Abbasid *Maẓālim* between Theory and Practice

Maaike VAN BERKEL

**Abstract:** There is no doubt that many subjects of the Abbasid empire suffered from abuse by officials on a regular basis. However, they could file petitions, complaining about the misbehaviour of officials and the injustices caused by their actions through an institution which is generally, but inconsistently, referred to as *maẓālim*. This article will argue that in the Abbasid period, the functioning of *maẓālim* was much less well defined and probably also less well organized than later theorists such as al-Māwardī claimed it to be. Most importantly, it lacked a clear definition of its jurisdiction. In practice it consisted of a process of hearing and responding by representatives of the state to complaints and requests filed by subjects of the state. As such, it not only served the aggrieved subject, but also provided the authorities with an instrument through which they could control and regulate their own officials.

**Keywords:** Abbasids, *maẓālim*, petitions, administration, bureaucrats, good governance.

**Résumé:** Il fait peu de doute que nombreux sujets de l’empire abbasside se trouvaient régulièrement victimes d’abus de la part des autorités. Ils pouvaient cependant soumettre des pétitions, dans lesquelles ils se plaignaient du comportement répréhensible d’agents du pouvoir et de l’injustice résultant de leurs actions, par le biais d’une institution qui est de manière générale (mais non systématique) appelée *maẓālim*. Cet article soutient qu’à l’époque abbasside, le fonctionnement des *maẓālim* était beaucoup moins défini, et probablement moins organisé aussi, que ce que des théoriciens plus tardifs comme al-Māwardī prétendent. Surtout, sa juridiction n’était pas définie de manière claire. En pratique, l’institution consistait en un processus d’audition, par des représentants de l’État, de plaintes et de requêtes déposées par des sujets, et de réponse à celles-ci. Ainsi, elle ne servait pas seulement les personnes lésées dans leurs droits, mais fournissait aussi aux autorités un instrument de contrôle et de régulation de leurs propres agents.

**Mots-clés :** Abbassides, *maẓālim*, pétitions, administration, bureaucratie, bon gouvernement.
لا شك أن العديد من رعايا الإمبراطورية العباسية كانوا يتعرضون بشكل متكرر لاعتداءات من ممثلي الدولة. إلا أنه كان بإمكانهم رفع دعاوى إلى مؤسسة معينة، كان يطلق عليها عموماً وليس دائماً اسم «المظلمون»، بشركون فيها من سوء تصرف ممثلي الدولة ومن الظلم الناتج عن أفعالهم. ينقش هذا المقال كيف أن المظلمين في ظل حكم العباسيين كانت أقل تحديدا أو ربما أقل تنظيمًا مما يزعمه بعض الفقهاء اللاحقين كالماوري. والأهم أن كان ينقصها تحديد واضح لصلاحياتها. وفي الواقع، كان ممثلي الدولة يستمعون إلى الشكاوى والطلبات التي رفعتها الراجعا ويستجيبون لها. وهكذا لم تكن المؤسسة تخدم الأشخاص المظلومين فحسب، بل توفر للسلطة أداةً تمكنها من مراقبة موظفيها وتنظيمهم.

cالكلمات المحورية: العصر العباسي، المظلمين، الشكاوى والطلبات، الإدارة، الكتب، الحكومة الصالحة.
“It is absolutely necessary that on two days in the week the king should sit for the redress of wrongs, to extract recompense from the oppressor, to give justice and to listen to the words of his subjects with his own ears, without any intermediary. It is fitting that some written petitions should also be submitted if they are relatively important, and he should give a ruling on each one. For when word spreads throughout the kingdom that, on two days in the week, The Master of the World summons complainants and petitioners before him and listens to their words, all oppressors will be afraid and curb their activities, and no one will dare to practise injustice or extortion for fear of punishment.”

This quotation from the fifth/eleventh-century Persian mirror for princes by the famous Salğuq vizier Niẓām al-Mulk (d. 485/1092) expresses the ideal of an accessible ruler dealing personally with the redress of wrongs. Such a ruler, who sits down and listens to the grievances of his subjects, is also a recurring topic in most of the earlier (Abbasid) advice literature and chronicles. The institution through which the ruler dealt with his subjects’ complaints is generally, but inconsistently, referred to in the sources as mazālim.

