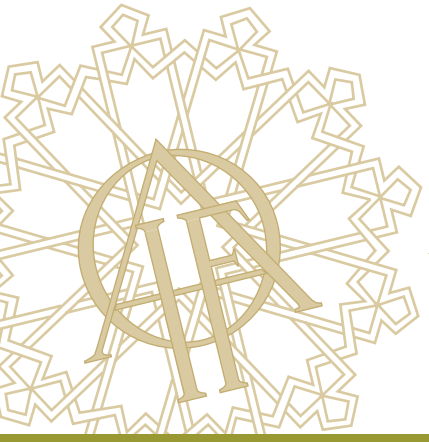
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Jürgen Paul

Ḥimāya Revisited

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Ḥimāya Revisited

ABSTRACT

In 1956, Claude Cahen's study "Notes pour l'histoire de la *ḥimāya* was published in the *Mélanges Louis Massignon*. Cahen assumed that protection (*ḥimāya*) was first sought and granted for land holdings (against fiscal claims), and that the institution then evolved to a personal relationship which no longer necessarily involved land holdings. This subject, of eminent importance for understanding protection, protectors and *protégés* in early (and later) Islamic history, has not gained the attention it certainly deserves.

The article takes another look at Cahen's sources; it tries to extend the source basis. The article shows various uses of the term, in particular the ways *ḥimāya* appointments were used in the Buyid period to integrate leaders on the nomad periphery into government structures. The article also takes the investigation beyond Cahen's time frame, into the 12th century: Cahen thought that the term and the institution did not play a great role in that period any longer, but in eastern Iran especially, it was later used for illegal and undesired practices. In a concluding part, I'll have a look at the use of the term and the institution in the Mongol period.

Keywords: Buyid period, institutions, Iran, Mongol period, protection

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✦ **RÉSUMÉ**

Revisiter la *ḥimāya*

En 1956, l'étude de Claude Cahen « Notes pour l'histoire de la *ḥimāya* » a été publiée dans les *Mélanges Louis Massignon*. Cahen part du principe que la protection (*ḥimāya*) a d'abord été demandée et accordée pour les propriétés foncières (contre les réclamations fiscales), et que l'institution a ensuite évolué vers une relation personnelle qui n'impliquait plus nécessairement des propriétés foncières. Ce sujet, d'une importance éminente pour la compréhension de la protection, des protecteurs et des protégés au début (et plus tard) de l'histoire islamique, n'a pas reçu l'attention qu'il mérite certainement.

L'article se penche à nouveau sur les sources de Cahen ; il tente d'élargir la base des sources. L'article montre les différentes utilisations du terme, en particulier la façon dont les nominations de *ḥimāya* ont été utilisées pendant l'époque buyyide pour intégrer les dirigeants de la périphérie nomade dans les structures gouvernementales. L'article porte également l'enquête au-delà de la période de Cahen, au XII^e^ siècle : Cahen pensait que le terme et l'institution ne jouaient plus un grand rôle à cette époque, mais dans l'est de l'Iran en particulier, il a été utilisé plus tard pour des pratiques illégales et indésirables. Dans une dernière partie, j'examine l'utilisation du terme et de l'institution à l'époque mongole.

Mots-clés : époque buyyide, institutions, Iran, époque mongole, protection

✦ **ملخص**

مراجعة الحماية

في عام ١٩٥٦، نُشرت دراسة كلود كاهن «مذكرات لتاريخ الحماية» في *Mélanges Louis Massignon*. وفيها يفترض كاهِن أن الحمايَة كانت في البداية تُطْلَب من قبل ملكيات الأراضي (في مواجهة المطالبات الضريبية)، وأن هذا النظام المتبع قد تطور لاحقًا إلى علاقة شخصية لم تعد تعني بالضرورة ملكيات الأراضي. إن هذا الموضوع، ذا الأهمية البالغة لفهم نظام الحماية والحماة والمحميين في التاريخ الإسلامي المبكر (واللاحق)، لم ينل ما يستحق بلا شك من اهتمام.

هذا المقال يعيد بحث مصادر كاهِن؛ ويسعى لتوسيع قاعدة المصادر. ويعرض المقال الاستخدامات المختلفة للمصطلح، وعلى نحو خاص كيف كانت تعيينات الحماية تُستَخدَم في عصر الدولة البُوَيهِيَّة لإدماج زعماء المحيط الخارجي للدولة من الرُحَّل في هياكلها الحكومية. كذلك فإن المقال يمتد بالاستقصاء إلى مدى أبعد من الإطار الزمني لدراسة كاهن، أي إلى القرن الثاني عشر الميلادي: فقد اعتقد كاهِن أن المصطلح والنظام المتبع لم يعد لهما دور ذو أهمية في تلك الفترة، بيد أنه في شرق إيران على نحو خاص، كان المصطلح مستخدمًا في فترة لاحقة لتسمية أشكال من الممارسات غير القانونية وغير المرغوب فيها. وفي جزءٍ ختامي من المقال أقوم بدراسة استخدام المصطلح والنظام المتبع في العصر المغولي.

الكلمات المفتاحية: العصر البُوَيهِيّ، نُظُم متبعة، إيران، العصر المغولي، حماية

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Introduction

In 1956, Claude Cahen's study "Notes pour l'histoire de la *ḥimāya*" was published in the *Mélanges Louis Massignon*.[1] This rather short article should be seen together with its better known pendant, the famous study on the *iqṭāʿ*.[2] Both contribute to a central question in the history of the Islamic empire: how did the empire transform itself into a cluster of more or less regional states? And what was the role of landholding patterns, of control over taxation, and the delegation of political power in this process? All of these questions are far from being answered, and it seems to me that Cahen's essays, now over two generations old, still should be taken seriously.

Regarding *ḥimāya*, one of the words Arabic has for "protection", it is striking that no publication, to the best of my knowledge, has been devoted to it since Cahen's times, at least not as far as the pre-Mongol period is concerned. Of course, many scholars have contributed to a better understanding of *ḥimāya*, but they all have written on it only in passing. It is therefore the aim of this contribution to take a fresh look at the question. At first, I'll discuss Cahen's article and add results of recent research. Then, I intend to go beyond his time frame, extending the analysis to the pre-Mongol period in general. This means that I'll add the relevant sources to the picture—those that are useful for the 11th and 12th centuries, in Arabic as well as Persian. For earlier periods, there are some sources which have been published since Cahen wrote, in particular the letters of Abū Isḥāq al-Ṣābiʾ which are an essential source for the Buyid period. And since Cahen restricted his analysis mostly to the western regions (especially the Iraqi lowlands and western Iran), I'll also have a look at the eastern provinces of Iran. The contribution will thus take up Cahen's article, and it will give an overview over the different uses of the term until the Mongol period and also provide a short look at the Mongol period itself. Regionally, the focus will be on Iran. A comparison with other regions such as Syria, Yemen, or the Maghreb would be interesting, but is beyond the scope of this paper.

1. Cahen's Article "Notes pour l'histoire de la *ḥimāya*"

In this section, I take up Cahen's article, adding results from later research. In general, Cahen follows two sets of arguments. Firstly, he discusses the history of *ḥimāya* as related to older (in part pre-Islamic) institutions, and secondly, he relates *ḥimāya* to forms of "commendation", a procedure discussed as one of the roots of "feudalism" in Western Europe: weaker persons "commend" their landholdings to stronger ones. In later sections, I'll address meanings of the Arabic term which Cahen does not discuss in detail. These are not linked to Bedouin traditions of levying "protection money" and not to forms of "commendation", either.

1. Cahen, 1956.

2. Cahen, 1953. Both articles seem to follow a research program aimed at a larger comparison between "feudalism" in Western Europe and parallel or similar phenomena in the Middle East. I cannot take up this question here again; see Paul, 2016a, pp. 36–54.

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One of the very relevant remarks in Cahen's study is that in pre-Islamic times, Bedouins used to take protection money, *ḫifāra*, sometimes also called *ḥimāya*, from caravans passing through their territory. This practice continued into Islamic times when the empire also took *ḫifāra* from merchants, so that a competition emerged between "public" and "private" protection payments.[3] Cahen does not pursue this point, however—but we shall see that some of the uses of the term are reminiscent of just these payments, and that many later studies of protection relationships rightly point out that Bedouin forms of offering protection were central in the implementation of *ḥimāya* and other relationships of that kind.

