

# THE MUSLIM WORLD

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## GOD'S WAY IS ONE OF ORDER

Paul wrote to the Corinthian Church, "God is a God not of disorder but of harmony" (I Corinthians 14:33). People who live today in the midst of wars, threats of violence, hatred, hunger, and uncertainty need desperately to find what there is to depend on and what is true about the meaning of life. In the midst of the suffering and the confusion in life today some people say all of these conditions are "the will of God" or they say God in his own way will enter into history in his own good time to deal with life's problems. Christians at their best have insisted that God is not capricious but has an orderly, harmonious way of life which gives man freedom to make choices and to discover the truth and the righteous ways of living.

John Tauler in the fourteenth century said:

"God wants only one thing in the whole world, the thing which it needs; . . . that thing is to find the innermost part of the noble spirit of man clean and ready for Him to accomplish the divine purpose therein. He has power in heaven and earth, but the power to do His work in man against man's will, He has not got."

In recent times Alfred North Whitehead has declared:

"The order of the world is no accident. There is nothing actual which could be actual without some measure of order. The religious insight is the grasp of this truth: That the order of the world, the depth of reality of the world,— . . . the beauty of the world, the zest of life and the mastery of evil, are all bound together—not accidentally, but by reason of this truth; that the universe exhibits a creativity with infinite freedom, and a realm of forms with infinite possibilities; but that this creativity and these forms are together impotent to achieve actuality apart from the ideal harmony which is God."

Let us face this harmony of God at the time of the crucifixion of Jesus. Did God arrange the conspiracy of Judas, the fear of the disciples, the defense of Jewish law and the deci-

sion of the Roman rulers so that Jesus would be put to death? In those tremendous days God never betrayed his own consistent order or proved false to his ways with his people. He was being faithful to his own orderly ways of righteousness and love. He was maintaining the dependability of all his processes throughout his universe. His order included the freedom of men in Palestine to make choices, but always coupled with responsibility for their actions, and interdependence in all the results. During all of those momentous days, God never once denied freedom of choice to any individual: not to Judas, not to the Pharisees or the zealots or the mob or to Pilate or the Roman soldiers. In no sense did God break the bonds of interdependence, not even to rescue Jesus from the consequences of the hatred, the fears and the cruelty of some of his contemporaries. Not even for the benefit of Jesus did God nullify the law of the rain falling on the just and the unjust or the law of the harvest operating for those who entered into hatred, vengeance, and violence. In all of those tragic days, God was being true to his order of love by which his people may grow into spiritual maturity. This order produced Jesus who chose the will of God and grew in wisdom and in favor with God and man.

Extremes in some theological fields today tend to destroy the continuity between God's realm and man's effort as related to the "Kingdom of God." Because of such influences, they tend to strengthen the materialistic forces which discredit man's capacity to work out righteousness, love, and brotherhood. In a period when man excels in his inhumanity towards his fellow creatures there is a tendency to dethrone man's intelligence and capacity to use freedom and to leave him completely at the mercy of fatalistic forces that make him a robot and may involve his destruction.

Christians and other religious leaders need to awaken to the powers inherent in man's capacity to use freedom and in God's dependable order and harmony in the universe.

In several visits recently to camps for displaced persons the author witnessed some of the tragedy in man's freedom and also the enormous strength and dignity remaining in

people who had faced so much misery. Such barbaric cruelty suffered by so many people certainly can not be the will of God. It is man's choice and his interdependence that has created this enormous waste and terrific tragedy. Millions have perished but millions still remain to endure the results of man's hatred and the scourge of man's wars.

In the face of so much misery one is amazed that men and women have so much capacity to plan, to hope, and to do that which is good. The dignity and productive powers of such individuals should stir the imaginations of all who have been spared such inhuman experiences. After years in concentration camps, with all of its cruelty and being cast out as about to die, a frail priest had made a place of worship for his fellow churchmen and is writing a book. It was the love and sacrifice of a devoted wife who had saved him from what seemed imminent death. As these two people chose to move nearer the realm of God's order, the greater has been their power to survive.

A camp for aged displaced persons has recently been organized to serve better the needs of these people as far as human kindness and imagination can do it in the face of limited resources. A woman with love for these aged people has been placed in charge. She has all kinds of people to deal with. Many have come from a life of culture, power, and even wealth, but all such environment for them seems to lie in the past. One aged man and his wife arrived who had prayed daily that God would take their lives. They had suffered too much to endure. After they had been in this camp for a while, they asked to have an interview with a Protestant minister concerned with service to such camps.

They said, "We have prayed for a long time that God would take us to heaven. We want you to help us to understand what has happened. Have we died? Are we in Heaven? This place seems as if we are. Have we died?"

God's rule of love, when chosen by man in his freedom, has power to create much more of a paradise than even religious people believe. The power that resides in the freedom of religious persons, of Christian persons, to make a differ-

ence in conditions on the earth today must be recognized and released. There is transforming power when men unite their spirits with God's order and truth and use their interdependence for good. This union involves worship and action.

"The Lord is a God of justice. Happy are all that wait for Him"  
(Isaiah 30:18).

May we have the courage to wait, the confidence to trust in him, and the will and skill to do his commandments anywhere and always.

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## CHRIST AND THE CROSS

In evangelistic work among Muslims, a familiar difficulty is the denial of the Cross. It is not uncommon to hear, "We honor him more than you do. Do we not call him the Word of God, the Spirit of God? Do we not honor him more than you do when we refuse to believe that God would permit him to suffer death on the Cross? Rather, we believe that God took him to heaven."

Because of the denial of the Cross and because of the exalted opinion of Christ which the Muslims hold, it may be more difficult for them to see the need of turning from their former allegiance to follow Christ than it would be for a follower of an inferior religion. Only a most convincing presentation of the Gospel can move a Muslim to commitment to Christ, as Saviour.

The lines which controversy between Muslims and Christians have followed for centuries have not carried such conviction. New ways of presentation of the Gospel are needed. The attempt was made to present to an enquirer the *historicity* of the Cross in the hope that, if he should be convinced of the historicity of the Cross, he would see the necessity of choosing between Christ and those who deny that he was crucified.

The enquirer, in this case, was a young man, educated, with some knowledge of the world outside of his own country, with some sense of history as contrasted with legend, with an acquaintance with science as well as literature. He was sincerely interested in hearing the truth about the Christian faith, yet he was also filled with the ideas and attitudes and, one might add, with a measure of the intolerance characteristic of the Muslim religion as commonly understood in this land of Iran. It is quite possible that the manner of presenting the Gospel to this young man would not be effective with a less intelligent or less educated person. However, he is typical of a large group in this country who might be convinced by this type of approach.

A course of lessons on the life of Christ was planned with

the intent of leading to the conviction that the Cross was an historical necessity.

The lessons began with the events of the early ministry of Christ. There is abundant evidence that, in the beginning, he was universally popular. His miracles and teachings moved people profoundly, especially the common people. Even the religious leaders of the people were impressed favorably, of whom Nicodemus is an example. We do not know, however, that the political heads, the High Priestly caste, either knew anything about him or were prompted to pay any attention to him. However, large numbers of his people regarded him with great enthusiasm.

His initial welcome did not last long. The Gospels record a series of teaching and events which brought on a rising opposition to him. His opponents, at this time, were the religious leaders of the common people, not the politicians. The group designated in the Gospels as "the scribes and Pharisees," whatever their faults, were deeply interested in what they understood to be true religion. It was not long before they realized that Christ both acted and taught in a manner inconsistent with their religious ideas. When Christ forgave the sins of the paralytic, it was mainly astonishment which overwhelmed the Pharisees. A measure of contempt was added when Christ attended a feast in the house of Matthew. But there was real offense to the Pharisees in the plucking of the grain on the Sabbath, and in Jesus' answer to their objections. Remembering how highly they regarded the Sabbath, as well as their great regard for David, it was hard for them to hear him not only liken himself to David but also assert his lordship over the Sabbath. His rebuke so stirred them that they made an open effort to entrap him by raising the question of the healing of the man with the withered arm on the Sabbath. When Christ both violated the Sabbath in healing the man and rebuked the religious leaders for the hardness of their hearts, they realized that they could not tolerate him. They took counsel against him, even to the extent of approaching the politicians in Jerusalem, with whom the reli-

gious leaders had little in common. They made common cause against Christ.

Because of this hostility of the religious leaders, Christ adopted a new measure in his work. Recognizing that the ultimate result of such hostility would be the end of his influence, if not of his life, he devoted himself to the choosing and preparation of a band of followers who would carry on his work. His popularity among the common people had not diminished, but he knew that, from that time, he must plan his work with the consciousness that a powerful group in his nation had recognized the incompatibility of his teachings and their beliefs. Both he and they knew that the conflict between them must lead to the destruction of one or the other. They were irreconcilable.

For a period, the history of the life of Christ is mainly the record of his training of the chosen disciples. The event which signalized a change in his life was the execution of John the Baptist. If one may believe that the events of the life of Christ were not casual and accidental but were in accordance with God's will, one must recognize the fact that, almost immediately after the death of John the Baptist, Christ performed a miracle that led to a great crisis in his life, the feeding of the 5000. That miracle is the only one recorded in all four Gospels, an indication that the writers of the Gospels recognized its great importance, for it was at that time that Christ reached his greatest popular approval and, too, lost the loyalty of the common people. The people were so moved that they wished to make him their king; but when he refused they left him. So great was this turning away that he even asked his chosen followers whether they would leave him. The support of the masses was gone.

Assuming that the events of his life had logical sequence in the will and knowledge of God, it is significant that, shortly after the defection of the masses, he tested his dearest friends, the Twelve. This testing brought forth Peter's declaration that he was the Christ; but Peter's confession of faith was immediately followed by the first announcement of the inevitability of his death. Peter rejected the thought; but

again the certainty of Christ's death was revealed, six days later, on the Mount of Transfiguration, and again Christ asserted it as they walked in Galilee. Christ not alone unfolded to his disciples the meaning of the prophets but he also led them to recognize the conflict between him and the ruling powers of the age in which he lived. From the time of Peter's confession, he repeatedly brought to the minds of his disciples the certainty of his death. Moreover, his manner of life was based on the knowledge that he walked in the shadow of death. It was from this time on that, as a rule, he avoided public notice, yet did not fear to appear in public when circumstances demanded that he do so. This was the case when he attended the Feast of Tabernacles in Jerusalem. His brothers, lacking faith in him, taunted him for not attending the feast. He went, but not as they anticipated. His presence and actions and teachings were a challenge to the rulers of the Jewish people. His claims, his power, stirred them to seek his life. They tried at that time to take and kill him; but their servants returned to them empty-handed. His time had not yet come.

Immediately following this, he again went into semi-retirement across the Jordan, where he stayed until the death of Lazarus called him again to the very gates of Jerusalem, where his enemies waited to seize him. By this time, his disciples saw that, going to Jerusalem, he faced death. They said to each other, "Let us also go and die there with him." They may not have understood or sympathized with what he was doing; but they did see that his way would lead to his death. That last great miracle, the raising of Lazarus, was a final appeal to men to believe in him; but to those who would not believe it was the final argument demanding his death. He could walk no more in Judea. He retired to Ephraim for the short period that remained until the time of the Passover.

When the time of the Passover had come, Christ who had repeatedly said, "My time has not come," now said, "My time has come." Considering the meaning of the Passover in the religion of the Jews and its significance in foreshadowing the sacrifice which should take away the sins of the world, it

seems beyond dispute that God himself had indeed chosen this time as the time when Christ should make his supreme sacrifice. Christ surely knew this.

The events of the last few days of his life complete the inescapable conviction that he should be put to death. His manner of entering Jerusalem on Palm Sunday was public proclamation of his claims. The cleansing of the Temple both signified his claims and gave notice to the High Priestly group, who counted the Temple their private source of profit. He entered into disputes with every class of the leaders, the Pharisees, the Sadducees, the Herodians, not sparing to answer them in such a devastating manner as inevitably to drive them to desperation . . . unless, indeed, they should believe and be saved. Finally, he uttered those denunciations which were a last appeal, a final shaking of the sieve, from which there was no turning back. What other result could there be from such conduct than the united efforts of his opponents to destroy him?

On the last evening before his death, Jesus established a perpetual memorial honored by all Christians that would have been a travesty if, indeed, he had not died on the following day. The celebration of the Lord's Supper which, from that night, has been regarded as the special sacrament of Christ's followers, is significant in the light of the Cross, and not otherwise. He took the bread and broke it, saying, This is my body which is broken for you. He took the cup and said, This is my blood which is shed for you. The meaning of these words and acts is to be found only in his death the following day on the Cross.

His prayers in the Garden of Gethsemane would be strangely out of place if, as some say, God was about to send his angels to snatch Christ from Gethsemane to heaven, or place a substitute on the Cross.

The events of the remainder of that night and of the next day complete the utter logic of the historical fact of the Cross. For the first time recorded in the Gospel, Christ came face to face with the chief rulers of the people, the High Priests and the Sandhedrin. He made no attempt to mollify them by

modification of his claims. On the contrary, when asked directly if he were the Christ, he assented. The situation was then obvious. The rulers knew that, if he were indeed the Christ of God, they must submit to him. There was no choice left to them other than to submit to him or to destroy him.

Men of lower standing had opposed him for a long period, but they had had no power to do more than that. Now he stood face to face with the rulers who had the power to condemn him. He had made clear to them his claims: the remaining events are concerned largely with the wiles and craft of the High Priest in forcing the Roman governor to order Christ's execution. The weapon which the High Priest used against the governor may be understood even better by orientals than by occidentals, the threat of a complaint to the emperor. Remembering that life is held cheap in lands that are ruled by violence, remembering, too, that Christ was a person of no consequence in the eyes of the Roman governor, we readily understand why the governor was willing to order his execution rather than to answer to a complaint before the emperor.

In this way we are led to the Cross. It was the logical and historical consequence of the manner of life, the actions, the teachings of Christ himself. It was an historical event.

The purpose of such a presentation of the historicity of the Cross was not to raise the theological problems and teachings of the Cross but to convince the enquirer that it was an event which actually took place in history. It would then fall to the enquirer to decide for himself how to regard the denial of the Cross. Here, it would seem, is a decisive problem, an unavoidable choice. To admit the historicity of the Cross challenges those who deny it. On this issue, it may be, a sincere enquirer might come to realize that he must make a choice. If he concludes that the Gospels do describe a course of historical events which led logically to the Cross, this might be the crucial decision leading to his final commitment to his Lord and Saviour, Jesus Christ.

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## A MISSION OF FRIENDSHIP TO THE MUSLIMS OF TURKESTAN

Riding back one day from inspecting a Buddhist site in the desert hills to the north of Kashgar oasis, Sir Aurel Stein happened upon a ruined building containing bones. This he examined, and concluded it had been a place of Christian burial, a columbarium of the Nestorian church which disappeared in Turkestan some six centuries ago. The buildings of the Christian Church in Turkestan in this generation are already razed to the ground or rebuilt to other uses, but the memorial of the martyrs should be written, not in tables of stone, but in fleshy tables of the heart of ourselves their contemporaries and so it will endure.

It should be of value to study, however briefly, the conditions and some of the principles under which the Mission from Sweden to the Muslims of Turkestan was carried on.

It has sometimes been suggested that forty years ago, East Turkestan (now usually called by its Chinese name, Sinkiang) was a country wide open to the Gospel, and that the Christian church lost her opportunity then. A very cursory glance at the history and geography of the area will show why this was never the case.

Since their conversion to Islam in the 13th-14th Century A.D. the Turkis have felt themselves to be a Muslim enclave threatened by what they considered to be two great idolatrous systems: that of Buddhist China on the east, and that of Orthodox Russia on the west. Throughout the last two thousand years, with one or two breaks of a decade or so, the country to the east of the Tian Shan Mountains has always acknowledged the general suzerainty of China, though sometimes that control has been little more than nominal. To the west of that range, however, the Turkis and other Muslim peoples maintained complete independence until the last century, when Russia advanced into Asia and conquered one Khanate after another until, in 1868, she reached the frontiers of the Chinese Empire. It was in 1877 that Yaqub Beg at Kashgar made a last, unsuccessful, attempt to achieve an independent Muslim state in Turkestan. Since then all Turkis, Tatars, and kindred races have been the subjects of either the Chinese or the Russian empires.

The Turkis of the next generation were thus extremely sensitive on the point of their religion, and both Russian and Chinese rulers allowed their Muslim subjects almost complete autonomy in matters of Canon law and social organization. No Christian missionary, Orthodox or otherwise, was allowed to settle in Russian Turkestan; and in Chinese Turkestan, when the Swedish Missionary Society (*Svenska Missionsförbundet*) came to Kashgar in 1892, the Chinese only

permitted the Swedes to live there as Christians provided they should do nothing that might be disliked by their Muslim neighbors.

The Mission grew; it began work in three other cities; there were out-stations in villages, but at all times from 1892 until it was ejected by the pro-Atheist rule of 1939, the Mission lived always under that threat. In times of political peace in the country, any *mullah* who wanted to display his zeal and preaching ability could close down the Mission work for some weeks, or even months, by raising a mob against the Christians; and it was a wonderful year for the Mission in which no such incident happened anywhere in the country. In times of political unrest, when Muslim zeal was roused against their Chinese rulers, the Mission was sure to be attacked too.

East Turkestan is uniquely situated. With the mountains of the Roof of the World to the south dividing it from India, Tibet and Afghanistan; with the Tian Shan on the west and north and the great Gobi Desert between it and China on the East; and with so scanty a water-supply that its Turki speaking population of some 3,000,000 are almost all scattered in the chain of oases round the Takla Makan Desert in the center; it might seem to be a sort of Shangri La, cut off from all the world. On the other hand, it lies in the very center of Asia, and is crossed by the most ancient and vital trade routes. Its frontier is the meeting place of four great religions and three antagonistic systems of government. The effect of these two geographical factors is that very few outsiders reach the country, but those few represent every race and religion of Asia.

Consequently, Turkis were as indifferent as Londoners to the sight of small groups of strangers of widely various speech, clothing or race; but any large foreign colony in the small cosmos of each oasis would have been conspicuous and irritating.

This conditioned the Swedish Missionary Society's work in some important respects.

As the cities of the larger oases form the natural centres of wide areas, it was found wisest for the Swedish workers of the Mission to live in those centers. All villagers go frequently to the nearest city and are there far more accessible to new influences than in their own homes. Villagers and townsmen came readily to the Mission dispensaries in the cities, or out of curiosity to Christian services. For instance, for many years, at the Sunday morning services at Kashgar and at Yarkand, the attendance averaged about 200, of which not more than forty persons would be Christians. On the other hand, any foreigner visiting a village was usually encouraged to stay in the local caravanserai; anyone offering him private hospitality had always to report to the Chinese police, and if the stranger were a missionary his host would probably come under suspicion also from the local mul-

lahs. Work in the villages was therefore carried on by the Turki Christians. *Not* the Mission but the churches at Kashgar, Yarkand, et cetera, bore the responsibility for all the Outstations. Medical tours of itineration could, however, be carried out through the villages every summer by a couple of missionaries, provided they stayed only a day or two in each place. A strictly limited number of such tours, and all the medical work of the Mission, were not only approved but encouraged by the Chinese authorities; naturally, since to meet another modern-trained doctor or nurse one would either have to cross several mountain ranges of upwards of 10,000 ft. or else travel a thousand miles; indeed if one could not get a passport to enter the U.S.S.R. one might have to do both. There was a dispensary with fully-qualified nurses, midwives and dispensers at each Mission station, and at Kashgar was a small hospital which normally dealt with 8,000 new patients a year. When Rev. G. Palmberg was there, Kashgar was the only place in the province where operations for cataract were done, and its reputation grew until blind and other patients came there from towns several weeks' journey away. The medical work and the maternity care were greatly appreciated, and were the first means of making friends for the Mission among the Turkis and Chinese. Each of the four Mission stations was built on a highway just outside the city walls, to be easily and inconspicuously accessible to passers-by. The city gates were always barred from sunset to sunrise; but during the twenty-nine years that Nurse S. Mårtenson worked in Turkestan, neither she nor any other of the nurses had any difficulty in reaching a patient inside the city; at any hour of the night the watchmen of Yarkand, Kashgar, Yengi Hissar or Hancheng had leave to open the gates for them.

Secondly, it was not desirable to set up a large mission establishment. It would have attracted suspicion and have been too expensive to have any useless mouths. Therefore every member of the Swedish mission was carefully chosen, trained for work among Muslims, and each was equally a missionary acting under a sense of personal responsibility to the call of God. If a young man who offered for this Field was engaged to be married, he was only accepted if his fiancée was already fully qualified for some career, as nurse, teacher, midwife or dispenser, or was prepared to be so trained. If a bachelor missionary on leave married a girl who felt no personal call to engage in that work herself or who could not pass such examinations, he became a pastor at home. The missionaries worked as hard as any of their neighbors at obviously practical tasks which needed no explanations. Muslims despise celibate religious orders, but they could respect (even when they opposed) a group of half a dozen including married couples, where every man and woman was carrying out a daily job

for which each was fully trained; performing operations, teaching in school, supervising compositors in a printing press, training young craftsmen or visiting patients' homes for maternity work.

