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## BAGHDAD IN THE ISLAMIC CIVILIZATION

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*Son Okumalar*
Prof. Dr. Hasan AKSOY
Ahmet KARATAŞ
Harun YILMAZ

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*İsteme Adresi*
M.Ü. İlâhiyat Fakültesi Vakfı Yayınları
Mahir İz Cad. No: 2 Bağlarbaşı - Üsküdar - İSTANBUL
Tel: 0216 651 15 06 - Faks: 0216 651 00 61
ifav@ilahiyatvakfi.com - www.ilahiyatvakfi.com

Marmara Üniversitesi, İlâhiyat Fakültesi, İslâm Tarihi ve Sanatları Bölümü

Marmara University, Faculty of Theology, Department of Islamic History and Arts

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İslâm Konferansı Teşkilatı, İslâm Tarih, Sanat ve Kültür Araştırma Merkezi (IRCICA)

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# UNISLAMIC TAXES AND AN UNISLAMIC MONETARY SYSTEM IN SELJUQ BAGHDAD

## Protest of Legal and Religious Scholars in the Period of al-Ghazali

*Assoc. Prof. Stefan HEIDEMANN*[*]

### 1. Introduction[1]

> "The assets of the sultans in our time (*amwal al-salatin fi 'asrina*) are all unlawful (*haram*) or to the greater part."[2]

Al-Ghazali (d. 505/1111) considered the Seljuq tax system as un-Islamic in a polemic paragraph in his *ihya' 'ulum al-din*, 'the revival of the science of the religion'. Al-Ghazali was the foremost contemporary legal scholar, theologian, and mystic of his time, serving as distinguished professor at the Nizamiyya Madrasa in Baghdad.

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* Jena University Institute for Languages and Cultures of the Middle East.

1 This contribution presents preliminary results of the ongoing research project 'The New Economic Dynamics of the Zangid and Ayyubid Period', supported by the German Research Foundation (DFG). In September 2008, the first part was presented at a conference at Edinburgh University: "The Seljuqs–Islam Revitalised". The article shares much of its references and source work with chapters IV and V of *Die Renaissance der Städte in Nordsyrien und Nordmesopotamien* by the same author, however, the question, focus and scope here are different. I owe gratitude to Robin Brown for a thorough revision of the English draft.

2 Al-Ghazali (d. 505/1111), *Ihya' 'ulum al-din*, ed. Abu l-Hafs Sayyid Ibrahim ibn Sadiq ibn 'Umran, known as Abu Hafs, 5 vols., Cairo, 1414/1994, here vol. II, p. 216. For al-Ghazali's criticism of the Seljuq tax system see Stefan Heidemann, *Die Renaissance der Städte in Nordsyrien und Nordmesopotamien. Städtische Entwicklung und wirtschaftliche Bedingungen in ar-Raqqa und Harran von der Zeit der beduinischen Vorherrschaft bis zu den Seldschuken* (Islamic History and Civilization. Studies and Texts 40), Leiden 2002, pp. 302–305.

At the end of the $5^{th}/11^{th}$ century the Seljuqs had laid the political and economic foundations for the second blossoming of the Islamic world in its central regions, from Syria to western Iran.[3] They justified their claim to rule with the renewal of Sunni Islam and the restoration of the Abbasid caliphate, in the face of ascendant branches of Shiite doctrine among the Muslims in the central regions and the rising power of Shiite dynasties, first among them being the Fatimids. Nizam al-Mulk (d. 488/1095), the vizier and political architect of the Seljuq empire, founded *madrasa*s in the main cities to raise an elite of theologians for the Sunni revival and to train legal scholars for the administration of the Seljuq empire. Among these *madrasa*s was the famous Nizamiyya School in Baghdad. Although a protégé of the Seljuqs, al-Ghazali was one of their fiercest critics.[4]

The Seljuq government violated many prescriptions of Islamic law or at least tolerated such violations, for they were in a dilemma. This is evident in two related aspects of economic policy: financing of the state through dues and taxes that were not legitimate under Islamic law, and toleration of a monetary economy that enabled unintentional violations of the Qur'anic prohibition of *riba*, thus posing a constant threat for the afterlife of the believers.