While the instructions for a just ruler are quite clear, we are much less well informed about the actual practice of mazālim. There are few studies on the functioning of mazālim. Extensive work has been done by Émile Tyan in his Histoire de l’organisation judiciaire en pays d’Islam. Although it is an indispensable guide to the theoretical rules and regulations regarding mazālim, we can today take a few steps further, especially given that Tyan’s book lacks a thorough historical survey of the institution. A similar focus on the theory of mazālim can be found in later surveys on the history of Islamic law, and these later studies generally contain much less detail on the institution. Pioneering work on mazālim practices has been done by Samuel Stern and Jørgen Nielsen for the Fāṭimid, Ayyūbid, and Mamlūk periods. Using documents — the actual petitions or their responses — they analyzed the relation between the theoretical expositions and the every-day functioning of mazālim in Egypt. Their work has been carried on by, among others, Marina Rustow, who works on petitions from the Cairo Geniza collection. The Umayyad and Abbasid mazālim practices have recently been the object of increasing interest. For the Abbasid era, Mathieu Tillier has produced valuable research on the mazālim as the expression of political justice and as a tool of legitimacy for the Abbasid dynasty in general and their use of state violence in particular. For the Umayyad period, Lucian Reinfandt has analyzed some early petitions

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3. See, for example, Vikør 2005 and Zubaïda 2003.
5. See, for example, Rustow 2010.
on papyrus, emphasizing the role of the middle-level administrators, the pagarchs, and his subalterns, in addressing complaints.⁶

In this paper I will bring together scattered information on maẓālim for the late third/ninth and early fourth/tenth centuries, a period particularly rich in sources on administrative practices. I will argue on the basis of this material that, in its formative (Abbasid) period, the functioning of maẓālim was much less well-defined and probably also less well-organized than later theorists such as al-Māwardī (d. 450/1058) claim it to be. However, I hope to demonstrate that petition and response procedures nevertheless did exist in this period, in practice as well as in theory, and that we learn most about these practices by combining the information from the various types of sources that have come down to us, both narrative and documentary.

Sources and definition

The lack of attention so far to maẓālim practices in the first four centuries of Islam is undoubtedly due to the relative poverty of the source material. There is no extensive theoretical consideration of maẓālim before the fifth/eleventh-century work by al-Māwardī.⁷ Earlier authors of judicial and political treatises do not seem interested in maẓālim. Al-Buḥārī has a chapter “Maẓālim” in his Ṣaḥīḥ, but this contains nothing on procedures and does not present a theoretical approach to maẓālim as an institution, giving instead examples of types of wrong.⁸ The theoretical exposition by al-Māwardī is valuable for research on maẓālim in the Abbasid period, but it has limitations. His treatise is from the middle of the fifth/eleventh century, that is, a century after the waning of the political power of the Abbasid caliphs, and, more importantly, it is normative in the sense that al-Māwardī is presenting the way in which maẓālim should function rather than how it actually did function.

The maẓālim practice of the period before al-Māwardī must be inferred from scattered fragments of information in chronicles, in works of adab, such as histories of viziers and administrative manuals (adab al-kātib), and in documents, that is, the actual petitions and their answers. These sources, too, have serious limitations.

The first limitation is that both the narrative and documentary sources lack full reports on specific cases and procedures. The references in narrative sources often contain only a few lines and are restricted to a description of parts of the procedures, such as the final verdict. Documents are similarly incomplete, either because parts of the text are lost

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⁶. Tillier 2009. On the Abbāsid maẓālim see also van Berkel 2011. For the Umayyad period see the article of Reinfandt in the present volume.

⁷. Because it was al-Māwardī’s intention to restore the authority of the caliph, it is not surprising that he paid attention to maẓālim and especially to the caliph’s role in it.

or illegible or because we have only one letter in what seems to have been an extensive correspondence.

Secondly, the sources are distributed unevenly geographically. While most of the narrative sources deal with mazālim processes in Baghdad, all documentary sources for this period are from Egypt. The material from the documentary sources concerns complaints brought before local and provincial authorities, whereas most of the non-documentary sources deal with cases brought before the caliph or, more often, his representative, the vizier.

Thirdly, there is the problem of terminology. In the Abbasid period the redressing of wrongs by the ruler or one of his representatives is very inconsistently referred to by the term mazālim. Many other terms are used both for petitioning or complaining and for the action taken on a petition or complaint. The documentary sources do not refer to mazālim at all in the first three centuries of Islam and only sporadically thereafter. The documents often do not even use the term zulm (injustice, oppression, tyranny). In some narrative sources the term mazālim itself is not used.