The Swedes believed that the Lord had sent them because the people of Turkestan had need of the service of European Christians. So they did not try to imitate either Chinese or Turkis: they worked among both peoples. They lived as Swedes, with a blue and yellow flag flying gaily from a white pole in the garden; and a Chinese flag flying from another on high days. They introduced good carpentering, and techniques for building, weaving, knitting, cheese-making or grinding flour, that they had been used to employ in Sweden. This happy accident of their previous environment was greatly responsible for their slipping easily into the acceptance of their neighbors. People with farming experience could understand at once the mediaeval economy of the Turkestan oases based on agriculture, and could win respect for being able to give really useful advice. It also helped the Swedes themselves to remain happy in their very lonely life. They were in no respect aloof, their neighbors were in and out of their houses all day long.

Perhaps because it was a free church that sent them—Svenska Missionsförbundet in doctrines and church order has its nearest affinity with the Congregational church of the English-speaking countries—perhaps because unsuitable candidates were quickly weeded out, the Mission seemed to assume that its business was to send out trustworthy Christians, and that the Holy Spirit would guide their lives in Turkestan. They were few in that great country, there was much work to do and they met once a year from the four cities where the twenty-five to thirty of them were stationed, to decide in a Field Conference how the tasks should be divided. They had to abide by those decisions, but then each had substantial freedom in how his work was carried out, and his private life was his own.

Turkis are indifferent to ritual, but they are sensitive to atmosphere. Their new neighbors observed the customs of the country in the ordinary courtesies of everyday life, but Turkis watching them saw that here were people who lived by a free spirit. The Turki lived under the Shari'ah. If he were afraid to enter a house where lard was used, Mr. Palmberg's Muslim cook would re-assure him. But that was a matter of courtesy. He knew that no Swede thought that pork mattered one way or the other, and would eat it freely when guest in a Chinese house. The Turkis saw that among themselves the Swedes laid no stress whatever on uniformity. The spirit that led Mr. Nyström to build a tank for baptism by immersion at Yarkand worked as freely in the church at Kashgar where the converts were baptized by the sign of the cross. It was not a Mission where one was asked to suppress

one's principles or one's recreations for the sake of one's fellow-missionaries. There was frank, sometimes fiery discussion at times, and there was a bond of indissoluble comradeship; a fellowship whose equal I have only met once again, in a Warden's Post during the last months of the long Blitz on London. This spirit was felt by both Turkis and Chinese, and not by them alone. It will be remembered that twelve years after the opening of the Swedish Mission at Kashgar, Mr. George Hunter of the China Inland Mission reached Urumchi, a thousand miles away, the distant capital of the whole Province, to work for a lifetime among the nomad Tatars and Qazaks of Dzungaria, the country north of the Tian Shan because he "wanted freedom and liberty" and was miserable in any mission station in China. It is of interest that that very intractable missionary regarded a visit to the Swedish Mission in Turkestan Proper as a holiday, and is believed to have made three separate efforts to get one of them to join him in his wanderings.

Much was due to the influence on everyone of Rev. John Törnquist whose wisdom and policy carried the greatest weight with his fellow-missionaries from the time he came out, in 1903, until his death at Hancheng in 1937, and whose complete mastery of Chinese made him the spokesman of the Mission in its relations with the authorities; he had also a good knowledge of Turki, Russian and English.

Until Russian influence began to determine the policy of the Sinkiang Government after 1937, the Swedish Mission had the advantage of not being identified in the popular mind with any political trend. The rulers were Chinese. Russians, English, Indians, Afghans and Tibetans were the normal foreigners. Sweden had no possible stake at all in Turki affairs. The missionaries were despised on that account, but they were not hated and they were not courted for political reasons. There was no connection between Christianity and Sahibs. Again, there was no subject Christian church already in the country, such as in Near East countries makes it so much more difficult for missionaries to approach Muslims.

The Swedish Missionary Society came to Kashgar in 1892. When Rev. L. E. Högberg and his wife began their work the third member of the party was a Christian Turk. After Russo-Turkish hostilities a repatriated Turkish prisoner-of-war had taken back with him to Erzerum a copy of the New Testament in Turkish. This was read by a boy named Muhammad Shukr and was the means of converting him from Islam. He had to flee from Turkey, and at the Swedish Mission then working in Russian Armenia, he was baptized and assumed the name of John Aveteranian. When it was decided to commence mission work in Turkestan, he also felt the call, and at Kashgar while

Mr. Högberg began medical work, and his wife taught the children, John Aveteranian made the first preliminary translation of the New Testament into Turki.

Since all the missionaries had been ordained to preach the Gospel, the men at each station took it in turns to conduct the Sunday services, the morning and evening prayers, and shared in the other evangelistic work; and it was taken for granted that any Turki Christian, soon after his baptism, if he could read, would have his place in the list for taking part in the simpler services; though the pastoral work was naturally not committed to everyone, but was undertaken by a few senior Christians, Swedish, Chinese or Turki, and the Communion services were taken only by those who had been ordained.

But it was long before there were any Turki Christians. Turakis are naturally independent, of a matter-of-fact and cheerful disposition. They were not easily impressed by preaching, they cared little what the Swedes believed, but they were interested in watching how they lived. In the first thirty years there were a few secret believers but only a handful of baptisms, which is not to be wondered at when it is remembered that after the first baptism at Kashgar a serious riot broke out in the city and the lives of the missionaries were in some danger. But in the course of the forty-seven years that the Swedish Missionary Society worked in the country, both the medical and the other sides of their work came to have an increasing influence. Turakis at first disbelieved in the possibility of monogamy and the standards of Christian family life, though greatly dissatisfied with their own. It took many years to convince the first few; through what they learnt on these matters from the Gospel and through the example of their Swedish friends. But when these few had proved the Christian life was real and workable for themselves, their own lives and teaching carried increasing weight with their Turki acquaintance, and in the last twenty years the church doubled and quadrupled in numbers, despite the serious and permanent worldly loss and ostracism that baptisms always involved. In the fifteen years between 1918 and 1933 some 163 converts were baptized. There were many secret believers and hundreds of others habitually attended the Christian Sunday services. After the end of the first persecution of the Civil War that began in 1933, there was a lull and the numbers rose again to over 200. A Chinese Christian church grew up at Hancheng as a result of the work of Rev. and Mrs. Törnquist and others. The Middle School at Hancheng under a Chinese Christian principal, Lo Losa, was the only institution qualified by government recognition for secondary education in the southern areas of the Province, and among its pupils were the sons of many Chinese minor officials. Orphanages for Turki children were started at Yarkand in 1920, though some particularly

needy children had been boarded out before that, and about twenty-five boys and thirty girls at a time were brought up there. At Kashgar a printing press was set up in 1912 which published not only school textbooks and carried out the bulk of the printing orders of the local authorities and city merchants, but which also produced Christian literature.

As a second generation of Christians grew up into young men and women, they began to have a real influence on the ethical standards of thoughtful and upright Muslims in Kashgar, Yarkand and Yengi Hissar. Also the work done by Christians, not only for the sick poor who could not pay for treatment, but also for orphans and in food kitchens connected with their primary schools, sometimes served as a spur to Muslim zeal to do likewise, and sometimes broke down the prejudices of fanatical Muslims.

The following evidence is relevant here: 'Ali Akhond, the son of a farmer in Kashgar oasis, who was martyred in 1940, wrote that when, as a young Sunni dervish, he first came into contact with the Mission work at Kashgar: "For long I could not bring myself to believe what they said. After some eighteen years' acquaintance, about 1335-6 A.H., by the will of God through Our Saviour, when the second wing of the hospital was being built I entered the service of Mr. Högberg, and worked there. I got a good deal of praise for the way I worked. I listened to a great many more sermons on the Gospel and began to understand it a little. So some ten more years passed, and then I said to myself, 'If I go on living here some evil may come of it,' and I was afraid and I went away. During the next years I thoroughly examined the Muslims and watched the deeds that were produced by their religion, and I also watched to see what deeds the religion of the Christians produced, until I felt I really knew them both. Then I said to myself, 'This will not do, I cannot longer refrain from becoming a Christian.' So I accepted salvation, and when I had been baptized my heart received peace."

Another, much younger man, Yusuf Rykhan, the son of a Shi'ah Du'a *mullah*, who was condemned to death when Habil Akhond was martyred at Yarkand in 1933, but who later was reprieved and succeeded in escaping to India, wrote that when he was a boy, constantly in and out of the Mission grounds, "I never gave a thought to the customs of the Christians. I had read the Gospel but I did not even hear it when it was read aloud, for I thought it all rubbish. However, at last I began to give some thought to the work of the Mission, and to say to myself, 'Why do these particular people behave like this? They show love to everyone, and however much people hate and oppose them, they do not grow weary of giving help, of looking after unwanted children, and of preaching.' Then I came near with affection

towards them, and as I watched and gave thought, some things became clear to me. But again I felt my antipathy to Christianity return, and I fostered it in myself. For everyone was saying, 'Look, here is the right and only way to find salvation.' In faith and my actions, I had followed the religion of the Shi'ah, and before my eyes were the religions of the Sunni and of the Christians." (Most Turkis are Sunni.) "So to discover which was right, it was needful for me to go a long journey by a difficult road, until at last I discovered that by the power of God the salvation He has appointed for us and all mankind is only given through Our Lord God Jesus Christ. And I stand prepared, hoping to be His witness, as one in the fellowship of the Holy Spirit and of the company of all on earth who believe in the Lord. We are brethren and sisters in the love of the Lord our God Jesus Christ."

It is clear that these were not people to be easily moved. But when they had at last been convinced, they came of themselves and brought their friends with them to ask for baptism and to stand in jeopardy for the Gospel.

In 1932/33, when the Tungans were invading northern Sinkiang, the Turki Muslims of Khotan rose in sympathy, proclaimed the *Jihad* against idolaters and atheists, and conquered the south, murdering the Chinese as they went. They also arrested all Turkis who were named as Christians at Yarkand. Young Habil Ahond, aged nineteen, was publicly martyred; the rest were flogged, and, including the older boys and girls from the Homes, they were imprisoned in the hope that they would recant. The three Swedish men missionaries were condemned to death and led out to execution, but at the last moment the head of the Indian traders at Yarkand interceded, and they were imprisoned instead as hostages. The rebel regime was, however, short-lived, and the Christians were released some weeks later.

A young Swedish nurse who was sent to Yarkand in the following year, wrote: "I was glad to become acquainted with the Christians there; I knew how hard a time the little congregation had just been through, and the young Christians especially, some of them still in their teens, filled me with admiration. They had already been in prison and suffered for their faith. They had been tempted with offers of good jobs and other advantages if they would give up being Christians. Nevertheless they had come back to take their share in serving Christ and the mission. It was a joy to see them, to hear them singing at the services in church, and when their turns came to speak they were not ashamed to witness to their faith."

There was then a lull in the fighting for about two years. But the anti-God Movement, which the Khotan Turkis had hoped to expel, was working strongly all through the country, and the Swedes "realised that it was essential for the people of Turkestan to have a Bible

that the common man could understand even when there was no one there to explain its meaning. The early translation of the New Testament had necessarily followed the style of most Turki literature, so it had been obscure in many places, and it used bookish and Persianised grammatical constructions so that the uneducated found it difficult to follow. What was needed was the Bible in language that everyone could understand." In these forty years, much work had been done by Dr. G. Raquette and others on the structure and grammar of the Turki language which had never previously been scientifically studied. A revised translation of single Gospels and hymn books and other literature had been printed at Kashgar. Now, Rev. G. Ahlbert and Rev. O. Hermansson, who were qualified by many years of study both of the original languages of the Bible, of Arabic and of Turki, were appointed to make a completely new translation of the New Testament and of the whole of the Old Testament.

In 1935 the work was pushed forward at Yengi Hissar, and of this Mr. Ahlbert wrote: "Although religious liberty in the country dwindled every day, a hunger and thirst for God's word became increasingly noticeable. Many Muslims began to realise the powerlessness of Islam against this rapidly encroaching atheism, and they felt impelled to study the life and gospel of Christ. Never before was such friendship shown the Mission by influential and leading Muslims as in these last years. Quite a number of Muslims came to be baptized and joined the Church. While, even in Yengi Hissar we were beset by spies, and the regular Sunday services were picketed and were therefore less well attended, many came to our morning and evening prayers, and followed the service heartily and with attention. At these meetings the New Testament passages read were taken from the new translation as it was ready. Thus we were able to judge how far it was acceptable and comprehensible to the congregation. Many of the Christians told us that it gave them a completely new light on the Scriptures."

Mr. Hermansson took the completed MSS. of the New Testament down to India in 1937. That was scarcely done when the Tungans made a fresh attempt to seize the whole country, but were challenged by the party of General Shen Shih-tsai who though not a Communist had made alliance with the Bolsheviki across the frontier, and who controlled the north. There was a reign of terror for three months, then, chiefly by exploiting jealousies among the Tungan leaders, the other Chinese party under Shen Shih-tsai got the Tungans to withdraw eastwards towards Kansu, and assumed complete control. They pursued a strongly Atheist policy and arrested and executed many leading Muslims. They also arrested, one after the other, all Christian men, and dispersed the children in the orphan-

ages at Yarkand. The ground of arrest was never their Christian faith, usually no charge at all was preferred, but if any were given it was conspiracy or some small charge under the criminal law. One young Christian at Kashgar, just after a comrade had been arrested, said with tears to Mr. Moen: "If only they would openly admit that they are putting us in prison because we believe in Christ, I would gladly give my life even if it were for execution in the market-square, but it is bitter to be arrested for petty theft and other small offences which we know we have not committed." This lad knew what he said for he had stood bound next to Habil Akhond when the latter was martyred in 1933.

The last Christians disappeared into prison in the winter of 1938-39. Their fate was not definitely known until after World War II, when it was learnt at last that some had been executed, some starved to death, and the rest beaten and thrust in groups into cells so small that no one could sit or lie down. There they stood until in most cases gangrene of the legs set in. Only two or three of the strongest survived to linger on for years in prison, and at last be released under heavy threats. The missionaries meanwhile had been interned. The women, a few months later, were allowed to go home to Sweden via Russia. Messrs. Ahlbert, Anderson and Moen tried to remain on, living on such food and water as were left in the Mission premises or that Muslim friends would throw to them over the garden wall by night; but when it was seen that they would not ask leave to go home, they were arrested, taken three weeks' journey under military escort, and put across the Indian frontier. Hancheng church had already been razed during the civil war in 1938. The other mission stations were sacked, and their buildings were put to the uses of the new order. In 1947, when changes had taken place in the government of Sinkiang, two of the Swedes were allowed to make a journey through the country to Kashgar, but permission to start the work again was refused.

One of the young men executed in prison at Kashgar was named Rozi Ahmad. His younger brother Simon had been impressed into the Tungan army, and when that drifted back to Kansu and was disbanded, Simon found his way to the nearest Chinese Christian church and told them what had happened to the Christians at Kashgar. His hearers were greatly moved, and resolved that Chinese Christians must now take on the responsibility for becoming missionaries to Turkestan, and the "Back to Jerusalem Movement" in China owed much of its inspiration to Simon's story.

In 1939, on the advice of its delegates at the Tambaram World Missionary Conference, the home Council of the Swedish Missionary Society agreed to accept an invitation to take up work among Mus-

lims in Bombay Presidency, whither several hundred Turki Muslims had also fled from Sinkiang. There in 1942, Mr. Ahlbert and Mr. Hermansson began their translation of the Old Testament into Turki. Mr. Ahlbert's experiences, however, had undermined his health and he died the following year, his thirty-first as a missionary, and Mr. Hermansson completed the task single-handed in 1946. For the necessary consultations on literary style, he had the great advantage of fellowship with a Turki from Khotan who met the Swedes after they had settled in Bombay and became a Christian. Dr. Nur Luke had not only Indian university qualifications as a medical man, but had reached the highest grades as an exponent of Muslim law and Turki university courses before he had left Turkestan.

The future of Sinkiang is in the dark; but Turkis have shown us how to die for faith in Christ. Simon was not the only schoolboy who escaped the martyrdoms of 1939/40, nor Habil's sister Eva the only girl to witness as a Christian after her brother's death, when she was put to work as a school teacher under the new regime. The Bible Society hopes to publish Mr. O. Hermansson's translation in 1950. So there is now the whole Bible in modern Turki, and we must pray that its words may go into that end of the world to bring forth more fruit from the children of those who have died thus in faith, and "are therefore before the throne of God and serve Him day and night in His temple."

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## TRADITION, THE SECOND FOUNDATION OF ISLAM

Islām is a system which presents itself in a very well-ordered manner, having four foundations which, in order of importance, are the Qur'ān, Tradition, *Ijmā'* (consensus), and *Qiyās* (analogical reasoning). The Qur'ān naturally comes first, as it is believed to be God's word and to be eternal. Tradition, which deals with the Prophet's words and deeds and his reaction to things said or done in his presence, must of necessity be considered second in importance. While the non-Muslim does not doubt that the Qur'ān was Muḥammad's composition, the Muslim believes that he was merely the channel through whom it was conveyed to the world, and that he had nothing to do with its composition; whereas, although he was always considered to be under divine guidance, his sayings were his own. An interesting sidelight into this conception is seen from remarks which are sometimes made about sayings found in Tradition. One occasionally finds someone pointing out that a certain remark of Muḥammad's is proved to be true because it agrees with something which God has said in the Qur'ān. It evidently does not occur to him that the two sayings may have come from the same source.

*Ijmā'*, the third foundation, is somewhat vague. Islām has had no church councils where matters have been discussed and where decisions have been made. One can therefore understand the position of *Ijmā'* only by looking back and realizing that it has been reached. This means that *Qiyās*, the fourth foundation, is a stage on the way to *Ijmā'*. Where an authority meets a problem on which there is no clear guidance in the other three foundations, he must come to a decision by arguing on the analogy of something which he finds in them. Naturally, in course of time, views which at one stage were in the category of *Qiyās* will be recognized to have advanced to the category of *Ijmā'*.

In considering these foundations one is struck by the fact that *Ijmā'*, which is reckoned third in importance, is really the most important of all. It was raised to the status of a foundation by al-Shāfi'ī (150-204/767-820), but this was a recognition of what had existed before his time. One may hold that the text of the Qur'ān as we have it was really determined on this principle. The recension drawn up under 'Uthmān, while efforts were made to establish it as the authoritative text, had to struggle for its pre-eminence for a time, and there is reason to believe that other versions continued to be used for long.<sup>1</sup>

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<sup>1</sup> cf. *Fihrist* (Cairo edn.), p. 40, where reference is made to a copy of Ibn Mas'ūd's version copied in the second half of the second century of the Hijra.

But the consensus eventually established it as the only authoritative text. Tradition grew up in different centers, each of which had its own group of traditionists with their chains of authorities. In course of time these local traditions were brought within the main body of what was generally accepted; but the collections which are now recognized as authoritative had to struggle for their position. It was *Ijmā'* which placed the collections of tradition in their relative importance, and this *Ijmā'* took a long time to become evident.

It is only natural that Tradition should have reached a high place in the estimation of the community, for next to the word of God what was believed to be the example of the Prophet was bound to carry weight with people of succeeding generations. But it is not at all clear that Tradition as we know it was considered a matter of importance from the beginning. Indeed, it would hardly be necessary in the early period immediately after Muḥammad's death. Those who had associated with him knew his principles, and they went ahead spreading the sphere of the new religion confident that they were engaged in an important task. This brought them into unfamiliar surroundings and raised problems which had not arisen in Arabia, problems which were met as they arose with no very definite principle to guide. In the excitement of the times this was unavoidable, but something more stable was required. Yet it took Islam a long time to settle on Tradition as a guide second in importance to the Qur'ān.

Those who sought guidance in Tradition were not in the first place those who were in authority. They were rather pious people who were distressed by the methods of government and longed for a state ruled by the principles of Islam. The study of Tradition was therefore at first almost a kind of underground movement. Ideas were still fluid and different views were held. For many a day the state was ruled according to the desire of those who were in authority. The first four Caliphs came to be called the rightly guided Caliphs, although different views were held about which of them really were rightly guided. They were followed by the Umayyads who have generally been accused of being irreligious. Then came the 'Abbāsids who made a show of being religious. Their Caliphs might indulge in what pious people considered illicit pleasures, but they set themselves up as defenders of the faith so far as the general community was concerned. It was under them that Tradition came into its own.

That Tradition did not in the early days hold the prominence which it later attained is indicated by the fact that in his *Muwatta'* Mālik b. Anas (d. 179/795) included only, at the most, over 800 traditions traced to the Prophet, and a larger number traced back only to Companions or Followers; and, further, that he was often content to quote his own opinion. The *Muwatta'* is, of course, a law book and

not strictly a collection of traditions; but the important point for our purpose is to note that this legal work, composed in Madina in the middle of the second century of Islam, is content to quote as its authority more traditions from Companions and others than it does from the Prophet, not to mention Mālik's reliance on his own opinion instead of seeking some authoritative basis for his judgment. If Tradition had early been recognized as normative, Mālik could not have produced his work on the principles which he adopted. We cannot argue that he knew only over 800 traditions traced to the Prophet, but these were certainly all that he adduced for the purposes of his work. Although he lived in Medina, the town which the Prophet had made his own, he shows comparatively little knowledge of the wealth of traditions which became current in other parts of the Muslim world.