These taxation and currency systems are compared with those of the heyday of the Abbasid empire, the period in which Islamic law was formed. The question emerges as to why the Seljuqs did not offer an effective remedy for the unlawful situation. Here it is noteworthy that the later partial remedies that were eventually adopted were only effective because of the sound economic foundations laid by the Seljuqs and subsequent prosperous developments.

## 2. Un-Islamic Taxation in the Seljuq Empire

The Seljuqs coming from Central Asia had conquered a society and an empire that had changed considerably since the early Islamic days. Fiscal institutions were no longer in accordance with *shari'a* law. The Seljuqs began to make necessary political and economic adjustments to improve the prevailing social and economic order, yet some of their measures were seen as contradicting Islamic law and thus provoking resistance among religious and legal scholars.

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3 An assessment of Seljuq economic policy in Syria until the period of Nur al-Din Mahmud is found in S. Heidemann, *Die Renaissance* (fn. 2), chapter IV, pp. 97–353.

4 For al-Ghazali's ambivalent attitude to the Seljuq state see Carole Hillenbrand, "Islamic Orthodoxy or Realpolitik? Al-Ghazali's Views on Government", *Iran*, 26, (1988), pp. 81-94.

How did the early Islamic state finance its expenses in comparison to the later Seljuq state? Continuing the practices of the late Roman and Sasanian empires, the Umayyad and early Abbasid state financed their armies[5], as well as public and semi-public institutions and works, primarily with the revenues of the public treasury (*bayt al-mal* or *diwan*). These public and semi-public works and duties included such as building and maintaining of facilities, such as fortifications, streets, water supplies, and mosques, as well as the remuneration of their personnel. As its main source of income, the state reaped revenue through the agricultural land-tax, the *kharaj*, which was usually collected by the civil administration as cash payments. This system required a monetary economy that was widespread throughout the rural areas. There are instances, however, where the tax assessments were expressed as cash amounts but paid in kind.[6] In the cities, the poll tax, *jizya*, levied on non-Muslims, was collected in cash. It was paid by the majority of the population which mainly remained Christian, Jewish, and Zoroastrian. A Muslim majority existed only in few cities, usually garrisons and imperial residences such as al-Kufa, al-Basra, Baghdad, al-Rafiqa and Samarra'. These urban centres were nearly tax-exempt and received massive transfers of money from the state coffers. The highly developed monetary economy and the ready availability of coinage which was minted in sufficient and abundant quantities ensured a fiscal cycle of tax incomes and state expenditure in cash.

Over the course of the 4$^{th}$/10$^{th}$ and 5$^{th}$/11$^{th}$ centuries, the military, political, administrative, and economic structures of the central lands of the Islamic empire collapsed. Archaeological settlement surveys in Syria, northern Mesopotamia, and Iraq consistently indicate a sharp decline in the number of rural settlements, implying declines in primary production and sedentary population. Since the beginning of the 4$^{th}$/10$^{th}$ century, the ability of the state to maintain and support 'public' and 'semi-public' facilities, institutions and their personnel diminished considerably. This is seen in many cities, especially those of small and medium size, where state-financed central buildings, including congregational mosques, became dilapidated.

5 Hugh N. Kennedy, *The Armies of the Caliphs. Military and Society in the Early Islamic State*, London 2001, pp. 78–88.

6 Hugh N. Kennedy, "The Financing of the Military in the Early Islamic State", A. Cameron (ed.), *The Byzantine and Early Islamic Near East III - States, Resources, and Armies* (Studies in Late Antiquity and Early Islam, 1), Princeton 1995, pp. 361–378, here pp. 366–367.

