (*milk*) rather than distributing a share to each soldier; and of how these soldiers would react to the caliph's land exchange policy. Sayf b. 'Umar's tradition in al-Ṭabarī is perhaps the most enlightening with respect to this question:

Men from every tribe (*qabīla*) who had property there [in Arabia] purchased this category [of land], for they wished to take it in exchange for their nearby land [in Iraq]. Thus, they took possession [of the conquered lands]; this was lawful for them since it was based on mutual agreement (*tarāḍī*) with them and with the people [as a whole] and on a confirmation of [their] rightful claims (*igrār bi-l-ḥuqūq*). However, those who did not have *sābiqa* and *quḍma* [i.e. those who had not been among the first to convert to Islam and join the early campaigns] did not obtain as much as those who enjoyed priority [in conversion to Islam] (*ahl al-sābiqa wa-l-quḍma*), precedence in the councils (*majālis*), leadership (*ri'āsa*), and prestige (*ḥuḍwa*). Consequently, they censured preferential treatment (*tafḍīl*) [such as exchange-purchase], regarding it as an act of despotism (*jafwa*) [intended to provoke discord among Muslims]. They concealed [their true feelings] about this matter, however, and did not let them be known. The reason for this was that they had no documentary proof (*ḥujja*) to support their claims. The [privileged] people were against them. A newcomer attaching himself to the [malcontents'] ranks, however, whether youth, bedouin (*a'rābī*), or freedman (*muḥarrar*), would judge their complaints to be justified. Thus, the malcontents were on the increase while the numbers of the [privileged] were decreasing. As a result, evil prevailed (Ṭabarī, I, 2855-56;

cf. Humphreys, 61-62).⁵³⁾

Thus, with their ranks swelled by impoverished newcomers, the common Kūfa residents who could not partake of the blessings of the land exchange policy, began to let their resentment be heard. At audiences with Governor Saʿīd b. al-ʿĀs, participants argued explosively about the town's atmosphere of sedition. At one such audience, in A.H. 33 (653-4), the leaders and *qurrā'*—readers of the Koran—of the Kūfa tribes were comparing the Sawād and al-Jabal (Media) and arguing that the Sawād was more blessed and bountiful. To this, a young chief of police of the Asad clan teased, "The Sawād is indeed fit for a governor. The rest of you had better look to other places...". One of the *qurrā'* of the Nakha' clan, who was known as al-Ashtar, retorted, "Other places are indeed desirable to the governor. Don't covet our properties!". At this, the governor got angry and asserted, "The Sawād is a garden for the Quraysh clan!". Not backing down, al-Ashtar responded, "Do you claim that what we acquired with our spears and God then gave us as *fay'* is a garden for you and your tribe?". He then made a grab at the police chief, and all the others present joined him in beating the police chief unconscious. As a result of this event, al-Ashtar and his supporters were exiled to Syria on the orders of Caliph ʿUthmān. However when Governor Saʿīd went to Medina to consult the caliph about Kūfa's problems, the exiles took advantage of his absence to return and incite the people to take up arms and bar the governor from returning to his post. Thus they instigated the uprising against the caliph.⁵⁴⁾

The extent of serious protest soon spread to Baṣra and Egypt. ʿUthmān summoned the governors from all the provinces to a conference, but they failed to agree on a response strategy. Meanwhile the rebels from all of those provinces made use of the pilgrimage season to secretly assemble in Medina. Hearing details of their protests via a spy, ʿUthmān gathered together the people of Kūfa and Baṣra and made a speech rebutting the rebels' claims. Sayf b. ʿUmar in al-Ṭabarī records the caliph's argument in a section on the land exchange problems, as follows:

"... [The dissidents] say, 'You [ʿUthmān] have given land (*arḍ*) to certain men'. As regards these lands, when they were conquered, the Muhājirūn [Emigrants from Mecca] and the Anṣār [Helpers in Medina] shared in them with [these men]. If a man remained any place within these conquered territories, his family followed his lead. If a man has returned to his family [from the conquered lands], that does not negate [his claim to lands] that God has acquired for him. I determined what should be distributed to them out of [the conquests] that God had bestowed upon them. Then, at their request, I purchased [property of equivalent value] for them from [other] men who owned land in Arabia. Then I transferred their share

(*naṣīb*) [of the conquered territories] to [these latter], and it is now in their hands.”