The question that arises from the inconsistent use of the term mazālim is whether petitioners and the officials dealing with petitions always considered their dealings part of something called mazālim. Were these petitions even seen as part of one and the same distinguishable institution or mode of justice? The variation in terminology suggests that we are dealing with various types of administrative processes that were not yet — or at least not by everyone — seen as part of one mode of justice.

Even the detailed theoretical exposition by al-Māwardî leaves much doubt as to how to define the jurisdiction of mazālim. Indeed, al-Māwardî mentions ten classes of cases that could be dealt with by mazālim — some deal with official abuse and others with the function of mazālim as a court of appeal. Yet, while these cases seem to refer to a more or less strict demarcation of jurisdiction, the descriptions of other cases are less precise. For example, the tenth category involves interceding between opponents and deciding on disputes in general. Mazālim seems to function here as an ordinary court, and its jurisdiction cannot be strictly defined.

The adab and documentary sources corroborate this view. The petitions and complaints I have so far come across in documents and narrative sources cover a wide variety of topics: many, perhaps the majority, deal with abuse by state officials, but there are also requests for financial support, petitions on various kinds of disputes (e.g., a dispute between shopkeepers, and a conflict between farmers and traders on the size of a bridge), and complaints related to religious conflicts on, for example, the presence of a Ḥanbalī

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9. So far, only two references to mazālim are known from papyri; both cases concern marriage contracts in which mazālim refers only to the competency of a judge rather than to a process of petitioning: P.Cair.Arab. I no. 45 and P.Khalili I no. 32. I would like to thank Lucian Reinfeldt, Marina Rustow, and Petra Sijpesteijn for helping me locate these references.


11. See also TILLIER 2009, p. 42.
mosque in a Baghdad neighborhood and on alleged religious discrimination against monks in Egypt. This article will focus on the cases dealing with misuse of power by officials, the prototypical type of mażālim case.

Three fragments

The shortcomings in the material can best be overcome by bringing together as many bits and pieces as possible from as many diverse sources as possible. It is from the combination of narrative and documentary sources that we might expect to gain the most. The narrative sources are richer in their description of procedures, but, at the same time, they seem to represent the functioning of the mażālim in a more normative than descriptive manner. They often provide examples of good governance, highlighting an accessible ruler who is redressing wrong. The description in the narrative sources should therefore be counterbalanced by the documents that show the day-to-day functioning of the petition-and-response processes.

As an example, I will consider side by side three different types of sources: a description from an administrative manual, Qudāma b. Ğa'far's Kitāb al-ḥarāq, of how mażālim procedures should function; a narration from Hilāl al-Ṣābi’s Tuḥfat al-umarā’ fi ta’rīḥ al-wuzarā’ on the development of a specific complaint; and a fragment from a papyrus petition to the governor of Egypt.

Qudāma b. Ğa'far

Qudāma b. Ğa'far (d. 337/948) was a scribe in various diwān-s of the Baghdad administration during the reign of caliph al-Muqtadir (r. 295-320/908-932). Many administrative treatises were written in this period, but only a few of them refer to mażālim. In his administrative manual Kitāb al-ḥarāq (The Book of Land Tax), Qudāma b. Ğa'far discusses mażālim as one of the fields of administrative expertise:

He [the šāhīb diwān al-mażālim] is to collect all petitions and submit them with the caliph on each Friday... And when the session over which the caliph or his deputy presided ends, he is to gather all the petitions divided into groups, enter the groups in the diwān, and note down the names of those who submitted the petitions and record the responses on the petitions. The petitions should then be returned to them [the plaintiffs], so that no trick or forgery can enter into the notes [on the petition]. For if the plaintiff returns one, two, three times or more,

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12. For a comparison with the subject matter of Mamluk mażālim cases, see Nielsen 1985, p. 43-47. Nielsen similarly concludes that « about one half of the administrative cases deal with complaints of official malpractice. »

13. For another reference to mażālim in a contemporary administrative manual, see Ibn Wahb (d. 4th/10th c.), al-Burhān fī waqājah al-bayān, p. 369-370. Many of the other administrative manuals – such as al-Ṣūlī (d. 335/947), Adab al-kuttāb, Ibn Qutayba (d. 276/889), Adab al-kātib, al-Nahṣūs (d. 318/930), Šīnā at al-kuttāb, Ibn Durustawayh (d. 346/957), Adab al-kuttāb, and Abd Allāh al-Baghdādī (d. after 255/869), Kitāb al-kuttāb wa-ṣifat al-dawāt wa-l-qalam wa-ṭaṣrīfuḥa - do not discuss mażālim.