In the 5th/11th century, under the Seljuq rule, this situation began to reverse. In 447/1055, they captured Baghdad, and in 479/1087, they succeeded in incorporating Syria. They were in command of a professional army of Turkish horsemen and an efficient administration of the eastern Iranian-Samanid tradition. The Seljuqs chose fortified cities and strongholds as their seats of power and built new fortifications. The Seljuq concept of financing the state differed from that of the early Islamic period and the time in between that was dominated by nomad dynasties. The latter's resources and power were rooted in the pasture lands, and they had no need for costly construction works. The Seljuq policy emerged in reaction to the new social, demographic, economic, and monetary conditions of their time. As in the Abbasid period, the tax system made a distinction between countryside and cities. At the core of Seljuq power was a seasonally available army of horsemen. To finance this military, the hinterlands of the conquered cities were divided into *iqta'*-districts and distributed among army commanders, *amir*s, and their detachments. These troops and their commanders usually lived within, and supported themselves from, their allotted *iqta'*-districts. The *iqta'* was an immediate claim on the land-tax revenues (*kharaj*) as remuneration for military service. Since the bulk of the dues were presumably paid in kind, the agricultural products could be directly consumed without being routed through markets, for that would have required a functioning monetarized rural economy. This system reflects the prevailing conditions of a shrunken monetary economy in Syria, northern Mesopotamia, and Iraq at the beginning of the 6th/12th century. Coinage, as the physical means of the fiscal cycle, was no longer available in sufficient quantities for tax payments. The army of horsemen was almost independent from the Seljuq ruler for its provisions. The *iqta'*, which was based on the *kharaj* taxes sanctioned by Islamic law, was never disputed as such. The Seljuq form of *iqta'* encouraged increases in primary production, which provided the tax base, because it was the only means by which the *muqta'-amir* could yield more revenue. This increase in primary production allowed the growing urban and rural populations to be fed, while also enlarging the tax base.

The criticisms of the legal scholars referred mainly to taxes on urban economic activities. To cope with the centrifugal forces inherent in the *iqta'*-system, an elite troop of military slaves, *mamluk*s or *ghulam*s (pl. *ghilman*), had to be created, maintained, and financed through cash payments. Cash was also necessary for the construction of fortifications, monumental buildings, and court expenditures. The treasury raised cash primarily by skimming urban economic activities. The taxable urban base, however, had changed since the early Islamic empire. By the 6th/12th century, the majority of the population with some regional differences had become Muslim. As a result, the formerly important contribution of the *jizya*, paid in cash, to state revenues had significantly decreased, as we can assume from tax lists from various Syrian and northern Mesopotamian cities during the first half of the 7th/13th century.[7] In a 1981 study, Baber Johansen addressed the regulation of dues of the Hanafi school of law at the end of the 5th/11th century. In their treatises, the Hanafi scholars referred only to the perspectives of the revealed law, the *shari'a*. The arguments of the legal scholars burdened the peasants as they allow for numerous possibilities for evasion of taxation on urban economic activities. Johansen states that the fiscal system actually in force must have been different from that sanctioned by Islamic law, because the government was denied nearly any chance to tax the urban population legally. Under Islamic law, urban dues, such as *zakat* or *sadaqa*, appealed more to the solidarity of the Muslim community than to the necessities of running a state or an empire. The state was only allowed to collect: *kharaj* and *'ushr* on agriculture, the poll-tax, *jizya*, on non-Muslims; and the *zakat* upon the nomads and long-distance trade. The latter was conceded to the state because the government was regarded as being in need of *zakat* revenue to protect commercial caravans and travellers. Johansen concluded that the tax regulations that were actually applied must be reconstructed from historical sources.[8]

The state had to skim the urban economic activities to obtain necessary cash income for its expenditure. In the commercial centres of the cities (*suq*, pl. *aswaq*), cash remained widespread and could be used for tax payments. During the Seljuq period, several new dues and taxes emerged, while prior forms were adapted or enforced. Complaints about new dues, as frequently referenced in the literary sources, are proof of the Seljuq's creative policies on the one hand, and of renewed self-confidence among the Sunni legal and religious scholars on the other.[9] To increase the state's income, it was necessary to create an administrative framework to enforce the state's claim for fiscal skimming. From about the middle of the 6th/12th century, several new expressions can be occasionally found in sources relating to fiscal matters. They doc-

7 Anne-Marie Eddé, *La principauté ayyoubide d'Alep (579/1183–658/1250)* (Freiburger Islam studien 21), Stuttgart, 1999, pp. 598–699; S. Heidemann, *Die Renaissance* (fn. 2), pp. 323–324.

8 Baber Johansen, "Amwal Zahira and Amwal Batina: Town and Countryside as Reflected in the Tax System of the Hanafite School", Wadad al-Qadi (ed.), *Studia Arabica and Islamica. Festschrift for Ihsan 'Abbas on His Sixtieth Birthday*, Beirut 1981, pp. 247–263.

