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Islam as a Political Doctrine

Islam jako doktryna polityczna

Ислам как политическая доктрина

I. ARABIA BEFORE MOHAMMED

The countries situated around the Arabian peninsula — Egypt, Syria, Persia, and India — already had a long history behind them when at length the Arabs came upon the scene of world history. A thousand years after the birth of Buddhism and more than five hundred after the birth of Christianity, a new religious doctrine arose in the Arabian peninsula — Islam, whose believers were shortly to set up a political world power.

The Ancients had little knowledge of Arabia, although by her favour the Greeks and Romans profited through the importation of goods from far-off India; reports that were only fragmentary revolved about her wealth and the beautiful Yemen, and about the eternal spring in the land lying to the south-west of the peninsula. It seems, however, that the reports of great riches, which the imagination of the Ancients linked with the Yemen, came from Egyptians, who directed the attention of the Greeks and Romans to the transit country of the Yemen, passing over in silence the true sources of these riches, namely India and the south-east coast of Africa. Since Ptolemy, Arabia had been divided into Desert — Arabia Deserta, Rocky — Arabia Petraea, and Fortunate — Arabia Felix. Desert Arabia comprised the sandy area stretching from Syrian Palmyra to the south. Rocky Arabia was the north-west portion of the peninsula, which was also called Arabia Petraea from the town of Petra, situated to the east of the Sinai peninsula. This province included the Sinai peninsula and

the eastern massif. It was the south-western part of the peninsula that was known as Arabia Felix.

Their somewhat forbidding land was always the object of the burning love of its inhabitants. Long before Mohammed the Arab had heard the words of a song telling with love and admiration of the earth scorched by the live coals of the sun's fires, and of the teeming infinity of glittering stars in the sky of the desert night. With pride he listened to his poets who sang of the untamed elements, endurance in battle, and passionate love. The pathos of the poetry must have spoken to the restless nature of the tent-dwelling Arabs, who long before Mohammed listened every year to the poets in the markets at Okaz, a town in the Hejaz province, where the title of the best poet in Arabia was contested for.

The population of Arabia was of Semitic origin, the legends telling that it had sprung from Kathan the descendant of Sem, the son of Noah, or from Ishmael the son of Abraham and Hagar. The stories had it that Kathan's son Jarab formed the state of Yemen on a fertile strip of land in the south-west part of the peninsula, and that from the name Jarab came the name Arabia.

The population of Arabia was divided into nomads and settlers. The nomads led a wandering life; they were Bedouins, making their living in the desert lands by internecine wars and brigandage. The other part of the population lived in the fertile valleys tilling the land and raising cattle. Part of the settled population set up towns and ports, employing themselves in business and sailing. Such was the greater part of the population of the Yemen. They were most enterprising sailors — their ships brought myrrh and balsam from African shores, gold and spices from India. The imported merchandise together with their own produce was sent by the Arabs from the Yemen across the desert to the north to reach its destination — the towns of Persia, Phoenicia, Syria, and later Greece and Rome. The goods transported by the Arabs had to travel a long way: first by ship, then across the sands. Caravans made of scores and hundreds of camels crossed the desert, forming links between India, Ethiopia, the Yemen, and Syria and Palestine.

The Yemen must have been known since the Jewish prophets speak of this state. Isaiah addressing Jerusalem said: „The multitude of camels shall cover thee, the dromedaries of Midian and Ephah; all they from Sheba shall come: they shall bring gold and incense”¹.

¹ *Isaiah* 60, 6. *The Holy Bible*, King James Version, American Bible Society, New York.

Ezekiel weeping over the fall of Tyre similarly cried out: „The merchants of Sheba and Raamah, they were thy merchants: they occupied in thy fairs with chief of all spices, and with all precious stones, and gold. Haran, and Canneh, and Eden, the merchants of Sheba, Asshur, and Chilmad, were thy merchants”².

The Arab merchants were distinguished by their great liveliness and enterprise. They had to make use of their wandering brothers for their desert transport, and these desert brethren held their fellows from the settlements in contempt. The wandering tribes proudly repeated the story of how the Creator of the world changed the wind into the free Bedouin and made the desert steeds from arrows. Another story contemptuously tells at the same time of the creation of the settler population: „Now God, loving the Arabs of the desert, changed the clods of the earth into an ass, so that from his dung He might make town-dwellers and peasants”. This legend, however, did not prevent the cooperation of the tent-dwellers with the settlers. The wandering desert-dwellers supplied camels, armed and guarded the merchants' caravans, and often added their only merchandise — fleeces of thin wool — to the desert convoys. These Arabs spent their lives in tents, roaming the desert far and wide in search of springs and pasturage for their herds, and when in time they had stripped the land they occupied, would move on seeking suitable countryside. The wandering Arabs were divided into tribes and families. At the head of the tribe stood the sheikh, chosen by the tribe; a spear placed before his tent signified his authority. The sheikh's rule had to be upheld by the unwavering confidence of the tribe, which ruthlessly removed incapable chiefs. Personal character, wisdom, and experience of life were considered by the desert people better qualifications for chieftainship than family traditions. In the sphere of government the sheikh's duty was first and foremost the direction of the life of the tribe; he chose the places for halts and for camps, led the tribe to battle, made war, negotiated with the tribal enemies, was, indeed, the guardian of harmony and of tribal traditions expressed in customs, songs and poetry. Sometimes the tribal chiefs created a supreme chief of sheikhs, who would, in times of common danger, unite the troubled tribes normally in a permanent state of conflict among themselves.

The desert demanded great versatility of the Arabs. It formed their personalities, insisting on great sensitivity and adaptability in action. The Bedouins had to join courage with cunning, excitability

² Ezekiel 27, 22—24. *Op. cit.*

and a lively imagination with prudent moderation and reflection, pride and hate with noble hospitality. The Arab of the desert was a warrior and brigand, despising the merchants, who according to his ideas were engaged in unworthy occupations; at the same time he negotiated with them, led and guarded their caravans, although he preferred to watch out for caravans on their principal toilsome routes, so as to plunder them, rather than to guard them.

The life of the tent-dwelling Arabs depended on unwritten rules, the observance of which virtually determined the existence or the death of the Bedouins. They were principles compulsory within the tribe as well as unwritten rules making possible the co-existence of the tribes in the desert. The Arab could not exist outside his tribe, his life was conditioned by the life of the tribe, which in a virtually unrestricted way disposed of people, livestock and property. Whoever transgressed the tribal laws was threatened with exclusion from the commonwealth, which was equivalent to death. The status of every Arab depended on strength, wealth and the number of his family in the tribe. The fathers of several sons enjoyed particular respect, being called wise and fortunate. The Bedouin would repeat with conviction: „That man is wise who can have as many children as he pleases — he is blessed by God”. Wealth lay in having sons — the future warriors, elders, poets, sheikhs; on the other hand the tent-dwellers treated the birth of a daughter as a burden — for women did not go to war, did not capture pasturage, and did not rob caravans. If warriors from another tribe killed a man, the law of revenge bade the tribe to which the dead man belonged to take a bloody revenge. At the source of the bloody revenge, besides emotional motives and feelings of solidarity, lay the longing to create conditions for existence in the desert. Fear of this revenge kept a brittle peace between quarrelsome tribes, a temporary equilibrium, and counteracted anarchy. The obligatory laws of bloody revenge and the idea of tribal solidarity were interwoven with the anxious preservation of an equilibrium of strength among the tribes.

On the limitless sands of the desert the unwritten laws forbade the destruction of trees and water cisterns, even where these were situated on territories occupied by an enemy tribe. In the desert lived the free people of Arabia, who, despite their mutual quarrels and disputes in an atmosphere of battle and tribal hatred, observed the principles that imposed respect for trees and the wells of the enemy. Hence arose a duty, respected by all, of hospitality. Every Arab regarded as sacred the compulsion to shelter a wanderer, even if he were

his mortal enemy. The unwritten laws made the observance of peace among tribes for one-third of the year obligatory; for the duration of four months he abandoned the noise of war, the most quarrelsome tribes broke off their disputes, held markets, pilgrimages and religious rites. The life of the tribes then continued peacefully; the Arabs took off their armour, so as to go in pilgrim's robes to the holy places. For many centuries before Mohammed the Arabs journeyed to Mecca in the Hejaz province, a town which was a crossroads for the merchants' routes and the holy goal of the Arab pilgrims. There was to be found the famous shrine of the Kaaba which held a black stone venerated by all the Arab tribes. Near the Kaaba ran the sacred fountain Zamzan. The legends tell that originally the stone was white and even transparent, and that it was the sinful mouths of the pilgrims humbly kissing the stone which eventually gave it its black colour. The peace observed among the tribes for a time made possible universal pilgrimages to Mecca: belief in the miraculous stone for a short while united the disputants.

The Arabs of the South were different from the other Arabs in language, writing, beliefs and above all in their settled tribal life. From the tradition of the kingdom of Saba which existed until the Xth century B.C., and played an important role in the life of southern Arabia, they bore the name of Sabians. In their beliefs they gave life to the stars of the firmament, the sun and moon, paying them the adoration due to gods, turning to them with feelings of awe and hope, and erecting to these their gods shrines and altars.

In the rest of Arabia stones were venerated in addition to the star-gods cult, stirring the sensitive imagination of the nomads by their shape, while trees, springs, and streams were recognized as the homes of gods in the desert land.

A legend describes how the nomads of a tribe offered their own children on altars to their gods, and how Mohammed abolished a terrible ritual which permitted the burial in sand of new-born daughters, that they might not suck the milk intended for boys. In the pantheon of Arab gods the three daughters of Allah, al-Lat, al-Uzza and al-Manat, had the most venerated position and enjoyed the most general worship. It was their cult that Mohammed fought against, gradually and over a long period of time³.

³ The problem of Arab religion before Mohammed is discussed by G. Ryckmans in his *Les religions Arabes. Préislamiques*. Louvain 1951. The author divides these beliefs into three geographical groups; Arabie Centrale (7—18), Arabie Septentrionale (19—24), Arabie Méridionale (25—49).

Before Mohammed the Arabic language united the divided tribes to an even greater degree than the pilgrimages to the Kaaba. The beliefs of the tribes were too disparate for the cult of the black stone of Mecca to unite them. This task was to a certain extent performed by poetry. The wild tribes were connected by the words of songs and poetry, which, as it were, lorded it over the desert. With their feeling for fine words, their sound and substance, the Arabs formed a language of rare richness. The Arab knew and loved to use rich language in which he might express many shades and nuances of meaning; for designating his comrade in his wanderings, the camel, or for naming a sword, he had over a hundred synonyms. He greatly appreciated eloquence, believing in the power and efficacy of the word. The Arabs compared utterances spoken rhythmically to pearls strung on a cord, while they compared the speaking of prose to scattered pearls. According to Arab ideas the poor man worthy of sympathy was he to whom Nature had denied the gift of speech. The simple Bedouin woman taught her children to glorify speech, for language was to this people of the desert the greatest gift of God, a sacred treasure. One of the oldest Arabic poems says: „ God in His goodness gave the Arab four treasures: the simple turban, which serves him as a crown, the tent, more comfortable than an apartment in a palace, the sword, which replaces for him the highest wall; and lastly God gave the Arab as the fourth gift heaven's greatest treasure, poetry and song”.

Poetry in particular was held in great esteem among the Arabs, the poet being regarded as a person gifted with superhuman knowledge. The poetic pathos, play on words, and literary vision suited these desert folk, and thus to everyday speech they brought the phrases and comparisons of the poets. The form of Arab lyric poetry, the *kasida*, had already become fixed a hundred years before Mohammed. These poems were divided into three parts: in the first the poet described the erotic feelings of the Arab in love, in the second he praised the road to the town of the beloved, describing here the beauty and terror of the desert, and in the third part he praised or accused the tribe of the person to whom the *kasida* was dedicated. The poet was regarded as the fame and pride of the tribe. Every year in Okaz meetings of the tribes took place which lasted a month, and during this time the poets competed for the champion's palm. The poem chosen as the best was put into the Kaaba beside the seven famous poems — the golden verses (*Mu'allakat*).

For many centuries life in Arabia did not change. In the deep lonely desert, which no army of riders reached, intertribal warfare

took place. The word 'Kaaba' and its cult were too weak to unite the scattered tribes, deprived of a strong political and religious tie. It was at length in the VIth century, when Arabia became decidedly isolated from mediation in intercontinental business, which brought about a marked weakening of the economy, and this at the same time created objective reasons in support of the concept of unity of the Arab tribes. At that time the differences between the nomadic and the settled Arabs became sharper; within the town the economic difficulties affected the poorer families above all, among whom arose a feeling of hatred and jealousy of the rich; at length antagonism arose and developed against the economic background between the Arab and Jewish merchants. (There were many Jews who had found shelter in various towns on the Peninsula after the fall of Jerusalem).