A large part of Cahen's article is devoted to a procedure called *ilǧā'* or *talǧi'a*, derived from Byzantine or Sasanian precedents. In it, a weak person commended his lands to a stronger one in order to get his protection.[4] Protection was needed against evildoers, but also against fiscal abuses.[5] Depending on the social status of those in need of protection, their fate differed. Cahen argues that farmers soon came to be sharecroppers (*métayers*).[6] Tsugitaka Sato demonstrates how landowners *tunnā'* (sg. *tānī'*) were forced to hand over their holdings to neighbouring holders of *iqṭā'āt* and thus had to leave their villages or else to continue as dependent peasants.[7] The close link between protection *ḥimāya* and commendation *talǧi'a* is evidenced in Ibn Miskawayh who tells us that Turkish military men "protected the people by means of *talǧi'a*, and the *muqṭa'*s protected (*ḥāmū*) the *tānī*s in return for taking protection money from them".[8] Such relationships are not concluded among equals, and in a way they continue things from the conquest period. For north-western Iran, al-Balāḏurī notes: When the Arabs settled in Azerbaijan, everyone took what he was able to take; some Persians sold their land to the Arabs whereas in other cases, the villages were commended to them for protection money, and the villagers became their tenants.[9]

Cahen also addresses the question of how much had to be paid for protection (and there he leaves the *talǧi'a* problem and comes to protection issues in general). This differed widely, and the very sparse information we have seems to indicate that the sums were substantial, a second tithe in the case of Qazwīn and Zanǧān[10] and half a tithe in the case of Qum.[11] Both regions are located in western Iran and part of the large province of Ǧibāl.

3. The difference between "public" and "private" used to be one of the major issues in late Roman history and the history of medieval Latin Europe. "Public" refers to activities conducted by the Crown, and the taxes taken in by it, whereas "private" is everything else. This distinction was central also to Cahen who, it should be kept in mind, was a trained historian.

4. Cahen, 1956, p. 288, quoting al-Ḫawārizmī, *Mafātiḥ al-'ulūm*, p. 62. Indeed this is all that source has on *talǧi'a*, but the fact that the procedure is mentioned at all in a handbook for clerks means that it was widespread and practiced in the open.

5. Cahen, 1956, p. 288.

6. Cahen, 1956, p. 289.

7. Sato, 1997, p. 34, with reference to Miskawayh, *Taǧārib al-umam*, II, p. 97.

8. Sato, 1997, p. 34, with reference to Miskawayh, *Taǧārib al-umam*, II, p. 175.

9. Cahen, 1956, p. 290; al-Balāḏurī, *Futūḥ al-buldān*, p. 329.

10. Al-Balāḏurī, *Futūḥ al-buldān*, p. 323; Cahen, 1956, p. 291.

11. Cahen, 1956, p. 291; al-Qummī, *Tārīḫ-I Qum*, pp. 165–166; Drechsler, 1999, pp. 291–292.

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Apparently, neither *ḥimāya* nor *talǧiʾa* implied any personal dependence; the relationship stayed financial in essence. But the practice seems to have been widespread: in the Umayyad and early Abbasid periods, big *ḥimāyāt* had come into being, including sometimes entire districts such as Zanǧān and Marāġa (in Azerbaijan). It is also noteworthy that these *ḥimāyāt* were privately owned, for instance they were confiscated from members of the Umayyad dynasty when the Abbasids took over, to end up in private holdings of members of that dynasty.[12]

This system of protection could not last. It came to be a burden for both the government and the people who sought protection. The protectors often did not provide what the agreement was about, but still continued to cash the payments. On the other hand, the government suffered from lower tax receipts. The Buyids therefore tried to rearrange the system by distributing *ḥimāyāt* alongside *iqṭāʿāt*.[13]

This was another step in the emergence of private powers between the state and the broad masses of subjects.[14] The government could do nothing but accept realities, and *ḥimāya* became an official institution even more than it had been earlier. Protection as an official task was now frequently delegated to private persons. Terms like *ḥimāya*, *ḫifāra* and *ḥirāsa* ("escort of caravans") were used alongside each other. In an appointment deed in the letters of the Buyid vizier, Ismāʿīl b. ʿAbbād called "the Master" (*al-ṣāḥib*), the appointed (unnamed) person is to protect the cultivated lands in a large region in western Iran, the large province of Ǧibāl (from Rayy to Qazwīn and Qum down to Isfahan) and to take care of security issues of all kind. His endeavours are to be financed by contributions from the regional population, and it is announced that his income is subject to control by the financial authorities. In particular, he is told not to let his troops live off the villages, and not to enlarge their numbers.[15] This letter is discussed in another perspective by Maurice Pomerantz (who does not mention Cahen's article in his study). Pomerantz writes:

> In order to coopt the most powerful Kurdish chieftains, Ibn ʿAbbād offered some Kurdish leaders exclusive rights to protect the trade routes (*khifāra*) from major cities. Letter 3.5 is a document (*sharṭ*) ordering a certain chieftain to secure the roads and guard the caravans and travellers between the cities of Rayy, Qazvīn […], and Iṣfahān. The document specifies that the addressee is

12. Cahen, 1956, p. 292. Cahen does not discuss the possibility of a particular use of the term in the case of these privatized holdings. They are reminiscent of older practices known under a related but not identical term. *Ḥimā* could be a kind of private reserve, grazing grounds used as studs, for the private and particular use of members of noble Arab families. Franz, 2005, p. 64, and Chelhod, 1971. The relationship of this old Arabic Bedouin institution to *ḥimāya* has not been discussed anywhere in the literature as far as I can tell, and this is certainly not the place to do so. But it is striking that usurpation looms large in both *ḥimā* and *ḥimāya*.
13. Cahen, 1956, pp. 292–293; Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, VIII, p. 456. In Ibn al-Aṯīr, this is the report about how Muʿizz al-Dawla (334–356/945–967) introduced the *iqṭāʿ* and distributed *ḥimāyāt*. Whereas the report about the *iqṭāʿāt* is certainly taken from the well-known passage in Miskawayh, *Taǧārib al-umam*, II, pp. 96 seq., the particularities about *ḥimāyāt* are missing in that source.
14. Cahen 1956, p. 293.
15. Cahen 1956, p. 296; Ibn ʿAbbād, *Rasāʾil*, letter 3.5, p. 61–62.

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> responsible for protecting the area from acts of corruption and maintaining the obedience of the other members of his tribe. In particular, it specifies that the tribes should charge only a stipulated amount for the protection of caravans.[16]

We shall come back to this letter.

Ḥimāya was now an official tax alongside others. It was dealt with in a special office, the *dīwān al-ḥimāya*; for that, Cahen adduces a number of references.[17] This office, Kurt Franz theorizes, was in charge of keeping an eye on the protection relationships and the related payments.[18] We can add that the existence of *ḥimāya* dues as official taxes is also attested in documents of tax exemption. In the letters of Ibn ʿAbbād, there is a decree abolishing such dues for Iṣfahān[19], and in a decree transmitted in the letters of another Buyid vizier, Abū Isḥāq Ibrāhīm al-Ṣābiʾ (which Cahen does not quote) about the transformation of a former *iqṭāʿ* into what amounts to a private holding, the addressee is privileged with a tax exemption which includes *ḥimāya* dues.[20] Another tax exemption in the same collection also lists *ḥimāya* dues among the taxes which are included in the privilege.[21] The same document also has an enumeration of various groups of fiscal agents (some of them possibly tax farmers), and among the taxes they are busy collecting, *ḥimāya* is quoted alongside *ḫarāǧ*.[22] There is therefore little doubt that in the Buyid states, *ḥimāya* was a more or less regular tax and was taken in by a separate taxation apparatus, at least in certain regions and at certain times.