9 S. Heidemann, *Die Renaissance* (fn. 2), pp. 324–339.

ument the government's apparently tighter grasp on urban resources. Among numerous fiscal expressions that begin to appear more frequently than before are recurrent terms such as *mukus*, excises that are a kind of toll on long-distance trade; *rusum*, decreed dues; *dara'ib*, taxes; and *haqq al-bay'*, the fiscal 'claim on sale'. The latter three were urban sales taxes, however their specific purpose and how they were levied are rarely explained. These constituted the principal sources of cash revenue for the state.

Excises, *mukus*, were tolls on merchandise to be paid when a merchant left a city or a district with goods. Although *mukus* were probably legally constructed parallel to meaning with similar legal requirements as *zakat* on commodities in long-distance trade, their illegitimate character becomes apparent by the fact that the authorities regulated and imposed them at will. Most of the research literature on the *maks* or *mukus* concerns Egypt because the sources cover her history in this regard better than any other regions. But Egypt had a different fiscal tradition than the central lands of the Islamic empire, and therefore the same terms might refer to different regulations in Egypt than in the east. In the pre-Seljuq period, *mukus* were known in the central lands but only occasionally mentioned. For the 4th/10th and 5th/11th centuries, these texts refer to Mecca, Iraq, western Iran, and Transoxiana. Indicators for a change in the fiscal policy are few but significant: After the Seljuq conquest, the frequency of references to *mukus* and *rusum* increases. Prior to the Seljuq conquest there are to the author's knowledge no references to *mukus, rusum*, or *haqq al-bay'* for Syria and northern Mesopotamia.[10] The novelty of the Seljuq tax policy also became apparent in a protest in Aleppo in 514/1120-1. Its levying was felt as an unusual burden, and as an innovation. For this incident Ibn al-'Adim mentioned *rusum* and Ibn al-Qalanisi added *mukus* in the same context. Ibn al-'Adim wrote:

> "And the people of Aleppo used to complain to him (Seljuq-Artuqid governor Najm al-Din Ilghazi, r. in Aleppo 511–516/1117-8–1122), about the renewal of the decreed dues (*tajdid al-rusum*) which were imposed on them in the days of Ridwan (Seljuq sultan of Aleppo, r. 488–507/1095–1113). These were neither usual practice under the reign of the nomads (*daulat al-'arab*), [i.e. the Mirdasids and 'Uqaylids] nor under the reign of the Egyptians [i.e. the Fatimids] nor in the days of Aqsunqur [first Seljuq governor of Aleppo, r. 479–487/1087–1094]." [11]

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10 See for these references S. Heidemann, *Die Renaissance* (fn. 2), pp. 326–328.

11 Ibn al-'Adim (d. 660/1262), *Zubdat al-halab min tarikh Halab*, ed. Sami al-Dahhan, Histoire d'Alep, 3 vols., Damascus 1951–1968, here vol. II, p. 196. Compare Ibn al-Qalanisi (d. 555/1160), *Dhayl tarikh Dimashq*, ed. Suhail Zakkar, Damascus

The abrogation of dues illegitimate to the *shari'a* law was thus a laudable merit for any ruler from a religious and legal point of view, and such events are therefore mentioned repeatedly in eulogizing chronicles. Typically, illegitimate dues and taxes were referred to in the context of abrogations. In contrast, the introduction of illegitimate dues was rarely reported, and, if mentioned at all, then sometimes along with mention of resulting urban protest and unrest. In Baghdad and Iraq, abrogations were mentioned in 473/1061, 479/1087, 501/1120, 516/1122, and 533/1138. Only in 514/1120-1 was an introduction of *mukus* and *haqq al-bay'* reported for Baghdad. The sultan could decree these dues and taxes but regional governors were responsible for their implementation, and they could also, at times, impose them. If the sultan was absent from Baghdad, the caliph acted as regional ruler, frequently on advice of his vizier. *Rusum*, *dara'ib*, and *haqq al-bay'* were usually levied in the form of tax farming, i.e. the *daman*, the 'guaranteed payment' for the state coffers.