‘Uthmān had divided his wealth and lands among the Banū Umayyah, treating his own children as he did the other recipients. He began with the Banū Abī l-‘Āṣ, giving the men in the lineage of al-Ḥakam [b. Abī l-‘Āṣ] 10,000 dirhams each; they took 100,000 dirhams altogether. To his own sons he gave a like amount. [The remainder] was divided among the Banū l-‘Āṣ, the Banū l-‘Īṣ and the Banū Ḥarb. ... (Ṭabarī, I 2953-4; cf. Humphreys, 158-9).⁵⁵)

This report clearly shows how much ‘Uthmān valued the whole Umayyad clan, whatever the procedures of land exchange may have been. Be that as it may, the rebels did not listen to his explanation. Pretending to leave Medina, they set up a camp on the outskirts of the town. In the month of Shawwāl in the 12th year of ‘Uthmān’s reign (656) they assembled troops comprising four companies from Egypt each with 600 to 1000 men, and four companies each from Baṣra and Kūfa with similar numbers of men. Each company was led by its own commander. The group thus numbered about 10,000 soldiers. They marched into Medina with the Egyptian companies leading, surrounded the caliph and assassinated him (Ṭabarī, I, 2954; cf. Humphreys, 159).

Conclusion

From Caliph ‘Uthmān’s point of view, there was never any question of “granting lands”; his action was nothing more than the provision of alternative land for those early converts to Islam who, although they had earned the right to land by their participation in the Iraqi conquests, had been unable to take up this right due to having to return to the Arabian peninsula—albeit that this simple provision was based on the grand idea of a land exchange policy. From very early on, however, the common warriors interpreted the policy as conferral of grants to ‘Uthmān’s own kin and to a privileged class; thus it became a reason to call for ‘Uthmān’s resignation. Indeed, acquisition by the Companions of Muḥammad via ‘Uthmān’s exchange policy of private land (*ard*), known some years later as estates (*ḍay‘a*), was one of the factors leading to the caliph’s assassination and to the first civil war. What must be borne in mind here, however, is that, once new ownership was secured by means of this policy, that right to ownership became absolute and heritable, whatever political situation prevailed. An example of this is the estate of Ṭalḥa b. ‘Ubayd Allāh, al-Nashāstaj, the object of many contemporaries’ envy. As mentioned above, Ṭalḥa died in battle along with al-Zubayr b. al-‘Awwām against Caliph ‘Alī in A.H. 36 (656). The fate of his estate, however, was as told in the following from al-Zubayrī (d. 236/851), author of *Kitāb Nasab Quraysh* (Traité de Généalogie

des Kuraishites).

After the Battle of the Camel, Ṭalḥa's son 'Imrān went to Caliph 'Alī and begged him to return his father's properties (*amwāl*) at al-Nashāstaj. At this 'Alī calmed 'Imrān down, had him sit, said a prayer for his father's repose, and explained, "I am not confiscating your properties. I am simply looking after them for you." Then he issued an order whereby everything won at the property, along with all of the harvest, has passed over to 'Imrān.⁵⁶⁾

Thus it is thought that the estates of al-Nashāstaj were inherited from one Ṭalḥa generation to the next. The solution to the problem of the Sawād lands, however, would not be found until the next Umayyad period.

