

first century decided purely according to "his knowledge and his conscience",<sup>124</sup> Qatāda now always referred to the prophet and the religious tradition. In this way he turned the function of adviser into a science; consequently the *muftī's* importance increased steadily until the Ottoman era.<sup>125</sup> In 307/919 the prefect of Baghdad decreed that the police would in future have to comply with the *fatwās* pronounced by the *fuqahā'* of the respective quarters.<sup>126</sup> Law was never codified in a unified form; it would forever remain the reflection of a segmented society. One generation after Qatāda there were at least two competing *muftīs* in Basra, whose religious views probably differed as well: one Qadarite, Ismā'īl b. Muslim al-Makkī, about whose juristic views we know hardly anything – for that reason?<sup>127</sup> – and the one with whom Abū Ḥanīfa entered into correspondence:

Abū 'Amr 'Uthmān b. Sulaymān b. Jurmūz al-Battī,

d. 143/760.<sup>128</sup> There is some confusion regarding the names of his father and grandfather. The oldest sources confirm the above form: Ibn Sa'd,<sup>129</sup> Khalīfa b. Khayyāṭ,<sup>130</sup> Ibn Qutayba<sup>131</sup> and Shīrāzī.<sup>132</sup> Later, however, we find 'Uthmān b. Muslim b. Hurmuz,<sup>133</sup> Dhahabī claimed to have seen him referred to as *Aslam* as well as *Muslim*.<sup>134</sup> However, he appears to have mistaken him for a certain 'Uthmān b. Muslim b. Hurmuz al-Makkī, whom Ibn Ḥajar mentioned shortly before.<sup>135</sup> Al-Battī was not a native of Basra; he had had a business in Kufa, but

124 See p. 220 below.

125 For general information see G. Makdisi, *The Rise of Colleges* 197ff., and in: *La notion de liberté* 79ff.; H. Krüger, *Fetwa und Siyar* 42ff.; L. Schatkowski-Schilcher, *Families in Politics* 118.

126 Sabarī, *Mouvements populaires* 10.

127 Regarding him see p. 75f. above.

128 Regarding the date cf. Shīrāzī, *Ṭabaqāt* 91, 1f.; also GAS 1/410. Khalīfa b. Khayyāṭ has: "before 148/765" (*Ta'rikh* 654, 14).

129 VII<sub>2</sub> 21, 14ff.

130 *Ṭab.* 526, 1.

131 *Ma'ārif* 596, 16.

132 *Ṭabaqāt al-fuqahā'* 91, 1f. (without the grandfather's name). The *kunya* is noted explicitly in Ibn Ḥanbal, *Ṭal* 55, 1.

133 Ibn Mākūlā, *Ikmāl* I 378, 2 > Sam'ānī, *Ansāb* II 82, 7; Ibn Ḥajar, *Lisān al-Mizān* VI 303 no. 4022.

134 *Mizān* no. 5580; *Siyar* VI 148, ult.

135 *Lisān* no. 4014; also *Mizān* no. 5561, but without the *nisba*. Another mistake happened in Mas'ūdī, *Tanbīh* 342, 11, where 'Uthmān b. 'Amr al-Battī should be read, following one of