The practical meanings of *rusum*, *dara'ib*, and *haqq al-bay'* are even less conclusive. They could be used synonymously as collective names for different intra-urban dues on sales, or market taxes. For Damascus in the period of Nur al-Din Mahmud (r. 541-569/1146-1174), Ibn al-Qalanisi calls the same tax in one passage *huquq dar al-bittikh* [presumably a market hall], 'fiscal claims [on purchases] of the House of the Water Melon', and in a later passage as *rusum dar al-bittikh*, 'decreed dues of the House of the Water Melon'. No precedents are mentioned in Islamic law for such kind of market taxes.[12]

The over-all economic impacts of these taxes were positive as in the case of the Seljuq *iqta'*, although, like taxes in general, they were unpopular. The collection of *mukus* made the authorities aware of the conditions influencing their yield, for safe trade routes resulting in flourishing commerce and higher excise revenues. Several treaties between Syrian Seljuq *amir*s and the Crusader principalities were concluded with the expressed intention to provide unharmed transit for caravans for the purpose of collecting *mukus*. Intra-urban dues on markets were far more difficult to levy than *mukus* and usually ceded to tax farmers. These persons might be distinguished as a peer within the taxed group of shop owners, merchants, artisans and craftsmen.[13] Frequency of references from the later Zangid and Ayyubid periods seems to indicate a

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1403/1983, pp. 337–338.

[12] Ibn al-Qalanisi, *Dhayl* (fn. 11), pp. 505–506; see also p. 539.

[13] Compare Avram L. Udovitch, "Merchants and Amirs: Government and Trade in Eleventh-Century Egypt," B. Z. Kedar-A. L. Udovitch (eds.), *The Medieval Levant. Studies in Memory of Eliyahu Ashtor (1914-1984)* (Asian and African Studies 22), Haifa 1988, pp. 53–72.

shift from *mukus* to intra-urban dues over time. This is also apparent from Ayyubid tax lists in which various *huquq al-bay'* amounted to between 30 and 67 percent of the list's sum. The rates of tolls and excises generally influence long-distance merchants' decisions as to whether to bring their goods to certain markets. Conversely, market taxes on sales had little or no effect on the decisions of long-distance merchants.

### 3. Money-Violating the Riba Prohibition of Islamic Law

The monetary situation was another source of constant complaints among religious and legal scholars. The state of the monetary economy always reflects the economic development of the society that created it. In pre-modern societies, the shortages of the physical means of commercial exchanges, i.e. coins, was always a bottleneck for further economic development. Gold and to a certain extent silver, coins constituted the principal money for wholesale and long-distance merchants (*tujjar* and *jallabun*) as well as for fiscal administration, state expenditures and transactions of high ranking *amirs*. These social groups needed to store wealth, transfer it conveniently over long distances, and make payments of large sums. For these purposes, the high-value coinage always showed remarkable stability.

The second type of money fulfilled daily purchasing needs. It was the money of small dealers, artisans, workers (*suqa* and *ba'a*) in the urban market district (*suq*). With regard to petty coinage, different solutions emerged in different regions, and different local currency zones existed within these regions. This money used for daily exchanges was the main object of the complaints.

Islamic law generally reflects the well-ordered monetary situation of the highly developed Umayyad and early Islamic state. After the reforms of 'Abd al-Malik in the 690s, the currency system consisted in principle of an almost pure gold *dinar* regulated to the *mithqal* weight (4.2g), an almost pure silver *dirham* regulated to a *dirham* weight (2.8–2.9g) and unregulated copper coins that possessed a largely token-like character. During the middle decades of the 3rd/9th century copper coinage vanished almost completely from urban markets in the central lands of the empire with few exceptions. Fragmentation of the circulating precious metal coins provided the necessary small change. Coins were circulating more and more by weight expressed in standard *dirhams* and *dinars* of account. During the 4th/10th century the political and economic collapse in the central lands of the Abbasid empire was accompanied by a debasement of silver and then gold coinage. Different kinds of debased *dirhams* were current within limited and defined circulation zones. The number of coins being struck diminished dramatically. The monetary sector of the urban economy in the central lands of the Islamic empire shrank to a low level that may not have been experienced since pre-Hellenistic antiquity. In the rural areas, coinage seems to have receded. In the narrative sources these debased coins are given the generic term of *dirham aswad* (pl. *darahim sud*), 'black *dirham*', because of their usual copperish dark appearance. At the time of the Seljuq conquest, black *dirham*s circulated in Iraq only north of Baghdad, in the region of the Diyar Rabiʿa. The hitherto last known Buyid *dirham* in Baghdad was minted in 436/1044-5. At that time, precious metal coins were usually imported into Iraq.