Cahen's article ends with some musings about the fate of *talāǧīʾ* in the new context of widespread *iqṭāʿāt* and a section about *ḥimāya* in an urban context, but both questions cannot be pursued here. As a conclusion, Cahen offers an outlook into the Seljuq period when he says:

16. Pomerantz, 2018, p. 146 for this letter.

17. Cahen, 1956, p. 297. References: al-Rūḏrāwarī, *Ḏayl kitāb taǧārib al-umam*, p. 287 where the author lists *dawāwīn al-inšāʾ wa-l-barīd wa-l-ḥimāya*, "offices of correspondence, postal service/intelligence and *ḥimāya*", probably a local one in Wāsiṭ; another one in the same source, p. 252, where a similar list is dressed: *al-ḫabar wa-l-barīd wa-l-ḥimāya*, "intelligence, postal service and *ḥimāya*". The offices could be linked because they all are concerned with the security of communications and routes. Al-Muqaddasī, *Aḥsan al-taqāsīm*, p. 64, gives the total amount of the budget, but remarks that this is without *al-ḥimāyāt wa-l-ǧibāyāt*, "*ḥimāya* and other dues". The same situation, namely that monies coming from "protection" were accounted for separately, seems to be the background for a statement about the tax emoluments from Gurgān province: one of the manuscripts adds that besides the amount quoted, there are important incomes from *ḥimāya* and other dues accruing to the Abbasid government; al-Muqaddasī, *Aḥsan al-taqāsīm*, p. 371, note a.

18. Franz, 2007, p. 233.

19. Ibn ʿAbbād, *Rasāʾil*, letter 1.9, p. 31 (Pomerantz, 2018, p. 136), where the author claims at first that the Buyid government did not have anything to do with such dues – only to announce later that they had been abolished, evidently by this government.

20. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, II, p. 48.

21. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, II, p. 398. It is interesting to note that the *ḥimāya* dues are listed separately from the *maṣāliḥ al-sulṭāniyya*, "the Sultan's dues". "Sulṭān" is a term for "legitimate power" in this period.

22. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, II, p. 401.

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> Fearing indigenous uprisings, the Turkish sovereigns conferred on the army directly the task of keeping order in the cities and everywhere else as far as possible. When their power declined, the development of large feudal commandments united in one hand the various powers which the Buyids still had taken care to distinguish, and therefore there was no need any longer to mention them separately.[23]

Therefore, Cahen argues, we do not hear so much of *ḥimāya* in the later sources. Later sources will be studied below, and we shall see that Cahen's statement has to be qualified.

2. Protection as an Official Task

In the following sections, I discuss meanings and uses of the term *ḥimāya* which Cahen does not mention or does not dwell on in detail.

First, a basic fact must be stated which Cahen did not develop: Protection, of the trading routes as well as of the population, was the task of the ruler. This included not only fighting robbers and highwaymen, but also keeping order in the relationship between nomad and sedentary. The emergence of private protection relationships, with all they entailed in ways of extra payments, meant that rulers had failed in this elementary task. This was seen quite clearly in notable landowning circles. Thus, we read in the *Tārīḫ-i Qum* that the region (that is to say the regional landowners) was subject to half a tithe extra payment.[24] The text is not so clear about who is entitled to this payment, but it is explicit in that these people molest the taxpayers and demand more on top of the half tithe for their clerks and retainers (probably including armed followers), but do not provide any protection.

> This is unjust, because the reason for taking in the *ḫarāǧ* which has been made mandatory for the people and has been imposed on them, is exactly that it is for protecting the subjects […] so that their flocks/possessions,[25] their children and cultivated lands[26] and families/womenfolk[27] are safe and protected from all disasters. And a ruler who takes in the *ḫarāǧ* from a district year after year has to be their benefactor and protector and must not tolerate that anybody disturbs them. Therefore, great people/the ancestors[28] have said 'No taxation without protection'.[29]

23. Cahen, 1956, p. 300.
24. Cahen, 1956, p. 291: People in Qum paid half a tithe extra but otherwise were subject to the *ḫarāǧ*. Drechsler, 1999, pp. 291–292. In the beginning of the relevant passage, we have *gurdān wa-ḥimāyat kunandagān* as those who originally were the recipients of the tax which later became the half tithe, "intrepid warriors and protectors". I wonder whether we also could read *kurdān* instead, thus "Kurds and protectors", which would tie in with the situation in general.
25. *Amwāl*. This term is used for "belongings" in an unspecified way, but also for flocks in particular.
26. *Amlāk*.
27. *Ahālī*.
28. *Buzurgān*.
29. Al-Qummī, *Tārīḫ-i Qum*, p. 166. The slogan is *al-ḥimāya ṭumma al-ǧibāya*.

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The landowners in Qum thought that the government had the duty to protect them, and that this was exactly what they paid the *ḫarāǧ* tax for. But the government evidently was unable to deliver on this point. It is thus interesting to note that, in a text written from the government perspective, the same principle is stated: the *ḫarāǧ* "is God's wealth and in it are the strength of His bondsmen and the protection of His countries".[30]

The idea that taxation was so closely linked to protection (expressed in a rhyming form combining *ǧibāya* and *ḥimāya*) was to prevail at least in Hanafi legal thinking.[31] This was formulated in classical pre-Mongol Hanafi textbooks and survived into the Ottoman Empire.[32] Colin Imber writes: "In Hanafi doctrine, taxation is an element in a reciprocally binding contract between the ruler and people: there is no taxation without protection (*al-jibaya bi'l-himaya*). In allowing the rebels to prevail, the just ruler did not protect his subjects, and so loses the right to taxation".[33]

Rulers and their entourage accepted the duty to protect their subjects as a central task, in particular the protection of the Muslim lands against external enemies. *Ḥimāyat al-bayḍa* is routinely referred to as such a task in the letters of Abū Isḥāq Ibrāhīm al-Ṣābiʾ, sometimes paralleled by the (practically synonymous) *ḥiyāṭat al-ḥawza*. This is a task in which both the caliph and the Buyid ruler have a share.[34] Regional rulers with whom the Buyid ʿIzz al-Dawla Baḫtiyār (356–367/967–978) wanted to establish an alliance were admonished to show loyalty—the addressee is asked to "fight with me for the protection of the Muslim lands".[35] The Buyids are praised for their success in this endeavour[36] and loyal servants have their merits in this field.[37]

Ḥimāyat al-bayḍa can also refer to inner security; in this case in a letter written in rabīʿ I 375/beg. July 22, 985 on behalf of caliph al-Ṭāʾiʿ to the Buyid ruler Ṣamṣām al-Dawla (r. in Iraq 372–376/983–987, in Fars 380–388/990–998) who had arrested the Dailamī leader

30. In the appointment which al-Ṭāʾiʿ allegedly wrote for Faḫr al-Dawla, preserved in al-Qalqašandī, *Ṣubḥ al-aʿšā* X (al-Maṭbaʿa al-Amīriyya ed.), p. 26, and X (Dār al-Kutub al-ʿIlmiyya ed.), p. 25: [*al-ḫarāǧ*] *māl Allāh allaḍī bihi quwwat ʿibādihī wa-ḥimāyat bilādihi*.

31. The Qumis were never known to be Hanafis. Twelver Shiism was predominant in that region early on, and forms of proto-Shiism before the Twelvers emerged as a separate group.

32. Such as the Transoxanian thinkers al-Kāsānī and Marġinānī. See Heidemann, 2002, p. 326. The classical Hanafite position is formulated e.g. in al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ*, II, p. 885 (continuous pagination), in the book on *zakāt*. "One of the conditions of the ruler being permitted to take in the *zakāt* tax is that the imam [the ruler] indeed provides protection." *Wa-amā šarṭ wilāyat al-aḫḍ fa-anwāʿ: minhā wuǧūd al-ḥimāya min al-imām*, and the argument given by Imber follows: if rebels have succeeded in taking taxes from a village or town, the inhabitants there are not subject to another payment to the legitimate ruler because he has failed to protect them.

33. Imber, 1997, p. 71. This problem was already discussed by the notables of Nishapur in 1038 AD when they had to decide whether they should resist the Seljuq invaders. See Paul, 2005.

34. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, I, p. 102, and in more general terms vol. II, p. 140; also alluded to as a shared task in vol. II, p. 184 and p. 430.

35. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, I, p. 51. The addressee is Abū Taġlib (Ḥamdānid ruler, 356–369/967–979), and the phrase runs *al-kawn fī ḥimāyat al-bayḍa maʿī*.

36. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, I, p. 77.

37. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, I, p. 418.

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Asfār b. Kurdawayh. The Buyid not only earned benefit from the caliph, but this also was meritorious in *ḥimāyat al-bayḍa*.[38]

Government troopers were garrisoned in towns in western Iran in order to provide protection, and they took in extra money called *ḥimāya*. There is a complaint filed by the people of Rāwand, a small town in the oasis of Kāšān (same region as Qum), who disapproved of a military slave being sent to them and their region. This complaint is rebuffed. Subjects do not have a say in such matters, and the military slave (and his troops) are garrisoned there for the purpose of protection.[39]

Perhaps such a practice was not a singular case. In an appointment for the Buyid Faḫr al-Dawla (r. in Ǧibāl 373–387/983–997) written on behalf of the caliph al-Ṭāʾiʿ and transmitted in the letters of Abū Isḥāq al-Ṣābiʾ, one item is that the Buyid is to select appropriate people for the *ḥimāya* of his regions, and in particular those who could draw popular support so that in case of need, well-equipped people would join them.[40] A very similar text is extant in al-Qalqašandī's large compendium; it goes back to Abū Isḥāq and possibly to the same document. In al-Qalqašandī, again, Faḫr al-Dawla is to appoint appropriate persons for the *ḥimāya* in his regions, men who are quick to respond when called upon. And the ruler is to see to it that the guardians are well equipped (including arms), so that they can guard the "frontier of the roads" *ṯaġr al-masālik*. He is also to provide them with all they need, in particular foodstuffs and fodder for their mounts so that they do not have to live off the land.[41]

It is therefore possible that in some regions, parts of Ǧibāl for example, troopers were garrisoned in certain towns for the purpose of protection and inner security in general, and that these forces were paid with the proceedings of the *ḥimāya* tax. It is also possible that local people were dissatisfied with their performance and complained that their safety in fact did not improve by their presence. But all the same, this procedure still could be seen as an attempt by the central government to take care of safety issues directly. Such attempts were made in Ǧibāl but apparently not in other regions: neither the Iraqi lowlands nor the steppe and desert regions bordering on the irrigated land in Iraq nor the mountainous regions of western Iran, including other tracts of Ǧibāl. Whereas in Iraq, Arab Bedouin groups were the issue, the government had to deal with Kurds in western Iran.[42]

38. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, II, p. 184. Asfār was one of the central military leaders for ʿAḍud al-Dawla; Busse, 1969, p. 65.

39. Ibn ʿAbbād, *Rasāʾil*, letter 16.6, p. 211; see Pomerantz, 2018, p. 149.

40. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, II, p. 120.

41. Al-Qalqašandī, *Ṣubḥ al-aʿšā*, X, (al-Maṭbaʿa al-Amīriyya ed.), pp. 21, 23–24, and X (Dār al-Kutub al-ʿIlmiyya ed.), pp. 22–23.

42. It is not at all sure whether these groups were "Kurds" in the sense that they spoke a language we would today classify as Kurdish.

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3. Protection Delegated to Arab Bedouin Groups and Kurds

In this section, I take up Cahen's argument that *ḥimāya* can be related to *ḫifāra*, and I extend the argument so that, on the side of the Arab Bedouins and Kurds, forms of using *ḥimāya* as a means to gain control over land are included, and on the side of the (Buyid) rulers, forms of integrating these groups and their leaders into their networks of power are also highlighted. Even more as Cahen thought, *ḥimāya* can be seen as an instrument in building local and regional power structures.

Taking protection money from caravans is a time-honoured Bedouin practice. This protection money was known as *ḫifāra*. Protection relationships extended also to settled lands, oases and towns, in a more general way. Ethnographers have described the *uḫuwwa* ("brotherhood") alliances which frequently degenerated into extortion.[43] Cahen evokes this special type of nomad-sedentary relation only briefly, but he discusses a new form of obligations for a lord: "upkeep of public order, defense of villages, of cultivated fields, of transports of foodstuffs against hold-ups by robbers", and the protection of caravans comes naturally with all that. In these new forms of obligations, Cahen sees a mixture of those accruing from *talǧīʾa* and those coming from the older Arab *ḫifāra*.[44]

Later authors have insisted on the importance of *ḫifāra* and related practices instead of putting forward the *talǧīʾa* when discussing Buyid-period *ḥimāya*. Busse gives an overview over the cases he could identify in his sources. He remarks that *ḥimāya* at first was instituted on the same lines as the *iqṭāʿ*.[45] He lists the following regions where *ḥimāya* was allotted to government partners or officials: *Ṭarīq Ḫurāsān* (the road leading from Baghdad to the mountains in the east, with Ḥulwān as an important urban centre)[46], *Ṭarīq al-Furāt* (the Euphrates road)[47] and the "West side of Baghdad".[48]

The most prominent cases of large scale *ḥimāya* in this period concern Bedouin and other Arabs in Iraq on the one hand and Kurdish groups in western Iran on the other. Quite a number of regionally important Arab leaders held *ḥimāya* positions on behalf of Baghdadi Buyids.

The "Lord of the Marshes" (the swampy regions along the lower course of the Euphrates and Tigris rivers), ʿImrān b. Šāhīn, held the *ḥimāya* of that region in the mid-4th/10th century together with other offices.[49] This man, originally an adventurer, was appointed to the *ḥimāya* not by the caliph or a Buyid ruler, but by one of the Barīdīs, the famous tax governors there.[50]

43. Lange, 2005, pp. 102–108, with further discussion.
44. Cahen, 1956, p. 294.
45. Busse, 1969, p. 322.
46. The list in Busse, 1969, pp. 322–323. *Ṭarīq Ḫurāsān*: Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, IX, p. 192, s.a. 397.
47. Miskawayh, *Taǧārib al-umam*, II, p. 48, s.a. 357.
48. Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, IX, p. 437, s.a. 425.
49. Sato, 1997, p. 39; Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, VIII, p. 481. This man was an important player in the inner-Buyid struggle during the reign of ʿIzz al-Dawla Baḫtiyār.
50. Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, VIII, p. 481, s.a. 338. *Wa-qalladahū ḥimāyat al-Ǧāmida wa-nawāḥī al-baṭāʾiḥ*.

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More prominently, Abū Ṭarīf ʿUlyān b. Ṭimāl (the Banū Ṭimāl then were the leading family of the Banū Ḫafāǧa) was invested with the *ḥimāya* in and around Kufa.[51] The appointment is extant in the letters of Abū Isḥāq al-Ṣābiʾ.[52] The appointee is told to protect caravans and settled peasants from robbers and to actively pursue evildoers whom he is to punish according to the Quranic prescriptions (this means the death penalty for highway robbery). He also is told to protect draft animals and grazing flocks and to return such beasts as should have been stolen. Concerning protection money, this is not specified in the document, but the incumbent is told not to be heavy on the people. The repartition of the tax emoluments is not mentioned at all. But the appointee is reminded that he answers with his wealth and his body for his deeds.[53]

Kurt Franz discusses the Banū Ṭimāl and the Ḫafāǧa in southern Iraq in detail. He comes to the conclusion that through several generations, they did not try to establish any kind of territorial rule in the region, but used their position to continue a largely mobile lifestyle and that their interest in *ḥimāya* was financial since they derived an important part of their income from that. They were not above turning their *ḥimāya* into a license to plunder, either.[54] Occasionally, warriors of the Banū Ḫafāǧa were also recruited into Buyid forces. The results, however, were not encouraging.[55]

Another prominent case are the Banū ʿUqayl who, in a number of branches, established dynastic lordships in parts of northern Iraq.[56] One of their rulers, al-Muqallad b. al-Musayyab (r. in Mosul 386–391/996–1001) was invested first with the *ḥimāya* "west of the Euphrates" and then also with the *ḥimāya* of Kufa and its region in 387/997 where he replaced one of the Banū Ṭimāl.[57] It is interesting to see that the position of *ḥimāya* was subject to being delegated (over more than one man) just as a governorship was, and that, by the same token, conflicts could arise between the men who held a position in this chain of delegation acts.[58] Moreover, the holder of *ḥimāya* was entitled to the "*ḥimāya* dues" *rusūm al-ḥimāya* even if the region was

51. Mentioned in Cahen, 1956, p. 299. Cahen qualifies the Banū Ṭimāl as trying to set up local *seigneuries*, lordships. Mentioned also in Sato, 1997, p. 39.