Various occurrences, for tens and hundreds of years, had prepared the economic situation of Arabia in the VIth century. The Roman emperors, particularly Augustus, had tried to destroy Arab trade, removing the Yemen from the dominating position in trade with India. Elius Galius, regent of Egypt, undertook in this connection an expedition to southern Arabia, which ended in the utter defeat of the Roman expedition. The trade position of Arabia Felix began to weaken from the second century, for the Romans managed to link up the sea trade-routes to India without resorting to the desert convoys. From the fourth century the economic situation grew even worse, for at this time invasions of the Ethiopian armies devastated south western districts of the Peninsula, trade fell away and the settler-people left the destroyed area and wandered to the north. In the year 570 the Persian armies controlled south-western Arabia and the Yemen, driving out the invaders. The new rules were interested in the absolute limitation of the Arab trade, and the Persian merchants had the chance to get rid of their rivals. When the Persian armies entered the Yemen, Mohammed was born, and Arabia entered a difficult economic period.

II. THE PROPHET AND HIS DOCTRINE

From the earliest times the object generally venerated by the Arabs was the black stone at Mecca. The shrine built for it was in the form of a great cube called the Kaaba, of which Diodorus Siculus speaks half a century before the birth of Christ, saying it was the most well-known and the oldest of all shrines. Combating its natural surroundings, far from the sea, amid bare and barren hills, forced to bring in food for its inhabitants, lay Mecca, the heart of Arabia. Not only religious

motives, but also earthly impulses inclined people to visit Mecca. Here the caravan route, leading from north to south, to the Yemen, crossed the road from the south going northwest towards Syria. The sacred stone at the crossroads of the trade routes added lustre to Mecca, which was first and foremost a market-town, a mid-point for the great trade between India and the West. Besides the merchants pious pilgrims made their way to Mecca, known as „the mother of towns”. The tribe exercising power in Mecca was the political power in Arabia, thanks to the key position of the town both from a business and religious point of view. From the Vth century Mecca had been in the hands of the Koreishite tribe, which for scores of years maintained its rule in the holy town. The richest families, to which the Omayyads belonged who were later to produce the successors of Mohammed, directed this tribe. The families formed organizational units in the town, exercised authority over their members, pursued their separate interests, had their households in common, and their influence and significance was estimated by the distance of their homes from the Kaaba. Thus the richest merchants, living in the Batha district, near the Kaaba, in fact ruled Mecca. The town also had its tribal political institution (*Mala*) — a council which included all male inhabitants of Mecca over the age of 40, and whose work was to decide on matters of common interest. Twice every year the inhabitants organized a great trade caravan; those taking part brought in more than 100% profit. For almost six months there were several thousand camels outside Mecca, guarded by several hundred armed inhabitants. Mecca was a sacred aristocratic republic, supported by blood ties. According to the ideas of the townsmen, prosperity and the business of the town were linked with the traditional beliefs, multiplicity of gods, the Kaaba pilgrimages; thus they had to maintain a somewhat sceptical attitude towards the Jewish and Christian merchants discussing their own religion and god. Those who doubted the prevailing creed and the value of the temporal laws left Mecca. Hanifs, sceptics seeking truth, met in the desert, and expressed the growing religious unrest of the Arabs in the time of Mohammed.

Through the mists of legend the face of the creator of a new politico-religious doctrine can be seen, drawn in blurred outline; here fantasy is interwoven with truth, facts with the pious intention of his followers. It seems that his name was Kutam, one of the many members of the Koreishite tribe, and that till he was a grown man there was nothing peculiarly distinctive about him. Precise in business, provident, observant of the obligatory ritual, the inhabitants of Mecca called him „Respectable”, „Worshipful” — Mohammed, which suited him very well, so much so that he gladly used this designation in place of his

former name. We do not know the exact date of Mohammed's birth; it is accepted that he saw the light of day in 570 in Mecca, lost his parents very early and was put under the care of, first, his grandfather and later his uncle Abu-Talib. He grew up in the business atmosphere of Mecca, lived his merchant's life, accompanied caravans on journeys to Syria and Abyssinia and got to know new people, their customs and beliefs. The journeys to Syria had an influence on his spiritual development; the sensitive and lively nature of Mohammed actively responded to the fabulous aspect of monotheistic beliefs. It seems, however, that the proofs taught by the Christian and Jewish theologians were hardly accessible to this practical Arab merchant, who was not blessed with the ability to write⁴.

At the age of 20 Mohammed undertook the handling of the business affairs of the rich widow Khadija, some years later marrying her and becoming a respectable and rich inhabitant of Mecca. It was as a grown man that he voiced his new politico-religious doctrine, believing that he personified several prophets of whom the Jewish religion had spoken. In the loneliness of the mountain valleys not far from Mecca, where he had gone to give full rein to his nervous and sickly imagination, the forty year old merchant felt himself called by God to save the Arab nation from evil and ruin. Hallucinations became, for him, evidence of a divine calling, bringing at times conversations with God and angels. Mohammed's contact with Jewish, Christian and Persian beliefs helped in the formation of his outlook, for a characteristic of the Arab prophet was the eclectic combination of various religious impressions, with which he had met on his mercantile travels. The Christian and Jewish creeds particularly influenced Mohammed's doctrine⁵.

Mohammed did not at once have a finished politico-religious doctrine; at first he was more of a moralizer and not a political reformer⁶.

⁴ Much light has been thrown on the influence of foreign religious doctrines on Islam. The influence of the Jewish religion is discussed by A. J. Wensinck: *Mohammed en de Joden te Medina*, 1908; that of the Christian religion by C. H. Becker; *Christentum und Islam*, 1907. The influences from lands in the south of Arabia on Islam are described by H. Grimme: *Mohammed*, 1904.

⁵ There was a wide circle of people under whose intellectual influence Mohammed fell. During his journey to Syria he contacted the Nestorian monk Sergius. Later he met the Jew Abdalah ibn Salam; the Greek Zabbara, living in Mecca, and finally his cousin Warag ibn Asad, the first to translate into Arabic some extracts from the Old and New Testaments, had a great influence on him.

⁶ The view that Islam was a complete religio-social system immediately on its inception cannot be supported. This incorrect theory was formerly put forward

Neither did he at once come into conflict with the compulsory tradition, even yielding in the matter of plurality of gods; for a time he tolerated the cult of the three goddesses known as al-Lat, al-Uzza, and al-Manat, the supposed daughters of Allah (a cult rooted in Mecca); soon, however, he started to preach a radical monotheism.

At first tolerated in Mecca for ten years by his relations, he branded with words the evil and corruption of his fellow countrymen. His speeches were angry and inflammatory and in them he threatened sinners with the Last Judgement, promising the devout the reward of Paradise. He painted in violent colours the end of the world, the Last Judgement, the cruel fate of those who disregarded their prophets and strayed from the one God. He ordered the Arabs to break with their cults and beliefs, to give up such customs as the killing of their daughters — he branded this as frightful barbarism (*Jahiliya*)⁷.

The moralizing tone characteristic of the Prophet could not convince the sober merchants of Mecca, but it provoked the opposition of those who saw in the criticism of traditional beliefs economic danger for the town. If he had not belonged to the powerful Koreishite tribe, Mohammed would have had to put an end quickly to his missionary career. However, the moralizing prophet and the inconsiderable number of his followers were tolerated, perhaps so as not to start an intra-tribal quarrel and disputes.

In the thirteenth year of his mission, reaching his fiftieth year, after the death of his wife Khadija and uncle Abu-Talib, he left Mecca with a few followers to settle in Yathrib. It was 622 A. D., the year of the famous flight (*Hijra*) of Mohammed, from which Muslims begin their calendar⁸. Scorned by his fellow-countrymen, he left his native town to go to Yathrib, a town about 400 km. to the north of Mecca, to find a lively welcome. There he was treated as an opposer of the mercantile oligarchy in Mecca. The Jews especially gave him warm support, seeing in Mohammed a man whose mission was linked with their beliefs.

The inhabitants of Yathrib, who gave support to the Prophet (who had been so far unlucky) and his followers, called their town the fort-

by A. Kuennen: *National Religions and Universal Religions*, 1882, p. 293, where he remarks that Islam „enters the world as a rounded system”.

⁷ J. Goldziher: *Vorlesungen über den Islam*, 1910, in giving a remarkable analysis of the religious doctrine of Mohammed, says (on p. 12) that the original element in Mohammed's religious system is the negative aspect of his thought, for he ordered the Arabs to break with their beliefs and customs.

⁸ C. H. Becker: *Islamstudien*, 1924. On p. 340 he writes: „The famous *hegira* was no flight — it was, rather, a journey undertaken absolutely of his own free will... That happened only later under the rule of the Caliph Omar at the beginning of the era of Islam, thought to be the 16th July 622 A.D.”.

ress of the Prophet: Medina en-Nabi — Medina for short. It had been a former Jewish colony dependent on the Aus and Khazraj tribes. Against the background of trade, antagonism between Mecca and Medina developed, and within the town differences between Jews and Arabs showed themselves of which Mohammed skilfully took advantage.

One of his first public actions in Medina was the preparation of a legal agreement between Arabs and Jews. Soon the prophet became omnipotent in Medina and ten years later the ruler of Arabia. His word, supported by the sword, now persuaded the robber tribes that the time was ripe for the uniting of the scattered tribes quarrelling among themselves, in the name of the monotheism preached by Mohammed. In these new conditions the substance of his revelation was changed, and he now spoke like a statesman knowing his own strength and problems. „God has sent various prophets”, said Mohammed. „Moses possessed the grace of Providence, Solomon wisdom and glory, Jesus righteousness, omniscience and power... And what was the use of it? The miracles of Moses and Jesus were not believed. So I, the last of God's prophets, am sent with His sword. Let not my followers meddle in quarrels with infidels, let their stubbornness be broken by the sword. Whoever fights for his creed, whether he fails or wins, will receive a wonderful reward”. Faithful to the Prophet, the refugees from Mecca united with the inhabitants of Medina under the concept of brotherhood, a concept which is, according, to the words of Mohammed, stronger than true blood-ties. „Those who believed and fled from their country, risking their lives and property, and fought for their faith, will be joined closer than blood-relations with those who gave shelter to the Prophet” (VIII, 75). The refugees from Mecca, familiar with the business secrets of their native town, undertook merchants' business in Medina, sometimes resorting to the sword in the fight with their rival. Mohammed's believers robbed the Meccan caravans, plundered the rich Jewish colonies and broke the ancient laws of the desert, calling their fights „God's business”. Besides religious motives, there was a noticeable longing to enrich themselves on the part of the followers of the new doctrine. We know that the close companion of Mohammed, Zubair, as a result of business transactions and wars, left property worth 50 million dirhems (a dirhem is three grams of silver); and another friend of the Prophet, one of the most faithful believers, Talha, accumulated property worth more than 30 million dirhems. Just as in Mecca family affairs were intertwined with traditional beliefs, so in Medina the followers of Mo-

hammered, independent of blood-ties, could combine their material affairs with the new religious doctrine.

In the year 624, by the stream called Badr, 300 followers of the Prophet defeated three times as many warriors of the Koreishite tribe. During this battle Mohammed encouraging his followers in the fight, shouted: „Fight! Fear not! The gates of Paradise are in the shadow of the sword! He who can reliably fight for his faith will infallibly taste the delights of Heaven”. The victory made Mohammed and his followers into a political power which the Prophet’s temporary defeats and lack of success could not now weaken⁹.

After many struggles Mohammed made himself master of his native town and in March 632 A. D. performed his last solemn pilgrimage to the Kaaba. A few months later the Prophet died.

Mohammed’s personality must have been full of contradictions and very complex: sensual, oversensitive, uncontrolled, regarding himself as God’s elect, he combined these characteristics at the same time with great realism, and sobriety of behaviour. His mode of life, of which his followers speak with such devotion, compels us to see in Mohammed a man who experienced great hardships, and who was capable of self-denial — a man who had to patch his shoes and coat with his own hands. At the same time the Prophet was prone to human weaknesses, notably susceptibility to women. This he justified by saying it was a privilege accorded him by God. „O Prophet!” we read in the Koran, „it is permitted to you to take as your wives the slaves who have been given dowry by you, and who fell into your hands; the daughters of your mother’s brothers and sisters, as well as your cousins on your father’s side, who followed you and every woman believer who consecrates her heart to you. This is a privilege bestowed upon you (XXXIII, 49).

There is no doubt about his great individuality. He knew, as no one else, how to express in his doctrine and actions the longings of the eloquent and restless Arab tribes, those longings which, in the moving utterances of the Prophet, could be expanded on a firm foundation.

Islam was not at once a complete body of religio-political doctrine — it changed and was tempered in the fire of the practical activity of the Prophet and his successors.

Mohammed was already convinced in Mecca that thanks to divine grace he had emerged from the darkness of ignorance and penetrated all secrets. Therefore he announced with the deepest conviction that

⁹ In the year after the battle at Badr, Mohammed’s adherents were defeated in a fight with the Koreishites not far from Medina, at the Uhud mountain. The victors did not follow up their success, however.

there is one great God: there is nothing as great outside Him; one ought to give oneself unreservedly to Him, whatever destiny He might ordain for man. He taught: „God is great — Allah akbar, and to Him complete and unlimited surrender should be made — islam”. Throughout the centuries since Mohammed’s time, every Arab has repeated several times daily in war or peace: „Away with other gods! There is no god but Allah, and Mohammed is His Prophet”¹⁰.