Certain words are used for different aspects of Tradition. *Ḥadīth*, which means a story, is used of any report of what the Prophet said or did, or of his tacit assent to anything which took place in his presence. It is also used as the technical term for the science of Tradition.<sup>2</sup> *Sunna* means a path, and is a general term for the practice of a community.<sup>3</sup> It means tradition in the sense that certain customs are traditional, whether or not there is a saying to support them. *Khabar*, which means news or information, is a word about which there are differences of opinion. It is commonly said to mean information about the Prophet,<sup>4</sup> but it is also applied to Companions or Followers.<sup>5</sup> Al-Tahānawī says that every *ḥadīth* is a *khabar*, but that every *khabar* is not a *ḥadīth*.<sup>6</sup> *Athar* (plural *āthār*), which means remains, is used of traditions which go back to Companions or Followers; but al-Tahānawī quotes an opinion that it may also be applied to traditions traced back to the Prophet.<sup>7</sup>

It is commonly said that in the beginning tradition was purely oral, and that only gradually did it come to be written down. In the beginning, before men thought of Tradition as a foundation of the system, stories about the Prophet would almost inevitably be oral, partly because many narrators would be illiterate, and partly because such stories would merely be retailed for interest. One can well im-

<sup>2</sup> Al-Tahānawī, *Dictionary of Technical Terms* (ed. Sprenger), p. 279.

<sup>3</sup> This does not necessarily apply only to the Muslim community. Labīd says in his *Mu'allāqa*, speaking of the *sunna* of his tribe in pre-Islamic times, "every people has a *sunna* and its imām."

<sup>4</sup> cf. Muslim, *Ṣaḥīḥ* (Cairo, 1349/1930), i, p. 48; al-Ghazālī, *Iḥyā'* (Cairo, 1915), i, pp. 5ff.

<sup>5</sup> Tahānawī, *op. cit.*, p. 281. cf. Lane, *Lexicon*, pp. 529, 696.

<sup>6</sup> *op. cit.*, p. 281.

<sup>7</sup> *op. cit.*, p. 65; cf. Lane, *Lexicon*, pp. 19, 529, 696. Al-Ghazālī (*Iḥyā'*, i, pp. 7f.) uses the term more widely, as under *āthār* he quotes, for example, Aḥmad b. Ḥanbal and Al-Shāfi'ī. He also includes a tradition from the Prophet.

agine people who had known the Prophet recounting stories about him as time went by to others who had not met him and desired information. One can also imagine them becoming more and more garrulous as time went on. This is not to say, however, that all the traditions attributed to Companions really emanated from them. But Tradition must contain a core of information coming from Companions, however difficult it is now to decide what may be genuine and what may not.

Whether or not any of this material was written down and collected at an early period it is difficult to say. Ḥājji Khalifa says that the Companions and Followers did not collect Tradition in written form because of their sincere faith, their nearness to the time of the Prophet, the small amount of disagreement in their time, the battles in which they engaged, and their having opportunities of referring to authorities.<sup>8</sup> But one may naturally question the suggestion that traditions were never written down. Sprenger wisely remarks that, while he is prepared to believe that no real books were produced before A.H. 120, he cannot believe that traditionists before this trusted wholly to their memory and had not at least written notes.<sup>9</sup>

That there was a disapproval of writing in certain circles is quite clear, for examples of approval and disapproval are found in collections of Tradition, the sayings on both sides of the argument being attributed to the Prophet. For example, in his *Sunan* Abū Dāwud quotes two contradictory traditions in the same section.<sup>10</sup> In one we are told that ‘Abdallāh b. ‘Amr had written down words spoken by Muḥammad, whereupon Quraish objected on the ground that Muḥammad was human and therefore liable to speak under the influence of some feeling. He consulted Muḥammad who told him to write, as he always spoke only the truth. This is followed by a tradition in which Zaid b. Thābit says that Muḥammad ordered them not to write down any of his talk. Al-Bukhārī gives what is almost an amusing tradition on the subject, in which Ibn ‘Abbās is reported to have said that when the Prophet’s pain was severe he called for writing materials so that he might write for his followers a book after which they would not go astray. But ‘Umar, suggesting that the Prophet was overcome with pain, said that they had God’s book which was sufficient for them. Immediately a dispute arose in which the voices rose high, whereupon the Prophet ordered everyone out. Ibn ‘Abbās bewailed the misfortune which had caused the book to remain unwritten.<sup>11</sup> But the story suggests that ‘Umar felt himself com-

<sup>8</sup> *Lexicon bibliographicum et encyclopaedicum*, i, pp. 79f.

<sup>9</sup> *ZDMG*, 1856, p. 5.

<sup>10</sup> *‘Ilm*, 3.

<sup>11</sup> *‘Ilm*, 39.

petent to overrule the Prophet. Sprenger has collected a number of quotations of passages on the question of writing, showing how contradictory the information is.<sup>12</sup> Guillaume rightly says, "As a matter of fact, the controversy as to whether it was lawful or not to write down traditions really belongs to the age when the critical collections of traditions were made."<sup>13</sup>

In spite of strong opposition in some quarters to the writing of traditions, collections were made and were accepted by the community. In these the form of the individual traditions is always the same, consisting of two parts, the *isnād*, the chain of authorities through whom the tradition has been transmitted, and the *matn*, the text. The traditions were compiled for the purpose of giving guidance on every conceivable type of topic, so one would expect that chief emphasis would be laid on the text; but we find that it is laid on the *isnād*. Muslim, in the introductory chapter to his *Ṣaḥīḥ*, has a section entitled, "The section on the subject that the *isnād* is a part of the religion." The first statement given there says, "This science is a religion, so consider from whom you get your religion."<sup>14</sup> 'Abdallāh b. al-Mubārak is quoted as saying, "The *isnād* is a part of the religion, and were it not for the *isnād*, whoever wished would say what he wished." It was considered to be of vital importance to know how a tradition had been transmitted, the assumption being that, if all the names in the chain were those of reliable people who were known to have met the one they quote, the matter transmitted must be correct. The emphasis on the *isnād* was therefore a method of safeguarding the text. Because the text purported to give guidance which regulated all the affairs of the community, it was essential to have a method of guaranteeing the validity of these traditions. To the western mind this emphasis on the *isnād* does not seem to be a very reliable check, for one can conceive of people who had a view to uphold inventing a tradition and providing it with an unimpeachable *isnād*; but to those versed in Tradition it was treated as perfectly satisfactory.

Not only should a tradition be preceded by its chain of authorities; there should also be an indication of the manner in which the transmitters received it from those whom they quote. For this purpose certain words were used. Al-Nawawī, in his introduction

<sup>12</sup> *JASB*, 1856, pp. 304ff.

<sup>13</sup> *The Traditions of Islam*, p. 17. Ibn al-Ṣalāḥ, after quoting traditions for and against writing and speaking of the different views held, says, "Then that disagreement passed and the Muslims agreed to allow that and declare it permissible. Had (tradition) not been collected in books, it would have disappeared in later times." *ʿUlum al-ḥadīth* (Aleppo, 1350/1931), p. 171.

<sup>14</sup> i, p. 84.

to Muslim's *Ṣaḥīḥ*, says that Muslim's practice was to use *ḥaddathanā* (he related to us) when quoting words heard from the *shaikh*, and *akhbaranā* (he informed us) when quoting words which had been read over to the *shaikh* and acknowledged by him to be his.<sup>15</sup> Al-Bukhārī mentions these two words, and also *anba'anā* (he acquainted us) and *sami'tu* (I heard), in a chapter heading.<sup>16</sup> Ibn 'Uyaina is there said to have considered that the four words serve the same purpose. Other people are mentioned who were accustomed to use one or other of these words. The point is that if such words are used, one may conclude that the narrator got his tradition directly from his authority. If he quotes a tradition from an authority, saying simply '*an* (from) without telling the manner in which he received it, there is reason for doubt.

A very strict system of judging traditions in virtue of the *isnād* arose, but it is difficult to state when this began. Mālik, in his *Muwatta'*, does not always trouble to give a complete *isnād*, which would suggest that by his time the method had not hardened into a strict system. But all the later books give us complete lists of the authorities through whom the traditions were transmitted from the Prophet.

The theory is that traditions were transmitted in a regular manner, so that those who heard them from their authorities were entitled to transmit them in turn. One is not justified in assuming that from the beginning traditionists were very particular in their methods; but as time went on, and Tradition became a matter of vital importance, rules were elaborated. To illustrate just how strict the rules became, I give here a summarized account of eight methods of transmission as described by Ibn al-Ṣalāḥ (577-643/1181-1245).<sup>17</sup>

(1) Hearing a *shaikh's* words which he dictates, or recites without dictating. He may make this recitation from memory, or read it from his book. This is generally held to be the highest form, and the one who hears it may say *ḥaddathanā*, *akhbaranā*, *anba'anā*, *sami'tu*, or *qāl lanā fulān* (so and so said to us).

(2) Reading over to a *shaikh* what one has heard. It is all the same whether one reads it oneself, or is present when someone else is reading. The one who recites may do so from memory, or from a written copy. The *shaikh* may know the material by heart and merely listen; but if he does not know it by heart, he must have his copy in his hand.

(3) *Ijāza* (licence). The first type is to give a specified person

<sup>15</sup> i, p. 21.

<sup>16</sup> *Ilm*, 4.

<sup>17</sup> *Ulūm al-ḥadīth*, pp. 140ff.

licence to transmit a specified amount. The second is to give a specified person licence to transmit something which is not specified. One may say, "I give you licence to transmit all that I have heard." There is a difference of opinion about the value of this, but the majority are said to consider it perfectly satisfactory. The third is to give licence, merely using a qualification without specifying a person. One may say, "I give licence to the Muslims," or "to everyone," or "to all who have been alive in my time." There is a difference of opinion about this, but Ibn al-Şalāh says that Abū Muḥammad b. Sa'īd, one of the chief *shaiikhs* of Spain, gave licence to all seekers of knowledge who entered Cordova and that a number, including Abū 'Abdallāh b. 'Attāb, agreed that this was allowable. The fourth is to give licence to someone unknown, or for the transmission of something unknown. One may say, "I give licence to Muḥammad b. Khālid al-Dimashqī," when a number of contemporaries have this name and *nisba*. Or one may say, "I give licence to so and so to transmit from me *Kitāb al-sunan*," when he himself transmits several works which might be known by this title, but does not specify which one he means. Ibn al-Şalāh calls this a corrupt and useless type. The fifth is to give licence to a non-existent person. People of later generations have disagreed about whether this is allowable. One may say, "I give licence to those who are born to so and so." Ibn al-Şalāh adds that if one connects the non-existent person with one who is existent by saying, "I give licence to so and so and to those who are born to him," or "I give licence to you and your children and your progeny as long as they produce seed," this is nearer to being allowable than the first. The sixth is to give licence to transmit something which the *shaiikh* has not yet heard himself. But Ibn al-Şalāh adds that when one has, say, been given licence to transmit all that a *shaiikh* has heard, he must investigate to see that all which he transmits was heard by the *shaiikh* before he gave the licence. The seventh is to give licence to transmit all that the *shaiikh* has licence to transmit. Ibn al-Şalāh says that some people of later times who are not worth considering have objected to this type, but that it is quite sound. One who has received a licence of this type must consider the nature of the licence held by the one who gave it to him, so that he may not transmit anything not included in that earlier licence.

(4) *Munāwala* (handing over). This is of two types, the better of which is combined with a licence to transmit, which is generally agreed to be also the highest type of *ijāza*. The *shaiikh* may hand his pupil his own copy, or a part of it which is compared with it and say, "This is what I have heard," or "what I transmit, so transmit it from me"; or "I give you licence to transmit it from me." He then either presents him with his copy, or tells him to return it after

having made a copy of it which he must compare with it. Or the pupil may bring the *shaikh* a book or a section of his traditions which he submits to him for his careful inspection. After examining it the *shaikh* says, "I have studied its contents, and it is my tradition from so and so," or "it contains what I transmit from my *shaikhs*, so transmit it from me," or "I give you licence to transmit it from me." The second type is *munāwala* without *ijāza*. The *shaikh* may hand his pupil the book saying simply, "This is from my tradition," or "from what I have heard," without telling him to transmit it, or giving him licence to do so. A number of authorities are declared to have blamed those who transmit traditions in such circumstances.

(5) *Mukātaba* (lit. correspondence). This means that the *shaikh* writes to the student when he is absent some of his traditions in his own handwriting; or he may write it for him when he is present. Or he may employ someone else to write it for the student as from him. This written copy of his traditions may or may not be accompanied by a licence to transmit.

(6) The narrator may tell the pupil that a certain tradition, or a certain book is what he heard from so and so, without saying anything about his transmitting it. Ibn al-Ṣalāḥ says that many consider the pupil is entitled to transmit this material.

(7) A traditionist may leave someone in his will a book containing what he transmitted. Ibn al-Ṣalāḥ says that some early authorities considered that the legatee was entitled to transmit the contents of such a book, but that he considers them wrong, unless this may be treated as a variety of No. (8).

(8) *Wijāda* (a late form of verbal noun from *wajada* = to find). Someone may find a book of traditions in the handwriting of a *shaikh*. He may never have met him; or he may have met him, but not have heard from him what he has found in his handwriting, and he has no licence to transmit it. It is nevertheless permissible for him to transmit the contents of the book provided he prefaces his transmission with a phrase like "I read in the handwriting of so and so."<sup>18</sup>

As a system of preserving what has been handed down and ensuring its regular transmission, this is all very impressive. But what has just been described refers rather to the transmission of recognized traditions which have been codified. But the fact that the *isnād* is an essential part of traditions as they are recorded shows that, during the second century at least, the method of tracing one's authorities became necessary. In the introduction to his *Ṣaḥīḥ* Muslim

<sup>18</sup> For further information on this subject see ZDMG, 1856, pp. 9ff.; *Journal Asiatique*, série ix, vol. 17, pp. 195ff.; Goldziher, *Muh. Stud.*, ii, pp. 188ff.; Guillaume, *op. cit.*, p. 36; JAOS, 1862, pp. 75f.

traces back to Ibn Sirīn (d. 110/728) the following statement, "They were not asking about the *isnād*, but when discord arose they said, 'Name to us your men'; then note was taken of those who followed the *sunna* and their tradition was accepted; and note was taken of the heretics, and their tradition was not accepted."<sup>19</sup> This would throw the system of insisting on an irreproachable *isnād* back to a very early period when it is hardly likely that any regular method of transmitting traditions had developed. Indeed, one is inclined to feel that a statement of this kind is an attempt to give early authority for a practice which flourished later. Dr. Joseph Schacht<sup>20</sup> holds that "*isnāds* have a tendency to grow backwards," and adds, "the more perfect the *isnād*, the later the tradition." The method of providing an *isnād* was very ingenious, as it gave the impression that traditions actually were traced to the Prophet; and once books of Tradition were compiled, these works were transmitted from one traditionist to another, thus giving some assurance regarding the reliability of the text. This extension of the *isnād* principle was very valuable, but unfortunately much damage had already been done, so that it serves as a means of preserving much which should have been eliminated at an earlier stage. How traditionists dealt with what were considered to be spurious traditions will be spoken of later. Meanwhile it will be well to consider some of the collections which were compiled.

The earliest collections of traditions which are known were arranged in a somewhat inconvenient manner. They are known as *musnad* works, this title indicating that all the traditions attributed to a Companion are given together. While it may have been valuable to have each Companion's reputed traditions grouped together, people were more likely to wish from Tradition guidance on specific matters of religion, law and ethics; but to discover what was desired, it was necessary to hunt through a great mass of material irrelevant to the purpose. Therefore a great advance was made when works called *muṣannaf* came to be compiled. These divided the material according to the subject-matter, and so made it possible for one to find easily what was required.

The *musnad* of al-Ṭayālīsī (133-203/750-818) is the earliest extant work of this type. This compilation, which has been published in Hyderabad, contains 2767 traditions from 600 Companions. It is important not only because it is the earliest we possess, but also because most of its traditions are included in the later books which became canonical, indicating that the compiler's standards were in keeping with those of the later compilers who rejected much of the

<sup>19</sup> i, p. 84.

<sup>20</sup> *JRAS*, 1949, p. 147.

material which was current. A much larger work, containing 28,000 to 29,000 traditions is attributed to Aḥmad b. Ḥanbal (164-241/780-855), one of the four doctors to whom the schools of canon law are traced back. The work was compiled from his lectures and enlarged by his son. While it contains very many obviously far-fetched traditions, it has commonly been considered an important work. It was published in Cairo in six volumes in 1313/1895, and a new edition, complete with index (a very necessary aid), is in process of publication.<sup>21</sup>

Though not the first *muṣannaḥ* work to be compiled,<sup>22</sup> the *Ṣaḥīḥ* of al-Bukhārī (d. 256/870) was the first work of this type to receive wide recognition. To the present day it is considered by most Muslims to be the collection of highest authority. The *Ṣaḥīḥ* of Muslim b. al-Ḥajjāj is generally considered the second in importance, although the people of the West were inclined to think it superior to al-Bukhārī's. The title *Ṣaḥīḥ* (sound) indicates the estimation in which they are held. Another title given them is *Jāmi'*, which indicates that they are comprehensive. In addition to giving information about religious duties, law and everyday practice, they contain a considerable amount of biographical and other material. Nothing is too unimportant to form a valid topic for tradition. Guidance is given even on the most intimate matters of personal life. The compilers of Tradition seem to have had a keen desire to leave nothing to chance, so guidance is to be found on almost every conceivable subject.

Along with the two *Ṣaḥīḥs* four other works are now considered authoritative. They are called *Sunan* works, which title indicates that they confine themselves mainly to matters of religious and social practice, and to law. Their compilers were Abū Dāwud (d. 275/888), al-Tirmidhī (d. 279/892), Ibn Māja (d. 283/896), and al-Nasā'ī (d. 303/915). Goldziher has pointed out that al-Tirmidhī's collection deserves the title of *jāmi'*, although it is not so comprehensive as the two *Ṣaḥīḥs*.<sup>23</sup> And, indeed, it sometimes gets it. The *Fihrist* calls it his *Ṣaḥīḥ*.<sup>24</sup>

When these six works came to be recognized as the chief authorities cannot be said with certainty. One is apt to imagine that the two *Ṣaḥīḥs* received recognition at once, but this is hardly likely. Al-Bukhārī was not orthodox enough for some of the people of his time. He believed that the Qur'ān was uncreated, but would not

<sup>21</sup> For further information on *musnad* works cf. Brockelmann, *Gesch. d. arab. Litt.*, i, p. 157; Supp. i, pp. 256ff.

<sup>22</sup> *ibid.*, p. 260.

<sup>23</sup> *Muh. Stud.*, ii, p. 249. Ḥājji Khalifa, *op. cit.*, ii, p. 548, says it is more commonly called *jāmi'* than *sunan*.

<sup>24</sup> Cairo edn., p. 325.

agree that its utterance was uncreated. Therefore he had to leave Naisābūr.<sup>25</sup> People who considered him unorthodox would not readily accept his traditions as authoritative. It must be remembered also that al-Bukhārī and Muslim were not the only people to draw up collections of traditions. Other collections, not now recognized as among the most authoritative, were compiled, and it took time for the superior authority of the two *Ṣaḥīḥs* to be recognized. At first they had to fight for their position, but fairly soon they were received into general favor. Al-Ḥākim, Muḥammad b. 'Abdallāh al-Naisābūrī (d. 405/1014), in discussing degrees of authority in traditions, puts first on his list those which were given by both al-Bukhārī and Muslim.<sup>26</sup> That such an authority can say this without any attempt to justify it shows that he was evidently expressing an opinion which he knew would be readily accepted. Although al-Bukhārī and Muslim must not be thought of as men whose works were generally recognized as soon as they were produced,<sup>27</sup> there is good reason to believe that by the year 400 at least their collections of traditions had advanced to the front rank in common estimation.

It is not so easy to speak confidently about the other four. The *Fihrist*, written in 377, does not even mention al-Nasā'ī or Ibn Māja, and it mentions Abū Dāwud only in passing when it speaks of his son.<sup>28</sup> Goldziher says that by the end of the fifth, or the beginning of the sixth century, al-Tirmidhī and Ibn Māja began to be put along with the other four.<sup>29</sup> All that one can say with certainty is that Ibn Māja's work was the last to be recognized as canonical. Al-Ḥākim speaks of the five *imāms*,<sup>30</sup> but does not specify who they were. Possibly he means the five now recognized to the exclusion of Ibn Māja, but he may have included Mālik's *Muwatta'* and have omitted al-Tirmidhī or al-Nasā'ī. Abū Bakr b. Khair (d. 575/1179), a Spanish authority, speaks at length of the lines of transmission by which he received the other five books, and other collections, but he gives no indication that he was even aware of the existence of Ibn Māja's collection.<sup>31</sup> Al-Nawawī (d. 676/1277), a very great scholar of Naisābūr, ignores Ibn Māja altogether. Ibn Khaldūn (d. 808/1406) says categorically that the works of al-Bukhārī, Muslim, Abū Dāwud, al-Tirmidhī and al-Nasā'ī are the basic books of Tradition concerning use and wont (*ummaḥāt kutub al-ḥadīth fil-*

<sup>25</sup> cf. D. B. Macdonald, *Muslim Theology*, pp. 147f.; J. Fück, *Die Rolle des Traditionalismus im Islam*, ZDMG, 1939, p. 28.

<sup>26</sup> *Al-madkhal fī usūl al-ḥadīth* (Aleppo, 1932), p. 7.

<sup>27</sup> cf. Fück, *op. cit.*, p. 29.

<sup>28</sup> p. 324.