14. The work of Qudāma b. Ğa'far is remarkable for its arrangement according to impersonal administrative offices (diwān-s) rather than according to the individuals working in the various administrative units.
his entire case is recorded in one place, so that, if a request is made to produce the case from the diwān al-maẓālim, his entire dossier will be found in proper order and in its entirety in one place, and the chief of the diwān can produce it without trouble.\(^{15}\)

**Hilāl al-Ṣābi’**

Hilāl al-Ṣābi’ (d. 448/1055) was a scribe of the Būyid administration who wrote a history of former viziers entitled *Tuḥfat al-umarā’ fī ta’rīḫ al-wuzarā’*. The part of this book that survives contains the descriptions of the viziers of caliph al-Muqtadir. Hilāl al-Ṣābi’ wrote a century after the time of al-Muqtadir but based his information on spokespeople and documents from that time. His work contains many reports on maẓālim cases. The following quotation is from one of these. It describes the way in which Ibn al-Furāt (d. 312/924), the famous vizier to caliph al-Muqtadir in the early fourth/tenth century,\(^{16}\) dealt with a petition by an estate holder from the Sawād, Iraq, who felt his land had been overtaxed.

A man from the Sawād complained to Ibn al-Furāt about a certain revenue officer. He stated that his estate was an administrative grant (*qaʿīʿa*) with long-standing privileges of reduced taxes. He had, however, received an [excessive] assessment of it, based on the method of *istān*... He wrote a petition (*ruqʿa*), and [the vizier Ibn al-Furāt] ordered an investigation in the archives (*iḥrāq al-ḥāl*\(^{19}\)). The department of land tax for the Sawād issued a report (*ḥaraq*\(^{20}\)) in which it was mentioned that the assessment went back to an approved account (*jamāʿa*\(^{21}\)) of the revenue officer for the previous year. In the report (*taḥrīq*\(^{22}\)) it was found that the division of the taxes of the village,\(^{23}\) about which he had complained, had also been carried out on the basis of the higher assessment (*istān*).\(^{24}\)

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17. *A qaʿīʿa* is an administrative grant made to estate-holders from whom the lower ‘uṣr (tithe) tax rather than the full ḥarāq was due. Al-Ḥwārāzmī, *Maṣāḥīḥ al-ʿulūm*, p. 72.

18. Al-Ṣābi’, *Tuḥfat al-umarā’ fī ta’rīḫ al-wuzarā’*, p. 163. Al-Ḥwārāzmī defines *istān* as muqāṣama (a fixed share of the harvest, measured after the crops had ripened). Al-Ḥwārāzmī, *Maṣāḥīḥ al-ʿulūm*, p. 72. However, here, as in many other sources, the *istān* method of taxation is contrasted with the *qaʿīʿa*, a land grant paying the ‘uṣr. As Løkkegaard suggests, the meaning of *muʿāmalat al-istān* might here better be translated as a method of tax assessment levied upon the rural population of estates and state domains, being, at least, a higher percentage than the tithe and probably the full ḥarāq. LØKKEGAARD 1950, p. 87.

19. For the translation of *iḥrāq al-ḥāl* as “a research in the archives”, see LØKKEGAARD 1950, p. 151. In some cases, such research in the records was carried out by an official dispatched to the district in question in order to investigate the local situation. See al-Ṣābi’, *Tuḥfat al-umarā’ fī ta’rīḫ al-wuzarā’*, p. 165.

20. Ḥaraq is an administrative term for a report or opinion drawn up by the officials of the competent department on the basis of a local and/or archival investigation on the matter. See al-Ṣābi’, *Tuḥfat al-umarā’ fī ta’rīḫ al-wuzarā’*, p. 66, p. 163, and p. 166, and LØKKEGAARD 1950, p. 151.

21. For a translation of the term *jamāʿa* as “an account of an ʿāmil that has been approved after an audit”, see al-Ḥwārāzmī, *Maṣāḥīḥ al-ʿulūm*, p. 70, and LØKKEGAARD 1950, p. 183.

22. The term *taḥrīq* is probably derived from Ḥaraq, report or account; see above.

23. The division of the taxes under the muqāṣama system took place on the threshing floor (*baydar*) after the crops had ripened and been collected. LØKKEGAARD 1950, p. 181. See also CAMPPIANO 2011.