In Mohammedan doctrine the fatalistic command to surrender to divine necessity, linked with the idea of monotheism, had already become the substantial meaning of Islam in the period of Mecca, although it was only in Medina that Islam at length formed itself into an institution and an organization of warriors. The modest prophet of yesterday, scorning temporal affairs, mocked at by the merchants of Mecca, organized in Medina armed expeditions, laid down the rules for dividing the plunder, dealt with problems of ownership, inheritance and family affairs — in a word, the whole life of the community of the faithful — in an orderly manner. His decisions, sayings, verdicts, handed down by tradition from the time of his stay in Medina, were to become (besides the Koran) the model and basis for future regulation of intercourse in the great Arab state.

The Koran, the holy book of Islam, in which are put together the chief Mohammedan religio-political ideals, reflects the changes in outlook which took place in Medina. Over a period of 23 years Mohammed dictated the sacred book in fragments, in various situations and environments, convinced all the time that the Koran was a divine manifestation revealed to the people through his medium¹¹. In the book the lively reactions of the emotional nature of the Prophet to various happenings can be felt — those happenings caused by his own stormy life. Among the ideas crowding in tedious disorder can be separated the logically developed idea of monotheism which was to unite the Arabs. The Koran is considered a model of Arab style, experts holding that it is written with the utmost elegance and purity in the dialect of the Koreishite tribe. A considerable portion of the book has a musicality and rhythm completely untranslatable. It is divided into 114 chapters (*sur*) in which the pronouncements of the Prophet are collected. The fact that the order of the chapters depended on their length meant that the most extensive are at the beginning and the least at the end. The longer utter-

¹⁰ The translation is not literal. The text runs, *La ilaha illallah wa Muham-madam rasulu llah*. (There is no god but God and Mohammed is his messenger).

¹¹ The final text of the Koran was made in the Caliphate of Othman in 653 A.D. At the same time all other versions of the Koran were destroyed, so as to avoid different interpretations of the sacred book.

ances of the Prophet derive from the time of his stay in Medina, when he ruled the town and afterwards the whole of Arabia. For this reason the *sur* of Medina are put at the beginning of the Koran. In the *sur* of Mecca feverish vision can be perceived, the emotional atmosphere of the fanatic communicating to his hearers convictions of the greatness of God, His infinite power, and the end of the world. In the *sur* of Medina, however, we rather sense the tone of a thoughtful statesman, who, conscious of his strength, announces to his warriors and submissive hearers that his words create the principles behind the temporal organization set up for his followers.

The religious doctrine of Islam depends on five basic principles which were given their final form in Medina. First and foremost Islam requires the believer to recognize one god, and Mohammed as his prophet. The second religious canon is the duty of reading the Koran, the repetition several times daily of prayers preceded by washing the body and performed with carefully outlined movements and gestures — in a word, the rigorous observance of the ritualistic duty. The third principle, which is at the root of Mohammed's religious doctrines, calls on the believer to give alms; this was first conceived as a free-will gift. In time, freely-given alms were distinguished from obligatory: the first were given to the poor according to one's own ideas on the subject, the second were paid compulsorily to the state. Thus the idea of alms became tax (*zakat*) and constituted 2.5% of the movable and immovable property of the Muslim. The *zakat* was not only treated as the means of support for the poor but as a reward for those defending the faith, and was also used for the other needs of the state. The fourth principle of Islam is the duty of observing the fasts, especially in the ninth lunar month of the year, called Ramadan. Finally, the last religious canon is the duty of making a pilgrimage to Mecca. In these basic principles of Islam, elements from various creeds may be observed. The prayer ritual and fasting derives from Judaism and Christianity, pilgrimage to the Kaaba from pre-Mohammedan Arab tradition; the sabbath was abolished according to Persian custom, with the establishment of communal ceremonies on Friday for the faithful, after which the Arabs returned to their ordinary occupations.

The religious principles of Islam noticeably penetrate the political ideas, for Mohammed had to wage a real war to gain recognition for his mission. Fighting and victory are the means and end of his religious activity. Mohammed's God is not only full of love (*vadud*) but he is simultaneously the god of war, ruthless and cunning. All the political ideals of the Prophet are reflected in the attributes of the Arab God. Mohammed's God insists on constant battle, faith, and the unrestricted

surrender of the self to Him and the Prophet. At the same time the justification of all methods for the destruction of an opposition permits fraud, intrigue, and lying; indeed waging a war, as old Arab proverbs say, is continuous trickery. The Almighty, the powerful God of Islam, who determined in advance the fate of the world, things and people, expects humility, unity, and battle with the infidels from the faithful. The Prophet, in the pages of the Koran, says, „O God, King of Kings! Thou givest and takest away crowns according to Thy will, Thou raisest and lowerest the things of the people as Thou pleasest; wealth lies within Thy hands. Thou art all-powerful” (III, 25). „Thou changest night into day and day into night; Thou bringest life from the bosom of death and death from the bosom of life; Thou pourest out infinite treasures upon those who please Thee” (III 26). Accordingly: „Believe in God and His Phophet! Fight beneath the standards of the holy faith, make wonderful sacrifices of your lives and fortunes! That way lies happiness for you.. O, if you but knew this truly” (LXI, 11). „Obey God and His Prophet, fear lest discord hath not taken away your courage. Be persevering. God is with those who preserve their endurance in sufferings” (VIII, 48). „Faithful, curb your curiosity. The knowledge of things, that you wish for, may harm you; try to ask for those things which are shown you in the Koran, they will be discovered unto you” (V, 101). In the doctrine of Islam the Arabs are regarded as chosen people called to a total war with infidels. „You are the chosen people of the world, be obedient eschew your transgressions, and believe in God” (III, 106). „God loves those who fight in battle order for the faith and are like a steady wall” (LX, 4). „Young and old, go ye to war, consecrate your lives and fortunes in the defense of the faith, there is nothing more worthy of you than united service...” (IX, 41). „Kill the enemies of your faith wherever you meet them...” (II, 187) „If they fall on you in the holy month and in holy places, use your right to retaliate; let their laws be broken by you, since they do not observe any towards you...” (II, 190) „If you die or are killed defending the Faith, remember that divine compassion means more than the riches you collected on earth and left behind” (III, 151).

The severe command for total war on infidels is not in conflict with the principle of tolerance and liberality towards them, if when conquered they loyally recognize the authority of the followers of Islam and pay tribute¹². The combating of the infidels had as its goal not so much

¹² L. Caetani: *Das historische Studium des Islams*, 1908. On p. 9 he shows that in the beginning the Arabs treated Christians and Jews on their occupied territories in an almost brotherly fashion, and that it was only later that new con-

conversion as the spread of Islamic influence and the submission of the unbelievers. Says the Prophet in the Koran: „You are to uphold faithfully any alliance with the infidels so long as they do not break it nor give help to your enemies against you...” (IX, 4) „Exterminate those who do not believe in God and the Last Day, unless they pay tribute with their own hands and become completely submissive” (IX, 29).

The God of Mohammed insisted on unity among the Arabs but at the same time he recognized the existence of social inequalities due to the difference in material possessions among the faithful. „Do not strive to be the equal of him whom God has placed above you; each will reap his harvest according to his own deeds...” (IV, 8). „Cut off the hands of thieves, men or women, as punishment for their crime; this is a punishment such as God has destined for them, He is mighty and wise” (V, 42). They say that Mohammed was asked to pardon a theft committed by a young Arab, and said „We do what the sacred law commands us. If my favourite daughter Fatima took one thread secretly from one of you, I swear before God that her hand would be cut off”. Anxious about possible haughtiness and too dazzling material differences, the Prophet ordered care for the poor to be provided from the compulsory religious alms. Questioned on the most important thing in Islam he replied „The most important thing is to feed the hungry... No one will find himself in heaven who has harmed his neighbour”. It seems that after the death of the Prophet, when differences of wealth among the followers of Islam were more powerfully disrupting unity, humanitarianism and compassion were to put an end to this process. Then the teachings of the Prophet were applied to the disputants. Abu War, one of those distinguished in the circle about Mohammed, said „My friend Mohammed gave me severe precepts: 1) Love the poor and live close to them. 2) Always have an eye for those beneath you and do not look on those above you. 3) Never ask for anything from anybody. 4) Be true to your relations even when they anger you. 5) Always speak the truth even if it is bitter. 6) When fighting for God's purposes do not let yourself be discouraged by the contempt of scoffers. 7) Repeat the words from the divine treasury, that there is no power or strength greater than that of Allah”. This same Abu Warr also said, in the name of the Prophet: „Gold and silver collected for an unfruitful end will be a burning coal for the possessor”. The call for compassion, however, did not have an influence on the widening rifts between the faithful on the question of property.

For full knowledge of the doctrines of Islam, knowledge of the Ko-

verts from Christianity introduced fanaticism and intolerance on the pattern of Byzantium.

ran does not suffice, as the substance of the holy book changed even in Mohammed's lifetime: he modified his viewpoint in accordance with new situations, referring this to the will of God. When Islam reached beyond the confines of the Arab world, the Koran was not enough. Then the sayings and decisions of the Prophet that had been handed down by tradition were referred to, and were re-formed or even created for the needs of current policy. The successors of Mohammed had to solve practical problems resulting from the world-wide spread of Islam. In the fatherland as well as in conquered lands the formulation of the principles of government had to be appropriate to the new problems¹³. Life called for the regulation of the politico-economic situation of the victorious and the vanquished, the more so as the Arabs had formed closed social groups in the conquered lands for some time. The highest authority that could be invoked for the solution of current problems could only be the will of the Prophet. This was therefore called to mind by those who had lived in the Prophet's circle, seen his behaviour, heard his words and decisions. In time when the companions of Mohammed died, their family tradition (*hadith*) handed on the sacred customs of the Prophet (*sunna*)¹⁴. In this way, besides the Koran, the basis for the construction of rules of procedure was custom (*sunna*), the significance of which is shown by the words of Ali, said to one of the leaders dealing with rebellious clans: „Do not fight them with the words of the Koran, because the book may be variously interpreted and has many meanings. Rather use the arguments of the *sunna* and they will not have a leg to stand on". Tradition was a wonderful way to disentangle the doctrines of Islam, a path meandering among ideas of Greek philosophy, Indian and Persian thought and even principles of Roman jurisprudence. *Hadith* made possible the development of new outlooks and opinions even if unsupported by facts. The Arabs make use of a fiction in all seriousness and with full knowledge, referring beforehand to the words of the Prophet: „When I am gone the number of sayings ascribed to me will increase, as is the case with former prophets who are credited with many sayings they actually never uttered. Thus, when anyone refers to my words, check them in the divine book and if they

¹³ This was a burning question, the more so as Arabs in Syria, Egypt and Persia met with flourishing state and legal institutions.

¹⁴ T. Andrae: *Die Person Muhammeds*, 1918; on p. 175 and the following pages, discussing the relation of the Koran to *sunna*, he emphasizes that some Muslim ascribe greater significance to the sacred book, others to sacred customs. On p. 190 we find this definition of the *sunna*: „The word *sunna* generally means, in Islamic theology, everything derived from the Prophet, with the exception of the Koran".

agree with it, then they are my words, in fact it will be all the same whether I actually did say them or not". Only in the third century after Mohammed's death was a codification of the sacred customs attempted. In 870 A. D. the collection of *Buchari* was published, in 875 A. D. Muslim's collection, and in 888 Abu Dawud's collection appeared. Independent of the elastic attitude of tradition there developed a loose interpretation of the texts in which new material appeared, which enabled legal formulae suitable for the new social intercourse to be made; Roman jurisprudence was not without influence on the law-making activities of the followers of Islam.

In the political doctrine of Mohammed two tendencies can be delineated: the first is the effort to unite the warring Arab tribes, the second the struggle to establish order in the world. The second tendency persevered with the growth of influence and strength. Allah speaks as the lord of the whole world (*rabb al-allamin*); these words repeated in the Koran contain the seeds of the future policy of conquest. We know that Mohammed before his death already demanded the recognition of his doctrines by Byzantium and Persia, convinced of Islam's role in the world¹⁵.

III. ARAB EXPANSION

The economic difficulties of Arabia — which had ceased to play its intermediary role in trade at the beginning of the seventh century — were reflected in the organization of life in Mecca. The sharp differences in prosperity among the inhabitants of the holy town, the pressure of the nomadic tribes on the settled population and the bitter rivalry between the different places of business contributed to the strengthening of the authority of aristocratic families in the town.

While in Mecca, Mohammed was not yet interested in authority. His one aim was to smooth away the suffering and injustice inflicted on the poor: he appealed for help for the destitute, alms for their use, yet at the same time he considered private property and slavery to be divinely authorized institutions. The situation underwent a complete change in Medina — there the Prophet thoughtfully, skilfully and

¹⁵ C. Cahen: *The Body Politic* in the symposium *Unity and Variety in Muslim Civilization*, 1955. On p. 156 *et seq.*, he observes: „In reality there was no political doctrine in Islam. There were only ardent but fluid aspirations..." This author's viewpoint is the outcome of his narrow formulation of the term „political doctrine", by which he understands a definite organic conception. Cahen denies the character of the political doctrine in Islam, because Islam did not create a uniform pattern which all states under the influence of Mohammedanism might accept.

consistently managed to obtain the reins of government; there the first contours of the future state emerged. On the town lands a theocratic government was set up over the people who professed the Islamic faith. Mohammed cleverly took advantage, for his own ends and to the profit of the exiles from Mecca, of the hostility existing in the town between Arabs and Jews, nomads and townsmen; he adroitly removed the conflicts between the immigrant population, that had come with him from Mecca, and the established inhabitants.