<sup>29</sup> *Muh. Stud.*, ii, p. 262.

<sup>30</sup> *op. cit.*, p. 12.

<sup>31</sup> *Fihrisa* (Madrid, 1892).

*sunna*).<sup>32</sup> Ḥājji Khalifa (d. 1067/1657) says some people consider Ibn Māja's *Sunan* to be the sixth book.<sup>33</sup> When Ibn Māja's work came to be generally recognized it is impossible to say. All that can be said is that, although it was by a slow process, the community eventually came to recognize the six books, al-Bukhārī and Muslim always holding precedence.<sup>34</sup>

Goldziher notes that in the West the Almohad Abū Yūsuf Ya'qūb (580-595/1184-1198) made ten books the basis of his legal system. They were the five already mentioned (omitting Ibn Māja), the *Muwatta'*, al-Bazzār's *Sunan*, Ibn abī Shaiba's *Musnad*, al-Dāra-qtūnī's *Sunan*, and al-Baihaqī's *Sunan*. But he adds that in the East the respect for the ten books was literary without any official backing.<sup>35</sup>

The six books mentioned are those which are held in respect by Sunnī Islām. The Shi'a have five books: *Al-Kāfī* of al-Kulīnī (d. 328/939), *Man lā yastahḍiruhu 'l-faqīh* of al-Qummī (d. 381/991), *Tahdhīb al-aḥkām*, and extracts from it called *Al-istibṣār fīmā 'khtalafa fihī 'l-akhbār* of al-Ṭūsī (d. 459/1067), and *Nahj al-Balāgha*, by al-Sharīf al-Murtaḍā (d. 436/1044), or his brother al-Raḍī (d. 406/1016).<sup>36</sup> The Shi'a accept only traditions which are traced through 'Alī's family, and their main purpose is to support 'Alī's claims.<sup>37</sup>

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<sup>32</sup> *Muqaddimat* (Cairo, 1930), p. 371.

<sup>33</sup> *op. cit.*, iii, p. 621.

<sup>34</sup> A fuller discussion of this matter will be found in Goldziher, *Muh. Stud.*, ii, pp. 261ff. In a modern work, *Miftāḥ al-sunna*, by Muḥammad 'Abd al-'Azīz al-Khawlī (Cairo, 1921), pp. 35f., the *Muwatta'* and the two *Ṣaḥīḥs* are said to be the books of highest authority. The next class includes Abū Dāwud, al-Tirmidhī and al-Nasā'ī. Ibn Māja is not mentioned. That this is not an oversight is shown by the fact that on pp. 28f. the difference of opinion as to whether there are five or six books is mentioned, followed by a note on books which have been put in place of Ibn Māja.

<sup>35</sup> *op. cit.*, p. 265.

<sup>36</sup> *Encyc. of Islām*, ii, p. 193. cf. Brockelmann, *GAL*, Supp. i, pp. 131f., 704f.

<sup>37</sup> See Guillaume, *The Traditions of Islam*, pp. 63f. For the whole subject of Tradition this work should be consulted, as it is the best book in English wholly devoted to the development and nature of Tradition.

## RECENT DEVELOPMENTS IN SHARĪ'A LAW II

### MATTERS OF COMPETENCE, ORGANIZATION AND PROCEDURE

*The Competence of Sharī'a Courts.* Originally, as has been seen, the scope of Sharī'a law was all-inclusive. It comprised the whole duty of man—to God, to the state, to society, to his family and to himself. Just as Theology dictated all that the Muslim must believe, so the Sharī'a prescribed all that he must do. There was thus no sharp distinction between public and private law, or between criminal, constitutional, commercial and personal law. And the competence of the Sharī'a Courts was as wide as the scope of the law they administered, for in orthodox theory there was no other law and no other Courts.

It seems doubtful, however, whether practice ever perfectly conformed to this theory. Not only did customary law everywhere survive to some extent—and in some places to a great extent—but the Sharī'a was also regularly augmented, and even at times superseded, by the edicts and administrative orders of the Caliphs and local Governors. If it was chiefly in the realm of commercial practice that the Sharī'a had to give way to local custom, it was naturally in the sphere of constitutional and criminal law that the fiat of the Ruler was most intrusive. As for the Courts, reference need only here be made to the Courts of the *Ḥisba* and *Maẓālim* as early examples of rival judicatures.

But it was with the advent of the *Tanzīmāt* reforms in the Ottoman Empire that the competence of the Sharī'a Courts, vis à vis that of rival institutions, came to assume its modern form. In the years 1850 and 1858 the Commercial Code and the Penal Code, based almost entirely on Western models, were respectively followed in 1861 by the Code of Commercial Procedure, and in 1863 by the Code of Maritime Commerce. New Courts, moreover, called *Nizāmīya* Tribunals, were established to apply this new legislation, while Mixed Courts were set up to deal with cases in which foreigners were involved. It was primarily to assist these new Courts, whose Judges were inexpert in Sharī'a law and in the endless reference to voluminous and often contradictory authorities to which the *Qāḍīs* were accustomed, that those principles of 'civil' law in which the *Nizāmīya* Courts must still apply the Sharī'a were codified in the *Majallat al Aḥkām il Shar'īya*, which was finally issued in 1876. Legislation concerning the scope of the Sharī'a Courts followed in 1880, 1909 and 1914; while in 1918 a revised "Principles of Litigation in Sharī'a Courts" (*Uṣūl al Muḥākamāt il Shar'īya*) was promulgated.

Meanwhile, matters had progressed—and were destined to progress—even further in Egypt. The earlier *Tanzīmāt* reforms had been applied in that country as in other parts of the Ottoman Empire, and *Nizāmīya* Tribunals were duly set up. But in 1873 Egypt attained juridical and administrative independence under *Nsmā'il* Pasha, so the *Majalla* was never applied: instead a civil code based almost entirely on the Code Napoleon was promulgated. In 1875 Mixed Courts were established, and in 1883 Native Courts were substituted for the older *Nizāmīya* Tribunals. Meanwhile in 1880 a Code of Procedure for the *Sharī'a* Courts, comprising no less than 190 Articles, was promulgated, Article 53 whereof limited the competence of these Courts to matters of personal status, with all which this involved, and cases of homicide.

This Code was followed by another in 1897 which introduced notable reforms, reference to which must presently be made in more detail. As regards competence, however, this revised code defined the jurisdiction of the different grades of *Sharī'a* Courts as comprising questions of marriage, dowry and bridal gifts; the custody of children (etc.); arbitration between married couples, divorce, divorce for a consideration (*khul'*), mutual release from marital obligations (*mubāra'a*) and separation of spouses on those grounds recognized by the *Ḥanafī* school; assessment of maintenance, including that of relatives; establishment of paternity; and all else which concerns matrimonial causes: also *Waqf*, inheritance, and "whatever other matters of *Sharī'a* law are brought before them." Another code issued in 1909/1910 was even more detailed in its definition of the competence of the different *Sharī'a* Courts, but added little new: while the Code at present in force, which was issued in 1931, treats the subject more extensively still. Suffice it to observe, however, that matters of homicide long ago passed to the Criminal Courts; that matters concerning gifts—formerly allotted to the *Sharī'a* Courts because of their intimate connection with the family, charity, etc.—have recently passed to the Civil Courts; and that matters concerning the guardianship of the property of minors, the insane, the absent, the prodigal, and even the embryo, were early transferred to the *Majālis* (now *Maḥākim*) al *Ḥisbiya*. The addition of the embryo is new and unprecedented. In the Sudan gifts remain within the competence of the *Sharī'a* Courts, as does all that concerns guardianship in several countries. But in general considerable uniformity exists regarding the jurisdiction of the Courts, except in Arabian proper.

*Organization of the Courts (by School and Grade).* In the earliest days, as we have seen, there was ample scope for *Qādis* to exercise their judicial discretion, an opportunity of which many of them

availed themselves freely. The Qāḍī who had the right of independent deduction would, in theory at least, go right back to the primary sources of the law and extend these, by analogy etc., to the case to be decided. But as the different schools crystallized and this faculty of independent deduction became progressively limited, it was commonly held that, whatever liberty might be accorded to the individual Muslim in his private life to choose which school, or which jurist's opinion, he would follow in different points, no such freedom was allowable to the Qāḍī or Muftī in their official capacity. Here each must follow the view of the Imām of the school to which he belonged or that one of any variant opinions which had become dominant among its recognized jurists and commentators.

A certain width of choice was, however, sometimes afforded to would-be litigants by the practice, which prevailed at times, of appointing Qāḍīs from each of the four 'orthodox' schools in the major centers of Islam. This was not a case of the Qāḍī applying the personal law of the litigants, or, if they differed, of the defendant;<sup>1</sup> but of the plaintiff's right to choose to which Qāḍī he would present his suit and thus which school would be followed. But in many places, and many periods, no such facilities were available, and whatever school of law a man might follow in his private life he must accept, in any case of litigation, that of the local Qāḍī. In particular, no 'orthodox' Government made any provision for special Courts for such of their followers as followed Shī'ī or other 'heterodox' views, and although such communities would normally resort to their own authorities to solve their legal problems by a form of arbitration, these would have no official sanction or support. Similarly, of course, in those countries ruled by a 'heterodox' Government, such as the 'Ibādī 'Umān, and Zaydī Yaman, and the "Twelver" or Ja'farī Iran, no Courts other than those of the dominant sect were normally recognized. Even in Sunnī lands, moreover, the Government frequently identified itself officially with some one school of law, an outstanding example being the support afforded by the Ottoman Empire to the school of Abū Ḥanīfa.<sup>2</sup> As a result the Sharī'a Courts of Egypt, whose inhabitants were (and are) predominantly Shāfi'ī in the north and Mālikī in the south, and of the Sudan, where the vast majority are Mālikīs, used until recently exclusively to apply Ḥanafī principles; for throughout the Ottoman Empire no provision was normally made for the application of any other principles whatever, whether orthodox or heterodox.<sup>3</sup>

<sup>1</sup> cf. normal modern practice in Conflict of Laws.

<sup>2</sup> e.g. in A.D. 1839 (1255 A.H.) the "Ta'limāt al Muḥakamāt" was issued, directing that jurisdiction should be exercised on the basis of certain specified text books, all of which were Ḥanafī.

<sup>3</sup> Similarly, in the Aden Protectorate, most of the Qāḍīs are ordered to follow not only the Shāfi'ī doctrines but, in particular, those of Ibn Ḥajar.

More, it was frequently expressly laid down that only the dominant Ḥanafī opinion must be followed and that the Courts had no right to prefer a variant Ḥanafī opinion, however beneficial and well-founded, if there was reason to regard it as less generally accepted. An example of such official limitation may be quoted from the Egyptian Code of 1880, where Article 10 provides that "The judgments given by Shari'a Courts must be based exclusively on the most approved opinion in the school of Abū Ḥanīfa": although it must be added that a very interesting exception immediately follows to which we must presently return. Similarly, in the Sudan, Article 53 of the Sudan Muḥammadan Law Courts Organization and Procedure Regulations, 1915, directs that "decisions of the Muḥammadan Law Courts shall be in accordance with the authoritative doctrines of the Ḥanafīya jurists"; although here, too, there is an interesting exception to which we must revert.

Even in the Ottoman Empire, however, this rigidity was not wholly unrelieved. In A.D. 1856 (A.H. 1272), for instance, a petition was sent from a predominately Shāfi'ī district to the Mashyakha<sup>4</sup> at Stamboul asking whether wives whose husbands left them without any maintenance might not, in suitable circumstances, have their marriages dissolved by the Courts (a matter in which the Ḥanafīs differ from the three other Sunnī schools in permitting no such relief whatever). The answer was surprisingly liberal, for it did not confine itself to the immediate question but stated that *fatwas* and judgments might be given according to the school of the parties concerned. Again, in A.D. 1876 (A.H. 1293) the 'Ulamā' of Sulaymāniya wrote a letter to the Mashyakha asking if the former answer still stood, and whether the Ḥanafī Qāḍī might still decree the annulment of marriage of wives whose husbands left them without either maintenance or news. This time the answer was somewhat different. It stated that Qāḍīs had now been instructed that they must apply only Ḥanafī law, and that this principle must be followed. Reputable authorities, however, allowed a Qāḍī of one school, in suitable circumstances, to request an 'ālim of another school to give judgment: so in points on which the schools differed and the parties were non-Ḥanafīs, the Ḥanafī Qāḍī might depute the most learned available 'ālim of their own school to hear the case, and then enforce his decision.

The promulgation of the Majalla in 1876 marked a further step. In this compilation not only were the Shari'a precepts concerning 'civil' law reduced for the first time to a code in the modern form,

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<sup>4</sup> Department of Shaykh al Islam.

but the compilers frankly deserted the principle of following the "most authoritative opinion in the Ḥanafī school" and chose instead that opinion, whether regarded as more or less authoritative, which best accorded with modern needs. In some instances the precept chosen had actually originated in one of the other schools, but some Ḥanafī support for it could usually be found at least among later jurists. The principle which was held to justify this selection—and, indeed, the promulgation of the Majalla as a whole—was, as we have seen, the doctrine that a view formerly regarded as 'weak' was so strengthened by the command of the Sulṭān as to become the authoritative opinion.

Yet a further step was taken in 1915, when an Irāda Sulṭāniya was issued permitting judicial dissolution of marriage throughout the Empire, regardless of the school of the parties, in cases where a husband deserted his wife and she was unable to obtain maintenance. The 'Dār al Fatwā 'l 'Āliya' issued a *Maḍbaṭa* in which the extreme respect shown by the Ḥanafī school for the contract of marriage<sup>5</sup> was described as admirable for persons of good character, but the view of the other three schools, and especially of the Imām Aḥmad ibn Ḥanbal, was stated to be more suitable to present circumstances. The fact was that it had become distressingly common for non-Ottoman Muslims to visit the Empire, marry Ottoman subjects, and then, when their business was completed, return to their homes and abandon their wives. So the Ḥanbalī view was officially adopted that inability to obtain maintenance was sufficient grounds for the judicial dissolution of marriage. And in the same year another Irāda Sulṭāniya was issued, this time adopting the 'weaker' Ḥanafī opinion of Muḥammad al Shaybānī that a wife might obtain dissolution of marriage on the grounds that her husband was, or had become, afflicted with one of certain specified diseases.<sup>6</sup>

But in 1917 a much bolder step was taken, for in that year a comprehensive "Law of Family Rights" was promulgated. This law set out to regulate all matters of marriage, dowry, divorce, separation and 'idda, not only for Muslims but also, in special sections, for Christian and Jewish subjects of the Ottoman Empire. Like the Majalla, it took the form of a modern code comprising numbered articles: but, unlike the Majalla, it both treated that personal law which is regarded by Muslims as partaking of the very essence of their religion, and also derived its precepts, in some instances, straight from non-Ḥanafī sources. Not only, moreover, was the Shāfi'ī, Mālikī or Ḥanbalī view sometimes preferred to the Ḥanafī

<sup>5</sup> In this respect, in contrast to certain other particulars.

<sup>6</sup> For details, see subsequent article.

opinion, but in at least one respect (the marriage of minors) the views of such early jurists as Ibn Shubruma and Abū Bakr al Aṣamm were adopted. And this Law, although no longer applicable in Turkey (where the Sharī'a is no longer applied), is still largely in force in Lebanon, Syria, Palestine and Jordan.

An early example of the application of the same principle in Egypt is the exception to Article 10 of the Code of 1880 referred to above. After laying down that judgments must be given exclusively according to the most approved opinions in the school of Abū Ḥanīfa, the Article proceeds "but to prevent corruption and the widespread audacity in taking the life of protected persons, Qāḍīs whose duty it is to try cases of homicide are to give judgment according to the view of the Two Companions and the Three Imāms<sup>7</sup> in questions of 'deliberate' homicide, in accordance with previous circulars." And the principle that the Sovereign may decree which of several variant opinions—whether inside or outside the Ḥanafī school—is to be applied by the Courts, has been extensively used by the Egyptian Government and Legislature of recent years. Championed by Shaykh Muḥammad 'Abduh in the face of conservative opposition, it has finally emerged from the dust of controversy completely victorious, as the Laws of 1920 and 1929 concerning matters of marriage, divorce etc., of 1943 concerning intestate succession, and of 1946 concerning wills and *waqfs*, eloquently testify. We must consider this legislation in some detail in subsequent Articles.

Meanwhile, the same principle had also been applied in the Sudan. As early as 1902 it was specifically laid down in Article 8 of the Sudan Muḥammadan Law Courts Ordinance that "the Grand Qāḍī shall from time to time, with the approval of the Governor-General, make regulations . . . regulating the decisions, procedure, constitution, jurisdiction and functions of the Muḥammadan Law Courts"; while Article 53 of the Sudan Muḥammadan Law Courts Organization and Procedure Regulations, 1915, after stating (as already quoted) that the authoritative doctrines of the Ḥanafīya jurists were to be followed, adds "except in matters in which the Grand Qāḍī otherwise directs in a judicial circular, in which case the decisions shall be in accordance with such other doctrines of the Ḥanafīya or other Muḥammadan jurists as are set forth in such circular or memorandum." And on this basis a long series<sup>8</sup> of such memoranda have in fact been issued, introducing a number of most salutary—and sometimes controversial—reforms. Thus Circular No. 17 (of 1916) anticipated several reforms in matters of marriage and

<sup>7</sup> i.e., Abū Yūsuf and Muḥammad al Shaybānī on the one hand, and Mālik, al Shāfi'ī and Aḥmad ibn Ḥanbal on the other.

<sup>8</sup> Fifty-three, up till the end of 1949.

divorce not actually introduced in Egypt until 1920 or even 1929, although they had previously been mooted in that country. In several other matters, too, the Sudan has adopted legislation under discussion in Egypt before it was actually promulgated; in some points she has introduced innovations to which Egypt has no parallel; while in others she has followed Egypt's lead, even—in some cases—in the very wording of the Circular concerned. In yet others, of course, the Sudan has lagged considerably behind. Some of the more interesting and controversial of these reforms must detain us later.

No such legislation has yet been promulgated in al 'Irāq, although a draft code of the law of personal status—which attempts to cover the whole field of marriage, divorce, inheritance, wills, custody of children etc.—has been prepared and is at present under debate. The two Ottoman Irādas of 1915 were applied in that country, but not the Law of Family Rights of 1917. But the law of the Shī'ī majority has received recognition by the appointment of Shī'ī Qāḍīs who apply the "Ja'farī" code. In Baghdad and Baṣra both Sunnī and Ja'farī Qāḍīs hold their Courts, each for his own school. But in smaller towns and centers economy forbids such duplication and Qāḍīs are appointed from the school which is locally predominant. The principle permitted by the Mashyakha of Stamboul is, moreover, now made obligatory, for the Sunnī Qāḍī who deals with a case in which the litigants are Shī'īs must refer questions of law to a Shī'ī 'ālim for a *fatwa*; and so must a Ja'farī Qāḍī who judges between Sunnī litigants. It has also been expressly laid down that a Sunnī Qāḍī, himself a Ḥanafī, who has to decide a case between e.g., Shāfi'ī litigants, may either himself apply the law of the parties or refer the question to a Shāfi'ī 'ālim.<sup>9</sup> In the Lebanon too, the Shī'ī minority has been granted Courts of their own, but not in Syria, where the proportion of Shī'īs is small (although most of their disputes are no doubt in fact dealt with by the unofficial arbitration of their leaders). It should be added that where the parties to a dispute are of different schools the rule usually followed in al 'Irāq and Lebanon is that in cases of testate and intestate succession the school of the deceased is to be applied; in all that concerns marriage, divorce, dowry, guardianship etc., that of the husband prevails; while in questions of Waqf that of the founder, and in maintenance of relatives that of the defendant, is preferred.<sup>10</sup>

But it is not only in the matter of sects and schools that reforms have been introduced. In all these countries the Sharī'a Courts have

<sup>9</sup> This applies whenever both parties request that one of the three non-Ḥanafī schools be followed.

<sup>10</sup> Law of Sharī'a Courts (Baghdad, 1923).

also been organized on the modern principle of Courts of first instance and Courts of appeal or cassation. In some countries the system is comparatively simple, while in others it is more complicated. Thus in al 'Irāq the Courts of first instance are as described above, although it should be added that in places where no Qāḍī has been appointed the civil Judge is empowered himself to decide Shari'a cases. 'Appellate' jurisdiction is limited to a system of revision by a Court of Cassation in Baghdad which is divided into 'Sunnī' (i.e. Ḥanafī) and Ja'farī divisions. In Lebanon, too, both the Sunnīs and Ja'farīs have a separate High Shari'a Court which acts partly as a Court of appeal and partly as a Court of Cassation. In the Sudan the diversification of Courts has no reference to differences of school but relates solely to questions of competence and locality. Thus there is a High Shari'a Court, Mudīriya Shari'a Courts, Muḥāfaẓa Shari'a Courts, and Markaz Shari'a Courts. The Markaz Courts act as Courts of first instance in most matters, but cases of inheritance and bequests which exceed a certain value, together with cases concerning Waqfs, are beyond their competence. The Mudīriya Courts act both as Courts of appeal from the Markaz Courts and also as Courts of first instance in matters beyond their Competence: while the High Court acts both as a final Court of appeal and also as a Court of Cassation.