52. Al-Ṣābiʾ, *Dīwān al-rasāʾil*, II, p. 255. The document is transmitted also in al-Qalqašandī, *Ṣubḥ al-aʿšā*, X, (al-Maṭbaʿa al-Amīriyya ed.), pp. 262–263, and X (Dār al-Kutub al-ʿIlmiyya ed.), pp. 272–273, taken from al-Ṣābiʾ. Mentioned in Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, IX, p. 39, s.a. 374/984–985. Ibn al-Aṯīr adds that this was the "beginning of the emirate of the Banū Ṭimāl". See also Busse, 1969, p. 323, and Cahen, 1956, p. 299. In the transmitted appointment deed, the writer alludes to a relationship of *iṣṭināʿ*, "fostering", between the Buyid caliph and the appointed Bedouin leader. For this, see Mottahedeh, 2001. The appointed man is thus seen as part of the networks of patronage around the ruler.

53. Al-Qalqašandī, *Ṣubḥ al-aʿšā*, X, (al-Maṭbaʿa al-Amīriyya ed.), p. 263, and X (Dār al-Kutub al-ʿIlmiyya ed.), pp. 272–273.

54. Franz, 2007, pp. 225–228. Franz is able to trace the Banū Ṭimāl as leading family of the Banū Ḫafāǧa until the mid-11th century.

55. Franz, 2007, p. 235.

56. Bosworth, 2000.

57. Al-Rūḏrāwarī, *Ḏayl kitāb taǧārib al-umam*, pp. 283, 293; Cahen, 1956, p. 297; Sato, 1997, p. 40; Busse, 1969, p. 323; Franz, 2007, p. 228.

58. Al-Rūḏrāwarī, *Ḏayl kitāb taǧārib al-umam*, p. 283; Busse, 1969, p. 323.

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otherwise in the hands of *iqṭāʿ*-holders. Together with the *ḥimāya* of Kufa, al-Muqallad was invested with the title of "leader of the Arabs" *zaʿīm al-ʿarab*.[59] In the following years and decades, the two groups—the Banū Ṯimāl of Ḫafāǧa and representatives of the ʿUqayl—competed over resources in this area, with the Buyids playing off one group against the other.[60]

Later, in the mid-11th century and thus the final stages of Buyid rule, the *ḥimāya* over the *sawād*, the cultivated land in southern Iraq, fell to the Banū Mazyad, the leading family of the Banū Asad.[61] They later established their rule in the region around their centre at Ḥilla next to Kufa, until the mid-12th century. *Ḥimāya* in this particular region also continued to be an issue: we read that in 568/1172–1173, a Bedouin group, the Banū Ḥazn, again from the Ḫafāǧa, plundered the cultivated lands in southern Iraq, and that they were able to do so because they held the *ḥimāya* there. And again, there was competition between various Bedouin groups over this possibility to get access to resources.[62]

What was the nature of these protection relationships? Did the holders of *ḥimāya* in these regions strive to establish regional states, that is, emirates? Cahen hints at such a possibility by crediting the Banū Ṯimāl with the goal of founding a *seigneurie*, and using their *ḥimāya* as one element in this endeavour. Franz, on the contrary, thinks that the Banū Ṯimāl never had such plans, and he criticises Busse for translating *ḥimāya* once as "governorship".[63] But the Banū Ṯimāl are at the one end of a complex range of possibilities, with other groups such as the ʿUqayl going more into the direction sketched by Cahen and Busse. Franz summarizes his findings as follows:

> The emirates offered *ḥimāya* (tribal protection) to the region as a hybrid new model of provincial statehood. […] In addition, another form of Bedouin agency must be noted: the Banū Khafāja, on the Arabian bank of the lower Euphrates, exercised the most influence on central Iraq while preferring a mobile raiding economy to state foundation.[64]

The "emirates" in this quote are those founded by the Banū ʿUqayl and the Banū Mazyad. It is quite telling that Franz speaks of a "hybrid new model of provincial statehood". These "hybrid provincial states" are both nomadic and sedentary; they are not altogether "independent"—they are subject to a larger structure, the Buyid emirate centered at Baghdad, and the caliphate.

Busse in turn comes to the following conclusion: Basically, he says, the situation in Iraq "corresponded to the practice in Fars where districts called *Zamm* were put under the authority

59. Busse, 1969, p. 323.
60. This is discussed at length in Franz, 2007, pp. 234–239.
61. Sato, 1997, p 40; Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, IX, pp. 557–558; Bosworth, 1991.
62. Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, XI, p. 182. *Ḥimāya* and *ḫifāra* are used as synonyms in this passage. It must be noted that this was after the fall of the Mazyadid emirate in southern Iraq.
63. Franz, 2007, pp. 238–239; Busse, 1969, p. 87; the German term is "Statthalterschaft".
64. Franz, 2011, p. 31.

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of a Kurdish chieftain who was then responsible for the security of the roads and the implementation of measures ordered by the government".[65]

Thus, Busse draws a comparison between Arabs and Kurds: in both cases, the Buyid government decided to integrate leaders on the "nomad periphery" by appointing them to government offices—or to let them have their way, to accept their leadership (and also their extortionist practices) as a *fait accompli*.

On the "Ḫurāsān road", but also in territories within the Zagros mountain range, Kurdish groups were one of the most important political and social factors. Some of the robbers and other evildoers active around Qum who made the landowners there feel an urgent need for protection evidently were Kurds (that is, people whom the sources call *akrād*).

Cahen quotes an early example which is about *talǧiʾa*, not explicitly about *ḥimāya*. In a long story which al-Balāḏurī tells about people in the region of Hamadan, the setting is that there, good pasture is found, and Kurds graze their flocks there, but there also are caliphal herds for which the caliph appointed his men. In a drawn-out conflict between the caliphal supervisors and the Kurds (now called "robbers") which the source reports from different perspectives, the settled landowners suffered most, in particular those living out in the open (*ahl al-mafāza*). Their solution was to hand over their holdings first to the military commander whom the governor had sent to restore order, but when this man died, his successors were too weak to provide protection, and therefore they asked al-Maʾmūn (caliph 198–218/813–833) to accept their lands as a gift on condition that they were allowed to stay there as his tenants and that he protected them from the bands of robbers. And so it happened.[66]

The letters of Ibn ʿAbbād provide numerous examples for deals between Buyid rulers and Kurdish leaders; I have already given one quote above.[67] The quoted letter transmits the contract between an unnamed man (evidently a Kurdish leader) and the Buyid ruler Muʾayyid al-Dawla (r. in Ǧibāl—Hamadan and Isfahan—366–373/977–983). Besides the points quoted above, it is noteworthy that the Kurdish leader engages himself to keep out the "evildoing Kurds" who are called "robbers and highwaymen" *mutalaṣṣiṣa*. "Let barbarians fight barbarians"—as in the Iraqi lowlands, the Buyid government tried to dress groups in the nomadic periphery against each other. This is stated in so many words in a letter (indeed the draft of a contract which would later be concluded orally) from Ibn ʿAbbād to one Ṣadaqa b. Aḥmad, a Kurdish leader, and his sons. The addressees had taken their distances from "evildoing Kurds" *al-akrād al-mufsidīn* and promised loyalty to the Buyid (Muʾayyid al-Dawla). Pomerantz sums up: the author "then requested that these tribes come to the court with the ruler to exchange loyalty oaths with him face to face. The tribes would then pledge their loyalty to the ruler in exchange for the right to pasturage in particular areas and to collect protection fees from travellers".[68]

65. Busse, 1969, p. 323.
66. Cahen, 1956, pp. 289, 293; al-Balāḏurī, *Futūḥ al-buldān*, pp. 310–311.
67. Cahen, 1956, p. 296; Pomerantz, 2018, p. 146; Ibn ʿAbbād, *Rasāʾil*, letter 3.5, p. 61.
68. Pomerantz, 2018, p. 146.