In Medina, Mohammed was at first merely the leader of a religious movement, but although he had no authority, the townspeople had to remember his position; this was fairly powerful, since he was surrounded by emigrants from Mecca, the faithful (*muhadjirun*) who had been tried in suffering and battle, who had moreover left their native town and followed the Prophet to share his fortune whether good or ill. In Medina they were obliged to keep close together, lest they be oppressed by the clannish organization of the town — an organization to which the only right of entry was blood-relationship. Since they did not belong to the clan community, the emigrants created their own religio-militarist commonwealth, which was directed by Allah through the person of Mohammed. Their merchants' lore, which they had brought from business in Mecca, served them well, quickly putting them into an important position economically. Tradition hands down a tale from this time, which characterizes the economic enterprise of the emigrants. When a poor exile from Mecca met, for the first time, his rich friend from Medina, who was willing to come to his aid with material help, the exile let fall these words: „O best of friends, only show me the way to the market place, I'll take care of the rest myself". The story runs that the man from Mecca soon took an active part in business and became a powerful figure.

Gradually the townspeople, as well as the emigrants, began to assemble round Mohammed. By contrast with the emigrants (*muhadjirun*) they were called the converts of the Prophet (*ansar*). The greater part were young people eager for adventure and quick profits, who without opposition recognized the authority of their new lord. The attainment of unity among the believers must have been Mohammed's chief problem; indeed among the adherents of the Prophet in Medina, who were composed of emigrants and townspeople, tribal differences and regional antagonisms caused divisions of such a kind that, under the outward appearance of a common faith, former antipathies were finding voice. The new politico-religious structure created by Mohammed could not fit into the traditional system of clannish organization.

His efforts to make the converts in the town take the exiles from Mecca into their families proved fruitless. Mohammed then attempted to unite his adherents by the idea of brotherhood, and the commonwealth of their creed, interests and struggles, which were to show themselves stronger than blood-ties and hinder the process, which was then going on, of the creating of a class society in the country. Mahommed formed a united disciplined army of the faithful, ready for anything, to oppose those who stood against him. He then possessed full power in the town, and felt himself to be the unrestricted lord of the new theocratic republic, in which all followers of Islam had full civic rights. The Prophet, in the name of God, decided on matters of war and peace, judged, pronounced, urged the ransoming of fellow-believers from slavery, commanded alms-giving so that there should be no paupers among the faithful. The doctrine of Islam demanded mutual help, as well as an unquestioning obedience to the orders of the Prophet. In creating his religio-political structure, Mohammed left the family the right to punish private transgressions and guaranteed protection to unbelievers at the price of recognizing his law and paying tribute. But whoever opposed Islam and rebelled against the sacred law lost all protection, even from his own family. Making his new rules for living, Mohammed loosened the chains of the clannish system, unaware that he was the man in whom the objective development of Arabia was mirrored, and that Arabia had gone beyond the early stage of merely clannish unions¹⁶. Mohammed did not meddle much in family and tribal affairs, leaving them to the traditional laws of custom (*adat*). But at the same time he strove to regulate the whole private and public life of his followers according to the precepts of the holy law (*sari'a*). In practice, Islam penetrated every aspect of the life of the faithful; *sari'a* contained defined norms as well as problems of belief, and thus principles of property-law, family law, inheritance, norms of punishment, and it regulated the duties and obligations of servants and masters; in a word, it decided on the destiny of the faithful on earth and in the future life. In Mohammed's theocratic republic, if we leave out inequality caused by the possession of property, all the faithful were equal in the sight of God; they were dependent on the same standards. They paid taxes at an identical

¹⁶ A typically idealistic theory of the genesis of the doctrine of Islam is that of T. Andrae in his exhaustive biography of Mohammed. In a later work, *Mohammed sein Leben und sein Glaube*, 1932, on p. 7, Andrae writes: „In all dynamic religions whose history we may discover, the stimulating force is the personality of the individual... the Master, the Prophet and his pupils are the primary cell, from which the new life, in the world religion, develops”.

rate and fulfilled the same obligations. However, the unbelievers who were loyal to Islam, and enjoyed full toleration provided they paid taxes, were freed from the duty of fighting for Allah. Islam brought unity to the Arab tribes, giving the free Arabs the rules of the divine law and fiscal and military discipline simultaneously. Alms were now given regularly in the form of taxes, the commands of the Prophet were fulfilled, holy wars were supported by all, and the necessary rites and prayers were performed. As the authority of Islam spread, the country as already, in the lifetime of Mchammed, divided into parts where the closest companions of the Prophet, whose endurance had been proved and whom war had tried, represented his authority. Mohammed himself, at the head of the state, felt that an earthly government ought to put into practice the divine calling of Islam; he thought that God alone is the unrestricted lord of the state, while the Prophet only filled the role of mediator for the divine manifestations. Conscious of his divine mission, he turned to contemporary rulers, to have them acknowledge Islam. The reaction of the ruler of Persia, Chosroes II, to Mohammed's letter was courageous. In a fit of anger he sent the following to his governor in the Yemen: „I hear there is a madman in Medina giving himself out to be a prophet. Bring him to his senses, and if this does not help, send me his head". However, the emperor Heraclius treated the message rather better, since he gave liberal presents to the messengers of the barbarian prophet, heaping politenesses on his strange proposition.

After Mohammed's death Arabia experienced fierce upheavals, many tribes breaking their links with Medina, and the tendency to self-rule (*ridda*) much weakened the unity of the state¹⁷. Besides this, many prophets appeared, all endeavouring to step into Mohammed's shoes. Confusion became worse as the Prophet had not foreseen

¹⁷ C. Cahen: *op. cit.* p. 132 *et seq.*, puts forward a convincing theory of the different attitude of the Church to Christian and Muslim states. Islam was the single organization with a religious authority which simultaneously fulfilled a political role. A similar situation existed only in the Judaic theocracy, whereas the organization of the Christian Church had developed within the Roman state which was not dependent on any political organization. After the death of the Prophet, who was the only mediator between God and the faithful, thanks to the situation in Arabia there was nobody who could continue the theocracy as Mohammed had understood it. Cahen even observes that after the Prophet's death bankruptcy of the doctrine occurs, decay of the whole structure sets in, and thence springs the multiplicity of Muslim states. Mohammed's organic conception was not suitable for continuation, for it was only he who gave voice to Allah's revelations. In Cahen's opinion, the modern state in Europe was formed at the time of the separation of the church organization from that of the state. Such a division did not occur in Islam, for the state authority, having developed with the religious organization, could hardly be in opposition to it.

any way of finding a successor; only the enterprise of Abu Bekr and especially Omar, made possible the normal running of the state. Abu Bekr became the successor of the Prophet, and after his two-year rule he was followed by Omar in 634 A. D. During Omar's ten-year period in office the formation of Arabia into a great nation took place. The idea of Islam became the watchword for organizing all the Arabs into aggressive warfare¹⁸. The conversion of infidels was not the concern of the followers of Islam; their aim was expansion, the conquest of the rich territories of their neighbours. For scores of years the dynamic Arab tribes had spent their energies in internecine feuds, but the sallies of certain strictly frontier tribes had for long threatened the borders of Persia and Byzantium. The domestic economic troubles of Arabia made it imperative to unite the scattered tribes; Islam did this, giving, for some years after Mohammed's death, unprecedented power and authority to its followers. Islam became a power for order and organizing the elemental movements of the nomadic tribes, which lived in a state of permanent readiness for war¹⁹.

Wisdom and knowledge had decided the election of a successor to the Prophet. However, the relationship with Mohammed had not been taken into consideration. In this way the courageous Ali, married to the Prophet's daughter Fatima, and his sons Hassan and Hussein, the grandsons of the Prophet, were ignored. The procedure of the election of a Caliph, while ignoring blood-ties, began endless religio-political disputes among the Arabs. However, the first successors of the Prophet showed themselves to be men who had grown mature enough to direct the forces of liberation through their experience in Islam. They finished the fight with, *ridda*, bringing order to the rebellious tribes. They began a systematic conquest of neighbouring states, created frameworks for the organization of Muslim power, choosing educated chiefs and administrators for the running of the state. In the first battles of conquest the unrivalled military genius of Khalid ibn al-Walid shone forth — he threw in Arab divisions with unheard-of

¹⁸ E. Diez: *Glaube und Welt des Islam*, 1941. On p. 78 he advances the theory that, a union of the Arab tribes, which had for centuries been warring against one another, would never have been realized without Islam... It appears that this theory underlies the whole of the author's reasoning; in company with C. H. Becker, he wants to show the sociological reasons for the rise of the doctrine. As I understand it, Islam only prompted the objective necessity for Arab unity.

¹⁹ C. H. Becker: *Islamstudien*; on p. 70 he tells us: „Not religion, but hunger and desire for possession are the motive forces; religion, however, gives the necessary unity and centralization... Wanderings had taken place a long time before Islam gave them a slogan and organization”.

speed, surprised the enemy, and cut into the opposition at its weakest points. He besieged the town of Hira in Iraq with scarcely 3,000 volunteers from central Arabia, and after extorting 60,000 dirhems withdrew his divisions like lightning to Syria, which more than anywhere else lay within the Caliphs' sphere of interest. The Arabs brought off fine victories in Syria against the Byzantine armies, occupied Damascus, and took over the whole country finally from 636—638 A. D. The conquerors, since they respected the customs and religious beliefs of the indigenous population, were everywhere welcomed as the swordsmen of freedom, which gave them advantage over the armies of the Byzantine rulers and Persian satraps, who brought religious, fiscal and political oppression with them. The Arabs did not give civil power to their victorious generals in the conquered lands; contrary to expectations, Omar did not appoint the heroic Ibn Walid to the regency in Syria, but the experienced politician Abu-Obaid. The third governor of Syria was Muawiya ibn Abi Sufiyan, later chief representative of the Omayyad dynasty. In principle, conquered Syria kept her former institutions, both political and legal, and the town dwellers enjoyed self-government by merely paying their taxes regularly. But the Arabs living in conquered territories preserved their religious, political and legal differences, thus becoming an exclusive, aristocratic group. After 630 A. D. the Arab armies defeated the Persian armies and took all of Mesopotamia. The fertile land of Iraq lay open to the followers of Islam, and the town of Ktesiphon surrendered, whose treasures had enticed the imaginations of the sons of the desert. However, after the capture of Iraq the seat of central and military government was Kufa — a military camp, for the caliphs feared lest the eastern luxuries demoralize the victorious armies. Besides Kufa, the second military centre on the Euphrates was the camp in the town of Basra. Almost at the time, in 640 A.D., the swift conquest of Egypt began, the experienced strategist Amr ibn al-Asi being at the head of the Arab troops. Similarly, after the fall of Alexandria in 642 A. D. the caliphs put into action their policy of military isolation; the victorious soldiers were to erect a camp like that in Kufa, on the eastern shores of the Nile. It bore the name 'Phostat' after the Greek word *Φόστατο*. As in Syria, the governor of the conquered land was the politician and financier Abdallah ibn Sa'da and not the conqueror. The first caliphs kept these leaders away from the government of the conquered lands; the army, separated from the civil administration and concentrated at special points, formed the real strength in the occupied territories.

To control the Mediterranean basin, the militarists from Syria and Egypt went on to build a fleet, so that in the second half of the VIIth century the Arabs had considerable sea power, which was a threat from the sea to Byzantium.

When in a foreign country the Arabs were subject to the sacred law of Islam; they might buy land, profiting by freedom from taxes. From the time of Omar onwards, they invariably received soldiers' pay; thus the religious duty of sharing in war received material compensation. It appears that Omar had his own ideas on organization for the conquered territories; he treated Islam as a religious doctrine for Arabs, and, while treating the conquered peoples with the utmost toleration, made his Arabs into a privileged aristocracy²⁰. He was unable to form any newly-organized apparatus of government but continued to uphold the existing system, and was particularly interested in fiscal problems. In the style of the Romans and Persians he set up treasury offices, permanent accountancy and inspection and finally an exchequer for the whole country. In the captured lands of Syria, Persia, Iraq and Egypt the Muslims came into contact with the spirit of Hellenistic culture. The conquered lands had long been used to political organization and the population of the towns helped to raise the level of knowledge and standard of living of the conquerors. The first caliphs found ready-made political and legal institutions on the conquered territories, and took high taxes from the indigenous population without troubling about their beliefs or way of life. In time the people were converted to Islam, to rid themselves of taxes and enjoy all the privileges of their conquerors.