The Egyptian system is very similar. Here there are "Courts of Limited Jurisdiction" in the smaller towns; "Courts of First Instance" in the Mudīriyāt and Muḥāfaẓāt, and the High Court. The Courts of Limited Jurisdiction may give final judgments in certain minor cases, but act as Courts of first instance in others; the Courts of First Instance act in that capacity in all that is beyond, but as Courts of appeal in all that is within, the competence of these lower Courts; while the High Shari'a Court acts as a Court of appeal in all else. There is also a system of revision (*iltimās i'ādat il naẓar*). It must again be noted, moreover, that in Egypt the Majālis Ḥisbīya (now Maḥākīm) deal with much that elsewhere falls within the exclusive competence of the Shari'a Courts.

Most of this, of course, is entirely unexceptionable from the point of view of even the most conservative jurist, for it is generally accepted that the Sovereign may limit the jurisdiction of his judges with reference to the sphere of their competence or the nature of the cases they are permitted to hear. The only controversial points are the system of appeal and the composition of the Higher Courts as benches of Judges. It is, of course, specifically laid down by the authorities that a judgment which is contrary to the Qur'ān or "true" Sunna, to undoubted *ijmā'* or any clear and unequivocal analogy, should be promptly quashed either by the Qāḍī who gave it or by his successor:

so the establishment of a formal Court, and system, of revision can find considerable justification. But the re-trial of cases on appeal by a Superior Court which may quash the original judgment on a wide variety of grounds is a different matter. Similarly, the ancient jurists knew no such conception as two or more Qāḍīs sitting together to decide a single case. But both these innovations are so plainly in the public interests in modern times that they have excited comparatively little discussion or opposition. It is when we turn to some of the detailed rules of procedure included in the modern Codes provided for the guidance of these Courts that we reach subjects around which controversy has raged and, to some extent, still rages. It is to these we must now turn.

*Detailed Rules of Procedure.* There are few points more controversial in Muslim law than the question of documentary evidence. The older Shāfi'ī works, in particular, are extreme to a degree: for a written will, for instance, is not accepted even if two witnesses are forth coming to its author's request that they should bear witness to his signature and to the fact that the document comprised his last will and testament, unless he actually read them the contents or—in other words—made an oral declaration of bequest of which the written document was a mere aide-mémoire. True, certain later Shāfi'ī jurists have been less extreme; the Mālikīs have always made certain exceptions; some Ḥanafī writers have treated documentary evidence under the heading of confession by writing; and practice has probably seldom, if ever, entirely conformed to the theory of the text books. In general, however, it can safely be said that written evidence, when admitted at all, has been regarded as very much secondary and subordinate to oral testimony, and that the gravest doubts have been expressed as to whether any reliance at all can be placed on testimony as to handwriting.

The modern Codes have taken a clear and decisive stand in this matter. Thus in the Egyptian Code of Procedure of 1897, while Article 24 states, in the most orthodox fashion, that "Proof in Shari'a law is of three types: confession, testimony and refusal of oath," Article 25 immediately adds "A confession in writing is the same as a confession by word of mouth." It is also provided that one who writes, signs or seals a confession may not subsequently deny it, and that experts may give evidence in questions of handwriting etc. At the end of Article 27 the position is summarized in these words: "The result is that documentary evidence is accepted provided it is free from suspicion of forgery or fabrication. If, however, the document is not free from suspicion and the party concerned denies that it is his and also denies the claim to which the document provides evidence, he is to be put on oath at the instance of the other party that

the document is not his and that he is free from the obligation to which it testifies." And in subsequent Codes (1910, 1931) detailed provision is made for deciding cases of alleged forgery, etc. and the whole subject of documentary evidence is treated at considerable length. The Lebanese "Organisation of Sharī'a Courts" Law of 1943 is equally explicit (Articles 42 ff.), as is also the Sudan Code of 1915 (Articles 114 ff.). More, as we shall see later, documentary evidence and oral testimony have now changed places, as there are many instances in which the former is alone admissible.

Another subject around which controversy has raged is the way in which the truthfulness of witnesses is to be tested and, if possible, guaranteed. The normal view is that their piety and good character should be established, unless they are personally known to the Qāḍī, by both private enquiries and public testimony: but they should not be put on oath, as the very word "ashhad" ('I bear evidence') is held to be amply sufficient. But the very early jurist Ibn Abī Layla, among others, permitted witnesses to be put on oath; some Mālikīs allow it in cases where the Qāḍī is in doubt as to the truthfulness of a witness' evidence; both Ibn al Qayyim the Ḥanbalī and Ibn Nujaym the Ḥanafī have held that the swearing of witnesses is the 'preferable opinion'; and many later jurists have maintained that as the character of witnesses is now so doubtful, an oath should always be imposed on them as a precautionary measure.

Even the Majalla, in Article 1717, insists on the secret and public examination of witnesses. But this has been largely replaced in the more modern codes not only by putting them on oath but by cross-questioning by the Court and the other party—a procedure supported centuries ago by Ibn al Qayyim in particular.<sup>11</sup> Thus the Egyptian Codes of 1910 and 1931 provide for witnesses to be heard separately and to be put on oath (Articles 171 and 174 respectively); to be cross-examined by the Court in such a way as to make *tazkīya* (investigation of character) unnecessary (Articles 180 and 182); and for the other party to have the opportunity not only to give evidence of anything which detracts from their testimony in Sharī'a law—a survival of *tajrīh* or the impugning of a witness' character—but also to cross-question them through the President of the Court (Articles 181 and 183). Provision is also made in the Articles immediately following that the impugning of witnesses' characters must be kept within strict limits. It is noteworthy that the Code of 1910 provided that no attack must be made on a witness' character after the process of investiga-

<sup>11</sup> The cross-examination of witnesses etc. was first introduced into Egypt by the Code of 1897, Articles 38 ff., and the putting of them on oath (but only at the request of the other party) by Article 40 thereof. It is noteworthy that the Lebanese Code provides for a Sunni Qāḍī to put witnesses on oath as a matter of course, but for a Ja'fari Qāḍī to do so only at his discretion (Art. 89).

tion (*tazkīya*) was complete (Article 183), but that no such provision reappears in the 1931 Code—presumably because the practice of *tazkīya* had meanwhile fallen into disuse. The Sudan Code of 1915 has similar provisions concerning the Court hearing witnesses one by one, putting them on oath, and cross-questioning them (Article 144); while Article 145 provides for the other party to cross-question them through the Qāḍī provided the questions are relevant to the cause in action. In general, moreover, modern Codes make it plain that the Court now has the right to form its own opinion of the value and credibility of a witness' testimony and to give judgment accordingly.<sup>12</sup> It is also interesting to trace in the successive Egyptian Codes the abolition of the necessity for the use of the words 'I testify'<sup>13</sup> (still retained in 1897, but dropped in 1910) and the emergence of the principle that the testimony of different witnesses need only agree in meaning rather than phraseology.

Yet another matter of dispute and debate concerns the admissibility of evidence to contradict and disprove the evidence of the opposite side.<sup>14</sup> In the old procedure it was normally only for the 'plaintiff' to call evidence: and when he had done this the 'defendant' could only impugn the character of his witnesses or make some such legitimate counter-claim as would make him himself the 'plaintiff' in this new issue. For either of these purposes he could of course call witnesses, but not merely to disprove the plaintiff's evidence. Now, however, this restriction no longer exists in some countries, for certain modern Codes expressly state that where one party brings witnesses to support his claim the other may bring witnesses to disprove it. There is no mention of this in the Sudan Code of 1915, but Article 186 of the Egyptian Code of 1931 expressly states, "If one of the parties brings testimony to establish some occurrence the other party always has the right to prove that this occurrence is not true by every method of proof. All the rules of procedure regarding proof shall be followed with respect to the rights of both parties without distinction." The Syrian Code of 1947—the "Law of Evidence"—contains similar provisions.<sup>15</sup>

A difference of opinion also obtains between the schools regarding the question of 'confession and avoidance.' Thus the Ḥanafīs and Mālikīs allow a confession to be 'split up': the part which con-

<sup>12</sup> See Article 44 Sudan Code, Article 32 of Egyptian Code of 1897, etc. In the Lebanese Code Art. 92 reads, "The Qāḍī has the right to weigh the testimony, and has the choice whether to examine the witnesses' character secretly and publicly or by either method."

<sup>13</sup> This was absolutely essential (a matter of *ta'abbud*) in the ancient Ḥanafī texts.

<sup>14</sup> *Shahādat al nafy*.

<sup>15</sup> See Article 58.

firms the other party's claim is accepted as such, while the part which constitutes the 'avoidance' must be proved by the one who makes it. Even where, therefore, the plaintiff has no adequate proof of his contention except such a confession and avoidance by the defendant, the burden of proof thus passes to the latter.<sup>16</sup> But other jurists (e.g., Ibn al Qayyim, certain other Ḥanbalis and the Zāhiris) have pointed out how unfair this is: a confession, they maintain, should be accepted in toto or not at all. And several modern Codes have adopted this view. Thus the Egyptian Code of 1931 states in Article 126, "A defendant's confession in Court shall not be divided and the damaging part seized upon and the part to his own interest left, but it must be taken as a whole and regarded as a denial of the claim." Article 44 of the Lebanese Code is verbatim the same, with the addition that this obtains where neither party has evidence to support his claim. Article 101 of the Syrian Law of Evidence is also somewhat to the same effect, for it reads: "A man's confession is not to be divided against his interests, unless it concerns several matters the existence of one of which does not necessarily involve the existence of the others."

Yet another point of procedure on which the schools differ is whether the defendant, when proffered the oath by a plaintiff who has no adequate evidence, may elect to return it to the plaintiff. The Ḥanafis deny this, and say the defendant must either take the oath or, in most instances, lose his case; while the Shāfi'is and Mālikis allow the return of the oath. This, too, has been accepted by some of the modern codes. Thus the Lebanese Code in Article 51 provides that the defendant may return the oath to the plaintiff; while the Syrian Law of Evidence allows either party to put the oath to the other (Article 113).<sup>17</sup> This has no parallel in Egypt or the Sudan.

A more important point than this, however, is the minimum evidence on which a judgment can be based. The orthodox view on this point is extremely rigid. Thus in cases of illicit sex relations all except the Zāhiris insist on four male witnesses to the very act; in cases of personal status the three non-Hanafī schools insist on two male witnesses; while in financial questions all accept one male and two female witnesses, some accept one male witness supported by the plaintiff's oath, and others also accept two females so supported. In theory, moreover, circumstantial evidence is wholly inadequate, however strong. Ibn al Qayyim, however, eloquently argued that the Quranic prescription of two witnesses should be regarded as a com-

<sup>16</sup> Here al Ghazālī (a Shāfi'i) makes a distinction. In a claim of debt a confession coupled with a plea of repayment is 'divisible,' but a confession coupled with a plea of credit is not. The logic is obvious.

<sup>17</sup> The Lebanese Code has a similar provision in Art. 95.

mand that an individual Muslim should so safeguard his rights, rather than a prohibition to a Qāḍī ever to base his judgments on less; the Qāḍī, he urged, must judge as best he may. It was not until 1931 that the Egyptian reformers introduced the bold innovation of adding to the three usual modes of proof (confession, testimony and refusal of oath) 'conclusive circumstantial evidence' (Article 123). The Lebanese Code is more explicit, for Article 42 states "the methods of proof are what indicate and reveal the truth, namely oral and written confession, testimony, oath, circumstances, and report of experts and the investigations of the Court." Similarly the Syrian Law of Evidence defines the methods of proof as documentary evidence, oral testimony, circumstances, oath, inspection and expert knowledge. Only the last named law, however, went so far as to state that "The Court shall assess the value of witnesses' testimony . . . and may accept the testimony of a single individual if it is convinced of its truth" (Art. 62). But this provision caused such an outcry among the orthodox, who were quite unwilling to accept Ibn al Qayyim's interpretation of the Quranic references concerned, that the clause was amended in 1949 by Sharī'a Order No. 88 which provided that in Sharī'a Courts "the minimum testimony required by Sharī'a law is a condition of judgment based on testimony and the Sharī'a Qāḍī may not base his judgment on the testimony of a single witness except in the circumstances laid down in Sharī'a law."<sup>18</sup>

But a more indirect method of reform has been almost equally effective. By this method no change whatever is made in the substantive law; instead, the reform consists in a direction to the Courts that certain types of cases shall not be entertained at all. An early use of this method was to introduce periods of prescription. Thus in Egypt as early as the 1880 Code we find the provision, "Judges are forbidden to hear disputed claims after a period of fifteen years during which the claim could have been brought and there was no lawful excuse for failure to bring it, except in matters of inheritance and Waqf, where there is no objection to hearing claims until thirty-three years have so passed. . . ." (Article 14). The Ottoman Majalla had a similar Article four years earlier still: and similar provisions reappear in all subsequent codes.<sup>19</sup>

Somewhat similar in motive—i.e. to obviate fraud and abuse—is the provision that no plea of an oral confession alleged to have been made out of Court shall be heard unless there is some external evidence to support it. This is the substance of Article 24 of the Ottoman

<sup>18</sup> These are strictly prescribed in the texts: e.g. (in the Ḥanafī view), testimony concerning birth (and other matters not normally seen by men); concerning notice of discharge of an agent or of defect of a thing bought; concerning a pupil by his teacher or the value of perished goods by an expert, etc.

<sup>19</sup> e.g., Art. 51 of the Sudan Code of 1915, etc.

'Principles of Shari'a Courts,' while in Egypt Article 29 of the Code of 1897 reads: "If it is alleged that a confession has been made out of Court in the course of a claim and law suit between two parties, this shall not be acted upon nor shall a plea of such a confession be heard." The Codes of 1910 and 1931 go further and provide that "No plea of a confession made either before or after the commencement of a law-suit, nor testimony thereto, shall be accepted unless it was made before a Qādī in Court or was written and signed or sealed by the one who made it, or some document exists which supports its truth" (Art. 129). Again, several other provisions appear in all these modern codes to the effect that, in certain circumstances and types of cases, no oral testimony but only documentary evidence is eligible—provisions which, as we have seen, represent a complete reversal of the ancient view. Early examples may be found in Articles 30-32 of the Egyptian Code of 1897. Thus Article 30 provides that "No claim concerning a Waqf, the acknowledgment thereof, or . . . the Ten Conditions shall be entertained unless the competent person has made a notarial act before a Shari'a Court"; Article 31 prescribes that "No claim of marriage, divorce or acknowledgment thereof shall be heard after the death of one of the parties unless it is supported by documents free from suspicion of forgery which support its truth;" while Article 32 lays down that "No claim of bequest or appointment of executor, or confession thereof, shall be heard unless there are documents free of suspicion of forgery which support its truth." And again, similar provisions reappear in subsequent Codes.

But this method has also been used to introduce some particularly interesting reforms. Thus in the Egyptian Law of 1929, Article 15 provides that "No disputed claim of paternity shall be heard concerning the child of a wife where non-access between her and her husband from the date of the contract can be proved, nor of the child of a wife who gave birth to him more than a year after her husband left her, nor of the child of a divorced or widowed woman if she gave birth to him more than a year after the date of divorce or widowhood." Again, Article 17 lays down "No claim of maintenance in respect of the *'idda* period shall be heard regarding any period in excess of one year after the date of the divorce." Both these Articles, it is clear, represent an adoption of modern medical opinion as to the maximum period of gestation (here one solar year: see Article 23) in preference to the old Ḥanafī view of two years and the Shāfi'i or Mālikī view of four—but they adopt the indirect method of refusing judicial relief rather than attempting to amend the substantive law.

But probably the most interesting, as well as the most controversial, use to which this method has been put is its employment in modern Egypt to discourage the practice of child-marriage. This

problem is always a delicate one in Muslim lands, since Muḥammad himself married 'Ā'isha at an exceedingly tender age; so it is almost impossible for the pious Muslim to condemn the practice out of hand. Instead, the Egyptian reformers in 1923 decreed that the Courts must not (except by special permission) entertain any claim whatever<sup>20</sup> based on a marriage where the age of the wife was less than sixteen and that of the husband less than eighteen at the time of the contract<sup>21</sup> or which had not been properly registered by the competent official:<sup>22</sup> and at the same time forbade these officials under penalty<sup>23</sup> to register marriages when the parties had not reached the prescribed ages. The Ottoman Law of Family Rights sought to attain the same end but by rather different means, and to this we shall return. Suffice it here to note that this Egyptian Law of 1923 provides the outstanding example of the introduction of a highly controversial reform not by declaring a certain course of action invalid in substantive law but rather by the procedural device of discouraging people from adopting it by a complete denial of justice if they do.

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<sup>20</sup> Except a claim of paternity.

<sup>21</sup> Amended in the Code of 1931 (Article 99) by the omission of the words "time of contract"—i.e., they must now have reached those ages at the time of litigation. But the clause regarding registration remains unchanged.

<sup>22</sup> This was added in 1931.

<sup>23</sup> Prescribed by Law No. 44 of 1933.

## NOTES ON DICKSON'S *THE ARAB OF THE DESERT*

Colonel H. R. P. Dickson's *The Arab of the Desert*<sup>1</sup> is probably the most important work on Arabia to appear since the masterpieces of Philby's earlier period, culminating in *Sheba's Daughters* (London 1939). The book, it is gratifying to learn, has sold unusually well for one of this type, and the numerous reviews of it have on the whole been very favorable. Its merits are for the most part readily apparent, and its value as a first-hand source for the recent history of Arabia and the life of the Arabian people is unquestioned. At the same time, the book is marred by flaws that should be brought to the notice of its readers as well as of its author, with the hope, in the latter case, that some of them may be eliminated in the second edition, which is understood to be in the process of preparation.

It is my sincere wish that concentration on the shortcomings of Dickson's book in this paper will not give a false impression regarding my opinion of it. I entertain high esteem for the author and his book, which I have read with genuine pleasure and from which I have learned a great deal. Dickson speaks Arabic with fluency, he has enjoyed intimate association with the Arabs over the span of many years and has won their confidence and affection, and in many ways he has portrayed their life with great fidelity and charm. Were his book of less account it would not call for the devotion of much time and space to a painstaking analysis of it. Dickson himself, aware of his inadequacies, has asked critics to be gentle, and he may rest assured that what is said here is said only out of a desire to have his good book made even better.

*General Remarks.* Various reviewers have commented on Dickson's omissions and his failure to discuss such subjects as the problems confronting the Arabs at the present day, the impact of the new oil industry on Kuwait and Eastern Arabia, and the rapid penetration of Western inventions and ideas into regions where for centuries the surface of life had remained almost unruffled by disturbing things of this kind. These omissions may be traced in part to the fact that Dickson still holds an official position in the State of Kuwait and so can hardly be expected to speak with complete freedom on all matters, though his candor in expressing himself in numerous passages is surprising and deserving of praise. There is hope that before long Dickson will give us another volume, and in this his sights may be set on the present and future as well as on the past.

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<sup>1</sup> *The Arab of the Desert: a Glimpse into Badawin Life in Kuwait and Sau'di (sic) Arabia.* London, George Allen & Unwin, 1949, pp. 648.

In a number of places Dickson's information and judgments have clearly been rendered out-of-date by the march of events. The reader of his book should remember, however, that virtually the whole of it was prepared for publication ten years or more ago, a fact to which Dickson makes only indirect reference in his acknowledgments.

One of the weaknesses of the book is its poor organization, which resembles that of an author's notebook in which data are jotted down to be worked over later and fitted together before publication. Frequently the same statement or item of information is set forth two or three times in different parts of the book. Had the repetitious passages been excised, space would have been available for other data that the publishers were forced to lay aside. Some of the author's often delightful—but occasionally exasperating—spontaneity might have been lost by squeezing the book into a more polished and formal mold.

As the title and subtitle indicate, the book deals primarily with Arabs who, since their home is the desert, are known as Bedouins (I am sorry that Dickson has given added currency to the bastard form *Badawin*, which is neither Arabic nor good old English). At the same time, substantial portions are devoted to town-dwelling Arabs of Kuwait. In more than a few instances the words or customs of town-bred Arabs are given or described without being identified as such, and the uninformed reader desiring to know the true Bedouins may be misled.

The present paper is concerned not so much with what has been omitted from the book or with the imperfections of its organization as it is with the validity of what it does contain. The author—despite his great gifts, remarkable opportunities, and powers of keen observation—has been handicapped by inadequate acquaintance with such matters as classical Arabic, the general principles of linguistic science, the history of the Arabs and of Arabia, and the tenets of Islam, a fact for which he cannot be blamed, as a full life as a government official and a man of business has left him little time to train himself as a scholar in these fields. Since he freely confesses inadequacies of this sort on his part, it is to be regretted that he did not associate himself with a collaborator who could have raised the level of accuracy without altering the imprint of the author's character on the book.

Dickson has on occasion accepted and recorded the testimony of his Arab friends in an uncritical manner. The fact that So-and-so said such-and-such may be worth putting down, even though it is untrue, but the author does not discharge his full duty to his readers when he fails to check the statement against reliable sources and then evaluate and report on its accuracy. In our own work with the Bedouins we

have frequently found it necessary to check what one man has told us against what half a dozen others have to say, and it is often useful and edifying to compare what one man says the first time with what the same man says on the same subject six months or two years later. The Bedouin has an amazing grasp of the particular and a perhaps equally amazing lack of concern for the general; consequently, some of the generalizations suggested by Bedouins are wrong. In other cases Dickson misses the mark because his close knowledge of the desert Arab is confined to a relatively small portion of the Arabian Peninsula, and what holds good here does not always apply elsewhere.