Gold served as high value money and as petty coinage in urban market exchanges. As a consequence, gold coins were cut into tiny irregular fragments so that economic exchanges well below the value of a complete gold coin could be conducted. These gold fragments were called *quradat* (sing. *qurada,* or *mukassar*) in literary sources. Maqrizi even reports that for very small payments people used bread loafs in Baghdad, sixty of them were worth a gold *qirat*.[14] But we have no independent confirmation for that practice.

Complaints by jurists about the circulation of *quradat* and references in chronicles are abundant enough to assume that they were a regular feature of daily life in Iraq, northern Mesopotamia, and Bilad al-Sham. Legal scholars were concerned with two major issues pertaining to coin circulation: first, the debasement of gold and silver coinage; and secondly, the circulation of fragments. The reason behind their complaints lay in the Qur'anic prohibition of *riba*, the illicit gain in a commercial exchange of equivalents. This occurs when the same amount of precious metal is valued at different prices in one and the same transaction.

Debased gold *dinar*s and black *dirhams* from different circulation zones might be composed of different gold and silver alloys; resulting in different levels of intrinsic gold and silver content. The exchange of these *dinar*s or *dirham*s against other kinds of *dinar*s or *dirham*s implied numerous possibilities for unequal exchange, such as in the exchange of one regional gold coin for another from a different circulation zone.[15] Al-Ghazali ruled:

> "And thirdly, in regard to the composition of gold and silver: It is just as with the *dinar*s in which gold and silver are alloyed: If the quantity of

[14] Al-Maqrizi (d. 845/1442), *Ighatha al-umma bi-kashf al-ghumma*, ed. Muhammad Mustafa Ziyada and Jamal al-Din Muhammad al-Shayyal, Cairo 1359/1940, pp. 67–69.

[15] S. Heidemann, *Die Renaissance* (fn. 2), pp., 369–380. For the *dirham aswad,* see Ghazali, *Ihya'* (fn. 2), vol. II, pp. 108–109, and vol. IV, pp. 142–144.

> gold [within the coins] is unknown, then business on its basis is in principal [legally] not permissible [because of the potential violation of the *riba* prohibition], except if that is coinage circulating in the region. Then thus we permit the business on its basis, if it [meaning the gold coinage] is not exchanged with [another] coinage [because such transaction would imply the possibility of an unintentional illicit gain in precious metal, thus *riba*]. And it is just as with the *dirhams* which are alloyed with copper: If they are not current in the region, then the business on their basis is not permissible because the intended aim [of the transaction] is the silver [as commodity], and that [quantity] is unknown. And if it is current coinage of the region, then we have permitted the business [with them], because of the need [for coinage] and [because] the extraction of silver [bullion] is a part of what is [usually] intended to be extracted from it [i.e. the intention is the exchange value not the silver]; but it should not be exchanged against silver in principle [which could lead to an illicit gain or *riba*]."[16]

Al-Ghazali was quite unsatisfied with the condition of the currency of his time but allowed the circulation of debased gold and silver coinage as long as they were 'current in the region', *ra'ij fi l-balad*, and the intended aim of the transaction was not the precious metal as commodity but the exchange value of the coins. For the necessity of commerce, al-Ghazali abstracted from the content of the precious metal.

With regard to fragments, the situation was worse because they constituted the principal money of the ordinary people for their daily expenses and they could hardly avoid dealing with them. In the market the same amount of gold in fragmented coins valued less than a complete gold coin of the same sort or type and thus their exchange was prohibited by Islamic law. In the history of money, it is a repeated fact that people accepted a real loss in value when a complete coin was cut up in order to produce fractions for daily purchases, whereas they were allowed to keep the remainder of the coin as a high-value currency or metal. al-Ghazali wrote:

> "Concerning the selling of the fragment (*al-mukassar*) against a complete *sahih* [*dinar*], the commercial transaction with both of them is not permitted except for equivalence [of the quantity of gold and its value]."[17]

Later the *qadi* of Tabariyya, al-Shayzari (d. *ca.* 589/1193), pronounced the following dictate:

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[16] Ghazali, *Ihya'* (fn. 2), vol. II, pp. 108–109.