With the death of Omar, murdered in 644 by a Persian slave, began the nepotic rule of Caliph Othman who put members of the Omayyad family into all the possible important positions. After Othman's death quarrels occurred between the followers of the Omayyads, at whose head was the remarkable and skilful administrator of Syria, Muawiya, and their opponents grouped around the person of Ali, the Prophet's son-in-law. Thanks to his cunning policy Muawiya

²⁰ C. H. Becker; *op. cit.*, remarks that Omar only regulated, according to the way of those days, the organization in the conquered territories, whereas the whole of the system took form in the reign of his successor. It does seem, though, that Omar had his own distinct organic conception; liberalism and tolerance for the townfolk, together with the setting-up of compact, privileged centres for the Arabs. We know that before the capture of Jerusalem, that is before 638 A. D., Omar was still in Syria for the purpose of settling policy in the conquered territories, the government of which had delivered them to the experienced administrator.

achieved the caliphate in 660 A. D. while Ali died 6 months later, murdered in Kufa. Ali had been the most important candidate for the caliphate. Ali's son, Hussein, died twenty years later in the battle of Kerbel, near Kufa, becoming a symbol of the martyrdom of all who had fought for the Prophet's family and its claims to power. In Muawiya's time, Syria became the heart of the Arab state, and Damascus its capital, where for nearly a hundred years the government was to be carried on by the Omayyad dynasty. The rulers of this clan treated Islam as a political tool, useful for uniting the Arabs, and simultaneously giving them world power. The opponents of the Omayyads were the orthodox believers of Mohammed, who regarded the leaders of Islam as usurpers; they thought the Omayyads followed Satan's wishes rather than God's.

Internal strife over the government did not, however, prevent the Arabs from furthering their conquests. In the middle of the VIIth century, the Arab fleet gradually gained control of the Mediterranean, pillaged Cyprus, Crete, Rhodes, and, although at first without success, attacked Byzantium. The conquest of Northern Africa, carried out at this time, met, at first, the resistance of the Berber tribes, which the Arabs shortly won over to Islam so that they might strike a blow together at Spain. In 711, Muslims, led by Tarik, landed on the shores of Spain, near the rock which today still bears the name of the Arab leader, Gibraltar — Gabal al Tariq. In 718 the Arabs crossed the Pyrenees, beginning systematic sorties on the land on the other side; they were stopped only by a defeat inflicted on them by the army of Charles Martel at Tours and Poitiers in 732. The victorious advance of the Arabs in the west was checked largely by the fact that bitter antagonism had flared up between the Berbers and the Arabs in the army. The Arabs had tried to maintain an ascendancy over their comrades-in-arms from North Africa, although they too had embraced Islam. At the same time Arabs in the east had penetrated into western Chinese Turkestan; crossing the Oxus, they had captured Bokhara, Samarkand, and Fergana. So it was that in the first half of the VIIIth century Islam reached the peak of his strength under the Omayyad dynasty.

However, the unity of the great state was splintered by differences in economic systems, beliefs, traditions, and lastly the perpetual disputes about the government. In this fight, involving everyone, all antagonisms were concentrated on the Omayyad dynasty. Protests were especially vociferous in Persia, for there the eastern theocratic conception of authority favoured the sacred family of the Prophet, chosen by God, as candidates for the throne of the caliph. The rising wave of opposi-

tion came from the eastern borders of the state, and swept through the military camps, causing civil war, the object of which was to depose and destroy the Omayyads who were accused of harming the Prophet's family and thus of contravening God's will.

Caliph Abu'l-Abbas in 750 began the rule of the new Abbasid dynasty. It was a victory for the Persian conception of the social organism in the Arab world and this found outward expression in the transfer of the capital of Islam to Baghdad on the Tigris. When the Abbasid dynasty came to power it was not merely the replacement of one ruler by another: it had very far-reaching consequences with regard to the formation of political structure. In place of the laicist Omayyad dynasty, there now appeared rulers who were enthusiastic advocates of a religious type of state. Deriving their rights from God, they felt themselves to be at once rulers and the highest among priests. The outward sign of their divinity was the alleged cloak of the Prophet, that had been given to them and which made their reign lawful.

The constitutional programme of the Abbasids was the absolute subjection of the state to the demands of religion. The Persian conception of ecclesiastical organization was followed — and thus empty religious phrases, ceremonious ritual, and prodigal wealth became an inseparable part of life in the court of the new dynasty. The role of the priesthood was filled by those well-versed in the doctrine of Islam. In place of a system that preserved the privileged separate life of the Arabs in their conquered territories, the structure of a theocratic absolute monarchy with its developing bureaucratic apparatus was established along Persian lines. Its purpose was the uniform government of all the population in the great state. It was the Abbasids who brought the conception of the universal Muslim state into being. Persian models were swiftly and readily adopted at the caliphs' court. The caliphs, surrounded by the ceremonial reserved for God, and given a feeling of limitless power, designated their successors through the official government. Such a procedure had, in fact, been instituted in the time of the Omayyads. The hierarchical structure of the new government meant that the people were far removed from the court of the divine caliph, contrary to the ideas of the first believers of Islam. The principal management of the state lay in the hands of the vizier, who was the first man in the land after the caliph, and in his care was the administration of the law with the help of judges. A chief of police watched over the peace and internal security of the state, over markets and the religious cult; a treasurer was responsible for the financial affairs of the religious cult; a postmaster was in charge

of gathering information about affairs of state, and of communications in the country. The largest state concerns were the central and local tax offices (since the system of duty, taxes and tributes were highly diversified), and the judicial apparatus which was on the look-out to keep religious and political order. The provinces had their own offices in Baghdad for the representation of their affairs, and in the Xth century these were divided into three ministries, one for the eastern provinces, another the western provinces, and still a third one for Babylonia. The central government was represented by appropriate offices in the provinces, the heads of which were emirs, nominated by the caliph. The bureaucratic centralization constantly required new offices; the rules of the Abbasids in Baghdad were a continuation of the theocratic despotism of the East.

Under the Omayyad rulers, even those who had embraced Islam were not treated as the absolute equals of the Arabs. Under the Abbasid dynasty, however, a process of assimilation with the local folk began, the Arabs becoming farmers, merchants, and bankers, treated as no more than the equals of the believers in Islam of whatever tribal origin. Many factors suggested the possibility of maintaining a universal Abbasid empire, many things united the people of this vast area: a common creed; the Arabic language, used in offices, in religion, and in science²¹; unlimited possibilities for trade, from the Atlantic Ocean to China, aided since the VIIIth century by reliance on the Arab monetary system; Greek culture, encountered by travellers in the conquered lands who acquired it for themselves²². However, the unifying tendencies proved too weak to oppose the disintegrating forces in the great state which were not only socio-economic differences, but differences of custom as well, which might be expected

²¹ B. N. Zachoder writes in *Istoria wostocznego sriedniewiekowija*, 1944, p. 81, on the significance of the highly-developed Arabic tongue. *Sbornik Biruni*, 1950, contains on p. 65 the following speech of the eminent XIth century scholar, Biruni, who, not being Arab by birth, wrote: „The sciences of all the countries in the world have been translated into Arabic and made more beautiful — they are become a delight to the heart, and the fine language flows through the arteries, veins and blood-vessels, although every nation thinks its own dialect is beautiful. I base my conclusions on my own analogy: my own mother-tongue is such a language that, were I to try to perpetuate any kind of knowledge in it, it would seem as strange as a camel standing beneath a rain-spout to shelter from the rain, or a giraffe amid fine Arab bloodstock”.

²² The inventor of the Arab monetary system was Caliph Abdal Malik (685—705) who in the West (on the pattern of Byzantium) took a unit of gold as the basis of the system, and in the East (modelling himself on Persia) took a unit of silver.

in the huge areas subject to Islam. The provinces made themselves remarkably independent, which led to their separation from the Baghdad capital. In the Xth century Spain also became independent of the Omayyad rule, and in North Africa, Far, Central and Near Magreb and Egypt followed suit. These last came under the rule of the Fatiimid dynasty in the Xth century. In the east, Khorasan achieved independence²³.

The tendencies towards disintegration found expression as a result of the divergence of views among the faithful on philosophy, politics, and religion, as well as of the plurality of sects and splinter groups in Islam. Then, too, the power of the caliph in Baghdad was noticeably weakening. The doctrine of Mohammed became the subject of bitter disagreements; in them the socio-political conflicts of the Arab state could be seen.

IV. THE STUDY OF LAW

As a result of the policy of conquest, wars, and the assumption of power over new territories, the business of regularizing legal intercourse in occupied lands became a burning question in the Arab state. The conquerors had found evolved political and legal institutions, which in principle they supported. The local law (*adat*) neither regulated the relationship of the conquerors to the conquered, nor the internal relationships among those Arabs who found themselves in new conditions of life in foreign lands. The problem had to be solved by a decision of the Arab leaders which would be in accord with the religious doctrine of Islam. The only guides for the creation of legal norms were the sayings contained in the Koran, the decisions and solutions of the Prophet (*sunna*) and the instructions of the caliphs. In their law-making the provincial governors regulated their intercourse on the basis of their own pronouncements; taking advantage on the one hand of analogies, that is, seeking support for their decision

²³ A. Zajączkowski: *Awicenna i jego epoka* (Avicenna and his epoch) in the collection „Awicenna”, 1953, writes on p. 18 et seq.: „The cultural world of Islam exhibited symptoms also remarkable from a political standpoint in the Xth century. That great area, stretching from Fergana to Tangier, in the words of the contemporary traveller al-Masud, formed a distance of almost four thousand parasangs; that area, which could only be covered after 10 months' travelling, bore the name of the „Arab Caliphate”, a name that was conventional but also incorrect. This huge tract, conquered by the Arabs with their banners of the war-like half-moon, formed a series of provincial regions, where local dynasties came to power. They looked for support to the townsfolk and to ethnic groups to whom Arabic was foreign, thus creating the embryonic nationalist movements of the Middle Ages in the Near East”.

in the Koran and in tradition, on the other hand they followed precedents in the locally developed law. In those territories where Roman law had shaped society, the Arabs unconsciously fell under the influence of that law, which they were also familiar with through the Jews. Life in the new situation called for the resolution of contradictions, sometimes from the Koran or sacred tradition; even such decisions became law if they enjoyed the universal approval of the Arabs.

For the first two centuries sacred law of Islam (*sari'a*) was being formed. The most widely differing norms were borrowed, from Roman, Byzantine, and Judaic law, as well as a series of customary norms from pre-Islamic Arabia. The main pillar of the sacred law was the Koran, the principles and ideas of which became the basis for interpreting the items composing the *sari'a*. The conglomeration of principles and legal norms remained linked with the idea of Islam, which integrated elements from many sources. Those living then were not aware of the factual process of creating a law which depended on a universal all embracing reception of foreign norms, for the great ideological dynamism of Islam; a conviction of the exceptional significance of the accepted doctrine, caused the conviction that the chief source for the holy law was the Koran. Traces of foreign legal institutions were either preserved as legal constructions or used as ingredients in legal conceptions. So, for example, the principle of *consensus prudentium*, and the maxim *pater est quem nuptiae demonstrant*, were borrowed from Roman law; also the construction of the buying-selling contract, in which three, at first distinct, kinds of suitable transactions are joined, on the Roman model: *locatio-conductio rei*, *l. c. operarum*, and *l. c. operis*. Arabic terms robbery *liss*, making use of the Greek word *ληστέης*. Similarly the Latin *dolus* had its local equivalent in *dallas*²⁴.

In the Arab state the guardians of all the rules of the holy law, in religious, public, and private matters, were the judges (*qadi*)²⁵. In time, only inspection of the observance of the ritual and family norms and norms dealing with inheritance came within the judges' jurisdiction while other departments of the law separated themselves from the religious elements and ceased to be the *qadi's* competence. By way of

24 J. Schacht: *The Law in the collection Unity and Variety in Muslim Civilization*, 1955. On p. 65 *et seq.*, he discusses the process of the formation of the sacred law, emphasizing the manifold inclusion and assimilation of foreign legal precepts by the sacred law. The author gives a series of examples which give evidence of the inclusion of foreign legal institutions and even terminology.

25 A discussion of Islamic law will be found in the article *Sharia* by J. Schacht — *Shorter Encyclopaedia of Islam*, 1953, p. 524 *et seq.* There is also a bibliography.

contrast to the practical legislative procedure of the Omayyad administration, speculative theories about the sacred law were rife in Medina. The learned lawyers and theologians interpreted the sayings of the Koran and sacred tradition, which led to an infinite number of commandments and duties for the faithful, utterly impossible to fulfil. Between the practical formulation of the norms of *sari'a* and the theological considerations on the law arose a marked disagreement. The science of law, in its break with practice under the Omayyads, created a system of ideal norms imbued with religious spirit but far removed from daily life.

These abstract, devout considerations on the sacred law by which the followers of Mohammed were obliged to direct their lives gave rise to schools of law in Islam. Their centres were Mecca and Medina, Syria and Iraq. At first their geographical location determined the peculiarities of the schools. Gradually these peculiarities became more and more marked, owing to the differing economic and cultural levels of the various areas, together with the degree to which neighbouring legal systems influenced them.