*The Bedouin Tribes.* Although there is a fairly extensive literature on the Bedouins inhabiting the deserts that lie within the sweep of the Fertile Crescent, there is little in either Arabic or the Western languages on the tribes of the area Dickson writes about, the territory of Kuwait and Eastern Arabia. One of Dickson's finest accomplishments has been to bring these people within the ken of Western readers; it is my firm conviction that the men and women of these tribes are inferior to none as representatives of the true Arab type of the homeland. Dickson spreads before his audience a sumptuous wealth of detail that merits the most careful scrutiny by anyone seeking to know the Arabs well. Although much of the information of this kind is accurate and much has the distinction of never having been published before, there remains a residue of statements that are incorrect or apt to give the wrong impression. Examples of these will be found in the following comments, which are restricted to a consideration of the two great Eastern tribes of Muṭair and the 'Ujmān.

*The Tribe of Muṭair.* The main divisions of Muṭair with their principal sections are:<sup>2</sup>

- I. 'Ilwā: (1) The Muwahah; (2) Dhawī 'Aun; (3) The Jiblān.
- II. Buraih: (1) Wāṣil; (2) The Ṣu'rān; (3) Maimūn.

This list, compiled independently from information given by Bedouins well acquainted with the tribe, agrees with the one recorded by the Amir 'Abd Allāh ibn 'Abd al-Raḥmān, brother of the King of Saudi Arabia, and printed in Fu'ād Ḥamzah's *Qalb jazirat al-'arab* (Cairo 1933) pp. 193-194 (the Amir 'Abd Allāh brackets the Ṣa'abah together with the Ṣu'rān and Maimūn under the collective name of Wassāmat al-Hilāl, but this is a descriptive term referring to their use of the crescent camel-brand rather than the name of a division or section).

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<sup>2</sup> In transliterating proper names throughout this paper I follow the modern forms in written Arabic; in transliterating words and phrases from Bedouin speech I follow the prevailing spoken forms.

When Dickson's list, given on pp. 563-566, is compared with this one, a number of discrepancies will be noted. The Dūshān, instead of being a separate division of the tribe, are only a clan (*hamūlah*) of the Muwahah of 'Ilwā. Dickson's Aulad 'Ali is not a common appellation for any of the principal sections of Buraih, and the usual name for the group of which Ibn Buṣayyīṣ (not Musaiyis) is the Amir is the Ṣu'rān. Banī 'Abdillāh (in Arabia 'Abdillāh or 'Ibdillāh is a separate name, to be distinguished from 'Abd Allāh), sometimes known simply as 'Abdillāh, form a section of Dhawī 'Aun of 'Ilwā and do not belong to Buraih, though, as pointed out by the Amir 'Abd Allāh, they have special ties with Maimūn and the Ṣa'abah of Buraih.

The chief of Dhawī 'Aun is named Sa'ūd ibn Hāyif al-Fughm, not Al Fuqm; his residence is the *hijrah* of Qaryah al-Suflā (pronounced *garyat assiḫlā*), also known as Qurayyah, as it is smaller than the companion settlement of Qaryah al-'Ulyā (pronounced *garyat al'ilyā*).

The first major section of Buraih is Wāṣil, not Aulad Wasil. Some even say that Wāṣil, instead of being the ancestor of the section, was a lance used as a symbol of unity by the component subsections (*Wāṣil rumḥ mutawāṣilin fih*); this version may be compared with a story current among some of the 'Ujmān to the effect that Madhkar, usually given as the ancestor of at least some of the sections of their tribe, was actually a piece of iron grasped at the time of sealing an intra-tribal alliance.

The need for subscript dots in some cases is apparent when one comes to the name al-Faṭḥī (given by Dickson simply as Al Fathi) borne by the chief of the 'Ifisah or 'Ifasah (not Al 'Afsah), a subsection of Wāṣil—without the dots one would naturally assume the name to be al-Faṭḥī.

The subsection belonging to Wāṣil that is under the chieftainship of al-Haftā is the Maḥālisah (singular Muḥailisī), not Al Maharisa.

The Ḥamādīn (singular Ḥumaidānī) belong to Wāṣil, not to Aulad 'Ali. Dhawī Sa'dūn (pronounced *si'dūn*), not Al Sa'adun, belong to the Ṣu'rān, not to Aulad 'Ali; their chief is named al-Muqahwī, not Al Umjahwī.

Ibn Isqaiyan is listed by Dickson as the Shaikh of Al Thi'aun (apparently another version of Dhawī 'Aun); in reality Faiṣal Ibn Suqayyān, who resides in the *hijrah* of Mulaiḥ in the district of Sudair in Najd, is the chief of 'Abdillāh, one of the three principal subsections of the section of Dhawī 'Aun, which is headed by his superior al-Fughm.

As pointed out by Dickson, the *dirah* or habitat of the tribe encompasses Ṭiwāl Muṭair (not Tuwāl al Mutair), but the word *ṭiwāl* (pronounced *ṭwāl*) as used here and in other instances (Ṭiwāl al-Zafīr and Ṭiwāl Āl Murrah) means "deep wells," not "long places"

(the ordinary word for "deep" among the Bedouins with reference both to wells and the sea is *ṭwīl*, plural *ṭwāl*, not 'amīq). Dickson falls into the common error of rendering the names of two sets of the deep wells of Muṭair, al-Lihābah (pronounced *allhābah*) and al-Liṣāfah (pronounced *allṣāfah*), as Haba and Safa (two other names that have often been victims of this type of amputation at the hands of Westerners are al-Lidām and al-Liḥā, more familiar in their truncated forms Dam and Ha).

Dickson supplies very interesting details on the black camels once owned by Muṭair, but his information needs to be corrected on a number of points. These camels are called *shurf* (singular *sharfā*), not Shuruf. While it is true that they are highly esteemed, it is definitely misleading to describe them as "almost sacred" or "a sort of 'sacred emblem.'" The following passage (p. 585) is of doubtful accuracy:

"In the attack . . . the *Shuruf* have the place of honour always and lead the van. No Mutairi ever rides them, and they just move forward in a compact well-trained black mass ahead of the fighting men as if perfectly understanding the game. The latter will follow straight on to victory or death in their wake. The *Shuruf* seem also to know that they afford a sort of moving wall of protection for the footmen in their rear, and never scatter."

Bedouins who ought to know have assured me that the tribe of Muṭair has never employed such tactics, and it seems obvious that placing camels in such a position would only lead to the fruitless slaughter of highly prized stock.

The *shurf* sometimes graze alone and sometimes with other camels. Hostility towards strange camels is not peculiar to the *shurf*; it is characteristic of all herds of camels.

The Bedouins I have talked with have been surprised to hear it said that Muṭair make a special effort to avoid having the *shurf* seen by persons not belonging to the tribe; laying eyes on the *shurf* is held to be no more unusual or noteworthy than catching sight of any other fine beasts.

The tribe of Muṭair is not the only one to have had camels known as *shurf*, for Abū Khushaim of Banī Hājir still has some, though the consensus of Bedouin opinion appears to be that the *shurf* of Muṭair are superior in quality to his. The 'Ujmān also own a number of *shurf*, stock captured long ago from Muṭair.

The implication that Muṭair are alone in owning the breed of horses called *kurūsh* is also incorrect, for horses of this breed have in the past belonged to many different tribes. The most famous horses of Muṭair are the Ḥamdāniyah belonging to the Jīblān.

*The Tribe of the 'Ujmān.* The members of this tribe pronounce their name as spelled in this heading, but the spelling 'Ajmān has

gained such currency in English that Dickson cannot be criticized for using it. A member of the tribe is called an 'Ajmī. Bedouins familiar with the tribe, as well as the tribesmen themselves, seem without exception to associate the name of the tribe with 'ajam (colloquial for *a'jam*, just as *hamar* and *hawal* are the colloquial forms for *aḥmar* and *aḥwal*, and so forth); 'ajam means "speaking brokenly or incoherently", and the name appears in the warcry (*'izwah*, not *'iswah*) of the tribe: "*Mifrāṣ alhadīd anā ibn l'ajam*" (inaccurately recorded by Dickson in the footnote on p. 48 as "*Garās al hadīd wa ana ibn al 'Ajām*"). The diminutive of 'ajam is found in 'Ujaim, the name of a remote ancestor of some sections of the tribe.

There is no basis, either in the traditions of the tribe or in other evidence, for attributing to the 'Ujmān any blood relationship with the Persians (al-'Ajam). This mistake, arising from the accidental similarity of the names, is met with now and then, but Dickson goes too far in describing it as "commonly believed"—at least it is not commonly believed among the Bedouins. All the data we have on the tribe and its history bear out the descent of the 'Ujmān, as reported by Dickson, from Yām. There is no reason, however, for calling Yām "mysterious": he is given in the classical genealogies as a descendant of Qaḥṭān, and the presence of his descendants in Najrān since ancient times is attested to by numerous authentic sources. Both the 'Ujmān and Āl Murrah, who trace their descent back to the man Yām, recognize their kinship with the tribesmen known as Yām (not Banī Yām) living at the present time in and near Najrān, and are recognized in turn by the men of Yām as being of their stock. On the other hand, the identification by one of Dickson's informants of Yām as ancestor of the Manāṣīr, the Manāhīl (not the Manahir), the 'Awāmīr, Āl Rāshīd, the Ṣai'ar, and the Karab, is supported neither by the testimony of the genealogists nor the traditions of the tribes themselves.

The main divisions of the 'Ujmān with their principal sections are:

- |                   |                  |                   |
|-------------------|------------------|-------------------|
| I. Āl Ḥadjah:     | (1) Āl Mu'īd;    | (2) Āl Maḥfūz;    |
|                   | (3) Āl Sulaimān; | (4) Āl Hitlān;    |
|                   | (5) Āl Ḥubaish;  | (6) Āl Khuwaitīr. |
| II. Āl Zā'in:     | (1) Āl Shilwān;  | (2) Āl Duwaish;   |
|                   | (3) Āl Sakbān;   | (4) Āl Khuḍair.   |
| III. Āl al-Miṣrā. |                  |                   |
| IV. Āl Shāmīr:    | (1) Āl Shāyiqah; | (2) Āl Ḥusain;    |
|                   | (3) Āl 'Ayiḍah;  | (4) Āl Qubaiḍān;  |
|                   | (5) Āl Maṭarah;  | (6) Āl Khuḍair.   |
| V. 'Iyāl Wu'ail:  | (1) Āl al-'Arjā; | (2) Āl Rashīd;    |
|                   | (3) Āl Futaiḥ;   | (4) Āl Fahhād.    |

- VI. Madhkar:                   (1) Āl Muḥḥ;                   (2) Āl Ḥayyān;  
                                     (3) Āl Rizq;                   (4) Āl Salūm.

The first four divisions given above regard 'Ujaim ibn Marzūq as their common ancestor, while the relationship of these divisions to the other two is more remote. Division V ('Iyāl Wu'ail) is said to join the first four divisions in Hishām, while division VI (Madhkar) apparently does not join the rest until one reaches Madhkar, who according to the classical genealogists was a son of Yām himself and brother of Jusham, presumably the ancestor of Āl Murrah, who are thus, as they themselves say, remote cousins of the 'Ujmān. It must be confessed that the identity of 'Ujaim, Marzūq, and Hishām—none of whom has been found in the old genealogies—is still uncertain, and the notions regarding them that are entertained by members of the 'Ujmān at the present day are often sadly mixed up. There is no question, however, of the fact that the sections listed under these last two divisions are believed to be somewhat distant in their relationship to the main stock of the 'Ujmān; the majority of the members of these sections still live in the south, in the stretches east of the mountains of 'Asīr between Wādī al-Dawāsir and Najrān. In their homeland the inclination is to regard these sections as belonging to Yām rather than to the 'Ujmān, but on the other hand the 'Ujmān have no hesitation about recognizing men of these sections as full-fledged members of their own community.

Dickson's list of the sections of the 'Ujmān (pp. 568-569) is even less satisfactory than his list of the divisions and sections of Muṭair. It is, for example, impossible to list Al Arjah (properly Āl al-'Arjā) as a section with Arjah as one of its subsections, or Adh Dha'in (properly Āl Zā'in) as a section with Dha'in as one of its subsections, or Al Hadi as a section with Al Hadī as one of its subsections.

Āl Rizq (not Risq) and Āl al-'Arjā are both sections of Madhkar; Dickson is wrong in giving the first as a subsection of the second. The name of the section of Madhkar pronounced Āl Ḥayyān is just as given here, and is not Āl Ḥajjān.

The weakest part of Dickson's list is the one dealing with Āl Mu'īd, the section to which Ibn Ḥithlain, paramount chief of the whole tribe, belongs, which is given on p. 569 as follows:

#### Al Ma'idh

##### Subsections:

Hubaish	Najiah
Karah	Silbah
Mughatti	Zaiz
Muaig	

Āl Ḥubaish is a separate section of Āl Ḥadjah and does not belong to Āl Mu'īd. Karah and Muaig are names that none of the 'Ajmīs I have questioned can recognize; in any event, they are not names of subsections of Āl Mu'īd. Mughatṭī is the name of a *hijrah* belonging to the 'Ujmān in Wādī al-Miyāh; it is not the name of a tribal subsection. Najjah, the name of the shaikhly house of the whole tribe, stands for Āl Nāji'ah, and Zaiz is a truncated form of Āl Luzaiz. Āl Hādī, Āl Sifrān, and Āl Rīmah, all of which are subsections of Āl Mu'īd, are shown by Dickson as separate sections of the tribe, while Āl Šāliḥ, the seventh subsection, is not listed by him at all. The roster of Āl Mu'īd should therefore read as follows:

Āl Mu'īd

Subsections:

Āl Nāji'ah	Āl Luzaiz
Āl Sifrān	Āl Rīmah
Āl Hādī	Āl Silbah
Āl Šāliḥ	

Dickson's remarks about the chieftainship of the tribe are at the least out-of-date, even if not misleading with regard to the situation at the time they were recorded. Rākān ibn Ḍīdān (not Dhaidan) Ibn Ḥithlain is recognized by the Saudi Government as well as by the whole tribe as the paramount chief. Khālid ibn Ḥizām Ibn Ḥithlain, nicknamed Zibb Siḥmān (not Zib Sahman) but preferring to be called Siḥmān, his father's nickname, is well liked by both the King and members of the tribe and might have become the paramount chief on the death of Ḍīdān had he so desired, but he deferred to Rākān since Rākān's father had been chief before him.

With regard to the habitat of the tribe, Niṭā' (not 'Nta) and other centers in Wādī al-Miyāh are *hijrahs* or villages of some size with permanent populations rather than headquarters camps for the summer, though it is true that the population of each is considerably increased when nomads camp in the vicinity during the summer months. The following statement is misleading: "In winter the tribe ranges whole Province of Hasa from the Kuwait border as far south as Hufuf". The southern boundaries of the Province of al-Ḥasā have not been officially established, but the territory under the jurisdiction of the Āmir Sa'ūd ibn 'Abd Allāh ibn Jalwī, the Governor of the Province, extends far to the south of the capital at al-Hufūf (the Bedouin form of which is al-Hufhūf). It might also be pointed out that Wādī al-Miyāh is not a true *wādī* (a water-course in which a *sēl* or flash flood sometimes runs) but derives its name (the Valley of the Waters) from the fact that it contains a large number of watering

places, around many of which permanent settlements have grown up.

The 'Ujmān do not look upon the Zafīr as perhaps their principal enemies; in fact, they have been at war with this tribe only once during the last half century or so—and then for only a few months. Most of their fighting during this period has been with Muṭair, primarily because of their proximity to this tribe, and with Banī Hājir and the 'Awāzim, who as allies of Ibn Sa'ūd have often been arrayed against the 'Ujmān. There is no traditional hostility between the 'Ujmān and Shammar or between them and Subai' and the Suhūl; the 'Ujmān have fought against elements of the latter two tribes only when such have been found in the ranks of Ibn Sa'ūd.

Although at one time the 'Ujmān might have been described as being "sullenly hostile" to Ibn Sa'ūd, this is no longer true of them. The loyalty of this tribe, which fought so long and bitterly in the old days against the man who is now their King, is a remarkable thing. Dickson's statement that "were authority to collapse in Najd, the 'Ajman would be the first to desert" has no validity at the present time.

In a footnote on p. 48 Dickson mentions the peculiar custom of the 'Ujmān—not found among any of the other tribes in this part of Arabia—of tying up their hair as a means of identification on the battlefield. However, it is only the hair on the top of the head, not the side locks or *gurūn*, that is tied into a knot, called a *gunzu'ah* (not *ganaza*). A piece of rope or bit of cloth of any color, not necessarily a red cloth, may be used in tying the *gunzu'ah*. Freya Stark in *Seen in the Hadhramaut* gives photographs of boys wearing a strip of hair on top of the head with the sides of the head shaved, reminding one of the American Indian scalp lock; this is called *gamzuz* in Hadramaut, the similarity of which name to *gunzu'ah* will not escape notice.

Readers with some knowledge of Arabia or Arab history are likely to be confused by Dickson's use of Sharif with a capital S in describing the descent of the 'Ujmān and other tribesmen who maintain that they are of pure Arab stock (*aṣīlīn*). The term Sharīf is usually restricted to its technical meaning of "a descendant of the Prophet"; King 'Abd Allāh of Jordan, for example, is known to the Bedouins of Arabia as al-Sharīf. The Bedouin tribes who are true Sharīfs (*Ashrāf*) in this sense are all found in the western part of the peninsula, though elements of a few other tribes—such as the House of Sa'dūn, the shaikhly clan of the Muntafiq—are also recognized as being *Ashrāf*. There is no sound basis for attributing Sharīfial ancestry to the 'Ujmān, though it is true that an occasional member of the tribe will say that one of his forefathers was a Sharīf (I suggest that such statements are due to confusion between Hishām, who is known in a hazy way as a remote ancestor of the 'Ujmān, and Hāshim,

the founder of the House of Hāshim which provided the ruling Sharifs of Mecca for many centuries).

Dickson's account of the sending of messengers by the 'Ujmān to Āl Murrah and vice versa to solicit help in time of war errs on the side of picturesqueness. Sometimes a single messenger was sent, and at other times a party, which might number as many as fifty men. The camels they rode had black cloths tied about their necks, rather than "a red scarf or scarlet rope." The name 'Iyāl Marzūq embraces only some sections of the 'Ujmān, not all the descendants of Yām ('Iyāl Yām), and there is nothing sacred about the name.

*The Reproduction of Bedouin Speech.* On p. 23 Dickson has set forth the principle that guided him in reproducing the spoken language of the desert: "In representing Arabic as spoken by the Badawin I have striven to write what I heard, however far removed from literary forms. To simplify typesetting I have not attempted to distinguish the Arabic sounds of 'ain and hamzah but represent both by an apostrophe. Similarly I have not sought to differentiate the Arabic varieties of *s*, *t*, *h*, etc., nor systematically to insert the final silent *h*. I lay no claim to a profound knowledge of classical or literary Arabic, and I therefore crave the indulgence of those learned in these matters."

The basic principle here enunciated—the faithful recording of spoken Bedouin Arabic without regard to the classical norm—is a sound one, and that it is feasible to put this principle into practice has been demonstrated by Landberg, J. J. Hess, Montagne, and others. However, Dickson's confessed lack of training in linguistic matters makes his material much less satisfactory for the student than that of some of his predecessors.

Dickson's major fault is perhaps inconsistency, which apparently derives from a failure to bear in mind at all times the principle he laid down for himself. In the chapter on proverbs, which purports to present "very ordinary everyday sayings," a number of the specimens are mediocre renderings of classical lines, complete with nominal and verbal endings that current speech preserves only in quotations from classical literature. Other specimens are unhappy blends of classical and colloquial, such as "Aish laka fi shajaratiu wa hayatiha." *Aish* is of course colloquial, and in the mouth of the Bedouins of Eastern Arabia it usually becomes *wēsh*. The classical *laka* is *lak* in colloquial, and *hayātihā* is *hayāthā*. *Shajaratiu* is obviously a misprint for *shajaratin* (pronounced *shijiratin*), where the ending *-in* is the sole survival among the Bedouins of the classical *tanwīn* (it should also be pointed out that *shijirah* among the Bedouins means a bush, even a tiny bush, as well as a tree, and the nature of Arabian vegetation is such that over 99% of the *shijir* are bushes, not trees).

Despite Dickson's fluency in Bedouin speech, which has been developed to an extent unusual for a foreigner and which commands the admiration of the Bedouins themselves, who listen to his talk with pleasure and hang on every word of his inimitable stories, the recording of names shows that his ear is none too keen. The name of his 'Ajmī friend Zunaifir ibn Ḥuwailah is incorrectly given throughout as Junaifir. The family name of Sālīm, the keeper of Dickson's tent, invariably appears as al Muzaiyin, when it should be al-Muzayyan (the difference in the last vowel between *i* and *a* is not such a slight matter, for it marks the difference between the active and the passive participle).