In other words, according to the investigation by the land-tax department, the petitioner was wrong, as he had received the same assessment as in the previous year. However, Hilāl al-Ṣābi’ continues, the petitioner persisted in his complaint and maintained that the harvest of the previous year had been divided on the basis of the lower assessment. He continued to show up on the days the vizier heard complaints. He even buttonholed the vizier in the street and asked him repeatedly to review his case. The vizier finally decided to look into the matter himself. He told the petitioner that he needed a document (ḥuğğa) as evidence against the revenue officer. Unfortunately, the petitioner had no written proof. The vizier then studied the approved account of the revenue officer himself and discovered that the revenue officer had cheated by erasing numbers in the account. After discovering this corruption the vizier assured the petitioner that his privilege was indeed valid.

A petition to an amīr

The third source, a papyrus from the John Rylands University Library of Manchester, is dated to the third/ninth or fourth/tenth century.25 It is a petition by a Christian monk in Asyūṭ, in Upper Egypt, who wrote on behalf of his fellow monks to an anonymous amīr (governor or one of his representatives in the districts),26 complaining about local government officials and their local chief who had treated them harshly. He suggests that religious discrimination might be the reason for this behavior. He ends his letter begging the amīr to rectify the injustice that he and his fellow monks have suffered:

14. the [amīr — God prolong] his life! — because of what we have heard of his just treatment and the justice which he has dispensed to his subjects, both near
15. [and far], (seeking refuge) in God and in the justice of the amīr — God prolong his life and make his might last! — for him to be kindly disposed towards us
16. [in h]is plentiful kindness and justice. We [se]ek refuge in God and in the justice of the amīr in the matter of these supporters/officials (a‘wān)27
17. and their leader, the head of the district. He has destroyed us and declared our property ownerless. He has attacked us unjustly and outrageously
18. ... the tyrant. We pay him a quarter of a dinar per month in... dinars...
19. Injustice... enmity and compulsion. We have no cultivable land nor livestock. Why do they show us hostility? Is it (because of) our religion
20. or (that) we are defenseless and wretched?28

26. It is unclear to which administrator on what level the term amīr in this context refers. He could be either the provincial governor or one of his representatives at the district level.
27. Mentioned earlier in the document as a‘wān min al-sulṭān.
28. The translation is by the editors of the text, Rex Smith and Moshalleh al-Moraekhi, with some modifications in wording and transliteration, p. 187-188.
Maẓālim practices and procedures

What do these three diverse fragments tell us about the functioning of maẓālim (petition and response procedures) in the late third/ninth and early fourth/tenth century Abbasid empire? We must bear in mind that the first two sources describe the submission of petitions and complaints in the center of the empire, Baghdad, while the third source, the papyrus, records a petition in the province of Egypt. The third source is, however, essential for our understanding of petitioning in everyday practice. Most importantly, actual petitions such as these demonstrate that complaints were indeed submitted to superior state officials and that petitioning was more than a description of an ideal or a norm for just rule. The fragments will be analyzed by comparing them with one another and with the detailed theoretical exposition on maẓālim procedures by al-Māwardī.

Let us look first into the terminology used for petitioning in these three fragments. The three sources use (partly) different terminology. Qudāma b. Ġaʿfar, in the first fragment, writes about a dīwān al-maẓālim, an administrative department or field of expertise dealing with petitions. The person responsible for this dīwān is called the šāḥib dīwān al-maẓālim; a petitioner is a mutazallim or rāfiʿ; a petition is a qiṣṣa; and the response or decision on a petition is a tawqīʿ. In the second fragment Hilāl al-Ġābi also uses various forms of the root ṣ‑l‑m to indicate petitioning or complaining. In this fragment he makes one reference to maẓālim as an actual institution, when he describes the vizier Ibn al-Furāt chairing the maẓālim on specific days of the week. In this fragment, a petition is a ruqʿa and the decision on a petition again a tawqīʿ. The papyrus containing the petition from the monk in Asyūṭ does not mention maẓālim as an institution but uses various forms of the root ẓ‑l‑m to indicate acts of oppression and injustice.

