CHAPTER SEVEN

CRIME AND PUNISHMENT IN EARLY MEDINA:
THE ORIGINS OF A MAGHĀZĪ-TRADITION

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INTRODUCTION

Let us ponder the following scenario. On the outskirts of the Byzantine and Sassanian empires, in the desert wastelands far beyond the concern of any imperial agent of justice or armed keeper of peace, a crime occurred. The leader of a small religious sect, being “few and abased” and steadfastly endeavoring to eke out a still fragile existence in a frontier town formerly dominated by a conglomerate of Jewish tribes, welcomed a band of nomadic strangers from a distant Arabian tribe into their midst. When these strangers took ill, the sect’s leader suggested for them to imbibe the local remedy of camel urine mixed with milk, offering them an ample share in the charitable trust of the city’s livestock that had been dedicated to the poor and needy. The tribesmen headed to the outskirts of the settlement seeking succor for their illness, and after imbibing the remedy recommended by the sect’s leader, they quickly recovered their prior, healthy state. While the motives remain unclear (beyond, of course, the most obvious and insipid such as greed, opportunism and the like), these outsiders attempted to abscond with the very milch-camels from which they had so recently been nourished back to health. In order to do so, they committed a most heinous crime, cruelly killing a young shepherd in order to escape with the herd. It was not long until the town’s inhabitants

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heard word of this ghastly incident. The sect’s leader hastily sent his acolytes to retrieve the young shepherd’s murderers and the stolen livestock. The town’s expedition caught the criminals easily, and they swiftly meted out the murderous thieves’ grim punishment. Their hands and feet were chopped off and nails were heated in fire in order to be shoved into their eyes. Then, there at the outskirts of the town, they left the thieves to die in anguish, baking under the hot Sun on the harsh, ashen rock surface of the nearby lava field.

At least, this is what the muḥaddithūn tell us. Given our historical distance from these events, suspicions always haunt the modern historian that any re-telling of such a story may merely recast in modern prose the detritus of the fanciful inventions about Muḥammad’s life and deeds conjured by ʿAbbāsid-era muḥaddiths – thus amounting to a mere ‘loose translation’ of spurious stories into the historicizing idiom of a modern historian.3 Ought one regard a narrative such as this as a mere biographic nimbus contrived by later, pietistic traditionists who have irrevocably obscured the life of Muḥammad from the gaze of modern persons, or ought one countenance the possibility that the traditions from which the above narrative derives reflects some perceptible bedrock of historical events passed on through generations which we moderns can ponder and analyze for our own purposes?

The following essay aims to address this historiographical concern, specifically with regard to the narratives of the encounter between the early Medinan community and these aforementioned mendicant tribesmen – most widely reputed to have belonged to either the Banū ʿUrayna or the Banū ʿUkl. This will be achieved by subjecting the legion of sources in which this story appears in its manifold versions to a source-critical analysis. This task has been undertaken in the conviction that preceding the moment when the historian may

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3 So alternatively, for example, W.M. Watt writes in his biography of Muḥammad, “A group of Banū ʿUrayna…came to Medina (perhaps in distress through lack of food) and professed Islam; because they were suffering from a fever, they were allowed to go to the pasture-grounds of Muḥammad’s private herd to enjoy the plentiful milk there. But when they recovered strength, they killed one of the herdsmen and made off with fifteen camels; they were quickly captured and cruelly put to death,” Muḥammad at Medina, 43; cf. his treatment of the materials as a whole in idem, “The Reliability of Ibn Ishaq’s sources,” 31–44. While such ‘re-narrations’ have utility and are praiseworthy, especially in terms of distilling one cultural tradition in order to present it to another, the consensus of modern scholarship in the West has for a long time expressed the need for a profounder treatment of the sources.