I should lodge a strong protest against the practice of representing both 'ain and hamzah with an apostrophe. In spoken Arabic the two are clearly distinct from each other, and the use of one symbol to represent both in transliteration is bound to cause confusion, as may readily be seen from many instances drawn from Dickson's own book. In the glossary the words 'udh and 'udhkul are given side by side. The uninformed might assume that the first of these two words is the same as the first syllable of the second, but, apart from the fact that the order of the consonants -dhk- in the second word should be -dkh-, the first word begins with the letters 'ain and wāw while the second begins with the letters hamzah and dāl. Nor is Dickson consistent in representing both 'ain and hamzah with an apostrophe. His form *asfūr* for "a yellow wagtail or sparrow" begins in Arabic with an 'ain. The peculiar form *a'a'tifa* might suggest that this word contains both an 'ain and a hamzah or a brace of either one of the two letters, when the word is actually 'āṭifah, beginning with an 'ain followed by the *alif* of prolongation. The word *abū* begins with a hamzah just as does the word *abraq*, but all the compound names in which the former occurs are written in the glossary with *abu*, while the latter appears as 'abraq (though the pronunciation is recorded as *abrag* without the apostrophe).

Apostrophes are used in words and names that in Arabic contain neither an 'ain nor a hamzah. The form 'abd mu'allid should of course be 'abd muwallad, and l'Illah should be lillāh, which in Arabic is both pronounced and written without a hamzah.

The Arabic for "fingernails" appears in one place in the glossary as 'adhāfir (properly azāfir) with an apostrophe, and three pages later as athāfir without an apostrophe.

The three forms bayir, bayir, and baiyir—all apostropheless—are given for ba'ir, though the 'ain that exists in the Arabic word does crop up in the plural ba'arin (properly ba'ārīn).

In the genealogical tree of Āl Ḥithlain, the shaikhly clan of the

'Ujmān, the name Faurān is written in one place as Fauran and in another place as Fa'aran.

*Ru'us* is given as the plural of *ras* in conflict with the principle of ignoring literary forms, for among the Bedouins the plural of *rās* is *rūs*, a form which, by the way, also occurs in classical Arabic, though not as commonly as *ru'ūs*.

I also consider ill advised the omission of the final *h*, which Dickson incorrectly describes as silent (it only seems to be silent to the Western ear unaccustomed to the light aspirate at the end of words). Inconsistency again marks Dickson's practice: *birkah*, *badawiyah*, *dhabihah*, *manihah*, and others are written with the final *h*, while *bakūra* (properly *bākūrah*), *batūla* (properly *baṭṭūlah*), *dhimma*, *qahwa*, and others are written without it. In a few cases a final *h* or *t* has been added to words that do not have it in the Arabic: *hamāh* (properly *himā*), *rahat* (properly *rahā*), and *siflah* (properly *sufḷā*, pronounced by the Bedouins *siflā*).

A few words that in Arabic end with 'ain have been written in such a way that their endings cannot be distinguished from the endings of words like *dhimma*: *burqa* (properly *burgu'*), *sana* (properly *ṣāni'*) with its plural *sanna* (properly *ṣunnā'*), and *qata* (properly *gāṭi'*).

Dickson's decision not to differentiate between the Arabic varieties of *s*, *t*, *h*, etc., is understandable in view of the difficulties in typesetting that would be involved in making such a differentiation. However, it might have been possible to use subscript dots only in the glossary, which would have been a great help for students. In writing *jidda* as the name of the wooden drinking-bowl used in Arabia, Dickson has overlooked the final *h*, which in this word is the strong aspirate, as well as the fact that the usual Bedouin pronunciation in Eastern Arabia is *gidah* or *dzidah* (from the classical *qadah*).

Another shortcoming in Dickson's system of transliteration is to be found in his treatment of double consonants. In English double consonants are usually pronounced as if they were single, though their presence may have an effect on the pronunciation of the accompanying vowels. In Arabic, however, every double consonant is clearly pronounced as such, and this fact should be taken into account in transliterating Arabic into English. Dickson sometimes gives a double consonant in the English version when there is only one in the Arabic:

'assa = 'aṣā

bakkarah = bakrah

dallal = dlāl / "coffee-pots"

dibba = dibā

dibbash = dibash

dibdibba = dibdibah

gatta = gaṭā

ghazzu = ghazū

<i>guffa</i> = <i>gufā</i>	<i>jeddi</i> = <i>jadī</i>
<i>hallal</i> = <i>ḥalāl</i>	<i>khalla</i> = <i>khalā</i>
<i>hammam</i> = <i>ḥamām</i> / "Pigeons" <sup>3</sup>	<i>matrah</i> = <i>maṭrah</i>
<i>hanniyan</i> = <i>hanīyan</i>	<i>muttar</i> = <i>maṭar</i>
<i>hurum</i> = <i>ḥarm</i>	<i>Qassim</i> = <i>al-Qaṣīm</i>

In other cases he provides only one consonant for the English version when the Arabic has two, particularly if the double consonant in Arabic is at the end of the word:

<i>'am</i> = <i>'āmm</i>	<i>haq</i> = <i>ḥaqq</i>
<i>bat</i> = <i>baṭṭ</i>	<i>jau</i> = <i>jaww</i>
<i>dhub</i> = <i>ḍabb</i>	<i>muta'awah</i> & <i>mutawa'a</i> = <i>muṭawwa'</i>
<i>gash</i> = <i>gashsh</i>	<i>ruz</i> = <i>ruzz</i>
<i>hadh</i> = <i>ḥazz</i>	<i>sam</i> = <i>samm</i> / "say <i>bismillāh</i> "
<i>haj</i> = <i>ḥajj</i>	<i>sim</i> = <i>simm</i> / "poison"
<i>haji</i> = <i>ḥājī</i> (though the double <i>j</i> shows up when <i>ḥujjāj</i> is given for the plural)	<i>zib</i> = <i>zubb</i>

The letter *qāf* has also given Dickson trouble. The prevailing sound for it used by the tribes frequenting the region that Dickson deals with is *g*, with Banī Hājir and others sometimes pronouncing it as *dz*. Dickson could have rendered it consistently as *g* in accordance with his principle of adhering to verbal usage, or he could have bowed to the accepted practice of Arabists and rendered it consistently as *q*. He has instead written it now as *g* and again as *q*, shifting for no apparent reason from one to the other at random. In many cases in the glossary he gives the same word twice, once with *g* and the other time with *q*, but in other cases he does not do this. For example, the word for "a young male camel" appears in the glossary only as *ga'ud*, while the word for "tribe" appears only as *qabilah*, though the pronunciation of the initial letter is exactly the same for both words. Again, the word for "grave" is written *gabr*, but the *g* of the root is transformed into *q* in the word for "cemetery," *maqbarah*.

The pronunciation of *qāf* as *j* is not at all characteristic of the Bedouins of the region Dickson is describing, though it is found among some of the tribes of the Far East of Arabia, such as the Manāṣīr and Āl Wahībah. It is also common among the seafaring Arabs of the Persian Gulf as well as among the townspeople on or near the water, so that it is easy to see how Dickson picked it up in Kuwait, though it is misleading for him to record it without clarification of the usage. Such a combination as "*garab*, sing. *jirba* (*qirba*)" is a bit bewildering. The statements that "*qalib*" is "always pronounced

<sup>3</sup> Many Westerners fail to make a distinction between this word and *ḥammām* / "bath."

*jalīb*," "*qāfilah*" is "pronounced *jāfila* as a rule," and "*qarīb*" is "pronounced *jarīb*" are simply not true as far as the great majority of the Bedouins of Dickson's part of Arabia are concerned.

In a few instances the letter *qāf* is rendered as *k*: *dushak* is written for *dōshag* and *maksar* for *maḡsar*. The proper name Marzūq occurs as Marzuk. The word *nabaq*, which by the way is not familiar to the Bedouins of Eastern Arabia, appears as *nabuk*. For at least one word—*zernīkh*—Dickson also uses *k* in place of *kh*.

From the standpoint of students of Arabic it is unfortunate that Dickson does not tackle the problem of how to distinguish in transliteration between the letters *dhāl*, *ḏād*, and *ẓā'*, all three of which he usually represents with the combination *dh*. The confusion becomes worse when *th* is sometimes used for *ḏād*, as in *thaif* for *ḏēf* and *muthaiafchi* for *muḏāyifī* (though *ḏiyāfah* from the same root is written *dhiāfa*). The word *muthif* (properly *maḏīf*), also derived from the root common to all the words just cited, is not used in the desert, where the alighting-place for guests in front of the tent is called *manākh aḏḏēf*. The proper name Mūḏī appears as Muthi, and the verbal form *yḡēyīzūn* as *igaiyathun* (in other instances the prefix of the imperfect is set off by itself as if it were the separate word *i*). In at least one case, Ibn Hathal (properly Ibn Hadhdhāl), *th* is made to stand for *dhāl*. The same combination is pressed into service to represent *t* in *thafadhalu* (*tafadhalu* is also given). The letter *ḏād* becomes *z* in *Zana Muslim*, though the first word of this pair (properly *ḏanā*) is given elsewhere as *thina*.

Dickson's lack of familiarity with written Arabic may be detected in such incorrect forms as *al amir al muminin* (for *amīr al-mu'minīn*), *al masta'ariba* (for *al-musta'ribah*), *musulman* (for *muslim*), *shi'ah* (as the name for an adherent of the Shī'ah, instead of *shī'ī*, the classical form, or *bahrānī* or *rāfiḏī*, the colloquial forms current in Eastern Arabia), and *Zam Zam* (for *Zamzam*). For *qaryah* he gives three plurals—*qaryat*, *qiryat*, and *quryat*—none of which is correct. In preference to the classical plural *qurā* the Bedouins use *garāyā*; the plural of the diminutive is *gurayyāt*, which occurs in the proper name *Qurayyat al-Milḥ* (a group of villages in *Wādī al-Sirḥān* in northern Saudi Arabia).

The tendency to use words that do not enjoy great currency in this part of the desert is illustrated on the page of drawings of the main articles of clothing worn by a Bedouin man. The word *kaffīyah* for the headcloth belongs to the Syrian dialect and is almost unknown among the Bedouins of Eastern Arabia; *Muḡair*, the 'Ujmān, 'Āl Murrah, Banī Hājir, the 'Awāzim, and most of the other tribes call the headcloth *ghuṭrah*, the *Manāṣīr* and other tribes in the Far East of Arabia call it *sifrah*, members of 'Utaibah sometimes use

'*imāmah* (the classical name for a turban and the 'Ajmī name for headropes), and other names are not wanting. *Bisht* is almost universal among the Bedouins of Eastern Arabia for the outer cloak; Dickson's '*abbah* (properly '*abāh* or '*abāyah*) is Syrian rather than Arabian, though it is used in Eastern Arabia for a heavy black cloak worn especially by women, while *mishlah* for *bisht* is encountered as one goes farther west in Arabia.

*The Maps.* This thick book is made even thicker by a number of folding maps and genealogical tables pocketed inside the back cover. The ordinary reader may spend little time with these sheets, but the student of Arabia will do well to pore over them. The maps are cartographically of poor quality; some are only sketches made by the author as much as thirty years ago and are obviously in need of revision. Nevertheless, they contain so much good material that the failure to make them genuinely first-class by working them over before publication must be regretted.

One of the most interesting, and at the same time one of the least successful, of the maps is that entitled "Rough Tribal Map of Arabia." It may be questioned whether it is physically possible to draw a map showing tribal ranges in a satisfactory manner. As soon as lines are traced on the map, it looks as if each tribe has its own compartment into which it fits to the exclusion of other tribes, and the force of this impression is not sufficiently diminished by a note stating that the tribal boundaries are approximate only. For nearly every tribe in Arabia there is a geographical area, known as *dīrah* (or *dār* or *diyār*), in which the tribe enjoys a sort of local supremacy, marked particularly by the ownership of wells and sometimes of date palms. The tribe is almost always at home in its *dīrah* in the summer time, when the heat and the scarcity of water make it necessary to keep the livestock fairly close to a guaranteed supply of water at fixed points. In the fall, winter, and spring, however, members of the tribe may roam far afield—often through the *dīrahs* of other tribes or through country that may be called no-man's-land—depending on the vegetation that is then more abundant or following the rains wherever they may fall. The shifting pattern of these movements poses a nice problem in the delineation of tribal ranges on a map. The boundaries of the *dīrahs* proper where private ownership accords special rights to the members of a tribe may be uncertain, not generally recognized, or in active dispute, and the assignment to one tribe or another of grazing grounds or completely barren land where private ownership does not exist appears to defy even the wisdom of Solomon. In the preparation of a map use might be made of different colors blending into each other, but even this would leave much to be desired. We have found that the safest procedure is simply to write

the name of each tribe a number of times across the area that is indisputably its *dīrah*, thus making no attempt to define boundaries or divide up intervening areas of doubtful appurtenance.

Reference may be made to some of the data on Dickson's tribal map that should be changed. At least half of the territory of the 'Ujmān is shown lying south of al-Hufūf, though the tribe claims nothing south of that oasis as belonging to its *dīrah* and members of the tribe seldom go in that direction even in search of forage. The territory of Banī Hājir is outlined with a peculiar shape for which there is no justification in fact, while the territory of Āl Murrah is shown as extending much farther to the east than members of the tribe are accustomed to go. The town of Abu Dhabi (properly Abū Zabī) appears far to the west of its true position; were it properly placed it would fall within the range of Banī Yās instead of that of the Manāshīr, which is as it should be. The 'Awāmīr do not have and do not claim a *dīrah* of their own just to the south of the *dīrah* of Banī Yās, even though a number of members of the 'Awāmīr live and roam there in territory they recognize as falling within the *dīrah* of Āl Bū Shāmis (one of the two main divisions of the great tribe of Nu'aim, shown by Dickson as found only in Qaṭar, whereas its main strength is actually in the region of al-Buraimī). The fact that the 'Awāmīr do not have a *dīrah* here means that the *dīrah* of Āl Bū Shāmis abuts on the *dīrah* of Banī Yās and is not separated from it as shown on the map. The names Ghāfirī and Hināwī, though tribal in origin (from Banī Ghāfir and Banī Hinā), have been used in Oman since the early eighteenth century as the names for the two principal political factions, which keep alive the age-old animosity between the Northern Arabs and the Southern Arabs. Ja'lān is the name of a geographical district in Eastern Oman and is not borne by any tribe. Yalwahiba is properly Āl Wahībah (the members of the tribe call themselves Hal Wahībah, *hal* being a dialectal variant of *ahl* or *āl*).

In the southwestern corner of the Peninsula a fairly large space has been left devoid of tribal names. Parts of this space might have been given to 'Abīdah, a large branch of Qaḥṭān centered at Mārib (classical Ma'rib), to the Karab, and to Bakīl, the companion tribe of Ḥāshid. The *dīrah* of the Dawāsīr is shown as being to the north and west of the *dīrah* of Qaḥṭān, when in reality the positions of these two tribes are exactly the reverse.

GEORGE RENTZ

New York City

## BOOK REVIEWS

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**Introducing Islam.** By J. Christy Wilson. New York, Friendship Press, 1950, pp. 64, with double page map and illustrations, including the First Surah of the Qur'ān, with interlinear Persian translation. Paper \$.60.

This book will give a knowledge of the essential facts about the religion of Islam to multitudes of new readers. The material deals with Muhammad and the spread of Islam, the beliefs and duties of the Muslims, the social importance of the religion throughout its history and Christian missionary influence in Islamic lands. The material is in a clear and orderly fashion and in a kind and Christian spirit. Muslims reading the book will not be offended by its tone.

Nevertheless there will be Muslims as well as students of Islam and other readers interested in accuracy of details who will be disappointed in the book at a number of places. The author could have omitted some facts to give fuller and more careful statements of others not precisely correct. In other cases the details that he mentions are not those generally accepted by scholars. Instances are the following:

The *qiblah* or direction of worship was not changed "after Mecca was taken" (page 10) but sixteen or seventeen months after Muhammad emigrated to Yathrib (Medina). The point is important because of the influence of the change upon the success of Muhammad's new movement. The information about the text of the Qur'ān (pp. 29, 30) does not take into account the variant readings and technical books on the subject. The statement "that the orthodox view always has been that the Koran cannot be translated" (p. 31) is true of some but not all of the Sunnī or orthodox schools of Muslim law and it does not explain the existence of unnumbered translations done into many languages, including English, by pious orthodox as well as unorthodox Muslims entirely in the service of their religion.

On the other hand, Dr. Wilson's emphasis upon the fact that Islam "is not only a religion but a social and political system as well" is highly commendable. The description in Chapter III of the service of Islam in preserving and extending the cultural heritage of Greece (but not Rome) will please learned Arabs and indeed all interested in the history of civilization.

The last chapter deals with Christian work in Islamic lands and will warm the hearts of readers who have a concern for the spiritual welfare of the Muslims.

EDWIN E. CALVERLEY

**A Commentary on the Creed of Islam:** Sa'd al-Din al-Taftāzānī on the Creed of Najm al-Din al-Nasafi. Translated with introduction and notes by Earl Edgar Elder. New York, Columbia University Press, 1950, pp. xxxii, 187. \$3.75.

Sa'd al-Dīn al-Taftāzānī (1322-1389/90 A.D.) was the Muslim Admirable Creighton of his day, excelling in all the branches of knowledge which that age esteemed, Grammar, Rhetoric, Logic, Law, Qur'ān Exegesis and Philology, Metaphysics and Theology. A pre-

cocious child apparently, he completed his first work, a commentary on an authoritative treatise on Arabic accident, at the tender age of sixteen. Later he taught and wrote on every subject within the pale of the religious sciences, expounding them with such breadth of knowledge and simplicity of thought that his dissertations became standard works in Orthodox Islam; and to this very day some of them are used as text-books in the oldest and most celebrated of Muslim colleges, as may be learned from Taha Hussain's *The Stream of Days*, wherein, as my friend, Dr. A. Nykl, pointed out to me, that distinguished Egyptian modernist mentions three of them, the *Talkhīs al-Miftāh* on Rhetoric, the *Emendation of Logic*, and the *Maqāsid* on metaphysics and theology, in his delightful reminiscences of student life in Cairo.

But the most influential of al-Taftāzānī's works has undoubtedly been and probably still is his *Sharḥ al-Aqā'id al-Nasafīya* (Commentary on the Articles, or Creed, of al-Nasafī), which even today holds, as Dr. Elder observes (Preface, p. viii), "a leading place among the scholars attached to the great Muslim University of al-Azhar" as a text-book on theology; and this fact may explain a specific trend of the reform movement of the early years of this century in Egypt, of which the late Muhammad °Abduh was the leading spirit. Professor D. B. Macdonald of Hartford Theological Seminary used always to maintain in conversation that that movement had its roots, not in any foreign influence upon Islamic religious speculations, but in the liberalizing thought of the school of Abū Ḥanīfa and al-Māturīdī, which deprecated the apparent determinism of al-Ash°arī and his followers. Al-Nasafī, the author of the Creed, was himself a Māturīdī, and although al-Taftāzānī, the commentator, is generally listed as an Ash°arī and Shāfi°i, he is sometimes reported to have been a Ḥanafī. His whole life was spent and his work as teacher and writer accomplished near or in Māturīdī territory, the Oxus region, which may explain not only his choice of al-Nasafī's creed as his subject, as Dr. Elder has well argued (Introduction, p. xxiii), but also much of his comment on that creed; and manifestly his exposition of al-Nasafī's Articles discloses much sympathy and agreement with Ḥanafī and Māturīdī ideas.

Al-Taftāzānī's commentary on al-Nasafī's creed is thus a most valuable document for the history of Islamic religious thought, and Dr. Elder's translation with its introduction and notes is a decided boon to the students of that thought; for it gives them free access to a work which sums up and closes five hundred years of doctrinal discussion and controversy in Islam, which work, moreover, five hundred years later is still a prescribed text in the orthodox schools of Islam and yet bears within its presentation of orthodox theology the seeds of a modern liberal movement.

Dr. Elder's Introduction is a very useful analysis and summary of the outstanding doctrinal developments in Islam, which led finally to the establishment of the orthodox position represented by al-Nasafī's Articles and al-Taftāzānī's commentary; his notes are both adequate and appropriate, purveying the necessary information on the diverse religious and philosophical views involved in the discussion of the Articles; the bibliography is representative and suit-

able. W. Montgomery Watt's *Free Will and Predestination in Early Islam* might now be added, and such works as C. H. Becker's *Islamstudien*, I. Goldziher's *Die Richtungen der islamischen Koran-Auslegung*, M. Schreiner's *Beiträge zur Geschichte der theologischen Bewegungen in Islam*, Spitta Bey's *Zur Geschichte Abu'l-Hasan al-Aš'arī*, Steiner's *Die Mutaziliten*, A. F. von Mehren's *Exposé de la Réforme de l'Islamisme commencée . . . par . . . al-Ash'arī*, O. Pretzl's "Die frühislamische Atomlehre" (*Islam*, xix, 1931), J. Schacht's "Zur Geschichte des islamischen Dogmas" (*Islam*, xxi, 1933), and *Le Livre du Triumphe*, al-Khaiyāt's *Kitāb al-Intiṣār* etc., ed. by H. S. Nyberg, might also have found a place.

Al-Nasafī and al-Taftāzānī both wrote in a very concise style and in the technical language developed and fixed in the theological schools of Islam before the twelfth century, and their statement of doctrines and their arguments presuppose not only a precise acquaintance with the Qur'ān, the Traditions and the dialectic of the various theological schools, but also a competent knowledge of the sciences of grammar, philology, logic, law and metaphysics. To put into English the text of such a work as al-Taftāzānī's commentary on the Articles of al-Nasafī completely and definitively even with the help of notes, calls for such varied erudition that a first attempt can scarcely be expected to render every phase and phrase of thought exactly and adequately. But every student of Islam is under a deep obligation to Dr. Elder for having made that first attempt and for having carried it through so successfully.