The laicist outlook of the Omayyad dynasty treated incomprehensible theologico-legal speculations with scant attention; although these were divorced from practical application, inquiries first carried out in Medina caused a great development in legal studies, which almost equalled Roman jurisprudence. It was only half-way through the VIIIth century, when the Abbasid dynasty assumed power in the new capital of Islam, that the legal theologians were heard, formed schools of law, and promulgated the official thesis that the caliph was the guardian of the sacred law — considered to be one of the most important elements uniting the Muslim world. From these theologico-speculative inquiries grew the jurisprudence of Islam, and were formed those legal schools which in turn developed legal ideas, precision in thinking, logical argumentation, and, finally, appropriated the principles of Roman law²⁶.

These historical investigations of the sacred law were called *fiqh* — jurisprudence — and were the preserve of those learned in the doctrine (*fukaha*) who made a collection of the rules (*sari'a*) and then systematized it. Among the first collections of *sari'a* is the famous collection of Malik known as *Al Muwattā*, which still exists today; and there is the earlier, lesser-known work of ibn Zaid²⁷.

²⁶ A. von Kremer: *Kulturgeschichte des Orients unter den Chalifen*, 1875, vol. I. p. 535. He remarks that many of the precepts of Roman law adopted by Islam can be found in the *fiqh*, through the intermediation of the Jews.

²⁷ E. Griffini published a collection of *fiqh* under the title: *Corpus iuris di Zaid ibn Ali*, Milan 1919, ascribed to the founder of one of the sects, Zaid ibn

In principle, norms are divided into two groups: purely religious norms, and the norms of public and private law. Besides this there were other divisions of the rules in *sari'a*: e. g. norms dealing with cult duties (*ibādāt*), norms of civil law (*mu'āmalā*) and criminal law (*uqūbāt*). According to another division of *sari'a* rules there are norms of the religious cult (*ibādāt*), rules governing contracts (*uqūd*), norms regulating a declaration of intention by one party (*ikaat*), and the remaining articles (*ahkām*).

Problems of legal sources and their relation to one another took up most of the lawyers' time and caused most of the disputes. The norms of the *sari'a* were derived from four sources:

1. The Koran: The rules of behaviour as given by the sayings of the Prophet collected in the sacred book.

2. Custom (*sunna*): Legal rules made on the basis of the sayings and decisions attributed to the Prophet, but not collected in the Koran.

3. Analogy (*qiyās*): Decisions of officials who, turning to the Koran and *sunna* for support, regulated social intercourse in a new way by making use of analogies. Norms made by pronouncements from analogies played an important role in the development of the law, for neither the Koran nor the tradition sufficed the state, now that it was a world power.

4. Agreement (*ijma*): Rules made pragmatically which by general recognition gained legal force. In time learned scholars of doctrine came to understand *ijma* as agreement.

Discussion on the priority of norms derived from these above-named sources were in principle the basis for the differences between the four leading law schools, each of which served its own well-defined territories, thus making the differences between them wider.

The oldest law school in Islam was founded by Malik in Medina. It flourished in the VIIIth century, especially in the Hejaz province. From the biography of the founder of the school we learn that this most eminent lawyer of Islam took up jurisprudence against his own inclination. He dreamed — so say his spiteful opponents — of being a singer, but had to give this up because he was not handsome enough. Malik's greatest service was the collection of all the articles of the *sari'a*, which he did not, however, systematize. Malik's collection was the result of a suitable choice of legal norms and this contributes to the coming uniformity of the law. It showed what great differences

Ali, who died in 740 A. D. Whether the author of the collection was indeed Zaid or someone from his circle, he ought to be recognized as the absolute pioneer of his time in codifying laws in the Islamic world.

could arise from a free choice of analogies by officials. The title of his work, *The Smooth Road (Al Muwatta)*, was meant to signify the author's intention — to reduce the law to order and make it uniform. This does not mean that Malik forbade the support of analogies in the taking of decisions. He even permitted it when the decision went against the norms, where justice demanded it. A member of Malik's school was, above all, concerned with bringing the theory of law (*fiqh*) into touch with practice. That is why Malik takes into consideration in his collection, besides the Koran and *sunna*, the pronouncements of the government in Hejaz, which thanks to popular approval (*ijma*) received legal force.

The school in Iraq represented another direction in the law. It was founded by Abu Hanifa and two of his most famous pupils, Abu Yusuf Yakub and al Shaibani. Its centre was in the Abbasid capital, Baghdad. Abu Hanifa was born in 700 A. D. in Kufa. He was Persian by origin, a merchant by profession, and gathered a considerable number of pupils around himself, all of whom in turn directed the study of law in the east of the Islamic state. Abu Hanifa himself never wrote a legal work, although his pupils named a collection of traditions after their master: *Musnad Abu Hanifa*.

This legislator, from the school officially recognized by the Abbasids, himself came into conflict with the government. He did not receive an official position and most likely ended his life in prison. The main argument of Hanifa's school was the assertion that legal norms could be made in a rational, logical way, looking for support to the Koran as the chief basis and guide in legislation. Abu Hanifa's followers also recognized other sources of law, although they put the emphasis on the subjective decision of officials, who thus shaped social intercourse. In this way it was possible, using the principles of the Baghdad school of Abu Hanifa, to create completely new divisions of the law, and this did, in fact, take place. Thus in the Xth century the partisans of this school created the water-laws in Khorasan, where the system of irrigation canals played an important role in the economy. In comparison with other schools, the Iraqi tendency was to give as much scope as possible to suiting the law to actual needs. The guiding remarks in the Koran were not numerous, and this too provided Hanifa's school with an unlimited field for new legislation, as a certain flexibility of attitude towards traditional norms. This, perhaps, was why the school was officially recognized by the Abbasids, and later by the authorities in the Ottoman Empire.

The founder of the third new law school was ash-Shafi'i, Malik's most eminent pupil. He was active in the period directly after the death

of Malik and Abu Hanifa. At first his studies were linked with Arabia, with Mecca, and especially with Medina, where he made the already extensive collections of laws made by Malik still more comprehensive. Basing himself on this material, ash-Shafi'i began theoretical investigations, becoming the father of the most profound school of jurisprudence in Islam.

His predecessors had limited themselves to making collections of norms and setting limits to governmental decision. Ash-Shafi'i however, actually formed legal conceptions; he defined *sunna*, indicated the role of *ijma* and also systematized sources showing their natural interdependence, while giving priority to the Koran and *sunna*. His service to legal studies is an analysis of the method of application of the law, and the elaboration of the main principles of jurisprudence, which in the legal literature of Islam bears the title *usul-al-fiqh*. The school of ash-Shafi'i, in comparison with his predecessors, clearly distinguishes for the first time the subject-matter, competence, and problems of jurisprudence. Because of this, the founder of the school is known as the father of legal theory in Islam.

The chief theologian of Islam was connected with the school of ash-Shafi'i. He was Ghazali, who at the age of 31, in 1095, resigned from a series of important positions which he had occupied in the theological world, in order to work exclusively at philosophy. Criticising the existing theology and study of law, as represented by the law schools, Ghazali required pure faith based on experience through intuition, instead of the dialectical and casuistical religious disputes. His system was a contradiction of the aims of the rationalistic thought of Islam. It tended to veer, in his works towards mysticism, Ghazali himself having ascetic and mystical inclinations to Sufiism.

The school founded in the IXth century by Ibn Hanbal (d. 855) had less significance. The reason for its limited influence was his desire to conform to the Koran and above all to the sacred customs (*sunna*). The fanatical cult of tradition among the followers of this school caused their law to be too rigid and incapable of adapting itself to the changing needs of practice. Hanbal's adherents, reducing the scope of legislation, fulfilled the principles of the Koran and the *sunna*, under the pressure of necessity, only by means of fictitious traditions allegedly forgotten.

The above-mentioned law schools influenced the whole world of Islam. Thus, east Africa and southern Arabia came under the influence of ash-Shafi'i; the school of Malik had an obvious influence on northern Africa and Spain; the eastern territories of the Muslim state were

reached by Abu Hanifa's influence, while a considerable number of Ibn Hanbal's adherents were to be met in Mesopotamia, Palestine and Syria.

With the official recognition of the law school, in principle the process of forming the sacred law was over. For the first two hundred years after the *hegira* the Islamic conquerors created the fundamentals of their sacred law from the various, norms, rules and customs observed on their victorious marches, carefully adapting it to the principles of the Koran. After the second century, when the schools were recognized, the system underwent a kind of petrification. Among the manifold theories of the schools can be sensed a general tendency towards religious dogmatization of the legal system. Gradually the theory which ruled out the possibility of creative legislation by lawyers gained the upper hand. The principle of uncritical acceptance of the law (*taqlid*) was victorious. This was eventually formulated in the recognized textbooks of the law schools. Although the activity of the law schools marked the end of creative legislation, the systematic and theoretical studies of these schools demonstrate the relatively considerable independence and originality of legal thought²⁸.

It was, from the start, far from the intention of the lawgivers of Islam that the lives of the faithful should be complicated with instructions. They called on the words of the Koran: „God wants to rule you mildly that you may fulfil his commandments and voice his praise...” (II, 181). One of the earliest authorities of Islam in the first half of the VIIth century, Abdallāh ibn Masūd, taught: „The man who forbids things that are allowed ought to be treated with the same severity as the man who permits forbidden things”.

A similar concern not to multiply new duties and commands is expressed by the VIIIth century lawyer, Sufijan al Taurī. „Wisdom”, he says, „lies in giving new authorization and permission, while relying on a trustworthy authority; for it is not difficult to restrict and forbid”. There was even the proverbial saying, which became widespread: „If there are doubts as to whether something is permitted or forbidden, accept that which is permitted”.

The theoretical disputes of the law schools were harmless skirmishes; the social, organic and philosophical conflicts of the Islamic state were not reflected in dogmatic speculations.

²⁸ J. Goldziher: *op. cit.*, p. 55 *et seq.*, characterizing all the schools in a general way, gives a very just estimation of them, emphasizing the common tendency of all jurisprudence to manifest itself in legal liberalism, as well as to limit the law-making activity.

DISCORD IN THE DOCTRINE OF ISLAM

The doctrine of Islam was far from being uniform. On the contrary, there were all kinds of indications that many trends, schools and sects would arise. Many causes were responsible, above all the material differences among the faithful, as also the different socio-economic arrangements in the conquered lands, and the powerful infiltration of foreign philosophical and religious systems. Finally, the obscurity and variety of possible interpretations, both in the formulation of the Koran and the sayings of the Prophet, was another cause. When his contemporaries asked the Prophet about the significance and meaning of contradictory sayings, or those with double meaning in the Koran, they heard: „The Koran was not given to you that you might oppose one of its revelations with others, as was done by nations before you with the sayings of their prophets. In the Koran one revelation is confirmed by a second. What is clear to you in the Koran ought to be a guide for your behaviour, while whatever causes you to doubt, you ought to accept humbly”. Despite these instructions, Mohammed must have had grave doubts whether he could succeed in maintaining unity among the faithful, as soon as he could foresee that his followers would split into 73 sects.

It is impossible to discuss all the disagreements in Islam, although it appears that with regard to the political aspect of the doctrine, philosophical, organic and social antagonisms have the greatest significance.

The secular outlook of the Omayyad dynasty had not indicated special interest in the dogmatic disputes of the Muslim theologians; above all, the practical activity of the state was engaged in the struggle to preserve the government. However, in one exceptional case the rulers departed from their principles, when they thoroughly investigated the religio-philosophical controversies on fatalism and indeterminism, because the Omayyads were personally interested in these discussions. The adherents of fatalism easily found in Islamic doctrine grounds for the argument that man is utterly dependent on God, that he is a thing without will, deprived of any influence on his destiny. The adherents of extreme determinism thought that man who is rejected by God, and left to himself, is afflicted with the greatest misfortune²⁰. However, almost from the rise of Islam, that is from the VIIth century, there

²⁰ In the Koran occur sayings in which the threat of leaving the Arabs without divine protection is contained: „Empty are their deeds, they have perished forever. Muslims! If you reject your creed, God will call upon nations...“! (V, 59). „They turn away their eyes and heart from the truth, they do not believe in the first miracle, I leave them to stray in the darkness of transgression“ (VI, 10).

had been doubts about the absolute dependence of man on God. It was especially among thinking circles in Damascus, the capital of the Omayyads, that discussions began on the blind destiny of fate (*quadar*). The opponents of believers in blind destiny put forward the view that man alone decides his future, and therefore the idea of the importance of destiny should be much restricted — hence the name of these opponents (kadarites). The intelligent opposition of the Kadarites among Muslims is a visible result of the influence of Hellenistic philosophy. This is shown by the fact that the Kadarite movement sprang up in Syria, a country where Hellenistic and Christian influences had strongly penetrated. In so far as the orthodox believers of Islam thought that evil, sin, and disobedience have been foreordained by the will of God, the Kadarites said that the autonomous will of man is the only reason for breaking the divine laws and commandments³⁰. The Omayyad rulers subscribed markedly to fatalism and belief in predestination, finding weighty arguments from the orthodox interpretation of the faith in support of their rule. Many of the faithful were convinced that the Omayyads were usurpers who had usurped power from the descendants of the Prophet in opposition to the sacred law — in a word, they had defied God's will. Against this the Omayyads resorted to the arguments of fatalism, basing their authority on predestination. Their court poets and sages affirmed that „the rule of the Omayyad was foreordained in the eternal divine plan”. The conviction, among some subjects, of blind destiny made governing considerably easier. Everything that happens was explained — defeats and victories, successes and failures, achievements and adversity — by inevitable necessity, over which the rulers had no influence. In these circumstances the ruling circles disapproved of the Kadarites, the earliest critics of the Islamic doctrine.