[17] Ghazali, *Ihya'* (fn. 2), vol. II, p. 108.

> "The sale of a complete *dinar* (*dinar sahih*) against a dinar in fragments (*dinar qurada*) is not permitted because of the difference in their values."[18]

The political sensitivity of this situation became apparent during an incident in Shawwal 485/November-December 1092. The ascetic mystic Abu l-Husain Ardashir ibn Mansur, known as al-Wa'iz al-'Abbadi (d. 496/1102-3), visited Baghdad on his way from Marw to Mecca. He stayed in Baghdad until 486/1093. Al-Ghazali invited him to lecture at the Nizamiyya Madrasa, and many people attended his sermons. Ibn al-Jauzi reported on one specific topic that alerted the authorities.

> "He ['Abd al-Wahhab ibn Abi Mansur al-Amin] told me [Ibn al-Jauzi] that he [al-Wa'iz al-'Abbadi] spoke about *riba* and the selling of the [*dinar*] fragments for the complete ones (*bay' al-quradat bil-sahih*]. The public lectures [*al-julus*] were forbidden and he was ordered to leave the city and he left."[19]

The harsh reaction of the authorities in Baghdad points to the gravity of the problem, because the entire population, not only the rich, had to make transactions using fragments. The relative sequence of the events can not be established, but another statement from the year 485/1092-3 might be related to this criticism:

> "It was proclaimed: No business exchange except with [complete] *dinars*."[20]

*Quradat*, fragments of gold coins, however, remained a common feature of coin circulation in Iraq until the first half of the 6th/12th century. Apparently they could not be replaced by another form of coinage.

Additional criticism was raised with regard to Fatimid *dinar*s with Shiite inscriptions, which circulated in Iraq. During the first half of the 5th/11th century coin production in Iraq in general and in Baghdad in particular diminished considerably and only a few issues are known. The Baghdadi *dinar imami* had almost a supplemental role in the circulation of gold coins. According to the literary sources another local gold coinage, the *dinar qashani*, the *dinar* of Qashan (probably that one close to Isfahan) was in circulation. Beside these gold coins with only regional importance and circulation, two sorts of gold coins of high fineness functioned as important inter-regional

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18 al-Shayzari (d. about 589/1193), *Kitab Nihayat al-rutba fi talab al-hisba*, ed. al-Bazz al-'Arini, Cairo 1946; reprint Beirut 1401/1981, p. 75.

19 Ibn al-Jauzi (d. 597/1201), *Muntazam fi tarikh al-muluk wal-umam*, ed. Muhammad 'Abd al-Qadir 'Ata and Mustafa 'Abd al-Qadir 'Ata, 18 vols., Beirut 1412/1992, here vol. XVII, pp. 3–4.

20 Ibn al-Jauzi, *Muntazam* (fn. 19), vol. XVI, p. 298.

trade coinage; as fragmented coins, they were also the base for the daily purchases in the urban markets. Baghdad was nearly in the centre of the border zone between the *dinar* from Nishapur in Khurasan, the *dinar nishaburi*, and the Fatimid *dinar*, known as *dinar misri* or *maghribi*. While the *dinar nishaburi* circulated in the east up to the Diyar Rabi'a and presumably north of Baghdad, the Fatimid *dinar* probably provided most of the currency in Baghdad itself and in southern Iraq. It was the main gold coin in northern Africa, Bilad al-Sham, the Arabian Peninsula and the Gulf region. In Safar 427/Dec. 1035-Jan. 1036, the caliph attempted to ban the *dinar maghribi* from circulation and he ordered the professional court witnesses not to testify for any sales, leases or debt contracts which referred to this type (*jins*) of *dinar*s in their stipulations. The reason for this lay most probably the Shiite devices upon these coins and in a political situation in which the Fatimid empire was planning to attack Iraq. But Fatimid *dinar*s remained in common circulation in Baghdad until at least the 6$^{th}$/12$^{th}$ century.[21]