The deciding authorities who are approached by the petitioners in these three fragments are, respectively, the caliph, the vizier, and an amīr. These persons are in line with what al-Māwardī prescribes in his al‑Aḥkām al‑sulḥaniyya on deciding authorities, although it is unclear to whom the term amīr refers: “Only one eligible for succession to the throne, a delegated ministry, or a governorship (imāra) may be invested with the full powers of a magistrate for the redress of wrongs.” While in the early days of the Abbasid caliphate the caliph was said to have supervised maẓālim in person, in the late third/ninth and early fourth/tenth centuries the caliph appeared only sporadically, if at all, in maẓālim meetings. Likewise, the vizier’s responsibility for maẓālim did not mean that he always supervised the sessions in person. He often acted through a representative, for example, one of his personal secretaries. Moreover, he was assisted by a team of scribes.

30. See, for example, SOURDEL 1959–60, p. 641–642: al-Mahdī and al-Hāḍī took care of the petitions themselves, while Hārūn al-Rašīd was the first to leave them to his vizier.
who seem to have prepared the petitions, conducted the necessary research, take care of the routine work, and presented more complicated matters to the vizier, the caliph, or one of their representatives. The vast majority of the petitions were most probably dealt with routinely by the administrative staff. In our second fragment the petition of the estate holder is dealt with by officials from the relevant diwān who write a report to inform the vizier. The vizier himself steps in only after repeated complaints from the petitioner.

Al-Māwardī says also: “A person of lesser standing and importance [than the caliph, vizier, or amīr] may, however, be restricted to the enforcement of judgments of the settlement of issues that are beyond the capacity or mandate of judges, provided he is fearless in the pursuit of truth and utterly incorruptible.” It is again unclear to whom al-Māwardī refers with the term amīr. It could be the provincial governor or also his subordinates in a certain district of the province. However, he evidently distinguishes the amīr from administrators of lesser standing. Therefore his statement — that persons of lesser standing can deal only with cases that are beyond the capacity of the qāḍī — does not seem to corroborate what Lucian Reinfandt demonstrates in his article in this volume on the downgrading of judicial competences and the role of the subordinates of the pagarchs in addressing complaints.

As for the narrative sources, some of the cases do indeed discuss lower-grade officials or even palace servants dealing with complaints. Most famous is the story of the harem stewardess Thumal, who acted as the caliph’s deputy in maẓālim matters in al-Ruṣāfā, one of the districts of Baghdad. Most of the narrative sources contain, however, very limited information on lower officials dealing with complaints and generally discuss either the caliph or the vizier redressing wrongs.

Information on the identity of the petitioners in these three fragments is limited: the first fragment does not mention particular petitioners, the second mentions an anonymous estate holder from the Sawād, and the third an anonymous monk from Upper Egypt. Who filed petitions? Was any subject from any background allowed to file a complaint? Did some groups rely more than others on this right? Did non-Muslims, for example, rely more often on maẓālim jurisdiction than did Muslims? These questions are difficult to answer from the material we have so far, but there are a few things we can say. First, the aggrieved party could be a group such as the monks from Asyūṭ in our third fragment, or, as in other examples from The Book of Viziers by Hilāl al-Ṣābi’, estate-holders from Mecca complaining about the water supply in their area, and inhabitants from a district west of Baghdad.

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32. See, Qudāma b. Ǧaʿfar on this in the fragment mentioned above and also al-Ṣābi’, Tuhfat al-umārā’ fi taʾrīḥ al-wuzara’, p. 52.


34. See REINFANDT’s contribution to the present volume.

35. She had been chosen for this position by the caliph’s mother. ʿArb, Šilat taʾrīḥ al-Ṭabarī, p. 67.

36. Interesting exceptions are among the references in narrative sources to judges responsible for maẓālim in provincial towns. See TILLIER 2009.
complaining about the way in which their governor had maltreated them. Individuals, too, such as the estate holder from the Sawād in our second fragment, filed petitions. What about the background, the social status, of the petitioners? Many cases deal with estate-holders, people who obviously belonged to the local elites. The documentary sources, dealing with petitioning on a provincial and local level indicate, however, that people of lower social status also submitted petitions to the higher authorities. The narrative sources corroborate this view, at least in theory, as they suggest that any aggrieved inhabitant of the state could file a complaint and that it was the ruler’s responsibility to restore justice for all. In one of the reports from *The Book of Viziers* by Hilāl al-Ṣābi’, the vizier Ibn al-Furāt, overwhelmed with too much work and unable to deal with all the petitioners, is said to have exclaimed: “But we cannot send away from our door the many people who walked here from distant regions and remote districts to explain their complaints.”