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The compensation for loyal service, and in particular for fighting other Kurdish groups, was the right to collect protection fees. Such a contract could also imply the granting of pasture grounds as *iqṭāʿ* together with financial support, but even that was no guarantee that the Kurds would serve their part of the contract.[69]

In another document, we learn that a man named Abū ʿĪsā (also a Kurdish leader) had asked to be appointed to the protection of the caravan routes, but also the guarding of the countryside in a region including Qum. His appointment meant that the government troops would not be diverted from more important tasks. But now, it had become evident that he misused his powers and that his men used their position as a licence to plunder.[70] Since Ibn ʿAbbād had pledged himself for Abū ʿĪsā, he asked him now again to protect Qum and Āba and the roads in that region so that he would not be dishonoured.[71]

As mentioned above, the "Road of Ḫurāsān" district (*Ṭarīq Ḫurāsān*) with its important urban centre at Ḥulwān was one of the districts frequently given in *ḥimāya*. One of the incumbents was Ibn Abī al-Šawk, a Kurdish leader, probably one of the ʿAnnāzid dynasty.[72] He was in command of the police forces in Ḥulwān and held the *ḥimāya* of the town and the *ṭarīq*. He provoked a punitive expedition by robbing a caravan with envoys returning from the East, he also took the envoys prisoner who had to be ransomed.[73]

Last but not least, the Kurdish leader Ḥasanwayh, when he was appointed as *raʾīs* over his group of Kurds (Šūhiǧān according to this source, Barzikānī according to others), received a decree written on behalf of the caliph al-Ṭāʾiʿ dated *šaʿbān* 366 (beg. March 25, 977). In it, Ḥasanwayh is told to "protect the passing travellers and the sedentary population and all those who live in your province and region, protect them so that you earn praise and glory in return".[74]

In the Buyid period, *ḥimāya* was used as an instrument, alongside *iqṭāʿ*, to implement at least a semblance of rule (and order) on the nomadic periphery of the Buyid states. Arab Bedouin as well as Kurdish leaders were invested to "protect" a given region and the caravan routes passing through. "Protection" implied that the caravans would be safe from uncontrolled plunder, but would be subject to the payment of protection money. This continued earlier practices which were known as *ḫifāra* in the case of the Arab Bedouin and perhaps also the Kurds. In the Arab world, such a relation could be extended beyond the "protection" of caravans to the "protection" of settled agricultural districts in *uḫuwwa*-relationships; this was known in practice, if not by this term, also in the Kurdish regions. In all these cases, therefore, the central task of all government, to provide security for the subjects, was not implemented directly by government officials and troops, but indirectly by delegating it to the appointees in the corresponding regions. Arab Bedouin and Kurdish leaders saw an advantage here: they

69. Ibn ʿAbbād, *Rasāʾil*, letter 3.7, p. 63; Pomerantz, 2018, p. 146.
70. Ibn ʿAbbād, *Rasāʾil*, letter 13.10, pp. 184–186; Pomerantz, 2018, p. 146; Paul, 2018, p 56.
71. Ibn ʿAbbād, *Rasāʾil*, p. 186; Pomerantz, 2018, p. 153.
72. For this dynasty, see Franz, forthcoming.
73. Miskawayh, *Taǧārib al-umam*, II, p. 155; Busse, 1969, p. 322.
74. Al-Ṣābiʾ, *Dīwān al-asāʾil*, II, p. 176. Cf. Paul, 2018. The passage quoted here came to my attention only after the letters of Abū Isḥāq had been published.

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drew considerable income from protection money. In case the returns of the arrangement did not satisfy them (or were insufficient to satisfy the needs or demands of their followers), the group could easily revert to plunder.

Appointments to the *ḥimaya* of districts sometimes was a building-block in state (emirate) building. Out of the Arab Bedouin and Kurdish emirates emerging during the Buyid period, quite a number had seen periods when their leaders had been invested with *ḥimāya*. In other cases, most notably the Banū Ṯimāl of Ḫafāǧa, such state-building does not seem to have been an issue.

In all cases, however, the appointed Arab Bedouin and Kurdish leaders had a share in power; we can speak of shared sovereignty here.[75]

4. Regional Aspects: *Ḥimāya* in the East

In this section, I go beyond Cahen's regional focus. In discussing material from eastern Iran, I also include later sources (11th and 12th centuries) including texts written in or translated into Persian. These sources also comprise works of *inšā'*, copies or drafts of official or private correspondence. The question of whether the differences found in the meanings and uses of *ḥimāya* (or *ḥimāyat* in Persian) are due to an evolution over time or to a difference in language must be left to later research.

Until now, we have dealt with *ḥimāya* above all in Iraq and western Iran, the Buyid realm(s). Cahen restricted himself to precisely these regions. It is striking that sources from the east do not talk so much about *ḥimāya*, and when they do, the term does not refer to the particular policies regarding leaders on the nomadic periphery and attempts at maintaining security and order along the routes and throughout the cultivated lands. This is not because there was no need in the east to devise and implement measures to face challenges from the nomadic periphery—but these differed in the Ġaznavid and Samanid realms from what the Buyids did. Neither do we find any reminiscence of *ḥimāya* as derived from *talǧi'a*.[76] What we do find are attempts at integrating pastoralist groups by granting them grazing grounds and/or appointing their leaders over certain districts in return for military service, but also for the job of keeping all other pastoralists away. The maxim "let barbarians fight barbarians" informed government strategies in the east as well. With regard to the Seljuq Ġuzz Turks, all states in Transoxiana and Ḫurāsān resorted to this policy.[77] But as far as I can tell, the term *ḥimāyat* was not used in this context, and the pastoralists were not supposed to "protect" the regions and pastures they were assigned. Protecting the land was not delegated to allies or vassals in the east in the ways it was in the west.

75. For a discussion of the relationship between central/imperial and local power, see Paul, 2016a, pp. 228–229.
76. There is only one reference to *talǧi'a* at all in the Persian sources which I have studied so far, in the collection of documents and letters called the *Muḫtārāt*, no. 461, p. 457 where a person swears (in a lawsuit) not to have given over a plot of land, neither in *talǧi'a* nor in *waqf* so that a possible sale would be legally valid and not voidable because of that.
77. Paul, 2007–2008; 2016b; Peacock, 2010.

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Therefore, it is perhaps not surprising that the only meaning of *ḥimāya* (or *ḥimāyat* in Persian) we find in both western and eastern sources is the protection of the realm by the ruler himself. The Samanid governor in Ḫurāsān, Abū al-Ḥasan Sīmǧūr, is praised for having exerted himself, as a military leader, in *ḥimāyat-i bayḍa-yi dawlat*.[78]

The "protection" of cultivated lands as a pretext for extortion is mentioned only once, but the agents are not pastoralists, but soldiers. When a Ġaznavid commander and governor took over in Ḫwārazm, he had a professional army of military slaves with him. He instated clear rules of behaviour so that no one would be tempted to take a plot of land under his protection—the soldiers all received a good salary and did not need anything else. But they thought that the region was for them to plunder.[79] Even if this is a single occurrence in the sources, the practice may have been widespread. In the west, the people in Rāwand (Kāšān) complained of the garrison which they had received for their protection. In Ḫwārazm, we are looking at a conquering army which had to be restricted in its looting, but interestingly, even there, "protection" was used as a screen for such behaviour.

5. *Ḥimāya* as Individual Asylum

Much more prominent is a meaning which is not on record for the Buyid period in Iraq and western Iran; however, there is evidence for this use for later periods in these regions as well as in the east: *ḥimāya* is a term for granting asylum to individuals who flee their enemies, because they have been defeated or because they are persecuted for other reasons. In this meaning, *ḥimāya* is paralleled with *iltiǧā*ʾ or Persian *panāh*, "asylum", "refuge".[80] It is however interesting to see that the term *ḥimāyat* in this meaning is used only in later Persian translations from the Arabic; in the case of al-ʿUtbī's history of Maḥmūd the Ġaznavid, where we have both the Arabic original (11th century) and the Persian translation (late 12th century), this is particularly striking. A much more detailed analysis of the terminology for "asylum" and "refuge" would be necessary to understand why the translators used *ḥimāyat* where the Arabic did not have *ḥimāya*.