In later ages, particularly the period between the Xth and the XIIth centuries, the Mu'tazilites represented the ideas of the Kadarites. They for their part were philosophers concentrated in Baghdad and enjoying the official support of the Abbasid rulers. The Mu'tazilites made use of the method of discussion to defend the doctrines of Islam against the ever-widening influence of Aristotle in the Arab world at that time. They saw the chief source of religious knowledge as the intellect; their defence was logical argumentation, through the help of

³⁰ J. Goldziher: *op. cit.* p. 96 et seq., emphasizing the great significance of the position of the Kadarites, remarks that that movement approved indeterminism, not in the name of the freedom of the intellectually active man, but because it was a movement of devout fanatics, who wanted, by limiting fatalism, to increase the duties of the faithful to God.

which they hoped to explain and substantiate the sayings of the Koran. That is why they too are called the rationalists of Islam³¹. They were the first to try to formulate religious doctrine in categories of logical thought, rejecting its allegorical and fabulous side. From them came the characteristic sayings of the growing scepticism among the educated élite: „The first sign of knowledge is doubt”, or „Fifty doubts have greater value than faith in one dogma”.

The links between Kadarites and Mu'tazilites can be seen in their common denial of fatalism. Both advocated absolute justice which defines the limit of the divine might. In place of the fatalistic argument that man is a puppet in the hands of heaven, they said that man is free in his activities, while God, who is always above man, is the principle of absolute justice. In opposition to the orthodox believers who saw the sources of good and evil in the unrestricted will of God, the Mu'tazilites accepted the existence of absolute good and evil, while the appreciation and choice of absolute values depend on the human intellect. Unlike the Kadarites, they referred to problems of government. For the Mu'tazilites put forward their indeterminism and rationalism for the approval of the government; it was an officially supported attitude, characterized by an absolute lack of tolerance towards opposing viewpoints.

Opposition in Islam was also indicated in the slogans calling man to an ascetic life. As Mohammed' doctrine came to have a positive efficacy in real life, especially after the death of the Prophet, the thought of the damnation of the temporal world was driven away by the idea of world authority. The words of the Prophet „You desire temporal riches, and God wants to give you eternal treasures for He is mighty and wise” (VIII, 68) slipped into oblivion. The treasures of the rich towns of Ktesiphon, Damascus, and Alexandria lured the Arab warriors. Longing for wealth inspired many aggressive expeditions. The words of Mohammed, which permitted the accumulation of wealth on condition that it was used for the temporal good of poor people, and for fruitful purposes, were remembered. The Arabs easily found sayings of the Prophet which justified them in their views on profiting from temporal life. Almost everywhere asceticism and the life of monks, whom the Arabs met among Christians and Buddhists, were despised. They ascribed many sayings to the Prophet in which condemnation for the ascetic life is expressed. „There is no monastic life in Islam; the monastic life of the community is the holy war”. Mohammed insisted that his

³¹ H. Galland, in *Essai sur les Motazélites, les rationalistes de l'Islam* 1906, was the man who called the Motazélites the rationalists of Islam.

followers should have physical vigour and courage. Therefore he taught: „The Arab taking care of his physical strength loves God more than a sickly invalid”. The Prophet himself was no model of asceticism, he did not despise the joys of this life, as can be seen from a saying with no possible second meaning: „From the sphere of this world I like women and fragrant smells, but my consolation and solace I find in prayer”. The Arabs gladly surrounded themselves with luxury and pomp, considering that it was God’s will that they should show what good fortune they had received through His kindness.

However, the more the Arabs paid almost exclusive attention to temporal matters, material things taking pride of place with their leaders, the more, among the believers, the ideal of an ascetic life began to spread as a protest against the luxurious and hedonistic way of life. The ascetic movement sprang up when the conquests of Islam were already reaching their peak, i. e. in the VIIIth century. It is known as Sufiism, on account of the straight woolen robe, the *suf*. Sufiism was formed under the influence of the idea of Christian and Buddhist monasteries, as well as of the doctrines of Neo-Platonism. The adherents of Sufiism were sunk in Neo-Platonic mysticism. They taught that radiations of divine power could be felt in the whole universe. The world of matter and real phenomena was only illusion, like images reflected in a looking-glass. They believed that man, through searching deep within himself, by subduing his material limitation, the body, may know the splendour of God, His beauty and goodness. The adherents of Sufiism declared that Mohammed had confided secret knowledge to Ali, the husband of Fatima; therefore Ali too was considered a patriarch of Islamic mysticism. Voicing their absolute negation of this world, the Sufists wanted to achieve union with God, and despised all intellectual arguments. Abn Said Kharraz said, on the intuitive knowledge of God, „The man who returns to God... lives near God, loses himself and forgets all but God. In such a state, if he is asked whence he comes and what he longs for, he can give no answer but the one word: Allah”.

The denial of life, organization, law, and the principles of community living, caused the decision, in Baghdad at the close of the IXth century, to punish and condemn the ascetic and even to kill his chief representatives. This was done under the pressure of the orthodox believers.

It is characteristic that the chief reason for the division into sects was the problem of state organization. After Mohammed’s death, disputes arose among the Arabs who should be the Prophet’s successor. Those who thought that the highest position in the world of Islam was most appropriate for a descendant of the Prophet, regard-

ed the three caliphs, Abu Bakr, Omar, and Othman critically. The nearest relations were Ali, married to the Prophet's daughter, or the sons of this marriage. When caliph Othman blatantly promoted his own family (the Omayyads), it led to bitter conflicts with the followers of Ali. After Othman was murdered, Moawija was the head of the Omayyad family. Thanks to cunning policy he avoided conflict with Ali's party, which led to the summoning of an arbitration court to decide on Ali's rights to the caliphate. At that time many left Ali's party, saying that the decision on the succession to the Prophet rested only with God, who would show His will in the result of the contest. Those leaving Ali's camp were called the „leavers" (Kharidzhites). They were advocates of the most democratic principles for choosing a caliph. They said that the highest authority among the Arabs ought to be filled by the worthiest man, chosen by general election. At the same time they were against choosing the caliph from a small section of the aristocratic élite. In their opinion, only high moral qualities, complete subordination of self to the divine, and an assurance that he would fulfil his duties, could inspire confidence, irrespective of his social origin, in a man's worthiness to be the „prince of the faithful", the caliph, even if he were an Ethiopian slave. The Kharidzhites represent the puritan standpoint.

By the cleanliness demanded by the ceremonies they understood not merely physical cleanliness, but ethical. They were not a closed society, for their slogans of general election for a caliph, and insistence on high morality, together with their protest against inequality and injustice, made them enjoy wide popularity among the poorer classes. Their democratic slogans also met with sympathy not only among the people but among intellectuals connected with the first Abbasids³², and were very popular among the conquered peoples; for they advocated absolute equality of all tribes with the Arabs in the conviction that God would give divine sanction to their universalist ideals through the revelation of a new Koran to a prophet among the Persians³³. The Kharidzhites expressed open opposition to the Omayyads, so that the movements for freedom among the Berbers in North Africa, directed against the caliphs of that dynasty, made use of their doctrines³⁴.

³² Levi della Vida expresses this thought in *Kharidjites — Shorter Encyclopaedia of Islam*, p. 248.

³³ Jazid ibn Abi Anisa says that God will reveal a new Koran to a prophet from among the Persians, for whom he will create a new religion as divine as Judaism, Christianity, and Islam.

³⁴ J. Wellhausen: *Die religiös-politischen Oppositionsparteien im alten Islam*, 1901, p. 93. J. Goldziher, *op. cit.* p. 206.

Independent of the demoractic ideas on choosing a caliph, there were two others: the Shiite theocratic conception, and the aristocratic *sunna* conception. Believers in the first thought that the leader of the Arabs ought to be an imam, combining in one person the highest secular and religious responsibilities and only the person nearest in relationship to the Prophet could fulfil this honour according to the will of God. The famous day of the battle of Kerbala was a day of catastrophe for the Shiites, and later the symbol of battle with usurpers, the grandson of the Prophet, Hussein, dying in this battle with the Omayyads in 680³⁵. The Shiites formed secret unions, the aim of which was the cult of Ali and his descendants; their organization was a dangerous source of opposition to every reigning government, and also a source of unrest in the state. Their methods were conspiratorial, since they were as much in conflict with the Abbasids as they had been with the Omayyads. Constantly pursued and persecuted, they developed for their use the theory of *kitman*, also called *taqiya*, according to which prudence commanded them to keep their genuine convictions secret. According to this theory, Shiites had the duty of hiding their true views from enemies, and of allaying all suspicions; outwardly, in behaviour and speech, they had to lull the vigilance of their opponents and win their confidence. The Shiites declared their theory of the infallibility, sinlessness and sanctity of the imam. They asserted that only Ali and his descendants understood the true meaning of the Koran, since they had divine aid, vision, and the power to foresee things; thus only those descended from the Prophet, thanks to a peculiar supernatural grace, might hold the highest position among the Arabs — the honour of being imam. According to them, fanatical love of Ali and his descendants had the power to remit all sins. The name Shiite derives from *si'a*, meaning a group of people of various shades of belief, linked by their devotion to the Prophet's family.

The Shiites did not have a uniform conception of the imam. We can distinguish three large groups among them. The most moderate view on this issue was that of the Zaydites, who indeed thought that

³⁵ B. Lewis: *The Ismailites and the Assassins* in the collection *A History of the Crusades*, 1955, p. 100 *et seq.*, shows that after Mohammed's death a political opposition formed among the Arabs, which opposed the son-in-law of Mohammed, Ali, to Abu Bekr and his first successor. After a time the vanquished peoples, not content with the rule of the Arab aristocracy, supported the political opposition, whose banners were the figures of Ali and his descendants. B. Lewis emphasizes that the first skirmishes about authority contributed to the creation of a new, different philosophical and political doctrine of Islam.

God directed the imam, but denied him divine characteristics. The Imamites, however, considered that he manifested a fusion of divine and human characteristics. They treated his death as the joyful liberation of the divine from human elements. The most extreme tendency was that of the *gulât* group, which means „those who cross all boundaries”. In their teaching, God clothed Himself in the body of the Imam, giving him supernatural powers.

It is characteristic that the progressive movement of Karmats in the question of the office of imam represented an extremist position, the views of the *gulât* group.

The Shiites formed a theocratic opposition within the framework of Islam; in their party the argument of the absolute denial of other viewpoints found its place.

The most serious opponents of the Shiites were the Sunnites, representing the official trend; they were the most numerous, and were largely composed of the aristocracy³⁶. Their views on the institution of the caliphate corresponded to the actual disposition of power: they recognized the historical fact that after Mohammed's death authority was in the hands of the Koreishite tribe, they commanded obedience to any ruler who ensured that the religious cult would be carried on and order maintained in the state. Quoting the sayings of the Prophet and sacred tradition, the Sunnites required absolute obedience to the despotic rule of the caliph, and considered this to be a religious obligation. They called the caliph „God's shadow on the earth”, to emphasize, by this meaning his special position in the state. The first systematic elaboration of the Sunnite conception of the caliphate is the work of *Al Akham al sultaniya*, written by Māwardi. In it are the various conditions that the ruler of the Arabs must fulfil: he must descend from the Koreishite tribe, be male, mature, of noble character, free from physical or mental handicaps, learned in theology and law, clever at organization, courageous, and a self-sacrificing defender of the unity of the state. In this work Māwardi discusses the procedure of choosing the caliph, and his function.

³⁶ In European literature the erroneous belief in the liberalism of the Shiites is repeated; Carra de Vaux expresses it in *Le Mahometisme, le génie semitique et le génie aryen dans l'Islam*, 1898, p. 142. He says that „the Shiites reveal the reaction of a free wide intelligence against orthodox dullness”. However, J. Goldziher (*op. cit.*, p. 242 et seq.) carefully exposes the spirit of intolerance among the Shiites; he says that in their doctrine...” powerful intolerance exists against those who had changed their outlooks. The Shiite interpretation of the law did not admit of any relaxation in opposition to the orthodoxy of the *sunna*”.

According to Sunnite doctrine, the caliph had, above all, to assume the highest secular authority, and at the same time the duty of protecting the Islamic religion fell upon him. Chosen by human decision, and thus chosen or indicated by his predecessor, he became the head of the believers in Islam, concentrating judicial, administrative and military power in his own hands. The position of the Sunnites also corresponds to that of later orthodox theologians of the XIVth century, from whom we learn of the functions of the caliph: „At the head of Arab society there must, of necessity, be somebody who would see to the observance of the law, the realization of decisions, the defence of the Arab frontiers; who would see to the salaries of the army and collection of tribute, quell violence, robbery and plundering, organize communal divine services, take care of minors who were going to be married; who would look to the division of the spoils of war, and would take upon himself other similar affairs that an ordinary member of the community could perform”. The Sunnites wanted to put the government of the Arabs into the hands of educated and experienced administrators.