Notes

- 1) Cf. EI, new ed. vol. II, "ḍay'a".
- 2) Cf. al-Mas'ūdī: *Murūj al-dhahab*, (éd. Ch. Pellat, 7 vols., Beyrouth, 1966-79), III, 76-77. This account by al-Mas'ūdī is also cited in *The Muqaddimah* by Ibn Khaldun. Cf. tr. F. Rosenthal, I, 419-20; Japanese translation, Kosei Morimoto (Tokyo, 1979-87), I, 405-06.
- 3) Al-Ya'qūbi's manuscript is undecipherable at this point, but has been restored according to Yāqūt's *Mu'jan al-buldān*. Cf. Yāqūt, I, 696; Wakī', I, Corrigenda, p. 47.
- 4) Aḥmad b. Ḥanbal (d. 241/855): *Musnad*, ed. A. M. Shākir, (al-Qāhira, 1370/1950), V, 201-02, no. 3579; VI, 58, no. 4048; al-Bukhārī: *al-Ta'rikh al-kabir*, (Hyderabad, 1377/1958), IV, 54, no. 1935; Yahyā, 80, no. 254 (Shemesh: Taxation, I, p.64). Cf. M. H. Kister: Land Property and *Jihād*, A discussion of some early traditions, *JESHO*, XXXIV/3 (1991), pp. 270-271.
- 5) A village three miles from Medina. Cf. Yāqūt, II, 748-49.
- 6) A well in Medina, famed as the well into which 'Uthmān dropped a seal from Muḥammad which had been passed down from caliph to caliph. Cf. Ṭabarī, I, 2856-58; Yāqūt, I, 430.
- 7) An oasis 150km north-west of Medina. Cf. EI, new ed. "Khaybar".
- 8) A *wādī* running between Medina and Syria, along which numerous villages are scattered. Formerly Jewish-settled land but conquered by Muḥammad in A.H. 7. Cf. Yāqūt, IV, 878.
- 9) Ibn Sa'd, III/1, 202 explains the *wāfi* similarly: 1 *wāfi* = 1 dirham and 2.5 *dāniq*. This makes the yearly income about 360, 150 dirhams.
- 10) There are a number of places named Sarāh, so it is unclear which one is meant. Cf. Yāqūt, III, 65-67.
- 11) Villages between al-Hijāz and Yemen. Cf. Yāqūt, I, 314.
- 12) Cf. Yāqūt, IV, 182.
- 13) Cf. EI, new ed. vol. I, "Abd al-Raḥmān b. 'Awf".
- 14) According to Yāqūt, al-Jurf was a farm village located three miles from Medina in the direction of Syria, and Caliph 'Umar and other Medina people had their property (*amwāl*: land) there. Cf. Yāqūt, II, 62.
- 15) It is related that Ibn 'Awf sold his share of the property Kaydama (near Medina—land which had belonged to the al-Naḍir clan but which Muḥammad had confiscated and re-acquired) to 'Uthmān for 40,000 dinars which he divided between the wives of Muḥammad or the poor people of the Zuhra clan. Cf. Ibn Sa'd, III/1, 94; Yāqūt, IV, 332.
- 16) Yahyā, 78, no.244 (Shemesh: Taxation, I, p. 62); Balādhurī, 14.