Moreover, according to al-Māwardī, an actual petitioner was not always required to begin a *mażālim* case. He says that in three types of cases — maltreatment by officials, injustice in fiscal matters, and control of department clerks — the state could initiate a *mażālim* procedure in the absence of an actual complainant. Qudāma b. Ǧaʿfar does not talk about these cases, but Hilāl al-Ṣābi’ describes one other case in which the vizier is said to have taken the initiative. ‘Ali b. Ḫūṣna, vizier to caliph al-Muqtadir, is said to have begun investigations into the legality of additional taxes (*takmila*) paid by the farmers of Fārs, while their colleagues cultivating fruit trees paid no taxes at all. This interesting case was finally settled in a series of *mażālim* sessions in which the representatives of the two parties sent delegations to the capital to argue their side of the story.

Finally, the three fragments provide us with information on the administrative rules and procedures governing petitioning. All three fragments describe the procedures as beginning with the submission of a written petition that could, as in the case described by Hilāl al-Ṣābi’ (fragment 2) and in the description by Qudāma b. Ǧaʿfar (fragment 1), be explained orally and expanded in an audience setting. In most of the other cases studied, written petitions were filed, sometimes in the absence of the petitioners. Some reports show that it was possible to submit oral complaints that were written down by the scribes working for the *mażālim*.

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39. Al-Ṣābi’, *Tuhfat al-umarā’ fi taʿrīḥ al-wuzarā’*, p. 339-344. The other famous vizier of al-Muqtadir’s reign, Ibn al-Furāt, was praised for his initiatives in combating official abuses and might have initiated *mażālim* sessions in that context. See, for example, al-Ṣābi’, *Tuhfat al-umarā’ fi taʿrīḥ al-wuzarā’*, p. 66-67, 113, 283-285, 336-337, 337-339, 345, and 346. Moreover, the numerous actions for the discharge of officials – which have been omitted from this research but which might be classified as *mażālim* under the definition of al-Māwardī – were also initiated by state officials.
40. See, for example, al-Ṣābi’, *Tuhfat al-umarā’ fi taʿrīḥ al-wuzarā’*, p. 337-339.
41. See, for example, al-Ṣābi’, *Tuhfat al-umarā’ fi taʿrīḥ al-wuzarā’*, p. 52. See also Nielsen 1985, p. 10, for similar Fāṭimid practices.
Both Qudāḍa b. Ğa’far and Hilāl al-Šābi’ illustrate that the caliph or his representatives set specific days on which they dealt with petitions. Both examples show us also the sorts of steps that could be taken after the submission of a petition. The narrative from Hilāl al-Šābi’ also has a normative character, providing an example of good governance with a happy end, although it also demonstrates much more clearly than the fragmented information from the documentary sources does, the actual procedures regulating petitioning. One of the most interesting features of the maẓālim judicial system, as described by al-Māwardī, is that its procedures are much more flexible than those of the qāḍī court. Al-Māwardī mentions, for example, the possibility of postponing sentencing when further investigation is necessary, the freedom to take the initiative to conduct inquiries, the greater liberty in the admission of (documentary) evidence, and the greater power to summon witnesses. The greater liberty regarding documentary evidence especially is discussed in detail by al-Māwardī. In line with this theoretical description, we see in Hilāl al-Šābi’’s example the staff of a diwān al-Sawād investigating the matter and the vizier then initiating an investigation of the matter himself. This case shows further the acceptance of written evidence in place of (or in addition to) oral testimony. The extensive use of bureaucratic writing in general is striking in the report by Hilāl al-Šābi’, and Qudāma b. Ğa’far’s fragment corroborates this. In the case described by al-Šābi’ no fewer than six types of specialized documents were used, and Qudāma b. Ğa’far talks about the extensive registration of both the petitions and their decisions in the archives of the diwān al-maẓālim.

We may conclude from these three examples from different types of sources that the maẓālim as a separate and recognizable judicial institution, with a clearly defined jurisdiction, does not seem to have developed fully during this period. In the Abbasid era, however, both provincial and central authorities were supposed to redress wrongs in a general sense and were indeed handling petitions from their subjects. This was not just a concept of good governance — an ideal — but was an actual practice. Some rules and regulations guiding the petitioning processes — although perhaps not fully formed — can still be discerned and can best be understood by combining information from documentary and narrative sources.

Bibliography

Sources


**Studies**