### 4. Why Did The Seljuqs Provide No Remedy For This Situation?

In conclusion, the Seljuqs were in a dilemma. They came with a military force that brought safety to trade routes and the countryside. This was the foundation of a new prosperity not experienced in the lands of the caliphate since its early centuries. Their ideological objective was the restoration of the order of the Sunni caliphate and the application of its law. Yet they acted in a different political and economic environment than that of the early caliphs, when this law was formed. They needed money to bring back order, safety, and prosperity. The *iqta'* based on land-tax, *kharaj*, which was probably levied in kind provided for the army of Turkish horsemen. But the Seljuqs had to obtain cash money for the rest of the necessary state expenditures. The shrunken monetary economy forced them to skim urban economic activities. The majority of the urban population was now Muslim; this diminished the traditional source of urban tax income, the *jizya*, the poll tax on non-Muslims. The Seljuq authorities had to rely on taxes and dues not covered by Islamic law, and being thus illegitimate by definition. The growing group of legal scholars, usually from urban commercial backgrounds, did not spare their criticism of the systems of taxation and currency of their time.

The general responsibility for the monetary economy, i.e. provision of its physical means, coinage, brought the Seljuq authorities into an even more

21 Ibn al-Jauzi, *Muntazam* (fn. 19), vol. XV, p. 226. For the different gold coins see S. Heidemann, *Die Renaissance* (fn. 2), pp. 381–383, 389–390.

difficult position with respect to Islamic law. All classes, even the urban lower class, had to use differently alloyed coins or fragmented precious metal coins, which made unintentional violations of the *riba* prohibition very likely. Petty coinage of the smallest kind, copper coins, had nearly dropped from production. Numismatic research has shown that there were several attempts to introduce almost pure weight-regulated, silver coins after the downfall of the administrative and political structures of the Abbasid empire. But those attempts were all short-lived, probably because of the precious metal. The main objective for the introduction of any viable new coinage is, of course, the provision of sufficient quantities of coins to replace the pre-existing forms of currency. In pre-modern societies, the shortage of the physical means of transaction, coins, was a bottleneck for economic development. Iraq and northern Mesopotamia had no natural deposits of silver or gold, and the import of precious metal in huge quantities as tax monies, as it was customary in the early Abbasid period, was no longer feasible. Since the disruption of the economy in the 4th/10th, Iraq had ceased to be the centre of a large cash-tax-based empire. The government could not easily import the necessary bullion, but through trade and business, foreign inter-regional currencies flowed into Iraq, including the Fatimid *dinar maghribi* and the eastern *dinar nishaburi*.

Unlawful taxation and currency, which were the causes for the complaints of the religious and legal scholars, could not be remedied in the first decades of Seljuq rule. In the course of further economic developments in the later principalities of the western Seljuq empire, these two fundamental legal and economic problems were addressed. In the middle of the 6th/12th century Nur al-Din Mahmud was probably the first ruler who used the *waqf*, the endowment of Islamic law, as a conscious economic instrument of his policy to skim urban market activities. The income from the endowments was applied directly to financing public or semi-public duties and institutions without being channelled through state coffers. Thus he was able to abolish to a certain extant the collection of urban dues illegitimate to Islamic law.[22] Nevertheless *mukus*, *rusum*, *dara'ib*, and *huquq al-bay'* continued to be important aspects of the state's income. Later at the end of the 6th/12th century, the re-establishing of a pure, weight-regulated silver currency was achieved in Bilad al-Sham through the massive importation of European silver. It allowed for the sufficient production of silver coins to replace all of the other, mentioned well-

[22] Stefan Heidemann, "Charity and Piety for the Transformation of the Cities. The New Direction in Taxation and Waqf Policy in Mid-Twelfth-Century Syria and Northern Mesopotamia", Miriam Frenkel and Yaacov Lev (eds), *Charity in the Late Antiquity and Medieval Islam* (Abhandlungen für die Kunde des Morgenlandes), Berlin, New York, forthcoming.

criticized, means of exchange. As late as 632/1234-5 in Baghdad, which was quite distant from the Mediterranean trade, the caliph also successfully introduced a weight-regulated silver coinage of high fineness. Now he was able to forbid permanently the circulation of *quradat*, gold fragments. On the eve of the Mongol invasion finally a system of public finance and a monetary system were achieved that were far more in accordance with Islamic law.