- 17) al-Samhūdī (d. 1505/06): *Wafā' al-wafā bi-akhbār dār al-muṣṭafā*, (2 vols., Miṣr, 1326H), II, 392-93. Cf. Saleh A. el-Ali: Muslim Estates in Hidjaz, *JESHO*, II (1959), p. 257.
- 18) Cf. Yāqūt, IV, 1039.
- 19) Wakī', I, 153-54; Samhūdī, II, 392-93; cf. Yāqūt, I, 696-97.
- 20) Samhūdī, II, 270, 288, 356; Balādhurī, 14. Cf. Saleh A. el-Ali, Muslim Estates in Hidjaz, p. 257.
- 21) Ṭabarī, I, 3104.
- 22) Cl. Cahen: L'évolution de l'iqṭā' du IXe aux XIIIe siècle, Contribution une histoire comparée des sociétés médiévales, *Annales d'histoire économique et sociale*, 8 (1953), pp. 25-52. (Reprinted in Cl. Cahen: *Les peuple musulmans dans l'histoire médiévale*, Damas, 1977, pp. 231-69).
- 23) H.Q. El-Samarraie: *Agriculture in Iraq during the 3rd Century A.H.*, (Beirut, 1972), pp. 128-29.
- 24) 'A. 'A. al-Dūrī: The origins of iqṭā' in Islam, *Journal of al-Abhāth*, American University of Beirut, vol. XXII (1969), pp. 3-22.
- 25) 'A. 'A. Duri: Notes on Taxation in early Islam, *JESHO*, XVII (1974), pp. 139-40.
- 26) Shimada, Johei: The *qaṭī'a* and the *day'a* in the early Islamic period (in Japanese), in *Yamamoto-Hakase kanreki kinen toyoshi ronso* (A collection of papers on Eastern history, in celebration of the 61st birthday of Doctor Yamamoto) 1972, pp. 237-238. Cf. also, Tribal *qaṭī'a* and military *qaṭī'a* in the early Islamic Period (in Japanese), in *Egami Namio-Kyoju koki kinen ronshu*: rekishi-hen (Essays in celebration of the 70th birthday of Professor Namio Egami: History) 1977, pp. 625-664.
- 27) Ṭabarī, II, 1070 ff.; Yaḥyā b. Ādam relates that other lands apart from the former Sasanian crown lands became *ṣawāfi* (Yaḥyā, 63, no. 197; Shemesh: *Taxation*, I, p. 53), but the subject of this tradition is not 'Umar, but someone called Ḥudhayfa. It is not clear who Ḥudhayfa was.
- 28) Cf. M.G. Morony: Landholding in Seventh-Century Iraq: Late Sasanian and Early Islamic Patterns, (*The Islamic Middle East, 700-1900: Studies in Economic and Social History*, ed. A.L. Udovitch, Princeton, 1981), pp. 136-38.
- 30) Cf. Ibn Manẓūr (d. 711/1311-12): *Lisān al-'Arab al-muḥīṭ*, "wiṣr".
- 31) Cf. Ṭabarī, I, 2578; Wakī', II, 189-402.
- 32) I (Jābir) asked 'Āmir, "Who was the first person to grant land, *ard*, as *qaṭī'a*?"'. 'Āmir answered, "It was 'Uthmān. It was not Abū Bakr, 'Umar or 'Alī." (Yaḥyā, 79, no. 251; Shemesh: *Taxation*, I, p. 63). 'Āmir: The Prophet did not make land grants; nor did Abū Bakr or 'Umar. 'Uthmān was the first person to make land grants and to sell land. (Yaḥyā, 79, no. 250; Shemesh: *Taxation*, I, p. 63).
- 33) In the original manuscript it says 'Ṣan'ā', but this has been corrected by al-Balādhurī (p. 273, no. 691).
- 34) Cf. EI, new ed. vol. III, "Ibn Mas'ūd".
- 35) Cf. EI, new ed. vol. I, "Ammār b. Yāsir".
- 36) Cf. EI, new ed. vol. IV, "Khabbāb b. al-Aratt".
- 37) Cf. EI, new ed. vol. VIII, "Sa'd b. Abī Waqqāṣ".
- 38) Cf. EI, new ed. vol. I, "Adī b. Hātim al-Ṭā'ī".
- 39) Cf. EI, new ed. vol. I, "al-Ash'ath".
- 40) Cf. Ṭabarī, I, 2570, 2696, 2830 etc.
- 41) Cf. E. Landau-Tasseron: Sayf Ibn 'Umar in Medieval and Modern Scholarship, *Der Islam*, LXVII (1990), pp. 1-26.
- 42) Cf. EI, new ed. vol. IV, "Kādisiyya".
- 43) The chain of transmitters is, Muḥammad b. 'Abd Allāh b. Sawād b. Nuwarya, Ṭalḥa b. al-A'lam al-Ḥanafī, al-Muhallab b. 'Uqba al-Asadī, Ziyād b. Sirjīs al-Aḥmarī → Sayf b. 'Umar. There are also several other traditions in Sayf b. 'Umar with other chains of transmitters, that tell of the former Sasanian crown lands becoming *fay'* (Ṭabarī, I, 2372-75).