In the Umayyad period, the Sāmānḫudāt, ancestor of the Samanids, sought refuge with the Arab governor Asad b. ʿAbdallāh al-Qasrī[81] who received him well and granted him asylum *ḥimāyat*, the two became allies in the course of events.[82]

78. Al-ʿUtbī, Ǧurfāḍaqānī, *Tarǧuma-yi Tārīḫ-i yamīnī*, p. 41; *Taʾrīḫ-i yamīnī*, p. 31. In the Arabic original, we read, in praise of the Sīmǧūrids: "Everyone of them excelled in protecting the realm like a wall on the frontier" *tafarrada kull minhum bi-ḥimāyat al-mulk saddan li-l-ṯuǧūr*. The translator used the Buyid-period standard formula instead.

79. Al-Bayhaqī, *Tārīḫ-i Bayhaqī*, p. 679. *Kasī-rā zuhra na-bāšad ki ba-dastī zamīn ḥimāyatī gīrad.*

80. It is noteworthy that *iltiǧā*ʾ derives from the same Arabic source as *talǧiʾa* with the basic meaning of "seeking refuge".

81. Umayyad governor in Ḫurāsān, 106–109/724–727 and 117–120/735–738.

82. Naršaḫī, *Tārīḫ-i Buḫārā*, p. 70. Since we do not know on which source Naršaḫī relied for this piece, the story can also be taken as indicative of the use of the term in the Samanid period when Naršaḫī was writing (10th century).

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In another story Faḫr al-Dawla, when losing out against ʿAḍud al-Dawla, fled to Gurgān and sought refuge with the Ziyārid prince Qābūs b. Wušmgīr (367–402/978–1012); his hosts had to decide whether to extradite their "guest" and argued against it: how could we deliver up somebody who expects us to keep our promises and to safeguard him?[83]

Qābūs tried to deepen his "friendship" with Maḥmūd the Ġaznavid (388–421/998–1030) by sending a letter in which he sought support in the bounty of the sultan's *ḥimāyat*.[84] Qābūs again granted asylum to a group of Qaraḫanid horsemen who had made a raid into Ḫurāsān but had been defeated by a Ġaznavid general.[85]

Granting asylum is sometimes a risky affair—if the person seeking refuge is on the wanted list of a strong ruler. We have some examples, mostly from the west, but later. Independent-minded local or regional leaders, lords of castles or Bedouin emirs, abode by the old values of hospitality rather than obeying the sultan's orders. One of these was the Mazyadid Ṣadaqa (b. Manṣūr, 479–501/1086–1108), known as *malik al-ʿarab* "Lord of the Bedouin Arabs", in whose obituary Ibn al-Aṯīr wrote: "He spread his *ḥimāya* over all those who fled to him before the sultan, and that is something which rulers do not tolerate even from their sons".[86]

The other example concerns a Kurdish lord whose family held the castle of Fanak (near present-day Cizre) for some 300 years. The lords of that castle were strong because they kept their promises and oaths, had family or tribal loyalty (*ʿaṣabiyya*) and "took by their hand everyone who sought refuge with them"; they extradited nobody, whoever he might be.[87]

Granting asylum to persons "whoever they may be" means in many cases that these persons absconded from prosecution. Asylum givers in such cases came into open conflict with the central authorities. Whereas in the two quoted cases, the emirs in question may have acted in compliance with non-state value systems, the following section will deal with situations where *ḥimāya* means that powerful people misused their position to shield evildoers from legal prosecution without reference to any such value system.

6. Illegal Protection

The following examples again come from eastern Iran, most of them refer to the 12th century. This does not mean that the specific forms of protection they describe were unknown in other periods and places.

In the well-known collections of draft and model letters and decrees (*inšāʾ*) from the Seljuq and Ḫwārazmian periods, frequently appointees are told not to give in to *ḥimāyat*,

83. Al-ʿUtbī, Ǧurfāḏaqānī, *Tarǧuma-yi Taʾrīḫ-i yamīnī*, p. 48; *Taʾrīḫ-i yamīnī*, p. 236.
84. Al-ʿUtbī, Ǧurfāḏaqānī, *Tarǧuma-yi Taʾrīḫ-i yamīnī*, p. 245; *Taʾrīḫ-i yamīnī*, p. 425.
85. Al-ʿUtbī, Ǧurfāḏaqānī, *Tarǧuma-yi Taʾrīḫ-i yamīnī*, p. 283; *Taʾrīḫ-i yamīnī*, p. 462.
86. Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, X, p. 557 s.a. 501. In 501/1108, Ṣadaqa had been killed in a battle fought against the Seljuq sultan Barkyāruq.
87. Ibn al-Aṯīr, *al-Kāmil fī al-tārīḫ*, XI, p. 109 s.a. 541. *Yaʾḫūḏūn bi-yad kull man yaltaǧiʾuhum*. *Ḥimāya* is not mentioned here as a term, but it is clear that the procedure is the same as in the previous example. Note the use of the hand here.

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often paired with *ʿināyat* ("favour"). Mayhanī, in his collection of ideal letters, gives good examples for that. The ideal behaviour is that a servant sees himself under the protection of his lord (the legitimate ruler). The *ḫidma* relationship here implies that the lord alone will foster the servant.[88] But the relation can also be perverted and put to bad use. Mayhanī gives an ideal letter in which notables of a town complain of someone who has deviated from the rules of law, joined evildoers (probably robbers), and come into the service (*ḫidmatkārī*) of an unnamed man "in order to hide his evil under the *ḥimāyat* of that man" so that he could grab the Muslims' belongings with impunity.[89]

The problem that some persons enjoyed sufficiently high protection to be able to face prosecution without risk is alluded to in many appointment deeds for cadis and other officials. Protecting robbers in whatever ways must have been widespread. Badīʿ Atabek-i al-Ǧuwaynī's collection of documents has two instances. In one case, the official representatives of the sultan in the region or province of Gurgān, the *šiḥnagān* and *muqṭaʿān*, are told to abstain from *taʿazzuz wa-ḥimāyat*, but instead to cooperate with the newly appointed overseer of pious endowments.[90] In the appointment deed for a *šiḥna* in Ǧuwayn (the home region of the author in north-western Ḫurāsān), the man is told to guard the roads well, and to fight all those who give protection *ḥimāyat* to robbers.[91] Baġdādī's collection, from the Ḫwārazmian chancery, has an appointment deed for a cadi of cadis in which the appointee is warned against *ḥimāyat* and *ʿināyat* and told not to listen to any "protector" *ḥāmī*; this warning is extended also to all the local judges the man might appoint.[92] The anonymous collection *al-Muḫtārāt min al-rasāʾil*, with a majority of items from western Iran (in particular Isfahan) and the 12th century, has an appointment deed for a *šiḥna* whose task in particular is to fight robbers. All officials throughout the realm are told to refrain from *taʿazzuz* and *ḥimāyat*.[93] In another appointment deed for someone in charge of controlling pious endowments in Isfahan, we read that administrators for the individual estates must be chosen according to the will of the newly appointed man, and in the corresponding *dīwān*, there is to be no *ḥimāyat* or intercession.[94]

It is therefore clear that illegal or undesired protection, intercession, patronage and clientelism, if not downright corruption, was sufficiently widespread in Seljuq Iran to warrant particular admonitions in appointment deeds, especially for judges and police officers.

But *ḥimāyat* could also be a powerful instrument for court careers. This is why Niẓām al-Mulk warned against the participation of women in politics. Women should not be allowed

88. Mayhanī, *Dastūr-i dabīrī*, p. 101. For *ḫidma*, see Paul, 2014, 2016a.
89. Mayhanī, *Dastūr-I dabīrī*, p. 116.
90. Al-Ǧuwaynī, *ʿAtabat al-kataba*, p. 55. In earlier texts, *taʿazzuz* "getting stronger" is sometimes identified as a motivation behind entering into a *talǧiʾa*, e.g. al-Balāḏurī, *Futūḥ al-buldān*, pp. 294, 333, in this last case, Ibn al-Faqīh who gives another version of the same story, has *taqabbul* "seeking to draw closer", Ibn al-Faqīh, *Kitāb al-buldān*, p. 282.
91. Al-Ǧuwaynī, *ʿAtabat al-kataba*, p. 61.
92. Baġdādī, *al-Tawassul*, pp. 64, 74.
93. *Muḫtārāt*, p. 419, no. 396.
94. *Muḫtārāt*, p. 442, no. 424.