A few remarks may be appended regarding terminology. Dr. Elder renders the Arabic term *al-Haqq* with the English term "Reality." But it is clear from al-Taftāzānī's discussion at the foot of page 10 that *al-Haqq* means "Verity", not "Reality." For "Verity," not "Reality" "is the statement (or judgment) which corresponds to the fact (or to reality)." Al-Taftāzānī then goes on to explain the distinction between the two Arabic terms, *al-Haqq* and *al-Sidq*. *Al-Haqq*, he says, "is applied generally to propositions, articles of belief, doctrines and creeds in respect of their containing that (i.e., Verity). Its opposite is *al-Bāṭil* (Error). *Al-Sidq*, (Truth), on the other hand, is limited in its application to propositions, and its opposite is *al-Kadhīb* (the false). That is, "Truth" signifies a true predication. Al-Taftāzānī then declares that "the distinction between the two terms rests on the fact that the correspondence in the case of 'Verity' is considered from the standpoint of the fact (or reality), whereas in the case of 'Truth' [it is considered] from the standpoint of the judgment, and the meaning of the 'Truth' of a judgment is its correspondence with reality, whereas the meaning of its 'Verity' is the correspondence of reality with it." *Al-Haqq*, therefore, is the more general term; and the meaning of a statement being Veracious is that the thing, about which the statement is made, is actually as has been stated, whereas the meaning of a statement being true is that it reports the thing as it is. One has reference to essential judgments, the other to logical.

Page 29, bottom, Dr. Elder translates the Arabic term *al-hayyiz* by the English term "boundary." But on page 35 *al-hayyiz* is defined as "the inner surface of a container which touches the outer surface of

the thing contained" and means therefore "locus," by which term it should be rendered throughout. The term *Tahayyaz* (page 29, l. 21) signifies "to occupy space"; and the translation should read: "The meaning of self-subsistence with the Mutakallims is that the substance occupies space without its occupancy of space depending upon another thing's occupancy of space, in contrast to an accident, for its occupancy of space depends upon the occupancy of space by a substance, which is its *mawdū*<sup>c</sup>, i.e., its place (*mahall*)—."

On page 31, Dr. Elder renders *al-nufūs al-mujarrada* by "absolute souls." Read "simple (or "separated") souls" and so throughout. Read also "simple atom" instead of "absolute atom" (p. 31 bottom) and so throughout.

On page 9, line 9 at the end, read "and clung to the skirts of the philosophers in many of their principles."

On page 7, line 12, read: "because the heading (or title) of a discussion was their saying etc."

On page 16, line 20, read: "i.e., by the method of exhaustion; and the method of comprehension (or exhaustion) is that if the cause of knowledge is external, it is true narrative; but if it is an instrument (or organ) besides the conceiving power, it is the senses; otherwise it is reason."

On page 36, line 22, read: "And the proof is that if a chain of possible things were arranged to infinity, it would still need a cause, which could not be the chain itself nor parts of it because of the impossibility of a thing being its own cause or the cause of its causes. On the contrary the cause is external to it (the chain of possible things) and necessary, and so the chain is broken (or comes to an end)."

"Matching" would be preferable to "tallying" on page 37, line 3. Space and time forbid further comment at present, which would be a labor of love for Dr. Elder's devotion to the cause of Islamic studies and the service which he has rendered that cause.

WILLIAM THOMSON

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**Arabian Journey and other Desert Travels.** By Gerald de Gaury. Illustrated with thirty-one plates from photographs, and three maps; London, George G. Harrap & Co., Ltd., pp. 190. 12'6 net.

The author spent many lonely hours in out-of-the-way places. One winter morning in the little port of Gisan, on the coast of Asir, he writes: "In what, I wondered, lies the lure of Arabia? What was there in common between those who had felt it most and had returned there again and again, and yet were so different in character? Sir Richard Burton; Charles Doughty, who if he had not returned to Arabia had at least spent two long years with the bedouin and the next eleven years writing one of the classics of English literature about them; Gertrude Bell, correct, well-dressed, and well-off—how different from the industrious bashi-bazouk Sir Richard and from the brilliant, turbulent T. E. Lawrence—except that they were all exceptional and English." This quotation gives us the background of his mind and what is known to our readers from his earlier book,

"Arabia Phoenix," a review of which was reprinted in *THE MOSLEM WORLD* for January 1947.

The present book tells of life in Najd as guest of Ibn Sa'ud, and of a second journey in Asir on the Red Sea Coast. The third journey is in Iraq, and the fourth in Kufra in southern Cyrenaica. The chapters are knit together by two themes: desert life with the Arabs, and present-day slavery. The book is of special value on the latter subject, as we have details not generally given. Even now there is trading in arms, drugs, and slaves along the Red Sea Coast. Slaves are still sold in central Arabia in spite of the Convention whereby slavery was abolished. The chief market is still as it was in the days when Doughty called attention to it, the slave market of Mecca. Slaves are brought from Yemen, where they arrive from the African coast. The price of a small boy is about twenty pounds, and of a girl about twelve pounds. Slavery is not so hateful as might be supposed. Being valuable property, the slaves are well cared for, clothed and fed, and generally well treated by their masters. Nevertheless there are exceptions, and the Qur'an laws are applied not only to the institution of slavery, but theft is still punished by the amputation of the hand.

The geographical parts of the book are generally accurate, and the style interesting, not to say poetic. For example, who that has seen a Muslim cemetery by the sea can fail to appreciate this comment: "Perhaps it is the contrast; the view from a shore, from earth to infinite sea, from life to death, or death to life, this suspension between the two, which is focused by the seaside graveyard—and is that why the waves are sad?" And here is a description of the Persian railway which everyone who has traveled on it will recognize: "With repetitive rattle and metallic clinking, like the noise of chains on cobbles or iron-shod hooves upon rocks, the Persian train descends the hills, over joint after joint for league after league, until it reaches the plain. . . . The line, I drowsily reflected, was like Persian politics of the time—infinately intricate, slow of result, and irritating in spite of praiseworthy intention."

A bibliography is given at the close of each of the sections, and the maps, although microscopic, are also valuable.

SAMUEL M. ZWEMER

*New York City*

Arabic Primer. By Farhat Ziadeh. Princeton, Princeton University Press, 1949, pp. 47.

This is the series of graded lessons for beginners in Classical Arabic which has been used in recent years at Princeton. Only the texts in the Arabic script are given here, the phonetic, grammatical and other instruction being left to the teacher who uses the material in class. The first half of the Primer is necessarily artificial, being constructed to illustrate the various grammatical forms as they are gradually introduced to the student, the simple and regular forms first, and the irregular and more complicated forms later. The second half consists of actual extracts from Arabic writings—mostly modern—adapted to familiarize the learner with the sentence construction of the language. Every teacher of Arabic, of course, has his favorite method of approach, but these selections, carefully printed in Leba-

non, may well find a wider use than that of the Princeton classes for which they were originally produced.

ARTHUR JEFFERY

*Columbia University,  
New York City*

Ruf Zum Gebet Für Die Mohammedaner Mission. Herausgeber: Ernst Max Hoppe, (10a) Dohna bei Dresden, E. Thaelmannstr. 93, über Heidenau, Russische Zone. pp. 40.

We welcome the new interest shown in Germany among our friends in work for Muslims. The author of this little booklet and its publisher is Ernst Max Hoppe, who for many years was a lonely worker in the Balkans. He was exiled during the last war to Russia, but is now able apparently to resume work from Dresden.

In the compass of forty pages, the author calls for a new revival of prayer, giving as the chief reason the changes that have taken place in recent years. There is a brief account also of Islam in Germany, and its propaganda on the part of the Ahmadiya sect and the Babi-Bahais.

The rest of the booklet consists of prayers for every day in the month accompanied by a Bible text, covering the chief centers of Islam especially in Europe but also in Asia and Africa. It is more up-to-date than the well-known prayer cycle published in London. Moreover, on the inside covers we have an ancient hymn on missions to Muslims by Auguste Koetteritz, 1849, and at the close a mission song by Mr. Hoppe himself, in which the last stanza sums up his own faith in victory:

“Ohne Segen wär  
Wohl die Botschaft schwer,  
In die Moslemwelt zu tragen.  
Aber man kann fröhlich sagen:  
Jesu Wort hat die Kraft,—  
Dass es Früchte schafft.”

S. M. ZWEMER

*The Nature of Man; his World, his spiritual Resources, his Destiny. A Discussion.* Edited by A. William Loos, assisted by B. Chrow. New York. The Church Peace Union and the World Alliance for International Fellowship through Religion, 1950. pp. xiv, 110. Price \$1.00.

This is a great deal of varied fare for a dollar. The basic material of the book comes from a series of lectures on Man, delivered in New York in 1949, by a group of lecturers each of whom dealt with the problems from his own peculiar point of view, that of the biologist, the social scientist, the psychologist, the man of art, the religious leader, the philosopher. These lectures have been edited, Lynn Harold Hough has written an introductory chapter on the Dignity of Man, and Lewis Mumford has attempted a summary and synthesis in a final chapter. By far the most interesting chapters are those by the biologist who tells how he views man's place in nature, and the geologist who discusses the physical resources of this earth and the burning question of man's utilization of those resources. Readers of *THE MUSLIM WORLD* will be most interested in the two chapters on the religious disciplines of the West and the East. Unfortunately these chapters are both poor, that on the East almost unbelievably poor

for such a Symposium. There are Bibliographies—not always very good ones—and there are Appendices giving hints as to how a Symposium of this kind may be arranged in other communities.

ARTHUR JEFFERY

**Forgotten Religions** (including some living primitive Religions), a Symposium. Edited by Vergilius Ferm. New York, Philosophical Library, 1950, pp. xv, 392. \$7.50.

It was an interesting idea of the editor of this Symposium to gather into a single volume a number of authoritative statements, by scholars in different fields, which would sum up briefly the present state of our knowledge with regard to a number of religions, important for the study of the History of Religion, which are at the present day very largely "Forgotten Religions."

The first problem facing the editor of such a Symposium is that of what to include and what to omit, since obviously it is impossible to cover everything within the limits allotted him. The editor of this volume has chosen judiciously, both from the point of view of chronology and from that of type. He has included religions from the ancient world, from the mediaeval ages and from modern times, and he has chosen examples both of highly developed cults and of very primitive forms of religion.

His second problem is to find collaborators. In any Symposium one can expect to find that the articles of the various contributors vary somewhat in quality, but the variation in the volume before us is extraordinary, ranging from contributions of as high a quality as this Reviewer has ever met with in a volume of this kind, to others so bad that one wonders why they were ever allowed to get into print.

After the editor's Preface the Symposium opens, as is appropriate, with a discussion of the Dawn of Religion. It is peculiarly unfortunate that this is the worst chapter in the book. Then come chapters on the religions of the ancient world, of Sumeria, Egypt, Assyro-Babylonia, the Hittites and early Canaan. One cannot commend too highly the treatment of the Sumerian material by S. N. Kramer, and the Hittite material by H. G. Güterbock, where one follows two sure guides through very difficult territory. Excellent also is the handling of the Akkadian material by A. L. Oppenheim, who wisely warns against the use of the older manuals on Assyro-Babylonian religion, and endeavours to show us the picture revealed by recent research. T. H. Gaster has given an account of the recent accessions of material for the study of early Canaanite religion, though his own interpretations of some of this material may not find favor with scholars. Three studies on the Greek world follow. Two of them are by G. E. Mylonas, on Prehistoric Greece (i.e. Minoan-Mycenaean Religion), and on the Mystery Religions. Both are rather disappointing, save that they make available some information on the results of recent archaeological investigation. The third is a very brief chapter by C. A. Robinson Jr. on the significance for religion of the enormous change in the inhabited world made by the labors of Alexander the Great.

The Symposium then makes its transition to the mediaeval world by three papers on Iranian religion, one on Mithraism, one on Mani-

chaism, and one on Mazdakism. All three are by the same writer, who has a commendable enthusiasm for things Iranian, but unfortunately seems to know nothing of the results of scholarship later than the Encyclopaedia articles of 1915, so that his contributions are hopelessly out of date and largely useless. Murray Fowler's account of Old Norse Religion is an excellent summary of the position of modern scholarship in its attempts to interpret the oft confusing material of the poetic and the prose Eddas, material which at times has curious contacts with both Indian and Iranian ideas. The following paper on Tibetan Religion is again rather disappointing. It gives some account of the various Lamaistic sects and their distribution, but never comes to grips with the real problems in that area which interest us.

The final six studies are on living primitive religions, one on the religion of the Australian aborigines, one on Shamanism, and four on American Indian religions. That by Miss Lantis on the Eskimos is particularly fine. One might have expected Mircea Eliade's illuminating discussion of the problem of Shamanism to come before that of Tibetan Religion in the second section, but doubtless it has been placed here because the Shamanistic type of religion, though best known from Central Asia, is also found in Melanesia and in certain areas of the Americas.

The editing of the volume has been carefully done; bibliographies, some of them very good, have been included, and there is an Index. In the case of several chapters maps would have been a boon, but probably their cost would have been prohibitive.

ARTHUR JEFFERY

*Columbia University*

**Hasidism.** By Martin Buber. New York, Philosophical Library, 1948, pp. xii, 208. Price, \$3.75.

We have in this volume seven essays by Martin Buber, which have been previously published in various places, some in German and some in Hebrew, but which are here brought together in translation (also by different translators), and which are united by the thread of their all having more or less connection with the author's interpretation of the Hasidic movement in modern Judaism. In a foreword he tells us that he has been studying Hasidism for some forty years, and in these essays he sets forth something of what he conceives the message of the Hasidic movement to be.

The interest of the book to readers of *THE MUSLIM WORLD* will be in the fact that, like Sufism, this Hasidism is a pietistic movement concerned with certain aspects of the inner life of the soul, which has here and there contacts with Sufi teaching. To this Reviewer the author seemed to give a highly romantic account of Hasidism, and to be desperately striving to read into the movement a type of religious experience which is natural to us in Christianity, and natural enough to Sufism within Islam, but which is not at home in Judaism. However, the Reviewer's acquaintance with the original texts of Hasidism is perhaps too slight to justify such a judgment.

ARTHUR JEFFERY

## CURRENT TOPIC

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Our QUARTERLY has received the following communication as a sequel to an article republished in our April 1950 issue from the Bulletin of the Near East Society. The letter is willingly published for the information of our readers.

The Editor,  
THE MUSLIM WORLD

Dear Sir:

In view of a number of misunderstandings that have arisen relative to the article I wrote on "Islam and the Modern Moslem", I feel bound to elucidate some of the points that are considered to be controversial and therefore allay any cause of misapprehension vis à vis my personal beliefs and convictions.

I should make it clear from the outset that the ideas expressed do not necessarily reflect my personal views. They represent an attempt to read the mind of some of the Scientific Moslem Scholars in so far as the Islamic religion is concerned. I should not fail to avail myself of this opportunity to affirm once more my deep and unswerving faith in Islam and all that this religion stands for. I will of course be vulnerable to the imputation of appearing ostensibly pretentious if I claimed to be an expert on the subject. There is no basis whatever in the current allegation that I have any preconceived and definite notions as to how Islam should evolve and progress.

There are two points mentioned in the said article that are the cause of a great deal of controversy. The first has to do with the question of polygamy. It is true I stated that the modern Moslem does not condone this institution. However, this statement should be qualified to read in so far and according to the basic tenets of the Koran and Islam. If Islam does not place a taboo on polygamy, as some people maintain, then we should adhere to the spirit and letter of the Koran.

As to the other point, which is the question of the authorship of the Koran, I desire to make it clear in the most unequivocal terms that I believe that it is the work of God. I wanted to distinguish in the article between belief and rational conviction in so far as this important question is concerned but I was unable to do so on account of limitation of space. I therefore deem it essential to state that as a matter of belief I am firmly convinced that the Koran is the work and responsibility of the Almighty. It is of course very difficult to try to prove matters of belief through the process of one's rational faculties. That the Koran is the work of God is an Article of faith to all the Moslems and should therefore never be the subject of any debate.

I will be greatly appreciative if you will kindly publish this letter in your forthcoming issue.

Sincerely,  
OMAR A. KHADRA

29 September 1950,  
New York City

## SURVEY OF PERIODICALS

BY SUE MOLLESON FOSTER  
*Union Theological Seminary Library*

### I. GENERAL

DARWISH ASHRAF. A. F. L. Beeston. (In the *Journal of the Royal Asiatic Society*, London. Part 1-2, 1950. pp. 15-19).

Tells of the life and work of a 15th century Persian poet who was well-known in Tabriz and Baghdad.

THE EARLY ARABIAN NECROPOLIS OF AIN JAWAN. Richard LeB. Bowen, Jr. (In the *Bulletin of the American Schools of Oriental Research*, New Haven. Supplementary Studies 7-9, 1950. pp. 70).

An illustrated study of a pre-Islamic and Early Islamic site on the Persian Gulf.

POTTERY AND GLASS FRAGMENTS FROM THE ADEN LITTORAL. Arthur Lane and R. B. Serjeant. (In the *Journal of the Royal Asiatic Society*, London. Part 3-4, 1948. pp. 108-133).

Collections made at Abyan, Ḥabil and Kawd am-Saila show much Far Eastern material, especially Chinese, of a very early period.

SOME SYRIAN ARABIC PROVERBS. Dayton S. Mak. (In the *Journal of the American Oriental Society*, Baltimore. October-December, 1949. pp. 223-228).

Forty sayings contributed by three modern men—one from Damascus, one from Tiberias and one from Shwayfat.

SUR D'ANCIENNES INSTRUCTIONS NAUTIQUES ARABES POUR LES MERS DE L'INDE. J. Sauvaget. (In the *Journal Asiatique*, Paris. Part 1, 1948. pp. 11-21).

Describes the work done by Muḥammad b. Šādhān, Sahl b. Abān and Lait b. Kahlān.

LA TRADUCTION TURQUE DE L'ENCYCLOPÉDIE DE L'ISLAM. Albert Gabriel. (In the *Journal Asiatique*, Paris. Part 1, 1948. pp. 115-122).

Under the direction of Dr. Abdūlhak Adnan Adivar a scholarly, useful translation has been made.

TREASURES OF IRANIAN ART. Maurice S. Dimand. (In the *Metro-politan Museum of Art Bulletin*, New York. January, 1950. pp. 145-153).

A very well-illustrated description of a recent exhibit.

### II. ARABIA

THE ARAB BACKGROUND. Freya Stark. (In *Islamic Culture*, Hyderabad. July, 1949. pp. 117-119).

Westernization will surely overtake a society whose position has been so much changed and strengthened by the discovery of oil.

MATERIALS FOR SOUTH ARABIAN HISTORY. R. B. Serjeant. (In the *Bulletin of the School of Oriental and African Studies*, London. 1950. pp. 281-307).

Notes on twenty-three new manuscripts from Ḥaḍramaut.

## III. HISTORY OF ISLAM

AN APOCALYPTIC VISION OF ISLAMIC HISTORY. Bernard Lewis. (In the *Bulletin of the School of Oriental and African Studies*, London. 1950. pp. 308-338).

Translation and historical interpretation of the Prayer of Rabbi Simon ben Yōhay.

UN BULLETIN DE VICTOIRE DE BAJAZET II. Georges Vajda. (In the *Journal Asiatique*, Paris. Part 1, 1948. pp. 87-102).

Text with comment of a 14th century Arab manuscript about a campaign against the Venetians.

THE CIRCASSIANS OF THE MAMLŪK KINGDOM. David Ayalon. (In the *Journal of the American Oriental Society*, Baltimore. July-September, 1949. pp. 135-147).

Describes the racial changes brought about by Barqūq, who made his fellow-Circassians the ruling caste, thus leading to far-reaching changes in the origin of the state.

A HISTORY OF BAHRĀM SHĀH OF GHAZNĪN III. Ghulām Muṣṭafā Khān. (In *Islamic Culture*, Hyderabad. July, 1949. pp. 199-235).

Covers the years 1148 to his death in 1157 and gives comments on his life and activities.

ISLAM AND HELLENISM. G. E. von Grunebaum. (In *Scientia*, Como, Italy. January, 1950. pp. 21-27).

"Orthodox Islam fought to preserve its original structure through the elimination of Hellenism."

JAFFA AU MOYEN-AGE. F.-M. Abel. (In the *Journal of the Palestine Oriental Society*, Jerusalem. vol. 20, no. 1. pp. 6-28).

An historical article.

LIFE IN THE EARLY ISLAMIC CITY OF NISHAPUR, PERSIA. Charles K. Wilkinson. (In *Transactions of the New York Academy of Sciences*, New York. December, 1949. pp. 66-77).

Draws on historical and literary texts, archaeological discoveries, technical investigations and observations in the modern Orient.

MUHAMMAD 'ALĪ (In *Cahiers d'Histoire Égyptienne*, Paris. December, 1949. pp. 1-235).

Twelve articles celebrating the centenary of the founder of the present Egyptian dynasty.

LE RECUEIL TRANSCAUCASIEN DE MAS'ŪD B. NĀMDĀR. V. Minorsky and Cl. Cahen. (In the *Journal Asiatique*, Paris. Part 1, 1949. pp. 93-142).

Arabic text, translation and comment about a 12th century manuscript dealing principally with happenings in the town of Bailaqān.

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