- 44) It is related that Sayf b. 'Umar explained as follows, purporting this to be the consensus of scholars: "When the fighters at Jalūlā' had returned to Madā'in, they settled in their land concessions. All of the Sawād had become 'protection' (*dhimma*) territory for them, except those properties formerly belonging to the Persian royal household and their staunch supporters, which God had set aside as *ṣawāfi*. ... When the news had reached the Persians of what 'Umar had said and deemed fit in respect of the Sawād and the land beyond, they said, 'We'll be content with the same conditions as the Arabs are content with', whereas the Kurds of the township were dissatisfied ..." (Cf. Ṭabarī, I, 2470-71; cf. Juynboll, pp. 50-51).
- 45) An example of this usage of the word *qaṭi'a* can be found in the phrase, "[after the Battle of Jalūlā' the Arab warriors returned to Madā'in and] settled in their *qaṭi'a*". Cf. Ṭabarī, I, 2471.
- 46) Cf. M.G. Morony: Landholding, pp. 143-45.
- 47) There are numerous traditions telling of how Caliph 'Umar banned the sale and acquisition of land in addition to the source discussed here. Cf. M. H. Kister: Land Property, pp. 270-311. See also the following about the retainers' stipend system: Ṭabarī, I, 2412-14, 2496, 2563; Ṣāliḥ Aḥmad al-'Alī: *al-Tanzīmāt al-ijtimā'iya wa-l-iqtisādiyya fi l-Baṣra fi l-qarn al-awwal al-hijrī*, (2nd ed., Bayrūt, 1969), pp. 146-65; Kosei Morimoto, "The Diwāns as Registers of the Arab Stipendiaries in the Early Islamic Egypt", *Res Orientales*, VI, (Leuven, 1994), pp. 353-66.
- 48) Cf. Ṭabarī, I, 2846-49; Ya'qūbī, II, 166.
- 49) See the following for more details of the political affairs of Kūfa at that time: M. Hinds: Kūfan Political Alignments and Their Background in the Mid-Seventh Century A. D., *International Journal of Middle East Studies*, II (1971), pp. 352-57; F. M. Donner: *The Early Islamic Conquests*, (Princeton, 1981), pp. 231-39; M. G. Morony: *Iraq after the Muslim Conquest*, (Princeton, 1984), pp. 239-42, 256.
- 50) Humphreys, the translator of the sections in al-Ṭabarī's history on the reign of Caliph 'Uthmān, interprets this section with, "this and the following paragraphs report on a property exchange devised by Caliph 'Uthmān to turn public lands in Iraq over to Medinese and Iraqi notables". Thus he repeats the erroneous view of previous studies. (Cf. Humphreys, p. 60, note 97.) This point is treated similarly, without special reference to exchange-purchase, in F. M. Donner (*The Early Islamic Conquest*, pp. 241-45), and M. G. Morony (*Iraq after the Muslim Conquest*, pp. 68-70).
- 51) Ṭalḥa is said to have sold some land that he owned—the name of which is not certain—to Caliph 'Uthmān for 70,000 dinars. The caliph delivered the money directly to Ṭalḥa. Cf. Ibn Sa'd, III/1, 157; Ṭabarī, I, 3037.
- 52) The following tradition is given in Abū Yūsuf: "Abū Ḥanīfa [related as follows] from those who transmitted to him: 'Abd Allāh b. Mas'ūd, Khabbāb, Ḥusayn b. 'Alī, Shurayḥ [b. al-Ḥārith] and other Companions owned *kharāj* land for which they used to pay the *kharāj* tax." (Abū Yūsuf, 62. Cf. Shemesh, III, 77).
- 53) While he discusses the topic of Kūfa's state of affairs at that time, Hinds does not refer to this part of al-Ṭabarī's report. Thus he does not give an accurate representation of the importance of 'Uthmān's land exchange policy. Hinds: Kūfan Political Alignments, pp. 359-60.
- 54) al-Balādhurī: *Ansāb al-Ashrāf*, vol. V, (edited by S. D. Goitein, Jerusalem, 1936), 39-47; Ṭabarī, I, 2907-09, 2915-17, 2927-29, 2934-35.
- 55) Cf. Ibn 'Asākir (d. 571/1176): *Ta'rikh madīnat Dimashq*, vol. 'Uthmān b. 'Affān, (Dimashq, 1984), 312.
- 56) Muṣ'ab b. 'Abd Allāh al-Zubayrī: *Kitāb Nasab Quraysh*, (éd. E. Levi-Provençal, al-Qāhira, 1953), 281-82.