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to have a say in government matters or to speak to the ruler about financial or military affairs or about legal cases, they should not be allowed to intervene in such affairs or to protect anyone.[95]

It was an advantage (if not necessary) to have a protector at court to make a brilliant career. When the Ḫwārazmšāh (Tekeš, r. 567–596/1172–1200) had destroyed Miyağiq, his own former viceregent in western Iran, his wrath extended to his vizier in Ḫwārazm because this man had been Miyağiq's protector.[96]

7. Into the Mongol Period

In the pre-Mongol period, *ḥimāya* (or *ḥimāyat*) appears in a number of meanings: first, it is related to *talǧi'a* when a landowner hands over his land to a stronger man, hoping to get protection in return. This meaning is not prominent for the Mongol period itself, but resurfaces later, in the 15th century.[97] Instead, Mongol princes and princesses "protected" lands so that these were no longer subject to "normal" taxation.

Second, the central government took over the task of protecting its subjects itself and sent armed personnel into the regions. Sometimes, for these troops, extra payments were required. This seems to have been common in western Iran, Ǧibāl in particular, in the Buyid period. For the Mongol period, I have not encountered such a system.

Third, the central government delegated this task to nomad leaders, Arab Bedouin or Kurds, whom they thus tried to integrate into the state structures. The groups whom such persons led may have plundered (caravans, but also villages) all the same. This form is best seen as a kind of "benefit" (on the same lines as the *iqṭā'*) which a ruler bestowed on local strongmen. In some cases, *ḥimaya* was used as one component in the building of emirates. This type of *ḥimāya* is best attested in (southern) Iraq where it lasted into the 12th century, and in the mountainous regions of western Iran. It is not recorded, as far as I can tell, in eastern Iran.

Fourth, starting in the Seljuq period, we encounter *ḥimāya* as a term for "protecting" people against prosecution in court. This use of the term becomes widespread in the Mongol period.[98] Related to this is the granting of asylum to unsuccessful pretenders or to losers in dynastic struggles.

A fifth facet (which has not been dealt with so far) concerns succession struggles: a faction at court and/or in the military "protects" a given pretender so that at the end, he is enthroned. In this way, the Niẓāmiyya slave soldiers "protected" Barkyāruq in the succession struggle after Malikšāh's death in 1092.[99] Likewise, in Mongol Kirmān, a powerful Mongol emir started

95. Niẓām al-Mulk, *Siyāsat-nāma*, p. 190–191, translated by Darke, 1960, p. 191.
96. Al-Rāwandī, *Rāḥat al-ṣudūr*, p. 399. *Ki Miyāğiq ḥimāyatī-yi ū būḏa būḏ*. For a similar use of the term, see al-Rāwandī, *Rāḥat al-ṣudūr*, p. 366.
97. I have treated *ḥimāya* in 15th-century Central Asian sources extensively in Paul, 1991b, and together with a shorter overview over earlier periods, in Paul, 1991a, pp. 164–205.
98. Besides the sources quoted in Paul, 1991a, p. 197. Herrmann, 2004, document V and comments p. 77.
99. Nīšāpūrī, *Salğūq-nāma*, p. 36.

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"protecting" a scion of the pre-Mongol (Ḫitay) regional dynasty so that he entered into the succession struggle.[100] This use is related to the protection someone needs in order to make a career at court.

The sixth meaning of *ḥimāyat* (likewise not dealt with before in this paper) is giving shelter to runaway peasants. This meaning is not on record for the pre-Mongol period, probably for a very simple reason. In the Mongol period, labour came to be the scarcest resource in agriculture (not land and not even water), and attempts at restricting peasants in their movements became stronger. Moreover, according to Mongol political thought, the ruler had the right to assign everybody, military or not, his unit (of ten, hundred and thousand) and thus his place of residence. This was one of the main uses of *ḥimāyat* in the Mongol and post-Mongol periods. I have seen only one allusion to this in the pre-Mongol sources, but that passage seems to concern nomads. In the regional history of Ṭabaristān, one of the rulers is praised for his justice, in particular concerning one of his private domains. This was so well administered that "all the pastoralists from Āmul […] fled from the custody of the sultan and sought his protection".[101]

Conclusion

Ḥimāya or *ḥimāyat* has a wide range of meanings in the field of "protection", from a basic obligation of the ruler to illegal procedures linked to relations of clientelism and patronage. Cahen concentrated on the meaning related to *commendatio* and *talǧiʾa*, but perhaps this is a somewhat biased view. In a Buyid context, *ḥimāya* was rather linked to *iqṭāʿ* because both were instruments to integrate powerful people, military slaves, tribal leaders of Bedouin Arabs, but also Kurds, into the power networks centered on the Buyid ruler, mostly in Baghdad. The region where *ḥimāya* relations of this kind are best attested is southern Iraq and Iraq in general on the one hand and the mountainous regions of western Iran, the vast province of Ǧibāl, on the other. In southern Iraq, the use of the term is attested from the 10th to the late 12th century. *Ḥimāya* in this context continues Arab *ḫifāra* and also *uḫuwwa* relations, and as far as Kurds are concerned, the relations worked very much in the same way. Cahen himself admits that this form of *ḥimāya* is not connected to *talǧiʾa*.

Integrating local power holders, in particular nomads, was one of the major tasks and at the same time one of the most difficult challenges rulers in the Middle East had to face in many ages. It would be fascinating to study such forms and procedures in a comparative perspective over centuries and many different areas. Hopefully, this contribution can serve as one case study in such an endeavour.

In the Buyid context, for both Arab Bedouin and Kurdish leaders, grants of *ḥimāya* were an element in their state-building processes; but there are exceptions: not all Bedouin leaders who

100. Al-Kirmānī, *Simṭ al-ʿulā*, p. 28.
101. Ibn Isfandiyār, *Tārīḫ-i Ṭabaristān*, p. 67. *Māldārān-i Āmul* […] *az raʿīyatī-yi sulṭān bu-gurīḫta ba-ḥimāyat-i ū šudand*.

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held *ḥimāya* grants were interested in building emirates. But even so, the delegation of a basic obligation of the ruler to vassals and allies meant that these allies held a share in sovereignty.

In eastern Iran, however, the basic obligation of rulers to provide security does not seem to have been delegated to vassals as it was in the Buyid realm. Pastoralists were offered grazing grounds in exchange for military service—the Ġaznavids, the Qaraḫanids, the last Samanids, and regional rulers in Ḫwārazm all had recourse to such deals with the Ġuzz Turks. The contracts often included the obligation on the part of the pastoralists to fight all other such pastoralists, but not the general task of "protecting" a given district.

In the east, *ḥimāya* mostly meant "granting refuge or asylum to losing pretenders or otherwise prosecuted persons", and this meaning later is to be found also in the west. In such contexts, it is coterminous with *iltiǧā*ʾ (or Persian *panāh*), with strong connotation to non-state values. As an extension of this meaning, we can see that the term was used also for "protecting evildoers" or "promoting careers", both strongly disapproved of. This meaning is also present in Mongol-period sources (including documents) when the practice of "protecting" a party in a lawsuit appears to have been widespread. In the Mongol period, a completely new meaning of the term emerges, linked to the Mongol concept of the right and obligation of the ruler to fix everybody's place of residence within the framework of the Mongol decimal system: giving shelter to runaway peasants.

"Protection" was a task both for rulers (and therefore a "public" task if such a qualification makes sense at all in an Iraqi and Iranian context) and for patrons (and thus a "private" affair). It was "privatised" in the Buyid realms: delegating it to men who were not simply government officials but leaders in their own right was tantamount to blur the distinctions.

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