Within the framework of the chief currents, among the Shiites sticking to the theme of the essence of the caliph's rule and his election, there were several scores of sects, differing in their views on constitutional, social, and dogmatic matters.

Islam was the doctrine of merchants and warriors, seeking conquest in a holy war; it was very congenial to those with energy who longed for wealth, land, and slaves, while it brought bitterness and disappointment to the landless. Blatant luxury against a background of social inequality provoked a sense of injustice which those verses of the Koran that commanded compassion and help for the needy, widows, and orphans, did nothing to alleviate. Those who did not believe in their own strength and in the possibility of creating a just state organization with their own hands, instead dreamed of divine intervention in human affairs and awaited reform through such intervention — those people were living in Utopia.

The members of one Shiite sect, the Imamites, believed that the twelfth imam, descended from Ali, disappeared at the age of eight, about 874 A.D. and that he might one day return to earth to create the true kingdom of peace and justice. The awaited saviour of the world, the imam Mahdi, was to arrest the spread of evil and bring happiness to people. This idea is derived from Jewish-Christian beliefs in the Messiah, and was the hope of those who had doubts about the contemporary social order. The idea of a future happy organization, treating

grim reality as an evil prelude, was a possible protest against that reality. The conception of the future imam, the Mahdi, is also found in believers who were not Shiites. All those awaited the saviour who painfully experienced the injustice and inequality. The belief that God would call the imam from among the descendants of the Prophet, so that in the place of evil and perversity he might fill the world with goodness and righteousness, was the Utopia of people passively waiting for a miracle to cure social ills.

The revolutionary doctrine causing profound ferment among Muslims in the period between the IXth and the XIIth centuries was that of the Karmathians. This name is given to rebels who about 877 lifted their weapons against the Arab government in southern Mesopotamia. It appears that the name of the revolutionaries comes from the name of the leader of the rising, Hamdan Qarmat. Among the ranks of the Karmathians were masses of peasants and artisans. Their organization, despite its extensiveness, had the character of secret unions, with communal property, hierarchical membership with gradual initiation and finally the duty of absolute obedience. History tells us that in the nineties of the IXth century, the Karmathians entrenched themselves to the east of Kufa in a military camp in which there was a communal treasure house. They arranged communal meals there, to emphasize the spirit of unity.

The Karmathian ideal was widely popular in Islamic lands. Besides Mesopotamia, there were unions in Persia, Syria, and the Yemen. Characteristic of the Karmathian movement, especially in its beginnings, were the ideas of equality, justice, tolerance, and above all the cult of the intellect. They advanced a conception of a universal religion, common to all; they treated the Koran as a symbolic and allegorical book, which if individually interpreted could serve as a gospel for all peoples. The Karmathian philosophy, despite its rationalism, was strongly coloured by idealistic elements, under the influence of Greek thinkers. They treated the universe as the sum of phenomena and matter, repeating themselves with cyclic regularity, in which God manifests Himself — God being conceived as an idea void of all attributes, comprehensible only to initiated after they are released from their earthly integument. They taught that prophets, saints, and the initiated experienced the idea of divinity intuitively, uniting themselves with God, freeing themselves simultaneously from five tyrants: from heaven, which causes night to follow day; from nature, which brings passion and frenzy; from the law, which orders and forbids; from the state, which rules and punishes, and finally from hard necessity, everyday cares. Under the influence of Hellenism, they

were some of the first in Islam besides the Mu'tazilites to pay marked attention to the elements of the understanding (*'aql*) which differentiates man from other creatures. The cult of the intellect caused a lively interest in study among the Karmathians, especially in the natural sciences, mathematics and logic. The Karmathians were so charmed by the idealistic Greek philosophy that they regarded Pythagoras, Empedocles and Plato as saintly, inspired prophets. This, however, did not prevent them from studying Indian, Persian, and Jewish philosophy. Their intellectual activity caused the adoption of Greek philosophical terminology into Arabic. Their secret hierarchical organization found many imitators; it was a model for the artisan and merchant guilds and we have it finally in the structure of Masonic lodges³⁷. At first the Karmathians constituted a general movement in Islam, fighting for social reform, directed by intellectuals and supported by the oppressed and unhappy. Profiting by the disputes about the government, they propagated their ideas and created secret societies in the conviction that, as in Plato, the government of Islam ought to consist of people of the highest mental and spiritual qualities, those who reached the highest degrees of initiation in the Karmathian organization. In the course of years, the Karmathian doctrine lost its genuine radicalism; ambitious pretenders to the throne made use of it, taking advantage of the ideas and organization of the progressive movement in the dynastic struggle. At the beginning of the Xth century Ubaid Allah, fighting like a demagogue with the Karmathian teaching, became ruler in Tunisia and Egypt, starting the Fatimid dynasty. The Karmathian ideas in the hands of ambitious leaders lost their real social value; they were already propaganda slogans in which most of the people had ceased to believe.

The person of Avicenna is linked with the Karmathian ideology. He was born in Bokhara in 980 in a country where a period of economic development was in progress (IXth, Xth centuries) and the ruling dynasty (the Samanids) took care of science and art. His father, a customs-official, was a member of the Ishmaelite sect, and possessed considerable influence there and in Kharezma. Abu Ibn Sina (called Avicenna in Europe), a doctor and philosopher especially interested in natural sciences, represents a markedly rationalistic trend in philosophy. Avicenna's work has given him a permanent place in the history of human thought, thanks to his efforts at a rational explanation of the world. Being a pioneer in medicine, the natural sciences, and philo-

³⁷ This view is expressed by L. Massignon in the article *Karmatians*, *Shorter Encyclopaedia of Islam*, p. 218 ff.

sophy, he came into sharp conflict with the official theological teaching of Islam. However, his political views did not deviate from the traditional: he expressed the hope of maintaining a harmonious state organization. He wanted to transfer the order reigning in the cosmos to human society. He recognized the need for a hierarchical, centralized government; he approved Plato's model society divided into three estates, of which the highest was to direct the affairs of the state. Avicenna, like Aristotle, explained the existence of the state by a natural need for community life, which would give the individual an opportunity to better himself and to develop. In his remarks on state organization, attention is carefully paid to the ensuring of stability. He calls on all citizens on pain of sin to fight usurpers. For Avicenna, law is the guarantee of order, of the lawful management of the state, obedience to authority. Although he opposed religion with science, he at the same time admitted the need for religion as a weighty element indispensable for lawful governing. He wanted to see in religion a factor substantiating the right to govern, and promoting in the citizens a religious sense of obedience to the state and the law³⁸. While the rationalism of Avicenna provoked an unfriendly reaction from Muslim theologians, thus conferring immortality on him, his political doctrine is striking in its desire for stability and for the maintainance of an unchanging order, based on the constitutional ideas of Plato and Aristotle. It seems that this versatile scholar expressed his personal longing for order and peace, which he could not find in his tempestuous wandering life or in his political views.

Avicenna was the last important thinker of the eastern Arab countries. Only in Spain was there a still active centre of philosophy, where Aristotle's writings were translated and commented on. From there Aristotelianism radiated beyond the Pyrenees, hastening the reception of the Stagirite in western Europe. In this centre lived and worked Averroes of Cordoba (1126—1198), under whose influence the progressive school of Aristotelian European philosophers was to develop. In one man, Averroes combined the occupations of lawyer, philosopher, naturalist, mathematician, author of scientific tracts and high official of the caliph's court. But above all he was the famous commentator of Aristotle. In his writings, suppressed by the Muslims, he began the materialistic interpretation of Aristotle directed against the state.

³⁸ A discussion of Avicenna's philosophy may be found in *Avicenna jako filozof* (Avicenna as philosopher) by L. Kułakowski in the above-mentioned collection, *Avicenna*, pp. 155—187. There the author also surveys Avicenna's political views.

When Europe entered into the inheritance of Arab philosophy, the victory of reaction in the Muslim world put an end to the growth of intellectual life, beginning the long period of the persecution of thinkers.

STRESZCZENIE

Opanowanie przez Persów południowo-zachodniej Arabii w VI wieku przyniosło znaczne pogorszenie gospodarcze półwyspu. W interesie bowiem najeźdźców leżało odsunięcie Arabii od pośrednictwa handlowego między Europą i Azją. Trudności gospodarcze stworzyły obiektywne przesłanki dla idei zjednoczenia wzajemnie zwalczających się plemion arabskich. Myśl tę wyraziła nowa doktryna religijno-polityczna — islam, której twórca Mahomet nie tylko był natchnionym prorokiem, ale jednocześnie przebiegłym politykiem.

W religijno-politycznej doktrynie Mahometa zarysowują się dwie tendencje: pierwsza — do zjednoczenia zwalczających się plemion, druga — do panowania wyznawców islamu nad światem.

Po unifikacji Arabów pod wpływem nowej religii wyraźniej dochodziła do głosu myśl o podboju świata. Już kilkadziesiąt lat po śmierci Mahometa jego doktryna przyniosła niespotykane sukcesy wyznawcom. W połowie VIII wieku, przy końcu panowania dynastii Omajjadów ekspansja islamu dosięgła swego największego nasilenia. W tym czasie kierownictwo światem arabskim przeszło w ręce dynastii Abbasydów, którzy wprowadzili nową koncepcję ustrojową. Kiedy laicko nastawieni Omajjadzi koncentrowali uwagę na praktycznych zadaniach rządzenia i administrowania zdobytymi terenami — to władcy dynastii Abbasydów wprowadzali w życie perską ideę państwa kościelnego.

Powstanie rozległego państwa doprowadziło do uformowania się „świętego prawa islamu”, którego trzonem był Koran. Na system prawa arabskiego poza regułami zawartymi w Koranie składały się różne wypowiedzi Mahometa, decyzje urzędników wydawane w oparciu o Koran, wreszcie te z wytworzonych w praktycznym działaniu reguł, które uzyskiwały uznanie prawników. Teoretyczne badania nad prawem uczonych i teologów arabskich doprowadziły do powstania zbiorów i systemów prawa. W toku tych prac wyłoniły się cztery szkoły prawnicze, różniące się między sobą stanowiskiem na temat źródeł prawa i ich wzajemnego stosunku.

Teoretyczne rozbieżności szkół prawniczych i ich dyskusje nie odbijały sprzeczności tkwiących wewnątrz islamu. Natomiast ich wyrazem były wielorakie sekty powstałe na tle różnic społecznych, ustroj-

wych i filozoficznych rozbijając jedność nowej religii. Do najbardziej postępowych należała sekta karmatów, którzy swą doktryną wzbudzili głęboki ferment wśród wyznawców islamu pomiędzy IX i XII wiekiem.

Zwycięstwo reakcji w świecie muzułmańskim położyło kres życiu intelektualnemu, zapoczątkowując długi okres prześladowań myślicieli.

РЕЗЮМЕ

Покорение персами юго-западной Аравии в VI веке привело к значительному ухудшению хозяйства этого полуострова. Завоеватели заинтересованы были в том чтобы отстранить Аравию от торгового посредничества между Европой и Азией. Хозяйственные трудности создавали объективные предпосылки идее объединения, борющихся арабских племён. Эту идею выразила новая религиозно-политическая доктрина — ислам, создатель которой Магомет был не только вдохновенным пророком, но и одновременно хитрым политиком.

В религиозно-политической доктрине Магомета вырисовываются две тенденции: первая — к объединению борющихся племён, вторая — к господству приверженцев ислама над миром. После объединения арабов, произошедшего под влиянием новой религии, широко распространяется идея покорения всего мира. Уже несколько десятилетий спустя после смерти Магомета его доктрина принесла огромные успехи её сторонникам. Экспансия ислама проявлялась наиболее сильно в половине VIII века в период господства династии Омейядов. В это время руководство всем арабским миром перешло в руки династии Аббасидов, которые приняли новую концепцию государственного устройства. В это время как Омейяды концентрировали главное внимание на практических задачах управления и администрирования завоеванными территориями, правители династии Аббасидов проводили в жизнь персидскую идею церковного государства.

Образование обширного государства привело к созданию „святых законов ислама”, основой которых явился коран. Система арабских законов состояла не только из правил содержащихся в коране, но также из различных высказываний Магомета, решений чиновников, опиравшихся на коран, а также из тех выработанных в практической деятельности правил, которые были признаны юристами. Теоретические исследования арабских учёных и теологов привели к созданию юридических систем и свода законов. В это же время выделяются четыре юридические школы, отличающиеся

между собой взглядами по вопросу об источниках законов и их взаимоотношениях.

Теоретические разногласия дискуссии юридических школ не отражали внутренних противоречий ислама. Выражением этих противоречий явились многочисленные секты, возникшие в результате общественных, философских и других противоречий, разбивая единство новой религии. К наиболее прогрессивным относится секта карматов, которая своей доктриной в IX и XII веках возбудила глубокое брожение среди приверженцев ислама.

Победа реакции в мусульманском мире положила конец интеллектуальному развитию, открывая начало длительному периоду преследований ученых и мыслителей.